



# ORIGINALISM

AND THE CONSTITUTION'S  
ENDURING MEANING

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# Originalism And The Good Constitution

**M. Katherine B. Darmer, Robert M.  
Baird**



## **Originalism And The Good Constitution:**

**Originalism and the Good Constitution** John O. McGinnis, Michael B. Rappaport, 2013-11-01 John McGinnis and Michael Rappaport argue that the text of the Constitution and its Amendments should be adhered to by the Supreme Court because it was enacted by supermajorities. A text approved by supermajorities has special value in a democracy because it has unusually wide support and tends to maximize the welfare of the greatest number. **Originalism's Promise** Lee J. Strang, 2019-08-08 Provides the first natural law justification for an originalist interpretation of the American Constitution.

Is an originalist approach to constitutional interpretation legitimate? Roy Whymark, 2013-01-09 Seminar paper from the year 2012 in the subject Politics Region USA grade 77% Birkbeck University of London course American Politics language English abstract Under Article III Section 2 of the United States Constitution the US Supreme Court is designated as the final court of appeal for all cases arising under the Laws, Treaties and Constitution of the United States. U.S. Const. art. III, § 2. Although the Supreme Court's role in determining the constitutional legitimacy of those cases brought before it is not explicitly defined, this largely unchallenged authority became clear during the foremost years of the republic. In his opinion on *Marbury v. Madison* (1803), Chief Justice Marshall noted that it was emphatically the province and duty of the Judicial Department to say what the law is. Constitutional interpretation addresses how the meaning of the constitution should be discerned, thus allowing the application of substantive constitutional law to a particular set of facts or issues. Thomas (2011) 1. Given the ambiguity of its language and the fact that the Constitution is a legal document written for the most part in 1787 under very different circumstances from today, this is a challenging undertaking and not without controversy. Indeed, the task of constitutional interpretation and the different approaches taken by individual judges is a major area of debate among the judiciary, the populace and within the political and academic arenas. The position judges adopt vis-à-vis constitutional interpretation lies at the centre of court rulings concerning constitutional law. Since individual judges will have different opinions, constitutional interpretation is unavoidably dependent on the subjective views of the judges involved, whether they be legalistic, attitudinal or other views along Posner's spectrum of theoretical influences on judicial behaviour. Posner (2008). This difference in approaches has been the driver of the politicisation of the judiciary and partly explains the often fractious nature of judicial confirmations. While there is no consensus regarding a singular taxonomy for constitutional interpretation, most scholars agree on the differentiation between the Originalist approach, sometimes referred to supportively as the Interpretivist approach, favoured by Supreme Court Justice Antonin Scalia, and other non-Originalist approaches often referred to as non-Interpretivist approaches by their detractors. This essay considers whether the Originalist approach is the only legitimate and appropriate method of constitutional interpretation in the United States today. **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     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

**University of Pennsylvania Law Review and American Law Register** ,2010     Michigan Law Review ,2016-10  
U.C. Davis Law Review University of California, Davis. School of Law,2014     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     *Florida Law Review* ,2014     **Hastings Journal** ,2009-03     *Constitutional Law Stories* Michael C. Dorf,2009 Dorf s Constitutional Law Stories provides a student with an understanding of 15 leading U S constitutional law cases It focuses on how lawyers judges and socioeconomic factors shaped the litigation and why the cases have attained landmark status This book is suitable for adoption as a supplement in an introductory constitutional law course or as a text for an advanced seminar     **Hastings Law Journal** ,2008     Constitutional Commentary ,2005     *Civil Rights, the Constitution, and Congress, 1863-1869* Earl M. Maltz,1990 Through a close analysis of legislative proceedings and of the precise language used Maltz builds a strong case that Congressional actions on civil rights including statutes such as the Freedman s Bureau Bill the District of Columbia Suffrage Bill and the Civil Rights Act of 1866 as well as the thirteenth fourteenth and fifteenth amendments of the early Reconstruction era generally reflected the ideology and intentions of the more conservative Republicans These moderates advocated limited absolute equality rather than total racial equality and opposed the undue federal regulation of private and state actions     *Constitutional Theory* Michael J. Gerhardt,Stephen M. Griffin,Thomas D. Rowe,2007     **The Hastings Law Journal** ,2010     **Symposium, a New Constitutional Order?** ,2006     **A Living Constitution Or Fundamental Law?** Herman Belz,1998-08-06 In A Living Constitution or Fundamental Law distinguished scholar Herman Belz considers the concept of constitutionalism as the subject matter of constitutional history Belz argues that the study of constitutionalism should be interdisciplinary requiring the insights and methods of history political science and jurisprudence Belz illuminates the evolution of American constitutionalism across the span of American history from the Founding to Reconstruction to the Cold War and the rise of the bureaucratic state in the 1980s     Morality, Justice, and the Law M. Katherine B. Darmer,Robert M. Baird,2007 Intellectually stimulating articles which grapple with the tough issues involving morality justice and the law This balanced anthology will be of interest to philosophers legal scholars and anyone concerned about the relation of law to morality

## **Originalism And The Good Constitution** Book Review: Unveiling the Power of Words

In a global driven by information and connectivity, the power of words has be much more evident than ever. They have the capacity to inspire, provoke, and ignite change. Such may be the essence of the book **Originalism And The Good Constitution**, a literary masterpiece that delves deep in to the significance of words and their affect our lives. Compiled by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we will explore the book is key themes, examine its writing style, and analyze its overall effect on readers.

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