

R. C. van Caenegem

# European Law in the Past and the Future

Unity and Diversity over Two Millennia

CAMBRIDGE

# European Law In The Past And The Future

**Matej Avbelj**



## **European Law In The Past And The Future:**

**European Law in the Past and the Future** R. C. van Caenegem, 2002 R C van Caenegem considers the historical reasons behind European legal diversity **European Law in the Past and the Future** R. C. Caenegem, 2002 As Europe moves towards economic and political unification many wonder why legal unification occurs so slowly R C Van Caenegem considers the historical reasons behind this diversity stressing the adoption of the classical law of the Romans and the influence of the rise of the nation states The impact of politics on legal development is another key factor a detailed account of how the German past was extolled in Nazi Germany is given The book concludes with a consideration of the ongoing debate on the desirability of European legal unification *European Law in the Past and the Future* R. C. van Caenegem, 2001-12-13 As Europe moves towards economic and political unification many wonder why legal unification occurs so slowly R C Van Caenegem considers the historical reasons behind this diversity stressing the adoption of the classical law of the Romans and the influence of the rise of the nation states The impact of politics on legal development is another key factor The book concludes with a consideration of the ongoing debate on the desirability of European legal unification **The Past and Future of EU Law** Luis Miguel Poiares Pessoa Maduro, Loïc Azoulai, 2010-02-05 This book revisits in a new light some of the classic cases which constitute the foundations of the EU legal order and is timed to celebrate the 50th anniversary of the Rome Treaty establishing a European Economic Community Its broader purpose however is to discuss the future of the EU legal order by examining from a variety of different perspectives the most important judgments of the ECJ which established the foundations of the EU legal order The tone is neither necessarily celebratory nor critical but relies on the viewpoint of the distinguished line up of contributors drawn from among former and current members of the Court the view from within scholars from other disciplines or lawyers from other legal orders the view from outside and two different generations of EU legal scholars the classics revisit the classics and a view from the future Each of these groups will provide a different perspective on the same set of selected judgments In each short essay questions such as what would have EU law been without this judgment of the Court what factors might have influenced it did the judgment create expectations which were not fully fulfilled and so on are posed and answered The result is a profound wide ranging and fresh examination of the founding cases of EU law *The EU after Lisbon* Lucia Serena Rossi, Federico Casolari, 2014-06-25 The book contains a collection of high quality academic and expert contributions dealing with the central question of whether the Lisbon Treaty needs further revision Due to the difficulties European Union actors have encountered in implementing the Lisbon Treaty s reform and the inadequacies of the current legal framework brought to light by post Lisbon practice the volume focuses on possible innovations and functional approaches to improve the Union s response to the challenges confronting it In doing so the volume first takes a horizontal approach to the Treaty revision and considers some constitutional features showing the interaction between the EU and its Member States namely the parameters of

constitutional developments the allocation of competences the principles of solidarity and loyal cooperation Then the focus shifts to the question of fundamental rights within the EU's constitutional framework one of the most relevant innovations of the Lisbon Treaty being the incorporation of the Charter of Fundamental Rights into the Union's primary law The last part of the volume is devoted to another domain significantly reshaped by the Lisbon reform namely the Union's external dimension ECJ Advocate General Paolo Mengozzi's conclusions highlight the common themes emerging from the various contributions stressing the need for a more general supranational approach to the political crisis the Union is going through The content of this book will be of great value to academics students judges practitioners and all others interested in the legal discourse on the progressive development of the European Union legal order

**The Tangled Complexity of the EU Constitutional Process** Giuseppe Martinico, 2022-08-05 Offering a fresh view on the EU constitutionalisation process the new edition of *The Tangled Complexity of the EU Constitutional Process* presents three main points the idea of constitutional complexity the tension between constitutional evolutionism and constitutional constructivism in the process of European integration and the functional nature of conflicts in the evolution of the EU Because of its prodigiousness European law produces consternation among constitutionalists accustomed to traditional patterns of power This book argues that while constitutional conflicts have frequently been depicted as elements of disturbance along the path towards legal coherence they are physiological and might even be functional to the development of the European legal order which should not be understood in a deterministic manner The new edition will be of particular interest to academics and students in the disciplines of law international relations and political science

**The Treaty of Lisbon and the Future of European Law and Policy** Martin Trybus, Luca Rubini, 2012-01-01 After Lisbon the EU has reached a new precarious stage in its development New institutions have been created and policies reformed The different chapters of this book cover the most important innovations while providing a fresh critical assessment of the shortcomings of the present arrangements Works are always in progress at the EU site and the authors provide the future architects of this grand building as well as the academic community with much food for thought Roberto Caranta University of Turin Italy This comprehensive and insightful book discusses in detail the many innovations and shortcomings of the historic Lisbon version of the Treaty on European Union and what is now called the Treaty on the Functioning of the European Union Divided into six parts the 23 chapters provide after Lisbon perspectives on law and governance of the EU its powers and nature the Charter of Fundamental Rights EU external action and policy justice and criminal policy and economic governance The authors drawn from eleven EU Member States offer a uniquely diverse and extensive coverage of the new EU law and policy after Lisbon The book argues that while the Treaty of Lisbon has to be considered a milestone in the history of European integration its shortcomings and open questions will make a future major treaty inevitable *The Treaty of Lisbon and the Future of European Law and Policy* will appeal to postgraduate students and academics in European law and policy EU institutions diplomatic missions lobbying NGOs specialised lawyers and

