

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

THE STRUGGLE FOR CONSTITUTIONAL POWER

Law, Politics, and
Economic Development in Egypt

TAMER HODSOTTA

CAMBRIDGE

The Struggle For Constitutional Power The Struggle For Constitutional Power

Kevin M. Baron



The Struggle For Constitutional Power The Struggle For Constitutional Power:

The Struggle for Constitutional Power Tamir Moustafa, 2007-06-11 For nearly three decades scholars and policymakers have placed considerable stock in judicial reform as a panacea for the political and economic turmoil plaguing developing countries Courts are charged with spurring economic development safeguarding human rights and even facilitating transitions to democracy How realistic are these expectations and in what political contexts can judicial reforms deliver their expected benefits This book addresses these issues through an examination of the politics of the Egyptian Supreme Constitutional Court the most important experiment in constitutionalism in the Arab world The Egyptian regime established a surprisingly independent constitutional court to address a series of economic and administrative pathologies that lie at the heart of authoritarian political systems Although the Court helped the regime to institutionalize state functions and attract investment it simultaneously opened new avenues through which rights advocates and opposition parties could challenge the regime The book challenges conventional wisdom and provides insights into perennial questions concerning the barriers to institutional development economic growth and democracy in the developing world *The Struggle for Constitutional Justice in Post-Communist Europe* Herman Schwartz, 2000 In the former Eastern Bloc countries one of the most difficult and important aspects of the transition to democracy has been the establishment of constitutional justice and the rule of law Herman Schwartz's wide ranging book backed with rich historical detail and a massive array of research is the first to chronicle and analyze the rise and troubles of constitutional courts in this changing region Those who are interested in understanding the behavior of constitutional courts in transitional regimes cannot afford to ignore this important book It is fecund with hypotheses of interest to political scientists and we are indebted to Professor Schwartz for his comprehensive analysis James L Gibson Law and Politics Book Review [Shouting in a Cage](#) Sofia Fenner, 2023-07-11 Durable authoritarian rule often rests on the co optation of challengers The conventional story is straightforward rulers entice opposition groups to sell out offering them benefits if they set aside their antiauthoritarian aspirations and become part of the system However co optation does not always neutralize former adversaries and even seemingly domesticated opponents can turn on their rulers Co optation does weaken opposition but it is not as simple reliable or transactional as existing theories claim Shouting in a Cage offers new ways to understand co optation's power and its limits by examining two co opted parties the Wafd Party in Egypt and the Istiqlal Party in Morocco Sofia Fenner argues that co optation is less a corrupt bargain than a discursive contest a clash of competing interpretations Co opted parties conjure up imagined futures in which their short term choices will lead to the realization of their long term democratic goals Meanwhile other actors point to the disconnect between these parties antiauthoritarian aspirations and their participation in authoritarian systems Fenner demonstrates that co opted parties come to look hypocritical precisely because they refuse to give up their oppositional commitments Their credibility sapped they become unappealing allies and eventually political afterthoughts However such

parties retain a surprising capacity for opposition rooted in the literal and metaphorical idea of party as family Based on extensive archival research and ethnographic fieldwork in North Africa *Shouting in a Cage* broadens our understanding of political behavior under authoritarianism *The Palestinian Constitutional Court* Osayd Awawda, 2022-02-06 This book assesses the legal and practical independence of the Palestinian Constitutional Court since the coup in July 2007 that brought the Fatah regime to power in the West Bank It argues that the Court has failed to perform its fundamental function namely upholding the Basic Law in the face of authoritarian actions by that regime and that it is highly unlikely to resolve this problem while the state of emergency continues This book offers a case study on how constitutional courts in authoritarian regimes fail to fulfil and even obstruct the promises of rights protections contained in constitutional texts Moreover it provides the first English language study that covers the entire collection of judgments and interpretations issued by that Court until the first amendment of its law in October 2017 and thus can be considered one of the most authoritative studies on a court in an authoritarian Arab regime **The Oxford Handbook of Comparative**

