

THE FEDERAL PRINCIPLE

A JOURNEY THROUGH TIME
IN QUEST OF MEANING

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The Federal Principle A Journey Through Time In Quest Of Meaning

Arthur Benz, Jörg Broschek



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Federal Dynamics Arthur Benz,Jörg Broschek,2013-01-31 Federal systems are praised for creating political stability but they are also blamed for causing rigidity They are said to balance powers but apparently they are also threatened by instability due to drifts in power Federalism should support democratization but it can also constrain the power of the demos and strengthen the executive In short there is widespread agreement that federal systems are dynamic The forces mechanisms and consequences of federal dynamics however are not sufficiently understood so far This book brings together leading experts in the field of comparative federalism to highlight how the interplay of continuity and change systematically generates and reinforces varieties of federalism and varieties of federal dynamics Federal Dynamics Continuity Change and Varieties of Federalism investigates mechanisms and resulting patterns of federal development It offers new analytical concepts and discusses different theoretical propositions to systematically compare convergent and divergent trends in federal systems Acknowledging the theoretical pluralism that dominates the field the book is organized around four sections Models Varieties and Dimensions of Federalism Timing Sequencing and Historical Evolution Social Change and Political Structuring and Actors Institutions and Internal Dynamics The contributions to this volume are variously concerned with three guiding questions What changes within federal systems how and why The focus provided by these three guiding questions allows for a dialogue between strands of the literature that have not talked to each other in a sufficient manner In this way the book makes a significant contribution to the growing literature on continuity and change in federal systems Ultimately it represents a substantive effort in advancing research on comparative federalism City, State Ran Hirschl,2020-06-12 More than half of the world s population lives in cities by 2050 it will be more than three quarters Projections suggest that megacities of 50 million or even 100 million inhabitants will emerge by the end of the century mostly in the Global South This shift marks a major and unprecedented transformation of the organization of society both spatially and geopolitically Our constitutional institutions and imagination however have failed to keep pace with this new reality Cities have remained virtually absent from constitutional law and constitutional thought not to mention from comparative constitutional studies more generally As the world is urbanizing at an extraordinary rate this book argues new thinking about constitutionalism and urbanization is desperately needed In six chapters the book considers the reasons for the constitutional blind spot concerning the metropolis probes the constitutional relationship between states and mega cities worldwide examines patterns of constitutional change and stalemate in city status and aims to carve a new place for the city in

constitutional thought constitutional law and constitutional practice **The Oxford Handbook of Political Institutions** R. A. W. Rhodes, Sarah A. Binder, Bert A. Rockman, 2008-06-12 This one volume distillation provides a comprehensive overview of the main branches of contemporary political science It will serve as the reference book for political scientists and those following their work for years to come **The Anglophone Cameroon Predicament** Mufor Atanga, 2011-08-25 This study explores the predicament of Anglophone Cameroon from the experiment in federation from 1961 to the political liberalisation struggles of the 1990s to challenge claims of a successful post independence Cameroonian integration process Focusing on the perceptions and actions of people in the Anglophone region Atanga argues that what has come to be called the Anglophone Problem constitutes one of the severest threats to the post colonial nation state project in Cameroon As a linguistic and cultural minority Anglophone Cameroonians realised that the Francophone led state and government were keener in assimilation than in implementing the federal and bilingual nation agreed upon at reunification in 1960 Calls for national integration became simply a subterfuge for the assimilation of Anglophones by Francophones who dominated the state and government The book details the various measures undertaken to exploit the Anglophone regions economy and marginalise its people Principally the economic structures meant to facilitate self reliant development were undermined and destroyed Institutionalised discrimination took the form of the exclusion of Anglophones from positions of real authority and depriving the region of any meaningful development With the advent of multi party politics most Anglophone Cameroonians increasingly have made vocal demands for a return to a federation in order to adequately guarantee their rights and recognition for them as a political and cultural minority Actively encouraged by France the Francophone led regime in Cameroon has refused to yield to such demands despite the grave danger of violent conflict and possible secession

Indigenous Rights Anthony J. Connolly, 2017-05-15 Throughout the world indigenous rights have become increasingly prominent and controversial The recent adoption by the United Nations General Assembly of the Declaration on the Rights of Indigenous Peoples is the latest in a series of significant developments in the recognition of such rights across a range of jurisdictions The papers in this collection address the most important philosophical and practical issues informing the discussion of indigenous rights over the past decade or so at both the international and national levels Its contributing authors comprise some of the most interesting and influential indigenous and non indigenous thinkers presently writing on the topic **EC Law and the Sovereignty of the Member States in Direct Taxation** Mathieu Isenbaert, 2010 In order to develop a suitable framework for the analysis of the European Court of Justice ECJ case law it is first analysed what significance if any the concept of sovereignty has in the contemporary supranational environment of the European Union All too often tax scholars equate sovereignty with the concepts of competence or jurisdiction It will be established in this thesis that a much more specific and higher level meaning is to be attributed to the sovereignty concept which goes beyond the strictly legal concepts of competence or jurisdiction The cornerstone of this thesis however is an extensive analysis of the

case law of the ECJ in direct tax matters including a comparison with its non tax case law A new kind of methodology is used in discussing the cases they are categorized according to whether a discrimination or a restriction based analysis was applied by the ECJ

Federalism and the Constitution of Canada David E. Smith, 2010-10-30 The Canadian system of federalism divides the power to govern between the central federal parliament and the provincial and territorial legislative assemblies In what can be seen as a double federation power is also divided culturally between English and French Canada The divisions of power and responsibility however have not remained static since 1867 The federal language regime 1969 for example reconfigured cultural federalism generating constitutional tension as governments sought to make institutions more representative of the country's diversity In *Federalism and the Constitution of Canada* award winning author David E Smith examines a series of royal commission and task force inquiries a succession of federal provincial conferences and the competing and controversial terms of the Constitution Act of 1982 in order to evaluate both the popular and governmental understanding of federalism In the process Smith uncovers the reasons constitutional agreement has historically proved difficult to reach and argues that Canadian federalism in practice has been more successful at accommodating foundational change than may be immediately apparent

From Dual to Cooperative Federalism Robert Schütze, 2013-01-31 What is the federal philosophy inspiring the structure of European law The federal principle stands for constitutional arrangements that find unity in diversity The two most influential manifestations of the federal principle emerged under the names of dual and cooperative federalism in the constitutional history of the United States of America Dual federalism is based on the idea that the federal government and the State governments are co equals and each is legislating in a separate sphere Cooperative federalism on the other hand stands for the thought that both governments legislate in the same sphere They are hierarchically arranged and complement each other in solving a social problem Can the European Union be understood in federal terms The book's general part introduces three constitutional traditions of the federal idea Following the American tradition the European Union is defined as a Federation of States as it stands on the middle ground between international and national law But what federal philosophy has the European Union followed The special part of the book investigates the structure of European law Three arguments are advanced to show the evolution of the European legal order from dual to cooperative federalism The first looks at the decline of constitutional exclusivity on the part of the Member States and the European Union For almost all objects of government the Union and its States operate in a universe of shared powers The second argument analyses the decline of legislative exclusivity European and national legislation increasingly complement each other to solve a social problem The third argument describes the constitutionalisation of cooperative federalism in the form of the principle of subsidiarity and the idea of complementary competences A final Chapter is dedicated to Europe's foreign affairs federalism It analyses whether the external sphere must be regarded as subject to different constitutional or federal principles The book concludes that cooperative federalism will benefit both levels of government the Union and the

Member States as the constitutional mechanism of uniform European standards complemented by diverse national standards best expresses the federal idea of unity in diversity

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