

Historical And Anthropological School Of Jurisprudence Theory

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Bronisław Malinowski's Concept of Law Mateusz Stępień 2016-09-26 This book discusses the legal thought of Bronisław Malinowski (1884-1942), undoubtedly one of the titans of social sciences who greatly influenced not only the shape of modern cultural anthropology but also the social sciences as a whole. This is the first comprehensive work to focus on his legal conceptions: while much has been written about his views on language, magic, religion, and culture, his views on law have not been fairly reconstructed or recapitulated. A glance at the existing literature illustrates how little has been written about Malinowski's understanding of law, especially in the legal sciences. This becomes even more evident given the fact that Malinowski devoted much of his scholarly work to studying law, especially in the last period of his life, during which he conducted broad research on law and "primitive jurisprudence". The main aim of this book is to address this gap and to present in detail Malinowski's thoughts on law. The book is divided into two parts. Part I focuses largely on the impact that works of two distinguished professors from his alma mater (L. Dargun and S. Estreicher) had on Malinowski's legal thoughts, while Part II reconstructs Malinowski's inclusive, broad and multidimensional understanding of law and provides new readings of his legal conceptions mainly from the perspective of reciprocity. The book offers a fresh look at his views on law, paving the way for further studies on legal issues inspired by his methodological and theoretical achievements. Malinowski's understanding of law provides a wealth of fodder from which to formulate interesting research questions and a solid foundation for developing theories that more accurately describe and explain how law functions, based on new findings in the social and natural sciences.

Philosophy of Law: A Very Short Introduction Raymond Wacks 2014-02-27 The concept of law lies at the heart of our social and political life. Legal philosophy, or jurisprudence, explores the notion of law and its role in society, illuminating its meaning and its relation to the universal questions of justice, rights, and morality. In this Very Short Introduction Raymond Wacks analyses the nature and purpose of the legal system, and the practice by courts, lawyers, and judges. Wacks reveals the intriguing and challenging nature of legal philosophy with clarity and enthusiasm, providing an enlightening guide to the central questions of legal theory. In this revised edition Wacks makes a number of updates including new material on legal realism, changes to the approach to the analysis of law and legal theory, and updates to historical and anthropological jurisprudence. ABOUT THE SERIES: The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area. These pocket-sized books are the perfect way to get ahead in a new subject quickly. Our expert authors combine facts, analysis, perspective, new ideas, and enthusiasm to make interesting and challenging topics highly readable.

Essays in Jurisprudence and Philosophy H. L. A. Hart 1983-11-24 This important collection of essays includes Professor Hart's first defense of legal positivism; his discussion of the distinctive teaching of American and Scandinavian jurisprudence; an examination of theories of basic human rights and the notion of "social solidarity," and essays on Jhering, Kelsen, Holmes, and Lon Fuller.

Law and History A. D. E. Lewis 2004 *Law and History* contains a collection of essays by prominent legal historians, which explore the ways in which history has been used by lawyers past and present to answer legal questions. In common with earlier volumes in the Current Legal Issues series, it seeks both a theoretical and methodological focus. This volume covers a broad range of topics, from a discussion of the nature of norms in the middle ages to the role of war crimes trials in the twentieth century. It includes wide-ranging historiographical discussions, which examine the nature and aims of the legal historian, as well as contributions which explore the methodology and aims of writers such as Coke, Maine, Weber, Montesquieu, and Kames, who sought to use historical models to explain law. A number of contributions examine developments in legal doctrine, particularly in the nineteenth century, including developments in the law of contract, administrative law, and perjury. These raise important questions about the nature of the legal categorizations which developed in that era. *Law and History* also includes a collection of contributions on the use of history in twentieth century trials, including the Nuremberg trials, the trial of the Gang of Four, and trials arising from the events in the former Yugoslavia and Rwanda.

