Active Liberty Interpreting Our Democratic Constitution Stephen G Breyer

The former Secretary of Labor and author of The Work of Nations takes a close-up look at the new economy and its impact on American life, discussing the vast opportunities and challenges of the Internet marketplace and its implications in terms of jobs and job stability, stress, economic and social stratification, the loss of leisure, family relationships, and more. Reprint. 50,000 first printing.

Professors Fischl and Paul explain law school exams in ways no one has before, all with an eye toward improving the reader’s performance. The book begins by describing the difference between educational cultures that praise students for “right answers,” and the law school culture that rewards nuanced analysis of ambiguous situations in which more than one approach may be correct. Enormous care is devoted to explaining precisely how and why legal analysis frequently produces such perplexing situations. But the authors don’t stop with mere description. Instead, Getting to Maybe teaches how to excel on law school exams by showing the reader how legal analysis can be brought to bear on examination problems. The book contains hints on studying and preparation that go well beyond conventional advice. The authors also illustrate how to argue both sides of a legal issue without appearing wishy-washy or indecisive. Above all, the book explains why exam questions may generate feelings of uncertainty or doubt about correct legal outcomes and how the student can turn these feelings to his or her advantage. In sum, although the authors believe that no exam guide can substitute for a firm grasp of substantive material, readers who devote the necessary time to learning the law will find this book an invaluable guide to translating learning into better exam performance. “This book should revolutionize the ordeal of studying for law school exams… Its clear, insightful, fun to read, and right on the money.” — Duncan Kennedy, Carter Professor of General Jurisprudence, Harvard Law School “Finally a study aid that takes legal theory seriously… Students who master these lessons will surely write better exams. More importantly, they will also learn to be better lawyers.” — Steven L. Winter, Brooklyn Law School “If you can't spot a 'fork in the law' or a 'fork in the facts' in an exam hypothetical, get this book. If you don’t know how to play 'Czar of the Universe' on law school exams (or why), get this book. And if you do want to learn how to think like a lawyer—a good one—get this book. It's, quite simply, stone cold brilliant.” — Pierre Schlag, University of Colorado School of Law (Law Preview Book Review on The Princeton Review website) Attend a Getting to Maybe seminar! Click here for more information.

American liberals and conservatives alike take for granted a progressive view of the Constitution that took root in the early twentieth century. Richard Epstein laments this complacency which, he believes, explains America's current economic malaise and political gridlock. Steering clear of well-worn debates between defenders of originalism and proponents of a living Constitution, Epstein employs close textual reading, historical analysis, and political and economic theory to urge a return to the classical liberal theory of governance that animated the framers' original constitutional design. Grounded in the thought of Locke, Hume, Madison, and other Enlightenment figures, classical liberalism emphasized federalism, restricted government, separation of powers, and strong protection of individual rights. New Deal progressives challenged this synthesis by embracing government as a force for social good rather than a necessary evil. The Supreme Court has unwisely ratified the progressive program by sustaining many legislative initiatives at odds with the classical liberal Constitution. Epstein addresses both the Constitution's structural safeguards against state power and its protection of individual rights. He sheds light on contemporary disputes ranging from presidential prerogatives to health care legislation, while exploring such enduring topics as judicial review, economic regulation, freedom of speech and religion, and equal protection.

It's 13th-century Europe and a young monk, Michael Scot, has been asked by the Holy Roman Emperor to translate the works of Aristotle and recover his "lost" knowledge. The Scot sets to his task, traveling from the Emperor's Italian court to the translation schools of Toledo and from there to the Moorish library of Córdoba. But when the Pope deems the translations heretical, the Scot refuses to desist. So begins a battle for power between Church and State--one that has shaped how we view the world today.

He describes a new and better manner of deliberating about who should serve on the Court - an approach that puts the burden on nominees to show that their judicial philosophies and politics are acceptable to senators and citizens alike. And he makes a new case for the virtue of judicial moderates."

