

The Quest for Constitutionalism

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The Quest For Constitutionalism

Adam K. Webb



The Quest For Constitutionalism:

George Washington and American Constitutionalism Glenn A. Phelps, 1993 Known as the Father of His Country George Washington is sometimes viewed as a demi god for what he was and did rather than for what he thought In addition to being a popular icon for the forces of American nationalism he served as commander in chief of the victorious Continental Army That he played a key role in securing the adoption of the Constitution is well known but few credit him with a political philosophy that actively shaped the constitutional tradition

The Regulatory State Dawn Oliver, Tony Prosser, Richard Rawlings, 2010 This collection of fifteen essays by leading experts in regulation is unique in its focus on the constitutional implications of recent regulatory developments in the UK the EU and the US The chapters reflect current developments and crises which are significant in many areas of public policy not only regulation These include the development of governance in place of government in many policy areas the emergence of networks of public and private actors the credit crunch techniques for countering climate change the implications for fundamental rights of regulatory arrangements and the development of complex accountability mechanisms designed to promote policy objectives Constitutional issues discussed include regulatory governance models of economic and social regulation non parliamentary rule making the UK's devolution arrangements and regulation the credit crisis the rationing of common resources regulation and fundamental rights the European Competition Network private law making and European integration innovative regulator sanctions recently introduced in the UK the auditing of regulatory reform and parliamentary oversight and judicial review of regulators The introductory chapter focuses on testing times for regulation and the concluding chapter draws ten lessons from the substantive chapters noting the importance of regulatory diversity the complexity of networks and relations between regulatory actors and the executive the new challenges to regulatory habits posed by climate change and the credit crisis the wider economic and legal context in which regulation takes place and the accountability networks including judicial review parliamentary oversight and audit within which regulation operates

The Cambridge Companion to Comparative Constitutional Law Roger Masterman, Robert Schütze, 2019-10-03 Comparing constitutions allows us to consider the similarities and differences in forms of government as well as the normative philosophies behind constitutional choices The objective behind this Companion is to present the reader with a succinct yet wide ranging companion to a modern comparative constitutional law course

Routledge Handbook of Constitutional Law in Greater China Ngoc Son Bui, Stuart Hargreaves, Ryan Mitchell, 2022-12-29 The Handbook of Constitutional Law in Greater China surveys important issues of constitutional law in Mainland China Hong Kong Macau and Taiwan It synthesizes existing scholarship debates and views on important constitutional issues in the four jurisdictions Written by a range of scholars it contributes to both national and comparative scholarship on constitutional law in these jurisdictions The book includes four parts Part I History This part explores the constitutional movement of the Qing dynasty constitutional projects in modern China and aspects of the drafting

and implementation history of the Hong Kong and Macau Basic Laws Part II Structure This part discusses the relationship between the party state and the Chinese constitutional order Chinese constitutionalism constitutional aspects of city development under the SAR concept constitutional review in Mainland China a history of Taiwan's Council of Grand Justices and judicial review in both Hong Kong and Macau Part III Rights Society and Economy This part deals with Hong Kong's National Security Law and its impact on the one country two systems model social movements and constitutionalism LGBT rights advocacy the integration of capitalist regions within socialist China the constitutional relevance of labour reforms in Mainland China healthcare rights in both the Mainland and the SARs and foreign investment under Art 18 of the PRC Constitution Part IV Transnational Engagement This part surveys comparative writings on China's constitution the influence of international human rights treaties on China's constitutional order the international dimension of Hong Kong's constitutional order and the changing role of the overseas judges in Hong Kong Exploring both historical and cutting edge constitutional issues this reference book is important reading for law researchers lawyers graduate students undergraduates and practitioners in the field of constitutional law and politics in Mainland China Taiwan Hong Kong and Macau

Public Law Andrew Le Sueur, Andrew P. Le Sueur, Maurice Sunkin, Jo Eric Khushf, Murkens, 2023 *Public Law Text Cases and Materials* offers a fresh approach to the study of constitutional and administrative law by exploring how the law works in practice The inclusion of extracts from key cases government reports and academic articles demonstrates the law in action and the incisive commentary that accompanies them explains the significance of each The expert authors have distilled their knowledge of the institutions and legal principles into concise focused prose and they encourage reflection through regular questions and hypothetical examples This leading text provides students with a thorough and wide ranging knowledge of public law together with a full understanding of the theoretical and political debates in this fascinating and dynamic area of law Digital formats and resources The fifth edition is available for students and institutions to purchase in a variety of formats and is supported by online resources The e book offers a mobile experience and convenient access along with functionality tools navigation features and links that offer extra learning support www.oxfordtextbooks.co.uk/ebooks The online resources that support the book include multiple choice questions with answer feedback for students to test their understanding

