

Index

- Abbas, Shahana, 343
 ‘Abduh, Muhammad, 302
 affirmative action
 China, 171
 Afghanistan, 51, 206, 298
 African constitutions, 21
 al-Alawi, Hassan, 209
 al-Ghazali, Abu Hamid Muhammad, 301
 Allawi, Ayad, 198, 202, 203, 218, 220
 al-Sadr, Muqtada, 208
 al-Shatibi, Abu Ishaq, 301
 America, 166
 Ampatuan, Andal, 102
 Anwar, Zainah, 294, 302, 303, 304, 307, 313, 314
 Aquino III, Benigno S., 103, 105
aravanis. *See* *hijras*
 Armenia, 53, 59, 65
 Asia Research Institute of the National University of Singapore, 75
 asymmetrical federalism, 138, 158. *See* asymmetrical systems
 India, 138
 asymmetrical systems, 138, 158. *See* asymmetrical federalism
 Aung san Suu Kyi, 141, 145
 Austin, Granville, 34, 36, 37, 38, 44, 50
 Australia, 9, 262
 Australian Labor Party, 287
 Canberra, 284
 CEDAW committee, 288
 Commonwealth Electoral Act 1918 (Cth), 273
 Commonwealth Franchise Act, 267
 Constitution, 45
 Crimes Act 1958 (Vic), 273
 Electoral Act, 276
 EMILY’s list, 288
 Equality Before the Law, report, 263
 Federal Family Court, 286
 federalism, 11
 Head of State, 289
 Indigenous women, 269
 Law Reform Commission, 263
 National Labor Women’s Network, 288
 New South Wales, 266, 267, 282
 Queensland, 267
 representative government, 273
 restorative justice movement, 263
 South Australia, 265, 267
 Tasmania, 267
 Victoria, 266, 267
 WCTU, 267
 Western Australia, 267, 270
 Western Australia’s Karrakatta Club, 267
 Woman’s Christian Temperance Union. *See* WCTU
 women in constitution-making, 9
 women in government, 9
 Women’s Christian Temperance Union, 268
 Women’s History month, 265, 282
 Australia, Constitution, 262, 265, 274, 283
 1891 Convention, 265, 268
 1897 Convention, 265
 1898 draft Constitution, 282
 anti-Federalist campaign, 268
 principles, 270
 The Women’s Federal League, 283
 Women’s Federal League, 268

- Australia, High Court, 272
Cunliffe, 275
Lange, 272, 273, 274, 275, 277, 278
Lange v. Australian Broadcasting Corporation. *See Lange*
Levy, 275
R v. Brennan and Leach, 285
 representative democracy, approach to, 278
Roach, 272, 273, 274, 275, 276, 277, 278, 279, 281
Roach v. Electoral Commissioner. *See Roach*
Rowe, 272, 276, 277, 278
Rowe v. Electoral Commissioner. *See Rowe*
- Australian National University, 1
 autonomy, 18, 19, 266, 317
 ethnic minorities, 7, 20
 ethnicity/race difference and, 177, 189
- Ayres, Alyssa, 51
- Azerbaijan, 53, 59, 65
- Azerbaijani, 64
- Aziz al-Hakim, Abdul, 216
- Baltic republics, 53
- Baltic, the, 4, 53, 54, 55, 60, 64, 65
- Bangladesh, 51, 320
- Barlas, Asma, 296
- Behrendt, Larissa, 264, 265, 267
- Belgium
 Constitution, 18
- Bhutan, 230
- Binamira, Ramon, 89
- Brahimi, Lakhdar, 215
- Brazil, 185, 187
- Bremer, Paul, 198, 199, 200, 201, 205
- Britain, 172
- British Malaya, 82
- Brown, Judith, 30
- Buddhism, 27
- Burma, 6, 7, 13, 14, 22, 139
 2008 Constitution, 139, 146, 147, 152
 2010 elections, 140
 Burmans, 139, 144, 145, 151, 162
 Burmese Army, 161
 conflict, ethnic roots of, 141
 constitutional decentralization, 141
 ethnic conflict, nature of, 144
 ethnic issues, role of, 139
 ethnicity, 139
 federalism, 11, 137, 141
 Kachin Independence Army, 140
 Kachin Independence Organization, 141
 Kachin State, 140
 Karen, 139
 military government, 139
 military junta, 141, 154
 Muslims, 141
 pan-Burmese identity, 143
 pan-ethnic consciousness, 143
 pan-minority identity, 143
 United Wa State Army, 154
 UWSA. *See* United Wa State Army
- Burma, ethnic minorities, 6, 12
 Arakan, 146, 151, 157
 Burmanization, 157, 163
 Burmanize campaigns, 145
 Burmans, distrust of, 145
 Burmese and, 162
 Chin, 146, 147, 150, 157, 158
 Christianity, 158
 common concerns, 146
 common demands, 143
 culture difference, 144
 different constitutional needs, 143
 ethnic identity, 144
 Ethnic Nationalities Brotherhood, 161
 Ethnic Nationalities Council, 146, 160
 FCDCC, 160. *See* Federal Constitution
 Drafting and Coordinating
 Federal Constitution Drafting and
 Coordinating. *See* FCDCC
 Kachin, 145, 146, 147, 150, 151, 157, 158
 Kachin Independence Army, 160
 Karen, 146, 147, 151, 155, 156, 157, 163
 Karen National Liberation Army, 156
 Karenni, 146, 147, 150
 minorities-within-minorities, 150
 Mon, 146, 147, 151, 155, 156, 157, 163
 National Council of the Union of Burma, 154, 160
 National Democratic Front, 154, 160
 New Mon State Party, 159, 160
 pan-ethnic identity, 158–163
 pan-ethnic sensibility, 159
 Pa-O, 154
 Pegu Yoma, 156
 proposed union constitution, 146–149

