

**The law in political
integration;: The evolution
and integrative implications
of regional legal processes in
the European community,**

Scheingold, Stuart A

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The Law In Political Integration

**Eric A. Nordlinger, Hiroshi
Kitamura, Michael I. Handel, Peter
Christian Ludz, Stuart A. Scheingold**

The Law In Political Integration:

The Law in Political Integration Stuart A. Scheingold, 2014-04-20 The classic political and legal study of how the early years of formation of the European Union relied on consensus and legal processes but not an analogy to federalization as in U S Constitutional law to evolve integration and respect for higher authority than national law Rather he found the truer path to political integration through regional decision making and in a concept of law that is more flexible and openly political than constitutional scholars would concede The study remains an important glimpse of the processes and institutions of law and politics that lead to greater political unity Law and lawyers were involved in these early steps in European integration as shown by political activity and research more than by the customary analysis of doctrine Part of the Classics of Law Society Series of Quid Pro Books this book is recognized as a fundamental contribution to the developing conceptualization of the E U through law and politics It was originally published in the Occasional Papers Series of the Harvard University Center for International Affairs It is introduced and explained in its 2011 edition by E U expert J rg Fedtke a senior law professor at Tulane University More recent studies confirm this line of inquiry writes Fedtke and show just how topical the core ideas of THE LAW IN POLITICAL INTEGRATION remain today Quality digital edition includes linked notes and active Contents legible tables from the print edition and proper ebook formatting *On Law and Policy in the European Court of Justice* H. Rasmussen, 2024-02-26 [The Law in Political Integration](#) Eric A. Nordlinger, Hiroshi Kitamura, Michael I. Handel, Peter Christian Ludz, Stuart A. Scheingold, 1970 *The Law of Political Economy* Poul F. Kjaer, 2020-04-23 This book develops the law of political economy as a new field of scholarly enquiry Bringing together an exceptional group of scholars it provides a novel conceptual framework for studying the role of law and legal instruments in political economy contexts with a focus on historical transformations and central challenges in both European and global contexts Its chapters reconstruct how the law of political economy plays out in diverse but central fields ranging from competition and consumer protection law to labour and environmental law giving a comprehensive overview of the central challenges of the law of political economy It also provides a sophisticated and multifaceted framework for further enquires while outlining the contours of new law of political economy [Confronting Antisemitism in Modern Media, the Legal and Political Worlds](#) Armin Lange, Kerstin Mayerhofer, Dina Porat, Lawrence H. Schiffman, 2021-05-10 This volume documents the transformation of age old antisemitic stereotypes into a new form of discrimination often called New Antisemitism or Antisemitism 2 0 Manifestations of antisemitism in political legal media and other contexts are reflected on theoretically and contemporary developments are analyzed with a special focus on online hatred The volume points to the need for a globally coordinated approach on the political and legal levels as well as with regard to the modern media to effectively combat modern antisemitism **A Political, Legal and Economic Overview** Mauro Cappelletti, Monica Seccombe, Joseph H. Weiler, 2013-08-26 No detailed description available for A Political Legal and Economic Overview [Legal Evolution and Political Authority in Indonesia](#)

Daniel Lev, 2021-10-25 For nearly forty years following the collapse of Indonesia's parliamentary system Indonesia's once independent legal institutions were transformed into dedicated instruments of a powerful elite and allowed to sink into a deep mire of corruption and malfeasance. Legal process was devastated far beyond the capacity of any simple effort at reconstruction by post-Suharto governments. Indonesia's problems in this respect surpass those of other countries in the region compelled by economic crisis to re-examine institutional structures. The works reprinted in this collection constitute a case study over time of legal decay and the rise of reform interests in one of the most complex countries in the world. Written during a period of more than thirty years beginning in the early 1960s, the essays trace several themes in the legal history of modern Indonesia. They make clear however that legal history is seldom that alone but rather like law itself is largely derivative, fundamentally imbedded in the interest, ideas, purposes and contentions of local political, social and economic power.

