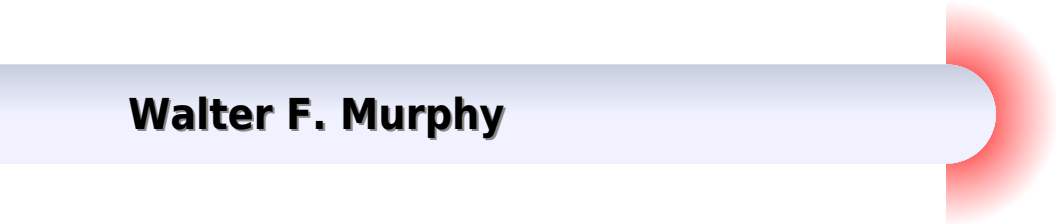


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Hitchcock offers a complete analysis and interpretation of the Court's historical understanding of religion explaining the revolutionary change that occurred in the 1940s. In Volume I *The Odyssey of the Religion Clauses* Princeton Hitchcock provides the first comprehensive survey of the court cases involving the Religion Clauses including a number that scholars have ignored. Here Hitchcock examines how in the early history of our country a strict separation of church and state was sustained through the opinions of Jefferson and Madison even though their views were those of the minority. Despite the Founding Fathers' ideas the American polity evolved on the assumption that religion was necessary to a healthy society and cooperation between religion and government was assumed. This view was seldom questioned until the 1940s, notes Hitchcock. Then with the beginning of the New Deal and the appointment of justices who believed they had the freedom to apply the Constitution in new ways the judicial climate changed. Hitchcock reveals the personal histories of these justices and describes how the nucleus of the Court after World War II was composed of men who were alienated from their own faiths and who looked at religious belief as irrational, divisive and potentially dangerous assumptions that became enshrined in the modern jurisprudence of the Religion Clauses. He goes on to offer a fascinating look at how the modern Court continues to grapple with the question of whether traditional religious liberty is to be upheld.

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Carrese,2010-02-15 How did the US judiciary become so powerful powerful enough that state and federal judges once vied to decide a presidential election What does this prominence mean for the law constitutionalism and liberal democracy In *The Cloaking of Power* Paul O Carrese provides a provocative analysis of the intellectual sources of today s powerful judiciary arguing that Montesquieu in his *Spirit of the Laws* first articulated a new conception of the separation of powers and strong but subtle courts Montesquieu instructed statesmen to cloak power by placing judges at the center of politics while concealing them behind juries and subtle reforms Tracing this conception through Blackstone Hamilton and Tocqueville Carrese shows how it led to the prominence of judges courts and lawyers in America today But he places the blame for contemporary judicial activism squarely at the feet of Oliver Wendell Holmes Jr and his jurisprudential revolution which he believes to be the source of the now prevalent view that judging is merely political To address this crisis Carrese argues for a rediscovery of an independent judiciary one that blends prudence and natural law with common law and that observes the moderate jurisprudence of Montesquieu and Blackstone balancing abstract principles with realistic views of human nature and institutions He also advocates for a return to the complex constitutionalism of the American founders and Tocqueville and for judges who understand their responsibility to elevate citizens above individualism instructing them in law and right

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The Madisonian Constitution George Thomas,2008-06-18 Publisher Description

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 pristine 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 Democracy Walter F. Murphy, 2007
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