Index

Note
Since the entire book is about 'constitutional imaginaries', the term itself is not listed in the index.

apoliticism
  economic policies, 308
  law, 4, 28, 32, 323
  liberal, 9, 26, 29, 175, 312
Atlanticism, 76, 80
Austria
  constitution in ruins (narrative), 266–70, 275, 279, 289
  Constitution, minimalist compromise, 278–80
  Constitutional Court, 285–6, 289–90
  constitutional identity, 273, 275, 289
  constitution-in-ruins, narrative, 25
  petrification theory, 284–5
  role model constitution (narrative), 26, 267, 286–7, 291
  value neutral constitution (narrative), 25, 266, 275–7, 279, 282, 285
Austria-Hungary
  European Union, comparison, 288–9
  Imperial Court of Justice, 291, 293
  law, integration through, 288
authoritarianism
  constitutionalisation of, 302–3, 374
  descent to, 264, 278, 395
  illiberal, 23
  populism, 174
  societal, 398

belonging, sense of
  Europe, to, 26
  place, to, 24, 92, 227, 232, 239
Bibó, István
  Miseries of East European Small States, the, 86–8, 90

capitalism
  Anglo-American, 315
  ideology, as, 315
  market, 307, 315
Central and Eastern Europe
  authoritarianism, 87
  collective trauma, 90–1, 94, 100
  communism, 89
  constitutionalism, 6, 8, 59, 84, 86, 103, 330, 356
  dissidents, 307–8
  distinctiveness of (*Sonderweg*), 12, 14, 86, 252, 254
  ethno-centrism, 59, 84, 88, 95–7, 252
  Europeanness, 43
  federalism, aversion to, 96
  historical tragedies of, 85, 90–1, 99, 223, 254, 264, 432
  history of, 12, 14, 20, 90
  identity of, 15, 90–1
  illiberalism, 297
  legalism, 303, 322
  misery of, 14, 86, 89, 91–2, 95, 101
  nationalism, 59, 95, 254, 264
  self-victimisation, 87, 211, 251, 271
  small states/nations, 14, 54–7, 85, 87–8, 91–2, 97–8, 105, 251
  state myths, 89, 265
  transformation through courts, 433, 443
Cepl, Vojtěch, 316–17
Čermák, Vladimír, 320–1

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 22:26:49, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.024

communism
criminalisation of, 181, 183, 200, 432, 439–40, 442
fall of, 7, 353
law, legacy of, 322, 324, 329, 331, 355, 431–2
legal positivism, 338
othering of, 250
parliamentary supremacy, 334, 336, 339, 344, 350, 353
party, leading role of, 301, 303, 339, 347
reformists, 302, 324, 335, 340, 343, 347
state power, unity of, 334, 336, 350
constitution
ancient, 15, 111–13, *See also* United Kingdom
directive, 34, 379–82, 385, *See also* Portugal
economic, 34, 309, 378, 382, *See also* Portugal
historical, 18, 21, 23–4, 181, 193, 195–6, 199–202, 207–9, 224, *See also* Hungary
invisible, 18, 196, 320, *See also* Hungary
material, 62
normative, 33, 375–6, 383, 385, *See also* Portugal
ordinary law, part of, 110, 118
value-based, 270, 320
constitution, amendments
extensive use of, 269
fragmentation, 268
political abuse of, 268
constitution, counter
roots of, 297
constitution, functions of, 202–3, 386
collective self-representation, 204
constitution, supremacy of, 161–2, *See also* Poland
constitution, symbolism of, 202
history interpretation, 195
indifference, 269, 273
legalism, 276
pragmatism, 275
social integration, 202
constitutional aesthetics, 269–70, 274, 293
constitutional claims, 111
constitutional crisis/backsliding, 165, *See also* rule of law
constitutional restrictions, 432
constitutionalism, conflict of, 430
roots of, 8, 26, 391, 407–8, 431, 454–5
constitutional identity
dark side of, 272
human rights protection, 272, 376, 385, *See also* patriotism
public identification, lack of, 391
sovereignty substitution, 424
technical, 273–4
constitutional memory, 183
community building, 201, 204, 206
constitutional practice, forming, 194–5, *See also* constitutional practice
critique of, 200, 202
future aspirations, 210
glorious past, 9
constitutional moment, 44, 267, 270
constitutional myth, 63, 123, 202
glorious past, 210–11, 213
sovereignty, 84
constitutional order, 63, 129
flexibility of, 391
constitutional practice, 3, 158
arbitrary, 221
constitutional law, disjunction between, 120
constitution-in-being, 110
emotions, generation of, 203–4, 456
EU law, concerning, 146
governing, art of, 111
scholarly-shaped, 154–8, 169, 267, 293, 392
society-shaping, 63, 186, 223, 416, 427, 454
constitutional principles, 214, 414
concurrent, 5, 393–4
fundamental rights, 270
liberal market economy, 364
sovereignty, 156, 223
constitutional reasoning. *See also* legal interpretation
competing narratives of, 86, 203, 279, 393, 450, *See also* constitution, counter
constitution-makers, of the, 154
inner working of, 107
judicial, 220
social context of, 271, 279, 354, 386, 395
constitutional reform, 130, *See also* Italy; United Kingdom
executive strengthening, 79
modernisation, 126
constitutional review
acquired rights, doctrine of, 438
austerity measures, of, 384–5
authoritarian system, within, 333–5, 341, 344, 350, 352
constitutional norms, of, 381
EU law, of, 163, 167, 222
formalism, 285
Kelsenian model of, 287, 291–3, 341, 350, 356
legal certainty, 433, 438, 440
legitimate expectation, 381, 384
liberal turn, 433
mixed model of, 375
rights-based, 33, 126, 128, 163, 223, 285, 319, 326, 349, 425
rule of law, 283, 434, 440