China's Transition from Communism - New Perspectives Guoguang Wu, Helen Lansdowne, 2015-11-06 As China moved from a planned to a market economy many people expected that China's political system would similarly move from authoritarianism to democracy It is now clear however that political liberalisation does not necessarily follow economic liberalisation This book explores this apparent contradiction presenting many new perspectives and new thinking on the subject It considers the path of transition in China historically makes comparisons with other countries and examines how political culture and the political outlook in China are developing at present A key feature of the book is the fact that most of the contributors are China born Western trained scholars who bring deep knowledge and well informed views to the study

The Common Law of Obligations Andrew Robertson, Michael Tilbury, 2016-01-28 The development of the law of obligations across the common law world has been and continues to be a story of unity and divergence Its common origins continue to exert a powerful stabilising influence carried forward by a methodology that places heavy weight on the historical foundations of legal principles Divergence is however produced by numerous factors including national and international human rights instruments local statutory regimes civil law influences regional harmonisation local circumstances and values and different political and legal cultures The essays in this collection explore the forces that produce divergence the countervailing forces that generate cohesion and consistency in the common law of obligations and the influence that the major common law jurisdictions continue to exert over one another in this area of law The chapters in this book were originally presented at the Seventh Biennial Conference on the Law of Obligations held in Hong Kong in July 2014 A second collection entitled *Divergences in Private Law* ISBN 9781782256601 will focus on particular departures from the common law mainstream and the causes and effects of those deviations

Public Law: Text, Cases, and Materials 2e Andrew Le Sueur, Maurice Sunkin, Jo Murkens, 2013-03-21 This dynamic text cases materials book provides a thought provoking guide to the public law of the UK It sets out key institutions legal principles and conventions and its clear commentary draws on case studies and extracts from a range of sources to provide a full understanding of the law and the major theoretical and political debates

Law after Modernity Sionaidh Douglas-Scott, 2014-07-18 How can we characterise law and legal theory in the twenty first century Law After Modernity argues that we live in an age after Modernity and that legal theory must take account of this fact The book presents a dynamic analysis of law which focusses on the richness and pluralism of law on its historical embeddedness its cultural contingencies as well as acknowledging contemporary law's global and transnational dimensions However Law After Modernity also warns that the complexity fragmentation pluralism and globalisation of contemporary law may all too easily perpetuate injustice In this respect the book departs from many postmodern and pluralist accounts of law Indeed it asserts that the quest for justice becomes a crucial issue for law in the era of legal pluralism and it investigates how it may be achieved The approach is fresh contextual and interdisciplinary and unusually for a legal theory work is illustrated throughout with works of art and visual representations which serve to re enforce the messages of the book

The Constitutionalization of European Budgetary Constraints Maurice Adams, Federico Fabbrini, Pierre Larouche, 2014-12-01 The recently enacted Treaty on the Stability Coordination and Governance of the Economic and Monetary Union generally referred to as the Fiscal Compact has introduced a golden rule which is a detailed obligation that government budgets be balanced Moreover it required the 25 members of the EU which signed the Treaty in March 2012 to incorporate this golden rule within their national Constitutions This requirement represents a major and unprecedented development raising formidable challenges to the nature and legitimacy of national Constitutions as well as to the future of the European integration project This book analyses the new constitutional architecture of the European

Economic and Monetary Union EMU examines in a comparative perspective the constitutionalization of budgetary rules in the legal systems of the Member States and discusses the implications of these constitutional changes for the future of democracy and integration in the EU By combining insights from law and economics comparative institutional analysis and legal theory the book offers a comprehensive survey of the constitutional incorporation of new fiscal and budgetary rules across Europe and a systematic normative discussion of the legitimacy issues at play It thus contributes to a better understanding of the Euro crisis of the future of the EU and the reforms needed towards a deeper and genuine EMU

The Methodology of Constitutional Theory Dimitrios Kyritsis, Stuart Lakin, 2022-02-24 What sort of methods are best suited to understanding constitutional doctrines and practices Should we look to lawyers and legal methods alone or should we draw upon other disciplines such as history sociology political theory and moral philosophy Should we study constitutions in isolation or in a comparative context To what extent must constitutional methods be sensitive to empirical data about the functioning of legal practice Can ideal theory aid our understanding of real constitutions This volume brings together constitutional experts from around the world to address these types of questions through topical events and challenges such as Brexit administrative law reforms and the increasing polarisations in law politics and constitutional scholarship Importantly it investigates the ways in which we can ensure that constitutional scholars do not talk past each other despite their persistent and often fierce disagreements In so doing it aims systematically to re-examine the methodology of constitutional theory

