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CONSTITUTIONAL POLICY AND CHANGE IN EUROPE

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Constitutional Policy And Change In Europe

Emmett Macfarlane



Constitutional Policy And Change In Europe:

Constitutional Policy and Change in Europe Joachim Jens Hesse, Nevil Johnson, 1995 During recent years constitutional issues have claimed increasing attention in many European countries The social and political transformations in Central and Eastern Europe have thrust constitutional debates to the fore This book looks at the needs and claims of constitutional adaption and reconstruction in contemporary Europe The range and complexity of the constitutional challenge in Europe which differs markedly from one country to another is fully explored The contributions to this book illustrate certain aspects of this challenge as it is perceived in various European countries and of the different responses to it The problems discussed are approached from the constitutional legal aspects in others from those of political science The different tasks facing Western and East and Central Europe are considered in some detail In Western Europe constitutional debate has assumed greater prominence on account of closer economic and political integration within the European Community and internal changes within particular countries In the East far reaching constitutional reconstruction has been an imperative a task which has had to be tackled in the difficult and uncertain conditions of radical social and economic transformation The book also address some of the issues of political theory presented by the notion of liberal constitutionalism itself and throws light on the direction of future change

Central European Constitutional Courts in the Face of EU Membership Allan F. Tatham, 2013-03-27 Central European Constitutional Courts in the Face of EU Membership explores the enduring German legal influence on other systems of constitutional justice concentrating on the impact of the Federal Constitutional Court s approach to EU integration on its counterparts in Hungary and Poland Such a model aims to protect Germany s constitutional identity or essential core of sovereignty the contents of which are not susceptible to transfer or limitation in the face of the requirements of the Union s constitutional legal order The influence of this model on the two Central European courts has encouraged them to take an active part in negotiating the new multilayered judicial construct of Europe Tatham thus firmly places the Hungarian and Polish constitutional courts within the overall context of the continuing dialogue between national courts and the Court of Justice in the evolution of the European constitutional space

EU Enlargement and the Constitutions of Central and Eastern Europe Anneli Albi, 2005-06-30 In the wake of the EU s biggest enlargement this book explores the adaptation of the constitutions of Central and Eastern Europe CEE for membership in the European Union In response to the painful past these new constitutions were notably closed to transfer of powers to international organizations and accorded a prominent status to sovereignty and independence A little more than a decade later the process of amending these provisions in view of the transfer of sovereign powers to a supranational organization has proved a sensitive and controversial exercise This book analyses the amendments against the background of comparative experience and theory of sovereignty as well as the context of political sensitivities such as rising euroscepticism ahead of accession referendums

Policy-Making Processes and the European Constitution Thomas König, Simon

Hug,2006-09-27 This new volume presents a wealth of fresh data documenting and analyzing the different positions taken by governments in the development of the European Constitution It examines how such decisions have substantial effects on the sovereignty of nation states and on the lives of citizens independent of the ratification of a constitution Few efforts have been made to document constitution building in a systematic and comparative manner including the different steps and stages of this process This book examines European Constitution building by tracing the two level policy formation process from the draft proposal of the European Convention until the Intergovernmental Conference which finally adopted the document on the Constitution in June 2004 Following a tight comparative framework it sheds light on reactions to the proposed constitution in the domestic arena of all the actors involved It includes a chapter on each of the original ten member states and the fifteen accession states plus key chapters on the European Commission and European Parliament This book will be of strong interest to scholars and researchers of European Union politics comparative politics and policy making The Rise and Fall of the EU's Constitutional Treaty Finn Laursen,2008-07-31 This book accounts for the content and negotiation of the EU s Constitutional Treaty of 2004 as well as the failure of ratification of the treaty in France and the Netherlands in 2005 It discusses the implications of the abandonment of the treaty for the process of European integration and our understanding of that process **Policy Change, Courts, and the Canadian Constitution** Emmett Macfarlane,2018-01-01 Policy Change Courts and the Canadian Constitution aims to further our understanding of judicial policy impact and the role of the courts in shaping policy change Bringing together a group of political scientists and legal scholars this volume delves into a diverse set of policy areas including health care issues the regulation of elections criminal justice policy minority language education citizenship refugee policy human rights legislation and Indigenous policy While much of the public law and judicial politics literatures focus on the impact of the constitution and the judicial role scholarship on courts that makes policy change its central lens of analysis is surprisingly rare Multidisciplinary in its approach to examining policy issues this book focuses on specific cases or policy issues through a wide ranging set of approaches including the use of interview data policy analysis historical and interpretive analysis and jurisprudential analysis Framing the State in Times of Transition Laurel E. Miller,Louis Aucoin,2010 Analyzing nineteen cases this title offers practical perspective on the implications of constitution making procedure and explores emerging international legal norms **Multiple Democracies in Europe** Paul Blokker,2009-12-04 This book provides an in depth discussion and analysis of democracy in Europe with a focus on the new EU member states and makes an important and original contribution to the debate on the future of European democracy Author Paul Blokker seeks to provide a critical reconceptualization of the notion of democratic political culture by developing a multiple democracies theoretical approach He draws on debates in democratization theory and normative political theory and presents a cultural sociological approach for the analysis of democratization and democratic regimes This approach emphasizes the historical and cultural embedment of democracy identifies a potential variety of ethics of democracy that

