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**Une sociologue
au Conseil
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Une Sociologue Au Conseil Constitutionnel

Matt Qvortrup



Une Sociologue Au Conseil Constitutionnel:

Une sociologue au conseil constitutionnel Dominique Schnapper, 2010 Pendant neuf ans la sociologue D Schnapper si ge au Conseil constitutionnel et tient un journal dont cet ouvrage est le fruit Elle m ne une r flexion sur le fonctionnement de la d mocratie

The Max Planck Handbooks in European Public Law Armin von Bogdandy, Peter Huber, Christoph Grabenwarter, 2020-03-12 The Max Planck Handbooks in European Public Law describe and analyse public law of the European legal space an area that encompasses not only the law of the European Union but also the European Convention on Human Rights and importantly the domestic public laws of European states Recognizing that the ongoing vertical and horizontal processes of European integration make legal comparison the task of our time for both scholars and practitioners the series aims to foster the development of a specifically European legal pluralism and to contribute to the legitimacy and efficiency of European public law The first volume of the series began this enterprise with an appraisal of the evolution of the state and its administration offering both cross cutting contributions and specific country reports The third volume the second in chronological terms continues this approach with an in depth appraisal of constitutional adjudication in various and diverse European countries Fourteen country reports and two cross cutting contributions investigate the antecedents foundations organization procedure and outlook of constitutional adjudicators throughout the Continent They include countries with powerful constitutional courts jurisdictions with traditional supreme courts and states with small institutions and limited ex ante review In keeping with the focus on a diverse but unified legal space each report also details how its institution fits into the broader association of constitutional courts that through dialogue and conflict brings to fruition the European legal space Together the chapters of this volume provide a strong and diverse foundation for this dialogue to flourish

Judicial Decision-Making in a Globalised World Elaine Mak, 2014-07-04 Why do judges study legal sources that originated outside their own national legal system and how do they use arguments from these sources in deciding domestic cases Based on interviews with judges this book presents the inside story of how judges engage with international and comparative law in the highest courts of the United Kingdom Canada the United States France and the Netherlands A comparative analysis of the views and experiences of the judges clarifies how the decision making of these Western courts has developed in light of the internationalisation of law and the increased opportunities for transnational judicial communication While the qualitative analysis reveals the motives that judges claim for using foreign law and the influence of globalist and localist approaches to judging the author also finds suggestions of a convergence of practices between the courts that are the subject of this study This empirical analysis is complemented by a constitutional theoretical inquiry into the procedural and substantive factors of legal evolution which enable or constrain the development and possible convergence of highest courts practices The two strands of the analysis are connected in a final contextual reflection on the future development of the role of Western highest courts

Ex-Ministers as Constitutional Judges Mathias

Möschel,2025-02-11 The appointment of former politicians to constitutional courts is a global phenomenon While ex politician appointees may bring status visibility knowledge and political awareness to the job their previous roles may influence their assessment of legislations constitutionality Ex Ministers as Constitutional Judges sheds light on this practice in four of the world s oldest and most established constitutional courts Austria France Germany and Italy Weaving together legal political sociological and historical sources including press articles surveys and interviews with constitutional judges and high level personnel the book provides the first comprehensive exploration of ex politicians becoming constitutional court judges It analyses the advantages and disadvantages such personalities bring to constitutional courts as well as assessing what limitations supranational law may set for such participation Whereas the participation of ex ministers does not seem to have posed serious structural issues to constitutional courts so far this volume posits that the risks have been underestimated In this context Ex Ministers as Constitutional Judges ultimately suggests normative steps for minimizing such risks and strengthening the independence and impartiality of constitutional courts in view of democratic and constitutional backsliding **Des juges bien trop sages** Stéphanie Hennette Vauchez,Antoine Vauchez,2025-09-26T00:00:00+02:00

