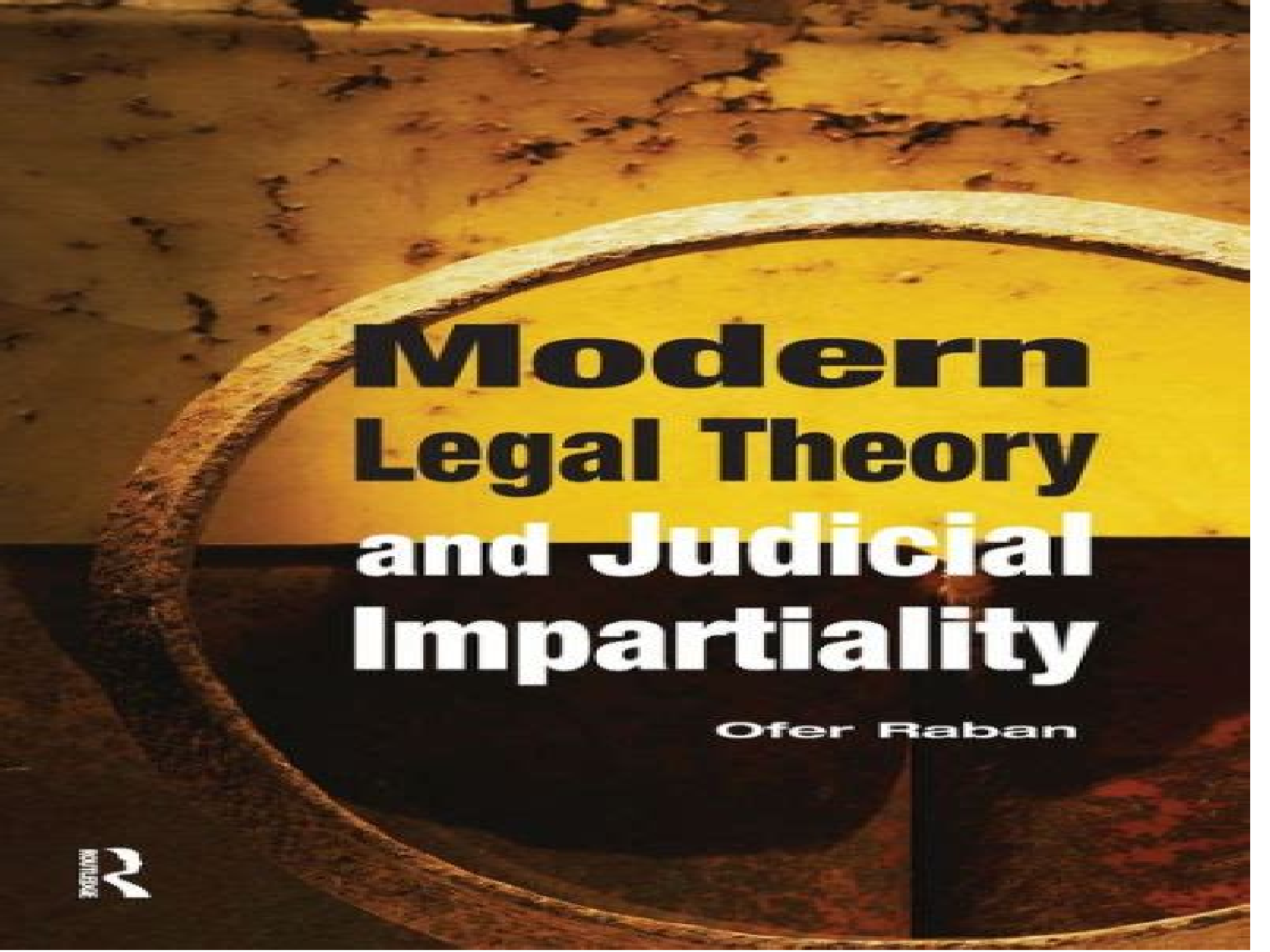




Modern Legal Theory and Judicial Impartiality

Ofer Raban

Modern Legal Theory And Judicial Impartiality

Ed Johnston, Claire-Michelle Smyth



Modern Legal Theory And Judicial Impartiality:

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The Culture of Judicial Independence Shimon Shetreet, Christopher Forsyth, 2011-11-11 This volume analyzes the development of a culture of judicial independence in comparative perspectives to offer an examination of the conceptual foundations of the principle of judicial independence and to discuss in detail the practical challenges facing judiciaries in different jurisdictions.

