

LEGALISM

Rules and Categories



Edited by **Paul Dresch** and **Judith Scheele**

OXFORD

Book Legalism Rules Categories Paul Dresch

Esther Liberman Cuenca



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Legalism Paul Dresch, Judith Scheele, 2015 Mainstream historians in recent decades have often treated formal categories and rules as something to be used by individuals as one might use a stick or stone and the gains of an earlier legal history are often needlessly set aside Anthropologists meanwhile have treated rules as analytic errors and categories as an imposition by outside powers or by analysts leaving a very thin notion of practice as the stuff of social life Philosophy of an older vintage as well as the work of scholars such as Charles Taylor provides fresh approaches when applied imaginatively to cases beyond the traditional ground of modern Europe and North America Not only are different kinds of rules and categories open to examination but the very notion of a rule can be explored more deeply This volume approaches rules and categories as constitutive of action and hence of social life but also as providing means of criticism and imagination A general theoretical framework is derived from analytical philosophy from Wittgenstein to his critics and beyond and from recent legal thinkers such as Schauer and Waldron Case studies are presented from a broad range of periods and regions from Amazonia via northern Chad Tibet and medieval Russia to the scholarly worlds of Roman law Islam and Classical India As the third volume in the Legalism series this collection draws on common themes that run throughout the first two volumes Legalism

Anthropology and History and Legalism Community and Justice consolidating them in a framework that suggests a new approach to rule bound systems *Rules and ethics* Morgan Clarke, Emily Corran, 2021-08-10 This book investigates the pronounced enthusiasm that many traditions display for codes of ethics characterised by a multitude of rules Recent anthropological interest in ethics and historical explorations of self fashioning have led to extensive study of the virtuous self but existing scholarship tends to pass over the kind of morality that involves legalistic reasoning Rules and ethics corrects that omission by demonstrating the importance of rules in everyday moral life in a variety of contexts In a nutshell it argues that legalistic moral rules are not necessarily an obstruction to a rounded ethical self but can be an integral part of it An extended introduction first sets out the theoretical basis for studies of ethical systems that are characterised by detailed rules This is followed by a series of empirical studies of rule oriented moral traditions in a comparative perspective **The**

Making of Urban Customary Law in Medieval and Reformation England Esther Liberman Cuenca, 2025-02-27 Drawing on a quantitative analysis of hundreds of printed and archival sources from 77 towns *The Making of Urban Customary Law in Medieval England* is the first cross regional investigation into the history of urban customs since Mary Bateson's seminal two volume work *Borough Customs* 1904 1906 In contrast to English common law and church law which both had long institutional and academic traditions devoted to training men in their legal philosophies customary law constituted local practices that acquired the force of law over time Urban customary law regulated political officeholding trade property holding and even moral behaviour in English towns *The Making of Urban Customary Law* argues that urban customs which governed the lives of people in English towns were crucial to the development of a distinct bourgeois identity in England and

evolution that this new study tracks from the early twelfth to the late sixteenth centuries In the years following the Black Death and especially during the Reformation period this law became more concerned with defining political authority maintaining morality and articulating a consensus about the common good for townspeople This book makes two principal claims First customary law advanced the business interests of an urban oligarchy These were urban male elites who drafted laws and obtained privileges to enhance their wealth and assert their political independence from local lords and often made claims about the legitimacy of their privileges or laws by rooted them in history or some kind of ancestral past These lawmakers also made considerable efforts to establish their identities as morally upright and even handed patriarchs In so doing urban customary law played a central role in the development of a distinct bourgeois identity in medieval and Reformation England Second this law lent particular meanings to the common good in towns as it helped these lawmakers articulate policies that cohered to their vision of an ideal civic community

