

# Federalism and Constitutional Change

William Samuel Livingston

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# Federalism And Constitutional Change

**Richard Albert, Richard Stacey**



## **Federalism And Constitutional Change:**

*Federalism and Constitutional Change*, by William S. Livingston ... William S. Livingston, 1956      **Changing Federal Constitutions** Arthur Benz, Felix Knüpling, 2012-05-30 This book analyses constitutional change in federal and decentralizing countries from a comparative perspective The authors identify structures processes and strategies which have proven to favour successful constitutional amendment Thereby the book enables public officials scholars and students to learn from the constitutional reform experiences of other federal democracies and from practical suggestions how future reforms could be designed From the Contents The Relevance of Constitutional Change Constitutional Reform in Co operative Federalism Constitutional Reform in Federal Systems with Divided Societies Devolution and Regionalisation in Federalising States Processes of Ratification Evolution after a Constitutional Reform Conclusion      **Constitutional Change and Constitutionalism in Africa** , 2025-05-16 The new generation of African constitutions crafted in the 1990s marked the beginning of a trend that promised a radical transformation of the continent s governance landscape This movement aimed to eliminate the risks of coups and political instability that had plagued Africa since the 1960s by embedding democracy and constitutionalism However the wave of constitutional reforms post 1990s seems to have sparked a contagious fever of making unmaking and remaking constitutions The nature and frequency of these changes threaten to undermine the progress made in entrenching a culture of constitutionalism good governance and respect for the rule of law It is therefore no surprise that there is almost universal agreement that Africa is now facing a profound crisis of democracy and constitutionalism Constitutional Change and Constitutionalism in Africa examines the nature and extent of these changes which have been occurring more frequently and sometimes more arbitrarily than anticipated Among the main questions investigated are the constitution making process and the roles of various internal actors such as the legislature executive and judiciary as well as external actors like the African Union and Regional Economic Communities in the different processes of constitutional change Ultimately the discussions aim to explore how the processes of constitutional change whether inevitable and unavoidable or contrived can be conducted in a manner that does not undermine or threaten the efforts to entrench democracy constitutionalism good governance and respect for the rule of law on the African continent      Routledge Handbook of Comparative Constitutional Change Xenophon Contiades, Alkmene Fotiadou, 2020-06-11 Comparative constitutional change has recently emerged as a distinct field in the study of constitutional law It is the study of the way constitutions change through formal and informal mechanisms including amendment replacement total and partial revision adaptation interpretation disuse and revolution The shift of focus from constitution making to constitutional change makes sense since amendment power is the means used to refurbish constitutions in established democracies enhance their adaptation capacity and boost their efficacy Adversely constitutional change is also the basic apparatus used to orchestrate constitutional backslide as the erosion of liberal democracies and democratic regression is increasingly affected through

legal channels of constitutional change Routledge Handbook of Comparative Constitutional Change provides a comprehensive reference tool for all those working in the field and a thorough landscape of all theoretical and practical aspects of the topic Coherence from this aspect does not suggest a common view as the chapters address different topics but reinforces the establishment of comparative constitutional change as a distinct field The book brings together the most respected scholars working in the field and presents a genuine contribution to comparative constitutional studies comparative public law political science and constitutional history

**Constitutional Change and Transformation in Latin America** Richard Albert, Carlos Bernal, Juliano Zaiden Benvindo, 2019-07-25

Over the past 30 years Latin America has lived through an intense period of constitutional change Some reforms have been limited in their design and impact while others have been far reaching transformations to basic structural features and fundamental rights Scholars interested in the law and politics of constitutional change in Latin America are turning increasingly to comparative methodologies to expose the nature and scope of these changes to uncover the motivations of political actors to theorise how better to execute the procedures of constitutional reform and to assess whether there should be any limitations on the power of constitutional amendment In this collection leading and emerging voices in Latin American constitutionalism explore the complexity of the vast topography of constitutional developments experiments and perspectives in the region This volume offers a deep understanding of modern constitutional change in Latin America and evaluates its implications for constitutionalism democracy human rights and the rule of law

