

## Index

## Introductory Note

References such as ‘178–79’ indicate (not necessarily continuous) discussion of a topic across a range of pages. Wherever possible in the case of topics with many references, these have either been divided into sub-topics or only the most significant discussions of the topic are listed. Because the entire work is about ‘constitutionalism,’ the use of this term (and certain others that occur constantly throughout the book) as entry points has been minimized. Information will be found under the corresponding detailed topics.

- aboriginal rights *see* indigenous rights.  
 aboriginal title, 304, 306, 320  
 absolute monarchies, 141, 454, 519  
 abstract judicial review *see* abstract review.  
 abstract review, 149, 186, 204, 359, 360–361, 501, 503, 504  
 abstraction, 5, 14–17  
   levels of, 14, 34, 43, 49, 50, 55  
   model, 14, 15, 16  
 abusive constitutionalism, 45, 398, 497–501  
 academics, 16–17, 25, 41–42, 43, 210, 232, 244, 279, 494, 500  
 accession to international/regional organizations, 162, 164, 247, 251, 258, 345  
 accommodation, 133, 227, 257, 437  
   mutual, 252, 257, 258  
 accountability, 81, 121, 427, 435, 437, 439, 442–443, 444  
   democratic, 164  
   executive, 119, 121  
   horizontal, 498, 499  
   political, 222, 427, 435, 437  
 Aceh, 420–421, 425  
 acquisition of citizenship, 121, 330, 331, 332–335, 336, 337–338  
*actio popularis*, 145  
 activism, 265, 285, 289, 300, 490, 504  
   confrontational forms of, 290, 299  
   judicial, 48, 279  
   rights, xxxi, 285, 287, 290, 294  
 activists, 32, 125, 145, 194, 279, 285–286, 289–290, 292, 294–297, 301  
   LGBTQ, 133, 286, 288, 290, 292–297, 299–301  
 actors, xxxiv, 175–176, 181, 195, 498, 504, 505, 514, 515, 518  
   constitutional, 133–134  
   domestic, 115, 162  
   government, 188, 278  
   international, xxix, 31, 120, 134, 158, 160, 181  
   national, 115, 161  
   non-judicial, 227, 229, 235  
   political, 65, 154–155, 189, 204, 435, 437, 471, 477, 512, 515  
   private, 528, 538  
   state, 21, 276  
 ACUMAR (Autoridad de la Cuenca Matanza-Riachuelo), 277, 278  
 Adalet ve Kalkınma Partisi *see* AKP.  
 adequate housing, 269, 272, 273–274  
 adjudication, 36, 39, 75, 97, 104, 230, 392, 393, 426, 539  
   constitutional, xxx, xxxvi, 19, 26, 27, 31, 53, 115, 185, 220  
   final, 381–382, 384, 395  
 administration, 160, 171, 222, 278, 316, 319, 479, 506, 512  
   public, 230, 360, 433  
 administrative courts, 275, 410, 521, 523  
 administrative law, 30, 411, 464, 520  
 administrative powers, 203, 225  
 administrative review, 427  
 advisory bodies, 138, 250, 489  
 affirmative action, xxxii, 21, 125, 131, 267, 351–373, 417  
   arguments for and against, 353–354  
   as instrument of social inclusion, 366–370  
   beneficiaries, 371–372  
   Brazil, 364–372  
   class-based, 365, 366, 371  
   consequences, 353–354  
   constitutionality, 361, 369  
   definition and purposes, 352–353  
   France, 356–357  
   in practice, 355–357  
   India, 356  
   judicial opposition, 365–366  
   measures, 122, 125, 131, 133, 353, 355, 372  
   policies, 351, 352–355, 364  
   programs, 364–365, 369, 370–371  
   race-based, 354, 366, 372  
   United States, 355

- Afghanistan, xxviii–xxix, xxxv–xxxvi, 20, 89–112, 450, 452–453, 458  
2004 Constitution, 103–110  
and constitutional system, 96–102  
CDC (Constitutional Drafting Commission), 103, 104–106  
challenge of establishing realistic constitution-making process, 90–92  
citizens, 97, 99  
CLJ (Constitutional Loya Jirga), 103, 106, 107–108  
constitutional design, 92–96  
constitutional history 1923–2001, 98–102  
constitutions, 102, 107, 111  
integrationism and consociationalism, 107–110  
non-Pashtuns, 97, 106  
origins of Afghan State, 96–97  
Pashtun tribes, 96, 97, 99, 103, 104  
Afghans, 96–97, 98–99, 100–102, 108, 110, 112  
African National Congress *see* ANC.  
African Union (AU), 172, 174, 175–177, 178, 181  
Afro-Brazilians, 364, 365, 370–371, 372  
AGC (Attorney General’s Chambers), 296, 298  
agencies, 134, 436, 441, 442, 470  
  anti-corruption *see* anti-corruption agencies/institutions/units.  
  government, 27, 489, 523, 525  
  state, 180, 273, 522–523, 539  
agency (abstract sense), 134, 285, 482  
AKP (Adalet ve Kalkınma Partisi), 477–478, 491–492  
allegiance, 74, 129, 377, 391  
al-Sadr, Muhammad Baqr, 459  
alternative vote *see* AV.  
Amanullah Khan, 98–99, 100  
amendment  
  formal, 53, 137, 139–141, 397–398  
  mechanisms, xxxiii, 154, 463  
  powers, 190–191, 195, 508, 509  
  procedures, xxxiv, 134, 136, 141, 153–155, 385, 398, 500  
  processes, 33, 155, 208–209, 463, 470, 510  
amendment-initiation, 194, 198, 204–205, 207  
amendment-review, 186, 192–197, 198, 204–205, 212, 213–214  
  as dialogue, 195–196  
  procedural, 193, 208  
  protective, 196–198  
  substantive, 193–195, 211  
  transformative, 196, 197, 204  
American Convention on Human Rights, 268–269, 283, 338  
*amparo* mechanisms, 186, 268, 271, 503  
ANC (African National Congress), 429–431, 433, 436–437, 439, 442  
Anglo-Nepali War, 118  
animal welfare, 231–232  
anti-corruption agencies/institutions/units, xxxii, 427, 428–429, 432–439, 441–446  
  design and role of courts, 439–446  
  designing, 440, 441  
  investigations, 435, 445  
*Aotearoa*, 314–315, 316, 317–318  
apartheid, 177, 429–430, 431  
  regime, 430, 431  
apex courts, 236, 238–239, 242, 249, 258  
appointments, 316–317, 382, 385, 410–411, 433, 434, 436, 437, 439, 444  
  processes, 437, 486  
Arab Spring, 136, 162  
Arabs, 19, 101, 169, 179, 453  
archival work, 44, 50, 56  
Argentina, xxxi, 166, 169, 263–279, 282  
  and constitutional system, 266–269  
  dialogical and cooperative remedies, 275–277  
  extreme vulnerability, 270–272, 273, 274  
  *Mendoza case*, 276, 278  
  procedural justice, 274–275  
  social and economic rights in concrete cases, 270–277  
  substantive content of social rights, 272–274  
  Supreme Court, 268–269, 270–277  
Aristotle, 62, 494  
armed conflict, 454, 502  
armed forces, 148, 175, 341, 476, 484, 491–492  
armed groups, 174–175  
  illegal, 504, 506  
armed resistance, 101, 430, 431  
Armenia, 332, 453, 480  
armies, 119, 125, 345, 462, 477, 480, 481–482  
arrests, 130, 253, 290, 296, 345, 490  
Asia, xxvi, xxxv, 11, 28, 30, 38, 64, 133, 477, 480  
  Central, xxxv, 97  
  South, 19–20  
  Southeast, xxxv, 45, 540  
Asian Development Bank, 532  
aspirations, 41, 91, 127, 129, 170, 229, 401, 438, 476  
Assembly of Experts, 455, 457, 462, 470, 471  
assent, 100, 103, 125  
assets, 324–325, 528  
  broadcasting, 325  
  financial, 484  
  forestry, 325  
assistance  
  expert, 119, 428  
  financial, 352, 371  
  international, 115, 126  
asymmetric constitutionalism, 380–381, 399–401  
Atatürk, Mustafa Kemal, 98–99, 479–481, 483, 489  
atrocities, 64, 180  
Attorney General’s Chambers (AGC), 296, 298  
AU *see* African Union.  
Australia, 9, 49, 233, 282–283, 305, 306, 313, 327, 335, 345  
Austro-Hungarian monarchy, 141  
authoritarian constitutionalism, 182, 380  
authoritarian constitutions, 36, 472  
authoritarian regimes, 36, 140, 158, 162, 212, 217, 358, 359, 363, 476  
  conflict-prone, 158  
  legitimated, 358  
authoritarian rule, xxxiv, 136, 141, 201, 205, 213–214, 359, 364, 403, 407  
authoritarianism, xxxiii, 36, 71, 78, 162, 207, 359, 424, 476  
  soft, 36

- authority, 62, 74, 84, 265–266, 410–411, 432, 465, 472, 478, 487–488  
 civilian, 481, 491, 492  
 legislative, 316, 320–321, 325  
 moral, 431, 468  
 normative, 159, 228  
 political, 131, 377, 451, 459, 461, 465  
 religious, 459, 462–463, 467  
 Shi'i, 462, 468  
 watershed, 277, 278
- autochthony, constitutional, 21, 113, 126  
 autocracy, 63, 118–119, 128, 453, 485  
 autonomy, 126, 127, 171, 172–173, 175, 377, 379, 381–382, 383, 388  
 local, 378, 401  
 operational, 435, 436  
 regional, 107, 173, 410, 420  
 subnational, 20, 378, 393
- Autoridad de la Cuenca Matanza-Riachuelo *see* ACUMAR.
- AV (alternative vote), 96, 108
- Azerbaijan, 450, 453
- Aziz case*, 347
- backlashes, 40, 279, 284, 501, 505, 507  
 backsliding, 35, 66, 399, 498  
 constitutional, 197, 497–515  
 democratic, xxxiv, 49  
 liberal, 399
- Bahrain, 450  
 ballot box, 187, 189, 311, 515, 539
- banks, 524, 528–532, 535–536, 539  
 commercial, 525, 527–528, 535, 536  
 Equator, 527–530, 531–532, 534, 535–536  
 Thai, 536–537
- Barak, Aharon, 3  
 barracks, return to, 475, 485, 490, 493–494  
 basic principles, 64, 67, 137, 273, 508, 509, 513  
 basic structure, 34, 125, 134, 397, 514, 520  
 doctrine, xxx, 10, 191–192, 195–197  
 behavior, 24, 30, 65, 97, 108, 159  
 judicial/of courts, 29, 49, 190, 486  
 political, 65, 89, 95, 111
- behaviorism, 24
- Beheshti, Mohammad, 461, 463
- Beijing *see also* China; Hong Kong, 70, 386, 388, 391, 394, 396, 400, 401
- Belgium, 221, 246, 332, 334, 335, 336  
 constitution, 453, 485
- beliefs, 69, 105, 187, 225, 413, 443, 484  
 political, 227  
 religious, 233, 281
- benefits, 17, 19, 20, 354, 356, 413–414, 485, 488, 533–534, 536  
 potential, 477, 535  
 public, 95, 440
- biases, 45, 52, 219
- bi-communality, 338, 341–343
- big questions, 35–37
- billboards, 67, 472
- bills of rights, 41, 63, 170, 177–178, 179, 188, 218, 309, 430, 433–434
- biodiversity, 526, 533
- birth, xxxii, 62, 63, 94, 117, 199, 332, 334, 336–337, 344
- blacks, 358, 362, 363–364, 429–430, 432
- block vote systems, 405
- blogs, 37, 42
- Bolivia, 499, 514–515
- borders, 16, 96–97, 98, 117, 164, 307, 334, 382, 518  
 open, 118, 131
- borrower undertakings, 530
- borrowers, 528–532, 535, 539
- Bosnia-Herzegovina, 346, 349
- boycotts, 149, 172
- branches of government, 187, 194, 308, 310, 435, 455–457, 459
- Brazil, xxxi, xxxii, 351–373  
 affirmative action, 364–372  
 as instrument of social inclusion, 366–370  
 and constitutional system, 357–364  
 Constitution, 367, 369  
 courts, 360, 368, 372  
 efficacy and future of affirmative action, 370–372  
 history, 362, 364  
 judicial opposition to affirmative action, 365–366  
 race relations, 351, 361, 363  
 society, 365–366, 368–369, 372  
 Supreme Court, 365, 369, 429
- Brazilians, 351, 357–358, 359, 363–364, 366, 370  
 Afro-Brazilians and Native, 364, 370, 371, 372  
 white, 363, 366, 372
- bribes, 412–413, 432, 440, 445
- British courts, 188, 252–253, 255
- British Crown, xxxi, 303, 306, 313–314, 317–318, 319–320, 326
- British Government, 315, 318, 319, 339
- British sovereignty, 317, 321, 338
- British subjects, 315, 317, 328, 343
- budgets, 265, 309, 383, 385, 412, 437, 443, 507
- Bulgaria, 458
- bureaucracy, 100, 109, 408, 482
- civil, 483
- Cabinet Legislation Bureau, 220, 235
- cabinets, 93, 106, 109, 223, 321–322, 323, 404, 406, 434, 436
- Canada, 49, 52, 179, 218–219, 220, 282–283, 305–306, 313, 480, 483  
 Charter of Rights and Freedoms, 51, 188, 218, 225, 309
- candidates, 96, 108–109, 385, 404, 405, 406, 416–417, 423, 457, 469–471  
 electoral, 464, 469, 470  
 independent, 404, 420–421  
 nomination, 417, 423, 503  
 presidential, 108, 415, 423, 457, 469  
 vice-presidential, 108, 109, 423  
 winning, 96, 423, 503
- canon, 9–10, 12, 193  
 unofficial, 9

- canonization, 9, 12  
 capacity, 3, 5, 6, 8, 10, 12, 13–14, 15, 17–18, 400  
     institutional, 75, 524  
     problem, 3–5  
 capital punishment, 146, 489  
 capitalism, xxxii, 21, 72, 74, 381, 388  
 capitalist path, 432  
 capitalist roaders, 71  
 cardinal laws, 148–149  
 case selection, 42, 43, 45, 46, 48, 49, 51–52, 54–55, 56, 57–58  
 case studies, xxv, xxvii, xxix–xxx, xxxi, xxxiii, 18, 20, 37–38, 157–158, 534  
 castes, 117, 121, 122, 125, 127, 128, 356  
 categorization, 14–15, 331, 476  
 causality/causation, 34, 45, 48, 51, 52, 54, 57  
 CCP (Chinese Communist Party), 70–71, 72–75, 77–78, 80–85, 199–200, 202, 393  
     Central Committee, 78, 84  
     Charter, 73, 77, 83, 85  
     General Secretaries, 73, 75  
     leadership, 72, 74, 77, 84  
     *see also* China.  
 CDC (Constitutional Drafting Commission), 103, 104–106  
 CEDAW (Convention on the Elimination of all Forms of Discrimination Against Women), 132, 180  
 censors, 443, 446, 474, 484, 493  
 censorship, 288, 446  
 Central Asia, xxxv, 97  
 centralization, 449, 469  
 centralized state, 97, 107–108  
 CERD (Convention on the Elimination of Racial Discrimination), 307  
 certification, 430, 529–530  
     false, 529  
 CFA (Court of Final Appeal), 382, 384, 391–393, 394–396, 398  
 CFR (Charter of Fundamental Rights), 228, 248–250, 252, 254  
 change, constitutional, xxxiv, xxxvi, 33–34, 119, 137, 139, 140–141, 497–498, 500, 513  
 Charter of Fundamental Rights *see* CFR.  
 Charter of Rights and Freedoms, 51, 188, 218, 225, 309  
 Chen Shui-Bian, 201–202  
 cherry picking, 242, 245  
 Chiang Ching-Kuo, 201–202  
 Chiang Kai-Shek, 201–202  
 chief executives, 109–110, 112, 214, 382, 499  
 Chief Justices, 3, 124, 320, 410, 413, 433, 436–437, 438, 439  
 chiefs, 112, 214, 314, 316, 318, 321, 323, 327–328, 462, 489  
     Māori, 303, 306, 313, 315  
 children, 131, 264, 270, 273, 282, 292, 332, 333–334, 337–338, 485  
 Chile, 50, 140, 307  
 China, xxviii, xxxv–xxxvi, 19–20, 61–85, 198–202, 205–206, 381–382, 386–387, 390–391  
     and constitutional system, 70–78  
     constitutions and constitutionalism(s), 61–70  
     dual constitution, 78  
     imperial rule to republican era, 70–71  
     KMT (Kuomintang), 70–71, 199–202, 205–207  
     mainland, 198, 200–202, 205–206, 210  
     operation of constitutional system, 74–77  
     party, state, and “dual constitution,” 77–78  
     political constitutionalism, state-party constitutionalism, or socialist constitutionalism, 78–84  
     PRC Constitution, 71–74, 77–78, 80–81, 83, 85, 388–390, 393, 397  
     “reform and opening,” 71–73, 74–76  
     State Council, 73–74, 78, 221, 222, 229, 508  
     Supreme People’s Court, 74, 76  
     Three Gorges Dam, 525, 535  
     *see also* CCP; Hong Kong; Taiwan.  
 China-Hong Kong relationship, 388, 390, 399, 401  
 Chinese characteristics, 20, 72–73, 74, 77, 80, 85  
 Chinese Communist Party *see* CCP.  
 Chinese sovereignty, 381, 387  
 choices, design, 54, 442  
 Christianity, 130, 293, 315, 361  
 Christians, 97, 169, 292, 297, 407  
 CIL *see* customary international law.  
 citizens, 80–81, 165–166, 247–248, 330–331, 332–333, 335–336, 341–342, 344–349, 414–415, 421–422  
     categories of, xxxii, 331  
     political rights, 346, 349  
 citizenship, xxxi–xxxii, 19, 21, 131–132, 133, 330, 331, 332, 333, 334, 335, 336, 337, 338, 343–345, 346–349, 354, 358  
     acquisition, 121, 330, 331, 332–335, 336, 337–338  
     and nationality, 330, 336–337, 343, 348–349  
     Cypriot, 343–344  
     definitions, 330–332  
     dual, 332, 335–336  
     eligibility, 126, 133  
     Greece, 333, 335, 337  
     human right or state prerogative, 337–338  
     laws, 131, 333, 338  
     loss of, 331, 335, 336–337, 338, 343, 344, 348  
     Malta, 332  
     multiple, 335, 336  
     policies, 332, 348  
     US, 332, 336  
 civil bureaucracy, 483  
 civil law systems/jurisdictions, 40, 243, 246, 252, 393, 428, 461  
 civil liberties, 127, 285, 462  
 civil rights, 146, 174, 282, 299, 349, 355  
 civil servants, 220–221, 229, 233, 483, 494, 513  
 civil service, 119, 125, 230, 342, 344–345  
     appointments, 95  
     examinations, 513  
 civil society, 38, 76, 144, 180, 234, 275, 278, 399, 476, 482  
     groups, 32, 232  
     organizations, 427, 485, 535  
     participation, 277  
 civil unions, 233, 282  
 civil wars, 71, 103, 104, 107, 108–109, 171, 181, 199–200, 493, 502  
 civilian authorities, 481, 491, 492