Law and Order in Anglo-Saxon England
Tom Lambert, 2017-02-23 Law and Order in Anglo Saxon England explores English legal culture and practice across the Anglo Saxon period beginning with the essentially pre Christian laws enshrined in writing by King thelberht of Kent in c 600 and working forward to the Norman Conquest of 1066 It attempts to escape the traditional retrospective assumptions of legal history focused on the late twelfth century Common Law and to establish a new interpretative framework for the subject more sensitive to contemporary cultural assumptions and practical realities The focus of the volume is on the maintenance of order what constituted good order what forms of wrongdoing were threatening to it what roles kings lords communities and individuals were expected to play in maintaining it and how that worked in practice Its core argument is that the Anglo Saxons had a coherent stable and enduring legal order that lacks modern analogies it was neither state like nor stateless and needs to be understood on its own terms rather than as a variant or hybrid of these models Tom Lambert elucidates a distinctively early medieval understanding of the tension between the interests of individuals and communities and a vision of how that tension ought to be managed that strikingly treats strongly libertarian and communitarian features as complementary Potentially violent honour focused feuding was an integral aspect of legitimate legal practice throughout the period but so too was fearsome punishment for forms of wrongdoing judged socially threatening Law and Order in Anglo Saxon England charts the development of kings involvement in law in terms both of their authority to legislate and their ability to influence local practice presenting a picture of increasingly ambitious and effective royal legal innovation that relied more on the cooperation of local communal assemblies than kings sparse and patchy network of administrative officials

Lost and Found in Early Irish Law Charlene M. Eska, 2022-07-18 Charlene M Eska presents in this book a critical edition and translation of a newly discovered early Irish legal text on lost and stolen property Aibred Although the Old Irish text itself is fragmentary the copious accompanying commentaries provide a wealth of legal historical and linguistic information thus presenting us with a complete picture of the legal procedures involved in reclaiming missing property This book also

includes editions of two other texts concerning property found on land Heptad 64 and at sea Muirbretha The three texts edited together provide a complete picture of this aspect of the early Irish legal system

Law in Common Tom Johnson, 2020 Law in Common draws on a large body of unpublished archival material from local archives and libraries across the country to show how ordinary people in the later Middle Ages such as peasants craftsmen and townspeople used law in their everyday lives developing our understanding of the operation of late medieval society and politics

The Cambridge Handbook for the Anthropology of Ethics James Laidlaw, 2023-05-25 The ethical turn in anthropology has been one of the most vibrant fields in the discipline in the past quarter century It has fostered new dialogue between anthropology and philosophy psychology and theology and seen a wealth of theoretical innovation and influential ethnographic studies This book brings together a global team of established and emerging leaders in the field and makes the results of this fast growing body of diverse research available in one volume Topics covered include the philosophical and other intellectual sources of the ethical turn inter disciplinary dialogues emerging conceptualizations of core aspects of ethical agency such as freedom responsibility and affect and the diverse ways in which ethical thought and practice are institutionalized in social life both intimate and institutional Authoritative and cutting edge it is essential reading for researchers and students in anthropology philosophy psychology and theology and will set the agenda for future research in the field

Norms of Dependency in Late Antique and Early Medieval Societies Martin Schermaier, Julia Winnebeck, Matthias Becher, 2025-06-02 Late antique and early medieval normative sources frequently employ Roman legal terminology to denote a person's legal inferiority and thus suggest the continued relevance of the concepts associated with these terms However it is far from clear to what extent the use of identical terminology actually indicates the similarity of social phenomena There is ample evidence of important changes regarding the rights and duties of enslaved persons and the development or emergence of other new forms of asymmetrical dependency This raises the question to what extent consistency in terminology and legal practice is actually an indicator of the stability of social structures Against this background a group of scholars of legal ecclesiastical and social history were invited to a conference at the BCDSS in March 2022 to scrutinise different law codes and legal sources for their evidence of dependency The result are these ten papers that truly enhance our understanding of slavery and other dependency relations in late antique and early medieval societies from c 100 to c 900 CE

Everyday Ethics Michael Lamb, Brian A. Williams, 2019-10-01 What might we learn if the study of ethics focused less on hard cases and more on the practices of everyday life In *Everyday Ethics* Michael Lamb and Brian Williams gather some of the world's leading scholars and practitioners of moral theology including some GUP authors to explore that question in dialogue with anthropology and the social sciences Inspired by the work of Michael Banner these scholars cross disciplinary boundaries to analyze the ethics of ordinary practices from eating learning and loving thy neighbor to borrowing and spending using technology and working in a flexible economy Along the way they consider the moral and methodological

questions that emerge from this interdisciplinary dialogue and assess the implications for the future of moral theology

