

Contents

<i>Editors</i>	<i>page</i> xi
<i>List of Contributors</i>	xiii
<i>Acknowledgments</i>	xix
Introduction	1
<i>Francisca Pou-Giménez, Laura Clérico and Esteban Restrepo-Saldarriaga</i>	
PART I PROPORTIONALITY AND PROCESSES OF CONSTITUTIONALIZATION	19
1 The Standard Reasonableness Test and Proportionality in Argentina: A Matter of Interactions	21
<i>Laura Clérico and Federico de Fazio</i>	
2 Proportionality in the Case Law of the Constitutional Court of Ecuador	41
<i>Daniela Salazar Marín and Ramiro Ávila Santamaría</i>	
3 Proportionality and Human Rights in Mexico	63
<i>Arturo Bárcena Zubieta</i>	
4 Proportionality and the Construction of Democracy: Notes from the Peruvian Jurisprudence	88
<i>Pedro Grández Castro</i>	

5	Proportionality in the Case Law of the Chilean Constitutional Court <i>Verónica Undurraga and Pascual Cortés</i>	110
	PART II PROPORTIONALITY IN SOCIAL RIGHTS AND EQUALITY-BASED ADJUDICATION	135
6	Socioeconomic Rights in the Colombian Constitutional Jurisprudence: Proportionality and the Prohibition of Regressive Measures <i>Magdalena Correa Henao and Alejandra Osorio Alvis</i>	137
7	Progressive Realization, Nonretrogression and Maximum of Available Resources: Agreements and Disagreements between the Inter-American Court and the United Nations ESCR Committee <i>Julieta Rossi</i>	161
8	The Use of Proportionality by the Inter-American Court in Equality and Nondiscrimination Cases <i>Silvia Serrano Guzmán</i>	185
9	Transformation and Its Limits: Proportionality, Courts and Socioeconomic Rights in Brazil <i>Virgilio Afonso da Silva and Paula Gorzoni</i>	205
	PART III PROPORTIONALITY, BETWEEN TRANSFORMATION AND THE STATUS QUO	221
10	Between Exception and Transition: Proportionality and Necessity in the Colombian Quest for Peace <i>Antonio Barreto Rozo and Jorge González-Jácome</i>	223
11	Proportionality and State <i>Ius Puniendi</i> <i>Mary Beloff</i>	243
12	Distributional Analysis as an Alternative to Proportionality Analysis in Judicial Decision-Making <i>Isabel Cristina Jaramillo Sierra</i>	265
13	Proportionality, Social Justice and Democracy <i>Martín Aldao</i>	278

<i>Contents</i>		ix
14	Unilateralism, Dialogue and False Necessity: The Distribution of the Burden of Proof in Proportionality Analysis <i>Francisca Pou-Giménez</i>	289
	Epilogue: The Elephant in the Room <i>Jamal Greene</i>	309
	<i>Index</i>	325