- civilian leaders, 475–476, 486, 488, 491, 494–495  
 civilian rule, 93, 359, 484, 520  
 civil-military relations, 481, 494–495  
   conventional wisdom, 474–477  
 CJEU *see* Court of Justice of the European Union.  
 class-based affirmative action, 365, 366, 371  
 classifications  
   racial, 353–354, 355, 356–357, 367, 369  
   reasonable, 289, 298–299  
 clergy, 461, 473, 482  
 clerical councils, 449, 459, 470–471  
 clientelism, 362, 502, 511  
 Clinton, Bill, 443, 445  
 CLJ (Constitutional Loya Jirga), 103, 106, 107–108  
 closed-list systems, 405, 406, 425  
 coalition governments, 405, 485–486, 489, 490–491  
 coalition partners, 309–310  
 coalitions, 95, 99, 223–224, 420, 423, 424, 429, 431,  
   507, 512  
   grand, 94, 109  
 CoE *see* Council of Europe.  
 Cold War, 25–26, 118, 162, 476  
 collective action, 35, 40  
 collective identity, 64, 67, 363  
 collective leadership, 73, 75  
 collective responsibility, 309–310, 311  
 Colombia, xxxiv, xxxvi, 192, 197, 497–515  
   and constitutional system, 501–505  
   Constitutional Court, 265, 501, 504, 515  
   Decision C-141 of 2010, 510–511  
   Decision C-551 of 2003, 508–509  
   National Front, 502, 508  
   populism and threat of constitutional backsliding,  
     505–512  
   substitution doctrine, 508–510  
   Uribe, Álvaro, 505–508, 509–510, 511–512, 514  
 colorblindness, xxxii, 354–355, 357, 368  
 commercial banks, 525, 527–528, 535, 536  
 commitments, 69, 99, 102, 104, 128, 177, 178, 225–226, 246,  
   318–319  
   credible, 65, 66  
   ideological, 82, 226  
   normative, 69, 190  
 common identity, 169, 349  
 common law  
   systems/jurisdictions, 384, 393  
   tradition, 243, 252, 428, 449  
 communication  
   transnational, xxx, 236–259  
   vertical v horizontal, 239–240  
 communism, xxix, 141, 143–145, 153  
 Communist Party  
   Chinese *see* CCP.  
   of Nepal, 119  
 communist threat, 118, 359  
 communities, 89, 94–95, 96–97, 101–103, 108–109, 111,  
   310, 342, 346–349  
 comparability, 33, 47  
 comparative analysis, 26–27, 50, 336, 515  
 comparative constitutional inquiry, 44, 49, 55, 57  
 comparative constitutional law, 4, 5–6, 8–10, 20–21,  
   24–25, 40, 42–43, 54–55, 84–85, 113–114  
 comparative constitutional studies, 3, 5–6, 22–23, 25, 43,  
   46, 50, 51–52, 53–54, 56  
 comparative constitutionalism, 41–42, 45, 50, 52, 55–56,  
   57–58  
 comparative law, xxvii, 5, 44, 240, 241, 244, 245, 259  
 comparativism, 6, 45, 51, 239, 240–245, 259, 393  
   factors influencing, 243–244  
   judicial *see* judicial comparativism.  
 compensation, 203, 324  
 competences, 151–152, 248, 380, 390, 392, 508  
   division of, 247, 390  
 competency, 465, 470, 526  
 competition, 36, 94, 108, 130, 170  
   intra-ethnic, 95–96  
   political, 155, 287, 495  
 competitive elections, 84, 400  
 complexity, xxx, 3, 22, 338, 406, 435, 531  
 compliance, 115, 126, 182, 252, 258, 277–278, 524, 526,  
   528–532, 535  
   generating, xxxi, 278  
   social, 530, 532  
 Comprehensive Peace Agreement (CPA), 158, 172–173,  
   175–177, 179–180, 181  
 compromise, 92–93, 107, 120, 254, 274, 293, 339  
 compulsory military service, 337, 345, 482  
 concept formation, 45, 48, 49, 51, 58  
 conceptualization, xxxi, 3, 40, 351  
 conditions precedent, 529–530  
 confidence-building measures, 174, 177, 181  
 conflict resolution, xxix, 387, 390  
 confrontational forms of activism, 290, 299  
 Congo, Democratic Republic, 169, 392  
 Congress, 166, 316, 328, 498–499, 502–503, 505, 506,  
   509–510, 511–512, 513  
 consensus, 10, 68, 90, 209, 257, 265, 405, 503  
 consent, 110, 121, 164–165, 173, 282, 336  
   state, 518, 540  
 consistency, xxv, 76, 207, 253, 256, 361, 395, 407, 464, 486  
 consociational democracy, 94, 108  
 consociational governments, 95, 112  
 consociational guarantees, 93, 94–95, 107  
 consociationalism, 93, 94–95, 102, 107, 108–109, 110, 111,  
   227, 406, 424  
 consociationalist-integrative debate, 92–96  
 consociationalists, xxix, 107, 111–112  
 consolidation, 32, 38, 61, 73, 198, 205, 294, 415, 474, 504  
 constituencies, 109, 333, 461, 484  
 constituent assemblies, 31, 119–120, 122–123, 127–128, 138,  
   170–171, 214, 267, 461–463, 510–511  
 constituent power, 62, 67, 138, 150–151, 154, 214, 308, 498,  
   508, 510  
 Constitution Advisory Support Unit (CASU), 120  
 constitutional actors, 133–134  
 constitutional adjudication, xxx, xxxvi, 19, 26, 27, 31, 53,  
   115, 220  
 constitutional amendments, 143–144, 151–152, 190–192,  
   195–196, 210–211, 212–213, 470, 497, 507–508,  
   513–515

- constitutional amendments (cont.)  
 judicial review, xxxiv, 152, 185–215  
 Nepal, 125  
 unconstitutional, 33, 397, 500–501, 508, 509, 513, 515
- constitutional autochthony, 21, 113, 126
- constitutional backsliding, 197, 497–515  
 possible model response, 513–515
- constitutional challenges, 51, 145, 288, 290, 296, 297, 301, 360, 415
- constitutional change, xxxiv, xxxvi, 33–34, 119, 137, 139, 140–141, 497–498, 500, 513
- constitutional commitments, 66, 366, 370
- constitutional courts, xxix–xxx, 25–31, 37, 197, 199, 236, 238, 426, 428–429  
 down, 26–27  
 in, 30–31  
 out, 27–30  
 up, 30  
*see also under individual jurisdictions.*
- constitutional culture, 54, 306, 310–311, 313
- constitutional democracy, xxxiv, 71, 83, 139, 146, 200, 205, 426–427, 428, 432  
 institutions supporting, 426–429  
 liberal, xxviii, 6, 21, 100, 145, 147, 154, 498  
 protecting, xxxvi, 21, 426, 444
- constitutional design, 31, 32, 36, 44, 49, 52, 103, 107, 511, 514
- constitutional dialogue, 29, 188, 235, 303, 326  
 turn towards, 218–219
- constitutional diversity, xxviii, 18, 22
- constitutional drafting and revision, xxviii–xxix, xxxvi  
 Constitutional Drafting Commission *see* CDC.
- constitutional entrenchment, xxxiv, 128, 349, 498
- constitutional formation, 31–33
- constitutional fraud, 155, 513
- constitutional guarantees, 119, 222, 272, 378
- constitutional identity, 45, 51, 54, 126–127
- constitutional interpretation, xxx, 29, 54, 80, 216, 219–221, 226, 228, 231, 234–235  
 executive, xxx, 219–221  
 non-judicial, xxx, 29, 216–221
- constitutional jurisprudence, 42, 43–44, 45, 47, 48–49, 51, 58, 205
- constitutional lawyers, xxxiii, 44, 48, 421
- constitutional legitimacy, 78, 117
- constitutional litigation, xxxii, 4, 119, 206, 290, 403, 406  
 Constitutional Loya Jirga *see* CLJ.
- constitutional migration, 113–134, 204
- constitutional monarchy, 70, 83, 100, 118–119, 224, 358, 520
- constitutional reforms, 140, 144, 204, 205, 207–208, 210, 409, 411, 506, 508
- constitutional replacement, 137–138, 140, 155, 192
- constitutional review, 53, 106, 145, 165, 185, 232, 235, 256, 411–412, 486–487
- constitutional rights, 30, 34, 232, 234, 276, 281, 288, 290, 414, 417
- constitutional supremacy, 41, 45, 52, 119, 123, 218–219, 234, 288
- constitutional systems
- Afghanistan, 96–102
- Argentina, 266–269
- Brazil, 357–364
- China, 70–78
- Colombia, 501–505
- Cyprus, 338–343
- European Union, 246–251
- Hong Kong, 381–386
- Hungary, 141–143
- Indonesia, 407–414
- Iran, 453–457
- Nepal, 117–125
- Netherlands, 221–226
- New Zealand, 308–313
- Republic of China *see* constitutional systems, Taiwan.
- Singapore, 286–290
- South Africa, 429–432
- Sudan, 169–175
- Taiwan, 198–204
- Thailand, 519–524
- Turkey, 477–478
- constitutional transformation, xxix, 49, 136–155
- constitutionalism  
 abusive, 45, 398, 497–501  
 Asian, 38  
 asymmetric, 380–381, 399–401  
 authoritarian, 182, 380  
 comparative, 41–42, 45, 50, 52, 55–56, 57–58  
 definitions, 68–70  
 in context, xxv–xxvii, xxxv, 19–22  
 Islamic, xxxiii, 69, 403, 449–473  
 liberal democratic, 497–498, 499–500, 501, 512–513  
 Nepal, 131, 134  
 political, 61, 78, 79–80, 85  
 socialist, 61–62, 70, 78–79, 83–84, 85, 380  
 state-party, 61, 78–82, 85  
 theocratic, 62, 69  
 with Chinese characteristics, 20, 80  
*see also Introductory Note.*
- constitutionality, 217–218, 220, 226–228, 296–297, 340, 419, 420, 463–464, 521, 522  
 of affirmative action, 361, 369  
 of constitutional amendments, 190, 208, 209
- constitutionalization, xxviii, 26, 33, 41, 50, 75, 134, 151, 157, 263  
 social and economic rights, 263–266
- constitution-making, xxviii–xxix, 31–32, 89–91, 102–103, 111, 137–138, 155–159, 160–161, 174–175, 499  
 impact of international law, 158–163  
 processes, 31–32, 90–91, 115, 120, 126, 132, 136–137, 155, 157–161, 175
- constitutions  
 changing role, 216  
 definition, 62–63  
 formal, 63, 77, 114, 137, 517, 519, 523  
 functions, 64–68  
 impact, 34–35  
 on international law, 163–169  
 large-C, 63, 77, 223–224, 379  
 rise and globalization, 63–64

- small-c, 63, 77, 85, 224  
*see also* *Introductory Note and individual jurisdictions.*
- constraints  
informal, 286, 289, 294, 300  
resource, 233, 259  
substantive, 388–389, 397
- consultants, social, 529, 531
- consultations, public, 120, 234, 274, 523
- consumers, 268, 272, 274
- contextuality of power, 198, 211, 213–215
- contingencies, 6, 47, 65, 449
- continuity, 118, 137, 140, 154, 388  
legal, 137, 147, 153–154
- contractors, 445, 531, 532  
government, 352, 365
- contracts, 65, 104, 272, 528, 530
- contractual conditions, 465
- Control Yuan, 201–203, 205, 426
- Convention on the Elimination of all Forms of  
Discrimination Against Women *see* CEDAW.
- Convention on the Elimination of Racial  
Discrimination *see* CERD.
- convergence, 15, 41, 48, 53, 67, 244–245
- conviction, 254, 432–433, 467, 492  
in absentia, 253
- cooperation, xxix, xxx, 36, 66, 93, 95, 98, 186, 237, 249  
intergovernmental, 247  
judicial, 247, 249, 251, 253
- cooptation, 171, 470
- coordination, 36, 65, 160, 167, 252, 258, 488, 510, 525  
of social and political behavior, 65–66
- cordial racism, 363, 372
- core concepts, xxviii, 20, 85
- core functions, 428, 429
- core interests, 400, 401, 501, 505
- core values, 17, 64, 140, 334
- corporate social responsibility (CSR), 535–536
- corruption, 74, 76, 426–427, 428, 432–434, 435, 436, 438,  
439–442, 443–446  
government, 432, 493  
high-level, 441  
investigations, 445–446, 493  
low-level, 441  
scandals, 413, 423  
*see also* anti-corruption agencies.
- costs, 21, 97, 115, 127, 150, 153, 155, 532, 534–535, 536  
social, 534–535
- Council of Europe (CoE), xxx, 138, 162, 226, 237, 247,  
249, 336
- Council of Grand Justices, 203–204
- couples, same-sex, 233, 282–283
- coups, 171, 474–477, 479, 480, 483, 484–486, 488–491,  
492–495, 519, 521  
military, xxxiv, 32, 170–171, 172, 174, 474–475, 489–490,  
494, 519, 521
- Court of Final Appeal *see* CFA.
- Court of Justice of the European Union (CJEU),  
236–237, 239, 247–248, 249–254, 256–259, 333, 338  
and European Court of Human Rights, 256–258  
and national courts, 252–254
- courtrooms, 49, 216, 226, 294, 351, 372
- courts, 25–31, 187–198, 211–219, 238–244, 257–265,  
268–279, 418–422, 486–488, 506–510, 511–515  
administrative, 275, 410, 521, 523  
apex, 236, 238–239, 242, 249, 258  
ascendancy as constitutional guardians, 216–218  
British, 188, 252–253, 255  
European, 149, 247, 251, 252–253, 255, 257, 258, 394  
highest, 27, 29, 290, 296, 308, 339  
Hong Kong, 381–382, 384, 390, 392, 393–396, 397–399  
lower, 26–27, 124, 275, 296, 359, 365  
military, 409, 521  
national, 30, 165, 236, 241, 246, 251–252, 253, 254,  
258–259  
supranational, 239, 241, 252, 256–259, 398  
transnational activities, 236–246  
*see also* *individual jurisdictions/court titles.*
- covenants, 167, 178, 318, 529–531
- cow slaughter, 130–131
- CPA *see* Comprehensive Peace Agreement.
- creativity, 194, 295, 399, 449, 504
- credibility, 56, 133, 242, 493, 501
- crimes, 149, 269, 315, 432, 435, 446, 488, 491, 506
- criminal investigations, 435, 446, 492
- criminal prosecution, 292, 295, 296, 344, 443
- criminalization, 130, 283, 286, 295, 430  
same-sex relations, 286, 290, 292
- cross-border marriages, 132, 133
- cross-fertilization, 113, 241, 245
- CSR (corporate social responsibility), 535–536
- culture, 45, 50, 81, 94, 308, 310, 359, 363, 371, 379  
constitutional, 54, 306, 310–311, 313  
New Zealand, 303, 311–313  
political, 142, 441, 523  
public, 354, 363
- customary international law (CIL), 158, 162, 164,  
165–166, 167–168, 179, 240
- customary law, 101, 318, 453, 459
- Cypriots, Turkish, 339–340, 342–343, 347
- Cyprus, xxix, xxxi–xxxii, xxxvi, 330–349  
and constitutional system, 338–343  
*Aziz case*, 347  
citizenship and nationality, 343–348  
constitutional structure and peculiarities, 341–343  
creation and constitutional history, 338–341  
northern, 341  
Turkish community/Turkish Cypriots, 338–340,  
341–343, 347
- Czech Republic, 165, 192, 336
- dalits, 118, 122, 130, 356
- damages, 205, 400, 484, 530, 535
- Darfur, 170, 173, 175–177, 180, 181
- data sets, 42, 45, 53–54  
large, 44, 52, 54, 56
- deadlock, 405, 424, 449, 466, 490
- death penalty, 222, 240, 246, 431
- decency, 284, 313
- decentralisation, 123, 224
- Declaration of Māori Independence, 315–317

