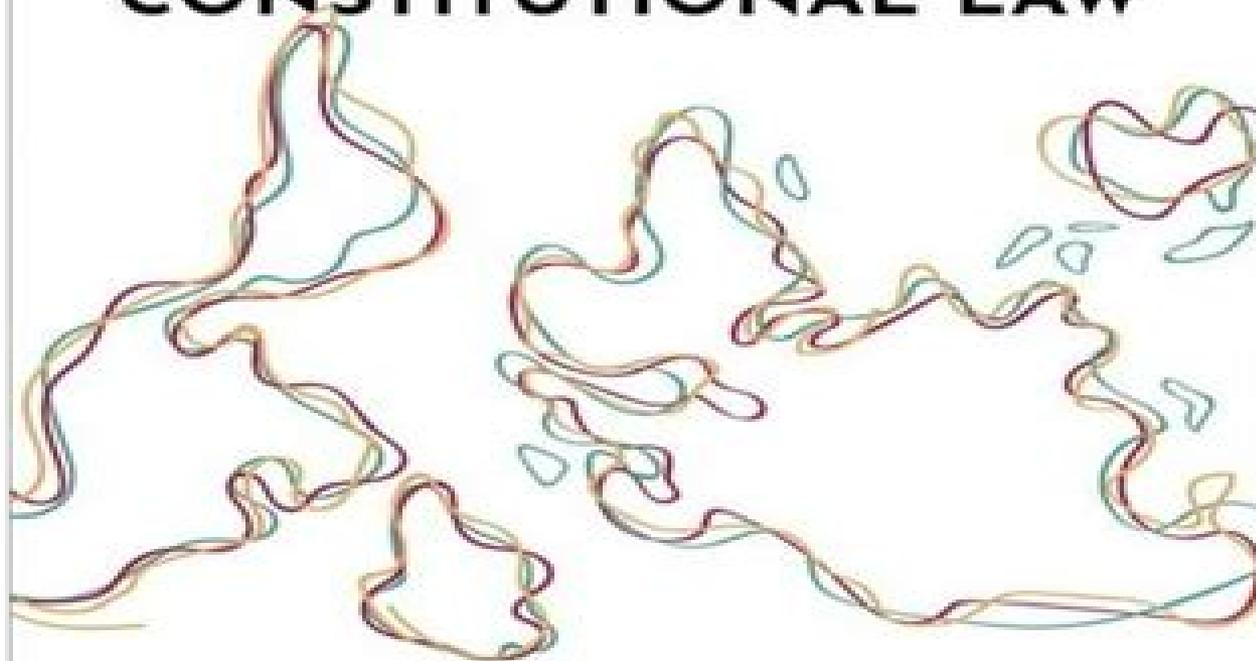


OXFORD COMPARATIVE CONSTITUTIONALISM

THE GLOBAL SOUTH AND COMPARATIVE CONSTITUTIONAL LAW



*Edited by
Philipp Dann, Michael Riegner,
and Maxim Bönnemann*

OXFORD

Comparative Constitutionalism

Tom Ginsburg, Rosalind Dixon



Comparative Constitutionalism:

Comparative Constitutionalism Norman Dorsen, Michel Rosenfeld, András Sajó, Susanne Baer, Susanna Mancini, 2016
This comparative constitutional law casebook offers a comprehensive and paradigmatic approach to the subject it examines how the vast increase in international movements of people capital goods ideas and information affect politics in and beyond nation states and how this influx affects the rule of law separation of powers and fundamental rights Indeed this casebook stands apart as it represents an international collaboration of legal scholars and allows for diversity of perspectives Utilizing case excerpts from at least 40 countries across every continent students will examine the assumptions choices and trade offs strategies and effects from decisions by constitutional courts and human rights tribunals throughout various legal systems and political contexts Moreover this book examines the different theories of constitutionalism and analyzes how constitutional democracies address similar issues in different institutional settings This third edition includes new material that speaks to current issues of pressing importance citizenship transnational constitutionalism authoritarian and illiberal constitutions collective rights and minorities Internet censorship religion in the public space mass surveillance and targeted killings Both teachers and students will appreciate the complete coverage of complex topics within a manageable size and format A comprehensive teacher s manual accompanies the casebook

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Comparative Constitutionalism Norman Dorsen, 2010

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engagement with the constitutive laws of others through the ages and exploring how and why comparative constitutional inquiry has been and ought to be pursued by academics and jurists worldwide Through an extensive exploration of comparative constitutional endeavours past and present near and far Hirschl shows how attitudes towards engagement with the constitutive laws of others reflect tensions between particularism and universalism as well as competing visions of who we are as a political community Drawing on insights from social theory religion history political science and public law Hirschl argues for an interdisciplinary approach to comparative constitutionalism that is methodologically and substantively preferable to merely doctrinal accounts The future of comparative constitutional studies he contends lies in relaxing the sharp divide between constitutional law and the social sciences Comparative Matters makes a unique and welcome contribution to the comparative study of constitutions and constitutionalism sharpening our understanding of the historical development political parameters epistemology and methodologies of one of the most intellectually vibrant areas in contemporary legal scholarship

The Global South and Comparative Constitutional Law Philipp Dann, Michael Riegner, Maxim Bönnemann, 2020-10-30 This volume makes a timely intervention into a field which is marked by a shift from unipolar to multipolar order and a pluralization of constitutional law It addresses the theoretical and epistemic foundations of Southern constitutionalism and discusses its distinctive themes such as transformative constitutionalism inequality access to justice and authoritarian legality This title has three goals First to pluralize the conversation around constitutional law While most scholarship focuses on liberal forms of Western constitutions this book attempts to take comparative law's promise to cover all major legal systems of the world seriously second to reflect critically on the epistemic framework and the distribution of epistemic powers in the scholarly community of comparative constitutional law third to reflect on and where necessary test the notion of the Global South in comparative constitutional law This book breaks down the theories themes and global picture of comparative constitutionalism in the Global South What emerges is a rich tapestry of constitutional experiences that pluralizes comparative constitutional law as both a discipline and a field of knowledge

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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

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rich and rapidly maturing field of comparative constitutional law Divided into sections on constitutional design and redesign identity structure individual rights and state duties courts and constitutional interpretation this comprehensive volume covers over 100 countries as well as a range of approaches to the boundaries of constitutional law While some chapters reference the text of legal instruments expressly labeled constitutional others focus on the idea of entrenchment or take a more functional approach Challenging the current boundaries of the field the contributors offer diverse perspectives cultural historical and institutional as well as suggestions for future research A unique and enlightening volume *Comparative Constitutional Law* is an essential resource for students and scholars of the subject

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