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| Sommario/riassunto | The dominance of legislatures and statutory law has put an impossible burden on the courts. Guido Calabresi thinks it is time for this country seriously to consider returning to a traditional American judicial-legislative balance in which courts would enlarge the common law and would also decide when a rule of law has seen its day and should be revised. Table of Contents: 1. Choking on Statutes 2. The Flight to the Constitution and to Equal Protection Clauses 3. The Passive Virtues 4. Interpretation 5. The New Deal Response: Administrative Agencies 6. Legislative Responses 7. Structural Responses 8. A New Approach: |

Antecedents and Roots 9. The Doctrine: A Question of Legitimacy 10. The Doctrine: Limits and Guidelines 11. The Doctrine: Techniques and Feasibility 12. The Role of Courts in an Age of Statutes 13. The Dangers of the Doctrine 14. The Uses and Abuses of Subterfuge 15. The Choice for Candor Notes Works Cited Table of Cases Index

Reviews of this book: This is a genuinely original and thoughtful book, one of the few in the jurisprudential genre that is both dearily written and devoid of cliché. It addresses current social and legal issues from an engagingly fresh, nonpolemical, and erudite perspective.--American Bar Association Journal

Reviews of this book: Calabresi has brought his ample juristic talents to bear on a foundational problem of the legal and democratic process.in its quality, timeliness and provocativeness [this book] is likely to stand alongside the seminal works of Ronald Dworkin and Grant Gilmore.--Columbia Law Review
