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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. Culturally Appropriate; 3. Polysemy;; (a) Definition; (b) Significance; (c) Legal Examples; (d) Not Originalism!; 4. Assertability Conditions;

Notes; Chapter 7: Law as Connoisseur Judgment; 1. Connoisseur Judgment; 2. Relationship of Law to Art; 3. The Appreciable Behavior; (a) Taxonomical Question; (b) Qualitative Issues; (c) Conservatives and Beyond; Notes
Part II: Understanding Originalism Chapter 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

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.
