

A NEW INTRODUCTION TO
AMERICAN
CONSTITUTIONALISM

MARK A. GRABER

A New Introduction American Constitutionalism

Xiaolong Qi



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A New Introduction to American Constitutionalism Mark A. Graber, 2013-11 Mark A. Graber explores the fundamental elements of the American constitutional order with particular emphasis on how constitutionalism in the United States is a form of politics and not a means of subordinating politics to law

A New Introduction to Jurisprudence Paul Cliteur, Afshin Ellian, 2019-03-28 A New Introduction to Jurisprudence takes one of the central problems of law and jurisprudence as its point of departure: what is the law? Adopting an intermediate position between legal positivism and natural law, this book reflects on the concept of liberal democracy or constitutional democracy. In five chapters, the book analyses: i) the idea of higher law; ii) liberal democracy as a legitimate model for the state; iii) the separation of church and state or secularism as essential for the democratic state; iv) the universality of higher law principles; v) the history of modern political thought. This interdisciplinary approach to jurisprudence is relevant for legal scholars, philosophers, political theorists, public intellectuals, historians, and politicians.

A Companion to the United States Constitution and Its Amendments John R. Vile, 2021-10-11 The U.S. Constitution and its 27 amendments, including the Bill of Rights, is a living document as evidenced by new laws and Supreme Court rulings that with each passing year change how the Constitution's guidelines are interpreted and implemented. *A Companion to the United States Constitution and Its Amendments* is designed to show students just how revolutionary the Constitution was and how relevant it remains today. This seventh revised edition of the Companion begins by revisiting the key events leading to the Constitution's ratification, including the writing of the Declaration of Independence and the proceedings of the Constitutional Convention, then explores the document article by article, amendment by amendment, to help readers better understand how each section of the document shapes the world we live in today. In addition, the Companion illuminates how new laws, political debates, and Supreme Court decisions are continually reshaping our understanding of the Constitution and its role in American life and society, including such essential and foundational elements of democracy as voting, elections, the peaceful transfer of power, equality before the law, civil rights, and liberties, and the duties, responsibilities, and obligations of the nation's three branches of government.

The Cambridge Companion to the United States Constitution Karen Orren, John W. Compton, 2018-03-22 This Companion provides a broad, historically informed introduction to the study of the US constitutional system. In place of the usual laundry lists of cases, doctrines, and theories, it presents a picture of the constitutional system in action, with separate sections devoted to constitutional principles, organizational structures, and the various legal and extra-legal actions through which litigators and average citizens have attempted to bring about constitutional change. Finally, the volume covers a number of subjects that are rarely discussed in works aimed at a general audience but which are critical to ensuring that constitutional rights are honored in the day-to-day lives of citizens. These include standing and causes of action, suits against officeholders, and the inner workings of the Foreign Intelligence Surveillance Court (FISC). This Companion places present-day constitutional controversies in historical context.

and offers insights from a range of disciplines including history political science and law

The Spirit of the Constitution David S. Schwartz, 2019-09-06 2019 marks the 200th anniversary of one of the most important Supreme Court decisions in American history *McCulloch v Maryland* The state of Maryland tried to impede the establishment of the Bank of the United States but Chief Justice John Marshall decided that the Necessary and Proper clause of the Constitution gave the federal government implied powers that allowed it to charter the bank without hindrance The decision expanded the power of the national government vis vis the states and it still figures centrally in contemporary debates about the scope of national legislative power Indeed Chief Justice Roberts 2012 decision upholding the Affordable Care Act relied on it In *The Spirit of the Constitution* David S Schwartz tells the story of the decision s long term impact and the evolution of Justice Marshall s reputation By tracing the rich history of *McCulloch* s influence from 1819 to the present he shows that its meaning and significance for judges political leaders and the public varied greatly over time The case was alternately celebrated denounced ignored and reinterpreted to suit the needs of the moment While Marshall was never reviled he was not seen as especially influential until the late nineteenth century Competing parties utilized *McCulloch* in constitutional debates over national power in the early republic over the question of slavery in the late antebellum period and over Congress s role in regulating the economy and civil rights in the twentieth century Even after *McCulloch* s meaning seemed fixed by the mid twentieth century new debates about its implications have emerged in recent times Schwartz s analysis of *McCulloch* s remarkable impact reaffirms the case s importance and unveils the circuitous process through which American constitutional law and ideology are made

