



Political Questions In The Courts A Juridical Function In Democracies Israel

Gregory S. Mahler



Political Questions In The Courts A Juridical Function In Democracies Israel:

Political Questions in the Courts Yaacov S. Zemach, 1976 Judicial Power and National Politics, Second Edition Patricia J. Woods, 2017-02-21 In *Judicial Power and National Politics* Second Edition Patricia J Woods returns to an issue that has only grown in relevance since the first edition's publication in 2008 the religious secular conflict in Israel The first edition focused on the role that courts and justices play in deeply charged political battles In the last quarter of the twentieth century social groups turned to the judicial arm of the state in an effort to force the state to change its laws and policies on religious personal status law or family law Through an extensive case study of the interactions of the women's movement with the High Court of Justice Woods argues that the most important determining factor explaining when why and how national courts enter into the world of divisive politics is found in the intellectual or judicial communities with whom justices live work and think about the law The interaction among members of this community over time culminates in new legal norms This second edition takes into account what has happened in the past decade with public debate over religion and the state moving away from the court and into the realm of popular politics on the Knesset floor in the media in shopping malls and on the streets Included for the first time is the dataset for the author's national survey of women's movement volunteers **The Cambridge Companion to Judaism and Law** Christine Hayes, 2017-02-17 The *Cambridge Companion to Judaism and Law* explores the Jewish conception of law as an essential component of the divine human relationship from biblical to modern times as well as resistance to this conceptualization It also traces the political social intellectual and cultural circumstances that spawned competing Jewish approaches to its own divine law and the non divine law of others including that of the modern secular state of Israel Part I focuses on the emergence and development of law as an essential element of religious expression in biblical Israel and classical Judaism through the medieval period Part II considers the ramifications for the law arising from political emancipation and the invention of Judaism as a religion in the modern period Finally Part III traces the historical and ideological processes leading to the current configuration of religion and state in modern Israel analysing specific conflicts between religious law and state law *The Occupation of Justice* David Kretzmer, Yaël Ronen, 2021-02-12 Judicial review by Israel's Supreme Court over actions of Israeli authorities in the territories occupied by Israel in 1967 is an important element in Israel's legal and political control of these territories The *Occupation of Justice* presents a comprehensive discussion of the Court's decisions in exercising this review This revised and expanded edition includes updated material and analysis as well as new chapters Inter alia it addresses the Court's approach to its jurisdiction to consider petitions from residents of the Occupied Territories justiciability of sensitive political issues application and interpretation of the international law of belligerent occupation in general and the Fourth Geneva Convention in particular the relevance of international human rights law and Israeli constitutional law the rights of Gaza residents after the withdrawal of Israeli forces and settlements from the area Israeli settlements and settlers construction of the separation

barrier in the West Bank security measures including internment interrogation practices and punitive house demolitions and judicial review of hostilities The study examines the inherent tension involved in judicial review over the actions of authorities in a territory in which the inhabitants are not part of the political community the Court belongs to It argues that this tension is aggravated in the context of the West Bank by the glaring disparity between the norms of belligerent occupation and the Israeli government's policies The study shows that while the Court's review has enabled many individuals to receive a remedy it has largely served to legitimise government policies and practices in the Occupied Territories

