Chapter 9

**Knowledge based**

1. What are the main differences between a type 2 and a type 3 constitution?
2. What is ‘the new constitutionalism’ and what does it have to do with politics?
3. What is the difference between a court that is ‘an agent of the legislature’ and a court that is a ‘trustee of the constitution?’
4. How does the American model of review differ from the European model?
5. Why is the zone of discretion, in part, determined by constitutional provisions that specify how the constitution is to be revised?

**Critical thinking**

1. In what ways does a constitution *constitute* the state and the political system?
2. Do you think it is good for a country to have a big catalogue of rights and an effective system of review?
3. Would you rather live in a country whose politics are relatively more, or relatively less, constitutionally ‘judicialized’?
4. Why do you think that an authoritarian dictator might draft a constitution with rights and review?
5. Which are the most effective courts?