The Modern Legal System Of Scotland

This book comprehensively examines the United States legal system. While the most extensive coverage is given to the U.S. Supreme Court, the book also provides separate chapters on state courts, the U.S. District Courts, and the U.S. Courts of Appeals. The book systematically compares the effects of legal and political factors on different courts' decisions. Finally, we provide extended coverage to American legal process, with separate chapters on civil procedure, evidence, and criminal procedure.

"A crusading legal scholar exposes the powerful psychological forces that undermine our criminal justice system--and affect us all Our nation is founded on the notion that the law is impartial, that legal cases are won or lost on the basis of evidence, careful reasoning and nuanced argument. But they may, in fact, turn on the temperature of the courtroom, the camera angle of a defendant's taped confession, or a simple word choice or gesture during a cross-examination. In Unfair, law professor Adam Benforado shines a light on this troubling new research, showing, for example, that people with certain facial features receive longer sentences and that judges are far more likely to grant parole first thing in the morning. In fact, over the last two decades, psychologists and neuroscientists have uncovered many cognitive forces that operate beyond our conscious awareness--and Benforado argues that until we address these hidden biases head-on, the social inequality we see now will only widen, as powerful players and institutions find ways to exploit the weaknesses in our legal system. Weaving together historical examples, scientific studies, and compelling court cases--from the border collie put on trial in Kentucky to the five teenagers who falsely confessed in the Central Park Jogger case--Benforado shows how our judicial processes fail to uphold our values and protect society's weakest members, convicting the innocent while letting dangerous criminals go free. With clarity and passion, he lays out the scope of the problem and proposes a wealth of reforms that could prevent injustice and help us achieve true fairness and equality before the law"--

A significant introduction to the study of comparative law and a notable scholarly work, "Major Legal Systems in the World Today" analyzes the general characteristics which lie behind the development of the four principal legal systems of the world: the Civil law, the Common law, the Socialist law (primarily Soviet), and those based on religious or philosophical principles (Muslim, Hindu, Chinese, Japanese, and African). Providing unique insights into the spirt of each "legal family, " the book presents a total view of the historical foundation and the sources and structure of the law in each system.

Modern Legal Systems Cyclopedia

John Sassoon’s study of the written laws of four thousand years ago puts paid to the belief that the most ancient laws were merely arbitrary and tyrannical. On the contrary, the earliest legal systems honestly tried to get to the truth, do justice to individuals, and preserve civil order. They used the death penalty surprisingly seldom, and then more because society had been threatened than an individual killed. Some of the surviving law codes are originals, others near-contemporary copies. Together they preserve a partial but vivid picture of life in the early cites. This occupies more than half the book. Comparison of ancient with modern principles occupies the remainder and is bound to be controversial; but it is important as well as fascinating. The first act of writing laws diminished the discretion of the judges and foretold a limit on individual justice. Some political principles such as uniformity of treatment or individual freedom have, when carried to extremes, produced crises in modern legal systems world wide. But it is tempting but wrong to blame the judges or the lawyers for doing what society require of them.

This highly readable and comprehensive book offers a balanced, current and comprehensive overview of the legal system; and administrative, criminal and civil law in a cross-cultural context. It considers the most recent theories and research findings, and emphasizes developing and emerging trends. It focuses on the evolution of modern legal systems, current intellectual movements in law, interplay between law and social change, and the main concerns and issues in the profession and practice of law. This is the only book that considers multicultural and cross-cultural issues in a contemporary context with an interdisciplinary emphasis. For individuals interested in the law, criminal justice, and political science.

This book argues that at the core of legal philosophys principal debates there is essentially one issue judicial impartiality. Keeping this issue to the forefront, Raban's approach sheds much light on many difficult and seemingly perplexing jurisprudential debates. Modern Legal Theory and Judicial Impartiality offers a fresh and penetrating examination of two of the most celebrated modern legal theorists: HLA Hart and Ronald Dworkin. The book explains the relations between these two scholars and other theorists and schools of thought (including Max Weber, Lon Fuller, and the law and economics movement), offering both novices and experts an innovative and lucid look at modern legal theory. The book is written in an engaging and conversational style, tackling highly sophisticated issues in a concise and accessible manner. Undergraduates in jurisprudence and legal theory, as well as more advanced readers, will find it clear and challenging.

