

Comparative Public Law

Comparative Public Law Scholarship in the United States

John C. Reitz 2023 “The article addresses the paradoxical nature of comparative public law scholarship in the United States. The globalization of life makes foreign law as inescapable in the United States as in any other modern country. Foreign law models played a substantial role at the founding of the country and for some time thereafter when there was not much American law. But today comparative study of foreign models of public law plays hardly any role at all in the preparation of legislation or constitutional amendments in the United States, and a high-profile debate at the Supreme Court revealed significant antipathy on the Court to the use of comparative law in interpreting domestic law. In those senses, comparative public law

scholarship appears to have little impact on U.S. law. There are, moreover, a number of unique features of American law that make it difficult to import legal models from other countries, most notably the especially strong skepticism toward reliance on the state and state regulation that pervades American society and legal thinking about law. One might conclude that a cosmopolitan world view is not very strong in America, but the article argues for a more nuanced view. The forces of globalism expose lawyers and courts in the United States constantly to foreign and international law, immigration continues to enrich the body of scholars working and teaching in the United States, and there is a rich body of foreign and comparative law scholarship in English that is readily available to students and scholars in the United States and that is produced at least in substantial

part by scholars working in the United States. These features attest to a curiosity and openness in the United States to learning about foreign law. The article argues that America is home to strong tendencies in both directions, cosmopolitanism and its opposite, nationalism or chauvinism, and comparative public law scholarship in the United States should be seen as navigating between these opposing impulses.”

Columbia Law Review 1921
Free Speech and the Politics of Identity David A. J. Richards
1999 *Free Speech and the Politics of Identity* challenges the scholarly view as well as the dominant legal view outside the United States that the right of free speech may reasonably be traded off in pursuit of justice to stigmatized minorities. These views appeal to an alleged reasonable balance between two basic human rights: the right of free speech and the right against unjust discrimination. Compelling arguments of normative political theory and

interpretative history show, however, that these rights are structurally linked: the abridgement of one compromises the other. To make this case, David Richards offers an original political theory of toleration and of structural injustice that addresses the nature and scope of the right of free speech and the right against unjust discrimination; its analytic focus is on the role played by members of subordinated groups in the protest of the terms of structural injustice (the politics of identity), advancing constitutional justice under law. While the argument is developed on the basis of American constitutional experience from the antebellum period forward, its normative force is brought to bear both in defending and criticizing some aspects of American law and in challenging the continuing legitimacy of laws against group libel, obscenity, and blasphemy under national legal systems (including Germany, France, Britain, Canada, Israel,

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India, South Africa, and others), regional systems (the jurisprudence of the European Court of Human Rights), and public international law. The book's innovative normative and interpretative methodology calls for a new departure in comparative public law, in which all states responsibly address their common problems not only of inadequate protection of free speech but correlative failure to take seriously the continuing political power of such evils as anti-Semitism, racism, sexism, and homophobia.

Law Library Journal 1922 Vols. 1- include Proceedings of the annual meeting of the American Association of Law Libraries.

Introduction to Public Law

Élisabeth Zoller 2008

"Introduction to Public Law" is a historical and comparative introduction to public law. The book traces back the origins of the "res publica" to Roman law and analyzes the course of its development, first during the monarchical age in continental

Europe and England, and then during the republican age that began at the end of the eighteenth century with the democratic revolutions in the United States and France. For each period and country, the book analyzes the major concepts of public law and their transformations: sovereignty, the state, the statute, the separation of powers, the public interest, and administrative justice.

Catalogue Columbia University 1915

Security, Constitutionalism and Legal Systems Paola Piciacchia

2026-02-20 The book explores, through new studies, the theme of security in its multiple declinations from a comparative and European public law perspective. It highlights the current complexity of the dynamics related to public security at the domestic and international levels and the reflections that these dynamics may have on contemporary constitutionalism and the rule of law. It critically examines how contemporary challenges reshape the concept of security

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and its relationship with democratic governance and fundamental rights. From this perspective, the volume presents different analytical contributions that together create a multifaceted picture, as does the importance of new reflections on emerging challenges, such as those determined by evolving technologies. In light of this picture, by integrating theoretical analysis with empirical case studies, this volume provides a comprehensive perspective on security and defence governance in contemporary legal systems and helps to understand the complexity of security profiles, which today tend to intertwine. These analyses increasingly demonstrate the need for state resilience, responsiveness, and the coordination of public defence and security policies.

The World's Legal Philosophies
Fritz Berolzheimer 1929

Comparative Public Law for European Society Armin von Bogdandy 2022 This contribution theorizes

European comparative public law through its function for European society. It starts by reconstructing European law as a body of law that encompasses various legal orders and European society as its social reference. Next, it outlines the specific role of comparative arguments in European public law, their legal and methodological bases, and the gulf between the new and the old *Jus Publicum Europaeum*. A comparative reconstruction of constitutional courts then illustrates this theorization. It deepens the understanding of these key actors of European law while exemplifying European society's commonalities as well as multiple modernities. Finally, the article shows how the European comparative setting impacts on scholarly identities and mindsets.

