

Index

- abandonment, 439, 447, 449, 528
 Abas, Mohamad Salleh, 383
 Aboriginals Ordinance, 348
 abortion, 22, 41, 437, 438, 439, 553
 Abortion Information Bill, 431, 437, 439, 440, 442, 446, 447, 449, 453
 absurdity, 116, 117, 118, 441
 abuse, 23, 24, 33, 42, 69, 76, 202, 204, 212, 334
 acceptance, 185, 198, 345, 362, 374, 437
 accountability, 190, 308, 423, 424
 Ackerman, Bruce, 7, 408, 550, 551, 558
 acquisitions, 131, 360
 Act of Settlement, 322
 Act on Election Procedure, 185
 activism, 262, 298, 319, 395, 457, 505, 524, 550
 additive judgments, 13, 457, 459, 464, 465, 471, 472, 473, 475, 476, 478, 479, 480, 481
 additive performance judgments, 473, 475
 additive sentences, 464, 471, 479
 adjudication, 40, 149, 199, 200, 202, 205, 206, 235, 243, 247, 249, 250, 251, 254, 260, 271, 274, 327, 335, 336, 376, 421, 447, 454, 498, 546
 administrative law, 237, 241, 252, 254, 255, 263, 275, 470
Advocates Law case, 302, 303, 316
 affirmative action, 40
 Affordable Care Act (ACA), 43, 55, 56, 57
 Africa, 4, 18, 28, 67, 169, 173, 174, 178, 179, 180, 181, 182, 183, 189, 278, 279, 441
 agglomeration, 76, 86
 Albania, 169, 173, 174, 179, 181, 188, 189, 541
 aliens, 115, 116, 226, 348
 Alliance Party, 379, 380
 Amar, Akhil Reed, 7, 36, 62, 94, 95, 97, 101, 517
 ambiguity, 54, 75, 76, 77, 78, 90, 91, 92, 93, 102, 107, 111, 115, 279, 450, 456, 550
 ambiguous terms, 116
 American Convention on Human Rights, 214
 ancestry, 57, 58
 apostasy, 382, 385, 395
 appeals, 120, 141, 162, 163, 244, 246, 247, 254, 255, 265, 317, 349, 395, 522, 523
 Arab states, 173, 272
 Arato, Andrew, 168, 169, 174, 184, 190, 543, 545, 550
 Aristotle, 168, 173
Arizona State Legislature v. Arizona Independent Redistricting Commission, 27
 Arizona, 27, 28, 43
 Army, 59, 176, 274
 Articles of Confederation, 25, 26, 30, 37, 42, 63, 67, 79, 80
 artistic endeavour, 21
Ashwander v. Tennessee Valley Authority, 53
 Asia, 18, 237, 239, 328, 391
 Asia-Pacific region, 18
 assumptions, 5, 41, 122, 126, 128, 129, 131, 132, 133, 134, 135, 140, 145, 161, 165, 270, 285, 431, 486, 527, 528, 530
 attitudinal model, 520, 521

- Australia, 8, 17, 64, 118, 120, 126, 136, 160, 162, 264, 284, 343, 344, 345, 346, 347, 348, 349, 350, 351, 353, 355, 356, 357, 359, 360, 362, 363, 364, 366, 367, 368, 369, 370, 371, 373, 374, 375, 399, 497
Australian Capital Television v. Commonwealth (ACTV case), 134, 137, 353, 361, 363, 364, 365, 370
 Australian Capital Territory, 368
 Australian constitutional law, 343, 345, 346, 357, 364
 authoritarianism, 299, 307, 309, 542, 560
 authorization, 13, 26, 199, 233, 275, 343, 356
 autonomy, 14, 186, 195, 199, 201, 202, 208, 232, 235, 246, 250, 282, 325, 352, 403, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 432, 435, 447, 450, 451, 452, 453, 454, 455, 527, 532, 536, 547
 axiomatic systems, 153, 157
- Bach, Kent, 113, 114
Baird v. State Bar of Arizona, 48
Bali bombing case, 301, 303
 Balkin, Jack, 70, 397
 Barak, Aharon, 140, 141, 142, 143, 144, 270, 274, 277, 278, 279, 280, 281, 282, 283, 286, 289, 290, 292, 293, 294, 295, 296, 485
 Bari, Abdul Aziz, 382, 395
 Barisan Nasional, 379, 381, 398
 Basic Law, 8, 269
 German, 15, 175
 Hong Kong, 17, 20, 235
 Israeli, 14
 of the Macau SAR, 230, 231, 234–237, 246–255, 256–257, 260–266
 of Special Administration Regions, 407
 basic rights, 296, 309, 485, 501, 507, 510, 511, 513, 514
 Beijing, 10, 232, 233, 242, 243, 248, 249, 261, 422, 423, 425, 427
 Bentham, Jeremy, 441, 443
 Benthamite, 441
 Benz, Arthur, 175
 Berlin, 29, 253, 325, 424
 Bickel, Alexander, 55, 498
 Bill of Rights
 American, 141
 Australia's partial, 359–360, 364, 373
 Basic Laws and, 280, 283, 289
 Hong Kong, 4, 196, 239–242, 262
 Malaysia, 381, 394
 in South Africa, 179
 statutory, 368–369
 binding effect, 29, 47, 177, 181, 185, 186, 204, 206, 209, 216, 223, 233, 251, 254, 261, 262, 265, 305, 306, 368, 457
 Black, Hugo 22
 Black, Justice, 22, 30, 31, 32, 45, 67
 Blasphemy Law, 312
 Bobbitt, Philip, 94, 103
 bodily integrity, 275, 435
Boilermakers' principle, 343, 347, 348
 Bokhary PJ, 206, 215
Book Banning case, 305
 Bork, Robert H., 45
 breaches, 303, 314, 315, 368
 Brennan CJ, 136, 358
 Brennan Committee, 370
 bribery, 300
 Britain, 195, 208, 232, 264, 378, 441, 522
 British Crown, 211, 237, 322, 561
 British Empire, 232, 238
 British Parliament, 238, 381, 517
 broadcasts, 304
Brown v. Board of Education, 102, 105
 Buddhism, 313, 390
 Budelli, Mpfariseni, 180
 Bulgaria, 544
 burden, 161, 177, 178, 197, 308, 354, 371, 415, 473, 475
 Burdick, William L., 495
 Bureau of Identity Establishment, 253
 Burke, Edmund, 499
Burmeister case, 249, 254, 262, 265
Burton v. Honan, 372
Bush v. Gore, 27, 28
 Butt, Simon, 8, 298, 306, 308, 316
- campaigns, 313, 339
 Canada, 10, 18, 20, 38, 240, 278, 279, 369, 372, 497, 517, 518, 519, 520, 521, 522, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540

- Canadian Charter of Rights and Freedoms, 4,
 240, 264, 275, 522
 Canadian Senate, 529, 531
 Canas, Vitalino, 247, 253
 canons, 112, 118
 Canotilho, Gomes, 250, 252
 Capital Punishment case, 547, 550
 Capital Relocation case, 12
 capitalist system, 210, 232, 235
 Capoccia, Giovanni, 177
 Cardinal, Paulo, 246, 247, 248, 253, 424
 Carolan, Eoin, 9, 431, 449, 454
 case law, 136, 198, 237, 239, 241, 263, 281,
 432, 438, 442, 445, 447, 449, 451, 452,
 453, 460, 471, 481, 491, 492, 508, 520,
 546, 552
 Casper, Gerhard, 484, 505
 Castellucci, Ignazio, 231
 Catholic Church, 216, 387, 388, 434, 446,
 556, 557
 Catholics, 14
 Central Authorities, 199, 236
 Central People's Government (China), 200,
 205, 207, 208, 235, 236, 238, 243, 245,
 246, 412, 423
 Chamber of the National Legislature
 (Sudan), 189
 Chan, Johannes, 5, 10, 14, 200, 202, 239,
 240, 243
 charity, 13, 438, 444, 448, 449
 Charlesworth, Hilary, 371
 Charter of Fundamental Rights and Basic
 Freedoms (Czechoslovakia), 544
 Chaskalson, Matthew, 179
Che Omar, 383, 389, 392, 393, 396
 Chemical Weapons Convention, 53, 54
 Chen, Albert H. Y., 9, 200, 201, 215, 230,
 237, 238, 403, 424
 Cheung, Eric, 206, 208
 Chief Executive, 206, 211, 212, 217, 218,
 235, 250, 251, 261, 421, 423, 424, 425,
 427
 Chief Justices, 16
 children, 23, 33, 40, 122, 128, 129, 202, 224,
 309, 348, 358, 386, 387
 China, 9, 14, 194, 195, 201, 205, 208, 209,
 228, 230, 232, 233, 234, 235, 238, 247,
 248, 249, 261, 265, 401, 402, 403, 404,
 406, 407, 408, 409, 410, 411, 412, 415,
 416, 417, 418, 419, 420, 421, 422, 423,
 426, 493
Chong Fung Yuen v. Director of Immigration,
 203
 Christian, 385, 435, 437, 439, 441, 442, 445,
 447, 448, 449, 453, 454, 512, 556, 562
 Christianity, 388, 390, 437, 445, 448, 562
 citizenship, 286, 288, 379, 436
 civil code, 253, 299, 467, 469, 483, 484, 486,
 490, 493, 494, 495, 496, 500, 501, 507,
 508, 512
 civil law cases, 15
 civil law tradition, 299, 307, 483, 484, 485,
 486, 487, 489, 490, 492, 493, 495, 496,
 499, 500, 501, 502, 503, 505, 506, 508,
 511, 512, 513, 516
 civil rights, 15, 16, 58, 194, 195, 217, 220,
 221, 225, 227, 228, 232, 234, 238, 252,
 257, 262, 265, 275, 299, 306, 307, 316,
 329, 377, 380, 384, 385, 386, 387, 389,
 391, 392, 393, 395, 399, 407, 424, 483,
 484, 485, 486, 487, 488, 489, 490, 491,
 492, 493, 494, 495, 496, 497, 499, 500,
 501, 502, 503, 505, 506, 508, 510, 511,
 512, 513, 514, 516, 529, 535, 537, 538,
 559
 Civil War, 37, 71, 523
 civilian tradition, 20, 493, 502, 535
 claims, 48, 57, 144, 168, 177, 190, 306, 310,
 316, 321, 344, 357, 383, 387, 404, 436,
 442, 445, 458, 499, 532, 537
 classes, 44, 471, 472, 518
 classification test, 199, 200, 201
 Code of Administrative Litigation, 255
 Code of Administrative Procedure, 248,
 254
 Code of Criminal Procedure, 317, 464
 codification, 493, 495, 501, 506, 508, 509
 colonial government, 237, 238
 Colonial Laws Validity Act, 237, 238
 Colonial Regulations, 211
 colonial rule, 195, 217, 218, 234, 237, 238,
 239, 240, 262, 272, 352, 377, 378, 408,
 421, 441, 489, 508
 colour, 201, 223, 245
 commentaries, 31, 83, 97, 101
 Commerce Clause, 26, 43, 51, 55, 56, 65, 80

