



Comparative Constitutional Law

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Comparative Constitutional Law Research Handbooks In Comparative Law Series:

Comparative Constitutional Theory Gary Jacobsohn, Miguel Schor, 2018-02-23 The need for innovative thinking about alternative constitutional experiences is evident and readers of Comparative Constitutional Theory will find in its pages a compendium of original theory driven essays The authors use a variety of theoretical perspectives to explore the diversity of global constitutional experience in a post 1989 world prominently marked by momentous transitions from authoritarianism to democracy by multiple constitutional revolutions and devolutions by the increased penetration of international law into national jurisdictions and by the enhancement of supra national institutions of governance *The Oxford Handbook of Comparative Law* Mathias Reimann, Reinhard Zimmermann, 2019-03-26 This fully revised and updated second edition of The Oxford Handbook of Comparative Law provides a wide ranging and diverse critical survey of comparative law at the beginning of the twenty first century It summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the academic and on the practical level The Handbook is divided into three main sections Section I surveys how comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with other fields such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field *Constitutional Identity and Constitutionalism in Africa* Charles Manga Fombad, Nico Steytler, 2024 This book in the Stellenbosch Handbooks in African Constitutional Law series provides a critical analysis of existing paradigms concepts and normative ideologies of modern African constitutional identity *Constitutional Change and Constitutionalism in Africa*, 2025-05-16 The new generation of African constitutions crafted in the 1990s marked the beginning of a trend that promised a radical transformation of the continent's governance landscape This movement aimed to eliminate the risks of coups and political instability that had plagued Africa since the 1960s by embedding democracy and constitutionalism However the wave of constitutional reforms post 1990s seems to have sparked a contagious fever of making unmaking and remaking constitutions The nature and frequency of these changes threaten to undermine the progress made in entrenching a culture of constitutionalism good governance and respect for the rule of law It is therefore no surprise that there is almost universal agreement that Africa is now facing a profound crisis of democracy and constitutionalism Constitutional Change and

Constitutionalism in Africa examines the nature and extent of these changes which have been occurring more frequently and sometimes more arbitrarily than anticipated Among the main questions investigated are the constitution making process and the roles of various internal actors such as the legislature executive and judiciary as well as external actors like the African Union and Regional Economic Communities in the different processes of constitutional change Ultimately the discussions aim to explore how the processes of constitutional change whether inevitable and unavoidable or contrived can be conducted in a manner that does not undermine or threaten the efforts to entrench democracy constitutionalism good governance and respect for the rule of law on the African continent *Constitutions and Religion* Susanna Mancini,2020-11-27 *Constitutions and Religion* is the first major reference work in the emerging field of comparative constitutional law and religion It offers a nuanced array of perspectives on various models for the treatment of religion in domestic and supranational legal orders

Constitutions and Gender Helen Irving,2017-06-30 *Constitutions and gender* is a new and exciting field attracting scholarly attention and influencing practice around the world This timely handbook features contributions from leading pioneers and younger scholars applying a gendered lens to constitution making and design constitutional practice and citizenship and constitutional challenges to gender equality rights and values It offers a gendered perspective on the constitutional text and record of multiple jurisdictions from the long established to the world s newly emerging democracies *Constitutions and Gender* portrays a profound shift in our understanding of what constitutions stand for and what they do

Constitutional Adjudication in Africa Charles Manga Fombad,2017 Providing the first comparative analysis of African attempts to promote respect for rule of law and constitutional justice this book examines the diverse and distinctive approaches to constitutional adjudication taken It captures positive and negative developments and future prospects for the different models of constitutional review **Transnational Evaluation of Constitutions** Ali Shirvani,2021-07-09 This book

provides a hypothetical classification of constitutions through international law and human rights values used in any constitution which draws connections between the inclusive standards of international law and human rights contained in the constitutions Consequently an evaluation method will be available for users to rank any constitution potentiality of analysis for grounds of any commitment and responsibility of the states concerning international law and human rights This important study uses novel quantitative and qualitative methods to explore the relationship between constitutional and international law It is a significant contribution to the literature and pushes us further toward rigorous analysis of transnational legal regimes Tom Ginsburg Professor of Political Science Chicago Law School *Research Handbook on the Politics of Constitutional Law* Mark Tushnet,Dimitry Kochenov,2023-11-03 This *Research Handbook* deals with the politics of constitutional law around the world using both comparative and political analysis delivering global treatment of the politics of constitutional law across issues regions and legal systems Offering an innovative critical approach to an array of key concepts and topics this book will be a key resource for legal scholars and political science scholars Students with interests

