

Unificaci N Procesal Teor A General Del Proceso

People differ in terms of how morally deserving they are. And it is a good thing if people get what they deserve. Accordingly, it is important to work out an adequate theory of moral desert. But while certain aspects of such a theory have been frequently discussed in the philosophical literature, many others have been surprisingly neglected. For example, if it is indeed true that it is morally good for people to get what they deserve, does it always do the same amount of good when someone gets what they deserve? Or does it matter how deserving the person is? If we cannot give someone exactly what they deserve, is it better to give too much-or better to give too little? Does being twice as virtuous make you twice as deserving? And how are we to take into account the thought that what you deserve depends in part on how others are doing? The Geometry of Desert explores a number of these less familiar questions, using graphs to illustrate the various possible answers. The result is a more

careful investigation into the nature of moral desert than has ever previously been offered, one that reveals desert to have a hidden complexity that most of us have failed to recognize. Public Security and Police Reform in the Americas examines how security problems are addressed in the United States and Latin America, asserting that understanding the policies of other nations can lead to greater success in the arena of public security.

The Nature and Authority of Precedent

Public Security and Police Reform in the Americas

*The role that precedent plays in constitutional decision making is a perennially divisive subject among scholars of law and American politics. The debate rages over both empirical and normative aspects of the issue: To what extent are the Supreme Court, Congress, and the executive branch constrained by precedent? To what extent should they be? Taking up a topic long overdue for comprehensive treatment, Michael Gerhardt connects the vast social science data and legal scholarship to provide the most wide-ranging assessment of precedent in several decades. Updated to reflect recent legal cases, *The Power of Precedent* clearly outlines the major issues in the continuing debates on the significance of precedent and evenly considers all sides. For the Supreme Court, precedents take many forms, including not only the Court's past opinions, but also norms, historical practices, and traditions that the justices have deliberately chosen to follow. In these forms, precedent exerts more force than is*

*commonly acknowledged. This force is encapsulated in the implementation and recognition of what Gerhardt calls the "golden rule of precedent," a major dynamic in constitutional law. The rule calls upon justices and other public authorities to recognize that since they expect others to respect their own precedents, they must provide the same respect to others' precedents. Gerhardt's extensive exploration of precedent leads him to formulate a more expansive definition of it, one that encompasses not only the prior constitutional decisions of courts but also the constitutional judgments of other public authorities. Gerhardt concludes his study by looking at what the future holds for the concept, as he examines the decisions and attitudes toward precedent exhibited by the shift from the Rehnquist to the Roberts Court. Authoritative and incisive, Gerhardt presents an in-depth look at this central yet understudied phenomenon at the core of all constitutional conflicts and one of undeniable importance to American law and politics. Ultimately, *The Power of Precedent* vividly illustrates how constitutional law is made and evolves both in and outside of the courts.*

Ensuring the protection of human rights in Europe has become a highly complex exercise. Where courts are faced with a human rights claim, they not only have to examine the validity of that claim, but they also need to have a clear understanding of the human rights catalogue that is to be applied (i.e. human rights as guaranteed by the national constitution, human rights as protected under EU law, based or not on the Charter, and human rights as identified in the European Convention of Human Rights). This book zooms in on various aspects of the interaction between courts in the complex European system of human rights protection. While other books take either a European or a national approach, this book studies both the co-existence between the European Court of Human Rights and the European Court of Justice, and the impact of this dual mechanism of European human rights protection on the protection offered within specific EU Member States. This makes the book valuable

*for academics and practitioners who specialize in fundamental rights, EU law, or constitutional law.
(Series: Law and Cosmopolitan Values - Vol. 1)*

Spirit Of Community

A Comparative Constitutional Perspective

The Politics of Precedent on the U.S. Supreme Court offers an insightful and provocative analysis of the Supreme Court's most important task--shaping the law. Thomas Hansford and James Spriggs analyze a key aspect of legal change: the Court's interpretation or treatment of the precedents it has set in the past. Court decisions do not just resolve immediate disputes; they also set broader precedent. The meaning and scope of a precedent, however, can change significantly as the Court revisits it in future cases. The authors contend that these interpretations are driven by an interaction between policy goals and variations in the legal authoritativeness of precedent. From this premise, they build an explanation of the legal interpretation of precedent that yields novel predictions about the nature and timing of legal change. Hansford and Spriggs test their hypotheses by examining how the Court has interpreted the precedents it set between 1946 and 1999. This analysis provides compelling support for their argument, and demonstrates that the justices' ideological goals and the role of precedent are inextricably linked. The two prevailing, yet contradictory, views of precedent--that it acts either solely as a constraint, or as a "cloak" that never actually influences the Court--are incorrect. This

book shows that while precedent can operate as a constraint on the justices' decisions, it also represents an opportunity to foster preferred societal outcomes. Neil Duxbury examines how precedents constrain legal decision-makers and how legal decision-makers relax and avoid those constraints. There is no single principle or theory which explains the authority of precedent but rather a number of arguments which raise rebuttable presumptions in favour of precedent-following. This book examines the force and the limitations of these arguments and shows that although the principal requirement of the doctrine of precedent is that courts respect earlier judicial decisions on materially identical facts, the doctrine also requires courts to depart from such decisions when following them would perpetuate legal error or injustice. Not only do judicial precedents not 'bind' judges in the classical-positivist sense, but, were they to do so, they would be ill suited to common-law decision-making. Combining historical inquiry and philosophical analysis, this book will assist anyone seeking to understand how precedent operates as a common-law doctrine.

The Democratic Character of Judicial Review

The National Judicial Treatment of the ECHR and EU Laws

The Geometry of DesertOxford University Press

Explains how Americans need to develop or restore a sense of community in order to reconstruct society.

Or, The Science of Case Law Works

Paper Notebook Looking for a great gift idea with love chickens ? Need a new journal in your life? This Unique and Funny Journal Notebook is sure to please and make the perfect Christmas or birthday present for men or women. 100 8 x 10 Lined Pages are provided for you to put your thoughts, hopes, experiences, likes, and dislikes. This book includes: 8 x 10 inches 100 Pages Ruled Line Spacing 50 sheets, 100 pages Full wrap around cover design Name and contact page Flexible easy wipe-clean glossy cover And so much more! With this notebook, the possibilities are endless. A great gift idea for anyone on your list: wife, mom, husband, dad, coworker, mother, father, boyfriend, girlfriend, boss.

Have national judges started treating the provisions of the European Convention on Human Rights the same way they treat the EC law's norms? In order to answer this question, the editors of this book included scholars from the countries that are members both of the EU and the Council of Europe. The book collects the proceeding of an international conference held January 16-17, 2010, at the Scuola Superiore Sant'Anna of Pisa.

Don't Stare at My Ducks Funny Gift Rubber Duck - 50 Sheets, 100 Pages - 8 X 10 Inches

The Power of Precedent

The works of Norman Foster from 1993 - 2004 are the focus of this book, the fifth instalment of a multi-volume retrospective. The text about each project is accompanied by colour photographs and detailed plans.

The Geometry of Desert

The Interaction Between the European and the National Courts