



Constitutional Politics

in Canada and the United States



STEPHEN L. NEWMAN
EDITOR

Constitutional Politics In Canada And The United States American Constitutionalism

Rose Arny



Constitutional Politics In Canada And The United States American Constitutionalism:

Constitutional Politics in Canada and the United States Stephen L. Newman, 2012-02-01 The Canadian constitutional reforms of 1982 which included a Charter of Rights and Freedoms analogous to the American Bill of Rights brought about a convergence with American constitutional law As in the U S Canadian courts have shown themselves highly protective of individual rights and they have not been shy about assuming a leading and sometimes controversial political role in striking down legislation In clear and easy to understand language the contributors not only chart but also explore the reasons for areas of similarity and difference in the constitutional politics of Canada and the United States Comparative Constitutional Law and Politics Mila Versteeg, Leo Spitz Distinguished Service Professor of International Law Tom Ginsburg, Tom Ginsburg, David Landau, Mason Ladd Professor and Associate Dean for International Programs David Landau, 2025 Comparative Constitutional Law and Politics Analysis Cases Materials is the first interdisciplinary casebook for the field offering students an innovative and truly global approach to comparative constitutional law It integrates state of the art literature and caselaw from constitutional law with insights from social science Each chapter is organized around a key concept beginning with a bird s eye view of the topic which introduces the current state of scholarly and legislative debates and encourages thoughtful engagement **Engineering Constitutional Change** Xenophon Contiades, 2012-12-20 This volume provides a holistic presentation of the reality of constitutional change in 18 countries the 15 old EU member states Canada Switzerland and the USA The essays offer analysis on formal and informal constitutional amendment bringing forth the overall picture of the parallel paths constitutional change follows in correlation to what the constitution means and how constitutional law works To capture the patterns of constitutional change multi faceted parameters are explored such as the interrelations between form of government party system and constitutional amendment the interplay between constitutional change and the system of constitutionality review the role of the people civil society and experts in constitutional change and the influence of international and European law and jurisprudence on constitutional reform and evolution In the extensive final comparative chapter key features of each country s amendment procedures are epitomized and the mechanisms of constitutional change are explained on the basis of introducing five distinct models of constitutional change The concept of constitutional rigidity is re approached and broken down to a set of factual and institutional rigidities The classification of countries within models in accordance with the way in which operative amending mechanisms connect leads to a succinct portrayal of different modes of constitutional change engineering This book will prove to be an invaluable tool for approaching constitutional revision either for theoretical or for practical purposes and will be of particular interest to students and scholars of constitutional comparative and public law **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 **American**

Constitutionalism Heard Round the World, 1776-1989 George Athan Billias, 2011-12 Winner of the 2010 Book Award from the New England Historical Association American constitutionalism represents this country s greatest gift to human freedom yet its story remains largely untold For over two hundred years its ideals ideas and institutions influenced different peoples in different lands at different times American constitutionalism and the revolutionary republican documents on which it is based affected countless countries by helping them develop their own constitutional democracies Western constitutionalism of which America was a part along with Britain and France reached a major turning point in global history in 1989 when the forces of democracy exceeded the forces of autocracy for the first time Historian George Athan Billias traces the spread of American constitutionalism from Europe Latin America and the Caribbean region to Asia and Africa beginning chronologically with the American Revolution and the fateful shot heard round the world and ending with the conclusion of the Cold War in 1989 The American model contributed significantly by spearheading the drive to greater democracy throughout the Western world and Billias s landmark study tells a story that will change the way readers view the important role American constitutionalism played during this era **Constitutional Comparison** François

