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Lidija R. Basta Fleiner

Constitutional Democracy in a Multicultural and Globalised World

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Raffaela Di Napoli



Constitutional Democracy In A Multicultural And Globalised World:

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Constitutional Democracy in a Multicultural and Globalised World Thomas Fleiner, Lidija Basta Fleiner, 2009-01-31 After World War II states transformed into collective fortresses in order to protect competing ideological systems The debate on post modern statehood heavily built on ideological disputes between liberalism and communism over the nature of the economic and social system and the state and government that could sustain such a system What is an ideologically acceptable state concept which tasks and functions should the state fulfil and how to legitimate not only democratic but also authoritarian and even totalitarian regimes These questions were at the very centre of state theory However after the fall of communism in Europe and the former Soviet Union the discourse of state and government scholarship radically changed The need for a profound shift in the state paradigm was emerging The time after 1989 seemed to proclaim that the nation state had lost its raison d'être as an island of undisputed and unlimited sovereignty A globalised world order broke open the fortress state that developed within the tradition of European constitutionalism Given the simultaneous structural changes to the nation state's foundations socio economic and political reforms going hand in hand with new constitutional designs the state in transition started paving the way towards a new state paradigm and not only with regard to the states in the process of democratic transformation from socialist into liberal constitutional democracies

Routledge Handbook of Constitutional Law Mark Tushnet, Thomas Fleiner, Cheryl Saunders, 2013-06-26 The Routledge Handbook of Constitutional Law is an advanced level reference work which surveys the current state of constitutional law Featuring new specially commissioned papers by a range of leading scholars from around the world it offers a comprehensive overview of the field as well as identifying

promising avenues for future research The book presents the key issues in constitutional law thematically allowing for a truly comparative approach to the subject It also pays particular attention to constitutional design identifying and evaluating various solutions to the challenges involved in constitutional architecture The book is split into four parts for ease of reference Part One General issues sets issues of constitutional law firmly in context including topics such as the making of constitutions the impact of religion and culture on constitutions and the relationship between international law and domestic constitutions Part Two Structures presents different approaches in regard to institutions or state organization and structural concepts such as emergency powers and electoral systems Part Three Rights covers the key rights often enshrined in constitutions Part Four New Challenges explores issues of importance such as migration and refugees sovereignty under pressure from globalization Supranational Organizations and their role in creating post conflict constitutions and new technological challenges Providing up to date and authoritative articles covering all the key aspects of constitutional law this reference work is essential reading for advanced students scholars and practitioners in the field Democracy, Federalism, the European Revolution, and Global Governance Andrea Bosco, 2020-06-10 The European Union is facing today the greatest crisis since its creation Brexit could mean not only the reversal of its steady enlargement from 6 to 28 member states but also the beginning of an inexorable decline leading to its disintegration However few today seem to recollect that it was precisely the British who were the first to promulgate the political culture which inspired the European Union's construction democracy and federalism and the first who tried to realise in June 1940 a European federation on the basis of an Anglo French union This volume traces the fundamental stages of the European unification process placing it in relation to the wider process of world economic and political integration In particular it analyses the historical significance of the European Revolution which is identified in the overcoming of the nation state namely the modern political formula which institutionalised the political division of mankind and the birth of the first truly international state The universal historical significance of the European Revolution lies in its exportability as for the other great European revolutions and therefore its potential as progressively extensible to all the states of the planet Europe was indeed the first region of the world where the barriers between national states fell and a post national political identity emerged complementary to national political identities It is in fact in the context of the European Union that democracy beyond the borders of the nation state has first been realized constituting a guiding principle for global governance **A Global Environmental Right** Stephen Turner, 2013-09-11 The development of an international substantive environmental right on a global level has long been a contested issue To a limited extent environmental rights have developed in a fragmented way through different legal regimes This book examines the potential for the development of a global environmental right that would create legal duties for all types of decision makers and provide the bedrock for a new system of international environmental governance Taking a problem solving approach the book seeks to demonstrate how straightforward and logical changes to the existing global legal