This is a sweeping new interpretation of the national experience, reconceiving key political events from the Revolution to the New Deal. Rana begins by emphasizing that the national founding was first and foremost an experiment in settler colonization. For American settlers, internal self-government involved a unique vision of freedom, which combined direct political participation with economic independence. However, this independence was based on ideas of extensive land ownership which helped to sustain both territorial conquest and the subordination of slaves and native peoples. At the close of the nineteenth century, emerging social movements struggled to liberate the potential of self-rule from these oppressive and exclusionary features. These efforts ultimately collapsed, in large part because white settlers failed to conceive of liberty as a truly universal aspiration. The consequence was the rise of new modes of political authority that presented national and economic security as society’s guiding commitments. Rana contends that the challenge for today’s reformers is to recover a robust notion of independence and participation from the settler experience while finally making it universal.

The Supreme Court justice defines and examines the legal principles of active liberty and emphasizes its importance in constitutional and statutory interpretation, using examples from the areas of federalism to affirmative action to argue that the Constitution and its tenets may adapt to changing situations and times. Reprint. 35,000 first printing.

The must-read summary of Stephen Breyer's book: "Active Liberty: Interpreting Our Democratic Constitution". This complete summary of "Active Liberty" by Stephen Breyer, a liberal-leaning Supreme Court Justice in the United States,

outlines the author's argument that the American Constitution should be used as a guide for the application of American principles. He highlights the fact that the Constitution must not be rigid but adapt to the needs of society, and that American citizens should have more participation in the shaping of the country's laws, a principle which requires more deference to Congress and judicial modesty. Added-value of this summary: • Save time • Gain understanding of the American Constitution and its implications • Expand your knowledge of American politics and society To learn more, read "Active Liberty" and discover Breyer's views on active liberty and the role of the Constitution in the modern age.

In the span of five violent hours on August 29, 2005, Hurricane Katrina destroyed major Gulf Coast cities and flattened 150 miles of coastline. But it was only the first stage of a shocking triple tragedy. On the heels of one of the three strongest hurricanes ever to make landfall in the United States came the storm-surge flooding, which submerged a half-million homes—followed by the human tragedy of government mismanagement, which proved as cruel as the natural disaster itself. In The Great Deluge, bestselling author Douglas Brinkley finds the true heroes of this unparalleled catastrophe, and lets the survivors tell their own stories, masterly allowing them to record the nightmare that was Katrina.

Sunstein (jurisprudence, political science, U. of Chicago) asserts that, as it is currently interpreted, the Constitution is biased. He points to two contemporary mistakes: that Constitutional law posits the status quo as neutral and just (which, he argues, is not the case); and that the meaning of the Constitution is increasingly solely within the purview of the Supreme Court (which, he argues, is not what the founders intended.) Annotation copyright by Book News, Inc., Portland, OR

