



# Key Issues In Constitutional History

**Li-ann Thio, Kevin Y.L. Tan**



## Key Issues In Constitutional History:

*Key Issues in Constitutional History* Carter Smith, 1988 Presents reproducible material about the key issues in American history centering on the American Constitution      *Comparative Constitutional History* Francesco Biagi, Justin O. Frosini, Jason Mazzone, 2020-07-27 While comparative constitutional law is a well established field less attention has been paid so far to the comparative dimension of constitutional history The present volume edited by Francesco Biagi Justin O Frosini and Jason Mazzone aims to address this shortcoming by bringing focus to comparative constitutional history which holds considerable promise for engaging and innovative work along several key avenues of inquiry The essays contained in this volume focus on the origins and design of constitutional governments and the sources that have impacted the ways in which constitutional systems began and developed the evolution of the principle of separation of powers among branches of government as well as the origins role and function of constitutional and supreme courts Contributors Mark Somos Gohar Karapetian Justin O Frosini Viktoriia Lapa Miguel Manero de Lemos Francesco Biagi Catherine Andrews Gon alo de Almeida Ribeiro Mario Alberto Cajas Sarria and Fabian Duessel      *An Outline of the Constitutional History of the United States* Homer Carey Hockett, 1926      *Liberty and Union* Edgar J. McManus, Tara Helfman, 2013-12-04 This the first of two volumes of *Liberty and Union* is a comprehensive constitutional history of the United States from the Anglo American origins of the Constitution through the colonial and antebellum periods to the Civil War and the consequent restructuring of the nation Written in a clear and engaging narrative style it successfully unites thorough chronological coverage with a thematic approach offering critical analysis of core constitutional history topics set in the political social and economic context that made them constitutional issues in the first place Combining a thoughtful and balanced narrative with an authoritative stance on key issues the authors explain the past in the light of the past without imposing upon it the standards of later generations Authored by two experienced professors of History and Law this textbook has been thoughtfully constructed to offer an accessible alternative to dense scholarly works avoiding unnecessary technical jargon defining legal terms and historical personalities where appropriate and making explicit connections between constitutional themes and historical events For students in an undergraduate or postgraduate constitutional history course or anyone with a general interest in constitutional developments this book will be essential reading Useful features include Full glossary of legal terminology Recommended reading A table of cases Extensive supporting artwork Companion website Useful documents provided Declaration of Independence Articles of Confederation Constitution of the United States of America Chronological list of Supreme Court justices      *Liberty and Union* Edgar McManus, Tara Helfman, 2014-01-21 This the concise edition of *Liberty and Union* is an abridged constitutional history of the United States designed for short single semester courses comprising the key topics from Volumes 1 and 2 Written in a clear and engaging narrative style it successfully unites thorough chronological coverage with a thematic approach offering critical analysis of core constitutional history topics set in the

political social and economic context that made them constitutional issues in the first place Combining a thoughtful and balanced narrative with an authoritative stance on key issues the authors deliberately explain the past in the light of the past without imposing upon it the standards of later generations Authored by two experienced professors in the field this concise edition presents seminal topics while retaining the narrative flow of the two full original volumes An accessible alternative to dense scholarly works this textbook avoids unnecessary technical jargon defines legal terms and historical personalities where appropriate and makes explicit connections between constitutional themes and historical events For students in a short undergraduate or postgraduate constitutional history course or anyone with a general interest in constitutional developments this book will be essential reading Useful features include Full glossary of legal terminology Recommended reading A table of cases Extracts from primary documents Companion website Useful documents provided Declaration of Independence Articles of Confederation Constitution of the United States of America Chronological list of Supreme Court justices

*The Cambridge Constitutional History of the United Kingdom: Volume 2, The Changing Constitution* Peter Cane, H. Kumarasingham, 2023-08-17 Featuring contributions from leading scholars of history law and politics this path breaking work traces the development of the United Kingdom's constitution from Anglo Saxon times and explores its role in the creation exercise and control of public power Essays in Volume Two entitled *The Changing Constitution* examine the development of the constitution from the departure of the Romans up to the present day and beyond Together the two volumes form the first wide ranging history of the constitution to be published for more than 50 years By its cross disciplinary approach taking account of the latest legal political and historical scholarship on the constitution it fills a large gap in the literature of the constitution and in political thought and British history

