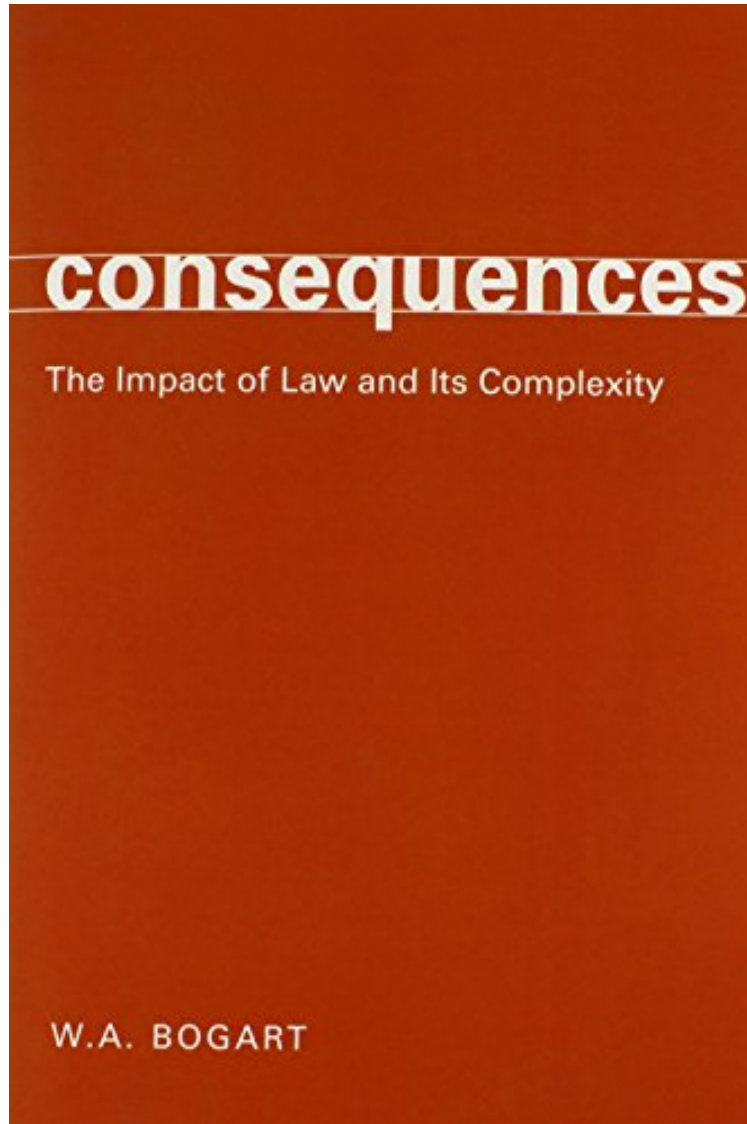


[Free] Consequences: The Impact of Law and Its Complexity

Consequences: The Impact of Law and Its Complexity

W.A. Bogart

*audiobook / *ebooks / Download PDF / ePub / DOC*



DOWNLOAD



READ ONLINE

#7813586 in Books University of Toronto Press, Scholarly Publishing Division 2002-02-02Original language:EnglishPDF # 1 9.00 x 1.18 x 6.04l, 1.33 #File Name: 0802084567416 pages | File size: 73.Mb

W.A. Bogart : Consequences: The Impact of Law and Its Complexity before purchasing it in order to gage whether or not it would be worth my time, and all praised Consequences: The Impact of Law and Its Complexity:

0 of 0 people found the following review helpful. An easy read on big questionsBy Nina LeijonThis brilliant expose of the complex interaction between law and society (and of the role of law in society) relies predominantly on North American material, but the questions posed by Bogart about the consequences of getting the balance wrong are universal. The book reflects on big questions: what are the objectives of law? Can, and should, law transform social and political relationships? Is its purpose to reflect societal standards by codifying accepted norms, or is it to progress

and develop a society towards greater enlightenment? The answers naturally depend on one's own ideology in part. Bogart uses environmental law as an example of the political dichotomy: the Left argues that current US environmental regulation doesn't go far enough in achieving change, while the Right believes the law has already gone too far. If the usefulness of law is contested, why then have Western societies seen such a proliferation of legislation in recent decades? Bogart has two explanations. The first is the breakdown of other rules and norms in society, with law becoming a necessary substitute to civic engagement (drawing on Putnam's 'Bowling Alone' argument). The second views legislation as supplanting politics across the ideological spectrum: with faith in government on the decline, law is increasingly seen as the means to achieve particular short-term goals. In the US the result, Bogart argues, has been an obsession with in particular individual rights that has trumped other values and created a 'culture of complaint'. Adversarial litigation and the criminalization of behaviour have become preferred vehicles to respond to complex societal and human problems, with liberal pluralism and alternative mechanisms for problem solving (persuasion, negotiation, exchange, rewards and design to mention but a few) on the backfoot. Bogart turns to international law to demonstrate the unintended consequences of relying on sticks over carrots. Sanctions against 'rogue' states have had limited effectiveness, in particular when those embargoes suffer from the 'termination trap' of lacking an end date. A telling example is the sanctions against Serbia that led to a surge in organised crime on the black market that protected the elite whilst devastating the lives of the poor, in particularly women and children. Bogart offers plenty of reflection, if few solutions. His criticism of the current over-reliance on legalistic solutions is implicit throughout the book, though at the end he accepts that we get the kind of society we deserve. The quip by Gilmore (1997) neatly sums it up: "In Hell there will be nothing but law, and due process will be meticulously observed". (BTW, the photo of the book cover featured on the site is waay, way wrong - this book has nothing to do with men and mothering).

Canada and the United States increasingly rely on law to grapple with complex societal issues. What is the impact of this growing dependence on law and legal systems? W.A. Bogart offers a timely and erudite investigation of the impact of law on societies, and how this excessive reliance on law, particularly litigation, has generated difficulties in achieving consensus regarding issues of domestic policy. Focussing mainly on the United States as the center for post World War II legal culture, the book takes into consideration other western countries, and allows the reader a comparison of legal systems. *Consequences* begins by documenting the growth of law and the reasons for its enhanced influence; the book then discusses the complex meanings of impact and the substantial difficulties in gauging outcomes produced by law. Bogart illustrates his discussion with five case studies, documenting law's complex ties to economics, education, and political issues, and asserts that positive outcomes have occurred despite litigation's disappointing record. *Consequences* is a timely, important and interdisciplinary contribution to the study of law and sociology, and will make a substantial addition to the studies of law and society.

'This is a beautiful piece of scholarship: well crafted and thoroughly researched, it is a deep contribution to legal writing. Magisterial in sweep, thoughtful, and engagingly written, this is a well-developed and mature piece of scholarship. It is one of those rare academic books, which manages to be accessible and highly readable without sacrificing rigour. This is first-rate stuff.' (Wesley Pue, Faculty of Law, University of British Columbia) *Consequences* is a fascinating and important book. Bogart has written a classic example of sociolegal scholarship. It is timely and yet connected to venerable issues in sociolegal studies of law, and displays great mastery of a very important subject.' (Austin Sarat, Law, Jurisprudence and Social Thought, Department of Political Science, Amherst College.) About the Author W.A. Bogart is Professor of Law at the University of Windsor.