

# GREAT CASES IN CONSTITUTIONAL LAW

*Edited by Robert P. George*

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# Great Cases In Constitutional Law

**Austin Allen**



## **Great Cases In Constitutional Law:**

*Great Cases in Constitutional Law* Robert P. George, 2016-03-04 Slavery segregation abortion workers rights the power of the courts These issues have been at the heart of the greatest constitutional controversies in American history And in this concise and thought provoking volume some of today s most distinguished legal scholars and commentators explain for a general audience how five landmark Supreme Court cases centered on those controversies shaped the country s destiny and continue to affect us even now The book is a profound exploration of the Supreme Court s importance to America s social and political life It is also as many of the contributors show an intriguing reflection of what some have seen as an important trend in legal scholarship away from an uncritical belief in the essentially benign nature of judicial power Robert George opens with an illuminating survey of the themes that unite and divide the five cases Other contributors then examine each case in detail through a lively commentary and response format Mark Tushnet and Jeremy Waldron exchange views on Marbury v Madison the pivotal 1803 case that established the power of the courts to invalidate legislation Cass Sunstein and James McPherson discuss Dred Scott v Sandford 1857 the notorious case that confirmed the rights of slaveowners declared that black people could not be American citizens and is often seen as a cause of the Civil War Hadley Arkes and Donald Drakeman explore the legacy of Lochner v New York 1905 a case that ushered in decades of judicial hostility to social welfare laws Earl Maltz and Walter Murphy assess Brown v Topeka Board of Education 1954 the famous case that ended racial segregation in public schools Finally Jean Bethke Elshtain and George Will tackle Roe v Wade 1973 still a flashpoint a quarter of a century later in the debate over abortion While some of the contributors show sympathy for strong judicial interventions on social issues many across the ideological spectrum are sharply critical of judicial activism A compelling introduction to the greatest cases in U S constitutional law this is also an enlightening glimpse of the state of the art in American legal scholarship Do Great Cases Make Bad Law? Lackland H. Bloom (Jr.), 2014 Justice Holmes proclaimed that great cases like hard cases make bad law He explained that this was so because the hydraulic pressures of the great case tend to distort the judgements of the justices The purpose of this book is to examine 25 great cases that arose throughout the history of the Supreme Court and to attempt to determine whether Holmes was correct More particularly the book discusses the impact that the greatness of the case may have had on its presentation to the Court the Court s deliberations the decision the opinion and the law that was created **Supreme Decisions Combined Volume** MELVIN I. UROFSKY, Taylor & Francis Group, 2019-07-10

**Evolution and the Common Law** Allan C. Hutchinson, 2005-04-04 This book offers a radical challenge to accounts of the common law s development Contrary to received jurisprudential wisdom it maintains there is no grand theory which will explain satisfactorily the dynamic interactions of change and stability in the common law s history Offering original readings of Charles Darwin s and Hans Georg Gadamer s works the book shows that law is a rhetorical activity that can only be properly appreciated in its historical and political context tradition and transformation are locked in a mutually reinforcing

but thoroughly contingent embrace In contrast to the dewy eyed offerings of much contemporary work it demonstrates that like life law is an organic process i e events are the products of functional and localized causes rather than a miraculous one i e events are the result of some grand plan or intervention In short common law is a perpetual work in progress evanescent dynamic messy productive tantalising and bottom up      **Great Cases of the Supreme Court** Robert H. Ratcliffe,1975

**Supreme Decisions, Volume 1** Melvin I. Urofsky,2018-04-20 Supreme Decisions Great Constitutional Cases and Their Impact Volumes 1 covers twenty four Supreme Court cases that have shaped American constitutional law Interpretive chapters shed light on the nuances of each case the individuals involved and the social political and cultural context at that particular moment in history Discussing cases from nearly every decade in a two hundred year span Melvin I Urofsky expounds on the political climate of the United States from the country s infancy through the new millennium Featuring Marbury v Madison Dred Scott v Sandford Miranda v Arizona Brown v Board of Education and many more this text covers foundational rulings and more recent decisions Written with students in mind Melvin I Urofsky s voice offers compelling and fascinating accounts of American legal milestones      **Comparative Constitutional Reasoning** András Jakab,Arthur Dyevre,Giulio Itzcovich,2017-04-27 To what extent is the language of judicial opinions responsive to the political and social context in which constitutional courts operate Courts are reason giving institutions with argumentation playing a central role in constitutional adjudication However a cursory look at just a handful of constitutional systems suggests important differences in the practices of constitutional judges whether in matters of form style or language Focusing on independently verified leading cases globally a combination of qualitative and quantitative analysis offers the most comprehensive and systematic account of constitutional reasoning to date This analysis is supported by the examination of eighteen legal systems around the world including the European Court of Human Rights and the European Court of Justice Universally common aspects of constitutional reasoning are identified in this book and contributors also examine whether common law countries differ to civil law countries in this respect      *Supreme Decisions* Melvin I. Urofsky,2012 Compellingly written accessible and interpretive Melvin I Urofsky s stories of major Supreme Court cases and the impact of each ruling on American constitutional law make a readable book for every student      **Cases for Abstracting, Junior Class, Second Semester: Constitutional Law, Sales, Partnership** Suffolk law school, Boston,1922      Cases on American Constitutional Law Lawrence Boyd Evans,1898      *Origins of the Dred Scott Case* Austin Allen,2010-01-25 The Supreme Court s 1857 Dred Scott decision denied citizenship to African Americans and enabled slavery s westward expansion It has long stood as a grievous instance of justice perverted by sectional politics Austin Allen finds that the outcome of Dred Scott hinged not on a single issue slavery but on a web of assumptions agendas and commitments held collectively and individually by Chief Justice Roger B Taney and his colleagues Allen carefully tracks arguments made by Taney Court justices in more than 1 600 reported cases in the two decades prior to Dred Scott and in its immediate aftermath By showing us the political professional

