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# Constitutional Law

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Third Edition

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# Preface

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For this edition we have made some significant changes. Of these the most important have been inspired by the work of the Supreme Court. With a large number of new justices, the Court has started to rethink several issues in fundamental ways. Hence we have covered dramatic new departures in a number of areas, including federalism, voting rights, affirmative action, and property rights. We have also shifted our emphasis in accordance with the new developments, deleting or reducing materials that lack the interest they had in 1986. We should note as well that Chapter 10 has been rethought; it now deals in a more systematic way with the problem of unconstitutional conditions — a problem of ever-increasing practical and intellectual importance — and also with the general issue of “baselines” in constitutional law.

Perhaps more fundamentally, we believe that the study of constitutional law in America has been far too parochial — that American lawyers and law students would be better equipped for the next century if they had some understanding of how constitutions work, or fail to work, and are interpreted in other nations. For the first time, this edition makes occasional efforts to introduce readers to some comparative materials. Of course, we offer no systematic survey; but we do hope to shed light on our own problems by exploring how other nations operate. And, at least equally important, we hope to show readers that there are interesting and potentially productive comparisons to be drawn.

We are grateful to the many users of this book, both students and teachers, for their continuing help with this work-in-progress. Fortunately, people have not been reluctant to point to errors, confusions, and possible improvements. We owe a special debt to the hundreds of law teachers on whose work we have drawn throughout this book.

G.R.S.  
L.M.S.  
C.R.S.  
M.V.T.

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