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A COSMOPOLITAN LEGAL ORDER

Kant, Constitutional Justice, and the
European Convention on Human Rights

ALEC STONE-SWEET AND CLARE RYAN

Cosmopolitanism In Constitutional Law

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Cosmopolitanism In Constitutional Law:

Judicial Cosmopolitanism Giuseppe Franco Ferrari, 2019-09-24 Judicial Cosmopolitanism The Use of Foreign Law in Contemporary Constitutional Systems offers a detailed account of the use of foreign law by supreme and constitutional Courts of Europe America and East Asia The individual contributions highlight the ways in which the use of foreign law is carried out by the individual courts and the path that led the various Courts to recognize the relevance for the purpose of the decision to foreign law The authors try to highlight reasons and types of the more and more frequent circulation of foreign precedents in the case law of most high courts At the same time they show the importance of this practice in the so called neo constitutionalism

The Cosmopolitan Constitution Alexander Somek, 2014-08-01 Originally the constitution was expected to express and channel popular sovereignty It was the work of freedom springing from and facilitating collective self determination After the Second World War this perspective changed the modern constitution owes its authority not only to collective authorship it also must commit itself credibly to human rights Thus people recede into the background and the national constitution becomes embedded into one or other system of peer review among nations This is what Alexander Somek argues is the creation of the cosmopolitan constitution Reconstructing what he considers to be the three stages in the development of constitutionalism he argues that the cosmopolitan constitution is not a blueprint for the constitution beyond the nation state let alone a constitution of the international community rather it stands for constitutional law reaching out beyond its national bounds This cosmopolitan constitution has two faces the first political face reflects the changed circumstances of constitutional authority It conceives itself as constrained by international human rights protection firmly committed to combating discrimination on the grounds of nationality and to embracing strategies for managing its interaction with other sites of authority such as the United Nations The second administrative face of the cosmopolitan constitution reveals the demise of political authority which has been traditionally vested in representative bodies Political processes yield to various and often informal strategies of policy co ordination so long as there are no reasons to fear that the elementary civil rights might be severely interfered with It represents constitutional authority for an administered world

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Legal Order Alec Stone Sweet,Clare Ryan,2018-05-01 In this book Alec Stone Sweet and Clare Ryan provide an accessible introduction to Kantian constitutional theory and the law and politics of European rights protection Part I sets out Kant s blueprint for achieving Perpetual Peace and constitutional justice within and beyond the nation state Part II applies these ideas to explain the gradual constitutionalization of a Cosmopolitan Legal Order a transnational legal system in which justiciable rights are held by individuals where public officials bear the obligation to fulfil the fundamental rights of all who come within the scope of their jurisdiction and where domestic and transnational judges supervise how officials act Such an order was instantiated in Europe through the combined effects of Protocol no 11 1998 to the European Court of Human Rights ECtHR and the incorporation of the Convention into national law The authors then describe and assess the strengthening of the European Court s capacities to meet the challenge of chronic failures of protection at the domestic level its progressive approach to the qualified rights covering privacy and family life and the freedoms of expression conscience and religion the robust enforcement of the absolute rights including the prohibition of torture and inhuman treatment and its determined efforts to render justice to all people that come under its jurisdiction including non citizens whose rights are violated beyond Europe Today the Strasbourg Court is the most active and important rights protecting court in the world its jurisprudence a catalyst for the construction of a cosmopolitan constitution in Europe and beyond **The Cosmopolitan**

State H Patrick Glenn,2013-05-23 The idea of the nation state has failed Glenn argues and a major shift in our understanding of the state is needed He provides an original approach by situating cosmopolitanism in its historical context and demonstrating that the state is necessarily cosmopolitan in character and has always been subject to transnational law making Grounding Cosmopolitanism Garrett Wallace Brown,2009-09-14 In a new interpretation Garrett Wallace Brown

considers Kant s cosmopolitan thought as a form of international constitutional jurisprudence that requires minimal legal demands He explores and defends topics such as cosmopolitan law cosmopolitan right the laws of hospitality a Kantian federation of states a cosmopolitan epistemology of culture and a possible normative basis for a Kantian form of global distributive justice *Hearst's International Combined with Cosmopolitan* ,1906 **International Journal of**

Constitutional Law ,2008 **Kant, Global Politics and Cosmopolitan Law** Claudio Corradetti,2020-04-08 Why is there

so much attention on Kant's global politics in present day law and philosophy This book highlights the potential fruitfulness of Kant's cosmopolitan thought for understanding the complexities of the contemporary political world It adopts a double methodological strategy by reconstructing a genealogical conceptual journey showing the development of international law as well as introducing an interpretation of cosmopolitanism centred on Kant's theory of a metaphysics of freedom The result is a novel focus on Kant's notion of the world republic The hypothesis here defended is that the world republic stands as a way of thinking about international politics where the possibility of progression towards peace results from its use as a regulative idea

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