architecture would address some of the fundamental root causes of environmental degradation. It puts forward a draft global environmental right that would integrate duties for both state and non state actors within reformed systems of environmental governance and a rational framework for business and industry to adhere to in order that those systems could be made operational. It also examines the failures of the existing international climate change regime and explains how the draft global environmental right could remedy existing deficits. This innovative and interdisciplinary book will be of great interest to policy makers, students and researchers in international environmental law, climate change, environmental politics and global environmental governance as well as those studying the WTO, international trade law, human rights law, constitutional law and corporate law.

Constitutionalism, Democracy and Religious Freedom Hans-Martien ten Napel, 2017-05-18. In both Europe and North America it can be argued that the associational and institutional dimensions of the right to freedom of religion or belief are increasingly coming under pressure. This book demonstrates why a more classical understanding of the idea of a liberal democracy can allow for greater respect for the right to freedom of religion or belief. The book examines the major direction in which liberal democracy has developed over the last fifty years and contends that this is not the most legitimate type of liberal democracy for religiously divided societies. Drawing on theoretical developments in the field of transnational constitutionalism, Hans Martien ten Napel argues that redirecting the concept and practice of liberal democracy toward the more classical notion of limited constitutional government with a considerable degree of autonomy for civil society organizations would allow greater religious pluralism. The book shows how in a postsecular and multicultural context, modern sources of constitutionalism and democracy supplemented by premodern transcendental legitimation continue to provide the best means of legitimating Western constitutional and political orders.

The Ashgate Research Companion to Secession Peter Radan, 2016-03-23. Secession is a detachment of a territory from an existing state with the aim of creating a new state on the detached territory. Secession is usually an outcome of the political mobilization of a population on the territory to be detached and as a political phenomenon is a subject of study in the social sciences. Its impact on inter state relations is a subject of study in international relations. But secession is also subject to regulation both in the constitutional law of sovereign states and in international law. Following a spate of secessions in the early 1990s, legal scholars have proposed a variety of ways to regulate the international responses to attempts at secessions. Moreover, since the 1980s, normative justification of secession has been subject to an intense debate among political theorists and moral philosophers. This research companion has the following three complementary aims: First, to offer an overview of the current theoretical approaches to secession in the social sciences, international relations, legal theory, political theory and applied ethics. Second, to outline the current practice of international recognition of secession and current domestic and international laws which regulate secession. Third, to offer an account of major secessionist movements past and present from a comparative perspective. In their accounts of past secessions and current secessionist movements, the contributors to this