The Methodology of Legal Theory Michael Giudice, 2017-07-05 The last decade has witnessed a particularly intensive debate over methodological issues in legal theory. The publication of Julie Dickson's *Evaluation and Legal Theory* (2001) was significant as it was a collective return to H.L.A. Hart's *Postscript to The Concept of Law*. While influential articles have been written in disparate journals, no single collection of the most important papers exists. This volume, the first in a three-volume series, aims not only to fill that gap but also to propose a systematic agenda for future work. The editors have selected articles written by leading legal theorists, including among others Leslie Green, Brian Leiter, Joseph Raz, Ronald Dworkin, and William Twining, and organized them under four broad categories: 1) problems and purposes of legal theory; 2) the role of epistemology and semantics in theorising about the nature of law; 3) the relation between morality and legal theory; and 4) the scope of phenomena a general jurisprudence ought to address.

Assessing the Effectiveness of International Courts Yuval Shany, 2014-01-31

Are international courts effective tools for international governance Do they fulfill the expectations that led to their creation and empowerment Why do some courts appear to be more effective than others and do so such appearances reflect reality Could their results have been produced by other mechanisms This book evaluates the effectiveness of international courts and tribunals by comparing their stated goals to the actual outcomes they achieve Using a theoretical model borrowed from social science the book assesses their effectiveness by analysing key empirical data Its first part is dedicated to theory and methodology laying out the effectiveness model explaining its different components its promise and limits and discussing the measurement challenges it faces The second part analyses the role that indicators such as jurisdiction judicial independence legitimacy and compliance play in achieving effectiveness Part three applies the effectiveness model to the International Court of Justice the WTO dispute settlement mechanisms panels and Appellate Body the International Criminal Court the European Court of Human Rights and the European Court of Justice reflecting the diversity of the field of international adjudication Given the recent proliferation of international courts and tribunals this book makes an important contribution towards understanding and measuring the value that these institutions provide

Judicial Review of Immigration Detention in the UK, US and EU Justine N Stefanelli, 2020-01-23 Immigration detention is considered by many states to be a necessary tool in the execution of immigration policy Despite the apparently key role it plays in immigration enforcement the law on immigration detention is often vague especially in relation to determining the circumstances under which prolonged detention remains lawful As a result the courts are frequently called upon to adjudicate these matters with scant legal tools at their disposal Though there have been some significant judgments on the legality of detention at the constitutional level the extent to which these judgments have had an impact at the lower end of the judiciary is unclear Indeed it is the lower courts which are tasked with judging the legality of detention through habeas corpus or judicial review proceedings This book examines the way this has occurred in the lower courts of two jurisdictions the UK and the US and contrasts this practice not only in those jurisdictions but with judgments rendered by the Court of Justice of the European Union a constitutional court at the other end of the judicial spectrum whose judgments are applied by courts and tribunals in the EU Member States Although these three jurisdictions use similar tests to evaluate the legality of detention case outcomes significantly differ Many factors contribute to this divergence but key among them is the role that fundamental rights protection plays in each jurisdiction Through a forensic evaluation of 191 judgments this book compares the laws on detention in the UK US and EU and makes recommendations to these jurisdictions for improvement

Justice Denied: Exploring Inequities in the Legal System Ed Johnston, Claire-Michelle Smyth, 2025-08-15 This volume focuses on injustice in the Criminal Justice System in England and Wales and discusses the barriers to achieving justice The book draws on contributions from established and emerging scholars as well as insight from professional practice to provide insight into the contemporary challenges in distinct areas of injustice through original analysis and argument Topics covered include the

theory of punishment criminal justice access to justice climate justice migrant justice and barriers to justice The volume will be of interest to researchers academics and policy makers working in the areas of Criminal Law Criminology Sociology of Law and Human Rights Law Focused on the legal system of England and Wales the issues raised are relevant for an international readership

