

GLOBAL GENDER CONSTITUTIONALISM AND WOMEN'S CITIZENSHIP

Have constitutions around the world – so far, mostly men's creations – helped women and sexual minorities affirm their equal citizenship status or rather acted as stumbling blocks? By drawing examples of jurisdictions from all continents and engaging with a wide set of themes (including employment and marital status discrimination, abortion and reproductive rights, motherhood rights, political gender quotas, multicultural accommodations, violence against women, same-sex marriage, gender identity, and the distribution of care and domestic work), this book takes us through a journey from the inception of constitutionalism to the present day and from an exclusionary gender constitutionalism (which denied women equal citizenship) to an inclusive gender constitutionalism (which affirmed their equality measured against male standards that privileged the public realm), to a more recent, and still tentative, form of transformative gender constitutionalism that asserts the political relevance of the private domain and foregrounds the need to disestablish gender roles within it, and which has been facilitated by a participatory turn demanding that women join in constitution-making and that constitutionalism facilitates women's access to decision-making.

RUTH RUBIO-MARÍN is Professor of Constitutional Law at the University of Sevilla, a part-time professor at the School of Transnational Governance of the European University Institute, Florence, and Director of the UNIA UNESCO Chair in Human Rights and Interculturalism. She has taught in many other prestigious academic institutions including New York University, Columbia Law School, and Princeton University. Her research, focused on comparative constitutionalism, law and gender, immigration and citizenship, as well as transitional justice, represents an attempt to understand how public law creates categories of inclusion and exclusion around different axes including gender, citizenship, nationality, and ethnicity.

CAMBRIDGE STUDIES IN CONSTITUTIONAL LAW

The aim of this series is to produce leading monographs in constitutional law. All areas of constitutional law and public law fall within the ambit of the series, including human rights and civil liberties law, administrative law, as well as constitutional theory and the history of constitutional law. A wide variety of scholarly approaches is encouraged, with the governing criterion being simply that the work is of interest to an international audience. Thus, works concerned with only one jurisdiction will be included in the series as appropriate, while, at the same time, the series will include works which are explicitly comparative or theoretical – or both. The series editors likewise welcome proposals that work at the intersection of constitutional and international law, or that seek to bridge the gaps between civil law systems, the US, and the common law jurisdictions of the Commonwealth.

Series Editors

David Dyzenhaus

Professor of Law and Philosophy, University of Toronto, Canada

Thomas Poole

*Professor of Law, London School of Economics and Political Science**Books in the series**Non-Statutory Executive Powers and Judicial Review* Jason Grant Allen*The Law as a Conversation among Equals* Roberto Gargarella*Micronations and the Search for Sovereignty* Harry Hobbs and George Williams*Fundamental Rights and the Legal Obligations of Business* David Bilchitz*Courting Constitutionalism: The Politics of Public Law and Judicial Review in Pakistan* Moeen Cheema*Ruling by Cheating: Governance in Illiberal Democracy* András Sajó*Local Meanings of Proportionality* Afroditi Marketou*Property Rights and Social Justice: Progressive Property in Action* Rachael Walsh*Carl Schmitt's Early Legal-Theoretical Writings: Statute and Judgment and the Value of the State and the Significance of the Individual* Lars Vinx and Samuel Garrett Zeitlin*Remedies for Human Rights Violations: A Two-Track Approach to Supranational and National Law* Kent Roach*Europe's Second Constitution: Crisis, Courts and Community* Markus W. Gehring*A.V. Dicey and the Common Law Constitutional Tradition: A Legal Turn of Mind* Mark D. Walters

Administrative Competence: Reimagining Administrative Law Elizabeth Fisher and Sidney A. Shapiro

Legal Sabotage: Ernst Fraenkel in Hitler's Germany Douglas Morris
Proportionality in Action: Comparative and Empirical Perspectives on the Judicial Practice Edited by Mordechai Kremnitzer, Tayla Steiner and Andrej Lang

Constitutional Dialogue: Democracy, Rights, Institutions Edited by Geoffrey Sigalet, Grégoire Webber and Rosalind Dixon

The Veiled Sceptre: Reserve Powers of Heads of State in Westminster Systems Anne Twomey

Vigilance and Restraint in the Common Law of Judicial Review Dean Knight

The Alchemists: Questioning Our Faith in Courts as Democracy-Builders Tom Gerald Daly

Australia's Constitution after Whitlam Brendan Lim

Building the Constitution: The Practice of Constitutional Interpretation in Post-Apartheid South Africa James Fowkes

Dimensions of Dignity: The Theory and Practice of Modern Constitutional Law Jacob Weinrib

Reason of State: Law, Prerogative, Empire Thomas Poole

Bills of Rights in the Common Law Robert Leckey

The Guardian of the Constitution: Hans Kelsen and Carl Schmitt on the Limits of Constitutional Law Translated by Lars Vinx, with an introduction and notes by Lars Vinx

Parliamentary Bills of Rights: The Experiences of New Zealand and the United Kingdom Janet L. Hiebert and James B. Kelly

Lawyering for the Rule of Law: Government Lawyers and the Rise of Judicial Power in Israel Yoav Dotan

Balancing Constitutional Rights: The Origins and Meanings of Postwar Legal Discourse Jacco Bomhoff

Judges on Trial: The Independence and Accountability of the English Judiciary Shimon Shetreet and Sophie Turenne

Proportionality and Constitutional Culture Moshe Cohen-Eliya and Iddo Porat

The Politics of Principle: The First South African Constitutional Court, 1995–2005 Theunis Roux

The New Commonwealth Model of Constitutionalism: Theory and Practice Stephen Gardbaum

Searching for the State in British Legal Thought: Competing Conceptions of the Public Sphere Janet McLean

Judging Social Rights Jeff King

Proportionality: Constitutional Rights and their Limitations Aharon Barak

Parliamentary Sovereignty: Contemporary Debates Jeffrey Goldsworthy

Cambridge University Press & Assessment

978-1-107-17702-4 — Global Gender Constitutionalism and Women's Citizenship

Ruth Rubio-Marin

Frontmatter

[More Information](#)

GLOBAL GENDER
CONSTITUTIONALISM AND
WOMEN'S CITIZENSHIP

A Struggle for Transformative Inclusion

RUTH RUBIO-MARIN

Universidad de Sevilla



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press & Assessment
978-1-107-17702-4 — Global Gender Constitutionalism and Women's Citizenship
Ruth Rubio-Marin
Frontmatter
[More Information](#)

CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India
103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107177024

DOI: 10.1017/9781316819241

© Ruth Rubio-Marin 2022

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2022

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Names: Rubio-Marin, Ruth, author.

Title: Global gender constitutionalism and women's citizenship: a struggle for transformative inclusion / Ruth Rubio-Marin, Universidad de Sevilla.

