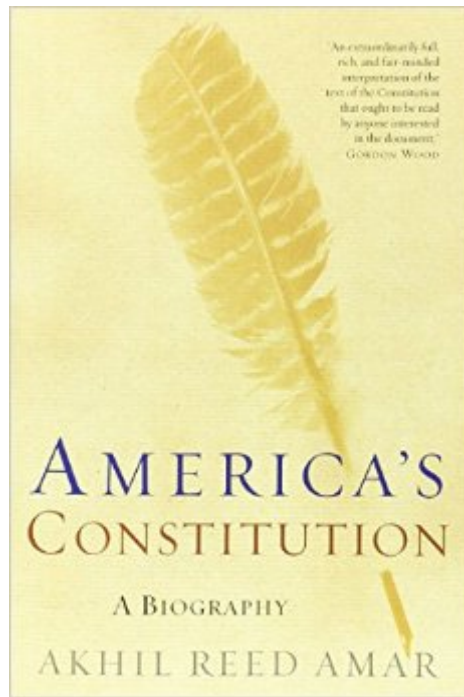


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# America's Constitution: A Biography



## Synopsis

In *America's Constitution*, one of this era's most accomplished constitutional law scholars, Akhil Reed Amar, gives the first comprehensive account of one of the world's great political texts. Incisive, entertaining, and occasionally controversial, this "biography" of America's framing document explains not only what the Constitution says but also why the Constitution says it. We all know this much: the Constitution is neither immutable nor perfect. Amar shows us how the story of this one relatively compact document reflects the story of America more generally. (For example, much of the Constitution, including the glorious-sounding "We the People," was lifted from existing American legal texts, including early state constitutions.) In short, the Constitution was as much a product of its environment as it was a product of its individual creators' inspired genius. Despite the Constitution's flaws, its role in guiding our republic has been nothing short of amazing. Skillfully placing the document in the context of late-eighteenth-century American politics, *America's Constitution* explains, for instance, whether there is anything in the Constitution that is unamendable; the reason America adopted an electoral college; why a president must be at least thirty-five years old; and why "for now, at least" only those citizens who were born under the American flag can become president. From his unique perspective, Amar also gives us unconventional wisdom about the Constitution and its significance throughout the nation's history. For one thing, we see that the Constitution has been far more democratic than is conventionally understood. Even though the document was drafted by white landholders, a remarkably large number of citizens (by the standards of 1787) were allowed to vote up or down on it, and the document's later amendments eventually extended the vote to virtually all Americans. We also learn that the Founders' Constitution was far more slavocratic than many would acknowledge: the "three fifths" clause gave the South extra political clout for every slave it owned or acquired. As a result, slaveholding Virginians held the presidency all but four of the Republic's first thirty-six years, and proslavery forces eventually came to dominate much of the federal government prior to Lincoln's election. Ambitious, even-handed, eminently accessible, and often surprising, *America's Constitution* is an indispensable work, bound to become a standard reference for any student of history and all citizens of the United States. From the Hardcover edition.

## Book Information

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## Customer Reviews

Amar explains in his postscript that his aim in writing this book was "to offer a comprehensive account of America's Constitution, introducing the reader both to the legal text (and its consequences) and to the political deeds that gave rise to that text." He has achieved this aim splendidly. This phrase-by-phrase guided tour through the document never fails to inform and provoke, whether or not one agrees with its author (and I don't always). It's also a very approachable book, in terms of both style and content. The knowledge base assumed here is considerable, but not forbidding: anybody with a good working knowledge of the Seven Articles and the better-known Amendments ought to be able to thread his way profitably through Amar's lucid and energetic narrative. Amar considers himself a "textualist," which as far as I can tell amounts to a kind of principled "public-meaning" originalism of the kind advocated by Oliver Wendell Holmes and Robert Bork. His (very) close reading of the text is always informed by a knowledge of the range of plausible meanings available to 18th-century users of a given word or phrase, and generally (with some crucial exceptions--see below) by a comprehensive familiarity with the historical circumstances that led to the adoption of that word or phrase. At the same time, he stresses that the source of the Constitution's meaning must be located in the stated AND UNSTATED intentions of the document's authors AND RATIFIERS, to the extent that those intentions can be reliably recovered. In itself, this is an admirable approach; it avoids both the pitfalls of crude authorial-intent originalism (i.e., interpreting the Constitution by pretending to read James Madison's mind) and those of "loose constructionism" (i.e.

This is that rare book. Anyone interested in the history of the United States or its government should read this book. Not necessarily because it settles anything but because it argues so well for positions that are not mainstream. You ignore Amar at the risk of your own ignorance. Two things about the reading of this book. Read the Postscript both before and after the main text. This will greatly clarify your understanding of Amar's purpose and methodology. Also, make sure to religiously read the footnotes. Much of the supporting data is to be therein as well as cogent outlines of many a scholarly debate. Amar has two major overarching themes: 1. "...the Founder's Constitution was more democratic, more slavocratic and more geostrategically inspired than is generally recognized..." (p.471). 2. Amar focuses on the various acts of constitutional ratification and amendment as being maybe more important than the text itself. His working of this last point is continually brilliant. For example, Amar focuses a lot on how Washington established many a precedent for the President. "This seemed particularly appropriate because the American people in 1787-1789 understood that the Constitution was designed for Washington, whose precedent-setting actions would...help concretize its meaning..." (p. 479 but see also p.134) Another example has been mentioned by some of the other reviewers but is worth repeating. Amar points out that the vote for the delegates to the ratification conventions in the various states were more inclusive than usual. The Founders recognized that the legitimacy of the Constitution rested on popular sovereignty. In their cover letter to Congress presenting the Constitution, they explicitly called for the ratification by convention.

America's Constitution follows the US Constitution, from the soaring brilliance of the preamble, through article 7 and each of the amendments. Amar describes in depth the historical and political background of each section and explains what the drafters had intended, why it was written with the particular words and expressions that were used, and the intended and unintended consequences of the choices made by the framers. While without a doubt a worthy book, and one every American ought to read, I doubt most non-lawyers or academics can get through the dense prose. Though Amar makes a valiant effort to avoid legal jargon and shorthand, the book was clearly written by a legal scholar and often debates or rebukes contentions by other legal scholars of which the general public, including myself, are mostly ignorant. Prior familiarity with Publius is a prerequisite. What I had hoped for from the description of this book was a David McCulloch-style history of the writing of the Constitution, explaining the 18th century text in 21st century terms. Instead, Amar often seems to imitate the style of the 18th century framers. To illustrate, here is a representative sentence taken at semi-random from near the beginning: "The conspicuous complementarity of these two

sentences suggests that they might sensibly have been placed side by side, but the Philadelphia architects preferred instead to erect them at opposite ends of the grand edifice so that both the document's front portal and rear portico would project the message of popular sovereignty, American style."This is actually a quite erudite sentence, for which the author is likely to have been rightly proud to have penned.

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