

CONSTITUTIONALISM IN TRANSFORMATION: EUROPEAN AND THEORETICAL PERSPECTIVES

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Constitutionalism Democracy And Sovereignty American And European Perspectives Philosophy Series

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Constitutionalism, Democracy and Sovereignty Richard Paul Bellamy, 1996-01-01 These papers were first presented at the 22nd Annual Conference of the UK Association for Legal and Social Philosophy held at the University of East Anglia from 6 8th April 1995 Page vii

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Liberalism and Pluralism Richard Bellamy, 2002-01-04 In Liberalism and Pluralism the author explores the challenges conflicting values interests and identities pose to liberal democracy Richard Bellamy illustrates his criticism and proposals by reference to such topical issues as the citizens charter constitutional reform the Rushdie affair and the development of the European Union

Constructing Legal Systems: "European Union" in Legal Theory N. MacCormick, 2013-06-29 Legal theory has been much occupied with understanding legal systems and analysing the concept of legal system This has usually been done on the tacit or explicit assumption that legal systems and states are co terminous But since the Rome Treaty there has grown up in Europe a new legal order neither national law nor international law and under its sway older conceptions of state sovereignty have been rendered obsolete At the same time it has been doubted whether the European Union that has grown out of the original European Communities has a satisfactory constitution or any constitution at all What kind of legal and political entity is this Union and how does it relate juridically and politically to its member states Further the activity of construing or constructing legal system and legal knowledge becomes visibly problematic in this context These essays wrestle with the above problems

New Voices and New Perspectives in International Economic Law John D. Haskell, Akbar Rasulov, 2019-12-10 This book brings together a series of contributions by international legal scholars that explore a range of subjects and themes in the field of international economic law and global economic governance through a variety of methodological and theoretical lenses It introduces the reader to a number of different ways of constructing and approaching the study of international economic law The book deals with a series of different theoretical agendas and perspectives ranging from the more traditional empirical legal studies to the more alternative language theory and it expands the scope of substantive discussion and thematic coverage beyond the usual suspects of international trade international investment and international finance While the volume still gives due recognition to the traditional theoretical project of international economic law it invites the reader to extend the scope of disciplinary imagination to other less commonly acknowledged questions of global economic governance such as food security monetary unions and international economic coercion In addition to historically focused and critical perspectives the volume also includes a number of programmatic and forward looking explorations which makes it appealing to a broad audience with a variety of contrasting interests Therefore the volume is of particular interest to academics and postgraduate students in the fields of international law international relations international political economy and international history

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Authoritarian Liberalism and the Transformation of Modern Europe Michael A. Wilkinson, 2021 Oxford Constitutional

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Citizenship and Governance in the European Union Richard Bellamy,Alex Warleigh,2005-04-28 European citizenship has been a key issue since the Treaty of Maastricht Both governmental and non governmental actors have seen the extension of the citizenship provisions as an important part of the drive to democratize the EU Recent years have seen some important institutional and political developments The Treaty of Amsterdam clarified the formal allocation of citizenship rights emphasising the complementary nature of EU citizenship with respect to member state nationality It also made significant changes to European citizenship as an institutionalized practice and incorporated the Schengen agreements on freedom of movement European citizenship has attracted the attention of both EU and citizenship scholars However these groups frequently talk past each other This book is the first to address both groups Contributions by experts across several disciplines link citizenship not only to the Treaty provisions but also to the emerging patterns of governance in and the policy regimes of the EU Normative and empirical analysis is combined to reveal the political legal economic and social dimensions of this new status charting its development through the practices of both the EU institutions and its holders EU citizens themselves The authors argue that EU citizenship is about far more than the rights member state nationals are granted by the Treaty It is also steeped in the policies and institutions of the Union itself and in particular their ability to engage the general public Redrafting Constitutions in Democratic Regimes Gabriel L. Negretto,2020-09-17 This book analyzes how replacing democratic constitutions may contribute to the improvement or erosion of democratic principles and practices

