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## DUKE KARLEE

**Self-Constitution of European Society** Oxford University Press

This book uses constitutional analysis and theory to explore the transformation of Europe from the post-war era until the Euro-crisis. Authoritarian liberalism has developed over these years and, as the book suggests, is now perhaps reaching its limit. This book uses history and theory to reveal the EU's journey and highlight future challenges.

**Indonesian Law** Bloomsbury Publishing

We live in a pluralist world of multi-level law and governance. More than ever before multiple legal systems and governing authorities at different levels - sub-state, state, supranational, international - are recognized as applying to, and claiming authority over, the affairs of the same sets of individuals and institutions. Yet our constitutional theories fail to adequately capture this pluralist state of affairs. This book examines some of the key conceptual and theoretical puzzles which the contemporary state of multilevel pluralism poses for our constitutional theories. It offers fresh perspectives on these questions by addressing the pluralism of norms and authorities from the viewpoint of legality and legitimacy respectively, proposing novel solutions for pluralizing constitutional theory in the light of contemporary multilevel governance. Our turbulent times are on a steady trajectory of ever-more pluralism of law and governance to tackle the defining social and political problems of our age including populism, pandemic, and climate change and this book provides an essential intervention in debates on how to pluralize constitutional theory to better understand and, perhaps more importantly, legitimize the tools to address these increasingly shared problems.

*The Constitution of Supranationalism* John Wiley & Sons

Memory and the future of Europe examines the role of collective memory in the origins and development of the European Union. It traces Europe's political, economic and financial crisis to the loss of the remembrance of the rupture of 1945. As the generations with personal memories of the two world wars pass away, economic welfare has become the EU's sole raison d'être. If it is to

survive its future challenges, the EU will have to create a new historical imaginary that relies not only on the lessons of the past but also builds on Europe's ability to protect its citizens against the power of global market forces. Framing its argument through the critical theory of the Frankfurt School, this volume will attract readers interested in political and social philosophy, collective memory studies, European studies, international relations and contemporary politics.

*A Liberal Theory of Majority Rights* Oxford University Press

This book discusses the future steps in European integration, which are to be taken after the likely entry into force of the Lisbon Treaty in 2010. Against the background of the drafting of this new treaty, and the constitutional discussion within EU law during the last decades, the book questions whether the Treaty and leading EU law theorists have really grasped and addressed the true future challenges of European integration. Instead of always trying to balance supra-nationalism and inter-governmentalism, and seeing the EU as less democratic than a nation-state, at least the doctrine ought to embrace the most characteristic trait of European integration - namely supra-national decision-making - and discuss its future potential. In the book, recent changes in EU constitutional law and constitutional theory are observed. Leading EU theorists - such as Weiler, Majone, and Habermas - are critically analyzed, with a view to their inability to see the EU today for what it really is. Finally, alternative strategies for the next decades are discussed, which may make the EU work more efficiently and, at the same time, bridge the gap between the Union and its citizens.

*Authoritarian Liberalism and the Transformation of Modern Europe* Oxford University Press

The European Union is at a crossroads. Slowly recovering from a series of financial and economic crises, with trust fundamentally shaken by processes of disaggregation and increasingly nationalist politics, it is searching for new visions that are at once inspiring and workable. In its White Paper of 1 March 2017, the Commission proposed five non-exclusive options for the Future of Europe. As put by the Commission, the five scenarios are illustrative in nature to provoke thinking. They are not detailed blueprints or policy prescriptions. Likewise, they deliberately make no mention of legal or institutional processes - the form will follow the function. This book takes the current state of the Union seriously. However, it aims to debate not only the political vision of Europe, but also the issue of legal integration beyond Brexit. Apart from addressing the institutional challenges for the EU, the contributions to this volume focus on two key areas: rule of law and security. Rule of law and

security are not only paradigmatic for the future of Europe but are also closely connected to a particular vision of Europe based on 'integration through law'; a vision that has been strongly contested in recent years. The overarching question is: how can sustainable political and legal integration be achieved in Europe? The volume builds on a conference organised by the Swedish Network for European Legal Studies in November 2017 and includes chapters by leading scholars in the field from the Nordic countries and wider Europe.