- declarations of incompatibility, 51, 188, 255  
 decriminalization, 281–282, 283–284, 300, 504  
 deference, judicial, 181, 438, 446  
 deferrals, 104–105, 323  
 degradation, environmental, 518, 525  
 DeKlerk, F. W., 430–431  
 deliberative democracy, 275, 507, 513–514  
 demarcation, 120–121, 122–123  
 democracy, 34–36, 127–128, 213–214, 331, 348, 358,  
     440–441, 475–477, 480–481, 494–495  
     consociational, 94, 108  
     constitutional *see* constitutional democracy.  
     deliberative, 275, 507, 513–514  
     liberal, xxix–xxx, 61–62, 69–70, 71, 141, 210, 234, 393,  
     497–498, 514  
     parliamentary, 120, 143, 170  
     racial *see* racial democracy.  
     representative, 119, 311, 426  
     transition to, 52, 162, 197, 201, 205, 213–214, 475  
 democratic backsliding, xxxiv, 49  
 democratic development, 475, 494  
 democratic elections, 160, 408, 423, 476, 490, 502  
 democratic governance, xxxi, xxxiv, xxxv, 89, 92, 121, 192,  
     493, 494, 521–522  
 democratic institutions, 189, 213, 403, 495, 502  
 democratic legitimacy, 214, 385, 417  
 democratic principles, 359, 407, 418, 424, 489, 508, 520  
 democratic processes, 213, 406, 417  
 democratic progress, 475, 476, 480, 494  
 Democratic Progressive Party *see* DPP.  
 democratic reforms, 382, 388, 397  
 Democratic Republic of the Congo, 169, 392  
 democratic self-determination, 337, 347  
 democratic self-governance, 189, 331  
 democratic society, 28, 180, 187, 347, 358, 414  
 democratic transitions, xxx, xxxvi, 93, 474, 490  
 democratic values, 189, 207, 393  
 democratization, 25, 93, 140, 155, 197–198, 203, 205, 207,  
     385–386, 476  
 denaturalization, 336–337, 338  
 Deng Xiaoping, 72, 73, 75  
 Denmark, 187, 217, 247, 332, 336  
 depressed classes, 356  
 design, xxvi, xxviii, 31–32, 161, 274, 275, 426, 428,  
     441–442, 444  
     choices, 54, 442  
     constitutional, 31, 32, 36, 44, 49, 52, 103, 107, 511, 514  
     electoral system, xxxiii, xxxvi, 403, 404, 406–407  
     institutional, xxviii, xxxii, xxxiii, 25, 115, 440, 461  
     research, xxviii, 41–58  
 despotism, 378, 380, 479  
 detention, 66, 345, 507  
     preventive, 288  
 development, 23–24, 25, 74–77, 80–82, 84, 241, 277, 281,  
     285, 532–533  
     democratic, 475, 494  
     economic, 431, 485, 525, 532, 533, 538  
     LGBTQ rights, 285–286, 299–301  
     national, 362–363, 367  
 deviants, 131, 284, 296, 297  
 devolution, 107, 409  
 dialogic judicial review, 188–190  
 dialogue, 28, 188–190, 195, 196, 212, 219, 236–237,  
     256–257, 258–259, 275–276  
     constitutional, 29, 188, 218, 219, 235, 303, 326  
     inter-institutional, 212, 235, 249  
     judicial, xxx, 28–29, 236, 238–239, 252, 255, 259  
     literal v figurative, 237–239  
     ubiquity of, 198, 211–212  
 dictatorships, 162, 268, 475, 476, 481  
     democratic, 72  
 differential treatment, xxxii, 298  
 dignity, 127, 146, 367, 410, 414  
     human, 64, 146, 225, 233, 248, 358, 367, 369, 414, 417  
 direct elections, 202, 222, 384, 415, 461  
 disabilities, 229, 270–271, 275  
 disadvantaged groups, 125, 275, 360, 369, 372  
     social status, 351, 353  
 disciplinary boundaries, 33, 56, 57  
 discourse  
     political, xxxi, 92, 231, 287  
     public, 76, 227, 300, 357, 433  
 discretion, 134, 192, 195, 229, 270, 275, 278, 338, 435  
     political, xxxii, 428  
 discretionary power, 293, 503  
 discrimination, 127, 131, 282, 284, 292, 355, 357, 363, 365,  
     367–370  
     gender-based, 126–127, 131, 133  
     pervasive, 352, 355  
     racial, 21, 177, 352, 354, 363–364, 366, 368  
 discriminatory laws, 289, 291, 293  
 discriminatory practices, 352, 354, 363–364  
 discriminatory treatment, 282, 414  
 disputes, 82, 90, 101, 124, 186, 256, 315, 361, 367, 411  
     political, 89, 93, 101, 204  
 dissent, 294, 409, 433, 435–436, 478  
 dissidents, 66, 82, 290, 297, 359, 474  
 distinctive features, xxv, 83, 226  
 distrust, 89, 110, 149, 358, 442, 487  
     mutual, 399  
 divergence, 48, 132, 387, 388, 504  
 diversification, 12, 309  
 diversity, 17–20, 22, 117, 127, 128, 355, 357, 424, 435, 437  
     constitutional, xxviii, 18, 22  
     ethnic, 56, 357  
 divided societies, xxviii–xxix, 89–112, 346, 348  
     challenge of establishing realistic constitution-making  
     process, 90–92  
     constitutional design, 92–96  
     constitution-making case study, 103–110  
     incremental strategies, 104–106  
 divisions, xxix, 83, 89, 92, 101, 111, 152, 169, 406, 477–478  
     ethnic, 93  
     social, 353, 366, 372  
 divisive issues, xxix, 91–92, 103, 105–106, 109, 122  
 divorce, 180, 282, 454, 480  
 domestic actors, 115, 162  
 domestic hierarchy, 163, 165  
 domestic law, 6–7, 163–164, 166–167, 240, 241, 244–245,  
     248, 255, 308, 313



- incorporation of international law, 164–168
- domestic legal systems, 240, 244, 348
- domestic violence, 131, 292
- dominant groups, 116, 133–134, 511
- dominant parties, 95, 427, 429, 440, 443
- DPP (Democratic Progressive Party), 201–202, 206, 436
- drafters, 42, 44, 48, 90–92, 102, 104–105, 106–107, 159, 162, 163
- drinking water, 269, 274, 276
- dual citizenship, 332, 335–336
- dual constitution, 77–78
- dualist systems, 163, 243, 255
- Dutch Constitution
  - basic features, 222–223 *see* Netherlands.
- duties, 220, 223, 249, 272–273, 325, 395, 432, 433–434, 521, 522
  - constitutional, 272, 439, 489
- dynamics, xxix, 10, 29–30, 45, 278, 303, 308, 309, 382, 505
  - power, 12, 315
- eastern Sudan, 173, 176, 181
- ECHR *see* European Convention on Human Rights.
- economic development, 431, 485, 525, 532, 533, 538
- economic elites, 358, 361
- economic growth, xxvi, 358, 433, 485, 532
- economic integration, 179, 249–250, 258
- economic life, 74, 82, 489
- economic power, 438, 517
- economic progress, 287, 290, 292
- economic reform, 73, 74, 78
- economic rights, xxxi, 29, 36, 50, 146, 222, 263, 275, 277, 353
- economies, 35, 36, 38, 73, 81, 309, 387, 528
- ECtHR *see* European Court of Human Rights.
- Ecuador, 499, 514–515
- education, 222, 224, 275, 276, 356, 359, 364–365, 367, 369–372, 413
  - institutions, 125, 371, 477, 522
  - legal, 16, 79
- effectiveness, 241, 251, 273, 278, 490, 495, 510
- efficacy, xxxiv, 45, 53, 64, 163, 213, 254, 370, 538
- Egypt, 11, 64, 91, 119, 170–171, 451–452, 454, 459, 475
  - Al-Azhar, 459
- EIA (Environmental Impact Assessment), 523, 533–534, 538
- elected legislatures, 139, 185, 187, 219
- elected representatives, 189, 218, 266, 421
- election commissions, 172, 416, 426, 522
- elections, 109–110, 201–202, 205, 206–208, 403–404, 408–409, 415–416, 418–419, 420–422, 423–424
  - competitive, 84, 400
  - democratic, 160, 408, 423, 476, 490, 502
  - direct, 202, 222, 384, 415, 461
  - fair, 475–476, 497
  - free, 128, 484, 511
  - general, 202, 205–206, 223, 233, 411, 416, 424
  - legislative, 95, 109, 205, 415, 416, 423, 425
  - local, 415, 420
  - oversight, 455–457, 463
  - parliamentary, 223, 484, 485–486, 489
  - presidential, 108–110, 201–202, 208, 416, 421–423, 428, 457, 463, 511
  - regional head, 415, 420–421
- electoral candidates, 464, 469, 470
- electoral commissions, 109, 416, 418–419, 421, 426–428, 432
- electoral fraud, 406, 478, 494, 498
- electoral rolls, 306, 406, 421–422
- electoral rules, 425, 499
- electoral systems, design, xxxiii, xxxvi, 403, 404, 406–407
- eligibility, citizenship, 126, 133
- elites, xxxii, 21, 66, 117, 243, 449, 469–470, 472, 502
  - civilian, 476, 481
  - economic, 358, 361
  - military, 476–477
  - protection of interests, 66
  - recruitment, 470
  - small, 81, 482
  - Turkish secular, 477–478, 491
  - urban, 98, 101, 521
  - white, 362, 363
- Elkins, Zachary, 34, 53, 137, 141, 200
- emancipation, 64
  - social, 367–368
- emergencies, xxxii, 153, 172–173, 200, 206, 359, 384, 391, 504, 506
- emergency powers, 37–38, 200, 502–503, 505
- emerging markets, 528, 534
- emigrants, 332–333
- emigration, 327, 335, 345
- empirical studies, 54–55, 242, 476, 495, 538
- employment, 125, 133, 273, 282, 344, 346, 413
  - public, 125, 352, 356, 364–365
- enforcement, 29–30, 188, 193–194, 211, 218, 263, 265, 267, 534, 539
  - constitutional, 79
  - judicial, xxxi, 21, 29, 66, 190–192, 194, 217, 264–265, 304, 306
  - powers, 412–413
  - private, 534
- engagement, 6, 39, 45, 48, 51, 117, 194, 211, 239, 244–245
  - stakeholders, 526, 527
- English language versions, 316, 317–318, 321–322, 326
- enrichment, private, 440–442, 445
- entrenchment, 66, 90, 181, 382, 392, 397–398, 486, 498
  - constitutional, xxxiv, 128, 349, 498
- environment, 23, 32, 34, 224, 238, 259, 264, 276, 522, 532–533
  - healthy, 263, 276, 414
  - political, 52, 412, 490
- Environmental and Social Action Plan *see* ESAP.
- environmental degradation, 518, 525
- environmental governance, 528, 539
- Environmental Impact Assessment *see* EIA.
- environmental NGOs, 277, 518, 523
- environmental rights, xxxvi, 268, 522–523, 535
- environmental risks, 525, 535, 536
- environmental standards, 518–519, 525, 528, 533, 534, 536

- EP *see* Equator Principles.
- equal protection, 211, 292, 296, 355, 367, 370, 372
- equal rights, 99, 178, 480
- equal treatment, 132, 229, 233, 353, 357, 364, 413
- equality, 127–128, 169, 170, 278, 281, 347–349, 351–353, 355–356, 368–370
- formal, 351, 353, 366, 368, 370, 372
- guarantee, xxxii, 458
- principle, 351, 353, 365, 367, 370
- racial, 355, 366
- substantive, xxxii, 353, 356, 358, 367, 369–370, 372
- Equator Banks, 527–530, 531–532, 534, 535–536
- Equator Principles (EP), 518–519, 524–538, 539, 540
- Erdoğan, Recep Tayyip, 491–494
- errors, procedural, 152, 507, 509–510
- ESAP (Environmental and Social Action Plan), 530–532
- Estonia, 220, 235, 337
- eternity clauses, xxxiv, 125, 134, 140, 191, 194, 500
- ethnic communities, 101, 108, 112
- ethnic diversity, 56, 357
- ethnic groups, 94, 95, 107–110, 117, 407
- ethnic minorities, 146, 337, 351–352, 357
- ethnicity, 94, 99, 101, 103, 108, 109, 117, 349, 352, 357
- European arrest warrant, 253–254
- European Convention on Human Rights (ECHR), 188, 218, 225, 228, 246, 249–252, 255–258, 335, 337–338, 347
- European Court of Human Rights (ECtHR), 9, 133, 237, 240, 244, 249–250, 251–252, 335, 337–338, 347–348 and Court of Justice of the European Union, 256–258 and national courts, 254–256
- European Court of Justice (ECJ) *see* Court of Justice of the European Union.
- European Union, xxix–xxx, 157, 162, 225, 228, 236–259, 341, 491–492
- and constitutional framework, 246–251
- Charter of Fundamental Rights (CFR), 228, 248–250, 252, 254
- legal character of Union and institutions, 247–249
- Melloni*, 253–254
- obligations of national judges to uphold EU law, 249–251
- transnational judicial communication, 251–258 *see also* Court of Justice of the European Union.
- exclusion, 12, 95, 116, 175–176, 196, 201, 346, 348, 349, 356
- social, 266, 274, 352, 353–354, 372
- exclusive jurisdiction, 203, 360–361, 410
- executive accountability, 119, 121
- executive branch, xxxii, 74, 202, 220, 273, 382, 404, 431, 443, 503
- executive constitutional interpretation, xxx, 219–221
- executive dominance, 121, 510
- executive officials, 213, 219, 360, 409
- executive power, 122–123, 134, 141, 288, 342, 404, 460, 491
- existential threat, 133
- Expediency Council, xxxiv, 456–457, 466–467, 468–469, 470, 472
- expert assistance, 119, 428
- expertise, 3–4, 9, 14, 56, 115, 230, 233, 413, 427, 538
- legal, 244, 428
- technical, xxxii, 427, 518
- experts, 21, 428, 455, 457, 462, 470, 471, 532, 536
- independent, 138, 250
- explicit procedural restrictions, 190–191
- explicit substantive restrictions, 190–191
- exploration, xxxv, 6, 12, 50, 52, 449
- external threats, 64, 314, 409
- extreme vulnerability, 270–272, 273, 274
- extremes, xxxii, 21, 79, 95–96, 188, 190, 192, 406
- factional politics, 431, 442
- factions, 431–432, 439, 477, 495
- fair elections, 475–476, 497
- fair trial, 225, 250, 254–255
- fairness, 54, 82, 312–313, 538
- electoral, 428
- family law, 107, 451–452, 453–454
- family members, 334, 346, 371
- fascism, 64, 216
- Fazilet Partisi, 478, 491
- federal structures, 173, 175, 378
- federal systems, 120, 127, 267, 360, 377–378, 394
- federalism, xxxii, 20, 47–48, 107, 122, 173, 191, 312 and subnational constitutionalism, 377–378
- fictions, 199, 200, 206, 207, 310
- Fidesz, 143, 149, 153, 499
- final adjudication, 381–382, 384, 395
- final power of interpretation, 106, 390, 391, 392–393, 399
- finality, 185–186, 188, 198, 211
- financial assistance, 352, 371
- financial institutions, 524–525, 527–528, 533–535, 537
- financial resources, 298, 357
- financiers, 525
- private, 534–535
- financing, 525, 528
- project, 528, 531
- Finland, 233, 307, 332, 335
- first-past-the-post system, 123, 222, 309, 404
- foreign affairs, 342, 381, 383, 390, 392, 397
- foreign judges, 382, 398
- foreign jurisdictions, 114, 208, 240
- foreign law, xxx, 6–7, 53, 55, 238, 240–241, 242–246
- foreign legal materials, 115–117, 236, 238, 240, 241–245
- foreign legal systems, 4, 50, 259
- foreign policy, 118, 166, 179, 488–489
- forests, 15, 317, 534
- formal amendment, 53, 137, 139–141, 397–398
- formal constitutions, 63, 77, 114, 137, 517, 519, 523
- formal equality, 351, 353, 366, 368, 370, 372
- formal powers, 207, 213, 224
- formal replacement, 137, 139–140
- fourth-branch institutions, xxxii, 426–446
- frameworks, legal, 79, 160, 239, 241, 444
- France, 29, 31, 254–256, 336, 351, 355, 357, 459, 460, 480
- affirmative action, 356–357
- Constitution, 356–357, 458, 460–461, 463
- fraud, 155, 344
- bankruptcy, 253
- constitutional, 155, 513

