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With a new afterword by the author Sanford Levinson

Constitutional Faith

Phillip E. Hammond

Constitutional Faith:

Constitutional Faith Sanford Levinson,2011-08-22 This book examines the constitutional faith that has since 1788 been a central component of American civil religion By taking seriously the parallel between wholehearted acceptance of the Constitution and religious faith Sanford Levinson opens up a host of intriguing questions about what it means to be American While some view the Constitution as the central component of an American religion that serves to unite the social order Levinson maintains that its sacred role can result in conflict fragmentation and even war To Levinson the Constitution s value lies in the realm of the discourse it sustains a uniquely American form of political rhetoric that allows citizens to grapple with every important public issue imaginable In a new afterword Levinson looks at the deepening of constitutional worship and attributes the current widespread frustrations with the government to the static nature of the Constitution

Constitutional Redemption J. M. Balkin, 2011-05-09 Political constitutions are compromises with injustice What makes the U S Constitution legitimate is Americans faith that the constitutional system can be made a more perfect union Balkin argues that the American constitutional project is based in hope and a narrative of shared redemption and its destiny is still Freedom of Religion and Constitutional Law Amit Bindal, 2025-06-27 This book investigates the intersection of religion and modern law It explores how secular courts encounter the religious or mythical guestion which is disavowed by modern institutions. It questions the private public dichotomy of liberal constitutionalism which relegates religion to the private sphere It argues that in ex colonial societies like India which are foundationally and diversely religious the courts need to work through and engage with the difficulties and complexities posed by their continual encounter with the question of religion rather than re affirming the myth of separation of law and myth state and religion This work demonstrates that any other approach leads to its repression and resultant reemergence in various forms Such an approach of working through religious categories will be effective in the struggle against religious fanaticism that has seen a resurgence in contemporary times The book will be a valuable resource for students and academics working in law religious studies history and political science Harvard Law Review: Volume 129, Number 4 - February 2016 Harvard Law Review, 2016-02-09 The February 2016 issue Number 4 features these contents Article Constitutional Bad Faith by David E Pozen Book Review No Immunity Race Class and Civil Liberties in Times of Health Crisis by Michele Goodwin FTC regulation of data security voting rights disparate impact and the Texas voter ID law and fair labor primary beneficiary and unpaid interns The issue includes analysis of Recent Regulations on Dodd Frank and mandatory pay disclosure and on Clean Air Act regulation of carbon emissions from existing power plants Also included are a Recent Event comment on the killing of a non university affiliate by campus police and a Recent Book comment on Richard McAdams 2015 book The Expressive Powers of Law Finally the issue includes several brief comments on Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked footnotes active URLs legible tables and proper ebook and Bluebook

formatting The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2500 pages per volume Student editors make all editorial and organizational decisions This is the fourth issue of academic year 2015 2016 **Democracy's Reconstruction** Katharine Lawrence Balfour, 2011-03-16 In Democracy's Reconstruction the latest addition to Cathy Cohen and Fredrick Harris s Transgressing Boundaries series noted political theorist Lawrie Balfour challenges a longstanding tendency in political theory the disciplinary division that separates political theory proper from the study of black politics Political theory rarely engages with black political thinkers despite the fact that the problem of racial inequality is central to the entire enterprise of American political theory To address this lacuna she focuses on the political thought of W E B Du Bois particularly his longstanding concern with the relationship between slavery s legacy and the prospects for democracy in the era he lived in Balfour utilizes Du Bois as an intellectual resource applying his method of addressing contemporary problems via the historical prism of slavery to address some of the fundamental racial divides and inequalities in contemporary America By establishing his theoretical method to study these historical connections she positions Du Bois s work in the political theory canon similar to the status it already has in history sociology philosophy and literature Chicago Law Review: Volume 80, Number 3 - Summer 2013 University of Chicago Law Review, 2013-09-29 The University of Chicago Law Review s third issue of 2013 features articles and essays from internationally recognized legal and policy scholars as well as extensive student research on cutting edge topics Contents include ARTICLES Tortfest by I Shahar Dillbary Judging the Flood of Litigation by Marin K Levy Unbundling Constitutionality by Richard Primus When Nudges Fail Slippery Defaults by Lauren E Willis COMMENTS The Firearm Disability Dilemma Property Insights into Felon Gun Rights Pleading in Technicolor When Can Litigants Incorporate Audiovisual Works into Their Complaints Fun with Numbers Gall s Mixed Message regarding Variance Calculations The Availability of Discovery Sanctions for Violations of Protective Orders Corruption Clarified Defining the Reach of Agent in 18 USC 666 Extra Venues for Extraterritorial Crimes 18 USC 3238 and Cross Border Criminal Activity A Historical Approach to Negligent Misrepresentation and Federal Rule of Civil Procedure 9 b REVIEW ESSAY Commons and Growth The Essential Role of Open Commons in Market Economies by Yochai Benkler The University of Chicago Law Review first appeared in 1933 thirty one years after the Law School offered its first classes Since then the Law Review has continued to serve as a forum for the expression of ideas of leading professors judges and practitioners as well as student authors and as a training ground for University of Chicago Law School students who serve as its editors and contribute original research Principal articles and essays are authored by internationally recognized legal scholars Quality eBook editions feature active Contents linked footnotes and linked URLs in notes The Protestant Presence in Twentieth-Century America Phillip E. Hammond, 1992-01-01 Protestantism has undergone a shift in its relationship with American culture and politics This book analyzes and evaluates that shift The author shows how

