

Constituting Economic And Social Rights Oxford Constitutional Theory

Encyclopedia of Business Ethics and Society
Robert W. Kolb 2007-10-19 The five volumes of this ultimate resource recognize the inherent unity between business ethics and business and society, that stems from their shared primary concern with value in commerce. This Encyclopedia spans the relationships among business, ethics, and society by including more than 800 entries that feature broad coverage of corporate social responsibility, the obligation of companies to various stakeholder groups, the contribution of business to society and culture, and the relationship between organizations and the quality of the environment.

The Three Branches Christoph Möllers
2013-03-14 The idea of the separation of powers

is still popular in much political and constitutional discourse, though its meaning for the modern state remains unclear and contested. This book develops a new, comprehensive, and systematic account of the principle. It then applies this new concept to legal problems of different national constitutional orders, the law of the European Union, and international institutional law. It connects an argument from normative political theory with phenomena taken from comparative constitutional law. The book argues that the conflict between individual liberty and democratic self-determination that is characteristic of modern constitutionalism is proceduralized through the establishment of different governmental branches. A close analysis of the relation between individual and

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collective autonomy on the one hand and the ways lawmaking through public institutions can be established on the other hand helps us identify criteria for determining how legislative, administrative, and judicial lawmaking can be distinguished and should be organized. These criteria define a common ground in the confusing variety of western constitutional traditions and their diverse use of the notion of separated powers. They also enable us to establish a normative framework that throws a fresh perspective on problems of constitutional law in different constitutional systems: constitutional judicial review of legislation, limits of legislative delegation, parliamentary control of the executive, and standing. Linking arguments from comparative constitutional law and international law, the book then uses this framework to offer a new perspective on the debate on constitutionalism beyond the state. The concept permits certain institutional insights of the constitutional experiences within

states to be applied at the international level without falling into any form of methodological nationalism.

Talking Politics 1992

Canadian Oxford Dictionary Katherine Barber 2004 This is the Canadian Oxford Dictionary compiled from a database of over 16-million words of Canadian text from the last ten years. It has two database files which make it easier to find the correct spelling and definitions.

Constituting Economic and Social Rights

Katharine G. Young 2012 Food, water, health, housing, and education are fundamental to human freedom and dignity, yet only recently have legal systems begun to secure these fundamental individual interests as rights. This book analyses the transformation of socio-economic rights into constitutional rights, and their impact on public law and constitutional theory

Journal of Economic Literature 1997

[Reflections on Global Constitutionalism](#) □□□□

2005

Proportionality, Balancing, and Rights Jan-R.

Sieckmann 2021-08-12 The book focuses on Robert Alexy's theory of constitutional rights. Alexy systematically presented the theory in his seminal book "Theorie der Grundrechte" (1985; Engl. translation "Theory of Constitutional Rights, 2002) and continued to develop it in numerous subsequent articles. Arguably still the most influential theory of constitutional rights, it has found widespread academic support, as well as recognition in several constitutional jurisdictions. On the other hand, it has also been the object of considerable criticism. The aim of this book is to outline the central aspects of Alexy's theory as he sees them, and to further develop the principles of constitutional, fundamental, and human rights by applying a constructive criticism of his theory.

Constituting Economic and Social Rights

Katharine Young 2014 Food, water, health, housing, and education are as fundamental to

human freedom and dignity as privacy, religion, or speech. Yet only recently have legal systems begun to secure these fundamental individual interests as rights. This book looks at the dynamic processes that render economic and social rights in legal form. It argues that processes of interpretation, enforcement, and contestation each reveal how economic and social interests can be protected as human and constitutional rights, and how their protection changes public law. Drawing on constitutional examples from South Africa, Colombia, Ghana, India, the United Kingdom, the United States and elsewhere, the book examines innovations in the design and role of institutions such as courts, legislatures, executives, and agencies in the organization of social movements and in the links established with market actors. This comparative study shows how legal systems protect economic and social rights by shifting the focus from minimum bundles of commodities or entitlements to processes of value-based,

deliberative problem solving. Theories of constitutionalism and governance inform the potential of this approach to reconcile economic and social rights with both democratic and market principles, while addressing the material inequality, poverty and social conflict caused, in part, by law itself. The book: •Develops an original, analytic model for understanding the rapid legal expansion of socio-economic rights, and their impact on public law and constitutional theory; •Contains comparative examples from such constitutions as South Africa, Canada, Colombia, Germany, Ghana, India, United Kingdom, and the United States, as well as international systems, enriching the comparative law literature; •Draws on judicial, legislative, and executive interactions, as well as civil society and market participants, in a sophisticated legal methodology, overcoming the limitations of traditional court-focused studies.

The Public Law of Gender Kim Rubenstein
2016-05-26 Examines the public law of gender

and equality from the perspectives of comparative constitutional law, international law and governance.

The Future of Economic and Social Rights

Katharine G. Young 2019-04-11 Captures significant transformations in the theory and practice of economic and social rights in constitutional and human rights law.