Judicial Activism in Bangladesh Ridwanul Hoque, 2011-01-18 This book critically examines the evolving global trend of judicial activism with particular reference to Bangladesh It constructs judicial activism as a golden mean adjudicative technology standing between excessive judicial assertion and unacceptable judicial passivity that may leave injustices unredressed It argues that judicial balancing between over activism and meek administration of justice should essentially be predicated upon domestic conditions and the needs and fundamental public values of the judges' respective society Providing cross jurisdictional empirical evidence the study demonstrates that judicial activism steered towards improving justice and grounded in one's societal specificities can be exercised in a morally and legally legitimate form and without rupturing the balance of powers among the state organs This study has sought to displace the myth of judicial activism as constitutional transgression by unelected judges arguing that judicial activism is quite different from excessivism It is argued and shown that a particular judge or judiciary turns out to be activist when other public functionaries avoid or breach their constitutional responsibilities and thus generate injustice and inequality The study treats judicial activism as the conscientious exposition of constitutional norms and enforcement of public duties of those in positions of power The study assesses whether Bangladeshi judges have been striking the correct balance between over activism and injudicious passivity Broadly the present book reveals judicial under activism in Bangladesh and offers insights into causes for this It is argued that the existing milieu of socio political injustices and over balance of constitutional powers in Bangladesh calls for increased judicial intervention and guidance of course in a balanced and pragmatic manner which is critical for good governance and social justice Writing about judicial activism easily gets shackled by fussy and pedestrian debates about what judges may or may not do as unelected agents of governance The book goes much beyond such reductionist pedestrianisation of law for it courageously lifts the debate into the skies of global legal realism The analysis perceptively addresses bottlenecks of justice identifying shackles and mental blocks in our own minds against activating concerns for justice for the common citizen Prof Werner Menski Foreword The Politics of Judicial Independence Bruce Peabody, 2011 2011 Winner of the Selection for Professional Reading List of the U S Marine Corps The judiciary in the United States has been subject in recent years to increasingly vocal aggressive criticism by media members activists and public officials at the federal state and local level This collection probes whether these attacks as well as proposals for reform represent threats to judicial

independence or the normal even healthy operation of our political system In addressing this central question the volume integrates new scholarship current events and the perennial concerns of political science and law The contributors policy experts established and emerging scholars and attorneys provide varied scholarly viewpoints and assess the issue of judicial independence from the diverging perspectives of Congress the presidency and public opinion Through a diverse range of methodologies the chapters explore the interactions and tensions among these three interests and the courts and discuss how these conflicts are expressed and competing interests accommodated In doing so they ponder whether the U S courts are indeed experiencing anything new and whether anti judicial rhetoric affords fresh insights Case studies from Israel the United Kingdom and Australia provide a comparative view of judicial controversy in other democratic nations A unique assessment of the rise of criticism aimed at the judiciary in the United States The Politics of Judicial Independence is a well organized and engagingly written text designed especially for students Instructors of judicial process and judicial policymaking will find the book along with the materials and resources on its accompanying website readily adaptable for classroom use

Courts, Politics, and Culture in Israel Martin Edelman,1994 Moreover Israel lacks the organizing structure and directing force provided by a written constitution

Beyond the Death of God Simone Raudino,Patricia Sohn,2022-05-26 This volume offers a nuanced picture with specific instances of religion and politics in Muslim Jewish Christian Buddhist and Hindu contexts broadly presenting the phenomenon of religion and politics via country and thematic case studies Qualitative quantitative material philosophical and theological analyses draw upon social theory to show how and why religion matters deeply in each time and place The authors and contributors demonstrate that religion is a significant force that drives societies and politics around the world and that a radical change in the Western understanding of value driven global politics is needed Beyond the Death of God offers new local voices to Western audiences through essays that suggest the need for an appreciation of Divinity as a quintessence holding a significant place in the hearts minds social orders and political organization of politics around the world

Israel's National Security Law Amichai Cohen,Stuart Cohen,2012 This book analyses both the substance of Israel s National security law and the dynamics of its historical development It examines the normative principles upon which Israel s national security law is based institutional arrangements for the formulation and protection of national security law and the style in which Israeli national security law is formulated

The Judge in a Democracy Aharon Barak,2009-01-10 Whether examining election outcomes the legal status of terrorism suspects or if or how people can be sentenced to death a judge in a modern democracy assumes a role that raises some of the most contentious political issues of our day But do judges even have a role beyond deciding the disputes before them under law What are the criteria for judging the justices who write opinions for the United States Supreme Court or constitutional courts in other democracies These are the questions that one of the world s foremost judges and legal theorists Aharon Barak poses in this book In fluent prose Barak sets forth a powerful vision of the role of the judge He argues that this

role comprises two central elements beyond dispute resolution bridging the gap between the law and society and protecting the constitution and democracy The former involves balancing the need to adapt the law to social change against the need for stability the latter judges ultimate accountability not to public opinion or to politicians but to the internal morality of democracy Barak's vigorous support of purposive interpretation interpreting legal texts for example statutes and constitutions in light of their purpose contrasts sharply with the influential originalism advocated by U S Supreme Court Justice Antonin Scalia As he explores these questions Barak also traces how supreme courts in major democracies have evolved since World War II and he guides us through many of his own decisions to show how he has tried to put these principles into action even under the burden of judging on terrorism

