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Carl Schmitt

CONSTITUTIONAL
THEORY

TRANSLATED AND EDITED BY JEFFREY SEITZER

FOREWORD BY ELLEN KENNEDY

Constitutional Theory

**Michael J. Gerhardt, Stephen M.
Griffin, Thomas D. Rowe (Jr.), Lawrence
Solum**

Constitutional Theory:

The Methodology of Constitutional Theory Dimitrios Kyritsis, Stuart Lakin, 2022-02-24 What sort of methods are best suited to understanding constitutional doctrines and practices Should we look to lawyers and legal methods alone or should we draw upon other disciplines such as history sociology political theory and moral philosophy Should we study constitutions in isolation or in a comparative context To what extent must constitutional methods be sensitive to empirical data about the functioning of legal practice Can ideal theory aid our understanding of real constitutions This volume brings together constitutional experts from around the world to address these types of questions through topical events and challenges such as Brexit administrative law reforms and the increasing polarisations in law politics and constitutional scholarship Importantly it investigates the ways in which we can ensure that constitutional scholars do not talk past each other despite their persistent and often fierce disagreements In so doing it aims systematically to re examine the methodology of constitutional theory

Cosmic Constitutional Theory J. Harvie Wilkinson III, 2012-03-09 What underlies this development In this concise and highly engaging work Federal Appeals Court Judge and noted author O'From Brown to Bakke J Harvie Wilkinson argues that America's most brilliant legal minds have launched a set of cosmic constitutional theories that for all their value are undermining self governance

Comparative Constitutional Theory Gary Jacobsohn, Miguel Schor, 2025-11-04 This thoroughly revised Second Edition provides a refreshed overview of comparative constitutional law and theory Expert authors investigate the recent proliferation of instances in which the practice of constitutionalism has been compromised by various forms of democratic erosion

Constitutional Theory Michael J. Gerhardt, 2000

Modern Constitutional Theory John H. Garvey, Thomas Alexander Aleinikoff, 1999

In Defense of the Text Leslie Friedman Goldstein, 1991 a must read for all students of constitutional law whatever their academic discipline this excellent book accomplishes the author's purpose it forces us to take textualism seriously

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The Hollow Core of Constitutional Theory Donald L. Drakeman, 2021-04-08 The Hollow Core of Constitutional Theory is the first major defense of the central role of the Framers intentions in constitutional interpretation to appear in years This book starts with a reminder that for virtually all of Western legal history when judges interpreted legal texts their goal was to identify the lawmaker's will However for the past fifty years constitutional theory has increasingly shifted its focus away from the Framers Contemporary constitutional theorists who often disagree with each other about virtually everything else have come to share the view that the Framers understandings are unknowable and irrelevant This book shows why constitutional interpretation needs to return to its historical core inquiry which is a search for the Framers intentions Doing so is practically feasible theoretically defensible and equally important not only for discovering the original meaning but also for deciding how to apply the Constitution today

Constitutional Theory Michael J. Gerhardt, Stephen M. Griffin, Thomas D. Rowe (Jr.), Lawrence Solum, 2013 This text covers the central debates in contemporary American constitutional theory and

demonstrates the connection between theory and judicial practice politics and academic scholarship This foundation prepares students to analyze the events in which constitutional theory is likely to play a significant role such as Supreme Court confirmations proceedings separation of powers conflicts and constitutional interpretation and political disputes regarding civil rights and civil liberties Among the changes in the Fourth edition All chapters have been updated to reflect the current state of constitutional theory Completely new chapters on constitutional change conservatives and constitutional theory progressives and constitutional theory and the US Constitution and global constitutionalism New editor Lawrence Solum produces a state of the art chapter on originalism Throughout selections present opposing views to make students aware of existing conflicts and to facilitate discussion A Teacher s Manual is available to professors

Legitimacy and History Paul W. Kahn, 1992 Aims to present an intellectual history of 200 years of American constitutional theory and an original philosophical inquiry into the possibility of self government Kahn sees the development of constitutional theory as a continuous effort to balance self government and history

Constitutional Theory: Schmitt after Derrida Jacques de Ville, 2017-04-21 This book advances a new reading of the central works of Carl Schmitt and in so doing rethinks the primary concepts of constitutional theory In this book Jacques de Ville engages in a close analysis of a number of Schmitt s texts including Dictatorship 1921 The Concept of the Political 1927 Constitutional Theory 1928 Land and Sea 1942 Ex Captivitate Salus 1950 The Nomos of the Earth 1950 and The Theory of the Partisan 1963 This engagement takes place from the perspective of constitutional theory and focuses specifically on concepts or themes such as sovereignty the state the political constituent power democracy representation the constitution and human rights The book seeks to rethink the structure of these concepts in line with Derrida s analysis of Schmitt s texts on the concept of the political in Politics of Friendship 1993 This happens by way of an analysis of Derrida s engagement with Freud and other psychoanalysts Although the main focus in the book is on Schmitt s texts it further examines two texts of Derrida Kh ra 1993 and Fors The English Words of Nicholas Abraham and Maria Torok 1976 by reading these alongside Schmitt s own reflections on the positive concept of the constitution

The System of the Constitution Adrian Vermeule, 2011-12-30 Adrian Vermeule analyses constitutionalism through the lens of systems theory originally developed in biology computer science political science and other disciplines

Constitutional Theory Carl Schmitt, 2008-01-23 This volume makes Schmitt s provocative work on comparative constitutionalism available in English for the first time since it was published in 1928 in Germany

The American Constitution and the Debate Over Originalism Dennis J. Goldford, 2005-04-25 This is a work of constitutional theory that explores the nature of American constitutional interpretation through a reconsideration of the long standing debate between the interpretive theories of originalism and nonoriginalism The book presents the novel argument that a critique of the underlying premises of originalism dissolves not just originalism but nonoriginalism as well which leads to the recognition that constitutional interpretation is already and always structured By their fidelity to the Constitution Americans are a textual

people in that they live in and through the terms of a fundamental text On the basis of this central idea the book presents a new understanding of constitutional interpretation and an innovative account of the democratic legitimacy and binding capacity of the Constitution *Constitutional and Political Theory* Ernst-Wolfgang Böckenförde, 2017 In this comprehensive edition of Ernst Wolfgang Böckenförde's definitive work in constitutionalism law and politics readers have access to the legal discourse of one of Germany's leading contemporary theorists and former judge of the federal constitutional court available in the English language for the first time *Recent Changes in American Constitutional Theory* John William Burgess, 2020-09-28 **Politics, Democracy, and the Supreme Court** Arthur Selwyn Miller, 1985-09-17 Miller proposes that we focus our energies on the question of how the Constitution is to function in an era of rapid and fundamental social change He introduces this provocative collection of essays with the observation that American constitutional theory has arrived at a dead end largely because it has been perceived as constitutional law rather than a form of political theory He puts this view into sharp perspective by looking at what are in effect three constitutions the political the economic and the emergent corporate instrument He analyzes important issues that confront the Supreme Court policymakers and theorists such as the expansion of government control the Court as a political mechanism the power of corporations politics and the First Amendment the challenge of nuclear weapons and questions relating to social justice including equal protection and the right to employment **The Constitutional History of England** Frederic William Maitland, 1920 *A history of American political theories* Charles Edward Merriam, 1920 *The Collected Works of Eric Voegelin: The authoritarian state* Eric Voegelin, 1989 The Constitutional History of England Since the Accession of George the Third, 1760-1860 Thomas Erskine May, 1871

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