The Cambridge History of Modern European Thought: Volume 2, The Twentieth Century Oxford University Press

This volume offers a critical inquiry into the ever-evolving notion of cultural heritage and the way it has been made accessible, governed, and protected by the institutional, operational, and legal structures of the European Union.

**Towards a Pluralist Constitutional Theory** OUP Oxford

Examines and compares East Asian and European perspectives of Global Constitutionalism.

Rupture and integration in the wake of total war Edward Elgar Publishing

The University of Notre Dame Press is pleased to bring Ernst Haas's classic work on European integration, *The Uniting of Europe*, back into print. First published in 1958 and last printed in 1968, this seminal volume is the starting point for anyone interested in the pre-history of the European Union. Haas uses the European Coal and Steel Community (ECSC) as a case study of the community formation processes that occur across traditional national and state boundaries. Haas points to the ECSC as an example of an organization with the "power to redirect the loyalties and expectations of political actors." In this pathbreaking book Haas contends that, based on his observations of the actual integration process, the idea of a "united Europe" took root in the years immediately following World War II. His careful and rigorous analysis tracks the development of the ECSC, including, in his 1968 preface, a discussion of the eventual loss of the individual identity of the ECSC through its absorption into the new European Community. Featuring a new introduction by Haas analyzing the impact of his book over time, as well as an updated bibliography, *The Uniting of Europe* is a must-have for political scientists and historians of modern and contemporary Europe. This book is the inaugural volume of Notre Dame's new Contemporary European Politics and Society Series.

European Union Law Princeton University Press

*Europe's Functional Constitution: A Theory of Constitutionalism Beyond the State* Oxford University Press

**Europe's Functional Constitution** Oxford University Press

*Beyond the People* develops a provocative, interdisciplinary, and meta-theoretical critique of the idea of popular sovereignty. It asks simple but far-reaching questions: Can 'imagined' communities, or 'invented' peoples, ever be theorized without, at the same time, being re-imagined and re-invented anew? Can polemical concepts, such as popular sovereignty or constituent power, be theorized objectively? If, as this book argues, the answer to these questions is no, theorists who approach the figure of a sovereign people must acknowledge that their activity is inseparable from the practice of constituent imagination. Though widely accepted as important, even vital, for the development of political concepts, the social practice of imagination is almost always presumed to operate either historically or impersonally, but seldom individually. Those who theorize the figures of

popular sovereignty do not see that they are, in effect, 'conjurers' of peoplehood. This book invites constitutional, international, normative, and other political and legal theorists of sovereign peoplehood to embrace the conjuring-side of their professional identities, as a way of exploring the possibility of moving beyond eternally recurring, insolvable, and increasingly irrelevant questions. Instead of asking: Who is the people? What is the function of constituent power? Where may the people exercise its right to self-determination? *Beyond the People* asks the reader to consider the prospect of a riskier and more adventurous theoretical road, that opens with the question: What do I as a 'theorist-imaginer', or 'conjurer of peoplehood', assume, anticipate, and aspire to as I theorize the vehicles that mediate the assumptions, anticipations, and aspirations of others? This question is examined throughout the book as it interrogates the idea of peoplehood beyond disciplinary boundaries, showing how polemical, visual, affective, conceptual, and allegorical language critically shapes our idea of peoplehood. It offers a nuanced account of the contested relationship between the social imaginary of peoplehood on the ground, and the imaginative practices of the professional 'conjurers' of peoplehood in the academy.

The Cultural Defense of Nations Bloomsbury Publishing

In this representative edition of Ernst-Wolfgang Böckenförde's definitive work in constitutionalism, law, and politics, readers have access to the legal discourse of one of Germany's leading contemporary theorists and former judge of the federal constitutional court, available in the English language for the first time.