The Impact of European Rights on National Legal Cultures Miriam Aziz, 2004-07 This book contributes to the debate about the impact of European Community Law on the national constitutional orders and cultures of the respective Member States The author examines the doctrine of sovereignty as a mechanism within which this impact may be best assessed and in particular how it underwrites the tension between European Union rights and the rights provided by the respective legal orders of the Member States In particular the book focuses on political social and civil rights drawing from T H Marshall's typology In endorsing an appropriate analytical framework the book challenges both existing law and secondary literature in order to argue that the terminology the concepts and the tools which are used to assess the impact of the EC law on the national constitutional orders are to be selected with great care This is particularly apposite given the complexity of constitutional diversity in terms of national constitutions and their reception of EC law It is also important because of the variety of approaches involved in the constitutional adjustment of the *acquis* of the Union within the context of the increasing drive to constitutionalisation of the Union on the one hand and enlargement on the other

The European Union under Transnational Law Matej Avbelj, 2018-01-11 For almost a decade the European Union has been stuck in a permanent crisis Starting with domestic constitutional crises followed by an imported financial crisis it has evolved into a fully formed political crisis This book argues that none of the crises are exclusively internal to the EU and the responses to date which have taken inward looking approaches are simply inadequate Resolution can only come when the EU engages

more fully with transnational law This highly topical book offers an innovative dual focus on both transnational and EU law together It sets out the relationship between the two frameworks by exploring practical concrete problems that transnational law has posed to the EU These problems are explored from the perspective of four key tenets of both systems namely the rule of law democracy the protection of human rights and justice It does this by advancing the theoretical framework of principled legal pluralism In so doing it offers clear normative guidance as to how the relationship between EU and transnational law should be developed and fostered

The World's Constitution Adam K. Webb, 2025-01-02 Global governance is tightening and foreshadows that world state formation will become a live political issue in this century Some observers treat it as inevitable amid the urgency of global issues They foresee a technocratic scaling up of the model of state authority that has prevailed at the national level for over two hundred years Many critics and members of the public around the world look askance at that prospect They rightly fear a moral vacuum of authority disconnected from the world's traditions and a concentration of power that would be damaging to liberty or even dystopian in its upshot Still they often merely aim to stand athwart the scaling up of political institutions rather than actively trying to shape an alternative that can seize the global horizon The World's Constitution Spheres of Liberty in the Future Global Order offers a radically different vision of future world order that could work in a global space while shifting the balance of power from state back to society It draws on older resources in political thought both Western and non Western to upend mainstream notions of statehood and sovereignty that have been taken for granted for too long in the modern era It offers an original sphere pluralist framework that can reconcile liberty tradition and cosmopolitanism As a book rooted in the past but mindful of future constitutional and policy challenges it bridges ideas and real world implications with insights that cut across a wide range of topics from migration and social welfare to personal law systems and channels of representation It opens an exciting debate about global constitutional futures that is likely to become more salient over the next couple of generations The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license

Select Proceedings of the European Society of International Law, Volume 1 2006 Hélène Ruiz Fabri, Emmanuelle Jouannet, Vincent Tomkiewicz, 2008-05-29 This is the first volume of proceedings arising from the biennial conference of the European Society of International Law Societe europeene de droit international edited by Emmanuelle Jouannet Hélène Ruiz Fabri and Vincent Tomkiewicz The volume presents the highlights of the Paris Conference 2006 and the papers are evenly divided between English and French language contributions It is envisaged that this will be the first volume of a series with future volumes following on from each major ESIL SEDI event

The Social Contract Rediscovered Wenwei Guan, 2025-06-30 The Social Contract Rediscovered conducts a critical analysis of the historical evolution of legitimacy tracing its development from natural law to positive law and finally to post modern critiques It fills a scholarly gap by addressing the overlooked aspect of the consent process The book begins with a recap of the historical

development of social contract theory It draws from a broad base of jurisprudential and social theories to think through how social contract s rise and fall forms an integral part of legitimacy s modernization process from the Enlightenment driven Industrial Revolution s global proliferation to the end of the 20th century It then integrates discussion of consensus construction at three levels private contract legitimacy national development consensus and global modern exchange mechanism in the late 20th century Rather than ask how state legitimacy is constructed in social contract theory the book asks what role an individual plays in the process of consensual legitimacy construction This individual oriented perspective calls for a jurisprudential construction of process legitimacy and consensual legitimacy s onto epistemological integrity Providing a new perspective on the social contract this book will interest scholars of private law international trade and development law

