



Constitution Making

Charles Kettleborough



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Democratic Constitution Making Vivien Hart, 2003
Ginsburg, Sumit Bisarya, 2022-11-17 Constitution making is a major event in the life of a country with constitutions often acting as a catalyst for social and political transformation But what determines the visions aspirations and compromises that go into a written constitution In this unique volume constitution makers from countries around the world come together to offer their insights Using a collection of case studies from countries with recently written constitutions Constitution Makers on Constitution Making provides a common framework to explain how constitutions are created Scholars and practitioners very close to the process illuminate critical insights into how participants see constitutional options how deadlocks are broken and how changes are achieved This vital volume also draws lessons concerning the role of courts in policing the process on international involvement and on public participation

Comparative Constitution Making David Landau, Hanna Lerner, 2019 Recent years have witnessed an explosion of new research on constitution making Comparative Constitution Making provides an up to date overview of this rapidly expanding field

Post Sovereign Constitution Making Andrew Arato, 2016-03-10 Constitutional politics has become a major terrain of contemporary struggles Contestation around designing replacing revising and dramatically re interpreting constitutions is proliferating worldwide Starting with Southern Europe in post Franco Spain then in the ex Communist countries in Central Europe post apartheid South Africa and now in the Arab world constitution making has become a project not only of radical political movements but of liberals and conservatives as well Wherever new states or new regimes will emerge in the future whether through negotiations revolutionary process federation secession or partition the making of new constitutions will be a key item on the political agenda Combining historical comparison constitutional theory and political analysis this volume links together theory and comparative analysis in order to orient actors engaged in constitution making processes all over the world The book examines two core phenomena the development of a new democratic paradigm of constitution making and the resulting change in the normative discussions of constitutions their creation and the source of their legitimacy After setting out a theoretical framework for understanding these developments Andrew Arato examines recent constitutional politics in South Africa Hungary Turkey and Latin America and discusses the political stakes in constitution making The book concludes by offering a systematic critique of the alternative to the new paradigm populism and populist constituent politics

Constitution Making in Indiana Charles Kettleborough, 1916

Deliberative Constitution-making Min Reuchamps, Yanina Welp, 2023-08-31 This book explains deliberative constitution making with a special focus on the connections between participation representation and legitimacy and provides a general overview of what the challenges and prospects of deliberative constitution making are today It seeks to provide a more complete picture of what is at stake as a political trend in various places in the world both theoretically and empirically grounded Distinctively

the book studies not only established democracies and well known cases of deliberative constitution making but also such practices in authoritarian and less consolidated democratic settings and departs from a traditional institutional perspective to have a special focus on actors and in particular underrepresented groups This book is of key interest to scholars and students of deliberative democracy constitutional politics democratization and autocratization studies citizen participation and more broadly to comparative politics public administration social policy and law

Transnational Constitution Making Alicia Pastor y Camarasa, 2024-06-14 This book examines the largely neglected but crucial role of transnational actors in democratic constitution making The writing or rewriting of constitutions is usually a key moment in democratic transitions But how exactly does this take place Most contemporary comparative constitutional literature draws on the concept of constituent power the power of the people to address this moment But what this overlooks this book argues is the important role of external transnational actors who tend to play a crucial role in the process Drawing on sociolegal methodologies but informed by new legal realism this book develops a new theoretical framework for examining the involvement of such actors in constitution making Empirically grounded the book uncovers a more comprehensive picture of how constitution making unfolds on the ground Illuminating the power dynamics at play during the legal process it reveals not only the wide range of external actors involved but also the continuity between decolonisation and post Cold War constitution making This book the first to provide an in depth examination of external actor involvement in constitution making will appeal to scholars of constitutional law sociolegal studies law and development and transitional justice

Constitution Making in Indiana: 1780-1851 Charles Kettleborough, 1916 **Constitution-making** Edward McWhinney, 1981 **State Constitution-making, with Especial Reference to Tennessee** Wallace McClure, 1916

