

CONSTITUTIONALISM

The Philosophical Dimension

Edited by

Alan S. Rosenbaum

Constitutionalism The Philosophical Dimension

Bui Ngoc Son



Constitutionalism The Philosophical Dimension:

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 **Whitehead's Radically Different Postmodern Philosophy** David Ray Griffin, 2012-02-01 Postmodern philosophy is often dismissed as unintelligible self contradictory and as a passing fad with no contribution to make to the problems faced by philosophers in our time While this characterization may be true of the type of philosophy labeled postmodern in the 1980s and 1990s David Ray Griffin argues that Alfred North Whitehead had formulated a radically different type of postmodern philosophy to which these criticisms do not apply Griffin shows the power of Whitehead s philosophy in dealing with a range of contemporary issues the mind body relation ecological ethics truth as correspondence the relation of time in physics to the irreversible time of our lives and the reality of moral norms He also defends a distinctive dimension of Whitehead s postmodernism his theism against various criticisms including the charge that it is incompatible with relativity theory African Constitutionalism and the Role of Islam Abdullahi Ahmed An-Na'im, 2010-11-24 Constitutionalism is steadily becoming the prevalent form of governance in Africa But how does constitutionalism deal with the lingering effects of colonialism And how does constitutional law deal with Islamic principles in the region African Constitutionalism and the Role of Islam seeks to answer these questions Constitutional governance has not been nor will be easily achieved Abdullahi Ahmed An Na im argues But setbacks and difficulties are to be expected in the process of adaptation and indigenization of an essentially alien concept that of of nation state and its role in large scale political and social organization An Na im discusses the problems of implementing constitutionalized forms of government specific to Africa from definitional to conceptual and practical issues The role of Islam in these endeavors is open to challenge and reformulation and should not be taken for granted or assumed to be necessarily negative or positive An Na im asserts and he emphasizes the role of the agency of Muslims in the process of adapting constitutionalism to the values and practices of their own societies By examining the incremental successes that some African nations have already achieved and An Na im reveals the contingent role that Islam has to play in this process Ultimately these issues will determine the long term sustainability of constitutionalism in Africa **Confucian Constitutionalism in East Asia** Bui Ngoc Son, 2016-02-12 Western liberal constitutionalism has expanded recently with in East Asia the constitutional systems of Japan South Korea and Taiwan based on Western principles and with even the socialist polities of China and Vietnam having some regard to such principles Despite the alleged universal applicability of Western constitutionalism however the success of any constitutional system depends in part on the cultural values customs and traditions of the country into which the constitutional system is planted This book explains how the values customs and traditions of East Asian countries are Confucian and discusses how this is relevant to constitutional practice in the region The

book outlines how constitutionalism has developed in East Asia over a long period considers different scholarly work on the ease or difficulty of integrating Western constitutionalism into countries with a Confucian outlook and examines the prospects for such integration going forward Throughout the book covers detailed aspects of Confucianism and the workings of constitutions in practice

Absolute Monarchy and the Stuart Constitution Glenn Burgess,1996-01-01 The long accepted standard view is that the gradual polarization of Court and Parliament during the reigns of James I and Charles I reflected the split between absolutists who upheld the divine right of the monarchy to rule and constitutionalists who resisted tyranny by insisting the monarch was subject to law and resulted inevitably in civil war

Fundamental Rights and Democratic Governance Simeon C. R. McIntosh,2005 The Caribbean Community CARICOM has assumed a greater role in guiding and coordinating the affairs of its member states The introduction of the CARICOM Single Market and Economy CSME and the Caribbean Court of Justice CCJ bring the quest for democratic governance into sharp relief Using Caribbean cases Simeon McIntosh discusses the fundamental rights and freedoms of speech and of the press freedom of religion and freedom from inhuman and degrading punishment He examines the protection of these rights and freedoms in the light of changes in society social progress and other developments in the Commonwealth Caribbean within the context of the CSME and the CCJ Fundamental Rights and Democratic Governance is the first body of work to give serious philosophical treatment to the question of fundamental rights in the Caribbean In this second instalment on Caribbean Constitutionalism McIntosh builds on his earlier work Caribbean Constitutional Reform Rethinking the West Indian Polity in laying the theoretical justification for the Caribbean Court of Justice

Kant: The Metaphysics of Morals Immanuel Kant,1996-04-18 The Metaphysics of Morals is Kant s major work in applied moral philosophy in which he deals with the basic principles of rights and of virtues It comprises two parts the Doctrine of Right which deals with the rights which people have or can acquire and the Doctrine of Virtue which deals with the virtues they ought to acquire Mary Gregor s translation revised for publication in the Cambridge Texts in the History of Philosophy series is the only complete translation of the whole text and includes extensive annotation on Kant s difficult and sometimes unfamiliar vocabulary A new introduction by Roger Sullivan sets the work in its historical and philosophical context This volume will be of wide interest to students of ethics and of legal and political philosophy

Constitutionalising Europe Michael Longo,2017-03-02 The European Union is in a state of transformation with its constitutional future the subject of much heated debate This book provides a durable authoritative and comprehensive account of constitutional development examining the pivotal roles of law and judicial politics in establishing the EU constitutional edifice Michael Longo demonstrates and substantiates the arguments for and against constitutionalization through the development of a theoretical framework drawing on theories and empirical research in both law and political science to understand this new process of European integration

