Chapter 1


Corwin, Edward S. Liberty Against Government (Baton Rouge: Louisiana State University Press, 1948). (See also the entry under Loss, Richard.)


Chapter 2:


Burton, Steven J. An Introduction to Law and Legal Reasoning (Boston: Little, Brown, 1985).


Harris, William F. II. The Interpretable Constitution (Baltimore: Johns Hopkins University Press, 1993).


Levinson, Sanford "Law as Literature," 60 Tex.L.Rev. 373 (1982).


**Chapter 3:**


Muller, James W., ed. The Revival of Constitutionalism (Lincoln: University of Nebraska Press, 1988).


_______. and John W. Chapman, eds. Constitutionalism (New York: New York University


University Press, 1985).


Chapter 4:


Fish, Peter G. *The Office of Chief Justice* (Charlottesville, VA: White Burkett Miller Center of Public Affairs, 1984).


______. *Congress versus the Supreme Court* (Minneapolis: University of Minnesota Press, 1961).


Tribe, Lawrence H. *God Save This Honorable Court* (New York: Random House, 1985).


Chapter 5:


Douglas, William O. We, the Judges (New York: Doubleday, 1956), especially chs. 1 & 12.


Harris, William F. II. The Interpretable Constitution (Baltimore: Johns Hopkins University Press, 1993).


Moore, Michael S. "Do We Have an Unwritten Constitution?" 63 *So. Cal. L.Rev.* 107 (1989).


Murphy, Walter F. *Constitutional Democracy: Creating and Maintaining a Just Political Order* (Baltimore: Johns Hopkins University Press, 2007)


Perry, Michael J. *We the People: The Fourteenth Amendment and the Supreme Court* (New York: Oxford University Press, 1999).


Symposium on The Canon(s) of Constitutional Law, 17 Constitutional Commentary 187 (2000).


Tiedeman, Christopher G. The Unwritten Constitution of the United States (New York: Putnam's Sons, 1890).


Chapter 6:


Cooley, Thomas M. A Treatise on Constitutional Limitations (Boston: Little, Brown, 1868).

Crosskey, William W. Politics and the Constitution (Chicago: University of Chicago Press, vols. 1 & 2, 1953; vol. 3 [with William Jeffrey, Jr.], 1980). (See also entry under Hart, below.)

Dellinger, Walter. See the Tribe–Dellinger Debate, under Tribe, below.


Grey, Thomas C. "Do We Have an Unwritten Constitution?" 27 Stan.L.Rev. 703 (1975).


Harris, William F. II. The Interpretable Constitution (Baltimore: Johns Hopkins University Press, 1993), ch. 4.


Tribe–Dellinger Debate:


Chapter 7:


Barber, Sotirios A. *On What the Constitution Means* (Baltimore: Johns Hopkins University


_____. "Who Shall Interpret the Constitution?" 48 *Rev. of Pols.* 401 (1986).


Warren, Charles. Congress, the Constitution and the Supreme Court (Boston: Little, Brown, 1925).


Chapter 8:


Chapter 9:

______. II We the People: Transformations (Cambridge: Harvard University Press, 1998).


______. "The Ninth Amendment: Inkblot or Another Hard Nut to Crack?" 64 Chi.–Kent L.Rev. 67 (1988).


Chapter 10:


Chapter 11:


Calabresi, Stephen G. " 'A Government of Limited and Enumerated Powers': In Defense of


Harris, William F. II. The Interpretable Constitution (Baltimore: Johns Hopkins University Press, 1993), ch. 2.


Kramer, Larry D. "Putting the Politics Back into the Political Safeguards of Federalism," 100 Colum.L.Rev. 215 (2000).


Mason, Alpheus Thomas, ed. The States Rights Debate: Anti-Federalism and the Constitution


Noonan, John T., Jr., Narrowing the Nation's Power: The Supreme Court Sides with the States (Berkeley: University of California Press, 2002).


Part C: Reinforcing Representative Democracy: Keeping Political Processes Open


Douglas, William O. *We, the Judges* (New York: Doubleday, 1955), espec. ch. 9.


Chapter 12:


Graber, Mark A. Transforming Free Speech: The Ambiguous Legacy of Civil Libertarianism


Heyman, Steven J. *Free Speech and Human Dignity* (New Haven, CT: Yale University Press, 2008).


Chapter 13:


Horn, Robert A. *Groups and the Constitution* (Stanford: Stanford University Press, 1956.)


Part D: Treating Equals Equally


Chapter 14:


Chapter 15:


Karst, Kenneth L. *Belonging to America: Equal Citizenship and the Constitution* (New Haven:
Yale University Press, 1989).


Siegel, Reva B. "She the People: The Nineteenth Amendment, Sex Equality, Federalism, and the


Part E: Maintaining Constitutional Democracy: Protecting Fundamental Rights


______. II We the People: Transformations (Cambridge: Harvard University Press, 1998).


______. "Stanley Fish and the Future of Pragmatism in Legal Theory," 58 U.Chi.L.Rev. 1033


______. II *The Rights Retained by the People* (Fairfax, Va.: George Mason University Press, 1993).


Chapter 16:


______. II We the People: Transformations (Cambridge: Harvard University Press, 1998).


Murphy, Liam and Thomas Nagel, The Myth of Ownership: Taxes and Justice (New York:


Chapter 17:


Greenawalt, Kent. Religious Convictions and Political Choice (New York: Oxford University


______. "Transformative Constitutionalism and the Case of Religion: Defending the Moderate


Chapter 18:


______. *We the People: The Fourteenth Amendment and the Supreme Court* (New York: Oxford University Press, 1999).


Richards, David A.J. *Toleration and the Constitution* (New York: Oxford University Press,
1986).


Chapter 19:

Ackerman, Bruce. Before the Next Attack: Preserving Civil Liberties in an Age of Terrorism (New Haven: Yale University Press, 2006).


_____. "Constitutionalism and Constitutional Failure," in Sotirios A. Barber and Robert P.


Genovese, Michael A. *The Supreme Court, the Constitution, and Presidential Power* (Lanham, MD: University Press of America, 1980).


