

EUROPEAN CONSTITUTIONAL LAW

SECOND EDITION



Robert Schütze

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The Cambridge Companion to Comparative Constitutional Law Roger Masterman, Robert Schütze, 2019-10-03 What is the purpose of comparative constitutional law Comparing constitutions allows us to consider the similarities and differences in forms of government and the normative philosophies behind constitutional choices Constitutional comparisons offer hermeneutic help they enable us to see our own constitution with different eyes and to locate its structural and normative choices by references to alternatives evident in other constitutional orders This Cambridge Companion presents readers with a succinct yet wide ranging companion to a modern comparative constitutional law course offering a wide ranging yet concise introduction to the subject Its twenty two chapters are arranged into five thematic parts starting with an exploration of the theoretical foundations Part I and some important historical experiences Part II it moves on to a discussion of the core constitutional principles Part III and state institutions Part IV finally it analyses forms of transnational constitutionalism Part V that have emerged in our global times

European Constitutional Law Robert Schütze, 2015 The EU Constitution in Time of War Federico Fabbrini, 2025-02-01 Russia's illegal aggression against Ukraine has been a watershed moment for the European Union EU The return of large scale conventional warfare to the European continent unseen since the Second World War shattered the illusion of perpetual peace and forced the EU to confront the reality of hard power Originally created to maintain internal peace the EU was never conceived to handle the challenges of war Yet the war in Ukraine required the EU to repurpose its machinery of government to do just that Embracing a comparative analytical framework this book examines how the EU constitution has functioned in response to Russia's aggression It scrutinizes the EU's legal reactions across five key policy areas foreign security and defence policy economic and fiscal policy justice and home affairs energy and industrial policy and enlargement and reform In doing so it investigates whether the EU constitution has enabled the EU to respond effectively to the war how EU treaties have been interpreted to authorize war related actions and whether these responses have adhered to constitutional limits Advancing a threefold argument this book asserts that the EU constitution has demonstrated sufficient flexibility to permit wartime actions Secondly it highlights the limitations exposed by the return of conventional warfare in Europe noting structural constraints and governance shortcomings that hinder decisive action and instances where laws inadequately constrain EU action particularly regarding fundamental rights and the rule of law Finally it evaluates the long term constitutional implications of war for EU governance and proposes legal reforms that could shape a more perfect EU for both times of war and peace

Constitutional Law in Bulgaria Martin Belov, 2024-01-18 Derived from the renowned multi volume International Encyclopaedia of Laws this very useful analysis of constitutional law in Bulgaria provides essential information on the country's sources of constitutional law its form of government and its administrative structure Lawyers who handle transnational matters will appreciate the clarifications of particular terminology and its application Throughout the book the treatment emphasizes the specific points at which constitutional law affects the

interpretation of legal rules and procedure Thorough coverage by a local expert fully describes the political system the historical background the role of treaties legislation jurisprudence and administrative regulations The discussion of the form and structure of government outlines its legal status the jurisdiction and workings of the central state organs the subdivisions of the state its decentralized authorities and concepts of citizenship Special issues include the legal position of aliens foreign relations taxing and spending powers emergency laws the power of the military and the constitutional relationship between church and state Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for both practising and academic jurists Lawyers representing parties with interests in Bulgaria will welcome this guide and academics and researchers will appreciate its value in the study of comparative constitutional law

