



CONSTITUTING FEDERAL SOVEREIGNTY

*The European Union
in Comparative Context*

LESLIE FRIEDMAN GOLDSTEIN

Constituting Federal Sovereignty The European Union In Comparative Context

**Steven Kautz, Arthur Melzer, Jerry
Weinberger, M. Richard Zinman**



Constituting Federal Sovereignty The European Union In Comparative Context:

Constituting Federal Sovereignty Leslie Friedman Goldstein, 2001-08-21 Starting from the premise that the system of independent sovereign territorial states which was the subject of political science and international relations studies in the twentieth century has entered a transition toward something new noted political scientist Leslie F Goldstein examines the development of the European Union by blending comparative and historical institutionalist approaches She argues that the most useful framework for understanding the kinds of supra state formations that are increasingly apparent in the beginning of the third millennium is comparative analysis of the formative epochs of federations of the past that formed voluntarily from previously independent states In *Constituting Federal Sovereignty The European Union in Comparative Context* Goldstein identifies three significant predecessors to today's European Union the Dutch Union of the 17th century the United States of America from the 1787 Constitution to the Civil War and the first half century of the modern Swiss federation beginning in 1848 She examines the processes by which federalization took place what made for its success and what contributed to its problems She explains why resistance to federal authority although similar in kind varied significantly in degree in the cases examined And she explores the crucial roles played by such factors as sovereignty honoring elements within the institutional structure of the federation the circumstances of its formation revolt against distant empire versus aftermath of war among member states and notably the internal culture of respect for the rule of law in the member states Stephen M Griffin Tulane Law School

The Constitutional Theory of the Federation and the European Union Signe Rehling Larsen, 2021 This book departs from the statist imagination by suggesting the EU is a federal union of states or a federation Dedicated to the constitutional theory of federalism this book gives the strengths and weaknesses of a federation as a political form its histories and current perils for the EU

EU Federalism and Constitutionalism Andrew Glencross, Alexander H. Trechsel, 2010-10-21 *EU Federalism and Constitutionalism The Legacy of Altiero Spinelli* edited by Andrew Glencross and Alexander H Trechsel represents the first book length study of the travails of the implementation of federalism at the European level from the perspective of Altiero Spinelli's ideas and his political life which were both devoted to a federally united Europe It is also a timely publication given the protracted struggle to implement a new EU institutional architecture the 2009 Lisbon Treaty that is already being tested by the fallout from the global financial crisis This fallout has brought into stark relief the tensions within the EU over the question of enhancing solidarity and federal unity or remaining a looser association of sovereign states Hence by examining the successes and failures of federalism within the EU system the book seeks to explain not only how the EU has reached its current impasse but also how it may fare in the future To achieve this objective the book takes an interdisciplinary approach that covers all three dimensions of the European project historical legal and political In this fashion Andrew Glencross and Alexander H Trechsel's *EU Federalism and Constitutionalism The Legacy of Altiero Spinelli* offers a comprehensive and up to date analysis of the history evolution and future of federal

principles and institutions in the European integration process *Europe's Second Constitution* Markus W.

Gehring,2020-09-24 European constitutionalisation has met with scepticism this book analyses the steps necessary to move to EU s Second Constitution **The Rules of Federalism** R. Daniel. KELEMEN,R. Daniel Kelemen,2009-06-30 This book