Description: Cambridge, United Kingdom; New York, NY: Cambridge University Press, 2022. |

Series: Cambridge studies in constitutional law | Includes bibliographical references and index.

Identifiers: LCCN 2022010618 (print) | LCCN 2022010619 (ebook) | ISBN 9781107177024 (hardback) | ISBN 9781316630303 (paperback) | ISBN 9781316819241 (epub)

Subjects: LCSH: Women's rights. | Constitutional law—Social aspects. | Law and globalization.

Classification: LCC K3243 .R83 2022 (print) | LCC K3243 (ebook) |

DDC 342.08/78—dc23/eng/20220430

LC record available at <https://lcn.loc.gov/2022010618>

LC ebook record available at <https://lcn.loc.gov/2022010619>

ISBN 978-1-107-17702-4 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

I dedicate this book to Javier Pérez Royo and Reva Siegel for their lifelong teachings, inspiration, and support; to the many women constitution-makers around the world, silenced for centuries in official accounts of the history of constitutionalism; and to the younger generations of scholars, who should not feel that their passion for feminist engagements with constitutional law is marginal to the discipline.

Cambridge University Press & Assessment

978-1-107-17702-4 — Global Gender Constitutionalism and Women's Citizenship

Ruth Rubio-Marin

Frontmatter

[More Information](#)

CONTENTS

<i>Foreword, by</i> BEV BAINES	xii
<i>Acknowledgments</i>	xv
<i>Table of Cases</i>	xvi
Introduction: The When, Why, What, and How of the Book and How the Personal Becomes Political	1
1.1 The When and Why of This Book	1
1.2 The What and How of This Book	12
1.3 The Limits and Limitations	21
1 The Constitutional Establishment of the Gender Order: Revolutionary Times and Exclusionary Constitutionalism	26
1.1 The Revolutionary Moment and Women's Citizenship	26
1.2 The Enlightened Marital Contract and the Modern State	30
1.3 Women's Struggle in Revolutionary Constitutionalism and the Birth of Modern Patriarchal Family Law	39
1.4 The Constitutional Embedding of the Breadwinner Family Order	44
1.5 First-Wave Feminism and Women's Constitutional Engagements	47
1.6 The Struggle for Women's Suffrage and the Separate Spheres Tradition	51
1.7 Sex Equality Enters Constitutionalism and So Does Motherhood and the Protection of the Family	57
1.8 Post-World War II Constitutionalism: Between Continuation and Rupture, toward Inclusive Gender Constitutionalism	67
2 Inclusive Constitutionalism and Its Limits	81
2.1 Second-Wave Feminism and Women's Equality Claims	81
2.2 Overcoming the Head-and-Master Regime: Toward Women's Equal Legal Status and Transitional Queries	85

- 2.3 Women and the Market: The Fruits and Limits of Assimilationist Workerism 93
- 2.4 The Working Mother: The Potential and Limitations of Maternalist Accommodationism 101
- 2.5 The Birth of Abortion Constitutionalism 111
 - 2.5.1 Reproductive Autonomy Becomes Constitutionally Entrenched 114
 - 2.5.2 Normative Motherhood Becomes Constitutionally Entrenched 118
- 2.6 Inclusive Constitutionalism Revisited 126
- 3 Participatory Constitutionalism: Women as Norm Creators Broadening the Agenda 130**
 - 3.1 The Participatory Turn in Women's Equality 130
 - 3.2 Women Joining Constitution-Making 137
 - 3.3 Toward Substantive Gender Equality 155
 - 3.4 Toward Parity Democracy 176
 - 3.5 Toward Women's Multinational and Multicultural Equality 194
- 4 Transformative Gender Constitutionalism: Toward an Egalitarian Family Structure and Sexual and Reproductive Order 211**
 - 4.1 Destabilizing the Public/Private Divide: Intimate Partner Violence and Violence against Women as a Constitutional Concern 214
 - 4.2 New Abortion Constitutionalism and the Need for a Fuller Recognition of Women's Sexual and Reproductive Autonomy 231
 - 4.3 A Positive Right to Motherhood and the Foregrounding of a Caring Citizenship 246
 - 4.4 The New Constitutional Father? 259
 - 4.4.1 Removing the Remaining Sex-Based, Care-Related Differentiations 263
 - 4.4.2 Gender-Neutral Legal Orders Shaping Interpersonal Relations and Implicit Gender Role Assumptions 267
- 5 Toward a Constitutional Gender Erasure or a Constitutional Gender Reaffirmation? 274**
 - 5.1 Gender Constitutionalism in the New Millennium 274
 - 5.2 Constitutional Challenges to the Hegemony of the Heterosexual Marital Family 279

CONTENTS

xi

5.3	The Gender/Sex Categorization System under Constitutional Scrutiny: Toward the Affirmation of a Right to Gender Identity	295
5.4	Preemptive Action, Gender Equality Backlash, or the Reassertion of the Traditional Family Order	309
	Conclusion	329
	<i>Index</i>	340

FOREWORD

The scholarly chasm between feminism and constitutionalism confronts constitutionalists who are also feminists. Ruth and I met over articulations of this chasm. On sharing, our relief was palpable. Given our own distinctive backgrounds (Spain and Canada), we set out to expand existing scholarship about gender analysis of constitutional law by remediating its virtual absence in comparative constitutionalism. Our strategy included an international conference in 2000 that led to the publication of a coedited book in 2005. The contributors to the book relied on our feminist constitutional agenda for their country-specific gender analyses of constitutional jurisprudence. Our theme of gender analysis of comparative constitutionalism reappeared with the publication in 2012 of *Feminist Constitutionalism*, a book that I coedited and to which Ruth contributed a chapter.

The widespread uptake of these works by feminist constitutionalists amazed me, but their comparative constitutional counterparts did not follow suit. Three Canadian colleagues provided a domestic exception in 2019. They invited Ruth and me to theorize feminist constitutionalism for a handbook on the Canadian constitution. We did not limit our theory to Canadian constitutionalism. Instead, we conceptualized constitutional legitimacy writ large, framing it as dependent on taking women (in their multiple identities including indigenous, immigrant, refugee, and trans women) seriously. Normatively, we argued, taking women seriously means advancing women's equality rights. Assuming a sizable readership of domestic and other constitutionalists for this fifty-chapter handbook, did the inclusion of our chapter theorizing feminist constitutionalism have the potential to challenge them?

I'd like to think it did. But I have doubts. Feminists have advocated women's equality as a constitutional right domestically and internationally for decades, if not centuries. Repetitive advocacy, while admirable, suggests the objective is, if not ephemeral or imaginary, unmet. For their part, what do constitutionalists say? Jumping the chasm, they report that women have equality; women do not need equality; women are the

second (or subordinate) sex; or women are the dominant sex. Or, returning to their own side of the chasm, they either excuse equality's ineffectiveness because it is the most difficult right, the most elusive right, and the least precisely defined right; or, if equality rights are violated, they recite the refrain that no rights are absolute to justify the violation. Therefore, while Ruth and I framed feminist constitutionalism in a normative theory that is true to feminists, it may not resonate with or even reach constitutionalists.

