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What Is a Political Constitution?

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Abstract

The question—what is a political constitution?—might seem, at first blush, fairly innocuous. At one level, the idea of a political constitution seems fairly well settled, at least insofar as most political constitutionalists subscribe to

a similar set of commitments, arguments and assumptions. At a second, more reflective level, however, there remains some doubt whether a political constitution purports to be a descriptive or normative account of a real world constitution, such as Britain's. By exploring the idea of a political constitution as differently articulated by J.A.G. Griffith, Adam Tomkins and Richard Bellamy, this essay explores why the normativity of a political constitution may be indistinct and ill-defined, and how compelling reasons for this indistinctness and ill-definition are to be found in the very idea of a political constitution itself. A political constitution is here conceived as a 'model' which supplies an explanatory framework within which to make sense of our constitutional self-understandings. The discipline of thinking in terms of a model opens up a critical space wherein there need not be some stark, all-encompassing choice between constitutional models, which, in turn, allows for more subtle understandings of Britain's constitution as neither exclusively 'political' nor 'legal'.

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