

A Theory of Constitutional Rights 1st Edition

ROBERT ALEXY

A Theory of
Constitutional
Rights



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Theory Of Constitutional Rights

Carl Wellman



Theory Of Constitutional Rights:

A Theory of Constitutional Rights Robert Alexy, 2010 In any country where there is a Bill of Rights constitutional rights reasoning is an important part of the legal process As more and more countries adopt Human Rights legislation and accede to international human rights agreements and as the European Union introduces its own Bill of Rights judges struggle to implement these rights consistently and sometimes the reasoning behind them is lost Examining the practice in other jurisdictions can be a valuable guide Robert Alexy s classic work reconstructs the reasoning behind the jurisprudence of the German Basic Law and in doing so provides a theory of general application to all jurisdictions where judges wrestle with rights adjudication In considering the features of constitutional rights reasoning the author moves from the doctrine of proportionality procedural rights and the structure and scope of constitutional rights to general rights of liberty and equality and the problem of horizontal effect A postscript written for the English edition considers critiques of the Theory since it first appeared in 1985 focusing in particular on the discretion left to legislatures and in an extended introduction the translator argues that the theory may be used to clarify the nature of legal reasoning in the context of rights under the British Constitution This book will be of central interest to all legal and constitutional theorists and human rights scholars

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

Arguing Fundamental Rights Agustín J. Menéndez, Erik O. Eriksen, 2006-11-22 *Arguing Fundamental Rights* explores the path breaking *Theory of Constitutional Rights* of Robert Alexy The critical analysis of the structural elements of Alexy s theory is combined with an assessment of its applied relevance with special attention being paid to the UK Human Rights Act and the fundamental rights protection in the European Union before and after the Charter of Fundamental Rights of 2000 The book is unique in combining a challenging interpretation of one the foremost European conceptions of fundamental rights with the discussion of the pragmatics of constitutional adjudication The chapters combine a focus on key political questions such as whether rights adjudication can be subject to rational assessment and whether judges and not democratically elected parliaments should be the umpires of fundamental rights protection with a concern with key jurisprudential issues such as the determination of the limits of fundamental rights the binding effect of fundamental rights to private parties or whether certain fundamental rights should or should not be regarded as ultimate reasons for action and as such could be not be limited not even when it conflict with

other rights Robert Alexy himself opens the book with an insightful contextualisation of his theory of fundamental rights within his general legal theory The book is a timely defence of practical reason against claims that emergencies justify trumping fundamental rights *The Supreme Court and Constitutional Theory, 1953-1993* Ronald Kahn,1994 Combining theoretical sophistication with a fundamental comprehension of the political institutions of the USA this study aims to demystify the workings of the United States Supreme Court and its place in democracy Constitutional Rights -What They Are and What They Ought to Be Carl Wellman,2016-05-12 This work explains the nature of constitutional rights It does so by means of an analysis of the nature of law in general the nature of constitutions and the nature of rights It looks in detail at several aspects of constitutional law rights and institutions as well as aspects related to public officials private persons and associations In addition the book critically examines a considerable number of debates about whether some actual or proposed constitutional rights ought to be established and maintained in the United States constitution It then identifies the kinds of reasons that justify or fail to justify constitutional rights The book advances the debate and makes a contribution to the theory and the practice of constitutional rights *Crowley Cutlery Company V. United States of America* ,1987

Constitutional Theory Wojciech Sadurski,2005 In this volume key contributors consider various elements of constitutional theory creating a work of immense interest to legal scholars and political scientists alike **Commentaries on the Constitution of the United States, Historical and Juridical** Roger Foster,1895 *The Theory of Our National Existence* John Codman Hurd,1881 The Police Power, Public Policy and Constitutional Rights Ernst Freund,1904 A Source Book of American Political Theory Benjamin Fletcher Wright,1929 *The Theory and Practice of Argumentation and Debate* Victor Alvin Ketcham,1914 **Procedure, Its Theory and Practice** William Taylor Hughes,1905 **The American Constitutional System** Westel Woodbury Willoughby,1904 **The Genius and Theory of Methodist Polity** Henry McNeal Turner,1885 Cyclopedia of American Government Andrew Cunningham McLaughlin,Albert Bushnell Hart,1914 **Outline of the History, Theory and Practice of Quarantine** Joseph Jones,1883 Lawyers' Reports Annotated ,1905 **Theory and Practice of Public Utility Valuation** William Henry Maltbie,1924 *Articles of Confederation and Constitution of the United States* James Houston Gilmore,1891

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