



Rule Of Justice

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Rule Of Justice:

Judges Against Justice Hans Petter Graver, 2014-09-11 This book explores concrete situations in which judges are faced with a legislature and an executive that consciously and systematically discard the ideals of the rule of law. It revolves around three basic questions: What happens when states become oppressive and the judiciary contributes to the oppression? How can we from a legal point of view evaluate the actions of judges who contribute to oppression? And thirdly, how can we understand their participation from a moral point of view and support their inclination to resist.

Islam and the Rule of Justice Lawrence Rosen, 2018-03-13 In the West we tend to think of Islamic law as an arcane and rigid legal system bound by formulaic texts yet suffused by unfettered discretion. While judges may indeed refer to passages in the classical texts or have recourse to their own orientations, images of binding doctrine and unbounded choice do not reflect the full reality of the Islamic law in its everyday practice. Whether in the Arabic speaking world, the Muslim portions of South and Southeast Asia, or the countries to which many Muslims have migrated, Islamic law works is readily misunderstood if the local cultures in which it is embedded are not taken into account. With *Islam and the Rule of Justice*, Lawrence Rosen analyzes a number of these misperceptions. Drawing on specific cases, he explores the application of Islamic law to the treatment of women who win most of their cases, the relations between Muslims and Jews which frequently involve close personal and financial ties, and the structure of widespread corruption which played a key role in prompting the Arab Spring. From these case studies, the role of informal mechanisms in the resolution of local disputes. The author also provides a close reading of the trial of Zacarias Moussaoui who was charged in an American court with helping to carry out the 9/11 attacks, using insights into how Islamic justice works to explain the defendant's actions during the trial. The book closes with an examination of how Islamic cultural concepts may come to bear on the constitutional structure and legal reforms many Muslim countries have been undertaking.

Transitional Justice and the Rule of Law in New Democracies A. James McAdams, 1997 This is the first focused study on the relationship between the use of national courts to pursue retrospective justice and the construction of viable democracies. Included in this interdisciplinary volume are fascinating detailed essays on the experiences of eight countries: Argentina, Bolivia, Chile, Germany, Greece, Hungary, Poland, and South Africa. According to the contributors, the most important lesson for leaders of new democracies who are wrestling with the human rights abuses of past dictatorships is that they have many options. Democratizing regimes are well advised to be attentive to the significant political, ethical, and legal constraints that may limit their ability to achieve retribution for past wrongs. On prudential ground alone, some fledgling regimes will have no choice but to restrain their desire for punishment in the interest of political survival. However, it would be incorrect to think that all new democracies are therefore bereft of the political and legal resources needed to bring the perpetrators of egregious human rights violations to justice. In many instances, governments have overcome the obstacles before them and, by appealing to both national and international legal standards, have brought their former dictators to trial.

When these judicial proceedings have been properly conducted and insulated from partisan political pressures they have provided tangible evidence of the guiding principles equality fairness and the rule of law that are essential to the post authoritarian order This collection shows that the quest for transitional justice has amounted to something more than merely a break with the past it constitutes a formative act which directly affects the quality and credibility of democratic institutions

The Structure of Liberty : Justice and the Rule of Law Randy E. Barnett,1998-04-02 In this provocative and engaging new book Randy Barnett outlines a powerful and original theory of liberty structured by the liberal conception of justice and the rule of law Drawing on insights from philosophy political theory economics and law he shows how this new conception of liberty can confront and solve the central societal problems of knowledge interest and power What is liberty as opposed to license and why is it so important When people pursue happiness peace and prosperity whilst living in society they confront pervasive problems of knowledge interest and power These problems are dealt with by ensuring the liberty of the people to pursue their own ends but addressing these problems also requires that liberty be structured by certain rights and procedures associated with the classical liberal conception of justice and the rule of law In this controversial new work Barnett examines the serious social problems that are addressed by liberty and the background or natural rights and rule of law procedures that distinguish liberty from license He goes on to outline the constitutional framework that is needed to protect this structure of liberty This is the only discussion of the liberal conception of justice and the rule of law to draw upon insights from philosophy economics political theory and law to describe comprehensively the vital social functions performed by adherence to these concepts And although the book is intended to challenge specialists its clear and accessible prose ensure that it will be of immense value to both scholars and students working in a range of academic disciplines [A Theory of Justice](#) John RAWLS,2009-06-30 Though the revised edition of A Theory of Justice published in 1999 is the definitive statement of Rawls s view so much of the extensive literature on Rawls s theory refers to the first edition This reissue makes the first edition once again available for scholars and serious students of Rawls s work [Miscarriages of Justice](#) Bibi Sangha,Robert N. Moles,2015-09-08 This work presents an unprecedented and scholarly critique of the post appeal review phase of the Australian criminal justice system It offers a unique insight for students and practitioners into a new and developing area of criminal law The authors identify a fundamental flaw that lies at the heart of the Australian criminal justice system an inconsistency between what constitutes a miscarriage of justice under substantive law against what constitutes a miscarriage of justice under procedural law By examining the problematic nature of the criminal appeal rights in Australia Sangha and Moles argue that the existing system does not comply with the rule of law provisions or Australia s international human rights obligations South Australia has introduced a new statutory right of appeal and Tasmania is considering doing the same to address this issue which represents the first substantive change to the criminal appeal rights in Australia in 100 years Miscarriages of Justice Criminal Appeals and the Rule of Law in Australia explains the operation of