*The Great Justices, 1941-54* William Domnarski, 2009-01-23 *The Great Justices* offers a revealing glimpse of a judicial universe in which titanic egos often clash and comes as close as any book ever has to getting inside the minds of Supreme Court jurists This is rare and little examined territory in the public consciousness the Supreme Court is usually seen as an establishment whose main actors the justices remain above emotion vitriol and gossip the better to interpret our nation of laws Yet the Court's work is always an interchange of ideas and individuals and the men and women who make up the Court despite or because of their best intentions are as human as the rest of us Appreciating that human dimension helps us to discover some of the Court's secrets and a new way to understand the Court and its role Comparing four brilliant but very different jurists of the Roosevelt Court Hugo Black William O Douglas Felix Frankfurter and Robert Jackson William Domnarski paints a startling picture of the often deeply ambiguous relationship between ideas and reality between the law and the justices who interpret and create it By pulling aside the veil of decorous tradition Domnarski brings to light the personalities that shaped one of the greatest Courts of our time one whose decisions continue to affect judicial thinking today William Domnarski is the author of *In the Opinion of the Court* 1996 a study of the history and nature of federal court judicial opinions He holds a J D from the University of

Connecticut and a Ph D in English from the University of California Domnarski currently practices law in California where he is also working on a forthcoming biography of legendary Hollywood lawyer Bert Fields

**The Cambridge Handbook of Deliberative Constitutionalism** Ron Levy, Hoi Kong, Graeme Orr, Jeff King, 2018-04-19 Deliberative democratic theory emphasises the importance of informed and reflective discussion and persuasion in political decision making The theory has important implications for constitutionalism and vice versa as constitutional laws increasingly shape and constrain political decisions The full range of these implications has not been explored in the political and constitutional literatures to date This unique Handbook establishes the parameters of the field of deliberative constitutionalism which bridges deliberative democracy with constitutional theory and practice Drawing on contributions from world leading authors this volume will serve as the international reference point on deliberation as a foundational value in constitutional law and will be an indispensable resource for scholars students and practitioners interested in the vital and complex links between democratic deliberation and constitutionalism

*A History of the Hungarian Constitution* Ferenc Hörcher, Thomas Lorman, 2018-12-13 The new Hungarian Basic Law which was ratified on 1 January 2012 provoked domestic and international controversy Of particular concern was the constitutional text's explicit claim that it was situated within a reinvigorated Hungarian legal tradition that had allegedly developed over centuries before its violent interruption during World War II by German invaders and later by Soviet occupation To explore the context and validity of this claim and the legal traditions which have informed the stormy centuries of Hungary's constitutional development this book brings together a group of leading historians political scientists and legal scholars to produce a comprehensive history of Hungarian constitutional thought Ranging in scope from an overview of Hungarian medieval jurisprudence to an assessment of the various criticisms levelled at the new Hungarian Basis Law of 2012 contributors assess the constitutions their impacts and their legacies as well as the social and cultural contexts within which they were drafted The historical analysis is accompanied by a selection of original source materials many translated here for the first time This is the only book in English on the subject and is essential reading for all those interested in Hungary's history political culture and constitution

**Rule of Law, Human Rights and Judicial Control of Power** Rainer Arnold, José Ignacio Martínez-Estay, 2017-05-16 Judicial control of public power ensures a guarantee of the rule of law This book addresses the scope and limits of judicial control at the national level i.e the control of public authorities and at the supranational level i.e the control of States It explores the risk of judicial review leading to judicial activism that can threaten the principle of the separation of powers or the legitimate exercise of state powers It analyzes how national and supranational legal systems have embodied certain mechanisms such as the principles of reasonableness proportionality deference and margin of appreciation as well as the horizontal effects of human rights that help to determine how far a judge can go Taking a theoretical and comparative view the book first examines the conceptual bases of the various control systems and then studies the models structural elements and functions of the control instruments in selected countries and regions It

