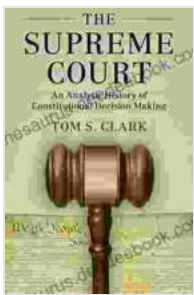


An Analytic History of Constitutional Decision Making: Political Economy of Constitutional Interpretation

Constitutional decision making is a complex process that involves a variety of factors, including economic interests, political power, and institutional factors. This article provides an analytic history of constitutional decision making, focusing on the political economy of constitutional interpretation. It examines how these factors have shaped the development of constitutional law and how they continue to influence constitutional decision making today.



The Supreme Court: An Analytic History of Constitutional Decision Making (Political Economy of Institutions and Decisions) by Michael E. Latham

★★★★☆ 4 out of 5

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Enhanced typesetting : Enabled
Word Wise : Enabled
Print length : 450 pages



The Political Economy of Constitutional Interpretation

The political economy of constitutional interpretation is a field of study that examines the role of economic interests, political power, and institutional

factors in shaping the interpretation of constitutional law. This field of study has its roots in the work of political scientists such as James Madison and Alexander Hamilton, who argued that the Constitution should be interpreted in a way that promotes the economic interests of the nation.

In recent years, the political economy of constitutional interpretation has become a major area of research in law and political science. Scholars in this field have used a variety of methods to examine the role of economic interests in constitutional decision making, including econometric analysis, case studies, and historical analysis.

The Role of Economic Interests

Economic interests play a significant role in constitutional decision making. This is because the Constitution has a major impact on the distribution of economic resources in society. For example, the Commerce Clause gives Congress the power to regulate interstate commerce, which has a significant impact on the economy.

The Supreme Court has interpreted the Commerce Clause in a variety of ways, depending on the economic interests of the parties involved. For example, in the early 1900s, the Court interpreted the Commerce Clause to allow Congress to regulate child labor, even though child labor was not considered to be interstate commerce. However, in the 1990s, the Court interpreted the Commerce Clause to strike down a law that regulated the sale of guns near schools, even though the sale of guns could have a significant impact on interstate commerce.

The role of economic interests in constitutional decision making is not limited to the Commerce Clause. Economic interests also play a role in the

interpretation of other provisions of the Constitution, such as the Equal Protection Clause and the Due Process Clause.

The Role of Political Power

Political power also plays a significant role in constitutional decision making. This is because the Supreme Court is a political institution, and its decisions are often influenced by the political views of the justices.

For example, during the New Deal era, the Supreme Court struck down a number of laws that were enacted by Congress to address the Great Depression. This was due in part to the fact that the justices were opposed to the New Deal's economic policies.

In recent years, the Supreme Court has become increasingly divided along partisan lines. This has led to a number of controversial decisions, such as the decision in *Citizens United v. FEC*, which allowed corporations to spend unlimited amounts of money on political campaigns.

The role of political power in constitutional decision making is not limited to the Supreme Court. Political power also plays a role in the interpretation of the Constitution by other branches of government, such as Congress and the executive branch.

The Role of Institutional Factors

Institutional factors also play a significant role in constitutional decision making. These factors include the structure of the judiciary, the rules of procedure that govern constitutional litigation, and the political culture of the United States.

The structure of the judiciary has a significant impact on constitutional decision making. For example, the fact that the Supreme Court has the power of judicial review means that it can strike down laws that it finds to be unconstitutional. This power gives the Court a great deal of influence over the development of constitutional law.

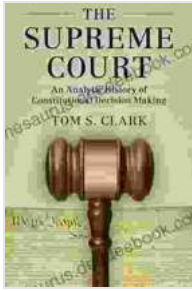
The rules of procedure that govern constitutional litigation also have a significant impact on constitutional decision making. For example, the fact that the Supreme Court only hears a small number of cases each year means that it can only have a limited impact on the development of constitutional law.

The political culture of the United States also has a significant impact on constitutional decision making. For example, the fact that the United States is a democracy means that the Supreme Court is accountable to the people. This accountability can influence the Court's decisions, especially in cases that involve controversial issues.

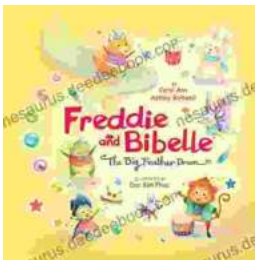
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