volume focus on the following four components the nature and source of secessionist grievances the ideologies and techniques of secessionist mobilization the responses of the host state or majority parties in the host state and the international response to attempts at secession This provides a basis for identification of at least some common patterns in the otherwise highly varied processes of secession *Democracies and the Shock of War* Marc Cogen,2016-05-13 Over the course of the twentieth century democracies demonstrated an uncanny ability to win wars when their survival was at stake As this book makes clear this success cannot be explained merely by superior military equipment or a particular geographical advantage Instead it is argued that the legal frameworks imbedded in democratic societies offered them a fundamental advantage over their more politically restricted rivals For democracies fight wars aided by codes of behaviour shaped by their laws customs and treaties that reflect the wider values of their society This means that voters and the public can influence the decision to wage and sustain war Thus a precarious balance between government parliament and military leadership is the backbone of any democracy at war and the key to success or failure Beginning with the sixteenth and seventeenth century writings of Alberico Gentili and Hugo Grotius this book traces the rise of legal concepts of war between states It argues that the ideas and theories set out by the likes of Gentili and Grotius were to provide the bedrock of western democratic thinking in wartime The book then moves on to look in detail at the two World Wars of the twentieth century and how legal thinking adapted itself to the realities of industrial and total war In particular it focuses upon the impact of differing political ideologies on the conduct of war and how combatant nations were frequently forced to challenge core beliefs and values in order to win Through a combination of history and legal philosophy this book contributes to a better understanding of democratic government when it is most severely tested at war The ideas and concepts addressed will resonate both with those studying the past and current events **Autonomy of a State in a Federation** Waseem Ahmad Sofi,2021-06-17 The book discusses the issue of autonomy in India s federal system and its precision and focused nature It inquires into the various aspects of the problem autonomy of the states and its emerging trends with special reference of Jammu and Kashmir State autonomy The book addresses many controversial unanswered question like Should India adopt and opt for dual or competitive model of federalism which has long since been discarded even in the land of its origin or should we evolve robust indigenous solutions to our problem of autonomy of States To change the metaphor do we choose a regression model or a development model of our federal polity All these discussions which deserve sustained citizen interest and national debate have been answered in the present book *The Concept of Group Rights in International Law* Corsin Bisaz,2012-08-28 Through a collective biography of four scholars Erich Kaufmann Hans Kelsen Hersch Lauterpacht and Hans J Morgenthau this book investigates how Jewish identity and intellectual ties to Judaic civilization in the German speaking and legal context influenced international law By using biblical constitutive metaphors it argues that Jewish German lawyers inherited inter alia a particular Jewish legal approach that framed their understanding of the law as a means to reach God

The overarching argument is that because of their Jewish heritage Jewish scholars inherited the endorsement of earthly particularism for the sake of universalism and the other way around for the sake of universalism humanity's differences need to be solved through the law

Research Handbook on the Politics of Constitutional Law Mark Tushnet, Dmitry Kochenov, 2023-11-03 This Research Handbook deals with the politics of constitutional law around the world using both comparative and political analysis delivering global treatment of the politics of constitutional law across issues regions and legal systems Offering an innovative critical approach to an array of key concepts and topics this book will be a key resource for legal scholars and political science scholars Students with interests in law and politics constitutions legal theory and public policy will also find this a beneficial companion

Constitutional Law and Politics of Secession Antoni Abat i Ninet, 2023-07-31 This collection presents an analysis of the concept of secession and its constitutional accommodation alongside an assessment of the effects of secession in constitutional and international law The work proposes a new approach and insights into the existing literature that fill a gap from multidisciplinary and transdisciplinary perspectives The book approaches the topics of secession constitutionalism and their relationship from both theoretical and empirical perspectives including the analysis of particular secessionist examples such as Catalonia the Basque Country Tigray the Palestinian minority in Israel Bosnia and Herzegovina and the Mapuche Nation from a comparative constitutional perspective Elucidating these issues from different methodological and conceptual perspectives produces novelties in the scientific and constitutional debate The interplay between constitutions constitutional law and secession is indeed explored from philosophical socio legal but also from strict constitutional law outlooks Written by constitutional and public international law experts the book will be of interest to students academics and researchers working in the areas of constitutional law legal theory theory of the state philosophy of law and political science

Values in Global Administrative Law Gordon Anthony, Jean-Bernard Auby, John Morison, Tom Zwart, 2011-02-14 Global Administrative Law has recently emerged as one of the most important contemporary fields in public law scholarship Concerned with developing fuller understandings of patterns in global governance it represents one of the most insightful ways of viewing the multifarious forms of public power that now exist beyond the State The present collection brings together some of the leading scholars working in the field of global administrative law to address past and future challenges related to global governance Each of the contributions picks up on the more general theme of the values that do or should inform global administrative law and the book in this way provides a novel and thought provoking commentary on this most engaging area of debate Values in Global Administrative Law will be of interest to public lawyers social and political scientists and scholars of international relations It will also be an invaluable resource for undergraduate and postgraduate courses that touch partly or exclusively on the challenges of global governance

