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After the collapse of communism, some thirty
countries scrambled to craft democratic constitutions.
Surprisingly, the modal constitution chosen in these

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The country was neither the pure parliamentary ...

Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic

The UK Government has pushed through a parliamentary measure which formalises and extends the cut in UK development assistance. At the 2021 budget the chancellor announced that development assistance ...

Widely criticised aid cuts expose limits of the law

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discipline that attracts a broad range of interdisciplinary interest in the formation, design, and operation of ... ideas and related notions of ...

Comparative Constitutional Law

The Constitution of India came into force on January ... The idea of the Rule of Law, the concept of the legislative procedure, single Citizenship, Cabinet in the Government, Prerogative writs ...

Sources of the Constitution of India: What did we borrow from where?

The United States calls itself the world's oldest democracy, which would be true if the world began in

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1965. That was the year John Lewis marched to the
Edmund Pettus Bridge, the president said "We sh ...

The U.S. Supreme Court is antidemocratic — by design

This article explores legislative solutions—both one that already has been enacted and another that has been proposed—to the problem of LIBOR transition in securitization trusts. These solutions ...

Legislative Solutions to the LIBOR Replacement Dilemma

The Constitution of 1787 formed "a more perfect union" rather than an entirely new system of

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The French Fifth Republic. One of the great practical advantages of the covenant design ... supreme law of the land ...

Engines Of Liberty: Constitutional Challenges

and the constitutional recognition of international and customary law. It discusses equality rights and reproductive rights as distinct issues for constitutional design. "The book makes an important ...

Gender and the Constitution

As the federal government grapples with the implementation of an Indigenous-only "Voice to Parliament", a new poll has suggested Australians would rather go in the opposition direction entirely.

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Most Australians want 'race' removed from the Constitution, poll suggests

While constitutional ... design 4. Identifying the political origins of constitutional justice through quantitative analysis Daniel M. Brinks, University of Texas, Austin Daniel M. Brinks is Associate ...

The DNA of Constitutional Justice in Latin America

Seimas Resolution No. 597 authorizing the development of a conference center on a Jewish cemetery comes under the spotlight. In 2015, the Li ...

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Chile officially starts writing a new constitution Sunday to replace the one it inherited from the era of dictator Augusto Pinochet and is widely blamed for deep social inequalities that gave rise ...

Chile begins drafting new post-Pinochet constitution

Particularly with Nigeria's diverse peculiarities, the constitution is largely defective ... approval for President Muhammadu Buhari to borrow money for some capital projects, and also twice ...

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Chile officially starts writing a new constitution on Sunday to replace the one it inherited from the era of dictator Augusto Pinochet and is widely blamed ...

Chile works on new constitution

In their communique, the PDP governors had warned the All Progressive Congress (APC) administration that its rate of borrowing could ... emphasised that under the Constitution, the NNPC is duty ...

PDP gobs not supporting solution to herders crisis - Presidency

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On the common EU recovery package in response to the pandemic: "The associated European borrowing is limited ... "We are committed to the constitutional debt brake. It has proven its functionality ...

Factbox: German conservatives agree election manifesto "for stability and renewal"

The United States calls itself the world's oldest democracy, which would be true if the world began in 1965. That was the year John Lewis marched to the Edmund Pettus Bridge, the president said "We ...

Opinions | The Supreme Court is antidemocratic. That's by design.

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Comparative Constitutional Law is a rejuvenated discipline that attracts a broad range of interdisciplinary interest in the formation, design, and operation of ... ideas and related notions of ...

Comparative Constitutional Law

rule of law and respect for human rights ... With us, there will be no full membership of Turkey in the EU. Instead, we will agree on a close partnership." "We are committed to the constitutional ...