The Law in Political Integration Hiroshi Kitamura, Michael I. Handel, Stuart A. Scheingold, 1971

The European Court's Political Power Karen Alter, 2010-06-17 Karen Alter's work on the European Court of Justice heralded a new level of sophistication in the political analysis of the controversial institution through its combination of legal understanding and active engagement with theoretical questions. The European Court's Political Power assembles the most important of Alter's articles written over a fourteen-year span, adding an original new introduction and a conclusion that takes an overview of the Court's development and current concerns. Together, the articles provide insight into the historical and political contours of the ECJ's influence on European politics, explaining how and why the impact of an institution can vary so greatly over time and across different issues. The book starts with the European Coal and Steel Community where the ECJ was largely unable to facilitate greater member-state respect for ECSC rules. Alter then shows how legal actors orchestrated an activist transformation of the European legal system with the critical aid of jurist advocacy movements and via the co-optation of national courts. The transformation of the European legal system wrested control from member states over the meaning of European law, but the ECJ continues to have varying influence across different issues. Alter explains that the differing influence of the ECJ comes from the varied extent to which sub- and supra-national actors turn to it to achieve political objectives. Looking beyond the European experience, the book includes four chapters that put the ECJ into a comparative perspective, examining the extent to which the ECJ experience is a unique harbinger of the future role international courts may play in international and comparative politics.

European Ways of Law Volkmar Gessner, David Nelken, 2007-10-30 Can there be such a thing as a European sociology of law? The uncertainties which arise when attempting to answer that straightforward question are the subject of this book, which also overlaps into comparative law, legal history and legal philosophy. The richness of approaches reflected in the essays, including comparisons with the US, makes this volume a courageous attempt to show the present state of socio-legal studies in Europe and map directions for its future development. Certainly, we already know something about the existence of differences in the use and meaning of law within and between

the nation states and groups that make up the European Union They concern the role of judges and lawyers the use of courts patterns of delay contrasts in penal sensibilities or the meanings of underlying legal and social concepts Still similarities in legal culture are at least as remarkable in societies at roughly similar levels of political and economic development The volume should serve as a needed stimulus to a research agenda aimed at uncovering commonalities and divergences in European ways of approaching the law

The Law and Practice of Extradition Harmen van der Wilt, 2022-06-13 The Law and Practice of Extradition provides an in depth overview of extradition law and practice providing students with an understanding of how key elements have been shaped by the state the fugitive and the international community The process of globalisation has offered huge opportunities for organised crime both in terms of expansion of operations and the possibility to evade justice confronting states with considerable challenges The Law and Practice of Extradition addresses all key topics in this fast evolving area including extradition and international crimes terrorism and human rights This textbook is particularly suitable for master s and post doctoral students with a basic background knowledge of international law criminal law and international relations and will interest legal practitioners who seek a better understanding of extradition

A Critical Introduction to European Law Ian Ward, 2003-04 This book discusses the history and institutional framework of the EU without becoming mired in the minutiae of black letter law It provides an accessible introduction for students to current critical academic commentary on European law

The Transition to Sustainability Timothy O'Riordan, 2013-11-05 The Transition to Sustainability details how all nations are repositioning their economies their societies and their collective purpose to maintain all life on Earth peacefully healthily equitably and with sufficient wealth to ensure that all are content in their survival From the Preface The governments of Europe are committed in principle to the implementation of sustainable development policies What will this mean in practice Most importantly how compatible is such implementation with other commitments to economic growth and competitive markets Can it be achieved and what are the implications for all other policy areas This book looks at the implications for government business taxation planning measures of change and local communities within the European Union Country case studies include Germany Norway Greece Portugal and the UK The Editors conclude by giving an overview of progress so far and offer pointers for the future Policy makers researchers and students across the range of social sciences will find this a valuable and groundbreaking book

The Global Community Yearbook of International Law and Jurisprudence 2018 Giuliana Ziccardi Capaldo, 2019-08-16 The Global Community Yearbook is a one stop resource for all researchers studying international law generally or international tribunals specifically The Yearbook has established itself as an authoritative source of reference on global legal issues and international jurisprudence It includes analysis of the most significant global trends in a way that allows readers to monitor the development of the global legal order from several perspectives The Global Community Yearbook publishes annually in a volume of carefully chosen primary source material and corresponding expert commentary The general editor Professor

