

Taking the Constitution Seriously

Berns, Walter

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Taking The Constitution Seriously

Scott Douglas Gerber



Taking The Constitution Seriously:

Taking the Constitution Seriously Walter Berns, 1992 The seven formidable essays that make up this new analysis explore the Constitution and its central place in the development of the first nation to be built on the foundation of the rights of man Of particular interest is Berns's view of minorities under the Constitution Overall the book will be well received by serious students of the American political experience but others might find it difficult going

Taking Rights Seriously Ronald Dworkin, 2013-10-21 A landmark work of political and legal philosophy Ronald Dworkin's *Taking Rights Seriously* was acclaimed as a major work on its first publication in 1977 and remains profoundly influential in the 21st century A forceful statement of liberal principles championing the legal moral and political rights of the individual against the state Dworkin demolishes prevailing utilitarian and legal positivist approaches to jurisprudence Developing his own theory of adjudication he applies this to controversial public issues from civil disobedience to positive discrimination Elegantly written and cuttingly insightful *Taking Rights Seriously* is one of the most important works of public thought of the last fifty years

Leo Strauss, The Straussians, and the Study of the American Regime Kenneth L. Deutsch, John A. Murley, 1999-09-28 Responding to volatile criticisms frequently leveled at Leo Strauss and those he influenced the prominent contributors to this volume demonstrate the profound influence that Strauss and his students have exerted on American liberal democracy and contemporary political thought By stressing the enduring vitality of classic books and by articulating the theoretical and practical flaws of relativism and historicism the contributors argue that Strauss and the Straussians have identified fundamental crises of modernity and liberal democracy This book emphasizes the broad range of Strauss's influence from literary criticism to constitutional thought and it denies the existence of a monolithic Straussian political orthodoxy Both critics and supporters of Strauss thought are included All political theorists interested in Strauss's extraordinary impact on political thought will want to read this book

Desperately Seeking Certainty Daniel A. Farber, Suzanna Sherry, 2024-05-31 Irreverent provocative and engaging *Desperately Seeking Certainty* attacks the current legal vogue for grand unified theories of constitutional interpretation On both the Right and the Left prominent legal scholars are attempting to build all of constitutional law from a single foundational idea Dan Farber and Suzanna Sherry find that in the end no single all encompassing theory can successfully guide judges or provide definitive or even sensible answers to every constitutional question Their book brilliantly reveals how problematic foundationalism is and shows how the pragmatic multifaceted common law methods already used by the Court provide a far better means of reaching sound decisions and controlling judicial discretion than do any of the grand theories

We the People, 1992 **A Conspiracy Against Obamacare** R. Barnett, J. Adler, D. Bernstein, O. Kerr, D. Kopel, I. Somin, 2013-11-12 The Affordable Care Act debate was one of the most important and most public examinations of the Constitution in our history At the forefront of that debate were the bloggers of the Volokh Conspiracy who from before the law was even passed engaged in a spirited erudite and accessible discussion of

