

# Europe's Constitutional Future (IEA readings)

Buchanan, James M.

Note: This is not the actual book cover

# Europes Constitutional Future

**Hilaire Barnett**



## **Europe's Constitutional Future:**

**Europe's Constitutional Mosaic** Neil Walker, Josephine Shaw, Stephen Tierney, 2011-06-14 This book emerged from an extended seminar series held in Edinburgh Law School which sought to explore the complex constitutional arrangements of the European legal space as an inter connected mosaic There has been much recent debate concerning the constitutional future of Europe focusing almost exclusively upon the EU in the context of the failed Constitutional Treaty of 2003 5 and the subsequent Treaty of Lisbon The premise of the book is that this focus while indispensable offers only a partial vision of the complex constitutional terrain of contemporary Europe In addition it is essential to explore other threads of normative authority within and across states embracing internal challenges to state level constitutional regimes the growing jurisprudential assertiveness of the Council of Europe regime through the ECHR and various democracy building measures as well as Europe's ever thicker relations both with its border regions and with broader international institutions especially those of the United Nations Together these developments create increasingly dense networks of constitutional authority within the European space This fluid and multi dimensional dynamic is difficult to classify and indeed may seem in many ways impenetrable but that makes the explanatory challenge all the more important and pressing Without this fuller picture it becomes impossible to understand the legal context of Europe today or the prospects of ongoing changes The book brings together a range of experts in law legal theory and political science from across Europe in order to address these complex issues and to supply illustrative case studies in the topical areas of the constitutionalisation of European labour law and European criminal law

**Constitutional Futures Revisited** R. Hazell, 2008-10-23 The UK is going through a period of unprecedented constitutional change There is much unfinished business and further changes still to come Where are these changes taking us In this book leading political scientists and lawyers forecast the impact of these changes on the UK's key institutions and the constitution as a whole

European Constitutional Imaginaries Jan Komárek, 2023 What does it mean to say that the European Union has a constitution theoretically but more importantly practically What sort of possibilities such assertion opens for various actors politicians legal professionals or the general public And what is the role of constitutional thinkers in establishing constitutional discourse as the dominant way in which European law is or was conceived after 1989 This volume seeks to answer such questions with a special emphasis on the last one European Constitutional Imaginaries are the central focus of the book These are sets of ideas and beliefs that help to motivate and at the same time justify the practice of government and collective self rule established by the constitution written or unwritten Such imaginaries are as important as institutions and office holders They provide political action with an overarching sense and purpose recognized by those governed as legitimate The book brings together reflections by lawyers philosophers sociologists or political economists who shed light on various constitutional imaginaries of Europe They provide critical intellectual histories of particular legal approaches to European integration and look behind the language of law to reach deeper insights into the contested history

and political economy of Europe They ask us to think about European law differently

### **The European Constitution**

Giuliano Amato, 2009-01-01 I can enthusiastically recommend and endorse this book It serves the very important purpose of collecting key documents together in an elegant and accessible text There currently exists a huge proliferation of material on the EU Constitution this volume makes a very wise selection of this profusion compiling it into a manageable and informative whole Nine chapters deal with the most significant matters concerning the Constitution A short but well written introduction at the start of each chapter precedes following extracts Part of the value of this book lies in the fact that it includes translations of some important documents which are difficult or impossible to access in English for example recent decisions of national courts concerning the European Arrest Warrant All in all this work is a comprehensive but not overwhelmingly large collection of materials on the EU Constitution and it will prove extremely valuable to all those working within this area of law By presenting the Constitution the background to the Constitution and the issues it deals with in this clear and informative way it will shed new light upon and help all of us to form our own judgements on the EU Constitution and its importance to our lives Sionaidh Douglas Scott King's College London UK Whatever the ultimate fate of the EU's Constitutional Treaty both the events which led to its conclusion and those which occurred afterwards during its ill fated ratification process have profoundly shaped the future of the European Union as a constitutional project This collection of materials offers an invaluable set of resources for understanding these events in their widest legal and political context The text will be useful to all those who seek to understand both why the EU has reached such a turning point and where it might go in the future Jo Shaw Edinburgh Law School UK This book offers a selection of materials that enable a better understanding of some of the most important changes that would be introduced by the Treaty establishing a Constitution for Europe in the EU legal and political system It also helps to assess the need for the reforms embedded in the Constitutional Treaty as well as the quality of the formulations agreed upon by the signatory Member States The book includes excerpts of the European Convention's work selected statutory and constitutional provisions of the Member States and also related passages from pertinent court decisions from both European courts as well as Member States constitutional courts Institutional and doctrinal analyses and relevant excerpts from the Constitutional Treaty itself are also included Many of these documents directly relate to the provisions of the Constitutional Treaty while the others although not directly related are nevertheless relevant to the debate surrounding it The European Constitution by two of the best experts on the Constitution for Europe will be of great interest to researchers and teachers in the fields of European Law and European politics and also to policy makers in European affairs *Nordic and Other European Constitutional Traditions* Joakim Nergelius, 2006-06-01 In the complicated legal and political situation that reigns in Europe at the moment characterized not at least by the uncertainty of what happens with the proposed EU constitution after negative results in the French and Dutch referendums in 2005 it has become increasingly important to analyse the EU constitutional frameworks from historical and

