

1. Record Nr.	UNINA9910450907103321
Titolo	Constitutionalism and the role of parliaments / edited by Katja S. Ziegler, Denis Baranger and Anthony W. Bradley
Pubbl/distr/stampa	Oxford ; Portland, Oregon, : Hart Publishing, 2007
ISBN	1-4725-6009-4 1-281-16563-8 9786611165635 1-84731-363-9
Edizione	[1st ed.]
Descrizione fisica	1 online resource (290 p.)
Collana	Studies of the Oxford Institute of European and Comparative Law ; v. 3
Disciplina	328.34
Soggetti	Legislative bodies - European Union countries Legislative power - European Union countries Separation of powers - European Union countries Electronic books.
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index
Nota di contenuto	Part One National Traditions of Parliamentary Law: Towards a European Model? -- 1. Constitutionalism and the Role of Parliaments -- AW Bradley, Katja S Ziegler and Denis Baranger -- 2. Parliamentary Law and Parliamentary Government in Britain: Some Historical Remarks -- Denis Baranger -- 3. The Formation of Parliamentary Law in France -- Pierre Avril -- 4. Parliamentary Law: The German Experience -- Fabian Wittreck -- 5. The Law and Custom of a New Parliament: The European Parliament -- Sionaidh Douglas-Scott -- Part Two Parliaments and the Executive -- 6. Cabinet as the Leading Part of Parliament: The Westminster Model in Europe -- Armel Le Divellec -- 7. Parliaments and the Executive: Old Control Rights and New Control Contexts in Germany -- Christoph Gusy -- 8. Executive Powers in Foreign Policy: The Decision to Dispatch the Military -- Katja S Ziegler -- 9. Separation of Powers, Public Law Theory and Comparative Analysis -- Nicholas Bamforth -- Part Three Parliaments, the Courts and Human Rights -- 10. Judicial Independence and Parliaments -- The Rt Hon Lady Justice Arden DBE -- 11. Why Should Judges Be Independent? -- Luc

Heuschling -- 12. Independence of the Judiciary in Germany -- Gernot Sydow -- 13. Making Parliamentary Rights Effective: The Role of Constitutional Courts in Germany -- Pascale Cancik -- 14. The Parliamentary Protection of Human Rights -- Keith Ewing

---

Sommario/riassunto

Modern constitutionalism has put a lot of hopes in parliaments but there is some consensus that these hopes have not been entirely fulfilled. At the same time, the role of parliaments in contemporary democracies continues to evolve as parliaments are faced with new challenges. How should they react to the new forms of executive and administrative action? Should they play a role in upholding judicial independence, although the latter is frequently seen as independence from parliament as well as the executive? How should they contribute to the protection of fundamental rights? The book aims at providing some answers to these questions by first setting the historic scene, giving a comparative overview of the modern history of a selection of major European deliberative institutions (UK, France, Germany and the European Parliament). The book then looks at themes around the doctrine of separation of powers, especially aspects of the relationship between parliament and the executive power and parliaments' role and attitude regarding the judiciary with a special focus on the independence of the judiciary in a comparative perspective

---