- commerce, 25, 26, 56, 57, 65, 117, 118, 123, 371, 537, 538
- Committee Against Torture, 198
- Committee on Economic, Social and Cultural Rights, 222
- common law system, 14, 17, 135, 194, 195, 196, 199, 202, 204, 208, 209, 228, 422, 498
- common law tradition, 483, 485, 486, 487, 489, 490, 491, 492, 496, 498, 500, 502, 504, 506
- Commonwealth of Australia, 49, 110, 115, 116, 117, 118, 120, 123, 124, 125, 126, 131, 136, 137, 162, 163, 343, 346, 347, 348, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 362, 363, 364, 365, 366, 368, 369, 370, 372, 378
- communicative content, 11, 62, 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 77, 78, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 94, 95, 98, 99, 100, 103, 104, 105, 106, 107, 108
- communis opinio, 303
- Communist Party, 232, 305, 543
- communists, 48, 174, 175, 184, 185, 195, 232, 305, 411, 542, 543, 544, 545, 546, 554
- community, 5, 11, 59, 115, 141, 142, 147, 197, 210, 215, 231, 241, 265, 267, 272, 273, 278, 279, 301, 302, 303, 314, 358, 363, 370, 383, 388, 390, 392, 536, 553, 561
- Community Protection Act, 349
- compositionality, 65
- Comprehensive Social Welfare Assistance (CSSA), 212, 224
- The Concept of Law*, 77, 148, 150, 153
- Congo, 10, 18, 174, 176, 179, 180, 194, 201, 202, 205, 207, 208
- Congo case, 10, 18
- Congress of the United States, 81
- Conservative Party, 531, 532
- Constituent Assembly, 181, 187, 272, 458
- Constitution in Parliament, 381
- Constitution of the People's Republic of China, 204, 261, 403
- Constitution of the Commonwealth of Australia, 8, 17, 115, 116, 117, 120, 122, 123, 129, 130, 140, 161, 162, 346, 359, 360, 364, 370, 374, 375
- Constitution of the Confederate States of America, 65
- Constitution of the Transition (Democratic Republic of the Congo), 174, 179
- Constitution of the United States of America, 3, 23, 63, 65, 66, 67, 70, 77, 79, 81, 89, 91, 97, 101, 108, 122, 123, 124, 159, 171, 257, 259, 323, 397, 517, 557
- Constitutional Act*, 174, 175, 176, 178
- constitutional actors, 4, 7, 16, 71, 79, 103, 172, 327, 341
- constitutional addition, 466
- constitutional adjudication, 231, 261, 262, 271, 289, 292, 296, 327, 328, 336, 342, 377, 394, 395, 399, 432, 436, 439, 440, 443, 445, 446, 448, 449, 451, 452, 454, 455, 456, 548, 550, 555, 558
- constitutional amendment, 19, 37, 122, 123, 181, 188, 189, 190, 292, 296, 311, 341, 368, 397, 398, 432, 434, 508, 523, 544, 545, 554
- constitutional arrangements, 7, 177, 324, 330, 341, 348, 421
- Constitutional Assembly, 176, 179
- constitutional claim, 343
- Constitutional Commission (Democratic Republic of the Congo), 175, 368, 369, 378, 379, 380
- constitutional communication, 67, 68, 70, 71, 76, 77, 90, 92, 93, 96, 102, 103, 104, 106
- constitutional construction, 5, 68, 81, 82, 83, 84, 85, 86, 90, 92, 93, 94, 97, 98, 103, 105, 106, 107, 108, 326, 330, 344, 394
- Constitutional Court of Korea. *See* Korean Constitutional Court (KCC)
- constitutional democracies, 324, 327, 336, 338, 373, 497, 560
- constitutional doctrine, 46, 64, 68, 69, 71, 72, 73, 79, 82, 84, 91, 92, 99, 101, 103, 104, 105, 106, 107, 108, 291, 366, 500, 520, 534
- constitutional documents, 6, 14
- constitutional features, 172, 177, 182
- constitutional fundamentals, 193, 229, 377

- constitutional ideals, 9, 17
- constitutional implications, 11, 13, 14, 16, 17, 85, 86, 89, 92, 98, 110, 140, 144, 326, 344, 345, 346, 357, 359, 363, 365, 374, 375, 389, 401, 426
- constitutional justice, 326, 457, 459, 460, 481, 483, 545, 551, 562
- constitutional norm, 12, 14, 15, 40, 124, 283, 325, 443, 447
- constitutional order, 146, 153, 158, 159, 164, 183, 186, 230, 231, 335, 359, 374, 376, 383, 384, 388, 389, 390, 402, 431, 432, 446, 448, 449, 453, 454, 455, 456, 486, 506, 518, 519, 527, 551
- constitutional powers, 139, 199, 337, 352, 353
- constitutional practice, 6, 7, 9, 10, 16, 61, 62, 69, 72, 74, 82, 98, 103, 104, 105, 108, 109, 147, 325, 331, 344, 345, 375, 397, 406, 431, 545
- constitutional principles, 4, 9, 10, 17, 18, 20, 26, 109, 140, 167, 178, 181, 186, 194, 229, 253, 286, 288, 323, 330, 331, 339, 354, 404, 463, 477, 517, 518, 519, 520, 523, 524, 526, 527, 528, 529, 531, 534, 538, 539, 546, 549
- constitutional protection, 22, 28, 40, 48, 215, 216, 263, 279, 347, 350, 355, 367, 371, 450, 451, 475, 507, 514
- constitutional provisions, 24, 25, 31, 32, 34, 35, 46, 48, 69, 70, 71, 78, 90, 94, 97, 106, 107, 135, 141, 149, 178, 180, 249, 291, 296, 318, 325, 332, 377, 389, 393, 397, 398, 399, 404, 468, 507, 530
- constitutional reasoning, 331, 363, 436, 440, 447, 453
- constitutional review, 175, 179, 198, 218, 225, 228, 230, 231, 243, 244, 248, 249, 298, 300, 328, 334, 336, 422, 460, 461, 466, 487, 500, 539, 551
- constitutional rights, 34, 35, 49, 62, 85, 124, 198, 217, 244, 254, 269, 270, 288, 290, 292, 295, 298, 299, 300, 302, 303, 308, 311, 312, 314, 315, 316, 317, 318, 325, 329, 332, 340, 343, 344, 345, 357, 358, 360, 361, 364, 371, 385, 386, 388, 389, 394, 395, 439, 441, 475, 483, 529, 541, 551
- constitutional roles, 219, 221
- constitutional scholarship, 7, 18, 401, 406, 409, 426, 510
- constitutional silence, 24, 26, 41, 43, 326, 402, 410
- constitutional sources, 3, 4, 5, 7, 8, 12, 262, 370, 376, 389
- constitutional systems, 4, 14, 284, 290, 292
- constitutional text, 5, 8, 19, 47, 62, 63, 64, 67, 69, 71, 72, 73, 77, 78, 79, 81, 82, 83, 85, 88, 94, 97, 99, 100, 102, 103, 104, 105, 106, 107, 108, 140, 148, 149, 158, 161, 164, 165, 167, 168, 170, 171, 176, 180, 193, 259, 269, 270, 271, 280, 284, 285, 287, 291, 292, 293, 294, 296, 297, 324, 331, 345, 346, 354, 358, 362, 365, 366, 372, 374, 394, 400, 435, 438, 444, 448, 453, 454, 457, 458, 460, 486, 499, 510, 518, 527, 549, 550, 552
- constitutional theory, 61, 63, 64, 69, 74, 75, 101, 108, 250, 290, 315, 486, 508
- constitutional tradition, 6, 147, 282
- Constitutional Tribunal (Poland), 180, 185, 186
- Constitutional Tribunal Act (Poland), 186
- Constitutional, Legislative and Judicial Committee (Israel), 273
- constitutionalism, 3, 10, 18, 19, 62, 95, 124, 178, 186, 269, 271, 286, 288, 290, 292, 293, 296, 297, 321, 324, 325, 327, 329, 367, 370, 374, 402, 407, 409, 410, 454, 483, 484, 485, 492, 496, 497, 498, 499, 501, 509, 514, 516, 526, 528, 541, 542, 543, 544, 546, 549, 557, 562
- constitutionalists, 71, 82, 409
- constitutionality appeal, 248
- Constraint as Consistency, 72, 73, 84, 99
- Constraint Principle, 62, 64, 69, 71, 72, 73, 74, 82, 83, 84, 85, 92, 93, 94, 99, 100, 101, 103, 104, 105, 106, 107, 108
- contextual enrichment, 11, 67, 68, 70, 78, 86, 89, 90, 92, 98, 99, 100, 102, 103, 104, 113, 114, 119, 134, 145
- Continental Congress, 30, 67, 81
- contract law, 137, 484