ideological and institutional contexts in which the Taney Court worked Allen reveals that Dred Scott was not simply a victory for the Court's pro-southern faction. It was instead an outgrowth of Jacksonian jurisprudence, an intellectual system that charged the Court with protecting slavery, preserving both federal power and state sovereignty, promoting economic development, and securing the legal foundations of an emerging corporate order, all at the same time. Here is a wealth of new insight into the internal dynamics of the Taney Court and the origins of its most infamous decision. [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. **The Madisonian Constitution** George Thomas, 2008-06-18 Publisher Description [Frederick Douglass and the Fourth of July](#) James A. Colaiaco, 2015-03-24 A critical evaluation of the address the preeminent African American abolitionist and orator gave in observance of Independence Day. On July 5th, 1852, Frederick Douglass, one of the greatest orators of all time, delivered what was arguably the century's most powerful abolition speech. At a time of year where American freedom is celebrated across the nation, Douglass eloquently summoned the country to resolve the contradiction between slavery and the founding principles of our country. In this book, James A. Colaiaco vividly recreates the turbulent historical context of Douglass' speech and delivers a colorful portrait of the country in the tumultuous years leading to the Civil War. Now, including a reader's guide with discussion points, this book provides a fascinating new perspective on a critical time in American history. Praise for Frederick Douglass and the Fourth of July: If you're feeling blasé about this year's observance of our oldest patriotic holiday, James A. Colaiaco's Frederick Douglass and the Fourth of July should stir you out of complacency. What makes it essential reading is its deepening of one's appreciation for how the color-blind malleable Constitution is a tissue of ambiguity and compromises. The Wall Street Journal Colaiaco provides the most complete exposition yet of Douglass's constitutional abolitionism. He performs a vital service in reviving the moral spirit of America's greatest exemplar of black manhood. Claremont Review of Books Colaiaco's examination of this long-forgotten masterpiece is long overdue and superbly realized. Harold Holzer, author of Lincoln at Cooper Union, co-chairman, U.S. Lincoln Bicentennial Commission [Constitutional Self-Government](#) Christopher L. Eisgruber, 2001-09-30 Most of us regard the Constitution as

the foundation of American democracy How then are we to understand the restrictions that it imposes on legislatures and voters Why for example does the Constitution allow unelected judges to exercise so much power And why is this centuries old document so difficult to amend In short how can we call ourselves a democracy when we are bound by an entrenched and sometimes counter majoritarian constitution In Constitutional Self Government Christopher Eisgruber focuses directly on the Constitution s seemingly undemocratic features Whereas other scholars have tried to reconcile these features with majority rule or simply acknowledged them as necessary limits on democracy Eisgruber argues that constitutionalism is best regarded not as a constraint upon self government but as a crucial ingredient in a complex non majoritarian form of democracy In an original and provocative argument he contends that legislatures and elections provide only an incomplete representation of the people and he claims that the Supreme Court should be regarded as another of the institutions able to speak for Americans about justice At a pivotal moment of worldwide interest in judicial review and renewed national controversy over the Supreme Court s role in politics Constitutional Self Government ingeniously locates the Constitution s value in its capacity to sustain an array of institutions that render self government meaningful for a large and diverse people

**The Great Abolitionist** Stephen Puleo,2024-04-23 The groundbreaking biography of a forgotten civil rights hero In the tempestuous mid 19th century as slavery consumed Congressional debate and America careened toward civil war and split apart when the very future of the nation hung in the balance Charles Sumner s voice rang strongest bravest and most unwavering Where others preached compromise and moderation he denounced slavery s evils to all who would listen and demanded that it be wiped out of existence More than any other person of his era he blazed the trail on the country s long uneven and ongoing journey toward realizing its full promise to become a more perfect union Before and during the Civil War at great personal sacrifice Sumner was the conscience of the North and the most influential politician fighting for abolition Throughout Reconstruction no one championed the rights of emancipated people more than he did Through the force of his words and his will he moved America toward the twin goals of abolitionism and equal rights which he fought for literally until the day he died He laid the cornerstone arguments that civil rights advocates would build upon over the next century as the country strove to achieve equality among the races The Great Abolitionist is the first major biography of Charles Sumner to be published in over 50 years Acclaimed historian Stephen Puleo relates the story of one of the most influential political figures in American history with evocative and accessible prose transporting readers back to an era when our leaders exhibited true courage and authenticity in the face of unprecedented challenges

Cases on Constitutional Law James Bradley Thayer,1894 **Cases and Opinions on Constitutional Law** William Forsyth,2022-06-05 Reprint of the original first published in 1869 **Classic Supreme Court Cases** Corey Brettschneider,2023-06-13 Landmark cases address the origins of judicial review racial discrimination civil rights and liberties The 14th amendment s Equal Protection Clause reproductive rights LGBTQ rights and federal government regulatory powers A recommended classroom resource A Penguin

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**Cases and Opinions on Constitutional Law, and Various Points of English Jurisprudence**  
William Forsyth, 1869

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