

Cambridge University Press
0521799996 - Constitutionalism: Philosophical Foundations
Edited by Larry Alexander
Frontmatter
[More information](#)

CONSTITUTIONALISM

Philosophical Foundations

This is the second volume in a subseries of commissioned collaborative volumes on key topics at the heart of contemporary philosophy of law that will appear regularly in *Cambridge Studies in Philosophy and Law*.

A distinguished group of legal theorists examines the issue of constitutionalism and poses such foundational questions as Why have a constitution? How do we know what the constitution of a country really is? How should a constitution be interpreted? Why should one generation feel bound by the constitution of an earlier one?

The volume will be of particular importance to those in philosophy, law, political science, and international relations who are interested in whether and what kinds of constitutions should be adopted in countries without them and who are involved in debates about constitutional interpretation.

Cambridge University Press
 0521799996 - Constitutionalism: Philosophical Foundations
 Edited by Larry Alexander
 Frontmatter
[More information](#)

Cambridge Studies in Philosophy and Law

GENERAL EDITOR: GERALD POSTEMA
 (UNIVERSITY OF NORTH CAROLINA, CHAPEL HILL)

ADVISORY BOARD

Jules Coleman (Yale Law School)
 Antony Duff (University of Stirling)
 David Lyons (Boston University)
 Neil MacCormick (University of Edinburgh)
 Stephen R. Munzer (UCLA Law School)
 Philip Pettit (The Australian National University)
 Joseph Raz (University of Oxford)
 Jeremy Waldron (Columbia University)

Other books in the series:

Jeffrie G. Murphy and Jean Hampton: *Forgiveness and Mercy*
 Stephen R. Munzer: *A Theory of Property*
 R. G. Frey and Christopher W. Morris (eds.): *Liability and Responsibility: Essays in Law and Morals*
 Robert F. Schopp: *Automatism, Insanity, and the Psychology of Criminal Responsibility*
 Steven J. Burton: *Judging in Good Faith*
 Jules Coleman: *Risks and Wrongs*
 Suzanne Uniacke: *Permissible Killing: The Self-Defense Justification of Homicide*
 Jules Coleman and Allen Buchanan (eds.): *In Harm's Way: Essays in Honor of Joel Feinberg*
 Warren F. Schwartz (ed.): *Justice in Immigration*
 John Fischer and Mark Ravizza: *Responsibility and Control*
 R. A. Duff (ed.): *Philosophy and the Criminal Law*

Cambridge University Press
0521799996 - Constitutionalism: Philosophical Foundations
Edited by Larry Alexander
Frontmatter
[More information](#)

CONSTITUTIONALISM

Philosophical Foundations

Edited by
LARRY ALEXANDER



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
0521799996 - Constitutionalism: Philosophical Foundations
Edited by Larry Alexander
Frontmatter
[More information](#)

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS
The Edinburgh Building, Cambridge CB2 2RU, UK
40 West 20th Street, New York, NY 10011-4211, USA
10 Stamford Road, Oakleigh, Melbourne 3166, Australia
Ruiz de Alarcón 13, 28014 Madrid, Spain
Dock House, The Waterfront, Cape Town 8001, South Africa
<http://www.cambridge.org>

© Cambridge University Press 1998

This book is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without
the written permission of Cambridge University Press.

First published 1998
First paperback edition 2001
Reprinted 1999

Typeset in Times Roman 10/12 pt, in QuarkXPress™ [AG]

A catalog record for this book is available from the British Library

Library of Congress Cataloging in Publication data is available

ISBN 0 521 48293 3 hardback
ISBN 0 521 79999 6 paperback

Transferred to digital printing 2005

Contents

<i>List of Contributors</i>	<i>page ix</i>
Introduction	1
LARRY ALEXANDER	
1 American Constitutionalism	16
RICHARD S. KAY	
2 Constitutional Authorship	64
FRANK I. MICHELMAN	
3 What Is “the Constitution”? (and Other Fundamental Questions)	99
MICHAEL J. PERRY	
4 On the Authority and Interpretation of Constitutions: Some Preliminaries	152
JOSEPH RAZ	
5 Legitimacy and Interpretation	194
JED RUBENFELD	
6 The Domain of Constitutional Justice	235
LAWRENCE SAGER	
7 Precommitment and Disagreement	271
JEREMY WALDRON	
<i>Index</i>	301

Cambridge University Press
0521799996 - Constitutionalism: Philosophical Foundations
Edited by Larry Alexander
Frontmatter
[More information](#)

Contributors

LARRY ALEXANDER University of San Diego, School of Law
RICHARD S. KAY University of Connecticut, School of Law
FRANK I. MICHELMAN Harvard University Law School
MICHAEL J. PERRY Wake Forest University, School of Law
JOSEPH RAZ Columbia University Law School
JED RUBENFELD Yale University Law School
LAWRENCE SAGER New York University, School of Law
JEREMY WALDRON Columbia University Law School