



RAN HIRSCHL : CONSTITUTIONAL THEOCRACY

Constitutional Theocracy

Jeffrey K. Tulis, Stephen Macedo



Constitutional Theocracy:

Constitutional Theocracy Ran Hirschl, 2010-11-01 At the intersection of two sweeping global trends the rise of popular support for principles of theocratic governance and the spread of constitutionalism and judicial review a new legal order has emerged constitutional theocracy It enshrines religion and its interlocutors as a or the source of legislation and at the same time adheres to core ideals and practices of modern constitutionalism A unique hybrid of apparently conflicting worldviews values and interests constitutional theocracies thus offer an ideal setting a living laboratory as it were for studying constitutional law as a form of politics by other means In this book Ran Hirschl undertakes a rigorous comparative analysis of religion and state jurisprudence from dozens of countries worldwide to explore the evolving role of constitutional law and courts in a non secularist world Counterintuitively Hirschl argues that the constitutional enshrinement of religion is a rational prudent strategy that allows opponents of theocratic governance to talk the religious talk without walking most of what they regard as theocracy s unappealing costly walk Many of the jurisdictional enforcement and cooptation advantages that gave religious legal regimes an edge in the pre modern era are now aiding the modern state and its laws in its effort to contain religion The constitutional in a constitutional theocracy thus fulfills the same restricting function it carries out in a constitutional democracy it brings theocratic governance under check and assigns to constitutional law and courts the task of a bulwark against the threat of radical religion

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A Theory of African Constitutionalism Berihun Aduugna Gebeye, 2021 Utilizing detailed case studies from Nigeria Ethiopia and South Africa this title traces African constitutionalism from precolonial times to the present The volume offers a new framework for understanding African constitutionalism and a range of practical proposals for its future development

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Constitutional Law, Religion and Equal Liberty Azin Tadjdini, 2019-09-19 During the 20th century many countries embarked on a process of constitutional secularization by which the role of religion gradually became limited Yet by the late 20th century and increasingly following the end of the Cold War this development began to be challenged This book examines the return of religion in constitutions through the concept of constitutional de secularization It places this phenomenon in the context of the constitutional memory of the countries in which it has taken place and critically examines it against the development and standards of constitutionalism as the prevailing constitutional legal and political theory Central to this analysis is the impact of constitutional de secularization on the regulation of equality in liberty that is both the regulation of constitutional rights and the scope for equality of those who are granted such rights The book argues that equal liberty forms an essential part of constitutionalism as a theory and that constitutionalism therefore entails a continuous development towards expanding it The first and second part of the book presents a conceptual framework for the study of constitutional de secularization The third

part presents and analyses three cases of constitutional de secularization in Afghanistan Iran and Iraq The book will be of interest to researchers and policy makers interested in constitutional history and theory and the role of religion in law and its compatibility with human rights *Constitution Drafting in Post-conflict States Symposium* ,2008 Paradoxes of Constitutional Theocracy Akam Mohammad Mustafa,2014 Over the last few decades religion has had a major comeback It has gained public support throughout the world from Islamic fundamentalism to Catholicism and Orthodox Judaism Further rapid spread of religion has stepped into the constitutional supremacy which has been a major pillar of the United States Religion has become a major source of legislation in countries such as Israel Iran Iraq Afghanistan and Saudi Arabia This is considered as a threat to the so called western secular process of constitutionalization Scholars indicate the emergence of new types of constitutionalism as a result of the intersection of both theocratic governance and constitutionalism which is called Constitutional Theocracy This thesis addresses the controversies emerging from the combination of religious and secular principles in countries with theocratic constitutional governments such as Iraq and Israel The thesis further examines the role of judicial review and the courts which have been given enough authority to protect the constitution and the bill of rights Our main argument is that combining religious and liberal principles within a single constitution is oxymoronic and only likely to support the supremacy of religion within these systems which limits religious liberty and human rights Our findings show that the new phenomena of combining religious and liberal principles in one constitution in the last few decades brings back religious supremacy and violates liberal constitutional principles **Story of Government** Henry Austin,1893 *A Sketch of Morality Independent of Obligation Or Sanction* Jean-Marie Guyau,1898 *The Californian* Charles Frederick Holder,1893 A Hand-book of Civil Government Under the Constitution of the United States Thomas Danly Suplée,1883 *The Californian* Charles Frederick Holder,1893 *Symposium, a New Constitutional Order?* ,2006

Challenging Theocracy David Edward Tabachnick,Toivo Koivukoski,Hermínio Meireles Teixeira,2018-01-01 Analyzing the relationship between religion and politics throughout the Middle East Africa and the United States as well as classical and medieval political philosophical sources Challenging Theocracy critiques the contemporary formation of theocracy and the persistence of theocratic ideas around the world **Studies in Constitutional History** James Oscar Pierce,1906

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