

The Adversarial System Vs The Inquisitorial System

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Adversarial versus Inquisitorial Justice - Peter J. van Koppen
2012-12-06

This is the first volume that directly compares the practices of adversarial and inquisitorial systems of law from a psychological perspective. It aims at understanding why American and European continental systems differ so much, while both systems entertain much support in their communities. The book is written for advanced audiences in psychology and law.

The Case Against the Common Law - Gordon Tullock 1997

Central to the social functions and the foundational principles of the common law system is the concept of doctrinal stability as encapsulated in the institutional principle of stare decisis, or binding precedent. Under this principle, precedent binds subsequent similar cases when certain formal conditions are met. The doctrinal stability standard cannot survive significant deviation from the principle of stare decisis. Gordon Tullock demonstrates how the retreat from stare decisis in the U.S. common law system is a predictable consequence of adverse institutional characteristics. He concludes that this withdrawal is now sufficiently extensive as to challenge the validity of the common law system itself.

Comparative Criminal Procedure - Jacqueline E. Ross
2016-06-24

This Handbook presents innovative research that compares different criminal procedure systems by focusing on the mechanisms by which legal systems seek to avoid error, protect rights, ground their legitimacy, expand lay participation in the criminal process and develop alternatives to criminal trials, such as plea bargaining, as well as alternatives to the criminal process as a whole, such as intelligence operations. The criminal procedures examined in this book include those of the United States, Germany, France, Spain, Russia, India, Latin America, Taiwan and Japan, among others.

Core Concepts in Criminal Law and Criminal Justice - Kai Ambos
2020-01-16

A comparative and collaborative study of the foundational principles and concepts that underpin different domestic systems of criminal law.

The Suspect's Statement - Martha Komter 2019-04-25

Explores how suspect statements are elicited in police interrogations, written down and transformed into a document that is cited in court.

DEATH IN THE TIERGARTEN - Benjamin Carter Hett
2009-06-30

From Alexanderplatz, the bustling Berlin square ringed by bleak slums, to Moabit, site of the city's most feared prison, *Death in the Tiergarten* illuminates the culture of criminal justice in late imperial Germany. In vivid prose, Benjamin Hett examines daily movement through the Berlin criminal courts and the lawyers, judges, jurors, thieves, pimps, and murderers who inhabited this world. Drawing on previously untapped sources, including court records, pamphlet literature, and pulp novels, Hett examines how the law reflected the broader urban culture and politics of a rapidly changing city. In this book, German criminal law looks very different from conventional narratives of a rigid, static system with authoritarian continuities traceable from Bismarck to Hitler. From the murder trial of Anna and Hermann Heinze in 1891 to the surprising treatment of the notorious Captain of Koepenick in 1906, Hett illuminates a transformation in the criminal justice system that unleashed a culture war fought over issues of permissiveness versus discipline, the boundaries of

public discussion of crime and sexuality, and the role of gender in the courts. Trained in both the law and history, Hett offers a uniquely valuable perspective on the dynamic intersections of law and society, and presents an impressive new view of early twentieth-century German history. Table of Contents: Acknowledgments Introduction 1. In Moabit 2. The Berlin of Surrogates 3. Honorable Men 4. Justice Is Blind 5. "Were People More Pitiless Fifteen Years Ago?" Epilogue Appendix: Regimes and Rulers Abbreviations Notes Archival and Primary Sources Index *Death in the Tiergarten* is an impressive book. Written in a light and entertaining style, with elegance and wit, it is a rich source of thought-provoking insights. Hett offers his own distinct spin on some of the common themes of Berlin literature--crime, sex, sensation, mass media, and the dramatic character of life in the modern metropolis. This unusually successful and effective work of scholarship has the potential to reach a broad audience. - Jonathan Sperber, University of Missouri at Columbia An extremely rich and well-argued analysis of the culture of the criminal courtroom in Wilhelmine Germany. Using stories about love, lust, betrayal, and honor--crime stories and city stories-- Benjamin Hett pries open Berlin's public life in brilliant, unexpected ways. --Peter Fritzsche, author of *Reading Berlin* 1900

The Japanese Adversary System in Context - M. Feeley
2002-07-16

The Japanese legal system is at a crossroads. The contributors to this book explore the most important features of the adversary process as it works in the Japanese criminal justice system. Topics include the right to remain silent, wire tapping, the role of defence counsel, plea bargaining, the power of prosecutors, juvenile justice and judicial independence. Many of the essays seek comparison with practices in Anglo-American countries.

