

Contents

<i>Contributors</i>	vii
<i>Preface</i>	xii
Constitutions as commodities: notes on a theory of transfer <i>Günter Frankenberg</i>	1
PART I TRANSPLANT, TRANSFER, MIGRATION, ETC. – ONLY WORDS? PROBLEMS OF THEORY AND METHOD	
1 Comparative constitutional studies and the discourse on legal transfer <i>Timo Tohidipur</i>	29
2 Clotted history and chemical reactions – on the possibility of constitutional transfer <i>Margrit Seckelmann</i>	36
3 “One size can fit all” – some heretical thoughts on the mass production of legal transplants <i>Ralf Michaels</i>	56
PART II ORDERING GENDER – COMPARING THE CASTING AND RECASTING OF WOMEN AND GENDER RELATIONS IN CONSTITUTIONAL CONTEXTS	
4 Gender structures and constitutional law <i>Helena Alviar García</i>	81
5 Private but equal? Why the right to privacy will not bring full equality for same-sex couples <i>Nora Markard</i>	87
6 Legal transfer of women and fetuses: a trip from German to Portuguese abortion constitutionalism <i>Ruth Rubio Marín</i>	120

PART III ORDERING PLURALISM – ALTERNATIVE NORMATIVE ORDERS CHALLENGING THE STATE-CENTEREDNESS OF CONSTITUTIONALISM		
7	Legal pluralism and normative transfer <i>Jennifer Hendry</i>	153
8	Who is afraid of legal transfers? <i>Julia Eckert</i>	171
PART IV ORDERING THE POSTCOLONY – CONSTITUTIONAL BREAKS, CONTINUITIES, AND HYBRIDS		
9	“Ordering” constitutional transfers: a view from India <i>Upendra Baxi</i>	189
10	Constitutional autochthony and the invention and survival of “absolute presidentialism” in postcolonial Africa <i>H Kwasi Prempeh</i>	209
PART V ORDERING HEGEMONY – CONSTITUTIONAL MOMENTS IN OCCUPIED TERRITORIES AND COLONIES		
11	Constitution-making in occupied countries <i>Stefan Kadelbach</i>	237
12	International influence on post-conflict constitution-making <i>Philipp Dann</i>	243
13	German citizenship and its colonial heritage <i>Felix Hanschmann</i>	261
PART VI ORDERING EUROPE – EUROPE ORDERING. CONSTITUTIONAL TRANSFERS TO LATIN AMERICA IN THE NINETEENTH AND TWENTIETH CENTURIES		
14	Constitutional transfers and experiments in the nineteenth century <i>Günter Frankenberg</i>	279
15	Leon Duguit’s influence in Colombia: the lost opportunity of a potentially progressive reform <i>Helena Alviar García</i>	306
16	Constitutional grafts and social rights in Latin America <i>Roberto Gargarella</i>	322
	<i>Index</i>	349