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Samuel Issacharoff

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This book will analyze legal procedure as part of a complicated interaction between private ordering and public intervention. Modern society brings people together in a variety of settings and injects an active state presence into all manner of everyday activities. Inevitably there are disputes. Yet, these disputes settle all around us, based on social norms or simply an understanding of what is right and what is wrong; what is contestable and what is not. This private ordering of responsibility occurs against a backdrop, sometimes but certainly not always invoked, of what might occur were the matter to be taken to the more costly system of public dispute resolution. In this sense, disputants outside the legal system are said to be bargaining in the shadow of the law.

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