

THE THREE CONSTITUTIONAL DENIALS

The constitutional conflict over the Maastricht Treaty brought to light the statist tradition of the European Union.

No People

- Rise of nationalism; people's identified via their nation.
- National peoples can be viewed as mutually exclusive.
- European citizenship separate from national citizenship.

No Constitution

- *"It is inherent in a constitution in the full sense of the term that it goes back to an act taken by or at least attributed to the people, in which they attribute political capacity to themselves."* (Zweig)
- Argument is that there is no source for Primary Union law
- European Union is given its constitution through third parties.

No Constitutionalism

- Citizens are needed to make a constitution and a constitution is needed for the establishment of constitutionalism.
- Europe's constitutional architecture has never been validated by a process of constitutional adoption by a European constitutional demos. (Weiler)
- With no constitutional demos, there can be no European constitutionalism.

Europes First Constitution

Sabine Zange



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