Unstable Constitutionalism

In Neglected Policies, Ira L. Strauber challenges scholars and critics of constitutional jurisprudence to
think differently about the Constitution and its interpretation. He argues that important aspects of law, policies, and politics are neglected because legal formalisms, philosophical theories, the reasoning of litigators and judges, and even the role of the courts are too often taken for granted. Strauber advocates an alternative approach to thinking about the legal and moral abstractions ordinarily used in constitutional decision making. His approach, which he calls “agnostic skepticism,” interrogates all received jurisprudential notions, abandoning the search for “right answers” to legal questions. It demands that attention be paid to the context-specific, circumstantial social facts relevant to given controversies and requires a habit of mind at home with relativism. Strauber situates agnostic skepticism within contemporary legal thought, explaining how it draws upon sociological jurisprudence, legal realism, and critical legal studies. Through studies of cases involving pornography, adoption custody battles, flag burning, federalism, and environmental politics, he demonstrates how agnostic skepticism applies to constitutional issues. Strauber contends that training in skeptical critique will enable a new kind of civic education and culture—one in which citizens are increasingly tolerant of the ambiguities and contradictions inherent in the law and politics of a pluralistic society. Using insights from the social sciences to examine the ways constitutional cases are studied and taught, Neglected Policies will interest scholars of jurisprudence, political science, and the sociology of law.

Looking for Rights in All the Wrong Places

Addresses the jurisprudence of the major courts of the Global South on the topics of access to justice, cultural diversity and socioeconomic rights.

American Constitutional Law

This volume provides a timely assessment on the progress made towards the achievement of a constitutional democracy in South Africa. The chapters collectively present an in-depth analysis of the
development of the legal system and of the implications of the Constitution for the social configuration of power. To what extent has the vision of constitutionalism contained in the Constitution been realised? Primarily concerned with the impact of laws and the salience of their existence and enforcement for South Africans, the work highlights the importance of placing the constitutional regime in its historical, cultural, social, economic and political context. The book further recognises the importance of the South African constitutional provisions for transnational or globalised constitutionalism more broadly. It contains contributions from South African scholars, as well as European authors, bringing in new analytical angles and adding a specific comparative dimension. Through the prism of South Africa, the authors discuss the innovative character of constitutional and legal provisions in terms of both constitution-making and law-making processes and their contents. This book provides analysis that will be relevant to scholars, students and practitioners, specifically those interested in International Relations, Law, Sociology of Law, and African Studies, as well as socio-political comparative studies.

The Selfless Constitution

What does it mean to have a constitution? Scholars and students associated with Walter Murphy at Princeton University have long asked this question in their exploration of constitutional politics and judicial behavior. These scholars, concerned with the making, maintenance, and deliberate change of the Constitution, have made unique and significant contributions to our understanding of American constitutional law by going against the norm of court-centered and litigation-minded research. Beginning in the late 1970s, this new wave of academics explored questions ranging from the nature of creating the U.S. Constitution to the philosophy behind amending it. In this collection, Sotirios A. Barber and Robert P. George bring together fourteen essays by members of this Princeton group--some of the most distinguished scholars in the field. These works consider the meaning of having a constitution, the implications of particular choices in the design of constitutions, and the meaning of judicial supremacy in the interpretation of the Constitution. The overarching ambition of this collection is to awaken a
constitutionalist consciousness in its readers--to view themselves as potential makers and changers of constitutions, as opposed to mere subjects of existing arrangements. In addition to the editors, the contributors are Walter F. Murphy, John E. Finn, Christopher L. Eisgruber, James E. Fleming, Jeffrey K. Tulis, Suzette Hemberger, Stephen Macedo, Sanford Levinson, H. N. Hirsch, Wayne D. Moore, Keith E. Whittington, and Mark E. Brandon.