- electoral, 406, 478, 494, 498  
 free elections, 128, 484, 511  
 freedom of assembly, 143, 146  
 freedoms, 130, 146, 178, 222, 225, 231–232, 287, 309, 387, 485  
   fundamental, 169, 177–178  
   liberal, xxxiii, 148, 399  
   religious, 99, 129, 130, 134, 256, 458, 477, 492  
   reproductive, 45, 48  
 functions, 51–52, 61, 64–65, 66, 339, 379–380, 426, 460, 472, 519  
   constitutions, 64–68  
   executive, 164, 247  
   expressive, 67, 72  
 fundamental freedoms, 169, 177–178  
 Fundamental Law, 123, 143, 145, 148–153, 457  
 fundamental principles, 43, 154, 319, 369, 435–436, 469, 487  
 fundamental rights, 119–120, 125, 146–147, 149–150, 168, 195–196, 222–223, 225, 253–254, 256–257  
   Nepal, 125  
   Netherlands, 225  
 funds, 439, 469, 528–531  
   public, 95, 148, 426, 439  
 fuzziness, methodological, 43  
  
 Gardbaum, Stephen, 51, 218  
 gay people *see also* LGBTQ, 281, 283, 293, 295, 297, 300, 301  
 gender, xxix, 30, 125, 131–132, 283, 292, 332, 354  
   identities, 282–283  
   non-conformity, 285, 299  
   quotas, 125, 210, 416, 417  
 gender-based discrimination, 126–127, 131, 133  
 genealogies, 45, 113, 314  
 general elections, 202, 205–206, 223, 233, 411, 416, 424  
 generalization, 4, 15–16, 43, 49, 52, 55, 56, 57, 99  
 geographical regions, xxvi, xxvii, xxxv, 19, 129  
 Germany, 7, 9, 103, 208, 209, 252, 253, 282–283, 477, 480  
   Basic Law, 64, 167  
 Ghani, Ashraf, 109–110  
*Glenister* cases, 433–434, 436–437, 438, 441–442, 444–445  
 global norms, 113, 114, 126, 127, 134  
 Global South, xxxv, 19–20, 21, 239, 263–265, 277, 279  
 global values, 127, 128, 131  
 globalization, xxxiv, 28, 85, 134, 163, 238, 241, 517–518, 519  
   constitutions, 63–64  
 GNU *see* Government of National Unity.  
 goals, 6, 63, 64–65, 67, 275–276, 353–354, 357–358, 362, 369–370, 388  
   general, 275, 277  
   intellectual, 56, 57  
   liberal, 66, 69  
   primary, 57, 498  
   shared, 258, 265, 378  
   ultimate, 90, 385, 386  
 good faith, 177, 187, 276, 325  
 governance, 62, 70, 79, 82, 94, 98, 102, 105, 118, 127  
   authoritarian, 36  
   democratic, xxxi, xxxiv, xxxv, 89, 92, 121, 192, 493, 494, 521–522  
   environmental, 528, 539  
   non-state, 519, 524  
   social, 361, 524  
 government actors, 188, 278  
 government agencies, 27, 489, 523, 525  
 government contractors, 352, 365  
 government corruption, 432, 493  
 Government of National Unity (GNU), 431  
 government power, xxxii, 150, 153, 380, 408, 438, 486, 497, 521  
 government, branches of, 187, 194, 308, 310, 435, 455–457, 459  
 governmental structure, xxxiii, 74, 92, 100, 111, 201, 208, 342, 463  
 governments, 97–101, 121–124, 146–150, 222–226, 273–276, 295, 309, 407–409, 429–431, 436–438  
   coalition, 405, 485–486, 489, 490–491  
   consociational, 95, 112  
   democratic, xxxv, 89, 102, 111, 192  
 graduate programs, 57  
 grand coalitions, 94, 109  
 Greece, 162, 332–333, 335, 336–337, 339, 340, 480  
   citizenship, 333, 335, 337  
 Greek Cypriots, 340, 341–343, 347  
 gridlock, 36, 92–93, 110  
*Grondwet*, 221–231, 233  
 group dynamics, 31  
 group membership, 355, 356, 370  
 guarantees, 110, 265, 267, 272–273, 275, 340–341, 392–393, 397, 400–401, 458  
   consociational, 93, 94–95, 107  
   constitutional, 119, 222, 272, 378  
   minimum, 273  
 Guardian Council, xxxiv, 106, 455–457, 459, 462, 463–465, 466, 468–472, 473  
 Guardian Jurist, 465, 468  
 guardians, 64, 82, 121, 123, 284  
 guardianship, 314, 315, 454, 460, 462  
 Guatemala, 267, 475  
 guerilla activity, 506  
 guerrilla groups, 503, 505, 512  
  
 Hanafi Islam, 96–97, 99–100, 104–105  
*hapū*, 311, 314–316, 318  
 harmony, 227, 295, 540  
   racial, 364  
   social, 287, 290, 367  
 Hawks, 433–435, 437–438, 444–445  
 HCC, 144–147, 148, 149–150, 151–152  
 health, 263, 265, 269, 271–274, 276, 367, 371, 522, 533  
   care, 264, 271–272, 282, 292, 414, 504  
 hierarchical relations, 250, 258, 352, 362  
 hierarchy, 43, 126, 128, 150–151, 373, 466, 472  
   domestic, 163, 165  
   racial, 354, 362, 363, 373  
   social, 126–128, 131, 133, 169, 362  
 Hinduism, 117, 121, 126–127, 128–130, 132  
 historical context, 13, 61, 169, 349, 519  
 historical references, 116, 120

- history, 3–4, 61, 111, 113, 114, 116–118, 127, 132, 134, 355  
 Afghanistan, 98–102  
 Brazil, 362, 364  
 Cyprus, 338–341  
 local, 117, 127  
 Nepal, 118–121  
 Netherlands, 222  
 Turkey, 477, 485, 492, 493–494  
 Hobson, William, 316–318, 319, 327, 329  
 homogeneity, 248, 366, 368  
 homosexuality *see also* LGBTQ, 132, 283, 291, 293, 300  
 Honduras, 499, 515  
 Hong Kong, xxix, xxxii–xxxiii, xxxv–xxxvi, 21, 34, 214, 284, 377–402  
 and constitutional framework, 381–386  
 asymmetric constitutionalism, 380–381, 399–401  
 autonomous status, 381–384  
 Basic Law, 381–384, 385, 386, 387–399, 400–401  
 centripetal and centrifugal pressures, 380, 399  
 CFA (Court of Final Appeal), 382, 384, 391–393, 394–396, 398  
 competing mechanisms of subnational constitutional change, 396–398  
 courts, 381–382, 384, 390, 392, 393–396, 397–399  
 delineation of competences and conflict resolution, 390–393  
 international law in subnational constitutional order, 398  
 Legislative Council, 382–386, 390–391, 396, 401  
 National Security Law (NSL), xxxiii, 386, 389–391, 396, 398  
 national versus subnational approaches to interpretation, 393–396  
 NPCSC (National People's Congress Standing Committee), 382–383, 385–386, 388–397, 398–399, 400  
 people, 388, 397, 398  
 politics, elections, and popular protests, 384–386  
 purposes and functions of subnational constitutions, 379, 386, 388  
 relationship between national and subnational law, 388–390  
 rights-protecting function of subnational constitutions, 398  
 Sino-British Joint Declaration, 381–382, 397, 399  
 subnational constitutionalism, xxxii, 386–401  
 horizontal accountability, 498, 499  
 Horowitz, Donald, 25, 49, 93–96, 107, 108, 110, 111–112  
 House of Representatives, 121–122, 124, 308–309, 311, 323, 339, 342, 343, 345, 520–521  
 housing, 263–264, 272–274, 276, 367, 371, 533  
 adequate, 269, 272, 273–274  
 human dignity, 64, 146, 225, 233, 248, 358, 367, 369, 414, 417  
 human rights, 157–158, 168–169, 233–234, 242, 268–269, 304, 337–338, 398, 409, 413–414  
 abuses, xxxiii, 474  
 international, 30, 305  
 law, international, 180, 181, 228, 268–270, 332, 333  
 protection, xxx, 180, 249, 255, 269  
 treaties, international, 105, 166, 177–178, 179, 273, 382, 503  
 Human rights, commissions, 221, 427, 432  
 Hungary, xxix, xxxiv–xxxvi, 20, 136–155, 195  
 and constitutional system, 141–143  
 Communism to democracy, 143–147  
 liberalism to illiberalism, 147–154  
 ICCPR (International Covenant on Civil and Political Rights), 130, 132, 161, 162–163, 166, 175, 177–179, 181, 382, 398  
 ICESCR (International Covenant on Economic, Social and Cultural Rights), 162–163, 269, 273, 274, 307  
 identity, 63, 65, 98, 99, 113, 114, 117, 128, 132, 133  
 collective, 64, 67, 363  
 common, 169, 349  
 constitutional, 45, 51, 54, 126–127  
 national, 91–92, 111, 113, 114, 116, 117, 126, 128, 130, 354–355  
 racial, 364–365  
 regional, 125, 131  
 shared, 97, 99  
 identity-based quotas, 120, 122, 123  
 ideological commitments, 82, 226  
 ideology, 24, 29, 61, 71, 77, 82, 90, 126–127, 351  
 of racial democracy, xxxii, 363–364, 366  
 IFC *see* International Finance Corporation.  
 IGAD (Intergovernmental Authority on Development), 172, 181  
 illegal armed groups, 504, 506  
 immersion, 5, 13–14, 15  
 immigration authorities, 346  
 immunity, state, 392  
 imprisonment, 291, 344, 413, 484  
 INC *see* Interim National Constitution.  
 incentives, 93, 95, 108, 159, 189, 194, 296, 427, 486  
 fiscal, 325  
 integrationist, 107, 111  
 inclusion, social, 119, 276, 351, 352, 353, 357, 360, 364, 366, 369  
 incompatibility, declarations of, 51, 188, 255  
 incorporation of international law into domestic law, 164–168  
 incumbents, 110, 427, 463, 498, 502, 513, 515  
 independence, 64, 170, 173–174, 178–179, 315–316, 317, 407–408, 433–435, 444, 501  
 judicial, 52, 249, 289, 312, 359, 381, 384, 395, 411, 436  
 independent candidates, 404, 420–421  
 independent commissions, 29, 384, 386  
 independent experts, 138, 250  
 India, 20, 117, 118–120, 125–126, 195, 196, 263–264, 353, 355, 356  
 affirmative action, 356  
 Supreme Court, 197, 283–284, 301, 356  
 indigenous peoples, 118, 130, 266, 270, 303, 304–307, 326, 331, 361, 429  
 indigenous rights, xxxi, 268, 303–329  
 comparative, 307  
 four former colonies settled by British, 305–307

- in international law, 307–308
- jurisprudential underpinnings, 304–305
- New Zealand, 313–326
- indigenous v borrowed constitutions, 113–117
- individual rights, 63, 100, 145, 218, 304, 352, 355, 358, 362, 367
- Indonesia, xxxiii, xxxv–xxxvi, 49, 403–425
  - and constitutional system, 407–414
  - Constitution, 410, 413
  - elections, Constitution, and Constitutional Court, 415–424
  - gender quotas, 417
  - independence and authoritarian rule, 407–409
  - independent candidates in local elections, 420–421
  - judicial review and constitutional amendments, 411–413
  - list system, 405, 416–417
  - National Parliament, 410–411, 415
  - Pancasila, 407, 419
  - participation and national representation thresholds, 418–420
  - political parties, 418–421
  - post-1998 democratization and constitutional reform, 409–411
  - presidential elections, 422–424
  - proportional representation (PR), 416–418
  - Regional Government Law, 420–421
  - seat conversion, 418
  - socio-economic rights, 413–414
  - Soeharto, 403, 408–409, 422–423, 424
  - Soekarno, 408, 409, 424
  - voter identification requirements, 421–422
- informal constraints, 286, 289, 294, 300
- informal norms, 285, 289–290, 294
- informal rules, 294, 299
- innovations, 125, 212, 268, 301, 309, 457–458, 462
- Inönü, Ismet, 483, 484
- insiders, xxxi, 10, 116, 331, 445
  - movement, xxxi, 297
- instability, 116, 121, 490–491, 533
- institutional capacity, 75, 524
- institutional design, xxviii, xxxii, xxxiii, 25, 115, 440, 461
- institutional structures, 24, 30, 111, 203, 251, 259, 278, 455
- institutionalist turn, 24–25
- institutionalization, 73, 142, 472, 489
- institutions
  - democratic, 189, 213, 403, 495, 502
  - education, 125, 371, 477, 522
  - financial, 524–525, 527–528, 533–535, 537
  - fourth-branch, xxxii, 426–446
  - judicial, 79, 408, 413
  - parliamentary, 202, 203, 208, 210
  - supporting constitutional democracy, 426–429
- instrumentalism, 5, 6–8, 11, 14
- integration, economic, 179, 249–250, 258
- integrationism, 102, 107, 111–112
- integrity, territorial, 125, 128, 129, 339, 340
- intellectual goals, 56, 57
- Inter-American Court of Human Rights, 30, 268–269, 283, 307, 338
- interests
  - core, 400, 401, 501, 505
  - national, 127, 129, 336
  - societal, 232, 242
- Intergovernmental Authority on Development (IGAD), 172, 181
- Interim National Constitution (INC), 157–158, 172–176, 177–178, 179–182
- inter-institutional dialogue, 212, 235, 249
- international acceptance, 67
- international actors, xxix, 31, 120, 134, 158, 160, 181
- international assistance, 115, 126
- international community, 65, 103, 153, 158, 160, 162, 172, 176, 246, 340–341
- International Covenant on Civil and Political Rights *see* ICCPR.
- International Covenant on Economic, Social and Cultural Rights *see* ICESCR.
- International Finance Corporation (IFC), 524–525, 536
- international human rights law, 180, 181, 228, 268–270, 332, 333
- international law, xxix, 157–182, 225–226, 304–305, 307–308
  - as catalyst for constitutionalism, 180–181
  - customary, 158, 162, 164, 165–166, 167–168, 179, 240
  - impact of constitutions, 163–169
  - impact on constitution-making, 158–163, 175–177
  - in subnational constitutional orders, 398
  - incorporation into domestic law, 164–168
  - indigenous rights in, 307–308
  - influence on constitutional content, 162–163, 177–180
  - position within domestic legal hierarchy, 166–168
- International Monetary Fund (IMF), 524
- international norms, 113, 115, 133, 157–158, 162, 503, 518
- international organizations, 31–32, 38, 114–115, 159, 169, 175, 237, 243, 249, 257
  - use of secondary international law, 159–161
- international standards, 113, 115, 132, 180, 181
- international treaties, 157, 164–165, 166–167, 177–178, 179, 240, 243, 255, 256, 381–382
- interpretation, 202, 204–207, 256–257, 258, 385–386, 391–394, 396, 397, 400, 473
  - constitutional, xxx, 29, 54, 80, 216, 219–221, 226, 228, 231, 234–235
  - final power of, 106, 390, 391, 392–393, 399
  - judicial, 43, 136, 139, 245, 263, 291, 400
  - statutory, 51, 193, 204, 255, 309
- interventions, xxix, 265, 340, 486, 494
  - military, 341, 474, 478, 491, 494, 495, 523
  - political, 490, 494–495
- invalidity, 395
- investigations, 35, 432–433, 434–436, 438, 441–442, 443–444, 445–446, 484
  - anti-corruption, 435, 445
  - criminal, 435, 446, 492
- investment, 335, 517, 529, 532–533
  - foreign, 432, 538
- Iran, xxxiii, xxxv–xxxvi, 449–473
  - and constitutional system, 453–457
  - Assembly of Experts, 455, 457, 462, 470, 471

