Constitutional law in the United States and around the world now operates within an increasingly transnational legal environment of international treaties, customary international law, multilateral and bilateral agreements, a supranational infrastructure of trade law and human rights law, and increased comparative judicial awareness, reflected in increasing cross-national references in constitutional court decisions around the world. The constellation of legal orders in which established constitutional regimes operate has thus changed - there are more bodies generating law, there are more international agreements, there are more multi-national interactions and transactions that bring into view various legal orders. How, if at all, do these multiple transnational phenomena (including national law that has influence beyond its borders, as well as an expanded array of international law) affect our understanding of the role of constitutions and of courts in deciding constitutional cases? This book explores the role of constitutions and constitutional law in this changing legal environment, analyzing complex currents of convergence, resistance and engagement with the transnational in the United States, Australia, Canada, Colombia, France, Germany, India, South Africa and elsewhere.

Contents:

- Resisting the transnational
- Convergence with the transnational
- Engagement with the transnational
- Constitutional adjudication in the U.S. Supreme Court: why engage the transnational?
- Engagement, U.S. interpretative theory, and our multifunctional constitutions
- Engaging the transnational: a contextual framework
- Engagement, equality, and older constitutions
- Constitutional particularities, federalism, and the transnational
- Constitutions as mediating institutions, transnational constitutional values and engagement in twenty-first century constitutional interpretation.