

Law and Custom in Korea

Comparative Legal History

MAEIL SEONG-HAK KIN

Law And Custom In Korea Comparative Legal History

**Olivier Moréteau, Aniceto
Masferrer, Kjell A. Modéer**



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Law and Custom in Korea Marie Seong-Hak Kim, 2012-08-27 Sets forth the evolution of Korea's law and legal system from the Chosŏn dynasty through the colonial and postcolonial modern periods Law and Custom in Korea Marie Seong-Hak Kim, 2014-05-14 This book sets forth the evolution of Korea's law and legal system from the Chosŏn dynasty through the colonial and postcolonial modern periods This is the first book in English that comprehensively studies Korean legal history in comparison with European legal history with particular emphasis on customary law Korea's passage to Romano German civil law under Japanese rule marked a drastic departure from its indigenous legal tradition The transplantation of modern civil law in Korea was facilitated by Japanese colonial jurists who themselves created a Korean customary law this constructed customary law served as an intermediary regime between tradition and the demands of modern law The transformation of Korean law by the brisk forces of Westernization points to new interpretations of colonial history and it presents an intriguing case for investigating the spread of law on the global level In depth discussions of French customary law and Japanese legal history in this book provide a solid conceptual framework suitable for comparing European and East Asian legal traditions **Comparative Legal History** Olivier Moréteau, Aniceto Masferrer, Kjell A. Modéer, The specially

commissioned papers in this book lay a solid theoretical foundation for comparative legal history as a distinct academic discipline While facilitating a much needed dialogue between comparatists and legal historians this research handbook examines methodologies in this emerging field and reconsiders legal concepts and institutions like custom civil procedure and codification from a comparative legal history perspective Law and Custom in Korea Marie Seong-Hak Kim, 2012-08-27 This book sets forth the evolution of Korea's law and legal system from the Chosŏn dynasty through the colonial and postcolonial modern periods This is the first book in English that comprehensively studies Korean legal history in comparison with European legal history with particular emphasis on customary law Korea's passage to Romano German civil law under Japanese rule marked a drastic departure from its indigenous legal tradition The transplantation of modern civil law in Korea was facilitated by Japanese colonial jurists who created a Korean customary law this constructed customary law served as an intermediary regime between tradition and the demands of modern law The transformation of Korean law by the forces of Westernisation points to new interpretations of colonial history and presents an intriguing case for investigating the spread of law on a global level In depth discussions of French customary law and Japanese legal history also provide a solid conceptual framework suitable for comparing European and East Asian legal traditions **Confucianism, Law, and**

Democracy in Contemporary Korea Sungmoon Kim, 2015-03-26 Comparative political theory has grown into a recognized discipline in its own right in the last two decades Yet little has been done to explore how political theory engages with the actual social legal and political reality of a particular polity East Asians are complexly conditioned by traditional Confucian norms and habits despite significant social economic and political changes in their contemporary lives This volume seeks to

address this important issue by developing a specifically Confucian political and legal theory The volume focuses on South Korea whose traditional society was and remains the most Confucianized among pre modern East Asian countries It offers an interesting case for thinking about Confucian democracy and constitutionalism because its liberal democratic institutions are compatible with and profoundly influenced by the Confucian habit of the heart The book wrestles with the practical meaning of liberal rights under the Korean Confucian societal culture and illuminates a way in which traditional Confucianism can be transformed through legal and political processes into a new Confucianism relevant to democratic practices in contemporary Korea

