



RAN HIRSCHL : CONSTITUTIONAL THEOCRACY

Constitutional Theocracy

Ran Hirschl



Constitutional Theocracy:

Constitutional Theocracy Ran Hirschl, 2010-11-01 At the intersection of two sweeping global trends the rise of popular support for principles of theocratic governance and the spread of constitutionalism and judicial review a new legal order has emerged constitutional theocracy It enshrines religion and its interlocutors as a or the source of legislation and at the same time adheres to core ideals and practices of modern constitutionalism A unique hybrid of apparently conflicting worldviews values and interests constitutional theocracies thus offer an ideal setting a living laboratory as it were for studying constitutional law as a form of politics by other means In this book Ran Hirschl undertakes a rigorous comparative analysis of religion and state jurisprudence from dozens of countries worldwide to explore the evolving role of constitutional law and courts in a non secularist world Counterintuitively Hirschl argues that the constitutional enshrinement of religion is a rational prudent strategy that allows opponents of theocratic governance to talk the religious talk without walking most of what they regard as theocracy s unappealing costly walk Many of the jurisdictional enforcement and cooptation advantages that gave religious legal regimes an edge in the pre modern era are now aiding the modern state and its laws in its effort to contain religion The constitutional in a constitutional theocracy thus fulfills the same restricting function it carries out in a constitutional democracy it brings theocratic governance under check and assigns to constitutional law and courts the task of a bulwark against the threat of radical religion *The Limits of Constitutional Democracy* Jeffrey K. Tulis, Stephen Macedo, 2010-10-18 Constitutional democracy is at once a flourishing idea filled with optimism and promise and an enterprise fraught with limitations Uncovering the reasons for this ambivalence this book looks at the difficulties of constitutional democracy and reexamines fundamental questions What is constitutional democracy When does it succeed or fail Can constitutional democracies conduct war Can they preserve their values and institutions while addressing new forms of global interdependence The authors gathered here interrogate constitutional democracy s meaning in order to illuminate its future The book examines key themes the issues of constitutional failure the problem of emergency power and whether constitutions should be suspended when emergencies arise the dilemmas faced when constitutions provide and restrict executive power during wartime and whether constitutions can adapt to such globalization challenges as immigration religious resurgence and nuclear arms proliferation In addition to the editors the contributors are Sotirios Barber Joseph Bessette Mark Brandon Daniel Deudney Christopher Eisgruber James Fleming William Harris II Ran Hirschl Gary Jacobsohn Benjamin Kleinerman Jan Werner Müller Kim Scheppele Rogers Smith Adrian Vermeule and Mariah Zeisberg **The Limits of Constitutional Democracy** Jeffrey K. Tulis, 2010-11-14 Constitutional democracy is at once a flourishing idea filled with optimism and promise and an enterprise fraught with limitations Uncovering the reasons for this ambivalence this book looks at the difficulties of constitutional democracy and reexamines fundamental questions What is constitutional democracy When does it succeed or fail Can constitutional democracies conduct war Can they preserve their values and institutions while

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A Theory of African Constitutionalism Berihun Adugna Gebeye, 2021 Utilizing detailed case studies from Nigeria Ethiopia and South Africa this title traces African constitutionalism from precolonial times to the present The volume offers a new framework for understanding African constitutionalism and a range of practical proposals for its future development

Constitutional Statecraft in Asian Courts Yvonne Tew, 2021-07-23 Constitutional Statecraft in Asian Courts explores how courts engage in constitutional state building in aspiring yet deeply fragile democracies in Asia Yvonne Tew offers an in depth look at contemporary Malaysia and Singapore explaining how courts protect and construct constitutionalism even as they confront dominant political parties and negotiate democratic transitions This richly illustrative account offers at once an engaging analysis of Southeast Asia's constitutional context as well as a broader narrative that should resonate in many countries across Asia that are also grappling with similar challenges of colonial legacies histories of authoritarian rule and societies polarized by race religion and identity The book explores the judicial strategies used for statecraft in Asian courts including an analysis of the specific mechanisms that courts can use to entrench constitutional basic structures and to protect rights in a manner that is purposive and proportionate Tew's account shows how courts in Asia's emerging democracies can chart a path forward to help safeguard a nation's constitutional core and to build an enduring constitutional framework

Constitutional Revolution Gary Jeffrey Jacobsohn, Yaniv Roznai, 2020-05-01 Few terms in political theory are as overused and yet as under theorized as constitutional revolution In this book Gary Jacobsohn and Yaniv Roznai argue that the most widely accepted accounts of constitutional transformation such as those found in the work of Hans Kelsen Hannah Arendt and Bruce Ackerman fail adequately to explain radical change For example a constitutional moment may or may not accompany the onset of a constitutional revolution The consolidation of revolutionary aspirations may take place over an extended period The moment may have been under way for decades or there may be no such moment at all On the other hand seemingly radical breaks in a constitutional regime actually may bring very little change in constitutional practice and identity Constructing a clarifying lens for comprehending the many ways in which constitutional revolutions occur the authors seek to capture the essence of what happens when constitutional paradigms change

