

Judges *in* Contemporary Democracy

AN INTERNATIONAL CONVERSATION

EDITED BY

Robert Badinter &
Stephen Breyer

Judges In Contemporary Democracy An International Conversation

Joseph Powderly



Judges In Contemporary Democracy An International Conversation:

Judges in Contemporary Democracy Robert Badinter, Stephen G. Breyer, 2004-06 Edited by a Supreme Court Justice these are essays on the role a judge must play in the legal process across a wide spectrum of democracies **Judges and the Making of International Criminal Law** Joseph Powderly, 2020-06-08 In *Judges and the Making of International Criminal Law* Joseph Powderly explores the role of judicial creativity in the progressive development of international criminal law This wide ranging work unpacks the nature and contours of the international criminal judicial function Employing empirical theoretical and doctrinal methodologies it interrogates the profile of the international criminal bench judicial ethics and the interpretative techniques that judges have utilized in their efforts to progressively develop international criminal law Drawing on the work of Hersch Lauterpacht it proposes a conception of the international criminal judicial function that places judicial creativity at its very heart In doing so it argues that international criminal judges have a central role to play in ensuring that modern international criminal law continues to adapt to a volatile global environment where accountability for crimes that shock the conscience of humanity is as much needed as at any moment in recent history **Foreign Judges in the Pacific** Anna Dziedzic, 2021-11-04 This book explores the use of foreign judges on courts of constitutional jurisdiction in 9 Pacific states Fiji Kiribati Nauru Papua New Guinea Samoa Solomon Islands Tonga Tuvalu and Vanuatu We often assume that the judges sitting on domestic courts will be citizens However across the island states of the Pacific over three quarters of all judges are foreign judges who regularly hear cases of constitutional legal and social importance This has implications for constitutional adjudication judicial independence and the representative qualities of judges and judiciaries Drawing together detailed empirical research legal analysis and constitutional theory it traces how foreign judges bring different dimensions of knowledge to bear on adjudication face distinctive burdens on their independence and hold only an attenuated connection to the state and its people It shows how foreign judges have come to be understood as representatives of a transnational profession with its own transferrable judicial skills and values *Foreign Judges in the Pacific* sheds light on the widespread but often unarticulated assumptions about the significance of nationality to the functions and qualities of constitutional judges It shows how the nationality of judges matters not only for the legitimacy and effectiveness of the Pacific courts that use foreign judges but for legal and theoretical scholarship on courts and judging **Selecting Europe's Judges** Michal Bobek, 2015 The past decade has witnessed change in the ways judges for the Court of Justice of the European Union and the European Court of Human Rights are selected The leitmotif has been securing greater professional quality of the judicial candidates and for this purpose both European systems have put in place various advisory panels or selection committees that are called to evaluate the aptitude of the candidates put forward by the national governments Are these institutional reforms successful in guaranteeing greater quality of the judicial candidates Do they increase the legitimacy of the European courts Has the creation of these advisory panels in any way altered the institutional balance

either horizontally within the international organizations or vertically between the respective organization and its Member States Above all has the spree of judicial comitology as currently practiced a good way for selecting Europe s judges These and a number of other questions are addressed in this topical volume in a comparative and interdisciplinary prospective The book is structured into two elements first how the operation of the new selection mechanisms is captured and analyzed from different vantage points and secondly having mapped the ground the book critically and comparatively engages with selected common themes examining the new mechanisms with respect to values and principles such as democracy judicial independence transparency representativeness and legitimacy

Research Handbook on the Politics of Constitutional

Law Mark Tushnet,Dimitry Kochenov,2023-11-03 This Research Handbook deals with the politics of constitutional law around the world using both comparative and political analysis delivering global treatment of the politics of constitutional law across issues regions and legal systems Offering an innovative critical approach to an array of key concepts and topics this book will be a key resource for legal scholars and political science scholars Students with interests in law and politics constitutions legal theory and public policy will also find this a beneficial companion

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

The Ashgate Research Companion to International Criminal Law Yvonne McDermott,2016-03-23 International criminal law is at a crucial point in its history and development and the time is right for practitioners academics and students to take stock of the lessons learnt from the past fifteen years as the international community moves towards an increasingly uni polar international criminal legal order with the International Criminal Court ICC at the helm This unique Research Companion takes a critical approach to a wide variety of theoretical practical legal and policy issues surrounding

and underpinning the operation of international criminal law as applied by international criminal tribunals The book is divided into four main parts The first part analyses international crimes and modes of liability with a view to identifying areas which have been inconsistently or misguidedly interpreted overlooked to date or are likely to be increasingly significant in future The second part examines international criminal processes and procedures and here the authors discuss issues such as victim participation and the rights of the accused The third part is a discussion of complementarity and sentencing while the final part of the book looks at international criminal justice in context The authors raise issues which are likely to provide the most significant challenges and most promising opportunities for the continuing development of this body of law As international criminal law becomes more established as a distinct discipline it becomes imperative for international criminal scholarship to provide a degree of critical analysis both of individual legal issues and of the international criminal project as a whole This book represents an important collective effort to introduce an element of legal realism or critical legal studies into the academic discourse

The International Judge Daniel Terris, Cesare P. R. Romano, Leigh Swigart, 2007 An interdisciplinary introduction to international judges and their work

Privacy Revisited Ronald J. Krotoszynski, 2016

Privacy Revisited articulates the legal meanings of privacy and dignity through the lens of comparative law and argues that the concept of privacy requires a more systematic approach if it is to be useful in framing and protecting certain fundamental autonomy interests

Constitutional Engagement in a Transnational Era Vicki Jackson, 2013-05-30

Constitutional Engagement in a Transnational Era explores how transnational phenomena affect our understanding of the role of constitutions and of courts in deciding constitutional cases In it Vicki Jackson looks at constitutional court decisions from around the world and identifying postures of resistance convergence or engagement with international and foreign law

