

CIVIL RIGHTS

Civil rights are the legal and constitutional guarantees protecting individuals and groups from discrimination and protecting their political and social freedoms.

IN THE US CONSTITUTION

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" (U.S. Const. amend. XIV)

EXAMPLES

1. Voting Rights
2. School Integration
3. Affirmative Action
4. LGBTQ Rights
5. Immigrant Rights
6. Women's Rights

A Theory Of Constitutional Rights

Arnold T. Guminski



A Theory Of Constitutional Rights:

A Theory of Constitutional Rights Robert Alexy, 2010 In any country where there is a Bill of Rights constitutional rights reasoning is an important part of the legal process As more and more countries adopt Human Rights legislation and accede to international human rights agreements and as the European Union introduces its own Bill of Rights judges struggle to implement these rights consistently and sometimes the reasoning behind them is lost Examining the practice in other jurisdictions can be a valuable guide Robert Alexy's classic work reconstructs the reasoning behind the jurisprudence of the German Basic Law and in doing so provides a theory of general application to all jurisdictions where judges wrestle with rights adjudication In considering the features of constitutional rights reasoning the author moves from the doctrine of proportionality procedural rights and the structure and scope of constitutional rights to general rights of liberty and equality and the problem of horizontal effect A postscript written for the English edition considers critiques of the Theory since it first appeared in 1985 focusing in particular on the discretion left to legislatures and in an extended introduction the translator argues that the theory may be used to clarify the nature of legal reasoning in the context of rights under the British Constitution This book will be of central interest to all legal and constitutional theorists and human rights scholars

Proportionality, Balancing, and Rights Jan-R. Sieckmann, 2021-08-12 The book focuses on Robert Alexy's theory of constitutional rights Alexy systematically presented the theory in his seminal book *Theorie der Grundrechte* 1985 Engl translation *Theory of Constitutional Rights* 2002 and continued to develop it in numerous subsequent articles Arguably still the most influential theory of constitutional rights it has found widespread academic support as well as recognition in several constitutional jurisdictions On the other hand it has also been the object of considerable criticism The aim of this book is to outline the central aspects of Alexy's theory as he sees them and to further develop the principles of constitutional fundamental and human rights by applying a constructive criticism of his theory *Caribbean Integration Law* David S. Berry, 2014-02-27 *Caribbean Integration Law* offers a comprehensive legal analysis of the current treaties and rules governing the two main regional organisations in the Caribbean the Caribbean Community CARICOM and the Organisation of Eastern Caribbean States OECS Both organisations are operating under new treaties the Revised Treaty of Chaguaramas and the Revised Treaty of Basseterre respectively which created the CARICOM Single Market and Economy and the OECS Economic Union The single market and economic union were built upon principles of free movement of goods labour and capital and a common external tariff This book reviews the foundations of Caribbean regional integration the institutional frameworks of the two regional organisations and fleshes out the scope and context of the legal systems created by the treaties It also reviews the dispute settlement mechanisms under both treaties including the increasingly active role of the Caribbean Court of Justice which allows persons to enforce their treaty rights directly before the Court The book offers selective comparisons to the current rules governing the European Union and integrates crucial insights from the field of

public international law including the law of treaties and international institutional law Institutionalized Reason Matthias Klatt, 2012-02-23 Matthias Klatt is Professor for Public Law EU Law Public International Law and Jurisprudence at the University of Hamburg Book Jacket **A Theory of African Constitutionalism** Berihun Adugna 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 **The Constitutional Structure of Proportionality** Matthias Klatt, Moritz Meister, 2012-07-19 Proportionality is one of the most important principles in constitutional law relevant throughout the law and in jurisdictions worldwide Setting out the state of the art in proportionality doctrine this book combines theoretical reconstruction with case law examples defending and developing the dominant model of proportionality **The Constitutional Rights, Privileges, and Immunities of the American People** Arnold T. Guminski, 2009 The Constitutional Rights Privileges and Immunities of the American People explores the idea that the Supreme Court should radically revise its general theory of constitutional rights and discusses various aspects of some special theories of constitutional rights in order to ensure a sufficient universe of discourse As a former deputy district attorney for Los Angeles County Guminski gained a wealth of experience in preparing arguments for appellate courts Based on his experience and careful research he proposes a persuasive theory that explains why some but not all rights secured against infringement by the United States are also secured against infringement by the states by both the privileges or immunities and the due process clauses of the fourteenth amendment adopted in 1868 He examines whether national citizenship before the Civil War was paramount and superior addresses the procedural and substantive aspects of the due process clause and recites the reasons supporting his general theory In presenting the essentials of his theory about how the Constitution should be judicially construed Guminski thereby encourages other citizens to express their own opinions about constitutional law with the hope that these views may one day have an impact on the way the Supreme Court interprets the Constitution **A Constitutionalist Approach to the European Convention on Human Rights** Lisa Sonnleitner, 2022-04-21 This book presents a new constitutional argument for the legitimacy of evolutive interpretation of the ECHR It constructs a model in which evolutive and static constitutional principles are balanced with each other The author argues that there are three possible interpretive approaches in time sensitive interpretations of the ECHR but that only one of them is justifiable by reference to the constitutional principles of the ECHR in every single case The ECHR's constitutional principles either require an evolutive or static interpretation or they do not establish a preference relation at all which leads to a margin of appreciation of the member states in the interpretation of the Convention The balancing model requires the determination of the weights of the competing evolutive and static constitutional principles For this purpose the author defines weighting factors for determining the importance of evolutive or static interpretation in a concrete case **Citizenship in the European Union** Anne Wesemann, 2020-10-30

The book proposes a new approach to constitutional analysis of the EU and its legal framework arguing that the existence of constitutional rights norms within EU law enables this particular legal order to respond effectively to societal and political challenges within the rigidity of constitutionalism Providing new perspectives on constitutionalism in the EU this book considers the way the Court of Justice of the European Union CJEU discusses and applies the EU citizenship Treaty norms by analysing the courts approach to decision making which resembles the balancing and weighing of conflicting principles

The Non-Coherence Theory of Digital Human Rights Mart Susi, 2024-02-29 The non coherence theory of digital human rights has wide academic and practical implications for conceptualization of the digital sphere

Unveiling the Magic of Words: A Report on "**A Theory Of Constitutional Rights**"

In a world defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their ability to kindle emotions, provoke contemplation, and ignite transformative change is really awe-inspiring. Enter the realm of "**A Theory Of Constitutional Rights**," a mesmerizing literary masterpiece penned by way of a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve into the book's central themes, examine its distinctive writing style, and assess its profound effect on the souls of its readers.

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A Theory Of Constitutional Rights Introduction

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