in law and politics constitutions legal theory and public policy will also find this a beneficial companion *Handbook on Global Constitutionalism* Anthony F. Lang,Antje Wiener,2023-11-03 This thoroughly revised Handbook presents an up to date political and philosophical history of global constitutionalism By exploring the constitutional like qualities of international affairs it provides key insight into the evolving world order **The Oxford Handbook of the History of International Law** Bardo Fassbender,Anne Peters,Simone Peter,Daniel Högger,2012-11-01 The Oxford Handbook of the History of International Law provides an authoritative and original overview of the origins concepts and core issues of international law The first comprehensive Handbook on the history of international law it is a truly unique contribution to the literature of international law and relations Pursuing both a global and an interdisciplinary approach the Handbook brings together some sixty eminent scholars of international law legal history and global history from all parts of the world Covering international legal developments from the 15th century until the end of World War II the Handbook consists of over sixty individual chapters which are arranged in six parts The book opens with an analysis of the principal actors in the history of international law namely states peoples and nations international organisations and courts and civil society actors Part Two is devoted to a number of key themes of the history of international law such as peace and war the sovereignty of states hegemony religion and the protection of the individual person Part Three addresses the history of international law in the different regions of the world Africa and Arabia Asia the Americas and the Caribbean Europe as well as encounters between non European legal cultures like those of China Japan and India and Europe which had a lasting impact on the body of international law Part Four examines certain forms of interaction or imposition in international law such as diplomacy as an example of interaction or colonization and domination as an example of imposition of law The classical juxtaposition of the civilized and the uncivilized is also critically studied Part Five is concerned with problems of the method and theory of history writing in international law for instance the periodisation of international law or Eurocentrism in the traditional historiography of international law The Handbook concludes with a Part Six entitled People in Portrait which explores the life and work of twenty prominent scholars and thinkers of international law ranging from Muhammad al Shaybani to Sir Hersch Lauterpacht The Handbook will be an invaluable resource for students and scholars of international law It provides historians with new perspectives on international law and increases the historical and cultural awareness of scholars of international law It is the standard reference work for the global history of international law *Research Handbook on International Food Law* Michael T. Roberts,2023-11-03 With contributions from over 30 international legal scholars this topical Research Handbook on International Food Law provides a crucial and reflective examination of the rules power dynamics legal doctrines societal norms and frameworks that govern the modern global food system The Research Handbook analyses the interlinkages between producers and consumers of food as well as the environmental effects of the global food network and the repercussions on human health **Research Handbook on International Law and Domestic Legal Systems** Helmut

P. Aust, Heike Krieger, Felix Lange, 2024-10-03 This Research Handbook examines the complex relationship between international law and domestic legal systems An interdisciplinary range of experts analyse the topic from historical conceptual critical and doctrinal perspectives setting the tone for future reflections on the development of the international legal order Separation of Powers in African Constitutionalism Charles Manga Fombad, 2016 The effective division of powers is critical to ensuring the promotion of good governance democracy and the rule of law in Africa This book examines key issues arising during reforms of African constitutions and focuses on the emergence of independent constitutional institutions providing checks against future abuses of powers **Decentralization and Constitutionalism in Africa**

Charles M. Fombad, Nico Steytler, 2019-09-10 This collection of essays assesses the efforts of African governments to constitutionalise decentralisation be it in the form of federalism local government or traditional authorities Since the end of the Cold War jurisdictions across Africa have witnessed an ostensible return to multi party democracy within the paradigm of constitutionalism and the rule of law Linked to the democratisation process many countries took steps to decentralize power by departing from the heavily centralized systems inherited from colonial regimes The centralization of power typically characterized by the personalization and concentration of power in the hands of leaders and privileged elites in capital cities mostly resulted in repressive regimes and fragile states As decentralisation is a response to these challenges this volume analyses the dynamic relationship between the efforts to implement decentralization and presence or absence of constitutionalism This volume examines a variety of forms and degrees of decentralization found across Africa It advances a new understanding of trends and patterns and facilitates the exchange of ideas among African governments and scholars about the critical role that decentralisation may play in democratization of and constitutionalism in Africa **Judicial**

