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In *Judicial Review in an Objective Legal System*, Tara Smith breaks through the false dichotomies inherent in dominant theories - various forms of originalism, living constitutionalism, and minimalism - to present a new approach to judicial review.

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Tara Smith breaks

through the false
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various forms of
originalism, While all
agree that courts must
be objective, people
differ sharply over what
this demands in
practice: fidelity to the

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While the full case for objective judicial review is in her book, Smith makes a few specific recommendations that are worth mentioning here: (1) Courts should employ uniform standards of scrutiny

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(she makes a strong case for rejecting the current three-tiered scrutiny);

(2) courts should restore proper presumptions

(she rejects the presumption of constitutionality applied to legislation and makes the case for a

presumption of liberty);

and (3) courts should have the courage of constitutional ...

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a new approach to

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In *Judicial Review in an Objective Legal System*, Tara Smith, philosopher of law and professor at the University of Texas at Austin, provides fresh new answers to these long-standing questions.

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By cutting straight to the core of objectivity and its place in a legal system, Smith lays fertile ground for assessing the arena's major theories of judicial review, emerging ultimately with a theory of interpretation that solves the problems inherent in the current approaches.

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While Judicial Review
in an Objective Legal
System offers great
positive value, I have
two sets of concerns.
One pertains to what
should be done when
moral authority and
legal authority come
apart. The other has to
do with what comprises

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a legal system and the
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