



# Constitutions, Security, and the Rule of Law

Sudha Setty, Editor



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# Constitutions Security And The Rule Of Law

**Ganesh Sitaraman**



## **Constitutions Security And The Rule Of Law:**

**Constitutions, Security, and the Rule of Law** Sudha N. Setty, 2014 This book offers diverse international perspectives on how the rule of law shifts in times of emergency and the resultant heightened threats to security It addresses issues of individual rights within the context of questioning how government works and ought to work in light of serious security concerns thereby enabling readers to understand how national security concerns have distorted constitutions and impinged on human and civil rights Five thematic sections examine how different constitutional structures handle security concerns what parts of government determine security measures and their limits what constraints supranational and international law place on individual nations in regards to security what the public has a right to know in times of heightened security what rights the public can exercise in times of heightened security and how citizens can hold government accountable for protecting these rights

The Counterinsurgent's Constitution Ganesh Sitaraman, 2013 Since the surge in Iraq in 2006 counterinsurgency effectively became America's dominant approach for fighting wars Yet many of the major controversies and debates surrounding counterinsurgency have turned not on military questions but on legal ones Who can the military attack with drones Is the occupation of Iraq legitimate What tradeoffs should the military make between self protection and civilian casualties What is the right framework for negotiating with the Taliban How can we build the rule of law in Afghanistan The Counterinsurgent's Constitution tackles this wide range of legal issues from the vantage point of counterinsurgency strategy Ganesh Sitaraman explains why law matters in counterinsurgency how it operates on the ground and how law and counterinsurgency strategy can be better integrated Counterinsurgency Sitaraman notes focuses on winning over the population providing essential services building political and legal institutions and fostering economic development So unlike in conventional war where law places humanitarian restraints on combat law and counterinsurgency are well aligned and reinforce one another Indeed following the law and building the rule of law is not just the right thing to do it is strategically beneficial Moreover reconciliation with enemies can both help to end the conflict and preserve the possibility of justice for war crimes Following the rule of law is an important element of success The first book on law and counterinsurgency strategy The Counterinsurgent's Constitution seamlessly integrates law and military strategy to illuminate some of the most pressing issues in warfare and the transition from war to peace Its lessons also apply to conflicts in Libya and other hot spots in the Middle East

*Introduction to the Study of the Law of the Constitution* Albert Venn Dicey, 1915

The National Security Constitution Paul F Scott, 2018-05-17 This book addresses the various ways in which modern approaches to the protection of national security have impacted upon the constitutional order of the United Kingdom It outlines and assesses the constitutional significance of the three primary elements of the United Kingdom's response to the possibility of terrorism and other phenomena that threaten the security of the state the body of counter terrorism legislation that has grown up in the last decade and a half the evolving law of investigatory powers and to the extent relevant to the

domestic constitution the law and practice governing international military action and co operation Following on from this the author demonstrates that considerations of national security as a good to be protected and promoted in contemporary Britain are reflected not merely in the existence of discrete bodies of law by which it is protected at home and abroad but simultaneously and increasingly leaked into other areas of public law Elements of the constitution which are not directly and inherently linked to national security nevertheless become by both accident and design implicated in the state s national security endeavours with significant and at times far reaching consequences for the constitutional order generally A renewed and strengthened concern for national security since September 2001 has it is argued dragged into its orbit a variety of constitutional phenomena and altered them in its image giving rise to what we might call a national security constitution

**The Constitution of the Criminal Law** R. A. Duff,Lindsay Farmer,S. E. Marshall,Massimo Renzo,Victor Tadros,2013-01-31 The third book in the Criminalization series examines the constitutionalization of criminal law It considers how the criminal law is constituted through the political processes of the state how the agents of the criminal law can be answerable to it themselves and finally how the criminal law can be constituted as part of the international order Addressing the ways in which and the grounds on which types of conduct can be justifiably criminalized the first four chapters of this volume focus on the questions that arise from a consideration of the political constitution of the criminal law The contributors then turn their attention to the role of the state its institutions and officials and their role not only as creators enactors interpreters and enforcers of the criminal law but also as subjects of it How can the agents of the criminal law also be answerable to it Finally discussion turns to how the criminal law can be constituted as part of an international order Examining the relationships between domestic laws of different nation states and between domestic criminal law and international or transnational law the chapters also look at the authority and jurisdiction of international criminal law itself and its relationship to other dimensions of the international order A vital examination of one of the most important topics in modern criminal legal theory this volume raises new questions central to the study of the criminal law and offers new suggestions for addressing them