Avoidance Carolina Alves das Chagas, 2023-08-24 This book analyses cases of judicial avoidance what happens when courts leave some or all of the merits of a case undecided It explores examples of justiciability assessments and deferential approaches regarding the decision of another authority and examines legitimacy issues involving judicial avoidance The reader is presented with answers to two fundamental questions that guide the development of the book Is it legitimate to practise judicial avoidance How could judicial avoidance be practised legitimately The conflict of competences which often emerges in instances of judicial avoidance is an important book baseline From this conflict the book considers and defends the possibility of applying formal balancing to provide a clearer structure of the exercise of justiciability and judicial deference The formal balancing methodology is based on Alexy s principles theory and its connection with judicial avoidance represents a significant contribution and novel point in constitutional adjudication **National Security**

Constitutionalism in the Commonwealth Five Eyes States Paul F Scott, 2025-03-06 This book examines the constitutional treatment of national security in the UK Canada Australia and New Zealand These four states share their Commonwealth heritage and are members alongside the USA of the Five Eyes intelligence sharing alliance The book takes a

comparative approach to the institutions through which and tools with which these four states seek to protect their national security against the threats of both terrorism and hostile state activity and how they have evolved over time It identifies and examines the various specialised institutions inside and outside of legislatures which have grown up to oversee the exercise of public power for national security purposes while maintaining the required secrecy It argues that the extent of the borrowing and sharing between these jurisdictions in the domain of national security now and in the past permits us to talk about a Commonwealth model of national security constitutionalism

The Cambridge Handbook of the Law of Algorithms Woodrow Barfield, 2020-11-05 Algorithms are a fundamental building block of artificial intelligence and increasingly society but our legal institutions have largely failed to recognize or respond to this reality The Cambridge Handbook of the Law of Algorithms which features contributions from US EU and Asian legal scholars discusses the specific challenges algorithms pose not only to current law but also as algorithms replace people as decision makers to the foundations of society itself The work includes wide coverage of the law as it relates to algorithms with chapters analyzing how human biases have crept into algorithmic decision making about who receives housing or credit the length of sentences for defendants convicted of crimes and many other decisions that impact constitutionally protected groups Other issues covered in the work include the impact of algorithms on the law of free speech intellectual property and commercial and human rights law

Research Handbook on Feminist Engagement with International Law Susan Harris Rimmer, Kate Ogg, For almost 30 years scholars and advocates have been exploring the interaction and potential between the rights and well being of women and the promise of international law This collection posits that the next frontier for international law is increasing its relevance beneficence and impact for women in the developing world and to deal with a much wider range of issues through a feminist lens

Corruption and Constitutionalism in Africa Charles M. Fombad, Nico Steytler, 2020-03-12 This is an open access title available under the terms of a CC BY NC ND 4.0 International license It is offered as a free PDF download from OUP and selected open access locations This collection of essays focuses on the critical issue of corruption that lies at the heart of the crisis of constitutionalism in Africa Most anti corruption measures over the years have been inadequate serving merely as symbolic gestures to give the impression something is being done The African Union's declaration of 2018 as the African anti corruption year belated though it be is an open recognition by African governments of the impact corruption will have on the continent unless urgent steps are taken The key objective of this volume is to draw attention to the problem of corruption the complexity of the situation with all its multi faceted social political economic and legal dimensions and the need for remedial action

Comparative Constitutional Law Research Handbooks In Comparative Law Series Book Review: Unveiling the Magic of Language

In a digital era where connections and knowledge reign supreme, the enchanting power of language has been apparent than ever. Its capability to stir emotions, provoke thought, and instigate transformation is actually remarkable. This extraordinary book, aptly titled "**Comparative Constitutional Law Research Handbooks In Comparative Law Series**," written by a very acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound impact on our existence. Throughout this critique, we will delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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