

Contents

<i>List of Contributors</i>	<i>page ix</i>
Introduction: Fusion and Creation Ron Levy and Hoi Kong	1
PART I DELIBERATING UNDER CONSTITUTIONS	15
1 Reasoned Administration and Democratic Legitimacy: Reflections on an American Hybrid Jerry L Mashaw	17
2 Deliberative Constitutionalism in the National Security Setting Mary B DeRosa and Mitt Regan	28
3 Deliberative Constitutionalism through the Lens of the Administrative State David Dyzenhaus	44
4 Deliberative Ideals and Constitutionalism in the Administrative State Geneviève Cartier	57
5 Parliamentary Human Rights Vetting and Deliberation George Williams and Daniel Reynolds	72
6 Constitutional Deliberation in the Legislative Process Gabrielle Appleby and Anna Olijnyk	88
7 Deliberative Federalism Robyn Hollander and Haig Patapan	101
8 Separation of Powers and Deliberative Democracy Danny Gittings	113
9 Dialogue, Deliberation and Human Rights Alison L Young	125

	PART II COMPREHENSIVE VIEWS: DELIBERATING UNDER AND ABOUT CONSTITUTIONS	139
10	The Deliberative Constitution at Common Law TRS Allan	141
11	The Role of Snap Judgements in Constitutional Deliberation: A Dialectical Equilibrium Model Jonathan Crowe	156
12	Deliberating about Constitutionalism Mark D Walters	167
13	Compromise in Deliberative Constitutionalism Daniel Weinstock	181
14	Constitutional Change through Deliberation Pavlos Eleftheriadis	191
15	In Defence of Empirical Entanglement: The Methodological Flaw in Waldron's Case against Judicial Review Theunis Roux	203
16	Deliberative Constitutionalism: An Empirical Dimension Eric Ghosh	220
17	The Jury System as a Cornerstone of Deliberative Democracy John Gastil and Dennis Hale	233
18	Ideas of Constitutions and Deliberative Democracy and How They Interact John Parkinson	246
19	Kickstarting the Bootstrapping: Jürgen Habermas, Deliberative Constitutionalisation and the Limits of Proceduralism Simone Chambers	256
	PART III DELIBERATING ABOUT CONSTITUTIONS	269
20	Deliberative Democracy and the Doctrine of Unconstitutional Constitutional Amendments Joel Colón-Ríos	271
21	Squaring the Circle? Bringing Deliberation and Participation Together in Processes of Constitution-Making Silvia Suteu and Stephen Tierney	282
22	Mini-publics and Deliberative Constitutionalism Stephen Elstub and Gianfranco Pomatto	295

23	Popular Constitutionalism and Constitutional Deliberation Gideon Sapir	311
24	Constitutional Reform and the Problem of Deliberation: Building a 'Civics Infrastructure' for Meaningful Debate Sarah Sorial	324
25	Deliberative or Performative? Constitutional Reform Proposals and the Politics of Public Engagement Cris Shore and David V Williams	337
26	The 'Elite Problem' in Deliberative Constitutionalism Ron Levy	351
	Afterword: Populist Constitutionalism v. Deliberative Constitutionalism Simone Chambers	370
	<i>Index</i>	373