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## gLAWcal COMMENT #226

### FIVE METHODS OF RECOGNIZING NATIONAL CONSIDERATIONS OF REGULATIONS

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*Based on*

**Valentina Vadi “A history of success? Proportionality in international economic law”**



**gLAWcal**  
Global Law Initiatives for Sustainable Development



**Routledge**  
Taylor & Francis Group

## A gLAWcal comment on Valentina Vadi "A history of success? Proportionality in international economic law" in Antonio Segura Serrano (Ed.) "The Reform of International Economic Governance".

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The author, Valentina Vadi, notes five distinct methods by which international interests have been balanced by constitutional law standards. First, institutional competences, which recognize that each nation's apparatus for adjudicating actions by other portions of their national government should be given deference in the majority of the cases, avoid paternalism in a broad sense. Second, scale of values, understands that the degree to which each respective nation concerns themselves with upholding globalized standards of constitutional law and the protections it provides, varies across nations based generally on how important such protections are already present within that nation. Third, Cultural arguments are similar to the second standard of scale of values, recognizing that here historical context is as important as any other consideration. A national belief (or non-belief) in the professionalization of the bureaucracy informs the quickness to claim constitutional torts have occurred

by government actors. Fourth, Incommensurability, effectively the calculation for which claimants make against competing principles of their own and their government. Fifth and final, over-protection of property rights has provided a platform by which very few persons have been able to not provided a proportional public policy protecting the rights of the individual, versus the rights of property and property owners. It is important to understand that these five considerations, along with individualized looks at each nation are important and illuminating to understand why certain nations hold constitutional torts liability to a higher level of importance in their judiciary proceedings than another nation, comparatively.



Cite as: gLAWcal Comment #225 “Five methods of recognizing national considerations of regulations” (2018) based on Valentina Vadi “A history of success? Proportionality in international economic law” in Antonio Seguro Serrano (Ed.) “The Reform of International Economic Governance”, gLAWcal Book Series, Routledge Publishing (New-York/London), 2017, ISBN 9781315553603.

The gLAWcal comments are insight and short analytical pieces written by the gLAWcal team. The gLAWcal comments are based on, and inspired by, the books and chapters published within one of the [gLAWcal book series](#) published by Routledge Publishing (New York/London).

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To influence policymakers, to raise awareness over Non Trade Concerns, to encourage stakeholder participation, and to disseminate gLAWcal's publication results.



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