In this new sole-authored book, Ruth has redefined the chasm challenge by moving away from the prevailing reactive narratives to a creative, globally detailed counternarrative. The book develops a creation story, a her-story of comparative constitutionalism that begins with the insight that constitutionalism everywhere was gendered from its inception. It may partially or even fully remain as such. Her objective is to advance possibilities for women's betterment. Ruth draws on her phenomenal knowledge of many jurisdictions globally to illustrate specific possibilities for changes that are responsive to women's needs, interests, issues, and rights. She also identifies changes (or failures to change) that hinder women's lives and adeptly deploys comparison to point out the direction that their remediation might take.

Ruth's original and distinctive theory advances feminist constitutionalism's agenda and women's equality rights by developing two new concepts: gender constitutionalism and periodization. Gender constitutionalism deposes constitutionalism's most sacred artifact – the distinction between what falls under constitutionalism's mandate and what does not, which is to say, the domain of constitutional law. Constitutionalists revere this distinction as the gender-neutral public/private divide; feminists critique it as gendered separate spheres. Ruth bridges it by rendering visible its gender performativity. More specifically, she genders the public/private divide by upending constitutionalism's pretension of recognizing only the public side of the public/private divide. Inviting constitutionalists to explain what features constitutions (the public) use and how they use them to shape – facilitate and hinder – women's marital and family lives (the private) frames the relations between constitutions and women as gender relations. The public sphere no longer consists of constitutions unmodified. In sum, constitutions are gender constitutions that rely on the public/private divide to entrench a foundational gender order that contemporary constitutionalism seeks to disestablish.

In other words, gender constitutionalism need not be static; it can be performative, an attribute Ruth sculpts as periodization. Performative

periodization realizes the capacity of gender constitutions to change. However, their changes are based not on the temporal stages through which constitutionalism might pass but rather on the forms it might take. Ruth conceptualizes four forms that give shape to periodization, starting with exclusionary gender constitutionalism, that manifested from the birth of written constitutionalism until post–World War II. Based on the role that constitutional law played or plays in women’s citizenship claims, the others are inclusive gender constitutionalism, participatory gender constitutionalism, and transformative gender constitutionalism. Each merits its own chapter rich with details that apply its features to multiple gender constitutions around the world over extended time periods. Reading these chapters is to be treasured for their insights into the myriad ways gender constitutions facilitate or hinder women’s equal citizenship claims.

I highlight some of the valuable insights I found in these chapters. First, its optimism: even before the chapters begin, the table of contents signals the potential for optimism through its conceptual overview of the evocative concepts of exclusionary, inclusive, participatory, and transformative periodization. Second, its realism: the themes of motherhood and abortion, caring, and violence are threaded throughout (Ruth prefers “woven” as a tapestry). Third, its relevance: the very apposite analysis of substantive equality that should prevail. Fourth, its diversity plus: the recognition of identities – multicultural, trans, etc. – pivotal to understanding and essaying resolutions of contemporary controversies. Fifth, its breadth: how generously, comprehensively, and knowledgeably Ruth shared her phenomenal understanding of the ways in which a very broad range of countries address, or not, key constitutional concerns that women contest. Sixth and never least, its goal: proffering resolutions where none seem available to advance women’s plights.

Ruth’s thesis is that gender transformative constitutionalism offers a new emancipatory vision, the disestablishment of patriarchal constitutionalism’s foundational gender order. This vision offers a counternarrative to all forms of human exploitation; it is radical and normatively compelling for feminists and constitutionalists alike. Both would make changes to achieve it, including reevaluating how they frame gender and the private sphere, respectively. If realized, however, they might bring some closure to the immeasurable space, the chasm, that separates them. Ruth has argued brilliantly and compellingly about the importance of trying.

Bev Baines
August 15, 2021

ACKNOWLEDGMENTS

Inevitably, a work that has taken years to produce can only be the result of a collective effort. My family has provided the emotional support system that has always kept me going. Throughout the years, the research assistance of Elena Brodeala, Stefano Osella, Lucrecia Rubio-Grundell, Alba Ruibal, Maria José Schmidt Kessen, and Fulvia Staiano has been of essence. Generous readers of the manuscript have provided precious feedback and reassured me in my interpretation of the various legal orders I address. They include Cristóbal Alvear, Beverley Baines, Stéphanie Hennette-Vachez, Rory O'Connell, Cara Röhner, and Elettra Stradella. Luigi Celentano has been nothing less than an angel fallen from the sky, assisting me with language edition and the checking of sources. At Cambridge University Press, Finola O'Sullivan, executive publisher in law, deserves a big thank you for not losing trust in this project despite its many delays, as does Marianne Nield, who has supported it upon Finola's retirement. To all of you, my most sincere gratitude.

TABLE OF CASES

A.

Argentina

National Supreme Court of Justice

- Don Julieta Lanteri Renshaw, solicita se ordene su enrolamiento en su carácter de argentina naturalizada (1929) 51
 F., A. L. s/ medida autosatisfactiva (2012) 241
 Q. C., S. Y. c/ Gobierno de la Ciudad de Buenos Aires s/ amparo (2012) 176
 Visone Gloria Beatriz c/ Hospital Vicente López y Planes – Unidad Hospitalaria de General Rodríguez – s/ Accidente de trabajo (2013) 252
 Sisnero, Mirtha Graciela y Otros c/ Taldelva SRL y Otros s/ amparo (2014) 103
 Ortega, Daniel Héctor s/ causa n° 1011/2013 (2015) 220
 R., C. E. s/ recurso extraordinario de inaplicabilidad de ley en causa n° 63.006 del Tribunal de Casación Penal, Sala IV (2019) 222
 Internas de la Unidad N° 31 SPF y Otros s/ Habeas corpus (2020) 254
 Puig, Fernando Rodolfo c/Minera Santa Cruz S.A. s/ Despido (2020) 272

