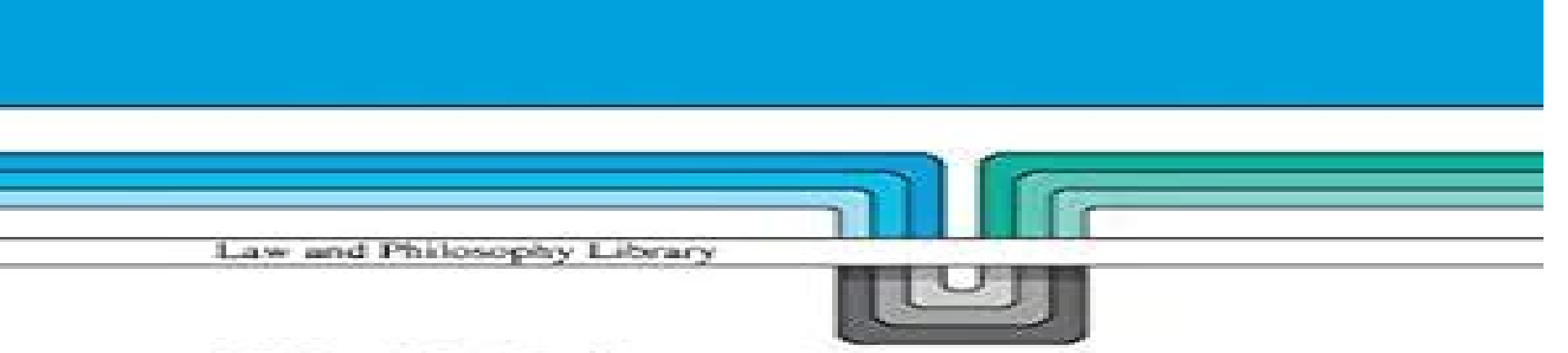




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role of legal principles classically addressed by HLA Hart and Ronald Dworkin Alexy's principles theory which has initially defined legal principles as optimisation requirements currently argues that they express an ideal ought Poscher's critique challenges the soundness of Alexy's principles theory by questioning its ontological and epistemological commitments As legal principles are directly related to constitutional rights the Alexy Poscher debate has significant implications for constitutional adjudication For instance proportionality analysis which incorporates a highly controversial balancing test and the legitimate boundaries of judicial power hinge on the debate's two opposing views Yet despite the centrality and pervasiveness of this topic German contributions to the theoretical and practical impact of legal principles remain generally overlooked by English speaking scholars Concluding with David Duarte's critical and meticulous assessment of the debate this collection bridges that important scholarly gap Whether or not conversant in the debate on legal principles legal researchers and advanced law students with interdisciplinary interests in jurisprudence and constitutional law will find in this book a timely and distinctive introduction to leading developments in German legal thinking

Introduction to Legal Research Method and Legal Writing Uzoma Ihugba, 2020-07-01 The book is written in a conversational style and the language is accessible and simple with flowing examples that users can relate with Practical legal questions are raised and application of individual research methods strategies approaches and philosophies are demonstrated The book starts with a clear definition of legal research method to justification and importance It spans the research process theoretical positions and justification for research the writing up process and the defence of research output either in seminars conferences or for PhD defence It also prepares researchers and academicians for discussion and interaction with peers at conferences and seminars

The United Nations Principles to Combat Impunity: A Commentary Frank Haldemann, Thomas Unger, 2018-03-16 The fight against impunity has become a growing concern of the international community Updated in 2005 the UN Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity is the fruit of several years of study developed under the aegis of the UN Commission on Human Rights and then affirmed by the Human Rights Council These Principles are today widely accepted as constituting an authoritative reference point for efforts in the fight against impunity for gross human rights abuses and serious violations of international humanitarian law As a comprehensive attempt to codify universal accountability norms the UN Set of Principles marks a significant step forward in the debate on the obligation of states to combat impunity in its various forms Bringing together leading experts in the field this volume provides comprehensive academic commentary of the 38 principles The book is a perfect companion to the document setting out the text of the Principles alongside detailed analysis as well as a full introduction and a guide to the relevant literature and case law The commentary advances debates and clarifies complex legal issues making it an essential resource for legal academics students and practitioners working in fields such as human rights international criminal law and transitional justice

Theory of Administrative Contract Shi Jianhui (石建辉), 2024-08-24 Contract is not only a spirit and a

concept but also a system and a method As a spirit and a concept it is very inclusive as a system and a method it is very practical Contract is a theory with a long history and fruitful practice The reform of administrative law starts with the contract The author is honored to be one of the first scholars in mainland China to introduce the concept and basic system of civil contracts into administrative law Although mainland China has not yet established the legality of administrative contracts through the legislative method of administrative procedure law the research and promotion of a group of scholars in mainland China including the author mainland China revised the Administrative Litigation Law at the 11th meeting of the Standing Committee of the 12th National People's Congress in 2014 and for the first time included administrative agreement disputes in the scope of administrative litigation The Supreme People's Court Trial Committee also passed the judicial interpretation of the Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Administrative Agreement Cases at the 1781st meeting on November 12 2019 which came into effect on January 1 2020 The great progress of administrative contracts in administrative justice is inseparable from the efforts of the first batch of administrative contract pioneers in mainland China including the author It is also a great affirmation and praise for which the author is deeply gratified

Purposive Interpretation in Law Aharon Barak, 2011-10-16 This book presents a comprehensive theory of legal interpretation by a leading judge and legal theorist Currently legal philosophers and jurists apply different theories of interpretation to constitutions statutes rules wills and contracts Aharon Barak argues that an alternative approach purposive interpretation allows jurists and scholars to approach all legal texts in a similar manner while remaining sensitive to the important differences Moreover regardless of whether purposive interpretation amounts to a unifying theory it would still be superior to other methods of interpretation in tackling each kind of text separately Barak explains purposive interpretation as follows All legal interpretation must start by establishing a range of semantic meanings for a given text from which the legal meaning is then drawn In purposive interpretation the text's purpose is the criterion for establishing which of the semantic meanings yields the legal meaning Establishing the ultimate purpose and thus the legal meaning depends on the relationship between the subjective and objective purposes that is between the original intent of the text's author and the intent of a reasonable author and of the legal system at the time of interpretation This is easy to establish when the subjective and objective purposes coincide But when they don't the relative weight given to each purpose depends on the nature of the text For example subjective purpose is given substantial weight in interpreting a will objective purpose in interpreting a constitution Barak develops this theory with masterful scholarship and close attention to its practical application Throughout he contrasts his approach with that of textualists and neotextualists such as Antonin Scalia pragmatists such as Richard Posner and legal philosophers such as Ronald Dworkin This book represents a profoundly important contribution to legal scholarship and a major alternative to interpretive approaches advanced by other leading figures in the judicial world

Institutionalized Reason Matthias Klatt, 2012-02-23 This volume gathers leading figures from legal philosophy and

constitutional theory to offer a critical examination of the work of Robert Alexy. The contributions explore the issues surrounding the complex relations between rights law and morality and reflect on Alexy's distinctive work on these issues. The focus across the contributions is on Alexy's main preoccupations: his anti-positivist views on the nature of law, his approach to the nature of legal reasoning, and his understanding of constitutional rights as legal principles. In an extended response to the contributions in the volume, Alexy develops his views on these central issues. The volume's juxtaposition of Anglo-American and German perspectives brings into focus the differences as well as the prospect of cross-fertilization between Continental and Anglo-American work in jurisprudence.

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