



# The Constitution In Wartime Beyond Alarmism And Complacency Constitutional Conflicts

**Amanda DiPaolo**



## **The Constitution In Wartime Beyond Alarmism And Complacency Constitutional Conflicts:**

The Constitution in Wartime Mark Tushnet, 2005-01-26 Historical and contemporary examinations of the constitutional issues raised by war      **The Constitution in Wartime** Mark Tushnet, 2005-01-26 Essays by leading constitutional scholars on the relationship between war powers and the Constitution in general and in the aftermath of September 11th      **Thomas Jefferson and Executive Power** Jeremy D. Bailey, 2007-07-09 By revisiting Thomas Jefferson's understanding of executive power this book offers a new understanding of the origins of presidential power Before Jefferson was elected president he arrived at a way to resolve the tension between constitutionalism and executive power Because his solution would preserve a strict interpretation of the Constitution as well as transform the precedents left by his Federalist predecessors it provided an alternative to Alexander Hamilton's understanding of executive power In fact a more thorough account of Jefferson's political career suggests that Jefferson envisioned an executive that was powerful or energetic because it would be more explicitly attached to the majority will Jefferson's Revolution of 1800 often portrayed as a reversal of the strong presidency was itself premised on energy in the executive and was part of Jefferson's project to enable the Constitution to survive and even flourish in a world governed by necessity      Security Disarmed Barbara Sutton, Sandra Morgen, Julie Novkov, 2008 In *Security Disarmed* scholars policy planners and activists come together to think critically about the human cost of violence and viable alternatives to armed conflict Arranged in four parts alternative paradigms of security cross national militarization militarism in the United States and pedagogical and cultural concerns the book critically challenges militarization and voices an alternative encompassing vision of human security by analyzing the relationships among gender race and militarization

**Constitutional Democracy** Walter F. Murphy, 2007 Publisher Description      *Zones of Twilight* Amanda DiPaolo, 2010-01-01 The Bill of Rights was designed to protect the American public from encroachments of liberty by the federal government During times of war the president often spearheads efforts to limit rights in the name of national security When these cases make their way through the federal courts system it is expected that the judiciary would use rights based language in their adjudication of cases dealing with such rights based claims *Zones of Twilight* shows that the courts actually use the separation of powers to decide these cases In other words the courts look to see if Congress has authorized the president to limit the liberties in question More often than not if Congress is on board so are the federal courts Although the common conception is that the courts give the presidents a blank check during war it is in fact Congress that has received that blank check *Zones of Twilights* looks at four reoccurring issues during times of war where the courts have had to decide cases where the executive has limited individual freedoms military detentions warrantless electronic surveillance emergency economic powers and free speech Book jacket      **Meaning Making with Malignancy** Keith Roberts, 2018-04-04 The day after Thanksgiving of 2016 the author was diagnosed with stage 4 cancer He has undergone various forms of treatment including therapies at the Mayo Clinic in Minnesota where he began a routine of sending updates and essays to friends and

family every two weeks In the first paragraph or two of each essay he reported on his medical situation grounding the essays in real time and in an ambiguous but life affirming struggle This was followed with an essay on meaning making how he was trying to make sense of the experience and what helped him cope In some of these he focuses on advice to people who have a chronically ill friend an example is the essay Awkward What to Say or Not Say to Friends with a Life threatening Disease On other occasions he reflects on the experience of having a life threatening disease and addresses others in that situation with essays like Planning for the Future When Planning the Future Feels like an Oxymoron The reflections are sometimes informed by philosophical or theological analyses but more often by a sociological lens The result is a musing of remarkable depth For more information and updates on Keith Roberts please visit <https://www.caringbridge.org/visit/keithroberts2>