This study examines the English legal system as it is today, rather than dwelling on its evolution and development. This edition looks at the contemporary legal machinery in the light of both civil justice (The Woolf Report) and criminal justice (The Royal Commission), and the consequent changes in its law and practice. Also incorporated is the decision in Pepper v. Hart, implementation of the Maastricht Treaty, and many other developments.

This new edition continues to serve as a primary research guide to the laws and legal literature of Mexico. The work concentrates on federal legislation, organized into 48 subject sections, each containing an introduction, an outline of main law (listing titles, chapters and sections in English), and four subsections listing laws, regulations, periodical literature and books. The emphasis is on English-language primary and secondary materials. Also includes a guide to finding Mexican law on the Internet.--Publisher.

Previous edition, 1st, published in 2003.

In this 2006 book, Adriaan Lanni draws on contemporary legal thinking to present a model of the legal system of classical Athens. She analyses the Athenians' preference in most cases for ad hoc, discretionary decision-making, as opposed to what moderns would call the rule of law. Lanni argues that the Athenians consciously employed different approaches to legal decision-making in different types of courts. The varied approaches to legal process stems from a deep tension in Athenian practice and thinking, between the demand for flexibility of legal interpretation consistent with the exercise of democratic power by ordinary Athenian jurors; and the demand for consistency and predictability in legal interpretation expected by litigants and necessary to permit citizens to conform their conduct to the law. Lanni presents classical Athens as a case study of a successful legal system that, by modern standards, had an extraordinarily individualised and discretionary approach to justice.

The lawyer-dominated adversary system of criminal trial, which now typifies practice in Anglo-American legal systems, developed in England in the eighteenth century. Using hitherto unexplored sources from London's Old Bailey Court, Professor Langbein shows how and why lawyers were able to capture the trial, and he supplies a path-breaking account of the formation of the law of criminal evidence.

From an award-winning civil rights lawyer, a profound challenge to our society’s normalization of the caging of human beings, and the role of the legal profession in perpetuating it Alec Karakatsanis is interested in what we choose to punish. For example, it is a crime in most of America for poor people to wager in the streets over dice; dice-wagerers can be seized, searched, have their assets forfeited, and be locked in cages. It’s perfectly fine, by contrast, for people to wager over international currencies, mortgages, or the global supply of wheat; wheat-wagerers become names on the wings of hospitals and museums. He is also troubled by how the legal system works when it is trying to punish people. The bail system, for example, is meant to ensure that people return for court dates. But it has morphed into a way to lock up poor people who have not been convicted of anything. He’s so concerned about this that he has personally sued court systems across the

country, resulting in literally tens of thousands of people being released from jail when their money bail was found to be unconstitutional. Karakatsanis doesn't think people who have gone to law school, passed the bar, and sworn to uphold the Constitution should be complicit in the mass caging of human beings—an everyday brutality inflicted disproportionately on the bodies and minds of poor people and people of color and for which the legal system has never offered sufficient justification. Usual Cruelty is a profoundly radical reconsideration of the American "injustice system" by someone who is actively, wildly successfully, challenging it.

From the ancient beginnings of Western legal tradition, law has been conceived as traversed by a fundamental tension between power (will) and reason. This volume examines the tension between these two poles, 'ratio and voluntas' in modern law. Part I focuses on three instructive phases in the history of the law's ratio. Part II examines the way legal scholarship, especially doctrinal research (legal dogmatics), can and should contribute to the law's coherence. Part III explores the role of constitutional law in managing the tension between law's voluntas and ratio. The final chapter discusses the implications the growth of transnational law may have on the relationship between ratio and voluntas. The study builds on the views of the distinctive features of the ideal-typical mature modern legal system as presented in the author's previous work, Critical Legal Positivism (Ashgate 2002).

