

Contents

Preface	vii
---------	-----

PART I: GENERAL THEMES

1 The Nature of Constitutions: Basic Questions about Their Interpretation	3
2 Multiple Interpretive Criteria	20
3 Original Understanding: What Is Relevant and How Much Does It Count?	43
4 Employing Multiple Standards	68
5 Neutral Principles or "Objective" Standards: Their Relevance and Attainability	87

PART II: A POIGNANT ILLUSTRATION

6 Cruel and Unusual Punishment	107
--------------------------------	-----

PART III: ALLOCATIONS OF POWERS

7 Federal Separation of Powers	137
8 Federal Powers	168

PART IV: INDIVIDUAL RIGHTS AND NORMS OF EQUALITY

9 Freedom of Speech and the Press	195
10 The Religion Clauses	242
11 Criminal Process: The Right to Counsel, Unreasonable Searches and Seizures, and the Privilege against Self-Incrimination	282
12 Equal Protection	336
Conclusion	369
Notes	385
Cases	467
Index	477