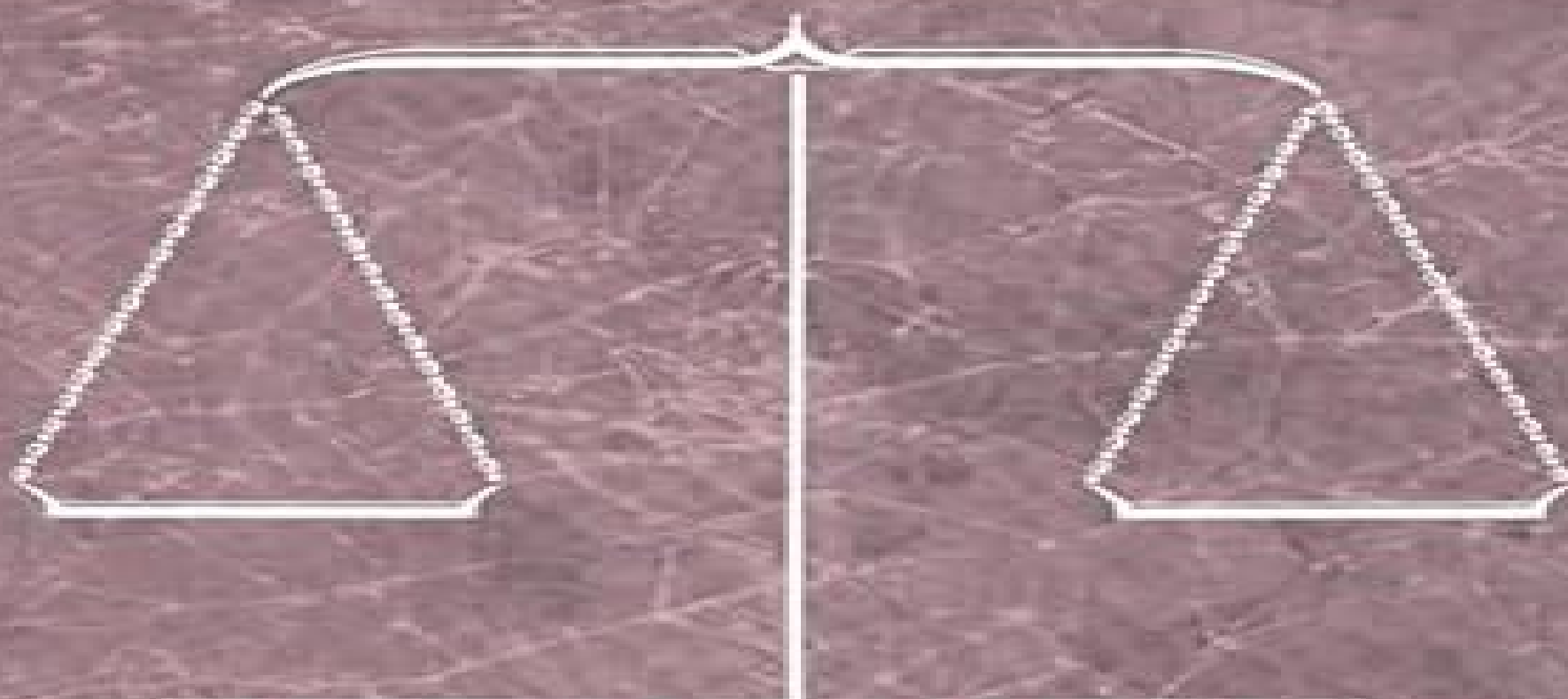


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MARTIN SHAPIRO

Courts A Comparative And Political Analysis

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information to parties in a way that reduces the uncertainty causing their conflict The substantive focus of the book is the role of constitutional courts in democracies where the armed forces are fighting internal armed conflicts of different types Colombia Peru and Mexico in Latin America and also Israel Turkey and Pakistan Through detailed analyses of the political context civil military relations and the constitutional jurisprudence on military autonomy and the regulation of the use of force the book shows that constitutional courts can be instrumental in striking a democratically accepted balance between the exercise of civilian authority and the legitimate needs of the military in its pursuit of order and national security 21st Century Political Science: A Reference Handbook John T Ishiyama, Marijke Breuning, 2010-10-22 Via 99 entries or mini chapters the SAGE 21st Century Reference Series volumes on political science highlight the most important topics issues questions and debates any student obtaining a degree in this field ought to have mastered for effectiveness in the 21st century 21st Century Political Science A Reference Handbook serves as an authoritative reference source that meets students research needs with more detailed information than encyclopedia entries but not so much jargon detail or density as a journal article or a research handbook chapter An editorial advisory board comprised of eminent scholars from various subfields many of whom are also award winning teachers selected the most important general topics in the discipline The two volumes are divided into six major parts 1 General Approaches of Political Science 2 Comparative Politics 3 International Relations 4 Political Science Methodology 5 Political Thought and 6 American Politics A section on identity politics includes chapters on topics such as Race Ethnicity and Politics Gender and Politics Religion and Politics and LGBT Issues Queer Theory This two volume resource makes fairly complex approaches in political science accessible to advanced undergraduate and beginning graduate students **Routledge Handbook of Brazilian Politics** Barry Ames, 2018-10-25 With contributions from leading international scholars this Handbook offers the most rigorous and up to date analyses of virtually every aspect of Brazilian politics including inequality environmental politics foreign policy economic policy making social policy and human rights The Handbook is divided into three major sections Part 1 focuses on mass behavior while Part 2 moves to representation and Part 3 treats political economy and policy The Handbook proffers five chapters on mass politics focusing on corruption participation gender race and religion three chapters on civil society assessing social movements grass roots participation and lobbying seven chapters focusing on money and campaigns federalism retrospective voting partisanship ideology the political right and negative partisanship five chapters on coalitional presidentialism participatory institutions judicial politics and the political character of the bureaucracy and eight chapters on inequality the environment foreign policy economic and industrial policy social programs and human rights This Handbook is an essential resource for students researchers and all those looking to understand contemporary Brazilian politics **Canada's Courts** McCormick, Peter, 1994 A unique discussion of the judicial system in Canada this is the first book on the court system to be written from a social science rather than a legal perspective McCormick analyzes which courts and judges are most often cited and

