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informed by diverse political visions, preexisting facts reframed by new n it fulfills its function and operates a ing triad. In doing so, the Court b recognizes, is as significant as its ac meaning, the articulation of what W him) called a "public philosophy."] preferences. There is more to this Kahn gets this and has taught it. H Court's major role in *constituting* the ity (Greenstone 1988).

Contestation over where the pc ciples)—substantive commitments meaning—is constitutive of that cc tive in part because there is "no pr a particular court decision." These Court has to apply polity and righ nomic, and political environment a studying "the link between social, world and constitutional law and d

III. /

My complete assent to Kahn's p application. I have particular prol in applying his general model to p: ordinated groups under the Equal of an antiegalitarian conservative ; are the means by which Kahn ha tional development.

It seems to me that Kahn tel servatives facing facts as they rea first inclinations, in the more liber should be moving. The facts, tha direction and, although the ride i the best of all possible worlds.

Kahn's assumptions concern resplendent in the bright light of

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Plessy v. Ferguson, 163 U.S.

Roe v. Wade, 410 U.S. 113

Schachter Poultry v. U.S., 297

U.S. v. Butler, 297 U.S. 1

Wisconsin v. Ioder, 406 U.S.

Supreme Court

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