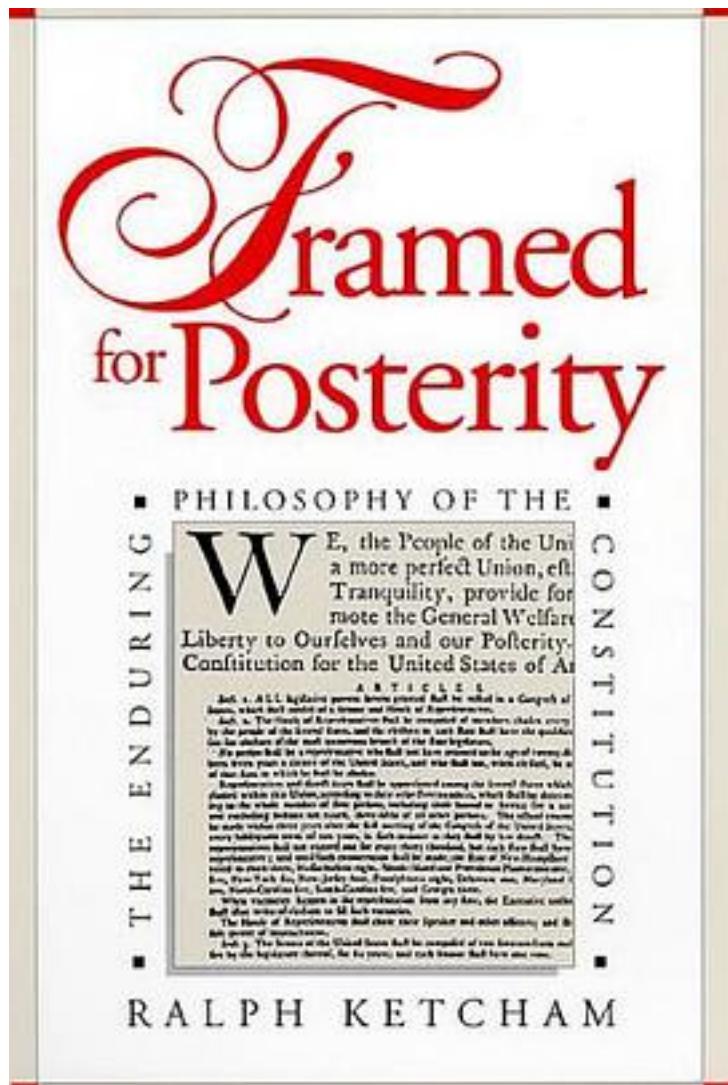


Framed for Posterity



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In *Marbury v. Madison* Chief Justice John Marshall defined the Constitution as "a superior, paramount law," one that superseded the laws passed by Congress and state legislatures. What makes it paramount? This book sets out to recover the enduring principles, purposes, and meanings that inform the founders' charter and continue to offer us political guidance more than 200 years later. In so doing it steers a middle course between "originalists" who constrict interpretation to constitutional specifics and "relativists" who adapt the Constitution to the moment by ignoring original meaning. "Original intent," Ralph Ketcham argues, is best discerned by a study of the political climate that nourished the Constitution and the Bill of Rights and, more particularly, by understanding the broader meanings, intentions, and purposes of the framers. To recover this full context of political thinking, Ketcham delves not only into the meaning of the documents but also into the connotations of the framers' vocabulary, the reasoning behind both accepted and rejected propositions, arguments for and against, and unstated assumptions. In his analysis the fundamental or enduring principles are republicanism, liberty, public good, and federalism (as part of the broader doctrine of balance of powers). Ketcham answers convincingly those who question the relevance to modern constitutional interpretation of the finding that the founders were both republican and liberal. He asserts that the rights-protecting character of the Constitution and the Bill of Rights derived from the founders' belief that private rights depended upon active government and public virtue. In other words, private liberties rested on the citizenry's right to self-governance. James Madison sought to ensure a system of government that would serve as guardian "both of public Good and of private rights." In providing an interpretation of the Constitution and the Bill of Rights that incorporates both republican and liberal perspectives, Ketcham should find a wide readership among politically active citizens, lawyers, judges, and those who teach and study constitutional law and political theory.

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