the legal issues involved in the case **Neoconservative Politics and the Supreme Court** Stephen M. Feldman, 2013 In this concise timely book constitutional law expert Stephen M Feldman draws on neoconservative writings to explore the rise of the neocons and their influence on the Supreme Court Neocons burst onto the political scene in the early 1980s via their assault on pluralist democracy's ethical relativism where no pre-existing or higher principles limit the agendas of interest groups Instead they advocated for a resurrection of republican democracy which declares that virtuous citizens and officials pursue the common good Yet despite their original goals neocons quickly became an interest group themselves competing successfully within the pluralist democratic arena When the political winds shifted in 2008 however neocons found themselves shorn of power in Congress and the executive branch But portentously they still controlled the Supreme Court **Neoconservative Politics and the Supreme Court** explains how and why the neoconservatives criticized but operated within pluralist democracy and most important what the entrenchment of neocons on the Supreme Court means for present and future politics and law **The Limits of Constitutional Democracy** Jeffrey K. Tulis, 2010-11-14 Constitutional democracy is at once a flourishing idea filled with optimism and promise and an enterprise fraught with limitations Uncovering the reasons for this ambivalence this book looks at the difficulties of constitutional democracy and reexamines fundamental questions What is constitutional democracy When does it succeed or fail Can constitutional democracies conduct war Can they preserve their values and institutions while addressing new forms of global interdependence The authors gathered here interrogate constitutional democracy's meaning in order to illuminate its future The book examines key themes the issues of constitutional failure the problem of emergency power and whether constitutions should be suspended when emergencies arise the dilemmas faced when constitutions provide and restrict executive power during wartime and whether constitutions can adapt to such globalization challenges as immigration religious resurgence and nuclear arms proliferation In addition to the editors the contributors are Sotirios Barber Joseph Bessette Mark Brandon Daniel Deudney Christopher Eisgruber James Fleming William Harris II Ran Hirschl Gary Jacobsohn Benjamin Kleinerman Jan Werner Müller Kim Scheppele Rogers Smith Adrian Vermeule and Mariah Zeisberg *The Limits of Constitutional Democracy* Jeffrey K. Tulis, Stephen Macedo, 2010-10-18 Constitutional democracy is at once a flourishing idea filled with optimism and promise and an enterprise fraught with limitations Uncovering the reasons for this ambivalence this book looks at the difficulties of constitutional democracy and reexamines fundamental questions What is constitutional democracy When does it succeed or fail Can constitutional democracies conduct war Can they preserve their values and institutions while addressing new forms of global interdependence The authors gathered here interrogate constitutional democracy's meaning in order to illuminate its future The book examines key themes the issues of constitutional failure the problem of emergency power and whether constitutions should be suspended when emergencies arise the dilemmas faced when constitutions provide and restrict executive power during wartime and whether constitutions can adapt to such globalization challenges as immigration

religious resurgence and nuclear arms proliferation In addition to the editors the contributors are Sotirios Barber Joseph Bessette Mark Brandon Daniel Deudney Christopher Eisgruber James Fleming William Harris II Ran Hirschl Gary Jacobsohn Benjamin Kleinerman Jan Werner Müller Kim Scheppele Rogers Smith Adrian Vermeule and Mariah Zeisberg *The Social Construction of State Power* J. Samuel Barkin, 2020-05-06 Realism and constructivism are often viewed as competing paradigms for understanding international relations though scholars are increasingly arguing that the two are compatible Edited by one of the leading proponents of realist constructivism this volume shows what realist constructivism looks like in practice by innovatively combining exposition and critiques of the realist constructivist approach with a series of international case studies Each chapter addresses a key empirical question in international relations and provides important guidance for how to combine both approaches effectively in research Addressing future directions and possibilities for realist constructivism in international relations this book makes a significant contribution to the theorizing of global politics To Secure These Rights Scott Douglas Gerber, 1996-09 From the opening chapter's bold revision of the character of the American Revolution to the closing chapter's provocative reinterpretation of many of the most famous cases in Supreme Court history this book demonstrates the importance of approaching constitutional interpretation from more than one discipline Indeed Gerber's analysis reveals that the Constitution cannot be properly understood without recourse to history political philosophy and law **Traditions and Transformations** Michaela Hailbronner, 2015-10-29 German constitutionalism has gained a central place in the global comparative debate but what underpins it remains imperfectly understood Its distinctive conception of the rule of law and the widespread support for its powerful Constitutional Court are typically explained in one of two ways as a story of change in reaction to National Socialism or as the continuation of an older nineteenth century line of constitutional thought that emphasizes the function of constitutional law as a constraint on state power But while both narratives account for some important features their explanatory value is ultimately overrated This book adopts a broader comparative perspective to understand the rise of the German Constitutional Court It interprets the particular features of German constitutional jurisprudence and the Court's strength as a reconciliation of two different legal paradigms first a hierarchical legal culture as described by Mirjan Damaska building on Max Weber as opposed to a more coordinate understanding of legal authority such as prevails in the United States and secondly the turn towards a transformative understanding of constitutionalism as it is today most often associated with countries such as South Africa and India Using post war legal history and sociological and empirical research in addition to case law this book demonstrates how German constitutionalism has harmonized the frequently conflicting demands of these two legal paradigms resulting in a distinctive type of constitutional reasoning at once open pragmatic formalist and technical which this book labels Value Formalism Value Formalism however also comes with serious drawbacks such as a lack of institutional self reflection in the Court's jurisprudence and a closure of constitutional discourse to laymen whom it excludes from the realm of legitimate

