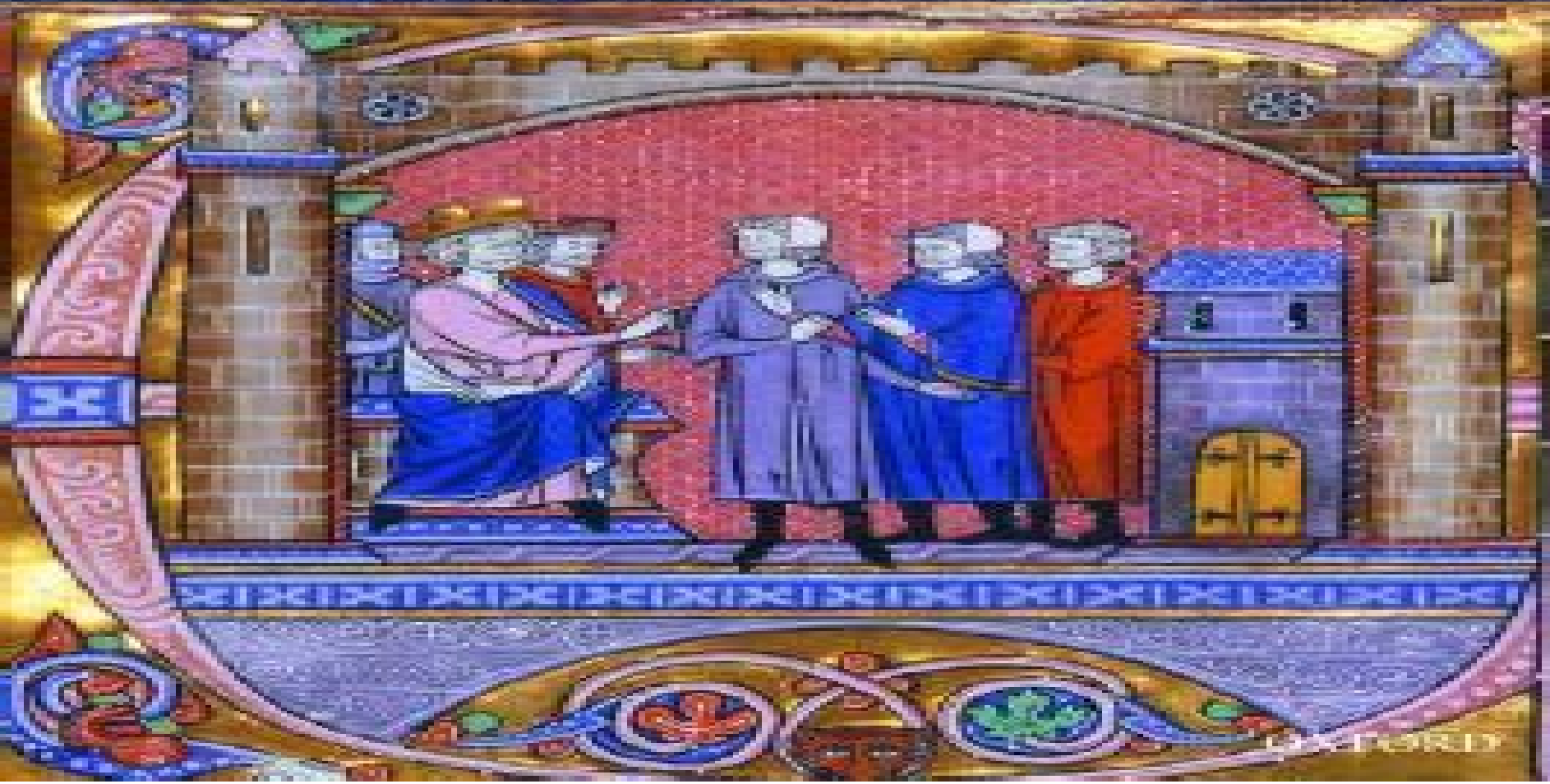


CONSTITUTIONAL LAW AND NATIONAL PLURALISM

STEPHEN TIERNEY



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Constitutional Law and National Pluralism Stephen Tierney, 2006 **Constitutional Law and Regionalism** Vito Breda, 2018-09-28 This topical book analyses the practice of negotiating constitutional demands by regional and dispersed national minorities in eight multinational systems It considers the practices of cooperation and litigation between minority groups and central institutions in Australia Britain Canada New Zealand Italy Spain and the U S and includes an evaluation of the implications of the recent Catalan Puerto Rican and Scottish referenda Ultimately the author shows that a flexible constitution combined with a versatile constitutional jurisprudence tends to foster institutional cooperation and the recognition of the pluralistic nature of modern states Constitutional Law and Politics of Secession Antoni Abat i Ninet, 2023-07-31 This collection presents an analysis of the concept of secession and its constitutional accommodation alongside an assessment of the effects of secession in constitutional and international law The work proposes a new approach and insights into the existing literature that fill a gap from multidisciplinary and transdisciplinary perspectives The book approaches the topics of secession constitutionalism and their relationship from both theoretical and empirical perspectives including the analysis of particular secessionist examples such as Catalonia the Basque Country Tigray the Palestinian minority in Israel Bosnia and Herzegovina and the Mapuche Nation from a comparative constitutional perspective Elucidating these issues from different methodological and conceptual perspectives produces novelties in the scientific and constitutional debate The interplay between constitutions constitutional law and secession is indeed explored from philosophical socio legal but also from strict constitutional law outlooks Written by constitutional and public international law experts the book will be of interest to students academics and researchers working in the areas of constitutional law legal theory theory of the state philosophy of law and political science *Research Handbook on Legal Pluralism and EU Law* Gareth Davies, Matej Avbelj, The Research Handbook on Legal Pluralism and EU Law explores the diversity of phenomenon of overlapping legal systems within the European Union the nature of their interactions and how they deal with the difficult question of the legal hierarchy between them The contributors reflect on the history sociology and legal scholarship on constitutional and legal pluralism and develop this further in the light of the challenges currently facing the EU **The Cambridge Companion to Comparative Constitutional Law** Roger Masterman, Robert Schütze, 2019-10-03 Comparing constitutions allows us to consider the similarities and differences in forms of government as well as the normative philosophies behind constitutional choices The objective behind this Companion is to present the reader with a succinct yet wide ranging companion to a modern comparative constitutional law course **European Yearbook of Constitutional Law 2020** Ernst Hirsch Ballin, Gerhard van der Schyff, Maarten Stremler, Maartje De Visser, 2021-03-27 The European Yearbook of Constitutional Law EYCL is an annual publication devoted to the study of constitutional law It aims to provide a forum for in depth analysis and discussion of new developments in the field both in Europe and beyond This second volume

