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Courts and Political Institutions

A Comparative
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Courts And Political Institutions A Comparative View

David Baud



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Law and Justice Sam Muller, Stavros Zouridis, 2012-10-31 The work of Hiil on the law of the future has produced two volumes The Law of the Future and the Future of Law Volumes I and II that bring together 85 think pieces on legal trends in different areas of law and more than 10 interviews with key policy makers as well as incorporating the outcomes of 15 workshops with different legal and justice actors around the world The main question that emerged from this comprehensive process was what can one do with the different legal futures that might come to be as captured in the collection Law Scenarios to 2030 This question could be rephrased who stragises This volume brings you the reflections on this question by a diverse group of thought and practice leaders from different fields and parts of the world Strategy in the justice sector is not an easy thing At the same time the need for coherent strategies seems urgent This book seeks to be a catalyst for broad discussion on this challenge It includes chapters by Geert Corstens President Dutch Supreme Court Mark Ellis Executive Director International Bar Association Adama Dieng Special Adviser to the UN Secretary General on Genocide Kimberly Prost Ombudsperson Security Council s 1267 Committee and Adel Maged Vice President Egyptian Court of Cassation

Judging Europe's Judges Maurice Adams, Henri de Waele, Johan Meeusen, Gert Straetmans, 2014-07-18 After successive waves of EU enlargement and pursuant to the entry into force of the Lisbon Treaty the European Court of Justice finds itself on the brink of a new era Both the institution itself and the broader setting within which it operates have become more heterogeneous than ever before The issues now arriving on its docket are also often of great complexity covering an unprecedented number of fields The aims of this volume are to study the impact of these developments examine the legitimacy of the Court s output in this novel context and provide an appraisal of its overall performance In doing so specific attention is paid to its most recent case law on four topics the general principles of EU law external relations the internal market and Union citizenship Featuring contributions by Maurice Adams Henri de Waele Johan Meeusen and Gert Straetmans Koen Lenaerts J n Maz k and Martin Moser Stephen Weatherill Jukka Snell Michael Dougan Daniel Thym Eileen Denza Michal Bobek and Joseph Weiler

Judicial Activism in Bangladesh Ridwanul Hoque, 2011-01-18 This book critically examines the evolving global trend of judicial activism with particular reference to Bangladesh It constructs judicial activism as a golden mean adjudicative technology standing between excessive judicial assertion and unacceptable judicial passivity that may leave injustices un redressed It argues that judicial balancing between over activism and meek administration of justice should essentially be predicated upon domestic conditions and the needs and fundamental public values of the judges respective society Providing cross jurisdictional empirical evidence the study demonstrates that judicial activism steered towards improving justice and grounded in one s societal specificities can be exercised in a morally and legally legitimate form and without rupturing the balance of powers among the state organs This study has sought to displace

the myth of judicial activism as constitutional transgression by unelected judges arguing that judicial activism is quite different from excessivism It is argued and shown that a particular judge or judiciary turns out to be activist when other public functionaries avoid or breach their constitutional responsibilities and thus generate injustice and inequality The study treats judicial activism as the conscientious exposition of constitutional norms and enforcement of public duties of those in positions of power The study assesses whether Bangladeshi judges have been striking the correct balance between over activism and injudicious passivity Broadly the present book reveals judicial under activism in Bangladesh and offers insights into causes for this It is argued that the existing milieu of socio political injustices and over balance of constitutional powers in Bangladesh calls for increased judicial intervention and guidance of course in a balanced and pragmatic manner which is critical for good governance and social justice Writing about judicial activism easily gets shackled by fussy and pedestrian debates about what judges may or may not do as unelected agents of governance The book goes much beyond such reductionist pedestrianisation of law for it courageously lifts the debate into the skies of global legal realism The analysis perceptively addresses bottlenecks of justice identifying shackles and mental blocks in our own minds against activating concerns for justice for the common citizen Prof Werner Menski Foreword [Elgar Encyclopedia of Public Management](#) Schedler, Kuno, 2022-08-16 This comprehensive Encyclopedia is an essential reference text for students scholars and practitioners in public management Offering a broad and inter cultural perspective on public management as a field of practice and science it covers all the most relevant and contemporary terms and concepts comprising 78 entries written by nearly 100 leading international scholars [The Foundations of European Union Law](#) Trevor Hartley, 2010-08-05 Rev ed of The foundations of European Community law by T C Hartley 6th ed c2007 *Knowledge in Ferment* Adriaan in 't Groen, 2007 Fundamental controversies or basic oppositions between methods and approaches occur in all fields of science and scholarship Often these dilemmas arise at the nexus of science and society or when several sciences or disciplines clash Paradoxically as much as one might prefer to do without them these dilemmas are indispensable to the progress of scientific scholarship Knowledge in Ferment collects the reflections of nineteen professors from Leiden University whose fields of expertise range from classics to quantum physics in order to evaluate the great controversies that dominate their fields and consistently form new paradigms that sustain the fermentation of knowledge and deliver remarkable new insights **The Foundations of European Community Law** Trevor C. Hartley, 2007 Recog 1 Community institutions 2 The community legal system 3 Community law and the member states 4 Administrative law **Research Handbook on EU Law and Human Rights** Sionaidh Douglas-Scott, Nicholas Hatzis, 2017-07-21 The place of human rights in EU law has been a central issue in contemporary debates about the character of the European Union as a political organisation This comprehensive and timely Handbook explores the principles underlying the development of fundamental rights norms and the way such norms operate in the case law of the Court of Justice Leading scholars in the field discuss both the effect of rights on substantive

