COMPARATIVE LEGAL MODELS

CRIMINAL AND THE ART MARKED AND

Cliff Roberson and Dilip K. Das



An Introduction to

COMPARATIVE LEGAL MODELS OF CRIMINAL JUSTICE

Cliff Roberson and Dilip K. Das



CRC Press Taylor & Francis Group 6000 Broken Sound Parkway NW, Suite 300 Boca Raton, FL 33487-2742

© 2008 by Taylor & Francis Group, LLC CRC Press is an imprint of Taylor & Francis Group, an Informa business

No claim to original U.S. Government works Printed in the United States of America on acid-free paper $10\,9\,8\,7\,6\,5\,4\,3\,2\,1$

International Standard Book Number-13: 978-1-4200-6592-3 (Hardcover)

This book contains information obtained from authentic and highly regarded sources. Reasonable efforts have been made to publish reliable data and information, but the author and publisher cannot assume responsibility for the validity of all materials or the consequences of their use. The authors and publishers have attempted to trace the copyright holders of all material reproduced in this publication and apologize to copyright holders if permission to publish in this form has not been obtained. If any copyright material has not been acknowledged please write and let us know so we may rectify in any future reprint.

Except as permitted under U.S. Copyright Law, no part of this book may be reprinted, reproduced, transmitted, or utilized in any form by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying, microfilming, and recording, or in any information storage or retrieval system, without written permission from the publishers.

For permission to photocopy or use material electronically from this work, please access www.copyright.com (http://www.copyright.com/) or contact the Copyright Clearance Center, Inc. (CCC), 222 Rosewood Drive, Danvers, MA 01923, 978-750-8400. CCC is a not-for-profit organization that provides licenses and registration for a variety of users. For organizations that have been granted a photocopy license by the CCC, a separate system of payment has been arranged.

Trademark Notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

Library of Congress Cataloging-in-Publication Data

Das, Dilip K., 1941-

An introduction to comparative legal models of criminal justice / authors, Cliff Roberson, Dilip K. Das.

p. cm.

Includes bibliographical references and index.

ISBN 978-1-4200-6592-3 (hardback : alk. paper)

1. Criminal justice, Administration of. 2. Comparative law. I. Roberson, Cliff, 1937- II. Title.

K5001.D37 2008

345.73--dc22

2008012170

Visit the Taylor & Francis Web site at http://www.taylorandfrancis.com

and the CRC Press Web site at http://www.crcpress.com

PREFACE

This book, An Introduction to Comparative Legal Models of Criminal Justice, is designed to provide an introductory text in comparative criminal justice. Both authors are professors at U.S. universities and have long been involved with criminal justice agencies in various nations. We have traveled and studied in most major nations and have each been involved in the criminal justice system over thirty years. Our purpose is to present the different world legal models in a textbook that can be used in a one-semester course.

The book is presented with the theme that a country's legal model to a great extent determines the character of its police and corrections as well as its legal system. Chapter 1 contains a brief overview of the legal models. In the succeeding chapters, each legal model is discussed and selected countries under each legal model are analyzed. In the paired chapters 2-9, we examine, in the first chapter on a legal model, the legal aspects and discuss several countries that use that legal model. In the next chapter, we present an overview of the police agencies and correctional systems used by those countries. In chapter 10, we discuss three countries that have mixed legal models. In chapter 11, three international courts are examined, and in chapter 12 the book concludes with a discussion of international criminal justice agencies. For some countries, it was difficult to obtain information regarding their justice systems, and in those countries we relied heavily on the country reports published by the U.S. State Department. Ancillary material is available with course adoption. Please contact Susie Carlisle (susie.carlisle@taylorandfrancis.com) if you are interested in receiving the Instructor's Manual, Powerpoint slides, and/or the test bank.

While we are listed as the sole authors of this text, there are numerous others who have contributed and assisted us in this project. One person who was especially important was our editor at Taylor & Francis, Carolyn Spence. Thanks again, Carolyn.

