Constitutionalism, Democracy, AND Foreign Affairs

LOUIS HENKIN

Constitutionalism Democracy And Foreign Affairs

Jacco Bomhoff, David
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Constitutionalism Democracy And Foreign Affairs:

Foreign Policy Objectives in European Constitutional Law Joris Larik, 2016 Presenting the first comprehensive account of foreign policy objectives as a growing part of European constitutional law this book examines the nature functions and potential of these objectives by approaching EU external relations law through both comparative constitutional analysis Constitutionalism, Democracy, and Foreign Affairs Louis Henkin, 1990 Addresses and international relations theory a controversial aspect of constitutional jurisprudence the governance of foreign affairs and examines the question of whether our constitutional blueprint for the conduct of foreign affairs is appropriate to the democracy we have become **Foreign Relations Reconsidered** Gordon Martel, 2002-11-01 This major new textbook brings together twelve of the leading scholars of U S foreign relations Each contributor provides a clear concise summary of an important period or theme in US diplomatic and strategic affairs since the Spanish American War Michael Hunt and Joan Hoff provide an overview of the traditions behind US policy and a preview of things to come Together the contributors offer a succinct explanation of the controversies and questions that historians have grappled with throughout the twentieth century Students will find these essays a reliable and useful guide to the various schools of thought which have emerged Although each of the scholars is well known for their detailed and original work these essays are new and have been specially commissioned for this book The articles follow the chronological development of the emergence of the United States as a world power but special themes such as the American policy process economic interests relations with the Third World and the dynamics of the nuclear arms race have been singled out for separate treatment American Foreign Relations Reconsidered 1890 1993 represents essential reading for upper level undergraduates studying modern American history. The book has been designed and written exclusively to meet the needs of students either as a major course text or as a set of supplementary readings to support other Foreign Affairs and the EU Constitution Robert Schütze, 2014-10-16 A collection of essays that surveys the texts development and structure of the European Union's constitutional regime for foreign affairs Foreign Policy Advocacy and Entrepreneurship Jeffrey S Lantis, 2019-05-01 Foreign Policy Advocacy and Entrepreneurship shows how new and dynamic leaders in Congress are becoming highly influential in policymaking Capturing the spirit of change in Washington DC it explores original case studies of eight US policymakers who challenged authority during the Obama administration from war veterans and fundamentalist Christian activists to former spies and minority legislators Newly elected representatives in both parties dove into issues that sometimes seemed well beyond the interests of their constituents and that defied their own party leadership Setting the course for a new generation of lawmakers junior entrepreneurs studied here employed a combination of formal legislative strategies for successful influence and informal networking policy narratives and communication strategies While some congressional initiatives have succeeded in changing US foreign policy and others have failed committed entrepreneurs appear to be gaining greater influence over US foreign policy in the polarized

atmosphere of Washington DC Cases of entrepreneurship by junior members of Congress represent a puzzle for traditional foreign policy studies that focus on seniority party discipline and rigid institutional systems on Capitol Hill By melding entrepreneurship and policy advocacy literature this book advances a new typology of foreign policy entrepreneurship recognizing the impact of multidimensional strategies of influence The arrival of new members of the 116th Congress the most diverse in history provides an exciting laboratory to further test these propositions The Constitution and the Conduct of American Foreign Policy David Gray Adler, Larry Nelson George, 1996 In this provocative and readable volume eleven leading constitutional authorities challenge business as usual in American foreign policymaking For far too long they contend Americans have acquiesced to presidential claims to sweeping executive powers in foreign affairs thanks to imperial minded presidents a weak willed Congress and neglectful scholars These authors forcefully argue that the president is not the supreme crafter of foreign policy and that Congress must provide more than a rubber stamp for the president's agenda Unilateral presidential control of foreign relations they warn can pose a grave threat to our nation s welfare and is simply without constitutional warrant Combining constitutional theory with keen historical insights these authors illuminate the roots of presidential abuse of executive power and remind us of the past and potential costs of such disregard for our unique system of checks and balances An essential guide for all concerned citizens and members of Congress this volume should help revive a proper understanding of this crucial dimension of American democracy **Domestic Structures and** International Trade Candido Tomas Garcia Molyneux, 2001-02 The author a lawyer in Brussels and lecturer at the College of Europe in Natolin places international trade law within an economic political and sociological context focusing on the US and the European Union Contending that despite globalization societies organize themselves differently and have diverse expectations of their governments and market actors he explores how these differences affect the trading partners policies in an age when nearly everything can be considered a matter of commerce He also examines how domestic structures affect trade policy when the external world has a strong impact on the domestic sphere Distributed by ISBS c Book News Inc

Relations in a Multipolar World United States. Congress. Senate. Committee on Foreign Relations,1991 The

Double-Facing Constitution Jacco Bomhoff, David Dyzenhaus, Thomas Poole, 2020-01-30 Explores how constitutional orders engage with and are shaped by their exteriors The Politics of the Presidency, Revised 8th Edition Joseph A.

