Contents

Preface ........................................ page vii
Contributors ................................... ix

The Challenge of Originalism: Theories of Constitutional Interpretation .................................................. 1

PART ONE. EXPOSITION AND DEFENSE

1 What Is Originalism? The Evolution of Contemporary Originalist Theory ............................................. 12
   Lawrence B. Solum

2 The Case for Originalism ................................ 42
   Jeffrey Goldsworthy

3 On Pluralism within Originalism .......................... 70
   Keith E. Whittington

PART TWO. INTERPRETATION AND INTENTION

4 Simple-Minded Originalism .............................. 87
   Larry Alexander

5 The Intentionalist Thesis Once More .................... 99
   Stanley Fish

6 Origin Myth: The Persons Case, the Living Tree, and the New Originalism ........................................ 120
   Bradley W. Miller

PART THREE. ORIGINALISM AND CONSTITUTIONAL SETTLEMENT

7 Originalism’s Constitution ............................ 147
   Grégoire C. N. Webber
Contents

8 The Curious Concept of the “Living Tree” (or Non-Locked-In) Constitution .................................. 179
   James Allan

9 Vagueness, Finiteness, and the Limits of Interpretation
   and Construction ..................................... 203
   Grant Huscroft

PART FOUR. CHALLENGES AND CRITIQUES

10 That Old-Time Originalism ............................ 223
   Steven D. Smith

11 Reflective Equilibrium and Constitutional Method: Lessons
   from John McCain and the Natural-Born Citizenship Clause . . . 246
   Mitchell N. Berman

12 Constitutions, Originalism, and Meaning ............. 285
   Brian H. Bix

Index ................................................................ 301