NEW YORK TIMES BESTSELLER • “Comprehensive, enlightening, and terrifyingly timely.”—The New York Times Book Review (Editors' Choice) WINNER OF THE GOLDSMITH BOOK PRIZE • SHORTLISTED FOR THE LIONEL GELBER PRIZE • NAMED ONE OF THE BEST BOOKS OF THE YEAR BY The Washington Post • Time • Foreign Affairs • WBUR • Paste Donald Trump’s presidency has raised a question that many of us never thought we’d be asking: Is our democracy in danger? Harvard professors Steven Levitsky and Daniel Ziblatt have spent more than twenty years studying the breakdown of democracies in Europe and Latin America, and they believe the answer is yes. Democracy no longer ends with a bang—in a revolution or military coup—but with a whimper: the slow, steady weakening of critical institutions, such as the judiciary and the press, and the gradual erosion of long-standing political norms. The good news is that there are several exit ramps on the road to authoritarianism. The bad news is that, by electing Trump, we have already passed the first one. Drawing on decades of research and a wide range of historical and global examples, from 1930s Europe to contemporary Hungary, Turkey, and Venezuela, to the American South during Jim Crow, Levitsky and Ziblatt show how democracies die—and how ours can be saved. Praise for How Democracies Die “What we desperately need is a sober, dispassionate look at the current state of affairs. Steven Levitsky and Daniel Ziblatt, two of the most respected scholars in the field of democracy studies, offer just that.”—The Washington Post “Where Levitsky and Ziblatt make their mark is in weaving together political science and historical analysis of both domestic and international democratic crises; in doing so, they expand the conversation beyond Trump and before him, to other countries and to the deep structure of American democracy and politics.”—Ezra Klein, Vox “If you only read one book for the rest of the year, read How Democracies Die. . . .This is not a book for just Democrats or Republicans. It is a book for all Americans. It is nonpartisan. It is fact based. It is deeply rooted in history. . . . The best commentary on our politics, no contest.”—Michael Morrell, former Acting Director of the Central Intelligence Agency (via Twitter) “A smart and deeply informed book about the ways in which democracy is being undermined in dozens of countries around the world, and in ways that are perfectly legal.”—Fareed Zakaria, CNN

The history of Trinidad begins with a delusion: the belief that somewhere nearby on the South American mainland lay El Dorado, the mythical kingdom of gold. In this extraordinary and often gripping book, V. S. Naipaul–himself a native of Trinidad–shows how that delusion drew a small island into the vortex of world events, making it the object of Spanish and English colonial designs and a mecca for treasure-seekers, slave-traders, and revolutionaries. Amid massacres and poisonings, plunder and multinational intrigue, two themes emerge: the grinding down of the Aborigines during the long rivalries of the El Dorado quest and, two hundred years later, the man-made horror of slavery. An accumulation of casual, awful detail takes us as close as we can get to day-to-day life in the slave colony, where, in spite of various titles of nobility, only an opportunistic, near-lawless community exists, always fearful of slave suicide or poison, of African sorcery and revolt. Naipaul tells this labyrinthine story with assurance, withering irony, and lively sympathy. The result is historical writing at its highest level.

"Published in the US under the title Making our democracy work"--T.p. verso.

This innovative volume explores the evolution of constitutional doctrine as elaborated by the Supreme Court. Moving beyond the traditional "law versus politics" perspective, the authors draw extensively on recent studies in American Political Development (APD) to present a much more complex and sophisticated view of the Court as both a legal and political entity. The contributors—including Pam Brandwein, Howard Gillman, Mark Graber, Ronald Kahn, Tom Keck, Ken Kersch, Wayne Moore, Carol Nackenoff, Julie Novkov, and Mark Tushnet—share an appreciation that the process of constitutional development involves a complex interplay between factors internal and external to the Court. They underscore the developmental nature of the Court, revealing how its decision-making and legal authority evolve in response to a variety of influences: not only laws and legal precedents, but also social and political movements, election returns and regime changes, advocacy group litigation, and the interpretive community of scholars, journalists, and lawyers. Initial chapters reexamine standard approaches to the question of causation in judicial decision-making and the relationship between the Court and the ambient political order. Next, a selection of historical case studies exemplifies how the Court constructs its own authority as it defines individual rights and the powers of government. They show how interpretations of the Reconstruction amendments inform our understanding of racial discrimination, explain the undermining of affirmative action after Bakke, and consider why Roe v. Wade has yet to be overturned. They also tell how the Court has collaborated with political coalitions to produce the New Deal, Great Society, and Reagan Revolution, and why Native Americans have different citizenship rights than other Americans. These contributions encourage further debate about the nature and processes of constitutional change and invite APD scholars to think about law and the Court in more sophisticated ways.

The Brethren is the first detailed behind-the-scenes account of the Supreme Court in action. Bob Woodward and Scott Armstrong have pierced its secrecy to give us an unprecedented view of the Chief and Associate Justices—maneuvering, arguing, politicking, compromising, and making decisions that affect every major area of American life.