examines patterns of environmental regulation in the European Union and four federal polities the United States Germany Australia and Canada Daniel Kelemen develops a theory of regulatory federalism based on his comparative study arguing that the greater the fragmentation of power at the federal level the less discretion is allotted to component states Kelemen s analysis offers a novel perspective on the EU and demonstrates that the EU already acts as a federal polity in the regulatory arena In *The Rules of Federalism* Kelemen shows that both the structure of the EU s institutions and the control these institutions exert over member states closely resemble the American federal system with its separation of powers large number of veto points and highly detailed judicially enforceable legislation In the EU as in the United States a high degree of fragmentation in the central government yields a low degree of discretion for member states when it comes to implementing regulatory statutes Table of Contents Acknowledgments 1 Regulatory Federalism and the EU 2 Environmental Regulation in the EU 3 Environmental Regulation in the United States 4 Environmental Regulation in Germany 5 Environmental Regulation in Australia and Canada 6 Food and Drug Safety Regulation in the EU 7 Institutional Structure and Regulatory Style Notes References Cases Cited Index R Daniel Kelemen s *The Rules of Federalism* is an important contribution to both the literature on federalism and on the European Union It makes an original theoretical and empirical contribution to our understanding of regulatory federalism and sheds new light on the federal systems which it compares It will open up new avenues of inquiry Alberta Sbragia University of Pittsburgh *The Rules of Federalism* makes a significant contribution to the literature on regulatory federalism Kelemen s original theoretical perspective is made plausible through a series of fascinating case studies The book will be of interest to scholars of federalism constitutional design environmental policy and the European Union Susan Rose Ackerman Yale Law School *Comparative Federalism* Thomas O. Hueglin,Alan Fenna,2006-01-01 This is a thoughtful well organized review of a subject of ever increasing importance the resurgence of the federal idea The Honourable Bob Rae 21st Premier of Ontario *The EU and Federalism* Finn Laursen,2016-03-23 Tracing the evolution of federalist theory and the European Union EU an international line up of distinguished experts debate the pros and cons of treating the EU in a comparative context and ask whether a constitutional equilibrium has been reached in the EU They examine policymaking or modes of governance in the areas of employment health environment security and migration comparing the EU s policies with policies of both international organisations like NATO OECD and federal states such as Canada Japan and South Africa *The Worlds of European Constitutionalism* Gráinne de Búrca,J. H. H. Weiler,2011-10-13 The idea of the EU as a constitutional order has recently taken on renewed life as the Court of Justice declared the primacy of EU law not just over national constitutions but also over the international legal order including the UN Charter This book

explores the nature and character of EU legal and political authority and the complex analytical and normative questions which the notion of European constitutionalism raises in both the EU's internal and its external relations. The book culminates in a dialogical epilogue in which the authors' arguments are questioned and challenged by the editor, providing a unique and stimulating approach to the subject. By bringing together leading constitutional theorists of the European Union, this book offers a sharp, challenging and engaging discussion for students and researchers alike.

The Future of Europe

Frances K. Scott, 2001. In support of the Academy Assembly, the Directorate of Libraries Dean of the Faculty produces a special bibliography of Air Force Academy library materials relevant to the current year's theme. The theme for the 2001-2002 academic year is 'The Future of Europe: Integration or Fragmentation'. This year's bibliography, number 98 in the library's Special Bibliography Series, was prepared by Frances K. Scott, Social Sciences Bibliographer and Reference Librarian, who has prepared the annual Academy Assembly bibliography for the past ten years.

Compound Democracies

Sergio Fabbrini, 2010-08-19. This is a major new comparison of the American and European political systems. By deploying a powerful new model to analyse the two systems, it draws some challenging conclusions about their increasing similarity. Professor Fabbrini argues that the process of regional integration in Europe over the last 60 years has significantly reduced the historical differences between the democracies on either side of the Atlantic. The EU and the US are now similar because they represent two different species of the same political genus: the compound democracy. The defining feature of compound democracy is the union of states and their citizens. Through such union, the states agree to pool their sovereignty within a larger, integrated supra-state or supranational framework. They do so because these unions are primarily pacts for avoiding war. Because the states which made those unions were and continue to be asymmetrically correlated, any attempt to create a unified polity that is a political system where the decision-making power is monopolized by only one institution is likely to fail. He goes on to argue that the US and the EU are based on a multiple diffusion of powers which guarantees that any interest can have a voice in the decision-making process and no majority will be able to control all the institutional levels of the polity. This type of system allows an inter-states organization to operate as a supra-state polity, but it does so at the expense of decision-making capacity and accountability.

Good Governance in Asia

Linda Chelan Li, 2016-03-22. The international aid community has advocated governance reforms as a necessary complement to economic aid to developing countries. The resultant Good Governance Agenda has been criticised for its ahistorical bias. The empirical case studies reported in this book further illustrate the limitations by showing the complex logics of governance reforms and their relations with development in the Asian context. The analysis highlights the importance of taking full notice of the Asian reform experiences in the ongoing reflection over the global institutional and development agenda. The message is not to deny the need for governance reforms or the utility of international learning and sharing of experiences. Global development will benefit, however, from a better understanding of the linkages between governance reforms and the diverse historical conditions they