- Rakhine, 147
 secession, issue of, 162
 Shan, 145, 146, 147, 150, 154, 157, 160
 Shan State Army – South, 159
 special constitutional needs, 142
 Tatmadaw, 161
 United Nationalities Federal Congress, 154
 United Nationalities Federal Council, 160
 United Wa State Army, 160
 Wa, 153
- Cambodia, 230
 Canada, 45
 Cass, Deborah, 261, 272, 278
 Caucasus, 4
 Caucasus republics, south, 54
 Caucasus, south, 53, 54, 55, 60, 64, 65
 CCP, 185
 CEDAW, 288, 312
 Center for Constitutional Democracy, 1, 13, 141, 162
 Center for the Study of Global Change, 1
 Center for the Study of the Middle East, 1
 Central Asia, 1, 4, 5, 11, 54, 58, 64, 69, 178
 constitutional irrelevance to language difference, 11, 54–55, 71
 Russian, 69
 Central Asian republics, 53, 54, 55, 59. *See* Central Asia
 Charlesworth, Hillary, 280
 Chen Lianbi, 191
 child abuse, 309
 Child, Joan, 269
 China, 7
 “Chinese nation”, 168
 “Program”, 171
 1931 Constitution, 169
 1954 Constitution, 170
 1975 Constitution, 170
 Autonomy Law, 171, 172
 CCP, 168, 186, 189
 Chinese Communist Party, 165. *See* CCP
 Common Program of the Chinese People’s Political Consultative Congress, 169
 Constitution, 15, 170, 171
 Constitution, drafters, 170
 Constitutions, 169
- Cultural Revolution, 173
gongzhi, 180
 Great Leap Forward, 172
 Han, 165
hou zizhi, 180
 Hu Angang’s Institute, 185
 KMT, 168
 Manchu Qing Empire, 168
 Ministry of Propaganda, 186
 minority minzu. *See* *shaoshu minzu*
minzu, 171
 Minzu Affairs Commission, 174
 Minzu Affairs Commission, website, 186
 minzu policies, 165, 167, 169, 170, 173, 179. *See* *minzu zhengce*
minzu policies, critiques, 180
minzu policies, current debate, 184
minzu policies, popular critiques of, 184
minzu policies, retrenchment, 178
minzu policy, 7
 minzu regional autonomy, 165
minzu zhengce. *See* minzu policies
minzu, renamed, 180
minzu, use of, 167, 181
 Mongols and, 167
 nationalism, 183
 Nationalist party, 168
 non-Han ethnic groups. *See* *minzu*
 of Zhang Haiyang, 186
 PRC, 184
 Second generation minzu policies, 186
shaoshu minzu. *See* minority minzu
 Supreme People’s Court, 172
 United Front, 184
 universal citizenship, 191
 universal citizenship, vision of, 7
- Christianity, 254
 Burma, 158
 Ciechanover, Aaron, 232
 civic rights, 110
 Cojuangco, Jose “Peping”, 96
 community autonomy, 19, 20
 conference, Difference and Constitutionalism in Pan-Asia (2011), 1
 consociational federalism, 203
 consociationalism, 226
 constitutional courts, 256, 316, 321, 347
 constitutional design, 110
 constitutional process, 7
 international players, role of, 8

- constitutional rights
 - role in dialogic political process, 112
- constitutionalism, 110, 303
 - difference and, 1, 2, 12, 13
 - religion and, 232
 - SOGI rights and, 333
- constitutions
 - democracies and, 2
 - difference and, 1, 2, 3, 6, 11, 13, 16, 23
 - ethnicity/race difference and, 156
 - gender and sexual orientation difference and, 11
 - gender difference and, 261
 - ideology vs. actual practice, 7
 - language difference and, 4–5, 157
 - race/ethnic difference and, 7
 - religious difference and, 7, 8–9, 255–257
 - role in promoting deliberative
 - democracy, 113
 - socio-political deliberation process and, 131
- constitutions as difference management
 - basic ideological commitments, 13–16
 - basic institutions and practices of
 - government, 16–23
 - decision making power, allocation of, 18–20
 - incentives systems, creation of, 20–22
 - material resources, distribution of, 16–18
- contraception, 309
- Craig, Elaine, 345
- Crommelin, Michael, 286
- customary law, 19
- Dalai Lama, 183
- decentralization, 147
 - ethnicity/race difference and, 141, 143
- deliberative democracy, 112, 113, 133
- deliberative democratic process
 - role of constitution in, 110
- democracies, 2, 261
 - constitutions and, 2
- democracy, 110, 138, 279, 303, 333
 - difference and, 2
- Deng Liqun, 177
- Deng Xiaoping, 174
- Devi, Asha, 325
- Diamond, Larry, 203, 205, 206
- difference
 - constitutional management of, 13
 - constitutionalism and, 1, 2, 12
 - constitutions and, 1, 2, 3, 6, 11, 13, 16, 23
 - democracy and, 2
 - electoral systems and, 2
 - federalism and, 2, 11
 - feminist legal scholarship, in, 262
 - forms of, 1, 4
 - governmental structures and, 2
 - interaction of types of, 12
 - interests of men and women, between, 279
 - political science literature and, 3
 - political theory literature and, 2
 - tension of forms of, 12
- domestic violence, 285, 306, 309
- Draft Capital Law, 110
- East Asia, 1
- Eastern Turkistan. *See* Xinjiang
- Egypt, 298, 313
- electoral districts
 - “twinning” of, 9
- electoral quotas, 9
- electoral systems
 - closed-list, 205
 - difference and, 2
 - first-past-the-post systems, 20
 - incentive effects, 21
 - mixed system involving both
 - single-member-district seats and PR, 107
 - Philippines and reform of, 107
 - proportional representation, 20, 205, 266
 - single-district, 205
- Enlightenment paradigm, 8
- equal rights, 58, 66, 67, 69, 184, 294, 303, 305, 309, 312, 313, 324
- equality, 10
 - supporting institutions vs. ideologies, 10
- equality, formal, 263, 265, 276, 280, 346
- Estonia, 53
- Estrada, Joseph, 100
- ethnic identity, 18
 - linguistic identity and, 12
- ethnic minorities, 7
 - protections of, 7
- ethnicity. *See* race
- religion and, 12

