

1. Record Nr.	UNINA9910811799703321
Autore	Van der Walt Johan Willem Gous
Titolo	The horizontal effect revolution and the question of sovereignty // Johan van der Walt
Pubbl/distr/stampa	Berlin : , : De Gruyter, , [2014] ©2014
ISBN	3-11-039170-8 3-11-024803-4
Descrizione fisica	1 online resource (450 p.)
Disciplina	341.26
Soggetti	Civil rights - Europe International and municipal law - Europe Judicial review - Europe Law - Europe - American influences
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 indexes.
Nota di contenuto	Front matter -- Preface -- Contents -- Acknowledgements and Disclaimers -- Introduction -- Part One: Horizontal Effect -- Chapter One: Erased Baselines and Inversed Coordinates: 19th Century Backgrounds of the Horizontality Question -- Chapter Two: Twelve Pivotal Cases -- Chapter Three: State Action -- Chapter Four: Drittwirkung -- Part Two: Sovereignty -- Chapter Five: Uninterrupted Sovereignty -- Chapter Six: Différential Sovereignty -- Chapter Seven: Sovereignty and the Dual Destiny of Lüth in Europe -- Chapter Eight: Liberal Democratic Constitutional Review -- Bibliography -- Abbreviations -- Index of Persons -- Subject Index
Sommario/riassunto	That the recent turn in European Constitutional Review has effectively brought about a revolution in European law has been observed before. At issue are two major developments in European judicial review. On the one hand, the European Court of Human Rights has been collapsing traditional boundaries between constitutional law and private law with a series of decisions that effectively recognized the "horizontal" effect of Convention rights in the private sphere. On the other hand, the European Court of Justice has also given horizontal effect to

fundamental liberties embodied in the Treaty on the Function of the European Union in a number of recent cases in a way that puts "established" boundaries between Member State and Union competences in question. This book takes issue with these developments by bringing to the fore a key issue that the horizontality effect debate has hitherto largely overlooked, namely, the question of sovereignty. It shows with detailed references to especially the American debate on state action and the German debate on Drittwirkung that horizontal effect cannot be understood consistently without coming to grips with the conceptions of state sovereignty that inform different approaches to horizontal effect.