examines the constitutional positioning of cities across space and time Unrelenting urbanisation means that most people are or soon will be living in cities and that city administrations become in many respects their quintessential governing units Cities are places where State power is operationalised and concretised where laws and government policies transform from parchment objectives to practical realities In a similar vein cities are also places for the realisation of the constitutional rights and liberties enjoyed by individuals The book is organised around three sets of relations that await further unpacking in theory as well as practice that between cities and other institutions in the national constitutional architecture that between cities and their inhabitants and that between cities and international organisations The contributions to this book show the marked diversity in the role and powers available to cities in Europe and beyond and identify principles and approaches to help stipulate new ways of thinking about the legal role and relevance of cities going forward Ernst Hirsch Ballin is distinguished university professor at Tilburg University and vice dean for research of Tilburg Law School Gerhard van der Schyff is associate professor at Tilburg Law School Department of Public Law and Governance Maarten Stremmer is lecturer at Maastricht University Faculty of Law Department of Public Law Maartje De Visser is associate professor at SMU School of Law Singapore Handbook on Global Constitutionalism Anthony F. Lang, Antje Wiener, 2023-11-03 This thoroughly revised Handbook presents an up to date political and philosophical history of global constitutionalism By exploring the constitutional like qualities of international affairs it provides key insight into the evolving world order **Constitutional Crises and Regionalism** Vito Breda, 2023-08-14 This informative book analyses regional constitutional crises where a large portion of residents no longer believe that the rule of law as defined by central institutions governs them Laying out a framework for effective governance in divided societies Vito Breda argues that peace and collaboration are linked to managing shared beliefs through constitutional law Constitution Making during State Building Joanne Wallis, 2014-09-15 This book argues that fragmented divided societies that aren't immediately compatible with centralised statehood can best adjust by emphasising the role of constitution making The Constitutional State N. W. Barber, 2012-09-27 The Constitutional State provides an original analytical account of the state and its associated constitutional phenomena It presents the state as a form of social group consisting of people territory and institutions bound together by rules The institutions of the state make a distinctive and characteristic claim over the people of the state who in turn have a distinctive and characteristic relationship with these institutions This account reveals the importance of at least two forms of pluralism legal and constitutional It also casts light on some of the more difficult questions faced by writers on constitutions such as the possibility of states undertaking actions and forming intentions the moral significance of these actions for the people of the state and the capacity of the state to carry responsibility for acts between generations **Routledge Handbook of Constitutional Law** Mark Tushnet, Thomas Fleiner, Cheryl Saunders, 2013-06-26 The Routledge Handbook of Constitutional Law is an advanced level reference work which surveys the current state of constitutional law Featuring new specially

