

Debating Originalism

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Public Discourse has published my essay responding to Newsweek opinion editor Josh Hammer's own essay advocating something he calls "common-good originalism." My opening paragraph:

The immediate aftermath of Justice Amy Coney Barrett's appointment to the Supreme Court is a strange time to urge conservatives to repudiate Justice Antonin Scalia's twin interpretive methodologies of originalism and textualism. But that's exactly what Josh Hammer does in his recent Public Discourse essay, in which he proposes to bolster a conservative policy agenda with a substitute "jurisprudential framework" that he labels "common-good originalism."

For anyone interested in the debate, I'd also recommend Dan McLaughlin's response to Hammer and the four-part back and forth between Hammer and Ilya Shapiro on Paragraph.