CONTENTS

Acknowledgements xii

	Introduction 1
	PART I Political Phenomenology 15
1.1	Hannah Arendt and the Theory of the Bourgeois Public Sphere 17
	The Phenomenology of the Political 17
	Arendt's Arrested 'Worldliness' 29 'World-Making' in the 'Material' Dimension 30 'World-Making' in the 'Temporal' Dimension 33 'World-Making' in the 'Social' Dimension 35
	The Spectre of Antagonism 40
1.2	Simone Weil: Necessity and Courage 43 Weil's Materialism 43 Weil's Hellenism 51 The Poem of Force 51
	Tragedy, Necessity, Rationality Undone 55 Weil's Wager 63
1.3	The Phenomenology of Work The Promise of Social Labour 72 The Hegelian-Marxian Heritage 72 Post-Fordist Mutations 78
	The Forgetting of Labour 86 The Ethical Deficit: Unnecessary Suffering 86 The Political Deficit: Unworldly Labour 93 The Philosophical Deficit: Phenomenological Blockage 102
	Semantics and Structures I: The Movement of Concepts and Structures 111

1.4	Towards a Critical Phenomenology Improbable Disclosures In Phenomenological Method Italian Elements of a Critical Phenomenology In Phenomenolo
	PART II Political Constitutionalism 149
2.1	Constituent Power and the Constitutional Distinction 151 The Constitutional Distinction 151
	Theorising 'Constituent Power': A Short History in Four Chapters 158 Rousseau's Radical Proposition 158 The Jacobin Constituent Moment 163 Hegel and the French Revolution 168 Marx on Constituent Power 171
	Theorising 'Constituted Power': Eclipsing the Constituent 180
2.2	Constitutionality 193 Prolegomena 193 Self-Reference 200 The Dimensions of Constitutional Meaning 209 The Material Dimension 211 The Social Dimension 216 The Temporal Dimension 224
2.3	Labour, Solidarity and the Social Constitution Constitutional Value and the Dogmatic Question 229 Homo Juridicus, Laborans 242 Social Rights Constitutionalism 247 The Radical Marshall 247 Semantics and Structures II 255
2.4	Constitutionalism Adrift 259 Constitutionalisation and Pluralism 259 Semantics and Structures III 277
	PART III Market Constitutionalism 295
3.1	Market Trajectories 297 From Differentiation to Fragmentation 297 The Generalisation of Economic Reason: Hayek's Legacy 308
3.2	Total Market Thinking 327 The New Worlds of Governance 329 The Democratic Co-Option 335

	The Epistemological Co-option 343 The Logic of Equivalence: Substitution and Unaddressability 34 The Hidden Normativity of Indicators 348 The Eclipse of the Political Constitution 354
3	Europe's 'Social Market' and the Disembedding of Labour Protection 365 Europe's Social Constitution: 'Moments' and Milestones 367 The Ordoliberal Synthesis 377 New European Governance and the Social Constitution 384
4	The Deep Commodification of Labour 395 Laval/Viking Jurisprudence 395 The New Functionalism 403 Proportionality as Market Exposure 407 Market Access as Social Dumping 419
	PART IV Strategies of Redress 431
1	The Constitutional Situation 433 Taking Stock 433 Communicative and Strategic Constitutional Action 443 Strategy, Critique, Redress: Opportunities and Limitations 455
2	Militant Formalisms 461 Formalism as Strategy 461 'Societal Constitutionalism': Meta-Level Deployments 467
3	Constitution, Autogestion, Rupture 480 The Scandal of Democracy 480 Poland's Short Summer of Anarchy 480 Democracy as Enactment: The Legacy of Athens 487 The Mass Strike: Luxemburg, Sorel, Benjamin 494 The Meaning of Negation 507
4	Constitutionalising Contradiction: Towards an Open Constitutional Dialectic 524 Materialism and the 'Adventure' of the Dialectic 524 Phenomenology, Contradiction and the Open Dialectic 532 Semantics and Structures IV: The Constitutional 'Dispositif' 541
	Epilogue 556
	References 558 Index 584