governments      *The Past, Present and Future of Comparative Law - Le passé, le présent et le futur du droit comparé*  
 Katharina Boele-Woelki, Diego P. Fernández Arroyo, 2018-07-16 This book is published by the International Academy of Comparative Law to honor five great comparatists Jean Louis Baudouin from Canada Xavier Blanc Jouvan from France Mary Ann Glendon from the United States of America Hein Ktz from Germany and Rodolfo Sacco from Italy The five great minds present their thoughts on the past the present and future of comparative law and in doing so they particularly focus on the future of the International Academy of Comparative Law comparative law methodology and the teaching of comparative law The book is essential reading for researchers and academics wanting to know what these respected legal scholars have contributed to comparative law how they differ and when and why they excelled Moreover the views presented suggest how the role of the Academy can be developed in order to deal with the current challenges of comparative law Ce livre est publié par l'Académie internationale de droit comparé en l'honneur de cinq grands comparatistes Jean Louis Baudouin du Canada Xavier Blanc Jouvan de France Mary Ann Glendon des États-Unis Hein Ktz d'Allemagne et Rodolfo Sacco d'Italie Ces cinq grands esprits offrent leurs réflexions sur le passé le présent et le futur du droit comparé et ce faisant se concentrent particulièrement sur l'avenir de l'Académie internationale de droit comparé la méthodologie ainsi que l'enseignement du droit comparé Ce livre est une lecture essentielle pour les chercheurs et les universitaires qui s'intéressent aux contributions au droit comparé de ces juristes respectés la manière dont ils diffèrent et quand et pourquoi ils ont excellé De plus les points de vue présentés suggèrent comment le rôle de l'Académie peut être développé pour faire face aux défis actuels du droit comparé

**Dissident Voices in Europe? Past, Present and Future** Emma Gardner, Amir Qamar, 2017-01-06 This volume brings together nine papers written by researchers from all over Europe working within the realms of political science the humanities theology and religion as well as business economics and management They offer unique perspectives to provide a truly multifaceted take on the topic of dissidence in the European context This book has been organised into three sections Part A Debating European Capitalism and Consumer Relations Part B Citizenship and the European Identity and Part C Europe A Continent of Conspiracy and Control      *Routledge Handbook of the Economics of European Integration* Harald Badinger, Volker Nitsch, 2015-10-05 Routledge Handbook of the Economics of European Integration provides readers with a brief but comprehensive overview of topics related to the process of European integration in the post World War II period Its short chapters reflect the most up to date and concise research written by a collective of experts on their own subjects The aim of this book is twofold Firstly the text illustrates the broad and diverse range of issues associated with European integration and lastly the key approaches and findings are summarised Since institutional integration in Europe is an ongoing process with possibly frequent and sometimes rapid changes the chapters are intended to focus on the key features of the economic analyses of these topics A wide and diverse set of economic issues is of direct relevance for European integration These topics cover various fields ranging from the history of the European Economic and Monetary Union EU Trade Policy

and the stability of international trade single market issues over fiscal monetary and other policies the crisis that faces the Euro area and institutions such as EU Council of Ministers Not surprisingly many of these issues have also been analysed from a European perspective This handbook is designed to provide students researchers the public and policy makers with ready and accessible knowledge of issues related to European integration and will provide the definitive overview of research in the area

**The Future of EU Constitutionalism** Matej Avbelj,2023-02-23 Is there a real and meaningful future for EU constitutionalism This collection explores this question in light of recent challenges to EU constitutional law namely the pandemic and the political schisms emerging across the European Union The contributors explore the question through the prism of the five main pillars of EU constitutionalism the constitutional values the EU formal constitutional framework its substance consisting of the EU political and economic constitution and conclude by looking at the foundational concept of sovereignty national and European in a global realm Drawing on expertise from both old and new Europe it gives voice to the most fundamental question facing the Union in its second half century

**The Internal Market and the Future of European Integration** Fabian Amtenbrink,Gareth Davies,Dimitry Kochenov,Justin Lindeboom,2019-04-18 A definitive reassessment of the constitutional economic institutional and judicial dimensions of the EU internal market including Brexit

**The Future of Legal Europe: Will We Trust in It?** Gavin Barrett,Jean-Philippe Rageade,Diana Wallis,Heinz Weil,2021-05-12 With this Liber Amicorum around 50 contributors from the legal and judicial professions from academia and from politics pay tribute to Dr Wolfgang Heusel the Director of the Academy of European Law ERA in Trier from 2000 to 2020 The contributions provide a thorough analysis of some of the most relevant legal and political challenges faced by the European Union including in the fields of data protection rules artificial intelligence the rule of law human rights protection institutional reform of the EU and changes in the legal and judicial professions The book is primarily aimed at postgraduate students legal practitioners and scholars interested in EU legal matters