Quinquennial Catalogue of the Law School of Harvard University Harvard Law School 1930
American Law School Review 1930

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Annals of the American Academy of Political and Social Science American Academy of Political and Social Science 1895

Stabilization Clauses in International Investment Law
Jola Gjuzi 2018-12-05 This book analyzes the tension between the host state's commitment to provide regulatory stability for foreign investors - which is a tool for attracting FDI and generating economic growth - and its evolving non-economic commitments towards its citizens with regard to environmental protection and social welfare. The main thesis is that the 'stabilization clause/regulatory power antinomy,' as it appears in many cases, contradicts the content and rationale of sustainable development, a concept that is increasingly prevalent in national and international law and which aims at the integration and balancing of economic, environmental, and social development. To reconcile this antinomy at the decision-making and dispute settlement

levels, the book employs a 'constructive sustainable development approach,' which is based on the integration and reconciliation imperatives of the concept of sustainable development as well as on the application of principles of law such as non-discrimination, public purpose, due process, proportionality, and more generally, good governance and rule of law. It subsequently re-conceptualizes stabilization clauses in terms of their design (ex-ante) and interpretation (ex-post), yielding stability to the benefit of foreign investors, while also mitigating their negative effects on the host state's power to regulate.
Official Register Harvard University 1929

Sovereignty, Statehood and State Responsibility

Christine Chinkin 2015-02-12 A timely, thought-provoking and innovative reappraisal of the core actors on the international stage: states.

International Investment Protection within Europe Julien Berger 2020-11-24 The steadily rising number of investor-State

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arbitration proceedings within the EU has triggered an extensive backlash and an increased questioning of the international investment law regime by different Member States as well as the EU Commission. This has resulted in the EU's assertion of control over the intra-EU investment regime by promoting the termination of bilateral intra-EU investment treaties (intra-EU BITs) and by opposing the jurisdiction of arbitral tribunals in intra-EU investor-State arbitration proceedings. Against the backdrop of the landmark *Achmea* decision of the European Court of Justice, the book offers an in-depth analysis of the interplay of international investment law and the law of the European Union with regard to intra-EU investments, i.e. investments undertaken by an investor from one EU Member State within the territory of another EU Member State. It specifically analyses the conflict between the two investment protection regimes applicable within the EU with a particular emphasis

on the compatibility of the international legal instruments with the law of the European Union. The book thereby addresses the more general question of the relationship between EU law and international law and offers a conceptual framework of intra-European investment protection based on the analysis of all intra-EU BITs, the Energy Charter Treaty and EU law, as well as the arbitral practice in over 180 intra-EU investor-State arbitration proceedings. Finally, the book develops possible solutions to reconcile the international legal standards of protection with the regionalized transnational law of the European Union.

Public Administration and Expertise in Democratic Governments

Susan Rose-Ackerman 2024-05-23 This collection deals with challenges confronting public law and public administration in twenty-first century democracies across the world. It draws together contributions from leading scholars,

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examining cutting-edge topics, and projecting the scholarship forward. It emphasizes the importance both of justifying executive policymaking to citizens and of drawing on bureaucratic expertise and professional competence. Contributors examine the role of courts and argue for new forms of public participation that can incorporate democratic values into executive-branch policymaking. Finally, the work confronts problems in the administration of the criminal law that are generating increased public concern. Building on Rose-Ackerman's scholarship, writers compare the American experience with contemporary developments in other leading democracies - in particular, Germany, France, the EU, Canada, and Latin America. The work will be an invaluable resource for academics, researchers and policymakers working in the areas of Administrative Law, Public Law, and Political Science.

Proportionality and Deference in Investor-State

Arbitration Caroline Henckels 2015-10-15 Caroline Henckels examines how investment tribunals should balance competing state and investor interests in determining state liability in regulatory disputes.

COMPARATIVE PUBLIC LAW (Comparative Constitutional Law and Comparative Administrative Law) Contributions to the International Academy of Comparative Law 1966-2022

Allan R. Brewer-carías 2024-10-12 This book of Professor Allan R. Brewer-Carias, is a recollection of all his contributions to the the International Academy of Comparative Law, on matters of Comparative Public Law (Comparative Constitutional Law and Comparative Administrative Law), submitted between 1966 and 2022, as General Reports to the Congresses of the Academy held in Uppsala, August 1966; Pescara, August-September 1970; Tehran, August-September 1974; Caracas, August-September 1982; in Montreal, August 1990; Bristol,

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July-August 1998; and Washington, July 2010; as well as all the Venezuelan National Reports on the same matters sent to the Academy for its consideration by the respective General Reporters in the International Congresses of Uppsala 1966, Budapest 1978, Caracas 1982, Brisbane 2002, Utrecht 2006, Mexico 2008, Vienna 2014 and La Asunción 2022.

Institutions & Public Law

Robert A. Kagan 2005
Institutions & Public Law: Comparative Approaches is a set of essays on the politics of law and courts by leading public law scholars in the United States, Europe, and Latin America. The essays share the view that understanding courts requires attention to the political dynamics that shape judicial design and authority, as well as the position of courts within the broader political system. This volume is essential reading for undergraduate and graduate courses in judicial politics.

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