Awarded the Bancroft Prize in American History in 1978, Morton J. Horwitz's The Transformation of American Law, 1780-1860 is considered one of the most significant works ever published in American legal history. Since its publication in 1977, it has become the standard source on early nineteenth century American law. In this monumental book, Morton J. Horwitz offers a sweeping overview of the emergence of our national (and modern) legal system from English and colonial antecedents. He begins with the common law, which emerged during the eighteenth century as the standard doctrine with which to solve disputes in an egalitarian manner. He shows that the turning point in the use of common law came after 1790, when the law was slowly transformed to favor economic growth and development and the courts began to spur economic competition instead of circumscribe it. This new instrumental law would flourish during the nineteenth century as the legal profession and the mercantile elite forged a mutually beneficial alliance to gain wealth and power. Horwitz also demonstrates how the emergence of contract law corresponded to the development of economic and legal institutions of exchange. And he discusses how the rise of the market economy influenced legal practices, how contracts became ways to negate preexisting common law duties, and how (to the benefit of entrepreneurs and commercial groups) the courts were able to overthrow earlier anticommercial legal rules. Previous historical studies have viewed law and policy as an accurate reflection of the needs of an undifferentiated society. In The Transformation of American Law, Horwitz successfully challenges this misconception and shows how in the eighty years after the American Revolution, a major change in law took place in which aspects of social struggle turned to legal channels for resolution. Looking into the distribution of wealth and power during this time, Horwitz finds indeed that the change in legal ideology enabled commercial groups to win a disproportionate amount of wealth and power in American society. An accessible account of the history of law, this is a powerful statement on the great role of the legal system in American economic development.

The Uses of Justice in Global Perspective, 1600–1900 presents a new perspective on the uses of justice between 1600 and 1900 and confronts prevailing Eurocentric historiography in its examination of how people of this period made use of the law. Between 1600 and 1900 the towns in Western Europe, the Kingdoms in Eastern Europe, the Empires in Asia and the Colonial States in Asia and the Americas were all characterised by a plurality of legal orders resulting from interactions and negotiations between states, institutions, and people with different backgrounds. Through exploring how justice is used within these different areas of the world, this book offers a broad global perspective, but it also adopts a fresh approach through shifting attention away from states and onto how ordinary people lived with and made use of this 'legal pluralism'. Containing a wealth of extensively contextualised case studies and contributing to debates on socio-legal history, processes of state formation from below, access to justice, and legal pluralism, The Uses of Justice in Global Perspective, 1600–1900 questions to what degree top-down imposed formal institutions were used and how, and to what degree, bottom-up crafted legal systems were crucial in allowing transactions to happen. It is ideal for students and scholars of early modern justice, crime and legal history.

In this book Richard Susskind, a pioneer of rethinking law for the digital age confronts the challenges facing our legal system and the potential for technology to bring much needed change. Drawing on years of experience leading the discussion on conceiving and delivering online justice, Susskind here charts and develops the public debate.

Capturing the Change: Universalising Tendencies in Legal Interpretation Joanna Jemielniak and Przemys aw Mik aszewicz International and supranational integration on the European continent, as well as the harmonisation of the rules of international trade and the accompanying dev- opment and global popularity of the resolution of commercial disputes through arbitration, constantly exerts a considerable in uence on modern legal systems. The sources of each of these phenomena are different, and their action is dissimilar. Each can be described as reaching either from the top to the bottom, through the direct involvement of interested States and consequently affecting their internal legal s- tems (international and supranational integration; harmonisation of trade regulations through public international law instruments), or bottom-up, as a result of activity by private parties, leading to the achievement of uniform practices and standards (ar- tration, lex mercatoria). Nonetheless, they both enrich national legal cultures and contribute to transgressing the limits of national (local) particularisms in creating, interpreting and applying the law. The aim of this book is to demonstrate how these processes have in uenced the interpretation of law, how they have shaped the methods and techniques of the interpretation and with what consequences for the outcomes of the interpretative procedures. In assessing the extent of this in uence, due regard must be paid to the fact that the interpretation of law is not, in principle, directly determined by the provisions of law itself.

