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Constitutionalism and American Culture: Writing the New Constitutional

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Taking their cue from the late Paul L. Murphy, one of our nation's leading legal historians, this illustrious group of scholars argues that the field of constitutional history is "too important to be left solely to lawyers and judges." Their "state-of-the-field" volume reclaims constitutional history's rightful place as a vital and necessary part of our intellectual enterprise, in part by pushing the field onto fresh, even controversial, terrain. The result is a provocative new look at the past, present, and future of American constitutionalism, one that opens a window on the larger American soul.

Much as Murphy has done, these scholars contend that this restoration is much needed and will greatly enrich judicial and public policy, advance a tradition of justice worthy of America's democratic aspirations, give due attention to cultural contexts, and, most importantly, afford Americans a richer understanding of their constitutional heritage.

Their essays explore, for example, the ways in which previously excluded groups have come more fully into the Constitution's orbit of freedom, the ongoing importance of institutions and doctrines, and the ways in which theory and informal texts might enrich the field. How, they ask, might scholars take account of the lived experiences of litigants, reformers, and lawyers in the forging of constitutional change?

A kind of prospectus for the future of American constitutional history, these essays address fundamental questions about the field and its evolution. More important, they persuasively argue that the best way to reinvigorate the study of constitutionalism is to reconnect it to its social and cultural contexts, to appreciate the continuing necessity of archival research, to recognize and support the value of new approaches and perspectives, and to reaffirm in the end that the best way to explain the history of rights is to remember the courage of the people who had the vision and conviction to put the judges through their constitutional paces.

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