

Fault Lines In The Constitution

A lyrically told, exquisitely illustrated biography of influential Jewish artist and activist Ben Shahn “The first thing I can remember,” Ben said, “I drew.” As an observant child growing up in Lithuania, Ben Shahn yearns to draw everything he sees—and, after seeing his father banished by the Czar for demanding workers’ rights, he develops a keen sense of justice, too. So when Ben and the rest of his family make their way to America, Ben brings both his sharp artistic eye and his desire to fight for what’s right. As he grows, he speaks for justice through his art—by disarming classmates who bully him because he’s Jewish, by defying his teachers’ insistence that he paint beautiful landscapes rather than true stories, by urging the US government to pass Depression-era laws to help people find food and jobs. In this moving and timely portrait, award-winning author Cynthia Levinson and illustrator Evan Turk honor an artist, immigrant, and activist whose work still resonates today: a true painter for the people.

The master of the visual mash-up returns with his signature idiosyncratic take on the constitution R. Sikoryak is the master of the pop culture pastiche. In Masterpiece Comics, he interpreted classic literature with defining twentieth-century comics. With Terms and Conditions, he made the unreadable contract that everyone signs, and no one reads, readable. He employs his magic yet again to investigate the very framework of the country with Constitution Illustrated. By visually interpreting the complete text of the supreme law

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of the land with more than a century of American pop culture icons, Sikoryak distills the very essence of the government legalese from the abstract to the tangible, the historical to the contemporary. Among Sikoryak's spot-on unions of government articles and amendments with famous comic-book characters: the Eighteenth Amendment that instituted prohibition is articulated with Homer Simpson running from Chief Wiggum; the Fourteenth Amendment that solidifies citizenship to all people born and naturalized in the United States is personified by Ms. Marvel; and, of course, the Nineteenth Amendment offering women the right to vote is a glorious depiction of Wonder Woman breaking free from her chains. American artists from George Herriman (Krazy Kat) and Charles Schulz (Peanuts) to Raina Telgemeier (Sisters) and Alison Bechdel (Dykes to Watch Out For) are homaged, with their characters reimagined in historical costumes and situations. We the People has never been more apt.

"With insight, wisdom, affection, and concern, Sunstein has written the story of impeachment every citizen needs to know. This is a remarkable, essential book." —Doris Kearns Goodwin

No one is above the law, not even the president. Impeachment is the most potent tool the founders gave us to ensure it, and yet few of us even know how it works. As Benjamin Franklin famously put it, Americans have a republic, if we can keep it. Preserving the Constitution and the democratic system it supports is the public's responsibility. One route the Constitution provides for discharging that duty--a route rarely traveled--is impeachment. Expanding beyond violations

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of the law, impeachment was meant to defend against any action that would undermine the foundations of our republic. Harvard Law professor Cass R. Sunstein provides a succinct citizen's guide to this essential tool of self-government. Taking us deeper than mere partisan politics, he illuminates the constitutional design behind impeachment and emphasizes the people's role in holding presidents accountable. In spite of the loud national debate over whether or not the House is right to impeach Trump, impeachment itself remains widely misunderstood. Sunstein identifies and corrects a number of common misconceptions, and describes how impeachment helps is an essential piece of our constitutional order, and a crucial part of the framers' decision to install an empowered executive in a nation deeply fearful of kings. With an eye toward the past and the future, *Impeachment: A Citizen's Guide* considers a host of actual and imaginable arguments for a president's removal, explaining why some cases are easy and others hard, why some arguments for impeachment have been judicious and others not. And with an afterword and appendix on the current impeachment, it puts the national debate in its proper historical context. In direct and approachable terms, it is a guide through the treacherous waters of the impeachment process so that Americans of all political convictions may use their ultimate civic authority wisely. Who controls American immigration policy? The biggest immigration controversies of the last decade have all involved policies produced by the President policies such as President Obama's decision to protect Dreamers from

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deportation and President Trump's proclamation banning immigrants from several majority-Muslim nations. While critics of these policies have been separated by a vast ideological chasm, their broadsides have embodied the same widely shared belief: that Congress, not the President, ought to dictate who may come to the United States and who will be forced to leave. This belief is a myth. In *The President and Immigration Law*, Adam B. Cox and Cristina M. Rodríguez chronicle the untold story of how, over the course of two centuries, the President became our immigration policymaker-in-chief. Diving deep into the history of American immigration policy from founding-era disputes over deporting sympathizers with France to contemporary debates about asylum-seekers at the Southern border they show how migration crises, real or imagined, have empowered presidents. Far more importantly, they also uncover how the Executive's ordinary power to decide when to enforce the law, and against whom, has become an extraordinarily powerful vehicle for making immigration policy. This pathbreaking account helps us understand how the United States has come to run an enormous shadow immigration system—one in which nearly half of all noncitizens in the country are living in violation of the law. It also provides a blueprint for reform, one that accepts rather than laments the role the President plays in shaping the national community, while also outlining strategies to curb the abuse of law enforcement authority in immigration and beyond.