Pika, John Anthony Maltese, 2013-07-15 In the most up to date core text available on the presidency The Politics of the Presidency Revised Eighth Edition Joseph A Pika and John Anthony Maltese once again deliver their comprehensive and accessible analysis of the presidency Never losing sight of the foundations of the office the authors maintain a balance between historical context and contemporary scholarship on the executive A solid foundation for any presidency course the revised eighth edition features updated chapters including coverage of the 2012 election and a new chapter analyzing Obama s challenges as a second term president in an entrenched partisan environment Spaces of Law in American Foreign

Relations Daniel S. Margolies,2011 In the late nineteenth century the United States oversaw a great increase in extraterritorial claims boundary disputes extradition controversies and transborder abduction and interdiction In this sweeping history of the underpinnings of American empire Daniel S Margolies offers a new frame of analysis for historians to understand how novel assertions of legal spatiality and extraterritoriality were deployed in U S foreign relations during an era of increased national ambitions and global connectedness Whether it was in the Mexican borderlands or in other hot spots around the globe Margolies shows that American policy responded to disputes over jurisdiction by defining the space of law on the basis of a strident unilateralism Especially significant and contested were extradition regimes and the exceptions carved within them Extradition of fugitives reflected critical questions of sovereignty and the role of the state in foreign affair during the run up to overseas empire in 1898 Using extradition as a critical lens Spaces of Law in American Foreign Relations examines the rich embeddedness of questions of sovereignty territoriality legal spatiality and citizenship and shows that U S hegemonic power was constructed in significant part in the spaces of law not simply through war or trade

Foreign Relations in Constitutional Law Joaquin G. Bernas, 1995 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 paving 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 Constitutional Law of the EU's Common Foreign and Security Policy Graham Butler, 2019-10-03 The Common Foreign and Security Policy CFSP of the European Union is a highly exceptional component of the EU legal order This constitutionalised foreign policy regime with legal diplomatic and political DNA woven throughout its fabric is a distinct sub system of law on the outermost sphere of European supranationalism When contrasted against other Union policies it is immediately clear that EU foreign policy has a special decision making mechanism making it highly exceptional In the now depillarised framework of the EU treaties issues of institutional division arise from the legacy of the

former pillar system This is due to the reality that of prime concern in EU external relations is the question of who decides By engaging a number of legal themes that cut across foreign affairs exceptionalism executive prerogatives parliamentary accountability judicial review and the constitutionalisation of European integration the book lays bare how EU foreign affairs have become highly legalised leading to ever greater coherence in how Europe exerts itself on the global stage In this first monograph dedicated exclusively to the law of the EU s Common Foreign and Security Policy in modern times the author argues that the legal framework for EU foreign affairs must adapt in a changing world so as to ensure the EU treaties can cater for a more assertive Europe in the wider world Cited in Opinion of Advocate General Evgeni Tanchev Case C 730 18 P SC v Eulex Kosovo ECLI EU C 2020 176 Court of Justice of the European Union First Chamber 5 March 2020 Opinion of Advocate General Gerard Hogan Case C 134 19 P Bank Refah Kargaran v Council of the European Union ECLI EU C 2020 396 Court of Justice of the European Union Grand Chamber 28 May 2020 and Opinion of Advocate General Evgeni Tanchev Case C 283 20 CO ME GC and 42 Others v MJ Head of Mission European Commission European External Action Service EEAS Council of the European Union Eulex Kosovo ECLI EU C 2021 781 Court of Justice of the European Union Fifth Chamber 30 September 2021 The Least Examined Branch Richard W. Bauman, Tsvi Kahana, 2006-07-31 Unlike most works in constitutional theory which focus on the role of the courts this book addresses the role of legislatures in a regime of constitutional democracy Bringing together some of the world's leading constitutional scholars and political scientists the book addresses legislatures in democratic theory legislating and deliberating in the constitutional state constitution making by legislatures legislative and popular constitutionalism and the dialogic role of legislatures both domestically with other institutions and internationally with other legislatures. The book offers theoretical perspectives as well as case studies of several types of legislation from the United States and Canada It also addresses the role of legislatures both under the Westminster model and under a separation of powers system The Constitutional Roles of Congress and the President in Declaring and Waging War United States. Congress. Senate. Committee on the Judiciary, 1991 Constitutionalism and <u>Democratic Transitions</u> Veronica Federico, Carlo Fusaro, 2006 The book as the outcome of a research performed by the University of Florence and the United States Institute of Peace of Washington explores the role of law in the process of democratic transition in South Africa More specifically it emphasize how constitutional law may contribute to civilize apparently reconcilable conflicts a part from laying down the foundations of the new legal order and institutions The book as the outcome of a research performed by the University of Florence and the United States Institute of Peace of Washington explores the role of law in the process of democratic transition in South Africa More specifically it emphasize how constitutional law may contribute to civilize apparently reconcilable conflicts a part from laying down the foundations of the new legal order and institutions Publisher's description **Beyond Constitutionalism** Nico Krisch, 2012-09-06 Under pressure from globalisation the classical distinction between domestic and international law has become increasingly blurred

