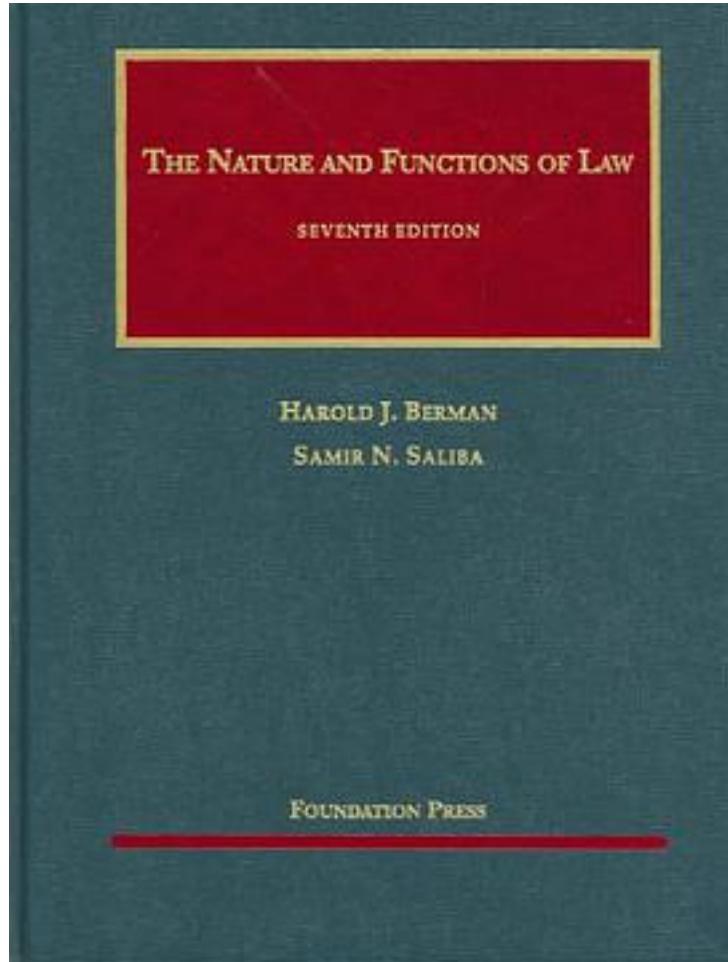


The Nature and Functions of Law (University Casebook)



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The distinguishing feature of this book is its focus on the special character of law in

performing certain social functions. Presented are the salient aspects of criminal and civil procedure, alternative dispute resolution, aspects of judicial reasoning on the basis of precedents, especially in cases of manufacturer's liability in tort, certain aspects of the law of contracts, and aspects of international human rights law, including race law, and gender law, both at the national and international level not in order to present a composite picture of the whole legal system but in order to test the success of the legal system in carrying out its basic purposes. As in previous editions, it includes relevant materials on comparative and international law. In this edition the international and comparative aspect of the law has been given a special and extended emphasis. Indeed, the most significant revisions and additions to the text are meant to highlight and reflect, primarily, the requirements of 21st century legal education and legal practice in an increasingly complex and globalized world. The emphasis has been on blending and harmonizing the national with the international by placing the study of American law in the context of comparative and world law. Thus, in the first two chapters of the text which deal with jurisdiction and civil procedure prior to trial, problems raised in international civil litigation in international cases in U.S. Courts are given brief treatment. Included are materials dealing with the acquisition of judicial jurisdiction over foreign defendants, problems of service of process abroad, forum selection, gathering evidence abroad, the Foreign Sovereign Immunities Act, and the Alien Torts Act. Emphasis is placed on the Hague Service of Process and the Hague Evidence Conventions. The concepts and methodology of earlier editions have been maintained. The main objective of this edition has been to bring the book up-to-date. Some parts of the previous edition have been streamlined, a chapter has been deleted to make room for new materials and a new chapter has been added. By closer editing, consolidation, and deletion the book retains its feasibility as a one semester, 45-hour course without sacrificing the essence of any of the topics.

作者介绍:

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