comparative perspectives This book provides new insights based on perspectives from Member States such as Germany and Italy as well as the Nordic Countries It also deals with European legal and philosophical heritage in general as well as special issues like closer cooperation among Core States and the role of the Court of Justice in recent EC law development It is of interest both for legal practitioners and scholars as well as students of political science and history *The Struggle for the European Constitution* Michael O'Neill, 2008-11-28 The European Union EU Constitution was one of the most important developments in the history of the EU aiming to make the EU more transparent relevant and accountable to the citizens of its member states Current anxieties over the pace and direction of EU integration place this comprehensive study at the forefront of the EU governance debate O'Neill goes far beyond a simple account of the EU Constitution focussing also on the response to the current crisis of confidence between the Union and its citizens and how those in power have responded to the challenge Making a substantial contribution to literature on the EU key discussion points include The political crisis behind the Constitution The power politics at work in the negotiations How the Constitution affects EU policymaking The impact on the citizens of the EU This is essential reading for all those wishing to understand the background to one of the key areas within European Politics Michael O'Neill is Jean Monnet Professor in EU Politics at Nottingham Trent University *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 Constitutional Dilemma of the European Union** Joakim Nergelius, 2009 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 *Foreign Policy Objectives in European Constitutional Law* Joris Larik, 2016-03-25 Presenting the first comprehensive account of foreign policy objectives as a growing part of European constitutional law Joris Larik confronts the trend of enshrining international ambitions in the highest laws of states and the European Union Closely examining the provisions of foreign policy objectives Larik differentiates their legal force and functions situating them into the overall legal order of the state the EU and the composite European constitutional space He argues that the codification of foreign policy objectives suggests a progression in the evolution of the role of the constitution from limiting public authority to guiding it towards certain goals both at home and in the wider world Advancing a comparative constitutional perspective for the study of EU external relations this volume contributes a constitutional dimension to the normative power debate in the study of EU foreign policy Drawing on established national doctrines on constitutional objectives from Germany France and India the book provides a common vocabulary for coming to terms with foreign policy objectives as legal norms across different jurisdictions In the pluralist context and closely intertwined legal orders of the EU and its Member States it shows how objectives help to channel the individual ambitions of the Member States through the Union framework towards a more coherent external action Furthermore the book connects its legal findings with the debate on the EU as an actor in international relations exploring the role of these norms in inter institutional struggles and processes of identity shaping legitimation and socialization

**The Rise and Fall of the European Constitution** NW Barber, Maria Cahill, Richard Ekins, 2019-01-10 The Draft European Constitution was arguably both an attempt to constitutionalise the Union re framing that project in the language of the state and an attempt to stretch the boundaries of constitutionalism itself re imagining that concept to accommodate the sui generis European Union The partial failure of this project is the subject of this collection of essays The collection brings together leading EU constitutional scholars to consider with the benefit of hindsight the purportedly constitutional character of the proposed Constitutional Treaty the reasons for its rejection by voters in France and the Netherlands the ongoing implications of this episode for the European project and the lessons it teaches us about what constitutionalism really means

**Constitutionalising Europe** Michael Longo, 2017-03-02 The European Union 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 constitutionalization 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

