THE LEGAL AND SOCIAL ASPECTS OF EVOLUTION

- I. Introduction
 - A. Evolution is a world view issue
 - B. Impact on how the legal system interprets the Constitution
- II. The founders' original vision for the judiciary
 - A. Jefferson, Marshall, Story
 - B. Article V
 - C. An impotent branch of government
- III. Evolutionary changes
 - A. Langdell, Pound, Holmes
 - B. Legal positivism
 - C. Connection to evolution: 1859 and 1870
 - D. Representative legal thinkers: Bickel, Brennan, Tribe
- IV. Impact
 - A. Shift in authority in the interpretive process
 - B. Inalienable rights
 - C. Legal education
 - 1. Obsolescence of the founding fathers
 - 2. Discarding of Blackstone's commentaries (1760)
 - 3. Introduction of the case law method
 - D. Democracy
 - 1. Continuous constitutional convention
 - 2. Oligarchy
- V. Legal positivism illustrated
 - A. Capital punishment
 - B. Abortion. Roe v. Wade
 - C. Separation of church and state
- VI. The next evolutionary leap
 - A. Globalism and evolution
 - B. Lawrence v. Texas 2003

<u>Bibliography</u>

Barton, David. Original Intent. Aledo, TX: Wallbuilder Press, 1996.
The Myth of Separation. Aledo, TX: Wallbuilder Press, 1992.
Bork, Robert H. <i>Coercing Virtue: The Worldwide Rule of Judges</i> . Washington D.C.: American Enterprise Institute Press, 2003.
The Tempting of America. New York: The Free Press, 1990.
Eidesmoe, John. Christianity and the Constitution. Grand Rapids: Baker, 1987.
Morris, Henry. The Long War Against God. Grand Rapids: Baker, 1989.
Noebel, David. <i>Understanding the Times</i> . Manitou Springs, CO: Summit Press, 1991.
Titus, Herbert W. "God, Evolution, Legal Education, and Law," <i>Journal of Christian Jurisprudence</i> (1980): 11-48.
"Religious Freedom: The War Between the Faiths," <i>Journal of Christian Jurisprudence</i> (1984-85): 111-38.
Whitehead, John. <i>The Second American Revolution</i> . Westchester, IL: Crossway Books 1987.