

The Cosmopolitan State Oxford Constitutional Theory

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The Cosmopolitan Constitution

considers to be the three stages in the development of constitutionalism, he argues that the cosmopolitan constitution is not a blueprint for the constitution beyond the nation state, let alone a constitution of the international community; rather, it stands for constitutional law reaching out beyond its ...

IJHRCS030408 AKRIVOPOULOU BOOK REVIEWS The Cosmopolitan ...

by Oxford University Press Great Clarendon Street, Oxford OX2 6DP, UK, 304pp ISBN: 978-0-19-9651153-5 What is a Cosmopolitan Constitution? A first reading of the term could lead to the conclusion that a Cosmopolitan Constitution is a global constitutional text, or a constitutional text that refers to a constitutional order beyond the state borders

Perju, Freedom and Imagination Constitutional Space in the ...

Freedom and Imagination: Constitutional Space in the Cosmopolitan Project (an international state) 6 "If all is not to be lost,"7 Kant wrote, this world

confederation would create the conditions for the cosmopolitan right of the universal community Those conditions refer at least in part to the institutional configuration and normative structure of the independent republics For the

Human Rights Require 'Cosmopolitan Constitutionalism' and ...

'principles of justice' require cosmopolitan law based on constitutional, 'public choice'- and economic regulatory strategies limiting multilevel 'governance failures' as well as 'market failures' (Section IV) The human rights obligations of all UN member states limit governmental 'margins of appreciation' in

Cosmopolitanism and Constitutional Self-Government

jurists in the decades that followed continued to show lingering misgivings about cosmopolitan jurisprudence, and especially about perceived tensions between cosmopolitanism and constitutional self-government Even now, in the early twenty-first century, it remains a common

COSMOPOLITAN ORIGINALISM: REVISITING THE ROLE OF ...

COSMOPOLITAN ORIGINALISM: REVISITING THE ROLE OF INTERNATIONAL LAW IN CONSTITUTIONAL INTERPRETATION NOAM KOLT* The issue of consulting international law in the interpretation of national constitutions is polarising Both in Australia and abroad, judicial and academic responses have lacked precision and subtlety While originalists have decried

Cosmopolitanism and Constitutional Self-Government

Cosmopolitanism and Constitutional Self -Government §1 Speaking at the University of London in the early 1930s, Frederick Pollock predicted that no law student "who aimed at being an accomplished lawyer [would] do without making himself a citizen in the province of cosmopolitan jurisprudence" Introduction 1

Jürgen Habermas's Theory of Cosmopolitanism

Jürgen Habermas's Theory of Cosmopolitanism Robert Fine and Will Smith In this paper we explore the sustained and multifaceted attempt of Jürgen Habermas to reconstruct Kant's theory of cosmopolitan right for our own times In a series of articles written in the ...

Cosmopolitanism and Sovereignty - Penn Law

From the standpoint of a cosmopolitan morality-which centers around the fundamental needs and interests of individual human beings, and of all human beings-this concentration of sovereignty at one level is no longer defensible What I am proposing instead is not the idea of a world state, which is really a variant of the preeminent- state idea

Book (OUP) Introduction and Overview: A Cosmopolitan Legal ...

transnational system of rights protection, considers key structural features of a cosmopolitan legal order, and tracks the consolidation of a foundational component of the European CLO: constitutional pluralism The book thus extends Kant's constitutional ideas into realms in which he had hardly considered

COSMOPOLITANISM AND HUMAN RIGHTS: RADICALISM IN A ...

COSMOPOLITANISM AND HUMAN RIGHTS: RADICALISM IN A GLOBAL AGE ROBERT FINE Abstract: The cosmopolitan imagination constructs a world order in which the idea of human rights is an operative principle of justice Does it also construct an idealisation of human rights? The radicality of Enlightenment cosmopolitanism, as developed by Kant, lay in its analysis of the roots of organised ...

Durham Research Online

cosmopolitan impulse through awareness of the interplay between convergence and divergence that is central to the experience of transnational law

As an instance of bounded cosmopolitanism, the article advances a cosmopolitan common law constitution, which 1 Waldron, J (2012) Partly Laws Common to All Mankind Yale University Press

The legal world beyond the state: constitutional and ...

1 The legal world beyond the state: constitutional and pluralist? Jan Komárek To be presented at the conference 'Constitutionalism in a New Key?:Cosmopolitan, Pluralist and Public Reason Oriented', Berlin, 28 and 29 January 2011, panel 'Constitutionalism and the Legal World Beyond the State'

law - Oxford University Press

Oxford Monographs in International Law May 2013 £1999, AE, 978-0-19-968226-3, Paperback, 304pp Hardback ISBN: 978-0-19-969631-4 BIC: Treaties & other sources of international law, Jurisprudence & philosophy of law NEW IN PAPERBACK The Cosmopolitan State H Patrick Glenn, McGill University • Addresses a key topic of constitutional theory,

Neither Parochial nor Cosmopolitan: Appraising the ...

Neither Parochial Nor Cosmopolitan: Appraising the Migration of Constitutional Ideas Jo Eric Khushal Murkens* S Choudhry (ed), The Migration of Constitutional Ideas, Cambridge: Cambridge University Press, 2006,458 pp, hb ?50 The Migration of Constitutional Ideas (MOCI) is ...

Deliberating about Cosmopolitan Ideas: Does a Democratic ...

the State, but it is not, contrary to population misconception, defined by the practice of majoritarianism, ie the holding of periodic elections or attempts to achieve a majority in support of a policy proposal, although majoritarianism is certainly one aspect of the practice of democracy Democracy is properly understood as an ongoing

The Structure of Constitutional Pluralism

The structure of constitutional pluralism 493 and national legal orders, scholars typically identify, as the basic scaffolding of a constitution, jus cogens norms, other substantive fundamental rights, standards of procedural due process, and access to justice⁵ These norms find expression in

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in a wide array of contexts, including constitutional law and practice, peace settle-ments, the relations between equity and the common law, and transnational law (eg administrative best practices, corporate social responsibility) In a way that would have pleased ...

Kant and Vattel in Context: Cosmopolitan Philosophy and ...

declared, lay in a federation of states or league of nations in which each state would exercise its sovereign freedom only to the extent that it did not infringe the freedom of other states, thereby instantiating the principle of 'cosmopolitan right' that would supplant the so-called rights of war and peace² Kant's position indeed differed