

Contents

Contributors	page vii
Preface	ix
1. Introduction	1
<i>Grant Huscroft, Bradley W. Miller, and Grégoire Webber</i>	
PART I CONCEPTIONS OF PROPORTIONALITY	
2. The Lost Meaning of Proportionality	21
<i>Martin Luterán</i>	
3. Proportionality Is Dead: Long Live Proportionality!	43
<i>Alison L. Young</i>	
4. Human Dignity and Proportionality: Deontic Pluralism in Balancing	67
<i>Mattias Kumm and Alec D. Walen</i>	
5. Between Reason and Strategy: Some Reflections on the Normativity of Proportionality	90
<i>George Pavlakos</i>	
PART II PROPORTIONALITY AND RIGHTS	
6. On the Loss of Rights	123
<i>Grégoire Webber</i>	
7. Proportionality and Rights Inflation	155
<i>Kai Möller</i>	
8. Proportionality and the Question of Weight	173
<i>Frederick Schauer</i>	
9. Proportionality and the Relevance of Interpretation	186
<i>Grant Huscroft</i>	

PART III PROPORTIONALITY AND JUSTIFICATION

10. Democracy, Legality, and Proportionality 205
T.R.S. Allan
11. Proportionality and Deference in a Culture of Justification 234
David Dyzenhaus
12. Proportionality and Democratic Constitutionalism 259
Stephen Gardbaum
13. The Rationalism of Proportionality's Culture of Justification 284
Mark Antaki

PART IV PROPORTIONALITY AND REASONING

14. Proportionality and Incommensurability 311
Timothy Endicott
15. Legislating Proportionately 343
Richard Ekins
16. Proportionality's Blind Spot: "Neutrality" and Political
Philosophy 370
Bradley W. Miller
17. Mapping the American Debate over Balancing 397
Iddo Porat

- Index 417