Criminal Justice in Europe - Phil Fennell 1995

The theme of this book is the developing influence of European law and European integration on the criminal justice systems of the Netherlands and England and Wales. It examines the different responses adopted in the two jurisdictions to current problems in criminal justice, against the background of European law. The topics included in this original study include: the influence of the European Convention on Human Rights; the influence of European Community law; the influence of treaties concerning criminal justice co-operation between the two systems; and, finally, the extent to which supranational mechanisms of criminal justice are developing in the wake of European integration.

Forensic Psychiatry and Psychology in Europe - Kris Goethals
2018-05-30

This study guide aims to make European trainees in forensic psychiatry and psychology and young forensic psychiatrists and psychologists aware of the differences and commonalities in forensic psychiatry and psychology in different countries within Europe and to enable them to learn from the approaches adopted in each country. The guide is divided into five main sections that address legal frameworks, service provision and frameworks, mandatory skills, teaching and training in forensic psychiatry and psychology, and capita selecta. In addition, recommendations are made with respect to the practice of teaching and training across European countries. It is anticipated that the guide will provide an excellent means of improving specific skills and that, by learning about the offender/patient pathways in the different jurisdictions of Europe, the reader will gain a deeper understanding of the principles that govern methods and

practices in their own work with mentally disordered offenders.

Criminal Justice - Julian V. Roberts 2015

The criminal justice system is wide ranging: it covers crimes, policing, the sentencing of offenders, and prisons. This title draws upon the latest research and current practices from around the world. Focusing on the adversarial model of justice found in common law countries such as the US, UK, Canada, and Australia, it discusses topics such as the uses of imprisonment, the effects of capital punishment, and the purposes of sentencing. Considering the role of the victim, as well as public knowledge and attitudes towards criminal justice, it assesses the way in which the system functions.

The French Code of Criminal Procedure - France 1988

This volume supersedes Volume 7 of the series.

The Origins of Adversary Criminal Trial - John H. Langbein 2003

The lawyer-dominated adversary system of criminal trial, which now typifies practice in Anglo-American legal systems, was developed in England in the 18th century. This text shows how and why lawyers were able to capture the trial.

Adversarial Justice - Theodore L. Kubicek 2006

Our adversarial legal system is used to evade the truth and makes winning the paramount goal. Here, a law veteran proposes we shift to an inquisitorial system seeking the truth, and recommends changes to evidentiary rules that confuse law enforcement and juries alike.

Victim Participation Rights - Kerstin Braun 2019-02-14

This book traces victims' active participatory rights through different procedural stages in adversarial and non-adversarial justice systems, in an attempt to identify what role victims play during criminal proceedings in the domestic setting. Braun analyses countries with different legal traditions, including: the United States, England, Wales and Australia (as examples of mostly adversarial countries); Germany and France (as examples of inquisitorial systems); as well as Denmark and Sweden with their mixed inquisitorial-adversarial background. Victim Participation Rights is distinctive in that it assesses the implementation of formal processes and procedures concerning victim participation at three different procedural stages: first, investigation and pre-trial; second, trial and sentencing; and third, post-trial with a focus on appeal and parole. In addition, Braun provides an in-depth case study on the general position of victims in criminal trials, especially in light of national criminal justice policy, in Germany, a mostly inquisitorial system and Australia, a largely adversarial system. In light of its findings, the book ponders whether, at this stage in time, a greater focus on victim protection rather than on active procedural rights could be more beneficial to enhancing the overall experience of victims. In this context, it takes a close look at the merits of introducing or expanding legal representation schemes for victims.