Venter, 2021-07-26 In our globalized era it has become impossible to deal effectively with constitutional law and related subjects such as fundamental rights administrative law and political science without knowledge of foreign systems A wealth of literature is available on practically all constitutional systems and the intricacies of their application This however presents the constitutionalist with a formidable problem Which foreign systems should I explore in order to make relevant comparisons and how should I go about it This book addresses the core problems of comparability and appropriate comparative methodology in the realm of contemporary constitutionalism The outcome is however not mere theorizing Most of the text is devoted to an incisive application of the chosen comparative method to four geographically historically and culturally divergent but thoroughly comparable constitutional systems In the course of the comparative exercise contemporary constitutional dogma and constitutional mechanics are analyzed and explained in many instances in their historical contexts making the book itself a useful source of comparative and historical information *The Oxford Handbook of the U.S. Constitution* Mark V. Tushnet, Mark A. Graber, Sanford Levinson, 2015 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S

political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today

Handbook of Global Legal Policy Stuart Nagel,2022-04-18 Featuring a pragmatic approach to coping with the legal complications surrounding pretrial release drug related crime and freedom of religion among other issues this timely reference presents a host of legal policy problems in diverse political and cultural settings throughout the world Contributors bridge the academic gulf between worldwide and public policy studies as well as the ideological gap between liberal and conservative attitudes toward constitutional law individual liberty public safety and human rights The authors emphasize the need for an integrated one world perspective in the international legal community drawing on over 1200 references tables and illustrations

Religious Conscience, the State, and the Law John McLaren,Harold Coward,1999-01-01 Examines claims to freedom of religion by minority unorthodox faith groups and how these challenges to the state and the law have contributed to the development of civil rights discourse and practice

Constitutional Odyssey Peter H. Russell,2004-09-13 Constitutional Odyssey is an account of the politics of making and changing Canada s constitution from Confederation to the present day Peter H Russell frames his analysis around two contrasting constitutional philosophies Edmund Burke s conception of the constitution as a set of laws and practices incrementally adapting to changing needs and societal differences and John Locke s ideal of a Constitution as a single document expressing the will of a sovereign people as to how they are to be governed The first and second editions of Constitutional Odyssey published in 1992 and 1993 respectively received wide ranging praise for their ability to inform the public debate This third edition continues in that tradition Russell adds a new preface and a new chapter on constitutional politics since the defeat of the Charlottetown Accord in 1993 He also looks at the 1995 Quebec Referendum and its fallout the federal Clarity Act Quebec s Self Determination Act the Agreement on Internal Trade the Social Union Framework Agreement and the Council of the Federation progress in Aboriginal self determination such as Nunavut and the Nisga a Agreement and the movement to reduce the democratic deficit in parliamentary government Comprehensive and eminently readable Constitutional Odyssey is as important as ever

Forthcoming Books Rose Arny,2003-04 **An Unamendable Constitution?** Richard Albert,Bertil Emrah Oder,2018-09-03 This book examines the subject of constitutional unamendability from comparative doctrinal empirical historical political and theoretical perspectives It explores and evaluates the legitimacy of unamendability in the various forms that exist in constitutional democracies Modern constitutionalism has given rise to a paradox can a constitutional amendment be unconstitutional Today it is normatively contested but descriptively undeniable that a constitutional amendment one that respects the formal procedures of textual alteration laid down in the constitutional text may be invalidated for violating either a written or unwritten constitutional

norm This phenomenon of an unconstitutional constitutional amendment traces its political foundations to France and the United States its doctrinal origins to Germany and it has migrated in some form to all corners of the democratic world One can trace this paradox to the concept of constitutional unamendability Constitutional unamendability can be understood as a formally entrenched provision s or an informally entrenched norm that prohibits an alteration or violation of that provision or norm An unamendable constitutional provision is impervious to formal amendment even with supermajority or even unanimous agreement from the political actors whose consent is required to alter the constitutional text Whether or not it is enforced and also by whom this prohibition raises fundamental questions implicating sovereignty legitimacy democracy and the rule of law

European and US Constitutionalism Georg Nolte, European Commission for Democracy through Law, 2005-01-01 This book compiles the papers and comments delivered at the Conference on European and American constitutionalism which took place in Göttingen in 2003 Through topics like freedom of speech human dignity the protective function of the state adjudication and democracy and international influences the conference papers identify salient features of the constitutional systems on both sides of the Atlantic and address recent developments following the end of the soviet era in eastern Europe and the terrorists attacks of 11 September 2001

