onstitutions, ourts and History

Renata Uitz



<u>Constitutions Courts And History Historical Narratives</u> <u>In Constitutional Adjudication</u>

Laura Giraudo, Bartolomé Clavero

Constitutions Courts And History Historical Narratives In Constitutional Adjudication:

Constitutions, Courts, and History Renata Uitz, 2005-08-30 Emphasizes the role history and historical narratives play in constitutional adjudication Uitz provocatively draws attention to the often tense relationship between the constitution and historical precedence highlighting the interpretive and normative nature of the law Her work seeks to understand the conditions under which references to the past history and traditions are attractive to lawyers even when they have the potential of perpetuating indeterminacy in constitutional reasoning Uitz conclusively argues that this constitutional indeterminacy is obscured by judicial rhetorical toolkits of continuity and reconciliation that allow the court's reliance on the past to be unaccounted for Uitz rigorous analysis and extensive research makes this work an asset to legal scholars and Three Generations of European Constitutional Courts in Transition to Democracy Francesco practitioners alike Biagi, 2020-01-02 A comparative perspective of role played by three generations of European Constitutional Courts in the process of transition to democracy Ouestions of Order Peter Price, 2020-12-07 What happened on 1 July 1867 Over 150 years after Canadian Confederation it seems like a question with an obvious answer Questions of Order argues that Confederation was not just a political deal struck by politicians in 1867 but a process of reconfiguring political concepts and the basis of political association Breaking new ground Questions of Order argues that Confederation was an imperial event that generated new questions concerns and ideas about the future of political order in the British Empire and the world It traces how for many public writers in English Canada Confederation became an important basis for reimagining political order in the empire and redefining basic political concepts To some it marked a clear step in the larger project of imperial federation or even the ultimate union of the English speaking world For others however it represented the certain fragmentation of the empire into sovereign national states Set in the context of a time of enormous social and cultural change when so many long held assumptions and firmly believed truths were faltering in the wave of new scientific and philosophical beliefs the creation of Canada forced writers and public thinkers to grapple with the nature of political association and attempt to find new answers to critical questions of order The Constitution of Freedom András Sajó, Renáta Uitz, 2017-11-04 Constitutional democracy is more fragile and less natural than autocracy While this may sound surprising to complacent democrats more and more people find autocracy attractive because they were never forced to understand or imagine what despotism is Generations who have lived in stable democracies with the promise that their enviable world will become the global normal find government rule without constitutionalism difficult to conceive It is difficult but never too late to see one s own constitutional system as something that is fragile or up for grabs and in need of constant attention and care In this book Andras Sajo and Renata Uitz explore how constitutionalism protects us and how it might be undone by its own means Sajo and Uitz s intellectual history of the constitutional ideal is rich in contextual detail and informed by case studies that give an overview of both the theory and practice of constitutionalism worldwide Classic constitutions are contrasted with

twentieth century and contemporary endeavours and experimentations in checks and balances Their endeavour is neither apologetic and certainly not celebratory nor purely defensive this book demonstrates why constitutionalism should continue to matter Between the rise of populist anti constitutional sentiment and the normalization of the apparatus of counter terrorism it is imperative that the political communities who seek to sustain democracy as freedom understand the importance of constitutionalism This book is essential reading for students of law and general readers without prior knowledge of the field as well as those in politics who believe they know how government works It shows what is at stake in European Constitutional Language András Jakab, 2016-04-15 If the task of the debate on constitutionalism constitutional theory is to set out a language in which the discourse of constitutional law may be grounded a question of the utmost importance is how this terminology is created defined and interpreted In this groundbreaking new work Andr's Jakab maps out and analyses the grammar and vocabulary on which the core European traditions of constitutional theory are based He suggests understanding key constitutional concepts as responses to historical and present day challenges experienced by European societies Drawing together a great and diverse range of literature much of which has never before been touched upon by scholarship in the English language Jakab reconceptualises and argues for a new understanding of European constitutional law discourse In so doing he shines new light on what constitutes its distinctively European nature This remarkable book is essential reading for all scholars and students of constitutional theory in Europe and beyond The Law and Legitimacy of Imposed Constitutions Richard Albert, Xenophon Contiades, Alkmene Fotiadou, 2018-11-01 Constitutions are often seen as the product of the free will of a people exercising their constituent power This however is not always the case particularly when it comes to imposed constitutions In recent years there has been renewed interest in the idea of imposition in constitutional design but the literature does not yet provide a comprehensive resource to understand the meanings causes and consequences of an imposed constitution This volume examines the theoretical and practical questions emerging from what scholars have described as an imposed constitution A diverse group of contributors interrogates the theory forms and applications of imposed constitutions with the aim of refining our understanding of this variation on constitution making Divided into three parts this book first considers the conceptualization of imposed constitutions suggesting definitions or corrections to the definition of what exactly an imposed constitution is The contributors then go on to explore the various ways in which constitutions are and can be imposed The collection concludes by considering imposed constitutions that are currently in place in a number of polities worldwide problematizing the consequences their imposition has caused Cases are drawn from a broad range of countries with examples at both the national and supranational level This book addresses some of the most important issues discussed in contemporary constitutional law the relationship between constituent and constituted power the source of constitutional legitimacy the challenge of foreign and expert intervention and the role of comparative constitutional studies in constitution making The volume will be a valuable resource for those interested in the

phenomenon of imposed constitutionalism as well as anyone interested in the current trends in the study of comparative constitutional law

Central European Judges Under the European Influence Michal Bobek, 2015-11-19 The onset of the 2004 EU enlargement witnessed a number of predictions being made about the approaches capacity and ability of Central European judges who were soon to join the Union Optimistic voices foreshadowing the deep transformative power that Europe was bound to exercise with respect to the judicial mentality and practice in the new Member States were intertwined with gloomy pictures of post Communist limited formalism and mechanical jurisprudence that could not be reformed which were likely to undermine the very foundations of mutual trust and recognition the judicial system of the Union is built upon Ten years later this volume revisits these predictions and critically assesses the evolution of Central European judicial mentality institutions and constitutionality under the influence of the EU membership Comparatively evaluating the situation in a number of Central European Member States in their socio legal contexts notably Poland the Czech Republic Slovakia Hungary Slovenia Bulgaria and Romania the volume offers unique insights into the process of non Europeanisation of national legal systems and cultures

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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

The Supreme Court and the Uses of History Charles Allen Miller, 1972

Constitutions Courts And History Historical Narratives In Constitutional Adjudication Book Review: Unveiling the Power of Words

In a global driven by information and connectivity, the ability of words has be more evident than ever. They have the capability to inspire, provoke, and ignite change. Such could be the essence of the book **Constitutions Courts And History Historical Narratives In Constitutional Adjudication**, a literary masterpiece that delves deep in to the significance of words and their impact on our lives. Published by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we shall explore the book is key themes, examine its writing style, and analyze its overall effect on readers.

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