this legislation and advances a compelling argument for its nationwide adoption This is achieved through an examination of a number of Australian and international wrongful conviction cases as well as discussion of specific legal issues and the problematic area of compensation for wrongful convictions Features o eo Authoritative analysis o eo Examines leading Australian cases o eo Unique text on a new and developing area of law Related Titles D Chappell P Wilson Issues in Australian Crime and Criminal Justice 2005 United States Attorneys' Manual United States. Department of Justice,1988

The Federalist Papers Alexander Hamilton,John Jay,James Madison,2018-08-20 Classic Books Library presents this brand new edition of The Federalist Papers a collection of separate essays and articles compiled in 1788 by Alexander Hamilton Following the United States Declaration of Independence in 1776 the governing doctrines and policies of the States lacked cohesion The Federalist as it was previously known was constructed by American statesman Alexander Hamilton and was intended to catalyse the ratification of the United States Constitution Hamilton recruited fellow statesmen James Madison Jr and John Jay to write papers for the compendium and the three are known as some of the Founding Fathers of the United States Alexander Hamilton c 1755 1804 was an American lawyer journalist and highly influential government official He also served as a Senior Officer in the Army between 1799 1800 and founded the Federalist Party the system that governed the nation s finances His contributions to the Constitution and leadership made a significant and lasting impact on the early development of the nation of the United States In the Name of Justice Weifang He,2012-11-05 Of all the issues presented by China s ongoing economic and sociopolitical transformation none may ultimately prove as consequential as the development of the Chinese legal system Even as public demand for the rule of law grows the Chinese Communist Party still interferes in legal affairs and continues in its harsh treatment of human rights lawyers and activists Both the frequent occurrences of social unrest in recent years and the growing tension between China s various interest groups underline the urgency of developing a sound and sustainable legal system As one of China s most influential law professors He Weifang has been at the forefront of the country s treacherous path toward justice and judicial independence for over a decade Among his many remarkable endeavors was a successful petition in 2003 that abolished China s controversial regulations permitting the internment and deportation of urban vagrants bringing to an end two decades of legal discrimination against migrant workers His bold remarks at the famous New Western Hills Symposium in 2006 including his assertion that China s party state structure violates the PRC Constitution are considered a watershed moment in the century long movement for a constitutional China With In the Name of Justice He presents his critical assessment of the state of Chinese legal reform In addition to a selection of his academic writings this unique book also includes many of He Weifang s public speeches media interviews and open letters providing additional insight into his dual roles as thinker and practitioner in the Chinese legal world Among the topics covered are judicial independence judicial review legal education capital punishment and the legal protection of free speech and human rights The volume also offers a historical review of the evolution of Chinese traditional

legal thought enhanced by cross country comparisons A proponent of reform rather than revolution He believes only true constitutionalism can guarantee social justice and enduring stability for China He Weifang has argued for two decades that rule of law however inconvenient at times to some of those who govern must be embraced because it is ultimately the most reliable protector of the interests of the country of the average citizen and in fact even of those who govern from the Foreword by John L Thornton chairman Brookings Institution Board of Trustees and Professor and Director of Global Leadership at Tsinghua University What struck me and shocked me as a foreign visitor was not only that the entire discussion was explicitly critical of the Chinese Communist Party for its resistance to any meaningful judicial reform but also that the atmosphere was calm reasonable and marked by a sense of humor and sophistication in the expression of ideas from the Introduction by Cheng Li director of research and senior fellow at the John L Thornton China Center at Brookings

