

1. Record Nr.	UNINA9910965994703321
Autore	Uitz Renata
Titolo	Constitutions, courts, and history : historical narratives in constitutional adjudication / / Renata Uitz
Pubbl/distr/stampa	Budapest ; ; New York, : Central European University Press, 2005
ISBN	1-003-71894-9 978-6-15505-373-3 978-615-5053-73-3 9786155053733 615-5053-73-1 1-281-26864-X 9786611268640 1-4237-1963-8
Edizione	[1st ed.]
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
Note generali	Bibliographic Level Mode of Issuance: Monograph
Nota di bibliografia	Includes bibliographical references (p. [309]-342) and index.
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 reasoning. Uitz conclusively argues that this

constitutional indeterminacy is obscured by 'judicial rhetorical toolkits' of continuity and reconciliation that allow the court's reliance on the past to be unaccounted for. Uitz' rigorous analysis and extensive research makes this work an asset to legal scholars and practitioners alike.

---