

CONSTITUTIONALISM IN TRANSFORMATION: EUROPEAN AND THEORETICAL PERSPECTIVES

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Constitutionalism In Transformation

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Constitutionalism In Transformation:

Constitutionalism in Transformation Richard Bellamy, Dario Castiglione, 1996-11-13 The manifest shortcomings of totalitarian regimes of left and right has meant that constitutional democracy is now seen as the sole legitimate political system However a number of its fundamental principles such as the sovereignty of the people and the universality of its supporting rights are now being called into question by the combined effects of international globalization and multi culturalism This volume explores a number of aspects of the resulting transformation of constitutions Particular attention is paid to the impact of recent constitutional debates in West and East Europe the constitutional implications of the European Union the continued viability of the American model of political constitution and the importance of understanding constitutions in institutional not simply legal normative terms *The People's Constitution* Akritas Kaidatzis, Eleni Kalampakou, Ifigeneia Kamtsidou, Christos Papastylanos, Costas Stratilatis, 2024-11-26 The book explores in both theory and practice the challenges that various forms of populism pose to the dominant understandings of democratic representation and liberal constitutionalism The volume brings together conceptual analytical and empirical dimensions of the relationship between populism and constitutional democracy Moving beyond the dominant depiction of populism as anti pluralist scholars of legal and political theory both well known and early career researchers discuss the paradoxes of constitutional democracy that populism brings to the surface the complex role of the judiciary both as an enemy and as a potential ally of populism the relationship between economic power and populism and ultimately the impasses of liberalism that populism forces us to revisit These are highly topical issues that they have not been sufficiently explored in the literature A significant asset of the volume is that it includes chapters on empirical studies from under explored cases such as Southern Europe and the Balkans Thus the volume poses an original contribution to the existing literature on constitutional populism Its originality along with the high quality of the research will make this book necessary for any constitutional and political theorist who aims to delve into the relationship between constitutionalism and populism **The Routledge Handbook of Cultural Legal Studies** Karen Crawley, Thomas Giddens, Timothy D Peters, 2024-05-20 This handbook provides a comprehensive introduction to the cutting edge field of cultural legal studies Cultural legal studies is at the forefront of the legal discipline questioning not only doctrine or social context but how the concerns of legality are distributed and encountered through a range of material forms Growing out of the interdisciplinary turn in critical legal studies and jurisprudence that took place in the latter quarter of the 20th century cultural legal studies exists at the intersection of a range of traditional disciplinary areas legal studies cultural studies literary studies jurisprudence media studies critical theory history and philosophy It is an area of study that is characterised by an expanded or open ended conception of what counts as a legal source and that is concerned with questions of authority legitimacy and interpretation across a wide range of cultural artefacts Including a mixture of established and new authors in the area this handbook brings together a complex set of perspectives that are representative

of the current field but which also address its methods assumptions limitations and possible futures Establishing the significance of the cultural for understanding law as well as its importance as a potential site for justice community and sociality in the world today this handbook is a key reference point both for those working in the cultural legal context in legal theory law and literature law and film television law and aesthetics cultural studies and the humanities generally as well as others interested in the interactions between authority culture and meaning

Transformations in American Legal History Daniel W. Hamilton, Alfred L. Brophy, 2009 During his career at Harvard Morton Horwitz changed the questions legal historians ask In this book Horwitz's students re-examine legal history from America's colonial era to the late twentieth century The essays are like Horwitz provocative and original as they continue his transformation of American legal history

The Road to the Rule of Law in Modern China Quanxi Gao, Wei Zhang, Feilong Tian, 2015-01-27 This book is a grand review of the centennial development of rule of law in China It covers the most important issues in this area and presents political constitution a new interpretative framework that allows the Chinese experience of rule of law to be more fully and correctly expressed It is especially useful to scholars involved in the study of modern China The main chapters of this book include The Constituent Movement in the Late Qing Dynasty The Xinhai 1911 Revolution Constitution making at the Beginning of the Republic of China The Great Revolution in the 1920s The Rise of the Party State and its Transition The Founding of 1949 New China and its Early Constitutional Development and The Dualist System of Rule of Law in the Reforming Times