- ethnicity/race difference, 1, 4, 5, 75, 76, 92, 93, 96, 98, 104, 105, 147, 148, 152
 asymmetrical constitution and, 159
 autonomy and, 192
 China, 165
 constitutional accommodation of, 12
 constitutions and, 7, 156
 decentralization and, 141, 143, 150
 definition, 6
 federalism and, 143, 157
 gender equality, tension with, 12
 individual rights and, 141, 143, 150
 power-sharing and, 141, 143, 150
 Europe, 35, 52, 65, 319
 European Convention on Human Rights, 318
 European Court of Human Rights
Dudgeon v. the United Kingdom, 318
 European secularism, 256
- Fabre, Cecile, 111
 complementarity thesis, 111
 FCDCC, 151
 Fearon, James, 224
 federal systems
 types of, 6
 federalism, 6, 7, 9, 10, 20, 137, 149, 262, 290
 asymmetrical, 6
 Australia, 11, 271, 281–286
 Australia, constitutional principle of, 271
 Australia, gender sensitivity, 285
 Australian exceptionalism, 282
 Burma, 11, 137
 difference and, 2, 11–12
 ethnic divisions and, 11
 ethnicity/race difference and, 143, 153, 157
 feminism and, 281–286
 gender equality and, 11
 India, 11
 Iraq, 7, 11, 196, 207
 Iraq and, 195
 language difference and, 5, 11
 Malaysia, 8, 11
 Philippines and, 104
 religious division and, 11
 symmetrical, 6
 federal-parliamentary democracy
 Philippines and, 104
- feminism, 262, 322. *See* Islamic feminism(s)
 Christian, 293
 Western, 293
 Feminism and Institutionalism
 International Network, 276
 feminism, secular, 293
 Fiji, 335
 forced marriages, 309
 France, 256
 Freedom House, 65
 freedom of religion, 250, 252, 254, 313
- Gandhi, Mahatma, 32, 33, 35
 Ganguly, Sumit, 45
 Garcia, Carlos, 90
 Garcillano Virgilio, 101
 gay and lesbian rights, 319, 321, 322
 Gaza Strip, 234
 gender and sexual orientation difference, 1, 4, 9
 constitutions and, 11
 engine for constitutional change, 9
 struggle for recognition and equality, 9
 gender difference
 constitutions and, 261
 feminist views on, 9
 representative government and, 271–281
 Yogyakarta Principles, 318
 gender egalitarianism, 294, 297, 303, 307
 gender equality, 9, 11, 240, 242, 252, 275, 290, 292, 293, 294, 299, 304, 313, 314
 Australia, 262
 gender essentialism, 264
 gender quotas, 18, 287, 344
 gender variation, 316, 321, 329
 gender, invisibility of, 279
 Georgia, 53, 59, 65
 Germany, 45
 Gilligan, Carol, 262, 263, 265, 276, 280
 good governance, 104
Grootboom, 112
- Ha Hung Cuong, 129
 Haddad, Fanar, 215
 Haines, Janine, 266, 268, 269
 Hamoudi, Humam, 206, 216, 224
 Hanifa, Abu, 311
 Hao Shiyuan, 186, 187, 188, 191
 Harris, Angela, 264

- head of state
 - alternating males and females, 9, 289–290
- Hershko, Avram, 232
- hijra* rights
 - Pakistani Supreme Court and, 341
- hijras*, 10, 316, 317, 320, 321, 322, 324, 325, 326, 329, 330, 331, 334, 335, 338, 340, 341, 342, 344, 346
 - definition, 323
 - equal treatment of, 10
 - identity documents and, 327
 - India. *See* traditional third gender
 - Pakistan, 340
 - public identity, 328
 - transgenderism, difference with, 324
- Hinduism, 27
- Hong Kong, 187, 335
- Hu Anbang, 191
- Hu Angang, 185, 186, 187, 191
- Hu Lianhe, 185, 186
- Hu Yaobang, 174, 177, 191
- human rights, 127, 128, 155, 236, 244, 292, 303, 308, 313, 316, 318, 336, 345
- Human Rights Convention in Kairo, 313
- India, 4, 5, 11, 14, 27, 28, 33, 35, 36, 37, 40, 42, 44, 46, 51, 138, 166, 185, 187, 188, 316, 317, 320, 321, 322, 323, 324, 332, 335, 336, 338, 340, 341, 344, 347
 - ABVA, 327, 328
 - AIDS Bhedbhav Virodi Andolan. *See* ABVA
 - All India Muslim League, 31
 - Aravani Welfare Board, 326
 - Assam, 43
 - Assamese, 43
 - asymmetrical federalism, 138
 - Austrie, 27
 - Bengali, 27, 30, 35, 43
 - Bodo, 50
 - Bollywood, language of, 50
 - Bombay, 41, 42
 - British East India Company, 29, 30
 - British Government in India, 31
 - Chennai High Court, 326
 - College of Fort William, 30
 - Congress Party, 40, 41
 - Congress Working Committee, 33
 - Constituent Assembly, 34, 35
 - Constitution, 11, 13, 20, 28, 29, 31, 32, 33, 36, 37, 38, 42, 43, 47, 52, 330, 335
 - Constitution, current, 44
 - Constitution, inclusiveness, 333
 - Constitution, nature of language section, 38
 - constitutional debate on language, 34–39
 - constitution-making challenges re.
 - languages, 28–29
 - Coromandel Coast, 37
 - Criminal Tribes Act of 1871, colonial law, 334
 - Dar Commission Report, 39
 - debates over linguistically-based
 - provinces, 42
 - Delhi, 39, 41
 - Delhi High Court, 321, 332
 - democracy and social difference, 333
 - Devanagiri script, 33, 34, 35, 36, 38
 - East India Company, 30
 - Eighth Schedule, 50
 - English, 28, 29, 30, 31, 35, 36, 37, 43, 46, 47, 48, 51, 52
 - English, role of, 28–29, 30, 36, 38, 46
 - federalism, 11
 - Government of India Act (1919), 32
 - Government of India Act (1935), 32
 - Governor Generals Legislative Council, 31
 - Gujarat, 42
 - Hindi, 27, 28, 29, 34, 35, 36, 37, 38, 43, 44, 45, 46, 47, 48, 49, 50, 52
 - Hindus, 31, 34, 35
 - Hindustani, 33, 35, 36, 50
 - independence, 35
 - Indian Councils Act, first, 31
 - Indian Councils Act, second, 31
 - Indian Councils Act, third, 31
 - Indian National Congress, 31, 32, 33
 - Kannada, 27, 35, 41
 - Kannada script, 44
 - Konkani, 50
 - language difference and federalism, 5
 - languages, 27–28
 - linguistic and ethnic differences, linkage, 28
 - Maharashtra, 42
 - Maithili, 50