uses country and regional reports as the basis for the comparison of the convergences and divergences of the implementation of control in certain countries of Europe Latin America and Africa The book s theoretical reflections and comparative investigations provide answers to important questions such as whether or not there are nascent universal principles concerning the control of public power how strong the impact of particular legal traditions is and to what extent international law concepts have had harmonizing and strengthening effects on internal public power control *The Constitution and Economic Regulation* Michael Conant,2017-10-19 This study uses basic economic analysis as a technique to comment critically on the original meaning and the interpretation of those clauses of the Constitution that have particular bearing on the economy Many new conclusions are markedly different from those of the Supreme Court and earlier commentators Conant s view is that the commerce clause and the equal protection clause if they had been construed consistently with their comprehensive original meanings would have given much greater federal protection against state laws that impair free markets Economic policy for the nation was vested in Congress To the extent that special interests could buy congressional favor for their anticompetitive activities free markets were impaired within constraints as interpreted by the court These decisions have been criticized for their failure to incorporate the antimonopoly tradition in the Ninth Amendment and their failure to recognize equal protection of laws incorporated into the Fifth Amendment Conant holds that statutory controls of the economy are justifiable in economic theory if they are designed to remedy market failures and thereby increase efficiency If statutes are passed to interfere with markets and create market inefficiencies for the benefit of special interest groups they should be condemned under the standards of normative microeconomics There are four main classes of market failure monopoly externalities public goods and informational asymmetry This masterful analysis examines all four reasons for market failure in depth Litigation costs are analogous to transaction costs If legal principles and rules are clearly and precisely defined by the Supreme Court when they are first appealed litigation and its costs should be minimized Conant claims that if legal principles or rules are uncertain because they lack definable standards the number of legal actions filed and litigation costs will be much greater This promotes additional litigation challenging the many statutes enacted to remedy asserted market failures in an expanding industrial economy This work brilliantly addresses the danger to the economy in court rulings seeking to legislate standards of reasonableness **Reader's Guide to American History** Peter J.

Parish,2013-06-17 There are so many books on so many aspects of the history of the United States offering such a wide variety of interpretations that students teachers scholars and librarians often need help and advice on how to find what they want The Reader s Guide to American History is designed to meet that need by adopting a new and constructive approach to the appreciation of this rich historiography Each of the 600 entries on topics in political social and economic history describes and evaluates some 6 to 12 books on the topic providing guidance to the reader on everything from broad surveys and interpretive works to specialized monographs The entries are devoted to events and individuals as well as broader

themes and are written by a team of well over 200 contributors all scholars of American history      Evolution of a Revolution Li-ann Thio, Kevin Y.L. Tan, 2009-01-26 This book presents a timely assessment of the impact of history politics and economics in shaping the Singapore Constitution going beyond the descriptive narrative the authors will cast a critical eye over the developments of the last 40 years      Contemporary Majority Nationalism Alain-G. Gagnon, André Lecours, 2011-06-15 In light of a renewed interest in the study of nationalism Contemporary Majority Nationalism brings together a group of major scholars committed to making sense of this widespread phenomenon To better illustrate the reality of majority nationalism and the way it has been expressed authors combine analytical and comparative perspectives In the first section contributors highlight the paradox of majority nationalism and the ways in which collective identities become national identities The second section offers in depth case study analyses of France the United Kingdom Spain Canada and the United States This book is an international project led by three members of the Research Group on Plurinational Societies based at Universit du Qu bec Montr al Contributors include James Bickerton St Francis Xavier University ngel Casti eira ESADE Escuela superior de administraci n y direcci n de empresas John Coakley University College Dublin Alain Dieckhoff Institut d tudes politiques Paris Louis Dupont Sorbonne University Enric Fossas Unversitat Aut noma de Barcelona Alain G Gagnon Universit du Qu bec Montr al Liah Greenfeld Boston University Andr Lecours Ottawa University John Loughlin St Edmund s College Cambridge and Cambridge University and Genevi ve Nootens Universit du Qu bec Chicoutimi      **Constitutional Cultures** Ulrike Bock, Katrin Dirksen, Silke Hensel, 2013-01-14 Written constitutions are an important attribute of nation states and have become a global phenomenon over the past 200 years The process began with the revolutions in the Atlantic World from where it spread to other regions The present volume looks into the complex of constitutions the fundamental values conveyed by the constitutional texts the building and functioning of new constitutional bodies and their symbolic representation All the authors work on the assumption that in order to fully understand the constitutional order and its history it is necessary in addition to studying the legal text to analyse its special forms of implementation and legitimisation Therefore culture is seen as an important component of constitutional history The volume brings together historians from Argentina France Germany Great Britain Spain and the United States all are specialised in constitutional history and political culture in the 19th century Their contributions include case studies on the colonial European powers as well as their colonies or ex colonies in the Americas A special aim of the volume is to show the connectedness of the constitutional processes that took place in these regions during the late 18th and the 19th centuries By connecting two vibrant research areas this volume makes an important contribution to studies on political culture and the history of the Atlantic World The book targets a broad academic readership especially in the fields of cultural studies history and political science and contributes to an internationalisation of the academic debate on the concept of constitutional culture      *Constitutionalism, Legitimacy, and Power* Kelly L Grotke, Markus J Prutsch, 2014-09-25 If one counts the production of constitutional documents alone the nineteenth century

