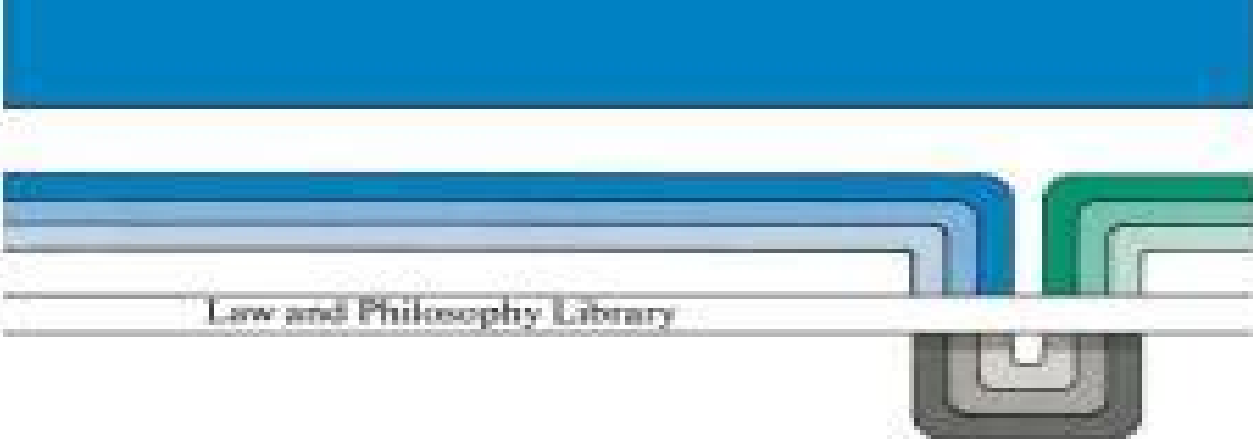




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The Judicial Application of Law

Edited by

Zenon Bankowski and Neil MacCormick

Springer-Science+Business Media, B.V.

The Judicial Application Of Law

**Alexander J. Bělohlávek, Prof. JUDr.
Naděžda Rozehnalová**



The Judicial Application Of Law:

The Judicial Application of Law Jerzy Wróblewski, 2013-06-29 This is the English version of Jerzy Wroblewski's major work in Polish *S downie Stosowania Prawa* translated in his own preferred terms as *The Judicial Application of Law* The present translation arose out of a visit by the author to Scotland in 1989 In that year the Carnegie Trust for the Universities of Scotland made it possible for Jerzy Wroblewski to spend six months as a Carnegie Fellow in the Centre for Criminology and the Social and Philosophical Study of Law at the University of Edinburgh During that time he took a notably active part in the intellectual life of the Centre and the Faculty of Law He gave freely of his time in teaching and advising students and also produced a series of original articles on topics connected with legal reasoning and law and computers His major task while he was here however was to prepare a translation of *S downie Stosowania Prawa* and this he accomplished to the extent of completing a preliminary draft Zenon Bankowski and Neil MacCormick were to help him in improving this linguistically and preparing the final text for publication Wroblewski warned us having finished his draft with great labour that the greater labour would be in the polishing of it For we would have as he joked to translate my English into English And certainly we found it extremely time consuming so as to defy completion during his stay in Edinburgh

Prescriptive Legal Positivism

Tom Campbell, 2024-11-01 Tom Campbell is well known for his distinctive contributions to legal and political philosophy over three decades In emphasizing the moral and political importance of taking a positivist approach to law and rights he has challenged current academic orthodoxies and made a powerful case for regaining and retaining democratic control over the content and development of human rights This collection of his essays reaches back to his pioneering work on socialist rights in the 1980s and forward from his seminal book *The Legal Theory of Ethical Positivism* 1996 An introductory essay provides an historical overview of Professor Campbell's work and argues for the continuing importance of democratic positivism at a time when it is again becoming clear that courts are ineffective protectors of human rights

A Theory of Precedent Raimo Siltala, 2000-11-25 In this study the author identifies six types of judicial precedent ideology and are tests them against judicial experiences in various countries

Czech Yearbook of International Law - Rights of Host States within the System of International Investment Protection - 2011 Alexander J. Bělohávek, Prof. JUDr. Naděžda Rozehnalová, 2011-03-01 With the successful introduction in 2010 of the Czech Yearbook of International Law Professor Alexander J B lohl vek and Professor Nad da Rozehnalov the editors present the 2011 volume of this ambitious project The second volume focuses on the admittedly controversial topics relating to a shift from the investors viewpoints on investment protection to the contrasting viewpoints of the host states which are facing growing numbers of alleged claims by investors Volume II has set as its objective to plot the shift in the paradigm towards a new balance between investors and host states in the investment protection system Such a shift can be observed in the rising number of counterclaims brought by host states against investors by the introduction of new standards for evaluation of investments in light of the good faith of the investor at the