- Malayalam, 41
 Marathi, 27, 30, 41
 Montagu Chelmsford reforms, 32
 Mughals, 28, 52
 Munshi-Ayyangar formula, 38
 Muslims, 31, 34, 35, 36
 national language, 29, 45
 nation-ness, 39
Naz Foundation, 317, 322, 326, 327, 328, 329–335, 346
 Nehru Report, 33
 Nepali, 51
 New Delhi, 36
 official language, 28, 38, 45, 52
 official or national language, distinction, 38
 Oriya, 27, 30, 35, 37
 Parliament the Official Languages Act, 43
 Partition, 36, 38
 Penal Code, 321, 330
 Persian, 52
 Persian script, 28
 Perso-Arabic script, 28, 34, 35, 36
 pre-independence language policy, 29–34
 Pune, 42
 Punjab, 41
 Punjabi, 27
 religions, 27
 Report of the States Reorganization Commission, 41
 role of English, revisited, 42–44
 Sanskrit, 36, 38, 50, 51, 52
 Sanskritic languages, 28
 Sino-Tibetan, 27
 SOGI rights, 321–335
 States Reorganization Act (1956), 42
 States Reorganization Commission, 42
 Tamil, 27, 30, 34, 35, 44
 Tamil DMK party, 44
 Telugu, 27, 28, 30, 34, 35, 37, 40
 Urdu, 28, 34, 35, 37, 50, 51
 Urdu script, 33
 Vindhya Mountains, 27
 India's Constitution
 English, role of, 47
 language difference management, pragmatism, 47–52
 official language, 45
 individual rights, 147, 276
 ethnicity/race difference and, 141, 143
 Indonesia, 10, 298, 304, 306, 308, 309, 310, 313
 Conference on Religion for Peace, 313
 Counter Legal Draft, 308, 309, 310, 311, 312, 313
 Counter Legal Draft of the Islamic Legal Code. *See* Counter Legal Draft
 feminist theorists in, 10
 Islamic Code of Law, 310, 311
 Kompilasi Hukum Islam, 309
 Nahdatul Ulama, 309
 injustice of exclusion, 279
 Inner Mongolia, 175, 190
 interest-based theory of rights, 111
 International Covenant on Civil and Political Rights, 337
 Iran, 293, 298
 Iraq, 7, 8, 22, 212, 228, 298
 Anbar, 205, 213
 Arab Shia, 218
 Arab Sunna, 195, 196, 218
 Arab-Shii, 196
 Arab-Shii/Kurdish, 196
 Askariyya Shrine, 214
 Baathist *coup d'état*, 209
 CDC, 206, 207, 211. *See* Constitutional Drafting Committee
 Coalition Provisional Authority. *See* CPA
 consociational regionalism, 210
 Constitution, 195, 196, 208, 214, 216, 217, 223, 224, 225, 226
 constitution, interim, 202
 Constitutional Drafting Committee, 196, 211. *See* CDC
 Constitutional Review Committee, 216
 CPA, 200, 201, 202, 204, 205. *See* Coalition Provisional Authority
 CRC, 217
 Dawa Party, 208
 de-Baathification committee, 221
 Eastern Province, 210
 elections, 204, 206
 Fadhila Party, 208
 fatwa, 199
 federalism, 11, 204, 207, 208, 210, 211, 217
 IGC, 198, 199, 201, 202, 203, 204, 215. *See* Iraq Governing Council
 Interim Government, 204
 Iraqi Baathist, 200
 Iraqi Communist Party, 198

Iraq (*cont.*)Iraqi Governing Council. *See* IGC

Iraqi Islamic Party, 199

Iraqi Shii, 196

Iraqiyya, 219, 220

Iraqiyyah, 221

ISCI, 207. *See* Supreme Council for the

Islamic Revolution in Iraq

Islamic Supreme Council of Iraq. *See*

SCIRI/ISCI

Khalilzad, 212, 214

KRG, 210, 217. *See* Kurdistan Regional

Government

Kurdish-Shii alliance, 209

Kurdish, 196, 214, 216, 217, 222

Kurdish parliamentary parties, 214

Kurdish parties, 195, 196, 213, 218

Kurdish-Shiite accord, 208

Kurdistan, 208

Kurdistan Regional. *See* KRG

Kurds, 202, 203, 207, 208, 210, 214,

217, 218, 222, 223

Law of Administration for the State of

Iraq during the Transitional Period.

See TAL

Muslim Brotherhood, 199

National Council for Strategic Policy,

220

Nineveh, 213

religious difference and, 195

Sadrist, 208

Salahuddin, 213

Samarra, 214

SCIRI/ISCI, 206, 207, 208, 209, 222

Shi'a, 7

Shia, 197, 198, 200, 203, 204, 208, 209,

210, 214, 215, 217, 219, 223, 226,

227, 228

Shia parties, 196, 197, 206, 225

Shia political elites, 208

Shia religious parties, 215, 223

Shia-Kurdish alliance, 219

Shii, 196, 197, 199, 209, 210

Shii clerics, 204, 206

Shii coalition, 216

Shii government, 225

Shii leadership, 227

Shii militias, 215

Shii parliamentary parties, 214

Shii parties, 198, 203, 204, 208, 209,

213, 214, 217, 218

Shii political leadership, 222

Shii Prime Minister, 215

Shii religious parties, 202, 203, 217, 223

Shii ruling parties, 222

Shii-Kurdish alliance, 207

Sistani, 199, 200, 201, 202, 215, 225.

