

DIFFERENCE BETWEEN CUSTOM AND LAW



Between Law And Custom Between Law And Custom

Michael Wood, Omri Sender



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The Nature of Customary Law Amanda Perreau-Saussine, James B. Murphy, 2007-05-17 Some legal rules are not laid down by a legislator but grow instead from informal social practices In contract law for example the customs of merchants are used by courts to interpret the provisions of business contracts in tort law customs of best practice are used by courts to define professional responsibility Nowhere are customary rules of law more prominent than in international law The customs defining the obligations of each State to other States and to some extent to its own citizens are often treated as legally binding However unlike natural law and positive law customary law has received very little scholarly analysis To remedy this neglect a distinguished group of philosophers historians and lawyers has been assembled to assess the nature and significance of customary law The book offers fresh insights on this neglected and misunderstood form of law Law, Custom and Property Rights Among the ?Ma/Nyima? of the Nuba Mountains in the Sudan Hunud Abia Kadouf, 2013-06 This book is based on an extensive field work in which the author tried to study the customary law of property of an African agrarian tribal community of ma also known as Nyima of the Nuba Mountains in the northern Sudan The writer has tried to explain the nature of property holding in the light of the people s philosophy evidenced in their social structure and their traditional beliefs Special attention is paid to the traditional structure of political leadership in this highly segmented society that was prone not only to inter tribal wars but was also in a constant fission and fusion among themselves when not at war with other neighboring tribes In discussing jurisdictional issues and traditional settlement mechanisms based partly on law and custom both adopted by this egalitarian society the study is made currently relevant by keen observation on the effect of modernity on traditional ethics and morality of the ma society that was once described by some authors as being impervious to foreign influence Furthermore the reception and assimilation of the state law together with the Shari ah laws in various areas such as that relating to property devolution family institution and burial rites is treated as being of great significance in the overall development of the tribal customary laws Like any other Nuba tribe the consciousness of the ma people of their ethos of identity marks their ferociously guarded customs and traditions prevalent up to date The book is not only a precious academic endeavor full of keen observations in depth study and analysis of tribal customary laws of property but is also a memoir for the author to commemorate formidable tribal group of the ma people in the Nuba Mountains of the Sudan

Feminist Constitutionalism Beverley Baines, Daphne Barak-Erez, Tsvi Kahana, 2012-04-16 Explores the relationship between constitutional law and feminism offering a spectrum of approaches and analysis set across a wide range of topics

Norms in a Wired World Steven A. Hetcher, 2006-05-12 Hetcher applies his theory of norms to tort law and Internet privacy laws An Abstract of the Laws, Customs, and Ordinances of the Isle of Man John Parr (One of the Deemsters of the Isle of Man.), 1866 Identification of Customary International Law Michael Wood, Omri Sender, 2024-11-07 Customary international law remains a central source of international law and the core of the international legal system It continues to

draw the attention of lawyers especially at a time marked by the great expansion of international law and its increasing application in domestic and international courts Determining whether an applicable rule of customary international law exists is therefore of great practical concern but this important legal task is not always simple or straightforward This book serves as guidance to those seeking to determine the existence of rules of customary international law and their content It elaborates on the methodology for the identification of rules of customary international law and examines a host of questions concerning the process and evidence involved It does so by complementing the authoritative work of the UN International Law Commission on this topic and by drawing upon a wealth of additional practice and writings Identification of Customary International Law provides an overview of the Commission s work and expands on it by addressing the nature and history of custom as a source of international law inquiring into each of the two constituent elements of customary international law namely a general practice and opinio juris explaining the value and limits of certain forms of evidence and throwing further light on such issues as the persistent objector rule and particular customary international law Practitioners and scholars alike will find this detailed treatment useful in seeking to determine the existence and content of any customary rule and in ensuring that arguments about customary international law are persuasive

Tribal Customs Law And Justice Manjushree Pathak,1991 A Study Of The Administrative And Legal Developments Arunachal Pradesh With Special Reference To The Adi Tribe Describes The Customary Laws Of Adi Tribe 7 Chapters Including Conclusion Appendices Bibliography Table Of Cases Index Illustrations In Colour 12 Including A Map

The laws, customs, and privileges ... in the island of Jersey Abraham Jones Le Cras,1839

Byzantine Legal Culture and the Roman Legal Tradition, 867-1056 Zachary Chitwood,2017-02-27 An accessible and innovative introductory study of Byzantine law in its wider societal context under the Macedonian dynasty

African Customary Justice Pnina Werbner,Richard Werbner,2021-12-28 This book presents an important ethnographic and theoretical advance in legal anthropological scholarship by interrogating customary law customary courts and legal pluralism in sub Saharan Africa It highlights the vitality and continued relevance of customary justice at a time when customary courts have waned or even disappeared in many postcolonial African nations Taking Botswana as a casestudy from in depth fieldwork over a fifty year period the book shows the customary is robustly enduring central to settling interpersonal disputes and constitutive of the local as well as the national public ethics Customary law continues to be constitutionally protected authorised by the country s past as an authentic viable legacy from the British colonial period of indirect rule to the postcolonial state s present development as a highly bureaucratised democracy Along with a theoretical overview of the underlying issues for the anthropology and sociology of law the book documents customary law as living law in the context of legal pluralism It takes a legal realist approach and highlights the need to pay close attention to the lived experience of justice and its role in the production of legal subjectivities The book will be valuable to Africanists but also more broadly to social scientists social historians and socio legal scholars with interests in law and social

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