The Constitution of South Korea Chaihark Hahm, 2024-04-18 The constitutional system of South Korea is a work in progress and this volume fleshes out and makes intelligible to foreign readers that process within the specific political and historical context of modern South Korea The current South Korean Constitution of 1987 is the culmination of decades long efforts by the South Korean people to achieve democratic self government It is the fruition of untold sacrifices made by dedicated citizens who tirelessly fought to rein in the power of the government under some form of constitutional rule In that sense it should be understood against the backdrop of South Korea's experimentation with constitutionalism that began at the turn of the last century Yet it also represents a radical break the beginning of a new era which ended a long political history of constitution without constitutionalism For the first time in the history of the South Korean nation the constitution has become a living norm rather than an ornament or a facade for illegitimate or ineffectual governments It has proven to be a binding law that matters not only for government leaders but also for private individuals With the adoption especially of a system allowing the adjudication of constitutional issues at an independent court the people have begun to realise that the constitution can be invoked to protect their rights and advance their interests As a result the South Korean Constitutional Court is being stretched to its limits with a great number of cases filed at its docket This book is an insightful new addition to Hart's successful series *Constitutional Systems of the World*

The Spirit of Korean Law Marie Kim, 2015-11-02 This is the first book on Korean legal history in English written by a group of leading scholars from around the world The chapters set forth the developments of Korean law from the Chosŏn to colonial and modern periods through the examination of codified laws legal theories and practices and jurisprudence The contributors shared premise is that the evolution of Korean law can be best understood when viewed in terms of its interactions with outside laws Each chapter integrates literature in Korean Japanese Chinese and Western languages into comprehensive analyses to make up to date research available to readers both inside and outside Korea This volume provides a solid framework from which to approach Korean legal history in the perspective of comparative legal traditions

Routledge Handbook of Contemporary South Korea Sojin Lim, Niki J.P. Alsford, 2021-08-31 The Routledge Handbook of Contemporary South Korea offers a ground breaking study of the socio political development of the Korean peninsula in the contemporary period Written by an international team of scholars and experts contributions to this book address key intellectual questions in the development of Korean studies projecting new

ways of thinking about how international systems can be organised and how local societies adapt to global challenges Academically rigorous each chapter defines current research and lends the reader greater understanding of the social cultural economic and political developments of South Korea ranging from chapters on the Korean Wave to relations with North Korea and the Korean language overseas The volume is divided into eight sections each representing a focused area of inquiry socio political history contemporary politics political economy and development society culture international relations security and diplomacy South Korea in international education This handbook provides an interdisciplinary and comprehensive account of contemporary South Korea It will be of great interest to students and scholars of Korean history politics and international relations culture and society and will also appeal to policy makers interested in the Indo Asia Pacific region

Rules of the House Sungyun Lim, 2018-12-18 At publication date a free ebook version of this title will be available through Luminos University of California Press's Open Access publishing program Visit www.luminosoa.org to learn more Rules of the House offers a dynamic revisionist account of the Japanese colonial rule of Korea 1910-1945 by examining the roles of women in the civil courts Challenging the dominant view that women were victimized by the Japanese family laws and its patriarchal biases Sungyun Lim argues that Korean women had to struggle equally against Korean patriarchal interests Moreover women were not passive victims instead they proactively struggled to expand their rights by participating in the Japanese colonial legal system In turn the Japanese doctrine of promoting progressive legal rights would prove advantageous to them Following female plaintiffs and their civil disputes from the precolonial Choson dynasty through colonial times and into postcolonial reforms this book presents a new and groundbreaking story about Korean women's legal struggles revealing their surprising collaborative relationship with the colonial state

The Uses of Justice in Global Perspective, 1600-1900 Griet Vermeesch, Manon van der Heijden, Jaco Zuiderduijn, 2019-01-15 The Uses of Justice in Global Perspective 1600-1900 presents a new perspective on the uses of justice between 1600 and 1900 and confronts prevailing Eurocentric historiography in its examination of how people of this period made use of the law Between 1600 and 1900 the towns in Western Europe the Kingdoms in Eastern Europe the Empires in Asia and the Colonial States in Asia and the Americas were all characterised by a plurality of legal orders resulting from interactions and negotiations between states institutions and people with different backgrounds Through exploring how justice is used within these different areas of the world this book offers a broad global perspective but it also adopts a fresh approach through shifting attention away from states and onto how ordinary people lived with and made use of this legal pluralism Containing a wealth of extensively contextualised case studies and contributing to debates on socio legal history processes of state formation from below access to justice and legal pluralism The Uses of Justice in Global Perspective 1600-1900 questions to what degree top down imposed formal institutions were used and how and to what degree bottom up crafted legal systems were crucial in allowing transactions to happen It is ideal for students and scholars of early modern justice crime and legal history

