

Constitutions in the Global Financial Crisis

A Comparative Analysis

Edited by
Xenophon Contiades



Constitutions In The Global Financial Crisis A Comparative Analysis

Simina Tănăsescu, Eric Oliva



Constitutions In The Global Financial Crisis A Comparative Analysis:

Constitutions in the Global Financial Crisis Xenophon Contiades, 2016-05-23 This book is the first to address the multifaceted influence of the global financial crisis on the national constitutions of the countries most affected. By tracing the impact of the crisis on formal and informal constitutional change, sovereignty issues, fundamental rights protection, regulatory reforms, jurisprudence, the augmentation of executive power, and changes in the party system, it addresses all areas of the current constitutional law dialogue and aims to become a reference book with regard to the interaction between financial crises and constitutions. The book includes contributions from prominent experts on Greece, Hungary, Iceland, Ireland, Italy, Latvia, Portugal, Spain, the UK, and the USA, providing a critical analysis of the effects of the financial crisis on the constitution. The volume's extensive comparative chapter pins down distinct constitutional reactions towards the financial crisis, building an explanatory theory that accounts for the different ways constitutions responded to the crisis. How and why constitutions formed their reactions in the face of the financial crisis unravels throughout the book. *Law and the Management of Disasters* Alexia Herwig, Marta Simoncini, 2016-12-01 Disasters raise serious challenges for contemporary legal orders: they demand significant management but usually amidst massive disruption to the normal functioning of state authority and society. When dealing with disasters, law has traditionally focused on contingency planning and recovery. More recently, however, resilience has emerged as a key concept in effective disaster management policies and strategies aiming at minimising the impact of events so that the normal functioning of society and the state can be preserved. This book analyses the contribution of law to resilience building by looking at law's role in the different phases of the disaster regulatory process: risk assessment, risk management, emergency intervention, and recovery. More specifically, it addresses how law can effectively contribute to resilience-oriented disaster management policies and what legal instruments can support effective resilience building. National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law Anneli Albi, Samo Bardutzky, 2019-05-29 This two-volume book, published open access, brings together leading scholars of constitutional law from twenty-nine European countries to revisit the role of national constitutions at a time when decision-making has increasingly shifted to the European and transnational level. It offers important insights into three areas. First, it explores how constitutions reflect the transfer of powers from domestic to European and global institutions. Secondly, it revisits substantive constitutional values such as the protection of constitutional rights, the rule of law, democratic participation, and constitutional review, along with constitutional court judgments that tackle the protection of these rights and values in the transnational context, e.g. with regard to the Data Retention Directive, the European Arrest Warrant, the ESM Treaty, and EU and IMF austerity measures. The responsiveness of the ECJ regarding the above rights and values, along with the standard of protection, is also assessed. Thirdly, challenges in the context of global governance in relation to judicial review, democratic control, and accountability are examined. On a broader level, the contributors were also invited to reflect on

what has increasingly been described as the erosion or twilight of constitutionalism or a shift to a thin version of the rule of law democracy and judicial review in the context of Europeanisation and globalisation processes The national reports are complemented by a separately published comparative study which identifies a number of broader trends and challenges that are shared across several Member States and warrant wider discussion The research for this publication and the comparative study were carried out within the framework of the ERC funded project The Role and Future of National Constitutions in European and Global Governance The book is aimed at scholars researchers judges and legal advisors working on the interface between national constitutional law and EU and transnational law The extradition cases are also of interest to scholars and practitioners in the field of criminal law Anneli Albi is Professor of European Law at the University of Kent United Kingdom Samo Bardutzky is Assistant Professor of Constitutional Law at the University of Ljubljana Slovenia

The Law and Legitimacy of Imposed Constitutions Richard Albert, Xenophon Contiades, Alkmene Fotiadou, 2018-11-01
Constitutions are often seen as the product of the free will of a people exercising their constituent power This however is not always the case particularly when it comes to imposed constitutions In recent years there has been renewed interest in the idea of imposition in constitutional design but the literature does not yet provide a comprehensive resource to understand the meanings causes and consequences of an imposed constitution This volume examines the theoretical and practical questions emerging from what scholars have described as an imposed constitution A diverse group of contributors interrogates the theory forms and applications of imposed constitutions with the aim of refining our understanding of this variation on constitution making Divided into three parts this book first considers the conceptualization of imposed constitutions suggesting definitions or corrections to the definition of what exactly an imposed constitution is The contributors then go on to explore the various ways in which constitutions are and can be imposed The collection concludes by considering imposed constitutions that are currently in place in a number of polities worldwide problematizing the consequences their imposition has caused Cases are drawn from a broad range of countries with examples at both the national and supranational level This book addresses some of the most important issues discussed in contemporary constitutional law the relationship between constituent and constituted power the source of constitutional legitimacy the challenge of foreign and expert intervention and the role of comparative constitutional studies in constitution making The volume will be a valuable resource for those interested in the phenomenon of imposed constitutionalism as well as anyone interested in the current trends in the study of comparative constitutional law

European Welfare State Constitutions After the Financial Crisis Ulrich Becker, Anastasia Poulou, 2020 This book examines the specific reforms in social protection that took place during the European financial crisis while embedding them in a broader human rights and constitutional law framework of nine European countries Analytical and comprehensive this is a helpful tool for all legal professionals that deal with crisis related reforms

