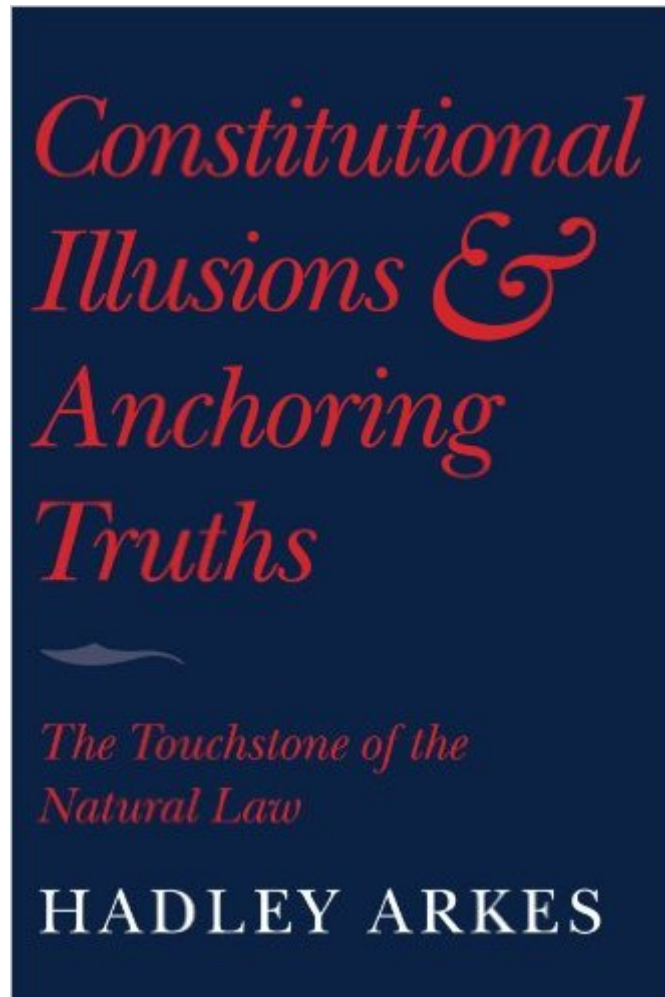


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Constitutional Illusions And Anchoring Truths: The Touchstone Of The Natural Law



Synopsis

This book stands against the current of judgments long settled in the schools of law in regard to classic cases such as *Lochner v. New York*, *Near v. Minnesota*, the Pentagon Papers case, and *Bob Jones University v. United States*. Professor Hadley Arkes takes as his subject concepts long regarded as familiar, settled principles in our law - "prior restraints," ex post facto laws - and he shows that there is actually a mystery about them, that their meaning is not as settled or clear as we have long supposed. Those mysteries have often given rise to illusions or at least a series of puzzles in our law. They have at times acted as a lens through which we view the landscape of the law. We often see what the lens has made us used to seeing, instead of seeing what is actually there. Arkes tries to show, in this text, that the logic of the natural law provides the key to this chain of puzzles.

Book Information

Paperback: 282 pages

Publisher: Cambridge University Press; 1 edition (May 31, 2010)

Language: English

ISBN-10: 0521732085

ISBN-13: 978-0521732086

Product Dimensions: 6 x 0.6 x 9 inches

Shipping Weight: 1.1 pounds (View shipping rates and policies)

Average Customer Review: 3.2 out of 5 starsÂ Â See all reviewsÂ (4 customer reviews)

Best Sellers Rank: #1,426,462 in Books (See Top 100 in Books) #110 inÂ Books > Law > Legal

Theory & Systems > Natural Law #616 inÂ Books > Law > Philosophy #2248 inÂ Books > Law >

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Customer Reviews

I have been alighting on some of these "natural law manifestoes" , a phrase recently coined by Richard Garnett, and they are not very lovely flowers. The whole idea of these things is so forced and wrong, and this is just one more of the type I have made fun of and highlighted before. Aquinas is brought in for no discernible scholarly reason. Check out p. 61 of this book. It is astonishing to any fair minded person. These people are operating in some sort of alternate universe where coherence matters not. Simply put, it is a word salad. First the author cites "Aquinas and Lincoln" as if they somehow historically belonged together. But no matter he moves on to Burlamqui, as if quoting him would say something definitive about the age. That is like choosing to analyze the depths of

Leibizian thought only by way of Christian Wolff. But no matter, he then slithers into a quote by Hooker, and all that in a few paragraphs. And then suddenly -- I am NOT making this up!!! -- he is suddenly back to the "Church Fathers" ! Huh?? What in the world. He then glosses on the Patristics. How is this word salad even an argument. This is just pure nonsense as an historical argument. And it is only published as purest polemics. But much more interesting is a recent comment by the author online, where he helpfully admits the shadowy nature of this sort of argumentaion in the light of our republic:"I want to thank our readers for their comments. Mr. JSmitty touches on a sensitive matter, and it may interest him, as well as others among our readers, that we announced, on June 4th, the establishment of a new Center for Natural Law in Washington, D.C., under the Claremont Institute, with my own writings figuring in the curriculum.

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