

**Annuaire
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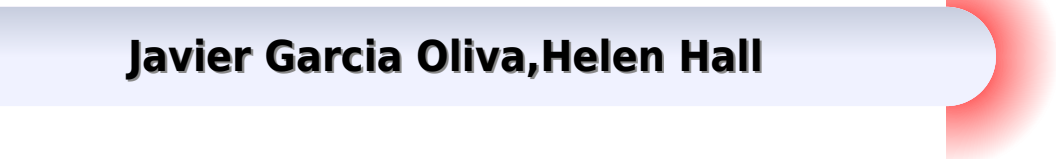
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Annuaire International Justice Constitutionnelle 2014

Javier Garcia Oliva, Helen Hall



Annuaire International Justice Constitutionnelle 2014:

Judicial Cosmopolitanism Giuseppe Franco Ferrari, 2019-09-24 Judicial Cosmopolitanism The Use of Foreign Law in Contemporary Constitutional Systems offers a detailed account of the use of foreign law by supreme and constitutional Courts of Europe America and East Asia The individual contributions highlight the ways in which the use of foreign law is carried out by the individual courts and the path that led the various Courts to recognize the relevance for the purpose of the decision to foreign law The authors try to highlight reasons and types of the more and more frequent circulation of foreign precedents in the case law of most high courts At the same time they show the importance of this practice in the so called neo constitutionalism Annuaire international de justice constitutionnelle ,2005 **Research Handbook on**

Jurilinguistics Anne Wagner,Aleksandra Matulewska,2023-10-06 This Research Handbook offers a comprehensive study of jurilinguistics that not only presents the latest international research findings among academics and practitioners but also provides a new approach to the phenomena and nature of communicative flexibility legal genres vulnerability of interlingual legal communication and the cultural landscape of legal translation **Common European Legal Thinking** Hermann-Josef Blanke,Pedro Cruz Villalón,Tonio Klein,Jacques Ziller,2015-09-24 Common European Legal Thinking emanates from the existence of a shared European legal culture as especially reflected in the existence of a common European constitutional law It denotes a body of individual constitutional principles written and unwritten that represent the common heritage of the constitutions of the Member States Taking into account the two major European organisations the Council of Europe and especially the European Union the essays of this Festschrift discuss a range of constitutional principles including the rule of law democracy and the exercise of political power in a multilevel system which recognises fundamental rights as directly applicable and supreme law Other essays examine the value of pluralism the commitment of private organisations to uphold public values principles or rules and the objectives and methods of a transnational science of administrative law These articles highlight the fact that the Ius Publicum Europaeum Commune is politically in the making which can often be seen in the shape of general legal principles The publication recognises the role of Albrecht Weber as a forerunner of Common European Legal Thinking **Dignity in Judgment** Andrea Pin,2025-11-11 Dignity is a complex philosophical theological and constitutional concept Courts have often progressively distanced the notion of dignity in constitutional law from its religious connotation to emphasize individual autonomy and self determination This process has made the notion of dignity less ambiguous but narrower and more controversial Dignity in Judgment Constitutional Adjudication in Comparative Perspective compares how the apex courts of Canada Colombia Egypt the EU and Israel operationalize the concept of dignity in their case law While these countries share an Abrahamic faith and secularization tendencies these legal systems host a plurality of societal values and their courts have the reputation of having an activist approach to adjudication This book offers an in depth analysis of key decisions that reflect or use the concept of dignity including capital punishment antiterrorism

