

OUR REPUBLICAN CONSTITUTION



RANDY E. BARNETT

Our Republican Constitution

Adam Tomkins



Our Republican Constitution:

Our Republican Constitution Adam Tomkins, 2005-02 This new book by Adam Tomkins sets out a radical vision of the British constitution. It argues that despite its outwardly monarchic form the constitution is profoundly informed and indeed shaped by values and practices of republicanism. The republican reading of the constitution presented in this book places political accountability at the core of the constitutional order. As such *Our Republican Constitution* offers a powerful rejoinder to the current trend in legal scholarship that sees the common law and the courts rather than Parliament as the central players in holding government to account. The book further contends that while the constitution should be understood as having republican foundations current constitutional practice is in a number of respects insufficiently republican in character. The book closes by outlining a programme of republican constitutional reform that is designed to secure genuinely responsible government. This is an original and provocative reinterpretation of the central themes of the British constitution drawing on constitutional history especially of the seventeenth century political theory and public law.

Our Republican Constitution Randy E. Barnett, 2016-04-19 A concise history of the long struggle between two fundamentally opposing constitutional traditions from one of the nation's leading constitutional scholars a manifesto for renewing our constitutional republic. The Constitution of the United States begins with the words We the People. But from the earliest days of the American republic there have been two competing notions of the People which lead to two very different visions of the Constitution. Those who view We the People collectively think popular sovereignty resides in the people as a group which leads them to favor a democratic constitution that allows the will of the people to be expressed by majority rule. In contrast those who think popular sovereignty resides in the people as individuals contend that a republican constitution is needed to secure the pre-existing inalienable rights of We the People each and every one against abuses by the majority. In *Our Republican Constitution* renowned legal scholar Randy E. Barnett tells the fascinating story of how this debate arose shortly after the Revolution leading to the adoption of a new and innovative republican constitution and how the struggle over slavery led to its completion by a newly formed Republican Party. Yet soon thereafter progressive academics and activists urged the courts to remake our Republican Constitution into a democratic one by ignoring key passages of its text. Eventually the courts complied. Drawing from his deep knowledge of constitutional law and history as well as his experience litigating on behalf of medical marijuana and against Obamacare Barnett explains why We the People would greatly benefit from the renewal of our Republican Constitution and how this can be accomplished in the courts and the political arena.

Defending the Republic Bruce Frohnen, Kenneth L. Grasso, 2022-10-07 In recent years our constitutional order has increasingly come under attack as irredeemably undemocratic, racist and oppressive. At the same time it is increasingly obvious that political practices in the United States have strayed very far from the founders' designs and become deeply dysfunctional. The time is thus ripe for renewed reflection about the American political tradition. This volume reintroduces

readers to the conservative tradition of political and constitutional discourse. It brings together prominent political scientists and legal scholars all of whom were deeply influenced by the life and work of the eminent constitutional scholar George W. Carey. For over 40 years Carey strove mightily to explain the nature and requirements of our political tradition. How it fostered meaningful virtuous self government and how our constitutional tradition has been derailed by progressivist ideology. He is perhaps best known for his concept of constitutional morality, the understanding that our republican constitutional order can be sustained only by a combination of formal mechanisms e.g. separation of powers and unwritten norms, standards of behavior that act to foster deliberation and consensus as well as keep political actors within the boundaries of their constitutional offices. Contributors including Francis Canavan, Claes G. Ryn, Paul Edward Gottfried and Peter Augustine Lawler discuss and develop Carey's key insights applying them to issues from the nature of majoritarian government to the purposes of constitutionalism to the decline of virtue that has accompanied the expansion of power among national and international elites. Each essay provides penetrating analysis of key aspects of our tradition, its inherent purposes, growth and subsequent derailment as well as the resources remaining within that tradition for the rebuilding of our constitutional order and a decent common life.

The Political Constitution Greg Weiner, 2019-08-02. Who should decide what is constitutional? The Supreme Court of course, both liberal and conservative voices say, but in a bracing critique of the judicial engagement that is ascendant on the legal right, Greg Weiner makes a cogent case to the contrary. His book *The Political Constitution* is an eloquent political argument for the restraint of judicial authority and the return of the proper portion of constitutional authority to the people and their elected representatives. What Weiner calls for in short is a reconstitution of the political commons upon which a republic stands. At the root of the word republic is what Romans called the *res publica* or the public thing. And it is precisely this, the sense of a political community engaging in decisions about common things as a coherent whole that Weiner fears is lost when all constitutional authority is ceded to the judiciary. His book calls instead for a form of republican constitutionalism that rests on an understanding that arguments about constitutional meaning are ultimately political arguments. What this requires is an enlargement of the *res publica*, the space allocated to political conversation and a shared pursuit of common things. Tracing the political and judicial history through which this critical political space has been impoverished, *The Political Constitution* seeks to recover the sense of political community on which the health of the republic and the true working meaning of the Constitution depends.

