

What Should Constitutions Do?

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What Should Constitutions Do Social Philosophy And Policy

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What Should Constitutions Do Social Philosophy And Policy:

What Should Constitutions Do? Ellen Frankel Paul, Fred D. Miller, Jr, Jeffrey Paul, 2011-01-31 The essays in this volume written by prominent philosophers political scientists and legal scholars address the basic purposes of constitutions and their status as fundamental law Some deal with specific constitutional provisions they ask for example which branches of government should have the authority to conduct foreign policy or how the judiciary should be organized or what role a preamble should play in a nation s founding document Other essays explore questions of constitutional design they consider the advantages of a federal system of government or the challenges of designing a constitution for a pluralistic society or they ask what form of constitution best promotes personal liberty and economic prosperity Social and Political Foundations of Constitutions Denis James Galligan, 2013 This volume analyses the social and political forces that influence constitutions and the process of constitution making It combines theoretical perspectives on the social and political foundations of constitutions with a range of detailed case studies of constitution making in nineteen different countries In the first part of the volume leading scholars analyse and develop a range of theoretical perspectives including constitutions as coordination devices mission statements contracts products of domestic power play transnational documents and as reflection of the will of the people In the second part of the volume these theories are examined through in depth case studies of the social and political foundations of constitutions in countries such as Egypt Nigeria Japan Romania Bulgaria New Zealand Israel Argentina and others The result is a multidimensional study of constitutions as social phenomena and their interaction with other social phenomena The approach combines social science analysis of the nature of constitutions with case studies of selected constitutions Exploring the Political Economy and Social Philosophy of James M. Buchanan Paul Dragos Aligica, Christopher J. Coyne, Stefanie Haeffele, 2018-05-22 James M Buchanan winner of the Nobel Prize in Economics in 1986 was a pioneer of public choice and constitutional political economy as well as contributing to many fields of study including philosophy political science and public finance Each chapter in this volume seeks to explore critique and emphasize the continuing relevance of the vast contributions of Buchanan to our understanding of political economy and social philosophy The diversity in topics and approaches will make the volume of interest to readers in a variety of fields and accessible to scholars from a variety of backgrounds providing the opportunity to further a cross disciplinary exploration and discussion on market process theory **A Distinct Judicial Power** Scott Douglas Gerber, 2011-01-10 A Distinct Judicial Power The Origins of an Independent Judiciary 1606 1787 by Scott Douglas Gerber provides the first comprehensive critical analysis of the origins of judicial independence in the United States Part I examines the political theory of an independent judiciary Gerber begins chapter 1 by tracing the intellectual origins of a distinct judicial power from Aristotle s theory of a mixed constitution to John Adams s modifications of Montesquieu Chapter 2 describes the debates during the framing and ratification of the federal Constitution regarding the independence of the federal judiciary Part II the bulk of the book

chronicles how each of the original thirteen states and their colonial antecedents treated their respective judiciaries This portion presented in thirteen separate chapters brings together a wealth of information charters instructions statutes etc about the judicial power between 1606 and 1787 and sometimes beyond Part III the concluding segment explores the influence the colonial and early state experiences had on the federal model that followed and on the nature of the regime itself It explains how the political theory of an independent judiciary examined in Part I and the various experiences of the original thirteen states and their colonial antecedents chronicled in Part II culminated in Article III of the U S Constitution It also explains how the principle of judicial independence embodied by Article III made the doctrine of judicial review possible and committed that doctrine to the protection of individual rights

Peace, Discontent and Constitutional Law Martin Below, 2021-05-24 This book offers a multi discursive analysis of the constitutional foundations for peaceful coexistence the constitutional background for discontent and the impact of discontent and the consequences of conflict and revolution on the constitutional order of a democratic society which may lead to its implosion It explores the capacity of the constitutional order to serve as a reliable framework for peaceful co existence while allowing for reasonable and legitimate discontent It outlines the main factors contributing to rising pressure on constitutional order which may produce an implosion of constitutionalism and constitutional democracy as we have come to know it The collection presents a wide range of views on the ongoing implosion of the liberal democratic constitutional consensus which predetermined the constitutional axiology the institutional design the constitutional mythology and the functioning of the constitutional orders since the last decades of the 20th century The constitutional perspective is supplemented with perspectives from financial EU labour and social security law administrative law migration and religious law Liberal viewpoints encounter radical democratic and critical legal viewpoints The work thus allows for a plurality of viewpoints theoretical preferences and thematic discourses offering a pluralist scientific account of the key challenges to peaceful coexistence within the current constitutional framework The book provides a valuable resource for academics researchers and policymakers working in the areas of constitutional law and politics