Protestantism began in America as a vibrant civil religion and how it developed so that by the 1970s its relationship with American culture and politics had changed radically He shows how Evangelical Protestantism came into being and remains resilient Hammond also discusses religious culture as it dealt with the courts the separation of church and state and the **Peopling the Constitution** John E. Finn, 2014-03-24 The U S Constitution begins with changing meaning of this doctrine the soaring words We the People but we the people have little to do with the document as most of us have come to know it When most people think of the constitution they think of it as a legal instrument the province of judges and lawyers who alone possess the expertise and knowledge necessary to discern its elusive and complex meaning This book outlines a very different view of the Constitution as a moral and philosophical statement about who we are as a nation This Civic Constitution constitutes us as a civic body politic transforming the people into a singular political entity Juxtaposing this view with the legal model the Juridic Constitution John E Finn offers a comprehensive account of the Civic Constitution as a public affirmation of the shared principles of national self identity and as a particular vision of political community in which we the people play a significant and ongoing role in achieving a constitutional way of life The Civic Constitution is the constitution of dialogical engagement of contested meanings of political principles of education of conversation Peopling the Constitution seeks nothing less than a new interpretation of the American constitutional project in an effort to revive a robust understanding of citizenship It considers the entire constitutional project from its founding and maintenance to its failure with insights into topics ranging from the practice of deliberative democracy and the meaning of citizenship to constitutional fidelity civic virtue the separation of powers federalism and constitutional interpretation. The Civic Constitution in Finn's telling is primarily a political project requiring an active engaged and most importantly constitutionally educated citizenry committed to the civic virtues of civility and tending When we as citizens are unwilling or unable to tend to and sustain the Constitution and when constitutional questions reduce to legal questions and obscure civic interests constitutional rot results And in post 9 11 America Finn argues constitutional rot has begun to set in With its multi dimensional vision of constitutional governance Finn's book stands as a corrective to accounts that locate the Constitution in and conceive it essentially as a legal instrument making a powerful and impassioned argument for restoring the people to their rightful place in the politics and practice of the Constitution Law and the Management of Disasters Alexia Herwig, Marta Simoncini, 2016-12-01 Disasters raise serious challenges for contemporary legal orders they demand significant management but usually amidst massive disruption to the normal functioning of state authority and society When dealing with disasters law has traditionally focused on contingency planning and recovery More recently however resilience has emerged as a key concept in effective disaster management policies and strategies aiming at minimising the impact of events so that the normal functioning of society and the state can be preserved This book analyses the contribution of law to resilience building by looking at law s role in the different phases of the disaster regulatory process risk assessment risk management emergency intervention and

recovery More specifically it addresses how law can effectively contribute to resilience oriented distaster management policies and what legal instruments can support effective resilience building

Fidelity to Our Imperfect Constitution

James E. Fleming, 2015 James E Fleming argues that fidelity in interpreting the US Constitution as written requires a moral reading or philosophic approach and that fidelity commits to honouring aspirational principles not following the relatively specific original meanings or original expected applications of the founders

Constitutional Idolatry and Democracy Brian Christopher Jones, 2020-06-26 Constitutional Idolatry and Democracy investigates the increasingly important subject of constitutional idolatry and its effects on democracy Focussed around whether the UK should draft a single written constitution it suggests that constitutions have been drastically and persistently over sold throughout the years and that their wider importance and effects are not nearly as significant as constitutional advocates maintain Chapters analyse whether written constitutions can educate the citizenry invigorate voter turnout or deliver We the People sovereignty

