

REZEVSKA, DAIGA: GENERAL PRINCIPLES OF LAW - NATURAL RIGHTS, LEGAL METHODS, AND SYSTEM PRINCIPLES. BRILL/NIJHOFF, 2024

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In recent years, legal scholars from Central and Eastern Europe have significantly contributed to the development of the conceptual foundations of jurisprudence. Their research broadly covers various aspects of legal sociology, legal philosophy, and contemporary challenges to the rule of law – ranging from the restoration of legal systems following the collapse of socialist regimes to a detailed examination of emerging illiberal democracies. For instance, the work of András Sajó, Jiří Přibáň, and Wojciech Sadurski is internationally renowned and has helped establish the academic reputation of the entire region.

Despite the wide array of theoretical contributions, it remains relatively rare for legal scholars from Central and Eastern Europe to offer perspectives on the application of legal norms, legal reasoning, and the practical aspects of legal theory – fields commonly known in Germany as *juristische Methodenlehre*. Notably, one of the most prominent works in this area was published over a decade ago in 2011: *The Judiciary in Central and Eastern Europe: Mechanical Jurisprudence in Transformation?* by Zdeněk Kühn (2011).

More recently, in 2024, Brill/Nijhoff published Daiga Rezevska's new book, *General Principles of Law: Natural Rights, Legal Methods, and System Principles*, which focuses on the theoretical and practical aspects of legal methodology and legal reasoning (Rezevska, 2024). The book draws on the Latvian legal system's experience – restoring the rule of law and reintegrating into the Western legal tradition after Soviet occupation, joining the European Union, and developing into a stable democracy that upholds the rule of law.

Rezevska is a leading authority in legal theory within the Latvian legal system, playing a key role in shaping both the theoretical and practical understanding of the application of legal norms. The development of legal theory in Latvia in the 21st century has been profoundly influenced by her scholarly work. In addition to her academic contributions, Rezevska is an accomplished legal practitioner. She served as a member of the Constitutional Law Commission – an expert advisory body established by the

President of Latvia for the development of constitutional doctrine – from 2007 to 2012. From 2016 to 2022, she held office as a judge at the Constitutional Court of Latvia.

In her research, Rezevska has emphasised the critical role of unwritten general principles of law in legal systems grounded in democracy and the rule of law. She argues that these principles are not merely interpretive guidelines but binding legal norms with the highest legal force – applicable directly and prevailing even over conflicting constitutional provisions. According to this view, legislators must ensure that statutory norms, including those enshrined in the constitution, conform to these general principles. Judges, in turn, are mandated to verify and enforce this compatibility, applying general principles in situations of normative conflict (Rezevska, 2024, p. 66).

Rezevska's approach places a strong responsibility on judges and other appliers of legal norms. They are not only expected to resolve individual cases in a just and methodologically sound manner, but also to act as guardians of the legal system's foundational values. Their task includes assessing the consistency of written legal norms with unwritten general principles and applying the latter where necessary. In such a legal framework, it is not the legislator, but the legal practitioner – particularly the judge – who has the final say in complex cases. The legitimacy of legal outcomes thus hinges not on legislative intent, but on fidelity to the unwritten general principles of law that underpin the legal order. This approach effectively supports the protection of the fundamental values of a democratic state – namely, the rule of law, fundamental human rights, and human dignity – within both legal and social reality. In today's uncertain times, where democracies and the rule of law face a variety of internal and external threats, the framework proposed by Rezevska offers both a solid theoretical foundation and practical legal tools for judges and other legal practitioners to defend democracy and counter democratic backsliding. It provides a genuine toolkit for implementing the principles of a self-defending democracy. This is not merely theoretical rhetoric, but a thoroughly developed strategy and set of tactics for concrete legal action. This also strengthens public trust in the legal system and the state. If legal practitioners can ensure justice in every case, legal certainty and trust in the legal system will follow.

An important consequence of this theory is the development of the principle of good legislation. If general principles of law are binding on the legislator, then the legislature is no longer a sovereign body with unrestricted authority to create statutory norms or independently determine legislative procedures. According to the principle of good legislation, the legislator is bound by a number of general principles of law that must be observed and integrated into the law-making process. A failure to uphold these principles or to meet the standards of good legislation may constitute grounds for declaring a legal norm null and void – unconstitutional on procedural grounds (Rezevska, 2024, pp. 67-69). Judges and other appliers of legal norms must therefore examine not only the substantive compatibility of legal provisions with the constitution and general principles of law, but also the procedural integrity of the legislative process. In many respects, this approach imposes meaningful limits on the legislature, enabling early intervention against potential violations of the fundamental values of the legal system.

General principles of law are not determined by the subjective views or discretionary will of judges and other appliers of legal norms. Those applying legal norms do not function as legislators who are free to define the content of general principles of law. According to Rezevska, general principles of law derive their authority from the basic norm (*Grundnorm*) of the Latvian legal system. She employs Hans Kelsen's concept of the *Grundnorm* (Kelsen, 2002, pp. 59-61) to establish the ultimate source and highest authority for all general principles of law, as well as for the coherence of the legal system as a whole. In Rezevska's interpretation, the basic norm is neither content-neutral nor

value-free. She argues that, in the context of the Latvian legal system, the basic norm presupposes a democratic state based on the rule of law (Rezevska, 2024, pp. 27-32). This implies that both legislators and those applying legal norms are under an obligation to implement all relevant values, principles, and norms in legal and social reality in order to preserve Latvia's identity as a democratic rule-of-law state.

In this context, Rezevska skilfully bridges two major legal traditions. She combines the strengths of the continental European school of legal theory, with its emphasis on legal methodology and legal reasoning, with the Anglo-American tradition of legal philosophy, which insists on continuous reflection on the nature and purpose of law – even in the practical details of daily legal work. Rezevska is both a legal philosopher and a practicing legal professional, making her book equally relevant for both scholars and practitioners.

With her new book, Rezevska offers a robust theoretical foundation for legal professionals operating within contemporary legal systems marked by growing complexity and uncertainty. The 20th century premise that most legal questions are straightforward and capable of yielding clear-cut answers has become obsolete. Today's legal practitioners regularly confront hard cases that demand not only correct application of the law but also the active pursuit of justice. Modern legal systems therefore expect practitioners to possess not only technical competence but also a deep conceptual understanding of the legal system's foundations, as well as the ability to develop legal norms and craft new solutions to emerging societal challenges.

Rezevska's work views the legal system from the perspective of legal practitioners and equips them with the intellectual tools needed to ensure both justice and systemic coherence in an increasingly complex environment. Moreover, the book serves as a timely reminder that, perhaps more than ever before, the responsibility of legal practitioners in upholding the rule of law is paramount. Faced with threats to democracy and the erosion of the rule of law, practitioners must recognise that the defence of these core values largely depends on their actions (Sajó and Uitz, 2017, pp. 52-54). They can fulfil this role only if they understand their position within the legal system and are equipped with the conceptual tools required to act effectively.

In this regard, Rezevska's theory is particularly valuable: it does not separate legal practice from legal philosophy but instead encourages practitioners to approach every act of legal interpretation through the lens of fundamental legal principles. The future will not bring simplicity; rather, complexity will deepen. For this reason, legal theory – and Rezevska's book in particular – will become an indispensable companion in the daily work of legal professionals.

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