Philosophical Foundations of Constitutional Law David Dyzenhaus, Malcolm Thorburn, 2016-02-04 Constitutional law has been and remains an area of intense philosophical interest and yet the debate has taken place in a variety of different fields with very little to connect them In a collection of essays bringing together scholars from several constitutional systems and disciplines *Philosophical Foundations of Constitutional Law* unites the debate in a study of the philosophical issues at the very foundations of the idea of a constitution why one might be necessary what problems it must address what problems constitutions usually address and some of the issues raised by the administration of a constitutional regime Although these issues of institutional design are of abiding importance many of them have taken on new significance in the last few years as law makers have been forced to return to first principles in order to justify novel practices and arrangements in their constitutional orders Thus questions of constitutional revolutions challenges to the demands of the rule of law and the

separation of powers have taken on new and pressing importance The essays in this volume address these questions filling the gap in the philosophical analysis of constitutional law The volume will provoke specialists in philosophy politics and law to develop new philosophically grounded analyses of constitutional law and will be a valuable resource for graduate students in law politics and philosophy Moral Puzzles and Legal Perplexities Heidi M. Hurd, 2019 Engages with the life and work of Larry Alexander to explore puzzles and paradoxes in legal and moral theory **Framed** Sanford Levinson, 2012-04-03 In this book the author examines the U S Constitution as well as state constitutions and questions the capacity of these documents to meet contemporary challenges **Constitutional Preambles** Wim Voermans, Maarten Stremmer, 2017-06-30 While their use and significance have increased in recent decades constitutional preambles have received only scant attention in academic literature This presents a uniquely quantitative and qualitative analysis of all the preambles currently in force around the world and addresses fascinating questions concerning their occurrence content style function and legal status Studying preambles not only helps us understand the phenomenon itself but also teaches us more about constitutions and the constitutional systems in which they are situated *Why the Russian Constitution Matters* William Partlett, 2024-09-19 This book challenges the common view that the Russian Constitution is a sham or a reflection of Russia's authoritarian past It instead shows that the Russian Constitution was a product of the constitutional dark arts an increasingly common constitutional practice that seeks to guarantee liberal democracy and individual rights in a system of highly centralised power Over time in Russia the centralisation of power in the president has undermined the constitution's democratic and rights protections This Russian experience matters for three reasons First it shows that Russian authoritarianism is neither the personal creation of Vladimir Putin nor a natural reflection of Russian history It is instead the product of a centralised constitutional system A democratic Russia is possible but requires more than just Putin leaving office it also requires breaking with Russia's constitutional commitment to centralisation Second it demonstrates the role that the constitutional dark arts play in populist authoritarianism around the world In these contexts centralisation allows one office to claim popular legitimacy and dominate politics while generally falsely also claiming to respect individual rights and democracy Third it reveals that democratic constitutions are more than legal texts enforced in court They are more fundamentally political texts that create a balanced state with political checks on the centralisation of political power These checks and balances do not just limit state power and protect rights they also enable the state to better understand and advance the general well being of its citizens This book therefore provides critical guidance to those involved in building democracy in a post Putin Russia It is also important to those seeking to better understand the role that constitutions play in shaping both authoritarian and democratic politics Constitutions in the Global Financial Crisis Xenophon Contiades, 2016-05-23 This book is the first to address the multi faceted influence of the global financial crisis on the national constitutions of the countries most affected By tracing the impact of the crisis on formal and informal constitutional change sovereignty issues

fundamental rights protection regulatory reforms jurisprudence the augmentation of executive power and changes in the party system it addresses all areas of the current constitutional law dialogue and aims to become a reference book with regard to the interaction between financial crises and constitutions The book includes contributions from prominent experts on Greece Hungary Iceland Ireland Italy Latvia Portugal Spain the UK and the USA providing a critical analysis of the effects of the financial crisis on the constitution The volume s extensive comparative chapter pins down distinct constitutional reactions towards the financial crisis building an explanatory theory that accounts for the different ways constitutions responded to the crisis How and why constitutions formed their reactions in the face of the financial crisis unravels throughout the book