Australia

High Court

- Re McBain; Ex parte Australian Catholic Bishops Conference (2002) 254

Austria

Constitutional Court

- VfSlg 7400/1974 (1974) 119
 G-77/2018 (2018) 303–4

TABLE OF CASES

xvii

B.*Belgium***Constitutional Court**

- Decision n °159/2004 (2004) 284
 Decision n °99/2019 (2020) 303, 305

*Bolivia***Plurinational Constitutional Court**

- Sentencia 0206/2014 (2014) 242, 244–45
 Sentencia 0076/2017 (2017) 307

*Botswana***Supreme Court**

- Attorney General v. Unity Dow (1991) 178

*Brazil***Federal Supreme Court**

- Ação Direta de Inconstitucionalidade (ADI) No. 1946 (2003) 252
 Ação Direta de Inconstitucionalidade (ADI) No. 4277 (2011) 284
 Ação Direta de Inconstitucionalidade (ADI) No. 4424 (2012) 222
 Ação Direta de Inconstitucionalidade (ADI) No. 4275 (2018) 298
 Ação Declaratória de Constitucionalidade (ADC) No. 19 (2012) 222
 Arguição de Descumprimento de Preceito Fundamental (ADPF) No. 54 (2012) 240,
 242–43
 Arguição de Descumprimento de Preceito Fundamental (ADPF) No. 442 (2018) 243
 Arguição de Descumprimento de Preceito Fundamental (ADPF) No. 457 (2020) 324
 Arguição de Descumprimento de Preceito Fundamental (ADPF) No. 460 (2020) 324
 Arguição de Descumprimento de Preceito Fundamental (ADPF) No. 467 (2020) 324
 Arguição de Descumprimento de Preceito Fundamental (ADPF) No. 526 (2020) 324
 Arguição de Descumprimento de Preceito Fundamental (ADPF) No. 462 (pending
 resolution) 324
 Arguição de Descumprimento de Preceito Fundamental (ADPF) No. 466 (pending
 resolution) 324
 Arguição de Descumprimento de Preceito Fundamental (ADPF) No. 578 (pending
 resolution) 324
 RE 845779 – Recurso Extraordinário (2014, ongoing proceedings) 306

C.

*Canada***Supreme Court**

- A. G. Canada *v.* Lavell (1974) 208
 A. L. L. *v.* Beharriell (1995) 220
 Andrews *v.* Law Society of British Columbia (1989) 167
 Benner *v.* Canada (1997) 178
 Bliss *v.* Canada (1979) 98
 Brooks *v.* Canada Safeway Ltd. (1992) 98
 Edwards *v.* Attorney General of Canada (1928) 58
 Edwards *v.* Attorney General of Canada (1930) 58
 Egan *v.* Canada (1995) 287
 Fraser *v.* Canada (Attorney General) (2020) 167
 Human Rights Commission (Sask.) *v.* Engineering Students' Society, University of Saskatchewan (1989) 230
 Kimberley Nixon *v.* Vancouver Rape Relief Society and British Columbia Human Rights Tribunal (2007) 306–7
 Law *v.* Canada (Minister of Employment and Immigration) (1999) 167
 Moge *v.* Moge (1992) 254
 Native Women's Association of Canada *v.* Canada (1994) 209
 New Brunswick (Minister of Health and Community Services) *v.* G. (J.) (1999) 247
 Ontario (Attorney General) *v.* Fraser (2020) 168
 Quebec (Attorney General) *v.* A (2013) 254
 R. *v.* Butler (1992) 220, 227
 R. *v.* Carosella (1997) 220
 R. *v.* Daviault (1994) 220
 R. *v.* Ewanchuk (1999) 220
 R. *v.* Hess; R. *v.* Nguyen (1990) 220
 R. *v.* Jarvis (2019) 224
 R. *v.* Kapp (2008) 168
 R. *v.* M. [M. L.] (1994) 220
 R. *v.* Mills (1999) 220
 R. *v.* Morgentaler (1988) 115
 R. *v.* O'Connor (1995) 220
 R. *v.* Seaboyer (1991) 220
 Reference re Same-Sex Marriage (2004) 281
 Symes *v.* Canada (1993) 269
 Thibaudeau *v.* Canada (1995) 268
 Trociuk *v.* British Columbia (Attorney General) (2003) 271
 Withler *v.* Canada (Attorney General) (2011) 168

TABLE OF CASES

xix

*Ontario***Superior Court of Justice**

Jane Doe v. Board of Commissioners of Police for the Municipality of Metropolitan
 Toronto et al. (1998) 224

*Chile***Constitutional Court**

Rol No. 3729-17 (2017) 241
 Rol No. 3751-17 (2017) 241
 Rol No. 3729-(3751)-17 CPT (2017) 326
 Rol No. 5572-18 (2019) 326
 Rol No. 8792-20 (2021) 231

*Colombia***Constitutional Court**

Sentencia T-420/92 (1992) 252
 Sentencia T-523/92 (1992) 224
 Sentencia C-588/92 (1992) 92
 Sentencia C-410/94 (1994) 89
 Sentencia C-511/94 (1994) 89, 177
 Sentencia T-098/94 (1994) 88
 Sentencia T-292/94 (1994) 252
 Sentencia T-382/94 (1994) 224
 Sentencia T-487/94 (1994) 224
 Sentencia T-504/94 (1994) 298
 Sentencia T-552/94 (1994) 224–25
 Sentencia T-477/95 (1995) 299
 Sentencia T-624/95 (1995) 178
 Sentencia C-309/96 (1996) 88
 Sentencia C-710/96 (1996) 252
 Sentencia T-026/96 (1996) 92
 Sentencia T-420/96 (1996) 224
 Sentencia T-463/96 (1996) 178
 Sentencia T-568/96 (1996) 252
 Sentencia T-704/96 (1996) 178
 Sentencia C-013/97 (1997) 241
 Sentencia C-470/97 (1997) 252
 Sentencia C-622/97 (1997) 88
 Sentencia C-372/98 (1998) 255

Sentencia T-656/98 (1998)	252
Sentencia SU337/99 (1999)	299
Sentencia C-371/00 (2000)	185
Sentencia C-273-03 (2003)	265
Sentencia C-1039/03 (2003)	272
Sentencia T-025/04 (2004)	225
Sentencia SU389/05 (2005)	272
Sentencia C-355/06 (2006)	238, 240–42, 244, 326
Sentencia T-209/08 (2008)	244
Sentencia C-174/09 (2009)	265
Sentencia C-663/09 (2009)	265
Sentencia T-388/09 (2009)	244, 326
Sentencia T-968/09 (2009)	255
Sentencia C-383/12 (2012)	265
Sentencia T-126/12 (2012)	252
Sentencia T-918/12 (2012)	299
Sentencia SU070/13 (2013)	252
Sentencia T-878/14 (2014)	220
Sentencia T-063/15 (2015)	298, 299
Sentencia C-297/16 (2016)	221
Sentencia SU214/16 (2016)	283, 289–90
Sentencia T-084/2018 (2018)	254
Sentencia SU599/19 (2019)	228
Sentencia T-114/2019 (2019)	264
Sentencia SU080/20 (2020)	228
Sentencia T-004/20 (2020)	228
Sentencia C-055/22 (2022)	242

