



Constitution-Making IN THE REGION OF FORMER SOVIET DOMINANCE

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RETT R. LUDWIKOWSKI

Constitution Making In The Region Of Former Soviet Dominance

Robert Elgie



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Constitutional Economics Stefan Voigt, 2020-06-18 This concise survey of the questions methods and empirical findings central to constitutional political economy fills a gap in the literature of political economy Voigt a pioneer of the field demonstrates how constitutional rules affect political economy appealing to both scholars of the field and readers with no familiarity of the topic

Constitutionalism and Political Reconstruction Saïd Amir Arjomand, 2007-08-31 The themes of nation building post colonial modernization and constitution making post communist return to the rule of law and constitutional reconstruction the global expansion of judicial power and judicial activism by the constitutional courts are usually studied by different specialists with somewhat narrow foci This book is a unique and ambitious interdisciplinary attempt at the integration of these related fields and offers a timely theoretical synthesis of the most important global constitutional trends in the last half century These essays by prominent authorities on different subjects and geographical areas offer a comprehensive comparative view of the most important constitutional developments of two eras bringing together the transplantation of the constitutional pattern of the nation state and the current wave of globalization of constitutionalism and the rule of law Contributors are S A Arjomand Nathan J Brown Ruth Gavison Julian Go Keyvan Tabari Heinz Klug Jill Cottrell Yash Ghai L szl S lyom Jacek Kurczewski Anders Fogelklou Gra yna Sk pska Dieter Grimm Kim Lane Scheppele Ruth Rubio Mar n and Dicle Kogacio lu

Preying on the State Venelin I. Ganev, 2013-08-15 Immediately after 1989 newly emerging polities in Eastern Europe had to contend with an overbearing and dominant legacy the Soviet model of the state At that time the strength of the state looked like a massive obstacle to change less than a decade later the state s

dominant characteristic was no longer its overweening powerfulness but rather its utter decrepitude. Consequently the role of the central state in managing economies providing social services and maintaining infrastructure came into question. Focusing on his native Bulgaria Venelin I. Ganev explores in fine grained detail the weakening of the central state in post Soviet Eastern Europe. Ganev starts with the structural characteristics of the Soviet satellites and in particular the forms of elite agency favored in the socialist party state. As state socialism collapsed Ganev demonstrates its institutional legacy presented functionaries who had become accustomed to power with a matrix of opportunities and constraints. In order to maximize their advantage under such conditions these elites did not need a robust state apparatus; in fact all of the incentives under postsocialism pushed them to subvert the infrastructure of governance. Throughout *Preying on the State* Ganev argues that the causes of state malfunctioning go much deeper than the policy preferences of free marketeers who deliberately dismantled the state. He systematically analyzes the multiple dimensions, implications and significance of the institutional and social processes that transformed the organizational basis of effective governance.

Rights Before Courts Wojciech Sadurski, 2005-02-21. Challenging the conventional wisdom that constitutional courts are the best device that democratic systems have for the protection of individual rights, Wojciech Sadurski examines carefully the most recent wave of activist constitutional courts: those that have emerged after the fall of communism in Central and Eastern Europe. In contrast to most other analysts and scholars, he does not take for granted that they are a force for the good but rather subjects them to critical scrutiny against the background of a wide ranging comparative and theoretical analysis of constitutional judicial review in the modern world. He shows that in the region of Central and Eastern Europe their record in protecting constitutional rights has been mixed and their impact upon the vibrancy of democratic participation and public discourse about controversial issues often negative. Sadurski urges us to reconsider the frequently unthinking enthusiasm for the imposition of judicial limits upon constitutional democracy. In the end his reflections go to the very heart of the fundamental dilemma of constitutionalism and political theory: how best to find the balance between constitutionalism and democracy. The lively if imperfect democracies in Central and Eastern Europe provide a fascinating terrain for raising this question and testing traditional answers. This innovative wide ranging and thought provoking book will become essential reading for scholars and students alike in the fields of comparative constitutionalism and political theory, particularly for those with an interest in legal and political developments in the postcommunist world.

Poland's Constitutional Breakdown Wojciech Sadurski, 2019. Poland's anti constitutional breakdown poses three questions that this book sets out to answer: What exactly has happened since 2015? Why did it happen? And what are the prospects for a return to liberal democracy?

Government and Politics - Volume I Masashi Sekiguchi, 2010-08-27. *Government and Politics* is the component of *Encyclopedia of Social Sciences and Humanities* in the global *Encyclopedia of Life Support Systems (EOLSS)* which is an integrated compendium of twenty one Encyclopedias. The Theme on *Government and Politics* in the *Encyclopedia of Social Sciences and Humanities* deals with the

discipline of general and introductory descriptions on a wide range of political phenomena in rather conventional ways It covers the following topics The first two topics Forms and Modes of Government and Structures of Government deal with institutional and structural aspects of political phenomena The third topic Political Aspects of Government is about dynamic political processes The fourth Ideas and Ideologies in Politics investigates political thoughts and ideologies in the modern world The fifth topic International Politics intend to give readers an international perspective since contexts and systems which have international or transnational characters are obviously important background against which a political aspect of building a sustainable society must be considered These two volumes are aimed at the following five major target audiences University and College students Educators Professional practitioners Research personnel and Policy analysts managers and decision makers and NGOs

