Kelsen Versus Schmitt Politica Y Derecho En La Cr

#Kelsen vs Schmitt #Political Philosophy #Legal Theory #Jurisprudence #State and Law

Explore the fundamental intellectual confrontation between Hans Kelsen and Carl Schmitt, two monumental figures whose theories profoundly shaped modern political theory and legal philosophy. This analysis delves into their contrasting perspectives on the relationship between state and law, sovereignty, and the very foundation of jurisprudence, offering a critical examination of their enduring relevance in contemporary thought and their divergent approaches to the challenges of governance.

Kelsen versus Schmitt

Derecho y poder son dos conceptos ntimamente vinculados y en tensi n permanente. En el intento de descifrar cu l de ellos prevalece, su estudio sigue alimentando el debate de dos paradigmas pol ticos contrapuestos: la democracia constitucional y las llamadas democracias plebiscitarias. el autor reconstruye los puntos fundamentales de ese debate a trav s de una revisi n cr tica de las teor as pol tico-jur dicas de Hans Kelsen y Carl Schmitt, probablemente los exponentes principales de cada una de esas posturas.

Derecho y Poder.: Kelsen y Schmitt Frente a Frente

La polémica que en 1931 enfrentó a Carl Schmitt y Hans Kelsen acerca del defensor de la Constitución (“Hünter der Verfassung”), es uno de los momentos claves del Estado democrático en que afloran toda una serie de intuiciones, planteamientos y críticas que desbordan el estrecho marco de la justicia constitucional. Frente a la tesis de Kelsen recogida en la Constitución Austriaca de 1920, que atribuye a un órgano técnico especializado el monopolio del control de constitucionalidad de las leyes, se levanta la propuesta de Schmitt de hacer del “Reichpräsident” en su condición de poder elegido directamente por el pueblo, el custodio de la esencia de la Constitución cuando resulte amenazada. Dos posturas antagónicas que responden a dos ideas diferentes de Estado, de Constitución, y de Derecho que separan a los dos mayores juristas del siglo XX. La Constitución concebida como norma lógica desprovista de contenidos ajenos a lo jurídico, frente a la Constitución entendida como suma de decisiones políticas fundamentales que expresan la voluntad colectiva de un pueblo, y susceptible de encerrar contradicciones. Giorgio Lombardi desentraña en el estudio que precede a los textos, los argumentos de la polémica procurando situarlos en su contexto lógico. No es lo mismo la defensa existencial de la Constitución, que la preocupación por garantizar su aplicación. En un caso se busca la continuidad de la estructura política, en otro depurar y dar coherencia al orden normativo.

La polémica Schmitt, Kelsen sobre la justicia constitucional

La obra que edita Leticia Vita es un eslabón más en la línea de investigación que comenzó con el tema de su tesis de doctorado: La legitimidad del Derecho y del Estado en el pensamiento jurídico de la República de Weimar: el concepto de legitimidad en Hans Kelsen, Carl Schmitt y Herman Heller, defendida el 23 de marzo de 2012, en la Facultad de Derecho de la Universidad de Buenos Aires, y su director de tesis el profesor catedrático Aníbal Américo D´Auria. catedrático Aníbal Américo D´Auria. Este trabajo fue recientemente publicado por la Editorial de la Universidad de Buenos Aires y distinguido con suma cum laude, recomendado para su publicación y para el premio Facultad.

Prusia contra el Reich ante el Tribunal Estatal.

The first English translation of Hans Kelsen's and Carl Schmitt's debate on the 'Guardian of the Constitution'.

Autoridad y verdad

The only English-language translation of one of Schmitt's most controversial works.

The Guardian of the Constitution

Carl Schmitt’s magnum opus, Constitutional Theory, was originally published in 1928 and has been in print in German ever since. This volume makes Schmitt’s masterpiece of comparative constitutionalism available to English-language readers for the first time. Schmitt is considered by many to be one of the most original—and, because of his collaboration with the Nazi party, controversial—political thinkers of the twentieth century. In Constitutional Theory, Schmitt provides a highly distinctive and provocative interpretation of the Weimar Constitution. At the center of this interpretation lies his famous argument that the legitimacy of a constitution depends on a sovereign decision of the people. In addition to being subject to long-standing debate among legal and political theorists in Western Europe and the United States, this theory of constitution-making as decision has profoundly influenced constitutional theorists and designers in Asia, Latin America, and Eastern Europe. Constitutional Theory is a significant departure from Schmitt’s more polemical Weimar-era works not just in terms of its moderate tone. Through a comparative history of constitutional government in Europe and the United States, Schmitt develops an understanding of liberal constitutionalism that makes room for a strong, independent state. This edition includes an introduction by Jeffrey Seitzer and Christopher Thornhill outlining the cultural, intellectual, and political contexts in which Schmitt wrote Constitutional Theory; they point out what is distinctive about the work, examine its reception in the postwar era, and consider its larger theoretical ramifications. This volume also contains extensive editorial notes and a translation of the Weimar Constitution.