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 22:26:49, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.024

constitutional supremacy, 164, 343, 375, *See also* Poland
  constitutional review, 334
  European integration, 17
constitutional traditions, local, 7
Constitutional Treaty (2004), 78
constitutional truth, 28, 414, 454
  contested, 86, 105
constitutionalism
  civic, 305
  communitarian, 391, 394, 396, 399, 404, *See also* Poland
  European. *See* European constitutionalism
  façade. *See* Polish People's Republic (PRL)
  illiberal, 165, 297
  negative, 313, 318, 415, 417, 424
  neoliberal, 309, 313, 357, 371, 392
  Nordic, 33, *See also* Nordics
  political, 28, 417, 422, 429
  popular, 358
  social-democratic, 358, 382–3
  socialist, 334, 338, 340, 343, 350
  societal, 34, 392, 395–6, *See also* Poland
  supranational, 426
  transformative, 380
  transformative nature of, 388–9
  varieties of, 5
constitutionalism, legal
  antimajoritarian, 364, 431
  domination of, 32, 197–8, 297, 430
  formalism, 275–7, 282, 303, 393
  legal impossibilism, 431, 437, 440–1, 445, 447, 455, *See also* Poland
  social engineering, rational, 193, 429
  state organisation, 393, 429
  struggle of, 17
  universalism of, 429
constitutionalism, liberal, 297
  antimajoritarian, 311, 429
  anti-utopian, 370
  civil society, restriction of, 399, 404, 406–7
  community building, 298
  decline of, 6, 26, 454
  domination of, 6, 8, 196, 299, 305, 322, 327, 369, 411
  heterogeneity of, 31, 306
  individual freedoms, protection of, 308, 394, 396, 415, 426
  liberal consensus, 298, 326–7
  origins of, 9
  power limitation, 424, 429
  public support of, 160
  universalism of, 410, 446
constitution-counter, 454
Convention on the Future of Europe, 13, 43, 51–4
corporatism
  associations of professions, 402
  co-governance, 403–4, 408, *See also* Poland
  social model of, 396, 404, 408, *See also* Poland
crisis, refugee, 455
  quotas, 186, 189
culture
  artefacts, 230
  Christianity, 18, 172, 183, 185, 210–11, 358
  conflict, 88, 242
  diversity, 56
  European, 238–9
  governing class, of the, 117, *See also* United Kingdom
  heritage, 113, 238
  imaginaries, 229–33, 237, 240, 246, 248
  independence, 96, 98
  wars, 186, 196
Czechia
  anti-communism, 434
  collective forgetting, 258
  Constitutional Court, 108, 319, 321, 433
  exceptionalism, 25
  legal positivism, 322
  self-victimisation, 25, 93
Czechoslovakia
  collective forgetting, 251
  exceptionalism, 253
  failed state, 25, 253–4
  history, 250
  intolerance, 264
  nationalism, 250, 254
  self-victimisation, 254

