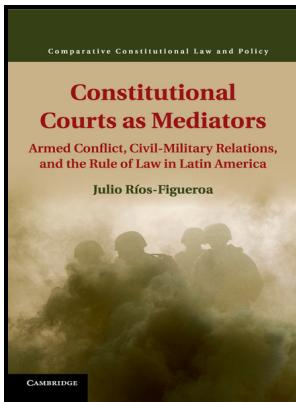


Constitutionalism in America - origin and evolution of its fundamental ideas

Blaisdell Pub. Co. - Constitutionalism



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Constitutionalism in America : origin and evolution of its fundamental ideas : Sutherland, Arthur E., 1902

Among the ways in which one might be able to determine that constitutional authors did not intend, or would not have wished to endorse, a particular concrete application or result suggested by the original public understanding of a constitutional provision is by appeal to the general goals or purposes we have reason to believe they intended to achieve in enacting what they did.

tools.github.ffxiv.cn

All constitutional theorists will agree that constitutions typically enshrine, indeed entrench, a range of moral and political commitments to values like democracy, equality, free expression, and the rule of law.

Democracy and the Origins of the US Constitution

Sometimes these goals and purposes, often called further intentions, are explicitly expressed in the preamble to a constitution, as is often true in the case of ordinary statutes.

[PDF] THE AMERICAN CONSTITUTION ITS ORIGINS AND DEVELOPMENT

STANDARD 1 The causes of the American Revolution, the ideas and interests involved in forging the revolutionary movement, and the reasons for the American victory.

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The majority of pages are undamaged with minimal creasing or tearing, minimal pencil underlining of text, no highlighting of text, no writing in margins. One strand within living constitutionalism, upon which we will focus below, stresses the extent to which constitutional interpretation resembles the kind of reasoning that takes place in other areas of the law pertaining to common law legal systems, such as the law of contracts and torts.

Should it turn out, for instance, that original public understanding leads to unforeseen applications or results that we have good historical evidence to believe the authors did not intend, or would have flatly rejected had they known what we now know, an originalist might allow such actual or hypothetical intentions to override original public understandings. Second, even if we could single out an acceptable set of purposes, values and applications from which our hypothetical inquiry could proceed, it seems unlikely that there will always be a uniquely correct answer to the counterfactual question of what the authors would have wanted or intended to be done in light of these factors. *Defending Liberty: The Case for a New Bill of Rights*.

Constitutionalism (Stanford Encyclopedia of Philosophy)

Both experience with state constitutions before and after the federal constitution as well as the emergence and operation of the latter reflect an ongoing struggle over the idea that all governments in America rested on the sovereignty of the people for their legitimacy. Not all constitutional theorists believe that the sole or overriding role of a constitution is to set a stable, neutral framework for the rough and tumble of partisan law and politics.

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