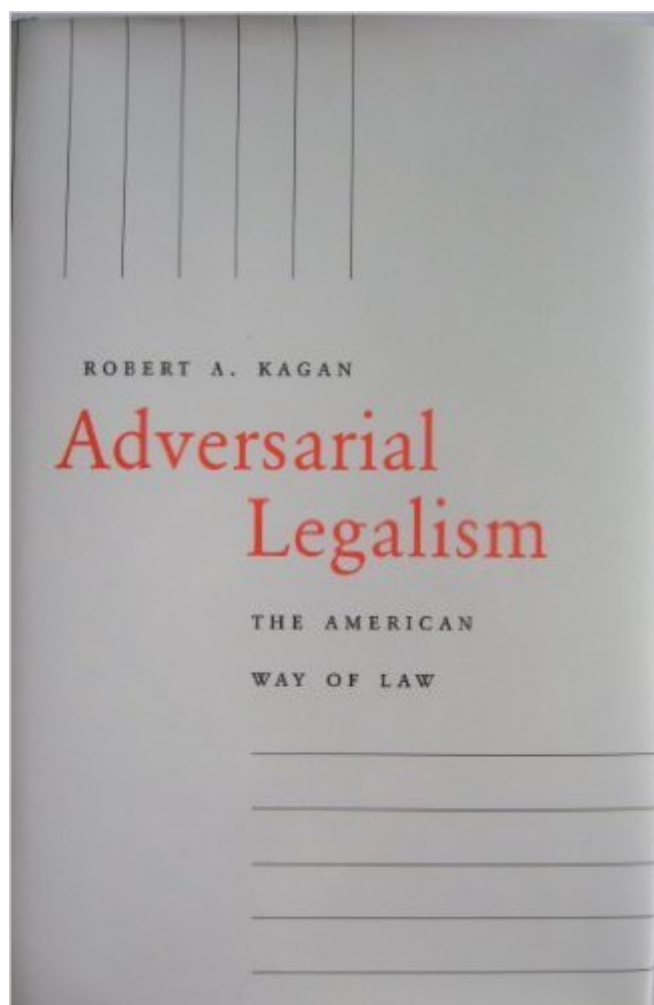


The book was found

Adversarial Legalism: The American Way Of Law



Synopsis

American methods of policy implementation and dispute resolution are more adversarial and legalistic when compared with the systems of other economically advanced countries. Americans more often rely on legal threats and lawsuits. American laws are generally more complicated and prescriptive, adjudication more costly, and penalties more severe. In a thoughtful and cogently argued book, Robert Kagan examines the origins and consequences of this system of "adversarial legalism." Kagan describes the roots of adversarial legalism and the deep connections it has with American political institutions and values. He investigates its social costs as well as the extent to which lawyers perpetuate it. Ranging widely across many legal fields, including criminal law, environmental regulations, tort law, and social insurance programs, he provides comparisons with the legal and regulatory systems of western Europe, Canada, and Japan that point to possible alternatives to the American methods. Kagan notes that while adversarial legalism has many virtues, its costs and unpredictability often alienate citizens from the law and frustrate the quest for justice. This insightful study deepens our understanding of law and its relationship to politics in America and raises valuable questions about the future of the American legal system.

Book Information

Hardcover: 320 pages

Publisher: Harvard University Press; 1st edition (December 15, 2001)

Language: English

ISBN-10: 0674006216

ISBN-13: 978-0674006218

Product Dimensions: 9.6 x 6.5 x 1.3 inches

Shipping Weight: 1.5 pounds

Average Customer Review: 4.2 out of 5 stars [See all reviews](#) (5 customer reviews)

Best Sellers Rank: #2,166,334 in Books (See Top 100 in Books) #13 in [Books > Law > Law](#)

[Practice > Law Office Marketing & Advertising](#) #188 in [Books > Law > Law Practice > Law Office Education](#) #392 in [Books > Law > Legal Theory & Systems > Comparative](#)