democracy
  backsliding, 7, 165
  constrained, 311, 358, 429
  culture, 455
  economic, 368, 374, 377–8, 385, *See also* Portugal, *See also* Nordics
  external threat to, 102
  governance, 377, 387
  illiberal, 168, 170
  liberal, 174, 374
  meanings of, 361
  militant, 272, 294
  minority, protection of, 281, 285, 311
  normative, 197
  participatory, 34, 136, 377
  people's, 334
  procedural, 266, 276, 280–1, 285
  promotion of, 369
  protection of, 435

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 22:26:49, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.024

democracy (cont.)
radical, 310
self-management, 136, 396
separation of powers, 139, 390, 421
social, 385
socialist, 374
domination. *See also* hegemony
identity-framing, over, 178
national, 121
structures of, 4
Dworkin, Ronald
rule of law, 317–18

East and West
cold war, during, 228, 235
cultural dialogue, 236–7
division between, 83, 87, 89, 95, 245
outpost between, 12
East Central Europe. *See* Central and Eastern Europe
East, the. *See also* Central and Eastern Europe
backwardness, symbol of, 227
economy
austerity measures, 383
choices, 4
consultative etatism, 400
crisis, 383, 400
democratic state, separation from, 309, 364
democratically organised, 377–9, 383
emergency rhetoric, 4
free market, 311, 314–15
free zone, 141, 289
independence, 98, 131, 133, 142
property, collective, 419
property, private, 420
redistribution, 4, 309, 368, 378
social dialogue, 400
empire
collapse of, 15, 98, 100, 277
multi-ethnic, 92, 97, 288
protector, as, 97
enemy. *See also* threat
constitutionalised image of, 19, 172, 180–3, 185–7, 211, *See also* Hungary
internal, 185
left-wing politics as, 178, 184
making of, 17, 19, 172, 176–7, 184
political, 173–5, 183
political mobilisation, 17
epiphanies, 414, 425–7
Estonia
Constitution (1992), 11, 50
Estonian SSR, 233, 235
Ilves, Toomas Hendrik, 51, 54, 57–9
imaginary of, 12, 16, 24, 54, 229, 237, 243, 247
Meri, Lennart, 51–2, 54–7
Supreme Court (SC), 11, 51
EU institutions
Court of Justice of the European Union (CJEU), 222, 426
European Court of Justice (ECJ), 127, 387
European Parliament, 58
European President, 53
Euro (single currency), 80, 127, 163
Europe, as the Other, 15
Europe, return to, 6, 18, 24, 147, 151, 244, 356
ideology of, 164
social desire for, 160
European Arrest Warrant, 162
European constitutionalism
constitutional identity, 388, 426
idiosyncrasies, suppression of, 383, 385, 387
multi-level, 162, 164
neoliberal, 378, 382, 411, 426
transformative nature of, 388–9
Western invention, as, 6, 20, *See also* West, the
European Convention on Human Rights, 289–91
individualism, 411, 423, 427
European Court of Human Rights (ECHR)
influence of, 128, 290
neoliberal capitalism, constitutionalisation of, 365
European identity
civilising mission, 410
contested meaning of, 24, 246–7, 249
creation of, 52
lack of, 387
national identity, part of, 223, 238–40
European integration
foundations of, 1
government-strengthening, 404–5
integration clause, 148, 151, 154, 156–8, 164
judicial decisions, through, 77, 127
law, through, 288, 293, 411
limits of, 109, 161–2, 169, 172, 182, 187
market, through, 26, 75, 80
national narratives, challenge to, 5, 8, 17, 410, 423
national reforms, catalyst of, 79, 81, 126, 363, 370, 389, 405
openness towards, 42, 267, 377, 387
rationality of, 409
resistance to, 84, 96, 100, 105, 127, 272, 359, 365, 406
securitisation of, 12, 47, 75, 99, 104, 246, 248
stealth, by, 77–8, 222
WWII resistance, 67
European Union
accession to, 50, 103, 149, 155, 159–60
Common Foreign and Security Policy (CSFP), 54
competences, 53

