

The rule of law and the effectiveness of civil justice

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Propositions accompanying the Thesis

**The rule of law and the effectiveness of civil justice:
a critical reading of European human rights jurisprudence**

Andrej Auersperger Matic

1. The rule of law is a universal legal ideal that concerns the constitutional limits of state power as well as the functioning of legal institutions, including courts.
2. Effective civil justice is a cornerstone of the rule of law.
3. In the field of civil justice, effectiveness ought to be interpreted as requiring judicial proceedings within reasonable time, with reasonable cost and with reasonable predictability.
4. European Human Rights law is an enviable achievement but should be further developed in light of the pressing social and economic circumstances of the twenty-first century.
5. European Human Rights law in the justice field requires complex policy assessment and ought to be built from empirical and comparative findings rather than abstract principle.
6. Abstract legal concepts are helpful as tools; they can be a hindrance to positive development and even misleading if relied on excessively.
7. Comparative law can be an important source of inspiration for legal change, but it should seek to identify best practice rather than lowest common denominators.
8. "All social life is essentially practical. All mysteries which lead theory to mysticism find their rational solution in human practice and in the comprehension of this practice."
(Karl Marx, Theses On Feuerbach, Thesis no. 8)
9. Responsible criticism requires identification of plausible alternatives.
10. Building legal structures should follow the experience of many rather than the genius of a few.
11. There are only two kinds of people in the world: those that create problems and those that solve them.