

Judicial deliberations - a comparative analysis of judicial transparency and legitimacy

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Judicial Deliberations : Mitchel De S.

Each constitutional court must be examined in its specific legal and political context.

Judicial Deliberations: A Comparative Analysis of Transparency and Legitimacy

Jacco Bomhoff is a Lecturer in law at the Law Department of the London School of Economics in the UK. Using Lasser's approach and ideas as a starting point, in this book judges from the French, Belgian and Dutch Cassation Courts reflect on the challenges that their Courts are facing.

Judicial Deliberations A Comparative Analysis Of Transparency And Legitimacy Oxford Studies In European Law PDF Book

Supreme Court and the French Cour de cassation, the book first reorders the traditional comparative understanding of the difference between French civil law and American common law judicial decision-making. In the last and fifth chapter the Author reflects on some crucial theoretical questions regarding the institution of dissenting opinion in the light of the findings of her comparative research.

JUDICIAL DELIBERATIONS A COMPARATIVE ANALYSIS OF TRANSPARENCY AND LEGITIMACY OXFORD STUDIES IN EUROPEAN LAW

Law-making per se may be limited to the legislature; but significant judicial normative administration is entrusted to State selected, trained, and sanctioned elites who are policed internally through hierarchical institutional structures. It aims to observe, compare and systematise the practice of dissenting opinions in European constitutional courts within the existing theoretical framework.

This Chapter sets out how this archetype is used in the remainder of the Part to explore the processes of norm development, factual assessment, and evaluation and application by which judicial disputes are determined.

On Judicial Transparency, Control, and Accountability

Supreme Court and the French Cour de cassation, the book first reorders the traditional comparative understanding of the difference between French civil law and American common law judicial decision-making. This trend is accompanied by an intensified dialogue between courts, involving national supreme courts, constitutional courts and international courts. Learn more about these useful resources on our.

Questioning Judicial Deliberations†

Judicial deliberations a comparative analysis of transparency and legitimacy mitchel de s o le lasser oxford studies in european law offers a major comparative study of the judicial reasoning and interpretive processes of civil and common law systems and the european court of justice.

Katalin Kelemen

In a context of constitutional pluralism, dissenting opinions are the proof that courts are not immune to the debates taking place in society but, on the contrary, they engage in them. Rather, this Chapter argues that the judicial process cannot be reduced to either logic or choice, and is instead composed of non-arbitrary discretions, guided by reasoning yet dependent upon an act of will.

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