commissioned papers by a range of leading scholars from around the world it offers a comprehensive overview of the field as well as identifying promising avenues for future research The book presents the key issues in constitutional law thematically allowing for a truly comparative approach to the subject It also pays particular attention to constitutional design identifying and evaluating various solutions to the challenges involved in constitutional architecture The book is split into four parts for ease of reference Part One General issues sets issues of constitutional law firmly in context including topics such as the making of constitutions the impact of religion and culture on constitutions and the relationship between international law and domestic constitutions Part Two Structures presents different approaches in regard to institutions or state organization and structural concepts such as emergency powers and electoral systems Part Three Rights covers the key rights often enshrined in constitutions Part Four New Challenges explores issues of importance such as migration and refugees sovereignty under pressure from globalization Supranational Organizations and their role in creating post conflict constitutions and new technological challenges Providing up to date and authoritative articles covering all the key aspects of constitutional law this reference work is essential reading for advanced students scholars and practitioners in the field The Ashgate Research Companion to Secession Professor Peter Radan, Dr Aleksandar Pavkovic, 2013-04-28 This research companion has three complementary aims First to offer an overview of the current theoretical approaches to secession in the social sciences international relations legal theory political theory and applied ethics Second to outline the current practice of international recognition of secession and current domestic and international laws which regulate secession Third to offer an account of major secessionist movements past and present from a comparative perspective *Beyond Constitutionalism* Nico Krisch, 2012-09-06 Under pressure from globalisation the classical distinction between domestic and international law has become increasingly blurred spurring demand for new paradigms to construe the emerging postnational legal order The typical response of constitutional and international lawyers as well as political theorists has been to extend domestic concepts especially constitutionalism beyond the state Yet as this book argues proposals for postnational constitutionalism not only fail to provide a plausible account of the changing shape of postnational law but also fall short as a normative vision They either dilute constitutionalism's origins and appeal to fit the postnational space or they create tensions with the radical diversity of postnational society This book explores an alternative pluralist vision of postnational law Pluralism does not rely on an overarching legal framework but is characterised by the heterarchical interaction of various suborders of different levels an interaction that is governed by a multiplicity of conflict rules whose mutual relationship remains legally open A pluralist model can account for the fragmented structure of the European and global legal orders and it reflects the competing and often equally legitimate claims for control of postnational politics However it typically provokes concerns about stability power and the rule of law This book analyses the promise and problems of pluralism through a theoretical enquiry and empirical research on major global governance regimes including the European human rights regime the

contestation around UN sanctions and human rights and the structure of global risk regulation The empirical research reveals how prevalent pluralist structures are in postnational law and what advantages they possess over constitutionalist models Despite the problems it also reveals the analysis suggests cautious optimism about the possibility of stable and fair cooperation in pluralist settings Unstable Constitutionalism Mark Tushnet, Madhav Khosla, 2015-09-17 This book examines constitutional law and practice in five South Asian countries India Pakistan Sri Lanka Nepal and Bangladesh

