

ORIGINALISM'S PROMISE

The foundation of the American legal system is its longstanding written Constitution. However, a contentious debate now exists between originalists, who employ the Constitution's original meaning, and nonoriginalists, who argue for a living constitution interpretation. The first natural law justification for an originalist interpretation of the American Constitution, *Originalism's Promise* presents an innovative foundation for originalism and a novel description of its character. *Originalism's Promise* provides a deep, rich, and practical explanation of originalism, including the most detailed originalist theory of precedent in the literature. Of interest to judges, scholars, and lawyers, *Originalism's Promise* will help all Americans better understand their own Constitution and shows why their reverence for it, its Framers, and its legal system is supported by sound reasons. *Originalism's Promise* is a powerful contribution to the most important theory in constitutional interpretation.

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Originalism's Promise

A NATURAL LAW ACCOUNT OF THE AMERICAN
CONSTITUTION

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*[R]ationis ordinatio ad bonum commune, ab eo qui curam communitatis habet, promulgata.*¹

¹ I-II ST. THOMAE AQUINATIS, SUMMAE THEOLOGIAE q. 90, a. 4 (Leonis Romae ed. 1892) (law is “an ordinance of reason for the common good, made by him who has care of the community, and promulgated.”).

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Acknowledgments

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Saint Thomas Aquinas is a scholar's role model. He dedicated his life to learning and loving the Truth, and articulating that Truth in an accessible form. He shows that one's commitment to the truth is consistent with and entailed by one's commitment to the Truth.

Finally, special thanks to Elizabeth, who provided the love, understanding, and support that makes possible our wonderful family life which, in turn, created the space for me to write this book.

Abbreviations

AQUINAS	JOHN FINNIS, AQUINAS: MORAL, POLITICAL, AND LEGAL THEORY (1998)
NE	ARISTOTLE, THE NICOMACHEAN ETHICS (D.P. Chase trans., 1947)
NLNR	JOHN FINNIS, NATURAL LAW AND NATURAL RIGHTS (1980)
ST	ST. THOMAS AQUINAS, SUMMA THEOLOGICA (Fathers of the English Dominican Province trans., Benziger Bros. ed., 1947)