Victims' Rights, Human Rights and Criminal Justice -

Jonathan Doak 2008-04-29

In recent times, the idea of 'victims' rights' has come to feature prominently in political, criminological and legal discourse, as well as being subject to regular media comment. The concept nevertheless remains inherently elusive, and there is still considerable ambiguity as to the origin and substance of such rights. This monograph deconstructs the nature and scope of the rights of victims of crime against the backdrop of an emerging international consensus on how victims ought to be treated and the role they ought to play. The essence of such rights is ascertained not only by surveying the plethora of international standards which deal specifically with crime victims, but also by considering the potential cross-applicability of standards relating to victims of abuse of power, with whom they have much in common. In this book Jonathan Doak considers the parameters of a number of key rights which international standards suggest victims ought to be entitled to. He then proceeds to ask whether victims are able to rely upon such rights within a domestic criminal justice system characterised by structures, processes and values which are inherently exclusionary, adversarial and punitive in nature.

European Criminal Procedures - Mireille Delmas-Marty
2002-10-17

Revised by Elena Ricci

Comparative Restorative Justice - Theo Gavrielides 2021-09-20

This edited collection introduces and defines the concept of "comparative restorative justice", putting it in the context of power relations and inequality. It aims to compare the implementation and theoretical development of restorative justice internationally for research, policy and practice. In Part I, this volume compares practices in relation to the implementing environment - be that cultural, political, or societal. Part II looks at obstacles and enablers in relation to the criminal justice system, and considers whether inquisitorial versus adversarial jurisdictions have impact on how restorative justice is regulated and implemented. Finally, Part III compares the reasons that drive governments, regional bodies, and practitioners to implement restorative justice, and whether these impetuses impact on ultimate delivery. Featuring fifteen original chapters from diverse authors and practitioners, this will serve as a key resource for those working in social justice or those seeking to understand and implement the tenets of restorative justice comparatively.

Judge Without Jury - John Jackson 1995

Cases connected with the troubles in Northern Ireland have been tried by a judge sitting without a jury in 'Diplock Courts'. Given the symbolic importance of the jury within the common law tradition, this study offers the first systematic comparison of the process of trial by judge alone with that of trial by jury. The authors determine the impact of the replacement of jury trial with trial by a professional judge on the adversarial character of the criminal trial process.

Comparative Criminal Justice - Francis J. Pakes 2010

This book - an accessible introductory text on comparative criminal justice - examines the ways different countries and jurisdictions deal with the main stages and elements in the criminal justice process, from policing through to sentencing. Examples are taken from all over the world, with a particular focus on the US, Europe, the UK, and Australasia. The book provides: a comparative perspective on criminal justice and its main components * an understanding of the increasing globalization of justice and standards of the administration of justice * a knowledge of methodology for comparative research and analysis * an understanding of the most important concepts in criminal justice (such as inquisitorial and adversarial trial systems, policing styles, crime control versus due process, retribution versus rehabilitation, etc.) * a discussion of global trends, such as the rise of imprisonment, penal populism, diversion, international policing, and international tribunals * an insight into

Criminal Justice in Scotland - Peter Duff 2018-12-12

Published in 1999. Scottish criminal law and procedure are very different from their counterparts elsewhere in the United Kingdom. This book is the first socio-legal account of the Scottish criminal justice process and its constituent institutions. Its aims are: to explain the operation of the various elements which make up the 'system'; to summarise the considerable volume of relevant Scottish research; and to locate this knowledge within contemporary theorising about criminal justice. To this end, the editors commissioned a team of experts to write chapters on the various stages of institutions of the Scottish criminal justice process. Given Scotland's broad social and cultural similarities to the rest of the United Kingdom, the book also provides a useful comparative perspective which should help to discourage the tendency towards overly ethnocentric theorising south of the border.

Rebooting Justice - Benjamin H. Barton 2017-08-01

America is a nation founded on justice and the rule of law. But our laws are too complex, and legal advice too expensive, for poor and even middle-class Americans to get help and vindicate their rights. Criminal defendants facing jail time may receive an appointed lawyer who is juggling hundreds of cases and immediately urges them to plead guilty. Civil litigants are even worse off; usually, they get no help at all navigating the maze of technical procedures and rules. The same is true of those seeking legal advice, like planning a will or negotiating an employment contract. Rebooting Justice presents a novel response to longstanding problems. The answer is to use technology and procedural innovation to simplify and change the process itself. In the civil and criminal courts where ordinary Americans appear

the most, we should streamline complex procedures and assume that parties will not have a lawyer, rather than the other way around. We need a cheaper, simpler, faster justice system to control costs. We cannot untie the Gordian knot by adding more strands of rope; we need to cut it, to simplify it.

