

CONSTITUTIONALISM AND AMERICAN CULTURE

WRITING THE NEW CONSTITUTIONAL HISTORY

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Constitutionalism And American Culture

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Constitutionalism And American Culture:

Constitutionalism and American Culture Sandra F. VanBurkleo, Kermit Hall, Robert J. Kaczorowski, 2002 Taking their cue from the late Paul L. Murphy one of our nation's leading legal historians this illustrious group of scholars argues that the field of constitutional history is too important to be left solely to lawyers and judges. Their state of the field volume reclaims constitutional history's rightful place as a vital and necessary part of our intellectual enterprise in part by pushing the field onto fresh even controversial terrain. The result is a provocative new look at the past present and future of American constitutionalism one that opens a window on the larger American soul. Much as Murphy has done these scholars contend that this restoration is much needed and will greatly enrich judicial and public policy advance a tradition of justice worthy of America's democratic aspirations give due attention to cultural contexts and most importantly afford Americans a richer understanding of their constitutional heritage. Their essays explore for example the ways in which previously excluded groups have come more fully into the Constitution's orbit of freedom the ongoing importance of institutions and doctrines and the ways in which theory and informal texts might enrich the field. How they ask might scholars take account of the lived experiences of litigants reformers and lawyers in the forging of constitutional change. A kind of prospectus for the future of American constitutional history these essays address fundamental questions about the field and its evolution. More important they persuasively argue that the best way to reinvigorate the study of constitutionalism is to reconnect it to its social and cultural contexts to appreciate the continuing necessity of archival research to recognize and support the value of new approaches and perspectives and to reaffirm in the end that the best way to explain the history of rights is to remember the courage of the people who had the vision and conviction to put the judges through their constitutional paces.

Constitutionalism and American Culture Sandra F. VanBurkleo, Kermit L. Hall, Robert J. Kaczorowski, 2002 Cultural history and themendment New York Times v. Sullivan and its times Kermit L. Hall New directions in American constitutional history Words as hard as cannon balls women's rights agitation And liberty of speech in nineteenth century America Sandra F. VanBurkleo Race state market and civil society in constitutional history Mark Tushnet Constitutional history and the cultural turn cross Examining the legal reelist narratives of Henry Fonda Norman L. Rosenberg Contributors **A Machine That Would Go of Itself** Russell Fraser, Michael Kammen, 2017-07-12 In this volume Pulitzer Prize winning historian Michael Kammen explores the U.S. Constitution's place in the public consciousness and its role as a symbol in American life from ratification in 1788 to our own time. As he examines what the Constitution has meant to the American people perceptions and misperceptions uses and abuses knowledge and ignorance Kammen shows that although there are recurrent declarations of reverence most of us neither know nor fully understand our Constitution. How did this gap between ideal and reality come about? To explain it Kammen examines the complex and contradictory feelings about the Constitution that emerged during its preparation and that have been with us ever since. He begins with our confusion as to the kind of Union

we created especially with regard to how much sovereignty the states actually surrendered to the central government This confusion is the source of the constitutional crisis that led to the Civil War and its aftermath Kammen also describes and analyzes changing perceptions of the differences and similarities between the British and American constitutions turn of the century debates about states rights versus national authority and disagreements about how easy or difficult it ought to be to amend the Constitution Moving into the twentieth century he notes the development of a cult of the Constitution following World War I and the conflict over policy issues that persisted despite a shared commitment to the Constitution

