

INTERPRETING THE CONSTITUTION

KENT GREENAWALT

Nice Book Interpreting Constitution Kent Greenawalt

James L. Swanson



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Realms of Legal Interpretation Kent Greenawalt, 2018-07-06 In *Realms of Legal Interpretation* Kent Greenawalt focuses on how courts decide what is legally forbidden or authorized and how context shapes their decisions. The problem he argues is that we do not and never have agreed exist on all the details of the standards. United States judges should employ like everyone else judges have different ideas of what constitutes good common sense. *Interpreting the Constitution* Kent Greenawalt, 2015 This title addresses various approaches to interpreting a constitution. It is the third and final volume on legal interpretation following *Legal Interpretation Perspectives from Other Disciplines* and *Private Texts and Statutory and Common Law Interpretation*. The overall theme is that techniques of constitutional interpretation are multiple and far from simple. They are not reducible to any standard priority or even any non-vague written or verbal systematic account. A great deal depends on the context, most notably the nature of the constitutional provision being interpreted.

The Free Exercise of Religion in America Ellis M. West, 2019-02-05 This book explains the original meaning of the two religion clauses of the First Amendment: Congress shall make no law 1 respecting an establishment of religion or 2 prohibiting the free exercise thereof. As the book shows, both clauses were intended to protect the free exercise of religion or religious freedom. West shows the position taken by early Americans on four issues: 1 the general meaning of the free exercise of religion including whether it is different from the meaning of no establishment of religion; 2 whether the free exercise of religion may be intentionally and directly limited and if so under what circumstances; 3 whether laws regulating temporal matters that also have a religious sanction violate the free exercise of religion; and 4 whether the free exercise of religion gives persons a right to be exempt from obeying valid civil laws that unintentionally and indirectly make it difficult or impossible to practice their religion in some way. A definitive work on the subject and a major contribution to the field of constitutional law and history, this volume is key to a better understanding of the ongoing constitutional adjudication based on the religion clauses of the First Amendment.

Constitutional Commentary, 1996 *A Debt Against the Living* Ilan Wurman, 2017-07-31 Thomas Jefferson famously wrote that the earth belongs to the living. His letter to James Madison is often quoted for the proposition that we should not be bound to the dead hand of the past, suggesting that the Constitution should instead be interpreted as a living, breathing document. Less well known is Madison's response in which he said the improvements made by the dead, including the US Constitution, form a debt against the living who benefit from them. In this illuminating book, Ilan Wurman introduces Madison's concept of originalism to a new generation and shows how it has shaped the US Supreme Court in ways that are expected to continue following the death of Justice Antonin Scalia, one of the theory's leading proponents. It should be read by anyone seeking a better understanding of originalism and its ongoing influence on the constitutional jurisprudence of the Supreme Court.

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

Populist Challenges to Constitutional Interpretation in Europe and Beyond Fruzsina Gárdos-Orosz, Zoltán Sente, 2021-05-03 This book explores the relationship between populism or populist regimes and constitutional interpretation used in those regimes The volume discusses the question of whether contemporary populist governments and movements have developed or encouraged new and specific constitutional theories, doctrines and methods of interpretation or whether their constitutional and other high courts continue to use the old traditional interpretative tools in constitutional adjudication The book is divided into four parts Part I contains three chapters elaborating the theoretical basis for the discussion Part II examines the topic from a comparative perspective representing those European countries where populism is most prevalent including Austria, Croatia, the Czech Republic, Greece, Hungary, Italy, Poland, Romania, Spain and the United Kingdom Part III extends the focus to the United States reflecting how American jurisprudence and academia have produced the most important contributions to the theory of constitutional interpretation and how recent political developments in that country might challenge the traditional understanding of judicial review This section also includes a general overview on Latin America where there are also some populist governments and strong populist movements Finally the editors' closing study analyses the outcomes of the comparative research summarizing the conclusions of the book Written by renowned national constitutional scholars the book will be essential reading for students, academics and researchers working in Constitutional Law and Politics Chapter 1 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial No Derivatives CC BY-NC-ND 4.0 license

Legal Interpretation: Perspectives from Other Disciplines and Private Texts Kent Greenawalt, 2010-10-27 In *Legal Interpretation* Kent Greenawalt focuses on the complex and multi-faceted topic of textual interpretation of the law All law needs to be interpreted and there are many ways to do it But what sorts of questions must one seek to answer in interpreting law and what approach should one take in each case Whose interpretations should be prioritized Why would one be drawn to one strategy over another And should legal interpretation seek to satisfy specific aims or general objectives In order to provide the answers to these questions Greenawalt explores the ways in which interpretive strategies from other disciplines the philosophy of language literary and musical interpretation religious interpretation and general interpretive theory can augment and enrich methods of legal

interpretation Over the course of the book he suggests how such forms of interpretation are analogous to legal interpretation and points to those cases in which interpretation must rest on the distinctive aspects of legal theory such as is the case with private documents Furthermore Greenawalts meditation suggests that interpretive strategies from other disciplines can shed light on the essential nature of legal interpretation and provide roads by which to account for dissonance between various methods of interpretation Legal Interpretation is a thought provoking reflection on the ways that insights from a range of intellectual traditions can deepen our understanding of law particularly with regard to constitutional law

Religious Freedom and the Supreme Court Ronald Bruce Flowers, Melissa Rogers, Steven Keith Green, 2008 It is clear relevant and an essential text for the twenty first century

The Rule of Recognition and the U.S. Constitution Matthew Adler, Kenneth Einar Himma, 2009-07-30 A volume of original essays that discusses the applicability of H L A Hart s rule of recognition model of a legal system to U S Constitutional law as discussed in his book The concept of law

Reports of the National Center for Science Education ,2005

Statutory and Common Law Interpretation Kent Greenawalt, 2013 Kent Greenwalt s second volume on aspects of legal interpretation analyzes statutory and common law interpretation suggesting that multiple factors are important for each and that the relation between them influences both The book argues against any simple textualism claiming that even reader understanding of statutes depends partly on perceived intent In respect to common law interpretation use of reasoning by analogy is defended and any simple dichotomy of holding and dictum is resisted

The Irish Jurist ,2002

American Book Publishing Record ,2005

The Ethics of Citizenship J. Caleb Clanton, 2009 Offering the most significant contributions on the topic from leading contemporary scholars J Caleb Stanton s carefully edited and organized The Ethics of Citizenship seeks to answer one of the most salient and hotly debated questions of the day What role if any should religion play in U S politics While there is a considerable body of writing in response to this question until now there has not been a one volume collection of relevant answers Here at last a variety of distinguished political theorists from John Rawls to Richard Rorty and from Nicholas Wolterstorff to Cornel West weigh in on this important topic and together provide a balanced and engaging overview of the debate that continues to grip the nation

Michigan Law Review ,2009

Cases and Materials on Constitutional Law Gerald Gunther, 1975

The Criminal Law Quarterly ,2008

The Journal of Intergroup Relations ,1987

Journal of Intergroup Relations ,1985

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