

Full Table of Contents

<i>Acknowledgements</i>	vii
<i>Short Table of Contents</i>	ix
<i>Table of Cases</i>	xv
1. <i>Introduction.....</i>	1
I. <i>The Rise of Dignity</i>	1
II. <i>Positioning Human Dignity at the Heart of European Constitutionalism.....</i>	4
A. <i>European Constitutionalism:</i> <i>An Equilibrium of Sovereignty</i>	5
B. <i>Comparison: Mapping the Dignity Archipelago</i>	8
C. <i>Constructing a Narrative.....</i>	13
III. <i>Human Dignity as a Constitutional Concept.....</i>	15
A. <i>A Heuristic Concept</i>	16
B. <i>A Secular Concept</i>	18
C. <i>Human Dignity as <i>Res Publica</i></i>	21
IV. <i>The Age of Dignity.....</i>	23
A. <i>Origins, Contexts and Complexities (1789–2009).....</i>	24
B. <i>Human Dignity, Constitutionalism and Democracy.....</i>	25
2. <i>We are Not Born in Dignity</i>	28
I. <i>Introduction.....</i>	28
II. <i>Human Dignity as Ideal</i>	30
A. <i>Freedom</i>	31
B. <i>Autonomy</i>	33
C. <i>Equality</i>	37
III. <i>1789: From Dignities to Dignity.....</i>	38
A. <i>The Spirit of Dignity.....</i>	39
B. <i>Constitutionalism as the Cradle of Human Dignity</i>	41
IV. <i>Dignity as Humanity</i>	43
A. <i>Man: Equality, Relationality and Abstraction.....</i>	43
B. <i>Citizen: Dignity as Sovereignty</i>	46
C. <i>Worker: Dignity as Self-Determination and Social Justice.....</i>	47
V. <i>Conclusion.....</i>	50

3.	The Foundations of European Constitutionalism: 1949, 1989, 2009	53
	I. Introduction.....	53
	II. Making Sense of the Past.....	57
	A. ‘Never Again’	58
	B. Filtering the Past.....	62
	C. Constructing Temporal Boundaries	63
	III. Human Dignity as Constitutional Foundation.....	66
	A. The Promise of Dignity.....	66
	B. Dignity as a Source of Constitutional Rights	70
	IV. Normative Definition of Human Dignity.....	74
	A. A Constellation of Core Prohibitions.....	75
	B. Embracing Humanity	77
	V. Conclusion	80
4.	Human Dignity: A Judge-Made Concept	82
	I. Introduction.....	82
	II. Endorsing and Re-Activating the Foundational Promise.....	84
	A. Significance of Human Dignity Case Law	85
	B. Endorsing Human Dignity.....	87
	III. Making Human Dignity European.....	91
	A. A Network of Constitutional Courts	91
	B. Interlocking Human Dignity.....	94
	IV. The Essence of European Constitutionalism.....	99
	A. Civilisation, Rule of Law and Consent to Sex.....	99
	B. Core Issues of Dignity and of Constitutionalism.....	103
	i. Welfare.....	103
	ii. Workers’ Self-Determination	106
	iii. Defining Humanity.....	107
	iv. Setting the Boundaries of Capitalism.....	108
	v. Protecting Asylum-Seekers.....	110
	V. Conclusion	112
5.	Hidden in Plain View: Workers’ Human Dignity.....	113
	I. Introduction	113
	II. Workers are Human Beings	115
	A. Work and Constitutionalism: Converging Parallels.....	116
	B. Structuring Features of Workers’ Humanity	120
	III. Constructing Workers’ Dignity: The EU Charter as a Basis	125
	A. Inviolability of Workers’ Dignity	126
	B. Human(e) Working Conditions	128
	C. Solidarity and the Pursuit of Social Justice.....	131

IV.	Workers' Dignity and Democracy	133
A.	Significance of Protection at Constitutional Level.....	134
B.	Workers' Rights and Liberal Democracy	135
C.	Human Rights and Workers' Rights: A Shared Dynamic of Emancipation.....	138
V.	Conclusion.....	139
6.	Defining Dignity, Protecting Human Time.....	141
I.	Introduction	141
II.	Constitutional Time Overflows	144
A.	Human Time as Fragmented Plurality	145
B.	Constitutional Time Without Direction	148
III.	Human Dignity as Human Time	151
A.	Human Dignity as Time of One's Own.....	151
B.	<i>Kairos</i> of Human Rights.....	157
IV.	Protecting Human Timē	160
A.	Human Dignity as Synchrony	161
B.	Human Dignity as a Compass Towards Modernity	165
V.	Conclusion.....	170
7.	Re-Thinking European Constitutionalism: Dignity, Humanism, Democracy	171
I.	Introduction	171
II.	Constitutionalism as Humanism	172
A.	Constitutional Humanity: More than Life and Citizenship.....	173
B.	Protecting Humanity: Identity and Purpose of European Constitutionalism.....	176
C.	The ECHR as Nexus of European Constitutionalism	179
III.	Dignity-Democracy	182
A.	A Particular Construction of Time.....	183
B.	Constitutional Courts and their Democratic Legitimacy	185
C.	Binding Constitution-Makers	189
IV.	Conclusion	193
8.	Conclusion	194
	<i>Bibliography</i>	199
	<i>Index</i>	229