

1. Record Nr.	UNINA9910782434803321
Autore	Powell Jefferson <1954->
Titolo	Constitutional conscience [[electronic resource] ] : the moral dimension of judicial decision / / H. Jefferson Powell
Pubbl/distr/stampa	Chicago, : University of Chicago Press, 2008
ISBN	1-281-96624-X 9786611966249 0-226-67730-3
Descrizione fisica	1 online resource (161 p.)
Disciplina	347.73/2634
Soggetti	Judicial process - United States Justice, Administration of - United States Judges - United States Judicial discretion - United States Constitutional law - United States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	The rule of five -- Playing the game -- A question of degree -- Men and women of goodwill -- Making it up as we go along.
Sommario/riassunto	While many recent observers have accused American judges-especially Supreme Court justices-of being too driven by politics and ideology, others have argued that judges are justified in using their positions to advance personal views. Advocating a different approach-one that eschews ideology but still values personal perspective-H. Jefferson Powell makes a compelling case for the centrality of individual conscience in constitutional decision making. Powell argues that almost every controversial decision has more than one constitutionally defensible resolution. In such cases, he goes on to contend, the language and ideals of the Constitution require judges to decide in good faith, exercising what Powell calls the constitutional virtues: candor, intellectual honesty, humility about the limits of constitutional adjudication, and willingness to admit that they do not have all the answers. Constitutional Conscience concludes that the need for these qualities in judges-as well as lawyers and citizens-is implicit in our

constitutional practices, and that without them judicial review would  
forfeit both its own integrity and the credibility of the courts  
themselves.

---