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Folk Law Essays In The Theory And Practice Of Lex Non Scripta

Peter Drahos, Susy Frankel



Folk Law Essays In The Theory And Practice Of Lex Non Scripta:

Folk Law Alison Dundes Renteln, Alan Dundes, 1995 Folk Law a comprehensive two volume collection of essays examines the meeting place of folklore the unwritten law of obligations and prohibitions that are understood and passed on and jurisprudence The contributors explore the historical significance and implications of folk law its continuing influence around the globe and the conflicts that arise when folk law diverges from official law Taken from publisher's site **Folk Law** Alison Dundes Renteln, Alan Dundes, 1995 *Folk Law* Alison Dundes Renteln, 1994 Folk law is a socially defined group's orally transmitted traditional body of obligations and prohibitions The editors a specialist in jurisprudence and a folklorist have collected some of the most interesting essays written about folk law with the intention of facilitating the serious study of folk law by anyone curious about the subject matter The essays are organized into eight sections the definition of folk law pioneers in the study of folk law the ascertainment of folk law i.e. the fieldwork and recording techniques used the expression of folk law in folklore symbol and ritual codes of folk law cases of folk law folk law in conflict and international folk law No index Annotation copyright by Book News Inc Portland OR **Book Review** Walter Otto Weyrauch, 1994 *A Companion to Folklore* Regina F. Bendix, Galit Hasan-Rokem, 2014-08-25 A Companion to Folklore contains an original and comprehensive set of essays from international experts in the field of folklore studies This state of the art collection uniquely displays the vitality of folklore research across the globe The Companion covers four main areas the first section engages with the practices and theoretical approaches developed to understand the phenomena of folklore the second discusses the distinctive shapes that folklore studies have taken in different locations in time and space the third examines the interaction of folklore with various media as well as folklore's commoditization In the final section on practice essays offer insights into how folklorists work what they do and ways in which they have institutionalized their field Throughout contributors investigate the interplay of folklore and folkloristics in both academic and political arenas they evaluate key issues in the folk life of communities from around the world including China post communist Russia post colonial India South America Israel and Japan The result is a unique reflection and understanding of the profoundly different research histories and current perspectives on international research in the field **Culture in the Domains of Law** René Provost, 2017-02-02 What does it mean for courts and other legal institutions to be culturally sensitive What are the institutional implications and consequences of such an aspiration To what extent is legal discourse capable of accommodating multiple cultural narratives without losing its claim to normative specificity And how are we to understand meetings of law and culture in the context of formal and informal legal processes when demands are made to accommodate cultural difference The encounter of law and culture is a polycentric relation but these questions draw our attention to law and legal institutions as one site of encounter warranting further investigation to map out the place of culture in the domains of law by relying on the insights of law anthropology politics and philosophy Culture in the Domains of Law seeks to examine and answer these questions resulting

in a richer outlook on both law and culture *Imperial Lineages and Legacies in the Eastern Mediterranean* Rhoads Murphey, 2016-07-07 The comparative study of empires has traditionally been addressed in the widest possible global historical perspective with comparison of New World empires such as the Aztecs and Incas side by side with the history of imperial Rome and the empires of China and Russia in the medieval and modern periods Surprisingly little work has been carried out focusing on the evolution of state control and imperial administration in the same territory approached in a rigorous and historically grounded fashion over a wide extent of historical time from late antiquity to the twentieth century The empires of Rome Byzantium the Ottomans and the latter day imperialists in the nineteenth and early twentieth centuries all inherited or seized and sought to develop overlapping parts of a common territorial base in the Eastern Mediterranean and all struggled to contain control or otherwise alter the political cultural and spiritual allegiances of the same indigenous population groups that were brought under their rule and administration The task undertaken in *Imperial Lineages and Legacies in the Eastern Mediterranean* is to investigate the balance between continuity and change adopted at various historical conjunctures when new imperial regimes were established and to expose common features and shared approaches to the challenge of imperial rule that united otherwise divergent societies and imperial administrations The work incorporates the contributions by twelve scholars each leading practitioners in their respective fields and each contributing their particular insights on the shared theme of imperial identity and legacy in the Mediterranean World of the pagan Christian and Muslim eras **Intangible Cultural Heritage in International Law** Lucas Lixinski, 2013-06-13 This book offers a comprehensive analysis of the legal issues around intangible cultural heritage also known as traditional cultural expressions or folklore It explores both institutional and substantive responses the law offers to the safeguarding of intangible heritage relying heavily on critiques internal and external to the law These external critiques primarily come from the disciplines of anthropology and heritage studies Intangible cultural heritage is safeguarded on three different levels international regional and national At the international level the foremost instrument is the specific UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003 At the regional level initiatives are undertaken both in schemes of political and economic integration a common thread being that intangible cultural heritage helps promote a common identity for the region becoming thus a desirable aspect of the integration process Domestically responses range from strong constitutional forms of protection to rather weak policy initiatives aimed primarily at attracting foreign aid Intangible heritage can also be safeguarded via substantive law and in this respect the book looks at the potential and pitfalls of human rights law intellectual property tools and contractual approaches It investigates how the law works and ought to work towards protecting communities defined as those from where intangible cultural heritage stems and to whom benefits of its exploitation must return The book takes the critiques from anthropological and heritage studies into account in order to posit a re shaped law offering tools that can be valuable to both scholars and practitioners when understanding how to safeguard