measures biotechnologies and same sex relations to build a model of human dignity that facilitates mutual understandings among and within legal traditions It shows how religious and secular understandings of dignity have shaped its interpretation through the decades Insightful and thought provoking Dignity in Judgment explores the concept of dignity as it appears in the law by uncovering its character across different legal cultures and religious contexts *Constitutional Change and Constitutionalism in Africa*, 2025-05-16 The new generation of African constitutions crafted in the 1990s marked the beginning of a trend that promised a radical transformation of the continent's governance landscape This movement aimed to eliminate the risks of coups and political instability that had plagued Africa since the 1960s by embedding democracy and constitutionalism However the wave of constitutional reforms post 1990s seems to have sparked a contagious fever of making unmaking and remaking constitutions The nature and frequency of these changes threaten to undermine the progress made in entrenching a culture of constitutionalism good governance and respect for the rule of law It is therefore no surprise that there is almost universal agreement that Africa is now facing a profound crisis of democracy and constitutionalism *Constitutional Change and Constitutionalism in Africa* examines the nature and extent of these changes which have been occurring more frequently and sometimes more arbitrarily than anticipated Among the main questions investigated are the constitution making process and the roles of various internal actors such as the legislature executive and judiciary as well as external actors like the African Union and Regional Economic Communities in the different processes of constitutional change Ultimately the discussions aim to explore how the processes of constitutional change whether inevitable and unavoidable or contrived can be conducted in a manner that does not undermine or threaten the efforts to entrench democracy constitutionalism good governance and respect for the rule of law on the African continent **Comparative Federalism** Félix Mathieu, Dave Guénette, Alain-G. Gagnon, 2024-06-28 This edited volume provides a solid yet accessible set of contributions for students specialists and practitioners of federalism It also reflects a commitment to normalising the connection between federal studies and scholarship on pluralism and diversity management To shed light on a specific theme through a rigorous and comprehensive approach most chapters compare at least two federal systems in connection with a given institutional matter or area of public policy Acknowledgements The editors of the volume would like to extend their warmest thanks to the Programme d'appui la recherche of the Secrétariat du Québec aux relations canadiennes the Groupe de recherche sur les sociétés plurinationales the Centre d'analyse politique Constitution et fédéralisme and the Canada Research Chair in Quebec and Canadian Studies This project would not have been possible without their most generous support The editors would also like to thank the entire editorial team at Palgrave Macmillan In particular they are grateful to Soeren Keil and Eva Maria Belser who enthusiastically welcomed the present project into their Federalism and Internal Conflicts series and to Ambra Finotello Hemapriya Eswanth and Zeenathul Raeesa Ismail for their editorial support They would also like to thank the anonymous reviewers who helped to improve the overall quality of this collective work Félix Dave and Alain

Constitutional Dialogue Geoffrey Sigalet, Grégoire Webber, Rosalind Dixon, 2019-05-02 Identifies how and why dialogue can describe and evaluate institutional interactions over constitutional questions concerning democracy and rights

The Equilibrium of Parliamentary Law-making Viktor Kazai, 2024-08-01 This book is a response to the dangers posed to constitutional democracy by the continuous growth of executive power and the simultaneous decline of parliaments role in policy formation These phenomena are often manifested in the manipulation and even the violation of the rules of parliamentary law making called irregularities If left without consequences these irregularities can ultimately lead to the elimination of the procedural constraints imposed on the ruling political forces to prevent their arbitrary exercise of power This work investigates the constitutional significance of the irregularities of parliamentary law making and explores the role that courts play in the remedy of these flaws The analysis is premised on the concept of equilibrium This explanatory concept denotes an ideal state in which parliamentary law making complies with the requirements of constitutionalism and judicial review is conceptualized as a mechanism suitable to achieve this aim The volume places the judicial review of the regulation and the practice of parliamentary law making at its center and discusses all the relevant legal concepts institutions and doctrines It combines theoretical analysis with case law centered comparative research covering a large number of decisions delivered by apex courts operating in various jurisdictions Due to this methodological choice the book aims to simultaneously contribute to the scholarly discourse and provide useful information to practicing lawyers and policymakers working in the areas of constitutional law and politics and comparative law

Research Handbook on Judging and the Judiciary Sophie Turenne, Mohamed Moussa, 2025-10-07 In this timely Research Handbook leading legal and socio legal scholars join forces with political scientists to discuss court adjudication in common and civil law systems It includes studies of topical problems and debates in judicial studies and examines the institutional framework within which judges operate

