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Courts, Law, and Politics in Comparative Perspective Herbert Jacob, Erhard Blankenburg, Herbert M. Kritzer, Doris Marie Provine, Joseph Sanders, 1996-01-01 This comprehensive book compares the intersection of political forces and legal practices in five industrial nations the United States England France Germany and Japan The authors eminent political scientists and legal scholars investigate how constitutional courts function in each country how the adjudication of criminal justice and the processing of civil disputes connect legal systems to politics and how both ordinary citizens and large corporations use the courts For each of the five countries the authors discuss the structure of courts and access to them the manner in which politics and law are differentiated or amalgamated whether judicial posts are political prizes or bureaucratic positions the ways in which courts are perceived as legitimate forms for addressing political conflicts the degree of legal consciousness among citizens the kinds of work lawyers do and the manner in which law and courts are used as social control mechanisms The authors find that although the extent to which courts participate in policymaking varies dramatically from country to country judicial responsiveness to perceived public problems is not a uniquely American phenomenon

Domestic Law Goes Global Sara McLaughlin Mitchell, Emilia Justyna Powell, 2011-04-14 International courts have proliferated in the international system with over one hundred judicial or quasi judicial bodies in existence today This book develops a rational legal design theory of international adjudication in order to explain the variation in state support for international courts Initial negotiators of new courts originators design international courts in ways that are politically and legally optimal States joining existing international courts joiners look to the legal rules and procedures to assess the courts ability to be capable fair and unbiased The authors demonstrate that the characteristics of civil law common law and Islamic law influence states acceptance of the jurisdiction of international courts the durability of states commitments to international courts and the design of states commitments to the courts Furthermore states strike cooperative agreements most effectively in the shadow of an international court that operates according to familiar legal principles and rules

The Emerging Constitutional Law of the European Union Adam Bodnar, Michal Kowalski, Karen Raible, Frank Schorkopf, 2003-07-22 Young lawyers from different academic centres in Germany and Poland comment on the ongoing constitutional debate in the EU Each of the more

than 20 articles is dedicated to a specific theme i.e. human rights institutional design current and future function of the EU homogeneity and identity security and defence policy home policy and common values Similarities as well as differences in the perspectives of an old EU Member State on the one hand and an EU Member State to be on the other hand are revealed

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Case Law in Roman, Anglosaxon and Continental Law Mar a Jos Falc N y Tella, 2011-08-25 There is no one definition of case law but rather a plurality of meanings In this respect after an analysis of Roman iurisprudentia and Anglo Saxon case law this work considers the Spanish legal system as an example of a Continental jurisdiction Methoden des internationalen Einheitsrechts Urs Peter Gruber, 2004 English summary National law has already been replaced by uniform law conventions and the European Community law in many cases In the near future national law will be thrust even more into the background if a European civil code comes into force It is however not yet clear how this new law should be applied Urs Peter Gruber attempts to develop a coherent and independent method of statutory interpretation of uniform law

conventions and the European Community law He also deals with many other methodical questions such as the doctrine of stare decisis in international disputes and the problem of judge made law in general In addition he focuses on the methods of legislation The basis of his work is a broad comparative analysis that includes civil law systems as well as the laws of England and the United States With his work the author hopes to stimulate an international debate and support the development of a truly international jurisprudence German description Das staatsvertragliche Einheitsrecht und das europäische Gemeinschaftsrecht haben das nationale Recht in vielen Feldern bereits verdrängt Neue Projekte wie die Schaffung eines europäischen Zivilgesetzbuches könnten zukünftig zu einer noch grosseren Dominanz des internationalen Einheitsrechts führen In der juristischen Methodenlehre wird diesem Paradigmenwechsel allerdings bislang wenig Beachtung geschenkt Urs Peter Gruber unternimmt es eine eigenständige und einheitliche Methodenlehre des internationalen Einheitsrechts zu entwickeln Die Notwendigkeit hierfür resultiert aus der besonderen Zweckrichtung des internationalen Einheitsrechts sowie der Unterschiedlichkeit der vorhandenen nationalen Methodenlehren Der Autor beschränkt sich nicht nur auf Fragen der Auslegung sondern bezieht vor allem Fragen der richterlichen Rechtsfortbildung der Präjudizienbindung sowie der Rechtssetzung mit ein Grundlage ist die rechtsvergleichende Analyse der verschiedenen nationalen Methodenlehren unter besonderer Berücksichtigung des Common Law Auf diese Weise leistet das Werk einen Beitrag zu einer grenzüberschreitenden wissenschaftlichen Diskussion sowie zur überfalligen Internationalisierung der Rechtswissenschaft

Сравнительное правоведение: судебная власть в правовой системе Англии 2-е изд. Учебное пособие для бакалавриата и магистратуры Антон Михайлов, 2019-01-12 **The Judicial Process** Henry Julian Abraham, 1980 This classic text examines the theory practice and people behind the judicial process The new seventh edition brings the work completely up to date by examining important developments and structural changes in three judicial systems up through the end of 1997 including judicial appointments during the Bush and Clinton administrations significant alterations in the structure and organization of the United States British French and other European courts with an emphasis on the ongoing changes in the judiciary of the United Kingdom and the collateral developments on the frontiers of judicial review procedures as well as the judicial role

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