The Story of Constitutions Wim Voermans, 2023-11-02 Adopts an interdisciplinary approach to trace the surprising story of written constitutions since the agricultural revolution of c 10 000 B C

We the People Jill Lepore, 2025-09-16 NEW YORK TIMES BESTSELLER Lepore s 15th book *We the People* a history of the U S Constitution may be her best yet a capacious work that lands at the right moment like a life buoy as our ship of state takes on water Hamilton Cain Los Angeles Times From the best selling author of *These Truths* comes *We the People* a stunning new history of the U S Constitution for a troubling new era The U S Constitution is among the oldest constitutions in the world but also one of the most difficult to amend Jill Lepore Harvard professor of history and law explains why in *We the People* the most original history of the Constitution in decades and an essential companion to her landmark history of the United States *These Truths* Published on the occasion of the 250th anniversary of the nation s founding the anniversary too of the first state constitutions *We the People* offers a wholly new history of the Constitution One of the Constitution s founding purposes was to prevent change Lepore writes Another was to allow for change without violence Relying on the extraordinary database she has assembled at the Amendments Project Lepore recounts centuries of attempts mostly by ordinary Americans to realize the promise of the Constitution Yet nearly all those efforts have failed Although nearly twelve thousand amendments have been introduced in Congress since 1789 and thousands more have been proposed outside its doors only twenty seven have ever

been ratified More troubling the Constitution has not been meaningfully amended since 1971 Without recourse to amendment she argues the risk of political violence rises So does the risk of constitutional change by presidential or judicial fiat Challenging both the Supreme Court s monopoly on constitutional interpretation and the flawed theory of originalism Lepore contends in this gripping and unfamiliar story of our own past that the philosophy of amendment is foundational to American constitutionalism The framers never intended for the Constitution to be preserved like a butterfly under glass Lepore argues but expected that future generations would be forever tinkering with it hoping to mend America by amending its Constitution through an orderly deliberative and democratic process Lepore s remarkable history seeks too to rekindle a sense of constitutional possibility Congressman Jamie Raskin writes that Lepore has thrown us a lifeline a way of seeing the Constitution neither as an authoritarian straitjacket nor a foolproof magic amulet but as the arena of fierce logical passionate and often deadly struggle for a more perfect union At a time when the Constitution s vulnerability is all too evident and the risk of political violence all too real We the People with its shimmering prose and pioneering research hints at the prospects for a better constitutional future an amended America

The Blessings of Liberty Michael Les Benedict,2022-07-11 This concise accessible text provides students with a history of American constitutional development in the context of political economic and social change Constitutional historian Michael Benedict stresses the role that the American people have played over time in defining the powers of government and the rights of individuals and minorities He covers important trends and events in U S constitutional history encompassing key Supreme Court and lower court cases The volume begins by discussing the English and colonial origins of American constitutionalism Following an analysis of the American Revolution s meaning to constitutional history the text traces the Constitution s evolution from the Early Republic to the present day This fourth edition is updated to include the 2016 election the Trump administration the 2020 election and the first activities of the Biden administration

Constitutions and the Classics Denis James Galligan,2014 Focusing on major political and legal theorists whose work on constitutional theory had a significant impact this book unearths an untold story of the development of constitutional thought in the context of the broader political environment

State Constitutional Politics John Dinan,2018-04-06 Since the US Constitution came into force in 1789 it has been amended just twenty seven times with ten of those amendments coming in the first two years following ratification By contrast state constitutions have been completely rewritten on a regular basis and the current documents have been amended on average 150 times This is because federal amendments are difficult so politicians rarely focus on enacting them Rather they work to secure favorable congressional statutes or Supreme Court decisions By contrast the relative ease of state amendment processes makes them a realistic and regular vehicle for seeking change With State Constitutional Politics John Dinan looks at the various occasions in American history when state constitutional amendments have served as instruments of governance Among other things amendments have constrained state officials in the way they levy taxes and spend money enacted policies unattainable through legislation

on issues ranging from minimum wage to the regulation of marijuana and updated understandings of rights including religious liberty equal protection and the right to bear arms In addition to comprehensively chronicling the ways amendments shape politics in the states Dinan also assesses the consequences of undertaking changes in governance through amendments rather than legislation or litigation For various reasons including the greater stability and legitimacy of changes achieved through the amendment process he argues that it might be a more desirable way of achieving change

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