UN Interventions and Democratization Carina Barbosa Gouvêa, Pedro H. Villas Bôas Castelo Branco, 2023-06-19 This book analyzes United Nations UN interventions in the process of constitution making in states undergoing political change It combines theoretical considerations of democracy and constitutionalism with empirical experiences and takes a critical perspective on the interventions developed by the United Nations in the processes of re-democratization Presenting new empirical evidence on the substantive and procedural way in which the UN undertakes constitution building in Cambodia Bosnia and Herzegovina Afghanistan and East Timor the book illustrates difficulties of these practices such as the promotion of popular participation as well as an increasing Westernization and to meet local needs In consequence the authors call for reforms of the actions and structural methods the UN to better align a legitimate constitutional order with the rule of law and democratic values This book is aimed at scholars and students of politics and law who are interested in the prerequisites and conditions for further democratization in states undergoing political transformation

Human Rights in Transition Nehal Bhuta, 2024-03-12 At a time of intense polarisation about the value of human rights this edited volume brings together leading scholars in international law and international human rights to reflect upon the present the recent and distant past and the future of human rights Human Rights in Transition combines rich theoretical reflections with practice informed observations about human rights and their potential futures The book eschews the polarized and one-sided approach which can too easily dominate either side of the debate Instead drawing on

deep learning and a range of engagements with human rights institutions the authors develop a prognosis for contours of human rights law and politics and its impacts in the current conjuncture The book charts new ways to consider human rights in the concrete areas of specific rights such as social and economic rights institutional settings the EU and the UN treaty bodies and agendas namely feminism and climate change The results are a very rich set of essays which delve deeply into specific topics in human rights law and practice and work outwards from a rigorous analysis of the past and present to an argument about how to think about the future Sensitive and thought provoking this book will fast become a defining volume on questions about the role of human rights in the past present and future and will remain valuable to anyone interested in understanding diagnosing and ultimately acting to help bring about the possible futures of human rights

Constitutionalism in Transformation Richard Bellamy,Dario Castiglione,1996 Comparative Constitutional History Francesco Biagi,Justin O. Frosini,Jason Mazzone,2022-12-05 Constitutions are a product of history but what is the role of history in interpreting and applying constitutional provisions This volume addresses that question from a comparative perspective examining different uses of history by courts in determining constitutional meaning The book shows that there is considerable debate around the role of history in constitutional adjudication Are for example historical public debates over the adoption of a constitution relevant to reading its provisions today If a constitution represents a break from a prior repressive regime should courts construe the constitution s provisions in light of that background Are former constitutions relevant to interpreting a new constitution Through an assessment of current practices the volume offers some lessons for the future practices of courts as they adjudicate constitutional cases Contributors are Mark D Rosen Jorge M Farinacci Fern s Justin Collings Jean Christophe B dard Rubin Cem Tecimer ngel Aday Jim nez Alem n Ana Beatriz Robalinho Keigo Obayashi Zolt n Szente Shih An Wang and Diego Werneck Arguelhes **Comparative Constitutionalism** K. B. Agrawal,Rajendra Kumar Raizada,1990 Constituting Empire Daniel J. Hulsebosch,2006-05-18 According to the traditional understanding of American constitutional law the Revolution produced a new conception of the constitution as a set of restrictions on the power of the state rather than a mere description of governmental roles Daniel J Hulsebosch complicates this viewpoint by arguing that American ideas of constitutions were based on British ones and that in New York those ideas evolved over the long eighteenth century as New York moved from the periphery of the British Atlantic empire to the center of a new continental empire Hulsebosch explains how colonists and administrators reconfigured British legal sources to suit their needs in an expanding empire In this story familiar characters such as Alexander Hamilton and James Kent appear in a new light as among the nation s most important framers and forgotten loyalists such as Superintendent of Indian Affairs Sir William Johnson and lawyer William Smith Jr are rightly returned to places of prominence In his paradigm shifting analysis Hulsebosch captures the essential paradox at the heart of American constitutional history the Revolution which brought political independence and substituted the people for the British crown as the source of legitimate authority also led to the

establishment of a newly powerful constitution and a new postcolonial genre of constitutional law that would have been the envy of the British imperial agents who had struggled to govern the colonies before the Revolution