Americans increasingly believe the Supreme Court is a political body in disguise. But Justice Stephen Breyer disagrees. Arguing

that judges are committed to their oath to do impartial justice, Breyer aims to restore trust in the Court. In the absence of that trust, he warns, the Court will lose its authority, imperiling our constitutional system.

A primer on recognizing the power and promise of the Preamble and the Constitution during this conservative assault on our founding text “Over the course of American history, there have been great gains in individual freedom and enormous advances in equality for racial minorities, women, and gays and lesbians, though obviously much remains to be done. Now we are at a moment with a president who is not committed to these values and face the reality of a Supreme Court that will likely be more hostile to them for the foreseeable future.” --From the Preface Worried about what a super conservative majority on the Supreme Court means for the future of civil liberties? From gun control to reproductive health, a conservative court will reshape the lives of all Americans for decades to come. The time to develop and defend a progressive vision of the U.S. Constitution that protects the rights of all people is now. University of California Berkeley Dean and respected legal scholar Erwin Chemerinsky expertly exposes how conservatives are using the Constitution to advance their own agenda that favors business over consumers and employees, and government power over individual rights. But exposure is not enough. Progressives have spent too much of the last forty-five years trying to preserve the legacy of the Warren Court’s most important rulings and reacting to the Republican-dominated Supreme Courts by criticizing their erosion of rights—but have not yet developed a progressive vision for the Constitution itself. Yet, if we just look to the promise of the Preamble—liberty and justice for all—and take seriously its vision, a progressive reading of the Constitution can lead us forward as we continue our fight ensuring democratic rule, effective government, justice, liberty, and equality. Includes the Complete Constitution and Amendments of the United States of America

What underlies this development? In this concise and highly engaging work, Federal Appeals Court Judge and noted author (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.

A full-scale portrait of the early twentieth-century Supreme Court justice seeks to distinguish his personal life from his achievements as a reformer and jurist, offering additional insight into his role in the development of pro bono legal services, the creations of the Federal Reserve Act and other key legislations, and his contributions to American-Jewish affairs as a practicing Zionist.

In this revised and updated second edition of The Dynamic Constitution, Richard H. Fallon, Jr provides an engaging, sophisticated introduction to American constitutional law. Suitable for lawyers and non-lawyers alike, this book discusses contemporary constitutional doctrine involving such issues as freedom of speech, freedom of religion, rights to privacy and sexual autonomy, the death penalty, and the powers of Congress. Through examples of Supreme Court cases and portraits of past and present Justices, this book dramatizes the historical and cultural factors that have shaped constitutional law. The Dynamic Constitution, 2nd edition, combines detailed explication of current doctrine with insightful analysis of the political culture and theoretical debates in which constitutional practice is situated. Professor Fallon uses insights from political science to explain some aspects of constitutional evolution and emphasizes features of the judicial process that distinguish constitutional law from ordinary politics.

Introduction : p. 1-42

Both historically and in the present, the Supreme Court has largely been a failure In this devastating book, Erwin Chemerinsky—“one of the shining lights of legal academia” (The New York Times)—shows how, case by case, for over two centuries, the hallowed Court has been far more likely to uphold government abuses of power than to stop them. Drawing on a wealth of rulings, some famous, others little known, he reviews the Supreme Court's historic failures in key areas, including the refusal to protect minorities, the upholding of gender discrimination, and the neglect of the Constitution in times of crisis, from World War I through 9/11. No one is better suited to make this case than Chemerinsky. He has studied, taught, and practiced constitutional law for thirty years and has argued before the Supreme Court. With passion and eloquence, Chemerinsky advocates reforms that could make the system work better, and he challenges us to think more critically about the nature of the Court and the fallible men and women who sit on it.