Comparative Criminal Justice Systems - Harry R. Dammer 2013-01-04

Offering a comprehensive analysis, bestselling COMPARATIVE CRIMINAL JUSTICE SYSTEMS, 5e compares the various criminal justice systems throughout the world using six model countries: China, England, France, Germany, Japan, and Saudi Arabia. The book illustrates the different types of law and justice systems while exploring the historical, political, economic, social, and cultural influences on each system. It examines important aspects of each type of justice system--common law, civil law, socialist law, and sacred (Islamic) law--to highlight the similarities and differences of each. Completely up to date, it provides expanded coverage of such high-profile topics as human trafficking, Internet pornography, identity theft, transnational policing, terrorism and more. Important Notice: Media content referenced within the product description or the product text may not be available in the ebook version.

The Structure of Criminal Procedure - Barton L. Ingraham 1987

A model is developed for analyzing criminal procedure across nations and cultures, and applied to the U.S., France, the U.S.S.R. and China. The model envisions common functions of arrest and detention, screening, charging and defending, trial, sanctioning and appeal. The comparison reveals significant differences between inquisitorial and adversarial systems, including the extent of court authority to control other criminal justice agencies, the defendant's role in the proceedings, and the court's role in the proceedings. Differences between noncommunist and communist inquisitorial systems involve personnel who perform each function, degrees of public participation, and the educative-rehabilitative function of the criminal justice process. Criminal Justice Abstracts The Structure of Criminal Procedure presents, for the first time ever, a detailed comparison of the criminal procedures of four major nations--France, the United States, China, and the Soviet Union. In addition, the author also develops his theory on the Morphology of Criminal Procedure which hypothesizes that there is a common structure in every modern procedural system no matter how different it may appear on the surface. He stresses six basic functions inherent in all systems--arrest and trial, detention, screening, charging and defending, trial, sanctioning, and appeal--and he successively analyzes each of them in depth. Practical ways to apply his model are provided along with encouragement for others to engage in new comparative studies, or studies of individual systems, in order to clarify the ways in which the practical demands of society, the legal profession, and legal institutions interact with the functional needs of the system to produce new ways of procedure or new ways of using old procedures.

What is Criminology? - Mary Bosworth 2012-05-31

Criminology is a booming discipline, yet one which can appear divided and fractious. In this rich and diverse collection of 34 essays, some of the world's leading criminologists respond to a series of questions designed to investigate the state, impact and future challenges of the discipline: What is criminology for? What is the impact of criminology? How should criminology be done? What are the key issues and debates in criminology today? What challenges does the discipline of criminology face? How has criminology as a discipline changed over the last few decades? The resulting essays identify a series of intellectual, methodological and ideological borders. Borders, in criminology as elsewhere, are policed, yet they are also frequently transgressed; criminologists can and do move across them to plunder, admire, or learn from other regions. While some boundaries may be more difficult or dangerous to cross than others it is rare to find an entirely secluded locale or community. In traversing ideological, political, geographical and disciplinary borders, criminologists bring training, tools and concepts, as well as key texts to share with foreigners. From such exchanges, over time, borders may break down, shift, or spring up, enriching those who take the journey and those who are visited. It is, in

other words, in criminology's capacity for and commitment to reflexivity, on which the strength of the field depends.

One Case-- Two Systems - Floyd Feeney 2005-01-01

Using California as the model for the adversarial system and Germany as the model for the inquisitorial system, this innovative work seeks to add a new dimension to the comparative study of criminal justice. The basic idea is contained in the title, One Case--Two Systems. Containing the first ever side-by-side portrayals of full American and German trials, the book views a single case through two separate lenses--one American, one German.

