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THE MIGRATION OF CONSTITUTIONAL IDEAS

The migration of constitutional ideas across jurisdictions is rapidly emerging as one of the central features of contemporary constitutional practice. The increasing use of comparative jurisprudence in interpreting constitutions is one example of this. In this book, leading figures in the study of comparative constitutionalism and comparative constitutional politics from North America, Europe, and Australia discuss the dynamic processes whereby constitutional systems influence each other. They explore basic methodological questions which have thus far received little attention, and examine the complex relationship between national and supranational constitutionalism – an issue of considerable contemporary interest in Europe. The migration of constitutional ideas is discussed from a variety of methodological perspectives – comparative law, comparative politics, and cultural studies of law – and contributors draw on case studies from a wide variety of jurisdictions: Australia, Hungary, India, South Africa, the United Kingdom, the United States, and Canada.

SUJIT CHOUDHRY is Associate Professor in the Faculty of Law and Department of Political Science at the University of Toronto. He has written widely on comparative constitutional law, and in constitutional law and theory more generally.

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This idea for this book emerged in the way that the best ideas do – in scholarly conversation. The migration of constitutional ideas has emerged as one of the dominant features of contemporary constitutionalism. For my colleagues at the University of Toronto, this shift in constitutional practice has meant that sustained and deep comparative engagement increasingly permeates our research and teaching. However, we have all come to realize that the practice of comparative constitutional law has outgrown the conceptual apparatus that legal actors and scholars use to make sense of it. The need for a reconceptualization of the discipline is urgent. This volume marks an important contribution to that task.

The papers for this volume were initially presented at an international conference held at the University of Toronto in October 2004. Jennifer Tam worked her usual organizational wizardry to make the conference a success. Richard Simeon, Alan Brudner, Karen Knop, and my former Dean Ron Daniels served as panel chairs, and helped to stimulate a lively discussion.

As the conference papers became an edited collection, I accumulated more debts. David Dyzenhaus provided valuable advice on tying the papers together into an integrated volume. Saad Ahmad, Bernadette Mount, and Robert Leckey provided superb editorial assistance. Finola O’Sullivan and Jane O’Regan at Cambridge University Press have been extremely professional and collegial, and have been a model of patience as this project neared completion.

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