Dignity, Degrading Treatment and Torture in Human Rights Law Elaine Webster, 2018-04-27

Although scholars have shown longstanding interest in the boundaries of interpretation of the right not to be subjected to torture and other prohibited harm the existing body of work does not sufficiently reflect the significance of the interpretive scope of degrading treatment This book argues that the degrading treatment element of the right is a crucial site of analysis in itself and for understanding the parameters of the right as a whole It addresses how methodologically the scope of meaning and application of the right not to be subjected to degrading treatment should best be identified and considers the implications thereof It systematically examines the diverse aspects of degrading treatment s scope from foundations of legal interpretation to the drivers of humiliation It draws on wide ranging literature and extensive analysis of more than 1 500 judgments of the European Court of Human Rights which has pioneered the right s interpretive growth The book aims to explore how the interpretive possibilities and limits of the right not to be subjected to degrading treatment turn upon the axes of human dignity and state responsibility and aims to show how this right s protection can be achieved as well as limited through processes of interpretation

Dignity Degrading Treatment and Torture in Human Rights Law provides interpreters

with analytical tools to advance the application of the right not to be subjected to torture cruel inhuman or degrading treatment or punishment in international regional and domestic human rights law It will appeal to all who have an interest in understanding the right s meaning development and potential scope of application as well as those with an interest in methodologies of human rights interpretation **Multi-Party Litigation** Wayne V. McIntosh,Cynthia L. Cates,2010

Drawing upon insights from law and politics Multi Party Litigation outlines the historical development political design and regulatory desirability of multi party litigation strategies in cross national perspective and describes a battle being fought on multiple fronts by competing interests By addressing the potential and constraints of litigation this book offers a comprehensive account of an international issue that will interest students and practitioners of law politics and public policy

The View of the Courts from the Hill Mark C. Miller,2009-04-28 The book concludes with a call for the protection of judicial independence in order to preserve the voice of the federal courts in the constitutional interpretation dialogue *The*

Death Penalty's Denial of Fundamental Human Rights John Bessler,2022-12-15 This book details how capital punishment violates universal human rights and traces the evolution of the world s understanding of torture *CiviC Disobedience*

Claire Moulin-Doos,2015-05-21 The book offers a counter model to the classical liberal theories of civil disobedience as developed by authors such as John Rawls and Ronald Dworkin Based on a strict opposition between liberalism and democracy it proposes a new perspective for the understanding of political disobedience As an alternative to civil disobedience the author proposes the idea of civic disobedience With reference to authors such as Chantal Mouffe Jacques Ranci re and Stanley Fish and in opposition to liberal concepts of democracy the outlines of a new novel theory of democracy become visible *Law and Society* Steven Vago,2015-07-14 For one semester undergraduate courses in Law and Society

Sociology of Law Introduction to Law and a variety of criminal justice courses offered in departments of Sociology Criminal Justice and Political Science Examines the interplay between law and society Law and Society 10e provides an informative balanced and comprehensive analysis of the interplay between law and society This text presents an overview of the most advanced interdisciplinary and international research theoretical advances ongoing debates and controversies It raises new levels of awareness on the structure and functions of law and legal systems and the principal players in the legal arena and their impact on our lives In addition it looks at the legal system in the context of race class and gender and considers multicultural and cross cultural issues in a contemporary and interdisciplinary context **The Practice of Judicial**

Interaction in the Field of Fundamental Rights Casarosa, Federica,Moraru, Madalina,2022-02-04 This insightful and timely book provides a comparative assessment of selected legal issues emerging from the EU legal context which impact profoundly on the national legal systems It argues that judicial interaction can answer complex legal questions relating to the implementation of the EU Charter Judicial Politics in the United States Mark C. Miller,2018-09-03 Judicial Politics in the

United States examines the role of courts as policymaking institutions and their interactions with the other branches of

government and other political actors in the U S political system Not only does this book cover the nuts and bolts of the functions structures and processes of our courts and legal system it goes beyond other judicial process books by exploring how the courts interact with executives legislatures and state and federal bureaucracies It also includes a chapter devoted to the courts interactions with interest groups the media and general public opinion and a chapter that looks at how American courts and judges interact with other judiciaries around the world Judicial Politics in the United States balances coverage of judicial processes with discussions of the courts interactions with our larger political universe making it an essential text for students of judicial politics

Dissenting Voices in American Society Austin Sarat, 2012-01-31 Dissenting Voices in American Society The Role of Judges Lawyers and Citizens explores the status of dissent in the work and lives of judges lawyers and citizens and in our institutions and culture It brings together under the lens of critical examination dissenting voices that are usually treated separately the protester the academic critic the intellectual and the dissenting judge It examines the forms of dissent that institutions make possible and those that are discouraged or domesticated This book also describes the kinds of stories that dissenting voices try to tell and the narrative tropes on which those stories depend This book is the product of an integrated series of symposia at the University of Alabama School of Law These symposia bring leading scholars into colloquy with faculty at the law school on subjects at the cutting edge of interdisciplinary inquiry in law

Judicial Character in Hard Times Tomasz Widiak, 2025-03-12 This insightful book analyses how judges intellectual traits and personalities impact the rule of law and the proper performance of judicial roles Focusing on times of crisis the book discusses manifestations of judicial character under internal and external pressures social unrest and attacks on judges when their status independence and impartiality are under strain

The Enigmatic Realm of **Judges In Contemporary Democracy An International Conversation**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing lacking extraordinary. Within the captivating pages of **Judges In Contemporary Democracy An International Conversation** a literary masterpiece penned by a renowned author, readers embark on a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting impact on the hearts and minds of people who partake in its reading experience.

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