Outlines of Historical Jurisprudence Paul Vinogradoff 1920 Vinogradoff, Sir Paul. *Outlines of Historical Jurisprudence*. London: Oxford University Press, 1920. Two volumes. 428; x, 315 pp. Reprinted 1999 by The Lawbook Exchange, Ltd. LCCN 98-42298. ISBN 1-886363-64-1. Cloth. \$150. * A complex description and

analytical perspective of the growth of jurisprudence from tribal to modern law, beginning with the concept of marital union among tribes and clans and continuing to the "Jurisprudence of the Greek City" in the fourth and fifth centuries. "He goes into everything and differs, where he thinks fit, from the lifelong specialist. He is always himself, never an echo." Marke, A Catalogue of the Law Collection of New York University (1953) 929-930. Each volume is thoroughly indexed.

Judicial Activism in Bangladesh Ridwanul Hoque 2011-01-18 This book critically examines the evolving global trend of judicial activism with particular reference to Bangladesh. It constructs judicial activism as a golden-mean adjudicative technology, standing between excessive judicial assertion and unacceptable judicial passivity that may leave injustices un-redressed. It argues that judicial balancing between over-activism and meek administration of justice should essentially be predicated upon domestic conditions, and the needs and fundamental public values of the judges' respective society. Providing cross-jurisdictional empirical evidence, the study demonstrates that judicial activism, steered towards improving justice and grounded in one's societal specificities, can be exercised in a morally and legally legitimate form and without rupturing the balance of powers among the state organs. This study has sought to displace the myth of judicial activism as constitutional transgression by "unelected" judges, arguing that judicial activism is quite different from excessivism. It is argued and shown that a particular judge or judiciary turns out to be activist when other public functionaries avoid or breach their constitutional responsibilities and thus generate injustice and inequality. The study treats judicial activism as the conscientious exposition of constitutional norms and enforcement of public duties of those in positions of power. The study assesses whether Bangladeshi judges have been striking the correct balance between over-activism and injudicious passivity. Broadly, the present book reveals judicial under-activism in Bangladesh and offers insights into causes for this. It is argued that the existing milieu of socio-political injustices and over-balance of constitutional powers in Bangladesh calls for increased judicial intervention and guidance, of course in a balanced and pragmatic manner, which is critical for good governance and social justice. "Writing about judicial activism easily gets shackled by fussy and pedestrian debates about what judges may or may not do as unelected agents of governance. The book . . . goes much beyond such reductionist pedestrianisation of law, for it courageously lifts the debate into the skies of global legal realism. The analysis perceptively addresses bottlenecks of justice, identifying shackles and mental blocks in our own minds against activating concerns for justice for the common citizen." –Prof Werner Menski (Foreword)

The Province of Jurisprudence Democratized Allan C. Hutchinson 2009 "The Province of Jurisprudence Democratized contributes to the legal academy's shift away from a technical analytical philosophy to a jurisprudence that reflects a more democratic approach. It advances the claim that there is no position of theoretical or political innocence and that like the law it seeks to illuminate, legal theory must recognize its own political and social swing.

Allan C. Hutchinson contends that, whatever else democracy might entail or imply, it must oppose elite rule whether by autocrats, functionaries or theorists, however enlightened or principled their proposals or interventions may be, and that authority must come from below, not above. The author's in-depth investigation into some of the most famous works of jurisprudence offers constructive suggestions to improve these historical arguments and forces open the longstanding issue of failed analytical methodologies of jurisprudence." "Scholars, students, and legal theorists alike will find this book engaging as they fashion their own objective criticisms regarding the concepts of 'truth,' 'fact,' and the relationship between 'law' and 'morality.' By challenging the foundational basis of contemporary legal thought. Allan C. Hutchinson attempts to wrest contemporary jurisprudence from the stifling grip of analytical legal theory, as he proposes to open it to a more thoroughly democratic approach."--BOOK JACKET.

