

1. Record Nr.	UNINA9910777860903321
Autore	Rubinfeld Jed <1959->
Titolo	Freedom and time [[electronic resource]] : a theory of constitutional self-government / / Jed Rubinfeld
Pubbl/distr/stampa	New Haven, : Yale University Press, c2001
ISBN	1-281-73023-8 9786611730239 0-300-12942-4
Descrizione fisica	1 online resource (1 online resource (266 p.))
Disciplina	320/.01/1
Soggetti	Liberty Time Democracy Constitutional history - 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	pt. 1. Living in the present -- pt. 2. Being over time -- pt. 3. Constitutionalism as democracy.
Sommario/riassunto	Should we try to "live in the present"? Such is the imperative of modernity, Jed Rubinfeld writes in this important and original work of political theory. Since Jefferson proclaimed that "the earth belongs to the living"-since Freud announced that mental health requires people to "get free of their past"-since Nietzsche declared that the happy man is the man who "leaps" into "the moment-modernity has directed its inhabitants to live in the present, as if there alone could they find happiness, authenticity, and above all freedom. But this imperative, Rubinfeld argues, rests on a profoundly inadequate, deforming picture of the relationship between freedom and time. Instead, Rubinfeld suggests, human freedom-human being itself--necessarily extends into both past and future; self-government consists of giving our lives meaning and purpose over time. From this conception of self-government, Rubinfeld derives a new theory of constitutional law's place in democracy. Democracy, he writes, is not a matter of governance by the present "will of the people" it is a matter of a

nation's laying down and living up to enduring political and legal commitments. Constitutionalism is not counter to democracy, as many believe, or a pre-condition of democracy; it is or should be democracy itself--over time. On this basis, Rubinfeld offers a new understanding of constitutional interpretation and of the fundamental right of privacy.