underpin democratic political cultures and points to the significance of democratic imagination in the interpretation and recombination of such ethics The book explores the relevance of this approach by analysing multiple political cultures and their role in the emergence of democratic regimes in three new member states Hungary Poland and Romania providing a detailed description and analysis of political cultures by means of the analysis of constitutional politics constitutional texts and political elite discourses and the identification of distinct politico cultural elements that distinguish these societies from each other It will be of interest to students and scholars of democracy European studies post communist studies political theory and comparative politics The Metamorphosis of the European Economic Constitution Herwig C.H.

Hofmann,Katerina Pantazatou,Giovanni Zaccaroni,2019 Demonstrating the ways in which the micro and macro economic constitutions of Europe have reacted to legal measures enacted to counter the economic crisis of the past decade this innovative book takes an interdisciplinary approach in its attempt to understand and portray the metamorphosis of the European Economic Constitution It contains contributions from leading scholars and experts in European economic law discussing the challenges solutions found problems arising and possible approaches to embed the economic constitution in the broader constitutional framework of the EU p p1 margin 0 0px 0 0px 0 0px 0 0px font 10 0px Arial **Democratic**

Consolidation in East-Central Europe Fritz Plasser,Peter Ulram,Harald Waldrauch,2016-07-27 The postcommunist regimes in East Central Europe are confronted with the double challenge of establishing a democratic order and a market economy The book discusses the concepts of democratic consolidation and analyzes the development of attitudes towards the political and economic system in Poland Hungary the Czech Republic Slovakia and Slovenia The study compares the political values in East Central Europe with respective attitudes in the USA and Western Europe Special attention is given to experiences of the consolidation process in Germany Italy and Austria after 1945 as well as the more recent developments in Latin America and Southern Europe The final chapter discusses patterns and paths of democratic consolidation in the light of concepts of regime change *"The Transformation of European Politics, 1763-1848"* Peter Krüger,Paul W. Schroeder (Eds.),

in cooperation with Katja Wüstenbecker, This book takes up a question raised about the nature of the European international system in the late eighteenth early nineteenth centuries by Paul W Schroeder s pathbreaking and controversial work *The Transformation of European Politics 1763 1848* 1994 Schroeder s central claim was that the European states system underwent a fundamental transformation in the revolutionary Napoleonic and Vienna eras from a system of competitive conflictual power politics based purely on a shifting balance of power to a more consensual stable and peaceful set of relations based on legality acknowledged rights and obligations and shared norms The contributors to this volume while examining this claim primarily extend the debate to the entire history of European and world international politics from the early seventeenth century to the present If this transformation was real they ask was it only a temporary episode or does it represent an example of other transformations or structural changes in international politics over the centuries down to the

