



Melissa Macauley

Social Power & Legal Culture

Litigation Masters in Late Imperial China

Social Power And Legal Culture

Li Chen, Madeleine Zelin



Social Power And Legal Culture:

Social Power and Legal Culture Melissa Ann Macauley, 1998 Asserting that litigation in late imperial China was a form of documentary warfare this book offers a social analysis of the men who composed legal documents Litigation masters emerge as central players in many of the most scandalous cases in 18th and 19th century China □ **Melissa Macauley, Social power and legal culture** ,2000 **Law, Legal Culture and Society** Alberto Febbrajo, 2018-07-04 This volume addresses the pluralistic identity of the legal order It argues that the mutual reflexivity of the different ways society perceives law and law perceives society eclipses the unique formal identity of written law It advances a distinctive approach to the plural ways in which legal cultures work in a modern society through the metaphor of the mirror As a mirror of society it distinguishes between the structure and function of legal culture within the legal system and the external representation of law in society This duality is further problematized in relation to the increasing transnationalisation of law Based on a multi level interpretation of the concept of legal culture the work is divided into three parts the first addresses the mutual reflections of social and legal norms that support a pluralist representation of internal legal cultures the second concentrates on the external legal cultures that constantly enable pragmatic adjustments of the legal order to its social environment and the third concludes the book with a theoretical discussion of the issues presented *Comparing Legal Cultures* David Nelken, 2017-03-02 This volume cross examines mainstream approaches to studying legal culture e g those of Friedman and Blankenburg It includes debates over the concept of legal culture and a variety of case studies of different legal cultures *China's Last Empire* William T. Rowe, 2012-09-10 In a brisk revisionist history William Rowe challenges the standard narrative of Qing China as a decadent inward looking state that failed to keep pace with the modern West This original thought provoking history of China s last empire is a must read for understanding the challenges facing China today

Chinese Law Li Chen, Madeleine Zelin, 2015-01-27 The twelve case studies in Chinese Law Knowledge Practice and Transformation 1530s to 1950s edited by Li Chen and Madeleine Zelin open a new window onto the historical foundation and transformation of Chinese law and legal culture in late imperial and modern China Their interdisciplinary analyses provide valuable insights into the multiple roles of law and legal knowledge in structuring social relations property rights popular culture imperial governance and ideas of modernity they also provide insight into the roles of law and legal knowledge in giving form to an emerging revolutionary ideology and to policies that continue to affect China to the present day *Legal Culture, Sociopolitical Origins and Professional Careers of Judges in Mexico* Azul A. Aguiar Aguilar, 2024-04-08 This book explores the careers professional trajectories and legal cultures of judges in the federal judiciary in Mexico So far there has been limited research on internal factors contributing to the understanding of judicial power dynamics in Mexico and other Latin American countries at large this Work fills an important gap in the literature through its empirical investigation of internal legal cultures and judicial norms offering new data measurement strategies and insights into the interactions

between law politics norms legal culture s as well as judicial behavior Utilising an original survey the chapters analyse judicial conceptualizations of role norms legal cultures proclivities for judicial activism and judicial behavior In so doing this book contributes to understanding of underlying key internal factors of judicial activism or restraint in turn moving forward the debate that seeks to explain judicial behavior reliant on internal and ideational perspectives Complementing limited but existing studies of judicial politics in Mexico through its analysis of judges beyond those that sit at the Supreme Court this book will be of particular interest to Latin American judicial politics scholars due to its focus on the judicial power from internal perspectives as well as sub national judges filling a void in the literature vis vis the study of courts in Latin America This Work was originally written in Spanish and the translation was done with the help of artificial intelligence A subsequent human revision was done primarily in terms of content