Alors que les coups de boutoir contre l'état de droit se multiplient y compris du côté du pouvoir exécutif peut-on compter sur le Conseil d'état et Conseil constitutionnel les deux juges censés entre les premiers garde-fous Sont-ils aujourd'hui les gardiens vigilants de nos droits et libertés Tout semble indiquer qu'ils ont baissé la garde en l'espace des principaux tournants de l'action publique ces dernières décennies du grand marché européen aux politiques sécuritaires N'ont-ils pas en effet accompagné plus que limité la mise en place des deux tats d'urgence terroriste et sanitaire Ne jouent-ils pas un rôle décisif en maintenant distance ici le droit de la non-discrimination et en maintenant la montée en puissance des libertés économiques Et pourtant ils sont placés en première ligne des défis les plus pressants de nos sociétés l'urgence écologique les revendications d'égalité et la préservation des espaces de la contestation et du dissensus Parce que les droits et libertés meurent de ne pas être défendus et parce qu'ils sont une condition existentielle de nos démocraties ce livre est autant un inventaire qu'une exhortation la remobilisation de tous les pouvoirs publics juges en tête Stéphanie Hennette Vauchez est professeure de droit public à l'Université Paris Nanterre et membre de l'Institut universitaire de France elle est chercheuse au Centre de recherches et d'études sur les droits fondamentaux Antoine Vauchez est directeur de recherche au CNRS en sociologie politique et directeur du Centre européen de sociologie et de science politique Université Paris 1 Panthéon-Sorbonne EHESS The British Constitution: Continuity and Change Matt Qvortrup,2014-07-04 Vernon Bogdanor once told The Guardian that he made a living of something that doesn't exist He also quipped that the British Constitution can be summed up in eight words Whatever the Queen in Parliament decides is law That may still be the case yet in many ways the once elusive British Constitution has now become much more grounded much more tangible and much more based on written sources than was previously the case It now exists in a way in which it previously did not However though the changes may seem revolutionary

much of the underlying structure remains unchanged there are limits to the changes Where does all this leave the Constitution Here constitutional experts political scientists and legal practitioners present up to date and in depth commentaries on their respective areas of expertise While also a Festschrift in honour of Vernon Bogdanor this book is above all a comprehensive compendium on the present state of the British Constitution The new constitutional politics has spawned a new constitutional scholarship This stimulating collection skilfully put together by Matt Qvortrup works both as a welcome snapshot of where we are now and as an expert audit from specialists in law history and political science of the deeper issues and of the complex dynamics of continuity and change in the ongoing refashioning of Britain s constitutional architecture Kevin Theakston Professor of British Government University of Leeds The highly distinguished team of scholars assembled by Matt Qvortrup has produced a deeply thought provoking collection on the profound constitutional changes that have occurred in the UK over the last twenty years A book worthy of reaching a very wide readership Roger Scully Professor of Political Science Cardiff University Vernon Bogdanor understands like few others the connections between history politics and institutions and that is what makes him such an authority on the British system of government The Rt Hon David Cameron MP Prime Minister I think Vernon s guiding principle at Brasenose was to treat all his students as if they might one day be Prime Minister At the time I thought this was a bit over the top but then a boy studying PPE at Brasenose two years beneath me became Prime Minister Toby Young The Spectator

[The German Federal Constitutional Court](#) Matthias Jestaedt, Oliver Lepsius, Christoph Möllers, Christoph Schönberger, 2020 Offers a potted history of the German Federal Constitutional Court one of the most influential constitutional courts in recent years It examines the development of the court and its interaction with the German basic law its approach to judicial reasoning and its significance for contemporary constitutional theory

Principles of French Constitutional Law Marie-Luce Paris, 2024-12-11 Principles of French Constitutional Law offers a concise and accessible account of the key principles and rules of constitutional law in the French legal system presenting a much needed up to date overview of this rapidly changing subject The textbook explores the five essential pillars that underpin the teaching of constitutional law namely the institutions legal history case law comparative law and current affairs and developments It is split into two core sections Part I examines the basis of French constitutional law the theoretical developments about key notions of constitutional law such as the state and the constitution as well as the historical background to French constitutional law Part II provides students with an understanding of the current Fifth Republic and how constitutional rules are adopted and applied and how they affect other areas of law and politics It offers a critical account of the 1958 Constitution s past present and future by placing it in its political and socio historical contexts and critically assessing contemporary developments and constitutional reforms Given the growing expansion of this branch of law in the French legal system this book will be essential reading for anyone studying French Law Law with French Comparative Constitutional Law and European Legal Studies