spurring demand for new paradigms to construe the emerging postnational legal order. The typical response of constitutional and international lawyers as well as political theorists has been to extend domestic concepts especially constitutionalism beyond the state Yet as this book argues proposals for postnational constitutionalism not only fail to provide a plausible account of the changing shape of postnational law but also fall short as a normative vision They either dilute constitutionalism's origins and appeal to fit the postnational space or they create tensions with the radical diversity of postnational society This book explores an alternative pluralist vision of postnational law Pluralism does not rely on an overarching legal framework but is characterised by the heterarchical interaction of various suborders of different levels an interaction that is governed by a multiplicity of conflict rules whose mutual relationship remains legally open A pluralist model can account for the fragmented structure of the European and global legal orders and it reflects the competing and often equally legitimate claims for control of postnational politics However it typically provokes concerns about stability power and the rule of law This book analyses the promise and problems of pluralism through a theoretical enquiry and empirical research on major global governance regimes including the European human rights regime the contestation around UN sanctions and human rights and the structure of global risk regulation. The empirical research reveals how prevalent pluralist structures are in postnational law and what advantages they possess over constitutionalist models Despite the problems it also reveals the analysis suggests cautious optimism about the possibility of stable and fair cooperation in pluralist settings Congressional Record United States. Congress, 1991 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the How to Save a Constitutional Democracy Tom Ginsburg, Aziz Z. Hug, 2018-10-05 We Congressional Globe 1833 1873 can t afford to be complacent any more A formidable book extremely rich in historical examples case studies and quantitative data International Journal of Constitutional Law Democracies are in danger Around the world a wave of populist leaders threatens to erode the core structures of democratic self rule In the United States the tenure of Donald Trump marks a decisive turning point for many What kind of president intimidates jurors calls the news media the enemy of the American people and seeks foreign assistance investigating domestic political rivals Many think the Constitution will safeguard us from lasting damage But is that assumption justified Drawing on an array of other countries experiences Tom Ginsburg and Aziz Z Hug show how constitutional rules can both hinder and hasten the decline of democratic institutions The checks and balances of the federal government a robust civil society and media and individual rights such as those enshrined in the First Amendment often fail as bulwarks against democratic decline The sobering reality they contend is that the US Constitution s design makes democratic erosion more not less likely Its structural rigidity has had unforeseen consequence leaving the

presidency weakly regulated and empowering the Supreme Court to conjure up doctrines that ultimately facilitate rather than inhibit rights violations Even the bright spots in the Constitution the First Amendment for example may have perverse consequences in the hands of a deft communicator who can degrade the public sphere by wielding hateful language banned in many other democracies We and the rest of the world can do better and the authors conclude by laying out practical steps for how laws and constitutional design can play a more positive role in managing the risk This book makes a huge contribution to our understanding of how democracies erode and what institutional reforms would make it harder for authoritarian populists to entrench their power Yascha Mounk author of The People vs Democracy Whereas other recent books on the crisis of American democracy focus on what has gone wrong Ginsburg and Huq provide us with clear eyed proposals including some bold constitutional reforms for how to fix it Steven Levitsky New York Times bestselling coauthor of How Democracies Die

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