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When the US Constitution won
popular approval in 1788, it was
the culmination of thirty years of

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passionate argument over the nature of government. But ratification hardly ended the conversation. For the next half century, ordinary Americans and statesmen alike continued to wrestle with weighty questions in the halls of government and in the

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pages of newspapers. Should the nation's borders be expanded? Should America allow slavery to spread westward? What rights should Indian nations hold? What was the proper role of the judicial branch? In *The Words that Made Us*, Akhil Reed Amar unites

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Answers 2013 history and law in a vivid narrative of the biggest constitutional questions early Americans confronted, and he expertly assesses the answers they offered. His account of the document's origins and consolidation is a guide for anyone

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Supreme Court Justice Antonin
Scalia once remarked that the
theory of an evolving, "living"

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Constitution effectively "rendered the Constitution useless." He wanted a "dead Constitution," he joked, arguing it must be interpreted as the framers originally understood it. In *The Living Constitution*, leading constitutional scholar David

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Strauss forcefully argues against the claims of Scalia, Clarence Thomas, Robert Bork, and other "originalists," explaining in clear, jargon-free English how the Constitution can sensibly evolve, without falling into the anything-goes flexibility caricatured by

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opponents. The living Constitution is not an out-of-touch liberal theory, Strauss further shows, but a mainstream tradition of American jurisprudence--a common-law approach to the Constitution, rooted in the written document but also based on precedent. Each

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Answers 2013 generation has contributed precedents that guide and confine judicial rulings, yet allow us to meet the demands of today, not force us to follow the commands of the long-dead Founders. Strauss explores how judicial decisions adapted the Constitution's text

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(and contradicted original intent)
to produce some of our most
profound accomplishments: the
end of racial segregation, the
expansion of women's rights, and
the freedom of speech. By
contrast, originalism suffers from
fatal flaws: the impossibility of

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truly divining original intent, the difficulty of adapting eighteenth-century understandings to the modern world, and the pointlessness of chaining ourselves to decisions made centuries ago. David Strauss is one of our leading authorities on

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Constitutional Law--one with practical knowledge as well, having served as Assistant Solicitor General of the United States and argued eighteen cases before the United States Supreme Court. Now he offers a profound new understanding of how the

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American 2013
Constitution can remain vital to life
in the twenty-first century.

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