- controversial issues, 178, 300
 controversy, 8, 16, 28, 52, 90, 251, 262, 317, 364, 371, 382, 385, 387, 393, 431, 438, 487, 512
 conventions, 65, 68, 79, 107, 109, 113, 114, 132, 170, 236, 322, 323, 326, 401, 406, 407
 conviction, 60, 219, 300, 303, 385, 432, 434, 465, 489, 548
 corruption, 13, 127, 299, 300, 306, 307, 308, 311, 334
 Corwin, Edward S., 30
 cosmopolitanism, 499, 558
 Court of Appeal of Victoria, 119
 Court of Final Appeal (CFA) (Hong King), 14, 15, 17, 18, 20, 194, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 208, 209, 212, 213, 214, 215, 216, 218, 220, 221, 222, 223, 224, 225, 227, 228, 236, 241, 243, 244, 245, 247, 248, 249, 250, 254, 261, 262, 264, 423
 Covenant, 196, 222, 236, 239
 cover both sides principle, 304
 criminal activity, 53
 Criminal Assets Recovery Act, 349
 criminal code, 299, 469, 471, 472
 criminal law, 468, 471, 472, 484, 495, 503, 535
 criminal penalties, 302, 305, 312, 479
 criticism, 135, 141, 225, 340, 354, 365, 366, 404, 408, 510, 514
 Cultural Revolution, 195, 196
 culture, 10, 21, 51, 80, 93, 161, 165, 171, 177, 231, 265, 267, 271, 288, 321, 343, 345, 362, 369, 370, 373, 374, 375, 397, 400, 418, 483, 484, 485, 486, 487, 492, 493, 494, 495, 496, 500, 501, 505, 510, 512, 515, 516
 custody, 60, 348, 386, 387
 customs, 171, 331, 372, 386, 411, 483, 493
 Czech Republic, 28, 38, 544
 Czechoslovakia, 38, 544
 Dangerous Drugs Ordinance (Hong Kong), 240
 death penalty, 99, 183, 184, 383, 432, 541, 552
 debts, 278, 352
 decentralisation, 403, 410, 411, 412, 419, 426
 Declaration of Independence, 63, 79, 80, 101, 102, 272, 273
 defamation, 277, 471
 defeasibility, 72, 92, 106
 Defence Housing Authority, 353
 democracy, 10, 12, 17, 18, 61, 126, 141, 143, 145, 148, 182, 185, 217, 238, 258, 278, 279, 286, 293, 294, 299, 309, 323, 324, 325, 326, 327, 328, 330, 331, 333, 336, 339, 340, 341, 342, 343, 345, 346, 353, 357, 359, 361, 363, 365, 367, 373, 421, 425, 457, 497, 505, 524, 542, 543, 545, 551, 558, 560
 demonstration, 198, 225
 right of, 198, 252, 253, 255
 dependencies, 167, 169
 desecration law, 198, 244
 detention, 60, 348, 349, 350, 469
 Dicey, Albert Venn, 321
 Dietrich, Thomas, 483
 dignity, 10, 14, 40, 41, 61, 183, 245, 275, 277, 282, 286, 288, 290, 325, 344, 360, 432, 434, 435, 447, 448, 449, 450, 451, 452, 453, 454, 464, 506, 513, 541, 546, 547, 548, 550, 551, 552, 554, 555, 556, 558
 disability, 130, 380, 470
 discretion, 54, 226, 243, 254, 255, 260, 335, 368, 372, 417, 439, 445, 453, 468, 469, 470, 474, 476, 485, 512, 513, 514, 517, 530
 discrimination, 39, 40, 58, 59, 126, 130, 131, 223, 226, 244, 264, 352, 357, 359, 369, 374, 494, 547, 553, 554, 557
 disputes, 44, 63, 73, 141, 199, 249, 268, 299, 300, 348, 386, 426, 445, 478, 485, 487, 491, 512, 520, 523, 528
 divorce, 152, 277, 386, 391, 468
 Dixon CJ, 110, 372
 Dixon J., 351, 352, 353, 363
 Dixon, Rosalind, 3, 8, 10, 16, 19, 170, 176, 343, 344, 367, 368, 369, 370, 373, 458, 517
 doctrines, 4, 8, 9, 16, 25, 42, 54, 64, 65, 68, 69, 72, 84, 85, 100, 106, 126, 290, 296, 343, 351, 353, 356, 362, 406, 446

- domestic law, 196, 221, 225, 233, 239
- double jeopardy, 303
- Douglas, Justice, 45, 58
- drafting, 10, 17, 20, 28, 38, 67, 70, 71, 110, 111, 112, 167, 175, 176, 178, 180, 181, 187, 188, 189, 190, 233, 272, 349, 379, 383, 392, 396, 413, 445
- DRC, 176, 179
- drug trafficking, 383
- dualism, 344, 375, 534, 556
- due process, 13, 14, 16, 24, 40, 59, 95, 186, 198, 213, 275, 283, 302, 304, 305, 306, 307, 309, 311, 312, 316, 317, 318, 350, 360, 361, 500
- Dupré, Catherine, 174, 175, 184, 546
- Dworkin, Ronald, 73, 130, 141, 147, 148, 152, 210, 271, 344, 484, 547, 551
- Dworkinian model, 146, 547, 549, 550, 551, 555
- eavesdropping, 22, 29, 30, 31
- Ebrahim, Hassen, 182
- economic policies, 215, 222, 223, 224, 233, 245, 264
- economic rights, 15, 194, 215, 220, 222, 223, 224, 225, 227, 228
- education, 39, 210, 215, 216, 228, 283, 293, 352, 384, 390, 418, 527, 555
- efficacy, 105, 111, 137, 138, 150, 505
- Eighth Amendment, 24, 99
- Ekins, Richard, 114, 142, 143
- elections, 39, 61, 128, 130, 132, 180, 197, 227, 272, 274, 299, 300, 305, 328, 329, 333, 334, 336, 337, 338, 339, 341, 355, 398, 529, 530, 532, 543, 544, 558, 559, 560, 562
- Electoral Independence Commission (EIC), 179
- eligibility, 213, 214, 215, 224
- elites, 231, 267, 341, 344, 369, 370, 371, 373, 526, 545
- ellipses, 116, 117, 118, 119, 134, 145
- emergency, 59, 398
- Emerton, Patrick, 5, 109, 115, 132, 146, 162
- employees, 352, 467
- Engineers'* case, 344, 345, 359
- English, 17, 66, 68, 74, 81, 90, 92, 93, 121, 136, 158, 180, 198, 231, 232, 237, 240, 241, 255, 264, 268, 273, 274, 286, 303, 330, 331, 332, 406, 441, 443, 489, 491, 493, 494, 495, 508, 520, 535
- entrenchment, 9, 168, 178, 274
- enumeration, 46, 91, 92, 95, 100, 119, 120, 123
- equality, 10, 13, 40, 41, 58, 124, 126, 140, 141, 198, 244, 252, 253, 256, 264, 275, 276, 277, 282, 295, 303, 309, 310, 311, 312, 318, 337, 338, 339, 341, 344, 347, 357, 360, 362, 374, 394, 465, 466, 467, 470, 473, 474, 484, 499, 513, 527, 546, 547, 548, 552, 554
- erga omnes*, 261, 462, 477, 481, 545, 550
- errors, 111, 255
- ethnicity, 300, 420
- ethos, 63, 80, 81, 94, 103, 399, 448, 511
- euphemisms, 122, 136
- Europe, 10, 18, 147, 184, 262, 315, 372, 492, 497, 506, 542, 543, 545, 546, 550, 551, 562
- European Convention on Human Rights, 186, 478, 544
- European Court of Human Rights, 198, 478
- European Union, 38, 503, 544
- evolution, 69, 73, 189, 231, 247, 266, 339, 409, 411, 412, 415, 426, 431, 447, 449, 474
- ex hypothesi, 142, 155
- ex parte* hearings, 349
- executive government, 116, 217, 221, 227
- executive power, 343, 346, 355, 356, 374, 509
- executive practices, 4, 8
- expert panel, 359, 360, 369
- explanatory burden, 308
- express meaning, 113, 114, 117, 121, 122, 129, 132, 142, 145
- expressio unius*, 12, 122, 123, 126, 138
- expressio unius est exclusio alterius*, 122
- expression, 23, 47, 75, 83, 122, 132, 133, 136, 204, 244, 261, 331, 357, 405, 415, 451, 452, 463, 469, 480, 488, 496, 511, 527, 551
- extra-constitutional sources, 4, 12, 108, 170, 391

- extratextual sources, 63, 64, 73, 78, 79, 81, 82, 83, 84, 85, 106, 108, 517
- fabricated implications, 135, 138, 142, 145
- fair hearing, 210, 226
- fair trial, 14, 221, 275, 302, 303, 304, 317, 394
 five pillars of, 315
 right to, 303
- fairness, 131, 207, 347, 453, 499
- Fallon, Richard H., 4, 5, 14, 32, 58, 500
- family law, 384, 386, 387, 484
- Federal Constitution (Malaysia), 376, 378, 381, 383, 386, 388, 393, 394, 398, 400
- Federal Constitutional Court (Germany), 16, 289, 482, 484, 485, 487, 501, 504, 505, 512, 515, 557
- Federal Court (Australia), 347
- Federal Court (Malaysia) 383, 386, 387, 388, 389, 392, 393
- Federal Court of Justice (Germany), 500, 512
- federal courts, 26, 47, 53, 54, 95, 118, 119, 349, 487, 506
- federal loyalty, 520, 534, 536, 537, 540
- Federal Magistrates Court (Australia), 347
- federalism, 17, 18, 38, 42, 50, 53, 93, 145, 343, 346, 351, 355, 357, 358, 370, 374, 403, 411, 412, 500, 514, 519, 520, 526, 527, 528, 532, 533, 534, 536, 537, 538, 539, 540
- The Federalist*, 26, 54, 79, 102
- Federalist Papers, 79, 80, 81, 101
- federal-state relations, 50
- Federation of Malaya Independence Bill, 381
- Fernando, Joseph M., 378, 379, 380, 395
- Fifteenth Amendment, 39
- Fifth Amendment, 24, 58
- Finance Ministry, 412, 413, 414
- Financial Constitution, 507
- finer, 131, 302
- First Amendment, 23, 24, 33, 35, 45, 48, 49, 67, 68, 82, 93, 95, 355
- Fisher, Louis, 29
- Fixation Thesis, 62, 64, 69, 70, 71, 73, 74, 94, 101, 104
- Fok Chun-wa v. Hospital Authority*, 215, 222, 226
- foreign affairs, 199, 205, 206, 208, 358, 421
- foreign policy, 205, 484
- formalism, 103, 271, 289, 407, 483, 485, 487, 496, 500, 501, 502, 504, 516
- Fourteenth Amendment, 24, 34, 39, 58, 65, 74, 84, 91, 141, 339
- Fourth Amendment, 22, 29, 31, 33, 34, 35, 36, 42, 48, 77, 508
- framers, 22, 31, 42, 67, 69, 70, 73, 125, 126, 139, 344, 361, 371, 382, 384, 392, 393, 394, 395, 396, 397, 487
- framing, 30, 63, 80, 179, 182, 184
- France, 119, 120, 490, 495, 509, 545
- franchise, 197, 343, 346, 355, 374
- Franco, Francisco (General), 545
- Frankfurter, Felix, 67, 113
- free speech, 65, 67, 68, 82, 222, 277, 282
- freedom of communication, 353, 354
- freedom of expression, 23, 83, 223, 241, 244, 277, 306, 314, 395, 472, 511, 551
- Freedom of Information Act, 49
- freedom of movement, 357, 360, 398
- freedom of speech, 33, 49, 65, 67, 68, 81, 82, 83, 91, 93, 95, 184, 275, 282, 290, 398, 471, 548, 556
- freedoms, 49, 129, 162, 179, 182, 196, 220, 221, 235, 236, 305, 306, 307, 313, 324, 357, 369, 370, 448, 548, 552, 558, 560
- freestanding principle, 11, 12, 98, 99, 100, 101, 357
- Fundamental Law, 169, 174, 185, 529, 542, 543, 558, 559, 560, 561, 562
- fundamental rights, 182, 195, 196, 197, 220, 221, 222, 223, 226, 235, 253, 278, 310, 377, 394, 396, 409, 433, 436, 438, 442, 447, 475, 479, 485, 515, 543, 544, 547, 548, 549, 551, 552, 558, 562
- GA v. Director of Immigration*, 225, 226
- Gadamer, Hans-Georg, 96, 97
- Gageler J, 347, 373
- Gale, Susan Gaylord, 495
- Gandhi, Indira 15, 386, 387
- Gardner, John, 149, 171
- Garlicka, Zofia, 179
- Garlicki, Lech, 179
- Gaudreault-Desbiens, Jean-Francois, 524, 534, 535, 537, 538

