

Three main types of constitutional cultures in Europe

- Political/historical constitutional cultures
 - UK, Malta, The Netherlands, Luxembourg, the constitutions of the Nordic countries Denmark, Sweden and Finland; Switzerland
- Post-totalitarian/post-authoritarian constitutional cultures
 - Germany, Italy, Spain, Portugal, Greece, Central and Eastern European EU Member States (including Poland pre-2016, Hungary pre-2010)
- Traditional or hybrid legal constitutions
 - France, Belgium, Ireland (more flexible)
 - Austria, Cyprus (similar to the above post-totalitarian approach)

(Source: Albi A. and Bardutzky, S. 'Revisiting the Role and Future of National Constitutions in European and Global Governance: Introduction to the Research Project', in Albi A. and Bardutzky S. (eds.), *National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law. National Reports. Volumes I and II* (T.M.C. Asser Press & Springer, forthcoming 2019))

Constitutional Cultures

Erin F. Delaney, Rosalind Dixon



Constitutional Cultures:

Constitutional Cultures Robert F. Nagel, 1989

Constitutional Culture, Independence, and Rights Javier Garcia

Oliva, Helen Hall, 2023-05-26 In *Constitutional Culture Independence and Rights* Javier Garcia Oliva and Helen Hall coin the term constitutional culture to encapsulate the collective rules and expectations that govern the collective life within a jurisdiction. Significantly, these shared norms have both legal and social elements including matters as diverse as standards of parenting, the modus operandi of police officers and taboos around sexuality. Using Quebec, Scotland and Catalonia as case studies, the book delves into what these constitutional battles mean for the rights, identity and needs of everyday people and it powerfully demonstrates why the hypothetical future independence of these regions would have far-reaching practical consequences beyond the realm of political structures and academic theory. The book does not present a magic bullet to resolve debates around independence; this is not its purpose and the text in fact demonstrates why there is no objectively optimal approach in any or all contexts. Instead, it seeks to shed light on aspects of these situations often overlooked in discussions around the fate of nations and it addresses what the consequences of constitutional paradigm shifts might be for individuals. Constitutional culture is a complex web of interconnected understandings and behaviours and the vibrations from shaking or cutting a fundamental strand will be felt throughout the structure. **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.

Dynamics of Constitutional Cultures Werner Gephart, Jan Christoph Suntrup, 2021 Although it has been claimed that we live in an age of constitutionalism, national and transnational constitutions neither appear as uniform models nor as uncontested means of setting the rules of the game in the political, economic or religious domain. This book aims to convince readers of a cultural perspective on constitutions. Tying in with the research approach of the Kate Hamburger Center for Law and Culture, the term constitutional culture evokes the multidimensional life of a constitution that cannot be restricted to its though-essential textual, normative provisions and authorized interpreters. Grasping the foundational force and societal influence of constitutions by means of cultural theory and analysis also calls for the investigation of narratives, symbols, rituals, materials and places in which constitutions are framed and reproduced. With this objective in mind, the contributions to this volume, written by lawyers, sociologists and political scientists, illuminate different dimensions of the cultural manifestation of

constitutions as well as contemporary legal political and social struggles arising around their shape and range of influence in various regions of the world

Constitutional Patriotism Jan-Werner Müller, 2009-01-10 Constitutional Patriotism offers a new theory of citizenship and civic allegiance for today's culturally diverse liberal democracies Rejecting conventional accounts of liberal nationalism and cosmopolitanism Jan Werner Müller argues for a form of political belonging centered on universalist norms adapted for specific constitutional cultures At the same time he presents a novel approach to thinking about political belonging and the preconditions of democratic legitimacy beyond the nation state The book takes the development of the European Union as a case study but its lessons apply also to the United States and other parts of the world Müller's essay starts with an engaging historical account of the origins and spread of the concept of constitutional patriotism the idea that political attachment ought to center on the norms and values of a liberal democratic constitution rather than a national culture or the global human community In a more analytical part he then proposes a critical conception of citizenship that makes room for dissent and civil disobedience while taking seriously a polity's need for stability over time Müller's theory of constitutional patriotism responds to the challenges of the de facto multiculturalism of today's states with a number of concrete policy implications about immigration and the preconditions for citizenship clearly spelled out And it asks what civic empowerment could mean in a globalizing world

Comparative Judicial Review Erin F. Delaney, Rosalind Dixon, 2018 Constitutional courts around the world play an increasingly central role in day to day democratic governance Yet scholars have only recently begun to develop the interdisciplinary analysis needed to understand this shift in the relationship of constitutional law to politics This edited volume brings together the leading scholars of constitutional law and politics to provide a comprehensive overview of judicial review covering theories of its creation mechanisms of its constraint and its comparative applications including theories of interpretation and doctrinal developments This book serves as a single point of entry for legal scholars and practitioners interested in understanding the field of comparative judicial review in its broader political and social context