Constitutional Change and Transformation in Latin America, 2019 Over the past 30 years Latin America has lived through an intense period of constitutional change Some reforms have been limited in their design and impact while others have been far reaching transformations to basic structural features and fundamental rights Scholars interested in the law and politics of constitutional change in Latin America are turning increasingly to comparative methodologies to expose the nature and scope of these changes to uncover the motivations of political actors to theorise how better to execute the procedures of constitutional reform and to assess whether there should be any limitations on the power of constitutional amendment In this collection leading and emerging voices in Latin American constitutionalism explore the complexity of the vast topography of constitutional developments experiments and perspectives in the region This volume offers a deep understanding of modern constitutional change in Latin America and evaluates its implications for constitutionalism democracy human rights and the rule of law Bloomsbury Publishing

Nation and Minorities Akhtar Majeed, 2002 Contributed articles Nigerian Youth and Social Transformation, 2003 *Openness and Transparency in Governance* Michael Kelly, 2000

Shari'a & Constitutional Reform in Indonesia Nadirsyah Hosen, 2007 This book focuses on constitutional reform in Indonesia 1999 2002 from the perspective of shari a Since the end of Soeharto s New Order government in 1998 Indonesia the largest Muslim country in the world has amended the 1945 Constitution four times Soeharto s departure also opened the way for several Muslim groups and political parties to propose the introduction of shari a into the Constitution This book poses the crucial question implicit in the amendments to the 1945 Constitution can shari a and democratic constitutionalism be fused without compromising on human rights the rule of law and religious liberty The contributions of Islamic political parties in Indonesia to the process and the outcome of the amendments by adopting a substantive shari a approach reflect the ability to deal with a modern Constitution without abandoning the principles and the objectives of shari a The study reveals one possible picture of how Islam and constitutionalism can co exist in the same vision not without risk of tension but with the possibility of success

Medianism-distributionism Wajih Ibrahim Saadeh, 1986 Scales of Memory Justin Collings, 2021-01-05 Since the Second World War constitutional justice has spread through much of the democratic world Often it has followed in the wake of national calamity and historical evil whether fascism or communism colonialism or apartheid Unsurprisingly the memory of such evils plays a prominent role in constitutional adjudication This book explores the relationship between constitutional interpretation and the memory of historical evil Specifically it examines how the constitutional courts of the United States Germany and South Africa have grappled respectively with the legacies of slavery Nazism and apartheid Most courts invoke historical evil through either the parenthetical or the redemptive mode of constitutional memory The parenthetical framework views the evil era as exceptional a baleful aberration from an otherwise

noble and worthy constitutional tradition Parenthetical jurisprudence reaches beyond the evil era toward stable and enduring values It sees the constitutional response to evil as restorative rather than revolutionary a return to and reaffirmation of older traditions The redemptive mode by contrast is more aggressive Its aim is not to resume a venerable tradition but to reverse recent ills Its animating spirit is not restoration but antithesis Its aim is not continuity with deeper pasts but a redemptive future stemming from a stark complete and vivid rupture This book demonstrates how across the three jurisdictions the parenthetical mode has often accompanied formalist and originalist approaches to constitutional interpretation whereas the redemptive mode has accompanied realist and purposive approaches It also shows how within the three jurisdictions the parenthetical mode of memory has consistently predominated in American constitutional jurisprudence the redemptive mode in South African jurisprudence and a hybrid parenthetical redemptive mode in German constitutional jurisprudence The real world consequences of these trends have been stark and dramatic Memory matters especially in constitutional interpretation **Law and New Governance in the EU and the US** Gráinne de Búrca,Joanne Scott,2006-03 This book pursues effective mechanisms for addressing complex social problems and the challenges they raise for our understanding of law *Polish Political Science* ,2002

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