Contents

Preface		xv
1	An Introduction to the Study of Comparative	
	Legal Models	1
	Key Terms	1
	Introduction	2
	Words of Art	5
	Legal Models	5
	Jurisprudence	5
	Natural Law	5
	Positive Law Approach	6
	Historical Approach	6
	Law as an Instrument of Control	7
	Function of a Court System	8
	Brief Examination of the Legal Models	8
	Roman Law	9
	Revival of Roman Law	12
	Commercial Law	13
	Civil Law Model	13
	Common Law Model	14
	Islamic Model	15
	Socialist Model	16
	Mixed-Legal Model	17
	Law Enforcement Systems	19
	Punishments	20
	Comparative Violence	21
	Summary	21
	Questions in Review	22
2	Common Law Model: The Courts	25
	Key Terms	25
	Introduction	26
	Henry II	27
	The Magna Carta	27

vi Contents

Sir Edward Coke	28
Sir William Blackstone	29
Common Law in the United States	31
U.S. Court Systems Today	32
Federal System	32
U.S. Court of Appeals	32
U.S. District Courts	33
U.S. Magistrates	34
Participants in a Criminal Case	34
Trial Judge	35
Defendant	36
Prosecuting Attorney	36
Law in Action: The Case of Wen Ho Lee	39
State Attorney General	49
Defense Counsel	50
The Right to Represent Oneself	51
Privileged Communication	51
Clerk of the Court	52
Bailiff	53
Court Reporter	53
Court Commissioners	53
English Court System Today	53
Court of Queen's or King's Bench	54
Supreme Court of Judicature	54
Magistrates' Court	55
Crown Court	55
Royal Courts of Justice	56
Comparisons between the United States and the United	
Kingdom	56
Practice of Law	59
Canadian Legal System	61
Court Structure	62
Provincial and Territorial Superior Courts	63
Provincial and Territorial Courts	64
The Judiciary	64
Right to Fair Trial versus Freedom of the Press	64
Scottish Legal System	64
Australian Legal System	65
Legal System	66
Classification of Crimes	66
Summary	66
Questions in Review	67

Contents vii

3	Policing and Corrections under the Common Law Model	69
		69
	Key Terms Policing in Common Law Countries	69
	Deviance Control or Civil Order Control	70
	Policing Models	70
	Local Policing in the United States and England	71
	Local Policing in the United States	72
	Mission of Local Police Departments	73
	Local Policing in England and Wales	74
	Hiring Requirements for U.S. and English Police Officers	75
	Salaries for English and U.S. Police Officers	76
	Training of New Officers	77
	Police Powers and Use of Discretion	78
	Community Policing under the Common Law Model	79
	Policing in Canada	79
	Corrections in Common Law Countries	84
	Sentencing	87
	In the United States	87
	In the United Kingdom and Wales	89
	Sentencing in the United Kingdom	90
	Confinement	90
	Rates of Incarceration	90
	Approaches to Confinement in the United States	91
	English Purposes of Confinement	91
	Prisons Ombudsman	93
	Alternatives to Incarceration	93
	Corporal Punishment	94
	Fines	94
	Probation	94
	Probation in England	95
	Probation in the United States	95
	House Arrest	97
	Death Penalty	98
	Summary	99
	Questions in Review	100
4	Civil Law Model: The Courts	101
	Key Terms	101
	Introduction	101
	Early Tribal and Feudal Laws	102
	· · · · · · · · · · · · · · · · · · ·	

viii Contents

	Early Legislation	102
	Influence of Roman Law	103
	Canon Law	104
	Commercial Law	105
	Development of National Legal Systems	105
	Napoleonic Code	106
	German Legal Science	107
	Codes in Civil and Common Law Models	109
	Inquisitorial Prosecution	110
	German Civil Law System	110
	Rights of the Accused in a German Criminal Trial	115
	Principle of Territoriality	118
	Criminal Justice in France	119
	Criminal Justice in Brazil	121
	Summary	124
	Questions in Review	125
5	Policing and Corrections under the Civil Law	
	Model	127
	Key Terms	127
	Introduction	127
	Law Enforcement in France	128
	Law Enforcement in Germany	130
	Law Enforcement in Brazil	132
	Corrections under the Civil Law Model	133
	Pre-trial Diversion	135
	Plea Bargaining	136
	Confinement	138
	Probation	139
	Parole	140
	Death Penalty	141
	Fines	141
	Summary	142
	Questions in Review	143
6	The Islamic Law Model: The Courts	145
	Key Terms	145
	Introduction	145
	Origins and Evolution	148
	Sources	149
	Fundamental Principles	150
	Structure of Penal Law	151