- Iran (cont.)  
 centralization of power in Supreme Leader's Office,  
 469–471  
 Constitution of 1906/1907, 457–459  
 constitutional amendments of 1989, 467–468  
 Expediency Council, xxxiv, 456–457, 466–467,  
 468–469, 470, 472  
 first draft of 1979 Constitution, 459–461  
 Guardian Council, xxxiv, 106, 455–457, 459, 462,  
 463–465, 466, 468–472, 473  
 Islam in final draft of 1979 Constitution, 461–464  
 Islamic constitutionalism, 457–471  
 Islamic government without religious authority,  
 459–461  
 Islamization of legal system and introduction of  
*maslahat*, 464–467  
*maslahat*, 464, 465–467, 471  
 National Security Council, 468  
 Supreme Leader, 455–457, 462–463, 465, 468–471, 472  
 White Revolution, 454  
 Iran-Iraq war, 466–467  
 Iraq, 90, 307, 450, 453, 458, 477  
 Ireland, 167, 247, 327, 332, 333–334, 335  
 Northern, 282  
 Islam, 96–97, 99, 103, 104–106, 450–452, 454, 458,  
 460–461, 463, 465–466  
 Hanafi, 96–97, 99–100, 104–105  
 Shi'i, 450, 453, 458  
 Islamic constitutionalism, xxxiii, 69, 403, 449–473  
 Islamic jurists, 454, 455, 464  
 Islamic law, xxxiii, 97, 105, 449–454, 455–457, 459–460,  
 463–464, 465, 471  
 as basis for modern state law, 450–453  
 Islamic principles, 452, 454, 458, 464, 473  
 Islamic Republic of Iran *see* Iran.  
 Islamic review, 449, 459, 471  
 Islamic states, 407, 450–451, 454–455, 466, 478  
 Islamists, 101, 171, 489  
 Islamization, 171, 452, 454, 459, 460, 471  
 Israel, 3, 4, 11, 49, 91, 139, 245, 308, 332  
 Italy, 64, 162, 164, 172, 208, 246, 254, 335, 336, 480
- Jacobsohn, Gary, 51, 137  
 Japan, xxvi, xxxv, 8, 34, 47, 49, 138, 162, 166, 220  
 Cabinet Legislation Bureau, 220, 235  
 Juba Peace Agreement, 174, 182  
 judges, 41, 214–215, 217–219, 226–228, 236–239, 241–245,  
 248, 384, 445–446, 486–487  
 foreign, 382, 398  
 national, 30, 249, 259, 268  
 unelected, 215, 309  
 judicial activism, 48, 279  
 judicial communication, transnational, xxx, 236–259  
 judicial comparativism, 237, 239–241, 244–246, 259  
 causes, 240–243  
 voluntary, 244–246  
 judicial cooperation, 247, 249, 251, 253  
 judicial deference, 181, 438, 446  
 judicial dialogue, xxx, 28–29, 236, 238–239, 252,  
 255, 259  
 judicial enforcement, xxxi, 21, 29, 66, 190–192, 194, 217,  
 264–265, 304, 306  
 judicial independence, 52, 249, 289, 312, 359, 381, 384,  
 395, 411, 436  
 judicial institutions, 79, 408, 413  
 judicial interpretation, 43, 136, 139, 245, 263, 291, 400  
 judicial intervention, 270–271, 272, 278–279  
 judicial networking, 237–238  
 judicial oversight, 81, 228  
 judicial power, xxx, 192–193, 195, 196, 198, 207, 211, 213,  
 215, 410  
 judicial reasoning, 43, 48, 58, 238, 241, 243, 245  
 judicial resistance, 30, 197  
 judicial review, xxx, xxxvi, 6–7, 19–20, 21, 37–38, 51–52,  
 54, 80, 234  
 absence of, 187, 234  
 abstract *see* abstract review.  
 Afghanistan, 106  
 Argentina, 267  
 Brazil, 359, 360  
 Colombia, 501, 515  
 dialogic, 188–190  
 forms and degrees, 185–186  
 hard, soft, or none, 186–188  
 Hong Kong, 396  
 Hungary, 150  
 Indonesia, 403, 411–413  
 Iran, 455–457  
 Nepal, 123–125, 131  
 Netherlands, 222, 226–228, 234  
 of constitutional amendments, xxxiv, 152, 185–215  
 of legislation, 124, 145, 186–188, 214, 234  
 power, 64, 106, 121, 144, 186, 191, 198, 213–214, 268, 412  
 Singapore, 288  
 spectrum, 192–195, 198, 204  
 Taiwan, 203–211  
 Thailand, 523  
 Turkey, 486, 487  
 judicial scrutiny, 164, 218, 227, 228  
 judicial supervision, 205, 207, 213, 444  
 judicial supremacy, 186–190, 192, 233  
 turn towards constitutional dialogue, 218–219  
 Judicial Yuan, 201–203  
 judicialization, xxviii, xxx, 25–26, 34, 37, 52, 185, 194,  
 217, 279  
 judiciary, 123–124, 288–290, 309, 459–460, 462, 467–468,  
 469–470, 486–487, 499, 513–514  
 independent, 120, 147  
 regular, 186, 426  
 jurisdictions, xxv–xxvii, 12–14, 15–17, 18–20, 28–29,  
 242–244, 281–283, 306–307, 390, 394–395  
 foreign, 114, 208, 240  
 liberal, 399–400, 401  
 subnational, 393, 396  
 jurisprudence, 26, 48, 180, 204, 211, 231, 253, 265,  
 268–269, 274  
 constitutional, 42, 43–44, 45, 47, 48–49, 51, 58, 205  
 Shi'i, 465, 472  
*jus domicilis*, 334  
*jus nexi*, 334, 336, 348

- jus pecuniae*, 334–335  
*jus sanguinis*, 332–333, 334  
*jus soli*, 332, 333–334, 338  
 justice  
     procedural, 274, 275–297  
     racial, 351, 355, 364
- Karzai, Hamid, 103, 105, 109  
*kāwanatanga*, 316, 317, 322  
 Kelsen, Hans, 154, 216  
 Khamenei, 'Ali, 465, 467–469  
 Khan, Abdurrahman, 97, 99  
 Khas-Arya, 117, 120–121, 122, 459  
 Khomeini, Ruhollah, 454, 459–461, 464–468  
 KMT (Kuomintang), 70–71, 199–202, 205–207  
 knowledge, xxviii, 10, 15, 32, 36, 37–38, 55, 56, 57, 334  
     local, 40, 50  
*ko nga rangatira*, 329  
*Kompetenz-Kompetenz*, xxxiii, 380, 392  
 Kucuk, Fazil, 339  
 Kuomintang *see* KMT.
- labels, xxxiv, 44, 314  
 labor, 249, 309, 322, 465  
*laïcité*, 256, 477  
 land reforms, 170, 197, 454, 464  
 language versions, 303, 318, 321, 322  
 large-C constitutions, 63, 77, 223–224, 379  
 large-N approach, 31, 38–39, 45, 52–54, 56, 57  
 Latin America *see also individual countries*, 499, 501, 503, 505, 513, 515  
 law schools, *see also* legal education, 4, 16, 24, 33, 39, 42, 57, 106  
 lawmaking processes, 220, 227, 230, 286  
 lawyers, 6–7, 10, 15–16, 23, 25, 38, 40, 295–296, 297–299  
     constitutional, xxxiii, 44, 48, 421  
 leaders, 37, 98, 109–110, 360, 364, 484, 488, 490, 512, 521  
     civilian, 475–476, 486, 488, 491, 494–495  
     military, 476, 479, 486–487, 488, 492  
     party, 75–77, 81  
     political, 95, 108, 154, 290, 364, 490  
     religious, 99, 101  
 leadership, 72, 75, 77–78, 120, 207, 408, 441–442, 459  
     CCP, 72, 74, 77, 84  
     collective, 73, 75  
     military, 476, 481, 485, 488, 489–490  
     party, 77, 82–84, 85  
     senior, 442, 457  
 Lee, Teng-Hui, 201–202, 208  
 leftover votes, 418  
 legal continuity, 137, 147, 153–154  
 legal cultures, 15, 245  
 legal education *see also* law schools, 16, 79  
 legal expertise, 244, 428  
 legal frameworks, 79, 160, 239, 241, 444  
 legal orders, xxx, 246–247, 248, 251, 258, 333, 380,  
     400–401, 503, 508  
     domestic, 163, 258  
     international, 67, 225–226, 380  
 legal pluralism, xxxiv, 519, 538, 540
- legal reasoning, 57, 58, 198  
 legal recognition, 282, 284, 303, 305, 361, 413  
 legal standing *see* standing.  
 legal status, 149, 303, 313–314, 319–320, 324, 326, 338, 510  
 legal systems, 79, 82, 83, 381–382, 393–394, 449, 451–453,  
     459, 460–461, 471  
     domestic, 240, 244, 348  
     foreign, 4, 50, 259  
     modern, 449, 453  
 legal traditions, 15, 238, 244, 252, 305, 401, 451, 500  
 legality, 7, 74, 138, 151, 154, 355, 359  
 LegCo *see* Legislative Council.  
 legislation, 186–188, 226–228, 229–231, 233–234, 256,  
     321–322, 409–411, 455–456, 463, 520–521  
     local, 391–392, 398–399, 412, 535  
     ordinary, 125, 133, 167, 187, 191, 193, 213, 243, 379, 400  
 legislation-review, 186, 192–193, 198, 213–214  
     soft, 188, 193  
 legislative authority, 316, 320–321, 325  
 legislative branch, 121, 220  
 Legislative Council, 382–386, 390–391, 396, 401  
 legislative elections, 95, 109, 205, 415, 416, 423, 425  
 legislative fiat, 80, 100  
 legislative powers, 122, 141, 143, 299, 342, 395, 404,  
     409, 458  
 legislative processes, 75, 152, 224, 230, 247, 459, 470, 521  
 legislative reforms, 131–132, 300, 425  
 legislative seats, 95, 200, 210, 404, 416, 423  
 legislative supermajorities, 169, 191  
 legislative supremacy, 186–189, 190, 218, 228  
 Legislative Yuan, 202–203, 205, 207, 208, 210–211  
 legislators, 123, 150, 205–206, 208, 210, 213, 214, 281,  
     282, 427  
     pro-democracy, 383, 385, 397  
 legislatures, 164–165, 186–188, 192–194, 214, 218–221,  
     233–235, 404, 423–424, 442–443, 459–460  
     elected, 139, 185, 187, 219  
     national, 178, 179, 219, 409, 415, 420  
 legitimacy, 62, 74, 82, 114–116, 140, 155, 205–206, 236, 518,  
     538–539  
     constitutional, 78, 117  
     democratic, 214, 385, 417  
     political, 287, 304, 539  
 legitimation, 65  
 lenders, 528–532, 535, 539  
 lending activities, 535, 537  
 Lerner, Hanna, 91, 99, 102, 104, 106  
 leverage, 38, 306, 531  
 LGBTQ, 281, 291  
     activists, 133, 286, 288, 290, 292–297, 299–301  
     development/advancement of rights, 282, 285–286,  
         299–301  
     movement, 290, 294, 296, 297, 300–301  
     persons, 281–282, 283–284, 286, 291–292,  
         293, 301  
     rights, xxxi, 132–133, 281–301  
         development, 285–286, 299–301  
         in Singapore, 286, 290–299, 300  
         politics of, 285, 286, 301  
 liberal backsliding, 399

- liberal constitutional democracies, xxviii, 6, 21, 100, 145, 147, 154, 498
- liberal democracies, xxix–xxx, 61–62, 69–70, 71, 141, 210, 234, 393, 497–498, 514  
Western, 11, 20, 21
- liberal democratic constitutionalism, 497–498, 499–500, 501, 512–513  
challenges to, xxviii, xxxiii–xxxiv, xxxvi, 19
- liberal democratic order, 64, 497, 501, 507, 513, 515
- liberal freedoms, xxxiii, 148, 399
- liberal goals, 66, 69
- liberal jurisdictions, 399–400, 401
- liberal tradition, 68, 393
- liberal values, 100–101, 105, 287
- liberalism, 100, 147, 154
- liberties, 146, 287, 289, 296, 298, 299, 378, 485, 521–522  
civil, 127, 285, 462  
individual, 378, 394, 401  
political, 285–287, 290, 299
- Libya, 90, 452
- Lijphart, Arend, 93–94, 108, 110, 112, 406
- limitation clauses, 225, 452, 522
- line-toeing, 294, 295
- Lisbon Treaty, 247, 249–250, 253, 257
- list system, 405, 416–417  
open, 405, 417  
semi-open, 405, 416
- literal v figurative dialogue, 237–239
- Lithuania, 166, 337
- litigants, 289, 295, 300, 355
- litigation, xxxi, xxxii, 125, 277–279, 282, 285, 294, 295–296, 298, 300–301  
campaigns, 290, 294, 296, 300–301  
constitutional, xxxii, 4, 119, 206, 290, 403, 406  
rights, 249, 286, 289–290, 294, 297, 300–301
- loans, 528–532, 534–535, 536
- local autonomy, 378, 401
- local elections, 415, 420
- local history, 117, 127
- local knowledge, 40, 50
- local legislation/laws, 391–392, 398–399, 412, 535
- local values, xxix, 283, 334
- long-term residence, 334, 336
- long-term stability, 113, 115
- loss of citizenship, 331, 335–337, 338, 343, 344, 348
- loyalty, 74, 336, 344, 482, 486–487
- Macedonia, 479
- magistrates, 428, 443–444
- mainland China *see* PRC.
- Makarios, Archbishop/President, 339, 340
- Malawi, 166
- Malaysia, 49, 286, 452
- Malta, 283, 332, 335, 337–338  
citizenship, 332
- mana*, 314, 316
- Mandela, Nelson, 430, 431, 475
- Mao Zedong, 71–72
- Maoists, 119–120, 126, 128
- Māori, 303, 306, 308, 311, 313–317, 319–322, 324, 325–326  
chiefs, 303, 306, 313, 315  
land, 321, 323  
Land March, 321, 323  
versions, 317–318, 322, 327  
*see also* New Zealand.
- marginalization, 12, 119, 120, 126, 170, 353  
political, 169
- marginalized groups, 118, 122, 125–126, 285, 360
- marja's*, 468
- markets, 8, 38  
emerging, 528, 534
- marriages, cross-border, 132, 133
- martial law, 71, 200, 201–202, 206, 408, 474, 479, 484, 490, 493
- maslahat*, 464, 465–467, 471
- mass movements, 71, 142, 430
- Mbeki, Thabo, 431–433
- media authority, 148
- Melloni*, 253–254
- Melton, James, 53, 137, 141
- Mendoza case*, 276, 278
- merit, tourism model, 9–10
- meritocracy, 365, 481, 513
- methodological fuzziness, 43
- methodological pluralism, 22, 42, 43–46, 56, 57
- methodological rigour, 46, 116
- methodologies, xxviii, 22, 41–58, 146, 236
- Mexico, 47, 267, 284
- migration, 114, 117, 126, 314  
constitutional, 113–134, 204
- military campaigns, 118, 266
- military coups, xxxiv, 32, 170–171, 172, 174, 474–475, 489–490, 494, 519, 521
- military elites, 476–477
- military influence, xxxiv, xxxvi, 474–495
- military interventions, 341, 474, 495, 523  
Turkey, 478–494
- military leaders, 476, 479, 486–487, 488, 492
- military leadership, 476, 481, 485, 488, 489–490
- military officers, 477, 479, 485, 488, 492–493
- military rule, 494, 495, 501, 539
- military service, 336, 344, 477, 481, 482  
compulsory, 337, 345, 482
- military tutelage, 485, 486
- minimum core, 265, 270, 272
- minimum guarantees, 273
- ministers, 106, 107, 141, 144, 147, 223–224, 309, 344–345, 438, 467–468
- minorities, 94, 131, 133, 211, 214, 304–305, 351, 353, 357, 511  
ethnic, 146, 337, 351–352, 357  
racial *see* racial minorities.  
sexual, 133, 282, 359  
*see also* LGBTQ.
- minority rights, 94, 187, 304
- miscegenation, 362, 364  
racial, 363, 366, 368, 372
- missionaries, 315–316, 318
- Mixed Member Proportional (MMP) system, 309, 311
- mobilization, 108, 199, 201–202, 263  
political, 80, 94, 359



