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enduring scholarly work which gives an English speaking audience important and overdue access to the long standing and forever vigorous traditions of European constitutional law unhesitatingly recommend ed European Law Journal real scholarship in the profound sense of the word K Lenaerts Professor of European Law Leuven The 'Militant Democracy' **Principle in Modern Democracies** Markus Thiel, 2016-02-17 This collection provides an up to date analysis of key country approaches to Militant Democracy Featuring contributions from some of the key people working in this area including Mark Tushnet and Helen Irving each chapter presents a stocktaking of the legal measures to protect the democracy against its enemies within In addition to providing a description of the country's view of Militant Democracy and the current situation it also examines the legal and political provisions to defend the democratic structure against attacks. The discussion also presents proposals for the development of the Militant Democracy principle or its alternatives in policy and legal practice In the final chapter the editor compares the different arrangements and formulates a minimum consensus as to what measures are indispensable to protect a democracy Highly topical this book is a valuable resource for students academics and policy makers concerned with democratic principles Law and Gender in Modern Ireland Lynsey Black, Peter Dunne, 2019-02-21 Law and Gender in Modern Ireland Critique and Reform is the first generalist text to tackle the intersection of law and gender in this jurisdiction for over two decades As such it could hardly have come at a more opportune moment The topic of law and gender perhaps more so than at any other time in Irish history has assumed a dominant place in political and academic debate Among scholars and policy makers alike the regulation of gendered bodies and the legal status of sexual and gendered identities is now a highly visible fault line in public discourse Debates over reproductive justice exemplified by the recent referendum to remove the 8th Amendment increased rights for lesbian gay bisexual and transgender persons including the public sanctioned introduction of same sex marriage and the historic mistreatment of women and young girls have re shaped Irish public and political life and encouraged Irish society to re examine long unchallenged gender norms While many traditional flashpoints remain such as abortion and prostitution sex work there are also new questions including surrogacy and the gendered experience of asylum frameworks which have emerged As policy makers seek to enact reforms they face a population with increasingly polarised perceptions of gender and a legal structure ill equipped for modern realities This edited volume directly addresses modern Irish debates on law and gender Providing an overview of the existing rules and standards as well as exploring possible options for reform the collection stands as an important statement on the law in this jurisdiction and as an invaluable resource for pursuing gendered social change While the edited collection applies a doctrinal methodology to explain current statutes case law and administrative practices the contributors also invoke critical gender queer and race perspectives to identify and problematise existing and potential challenges This edited collection is essential reading for all who are interested in law gender and processes of social change in modern Ireland A Modern Chinese Journey to the West Ulric Killion, 2006 This book begins and perhaps should end with an excerpt from the writings

of the late eminent Chinese scholar Fung Yu lan or Feng Youlan 1895 1990 who wrote The ancient Chinese culture is an inherent factor determining the Chinese style If the latter enunciation of Fung Yu lan stirs one s interest in Chinese culture for the typical reasons such as an interest in ancient periods of China romanticism which focuses on the exotic and mysterious for example Zen Buddhism and Taoism or simply as the source of exotic objets d art then all the better Because for a typical Westerner bound in Western conventionalism and parochialism engendering an understanding of the policies and practices of the People's Republic of China China necessitates understanding a modern China in light of Chinese traditional culture or philosophy or a China in antiquity The consequence of Chinese traditional culture affects many political economy concerns of modern China ranging from socio economic political to international trade and other concerns Indeed philosophical antecedents influence modern Chinese policies and practices Nullification and Secession in Modern Constitutional Thought Sanford Levinson, 2016-09-09 The Missouri legislature passes a bill to flout federal gun control laws it deems unconstitutional Texas refuses to recognize same sex marriages citing the state s sovereignty The Tenth Amendment Center promotes the Federal Health Care Nullification Act In these and many other similar instances the spirit of nullification is seeing a resurgence in an ever more politically fragmented and decentralized America What this means in legal cultural and historical terms is the question explored in Nullification and Secession in Modern Constitutional Thought Bringing together a number of distinguished scholars the book offers a variety of informed perspectives on what editor Sanford Levinson terms neo nullification a category that extends from formal declarations on the invalidity of federal law to what might be called uncooperative federalism Mark Tushnet Mark Graber James Read Jared Goldstein Vicki Jackson and Alison La Croix are among the contributors who consider a strain of federalism stretching from the framing of the Constitution to the state of Texas s most recent threat to secede from the United States The authors look at the theory and practice of nullification and secession here and abroad discussing how contemporary advocates use the text and history of the Constitution to make their cases and how very different texts and histories influence such movements outside of the United States in Scotland for instance or Catalonia or Quebec or even England vis vis the European Union Together these essays provide a nuanced account of the practical and philosophical implications of a concept that has marked America's troubled times from the build up to the Civil War to the struggle over civil rights to battles over the Second Amendment and Legitimization in World Society Professor Aldo Mascareño, Professor Kathya Araujo, 2012-11-01 Emerging Obamacare traits of late global modernity such as transnationalism multiculturalism individualization and supranational contexts of action raise the question of what holds society together Responses have typically made reference to legitimization but the modern world presents challenges to such responses for in such a differentiated globalized setting legitimization can no longer appeal to the previous national ideological or religious foundations of early modernity From a variety of theoretical and empirical perspectives this book explores the manner in which legitimization can be constructed by people groups or

