

# Contents

<i>List of Contributors</i>	ix
-----------------------------	----

Introduction	1
<i>Martin Loughlin and Neil Walker</i>	

1. Constituent Power and Reflexive Identity: Towards an Ontology of Collective Selfhood	9
<i>Hans Lindahl</i>	

## I. A CONCEPTUAL HISTORY OF CONSTITUENT POWER

2. Constituent Power Subverted: From English Constitutional Argument to British Constitutional Practice	27
<i>Martin Loughlin</i>	
3. Constituent Power and Constitutional Change in American Constitutionalism	49
<i>Stephen M. Griffin</i>	
4. Constituent Power in France: The Revolution and its Consequences	67
<i>Lucien Jaume</i>	
5. 'We are (afraid of) the people': Constituent Power in German Constitutionalism	87
<i>Christoph Möllers</i>	
6. People and Elites in Republican Constitutions, Traditional and Modern	107
<i>John P. McCormick</i>	

## II. THE ARTICULATION OF CONSTITUENT POWER: RIVAL CONCEPTIONS

7. The Politics of the Question of Constituent Power	129
<i>David Dyzenhaus</i>	
8. Private and Public Autonomy Revisited: Habermas' Concept of Co-originality in Times of Globalization and the Militant Security State	147
<i>Rainer Nickel</i>	



9. Constitutionalism's Post-Modern Opening <i>Paolo Carrozza</i>	169
10. Against Substitution: The Constitutional Thinking of Dissensus <i>Emilios Christodoulidis</i>	189
III. EXTENSION AND DIVERSIFICATION OF CONSTITUENT POWER	
11. The Exercise of Constituent Power in Central and Eastern Europe <i>Ulrich K. Preuss</i>	211
12. 'We the Peoples': Constituent Power and Constitutionalism in Plurinational States <i>Stephen Tierney</i>	229
13. Post-Constituent Constitutionalism? The Case of the European Union <i>Neil Walker</i>	247
14. 'We the Peoples of the United Nations': Constituent Power and Constitutional Form in International Law <i>Bardo Fassbender</i>	269
15. Constituent Power and the Pluralist Ethic <i>Damian Chalmers</i>	291
16. The Imperialism of Modern Constitutional Democracy <i>James Tully</i>	315
<i>Bibliography</i>	339
<i>Index</i>	369