**World Constitutions** Bhagwan Vishnoo,Rajani R Shirur,Bhushan Vidya,1997

**Private Law and the Rule of Law** Lisa M Austin,Dennis Klimchuk,2014-12-18 The rule of law is widely perceived to be a public law doctrine concerned with the way in which governmental authority conforms to the dictates of law The goal of this book is to challenge this presumption The chapters in this volume all consider the idea that the rule of law concerns the nature of law generally and the conditions under which any relationship that among citizens as well as that between citizens and the state becomes subject to law Addressing two major questions they ask if our understanding of the rule of law is enriched by considering how and to what degree it is expressed or realized in private law and whether our understanding of the private law is enriched by adding the principles of the rule of law to the traditional list of core private law concepts Bringing together leading philosophers of private and public law this volume examines key questions in a little explored field

and will be essential reading for all those interested in the rule of law and in private law theory *The Israeli Constitution* Gideon Sapir, 2018-07-26 Israeli constitutional law is a sphere of many contradictions and traditions Growing out of British law absorbed by the legal system of Mandate Palestine Israeli constitutional law has followed the path of constitutional law based on unwritten constitutional principles This book evaluates the development of the Israeli constitution from an unwritten British style body of law to the declaration of the Basic Laws as the de facto Israeli constitution by the supreme court and on through the present day The book is divided into a chronological history devoted to a description of the process of establishing a constitution and a thematic one devoted to the review and evaluation of major constitutional issues that are also the subject of discussion and research in other countries with emphasis on the unique characteristics of the Israeli case

**The Law of the Constitution** A.V. Dicey, 2013-10 In print for the first time in fifty years The Oxford Edition of Dicey faithfully reproduces the first edition of Dicey's most influential work This volume also includes the main addenda for the other editions and the text of Dicey's inaugural lecture *Afghanistan Constitution and Citizenship Law Handboook - Strategic Information and Basic Laws* IBP, Inc, 2013-04-04 Afghanistan Constitution and Citizenship Laws Handbook Strategic Information and Basic Laws *Constitution Making during State Building* Joanne Wallis, 2014-09-15 How can fragmented divided societies that are not immediately compatible with centralised statehood best adjust to state structures This book employs both comparative constitutional law and comparative politics as it proposes the idea of a constituent process whereby public participation in constitution making plays a positive role in state building This can help to foster a sense of political community and produce a constitution that enhances the legitimacy and effectiveness of state institutions because a liberal local hybrid can emerge to balance international liberal practices with local customary ones This book represents a sustained attempt to examine the role that public participation has played during state building and the consequences it has had for the performance of the state It is also the first attempt to conduct a detailed empirical study of the role played by the liberal local hybrid approach in state building **Law of the Constitution** A. V. Dicey, 1885 [The Rule of Law in Comparative Perspective](#) Mortimer Sellers, Tadeusz Tomaszewski, 2010-07-23 This volume compares the different conceptions of the rule of law that have developed in different legal cultures It describes the social purposes and practical applications of the rule of law and how it might be improved in the varied circumstances **Constitution-Making under UN Auspices** Vijayashri Sripathi, 2020-01-16 In 1949 United Nations Constitutional Assistance UNCA was conceived to promote the Western liberal constitution This was colonial trusteeship However in 1960 as a step towards decolonization the United Nations General Assembly rejected internationalized constitution making and by extension UNCA All colonies acquired the right to draft their own constitutions without any international assistance Nonetheless in the same year UNCA was revived and since then it has helped over 40 developing sovereign states to adopt the Western liberal constitution for the aims of building peace preventing conflict and promoting good governance in these independent states This book scrutinizes

UNCA and its off shoot UN International Territorial Administration ITA including their historical origins and revival from 1960 to 2019 Sripathi argues that although the United Nations UN uses UNCA to help developing sovereign states secure debt relief it undertakes UNCA to modernize them with a view to strengthen their supposedly weakened sovereignty By doing so the UN is seeking these states adoption of a Western liberal style constitution thus violating their right to self determination The book shows how UNCA sires and guides UN legislative assistance in all state sectors security judicial electoral commercial parliamentary public administration and criminal Irrespective of UNCA s benevolent motivations such intrusive interventions impose the old forms of domination and perpetuate global inequality

