



# The Passivity of Law: Competence and Constitution in the European Court of Justice

*Luigi Corrias*

Download now

[Click here](#) if your download doesn't start automatically

# The Passivity of Law: Competence and Constitution in the European Court of Justice

*Luigi Corrias*

## **The Passivity of Law: Competence and Constitution in the European Court of Justice** Luigi Corrias

At the heart of this book, a question: what to make of the creeping competences of the EU and of the role the European Court of Justice plays in this respect? Taking the implied powers doctrine as its starting point, the hypothesis is that it shows what is ultimately at stake in the concept of legal competence: the problem of creation in law, or the relationship between constituent and constituted power. By rethinking this relationship, a new conceptual framework to make sense of creeping competences is designed. For this, the work of Maurice Merleau-Ponty is used. Tracing back the philosophical roots of creation, legal constitution is understood as constitution in passivity. This leads to a whole new interpretation of the relationship between law and politics, rule following, authority, competences and European integration. From this perspective specific chapters in the case law of the European Court of Justice are reread and the logic behind the competence creep is unmasked.

new back cover copy:

Europe's constitutional journey has not been a smooth one, and a better division and definition of competence in the European Union is a key issue that needs to be addressed. How can the division of competence be made more transparent? Does there need to be a reorganization of competence? How can it be ensured that the redefined division of competence will not lead to a creeping expansion of the competence of the Union or to encroachment upon the exclusive areas of competence of the Member States and, where there is provision, regions? And how can it be ensured that the European dynamic does not come to a halt? Indeed, has the creeping expansion of the competence of the Union already come to a halt? These are the questions this book explores.

The *Passivity of Law: Competence and Constitution in the European Court of Justice* opens with a legal account of competence creep, including the role that the European Court of Justice plays in it and a sketch of the present division of competences and the main principles regulating it. It then discusses the relationship between constituent power and constituted or constitutional power from the viewpoint of the history of constitutional history before offering an alternative theory of their relationship, known as "chiastic theory," which is based on the philosophical investigations of Merleau-Ponty. It details how chiastic theory can be used to make sense of the Court's role in the competence creep in general and the doctrine of implied powers in particular, and it utilizes several case studies concerning competences to sustain this claim. Aimed at researchers and practitioners in Philosophy, Phenomenology, Political Science, the Social Sciences and numerous fields of law, this monograph is a seminal work in the evolving theory and practice of EU law.

 [Download The Passivity of Law: Competence and Constitution ...pdf](#)

 [Read Online The Passivity of Law: Competence and Constitutio ...pdf](#)

## **Download and Read Free Online The Passivity of Law: Competence and Constitution in the European Court of Justice Luigi Corrias**

---

### **From reader reviews:**

#### **Frances Savage:**

Have you spare time for any day? What do you do when you have a lot more or little spare time? Sure, you can choose the suitable activity to get spend your time. Any person spent all their spare time to take a stroll, shopping, or went to typically the Mall. How about open or maybe read a book eligible The Passivity of Law: Competence and Constitution in the European Court of Justice? Maybe it is to be best activity for you. You realize beside you can spend your time together with your favorite's book, you can smarter than before. Do you agree with their opinion or you have additional opinion?

#### **Jody Tolar:**

Book is written, printed, or outlined for everything. You can know everything you want by a reserve. Book has a different type. To be sure that book is important issue to bring us around the world. Close to that you can your reading skill was fluently. A book The Passivity of Law: Competence and Constitution in the European Court of Justice will make you to end up being smarter. You can feel far more confidence if you can know about everything. But some of you think this open or reading some sort of book make you bored. It is not necessarily make you fun. Why they can be thought like that? Have you in search of best book or appropriate book with you?

#### **Oliver Gerling:**

In this 21st hundred years, people become competitive in each way. By being competitive currently, people have do something to make these survives, being in the middle of typically the crowded place and notice by simply surrounding. One thing that oftentimes many people have underestimated that for a while is reading. Sure, by reading a book your ability to survive boost then having chance to remain than other is high. For you personally who want to start reading some sort of book, we give you this The Passivity of Law: Competence and Constitution in the European Court of Justice book as starter and daily reading e-book. Why, because this book is more than just a book.

#### **Jack Bell:**

Spent a free time and energy to be fun activity to do! A lot of people spent their sparettime with their family, or their friends. Usually they performing activity like watching television, planning to beach, or picnic within the park. They actually doing same thing every week. Do you feel it? Do you want to something different to fill your free time/ holiday? Might be reading a book may be option to fill your free of charge time/ holiday. The first thing that you'll ask may be what kinds of publication that you should read. If you want to attempt look for book, may be the e-book untitled The Passivity of Law: Competence and Constitution in the European Court of Justice can be good book to read. May be it may be best activity to you.

**Download and Read Online The Passivity of Law: Competence and  
Constitution in the European Court of Justice Luigi Corrias  
#TWJ6FZX20LG**

## **Read The Passivity of Law: Competence and Constitution in the European Court of Justice by Luigi Corrias for online ebook**

The Passivity of Law: Competence and Constitution in the European Court of Justice by Luigi Corrias Free PDF d0wnl0ad, audio books, books to read, good books to read, cheap books, good books, online books, books online, book reviews epub, read books online, books to read online, online library, greatbooks to read, PDF best books to read, top books to read The Passivity of Law: Competence and Constitution in the European Court of Justice by Luigi Corrias books to read online.

### **Online The Passivity of Law: Competence and Constitution in the European Court of Justice by Luigi Corrias ebook PDF download**

**The Passivity of Law: Competence and Constitution in the European Court of Justice by Luigi Corrias Doc**

**The Passivity of Law: Competence and Constitution in the European Court of Justice by Luigi Corrias Mobipocket**

**The Passivity of Law: Competence and Constitution in the European Court of Justice by Luigi Corrias EPub**