Anthropology and Law Mark Goodale 2017-05-02 An introduction to the anthropology of law that explores the connections between law, politics, and technology. From legal responsibility for genocide to rectifying past injuries to indigenous people, the anthropology of law addresses some of the crucial ethical issues of our day. Over the past twenty-five years, anthropologists have studied how new forms of law have reshaped important questions of citizenship, biotechnology, and rights movements, among many others. Meanwhile, the rise of international law and transitional justice has posed new ethical and intellectual challenges to anthropologists. Anthropology and Law provides a comprehensive overview of the anthropology of law in the post-Cold War era. Mark Goodale introduces the central problems of the field and builds on the legacy of its intellectual history, while a foreword by Sally Engle Merry highlights the challenges of using the law to seek justice on an international scale. The book's chapters cover a range of intersecting areas including language and law, history, regulation, indigenous rights, and gender. For a complete understanding of the consequential ways in which anthropologists have studied, interacted with, and critiqued, the ways and means of law, Anthropology and Law is required reading.

Anthropology & Law James M. Donovan 2003 Legal practice renders a further important benefit to anthropology when it validates anthropological knowledge through the use of anthropologists as expert witnesses in the courtroom and the introduction of the 'culture defense' against criminal charges."--Jacket.

The German Historicist Tradition Frederick C. Beiser 2011-11-24 This is the first history in English of German historicism, the intellectual tradition which holds that history is the key to understanding all human values, beliefs and actions. Beiser surveys the key thinkers from the mid-18th to the early 20th century and illuminates the sources and reasons for this revolution in modern thought.

The Philosophy of Customary Law James Bernard Murphy 2014 This book attempts to bring greater theoretical clarity to the often murky topic of custom by showing

that custom must be analysed into two more logically basic concepts: convention and habit. Customs are conventional habits and habitual conventions. Once we have a clearer understanding of custom we can better grasp the many roles that custom plays in a legal system.

A History of Political Theories, Recent Times: Essays on Contemporary Developments in Political Theory Charles Edward Merriam 1924 Contributed by the students of the late William Archibald Dunning.

Social Progress Ulysses Grant Weatherly 1926

Law's Community Roger Cotterrell 1995 *Law's Community* offers a distinctive analysis of law, identifying political and moral problems that are fundamental to contemporary legal theory. It portrays contemporary law as institutionalized doctrine, emphasizing ways in which legal modes of thought influence wider currents of understanding and belief in contemporary Western societies. Exploring relationships between law and sociology as contrasting and competing fields of knowledge, *Law's Community* develops ideas from social theory to identify key problems for legal development; in particular, those of restoring moral authority to law and of elaborating a concept of community that can guide legal regulation. The analysis leads to radical conclusions: among them, that law's functions need reconsideration at the most general level, that a unitary state legal system as portrayed in traditional kinds of legal theory may no longer be adequate in complex contemporary societies, and that law should be reconceptualized as a diverse but co-ordinated plurality of systems, sites, and forms of regulation.

Sir Henry Maine Raymond Cocks 2004-07-08 A demonstration of the contemporary context and significance of Maine's approach to the law.

Science Without God? Peter Harrison 2018-11-29 Can scientific explanation ever make reference to God or the supernatural? The present consensus is no; indeed, a naturalistic stance is usually taken to be a distinguishing feature of modern science. Some would go further still, maintaining that the success of scientific explanation actually provides compelling evidence that there are no supernatural entities, and that true science, from the very beginning, was opposed to religious thinking. *Science without God? Rethinking the History of Scientific Naturalism* shows that the history of Western science presents us with a more nuanced picture. Beginning with the naturalists of ancient Greece, and proceeding through the middle ages, the scientific revolution, and into the nineteenth century, the contributors examine past ideas about 'nature' and 'the supernatural'. Ranging over different scientific disciplines and historical periods, they show how past thinkers often relied upon theological ideas and presuppositions in their systematic investigations of the world. In addition to providing material that contributes to a history of 'nature' and naturalism, this collection challenges a number of widely held misconceptions about the history of scientific naturalism.

The Cheyenne Way Karl Nickerson Llewellyn 1941 The Cheyenne Indians, in sharp contrast to other Plains tribes, are renowned for the clear sense of form and structure in their institutions. This cultural trait, together with the colorful background of the Cheyennes, attracted the unique collaboration of a legal theorist and an anthropologist, who, in this volume, provide a definitive picture of the law-ways of a primitive, nonliterate people. This foundational study of primitive law presents the folkways in law of the Cheyennes through the technique of the American case lawyer, adjusted to the requirements of the anthropologist with his scientific understanding of human behavior and realistic sociology. Particularly appealing to the general reader are the law cases themselves. Based on individual episodes that reflect the legal procedure of the Cheyennes over a period of more than sixty years, the cases are heroic narratives in the finest tradition.