Philosophie du droit - 2e édition Alexandre Viala, 2019-07-02 Depuis l'Antiquité Gréco-Romaine la philosophie du droit privilégie deux grandes questions La première porte sur le statut ontologique du droit c'est-à-dire sur l'essence du droit conçu à travers le discours du législateur ou du juge comme un objet normatif dont la teneur diverge selon les différentes écoles philosophiques L'ontologie réaliste et objectiviste des Anciens qui tenaient le droit pour immanent la nature des choses s'oppose à l'ontologie idéaliste et subjectiviste des Modernes selon lesquels le droit est un produit de l'esprit construit au service de l'homme L'ouvrage analyse tout particulièrement cette seconde approche dont l'essoufflement contemporain constitue un symptôme de la crise de la modernité juridique La seconde interrogation porte sur le statut épistémologique du droit Elle s'intéresse au droit comme discipline scientifique c'est-à-dire comme méta-discours pratiqué par les professeurs de droit L'enjeu de la question épistémologique est de s'interroger sur les conditions de scientificité de ce méta-discours Selon certaines écoles philosophiques dites idéalistes le juriste peut prescrire sous la bannière de la science un idéal de justice que d'autres courants considèrent comme empiristes interdisent d'invoquer en invitant le juriste se contenter de décrire le droit positif Présentant ces deux tendances

rivales comme deux impasses pist mologiques l ouvrage promeut une troisi me voie dite critique qui consiste construire pour rendre compte du droit des repr sentations qu on appelle des th ories du droit

Constitutional Culture, Independence, and Rights Javier Garcia Oliva, Helen Hall, 2023-05-26 In Constitutional Culture Independence and Rights Javier Garc a Oliva and Helen Hall coin the term constitutional culture to encapsulate the collective rules and expectations that govern the collective life within a jurisdiction Significantly these shared norms have both legal and social elements including matters as diverse as standards of parenting the modus operandi of police officers and taboos around sexuality Using Quebec Scotland and Catalonia as case studies the book delves into what these constitutional battles mean for the rights identity and needs of everyday people and it powerfully demonstrates why the hypothetical future independence of these regions would have far reaching practical consequences beyond the realm of political structures and academic theory The book does not present a magic bullet to resolve debates around independence this is not its purpose and the text in fact demonstrates why there is no objectively optimal approach in any or all contexts Instead it seeks to shed light on aspects of these situations often overlooked in discussions around the fate of nations and it addresses what the consequences of constitutional paradigm shifts might be for individuals Constitutional culture is a complex web of interconnected understandings and behaviours and the vibrations from shaking or cutting a fundamental strand will be felt throughout the structure

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

Gender-Competent Legal Education Dragica Vujadinović, Mareike Fröhlich, Thomas Giegerich, 2023-02-03 Male dominated law and legal knowledge essentially characterized the whole of pre modern history in that the patriarchy represented the axis of social relations in both the private and public spheres Indeed modern and even contemporary law still have embedded elements of patriarchal heritage even in the secular modern legal systems of Western developed countries either within the content of legislation or in terms of its implementation and interpretation This is true to a greater or lesser extent across legal systems although the secular modern legal systems of the Western developed countries have made great advances in terms of gender equality The traditional understanding of law has always been self evidently dominated by men but modern law and its understanding have also been more or less malestreamed Therefore it has become necessary to overcome the given maskulinity of legal thought In contemporary legal and political orders gender mainstreaming of law has been of the utmost importance for overcoming deeply and persistently embedded power relations and gender based unequal social relations At the same time and equally importantly the gender mainstreaming of legal education to which this book aims to contribute can help to gradually eliminate this male dominance and accompanying power relations from legal education and higher education as a whole This open access textbook provides an overview of

