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Political Theory Of The Constitution

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Constitutions and Political Theory Jan-Erik Lane, 1996 Jan Erik Lane begins by examining the origins and history of constitutionalism the doctrine that the state must be regulated by means of a set of institutions that guarantee citizen rights and procedural accountability. He then examines the structure of the state in order to identify the essential elements that constitutional institutions regulate Lane asks why constitutions exist and how they matter for society Finally he seeks out the requirements for a fair and democratic constitution by referring to three key concepts in political theory justice equality and the rule of law The book also offers a comparative survey of formal constitutional arrangements in different countries and an analysis of how constitutions develop in practice through the implementation of constitutional and administrative law in a Political Theory of the Constitution (Miller Center Bicentennial Series on Constitutionalism) Kenneth W. Thompson, 1990-02-16 Originally prepared as lectures arranged by the Miller Center The Constitution as Political Structure Martin H. Redish, 1995 Over the last forty years modern constitutional scholarship has concentrated on an analysis of rights while principles of constitutional law concerning the structure of government have been largely down played The irony of this interpretive emphasis is that the body of the Constitution contains relatively little dealing directly with rights Rather it is primarily a blueprint for the establishment of a complex form of federal democratic structure The Constitution as Political Structure emphasizes the central role served by the structural portions of the Constitution Redish argues that these structural values were designed to provide the framework in which our rights based system may flourish and that judicial abandonment of these structural values threatens the very foundations of American political theory In its exposition of the textual and theoretical rationales for judicial enforcement of the structural values embodied in the Constitution this book presents a principled alternative to the extremes of judicial abdication articulated by certain scholars and Justices on the one hand and the result oriented ideological involvement advocated in some quarters on the other This work will be of great interest to scholars of law and political science Politics, Democracy, and the Supreme Court Arthur Selwyn Miller, 1985-09-17 Miller proposes that we focus our energies on the question of how the Constitution is to function in an era of rapid and fundamental social change He introduces this provocative collection of essays with the observation that American constitutional theory has arrived at a dead end largely because it has been perceived as constitutional law rather than a form of political theory He puts this view into sharp perspective by looking at what are in effect three constitutions the political the economic and the emergent corporate instrument He analyzes important issues that confront the Supreme Court policymakers and theorists such as the expansion of government control the Court as a political mechanism the power of corporations politics and the First Amendment the challenge of nuclear weapons and questions relating to social justice including equal protection and the right to employment The Political Theory of a Compound Republic Vincent Ostrom, Barbara Allen, 2007-11-29 The Political Theory of a Compound Republic examines the

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its presuppositions and to contested political issues such as the rights of the enemies of the state the constitutional status of the state of emergency citizenship rights and challenges of European integration His writings have shaped not only academic but also wider public debates from the 1950s to the present to an extent that few European scholars can match As a federal constitutional judge and thus holder of one the most important and most trusted public offices B ckenf rde has influenced the way in which academics and citizens think about law and politics During his tenure as a member of the Second Senate of the Federal Constitutional Court several path breaking decisions for the Federal Republic of Germany were handed down including decisions pertaining to the deployment of missiles the law on political parties the regulation of abortion and the process of European integration In the first representative edition in English of B ckenf rde s writings this volume brings together his essays on constitutional and political theory. The volume is organized in four sections focusing respectively on I the political theory of the state II constitutional theory III constitutional norms and fundamental rights and IV the relation between state citizenship and political autonomy Each of these feature introductions to the articles as well as a running editorial commentary to the work A second volume will follow this collection focusing on the relation between religion law and democracy A companion volume entitled Religion Law and Democracy is also being published Constitutional and Political Theory Ernst-Wolfgang Böckenförde, 2017 In this comprehensive edition of Ernst Wolfgang Böckenförde s definitive work in constitutionalism law and politics readers have access to the legal discourse of one of Germany's leading contemporary theorists and former judge of the federal constitutional court available in the English language for the first Political Theory and the European Constitution Lynn Dobson, Andreas Follesdal, 2004-08-02 In June 2003 the time Convention on the Future of Europe released what may become the Constitution of the European Union This timely volume provides one of the first critical assessments of the draft Constitution from the vantage point of political theory. The work combines detailed institutional analysis with normative political theory bringing theoretical analysis to bear on the pressing issues of institutional design answered or bypassed by the draft Constitution It addresses several themes that play out differently in federal arrangements than in unitary political orders European values especially the legitimate role of alleged common values liberty and powers how does the draft Constitution address competing normative preferences the European interest the noble words regarding common European objectives and values are often muddled or conflated different actors intending quite different things Several chapters contribute to clarifying the different senses of these terms

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