Political Jurisprudence Martin Loughlin 2017 A collection of brand new and revised essays from eminent scholar of public law, Martin Loughlin, that systematizes his work on political jurisprudence - a school of thought that contends the key to understanding the nature of legal order lies in how political authority is constituted.

Spaces of Law and Custom Edoardo Frezet 2021-07-15 This collection brings together a carefully curated selection of researchers from law, sociology, anthropology, philosophy, history, social ontology and international relations, in order to examine how law and custom interact within specific material and spatial contexts. Normativity develops within these contexts, while also shaping them. This complex relationship exists within all physical places from traditional agrarian spaces to the modern shifting post-industrial workplace. The contributions gathered together in this volume explore numerous examples of such spaces from different disciplinary perspectives to interrogate the dynamic relationship between custom and law, and the material spaces they inhabit. While there are a dynamic series of conclusions regarding this relationship in different material realities, a common theme is pursued throughout: a proper understanding of law and custom stems from their material locatedness within the power dynamics of particular spaces, which, in turn, are reflexively shaped by that same normativity. The book thus generates an account of the locatedness of law and custom, and, indeed, of custom as a source of law. In this way, it provides a series of linked explorations of normative spaces, but, more fundamentally, it also furnishes a cross-disciplinary toolkit of concepts and critical tools for understanding law and custom, and their relationship. As the diversity of the contributors indicates, this book will be of great interest to legal theorists of different traditions, also legal historians and anthropologists, as well as sociologists, historians, geographers and developmental economists.

Viral Loads Lenore Manderson 2021-09-20 Drawing upon the empirical scholarship and research expertise of contributors from all settled continents and from diverse life settings and economies, *Viral Loads* illustrates how the COVID-19 pandemic, and responses to it, lay bare and load onto people's lived realities

in countries around the world. A crosscutting theme pertains to how social unevenness and gross economic disparities are shaping global and local responses to the pandemic, and illustrate the effects of both the virus and efforts to contain it in ways that amplify these inequalities. At the same time, the contributions highlight the nature of contemporary social life, including virtual communication, the nature of communities, neoliberalism and contemporary political economies, and the shifting nature of nation states and the role of government. Over half of the world's population has been affected by restrictions of movement, with physical distancing requirements and self-isolation recommendations impacting profoundly on everyday life but also on the economy, resulting also, in turn, with dramatic shifts in the economy and in mass unemployment. By reflecting on how the pandemic has interrupted daily lives, state infrastructures and healthcare systems, the contributing authors in this volume mobilise anthropological theories and concepts to locate the pandemic in a highly connected and exceedingly unequal world. The book is ambitious in its scope – spanning the entire globe – and daring in its insistence that medical anthropology must be a part of the growing calls to build a new world.

Understanding Jurisprudence Raymond Wacks 2012-02-02 Perfect for the student new to jurisprudence, this book provides an illuminating introduction to the central questions of legal theory. An experienced teacher of jurisprudence, Professor Wacks' approach is both accessible and entertaining, providing the ideal base for further study.

On Early Law and Custom Henry Sumner Maine 1890

The Life of the Law Laura Nader 2002-02-28 Nader traces the evolution of the plaintiff's role in the United States in the second half of the twentieth century and convincingly argues that the atrophy of the plaintiff's power during this period undermines democracy."