areas of EU law and the role of EU institutions in protecting them Litigation in Korea Kuk Cho,2010-01-01 Kuk Cho and his colleagues are to be heartily commended for masterfully advancing understanding of Korea s legal system through Litigation in Korea In this impressive volume Professor Cho and ten talented scholars from leading Korean universities explore the full spectrum of major forms of litigation in Korea including civil criminal constitutional administrative and patent litigation Foreign readers will be pleased to know that while the papers are well grounded doctrinally several also deftly explore issues of law and society Anyone interested in litigation in Korea will be very grateful for this fine volume William Alford Harvard Law School US This is a path breaking volume Covering a wide range of topics in both public and private law litigation in Korea the authors utilize both black letter and more theoretical approaches to provide a comprehensive overview of the law The book will be required reading for anyone wanting to understand the Korean legal system today Tom Ginsburg Chicago Law School US This informative book provides an overview of the law and judicial institutions pertaining to litigation in Korea as well as a selection of important court decisions Throughout Korea s democratization process litigation has played a crucial role as an instrument to solve most of the challenging civic and social conflicts which in turn have ramifications in the nation s political constitutional societal and cultural domains The expert contributors explore civil procedure criminal procedure constitutional adjudication administrative litigation and patent litigation in the Republic of Korea As the first publication in the English language to provide a comprehensive picture of litigation in Korea this book will appeal to scholars and post graduate students in Asian studies as well as lawyers dealing with Korea related cases European Yearbook of Constitutional Law 2021 Jurgen de Poorter, Gerhard van der Schyff, Maarten Stremmer, Maartje De Visser, 2022-06-06 The European Yearbook of Constitutional Law EYCL is an annual publication devoted to the study of constitutional law It aims to provide a forum for in depth analysis and discussion of new developments in the field both in Europe and beyond This third volume of the EYCL focuses on constitutional advice an underexplored topic of legal scholarship today and addresses this situation by looking beyond constitutional law s familiar focus on the classic separation of powers and the main legislative executive and judicial bodies implied by this construct The attention is shifted to mapping and analysing the advisory bodies and functions grouped around and in support of the legislators administrators and judges at the frontline of the constitutional edifice which is accomplished through national comparative and transnational perspectives on constitutional advice from Europe and beyond Addressing the topic of constitutional advice is necessary to broaden and deepen not only our understanding of advice as a field in its own right but also as a way of rendering a fuller account of contemporary constitutionalism Also the increasing political polarisation across many societies today underscores the need to study constitutional advice on topics of significance in an attempt to bridge divides and end gridlock This book will be of special interest to constitutional scholars and legal scholars more generally as well as to political scientists In addition government officials judges and policy makers wishing to better understand the legal mechanisms and avenues when it comes to

rendering or receiving advice in the contemporary constitutional context will find much of relevance Jurgen de Poorter is professor at Tilburg Law School Department of Public Law and Governance Gerhard van der Schyff is associate professor at Tilburg Law School Department of Public Law and Governance Maarten Stremmer is assistant professor at Maastricht University Faculty of Law Department of Public Law Maartje De Visser is associate professor at Yong Pung How School of Law Singapore Management University Singapore

