

# 《The American Constitution and the Debate over Originalism ( ISBN=9780521607797 ) 》

## 书籍信息

版次：1

页数：305

字数：

印刷时间：2005年04月01日

开本：16开

纸张：胶版纸

包装：平装

是否套装：否

国际标准书号ISBN：9780521607797

## 内容简介

Located at the intersection of law, political science, philosophy, and literary theory, this is a work of constitutional theory that explores the nature of American constitutional interpretation through a reconsideration of the long-standing debate between the interpretive theories of originalism and nonoriginalism. It traces that debate to a particular set of premises about the nature of language, interpretation, and objectivity, premises that raise the specter of unconstrained, unstructured constitutional interpretation that has haunted contemporary constitutional theory. It presents the novel argument that a critique of the underlying premises of originalism dissolves not just originalism but nonoriginalism as well, which leads to the recognition that constitutional interpretation is already and always structured. It makes this argument in terms of the first principle of the American political system: by their fidelity to the Constitution, Americans are a textual people in that they live in and through the terms of a fundamental text.

## 目录

Preface

Introduction

1. The politics of originalism
2. The concept of a living constitution
3. Interpretivism and originalism
4. The paradox of originalism
5. The problem of objectivity
6. The epistemology of constitutional discourse (I)
7. The epistemology of constitutional discourse (II)
8. The ontology of constitutional discourse (I)
9. The ontology of constitutional discourse (II)
10. Conclusion: the political character of constitutional discourse

Index

本站所提供下载的PDF图书仅提供预览和简介，请支持正版图书。

[更多资源请访问www.tushupdf.com](http://www.tushupdf.com)