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 22:26:49, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.024

constitution, 58, 426
diversity of, 55, 388
enlargement of, 7, 46, 56, 83, 102
federalism, 56–7, 61, 67–72, 110, 127, 157, 423
international organisation, as, 103, 157, 423
law, primacy of, 11, 47, 51, 127, 222, 387
law, transposition, 405–6
legal principles, 127
legitimacy, 57, 96, 155, 389, 405–6
periphery, 2, 60, 246
principle of equality, 53
principle of subsidiarity, 58, 388
social model, 193, 389, 406, 408, 426
experts
constitutional practitioners, 153
constitutional scholars, 107, 269, 316–17
economists, 315
law professors, dictatorship of, 373–4
lawyers, late socialist, 322–4, 354
revolutionaries, as, 133–5, 142
technocracy, 310
Western perspective, 6

fascism
dictatorship, 373
France
constitutions, passion for, 417, 427
general will, 36, 416–18, 427
Great Nation, narrative of, 410
indivisibility, narrative of, 36, 418, 423–4
laïcité, 36, 419
law, liberal turn, 423–4
republican imaginary, 35, 411, 416, 422, 425–8
Yellow Vests movement, 426
fundamental rights
collective, 419
constitutional principles, as, 270, 272, 279, 305–6, 376
expansion of, 224
extension of, 213–17
individual rights, 418
neoliberalism, tool of, 365
protection of, 128, 163, 165, 202, 272, 290, 302, 376, 385, 389, 424
regression, prohibition of, 381, 383
right to property, 415, 419
right to vote, 214
socio-economic, 33
struggle for, 299, 302, 307
workers', 377–8, 382

Germany
Basic Law, value-based order, 270, 272
Federal Constitutional Court (BVerfG), 83, 162, 270
Federal Constitutional Court (BVerfG), model court, 320
legal tradition, influence of, 375, 379
globalisation, 209, 423, 455
economic, 313, 363, 370
European integration, 107, 411, 426
neoliberal, 364
government
authority, 119
legitimacy of, 3
technocratic, 310

Hayek, Friedrich A. *See also* neoliberalism
freedom, 315
orders, constructed, 314
orders, spontaneous, 314
republicanism, critique of, 420
rule of law, 314–16, 364
hegemony. *See also* domination
historical bloc, 179
presentism, neoliberal, 369
right-wing, 179, 358, *See also* Hungary
social democracy, of, 362
history
constitutional, 18, 194, 198, 209, 212
continuity of, 213, 217–20
escapism, 20, 265, 271
intellectual, 414
narratives, 18–20, 194–6, 201, 204, 206–7, 230
Hungary
communist legacy, 22
Constitution (2012), 172, 181–4, 198, 200–1, 203, 209–11, 220
Constitutional Court, 18, 187, 196–8, 201, 220–4, 433
constitutional identity, 172, 180, 183, 185, 187, 209, 211, 221, 223
Fidesz, 177–80, 184, 198
Holy Crown of (myth), 85, 200, 203, 205–7, 211, 213–14, 217–20, 224, 454
Horthy-regime, 21, 196, 199, 210, 219
nationalism, 22, 178, 185, 189, 210, 212, 215–17
NER (System of National Cooperation), 19–20, 174

identity
collective, 110, 412
communal, 229
cultural, 46, 121
moral, 180
other, the, 2, 9, 19, 171, 176–7, 180, 183, 229, 242, 412
political, 3, 111, 172, 178
social, 46, 93