This book focuses on the essentials that public managers should know about administrative law—why we have administrative law, the constitutional constraints on public administration, and administrative law’s frameworks for rulemaking, adjudication, enforcement, transparency, and judicial and legislative review. Rosenbloom views administrative law from the perspectives of administrative practice, rather than lawyering with an emphasis on how various administrative law provisions promote their underlying goal of improving the fit between public administration and U.S. democratic-constitutionalism. Organized around federal administrative law, the book explains the essentials of administrative law clearly and accurately, in non-technical terms, and with sufficient depth to provide readers with a sophisticated, lasting understanding of the subject matter.

A brilliant new approach to the Constitution and courts of the United States by Supreme Court Justice Stephen Breyer.For Justice Breyer, the Constitution’s primary role is to preserve and encourage what he calls “active liberty”: citizen participation in shaping government and its laws. As this book argues, promoting active liberty requires judicial modesty and deference to Congress; it also means recognizing the changing needs and demands of the populace. Indeed, the Constitution’s lasting brilliance is that its principles may be adapted to cope with unanticipated situations, and Breyer makes a powerful case against treating it as a static guide intended for a world that is dead and gone. Using contemporary examples from federalism to privacy to affirmative action, this is a vital contribution to the ongoing debate over the role and power of our courts.

A renowned constitutional scholar explores the little-understood relationship between the written Constitution and the many external factors that shape our interpretations of this foundational document.

We are all familiar with the image of the immensely clever judge who discerns the best rule of common law for the case at hand.

According to U.S. Supreme Court Justice Antonin Scalia, a judge like this can maneuver through earlier cases to achieve the desired aim—"distinguishing one prior case on his left, straight-arming another one on his right, high-stepping away from another precedent about to tackle him from the rear, until (bravo!) he reaches the goal—good law." But is this common-law mindset, which is appropriate in its place, suitable also in statutory and constitutional interpretation? In a witty and trenchant essay, Justice Scalia answers this question with a resounding negative. In exploring the neglected art of statutory interpretation, Scalia urges that judges resist the temptation to use legislative intention and legislative history. In his view, it is incompatible with democratic government to allow the meaning of a statute to be determined by what the judges think the lawgivers meant rather than by what the legislature actually promulgated. Eschewing the judicial lawmaking that is the essence of common law, judges should interpret statutes and regulations by focusing on the text itself. Scalia then extends this principle to constitutional law. He proposes that we abandon the notion of an everchanging Constitution and pay attention to the Constitution's original meaning. Although not subscribing to the “strict constructionism” that would prevent applying the Constitution to modern circumstances, Scalia emphatically rejects the idea that judges can properly “smuggle” in new rights or deny old rights by using the Due Process Clause, for instance. In fact, such judicial discretion might lead to the destruction of the Bill of Rights if a majority of the judges ever wished to reach that most undesirable of goals. This essay is followed by four commentaries by Professors Gordon Wood, Laurence Tribe, Mary Ann Glendon, and Ronald Dworkin, who engage Justice Scalia’s ideas about judicial interpretation from varying standpoints. In the spirit of debate, Justice Scalia responds to these critics. Featuring a new foreword that discusses Scalia’s impact, jurisprudence, and legacy, this witty and trenchant exchange illuminates the brilliance of one of the most influential legal minds of our time.

A landmark dissenting opinion arguing against the death penalty Does the death penalty violate the Constitution? In Against the Death Penalty, Justice Stephen G. Breyer argues that it does: that it is carried out unfairly and inconsistently, and thus violates the ban on "cruel and unusual punishments" specified by the Eighth Amendment to the Constitution. "Today’s administration of the death penalty," Breyer writes, "involves three fundamental constitutional defects: (1) serious unreliability, (2) arbitrariness in application, and (3) unconscionably long delays that undermine the death penalty’s penological purpose. Perhaps as a result, (4) most places within the United States have abandoned its use." This volume contains Breyer's dissent in the case of Glossip v. Gross, which involved an unsuccessful challenge to Oklahoma's use of a lethal-injection drug because it might cause severe pain. Justice Breyer's legal citations have been edited to make them understandable to a general audience, but the text retains the full force of his powerful argument that the time has come for the Supreme Court to revisit the constitutionality of the death penalty. Breyer was joined in his dissent from the bench by Justice Ruth Bader Ginsburg. Their passionate argument has been cited by many legal experts — including fellow Justice Antonin Scalia — as signaling an eventual Court ruling striking down the death penalty. A similar dissent in 1963 by Breyer's mentor, Justice Arthur J. Goldberg, helped set the stage for a later ruling, imposing what turned out to be a four-year moratorium on executions.