interpreters *Equal Rights Amendment Extension* United States. Congress. House. Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights, 1978 **Justice in Robes** Ronald Dworkin, 2008-04-30 How should a judge's moral convictions bear on his judgments about what the law is Lawyers sociologists philosophers politicians and judges all have answers to that question these range from nothing to everything In *Justice in Robes* Ronald Dworkin argues that the question is much more complex than it has often been taken to be and charts a variety of dimensions semantic jurisprudential and doctrinal in which law and morals are undoubtedly interwoven He restates and summarizes his own widely discussed account of these connections which emphasizes the sovereign importance of moral principle in legal and constitutional interpretation and then reviews and criticizes the most influential rival theories to his own He argues that pragmatism is empty as a theory of law that value pluralism misunderstands the nature of moral concepts that constitutional originalism reflects an impoverished view of the role of a constitution in a democratic society and that contemporary legal positivism is based on a mistaken semantic theory and an erroneous account of the nature of authority In the course of that critical study he discusses the work of many of the most influential lawyers and philosophers of the era including Isaiah Berlin Richard Posner Cass Sunstein Antonin Scalia and Joseph Raz Dworkin's new collection of essays and original chapters is a model of lucid logical and impassioned reasoning that will advance the crucially important debate about the roles of justice in law

The Bill of Rights and the States Patrick T. Conley, 1992 Fourteen individual state essays elucidate the complexities of local and regional interests that shaped the debate over individual rights and the eventual adoption of the Bill of Rights

American Constitutional Law Donald P. Kommers, John E. Finn, Gary J. Jacobsohn, 2009-07-16 *American Constitutional Law Essays Cases and Comparative Notes* is a unique casebook that encourages citizens and students of the Constitution to think critically about the fundamental principles and policies of the American constitutional order In addition to its distinguished authorship the book has two prominent features that set it apart from other books in the field an emphasis on the social political and moral theory that provides meaning to constitutional law and interpretation and a comparative perspective that situates the American experience within a world context that serves as an invaluable prism through which to illuminate the special features of our own constitutional order While the focus of the book is entirely on American constitutional law the book asks students to consider what if anything is unique in American constitutional life and what we share with other constitutional democracies Each chapter is preceded by an introductory essay that highlights these major themes and also situates the cases in their proper historical and political contexts This new edition offers updated and expanded treatment of a number of important and timely topics including gerrymandering and campaign finance the death penalty privacy affirmative action and school segregation The new edition offers _ Updated and expanded treatment of key cases on gerrymandering and campaign finance _ Expanded discussion of the Court's work federalism and the commerce clause _ Discussions of the Court's new cases on the death penalty including a discussion of the controversy within the Court

about the propriety of citing foreign case law _ An expanded discussion of the Court's recent work in the area of privacy including the Court's decisions with regard to partial birth abortions and same sex marriages _ An expanded section on the Court's continuing efforts to develop a coherent takings clause jurisprudence _ Full coverage of new developments and cases concerning affirmative action and school desegregation