- Gavison, Ruth, 276, 509
 gender, 40, 41, 43, 245, 484, 553
 German Constitution, 482
 Germany, 9, 16, 175, 271, 278, 279, 288, 289,
 433, 441, 482, 483, 484, 485, 486, 487,
 488, 489, 490, 491, 492, 493, 494, 496,
 497, 500, 501, 502, 503, 504, 505, 506,
 507, 508, 510, 512, 515, 516, 520, 555
 Ghai, Yash, 200, 202, 232, 238, 239, 246,
 247, 261
 Ginsburg, Tom, 16, 19, 176, 189, 268, 549
 Gleeson CJ, 136, 355
 Glenn, H. Patrick, 482, 488
 Gloppen, Siri, 181
 God, 277, 313, 387, 432, 433, 436, 437, 449
 Goldberg, Justice, 46, 47
 Goldsworthy, Jeffrey, 5, 11, 64, 90, 75, 109,
 111, 114, 124, 126, 127, 130, 132, 134,
 135, 136, 137, 138, 139, 140, 143, 149,
 160, 172, 344, 371, 499
 Goss, Caitlin, 9, 14, 16, 167
 government power, 33, 42, 314, 345
 grammar, 65, 75, 106, 113, 163, 455
 Great Britain, 38
 Green, Andrew, 521, 522
 Greene, Jamal, 397, 399, 400
 Grice, H. P., 117, 121
 Gricean theory, 118, 133, 144
Griswold v. Connecticut, 21, 32, 41, 45, 46,
 124
 Grudzinska-Gross, Irena, 186
Gutter v. Bollinger, 39
 guarantees, 212, 233, 239, 286, 288, 309, 317,
 343, 344, 346, 350, 355, 360, 368, 371,
 377, 381, 436, 451, 452, 460, 476, 527
 gun registry, 532, 536
 Habeas Corpus Acts, 322
 Hamid, Abdul, 380, 384
 Hamilton, Alexander, 26, 173, 259
Hammer v. Dagenhart, 26, 30
 Hamzah, Chandra Muhammad, 306
 Han Chinese, 233, 420
Harari case, 272, 273, 281
 Harper government, 532, 537, 539
 Harrison, Robert Pogue, 27
 Hartmann J, 212, 219, 222
 Harvard Law School, 29, 60, 320
 Havel, Vaclav, 38
 Hawking, Stephen, 61
 Hayek, Frederik, 6
 Hayward, Steven F., 46
 health services, 222
 Henchy J., 447, 451
 heritage, 286, 288, 418, 489, 495
 hierarchy of laws, 314
 High Court of Australia (HCA), 17, 118, 162,
 344–375
 High Court of Ireland, 424–450
 High Court of Malaysia, 386–393
 Himes, Geoffrey, 21
 Hindu, 387, 391, 489
 Hinduism, 313, 385, 390
 Hirschl, Ran, 18
 historical practice, 78, 80, 106, 107, 108
 historicism, 377, 388, 394, 395, 397, 495,
 561
 holism, 94, 95, 96, 97, 98
 Holmes, Oliver Wendell, 259, 491
 homogenisation, 157, 165, 166
 homosexual, 198, 447, 469
 Hong Kong Basic Law (HKBL), 17, 20, 235
 Hong Kong Bill of Rights Ordinance, 4, 196,
 239, 240, 241, 242, 262
 Hong Kong Court of Appeal, 240
Hong Kong Law Journal, 198, 206, 208, 209,
 214, 215, 225, 237, 238, 240, 403, 407
 Hong Kong, 4, 9, 10, 14, 15, 16, 17, 20, 193,
 194, 195, 196, 197, 198, 199, 200, 201,
 202, 203, 204, 205, 206, 207, 208, 209,
 210, 213, 214, 215, 216, 217, 218, 220,
 221, 222, 225, 226, 228, 229, 230, 231,
 232, 233, 234, 235, 236, 237, 238, 239,
 240, 241, 242, 243, 244, 245, 247, 248,
 249, 253, 257, 260, 261, 262, 263, 264,
 265, 266, 403, 407, 421, 422, 423, 424,
 425, 426
 Hong Kong SAR (HKSAR), 195, 196, 197,
 198, 199, 201, 202, 203, 204, 211, 212,
 213, 215, 217, 218, 221, 222, 223, 230,
 231, 233, 234, 235, 236, 237, 238, 240,
 241, 242, 243, 257, 260, 261, 262, 264,
 266, 421, 422, 423, 424, 425, 427
H.P. Hood & Sons, Inc. v. Du Mond, 26

- human dignity, 282, 283, 286, 288, 547, 548, 550, 551, 556
- human rights, 111, 139, 180, 182, 183, 184, 232, 238, 239, 240, 241, 244, 257, 263, 264, 271, 275, 278, 279, 294, 295, 296, 300, 302, 309, 310, 311, 312, 313, 314, 327, 334, 341, 358, 360, 361, 366, 368, 369, 370, 394, 407, 436, 443, 448, 509, 544, 546, 558, 560
- Human Rights Act 1998 (UK), 111, 264, 368
- Human Rights Committee, 198, 213
- Human Rights Law (Indonesia), 317
- Hume, David, 6, 360, 365
- Hungarian Constitutional Court, 170, 174, 175, 183, 184, 185, 546, 549, 556
- Hungary, 10, 61, 169, 174, 181, 184, 185, 190, 497, 541, 542, 543, 544, 545, 546, 549, 553, 557, 558, 559, 560, 561, 562
- ICCPR, 196, 197, 198, 220, 225, 236, 239, 241, 242, 244, 262, 266, 313
- idealism, 58, 287, 295
- Immigration Ordinance, 226
- immigration, 225, 347, 348, 358, 420
- immunity, 95, 202, 205, 206, 207, 208, 353, 362
- impeachment, 9, 13, 95, 300, 328, 334, 335, 336, 337, 340, 341, 424
- Implementation Act, 54
- implicature, 11, 86, 87, 89, 90, 91, 92, 93, 99, 102, 108, 116, 121, 122, 123, 124, 126, 133, 134, 138, 142, 145
- implicit assumption, 126, 133, 134, 138, 139, 140, 142, 145
- implied meaning, 113, 119, 145
- implied rights, 298, 301, 316, 317, 318, 319, 361, 364, 365, 440
- implied rights cases, 301
- implying rights, 298, 299, 315, 316, 318
- imprisonment, 219, 221, 275, 302, 312, 385
- in bonam partem, 471, 472
- in malam partem, 471, 479
- incompatibility, 58, 349, 365, 469, 470
- incompleteness, 118, 455
- inconsistency, 111, 135, 180, 184, 205, 243, 248, 257, 260, 266, 283, 332, 378
- Independence Constitution (Malaysia), 378, 379
- indexicals, 66, 115, 145
- India, 18, 489
- Indira Gandhi* case, 15
- individual rights, 17, 42, 44, 92, 197, 198, 343, 344, 345, 350, 355, 357, 359, 361, 367, 370, 371, 372, 374, 375, 394, 395, 483, 558
- Indonesia, 13, 14, 16, 298, 299, 300, 301, 302, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 316, 317, 318
- Indonesian Constitution, 8, 16, 313, 316
- Indonesian Constitutional Court, 13, 298, 318
- inexplicit content, 114, 134, 144, 145
- Inland Revenue Board (Hong Kong), 216
- innocence, 223, 240, 303, 304, 306, 307, 317
- institutional practices, 4, 81, 106
- intentionalism, 114, 145, 397
- intentions, 69, 73, 112, 113, 114, 115, 118, 129, 132, 141, 142, 143, 144, 145, 160, 161, 162, 163, 282, 381, 397
- inter alia, 145, 240, 261, 432, 457, 472, 506, 558, 561
- Inter-American Court of Human Rights, 198, 214
- Interim Constitution of the Republic of South Africa 1993, 173
- interim constitutions, 16, 167, 168, 169, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 183, 187, 188, 189, 190
- interim texts, 167, 176, 177, 189, 190
- International Court of Justice, 198, 525
- International Covenant on Economic, Social and Cultural Rights, 196, 220, 222, 225, 236
- interpretation, 4, 5, 7, 8, 9, 10, 14, 15, 16, 19, 20, 28, 29, 35, 49, 57, 62, 63, 64, 65, 74, 75, 76, 77, 79, 81, 82, 83, 85, 91, 94, 95, 98, 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 113, 117, 118, 123, 124, 125, 128, 129, 130, 134, 135, 137, 141, 143, 145, 152, 156, 160, 161, 165, 170, 182, 183, 184, 185, 187, 188, 193, 194, 196, 197, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212,