Contents ix

	Murder under Islamic Law	152
	Evidence of Guilt	153
	Confessions	153
	Testimony of Eyewitnesses	154
	Other Evidence	154
	Doubt as to Guilt	154
	Saudi Arabia	156
	Criminal Cases	157
	Pakistan	159
	Iran	160
	Summary	161
	Questions in Review	162
7	Policing and Corrections under the Islamic Legal	
	Model	163
	Key Terms	163
	Introduction	163
	Saudi Policing	164
	The Saudi Record on Human Rights	166
	Torture and Other Cruel, Inhuman, or Degrading	
	Treatment or Punishment	167
	Arbitrary Arrest, Detention, or Exile	167
	Policing in Pakistan	168
	Policing in Iran	169
	Corrections	170
	Amputation	173
	Blood Money	173
	Aid to Prisoners' Families	174
	Corrections in Iran	175
	Corrections in Pakistan	175
	Summary	176
	Questions in Review	176
8	The Socialist Law Model: The Courts	177
	Key Terms	177
	Introduction	177
	Legal System of Russia	178
	People's Republic of China	180
	Crimes	183
	Court System	183
	Confessions	184
	Law of Search and Seizure	185

x Contents

Key Terms Introduction Public Trust and Community Policing Policing in Russia Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	186 188 188 189 190 191 191 192 193 194 196 197
Court Structure Trial Procedure Extradition from Cuba Summary Questions in Review 9 Policing and Corrections under the Socialist Law Model Key Terms Introduction Public Trust and Community Policing Policing in Russia Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	188 189 189 190 191 191 192 193 194 196
Trial Procedure Extradition from Cuba Summary Questions in Review Policing and Corrections under the Socialist Law Model Key Terms Introduction Public Trust and Community Policing Policing in Russia Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	188 189 189 190 191 191 192 193 194 196
Extradition from Cuba Summary Questions in Review Policing and Corrections under the Socialist Law Model Key Terms Introduction Public Trust and Community Policing Policing in Russia Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	189 189 190 191 191 192 193 194 196
Questions in Review Policing and Corrections under the Socialist Law Model Key Terms Introduction Public Trust and Community Policing Policing in Russia Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	189 190 191 191 192 193 194 196
Policing and Corrections under the Socialist Law Model Key Terms Introduction Public Trust and Community Policing Policing in Russia Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	190 191 191 192 193 194 196
Policing and Corrections under the Socialist Law Model Key Terms Introduction Public Trust and Community Policing Policing in Russia Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	191 191 192 193 194 196
Model Key Terms Introduction Public Trust and Community Policing Policing in Russia Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	191 191 192 193 194 196
Key Terms Introduction Public Trust and Community Policing Policing in Russia Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	191 191 192 193 194 196
Introduction Public Trust and Community Policing Policing in Russia Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	191 192 193 194 196
Public Trust and Community Policing Policing in Russia Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	192 193 194 196
Policing in Russia Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	193 194 196
Policing in the People's Republic of China Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	194 196
Use of Force by Police in China Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	196
Police Detention Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	
Public Crime Statistics Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	197
Policing in Cuba Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	
Corrections in Russia Imprisonment in Russia Corrections in China Chinese Prisons	197
Imprisonment in Russia Corrections in China Chinese Prisons	198
Corrections in China Chinese Prisons	199
Chinese Prisons	199
	200
Louis Dalance of Dalance	202
Early Release of Prisoners	202
Prison Conditions	202
Corrections in Cuba	203
Range of Punishments	203
Confinement in Cuba	203
Summary	204
Questions in Review	205
10 Mixed Law Models	207
	207
Introduction	207
Bulgarian System of Law	207
Bulgarian Court System	208
	209
	209
Trial Procedure	209
Bulgarian Police System	210
Corrections in Bulgaria	410

