

1. Record Nr.	UNINA9910815959503321
Autore	Ackerman Bruce A
Titolo	Private property and the Constitution // Bruce A. Ackerman
Pubbl/distr/stampa	New Haven : , : Yale University Press, , 1977
ISBN	0-300-15806-8
Edizione	[1st ed.]
Descrizione fisica	1 online resource (314 p.)
Disciplina	343/.73/025
Soggetti	Constitutional law - United States Eminent domain - United States Property - 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 indexes.
Nota di contenuto	Front matter -- Contents -- Acknowledgments -- 1. Two Directions for Legal Thought -- 2. Scientific Adjudication -- 3. Utilitarian Adjudication -- 4. Kantian Adjudication -- 5. Ordinary Adjudication -- 6. Layman's Things -- 7. On the Nature and Object of Legal Language -- Notes -- Table of Cases -- Index
Sommario/riassunto	The proper construction of the compensation clause of the Constitution has emerged as the central legal issue of the environmental revolution, as property owners have challenged a steady stream of environmental statutes that have cut deeply into traditional notions of property rights. When may they justly demand that the state compensate them for the sacrifices they are called upon to make for the common good? Ackerman argues that there is more at stake in the present wave of litigation than even the future shape of environmental law in the United States. To frame an adequate response, lawyers must come to terms with an analytic conflict that implicates the nature of modern legal thought itself. Ackerman expresses this conflict in terms of two opposed ideal types---Scientific Policymaking and Ordinary Observing---and sketches the very different way in which these competing approaches understand the compensation question. He also tries to demonstrate that the confusion of current compensation doctrine is a product of the legal profession's failure to choose between these two modes of legal analysis. He concludes by exploring the large

implications of such a choice---relating the conflict between Scientific Policymaking and Ordinary Observing to fundamental issues in economic analysis, political theory, metaethics, and the philosophy of language.

---