- 217, 218, 220, 231, 236, 237, 238, 242,
 243, 249, 250, 252, 258, 259, 260, 265,
 268, 271, 275, 278, 281, 282, 285, 286,
 289, 290, 291, 292, 297, 319, 327, 331,
 346, 359, 362, 363, 365, 366, 368, 375,
 376, 389, 390, 393, 394, 396, 397, 399,
 401, 404, 406, 413, 423, 424, 425, 435,
 438, 444, 445, 446, 457, 459, 481, 485,
 487, 496, 498, 503, 510, 512, 513, 519,
 530, 538, 541, 546, 551, 554, 555, 561
 clarifying, 112
 creative, 112
 rectifying, 112
 supplementing, 112
 interpretation-construction, 74, 75, 76, 91,
 103, 104, 106
 interpretive principles, 110, 112, 121, 135,
 361
 interpretivism, 62, 73, 96, 97
 intervention, 40, 212, 217, 241, 255, 300, 334,
 468, 471, 472, 476, 477, 478, 481
 intimacy, 34, 47
 intratextualism, 96, 97, 98
 invalidity, 111, 533
 invasion, 36, 48, 116, 212, 260
 invisibility, 3, 4, 5, 6, 7, 8, 11, 16, 146, 150,
 151, 159, 172, 320, 322, 376, 436, 439,
 454, 455, 456, 458
 invisible constitution, 3, 4, 6, 7, 9, 10, 11, 13,
 14, 15, 16, 18, 19, 20, 32, 37, 61, 62, 63,
 78, 85, 108, 117, 123, 134, 146, 148, 150,
 151, 167, 168, 169, 170, 172, 177, 180,
 181, 183, 184, 188, 189, 190, 193, 229,
 266, 320, 321, 323, 324, 325, 328, 331,
 333, 336, 344, 367, 374, 375, 376, 401,
 402, 404, 405, 406, 410, 426, 431, 446,
 447, 451, 453, 517, 541, 542, 546, 548,
 549, 550, 551, 552, 554, 555, 556, 557,
 558, 562
 invisible constitutional principle, 210, 220
 Ireland, 13, 240, 431, 432, 433, 434, 436, 439,
 440, 441, 442, 445, 447, 449, 450, 453,
 454, 455
 Irish Constitution, 9, 14, 438, 440, 442, 449
 Islam, 313, 376, 377, 379, 380, 381, 382, 383,
 384, 385, 386, 387, 388, 389, 390, 391,
 392, 393, 395, 396, 399, 400
 Israel, 8, 9, 20, 44, 268, 269, 271, 272, 274,
 275, 276, 277, 278, 279, 280, 281, 282,
 284, 296, 297
 Israeli Basic Law, 14
 Israeli Supreme Court, 277, 284, 291
 Italian Constitution, 13, 457, 458, 479
 Italian Constitutional Court, 13, 457, 459,
 460, 461, 462
 Italy, 8, 278, 279, 457, 458, 460, 473
 ius receptum, 480
 Jackson, Robert, 26, 58
 Jackson, Vicki C., 5, 8, 38, 61, 168, 169, 372,
 514, 518
 Jarvis, Christopher, 189
 Jefferson, Thomas, 173
 Jewish states, 29, 272, 276, 277, 555
 Jones, John Paul, 188
 Joy, Lina, 15, 382, 385, 386, 389, 390, 392,
 393, 395, 396
 judges, 9, 10, 11, 17, 20, 51, 80, 84, 94, 100,
 105, 107, 111, 112, 126, 129, 131, 135,
 136, 138, 139, 140, 141, 142, 143, 151,
 186, 190, 198, 210, 247, 248, 259, 261,
 262, 264, 265, 268, 270, 281, 291, 292,
 296, 298, 300, 314, 315, 317, 319, 320,
 327, 350, 353, 356, 363, 364, 366, 369,
 370, 377, 391, 392, 394, 395, 439, 444,
 445, 446, 448, 450, 452, 460, 461, 478,
 481, 487, 492, 496, 497, 498, 499, 503,
 512, 517, 518, 520, 521, 522, 534, 550,
 551, 552, 554, 555
 Judicial Committee of the Privy Council, 137,
 238, 243, 523, 537, 538
 judicial decision-making, 19, 310, 505, 521,
 523
 judicial decisions, 4, 8, 16, 63, 64, 80, 170,
 177, 229, 247, 254, 278, 292, 307, 312,
 319, 327, 373, 398, 425, 491, 492, 512
 judicial discretion, 15, 289, 336, 373,
 496
 judicial hierarchy, 152, 162, 317
 judicial independence, 206, 208, 261, 300,
 311, 312, 423, 425, 518, 529, 531
 judicial interpretation, 167, 170, 271, 346,
 376
 judicial opinion, 59, 103, 254, 255

- judicial power, 54, 94, 98, 100, 118, 162, 163, 164, 217, 235, 243, 247, 260, 261, 262, 266, 284, 312, 343, 345, 346, 347, 349, 350, 398, 422, 433, 504, 509, 513
- judicial proceedings, 223, 249, 350
- judicial review, 25, 51, 60, 161, 180, 189, 190, 218, 220, 227, 228, 231, 235, 237, 238, 239, 240, 241, 242, 243, 249, 250, 253, 255, 256, 257, 258, 259, 260, 262, 263, 264, 266, 269, 275, 280, 281, 285, 286, 288, 289, 293, 294, 295, 298, 315, 317, 325, 338, 344, 345, 355, 367, 368, 369, 370, 371, 373, 374, 378, 401, 409, 421, 422, 442, 460, 487, 497, 499, 500, 504, 506, 542, 545, 548, 557
- judicial review power, 242, 298, 317, 442
- judicial system, 238, 246, 247, 265, 299, 306, 349, 417
- jurisdiction, 4, 7, 9, 18, 25, 53, 97, 118, 120, 162, 163, 187, 193, 199, 202, 205, 206, 207, 208, 217, 219, 220, 236, 237, 242, 243, 246, 247, 248, 255, 260, 262, 298, 316, 317, 319, 338, 345, 350, 382, 385, 387, 391, 395, 398, 423, 433, 460, 486, 487, 491, 500, 504, 505, 512, 518, 525, 533, 536, 537, 542, 546, 558
- jurisprudence, 10, 13, 14, 15, 17, 20, 32, 47, 52, 56, 146, 180, 182, 185, 186, 198, 231, 237, 239, 251, 257, 262, 263, 264, 265, 266, 271, 275, 284, 288, 289, 291, 298, 301, 304, 316, 318, 345, 352, 364, 365, 372, 374, 389, 395, 396, 397, 431, 434, 439, 440, 442, 445, 446, 449, 451, 452, 453, 463, 494, 498, 502, 504, 509, 514, 533, 535, 553
- juristocracy, 558, 559
- just terms, 131, 360, 368
- justification, 12, 22, 58, 83, 84, 94, 101, 106, 156, 188, 197, 204, 222, 223, 224, 240, 245, 256, 258, 264, 271, 292, 293, 330, 331, 334, 382, 410, 435, 436, 450, 455, 467, 498, 551
- justification test, 244, 245, 264
- Kable* principle, 163, 343, 348, 349, 350, 365, 366
- Kahn, Ronald, 523, 524
- Kantian model, 285, 555
- Kartinyeri*, 358, 359, 366
- Katz*, 22, 23, 30, 32, 33, 34, 508
- Katz v. United States*, 22, 30, 33
- Kelemen, R. Daniel, 177
- Kempton Park, 183
- Kennedy C.J., 432, 433
- Kim, Jongcheol, 8, 325, 328, 336, 339
- King Jr., Martin Luther, 60
- Kirby J., 136, 138, 353, 359, 366
- Kirk* principle, 120, 126, 136, 137, 163, 350
- Knesset, 8, 268, 269, 272, 273, 274, 275, 276, 277, 278, 279, 281, 282, 283, 285, 292, 294
- Kommers, Donald P., 175, 484, 485
- Kong Yunming*, 194, 198, 212, 215, 223, 224, 225, 227, 245
- Korea, 8, 9, 12, 320, 324, 325, 328, 329, 331, 336, 337, 339, 341
- Korean Constitutional Court (KCC), 9, 319, 325, 326, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341
- Korematsu v. United States*, 57, 58, 59, 60
- Kovács, K., 553, 559
- Kowloon Peninsula, 232
- Kruger case*, 136, 348, 357, 358, 374
- Krygier, Martin, 14, 147, 148
- Kyllo v. United States*, 34
- land law, 299
- Lange*, 138, 160, 162, 345, 353, 354, 357, 365, 373
- Laor case*, 292, 293
- Latin America, 18
- law enforcement, 212, 306, 314, 519
- Law of Regional National Autonomy (LRNA), 417, 418
- Law on the Major Constitutional Provisions (Albania) 1991, 173
- lawmakers, 112, 115, 118, 135, 138, 139, 142, 143, 144, 145, 160, 161, 162, 163, 164, 314
- Law-making Law of the PRC, 414, 426
- lawmaking, 28, 32, 144, 313, 314, 500
- Learned Hand, Judge, 139, 259, 260
- Lee, Jimoon, 339
- Leeth case*, 124, 125, 126, 357, 374

- legal aid, 302, 316
 legal certainty, 212, 305, 314, 318, 504
 legal content, 64, 68, 69, 71, 72, 74, 78, 79,
 81, 82, 84, 86, 91, 101, 104, 105, 106,
 107, 108, 159, 160, 161
 legal continuity, 17, 559
 legal inference, 152, 154, 155, 156, 157, 158,
 165
 legal interest, 15, 254
 legal meaning, 112, 145, 147
 legal norms, 109, 249, 521
 legal principles, 17, 182, 322, 384, 409, 499,
 512
 legal protection, 311, 443
 legal status, 3, 149, 152, 170, 422, 444, 445
 legal texts, 65, 66, 86, 90, 110, 112, 122, 135,
 136, 146, 147, 148, 150, 160, 165, 453,
 463
 legal tradition, 16, 261, 262, 482, 486, 489,
 493, 496, 498, 515
 legality, 148, 152, 194, 212, 218, 219, 220,
 221, 228, 252, 310, 314, 348, 414, 437,
 471, 499, 543, 559
 Legislative Council (Hong Kong), 217, 218,
 219, 220, 224, 228, 237, 238, 251, 423,
 424, 425
 legislative omission, 463, 464, 478
 legislative policy, 344, 347, 370, 371, 372
 legislative powers, 123, 124, 237, 372
 legislative provision, 218, 257, 261, 262, 266,
 490
 legislature, 27, 28, 194, 211, 214, 215, 217,
 221, 226, 228
 legitimacy, 11, 13, 18, 19, 34, 38, 79, 89, 108,
 118, 129, 136, 190, 258, 270, 272, 285,
 293, 294, 307, 315, 336, 365, 372, 398,
 404, 406, 407, 451, 455, 460, 466, 468,
 477, 480, 489, 509, 524, 526, 528, 531,
 538, 543, 550, 560
 Legrand, Pierre, 486, 489, 496
 Letters Patent, 211, 237, 238, 239, 240, 262
Leung Kwok Hung v. Clerk to the Legislative,
 219
Leung Kwok Hung v. HKSAR, 197, 198, 212,
 218, 219, 220, 241, 243, 263
 Levinson, Sanford, 7, 38
 Lewis Carroll, 154, 157
 liberal, 10, 15, 17, 226, 265, 276, 282, 284,
 286, 299, 394, 494, 542, 549, 555
 liberalism, 196, 500, 549
 liberals, 276, 394, 395
 liberty, 17, 24, 40, 41, 42, 59, 139, 195, 196,
 239, 275, 277, 282, 355, 360, 362, 371,
 386, 387, 388, 389, 390, 392, 500, 508,
 512, 548, 554, 556
 linguistic meaning, 64, 69, 78, 81, 104, 112,
 132
 linguistics, 66, 67, 75, 86, 88, 112, 144
 Lisbon, 38, 246, 253
 literal meaning, 66, 67, 87, 113, 114, 117,
 118, 121, 144, 145, 309
 litigation, 117, 201, 210, 249, 256, 293, 382,
 395, 435, 437, 444, 446, 478, 540
 living conditions, 283
Lochner v. New York, 30
 Long Gun Registry Act (Canada), 532

