

American Law And Legal Systems Paperback

Michael S. Moore

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Journal of Legal Studies ,1997 Failures of American Civil Justice in International Perspective James R. Maxeiner, 2011-08-29 Civil justice in the United States is neither civil nor just Instead it embodies a maxim that the American legal system is a paragon of legal process which assures its citizens a fair and equal treatment under the law Long have critics recognized the system's failings while offering abundant criticism but few solutions. This book provides a comparative critical introduction to civil justice systems in the United States Germany and Korea It shows the shortcomings of the American system and compares them with German and Korean successes in implementing the rule of law The author argues that these shortcomings could easily be fixed if the American legal systems were open to seeing how other legal systems civil justice processes handle cases more efficiently and fairly Far from being a treatise for specialists this book is an introductory text for civil justice in the three aforementioned legal systems A History of American Law: Third Edition Lawrence M. Friedman, 2005-06-01 In this brilliant and immensely readable book Lawrence M Friedman tells the whole fascinating story of American law from its beginnings in the colonies to the present day By showing how close the life of the law is to the economic and political life of the country he makes a complex subject understandable and engrossing A History of American Law presents the achievements and failures of the American legal system in the context of America's commercial and working world family practices and attitudes toward property government crime and justice Now completely revised and updated this groundbreaking work incorporates new material regarding slavery criminal justice and twentieth century law For laymen and students alike this remains the only comprehensive authoritative history of American law **Comparative** Law Mathias Siems, 2022-03-24 Presents a fresh contextualised and sophisticated perspective on comparative law for both students and scholars Educating Oneself in Public Michael S. Moore, 2000 The eleven essays in Educating Oneself in

Public Critical Essays in Jurisprudence constitute an education in the Anglo American jurisprudence of the second half of the twentieth century The book examines both the thought of major figures such as H L A Hart Joseph Raz Ronald Dworkin Lon Fuller and Richard Rorty and the general themes of major movements such as legal realism post modernism and pragmatism Despite this focus on the thoughts of others the book is not a survey but is a critical probing of particular ideas often attributed to such figures Detailed depth of understanding is sought about Hart's conception of a general jurisprudence that describes law in general Dworkin's conception of an internal jurisprudence that interprets the concept of law of our legal culture Fuller's ideal of a functional jurisprudence that seeks the essence of law in the values it serves the place of rules in legal and moral reasoning Raz s idea that laws give exclusionary reasons to legal actors subject to such laws how judges should reason according to the legal realists whether there are right answers to all disputed law cases whether behind the obvious law of legal rules there can exist an unobvious law of legal principles Finnis's conception of the common good as the function law uniquely serves in what sense law practice and legal theory are interpretive activities whether all knowledge or some discrete realm of knowledge is peculiarly interpretive in character Michael Moore s views on each of these topics are detailed and original even if the springboards for each discussion are the writings of those who introduced such topics into modern discussions. The introductory chapter includes responses by many of the figures examined in the other essays. together with the author's rejoinders Essays in the History of Early American Law David H. Flaherty, 2014-01-01 This collection of outstanding essays in the history of early American law is designed to meet the demand for a basic introduction to the literature of colonial and early United States law Eighteen essays from historical and legal journals by outstanding authorities explore the major themes in American legal history from colonial beginnings to the early nineteenth century Originally published in 1969 A UNC Press Enduring Edition UNC Press Enduring Editions use the latest in digital technology to make available again books from our distinguished backlist that were previously out of print These editions are published unaltered from the original and are presented in affordable paperback formats bringing readers both historical and cultural Harsh Justice James Q. Whitman, 2003 Why is American punishment so cruel While in Soviet Life .1979 value continental Europe great efforts are made to guarantee that prisoners are treated humanely in America sentences have gotten longer and rehabilitation programs have fallen by the wayside Western Europe attempts to prepare its criminals for life after prison whereas many American prisons today leave their inhabitants reduced and debased In the last quarter of a century Europe has worked to ensure that the baser human inclination toward vengeance is not reflected by state policy yet America has shown a systemic drive toward ever increasing levels of harshness in its criminal policies Why is America so short on mercy In this deeply researched comparative work James Q Whitman reaches back to the 17th and 18th centuries to trace how and why American and European practices came to diverge Eschewing the usual historical imprisonment narratives Whitman focuses instead on intriguing differences in the development of punishment in the age of Western

democracy European traditions of social hierarchy and state power so consciously rejected by the American colonies nevertheless supported a more merciful and dignified treatment of offenders The hierarchical class system on the continent kept alive a tradition of less degrading high status punishments that eventually became applied across the board in Europe The distinctly American draconian regime on the other hand grows Whitman argues out of America's longstanding distrust of state power and its peculiar broad brush sense of egalitarianism Low status punishments were evenly meted out to all offenders regardless of class or standing America's unrelentingly harsh treatment of trangressors this equal opportunity degradation is in a very real sense the dark side of the nation's much vaunted individualism A sobering look at the growing rift between the United States and Europe Harsh Justice exposes the deep cultural roots of America's degrading punishment practices **USSR**, 1990

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