

OXFORD CONSTITUTIONAL THEORY



*Constituting Economic
and Social Rights*

KATHARINE G. YOUNG

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Ernst-Wolfgang Böckenförde



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Comparative Constitutional Theory Gary Jacobsohn, Miguel Schor, 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 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 Constitutional and Political Theory Ernst-Wolfgang Böckenförde, 2017 In this comprehensive edition of Ernst Wolfgang Böckenförde's definitive work in constitutionalism law and politics readers have access to the legal discourse of one of Germany's leading contemporary theorists and former judge of the federal constitutional court available in the English language for the first time **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 **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

The Public Law of Gender Kim Rubenstein, Katharine G. Young, 2016-05-26 Examines the public law of gender and equality from the perspectives of comparative constitutional law international law and governance

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 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

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

Constituting the Modern World Richard Kurt Burch,1991 Reflections on Global Constitutionalism 田田田田,2005

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 Journal of Education** ,1923 **Talking Politics** ,1992 **Journal of Economic Literature** ,1997

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 Jürgen Habermas: Law and politics (continued). Ethics David M. Rasmussen,James Swindal,2002 **The Encyclopædia Britannica** James Louis Garvin,1926

This book delves into Constituting Economic And Social Rights Oxford Constitutional Theory. Constituting Economic And Social Rights Oxford Constitutional Theory is a crucial topic that must be grasped by everyone, ranging from students and scholars to the general public. This book will furnish comprehensive and in-depth insights into Constituting Economic And Social Rights Oxford Constitutional Theory, encompassing both the fundamentals and more intricate discussions.

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 - Chapter 3: Constituting Economic And Social Rights Oxford Constitutional Theory in Everyday Life
 - Chapter 4: Constituting Economic And Social Rights Oxford Constitutional Theory in Specific Contexts
 - Chapter 5: Conclusion
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 6. In chapter 5, this book will draw a conclusion about Constituting Economic And Social Rights Oxford Constitutional Theory. The final chapter will summarize the key points that have been discussed throughout the book.
- This book is crafted in an easy-to-understand language and is complemented by engaging illustrations. This book is highly recommended for anyone seeking to gain a comprehensive understanding of Constituting Economic And Social Rights Oxford Constitutional Theory.

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