

Contents

Foreword, Peter H. Russell vii

Preface xi

- 1 Introduction: Courts in Federal Countries 3
NICHOLAS ARONEY AND JOHN KINCAID
- 2 The High Court of Australia: Textual Unitarism vs Structural
Federalism 29
NICHOLAS ARONEY
- 3 The Constitutional Court of Belgium: Safeguard of the Autonomy
of the Communities and Regions 69
PATRICK PEETERS AND JENS MOSSELMANS
- 4 The Supreme Federal Court of Brazil: Protecting Democracy and
Centralized Power 103
GILBERTO MARCOS ANTONIO RODRIGUES, MARCO ANTONIO GARCIA
LOPES LORENCINI, AND AUGUSTO ZIMMERMANN
- 5 The Supreme Court of Canada: The Concept of Cooperative
Federalism and Its Effect on the Balance of Power 135
EUGÉNIE BROUILLET
- 6 The Supreme Court of Ethiopia: Federalism's Bystander 165
GEDION T. HESSEBON AND ABDULETIF K. IDRIS

vi Contents

- 7 The Federal Constitutional Court of Germany: Guardian of Unitarism and Federalism 193
ARTHUR BENZ
- 8 The Supreme Court of India: The Rise of Judicial Power and the Protection of Federalism 223
MANISH TEWARI AND REKHA SAXENA
- 9 The Supreme Court of Mexico: Reconfiguring Federalism through Constitutional Adjudication and Amendment after Single-Party Rule 256
JOSÉ ANTONIO CABALLERO JUÁREZ
- 10 The Supreme Court of Nigeria: An Embattled Judiciary More Centralist Than Federalist 290
ROTIMI T. SUBERU
- 11 The Constitutional Court of South Africa: Reinforcing an Hourglass System of Multi-Level Government 328
NICO STEYTLER
- 12 The Constitutional Court of Spain: From System Balancer to Polarizing Centralist 367
ELISENDA CASANAS ADAM
- 13 The Federal Supreme Court of Switzerland: Judicial Balancing of Federalism without Judicial Review 404
ANDREAS LIENHARD, DANIEL KETTIGER, JACQUES BÜHLER, LORANNE MÉRILLAT, AND DANIELA WINKLER
- 14 The Supreme Court of the United States: Promoting Centralization More Than State Autonomy 440
ILYA SOMIN
- 15 Comparative Observations and Conclusions 482
NICHOLAS ARONEY AND JOHN KINCAID
- Contributors* 541
- Index* 549