The Judicial Function Joe McIntyre, 2019-09-16 Judicial systems are under increasing pressure from rising litigation costs and decreased accessibility from escalating accountability and performance evaluation expectations from shifting burdens of case management and alternative dispute resolution roles and from emerging technologies For courts to survive and flourish in a rapidly changing society it is vital to have a clear understanding of their contemporary role and a willingness to defend it This book presents a clear vision of what it is that courts do how they do it and how we can make sure that they perform that role well It argues that courts remain a critical relevant and supremely well adjusted institution in the 21st century The approach of this book is to weave together a range of discourses on surrounding judicial issues into a systemic and coherent whole It begins by articulating the dual roles at the core of the judicial function third party merit based dispute resolution and social normative governance By expanding upon these discrete yet inter related aspects it develops a language and conceptual framework to understand the judicial role more fully The subsequent chapters demonstrate the explanatory power of this function examining the judicial decision making method reframing principles of judicial independence and impartiality and re conceiving systems of accountability and responsibility The book argues that this function driven conception provides a useful re imagining of some familiar issues as part of a coherent framework of foundational yet interwoven principles This approach not only adds clarity to the analysis of those concepts and the concrete mechanisms by which they are manifest but helps make the case of why courts remain such vital social institutions Ultimately the book is an entreaty not to take courts for granted nor to readily abandon the benefits they bring to society Instead by understanding the importance and legitimacy of the judicial role and its multifaceted social benefits this books challenge us to refresh our courts in a manner that best advances this underlying function

Philosophy of Law Mark Tebbit, 2005 Simultaneously published in the USA and Canada

The Intermediary in the Criminal Justice System John Taggart, 2025-07-25 This book undertakes a sociolegal examination of the intermediary role within the criminal justice system The intermediary special measure is one of the most innovative and controversial developments in the history of English criminal procedure But what does the role actually involve That is the central question explored in this book Despite increased academic attention into this new criminal justice actor the content of the intermediary role remains unclear Based centrally on empirical data gathered in England and Wales and Northern Ireland but also drawing upon comparative material from other jurisdictions the book examines how those executing the intermediary role understand its work and how other criminal justice actors perceive it The book then uses this as the basis for generating a theory of the intermediary role and its scope and content It also considers the future of the role and its

integration into the criminal justice system This book will appeal to those researching and studying in the areas of sociolegal studies criminal law and criminology as well as lawyers judges intermediaries and policy makers working in relevant areas

Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 46 (2003) Council of Europe/Conseil de l'Europe,2004-08-07 This volume of the Yearbook of the European Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 2003 Part one contains information on the Convention Part two deals with the control mechanism of the European Convention on Human Rights selected judgments of the European Court of Human Rights and human rights DH resolutions of the Committee of Ministers part three groups together the other work of the Council of Europe in the field of human rights and includes the work of the Committee of Ministers the Parliamentary Assembly and the Directorate General of Human Rights part four is devoted to information on national legislation and extracts from national judicial decisions concerning rights protected by the Convention Appendix A contains a bibliography on the Convention and Appendix B the biographies of the new judges elected to the European Court of Human Rights

A Matter of Dispute Christopher J. Peters,2011-01-19 Law often purports to require people including government officials to act in ways they think are morally wrong or harmful What is it about law that can justify such a claim In A Matter of Dispute Morality Democracy and Law Christopher J Peters offers an answer to this question one that illuminates the unique appeal of democratic government the peculiar structure of adversary adjudication and the contested legitimacy of constitutional judicial review Peters contends that law should be viewed primarily as a device for avoiding or resolving disputes a function that implies certain core properties of authoritative legal procedures Those properties competence and impartiality give democracy its advantage over other forms of government They also underwrite the adversary nature of common law adjudication and the duties and constraints of democratic judges And they ground a defense of constitutionalism and judicial review against persistent objections that those practices are counter majoritarian and thus nondemocratic This work canvasses fundamental problems within the diverse disciplines of legal philosophy democratic theory philosophy of adjudication and public law theory and suggests a unified approach to unraveling them It also addresses practical questions of law and government in a way that should appeal to anyone interested in the complex and often troubled relationship among morality democracy and the rule of law Written for specialists and non specialists alike A Matter of Dispute explains why each of us individually and all of us collectively have reason to obey the law why democracy truly is a system of government under law

