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Howard Schweber
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The Language of Liberal Constitutionalism

The Language of Liberal Constitutionalism explores two basic questions regarding constitutional theory. First, given a commitment to democratic self-rule and widespread disagreement on questions of value, how is the creation of a legitimate constitutional regime possible? Second, what must be true about a constitution if the regime that it supports is to retain its claim to legitimacy?

Howard Schweber proposes answers to these questions in a theory of constitutional language that combines democratic theory with constitutional philosophy. He observes that the creation of a legitimate constitutional regime depends on a shared commitment to a particular and specialized form of language. Out of this simple observation, Schweber develops arguments about the characteristics of constitutional language, the relationship between constitutional language and the language of ordinary law or morality, and the authority of officials such as judges to engage in constitutional review of laws.

The Language of Liberal Constitutionalism will be read by professionals and students in public law, the philosophy and sociology of law, and democratic theory, as well as general readers interested in constitutional law and political theory.

HOWARD SCHWEBER is associate professor of political science at the University of Wisconsin-Madison. He is the author of *The Creation of American Common Law, 1850–1880*; *Speech, Conduct, and the First Amendment*; and book chapters and articles in journals such as *Law and History Review*, *Law and Society Review*, and *Studies in American Political Development*.

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Contents

Introduction	<i>page</i> 1
1 The Search for Sovereignty: Law, Language, and the Beginnings of Modern Constitutionalism	16
2 Consent How? Challenges to Lockean Constitutionalism	81
3 Constitutional Language and the Possibility of Binding Commitments	135
4 Consent to What? Exclusivity and Completeness in Constitutional and Legal Language	197
5 The Question of Substance: Morality, Law, and Constitutional Legitimacy	260
6 The Defense of Constitutional Language	319
<i>Bibliography</i>	349
<i>Index</i>	363