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The Judicial Application of Law

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The Judicial Application Of Law

**Armin von Bogdandy, Huber Peter
M., Christoph Grabenwarter**



The Judicial Application Of Law:

The Judicial Application of Law Jerzy Wróblewski, 1992-11-30 The Judicial Application of Law is an important contribution to analytical jurisprudence. It gives a thorough account of all that is involved in the idea of applying law as this is carried out by judges. Thus it explores analytically a vital idea for our understanding of legality as a value to which systems of government aspire. This is achieved by the rigorous construction and examination of models of the various steps involved in judicial decision making including elements both of interpretation and of fact finding and by the exploration of various possible ideologies of the application of law. The book takes as its main material for analysis statute based legal systems in the form these took within socialist legal systems prior to the recent revolutions being based principally on the law of Poland up to 1989. This is the last work posthumously translated by the most distinguished analytical jurist of modern Poland.

Gleams of Good Faith in Constitutional Law Jan Podkowik, Anna Chmielarz-Grochal, Marcin Stębel, Jarosław Sułkowski, 2026-01-01 This edited volume represents a significant contribution to the academic discourse on the role of good faith in constitutional law. By assembling scholars from various countries who explore different aspects of the subject, the book provides a comprehensive comparative and constitutional theory analysis explaining the idea of good faith in constitutional law. The book consists of three main parts preceded by an introductory and methodological chapter that outlines the research problem and initial findings. The first part examines the origins of good faith in public law and its historical sources. This section introduces the reader to the idea of good faith in jurisprudence and legal tradition and its current application in public law which includes constitutional law. This part focusses on three key points of reference: international treaty law where good faith governs the formation and performance of international agreements; EU law where good faith or loyal cooperation shapes the relationship between member states and EU institutions and the Council of Europe's human rights system in particular the European Court of Human Rights where good faith considerations appear in assessing the compatibility of state action with fundamental rights. This section therefore provides a basic background for understanding constitutional good faith. The second part explores constitutional good faith in selected legal systems. The choice of jurisdictions for comparative analysis is not accidental. First it includes countries where good faith is explicitly enshrined in constitutional provisions and thus is a normative concept with a well defined meaning. Second it includes countries where good faith appears in constitutional jurisprudence or academic debate. The last part analyzes good faith through the lens of constitutional theory focusing on key areas relevant to the interpretation and application of constitutional law in particular the theory of constitutional interpretation, the principle of separation of powers including the vertical division of powers and the judiciary as well as the relationships between the state and individuals. The book is being prepared with funds from the National Science Center in Poland for the project Good Faith in Constitutional Law project no 2020 39 B HS5 02298. *Cambridge Yearbook of European Legal Studies, Vol 10, 2007-2008* Catherine Barnard, 2008-12-18

Scrutinizes issues in EU Law the law of the Council of Europe and Comparative Law which have come to the fore during the year preceding publication

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

The Max Planck Handbooks in European Public Law Armin von Bogdandy, Huber Peter M., Christoph Grabenwarter, 2023-04-13 The Max Planck Handbooks in European Public Law series describes and analyzes the public law of the European legal space an area that encompasses not only the law of the European Union but also the European Convention on Human Rights and importantly the domestic public laws of European states Recognizing that the ongoing vertical and horizontal processes of European integration render legal comparison the task of our time for both scholars and practitioners the project aims to foster a better understanding of the specific European legal pluralism and ultimately to contribute to the legitimacy and efficiency of European public law The first volume of the series began this endeavour with an appraisal of the evolution of the state and its administration offering both cross cutting contributions and specific country reports The third volume the second in chronological terms continues this approach with an in depth appraisal of constitutional adjudication in various and diverse European countries Fourteen country reports and two cross cutting contributions investigate the antecedents foundations organization procedure and specific approach to constitutional issues throughout the Continent The fourth volume now compares European constitutional jurisdiction in the European legal space It examines the structures of the organization the appointment of judges the procedures and the methods of argumentation and interpretation their impact on state and society their legitimacy as well as their role in the division of powers and thus completes the picture following the

country reports in Volume III This comparative perspective is supplemented by an examination that illustrates the relationship with the ECJ the ECtHR and the Venice Commission as well as their constitutional function Finally Constitutional Adjudication Common Themes and Challenges is devoted to the challenges constitutional jurisdiction in the European judicial area is currently facing The historical political and theoretical foundations as well as the basic dogmatic features of constitutional jurisdiction are presented in such a way that the discussion about its role and further development in this legal space is sustainably stimulated

Official Reports of the Supreme Court United States. Supreme Court,2001

Annals of the American Academy of Political and Social Science ,1910

The Administrative State Armin von Bogdandy,Sabino Cassese,Peter M. Huber,2017 This is the first volume of The Max Planck Handbooks of European Public Law Volume I The Administrative State frames the administrative regimes of Europe in a comparative perspective analysing the evolution of state and administration of major European jurisdictions and examining issues that cut across national boundaries

The Procedure and Law of Surrogates' Courts of the State of New York Willis Edgar Heaton,1987

McKinney's Consolidated Laws of New York Annotated New York (State),1917

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Law Creating a State Board of Control of Institutions and Agencies and a Department of Institutions and Agencies New Jersey,1919

The Problems of Peace Geneva Institute of International Relations,1927

The Oxford Guide to Treaties Duncan B. Hollis,2020 This guide is an authoritative reference point for anyone interested in the creation or interpretation of treaties and other forms of international agreement It covers the rules and practices surrounding their making interpretation and operation and uses hundreds of real examples to illustrate different approaches treaty makers can take

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American Orations: V. The anti-slavery struggle Alexander Johnston,James Albert Woodburn,1896

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The Laws of New York State Relating to General, Religious and Non-business Corporations, Taxation and Exemption, Sunday Observance, Marriage and Divorce H. E. Waugh,1897

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