Customer Reviews

The book is a brilliant description about why similar problems abound in many different areas of law (criminal, civil, regulatory, social welfare). Adversarial legalism has its roots in fundamental mistrust of government in USA. This leads to multiple overlapping jurisdictions and the need to turn to the courts to achieve policy gains. Agency officials are hamstrung by so many requirements that they

cannot apply their expertise. Instead we have a lawyer/judge centered system. Our system is less elite focused than in Europe/Japan but is also in many ways leads to less egalitarian outcomes and a decisionmaking process that takes years often without a corresponding benefit to justify the delays. In sector after sector, Kagan demonstrates how the fracturing of authority between branches, agencies, and levels of government leads to policies that no one would describe as "first best" or even "second best" but rather ugly compromises between competing interests. The fear of litigation permeates policy-making and the power to wield litigation empowers those who can afford the time and money to retain talented lawyers. And yet the same people who often bemoan the legalistic culture in the United States would be reluctant to embrace a more bureaucratic centered hierarchical solution found in Europe. It is in the last chapter, where Kagan discusses solutions, that I found my only real criticism of the text. Kagan recommends steps, both large and small to move toward a European system. However, while diligently listing the political/legal/cultural barriers to doing so, he seems to be overly optimistic that these can be overcome. The book was written in 2003.

[Download to continue reading...](#)

Adversarial Legalism: The American Way of Law
Dispute Resolution: Beyond the Adversarial Model, Second Edition (Aspen Casebooks)
Administrative Law, the American Public Law System: Cases and Materials (American Casebooks) (American Casebook Series)
Scholarly Writing for Law Students, Seminar Papers, Law Review Notes and Law Review Competition Papers (American Casebook Series)
The Supreme Court and Tribal Gaming: California v. Cabazon Band of Mission Indians (Landmark Law Cases and American Society) (Landmark Law Cases & American Society)
One Man Out: Curt Flood versus Baseball (Landmark Law Cases and American Society) (Landmark Law Cases & American Society)
American Indian Law, Cases and Commentary, 2d (American Casebook) (American Casebook Series)
American Indians and the Law: The Penguin Library of American Indian History (Penguin's Library of American Indian History)
20 Idioms in 20 Days: Master the Most Important American Expressions: English Basics: Your Complete Guide to American Phrases Volume 1: Real American Idioms ... Your Complete Guide to American Idioms)
20 Idioms in 20 Days: Master the Most Important American Expressions: English Basics: Your Complete Guide to American Phrases #2: Real American Idioms ... Your Complete Guide to American Idioms)
American History: The People & Events that Changed American History (People's History, American, United States of America, American Revolution, Patriot, United States History Book 1)
Learn Python the Hard Way: A Very Simple Introduction to the Terrifyingly Beautiful World of Computers and Code (3rd Edition) (Zed Shaw's Hard Way Series)
Wild Diet: WHOLESOME

DIET FOR A WHOLESOME LIFE!: (the wild diet, No carbs diet, Low Carbs food list, high protein diet, rapid weight loss, easy way to lose weight, how ... way to lose weight, how to lose body fat) The Definitive Guide To the Best Way to Turn Your Nook HD+ Into a Full Android Tablet (The Best Way To Transform Your Nook Into a Full Android Tablet Book 1) The Definitive Guide To the Best Way to Turn Your Nook HD Into a Full Android Tablet (The Best Way To Transform Your Nook Into a Full Android Tablet Book 2) SCULPTING THE EASY WAY IN POLYMER CLAY FOR BEGINNERS 2: How to sculpt a fairy head in Polymer clay (Sculpting the easy way for beginners) Learn C the Hard Way: Practical Exercises on the Computational Subjects You Keep Avoiding (Like C) (Zed Shaw's Hard Way Series) Learn Python the Hard Way: A Very Simple Introduction to the Terrifyingly Beautiful World of Computers and Code (Zed Shaw's Hard Way Series) Talking Back to OCD: The Program That Helps Kids and Teens Say "No Way" -- and Parents Say "Way to Go" Anticancer, a New Way of Life [ANTICANCER A NEW WAY OF] [Hardcover]

[Dmca](#)