

1. Record Nr.	UNINA9910553080503321
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Titolo	Constitutional law and precedent : international perspectives on case-based reasoning // Monika Florczak-Wator, editor
Pubbl/distr/stampa	Taylor & Francis, 2022 London : , : Taylor & Francis, , 2022
ISBN	1-00-326426-3 1-000-58999-4 1-000-58993-5
Descrizione fisica	1 online resource (xi, 280 pages)
Disciplina	342
Soggetti	Constitutional law - Philosophy Constitutional law
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	Introduction : on the methodology of the research on case-based reasoning in constitutional adjudication / Monika Florczak-Wator -- United States of America. The Supreme Court of the United States : legitimate law-maker and constitutional interpreter / Pawe Laidler -- Canada. The Supreme Court of Canada : the road to authority, legitimacy, and independence / Bradford W. Morse, Kimia Jalilvand -- Australia. Precedents and case-based reasoning in the Case-Law of The High Court of Australia / Selena Bateman, Adrienne Stone -- Germany. The role of precedents and case-based reasoning in the German Federal Constitutional Court / Ruth Weber, Laura Wittmann -- Hungary. Precedents and case-based reasoning in the Case-Law of the Hungarian Constitutional Court / Zoltan Pozsar-Szentmikolsy -- Italy. Precedents and case-based reasoning in the adjudications of the Italian Constitutional Court / Giovanni Cavaggion -- Latvia. Precedents and case-based reasoning in constitutional adjudication : The Republic of Latvia / Anita Rodina -- Poland. Precedents and case-based reasoning in the Case-Law of the Constitutional Tribunal of the Republic of Poland / Piotr Czarny, Monika Florczak-Wator -- Romania. The Role of precedents and case-based reasoning in the Case-Law of the Romanian

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 / Krzysztof Wojtyczek -- Conclusion. The role of case-based reasoning in constitutional adjudication : a comparative study / Monika Florczak-Wator.

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.

2. Record Nr.	UNINA9910893068503321
Titolo	Autres temps
Pubbl/distr/stampa	[Paris], : [Mouvement du christianisme social], 1984-
ISSN	2261-1010
Descrizione fisica	1 online resource
Disciplina	261.8/05
Soggetti	Església i problemes socials Sociologia cristiana Christian sociology Church and social problems Sociologie religieuse - Christianisme Église et problèmes sociaux Periodicals.
Lingua di pubblicazione	Francese
Formato	Materiale a stampa
Livello bibliografico	Periodico
Note generali	"Les Cahiers du christianisme social." Title from cover.