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Constitutional Court / Bianca Selejan-Gutan, Elena-Simina Tanasescu -- Court of Justice of the European Union - 'stone-by-stone' case-based reasoning / Alicja Sikora -- European Court of Human Rights. Precedent in the system of the European Convention on Human Rights / Krzysztof Wojtyczek -- Conclusion. The role of case-based reasoning in constitutional adjudication : a comparative study / Monika Florczak-Wator.

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Sommario/riassunto

"This collection examines case-based reasoning in constitutional adjudication, that is, how courts decide on constitutional cases by referring to their own prior case law and the case law of other national, foreign and international courts. Argumentation based on judicial authority is now fundamental to the resolution of constitutional disputes. At the same time, it is the most common form of reasoning used by courts. This volume shows not only the strengths and weaknesses of such argumentation, but also its serious methodological shortcomings. The book is comparative in nature, with individual chapters examining similar problems that different courts have resolved in different ways. The research covers three types of courts, namely the civil law constitutional courts of Germany, Italy, Poland, Lithuania, and Hungary, the common law supreme courts of the United States, Canada, and Australia, and the European international courts represented by the European Court of Human Rights, and the Court of Justice of the European Union"-- Provided by the publisher.

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