On Law, Politics, and Judicialization Martin Shapiro 2002-08-22 Across the globe, the domain of the litigator and the judge has radically expanded, making it increasingly difficult for those who study comparative and international politics, public policy and regulation, or the evolution of new modes of governance to avoid encountering a great deal of law and courts. In *On Law, Politics, and Judicialization*, two of the world's leading political scientists present the best of their research, focusing on how to build and test a social science of law and courts. The opening chapter features Shapiro's classic 'Political Jurisprudence,' and Stone Sweet's 'Judicialization and the Construction of Governance,' pieces that critically redefined research agendas on the politics of law and judging. Subsequent chapters take up diverse themes: the strategic contexts of litigation and judging; the discursive foundations of judicial power; the social logic of precedent and appeal; the networking of legal elites; the lawmaking dynamics of rights adjudication; the success and diffusion of constitutional review; the reciprocal impact of courts and legislatures; the globalization of private law; methods, hypothesis-testing,

and prediction in comparative law; and the sources and consequences of the creeping 'judicialization of politics' around the world. Chosen empirical settings include the United States, the GATT-WTO, France and Germany, Imperial China and Islam, the European Union, and the transnational world of the *Lex Mercatoria*. Written for a broad, scholarly audience, the book is also recommended for use in graduate and advanced undergraduate courses in law and the social sciences.

International Law Theories Andrea Bianchi 2016-11-10 Two fish are swimming in a pond. 'Do you know what?' the fish asks his friend. 'No, tell me.' 'I was talking to a frog the other day. And he told me that we are surrounded by water!' His friend looks at him with great scepticism: 'Water? Whats that? Show me some water!' International lawyers often find themselves focused on the practice of the law rather than the underlying theories. This book is an attempt to stir up 'the water' that international lawyers swim in. It analyses a range of theoretical approaches to international law and invites readers to engage with different ways of legal thinking in order to familiarize themselves with the water all around us, of which we hardly have any perception. The main aim of this book is to provide interested scholars, practitioners, and students of international law and other disciplines with an introduction to various international legal theories, their genealogies, and possible critiques. By providing an analytical approach to international legal theory, the book encourages readers to enhance their sensitivity to these different approaches and to consider how the presuppositions behind each theory affect analysis, research, and practice in international law. *International Law Theories* is intended to assist students, scholars, and practitioners in reflecting more generally about how knowledge is formed in the field.

Law and Anthropology Michael Freeman 2009-11-19 *Law and Anthropology*, the latest volume in the Current Legal Issues series, offers an insight into the state of law and anthropology scholarship today. Focussing on the inter-connections between the two disciplines it also includes case studies from around the world.

History of Anthropological Thought Vijay S. Upadhyay 1993

Cross Examinations Gulliver 2022-04-25

The Shade of New Leaves Manfred O. Hinz 2006 "Omudile muua ohapo; epangelo liua ohamba". Freely translated, this proverb of the Ovakwanyama of northern Namibia means: "New leaves produce a good shade; the laws of a king are always as good as new". The proverb paints a picture of wisdom to express the dialectical relationship between continuity and change in customary law. Since royal orders are supposed not to change from one king to the next, they are always as good as new, reads the explanatory note to the proverb by the anthropologist Loeb, who recorded the proverb. Traditional authority is like a tree standing on its roots, rooted in the tradition created by the ancestors of the ruler and the community. These roots remain firm, stable and unchanged, not so the concrete

manifestation of authority that changes and responds to changes of the environment. This makes that new leaves are produced by the rooted tree. The new leaves are new and old. They are old, because in structure, colour and their capacity to protect by giving shade, they are more or less like the leaves of last year and the year before; they are new because they react to the challenge of seasons. The Shade of New Leaves emerged out of an international conference on the living reality of customary law and traditional governance held in Windhoek in 2004. The conference was organised by the Centre for Applied Social Sciences and the Human Rights and Documentation Centre, both affiliated to the Faculty of Law of the University of Namibia, in co-operation with the Law Departments of the Universities of Bremen, Germany, and the School of Oriental and African Studies, University of London. The contributions to this book are grouped into six parts: Part 1: Legal pluralism, traditional governance and the challenge of the democratic constitutional order * Part 2: Traditional administration of justice revisited * Part 3: Ascertaining customary law: prerequisite of good governance in traditional authority * Part 4: Legal philosophy, African philosophy and African jurisprudence * Part 5: Research, training and teaching of customary law * Part 6: Afterthoughts