intangible heritage War, Government, and Society in the Medieval Crown of Aragon Donald J. Kagay, 2024-10-28 The focus of this collection of articles by Donald J Kagay is the effect of the expansion of royal government on the societies of the medieval Crown of Aragon He shows how the extensive episodes of warfare during the 13th and 14th centuries served as a catalyst for the extension of the king's law and government across the varied topography and political landscape of eastern Spain In the long conflicts against Spanish Islam and neighbouring Christian states the relationships of royal to customary law of monarchical to aristocratic power and of Christian to Jewish and Muslim populations all became issues that marked the transition of the medieval Crown of Aragon to the early modern states of Catalonia Aragon and Valencia and finally to the modern Spanish nation *Folklore, Religion and the Songs of a Bengali Madman* Carola Lorea, 2016-08-01 This book explores historical and cultural aspects of modern and contemporary Bengal through the performance centred study of a particular repertoire the songs of the saint composer Bhaba Pagla 1902-1984 who is particularly revered among Baul and Fakir singers The author shows how songs if examined as sacred scriptures represent multi dimensional texts for the study of South Asian religions Revealing how previous studies about Bauls mirror the history of folkloristics in Bengal this book presents sacred songs as a precious symbolic capital for a marginalized community of dislocated and unorthodox Hindus who consider the practice of singing in itself an integral part of the path towards self realization **Killing Tradition** Simon J. Bronner, 2008-11-21 Across the country and around the world people avidly engage in the cultural practice of hunting Children are taken on rite of passage hunting trips where relationships are cemented and legacies are passed on from one generation to another Meals are prepared from hunted game often consisting of regionally specific dishes that reflect a community's heritage and character Deer antlers and bear skins are hung on living room walls decorations and relics of a hunter's most impressive kills Only 5 percent of Americans are hunters but that group has a substantial presence in the cultural consciousness Hunting has spurred controversy in recent years inciting protest from animal rights activists and lobbying from anti cruelty demonstrators who denounce the custom But hunters have responded to such criticisms and the resulting legislative censures with a significant argument in their defense the claim that their practices are inextricably connected to a cultural tradition Further they counter that they as representatives of the rural lifestyle pioneer heritage and traditional American values are the ones being victimized Simon J Bronner investigates this debate in *Killing Tradition* Inside Hunting and Animal Rights Controversies Through extensive research and fieldwork Bronner takes on the many questions raised by this problematic subject Does hunting promote violence toward humans as well as animals Is it an outdated activity unnecessary in modern times Is the heritage of hunting worth preserving *Killing Tradition* looks at three case studies that are at the heart of today's hunting debate Bronner first examines the allegedly barbaric rituals that take place at deer camps every late November in rural America He then analyzes the annual Labor Day pigeon shoot of Hegins Pennsylvania which brings animal rights protests to a fever pitch Noting that these aren't simply American concerns and that the animal rights

