

An Ever More Powerful Court?

The Political Constraints of Legal Integration in the European Union

Dorte Sindbjerg Martinsen

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AW Rasmussen



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An Ever More Powerful Court? Dorte Sindbjerg Martinsen, 2015-10-01 The Court of Justice of the European Union CJEU has become famed and often shamed for its political power In scholarly literature this supranational court has been regarded as a master of integration for its capacity to strengthen integration sometimes against the will of member states In the public debate the CJEU has been severely criticized for extending EU competences at the expense of the member states In *An Ever More Powerful Court The Political Constraints of Legal Integration in the European Union* Dorte Sindbjerg Martinsen challenges these views with her careful examination of how judicial legislative interactions determine the scope and limits of European integration in the daily EU decision making process Methodologically the book takes a step forward in the examination of judicial influence suggesting a law attainment approach as a novel method combined with a large set of interviews with the current decision makers of social Europe Through a study of social policy developments from 1957 to 2014 as well as a critical analysis of three case studies EU regulation of working time patients rights in cross border healthcare and EU posting of worker regulations Martinsen reveals the dynamics behind legal and political integration and the CJEU s ability to foster political change for a European Union social policy **Good Judgment** Urška Šadl, 2024-08-22 Courts are context conscious They solve legal disputes with societal impact in mind using interpretive tools and procedural means This book develops concepts and methods for a systematic and legally informative analysis of this complex process The evidence delivered prompts a conversation about the authority courts have to change the law The analysis focuses on the European Court of Justice and its free movement case law The framework and theory however are relevant to courts and case law everywhere This is a compelling and intriguing examination of the ECJ and its shaping of a key tenet of EU law

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 **Regulating Migrant Integration in Europe** Dáire McCormack-George,2025-07-09 Migrants coming to and moving within Europe typically experience inadequate recognition of their professional qualifications and wrongful discrimination This book describes and critically assesses international European and EU laws and policies governing migrant integration in Europe with a particular focus on those concerning the recognition of migrants skills It argues that at least certain parts of EU law require clarification restatement and even reform The book formulates practical proposals to improve the governance of migrant integration in Europe making it more coherent effective and fair **Fidelity & Constraint** Lawrence Lessig,2019-04-03 In Fidelity framing values according to whatever the current interpretive context is **A European Social Union after the Crisis** Frank Vandembroucke,Catherine Barnard,Geert De Baere,2017-08-24 The first book to examine the social and economic arguments for and the legal feasibility of a European Social Union **EU Values Before the Court of Justice** Luke Dimitrios Spieker,2023-06-18 The European Union s values enshrined in Article 2 TEU have come under severe pressure in several Member States In response the Court of Justice has set a spectacular development in motion With its ruling in *Associação Sindical dos Juizes Portugueses* it activated the Union s common values and positioned Article 2 TEU at the very heart of its jurisprudence Turning Article 2 TEU into an operational judicially applicable provision the Court has begun to assess the Member States constitutional structures against these yardsticks Since then the jurisprudence has evolved with remarkable speed **EU Values Before the Court of Justice** provides a first comprehensive study of the judicial mobilisation of Article 2 TEU It starts by developing the foundations of this emerging jurisprudence in empirical doctrinal and theoretical terms In this book Spieker seeks to advance a new understanding of Article 2 He argues that the provision should be understood as having a dual character that resonates between two dimensions namely an EU dimension limited to the EU legal order and a *Verbund* dimension that extends to the common whole of the Union and its Member States Article 2 plays different roles in these two spheres as thick constitutional core of the EU legal order and as thin constitutional frame for the *Verbund* This dual character should guide the provision s future judicial development The book sets out to explore the multifaceted potential of Article 2 TEU in each of these two dimensions As such it goes far beyond the current focus on illiberal developments in Member States and strives to broaden our horizon for the judicial mobilisation of EU values The book closes by assessing the risks of placing an activated Article 2 into the hands of Luxembourg judges and proposes ways to recalibrate the jurisprudence **"Dividing the Realm in Order to Govern"** Ruth Mostern,2020-10-26 States are inherently and fundamentally geographical Sovereignty is based on control of territory This book uses Song China to explain how a pre industrial regime organized itself spatially in order to exercise authority On more than a thousand occasions the Song court founded abolished promoted demoted and reordered jurisdictions in an attempt to maximize the effectiveness of limited

resources in a climate of shifting priorities to placate competing constituencies and to address military and economic crises Spatial transformations in the Song field administration changed the geography of commerce taxation revenue accumulation warfare foreign relations and social organization and even determined the terms of debates about imperial power The chronology of tenth century imperial consolidation eleventh century political reform and twelfth century localism traced in this book is a familiar one But by detailing the relationship between the court and local administration this book complicates the received paradigm of Song centralization and decentralization Song frontier policies formed a coherent imperial approach to administering peripheral regions with inaccessible resources and limited infrastructure And the well known events of the Song wars and reforms were often responses to long term spatial and demographic change