Convergence

and Divergence of Private Law in Asia Gary Low, 2022-02-24 There have been an increasing need for greater integration of many Asian economies either within the confines of ASEAN or on a more geo economically strategic scale including major Asian jurisdictions like China Japan and Korea A number of key personalities within the regional legal fraternity have advanced views that such integration ought to occur through the harmonization of legal rules arguing that in doing so uncertainty and other transaction costs would be reduced and commercial confidence within the region concomitantly increased This edited volume brings together eminent and promising scholars and practitioners to investigate what convergence and divergence means in their respective fields and for Asia Interwoven in the details of each tale of convergence is whether and how convergence ought to take place and in so choosing what are the attendant consequences for that choice

Rights Claiming in South Korea Celeste L. Arrington, Patricia Goedde, 2021-05-27 Although rights based claims are diversifying and opportunities and resources for claims making have improved obtaining rights protections and catalysing social change in South Korea remain challenging processes This volume examines how different groups in South Korea have defined and articulated grievances and mobilized to remedy them It explores developments in the institutional contexts within which rights claiming occurs and in the sources of support available for utilizing different claims making channels Drawing on scores of original interviews readings of court rulings and statutes primary archival and digital sources and interpretive analysis of news media coverage in Korean this volume illuminates rights in action The chapters uncover conflicts over contending rights claims expose disparities between theory and practice in the law trace interconnections among rights based movements and map emerging trends in the use of rights language Case studies examine the rights of women workers people with disabilities migrants and sexual minorities

Research Handbook on Legal Evolution Wojciech Zaluski, Sacha Bourgeois-Gironde, Adam Dyrda, 2024-03-14 Adopting an evolutionary perspective this Research Handbook presents novel and cutting edge insights into the interdisciplinary field of legal evolution Engaging with various scientific approaches it provides a versatile analysis of legal evolution examining the field as a whole as well as in the context of specific branches of law

A Concise History of Korea Michael J. Seth, 2024-01-04 This comprehensive book surveys Korean history from Neolithic times to the present Michael J Seth explores the origins and development of Korean society politics and still little known cultural heritage from their inception to the two Korean states of today Throughout he adds a rare dimension by placing Korean history into broader global perspective All readers looking for a balanced knowledgeable history will be richly rewarded with this clear and concise book

A Concise History of Modern Korea Michael J. Seth, 2024-03-12 Now in a fully revised and updated edition including new primary sources and illustrations this comprehensive and balanced history of modern Korea explores the social economic and political issues it has faced since being catapulted into the wider world at the end of the nineteenth century Placing this formerly insular society in a global context Michael J Seth describes how this ancient culturally and ethnically homogeneous society first fell victim to Japanese

imperialist expansionism and then was arbitrarily divided in half after World War II Seth traces the postwar paths of the two Koreas with different political and social systems and different geopolitical orientations as they evolved into sharply contrasting societies South Korea after an unpromising start became one of the few postcolonial developing states to enter the ranks of the first world with a globally competitive economy a democratic political system and a cosmopolitan and dynamic culture By contrast North Korea became one of the world's most totalitarian and isolated societies a nuclear power with an impoverished and famine stricken population Considering the radically different and historically unprecedented trajectories of the two Koreas Seth assesses the insights they offer for understanding not only modern Korea but the broader perspective of world history All readers looking for a balanced knowledgeable history will be richly rewarded with this clear and concise book