- popular, 399, 430  
 moderation, 92–93, 95–96, 108, 405  
 modernization, 98–99, 453, 478, 481  
   socialist, 71–72  
 modes of inquiry, 45, 51, 53  
 Mogoeng, Mogoeng, 436–437  
 Mohammad Reza Shah, 454  
 Moldova, 335–336  
 monarchies, 101, 119, 126–128, 142, 223, 224, 359, 520, 523  
   absolute, 141, 454, 519  
   constitutional, 70, 83, 100, 118–119, 224, 358, 520  
   Nepali Shah, 118, 119–120, 121, 126, 128  
   parliamentary, 457, 460, 519  
   Qajar, 457  
 Mongolia, 28, 52  
 monist systems, 243  
 Montazeri, Hossein 'Ali, 461, 463, 467  
 moral authority, 431, 468  
 moral claims, 303–304  
 morality, 245, 284, 298, 417  
   public, 362, 363  
 most similar cases principle, 46, 52  
 mother tongues, 117–118, 121, 341  
 motherhood, 273, 367  
 movement insiders, xxxi, 297  
 movement outsiders, xxxi, 290, 296, 300  
*mujtaheds*, 458, 460, 463, 464  
 multiple citizenship, 335, 336  
 municipalities, 122, 222, 224, 333, 342  
 Muslim world, xxxv, 19–20, 451–452, 471  
 Muslims, 19, 122, 169, 407, 450, 452, 454, 477  
   Sunni, xxxv, 96–97, 450, 453  
   *see also* Islam.
- Nanjing, 70, 199  
 national actors, 115, 161  
 national assemblies, 121–122, 141–143, 153, 169, 199–200, 202–203, 207–211, 520  
 National Council for Peace and Order (NCPO), 521, 533  
 national courts, 30, 165, 236, 241, 246, 251–252, 258–259  
   and Court of Justice of the European Union (CJEU), 252–254  
   and European Court of Human Rights (ECtHR), 254–256  
   *see also individual courts and jurisdictions.*  
 National Dialogue Conference, 174, 181  
 National Front, 502, 508  
 national identity, 91–92, 111, 113, 114, 116, 117, 126, 128, 130, 354–355  
 national interests, 127, 129, 336  
 national laws, 163, 167–168, 252–253, 337, 379, 381–382, 383, 389–390, 393, 395  
 national legislation, 243, 252, 255, 330  
 national legislatures, 178, 179, 219, 409, 415, 420  
 national ombudsman, 222, 268, 276–277, 278  
 national origin, 330, 337, 347, 348  
 national ownership, 115–116, 126  
 National People's Congress *see* NPC.  
 National People's Congress Standing Committee *see* NPCSC.  
 National Prosecuting Authority (NPA), 432  
 national security, 166, 287, 383, 386, 390, 484, 488, 490  
 National Security Law *see* NSL.  
 national unity, xxxiii, 113, 127–128, 384, 420, 424, 488  
 national values, 104, 111  
 nationality, xxxii, 21, 330, 334–335, 336–338, 343, 346, 348–349  
   and citizenship, 330, 336–337, 343, 348–349  
   definitions, 330–332  
 nationalization, 142, 197  
 nation-building, xxix, 64, 116, 118, 126, 160  
 nationhood, 64, 134, 170  
 nation-state, xxxiv, 16, 67, 98, 117, 134, 304, 307, 348, 349  
 natural gas, 274, 453, 536  
 natural resources, 522, 533–534  
 naturalization, 332, 334–335, 337, 344  
 NCP (National Congress Party), 175–176  
 necessity, xxxii, 194, 340–341, 343, 347, 355, 434, 460, 465  
   doctrine, xxxii, 340–341, 343, 347  
 Nepal, xxix, xxxvi, 113–134, 282, 283  
   and constitutional system, 117–125  
   constitutional amendment, 125  
   constitutional autochthony and migration, 126–133  
   constitutional history, 118–121  
   constitutional supremacy and judiciary, 123–124  
   constitutionalism, 131, 134  
   form of government, 121–122  
   fundamental rights, 125  
   Shah monarchy, 118, 119–120, 121, 126, 128  
   vertical organization of power, 122–123  
 Nepali society, 131  
 Nepali state, 118, 119, 128, 130  
 Netherlands, xxx, 21, 165, 216–235  
   and constitutional system, 221–226  
   basic features of Dutch Constitution, 222–223  
   constitutional history, 222  
   constitutional interpretation outside the courtroom, 226–234  
   decentralisation of power within unitary state, 224  
   ex ante constitutional scrutiny during lawmaking processes, 228–234  
   explicit constitutional prohibition against judicial review, 226–227  
   fundamental rights, 225  
   *Grondwet*, 221–231, 233  
   parliamentarism and role of the monarchy, 223–224  
   preparation of government bills, 229  
   qualification of ban on judicial review, 227–228  
   *Raad van State* (Council of State), 220–221, 222, 229–231, 233–235  
   relationship with the World, 225–226  
   *Staten-Generaal* (States-General), 222–224, 226, 227, 230, 232–233  
 Netherlands Institute for Human Rights (NIHR), 233–234  
 networking, 236–238  
 never-ending congress, 205–207  
 New South Wales, 314–315, 316, 318  
 New Zealand, xxix, xxxi, xxxvi, 303–329  
   constitution, xxxi, 303, 310, 311

- New Zealand (cont.)  
 constitutional context and culture, 308–313  
 constitutional culture and norms, 310–313  
 constitutional structures and processes, 308–310  
 culture, 303, 311–313  
 Declaration of Māori Independence, 315–317  
 indigenous rights, 313–326  
 political protest and legislative reaction, 321–323  
 State-Owned Enterprises (SOEs), 324–326  
 Treaty of Waitangi, 303, 306, 313–326, 327  
 Waitangi Tribunal and further legislative action, 323–324
- New Zealanders, xxxi, 303, 305, 310, 312–313, 326
- Ng Ka Ling*, 382, 392, 395, 396
- Ngā Tamatoa, 321
- NGOs, 277, 525, 535, 539  
 environmental, 277, 518, 523
- Nicaragua, 499, 515
- NIHR *see* Netherlands Institute for Human Rights.
- noa*, 314
- non-citizens, 331, 348
- non-enforcement policy, 293, 295
- non-heteronormativity, 285, 299
- non-judicial actors, 227, 229, 235
- non-judicial constitutional interpretation, xxx, 29, 216–235
- non-Pashtuns, 97, 106
- non-state governance, 519, 524
- normative authority, 159, 228
- normative commitments, 69, 190
- norms, 63, 70, 75, 83–84, 159, 233, 290, 295, 310, 311  
 global, 113, 114, 126, 127, 134  
 informal, 285, 289–290, 294  
 international, 113, 115, 133, 157–158, 162, 503, 518
- northern Cyprus, 341
- Norway, 164, 172, 282, 307, 332, 336
- NPA (National Prosecuting Authority), 432
- NPC (National People's Congress), 74–75, 78, 84, 382, 383–384, 387, 388–390, 394–397
- NPCSC (National People's Congress Standing Committee), 382–383, 385–386, 388–397, 398–399, 400
- NSL (National Security Law), xxxiii, 386, 389–391, 396, 398
- oaths, 74, 392, 434
- obedience, 98, 463
- official religions, 99, 103, 104, 451–453, 454, 458, 460
- ombudsmen, 146, 149, 150, 221, 235, 278, 427, 523  
 national, 222, 268, 276–277, 278
- One Country, Two Systems, 399
- one-party rule, 20, 78, 143
- open borders, 118, 131
- open list system, 405, 417
- openness, 48, 56–57, 209, 225, 285, 357  
 historical, 221
- operational autonomy, 435, 436
- opportunity costs, 12, 14
- opposition groups, 284, 498, 511
- oppression, 126, 127–128, 131
- racial, 364
- oral sex, 291, 296
- ordinary law, 125, 167–168, 440, 513
- ordinary legislation, 125, 133, 167, 187, 191, 193, 213, 243, 379, 400
- orientation, sexual, 132, 282
- origin, national, 330, 337, 347, 348
- originalism, 114, 117, 313
- Ottoman Empire, 64, 98, 343, 453, 478–481
- outsiders, 37, 40, 116, 290, 296, 331, 444–445, 470, 498, 505  
 movement, xxxi, 290, 296, 300
- oversight  
 elections, 455–457, 463  
 judicial, 81, 228  
 parliamentary, 223, 435, 436
- ownership, national, 115–116, 126
- Pahlavi dynasty, 453, 459
- Pak Mun Dam, 534–535
- Pākehā, 312, 314, 315, 316, 320, 324
- Pakistan, 101, 119, 134, 283, 449, 450–453, 458–459
- Pancasila, 407, 419
- Pan-Malaysian Islamic Party, 459
- PAP (People's Action Party), 286–289, 293, 300
- parents, 332–335, 337, 344
- parliamentarians, 224, 231, 233, 403, 409, 440–441
- parliamentarism, 32, 48, 223, 454
- parliamentary deadlocks, 408, 490
- parliamentary democracy, 120, 143, 170
- parliamentary elections, 223, 484, 485–486, 489
- parliamentary institutions, 202, 203, 208, 210
- parliamentary monarchy, 457, 460, 519
- parliamentary oversight, 223, 435, 436
- parliamentary representation, 406, 490
- parliamentary seats, 122, 223, 408, 490, 499
- parliamentary sovereignty, 139, 143, 187, 218, 252–253, 312
- parliamentary systems, 119, 120, 121, 144, 223–224, 382, 403, 478, 480, 494
- parties *see* political parties.
- party leaders, 75–77, 81
- party leadership, 77, 82–84, 85
- Pashtun tribes, 96, 97, 99, 103, 104
- pedagogical pluralism, 5, 22
- pedagogy, xxvii, 3, 5–6, 10, 13, 17, 22  
 models, 5–18
- People's Action Party *see* PAP.
- People's Republic of China *see* China.
- Peru, 168, 475
- PIL (public interest litigation), 119, 123–124, 278
- plenary powers, 388, 391, 394
- pluralism  
 legal, xxxiv, 519, 538, 540  
 methodological, 22, 42, 43–46, 56, 57  
 pedagogical, 5, 22
- political accountability, 222, 427, 435, 437
- political actors, 65, 154–155, 189, 204, 435, 437, 471, 477, 512, 515
- political authority, 131, 377, 451, 459, 461, 465
- political behavior, 65, 89, 95, 111
- political beliefs, 227

- political community, 69, 116, 330–331, 332–336, 337, 348–349, 353–354, 356, 358
- political competition, 155, 287, 495
- political constitutionalism, 61, 78, 79–80, 85
- political culture, 142, 441, 523
- political discourse, xxxi, 92, 231, 287
- political discretion, xxxii, 428
- political disputes, 89, 93, 101, 204
- political environment, 52, 412, 490
- political interventions, 490, 494–495
- political leaders, 95, 108, 154, 290, 364, 490
- political legitimacy, 287, 304, 539
- political liberties, 285–287, 290, 299
- political mobilization, 80, 94, 359
- political parties, 108, 170–171, 309, 359–360, 403–405, 415–417, 418, 419, 420, 423, 487–488, 494–495  
Indonesia, 418–421  
*see also individual party names.*
- political reform, 79, 143, 201, 206, 208
- political rights, of citizens, 346, 349
- political sensitivity, 413, 427
- political unrest, 519, 522
- political violence, 101, 490
- politicians, civilian, 486, 495
- politics  
factional, 431, 442  
of LGBTQ rights, 285, 286, 301
- popular mobilization, 399, 430
- popular participation, 155, 359, 500
- popular referenda, 211, 288, 460, 461, 463, 468, 508, 520
- popular sovereignty, 104, 125, 128, 147, 203, 209, 461, 508
- popular support, xxxiv, 214–215, 224, 405, 428, 490
- popular votes, 210, 384, 423, 510
- popularity, 187, 212, 333, 413, 505, 507, 509  
tourism, 8–9
- populism, 35, 432, 483, 505, 506–507, 512
- Portugal, 93, 162, 168, 335, 358, 475
- positive rights, xxxi, 146, 186
- post-racial society, xxxii, 351, 372
- poverty, 266, 367
- power(s), 358–361, 377–380, 382–383, 390–393, 396–398, 462–465, 469, 484–487, 497–500, 508–511  
administrative, 203, 225  
amendment, 190–191, 195, 508, 509  
constituent, 62, 67, 138, 150–151, 154, 214, 308, 498, 508, 510  
contextuality of, 198, 211, 213–215  
dynamics, 12, 315  
economic, 438, 517  
emergency, 37–38, 200, 502–503, 505  
enforcement, 412–413  
executive, 122–123, 134, 141, 288, 342, 404, 460, 491  
formal, 207, 213, 224  
free-standing, 381, 392  
government, xxxii, 150, 153, 380, 408, 438, 486, 497, 521  
judicial, xxx, 192–193, 195, 196, 198, 207, 211, 213, 215, 410  
judicial review, 64, 106, 121, 144, 186, 191, 198, 213–214, 268, 412  
legislative, 122, 141, 143, 299, 342, 395, 404, 409, 458  
public, 310–311, 313, 314–315, 345, 440, 510  
separation of powers, 80, 81, 114  
sovereign, 127, 168, 179, 247, 316  
state, 61, 62–63, 64, 69, 74–75, 79, 85, 143, 395, 400  
supervisory, 382, 391, 401, 469  
veto, 141, 194, 342, 383, 459, 464  
power-sharing agreements/arrangements, xxix, 95, 103, 109–110, 173, 343, 406  
PR *see* proportional representation.  
pragmatic resistance, 294–296, 297, 301  
PRC (People's Republic of China) *see* China.  
precedence, 167, 168, 209, 226, 243, 253, 523  
precedent, 58, 166, 243, 449, 458, 506  
precedential effect, 195, 268, 392  
pre-enactment review, 220, 463  
preference aggregation, 31  
preferential treatment, 352, 354  
prejudice, 271, 300, 364, 367, 432, 434  
preliminary reference procedure, 249, 251, 392  
presidential candidates, 108, 415, 423, 457, 469  
presidential elections, 108–110, 201–202, 208, 416, 421–423, 428, 457, 463, 511  
presidential systems, 105–106, 203, 359, 382, 403–404, 494, 499, 510–511  
prestige, 158, 237, 242–243, 244, 352, 484  
preventive detention, 288  
primacy, 167, 224, 248, 252, 254, 259, 307  
primary ordinances, 465, 466  
prime ministers, 118, 121–122, 171, 295, 310, 478, 521, 533  
Prithvi Narayan Shah, King, 118, 128  
privacy, 204, 222, 225, 281, 445, 485, 521  
private actors, 528, 538  
private enforcement, 534  
private enrichment, 440–442, 445  
private law, 30, 451, 465  
private regulation, 21, 517, 528, 533  
transnational, 21, 517–519, 538–539, 540  
private regulators, 538–540  
private sector, 73, 119, 467, 524, 538  
privatization, xxxiv, 517–540  
privileges, 141, 317, 335, 349, 362, 487  
procedural amendment-review, 193, 208  
procedural constraints, 388, 397  
procedural devices, 263, 268, 275, 277  
procedural errors, 152, 507, 509–510  
procedural grounds, 151–152, 193, 208–209  
procedural justice, 297  
Argentina, 274–275  
procedural requirements, 151–152, 191, 194, 208, 274  
processes  
lawmaking, 220, 227, 230, 286  
legislative, 75, 152, 224, 230, 247, 459, 470, 521  
pro-democracy legislators, 383, 385, 397  
progress, economic, 287, 290, 292  
project financing, 528, 531  
proletariat, 72, 82  
property, 146, 195, 267, 306, 317, 327–328, 464  
rights, 73, 79, 105, 131, 195, 306, 325, 414, 464  
proportional representation (PR), 95, 120, 121–122, 123, 210–211, 222, 223, 404, 405–406, 416