can lay claim to being a constitutional age one in which the generation and reception of constitutional texts served as a centre of gravity around which law and politics consistently revolved This volume critically re examines the role of constitutionalism in that period in order to counter established teleological narratives that imply a consistent development from absolutism towards inclusive participatory democracy Various aspects of constitutional histories within and outside of Europe are examined from a comparative transnational and multidisciplinary historical perspective organized around five key themes The first part looks at constitutions as anti revolutionary devices and addresses state building monarchical constitutionalism and restorations The second part takes up constitutions and the justification of new social inequalities focusing on women s suffrage human rights and property The third part uses individual country studies to take on questions of how constitutions served to promote nationalism The use of constitutions as instruments of imperialism is covered in the fourth part and the final part examines the ways that constitutions function simultaneously as legal and political texts These themes reflect a certain scepticism regarding any easy relationship between stated constitutional ideals and enacted constitutional practices Taken together they also function as a general working hypothesis about the role of constitutions in the establishment and maintenance of a domestically and internationally imbalanced status quo of which we are the present day inheritors More particularly this volume addresses the question of the extent to which nineteenth century constitutionalism may have set the stage for new forms of domination and discrimination rather than inaugurating a period of progress and increasing equality

**Constitution-making and Human Rights in the Sudans** Lutz Oette, Mohamed Abdelsalam Babiker, 2018-12-20 Sudan and South Sudan have suffered from repeated cycles of conflict and authoritarianism resulting in serious human rights and humanitarian law violations Several efforts such as the 2005 Comprehensive Peace Agreement and transitional justice initiatives have recognized that the failure to develop a stable political and legal order is at the heart of Sudan s governance problems Following South Sudan s independence in 2011 parallel constitutional review processes are under way that have prompted intense debates about core issues of Sudan s identity governance and rule of law human rights protection and the relationship between religion and the State This book provides an in depth study of Sudan s constitutional history and current debates with a view to identifying critical factors that would enable Sudan and South Sudan to overcome the apparent failure to agree on and implement a stable order conducive to sustainable peace and human rights protection It examines relevant processes against the broader constitutional history of Sudan and identifies the building blocks for constitutional reforms through a detailed analysis of Sudanese law and politics The book addresses constitutionalism and constitutional rights protection in their political legal and institutional context in Sudan and South Sudan and the repercussions of the relationship between state and religion for the right to freedom of religion minority rights and women s rights *Public Affairs Information Service Bulletin* ,1916 *God and Man in the Law* Robert Lowry Clinton,1997 In a wide ranging study based on legal history political theory and philosophical ideas going all the way back to



Plato and Roman law Robert Clinton challenges current faith in an activist judiciary Claiming that a human centered Constitution leads to government by reductive moral theory and illegitimate judicial review he advocates a return to traditional jurisprudence and a God centered Constitution grounded in English common law and its precedents Nation and History Peter Brock, John Stanley, Piotr J. Wróbel, 2006-12-15 The important scholarly achievements of Polish historians remain largely unknown outside Poland In Nation and History editors Peter Brock John Stanley and Piotr J Wr bel have brought together twenty four essays on Polish historians from the Enlightenment to the Second World War an era of unparalleled changes in every aspect of Polish life From the late eighteenth century until 1918 the Polish state was partitioned between its three neighbours Russia Prussia Germany and Austria Polish historiography throughout this period tended to focus on the reasons behind the old Polish state s decline and fall This shaped Polish historians vision of their country s past and created the burden of not only having to discuss the state but the issue of nation its essence its shape and its failure The contributors to this volume from Poland and abroad closely examine the role played by historians in both the documenting and shaping of Poland s history While featuring different approaches Nation and History serves as the most comprehensive work on Polish historiography written in English

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