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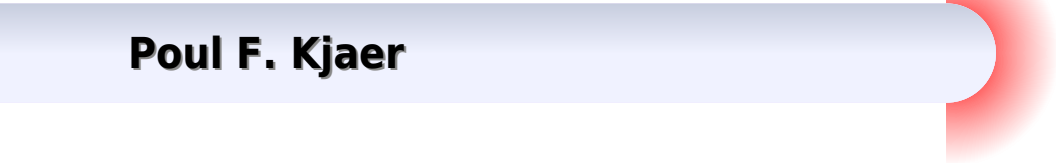


The Twilight of Constitutionalism?

Edited by PETRA DOBNER AND MARTIN LOUGHLIN

**The Twilight Of Constitutionalism Oxford Constitutional
Theory By Martin Loughlin 2010 04 19**

Poul F. Kjaer



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Constitutionalism in the Global Realm Poul F. Kjaer, 2014-04-03 This book develops a sociologically informed theory of constitutionalism in the global realm addressing both national and transnational forms of constitutional ordering The book begins with the argument that current approaches to constitutionalism remain tied to a state based conception of constitutions and overlooks underlying structural transformations that trigger the emergence of constitutional forms of ordering Poul F Kjaer aims to address this shortcoming by offering a sociological and historically informed analysis of the evolution of constitutionalism in the face of globalisation The analysis contextualises on going constitutional developments through the use of a long term historical perspective which is capable of highlighting the impact of deeper structural transformations unfolding within society The book looks at the ways in which national and transnational legal forms have evolved alongside one another It demonstrates that the formation of global constitutions has not resulted in a corresponding decrease in the power of nation states but instead legal and political aspects of both the nation state and the transnational have been reconfigured and intensified in a mutually supportive manner In combining insights from a range of fields this interdisciplinary book will be of great interest to students and scholars of constitutional law sociology global governance studies and legal social and political theory

Reflections on the Constitutionalisation of International Economic Law, 2013-12-09 This book collects a large number of essays written in honour of Professor Ernst Ulrich Petersmann by his friends colleagues and former students The respective contributions cover the fields of international economic law international constitutional law transnational constitutionalism EU law and human rights The broad thematic scope of this book mirrors the extremely large field of interests of the jubilarian Paying tribute to a particular trait of Professor Petersmann s character who was always both a dogmatic thinker and a curious researcher the authors try to cover both structural issues of law as well as most recent developments in particular in the field of international economic law Construing the constitution of international economic law in both senses of this activity was an aim throughout Professor Petersmann s academic career and this goal stands also at the heart of this book

The sociology of sovereignty Terje Rasmussen, 2023-12-12 The book examines the intellectual history of the concept of sovereignty from a sociological perspective Informed by the sociologists Max Weber and Niklas Luhmann it addresses the concept as the centre of constitutional controversy and as a resource to deal with paradoxes of power in constitutional democracies It discusses the dilemmas of sovereignty that appear in the wake of the emphasis on political representation human rights and European integration The book marks a significant contribution to the scholarly debate on the foundation of constitutional democracy

Constitutional Change and Transformation in Latin America Richard Albert, Carlos Bernal, Juliano Zaiden Benvindo, 2019-07-25 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

Global Constitutionalism Aydin Atilgan, 2017-11-27 This book provides insights into the viability of the idea of global constitution Global constitutionalism has emerged as an alternative paradigm for international law However in view of the complex and varied structure of contemporary constitutionalism in reality it is extremely difficult to use constitutional law to provide a new paradigm for international law The book argues that the cultural paradigm can offer functional tools for the global constitutionalism discourse In other words global constitutionalism could be handled in the context of a global constitutional culture instead of a global constitution This would provide a more realistic basis for discussing global constitutionalization of a society as diverse as the international community where a globalized polity and a globalized legal system have not yet been achieved

