



Law's Political Foundations: Rivers, Rifles, Rice, and Religion (Elgar Studies in Legal Theory)

John O. Haley

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Law's Political Foundations: Rivers, Rifles, Rice and Religion explains the development of the two basic systems of public and private law and their historical transformations. Examining the historical development of law in China, Japan, Western Europe, and Hispanic America, Haley argues that law is a product, rather than a constitutive element, of political systems.

Four narrative chapters commence with the development of Chinese legal tradition as a public law order in which regulatory and penal rules were central, compared to the primacy of private law in Western Europe. China was not only among the earliest but also historically the most enduring example of public law order. The European Legal Tradition, in contrast, became the source of the private law structures of legal systems worldwide. The Japanese and Hispanic American experiences are explored as pivotal links that help to identify foundational factors that underpin the historical development of public and private law orders. Also explained in both contexts is the endurance of private ordering both within and beyond the law.

These vivid comparisons and analyses in these stories of rivers, rifles, rice, and religion will serve as an excellent critical resource for scholars and academics of comparative law and legal theory.

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