Model Rules of Professional Conduct American Bar Association. House of Delegates, Center for Professional Responsibility (American Bar Association), 2007 The Model Rules of Professional Conduct provides an up to date resource for information on legal ethics Federal state and local courts in all jurisdictions look to the Rules for guidance in solving lawyer malpractice cases disciplinary actions disqualification issues sanctions questions and much more In this volume black letter Rules of Professional Conduct are followed by numbered Comments that explain each Rule s purpose and provide suggestions for its practical application The Rules will help you identify proper conduct in a variety of given situations review those instances where discretionary action is possible and define the nature of the relationship between you and your clients colleagues and the courts

The Rule of Law in the Wake of Clinton Cato Institute, 2000 Includes essays by Fred Thompson C Boyden Gray Theodore B Olson and David Horowitz

Enhancing the Rule of Law through the International Court of Justice Giorgio Gaja, Jenny Grote Stoutenburg, 2014-07-10 What is the current role of the International Court of Justice in contributing to the rule of law in the international community and which future developments might enable it to have an even greater impact These questions are explored in Enhancing the Rule of Law through the International Court of Justice edited by Judge Giorgio Gaja and Jenny Grote Stoutenburg Associate Legal Officer at the Court Resulting from a conference celebrating the centenary of the Peace Palace in The Hague the volume brings together contributions from Judges of the Court eminent scholars and new voices With contributions by Ronny Abraham Mohamed Bennouna Antonio A Canado Trindade Giorgio Gaja Christopher Greenwood Mariko Kawano Marcelo Kohen Chehrazad Krari Lahya Rosa M Hreinle Hugh Thirlway and Andreas Zimmermann

Justice, Liability, And Blame Paul H. Robinson, 2019-03-13 This book examines shared intuitive notions of justice among laypersons and compares the discovered principles to those instantiated in American criminal codes It reports eighteen original studies on a wide range of issues that are central to criminal law formulation

The Rule of Law Tom Bingham, 2011-07-07 A gem of a book Inspiring and timely Everyone should read it Independent The Rule of Law is a phrase much used but little examined The idea of the rule of law as

the foundation of modern states and civilisations has recently become even more talismanic than that of democracy but what does it actually consist of In this brilliant short book Britain s former senior law lord and one of the world s most acute legal minds examines what the idea actually means He makes clear that the rule of law is not an arid legal doctrine but is the foundation of a fair and just society is a guarantee of responsible government is an important contribution to economic growth and offers the best means yet devised for securing peace and co operation He briefly examines the historical origins of the rule and then advances eight conditions which capture its essence as understood in western democracies today He also discusses the strains imposed on the rule of law by the threat and experience of international terrorism The book will be influential in many different fields and should become a key text for anyone interested in politics society and the state of our world

Building the Rule of Law American Bar Association. Central European and Eurasian Law Initiative,2021 This book describes the beginnings of CEELI the obstacles it overcame the challenges it faced and the ABA leaders who built it It will then look at the practical real life on the ground influence that CEELI and its successor organization the ABA Rule of Law Initiative ROLI have had on various jurisdictions around the world and on the evolving legal and political systems in them It will also evaluate the impact that this Rule of Law movement has had on a wide range of individual lawyers and judges

Transitional Justice, Judicial Accountability and the Rule of Law Hakeem Yusuf,2010 A GlassHouse book T p

Legal Needs Surveys and Access to Justice ,2019 This report offers an empirical tool to help planners statisticians policy makers and advocates understand people s everyday legal problems and experience with the justice system It sets out a framework for the conceptualisation implementation and analysis of legal needs surveys and is informed by analysis of a wide range of national surveys conducted over the last 25 years It provides guidance and recommendations in a modular way allowing application into different types of surveys It also outlines opportunities for legal needs based indicators that strengthen our understanding of access to civil justice

What is Justice? Hans Kelsen,1957-01-01 *Confronting Failures of Justice* Paul H. Robinson,Jeffrey Seaman,Muhammad Sarahne,2024-08-06 No comparable volume collects in one place the various rules doctrines policies and ideological positions that prevent our criminal justice system from pursuing and achieving justice

Justice Tom Campbell,2010-01-29 The substantially revised third edition of this widely used text introduces nine major theoretical approaches and their key protagonists including a new chapter on global justice and assesses their ability to generate clear consistent and illuminating accounts of justice as a distinctive social political and legal value

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