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# The Judicial Application of Law

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Springer-Science+Business Media, B.V.

# The Judicial Application Of Law

**United States. Supreme Court**



## **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

**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

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

**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

**Civil Judgments at First Instance** Zhixun Cao, 2025-02-19 This book provides an in depth discussion and introduction to Chinese civil procedure from both a theoretical and practical perspectives as well as a comparative study of its relevant systems with those of the West The subject matter of this book is Chinese civil judgments Judgments as the final judicial product which affects the legal relationship between both parties or even multiple parties provide a desirable objects to observe and evaluate the service of judicial proceedings and the protection of the parties procedural rights And since judgments are in most cases regarded as the default termination of any civil litigation there is no need to argue for a comparative study on this topic which has already inspired Chinese doctrines and newest reforms One of the aims of such research is to modernize Chinese civil justice considering the experience of leading legal counterparts Next to the theoretical analysis this book introduces empirical data in China to the English literature which could provide a vivid illustration for legal researchers to be better informed about the Chinese legal system and its real version of rule of law In other words this book likes to describe the real judicial practice in China and summarize how Chinese lawyers understand and facilitate the production of civil judgments Moreover this book intends to focus on the adjudicative techniques in the civil litigation which should constitute the mutual basis of most civil justice Even there is no well developed theory under the name of Adjudicate Techniques in some jurisdictions it is not uncommon to discover some principles methods institutions and practical operation which is functionally and substantially comparable to the ones in other civil justice systems

**Praktische Vernunft, Gesetzgebung und Rechtswissenschaft** Waldemar

Schreckenberger, Christian Starck, 1993 Aus dem Inhalt Praktische Vernunft und Gesetzgebung Mit Beiträgen von M Atienza P Gerard H Hayry K Wojcik I Ceterchi A Gerloch N Nenovski S Wronkowska u Praktische Vernunft und Rechtswissenschaft Mit Beiträgen von M Hartney K Opaek W Ott F Buob K Goodall N Intzessiloglou M Rodriguez Molinero L Morawski A Molter R Caracciolo M Roumeliotis S Urbina K Wikstrom u Praktische Vernunft Mensch und Umwelt Mit Beiträgen von M Hayry L Lukaszuk F Ost P Swan H Visser t Hoof u Ethik der Kommunikationsmedien Mit Beiträgen von B Leiser P Schiwy Franz Steiner 1993

**Private International Law in BRICS** Stellina Jolly, Saloni Khanderia, 2024-08-08 This book examines the convergences divergences and reciprocal lessons that the BRICS countries Brazil Russia India China and South Africa share with one another in developing the principles of private international law The chapters provide a thematic understanding of the cornerstones of private international law in each of the BRICS countries namely 1 the procedure to initiate claims in civil and commercial matters 2 the law that would govern such matters in litigation and arbitration as well as 3 the mechanism to recognise and enforce foreign judgments and arbitral awards Written by leading private international law scholars and practitioners the chapters draw on domestic legislation and its interpretation through cases decided by the courts in each of

these emerging economies and explicitly cover the rules applicable in contractual and non contractual concerns and issues of choice of court agreements Issues around marriage divorce matrimonial property succession and surrogacy are also addressed considering the implication of such aspects through the increased movement of persons The book is a useful comparative resource for the governments of the BRICS countries legislators traders academics researchers and students looking for an in depth discussion of the reciprocal lessons that these countries may have to offer one another on these issues

**Czech Yearbook of International Law - Rights of Host States within the System of International Investment Protection - 2011** Alexander J. Bělohlávek, 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

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

**Continuing Religious Repression in China** Asia Watch Committee (U.S.), 1993 2 Central government policy

**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

*Monitoring Fundamental Rights in the EU* Philip Alston, Olivier De Schutter, 2005-01-26 Coherent laws enforced by a central authority are part of the reason why human rights protection works at the national level in Europe But when it comes to the EU these dimensions are lacking The present system for protecting fundamental rights emerged on an ad hoc basis with measures being improvised to respond to particular problems In the next couple of years however this situation is likely to change very significantly The proposed European Constitution incorporates the EU Charter of Fundamental Rights and a specialized EU Fundamental Rights Agency is likely to be established As a result the situation of the EU will more closely resemble that of its Member States

