



ORIGINALISM

AND THE CONSTITUTION'S
ENDURING MEANING

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Originalism And The Good Constitution

Jonathan Gienapp



Originalism And The Good Constitution:

Originalism and the Good Constitution John O. McGinnis, Michael B. Rappaport, 2013-11-01 Originalism holds that the U S Constitution should be interpreted according to its meaning at the time it was enacted In their innovative defense of originalism John McGinnis and Michael Rappaport maintain that the text of the Constitution should be adhered to by the Supreme Court because it was enacted by supermajorities both its original enactment under Article VII and subsequent Amendments under Article V A text approved by supermajorities has special value in a democracy because it has unusually wide support and thus tends to maximize the welfare of the greatest number The authors recognize and respond to many possible objections Does originalism perpetuate the dead hand of the past How can originalism be justified given the exclusion of African Americans and women from the Constitution and many of its subsequent Amendments What is originalism s place in interpretation after two hundred years of non originalist precedent A fascinating counterfactual they pose is this had the Supreme Court not interpreted the Constitution so freely perhaps the nation would have resorted to the Article V amendment process more often and with greater effect Their book will be an important contribution to the literature on originalism now the most prominent theory of constitutional interpretation *Against Constitutional Originalism* Jonathan Gienapp, 2024-09-03 A detailed and compelling examination of how the legal theory of originalism ignores and distorts the very constitutional history from which it derives interpretive authority Constitutional originalism stakes law to history The theory s core tenet that the U S Constitution should be interpreted according to its original meaning has us decide questions of modern constitutional law by consulting the distant constitutional past Yet originalist engagement with history is often deeply problematic And now that a majority of justices on the U S Supreme Court champion originalism the task of scrutinizing originalists use and abuse of history has never been more urgent In this comprehensive and novel critique of originalism Jonathan Gienapp targets originalists unspoken assumptions about the Constitution and its history Originalists are committed to recovering the Constitution laid down at the American Founding yet they often assume that the Constitution is fundamentally modern Rather than recovering the original Constitution they project their own understandings onto it assuming that eighteenth century constitutional thinking was no different than their own They take for granted what it meant to write a constitution down what law was how it worked and where it came from and how a constitution s meaning was fixed In the process they erase the Constitution that eighteenth century Americans in fact created By understanding how originalism fails we can better understand the Constitution that we have **Originalism's Promise** Lee J. Strang, 2019-08-08 Provides the first natural law justification for an originalist interpretation of the American Constitution **Fidelity to Our Imperfect Constitution** James E. Fleming, 2015 James E Fleming argues that fidelity in interpreting the US Constitution as written requires a moral reading or philosophic approach and that fidelity commits to honouring aspirational principles not following the relatively specific original meanings or original expected applications of

the founders Constitutional Originalism Robert W. Bennett, Lawrence B. Solum, 2011-06-06 Elucidates the debate between constitutional originalism and the living constitution approach **Michigan Law Review** ,2016-10 **The Supreme Court and Constitutional Theory, 1953-1993** Ronald Kahn, 1994 Combining theoretical sophistication with a fundamental comprehension of the political institutions of the USA this study aims to demystify the workings of the United States Supreme Court and its place in democracy *U.C. Davis Law Review* University of California, Davis. School of Law, 2014 *University of Pennsylvania Law Review and American Law Register* ,2010 **Florida Law Review** ,2014

Constitutional Interpretation Keith E. Whittington, 1999 With its detailed and wide ranging explorations in history philosophy and law this book is essential reading for anyone interested in how the Constitution ought to be interpreted and what it means to live under a constitutional government BOOK JACKET **Rethinking Constitutional Law** Earl M. Maltz, 1994 Maltz reformulates the justification for originalist review and refines originalist theory itself he argues that a pure originalist approach mandates excessive judicial intervention under the Constitution and he shows that most nonoriginalist theorists have failed to provide a sufficient functional justification for nonoriginalist intervention *Hastings Law Journal* ,2008 **Hastings Journal** ,2009-03 Cases and Materials on Constitutional Law David Crump, 2009

Constitutional Theory Michael J. Gerhardt, Stephen M. Griffin, Thomas D. Rowe, 2007 **Symposium, a New Constitutional Order?** ,2006 **American Constitutional Interpretation** Walter F. Murphy, James E. Fleming, Sotirios A. Barber, 1995 **Symposium** ,2008 **Law & Inequality** ,2016

Unveiling the Energy of Verbal Beauty: An Psychological Sojourn through **Originalism And The Good Constitution**

In a world inundated with screens and the cacophony of quick interaction, the profound energy and mental resonance of verbal beauty frequently fade into obscurity, eclipsed by the continuous barrage of sound and distractions. Yet, located within the lyrical pages of **Originalism And The Good Constitution**, a interesting function of fictional splendor that pulses with organic feelings, lies an memorable trip waiting to be embarked upon. Published by way of a virtuoso wordsmith, this exciting opus guides viewers on an emotional odyssey, lightly revealing the latent potential and profound affect stuck within the complex web of language. Within the heart-wrenching expanse of the evocative analysis, we will embark upon an introspective exploration of the book is main styles, dissect its fascinating writing type, and immerse ourselves in the indelible impression it leaves upon the depths of readers souls.

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