On the Three Types of Juristic Thought

Diseñado como un manual introductorio, el contenido de este libro reúne y examina claves, métodos y enfoques útiles para el análisis político. A beneficio de tal fin, el libro sistematiza y discute las definiciones, historias literarias y debates contemporáneos de diez conceptos capitales: ciencia política, sociología política, psicología política, constitución, democracia, sistemas de gobierno, partidos políticos, sociedad civil, movimientos sociales y políticas públicas.

Constitutional Theory

Carl Schmitt (1888-1985) was one of the 20th century's most brilliant and disturbing critics of liberalism. He was also one of the most important intellectuals to offer his services to the Nazis, for which he was dubbed the crown jurist of the Third Reich. Despite this fateful alliance Schmitt has exercised a profound influence on post-war European political and legal thought - on both the right and the left. In this study, Jan-Werner Muller traces the permutations of Schmitt's ideas after World War II and relates them to broader political developments in Europe. his key concepts, Muller explains why interest in the political theorist continues. He assesses the uses of Schmitt's thought in debates on globalization and the quest for a liberal world order. He also offers insights into the liberalization of political thinking in post-authoritarian societies and the persistent vulnerabilities and blind spots of certain strands of Western liberalism.

Revista parlamentaria

O instituto das candidaturas apartidárias atravessa a história política brasileira desde os primeiros períodos coloniais até a posterior Declaração de Independência, desde as épocas imperiais até a Proclamação da República, de intervalos de estabilidade democrática a hiatos de governos autoritários. Apesar de o constituinte de 1987-1988 ter optado por alçar a filiação partidária à condição de elegibilidade da República Federativa do Brasil (art. 14, §3º, V, CF), recentes discussões hermenêuticas e propostas de emenda à Constituição têm aventado a possibilidade de o âmbito de abrangência dessa exigência ser mitigado por não consagrar uma adequada concepção de sufrágio universal (art. 14, caput, CF). Porquanto o preceito do art. 14, §3º, V é de inquestionável constitucionalidade em razão da sua gênese originária, o livro examina se a amplitude exegética que tem sido atribuída ao dispositivo desde 1988 - de vedação às candidaturas apartidárias - mantém-se harmônica, contemporaneamente, aos fundamentos da República, aos direitos fundamentais da Constituição e às normas internacionais de Direitos Humanos.

Revista judicial

"The great wars we have fought for the sake of liberty have been accompanied, without exception, by the most draconian assaults on individual rights. This is the theme of Michael Linfield's Freedom Under Fire, and he documents it with examples from every war since the American Revolution."--The Progressive "Linfield demonstrates conclusively, starting with the American Revolution and coming right up to the invasion of Panama, that the Bill of Rights is set aside by the government again and again, for reasons of 'national security.' He performs an important service, reminding us that liberty cannot be entrusted to the Bill of Rights or to the three branches of government, but only can be safeguarded by our own vigilance."--Howard Zinn

(Pre)textos para el análisis político

Following the collapse of communism and the decline of Marxism, some commentators have claimed that we have reached the 'end of history' and that the distinction between Left and Right can be forgotten. In this book - which was a tremendous success in Italy - Norberto Bobbio challenges these views, arguing that the fundamental political distinction between Left and Right, which has shaped the two centuries since the French Revolution, has continuing relevance today. Bobbio explores the grounds of this elusive distinction and argues that Left and Right are ultimately divided by different attitudes to equality. He carefully defines the nature of equality and inequality in relative rather than absolute terms. Left and Right is a timely and persuasively argued account of the basic parameters of political action and debate in the modern world - parameters which have remained constant despite the pace of social change. The book will be widely read and, as in Italy, it will have an impact far beyond the academic domain.

A Dangerous Mind

Can constitutional amendments be unconstitutional? Using theoretical and comparative approaches, Roznai establishes the nature and scope of constitutional amendment powers by focusing on substantive limitations, looking at their prevalence in practice and the conceptual coherence of the very idea of limitations to constitutional amendment powers.