What will happen to American democracy? The nation's past holds vital clues for understanding where we are

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now and where we are headed. In *The Cycles of Constitutional Time*, the eminent constitutional theorist Jack Balkin explains how America's constitutional system changes through the interplay among three cycles: the rise and fall of dominant political parties, the waxing and waning of political polarization, and alternating episodes of constitutional decay and constitutional renewal. If America's politics seems especially fraught today, it is because we are nearing the end of the Republican Party's political dominance, at the height of a long cycle of political polarization, and suffering from an advanced case of what he calls "constitutional rot." In fact, when people talk about constitutional crisis, Balkin explains, they are usually describing constitutional rot--the historical process through which republics become less representative and less devoted to the common good. Brought on by increasing economic inequality and loss of trust, constitutional rot threatens our constitutional system. But Balkin offers a message of hope: We have been through these cycles before, and we will get through them again. He describes what our politics will look like as polarization lessens and constitutional rot recedes. Balkin also explains how the cycles of constitutional time shape the work of the federal courts and theories about constitutional interpretation. He shows how the political parties have switched sides on judicial review not once but twice in the twentieth century, and what struggles over judicial review will look like in the coming decades. Drawing on literatures from history, law, and political science, this is a fascinating ride through American

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history with important lessons for the present and the future.

How a more positive form of identity politics can restore public trust in government. Illiberalism, Thomas Main writes, is the basic repudiation of liberal democracy, the very foundation on which the United States rests. It says no to electoral democracy, human rights, the rule of law, toleration. It is a political ideology that finds expression in such older right-wing extremist groups as the Ku Klux Klan and white supremacists and more recently among the Alt-Right and the Dark Enlightenment. There are also left-of-center illiberal movements, including various forms of communism, anarchism, and some antifascist movements. The Rise of Illiberalism explores the philosophical underpinnings of this toxic political ideology and documents how it has infiltrated the mainstream of political discourse in the United States. By the early twenty-first century, Main writes, liberal democracy's failure to deal adequately with social problems created a space illiberal movements could exploit to promote their particular brands of identity politics as an alternative. A critical need thus is for what the author calls "positive identity politics," or a widely shared sense of community that gives a feeling of equal importance to all sectors of society. Achieving this goal will, however, be an enormous challenge. In seeking actionable remedies for the broken political system of the United States, this book makes a major scholarly contribution to current debates about the future of liberal democracy.

Arguments over constitutional interpretation increasingly highlight the full range of political, moral, and cultural

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fault lines in American society. Yet all the contending parties claim fealty to the Constitution. This volume brings together some of America's leading scholars of constitutional originalism to reflect on the nature and significance of various approaches to constitutional interpretation and controversies. Throughout the book, the contributors highlight the moral and political dimensions of constitutional interpretation. In doing so, they bring constitutional interpretation and its attendant disputes down from the clouds, showing their relationship to the concerns of the citizen. In addition to matters of interpretation, the book deals with the proper role of the judiciary in a free society, the relationship of law to politics, and the relationship of constitutional originalism to the deepest concerns of political thought and philosophy.

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The Framers, Their Fights, and the Flaws that Affect Us Today
Peachtree Publishers
A constitutional originalist sounds the alarm over the presidency's ever-expanding powers, ascribing them unexpectedly to the liberal embrace of a living Constitution. Liberal scholars and politicians routinely denounce the imperial presidency—a self-aggrandizing executive that has progressively sidelined Congress. Yet the same people invariably extol the virtues of a living Constitution, whose meaning adapts with the times. Saikrishna Bangalore Prakash argues that these stances are fundamentally incompatible. A constitution prone to informal amendment systematically favors the executive and ensures that there are no enduring constraints on executive power. In this careful study, Prakash contends

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that an originalist interpretation of the Constitution can rein in the “living presidency” legitimated by the living Constitution. No one who reads the Constitution would conclude that presidents may declare war, legislate by fiat, and make treaties without the Senate. Yet presidents do all these things. They get away with it, Prakash argues, because Congress, the courts, and the public routinely excuse these violations. With the passage of time, these transgressions are treated as informal constitutional amendments. The result is an executive increasingly liberated from the Constitution. The solution is originalism. Though often associated with conservative goals, originalism in Prakash’s argument should appeal to Republicans and Democrats alike, as almost all Americans decry the presidency’s stunning expansion. The Living Presidency proposes a baker’s dozen of reforms, all of which could be enacted if only Congress asserted its lawful authority.

The inspiring story of one of the greatest moments in civil rights history seen through the eyes of four young people at the center of the action. The 1963 Birmingham Children’s March was a turning point in American history. In the streets of Birmingham, Alabama, the fight for civil rights lay in the hands of children like Audrey Hendricks, Wash Booker, James Stewart, and Arnetta Streeter. *We’ve Got a Job* tells the little-known story of the 4,000 black elementary, middle, and high school students who voluntarily went to jail between May 2 and May 11, 1963. The children succeeded—where adults had failed—in desegregating one of the most racially violent cities in America. By combining in-depth, one-on-

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one interviews and extensive research, author Cynthia Levinson recreates the events of the Birmingham Children's March from a new and very personal perspective.

