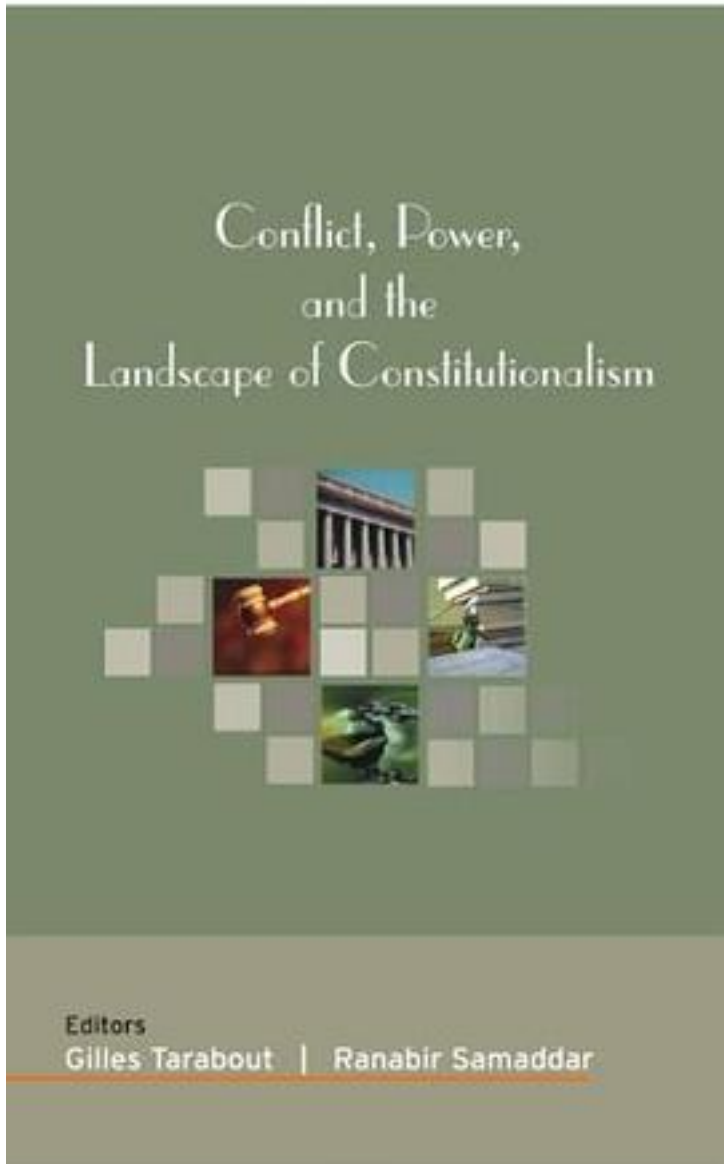


Conflict, Power, and the Landscape of Constitutionalism



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The book seeks to critically examine the implication of a constitution of law for a political society. It presents a collection of essays that seek to investigate how power acts on power, how limits produce excess, how separation of powers produces the union of powers (sanctified by the very constitution that had guaranteed the division in the first place), and how the theory of separation is, at the same time, a myth and a reality. At the backdrop of the book, of course, is the theory that every good constitution rigorously separates the legislature, the executive, and the judiciary from one another to guarantee the independence of each of these powers, such that this separation results in life, liberty, and security. If a constitution, however, symbolises and produces power, precisely because it separates one site of power from another, it follows that it is power itself that is the limit of power. Constitutionalism as a political culture of laws, therefore, must explain the dynamics of power. The book addresses both constitutions and the societies in which they emerge. Many of the essays in this collection show how institutional practices originating from a legal text create a matrix of power that owes its life, neither to a contract between men, nor between the state and men, nor even between the society and men, but rather to relations established, organized, and formalized by laws. The collection is significant because it gives colonial and post-colonial experiences a justified place in studies of law and constitutionalism, for it shows that while Montesquieu, Kant, and Burke each in their own way were promoting the spirit of laws, a more significant history of law-making was being enacted in order to defend a particular rule, and a particular type of government on another side of the world. Based on comparative studies in several countries across three continents, the book centrally deals with issues of constitutionalism, political representation and citizenship.

作者介绍:

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问题而不是法律问题

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