

# TRANSNATIONAL CONSTITUTIONALISM

International and European Models

edited by

NICHOLAS TSAGOURIAS

CAMBRIDGE  
UNIVERSITY PRESS

# CONTENTS

*List of contributors* page vii

*Foreword by Malcolm D. Evans* ix

*List of abbreviations* xi

Introduction — Constitutionalism: a theoretical  
roadmap 1

N. TSAGOURIAS

- PART i **States, courts and constitutional principles** 15
- 1 The rejection of the universal state 17  
P. CAPPS
  - 2 The standing of states in the European Union 44  
P. ELEFThERiADiS
  - 3 The constitutional role of general principles of law  
in international and European jurisprudence 71  
N. TSAGOURIAS
  - 4 Proportionality and discretion in international  
and European law 107  
I. RiVERS
- PART ii **Transnational constitutional interface** 133
- 5 Hierarchy in organisations: regional bodies and the  
United Nations 135  
N. WHiTE

6	The multilevel constitution of European foreign relations	160
	R. WESSEL	
7	Self-determination of peoples and transnational regimes: a foundational principle of global governance	207
	A. SKORDAS	
8	Challenges to international and European corporatism presented by deliberative trends in governance	269
	T. NOVITZ	
PART II <b>Visions of international constitutionalism</b>		<b>305</b>
9	The meaning of international constitutional law	307
	i. B. FASSBENDER	
10	The never-ending closure: constitutionalism and international law	329
	W. WERNER	
	<i>Index</i>	368