It is no longer controversial that the American political system has become deeply dysfunctional. Today, only slightly more than a quarter of Americans believe the country is heading in the right direction, while sixty-three percent believe we are on a downward slope. The top twenty words used to describe the past year include "chaotic," "turbulent," and "disastrous." Donald Trump's improbable rise to power and his 2016 Electoral College victory placed America's political dysfunction in an especially troubling light, but given the extreme polarization of contemporary politics, the outlook would have been grim even if Hillary Clinton had won. The greatest upset in American presidential history is only a symptom of deeper problems of political culture and constitutional design. *Democracy and Dysfunction* brings together two of the leading constitutional law scholars of our time, Sanford Levinson and Jack M. Balkin, in an urgently needed conversation that seeks to uncover the underlying causes of our current crisis and their meaning for American democracy. In a series of letters exchanged over a period of two years, Levinson and Balkin travel—along with the rest of the country—through the convulsions of the 2016 election and Trump's first year in office. They disagree about the scope of the crisis and the remedy required. Levinson believes that our Constitution is fundamentally defective and argues for a new constitutional convention, while

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Balkin, who believes we are suffering from constitutional rot, argues that there are less radical solutions. As it becomes dangerously clear that Americans—and the world—will be living with the consequences of this pivotal period for many years to come, it is imperative that we understand how we got here—and how we might forestall the next demagogue who will seek to beguile the American public.

A bold and urgent perspective on how American foreign policy must change in response to the shifting world order of the twenty-first century, from the New York Times bestselling author of *The Limits of Power* and *The Age of Illusions*. The purpose of U.S. foreign policy has, at least theoretically, been to keep Americans safe. Yet as we confront a radically changed world, it has become indisputably clear that the terms of that policy have failed. Washington's insistence that a market economy is compatible with the common good, its faith in the idea of the "West" and its "special relationships," its conviction that global military primacy is the key to a stable and sustainable world order—these have brought endless wars and a succession of moral and material disasters. In a bold reconception of America's place in the world, informed by thinking from across the political spectrum, Andrew J. Bacevich—founder and president of the Quincy Institute for Responsible Statecraft, a bipartisan Washington think tank dedicated to foreign policy—lays down a new approach—one that is based on moral pragmatism, mutual coexistence, and war as a last resort. Confronting the threats of the future—accelerating climate change, a shift in the international balance of

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power, and the ascendance of information technology over brute weapons of war—his vision calls for nothing less than a profound overhaul of our understanding of national security. Crucial and provocative, *After the Apocalypse* sets out new principles to guide the once-but-no-longer sole superpower as it navigates a transformed world.

Marcus is stumped by a summer assignment: to write an essay on what it means to be a citizen. He's surprised to hear from people in his community that constitutions play an important role when it comes to citizenship—they can even affect whether you feel like you belong in your country or not. From a Kosovo Albanian neighbor to a Rwandan exchange student, and even in his own family history, Marcus discovers stories of how constitutions—including the U.S. Constitution—shape the political landscape and our daily lives. From Beka Feathers, an expert in post-conflict institution building, and Kasia Babis, an accomplished political cartoonist, comes a graphic novel that gives context to the modern issues that arise from constitutions. With historical examples from all over the world, *Re: Constitutions* examines how this essential document defines a nation's identity and the rights of its citizens.

The Constitution of Kenya provides an in-depth assessment of the interface between constitutionalism and Kenya's new Constitution.

From journalist and historian Richard Kreitner, a "powerful revisionist account" of the most persistent idea in American history: these supposedly United States should be broken up (Eric Foner). The novel and fiery

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thesis of *Break It Up* is simple: The United States has never lived up to its name—and never will. The disunionist impulse may have found its greatest expression in the Civil War, but as *Break It Up* shows, the seduction of secession wasn't limited to the South or the nineteenth century. It was there at our founding and has never gone away. With a scholar's command and a journalist's curiosity, Richard Kreitner takes readers on a revolutionary journey through American history, revealing the power and persistence of disunion movements in every era and region. Each New England town after Plymouth was a secession from another; the thirteen colonies viewed their Union as a means to the end of securing independence, not an end in itself; George Washington feared separatism west of the Alleghenies; Aaron Burr schemed to set up a new empire; John Quincy Adams brought a Massachusetts town's petition for dissolving the United States to the floor of Congress; and abolitionist William Lloyd Garrison denounced the Constitution as a pro-slavery pact with the devil. From the "cold civil war" that pits partisans against one another to the modern secession movements in California and Texas, the divisions that threaten to tear America apart today have centuries-old roots in the earliest days of our Republic. Richly researched and persuasively argued, *Break It Up* will help readers make fresh sense of our fractured age. According to a commonplace narrative, the rise of modern political thought in the West resulted from secularization—the exclusion of religious arguments from political discourse. But in this pathbreaking work Eric

