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The Identity Of The Constitutional The Identity of the Constitutional Subject is the first systematic analysis of the concept, drawing on philosophy, psychoanalysis, political theory and law from a comparative perspective to explore the relationship between the ideal of constitutionalism and the need to construct a common constitutional identity that is distinct from national, cultural, ethnic or religious identity.

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The Identity of the Constitutional Subject: Selfhood ... Abstract and Keywords. 'Constitutional identity' is an essentially contested concept as there is no agreement over what it means or refers to. Conceptions of constitutional identity range from

focus on the actual features and provisions of a constitution — for example, does it establish a presidential or parliamentary system, a unitary or federal state — to the relation between the constitution and the culture in which it operates, and to the relation between the identity of the ...

Constitutional Identity - Oxford Handbooks

Based on regional European jurisprudence and doctrinal works, “constitutional identity” in a legal context is suggested to be viewed as the “identity of the constitution.” The identity of the constitution is found among provisions of constitutional texts and related jurisprudence that specifically and exclusively feature a status that was constituted during the constitution-making process and shaped by either formal or informal constitutional amendments.

Constitutional Identity in Europe: The Identity of the ...

The notion of constitutional identity was first introduced in 1928 by the constitutional lawyers Carl Schmitt and Carl Bilfinger, both of whom were critical of democracy. 28 Albeit within different theoretical frameworks, both used the notions of “identity and continuity of the constitution as an entirety” 29 (Schmitt) and “the identity of the constitutional system” 30 (Bilfinger) to justify implicit limits on constitutional amendments 31 (Section 3.2). These theories were developed ...

Constitutional identity, unconstitutional amendments and ...

of a constitution that allow us to identify it as such, and that there is a dialogical

process of identity formation that enables us to determine the specific identity of any given constitution. Representing a mix of aspirations and commitments expressive of a nation’s past, constitutional identity also evolves in ongoing

CONSTITUTIONAL IDENTITY - la.utexas.edu

Abstract. Constitutional theorists have had relatively little to say about the identity of what they study. This article addresses this inattention with a philosophical and comparative exploration of the concept of constitutional identity. Without such attention, a major preoccupation of theorists—constitutional change—will continue to be inadequately considered.

Constitutional Identity | The Review of Politics ...

of a constitution that allow us to identify it as such, and that there is a dialogical process of identity formation that enables us to determine the specific identity of any given constitution. Representing a mix of aspirations and commitments expressive of a nation's past, constitutional identity also evolves in ongoing

Constitutional Identity - JSTOR

B. Legal Sources of “Constitutional Identity” and Its Interpretation in Europe As stated in the introduction, constitutional identity, on the one hand, has gained a positive legal formulation in Article 4.2 TEU. Constitutions, on the other hand, do not include any provision containing the term “constitutional identity” or the like.

Constitutional Identity in Europe: The Identity of the ...

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The Identity of the Constitutional Subject by Michel ...

This article purports to expose the dangers of the concept of constitutional identity – a doctrine shaped by apex state courts to shield areas of the national legal systems from the influence of European law.

The dangers of constitutional identity - Fabbrini - 2019 ...

The Identity of the Constitutional Subject is the first systematic analysis of the concept, drawing on philosophy, psychoanalysis, political theory and law from a comparative perspective to explore the relationship between the ideal of constitutionalism and the need to construct a common constitutional identity that is distinct from national, cultural, ethnic or religious identity. The Identity of the Constitutional Subject will be of interest to students and scholars in law, legal and ...

The Identity of the Constitutional Subject eBook by Michel ...

This is because, Constitutional identity, it is argued, consists not only of the basic features, but also of the intention of the Constitution framers which is sometimes partially reflected in the basic features of the Constitution. An attempt to dilute or defeat the original intent is a significant assault on Constitutional identity.

Threat to Constitutional identity and the Theseus Paradox

A. Constitutional Identity in the European Union: The Epicenter of a Global Debate

In recent years, questions about the identity of the constitutional subject took center stage among public lawyers. 1 Decisions over who may or may not be included in the “we” became

Constitutional Identity in the Age of Global Migration

Functional definitions identify the constitution as comprising those rules or understandings that purport to accomplish the functions described above. The functional constitution includes the formal, written constitution as well as the collection of legal theories, norms, customs, and understandings that make up some intersubjective consensus about what constitutes the fundamental law of the land.

What is a Constitution? | The Constitution Unit - UCL ...

Some insist that constitution is identity, on the grounds that distinct material objects cannot occupy the same place at the same time. Others argue that constitution is not identity, since the statue and the lump differ in important respects. Still others take cases like this to motivate revisionary views about the nature of persistence ...

Material Constitution (Stanford Encyclopedia of Philosophy)

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