



American Constitutional Law and History

Michael S. Ariens

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Written for first-year constitutional law students, *American Constitutional Law and History* has four goals: First, it gives students an understanding of constitutional law doctrine, as well as the unstable nature of that doctrine. Second, it introduces students to the recurring types of accepted justifications by the members of the Court for the exercise of judicial review, the duty, in John Marshall's famous words, "to say what the law is." Third, the book provides students with a sense of how constitutional decision making has changed in different historical periods, and how those changes have affected the present Court's understanding of the Constitution. Finally, *American Constitutional Law and History* shows students how to name and use regularly recurring forms of legal argument, such as analogical reasoning, syllogisms, re-framing by varying the level of generality, and a group of arguments characterized as "rhetorical" arguments such as the slippery slope and famous dead person (appeal to authority) arguments.

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