views about authorially intended meaning. I deny that we have independent constitutional intuitions of the type required by the methodology of reflective equilibrium.

More importantly, on what basis is the Court to choose among the modalities? There is no meta-modality to govern choice among the modalities. Any choice among them will thus be an exercise of judicial will and nothing more.

There is only one "modality" that makes sense of the enterprise of drafting and ratifying a constitution. Seeking any "meaning" other than the meaning that the actual drafters/ratifiers intended to convey through whatever symbolic medium they employed renders the project of constitution-making quite bizarre. We might as well make anagrams out of the letters in a constitution (though in what language?)!

When it comes to a constitution's structural rules, therefore, those rules have a fixed meaning, the meaning their authors intended at the time the rules were promulgated. Any other interpretive approach is tantamount to reauthoring the structural rules. The "dead hand" of the authors' original intended meaning must control, lest the enterprise of designing a constitutional structure be upended.

How do these remarks about interpreting structural rules bear on the interpretation of constitutional rights? If the rights are embodied in determinate rules, then what I have said about interpreting structural rules applies equally to interpreting rules that create rights. If those rules are given meanings as if they had been authored by someone other than their actual authors, someone who did not mean by them what their actual authors meant by them, then the constitutional rights will have been amended by the courts. If the rules meant on day one what their authors meant by them—and, to repeat, it would be an odd enterprise to have some group come up with rights-creating rules but then assign meanings to those rules that are different from the authors' intended meanings — then the rules continue to mean the same thing on day two and day three and today. Any "living tree" or other approach is as inapplicable to rules specifying rights as it is to rules structuring the government.

What about constitutional rights that represent incorporation by reference of real moral rights? Well, with such provisions, interpretation begins and ends with discovering that the authors intended to refer to real moral rights. Once the courts get into the business of spelling out the content of those rights, they are no longer interpreting the constitution but doing moral philosophy. It would be inapt to describe this enterprise as "living tree" interpretation, or any other kind, because it is not interpretation at all. And based on what I said earlier about incorporating real moral rights and making them judicially enforceable, there is room to doubt that the rights mentioned in the U.S. Constitution or the Canadian Charter were invitations to the courts to consult moral reality and apply their findings as fundamental law.

As I have already noted, the final possibility, the creation of rights other than through determinate rules —that is, through the promulgation of legal principles —is an impossibility.

Therefore, if a court is interpreting a constitution, it is interpreting rules laid down by those authorized to do so and is seeking their authorially intended meaning. Originalism, in the sense of