Leading Works in Public Law Patrick O'Brien, Ben Yong, 2024-10-08. This book brings together a group of leading scholars working in public law and constitutional theory. It examines accepted leading works of public law while also exploring those that deserve greater attention. Over 13 chapters a group of leading public law experts each examine one leading work from the UK public law canon. Each chapter critically reflects on the context of a work in public law, taking into account not just the work and its context but also how it shapes and contributes to the broader discipline. The final chapter offers an international overview of

the chapters themselves reflecting critically on the scholarly canon of UK public law from the perspective of American constitutional scholarship The book will be of interest to scholars and students of constitutional law *The American Republic* C. Michael Barry, 2011-10-14 C Michael Barry is a highly interested retiree of middle class heritage who possesses college degrees that provide him with a solid foundation to analyze the workings of government In a quest to understand the true nature of government in the United States he examines original sources in order to analyze letters of conversations with Thomas Jefferson and other Founding Fathers and scholars Join Michael as he explores why the world wants to consider the United States of America a democracy when the Framers of the Constitution worked to ensure a mixture of three forms of government He examines the details behind the national and federal system that seek to ensure the United States maintains a republican form of government as well as how the Framers sought to keep out deficiencies in government by applying the most useful principles from monarchies aristocracies and democracies while leaving out their most serious pitfalls Break free from dangerous assumptions and develop a firm understanding of what the Founders intended for the United States and how to stay true to their principles with *The American Republic* *The United States Government Is Illegitimate* Robert G. Beard, Jr., C.P.A., C.G.M.A., J.D., LL.M., 2017-05-23 This book is a draft of chapter one of Mr Beard's dissertation *The Impact of Constitutional Interpretation on Individual Freedom* He was kicked out of the J S D program by a Dean who graduated from Harvard Law because this project was to put it politely politically incorrect justification was that it would not contribute anything new or important to the existing scholarship Once the Dean was no longer at the law school Mr Beard's supervisor and co faculty director of the program invited him back to finish this project The purpose of this dissertation is to explain how power elites and branches of government have reinterpreted the U S Constitution to increase government power and authority at the expense of individual freedom There are only two ways to interpret the U S Constitution 1 Under the freedom doctrine or 2 as a master slave relationship which is what has been going on for the past 100 years If Americans are not slaves then the U S Government is Illegitimate *Researching Public Law in Common Law Systems* Paul Daly, Joe Tomlinson, 2023-09-06 This original book fills a significant gap in legal literature by providing an exploration of research methodologies in public law a field of research in which research methods are becoming increasingly prominent and sophisticated Featuring thoughtful chapters written by leading scholars in the field this book provides a thorough explanation of the key features characteristics and challenges of distinct methodological approaches to public law research **A Life for Liberty** Randy Barnett, 2024-06-18 A law professor's memoir of his own ascendancy from prosecutor to influential legal thinker From prosecuting murderers in Chicago to arguing before the Supreme Court to authoring more than a dozen books Georgetown University law professor Randy Barnett has played an integral role in the rise of originalism the movement to identify restore and defend the original meaning of the Constitution Thanks in part to his efforts by 2018 a majority of sitting Supreme Court justices self identified as originalists After writing seminal books on libertarianism and contract law Barnett

pivoted to constitutional law His mission to restore the lost Constitution took him from the schoolhouse to the courthouse where he argued the medical marijuana case of *Gonzales v Raich* in the Supreme Court a case now taught to every law student Later he devised and spearheaded the constitutional challenge to Obamacare All this earned him major profiles in such publications as the *Washington Post* *Wall Street Journal* and *New York Times* Now he recounts his compelling journey from a working class kid in Calumet City Illinois to Washington Power Breaker as the *Congressional Quarterly Weekly* called him In *A Life for Liberty* Barnett writes candidly about his career strategies and how he overcame his outsider status his insecurities and the mistakes he made along the way The engaging story of his rise from obscurity to one of the most influential thinkers in America is an inspiring how to guide for anyone seeking real world advancement of justice and liberty for all

The political theory of the Irish Constitution Eoin Daly, Tom Hickey, 2015-07-01 The political theory of the Irish Constitution considers Irish constitutional law and the Irish constitutional tradition from the perspective of Republican theory It analyses the central devices and doctrines of the Irish Constitution popular sovereignty constitutional rights and judicial review in light of Republican concepts of citizenship and civic virtue The Constitution it will argue can be understood as a framework for promoting popular participation in government as much as a mechanism for protecting individual liberties It will be of interest to students and researchers in Irish politics political theory and constitutional law and to all those interested in political reform and public philosophy in Ireland

Reviewing **Our Republican Constitution**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is truly astonishing. Within the pages of "**Our Republican Constitution**," an enthralling opus penned by a very acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve into the book's central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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