Chief Justice John Marshall argued that a constitution "requires that only its great outlines should be marked [and] its important objects designated." Ours is "intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs." In recent years, Marshall's great truths have been challenged by proponents of originalism and strict construction. Such legal thinkers as Supreme Court Justice Antonin Scalia argue that the Constitution must be construed and applied as it was when the Framers wrote it. In Keeping Faith with the Constitution, three legal authorities make the case for Marshall's vision. They describe their approach as "constitutional fidelity"--not to how the Framers would have applied the Constitution, but to the text and principles of the Constitution itself. The original understanding of the text is one source of interpretation, but not the only one; to preserve the meaning and authority of the document, to keep it vital, applications of the Constitution must be shaped by precedent, historical experience, practical consequence, and societal change. The authors range across the history of constitutional interpretation to show how this approach has been the source of our greatest advances, from Brown v. Board of Education to the New Deal, from the Miranda decision to the expansion of women's rights. They delve into the complexities of voting rights, the malapportionment of legislative districts, speech freedoms, civil liberties and the War on Terror, and the evolution of checks and balances. The Constitution's framers could never have imagined DNA, global warming, or even women's equality. Yet these and many more realities shape our lives and outlook. Our Constitution will remain vital into our changing future, the authors write, if judges remain true to this rich tradition of adaptation and fidelity.

First published in 1962, this wonderfully provocative book introduced the notion of “pseudo-events”—events such as press conferences and presidential debates, which are manufactured solely in order to be reported—and the contemporary definition of celebrity as “a person who is known for his well-knownness.” Since then Daniel J. Boorstin’s prophetic vision of an America inundated by its own illusions has become an essential resource for any reader who wants to distinguish the manifold deceptions of our culture from its few enduring truths.

Breaking the Vicious Circle is a tour de force that should be read by everyone who is interested in improving our regulatory processes. Written by a highly respected federal judge, who obviously recognizes the necessity of regulation but perceives its failures and weaknesses as well, it pinpoints the most serious problems and offers a creative solution that would for the first time bring rationality to bear on the vital issue of priorities in our era of limited resources.

"In this original, far-reaching, and timely book, Justice Stephen Breyer examines the work of the Supreme Court of the United States in an increasingly interconnected world, a world in which all sorts of activity, both public and private--from the conduct of national security policy to the conduct of international trade--obliges the Court to understand and consider circumstances beyond America's borders. It is a world of instant communications, lightning-fast commerce, and shared problems (like public health threats and environmental degradation), and it is one in which the lives of Americans are routinely linked ever more pervasively to those of people in foreign lands. Indeed, at a moment when anyone may engage in direct transactions internationally for services previously bought and sold only locally (lodging, for instance, through online sites), it has become clear that, even in ordinary matters, judicial awareness can no longer stop at the water's edge. To trace how foreign considerations have come to inform the thinking of the Court, Justice Breyer begins with that area of the law in which they have always figured prominently: national security in its constitutional dimension--how should the Court balance this imperative with others, chiefly the protection of basic liberties, in its review of presidential and congressional actions? He goes on to show that as the world has grown steadily "smaller," the Court's horizons have inevitably expanded: it has been obliged to consider a great many more matters that now cross borders. What is the geographical reach of an American statute concerning, say, securities fraud, antitrust violations, or

copyright protections? And in deciding such matters, can the Court interpret American laws so that they might work more efficiently with similar laws in other nations? While Americans must necessarily determine their own laws through democratic process, increasingly, the smooth operation of American law--and, by extension, the advancement of American interests and values--depends on its working in harmony with that of other jurisdictions. Justice Breyer describes how the aim of cultivating such harmony, as well as the expansion of the rule of law overall, with its attendant benefits, has drawn American jurists into the relatively new role of "constitutional diplomats," a little remarked but increasingly important job for them in this fast-changing world."--Publisher's description.