Giuliana Ziccardi Capaldo employs her vast expertise in international law to select excerpts from important court opinions and to choose experts from around the world to contribute essay guides which illuminate those cases. Although the main focus is recent case law from the major international tribunals and regional courts, the first four parts of each year's edition features expert articles by renowned scholars who address broader themes in current and future developments in international law and global policy themes that appear throughout the case law of the many courts covered by the series as a whole. The Global Community Yearbook has thus become not just an indispensable window to recent jurisprudence; the series now also serves to prepare researchers for the issues facing emerging global law. The 2018 edition both updates readers on the important work of long-standing international tribunals and introduces readers to more novel topics in international law. The Yearbook continues to provide expert coverage of the Court of Justice of the European Union and diverse tribunals from the International Court of Justice (ICJ) to criminal tribunals such as the International Criminal Court (ICC) and the Tribunals for the Former Yugoslavia and Rwanda to economically based tribunals such as ICSID and the WTO Dispute Resolution panel. This edition contains original research articles on the development and analysis of the concept of global law and the views of the global law theorists such as whether the Paris Declaration of 2017 and the Oslo Recommendation of 2018 deals with enhancing their institutions' legitimacy, how to reconcile human rights, trade law, intellectual property, investment and health law with the WTO dispute settlement panel upholding Australia's tobacco plain packaging measure, Israel's acceptance of Palestinian statehood contingent upon prior Palestinian demilitarization is potentially contrary to pertinent international law, and a proposal to strengthen cooperation between the ECJ and National Courts in light of the failure of the dialogue between the ECJ and the Italian Constitutional Court on the interpretation of Article 325 of the Treaty on the Functioning of the European Union. The Yearbook provides students, scholars, and practitioners alike a valuable combination of expert discussion and direct quotes from the court opinions to which that discussion relates, as well as an annual overview of the process of cross-fertilization between international courts and tribunals. The Yearbook provides students, scholars, and practitioners alike a valuable combination of expert discussion and direct quotes from the court opinions to which that discussion relates, as well as an annual overview of the process of cross-fertilization between international courts and tribunals and a section focusing on the thought of leading international law scholars on the subject of the globalization. This publication can also be purchased on a standing order basis.

The Transformation of Citizenship, Volume 2 Jürgen Mackert, Bryan S. Turner, 2017-03-16. This volume *Boundaries of Inclusion and Exclusion* examines the many different and newly emerging ways in which citizenship refers to spatial, symbolic, and social boundaries. Today, in the context of citizenship, we face processes of inclusion and exclusion on national and supranational level but no less on the level of groups and individuals. The book addresses these different levels and discusses processes of inclusion and exclusion with regard to spatial, social, and symbolic boundaries, referring to such different problems as political participation, migration, or identity with regard to religion or the EU. This

book will appeal to academics working in the field of political theory political sociology and European studies *The Anthem Companion to Niklas Luhmann* Ralf Rogowski, 2023-02-07 The Companion contains twelve chapters written by proven experts on Luhmann's social systems theory Among the contributions are overviews of the development of Luhmann's thinking introductions to key areas of Luhmann's theory of society and critical assessments of core concepts of his social systems theory approach The chapters cover the main societal function systems of law politics the economy science religion and art Among the chapters are assessments of Luhmann's impact on debates on constitutionalism cultural studies and critical systems theory There are finally reflections of scholars on the way and importance of Luhmann's thoughts for their thinking and how Luhmann's theory has shaped their work *The Legal Reasoning of the Court of Justice of the EU* Gunnar Beck, 2013-01-21 The Court of Justice of the European Union has often been characterised both as a motor of integration and a judicial law maker To what extent is this a fair description of the Court's jurisprudence over more than half a century The book is divided into two parts Part one develops a new heuristic theory of legal reasoning which argues that legal uncertainty is a pervasive and inescapable feature of primary legal material and judicial reasoning alike which has its origin in a combination of linguistic vagueness value pluralism and rule instability associated with precedent Part two examines the jurisprudence of the Court of Justice of the EU against this theoretical framework The author demonstrates that the ECJ's interpretative reasoning is best understood in terms of a tripartite approach whereby the Court justifies its decisions in terms of the cumulative weight of purposive systemic and literal arguments That approach is more in line with orthodox legal reasoning in other legal systems than is commonly acknowledged and differs from the approach of other higher especially constitutional courts more in degree than in kind It nevertheless leaves the Court considerable discretion in determining the relative weight and ranking of the various interpretative criteria from one case to another The Court's exercise of its discretion is best understood in terms of the constraints imposed by the accepted justificatory discourse and certain extra legal steadying factors of legal reasoning which include a range of political factors such as sensitivity to Member States interests political fashion and deference to the EU legislator In conclusion the Court of Justice of the EU has used the flexibility inherent in its interpretative approach and the choice it usually enjoys in determining the relative weight and order of the interpretative criteria at its disposal to resolve legal uncertainty in the EU primary legal materials in a broadly communautaire fashion subject however to i regard to the political constitutional and budgetary sensitivities of Member States ii depending on the constraints and extent of interpretative manoeuvre afforded by the degree of linguistic vagueness of the provisions in question the relative status of and degree of potential conflict between the applicable norms and the range and clarity of the interpretative topoi available to resolve first order legal uncertainty and finally iii bearing in mind the largely unpredictable personal element in all adjudication Only in exceptional cases which the Court perceives to go to the heart of the integration process and threaten its *acquis communautaire* is the Court of Justice likely not to feel constrained by