Candidaturas Apartidárias na Constituição Cidadã

Diese innovative Studie versteht das nationalsozialistische Strafrecht – in Übereinstimmung mit Kontinuitäts- und Radikalisierungsthese – als rassistisch (antisemitisch), völkisch ("germanisch") und totalitär ausgerichtete Fortschreibung der autoritären und antiliberalen Tendenzen des deutschen Strafrechts der Jahrhundertwende und der Weimarer Republik. Dies wird durch die systematisch-analytische Aufbereitung der Texte relevanter Autoren belegt, wobei es primär um die – für sich selbst sprechenden – Texte, nicht die moralische Beurteilung ihrer Verfasser geht. Dabei werden auch Erkenntnisse zur Rezeption des deutschen (NS-) Strafrechts in Lateinamerika mitgeteilt. Die besagte Kontinuität existierte nicht nur rückwärtsgewandt (post-Weimar), sondern auch zukunftsgerichtet (Bonner Republik). Kurzum, das NS-Strafrecht kam weder aus dem Nichts noch ist es nach 1945 völlig verschwunden. Der zeitgenössische Versuch der identitären Rekonstruktion des germanischen Mythos durch die sog. "neue Rechte" schließt daran nahtlos an.

Nouvelle école

http://dx.doi.org/10.12946/gplh6http://www.epubli.de/shop/buch/53894"The spatiotemporal conjunction is a fundamental aspect of the juridical reflection on the historicity of law. Despite the fact that it seems to represent an issue directly connected with the question of where legal history is heading today, it still has not been the object of a focused inquiry. Against this background, the book's proposal consists in rethinking key confluences related to this problem in order to provide coordinates for a collective understanding and dialogue. The aim of this volume, however, is not to offer abstract methodological considerations, but rather to rely both on concrete studies, out of which a reflection on this conjunction emerges, as well as on the reconstruction of certain research lines featuring a spatiotemporal component. This analytical approach makes a contribution by providing some suggestions for the employment of space and time as coordinates for legal history. Indeed, contrary to those historiographical attitudes reflecting a monistic conception of space and time (as well as a Eurocentric approach), the book emphasises the need for a delocalized global perspective. In general terms, the essays collected in this book intend to take into account the multiplicity of the spatiotemporal confines, the flexibility of those instruments that serve to create chronologies and scenarios, as well as certain processes of adaptation of law to different times and into different spaces. The spatiotemporal dynamism enables historians not only to detect new perspectives and dimensions in foregone themes, but also to achieve new and compelling interpretations of legal history. As far as the relationship between space and law is concerned, the book analyses experiences in which space operates as a determining factor of law, e.g. in terms of a field of action for law. Moreover, it outlines the attempted scales of spatiality in order to develop legal historical research. With reference to the connection between time and law, the volume sketches the possibility of considering the factor of time, not just as a descriptive tool, but as an ascriptive moment (quasi an inner feature) of a legal problem, thus making it possible to appreciate the synchronic aspects of the 'juridical experience'. As a whole, the volume aims to present spatiotemporality as a challenge for legal history. Indeed, reassessing the value of the spatiotemporal coordinates for legal history implies thinking through both the thematic and methodological boundaries of the discipline."