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Nelson argues that this familiar story is wrong. Instead, he contends, political thought in early-modern Europe became less, not more, secular with time, and it was the Christian encounter with Hebrew sources that provoked this radical transformation. During the sixteenth and seventeenth centuries, Christian scholars began to regard the Hebrew Bible as a political constitution designed by God for the children of Israel. Newly available rabbinic materials became authoritative guides to the institutions and practices of the perfect republic. This thinking resulted in a sweeping reorientation of political commitments. In the book's central chapters Nelson identifies three transformative claims introduced into European political theory by the Hebrew revival: the argument that republics are the only legitimate regimes; the idea that the state should coercively maintain an egalitarian distribution of property; and the belief that a godly republic would tolerate religious diversity. One major consequence of Nelson's work is that the revolutionary politics of John Milton, James Harrington, and Thomas Hobbes appear in a brand-new light. Nelson demonstrates that central features of modern political thought emerged from an attempt to emulate a constitution designed by God. This paradox, a reminder that while we may live in a secular age, we owe our politics to an age of religious fervor, in turn illuminates fault lines in contemporary political discourse.

The Ground Is Moving The death of George Floyd at the hands of police in the summer of 2020 shocked the nation. As riots rocked American cities, Christians affirmed from the pulpit and in social media that "black

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lives matter” and that racial justice “is a gospel issue.” But what if there is more to the social justice movement than those Christians understand? Even worse: What if they’ve been duped into preaching ideas that actually oppose the Kingdom of God? In this powerful book, Voddie Baucham, a preacher, professor, and cultural apologist, explains the sinister worldview behind the social justice movement and Critical Race Theory—revealing how it already has infiltrated some seminaries, leading to internal denominational conflict, canceled careers, and lost livelihoods. Like a fault line, it threatens American culture in general—and the evangelical church in particular. Whether you’re a layperson who has woken up in a strange new world and wonders how to engage sensitively and effectively in the conversation on race or a pastor who is grappling with a polarized congregation, this book offers the clarity and understanding to either hold your ground or reclaim it. Following in the footsteps of the highly successful *Queer: A Graphic History*, illustrator Jules Scheele teams up with Dr Laura Locker in this comic-book introduction to the political history of the Land of Opportunity. How did a political outsider like Trump win the 2016 presidential election? Why do some Americans feel so strongly about gun rights? Is there a role for more than two political parties in the system? Politics isn’t something that just occurs in the West Wing or the gleaming Capitol building – it comes from the interaction between state and society, the American people living their daily lives. In this unique graphic guide, we follow modern citizens as they explore everything from the United States’ political

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culture, the Constitution and the balance of power, to social movements, the role of the media, and tensions over race, immigration, and LGBT rights. Step right up, and see what lies beneath the pageantry and headlines of this great nation.

A landmark work of more than one hundred scholars, *The Heritage Guide to the Constitution* is a unique line-by-line analysis explaining every clause of America's founding charter and its contemporary meaning. In this fully revised second edition, leading scholars in law, history, and public policy offer more than two hundred updated and incisive essays on every clause of the Constitution. From the stirring words of the Preamble to the Twenty-seventh Amendment, you will gain new insights into the ideas that made America, important debates that continue from our Founding, and the Constitution's true meaning for our nation

The latest volume in our *World Citizen Comics* graphic novel series, *Fault Lines in the Constitution* teaches readers how this founding document continues to shape modern American society. In 1787, after 116 days of heated debates and bitter arguments, the United States Constitution was created. This imperfect document set forth America's guiding principles, but it would also introduce some of today's most contentious political issues—from gerrymandering, to the Electoral College, to presidential impeachment. With colorful

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art, compelling discourse, and true stories from America's past and present, *Fault Lines in the Constitution: The Graphic Novel* sheds light on how today's political struggles have their origins in the decisions of our Founding Fathers. Children's book author Cynthia Levinson, constitutional law scholar Sanford Levinson, and artist Ally Shwed deftly illustrate how contemporary problems arose from this founding document—and then they offer possible solutions.

An essential book on the U.S. Constitution for everyone grappling with today's most urgent political issues. From the award-winning duo of Cynthia and Sanford Levinson. ? Four Starred Reviews ? "Throw out the high school textbooks and put this outstanding book in the hands of the next generation!" —The Booklist Reader "An excellent introduction to the strengths and weaknesses of our founding document...especially enlightening for those who don't yet understand how our government is supposed to work." —New York Times bestselling author Laurie Halse Anderson School Library Journal Best Nonfiction Books of the Year Publishers Weekly Best Books of the Year Kirkus Reviews Best Middle Grade Books of the Year Best Books of the Year ?Bank Street College of Education Parents' Choice Gold Award Cynthia Levinson, a noted children's nonfiction author, has teamed up with her husband Sanford Levinson, one of the