**Constitutionalism and Democracy**

Since Brown v. Board of Education and the desegregation battles of the 1960s and 1970s, the legal pursuit of educational opportunity in the United States has been framed largely around race. But for nearly thirty years now, a less-noticed but controversial legal campaign has been afoot to equalize or improve the resources of poorly funded schools. This book examines both the consequences of efforts to use state constitutional provisions to reduce the "resource segregation" of American schools and the politics of the opposition to these decisions. On Equal Terms compares the relative success of school finance lawsuits to the project of school desegregation and explores how race and class present sharply different obstacles to courts. Since a 1973 U.S. Supreme Court decision that effectively deferred to the states in the matter of educational equity, about a third of state judiciaries have mandated reform of state-level educational funding systems. Douglas Reed analyzes both the rhetoric of reform and the varying effects of these controversial decisions while critiquing the courts’ failure to more clearly define educational equity. Well-written with keen insight throughout, the book concludes with an intriguing policy proposal that acknowledges obstacles to such efforts. This proposal aims to enhance education by fostering racial and economic integration locally. Setting the stage for a more coherent debate on this controversial issue and expanding our understanding of constitutional design, On Equal Terms will have far-reaching implications for law, public policy, politics, and not least, the future of American education.

**The Oxford Handbook of the Canadian Constitution**
The European Union is in a state of transformation with its constitutional future the subject of much heated debate. This book provides a durable, authoritative and comprehensive account of constitutional development, examining the pivotal roles of law and judicial politics in establishing the EU constitutional edifice. Michael Longo demonstrates and substantiates the arguments for and against constitutionalization through the development of a theoretical framework drawing on theories and empirical research in both law and political science to understand this new process of European integration.

Constitutional Comparison

Constitutionalism and Religion

The Oxford Handbook of the Canadian Constitution provides an ideal first stop for Canadians and non-Canadians seeking a clear, concise, and authoritative account of Canadian constitutional law. The Handbook is divided into six parts: Constitutional History, Institutions and Constitutional Change, Aboriginal Peoples and the Canadian Constitution, Federalism, Rights and Freedoms, and Constitutional Theory. Readers of this Handbook will discover some of the distinctive features of the Canadian constitution: for example, the importance of Indigenous peoples and legal systems, the long-standing presence of a French-speaking population, French civil law and Quebec, the British constitutional heritage, the choice of federalism, as well as the newer features, most notably the Canadian Charter of Rights and Freedoms, Section Thirty-Five regarding Aboriginal rights and treaties, and the procedures for constitutional amendment. The Handbook provides a remarkable resource for comparativists at a time when the Canadian constitution is a frequent topic of constitutional commentary. The Handbook offers a vital account of constitutional challenges and opportunities at the time of the 150th anniversary of Confederation.
Constitutionalism of the Global South

Peacebuilding, Constitutionalism and the Global South

This law school casebook examines how the vast increase in international movements of people, capital, goods, ideas and information affect politics in and beyond nation-states, the rule of law and separation of powers, and fundamental rights. It contains case excerpts from at least 40 countries in all continents, examining the assumptions, choices and trade-offs, strategies and effects of decisions from constitutional courts and human rights tribunals in different legal systems and political contexts. It discusses different theories of constitutionalism and how constitutional democracies address similar issues, in different institutional settings. The second edition newly covers the controversy concerning citations to foreign authorities in U.S. Supreme Court decisions, as well as cases arising out of the "war on terrorism," including torture. In particular, there is new material on dignity, gay marriage, data protection, pornography, religious diversity, and developments in social welfare.

Theology of Culture in a Japanese Context

Highly accessible A-Z of the major terms in the social and behavioural sciences, spanning anthropology, communication and media studies, criminal justice, economics, education, geography, human services, management, political science, psychology and sociology.

Decentralization and Constitutionalism in Africa

The introduction of the Canadian Charter of Rights and Freedoms in 1982 was accompanied by much
fanfare and public debate. This book does not celebrate the Charter; rather it offers a critique by
distinguished scholars of law and political science of its effect on democracy, judicial power, and the
place of Quebec and Aboriginal peoples twenty-five years later. By employing diverse methodological
approaches, contributors shift the focus of debate from the Charter's appropriateness to its impact for
better or worse on political institutions, public policy, and conceptions of citizenship in the Canadian
federation.

Interpreter of Constitutionalism in Japan

Using the events of the Constitution’s Bicentennial from 1987 to 1991 as a case study, Representing
Popular Sovereignty explores the contradiction between the Constitution’s importance as a political
document and its weakness as a symbol in American popular culture.

