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Supreme Court Justice Antonin Scalia once remarked that the theory of an evolving, "living"

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Constitution effectively "rendered the Constitution useless." He wanted a "dead Constitution," he joked, arguing it must be interpreted as the framers originally understood it. In *The Living Constitution*, leading

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constitutional scholar David Strauss forcefully argues against the claims of Scalia, Clarence Thomas, Robert Bork, and other "originalists," explaining in clear, jargon-free English how the Constitution can sensibly evolve,

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without falling into the anything-goes flexibility caricatured by opponents. The living Constitution is not an out-of-touch liberal theory, Strauss further shows, but a mainstream tradition of American jurisprudence--a common-law

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approach to the Constitution, rooted in the written document but also based on precedent. Each generation has contributed precedents that guide and confine judicial rulings, yet allow us to meet the demands of today, not

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force us to follow the commands of the long-dead Founders. Strauss explores how judicial decisions adapted the Constitution's text (and contradicted original intent) to produce some of our most profound accomplishments: the end of racial

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segregation, the expansion of women's rights, and the freedom of speech. By contrast, originalism suffers from fatal flaws: the impossibility of truly divining original intent, the difficulty of adapting eighteenth-century

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understandings to the modern world, and the pointlessness of chaining ourselves to decisions made centuries ago. David Strauss is one of our leading authorities on Constitutional law--one with practical knowledge as well, having

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served as Assistant Solicitor General of the United States and argued eighteen cases before the United States Supreme Court. Now he offers a profound new understanding of how the Constitution can remain vital to life

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potentially antidemocratic elements and explains why they are there, compares the American constitutional system to other democratic systems, and explores how we might alter our political system to achieve greater equality

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among citizens. In a new chapter for this second edition, he shows how increasing differences in state populations revealed by the Census of 2000 have further increased the veto power over constitutional amendments held by a tiny minority

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of Americans. He then explores the prospects for changing some important political practices that are not prescribed by the written Constitution, though most Americans may assume them to be so.

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understanding of the system on its own terms beyond the accepted Western model. The book shows how the Emirati law differs from the conventional rule of law. The first section of the book deals with the imperial, international, and

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cultural background of the Emirati legal system and its influences on some of the elements of the legal system today. It maps the state's international legal obligations according to core human rights treaties showing how universal

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interpretations of rights may differ from Emirati interpretations of rights. This logic is further illustrated through an overview of the legal system, in federal, local, and free zones and how the UAE's diversity of legal sources from

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Islamic and colonial law provides legal adaptability. The second section of the book deals mainly with the contemporary system of the rule of law in the UAE but at times makes a detour to the British administration to show how

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imperial execution of power during the British administration created forerunners visible today. Finally, the debut of the UAE on the international scene contributed to an interest in human rights investigations, having

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manifestations in UAE law. The work will be a valuable resource for researchers and academics working in the areas of Comparative Constitutional Law, Legal Anthropology, Legal Pluralism, and Middle Eastern Studies.

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others reflect tensions between particularism and universalism as well as competing visions of who 'we' are as a political community. Drawing on insights from social theory, religion, history, political science, and public law, Hirschl argues for an interdisciplinary approach to comparative constitutionalism that is

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methodologically and substantively preferable to merely doctrinal accounts. The future of comparative constitutional studies, he contends, lies in relaxing the sharp divide between constitutional law and the social sciences. The bills of rights adopted in the Commonwealth countries of Canada, New

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Zealand, the United Kingdom and, at the subnational level, Australia in recent decades, have prompted scholars and institutional actors involved in the process of constitutional design and reform to rethink how to evaluate and compare the different approaches to human rights protection. They have challenged a

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number of assumptions in the field, for example, that courts must have the power to invalidate laws that are found to violate rights (ie courts can now be given non-binding powers), that courts must have the 'final word' on rights issues (ie legislatures can now be given the power to override judicial decisions) and that bills of rights

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are enforced exclusively by courts (ie legislators can now be given new responsibilities to ensure that the laws they enact are compatible with rights). This book addresses three questions arising from these developments. How do these new bills of rights differ from the traditional approaches to rights

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protection? Why, if at all, should we consider the Commonwealth's approach over the traditional approaches? What compromises must be struck in the course of adopting a bill of rights of this variety? In answering these questions, the book sets out a new framework for comparison that focuses on the types of inter-institutional

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disagreement facilitated by and found in the different approaches to rights protection. It also identifies a previously unrecognised element of the Commonwealth's approach - the normative trade-offs with other constitutional principles and values - that is pivotal to understanding its operation.

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