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nation's foremost constitutional scholars, to address the fact that many of the political issues we struggle with today have their roots in one place—the U.S. Constitution. Their award-winning book, *Fault Lines in the Constitution*, takes readers back to the creation of this historic document and discusses how contemporary problems were first introduced?and then they offer possible solutions. Think of timely subjects such as voting rights, presidential pardons, executive and emergency powers, the Electoral College, gerrymandering, even the Senate. Many of us take these features in our system for granted. But they came about through haggling in an overheated room in 1787, and we're still experiencing the ramifications. Each chapter in this timely and thoughtful exploration of the Constitution's creation begins with a story?all but one of them true?that connects directly back to a section of the document that forms the basis of our society and government. Informative sidebars and graphics run throughout along with a timeline and bibliography. Discussion Guide available! Visit the blog at www.faultlinesintheconstitution.com.

"From leading Shakespeare scholar James Shapiro, a timely and insightful examination of what the world's greatest dramatist can teach us about life in an America riven by conflict. The United States has always been divided, but Americans from all walks of life have also always shared a deep affinity for the

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plays William Shakespeare, even if their meaning has been fiercely contested. For well over two centuries now, Americans of all stripes--presidents and activists, writers and soldiers--have turned to his plays to prosecute the most intense and pivotal quarrels in the soul of the nation, a nation defined by its political and social pluralism. That prosecution dates back to pre-Revolutionary times, when Hamlet's famous soliloquy--"To be or not to be"--was appropriated both by defenders of British rule and those seeking to overthrow it. Shapiro traces Shakespeare's formative and crucial role in our nation's history, from the otherwise progressive John Quincy Adams's sinister opinions on race expressed via (and only via) his views on Othello; to the politically-charged rhetoric that gripped Lincoln's assassin, John Wilkes Booth; to the resounding American triumph of Shakespeare in Love, produced by Harvey Weinstein's then fledgling company, Miramax, which exploded a debate about adultery at the time of President Clinton's Oval Office affair with Monica Lewinsky. But Shapiro also reports firsthand on Shakespeare's undeniable contemporary significance, after a production of Julius Caesar, which depicted the assassination of a President Trump-like Julius Caesar, was exploited calculatedly by Breitbart and Fox News to ignite outrage. With style and unmatched expertise, Shapiro contends brilliantly that few writers or artists can shed as much

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light on the hot-button issues of American life--such as immigration, same-sex love, political violence, and class warfare--and that by better understanding the role of Shakespeare's plays in American history we might take steps towards mending our bitterly divided land"--

The Roberts Court, seven years old, sits at the center of a constitutional maelstrom. Through four landmark decisions, Marcia Coyle, one of the most prestigious experts on the Supreme Court, reveals the fault lines in the conservative-dominated Court led by Chief Justice John Roberts Jr. Seven minutes after President Obama put his signature to a landmark national health care insurance program, a lawyer in the office of Florida GOP attorney general Bill McCollum hit a computer key, sparking a legal challenge to the new law that would eventually reach the nation's highest court. Health care is only the most visible and recent front in a battle over the meaning and scope of the U.S. Constitution. The battleground is the United States Supreme Court, and one of the most skilled, insightful, and trenchant of its observers takes us close up to watch it in action. Marcia Coyle's brilliant inside account of the High Court captures four landmark decisions—concerning health care, money in elections, guns at home, and race in schools. Coyle examines how those cases began—the personalities and conflicts that catapulted them onto the national

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scene—and how they ultimately exposed the great divides among the justices, such as the originalists versus the pragmatists on guns and the Second Amendment, and corporate speech versus human speech in the controversial Citizens United campaign case. Most dramatically, her analysis shows how dedicated conservative lawyers and groups are strategizing to find cases and crafting them to bring up the judicial road to the Supreme Court with an eye on a receptive conservative majority. The Roberts Court offers a ringside seat at the struggle to lay down the law of the land.

The question whether and how boundaries might individuate and thereby be constitutive features of any imaginable legal order has yet to be addressed in a systematic and comprehensive manner by legal and political theory. This book seeks to address this important omission, providing an original contribution to the debate about law in a global setting. Against the widely endorsed assumption that we are now moving towards law without boundaries, it argues that every imaginable legal order, global or otherwise, is bounded in space, time, membership, and content. The book is built up around three main insights. Firstly, that legal orders can best be understood as a form of joint action in which authorities mediate and uphold who ought to do what, where, and when with a view to realising the normative point of acting together. Secondly, that

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behaviour can call into question the boundaries that determine who ought to do what, where and when: a-legality. Thirdly, that this a-legality reveals boundaries as marking a limit and, to a lesser or greater extent, a fault line of the respective legal order. Legal boundaries reveal ways of ordering the who, what, where, and when of behaviour which have been excluded, yet which remain within the range of practical possibilities accessible to the collective: limits. However legal boundaries also intimate an order which exceeds the range of possibilities accessible to that collective - the fault line of the respective legal order. Careful analysis of a wide range of legal orders, including nomadism, Roman law, classical international law, *ius gentium*, multinationals, cyberlaw, *lex mercatoria*, the EU, global regimes of human rights, and space law validates this thesis. What sense, then, can we make of the normativity of the law, if there can be no inclusion without exclusion? Arguing that legal and political theories misunderstand how legal boundaries do their work of including and excluding, the book develops a normative theory of legal order which is alternative to both communitarianism and cosmopolitanism.