**European Constitutional Law** Robert Schütze, 2012-04-05 The European Union has existed for over half a century Having started as the Europe of the Six in a

specific industrial sector the Union today has twenty seven Member States and acts within almost all areas of social life The Union s constitutional structures have evolved in parallel with this immense growth Born as an international organisation the Union has developed into a constitutional Union of States This textbook analyses the constitutional law of the European Union after Lisbon in a clear and structured way Examining the EU through a classic constitutional perspective it explores all the central themes of the course from the history and structure of the Union the powers and procedures of its branches of government to the rights and remedies of European citizens A clear three part structure and numerous illustrations will facilitate understanding Critical and comprehensive this is required reading for all students of European constitutional law

Constitutionalizing the European Union Thomas Christiansen,Christine Reh,2009-03-31 Enlargement and treaty reform have moved Europe s constitutional debate into the political spotlight This important new text outlines the main themes of constitutional debate in the EU analyzes formal and informal constitution building since the early days of European integration and introduces the actors and structures behind treaty change      *Economic Governance in Europe* Federico Fabbrini,2016-01-29 The Euro Crisis and the legal and institutional responses to it have had important constitutional implications on the architecture of the European Union EU Going beyond the existing literature Federico Fabbrini s book takes a broad look and examines how the crisis and its aftermath have changed relations of power in the EU disaggregating three different dimensions 1 the vertical relations of power between the member states and the EU institutions 2 the relations of power between the political branches and the courts and 3 the horizontal relations of power between the EU member states themselves The first part of the book argues that in the aftermath of the Euro crisis power has been shifting along each of these axes in paradoxical ways In particular through a comparison of the United States Fabbrini reveals that the EU is nowadays characterized by a high degree of centralization in budgetary affairs an unprecedented level of judicialization of economic questions and a growing imbalance between the member states in the governance of fiscal matters As the book makes clear however each of these dynamics is a cause for concern as it calls into question important constitutional values for the EU such as the autonomy of the member states in taking decision about taxing and spending the preeminence of the political process in settling economic matters and the balance between state power and state equality The second part of the book therefore devises possible options for future legal and institutional developments in the EU which may revert these paradoxical trends In particular Fabbrini considers the ideas of raising a fiscal capacity restoring the centrality of the EU legislative process and reforming the EU executive power and discusses the challenges that accompany any further step towards a deeper Economic and Monetary Union      *Principles of European Constitutional Law* Armin von Bogdandy,Jürgen Bast,2009-12-03 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 recommended European Law Journal real scholarship in the profound sense of the word K Lenaerts Professor of European Law Leuven

**The Making of a European Constitution** Michelle Everson, Julia Eisner, 2007-09-21 Introduction Constitutional morning Retelling the legal integration story Forgetting law Adjudicating non authoritative law Constitutionalising the institutional balance of powers The principled judicial mechanics of constitutional morphogenesis Constitutionalism beyond constitutions

**Constitutional and Administrative Law** Neil Parpworth, 2012-04-05 Presenting wide ranging and accurate coverage of constitutional and administrative law this title is structured in a logical and practical way supporting students as they progress in the subject

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     A Constitution for the European Union Charles Beat Blankart, Dennis C. Mueller, 2004 The leaders of the European Union member states have declared that a European constitution should have the aim of bringing institutions closer to the citizens This text looks at how a common policy could be agreed as well as discussing what powers it might have

**Constitutional & Administrative Law** Hilaire Barnett, 2012-08-06 Hilaire Barnett's respected and ever popular textbook helps to provide students with an understanding of the constitution's past present and future by analysing and illustrating the political and socio historical contexts which have shaped the constitution the current major rules and principles of public law and on going constitutional reform

## Unveiling the Power of Verbal Beauty: An Mental Sojourn through **Europes Constitutional Future**

In a world inundated with displays and the cacophony of fast communication, the profound power and psychological resonance of verbal art frequently fade into obscurity, eclipsed by the continuous onslaught of sound and distractions. Yet, located within the musical pages of **Europes Constitutional Future**, a captivating function of literary splendor that pulses with organic thoughts, lies an memorable trip waiting to be embarked upon. Composed by way of a virtuoso wordsmith, that magical opus guides readers on an emotional odyssey, delicately exposing the latent possible and profound impact embedded within the complex web of language. Within the heart-wrenching expanse with this evocative examination, we can embark upon an introspective exploration of the book is main subjects, dissect their interesting publishing fashion, and immerse ourselves in the indelible impression it leaves upon the depths of readers souls.

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