Freedom Under Fire

Model Law on Access to Information for Africa and other regional instruments: Soft law and human rights in Africa Edited by Ololade Shyllon 2018 ISBN: 978-1-920538-87-3 Pages: 255 Print version: Available Electronic version: Free PDF available About the publication The adoption in 2013 of the Model Law on Access to Information for Africa by the African Commission on Human and Peoples' Rights is an important landmark in the increasing elaboration of human rights-related soft law standards in Africa. Although non-binding, the Model Law significantly influenced the access to information landscape on the continent. Since the adoption of the Model Law, the Commission adopted several General Comments. The AU similarly adopted Model Laws such as the African Union Model Law on Internally Displaced Persons in Addressing Internal Displacement in Africa. This collection of essays inquires into the role and impact of soft law standards within the African human rights system and the AU generally. It assesses the extent to which these standards induced compliance, and identifies factors that contribute to generating such compliance. This book is a collection of papers presented at a conference organised by the Centre for Human Rights, University of Pretoria, with the financial support of the government of Norway, through the Royal Norwegian Embassy in Pretoria. Following the conference, the papers were reviewed and reworked. Table of Contents Acknowledgments Preface Contributors Abbreviations and acronyms PART I: THE MODEL LAW AND ITS INFLUENCE ON ACCESS TO INFORMATION IN AFRICA Introduction Ololade Shyllon The impact of the Model Law on Access to Information for Africa Fola Adeleke Implementing a Model Law on Access to Information in Africa: Lessons from the Americas Marianna Belalba and Alan Sears The implementation of the constitutional right of access to information in Africa: Opportunities and challenges Ololade Shyllon PART II: COUNTRY STUDIES The Model Law on Access to Information for Africa and the struggle for the review and passage of the Ghanaian Right to Information Bill of 2013 Ugonna Ukaigwe The impact of the Model Law on Access to Information for Africa on Kenya's Access to Information framework Anne Nderi The Sudanese Access to Information Act 2015: A step forward? Ali Abdelrahman Ali Compliance through decoration: Access to information in Zimbabwe Nhlanhla Ngwenya PART III: INFLUENCE OF SOFT LAW WITHIN THE AFRICAN HUMAN RIGHTS SYSTEM Soft law and legitimacy in the African Union: The case of the Pretoria Principles on Ending Mass Atrocities Pursuant to Article 4(h) of the AU Constitutive Act Busingye Kabumba The incorporation of the thematic resolutions of the African Commission into the domestic laws of African countries Japhet Biegon General Comment 1 of the African Commission of the African Commission on Human and Peoples' Rights: A source of norms and

standard setting on sexual and reproductive health and rights Ebenezer Durojaye The African Union Model Law on Internally Displaced Persons: A critique Romola Adeola Selected bibliography

Left and Right

"In 1955 a conference was held in Bandung, Indonesia that was attended by representatives from twenty-nine developing nations. Against the backdrop of crumbling European colonies, Asian and African leaders forged a new alliance and established anti-imperial principles for a new world order. The conference captured the popular imagination across the Global South. Bandung's larger significance as counterpoint to the dominant world order was both an act of collective imagination and a practical political project for decolonization that inspired a range of social movements, diplomatic efforts, institutional experiments and heterodox visions of the history and future of the world. This book explores what the spirit of Bandung has meant to people across the world over the past decades and what it means today. Experts from a wide range of fields show how, despite the complicated legacy of the conference, international law was never the same after Bandung"--

Unconstitutional Constitutional Amendments

http://dx.doi.org/10.12946/gplh3 http://www.epubli.de/shop/buch/48746 "Spanish colonial law, derecho indiano, has since the early 20th century been a vigorous subdiscipline of legal history. One of great figures in the field, the Argentinian legal historian Víctor Tau Anzoátegui, published in 1997 his Nuevos horizontes en el estudio histórico del derecho indiano. The book, in which Tau addressed seminal methodological questions setting tone for the discipline's future orientation, proved to be the starting point for an important renewal of the discipline. Tau drew on the writings of legal historians, such as Paolo Grossi, Antonio Manuel Hespanha, and Bartolomé Clavero. Tau emphasized the development of legal history in connection to what he called "the posture superseding rational and statutory state law." The following features of normativity were now in need of increasing scholarly attention: the autonomy of different levels of social organization, the different modes of normative creativity, the many different notions of law and justice, the position of the jurist as an artifact of law, and the casuistic character of the legal decisions. Moreover, Tau highlighted certain areas of Spanish colonial law that he thought deserved more attention than they had hitherto received. One of these was the history of the learned jurist: the letrado was to be seen in his social, political, economic, and bureaucratic context. The Argentinian legal historian called for more scholarly works on book history, and he thought that provincial and local histories of Spanish colonial law had been studied too little. Within the field of historical science as a whole, these ideas may not have been revolutionary, but they contributed in an important way to bringing the study of Spanish colonial law up-to-date. It is beyond doubt that Tau's programmatic visions have been largely fulfilled in the past two decades. Equally manifest is, however, that new challenges to legal history and Spanish colonial law have emerged. The challenges of globalization are felt both in the historical and legal sciences, and not the least in the field of legal history. They have also brought major topics (back) on to the scene, such as the importance of religious normativity within the normative setting of societies. These challenges have made scholars aware of the necessity to reconstruct the circulation of ideas, juridical practices, and researchers are becoming more attentive to the intense cultural translation involved in the movement of legal ideas and institutions from one context to another. Not least, the growing consciousness and strong claims to reconsider colonial history from the premises of postcolonial scholarship expose the discipline to an unseen necessity of reconsidering its very foundational concepts. What concept of law do we need for our historical studies when considering multi-normative settings? How do we define the spatial dimension of our work? How do we analyze the entanglements in legal history? Until recently, Spanish colonial law attracted little interest from non-Hispanic scholars, and its results were not seen within a larger global context. In this respect, Spanish colonial law was hardly different from research done on legal history of the European continent or common law. Spanish colonial law has, however, recently become a topic of interest beyond the Hispanic world. The field is now increasingly seen in the context of "global legal history," while the old and the new research results are often put into a comparative context of both European law of the early Modern Period and other colonial legal orders. In this volume, scholars from different parts of the Western world approach Spanish colonial law from the new perspectives of contemporary legal historical research."

