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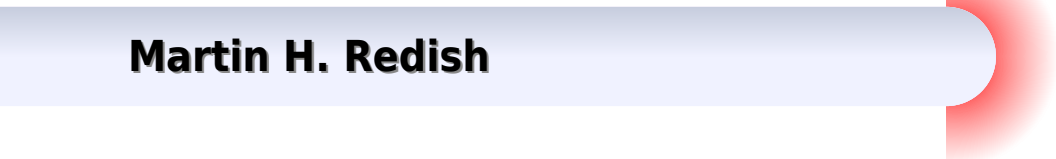
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# Political Theory Of The Constitution

**Martin H. Redish**



## **Political Theory Of The Constitution:**

**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 country s courts

**The Political Theory of the Constitution** Kenneth W. Thompson, 1990-01-30 The tragedies in Tiananmen Square in China and the resurgence of human rights in countries such as Poland and Hungary have rekindled interest in the foundations of American constitutionalism This volume is intended to invite or renew attention to certain recurrent issues and questions addressed by political and legal theorists of constitutionalism It revisits the lives and especially the intellectual histories of some of the founders in order to establish the need for such thinking This volume s three parts include sections on political theory and the founding political and legal theorists and problems Among its contributors are Neal Riemer Robert J Morgan Russell Amos Kirk Calvin Woodard Daniel G Lang Garrett Ward Sheldon Robert A Rutland Norman Graebner and William Lee Miller Its aim is to inspire young scholars and writers to reconsider more traditional concepts and propositions that political and legal theorists once saw as central to their discipline

**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

*The Political Theory of a Compound Republic* Vincent Ostrom, Barbara Allen, 2007-11-29 The Political Theory of a Compound Republic examines the foundation of American constitutional design expressed in the Federalist Through meticulous textual analysis the logical principles of

federalism the extended and compound republic envisioned by James Madison and Alexander Hamilton are revealed as thirteen propositions broadly applicable to any effort to design the institutions of a self governing polity The final chapters expanded and revised by Vincent Ostrom and Barbara Allen turn to the American experiment in constitutional choice at the threshold of the twenty first century In this revised edition Ostrom and Allen consider the continuing story of federal institutional development by focusing on two current concerns the imperial presidency and the ideal of universal human rights This third revised and expanded edition of The Political Theory of a Compound Republic continues to be of interest to scholars of federalism institutional analysis and development political economy and public choice and students of the American founding It is also useful in undergraduate and graduate courses on American government and political thought

The Political Theory of a Compound Republic Vincent Ostrom, 1987      **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      **Constitutional and Political Theory** Ernst-Wolfgang Böckenförde, 2017-01-26 Ernst Wolfgang Böckenförde 1930 is one of Europe's foremost legal scholars and political thinkers As a scholar of constitutional law and a judge on Germany's Federal Constitutional Court December 1983 May 1996 Böckenförde has been a major contributor to contemporary debates in legal and political theory to the conceptual framework of the modern state and its presuppositions and to contested political and ethical problems Thus 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 holder of one of the most important and most trusted public offices Böckenförde 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 Böckenförde's writings this volume brings together his essays on constitutional and political theory These include political theory of the state constitutional theory constitutional norms and fundamental rights the relationship between state citizenship and political autonomy Each of these cornerstones of Böckenförde's legal and political thinking feature introductions to the

articles as well as a running editorial commentary to the work A second volume will follow this collection focusing on religion law and democracy

**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 time

*Constitutions and Political Theory* Jan-Erik Lane, 2011-08-15 Since constitutional arrangements are what make politics work they are a central concern of political theory This book now completely updated is the first comprehensive exploration of the political theory of constitutions Jan Erik Lane begins by examining the origins and history of constitutionalism and answers key questions such as What is a constitution Why are there constitutions From where does constitutionalism originate How is the constitutional state related to democracy and justice Constitutions play a major role in domestic and international politics in the early 21st century and an updated version of this classic textbook will introduce students to a number of different areas theoretical empirical and moral which will aid their understanding of this important topic

*Classics of American Political and Constitutional Thought* Scott J. Hammond, Kevin R. Hardwick, Howard Leslie Lubert, 2007 This two volume set is a comprehensive collection of primary source readings in American political theory and constitutional thought

**Democratic Theories and the Constitution** Martin Edelman, 1985-06-30 Although the government of the United States is traditionally viewed as a democracy there is considerable disagreement about what democracy means and implies In a comprehensive study Professor Edelman examines the three democratic paradigms most prevalent in America today natural rights contract and competition Theories based on these paradigms lead to different ideas of democracy each of which yields variant interpretations of the Constitution This close relationship between democratic theories and constitutional interpretations is analyzed in an extensive historical introduction which focuses on some of the major thinkers in American history Edelman's discussion shows that neither the Constitution nor the development of American political thought can serve as an authoritative basis for any one theory of democracy Instead of a particular theory the historical constant was an appeal to reason inherent in our basic charter In his methodological section Edelman argues that we must use reason to clarify the latent values inherent in the differing concepts of democracy and the consequences that flow from them He analyzes judicial ideas in the light of three concepts deemed central to any democratic theory citizenship political participation and political freedom and concludes with a balanced account of contemporary democratic theories the constitutional theories related to them and a critique of both