Federalism as Decision-Making Francesco Palermo, Elisabeth Alber, 2015-02-24 Accounting for participation separation of powers and democratic accountability federalism gains momentum in times when traditional

democratic legitimacy of institutional decision making is challenged Its ability to include multiple interests makes federalism a means to ensure good governance Based on a multidisciplinary analysis the book tackles the question of whether federalism as a pragmatic governance tool provides answers to current challenges and what those answers are Thirty three leading experts critically examine to what extent federalism serves this purpose in compound states looking at different countries and policies The volume revolves around five sub themes federalism democracy and governance participation mechanisms and procedures policy areas compared institutional innovation and participatory democracy and federalism from theory to governance

Diversity and Unity in Federal Countries Luis Moreno,César Colino,2010-07-01 In Diversity and Unity in Federal Countries leading scholars and practitioners analyse the current political socio economic spatial and cultural diversity in the countries under consideration before delving into the role that social historical and political factors have had in shaping the balance of diversity and unity The authors assess the value placed on diversity by examining whether present institutional arrangements and public policies restrict or enhance diversity and address the future challenges of balancing diversity and unity in an increasingly populated and mobile world

Rethinking Warfare in the 21st Century Iulian Chifu,Greg Simons,2023-07-13 This book seeks to critically review and evaluate the changes and consistencies in how warfare is interpreted and represented by academics mass media outlets and political actors in the 21st century The authors suggest that it is essential to understand the evolution and transformation of contemporary warfare s conceptualisation and practice in order to make sense of the current global geopolitical transformations that are in process from a unipolar to multipolar global order They therefore examine the various key actors in international relations from conceptual theoretical and empirical perspectives through thematic chapters that demonstrate the increasingly central role played by intangible factors in the representation and management of contemporary armed conflict The book stresses the need to reflect and rethink the potentially highly problematic trajectory of the global community within the framework of 21st century warfare s political and informational influence and effects

Collective Rights Miodrag A. Jovanović,2012-01-12 A legal theoretical account of collective rights grounded in the normative moral view of value collectivism

Anxieties of Migration and Integration in Turbulent Times Mari-Liis Jakobson,Russell King,Laura Moroşanu,Raivo Vetik,2023-02-13 How do migration and integration change when crisis becomes normalcy This open access book investigates this question in the present context of turbulent times when instead of dealing with one crisis migrants governments and whole societies have to cope within a complex web of multiple unsettling events that create anxieties about migration Emphasising a plurality of theoretical perspectives and methodological approaches as well as a variety of geographical settings in Europe and beyond the chapters bring new insights into migrations produced by global political events national political shifts economic downturns and the Covid 19 pandemic Special attention is given to both migrants experiences and policy outcomes The result is an impressive rethinking of the concepts and terminology applied to migration and integration of interest to students

social scientists and policy makers *Democracy, Education, and Multiculturalism* Carlos Alberto Torres, 1998-10-29 This important book looks at developments that are changing our understanding of the role of education in citizenship and the possibilities of democratic participation The first chapter reviews theories of citizenship and education based on the classical contributions to political theory of C B MacPherson and T H Marshall The second chapter challenges educators to think more politically about education It is based on a seminal analysis that shows the role education plays in the liberal neoliberal and neoconservative state incorporating critical perspectives from neo Marxism postmodernism and feminism In chapter three Professor Torres analyzes the transition from the welfare state to the neoliberal state including the role of international organizations in promoting educational reform and privatization policies In the concluding chapter Torres draws on Hobbes Locke Jefferson Kant Hegel Marx and other writers such as C Mouffe and C Pateman to outline contemporary approaches to multiculturalism in education and citizenship *The Principle of Equality in Diverse States* Eva Maria Belser, Thea Bächler, Sandra Egli, Lawrence Zünd, 2021-05-25 This book examines different approaches by which states characterised by federal or decentralized arrangements reconcile equality and autonomy In case studies from four continents leading experts analyse the challenges of ensuring institutional social and economic equality whilst respecting the competences of regions and the rights of groups

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Constitutional Democracy In A Multicultural And Globalised World Introduction

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