



## Judicial Restraint in America: How the Ageless Wisdom of the Federal Courts Was Invented

By Evan Tsen Lee

Oxford University Press. Hardcover. Condition: New. 248 pages. Dimensions: 9.3in. x 6.4in. x 0.7in. Many legal scholars believe that judges should not be activists. But exactly what does it mean for judges to practice restraint, and how did that set of practices evolve in America? In *Judicial Restraint in America: How the Ageless Wisdom of the Federal Courts Was Invented*, Evan Tsen Lee traces the cultural, social, and intellectual forces that shaped the contours of judicial restraint from the time of John Marshall, through the vested property rights courts of the early 20th Century, through the Warren Court, and up to the present. The Supreme Court and the many lower federal courts have long used mystifying technical doctrines known as standing and abstention out of a professed fidelity to judicial restraint. Yet this book aims to demonstrate that the concept of judicial restraint cannot be meaningfully viewed outside of the varying contexts of American history. The notion of judicial restraint only makes sense in light of the waxing and waning American commitments to property rights and Protestant idealism, to scientific pragmatism, to racial equality, and even to environmental protection and the need to stem climate change. This book focuses on the...

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