**Quotations**

*Originalism: The Lesser Evil by Antonin Scalia*

“Non-originalist opinions have almost always had the decency to lie, or at least to dissemble, about what they are doing – either ignoring strong evidence of original intent that contradicted the minimal recited evidence of an original intent congenial to the court’s desires, or else not discussing original intent at all”

“But what is true is that it is often exceedingly difficult to plumb the original understanding of an ancient text. Properly done, the task requires the consideration of an enormous mass of material – in the case of the Constitution and its Amendments, for example, to mention only one element, the records of the ratifying debates in all the states. Even beyond that, it requires an evaluation of the reliability of that material – many of the reports of the ratifying debates, for example, are thought to be quite unreliable, And further still, it requires immersing oneself in the political and intellectual atmosphere of the time – somehow placing out of mind knowledge that we have which an earlier age did not, and putting on beliefs, attitudes, philosophies, prejudices, and loyalties that are not those of our day. It is, in short, a task sometimes better suited to the historian than the lawyer”

“I can be much more brief in describing what seems to me the second most serious objections to originalism: In its undiluted form, at least, it is medicine that seems too strong to swallow. Thus, almost every originalist would adulterate it with the doctrine of stare decisis.”

Originalism may, on occasion, lead to the conclusion that some Constitutional provisions have an evolving meaning. Perhaps the cruel and unusual punishment clause originally meant “cruel and unusual for the ages in question.”

* “But to be faithful to originalist philosophy, one must not only say this but demonstrate it to be so on the basis of some textual or historical evidence.”
* “When one goes down that road, there is really no difference between the faint-hearted originalist and the moderate nonoriginalist, except that the former finds it comforting to make up (out of the whole cloth) an original evolutionary intent, and the latter thinks that superfluous.”