THE COURTS AND BEYOND: THE ARCHITECTURE OF JUSTICE IN TRANSITION

CANADIAN INSTITUTE FOR THE ADMINISTRATION OF JUSTICE
Calgary
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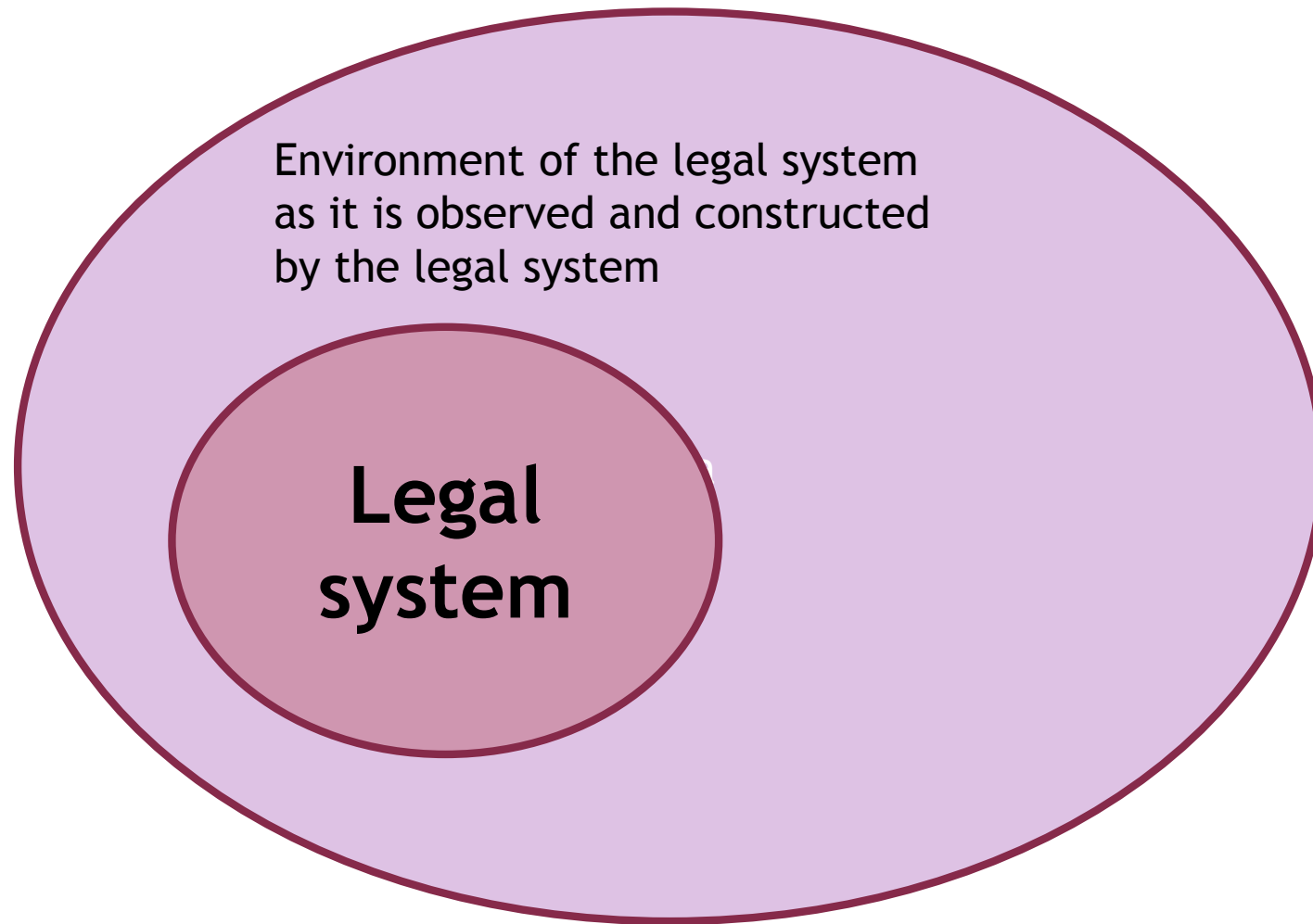Faculty of Law,
University of Montreal

Political system

Legal system

Economic system

THE LEGAL SYSTEM AND ITS ENVIRONMENT

Environment of the legal system
as it is observed and constructed
by the legal system

**Legal
system**

Source: Micheal KING & Chris
THORNHILL (2006)

