

TABLE OF CONTENTS

| | |
|-----------------------------|---|
| List of Contributors | ix |
| Foreword | xi |
| Part I | Judicial Independence and Its Relationship with the Legislative and Executive Powers |
| 1 | The Independence of Courts and Judges and Their Relationship with the Other Branches of Government 3 <i>Tore Schei</i> |
| 2 | Independent Courts: A Danish Supreme Court Perspective 19 <i>Børge Dahl</i> |
| 3 | Requirements Concerning the Independence of the Judiciary According to Norwegian and International Law 27 <i>Jørgen Aall</i> |
| 4 | On the Origins of Judicial Independence 45 <i>Eirik Holmøyvik</i> |
| 5 | The Independence of Judges 55 <i>Lord Jonathan Mance</i> |
| 6 | Judicial Independence and the Appointment of Judges in Norway 65 <i>Arne Fliflet</i> |
| Part II | Judicial Independence and Management of the Judiciary |
| 7 | Court Management and Professional Integrity: A Swedish Judicial Dilemma 75 <i>Olof Wilske</i> |
| Part III | Judicial Independence in an International Perspective |
| 8 | Judicial Independence in the Outskirts of Europe 89 <i>Nils A. Engstad</i> |

TABLE OF CONTENTS

| | | |
|----------------|--|------------|
| 9 | The Independence of Judges – and the Judiciary – as Seen from Venice | 105 |
| | <i>Jan Erik Helgesen</i> | |
| 10 | Judicial Independence in Europe: Principles and Reality | 127 |
| | <i>Julia Laffranque</i> | |
| 11 | Establishment of an Independent and Accountable Judiciary in Countries in Transition: Bosnia and Herzegovina as a Case Study | 149 |
| | <i>Sven Marius Urke</i> | |
| 12 | The Independence of Judges and Confidence in the Courts in the Russian Federation | 165 |
| | <i>Ketil Lund, Andreas Motzfeldt Kravik and Marianne Nergaard Magnus</i> | |
| Part IV | Judicial Independence in International Courts | |
| 13 | The Independence of International Judges | 187 |
| | <i>Erik Møse</i> | |
| Part V | Judicial Independence from the Point of View of Lawyers and Public Prosecutors | |
| 14 | A Speech from a Lawyer in Practice: The Independence of the Judiciary and the Independence of the Legal Profession – Dependent on Each Other | 209 |
| | <i>Berit Reiss-Andersen</i> | |
| 15 | “Not [...] the Independence of a Judge”: Reflections on the Position of the Norwegian Prosecuting Authority as Compared to That of the Courts, and Remarks on International Standards for the Activities of the Prosecuting Authority | 215 |
| | <i>Knut H. Kallerud</i> | |
| Part VI | Judicial Independence from the Point of View of the Social Sciences | |
| 16 | Judicial Power and Legal Revolution | 233 |
| | <i>Øyvind Østerud</i> | |

TABLE OF CONTENTS

| | | |
|------------------|--|-----|
| 17 | The European Court of Human Rights and the Norwegian Supreme Court: Independence and Democratic Control <i>Geir Ulfstein and Andreas Føllesdal</i> | 247 |
| 18 | The Social Importance of Courts and Judges <i>Anders Ryssdal</i> | 261 |
| Part VII | Judicial Independence and the Multicultural Society | |
| 19 | The Neutrality and Impartiality of Judges in a Multicultural Society <i>Katja Jansen Fredriksen</i> | 275 |
| 20 | Judicial Independence and the Rights of Indigenous Peoples <i>Susann Funderud Skogvang</i> | 293 |
| Part VIII | Judicial Independence in a Philosophical/Ethical Perspective | |
| 21 | Judicial Independence and Judicial Responsibility <i>Hans Petter Graver</i> | 309 |
| Part IX | Judicial Independence and Its Relationship with the Media | |
| 22 | Independent Judges and Their Relationship with the Media <i>Ragna Aarli</i> | 327 |