Annual Review of Constitution-Building: 2018 Adem Abebe, Elliot Bulmer, Amanda Cats-Baril, Roberto Gargarella, Erin Houlihan, Dian Shah, 2020-03-20 International IDEA s Annual Review of Constitution Building provides a retrospective account of constitutional transitions the issues that drive them and their implications for national and international politics This sixth edition covers events in 2018 and includes articles on constitutional events in several regions of the world where International IDEA is active These are loosely themed around the challenges of cooperation and coordination in constitutional politics between majorities and minorities in Burundi and Comoros in Bolivia and Colombia and in the Commonwealth Caribbean between coalition partners in constitutional change processes in Malaysia the Maldives and Sri Lanka and between external actors in Libya South Sudan and Yemen Writing at the mid way point between the instant reactions of the blogosphere and academic analyses that follow several years later the authors provide accounts of ongoing political transitions the major constitutional issues they give rise to and the implications of these processes for democracy the rule of law and peace

Proceedings and Addresses of the American Philosophical Association American Philosophical Association, 2011 List of members in v 1

Public Reason and Political Community Andrew Lister, 2013-10-24 Public Reason and Political Community defends the liberal ideal of public reason against its critics but as a form of moral compromise for the sake of civic friendship rather than as a consequence of respect for persons as moral agents At the heart of the principle of public justification is an idealized unanimity requirement which can be framed in at least two different ways Is it our reasons for political decisions that have to be unanimously acceptable to qualified points of view otherwise we exclude them from deliberation or is it coercive state action that must be unanimously acceptable otherwise we default to not having a common rule or policy on the issue at hand Andrew Lister explores the anti perfectionist dilemma that results from this ambiguity He defends the reasons model on grounds of the value of political community and applies it to recent debates about marriage

Post-Communist Ukraine Bohdan Harasymiw, 2002-02-20 Analysis of successes of Ukraine and its more frequent failures during its transition from authoritarianism to democracy

Basic Income and the Free Market G. Nell, 2013-08-20 Discusses whether the Basic Income Guarantee could offer an alternative to both laissez faire and existing welfare systems in developed countries often criticized by both advocates and critics of laissez faire thus opening a

constructive dialog in policy discussion The Humble Cosmopolitan Luis Cabrera,2020 Is a strong cosmopolitan stance irretrievably arrogant Cosmopolitanism which affirms universal moral principles and grants no fundamental moral significance to the state has become increasingly central to normative political theory Yet it has faced persistent claims that it disdains local attachments and cultures while also seeking the neo imperialistic imposition of Western moral views on all persons The critique is said to apply with even greater force to institutional cosmopolitan approaches which seek the development of global political institutions capable of promoting global aims for human rights democracy etc This book works to address such objections through developing a novel theory of cosmopolitan political humility It draws on the work of Indian constitutional architect and social activist B R Ambedkar who cited universal principles of equality and rights in confronting domestic exclusions and the arrogance of caste He sought to advance forms of political humility or the recognition of equal standing and openness to input and challenge within political institutions This book explores how an institutional global citizenship approach to cosmopolitanism could similarly promote political humility globally by supporting the development of democratic input and challenge mechanisms beyond the state Such developments would challenge an essential political arrogance identified in the current system where sovereign states are empowered to simply dismiss rights based challenges from outsiders or their own populations even as they serve as the designated guarantors of human rights The book employs an innovative grounded normative theory method where extensive original field research informs the development of moral claims Insights are taken from Dalit activists reaching out to United Nations human rights bodies for support in challenging caste discrimination and from their critics in the governing Bharatiya Janata Party Further insights are drawn from Turkish protestors confronting a rising domestic authoritarianism and from UK Independence Party members demanding Brexit from the European Union in part because predominantly Muslim Turkey could eventually join Overall it is shown an institutional global citizenship approach can inform the development of a global framework which would orient fundamentally to political humility rather than arrogance and which could significantly advance global rights protections