Research Handbook on Critical Legal Theory Emiliios Christodoulidis,Ruth Dukes,Marco Goldoni,2019 Critical theory characteristically linked with the politics of theoretical engagement covers the manifold of the connections between theory and praxis This thought provoking Research Handbook captures the broad range of those connections as far as legal thought is concerned and retains an emphasis both on the politics of theory and on the notion of theoretical engagement The first part examines the question of

definition and tracks the origins and development of critical legal theory along its European and North American trajectories The second part looks at the thematic connections between the development of legal theory and other currents of critical thought such as Feminism Marxism Critical Race Theory varieties of post modernism as well as the various turns ethical aesthetic political of critical legal theory The third and final part explores particular fields of law addressing the question how the field has been shaped by critical legal theory or what critical approaches reveal about the field with the clear focus on opportunities for social transformation

European Legal Book Index, 2003 *The Legal Aspects of Shaming: An Ancient Sanction in the Modern World* Meital Pinto, Guy Seidman, 2023-09-06 Offering an original legal definition of shaming this incisive book argues for greater attention to shaming by legal scholars and practitioners Suggesting nuanced procedures to regulate shaming in diverse areas of law it seeks to make shaming by legal entities legitimate and effective and to use legal mechanisms to limit inappropriate shaming in non legal contexts

Sistem Pengawasan Badan Peradilan di Indonesia - Rajawali Pers Amran Suadi, 2021-02-10 Terwujudnya peradilan yang agung merupakan visi peradilan yang dirumuskan dalam Cetak Biru Blue Print Pembaruan Peradilan tahun 2010 yang merupakan kelanjutan dari program reformasi peradilan sebelumnya Reformasi peradilan ditandai dengan terbitnya naskah Cetak Biru Blue Print pertama tahun 2003 dan kemudian disusul dengan cetak biru tahun 2010 dengan visi Terwujudnya Badan Peradilan yang Agung dan dalam kemandirian pengawasan menjadi salah satu faktor kunci untuk mengembalikan kepercayaan masyarakat sebagai salah satu prasyarat terjuwudnya Badan Peradilan yang Agung Buku ini bertujuan untuk memahami tahapan dari pelaksanaan sistem pengawasan badan peradilan di Indonesia mengetahui hubungan pelaksanaan pengawasan oleh badan pengawasan Mahkamah Agung RI dengan upaya untuk mewujudkan peradilan yang agung dan agar dapat memahami kriteria peradilan yang Agung dan tindakan Mahkamah Agung RI untuk mencapainya agar dapat menganalisis pelaksanaan dan metode yang tepat dalam pelaksanaan sistem pengawasan yang dapat menjaga independensi kekuasaan kehakiman Setelah membaca buku ini pembaca diharapkan dapat memahami bahwa pengawasan yang berhasil adalah pengawasan yang dapat mendukung upaya mewujudkan peradilan yang agung Pengawasan tidak boleh menjangkau putusan hakim dan melakukan intervensi mental dalam sebuah proses perkara fungsi pengawasan yang efektif berjalan konsisten dan sejalan dengan indikator peradilan yang agung yaitu peradilan yang bersih dan hakim yang berintegritas yang selalu menjaga kemandirian kekuasaan kehakiman bermuara pada pelayanan publik yang prima dan berkeadilan

Symposium, 2009 **The Philosophical Review** Jacob Gould Schurman, James Edwin Creighton, Frank Thilly, Gustavus Watts Cunningham, 2004

Judges on Judging David M. O'Brien, 2016-05-20 Thoroughly revised and updated for this Fifth Edition Judges on Judging offers insights into the judicial philosophies and political views of those on the bench Broad in scope this one of a kind book features off the bench writings and speeches in which Supreme Court justices as well as lower federal and state court judges discuss the judicial process constitutional interpretation judicial federalism and the role of the judiciary

Engaging introductory material provides students with necessary thematic and historical context making this book the perfect supplement to present a nuanced view of the judiciary Judges on Judging is consistently rated by my students as their favorite book in my class No other single volume provides them with such a clear and accessible sense of what judges do what courts do and the way judges think about their roles and their courts Douglas Edlin Dickinson College **The Air Force Law Review** ,1974

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