



The Gallows in the Grove: Civil Society in American Law

George Liebmann

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Writing of the France of the 1930s, the late Simone Weil declared, The state has morally killed everything smaller than itself. Liebmann asserts that a comparable development has recently taken place in the United States, fostering civic apathy and an inability to address serious social problems, and that, not for the first time, abuse of judicial review has caused the Constitution to be used as a tool of class interests. After a general survey of these consequences, Liebmann discusses the original constitutional debates and understanding. He then assesses First Amendment doctrine, through a discussion of the views of Harry Kalven, the most influential modern commentator on free speech issues, and then discusses the appropriate relationship of constitutional restraints to governmental fostering of public policy, on zoning, education, law enforcement, urban renewal, day care, traffic regulation, and care of the elderly, and illustrates the hopeful developments that are possible if judicial restraint is restored. A significant analysis for all scholars and researchers in the areas of constitutional law and current American public policy and politics.

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