*Costa Rica***Constitutional Chamber of the Supreme Court**

Decision No. 0629-94 (1994)	88
Decision No. 03150-94 (1994)	255
Decision No. 00716-98 (1998)	191
Decision No. 06472-99 (1999)	89
Decision No. 02792-2004 (2004)	240–41
Decision No. 03441-2004 (2004)	221
Decision No. 04630-2014 (2014)	193
Decision No. 12782-2018 (2018)	285
Decision No. 13502-2018 (2018)	252

TABLE OF CASES

xxi

Supreme Electoral Tribunal

- Resolution No. 1863-1999 (1999) 191
 Resolution No. 2837-1999 (1999) 191
 Resolution No. 8764-E3-2019 (2019) 307

*Croatia***Constitutional Court**

- Decision U-I-60/1991 (2017) 237

E.*El Salvador***Constitutional Court**

- Sentencia 18/98 (2007) 240, 242

*European Union***European Court of Justice**

- Case C-450/93, Kalanke v. Bremen (1995) 170

European Court of Human Rights

- Christine Goodwin v. United Kingdom, App No. 28957/95 (2002) 296
 Garçon et Nicot v. France, Apps. No. 79885/12, 52471/13, and 56596/13 (2017) 296
 I. v. United Kingdom, App No. 25680/94 (2003) 296
 Leyla Sahin v. Turkey, App. No. 44774/98 (2005) 196
 Méndez Pérez v. Spain, App. No. 35473/08 (2011) 192
 Metka Zevnik and Others v. Slovenia, App. No. 54893/18 (2019) 182
 Opuz v. Turkey, App. No. 33401/02 (2010) 216
 Ratzenböck and Seydl v. Austria, App No. 28475/12 (2017) 292
 Schalk and Kopf v. Austria, App. No. 30141/04 (2010) 288
 Staatkundig Gereformeerde Partij v. the Netherlands, App. No. 58369/10 (2012) 182
 Y. Y. v. Turkey, App. No. 14793/08 (2015) 296
 Zaunegger v. Germany, App. No. 22028/04 (2010) 270

F.*France***Constitutional Court**

- Decision No. 74-54DC (1975) 120
 Decision No. 82-146DC (1982) 187

Decision No. 2001-446DC (2001)	120
Decision No. 2006-533DC (2006)	191
Decision No. 2010-92QPC (2011)	284
Decision No. 2013-669DC (2013)	284
Decision No. 2015-465QPC (2015)	191, 193

Cour de cassation (Cassation Court)

Civil Chamber

Decision No. 531 (2017)	302
-------------------------	-----

Council of State

Decision No. 13028	245
--------------------	-----

G.

Germany

Federal Constitutional Court

BVerfGE 3, 225 (1953)	75
BVerfGE 6, 55 (1957)	76, 269
BVerfGE 9, 237 (1959)	76
BVerfGE 10, 59 (1959)	76, 285
BVerfGE 11, 277 (1960)	76
BVerfGE 17, 1 (1963)	76
BVerfGE 37, 217 (1974)	107
BVerfGE 39, 1 (1975)	91, 121
BVerfGE 39, 169 (1975)	91
BVerfGE 47, 1 (1977)	108, 269
BVerfGE 48, 327 (1978)	107
BVerfGE 49, 286 (1978)	297
BVerfGE 52, 369 (1979)	108
BVerfGE 56, 363 (1981)	270
BVerfGE 60, 123 (1982)	297
BVerfGE 84, 133 (1991)	109
BVerfGE 84, 168 (1991)	270
BVerfGE 85, 191 (1992)	88, 109
BVerfGE 88, 87 (1993)	297
BVerfGE 88, 203 (1993)	123–24
BVerfGE 89, 276 (1993)	103
BVerfGE 92, 91 (1995)	178
BVerfGE 105, 1 (2002)	257

TABLE OF CASES

xxiii

BVerfGE 105, 313 (2002)	284–85, 291
BVerfG, 1 BvL 20/99 (2003)	270
BVerfGE 102, 288 (2003)	196
BVerfGE 107, 150 (2003)	270
BVerfGE 109, 64 (2003)	110
BVerfGE 113, 1 (2005)	109, 269
BVerfGE 114, 357 (2005)	271
BVerfGE 115, 1 (2005)	297
BVerfGE 116, 243 (2006)	297
BVerfGE 121, 175 (2008)	297–98
BVerfGE 121, 241 (2008)	269
BVerfGE 124, 199 (2009)	284, 286
BVerfGE 126, 29 (2010)	109
BVerfG, 1 BvL 15/11 (2011)	270
BVerfG, 1 BvR 1409/10 (2011)	269
BVerfG, 1 BvR 1853/11 (2011)	270
BVerfG, 1 BvR 2712/09 (2011)	270
BVerfGE 128, 109 (2011)	297
BVerfG, 1 BvL 2/10 (2012)	253
BVerfGE 132, 72 (2012)	109
BVerfGE 133, 59 (2013)	286
BVerfGE 133, 377 (2013)	286
BVerfGE 137, 273 (2014)	285
BVerfGE 147, 1 (2017)	303, 305
BVerfG, 2 BvC 46/19 (2020)	190–91
BVerfG, 2 BvR 390/21 (2021)	318

Constitutional Court of Thuringia

ThürVerfGHG 2/20 (2019) 189

Brandenburg Constitutional Court

VfgBbg 9/19 (2020) 189

VfgBbg 55/19 (2020) 189

H.*Hungary***Constitutional Court**

Decision 10/1990. (IV. 27.) (1990) 88

Decision 14/1995. (III. 13.) (1995) 286, 320

Decision 48/1998. (XI. 23.) (1998) 126

- Decision 58/2001. (XII. 7.) (2001) 178
 Decision 32/2010. (III. 25.) (2003) 284
 Decision 154/2008. (XII. 17.) (2008) 286, 320
 Decision 43/2012. (XII. 20.) (2012) 321

I.

