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The last fifty years has seen a worldwide trend toward constitutional democracy. But can constitutionalism become truly global? Relying on historical examples of successfully implanted constitutional regimes, ranging from the older experiences in the United States and France to the relatively recent ones in Germany, Spain and South Africa, Michel Rosenfeld sheds light on the range of conditions necessary for the emergence, continuity and adaptability of a viable constitutional identity - citizenship, nationalism, multiculturalism, and human rights being important elements. *The Identity of the Constitutional Subject* is the first systematic analysis of the concept, drawing on philosophy, psychoanalysis, political theory and law from a comparative perspective to explore the relationship between the ideal of constitutionalism and the need to construct a common constitutional identity that is distinct from national, cultural, ethnic or religious identity. *The Identity of the Constitutional Subject* will be of interest to students and scholars in law, legal and political philosophy, political science, multicultural studies, international relations and US politics. Carl Schmitt ranks among the most original and controversial political thinkers of the twentieth century. His incisive criticisms of Enlightenment political thought and liberal political practice remain as shocking and significant today as when they first appeared in Weimar Germany. Unavailable in English until now, *Legality and Legitimacy* was composed in 1932, in the midst of the crisis that would lead to the collapse of the Weimar Republic and only a matter of months before Schmitt's collaboration with the Nazis. In this important work, Schmitt questions the political viability of liberal constitutionalism, parliamentary government, and the rule of law. Liberal governments, he argues, cannot respond effectively to challenges by radical groups like the Nazis or Communists. Only a presidential regime subject to few, if any, practical limitations can ensure domestic security in a highly pluralistic society. *Legality and Legitimacy* is sure to provide a compelling reference point in contemporary debates over the challenges facing constitutional democracies today. In addition to Jeffrey Seitzer's translation of the 1932 text itself, this volume contains his translation of Schmitt's 1958 commentary on the work, extensive explanatory notes, and an appendix including selected articles of the Weimar constitution. John P. McCormick's introduction places *Legality and Legitimacy* in its historical context, clarifies some of the intricacies of the argument, and ultimately contests Schmitt's claims regarding the inherent weakness of parliamentarism, constitutionalism, and the rule of law. *Law Without Force* is a landmark in political and social philosophy. It proposes nothing less than a completely new basis for international law. As relevant today as when it was first published nearly sixty years ago, it commands the attention of all concerned with what the future may bring to the law of nations. The great scope of Niemeyer's undertaking draws respect even from those who disagree with his

challenging analysis of the historical past and his suggestions for the future of international law. In his new introduction, Michael Henry observes that *Law Without Force* provides us with a foundation of Niemeyer's thinking. Published in 1941, when Hitler was swallowing up Europe, this volume shows how a first-rate mind grappled with a legal, historical, social, and ultimately metaphysical problem. It provides in detail the reasoning behind Niemeyer's rejection of a foreign policy based on morality and his distinction between authoritarian and totalitarian governments; and it provides us with the first stage of his lengthy and prodigious effort to understand "this terrible century." It is a book that no serious student of Niemeyer can afford to ignore. At the very heart of the author's vigorous discussion may be found his rejection of a moral basis for international law and his suggestion that a functional basis should be substituted for it. The book incisively reviews the relation between traditional international law and the changing structure of international politics concluding that the traditional system of law has operated as an agency of disharmony and conflict. After an investigation of the traditional legal system, the author then asks, "What type of law fits the social structure of this modern world?" The answers are presented in the last part of the book, as Niemeyer offers his case for a functional system of law, divorced from moral exhortations or appeals to shattered authority. Philosophy, sociology, and legal theory are brilliantly interwoven in this volume, which will engage serious readers interested in political and social theory. This work has been selected by scholars as being culturally important, and is part of the knowledge base of civilization as we know it. This work is in the "public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant. International law shapes nearly every aspect of our lives. It affects the food we eat, the products we buy, the rights we hold, and the wars we fight. Yet international law is often believed to be the exclusive domain of well-heeled professionals with years of legal training. This text uses clear, accessible writing and contemporary political examples to explain where international law comes from, how actors decide whether to follow international law, and how international law is upheld using legal and political tools. Suitable for undergraduate and graduate students, this book is accessible to a wide audience and is written for anyone who wants to understand how global rules shape and transform international politics. Each chapter is framed by a case study that examines a current political issue, such as the bombing of Yemen or the use of chemical weapons in Syria, encouraging students to draw connections between theoretical concepts and real-world situations. The chapters are modular and self-contained, and each is paired with multiple Supplemental Cases: edited and annotated judicial opinions. Accompanied by ready-to-use PowerPoint slides and a testbank for instructors. "This book discusses the legal and political system; how it is formed, run, and the ethics involved." (PsycINFO Database Record (c) 2009 APA, all rights reserved). This work has been selected by scholars as being culturally important and is part of the knowledge base of civilization as we know it. This work is in the public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. To ensure a quality reading experience, this work has been proofread and republished using a format that seamlessly blends the original graphical elements with text in an easy-to-read typeface. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant. A new title in the Routledge Major Works series, *Critical Concepts in Political Science*, this is a four-volume collection of cutting-edge and canonical research on law and politics. *The Oxford Encyclopedia of American Political and Legal History* brings together, in one authoritative reference work, an

unparalleled wealth of information about the laws, institutions, and actors that have governed America throughout its history. Embracing the interconnectedness of politics and law, *The Encyclopedia* addresses all aspects of both spheres, from presidents and Supreme Court justices to specifics of policy history, critical legislation, and party formation. Entries capture the unique nature of the nation's founding principles embodied in the Constitution, the expansive nature of American democracy, political conflict, and compromise, and the emergence of the modern welfare and regulatory state, all of which evince the tensions, contradictions, and possibilities manifest throughout America's history. Clearly demonstrating how US politics and law have evolved since the colonial era, *The Encyclopedia* encourages readers to anticipate further changes. With over 450 articles by expert scholars, each signed entry features numerous cross references and discussion of political and legal history as well as additional sources for further study. This two-volume A-to-Z compendium is a reference work of unparalleled depth and scope and will introduce a new generation of readers to the complexities of this dynamic field of study. It also features extensive cross-referencing, a topical outline, and a subject index. This text studies the inextricable links between law, society, and politics through an in-depth examination of the institutions for law-making in the United States, focusing on the function, structure, and participants in the process. The institutions-oriented approach focuses on contemporary coverage of the interrelationship between law and society, and includes discussion of controversial topics, such as the influence of race, class, sex, and corporate governance on the law. *Law, Politics, and Society* also looks at the theoretical and philosophical foundations of American law and provides comparative and international perspectives. Diversity is embedded into each chapter within the readings—drawn from a broad range of interdisciplinary sources such as sociology, history, and medicine—as well as in activities, which encourage discussion about law and race, national origin, sex, and class. In addition, excellent coverage of how the law has changed since September 11, 2001 helps students understand these complex relationships in a tangible way. *Popular Culture* features use a series of photographs to help students understand how law both informs and is informed by popular culture. *Law in Action* features apply the concepts of each chapter to an actual law in order to illustrate the central point and to help students better understand theoretical concepts. Pedagogy throughout the text includes active learning exercises, and marginal and bold definitions. This volume explores the social and political forces behind constitution making from a global perspective. In *Legal Reasoning and Political Conflict*, Cass R. Sunstein, one of America's best known commentators on our legal system, offers a bold, new thesis about how the law should work in America, arguing that the courts best enable people to live together, despite their diversity, by resolving particular cases without taking sides in broader, more abstract conflicts. Professor Sunstein closely analyzes the way the law can mediate disputes in a diverse society, examining how the law works in practical terms, and showing that, to arrive at workable, practical solutions, judges must avoid broad, abstract reasoning. He states that judges purposely limit the scope of their decisions to avoid reopening large-scale controversies, calling such actions incompletely theorized agreements. In identifying them as the core feature of legal reasoning, he takes issue with advocates of comprehensive theories and systemization, from Robert Bork to Jeremy Bentham, and Ronald Dworkin. Equally important, Sunstein goes on to argue that it is the living practice of the nation's citizens that truly makes law. Legal reasoning can seem impenetrable, mysterious, baroque. *Legal Reasoning and Political Conflict* helps dissolve the mystery. Whether discussing abortion, homosexuality, or free speech, the meaning of the Constitution, or the spell cast by the Warren Court, Cass Sunstein writes with grace and power, offering a striking and original vision of the role of the law in a diverse society. In his flexible, practical approach to legal reasoning, he moves the debate over fundamental values and principles out of the courts and back to its rightful place in a democratic state: to the legislatures elected by the people. In this Second Edition, the author updates the previous edition bringing the book into the current mainstream of twenty-first century legal reasoning and judicial decision-making focusing on the many relevant contemporary issues and developments that occurred since its initial 1996 publication. The performance of international courts has traditionally been judged against criteria of compliance and effectiveness. Whilst these are clearly desirable objectives for litigants before Africa's international courts, this book shows that we must look beyond these criteria to fully appreciate the impact of these courts. This book shows how litigants use their participation in international litigation to achieve other objectives: to amplify political disputes with their governments,