Constitutional Dynamics in Federal Systems Michael Burgess, G. Alan Tarr, 2012-03-09 Providing a comprehensive view of the constitutional architecture of federations contributors address change and development in federal states from the standpoint of constitutional revision and reform Oftentimes change comes from the constituent units that together form a federation With this in mind political scientists and legal scholars from across Europe and North America address three important questions First what is the scope of national space the range of discretion and autonomy in constitutional design and development that is available to the sub national units in federal system Second to what extent have the sub national units occupied the constitutional space available to them Third what have been the effects of constitutional initiatives by sub national units within their constitutional space on national constitutional development vertical federalism on constitutional development in other sub national units horizontal federalism and on political development within their own borders A comparative interdisciplinary approach to constitutionalism in federal systems this volume will be of particular interest to scholars studying federalism comparative politics public law and political development Contributors include Michael Burgess University of Kent and G Alan Tarr Rutgers University Camden John J Dinan Wake Forest University Arthur Gunlicks University of Richmond Peter Burger University of Innsbruck Jens Woelk University of Trento Nicolas Schmitt University of Fribourg Patrick Peeters University of Leuven Gerald Baier University of British Columbia Stephen Tierney University of Edinburgh Carlos Viver University of Barcelona Francesco Palermo

University of Verona Anneli Albi University of Kent Ornella Porchia University of Turin The Politics of Constitutional Reform in North America Rainer-Olaf Schultze, 2013-06-29 In October 1999 some fifteen academic experts and government practitioners from Germany and North America gathered for two days at the University of Augsburg to discuss the topic of Constitutional Reform and Constitutional Jurisprudence in Canada and the United States The present volume documents the results of that conference a collaborative effort of the Department of Political Science University of Erlangen Nuremberg and the Institute for Canadian Studies University of Augsburg In organizing this workshop we were guided by two basic sets of ideas and assumptions First all established democracies are regularly confronted with the need to adjust their constitutional order to changes in their environment lest democratic stability be transformed into rigidity in many western nations including Canada and the United States developments such as the crisis of the Keynesian welfare state or the emergence of increasingly heterogeneous postmodern societies have ushered in an era of heightened yet not always successful constitutional reform activity Secondly however there is no unique path towards or model of an optimal constitutional order however defined rather constitutional reform processes their underlying normative principles and their outcomes are strongly path and context dependent Therefore the participants of the workshop and authors of this volume were asked to examine the specific preconditions context nature and impact of recent constitutional reform processes in the United States and Canada

**Engineering Constitutional Change** Xenophōn I. Kontiadēs, 2013 This volume provides a holistic presentation of the reality of constitutional change in 18 countries the 15 old EU member states Canada Switzerland and the USA The essays offer analysis on formal and informal constitutional amendment bringing forth the overall picture of the parallel paths constitutional change follows in correlation to what the constitution means and how constitutional law works To capture the patterns of constitutional change multifaceted parameters are explored such as the interrelations between form of government party system and constitutional amendment the interplay between constitutional change and the system of constitutionality review the role of the people civil society and experts in constitutional change and the influence of international and European law and jurisprudence on constitutional reform and evolution In the extensive final comparative chapter key features of each country's amendment procedures are epitomized and the mechanisms of constitutional change are explained on the basis of introducing five distinct models of constitutional change The concept of constitutional rigidity is reapproached and broken down to a set of factual and institutional rigidities The classification of countries within models in accordance with the way in which operative amending mechanisms connect leads to a succinct portrayal of different modes of constitutional change engineering This book will prove to be an invaluable tool for approaching constitutional revision either for theoretical or for practical purposes and will be of particular interest to students and scholars of constitutional comparative and public law

*Constitutional Policy in Multilevel Government* Arthur Benz, 2016-07-21 The search for a robust balance of power is a continuous challenge for multilevel political system