Volume contains a cumulative index to the Modern Legal Systems set, which will be updated as warranted. Volume also contains the World Law School Directory.

This book explores the development of law in Europe from its medieval origins to the present day, charting the transformation from law rooted in the Church and local community towards a recognition of the centralised, secular authority of the state. Shows how these changes reflect the wider political, economic, and cultural developments within European history Demonstrates the diversity of traditions between European states and the possibilities and limitations in the search for common European values and goals

For centuries, courts across the common law world have developed systems of law by building bodies of judicial decisions. In deciding individual cases, common law courts settle litigation and move the law in new directions. By virtue of their place at the top of the judicial hierarchy, courts at the apex of common law systems are unique in that their decisions and, in particular, the language used in those decisions, resonate through the legal system. Although both the common law and apex courts have been studied extensively, scholars have paid less attention to the relationship between the two. By analyzing apex courts and the common law from multiple angles, this book offers an entry point for scholars in disciplines related to law – such as political science, history, and sociology – who are seeking a deeper understanding and new insights as to how the common law applies to and is relevant within their own disciplines.

This book sets forth the evolution of Korea's law and legal system from the Chos?n dynasty through the colonial and postcolonial modern periods. This is the first book in English that comprehensively studies Korean legal history in comparison with European legal history, with particular emphasis on customary law. Korea's passage to Romano-German civil law under Japanese rule marked a drastic departure from its indigenous legal tradition. The transplantation of modern civil law in Korea was facilitated by Japanese colonial jurists who created a Korean customary law; this constructed customary law served as an intermediary regime between tradition and the demands of modern law. The transformation of Korean law by the forces of Westernisation points to new

interpretations of colonial history and presents an intriguing case for investigating the spread of law on a global level. In-depth discussions of French customary law and Japanese legal history also provide a solid conceptual framework suitable for comparing European and East Asian legal traditions.

"An Introduction to the American Legal System" is ideal for undergraduate students in legal studies, political science, criminal justice, pre-law, and sociology programs, paralegal programs, as well as for anyone with an interest in the historical and contemporary approaches to law in America.

Serves as a primary research guide to the laws and legalliterature of Mexico. Because of the importance of federallegislation over state legislation in Mexico, this workconcentrates on federal legislation, organized into 41subject sections.

Virtually all American judges are former lawyers. This book argues that these lawyer-judges instinctively favor the legal profession in their decisions and that this bias has far-reaching and deleterious effects on American law. There are many reasons for this bias, some obvious and some subtle. Fundamentally, it occurs because - regardless of political affiliation, race, or gender - every American judge shares a single characteristic: a career as a lawyer. This shared background results in the lawyer-judge bias. The book begins with a theoretical explanation of why judges naturally favor the interests of the legal profession and follows with case law examples from diverse areas, including legal ethics, criminal procedure, constitutional law, torts, evidence, and the business of law. The book closes with a case study of the Enron fiasco, an argument that the lawyer-judge bias has contributed to the overweening complexity of American law, and suggests some possible solutions.

Judges and legal scholars talk past one another, if they have any conversation at all. Academics criticize judicial decisions in theoretical terms, which leads many judges to dismiss academic discourse as divorced from reality. Richard Posner reflects on the causes and consequences of this widening gap and what can be done to close it.