This valuable book explains why schools, welfare agencies, and other important state and local institutions have come to be controlled by attorneys and judges rather than by governors and mayors. The authors discuss why this has resulted in worse service to the public and what can be done to restore control of these programs to elected--and accountable--officials. "A brilliant, well-written and brave account of how federal courts have distorted our political system by taking control of complex institutions like schools and prisons--sometimes for decades--instead of enforcing rights, which is their proper domain."--Diane Ravitch, New York University "A thought-provoking book about the fundamental issues of democracy, federalism, and separation of powers."--Ross Weiner, Legal Times "This book shows how well-meaning efforts to fix society's problems often fail because the judiciary is badly equipped to enforce such changes."--Jonathan Shapiro, Washington Post "An elegant volume."--Harvard Law Review

In an absorbing narrative about personalities and social history, Menand discusses the Metaphysical Club, an informal group that met in Cambridge, Massachusetts, in 1872, to talk about ideas. Members included Oliver Wendell Holmes, Jr., William James, and Charles Sanders Peirce. 21 photos.

In this remarkable book, a national bestseller in hardcover, Sandra Day O’Connor explores the law, her life as a Supreme Court Justice, and how the Court has evolved and continues to function, grow, and change as an American institution. Tracing some of the origins of American law through history, people, ideas, and landmark cases, O’Connor sheds new light on the basics, exploring through personal observation the evolution of the Court and American democratic traditions. Straight-talking, clear-eyed, inspiring, The Majesty of the Law is more than a reflection on O’Connor’s own experiences as the first female Justice of the Supreme Court; it also reveals some of the things she has learned and believes about American law and life—reflections gleaned over her years as one of the most powerful and inspiring women in American history.

An excellent introduction to judicial politics as a method of analysis, the seventh edition of Judicial Process and Judicial Policymaking focuses on policy in the judicial process. Rather than limiting the text to coverage of the U.S. Supreme Court, G. Alan Tarr examines the judiciary as the third branch of government, and weaves four major premises throughout the text: 1) Courts in the United States have always played an important role in governing and their role has increased in recent decades; 2) Judicial policymaking is a distinctive activity; 3) Courts make policy in a variety of ways; and 4) Courts may be the objects of public policy, as well as creators. New to the Seventh Edition ? New cases through the end of the Supreme Court's 2018 term. ? New case studies on the Garland-Gorsuch controversy; plea negotiation (of special relevance to the Trump administration); and the litigation over Obamacare, as well as brief coverage of the Kavanaugh confirmation. ? Expanded coverage of the crisis in the legal profession, sentencing with attention to the rise of mass incarceration and the issue of race, constitutional interpretation and the rise of "originalism," and same-sex marriage. ? Updated tables and figures throughout. ? A new online e-Resource including edited cases, a glossary of terms, and resources for further learning. This text is appropriate for all students of judicial process and policy.

Judge Bork shares a personal account of the Senate Judiciary Committee's hearing on his nomination as well as his view on politics versus the law. In The Tempting of America, one of our most distinguished legal minds offers a brilliant argument for the wisdom and necessity of interpreting the Constitution according to the “original understanding” of the Framers and the people for whom it was written. Widely hailed as the most important critique of the nation’s intellectual climate since The Closing of the American Mind, The Tempting of America illuminates the history of the Supreme Court and the underlying meaning of constitutional controversy. Essential to understanding the relationship between values and the law, it concludes with a personal account of Judge Bork’s chillingly emblematic experiences during the Senate Judiciary Committee’s hearing on his Supreme Court nomination.