SELF-REFERENTIAL SYSTEMS

Fact-pattern

Legislation

Precedents

New ruling
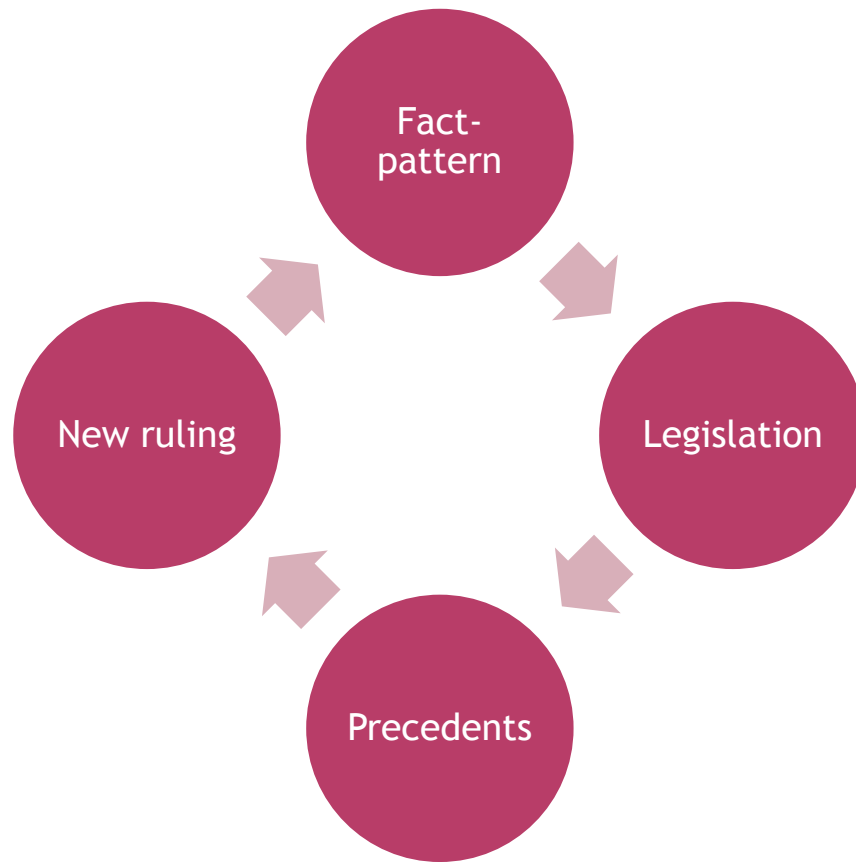
CLOSURE AND OPENNESS OF THE SYSTEM

- Cognitively opened to information
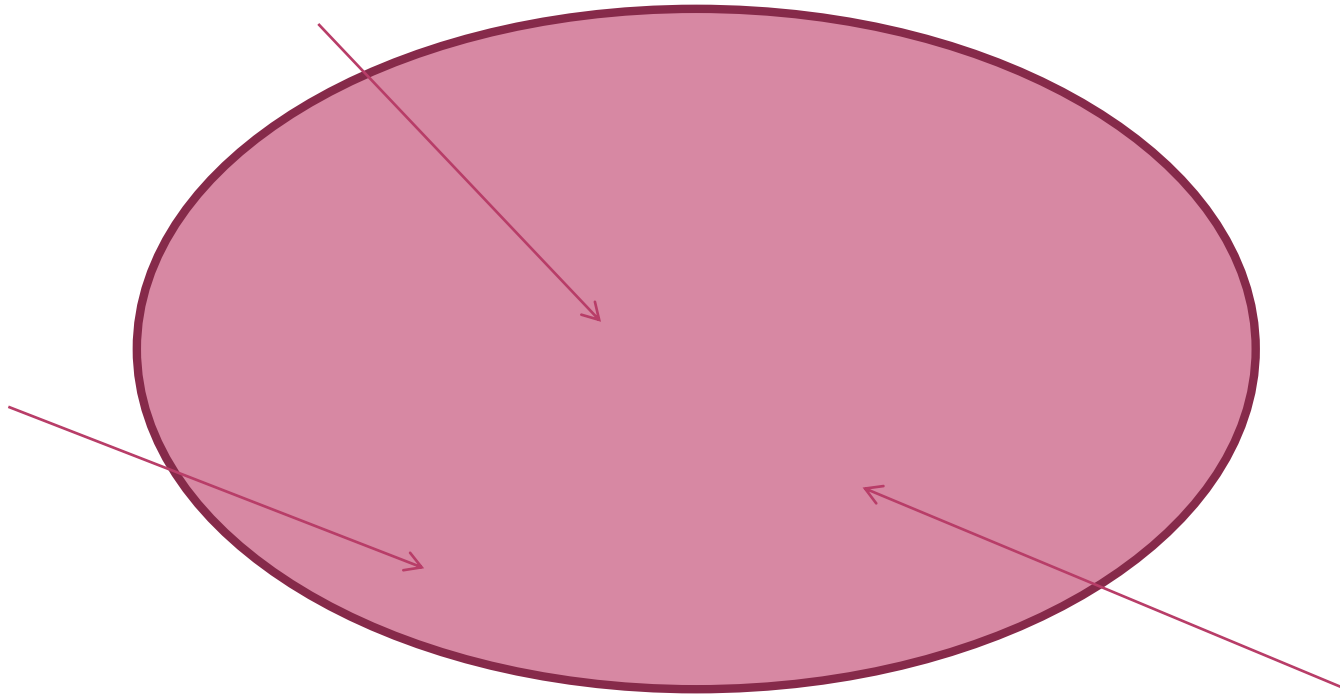
- Normatively closed – protected by system' s boundaries

BINERY CODE

- Legal/illegal

- Lawful/unlawful

- No third value : justice, equity, morality or social desirability.