Constitutionalism versus legalism? Eugene E. Dais, Stig Jørgensen, Alice Erh-Soon Tay, 1991 Content Sprache Recht und Rechtsverbindlichkeit R Fukawa An Analysis of the aeRules of Recognition Statement u W Krawietz What does it mean to follow an aeInstitutionalised Legal Rule u N MacCormick Citizens Legal Reasoning and its Importance for Jurisprudence u Y Morigiwa Hart s Theories of Language and Law u R Tuomela Supervenience Collective Action and Kelsen s Organ Theory u Recht und politische Kultur G Haney Recht als Form von Kultur u A Kojder Dysfunctionalities of Legal Cultur u A Lopatka Law and Religion in Poland u M Samu Culture and Law Legal Culture u Werteordnung als ideologische Basis des Rechtsstaats R Dreier Konstitutionalismus und Legalismus u O Maenpaa Unilaterality and Consensualism in the Application of Law u K F Lenz Zivilprozea und Spiel u M Pavcnik Ideologie der Rechtsanwendung versus argumentierte Rechtsentscheidung u J Uusitalo Legal Dogmatics Epistemology Radical Hermeneutics u Entwicklung der Rechtsordnung und soziale Gerechtigkeit V Luizzi Legal Validity and Justice u H Rottleuthner Recht und Technik in entwicklungstheor Perspektive u S Panou Über die aeGerechtigkeit des Rechts u A Squella Legal Positivism and Democracy in the 20 Century u D Wyduckel Konsens und gesellschaftlich technischer Fortschritt u Soziale Mechanismen der Rechtsanwendung und Rechtsfindung H Aoi Richterliche Rechtsfindung als Pattern Matching Prozea uu a Franz Steiner 1991 *The Development of Islamic Law and Society in the Maghrib* David S. Powers, 2022-02-13 The first eleven essays in this collection treat the application of Islamic law in qadi courts in the Maghrib in the period between 1100 and 1500 CE Based on preserved legal documents and the expert opinions of Muslim jurists Muftis the essays examine family law cases involving legal minority guardianship divorce inheritance bequests and endowments Cumulatively the cases bear witness to the effectiveness and efficiency of the Islamic judicial system in this period Contrary to popular perceptions the cases demonstrate that Muslim jurists placed a high value on reasoned thought and were sensitive to the manner in which law society and culture interacted with and shaped each other The final essay shows how the treatment of family endowments by colonial regimes in Algeria and India at the end of the 19th and beginning of the 20th centuries shaped or misshaped the modern western scholarly understanding of Islamic law Land of Strangers

Eric Schluessel, 2020-10-20 At the close of the nineteenth century near the end of the Qing empire Confucian revivalists from central China gained control of the Muslim majority region of Xinjiang or East Turkestan There they undertook a program to transform Turkic speaking Muslims into Chinese speaking Confucians seeking to bind this population and their homeland to the Chinese cultural and political realm Instead of assimilation divisions between communities only deepened resulting in a profound estrangement that continues to this day In *Land of Strangers* Eric Schluessel explores this encounter between Chinese power and a Muslim society through the struggles of ordinary people in the oasis of Turpan He follows the stories of families divided by war women desperate to survive children unsure where they belong and many others to reveal the human consequences of a bloody conflict and the more insidious violence of reconstruction Schluessel traces the emergence of new struggles around essential questions of identity showing how religious and linguistic differences converged into ethnic labels Reading across local archives and manuscript accounts in the Chinese and Chaghatay languages he recasts the attempted transformation of Xinjiang as a distinctly Chinese form of colonialism At a time when understanding the roots of the modern relationship between Uyghurs and China has taken on new urgency *Land of Strangers* illuminates a crucial moment of social and cultural change in this dark period of Xinjiang's past

The Ideological Foundations of Qing Taxation Taisu Zhang, 2023-02-09 This survey of the fiscal history of China's last imperial dynasty explains why its ability to tax was unusually weak It argues that the answer lies in the internal ideological worldviews of the political elite rather than in external political or economic constraints

Death in Beijing Daniel Asen, 2016-07-28 In this innovative and engaging history of homicide investigation in Republican Beijing Daniel Asen explores the transformation of ideas about death in China in the first half of the twentieth century In this period those who died violently or under suspicious circumstances constituted a particularly important population of the dead subject to new claims by police legal and medical professionals and a newspaper industry intent on covering urban fatality in sensational detail Asen examines the process through which imperial China's old tradition of forensic science came to serve the needs of a changing state and society under these dramatically new circumstances This is a story of the unexpected outcomes and contingencies of modernity presenting new perspectives on China's transition from empire to modern nation state competing visions of science and expertise and the ways in which the meanings of death and dead bodies changed amid China's modern transformation

Law and Custom in Korea Marie Seong-Hak Kim, 2012-08-27 This book sets forth the evolution of Korea's law and legal system from the Chosŏn dynasty through the colonial and postcolonial modern periods This is the first book in English that comprehensively studies Korean legal history in comparison with European legal history with particular emphasis on customary law Korea's passage to Romano German civil law under Japanese rule marked a drastic departure from its indigenous legal tradition The transplantation of modern civil law in Korea was facilitated by Japanese colonial jurists who created a Korean customary law this constructed customary law served as an intermediary regime between tradition and the demands of modern law The

transformation of Korean law by the forces of Westernisation points to new interpretations of colonial history and presents an intriguing case for investigating the spread of law on a global level In depth discussions of French customary law and Japanese legal history also provide a solid conceptual framework suitable for comparing European and East Asian legal traditions

Adapting Legal Cultures David Nelken, Johannes Feest, 2001-11-07 This exciting collection looks at the theory and practice of legal borrowing and adaptation in different areas of the world Europe the USA and Latin America S E Asia and Japan Many of the contributors focus on fundamental theoretical issues What are legal transplants What is the role of the state in producing socio legal change What are the conditions of successful legal transfers How is globalisation changing these conditions Such problems are also discussed with reference to substantive and specific case studies When and why did Japanese rules of product liability come into line with those of the EU and the USA How and why did judicial review come late to the legal systems of Holland and Scandinavia Why is the present wave of USA influenced legal reforms in Latin America apparently having more success than the previous round How does competition between the legal and accountancy professions affect patterns of bankruptcy The chapters in this volume which include a comprehensive theoretical introduction offer a range of valuable insights even if they also show that the

