



# On Constitutional Disobedience

By Louis Michael Seidman

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English . Brand New. What would the Framers of the

Constitution make of multinational corporations? Nuclear

weapons? Gay marriage? They led a preindustrial country,

much of it dependent on slave labor, huddled on the Atlantic

seaboard. The Founders saw society as essentially hierarchical,

led naturally by landed gentry like themselves. Yet we still obey

their commands, two centuries and one civil war later.

According to Louis Michael Seidman, it's time to stop. In

On Constitutional Disobedience, Seidman argues that, in order to

bring our basic law up to date, it needs benign neglect. This is a

highly controversial assertion. The doctrine of original intent

may be found on the far right, but the entire political spectrum

- left and right - shares a deep reverence for the Constitution.

And yet, Seidman reminds us, disobedience is the original

intent of the Constitution. The Philadelphia convention had

gathered to amend the Articles of Confederation, not toss them

out and start afresh. The living Constitution school tries to

bridge the gap between the framers and ourselves by

reinterpreting the text in light of modern society...



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