See the Grand Ayatullah Ali al-Sistani

Sunna, 7, 22, 196, 197, 198, 199, 200,

203, 204, 206, 207, 208, 209, 210,

211, 212, 213, 214, 215, 216, 217,

218, 219, 220, 221, 222, 223, 225,

226, 227, 228

Sunni, 196, 197, 200, 203, 207, 212,

214, 221, 222

Sunni Arabs, 221

Sunni areas, 205

Sunni boycott of the 2005 elections,

206

Sunni cleric, 200, 204

Sunni clerics, 206

Sunni mosques, destruction of, 215

Sunni parliament speaker, 219

Sunni parties, 216

Sunni provinces, 213

Sunni rejection of the Constitution, 217

Sunni religious party, 199, 203, 204

Sunni representation in the constituent

assembly, 205

Sunni representatives, 205, 208, 209,

210, 211

Sunni vice president, 219

Sunnis, 200, 206, 210, 222, 228

Supreme Council for the Islamic

Revolution in Iraq. *See* ISCITAL, 202, 203, 204, 210. *See* Law of

Administration for the State of Iraq

during the Transitional Period

the Grand Ayatullah Ali al-Sistani. *See*

Sistani

United Nations, 204

Ireland, 45, 318

Irving, Helen, 266, 275, 283

Islam, 35, 198, 203, 230, 247, 248, 249,

250, 251, 252, 253, 255, 256, 293,

294, 295, 296, 302, 304, 305, 312,

313, 314

'*ibadat*, 300'*illa*, 300'*ulama*, 303*hadith*, 295, 299

headscarf in public, 315

- ijtihad*, 299, 301, 302
maqasid, 299, 301, 306, 313
maslaha, 301, 313
 modernist movements of, 9
mu'amalat, 300
nafs wahida, 310
qiwamah, 307, 308
Shari'a, 299, 300, 301, 303, 305, 306, 313
sumna, 301, 302
umma, 314
wilayah, 307, 308
 Islamic feminism(s), 9, 10, 37, 292, 293, 294, 295, 297, 298, 302, 313, 314, 315
 Counter Legal Draft, 309
 Musawah, 307, 308
 religious foundation of, 9
 Sisters in Islam, 302, 303, 304, 305, 306, 307
 Islamic modernism, 299
 Israel, 8, 14, 230, 231, 233, 234, 235, 236, 242, 244, 245, 246, 247, 256, 257
 “ethnic democracy”, 231
 “status quo agreement”, 232
 anti-Orthodox, 240
 Ashkenazi, 236, 237
 Basic Law, 245
 Basic Law: Freedom of Occupation, 237
 Basic Law: Human Dignity and Liberty, 237
 Basic Laws, 234, 236
 Charter of Rights and Freedoms, 245
 Chief Rabbinate, 245
 Citizenship Law, 239
 Constituent Assembly, 233
 Cyberjaya, 247
 dayanim, 246
 Declaration of Independence, 233, 234
 El Al airline, 231
 Great Rabbinical Court, 241, 242, 243
 Haifa, 231
 Halakha, 238, 239
 Harari Resolution, 233
 Hok Yesodot Ha'Mishpat, 235
 Jewish Law, 235
 Jewish Sabbath, 231
 Jewish state, 8
 Jewish state, meaning of, 8
 kasbrut, 245
 Knesset, 233, 237, 245
 Labor movement, 236
 Labor Party, 233
 Law of Return, 235, 238, 239, 240
 Le'om, 231
 Mapai, 233
 Masorti, 234
 Meat Law, 245
 medinat halakhah, 234
 medinat hok, 234
 Mimoonah, 246
 Ministry of Justice, 247
 Ministry of Religious Affairs, 244, 246
 Mishpat Ivri, 235
 Mizrahi, 239
 non-Orthodox, 238, 239, 240
 Occupied Territories, 244
 oleh, 239
 Orthodox, 234
 Orthodox yeshiva, 235
 Property Relations between Spouses Law, 242
 religion and constitutionalism, 232
 Shas Party, 239
 Shomer Masoret, 234
 Supreme Court, 235
 Tefillin, 246
 Tel-Aviv, 231
 Torah, 233
 Ultra-Orthodox, 234, 235, 238
 Yesh Atid Party, 235
 Yiddish, 246
 Zionist movement, 231
 Israel, Supreme Court, 231, 236
 Bavli, 241
 Citizenship Law/Family Unification, 244
 constitutional jurisprudence of religion, 237–247
 Danilowitch, 231
 Katz, 242
 Meatrael, 237, 244
 new Citizenship and Entry to Israel Law, 244
 Plonit (“Jane Doe”) v. The Great Rabbinical Court, 242
 Shalit v. Minister of Interior, 238
 United Mizrahi Bank, 237
 Jaan, Kamala, 325
 Jabur, Salih, 206

- Jainism, 27
 Japan, 82, 107
 Jin Binggao, 186, 188, 191
 Jones, William, 30
 Jordan, 211
 Judaism, 232, 234, 235, 239, 240
 judicial quotas, 9

 Kavey, Michael, 320
 Kazakh, 178
 Kazakhstan, 4, 11, 15, 55, 58, 59, 60, 62, 66, 69, 71
 Assembly of the People of Kazakhstan, 63
 Belorussians, 56, 63
 bipolar society, 62
 Constitutional Court, 62
 Declaration of Independence, 60
 Germans, 63
 Kazakh, 55–57, 60, 61
 Kazakhs, 56, 63
 language law (1989), 59
 Law of the Republic of Kazakhstan on Languages, 61
 official language, 61, 62
 Poles, 56, 63
 Russian, 56, 60, 61
 Russians, 56, 63
 Slavs, 56, 62, 63
 state language, 60
 Tatars, 63
 Ukrainians, 56, 63
 Uyghurs, 63
 Uzbeks, 63
 Kazakhstan, 1993 Constitution
 language policy in, 60
 language provisions, 61
 language provisions, irrelevance of, 60–61
 Kazakhstan, 1995 Constitution
 language provisions, irrelevance of, 61–63
 Kazakhstan's Constitution
 political environment and irrelevance of, 64–65
 Khaki, Muhammad Aslam, 341
 Khalilzad, Zalmay, 206, 207, 210, 211, 212, 213
 Kingston, Charles, 266
 Kinsey Report, 337

 Korea, 107
 Kuwait, 206
 Kyrgyz, 178
 Kyrgyzstan, 67, 69, 70, 71
 Kyrgyz, 67, 68
 Russian, 68, 69
 Uzbek, 69
 Kyrgyzstan Constitutions
 language provisions, 67–69