Understanding Conflicts of Sovereignty in the EU Nathalie Brack, Ramona Coman, Amandine

Crespy, 2021-05-10 This book investigates the multifaceted conflicts of sovereignty in the recent crises in the European Union. Although the notion of sovereignty has been central in the contentious debates triggered by the recent crises in the European Union, it remains strikingly under researched in political science. This book bridges this gap by providing both theoretical reflections and empirical analyses of today's conflicts of sovereignty in the EU. More particularly, it investigates conflicts between four types of sovereignty: First, national sovereignty referring to the autonomy of the Westphalian Nation State to rule on a territory delimited by borders; second, the supranational sovereignty acquired by the EU in a fragmentary fashion in a number of scattered internal and external policy fields; third, parliamentary sovereignty understood as the autonomy of parliaments at the regional, national and European levels to take part in the decision making process and control the executive in the name of the principles of election and representation; fourth, popular sovereignty whereby the body politic confers legitimacy to decision makers in a democratic system. Through an analysis of the various crises: rule of law, Brexit, migration, Eurozone crisis, the chapters look at how sovereignty is framed and contested by different types of actors and how the strengthening or the weakening of certain types of sovereignty contribute to shape preferences regarding policies and governance structures in the multi level EU. The chapters in this book were originally published as a special issue of the Journal of European Integration.

Constitutional Law and the EU Balanced Budget Principle Simina Tănăsescu, Eric Oliva, 2021-11-29 Exploring the balanced budget rule as an economic standard and as a legal principle, this book explains the context and content of the balanced budget rule and presents a critical appraisal of its impact on legal systems, political institutions and social values, and particularly an evaluation of its constitutionalization in the European and national legal systems. Examining a range of perspectives on the balanced budget rule as a legal principle, a series of chapters investigate the feasibility and effectiveness of the balanced budget rule. The book considers the impact this may have on the separation of powers within the state, on democratic decision making, on the European social model and on the protection of fundamental social rights within the European Union. It suggests that this impact goes beyond the ethical issue of the public debt considered as a burden placed on future generations and beyond injunctions imposed by international financial institutions on national public finances. The transfiguration of fiscal discipline from an economic requirement into a legal rule demanding a balanced budget embodies a challenge to the political nature of the budgetary process while creating the flexibility needed in order to further fiscal federalism within the European Union. This book argues that the balanced budget rule is nothing more than it has always been: an instrument for devising public policies in a rational manner, a tool for conceiving qualitative choices regarding the well being of citizens.

New Economic Constitutionalism in Europe George Gerapetritis, 2019-10-31 New Economic Constitutionalism in Europe focuses on the institutional mutation of constitutionalism following the major economic crisis in the Eurozone and globally. The main axis is that a new economic constitutionalism has arisen which trespasses on the conventional conceptual foundations and needs to be addressed with novel institutional

vehicles The author proposes an original and searching analysis of the significant constitutional evolutions that have taken place in member states in response to the global financial crisis The book combines a sophisticated theoretical model of a new form of economic constitutionalism with detailed practical argumentation This important new work provides a valuable addition to the understanding of this hugely important topic **The Nordic Constitutions** Helle Krunke, Björg

Thorarensen, 2018-08-23 This book analyses the Nordic constitutional systems of Denmark Finland Iceland Norway and Sweden in a comparative context It has two main aims first to fill a gap in the literature by providing an accessible English language account of the Nordic constitutions and second to provide a comparative analysis of them revealing their similarities and differences within their political historical and cultural contexts In this respect the book challenges the assumption that the Nordic countries form a homogeneous constitutional system due to their cultural and historical affinities a view not necessarily supported by a close comparative examination A key issue is EU membership where the Nordic countries have made different choices at different times and the book will show how this has affected the individual countries and whether a divide between EU member states Denmark Finland and Sweden and non members Iceland and Norway has appeared Another key issue is how the ECHR has impacted the Nordic constitutional systems and whether the convention draws the Nordic systems closer to each other The book represents a first of its kind in the English language and will provide constitutional scholars with a valuable comparative resource on the Nordic region Contesting Austerity Anuscheh

Farahat, Xabier Arzoz, 2021-07-01 This book addresses the different forms of austerity contestation and resistance in order to understand how they relate to one another and the impact they have on the democratic quality of public debates the trust in public institutions and the legitimacy of law Contestation of austerity includes not only traditional activism strategies such as human rights litigation and direct democracy instruments but also new forms of collective action and collaborative resistance Most importantly many of the new anti austerity initiatives also aim to renovate existing modes of democratic decision making on the European national regional and local levels The book focuses on different types of contesting austerity measures and the interaction between institutional and civil society actors It will enhance understanding of how the various actors frame not only their goal but also the underlying social conflict to contest austerity and through which means they try to achieve political and legal changes With 16 chapters written by contributors from Spain Germany Greece Portugal and the UK the book approaches 3 crucial areas of austerity policies cuts in payment and pensions labour law reform and old and new poverty In each field the contributors analyse the processes of decision making and contestation from 3 perspectives institutions democratic theory and societal responses

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