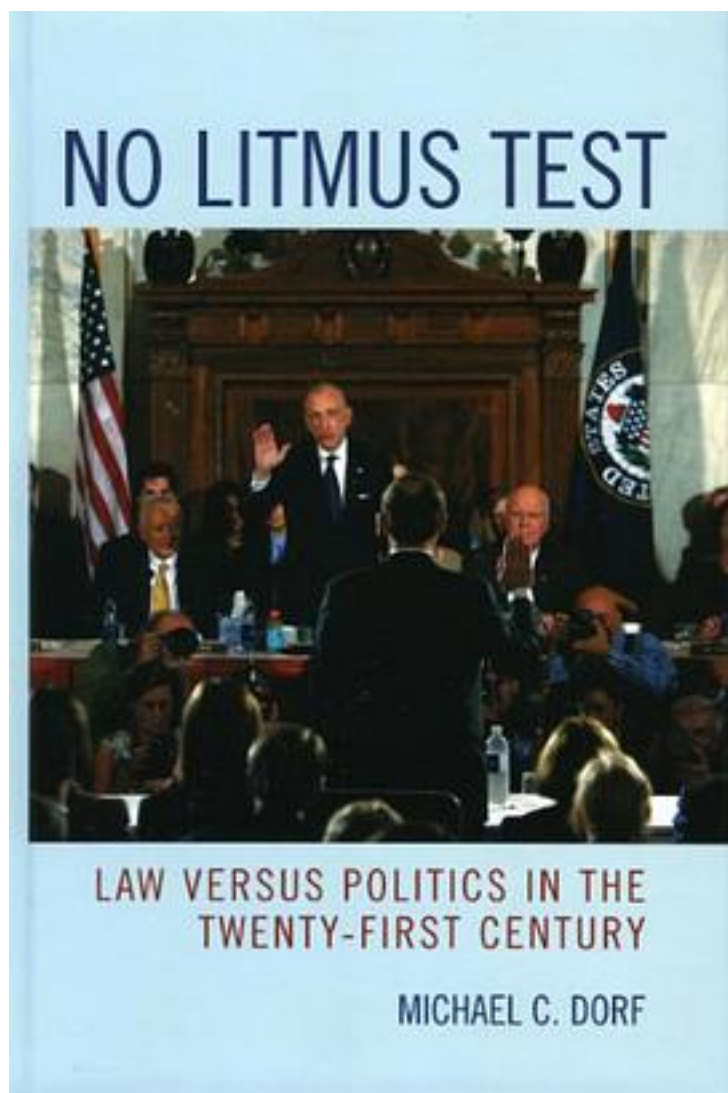


No Litmus Test



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The courts and, indeed, the law itself are under assault from both right and left. Conservatives denounce what they see as liberal judicial activism in decisions involving abortion, gay rights, and the separation of church and state. They seek judges who will "apply" rather than "make" the law. Meanwhile, liberals decry the apparent hypocrisy of a Supreme Court that invokes states' rights to invalidate civil rights laws while overriding states' rights in order to put a Republican in the White House. Backed by academic critics who have been arguing against the possibility of objectivity for roughly a century, many critics on the left have essentially given up: Law, they contend, is simply politics in disguise. By analyzing the most pressing controversies of our day, Columbia University Law Professor Michael Dorf defends the possibility of principled legal decision making against the attacks of both the right and the left. From Bush v. Gore to the war in Iraq, No Litmus Test demonstrates that even when the law provides no clear-cut right answers, it offers tools for distinguishing good arguments from bad ones.

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