Legalism Georgy Kantor, Thomas Benedict Lambert, Hannah Skoda, 2017 This volume brings together anthropologists and historians to examine how property and ownership operate and are understood across contexts ranging from Roman provinces to modern day piracy in Somalia Among other things it examines the way legal property regimes intertwine with economic moral ethical and political prerogatives

Compliance Will Rollason, Eric Hirsch, 2023-12-08 Exploring compliance from an anthropological perspective this book offers a varied and international selection of chapters covering taxation corporate governance medicine development carbon offsetting irregular migration and the building trade Compliance emerges as more than the opposite of resistance instead it appears as a valuable heuristic approach for understanding collective life as a means by which actors strive to accommodate themselves to others This perspective transcends conventional distinctions between power and resistance and offers to open up new avenues of anthropological enquiry

Jurist in Context William Twining, 2019-02-14 A leading English jurist reflects on the development of his thoughts and writings in legal theory over sixty years

Legalism Fernanda Pirie, Judith Scheele, 2014 Bringing together a multidisciplinary team to address issues of community and justice this volume uses empirical case studies to untangle the complex relationships between law justice and community

At Home and Abroad Elizabeth Shakman Hurd, Winnifred Fallers Sullivan, 2021-03-02 From right to left notions of religion and religious freedom are fundamental to how many Americans have understood their country and themselves Ideas of religion politics and the interplay between them are no less crucial to how the United States has engaged with the world beyond its borders Yet scholarship on American religion tends to bracket the domestic and foreign despite the fact that assumptions about the differences between ourselves and others deeply shape American religious categories and identities At Home and Abroad bridges the divide in the study of American religion law and politics between domestic and international bringing together diverse and distinguished authors from religious studies law American studies sociology history and political science to explore interrelations across conceptual and political boundaries They bring into sharp focus the ideas people and institutions that provide links between domestic and foreign religious politics and policies Contributors break down the categories of domestic and foreign and inquire into how these taxonomies are related to other axes of discrimination asking questions such as What and who counts as home or abroad how and by whom are these determinations made and with what consequences Offering a new approach to theorizing the politics of religion in the context of the American nation state At Home and Abroad also interrogates American religious exceptionalism and illuminates imperial dynamics beyond the United States

Ownership and Inheritance in Sanskrit Jurisprudence Christopher T. Fleming, 2020-12-10 Ownership and Inheritance in Sanskrit Jurisprudence provides an account of various theories of ownership svatva and inheritance dya in Sanskrit jurisprudential literature Dharma shastra It examines the evolution of different juridical models of inheritance in which families held property in trusts or in tenancies in common

against the backdrop of related developments in the philosophical understanding of ownership in the Sanskrit text traditions of hermeneutics *Mīmāṃsā* and logic *Nyāya* respectively Christopher T Fleming reconstructs medieval Sanskrit theories of property and traces the emergence of various competing schools of Sanskrit jurisprudence during the early modern period roughly fifteenth nineteenth centuries in Bihar Bengal and Varanasi Fleming attends to the ways in which ideas from these schools of jurisprudence shaped the codification of Anglo Hindu personal law by administrators of the British East India Company during the late eighteenth and early nineteenth centuries While acknowledging the limitations of colonial conceptions of Dharma *śāstra* as positive law this study argues for far greater continuity between pre colonial and colonial Sanskrit jurisprudence than accepted previously It charts the transformation of the Hindu law of inheritance through precedent and statute over the late nineteenth twentieth and early twenty first centuries