A revelatory assessment of how the Supreme Court under Chief Justice John Roberts is significantly influencing the nation's laws and reinterpreting the Constitution includes in-depth analysis of recent

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rulings to explore their less-understood debates and relevance. 50,000 first printing.

Making, amending, and interpreting constitutions is a political game that can yield widespread suffering or secure a nation's liberty and prosperity. Given these high stakes, Robert Cooter argues that constitutional theory should trouble itself less with literary analysis and arguments over founders' intentions and focus much more on the real-world consequences of various constitutional provisions and choices.

Pooling the best available theories from economics and political science, particularly those developed from game theory, Cooter's economic analysis of constitutions fundamentally recasts a field of growing interest and dramatic international importance. By uncovering the constitutional incentives that influence citizens, politicians, administrators, and judges, Cooter exposes fault lines in alternative forms of democracy: unitary versus federal states, deep administration versus many elections, parliamentary versus presidential systems, unicameral versus bicameral legislatures, common versus civil law, and liberty versus equality rights. Cooter applies an efficiency test to these alternatives, asking how far they satisfy the preferences of citizens for laws and public goods. To answer Cooter contrasts two types of democracy, which he defines as competitive government. The center of the political spectrum defeats the extremes

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in "median democracy," whereas representatives of all the citizens bargain over laws and public goods in "bargain democracy." Bargaining can realize all the gains from political trades, or bargaining can collapse into an unstable contest of redistribution. States plagued by instability and contests over redistribution should move towards median democracy by increasing transaction costs and reducing the power of the extremes. Specifically, promoting median versus bargain democracy involves promoting winner-take-all elections versus proportional representation, two parties versus multiple parties, referenda versus representative democracy, and special governments versus comprehensive governments. This innovative theory will have ramifications felt across national and disciplinary borders, and will be debated by a large audience, including the growing pool of economists interested in how law and politics shape economic policy, political scientists using game theory or specializing in constitutional law, and academic lawyers. The approach will also garner attention from students of political science, law, and economics, as well as policy makers working in and with new democracies where constitutions are being written and refined.

An award-winning scholar uncovers the guiding principles of Lincoln's antislavery strategies. The long and turning path to the abolition of American

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slavery has often been attributed to the equivocations and inconsistencies of antislavery leaders, including Lincoln himself. But James Oakes's brilliant history of Lincoln's antislavery strategies reveals a striking consistency and commitment extending over many years. The linchpin of antislavery for Lincoln was the Constitution of the United States. Lincoln adopted the antislavery view that the Constitution made freedom the rule in the United States, slavery the exception. Where federal power prevailed, so did freedom. Where state power prevailed, that state determined the status of slavery, and the federal government could not interfere. It would take state action to achieve the final abolition of American slavery. With this understanding, Lincoln and his antislavery allies used every tool available to undermine the institution. Wherever the Constitution empowered direct federal action—in the western territories, in the District of Columbia, over the slave trade—they intervened. As a congressman in 1849 Lincoln sponsored a bill to abolish slavery in Washington, DC. He reentered politics in 1854 to oppose what he considered the unconstitutional opening of the territories to slavery by the Kansas–Nebraska Act. He attempted to persuade states to abolish slavery by supporting gradual abolition with compensation for slaveholders and the colonization of free Blacks abroad. President Lincoln

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took full advantage of the antislavery options opened by the Civil War. Enslaved people who escaped to Union lines were declared free. The Emancipation Proclamation, a military order of the president, undermined slavery across the South. It led to abolition by six slave states, which then joined the coalition to affect what Lincoln called the "King's cure": state ratification of the constitutional amendment that in 1865 finally abolished slavery. 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

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differences between Prohibition in the 1920s and debates about the legalization of marijuana today.

Kids accomplish remarkable feats of strength and beauty, as well as work to bring about change in their worlds. Author Cynthia Levinson explores the world of social circus — a movement that brings kids from different worlds together to perform amazing acts on a professional level. Levinson follows the participants of two specific circuses that also work together periodically: Circus Harmony in St. Louis, whose participants are inner-city and suburban kids, and Circus Galilee in Israel, whose participants are Jews and Arabs. As the kids' relationships evolve over time, the members learn how to overcome assumptions, animosity, and obstacles both physical and personal. With Levinson's combination of in-depth one-on-one interviews and extensive research, this inspiring nonfiction book highlights stories of collaboration, compromise, and overcoming obstacles.

