

TRANSFORMATIVE CONSTITUTIONALISM

Presented to:
Ekiti State Directorate of Policies, Programs, and Projects,
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Constitutionalism In Transformation

Tomi Tuominen



Constitutionalism In Transformation:

Constitutionalism in Transformation Richard Bellamy, Dario Castiglione, 1996-11-13 The manifest shortcomings of totalitarian regimes of left and right has meant that constitutional democracy is now seen as the sole legitimate political system. However, a number of its fundamental principles such as the sovereignty of the people and the universality of its supporting rights are now being called into question by the combined effects of international globalization and multiculturalism. This volume explores a number of aspects of the resulting transformation of constitutions. Particular attention is paid to the impact of recent constitutional debates in West and East Europe, the constitutional implications of the European Union, the continued viability of the American model of political constitution, and the importance of understanding constitutions in institutional not simply legal normative terms.

Constitutionalism in Context David S. Law, 2022-02-09 With its emphasis on emerging and cutting edge debates in the study of comparative constitutional law and politics, its suitability for both research and teaching use, and its distinguished and diverse cast of contributors, this handbook is a must have for scholars and instructors alike. This versatile volume combines the depth and rigor of a scholarly reference work with features for teaching in law and social science courses. Its interdisciplinary case study approach provides political and historical as well as legal context. Each modular chapter offers an overview of a topic and a jurisdiction followed by a case study that simultaneously contextualizes both. Its forward looking and highly diverse selection of topics and jurisdictions fills gaps in the literature on the Global South as well as the West. A timely section on challenges to liberal constitutional democracy addresses pressing concerns about democratic backsliding and illiberal and/or authoritarian regimes.

New Constitutionalism in Latin America Almut Schilling-Vacaflor, 2016-04-29 Latin America has a long tradition of constitutional reform. Since the democratic transitions of the 1980s, most countries have amended their constitutions at least once, and some have even undergone constitutional reform several times. The global phenomenon of a new constitutionalism with enhanced rights provisions finds expression in the region, but the new constitutions such as those of Bolivia, Colombia, Ecuador, and Venezuela also have some peculiar characteristics which are discussed in this important book. Authors from a number of different disciplines offer a general overview of constitutional reforms in Latin America since 1990. They explore the historical, philosophical, and doctrinal differences between traditional and new constitutionalism in Latin America and examine sources of inspiration. The book also covers sociopolitical settings, which factors and actors are relevant for the reform process, and analyzes the constitutional practices after reform, including the question of whether the recent constitutional reforms created new post-liberal democracies with an enhanced human and social rights record, or whether they primarily serve the ambitions of new political leaders.

Constitutionalism Under Extreme Conditions Richard Albert, Yaniv Roznai, 2020-09-24 This book examines the problem of constitutional change in times of crisis. Divided into five main parts, it both explores and interrogates how public law manages change in periods of extraordinary pressure on the

constitution In Part I Emergency Exception and Normalcy the contributors discuss the practices and methods that could be used to help legitimize the use of emergency powers without compromising the constitutional principles that were created during a period of normalcy In Part II Terrorism and Warfare the contributors assess how constitutions are interpreted during times of war focusing on the tension between individual rights and safety Part III Public Health Financial and Economic Crises considers how constitutions change in response to crises that are neither political in the conventional sense nor violent which also complicates how we evaluate constitutional resilience in times of stress Part IV Constitutionalism for Divided Societies then investigates the pressure on constitutions designed to govern diverse multi national populations and how constitutional structures can facilitate stability and balance in these states Part V titled Constitution Making and Constitutional Change highlights how constitutions are transformed or created anew during periods of tension The book concludes with a rich contextual discussion of the pressing challenges facing constitutions in moments of extreme pressure

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Sociological Constitutionalism Paul Blokker,Chris Thornhill,2017-10-12 This landmark book provides the first systematic overview of key research in the sociology of constitutions