gender issues in all areas of law including sociological historical and methodological issues Written for students and teachers around the globe it is intended to provide both a general overview and in depth knowledge in the individual areas of law Relevant court decisions and case studies are supplied throughout the book Policing the Amazon Vicente Riccio,Guilherme Lopes da Cunha,2024-11-18 This edited collection discusses the rule of law in the Amazon and the capabilities of the region s sovereign states to police their territory considering security matters Comprised of nine countries including a European Union member the Amazon region features states facing political instability poverty social inequalities high levels of corruption and lack of trust by their populations This context is aggravated by the presence of criminal organizations operating there and shaping transnational bonds Notably the world s foremost cocaine producing countries Colombia Peru and Bolivia are located in the region presenting related turmoil and instability Moreover as home to the largest rainforest on Earth and the widest biodiversity the region is an object of concern due to environmental reasons The protection of these natural resources as well as the traditional peoples living there is intertwined with issues of development security and policing The book delves into questions on the international agenda such as how is it possible to sustain the rule of law in the Amazon What are the states capabilities for controlling the territory and enforcing the law How do these states deal with the growing urban violence in the region What are the capabilities of public authorities for proposing laws and policies and judicial systems to process prevent and suppress different crimes such as drug dealing smuggling human trafficking terrorism and environmental crimes The book fills a gap in English language scholarship exploring the context of the rule of law in the Amazon and the impact on policing activities It is ideal for a wide range of audiences including policing scholars law enforcement and community leaders and students focusing on criminal justice and the Amazon **Fiches de contentieux constitutionnel** Marc-Antoine Granger,2023-01-24 45 fiches pour r viser tout le cours de Contentieux constitutionnel les d finitions conna tre les erreurs viter les points essentiels retenir des exercices corrig s pour v rifier ses connaissances des rep res bibliographiques pour aller plus loin 1 index *Dialogues on Italian Constitutional Justice* Vittoria Barsotti,Paolo G. Carozza,Marta Cartabia,Andrea Simoncini,2021-04-27 This collection adopts a distinctive method and structure to introduce the work of Italian constitutional law scholars into the Anglophone dialogue while also bringing a number of prominent non Italian constitutional law scholars to study and write about constitutional justice in a global context The work presents six distinct areas of particular interest from a comparative constitutional perspective first the role of legal scholarship in the work of constitutional courts second structures and processes that contribute to more open or closed styles of constitutional adjudication third pros and cons of collegiality in the work of constitutional courts fourth forms of access by individuals to constitutional justice fifth methods of constitutional interpretation and sixth the relationship between national constitutional adjudication and the transnational context In each of these six areas the volume sets up a new and genuine constitutional dialogue between an Italian scholar presenting a discussion and critical assessment of the specific topic and a

non Italian scholar who responds elaborating the issue as seen from constitutional law beyond the Italian system The resulting six such dialogues thus provide a dynamic in depth multidimensional national and transnational comparative examination of these areas in which the Italian style of constitutional adjudication has a distinctive contribution to make to comparative constitutional law in general Fostering a deeper knowledge of the Italian Constitutional Court within the comparative global space and advancing a creative and fruitful methodological approach the book will be fascinating reading for academics and researchers in comparative constitutional law

Constitutionalism Across Borders in the Struggle Against Terrorism Federico Fabbrini, Vicki C. Jackson, 2016-04-29 This edited collection explores the topic of constitutionalism across borders in the struggle against terrorism analyzing how constitutional rules and principles relevant in the field of counter terrorism move across borders Various chapters underline how constitution like norms consolidate at the level of international and supranational organizations as a limit to the exercise of public power in the field of counter terrorism policy especially counter terrorism financing Other chapters examine the extraterritorial application of constitutional rights and the migration of constitutional norms or anti constitutional practices from one state to another Still others consider how transnational cooperation between states in areas such as intelligence gathering and data sharing may call for updating domestic constitutional law rules or for new international law compacts entrenching rights across borders What emerges is a picture of the complex interplay of constitutional law international law criminal law and the law of war creating webs of norms and regulations that apply in the struggle against terrorism conducted across increasingly porous borders The book will be of particular interest to academics and graduate or postgraduate students working in the fields of constitutional law international law human rights comparative law and national security law It may also be of interest to practitioners concerned with national security counter terrorism and related questions of individual rights

Authoritarian Constitutionalism Helena Alviar García, Günter Frankenberg, 2019 The contributions to this book analyse and submit to critique authoritarian constitutionalism as an important phenomenon in its own right not merely as a deviant of liberal constitutionalism Accordingly the fourteen studies cover a variety of authoritarian regimes from Hungary to Apartheid South Africa from China to Venezuela from Syria to Argentina and discuss the renaissance of authoritarian agendas and movements such as populism Trumpism nationalism and xenophobia From different theoretical perspectives the authors elucidate how authoritarian power is constituted exercised and transferred in the different configurations of popular participation economic imperatives and imaginary community

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

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