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 22:26:49, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.024

identity (cont.)
sovereignty, through, 46
subjectiveness of, 412
vicarious, 41, 43, 48
völkish (ethnic-popular), 87, *See also* Central and Eastern Europe
ideology, 145
competition of, 454
constitutional, 84
language, 142
liberal, 162
means of domination, as, 3, 8
political, 95
power, 110
social integration, 204
transformative function of, 4
illiberalism, 23, 209, 211
republicanism, 420
imagination
future, of, 16, 131, 218, 370, 455
geopolitical, 227, 245, 248
imperialism
economic, 98
legacy of, 88, 96, 100, 222
Soviet Union, 232
United Kingdom, 122
United States, 76
Ireland
colonisation of, 123, *See also* United Kingdom
independence of, 124
Italy
Action Party (PdA), 69, 74
Christian Democratic Party (DC), 70, 73
Communist Party (PCI), 71–3, 76
constitution, writing of, 73–5
Constitutional Court, 78
EU constitutional irrelevancy, 75–8, 81
external constraint (*vincolo esterno*), 79–81
L'Unità, 71
political parties, 61, 64–6
resistance, the, 61, 64–72
self-victimisation, 62, 81–2
Socialist Party (PSI), 69, 73
Ventotene manifesto, 68, 75

judicial independence, 165, 167, 407, *See also* Poland
appointments, political, 430
lustrations, 437, 453
safeguards of, 27
judiciary
other powers, conflict with, 390, 425, 453
juristocracy, 28, 407
constitutional amendments by, 221
judicial activism, 285–6, 320–1, 383
judicialisation of democracy, 197–8, 360, 365, 371, 430, 440
justice
procedural, 304
social, 309, 438–9
substantive, 304, 318, 320, 431, 440
transitional, 30, 36, 194, 196, 431–3, 437–8, 440–1, 443, 446, 450–2

Kelsen, Hans
Austrian Constitution, drafting of, 278, 282, 291
scholar, 280, 282–3, 285, 287, 292, 294
sovereignty, dogma of, 84
Kis, János, 319
Klokočka, Václav, 319–21
Knap, Viktor, 324–5
Kuisz, Jarosław
New politics of Poland, the, 94–5, 100–1
Kundera, Milan
Tragedy of Central Europe, 91–2

law
administrative, 115–16, 420
continuity, 217, 219
crisis jurisprudence, 381, 383
internationalism, 376–7
objectivity of, 28
positivism, 32, 318, 321, 324, 326, 336, 338, 455
praxis, 45
pure theory of, 266, 276, 282–3, 356, *See also* Kelsen, Hans
realism, 358, 362
social management, tool of, 299–301, 315, 322, 325
supranational, 426
supremacy of, 121, 302, 365
tradition, 446
unity of, 115, 117, *See also* United Kingdom
legal interpretation. *See also* constitutional reasoning
concrete-order-thinking, 106
extra-legal aspects of, 212, 220, 321
formalism, 284, 294, 322
originalism, 284
rule and statute thinking, 107, *See also* normativity/normativism
Stufenbau theorem, 282–3, 342, 344, 375
systemic, 393
legalism
dissident, 299, 302, 304
fascist, 374
socialist, 300–1, 303–4, 322, 332, 340

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 22:26:49, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.024

legitimacy/legitimation
constitution, of, 148, 161, 198, 394
internal, 47
state power, of, 202, 300, 302, 375, 413
liberalism
Anglo-American, 415–16, 420, 425, 427
anti-totalitarian, 422
critique of, 175, 177
economic, 279, 313, 400, 421
French, 36, 421–3, 427
French republicanism, 416, 420, 425
human rights, 306–9, 311–12, 317, 323
liberal turn, 422
ordo-, 309
political, 223, 307, 421
public support, lack of, 391
liberal-legalism
community building, 193
critique of, 193
post-communist transformation, 298, 305–6, 432
scientific, 26, 29
liberties
civil, 117, 415
French republicanism, 415
negative, 410, 415
political, 87, 314, 415, 417, 427
positive, 410, 415
protection of, 318, 363, 394, 415
restoration of, 125
Lisbon, Treaty of (2007), 78, 107, 159–60, 162
Lithuania
Constitution (1992), 104
Constitutional Court, 108
lustrations
constitutionality of, 433–4, 436, 449, 453
democracy, protection of, 443
historical clarification, 435, 444
PACE guidelines, 443–4
rule of law, compliance with, 435–7, 442–3
temporality, 445, 453