discusses party capability theory in a Canadian context He offers new data on the courts including statistics on the Supreme Court caseload the success rates on appeals from provincial courts of appeal to the Supreme Court and success rates by litigant category in provincial and appeal court decisions Written in accessible language and offering data that have never before been published Canada's Courts will be of particular interest to legal professionals and those in related fields of the social sciences

The Votes That Counted Howard Gillman, 2003-07-05 The struggle over the outcome of the 2000 presidential election inspired countless books most of them hasty political critiques However with this book Howard Gillman had different aims from the beginning to create a lasting authoritative document of the 36 days between the election and its legal resolution to offer an accessible overview of the legal strategies and debates and to assess the influence of politics and law on the judges who shaped the outcome of this historical controversy

The Democratisation of EU International Relations Through EU Law Juan Santos Vara, Soledad Rodríguez Sánchez-Tabernero, 2018-07-27 Since the entry into force of the Treaty of Lisbon key improvements have occurred in the democratisation of EU international relations through the increased powers of the European Parliament Nevertheless a comprehensive legal analysis of the new developments in democratic control of EU external action has not yet been performed This book aims to improve the understanding of the set of mechanisms through which democratic control is exerted over EU external action in times of profound transformations of the legal and political architecture of the European integration process It analyses the role of the Court of Justice in the democratisation of international relations through EU law and further provides a legal overview of the role of the European Parliament in the conduct of the EU's international relations In those areas where the powers of the Parliament have greatly increased the book aims to raise questions as to whether this enhanced position has contributed to a more consistent external action At the same time the book aims to contribute to the debate on judicial activism in connection with the democratisation of EU external action It offers the reader a detailed and topical analysis of the recent developments in democratic control of external action which are of relevance in the daily practice of EU external relations lawyers including the topic of mixed agreements This text will be of key interest to scholars and students working on EU external relations law EU institutional law European Union studies politics international relations and more broadly to policy makers and practitioners particularly to those with an interest on the European Parliament and the Court of Justice of the European Union

