

THE CONSTITUTION IN WARTIME



BEYOND ALARMISM AND COMPLACENCY

Mark Tushnet, editor

The Constitution In Wartime Beyond Alarmism And Complacency Constitutional Conflicts

Michael Scharf



The Constitution In Wartime Beyond Alarmism And Complacency Constitutional Conflicts:

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 Twilight* 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)

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