**Lectures Introductory to the Study of the Law of the Constitution** Albert Venn Dicey,1885      The Cambridge Companion to the United States Constitution Karen Orren,John W. Compton,2018-03-22 Offers an accessible interdisciplinary and historically informed introduction to the study of American constitutionalism

**A Law Dictionary, Adapted to the Constitution and Laws of the United States of America, and of the Several States of the American Union** John Bouvier,1864

**The Failure of Popular Constitution Making in Turkey** Zeynep Yanasmayan,2020-01-16 Offers an in depth case study of the failure of popular constitution making in Turkey from 2011 to 2013

**The Law and Politics of Unconstitutional Constitutional Amendments in Asia** Rehan Abeyratne,Ngoc Son Bui,2021-11-29 This book explains how the idea and practice of UCA are shaped by and inform constitutional politics through various social and political actors and in both formal and informal amendment processes across Asia This is the first book length study of the law and politics of unconstitutional constitutional amendments in Asia Comprising ten case studies from across the continent and four broader theoretical chapters the volume provides an interdisciplinary comparative perspective on the rising phenomenon of unconstitutional constitutional amendments UCA across a range of political legal and institutional contexts The volume breaks new ground by venturing beyond the courts to consider UCA not only as a judicial doctrine but also as a significant feature of political and intellectual discourse The book will be a valuable reference for law and political science researchers as well as for policymakers and NGOs working in related fields Offering broad coverage of jurisdictions in East Asia Southeast Asia and South Asia it will be useful to scholars and practitioners within Asia as well as to those seeking to better understand the law and politics of the region

The Idea of Economic Constitution in Europe ,2022-06-08 Behind the controversies that have marked the history of the idea of Economic Constitution emerges the highly political issue of the room for manoeuvre left to public authorities in the economic sphere The notion thus encapsulates a fundamental tension between democracy and rule of law which model of legal ordering of the economy should prevail From physiocrats to neo liberals from the Weimar Republic to European integration from national constitutions to Global Governance this collective book invites us to explore the genealogy of the controversial concept of Economic Constitution The result of this interdisciplinary dialogue is a comprehensive reflection on the legal and political issues at stake in the current constitutionalization of the market order in Europe Contributors are

Philippe Steiner Guillaume Gr goire Hugues Rabault Peter C Caldwell Thomas Biebricher Werner Bonefeld Serge Audier Vincent Valentin Pieter van Cleynenbreugel Xavier Miny Fr d ric Marty Claire Mongouachon Hans Wolfgang Micklitz Francesco Martucci Michael Wilkinson Hjalte Lokdam Susanna Maria Cafaro Peter Lindseth Cristina Fasone Pierre Nihoul Fran ois Colly Peter Christian M ller Graff Tony Prosser Damien Piron Mahmoud Mohamed Salah Stephen Gill Thibault Biscarie Sebastien Adalid and Christian Joerges Derri re les controverses qui jalonnent l histoire de l id e de Constitution conomique merge la question minemment politique de la marge de man uvre laiss e aux autorit s publiques dans la sph re conomique La notion cristallise ainsi une tension fondamentale entre d mocratie et tat de droit quel doit tre mod le d organisation et d ordonnancement juridique de l conomie Des physiocrates aux n olib raux de la R publique de Weimar l int gration europ enne des constitutions nationales la Global Governance cet ouvrage collectif nous invite d s lors explorer la g n alogie du concept pol mique de Constitution conomique Les auteurs ouvrent alors travers un dialogue interdisciplinaire constant une r flexion globale autour des enjeux juridiques et politiques du processus actuel de constitutionnalisation de l ordre de march en Europe

## Whispering the Techniques of Language: An Mental Journey through **Constitutions Security And The Rule Of Law**

In a digitally-driven world wherever monitors reign supreme and instant communication drowns out the subtleties of language, the profound strategies and emotional nuances concealed within phrases often go unheard. However, located within the pages of **Constitutions Security And The Rule Of Law** a interesting fictional treasure pulsing with organic feelings, lies an extraordinary journey waiting to be undertaken. Composed by a skilled wordsmith, that marvelous opus encourages viewers on an introspective trip, delicately unraveling the veiled truths and profound affect resonating within the cloth of each and every word. Within the psychological depths with this emotional evaluation, we will embark upon a heartfelt exploration of the book is core styles, dissect their interesting publishing model, and yield to the powerful resonance it evokes heavy within the recesses of readers hearts.

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