Routledge Handbook of Subnational Constitutions and Constitutionalism

This book of text, cases and materials from Asia is designed for scholars and students of constitutional
law and comparative constitutional law. The book is divided into 11 chapters, arranged thematically
around key ideas and controversies, enabling the reader to work through the major facets of
constitutionalism in the region. The book begins with a lengthy introduction that critically examines the
study of constitutional orders in 'Asia', highlighting the histories, colonial influences, and cultural
particularities extant in the region. This chapter serves both as a provisional orientation towards the
major constitutional developments seen in Asia – both unique and shared with other regions – and as a
guide to the controversies encountered in the study of constitutional law in Asia. Each of the following
chapters is framed by an introductory essay setting out the issues and succinctly highlighting critical
perspectives and themes. The approach is one of 'challenge and response', whereby questions of
constitutional importance are posed and the reader is then led, by engaging with primary and secondary
materials, through the way the various Asian states respond to these questions and challenges. Chapter segments are accompanied by notes, comments and questions to facilitate critical and comparative analysis, as well as recommendations for further reading. The book presents a representative range of Asian materials from jurisdictions including: Bangladesh, China, Hong Kong, India, Japan, Mongolia, Nepal, Pakistan, South Korea, Sri Lanka, Taiwan, Timor-Leste and the 10 ASEAN states.

**Constitutional Secularism in an Age of Religious Revival**

Constitutionalism in Islamic Countries: Between Upheaval and Continuity examines the question of whether something similar to an "Islamic constitutionalism" has emerged out of the political and constitutional upheaval witnessed in many parts of North Africa, the Middle East, and Central and Southern Asia. In order to identify its defining features and to assess the challenges that Islamic constitutionalism poses to established concepts of constitutionalism, this book offers an integrated analysis of the complex frameworks in Islamic countries, drawing on the methods and insights of comparative constitutional law, Islamic law, international law and legal history. European and North American experiences are used as points of reference against which the peculiar challenges, and the specific answers given to those challenges in the countries surveyed, can be assessed. The book also examines ways in which the key concepts of constitutionalism, including fundamental rights, separation of powers, democracy and rule of law, may be adapted to an Islamic context, thus providing valuable new insights on the prospects for a genuine renaissance of constitutionalism in the Islamic world in the wake of the "Arab spring."

**Neglected Policies**

This book offers a unique interdisciplinary comparison of the dominant trends in constitutional developments and legal change across different regions of the world in the last half century, bringing
Constitutionalism and Education Policy

This handbook provides a toolbox of definitions and typologies to develop a theory of multilevel constitutionalism and subnational constitutions. The volume examines systems with subnational entities that have full subnational constituent autonomy and systems where subnational constituent powers, while claimed by subnational governments, are incomplete or non-existent. Understanding why complete subnational constituent power exists or is denied sheds significant light on the status and functioning of subnational constitutions. The book deals with questions of how constitutions at multiple levels of a political system can co-exist and interact. The term ‘multilevel constitutionalism’, recognized as explaining how a supranational European constitution can exist alongside those of the Member States, is now used to capture dynamics between constitutions at the national, subnational and, where applicable, supranational levels. Broad in scope, the book encompasses many different types of multi-tiered systems world-wide to map the possible meanings, uses and challenges of subnational or state constitutions in a variety of political and societal contexts. The book develops the building blocks of an explanatory theory of subnational constitutionalism and as such will be an essential reference for all those interested in comparative constitutional law, federalism and governance.

Constitutionalism in Islamic Countries: Between Upheaval and Continuity

This topical book examines how the goals of constitutionalism – good and fair government – are addressed at a time when the multi-religious composition of countries’ populations has never before been so pronounced. How should governments, courts and officials deal with this diversity? The widely accepted principle of treating others as you wish them to treat you and the universal recognition of
human dignity speak against preferential treatment of any religion. Faced with severe challenges, this leads many authorities to seek refuge in secular neutrality. Set against the backdrop of globalized constitutionalism in a post-secular era, Francois Venter proposes engaged objectivity as an alternative to unachievable neutrality. Bringing together the history of church and state, the emergence of contemporary constitutionalism, constitutional comparison and the realities of globalization, this book offers a fresh perspective on the direction in which solutions to difficulties brought about by religious pluralism might be sought. Its wide-ranging comparative analyses and perspectives based on materials published in various languages provide a clear exposition of the range of religious issues with which the contemporary state is increasingly being confronted. Providing a compact but thorough historical and theoretical exposition, this book is an invaluable resource for students, constitutional scholars, judges and legal practitioners.

