## Contents

<table>
<thead>
<tr>
<th>Series editors' preface</th>
<th>xi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>xiii</td>
</tr>
</tbody>
</table>

### Prologue
- Examining European constitutionalism 1
- A relational concept of constitution 9
- Constitutional law as higher law 10
- Constitutional culture and constitutional theories 15
- An outline of the book 17

### Part I: General characteristics

#### 1 Relationality
- Constitutional dimensions 21
- Constitutional functions 28
- Transnational and national constitutionalism 37

#### 2 Interlude: the framing juridical constitution
- Constituting the European legal system 45
- Claiming the autonomy of European law 53
- Positioning European law 59
- Pre-emption as a sub-principle of supremacy 72
- General principles 74

#### 3 Perspectivism
- Perspectives on legal perspectivism 78
- Legal diversity 81
- Legal pluralism 86
- European fundamental rights pluralism 88
- Conflict or dialogue? 102
## Discursiveness

- Revolutionary and evolutionary constitutionalism
- European constitutional discourse
- Perspectives on constitutional discourse

### Part II: Sectoral constitutionalization

#### 5 The triumph of the microeconomic constitution
- Origins of a concept
- The process of economic constitutionalization
- Underlying controversies
- The European economic constitution and national constitutions
- Implications for the political dimension

#### 6 Mutation of the macroeconomic constitution
- From Rome to Maastricht
- The Maastricht principles
- Underlying economic assumptions
- From crisis prevention to crisis management
- Strengthening European economic governance
- The new roles of the ECB
- The constitutional basis of the Eurozone regime
- Still a Union based on the rule of law?
- Legitimacy concerns

#### 7 The European social constitution: between solidarity and access justice
- Is there a European social constitution?
- Why does the national welfare state have primacy?
- Restrictions on free movement
- Extension of internal market law to welfare services
- Welfare services for mobile workers and citizens
- Denationalization and deterritorialization of welfare services
- Consequences of macroeconomic constitutionalization
- Regulatory private law
- Two notions of justice: complementary or conflicting?
# Table of Contents

## 8 The insecure security constitution

- The paradox-ridden relationship between the constitution and security  269
- From Trevi to Maastricht  273
- The significance of Amsterdam  278
- Lisbon and after  284
- From state of emergency to security  289
- Freedom, security and justice  296
- Security and fundamental rights  301
- Constitution or anti-constitution?  312

### Epilogue

- Towards a general theory of the European constitution  319
- Perspectivism of legal disciplines  340
- Final comment  358

**Bibliography**  359

**Index**  373