

<http://reason.com/blog/2009/12/09/justice-anthony-kennedy-faint>

Justice Anthony Kennedy, Faint-Hearted Libertarian?

Damon W. Root | December 9, 2009

Over at the Social Science Research Network, the Cato Institute's Ilya Shapiro has posted his forthcoming *Harvard Journal of Law and Public Policy* article "A Faint-Hearted Libertarian at Best: The Sweet Mystery of Justice Anthony Kennedy." Here's the abstract:

This is a review of Helen J. Knowles's book, "The Tie Goes to Freedom: Justice Anthony M. Kennedy on Liberty" (Rowman & Littlefield 2009). Knowles argues that Kennedy's jurisprudence is 'modestly libertarian.' I conclude that this argument, in the limited ways Knowles makes it—with respect to free speech, equal protection, and individual dignity—is probably sound. Still, this is a small discovery considering the broad swath of Supreme Court jurisprudence. Moreover, it says little about whether Justice Kennedy is faithful to the Constitution, which is a stronger measure of libertarianism.

Download the article [here](#). Read my mostly positive review of Knowles's book [here](#).