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Jack Balkin is already in the upper echelon of today's constitutional scholars, but this book puts him at the top of the top."—Randy Barnett, Georgetown University Law Center

"Living Originalism is the best book on constitutional theory I have ever read. It offers brilliant argument and insights and is often truly moving in its conception of what it

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VerBruggen,
Washington Times.

“American
constitutional
interpretation generally
divides into two rival
theories.

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Originalism and living
constitutionalism, so
often understood to be
diametrically opposing
views of our nation's

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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.

Living Originalism
by Jack M. Balkin,
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...

"I recently finished Jack Balkin's Living Originalism, which is his effort to fuse

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originalism and living constitutionalism and to show that they're actually opposite sides of the same coin. Balkin is a wonderful writer, and I find his argument that we are being true to the Constitution's original meaning when we construe abstract phrases like "due process" and "equal protection" in accordance ...

Living Originalism

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by Jack Balkin -

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theories.

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Living Originalism —

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**Harvard University
Press**

Jack Balkin has posted

an essay from a

conference held in

Jerusalem on his new

book Living

Originalism. One can

only marvel at the

number of conferences

and symposia on the

book. As many readers

know, Jack is an

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advocate of originalism, but of a different type of originalism. Under Jack's view, originalism is compatible with living constitutionalism: hence the title of his book, Living Originalism.

**Jack Balkin on
Originalism and
Living
Constitutionalism**

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Jack M. Balkin (Belknap
Press, 474 pp., \$35) On
the morning of July 14,
1967, Thurgood

Marshall began his
second day of Supreme
Court confirmation
hearings by preparing
to...

**Justin Driver: A
Review of “Living
Originalism” by Jack
M ...**

A group blog on
constitutional law,
theory, and politics. E-

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Balkinization: Living Originalism

Jack Balkin is one of the most insightful scholars working on constitutional issues today, and Living Originalism is a great read for any originalist who wants to stop and

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think every few

pages.--Robert VerBruggen
"Washington

Times" (02/13/2012)

American constitutional interpretation generally divides into two rival theories.

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M. Balkin ...**

Jack M. Balkin, Living Originalism (Harvard University Press, 2011)

Jason Mazzone,
Copyfraud and Other

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Abuses of Intellectual
Property Law (Stanford
University Press, 2011)
Richard W. Garnett and
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First Amendment
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Balkinization

Original meaning
originalism and living
constitutionalism are
compatible positions.
In fact, they are two
sides of the same coin.
Although not all

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versions of these theories are compatible, the most intellectually sound versions of each theory are. Recognizing why they are compatible helps us understand how legitimate constitutional change occurs in the American constitutional system.

**"Framework
Originalism and the
Living Constitution"
by ...**

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constitutionalists, on

the other hand, say

there is no reason we

should be bound by

laws passed ages ago

and that we're free to

adapt old laws to suit

our times. The title of

law professor...

BOOK REVIEW:

'Living Originalism' -

Washington Times

Living Originalism is a

legal book, in the

sense that it is a book

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about law, but not in the traditional sense. Jack Balkin offers a constitutional theory - 'framework originalism' - and a theory of constitutional interpretation and construction - 'text and principle.' But these are not solely to be used by judges.

**Project MUSE -
Living Originalism
by Jack Balkin
(review)**

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Jack Balkin's ambitious and impressive book, *Living Originalism*, announces its mission in its title.¹ "Living constitutionalism" and "originalism" seem like antonyms. Living constitutionalism, roughly speaking, is the view that what the Constitution requires changes over time,

Can Originalism Be Saved? - Chicago Unbound

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The liberals who presided over the demise of the American dream now feel guilty, and authors like Balkin try to apply balm to their wounds with statements like "Living Constitutionalism and Originalism are not incompatible." Unfortunately, they are.

**Living Originalism
eBook: Balkin, Jack**

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... Balkin Jack M

This article argues that the debate between originalism and living constitutionalism offers a false dichotomy.

Many originalists and their critics improperly conflate fidelity to the original meaning of the constitutional text with fidelity to how people living at the time of adoption expected that it would be applied. ...

Balkin, Jack M ...

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Originalism...succeeds

in providing an

endlessly engaging

theory of constitutional

law that ...

Living Originalism :

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Originalism and living

constitutionalism, often

seen as opposing

views, are not in

conflict. So argues Jack

Balkin, a leading

constitutional scholar,

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in this long-awaited

book. Step by step,

Balkin...

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**Living Originalism -
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1 In this Article, in accordance with the parlance of the Charter of Fundamental Rights, the terms “human rights” and “fundamental rights” will be used interchangeably.

Although the latter

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may also embrace rights that are considered fundamental, but not human rights in nature—for example, free movement rights guaranteed by the EU internal market—for the purposes of this analysis ...

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