



# Historicism, Originalism and the Constitution

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# Historicism Progress And The Redemptive Constitution

**David A.J. Richards**



## **Historicism Progress And The Redemptive Constitution:**

**Law and the Humanities** Austin Sarat, Matthew Daniel Anderson, Cathrine O. Frank, 2010 A review and analysis of existing scholarship on the different national traditions and on the various modes and subjects of law and humanities

**Populist Challenges to Constitutional Interpretation in Europe and Beyond** Fruzsina Gárdos-Orosz, Zoltán Szente, 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

Regime Interaction in International Law Margaret A. Young, 2012-01-12 Leading scholars advance the discussion of international law s fragmentation in new and provocative ways

**Law's Infamy** Austin Sarat, Lawrence Douglas, Martha M. Umphrey, 2021-12-21 This book takes up the question of whether and how to tell the story of the law s infamy It examines when and why the word infamy should be used to characterize legal decisions or actions taken in the name of the law It does so while acknowledging that law s infamy by no means a familiar locution More commonly the stories we tell of law s failures talk of injustices not infamy Labelling a legal decision infamous suggests a distinctive kind of injustice one which is particularly evil or wicked Doing so means that such a decision cannot be redeemed or reformed it can only be repudiated

*Living Originalism* Jack M. Balkin, 2014-09-01 Originalism and living constitutionalism often seen as opposing views are not in conflict So argues Jack Balkin a leading constitutional scholar in this long awaited book Step by step Balkin shows how both liberals and conservatives play important roles in constitutional construction and offers a way past the angry polemics of our era

*Free Trade and Cultural Diversity in International Law* Jingxia Shi, 2013-04-30 This book attempts to reconcile

the concept of free trade with a key non trade social value cultural diversity in an era of economic globalization [Index to Legal Periodicals & Books](#) ,2005 *Inaugural Vinson & Elkins LLP--Howard Law Journal Symposium* ,2007 [Subject Index to Periodicals](#) ,2008 [The Philosopher's Index](#) ,1979 Vols for 1969 include a section of abstracts [Domus Gio Ponti](#),1986 *Redemptive History* Christina M. Smerick,1998 **Progress and the Constitution** Newton Diehl Baker,1925 *Conscience and the Constitution* David A.J. Richards,2014-07-14 At stage center of the American drama maintains David A J Richards is the attempt to understand the implications of the Reconstruction Amendments Amendments Thirteen Fourteen and Fifteen to the United States Constitution Richards evaluates previous efforts to interpret the amendments and then proposes his own view together the amendments embodied a self conscious rebirth of America s revolutionary rights based constitutionalism Building on an approach to constitutional law developed in his *Toleration and the Constitution and Foundations of American Constitutionalism* Richards links history law and political theory In *Conscience and the Constitution* this method leads from an analysis of the Reconstruction Amendments to a broad discussion of the American constitutional system as a whole Richards s interpretation focuses on the abolitionists and their radical commitment to the dissenting conscience In his view the Reconstruction Amendments expressed not only the constitutional arguments of a particular historical period but also a general political theory developed by the abolitionists who restructured the American political community in terms of respect for universal human rights He argues further that the amendments make a claim on our generation to keep faith with the vision of the founders of 1865 In specific terms he points out what such allegiance would mean in the context of present day constitutional issues Originally published in 1993 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905 [The History of Constitutional Progress ...](#) G. O. Bellewes,W. H. Devenish,1887 **Liberty, Property, and Government** Ellen Frankel Paul,Howard Dickman,1989-07-03 This book examines the constitutional protection of economic rights through the nineteenth century and the first three decades of the twentieth The authors grapple with such questions as how should the commerce clause be interpreted To what extent did the historical development of eminent domain law depart from the rhetoric of takings jurisprudence How was the Constitution connected to economic growth in the nineteenth century What was the effect of the post civil War constitutional amendments How did the right to contract affect government attempts to balance private rights with the public good What was the reaction of leading constitutional theorists to the dominance of a laissez fair philosophy in the Court and the nation at the turn of the century **William Howard Taft's Constitutional Progressivism** Kevin J. Burns,2021-05-26 In William Howard Taft s Constitutional Progressivism

Kevin J Burns makes a compelling case that Taft's devotion to the Constitution of 1787 contributed to his progressivism. In contrast to the majority of scholarship which has viewed Taft as a reactionary conservative because of his constitutionalism, Burns explores the ways Taft's commitment to both the Constitution and progressivism drove his political career and the decisions he made as president and chief justice. Taft saw the Constitution playing a positive role in American political life, recognizing that it created a national government strong enough to enact broad progressive reforms. In reevaluating Taft's career, Burns highlights how Taft rejected the *laissez faire* school which taught that the Government ought to do nothing but run a police force. Recognizing that the massive industrial changes following the Civil War had created a plethora of socioeconomic ills, Taft worked to expand the national government's initiatives in the fields of trust busting, land conservation, tariff reform, railroad regulation, and worker safety law. Burns offers a fuller understanding of Taft and his political project by emphasizing Taft's belief that the Constitution could play a constructive role in American political life by empowering the government to act and by undergirding and protecting the reform legislation the government implemented. Moreover, Taft recognized that if the Constitution could come to the aid of progressivism, political reform might also redound to the benefit of the Constitution by showing its continued relevance and workability in modern America. Although Taft's efforts to promote significant policy level reforms attest to his progressivism, his major contribution to American political thought is his understanding of the US Constitution as a fundamental law, not a policy oriented document. In many ways, Taft can be thought of as an originalist, yet his originalism was marked by a belief in robust national powers. Taft's constitutionalism remains relevant because while his principles seem foreign to modern legal discourse, his constitutional vision offers an alternative to contemporary political divisions by combining political progressivism, liberalism with constitutional conservatism.

**Progress and the Constitution...** Newton D.. Baker, 1925

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