Institutions like parliaments or courts can protect the existing order. However, necessary adjustments to economic, social or international challenges or policies determined to improve ineffective structures or to prevent disintegration require constitutional amendments. Whereas constitutional policy appears as essential to maintain balance, changing a constitution is rather difficult in multilevel governments. Due to the veto power of many actors pursuing divergent interests, policies aiming to redistribute power or fiscal resources risk to end in the joint decision trap. Hence, multilevel government is confronted by a fundamental dilemma. *Constitutional Policy in Multilevel Government* compares processes of constitutional reform in federal and regionalized states. Based on a theoretical framework emphasizing the relevance of negotiations in parliamentary, intergovernmental and societal arenas, it identifies conditions for successful reforms and explains the consequences of failed reforms. Moreover, it highlights the interplay of reform processes and constitutional evolution as essential to maintaining a robust balance of power. The book demonstrates that an appropriate arrangement of multiple arenas of negotiation, including executives, members of parliament and civil society organizations, and sequential order of reform processes, proves fundamental to prevent federal or regionalized governments from becoming either instable or ending with rigid constitutions.

*Transformations in Governance* is a major new academic book series from Oxford University Press. It is designed to accommodate the impressive growth of research in comparative politics, international relations, public policy, federalism, environmental and urban studies concerned with the dispersion of authority from central states up to supranational institutions down to subnational governments and side ways to public-private networks. It brings together work that significantly advances our understanding of the organization, causes and consequences of multilevel and complex governance. The series is selective, containing annually a small number of books of exceptionally high quality by leading and emerging scholars. The series targets mainly single-authored or co-authored work but it is pluralistic in terms of disciplinary specialization, research design, method and geographical scope. Case studies as well as comparative studies, historical as well as contemporary studies and studies with a national, regional or international focus are all central to its aims. Authors use qualitative, quantitative, formal modeling or mixed methods. A trade mark of the books is that they combine scholarly rigour with readable prose and an attractive production style. The series is edited by Liesbet Hooghe and Gary Marks of the University of North Carolina, Chapel Hill and the VU Amsterdam and Walter Mattli of the University of Oxford.

**The Political Ethics of Public Service** Vera Vogelsang-Coombs, 2016-05-05. This book provides a defense of democratic politics in American public service and offers the political ethics of public service as a realistic and optimistic alternative to the cynical American view toward politics and public service. The author's alternative helps career public servants regain public trust by exercising constitutionally centered moral and political leadership that balances the regime values of liberty and equality in governing American society while contributing to the ethical progress of the nation. She identifies three distinct leadership styles of political ethics enabling career public servants to reconcile their personal loyalties, morality and

consciences with the public and private morality of American society and their constitutional obligations to secure the democratic freedoms of Americans Recognizing career public servants moral and institutional struggles the book proposes a rigorous leadership development program to acclimate individuals to workplace psychological moral and political challenges The view offered here is that career public servants must be a part of rather than isolated from American politics to be effective on the job