**Constitutions and Constitutional Trends Since World War II** Routledge

This volume makes a contribution to the ongoing lively discussion on European constitutionalism by offering a new perspective and a new interpretation of European constitutional plurality. The book combines diverse disciplinary approaches to the constitutional debate. It brings together complementing contributions from scholars of European politics, economics, and sociology, as well as established scholars from various fields of law. Moreover, it provides analytical clarity to the discussion and combines theory with more practical and critical approaches that make use of the constitutional toolbox in analysing the tensions between the different constitutions. The collection is a valuable point of reference not only for scholars interested in European studies but also for graduate and post-graduate students.

*Theoretical Perspectives* GRIN Verlag

Can a constitutional democracy commit suicide? Can an illiberal antidemocratic party legitimately obtain power through democratic elections and amend liberalism and democracy out of the constitution entirely? In Weimar Germany, these theoretical questions were both practically and existentially relevant. By 1932, the Nazi and Communist parties combined held a majority of seats in parliament. Neither accepted the legitimacy of liberal democracy. Their only reason for participating democratically was to amend the constitution out of existence. This book analyses Carl Schmitt's state and constitutional theory and shows how it was conceived in response to the Weimar crisis. Right-wing and left-wing political extremists recognized that a path to legal revolution lay in the Weimar constitution's combination of democratic procedures, total neutrality toward political goals, and positive law. Schmitt's writings sought to address the unique problems posed by mass democracy. Schmitt's thought anticipated 'constrained' or 'militant' democracy, a type of

constitution that guards against subversive expressions of popular sovereignty and whose mechanisms include the entrenchment of basic constitutional commitments and party bans. Schmitt's state and constitutional theory remains important: the problems he identified continue to exist within liberal democratic states. Schmitt offers democrats today a novel way to understand the legitimacy of liberal democracy and the limits of constitutional change.

*A Study Into the Europeanness of Europe's Political and Economic Elites* Oxford University Press  
The Routledge Handbook of Differentiation in the European Union offers an essential collection of groundbreaking chapters reflecting on the causes and consequences of this complex phenomenon. With contributions from key experts in this subfield of European Studies, it will become a key volume used for those interested in learning the nuts and bolts of differentiation as a mechanism of (dis)integration in the European Union, especially in the light of Brexit. Organised around five key themes, it offers an authoritative "encyclopaedia" of differentiation and addresses questions such as: How can one define differentiation in the European Union in the light of the most recent events? Does differentiation create more challenges or opportunities for the European Union? Is Europe moving away from an "ever closer Union" and heading towards an "ever more differentiated Union", especially as leading political figures across Europe favour the use of differentiation to reconcile divergences between member states? This handbook is essential reading and an authoritative reference for scholars, students, researchers and practitioners involved in, and actively concerned about, research in the study of European integration. As European differentiation is multifaceted and involves a wide range of actors and policies, it will be of further interest to those working on countries and/or in policy areas where differentiation is an increasingly relevant feature.

*Restructuring Europe* Manchester University Press

Constitutionalism has become a byword for legitimate government, but is it fated to lose its relevance as constitutional states relinquish power to international institutions? This book evaluates the extent to which constitutionalism, as an empirical idea and normative ideal, can be adapted to institutions beyond the state by surveying the sophisticated legal and political system of the European Union. Having originated in a series of agreements between states, the EU has acquired important constitutional features like judicial review, protections for individual rights, and a hierarchy of norms. Nonetheless, it confounds traditional models of constitutional rule to the extent that its claim to authority rests on the promise of economic prosperity and technocratic competence rather than on the democratic will of citizens. Critically appraising the European Union and its legal system, this book proposes the idea of 'functional constitutionalism' to describe this distinctive configuration of public power. Although the EU is the most advanced instance of functional constitutionalism to date, understanding this pragmatic mode of constitutional authority is essential for assessing contemporary international economic governance.