After National Democracy Lars Trägårdh,2004-05-22 The imagined community of the nation which served as the affective basis for the post French Revolution social contract as well as its institutional counter part the welfare state are currently under great stress as states lose control over what once was referred to as the national economy In this book a number of authors historians legal scholars political theorists consider the fate of national democracy in the age of globalization In particular the authors ask whether the order of European nation states with its emphasis on substantive democracy is now in the guise of the European Union giving way to a more loosely constructed often federalized system of procedural republics partly constructed in the image of the United States Is national parliamentary democracy being replaced by a politico legal culture where citizen action increasingly takes place in a transnational legal domain at the expense of traditional and national party politics Is the notion of a nationally bound citizen in the process of being

superceded by a cosmopolitan legal subject **Reclaiming Constitutionalism** Maria Tzanakopoulou, 2018-02-22

Reclaiming Constitutionalism articulates an argument for why the constitutional phenomenon remains attached to the state despite the recent advent of theories of global constitutionalism Drawing from the idea that constitutionalism historically sought to build social consensus this book argues that the primary aim of constitutionalism is to create social peace and to shield rather than to limit the power of political elites in any given state Implicit in the effort to preserve social peace is the fundamentally important acknowledgement of social conflict Constitutionalism seeks to offer a balance between opposing social forces However this balancing process can sometimes ignite rather than appease social conflict Constitutionalism may thus further a project of social struggles and emancipation for it incorporates within its very nucleus the potential for an agonistic version of democracy In light of the connection between social conflict and constitutionalism this book explores the conditions for and locations of the former From the state and the EU to the global level it considers the role of citizenship national identities democracy power and ideology in order to conclude that the state is the only site that satisfies the prerequisites for social conflict Reclaiming constitutionalism means building a discourse that opens up an emancipatory potential a potential that under current conditions cannot be fulfilled beyond the borders of the state **Transnational**

Democracy James Anderson, 2002 A multidisciplinary array of experts explore the issues related to globalisation and democracy They focus on federalism multi cultural societies the European Union and potential agents for the democratisation of global institutions **The Writers Directory**, 2013 **Sovereignty in Post-Sovereign Society** Jiří Přibáň, 2016-03-09

Sovereignty marks the boundary between politics and law Highlighting the legal context of politics and the political context of law it thus contributes to the internal dynamics of both political and legal systems This book comprehends the persistence of sovereignty as a political and juridical concept in the post sovereign social condition The tension and paradoxical relationship between the semantics and structures of sovereignty and post sovereignty are addressed by using the conceptual framework of the autopoietic social systems theory Using a number of contemporary European examples developments and paradoxes the author examines topics of immense interest and importance relating to the concept of sovereignty in a globalising world The study argues that the modern question of sovereignty permanently oscillating between de iure authority and de facto power cannot be discarded by theories of supranational and transnational globalized law and politics Criticising quasi theological conceptualizations of political sovereignty and its juridical form the study reformulates the concept of sovereignty and its persistence as part of the self referential communication of the systems of positive law and politics The book will be of considerable interest to academics and researchers in political legal and social theory and philosophy *The Ontological Foundation of Ethics, Politics, and Law* Francesco Belfiore, 2013-03-25 The revised edition of *The Ontological Foundation of Ethics Politics and Law* adds new concepts and discusses the views of additional thinkers The author refers to his basic ontological conception of the human mind or spirit as an evolving conscious triadic entity composed

of intellect sensitivity and power each exerting a bidirectional selfish and moral activity Through this approach the notions of good morality society and law are derived from the structure and functioning of the mind It follows that the solutions presented are the results of a discovery and not the consequence of a choice Otherwise stated ethics politics and law are given an ontological foundation For each topic considered Belfiore shows how his thought can reinterpret the views of other philosophers This new edition enriched in concepts and quotations appears as an innovative and highly stimulating contribution to the philosophical branches of ethics politics and law and will be of interest to both graduate students and philosophy scholars

Britain Alone! Patrick J. Birkinshaw, Andrea Biondi, 2016-01-27 The United Kingdom has been a member of the European Union for forty three years Although EU membership has brought numerous indisputable benefits anti EU sentiment simmering for decades has now reached the point where an upcoming referendum could quite possibly lead to exit from the Union an enormously topical issue dubbed Brexit This very timely book addresses the major concerns and uncertainties associated with this looming prospect Outstanding scholars of British constitutional law and EU law discuss such factors as the impact of EU membership on the UK constitution and the perspectives of the UK s constituent regions along with numerous practical issues of economics and administration Specific topics covered include the EU and the sovereignty debate the impact of Brexit in the devolved United Kingdom options available to the UK residence rights post Brexit debates over the structure of the referendum existing and potential role of jurisprudence domestic and EU environmental law negotiating treaties judicial protection Opt outs EU criminal law labour rights equal protection human rights under the Charter of Fundamental Rights and financial and economic governance With Brexit becoming the largest single issue to affect the United Kingdom s place in the world this volume is certain to be widely read and referenced in the time before during and after the referendum It will also remain of great value as social political and economic events unfold in the post referendum United Kingdom