**Constitutionalising Europe**

`Education policy is now a global matter and all the more complex for that. Mark Olssen, John Codd and Ann-Marie O'Neill do us an invaluable service in producing a carefully theorised guide to current issues and key concerns - this is an important, erudite and very practical book` - Stephen J Ball, Education Policy Research Unit, University of London `Given the global reach of neoliberal policies, we need cogent books that enable us to better understand the major effects such tendencies have. Education Policy is such a book. It is insightful and well written--and should be read by all of us who care deeply about what is happening in education in international contexts' - Michael W Apple, Author of 'Educating the "Right" Way and John Bascom Professor of Education University of Wisconsin, Madison `I really am taken with the book, the range and depth of analysis are truly impressive. This book is a magnum opus and everyone in the area should read it'- Hugh Lauder, University of Bath `In their insightful and comprehensive book on education policy Mark Olssen, John Codd and Anne-Marie O'Neill wrestle with the big questions of citizenship and democracy in an age of globalization. They argue that education policy..."
in the 21st century is the key to security, sustainability and survival. The book, anchored in the poststructuralist perspective of Michel Foucault, traverses the whole territory of education policy not only methods and approaches of policy analysis and the dominant political perspectives that influence policy-classical liberalism, social democracy and neo-liberalism--but also those policy areas that require the closest scrutiny: markets, trust, professionalism, choice, diversity, and finally, community, citizenship and democracy. This is the new policy bible for educationalists - it is at once systematic, provocative and instructive' - Michael A Peters, Research Professor, University of Glasgow 'It is rare indeed for books with such ambitious scope as this one to appear within educational scholarship This is an important book for any graduate student who is undertaking work on any aspect of education policy' - Education Review This book provides an international perspective on education policy, and of the role and function of education in the global economy. The authors present a Foucauldian perspective on the politics of liberal education, within a theoretical framework necessary for the critical analysis of education policy. The authors set out the analyses necessary for understanding the restructuring in education and social policy that has occurred in many countries affected by the resurgence of neo-liberal political theory. They examine education policy in relation to globalization, citizenship and democracy. The authors argue that globalization is an extension of neoliberalism and is destructive of the nation state, community and democracy. They show the importance of education in building strong democratic nation states and global communities based on cultural identity and inter-cultural awareness. This book is essential reading for students of education policy studies and social policy analysis.

The Quest for Constitutionalism

Unlike many national constitutions, which contain explicit positive rights to such things as education, a living wage, and a healthful environment, the U.S. Bill of Rights appears to contain only a long list of prohibitions on government. American constitutional rights, we are often told, protect people only from an overbearing government, but give no explicit guarantees of governmental help. Looking for Rights in
All the Wrong Places argues that we have fundamentally misunderstood the American rights tradition. The United States actually has a long history of enshrining positive rights in its constitutional law, but these rights have been overlooked simply because they are not in the federal Constitution. Emily Zackin shows how they instead have been included in America's state constitutions, in large part because state governments, not the federal government, have long been primarily responsible for crafting American social policy. Although state constitutions, seemingly mired in trivial detail, can look like pale imitations of their federal counterpart, they have been sites of serious debate, reflect national concerns, and enshrine choices about fundamental values. Zackin looks in depth at the history of education, labor, and environmental reform, explaining why America's activists targeted state constitutions in their struggles for government protection from the hazards of life under capitalism. Shedding much-needed light on the variety of reasons that activists pursued the creation of new state-level rights, Looking for Rights in All the Wrong Places challenges us to rethink our most basic assumptions about the American constitutional tradition.

**Education Policy and Equal Opportunity in Japan**

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.
Read Book Constitutionalism And Education Policy A Study Of Rationale And Dimensions Of Right To Education

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.

**Comparative Constitutionalism**

This specially commissioned volume examines the issue of constitutionalism.