National Socialist Criminal Law

The desirability, or lack thereof, of bills of rights has been the focus of some of the most enduring political debates over the last two centuries. Unlike civil and political rights, social rights to the meeting of needs, standardly rights to adequate minimum income, education, housing, and health care are not usually given constitutional protection. This book argues that social rights should be constitutionalized and protected by the courts, and examines when such constitutionalization conflicts with democracy. It is thus located at the crossroads of two major issues of contemporary political philosophy, to wit, the issue of democracy and the issue of distributie justice. Interestingly and surprisingly enough, philosophers who engage in penetrating discussions on distributive justice do not usually reflect on the implications of their argument for democracy; they are met with equal indifference on the part of theorists of democracy. This book stems from the perception that there may be conflicts between the demands of democracy and the demands of distributive justice, both of which are crucially important, and from the resulting recognition that the question of the relationship between these two values cannot be ignored.

Spatial and Temporal Dimensions for Legal History

The Defender of the Peace of Marsilius of Padua is a massively influential text in the history of western political thought. Marsilius offers a detailed analysis and explanation of human political communities, before going on to attack what he sees as the obstacles to peaceful human coexistence - principally the contemporary papacy. Annabel Brett's authoritative rendition of the Defensor Pacis was the first new translation in English for fifty years, and a major contribution to the series of Cambridge Texts: all of the usual series features are provided, included chronology, notes for further reading, and up-to-date annotation aimed at the student reader encountering this classic of medieval thought for the first time. This edition of The Defender of the Peace is a scholarly and a pedagogic event of great importance, of interest to historians, political theorists, theologians and philosophers at all levels from second-year undergraduate upwards.

Model Law on Access to Information for Africa and other regional instruments: Soft law and human rights in Africa

"All over the world, in all democratic States, independently of having a legal system based on the common law or on the civil law principles, the courts – special constitutional courts, supreme courts or ordinary courts – have the power to decide and declare the unconstitutionality of legislation or of other State acts when a particular statute violates the text of the Constitution or of its constitutional principles. This power of the courts is the consequence of the consolidation in contem-porary constitutionalism of three fundamental principles of law: first, the existence of a written or unwritten constitution or of a fundamental law, conceived as a superior law with clear supremacy over all other statutes; second, the “rigid” character of such constitution or fundamental law, which implies that the amendments or reforms that may be introduced can only be put into practice by means of a particular and special constituent or legislative process, preventing the ordinary legislator from doing so; and third, the establishment in that same written or unwritten and rigid constitution or fundamental law, of the judicial means for guaranteeing its supremacy, over all other state acts, including legislative acts. Accordingly, in democratic systems subjected to such principles, the courts have the power to refuse to enforce a statute when deemed to be contrary to the Constitu-tion, considering it null or void, through what is known as the diffuse system of judicial review; and in many cases, they even have the power to annul the said unconstitutional law, through what is known as the concentrated system of judicial review. The former, is the system created more than two hundred years ago by the Supreme Court of the United States, and that so deeply characterizes the North American Constitutional system. The latter system, has been adopted in consti-tutional systems in which the judicial power of judicial review has been generally assigned to the Supreme Court or to one special Constitutional Court, as is the case, for example, of many countries in Europe and in Latin America. This concentrated system of judicial review, although established in many Latin American countries since the 19th century, was only effectively developed particularly in the world after World War II following the studies of Hans Kelsen. Of course, during the past thirty years many changes have occurred in the world on these matters of Judicial Review, in particularly in Europe and specifically in the United Kingdom, where these Lectures were delivered. Nonetheless, I have decided to publish them hereto in its integrality, as they were: the written work of a law professor made as a consequence of his research for the preparation of his lectures, not pretending to be anything else, but the academic testimony of the state of the subject of judicial review in the world in 1985-1986". Allan R. Brewer–Carías.