to build their movement, to educate the public about their cause, and to challenge the status quo. Chapters in this collection show how these courts act as coordination points for opposition political parties to name and shame dominant parties for violation of their organizational rights. Others demonstrate how Africa's international courts serve as transitional justice mechanisms in which truth telling about ongoing conflict and authoritarian governance receives significant attention. This attention serves as a platform to galvanize resistance against continued authoritarian rule, especially from outside the conflict countries. Ultimately, the book shows that these courts must be judged against new and broader criteria, and understood as increasingly important venues for waging political, social, environmental, and legal struggles. Juxtaposes standpoints from which disciplines of history, political thought and law conceive and generate political order beyond the state. The market leader in constitutional law casebooks, *Constitutional Law and Politics, Fifth Edition*, is a comprehensive text that presents excerpts and opinions from important Supreme Court cases and provides the background material necessary to understand the decisions and their historical significance. For the Fifth Edition, Professor O'Brien has refined the case introductions and headnotes, strengthened the pedagogical program, and added twenty-one new cases, including *Bush v. Gore*. In this timely and provocative volume, some of the world's leading political and constitutional theorists come together to debate Michael Sandel's celebrated thesis that the United States is in the the grip of a flawed public philosophy - "procedural liberalism". Beginning with an original stage-setting introduction by Ronald Beiner, and ending with a reply by Michael Sandel, Sandel's liberal and feminist critics square off with his communitarian and civic republican sympathizers in a lively and wide-ranging discussion spanning constitutional law, culture, and political economy. Practical, topical issues of immigration, gay marriage, federalism, adoption, abortion, corporate speech, militias, and economic disparity are debated alongside theories of civic virtue, citizenship, identity, and community. Not only does this volume provide the most comprehensive and insightful critique of Sandel's *Democracy's Discontent* to date - it also makes a very significant, substantive contribution to contemporary political and legal philosophy in its own right. It will prove essential reading for all those interested in the future of American politics, law, and public philosophy. A compelling new look at the role of today's international courts In 1989, when the Cold War ended, there were six permanent international courts. Today there are more than two dozen that have collectively issued over thirty-seven thousand binding legal rulings. *The New Terrain of International Law* charts the developments and trends in the creation and role of international courts, and explains how the delegation of authority to international judicial institutions influences global and domestic politics. *The New Terrain of International Law* presents an in-depth look at the scope and powers of international courts operating around the world. Focusing on dispute resolution, enforcement, administrative review, and constitutional review, Karen Alter argues that international courts alter politics by providing legal, symbolic, and leverage resources that shift the political balance in favor of domestic and international actors who prefer policies more consistent with international law objectives. International courts name violations of the law and perhaps specify remedies. Alter explains how this limited power--the power to speak the law--translates into political influence, and she considers eighteen case studies, showing how international courts change state behavior. The case studies, spanning issue areas and regions of the world, collectively elucidate the political factors that often intervene to limit whether or not international courts are invoked and whether international judges dare to demand significant changes in state practices. This volume proposes a new way of understanding the policymaking process in the United States by examining the complex interactions among the three branches of government, executive, legislative, and judicial. Collectively across the chapters a central theme emerges, that the U.S. Constitution has created a policymaking process characterized by ongoing interaction among competing institutions with overlapping responsibilities and different constituencies, one in which no branch plays a single static part. At different times and under various conditions, all governing institutions have a distinct role in making policy, as well as in enforcing and legitimizing it. This concept overthrows the classic theories of the separation of powers and of policymaking and implementation (specifically the principal-agent theory, in which Congress and the presidency are the principals who create laws, and the bureaucracy and the courts are the agents who implement the laws, if they are constitutional). The book opens by introducing the concept of adversarial legalism, which proposes that the American mindset of frequent legal challenges to legislation by political

