

Constitution and constitutionalism

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**Conrado Hübner Mendes, Roberto
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American Constitutionalism Stephen M. Griffin, 1998-07-27 Despite the outpouring of works on constitutional theory in the past several decades no general introduction to the field has been available Stephen Griffin provides here an original contribution to American constitutional theory in the form of a short lucid introduction to the subject for scholars and an informed lay audience He surveys in an unpolemical way the theoretical issues raised by judicial practice in the United States over the past three centuries particularly since the Warren Court and locates both theory and practices that have inspired dispute among jurists and scholars in historical context At the same time he advances an argument about the distinctive nature of our American constitutionalism regarding it as an instance of the interpenetration of law and politics American Constitutionalism is unique in considering the perspectives of both law and political science in relation to constitutional theory Constitutional theories produced by legal scholars do not usually discuss state centered theories of American politics the importance of institutions behaviorist research on judicial decision making or questions of constitutional reform but this book takes into account the political science literature on these and other topics The work also devotes substantial attention to judicial review and its relationship to American democracy and theories of constitutional interpretation

The Supreme Court and American Constitutionalism Bradford P. Wilson, Ken Masugi, 1998 In this important book fourteen of America's leading constitutional scholars assess the Supreme Court's performance expounding the animating principles of American constitutionalism Essays devoted to fresh examination of the Supreme Court's jurisprudence with respect to the Necessary and Proper Clause the Commerce Clause federalism the common law international law and national sovereignty separation of powers fundamental rights term limits and constitutional criminal procedure Other essays evaluate the work of the Court as republican school master analyzing how the Court has articulated and affected the American people's capacity for self government the principle of the rule of law the historic burden of racial injustice respect for limited constitutional government and the civilizational distinction between liberty and license *The Supreme Court and American Constitutionalism* will be of great value to students and scholars of American constitutional studies constitutional law and American government

The People Themselves Larry Kramer, 2004 This book makes the radical claim that rather than interpreting the Constitution from on high the Court should be reflecting popular will or the wishes of the people themselves

Common Good Constitutionalism Adrian Vermeule, 2022-02-08 The way that Americans understand their Constitution and wider legal tradition has been dominated in recent decades by two exhausted approaches the originalism of conservatives and the living constitutionalism of progressives Is it time to look for an alternative Adrian Vermeule argues that the alternative has been there buried in the American legal tradition all along He shows that US law was from the founding subsumed within the broad framework of the classical legal tradition which conceives law as a reasoned ordering to the common good In this view law's purpose is to promote the goods a flourishing political community requires justice peace

prosperity and morality He shows how this legacy has been lost despite still being implicit within American public law and convincingly argues for its recovery in the form of common good constitutionalism This erudite and brilliantly original book is a vital intervention in America s most significant contemporary legal debate while also being an enduring account of the true nature of law that will resonate for decades with scholars and students Constitutional Semiotics Martin Belov,2022-06-30 This book offers an outline of the foundations of a theory of constitutional semiotics It provides a systematic account of the concept of constitutional semiotics and its role in the representation and signification of meaning in constitution constitutional law and constitutionalism The book explores the constitutional signification of meaning that is stretched between rational entrenchment and constitutional imagination It provides a critical assessment of the rationalist entrapment of constitutional modernity and justifies the need to turn to shadow constitutionalisms textual symbolic imaginary and visual constitutionalism The book puts forward innovative incentives for constitutional analysis based on constitutional semiotics as a paradigm for representation of meaning in rational textual symbolic imaginary and visual constitutionalism The book focuses on the textual imaginative and visual discourse of constitutionalism which is built upon collective constitutional imaginaries and on the peculiar normativity of constitutional geometry and constitutional mythology as borderline phenomena entrenched in rational textual symbolic imaginary and visual constitutionalism The book analyses concepts such as constitutional text and texture authoritative constitutional narratives and authoritative constitutional narrators constitutional semiotic community constitutional utopia constitutional taboo normative ideology and normative ideas constitutional myth and mythology constitutional symbolism constitutional code and constitutional geometric form It explores the textual entrenchment of constitutionalism and its repercussions for representation and signification of meaning *The Oxford Handbook of Global Legal Pluralism* Paul Schiff Berman,2020 Abstract Global legal pluralism has become one of the leading analytical frameworks for understanding and conceptualizing law in the twenty first century Law, Memory, and the Legacy of Apartheid Wessel Le Roux,Karin Van Marle,2007 **Constitutional Populism** Martin Krygier,Adam Czarnota,Wojciech Sadurski,2022-03-31 Explores a range of anti constitutionalist populist regimes identifying and analysing their causes characteristics and consequences *The Oxford Handbook of Constitutional Law in Latin America* Conrado Hübner Mendes,Roberto Gargarella,Sebastián Guidi,2022 This Oxford Handbook details the constitutions and constitutional history of Latin America providing comparative analysis of the prevailing institutional models and major themes in the region s constitutionalism *The Constitutionalization of International Law* Jan Klabbers,Anne Peters,Geir Ulfstein,2011-04-07 The book examines one of the most debated issues in current international law to what extent the international legal system has constitutional features comparable to what we find in national law This question has become increasingly relevant in a time of globalization where new international institutions and courts are established to address international issues Constitutionalization beyond the nation state has for many years been discussed in relation to the European Union This book

asks whether we now see constitutionalization taking place also at the global level The book investigates what should be characterized as constitutional features of the current international order in what way the challenges differ from those at the national level and what could be a proper interaction between different international arrangements as well as between the international and national constitutional level Finally it sketches the outlines of what a constitutionalized world order could and should imply The book is a critical appraisal of constitutionalist ideas and of their critique It argues that the reconstruction of the current evolution of international law as a process of constitutionalization against a background of and partly in competition with the verticalization of substantive law and the deformalization and fragmentation of international law has some explanatory power permits new insights and allows for new arguments The book thus identifies constitutional trends and challenges in establishing international organisational structures and designs procedures for standard setting implementation and judicial functions This paperback edition features the authors discussion of this book on the EJIL Talks blog

Constitutionalism Constitutionalism Book Review: Unveiling the Power of Words

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