Contents xi

	Confinement in Bulgaria	211
	Indian System of Law	212
	Indian Legal History	212
	Crime Classifications in India	213
	Indian Court System	214
	Policing in India	215
	Criminal Process in India	216
	Prosecutors	217
	Corrections in India	217
	Confinement in India	218
	Sri Lankan System of Law	218
	Criminal Justice System	219
	Crime Classification	219
	Sri Lanka's Court System	219
	Policing in Sri Lanka	220
	Trial Procedures	220
	Sentencing Process	221
	Confinement in Sri Lanka	221
	Summary	222
	Questions in Review	222
11	International Courts	225
	Key Terms	225
	Introduction	225
	International Criminal Court	225
	The United States and the ICC	226
	Establishment of the Court	227
	President of the ICC	
	- 1 001 001 01 010 100	227
	Judicial Divisions	227 228
	Judicial Divisions	228
	Judicial Divisions Prosecutor	228 228
	Judicial Divisions Prosecutor Registry Other Offices	228 228 228
	Judicial Divisions Prosecutor Registry	228 228 228 228
	Judicial Divisions Prosecutor Registry Other Offices Jurisdiction and Admissibility	228 228 228 228 228
	Judicial Divisions Prosecutor Registry Other Offices Jurisdiction and Admissibility Procedure	228 228 228 228 228 229
	Judicial Divisions Prosecutor Registry Other Offices Jurisdiction and Admissibility Procedure Duties of States That Are Parties	228 228 228 228 228 229 230
	Judicial Divisions Prosecutor Registry Other Offices Jurisdiction and Admissibility Procedure Duties of States That Are Parties Selected Court Cases	228 228 228 228 228 229 230 231
	Judicial Divisions Prosecutor Registry Other Offices Jurisdiction and Admissibility Procedure Duties of States That Are Parties Selected Court Cases Trial Procedure of the ICC	228 228 228 228 228 229 230 231 234
	Judicial Divisions Prosecutor Registry Other Offices Jurisdiction and Admissibility Procedure Duties of States That Are Parties Selected Court Cases Trial Procedure of the ICC International Court of Justice	228 228 228 228 228 229 230 231 234 235
	Judicial Divisions Prosecutor Registry Other Offices Jurisdiction and Admissibility Procedure Duties of States That Are Parties Selected Court Cases Trial Procedure of the ICC International Court of Justice Permanent Court of International Justice (PCIJ)	228 228 228 228 229 230 231 234 235 237

xii Contents

	Jurisdiction of the ICJ	240
	Contentious Cases	240
	Advisory Proceedings	241
	Court of Justice of the European Communities	241
	Proceedings before the Court	244
	Court of First Instance	247
	Examples of Cases Brought before the Court of First Instance	ce 249
	Civil Service Tribune	251
	Summary	251
	Questions in Review	252
12	International Criminal Justice Agencies and	
	Associations	253
	Key Terms	253
	Introduction	253
	Interpol	253
	Structure	254
	Core Functions	254
	Trafficking in Human Beings	255
	Corruption	256
	Child Sexual Exploitation	256
	Public Safety and Terrorism	257
	Drugs	257
	Criminal Organizations	258
	Financial and High-tech Crimes	259
	Fugitive Investigative Services	259
	Interpol's Other Areas of Crime	260
	National Central Reference Points Network	260
	International Cyber-crime Conference	261
	Europol	261
	The Europol Computer System (TECS)	262
	International Association of Chiefs of Police	262
	International Police Association	263
	United Nations Crime Prevention and Criminal Justice	
	Network	264
	U.N. Commission on Crime Prevention and Criminal Justice	264
	International Centre for Criminal Law Reform and	
	Criminal Justice Policy	265
	Criminal Justice Reform Unit	266
	Office for Drug Control and Crime Prevention	267
	Institutes of the U.N. Crime Prevention and Criminal	
	Justice Programme Network	268

