

CONTENTS

<i>Preface</i>	<i>page</i>	xi
<i>Acknowledgements</i>		xiv
<i>Table of Cases</i>		xvi
<i>Table of Legislation</i>		lix
<i>List of Abbreviations</i>		lxvi
1 Introduction	1	
1.1 European Constitutionalization Questioned		1
1.2 Framing European Constitutionalization		11
1.3 Research Methodology		34
1.4 Structure of the Book		55
2 <i>Demos</i> Obstacles to European Constitutionalization	58	
2.1 The Importance of <i>Demos</i>		58
2.2 No Homogeneity of Citizenship?		63
2.3 No Religious Homogeneity?		70
2.4 No Homogeneity of Values?		77
2.5 No Social and Linguistic Homogeneity?		84
2.6 No Common European Public Space for Political Debate?		90
2.7 Key Factors for the <i>Demos</i> Dimension of European Constitutionalization		97
3 <i>Civitas</i> Obstacles to European Constitutionalization	101	
3.1 Introduction		101
3.2 Lack of Unitary Elections?		103
3.3 No European-Wide Parties?		115
3.4 Lack of One Real President?		124
3.5 The European Parliament Is Not the Only Law-Maker?		131

- 3.6 The Council of the European Union Cannot Serve
as a Senate? 141
- 3.7 The Foundational Documents of the Union Are International
Treaties, Not a Constitution? 147
- 3.8 Key Factors for the *Civitas* Dimension of European
Constitutionalization 152
- 4 *Ius* Obstacles to European
Constitutionalization 155**
 - 4.1 Introduction 155
 - 4.2 No Single Rule of Law? 157
 - 4.3 No Powerful Unitary Federal Court System? 169
 - 4.4 No Common Criminal Law or Police Force? 203
 - 4.5 Lack of a Common and Effective System to Protect Human
Rights? 207
 - 4.6 No Foreign Relations According to the Rule of Law? 213
 - 4.7 Key Factors for the *Ius* Dimension of European
Constitutionalization 216
- 5 Addressing the Legal Obstacles to EU
Constitutionalization 223**
 - 5.1 Introduction 223
 - 5.2 Dimensions of European Crises 225
 - 5.3 The UK's Brexit as a Special European Crisis 234
 - 5.4 The Remaining Obstacle to European Constitutionalization
and Its Corollary Challenges 241
 - 5.5 Lack of a European Public Space and Its Contribution
to the European Crises 250
 - 5.6 Europe's Constitutional Moment and Potential Adaptive Mechanisms
for European Constitutionalization 259
 - 5.7 The Way Forward: Recommendations for Further
Constitutionalization of Europe 275
 - 5.8 Key Findings 292
- 6 Conclusions 295**
 - 6.1 European Constitutionalization Answered 295
 - 6.2 Intersections of Law and Political Science for Constitutionalization
Theory 296

CONTENTS

ix

6.3 Future Directions for Legal and Historical Research	305
6.4 Recommendations for a Process of Constitutional Change	306
6.5 A European Contribution to Our Understanding of Post-Regional Constitutional Entities	308
<i>Bibliography</i>	311
<i>Index</i>	355