



Comparative Human Rights Law: Expression, Association, Religion

Arthur Mark Weisburd

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This book is intended to provide students with some understanding of the variety of approaches to human rights taken by a selection of the world's legal systems. By including cases from both the United States and the European human rights system, the book should enable students to consider differences between legal systems deriving from a more or less common tradition. Japanese cases offer a view of the legal system of a developed, non-Western country, and Indian cases give an idea of the approach taken by a developing country with a legal system greatly influenced by that of a former colonial power but also by its own tradition. The book includes a brief introduction intended to give the student some understanding of the structures of the Japanese, European, and Indian systems.

The topics addressed in this book go to the heart of an issue basic to any idea of rights - the limits of the government's ability to coerce or punish individuals. The scope of the writ of habeas corpus, providing a means to force government to justify its confinement of a person, is some indication of a given society's willingness to control law enforcement discretion even in trying circumstances. Limits on the methods government may use in investigating crimes and trying alleged offenders similarly demonstrate the way in which a society balances its desire to punish the guilty with its understanding that unrestrained powers of criminal inquiry may pose dangers as great as those posed by crime. The materials on capital punishment offer students a chance to consider the ways in which social values can differ regarding a crucial indicator of the community's understanding of the extent of its right to control the individual.

This book could be useful in any course aimed at getting students to examine the values a criminal justice system embodies.

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