 Maastricht Treaty, 38
Mabo case, 370
 Macau SAR, 4, 9, 15, 17, 20, 230–237, 246–
 257, 260–266, 421, 424
 MacKinnon LJ, 133
 Magistrates, 347, 349, 350
Makwanyane case, 182, 183, 541
 Malanjum, Richard, 386, 393
 Malaysia, 15, 16, 376, 377, 378, 379, 380,
 381, 382, 383, 384, 385, 387, 388, 390,
 392, 393, 394, 395, 396, 398, 399, 400
 Malaysian Constitution, 376, 382, 383, 384,
 394, 395, 397, 399, 400
 Mangu, André Mbata B, 179
Marbury v. Madison, 25, 243, 260, 505, 506
 margin of appreciation, 215, 218, 221, 223,
 227, 245
 Market Misconduct Board (Hong Kong), 216
 Marmor, Andrei, 114, 127, 134, 135, 160,
 257, 258, 260
 marriage, 15, 40, 41, 152, 277, 299, 325, 385,
 391, 435, 553, 556
 same-sex, 41
 Marshall Islands, 28
 Marshall, John, 25, 47
 Marshall, Justice, 22, 30, 36, 550
 Martins, Alberto, 247

- Mason CJ, 131, 134, 137
 Mason, Sir Anthony, 197, 198, 242, 262, 363, 371
 maxims, 112, 118, 321
 MBL. *See* Basic Law: of the Macau SAR
 McConnell, Michael W., 32, 105
McCulloch v. Maryland, 25, 30, 33, 37, 47, 127, 550
McGee v. Attorney General, 436
 McHugh J, 131, 353, 354, 357, 361, 366, 367, 372, 373
Medellin v. Texas, 43
 media, 49, 197, 318, 354, 427, 528, 532, 551, 559
 Melbourne Corporation principle, 343, 351, 353
Merdeka, 377, 378
 methodology, 6, 163, 164, 165, 184, 257, 345, 374, 397, 404, 406, 451
 originalist, 12
 Mikhail, John, 100, 124
 Miklósi, Zoltán, 174, 184
 military, 57, 58, 59, 60, 299, 310, 354, 362, 402, 408, 421, 432, 507, 554
 Miller, Russell A., 9, 175, 482, 484, 485, 488, 493, 503, 504
 Miners, Norman, 237
 Ming dynasty, 233
 mini-constitutions, 230
 minimalist view, 73, 402, 455, 461
 Ministry of Foreign Affairs, 206
 minorities, 25, 374, 379, 383, 416, 419, 420, 526, 527, 553, 562
Mizrahi Bank case, 268, 277, 278, 280, 281, 282, 283, 284, 286, 289
 Mochtar, Akil, 300, 308
 modulation, 11, 86, 88, 89, 462
 Mohamad, Mahathir, 382
 monarch, 378, 421, 517
 Moore, Michael, 62, 285, 295
 moral contestation, 13, 450, 454
 morality, 9, 79, 80, 84, 99, 100, 107, 322, 323, 384, 436, 450, 454, 495, 537, 540
 morals, 77, 266
 Moreira, Vital, 252
 mothers, 222, 477
 MSAR. *See* Basic Law: of the Macau SAR
 Mureinik, Etienne, 179
 Murphy, Lionel, 364
 Murphy, Walter, 497
 Muslims, 299, 313, 380, 384, 385, 386, 387, 392, 393
Myers v. United States, 44
 mythical constitution, 558
 Napoleon, 76, 509
 NASA, 34, 35, 36, 48, 51, 52
NASA v. Nelson, 34, 48, 51, 52
 National Assembly, 326, 328, 330, 333, 334, 337, 338, 339, 340, 341, 540
 National Avowal, 561
 National Front, 379, 398
 national legislatures, 117, 298, 299, 319
 national parliaments, 298, 299, 316, 319
 National People's Congress (NPC) of China, 233, 234, 261, 406, 412, 413, 418, 422, 424, 425
 national security, 57, 266, 324
 nationalism, 382, 383, 391, 441
Nationwide News case, 353, 370
 NATO, 544
 natural law, 9, 13, 14, 285, 290, 291, 295, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 504, 557
 Catholic, 555
 natural rights, 93, 101, 119, 290, 437, 441, 442, 443, 444, 446
 Nazis, 29, 433, 441, 501, 502, 557
 Necessary and Proper Clause, 37, 55, 100
 necessity test, 137, 199, 200, 201, 202, 204
Negara Hukum, 301–315, 317–319
 negotiation, 73, 190, 229, 233, 420
 Nepal, 174, 175, 181, 187, 189
 neutrality, 334, 548, 557
 New Administrative Capital Act (PR Korea), 328, 329, 334, 340
 New Deal, 53, 67, 105
 New Order (PR Korea), 310
 New South Wales (NSW), 110, 118, 120, 136, 160, 163, 348, 349, 353, 354, 363, 373
 New Zealand, 7, 172, 264, 369, 373
 news, 186, 277, 304, 305, 360, 369, 373, 382, 385, 387, 388, 421, 425, 482

- NFIB v. Sebelius*, 43, 55
Ng Ka Ling v. Director of Immigration, 18, 197, 200, 201, 202, 203, 207, 218, 243, 261, 423
 Ninth Amendment, 45, 46, 47, 48, 50, 62, 68, 84, 88, 89, 91, 92, 93, 94, 95, 99, 119, 120, 123, 133
NLRB v. Jones & Laughlin Steel Corp., 30
 non-textual features, 167, 180, 182, 183, 186
 normative principles, 13, 451, 454, 455
 normativism, 407
 norms, 8, 12, 19, 64, 65, 79, 80, 81, 84, 101, 103, 109, 110, 188, 189, 190, 247, 248, 249, 250, 251, 252, 257, 260, 262, 264, 315, 367, 369, 376, 389, 426, 432, 437, 445, 446, 448, 449, 450, 453, 454, 455, 457, 459, 464, 479, 491, 493, 498, 500, 501, 521, 550, 555
 North America, 18, 536
 Northwest Ordinance, 63, 102
 oath, 54, 219, 425
 Obama, President, 55
 obedience, 441, 444, 504
Obergefell case, 40, 41, 47, 325
 objective rights, 286, 290
 objective value order, 286, 287, 288, 289
 obviousness, 133, 134, 135, 137, 138, 139
 Office of the Commissioner for Ministry of Foreign Affairs, ('OCMFA'), 206, 207
 officers, 35, 211, 317, 350, 352, 354
 omissions, 27, 35, 37, 47, 480
 One Country, Two Systems, 194, 195, 196, 228, 230, 232, 253, 407, 421, 422, 424, 427
 'one person, one vote' rule, 337, 338
 'one vote, one value' rule, 337
 One-Way Permit System, 225
 open texture, 76, 77, 78, 82
 Opium War, 232
 Ordolli, Stiliano, 188
 organized crime, 347, 348, 350
 originalism, 32, 61, 62, 63, 64, 69, 70, 71, 72, 73, 74, 78, 83, 84, 85, 86, 94, 98, 99, 101, 103, 104, 105, 106, 108, 111, 115, 145, 290, 394, 395, 397, 399, 400
 originalist theory, 62, 69, 74, 83, 85, 89, 94, 103, 134, 397
 originalists, 12, 61, 62, 64, 71, 73, 74, 79, 81, 82, 84, 85, 92, 93, 94, 95, 96, 98, 100, 101, 102, 103, 104, 105, 106, 107
 Palestine, 272
 Pan-Malaysian Islamic Party (PAS), 381, 382
 Parliament of the Commonwealth of Australia, 344, 367
 partnership, 467, 525, 534, 553
 Pascal, 28
 patterns, 15, 65, 407, 408, 521
 Pearl Harbor, 58
 Pearson, Noel, 359, 369
 Peking, 232, 233, 408, 409, 413
 peninjauan kembali, 317
 People's Liberation Army, 421
 People's Republic of China (PRC), 195, 196, 197, 199, 204, 205, 206, 208, 209, 228, 230, 231, 232, 233, 234, 250, 261, 265, 267, 403, 406, 414, 420
 perception, 151, 215, 224, 287, 291, 400
 permanency, 168, 173, 178
 permissions, 129, 161
 perpetual Union, 37
 personal rights, 357, 434, 435, 448
 phenomena, 8, 68, 70, 76, 86, 93, 125, 133, 146, 147, 150, 151, 162, 163, 164, 165, 285, 287, 295, 377, 382, 395, 476, 486, 488, 552
 Philadelphia, 68, 79, 102, 107, 173
 philosophy, 66, 75, 82, 83, 86, 106, 112, 121, 124, 144, 146, 153, 160, 271, 286, 290, 292, 295, 309, 319, 371, 431, 434, 441, 443, 452, 498
Planned Parenthood case, 41, 47
 Plato, 27, 285, 286, 287, 295
 Platonic conception, 270, 271, 280, 285, 288, 289, 290, 291, 292, 293, 294, 295, 297, 452
 Platonic Conception of the Constitution, 270
 pluralism, 454, 484
 Poland, 169, 174, 175, 176, 178, 179, 181, 185, 497, 544
 Polish Round Table Agreement, 544
 political change, 341, 373