Sovereignty and Liberty Michael G. Kammen, 1988 **Constitutional Cultures** Ulrike Bock, Katrin Dirksen, Silke Hensel, 2013-01-14 Written constitutions are an important attribute of nation states and have become a global phenomenon over the past 200 years The process began with the revolutions in the Atlantic World from where it spread to other regions The present volume looks into the complex of constitutions the fundamental values conveyed by the constitutional texts the building and functioning of new constitutional bodies and their symbolic representation All the authors work on the assumption that in order to fully understand the constitutional order and its history it is necessary in addition to studying the legal text to analyse its special forms of implementation and legitimisation Therefore culture is seen as an important component of constitutional history The volume brings together historians from Argentina France Germany Great Britain Spain and the United States all are specialised in constitutional history and political culture in the 19th century Their contributions include case studies on the colonial European powers as well as their colonies or ex colonies in the Americas A special aim of the volume is to show the connectedness of the constitutional processes that took place in these regions during the late 18th and the 19th centuries By connecting two vibrant research areas this volume makes an important contribution to studies on political culture and the history of the Atlantic World The book targets a broad academic readership especially in the fields of cultural studies history and political science and contributes to an internationalisation of the academic debate on the concept of constitutional culture George Washington and American Constitutionalism Glenn A. Phelps, 1993 Known as the Father of His Country George Washington is sometimes viewed as a demi god for what he was and did rather than for what he thought In addition to being a popular icon for the forces of American nationalism he served as commander in chief of the victorious Continental Army That he played a key role in securing the adoption of the Constitution is well known but few credit him with a political philosophy that actively shaped the constitutional tradition *Global Constitutionalism* Aydin Atilgan, 2017-11-27 This book provides insights into the viability of the idea of global constitution Global constitutionalism has emerged as an alternative paradigm for international law However in view of the complex and varied structure of contemporary constitutionalism in reality it is extremely difficult to use constitutional law to provide a new paradigm for international law The book argues that the cultural paradigm can offer functional tools for the global constitutionalism discourse In other words global constitutionalism could be handled in the context of a global constitutional culture instead of

a global constitution This would provide a more realistic basis for discussing global constitutionalization of a society as diverse as the international community where a globalized polity and a globalized legal system have not yet been achieved

The Problem of Constitutionalism in American Culture Michael G. Kammen, 1985 **A Machine That Would Go of Itself** Russell Fraser, 2017 In this volume Pulitzer Prize winning historian Michael Kammen explores the U S Constitution s place in the public consciousness and its role as a symbol in American life from ratification in 1788 to our own time As he examines what the Constitution has meant to the American people perceptions and misperceptions uses and abuses knowledge and ignorance Kammen shows that although there are recurrent declarations of reverence most of us neither know nor fully understand our Constitution How did this gap between ideal and reality come about To explain it Kammen examines the complex and contradictory feelings about the Constitution that emerged during its preparation and that have been with us ever since He begins with our confusion as to the kind of Union we created especially with regard to how much sovereignty the states actually surrendered to the central government This confusion is the source of the constitutional crisis that led to the Civil War and its aftermath Kammen also describes and analyzes changing perceptions of the differences and similarities between the British and American constitutions turn of the century debates about states rights versus national authority and disagreements about how easy or difficult it ought to be to amend the Constitution Moving into the twentieth century he notes the development of a cult of the Constitution following World War I and the conflict over policy issues that persisted despite a shared commitment to the Constitution Provided by publisher **Constitutionalization of Politics in Comparative Perspective** Paweł Laidler, Dariusz Stoliczka, Łukasz Jakubiak, Jacek Sokołowski, 2024-11-25 Scholars from political science and law examine the latest research on the constitutionalization of politics in comparative perspective The scope includes both inter country and intra country perspectives institutional and systemic analyses common and civil law systems focusing on historical and contemporary case studies There are chapters limited to a concrete legal and political system analyzing the tools and processes guarding constitutionalization of politics in such countries as the United States Germany France Italy Poland Finland and Bulgaria as well as studies offering comparative analysis of various institutions representing different countries and different legal and political systems Taken together this book uncovers a wide variety of legal and political cultures systems of governments and forms of territorial organization Once uncovered this approach makes it easier to determine repetitive patterns which may be observed in constitutional review and constitutional interpretation or significant differences occurring in the models of constitutionalization of politics around the world Constitutionalization of Politics in Comparative Perspective tackles important debates among academics interested in the theoretical and practical aspects of constitutions and constitutionalism and will appeal to social scientists including sociologists philosophers security studies and international relations experts but also cultural studies scholars *The American State Constitutional Tradition* John J. Dinan, 2006 The first comprehensive study of all 114 state constitutional

conventions for which there are records from Connecticut's in 1818 to New Hampshire's in 1984 By integrating state constitution makers with the federal constitutional tradition this path breaking work yields a superior understanding of how American citizens have chosen to govern themselves