*Terrorism and Anti-Terrorism: A Normative and Practical Assessment* Christopher Blakesley, 2021-10-25 This book addresses the complex challenging and dangerous problems relating to terrorism and to the attempts to address and stop terrorism It includes not only a positivistic legal analysis of issues but attempts to assess the costs facing us all in this modern reality of political violence Blakesley challenges the so called realist premise of fighting fire with fire and attempts to devolve a working definition of terrorism that may be applied to whatever group or nation that uses terror or terrorism as a tactic or strategy Published under the Transnational Publishers imprint     The Theory and Practice of International Criminal Law Michael Scharf, 2008-08-31 Cherif Bassiouni is often referred to as the father of international criminal law Every major international criminal law instrument developed in the last forty years from the Torture Convention to the Statute of the International Criminal Court bears his hallmark His writings diplomatic initiatives fieldwork and even litigation have made an unparalleled contribution to the emergence of international criminal law as a distinct discipline within the field of international law This book contains a collection of fifteen scholarly essays written by leading experts from around the world about the theory and practice of modern international criminal law with a focus on Cherif Bassiouni s unique legacy within this important area Among the contributing authors are Louise Arbour UN High Commissioner for Human Rights Mahnoush Arsanjani Chief of the UN Office of Legal Affairs Codification Division Diane Orentlicher UN Independent Expert on Combating Impunity Michael Reisman former President of the Inter American Commission for Human Rights Yves Sandoz Director for International Law of the International Committee of the Red Cross William Schabas Member of the Sierra Leone Truth Commission Brigitte Stern Advocate for the Bosnians in the World Court s Genocide case and Prince Hassan bin Talal first President of the Assembly of States Parties of the International Criminal Court     The Oxford Handbook of the U.S. Constitution Mark V. Tushnet, Mark A. Graber, Sanford Levinson, 2015 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the

Constitution along with accessible and up to date analysis Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today

**Constitutionalism Under Extreme Conditions** Richard Albert, Yaniv Roznai, 2020-09-24 This book examines the problem of constitutional change in times of crisis Divided into five main parts it both explores and interrogates how public law manages change in periods of extraordinary pressure on the constitution In Part I Emergency Exception and Normalcy the contributors discuss the practices and methods that could be used to help legitimize the use of emergency powers without compromising the constitutional principles that were created during a period of normalcy In Part II Terrorism and Warfare the contributors assess how constitutions are interpreted during times of war focusing on the tension between individual rights and safety Part III Public Health Financial and Economic Crises considers how constitutions change in response to crises that are neither political in the conventional sense nor violent which also complicates how we evaluate constitutional resilience in times of stress Part IV Constitutionalism for Divided Societies then investigates the pressure on constitutions designed to govern diverse multi national populations and how constitutional structures can facilitate stability and balance in these states Part V titled Constitution Making and Constitutional Change highlights how constitutions are transformed or created anew during periods of tension The book concludes with a rich contextual discussion of the pressing challenges facing constitutions in moments of extreme pressure Chapter Public Health Emergencies and Constitutionalism Before COVID 19 Between the National and the International is available open access under a Creative Commons Attribution 4 0 International License via link [springer.com](https://www.springer.com)

**African Human Rights Law Journal Volume 20 No 2 2020**, 2020-01-01 In 2020 the African Human Rights Law Journal AHRLJ or Journal celebrates 20 years since it first was published The AHRLJ is the only peer reviewed journal focused on human rights related topics of relevance to Africa Africans and scholars of Africa It is a time for celebration Since 2001 two issues of the AHRLJ have appeared every year Initially published by Juta in Cape Town South Africa in 2013 it became as an open access journal published by the Pretoria University Law Press PULP PULP is a non profit open access publisher focused on advancing African scholarship The AHRLJ contains peer reviewed articles and recent developments discussing the latest court decisions and legal developments in the African Union AU and regional economic communities It contains brief discussions of recently published books With a total of 517 contributions in 40 issues 436 articles and 81 recent developments not counting book reviews on average the AHRLJ contains around 13 contributions per issue The AHRLJ is accredited with the International Bibliography of the Social Sciences IBSS and the South African Department of Higher Education Science and Innovation and appears in a number of open access portals including AfricanLii the Directory of Open Access Journals and SciELO Over the 20 years of its existence many significant articles appeared in the AHRLJ According to Google Scholar the most cited articles that have appeared in the Journal over this period are i T Metz Ubuntu as a moral theory and human rights in South Africa

