

Contents

PART I: INTRODUCTION

Chapter 1	The Origins and Transformation of the Concept of the Constitution	3
-----------	---	---

PART II: ORIGINS

Chapter 2	Conditions for the Emergence and Effectiveness of Modern Constitutionalism	41
Chapter 3	Basic Rights in the Formative Era of Modern Society	65
Chapter 4	The Concept of Constitution in Historical Perspective	89

PART III: CONCEPTS AND FUNCTION

Chapter 5	The Function of Constitutions and Guidelines for Constitutional Reform	127
Chapter 6	Integration by Constitution	143

PART IV: INTERPRETATION

Chapter 7	Fundamental Rights in the Interpretation of the German Constitutional Court	161
Chapter 8	Return to the Traditional Understanding of Fundamental Rights?	183

PART V: ADJUDICATION

Chapter 9	Constitutions, Constitutional Courts, and Constitutional Interpretation at the Interface of Law and Politics	199
Chapter 10	Constitutional Adjudication and Democracy	213

	PART VI: THE FUTURE	
Chapter 11	The Future of Constitutionalism	233
Chapter 12	Can Democracy by Bargaining be Constitutionalized?	255
	PART VII: EUROPEANIZATION	
Chapter 13	The Role of National Constitutions in a United Europe	271
Chapter 14	The Democratic Costs of Constitutionalization: The European Case	295
	PART VIII: INTERNATIONALIZATION	
Chapter 15	The Constitution in the Process of De-nationalization	315
Chapter 16	Societal Constitutionalism: Compensation for the Decline in the Importance of the State Constitution?	331
Chapter 17	Levels of the Rule of Law: On the Possibility of Exporting a Western Achievement	345
	PART IX: CONCLUSION	
Chapter 18	The Achievement of Constitutionalism and its Prospects in a Changed World	357
	<i>References</i>	377
	<i>Index</i>	379