Principles of Constitutional Design Donald S. Lutz, 2006-08-28 This book is written for anyone anywhere sitting down to write a constitution The book is designed to be educative for even those not engaged directly in constitutional design but who would like to come to a better understanding of the nature and problems of constitutionalism and its fundamental building blocks especially popular sovereignty and the separation of powers Rather than a how to do it book that explains what to do in the sense of where one should end up it instead explains where to begin how to go about thinking about constitutions and constitutional design before sitting down to write anything Still it is possible using the detailed indexes found in the book to determine the level of popular sovereignty one has designed into a proposed constitution and how to balance it with an approximate appropriate level of separation of powers to enhance long term stability

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

Constitutional Traditions and Constitutional Transitions Martin Belov, Monika Florczak-Wątor, 2024-12-09 This comprehensive book offers conceptual legal and socio legal insights into the relationship between constitutional traditions and constitutional transitions as well as a comparative assessment of the two It explores their impact on national constitutional orders and their implications for the multilevel constitutionalism of the EU

The Limits of Constitutional Democracy Jeffrey K. Tulis, 2010-11-14 Constitutional democracy is at once a flourishing idea filled with optimism and promise and an enterprise fraught with limitations Uncovering the reasons for this ambivalence this book looks at the difficulties of constitutional democracy and reexamines fundamental questions What is constitutional democracy When does it succeed or fail Can constitutional democracies conduct war Can they preserve their values and institutions while addressing new forms of global interdependence The authors gathered here interrogate constitutional democracy's meaning in order to illuminate its future The book examines key themes the issues of constitutional failure the problem of emergency power and whether constitutions should be suspended when emergencies arise the dilemmas faced when constitutions provide and restrict executive power during wartime and whether constitutions can adapt to such globalization challenges as immigration religious resurgence and nuclear arms proliferation In addition to the editors the contributors are Sotirios Barber Joseph Bessette Mark Brandon Daniel Deudney Christopher Eisgruber James Fleming

William Harris II, Ran Hirschl, Gary Jacobsohn, Benjamin Kleinerman, Jan Werner Müller, Kim Scheppele, Rogers Smith, Adrian Vermeule, and Mariah Zeisberg. The Many Constitutions of Europe. Suvi Sankari, 2016-03-03. This volume makes a contribution to the ongoing lively discussion on European constitutionalism by offering a new perspective and a new interpretation of European constitutional plurality. The book combines diverse disciplinary approaches to the constitutional debate. It brings together complementing contributions from scholars of European politics, economics, and sociology, as well as established scholars from various fields of law. Moreover, it provides analytical clarity to the discussion and combines theory with more practical and critical approaches that make use of the constitutional toolbox in analysing the tensions between the different constitutions. The collection is a valuable point of reference not only for scholars interested in European studies but also for graduate and post graduate students.

Constitutional Identity and Constitutionalism in Africa. Charles M. Fombad, Nico Steytler, 2024-01-23. In its modern history, Africa has experienced different waves of constitutional ordering. The latest democratisation wave which began in the 1990s has set the stage over the past decade for what is now a hotly debated issue: do recent new or fundamentally revised constitutions truly reflect an African constitutional identity? Thoughtfully navigating a contested field, this volume brings to the fore a number of foundational questions about African constitutionalism. *Constitutional Identity and Constitutionalism in Africa* asks whether the concept of constitutional identity clarifies our understanding of constitutional change in Africa, including an exploration of the relationship between constitutional identity and a country's unique culture, its histories. Building on this, contributions examine the persistent role of colonial heritages in shaping constitutional identity in post-Independence African nations and the question of path dependency. Given the enduring influence of the colonial experience, the volume asks how, why, and to what end African constitutions must be decolonised to form an authentic constitutional identity. This theoretical insight is supplemented and further deepened by detailed case studies of South Africa, Ethiopia, Cape Verde, Cameroon, and Egypt and their diverse experience of constitutional continuity and change. This volume in the Stellenbosch Handbooks in African Constitutional Law series brings together contributions from established scholars and emerging voices on the study of constitutional processes. They provide an urgent critical analysis of existing paradigms, concepts, and normative ideologies of modern African constitutionalism in the context of constitutional identity.

The Constitution of Arbitration. Victor Ferreres Comella, 2021-03-11. The first systematic study of the most important types of arbitration and their limits from a constitutional perspective.

