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The National Courts' Mandate in the European Constitution Monica Claes,2006-03-31 The reform of the European Constitution continues to dominate news headlines and has provoked a massive debate unprecedented in the history of EU law Against this backdrop Monica Claes book offers a bottom up view of how the Constitution might work taking the viewpoint of the national courts as her starting point and at the same time returning to fundamental principles in order to interrogate the myths of Community law Adopting a broad comparative approach she analyses the basic doctrines of Community law from both national constitutional perspectives as well as the more usual European perspective It is only by combining the perspectives of the EU and national constitutions she argues that a complete picture can be obtained and a solid theoretical base constitutional pluralism developed Her comparative analysis encompasses the law in France Belgium Denmark the Netherlands Germany Ireland Italy and the United Kingdom and in the course of her inquiry discusses a wide variety of prominent problems The book is structured around three main themes coinciding with three periods in the development of the judicial dialogue between the ECJ and the national courts The first focuses on the ordinary non constitutional national courts and how they have successfully adapted to the mandates developed by the ECJ in Simmenthal and Francovich The second examines the constitutional and other review courts and discusses the gradual transformation of the ECJ into a constitutional court and its relationship to the national constitutional courts The contrast is marked these courts are not specifically empowered by the case law of the ECJ and have reacted quite differently to the message from Luxembourg leaving them apparently on collision course with the ECJ in the areas of judicial Kompetenz Kompetenz and fundamental rights The third theme reprises the first two and places them in the context of the current debate on the Constitution for Europe and the Convention taking the perspective of the national courts as the starting point for a wide ranging examination of EU s constitutional fundamentals In so doing it argues that the new Constitution must accommodate

the national perspective if it is to prove effective Constitución de 1931: estudios jurídicos sobre el momento republicano español Gordillo Pérez, Luis I., Martín, Sebastián, Vázquez Alonso, Víctor J., 2017-04-11 La Segunda República fueron sus reformas y tales reformas se canalizaron a través del Derecho como desarrollo y plasmación de principios constitucionales novedosos Historiarla de forma cabal requiere por tanto la contribución activa de la perspectiva jurídica para dar cuenta de los diferentes aspectos del Estado fundado en la Constitución de 1931 Tal es el objetivo de los estudios recogidos en el presente volumen Se trata de inscribir el constitucionalismo republicano en su tradición genuina la del radicalismo burgués de procedencia francesa Se ilustra la posición que intelectuales y juristas adoptaron ante su advenimiento e implantación Se examinan los diferentes mecanismos democráticos que puso en planta los regímenes electorales que presidieron los comicios celebrados durante su decurso y el estatuto y actividad del Tribunal de Garantías Interesan los principios que habrán de regir la política exterior la dimensión jurídica cultural del Estado integral y las diferentes tomas de posición de los partidos progresistas frente a la cuestión territorial Se aborda también la problemática de la protección extraordinaria del Estado sea a través de las leyes de excepción o mediante el estudio de las reformas militares En el análisis entran asimismo asuntos tradicionalmente jurídico privados que la República trató de constitucionalizar La regulación de la familia el estatuto de la propiedad los derechos del trabajo la subjetividad política de la mujer o la propia posición de las iglesias en la sociedad civil son temas centrales para esta investigación colectiva que desea renovar los estudios jurídicos sobre nuestro momento republicano Collected courses of the Hague Academy of International Law Hague Academy of International Law, 1992

Select Proceedings of the European Society of International Law, Volume 3, 2010 James Crawford, Sarah Nouwen, 2012-01-09 This book continues the series Select Proceedings of the European Society of International Law containing the proceedings of the Fourth Biennial Conference organised by ESIL and the University of Cambridge in 2010 The title of the conference was International Law 1989 2010 A Performance Appraisal The highlights selected for publication in this volume cover a wide spectrum of topics in international law **Recueil Des Cours, Collected Courses, 1926**

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