are embedded in both developing or the advanced economies This book was published as a special issue of Journal of Contemporary Asia Interdisciplinary Research Methods in EU Law Rossana Deplano, Giulia Gentile, Luigi Lonardo, Tobias Nowak, 2024-06-05 This comprehensive Handbook provides a critical and analytical guide to the application of interdisciplinary research methods in EU law and explores the advancement of the EU legal landscape from an interdisciplinary research perspective Venturing beyond doctrinal legal scholarship it reflects on the cognitive synergies between EU law and other disciplines and advances the debate on contemporary trends in EU law research This title contains one or more Open Access chapters **The Supreme Court and the Idea of Constitutionalism** Steven Kautz, Arthur Melzer, Jerry Weinberger, M. Richard Zinman, 2011-11-29 From Brown v Board of Education to Roe v Wade to Bush v Gore the Supreme Court has over the past fifty years assumed an increasingly controversial place in American national political life As the recurring struggles over nominations to the Court illustrate few questions today divide our political community more profoundly than those concerning the Court s proper role as protector of liberties and guardian of the Constitution If the nation is today in the midst of a culture war the contest over the Supreme Court is certainly one of its principal battlefields In this volume distinguished constitutional scholars aim to move debate beyond the sound bites that divide the opposing parties to more fundamental discussions about the nature of constitutionalism Toward this end the volume includes chapters on the philosophical and historical origins of the idea of constitutionalism on theories of constitutionalism in American history in particular on the practices of constitutionalism around the globe and on the parallel emergence of and the persistent tensions between constitutionalism and democracy throughout the modern world In democracies the primary point of having a constitution is to place some matters beyond politics and partisan contest And yet it seems equally clear that constitutionalism of this kind results in a struggle over the meaning or proper interpretation of the constitution a struggle that is itself deeply political Although the volume represents a variety of viewpoints and approaches this struggle which is the central paradox of constitutionalism is the ultimate theme of all the essays Special Bibliography Series, 1957 Special Bibliography Series United States Air Force Academy. Library, 2001 *The Oxford Handbook of Law and Politics* Keith E. Whittington, R. Daniel Kelemen, Gregory A. Caldeira, 2010-06-10 The study of law and politics is one of the foundation stones of the discipline of political science and it has been one of the most productive areas of cross fertilization between the various subfields of political science and between political science and other cognate disciplines This Handbook provides a comprehensive survey of the field of law and politics in all its diversity ranging from such traditional subjects as theories of jurisprudence constitutionalism judicial politics and law and society to such re emerging subjects as comparative judicial politics international law and democratization The Oxford Handbook of Law and Politics gathers together leading scholars in the field to assess key literatures shaping the discipline today and to help set the direction of research in the decade ahead **Global Governance**, 2003 *The Founders and the Idea of a National*

University George Thomas, 2015 *Constituting the American Mind* is about early efforts to establish a national university and what those efforts say about the nature and logic of American Constitutionalism This book offers the first in depth study of the efforts to establish a national university from a constitutional perspective While mostly noted in passing the national university was put forward by every president from Washington to John Quincy Adams as a necessary supplement to the formal institutions of government it would help constitute the American mind in a manner that carried forward the ideas the constitution rested on including for example the separation of the civic from the theological

The Oxford Handbook of Political Science Robert E. Goodin, 2011-07-07 Drawing on the rich resources of the ten volume series of The Oxford Handbooks of Political Science this one volume distillation provides a comprehensive overview of all the main branches of contemporary political science political theory political institutions political behavior comparative politics international relations political economy law and politics public policy contextual political analysis and political methodology Sixty seven of the top political scientists worldwide survey recent developments in those fields and provide penetrating introductions to exciting new fields of study Following in the footsteps of the New Handbook of Political Science edited by Robert Goodin and Hans Dieter Klingemann a decade before this Oxford Handbook will become an indispensable guide to the scope and methods of political science as a whole It will serve as the reference book of record for political scientists and for those following their work for years to come

The Cambridge Handbook on the Material Constitution Marco Goldoni, Michael A. Wilkinson, 2023-01-05 Despite a long and venerable tradition the material constitution almost disappeared from constitutional scholarship after the Second World War Its marginalisation saw the rise of a normative and legalistic style in constitutional law that neglected the role of social reality and political economy This collection not only retrieves the history and development of the concept of the material constitution but it tests its theoretical and practical relevance in the contemporary world With essays from a diverse range of contributors the collection demonstrates that the material constitution speaks to several pressing issues from the significance of economic development in constitutional orders to questions of constitutional identity Offering original analyses supported by international case studies this book develops a new model of constitutional reality one that informs our understanding of the world in profound ways

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