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.

Democratic Consolidation and Constitutional Endurance in Asia and Africa. Tom Gerald Daly, Dinesha Samararatne, 2024-02-15. A well-articulated response to the growing scholarly conversation on democratic

backsliding and resilience this essay collection considers recent democratising events in Ethiopia The Gambia Malaysia Maldives Myanmar Sri Lanka and Thailand **Human Rights Constitutionalism in Japan and Asia** Lawrence W.

Beer,2009-05-01 Less noticed in the West than wars terrorism and economic trends has been the historic development since World War II of constitutional government and law in Asia Lawrence W Beer has been a close observer of Asian linkages among law politics culture and national security issues for over fifty years His perspectives have been refined during long residence in Asia especially Japan by substantial friendly interactions with Asian legal scholars judges and attorneys involved in the world of human rights constitutional law This volume which will be widely welcomed by students and researchers brings together a selection of Beer s many works previously published in diverse venue but no longer easily accessible The collection opens with a review of constitutionalism in Asia and the United States and concludes with a recent examination of Japan s rejection of war Japan s Constitutional Discourse and Performance By way of Afterword the author offers an in depth review of Globalization of Human Rights in the 21st Century *Research Handbook on the Sociology of Law* Jiří Přibán,2020-12-25 This unique Research Handbook maps the historical theoretical and methodological concepts in sociology of law exploring the rich and complex nature of this area of research It argues that sociology of law flourishes due to its strong capacity for interdisciplinary engagement and links to other scientific concepts methodologies and research fields

Taking the Constitution Away from the Courts Mark Tushnet,2000-07-24 Here a leading scholar in constitutional law Mark Tushnet challenges hallowed American traditions of judicial review and judicial supremacy which allow U S judges to invalidate unconstitutional governmental actions Many people particularly liberals have warm and fuzzy feelings about judicial review They are nervous about what might happen to unprotected constitutional provisions in the chaotic worlds of practical politics and everyday life By examining a wide range of situations involving constitutional rights Tushnet vigorously encourages us all to take responsibility for protecting our liberties Guarding them is not the preserve of judges he maintains but a commitment of the citizenry to define itself as We the People of the United States The Constitution belongs to us collectively as we act in political dialogue with each other whether in the street in the voting booth or in the legislature as representatives of others Tushnet urges that we create a populist constitutional law in which judicial declarations deserve no special consideration But he warns that in so doing we must pursue reasonable interpretations of the thin Constitution the fundamental American principles embodied in the Declaration of Independence and the Preamble to the Constitution A populist Constitution he maintains will be more effective than a document exclusively protected by the courts Tushnet believes for example that the serious problems of the communist scare of the 1950s were aggravated when Senator Joseph McCarthy s opponents were lulled into inaction believing that the judicial branch would step in and declare McCarthy s actions unconstitutional Instead of fulfilling the expectations the Court allowed McCarthy to continue his crusade until it was ended Tushnet points out that in this context and in many others errors occurred because of the existence of judicial review

neither the People nor their representatives felt empowered to enforce the Constitution because they mistakenly counted on the courts to do so Tushnet's clarion call for a new kind of constitutional law will be essential reading for constitutional law experts political scientists and others interested in how and if the freedoms of the American Republic can survive into the twenty first century

Multiple Democracies in Europe Paul Blokker, 2009-12-04 This book provides an in depth discussion and analysis of democracy in Europe with a focus on the new EU member states and makes an important and original contribution to the debate on the future of European democracy Author Paul Blokker seeks to provide a critical reconceptualization of the notion of democratic political culture by developing a multiple democracies theoretical approach He draws on debates in democratization theory and normative political theory and presents a cultural sociological approach for the analysis of democratization and democratic regimes This approach emphasizes the historical and cultural embedment of democracy identifies a potential variety of ethics of democracy that underpin democratic political cultures and points to the significance of democratic imagination in the interpretation and recombination of such ethics The book explores the relevance of this approach by analysing multiple political cultures and their role in the emergence of democratic regimes in three new member states Hungary Poland and Romania providing a detailed description and analysis of political cultures by means of the analysis of constitutional politics constitutional texts and political elite discourses and the identification of distinct politico cultural elements that distinguish these societies from each other It will be of interest to students and scholars of democracy European studies post communist studies political theory and comparative politics

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

Reviewing **Constitutional Cultures**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is truly astonishing. Within the pages of "**Constitutional Cultures**," an enthralling opus penned by a very acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

<https://abp-london.co.uk/About/publication/default.aspx/deterministic%20chaos%20an%20introduction.pdf>

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