
Contents

<i>List of contributors</i>	vii
-----------------------------	-----

1 Introduction: the comparative turn in constitutional theory <i>Gary Jacobsohn and Miguel Schor</i>	1
---	---

PART I CONSTITUTIONAL STRUCTURES AND RIGHTS

2 What is judicial supremacy? <i>Stephen Gardbaum</i>	21
3 Federalism and constitutional theory <i>Stephen Tierney</i>	45
4 Theoretical underpinnings of separation of powers <i>Cheryl Saunders</i>	66
5 Constitutional dialogue and judicial supremacy <i>Miguel Schor</i>	86
6 Judicial dialogue and fundamental rights in the European Union: a quest for legitimacy <i>Aida Torres Pérez</i>	102
7 Parliamentary bills of rights: have they altered the norms for legislative decision-making? <i>Janet L. Hiebert</i>	123
8 Social rights in comparative constitutional theory <i>Jeff King</i>	144
9 Human dignity and its critics <i>Jacob Weinrib</i>	167

PART II CONSTITUTIONAL INTERPRETATION

10 The counter-majoritarian thesis <i>David Robertson</i>	189
11 Legal pragmatism and comparative constitutional law <i>David Landau</i>	208
12 Beyond the principle of proportionality <i>Victor Ferreres Comella</i>	229
13 Text and textualism: religious establishment in the United States Supreme Court and the European Court of Human Rights <i>Howard Schweber</i>	248
14 Reception, context and identity: a theory of cross-national jurisprudence <i>Heinz Klug</i>	269

PART III CONSTITUTIONAL CHANGE

- | | | |
|----|--|-----|
| 15 | "We the people", "oui, the people" and the collective body: perceptions of constituent power | 295 |
| | <i>Yaniv Roznai</i> | |
| 16 | Amendment theory and constituent power | 317 |
| | <i>Mark Tushnet</i> | |
| 17 | Anchoring and sailing: contrasting imperatives of constitutional revolution | 334 |
| | <i>Gary Jacobsohn</i> | |
| 18 | Theorising about formal constitutional change: the case of Latin America | 354 |
| | <i>Joel I. Colón-Ríos</i> | |
| 19 | Transitional justice, transitional constitutionalism and constitutional culture | 372 |
| | <i>Gábor Halmai</i> | |

PART IV ISSUES IN CONSTITUTIONALISM

- | | | |
|----|--|-----|
| 20 | The unwritten constitution | 395 |
| | <i>Janet McLean</i> | |
| 21 | Militant democracy and constitutional identity | 415 |
| | <i>Jan-Werner Müller</i> | |
| 22 | Some notes on inclusive constitution-making, citizenship and civic constitutionalism | 436 |
| | <i>John E. Finn</i> | |
| 23 | Race and American constitutional exceptionalism | 456 |
| | <i>Mark A. Graber</i> | |
| 24 | Constitutional dissonance in China | 476 |
| | <i>Wen-Chen Chang and David S. Law</i> | |

- | | | |
|--|--------------|-----|
| | <i>Index</i> | 515 |
|--|--------------|-----|