**On Equal Terms**

Constitutionalism and democracy have been interpreted as both intimately related and intrinsically opposed. On the one hand constitutions are said to set out the rules of the democratic game, on the other as constraining the power of the demos and their representatives to rule themselves - including by reforming the very processes of democracy itself. Meanwhile, constitutionalists themselves differ on how far any constitution derives its authority from, and should itself be subject to democratic endorsement and interpretation. They also dispute whether constitutions should refer solely to democratic processes, or also define and limit democratic goals. Each of these positions produces a different view of judicial review, the content and advisability of a Bill of Rights and the nature of constitutional politics. These differences are not simply academic positions, but are reflected in the different types of constitutional democracy found in the United States, continental Europe, Britain and many commonwealth countries. The selected essays explore these issues from the perspectives of law, philosophy and political science. A detailed and informative introduction sets them in the context of contemporary debates about constitutionalism.

**Constitutionalism in Asia**
Introduces a theoretical framework on appropriate accommodation of population diversity in plural states.

**Constitutionalism**

This work is a cross-national examination of the relationship between political culture and constitutionalism. The countries studied include Nigeria, Turkey and Japan. Questions explored include whether constitutions must evolve and whether constitutionalism is only a western concept.

**Democracy and Constitutionalism in India**

In dialogue with H. Richard Niebuhr, John Howard Yoder, and Stanley Hauerwas, this work examines Japanese culture, suffering, and three theologians: Kazoh Kitamori, Yasuo Furuya, and Hideo Ohki.

**Resources in Education**

There is persuasive evidence suggesting we are on the brink of human-induced ecological disaster that could change life on Earth as we know it. There is also a general consensus among scientists about the pace and extent of global ecological decay, including a realisation that humans are central to causing the global socio-ecological crisis. This new epoch has been called the Anthropocene. Considering the many benefits that constitutional environmental protection holds out in domestic legal orders, it is likely that a constitutionalised form of global environmental law and governance would be better able to counter the myriad exigencies of the Anthropocene. This book seeks to answer this central question: from the perspective of the Anthropocene, what is environmental constitutionalism and how could it be extrapolated to formulate a global framework? In answering this question, this book offers the first
systematic conceptual framework for global environmental constitutionalism in the epoch of the Anthropocene.

Towards a European Constitution

Do you possess 'freedom'-the will to do as you choose-as an individual, as a participant in social affairs or as a citizen in the political realm? Well, no. Not really. At least not as most of us understand a term loaded down with metaphysical baggage. Don't worry. You've got something better: a neurological system capable of carrying out the most complex analytical and computational tasks; membership in innumerable communities that provide you with huge stores of knowledge and wisdom; and a politico-constitutional order that ought to provide the material and the immaterial conditions that will enable you to pursue a life worth valuing. Drop the simplistic folk-psychology of unfettered freedom, whilst holding on to intentionality, and you might be inclined to adopt a set of social practices and political arrangements that enhance the chances that you and your compatriots will flourish. As many recent studies of consciousness reveal our neurological systems are complex feedback mechanisms designed to create myriad for trial and error and (if you survive) the production of new stores of knowledge. Individuals-comprised of numerous radically heterogeneous, naturally and socially determined selves-are always experimenting, attempting to divine through reflection and action, what 'works' best: even when 'best' means fully embracing who we already are. Choice architects, those persons charged with constructing the environments within which we operate daily, should (if responsible) regularly run experiments that attempt to eliminate biases, and ultimately, deliver norms that nudge us away from negative defaults toward more optimal ends. A constitutional democracy, made up of millions of radically heterogeneous, densely populated individuals, constantly strives to determine what works best for most of its many constituents. Because South Africa's Constitution states (at an extremely high level of generality) only some of the norms that govern our lives, it remains for citizens, representatives and judges to create doctrines and institutions that serve its capaciously framed ends best. After canvassing
the relevant literature in neuroscience, empirical philosophy, behavioural psychology, social capital theory, development economics, and emergent experimental governance, this work suggests that manifold experiments in living that fall within the accepted parameters of our shared constitutional norms are likely, over time, to produce more optimal ways of being that can be replicated by other members of our polity. Our reflexive stance toward best practices—a linchpin of this book’s take on experimental governance—when inextricably linked to a commitment to flourishing and to the expansion of individual capabilities, should cause us to alter the content of the fundamental norms that shape our lives and bind us to one another. A political order founded upon experimental constitutionalism and flourishing promises an egalitarian pluralist reformation of South African society. The book spins out its novel thesis against the concrete backdrop of political arrangements and judicial doctrines that have emerged during the first 20 years of our truly vibrant constitutional democracy. Its trenchant analysis of political institutions and constitutional case law shows us how far we have come, and how far we still have to go.

