Constitutional Culture and Democratic Rule

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Constitutional Culture And Democratic Rule

Tom Ginsburg

Constitutional Culture And Democratic Rule:

Constitutional Culture and Democratic Rule John A. Ferejohn, Jack N. Rakove, Jonathan Riley, 2001-10-08 This volume investigates the nature of constitutional democratic government in the United States and elsewhere It provides comprehensive tools for analyzing and comparing different forms of constitutional democracy The collection will be of interest to students and readers in political science law history and political philosophy Constitutional Cultures Ulrike Bock, Katrin Dircksen, Silke Hensel, 2013-01-14 Written constitutions are an important attribute of nation states and have become a global phenomenon over the past 200 years The process began with the revolutions in the Atlantic World from where it spread to other regions The present volume looks into the complex of constitutions the fundamental values conveyed by the constitutional texts the building and functioning of new constitutional bodies and their symbolic representation All the authors work on the assumption that in order to fully understand the constitutional order and its history it is necessary in addition to studying the legal text to analyse its special forms of implementation and legitimisation Therefore culture is seen as an important component of constitutional history The volume brings together historians from Argentina France Germany Great Britain Spain and the United States all are specialised in constitutional history and political culture in the 19th century Their contributions include case studies on the colonial European powers as well as their colonies or ex colonies in the Americas A special aim of the volume is to show the connectedness of the constitutional processes that took place in these regions during the late 18th and the 19th centuries By connecting two vibrant research areas this volume makes an important contribution to studies on political culture and the history of the Atlantic World The book targets a broad academic readership especially in the fields of cultural studies history and political science and contributes to an internationalisation of Asia and Africa Tom Gerald Daly, Dinesha Samararatne, 2024-01-23 What factors drive constitutional change and sustain positive transformation How are democratic values recognised restored and preserved through constitutional change Democratic Consolidation and Constitutional Endurance in Asia and Africa is a well articulated response to the growing scholarly conversation on democratic backsliding and resilience Bringing together leading and emerging voices in constitutional law this groundbreaking new collection considers recent democratising events in Ethiopia The Gambia Malaysia Maldives Myanmar Sri Lanka and Thailand Across seven thematic chapters and seven case studies the volume provides analytical insight into central topics arising from these events including the role of political parties which depart from Western frameworks the often marginalised place of courts the centrality of civil military relations the explanatory power of constitutional culture and the impact of the COVID 19 pandemic Offering a decolonising approach to constitutional law and democratisation studies this book will be of keen interest to scholars practitioners and policymakers alike It is essential reading for anyone seeking to understand the relationship between democratic decay and institutional endurance

and how such a relationship plays out in conditions of ongoing constitutional development **Constitutional Democracy** in a Multicultural and Globalised World Thomas Fleiner, Lidija Basta Fleiner, 2009-01-31 After World War II states transformed into collective fortresses in order to protect competing ideological systems. The debate on post modern statehood heavily built on ideological disputes between liberalism and communism over the nature of the economic and social system and the state and government that could sustain such a system What is an ideologically acceptable state concept which tasks and fu tions should the state fulfil and how to legitimate not only democratic but also authoritarian and even totalitarian regimes These questions were at the very centre of state theory However after the fall of communism in Europe and the former Soviet Union the discourse of state and government scholarship radically changed The need for a profound shift in the state paradigm was emerging The time after 1989 seemed to proclaim that the nation state had lost its raison d tre as an island of undisputed and unlimited sovereignty A globalised world order broke open the fortress state that developed within the tradition of European constitutionalism Given the simultaneous structural changes to the nation state s foundations socio economic and political reforms going hand in hand with new constitutional designs the state in transition started paying the way towards a new state paradigm and not only with regard to the states in the process of de cratic transformation from socialist into liberal constitutional democracies **Comparative Constitutional Design Tom** Ginsburg, 2012-02-27 This volume brings together essays by leading scholars of comparative constitutional design from myriad disciplinary perspectives. The authors collectively assess what we know and don't know about the design process as well as particular institutional choices concerning executive power constitutional amendment processes and many other issues Bringing together positive and normative analysis it provides the state of the art in a field of growing theoretical and practical importance Constitutionalism, Human Rights, and the Rule of Law in Iraq United States. Congress. Senate. Committee on Foreign Relations. Subcommittee on Near Eastern and South Asian Affairs, 2003 The Oxford Handbook of Comparative Politics Carles Boix, Susan Carol Stokes, 2007 The Oxford Handbooks of Political Science is a ten volume set of reference books offering authoritative and engaging critical overviews of the state of political science Each volume focuses on a particular part of the discipline with volumes on Public Policy Political Theory Political Economy Contextual Political Analysis Comparative Politics International Relations Law and Politics Political Behavior Political Institutions and Political Methodology The project as a whole is under the General Editorship of Robert E Goodin with each volume being edited by a distinguished international group of specialists in their respective fields. The books set out not just to report on the discipline but to shape it The series will be an indispensable point of reference for anyone working in political science and adjacent disciplines The Oxford Handbook of Comparative Politics offers a critical survey of the field of empirical political science through the collection of a set of chapters written by 47 top scholars in the discipline of comparative politics Part I includes chapters surveying the key research methodologies employed in comparative politics the comparative method the use of