Returning home unexpectedly from a vacation in the country, an elderly man interrupts a night time burglary in his own house and is attacked as the burglar tries to escape. By portraying an ordinary crime--a burglary that turns into a robbery--rather than a dramatic, high-profile murder, the book provides a detailed, working picture of the two systems and the contrasts between them. Allowing the reader to observe and compare the formal steps that cases go through in the two systems, it brings the work of the police, the prosecution, the defense, and the courts to life - by giving thoughts and reasons as well as actions. Even the most critical documents are included. Designed to illustrate the most important differences between the two systems, the country chapters first portray the California investigation and prosecution and then take the same case through the German system. Often seeing eye-to-eye but sometimes diverging sharply, the two sets of comments focus on the critical issues depicted in the country chapters--seeking to explain the similarities, differences, and peculiarities of the two systems. Published under the Transnational Publishers imprint.

The Adversary System - Stephan Landsman 1984

The Grammar of Criminal Law - George P. Fletcher 2019-09-30

To understand the international legal order in the field of criminal law, we need to ask three elementary questions. What is international law? What is criminal law? And what happens to these two fields when they are joined together? Volume Two of The Grammar of Criminal Law sets out to answer these questions through a series of twelve dichotomies - such as law vs. justice, intention vs. negligence, and causation vs. background events - that invite the reader to better understand the jurisprudential foundations of international criminal law. The book will appeal to anyone interested in the future of international cooperation in a time of national retrenchment, and will be of interest to students, scholars, and policymakers around the world.

Comparative Criminal Justice Systems - Philip L. Reichel 2008

Unique in its topical approach, this best-selling book examines systems of law, police, courts, and corrections by using more than 30 different countries to show the diversity in legal systems around the world. The book's organization helps readers understand the various ways policing, adjudication, and corrections systems can be organized and operated. This edition features more complete coverage of Islamic legal tradition, information on reform in Japan, more use of primary sources and updated material throughout. Fully updated to include more information on: The Patriot Act; Sunni and Shia Muslims; Substantive and procedural law changes for France, Germany, and Nigeria; Inquisitorial and adversarial systems; Trial under an inquisitorial process; Juvenile justice system changes in England, Wales and China. Gives greater attention to the Islamic legal tradition and includes detailed descriptions of its key aspects. Reflect up-to-date events in Japanese criminal justice and covers changes that have been officially approved, but are not yet fully implemented. References the actual laws of many countries and provides additional information supplied by that country's criminal justice agency. Anyone interested in criminal justice across the world.

Inventing American Exceptionalism - Amalia D. Kessler 2017-01-10

A highly engaging account of the developments not only legal, but also socioeconomic, political, and cultural that gave rise to Americans distinctively lawyer-driven legal culture. When Americans imagine their legal system, it is the adversarial trial dominated by dueling larger-than-life lawyers undertaking grand public performances that first comes to mind. But as award-winning author Amalia Kessler reveals in this engrossing history,

it was only in the turbulent decades before the Civil War that adversarialism became a defining American practice and ideology, displacing alternative, more judge-driven approaches to procedure. By drawing on a broad range of methods and sources and by recovering neglected influences (including from Europe) the author shows how the emergence of the American adversarial legal culture was a product not only of developments internal to law, but also of wider socioeconomic, political, and cultural debates over whether and how to undertake market regulation and pursue racial equality. As a result, adversarialism came to play a key role in defining American legal institutions and practices, as well as national identity.

Adversarial Legalism - Robert A. KAGAN 2009-06-30

Robert Kagan examines the origins and consequences of the American system of "adversarial legalism". This study aims to deepen our understanding of law and its relationship to politics, and raises questions about the future of the American legal system.

Treatise on International Criminal Law - Kai Ambos 2016

Since the adoption of the Rome Statute of the International Criminal Court in 1998, international criminal law has rapidly grown in importance. This third volume offers a comprehensive analysis of the procedures and implementation of international law by international criminal tribunals and the International Criminal Court. Through analysis of the framework of international criminal procedure, the author considers each stage in the process of proceedings before the ICC, including the role of legal participants, the scope of jurisdiction, and the enforcement of sentences.

The Prosecutor in Transnational Perspective - Erik Luna 2012-09-27

In this book, Erik Luna and Marianne Wade examine the considerable powers of the American prosecutor and look abroad in order to learn valuable lessons from a transnational examination of prosecutorial authority. They explore parallels and distinctions in the processes available to and decisions made by prosecutors in the United States and Europe. Through the varied topics covered by the contributors on both sides of the Atlantic, they demonstrate how the enhanced role of the prosecutor represents a crossroads for criminal justice with weighty legal and socio-economic consequences.