Constitutional Law Michel Rosenfeld, András Sajó, 2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be compared to a presidential one A federal republic to a unitary one Moreover what about differences in ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends **Separation of Powers in**

African Constitutionalism Charles M. Fombad, 2016-03-03 The new series Stellenbosch Handbooks in African

Constitutional Law will engage with contemporary issues of constitutionalism in Africa filling a notable gap in African comparative constitutional law Separation of Powers in African Constitutionalism is the first in the series examining one of the critical measures introduced by African constitutional designers in their attempts to entrench an ethos of constitutionalism on the continent Taking a critical look at the different ways in which attempts have been made to separate the different branches of government the Handbook examines the impact this is having on transparent and accountable governance Beginning with an overview of constitutionalism in Africa and the different influences on modern African constitutional developments it looks at the relationship between the legislature and the executive as well as the relationship between the judiciary and the political branches Despite differences in approaches between the different constitutional cultures that have influenced developments in Africa there remain common problems One of these problems is the constant friction in the relationship between the three branches and the resurgent threats of authoritarianism which clearly suggest that there remain serious problems in both constitutional design and implementation The book also studies the increasing role being played by independent constitutional institutions and how they complement the checks and balances associated with the traditional three branches of government

Recasting Islamic Law Rachel M. Scott, 2021-03-15 By examining the intersection of Islamic law state law religion and culture in the Egyptian nation building process Recasting Islamic Law highlights how the sharia when attached to constitutional commitments is reshaped into modern Islamic state law Rachel M Scott analyzes the complex effects of constitutional commitments to the sharia in the wake of the Egyptian Revolution of 2011 She argues that the sharia is not dismantled by the modern state when it is applied as modern Islamic state law but rather recast in its service In showing the particular forms that the sharia takes when it is applied as modern Islamic state law Scott pushes back against assumptions that introductions of the sharia into modern state law result in either the revival of medieval Islam or in its complete transformation Scott engages with premodern law and with the Ottoman legal legacy on topics concerning Egypt s Coptic community women s rights personal status law and the relationship between religious scholars and the Supreme Constitutional Court Recasting Islamic Law considers modern Islamic state law s discontinuities and its continuities with premodern sharia Thanks to generous funding from Virginia Tech and its participation in TOME Toward an Open Monograph Ecosystem the ebook editions of this book are available as Open Access volumes from Cornell Open cornellpress.cornell.edu/cornell-open and other repositories

Political and Constitutional Transitions in North Africa Justin Frosini, Francesco Biagi, 2014-12-05 The transformations which are taking place in the Arab world are dynamic processes characterised by a number of variables that one can refer to as actors and factors The implications of the Arab uprisings are important for the world at large the Arab world s successes and failures at this crucial moment may well serve as a model for other nations Political and Constitutional Transitions in North Africa focuses on five Northern African countries Tunisia Egypt Morocco Libya and Algeria examining specific institutions and actors participating in the political

upheavals in North Africa since 2011 and placing them in a comparative perspective in order to better understand the processes at work This book addresses issues pertinent to North African and Middle Eastern Studies comparative constitutional law political science and transitional studies and it contains contributions by experts in all these fields Providing a significant contribution to the understanding of events that followed the immolation of Mohamed Bouazizi in Tunisia this book is a valuable contribution to North African Studies Middle Eastern Studies Comparative Constitutional Law and Transitional Studies

