



CONSTITUTIONALISM: ANCIENT AND MODERN

Charles Howard McIlwain

Constitutionalism Ancient And Modern

George Athan Billias



Constitutionalism Ancient And Modern:

Constitutionalism Charles Howard McIlwain, 2011-05 Constitutionalism Ancient and Modern is a book written by Charles Howard McIlwain. The book is an exploration of the concept of constitutionalism both in its ancient and modern forms. McIlwain argues that constitutionalism is a fundamental principle of good governance, one that has been recognized and practiced by societies throughout history. The book begins with an examination of ancient constitutionalism, focusing on the political systems of Greece and Rome. McIlwain explores the ways in which these societies developed systems of governance that were based on the rule of law and the protection of individual rights. He then examines the evolution of constitutionalism in Europe from the Middle Ages to the modern era. The second half of the book focuses on modern constitutionalism, with a particular emphasis on the United States. McIlwain explores the development of the US Constitution and the ways in which it has been interpreted and applied over time. He also examines the role of constitutionalism in other countries, including Great Britain, France, and Germany. Throughout the book, McIlwain emphasizes the importance of constitutionalism in promoting democracy, protecting individual rights, and ensuring good governance. He argues that constitutionalism is an essential principle for any society that values freedom and democracy. Overall, *Constitutionalism Ancient and Modern* is a comprehensive exploration of the concept of constitutionalism, providing readers with a detailed understanding of its historical roots, its modern applications, and its ongoing importance in contemporary society. This scarce antiquarian book is a facsimile reprint of the old original and may contain some imperfections such as library marks and notations. Because we believe this work is culturally important, we have made it available as part of our commitment for protecting, preserving, and promoting the world's literature in affordable, high-quality modern editions that are true to their original work. **The**

Supreme Court and the Idea of Constitutionalism Steven Kautz, Arthur Melzer, Jerry Weinberger, M. Richard Zinman, 2011-11-29 From *Brown v. Board of Education* to *Roe v. Wade* to *Bush v. Gore*, the Supreme Court has over the past fifty years assumed an increasingly controversial place in American national political life. As the recurring struggles over nominations to the Court illustrate, few questions today divide our political community more profoundly than those concerning the Court's proper role as protector of liberties and guardian of the Constitution. If the nation is today in the midst of a culture war, the contest over the Supreme Court is certainly one of its principal battlefields. In this volume, distinguished constitutional scholars aim to move debate beyond the sound bites that divide the opposing parties to more fundamental discussions about the nature of constitutionalism. Toward this end, the volume includes chapters on the philosophical and historical origins of the idea of constitutionalism, on theories of constitutionalism in American history, in particular on the practices of constitutionalism around the globe, and on the parallel emergence of and the persistent tensions between constitutionalism and democracy throughout the modern world. In democracies, the primary point of having a constitution is to place some matters beyond politics and partisan contest. And yet it seems equally clear that constitutionalism of this kind

results in a struggle over the meaning or proper interpretation of the constitution a struggle that is itself deeply political Although the volume represents a variety of viewpoints and approaches this struggle which is the central paradox of constitutionalism is the ultimate theme of all the essays **Constitutionalism** Dieter Grimm, 2016 Constitutionalism Past Present and Future will offer a definitive collection of Professor Dieter Grimm's most important scholarly writings on constitutional thought and interpretation The essays included in this volume explore the conditions under which the modern constitution could emerge they treat the characteristics that must be given if the constitution may be called an achievement the appropriate way to understand and interpret constitutional law under current conditions the function of judicial review the remaining role of national constitutions in a changing world as well as the possibility of supra national constitutionalism Many of these essays have influenced the German and European discussion on constitutionalism and for the first time much of the work of one of Germany's leading scholars of public law will be available in the English language Constitutionalism of the Global South Daniel Bonilla Maldonado, 2013-04-18 Addresses the jurisprudence of the major courts of the Global South on the topics of access to justice cultural diversity and socioeconomic rights Constitutionalism and Transitional Justice in South Africa Andrea Lollini, 2011 Over the last fifteen years the South African postapartheid Transitional Amnesty Process implemented by the Truth and Reconciliation Commission TRC has been extensively analyzed by scholars and commentators from around the world and from almost every discipline of human sciences Lawyers historians anthropologists and sociologists as well as political scientists have tried to understand describe and comment on the shocking South African political decision to give amnesty to all who fully disclosed their politically motivated crimes committed during the apartheid era Investigating the postapartheid transition in South Africa from a multidisciplinary perspective involving constitutional law criminal law history and political science this book explores the overlapping of the postapartheid constitution making process and the Amnesty Process for political violence under apartheid and shows that both processes represent important innovations in terms of constitutional law and transitional justice systems Both processes contain mechanisms that encourage the constitution of the unity of the political body while ensuring future solidity and stability From this perspective the book deals with the importance of several concepts such as truth about the past publicly shared memory unity of the political body and public confession *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 *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

