1. Record Nr. UNINA9910781162903321 Autore Farber Daniel A. <1950-> Titolo Desperately seeking certainty [[electronic resource]]: the misguided quest for constitutional foundations / / Daniel A. Farber, Suzanna Sherry Chicago, III., : University of Chicago Press, 2004, c2002 Pubbl/distr/stampa **ISBN** 1-282-53837-3 9786612538377 0-226-23810-5 Edizione [Pbk. ed.] Descrizione fisica 1 online resource (221 p.) Altri autori (Persone) SherrySuzanna Disciplina 342.73 Soggetti Constitutional law - United States Constitutional law - United States - Philosophy Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Description based upon print version of record. Includes bibliographical references (p. 171-202) and index. Nota di bibliografia Nota di contenuto Frontmatter -- CONTENTS -- PREFACE -- 1 . Of Law and Latkes -- 2 . In the Beginning:Robert Bork and Other Originalists -- 3. The Formalist Crusade of Antonin Scalia -- 4. Richard Epstein and the Incredible Shrinking Government -- 5. Akhil Amar and the People's Court -- 6. Bruce Ackerman's Magic Amendment Machine -- 7. Ronald Dworkin and the City on the Hill -- 8. Dethroning Grand Theory -- Appendix --Notes -- Index Sommario/riassunto Irreverent, provocative, and engaging, Desperately Seeking Certainty attacks the current legal voque for grand unified theories of constitutional interpretation. On both the Right and the Left, prominent legal scholars are attempting to build all of constitutional law from a single foundational idea. Dan Farber and Suzanna Sherry find that in the end no single, all-encompassing theory can successfully guide judges or provide definitive or even sensible answers to every constitutional question. Their book brilliantly reveals how problematic

foundationalism is and shows how the pragmatic, multifaceted

than do any of the grand theories.

common law methods already used by the Court provide a far better means of reaching sound decisions and controlling judicial discretion