The Oxford Handbook of Comparative Foreign Relations Law Curtis A. Bradley, 2019-06-07 This Oxford Handbook ambitiously seeks to lay the groundwork for the relatively new field of comparative foreign relations law Comparative foreign relations law compares and contrasts how nations and also supranational entities for example the European Union structure their decisions about matters such as entering into and exiting from international agreements engaging with international institutions and using military force as well as how they incorporate treaties and customary international law into their domestic legal systems The legal materials that make up a nation's foreign relations law can include constitutional law statutory law administrative law and judicial precedent among other areas This book consists of 46 chapters written by leading authors from around the world Some of the chapters are empirically focused others are theoretical and still others contain in depth case studies In addition to being an invaluable resource for scholars working in this area the book should be of interest to a wide range of lawyers judges and law students Foreign relations law issues are addressed regularly by lawyers working in foreign ministries and globalization has meant that domestic judges too are increasingly confronted by them In addition private lawyers who work on matters that extend beyond their home countries often are required to navigate issues of foreign relations law An increasing number of law school courses in comparative foreign relations law are also now being developed making this volume an important resource for students as well Comparative foreign relations law is a newly emerging field of study and teaching and this volume is likely to become a key reference work as the field continues to develop

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

Russia and Its Constitution Gordon B. Smith, Robert Stewart Sharlet, 2008 How is the Russian Constitution ratified in 1993 being implemented today A team of distinguished scholars assesses the promise and the realities of Russian constitutionalism in a number of critical areas

The Rise and Fall of the EU's Constitutional Treaty Finn Laursen, 2008-07-31 This book analyses the EU's Constitutional Treaty which emerged in draft form from the European Convention in the summer of 2003 and which was finalised by an Intergovernmental Conference IGC in June 2004 It describes the main novelties of the treaty and looks at policies of important actors Member States and Community actors the Commission and European Parliament and the roles played by the Convention and the Italian and Irish Presidencies during the process of deliberation and negotiation that produced the treaty It further studies the failure of ratification in France and the Netherlands and the implications for the process of European integration of this failure It finally touches on the question whether a constitutional equilibrium has been reached Since the new Lisbon Treaty negotiated in 2007 contains much of what was in the Constitutional Treaty the analyses of the book remain pertinent for this latest EU treaty

The Oxford Handbook of Comparative Constitutional Law Michel Rosenfeld, András Sajó, 2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be

compared to a presidential one A federal republic to a unitary one Moreover what about differences in ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends

The Idea of a European Superstate Glyn Morgan,2009-01-10 Is there a justification for European integration The Idea of a European Superstate examines this the most basic question raised by the European Union In doing so Glyn Morgan assesses the arguments put forward by eurosceptics and their critics In a challenge to both sides of the debate Morgan argues in support of a European superstate Unless Europe forms a unitary sovereign state Europe will remain so he maintains weak and dependent for its security on the United States The Idea of a European Superstate reshapes the debate on European political integration It throws down a gauntlet to eurosceptics and euro enthusiasts alike While employing the arguments of contemporary political philosophy and international relations this book is written in an accessible fashion that anyone interested in European integration can understand

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 Social Construction of Corruption in Europe Dirk Tänzler,Konstadinos Maras,2016-02-24 The volume demonstrates the suitability of the theory of social constructivism in portraying and analyzing the diversity of the phenomenon of corruption The approach of social constructivism taken in this volume is able to reconstruct the construction of corruption both from a societal perspective by assessing it as generally accepted or tolerated behaviour in more or less standardized rule governed social situations and from the perspective of actors who perceive corrupt behaviour as problem solving in everyday life The volume proves the usefulness of a social construction perspective for empirical research It contains case studies of social definitions of corruption in eleven European countries that contribute in different ways to establishing a grounded theory of the phenomenon of corruption

Constitution-Making under UN Auspices Vijayashri Sripati,2020-01-16 In 1949 United Nations Constitutional Assistance UNCA was conceived to promote the Western liberal constitution This was colonial trusteeship However in 1960 as a step towards decolonization the United Nations General Assembly rejected internationalized constitution making and by extension UNCA All colonies acquired the right to draft their own constitutions without any international assistance Nonetheless in the same year UNCA was revived and since then it has helped over 40 developing sovereign states to adopt

the Western liberal constitution for the aims of building peace preventing conflict and promoting good governance in these independent states This book scrutinizes UNCA and its off shoot UN International Territorial Administration ITA including their historical origins and revival from 1960 to 2019 Sripathi argues that although the United Nations UN uses UNCA to help developing sovereign states secure debt relief it undertakes UNCA to modernize them with a view to strengthen their supposedly weakened sovereignty By doing so the UN is seeking these states adoption of a Western liberal style constitution thus violating their right to self determination The book shows how UNCA sires and guides UN legislative assistance in all state sectors security judicial electoral commercial parliamentary public administration and criminal Irrespective of UNCA s benevolent motivations such intrusive interventions impose the old forms of domination and perpetuate global inequality

