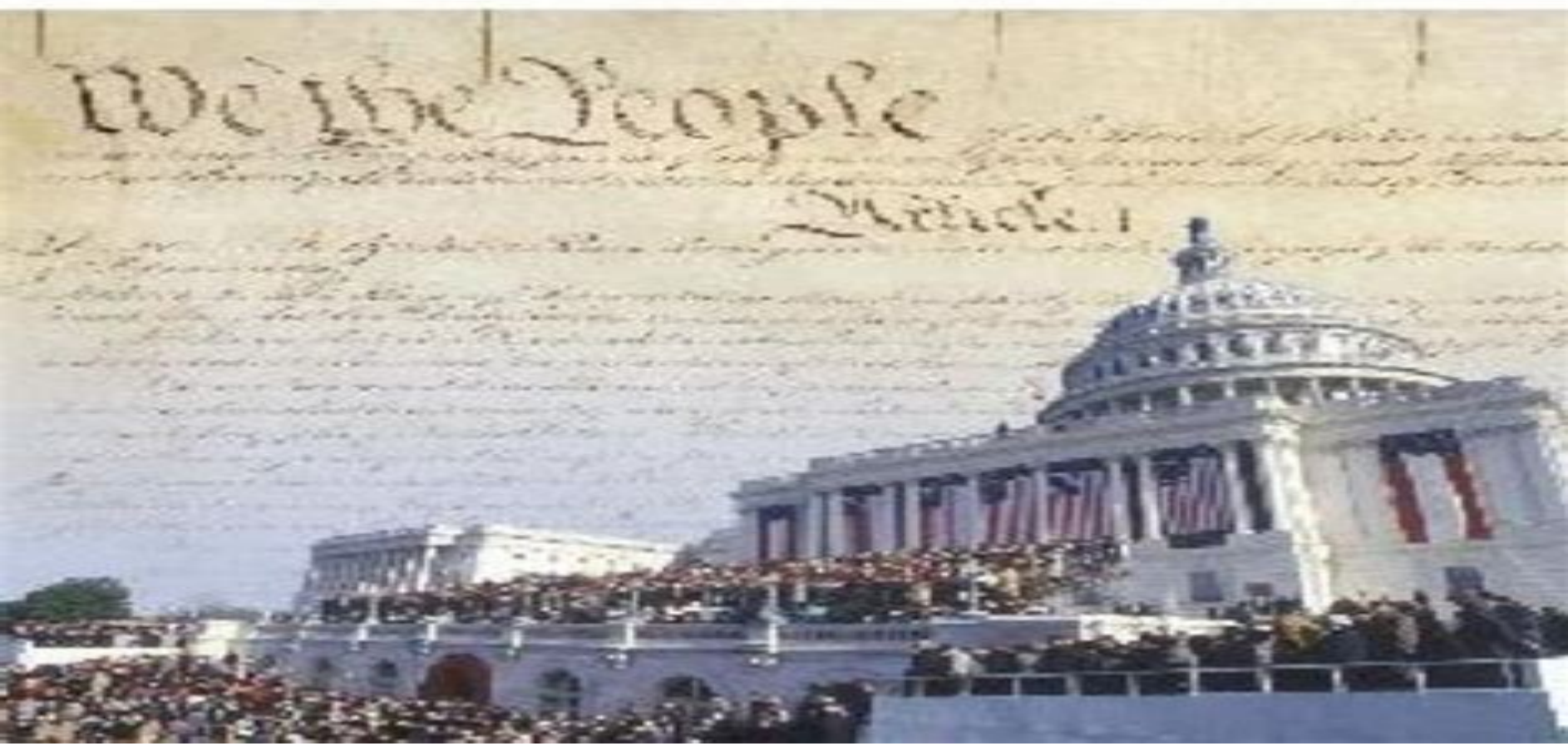

PEOPLING THE CONSTITUTION

JOHN E. FINN



Peopling The Constitution

Sotirios Barber



Peopling The Constitution:

Peopling the Constitution John E. Finn, 2014-03-24 The U S Constitution begins with the soaring words We the People but we the people have little to do with the document as most of us have come to know it When most people think of the constitution they think of it as a legal instrument the province of judges and lawyers who alone possess the expertise and knowledge necessary to discern its elusive and complex meaning This book outlines a very different view of the Constitution as a moral and philosophical statement about who we are as a nation This Civic Constitution constitutes us as a civic body politic transforming the people into a singular political entity Juxtaposing this view with the legal model the Juridic Constitution John E Finn offers a comprehensive account of the Civic Constitution as a public affirmation of the shared principles of national self identity and as a particular vision of political community in which we the people play a significant and ongoing role in achieving a constitutional way of life The Civic Constitution is the constitution of dialogical engagement of contested meanings of political principles of education of conversation Peopling the Constitution seeks nothing less than a new interpretation of the American constitutional project in an effort to revive a robust understanding of citizenship It considers the entire constitutional project from its founding and maintenance to its failure with insights into topics ranging from the practice of deliberative democracy and the meaning of citizenship to constitutional fidelity civic virtue the separation of powers federalism and constitutional interpretation The Civic Constitution in Finn s telling is primarily a political project requiring an active engaged and most importantly constitutionally educated citizenry committed to the civic virtues of civility and tending When we as citizens are unwilling or unable to tend to and sustain the Constitution and when constitutional questions reduce to legal questions and obscure civic interests constitutional rot results And in post 9 11 America Finn argues constitutional rot has begun to set in With its multi dimensional vision of constitutional governance Finn s book stands as a corrective to accounts that locate the Constitution in and conceive it essentially as a legal instrument making a powerful and impassioned argument for restoring the people to their rightful place in the politics and practice of the Constitution

Fracturing the Founding John E. Finn, 2019-03-15 Many in the radical right including the Tea Party the militia movement the Alt right Christian nationalists the Oath Keepers neo Nazis and a host of others brand themselves as constitutional patriots In Fracturing the Founding How the Alt Right Corrupts the Constitution John E Finn one of America s leading constitutional scholars argues that these professions of constitutional devotion serve an important function in mainstreaming the radical right s ideological and policy agenda to camouflage its racism bigotry and sexism to appeal to a broader audience The constitution the extreme right holds as its faith is an odd admixture of the forgotten the rejected the racist and the bizarre Finn illuminates the central precepts of the Alt constitution and shows how and where it differs from the true American Constitution The differences are disturbing The Alt constitution emphasizes absolute rights and unassailable liberties especially for freedom of speech and guns no matter the public interest states rights and a

corresponding suspicion of the federal government racial classifications recognized and legitimated by law and privilege for white Christians Finn's book will appeal to all readers interested in contemporary American politics the contemporary radical right the Founding and the history of America's constitution The Oxford Handbook of the U.S. Constitution Mark Tushnet, Mark A. Graber, Sanford Levinson, 2015-07-31 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis The historical essays included in this Handbook cover the Constitution from 1620 right through the Reagan Revolution to the present Essays on political science detail how contemporary citizens in the United States rely extensively on political parties interest groups and bureaucrats to operate a constitution designed to prevent the rise of parties interest group politics and an entrenched bureaucracy The essays on law explore how contemporary citizens appear to expect and accept the exertions of power by a Supreme Court whose members are increasingly disconnected from the world of practical politics Essays on rights discuss how contemporary citizens living in a diverse multi racial society seek guidance on the meaning of liberty and equality from a Constitution designed for a society in which all politically relevant persons shared the same race gender religion and ethnicity Lastly the essays on themes explain how in a globalized world people living in the United States can continue to be governed by a constitution originally meant for a society geographically separated from the rest of the civilized world Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today *Prohibition, the Constitution, and States' Rights* Sean Beienburg, 2019-06-27 Colorado's legalization of marijuana spurred intense debate about the extent to which the Constitution preempts state enacted laws and statutes Colorado's legal cannabis program generated a strange scenario in which many politicians including many who freely invoke the Tenth Amendment seemed to be attacking the progressive state for asserting states rights Unusual as this may seem this has happened before in the early part of the twentieth century as America concluded a decades long struggle over the suppression of alcohol during Prohibition Sean Beienburg recovers a largely forgotten constitutional debate revealing how Prohibition became a battlefield on which skirmishes of American political development including the debate over federalism and states rights were fought Beienburg focuses on the massive extension of federal authority involved in Prohibition and the passage of the Eighteenth Amendment describing the roles and reactions of not just Congress the presidents and the Supreme Court but political actors throughout the states who jockeyed with one another to claim fidelity to the Tenth Amendment while reviling nationalism and nullification alike The most comprehensive treatment of the constitutional debate over Prohibition to date the book concludes with a discussion of the

parallels and differences between Prohibition in the 1920s and debates about the legalization of marijuana today *The Cycles of Constitutional Time* J. M. Balkin, 2020 *The Cycles of Constitutional Time* shows where American democracy has been and projects where it is going Jack Balkin explains why our politics seems so dysfunctional and why fights over the courts seem so bitter and unhinged He portrays our present troubles in terms of longer constitutional trends In doing so he also offers a message of hope for the future The same trends that put us in this predicament are slowly changing Our political system can get better if Americans mobilize to change it