- political communication, 137, 343, 346, 353, 355, 357, 361, 363, 364, 372, 374
- political context, 5, 146, 148, 164, 165, 379, 383, 391, 409, 532, 538
- political power, 328, 369, 543, 560
- political rights, 196, 220, 225, 227, 236, 239, 306, 345, 355, 357, 362, 374
- political system, 217, 228, 277, 283, 284, 285, 339, 352, 374, 421, 424, 542
- political-cultural issues, 344, 345, 367, 375
- politics, 10, 30, 40, 80, 96, 163, 164, 181, 184, 189, 190, 239, 245, 262, 284, 299, 310, 322, 328, 353, 376, 401, 403, 407, 421, 484, 487, 498, 499, 502, 505, 509, 512, 516, 519, 520, 551, 559
- polity, 8, 95, 177, 189, 484, 489, 499
- poll tax, 39
- Poole, Thomas, 496, 499
- population policies, 225
- Porat, Iddo, 8, 9, 14, 19, 268, 271, 289, 372, 373, 452
- Portugal, 233, 234, 246, 247, 250, 253, 262
- Positive Law, 290, 291
- positivism, 114, 146, 148, 150, 153, 439, 441, 445, 453, 483, 485, 487, 496, 500, 501, 502, 504, 516
- post-war agreements, 169, 458, 483, 484, 485, 486, 487, 497, 500, 501, 502, 505, 506
- pragmatics, 67, 73, 113, 114, 117, 144
- precedents, 15, 47, 78, 94, 103, 104, 105, 261, 307, 389, 393, 395, 405, 439, 441, 491, 499, 512, 515, 519, 520, 538
- predictability, 107, 373, 496, 526
- prejudice, 206, 250, 489, 497, 553
- presence of absence, 29
- press, 49, 50, 67, 81, 95, 334, 471, 511, 551
- presumptions, 112, 118
- presupposition, 86, 88, 90, 92, 93, 99, 100, 119, 120, 134, 143
- Primus, Richard, 40, 100, 399
- principle of proportionality, 254, 336
- principle of quantity, 118, 122, 133
- prisoners, 287, 355
- privacy, 22, 23, 30, 34, 35, 36, 40, 42, 45, 46, 48, 51, 124, 198, 212, 275, 277, 282, 325, 435, 436, 447, 448, 508, 548
- private citizens, 22, 318, 461
- privilege, 18, 335, 357, 394, 397, 474, 492, 530
- probes, 35, 48
- process-based theory, 373
- procession
 right of, 241, 253
- process-related rights, 316, 317
- prohibition, 24, 33, 34, 39, 46, 131, 186, 227, 256, 302, 303, 325, 436, 447, 503, 547, 557
- proof, 41, 206, 405
- proportionality, 9, 15, 16, 17, 194, 197, 213, 220, 221, 224, 227, 230, 231, 237, 239, 240, 241, 242, 244, 245, 248, 254, 255, 257, 263, 264, 266, 296, 335, 336, 344, 348, 354, 371, 372, 485, 511, 514, 536, 548
- proportionality test, 213, 221, 227, 240, 244, 245, 255, 257, 264, 372
- propositions, 3, 57, 80, 110, 116, 153, 156, 157, 320, 341, 437
- protections, 17, 42, 275, 343, 350, 353, 355, 359, 361, 364, 367, 371, 407, 501, 505
- provision test, 200, 201, 202
- prudence, 94, 438, 444, 449, 498, 547
- public discourse, 181, 382, 395
- public funds, 222, 223, 245
- public health, 226, 266, 418
- public meaning, 12, 62, 69, 71, 73, 74, 81, 83, 91, 92, 96, 98, 101, 102, 104, 108, 396, 397
- public opinion, 120, 465, 553, 554
- public order, 266, 306, 471, 472
- public reason, 13, 454, 455
- public service, 211
- purposes, 12, 15, 28, 30, 31, 32, 34, 36, 39, 59, 64, 67, 76, 79, 83, 88, 89, 101, 111, 123, 125, 129, 135, 137, 138, 139, 140, 141, 142, 143, 144, 145, 155, 169, 197, 242, 244, 248, 261, 283, 286, 287, 310, 348, 357, 382, 437, 519, 527, 543
- purposivism, 141
- Qing Imperial Court, 232, 233
- qualifications, 72, 126, 128, 129, 130, 135, 210, 337

- quasi-constitutional, 170, 176, 265, 293, 367, 368
- Quebec, 10, 18, 38, 518, 519, 520, 522, 524, 525, 526, 527, 528, 529, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540
- Queensland, 109, 131, 151, 348, 349, 350, 352, 354
- race, 39, 58, 126, 223, 245, 358, 359, 369, 381
- Radbruch Formula, 557
- Radbruch, Gustav, 314, 502
- Rahman, Tunku Abdul, 378, 380
- r ratifiers, 67, 69, 70, 73
- ratio decidendi, 465, 555
- rationality, 15, 197, 237, 495, 509, 514
- Raz, Joseph, 77, 168
- Reagan, President, 46
- reasonableness, 15, 30, 222, 245, 254, 256, 264, 355, 468, 469, 470
- rebellions, 70, 76
- Recess Appointments Clause, 89
- Rechtsstaat* principle, 185, 186, 310, 314, 336
- Reconstruction Amendments, 71
- referendum, 12, 28, 227, 329, 332, 334, 340, 366, 367, 368, 437, 438, 440, 442, 525, 532, 545
- Regulation of Urban Ethnic Affairs (China), 420
- regulation, 26, 55, 68, 250, 252, 275, 339, 353, 356, 476, 477, 553
- Reid Commission, 379
- Reid Report, 378, 379, 380, 384
- religion, 15, 67, 245, 275, 276, 277, 290, 300, 312, 313, 360, 368, 376, 377, 379, 380, 381, 382, 383, 384, 385, 386, 388, 389, 390, 392, 394, 395, 399, 400, 548, 552, 554, 555, 556
- religious conversion, 15, 387, 392
- religious courts, 299, 385, 387, 395
- religious freedom, 282, 376, 382, 385, 386, 387, 389, 390, 393, 395, 527
- remuneration, 347, 349
- representative government, 218, 353, 355, 357, 544, 552, 559
- residence requirement, 212, 215, 224, 225
- Residential Tenancies Act (Australia), 353
- resistance, 265, 344, 345, 357, 359, 370, 371, 372, 374, 483, 500, 514
- responsible government, 343, 346, 353, 354, 355, 356, 357, 361, 362, 365, 373
- restriction, 197, 213, 214, 215, 220, 221, 223, 224, 227, 239, 244, 245, 252, 255, 264, 325, 349, 354, 358
- restrictive immunity, 205, 206, 207, 208, 209
- retained rights, 92, 93, 95, 99
- retirement, 247, 253
- revenues, 67, 411, 414, 420, 507
- revisionists, 395
- revolution, 238, 269, 278, 279, 284, 285, 286, 289, 292, 293, 299, 310, 341, 425, 480, 494, 543, 546
- Richmond Newspapers, Inc. v. Virginia*, 49
- right to property, 221, 278, 329, 360
- right to work, 225, 226, 553
- rime obligate, 465, 468, 469, 470, 480, 481
- riots, 70, 76
- RNA (regional), 403, 415, 416, 417, 418
- Roe v. Wade*, 22, 41, 47
- Roma, 553
- Roman ideas, 387, 388, 490, 491, 492, 493, 495
- Romania, 543, 544
- Roosevelt, Kermit, 404, 406
- roundtables, 174, 370, 543
- Roux, Theunis, 363
- rule of construction*, 45, 46, 48, 49, 50, 89, 91, 92, 94, 103, 120
- rule of law principle, 4, 13, 14, 18, 28, 72, 83, 86, 107, 108, 143, 145, 147, 148, 202, 228, 262, 294, 298, 299, 301, 303, 305, 307, 308, 309, 310, 311, 312, 313, 314, 315, 321, 324, 336, 337, 404, 413, 423, 472, 504, 505, 526, 527, 528, 529, 531, 542, 543, 546, 557, 560
- rules of interpretation, 45
- rules of recognition, 148, 149, 150
- Russell, Bertrand, 51
- Russia, 29, 562
- safety, 212, 225, 266, 467
- Sajó, A., 542, 545, 555
- Salazar, António de Oliveira, 545
- same-sex couples, 41, 47, 553

- Saunders, Cheryl, 346
 Scalia, Antonin, 32, 62, 105
 Schneiderman, David, 10, 17, 20, 517, 522,
 524, 525, 526, 528, 530, 531, 536, 539
 scholars, 5, 7, 10, 20, 136, 168, 174, 261, 268,
 269, 284, 310, 393, 399, 404, 406, 407,
 408, 409, 410, 413, 426, 490, 510, 513,
 520, 524, 528, 536, 550, 559
 schools, 216, 249, 356, 393, 555
 searches, 22, 29, 31, 34
Secession Reference Case, 18, 519, 520, 523,
 524, 525, 529, 531, 532, 534, 535, 537,
 539, 540
 Secretary for Justice (Hong Kong), 198, 206,
 208, 215, 216, 217, 244
 secular framework, 377, 392
 secular law, 384, 391
Securities Act Reference case, 533, 537, 538,
 539, 540
 seizures, 22, 29, 31, 34
 semantic meanings, 65, 66, 81, 107, 116
 semantics, 66, 73, 113, 114, 116, 163, 295
 Senate Reform, 529, 530
 Seoul, 12, 329, 332, 333, 340
 separation of judicial power, 346
 separation of powers, 17, 42, 94, 145, 194,
 196, 218, 219, 220, 224, 226, 227, 228,
 265, 310, 330, 343, 357, 370, 374, 504,
 560
 1787 Constitution, 26, 29, 30
 Seventeenth Amendment, 39, 86
 sex, 21, 34, 39, 41, 43, 47, 128, 223, 325, 553,
 556
 sexual orientation, 40, 223, 244, 245
 shadow constitution, 14, 20, 60, 182, 262,
 270, 287, 289, 367, 437, 443, 449
 Sharia, 385, 386, 387, 391
 Shigong, Jiang, 406, 407
 silences, 21, 26, 27, 28, 29, 31, 32, 35, 36, 37,
 38, 41, 42, 43, 45, 51, 60
 in the Constitution, 45
 Sino-British Joint Declaration (SBJD), 195,
 233, 234, 235
 Sino-Portuguese Joint Declaration on the
 Question of Macau ('SPJD'), 234, 235,
 246
 Siracusa Principles, 198
 slavery, 37, 39, 122, 484, 553
 Slovakia, 38
 Small Constitution (Poland), 175, 178, 544
 Smith, Adam, 6
 social acceptance, 454, 455
 social norms, 4, 79, 84
 social order, 94, 434, 447, 451, 452
 social security, 212, 283, 470, 474
 social services, 245, 264
 social welfare, 194, 210, 212, 213, 214, 215,
 222, 224, 225, 228, 245, 264, 420
 socialism, 194, 196, 232, 235, 261, 262, 265,
 402
 society, 5, 14, 59, 113, 127, 141, 147, 150,
 151, 165, 193, 221, 245, 262, 263, 274,
 284, 285, 292, 340, 341, 371, 379, 383,
 398, 399, 402, 408, 436, 443, 444, 448,
 453, 458, 485, 489, 494, 495, 499, 509
 Socrates, 27
 Soeharto, 299, 300, 309, 310, 311
 Solicitor General (HKSAR), 242
 Solicitor General (USA), 21, 57
 solidarity, 473, 536
 Solum, Larry, 3, 4, 5, 11, 61, 62, 64, 69, 70,
 73, 74, 75, 96, 101, 103, 111, 117, 123,
 134, 172, 295, 344
 Sólyom, Chief Justice, 170, 183, 184, 541,
 542, 545, 546, 547, 548, 549, 550, 551,
 553, 556, 557, 558, 559
 South Africa, 178, 181, 183, 441
 South African Interim Constitution (SA-IC),
 181
 sovereignty, 83, 84, 93, 103, 194, 195, 205,
 206, 208, 209, 219, 220, 228, 232, 272,
 293, 311, 324, 331, 333, 409, 421, 438,
 457, 525, 532, 533, 558, 559
 Soviet Stalinist Constitution, 542
 Special administrative regions (SAR)
 Hong Kong SAR, 195–199, 201–204,
 211–213, 215, 217–218, 221–223, 230–
 231, 233–238, 240–243, 257, 260–262,
 264, 266, 421–425, 427
 Macau SAR, 4, 9, 15, 17, 20, 230–237,
 246–257, 260–266, 421, 424
 Spiewak, Pawel, 179