The Common Law Oliver Wendell Holmes 1909

Homo Juridicus Alain Supiot 2017-04-25 A provocative investigation of how law shapes everyday life In this groundbreaking work, French legal scholar Alain Supiot examines the relationship of society to legal discourse. He argues that the law is how justice is implemented in secular society, but it is not simply a technique to be manipulated at will: it is also an expression of the core beliefs of the West. We must recognize its universalizing, dogmatic nature and become receptive to other interpretations from non-Western cultures to help us avoid the clash of civilizations. In *Homo Juridicus*, Supiot deconstructs the illusion of a world that has become “flat” and undifferentiated, regulated only by supposed “laws” of science and the economy, and peopled by contract-makers driven only by the calculation of their individual interests. Such a liberal perspective is nothing but the flipside of the notion of the withering away of law and the state, promoted this time not under the banner of the struggle between classes, but rather in the name of the free competition between sovereign individuals. Supiot’s exploration of the development of the legal subject—the individual as formed through a dense web of contracts and laws—is set to become a classic work of social theory.

History and Theory in Anthropology Alan Barnard 2000-06-15 Anthropology is a discipline very conscious of its history, and Alan Barnard has written a clear, balanced and judicious textbook that surveys the historical contexts of the great debates and traces the genealogies of theories and schools of thought. It also considers the problems involved in assessing these theories. The book covers the precursors of anthropology; evolutionism in all its guises; diffusionism and culture area theories, functionalism and structural-functionalism; action-centred theories; processual and Marxist perspectives; the many faces of relativism, structuralism and post-structuralism; and recent

interpretive and postmodernist viewpoints.

Modern Protestantism and Positive Law Bradley Shingleton 2019-10-31 The nature and role of positive law has largely been neglected in recent Protestant theology and social ethics. *Modern Protestantism and Positive Law* introduces and critically summarizes a tradition in Continental Protestant thought about human law, drawing on writings of Barth, Brunner, Ellul, Thielicke, Wolf, Pannenberg, Huber, and Kreß, many of which have not been translated into English. The book argues that law is an essential political and social institution within developed societies, one that is normative and dependent on an encompassing vision of justice but that also necessarily reflects the contemporary pluralism of those societies. *Modern Protestantism and Positive Law* argues that theological and ethical perspectives on positive law developed by Protestant thinkers have a place in reflection on positive law, provided they are conceived and expressed in a manner appropriately respectful of the diversity of contemporary opinion regarding the expression of religious perspectives in the public arena.

Philosophy of Economy Sergei Bulgakov 2008-10-01 The writings of Sergei Bulgakov (1871–1944), like those of other major social thinkers of Russia's Silver Age, were obliterated from public consciousness under Soviet rule. Discovered again after eighty years of silence, Bulgakov's work speaks with remarkable directness to the postmodern listener. This outstanding translation of *Philosophy of Economy* brings to English-language speakers for the first time a major work of social theory written by a critical figure in the Russian tradition of liberal thought. What is unique about Bulgakov, Catherine Evtuhov explains in her introduction to this book, is that he bridges two worlds. His social thought is firmly based in the Western tradition, yet some of his ideas reflect a specifically Russian way of thinking about society. Though arguing strenuously in favor of political and social liberty, Bulgakov repudiates the individualistic basis of Western liberalism in favor of a conception of human dignity that is compatible with collectivity. His economic theory stresses the spiritual content of life in the world and imagines national life as a kind of giant household. Bulgakov's work, with its singularly postmodern balance between Western and non-Western, offers fascinating implications for those in the process of reevaluating ideologies in post-Soviet Russia and in America as well.