**Games, Changes, and Fears: The Philippines from Duterte to Marcos Jr.** Aries Arugay, Jean Encinas-Franco, 2024-05-03 Rodrigo Duterte's rise and the Marcoses' return to power have captivated Southeast Asia watchers and the rest of the world That the spectacle of strongman rule has allured most Filipinos is no longer in doubt with the strong electoral mandate garnered by Ferdinand Marcos Jr in 2022 Whether their capture of state power is in any way connected and what this portends about the country's democratic future is a key theme marking *Games, Changes, and Fears* In this volume Filipino academics and practitioners provide much needed analysis about this political succession and what it means for Asia's oldest republic Packed with thirteen chapters depicting insightful trends and prognosis on the Philippine economy domestic politics foreign policy and society this volume offers scholars students and policymakers with the analytical repertoire to understand developments in the Philippines Overall the chapters suggest that while some policies and practices continue under the Marcos Jr administration there have been pivotal changes indicating a break from the past The chapters offer key policy recommendations critical in recalibrating Philippine political economic and social conditions that could address democratic backsliding economic challenges and societal polarization This carefully curated volume offers a judicious assessment of the political legacy of Rodrigo Duterte in key policy areas and the continuities and changes marking the transition to the Ferdinand Marcos Jr administration *Games, Changes, and Fears* lays out a number of important insights the formation of dynastic cartels erosion of democratic values and civil liberties securitization of governance politicization of the information ecosystem emergence of new political actors and politics of fear violence and misogyny that deepen our understanding of Philippine politics and society while providing portents of and object lessons in the struggle for substantive democracy in neighbouring Southeast Asian countries and the world Caroline S Hau Professor Center for Southeast Asian Studies Kyoto University In the wake of Rodrigo Duterte's populist rule the Philippines stands at a critical juncture grappling with the aftermath of profound political and policy changes As the nation enters a new era under Marcos Jr's presidency questions loom large over the future of democracy and governance This edited volume offers a multifaceted analysis of Duterte's legacy providing essential insights into the trajectory of Philippine politics and society Yuko Kasuya Professor Faculty of Law Keio University This is a superb survey of Philippine politics during the Rodrigo Duterte administration and the early years of the Bongbong Marcos presidency Written by Filipino scholars based in Philippine universities and research institutions this unique compilation of essays provides a keen and grounded analysis of political developments in the country In doing so this volume showcases the strength and value of Filipino scholarship on Philippine politics It is essential reading

for anyone who wants to understand the impact and legacy of the Duterte years Erik Martinez Kuhonta Associate Professor McGill University

The Changing Constitution Jeffrey Jowell, Colm O'Cinneide, 2019 The Changing Constitution provides concise scholarly and thought provoking essays on the key issues surrounding the UK's constitutional development and the current debates around reform

**The Constitution of Myanmar** Melissa Crouch, 2019-09-05 This timely and accessible book is the first to provide a thorough analysis of the 2008 Constitution of Myanmar Burma in its historical political and social context The book identifies and articulates the principles of the Constitution through an in depth analysis of legal and political processes and practises particularly since the 1990s The core argument of this book is that the 2008 Constitution is crucial to the establishment and maintenance of the military state The military state promotes the leadership role of the military in governance based on a set of ideological commitments and a centralised form of organisation based on the concept of the Union The book develops this argument by demonstrating how the process of constitution making and the substance of the 2008 Constitution contribute to its lack of credibility and fuel demands for reform The vision offered by the 2008 Constitution and its associated institutions has been the subject of fierce contestation not least for example due to concerns over the militarisation of the state This book is animated by debates over fundamental ideas such as the nature of democracy the possibility of peace and federalism the relationship between the executive and the legislature relations between the Union government and sub national governments debates over judicial independence and the oversized role of the Tatmadaw armed forces Central to the future of the Constitution and the military state is the role of the Tatmadaw which will be a key determinant in any potential shift from the present highly centralised partly democratic Union to a federal or decentralised democratic system of governance

The Limits and Legitimacy of Referendums Richard Albert, Richard Stacey, 2022 The possibility of democracy enhancing uses and anti democratic abuses of referendums reveals a paradox mechanisms of democracy can be exploited to do violence to the basic principles of democracy The Limits and Legitimacy of Referendums seeks to identify standards we might use to assess the democratic legitimacy of a referendum when we cannot rely on the norms of traditional liberal democracy This innovative book explores how referendums manage the tension between liberalism and democracy and whether this device holds promise for reconciling these two commitments A range of scholars from around the world expose how referendums may be abused on one hand to achieve short term political or even personal gains and how on the other they may aspire to reflect the best traditions of deliberative innovative democracy enhancing popular decision making Structured around three big questions this book seeks to identify what makes a referendum legitimate First why have referendums on issues of fundamental political importance become so frequent around the world Second who are or who should be the people that make decisions about a political community's future And third are referendums an effective and reliable mechanism of popular sovereignty or democratic choice These essays written for scholars public lawyers political actors and citizens bring together diverse perspectives on referendums constitutionalism



