

Constitutional **STUPIDITIES,** Constitutional **TRAGEDIES**

EDITED BY

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AND

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Constitutional Stupidities Constitutional Tragedies

Brian C. Kalt



Constitutional Stupidities Constitutional Tragedies:

Constitutional Stupidities, Constitutional Tragedies William N. Eskridge, Sanford V. Levinson, 1998-06-01 The Constitution is the cornerstone of American government hailed as one of the greatest contributions of the Western Enlightenment While many seem content simply to celebrate it those most familiar with the document invariably find it wanting in at least some aspects This unique volume brings together many of the country's most esteemed constitutional commentators and invites them to answer two questions First what is the stupidest provision of the Constitution Stupid need not mean evil Thus a second related question is whether the scholar interpreter would be forced to reach truly evil results even if applying his or her own favored theory of constitutional interpretation The contributors include Lawrence Alexander Akhil Reed Amar Jack Balkin Philip Bobbitt Gerard Bradley Rebecca Brown Steven Calabresi Lief Carter Christopher Eisgruber Lawrence Sager Marie Failinger Daniel Farber James Fleming Mark Graber Stephen Griffin Gary Jacobsohn Randall Kennedy Lewis LaRue Theodore Lowi Earl Maltz Michael McConnell Matthew Michael Robert Nagel Daniel Ortiz Pamela Karlen Michael Paulsen Robert Post Lucas Powe Dorothy Roberts Jeffrey Rosen Frederick Schauer Michael Seidman Suzanna Sherry David Strauss Laurence Tribe Mark Tushnet and John Yoo **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 bipartisan 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 **Constitutional Cliffhangers** Brian C. Kalt, 2012-01-24 The United States Constitution's provisions

for selecting replacing and punishing presidents contain serious weaknesses that could lead to constitutional controversies In this compelling and fascinating book Brian Kalt envisions six such controversies such as the criminal prosecution of a sitting president a two term president's attempt to stay in power the ousting of an allegedly disabled president and more None of these things has ever occurred but in recent years many of them almost have Besides being individually dramatic these controversies provide an opportunity to think about how constitutional procedures can best be designed interpreted and repaired Also because the events Kalt describes would all carry enormous political consequences they shed light on the delicate and complicated balance between law and politics in American government **The Limits of Constitutional**

Democracy Jeffrey K. Tulis, Stephen Macedo, 2010-10-18 Constitutional democracy is at once a flourishing idea filled with optimism and promise and an enterprise fraught with limitations Uncovering the reasons for this ambivalence this book looks at the difficulties of constitutional democracy and reexamines fundamental questions What is constitutional democracy When does it succeed or fail Can constitutional democracies conduct war Can they preserve their values and institutions while addressing new forms of global interdependence The authors gathered here interrogate constitutional democracy's meaning in order to illuminate its future The book examines key themes the issues of constitutional failure the problem of emergency power and whether constitutions should be suspended when emergencies arise the dilemmas faced when constitutions provide and restrict executive power during wartime and whether constitutions can adapt to such globalization challenges as immigration religious resurgence and nuclear arms proliferation In addition to the editors the contributors are Sotirios Barber Joseph Bessette Mark Brandon Daniel Deudney Christopher Eisgruber James Fleming William Harris II Ran Hirschl Gary Jacobsohn Benjamin Kleinerman Jan Werner Müller Kim Scheppele Rogers Smith Adrian Vermeule and Mariah Zeisberg

Securing Constitutional Democracy James E. Fleming, 2006-10-02 Famously described by Louis Brandeis as the most comprehensive of rights and the right most valued by civilized men the right of privacy or autonomy is more embattled during modern times than any other Debate over its meaning scope and constitutional status is so widespread that it all but defines the post 1960s era of constitutional interpretation Conservative Robert Bork called it a loose canon in the law while feminist Catharine MacKinnon attacked it as the right of men to be left alone to oppress women Can a right with such prominent critics from across the political spectrum be grounded in constitutional law In this book James Fleming responds to these controversies by arguing that the right to privacy or autonomy should be grounded in a theory of securing constitutional democracy His framework seeks to secure the basic liberties that are preconditions for deliberative democracy to allow citizens to deliberate about the institutions and policies of their government as well as deliberative autonomy to enable citizens to deliberate about the conduct of their own lives Together Fleming shows these two preconditions can afford everyone the status of free and equal citizenship in our morally pluralistic constitutional democracy The Politics of