The Max Planck Handbooks in European Public Law Armin von Bogdandy, Peter M. Huber, Christoph Grabenwarter, 2023 The fourth volume of the Max Planck Handbooks in European Public Law series compares European constitutional jurisdiction in the perspective of the European legal space It examines the structures of the organization the appointment of judges the procedures and the methods of argumentation and interpretation their impact on state and society their legitimacy or their role in the division of powers and thus completes the picture following the country reports in Volume III This comparative perspective is supplemented by an examination that illustrates the relationship to the ECJ the ECtHR

and the Venice Commission as well as their constitutional function Finally the volume is devoted to the challenges currently facing constitutional jurisdiction in the European Legal Space The historical political and theoretical foundations as well as the basic doctrinal features of constitutional jurisdiction are presented in such a way that the discussion about its role and further development in this legal space is sustainably stimulated

Crafting Courts in New Democracies Matthew Ingram, 2016 This book explores the importance of local courts in enacting positive social and economic reform in Brazil and Mexico

Strategies of Compliance with the European Court of Human Rights Andreas von Staden, 2018-05-02 In *Strategies of Compliance with the European Court of Human Rights* Andreas von Staden looks at the nature of human rights challenges in two enduring liberal democracies Germany and the United Kingdom Employing an ambitious data set that covers the compliance status of all European Court of Human Rights judgments rendered until 2015 von Staden presents a cross national overview of compliance that illustrates a strong correlation between the quality of a country's democracy and the rate at which judgments have met compliance Tracing the impact of violations in Germany and the United Kingdom specifically he details how governments legislators and domestic judges responded to the court's demands for either financial compensation or changes to laws policies and practices Framing his analysis in the context of the long standing international relations debate between rationalists who argue that actions are dictated by an actor's preferences and cost benefit calculations and constructivists who emphasize the influence of norms on behavior von Staden argues that the question of whether to comply with a judgment needs to be analyzed separately from the question of how to comply According to von Staden constructivist reasoning best explains why Germany and the United Kingdom are motivated to comply with the European Court of Human Rights judgments while rationalist reasoning in most cases accounts for how these countries bring their laws policies and practices into sufficient compliance for their cases to be closed When complying with adverse decisions while also exploiting all available options to minimize their domestic impact liberal democracies are thus both norm abiding and rational instrumentalist at the same time in other words they choose their compliance strategies rationally within the normative constraint of having to comply with the Court's judgments

The U.S. Supreme Court and the Judicial Review of Congress Linda Camp Keith, 2008 This book examines from a behavioral perspective the U S Supreme Court's exercise of the power of judicial review over Congress across two hundred years of the Court's history testing the major competing theories in political science the attitudinal model and the strategic approach through systematic empirical analysis Exploring the major trends in the Court's use of this power over time the book examines a broad range of questions concerning the countermajoritarian nature of this power and provides an analysis of each of the individual justices behavior along several dimensions of the power such as the use of judicial review to protect minority rights against majority intrusion The book concludes that the Court has shown a high level of deference to Congress with notable historic highs and lows and generally that the exercise of the power has been less countermajoritarian than is usually assumed Its analyses find the strongest level

of support for the attitudinal approach to judicial decision making but also concludes that strategic concerns cannot be dismissed especially for the more recent Courts