institutions under the contemporary pressures and possibilities of modern world society Drawing on cosmopolitan theory postcolonial sociology systems theory and historical sociology it engages with questions of human rights processes of individualization and the constitution of transnational spaces in its examination of the challenges to legitimization As such it will be of interest to scholars of sociology political science and social and legal theory concerned with questions of globalization and the problems of social cohesion and legitimacy On Contemporary Chinese Legal System Xiaobo Dong, Yafang Zhang, 2023-05-19 This book delivers a comprehensive insightful and updated analytic description of contemporary Chinese legal system From a macro perspective it presents both theoretically and empirically the evolution of Chinese law describing its distinctive features comparing it with other experiences across the world and exploring the influence of economic social cultural and technological factors thereon From a micro perspective based on the latest laws and regulations so promulgated and relevant research this book briefly summarizes the basic theories and knowledge of existing law in the PRC including the Constitution civil law criminal law administrative law procedural law intellectual property law economic law etc With this book not only law students lawyers and those who have a background in Chinese law but also general readers can catch a penetrating glimpse into the fast changing Chinese legal system Constitution and Public Policy in U. S. History Julian E. Zelizer, Bruce J. Schulman, 2010-11-01 Decision Making by the Modern Supreme Court Richard L. Pacelle, Jr, Brett W. Curry, Bryan W. Marshall, 2011-06-13 There are three general models of Supreme Court decision making the legal model the attitudinal model and the strategic model But each is somewhat incomplete This book advances an integrated model of Supreme Court decision making that incorporates variables from each of the three models In examining the modern Supreme Court since Brown v Board of Education the book argues that decisions are a function of the sincere preferences of the justices the nature of precedent and the development of the particular issue as well as separation of powers and the potential constraints posed by the president and Congress To test this model the authors examine all full signed civil liberties and economic cases decisions in the 1953 2000 period Decision Making by the Modern Supreme Court argues and the results confirm that judicial decision making is more nuanced than the attitudinal or legal models have argued in the past On the Constitutionality of Compiling a Civil Code of China Zhu Wang, 2019-11-15 This book explains the urgent necessity to compile a Civil Code and calls for constitutional awareness in compiling that Civil Code highlighting the need for it to be done in a democratic and scientific manner It advocates Pragmatic Methods as a new approach to compiling a Civil Code of China and shares the author s thoughts on the constitutionality of compiling a Civil Code explains the object that is to be judged in terms of its constitutionality and the constitutionality of legal interpretation of legislative procedures and of legal application The book also illustrates the author's mode of the codifying of non basic laws for compiling a Civil Code and includes a detailed discussion on compiling a Civil Code to reveal how many valid laws there are China a matter that is of vital importance to the compilation of the Civil Code The Appendix includes statistics on the