 La Khanh Tung, 127
 language difference, 1, 4, 11
 Burma, 157
 Central Asia, 53
 colonial legacy and, 5
 constitutions and, 4–5, 157
 ethnicity and, 12
 India, 11, 27
 linguistic reorganization of states and, 39–42
 official or national language, issue of, 4
 recognition and accommodation, 5
 language rights
 Central Asia, 53
 language status
 Central Asia, 53
 Latvia, 53
 Law on Residence, 110
 Lebanon, 226, 298
 Constitution, 18
 legal age of marriage, 309
 lesbian, gay, bisexual, and transgender rights, 316
 LGBTI, 338
 liberal feminism, 264, 265, 280
 Liberia 13, 17
 Constitution, 16
 Lebanese and Asian people in, 17
 property ownership and citizenship, 16
 Libya, 13, 228
 linguistic identity
 ethnic identity and, 12
 Lithuania, 53
 Loi Tai Leng, 160
 Lyons, Enid, 269

 Ma Rong, 165, 166, 180, 181, 182, 184, 185, 186, 188, 191
 Macao, 187
 Macapagal-Arroyo, Gloria, 100
 Macaulay, Thomas Babington, 30

- Maceda, Ernesto, 93
 MacKinnon, Catherine, 263
 Magsaysay, Ramon, 87, 89
 Mahathir bin Mohamad, 248
 Malaysia, 8, 10, 14, 82, 233, 247, 298, 302
 “ethnic democracy”, 249
 “Allah,” use of, controversy, 254
 Abdul Kahar bin Ahmad case, 254
 Abdullah Ahmad Badawi, 249
 Anwar Ibrahim, 247
 Association of Women Lawyers, 307
 Bar Council, 251
 BN, 247, 248. *See* National Front
 BN coalition, 247
 Buddhists, 250
 Christians, 250
 Constitution, 249, 250, 251, 254
 Domestic Violence Act, 307
 Federal Court, 250, 251
 federalism, 11
 feminism, 303
 feminist theorists in, 10
 Hadiths, 248
 High Court of Malaya, 253
 Hindus, 250
 Islamic Revival, 304
 Islamic state, 8
 Islamization, 247, 248, 250
 Joint Action Group, feminism, 304, 307
 Kamaruddin v. Public Service Commission Malaysia, 251
 Kedah, 247
 Kelantan’, 247
 Kuala Lumpur, 247, 249
 Latifa Mat Zin case, 252
 Lina Joy case, 252
 Majlis Agam Islam of Selangor, 255
 Malaysian Trade Organization, 307
 Ministry of Information,
 Communication, and Culture, 249
 National Fatwa Council, 248
 National Front. *See* BN
 negara Islam, 248
 Pakatan Rakyat coalition. *See* PKR
 Pan-Malaysian Islamic Party. *See* PAS
 PAS, 247, 248. *See* Pan-Malaysian
 Islamic Party
 Penang, 247
 PKR, 247, 248. *See* Pakatan Rakyat
 coalition
 Putrajaya, 247
 religion and ethnicity, connection
 between, 12
 School Regulation Act, 252
 Selangor, 247
 Shari’a courts, 8
 Subashini case, 253
 Sunna, 248, 250
 Syariah Criminal Enactment, 250
 Terengganu, 247
 UMNO, 248
 United Malay National Organization.
 See UNMO
 Women’s Aid Organization, 307
 Maliki, Nouri, 218, 219, 220, 222, 223,
 226, 227
 Manahan, Manuel P., 91
 Mangudadatu, Esmail, 102
 Mao Zedong, 169, 173
 Marcos, Ferdinand, 83, 93, 100
 marriage rights, 319
 Marx, Karl, 187
 Marxism-Leninism
 Vietnam and, 113
 Maurer School of Law, 1, 13
 Mausi, Shabnam, 325
 McKinnon, Catherine, 264, 265, 276,
 280
 Mexico, 188, 320
 Miao Li, 182
 Middle East, 1, 298
minzu, 7
 autonomy, lack of, 7
 universal citizenship and, 7
 Mitra, Ramon, 97
 Mohamad, Mahathir bin, 247
 Moldova, 54
 Morgan, Lewis Henry, 187
 Morocco, 306
 Moscow, 172
 MSM, 321, 323, 324, 328, 329, 331,
 334
 Mulia, Musdah, 294, 302, 308, 314
 multiculturalism, 2

 nationality, 58, 167, 222, 231, 238, 313
 negative duties of the state, 110, 111,
 131
 negative rights, 5, 109, 110, 111,
 131
 Nehru, Jawaharlal, 35, 37, 38, 40, 41, 43,
 46