- Spitz, Richard, 179
 stability, 13, 105, 107, 168, 454, 455, 456, 505, 509
 standards, 4, 149, 186, 303, 358, 360, 366, 372, 453, 478, 498, 501, 515, 546, 548, 562
 Standing Committee, 194, 196, 199, 204, 236, 402, 413, 418, 422, 424, 425
 Standing Committee of the National People's Congress (NPCSC), 10, 14, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 236, 240, 242, 243, 251, 262
 Starski, Paulina, 186
 State Council, 413, 414, 415, 418, 420, 427
 state courts, 51, 162, 163, 343, 348, 350
 state governments, 351, 352
 state immunity, 205, 208, 209
 state institutions, 300, 317
 state law, 45, 47, 120, 150, 350, 354
 state parliaments (Australia), 123, 130
 statutory provisions, 193, 243, 300
 statutory rights, 317, 344, 367, 370
 Stone, Adrienne, 3, 19, 170, 346, 357, 372, 458, 517
 Story, Joseph, 97
 Strauss, David A., 7, 32, 498
 structure–rights dualism, 343, 345
 subjective rights, 286, 290
 substance, 162, 200, 213, 214, 226, 251, 287, 290, 348, 406, 508, 511, 530, 531, 542
 successor constitutions, 171, 177
 Sudan, 173, 174, 176, 181, 189
 suicide, 106, 450, 452
 suitability, 372
 Sullivan, Barry, 49
 Sunstein, Cass R., 29, 40, 406, 455, 456
 superannuation, 352
 supremacy, 114, 168, 185, 237, 239, 257, 258, 259, 260, 301, 309, 318, 324, 352, 367, 370, 376, 378, 382, 383, 384, 386, 388, 390, 400, 415, 433, 441, 443, 460, 479, 486, 505, 512, 525, 559
 Supreme Court of Canada (SCC), 18, 20, 518, 520, 521, 535, 539
 supreme law, 258, 323, 378, 527
 sustainability, 222, 224
 Sweet, Alec Stone, 315, 372
 syllogism, 62, 86, 261
 syntax, 65, 75, 106, 113
 Tai, Benny, 206, 218
 tax legislation, 413, 414
 tax reform, 414, 415
 tax revenue, 414, 415, 507
 tax, 39, 55, 56, 57, 117, 352, 411, 412, 413, 414, 415, 507, 559
 taxation, 117, 131, 413
 television, 277, 525
 Tenth Amendment, 50, 51
 tenure, 347, 363, 364, 530
 terminology, 74, 86, 97, 103, 135, 158, 159, 182, 328, 337, 432, 446, 447
 terrorism, 299, 303, 347
 tertium comparationis, 465, 466, 467, 474
Texas v. White, 37
 textual recognition, 12, 359
 textualism, 62, 95, 97, 406
 Thatcher, Margaret, 232
Theophanous, 361, 362, 373
 Tian Lei, 408
 Tibet AR, 416, 420
 tobacco, 471, 529
 Toohey JJ, 124, 126
 torture, 225, 226, 325, 557
 Tóth, G. A., 10, 543, 544, 546, 553, 556, 559, 560
 trade, 37, 99, 117, 123, 199, 371, 419, 537, 538
 traditions, 3, 8, 9, 14, 15, 231, 261, 267, 370, 399, 400, 418, 482, 486, 487, 488, 489, 490, 492, 500, 516, 517, 535, 544, 553, 561, 562
 transgender, 40
 Transitional Administrative Law (Iraq), 176
 transitional constitutions, 168
 transparency, 13, 190, 202, 203, 308
 travel, 71, 242, 244, 306, 437
 Treaty of Paris, 79, 80
 trial, 49, 221, 303, 307, 316, 340, 355, 360, 368, 371, 386, 389, 402, 434, 514, 533
 Tribe, Laurence H., 3, 22, 23, 26, 27, 32, 37, 40, 44, 50, 55, 56, 61, 170, 320, 404, 405, 410, 541

- Tribunal de Ultima Instancia (Macau), 247,
 248, 249, 250, 251, 252, 253, 254, 255,
 256, 257, 260, 261, 262, 264, 265
- Trudeau, Pierre, 38, 522
- Tushnet, Mark, 449
- UK, 7, 19, 111, 176, 197, 214, 239, 264, 368,
 369, 421
- ultra vires doctrine, 237, 238, 413, 533, 534
- UN Convention on Restrictive Immunity,
 206, 209
- unconstitutionality*, 185, 292, 316, 462, 463,
 464, 467, 469, 471, 472, 474, 476, 477,
 478, 479, 542, 552
- under-determinacy thesis, 114
- unenumerated rights, 84, 92, 103, 282, 434,
 435, 438, 439, 445, 448, 449, 450, 451
- unexpressed law, 152
- Unilateral Declaration of Independence
 (UDI), 525, 526, 528, 532
- unilateralism, 536
- unitary system, 401, 402, 403, 407, 410, 412,
 414, 415, 416, 421, 425, 426
- United Kingdom, 63, 87, 150, 171, 240, 264,
 356, 378, 437, 518, 527
- United Malays National Organization
 (UMNO), 379, 381, 382
- United States Constitution. *See* Constitution
 of the United States of America
- United States Supreme Court, 104, 307, 491,
 505, 506, 513, 515, 521
- unreasonableness standard, 30, 225, 237, 241,
 255, 256, 263, 264, 470
- unwritten constitution, 5, 7, 20, 61, 62, 63,
 73, 78, 94, 268, 329, 330, 332, 333, 334,
 388, 397, 399, 404, 405, 406, 407, 408,
 410, 531, 540
- unwritten law, 149, 171, 322
- USSR, 38
- utterance, 11, 65, 66, 68, 70, 71, 74, 87, 113,
 114, 115, 116, 117, 119, 131, 132, 134,
 279
- vagueness, 75, 76, 77, 78, 90, 111, 135, 423, 561
- Valcke, Catherine, 495
- validation, 151, 152, 155, 156, 157, 158, 159,
 165
- Vallejos v. Commission of Registration*, 204
- values, 4, 5, 7, 13, 14, 17, 34, 48, 50, 61, 79,
 83, 84, 103, 107, 125, 135, 140, 141, 142,
 144, 145, 170, 193, 223, 231, 245, 265,
 267, 275, 289, 309, 313, 323, 335, 361,
 370, 409, 432, 435, 437, 438, 439, 441,
 442, 443, 445, 447, 448, 449, 450, 451,
 452, 454, 455, 479, 485, 496, 499, 500,
 501, 507, 509, 546, 549, 558, 560
- Varol, Ozan, 177, 399
- Vatican Council, 556
- Velvet Revolution, 38
- Venice, 561
- Vermeule, Adrian, 62, 499
- Victorian charter of Rights and Responsibili-
 ties*, 368
- violence, 69, 70, 76, 116
- Virginia, 49, 103, 118, 124, 173, 355
- visible constitution, 61, 108, 170, 172, 320,
 325, 346, 375, 453
- vocabulary, 63, 86, 110, 286
- Wall Shooting* case, 504
- wars, 54, 395
- Wednesbury* standard, 224, 237, 241, 255,
 263, 264
- welfare, 194, 213, 214, 215, 224, 225, 245,
 324, 348, 388, 470
- Westminster, 272, 353, 378
- White Australian Policy, 371
- will of the people, 294, 315, 327, 330,
 333
- Williams* case, 89, 90, 92, 120, 123, 133, 134,
 348, 355, 356, 360, 361, 362, 363, 365,
 367, 369, 370
- Windeyer J, 136, 363
- women, 47, 152, 277, 391, 450, 477, 532,
 553, 556
- Wong, Thomas, 225
- Working Party, 380
- World War II, 29, 195, 286, 299, 484, 542,
 562
- written constitution, 3, 4, 5, 19, 20, 38, 75, 90,
 109, 145, 149, 151, 161, 171, 172, 176,
 193, 238, 257, 258, 260, 262, 323, 324,
 329, 330, 331, 332, 333, 339, 371, 401,
 405, 406, 407, 410, 426, 452, 533

Xiao Weiyun, 249
Xiaoping, Deng, 232, 234, 409
Xu Jian, 413

Yap, Po Jen, 208
Yau, Yuk Lung, 244
Yongkun, Zhou, 407
Young, Simon, 214, 247

Youngstown Sheet & Tube Co. v. Sawyer, 43
Youngstown, 43, 44

Zhai, Han, 9, 14
Zhiyong, Zhai, 407
Zimmermann, Reinhard, 493
Zivotofsky v. Kerry, 43, 44
Zoll, Andrzej, 185, 186