either the wording of the norms in issue or by the ordinary conventions of interpretative argumentation and to adopt a strongly communautaire position if need be in disregard of what the written laws says but subject to the proviso that the Court is assured of the express or tacit approval or acquiescence of national governments and courts The State of the European Union, 6 Tanja A. Börzel, Rachel A. Cichowski, 2003-09-04 The contributors to this volume take the dynamic interaction between law politics and society as a starting point to think critically about recent developments and future innovations in European integration and EU studies

Encyclopedia of Political Theory Mark Bevir, 2010-03-18 How do we arrange our collective affairs Why do we live together in the ways we do How ought we to live together All humans think about the world they live in its history and future and the ideals by which they want to live in relation to others How we think today decisively influences the world of tomorrow This encyclopedia attempts to bring greater clarity and understanding to political debate Drawing together a team of international scholars the Encyclopedia of Political Theory examines the ideas of the major political theorists from before Plato to our own times the main schools of political thought the concepts and issues that have captured the imagination and attention of political theorists and some of the main institutions and practices inspired by political thought With more than 450 entries these three volumes provide a quick one stop source to key topics in the field Key Features Examines the global landscape of all the key theories and the theorists behind them Includes specific lists of entries that deal with constitutional thought and democratic thought Refers to distinctive norms and features of various governments legal systems and societies Devotes large parts to the history of ideas about government ethics and society Provides a chronology of political theory to help readers see how a given theorist school or issue fits into the bigger historical picture Key Themes Ancient Thought Applied Ethics Biographies Comparative Theory Constitutional Thought Critical Theory Democratic Thought Early Modern Thought International Theory Justice Liberal Theory Medieval Thought Modern Theory Power and Authority Religious Thought Self and Community This work is designed to serve as a reference source for anyone interested in the roots of contemporary political theory It will be a welcome addition to any academic or public library

Why Neo-Militant Democracies Endure Joanna Rak, 2024-03-05 This book examines how contemporary militant democracies persist in the face of authoritarian abuses occurring during times of crisis Focusing on founding members of the European Union it explores how these democracies implemented anti democratic measures without compromising their political rights and civil liberty ratings By expanding the conceptual framework and theory of neo and quasi militant democracies through case studies and comparative analysis the volume offers new insights into factors contributing to democratic endurance Respective authors shift scholarly attention toward the epistemic construction of anti democratic restrictions arguing that epistemic fairness in defining anti democratic threats plays a crucial role in preventing the erosion of democracy and in doing so enriches our understanding of legal definitions of enemies of democracy and their impact on the stability of political regimes Investigating restrictions that target old and contemporary threats enhances our

understanding of how Inner Six democracies survive under attack from populists seeking to expand their ruling competencies after the 2008 economic crisis the 2015 European refugee crisis the COVID 19 pandemic and the Russo Ukrainian War This book is of key interest to scholars and students of European and Comparative Politics Democratic Resilience and Backsliding Legitimacy Democracy and Dictatorship Public Comparative Constitutional Law Human Rights Law Philosophy of Law and Political Philosophy and Theory

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