Constitutionalism, Human Rights, and Islam After the Arab Spring Rainer Grote,Tilman J. Röder,Ali M. El-Haj,2016 Constitutionalism Human Rights and Islam after the Arab Spring offers a comprehensive analysis of the impact that new and draft constitutions and amendments such as those in Jordan Morocco Syria Egypt and Tunisia have had on the transformative processes that drive constitutionalism in Arab countries This book aims to identify and analyze the key issues facing constitutional law and democratic development in Islamic states and offers an in depth examination of the relevance of the transformation processes for the development and future of constitutionalism in Arab countries Using an encompassing and multi faceted approach this book explores underlying trends and currents that have been pivotal to the Arab Spring while identifying and providing a forward looking view of constitution making in the Arab world

Constitutional Change in the Contemporary Socialist World Ngoc Son Bui,2020 Comparative constitutional law has a long and distinguished history in intellectual thought and in the construction of public law As political actors and the people who create or modify their constitutional orders they often wish to learn from the experience and learning of others This cross fertilization and mutual interaction has only accelerated with the onset of globalization which has transformed the world into an interconnected web that facilitates dialogue and linkages across international and regional structures Oxford Comparative Constitutionalism seeks to publish scholarship of the highest quality in constitutional law that deepens our knowledge of local national regional and global phenomena through the lens of comparative public law

Book jacket

The Migration of Constitutional Ideas Sujit Choudhry,2007-01-18 The migration of constitutional ideas across jurisdictions is one of the central features of contemporary constitutional practice The increasing use of comparative

jurisprudence in interpreting constitutions is one example of this In this 2007 book leading figures in the study of comparative constitutionalism and comparative constitutional politics from North America Europe and Australia discuss the dynamic processes whereby constitutional systems influence each other They explore basic methodological questions which have thus far received little attention and examine the complex relationship between national and supranational constitutionalism an issue of considerable contemporary interest in Europe The migration of constitutional ideas is discussed from a variety of methodological perspectives comparative law comparative politics and cultural studies of law and contributors draw on case studies from a wide variety of jurisdictions Australia Hungary India South Africa the United Kingdom the United States and Canada *Comparative Constitutional Law* Mr. Rohit Manglik, 2024-03-04 EduGorilla Publication is a trusted name in the education sector committed to empowering learners with high quality study materials and resources Specializing in competitive exams and academic support EduGorilla provides comprehensive and well structured content tailored to meet the needs of students across various streams and levels

The Making of a German Constitution Margaret Barber Crosby, 2008-02-01 The Making of a German Constitution is one of the first books to explore the important place of the theory and practice of private law civil law in the transformation of Modern Germany's final constitutional arrangements Reading sources from early nineteenth century private law scholarship the book offers a thought provoking and novel understanding of German political development The author argues that the German idea of sovereignty grew out of a dual conception of law not only as the product of socio political transformation but also as a means to it In the short term a modern social and political system in Germany was attained through non violent means and the domestic authority of the Kaiser was severely limited by law However the exclusive bourgeois socio political arrangements that were installed in this era led to considerable discontent in German society particularly with regard to gender and class tensions The slow Bürgerliche Revolution thus contributed to the traumatic ruptures that mark German history in the first third of the twentieth century

Transitional Justice Ruti G. Teitel, 2002-03-28 At the century's end societies all over the world are throwing off the yoke of authoritarian rule and beginning to build democracies At any such time of radical change the question arises should a society punish its ancien regime or let bygones be bygones Transitional Justice takes this question to a new level with an interdisciplinary approach that challenges the very terms of the contemporary debate Ruti Teitel explores the recurring dilemma of how regimes should respond to evil rule arguing against the prevailing view favoring punishment yet contending that the law nevertheless plays a profound role in periods of radical change Pursuing a comparative and historical approach she presents a compelling analysis of constitutional legislative and administrative responses to injustice following political upheaval She proposes a new normative conception of justice one that is highly politicized offering glimmerings of the rule of law that in her view have become symbols of liberal transition Its challenge to the prevailing assumptions about transitional periods makes this timely and provocative book essential reading for policymakers and

scholars of revolution and new democracies **The Oxford Handbook of Comparative Constitutional Law** Michel Rosenfeld, András Sajó, 2012-05-17 A comprehensive reference resource on comparative constitutional law this title examines the history and development of the discipline its core concepts institutions rights and emerging trends Research Handbook on the Politics of Constitutional Law Mark Tushnet, Dmitry Kochenov, 2023-11-03 This Research Handbook deals with the politics of constitutional law around the world using both comparative and political analysis delivering global treatment of the politics of constitutional law across issues regions and legal systems Offering an innovative critical approach to an array of key concepts and topics this book will be a key resource for legal scholars and political science scholars Students with interests in law and politics constitutions legal theory and public policy will also find this a beneficial companion Constitutional Populism Martin Krygier, Adam Czarnota, Wojciech Sadurski, 2022-03-31 Explores a range of anti constitutionalist populist regimes identifying and analysing their causes characteristics and consequences

