



Historicism, Originalism and the Constitution: The Use and Abuse of the Past in American Jurisprudence

Patrick J. Charles

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The use of history in law is a time honored tradition. Over the years the practice has assumed many forms, including historicism, intentionalism, interpretivist history, law office history, historical narrative, originalism, etc. This book picks up where past commentators have left off. The different historically based approaches to adjudicating constitutional questions are weighed and considered, particularly originalism, and asserts that history in law is legitimate only if it leads to accurate results. The book then purposes an approach to accomplish the objectives of historical accuracy and objectivity, and therefore legitimacy.

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