The Constitution of the United States created a representative republic marked by federalism and the separation of powers. Yet numerous federal judges--led by the Supreme Court--have used the Constitution as a blank check to substitute their own views on hot-button issues such as abortion, capital punishment, and samesex marriage for perfectly constitutional laws enacted by We the People through our elected representatives. Now, The Politically Incorrect Guide(tm) to the Constitution shows that there is very little relationship between the Constitution as ratified by the thirteen original states more than two centuries ago and the "constitutional law" imposed upon us since then. Instead of the system of state-level decision makers and elected officials the Constitution was intended to create, judges have given us a highly centralized system in which bureaucrats and appointed--not elected--officials make most of the important policies.

From Brown v. Board of Education to Roe v. Wade to Bush v. Gore, the Supreme Court has, over the past fifty years, assumed an increasingly controversial place in American national political life. As the recurring struggles over nominations to the Court illustrate, few questions today divide our political community more profoundly than those concerning the Court's proper role as protector of liberties and guardian of the Constitution. If the nation is today in the midst of a "culture war," the contest over the Supreme Court is certainly one of its principal battlefields. In this volume, distinguished constitutional scholars aim to move debate beyond the sound bites that divide the opposing parties to more fundamental discussions about the nature of constitutionalism. Toward this end, the volume includes chapters on the philosophical and historical origins of the idea of constitutionalism; on theories of constitutionalism in American history in particular; on the practices of constitutionalism around the globe; and on the parallel emergence of--and the persistent tensions between--constitutionalism and democracy throughout the modern world. In democracies, the primary point of having a constitution is to place some matters beyond politics and partisan contest. And yet it seems equally clear that constitutionalism of this kind results in a struggle over the meaning or proper interpretation of the constitution, a struggle that is itself deeply political. Although the volume represents a variety of viewpoints and approaches, this struggle, which is the central paradox of constitutionalism, is the ultimate theme of all the essays.

Speech is the life blood of democracy, but only if we understand its true meaning, and its role in sustaining our government. Key texts from the U.S. Supreme Court, John Stuart Mill, Alexander Meiklejohn, Ida B. Wells and Charles Lawrence illuminate the

immediate questions and pressing issues of free speech. A Penguin Classic With the Penguin Liberty series by Penguin Classics, we look to the U.S. Constitution’s text and values, as well as to American history and some of the country’s most important thinkers, to discover the best explanations of our constitutional ideals of liberty. Through these curated anthologies of historical, political, and legal classic texts, Penguin Liberty offers everyday citizens the chance to hear the strongest defenses of these ideals, engage in constitutional interpretation, and gain new (or renewed) appreciation for the values that have long inspired the nation. Questions of liberty affect both our daily lives and our country’s values, from what we can say to whom we can marry, how society views us to how we determine our leaders. It is Americans’ great privilege that we live under a Constitution that both protects our liberty and allows us to debate what that liberty should mean.

The newest work from one of the most preeminent voices writing in the legal/political arena today, this important book presents a new conception of the relationship between free markets and social justice. The work begins with foundations--the appropriate role of existing "preferences," the importance of social norms, the question whether human goods are commensurable, and issues of distributional equity. Continuing with rights, the work shows that markets have only a partial but instrumental role in the protection of rights. The book concludes with a discussion on regulation, developing approaches that would promote both economic and democratic goals, especially in the context of risks to life and health. Free Markets and Social Justice develops seven basic themes during its discussion: the myth of laissez-faire; preference formation and social norms; the contextual character of choice; the importance of fair distribution; the diversity of human goods; how law can shape preferences; and the puzzles of human rationality. As the latest word from an internationally-renowned writer, this work will raise a number of important questions about economic analysis of law in its conventional form.