*India***Supreme Court**

- Air India v. Nargesh Meerza* (1981) 79
Anuj Garg v. Hotel Association of India (2007) 213
Bharwada Bhoginbhai Hirjibhai v. State of Gujarat (1983) 223
Bodhisattwa Gautam v. Miss Subhra Chakraborty (1995) 223
Bombay Labour Union v. Messrs International Franchises (1965) 86
C. B. Muthamma v. Union of India (1979) 86
Chairman, Railway Board v. Mrs. Chandrima Das (2000) 223
Chameli Singh v. State of U. P. (1995) 159
Danial Latifi & Another v. Union of India (2001) 205
Environmental & Consumer Protection Foundation v. Delhi Administration
 (2012) 176
Indian Young Lawyers Association v. State of Kerala (2019) 204
Indra Sawhney v. Union of India (1992) 156
Joseph Shine v. Union of India (2018) 213
Justice K. S. Puttaswamy (Retd) v. Union of India (2017) 226
M/S. Shantistar Builders v. Narayan Khimalal Totame (1990) 159
Marri Chandra Shekhar Rao v. Dean Seth G.S.M. (1990) 156
Maya Devi v. State of Maharashtra (1986) 87
Mohamed Ahmed Khan v. Shah Bano Begum & Others (1985) 203–5
National Legal Service Authority v. Union of India (2014) 302
Navtej Singh Johar v. Union of India (2018) 213, 227, 301
Olga Tellis v. Bombay Municipal Corporation (1985) 159
People's Union for Civil Liberties v. Union of India [Writ petition (civil) No. 196/2001]
 (2001) 159
Saroj Rani v. Sudarshan Kumar (1984) 226
Shayara Bano v. Union of India (2017) 205
Sowmithri Vishnu v. Union of India (1985) 78
Tukaram v. State of Maharashtra (1978) 223
V. Revathi v. Union of India (1988) 78
Vishaka v. State of Rajasthan (1997) 225
W. Kalyani v. State (2012) 78
Yusuf Abdul Aziz v. State of Bombay (1954) 74, 78

TABLE OF CASES

XXV

*Delhi***High Court**

Harvinder Kaur v. Harmander Singh Choudhry (1983) 226

*Bombay***High Court**

State of Bombay v. Narasu Appa Mali (1951) 79, 204

*Punjab-Haryana***High Court**

R. S. Singh v. State of Punjab (1971) 79

*Indonesia***Constitutional Court**

Decision 22-24/PUU-VI/2008 (2008) 189

Decision 46/PUU-VIII/2010 (2010) 271

Decision 88/PUU-XIV/2016 (2016) 177

Inter-American Court of Human Rights

Gender Identity, and Equality and Non-Discrimination of Same-Sex Couples, Advisory
 Opinion OC-24/17, Inter-Am. Ct. H.R. (ser. A) No. 24 (Nov. 24, 2017) 307

*Ireland***Supreme Court**

Attorney General (Society for the Protection of the Unborn Child) v. Open Door
 Counselling and Dublin Well Woman Centre Ltd. (1988) 119–20

C.C. v. Ireland (2006) 220

L. v. L. (1992) 247

Zappone and Gilligan v. Revenue Commissioners & Ors (2006) 286

*Israel***Supreme Court/High Court of Justice**

H CJ 153/87 Leah Shaked v. Minister of Religious Affairs et al. (1988) 209

H CJ 953/87 Poraz v. Lahat, Mayor of Tel Aviv-Jaffa (1990) 209

H CJ 257/89 Hoffman v. Commissioner of the Western Wall (1994) 209

H CJ 6300/93 The Institution for Rabbinical Advocates Training v. The Minister of
 Religion (1994) 209

- H CJ 4541/94 Alice Miller *v.* Minister of Defense (1995) 178
 H CJ 3358/95 Hoffman *v.* Director General of Prime Minister Office (2000) 209
 HCJFH 4128/00 Director General of Prime Minister's Office *v.* Hoffman (2003) 209
 H CJ 8670/11 Emuna – the National Religious Women's Movement *v.* the Committee
 for Appointing Rabbinic Court Judges (2012) 209
 H CJ 933/12 The Center for Women's Justice *v.* The Committee for Appointing
 Rabbinic Court Judges (2013) 209
 H CJ 8213/14 Dror *v.* Minister of Religious Services (2017) 209

Jerusalem District Court

- 23834-04-13 State of Israel *v.* Bonnie Riva Ras (2013) 209

Italy

Supreme Court

- Sentenza 64/1961 (1961) 74
 Sentenza 49/1966 (1966) 74
 Sentenza 144/1967 (1967) 75
 Sentenza 126/1968 (1968) 74, 263
 Sentenza 127/1968 (1968) 74
 Sentenza 147/1969 (1969) 263
 Sentenza 133/1970 (1970) 75
 Sentenza 1/1987 (1987) 75, 263–64
 Sentenza 341/1991 (1991) 263–64
 Sentenza 179/1993 (1993) 263–64
 Sentenza 150/1994 (1994) 265
 Sentenza 385/2005 (2005) 263–64
 Sentenza 285/2010 (2010) 265
 Sentenza 138/2010 (2010) 285
 Sentenza 170/2014 (2014) 285
 Sentenza 105/2018 (2018) 264

Constitutional Court

- Sentenza n. 27 (1975) 118, 120
 Sentenza n. 161 (1985) 297
 Sentenza n. 422 (1995) 188
 Sentenza n. 170 (2014) 298
 Sentenza n. 221 (2015) 298
 Ordinanza n. 185 (2017) 298
 Sentenza n. 180 (2017) 298

TABLE OF CASES

xxvii

J.

*Japan***Supreme Court**

- Nissan Motors, Inc. *v.* Nakamoto (1981) 89
 Hei 18 (gyō-tsu) no. 135 (2008) 179

M.

*Malaysia***Constitutional Court**

- Noorfadilla binti Ahmad Saikin *v.* Chayed Basirun and Ors (2012) 252

*Mexico***National Supreme Court of Justice**

- Acción de inconstitucionalidad 2/2002 (2002) 185
 Acción de inconstitucionalidad 146/2007 y su acumulada 147/2007 (2008) 238,
 241–42, 245–46
 Amparo en revisión 664/2008 (2008) 88
 Acciones de inconstitucionalidad acumuladas 7/2009, 8/2009, and 9/2009 (2009) 185
 Acción de inconstitucionalidad 2/2010 (2010) 284, 290
 Amparo directo en revisión 2252/2013 (2013) 272
 Amparo directo en revisión 2655/2013 (2013) 222
 Amparo directo en revisión 2764/2013 (2013) 255
 Acción de inconstitucionalidad 45/2014 y sus acumuladas 46/2014, 66/2014, 67/2014,
 68/2014, 69/2014, and 75/2014 (2015) 189
 Amparo directo en revisión 1754/2015 (2015) 255
 Amparo en revisión 554/2013 (2015) 222
 Amparo directo en revisión 5139/2018 (2018) 252
 Amparo directo en revisión 5490/2016 (2018) 228
 Amparo directo 9/2018 (2018) 255
 Amparo en revisión 364/2018 (2018) 88
 Amparo directo 29/2018 (2019) 252
 Amparo directo en revisión 7134/2018 (2019) 228
 Amparo en revisión 331/2019 (2019) 272
 Contradicción de tesis 275/2015 (2019) 189

Electoral Court of the Judiciary of the Federation

- Decision No. SUP-JDC-1236/2015 (2015) 189

N.