Pathways to Judicial Power in Transitional States Rachel Ellett, 2013-08-21 This book examines the complex relationship that exists between the construction of judicial power and the institutional characteristics of the courts and their regime setting It examines the intriguing connection between the construction of judicial power on the one hand and the institutional characteristics of the courts and regime setting on the other The book asks whether courts are rendered powerful by virtue of their institutional characteristics or by a supportive perhaps acquiescent regime setting By analyzing the historical pathways of courts in Uganda Tanzania and Malawi this book argues that the emergence of judicial power since the colonial period though fraught with many challenges presents a unique opportunity for consolidating democracy The book examines in detail the significant political decisions of the upper level courts in Uganda Tanzania and Malawi from the colonial period to the present day analyzing them in relation to changes in the political environment over time Analysis of these decisions is also supplemented by in depth interviews with judges lawyers and other important stakeholders in the judicial processes This book demonstrates that even in the most challenging regime environments effective institutions and determined individuals can push back against interference and issue politically powerful independent decisions but the way in which judiciaries respond to this regime pressure varies enormously across countries and regions

Law and Politics of Constitutional Courts Stefanus Hendrianto, 2018-04-17 This book critically evaluates different models of judicial leadership in Indonesia to examine the impact that individual chief justices can have on the development of constitutional courts It explores the importance of this leadership as a factor explaining the dynamic of judicial power Drawing on an Aristotelean model of heroism and the established idea of judicial heroes to explore the types of leadership that judges can exercise it illustrates how Indonesia's recent experience offers a stark contrast between the different models First a prudential minimalist heroic chief justice who knows how to enhance the Court's authority while fortifying the Court's status by playing a minimalist role in policy areas Second a bold and aggressive heroic chief justice employing an ambitious constitutional interpretation The third model is a soldier type chief justice who portrays himself as a subordinate of the Executive and Legislature Contrary perhaps to expectations the book's findings show a more cautious initial approach to be the most effective The experience of Indonesia clearly illustrates the importance of heroic judicial leadership and how the approach chosen by a court can have serious consequences for its success This book will be a valuable resource for those interested in the law and politics of Indonesia comparative constitutional law and comparative

judicial politics Three Generations of European Constitutional Courts in Transition to Democracy Francesco Biagi, 2020-01-02 A comparative perspective of role played by three generations of European Constitutional Courts in the process of transition to democracy *Constitutionalism and the Rule of Law* Maurice Adams, Anne Meuwese, Ernst Hirsch Ballin, 2017-02-02 Rule of law and constitutionalist ideals are understood by many if not most as necessary to create a just political order Defying the traditional division between normative and positive theoretical approaches this book explores how political reality on the one hand and constitutional ideals on the other mutually inform and influence each other Seventeen chapters from leading international scholars cover a diverse range of topics and case studies to test the hypothesis that the best normative theories including those regarding the role of constitutions constitutionalism and the rule of law conceive of the ideal and the real as mutually regulating **The Struggle between President Johnson and Congress over Reconstruction** Charles E. Chadsey, 2021-04-25 In The Struggle between President Johnson and Congress over Reconstruction Charles E Chadsey offers a meticulous examination of the political dynamics during one of the United States most tumultuous periods Through a rich narrative interwoven with primary source material Chadsey employs a scholarly approach to dissect the contentious relationship between President Andrew Johnson and Congress as they grappled with the challenges of post Civil War reconstruction The book s detailed analysis captures the tension between executive power and legislative authority presenting a vivid portrayal of the ideological battles that shaped early American governance and the legacies of civil rights and federalism Charles E Chadsey a historian with a profound interest in American political history draws on his extensive background in the era to illuminate the motivations behind Johnson s policies and Congress s resistance With a focus on the socio political context of the 1860s Chadsey s insights reflect his commitment to contextualizing historical events within broader national narratives His scholarly rigor and passion for reconstructive history make him a compelling voice in the discourse surrounding this critical epoch This book is highly recommended for students historians and anyone interested in the complexities of American political evolution Chadsey s work not only enriches our understanding of Reconstruction but also prompts reflection on the enduring struggles between branches of government making it essential reading for those looking to comprehend the intricate dynamics that continue to shape American democracy **Essential Readings in Canadian Constitutional Politics** Peter H. Russell, Christian Leuprecht, 2011-01-01 Essential Readings in Canadian Constitutional Politics introduces students scholars and practitioners to classic authors and writings on the principles of the Canadian Constitution as well as to select contemporary material To complement rather than duplicate the state of the field it deals with the Canadian Charter of Rights and Freedoms and with Canadian mega constitutional politics in passing only focusing instead on institutions federalism intergovernmental relations bilingualism and binationalism the judiciary minority rights and constitutional renewal Many of the selections reverberate well beyond Canada s borders making this volume an unrivalled resource for anyone interested in constitutional governance and democratic