2011 11 African Human Rights Law Journal 532 559 with 273 citations ii D Cornell and K van Marle Exploring ubuntu Tentative reflections 2005 5 African Human Rights Law Journal 195 220 with 97 citations iii S Tamale Exploring the contours of African sexualities Religion law and power 2014 14 African Human Rights Law Journal 150 177 with 85 citations K Kindiki The normative and institutional framework of the African Union relating to the protection of human rights and the maintenance of international peace and security A critical appraisal 2003 3 African Human Rights Law Journal 97 117 with 59 citations and T Kaime The Convention on the Rights of the Child and the cultural legitimacy of children s rights in Africa Some reflections 2005 5 African Human Rights Law Journal 221 238 with 54 citations This occasion allows some perspective on the role that the Journal has played over the past 20 years It is fair to say that the AHRLJ contributed towards strengthening indigenous African scholarship in general and human rights related themes specifically Before the Journal there was no academic outlet devoted to human rights in the broader African context Both in quantity and in quality the Journal has left its mark on the landscape of scholarly journals The AHRLJ has provided a forum for African voices including those that needed to be fine tuned Different from many other peerreviewed journals the AHRLJ has seen it as its responsibility to nurture emerging but not yet fully flourishing talent This approach allowed younger and emerging scholars to be guided to sharpen their skills and find their scholarly voices The AHRLJ has evolved in tandem with the African regional human rights system in a dialogic relationship characterised by constructive criticism When the Journal was first published in 2001 the Protocol on the Establishment of an African Court on Human and Peoples Rights African Court Protocol was not yet in force Over the years the Journal tracked the evolution of the African Court on Human and Peoples Rights African Court from a faltering start through a phase when it increasingly expressed itself in an emerging jurisprudence to the current situation of push back by states signalled by the withdrawal by four states of their acceptance of the Court s direct individual access jurisdiction The same is largely true for the African Committee of Experts on the Rights and Welfare of the Child African Children s Committee It was in 2001 that the AU elected the first members of this Committee It first met in 2002 and its first decade or so was lackluster The Committee examined its first state report only in November 2008 and decided its first communication in March 2011 Articles by authors such as Mezmur and Sloth Nielsen who also served as members of the Committee and Lloyd placed the spotlight on the work of the Committee Initially these articles primarily served to describe and provide information that otherwise was largely inaccessible but over time they increasingly provided a critical gaze and contributed to the constructive evolution of the Committee s exercise of its mandate By 2011 the African Commission on Human and Peoples Rights African Commission was already quite well established but it also underwent significant growth over the subsequent 20 year period Numerous articles in the Journal trace and analyse aspects of this evolution Contributions in the Journal also cover most of the AU human rights treaties and soft law standards A number of issues contain a special focus section dealing with a thematic issue of particular relevance or concern such as the focus on the

Protocol to the African Charter on the Rights of Women 2006 no 1 30 years of the African Charter 2011 no 2 and sexual and reproductive rights and the African Women s Protocol 2014 no 2 The scope of the Journal extends beyond the supranational dimension of human rights Over the years many contributions explored aspects of the domestic human rights situation in countries such as the Democratic Republic of the Congo Eswatini Ethiopia Lesotho Malawi Mauritius Nigeria South Africa Tanzania Uganda and Zimbabwe From time to time the specific focus sections also veered towards domestic human rights protection See for instance the focus on 20 years of the South African Constitution 2014 no 2 on adolescent sexual and reproductive rights in the African region 2017 no 2 on the rule of law in sub Saharan Africa 2018 no 1 and on dignity taking and dignity restorations 2018 no 2

*Bad Advice* Harold H. Bruff, 2009 A scathing critique of President Bush s legal advisors who expanded the reach of his executive powers while creating highly controversial policies for fighting the War on Terror Argues that these advisors blinded by ideology provided largely bad legal advice that caused great harm and ultimately was unnecessary for national security

**Sociology** John Ambenge, 2021-03-15 The book features real life examples and amazing diversity focusing on sociology s unique ability to personally resonate well with students experiences Throughout the text the author carefully balances coverage of core topics and contemporary changes in society Every chapter explores unique topics such as same sex marriage Boko Haram mob justice Sharia law as well as issues of inequality related to race ethnicity gender social class and urbanization The text empowers students to use the lenses of sociological imagination to see sociology in everyday life Using sociological imagination theory and sociological perspectives the text helps students move beyond individual perspective to gain a sociological perspective