number of civil cases classified according to causes of actions based on Judicial Opinions of China website which is the first step of the author's plan to investigate civil customs reflected in judgment documents with the help of big data analytical methods Modern Constitutions Rogers M. Smith, Richard R. Beeman, 2020-08-14 More than two millennia ago Aristotle is said to have compiled a collection of ancient constitutions that informed his studies of politics For Aristotle constitutions largely distilled and described the varied and distinctive patterns of political life established over time What constitutionalism has come to mean in the modern era on the other hand originates chiefly in the late eighteenth century and primarily with the U S Constitution written in 1787 and made effective in 1789 and the various French constitutions that first appeared in 1791 In the last half century more than 130 nations have adopted new constitutions half of those within the last twenty years These new constitutions are devoted to many of the same goals found in the U S Constitution the rule of law representative self government and protection of rights But by canvassing constitutional developments at the national and state level in the United States alongside modern constitutions in Eastern and Western Europe Africa and Asia the contributors to Modern Constitutions all leading scholars of constitutionalism show that modern constitutions often seek to protect social rights and to establish representative institutions forms of federalism and courts charged with constitutional review that depart from or go far beyond the seminal U S example Partly because of their innovations however many modern constitutional systems now confront mounting authoritarian pressures that put fundamental commitments to the rule of law in jeopardy The contributions in this volume collectively provide a measure of guidance for the challenges and prospects of modern constitutions in the rapidly changing political world of the twenty first century Contributors Richard R Beeman Valerie Bunce Tom Ginsburg Heinz Klug David S Law Sanford Levinson Jaime Lluch Christopher McCrudden Kim Lane Scheppele Rogers M Smith Mila Versteeg Emily Zackin **The Antebellum Origins of the Modern Constitution Simon J.** Gilhooley, 2020-10-29 This book argues that conflicts over slavery and abolition in the early American Republic generated a mode of constitutional interpretation that remains powerful today the belief that the historical spirit of founding holds authority over the current moment Simon J Gilhooley traces how debates around the existence of slavery in the District of Columbia gave rise to the articulation of this constitutional interpretation which constrained the radical potential of the constitutional text To reconstruct the origins of this interpretation Gilhooley draws on rich sources that include historical newspapers pamphlets and congressional debates Examining free black activism in the North Abolitionism in the 1830s and the evolution of pro slavery thought this book shows how in navigating the existence of slavery in the District and the fundamental constitutional issue of the enslaved s personhood Antebellum opponents of abolition came to promote an enduring but constraining constitutional imaginary Detention in the 'War on Terror' Fiona de Londras, 2011-07-28 In this book Fiona de Londras presents an overview of counter terrorist detention in the US and the UK and the attempts by both states to achieve a downward recalibration of international human rights standards as they apply in an emergency Arguing

that the design and implementation of this policy has been greatly influenced by both popular and manufactured panic Detention in the War on Terror addresses counter terrorist detention through an original analytic framework In contrast to domestic law in the US and UK de Londras argues that international human rights law has generally resisted the challenge to the right to be free from arbitrary detention largely because of its relative insulation from counter terrorist panic She argues that this resilience gradually emboldened superior courts in the US and UK to resist repressive detention laws and policies and insist upon greater rights protection for suspected terrorists **Abusive Constitutional Borrowing Rosalind** Dixon, David E. Landau, 2021 Law is fast globalizing as a field and many lawyers judges and political leaders are engaged in a process of comparative borrowing But this new form of legal globalization has darksides it is not just a source of inspiration for those seeking to strengthen and improve democratic institutions and policies It is increasingly an inspiration and legitimation device for those seeking to erode democracy by stealth under the guise of a form of faux liberal democratic cover Abusive Constitutional Borrowing Legal globalization and the subversion of liberal democracy outlines this phenomenon how it succeeds and what we can do to prevent it This book address current patterns of democratic retrenchment and explores its multiple variants and technologies considering the role of legitimating ideologies that help support different modes of abusive constitutionalism An important contribution to both legal and political scholarship this book will of interest to all those working in the legal and political disciplines of public law constitutional theory political theory and political science Political Ideas in Modern India Project of History of Indian Science, Philosophy, and Culture, 2006-03-31 The volumes of the Project on the History of Science Philosophy and Culture in Indian Civilization aim at discovering the main aspects of India s heritage and present them in an interrelated way In Political Ideas in Modern India an outstanding group of social and political theorists offers a creative reinterpretation of the ideas and principles that have shaped modern Indian society and state The ideas interpreted or analysed include rights freedoms equality social justice constitutional rule swaraj swadeshi satyagraha class war socialism Hindutva Hind Swaraj syncretic culture composite nationalism and international peace and justice

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