Israel's Higher Law Steven V. Mazie, 2006-04-07 In Israel's Higher Law Steven V Mazie draws on the voices of Israeli citizens to shed new light on the relationship between liberal democracy and religion By analyzing Israelis perspectives on a number of divisive issues including Jewish state symbols marriage law public Sabbath observance and funding for religious education Mazie identifies a rift between Israeli and American understandings of separation of religion and state and a gulf between Jewish and Arab citizens visions for Israel's religion state arrangement Mazie's compelling study offers more valuable insight into these dilemmas than any publication to date and proposes new guidelines for resolving them Israel's Higher Law is the definitive work on the tensions between religion and democracy in Israel It is a must read for anyone interested in politics and Jewish studies

The Global Expansion of Judicial Power C Neal Tate, Torbjorn Vallinder, 1997-06-01 Essays examining the trend of expanding judicial powers in government around the world In Russia as the confrontation over the constitutional distribution of authority raged Boris Yeltsin's economic program regularly wended its way in and out of the Constitutional Court until Yeltsin finally suspended that court in the aftermath of his clash with the hardline parliament In Europe French and German legislators and executives now routinely alter desired policies in response to or in anticipation of the pronouncements of constitutional courts In Latin America and Africa courts are or will be important participants in ongoing efforts to establish constitutional rules and policies protect new or fragile democracies from the threats of military intervention ethnic conflict and revolution This global expansion of judicial power or judicialization of politics is accompanied by an increasing domination of negotiating or decision making arenas by quasi judicial procedures For better or for worse the judicialization of politics has become one of the most significant trends of the end of the millennium In this book political scientists legal scholars and judges around the world trace the intellectual origins of this trend describe its occurrence or lack of occurrence in specific nations analyze the circumstances and conditions that promote or retard judicialization and evaluate the phenomenon from a variety of intellectual and ideological perspectives

Judicial Review and Electoral Law in a Global Perspective Cristina Fasone, Edmondo Mostacci, Graziella Romeo, 2024-03-21 This book fills a gap in constitutional law by examining the global trend towards the substantive constitutional adjudication of electoral legislation It explores the premises on which this

judicial scrutiny is grounded seeks to explain the trend and examines its consequences for representative democracy The book offers a comparative analysis of the issue investigating how the exchange of models and arguments among judges has catalysed the progressive departure from a traditionally deferential approach to electoral norms an approach that still persists in a few jurisdictions To accomplish this the book delves into the democratic foundations of electoral systems and their evolution It also explores the methodological choices that constitutional judges face when dealing with electoral legislation This groundwork sets the stage for an in depth review of case law in more than fifteen legal systems spanning North and South America Africa Asia Oceania and Europe The objective is to identify the underlying concept of democracy that courts aim to promote The authors critically discuss the varying ideas of democracy evident in each jurisdiction including the use of constitutional borrowing and they analyse the effects of judgments on the relationship between courts representative institutions and voters Given its global scope the combination of theoretical and practical approaches and the comprehensive comparative assessment it provides this work is of interest to academics in the fields of law political science and philosophy It is also relevant for policymakers and judges in constitutional democracies across continents

Constitutional Democracy in Crisis? Mark A. Graber, Sanford Levinson, Mark Tushnet, 2018-08-23 Is the world facing a serious threat to the protection of constitutional democracy There is a genuine debate about the meaning of the various political events that have for many scholars and observers generated a feeling of deep foreboding about our collective futures all over the world Do these events represent simply the normal ebb and flow of political possibilities or do they instead portend a more permanent move away from constitutional democracy that had been thought triumphant after the demise of the Soviet Union in 1989 *Constitutional Democracy in Crisis* addresses these questions head on Are the forces weakening constitutional democracy around the world general or nation specific Why have some major democracies seemingly not experienced these problems How can we as scholars and citizens think clearly about the ideas of constitutional crisis or constitutional degeneration What are the impacts of forces such as globalization immigration income inequality populism nationalism religious sectarianism Bringing together leading scholars to engage critically with the crises facing constitutional democracies in the 21st century these essays diagnose the causes of the present afflictions in regimes regions and across the globe believing at this stage that diagnosis is of central importance as Abraham Lincoln said in his House Divided speech If we could first know where we are and whither we are tending we could then better judge what to do and how to do it