Power and Constraint: The Accountable Presidency After 9/11 Jack Goldsmith,2012-03-12 The surprising truth behind Barack Obama s decision to continue many of his predecessor s counterterrorism policies Conventional wisdom holds that 9 11 sounded the death knell for presidential accountability In fact the opposite is true The novel powers that our post 9 11 commanders in chief assumed endless detentions military commissions state secrets broad surveillance and more are the culmination of a two century expansion of presidential authority But these new powers have been met with thousands of barely visible legal and political constraints enforced by congressional committees government lawyers courts and the media that have transformed our unprecedentedly powerful presidency into one that is also unprecedentedly accountable These constraints are the key to understanding why Obama continued the Bush counterterrorism program and in this light the events of the last decade should be seen as a victory not a failure of American constitutional government We have actually preserved the framers original idea of a balanced constitution despite the vast increase in presidential power made necessary by this age of permanent emergency

Constitutional Law for a Changing America Lee Epstein, Kevin T. McGuire, Thomas G. Walker,2023-10-10 Excellent balance of case excerpts and author explanation highly appropriate for undergraduate students Dr Wendy Brame Briar Cliff University Political factors influence judicial decisions Arguments and input from lawyers and interest groups the ebb and flow of public opinion and especially the ideological and behavioral inclinations of the justices all combine to shape the development of constitutional doctrine Drawing from political science as much as from legal studies *Constitutional Law for a Changing America A Short Course* helps students realize that Supreme Court cases are more than just legal names and citations With meticulous revising the authors streamline material while accounting for recent landmark cases and new scholarship Ideal for a one semester course the Ninth Edition of *A Short Course* offers all the hallmarks of the Rights and Powers volumes also included in the *Constitutional Law for a Changing America* series in a more condensed format Included with this title LMS Cartridge Import this title s instructor resources into your school s learning management system LMS and save time Don t use an LMS You can still access all of the same online resources for this title via the password protected Instructor Resource Site

Administrative Law Steven J. Cann,2005-08-11 In this new edition

author Steven J Cann once again enlivens the topic of United States administrative law through the use of recent and classic legal cases to make it accessible and interesting to students Administrative Law Fourth Edition is an engaging casebook that presents a unique problem solving framework that contrasts democracy with the administrative state This novel approach places the often complex subject matter of U S administrative law into a more comprehensible context The Fourth Edition has been completely updated and revised and includes many new cases to reflect changes in the law since the year 2000

The Federal Courts Richard A. Posner, 2009-07-01 The federal courts are the world's most powerful judiciary and a vital element of the American political system In recent decades these courts have experienced unprecedented growth in caseload and personnel Many judges and lawyers believe that a crisis in quantity is imperiling the ability of the federal judiciary to perform its historic function of administering justice fairly and expeditiously In a substantially revised edition of his widely acclaimed 1985 book *The Federal Courts Crisis and Reform* Chief Judge Richard A Posner of the U S Court of Appeals for the Seventh Circuit provides a comprehensive evaluation of the federal judiciary and a detailed program of judicial reform Drawing on economic and political theory as well as on legal analysis and his own extensive judicial experience Posner sketches the history of the federal courts describes the contemporary institution appraises the concerns that have been expressed with the courts performance and presents a variety of proposals for both short term and fundamental reform In contrast to some of the direr prophecies of observers of the federal courts Posner emphasizes the success of these courts in adapting to steep caseload growth with minimum sacrifice in quality Although the book ranges over a variety of traditional topics in federal jurisdiction the focus is steady on federal judicial administration conceived of as an interdisciplinary approach emphasizing system rather than doctrine statistics rather than impressions and caseload rather than cases Like the earlier edition this book promises to be a landmark in the empirical study of judicial administration *High Courts and Economic Governance in Argentina and Brazil* Diana Kapiszewski, 2012-09-24 *High Courts and Economic Governance in Argentina and Brazil* analyzes how high courts and elected leaders in Latin America interacted over neoliberal restructuring one of the most significant socioeconomic transformations in recent decades Courts face a critical choice when deciding cases concerning national economic policy weighing rule of law concerns against economic imperatives Elected leaders confront equally difficult dilemmas when courts issue decisions challenging their actions Based on extensive fieldwork in Argentina and Brazil this study identifies striking variation in inter branch interactions between the two countries In Argentina while the high court often defers to politicians in the economic realm inter branch relations are punctuated by tense bouts of conflict The Brazilian high court and elected officials by contrast routinely accommodate one another in their decisions about economic policy Diana Kapiszewski argues that the two high courts contrasting characters political in Argentina and statesman like in Brazil shape their decisions on controversial cases and condition how elected leaders respond to their rulings channeling inter branch interactions into persistent patterns *The Elgar Companion to the*