Christianity Unshackled Harold Eberle, 2009-12-28 Christianity Unshackled follows the development of Western thought over the last 2 000 years showing how Christianity has grown up side by side with Western philosophy Great errors have resulted from that entanglement primarily because Western philosophy has its roots in the ancient Greek worldview After untangling that mess Harold R Eberle rebuilds a Christian worldview laying biblical truths on the ancient Hebrew foundation This yields a worldview which is liberating answers the questions of today's society and stands up against the most fearsome attacks from Christianity's modern opponents

European Democratic Institutions and Administrations Francesco Merloni, Alessandra Pioggia, 2018-09-03 This book presents the results of extensive international comparative research into the effects of the economic and financial crisis on democratic institutions and social cohesion policies The collected studies describe and analyse the measures often referred to as reforms adopted to counter the crisis and the effects of these measures It investigates three areas the impact on the functioning of institutions with respect to the relationship between representative institutions and governments and the organisational structure of administrations at national and local levels the impact that the austerity policies on public spending have on social rights and the impact on traditional instruments of public action administrative simplification public services delivering the use of common assets The general findings highlight the effect of reducing the administrative and government capacity of the democratic institutions the public sector rather than being innovative and made more effective declines offering increasingly poor public services and making bad decisions fuelling substantive or formal privatisation solutions which in turn cause further weakening

Constitutional Faith Sanford Levinson, 2011-09-11 The book is intended to make clearer the ambiguities of constitutional faith i e wholehearted attachment to the Constitution as the center of one's and ultimately the nation's political life The introduction

The Making of a Civil Rights Lawyer Michael Meltsner, 2006 As a white Yale Law School graduate Meltsner began his career with the Legal Defense Fund of the NAACP working initially under Thurgood Marshall and later under Jack Greenberg From his vantage point at LDF Meltsner witnessed and participated in litigation support of the civil rights movement in the South As the movement shifted north and the fight for desegregation gave way to black power slogans Meltsner remained involved with the LDF and later went on to teach public interest practice at Columbia Law School He watched the move from the high expectations after the Brown v Board of Education decision to the lows of subsequent resegregation He recalls his involvement in other civil rights efforts from the campaigns to abolish capital punishment to Muhammad Ali's legal battle to regain his right to box Meltsner closes with a chapter that examines the strategic possibilities of the No Child Left Behind mandate Meltsner brings a personal perspective

to this assessment of the hopes potential and shifting terrain of public service law A worthy read Vernon Ford Copyright
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Table of Contents Taking The Constitution Seriously

1. Understanding the eBook Taking The Constitution Seriously
 - The Rise of Digital Reading Taking The Constitution Seriously
 - Advantages of eBooks Over Traditional Books
2. Identifying Taking The Constitution Seriously
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Taking The Constitution Seriously
 - User-Friendly Interface
4. Exploring eBook Recommendations from Taking The Constitution Seriously
 - Personalized Recommendations
 - Taking The Constitution Seriously User Reviews and Ratings
 - Taking The Constitution Seriously and Bestseller Lists
5. Accessing Taking The Constitution Seriously Free and Paid eBooks

- Taking The Constitution Seriously Public Domain eBooks
- Taking The Constitution Seriously eBook Subscription Services
- Taking The Constitution Seriously Budget-Friendly Options
- 6. Navigating Taking The Constitution Seriously eBook Formats
 - ePub, PDF, MOBI, and More
 - Taking The Constitution Seriously Compatibility with Devices
 - Taking The Constitution Seriously Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Taking The Constitution Seriously
 - Highlighting and Note-Taking Taking The Constitution Seriously
 - Interactive Elements Taking The Constitution Seriously
- 8. Staying Engaged with Taking The Constitution Seriously
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Taking The Constitution Seriously
- 9. Balancing eBooks and Physical Books Taking The Constitution Seriously
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Taking The Constitution Seriously
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Taking The Constitution Seriously
 - Setting Reading Goals Taking The Constitution Seriously
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Taking The Constitution Seriously
 - Fact-Checking eBook Content of Taking The Constitution Seriously
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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