Evidence Law Adrift - Mirjan R. Damaska 1997-01-01

In this important book, a distinguished legal scholar examines how the legal culture and institutions in Anglo-American countries affect the way in which evidence is gathered, sifted, and presented to the courts. Mirjan Damaska focuses on the significance of the divided tribunal (between judge and jury), the concentrated character of trials ("day-in-court" justice), and the prominent role of the parties in adjudication (the adversary system). Throughout he contrasts the Anglo-American system with Continental, or civil-law justice, where lay fact finders sit with professional judges in unified tribunals, proceedings are episodic rather than concentrated, and the parties have fewer responsibilities than in the common-law tradition. Damaska describes the impact of the traditional institutional environment on the gathering and handling of evidence in common-law jurisdictions and then explores recent transformations of this environment: trial by jury has dramatically declined, pretrial proceedings have greatly proliferated, the adversary system shows signs of weakening in some types of cases. As a result, many rules and practices supporting the treatment of evidentiary material are in danger of becoming extinct. In addition, says Damaska, the increasing use of scientific methods of inquiry could place further strains on the use of traditional common-law evidence. In the future we should expect greater variety in decisionmaking activity, with factual inquiries tailored to the specific type of proceeding and common-law evidence restricted to a narrow sphere.

Forensic Science: a Very Short Introduction - Jim Fraser 2020-02-27

Forensic science is a subject of wide fascination. What happens at a crime scene? How does DNA profiling work? How can it help solve crimes that happened 20 years ago? In forensic science, a criminal case can often hinge on a piece of evidence such as a hair, a blood trace, half a footprint, or a tyre mark. Complex

scientific findings must be considered carefully and dispassionately, and communicated with clarity, simplicity, and precision. High profile cases such as the Stephen Lawrence enquiry and the Madeleine McCann case have attracted enormous media attention and enhanced general interest in this area in recent years. In this Very Short Introduction, Jim Fraser introduces the concept of forensic science and explains how it is used in the investigation of crime. He begins at the crime scene itself, explaining the principles and processes of crime scene management, and drawing on his own personal experience of high profile cases including, the murder of Rachel Nickell and the unsolved murder of Jill Dando. Fraser explores how forensic scientists work; from the reconstruction of events to laboratory examinations. He considers the techniques they use, such as fingerprinting, and goes on to highlight the immense impact DNA profiling has had. Providing examples from forensic science cases in the UK, US, and other countries, he considers the techniques and challenges faced around the world. This new edition has been fully updated to take into account developments in areas such as DNA analysis and drug analysis, and the growing field of digital forensics. Topical areas explored include the growing significance of cognitive bias in forensic science, and recent research that raises doubts about the validity of some forensic techniques. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

Unfair - Adam Benforado 2016-06-14

NEW YORK TIMES BESTSELLER • "Unfair succinctly and persuasively recounts cutting-edge research testifying to the faulty and inaccurate procedures that underpin virtually all aspects of our criminal justice system, illustrating many with case studies."—The Boston Globe A child is gunned down by a police officer; an investigator ignores critical clues in a case; an innocent man confesses to a crime he did not commit; a jury acquits a killer. The evidence is all around us: Our system of justice is fundamentally broken. But it's not for the reasons we tend to think, as law professor Adam Benforado argues in this eye-opening, galvanizing book. Even if the system operated exactly as it was designed to, we would still end up with wrongful convictions, trampled rights, and unequal treatment. This is because the roots of injustice lie not inside the dark hearts of racist police officers or dishonest prosecutors, but within the minds of each and every one of us. This is difficult to accept. Our nation is founded on the idea 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 camera angle of a defendant's taped confession, the number of photos in a mug shot book, or a simple word choice during a cross-examination. In *Unfair*, Benforado shines a light on this troubling new field of 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. Over the last two decades, psychologists and neuroscientists have uncovered many cognitive forces that operate beyond our conscious awareness. Until we address these hidden biases head-on, Benforado argues, the social inequality we see now will only widen, as powerful players and institutions find ways to exploit the weaknesses of 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. With clarity and passion, he lays out the scope of the legal system's dysfunction and proposes a wealth of practical reforms that could prevent injustice and help us achieve true fairness and equality before the law.