There is a great difficulty in the way of a writer who attempts to sketch a living Constitution—a Constitution that is in actual work and power. The difficulty is that the object is in constant change. An historical writer does not feel this difficulty: he deals only with the past; he can say definitely, the Constitution worked in such and such a manner in the year at which he begins, and in a manner in such and such respects different in the year at which he ends; he begins with a definite point of time and ends with one also. But a contemporary writer who tries to paint what is before him is puzzled and a perplexed: what he sees is changing daily. He must paint it as it stood at some one time, or else he will be putting side by side in his representations things which never were contemporaneous in reality.

"A brief edition of The Enduring Debate. 6th ed."

The novel coronavirus SARS-CoV-2, which causes the disease known as COVID-19, has infected people in 212

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countries so far and on every continent except Antarctica. Vast changes to our home lives, social interactions, government functioning and relations between countries have swept the world in a few months and are difficult to hold in one's mind at one time. That is why a collaborative effort such as this edited, multidisciplinary collection is needed. This book confronts the vulnerabilities and interconnectedness made visible by the pandemic and its consequences, along with the legal, ethical and policy responses. These include vulnerabilities for people who have been harmed or will be harmed by the virus directly and those harmed by measures taken to slow its relentless march; vulnerabilities exposed in our institutions, governance and legal structures; and vulnerabilities in other countries and at the global level where persistent injustices harm us all. Hopefully, COVID-19 will force us to deeply reflect on how we govern and our policy priorities; to focus preparedness, precaution, and recovery to include all, not just some. Published in English with some chapters in French.

"A gripping and troubling account of the origins of our turbulent times." —Jill Lepore, author of *These Truths: A History of the United States* When—and how—did America become so polarized? In this masterful history, leading historians Kevin M. Kruse and Julian E. Zelizer uncover the origins of our current moment. It all starts in 1974 with the Watergate crisis, the OPEC oil embargo, desegregation busing riots in Boston, and the wind-down of the Vietnam War. What follows is the story of our own lifetimes. It is the story of ever-widening historical fault lines over economic inequality, race, gender, and sexual norms firing up a polarized political landscape. It is also the story of profound transformations of the media and our political system fueling the fire. Kruse and Zelizer's *Fault Lines* is a master class in national divisions nearly five decades in the making.

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The story of how the American people have taken an imperfect constitution—the product of compromises and an artifact of its time—and made it more democratic. Who wrote the Constitution? That's obvious, we think: fifty-five men in Philadelphia in 1787. But much of the Constitution was actually written later, in a series of twenty-seven amendments enacted over the course of two centuries. The real history of the Constitution is the astonishing story of how subsequent generations have reshaped our founding document amid some of the most colorful, contested, and controversial battles in American political life. It's a story of how We the People have improved our government's structure and expanded the scope of our democracy during eras of transformational social change. *The People's Constitution* is an elegant, sobering, and masterly account of the evolution of American democracy. From the addition of the Bill of Rights, a promise made to save the Constitution from near certain defeat, to the post–Civil War battle over the Fourteenth Amendment, from the rise and fall of the "noble experiment" of Prohibition to the defeat and resurgence of an Equal Rights Amendment a century in the making, *The People's Constitution* is the first book of its kind: a vital guide to America's national charter, and an alternative history of the continuing struggle to realize the Framers' promise of a more perfect union.

Free Speech in the Balance is the first comprehensive study of proportional analysis in free speech theory. This book challenges the US Supreme Court's categorical approach and explains the importance of understanding the breadth of concerns arising from regulations directly and indirectly impacting expression. The author provides in-depth analysis of some of the important social and political principles governing topics of vital concern, including campaign financing, university speech codes, secondary school rules,

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incitement, and threats. This book should be read by students and scholars of free speech theory and anyone interested in learning more about the history of existing law, the issues of current importance, and trends in expressive significance. An inspiring and meticulously researched middle grade biography of Hillary Rodham Clinton—First Lady, senator, secretary of state, and the first female presidential nominee in United States history. Hillary Rodham Clinton is a true leader. Growing up in Park Ridge, Illinois, Hillary was inspired by the philosophy of John Wesley, who urged his followers to "do all the good you can." Rising to prominence in 1992 as the First Lady of the United States, Hillary captured the world's attention with her bold ideas and political forcefulness. From her time at Wellesley to her life at the White House and beyond, Hillary has been at the forefront of huge change—and despite setbacks and political scandals, she has worked for good in the world. Acclaimed author Cynthia Levinson creates a compelling and personal portrait of Hillary's historic journey from her childhood to her service as secretary of state and beyond. Includes a timeline of Hillary Rodham Clinton's life and a photo insert. "This extensively researched and comprehensive biography tells us more of the woman who is that public figure, from some of her inspirations (like Dr. Martin Luther King, Jr. and the Birmingham protests) and the impact of her religious faith on her commitment to service" (Brightly.com).

