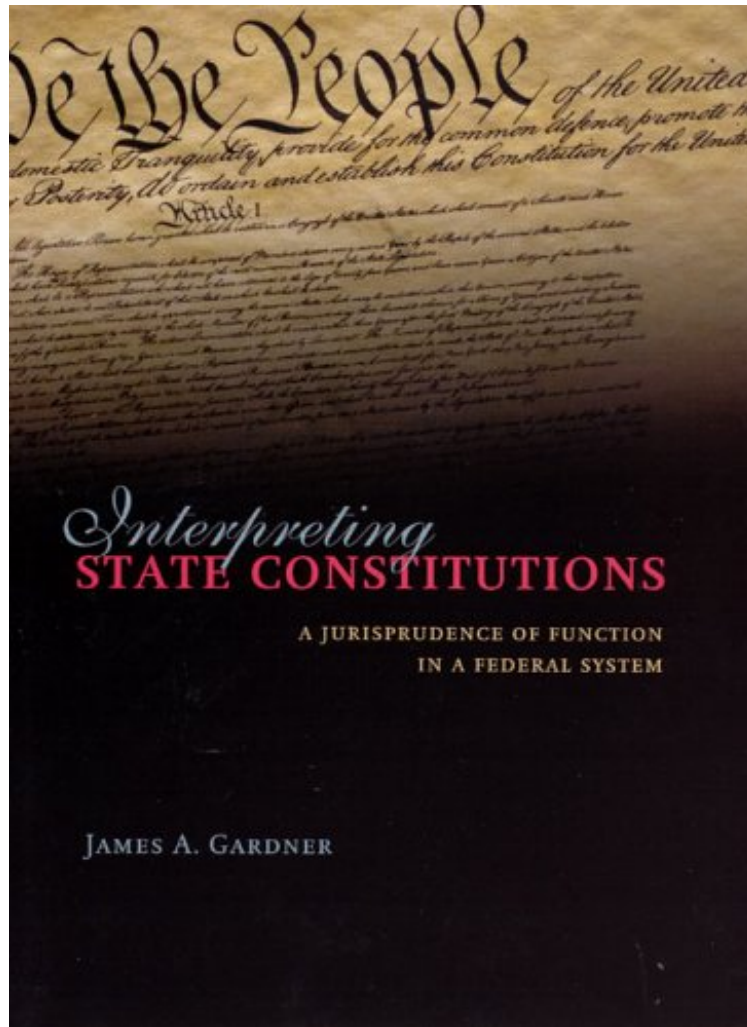


Interpreting State Constitutions: A Jurisprudence of Function in a Federal System

James A. Gardner

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James A. Gardner : Interpreting State Constitutions: A Jurisprudence of Function in a Federal System before purchasing it in order to gage whether or not it would be worth my time, and all praised Interpreting State Constitutions: A Jurisprudence of Function in a Federal System:

1 of 1 people found the following review helpful. Well Done!By J. L.This book deals with a rather ignored aspect of the United States political system, state governments. Gardner explains that the States are not dry rip offs of the Federal government but are inspiring and dynamic institutions. For instance most modern developments with civil rights have been evolving at the state level not the Federal. Also this book makes a very interesting analysis of State Supreme Courts. State Supreme Courts, in distinction from the Federal Supreme Court, are more active in their

judicial review powers simply by the nature of most State constitutions. This is a must read for anyone interested in Federalism.

Interpreting State Constitutions examines and proposes a solution to a problem central to contemporary debates over the enforcement of civil liberties: how courts, government officials, and lawyers should go about interpreting the constitutions of the American states. With the Supreme Court's retreat from the aggressive protection of individual rights, state courts have begun to interpret state constitutions to provide broader protection of liberties. This development has reversed the polarity of constitutional politics, as liberals advocate unimpeded state power while conservatives lobby for state subordination to a constitutional law controlled centrally by the Supreme Court. James A. Gardner here lays out the first fully developed theory of subnational constitutional interpretation. He argues that states are integral components of a national system of overlapping and mutually checking authority and that the purpose of this system is to protect liberty and defend against federal domination. The resulting account provides valuable prescriptive advice to state courts, showing them how to fulfill their responsibilities to the federal system in a way that strengthens American constitutional discourse.

"*Interpreting State Constitutions* is an important and original effort to provide an overall theory of how state constitutions should be interpreted. The idea of placing state constitutional interpretation within an understanding of federalism is extremely significant, and James Gardner executes the project with great skill."