Marxism and Law Hugh Collins 1982

Shari'a Scripts Brinkley Messick 2018-01-02 A case study in the textual architecture of the venerable legal and ethical tradition at the center of the Islamic experience, *Shari'a Scripts* is a work of historical anthropology focused on Yemen in the early twentieth century. There—while colonial regimes, late Ottoman reformers, and early nationalists wrought decisive changes to the legal status of the shari'a, significantly narrowing its sphere of relevance—the Zaydi school of jurisprudence, rooted in highland Yemen for a millennium, still held sway. Brinkley Messick uses the richly varied writings

of the Yemeni past to offer a uniquely comprehensive view of the shari'a as a localized and lived phenomenon. *Shari'a Scripts* reads a wide spectrum of sources in search of a new historical-anthropological perspective on Islamic textual relations. Messick analyzes the shari'a as a local system of texts, distinguishing between theoretical or doctrinal juridical texts (or the "library") and those produced by the shari'a courts and notarial writers (termed the "archive"). Attending to textual form, he closely examines representative books of madrasa instruction; formal opinion-giving by muftis and imams; the structure of court judgments; and the drafting of contracts. Messick's intensive readings of texts are supplemented by retrospective ethnography and oral history based on extensive field research. Further, the book ventures a major methodological contribution by confronting anthropology's longstanding reliance upon the observational and the colloquial. Presenting a new understanding of Islamic legal history, *Shari'a Scripts* is a groundbreaking examination of the interpretative range and historical insights offered by the anthropologist as reader.

Idea and Methods of Legal Research P. Ishwara Bhat 2019-09-05 Legal research examines subject matter enshrouded in social circumstances in order to conceptualize theories and prepare a future course of action. This dynamic, inter-disciplinary, and labyrinthine character of legal research requires researchers to be fluid, eclectic, and analytical in their approach. *Idea and Methods of Legal Research* unearths how the thinking process is to be streamlined in research, how a theme is built on the basis of comprehensive and intensive study, and the paths through which notions of objectivity, feminism, ethics, and purposive character of knowledge are to be understood. The book first explains the meaning, evolution, and scope of legal research, and discusses objectivity and ethics in legal research. It engages with the requirements, advantages, and limits of various doctrinal and non-doctrinal methods and tools, and the points to be considered in selecting a suitable method or combination of methods. It highlights analytical, historical, philosophical, comparative, qualitative, and quantitative methods of legal research. The book then goes on to discuss the use of multi-method legal research, policy research, action research, and feminist legal research and finally, reflects on research-based critical legal writing, as opposed to client-related legal writing. This book, thus, is a comprehensive answer to key questions one faces in legal research.

Charting the Divide Between Common and Civil Law Thomas Lundmark 2012-08-15 What does it mean when civil lawyers and common lawyers think differently? In *Charting the Divide between Common and Civil Law*, Thomas Lundmark provides a comprehensive introduction to the uses, purposes, and approaches to studying civil and common law in a comparative legal framework. Superbly organized and exhaustively written, this volume covers the jurisdictions of Germany, Sweden, England and Wales, and the United States, and includes a discussion of each country's legal issues, structure, and their general rules. Professor Lundmark also explores the discipline of comparative legal studies, rectifying many of the misconceptions and prejudices that cloud our understanding of the divide

between the common law and civil law traditions. Students of international law, comparative law, social philosophy, and legal theory will find this volume a valuable introduction to common and civil law. Lawyers, judges, political scientists, historians, and philosophers will also find this book valuable as a source of reference. *Charting the Divide between Common and Civil Law* equips readers with the background and tools to think critically about different legal systems and evaluate their future direction.

Law, Anthropology, and the Constitution of the Social Alain Pottage 2004-06-24
This collection of interdisciplinary essays explores how persons and things - the central elements of the social - are fabricated by legal rituals and institutions. The contributors, legal and anthropological theorists alike, focus on a set of specific institutional and ethnographic contexts, and some unexpected and thought-provoking analogies emerge from this intellectual encounter between law and anthropology. For example, contemporary anxieties about the legal status of the biotechnological body seem to resonate with the questions addressed by ancient Roman law in its treatment of dead bodies. The analogy between copyright and the transmission of intangible designs in Melanesia suddenly makes western images of authorship seem quite unfamiliar. A comparison between law and laboratory science presents the production of legal artefacts in new light. These studies are of particular relevance at a time when law, faced with the inventiveness of biotechnology, finds it increasingly difficult to draw the line between persons and things.

Ancient Law Henry Sumner Maine 1885