International Trade Agreements Before Domestic Courts Maria Angela Jardim de Santa Cruz Oliveira, 2015-02-13 This book addresses the role of domestic courts in the enforcement of international trade agreements by examining the experiences of Brazilian and the European Union courts This comparative study analyzes the differences similarities and consequences of Brazilian and European courts decisions in relation to the WTO agreements which have direct effect in Latin American emerging economies but not in the European Union or other developed countries It observes that domestic courts enforcement of international trade agreements has had several unintended and counterproductive consequences which were foreseeable in light of international scholarly debate on the direct effect of WTO agreements It draws lessons from these jurisdictions experiences and argues that the traditional academic literature that fosters domestic courts enforcement of international law should be reconsidered in Latin America in relation to international trade agreements This book defends the view that as a result of their function and objectives together with the principles of popular sovereignty and democratic self government international trade agreements should not be considered to be self executing or to have direct effect This empirical work will be valuable to anyone interested in the effects of international trade rules at the domestic level and the role of domestic judges in international law Law's Ethical, Global and Theoretical Contexts Upendra Baxi, Christopher McCrudden, Abdul Paliwala, 2015-10-22 Examines contemporary perspectives on law through Twining's scholarly work and with a focus on ethical global and theoretical contexts **Routledge International Handbook of Contemporary Social and Political Theory** Gerard Delanty, Stephen P. Turner, 2011-03-23 The Handbook will address a range of issues that have emerged out of recent social and political theory It will focus on key themes as opposed to schools of thought or major theorists Each chapter is an emerging cutting edge topic that is of interest both to social theory and to political theory Most topics will have a clear and substantive focus on social or political problems **The Cosmopolitan Constitution** Alexander Somek, 2014 Originally the constitution was expected to express and channel popular sovereignty It was the work of freedom springing from and facilitating collective self determination After the Second World War this perspective changed the modern constitution owes its authority not only to collective authorship it also must commit itself credibly to human rights Thus people recede into the background and the national constitution becomes embedded into one or other system of peer review among nations This is what Alexander Somek argues is the creation of the cosmopolitan constitution Reconstructing what he considers to be the three stages in the development of constitutionalism he argues that the cosmopolitan

constitution is not a blueprint for the constitution beyond the nation state let alone a constitution of the international community rather it stands for constitutional law reaching out beyond its national bounds This cosmopolitan constitution has two faces the first political face reflects the changed circumstances of constitutional authority It conceives itself as constrained by international human rights protection firmly committed to combating discrimination on the grounds of nationality and to embracing strategies for managing its interaction with other sites of authority such as the United Nations The second administrative face of the cosmopolitan constitution reveals the demise of political authority which has been traditionally vested in representative bodies Political processes yield to various and often informal strategies of policy coordination so long as there are no reasons to fear that the elementary civil rights might be severely interfered with It represents constitutional authority for an administered world

The Tangled Complexity of the EU Constitutional Process Giuseppe Martinico, 2022-08-05 Offering a fresh view on the EU constitutionalisation process the new edition of The Tangled Complexity of the EU Constitutional Process presents three main points the idea of constitutional complexity the tension between constitutional evolutionism and constitutional constructivism in the process of European integration and the functional nature of conflicts in the evolution of the EU Because of its prodigiousness European law produces consternation among constitutionalists accustomed to traditional patterns of power This book argues that while constitutional conflicts have frequently been depicted as elements of disturbance along the path towards legal coherence they are physiological and might even be functional to the development of the European legal order which should not be understood in a deterministic manner The new edition will be of particular interest to academics and students in the disciplines of law international relations and political science

Shallow Equality and Symbolic Jurisprudence in Multilingual Legal Orders Janny H.C. Leung, 2019-01-28 What challenges face jurisdictions that attempt to conduct law in two or more languages How does choosing a legal language affect the way in which justice is delivered Answers to these questions are vital for the 75 officially bilingual and multilingual states of the world as well as for other states contemplating a move towards multilingualism Arguably such questions have implications for all countries in a world characterized by the pressures of globalization economic integration population mobility decolonization and linguistic re colonization For lawyers addressing such challenges is made essential by the increased frequency and scale of transnational legal dealings and proceedings as well as by the lengthening reach of international law But it is not only policy makers legislators and other legal practitioners who must think about such questions The relationship between societal multilingualism and law also raises questions for the burgeoning field of language and law which posits among other tenets the centrality of language in legal processes In this book Janny H C Leung examines key aspects of legal multilingualism Drawing extensively on case studies she describes the implications of the legal practical and ideological dilemmas encountered in a given country when it becomes bilingual or multilingual discussing such issues as how legal certainty and the linguistic ideology of authenticity may be challenged in a

multilingual jurisdiction how courts balance the language preferences of different courtroom participants and what historical socio political and economic factors may influence the decision to cement a given language as a jurisdiction s official language Throughout Leung elaborates a theory of symbolic jurisprudence to explore common dilemmas found across countries despite their varied political and cultural settings and argues that linguistic equality as proclaimed and practiced today is a shallow kind of equality Although officially multilingual jurisdictions appear to be more inclusive than their monolingual counterparts they run the risk of disguising substantive inequalities and displacing real efforts for more progressive social change This is the first book to offer overarching discussion of how such issues relate to each other and the first systematic study of legal multilingualism as a global phenomenon

Reviewing **Constitutional Law And National Pluralism**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is actually astonishing. Within the pages of "**Constitutional Law And National Pluralism**," an enthralling opus penned by a highly acclaimed wordsmith, readers set about an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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