The Founders and the Idea of a National University George Thomas, 2015 *Constituting the American Mind* is about early efforts to establish a national university and what those efforts say about the nature and logic of American Constitutionalism This book offers the first in depth study of the efforts to establish a national university from a constitutional perspective While mostly noted in passing the national university was put forward by every president from Washington to John Quincy Adams as a necessary supplement to the formal institutions of government it would help constitute the American mind in a manner that carried forward the ideas the constitution rested on including for example the separation of the civic from the theological

Cords of Affection Emily Pears, 2022-01-05 In *Cords of Affection Constructing Constitutional Union in Early American History* Emily Pears investigates efforts by the founding generation s leadership to construct and strengthen political attachments in and among the citizens of the new republic These emotional connections between citizens and their institutions were critical to the success of the new nation The founders recognized that attachments do not form automatically and require constant tending Emily Pears defines and develops a theory of political attachments based on an analysis of the approaches used in the founding era In particular she identifies three methods of political attachment a utilitarian method a cultural method and a participatory method *Cords of Affection* offers a comparative analysis of the theories and projects undertaken by a wide array of political leaders in the early republic and antebellum periods that exemplify each of the three methods The work includes new historical analysis of the implementation of projects of nationalism and attachment ranging from data on federal funding for internal improvements to analysis of Whig orations In *Cords of Affection* Emily Pears offers lessons from history about the strengths weaknesses and pitfalls of various approaches to constructing national political attachments Twenty first century Americans attachments to their national government have waned While there are multiple narratives of this decline they all have the same core element a citizenry unwilling to uphold the norms and institutions of American democracy in the face of challenge When a demagogue or a populist movement or a foreign power threatens action that undermines American democracy citizens will not come to its defense Citizens cheer their own side regardless of the means it uses or they are simply apathetic to the role that institutions and institutional constraints play in keeping us all free and equal At worst Americans have come to regard their inherited constitutional foundations as unjust biased or ill equipped for the modern world and the notion of a shared political community as prejudicial and old fashioned They feel little sense of attachment to the American regime By

contrast the lessons in Cords of Affection allow us to consider a broader array of possible tools for the maintenance of today's political attachments

Constitutional Failure Sotirios Barber, 2014-08-25 Americans err in thinking that while their politics may be ailing their Constitution is fine Sick politics is a sure sign of constitutional failure This is Sotirios Barber's message in Constitutional Failure Public attitudes fostered by a consumer culture constitution worship the lack of a trusted leadership community and academic historicism and value skepticism these this book tells us in clear and bracing terms are at the root of our political dysfunction Barber characterizes the Constitution as a plan of government a set of means to public purposes like national security and prosperity He argues that if the government is failing it's fair to conclude that the plan is failing and that laws that are supposed to serve as means can't in reason continue to bind when they no longer work He argues further that constitutional success depends ultimately on a stratum of diverse and self-critical citizens who see each other as moral equals and parts of one national community These citizens with the politicians among them would be good faith contestants regarding the meaning of the common good and the most effective means to secure it In this way showing how the success of a constitutional democracy is more a matter of political attitudes than of institutional performance Barber's book upends the conventional understanding of constitutional failure In Barber's analysis the apparent stability of formal constitutional institutions usually interpreted as evidence of constitutional health may actually indicate the defining element of constitutional failure a mentally inert citizenry no longer capable of constitutional reflection and reform At once concise and thorough in its analysis of the concept of constitutional failure and its accounts of a healthy politics the corrosive impact of Madisonian checks and balances as a substitute for trustworthy leadership and the outlook for meaningful reform this book offers a carefully reasoned and provocative assessment of the viability of constitutional governance in the United States

Comparative Constitutional Theory Gary Jacobsohn, Miguel Schor, 2018-02-23 The need for innovative thinking about alternative constitutional experiences is evident and readers of Comparative Constitutional Theory will find in its pages a compendium of original theory-driven essays The authors use a variety of theoretical perspectives to explore the diversity of global constitutional experience in a post-1989 world prominently marked by momentous transitions from authoritarianism to democracy by multiple constitutional revolutions and devolutions by the increased penetration of international law into national jurisdictions and by the enhancement of supra-national institutions of governance

The Law of Population Michael Thomas Sadler, 1830

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