Everyday Resistance Bruno Frère, Marc

Jacquemain,2019-10-04 This book studies those who in various domains of life are resisting the increasingly harsh day to day pressures of late capitalism centering mainly on French examples Far from the global euphoria of the sixties and seventies everyday people are trying to loosen the grip of injustice in very concrete ways people experiencing homelessness try to occupy and live in empty buildings collectives of small farmers and consumers avoid long and costly commercial supply chains to defend their common interests students and teachers organize to prevent the expulsion of undocumented migrants and activists in the free software movement fight for the common ownership of software and of the Internet Through civil disobedience in the midst of daily life people are trying to resist work against and change laws that protect the interests of firms and corporations considered socially or ecologically unfair **The Political Commissioner** Frédéric Mérand,2021 This book develops a sociology of international political work based on four years of embedded observation inside the cabinet of a European Commissioner **Der Begründungsstil von Conseil constitutionnel und Bundesverfassungsgericht** Ruth Katharina Weber,2019-08-28 Le style c est la Cour Im Mittelpunkt dieser Arbeit steht die Frage nach dem Begründungsstil von Conseil constitutionnel und Bundesverfassungsgericht und dem darin transportierten Selbstverständnis Ist der Conseil constitutionnel eine autoritäre bouche de la Constitution Ist das Bundesverfassungsgericht eine differenzierte Verkörperung des Verfassungsrechtsstaats Ruth Weber erklärt die Funktionsweise der beiden in Konzeption und Tradition sehr unterschiedlichen Verfassungsgerichte Dafür durchleuchtet sie deren rechtskulturellen und institutionellen Kontext Die Erkenntnisse zum Begründungsstil dienen einem konstruktiven dialogue des juges im Europäischen Verfassungsgerichtsverbund und schaffen neue Zugänge zu dem in die Supranationalität Europäischen Union eingebundenen Recht **Droit constitutionnel - 2e édition** Stéphane Caporal-Greco,Pierre Esplugas-Labatut,Philippe Ségur,Sylvie Torcol,2019-09-03 Ce manuel de droit constitutionnel a pour ambition de satisfaire au double critère de la pédagogie et de l'excellence Reprenant la structure classique du plan de cours cet ouvrage s'attache à donner aux lecteurs des clés de compréhension de la matière par une démarche méthodique et guidée qui n'exclut ni l'exhaustivité ni la rigueur du propos Pour ce faire des rubriques systématiques scandent le cours et des exercices corrigés sont proposés en fin de chapitres Ce manuel est avant tout destiné aux étudiants de Licence en Droit et AES de 1re année en abordant la Théorie du droit constitutionnel et l'Histoire constitutionnelle française généralement traités au 1er semestre ainsi que le Droit constitutionnel de la Ve République étudié au 2e semestre Néanmoins il est aussi susceptible d'intéresser des étudiants plus confirmés des doctorants ou des spécialistes de la discipline avec des parties moins habituelles relatives aux Droits constitutionnels comparés et des Éléments de droit constitutionnel européen **Law and the Formation of Modern Europe** Mikael Rask Madsen,Chris Thornhill,2014-07-10 Law and the Formation of Modern Europe explores processes of legal construction in both the national and supranational domains and it provides an overview of the modern European legal order In its supranational focus it examines the sociological pressures which have given rise to European public law the national origins of key transnational

legal institutions and the elite motivations driving the formation of European law In its national focus it addresses legal questions and problems which have assumed importance in parallel fashion in different national societies and which have shaped European law more indirectly Examples of this are the post 1914 transformation of classical private law the rise of corporatism the legal response to the post 1945 legacy of authoritarianism the emergence of human rights law and the growth of judicial review This two level sociological approach to European law results in unique insights into the dynamics of national and supranational legal formation International Law and Domestic Legal Systems Dinah Shelton, 2011-09-29

Different countries incorporate and interpret international law in different ways This book provides a systematic analysis of the domestic constitutional regime of over two dozen countries setting out the status accorded to international law in those countries and its normative weight as well as problems relating to its implementation This country by country comparison allows the book to examine how the international legal order and domestic legal systems interact and influence each other Through a series of chapters on the role of international law in 27 countries throughout the world it shows a growing tendency towards greater democratic participation in treaty making coupled with a significant utilization of informal agreements that by pass such participation as well as a role for non binding normative instruments as persuasive authority in domestic judicial decision making The chapters suggest a stronger attachment to international law in legal systems that have survived a period of repression resulting in many cases in a higher normative status for international human rights instruments in those states The impact of the European Union on the constitutional order of its member states is also examined **Verfassungsprozessuale Umbrüche** Maja Katharina Walter, 2015-01-27 Die Question prioritaire de