- Nepal, 14, 50, 51, 316, 317, 319, 320, 321, 335, 336, 340, 341, 344, 347
 BDS, 338
 Blue Diamond Society, 338. *See* BDS
 Constitution, 336
Pant, 346
 Nepal, Supreme Court
Pant, 336, 339
Pant v. Nepal. *See* *Pant*
 Netherlands East Indies, 82
 Netherlands, the, 320
 Nguyen Dinh Loc, 123, 124
 North America, 35, 52
 Nussbaum, Martha, 346
- Oceania, 1
 Okker, Hkun, 154
 Osmeña, Sergio, 80
 Osmeña, Tomas, 98
 Outer Mongolia, 168
- Pachachi, Adnan, 204
 Pakistan, 10, 28, 35, 51, 298, 316, 317, 320, 321, 336, 340, 341, 342, 345, 347
 Bengali, 51
 Dacca, 51
 SOGI rights, 340–344
 Urdu, 51
 Pakistani Supreme Court, 340
 Palaez, Emmanuel, 91
 Palestinians, 244
 Pan-Asia, 1, 3, 4
 Pan-Asia Institute, 1, 75
 parliamentarism
 Philippines and, 104
 Pei Shengyu, 182
 Philippines, 5, 6, 17, 21, 101, 107
 “calibrated decentralization”, 105
 “People Power II” uprising, 100
 “People Power” uprising, 95, 96
 “Seal of Good Housekeeping”, 105
 1986 Constitution, 96
 Assembly of the People of patronage, 76
 barangays, 96. *See* barrio
 barrio, 90. *See* barangays
 Barrio Charter (1959), 91
 barrio councils, 91
 barrio lieutenant, 91. *See* barangay captain
 barrrio, 95
 colonial “political tutelage” policy, 79
 COMELEC, 101. *See* Commission on Elections
 Commission on Elections. *See* COMELEC
 Cordillera region, 96
 corruption, 6, 11
 Decentralization Act, 93
 decentralizing ideology, 6
 Department of Agriculture, 98
 Department of Health, 98
 Department of Public Works and Highways, 98
 Department of the Interior and Local Governments. *See* DILG
 DILG, 98, 105
 Full Disclosure Policy, 105
 Huk movement, 87
 Hukbalahap, 87
 Huks, 87
 Interim National Assembly (1978), 95
 IRA, 99
 KBL, 95. *See* Kilusang Bagong Lipunan
 Kilusang Bagong Lipunan. *See* New Society Movement
 LGC, 97, 99, 100. *See* Local Government Code
 Local Autonomy Law (1959), 92
 Local Governance Watch, 106
 Local Government Code, 98
 Local Government Code (LGC) (1991), 96
 localist strategies, failure of, 11, 105
 localist strategy, 6
 Luzon, 92, 96
 Maguindanao massacre, 77, 98
 martial law (1972), 94
 Ministry of Local Governments, 94
 Moro Islamic Liberation Front, 103
 Muslim Mindanao, 84, 96
 Nacionalista Party, 80
 New Society Movement. *See* Kilusang Bagong Lipunan
 OICs. *See* “officers-in-charge”
 PACD, 90. *See* Presidential Assistant for Community Development
 participatory democracy, 95
 Partido Federal, 80
 patronage, 6
 patronage politics, origins of, 86

- patronage-based state and quality of democracy, 86
- patronage-based state and quality of governance, 84
- patronage-based state formation, 80, 82
- Performance Challenge Fund, 105
- Philippine National Police, 98
- Presidential Assistant for Community Development. *See* PACD
- rural/urban difference and constitution, 76
- Visayas, the, 92
- Philippines
- Partido Federal, 80
- Phillips, Anne, 280
- Pimentel, Aquilino, 99
- pluralism, 238, 286, 313
- political representation, 20
- political-civil rights, 111
- polygamy, 309
- positive duties of the state, 110, 111, 131
- positive rights, 110, 111, 131
- power-sharing, 147, 227, 249
- China, 172
- ethnicity/race difference and, 141, 143
- Prophet Muhammad, 295, 314
- proportional-representation system
- Philippines and, 107
- public benefits, 76, 313
- Putnam, Robert, 28
- Qin Wenpeng, 182, 188
- quality of democracy, 104
- Quezon, Manuel, 80, 83
- Quirino, Elpidio, 89
- Qur'an, 9, 10, 248, 250, 294, 295, 296, 297, 299, 300, 301, 302, 310, 312, 314, 341
- race, 6. *See* ethnicity
- Ramos, Fidel, 98
- Rauf, Heba, 313
- Razak, Najib, 247
- recognition, 18
- religion
- constitutional recognitions for, 21
- constitutionalism and, 232
- constitutionalization of, 8
- ethnicity and, 12
- religious difference, 1, 4
- constitutional accommodation of, 12
- constitutions and, 7, 8–9, 255–257
- gender equality, tension with, 12
- Iraq, 195
- religious law, 19
- religious minorities, 20
- representation in government, 20
- representative democracy, 262, 271, 278, 290
- Australia, constitutional principle of, 271
- representative government, 9, 10
- Australia, 273
- gender difference and, 271–281
- reproductive rights, 306, 309
- responsible government, 271
- Australia, constitutional principle of, 271
- Rida, Rashid, 302
- right to vote, 111
- rights, 18, 19, 20
- association with both negative and positive duties of the state, 131
- language difference and, 5
- reproductive autonomy, right to, 19
- rights to privacy and dignity, 330
- Robredo, Jesse, 105
- Roxas II, Manuel A., 106
- Rubenstein, Kim, 261, 272, 278
- rural/urban difference
- electoral reforms, 5
- party development, 5
- Philippines, 76
- Philippines, 5
- Phillipines, 5
- Vietnam, 109
- Russia, 66
- Rwanda
- Constitution, 18, 288
- gacaca* courts, 263
- Sainsbury, Diane, 268
- same-sex marriage, 231, 318, 336, 338, 339
- Sanskrit, 27
- Saudi Arabia, 298
- Scotland, 239
- Scott, James, 144
- Scott, Rose, 268, 282, 286
- secular feminism, 295

- secularism, 293
 See "Program"
 See "OICs"
 self-representation, 266
 separation of powers, 271
 separation of religion and state, 233
 Serbia, 230
 sexual identity, 316, 322
 sexual orientation and gender identity
 engine of change, 10
Shari'a, 8, 241, 250, 252, 254, 255, 302
 Siam, 82
 Sikhism, 27
 Slovakia, 230
 Social and economic rights, 110
 social rights, 111
 socio-economic rights, 110, 111, 112
 sodomy laws, 318, 332, 333
 SOGI, 10, 320, 322, 327, 328, 329, 331,
 334, 340. See sexual orientation and
 gender identity
 discrimination on the basis of, 10
 LGBT vs., 316
 rights and equality of, 316
 SOGI activism, 335
 SOGI minorities, 10, 321, 322, 331,
 345
 citizenship documents and, 339
 hijras, 323, 335
 kothis, 323, 328, 329, 330, 334, 338
 Nepal, 337, 340
 Pakistan, 341
 panthis, 323
 SOGI rights, 322, 329, 336, 340
 constitutionalism and, 333
 dignity and autonomy, 332
 global movement for, 347
 LGBT rights vs., 321
 Pakistan, 340–344
 privacy, 332
 South Asia, 346
 Sonia Ajmeri, 327
 South Africa, 14
 Constitution, 14, 19, 338
 Truth and Reconciliation Commission,
 263
 South African Constitutional Court, 112
 South Asia, 1, 10, 29, 316, 319, 321, 322,
 335, 338
 LGBTI Sport Festival, 340
 SOGI minorities, 340
 SOGI minority rights, 346
 SOGI rights and equality, 344
 South Asian SOGI jurisprudence, 345
 South Sudan, 13
 Southeast Asia, 1, 82, 155
 Soviet approach to constitutional rights, 55
 Soviet communist party, 169
 Soviet Constitution (1977), 58, 59
 Soviet Union, 165, 166, 236, 239, 240, 246
 Spain, 188, 320
 Spence, Catherine Helen, 265
 Sri Lanka, 28, 51, 230
 Sinhala, 51
 Tamil, 51
 Sudan, 298
 Sullivan, Kathy, 279
 Sun Yat-sen, 168
 Sunstein, Cass, 112, 133
 incompletely theorized agreements, 112,
 131
 internal morality of democracy, 112
 symmetrical federalism, 138, 142, 143,
 153, 161
 Syria, 228, 298
 Shiism, 228
 Sunna, 228
 Sunni, 228
 Taft, William Howard, 77
 Taiwan, 187
 Tajik, 178
 Tajikistan, 58, 67, 69, 71
 Tajik, 67
 Tajikistan Constitution
 language provisions, 67
 Tangney, Dorothy, 269
 Tanzania, 288
 TAR, 177
 Tariq Hashimi, 220
 Thailand, 87, 230
 Tharoor, Shashi, 29
 third-gender rights, 341
 Thornton, Margaret, 262
 Tibet, 7, 168, 173, 174, 177, 178, 180,
 190
 Hans in, 183
 Huis in, 183
 Lhasa demonstrations, 182
 nativization, 176
 unrest, 182, 250
 Tibetan Autonomous Region. See TAR