Constitutional Rigidity Mariana Velasco-Rivera, 2025-05-31 What makes a constitution difficult to amend Many assume it's the stringency of the amendment rules as seen with the U S Constitution However Mexico with similar rules has one of the most amended constitutions globally So if it's not the stringency of the rules what is it The Politics of Constitutional Rigidity Unveiling Pathways to Change in Mexico focuses on Mexico as a case study to explore the non institutional factors that influence the relative ease of amendment to its constitution This book proposes a new analytical framework for understanding constitutional change suggesting that both formal and informal changes occur within an economy of change This framework highlights how the interplay of political parties party systems constitutional culture and key political actors decisions influence political entrenchment Timely and original The Politics of Constitutional Rigidity offers a systematic study

of constitutional change and challenges dominant approaches to constitutional rigidity Confirmation Hearings on Federal Appointments United States. Congress. Senate. Committee on the Judiciary, 2003 *107-1 Hearings: Confirmation Hearings on Federal Appointments, S. Hrg. 107-584, Part 5, August 1, 2002, Etc., **, 2003 *Law and Revolution* Nimer Sultany, 2017-11-24 Taking the Arab Spring as its case study this book explores the role of law and constitutions during societal upheavals and critically evaluates the different trajectories they could follow in a revolutionary setting It urges a rethinking of major categories in political legal and constitutional theory in light of the Arab Spring The book is a novel and comprehensive examination of the constitutional order that preceded and followed the Arab Spring in Egypt Tunisia Libya Morocco Jordan Algeria Oman and Bahrain Drawing on a wide range of primary sources including an in depth analysis of recent court rulings in several Arab countries the book illustrates the contradictory roles of law and constitutions The book also contrasts the Arab Spring with other revolutionary situations and demonstrates how the Arab Spring provides a laboratory for examining scholarly ideas about revolutions legitimacy legality continuity popular sovereignty and constituent power With a new preface from the author addressing developments in the Arab Spring **Elections in America** Michael C. LeMay, 2022-08-04 Elections in America provides a thorough and objective explanation of American elections at the local state and national levels It discusses laws and practices that govern elections the history of elections and voting rights and contemporary voting controversies Elections in America is an all in one resource for understanding the many facets of elections and voting trends since the United States came into being It explains how when and why the franchise expanded in fits and starts after America s founding and the various controversies over voting rights and vote counting that swirl around elections today It reviews the major landmark court decisions that have impacted electoral politics discusses how America s two party system has shaped elections and provides information on major organizations groups and people battling over voting rights and election laws In addition this resource provides a suite of original essays from election scholars on different aspects of U S electoral politics as well as a carefully curated selection of primary documents illuminating important developments in American election history The book also contains a comprehensive annotated list of academic resources to guide the reader towards further research on topics of interest

Unveiling the Energy of Verbal Art: An Psychological Sojourn through **Constitutional Stupidities Constitutional Tragedies**

In a world inundated with displays and the cacophony of instantaneous interaction, the profound energy and emotional resonance of verbal art often diminish into obscurity, eclipsed by the constant barrage of sound and distractions. Yet, nestled within the lyrical pages of **Constitutional Stupidities Constitutional Tragedies**, a captivating work of literary splendor that impulses with organic emotions, lies an unique journey waiting to be embarked upon. Penned with a virtuoso wordsmith, this exciting opus instructions readers on a mental odyssey, softly exposing the latent possible and profound influence embedded within the delicate web of language. Within the heart-wrenching expanse with this evocative analysis, we can embark upon an introspective exploration of the book is central themes, dissect their fascinating publishing fashion, and immerse ourselves in the indelible effect it leaves upon the depths of readers souls.

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