Rule of Law, Common Values, and Illiberal Constitutionalism Tímea Drinóczi, Agnieszka Bień-Kacała, 2020-09-08 This book challenges the idea that the Rule of Law is still a universal European value given its relatively rapid deterioration in Hungary and Poland and the apparent inability of the European institutions to adequately address the illiberalization of these Member States The book begins from the general presumption that the Rule of Law since its emergence has been a universal European value a political ideal and legal conception It also acknowledges that the EU has been struggling in the area of value enforcement even if the necessary mechanisms are available and given an innovative outlook and more political commitment could be successfully used The authors appreciate the different approaches toward the Rule of Law both as a concept and as a measurable indicator and while addressing the core question of the volume widely rely on them Ultimately the book provides a snapshot of how the Rule of Law ideal has been dismantled and offers a theory of the Rule of Law in illiberal constitutionalism It discusses why voters keep illiberal populist leaders in power when they are undeniably acting contrary to the Rule of Law ideal The book will be of interest to academics and researchers engaged with the foundational questions of constitutionalism The structure and nature of the subject matter covered ensure that the book will be a useful addition for comparative and national constitutional law classes It will also appeal to legal practitioners wondering about the boundaries of the Rule of Law

The Routledge Handbook of Transatlantic Relations Elaine Fahey, 2023-07-31 The Routledge Handbook of Transatlantic Relations is an essential and comprehensive reference for the regulation of transatlantic relations across a range of subjects bringing together contributions from scholars policy makers lawyers and political scientists Future oriented in a range of fields it probes the key technical procedural and policy issues for the US of dealing with negotiating engaging and law making with the EU taking a broad interdisciplinary perspective including international relations politics political economic and law EU external relations law and international law and assesses the external consequences of transatlantic relations in a systematic and comprehensive fashion The transatlantic relationship constitutes one of the most established and far reaching democratic alliances globally and which has propelled multilateralism trade regulation and the EU US relationship in global challenges The different contributions will propose

solutions to overcome these problems and help us understand the shifting transatlantic agenda in diverse areas from human rights to trade and security and the capacity of the transatlantic relationship to set new international agendas standards and rules The Routledge Handbook of Transatlantic Relations will be a key reference for scholars students and practitioners of Transatlantic Relations EU US relations EU External Relations law EU rule making EU Security law and more broadly to global governance International law international political economy and international relations

Religious Literacy, Law and History Alberto Melloni, Francesca Cadeddu, 2018-12-07 The book profiles some of the macro and micro factors that have impact on European religious literacy It seeks to understand religious illiteracy and its effects on the social and political milieu through the framing of the historical institutional religious social juridical and educational conditions within which it arises Divided into four parts in the first one One literacy more literacies the book defines the basic concepts underpinning the question of religious illiteracy in Europe Part II Understanding illiteracies debating disciplines highlights the theological philosophical historical and political roots of the phenomenon looking at the main nodes that are both the reasons religious illiteracy is widespread and the starting points for literacy strategies Part III Building literacy shaping alphabets examines the mix of knowledge and competences acquired about religion and from religion at school as well as through the media with a critical perspective on what could be done both in the schools and for the improvement of journalists religious literacy Part IV Views and experiences presents the reader with the opportunity to learn from three different case studies religious literacy in the media religious illiteracy and European Islam and a Jewish approach to religious literacy Building on existing literature the volume takes a scientific approach which is enriched by interdisciplinary and transnational perspectives and deep entrenchment in historical methodology

