

# FEDERALISM IN THE CONSTITUTION

## Concurrent Powers

- Shared powers between the **federal** government and state government
- Each level of government **operates** independently
- State actions must not **conflict** with any national laws



## Denied Powers

- The Constitution **denies** power to all levels of government
- Neither government can:
  - Pass **retroactive** laws (punish actions before law passed)
  - Tax exports
  - Hold or **sentence** a person to jail without fair trial
  - Pass any law that violates the Constitution
  - Grant titles of **nobility**



# The Constitution In Conflict

**N Noddings**



## **The Constitution In Conflict:**

The Constitution in Conflict Robert A. Burt, 1992 In a remarkably innovative reconstruction of constitutional history Robert Burt traces the controversy over judicial supremacy back to the founding fathers Also drawing extensively on Lincoln's conception of political equality Burt argues convincingly that judicial supremacy and majority rule are both inconsistent with the egalitarian democratic ideal The first fully articulated presentation of the Constitution as a communally interpreted document in which the Supreme Court plays an important but not predominant role The Constitution in Conflict has dramatic implications for both the theory and the practice of constitutional law *Interpretations of American History Vol. I* Francis G. Couvares, 2000-07 Contrary to conventional wisdom no area of study is outdated more quickly than history and no time has been more turbulent for the discipline than our own This classic point counterpoint reader in American history now in a completely revised and updated seventh edition takes note of history's impermanence giving voice to the new without disposing of the old In ten lively chapters essays by the editors introduce dialectical readings by distinguished historians on topics from Reconstruction to the present The essays and readings address history's timeless questions Reconstruction Change or Stasis American Imperialism Economic Expansion or Ideological Crusade and The Civil Rights Movement Top Down or Bottom Up New readings are included on African Americans women and immigrants In the fray of debate eminent historians from Samuel Hays and Alfred Chandler to John Lewis Gaddis Walter LaFeber and Kathryn Kish Sklar struggle to interpret the past The editors' essays moderate

**The Jurisprudence of Constitutional Conflict in the European Union** Ana Bobić, 2022-05-12 A comparative and comprehensive account of the jurisprudence of constitutional conflict between the Court of Justice and national courts with the power of constitutional review This monograph addresses the incidences of and reasons for constitutional clashes in the application and enforcement of EU law It aims to determine how the principle of primacy of EU law works in reality and whether the jurisprudence of the courts under analysis supports this concept To this end the book explores the three areas of constitutional conflict ultra vires review identity review and fundamental rights review The book substantiates the descriptive and strengthens the normative contributions of the theory of constitutional pluralism in relation to the web of relations in the European judicial space By examining the influence that the jurisprudence of constitutional conflict has on the balance of powers between the Court of Justice and constitutional courts the volume develops the judicial triangle as an analytical tool that depicts the consequences for the horizontal constitutional courts vis vis the Court of Justice and vertical judicial relationships Court of Justice vis vis ordinary national courts constitutional courts vis vis ordinary national courts By offering a thorough compilation of the jurisprudence of constitutional conflict in the EU *The Jurisprudence of Constitutional Conflict in the European Union* improves our understanding of the principle of primacy of EU law and its limits as well as reinforces the theory of constitutional pluralism in explaining and guiding judicial power relations and interactions in the EU The Constitution of Conflict Thomas

Bell,2025 In recent years the US Supreme Court has increasingly resolved conflicts between congress and the president and there is little question that such disputes invite judicial involvement There is also widespread agreement among legal scholars that the Court s separation of powers jurisprudence is abysmal especially because it has never been able to commit to a single approach The Constitution of Conflict critiques the Court s different arguments on the matter demonstrating that rhetoric aside they share a common flaw in that they seek to maintain the separation of powers for its own sake **The**

**Constitution of Conflict** Mariah Ananda Zeisberg,2006 Constitutional Conflicts in Contemporary Malaysia HP

Lee,2017-02-09 In this book HP Lee explores how the separation of powers doctrine in Malaysia has been adversely affected by a number of major constitutional conflicts among the various important organs of government The author first analyses the struggle by parliament for supremacy over the Malay Rulers or Sultans by expunging the need for the royal assent to the enactment of legislation and removing royal immunities Lee then turns to the contemporary role of the Malay Rulers and the reasons for the perceived rejuvenation of these Malay Rulers The book goes on to examine the series of controversies and scandals which have plagued the judiciary since the tumultuous judiciary crisis of 1988 and the efficacy of the reforms which have been introduced to restore public confidence in the judiciary These conflicts and a number of statutory enactments are analysed to determine their impact on the state of constitutionalism in Malaysia The book concludes with the author s thoughts on the trajectory of constitutional development in Malaysia **The after-growth of the constitution** Hannis

Taylor,1898 *A Citizen's Guide to the Constitution and the Supreme Court* Morgan Marietta,2013-08-15 The U S Constitution is a blueprint for a free society as well as a source of enduring conflict over how that society must be governed The competing ways of reading our founding document shape the decisions of the Supreme Court which acts as the final voice on constitutional questions This breezy concise guide explains the central conflicts that frame our constitutional controversies written in clear non academic language to serve as a resource for engaged citizens both inside and outside of an academic setting After covering the main points of conflict in constitutional law Marietta gives readers an overview of the perspectives from the leading schools of constitutional interpretation textualism common law constitutionalism originalism and living constitutionalism He then walks through the points of conflict and competing schools of thought in the context of several landmark cases and ends with advice to readers on how to interpret constitutional issues ourselves The Politics of

the Postcommunist World Stephen White,Daniel Nelson,2017-11-01 This title was first published in 2001 This series brings together the most significant journal articles to appear in the field of comparative politics since the 1970s The aim is to render accessible to teachers researchers and students an extensive range of essays as a basis for understanding established terrain and new ground **Democratic Dialogue and the Constitution** Alison L Young,2017-02-10 Constitutions divide into those that provide for a constitutionally protected set of rights where courts can strike down legislation and those where rights are protected predominantly by parliament where courts can interpret legislation to protect rights but cannot strike

down legislation The UK's Human Rights Act 1998 is regarded as an example of a commonwealth model of rights protections It is justified as a new form of protection of rights which promotes dialogue between the legislature and the courts dialogue being seen not just as a better means of protecting rights but as a new form of constitutionalism occupying a middle ground between legal and political constitutionalism This book argues that there is no clear middle ground for dialogue to occupy with most theories of legal and political constitutionalism combining legal and political protections as well as providing an account of interactions between the legislature and the judiciary Nevertheless dialogue has a role to play It differs from legal and political constitutionalism in terms of the assumptions on which it is based and the questions it asks It focuses on analysing mechanisms of inter institutional interactions and assessing when these interactions can provide a better protection of rights facilitate deliberation engage citizens and act as an effective check and balance between institutions of the constitution This book evaluates dialogue in the UK constitution assessing the protection of human rights through the Human Rights Act 1998 the common law and EU law It also evaluates court court dialogue between the UK court the European Court of Justice and the European Court of Human Rights The conclusion evaluates the implications of the proposed British Bill of Rights and the referendum decision to leave the European Union

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