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 *Quaker Constitutionalism and the Political Thought of John Dickinson* Jane E. Calvert, 2009 This book traces the theory of Quaker constitutionalism from the early Quakers through Founding Father John Dickinson to Martin Luther King Jr **Montesquieu and His Legacy** Rebecca E. Kingston, 2008-11-04 Montesquieu 1689-1755 is regarded as one of the most important thinkers of the Enlightenment His *Lettres persanes* and *L'Esprit des lois* have been read by students and scholars throughout the last two centuries While many have associated Montesquieu with the doctrine of the separation of powers in the history of ideas Rebecca E Kingston brings together leading international scholars who for the first time present a systematic treatment and discussion of the significance of his ideas more generally for the development of Western political theory and institutions In particular *Montesquieu and His Legacy* supplements the conventional focus on the institutional teachings of Montesquieu with attention to the theme of morals and manners The contributors provide commentary on the broad legacy of Montesquieu's thought in past times as well as for the contemporary era *Constitutionalism in the Americas* Colin Crawford, Daniel Bonilla Maldonado, 2018-02-23 Constitutionalism in the Americas unites the work of leading scholars of constitutional law comparative law and Latin American and U S constitutional law to provide a critical and provocative look at the state of constitutional law across the Americas today The diverse chapters employ a variety of methodologies empirical historical philosophical and textual analysis in the effort to provide a comprehensive look at a generation of constitutional change across two continents *The Cambridge Companion to Comparative Constitutional Law* Roger Masterman, Robert

Schütze,2019-10-03 Comparing constitutions allows us to consider the similarities and differences in forms of government as well as the normative philosophies behind constitutional choices The objective behind this Companion is to present the reader with a succinct yet wide ranging companion to a modern comparative constitutional law course *New Constitutional Horizons* Cormac Mac Amhlaigh,2022 This book examines the conceptual puzzles that multilevel pluralism poses for our constitutional theories It offers fresh perspectives by addressing the pluralism of norms and authorities from the viewpoint of legality and legitimacy proposing novel solutions for pluralizing constitutional theory in the light of multilevel governance

Popular Sovereignty in Early Modern Constitutional Thought Daniel Lee,2016 Popular sovereignty the doctrine that the public powers of state originate in a concessive grant of power from the people is perhaps the cardinal doctrine of modern constitutional theory placing full constitutional authority in the people at large rather than in the hands of judges kings or a political elite Although its classic formulation is to be found in the major theoretical treatments of the modern state such as in the treatises of Hobbes Locke and Rousseau this book explores the intellectual origins of this doctrine and investigates its chief source in late medieval and early modern thought Long regarded the principal source for modern legal reasoning Roman law had a profound impact on the major architects of popular sovereignty such as Francois Hotman Jean Bodin and Hugo Grotius Adopting the juridical language of obligations property and personality as well as the model of the Roman constitution these jurists crafted a uniform theory that located the right of sovereignty in the people at large as the legal owners of state authority In recovering the origins of popular sovereignty the book demonstrates the importance of the Roman law as a chief source of modern constitutional thought *A New Introduction to American Constitutionalism* Mark A. Graber,2015 A New Introduction to American Constitutionalism is the first truly interdisciplinary study of the American constitutional regime Mark A Graber explores the fundamental elements of the American constitutional order with particular emphasis on how constitutionalism in the United States is a form of politics and not a means of subordinating politics to law

