
Routledge Handbook of Constitutional Law

*Edited by Mark Tushnet, Thomas Fleiner
and Cheryl Saunders*

Contents

<i>Contributors</i>	ix
<i>Table of cases</i>	xiii
Introduction <i>Mark Tushnet</i>	1
PART I	
General issues	7
1 Constitutions <i>Yasuo Hasebe and Cesare Pinelli</i>	9
2 Constitutions embedded in different legal systems <i>Thomas Fleiner and Cheryl Saunders</i>	21
3 International relations and international law <i>Anne Peters and Ulrich K Preuss</i>	33
4 Constitutions and legitimacy over time <i>Catherine Dupré and Jiunn-rong Yeh</i>	45
5 Constitution-writing processes <i>Jennifer Widner and Xenophon Contiades</i>	57
PART II	
Structures	71
6 Systems of government <i>Denis Baranger and Christina Murray</i>	73
7 Emergency powers <i>Victor V Ramraj and Menaka Guruswamy</i>	85

Contents

8	The judiciary and constitutional review <i>Albert HY Chen and Miguel Poiares Maduro</i>	97
9	Justiciability <i>Mark Tushnet and Juan F González-Bertomeu</i>	111
10	Administrative bureaucracy <i>Janet McLean with Mark Tushnet</i>	121
11	Elections and electoral systems in constitutional regimes <i>Mahendra Pal Singh</i>	131
12	Federalism and autonomy <i>Lidija R Basta Fleiner and Jean-François Gaudreault-DesBiens</i>	143
13	Minority rights <i>Solomon Dersso and Francesco Palermo</i>	159
14	Horizontal effect/state action <i>Colm O'Cinneide and Manfred Stelzer</i>	177
	PART III	
	Rights	189
	1. Integrity	191
15	'Human dignity' as a constitutional doctrine <i>Margit Cohn and Dieter Grimm</i>	193
16	The limits of punishment <i>Martin Scheinin and Denise Meyerson</i>	205
	2. Communication rights	217
17	Ancient and modern: access to information and constitutional governance <i>Thomas Bull and Hugh Corder</i>	219
18	Freedom of expression and association <i>Iain Currie</i>	231
19	Freedom of religion and religion–state relations <i>W Cole Durham, Jr and Carolyn Evans</i>	243

3. Due process	257
20 Procedural fairness generally <i>Sophie Boyron and Wendy Lacey</i>	259
21 Rights in the criminal process: a case study of convergence and disclosure rights <i>Máximo Langer and Kent Roach</i>	273
4. Non-discrimination	285
22 General provisions dealing with equality <i>Brun-Otto Bryde and Michael Ashley Stein</i>	287
23 Sites of constitutional struggle for women's equality <i>Ruth Rubio-Marín and Wen-Chen Chang</i>	301
24 Race and ethnicity discrimination <i>Patrick Macklem and Adrien K Wing</i>	313
25 Affirmative action <i>Robert J Cottrol and Megan Davis</i>	325
26 Minorities and group rights <i>Michael M Karayanni and Roberto Gargarella</i>	337
5. Rights and society	347
27 Rights of non-citizens <i>Atsushi Kondo and Dragoljub Popović</i>	349
28 Proprietary constitutionalism <i>Jeremy Webber and Kirsty Gover</i>	361
29 Fundamental social rights <i>George Katrougalos and Paul O'Connell</i>	375
30 Linguistic and cultural rights <i>Bipin Adhikari and Carlos Viver Pi-Sunyer</i>	387
31 Environmental rights and future generations <i>Hong Sik Cho and Ole W Pedersen</i>	401

Contents

PART IV	
New challenges	413
32 Asylum and refugees <i>Michelle Foster and Jonathan Klaaren</i>	415
33 The competing effect of national uniqueness and comparative influences on constitutional practice <i>Zaid Al-Ali and Arun K Thiruvengadam</i>	427
34 Multicultural societies and migration <i>Pierre Bosset, Anna Gamper and Theo Öhlinger</i>	443
35 Constitutions, populations and demographic change <i>Brian Opeskin and Enyinna Nwauche</i>	455
36 Supranational organizations and their impact on national constitutions <i>Markus Böckerförde and Daniel Sabsay</i>	469
37 New technologies and constitutional law <i>Thomas Fetzer and Christopher S Yoo</i>	485
 <i>Index</i>	 495