history the practice and status of case study research the contributions of field research and assessing the possibility of constructing a science of comparative politics Parts II to IV examine the foundations of political order the origins of states and the extent to which they relate to war and to economic development the sources of compliance or political obligation among citizens democratic transitions the role of civic culture authoritarianism revolutions civil wars and contentious politics Parts V and VI explore the mobilization representation and coordination of political demands Part V considers why parties emerge the forms they take and the ways in which voters choose parties It then includes chapters on collective action social movements and political participation Part VI opens up with essays on the mechanisms through which political demands are aggregated and coordinated This sets the agenda to the systematic exploration of the workings and effects of particular institutions electoral systems federalism legislative executive relationships the judiciary and bureaucracy Finally Part VII is organized around the burgeoning literature on macropolitical economy of the last two decades **Comparative** Constitutional Law Tom Ginsburg, Rosalind Dixon, 2011-01-01 This landmark volume of specially commissioned original contributions by top international scholars organizes the issues and controversies of the rich and rapidly maturing field of comparative constitutional law Divided into sections on constitutional design and redesign identity structure individual rights and state duties courts and constitutional interpretation this comprehensive volume covers over 100 countries as well as a range of approaches to the boundaries of constitutional law While some chapters reference the text of legal instruments expressly labeled constitutional others focus on the idea of entrenchment or take a more functional approach Challenging the current boundaries of the field the contributors offer diverse perspectives cultural historical and institutional as well as suggestions for future research A unique and enlightening volume Comparative Constitutional Law is an essential resource for students and scholars of the subject Routledge Handbook of Constitutional Law Mark Tushnet, Thomas Fleiner, Cheryl Saunders, 2013-06-26 The Routledge Handbook of Constitutional Law is an advanced level reference work which surveys the current state of constitutional law Featuring new specially commissioned papers by a range of leading scholars from around the world it offers a comprehensive overview of the field as well as identifying promising avenues for future research The book presents the key issues in constitutional law thematically allowing for a truly comparative approach to the subject It also pays particular attention to constitutional design identifying and evaluating various solutions to the challenges involved in constitutional architecture The book is split into four parts for ease of reference Part One General issues sets issues of constitutional law firmly in context including topics such as the making of constitutions the impact of religion and culture on constitutions and the relationship between international law and domestic constitutions Part Two Structures presents different approaches in regard to institutions or state organization and structural concepts such as emergency powers and electoral systems Part Three Rights covers the key rights often enshrined in constitutions Part Four New Challenges explores issues of importance such as migration and refugees sovereignty under pressure from globalization

Supranational Organizations and their role in creating post conflict constitutions and new technological challenges Providing up to date and authoritative articles covering all the key aspects of constitutional law this reference work is essential reading for advanced students scholars and practitioners in the field The Politics of Constitutional Rigidity Mariana Velasco-Rivera, 2025-05-31 What makes a constitution difficult to amend Many assume it s the stringency of the amendment rules as seen with the U S Constitution However Mexico with similar rules has one of the most amended constitutions globally So if it's not the stringency of the rules what is it The Politics of Constitutional Rigidity Unveiling Pathways to Change in Mexico focuses on Mexico as a case study to explore the non institutional factors that influence the relative ease of amendment to its constitution This book proposes a new analytical framework for understanding constitutional change suggesting that both formal and informal changes occur within an economy of change This framework highlights how the interplay of political parties party systems constitutional culture and key political actors decisions influence political entrenchment Timely and original The Politics of Constitutional Rigidity offers a systematic study of constitutional change and challenges dominant approaches to constitutional rigidity Politics, Judicial Review, and the Russian Constitutional Court C. Thorson, 2012-02-07 Analysis of why politicians are driven to create an independent judicial institution with the authority to overrule their decisions It focuses on a country with no tradition of independent judicial review Russia History does not support an independent judiciary here yet a potentially powerful constitutional court has **Rethinking Presidential Constructions of Constitutional Regimes** Richard Alexander existed for 20 years Izquierdo, 2011 ABSTRACT This dissertation assesses the design and incentive structures that link the presidency to constitutional maintenance and renewal when extraordinary times occur and posits that institutional power and historical context were priced into the presidency since its creation This finding has robust implications for understanding the presidency s role in constitutional change and in particular the construction of constitutional regimes Presidents are naturally drawn to the lure of constructing a constitutional regime by the nature of the office as presidents want to constitutionalize their priorities from rival political interests in order to secure their legacy Some fortunate presidents aided by historical context actually get the opportunity to do so After providing a theory of the presidency s role within the constitutional order and its incentive structures the study then builds upon these insights to construct a coherent model that assesses the dynamics between presidential leadership and historical context in the construction of constitutional regimes The research finds that there exits an inverse relationship between the degree of constitutional change and the president s role in initiating it The reason for this inverse dynamic is that extraordinary historical events crowd out the space typically reserved for executive leadership whenever they come to the fore Conversely the less extensive the degree of constitutional change the greater that presidential leadership plays a role in the process Reconstructive presidents are actually reactive at the level of constitutional politics despite the high praise political commentators offer to this most select group of presidents