**Researching the European Court of Justice** Mikael Rask Madsen,Fernanda Nicola,Antoine Vauchez,2022-05-26 The book takes stock of the on going methodological turn in the field of EU law scholarship Introducing a new generation of scholars of the European Court of Justice from law history sociology political science and linguistics it provides a set of novel interdisciplinary research strategies and empirical materials for the study of the Court of Justice of the European Union The twelve case studies included challenge the usual top down approach to EU law and the CJEU and instead suggest a more localized and fine grained observation of the socio legal actors and practices involved in the making of CJEU case law Moving beyond mainstream legal scholarship and the established grand narratives of legal integration the volume provides a more historically informed and sociologically grounded account of the EU law s uneven embeddedness in Europe s economies and societies

**Criminal and Quasi-criminal Enforcement Mechanisms in Europe** Vanessa Franssen,Christopher Harding,2022-02-24 This book looks at the interplay between criminal and other branches of public law pursuing similar objectives referred to as quasi criminal law

The need for clarifying the concepts and the interlink between criminal and quasi criminal enforcement is a topic attracting a lot of discussion and debate both in academia and practice across Europe and beyond This volume adds to this debate by bringing to light the substantive and procedural problems stemming from the current parallel or dual use of the different enforcement systems The collection draws on expertise from academia practice and policy its high quality analysis will appeal to scholars practitioners and policymakers alike

**The Treaty of Nice and Beyond** Mads Tønnesson

Andenæs, John Usher, 2003-11-15 Designed to succeed previous books on the Maastricht and Amsterdam treaties this new work includes contributions from leading EU lawyers assessing the Nice Treaty and the Post Nice process which is rapidly developing in the lead up to the next Intergovernmental conference The book's central theme is the discussion of a European Constitution and European Constitutionalism The new constitutional balance after institutional reform the Luxembourg courts after Nice the future of the three pillar Treaty structure and the Human Rights charter are the other main topics Among the contributors are the editors Professor Stephen Weatherill Oxford Professor Noreen Burrows Glasgow Professor Jürgen Schwarze Freiburg Professor Paul Craig Oxford Professor Jo Shaw Manchester Steve Peers Essex Professor Piet Eeckhout King's College London and Professor Alan Dashwood Cambridge

**The Future of EU Criminal Justice Policy and Practice** Jannemieke Ouwerkerk, Judit Altena, Jacob Öberg, Samuli Miettinen, 2019-03-27

EU criminal justice is a fast developing and challenging area of EU law and policy that requires scholars from different disciplines to join forces This book is a first attempt to establish such synergies Coming from different angles the authors deal with questions in the area of EU substantive criminal law such as when criminalisation of conduct is an appropriate choice how the process of de criminalisation could be advanced what the role of evidence could be in this regard and what consequences criminalisation decisions at EU level have for national legal orders The book concludes with a demonstration of how similar issues arise in the field of procedural criminal law

Brexit and the Future of the European Union Federico Fabbrini, 2020-12-17 Brexit represents a momentous event for the European Union with important implications on the future of Europe While most scholarly attention has focused on the Brexit process and its consequences for the United Kingdom and UK EU relations Brexit has had important consequences also for the EU This book examines how the EU has changed during Brexit and because of Brexit while also reflecting on the developments of the EU besides Brexit and beyond Brexit As the book argues the UK withdrawal from the EU the first ever case of disintegration since the start of the European integration process creates an urgent need to reform the EU In fact while the EU institutions and its member states have remained united in their negotiations vis vis the UK Brexit has created transitional problems for the EU and exposed other serious fissures in its system of governance which need to be addressed moving forward As the EU goes through another major crisis in the form of the response to the Covid 19 pandemic the case for increasing the effectiveness and the legitimacy of the EU grows stronger In this context the book analyses the plan to establish a Conference on the Future of Europe examines its

precedents and discusses its prospects As the book suggests that after Brexit the initiative to launch a Conference on the Future of Europe is a necessary step to renew the EU and relaunch integration      *The Future of the Person* Hans-W. Micklitz, Giuseppe Vettori, 2025-03-06 This book rigorously debates the notion of the person a fundamental concept which underpins national private law orders worldwide In the 20th century the unity of the person came under pressure firstly through the rise of labour law and then secondly post World War II through consumer law The book moves this debate on exploring the ongoing fragmentation of the concept of the person and the unique challenges that this gives rise to and suggesting how this might impact on the future of private law The book asks three questions are the subject of the 19th century Codes or the person of 20th century constitutions useful categories of reference for the person could fundamental rights currently central to the notion of the person be replaced by forms of the impersonal how and why should subjectivities be rethought in the age of infocracy and autocracies Thought provoking and paradigm shifting this is a fascinating examination of the bedrock of private law      **The Future of Football** Jon Garland, Dominic Malcolm, Michael Rowe, 2000 Covering a range of issues which players fans and administrators will have to confront this study looks at the impact of global marketing industries shareholding and the financial powers of mass media



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