Commitment to Efficiency and Legitimacy - Gongbaozhandaog Soge 2022

The majority of criminal cases are disposed by the mechanism of plea negotiation in the federal jurisdiction of the United States. This procedure has replaced adversarial trial tradition of the U.S. criminal justice system for decades. Since 2014, China has

initiated plea negotiation in the criminal justice system. Following the efforts of legislation and judiciary, China has formulated a Sinicized concessional criminal justice system. Up to now, over 86% criminal cases in China are handled with the plea negotiation system without appeals. Motivated by the same goals of procedural economy and systematic efficiency, these two nations have developed the plea negotiation system into the core driver of criminal justice dynamics. This ubiquity has led the similarities appearing in the adversarial system of the US and the inquisitorial system of China substantially and procedurally. In the light of the costs and benefits analysis, it raises research questions as follows: what needs to be ensured where a defendant posits in a plea negotiation process? What are the costs and benefits of defendant's decision making? Whether this cost-saving procedure achieves systemic efficiency and fairness? What can be rebuilt for improving the current system? This article is aimed to propose some new practical ideas that may improve the transparency and the fairness of plea negotiation process, and finally earn trust from the criminal defendants and the public at large. Through a comparative study, this article outlines the advantages and disadvantages of the plea negotiation systems in the U.S. and China. Thereafter, this article channels the practical measures to rebuild the plea negotiation system in these two nations. It is also aimed to contribute some insights to other nations' re-consideration of reforming the negotiated criminal justice system in the near future.

The Faces of Justice and State Authority - Mirjan R. Damaska 1991-07-24

A leading legal scholar provides a highly original comparative analysis of how justice is administered in legal systems around the world and of the profound and often puzzling changes taking place in civil and criminal procedure. Constructing a conceptual framework of the legal process based on the link between politics and justice, Mirjan R. Damaska provides a new perspective that enables disparate procedural features to emerge as fascinating recognizable patterns. His book is "a significant work of scholarship . . . full of important insights."—Harold J. Berman

Courts on Trial - Jerome Frank 1973-09-21

Provides an indepth analysis of the American legal system and proposes reforms in the workings of the court. Bibliogs

The Expert Witness, Forensic Science, and the Criminal Justice Systems of the UK - S. Lucina Hackman 2019-04-24

The global nature of crime often requires expert witnesses to work and present their conclusions in courts outside their home jurisdiction with the corresponding need for them to have an understanding of the different structures and systems operating in other jurisdictions. This book will be a resource for UK professionals, as well as those from overseas testifying internationally, as to the workings of all UK jurisdictions. It also will help researchers and students to better understand the UK legal system.

Professional Legal Ethics - Donald Nicolson 2000-02-03

Ethics and regulation have become catchwords of the late 1990s, yet relatively little has been written about the ethical discourse and regulation of the legal professions in England and Wales. This book represents the first attempt to subject the ethical discourse of the English legal professions to in-depth analysis and sustained critique. Drawing on insights from moral philosophy, social theory, the sociology of the legal profession, public law theories of regulation, and the extensive American literature on lawyers' ethics, it argues that, in seeking to provide definitive answers to particular problems of professional conduct, professional legal ethics has failed to deliver an approach which requires lawyers actively to engage with the ethical issues raised by legal practice. Through an analysis of the core issues facing lawyers, the authors locate this failure in the profession's reliance on a liberal and adversarial role morality that conceptualises the ethical values of human dignity, autonomy and equality in a formalistic and narrowly legalistic manner. This encourages lawyers to overlook the real invasions of these values so often wrought by upholding clients legal rights, and to ignore the competing claims of affected third parties, the wider community and the environment. In seeking to move beyond critique, the authors develop throughout the book a contextual approach to individual ethical decision-making and outline a range of institutional, regulatory and educational reforms which, they suggest, could form the basis for a more ethical brand of professionalism. *Professional Legal Ethics: Critical Interrogations* is a wide-ranging and thought-provoking analysis written for lawyers, ethicists and policy-makers interested in this neglected area of professional ethics and regulation.