

Originalism and Its Critics (seminar) – 2 credits

Fall 2019

Wednesdays, 9:50-11:50

Room 5223

Professor David S. Schwartz

1. Wed., Sep. 4: What is Originalism?

Lawrence B. Solum, *Originalism and Constitutional Construction*, 82 Fordham L. Rev. 453, **455-75** (2014)

Mitchell N. Berman, *Originalism is Bunk*, 84 NYU L. Rev. 1, **3-27** (2009)

Note: The pages indicated in **bold underline** are required reading assignments. Reading the full article is always optional.

Further topics:

2. Sep. 11: History of Originalism
3. Sep. 18: Original Public Meaning
4. Sep. 25: Constructionism; the “Construction Zone”
5. Oct. 2: Liberal Originalism
6. Oct. 9: Originalist “Accommodation”
7. Oct. 16: Lawrence Solum
8. Oct. 23: Original Methods Originalism
9. Oct. 30: Positivist Originalism
10. Nov. 6: Intentionalism
11. Nov. 13: Originalism and the Commerce Clause
12. Nov. 20: Originalism and the Necessary and Proper Clause
13. Nov. 27: Originalism and Executive Power
14. Dec. 4: Originalism and Politics