constitutionnalite QPC vollendete im französischen Verfassungsrecht den Ablosungsprozess von einer traditionellen Vorherrschaft des Gesetzes zu einem tatsächlichen Vorrang der Verfassung Maja Katharina Walter analysiert in ihrer Arbeit die Hintergründe und Zusammenhänge die zur Einführung dieses neuen Verfahrens führten und erörtert die theoretischen wie auch praktischen Facetten des Umbruchs den das französische Recht durch die QPC erfahren hat Darüber hinaus zeigt sie rechtsvergleichend wie speziell die Reichweite von Normenkontrollkompetenzen den Status einer nationalen Verfassungsgerichtsbarkeit prägt Im Vergleich mit deutschen Entwicklungen werden bestimmte Faktoren sichtbar die in verschiedenen Rechtsordnungen zu Veränderungen in diesem Bereich führen können Die QPC liefert so als modernes Beispiel Orientierungswerte für heutige verfassungsprozessuale Umbrüche in Europa **Sociologie du droit et de la**

justice Thierry Delpuech, Laurence Dumoulin, Claire de Galember, 2014-08-20 La sociologie du droit et de la justice connaît un essor remarquable De nombreux travaux clament d'un jour nouveau les rapports entre droit et société Accordant une large place aux approches empiriques ce manuel propose une synthèse des derniers acquis de la recherche en huit grandes thématiques normes juridiques et normes sociales cultures et conscience du droit principes de justice et formes de jugement droit et état droit et action publique professions juridiques institutions de justice rapports entre droit et activités économiques

Volontairement interdisciplinaire ce manuel de sociologie emprunte aussi bien la science politique l histoire ou l anthropologie Ph nom ne de judiciarisation usages du droit par les mouvements sociaux introduction de pr occupations gestionnaires dans l exercice de la justice ou encore transnationalisation d activit s juridiques et judiciaires autrefois monopolis es par l tat nation autant de questions qui seront ici abord es Un manuel destin aux tudians en sociologie en science politique ainsi qu ceux qui pr parent les concours d acc s aux m tiers de la justice de la police ou de l administration

Judicial Bricolage Tania Groppi, Marie-Claire Ponthoreau, Irene Spigno, 2025-02-06 This book represents a unique contribution to comparative legal studies by presenting the results of an empirical research project on the use of foreign precedents in constitutional interpretation in 31 jurisdictions worldwide It expands and updates the outcomes presented in the previous successful book *The Use of Foreign Precedents by Constitutional Judges* edited by Tania Groppi and Marie Claire Ponthoreau and published in 2013 as Volume 1 of the series *Hart Studies in Comparative Public Law* This new research covering countries from all the continents with special attention to some of the emerging jurisdictions of the Global South confirms that the practice of making explicit use of foreign precedents is still limited both quantitatively and qualitatively Judicial dialogue only exists in common law jurisdictions and even there judicial bricolage is much more common than judicial comparativism Since the previous edition this practice has gone hand in hand with new developments in constitutional law such as the democratic erosion and backsliding the emergence of populist movements the increasing role of regional human rights courts which in many cases overshadowed foreign sources and the end of a global vision of constitutionalism Applying a quantitative and a qualitative analysis with the support of tables and data the book gives a more complete picture of the practice of citing foreign precedents in this new and challenging era resulting in essential reading for comparative and constitutional legal scholars

Legitimacy in European Administrative Law Dornburg Research Group on New Administrative Law. Workshop, 2011 Administrative law has been the object of thorough reform in various European jurisdictions This process of transformation has considerable impacts on administrative legal scholarship in the respective countries Profound changes in administrative activity have established new forms of administrative institutions which raise issues of legitimacy Besides the consensus that administrative law administrative activities and administrative institutions have to be legitimate the concept of legitimacy with respect to a common European framework is more than ambiguous An analysis of the concept of legitimacy in different national legal systems promises valuable results for a discussion on the European Union level Although the respective jurisdictions have different starting points with respect to issues of legitimacy common sources can be detected This is necessary in shaping and analyzing administrative law in the EU This book comprises the results of the third workshop of the Dornburg Research Group of New Administrative Law which took place in Paris in October 2009 The Dornburg Research Group of New Administrative Law was founded at Dornburg Castle near Jena Germany in 2005 Its purpose is a long term transnational exchange of ideas between administrative law scholars from

European jurisdictions *Research Handbook on Compliance in International Human Rights Law* Grote, Rainer, Morales Antoniazzi, Mariela, Paris, Davide, 2021-10-21 This comprehensive Research Handbook offers an in depth examination of the most significant factors affecting compliance with international human rights law which has emerged as one of the key problems in the efforts to promote effective protection of human rights In particular it examines the relationships between regional human rights courts and domestic actors and judiciaries

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