



Constructing Legal Systems

"European Union" in Legal Theory

Edited by
Neil MacCormick

Constructing Legal Systems European Union In Legal Theory

K Payea



Constructing Legal Systems European Union In Legal Theory:

Constructing Legal Systems: "European Union" in Legal Theory N. MacCormick, 2013-06-29 Legal theory has been much occupied with understanding legal systems and analysing the concept of legal system This has usually been done on the tacit or explicit assumption that legal systems and states are co terminous But since the Rome Treaty there has grown up in Europe a new legal order neither national law nor international law and under its sway older conceptions of state sovereignty have been rendered obsolete At the same time it has been doubted whether the European Union that has grown out of the original European Communities has a satisfactory constitution or any constitution at all What kind of legal and political entity is this Union and how does it relate juridically and politically to its member states Further the activity of construing or constructing legal system and legal knowledge becomes visibly problematic in this context These essays wrestle with the above problems

Philosophical Foundations of European Union Law Julie Dickson, Pavlos Eleftheriadis, 2012-10-11 This volume brings together legal philosophers political philosophers and EU legal academics in the service of developing the philosophical analysis of EU law In a series of original and complementary essays they bring their varied disciplinary expertise and theoretical perspectives to bear on central issues facing the Union and its law

Visa Policy within the European Union Structure Annalisa Meloni, 2006-01-16 The book focuses on the common visa policy as a case study on the constitutional structure of the European Union After introducing the nature of visas the book concentrates on the difficulties in forging a common visa policy at European level Cooperation on visas has been characterized by a continuous reformulation of the framework for cooperation The book describes cooperation before the Treaty on European Union adopted at Maastricht under the Maastricht Treaty and under the Treaty of Amsterdam Furthermore the book traces the essential characteristics of the common visa policy

Constitutional Pluralism in the EU Klemen Jaklic, 2014-01-09 Where does the law and political power of any given territory come from Until recently it was believed that it came from a single and hierarchical source of constitutional authority a sovereign people and their constitution However how can this model account for the new Europe Where state constitutions and the European Constitution which are ultimately equally self standing sources of constitutional authority overlap heterarchically over a shared piece of territory Constitutional pluralism is a new branch within constitutional thought that argues sovereignty is no longer the accurate and normatively superior constitutional foundation It instead replaces this thought with its own foundation It emerged on the basis of contributions by the leading EU constitutionalists and has now become the most dominant branch of European constitutional thought Its claims have also overstepped the European context suggesting that it offers historic advantages for further development of the idea of constitutionalism and world order as such This book offers the first overarching examination of constitutional pluralism Comprehensively mapping out the leading contributions to date and solving the complicated labyrinth they currently form Klemen Jaklic offers a complete assessment against existing and new criticisms while elaborating his own

original vision Constitutional pluralism thus refined has the potential to rightfully be considered the superior new approach within constitutional thought

MacCormick's Scotland Neil Walker, 2012-03-26 This book analyses in depth the distinctively Scottish themes in the work of Sir Neil MacCormick the world renowned legal philosopher and prominent Scottish public intellectual who died in 2009 after holding the Regius Chair in Public Law and the Law of Nature and Nations at Edinburgh University for 36 years MacCormick's work and works about MacCormick attract both a domestic and an international audience Readers will gain an understanding of how MacCormick's Scottish roots interests and commitments coloured his work both his distinctively Scottish writings and the overall intellectual outlook that informed his broader legal and philosophical writings The book provides a well rounded appreciation of the Scottish dimension in MacCormick's thinking and writing It focuses on a number of prominent Scottish themes in MacCormick's work and life and is structured around four key themes 1 the nature and identity of a legal system 2 sovereignty European integration and Scottish independence 3 the legacy of the legal and political thought of the Scottish enlightenment and 4 the role of the academic in the Scottish public sphere

An Introduction to International Human Rights Law Azizur Rahman Chowdhury, Jahid Hossain Bhuiyan, 2010-06-14 This book is designed to provide an overview of the development and substance of international human rights law and what is meant concretely by human rights guarantees such as civil and political rights and economic and social rights It highlights the rights of women globalization and human rights education The book also explores domestic regional and international endeavors to protect human rights The history and role of human rights NGOs coupled with an analysis of diverse international mechanisms are succinctly woven into the text which well reflects the scholarship and erudition of the authors This lucidly written and timely volume will be of great help to anyone seeking to understand this area of law be they students lawyers scholars government officials staff of international and non international organizations human rights activists or lay readers

Constructing the European Community Legal System from the Ground Up Walter Mattli, Anne-Marie Slaughter, 1996

The Evolution of EU Law Paul P. Craig, Gráinne De Búrca, 1999 The European Community has been in existence for 40 years This period has seen considerable change and development in both the institutional and the substantive law of the EC and more recently the EU This work seeks to stand back from the ever growing detail of Community law and examine this jurisprudence from an evolutionary and interdisciplinary perspective Every important area of institutional and substantive European law is covered leading lawyers analyze the evolution of their area of expertise across time bringing out the major thematic changes which have occurred These changes are then viewed against the broader political and economic background of the community as a whole

Social Construction of Law Michael Giudice, 2020-10-30 This illuminating book explores the theme of social constructionism in legal theory It questions just how much freedom and power social groups really have to construct and reconstruct law

Nordic Journal of International Law, 2001

Current Publications in Legal and Related Fields, 2006

The Role of Courts in Developing a European

Social Model Ulla Boegh Neergaard, 2010 This book brings together essays by leading legal scholars from a number of European countries These essays are based on papers presented at a research conference held at the Copenhagen Business School on September 18 2009 The contributors are all lawyers but have their main professional activity within different legal disciplines They represent different legal cultures and styles partly related to different geographical backgrounds and the diversity is represented in their contributions The book is concerned with trends in the development of a European social model and the theoretical and methodological implications thereof with the essays focusing on the role of the courts at both national and supra national level Each essay addresses different dimensions of the general theme *The King's College Law Journal* ,1997 **Annales de la Faculté de droit d'Istanbul** ,2008 **Research Handbook on General Principles in EU Law** Ziegler, Katja S., Neuvonen, Päivi J., Moreno-Lax, Violeta, 2022-04-22 This Research Handbook offers a comprehensive study of existing and emerging general principles of EU law by scholars from a wide range of expertise in EU law international law legal theory and different areas of substantive law It explores the theory content role and function of general principles in EU law to better understand general principles as a mechanism for the substantive openness of the EU legal order as well as for cross fertilization and coherence of legal orders Their potential as a tool to manage the interaction of legal regimes and orders is a particular focal point and will make this Handbook a must read for scholars of EU Law *Index to Legal Periodicals & Books* ,2006 *European Integration and the Legal System* Alec Stone Sweet, 2005 **Reports of Cases Before the Court of Justice and the Court of First Instance** ,2011 **The Morality of Conflict** Samantha Besson, 2005-11-23 It aims to provide a fully fledged political morality of conflict by drawing on the analysis of topical jurisprudential questions in the new light of disagreement *Current Politics and Economics of Europe* ,2000

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