Abstract: The complex structures of the meaning of modern legal systems are oulined; beyond the legal rules the historical development of the modern legal dogmatics and the emergency of abstract constitutional rights enriched the law and in this way the whole meaning of a legal rule can be grasped by the judges always only through the analysis of the multi-layered structure of its meaning: the text of the rule, the legal doctrins and the constitutional rights which are the basis of the construction of the legal rules. This picture of the legal mechanisms can be named as the concept of the multi-layered legal system

"Law in Modern Society" is a comparative study of the place of law in societies as well as a criticism of social theory. Under what conditions do different kinds of law emerge? What are the bases of the rule of law ideal that marks advanced liberal, capitalist societies? What can the study of law teach us about social hierarchy and moral vision in these societies, and, indeed, about the specificity of Western civilization? Why do we find it necessary to struggle for the rule of law and impossible to achieve it? What political possibilities are closed or opened by present-day changes in the established styles of legality and legal thought? Unger deals with these questions in a broad range of historical settings. But he also relates them to the central issues of social theory: the method of explanation, the conditions of social order, and the nature of 'modern' society. the book argues that to resolve its own internal dilemmas the science of society must once again become both metaphysical and political.

The new edition of this eminent and authoritative work has been fully updated to encompass substantive changes in the law of easements. First published over 150 years ago, the work interprets statute and case law in great depth and offers solutions to problems that may arise in practice.

China’s legal system is vast and complex, and robust scholarship on the subject is difficult to obtain. Inside China’s Legal System provides readers with a comprehensive look at the system including how it works in practice, theoretical and historical underpinnings, and how it might evolve. The first section of the book explains the Communist Party’s utilitarian approach to law: rule by law. The second section discusses Confucian and Legalist views on morality, law and punishment, and the influence such traditional Chinese thinking has on contemporary Chinese law. The third section focuses on the roles of key players (including judges, prosecutors, lawyers, and legal academics) in the Chinese legal system. The fourth section offers Chinese legal case studies in civil, criminal, administrative, and international law. The book concludes with a comparison of China’s fundamental governing and legal principles with those of the United States, in such areas as checks and balances, separation of powers, and due process. Uses extensive legal materials and historical documents generally unavailable to Western based academics Gives insider knowledge, including first-hand experience teaching law, and close involvement with judges, attorneys, and law professors in China Analyses legal issues from historical and cultural perspectives holistically

John Sassoon’s study of the written laws of four thousand years ago puts paid to the belief that the most ancient laws were merely arbitrary and tyrannical. On the contrary, the earliest legal systems honestly tried to get to the truth, do justice to individuals, and preserve civil order. They used the death penalty surprisingly seldom, and then more because society had been threatened than an individual killed. Some of the surviving law codes are originals, others near-contemporary copies. Together they preserve a partial but vivid picture of life in the early cites. This occupies more than half the book. Comparison of ancient with modern principles occupies the remainder and is bound to be controversial; but it is important as well as fascinating. The first act of writing laws diminished the discretion of the judges and foretold a limit on individual justice. Some political principles such as uniformity of treatment or individual freedom have, when carried to extremes, produced crises in modern legal systems world wide.

This book is a broad and deep inquiry into how contingency fees distort our civil justice system, influence our political system and endanger democratic governance. Contingency fees are the way personal injury lawyers finance access to the courts for those wrongfully injured. Although the public senses that lawyers manipulate the justice system to serve their own ends, few are aware of the high costs that come with contingency fees. This book sets out to change that, providing a window into the seamy underworld of contingency fees that the bar and the courts not only tolerate but even protect and nurture. Contrary to a broad academic consensus, the book argues that the financial incentives for lawyers to litigate are so inordinately high that they perversely impact our civil justice system and impose other unconscionable costs. It thus presents the intellectual architecture that underpins all tort reform efforts.

This edition provides a clear and comprehensive account of the English legal system, covering the institutions, personnel and procedures, and the handling of case law and statutes.

Rule of law has vanished in America’s criminal justice system. Prosecutors decide whom to punish; most accused never face a jury; policing is inconsistent; plea bargaining is rampant; and draconian sentencing fills prisons with mostly minority defendants. A leading criminal law scholar looks to history for the roots of these problems—and solutions.