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Nota di contenuto	Preliminary Material -- Introduction: The Changing Face of Dispute Resolution / Joachim Zekoll , Moritz Bälz and Iwo Amelung -- 1 Formalisation of Alternative Dispute Resolution Processes: Some Socio-legal Thoughts / Michael Palmer -- 2 The Private in Public, the Public in Private: The Blurring Boundary between Public and Private Dispute Resolution / Deborah R. Hensler -- 3 China's Dispute-Resolution Mechanisms and Innovation in the Transformation Era / Yujun Feng and Xiaolong Peng -- 4 Mediation and the Rule of Law: The Chinese Landscape / Hualing Fu -- 5 No Alternative: Resolving Disputes Japanese Style / Eric A. Feldman -- 6 Judicial Dispute Resolution and its Many Alternatives: The Nordic Experience / Pia Letto-Vanamo -- 7 "Explaining" and "Mediating" is More Important than Penalties: A Comprehensive Explanation of the Resolution of Minor Cases at County Level in Late-Imperial China (1368–1911) / Jiang Yu -- 8 The Diversification and Formalisation of ADR in Japan: The Effect of Enacting the Act on Promotion of Use of Alternative Dispute Resolution / Kota Fukui -- 9 In/formalisation and Glocalisation of International Commercial Arbitration and Investment Treaty Arbitration in Asia / Luke Nottage -- 10 Informalism and Formalism in the History of ADR in the United States and An Exploration of the Sources, Character, and Implications of Formalism in a Court-sponsored ADR Programme / Wayne Brazil -- 11 Unlocking Justice and Markets: The Promise of

Consumer ADR / Christopher Hodges -- 12 Private Law Enforcement and ADR: An Arranged Marriage / Gerhard Wagner -- Index.

Sommario/riassunto

Formal law versus informal justice – these are two frequently invoked labels to highlight the distinction between court-based and “alternative” dispute resolution (ADR). Indeed, it appears to be all but a truism to assume that ADR has developed as a more flexible and creative alternative to rigid and formalised judicial proceedings. In Formalisation and Flexibilisation in Dispute Resolution scholars from four continents examine both historical and recent developments that cast doubt on the validity of these widespread assumptions. They not only explore trends towards an increased formalisation of ADR procedures but also address the tendencies of state civil justice systems to adopt flexible and informal tools for the resolution of disputes in the courts. Editors Joachim Zekoll, Moritz Bälz and Iwo Amelung have divided the book into three Parts. Part One seeks to develop the general theme of formalisation from several angles, including a socio-legal perspective, the public-private divide, the regulatory challenges and potential tensions with the rule of law. The emphasis of Part Two is on the historical emergence of formal and informal dispute resolution instruments in several legal and cultural contexts. Historical roots, be they genuine or construed, also play a role in the other two parts of the book, but in this part, they take centre stage. Finally, Part Three features chapters which address and elaborate on specific applications such as ADR as means of consumer dispute resolution and arbitration in transnational investment disputes. While the contributions to the first two parts of this volume already raise normative questions in some respects, this final part evaluates and passes judgement on the potential merits and deficits of ADR in a variety of specific settings.