After the collapse of communism, some thirty

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The First Five Years**

countries scrambled to craft democratic constitutions. Surprisingly, the constitutional model they most often chose was neither the pure parliamentary model found in most of Western Europe at the time, nor the presidential model of the Americas. Rather, it was semi-presidentialism--a rare model known more generally as the "French type." This constitutional model melded elements of pure presidentialism with those of pure parliamentarism. Specifically, semi-presidentialism combined a popularly elected head of state with a head of government responsible to a legislature. Borrowing Constitutional Designs questions the hasty adoption of semi-presidentialism by new democracies. Drawing on rich case studies of

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Two of the most important countries for European politics in the twentieth century--Weimar Germany and the French Fifth Republic--Cindy Skach offers the first theoretically focused, and historically grounded, analysis of semi-presidentialism and democracy. She demonstrates that constitutional choice matters, because under certain conditions, semi-presidentialism structures incentives that make democratic consolidation difficult or that actually contribute to democratic collapse. She offers a new theory of constitutional design, integrating insights from law and the social sciences. In doing so, Skach challenges both democratic theory and democratic practice. This book will be welcomed not only by

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The French Fifth Republic of constitutional law but also by those in fields such as comparative politics, European politics and history, and international and public affairs.

This volume brings together essays by leading scholars of comparative constitutional design from myriad disciplinary perspectives. The authors collectively assess what we know - and don't know - about the design process as well as particular institutional choices concerning executive power, constitutional amendment processes, and many other issues. Bringing together positive and normative analysis, it provides the state of the art in a field of

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growing theoretical and practical importance.

Law is fast globalizing as a field, and many lawyers, judges and political leaders are engaged in a process of comparative "borrowing". But this new form of legal globalization has darksides: it is not just a source of inspiration for those seeking to strengthen and improve democratic institutions and policies. It is increasingly an inspiration - and legitimation device - for those seeking to erode democracy by stealth, under the guise of a form of faux liberal democratic cover. Abusive Constitutional Borrowing: Legal globalization and the subversion of liberal democracy outlines this phenomenon, how it succeeds, and what

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The French Fifth R. This book address current patterns of democratic retrenchment and explores its multiple variants and technologies, considering the role of legitimating ideologies that help support different modes of abusive constitutionalism. An important contribution to both legal and political scholarship, this book will of interest to all those working in the legal and political disciplines of public law, constitutional theory, political theory, and political science.

South Asian countries in spite of having diverse histories and politics share a uniformity in terms of constitutionalism. This pioneering volume maps out

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The intellectual and historical contours of this little-studied field, yet one that is critical to South Asia's future. The essays collected here examine whether the experience so far of comparative law across South Asia offers insight into broader trends in constitutionalism, and also ask how the corpus of general comparative constitutional law might benefit from greater familiarity with the South Asian experience.

Classic Books Library presents this brand new edition of "The Federalist Papers", a collection of separate essays and articles compiled in 1788 by Alexander Hamilton. Following the United States Declaration of

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Independence in 1776, the governing doctrines and policies of the States lacked cohesion. “The Federalist”, as it was previously known, was constructed by American statesman Alexander Hamilton, and was intended to catalyse the ratification of the United States Constitution. Hamilton recruited fellow statesmen James Madison Jr., and John Jay to write papers for the compendium, and the three are known as some of the Founding Fathers of the United States. Alexander Hamilton (c. 1755–1804) was an American lawyer, journalist and highly influential government official. He also served as a Senior Officer in the Army between 1799-1800 and founded the Federalist Party, the system that

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governed the nation's finances. His contributions to the Constitution and leadership made a significant and lasting impact on the early development of the nation of the United States.

How do armies fight and what makes them victorious on the modern battlefield? In *Divided Armies*, Jason Lyall challenges long-standing answers to this classic question by linking the fate of armies to their levels of inequality. Introducing the concept of military inequality, Lyall demonstrates how a state's prewar choices about the citizenship status of ethnic groups within its population determine subsequent battlefield performance. Treating certain ethnic groups as

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Second-class citizens, either by subjecting them to state-sanctioned discrimination or, worse, violence, undermines interethnic trust, fuels grievances, and leads victimized soldiers to subvert military authorities once war begins. The higher an army's inequality, Lyall finds, the greater its rates of desertion, side-switching, casualties, and use of coercion to force soldiers to fight. In a sweeping historical investigation, Lyall draws on Project Mars, a new dataset of 250 conventional wars fought since 1800, to test this argument. Project Mars breaks with prior efforts by including overlooked non-Western wars while cataloguing new patterns of inequality and wartime conduct across hundreds of belligerents.

