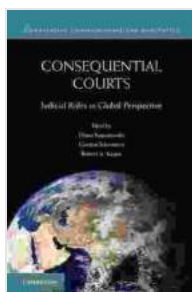


Consequential Courts: Comparative Constitutional Law and Policy

In today's interconnected world, national courts are increasingly called upon to confront the actions of foreign governments and corporations that have consequences for their own citizens. This phenomenon has led to a growing interest in comparative constitutional law, as scholars and practitioners seek to understand how different legal systems address these challenges.

Consequential Courts: Comparative Constitutional Law and Policy is a timely and important new work that explores this emerging field of study. The book, edited by Mark Tushnet and Lawrence Sager, brings together leading scholars from the United States, Europe, and Asia to examine how courts in different countries have interpreted and applied their constitutions to cases involving foreign actors.



Consequential Courts (Comparative Constitutional Law and Policy) by Gordon Silverstein

★★★★★ 5 out of 5

Language : English
File size : 5093 KB
Text-to-Speech : Enabled
Enhanced typesetting : Enabled
Word Wise : Enabled
Print length : 290 pages
Screen Reader : Supported

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The book is divided into three parts. The first part, "Comparative Constitutional Foundations," provides a theoretical overview of comparative constitutional law. The second part, "Case Studies," examines specific cases in which courts have addressed issues of extraterritorial jurisdiction, sovereign immunity, and the rights of non-citizens. The third part, "Comparative Constitutional Futures," explores the challenges and opportunities for comparative constitutional law in the 21st century.

Comparative Constitutional Foundations

The first part of the book, "Comparative Constitutional Foundations," provides a theoretical overview of comparative constitutional law. In the opening chapter, Mark Tushnet argues that comparative constitutional law is a form of comparative historical institutionalism. He argues that the differences between legal systems can be explained in terms of their historical development and the institutional structures that have shaped them.

In the second chapter, Lawrence Sager provides a more normative account of comparative constitutional law. He argues that comparative constitutional law can help us to identify the best practices for protecting individual rights and freedoms. He also argues that comparative constitutional law can help us to develop a more cosmopolitan understanding of constitutionalism.

Case Studies

The second part of the book, "Case Studies," examines specific cases in which courts have addressed issues of extraterritorial jurisdiction, sovereign immunity, and the rights of non-citizens. In the first chapter, Harold Hongju Koh examines the extraterritorial application of the U.S.

Constitution. He argues that the Supreme Court has been reluctant to apply the Constitution extraterritorially, but that this reluctance is not justified.

In the second chapter, Robert Howse examines the extraterritorial application of the European Convention on Human Rights. He argues that the European Court of Human Rights has been more willing to apply the Convention extraterritorially than the U.S. Supreme Court has been willing to apply the Constitution.

In the third chapter, David Sloss examines the doctrine of sovereign immunity in the United States and the United Kingdom. He argues that the doctrine of sovereign immunity is based on outdated notions of state sovereignty and should be abolished.

In the fourth chapter, Kim Lane Scheppelle examines the rights of non-citizens in the United States and the European Union. She argues that the rights of non-citizens are under threat in both the United States and the European Union.

Comparative Constitutional Futures

The third part of the book, "Comparative Constitutional Futures," explores the challenges and opportunities for comparative constitutional law in the 21st century. In the opening chapter, Mark Tushnet argues that comparative constitutional law is facing a number of challenges, including the rise of populism, the decline of international institutions, and the increasing complexity of global governance.

In the second chapter, Lawrence Sager argues that comparative constitutional law has a number of opportunities to make a positive

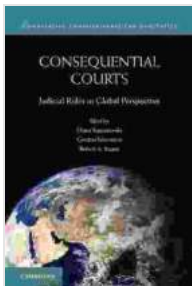
contribution to the future of constitutionalism. He argues that comparative constitutional law can help us to identify the best practices for protecting individual rights and freedoms, to develop a more cosmopolitan understanding of constitutionalism, and to address the challenges of global governance.

Consequential Courts: Comparative Constitutional Law and Policy is a timely and important new work that explores the emerging field of comparative constitutional law. The book brings together leading scholars from the United States, Europe, and Asia to examine how courts in different countries have interpreted and applied their constitutions to cases involving foreign actors. The book provides a comprehensive overview of the field and offers a thoughtful analysis of the challenges and opportunities for comparative constitutional law in the 21st century.

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