

1. Record Nr.	UNINA9910568266103321
Titolo	Ethnic Diversity, Plural Democracy and Human Dignity : Challenges to the European Union and Western Balkans / / edited by Mario Kreši, Damir Banovi, Alberto Carrio Sampedro, Jnis Pleps
Pubbl/distr/stampa	Cham : , : Springer International Publishing : , : Imprint : Springer, , 2022
ISBN	3-030-97917-2
Edizione	[1st ed. 2022.]
Descrizione fisica	1 online resource (279 pages)
Collana	Ius Gentium: Comparative Perspectives on Law and Justice, , 2214-9902 ; ; 99
Disciplina	323.14 340.2
Soggetti	Conflict of laws International law Comparative law Human rights Law - Europe Political science - Philosophy Private International Law, International and Foreign Law, Comparative Law Human Rights European Law Political Philosophy
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Includes index.
Nota di contenuto	Part 1. European principles and ethnic conflicts -- Compulsory adjudication: an emerging principle of European Law and the Western Balkan' s accession to the European Union (Mario Kreši) -- Democratic principle and nationalistic aspirations in plurinational states. A republicanism approach (Alberto Carrio Sampedro) -- Individualism vs. Collectivism: What are the best models to accommodate different collective and individual identities? (Damir Banovi) -- Part 2. Federalism and democracy -- Constitutional asymmetry as a surrogate in conflict accommodation or how (not) to stabilize a constitutional

system (Maja Sahadžić) -- A Dêmoicratic Account: Catalan Case (Ander Errasti Lopez) -- Part 3. Minority Rights -- Measuring social dimension of judicial ideology at the constitutional courts: a case from Slovenia (Jernej Letnar čnik) -- The citizenship and the state continuity: a case from Latvia (Jānis Pleps) -- EU minority conditionality and the Rule of Law: a case from Croatia (Snježana Vasiljević) -- Counter-Monuments. The Expulsion of the Acadians: a case from Canada (Bruce Anderson, Kim Morgan).

Sommario/riassunto

“Given their ethnic diversity, to what extent, and at what cost and benefit to human dignity, can European countries adopt and adapt plural democracy?” The contributors to this volume offer answers to this question from a variety of multidisciplinary perspectives within the framework of the integral theory of law and the state. Their shared aim is to explain legal phenomena in the context of other relevant issues and to identify, analyse and critique conceptualizations, problems and situations. This volume is rooted in the historical and contemporary European experience with special cases from Bosnia and Hercegovina, Croatia, Latvia, Slovenia, Spain and Canada which are relevant for understanding the European problem. Solutions to the problem are sought through innovative interpretations of the rule of law, democracy and human dignity, which are followed by argumentation about how these concepts, when recognized as European legal principles, can be implemented in order to avoid ethnic conflicts. Following an introduction that defines the problem at the centre of the book and explains how legal theory can be used to address it, the book consists of eleven contributions divided into three thematic sections. The first covers topics concerning the European principles which can help avoid ethnic conflicts: the principle of compulsory adjudication in interstate relations, the principle of democracy, and principles regarding the recognition of individual and collective identities. These European principles are then investigated by drawing on legal and political theories. The second section presents three ways of conceptualizing ethnical needs in multi-ethnic states: asymmetric federalism, dêmoicratic account and cooperative federalism. The third and final section elaborates on issues concerning the protection of minority rights: the role of judicial ideology in protecting minority rights, citizenship, the EU mechanism for the protection of minority rights, and the importance of remembering tragic events affecting minorities.
