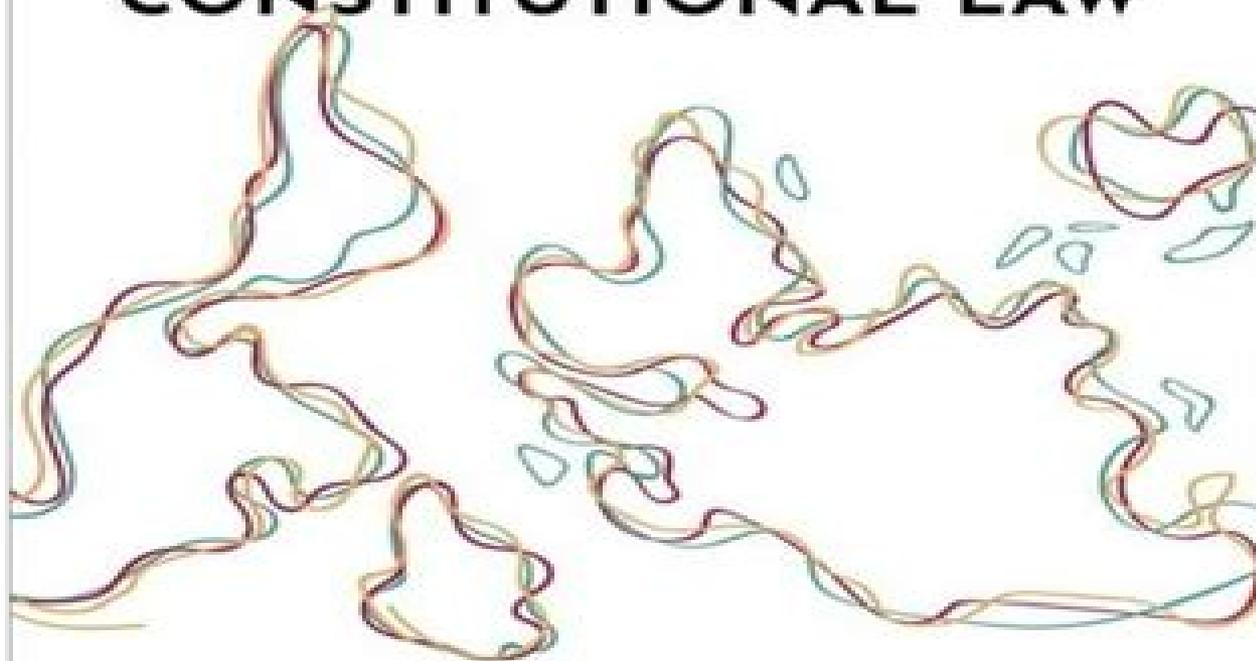


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THE GLOBAL SOUTH AND COMPARATIVE CONSTITUTIONAL LAW



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

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Comparative Constitutionalism

R Barnett



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

Comparative Constitutionalism A.V. Dicey, 2013-10 The Oxford Edition of Dicey provides sources with which to reassess the extraordinary authority and lasting influence of Dicey s canonical text Volume Two Comparative Constitutionalism provides a complement to Dicey s The Law of the Constitution These largely unpublished comparative constitutional lectures were written for different versions of a comparative constitutional book that Dicey began but did not finish prior to his death in 1922 The lectures were a pioneering venture into comparative constitutionalism and reveal an approach to legal education broader than Dicey is widely understood to have taken Topics discussed include English French American and Prussian constitutionalism the separation of powers representative government and federalism The volume begins with an editorial introduction examining the implications of these comparative lectures and Dicey s early foray into comparative constitutionalism for his general constitutional thought and the kinds of response it has elicited

Comparative Constitutionalism Norman Dorsen, 2010

Comparative Matters Ran Hirschl, 2014 Comparative study has emerged as the new frontier of constitutional law scholarship as well as an important aspect of constitutional adjudication Increasingly jurists scholars and constitution drafters worldwide are accepting that we are all comparativists now And yet despite this tremendous renaissance the comparative aspect of the enterprise as a method and a project remains under theorized and blurry Fundamental questions concerning the very meaning and purpose of comparative constitutional inquiry and how it is to be undertaken are seldom asked let alone answered In this path breaking book Ran Hirschl addresses this gap by charting the intellectual history and analytical underpinnings of comparative constitutional inquiry probing the various types aims and methodologies of

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

The Cambridge Companion to Comparative Constitutional Law Roger Masterman, Robert Schütze, 2019-10-03 Comparing constitutions allows us to consider the similarities and differences in forms of government as well as the normative philosophies behind constitutional choices The objective behind this Companion is to present the reader with a succinct yet wide ranging companion to a modern comparative constitutional law course