Constitution-making and Human Rights in the Sudans Lutz Oette, Mohamed Abdelsalam Babiker, 2018-12-20 Sudan and South Sudan have suffered from repeated cycles of conflict and authoritarianism resulting in serious human rights and humanitarian law violations Several efforts such as the 2005 Comprehensive Peace Agreement and transitional justice initiatives have recognized that the failure to develop a stable political and legal order is at the heart of Sudan s governance problems Following South Sudan s independence in 2011 parallel constitutional review processes are under way that have prompted intense debates about core issues of Sudan s identity governance and rule of law human rights protection and the relationship between religion and the State This book provides an in depth study of Sudan s constitutional history and current debates with a view to identifying critical factors that would enable Sudan and South Sudan to overcome the apparent failure to agree on and implement a stable order conducive to sustainable peace and human rights protection It examines relevant processes against the broader constitutional history of Sudan and identifies the building blocks for constitutional reforms through a detailed analysis of Sudanese law and politics The book addresses constitutionalism and constitutional rights protection in their political legal and institutional context in Sudan and South Sudan and the repercussions of the relationship between state and religion for the right to freedom of religion minority rights and women s rights

Dynamics and Policy Implications of the Global Reforms at the End of the Second Millennium Tukumbi Lumumba-Kasongo, 2021-12-28 Most people and indeed governments hold the conviction that reforms rather than revolutions are likely to produce more appropriate and acceptable results This is especially true for developing countries That is because reforms are gradual in their implementation and respectful to past policy fabrics of a society On the other hand the simultaneous spread of communication technology global liberalization of the market and peripheral homogenization of cultures have caused extreme tensions in just these developing countries In this book scholars from different countries around the world highlight the reforms and the tensions in the light of the questions what has been achieved what has failed and what is still needed Experiences from such diverse locations as Nigeria Ghana Guatemala South Korea Taiwan Zimbabwe and Tanzania are combined with more general observations from other countries Contributors are

Don Adams N dri Th r se Assi Lumumba Amiya Kumar Bagchi Thomas Clayton Mark Ginsburg Julius O Ihonvbere Kent Klitgaard Tukumbi Lumumba Kasongo Martha Mantilla Arild Schou Judy Sylvester and Yidan Wang **Weapons of Mass Destruction and International Order** William Walker,2019-10-24 First Published in 2005 How should the problem of order associated with weapons of mass destrcutio be understood and addressed today Have the problem and its solution been misconceived and misrepresented as manifested by the problematic aftermath of Iraq War Has 9 11 rendered redundant past international ordering strategies or these still discarded at our own peril These are questions explored in this Adelphi Paper

Routledge Handbook of Comparative Constitutional Change Xenophon Contiades,Alkmene Fotiadou,2020-06-11 Comparative constitutional change has recently emerged as a distinct field in the study of constitutional law It is the study of the way constitutions change through formal and informal mechanisms including amendment replacement total and partial revision adaptation interpretation disuse and revolution The shift of focus from constitution making to constitutional change makes sense since amendment power is the means used to refurbish constitutions in established democracies enhance their adaptation capacity and boost their efficacy Adversely constitutional change is also the basic apparatus used to orchestrate constitutional backslide as the erosion of liberal democracies and democratic regression is increasingly affected through legal channels of constitutional change Routledge Handbook of Comparative Constitutional Change provides a comprehensive reference tool for all those working in the field and a thorough landscape of all theoretical and practical aspects of the topic Coherence from this aspect does not suggest a common view as the chapters address different topics but reinforces the establishment of comparative constitutional change as a distinct field The book brings together the most respected scholars working in the field and presents a genuine contribution to comparative constitutional studies comparative public law political science and constitutional history

The Quest For Constitutionalism: Bestsellers in 2023 The year 2023 has witnessed a noteworthy surge in literary brilliance, with numerous engrossing novels captivating the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the fascinating narratives that have enthralled audiences this year. The Quest For Constitutionalism : Colleen Hoover "It Ends with Us" This heartfelt tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover skillfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can triumph. The Quest For Constitutionalism : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This spellbinding historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids absorbing storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This evocative coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens spins a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These top-selling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of captivating stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a exceptional and thrilling novel that will keep you speculating until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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