

Active Liberty Interpreting Our Democratic Constitution Stephen G Breyer

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Active Liberty Interpreting Our Democratic

"Active Liberty" by Supreme Court Justice Steve Breyer is a well-written but very esoteric book about statutory and constitutional interpretation. Breyer defends a "consequentialist" approach to interpretation that would construe ambiguous laws so as to give real-world effect to their purposes (as revealed in text and structure, court precedents, and legislative and constitutional history).

Active Liberty: Interpreting Our Democratic Constitution ...

ACTIVE LIBERTY: INTERPRETING OUR DEMOCRATIC CONSTITUTION is a blueprint explaining the components of judicial activism, and pleads its argument against what Breyer terms Constitutional

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"textualists."

Active Liberty: Interpreting Our Democratic Constitution ...

The underlying constitutional value with which he is most concerned is "active liberty," which places emphasis on democratic participation. To a lesser extent, Breyer is concerned with modern liberty, or government intrusion on the rights of individuals.

Active Liberty: Interpreting Our Democratic Constitution ...

the interpretation of constitutional language is at issue. In a word, these lectures are about democracy and the constitution. They illustrate a democratic theme—"active liberty"—which resonates throughout the constitution. In discussing its role, I hope to illustrate how this constitutional theme can affect a judge's interpretation of a

active liberty: Interpreting our Democratic constitution

The concept of active liberty--as I said at the outset--refers to a sharing of a nation's sovereign authority among its people. Sovereignty involves the legitimacy of a governmental action. And a...

Active Liberty : NPR

Active Liberty: Interpreting Our Democratic Constitution by Stephen Breyer, Paperback | Barnes & Noble® A brilliant new approach to the Constitution and courts of the United States by Supreme Court Justice Stephen Breyer. For Justice Breyer, the Our Stores Are OpenBook AnnexMembershipEducatorsGift CardsStores & EventsHelp

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Active Liberty : Interpreting Our Democratic Constitution ...

His latest book, *Active Liberty: Interpreting Our Democratic Constitution*, based on his Tanner Lecture presented at Harvard University in 2004, is a telling example of how a practical reflection on law can enrich the field of political philosophy. In this essay, Breyer explicitly casts himself as the heir of Benjamin Constant.

Active Liberty: Interpreting Our Democratic Constitution ...

Includes bibliographical references (pages 137-149) and index This book, based on the Tanner lectures on Human Values that Justice Stephen Breyer delivered at Harvard University in November 2004, defines the term 'active liberty' as a sharing of the nation's sovereign authority with its citizens.

Active liberty : interpreting our democratic Constitution ...

Active Liberty: Interpreting Our Democratic Constitution is a 2005 book by United States Supreme Court Justice Stephen Breyer. The general theme of the book is that Supreme Court justices should, when dealing with constitutional issues, keep "active liberty" in mind, [1] which Justice Breyer defines as the right of the citizenry of the country to participate in government.

Active Liberty - Wikipedia

The book is called *Active Liberty: Interpreting Our Democratic Constitution*. "I say 'active liberty' because I want to stress that democracy works if -- and only if -- the average citizen...

Supreme Court Justice Breyer on 'Active Liberty' : NPR

Breyer squarely identifies his "active liberty" with Constant's "ancient liberty" and argues that

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democratic self-governance lies at the center of sound constitutional interpretation. In so doing, Breyer is seemingly unaware that Constant emphatically preferred “modern liberty” over “ancient liberty.”

Judicial Immodesty Stephen Breyer, [i]Active Liberty ...

Active Liberty emphasizes one theme that Breyer says runs through our primal document and that should help guide how we determine its meaning in a wide variety of cases: the idea of democratic participation. Breyer argues that

Active Liberty: Interpreting Our Democratic Constitution

Perhaps that's what makes Justice Stephen Breyer's new book, *Active Liberty: Interpreting Our Democratic Constitution*, so welcome. Finally, another member of the Court has taken the time to outline his approach to deciding cases.

Active Liberty: Interpreting Our Democratic Constitution ...

A brilliant new approach to the Constitution and courts of the United States by Supreme Court Justice Stephen Breyer. For Justice Breyer, the Constitution's primary role is to preserve and encourage...

Active Liberty: Interpreting Our Democratic Constitution ...

In his clear and elegant new book, "*Active Liberty: Interpreting Our Democratic Constitution*," based on his 2004 Tanner lectures at Harvard University (where he taught before becoming a federal...

Consent of the Governed - The New York Times

"Active Liberty" articulates a coherent framework for interpreting the constitution as a Supreme Court Justice, responding to the neo-conservative "originalist" and "textualist" approaches.

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Active Liberty: Interpreting Our... book by Stephen G. Breyer

Praise For Active Liberty: Interpreting Our Democratic Constitution ... "A brisk, lucid and energetic book, written with conviction and offering a central argument that is at once provocative and appealing.... Deserves a place of honor in national debates, now and in the future, about the role of the Supreme Court in American life."

Active Liberty: Interpreting Our Democratic Constitution ...

His ultimate goal is "a framework for democratic government" that will prove workable over time, and he believes that his kind of purposive approach, rooted in active liberty, is most likely to...

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