Spreading Democracy and the Rule of Law? Wojciech Sadurski, Adam Czarnota, Martin Krygier, 2006-07-30 The accession of eight post communist countries of Central and Eastern Europe and also of Malta and Cyprus to the European Union in 2004 has been heralded as perhaps the most important development in the history of European integration so far While the impact of the enlargement on the constitutional structures and practices of the EU has already generated a rich scholarly literature the influence of the accession on constitutionalism democracy human rights and the rule of law among the new member states has been largely ignored This book fills this gap and addresses the question of the consequences of the external force of European enlargement upon the understanding and practice of democracy and the rule of law and among both the main legal political actors and the general public in the new member states A number of leading legal scholars sociologists and political scientists both from Central and Eastern Europe and from outside address these issues in a systematic and critical way Taken together these essays help answer a fundamental question does the European Union have the potential of promoting and consolidate democracy and human rights

Routledge Handbook of European Elections Donatella M. Viola, 2015-08-14 The Routledge Handbook of European Elections explores the multifaceted dimension of the European Parliament s EP electoral contests across the

European Community and European Union since 1979 After setting a general empirical and theoretical framework this collaborative project presents original contributions from leading experts from virtually all the corners of the European Union Each case study adheres to a common template that makes it easy to compare data methodology and outcomes Every country chapter includes a brief geopolitical profile and historical background of the Member State a glance at the national political landscape a short account of the main political parties including their attitude toward the European Union a section on public opinion and European integration a summary of electoral systems an overview of all EP and national elections an in depth analysis of the 2009 EP electoral race an overall theoretical interpretation of European elections A comparative chapter closes the Handbook followed by an Epilogue focussing on the 2014 EP contest with a detailed analysis of the newly elected European Assembly in terms of political group and gender composition The volume aims to enhance readers understanding of the European Parliament and revive their interest in the European integration process By providing a wide range of national and European facts and figures this investigation represents a comprehensive reference guide to scholars practitioners and students of the European Parliament European elections political parties European Union and comparative politics

The Appellate Body of the WTO and Its Reform Chang-fa Lo, Junji Nakagawa, Tsai-fang Chen, 2019-11-05 This is the first book that critically examines the reform of the Appellate Body AB of the World Trade Organization WTO in light of the current crisis resulting from the U S blocking of the appointment of its members The reform of the AB is critical as the appointment crisis could lead to the demise of the jewel in the crown which may even cause the dismantling of the WTO as a whole This book covers various aspects of the crisis and its reform Specifically as the crisis cannot be fully understood without reviewing the role of the AB from the broader perspectives of the other functions of the WTO the book examines the reform of the AB from the broader perspectives of the WTO governance Additional focus is on the reform of the AB in relation to its specific functions Available options are provided to address the AB crisis as well as discussion of wider implications beyond the WTO Contributed by world renowned academics experts and practitioners in the field of international economic law this volume provides a comprehensive analysis of the AB crisis and its solutions

Research Handbook on International Human Rights Law Sarah Joseph, Adam McBeth, 2010-01-01 This handbook brings together the work of 25 leading human rights scholars from all over the world covering a broad range of human rights topics

Decoding **Book European Constitutional Law Robert Sch**: Revealing the Captivating Potential of Verbal Expression

In an era characterized by interconnectedness and an insatiable thirst for knowledge, the captivating potential of verbal expression has emerged as a formidable force. Its power to evoke sentiments, stimulate introspection, and incite profound transformations is genuinely awe-inspiring. Within the pages of "**Book European Constitutional Law Robert Sch**," a mesmerizing literary creation penned by way of a celebrated wordsmith, readers embark on an enlightening odyssey, unraveling the intricate significance of language and its enduring affect our lives. In this appraisal, we shall explore the book is central themes, evaluate its distinctive writing style, and gauge its pervasive influence on the hearts and minds of its readership.

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