Canada and the United States David M. Thomas, Christopher Sands, 2023-06-26 Canada and the United States explains across fifteen diverse areas why and how Canada and the United States are still so different The book discusses whether or not these differences are growing the key results of such differences and the major challenges to be faced in each system Focusing on institutions political cultures and social values the book shows how both federal systems are extremely complex and how our institutions cultures and historical experiences often lead to very different outcomes The fifth edition discusses the emergence of vital new issues including the pandemic and its effects climate change energy requirements increasing international tensions and new trade problems This book also reviews massive budgetary changes new forms of protest emerging in Canada and an ongoing political crisis in the US instigated by a former president convincing millions that the 2020 election was a hoax Written by leading scholars in their field Canada and the United States reveals how the two countries compare when dealing with similar problems that often spill across the border

Ibss: Political Science: 1997 British Library of Political and Economic Science, 1999-01-14 Provides an unrivalled overview of intellectual development in political science

Comparative Constitutional Theory Gary Jacobsohn, Miguel Schor, 2018-02-23 The need for innovative thinking about alternative constitutional experiences is evident and readers of Comparative Constitutional Theory will find in its pages a compendium of original theory driven essays The authors use a variety of theoretical perspectives to explore the diversity of global constitutional experience in a post 1989 world prominently marked by momentous transitions from authoritarianism to democracy by multiple constitutional revolutions and devolutions by the increased penetration of international law into national jurisdictions and by the enhancement of supra national institutions of governance

New Frontiers of State

Constitutional Law James A. Gardner, Jim Rossi, 2011-10-24 Chapters featured in this title include Dual Enforcement of Constitutional Norms Cool Federalism and the Life Cycle of Moral Progress Why Federalism and Constitutional Positivism Don't Mix and Interjurisdictional Enforcement of Rights in a Post-errie World amongst others **Canada's Odyssey** Peter H. Russell, 2017-01-01 In Canada's Odyssey renowned scholar Peter H. Russell provides an expansive accessible account of Canadian history from the pre-Confederation period to the present day **Supreme Courts and Judicial Law-Making** Edward McWhinney, 1986 This book gives a broad understanding of the Belgian Constitutional History including a General Introduction the Sources of Constitutional Law its Form of Government The State its Subdivisions Citizenship its Administration of Justice Specific Problems Added features of this publication include a list of abbreviations an extensive glossary maps charts This book is an offprint of the International Encyclopaedia of Laws Constitutional Law

Constitutional Politics Sotirios A. Barber, Robert P. George, 2021-03-09 What does it mean to have a constitution Scholars and students associated with Walter Murphy at Princeton University have long asked this question in their exploration of constitutional politics and judicial behavior These scholars concerned with the making maintenance and deliberate change of the Constitution have made unique and significant contributions to our understanding of American constitutional law by going against the norm of court-centered and litigation-minded research Beginning in the late 1970s this new wave of academics explored questions ranging from the nature of creating the U.S. Constitution to the philosophy behind amending it In this collection Sotirios A. Barber and Robert P. George bring together fourteen essays by members of this Princeton group some of the most distinguished scholars in the field These works consider the meaning of having a constitution the implications of particular choices in the design of constitutions and the meaning of judicial supremacy in the interpretation of the Constitution The overarching ambition of this collection is to awaken a constitutionalist consciousness in its readers to view themselves as potential makers and changers of constitutions as opposed to mere subjects of existing arrangements In addition to the editors the contributors are Walter F. Murphy John E. Finn Christopher L. Eisgruber James E. Fleming Jeffrey K. Tulis Suzette Hemberger Stephen Macedo Sanford Levinson H. N. Hirsch Wayne D. Moore Keith E. Whittington and Mark E. Brandon

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