- Tibetan Government in Exile, 184
 Tibetans, 167, 174, 175, 178, 189, 192
 traditional third-gender, 317, 320, 322, 323, 337, 339, 340, 341, 342, 345, 346. *See hijras*
 transgender rights, 319, 321
 Turkey, 293, 307
 Turkic Muslims. *See* Uyghurs
 Turkmenistan, 58, 66, 67, 69, 71
 Turkmen, 66
 Turkmenistan 1992 Constitution
 language provisions, 66

 Uganda, 288
 United Kingdom, 202
 Supreme Court, 238
 United Nations, 205, 213, 215
 School Fee Abolition Initiative, 17
 Security Council, 206
 United Nations Assistance Mission in Iraq, 225
 United Nations Development Programme, 211
 United Nations Human Rights Council, 335
 United States, 45, 83, 142, 166, 172, 180, 185, 187, 190, 197, 202, 216, 319
 “gay pride”, 318
 Constitution, 15
 failures in Iraq, 8
 Freedom to Marry group, 319
 Sherbert model, 20
 Smith case, 20
 United States Department of Education
 Fulbright-Hays Faculty Research Abroad Program, 75
 United States Institute of Peace, 211
 United States Supreme Court, 318
 Lawrence v. Texas, 332
 Universal Declaration of Human Rights, 312
 urban/rural difference, 1, 4
 USSR, 53, 54, 58, 60
 Constitutions, 58
 USSR, Constitutions
 citizens’ view of, 59
 language rights provisions, 58
 symbolic significance of, 59
 Uyghurs, 167, 174, 178, 189, 192. *See* Turkic Muslim

 Uzbek, 178
 Uzbekistan, 58, 66, 67, 69, 71
 Russian, 67
 Tajik, 67
 Turkic languages, 67
 Uzbek, 67
 Uzbekistan 1992 Constitution
 language provisions, 66

 Vietnam, 5, 6, 13, 14, 125, 129
 1992 Constitution, 114
 1992 constitutional amendment, 114
 6th National Congress of the Communist Party, 114
 Capital Law, 114, 126, 130
 Communist Party of Vietnam, 113
 Constitution, 5, 109, 123, 124, 126, 128, 129, 131
 constitutional court, 109
 constitutional court and, 109, 113, 124, 131
 Decree 108/2005/ND-CP, 120
 Decree 4-HDBT January 7, 1988 Issuing the Regulations of the Household Registration and Control, 117
 Decree 51/CP 1997, 120, 125
 deliberative democracy and, 133
 Democratic Republic of Vietnam, 115
 Doi Moi, 117, 118
 Draft Capital Law, 109, 113, 126, 127, 130
 equality, right to, 5, 272
 Evaluation Council of the Ministry of Justice, 128
 Hanoi, 118, 120, 126, 127
 Ho Chi Minh City, 118, 119, 120
 hộ khẩu, 125. *See* household registration system
 household registration system, 114–121.
 See hộ khẩu
 increasing internal migration, 117
 internal migrants, categories of, 115
 Law on Residence, 109, 113, 114, 125, 126, 127, 130
 Law on Residence debate, 121
 market economy with a socialist orientation, 114
 Ministry of Justice, 124, 128, 129
 Ministry of Public Security, 122
 National Assembly, 109, 120, 122, 123, 126, 128, 130

- Vietnam (*cont.*)
 peculiarity of rights articulation, 133
 People's Council of Hanoi, 129
 Report on the Evaluation of the Capital
 law project, 128
 rights, universalist view of, 6
 rural-to-urban migrants, 6, 113
 state-society relationship, 131
 Vietnamese Labor Code, 128
 Virgilio Garcillano, 102
 Vo Van Tuyen, 129
 voting rights, 324
 indigenous women's, 267
- Wadud, Amina, 296
 Wang Zhen, 177
 Wardi, Ali, 208
 West Bank, 234, 236, 238
 Western rights jurisprudence, 345
 Western secularism, 230
 Wikipedia, 337
 Wollstonecraft, Mary, 293
- Wolstenholme, Maybanke, 268, 283
 women, 9, 10
 World Bank, 100
 Wu Jinghua, 176
- Xinjiang, 7, 171, 173, 176, 177, 178, 180,
 190. *See* Eastern Turkistan,
 Hans in, 183
 nativization, 176
 nativization, reversed, 177
 unrest, 182, 183, 250
 Xinjiang Uyghur Autonomous Region,
 177. *See* XUAR
 XUAR, 177
- Yang Jingren, 174
 Yang Jingren's 1979 speech, 176
 Yogyakarta Principles, 337
 Yoshino, Kenji, 320
- Zhang Haiyang, 186, 188, 191
 Zhu Weiqun, 184