Levinson argues that too many of our Constitution's provisions promote either unjust or ineffective government. Under the existing blueprint, we can neither rid ourselves of incompetent presidents nor assure continuity of government following catastrophic attacks. Less important, perhaps, but certainly problematic, is the appointment of Supreme Court judges for life. Adding

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insult to injury, the United States Constitution is the most difficult to amend or update of any constitution currently existing in the world today. Democratic debate leaves few stones unturned, but we tend to take our basic constitutional structures for granted. Levinson boldly challenges the American people to undertake a long overdue public discussion on how they might best reform this most hallowed document and construct a constitution adequate to our democratic values.

"Admirably gutsy and unfashionable." --Michael Kinsley, The New York Times "Bold, bracingly unromantic, and filled with illuminating insights. He accomplishes an unlikely feat, which is to make a really serious argument for a new constitutional convention, one that is founded squarely on democratic ideals." --Cass R. Sunstein, The New Republic "Everyone who cares about how our government works should read this thoughtful book."
--Washington Lawyer

Arming Americans to defend the truth from today's war on facts Disinformation. Trolling. Conspiracies. Social media pile-ons. Campus intolerance. On the surface, these recent additions to our daily vocabulary appear to have little in common. But together, they are driving an epistemic crisis: a multi-front challenge to America's ability to distinguish fact from fiction and elevate truth above falsehood. In 2016 Russian trolls and bots nearly drowned the truth in a flood of fake news and conspiracy theories, and Donald Trump and his troll armies continued to do the same. Social media companies struggled to keep up with a flood of falsehoods, and too often didn't even seem to try. Experts and some public

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officials began wondering if society was losing its grip on truth itself. Meanwhile, another new phenomenon appeared: “cancel culture.” At the push of a button, those armed with a cellphone could gang up by the thousands on anyone who ran afoul of their sanctimony. In this pathbreaking book, Jonathan Rauch reaches back to the parallel eighteenth-century developments of liberal democracy and science to explain what he calls the “Constitution of Knowledge”—our social system for turning disagreement into truth. By explicating the Constitution of Knowledge and probing the war on reality, Rauch arms defenders of truth with a clearer understanding of what they must protect, why they must do—and how they can do it. His book is a sweeping and readable description of how every American can help defend objective truth and free inquiry from threats as far away as Russia and as close as the cellphone.

What would America's Constitutions have looked like if each generation wrote its own? "The earth belongs...to the living, the dead have neither powers nor rights over it." These famous words, written by Thomas Jefferson to James Madison, reflect Jefferson's lifelong belief that each generation ought to write its own Constitution. According to Jefferson each generation should take an active role in endorsing, renouncing, or changing the nation's fundamental law. Perhaps if he were alive today to witness our seething debates over constitutional interpretation, he would feel vindicated in this belief. Madison's response was that a Constitution must endure over many generations to gain the credibility needed to keep a nation strong and united. History tells us that

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Jefferson lost that debate. But what if he had prevailed? In *A Constitution for the Living*, Beau Breslin reimagines American history to answer that question. By tracing the story from the 1787 Constitutional Convention up to the present, Breslin presents an engaging and insightful narrative account of historical figures and how they might have shaped their particular generation's Constitution. For all those who want to be in the candlelit taverns where the Founders sat debating fundamental issues over wine; to witness towering figures of American history, from Abraham Lincoln to Booker T. Washington, play out hypothetical meetings and conversations that are startling and revealing; and to attend a Constitutional Convention taking place in the present day--this book brings these possibilities to life with sensitivity, verve, and compelling historical detail. This book is, above all, a call for a more engaged American public at a time when change seems close at hand, if we dare to imagine it.

An innovative account of Abraham Lincoln, constitutional thinker and doer Abraham Lincoln is justly revered for his brilliance, compassion, humor, and rededication of the United States to achieving liberty and justice for all. He led the nation into a bloody civil war to uphold the system of government established by the US Constitution—a system he regarded as the “last best hope of mankind.” But how did Lincoln understand the Constitution? In this groundbreaking study, Noah Feldman argues that Lincoln deliberately and recurrently violated the United States’ founding arrangements. When he came to power, it was widely believed that the federal government could not use armed force to prevent a state

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from seceding. It was also assumed that basic civil liberties could be suspended in a rebellion by Congress but not by the president, and that the federal government had no authority over slavery in states where it existed. As president, Lincoln broke decisively with all these precedents, and effectively rewrote the Constitution's place in the American system. Before the Civil War, the Constitution was best understood as a compromise pact—a rough and ready deal between states that allowed the Union to form and function. After Lincoln, the Constitution came to be seen as a sacred text—a transcendent statement of the nation's highest ideals. The Broken Constitution is the first book to tell the story of how Lincoln broke the Constitution in order to remake it. To do so, it offers a riveting narrative of his constitutional choices and how he made them—and places Lincoln in the rich context of thinking of the time, from African American abolitionists to Lincoln's Republican rivals and Secessionist ideologues. Includes 8 Pages of Black-and-White Illustrations Describes how the Constitution was drafted and ratified and the spirit of late-eighteenth-century America
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