opponents and special interests creates a policymaking process different from and more complicated than other parliamentary democracies. The chapters then examine in depth the dynamics among the branches, primarily at the national level but also considering state and local policymaking. Originally conceived of as a textbook, because no book exists that looks at the interplay of all three branches, it should also have significant impact on scholarship about national lawmaking, national politics, and constitutional law. Intro., conclusion, and Dodd's review all give good summaries. "Political economy themes have - directly and indirectly - been a central concern of law and legal scholarship ever since political economy emerged as a concept in the early seventeenth century, a development which was re-inforced by the emergence of political economy as an independent area of scholarly enquiry in the eighteenth century, as developed by the French physiocrats. This is not surprising in so far as the core institutions of the economy and economic exchanges, such as property and contract, are legal institutions. In spite of this intrinsic link, political economy discourses and legal discourses dealing with political economy themes unfold in a largely separate manner. Indeed, this book is also a reflection of this, in so far as its core concern is how the law and legal scholarship conceive of and approach political economy issues"-- Feinberg is one of the leading philosophers of law of the last forty years. This volume collects recent articles, both published and unpublished, on what he terms "basic questions" about the law, particularly in regard to the relationship to morality. Accessibly and elegantly written, this volume's audience will reflect the diverse nature of Feinberg's own interests: scholars in philosophy of law, legal theory, and ethical and moral theory. The purchase of this ebook edition does not entitle you to receive access to the Connected eBook on CasebookConnect. You will need to purchase a new print book to get access to the full experience including: lifetime access to the online ebook with highlight, annotation, and search capabilities, plus an outline tool and other helpful resources. Election Law and Litigation: The Judicial Regulation of Politics The social contract - Principles of political law is an unchanged, high-quality reprint of the original edition of 1893. Hansebooks is editor of the literature on different topic areas such as research and science, travel and expeditions, cooking and nutrition, medicine, and other genres. As a publisher we focus on the preservation of historical literature. Many works of historical writers and scientists are available today as antiques only. Hansebooks newly publishes these books and contributes to the preservation of literature which has become rare and historical knowledge for the future. This book examines a pattern of conservative resurgence following several eras of reform in American history by pointing to the phenomenon of "recalibration". It demonstrates the difficulty of achieving substantive political change in American politics, as elements of the old political order tend to find ways to survive and reassert themselves after reform. By highlighting recalibration as a regular companion to reform, the book ultimately sheds light on the barriers to, and possibilities for, sweeping change in American politics. This book discusses in what sense constitutional law has a political dimension, raising the question whether constitutional law is fundamentally political as to its validity, terms of its origin, conceptual structure and/or corresponding practice. It also poses the question whether that dimension is a political-theological dimension. A positive answer to these questions challenges the prevailing view that constitutional law is to be conceived strictly as law, moreover as written law, approved at a certain point in history by a particular power and interpreted as any other law by the judiciary. The essays included in this book, written by leading scholars in constitutional theory - including Martin Loughlin, Paul Kahn, Manon Altwegg-Boussac and Massimo La Torre - address these questions in a timely and original way. An examination of the initial years of the Roberts Court and the intellectual battle between Roberts and Kagan for leadership. When John Roberts was appointed chief justice of the Supreme Court, he said he would act as an umpire. Instead, his Court is reshaping legal precedent through decisions unmistakably—though not always predictably—determined by politics as much as by law, on a Court almost perfectly politically divided. Harvard Law School professor and constitutional law expert Mark Tushnet clarifies the lines of conflict and what is at stake on the Supreme Court as it hangs “in the balance” between its conservatives and its liberals. Clear and deeply knowledgeable on both points of law and the Court’s key players, Tushnet offers a nuanced and surprising examination of the initial years of the Roberts Court. Covering the legal philosophies that have informed decisions on major cases such as the Affordable Care Act, the political structures behind Court appointments, and the face-off between John Roberts and Elena Kagan for

intellectual dominance of the Court, In the Balance is a must-read for anyone looking for fresh insight into the Court’s impact on the everyday lives of Americans. Introduction -- Part I. The institutions of democratic federalism -- Economic federalism -- Cooperative federalism -- Democratic federalism : the national legislature -- Democratic federalism : the safeguards -- Part II. Encouraging the federal conversation -- FIST : having the federal dialogue -- Fiscal policy in the federal union -- Regulation in the federal union -- Part III. On becoming federal -- The European Union : federal governance at the crossroads -- Mandela's federal democracy : a fragile compact -- Epilogue.

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