Western Political Thought Robert Eccleshall,Michael Kenny,1995 This is a guide to the vast amount of literature on the history of political thought which has

appeared in English since 1945 The editors provide an annotation of the content of many entries and where appropriate indicate their significance controversial nature and readability *Constitutionalism* Alan S. Rosenbaum, 1988-09-02 An excellent sampling of current thinking in the theory and practice of constitutionalism Each essay was written specifically for this volume by well known legal and political philosophers All in all a first rate and provocative example of contemporary philosophical concerns Choice In our constitutional democracy the dissent and conflict that are the inevitable consequence of free political dialogue point to the importance of reexamining the philosophical premises on which our conceptions of society and government are based This volume of original essays reviews the foundations of constitutionalism in classical liberal thought and looks at contemporary philosophical perspectives on a wide range of constitutional issues Written by a distinguished group of philosophers and constitutional scholars it provides a deeper understanding of the U S Constitution as a political instrument and examines the idea of constitutionalism as it functions in our modern world Philosophical Dimensions Of The Constitution Diana T Meyers, Kenneth Kipnis, Steve Griffin, 2019-06-18 In the closing decades of the eighteenth century the newly independent colonies along the mid Atlantic coast of North America commenced an unprecedented public debate concerning the principles of civil government The debate culminated in 1787 with the Philadelphia convention where the United States Constitution was drafted and adopted After ratification **The Cambridge Handbook of China and International Law** Ignacio de la Rasilla, Congyan Cai, 2024-01-18 This handbook provides a comprehensive road map to China's engagement with international law and an upgraded bridge between Chinese and Western approaches in times of turmoil Written by a leading group of Chinese and Western specialists it examines how China is assimilating into and putting its stamp on the global legal order It offers updated analyses of China's relationship with international institutions human rights law international trade law the law of the sea the laws of peace and war international criminal law global health law international investment law international environmental law climate change international terrorism law outer space law intellectual property law cyber space warfare international financial law international dispute settlement territorial disputes the Belt and Road Initiative the Community of Shared Future for Mankind China's constitutional law the judicial application of international law state immunity the international rule of law China's treaty practices and the extraterritorial application of Chinese laws **The Cosmopolitanism Reader** Garrett W. Brown, David Held, 2010-12-28 In response to a renewed cosmopolitan enthusiasm this volume brings together 25 essays in the development of cosmopolitan thought by distinguished cosmopolitan thinkers and critics It looks at classical cosmopolitanism global justice culture and cosmopolitanism political cosmopolitanism and cosmopolitan global governance *Indonesian Constitutional Reform, 1999-2002* Denny Indrayana, 2008 Shari'a & Constitutional Reform in Indonesia Nadirsyah Hosen, 2007 This book focuses on constitutional reform in Indonesia 1999-2002 from the perspective of shari'a The study reveals one possible picture of how Islam and constitutionalism can co exist in the same vision not without risk of tension but

with the possibility of success Constitutionalism Allen Rosenbaum,1988-09-02 An excellent sampling of current thinking in the theory and practice of constitutionalism Each essay was written specifically for this volume by well known legal and political philosophers All in all a first rate and provocative example of contemporary philosophical concerns Choice In our constitutional democracy the dissent and conflict that are the inevitable consequence of free political dialogue point to the importance of reexamining the philosophical premises on which our conceptions of society and government are based This volume of original essays reviews the foundations of constitutionalism in classical liberal thought and looks at contemporary philosophical perspectives on a wide range of constitutional issues Written by a distinguished group of philosophers and constitutional scholars it provides a deeper understanding of the U S Constitution as a political instrument and examines the idea of constitutionalism as it functions in our modern world **Regional Integration in Africa** ,2020-04-06 In Regional Integration in Africa What Role for South Africa Henri Bah Siphamandla Zondi and Andr Mbata Mangu reflect on African integration and the contribution of post Apartheid South Africa From their different scientific backgrounds they demonstrate that despite some progress made under the African Union that superseded the Organisation of African Unity Africa is still lagging behind in terms of regional integration and South Africa which benefitted from the rest of the continent in her struggle against apartheid has not as yet played a major role in this process Apart from contributing to advancing knowledge the book is a recommended read for all those interested in African regional integration and the relationships between Africa and post Apartheid South Africa Contributors are Henri Bah Andr Mbata Mangu and Siphamandla Zondi Foreword by Eddy Maloka The Moral Person of the State Ben Holland,2017-07-13 A new history of the idea of the modern state and its personality showing the centrality of Pufendorf to its development and propagation **American Journal of Islamic Social Sciences 21:2** Nadirsyah Hosen,Ahmed Ali Salem,Samory Rashid,Nevin Reda, The American Journal of Islamic Social Sciences AJISS is an interdisciplinary journal that publishes a wide variety of scholarly research on all facets of Islam and the Muslim world anthropology economics history philosophy and metaphysics politics psychology religious law and traditional Islam Submissions are subject to a blind peer review process *Deliberative Democracy and the Institutions of Judicial Review* Christopher F. Zurn,2007-03-26 In this book Christopher F Zurn shows why a normative theory of deliberative democratic constitutionalism yields the best understanding of the legitimacy of constitutional review He further argues that this function should be institutionalized in a complex multi location structure including not only independent constitutional courts but also legislative and executive self review that would enable interbranch constitutional dialogue and constitutional amendment through deliberative civic constitutional forums Drawing on sustained critical analyses of diverse pluralist and deliberative democratic arguments concerning the legitimacy of judicial review Zurn concludes that constitutional review is necessary to ensure the procedural requirements for legitimate democratic self rule through deliberative cooperation Claiming that pure normative theory is not sufficient to settle issues of institutional design Zurn draws on empirical and

comparative research to propose reformed institutions of constitutional review that encourage the development of fundamental law as an ongoing project of democratic deliberation and decision

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