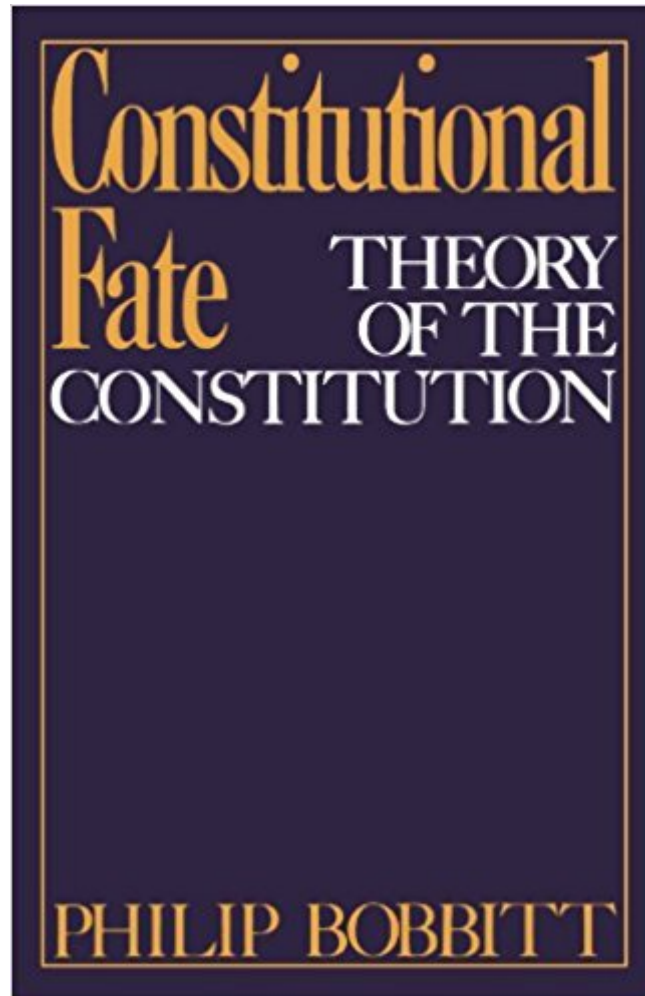




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Constitutional Fate: Theory Of The Constitution



Synopsis

Here, Philip Bobbitt studies the basis for the legitimacy of judicial review by examining six types of constitutional argument--historical, textual, structural, prudential doctrinal, and ethical--through the unusual method of contrasting sketches of prominent legal figures responding to the constitutional crises of their day.

Book Information

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Customer Reviews

"Extraordinary. This is the outstanding recent work treating Constitutional Law in terms of the legitimating effects of argumentation. It ranks among the most original and impressive works of American jurisprudence to appear during the decade." --Paul Mattson, University of California, Santa Barbara
"A subtle examination of the legitimacy of judicial review. Constitutional Fate is an exceptional work. A strong reminder that judicial review, properly undertaken, can serve a variety of functions and guarantee a variety of interests in modern society." --Yale Law Journal
"An erudite and cogent presentation. Adds a dimension that significantly enriches one's understanding both of judicial review and of much recent academic discussion surrounding it." --American Political Science Review

Philip Bobbitt is at University of Texas, Austin.

Semi-difficult read. Syntax and terminology are all over the place. Must read between-the-line in order to grasp the meat of the text/opinion of the author.

Very interesting explanation of the various arguments concerning the Constitution. I highly recommend reading it.

This book provides a well written explanation to the logic of various constitutional arguments. The inclusion of arguments favored by Justices as well as specific situations in which they were relevant helps establish the relevant context clearly and effectively. While the strict empiricist may finish reading disappointed, those looking for insight into the approach of judges would be well served to give this a look.

This is an excellent book for scholars interested in judicial review. Bobbitt breaks down the typology of constitutional interpretation into six categories. It is not written in a manner that is accessible for the casual reader, but if you are interested in how constitutional interpretation is approached from different philosophies - what separates a Justice Frankfurter from a Justice Black, or a Scalia from Stevens -- then I would highly recommend this book.

Listing a series of intellectual and legal perspectives to interpreting the Constitution, Bobbitt makes clear that "Originalism" is not the Rosetta Stone but is simply one lens through which to look at Constitutional issues.

At first Constitutional Fate looks much like a typical anthology of the most significant modes of constitutional argument, for this I must admit the book does a fairly good job. The problem comes at the end; where we must endure an unconnected attempt to give the book purpose. The authors argument is essentially that there is no argument. Now I must admit I am reading this for a take home final so perhaps I am just a little jaded. For one minute I think that there is nothing but brilliance in these last few pages; only for seconds later to conclude that it is all just a bunch of smoke.

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