liberalism and democracy in ways that challenge the conventional wisdom prompt new answers to enduring questions and urge reconsideration of how we evaluate the legitimacy of referendums      Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues, 1789-2023 John R. Vile, 2023-10-19 Written by a leading scholar of the constitutional amending process this two volume encyclopedia now in its fifth edition is an indispensable resource for students legal historians and high school and college librarians This authoritative reference resource provides a history and analysis of all 27 ratified amendments to the Constitution as well as insights and information on thousands of other amendments that have been proposed but never ratified from America's birth until the present day The set also includes a rich bibliography of informative books articles and other media related to constitutional amendments and the amending process      **The Party Politics of Territorial Reforms in Europe** Emanuele Massetti, Simon Toubeau, 2020-07-24 The book analyses how political parties compete and strategise on the issue of territorial reform using case studies that include countries from both Western Belgium Germany Italy and Spain and Central Eastern Europe Poland Slovakia and Romania Each case study considers different drivers of decentralization such as territorial identities and the demands of regionalist parties for territorial autonomy or independence efficiency concerns related to issues of uneven economic development and economic competitiveness the pressure from supra national organizations especially the EU as well as different combinations of these drivers They also consider how the ideology and organisation of state wide parties and the institutional context in which they compete shape their responses to these drivers and their strategy towards the question of territorial reform This collection investigates the logic of the actions that guide political parties strategy to highlight trends that are apparent across the case studies This book was originally published as a special issue of *West European Politics*      *Constitutional Amendments Relating to Abortion* United States. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution, 1983      Changing Borders in Europe Jacint Jordana, Michael Keating, Axel Marx, Jan Wouters, 2018-12-21 *Changing Borders in Europe* focuses on the territorial dimension of the European Union It examines the transformation of state sovereignty within the EU the emergence of varied self determination claims and the existence of a tailor made architecture of functional borders established by multiple agreements This book helps to understand how self determination pressures within the EU are creating growing concerns about member states identity redefining multi level government in the European space It addresses several questions regarding two transformative processes blurring of EU borders and state sovereignty shifts and their interrelations from different disciplinary perspectives such as political science law political economy and sociology In addition it explores how the variable geographies of European borders may affect the issue of national self determination in Europe opening spaces for potential accommodations that could be compatible with existing states and legal frameworks This book will be of key interest for scholars students and practitioners of EU politics public administration political theory federalism and more broadly of European studies international law ethnic studies political

economy and the wider social sciences      *Federal Democracies* Michael Burgess, Alain-G. Gagnon, 2010-02-25 *Federal Democracies* examines the evolution of the relationship between federalism and democracy and features case studies on USA Russia Switzerland Spain Germany Canada and the European Union      The Past, Present, and Future of Canadian Cities Alexandra Flynn, Richard Albert, Nathalie Des Rosiers, 2024-10-15 In 1861 just a few years before Confederation 84 per cent of Canadians lived in rural areas today it is less than 20 per cent Our municipal governments are asked to do more for their citizens than ever before yet they must confront myriad challenges from the public health pandemic to the housing crisis without the tools they need They have no constitutional protection from jurisdictional overstepping by provincial governments and no assurance that they will be able to complete any effort they undertake *The Past Present and Future of Canadian Cities* explores the historical functions of municipalities their current ability to tackle major problems and what the future holds for shifting legal and political powers This volume examines how pre Confederation cities came to have their current constitutional and legislative forms how current local governments make decisions within existing legal parameters highlighting Indigenous municipal relationships and emergency management and finally looks to the world to investigate future innovation in municipal governance *The Past Present and Future of Canadian Cities* makes the case that constitutional concepts must be repurposed to support the transition from nation building to city building in a global context

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