- proportional representation (PR) (cont.)  
Indonesia, 416–418
- proportionality, 10, 16, 109, 231–232, 265, 274, 338, 414  
tests, 398, 414
- prosecutors, 436, 440, 445, 446, 487, 494  
federal public, 365  
ordinary, 443, 445
- prosperity, 127, 129, 225, 266
- protection  
equal, 211, 292, 296, 355, 367, 370, 372  
legal, 282, 292, 293, 360  
of elite interests, 66  
of fundamental rights, 69, 144, 191, 204, 209, 251, 253–254  
special, 267, 270, 273
- protective amendment-review, 196–198
- protesters, 120, 386, 484
- public benefits, 95, 440
- public consultations, 120, 234, 274, 523
- public employment, 125, 352, 356, 364–365
- public funds, 95, 148, 426, 439
- public interest litigation *see* PIL.
- public law, 15, 21, 249, 451, 465, 467, 519, 538, 539  
surrogate, 517–519, 538, 539
- public offices, 95, 122, 336, 345, 347, 440, 442, 444, 445, 452
- public opinion, 147, 204, 209, 215, 285, 292, 297, 300, 372, 383
- public order, 346, 381, 414, 502, 522
- public participation, 31, 181, 232, 274, 527
- public policy, 48, 274, 358, 441, 504
- public power, 310–311, 313, 314–315, 345, 440, 510
- Public Protector, 432, 438–439
- public services, 272, 274, 310, 430
- public support, 198, 206, 429, 441, 442
- public universities, 355, 365, 371
- Quebec, 179
- quotas, 125, 356, 365, 406, 418  
gender, 125, 210, 416–417  
racial, 355, 364–365, 372
- Qur'ān, 450–451, 466
- Raad van State*, 220–221, 222, 229–231, 233–235
- race, xxxii, 287, 292, 351, 354–355, 356–357, 361, 363–366, 367–369, 372  
relations, 351, 355, 361, 363–364
- race-based affirmative action, 354, 366, 372
- race-conscious measures, 353, 368
- racial classifications, 353–354, 355, 356–357, 367, 369
- racial democracy, 363–364, 366, 368, 372  
ideology of, xxxii, 363–364, 366
- racial discrimination, 21, 177, 352, 354, 363–364, 366, 368
- racial equality, 355, 366
- racial groups, 358, 363–364, 369, 429
- racial harmony, 364
- racial hierarchy, 354, 362, 363, 373
- racial identity, 364–365
- racial justice, 351, 355, 364
- racial minorities, 352, 354, 355–356, 362, 365–366, 369, 371, 372  
social inclusion, 364, 366, 369
- racial miscegenation, 363, 366, 368, 372
- racial oppression, 364
- racial quotas, 355, 364–365, 372
- racial subordination, 368–369, 429
- racism, 21, 353, 354–355, 363–364, 366, 368, 370, 372  
cordial, 363, 372
- Ranas, 118
- rangatira*, 314, 315–318, 319
- Ranggalawe, Lalu, 420
- ratification, 110, 161, 164–165, 179–180, 224, 321
- rationality, 43, 289, 353
- real-world developments, impact, 25–26
- reasonable classification, 289, 298–299
- reasonableness, 265, 273–274, 278, 289, 444
- reasoning  
judicial, 43, 48, 58, 238, 241, 243, 245  
legal, 57, 58, 198
- rebel groups, 158, 175–176
- reciprocity, 169, 241, 312, 314, 362
- recognition, 281–282, 284, 298, 305, 315, 317, 323, 327, 356, 358  
legal, 282, 284, 303, 305, 361, 413
- re-democratization, 119
- reelection, 206, 509–510, 511–512, 514–515
- referenda, 173, 179, 309, 454–455, 478, 507–508, 509, 510, 512, 514–515  
popular, 211, 288, 460, 463, 468, 508, 520  
“reform and opening,” 71–73, 74–76
- reforms, 74–75, 197, 198, 207–208, 385–386, 409, 454, 491, 507–508, 513  
constitutional, 140, 144, 204, 205, 207–208, 210, 409, 411, 506, 508  
democratic, 382, 388, 397  
economic, 73, 74, 78  
land, 170, 197, 454, 464  
legislative, 131–132, 300, 425  
political, 79, 143, 201, 206, 208
- refugees, 177, 346, 478, 493
- regents, 141, 411, 415, 416
- Regents of the University of California v. Bakke*, 355
- regime transformation, 196–197
- regime types, 19, 34, 36, 475
- regional autonomy, 107, 173, 410, 420
- regional head elections, 415, 420–421
- regional identity, 125, 131
- regional organizations, 158, 164, 172
- regions, 27, 30, 96–97, 98, 107, 117, 383–384, 395, 500, 502  
geographical, xxvi, xxvii, xxxv, 19, 129
- registered voters, 418, 507
- registers, xxvi, 292, 344, 347
- registration, 333, 344, 422
- regulatory regimes, 518–519, 528, 533, 539
- religion(s), 99, 101, 103, 104, 117, 129–130, 231–232, 287–288, 407, 413–414  
official/state, 99, 103, 104, 451–453, 454, 458, 460
- religious authority, 459, 462–463, 467
- religious beliefs, 233, 281

- religious conservatives, 293, 458  
religious freedom, 99, 129, 130, 134, 256, 458, 477, 492  
religious groups, 171, 221, 270  
religious law, 101, 451, 459, 460–461  
religious leaders, 99, 101  
religious values, 283, 414  
rendition, 134, 386  
repayment risks, 535  
replacement, 138, 140–141, 154, 174, 199, 247, 497, 502, 512, 519  
    constitutional, 137–138, 140, 155, 192  
    formal, 137, 139–140  
representation, 5, 12, 17–18, 19, 20, 22, 348, 426, 430, 529–530, 532  
    equal, 148, 173  
    model, 5, 17–19, 21–22  
    model in action, 19–22  
    parliamentary, 406, 490  
representatives, 95, 109, 110, 121–122, 308–309, 311, 342–343, 345, 347–348, 520–521  
    elected, 189, 218, 266, 421  
    first-term, 202, 206  
    second-term, 202, 208  
representatives-at-large, 206–207  
repression, 266, 285, 473, 524  
reproductive freedoms, 45, 48  
Republic of China *see* ROC.  
Republican People's Party, 480, 483, 486  
repugnancy clauses, 449, 452, 458, 471  
reputation, 287, 412–413, 428, 507, 525, 535  
research, xxv, xxvii–xxviii, 46, 48, 52, 54, 56, 57, 242, 244  
    design, xxviii, 41–58  
    methods, xxviii, 23, 55, 57  
    questions, 56, 57  
    use, xxvi  
reservations, 125, 158, 164, 167, 352, 356  
    system, 356  
residence, 332, 334–335, 336, 344, 346, 413–414, 438  
    condition, 347–348  
    long-term, 334, 336  
    permits, 337, 346  
residents, 276, 337, 343, 523  
resignations, 223, 266, 339, 439, 479, 492  
resistance, 29, 117, 196, 244–245, 252, 284, 401, 480, 501  
    armed, 101, 430, 431  
    judicial, 30, 197  
    pragmatic, 294–296, 297, 301  
    Shi'a, 97  
resource constraints, 233, 259  
resources, 8, 22, 35, 40, 231, 242, 273, 305, 314, 526–527  
    financial, 298, 357  
    natural, 522, 533–534  
    public, 266, 433  
    state, xxxi, 279, 512  
responsibility, 216, 220–221, 234–235, 239, 278–279, 381, 382, 392, 393, 462  
    collective, 309–310, 311  
    primary, 233, 520  
return to barracks, 475, 485, 490, 493–494  
review  
    abstract, 149, 186, 204, 359, 360–361, 501, 503, 504  
    administrative, 427  
    as dialogue, 195–196  
    concrete, 186, 360–361  
    constitutional, 53, 106, 145, 165, 185, 232, 235, 256, 411–412, 486–487  
    Islamic, 449, 459, 471  
    judicial *see* judicial review.  
    pre-enactment, 220, 463  
    protective v transformative, 196–198  
rhetoric, xxxii, 79, 100, 311, 441  
rights, xxxi–xxxii, 25–26, 146–147, 177–178, 187–188, 267–270, 304–306, 308–309, 398–399, 413–414, 521–523  
    activism, xxxi, 285, 287, 290, 294  
    basic, 64, 105, 166, 343, 515  
    bills of, 41, 63, 170, 177–178, 179, 188, 218, 309, 430, 433–434  
    civil, 146, 174, 282, 299, 349, 355  
    constitutional, 30, 34, 232, 234, 276, 281, 288, 290, 414, 417  
    economic, xxxi, 29, 36, 50, 146, 222, 263, 275, 277, 353  
    environmental, xxxvi, 268, 522–523, 535  
    equal, 99, 178, 480  
    fundamental, 119–120, 125, 146–147, 149–150, 168, 195–196, 222–223, 225, 253–254, 256–257  
    indigenous, xxxi, 268, 303–306, 307–308, 313, 319–320, 326  
    individual, 63, 100, 145, 218, 304, 352, 355, 358, 362, 367  
    litigation, 249, 286, 289–290, 294, 297, 300–301  
    minority, 94, 187, 304  
    negative, 147  
    positive, xxxi, 146, 186  
    property, 73, 79, 105, 131, 195, 306, 325, 414, 464  
    protected, 105, 149  
    social, xxxiv, 53, 80, 146, 272, 359–360, 367, 504, 506  
    socio-economic, 54, 125, 403, 413, 503, 504, 506–507  
    sovereign, 169, 248  
    voting, 249, 311, 345, 346–347, 404  
    women's, 125, 132, 180, 311  
risks, 187, 190, 196–197, 271, 272, 289, 314, 524, 526–527, 531  
    environmental, 525, 535, 536  
    repayment, 535  
    social, 525–527, 529, 531, 535  
ritual slaughter of animals, 231–232  
rival communities, 89, 92–93, 95, 102  
ROC (Republic of China), 70–71, 198–201, 206, 208  
    Constitution, 199–203, 205, 207, 208  
    *see also* Taiwan.  
Romania, 167  
rule of law, 67–69, 79, 80–82, 127–128, 146–147, 151, 248–249, 287, 312–313, 472–473  
ruling parties, 20, 83, 286, 289, 400, 408, 432, 499  
rural communities, 98, 100, 482  
Russia *see also* Soviet Union, 64, 162, 249  
Russian Empire, 97  
safeguards, 72, 160, 209, 219, 269, 309, 338, 342, 394, 397  
salaries, 267, 437, 440, 441, 507

- same-sex couples, 233, 282–283  
 same-sex marriages, 233, 283, 504  
 same-sex relations, 282, 284, 286, 292, 299  
   criminalization, 286, 290, 292  
   *see also* LGBTQ.  
*sanātana*, 129–130  
 SAPS (South African Police Services), 432, 433, 434, 436, 437  
 Saudi Arabia, 449, 450–451, 452  
 scholarly literature, xxvi, 4, 14, 19, 192, 251, 377, 474  
 scholarly trends and methods, 37–40  
 Scorpions, 432–433, 434, 436, 437, 439, 442, 444  
 scrutiny, 195, 229, 437, 443  
   judicial, 164, 218, 227, 228  
 seat conversion, 418  
 seats, 95, 211, 382, 384–385, 404–407, 415–418, 420, 423, 440  
   parliamentary, 122, 223, 408, 490, 499  
   surplus, 418  
 secession, xxxvi, 107, 158, 169, 173, 178–179, 181, 383, 386, 399  
 secondary international law, use by international organizations, 159–161  
 secondary ordinances, 466  
 secret ballots, 209, 431  
 sectarian groups, 108–109, 110  
 secular law, 452, 471  
 secularism, 126, 130, 196, 256, 477, 488, 492  
 secularization, 454, 472  
 security, 107, 229, 342, 367, 384, 414, 433, 438, 522, 528  
 Security Council, 159–160, 175, 201, 202, 340–341  
 security forces, 120, 175, 342, 345  
 security, national, 166, 287, 383, 386, 390, 484, 488, 490  
 segregation, 397, 399  
   racial, 362  
 self-determination, 163, 170, 177–179, 304, 331  
   democratic, 337, 347  
   right to, 173, 178  
 self-governance, 163, 286, 349, 358, 387  
   democratic, 189, 331  
 self-governing communities, 98, 331  
 self-realization, 379, 387–388  
 self-rule, 125, 127, 171  
 semi-open list system, 405, 416  
 sensitivity, 13, 113, 259, 441  
   political, 413, 427  
 separation of powers, 80, 81, 114  
 services, 249, 274, 279, 282, 292, 336, 445–446, 517  
   public, 272, 274, 310, 430  
 sex, oral, 291, 296  
 sexual intercourse, 281, 291  
 sexual minorities *see also* LGBTQ, 133, 282, 359  
 sexual orientation *see also* LGBTQ, 132, 282  
 Shapiro, Martin, 25, 26–27, 29  
 shared goals, 258, 265, 378  
 shared identity, 97, 99  
 shareholders, 528, 535  
 Shari'a, 106, 171, 449, 450–453, 463, 465–466, 480, 491  
 Shi'i authority, 462, 468  
 Shi'i clerics, 454, 460  
 Shi'i Islam, 450, 453, 458  
 Shi'i jurisprudence, 465, 472  
 Singapore, xxxi, xxxv, 281–301  
   377A Litigation, 296–299  
   and constitutional system, 286–290  
   constitution, 288, 292, 295  
   legal and social conditions for LGBTQ persons, 291–293  
   LGBTQ rights, 286, 290–299, 300  
   movement, 286, 294, 300  
   PAP (People's Action Party), 286–289, 293, 300  
   strategy of LGBTQ movement, 294–296  
 Singaporeans, 286–287, 288, 293, 297, 300, 301  
 single-member districts, 121, 222, 404  
 Sino-British Joint Declaration, 381–382, 397, 399  
 skepticism, 15, 55, 245, 263  
 slavery, xxxii, 21, 316, 361, 362–363, 368  
 Slovenia, 169  
 small-c constitutions, 63, 77, 85, 224  
 small-n approach, 38–39, 45, 46, 52, 58  
 social and economic rights, 29, 50, 54, 263–279, 503, 504, 506–507  
   constitutionalization, 263–266  
   Indonesia, 413–414  
 social compliance, 530, 532  
 social consultants, 529, 531  
 social costs, 534–535  
 social divisions, 353, 366, 372  
 social emancipation, 367–368  
 social exclusion, 266, 274, 352, 353–354, 372  
 social governance, 361, 524  
 social groups, 285, 297, 346, 354, 368, 370, 499  
 social harmony, 287, 290, 367  
 social hierarchy, 126–128, 131, 133, 169, 362  
 social inclusion, 119, 276, 351, 352, 353, 357, 360, 364, 366, 369  
 social justice, 125, 127, 267, 279, 351, 366–367, 368–370, 372, 464  
 social mobility, 352, 362  
 social movements, 34, 76, 364, 365, 517  
 social policies, 29, 279, 352, 363, 369–370, 372  
 social rights, xxxiv, 53, 80, 146, 272, 359–360, 367, 504, 506  
 social risks, 525–527, 529, 531, 535  
 social sciences, xxv, xxviii, 22, 24, 38, 40, 49, 56, 57, 58  
 social security, 264, 267, 273, 360, 367, 414  
 social stability, 359, 372  
 social standards, 464–465, 524, 534–536  
 social status, 352, 353, 356–357  
 social status of disadvantaged groups, 351, 353  
 social structures, 351, 353, 362  
 social transformation, 35, 353, 358, 360, 367, 373, 490  
 social unrest, 287, 489  
 socialism, 72–73, 74, 77, 82, 127, 142  
 socialist constitutionalism, 61–62, 70, 78–79, 83–84, 85, 380  
 socialist market economy, 73, 74, 85  
 socialist modernization, 71–72  
 societal interests, 232, 242  
 socio-economic rights *see* social and economic rights.