Finance, Law, and the Courts Marco Lamandini, David Ramos Muñoz, 2023 Finance Law and the Courts offers a comprehensive legal treatment of finance's regulatory sources and complex problems Drawing from European and US case law the book demonstrates that law and the courts provide finance with the certainty it needs to operate and the elasticity it needs to evolve

National Courts and the International Rule of Law André Nollkaemper, 2012-10-11 This book explores the way domestic courts contribute to the maintenance of the international of law by providing judicial control over the exercises of public powers that may conflict with international law The main focus of the book will be on judicial control of exercise of public powers by states Key cases that will be reviewed in this book and that will provide empirical material for the main propositions include Hamdan in which the US Supreme Court reviewed detention by the United States of suspected terrorists against the 1949 Geneva Conventions Adalah in which the Supreme Court of Israel held that the use of local residents by Israeli soldiers in arresting a wanted terrorist is unlawful under international law and the Narmada case in which the Indian Supreme Court reviewed the legality of displacement of people in connection with the building of a dam in the river Narmada under the ILO Indigenous and Tribal Populations Convention 1957 nr 107 This book explores what it is that international law requires expects or aspires that domestic courts do Against this backdrop it maps patterns of domestic practice in the actual or possible application of international law and determines what such patterns mean for the protection of the international rule of law

The Yale Journal of International Law, 2004

Same-Sex Marriage in the Americas Jason Pierceson, Adriana Piatti-Crocker, Shawn Schulenberg, 2010-04-13 This book examines the proliferation of policy making concerning the recognition and protection of same sex relationships in the countries of North and South America adding to the knowledge of developments in the United States and Canada but mostly notable exploring more recent developments in Mexico Central and South America and the Caribbean While much work has been done on developments in Europe and upper North America this book attempts to broaden the understanding of relationship equality policy proliferation around the world and to add new insights regarding the policies of sexuality in different national contexts The book discusses the several factors that have constrained and facilitated policymaking in this area including legal systems public opinion political culture and more particularly the role of religion as a key obstacle in the recognition of rights for same sex couples The chapters also explore the role of institutional mechanisms political parties NGOs IGOs and international norms as significant factors for policy adoption This book explores policy innovation for same sex couples throughout the Americas and includes same sex marriage legislation civil unions and other new developments for

same sex couples throughout the Americas at both national and sub national levels This scholarship is innovative because though much has been written regarding developments in North America there is very little work dealing with recent developments in the rest of the Americas

The Judicial System Carlo Guarnieri,Patrizia Pederzoli,2020-05-29 This timely book explores the expansion of the role of judges and courts in the political system and the mixed reactions generated by these developments In this comprehensive book Carlo Guarnieri and Patrizia Pederzoli draw on a wealth of experience in teaching and research in the field moving beyond traditional legal analysis and providing a clear concise and all encompassing introduction to the phenomenon of the administration of justice and all of its traits

Encyclopedia of Law and Society David S. Clark,2007-07-10 Introduction to and survey of the field of law and society Includes interdisciplinary perspectives on law from sociology criminology cultural anthropology political science social psychology and economics

The Judicial Branch Kermit L. Hall,Kevin T. McGuire,2005-10-27 Edited by Kermit L Hall and Kevin T McGuire this collection of essays examines the role of the judicial branch in American democracy and the dynamic between the other branches of government compares international models and discusses possible measures for reform The contributors consider the impact of courts on American life and address such central questions as Is the Supreme Court an institution of social justice Is there a case for judicially created and protected social rights Have the courts become sovereign when interpreting the Constitution

The Oxford Handbook of Comparative Administrative Law Peter Cane,Herwig Hofmann,Eric C. Ip,Eric Chi Yeung Ip,Peter L. Lindseth,2021 In this Handbook distinguished experts in the field of administrative law discuss a wide range of issues from a comparative perspective The book covers the historical beginnings of comparative administrative law scholarship and discusses important methodological issues and basic concepts such as administrative power and accountability

Philosophical Foundations of European Union Law Julie Dickson,Pavlos Eleftheriadis,2012-10-11 This volume brings together legal philosophers political philosophers and EU legal academics in the service of developing the philosophical analysis of EU law In a series of original and complementary essays they bring their varied disciplinary expertise and theoretical perspectives to bear on central issues facing the Union and its law

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