*Nepal***Supreme Court**

- Achyut Prasad Kharel *v.* Office of the Prime Minister and Council of Ministers and Others, Writ No. 3352 of the year 2061 (2004) 245
 Advocate Meera Dhungana *v.* His Majesty's Government (Nepal), Writ No. 55 of the year 2058 BS (2001) 224, 226
 Dil Bahadur Bishwakarma *v.* Office of the Prime Minister, Writ No. 3303 of the year 2061 BS (2004) 208
 Jit Kumari Pageni *v.* Office of the Prime Minister (2008) 226
 Jyoti Poudel *v.* Office of the Prime Minister (2010) 221
 Lakshmi Dhikta *v.* Government of Nepal, Writ Petition No. WO-0757 of the year 2067 BS (2009) 245
 Manju and Others *v.* Government of Nepal, Writ No. 070-WO-0194, S.C. Nepal (2013) 245
 Meera Dhungana *v.* Ministry of Law and Justice (1995) 87
 Meera Dhungana *v.* Ministry of Law and Justice, Writ No. 2068-WS-0046 of year 2068 BS (2011) 221
 Prakash Mani Sharma *v.* Office of the Prime Minister (2010) 225
 Raju Chapagai *v.* Office of the Prime Minister (2008) 230
 Rina Bajracharya *v.* HM Government Secretariat of the Council of Ministers (2000) 89
 Sabina Damai *v.* Government of Nepal et al., Writ No. 067-WO-0703 of the year 2067 (2010) 179
 Sapana Pradhan Malla *v.* Ministry of Law, Justice and Parliamentary Affairs (Nepal), Writ No. 56 of the year 2058 BS (2001) 226
 Sapana Pradhan Malla *v.* Office of the Prime Minister (2006) 87
 Sapana Pradhan Malla *v.* Office of the Prime Minister (2008) 87
 Sunil Babu Pant *v.* Government of Nepal, Writ No. 914 of the year 2064 BS (2007) 301

*Netherlands***Central Council of Appeal**

- F.M.M. C., W.P.M. B. and A.J.C. A. *v.* Regional Health Insurance Foundation (1996) 252

P.

*Pakistan***Supreme Court**

- Muhammad Aslam Khaki *v.* S. S. P. (Operations) Rawalpindi (2012) 302

TABLE OF CASES

xxix

*Lahore***High Court**

Sharifan v. Federation of Pakistan (1998) 179

*Peru***Constitutional Court**

Judgment No. 09332-2006-PA/TC (2007) 273

Judgment No. 05652-2007-PA/TC (2008) 252

Judgment No. 139-2013-PA/TC (2014) 299

Judgment No. 01423-2013-PA/TC (2015) 252

Judgment No. 6040-2015-PA/TC (2016) 299

Judgment No. 00853-2013-PA/TC (2017) 176

Judgment No. 01479/2018-PA/TC (2019) 222

Judgment No. 03378-2019-PA/TC (2020) 221

*Philippines***Supreme Court**

Ang Ladlad LGBT Party v. Commission on Elections (2010) 192

Capin-Cadiz v. Brent Hospital and Colleges (2016) 254

Garcia v. Drilon (2013) 221

Leus v. St. Scholastica's College Westgrove et al. (2015) 254

People v Mahinay (2017) 225

People v. Tionloc (2017) 225

*Poland***Constitutional Tribunal**

Judgment K 16/04 (2005) 321

Judgment K 18/04 (2005) 286, 321

Judgment SK 62/08 (2011) 322

Judgment K 12/14 (2015) 325

*Portugal***Constitutional Court**

Acórdão No. 25/84 (1984) 125

Acórdão No. 85/85 (1985) 125

Acórdão No. 75/2010 (2010) 235–37

Acórdão No. 121/2010 (2010) 284

S.

*Slovakia***Constitutional Court**

Decision PL. ÚS 12/01 No. 1/2007 (2007) 235

*Slovenia***Constitutional Court**

Decision U-I-425/06-10 (2010) 284, 290

Decision U-I-242/12 (2013) 254

Decision U-I-249/14-8 (2016) 254

*South Africa***Constitutional Court**

Bannatyne *v.* Bannatyne (2003) 254

Bhe and Others *v.* Khayelitsha Magistrate and Others (2005) 202

Brink *v.* Kitshoff (1996) 170

Carmichele *v.* Minister of Safety and Security and Another (2001) 218

Christian Lawyers' Association of South Africa *v.* Minister of Health (Reproductive Health Alliance as Amicus Curiae) (1998) 233

Fraser *v.* Children's Court, Pretoria North and Others (1997) 271

Government of the Republic of South Africa *v.* Grootboom (2001) 169

Gumede *v.* President of the Republic of South Africa and Others (Women's Legal Centre Trust as Amicus Curiae) (2009) 202

Harksen *v.* Lane (1998) 170

Minister of Health and Others *v.* Treatment Action Campaign and Others (No. 2) (2002) 169

Minister of Home Affairs and Another *v.* Fourie and Another (2006) 282

National Coalition for Gay and Lesbian Equality *v.* Minister for Home Affairs (2000) 291

Omar *v.* The Government of the Republic of South Africa and Others (2006) 218

Prinsloo *v.* Van der Linde (1997) 170

S. *v.* Makwanyane (1995) 202

S. *v.* Jordan (2002) 227

Shilubana and Others *v.* Namitwa (National Movement of Rural Women and Commission for Gender Equality as Amici Curiae) (2007) 202

Shilubana *v.* Namitwa (2009) 209

State *v.* Baloyi (Minister of Justice and Another Intervening) (2000) 218, 221

The President of the Republic of South Africa and the Minister of Correctional Services *v.* John Phillip Peter Hugo (1997) 91

TABLE OF CASES

xxxi

*Johannesburg***Equality Court**

Sonke Gender Justice Network v. Malema (2010) 230

*South Korea***Constitutional Court**

98Hun-Ma363 (1999) 178
 97Hun-Ka12 (2000) 179
 2001Hun-Ka9 (2005) 87
 2003Hun-Ka5 (2005) 87, 178
 2008Hun-Ba58 (2009) 232
 2010Hun-Ba401 (2012) 223
 2012Hun-Ba144 (2012) 223
 2013Hun-Ma423 (2014) 223
 2009Hun-Ba17 (2015) 232
 2013Hun-Ka2 (2016) 227
 2015Hun-Ba196 (2016) 223
 2017Hun-Ba127 (2019) 239

