

1. Record Nr.	UNINA9910967825103321
Autore	Balkin J. M
Titolo	Living originalism / / Jack M. Balkin
Pubbl/distr/stampa	Cambridge, Mass., : Harvard University Press, 2011
ISBN	9780674063037 0674063031
Edizione	[1st ed.]
Descrizione fisica	1 online resource (481 p.)
Classificazione	PL 733
Disciplina	342.73001
Soggetti	Constitutional law - United States - Philosophy Constitutional law - United States Law - United States - Interpretation and construction Origin (Philosophy)
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Bibliographic Level Mode of Issuance: Monograph
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Fidelity to text and principle -- Framework originalism -- Why original meaning? -- Basic law, higher law, our law -- Constitutional faith and constitutional redemption -- Originalisms -- Precedents and pragmatic exceptions -- Construction -- A platform for persuasion -- Commerce -- Privileges or immunities -- Equality before the law -- Texts and principles -- Change -- Rethinking living constitutionalism -- Change and legitimacy.
Sommario/riassunto	Originalism and living constitutionalism, so often understood to be diametrically opposing views of our nation's founding document, are not in conflict-they are compatible. So argues Jack Balkin, one of the leading constitutional scholars of our time, in this long-awaited book. Step by step, Balkin gracefully outlines a constitutional theory that demonstrates why modern conceptions of civil rights and civil liberties, and the modern state's protection of national security, health, safety, and the environment, are fully consistent with the Constitution's original meaning. And he shows how both liberals and conservatives, working through political parties and social movements, play important roles in the ongoing project of constitutional construction. By making firm rules but also deliberately incorporating flexible standards and abstract principles, the Constitution's authors constructed a framework

for politics on which later generations could build. Americans have taken up this task, producing institutions and doctrines that flesh out the Constitution's text and principles. Balkin's analysis offers a way past the angry polemics of our era, a deepened understanding of the Constitution that is at once originalist and living constitutionalist, and a vision that allows all Americans to reclaim the Constitution as their own.