American Constitutional Development: The powers of government Richard S. Randall, 2002 This volume examines constitutional law in a unique developmental framework that shows how key events through American history have shaped the Supreme Court's understanding of the Constitution Places unique emphasis on the political economic social and developmental aspects of the Supreme Court's constitutional decisions The book examines the great issues and events of government and politics in the early middle and modern constitutions how they have shaped the Supreme Court's understanding of the Constitution and how the distributive consequences of that understanding in turn affect American political life For those who are interested in the American constitution

Keeping the People's Liberties John J. Dinan, 1998 4 The theory and design of populist institutions

Explicit and Authentic Acts David E. Kyvig, 1996 This book could not be more timely Kyvig provides a rich and comprehensive history of the politics and operation of the amending process It deserves the attention of not only historians political scientists and legal scholars but also those concerned with public affairs david M O'Brien author of Storm Center The Supreme Court in American Politics A lively challenge to traditional views William Leuchtenburg author of The Supreme Court Reborn

Democracy, Equality, and Justice John E. Hill, 2007-07-27 Challenging common interpretations of the political thought of John Adams and Adam Smith Democracy Equality and Justice offers an engaging and novel portrait of the political economy in America at its founding The founders believed that liberty should not trump community but should exist within the context of community Drawing on extensive written records of the thought of John Adams and Adam Smith the father of modern capitalism Dr John E Hill argues that these two great men advocated a balanced values based and just political economy Adams historically misperceived as a rugged individualist who favored aristocracy over democracy actually emphasized political balance with no one socio economic class dominating any other Smith incorrectly portrayed as a supporter of laissez faire government advocated economic balance with no class or individual receiving special treatment from the government Applying their values of universalism and moderation today would significantly broaden the definition of morality in contemporary politics Democracy Equality and Justice is a stimulating and sophisticated text that will encourage debate over the relationship between historical ideas and contemporary economic problems

Rutgers Law Journal , 2004

God and Man in the Law Robert Lowry Clinton, 1997 In a wide ranging study based on legal history political theory and philosophical ideas going all the way back to Plato and Roman law Robert Clinton challenges current faith in an activist judiciary Claiming that a human centered Constitution leads to government by reductive moral theory and illegitimate judicial review he advocates a return to traditional jurisprudence and a God centered Constitution grounded in English common law and its precedents

U S CONSTITUTION A. E. Dick Howard, 1992-05-17 Bringing together a distinguished international assembly of scholars and

jurists Jack P Greene Derrick Bell Judith N Shklar Merrill D Peterson Laurence H Tribe and Lord Hailsham among then this book reconsiders the U S Constitution and the interpretation of its powerful tenets The essays approach the nation s founding document from three broad perspectives the Constitution s Old and New World origins the rights it protects and the behavior of citizens whose lives it rules A number of essays identify theoretical underpinnings and parallels to the Constitution in sources as diverse as the Iroquois Confederacy early state constitutions documents arising out of European revolutions and Scottish Enlightenment thought Others examine rights particularly the often competing claims of individuals states and minorities Questions of rights also involve the environment and the ever expanding boundaries of new technology A final series of essays considers the definition inculcation and expression of citizenship individual and corporate as well as the role of the press

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The French Assembly of 1848 and American Constitutional Doctrines Eugene Newton Curtis, 1917

Rethinking Constitutional Law Earl M. Maltz, 1994 Maltz reformulates the justification for originalist review and refines originalist theory itself he argues that a pure originalist approach mandates excessive judicial intervention under the Constitution and he shows that most nonoriginalist theorists have failed to provide a sufficient functional justification for nonoriginalist intervention

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