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Goals of Civil Justice and Civil Procedure in Contemporary Judicial Systems (Ius Gentium: Comparative Perspectives on Law and Justice)

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This book is a collection of papers that address a fundamental question: What is the role of civil justice and civil procedure in the various national traditions in the contemporary world? The book presents striking differences among a range of countries and legal traditions, but also points to common trends and open issues. It brings together prominent experts, professionals and scholars from both civil and common law jurisdictions. It represents all main legal traditions ranging from Europe (Germanic and Romanic countries, Scandinavia, ex-Socialist countries) and Russia to the Americas (North and South) and China (Mainland and Hong Kong). While addressing the main issue – the goals of civil justice – the book discusses the most topical concerns regarding the functioning and efficiency of national systems of civil justice. These include concerns such as finding the appropriate balance between accurate fact-finding and the right to a fair trial within a reasonable time, the processing of hard cases and the function of civil justice as a specific public service. In the mosaic of contrasts and oppositions special place is devoted to the continuing battle between the individualistic/liberal approach and the collectivist/paternalistic approach – the battle in which, seemingly, paternalistic tendencies regain momentum in a number of contemporary justice systems.

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