Borrowing Justification for Proportionality João Andrade Neto 2018-11-11 The proportionality test, as proposed in Robert Alexy's principles theory, is becoming commonplace in comparative constitutional studies. And yet, the question "are courts justified in borrowing proportionality?" has not been expressly put in many countries where judicial borrowings are a reality. This book sheds light on this question and examines the circumstances under which courts are authorized to borrow from alien legal sources to rule on constitutional cases. Taking the Supreme Federal Court of Brazil - and its enthusiastic recourse to proportionality when

interpreting the Federal Constitution – as a case study, the book investigates the normative reasons that could justify the court’s attitude and offers a comprehensive overview of its case law on controversial constitutional matters like abortion, same-sex union, racial quotas, and the right to public healthcare. Providing a valuable resource for those interested in comparative constitutional law and legal theory, or curious about Brazilian constitutional law, this book questions the alleged universality of the proportionality test, challenges the premises of Alexy’s principles theory, and discloses more than 68 Brazilian Supreme Court decisions delivered from 2003 to 2018 that would otherwise have remained unknown to an English-speaking audience.

Comparative Constitutional Theory Gary Jacobsohn 2025-11-04 This thoroughly revised Second Edition provides a refreshed overview of comparative constitutional law and theory. Expert authors investigate the recent

proliferation of instances in which the practice of constitutionalism has been compromised by various forms of democratic erosion.

Constituting Economic and Social Rights Katharine G. Young 2012-08-23 This book will appeal to a range of constitutional and public legal scholars and practitioners, and will appeal to both audiences of human rights practice, and those following legal theory. First, the book presents a breakthrough in constitutional argument about economic and social rights, long debated in constitutional rights scholarship and public law. It provides an important collection of comparative developments, new analytical constructs, and contemporary developments in rights theory. Second, the book draws on comparative constitutional law to inform and develop debates in international human rights law. This audience will learn how new approaches to interpretation, enforcement, adjudication, justiciability, and deliberation, may advance international and transnational human

rights advocacy, argument and reasoning. Third, the book informs the interdisciplinary debates of food, health care, housing, education and water law.

Constitutional and Political Theory Ernst-Wolfgang Böckenförde 2017-01-26 Ernst-Wolfgang Böckenförde (b. 1930) is one of Europe's foremost legal scholars and political thinkers. As a scholar of constitutional law and a judge on Germany's Federal Constitutional Court (December 1983 - May 1996), Böckenförde has been a major contributor to contemporary debates in legal and political theory, to the conceptual framework of the modern state and its presuppositions, and to contested political and ethical problems. Thus, his writings have shaped not only academic but also wider public debates from the 1950s to the present, to an extent that few European scholars can match. As a federal constitutional judge and holder of one of the most important and most trusted public offices, Böckenförde has influenced the way in

which academics and citizens think about law and politics. During his tenure as a member of the Second Senate of the Federal Constitutional Court, several path-breaking decisions for the Federal Republic of Germany were handed down, including decisions pertaining to the deployment of missiles, the law on political parties, the regulation of abortion, and the process of European integration. In the first representative edition in English of Böckenförde's writings, this volume brings together his essays on constitutional and political theory. These include: political theory of the state; constitutional theory; constitutional norms and fundamental rights; the relationship between state, citizenship, and political autonomy. Each of these cornerstones of Böckenförde's legal and political thinking feature introductions to the articles as well as a running editorial commentary to the work. A second volume will follow this collection, focusing on religion, law, and democracy.

The Journal of Education 1923

Jürgen Habermas: Law and politics

(continued). Ethics David M. Rasmussen 2002

Constituting the Modern World Richard Kurt Burch 1991

Carl Schmitt's State and Constitutional Theory

Benjamin A. Schupmann 2017 Can a constitutional democracy commit suicide? Can an illiberal antidemocratic party legitimately obtain power through democratic elections and amend liberalism and democracy out of the constitution entirely? In Weimar Germany, these theoretical questions were both practically and existentially relevant. By 1932, the Nazi and Communist parties combined held a majority of seats in parliament. Neither accepted the legitimacy of liberal democracy. Their only reason for participating democratically was to amend the constitution out of existence. This book analyses Carl Schmitt's state and constitutional theory and shows how it was conceived in response to the Weimar crisis.

Right-wing and left-wing political extremists recognized that a path to legal revolution lay in the Weimar constitution's combination of democratic procedures, total neutrality toward political goals, and positive law. Schmitt's writings sought to address the unique problems posed by mass democracy. Schmitt's thought anticipated 'constrained' or 'militant' democracy, a type of constitution that guards against subversive expressions of popular sovereignty and whose mechanisms include the entrenchment of basic constitutional commitments and party bans. Schmitt's state and constitutional theory remains important: the problems he identified continue to exist within liberal democratic states. Schmitt offers democrats today a novel way to understand the legitimacy of liberal democracy and the limits of constitutional change.

Constitutions and Political Theory Jan-Erik

Lane 1996 The author begins by examining the origins and history of constitutionalism, then

looks at the structure of the state. He discusses the need for constitutions, their effect on social and economic outcomes, and what makes a fair constitution.

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