Constitutional Politics in Canada and the United States Stephen L. Newman, 2012-02-01 The Canadian constitutional reforms of 1982 which included a Charter of Rights and Freedoms analogous to the American Bill of Rights brought about a convergence with American constitutional law As in the U S Canadian courts have shown themselves highly protective of individual rights and they have not been shy about assuming a leading and sometimes controversial political role in striking down legislation In clear and easy to understand language the contributors not only chart but also explore the reasons for areas of similarity and difference in the constitutional politics of Canada and the United States and the Idea of a National University George Thomas, 2015 Constituting the American Mind is about early efforts to establish a national university and what those efforts say about the nature and logic of American Constitutionalism This book offers the first in depth study of the efforts to establish a national university from a constitutional perspective While mostly noted in passing the national university was put forward by every president from Washington to John Quincy Adams as a necessary supplement to the formal institutions of government it would help constitute the American mind in a manner that carried forward the ideas the constitution rested on including for example the separation of the civic from the theological The **Ennobling of Democracy** Thomas L. Pangle, 1993-02 Focusing on Lyotard Vattimo and Rorty Pangle offers a searching critique of postmodernism and its implications for political life and thought He examines the political dimensions of postmodernist teachings including the rejection of the natural rights doctrines of the Enlightenment A book to be commended both for its seriousness and its lucidity Stanley Fish Duke University **Constitutional Essentials** Frank I. Michelman, 2022 In Constitutional Essentials On the Constitutional Theory of Political Liberalism Michelman explains why constitutional debates persist in modern day democracies Through the lens of John Rawls seminal work Political Liberalism Michelman responds to the problems governments of constitutional democratic societies face from deep lying disagreement among citizens by presenting them with Rawls solution an accepted constitution **Against Obligation** Abner

Greene, 2012-04-13 Do citizens of a nation such as the United States have a moral duty to obey the law Do officials when interpreting the Constitution have an obligation to follow what that text meant when ratified To follow precedent To follow what the Supreme Court today says the Constitution means These are questions of political obligation for citizens and interpretive obligation for anyone interpreting the Constitution often officials Abner Greene argues that such obligations do not exist Although citizens should obey some laws entirely and other laws in some instances no one has put forth a successful argument that citizens should obey all laws all the time Greene's case is not only against obligation It is also for an approach he calls permeable sovereignty all of our norms are on equal footing with the state s laws Accordingly the state should accommodate religious philosophical family or tribal norms whenever possible Greene shows that questions of interpretive obligation share many qualities with those of political obligation In rejecting the view that constitutional interpreters must follow either prior or higher sources of constitutional meaning Greene confronts and turns aside arguments similar to those offered for a moral duty of citizens to obey the law **Progressive Constitutionalism** Robin West, 1994 The Fourteenth Amendment guarantees all citizens equal protection under the law as well as immunity from laws that deprive them of life liberty or property without due process of law In Progressive Constitutionalism Robin West develops an interpretation of this amendment that contrasts with the views conservative and liberal of the Rehnquist Burger and Warren Courts and with the radical antisubordinationist account provided by the critical legal studies movement and many prominent feminist and critical race theorists Her interpretation consists of a substantive argument regarding the Amendment's core meaning and a jurisprudential argument regarding the role of the courts and Congress in fulfilling the Amendment's progressive promise West shows how the equal protection clause far from insulating the private spheres of culture market and home life as is commonly held directly targets abuses of power within those spheres She develops a number of arguments for the modern relevance of this understanding from the failure of the state to provide equal protection against private domestic violence permitting a private sovereignty of patriarchal power within the home to the state s failure to provide equal protection against material deprivation allowing private sovereignty between economically privileged and desperate people in private markets West's argument extends to the liberty prong of the due process clause seen here as a protection of the positive not negative liberty of citizens covering rights in such typically controversial areas as welfare education and domestic safety This interpretation recasts a number of contemporary constitutional issues such as affirmative action and hate speech and points to very different problems notably private unchecked criminal violence and extreme economic deprivation as the central constitutional dilemmas of our day Progressive Constitutionalism urges a substantive institutional and jurisprudential reorientation of our understanding of the Fourteenth Amendment one that would necessarily be pursued through Congressional rather than judicial channels In doing so with attention to history and both feminist and critical race scholarship it should reinvigorate our politics and our constitutional conversations and perhaps point us toward a more just

society Dred Scott and the Problem of Constitutional Evil Mark A. Graber, 2006-07-03 Dred Scott and the Problem of Constitutional Evil first published in 2006 concerns what is entailed by pledging allegiance to a constitutional text and tradition saturated with concessions to evil The Constitution of the United States was originally understood as an effort to mediate controversies between persons who disputed fundamental values and did not offer a vision of the good society In order to form a more perfect union with slaveholders late eighteenth century citizens fashioned a constitution that plainly compelled some injustices and was silent or ambiguous on other questions of fundamental right This constitutional relationship could survive only as long as a bisectional consensus was required to resolve all constitutional questions not settled in 1787 Dred Scott challenges persons committed to human freedom to determine whether antislavery northerners should have provided more accommodations for slavery than were constitutionally strictly necessary or risked the enormous destruction of life and property that preceded Lincoln's new birth of freedom **Living Originalism** Jack M. Balkin, 2014-09-01 Originalism and living constitutionalism often seen as opposing views are not in conflict So argues Jack Balkin a leading constitutional scholar in this long awaited book Step by step Balkin shows how both liberals and conservatives play important roles in constitutional construction and offers a way past the angry polemics of our era The Oxford Handbook of the U.S. Constitution Mark V. Tushnet, Mark A. Graber, Sanford Levinson, 2015 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis Whether a return to the pristing constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today

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Constitutional Faith Introduction

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