Democracy and the European Union Andreas Follesdal, Peter Koslowski, 2013-11-11 The European Union is a new subject for theories of legitimacy posing fundamental questions to the established concepts and principles of democratic theory General compliance and popular acceptance and respect for European law is at stake The volume addresses the main challenges of the European Union to democratic theory The legitimacy of such transnational institutions born by political integration has so far received some but scant attention The mere existence of the Union proves that the sovereign state cannot remain the sole focus of normative reflection Indeed the very conception of sovereignty is at stake The present volume combines political science and normative political theory to offer concepts arguments and criteria that further these debates addressing problems of principle

What Form of Government for the European Union and the Eurozone? Federico Fabbrini, Ernst Hirsch Ballin, Han Somsen, 2015-10-29 What is the form of government of the European Union EU And how is the institutional governance of the Eurozone evolving These questions have become pressing during the last few years On the one hand the Euro crisis and the legal and

institutional responses to it have had major implications on the constitutional architecture of the EU and the Eurozone. On the other hand, the May 2014 elections for the European Parliament and the ensuing struggle to form the European Commission have brought to the fore new tensions in the EU political system. The purpose of this book, which brings together the contributions of EU lawyers, comparative constitutional lawyers and political scientists from all over Europe and the United States, is to offer a new look at the form of government of the EU and the Eurozone and consider its potential for future development. While offering a plurality of perspectives on the form of government of the EU and the Eurozone, this book emphasises how the Euro crisis represents a watershed in the process of European integration, makes the case for a more legitimate and effective form of government for the EU and the Eurozone and identifies possible windows of opportunity for future treaty reforms. The volume will provide food for thought for scholars, policy makers and the public at large as they continue debating the most apt form of government for the EU and the Eurozone. *The Evolution of EU Law* Paul

Craig, Gráinne de Búrca, 2021-08-19. This last decade has been particularly turbulent for the EU. Beset by crises, the financial crisis, the rule of law crisis, the migration crisis, Brexit and the pandemic, European Law has had to adapt and change in a way not previously seen. First published in 1999, the goal then was to reflect on the important developments that had been made since the creation of the EEC. That goal has not changed. From EU Administrative Law through to the Regulation of Network Industries, each chapter in this seminal work assesses the legal and political forces that have shaped the evolution of EU law. With new chapters covering the Rule of Law, Judicial Reform, Brexit, Constitutional and Legal Theory, Refugee and Asylum law and Data Governance, this third edition of *The Evolution of EU Law* is a must read for any student or academic of EU law.

The Equilibrium of Parliamentary Law-making Viktor Kazai, 2024-08-01. This book is a response to the dangers posed to constitutional democracy by the continuous growth of executive power and the simultaneous decline of parliaments' role in policy formation. These phenomena are often manifested in the manipulation and even the violation of the rules of parliamentary law making, called irregularities. If left without consequences, these irregularities can ultimately lead to the elimination of the procedural constraints imposed on the ruling political forces to prevent their arbitrary exercise of power. This work investigates the constitutional significance of the irregularities of parliamentary law making and explores the role that courts play in the remedy of these flaws. The analysis is premised on the concept of equilibrium. This explanatory concept denotes an ideal state in which parliamentary law making complies with the requirements of constitutionalism and judicial review is conceptualized as a mechanism suitable to achieve this aim. The volume places the judicial review of the regulation and the practice of parliamentary law making at its center and discusses all the relevant legal concepts, institutions and doctrines. It combines theoretical analysis with case law centered comparative research covering a large number of decisions delivered by apex courts operating in various jurisdictions. Due to this methodological choice, the book aims to simultaneously contribute to the scholarly discourse and provide useful information to practicing lawyers and policymakers working in the

areas of constitutional law and politics and comparative law

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