Legal Rules in Practice

Baudouin Dupret, Julie Colemans, Max Travers, 2020-12-30 Understanding legal rules not as determinants of behavior but as points of reference for conduct this volume considers the ways in which rules are invoked referred to interpreted put forward or blurred It also asks how both legal practitioners and lay participants conceive of and participate in the construction of facts and rules and thus through decisions defenses pleas files evidence interviews and documents actively participate in law's life With attention to the formulation of notions such as person evidence intention cause and responsibility in the course of legal practices *Legal Rules in Practice* provides the outlines of a praxiological anthropology of law an anthropology that focuses on words concepts and reasoning as actively used to solve conflicts with the help of legal rules As such it will appeal to sociologists anthropologists and scholars of law with interests in ethnomethodology rule based conduct and practical reasoning

Waqf in Zaydī Yemen Eirik Hovden, 2018-10-22 Islamic foundations *waqf* *plawq f* have been an integral part of Yemeni society both for managing private wealth and as a legal frame for charity and public infrastructure This book focuses on four socially grounded fields of legal knowledge *fiqh* codification individual *waqf* cases and everyday *waqf* related knowledge It combines textual analysis with ethnography and seeks to understand how Islamic law is approached used produced and validated in selected topics of *waqf* law where there are tensions between ideals and pragmatic rules The study analyses central Zaydī *fiqh* works such as the *Shar al azh r* cluster imamic decrees *fatw ās* and *waqf* documents mostly from Zayd northern Yemen For the Arabic edition please see here

Legalism Paul Dresch, Judith Scheele, 2015-11-12

Mainstream historians in recent decades have often treated formal categories and rules as something to be used by individuals as one might use a stick or stone and the gains of an earlier legal history are often needlessly set aside Anthropologists meanwhile have treated rules as analytic errors and categories as an imposition by outside powers or by analysts leaving a very thin notion of practice as the stuff of social life Philosophy of an older vintage as well as the work of scholars such as Charles Taylor provides fresh approaches when applied imaginatively to cases beyond the traditional ground of modern Europe and North America Not only are different kinds of rules and categories open to examination but the very

notion of a rule can be explored more deeply This volume approaches rules and categories as constitutive of action and hence of social life but also as providing means of criticism and imagination A general theoretical framework is derived from analytical philosophy from Wittgenstein to his critics and beyond and from recent legal thinkers such as Schauer and Waldron Case studies are presented from a broad range of periods and regions from Amazonia via northern Chad Tibet and medieval Russia to the scholarly worlds of Roman law Islam and Classical India As the third volume in the Legalism series this collection draws on common themes that run throughout the first two volumes Legalism Anthropology and History and Legalism Community and Justice consolidating them in a framework that suggests a new approach to rule bound systems

The Rule of Laws Fernanda Pirie, 2021-11-09 From ancient Mesopotamia to today the epic story of how humans have used laws to forge civilizations Rulers throughout history have used laws to impose order But laws were not simply instruments of power and social control They also offered ordinary people a way to express their diverse visions for a better world In *The Rule of Laws* Oxford scholar Fernanda Pirie traces the rise and fall of the sophisticated legal systems underpinning ancient empires and religious traditions while also showing how common people tribal assemblies merchants farmers called on laws to define their communities regulate trade and build civilizations Although legal principles originating in Western Europe now seem to dominate the globe the variety of the world's laws has long been almost as great as the variety of its societies What truly unites human beings Pirie argues is our very faith that laws can produce justice combat oppression and create order from chaos

Slavery After Rome, 500-1100 Alice Rio, 2017 *Slavery After Rome 500-1100* offers a substantially new interpretation of what happened to slavery in Western Europe in the centuries that followed the fall of the Roman Empire The periods at either end of the early middle ages are associated with iconic forms of unfreedom Roman slavery at one end at the other the serfdom of the twelfth century and beyond together with in Southern Europe a revitalized urban chattel slavery dealing chiefly in non Christians How and why this major change took place in the intervening period has been a long standing puzzle This study picks up the various threads linking this transformation across the centuries and situates them within the full context of what slavery and unfreedom were being used for in the early middle ages This volume adopts a broad comparative perspective covering different regions of Western Europe over six centuries to try to answer the following questions who might become enslaved and why What did this mean for them and for their lords What made people opt for certain ways of exploiting unfree labor over others in different times and places and is it possible underneath all this diversity to identify some coherent trajectories of historical change

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