Record Nr. UNINA9910783578503321 Autore Uitz Renata **Titolo** Constitutions, courts, and history [[electronic resource]]: historical narratives in constitutional adjudication / / Renata Uitz Budapest: New York,: Central European University Press, 2005 Pubbl/distr/stampa **ISBN** 978-6-15505-373-3 978-615-5053-73-3 9786155053733 615-5053-73-1 1-281-26864-X 9786611268640 1-4237-1963-8 Descrizione fisica 354 p Disciplina 347/.012 Soggetti Constitutional law Constitutional history Judicial review - History Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Bibliographic Level Mode of Issuance: Monograph Note generali Includes bibliographical references (p. [309]-342) and index. Nota di bibliografia Nota di contenuto Historical narratives in constitutional reasoning: intuitions and myths revisited -- An overview of arguments used in constitutional adjudication -- The constitutional text in the light of history -- Behind historical narratives: the promise of continuity -- The fruits of reconciliation: a bittersweet harvest. Sommario/riassunto Emphasizes the role history and historical narratives play in constitutional adjudication. Uitz provocatively draws attention to the often-tense relationship between the constitution and historical precedence highlighting the interpretive and normative nature of the law. Her work seeks to understand the conditions under which references to the past, history and traditions are attractive to lawyers,

even when they have the potential of perpetuating indeterminacy in

constitutional indeterminacy is obscured by 'judicial rhetorical toolkits' of continuity and reconciliation that allow the court's reliance on the

constitutional reasoning. Uitz conclusively argues that this

past to be unaccounted for. Uitz' rigorous analysis and extensive research makes this work an asset to legal scholars and practitioners alike.