movement in America is linked to British animal welfare protests Bronner examines the rancor surrounding the passage of Great Britain's Hunting Act of 2004 the most comprehensive and divisive anti hunting legislation ever enacted The practice of hunting is sure to remain controversial as it continues to be touted and defended by its supporters and condemned and opposed by its detractors With *Killing Tradition* Bronner reflects on the social psychological and anthropological issues of the debate reevaluating notions of violence cruelty abuse and tradition as they have been constructed and contested in the twenty first century *Global Lawmaking and Social Change* Gregor Novak, 2024-12-12 Customary international law is a widely recognised modality of international lawmaking It underpins all norms of international law and shapes all aspects of global society Yet familiar approaches to customary international law struggle to answer basic questions about its role operation and prospects Pursuing an interdisciplinary approach this book offers an alternative perspective on customary international law as a dynamic and multifaceted social phenomenon and idea It explores customary international lawmaking in different social contexts including the regulation of armed conflict the treatment of the other and the management of global environmental risks Focusing on the varieties of customary international law it identifies four types of customary international law norms and explores their roles and implications Critically revisiting a classic topic of international law the book provides a tool for understanding and shaping global lawmaking and social change in a rapidly changing international legal order **African Law(s)** Salvatore Mancuso, 2023-09-29 This book takes a comparative law perspective and proposes a new approach for researching law in Africa Western theoretical perspectives in comparative law are too Eurocentric to fully catch the peculiarities and characteristics of the African lawscape in short they are inadequate for studying African law In this book Professor Salvatore Mancuso considers the law in Africa from a different perspective Deeply rooted in the culture of the African people this approach considers African legal culture with the same legitimacy as Western legal culture setting a precedent for future policy making decisions relating to legislative development in Africa Minding the Law Anthony G. AMSTERDAM, Jerome S. Bruner, Anthony G Amsterdam, 2009-06-30 In this remarkable collaboration one of the nation's leading civil rights lawyers joins forces with one of the world's foremost cultural psychologists to put American constitutional law into an American cultural context By close readings of key Supreme Court opinions they show how storytelling tactics and deeply rooted mythic structures shape the Court's decisions about race family law and the death penalty *Minding the Law* explores crucial psychological processes involved in the work of lawyers and judges deciding whether particular cases fit within a legal rule categorizing telling stories to justify one's claims or undercut those of an adversary narrative and tailoring one's language to be persuasive without appearing partisan rhetorics Because these processes are not unique to the law courts decisions cannot rest solely upon legal logic but must also depend vitally upon the underlying culture's storehouse of familiar tales of heroes and villains But a culture's stock of stories is not changeless Amsterdam and Bruner argue that culture itself is a dialectic constantly in progress a conflict between the established canon and newly imagined possible