Judicial Power Christine Landfried, 2019-02-07 The power of national and transnational constitutional courts to issue binding rulings in interpreting the constitution or an international treaty has been endlessly discussed What does it mean for democratic governance that non elected judges influence politics and policies The authors of *Judicial Power* legal scholars political scientists and judges take a fresh look at this problem To date research has concentrated on the legitimacy or the effectiveness or specific decision making methods of constitutional courts By contrast the authors here explore the relationship among these three factors This book presents the hypothesis that judicial review allows for a method of reflecting on social integration that differs from political methods and precisely because of the difference between judicial and political decision making strengthens democratic governance This hypothesis is tested in case studies on the role of constitutional courts in political transformations on the methods of these courts and on transnational judicial interactions

The New Terrain of International Law Karen J. Alter, 2014-01-26 A compelling new look at the role of today's international courts In 1989 when the Cold War ended there were six permanent international courts Today there are more than two dozen that have collectively issued over thirty seven thousand binding legal rulings The *New Terrain of International Law* charts the developments and trends in the creation and role of international courts and explains how the delegation of authority to international judicial institutions influences global and domestic politics The *New Terrain of International Law* presents an in depth look at the scope and powers of international courts operating around the world Focusing on dispute resolution enforcement administrative review and constitutional review Karen Alter argues that international courts alter politics by providing legal symbolic and leverage resources that shift the political balance in favor of domestic and international actors who prefer policies more consistent with international law objectives International courts name violations of the law and perhaps specify remedies Alter explains how this limited power the power to speak the law translates into political influence and she considers eighteen case studies showing how international courts change state behavior The case studies spanning issue areas and regions of the world collectively elucidate the political factors that often intervene to limit whether or not international courts are invoked and whether international judges dare to demand significant changes in state practices

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

Encyclopedia of Law and Society David S. Clark, 2007-07-10 This work will be very valuable for academic and public libraries supporting prelaw law social and cultural studies Summing Up Highly recommended Upper level undergraduates through professionals practitioners general readers CHOICE There are two aspects of scholarship about the legal systems of our day that are especially salient one being for the first time there is a fair amount of genuine research on legal systems and two that this research is increasingly global As soon as you cross a jurisdictional line even if it separates countries that are very similar you enter a different legal system It cannot be assumed that any particular rule doctrine or practice is the same in any two jurisdictions regardless of how close these jurisdictions are in terms of history and tradition The Encyclopedia of Law and Society is the largest comprehensive and international treatment of the law and society field With an Advisory Board of 62 members from 20 countries and six continents the three volumes of this state of the art resource represent interdisciplinary perspectives on law from sociology criminology cultural anthropology political science social psychology and economics By globalizing the Encyclopedia's coverage American and international law and society will be better understood within its historical and comparative context Key Features Includes more than 700 biographical entries that are historical comparative topical thematic and methodological Presents the rich diversity of European Latin American Asian African and Australasian developments for the first time in one place to reveal the truly holistic interdisciplinary virtues of law and society Examines how and why legal systems grow and change how and why they respond or fail to respond to their environment how and why they impact the life of society and how and why the life of society impacts in turn these legal systems With borders more porous than ever before this Encyclopedia reflects the paradoxical reality of modern life including legal life This valuable resource aims to present research along with the theories on which it is grounded fairly and comprehensively and is a must have for all academic libraries

The Oxford Handbook of Constitutional Law in Latin America Conrado Hübner Mendes, Roberto Gargarella, Sebastián Guidi, 2022 This Oxford Handbook details the constitutions and constitutional history of Latin America providing comparative analysis of the prevailing institutional models and major themes in the region's constitutionalism

Compliance with Decisions of the Dispute Settlement Bodies of the UN Convention on the Law of the Sea Natalie Klein, Jack McNally, 2023-11-20 What happens after a judgment is delivered by a tribunal constituted under the UN Convention on the Law of the Sea In this ground breaking book all the decisions issued by the International Tribunal for the Law of the Sea or Annex VII arbitral tribunals are examined to determine what results transpired following

the judgment or order. The authors consider what compliance means and whether it has been achieved in UNCLOS dispute settlement. We suggest what other outcomes have sometimes eventuated from UNCLOS dispute settlement and propose steps that may be taken to enhance judgment compliance.

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