Maastricht, Treaty of (1992), 77, 80, 426
Marxism
ethical superiority of, 342
republicanism, 422
member states/membership (EU), 1
constitutional aspects of, 154, 161, 164
economic benefits of, 108, 166
fundamental rights protection, 382, 385, 387–8
judiciary, 106–8, 127, 168, 222
sovereignty of, 15, 108, 424
transformation into, 7
minorities
persecution of, 22, 252, 264, 342
protection of, 281, 285, 311, 366, 371
minorities, ethnic
discontent of, 88, 215
protection of, 214–16, 289

narratives
constitutional, 63, 110–11, 125, 195, 204, 224, 266–7, 294, 414
political, 61, 201, 416
power of, 63
social, 3
nation
claims, 89
community, 409
culture, defined by, 97
emotions, 193, 207, 409
identity, 93, 122, 178, 180, 184, 214, 229, 412
imagined community, as, 85, 92, 111, 229, 409, 412
interest, 106
myth, 93, 98, 211–12, 409
personification, 92
political, 215–16, 430
representation of, 96, 179–80
social myth, as, 85
survival of, 91–2, 131, 189
nationalism
anti-democratic, 87
civic, 95, 271, *See also* West, the
ethnic, 95–6, 102, 254, *See also* Central and Eastern Europe
imagination, 409
linguistic, 88, 215, *See also* Central and Eastern Europe
neoliberalism
democracy, restriction of, 360
democratic deliberation, outside of, 308, 310
post-communist transformation, 306, 308–11, 313
rule of law, 312–14, 326, 364
Washington consensus, 308
nomocracy, 4
Nordics
corporatism, democratic, 359, 367–9
equality, economic, 368
exceptionalism, democratic, 357, 362, 366, 369–70
neoliberalisation, 361, 364, 366, 368–70
social democracy, hegemony of, 362
social welfare state, 357, 359, 366, 370–1
normativity/normativism
authority, 111
decision, 174
expectations, 3

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 22:26:49, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.024

patriotism
constitutional, 267, 271–2, 294, *See also* constitutional identity
Poland
anti-communism, 435, 441, 452
anti-oligarchy, narrative of, 378
Civic Platform, 404–5
Constitution (1997), 103, 144, 164, 168, 397
constitution, writing of, 148–53, 393, 398, 450
constitutional compromise, 27, 148, 153, 155, 168, 393
constitutional drift, 35, 391–2, 398–9, 407
constitutional identity, 162, 168, 397
Europeanists, 104
executive-strengthening, ideology of, 392, 404–5, 407
Law and Justice Party (PiS), 158, 165, 404–5, 407, 431
messianic martydom (myth), 85
partitions of, 94
societal imaginary, 397–8, 404, 408
sovereignists, 104, 159, 164–8, 170
Poland, Constitutional Tribunal (PCT)
case law, inspirations, 442–3
communist period, 331, 349, 352–4
European integration, case law, 164, 166–9, 222
personal changes, 430, 450, 453, 455
political capture of, 26, 159, 166
post-communist transformation, 432, 434–7, 439–40, 446–50
sovereignty, case law, 107, 109
Polish People's Republic (PRL)
civil society, 347–9, 354
Constitution (1952), 334, 339
constitutional review, 333, 336–7, 339–41, 343, 346, 350–2
constitutionalism, 331
façade constitutionalism, 335, 338–40, 343, 352
Small Constitution (1947), 333
socialism, Polish way, 335
Supreme Administrative Court (NSA), 347
politics
action, 3, 61, 65, 81, 94, 416
alienation of, 128, 173
anti-communism, 172, 178, 180–4, 211, 431, *See also* Hungary; Poland
anti-gender, 172, 183, 186–7, 189, 211, *See also* Hungary
anti-immigration, 172, 182, 184–9, 211, 223, 264, *See also* Hungary
authority, 48
claims, 410
conflict, 88, 175, 374
consciousness, 89, 106
consensus, 174, 396
culture, 101, 134, 417
decision, 174–5
emotion, 211
imaginaries, 83, 230
independence, 98, 142
judicialisation of, 362, 365
law and development, 313, 369
law, primacy over, 332, 337, 340, 359
memory, 172, 454, 456
mobilisation, 78, 135–6, 142
myth, 94
organisations, 87, 95
personalisation of, 404
pluralism, 377
policy makers, 399, 402
praxis, 45
rule, 3, 8
struggle, 63, 112, 172, 202
polity
distrust in, 311, 334
establishing of, 174, 176, 193, 203, 207, 413
exclusion from, 180, 184
integration of, 3, 146, 201, 204, 215
masses, 179
polarisation of, 128, 171, 179, 187, 205–6
post-national, 83
regional, 91
tutoring of, 315
values of, 202, 212, 271, 286, 386, 410
Portugal
anti-oligarchy, narrative of, 34
Constitution (1976), 372, 374–5, 377, 379, 382
constitutional consensus, 374–5
Constitutional Court, 383–5
constitutional narratives, 375–8
Estado Novo, 373
social question, 372, 381–2
post-communist Europe. *See* Central and Eastern Europe