European Union Samuel B.H. Faure, Christian Lequesne, 2023-01-20 Constituting a major contribution to literature on the EU this comprehensive Companion analyses the structure and value of the EU capturing the normality of its politics alongside crises and political breakdown

Through a Glass Darkly Ronald Hoffman, Mechal Sobel, Fredrika J. Teute, 1997 These thirteen original essays are provocative explorations in the construction and representation of self in America's colonial and early republican eras Highlighting the increasing importance of interdisciplinary research for the field of early America

Good Government? Good Citizens? W.A. Bogart, 2007-10-01 Good Government Good Citizens explores the evolving concept of the citizen in Canada at the beginning of this century Three forces are at work in reconstituting the citizen in this society courts politics and markets Many see these forces as intersecting and colliding in ways that are fundamentally reshaping the relationship of individuals to the state and to each other How has Canadian society actually been transformed Is the state truly in retreat Do individuals in fact have a fundamentally altered sense of their relationship to government and to each other Have courts and markets supplanted representative politics regarding the expression of basic values Must judicialized protection of human rights and minority interests necessarily mean a diminished concern for the common good on the part of representative politics To what extent should markets and representative politics maintain a role in the protection of human rights and minority interests Will representative politics ever hold the public trust again Good Government Good Citizens responds to these questions It does so by examining the altered roles of courts politics and markets over the last two decades It then examines a number of areas to gauge the extent of the evidence regarding transformations that have occurred because of these changing roles There are chapters on the First Peoples cyberspace education and on an ageing Canada The book concludes with reflections on the good citizen at the dawning of the new century Of particular interest to professors and students of law and political science Good Government Good Citizens will appeal to anyone interested in the changing face of Canada and its citizens

Manual for Cooperation Between State and Federal Courts James G. Apple, 1997

Revisiting Judicial Politics in the European Union Mark Dawson, Bruno de Witte, Elise Muir, 2024-03-14 Addressing the tensions between the political and the legal dimension of European integration as well as intra institutional dynamics this insightful book navigates the complex topic of judicial politics Providing an overview of key topics in the current debate and including an introductory chapter on different conceptions of judicial politics experts in law and politics interrogate the broader political role of the European Court of Justice

National Security in the New World Order Andrea Monti, Raymond Wacks, 2021-09-16 This important new book explores contemporary concerns about the protection of national security It examines the role influence and impact of Big Tech on politics power and individual rights The volume considers the manner in which digital technology and its business models have shaped public policy and charts its future course In this vital text for legislators and policymakers Andrea Monti and Raymond Wacks draw on several case studies to analyse the changing nature of national security and revisit the traditional idea of the sovereignty

of the State They highlight some of the limitations of the conventional understanding of public policy national security and the rule of law to reveal the role of digital technology as an enabler as well as discriminator in governance and social disorder Further the chapters in the book explore the tenuous balance between individual freedom and national security the key role of data protection in safeguarding digital data Big Tech s appropriation of national security policy the debate relating to datagathering technologies and encryption and offers an unsettling answer to the question what is a leak A stimulating read this key text will be of immense interest to scholars of politics cyberculture and national security as well as to policy analysts lawyers and journalists

The Hollow Hope Gerald N. Rosenberg, 2008-09-15 In follow up studies dozens of reviews and even a book of essays evaluating his conclusions Gerald Rosenberg s critics not to mention his supporters have spent nearly two decades debating the arguments he first put forward in *The Hollow Hope* With this substantially expanded second edition of his landmark work Rosenberg himself steps back into the fray responding to criticism and adding chapters on the same sex marriage battle that ask anew whether courts can spur political and social reform Finding that the answer is still a resounding no Rosenberg reaffirms his powerful contention that it s nearly impossible to generate significant reforms through litigation The reason American courts are ineffective and relatively weak far from the uniquely powerful sources for change they re often portrayed as Rosenberg supports this claim by documenting the direct and secondary effects of key court decisions particularly *Brown v Board of Education* and *Roe v Wade* He reveals for example that Congress the White House and a determined civil rights movement did far more than *Brown* to advance desegregation while pro choice activists invested too much in *Roe* at the expense of political mobilization Further illuminating these cases as well as the ongoing fight for same sex marriage rights Rosenberg also marshals impressive evidence to overturn the common assumption that even unsuccessful litigation can advance a cause by raising its profile Directly addressing its critics in a new conclusion *The Hollow Hope Second Edition* promises to reignite for a new generation the national debate it sparked seventeen years ago

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