time of an investment and by the choice of an absolute means of protection of a host state's interest against investor claims by termination of an existing investment treaty. These topics represent pieces of the whole mosaic of this problem to which the second volume of the Czech Yearbook of International Law is dedicated to a wide professional audience. The Czech Yearbook of International Law (CYIL) is a collective effort by the following persons and institutions: Language and Legal Interpretation in International Law Anne Lise Kjær, Joanna Lam, 2022. Language and Legal Interpretation in International Law sheds light on the complicated process of language interpretation that adjudicators, judges and arbitrators and legal practitioners adopt when they act within international legal systems. The book also analyzes the role that language and the diversity of languages and national legal cultures plays in different international legal systems. **The New International Law** Christoffer C. Eriksen, Marius Emberland, 2010-10-25. Summary: This volume contains revised versions of a select number of research papers presented at a conference in Oslo, Norway, entitled 'The New International Law'. The conference was subtitled 'Polycentric decision making structures and fragmented spheres of law: what implications for the new generation of international legal discourse'. The current discourse of international law is certainly acquainted with the enormous challenges posed by rapid restructuring of domestic and international governance to conventional outlooks, theories and practices of international law. Today's research forefront thrives on studies that encapsulate, analyse and discuss the shift from a world made up of sovereign nation states to today's inter-supra and transnational arrangements. The Making of Constitutional Democracy Paolo Sandro, 2022-01-27. This open access book addresses a palpable yet widely neglected tension in legal discourse. In our everyday legal practices, whether taking place in a courtroom, classroom, law firm or elsewhere, we routinely and unproblematically talk of the activities of creating and applying the law. However, when legal scholars have analysed this distinction in their theories, rather than simply assuming it, many have undermined it, if not dismissed it as untenable. The book considers the relevance of distinguishing between law creation and law application and how this transcends the boundaries of jurisprudential enquiry. It argues that such a distinction is also a crucial component of political theory. For if there is no possibility of applying a legal rule that was created by a different institution at a previous moment in time, then our current constitutional democratic frameworks are effectively empty vessels that conceal a power relationship between public authorities and citizens that is very different from the one on which constitutional democracy is grounded. After problematising the most relevant objections in the literature, the book presents a comprehensive defence of the distinction between creation and application of law within the structure of constitutional democracy. It does so through an integrated jurisprudential methodology which combines insights from different disciplines, including history, anthropology, political science, philosophy of language and philosophy of action, while also casting new light on long-standing issues in public law, such as the role of legal discretion in the law-making process and the scope of the separation of powers doctrine. The ebook editions of this book are available open access under a CC BY-NC-ND 4.0 licence on bloomsburycollections.com. **Carl**

Schmitt Michael Salter,2012-08-06 There continues to be a remarkable revival in academic interest in Carl Schmitt's thought within politics and social theory but this is the first book to address his thought from an explicitly legal theoretical perspective Transcending the prevailing one sided and purely historical focus on Schmitt's significance for debates that took place in the Weimar Republic 1919 1933 this book addresses the actual and potential significance of Schmitt's thought for controversies within contemporary Anglo American legal theory that have emerged during the past three decades These include the critique of liberal forms of legal positivism the relative indeterminacy of legal doctrine and the need for an explicitly interpretative approach to its range of meanings their scope and policy rationale the centrality of discretion and judicial law making within the legal process the important role played by ideological prejudices and assumptions in legal reasoning the reinterpretation of law as a form of strategically disguised politics the legal theoretical critique of universalistic approaches to human rights and associated liberal cosmopolitan ideologies of humanity including the rhetoric of humanitarian intervention and the limitations of liberal constitutionalism and liberalism more generally as an approach to law In Carl Schmitt Law as Politics Ideology and Strategic Myth the author provides an overview and assessment of Schmitt's thought as well as a consideration of its relevance for contemporary legal thought and debates Elements of Thai Civil

Law Alessandro Stasi,2016-06-27 Elements of Thai Civil Law is meant to serve as an introduction to the study of legal concepts and legal principles that apply to Thai civil law It is designed to provide a concise and systematic overview of the norms regulating legal relationships between private persons in a clear and straightforward style that is understandable to readers unused to legal phraseology Each chapter gives a detailed analysis of a particular area of Thai civil law as well as numerous examples of the main issues encountered in a legal practice Subject coverage includes the law of obligations property law family law and succession **Hinz: Customary Law Ascertained Volume 1** Manfred Hinz,Ndateelela

Namwoonde,2024-01-23 Customary Law Ascertained Volume 1 is the first of a three volume series in which traditional authorities in Namibia present the customary laws of their communities It contains the laws of the Owambo Kavango and Caprivi communities Volume 2 contains the customary laws of the Bakgalagari the Batswana ba Namibia and the Damara communities Volume 3 contains the customary laws of the Nama Ovaherero Ovambanderu and San communities Recognised traditional authorities in Namibia are expected to ascertain the customary law applicable in their respective communities after consultation with the members of that community and to note the most important aspect of such law in written form This series is the result of that process It has been facilitated by the Human Rights and Documentation Centre of the University of Namibia through the former Dean of the Law Faculty Professor Manfred Hinz

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Table of Contents The Judicial Application Of Law

1. Understanding the eBook The Judicial Application Of Law
 - The Rise of Digital Reading The Judicial Application Of Law
 - Advantages of eBooks Over Traditional Books
2. Identifying The Judicial Application Of Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an The Judicial Application Of Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from The Judicial Application Of Law
 - Personalized Recommendations

- The Judicial Application Of Law User Reviews and Ratings
- The Judicial Application Of Law and Bestseller Lists
- 5. Accessing The Judicial Application Of Law Free and Paid eBooks
 - The Judicial Application Of Law Public Domain eBooks
 - The Judicial Application Of Law eBook Subscription Services
 - The Judicial Application Of Law Budget-Friendly Options
- 6. Navigating The Judicial Application Of Law eBook Formats
 - ePub, PDF, MOBI, and More
 - The Judicial Application Of Law Compatibility with Devices
 - The Judicial Application Of Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of The Judicial Application Of Law
 - Highlighting and Note-Taking The Judicial Application Of Law
 - Interactive Elements The Judicial Application Of Law
- 8. Staying Engaged with The Judicial Application Of Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers The Judicial Application Of Law
- 9. Balancing eBooks and Physical Books The Judicial Application Of Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection The Judicial Application Of Law
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine The Judicial Application Of Law
 - Setting Reading Goals The Judicial Application Of Law
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of The Judicial Application Of Law
 - Fact-Checking eBook Content of The Judicial Application Of Law

- Distinguishing Credible Sources

13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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