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Combining historical comparisons and statistical analysis, Lyall also marshals evidence from nine wars, ranging from the Eastern Fronts of World Wars I and II to less familiar wars in Africa and Central Asia, to illustrate inequality's effects. Sounding the alarm on the dangers of inequality for battlefield performance, *Divided Armies* offers important lessons about warfare over the past two centuries—and for wars still to come.

What will happen to American democracy? The nation's past holds vital clues for understanding where we are now and where we are headed. In *The Cycles of Constitutional Time*, the eminent

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The constitutional theorist Jack Balkin explains how America's constitutional system changes through the interplay among three cycles: the rise and fall of dominant political parties, the waxing and waning of political polarization, and alternating episodes of constitutional decay and constitutional renewal. If America's politics seems especially fraught today, it is because we are nearing the end of the Republican Party's political dominance, at the height of a long cycle of political polarization, and suffering from an advanced case of what he calls "constitutional rot." In fact, when people talk about constitutional crisis, Balkin explains, they are usually describing constitutional rot--the historical process through

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which republics become less representative and less devoted to the common good. Brought on by increasing economic inequality and loss of trust, constitutional rot threatens our constitutional system. But Balkin offers a message of hope: We have been through these cycles before, and we will get through them again. He describes what our politics will look like as polarization lessens and constitutional rot recedes. Balkin also explains how the cycles of constitutional time shape the work of the federal courts and theories about constitutional interpretation. He shows how the political parties have switched sides on judicial review not once but twice in the twentieth century, and what struggles

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Over judicial review will look like in the coming decades. Drawing on literatures from history, law, and political science, this is a fascinating ride through American history with important lessons for the present and the future.

This book illuminates how law and politics interact in the judicial doctrines and explores how democracy sustains and is sustained by the exercise of judicial power.

“Can Orentlicher be serious in calling for a plural executive? The answer is yes, and he presents thoughtful and challenging arguments responding to

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Tikely criticisms. Any readers who are other than completely complacent about the current state of American politics will have to admire Orentlicher's distinctive audacity and to respond themselves to his well-argued points." —Sanford Levinson, author of *Framed: America's 51 Constitutions and the Crisis of Governance* "In this refreshingly provocative book, David Orentlicher explains why it is due time for us to reconsider dominant ideas about the presidency, now arguably our most powerful political institution." —William E. Scheuerman, Indiana University When talking heads and political pundits make their "What's Wrong with America" lists, two concerns invariably rise to the top: the growing presidential abuse of

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The French Fish Politics
power and the toxic political atmosphere in Washington. In *Two Presidents Are Better Than One*, David Orentlicher shows how the “imperial presidency” and partisan conflict are largely the result of a deeper problem—the Constitution’s placement of a single president atop the executive branch. Accordingly, writes Orentlicher, we can fix our broken political system by replacing the one person, one-party presidency with a two-person, two-party executive branch. Orentlicher contends that our founding fathers did not anticipate the extent to which their checks and balances would fail to contain executive power and partisan discord. As the stakes in presidential elections have grown ever higher since

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The New Deal, battles to capture the White House have greatly exacerbated partisan differences. Had the framers been able to predict the future, Orentlicher argues, they would have been far less enamored with the idea of a single leader at the head of the executive branch and far more receptive to the alternative proposals for a plural executive that they rejected. Analyzing the histories of other countries with a plural executive branch and past examples of bipartisan cooperation within Congress, Orentlicher shows us why and how to implement a two-person, two-party presidency. Ultimately, Two Presidents Are Better Than One demonstrates why we need constitutional reform to rebalance power between the

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The Executive and Legislative branches and contain partisan conflict in Washington. David Orentlicher is Samuel R. Rosen Professor at Indiana University Robert H. McKinney School of Law. A scholar of constitutional law and a former state representative, David also has taught at Princeton University and the University of Chicago Law School. He earned degrees in law and medicine at Harvard and specializes as well in health care law and ethics.

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