

1. Record Nr.	UNINA9910466278203321
Autore	Dammane Charlotte
Titolo	Pourquoi Bruxelles brade l'Europe? : decrypter l'accord transatlantique / / Charlotte Dammane
Pubbl/distr/stampa	Lille, France : , : Hikari editions, , [2015] ©2015
ISBN	2-36774-064-X
Descrizione fisica	1 online resource (110 pages)
Collana	Enquete d'ailleurs
Disciplina	382.097304
Soggetti	Electronic books.
Lingua di pubblicazione	Francese
Formato	Materiale a stampa
Livello bibliografico	Monografia

2. Record Nr.	UNINA9910451923603321
Autore	Bellamy Richard (Richard Paul)
Titolo	Political constitutionalism : a republican defence of the constitutionality of democracy / / Richard Bellamy [[electronic resource]]
Pubbl/distr/stampa	Cambridge : , : Cambridge University Press, , 2007
ISBN	1-107-17858-4 9786611146146 0-511-36693-0 1-281-14614-5 1-139-13211-3 0-511-36630-2 0-511-36567-5 0-511-49018-6 0-511-36752-X
Descrizione fisica	1 online resource (x, 270 pages) : digital, PDF file(s)
Disciplina	347.41012
Soggetti	Representative government and representation Judicial review Democracy Constitutional law - Philosophy
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Title from publisher's bibliographic system (viewed on 05 Oct 2015).
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Introduction: legal and political constitutionalism -- pt. I. Legal constitutionalism. Constitutional rights and the limits of judicial review ; The rule of law and the rule of persons ; Constitutionalism and democracy -- pt. II. Political constitutionalism. The norms of political constitutionalism: non-domination and political equality ; The forms of political constitutionalism: public reason and the balance of power ; Bringing together norms and forms: the democratic constitution.
Sommario/riassunto	Judicial review by constitutional courts is often presented as a necessary supplement to democracy. This book questions its effectiveness and legitimacy. Drawing on the republican tradition, Richard Bellamy argues that the democratic mechanisms of open

elections between competing parties and decision-making by majority rule offer superior and sufficient methods for upholding rights and the rule of law. The absence of popular accountability renders judicial review a form of arbitrary rule which lacks the incentive structure democracy provides to ensure rulers treat the ruled with equal concern and respect. Rights based judicial review undermines the constitutionality of democracy. Its counter-majoritarian bias promotes privileged against unprivileged minorities, while its legalism and focus on individual cases distort public debate. Rather than constraining democracy with written constitutions and greater judicial oversight, attention should be paid to improving democratic processes through such measures as reformed electoral systems and enhanced parliamentary scrutiny.

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