Comparative Constitutionalism Albert Venn Dicey, 2019 This volume makes available the full text of Dicey's two sets of lectures on the comparative study of constitutions It follows publishing schemes envisaged by Dicey and includes an detailed editorial introduction explaining Dicey's implications for constitutionalism in the UK and beyond

The Oxford Handbook of Comparative Constitutional Law Michel Rosenfeld, Andrés 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

The Language of Comparative Constitutional Law Erika Arban, Maartje De Visser, Jeong-In Yun, 2025-10-02 This volume is the first in depth collection to explore the impact of language on the field of comparative constitutional law It addresses the epistemological and conceptual implications of English as the lingua franca In this regard it considers the global influence of Anglophone jurisdictions in orienting the discourse through the identification of concepts designs and ideas that warrant engagement and exploration outside of those origin jurisdictions In doing so the book underscores that language is not a neutral device but can produce hegemonic pressures and expectations It further makes the role of language in conducting comparative constitutional law explicit so that its users can be more deliberate in their selection of foreign materials and are made conscious of the limitations of their findings due to language barriers The book calls for a reckoning with the rich constitutional vocabulary that non Anglophone jurisdictions have to offer to ensure a more holistic approach to the creation of knowledge It also emphasises the need for the contextualised study of constitutional phenomena to appreciate how these are shaped by linguistic choices In addition to raising awareness about language s significance as an epistemological conceptual and methodological device the volume also puts forward constructive tools and techniques to harness language s potential making it an indispensable resource for scholars students lawmakers and judges

Comparative Constitutional Law Tom Ginsburg, Rosalind Dixon, 2011-01-01 This landmark volume of specially commissioned original contributions by top international scholars organizes the issues and controversies of the

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

Comparative Constitutional Design Tom Ginsburg, 2012-02-27 This volume brings together essays by leading scholars of comparative constitutional design from myriad disciplinary perspectives The authors collectively assess what we know and don't know about the design process as well as particular institutional choices concerning executive power constitutional amendment processes and many other issues Bringing together positive and normative analysis it provides the state of the art in a field of growing theoretical and practical importance

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Constitutionalism in Context David S. Law, 2022-02-17 A broad ranging interdisciplinary and context rich exploration of the fields of constitutional studies and comparative constitutional law for research and teaching

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

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Comparative Constitutionalism K. B. Agrawal, Rajendra Kumar Raizada, 1990

Comparative Constitutional Theory Gary Jacobsohn, Miguel Schor, 2025-11-04 This thoroughly revised Second Edition provides a refreshed overview of comparative constitutional law and theory Expert authors investigate the recent proliferation of instances in which the practice of constitutionalism has been compromised by various forms of democratic erosion

Dorsen, Rosenfeld and Sajo's Comparative Constitutionalism Norman Dorsen, Michel Rosenfeld, Professor of Human Rights and Director Program on Global and Comparative Constitutional Theory Michel Rosenfeld, Judge Andras Sajo, Susanne Baer, 2010-05 This law school casebook examines how the vast increase in international movements of people capital goods ideas and information affect politics in and beyond nation states the rule of law and separation of powers and fundamental rights It contains case excerpts from at least 40 countries in all continents examining the assumptions choices and trade offs strategies and effects of decisions from constitutional courts and human rights tribunals in different legal systems and political contexts It discusses different theories of constitutionalism and how constitutional democracies address similar issues in different institutional settings The second edition newly covers the controversy concerning citations to foreign authorities in U S Supreme Court decisions as well as cases arising out of the war on terrorism including torture In particular there is new material on dignity gay marriage data protection pornography religious diversity and developments in social welfare

Western Constitutionalism Andrea Buratti, 2019-01-07 This innovative textbook provides an introduction into comparative constitutional law to undergraduate and graduate students Combining a clear and practical explanation of the topics with scientific knowledge the textbook analyzes the origins and the development of constitutional law in the Western world as well as the structure and transformations of constitutional law up to the present day It also examines the theoretical roots and the historical premises of constitutionalism and explores the foundation of constitutional law in Western countries since the Age of Revolutions and the 19th Century underlining the different constitutional traditions Furthermore the textbook describes the transformations of constitutional law brought about by the transition toward pluralistic societies and analyzes the political and legal features of constitutional democracies taking into consideration the lessons learned in several constitutional environments in contemporary states It also discusses the global expansion of the pattern of Western constitutionalism and the contemporary challenges in the age of globalization focusing on the development of a European constitutional space

Constitutionalism in Context David S. Law, 2022-02-17 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

The Top Books of the Year Comparative Constitutionalism The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous engrossing novels captivating the hearts of readers worldwide. Lets delve into the realm of top-selling books, exploring the fascinating narratives that have charmed audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This poignant tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can succeed. Uncover the Best : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens weaves a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of captivating stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a exceptional and gripping novel that will keep you wondering until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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