Making Constitutions in Deeply Divided Societies Hanna Lerner, 2011-05-12 How can societies still grappling over the common values and shared vision of their state draft a democratic constitution This is the central puzzle of Making Constitutions in Deeply Divided Societies While most theories discuss constitution making in the context of a moment of revolutionary change Hanna Lerner argues that an incrementalist approach to constitution making can enable societies riven by deep internal disagreements to either enact a written constitution or function with an unwritten one She illustrates the process of constitution writing in three deeply divided societies Israel India and Ireland and explores the various incrementalist strategies deployed by their drafters These include the avoidance of clear decisions the use of ambivalent legal language and the inclusion of contrasting provisions in the constitution Such techniques allow the deferral of controversial choices regarding the foundational aspects of the polity to future political institutions thus enabling the constitution to reflect a divided identity

Constitution Making in Indiana Charles Kettleborough, 1930 **Constitution-Making and Transnational Legal Order** Gregory Shaffer, Tom Ginsburg, Terence C. Halliday, 2019-04-18 Since the rise of the nation state in the nineteenth century constitutions have been seen as an embodiment of national values

and identity. However, individuals' ideas and institutions from abroad have always influenced constitutions, and so the process is better described as transnational. As cross-border interaction is increasing in intensity, a dominant transnational legal order for constitutions has emerged with its own norms, guidelines, and shared ideas. Yet both the process and substance of constitution making are being contested in divergent and insurgent constitutional orders. Bringing together leading scholars from the United States, Europe, Latin America, and Asia, this volume addresses the actors, networks, norms, and processes involved in constitution making, as well as the related challenges from a transnational and comparative perspective. Drawing from the research on transnational legal orders, this work explores and examines constitution making in every region of the world.

Constitution Makers on Constitution Making Tom Ginsburg, Sumit Bisarya, 2022. Comparative constitutional law is an intellectually vibrant field that encompasses an increasingly broad array of approaches and methodologies. This series collects analytically innovative and empirically grounded work from scholars of comparative constitutionalism across academic disciplines. Books in the series include theoretically informed studies of single constitutional jurisdictions, comparative studies of constitutional law and institutions, and edited collections of original essays that respond to challenging theoretical and empirical questions in the field.

Constitution Making in Indiana Charles Kettleborough, 1916

Between Authority and Liberty Marc W. Kruman, 2014-03-24. In a major reinterpretation of American political thought in the revolutionary era, Marc Kruman explores the process of constitution making in each of the thirteen original states and shows that the framers created a distinctively American science of politics well before the end of the Confederation era. Suspicious of all government power, state constitution makers greatly feared arbitrary power and mistrusted legislators' ability to represent the people's interests. For these reasons, they broadened the suffrage and introduced frequent elections as a check against legislative self-interest. This analysis challenges Gordon Wood's now classic argument that at the beginning of the Revolution, the founders placed great faith in legislators as representatives of the people. According to Kruman, revolutionaries entrusted state constitution making only to members of temporary provincial congresses or constitutional conventions whose task it was to restrict legislative power. At the same time, Americans maintained a belief in the existence of a public good that legislators and magistrates, when properly curbed by one another and by a politically active citizenry, might pursue.

Constitution Making Calvin C. Jillson, 2002. Looking closely at the roll call voting records, the author examines the patterns of cooperation and conflict among individual delegates and their state delegations as voting units, analyzes the changes in voting coalitions, and the implication of those changes for the resolution of critical substantive issues before the Convention, and shows how these major issues were addressed, modified, and resolved from the opening of the Convention on May 25, 1787, to its final adjournment on September 17. The result is a conceptually sophisticated and empirically accurate understanding of the politics of constitution making in the Federal Convention that the author hopes will allow us to see the democratic politics of our own age in clearer perspective.

The Treaty Making Power of the United States Charles Henry

Butler,1902 *Constitutional Politics* Sotirios A. Barber,Robert P. George,2021-03-09 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 *Constitution Making in Indiana* Charles Kettleborough,1917

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