The Handbook of Israel's Political System Itzhak Galnoor, Dana Blander, 2018-04-30 There is growing interest in Israel's political system from all parts of the world This Handbook provides a unique comprehensive presentation of political life in Israel from the formative pre state period to the present The themes covered include political heritage and the unresolved issues that have been left to fester the institutional framework the Knesset government judiciary presidency the state comptroller and commissions of inquiry citizens political participation elections political parties civil society and the

media the four issues that have bedevilled Israeli democracy since its establishment security state and religion the status of Israel s Arab citizens and economic inequities with concomitant social gaps and the contours of the political culture and its impact on Israel s democracy The authors skilfully integrate detailed basic data with an analysis of structures and processes making the Handbook accessible to both experts and those with a general interest in Israel

Judicial Independence: Cornerstone of Democracy Shimon Shetreet, Hiram Chodosh, 2024-04-22 This book is an academic continuation of the previous five volumes on judicial independence edited by Shimon Shetreet with others Jules Deschenes Christopher Forsyth Wayne McCormack Hiram E Chodosh and Eric Helland all books were published by Brill Nijhoff Judicial Independence The Contemporary Debate 1985 The Culture of Judicial Independence Conceptual Foundations and Practical Challenges 2012 The Culture of Judicial Independence Rule of Law and World Peace 2014 The Culture of Judicial Independence in a Globalised World 2016 Challenged Justice In Pursuit of Judicial Independence 2021 This volume offers studies by distinguished scholars and judges from different jurisdictions on numerous dimensions regarding the essential role of judicial independence in democracy It includes analyses of basic constitutional principles and contemporary issues of judicial independence and judicial process in many jurisdictions and analyses of international standards of judicial independence and judicial ethics You can find a podcast of this book here Brill Nijhoff Lawcast

Research Handbook on Law and Political Systems Robert M. Howard, Kirk A. Randazzo, Rebecca A. Reid, 2023-11-03 This Research Handbook is a multi faceted comparative analysis of how law and political systems interact around the world Chapters include analyses of judicial deference congressional support democratic representation politicization of courts public support and judicialization across multiple jurisdictions in the United States and abroad Chapters also investigate transnational courts and the linkages between international and domestic law and politics

Politics and Government in Israel Gregory S. Mahler, 2016-03-03 This balanced and comprehensive text explores Israeli government and politics from both institutional and behavioral perspectives After briefly discussing Israel s history and the early development of the state Gregory Mahler then examines the social religious economic cultural and military contexts within which Israeli politics takes place He makes special note of Israel s geopolitical situation of sharing borders with and being proximate to several hostile Arab nations The book explains the operation of political institutions and behavior in Israeli domestic politics including the constitutional system and ideology parliamentary government the prime minister and the Knesset political parties and interest groups the electoral process and voting behavior and the machinery of government Mahler also considers Israel s foreign policy setting and apparatus the Palestinians and the Israeli Palestinian conflict the particularly sensitive questions of Jerusalem and the Israeli settlement movement and the Middle East peace process overall This clear and concise text provides an invaluable starting point for all readers needing a cogent introduction to Israel today

The Justiciability of International Disputes Solon Solomon, 2009

Judicial Review: Process, Powers and Problems Salman Khurshid, Sidharth Luthra, Lokendra Malik, Shruti

Bedi,2020-06-11 Discusses Upendra Baxi s role as an Indian jurist and how his contributions have shaped our understanding of legal jurisprudence

Unveiling the Magic of Words: A Report on "**Political Questions In The Courts A Juridical Function In Democracies Israel**"

In a world defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their capability to kindle emotions, provoke contemplation, and ignite transformative change is actually awe-inspiring. Enter the realm of "**Political Questions In The Courts A Juridical Function In Democracies Israel**," a mesmerizing literary masterpiece penned by a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve in to the book is central themes, examine its distinctive writing style, and assess its profound effect on the souls of its readers.

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