worlds They illustrate the swings of this dialectic by a masterly analysis of the Supreme Court's race discrimination decisions during the past century A passionate plea for heightened consciousness about the way law is practiced and made Minding the Law tilte will be welcomed by a new generation concerned with renewing law's commitment to a humane justice Table of Contents 1 Invitation to a Journey 2 On Categories 3 Categorizing at the Supreme Court Missouri v Jenkins and Michael H v Gerald D 4 On Narrative 5 Narratives at Court Prigg v Pennsylvania and Freeman v Pitts 6 On Rhetorics 7 The Rhetorics of Death McCleskey v Kemp 8 On the Dialectic of Culture 9 Race the Court and America's Dialectic From Plessy through Brown to Pitts and Jenkins 10 Reflections on a Voyage Appendix Analysis of Nouns and Verbs in the Prigg Pitts and Brown Opinions Notes Table of Cases Index Reviews of this book Amsterdam a distinguished Supreme Court litigator wanted to do more than share the fruits of his practical experience He also wanted to get students to think about thinking like a lawyer To decode what he calls law think he enlisted the aid of the venerable cognitive psychologist Jerome Bruner and the collaboration has resulted in this unusual book James Ryerson Lingua Franca Reviews of this book It is hard to imagine a better time for the publication of Minding the Law a brilliant dissection of the court's work by two eminent scholars law professor Anthony G Amsterdam and cultural anthropologist Jerome Bruner Issue by issue case by case Amsterdam and Bruner make mincemeat of the court's handling of the most important constitutional issue of the modern era how to eradicate the American legacy of race discrimination especially against blacks Edward Lazarus Los Angeles Times Book Review Reviews of this book This book is a gem Its thesis is easily stated but remarkably unrecognized among a shockingly large number of lawyers and law professors law is a storytelling enterprise thoroughly entrenched in culture Whereas critical legal theorists have talked among themselves for the past two decades Amsterdam and Bruner seek to engage all of us in a dialogue For that they should be applauded Daniel R Williams New York Law Journal Reviews of this book In Minding the Law Anthony Amsterdam and Jerome Bruner show us how the Supreme Court creates the magic of inevitability They are angry at what they see Their book is premised on the conviction that many of the choices made in Supreme Court opinions lack any justification in the text Their method is to analyze the text of opinions and to show how the conclusions reached do not always follow from the logic of the argument They also show how the Court casts its rhetoric like a spell mesmerizing its audience and making the highly contingent shine with the light of inevitability Mitchell Goodman News and Observer Raleigh North Carolina Reviews of this book What do controversial Supreme Court decisions and classic age old tales of adultery villainy and combat have in common Everything at least in the eyes of Amsterdam and Bruner In this substantial study which is equal parts dense and entertaining the authors use theoretical discussions of literary technique and myths to expose what they see as the secret intentions of Supreme Court opinions Studying how lawyers and judges employ the various literary devices at their disposal and noting the similarities between legal thinking and classic tactics of storytelling and persuasion they believe can have astonishing consciousness retrieving effects The agile minds of Amsterdam and Bruner clearly storehouses of knowledge on a

range of subjects allow an approach that might sound far fetched occasionally but pays dividends in the form of gained perspective and amusement Elisabeth Lasch Quinn Washington Times Reviews of this book Stories and the way judges intentionally or not categorize and spin them are as responsible for legal rulings as logic and precedent Mr Amsterdam and Mr Bruner said Their novel attempt to reach into the psyche of members of the Supreme Court is part of a growing interest in a long neglected and cryptic subject the psychology of judicial decision making Patricia Cohen New York Times Most law professors teach by the case method or say they do In this fascinating book Anthony Amsterdam a lawyer and Jerome Bruner a psychologist expose how limited most case analysis really is as they show how much can be learned through the close reading of the phrases sentences and paragraphs that constitute an opinion or other pieces of legal writing Reading this book will undoubtedly make one a better lawyer and teacher of lawyers But the book s value and interest goes far beyond the legal profession as it analyzes the way that rhetoric in law politics and beyond creates pictures and convictions in the minds of readers and listeners Sanford Levinson author of Constitutional Faith Tony Amsterdam the leader in the legal campaign against the death penalty and Jerome Bruner who has struggled for equal justice in education for forty years have written a guide to demystifying legal reasoning With clarity wit and immense learning they reveal the semantic tricks lawyers and judges sometimes use consciously and unconsciously to justify the results they want to reach Jack Greenberg Professor of Law Columbia Law School

Indigenous People's Innovation Peter Drahos,Susy Frankel,2012-08-01 Traditional knowledge systems are also innovation systems This book analyses the relationship between intellectual property and indigenous innovation The contributors come from different disciplinary backgrounds including law ethnobotany and science Drawing on examples from Australia New Zealand and the Pacific Islands each of the contributors explores the possibilities and limits of intellectual property when it comes to supporting innovation by indigenous people

Legal Theory and the Legal Academy MaksymilianDel Mar,2017-07-05 The third in a series of three volumes on Contemporary Legal Theory this volume deals with four topics 1 the role of legal theory in the legal curriculum 2 the teaching of legal theory 3 the relationship of legal theory to legal scholarship and 4 the relationship of legal theory to comparative law The focus of the first two topics is on the common law world where the debates over the aims and proper place of legal theory in the study of law have traversed a good deal of ground since John Austin s 1828 lecture The Uses and the Study of Jurisprudence These first two parts offer a selection of the most important papers including surveys as well as pedagogical viewpoints and particular course descriptions from analytical critical feminist law and literature and global perspectives The last three decades have seen just as many changes for legal scholarship and comparative law These changes such as the rise of empirical legal scholarship have often attracted the attention of legal theorists Within comparative law the last thirty years have witnessed intense methodological reflection within the discipline the results of these reflections are themselves properly recognised as legal theoretical contributions The volume collects the key papers including those by Neil MacCormick Mark Van Hoecke Andrew Halpin William Ewald and

