

BIO

Alex Schwartz recently completed a Ph.D. in law at Queen's University of Belfast. He also holds an LL.M. from the University of Toronto, an LL.B. from Dalhousie University, and a B.A. from Memorial University of Newfoundland. In early 2011, Dr. Schwartz was a postdoctoral fellow with the Canada Research Chair in Quebec and Canadian Studies at L'Université du Québec à Montréal.

RESEARCH INTERESTS

Comparative Constitutional Law; Jurisprudence/Legal Theory; Political Philosophy; National Pluralism

ABSTRACT OF CURRENT RESEARCH PROJECT

Beyond powers of self-government, sub-state national groups (or their political representatives) often seek to develop a distinctive constitutional order of their own, even if that order ultimately remains within the boundaries of a larger state. Like state constitutionalism more generally, sub-state constitutionalism claims to set the conditions for the legitimate exercise of public power. In some cases sub-state constitutionalism is also a potent expression of a collective identity. But precisely for these reasons the claims of sub-state constitutionalism may come into tension with those of the state. In particular, the pluralism that sub-state constitutionalism entails may be a threat to the overall 'integrity' of law. My current research (funded by a Banting Postdoctoral Fellowship) is about the tensions that arise in such cases and how they might be managed in a way that respects both pluralism and integrity. To this end, the project seeks to chart the limits that state constitutionalism can legitimately impose on sub-state constitutionalism and the extent to which the claims of sub-state constitutionalism can ever "trump" the claims of the encompassing state.

PUBLICATIONS

Rights in Divided Societies, Oxford: Hart Publishing, forthcoming 2012, (co-edited with Colin Harvey)

'Patriotism or Integrity?: Constitutional Community in Divided Societies',
Oxford Journal of Legal Studies, forthcoming August 2011

'How Unfair is Cross-community Consent?: Voting Power in the Northern
Ireland Assembly', (2011) *Northern Ireland Legal Quarterly*, Volume. 61,
No. 4 (2011), pp. 349-362

'Designing a Bill of Rights for Northern Ireland' (2009) *Northern Ireland
Legal Quarterly*, Volume 60, No. 2, pp. 181-199 (with Colin Harvey)

'The Rule of Unwritten Law: A Cautious Critique of *Charkaoui v. Canada*',
(2008) *Review of Constitutional Studies*, Volume 13, No. 2, pp. 179-207