The First American Constitutions Willi Paul Adams,2001-12-11 For the last twenty years this book has been cited by every serious writer on early American constitutional development Any constitutional history of the independent United States must begin with this comprehensive study Professor Adams combines a European perspective and a thorough knowledge of the antecedents of 1787 to create an insightful analysis of the replacement by the revolutionary generation of one government by another by they thought constitutional means Acting for the people in 11 of the 13 rebelling states various kinds of self empowered committees congresses or conventions created new constitutions and a system in which the states dominated over the weaker Confederation government This volume contains two new chapters one demonstrating precedents in the state constitutions for the U S Constitution and another chapter critically testing the republicanism over liberalism thesis against political ideas and institutional arrangements that constitute the first state constitutions The

bibliography has been updated to include the rich body of work written during the last two decades much of it indebted to this pioneering study Power and Responsibility Martin A. Leroch, Florian Rupp, 2023-02-21 Written by leading scholars from various disciplines this book presents current research on topics such as public choice game theory and political economy It features contributions on fundamental methodological and empirical issues around the concepts of power and responsibility that strive to bridge the gap between different disciplinary approaches The contributions fall into roughly four sub disciplines voting and voting power public economics and politics economics and philosophy as well as labor economics On the occasion of his 75th birthday this book is written in honor of Manfred J Holler an economist by training and profession whose work as a guiding light has helped advance our understanding of the interdisciplinary connections of concepts of power and responsibility He has written many articles and books on game theory and worked extensively on questions of labor economics politics and philosophy From Parchment to Practice Tom Ginsburg, Aziz Z. Huq, 2020-04-30 Asks how the parchment promises of a written constitution are translated into political practice working through the many problems of constitutional implementation after adoption

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Table of Contents What Should Constitutions Do Social Philosophy And Policy

1. Understanding the eBook What Should Constitutions Do Social Philosophy And Policy
 - The Rise of Digital Reading What Should Constitutions Do Social Philosophy And Policy
 - Advantages of eBooks Over Traditional Books
2. Identifying What Should Constitutions Do Social Philosophy And Policy
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an What Should Constitutions Do Social Philosophy And Policy
 - User-Friendly Interface
4. Exploring eBook Recommendations from What Should Constitutions Do Social Philosophy And Policy
 - Personalized Recommendations
 - What Should Constitutions Do Social Philosophy And Policy User Reviews and Ratings
 - What Should Constitutions Do Social Philosophy And Policy and Bestseller Lists
5. Accessing What Should Constitutions Do Social Philosophy And Policy Free and Paid eBooks
 - What Should Constitutions Do Social Philosophy And Policy Public Domain eBooks
 - What Should Constitutions Do Social Philosophy And Policy eBook Subscription Services
 - What Should Constitutions Do Social Philosophy And Policy Budget-Friendly Options

6. Navigating What Should Constitutions Do Social Philosophy And Policy eBook Formats
 - ePub, PDF, MOBI, and More
 - What Should Constitutions Do Social Philosophy And Policy Compatibility with Devices
 - What Should Constitutions Do Social Philosophy And Policy Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of What Should Constitutions Do Social Philosophy And Policy
 - Highlighting and Note-Taking What Should Constitutions Do Social Philosophy And Policy
 - Interactive Elements What Should Constitutions Do Social Philosophy And Policy
8. Staying Engaged with What Should Constitutions Do Social Philosophy And Policy
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers What Should Constitutions Do Social Philosophy And Policy
9. Balancing eBooks and Physical Books What Should Constitutions Do Social Philosophy And Policy
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection What Should Constitutions Do Social Philosophy And Policy
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine What Should Constitutions Do Social Philosophy And Policy
 - Setting Reading Goals What Should Constitutions Do Social Philosophy And Policy
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of What Should Constitutions Do Social Philosophy And Policy
 - Fact-Checking eBook Content of What Should Constitutions Do Social Philosophy And Policy
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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