

1. Record Nr.	UNINA9910974000303321
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Titolo	Constitutional interpretation : illusion and reality // Jeffrey M. Shaman
Pubbl/distr/stampa	Westport, Conn. : , : Praeger, , 2000 London : , : Bloomsbury Publishing, , 2024
ISBN	9798400630965 9780313000973 0313000972
Edizione	[1st ed.]
Descrizione fisica	1 online resource (285 p.)
Collana	Contributions in legal studies, , 0147-1074 ; ; no. 97
Disciplina	347.73/12
Soggetti	Judicial review - United States Judicial process - United States Constitutional law - United States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Bibliographic Level Mode of Issuance: Monograph
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Cover -- CONSTITUTIONAL INTERPRETATION -- Contents -- Preface -- Introduction -- NOTES -- Chapter 1 Constitutional Creativity -- THE HISTORIC FOUNDATION OF CONSTITUTIONAL CREATIVITY -- THE THEORETICAL FOUNDATION OF CONSTITUTIONAL CREATIVITY -- The Text of the Document -- The Intent of the Framers -- The Intent of the Ratifiers -- THE POLITICAL FOUNDATION OF CONSTITUTIONAL CREATIVITY -- CONCLUSION -- NOTES -- Chapter 2 Formalism v. Realism -- THE NATURE OF CATEGORIZATION -- THE CATEGORICAL ILLUSION -- THE NATURE OF BALANCING -- SOME COMPARATIVE OBSERVATIONS ABOUT CATEGORIZATION AND BALANCING -- CATEGORICAL BALANCING -- THE NECESSITY OF BALANCING -- Alternatives to Balancing -- Precedent -- Original Intent -- History -- Constitutional Purpose -- United States Steel Corp. v. Multistate Tax Commission -- A Last Grasp at an Alternative to Balancing -- CONCLUSION -- NOTES -- Chapter 3 The Levels of Scrutiny -- MINIMAL SCRUTINY -- UPGRADING MINIMAL SCRUTINY -- STRICT SCRUTINY -- INTERMEDIATE SCRUTINY -- REHNQUIST AND SCALIA: FORAYS INTO WEAKENING INTERMEDIATE SCRUTINY -- JUSTICE MARSHALL'S SLIDING SCALE OF SCRUTINY -- FLAWS IN THE MULTI-TIER

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 MANIPULATION OF CONSTITUTIONAL FACT AND THE LEVELS OF  
 SCRUTINY -- The Levels of Scrutiny -- Heightened Scrutiny of  
 Constitutional Fact -- Minimal Scrutiny of Constitutional Fact --  
 CONCLUSION -- NOTES -- Chapter 5 The Puzzle of Legislative Motive  
 -- THE TAINTED HERITAGE OF ASSESSING LEGISLATIVE MOTIVE -- WHY  
 LEGISLATIVE MOTIVE SUPPOSEDLY IS IRRELEVANT -- Difficulty --  
 Futility -- Judicial Restraint -- Necessary Extent of Illicit Motive -- WHY  
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 Discriminatory Impact -- ASCERTAINING PUBLIC MOTIVE-THE  
 INITIATIVE AND REFERENDUM -- CONCLUSION -- NOTES -- Chapter 6  
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 Commercial Speech -- PROPOSALS TO ADD NEW VARIETIES OF LOW-  
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 -- The Basis of Categorization -- CONCLUSION -- NOTES -- Chapter 7  
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 CLAUSE: PRIVILEGES OR IMMUNITIES -- THE SUBSTITUTE CLAUSE: DUE  
 PROCESS OF LAW -- THE LAST REFUGE: EQUAL PROTECTION OF THE  
 LAWS -- Classifications -- Fundamental Rights -- CONCLUSION: A  
 SURPRISING REVIVAL -- NOTES -- Table of Cases -- Index -- About the  
 Author.

## Sommario/riassunto

This study analyzes the process of constitutional interpretation, that is, the methodology by which the Supreme Court goes about interpreting the Constitution, and offers a comprehensive view of constitutional law through the lens of history, political science, and jurisprudence. Shaman examines the practice of creating meaning for the Constitution, the dichotomy of legal formalism and realism, the levels of judicial scrutiny, the perception of reality, and the puzzle of legislative motive. While the book traces the historical development of constitutional law, its main focus is on modern jurisprudence, including analyses of the major themes of constitutional interpretation developed by the Warren, Burger, and Rehnquist Courts. Shaman details the Warren Court's move to a more realistic jurisprudence and its development of a multi-level system of judicial review that has become increasingly more complex under the Burger and Rehnquist Courts. He critiques the Supreme Court's reversion in recent years to an old-fashioned formalistic jurisprudence and the growing tendency of the Court to look to the past rather than to future to interpret the Constitution. The book also includes discussion of recent major doctrinal developments such as constitutional theory underlying Supreme Court decisions on gender discrimination, discrimination on the basis of sexual preference, the right to die, abortion, and freedom of speech.

2. Record Nr.	UNINA9910908381203321
Autore	Castillo Ismaël
Titolo	Bayesian Nonparametric Statistics : École d'Été de Probabilités de Saint-Flour LI - 2023 / / by Ismaël Castillo
Pubbl/distr/stampa	Cham : , : Springer Nature Switzerland : , : Imprint : Springer, , 2024
ISBN	9783031740350 9783031740343
Edizione	[1st ed. 2024.]
Descrizione fisica	1 online resource (225 pages)
Collana	École d'Été de Probabilités de Saint-Flour ; ; 2358
Disciplina	519.5
Soggetti	Statistics Machine learning Mathematical optimization Calculus of variations Statistical physics Probabilities Statistical Theory and Methods Machine Learning Calculus of Variations and Optimization Statistical Physics Probability Theory Estadística bayesiana Estadística no paramétrica Llibres electrònics
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	-1. Introduction, rates I.-2. Rates II and first examples.-3. Adaptation I: smoothness.-4. Adaptation II: high-dimensions and deep neural networks -- 5. Bernstein-von Mises I: functionals -- 6. Bernstein-von Mises II: multiscale and applications -- 7. classification and multiple testing -- 8. Variational approximations.
Sommario/riassunto	This up-to-date overview of Bayesian nonparametric statistics provides both an introduction to the field and coverage of recent research

topics, including deep neural networks, high-dimensional models and multiple testing, Bernstein-von Mises theorems and variational Bayes approximations, many of which have previously only been accessible through research articles. Although Bayesian posterior distributions are widely applied in astrophysics, inverse problems, genomics, machine learning and elsewhere, their theory is still only partially understood, especially in complex settings such as nonparametric or semiparametric models. Here, the available theory on the frequentist analysis of posterior distributions is outlined in terms of convergence rates, limiting shape results and uncertainty quantification. Based on lecture notes for a course given at the St-Flour summer school in 2023, the book is aimed at researchers and graduate students in statistics and probability. .

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