Emergency Powers of International Organizations Christian Kreuder-Sonnen, 2019 The first book to introduce the concept of emergency powers to the study of International Organizations to investigate the emergency politics of IOs in comparative perspective and to examine why IOS are often reluctant to rescind such powers when the motivating threat has passed

Law in Times of Crisis Oren Gross, Fionnuala Ní Aoláin, 2006-10-30 The terrorist attacks of September 11 2001 and the ensuing war on terror have focused attention on issues that have previously lurked in a dark corner at the edge of the legal universe This book presents a systematic and comprehensive attempt by legal scholars to conceptualize the theory of emergency powers combining post September 11 developments with more general theoretical historical and comparative perspectives The authors examine the interface between law and violent crises through history and across jurisdictions bringing together insights gleaned from the Roman republic and Jewish law through to the initial responses to the July 2005 attacks in London Three models of emergency powers are used to offer a conceptualization of emergency regimes giving a coherent insight into law s interface with and regulation of crisis and a distinctive means to evaluate the legal options open to states for dealing with crises

**Security and the War on Terror** Alex J. Bellamy, Roland Bleiker, Sara E. Davies, Richard Devetak, 2007-11-09 The terrorist attacks of 11 September 2001 marked a turning point in international politics representing a new type of threat that could not easily be

anticipated or prevented through state based structures of security alone Opening up interdisciplinary conversations between strategic economic ethical and legal approaches to global terrorism this edited book recognises a fundamental issue while major crises initially tend to reinforce old thinking and behavioural patterns they also allow societies to challenge and overcome entrenched habits thereby creating the foundations for a new and perhaps more peaceful future This volume addresses the issues that are at stake in this dual process of political closure and therefore rethinks how states can respond to terrorist threats The contributors range from leading conceptual theorists to policy oriented analysts from senior academics to junior researchers The book explores how terrorism has had a profound impact on how security is being understood and implemented and uses a range of hitherto neglected sources of insight such as those between political economic legal and ethical factors to examine the nature and meaning of security in a rapidly changing world

**The U.S. Supreme Court and the Domestic Force of International Human Rights Law** Stephen A. Simon, 2016-07-25 The core idea underlying human rights is that everyone is inherently and equally worthy of respect as a person The emergence of that idea has been one of the most significant international developments since the Second World War But it is one thing to embrace something as an aspirational ideal and quite another to recognize it as enforceable law The continued development of the international human rights regime brings a pressing question to the fore What role should international human rights have as law within the American legal system The U S Supreme Court and the Domestic Force of International Human Rights Law examines this question through the prism of the U S Supreme Court s handling of controversies bearing most closely on it It shows that the specific disputes the Court has addressed can be best understood by recognizing how each interconnects with an overarching debate over the proper role to be accorded international human rights law within American institutions By approaching the subject from the justices standpoint this book reveals a divide in the Court between two fundamentally different orientations toward the domestic impact of the international human rights regime

Critical Theory and Democracy Enrique Peruzzotti, Martín Plot, 2012 Andrew Arato has become a prominent political theorist in the fields of democratic theory constitutional law and comparative politics He has had a profound and global influence on the thinking of several generations of scholars The Critical Theory and Democracy of Andrew Arato brings together original essays honouring Arato s intellectual contribution to the field based round the themes in Arato s work of Critical Theory and Civil Society Democracy and Dictatorship and Constitution Making It includes contributions from leading

**Temporal Boundaries of Law and Politics** Luigi Corrias, Lyana Francot, 2018-04-09 In the last decade the changing role of time in society has once again taken centre stage in the academic debate A prominent but surely not the only aspect of this debate hinges on the so called acceleration of time and its societal consequences Despite the fact that time is fundamental to the way in which law and politics function the influence of the contemporary experience of time on law and politics remains underdeveloped How for example does society s structural acceleration impact on justice Does law actually offer stability and



predictability in an ever changing global world How can legal and political institutions function in the wake of ever increasing uncertainty Both law and politics employ time to order society but they are also limited in what can be effectuated by time It is this very tension between temporal possibilities and limitations that the contributors to this collection drawn from different fields of law as well as from other disciplines examine

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