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Nota di contenuto	The Flexible Constitution; Table of Contents; Citation Abbreviations; Citation Form and Style; Preface; Acknowledgments; The Conclusion; Introduction; Chapter 1: Wittgenstein, Law and Originalism; 1. Law and Wittgenstein; (a) John Brigham; (b) Postmodern Scholars; (c) Format and Innovation; (d) Beyond Skepticism; 2. Originalism; Notes; Part I: Interpreting the Constitution; Chapter2: Obeying Flexible Commands; 1. Three Levels of Analysis; (a) Conceptual Analysis; (b) Criterial Analysis; (c) Instantiation; 2. Decision Trees; (a) Interrelation; 3. Reconsidering Dworkin (a) Three Levels of Analysis(b) Conclusion; Notes; Chapter 3: Is There a Fixed Meaning?; 1. The Baptismal Thesis; 2. Language Rigidity; 3. History as Law?; 4. Abstract Principles?; (a) Dworkinians; (b) Example: "Unreasonable" Searches; 5. Original Meaning?; Notes; Chapter 4: Public Meaning v. Meaning as Use; 1. "Public Meaning"; (a) Majority Preference?; (b) Historical Stereotypes/Archetypes; (c) Aggregated Historical Behavior; 2. Family-Resemblance-Wittgenstein; 3. Family- Resemblance-Pinker; 4. Sharp Boundaries; 5. Technicality; Notes; Chapter 5: The Flexible Constitution 1. Sense-Shifting(a) "The Army"; (b) "Citizen"; (c) "Age"; 2. Many Ways to Follow; 3. Interpretation v. Construction; 4. Cooperative Talking; Notes; Chapter 6: Structuralism and Polysemy; 1. Structuralism; 2.

1.

Sommario/riassunto This is a new Wittgensteinian account of the American Constitution that provides a fresh perspective on how judges can follow a legal document written in flexible language. The book shows why originalism is incompatible with the American legal system and challenges the views of Ronald Dworkin and numerous law professors.		Culturally Appropriate; 3. Polysemy:; (a) Definition; (b) Significance; (c) Legal Examples; (d) Not Originalism!; 4. Assertability Conditions; Notes; Chapter 7: Law as ConnoisseurJudgment; 1. ConnoisseurJudgment; 2. Relationship of Law to Art; 3. The Appreciable Behavior; (a) Taxonomical Question; (b) Qualitative Issues; (c) Conservatives and Beyond; Notes Part II:Understanding OriginalismChapter 8: The Philosophy of Framers' Intent; 1. The Role of Text; 2. Temporal Issues; 3. What Kind of Beliefs Matter?; (a) The Memory Pensieve; (b) Specificity in Belief; (c) Confusion?; 4. Imaginary Personification; Notes; Chapter 9:Why Framers' Intent is Flawed; 1. An Unattainable Idea; (a) Who are "the Framers?"; (b) Which Mental States?; (c) Skepticism; 2. A Misguided Idea; (a) Knotted Grammar; (b) Textualism; (c) The New Unit of Analysis; (d) Beyond Speaker's Meaning; Notes; Chapter 10: The New Originalism; 1. No "Boss Logic" (a) Authorial Intent? 2. Bystander-Textualism; 3. Speaker's Meaning?; (a) Judging Language?; Notes; Chapter 11: The Constitution as Old Society; 1.Whose Preferences Count?; (a) Aggregating Philosophy; (b) Qualitative Factors; 2. Criticism; (a) Social Learning; (b) Presentism; (c) Wrong Unit of Analysis; (d) Domination Isn't Special; Notes; Chapter 12: Cultural Construction; 1. Abortion, Sodomy and Time Travel; (a) Mystery Rights; (b) Past Populism; (c) Past Culture; (d) Perspectival Views; 2. Cultural Development; Notes; Chapter 13: What Originalism Really Is 1. A Formal Definition
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