- sociological approaches, 24, 39  
sociology, 3–4, 44, 55  
Soeharto, 403, 408–409, 422–423, 424  
Soekarno, 408, 409, 424  
SOEs *see* State-Owned Enterprises.  
soft authoritarianism, 36  
Somalia, 160  
South Africa, xxxiv, xxxvi, 20, 28, 29, 35, 168, 282–283, 426–446  
    ANC (African National Congress), 429–431, 433, 436–437, 439, 442  
    and constitutional system, 429–432  
    anti-corruption agencies, 432–439  
    Constitution, 168, 225, 240, 432, 434  
    *Glenister* cases, 433–434, 436–437, 438, 441–442, 444–445  
    Government of National Unity (GNU), 431  
    Mbeki, Thabo, 431–433  
    Public Protector, 432, 438–439  
    Scorpions, 432–433, 434, 436, 437, 439, 442, 444  
    Zuma, Jacob, 431–432, 433, 438–439  
South African Police Services *see* SAPS.  
South Korea, 7, 52, 140, 235, 335  
South Sudan, 173, 178–179, 181  
    secession, 169, 181  
Southeast Asia, xxxv, 45, 540  
sovereign powers, 127, 168, 179, 247, 316  
sovereign rights, 169, 248  
sovereignty, 199, 200, 253, 254, 317–318, 319–320, 327, 331, 339, 340  
    British, 317, 321, 338  
    Chinese, 381, 387  
    parliamentary, 139, 143, 187, 218, 252–253, 312  
    popular, 104, 125, 128, 147, 203, 209, 461, 508  
Soviet Union *see also* Russia, 24, 93, 142, 143, 171, 482  
Spain, 162, 252–254, 332  
    spatial delineation, 381, 397  
SPLA/M (Sudanese People Liberation Army/  
    Movement), 171–172, 175–176, 177–179, 180  
stability, 44, 95, 102, 121, 126, 138, 167, 480, 485, 490  
    long-term, 113, 115  
    social, 359, 372  
stakeholders, 43–44, 92, 174, 177, 285, 518, 527, 539  
    engagement, 526, 527  
standards, 11, 46, 157–158, 162, 222, 225, 529, 532, 533, 538  
    environmental, 518–519, 525, 528, 533, 534, 536  
    international, 113, 115, 132, 180, 181  
    social, 464–465, 524, 534–536  
standing, 145, 149, 166, 169, 268, 295, 296–297, 301, 308, 487  
state action, 257, 275, 522–523  
state actors, 21, 276  
state agencies, 180, 273, 522–523, 539  
State Council, 73–74, 78, 508  
state enterprises, 325, 522, 524  
state immunity, 392  
state laws, 83, 139, 452–453, 459, 465, 466, 518, 534, 535, 540  
state organs, 74, 77, 78–79, 80, 81–82, 84, 340  
state power, 61, 62–63, 64, 69, 74–75, 79, 85, 143, 395, 400  
state religion *see* religion(s), official/state.  
state resources, xxxi, 279, 512  
state sovereignty *see* sovereignty.  
*Staten-Generaal*, 222–224, 226, 227, 230, 232–233  
State-Owned Enterprises (SOEs), 324–326  
state-party constitutionalism, 61, 78–82, 85  
states, authoritarian, 36, 70, 82, 200, 381, 401, 476, 481  
statistical analyses, 44, 45, 52, 56  
status, 165–166, 167, 177–178, 179, 221, 239–240, 314, 318–320, 322, 372  
    legal, 149, 303, 313–314, 319–320, 324, 326, 338, 510  
    social, 352, 353, 356–357  
status quo, 110, 133, 196–197, 204, 284, 388  
statutory interpretation, 51, 193, 204, 255, 309  
stealth transformation, xxix, 147, 155  
strongman rule, 73, 75  
structural factors, 240, 285, 286, 290, 300, 301  
structure, governmental, xxxiii, 74, 92, 100, 111, 201, 208, 342, 463  
structures, xxvi, xxvii, xxxii–xxxiii, 24, 74, 100, 104, 372–377, 410, 434–436, 462–463  
    basic, 34, 125, 134, 191–192, 196, 197, 397, 514, 520  
    federal, 173, 175, 378  
    institutional, 24, 30, 111, 203, 251, 259, 278, 455  
    social, 351, 353, 362  
students, xxviii, xxx, 4–5, 6–8, 9, 10–11, 14, 17, 48, 371  
subjective factors, 285, 286, 300  
subjugation, 331, 352, 362, 458  
subnational autonomy, 20, 378, 393  
subnational constitutionalism, xxxii, 377–402  
    and federalism, 377–378  
    Hong Kong, xxxii, 386–401  
subnational constitutions  
    purposes and functions, 379, 386–388  
    rights-protecting function, 398  
subnational units, 224, 377–380, 387, 391, 396–397, 400, 401  
subnational, characteristics, purposes and functions, 379–381  
subordination, 258, 368, 369, 491, 517  
    racial, 368–369, 429  
substantive amendment-review, 193–195, 211  
substantive constraints, 388–389, 397  
substantive equality, xxxii, 353, 356, 358, 367, 369–370, 372  
substantive limits/restrictions, 190–191, 195, 213, 274, 396, 397  
substantive values, 69, 160, 288, 399  
substitution doctrine, 508–510  
Sudan, xxix, xxxv–xxxvi, 20, 115, 157–182, 452  
    and constitutional system, 169–175  
    Comprehensive Peace Agreement (CPA), 158, 172–173, 175–177, 179–180, 181  
    constitutional cycles independence-1998, 170–172  
    Darfur, 170, 173, 175–177, 180, 181  
    eastern, 173, 176, 181  
    government, 172, 174, 176–177, 178–179  
    historical context, 169–170  
    Interim National Constitution (INC), 157–158, 172–176, 177–178, 179–182

- Sudan (cont.)  
 road to Interim National Constitution and beyond, 172–175  
 role of international law in drafting of CPA and INC, 175–181  
 South, 173, 178–179, 181  
 SPLA/M (Sudanese People Liberation Army/Movement), 171–172, 175–176, 177–179, 180  
 Western, 170, 175  
 Sudanese People Liberation Army/Movement *see* SPLA/M.  
 suffrage, universal, 385–386, 430, 475  
 Suharto *see* Soeharto.  
 Sukarno *see* Soekarno.  
 Sun Yat-sen, 71, 201  
 Sunni Muslims, xxxv, 96–97, 450, 453  
 supermajorities, 144, 147, 149, 211, 288, 514  
 legislative, 169, 191  
 supervision, 74, 78, 83, 205, 225, 426, 427, 429, 435  
 judicial, 205, 207, 213, 444  
 supervisory powers, 382, 391, 401, 469  
 supranational courts, 239, 241, 252, 256–259, 398  
 supranational law, 26, 168, 240, 243, 252, 254, 258, 337  
 supranational organizations, 162, 168, 348  
 supremacy, xxxiv, 35, 69, 82, 213, 216–218, 248, 253, 254  
 constitutional, 41, 45, 52, 119, 123, 218–219, 234, 288  
 judicial, 186–190, 192, 218, 233  
 legislative, 186–189, 190, 218, 228  
 Supreme Court of Argentina, 268–269, 270–277  
 Supreme Leader, 455–457, 462–463, 465, 468–471, 472  
 Supreme People's Court, 74, 76  
 surplus seats, 418  
 surrogacy, 282, 337, 519, 539  
 surrogate public law, 517–519, 538, 539  
 sustainability, 525, 535–536  
 Sweden, 187, 217, 233, 307, 332, 335  
 Switzerland, 332, 336, 345, 349  
 Syria, 452, 478, 480
- tactics, 285–286, 290, 294, 295–296, 300–301, 385  
 Taiwan, xxx, xxxiv, xxxvi, 185–215  
 and constitutional system, 198–204  
 birth and life of ROC, 199–201  
 constitutional structure of ROC, 201–203  
 contextuality of power, 198, 211, 213, 215  
 Council of Grand Justices, 203–204  
 elusiveness of finality, 211–212  
 judicial review, 203–211  
 judicial supervision of constitutional reform, 207–211  
 KMT regime, 70–71, 199–202, 206  
 Legislative Yuan, 202–203, 205, 207, 208, 210–211  
 never-ending congress, 205–207  
 transition to democracy, 201  
 ubiquity of dialogue, 198, 211–212  
 Tajiks, 96, 107–109  
 Taliban, 101, 103, 105, 110  
 Tan Eng Hong, 290, 296–297, 298, 300  
*tapu*, 314  
 taxes, 96–97, 111, 148–150, 153, 342, 381, 445  
 teaching, xxviii, 5, 10, 14–15, 413
- materials, 7–8, 10, 13, 18  
 purposes, xxv, xxvii, 12  
 use, xxv, xxvi  
 tenure, 434, 437, 509  
 term limits, 34, 53, 73, 201, 499, 501, 514–515  
 terminology, 10, 222, 236, 238–239, 465  
 territorial integrity, 125, 128, 129, 339, 340  
 territory, 170, 316, 319, 328, 333, 334, 337–338, 349, 394, 399  
 occupied, 341, 347  
 textbooks, xxv, xxvii, 5, 7, 10, 13, 18, 48  
 Thailand, xxxv–xxxvi, 49, 517–540  
 administrative courts and protection of environmental rights, 523  
 and constitutional system, 519–524  
 banks, 536–537  
 basic system of government, 520–521  
 Equator Principles (EP), 518–519, 524–538, 539, 540  
 government, 521  
 independent oversight institutions, 522–523  
 judiciary, 521  
 key features of Constitution, 519–523  
 National Assembly, 521  
 National Council for Peace and Order (NCPO), 521, 533  
 nature of Thai constitutionalism, 523–524  
 Northeast, 534  
 Pak Mun Dam, 534–535  
 rights and liberties, 521–522  
 theocratic constitutionalism, 62, 69  
 threats, 34, 98, 272–274, 286, 292, 297, 380, 386, 426, 475  
 existential, 133  
 external, 64, 314, 409  
 Three Gorges Dam, 525, 535  
 thresholds, 124, 202, 211, 405, 418, 419, 423, 443–444, 509  
*tikanga*, 314, 317, 318–319  
 title, aboriginal, 304, 306, 320  
 tokenism, 12, 18, 19, 295  
 torture, 181, 266, 315, 414, 490  
 tourism, 5, 8–12, 14, 346  
 merit, 9–10  
 popularity, 8–9  
 pros and cons, 10–12  
 trade unions, 142, 264, 464  
 traditions, 4, 34, 55, 92, 100, 123, 127–128, 243, 450  
 legal, 15, 238, 244, 252, 305, 401, 451, 500  
 transformation, 49, 137, 140–141, 143, 147, 153–155, 196, 198, 481  
 by amendment, 140, 155  
 constitutional, xxix, 49, 136–155  
 social, 35, 353, 358, 360, 367, 373, 490  
 stealth, xxix, 147, 155  
 through judicial decisions, 139–141  
 transformative amendment-review, 196, 197, 204  
 transitional rules, 150  
 transitions, 28, 84, 93, 144, 146, 197, 201, 205, 213–214, 475  
 democratic, xxx, xxxvi, 93, 474, 490  
 transnational activities of courts, 236–246  
 transnational judicial communication, xxx, 236–259  
 transnational law, 16, 32, 225, 241



- transnational private regulation, 21, 517–519, 538–539, 540
- transparency, xxxi, 81, 114–115, 120, 149, 158, 270, 274, 437, 442
- treaties, xxix, xxxi, 163–169, 226, 228, 250–251, 253, 254, 306
- international, 157, 164–165, 166–167, 177–178, 179, 240, 243, 255, 256, 381–382
- treatment
- equal, 132, 229, 233, 353, 357, 364, 413
- unequal, 348, 349
- Treaty of Waitangi, 303, 306, 313–314, 317–326, 327
- interpretation, 320–326
- legal and constitutional status(es) in 1840, 318–319
- litigation and legislative confirmation, 325–326
- meanings in 1840, 317–318
- text, 327–329
- tribes, 96, 99, 314, 321, 323, 327–328
- trust, 91, 93, 94–95, 209
- mutual, 251, 254
- Tunisia, 91, 167
- Turkey, xxxv–xxxvi, 339, 474–495
- 1960 coup, 483–486, 489, 490
- and constitutional system, 477–478
- Constitutional Court, 486–488
- decline of military power, 491–492
- history, 477, 485, 492, 493–494
- July 15 coup attempt, 492–494
- military as modernizing force, 481–483
- military interventions, 478–494
- military's institutional allies, 486–489
- Mustafa Kemal's coup, 479–481
- National Security Council, 486, 488–489, 491
- Republican People's Party, 480, 483, 486
- secular elites, 477–478, 491
- unfinished revolution, 489–491
- Virtue Party, 478, 488, 491
- Welfare Party, 478, 488, 491
- Young Turks, 478–479, 482
- tutela*, 503, 504, 506, 507
- tutelage, military, 485, 486
- ʿulamā*, 462
- unconstitutional constitutional amendments, 33, 397, 500–501, 508, 509, 513, 515
- undertakings, borrower, 530
- UNDP *see* United Nations, Development Programme.
- unitary states, 122, 224–225, 341, 377, 387, 391, 424
- unitary system, 127–128, 377, 379, 520
- United Kingdom, 218–219, 221, 246–247, 252–253, 255, 308, 333, 335, 339, 344
- Parliament, 253, 315
- see also* British courts; British law, etc..
- United Nations, 36, 120, 159, 178, 201, 202, 206, 307, 340
- Advance Mission in Sudan (UNAMS), 175
- Development Programme (UNDP), 120, 161
- Mission in the Sudan (UNMIS), 175
- Security Council, 159–160, 175, 201, 202, 340–341
- Transitional Administration in East Timor (UNTAET), 160
- United States, 6–9, 27–29, 200–202, 282–283, 305–306, 332, 334–335, 336, 355–356, 482–483
- affirmative action, 355
- Constitution, 35
- Supreme Court, 38, 55, 133, 139, 244, 245, 332, 355, 428, 429
- unity, 47, 64, 127, 150, 152, 173, 180, 340, 378, 490
- national, xxxiii, 113, 127–128, 384, 420, 424, 488
- Universal Declaration of Human Rights, 105, 162, 168, 273, 337, 409, 485
- universal suffrage, 385–386, 430, 475
- universities, 55, 119, 355, 365, 370, 371, 487
- public, 355, 365, 371
- unrest, 171, 408
- economic, 489
- political, 519, 522
- social, 287, 489
- UNTAET (United Nations Transitional Administration in East Timor), 160
- urban elites, 98, 101, 521
- Uribe, Álvaro, 505–508, 509–510, 511–512, 514
- usual suspects, xxvi, 11, 45, 53
- Uzbeks, 96, 107, 108–109
- values, 80–81, 90–92, 98–99, 101, 102, 104, 127, 240–241, 248–249, 510–511
- core, 17, 64, 140, 334
- democratic, 189, 207, 393
- foundational, 91, 433
- fundamental, 137, 248
- global, 127, 128, 131
- liberal, 100–101, 105, 287
- local, xxix, 283, 334
- national, 104, 111
- religious, 283, 414
- substantive, 69, 160, 288, 399
- velāyat-e faqih*, 460, 462–463, 467
- Venezuela, 138, 267, 498–500, 514
- Venice Commission, 36, 138, 153, 250
- versatility, xxv, 399
- vertical v horizontal communication, 239–240
- veterans, 104, 119, 431
- veto, 141, 194, 220, 342, 383, 459, 464, 466, 468
- vice-presidential candidates, 108, 109, 423
- Vice-Presidents, 73, 75, 108–109, 180, 203, 339, 342, 345, 360
- Vietnam, 34, 36, 49, 284
- violence, 98, 177, 282, 293, 339, 386, 430, 489–490, 502, 505
- domestic, 131, 292
- political, 101, 490
- Virtue Party, 478, 488, 491
- voluntary judicial comparativism, politics and legitimacy, 244–246
- voters, xxxii, xxxvi, 404–405, 406, 417, 422, 424, 507, 511, 515
- eligible, 109, 521
- identification requirements, 421–422
- registered, 418, 507

566

votes, 108–109, 124, 171–173, 345, 347–348, 404–406,  
416–418, 421–423, 507, 510  
leftover, 418  
no-confidence, 121, 439  
popular, 210, 384, 423, 510  
voting, 108, 111, 150, 308–309, 311, 342, 345, 406, 415, 422  
rights, 249, 311, 345, 346–347, 404  
*see also* elections; proportional representation.  
vulnerability, extreme, 270, 273–274

Waitangi, 303, 306, 313–314, 316–326, 327–328  
warlordism, 70–71  
water, 46, 276, 326, 438, 475  
drinking, 269, 274, 276  
*waterschappen*, 222, 225  
watershed authority, 277, 278  
We the People, 67, 113, 114, 128, 133, 214, 330  
wealth, 158, 263, 358, 359, 363, 432  
welfare, 111, 166, 209, 522  
animal, 231–232  
social, 267  
Welfare Party, 478, 488, 491  
Western Sudan *see* Darfur.

*Index*

white Brazilians, 363, 366, 372  
white elites, 362, 363  
white privilege, 363, 368, 370  
White Revolution, 454  
window-dressing, 65, 68, 472  
winner-take-all basis, 93, 405  
women, 122, 131–132, 178, 179–180, 267, 417, 454, 460,  
480, 482  
women's rights, 125, 132, 180, 311  
workers, 72, 142, 267, 270, 346, 360,  
464  
World Bank, 524–525, 534  
World War I, 141, 480  
World War II, 64, 185, 187, 198–199, 216–219, 222, 249,  
307, 403, 408  
Yemen, 90, 450, 452  
Young Turks, 478–479, 482  
Yugoslavia, 119, 337  
Zulus, 429  
Zuma, Jacob, 431–432, 433, 438–439  
Zurich Agreements, 339