A New Introduction to American Constitutionalism Mark A. Graber, 2015 A New Introduction to American Constitutionalism is the first truly

interdisciplinary study of the American constitutional regime Mark A Graber explores the fundamental elements of the American constitutional order with particular emphasis on how constitutionalism in the United States is a form of politics and not a means of subordinating politics to law **Iraqi Federalism and the Kurds** Alex Danilovich, 2016-05-06 Iraq today faces a whole gamut of problems associated with post war recovery and state rebuilding compounded by age old mistrust and suspicion The situation in Iraq resembles a huge experiment in which social scientists can observe the consequences of actions taken across an entire country Can Western ideas take root and flourish in non western societies Can constitutionalism take hold and work in a traditional religious and deeply divided society Is Iraqi federalism a solution to the country's severe disunity or a temporary fix Iraqi Federalism and the Kurds Learning to Live Together addresses these important questions and focuses on the role of federalism as a viable solution to Iraq's many problems and the efforts the Kurdish government has deployed to adjust to new federal relations that entail not only gains but also concessions and compromises The author's direct experience of living and working within this embattled country allows a unique reflection on the successes and failures of federalism and the positive developments the introduction of federal relationships have brought

Religious Rights Lorenzo Zucca, 2017-05-15 The central focus of this collection of essays is the role and place of freedom of religion in the protection and promotion of world order The volume offers competing models of world order from a global perspective and highlights the lack of consensus and considerable variety of practice and belief around the globe as to the definition of religious freedom and where and whether freedom of religion is regarded as the first freedom in the world The leading theories of freedom of religion are discussed and provide an understanding of freedom of religion beyond the nation state The liberal view at the global level is also examined and observations are included regarding the need to rethink secularism in the light of present circumstances and within the global context Constitutional Secularism in an Age of

Religious Revival Susanna Mancini, Michel Rosenfeld, 2014-01-30 The global movement of culture and religion has brought about a serious challenge to traditional constitutional secularism This challenge comes in the form of a political and institutional struggle against secular constitutionalism and a two pronged assault on the very legitimacy and viability of the concept On the one hand constitutional secularism has been attacked as inherently hostile rather than neutral toward religion and on the other hand constitutional secularism has been criticized as inevitably favouring one religion or set of religions over others The contributors to this book come from a variety of different disciplines including law anthropology history philosophy and political theory They provide accounts of and explanations for present predicaments critiques of contemporary institutional political and cultural arrangements justifications and practices and suggestions with a view to overcoming or circumventing several of the seemingly intractable or insurmountable current controversies and deadlocks The book is separated into five parts Part I provides theoretical perspectives on the present day conflicts between secularism and religion Part II focuses on the relationship between religion secularism and the public sphere Part III examines the nexus

between religion secularism and women s equality Part IV concentrates on religious perspectives on constraints on and accommodations of religion within the precincts of the liberal state Finally Part V zeroes in on conflicts between religion and secularism in specific contexts namely education and freedom of speech

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Table of Contents Constitutional Theocracy

1. Understanding the eBook Constitutional Theocracy
 - The Rise of Digital Reading Constitutional Theocracy
 - Advantages of eBooks Over Traditional Books
2. Identifying Constitutional Theocracy
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Constitutional Theocracy
 - User-Friendly Interface
4. Exploring eBook Recommendations from Constitutional Theocracy
 - Personalized Recommendations

- Constitutional Theocracy User Reviews and Ratings
- Constitutional Theocracy and Bestseller Lists
- 5. Accessing Constitutional Theocracy Free and Paid eBooks
 - Constitutional Theocracy Public Domain eBooks
 - Constitutional Theocracy eBook Subscription Services
 - Constitutional Theocracy Budget-Friendly Options
- 6. Navigating Constitutional Theocracy eBook Formats
 - ePub, PDF, MOBI, and More
 - Constitutional Theocracy Compatibility with Devices
 - Constitutional Theocracy Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Constitutional Theocracy
 - Highlighting and Note-Taking Constitutional Theocracy
 - Interactive Elements Constitutional Theocracy
- 8. Staying Engaged with Constitutional Theocracy
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Constitutional Theocracy
- 9. Balancing eBooks and Physical Books Constitutional Theocracy
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Constitutional Theocracy
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Constitutional Theocracy
 - Setting Reading Goals Constitutional Theocracy
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Constitutional Theocracy
 - Fact-Checking eBook Content of Constitutional Theocracy

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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