Bandung, Global History, and International Law

The book outlines the historical development of Public Law and the state from ancient times to the modern day, offering an account of relevant events in parallel with a general historical background, establishing and explaining the relationships between political, religious, and economic events.

Ensayo sobre el estado social de derecho y la interpretación de la constitución

Although many people feel that Germany provides a model for environmental policymaking, this book shows that it does not. German administrative law, which focuses on individuals' complaints against the state for violating their rights, does not deal adequately with the broad issues of democratic legitimacy and accountable procedures raised in American courts. Susan Rose-Ackerman compares regulatory law and policy in the United States and Germany and argues that the American system can provide lessons for those seeking to reform environmental policymaking in Germany and the newly democratic states of eastern Europe. Democratic governments, says Rose-Ackerman, face the problem of balancing the desires and expertise of conflicting interest groups, such as those that concern themselves with environmental protection. Under German law, however, environmental associations with policy agendas have no enforceable legal right to participate in federal policymaking, and regulation writing is much less open and accountable than in the United States. The U.S. Supreme Court is moving in the direction of the German system - away from review of the rulemaking process and toward a focus on individual rights. Those who support this trend should look critically at the German solution.

New Horizons in Spanish Colonial Law

The concept of convention has been used in different fields and from different perspectives to account for important social phenomena, and the legal sphere is no exception. Rather, reflection on whether the legal phenomenon is based on a convention and, if so, what kind of convention is involved, has become a recurring issue in contemporary legal theory. In this book, some of the foremost specialists in the field make significant contributions to this debate. In the first part, the concept of convention is analysed. The second part reflects on whether the rule of recognition postulated by Hart can be understood as a convention and discusses its potential and limitations in order to explain the institutional and normative character of law. Lastly, the third part critically examines the relations between conventionalism and legal interpretation. Given the content and quality of the contributions, the book is of interest to those wanting to understand the current state of the art in legal conventionalism as well as those wanting to deepen their knowledge about these questions.

Social Rights Under the Constitution

Why are republics nowadays the most common form of political organization, and the one most readily associated with modern democracy? In The Invention of the Modern Republic, a team of highly distinguished historians of ideas answers this question, and examines the origins of republican governments in America and Europe. Given the renewed interest at present in the functioning and evolution of democratic institutions--especially in their relation with market economies--the issues discussed here have a powerful contemporary resonance.

Animals' Rights Considered in Relation to Social Progress

First published in 2001. Routledge is an imprint of Taylor & Francis, an informa company.

Marsilius of Padua: The Defender of the Peace

Professor Jenkins develops a systematic theory of the origins, the ends, and the functions of law. He then applies this theory to the problems that law encounters and the conditions that it must satisfy if it is to be an effective force in society. Originally published in 1980. The Princeton Legacy Library uses the latest print-on-demand technology to again make available previously out-of-print books from the distinguished backlist of Princeton University Press. These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions. The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905.

Judicial review in comparative law

Not only did the Declaration announce the entry of the United States onto the world stage, it became the model for other countries to follow. This unique global perspective demonstrates the singular role of the United States document as a founding statement of our modern world.

Judicial Review in the Contemporary World

Proceedings of a conference on Kelsen and Schmitt held Jan. 5-6, 1997 in Tel Aviv and organized by the Max Planck Institute of European Legal History, Frankfurt/Main and the Institute for German History at Tel Aviv University.

A History of Western Public Law

Pension systems are under serious pressure worldwide. This pressure stems not only from the well-known trend of population aging, but also from those of increasing heterogeneity of the population and increasing labour mobility. The current economic crisis has aggravated these problems, thereby exposing the vulnerability of many pension schemes to macroeconomic shocks. This book reconsiders the multi-pillar pension scheme against the background of these pressures. It adopts an integral perspective and asks how the pension system as a whole contributes to the three basic functions of pension schemes: facilitating life-cycle financial planning, insuring idiosyncratic risks and sharing macroeconomic risks across generations. It focuses on the optimal balance between the various pension pillars and on the optimal design of each of the schemes. It sketches a number of economic trade-offs, showing that countries may opt for different pension schemes depending on how they react to these trade-offs.

Constitutional Courts

This volume assesses the strengths and weaknesses of deliberative democracy.

Controlling Environmental Policy

Legal Conventionalism