**Representing Popular Sovereignty**

Designed for an undergraduate course in US constitutional law, the casebook takes a liberal arts approach, tracing constitutional doctrine and policy back to their foundation in social, moral, and political theory, and prompting students to engage the great questions of political life addressed by the Constitution and its interpretation. Opinions of the US Supreme Court constitute the core of the documents. The first edition was published in 1998; the second adds and updates topics. Annotation: 2004 Book News, Inc., Portland, OR (booknews.com).

**Quality Education as a Constitutional Right**

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.

**Constitutional Erosion in Brazil**

This book provides a fascinating analysis of a single jurisdiction, Brazil, and accounts for both the successes and the failures of its most recent constitutional project, inaugurated by the Constitution of 1988. It sets out the following aspects of the constitutional development and erosion: - the different phases of the promised transition from military rule to a 'social-democratic constitutionalism'; - the obstacles to democratisation derived from the absence of true institutional reforms in the judicial branch and in the civil-military relationship; - the legal and social practices which maintained a structure that obstructed the emergence of an effective social-democracy, such as the neoliberal pattern, the acceptance in the political field of unlawful organisations, such as the milícias, and the way the digital revolution has been harming the formation of democratic sovereignty. Situating Brazil in the global context of the revival of authoritarianism, it details the factors which are common to the third wave of democratisation reflux. Accounting for those aspects, particular to the Brazilian jurisdiction, it shows that there is a tension in the Brazilian constitution. On the one hand, such constitutionalism was renewed by democratic pressure on governments to undertake social politics since 1988. On the other hand, it retained authoritarian practices through the hands of diverse institutions and political actors. By exploring the ideas of constitutional erosion and collapse, as well as democratic, social and digital constitutionalism, the book presents a comparative analysis of Brazil and other jurisdictions, including the United States, South Africa, and Peru.
**Education Policy**

This book presents the case that liberal constitutionalism in the global South is a legacy of colonialism and is inappropriate as a means of securing effective peace in regions that have been subject to recurrent conflict. The work demonstrates the failure of liberal constitutionalism in guaranteeing peace in the postcolonial global South. It develops an alternative, more compelling constitutionalism for peacebuilding in conflicted regions. This is based on constitutionalism that recognises plurality as a major feature in the global South. Drawing on events in Nigeria, it develops a constitutional model, based on Cognitive Justice, which could deliver peace by addressing historic, conceptual, legal, institutional and structural issues that have created social inequality and injustice. The study also incorporates insights from the development of plurinational constitutions in South America. The book will be an invaluable resource for researchers, academics and policy-makers with an interest in constitutional legal theory, peacebuilding and postcolonial studies.

**Comparative Constitutional Theory**

This volume represents a historical comparison of the American and the EU European constitutional experiences and lessons to be derived therefrom for the present time. It is designed to deepen the understanding of the historical and political dimensions of constitutional designs and practises on two continents. Hopefully, such historical depth charts will expand the horizon of debates among experts and decision-makers. The first part concentrates on the historical dimension. It deals with the experiences and perceptions of basic American political principles, developments of international and humanitarian law, and the historical dimension of constitutional debates. The second part of the book aims at culling potential lessons from the American constitutional experience and the remarkable longevity of the U.S. constitution. Additional chapters concentrate on specific aspects and elements of the European constitutional debate (courts of law, human rights, minority protections, as well as gender equality). Still
other contributions focus on the historical context of the recent European Constitutional Convention. Chapters on writing a European 'bill of rights', the EU reform debates of the 1990s, and finally an analysis of the Brussels Constitutional Summit of June 2004 are also included. The spillover effects of the economic and monetary union on the constitutional debates are covered here, as well as Asian perceptions of European integration. Practitioners and scholars address in this volume historical, political and diplomatic dimensions and achievements in the process of European constitution making and its chances of success in the future. Finally, the current tensions in the Atlantic world are analysed and what they may portend for the future of European Union security options.