Advanced Introduction to Legal Research Methods Ernst H. Ballin, 2020-10-30 Written by Ernst Hirsch Ballin this original Advanced Introduction uncovers the foundations of legal research methods an area of legal scholarship distinctly lacking in standardisation The author shows how such methods differ along critical empirical and fundamental lines and how our understanding of these is crucial to overcoming crises and restoring trust in the law Key topics include a consideration of law as a normative language and an examination of the common objects of legal research

The Twilight of Constitutionalism? Petra Dobner, Martin Loughlin, 2010-02-11 The essays gathered in this collection explore the effects of recent changes on two of the main building blocks of constitutionalism statehood and democracy It also looks at movements to overcome statehood in the EU and considers possible transformations to or substitutes for statehood Source other than Library of Congress

Sociological Constitutionalism Paul Blokker, Chris Thornhill, 2017-10-12 This landmark book provides the first systematic overview of key research in the sociology of constitutions

Constitutional Law, Religion and Equal Liberty Azin Tadjini, 2019-09-19 During the 20th century many countries embarked on a process of constitutional secularization by which the role of religion gradually became limited Yet by the late 20th century and increasingly following the end of the Cold War this development began to be challenged This book examines the return of religion in constitutions through the concept of constitutional de secularization It places this phenomenon in the context of the constitutional memory of the countries in which it has taken place and critically examines it against the development and standards of constitutionalism as the prevailing constitutional legal and political theory Central to this analysis is the impact

of constitutional de secularization on the regulation of equality in liberty that is both the regulation of constitutional rights and the scope for equality of those who are granted such rights The book argues that equal liberty forms an essential part of constitutionalism as a theory and that constitutionalism therefore entails a continuous development towards expanding it The first and second part of the book presents a conceptual framework for the study of constitutional de secularization The third part presents and analyses three cases of constitutional de secularization in Afghanistan Iran and Iraq The book will be of interest to researchers and policy makers interested in constitutional history and theory and the role of religion in law and its compatibility with human rights

Constitutional Fragments Gunther Teubner,2012-03 The powerful private sectors of the world economy remain largely unconstrained by fundamental constitutional rules leading to human rights abuses on a massive scale This book examines how the values of constitutional governance can be applied to the private sphere in the modern world through a network of constitutional fragments

Global Technology and Legal Theory Guilherme Cintra Guimarães,2019-06-05 The rise and spread of the Internet has accelerated the global flows of money technology and information that are increasingly perceived as a challenge to the traditional regulatory powers of nation states and the effectiveness of their constitutions The acceleration of these flows poses new legal and political problems to their regulation and control as shown by recent conflicts between Google and the European Union EU This book investigates the transnational constitutional dimension of recent conflicts between Google and the EU in the areas of competition taxation and human rights More than a simple case study it explores how the new conflicts originating from the worldwide expansion of the Internet economy are being dealt with by the institutional mechanisms available at the European level The analysis of these conflicts exposes the tensions and contradictions between on the one hand legal and political systems that are limited by territory and on the other hand the inherently global functioning of the Internet The EU s promising initiatives to extend the protection of privacy in cyberspace set the stage for a broader dialogue on constitutional problems related to the enforcement of fundamental rights and the legitimate exercise of power that are common to different legal orders of world society Nevertheless the different ways of dealing with the competition and fiscal aspects of the conflicts with Google also indicate the same limits that are generally attributed to the very project of European integration showing that the constitutionalization of the economy tends to outpace the constitutionalization of politics Providing a detailed account of the unfolding of these conflicts and their wider consequences to the future of the Internet this book will appeal to scholars working in EU law international law and constitutional law as well as those in the fields of political science and sociology

Unconstitutional Constitutional Amendments Yaniv Roznai,2017 Can constitutional amendments be unconstitutional Using theoretical and comparative approaches Roznai establishes the nature and scope of constitutional amendment powers by focusing on substantive limitations looking at their prevalence in practice and the conceptual coherence of the very idea of limitations to constitutional amendment powers