Fundamental rights will occupy a central role and coherent and systematic arrangements will be in place to protect rights using both judicial and non judicial means The Fundamental Rights Agency in particular has immense potential to ensure effective monitoring of fundamental rights in the EU and to ensure a unified strategy for their promotion in EU law and policy This volume is the first to critically examine the proposals put forward by the European Commission in October 2004 on the creation of the EU Fundamental Rights Agency Leading scholars in the field of European and international human rights law analyse the potential significance of this innovative Agency and seek to locate it in relation to various other human rights mechanisms both in the EU's constitutional structure and within Member States They review the tasks which the Agency could be called upon to perform and make proposals as to how it can function most effectively The relationship of EU law to the international law of human rights emerging from both the United Nations and the Council of Europe is examined The authors also address the challenge of ensuring improved coherence between EU law and the other human rights obligations undertaken by the Member States Taken together these contributions address urgent questions facing the EU at a time when the central unifying function of fundamental rights has been recognized but the way forward remains largely uncharted

The U.S. Supreme Court and New Federalism Christopher P. Banks, John C. Blakeman, 2012-07-13

Constitutional scholars Christopher P Banks and John C Blakeman offer the most current and the first book length study of the U S Supreme Court's new federalism begun by the Rehnquist Court and now flourishing under Chief Justice John Roberts Using descriptive and empirical methods in political science and legal scholarship and informed by diverse approaches to judicial ideology from historical to new institutionalist they investigate how the U S Supreme Court rulings have shaped the

political principle of federalism While the Rehnquist Court reinvigorated new federalism by protecting state sovereignty and set new constitutional limits on federal power Banks and Blakeman show that in the Roberts Court new federalism continues to evolve in a docket increasingly attentive to statutory construction preemption and business litigation In addition they analyze areas of federalism not normally studied by scholars such as religious liberty and foreign affairs *Progress*, 1900

**Official Reports of the Supreme Court** United States. Supreme Court, 2001 **Digest of State Pesticide Use and Application Laws** United States. Environmental Protection Agency. Office of Pesticide Programs. Operations Division, 1976

*Legal Pluralism in the Arab World* Badouin Dupret, Maurits Berger, Laila Al-Zwaini, 2023-03-20 Legal pluralism denotes both the multiple social fields which produce partially interacting norms and the state's recognition of the many sources of law which constitute its legislation It advocates a break from traditional legal theory in favour of describing the law from a more sociological and anthropological perspective The theory of legal pluralism proves a useful tool offering a challenging avenue for the examination of socio legal activities Too often however the literature on legal pluralism has failed to place sufficient emphasis on its fundamental theoretical questions The result of a seminar held in Cairo in December 1996 with contributions by sociologists anthropologists political scientists legal theoreticians and practising lawyers Legal Pluralism in the Arab World represents the first comprehensive examination of this phenomenon This collection of essays attempts to define the notion of legal pluralism from a sociological anthropological and theoretical perspective and highlights its connection with particular Arab societies and countries The work's unique features include a preface by John Griffiths one of the most significant voices in the formulation of the theory of legal pluralism a broad range of case studies demonstrating the diversity in formulations of the theory and a wide variety of approaches to the subject matter Legal Pluralism in the Arab World is the only work in existence which addresses the concept of legal pluralism in this particular part of the world in such a systematic manner These essays significantly enrich the current canon on legal pluralism and offer the reader a unique example of its richness and usefulness

**Reports of Cases Argued and Adjudged in the Supreme Court of the United States** United States. Supreme Court, 1847 **Accountability in the Contemporary Constitution** Nicholas Bamforth, Peter

Leyland, 2013-11-14 Accountability is regarded as a central feature of modern constitutionalism At a general level this prominence is perhaps unsurprising given the long history of the idea However in many constitutional democracies including the UK and the USA it has acquired a particular resonance in contemporary circumstances with the declining power of social deference the expanding reach of populist accountability mechanisms and the increasing willingness of citizens to find mechanisms for challenging official decision making These essays by public law scholars seek to explore how ideas of and mechanisms associated with accountability play a part in the contemporary constitution While the majority of contributors concentrate on the United Kingdom others provide comparative discussion with particular reference to the United States and aspects of European Union law The main focus of the volume is the contemporary UK constitution Chapters are included

which analyse the historical context including the role of Dicey common law constitutionalism the constitutional role of Parliament the constitutional role of the courts judicial accountability human rights protection under the constitution and the contribution of non judicial accountability mechanisms Further chapters explore the public service principle the impact of new public management on public service delivery and the relationship between accountability and regulation Finally accountability is discussed in the light of constitutional reform including the challenges posed by the multi layered government at the supra national level of EU membership and sub national national levels of devolution and local government



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