**Constitutional Politics**

The basic structure doctrine articulated by the Indian Supreme Court in 1973 made it amply clear that the basic features of the Constitution must remain inviolable. The doctrine has generated serious debates ever since as it placed substantive and procedural limits on the amending powers of the Executive. Despite the lack of clarity as to its nature, the scope of the doctrine has been broadened in recent years, and a wide range of state actions are covered in its purview. In this book, Krishnaswamy analyses its legitimacy in legal, moral and sociological terms, and argues that the doctrine has emerged from a valid interpretation of the constitutional provisions. This book will be of interest to scholars of Indian Constitutional law, political theory and jurisprudence as well as judges and legal practitioners.

**Global Environmental Constitutionalism in the Anthropocene**

**The SAGE Glossary of the Social and Behavioral Sciences**
Political Culture and Constitutionalism

In many societies today, educational aims or goals are commonly characterized in terms of "equality," "equal opportunity," "equal access" or "equal rights," the underlying assumption being that "equality" in some form is an intelligible and sensible educational ideal. Yet, there are different views and lively debates about what sort of equality should be pursued; in particular, the issue of equality of educational opportunity has served as justification for much of the postwar restructuring of educational systems around the world. The author explores different interpretations of the concept of equality of educational opportunity in Japan, especially as applied to post-World War II educational policies. By focusing on the positions taken by key actors such as the major political parties, central administrative bodies, teachers' unions, and scholars, he describes how their concepts have developed over time and in what way they relate to the making of educational policy, especially in light of Japan's falling birthrate and aging society.

Contested Constitutionalism

In 2005, famed civil rights leader and education activist Robert Moses invited one hundred prominent African American and Latino intellectuals and activists to meet to discuss a proposal for a campaign to guarantee a quality education for all children as a constitutional right—a movement that would “transform current approaches to educational inequity, all of which have failed miserably to yield results for our children.” The response was passionate, and the meeting launched a movement. This book—emerging directly from that effort—reports on what has happened since and calls for a new scale of organizing, legal initiatives, and public definitions of what a quality education is. Essays include · Robert Moses’s historically rooted call for citizens, especially young people, to make the demand for quality education · Ernesto Cortés’s view from decades of work organizing Latino communities in Texas · Charles Payne’s interview with students from the Baltimore Algebra Project, who organized to make historic demands on their district · Legal scholar Imani Perry’s nuanced analysis of the prospects of making a case for quality
education as a right guaranteed by the Constitution. Perspectives from scholars Lisa Delpit and Joan T. Wynne, and by teachers Alicia Caroll and Kim Parker, who provide examples of what quality education is, describing its goal, and how to guide practice in the meantime.

**Constitutionalism and Political Reconstruction**

Although the field of constitutional law has become increasingly comparative in recent years, its geographic focus has remained limited. South Asia, despite being the site of the world's largest democracy and a vibrant if turbulent constitutionalism, is one of the important neglected regions within the field. This book remedies this lack of attention by providing a detailed examination of constitutional law and practice in five South Asian countries: India, Pakistan, Sri Lanka, Nepal, and Bangladesh. Identifying a common theme of volatile change, it develops the concept of 'unstable constitutionalism', studying the sources of instability alongside reactions and responses to it. By highlighting unique theoretical and practical questions in an underrepresented region, Unstable Constitutionalism constitutes an important step toward truly global constitutional scholarship.

**Minority Protection in Post-apartheid South Africa**

The global movement of culture and religion has brought about a serious challenge to traditional constitutional secularism. This challenge comes in the form of a political and institutional struggle against secular constitutionalism, and a two pronged assault on the very legitimacy and viability of the concept. On the one hand, constitutional secularism has been attacked as inherently hostile rather than neutral toward religion; and, on the other hand, constitutional secularism has been criticized as inevitably favouring one religion (or set of religions) over others. The contributors to this book come from a variety of different disciplines including law, anthropology, history, philosophy and political theory. They provide accounts of, and explanations for, present predicaments; critiques of contemporary institutional, political...
and cultural arrangements, justifications and practices; and suggestions with a view to overcoming or circumventing several of the seemingly intractable or insurmountable current controversies and deadlocks. The book is separated into five parts. Part I provides theoretical perspectives on the present day conflicts between secularism and religion. Part II focuses on the relationship between religion, secularism and the public sphere. Part III examines the nexus between religion, secularism and women's equality. Part IV concentrates on religious perspectives on constraints on, and accommodations of, religion within the precincts of the liberal state. Finally, Part V zeroes in on conflicts between religion and secularism in specific contexts, namely education and freedom of speech.

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