*Spain***Constitutional Court**

Judgment No. 7/1983 (1983) 92
 Judgment No. 53/1985 (1985) 125
 Judgment No. 128/1987 (1987) 92
 Judgment No. 241/1988 (1988) 107, 174
 Judgment No. 45/1989 (1989) 269
 Judgment No. 145/1991 (1991) 255
 Judgment No. 216/1991 (1991) 103, 178
 Judgment No. 28/1992 (1992) 92
 Judgment No. 229/1992 (1992) 103, 174
 Judgment No. 109/1993 (1993) 92, 266
 Judgment No. 187/1993 (1993) 266
 Judgment No. 7/1994 (1994) 258
 Judgment No. 317/1994 (1994) 92
 Judgment No. 147/1995 (1998) 255
 Judgment No. 161/2004 (2004) 252
 Judgment No. 233/2007 (2007) 109
 Judgment No. 12/2008 (2008) 189
 Judgment No. 59/2008 (2008) 221
 Judgement No. 60/2010 (2010) 223

xxxii

TABLE OF CASES

- Judgment No. 26/2011 (2011) 258
 Judgment No. 75/2011 (2011) 266
 Judgment No. 198/2012 (2012) 284, 289–90
 Judgment No. 52/2015 (2015) 326
 Judgment No. 2/2017 (2017) 252
 Judgment No. 117/2018 (2018) 266
 Judgment No. 99/2019 (2019) 297

*Switzerland***Federal Supreme Court**

- BGE 123 I 152 (1997) 188

T.*Taiwan***Constitutional Court**

- Interpretation No. 365 (1994) 87
 Interpretation No. 452 (1998) 87
 Interpretation No. 457 (1998) 87
 Interpretation No. 666 (2009) 227
 Interpretation No. 748 (2017) 283

*Turkey***Constitutional Court**

- Decision E.1988/4, K. 1989/9 (1990) 226

U.*United Nations***Human Rights Committee**

- Sandra Lovelace v. Canada, Comm. 24/1977, U.N. Doc. CCPR/C/OP/1 (1979). 208

*United Kingdom of Great Britain and Northern Ireland***Employment Tribunal**

- Jepson and Dyas-Elliott v. The Labour Party (1996) 188

House of Lords

- R. v. A. (2001) (Eng.) 220

TABLE OF CASES

xxxiii

Supreme Court

- Bull *v.* Hall (2013) 326
 R. (Steinfeld and Keidan) *v.* Secretary of State for International Development
 (2018) 292
 Greater Glasgow & Clyde Health Board *v.* Doogan and Another (2014) 325

High Court of Justice, Queen's Bench Division (Northern Ireland)

- Close (Grainne) and Shannon Sickles and Christopher Flanagan-Kane and Henry
 Flanagan-Kane's Application (2020) 284

*United States***Supreme Court**

- Adkins *v.* Children's Hospital, 261 U.S. 525 (1923) 59
 Baker *v.* Nelson, 409 U.S. 810 (1972) 287–88
 Bradwell *v.* Illinois, 83 U.S. 130 (1872) 47, 50
 Burwell, Secretary of Health and Human Services, et al. *v.* Hobby Lobby Stores, Inc., et
 al., 573 U.S. 682 (2014) 326
 Califano *v.* Webster, 430 U.S. 498 (1977) 97
 De Shaney *v.* Winnebago County Department of Social Services, 489 U.S. 189
 (1989) 219
 Frontiero *v.* Richardson, 411 U.S. 677 (1973) 94
 Geduldig *v.* Aiello, 417 U.S. 484 (1974) 98
 Griswold *v.* Connecticut, 381 U.S. 479 (1965) 59
 Harris *v.* McRae, 448 U.S. 297 (1980) 117
 June Medical Services, L.L.C. *v.* Russo, 591 U.S. ____ (2020)] 318
 Lochner *v.* New York, 198 U.S. 45 (1905) 58
 Loving *v.* Virginia, 388 U.S. 1 (1967) 288
 Mackenzie *v.* Hare, 239 U.S. 312 (1915) 57
 Maher *v.* Roe, 432 U.S. 464 (1977) 117
 Masterpiece Cakeshop, Ltd., et al. *v.* Colorado Civil Rights Commission et al., 584 U.S.
 ____ (2018) 326
 Meyer *v.* Nebraska, 262 U.S. 390 (1923) 59
 Michael M. *v.* Superior Court of Sonoma County, 450 U.S. 464, 473 (1981) 96
 Minor *v.* Happersett, 88 U.S. 162 (1874) 51
 Muller *v.* Oregon, 208 U.S. 412 (1908) 47
 National Coalition for Men *v.* Selective Service System, 593 U.S. ____ (2021) 177
 Nevada Department of Human Resources *v.* Hibbs, 538 U.S. 721 (2003) 98–100
 Nguyen *v.* INS, 533 U.S. 53 (2001) 96
 Obergefell *v.* Hodges, 576 U.S. 644 (2015) 282–83, 290–92
 Orr *v.* Orr, 440 U.S. 268, 278–80 (1979) 95
 Peolker *v.* Doe, 432 U.S. 519 (1977) 117

- Pierce v. Society of Sisters, 268 U.S. 510 (1925) 59
 Planned Parenthood of Southeastern Pennsylvania, et al. v. Casey, Governor of
 Pennsylvania, et al., 505 U.S. 833 (1992) 115–17, 318
 Reed v. Reed, 404 U.S. 71 (1971) 94
 Reynolds v. United States, 98 U.S. 145 (1878) 47, 288
 Roe v. Wade, 410 U.S. 113 (1973) 114–17, 119, 123, 127, 235, 316, 318
 Schlesinger v. Ballard, 419 U.S. 313 (1975) 97
 Stanton v. Stanton, 421 U.S. 7, 14–15 (1975) 95
 The United States v. Windsor, 570 U.S. 744 (2013) 288
 Town of Castle Rock v. Gonzales, 545 U.S. 748 (2005) 219
 Turner v. Safley, 482 U.S. 78, 95 (1987) 288
 United States v. Morrison, 529 U.S. 598 (2000) 219
 United States v. Virginia, 518 U.S. 515 (1996) 96, 98, 178
 Webster v. Reproductive Health Services, 492 U.S. 490 (1989) 96
 Weinberger v. Wiesenfeld, 420 U.S. 636 (1975) 95
 Whole Woman's Health v. Hellerstedt, 579 U.S. ____ (2016) 318
 Zablocki v. Redhail, 434 U.S. 374, 384 (1978) 288
 Zubik v. Burwell, 578 U.S. ____ (2016) 326

*California***Supreme Court**

- Re Marriage Cases (2008) 281

*Connecticut***Supreme Court**

- Kerrigan v. Commissioner of Public Health (2008) 281

*Hawaii***Supreme Court**

- Baehr v. Lewin (1993) 279, 281, 287
 Baehr v. Miike (1996) 323

*Iowa***Supreme Court**

- Varnum v. Brien (2009) 281

TABLE OF CASES

XXXV

Massachusetts

Supreme Judicial Court

Goodridge v. Department of Public Health (2003) 281

Minnesota

Supreme Court

Baker v. Nelson (1971) 287

Cambridge University Press & Assessment

978-1-107-17702-4 — Global Gender Constitutionalism and Women's Citizenship

Ruth Rubio-Marin

Frontmatter

[More Information](#)