Oakeshott on History Luke O'Sullivan,2015-10-15 This book challenges the common view that Michael Oakeshott was mainly important as a political philosopher by offering the first comprehensive study of his ideas on history It argues that Oakeshott s writings on the philosophy of history mark him out as the most successful of the philosophers who attempted to establish historical study as an autonomous form of thought during the twentieth century It also contends that his work on the history of political thought is best seen in the context of debates over the origins of the liberal state For the first time extensive use has been made of unpublished material in the collection of Oakeshott s papers at the LSE resulting in an intellectual biography that should be of interest both to first time students and those already familiar with his published works

Constitutional and Administrative Law Hilaire Barnett,2025-05-21 Trusted by generations of students and consistently reliable and up to date Hilaire Barnett s Constitutional and Administrative Law continues to provide accessible and comprehensive coverage of the Public Law syllabus Mapped to the

common course outline the Sixteenth Edition equips students with a thorough understanding of the UK constitution's past present and future by analysing and illustrating the political and sociohistorical contexts that have shaped the major rules and principles of constitutional and administrative law as well as ongoing constitutional reform This edition has been fully updated throughout including additional questions to aid student understanding of this complex area of the law The online digital resources have been updated with a new student website at www.routledgelearning.com/BarnettCAL Ideal for students studying constitutional and administrative law for the first time this is an indispensable guide to the challenging concepts and legal rules in public law

The Oxford Handbook of International Law in Europe, 2024-12-04 This handbook provides a comprehensive account of how international law is understood and practiced in Europe which is defined for the purposes of the book as Council of Europe countries in the past and in the present It is separated into parts covering Europe's values intellectual traditions and institutions as well as examinations of European countries and regions A diverse group of leading scholars and practitioners of international law are led by three overarching focus points the success and failures of the pacifying effect of international law the diversity of international legal experiences and traditions within Europe and the impact of European ideas on international law globally By examining these areas the book also analyses Europe's changing role in the world and the impact of global influences on the understanding of international law in European countries The book is a study of regionalism in international law but also a study of the impact of a region which at least historically has had an overwhelming influence on the development and interpretations of international law

Constitutional Democracy and Islam Francesco Alicino, 2023-04-07 This book outlines the legal status of Muslims in Italy In particular it highlights that when it comes to Islam the Italian legal system exacerbates the dilemma of contemporary constitutional democracies increasingly caught between the principle of equality and the right to have rights which implies the respect of diversity It provides readers with a deep understanding of how domestic and external socio political factors may muddle the interpretation of Italy's constitutional provisions starting with those relating to state secularism and religious freedom It is argued that today as never before these provisions are torn between the principle of equality and the right to be different This situation has been exacerbated by incessant states of emergency from immigration to religion inspired terrorism in light of which the presence of Islam in the peninsula has been highly politicized Italy's experience on the legal status of Muslims provides an interesting case study and as such a valuable source of empirical information for a functioning and pluralistic constitutional democracy especially when dealing with conditions of fear and insecurity The book will be of interest to researchers academics and policy makers working in the areas of law and religion constitutional law comparative law and human rights

Constitutional Reform of National Legislatures Richard Albert, Antonia Baraggia, Cristina Fasone, 2019 Despite the importance of second chambers to the success of constitutional democracies around the world today many fundamental questions about bicameralism remain understudied and undertheorized What

makes bicameral reform so difficult Why choose bicameralism over unicameralism What are the constitutional values of bicameralism This innovative book addresses these questions and many more from comparative doctrinal empirical historical and theoretical perspectives

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