rationality
constitution, of, 204, 213, 272
law, of, 429
Rechtsstaat. *See also* rule of law
authoritarian, 304
democratic, 156, 297, 302, 304, 306, 326
socialist, 299, 302–4, 326, 333, 336
varieties of, 31
welfare state, in opposition to, 380
recognition
external, 47
international relations, 46
self-, 46, 230

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 22:26:49, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.024

referendum
constitution, on, 148, *See also* Poland
EU membership, on, 127, 157, 159
EU treaties, on, 426
Scottish independence, on, 129
representation
people, of the, 112, 213, 334, 387
workers', 400
republicanism
citizen, 424
constitution, through, 36, 417, 424, 427
general interest, 36, 418, 420, 423
human rights ideology, critique of, 422
parliament, centrality of, 418–19, 424
powers, balance of, 417
Rome, Treaty of (1957), 75, 126
Rozmaryn, Stefan
constitutional review, 339
constitutional safeguards, 339
legal constitutionalism, socialist, 338
rule of law. *See also Rechtsstaat*
adaptation of, 37, 446–7
constitutional principle, as, 117, 121, 128, 202, 272, 343
crisis/backsliding of, 7, 26, 94, 165, 356, 407, 430
internationalisation of, 313, 363, 369, 423
justice, supremacy over, 433, 449
liberal, 298, 317
meanings of, 117, 302, 312, 325–7
neoliberal, 306, 313
political origins of, 176, 181
power limitation, 308, 312, 325, 415, 424
state based upon, 139
substantive, 317–21, 324, 326, 433, 436, 438, 449
transformation, within, 446, 449
Russia
backwardness, symbol of, 241–3
Europeanness of, 237

Schmitt, Carl
Concept of the Political, the, 173
Schuman Declaration (1950), 22, 76
Scotland
constitutionalism, 122–3
identity of, 122
security
collective, 99
ontological, 49, 59
self-determination, 46, 100, 181
self-management
economic, 16, 133–6
self-sufficiency, as, 140
territorial, 138, 142
self-rule/government, 3
democratic, 429
organisations, professional, 398, 402–3, 408
people, 412
social actors, 396
societal, 377
self-understanding, 3, 176
collective, 410
constitutional, 187
mortality awareness, 50
nation state, as, 88
smallness, perception of, 91
Siemieński, Feliks
constitutional review, 344–5, 351
social imaginaries, 3, 93, 230, 412, 454, *See also* social imagination
elites, hegemony of, 412
social imagination, 63–4, *See also* social imaginaries
society
artefacts, 412–13
autonomy, 395, 397, 402
bureaucratisation of, 399
control, 398, 403
costs, 4
dialogue, 35, 396, 398–401, 403, 406–7
diversity, 395
integration, 202, 206
juridification of, 396
market-based, 306, 308, 361, 367
memory, collective, 409, 412
movements, 78, 398
myth, 412
order, 107
organisations/institutions, 78, 314
participation, 397, 403
pluralism, 139, 395, 397, 415–16
political order of, 63
politicisation of, 395, 407
production and reproduction, 62
revolutionary situations, 132
scientific management of, 301, 310, 352
self-organisation of, 396
systems, 34, 398
society, civil, 398
existence, pre-legal, 397
nonpartisan, 401
political actor, as, 397, 400, 403–4
public funding of, 401, 407
public services, provider of, 401
state, in opposition to, 397, 404
subordination of, 402, 404, 407
trade unions, 399–401, 403