Their presidencies collective effects on constitutional change have been greatly aided perhaps overwhelmingly destined for success at the constitutional level due to exogenous factors beyond their control The coalitional political shifts in electoral support seen during these transformative periods are just a by product of massive historical events Presidential leadership is important but not in the actual initiation of the constitutional construction despite the institutional inclination of presidents to chart new paths A reconstructive president chooses a set of principles ideology or commitments with which to define the content of the new regime in place but his autonomy here is limited to providing a substantive constitutional vision not the sort of initial decisive action typically associated with leadership efforts If the analysis of presidents was confined to nameless faceless institutional actors engaged in the quest for constitutional regime construction the greatest difference between the efforts of similarly situated presidents would be in the substantive content that each provided to his historic opportunity Presidential greatness at the constitutional level would not be determined by unusual skill in turning a normal opportunity into a transformative one or in providing a constitutional opening where none was to be found While the constitutional space opened by historical events crowds out the space for autonomous action by reconstructive presidents the reverse is true for presidents with a more limited constitutional opening Presidents constrained by contextual factors must exercise more extensive leadership skills in attempting any efforts to influence constitutional meaning Since non reconstructive presidents openings are smaller their efforts have to be much more exacting and tactical even though their payoffs are irredeemably smaller than those of reconstructive presidents. Therefore non reconstructive presidents provide the elegance to the model of constitutional construction in that they show how presidential forays into constitutional politics exist within a continuum Presidential leadership is more institutionally creative and by necessity more entrepreneurial at the narrowest openings of constitutional space while it is least in display because less necessary at the level of reconstructive politics where the constitutional space is broadest The theoretical insight of this research therefore concludes that there exists an inverse relationship between presidential leadership and historical context in the construction of constitutional regimes Constitutional Change and Constitutionalism in Africa, 2025-05-16 The new generation of African constitutions crafted in the 1990s marked the beginning of a trend that promised a radical transformation of the continent s governance landscape This movement aimed to eliminate the risks of coups and political instability that had plagued Africa since the 1960s by embedding democracy and constitutionalism However the wave of constitutional reforms post 1990s seems to have sparked a contagious fever of making unmaking and remaking constitutions The nature and frequency of these changes threaten to undermine the progress made in entrenching a culture of constitutionalism good governance and respect for the rule of law It is therefore no surprise that there is almost universal agreement that Africa is now facing a profound crisis of democracy and constitutionalism Constitutional Change and Constitutionalism in Africa examines the nature and extent of these changes which have been occurring more frequently and sometimes more arbitrarily than anticipated Among

the main questions investigated are the constitution making process and the roles of various internal actors such as the legislature executive and judiciary as well as external actors like the African Union and Regional Economic Communities in the different processes of constitutional change Ultimately the discussions aim to explore how the processes of constitutional change whether inevitable and unavoidable or contrived can be conducted in a manner that does not undermine or threaten the efforts to entrench democracy constitutionalism good governance and respect for the rule of law on the African continent