*A Theory of Constitutionalism Beyond the State* BRILL

For the time being, the political project of basing the European Union on a document entitled 'Constitution' has failed. The second, revised and enlarged edition of this volume retains its title nonetheless. Building on a scholarly rather than black-letter law account, it shows European constitutional law as it looks following the Treaty of Lisbon, with the EU's foundational treaties mandating the exercise of public authority, establishing a hierarchy of norms and legitimising legal

acts, providing for citizenship, and granting fundamental rights. In this way the treaties shape the relations between legal orders, between public interest regulation and market economy, and between law and politics. The contributions demonstrate in detail how a constitutional approach furthers understanding of the core issues of EU law, how it offers theoretical and doctrinal insights, and how it adds critical perspective. From Reviews of the First Edition: "...should be mandatory reading for anyone who wants to get a holistic perspective of the academic debate on Europe's constitutional foundations...It is impossible to present the richness of thought contained in the 833 pages of the book in a short review." *Common Market Law Review* "an enduring scholarly work, which gives an English-speaking audience important, and overdue, access to the long-standing and forever-vigorous traditions of (European) constitutional law... unhesitatingly recommend[ed]." *European Law Journal* "...real scholarship in the profound sense of the word..." K Lenaerts, Professor of European Law, Leuven

**The Theory and Practice of Constitutional Amendment** Duke University Press

Westphalian constitutionalism has shaped our understanding of politics, socio-political institutions and personal and political freedom for centuries. It is historically based in the foundations of Western modernity, such as humanism and rationalism, and is organised around familiar principles of national sovereignty, the rule of law, the separation of powers, and democracy. But since the end of the twentieth century, global constitutionalism has gradually emerged, challenging both the constitutional ideology and the constitutional design of Westphalian constitutional law. This book critically assesses the structural and functional transformations in the Westphalian constitutional tradition produced by the emergence of supranational and global constitutionalism. In so doing, it evaluates the theory of global constitutionalism, its legal and socio-political limits, and important issues concerning the supranational constitutionalism of the EU. This leads to an articulation of the constitutional theory of the emerging post-Westphalian constitutionalism, examining its development during a period of significantly increased access to and sharing of information, increased mobility and more open statehood, as well as the rise of human rights and its encounter with populism and nationalism. This book will be of great interest to scholars of constitutional law and theory, particularly those with an interest in globalisation and supranationalism.

*The Europe of Elites* Cambridge University Press

This book seeks to develop a new approach to EU legitimacy by reformulating the classical notion of constituent power for the context of European integration and challenging the conventional theoretical assumptions regarding the EU's ultimate source of authority.

*Constitutional Law of the European Union* Europa Law Publishing

This title recounts the transformation of Europe from the post-war era until the Euro-crisis, using the tools of constitutional analysis and critical theory. The central claim is twofold: Europe has been gradually reconstituted in a manner that combines political authoritarianism with economic liberalism and that this order is now in a critical condition. Authoritarian liberalism is constructed supranationally, through a taming of inter-state relations in the project of European integration; at the domestic level, through the depoliticization of state-society relations; and socially, through the emergence of a new constitutional imaginary based on liberal individualism. In the language of constitutional theory, this transformation can be captured by the substitution of supranationalism for

internationalism, technocracy for democracy, and economic for political freedom. Sovereignty is restrained, democracy curtailed, and class struggle repressed. This constitutional trajectory takes time to unfold and develop and it presents continuities and discontinuities. On the one hand, authoritarian liberalism is deepened by the neoliberalism of the Maastricht era and the creation of Economic and Monetary Union. On the other hand, counter-movements then also begin to emerge, geopolitically, in the return of the German question, domestically, in the challenges to the EU presented by constitutional courts, and informally, in the rise of anti-systemic political parties and movements. Sovereignty, democracy, and political freedom resurface, but are then more actively

suppressed through the harsher authoritarian liberalism of the Euro-crisis phase. This leads now to an impasse. Anti-systemic politics return but remain uneasily within the EU, suggesting authoritarian liberalism has reached its limits if just about managing to maintain constitutional order. As yet, there has been no definitive rupture, with the possible exception of Brexit.

*The Triangular Constitution* Europe's Functional Constitution A Theory of Constitutionalism Beyond the State

An authoritative and comprehensive survey of the major themes, thinkers, and movements in modern European intellectual history.