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 22:26:49, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.024

solidarity
class, 193
national, 193
Sólyom, László, 320
sovereignism, 14, 59, 84, 95–6, 102, 166, *See also* Central and Eastern Europe
sovereignty
associated, 48
conservative notion of, 42
conundrum, 102–5, *See also* Central and Eastern Europe
essence of, 109, 162
external, 47
indivisibility of, 42, 48, 84, 424
internal, 47, 131
international relations theory, 42, 44, 48
limited, 96, 102, 347, *See also* Central and Eastern Europe; Soviet Union
losing of, 76, 94, 100, 105, 145, 153, 155–6, 168–9
meanings of, 10, 14, 45, 103, 136, 156, 424
national, 9, 46, 85, 209, 214
people's, 418, 424
political, 141, 175
popular, 46, 112, 137, 220, 344, 357–8, 365, 394
post-imperial, 101, 125, *See also* United Kingdom
post-traumatic, 94, 100–1, 104
protection of, 155, 182
radical, 4
restrictions of, 13, 99, 108, 386
right of discretion, 10–11
semi-, 49
shared, 48, 108, 424
symbolic form, 43, 45, 48, 218
transfer of, 103, 126, 145, 150, 169
transfer of exercise, 103
transfer of the exercise of, 149, 155, 160, 162, 167
vicarious, 13, 43, 47–9, 54, 59–60, *See also* Estonia
Soviet Union
colonial system, within, 100, 232–3, 235, 248
Constitution (1977), 136–7
constitutional theory, 331
dissolution of, 137, 143
economic management, 139–40, 233
parade of sovereignties, 16, 137, 143
perestroika, 132, 139–40, 302
satellites of, 100, 102, *See also* Central and Eastern Europe
state
centrality of, 416
collapse-built, 90
continuity, 217
core-built, 89
ideology, 228
nation, 4, 83
politics, 228
scientific management of, 9, 26
shadow, 89
society, separation from, 416
statehood
continuity, 224
national aspiration, 97–8
protection of, 222
sovereignty, 97
transformation of, 2
unfulfilled desires of, 87

teleocracy, 4
threat. *See also* enemy
East, from, 12, 246
existential, 92–4, 101, 129
external, 9
imagined, 85
Russia, 47, 97, 105
terrorist, 183, 185
transformation, 246
civic, 21, 398, *See also* Hungary
constitutional, 6, 128
decommunisation, 452–4
democratic, 18, 196, 298, 356, 445, 452
economic, 27, 139–41, 305–6, 308, 310, 313, 315, 452
green, 406
law, through, 297, 305, 375, 379, 385
liberal, 297, 303, 311, 322, 326, 423
neoliberal, 29, 297, 360–1, 369
political, 27, 361, 432, 447
social, 453, 455
Trianon, Treaty of (1920), 22

United Kingdom
Brexit, 100, 127–30
common law, 115–16, 121, 128
Constitution, 117, 125, 128
constitutional identity of, 15, 121, 128, 130
Crown, the, 112, 118–20
European Communities Act, the (1972), 126
High Court of Parliament, 116
imperial past, 100, 110, 122, 126, 130
local self-government, 15, 113–16
parliamentary sovereignty, 112, 114–15, 120–1, 123–4, 127–8
rule of judicature, 114–18, *See also* rule of law
Union, the, 122–3
Whig interpretation of history, 113

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 22:26:49, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.024

utopia
alternative future, 131, 370
constitutional, 8, 146
democratic, 374
economic, 136, 142
European constitutionalism, 59
sovereignty, 164, 170
status quo, opposition to, 4

values
conflict of, 393
conservative, 186, 223
constitutional, 392
democratic, 18, 56
European, 56, 168
foundational, 108

welfare state, 380, 384, *See also* Nordics
future of, 385
golden epoch of, 357
political, 366
West, the
constitutional borrowing from, 18, 27, 305, 313, 356, 432, 445, 447
Europeanness, exclusive representation of, 234, 241, 245
Europeanness, symbol of, 242
hegemony of, 6, 306
postmodern, 83
return to, 2
superiority, symbol of, 227, 243, 245, 247
transformation of, 7

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 22:26:49, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.024

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 22:26:49, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.024