Contents xiii

Commission on Narcotic Drugs	269
U.N. Terrorism Prevention Branch	269
International Narcotics Control Board	269
Transnational Organized Crime	269
Trafficking in Humans	270
United Nations Protocol to Prevent, Suppress and Punish	
Trafficking in Persons, Especially Women and Children	271
Trafficking in Firearms	275
International Police Executive Symposium	275
International Policy Institute for Counter-Terrorism	277
Organization of American States	278
Child Wise	279
Summary	279
Questions in Review	280
APPENDIX A: ICC Arrest Warrant for Thomas Lubanga Dyilo	281
APPENDIX B: First Appearance before the International Criminal Court in Case of Prosecutor v. Thomas Lubanga Dyilo	285
APPENDIX C: Excerpts from the United Nations Global Counter-Terrorism Strategy Resolution Sixtieth Session: Resolution Adopted by the General Assembly	295
References	305
Index	311

An Introduction to the Study of Comparative Legal Models

Key Terms

Civil law: The law of continental Europe, based on an admixture of Roman, Germanic, ecclesiastical, feudal, commercial, and customary law. European civil law has been adopted in much of Latin America as well as in parts of Asia and Africa.

Common law: That body of law and juristic theory originated, developed, and formulated in England.

Comparative jurisprudence: The study of the principles of legal science through comparison of various systems of law.

Ethnocentrism: The tendency to regard one's own group and culture as intrinsically superior to all others; regarding one's own race or ethnic group as superior.

Exegetical system of teaching: Teaching by using an explanation or commentary on the meanings of text.

International crimes: Acts that are considered to be crimes against the peace and security of humankind.

Islamic law: The expression of Allah's commands for Muslim society; in application, constitutes a system of duties that are incumbent upon Muslims by virtue of their religious belief.

Jurisprudence: The philosophy of law, or the science that treats of the principles of positive law and legal relations.

Jus gentium: The law of nations; the law that natural reason has established among all individuals and that is equally observed among all nations.

Natural law: The law of nature or natural law that is said to be discoverable by the light of nature or by abstract reasoning.

Precedent: The use of a prior court decision as authority for an identical or similar later case involving a similar question of law.

Positive law: A specific law or statute that has been enacted or adopted by the proper authority of a government.

Socialist law: The law developed in Russia after the communist seizure of power in 1917 and imposed throughout the Soviet Union in the 1920s; based on the concept of public ownership of the means of production and subordination of the legal system to the Soviet Communist Party.

Transnational crime: A crime that involves, directly or indirectly, more than one nation.

Introduction

The comparative study of criminal justice is the academic study of the criminal justice arrangements of various nations. Comparison as a study approach is relatively new when compared with other types of justice studies. Few studies of comparative justice were conducted prior to the 1980s, although there were some comparative legal studies conducted in the late nineteenth century in France, Germany, and England. There were also some comparative sociology studies during that time. It is reported that Émile Durkheim, who is credited by many with establishing sociology as a discipline, once remarked that "comparative sociology is not a particular branch of sociology; it is sociology itself" (Glendon et al., 1999, p. 2).

If comparative study of justice is so valuable, why did it take so long for researchers to examine the area? While there is no clear answer to this question, the authors believe that two factors contributed to the delay. First, most researchers find it difficult to keep up with their own system, especially with the increasing complexity of the systems, and to achieve even minimal competence in other systems takes a lot of effort. Second, many of us are convinced that we have the best system in the world and that it is self-sufficient.

There are both theoretical and practical incentives for studying the criminal justice systems of various nations. First, there is simply academic curiosity. We want to know how different justice systems function. From a practical point of view, criminal activity does not stop at a country's border. Crime has increasingly become a global issue. And frequently crime is transnational. This is particularly true of crimes such as terrorism and cyber-crime. For example, each day computer users in the United States receive e-mails from other countries involving various scams or other unlawful schemes. Another benefit of comparative study is the opportunity to learn from the experiences of others. Criminal justice systems in most nations face similar challenges (Pakes, 2004, p. 3).

