



Approaching the U.S. Constitution: Sacred Covenant or Plaything for Lawyers and Judges (Paperback)

By Kerry L. Hunter

Lexington Books, United States, 2016. Paperback. Condition: New. Reprint. Language: English . This book usually ship within 10-15 business days and we will endeavor to dispatch orders quicker than this where possible. Brand New Book. By reminding readers that early Supreme Court justices refused to reduce the Constitution to a mere legal document, Approaching the U.S. Constitution provides a definitive response to Reading Law by Antonin Scalia and Bryan Garner. Turning to the vision of Alexander Hamilton found in Federalists No. 78, Hunter argues that rather than seeing the judiciary as America's legal guardian, Hamilton looked to independent individuals of integrity on the judiciary to be the nation's collective conscience. For Hamilton, the judiciary's authority over the legislature does not derive from positive law but is extra-legal by design and is purely moral. By emphasizing the legal expertise of judges alone, individuals such as Justice Scalia mistakenly demand that judges exercise no human ethical judgment whatsoever. Yet the more this happens, the more the rule of law is replaced by the rule of lawyers. Legal sophistry becomes the primary currency wherewith society's ethical and moral questions are resolved. Moreover, the alleged neutrality of legal analysis is...



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