Geoffrey Samuel *Legal and Ethical Standards in Corporate Insolvency* Elizabeth Streten, 2024-06-17 Recent financial crisis and the global financial impacts of the COVID 19 pandemic have brought renewed interest to the regulation and practice of corporate insolvency and restructuring Modernisation of the insolvency profession and the regulation of its practitioners is a contemporary concern and recent years have seen significant reforms of insolvency law The success of such reforms can be enhanced through a clear understanding of difficulties faced by the insolvency profession in achieving successful restructuring and insolvency outcomes and through the determination of effective solutions to those difficulties However there is limited empirical data to inform the day to day practice of insolvency nor the difficulties experienced by insolvency practitioners in pursuing insolvency and restructuring solutions This book addresses this absence of data and understanding examining the role and practice of corporate insolvency practitioners and exploring the challenges that they encounter Offering an empirical study together with a comparative analysis of the experiences of practitioners around the world this book facilitates a greater understanding of corporate insolvency practice confronting a misunderstanding of and under confidence in corporate insolvency practitioners making it key reading for academics practitioners and regulators working in the area of corporate insolvency **Green Governance** Burns H. Weston, David Bollier, 2013-01-21 The vast majority of the world's scientists agree we have reached a point in history where we are in grave danger of destroying Earth's life sustaining capacity But our attempts to protect natural ecosystems are increasingly ineffective because our very conception of the problem is limited we treat the environment as its own separate realm taking for granted prevailing but outmoded conceptions of economics national sovereignty and international law Green Governance is a direct response to the mounting calls for a paradigm shift in the way humans relate to the natural environment It opens the door to a new set of solutions by proposing a compelling new synthesis of environmental protection based on broader notions of economics and human rights and on commons based governance Going beyond speculative abstractions the book proposes a new architecture of environmental law and public policy that is as practical as it is theoretically sound **Divine Justice** Paul R. Katz, 2008-12-08 This book considers the ways in which religious beliefs and practices have contributed to the formation of Chinese legal culture It does so by describing two forms of overlap between religion and the law the ideology of justice and the performance of judicial rituals One of the most important conceptual underpinnings of the Chinese ideology of justice is the belief in the inevitability of retribution Similar values permeate Chinese religious traditions all of which contend that justice will prevail despite corruption and incompetence among judicial officials in this world and even the underworld with all wrongdoers eventually suffering some form of punishment The second form of overlap between religion and the law may be found in the realm of practice and involves instances when men and women perform judicial rituals like oaths chicken beheadings and underworld indictments in order to enhance the legitimacy of their positions deal with cases of perceived injustice and resolve disputes These rites coexist with other forms of legal practice including private mediation and the

courts comprising a wide ranging spectrum of practices Divine Justice will be of enormous interest to scholars of the Chinese legal system and the development of Chinese culture and society more generally Lawyers and Savages Kaius Tuori, 2014-09-19 Legal primitivism was a complex phenomenon that combined the study of early European legal traditions with studies of the legal customs of indigenous peoples Lawyers and Savages Ancient History and Legal Realism in the Making of Legal Anthropology explores the rise and fall of legal primitivism and its connection to the colonial encounter Through examples such as blood feuds communalism ordeals ritual formalism and polygamy this book traces the intellectual revolution of legal anthropology and demonstrates how this scholarship had a clear impact in legitimating the colonial experience Detailing how legal realism drew on anthropology in order to help counter the hypothetical constructs of legal formalism this book also shows how despite their explicit rejection the central themes of primitive law continue to influence current ideas about indigenous legal systems but also of the place and role of law in development Written in an engaging style and rich in examples from history and literature this book will be invaluable to those with interests in legal realism legal history or legal anthropology

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