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1. J. Harvie Wilkinson III, Cosmic Constitutional Theory: Why Americans Are Losing Their Inalienable Right to Self-Governance (2012) [hereinafter Wilkinson, Cosmic Constitutional Theory]. 2. United States v. Carolene Products Co., 304 U.S. 144, 152 n.4 (1938). 3. This is not the only place where Judge Wilkinson sounds like an originalist.

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cosmic constitutional theory: why americans are losing their inalienable right to self-governance by J. Harvie Wilkinson III. New York, NY: Oxford University Press, 2012. 161 pp. Hardcover \$21.95.

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Cosmic Constitutional Theory: Why Americans Are Losing Their Inalienable Right to Self-Governance by J. Harvie Wilkinson III. Topics political science, law, supreme court, legal system Collection opensource_media Language English "American constitutional law has undergone a transformation.

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Wilkinson cautions against the alluring appeal of one "cosmic constitutional theory" or another to enlarge the scope of a judge's role. Any form of cosmic theory, whether living constitutionalism or originality, can serve as a cloak for judicial preference and activism, and Wilkinson instead advocates judicial restraint in keeping with a truly self-democratic constitutional order.

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Cosmic Constitutional Theory

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American constitutional law has undergone a transformation. Issues once left to the people have increasingly become the province of the courts. Subjects as diverse as abortion rights and firearms regulations, health care reform and counterterrorism efforts, not to mention a millennial presidential election, are more and more the domain of judges.

Cosmic Constitutional Theory: Why Americans Are Losing ...

The Inescapability of Constitutional Theory Erwin Chemerinskyt Cosmic Constitutional Theory: Why Americans Are Losing Their Inalienable Right to Self-Governance J. Harvie Wilkinson III. Oxford, 2012. Pp 3, 161. INTRODUCTION The Constitution inevitably must be interpreted. There are countless issues-such as whether the president can fire cabinet

The Inescapability of Constitutional Theory (reviewing ...

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