Central and Eastern Europe After Transition Wojciech Sadurski, 2016-04-08 How have national identities changed developed and reacted in the wake of transition from communism to democracy in Central and Eastern Europe Central and Eastern Europe After Transition defines and examines new autonomous differences adopted at the state and the supranational level in the post transitional phase of the post Communist area and considers their impact on constitutions democracy and legal culture With representative contributions from older and newer EU members the book provides a broad set of cultural points for reference Its comparative and interdisciplinary approach includes a useful selection of bibliographical resources specifically devoted to the Central Eastern European countries transitions

The Oxford Handbook of Comparative Constitutional Law Michel Rosenfeld, András Sajó, 2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be compared to a presidential one A federal republic to a unitary one Moreover what about differences in ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law

will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends **EU Enlargement and the Constitutions of Central and Eastern Europe** Anneli Albi, 2005-06-30 This book explores the adaptation of the constitutions of Central Eastern Europe CEE for membership in the European Union *Judicial Independence in the Age of Democracy* Peter H. Russell, David M. O'Brien, 2001 This collection of essays by leading scholars of constitutional law looks at a critical component of constitutional democracy judicial independence from an international comparative perspective Peter H Russell s introduction outlines a general theory of judicial independence while the contributors analyze a variety of regimes from the United States and Latin America to Russia and Eastern Europe Western Europe and the United Kingdom Australia Israel Japan and South Africa Russell s conclusion compares these various regimes in light of his own analytical framework **Introduction to Polish Law** Stanisław Frankowski, Adam Bodnar, 2005-01-01 During two decades encompassing three epochal events the collapse of European communism in 1989 NATO membership in 1999 and accession to the European Union in 2004 the legal system of Poland has emerged with remarkable maturity and stability In an exemplary blend of its democratic heritage from the era between the World Wars proven effective legislation from the communist era and the vibrant 1997 Constitution Polish law dramatically reflects new social economic and political realities With eleven lucid chapters written by fifteen academic experts from the Warsaw University School of Law and Administration each in his or her respective field of law this deeply informed but succinct and practical volume is the ideal starting point for research whenever a question of Polish law arises The authors clearly explain the legal concepts customs and rules surrounding such essential elements as the following principles and practices of constitutional law administrative law and procedure civil procedure courts and special judicial bodies judicial review enforcement of foreign judgments family succession and inheritance matters formation and conduct of corporations and partnerships contract formation interpretation and termination environmental protection harmonizing Polish economic law with EU standards competition law and regulatory framework of market processes special regulation of energy telecommunications and financial markets copyrights patents utility models and industrial designs licence agreements the labour relationship and types of employment contracts and criminal law and procedure Each chapter includes its own detailed bibliography English speaking legal practitioners and academics have here an ideal introduction to the basic institutions principles and rules of Polish law Encompassing all the major fields of legal practice Introduction to Polish Law provides an essential understanding of the Polish legal system so that users can become familiar with law and legal processes in Poland and pursue further research on specific Polish legal matters Practitioners will find it of great value for both counselling and courtroom use *American Law in the Twentieth Century* Lawrence Meir Friedman, 2004-01-01 American law in the twentieth century describes the explosion of law over the

past century into almost every aspect of American life Since 1900 the center of legal gravity in the United States has shifted from the state to the federal government with the creation of agencies and programs ranging from Social Security to the Securities Exchange Commission to the Food and Drug Administration Major demographic changes have spurred legal developments in such areas as family law and immigration law Dramatic advances in technology have placed new demands on the legal system in fields ranging from automobile regulation to intellectual property Throughout the book Friedman focuses on the social context of American law He explores the extent to which transformations in the legal order have resulted from the social upheavals of the twentieth century including two world wars the Great Depression the civil rights movement and the sexual revolution Friedman also discusses the international context of American law what has the American legal system drawn from other countries And in an age of global dominance what impact has the American legal system had abroad This engrossing book chronicles a century of revolutionary change within a legal system that has come to affect us all

Intermarium Marek Jan Chodakiewicz, 2017-09-08 History and collective memories influence a nation its culture and institutions hence its domestic politics and foreign policy That is the case in the Intermarium the land between the Baltic and Black Seas in Eastern Europe The area is the last unabashed rampart of Western Civilization in the East and a point of convergence of disparate cultures Marek Jan Chodakiewicz focuses on the Intermarium for several reasons Most importantly because as the inheritor of the freedom and rights stemming from the legacy of the Polish Lithuanian Ruthenian Commonwealth it is culturally and ideologically compatible with American national interests It is also a gateway to both East and West Since the Intermarium is the most stable part of the post Soviet area Chodakiewicz argues that the United States should focus on solidifying its influence there The ongoing political and economic success of the Intermarium states under American sponsorship undermines the totalitarian enemies of freedom all over the world As such the area can act as a springboard to addressing the rest of the successor states including those in the Caucasus Central Asia and the Russian Federation Intermarium has operated successfully for several centuries It is the most inclusive political concept within the framework of the Commonwealth By reintroducing the concept of the Intermarium into intellectual discourse the author highlights the autonomous and independent nature of the area This is a brilliant and innovative addition to European Studies and World Culture

Semi-Presidentialism in Europe Robert Elgie, 1999-09-02 Semi Presidentialism is the term used to describe the constitutional arrangement where there is a directly elected president and a prime minister who is responsible to parliament Examples of semi presidential regimes include Finland France Portugal Poland Russia and Ukraine These countries share certain constitutional features but the exercise of presidential and prime ministerial power varies greatly from one to another Semi Presidentialism in Europe examines the politics of semi presidentialism and explores why it is that seemingly similar political systems operate in such different ways Furthermore the book examines the constitutional powers of political leaders the role of political parties and the importance of past precedent

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