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## Minimalism Versus Perfectionism in Constitutional Theory

Editors' Forward

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## SYMPOSIUM

### MINIMALISM VERSUS PERFECTIONISM IN CONSTITUTIONAL THEORY

#### *Editors' Foreword*

We are pleased to present this Symposium in Constitutional Studies: *Minimalism Versus Perfectionism in Constitutional Theory*. The Symposium centers on two important recent books in constitutional theory: Cass R. Sunstein's *Radicals in Robes: Why Extreme Right-Wing Courts Are Wrong for America* (Basic Books 2005) and James E. Fleming's *Securing Constitutional Democracy: The Case of Autonomy* (University of Chicago Press 2006). It is the third in a series of symposia on significant recent books in constitutional studies. The first in the series was on *Theories of Constitutional Self-Government*,<sup>1</sup> focusing on Christopher L. Eisgruber's *Constitutional Self-Government*<sup>2</sup> and Jed Rubenfeld's *Freedom and Time: A Theory of Constitutional Self-Government*.<sup>3</sup> The second was on *Theories of Taking the Constitution Seriously Outside the Courts*,<sup>4</sup> on Larry D. Kramer's *The People Themselves: Popular Constitutionalism and Judicial Review*<sup>5</sup> and Lawrence G. Sager's *Justice in Plainclothes: A Theory of American Constitutional Practice*.<sup>6</sup>

This Symposium is structured as follows. Professor Sunstein and Professor Fleming wrote essays critiquing one another's books. Professors Abner S. Greene, Charles A. Kelbley, Youngjae Lee, and Benjamin C. Zipursky along with Dean William Michael Treanor wrote essays about those books and, more generally, minimalism versus perfectionism in constitutional theory. To enrich the discussion, we held a live seminar focusing on the books and the essays.

We owe thanks to Professors Abner S. Greene and Benjamin C. Zipursky for organizing this Symposium.

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1. Symposium, *Theories of Constitutional Self-Government*, 71 Fordham L. Rev. 1721 (2003).

2. Christopher L. Eisgruber, *Constitutional Self-Government* (2001).

3. Jed Rubenfeld, *Freedom and Time: A Theory of Constitutional Self-Government* (2001).

4. Symposium, *Theories of Taking the Constitution Seriously Outside the Courts*, 73 Fordham L. Rev. 1341 (2005).

5. Larry D. Kramer, *The People Themselves: Popular Constitutionalism and Judicial Review* (2004).

6. Lawrence G. Sager, *Justice in Plainclothes: A Theory of American Constitutional Practice* (2004).

*Notes & Observations*