present day and a possible model for change in the future Constitutional Policy in Unified Germany Peter J. Cullen, Klaus H. Goetz, 2013-10-18 Prompted by unification the German constitution has undergone the most fundamental re examination since the foundation of the Federal Republic This volume seeks to identify challenges which constitutional policy faces and analyzes how and with what degree of success they are being met *The Making of a European Constitution* Sonja Puntscher Riekmann, Wolfgang Wessels, 2007-08-19 The aim of this publication is an analysis of the process of European constitutionalisation and its entanglement with relevant national discourses Thus national constitutional traditions in Austria France Germany and the United Kingdom are evaluated with regard to the positions of the respective national representatives in the European Convention Interviews with Members of National Parliaments and of the European Parliament as well as a content analysis of the debate on the future of Europe in print media form the empirical basis of this study Towards a European Constitution Michael Gehler, 2005 This volume represents a historical comparison of the American and the EU European constitutional experiences and lessons to be derived therefrom for the present time It is designed to deepen the understanding of the historical and political dimensions of constitutional designs and practises on two continents Hopefully such historical depth charts will expand the horizon of debates among experts and decision makers The first part concentrates on the historical dimension It deals with the experiences and perceptions of basic American political principles developments of international and humanitarian law and the historical dimension of constitutional debates The second part of the book aims at culling potential lessons from the American constitutional experience and the remarkable longevity of the U S constitution Additional chapters concentrate on specific aspects and elements of the European constitutional debate courts of law human rights minority protections as well as gender equality Still other contributions focus on the historical context of the recent European Constitutional Convention Chapters on writing a European bill of rights the EU reform debates of the 1990s and finally an analysis of the Brussels Constitutional Summit of June 2004 are also included The spillover effects of the economic and monetary union on the constitutional debates are covered here as well as Asian perceptions of European integration Practitioners and scholars address in this volume historical political and diplomatic dimensions and achievements in the process of European constitution making and its chances of success in the future Finally the current tensions in the Atlantic world are analysed and what they may portend for the future of European Union security options Constitutionalising Europe Michael Andrew Longo, 2006 The European Union EU is in a state of transformation with its constitutional future the subject of much heated debate This book provides a durable authoritative and comprehensive account of constitutional development examining the pivotal roles of law and judicial politics in establishing the EU constitutional edifice Michael Longo demonstrates and substantiates the arguments for and against constitutionalisation through the development of a theoretical framework drawing on theories and empirical research in both law and political science to understand this new process of European Integration The Struggle for the

European Constitution Michael O'Neill, 2008-11-28 The European Union EU Constitution is one of the most important developments in the history of the EU The Constitution aims to make the EU more transparent relevant and accountable to the citizens of its member states The European Constitution provides the most comprehensive account of why the Constitution developed and what its implications are

The Responsibility of a Constitution for the Future Rainer Arnold, Toni Fickentscher, 2024-09-23 A constitution has the task of realizing its regulatory objective for the entire duration of its existence In doing so it bears responsibility for the present but also for the future It must ensure that the legitimate interests of future generations are also taken into account in today's decision making and policies The concept of intertemporal protection of fundamental rights developed by German constitutional jurisprudence and the jurisprudence in other countries have particularly stimulated the discussion on the constitution's responsibility for the future which is important in numerous areas At the World Congress of the International Association of Constitutional Law in Johannesburg in December 2022 one workshop which was chaired by the two editors of this volume was dedicated to this topic This book brings together the presentations of 13 authors from 10 countries on fundamental questions and specific aspects of this important issue

The European Court of Justice and the Policy Process Susanne K. Schmidt, 2018 This book analyses the European Court of Justice's power from a political science perspective It argues that this power can be assessed through studying the policy implications of there being a supranational constitution that was drafted as an international treaty An international treaty contains a set of policy goals for future cooperation Direct effect and supremacy give constitutional status to these policy goals allowing the Court to develop the Treaty's implications for policymaking at the European and the member state levels By focusing on the four freedoms of goods services persons and capital and citizenship rights the book analyses the implications of case law for policymaking in different case studies It shows how major EU legislation for instance the Services and Citizenship Directives are significantly influenced by case law and how controversial policies such as EU citizens access to tax financed social benefits are closely linked to the Court

Minority Nationalist Parties and European Integration Anwen Elias, 2009-01-13 This book makes a major contribution to the academic literature by undertaking a comparative study of the attitudes of minority nationalist parties towards European integration

Constitutional Policy in Multilevel Government Arthur Benz, 2016 This volume compares processes of constitutional reform in federal and regionalized states

Enjoying the Song of Appearance: An Mental Symphony within **Constitutional Policy And Change In Europe**

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