CONDITIONAL PROGRAMMES

- Type «If, then…

- If the man has shot his daughter with a gun, he committed the illegal act of murder

- Even though he made it on compassion for her sufferings

Parliaments, lawyers, clients

Courts
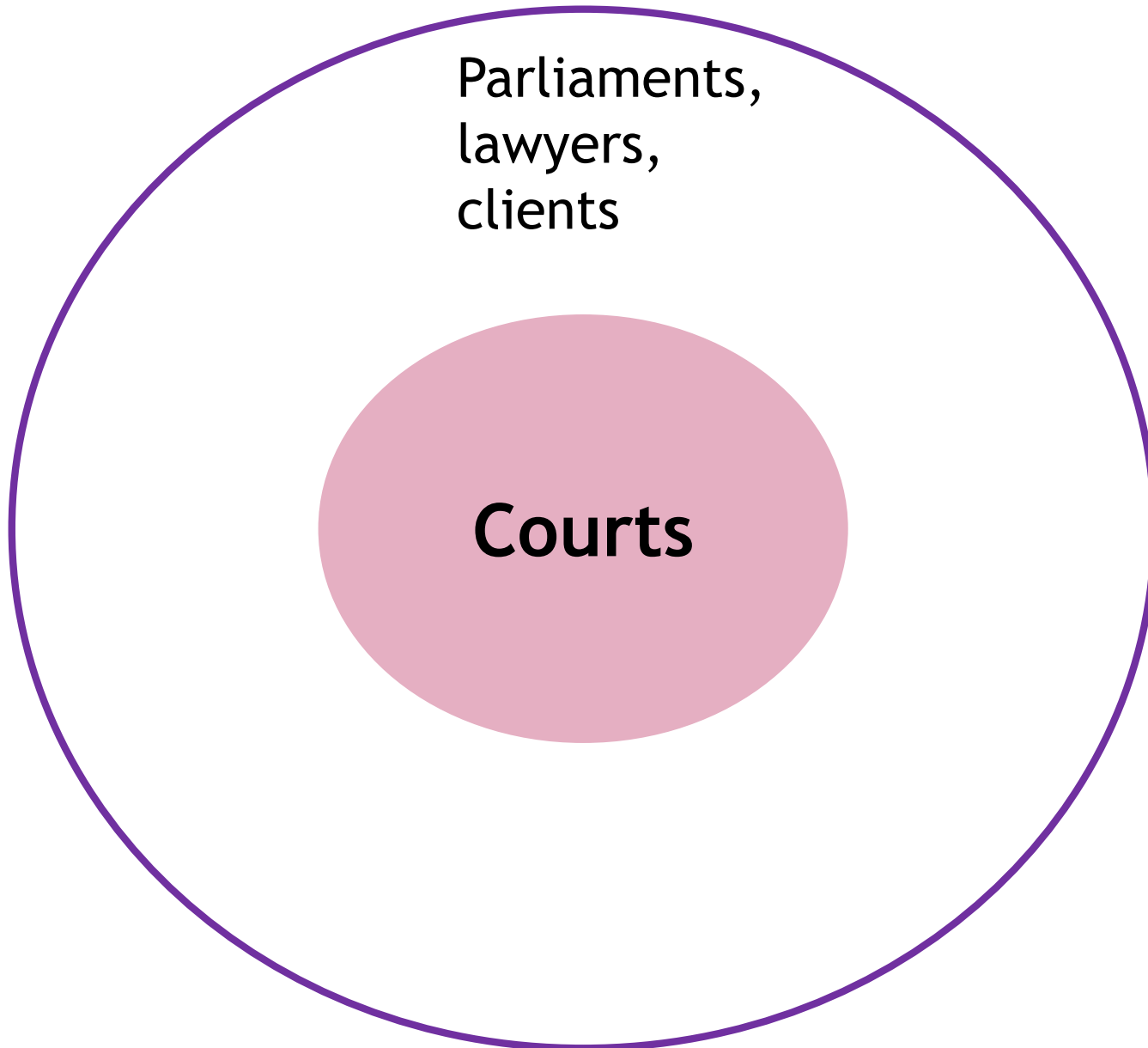
Structural couplings

Political system

Legal system

Legislation

Government subsidies

Payment

Economic system