Authoritarian Liberalism and the Transformation of Modern Europe Michael A. Wilkinson, 2021 Oxford Constitutional Theory has rapidly established itself as the primary point of reference for theoretical reflections on the growing interest in constitutions and constitutional law in domestic regional and global contexts The majority of the works published in the series are monographs that advance new understandings of their subject But the series aims to provide a forum for further innovation in the field by also including well conceived edited collections that bring a variety of perspectives and disciplinary approaches to bear on specific themes in constitutional thought and by publishing English translations of leading monographs in constitutional theory that have originally been written in languages other than English Book jacket

Redefining Comparative Constitutional Law, 2024-11-20 Over the past two decades the field of comparative constitutional law has emerged as a major domain of scholarly inquiry It has also been a notable feature in judicial practice Many of the world s leading courts are now composed of at least some members who engage with comparative materials and thinking comparatively has developed into one of the most significant ways of engaging in constitutional analyses Redefining Comparative Constitutional Law Essays for Mark Tushnet reflects upon the field of comparative constitutional law Among the most prominent figures in the development of the field in its ongoing renaissance has been Mark Tushnet This book uses the occasion of Professor Tushnet s recent retirement from Harvard Law School to think critically about the field Each essay takes up one of Professor Tushnet s major recent themes which focuses on variations within liberal constitutionalism and the possibility of other forms of constitutionalism that find articulation under other political regimes In this book leading scholars contribute to the debate over the nature of the field including the role of empiricism and language discussions of democracy and entrenchment analyses of rights and courts consideration of constitutional design and explorations of the extent to which there are varieties of constitutionalism At a moment of renewed stress and political debate over the relationship between democracy and constitutionalism Redefining Comparative Constitutional Law Essays for Mark Tushnet offers timely insights

into comparative analyses of constitutional rights Academics and students alike will benefit from the essays that range across both methodological questions and substantive analysis in the development of constitutions throughout the globe

The Euro Crisis and Constitutional Pluralism Tomi Tuominen, 2021-06-25 This insightful book assesses the theory of constitutional pluralism in light of the events of the Eurozone crisis of the past decade Based on an analysis of how national courts reviewed the crisis response mechanisms and participated in the European level political process Tomi Tuominen argues that constitutional pluralism is not a valid normative theory of European constitutionalism

Towering Judges Rehan Abeyratne, Iddo Porat, 2021-03-25 This first of its kind volume surveys twenty constitutional judges who towered over their peers exploring their complexities and flaws

Asian Socialism & Legal Change John Gillespie, Pip Nicholson, 2005-08-01 The immense process of economic and social transformation currently underway in China and Vietnam is well known and extensively documented However less attention has been devoted to the process of Chinese and Vietnamese legal change which is nonetheless critical for the future politics society and economy of these two countries In a unique comparative approach that brings together indigenous and international experts Asian Socialism and Legal Change analyzes recent developments in the legal sphere in China and Vietnam This book presents the diversity and dynamism of this process in China and Vietnam the impact of socialism constitutionalism and Confucianism on legal development responses to change among enterprises and educational and legal institutions conflicts between change led centrally and locally and international influences on domestic legal institutions Core socialist ideas continue to shape society but have been adapted to local contexts and needs in some areas more radically than in others This book is the first systematic analysis of legal change in transitional economies

Handbook of Indigenous Public Policy Sheryl Lightfoot, Sarah Maddison, 2024-02-12 This ground breaking Handbook explores the key legal political and policy questions concerning the implementation of Indigenous rights across the world Expert contributors analyse the complex dynamics of contestation engagement advocacy and refusal between governments and Indigenous Peoples presenting a profound challenge to mainstream policy scholarship

Whispering the Strategies of Language: An Emotional Quest through **Constitutionalism In Transformation**

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