**The political theory of the Irish Constitution** Eoin Daly, Tom Hickey, 2015-07-01 The political theory of the Irish Constitution considers Irish constitutional law and the Irish constitutional tradition from the perspective of Republican theory It analyses the central devices and doctrines of the Irish Constitution popular sovereignty constitutional rights and judicial review in light of Republican concepts of citizenship and civic virtue The Constitution it will argue can be understood as a framework for promoting

popular participation in government as much as a mechanism for protecting individual liberties It will be of interest to students and researchers in Irish politics political theory and constitutional law and to all those interested in political reform and public philosophy in Ireland

**The Political Theory of a Compound Republic** Vincent Ostrom, 2008-01-01 The Political Theory of a Compound Republic examines the foundation of American constitutional design expressed in the *Federalist* Through meticulous textual analysis the logical principles of federalism\_ the extended and compound republic envisioned by James Madison and Alexander Hamilton\_ are revealed as thirteen propositions broadly applicable to any effort to design the institutions of a self governing polity The final chapters expanded and revised by Vincent Ostrom and Barbara Allen turn to the American experiment in constitutional choice at the threshold of the twenty first century In this revised edition Ostrom and Allen consider the continuing story of federal institutional development by focusing on two current concerns the imperial presidency and the ideal of universal human rights This third revised and expanded edition of The Political Theory of a Compound Republic continues to be of interest to scholars of federalism institutional analysis and development political economy and public choice and students of the American founding It is also useful in undergraduate and graduate courses on American government and political thought

*Law, Politics, and the Constitution* Antonia Geisler, Michael Hein, Siri Hummel, 2014 The fourth Yearbook of the Central and Eastern European Forum of Young Legal Political and Social Theorists reassesses central concepts of modern constitutionalism between the poles of law and politics separation of powers constitutional review and constitutional rights and obligations Fourteen legal scholars and political scientists from the region contribute to interrelated debates in both disciplines Two questions are particularly raised How can the aforementioned concepts be understood And Which role do they play in current national and supra national institutions With regard to the second question an essential part of the chapters focuses on current developments within the European Union and in post socialist states of Central and Eastern Europe

**The American Constitution and the Debate Over Originalism** Dennis J. Goldford, 2005-04-25 This is a work of constitutional theory that explores the nature of American constitutional interpretation through a reconsideration of the long standing debate between the interpretive theories of originalism and nonoriginalism The book presents the novel argument that a critique of the underlying premises of originalism dissolves not just originalism but nonoriginalism as well which leads to the recognition that constitutional interpretation is already and always structured By their fidelity to the Constitution Americans are a textual people in that they live in and through the terms of a fundamental text On the basis of this central idea the book presents a new understanding of constitutional interpretation and an innovative account of the democratic legitimacy and binding capacity of the Constitution

Encyclopedia of Political Theory Mark Bevir, 2010-03-18 Looking at the roots of contemporary political theory this three volume set examines the global landscape of all the key theories and the theorists behind them and provides concise to the point definitions of key concepts ideas schools and figures

The Oxford Handbook of Comparative Political

Theory Leigh K. Jenco, Murad Idris, Megan C. Thomas, 2019-12-01 Increased flows of people capital and ideas across geographic borders raise urgent challenges to the existing terms and practices of politics Comparative political theory seeks to devise new intellectual frames for addressing these challenges by questioning the canonical that is Euro American categories that have historically shaped inquiry in political theory and other disciplines It does this by analyzing normative claims discursive structures and formations of power in and from all parts of the world By looking to alternative bodies of thought and experience as well as the terms we might use to critically examine them comparative political theory encourages self reflexivity about the premises of normative ideas and articulates new possibilities for political theory and practice The Oxford Handbook of Comparative Political Theory provides an entry point into this burgeoning field by both synthesizing and challenging the terms which motivate it Over the course of five thematic sections and thirty three chapters this volume surveys the field and archives of comparative political theory bringing the many approaches to the field into conversation for the first time Sections address geographic location as a subject of political theorizing how the past becomes a key site for staking political claims the politics of translation and appropriation the justification of political authority and questions of disciplinary commitment and rules of knowledge Ultimately the handbook demonstrates how mainstream political theory can and must be enriched through attention to genuinely global rather than parochially Euro American contributions to political thinking

*Political Science and Comparative Constitutional Law* John William Burgess, 1890 Mr Homer has always wanted to be a horse and persuades his good friend Mr Henry to help him become one

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