

CONTENTS

<i>List of Figures</i>	xiii
<i>List of Tables</i>	xiii
1. Norms, Dispute Resolution, and Judicialization	1
Introduction	2
Rules, Dispute Resolution, Strategic Behaviour	3
The Construction of Judicial Power	12
Constitutionalism and Politics	20
Understanding Constitutional Politics	22
Constitutional Politics in Western Europe	30
2. Constitutional Adjudication and Parliamentary Democracy	31
The European Model of Constitutional Review	32
Constitutional Contracting	38
Parliamentary Government and Constitutional Review	49
Conclusion	60
3. Legislating	61
Constitutional Courts as Specialized Legislative Chambers	61
Law-makers as Constitutional Judges	73
Principal-Agent Issues	88
Conclusion	90
4. Protecting Rights	92
Rights, Normative Hierarchies, and Constitutional Decision-making	92
Parliament and Constitutional Adjudication	102
The Judiciary and Constitutional Adjudication	114
Conclusion	125
5. The Politics of Judging	127
Judging, Law-making, and Separation of Powers Doctrines	127
The Kelsenian Model	133
Constitutional Politics and Legitimacy	139
Conclusion	150

6. Constructing a Supranational Constitution	153
European Integration and Supranational Governance	153
The Constitutionalization of the European Community	160
The Constitutional Politics of Supremacy	166
Constitutional Politics as Legislative Politics	178
Conclusion	193
7. Theory of Constitutional Politics	194
The Judicialization of Law-making	194
Constitutional Decision-making and Governance	203
<i>Bibliography</i>	205
<i>References</i>	208
<i>Index</i>	223