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OF THE WORLD

SUSTAINABLE DIVERSITY
IN LAW

Fourth Edition

H. Patrick Glenn

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This prize-winning work offers a major new means of conceptualizing law and legal relations across the world. National laws are placed in the broader context of major legal traditions, those of chthonic (or indigenous) law, Talmudic law, civil law, Islamic law, common law, Hindu law and Asian law. Each tradition is examined in terms of its institutions and substantive law, its founding concepts and methods, its attitudes towards the concept of change, and its teaching on relations with traditions and other peoples. Legal traditions are explained in terms of multivalent and non-conflictual forms of logic and thought.

This book will be invaluable to law students and lawyers engaged in comparative and transnational work, historians, social scientists, and all those interested in legal traditions that underpin the world's major societies.

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"A Fresh Start for Comparative Legal Studies?",
(2006) 1 *Journal of Comparative Law* 100-199.

Nicholas H.D. Foster: "Hardly any of us [reviewers] have chosen as a residence the type of glass house Professor Glenn has chosen to inhabit, but we recognise his bravery for doing so, and we have therefore done our best to resist the temptation to throw (unfair) stones". (p. 100)

William Twining: "[The book] invites the interpretation that this 'fresh start' for comparative law is no more than a more sophisticated 'Cook's tour' of the great legal families of the world — as if one has been upgraded from an ordinary package tour to a luxury cruise ship with a more sophisticated guide to the standard sights". (p. 108)

Andrew Halpin: "The value of Glenn's work [...] is likely to be diminished by an overambitious and unsuccessful attempt to turn tradition into a totalising force in law. As for Glenn's endeavours to reinvigorate comparative law, these too suffer from the same infirmity in his argument". (p. 121)

Gordon Woodman: "[W]e [...] need a satisfactory conceptual basis in the form of an explanation of the concept of 'law', which Glenn fails to provide. We cannot discuss the place of law within a tradition or a society, compare its place with those of morality, religion and 'other forms of life' (whatever that means), or consider whether it is separated from them (whatever exactly that may mean) unless we have at least a rough, working notion of what we mean by 'law'; and this Glenn does not consider". (p. 125)

John Bell: "In my comment, I wish to argue that there are significant deficiencies in Glenn's conception of law and his focus within the civil law tradition". (p. 130)

Camilla Baasch Andersen: "Glenn completely ignores not only the very challenging issue of categorising Scandinavian law, but its very existence. [...] Apart from [a] reference to the cool climate, Glenn mentions only the Saami in a Scandinavian context, and these references are also rife with mistakes and misconstruction". (p. 140)

W.E. Butler: "The Soviet era, for obvious reasons, suppressed comparative legal enquiry except to stress its contribution to contrasting the positive virtues of Soviet law against the negative features of 'bourgeois' law. While the post-Soviet era has done away with those simplistic characterisations, [...] the acid which Patrick Glenn has poured in the wounds is unexpected, undeserved, and thoroughly damaging to the larger discipline of comparative law". (p. 143)

Nicholas H.D. Foster: "In order to review the chapter [on Islamic law] without too many interruptions, only a few problems and mistakes have been mentioned. These are regrettably numerous, and range from straight errors to misapprehensions and distortions. It is difficult to understand why there are so many when they would have been easily spotted and remedied by someone with a knowledge of Islamic law and the Arabic language, and their sheer number means that the chapter cannot be recommended as an introduction to the subject". (p. 150)

Martin Shapiro: "There is a curious kind of denaturing of reality. [...] [R]eaders of this chapter will barely catch a glimpse of the modern, administrative, regulatory state or the welfare state both defined by, operating through and constrained by masses of statutory and administratively created legal rules". (pp. 151-52)

Werner Menski: "My assessment of the book as a whole is that [Glenn] rather glides too elegantly and sometimes sloppily over huge areas of violent disagreement in relation to law and different traditions. [...] I often cringed that an award-winning book should still be repeating, in 2004, such profoundly deficient notions about how Hindu law has developed and is developing today. [...] A brief trip to London to learn about Hindu law and an even briefer excursion to the National Law School of India in Bangalore was not the right method to learn about how Hindu law works today". (pp. 155-57)

Andrew Huxley: "I am one of a handful of lawyers working on Bhuddist law [...]. Glenn has not read [the linguists and historians who investigate the subject], and I doubt that he has read the work of us lawyers in any depth. [...] I cannot speak for [others], but my own work on Southeast Asia is far from iconoclastic. I follow a consensus that has been built up by the last two generations of Southeast Asian legal historians. [...] I went to some trouble ten years ago (since these younger scholars published only in their vernaculars) to edit a volume in which they presented their work in English. I am sorry that Glenn has not read what Southeast Asians are saying about their own legal tradition". (pp. 158-59)

Michael Palmer: "[T]here is surely a point at which bold analysis and broad characterisation distort rather than inform, and in the Chinese case [Professor Glenn's] analysis may well have reached that point. [...] Professor Glenn offers conceptual ambiguity and a concern with typology that undermines his attempt to introduce the student of comparative law to the 'Asian legal tradition', whatever that conceptual juggernaut might turn out to be, if indeed it has any meaning at all". (pp. 169-70)

Sian Stickings: "[T]he generalist reader will be left [...] with the impression that Japanese legal tradition has survived essentially intact from some non-time specific age of Chinese influence, carrying along in its flow like a piece of flotsam a 'preserved' set of 19th and 20th century imports from the West. This belies both the complexity and the continuing development of Japanese legal tradition". (p. 173)

Bernard S. Jackson: "I concur [...] with others in this collective review who complain at the lack of precision in Glenn's formulation of his theory of traditions. [...] Glenn's general strategy [...] in relation to the 'talmudic legal tradition' [Glenn's use of 'talmudic' to characterise the Jewish legal tradition (...) reflects a number of choices which are problematic, both for his own and other purposes] is severely flawed — inevitably so, given the author's apparent lack of access to the primary sources". (pp. 180 and 182)