politics in diverse societies **Filtering Populist Claims to Fight Populism** Giuseppe Martinico, 2021-11-25 The new wave of populism that has emerged over the last five years in Europe and in the US urgently needs to be better understood in a comparative and historical context Using Italy including the experiment of a self styled populist coalition government as a case study this book investigates how populists in power borrow use and manipulate categories of constitutional theory and instruments of constitutional law Giuseppe Martinico goes beyond treating constitutionalism and populism as purely antithetical to dive deeply into the impact of populism on the activity of some instruments of constitutional democracy endeavoring to explore their role as possible fora of populist claims and targets of populist attacks Most importantly he points to ways in which constitutional democracies can channel populist claims without jeopardizing the legacy of post World War II constitutionalism This book is aimed at academics and practicing lawyers interested in populism and comparative constitutional law **The Constitutional Power of Congress Over the Territory of the United States** Henry Wolf Bickl , 1901 The Report: Romania 2008 ,2008 **Presidential Privilege and the Freedom of Information Act** Kevin M. Baron, 2019-04-01 Tells the story behind the development of the Freedom of Information Act and explores its legacy today The Freedom of Information Act developed at the height of the Cold War highlighted the power struggles between Congress and the president in that tumultuous era By drawing on previously unseen primary source material and exhaustive archival research this book reveals the largely untold and fascinating narrative of the development of the FOIA and demonstrates how this single policy issue transformed presidential behaviour The author explores the policy s lasting influence on the politics surrounding contemporary debates on government secrecy public records and the public s right to know and examines the modern development and use of executive privilege Key Features Draws on extensive archival research conducted at the Lyndon Baines Johnson Presidential Library the Gerald R Ford Presidential Library the John E Moss Archives The National Archives in Washington DC the Carl Albert Center Archives and the Richard M Nixon Presidential Library Provides deep insights into contemporary debates surrounding issues of government secrecy freedom of information and public records Creates a new multidimensional model to rethink our understanding of the politics of policymaking Verfassungsgerichtsbarkeit und Demokratie Tamara Ehs, Heinrich Neisser, 2017-02-13 Verfassungsgerichte stehen derzeit als Mit und Gegenspieler demokratischer Entscheidungen im Fokus Ein Blick nach Polen Ungarn oder hinsichtlich der Bundespr sidentschaftswahl nach sterreich zeigt das fragile Zusammenspiel von Verfassungsgerichtsbarkeit und Demokratie in einer Zeit in der sich das politische Koordinatensystem verschiebt und illiberale Demokratien vermehrt Zuspruch finden Die Autoren analysieren welchen politischen Zugriffen Richter und Gerichte angesichts ge nderter politischer Verh ltnisse ausgesetzt sein und wie Verfassungsgerichte wiederum unter dem Deckmantel des angeblich unpolitischen Rechts Politik machen k nnen Die verschiedenen Rollen zuschreibungen der Gerichte haben sowohl auf die nationalstaatliche als auch auf die europ ische Politik Auswirkungen Parliamentary Power in Russia, 1994-2001 T.

Troxel,2002-12-09 This book is the first study of the power of the Russian Parliament in the policy process from 1994 2001 within the context of executive legislative relations It challenges the widely held view that between 1994 and 2001 Russia had a presidential system with a strong authoritarian leader who ruled by decree and a weak parliament which did not have much power

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