Legal Reform in the Contemporary Socialist World Ngoc Son Bui, 2024-08-12 Legal Reform in the Contemporary Socialist World explores four decades of legal reform in the socialist countries of China Vietnam Laos North Korea and Cuba from a comparative perspective Spanning the late 1970s to the present it examines various projects methods strategies contents driving forces and limitations of legislative reform administrative reform judicial reform and reform of the legal profession Legal reform in these countries is the project of the political elite to improve the legal system while retaining its core socialist principles It is carried out through legislative enactments amendments and replacements which the political elite adopt using incremental strategies to reform the legal system sporadically or systematically Socialist legal reform is animated by the political aspiration to create the rule of law the impact of social economic change and the influence of transnational and comparative law Despite significant reforms the socialist principles of the legal systems in these countries largely remain intact This legal reform however varies considerably by country Legal Reform in the Contemporary Socialist World offers a holistic view of understudied jurisdictions in comparative law essential for anyone studying or working in these areas in law politics or policy

Law and Development of Middle-Income Countries Randall Peerenboom, Tom Ginsburg, 2014-02-10 In 1960 there were 101 middle income countries By 2008 only thirteen of these had become high income countries Why do so many middle income countries fail to develop after a promising start becoming mired in the so called middle income trap This interdisciplinary volume addresses the special challenges that middle income countries confront from both a theoretical and a practical perspective It is the first volume that addresses law and development issues in middle income countries from the perspective of political administrative and legal institutions and policies The goal is to provide international development agencies and domestic policy makers with feasible recommendations to address the wide range of technically politically and socially complex issues that middle income countries face

Routledge Handbook of Modern Korean History Michael Seth, 2016-01-29 Beginning in the mid nineteenth century when Korea became entangled in the world of modern imperialism and the old social economic and political order began to change this handbook brings together cutting edge scholarship on major themes in Korean History Contributions by experts in the field cover the Late

Choson and Colonial periods Korea's partition and the diverging paths of North and South Korea Topics covered include The division of Korea Religion Competing imperialisms Economic change War and rebellions Nationalism Gender North Korea Under Kim Jong Il Global Korea The Handbook provides a stimulating introduction to the most important themes within the subject area and is an invaluable reference work for any student and researcher of Korean History

Securing Empire Beatrice de Graaf, Ozan Ozavci, Erik de Lange, 2024-10-17 This volume explores how the quest for security reshaped the world over the course of the 19th century altering the structures hierarchies and dynamics of international relations during a pivotal moment in world history Taking a unique approach to imperial and international history the essays in this volume show how security propelled imperial expansion supported institutions of cooperation maintained networks of imperial actors and shaped experiences of imperial rule Contending that security should be studied as a force in its own right one that drove processes of colonization civilization and commerce Securing Empire shows how cooperation between and across empires hinged on shared notions of threats and common ways of countering them In showing that security did not solely inform support and complicate unilateral imperial endeavours but also brought different imperial entities together and forged global modes of government this book shows how integral security was to the global transformation of the 19th century and the new world order that emerged

The Development of Jury Service in Japan Anna Dobrovolskaia, 2016-08-19 This book presents a comprehensive account of past and present efforts to introduce the jury system in Japan Four legal reforms are documented and assessed the implementation of the bureaucratic and all judge special jury systems in the 1870s the introduction of the all layperson jury in the late 1920s the transplantation of the Anglo American style jury system to Okinawa under the U S Occupation and the implementation of the mixed court lay judge saiban in system in 2009 While being primarily interested in the related case studies the book also discusses the instances when the idea of introducing trial by jury was rejected at different times in Japan's history Why does legal reform happen What are the determinants of success and failure of a reform effort What are the prospects of the saiban in system to function effectively in Japan This book offers important insights on the questions that lie at the core of the law and society debate and are highly relevant for understanding contemporary Japan and its recent and distant past

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