The increase in transnational crime is a sufficient reason to study comparative systems. Much of the growth in transnational crime is attributed to technological advances that have resulted in the world getting smaller. Many crimes are now committed by using computers, and there are no national

boundaries in this regard. These crimes can range from relatively minor consumer fraud to more serious crimes like trafficking in drugs, which involves millions of dollars.

Many legal scholars contend that people in the United States do not have the same respect for law as people in other major countries do. As will be noted later in this chapter, more individuals are killed by guns in the United States than in any other major nation. In addition, rates of confinement are higher in the United States. Opolot (1980) contends that it is quite common for legal scholars to opine that U.S. citizens have less respect for legal institutions. Walter Reckless (1961) stated:

People in the United States do not have the respect for the law that people have in other countries; for example, England, Holland, Germany, Sweden, etc. The law-abiding tradition is not very strong. America has a sort of lawless tradition—at least a fairly strong subculture of lawlessness, which came with the settlement of a new country and the pushing out to new frontiers. Many persons in the United States oversubscribe to the philosophy of taking chances with the law and regulations and getting by with infractions. (pp. 2–3)

One bar to learning from other countries is the concept of ethnocentrism. And one of the goals of most studies of comparative justice is to remedy American ethnocentrism. While ethnocentrism encourages pride, confidence, and group identification in one's race, culture, or nation, it also encourages an unwillingness to appreciate and learn from others. One of our goals in examining the five major legal models that currently exist in our world today is to illustrate that each model has both positive and negative attributes when compared to other models, and that there is no perfect system. The English common law has so dominated our jurisprudence that we have tended to overlook other systems; but we need to remember that our system was not created in a vacuum, nor is it the only highly developed system in the world (Calvi & Coleman, 2000, p. 25).

Most textbooks and other writings in comparative justice discuss only the four major legal models (common law, civil or continental law, socialist or Marxist, and Islamic models); we have added a fifth model, which consists of a mixed system. The mixed model is one that has borrowed extensively from two or more of the other major models.

An underlying theme of this book is that a nation's criminal justice system is formed and shaped by its legal model of justice, and that the legal model of justice is formed by customs, religions, and culture. While the authors recognize that most nations do not have a true criminal justice system and that law enforcement, courts, and corrections operate independently, the term "criminal justice system" is used to refer to a nation's law enforcement, courts, and correctional system in general.



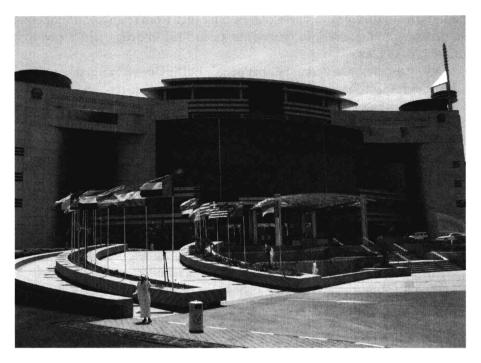


Photo 1-1. Few police headquarters in the world are as impressive as the one pictured above, in Dubai. Photo by Cliff Roberson.

This chapter begins with an overview of the five law models, followed by brief discussions of comparative policing and corrections. The chapter will conclude with a discussion of comparative violence. Subsequent chapters discuss in detail the comparative models. Included are case studies of selected countries for each legal model. After the five models are discussed, then we look at some world organizations that are justice-related, such as the International Criminal Court and Interpol. The final chapter looks at international criminal justice organizations.

In our study of the comparative models of justice, the emphasis will be on criminal justice rather than criminology. While it is important to look at the various causes of criminal conduct, that is beyond the scope of this book. In addition, we examine the procedural aspects or processes of justice rather than substantive criminal law. The treatment of prisoners receives more attention in the book than do victims' issues. We recognize that this approach is against the worldwide trend of emphasizing victims' issues, but we understand that an exhaustive review of all aspects of comparative justice models is not within the scope of the book and have chosen in this regard to take the traditional approach and examine only the law enforcement, prosecution, courts, and corrections aspects of justice.