



A black and white photograph showing a stack of several old books. The books have dark, textured covers and are arranged in a slightly overlapping, non-linear fashion. The lighting is dramatic, coming from the side, which creates strong highlights on the edges of the books and deep shadows in the crevices between them, emphasizing their aged and worn appearance.

Democracy and (dis)trust in the experts

Democracy And Distrust Democracy And Distrust

Marco Casella

Democracy And Distrust Democracy And Distrust:

Democracy and Distrust John Hart Ely, 1980 Until now legal experts have proposed two basic approaches to the Constitution. The first interpretivism maintains that we should stick as closely as possible to what is explicit in the document itself. The second, predominant in recent academic theorizing, argues that the courts should be guided by what they see as the fundamental values of American society. Mr. Ely demonstrates that both of these approaches are inherently incomplete and inadequate. (From publisher's description) *Democracy and Distrust*, 2010 **Democracy and Distrust**, 1982

Democracy and Distrust, a Theory of Judicial Review, by John Hart Ely Archibald Cox, 1981 Book Review Andrew L. Kaufman, 1981 Democracy and Distrust, 1982 Rethinking Constitutional Law Earl M. Maltz, 1994 Maltz reformulates the justification for originalist review and refines originalist theory itself. He argues that a pure originalist approach mandates excessive judicial intervention under the Constitution and he shows that most nonoriginalist theorists have failed to provide a sufficient functional justification for nonoriginalist intervention. **Democracy and Distrust : John Hart Ely**, 2004

Distrust and Democracy Vivien Hart, 1978-07-20 Originally published in 1978 this book argues that the nature of political distrust is misunderstood. Popular Government and the Supreme Court Lane V. Sunderland, 1996 With quiet eloquence Lane Sunderland argues that we must reclaim the fundamental principles of the Constitution if we are to restore democratic government to its proper role in American life. For far too long he contends the popular will has been held in check by an overly powerful Supreme Court using non constitutional principles to make policy and promote its own political agendas. His work shows why this has diminished American democracy and what we can do to revive it. Sunderland presents a strong thoughtful challenge to the constitutional theories promoted by Ronald Dworkin, Archibald Cox, Richard Epstein, Michael Perry, John Hart Ely, Robert Bork, Philip Kurland, Laurence Tribe, Mark Tushnet, and Catharine MacKinnon, an enormously diverse group united by an apparent belief in judicial supremacy. Their theories he demonstrates undermine the democratic foundations of the Constitution and the power of the majority to resolve for itself important questions of justice. Central to this enterprise is Sunderland's reconsideration of *The Federalist* as the first most reliable and most profound commentary on the Constitution. *The Federalist* he states is crucial because it explains the underlying theory of the Constitution as a whole, a theory that gives meaning to its particular provisions. In addition Sunderland reexamines the Declaration of Independence and the work of Hobbes, Locke, and Montesquieu in order to better define the nature and limits of their influence on the Framers. His reading of these works in conjunction with *The Federalist* shows just how far afield contemporary commentators have strayed. Sunderland deliberately echoes and amplifies Madison's wisdom in *Federalist* No. 10 that the object of the Constitution is to secure the public good and private rights and at the same time to preserve the spirit and form of popular government. To attain that object he persuasively argues requires that the judiciary acknowledge and enforce the constitutional limitations upon its own powers. In an era loudly proclaiming the return of popular government majority rule

and the will of the people that argument is especially relevant and appealing

The Supreme Court and Constitutional Theory, 1953-1993 Ronald Kahn, 1994 Combining theoretical sophistication with a fundamental comprehension of the political institutions of the USA this study aims to demystify the workings of the United States Supreme Court and its place in democracy

Symposium on Democracy and Distrust Mark V. Tushnet, 1991

The Supreme Court Review Philip B. Kurland, 1994

Why Oakeshott Matters John Andrew Zuccotti, Dartmouth College. Master of Arts in Liberal Studies Program, 2008

Conversations on Democratization and Economic Reform Leslie Elliott Armijo, 1996

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