Cultures of Legality Javier Couso, Alexandra Huneeus, Rachel Sieder, 2010-04-30 Ideas about law are undergoing dramatic change in Latin America The consolidation of democracy as the predominant form of government and the proliferation of transnational legal instruments have ushered in an era of new legal conceptions and practices Law has become a core focus of political movements and policy making This volume explores the changing legal ideas and practices that accompany cause and are a consequence of the judicialization of politics in Latin America It is the product of a three year international research effort sponsored by the Law and Society Association the Latin American Studies Association and the Ford Foundation that gathered leading and emerging scholars of Latin American courts from across disciplines and across continents

Women, Land and Justice in Tanzania Helen Dancer, 2015 Recent decades have seen a wave of land law reforms across Africa in the context of a land rush and land grabbing But how has this been enacted on the ground and in particular how have women experienced this This book seeks to re orientate current debates on women s land rights towards a focus on the law in action Centring on cases involving women litigants the book considers the extent to which women are realising their interests in land through land courts and follows the progression of women s claims to land from their social origins through processes of dispute resolution to judgment Unedited summary from book cover

Social Psychological Approaches to Responsibility and Justice V. Lee Hamilton, 1992

Human Rights Redefining Legal Thought Juhana Mikael Salojärvi, 2019-10-05 This book investigates the origins and development of human rights discourse in Finnish legal scholarship in the twentieth century It provides a detailed account of how human rights were understood before they had legal relevance in a positivist sense how they were adapted to Finnish legal thinking in the post Second World War decades how they developed into a mode of legal rhetoric

and a type of legal argument during the 1970s and 1980s and how they eventually became a significant paradigm in legal thinking in the 1990s The book also demonstrates how rights discourse infiltrated the discussion regarding problems that were previously addressed in arguments concerning morals social justice and equity Although the book focuses on the history of Finnish legal scholarship it is also interesting from a global perspective for two reasons Firstly it demonstrates how an idea of international law is transplanted and diffused into national legal thinking Finland is an illustrative example in this regard Secondly it offers insights into the general history of human rights

Disgraceful Matters Janet Theiss, 2005-01-10 Looking beyond the familiar trappings of the cult of female chastity such as hagiographies of widows and chastity shrines in late imperial China this book explores the cult's political significance and practical ramifications in everyday life during the eighteenth century In the first full length study of the subject Janet Theiss examines a vast number of laws legal cases regulations and policies to illustrate the social and political processes through which female virtue was defined enforced and contested Along the way she provides rich details of social life and cultural practices among ordinary Chinese people through narratives of criminal cases of sexual assault harassment adultery and domestic violence

The Oxford Handbook of Comparative Law Mathias Reimann, Reinhard Zimmermann, 2019-03-26 This fully revised and updated second edition of The Oxford Handbook of Comparative Law provides a wide ranging and diverse critical survey of comparative law at the beginning of the twenty first century It summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the academic and on the practical level The Handbook is divided into three main sections Section I surveys how comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with other fields such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field

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Table of Contents Social Power And Legal Culture

1. Understanding the eBook Social Power And Legal Culture
 - The Rise of Digital Reading Social Power And Legal Culture
 - Advantages of eBooks Over Traditional Books
2. Identifying Social Power And Legal Culture
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Social Power And Legal Culture
 - User-Friendly Interface
4. Exploring eBook Recommendations from Social Power And Legal Culture
 - Personalized Recommendations
 - Social Power And Legal Culture User Reviews and Ratings
 - Social Power And Legal Culture and Bestseller Lists
5. Accessing Social Power And Legal Culture Free and Paid eBooks
 - Social Power And Legal Culture Public Domain eBooks
 - Social Power And Legal Culture eBook Subscription Services
 - Social Power And Legal Culture Budget-Friendly Options

6. Navigating Social Power And Legal Culture eBook Formats
 - ePub, PDF, MOBI, and More
 - Social Power And Legal Culture Compatibility with Devices
 - Social Power And Legal Culture Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Social Power And Legal Culture
 - Highlighting and Note-Taking Social Power And Legal Culture
 - Interactive Elements Social Power And Legal Culture
8. Staying Engaged with Social Power And Legal Culture
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Social Power And Legal Culture
9. Balancing eBooks and Physical Books Social Power And Legal Culture
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Social Power And Legal Culture
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Social Power And Legal Culture
 - Setting Reading Goals Social Power And Legal Culture
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Social Power And Legal Culture
 - Fact-Checking eBook Content of Social Power And Legal Culture
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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