

Constitution Hill

South Africa: A Photographic Exploration of its People, Places & Wildlife
The Constitution of the Russian Federation
The Methodology of Constitutional Theory
Shaped by the Nuanced Constitution
Proportionality and Facts in Constitutional Adjudication
Overseen or Overlooked?
Sean Fraser Jane Henderson Dimitrios Kyritsis Christina Lienen Anne Carter David P. Auerswald

when a burning sun dips low enough on the horizon to touch the brown black earth that is when south africa is at its very best a blazing expanse of broad landscapes of sea and veld dusty savannah and equally dusty pavements it is a vast country extending from pristine coastal plain to rugged mountain passes across wide stretches of semi desert and forest hills and valleys even travelling south africans are unprepared for the sheer scale and enormous diversity of this grand landscape every day everywhere there are new sights to behold and new experiences to share a graceful old cape dutch homestead set against lush vineyards blue purple mountains the demure smile of a zulu bride a bird on a wire it is the sun the sand the textures the colours and the sounds that conjure up the spirit of south africa this volume is a fine tribute to the country its people and its land sea and cityscapes this is the face of the nation the essence of south africa sean fraser graduated from rhodes university with a degree in journalism and media studies he is the author of a number of coffee table reference travel and guide books on the people and places of southern africa including the best selling seven days in cape town picturesque south africa cape town a z and gauteng a z all published by random house struik he lives in cape town with his wife and two sons

the scholarship is consistently thorough and lucid and absolutely reliable european public law as reviews of the first edition attest this book gives a unique critical and contextual insight into the constitution of one the world s most powerful countries its first edition was published in 2011 when dmitrii medvedev was russia s president since then there was a regime change in 2012 as vladimir putin returned to the

presidency and significantly dramatic shifts in constitutionality as Russia pursues a return to traditional values the book explores the constitution's evolution over its nearly 30 years existence including the significant amendments of 2020 this second edition situates these important changes in the context of Russia's historical and legal development as Putin continues to dominate the political scene it also looks at broader constitutional questions on the interrelation between the main state agencies the role of the courts human rights and their enforcement

what sort of methods are best suited to understanding constitutional doctrines and practices should we look to lawyers and legal methods alone or should we draw upon other disciplines such as history sociology political theory and moral philosophy should we study constitutions in isolation or in a comparative context to what extent must constitutional methods be sensitive to empirical data about the functioning of legal practice can ideal theory aid our understanding of real constitutions this volume brings together constitutional experts from around the world to address these types of questions through topical events and challenges such as Brexit administrative law reforms and the increasing polarisations in law politics and constitutional scholarship importantly it investigates the ways in which we can ensure that constitutional scholars do not talk past each other despite their persistent and often fierce disagreements in so doing it aims systematically to re-examine the methodology of constitutional theory

there is growing judicial academic and political interest in the concept of common law constitutional rights concurrently significant public law judgments including *R (Miller) v The Prime Minister* *R (Begum) v Special Immigration Appeals Commission* and *R (Privacy International) v Investigatory Powers Tribunal* continue to sustain and enrich the academic debate on the nature of the UK constitution bringing these two highly topical themes together the book argues firstly that neither common law constitutionalism nor political constitutionalism adequately captures the nature of public law litigation because neither is fully able to account for the co-existence and interplay between parliamentary sovereignty and the rule of law advancing the idea of a nuanced constitution instead the book then provides an in-depth analysis of common law constitutional rights looking at their history conceptual foundations contemporary characteristics coverage and resilience in doing so this book highlights and re-conceptualises the dynamics and mechanisms of constitutional law adjudication and provides the first comprehensive critique of common law constitutional rights jurisprudence it is centred around extensive case law analysis which focuses predominantly on recent supreme court judgments

this book considers the relationship between proportionality and facts in constitutional adjudication analysing where facts arise within each of the three stages of the structured proportionality test suitability necessity and balancing it considers the nature of these facts vis-à-vis the

facts that arise in the course of ordinary litigation the book's central focus is on how proportionality has been applied by courts in practice and it draws on the comparative experience of four jurisdictions across a range of legal systems the central case study of the book is australia where the embryonic and contested nature of proportionality means it provides an illuminating study of how facts can inform the framing of constitutional tests the rich proportionality jurisprudence from germany canada and south africa is used to contextualise the approach of the high court of australia and to identify future directions for proportionality in australia at a time when the doctrine is in its formative stages the book has three broad aims first it considers the role of facts within proportionality reasoning second it offers procedural insights into fact finding in constitutional litigation third the book's analysis of the dynamic australian case law on proportionality means it also serves to clarify the nature and status of proportionality in australia at a critical moment since the 2015 decision of *mccloy v new south wales* where four justices supported the introduction of a structured three part test of proportionality the court has continued to disagree about the utility of such a test these developments mean that this book with its doctrinal and comparative approach is particularly timely

war is too important to be left to the generals declared french prime minister georges clemenceau over a century ago but which civilians exactly play the most important roles in controlling the armed forces when civilian control is studied the focus is typically on those in the upper echelons of the executive branch presidents prime ministers or defense secretaries yet because civilians in the executive may be tempted to hide problems or use the military in controversial ways researchers must extend clemenceau's dictum if war is too important to be left to the generals civilian control is too important to leave with the executive this book aims to understand the similarities and differences among the world's democracies regarding the role of legislatures in democratic civil military relations drawing on over a dozen cases from across the globe the authors examine how most legislatures face capability and motivational impediments to conducting truly robust oversight and propose realistic reforms to strengthen military accountability to elected officials and the public the heart of the civil military relationship

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