National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law Anneli Albi, Samo Bardutzky, 2019-05-29 This two volume book published open access brings together leading scholars of constitutional law from twenty nine European countries to revisit the role of national constitutions at a time when decision making has increasingly shifted to the European and transnational level It offers important insights into three areas First it explores how constitutions reflect the transfer of powers from domestic to European and global institutions Secondly it revisits substantive constitutional values such as the protection of constitutional rights the rule of law democratic participation and constitutional review along with constitutional court judgments that tackle the protection of these rights and values in the transnational context e g with regard to the Data Retention Directive the European Arrest Warrant the ESM Treaty and EU and IMF austerity measures The responsiveness of the ECJ regarding the above rights and values along with the standard of protection is also assessed Thirdly challenges in the context of global governance in relation to judicial review democratic control and accountability are examined On a broader level the contributors were also invited to reflect on what has increasingly been described as the erosion or twilight of constitutionalism or a shift to a thin version of the rule of law democracy and judicial review in the context of Europeanisation and globalisation processes The national reports are complemented by a separately published comparative study which identifies a number of broader trends and challenges that are shared across several Member States and warrant wider discussion. The research for this publication and the comparative study were carried out within the framework of the ERC funded project The Role and Future of National Constitutions in European and Global Governance The book is aimed at scholars researchers judges and legal advisors working on the interface between national constitutional law and EU and transnational law The extradition cases are also of interest to scholars and practitioners in the field of criminal law Anneli Albi is Professor of European Law at the University of Kent United Kingdom Samo Bardutzky is Assistant Professor of Constitutional Law at the University of Ljubljana Slovenia

Mechanisms of Democracy Adrian Vermeule, 2007-07-24 What institutional arrangements should a well functioning constitutional democracy have Most of the relevant literatures in law political science political theory and economics address this question by discussing institutional design writ large In this book Adrian Vermeule moves beyond these debates changing the focus to institutional design writ small In established constitutional polities Vermeule argues that law can and should and to some extent already does provide mechanisms of democracy a repertoire of small scale institutional devices

and innovations that can have surprisingly large effects promoting democratic values of impartial accountable and deliberative government Examples include legal rules that promote impartiality by depriving officials of the information they need to act in self interested ways voting rules that create the right kind and amount of accountability for political officials and judges and legislative rules that structure deliberation in part by adjusting the conditions under which deliberation occurs transparently or instead secretly Drawing upon a range of social science tools from economics political science and other disciplines Vermeule carefully describes the mechanisms of democracy and indicates the conditions under which they Comparative Constitutional Law in Asia Rosalind Dixon, Tim Ginsburg, 2014-02-28 Comparative constitutional law is a field of increasing importance around the world but much of the literature is focused on Europe North America and English speaking jurisdictions The importance of Asia for the broader field is demonstrated here i **Democracy and the Social Acceleration of Time** William E. Scheuerman, 2020-06-09 A fine contribution to the literature on the problems of modern liberal democracy Choice The pace of American society has quickened exponentially since the Founding Fathers first mapped the constitution Information travels at the speed of light so does money We can hop from one side of the country to the other in a matter of hours contact our elected officials instantaneously and share our views with thousands of people at the touch of a button Both academia and the popular media have grappled with the consequences of this acceleration on every aspect of contemporary life Most pressing however may be its impact on political life In Liberal Democracy and the Social Acceleration of Time William Scheuerman offers a sophisticated assessment of the implications of social and technological celerity in the operation of liberal democracies Specifically he asks what is acceleration s main impact on the traditional liberal democratic model of the separation of powers According to Scheuerman high speed has created an imbalance The executive branch was intended to react with dispatch by contrast legislatures and the courts were designed to be more deliberate and thoughtful While this system of checks and balances was effective in the age of horse and buggy Scheuerman argues that the very features that were these institutions strengths may now be a liability Throughout this book Scheuerman offers a constructive critique which articulates ways in which liberal democracy might be recalibrated in accordance with the tempo of modern society The Max Planck Handbooks in European Public Law Armin von Bogdandy, Peter Huber, Peter M. Huber, Sabrina Ragone, 2023 This edited volume reports the antecedents foundations organization basic principles and challenges to fourteen European constitutions They include countries with long lasting and recently amended constitutions decentralized or unitary with different political systems and institutional settings

<u>Constitutional Democracy in Crisis?</u> Mark A. Graber, Sanford Levinson, Mark Tushnet, 2018-08-23 To what extent is the world including the United States facing a serious threat to the protection of constitutional democracies This collection brings together leading scholars to engage critically with the crises facing constitutional democracies today. The book is organized in four parts background and how the present situation arose a selection of specific country studies global themes

and worldwide forces and conclusions from the above and hypotheses about the future **Constitutional Violence** Antoni Abat i Ninet, 2014-08-20 Western political systems tend to be constitutional democracies dividing the system into a domain of politics where the people rule and a domain of law set aside for a trained elite Antoni Abat i Ninet strives to resolve these apparently exclusive

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