

Contents

<i>Preface</i>	v
<i>Acknowledgements</i>	xiii
1 Is the Legal System a System?	1
2 Why Do Judges Talk the Way they Do?	26
Social Systems, Psychic Systems and Redundancy	28
Judicial Communications and ‘Commitment’ to the Legal System	34
Judicial Discretion	46
Conclusion	55
3 Can One Have a Right to Disobey a Law?	58
Civil Disobedience within the Legal System	61
Civil Disobedience within the Political System	70
Social Movements and Civil Disobedience	79
Civil Disobedience within the Legal and Political Systems – A Case Study (Debbie Purdy’s Case)	82
Conclusion	86
4 Understanding Legal Pluralism	88
Brian Tamanaha’s Criticisms of Systems Theory	91
How Does One Identify a Subsystem Code?	99
Law and Violence	102
Normative Pluralism	105
Pluralism and Translation	115
Exploring Legal Pluralism in Modern and Pre-modern Societies	119
Conclusion	128
5 How Law Constructs Time	131
Time, Law and Politics	138
A Simple Example: The Presumption of Innocence	145
A Complex Example	147
6 Politics and Law: The Rule of Law, Constitutional Law, and Human Rights	164
The Rule of Law	165
Constitutional Law	184
Constitutional and Human Rights, and Societal Constitutionalism	195

Contents

7	Control through Law	207
	Steering through Constituting Rules	210
	Observing Reflexive Law	216
	Structural Coupling Dynamics	224
8	Appeals in Law	229
	Appeals and Doctrine	230
	The Structural Coupling between Law and the Media through Conviction	237
	Implications of Criminal Appeals for the Structural Coupling between Law and the Media	241
	The Pressures Generated by the Differences between the Media and the Legal System's Understanding of Appeal	245
	Postscript: A Comment on Human Involvement	250
	<i>Bibliography</i>	255
	<i>Index</i>	269

<http://www.pbookshop.com>