Confucian Constitutionalism in East Asia Bui Ngoc Son,2016-02-12

Western liberal constitutionalism has expanded recently with in East Asia the constitutional systems of Japan South Korea and Taiwan based on Western principles and with even the socialist polities of China and Vietnam having some regard to such principles Despite the alleged universal applicability of Western constitutionalism however the success of any constitutional system depends in part on the cultural values customs and traditions of the country into which the constitutional system is planted This book explains how the values customs and traditions of East Asian countries are Confucian and discusses how this is relevant to constitutional practice in the region The book outlines how constitutionalism has developed in East Asia over a long period considers different scholarly work on the ease or difficulty of integrating Western constitutionalism into countries with a Confucian outlook and examines the prospects for such integration going forward Throughout the book covers detailed aspects of Confucianism and the workings of constitutions in practice

Dimensions of Dignity Jacob Weinrib,2016-09-15 In an age of constitutional revolutions and reforms theory and practice are moving in opposite directions As a matter of constitutional practice human dignity has emerged in jurisdictions around the world as the organizing idea of a groundbreaking paradigm By reconfiguring constitutional norms institutional structures and legal doctrines this paradigm transforms human dignity from a mere moral claim into a legal norm that persons have standing to vindicate As a matter of constitutional theory however human dignity remains an enigmatic idea Some explicate its meaning in abstraction from constitutional practice while others confine themselves to less exalted ideas The result is a chasm that separates constitutional practice from a theory capable of justifying its innovations and guiding its operation By expounding the connection between human dignity and the constitutional practices that justify themselves in its light Jacob Weinrib brings the theory and practice of constitutional law back together Sociology of Constitutions Alberto

Febbrajo,Giancarlo Corsi,2016-05-05 This collection brings together some of the most influential sociologists of law to confront the challenges of current transnational constitutionalism It shows the constitution appearing in a new light no longer as an essential factor of unity and stabilisation but as a potential defence of pluralism and innovation The first part of the book is devoted to the analysis of the concept of constitution highlighting the elements that can contribute from a socio legal perspective to clarifying the principle meanings attributed to the constitution The study goes on to analyse some concrete aspects of the functioning of constitutions in contemporary society In applying Luhmann s General Systems Theory to a comparative analysis of the concept of constitution the work contributes to a better understanding of this traditional concept in both its institutionalised and functional aspects Defining the constitution s contents and functions both at the conceptual level and by taking empirical issues of particular comparative interest into account this study will be of importance to scholars and students of sociology of law sociology of politics and comparative public law *Handbook on Global Constitutionalism* Anthony F. Lang,Antje Wiener,2023-11-03 This thoroughly revised Handbook presents an up to date political and philosophical history of global constitutionalism By exploring the constitutional like qualities of international

affairs it provides key insight into the evolving world order

Constitutionalizing World Politics Karolina

Milewicz, 2020-07-23 Constitutionalization of world politics is emerging as an unintended consequence of international treaty making driven by the logic of democratic power The analysis will appeal to scholars of International Relations and International Law interested in international cooperation as well as institutional and constitutional theory and practice

Global Constitutionalism from European and East Asian Perspectives Takao Suami, Anne Peters, Dimitri

Vanoverbeke, Mattias Kumm, 2018-11-29 Global Constitutionalism argues that parts of international law can be understood as being grounded in the rule of law and human rights and insists that international law can and should be interpreted and progressively developed in the direction of greater respect for and realization of those principles Global Constitutionalism has been discussed primarily by European scholars Yet without the engagement of scholars from other parts of the world the universalist claims underlying Global Constitutionalism ring hollow This is particularly true with regard to East Asia where nearly half the world's population and a growing share of global economic and military capacities are located Are East Asian perspectives on Global Constitutionalism similar to European perspectives Against the background of current power shifts in international law this book constitutes the first cross cultural work on various facets of Global Constitutionalism and elaborates a more nuanced concept that fits our times

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 **European Constitutional Language** András Jakab, 2016-04-15 If the task of 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 András 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

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