Common Law Patterns of Development Compared

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This paper will discuss the patterns which can be seen in developments in tort and crime in the common law. It highlights the distinctions and contradictions inside that tradition, and checks underlying assertions and beliefs against other legal systems. It covers themes of hierarchy and equality across areas of law, partition and permeability and directness and indirectness of connection. The paper will focus on procedural and normative aspects of the relationship between tort and crime, in particular looking at compensation and restoration of property provisions within criminal courts, and theories of how to distinguish between tort and crime.