

Lukas Wolfgang Lübben

Ursprünge der richterlichen Normenkontrolle im Verfassungsrecht der Vereinigten Staaten, 1761–1803

[Origins of Judicial Review in U.S. Constitutional History, 1761–1803.]



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When America's founders rejected old forms of British law and governance in favor of a written constitution, they came to realize that constitutional law needed validation. Whether it was up to the courts to enforce the newfound law of the written federal and state constitutions, however, remained a contentious issue. Lukas Wolfgang Lübben recounts the ensuing debate among contemporary lawyers, analyzes the development of judicial review up until the seminal 1803 U.S. Supreme Court *Marbury v. Madison* ruling, and concludes that legal practitioners and scholars of the time were much more inclined to accept the fact of constitutional uncertainties than their counterparts today.

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