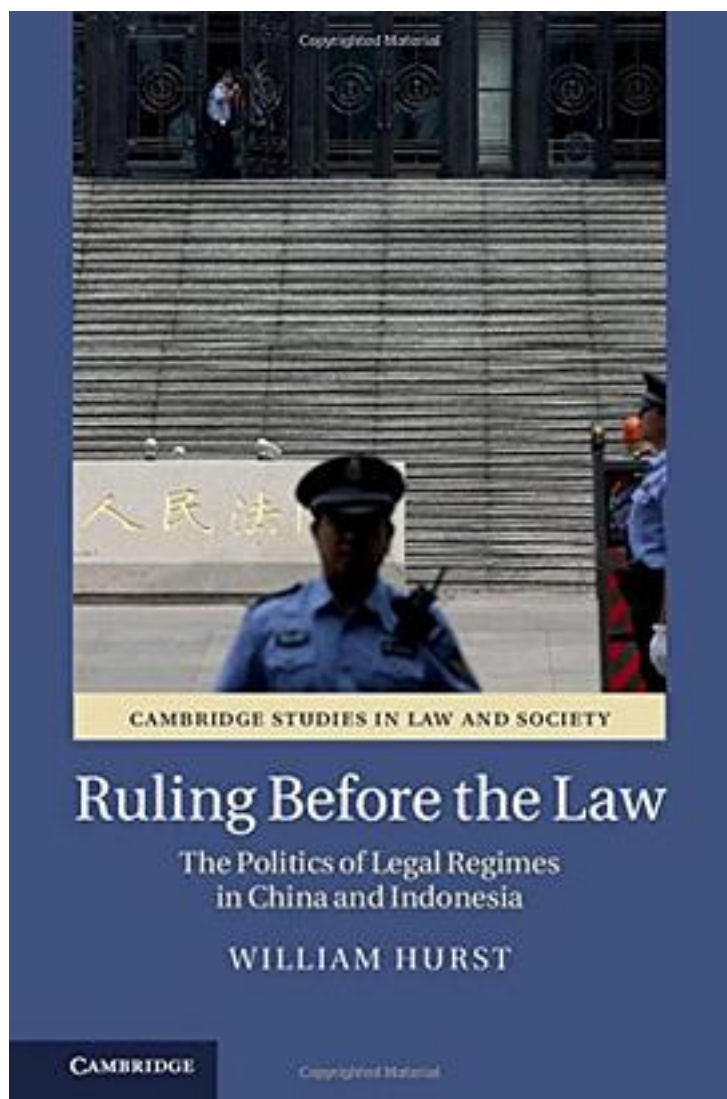


Ruling before the Law



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How do legal systems actually operate outside of Western European or North American liberal democracies? To understand law and legal institutions globally, we must go beyond asking if countries comply with idealized, yet under-theorized, rule of law principles to determine how they work in practice. Examining legal regimes across different areas of criminal and civil law in both urban and rural China and Indonesia during distinct periods from 1949 to the present, William Hurst offers a new way of understanding how cases are adjudicated (and with what implications) across authoritarian, developing, post-colonial, and newly democratizing settings. This is the first systematic comparative study of the world's largest Communist and majority-Muslim nations, and the most comprehensive scholarly work in many years on the micro-level workings of either the Chinese or Indonesian legal system at the grassroots, based on a decade of research and extensive fieldwork in multiple Indonesian and Chinese provinces.

作者介绍:

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评论

legal regime这个概念，根据政治contestation和nonlegal actor的干涉程度分了四种，动员型（强/强）rule by law（弱/弱）新传统型（弱/强）和理性多元（强/弱）。然后比较中国印尼各自四个历史时期内的城乡/民商-刑事审判算哪个legal regime，再跨国比较，现阶段印尼民商案件和中国刑事案件属于新传统，印尼刑事和中国民商属于rule by law是历史发展的结果。理论不难，用了蛮扎实的大量案例填这么多个cells。

研究方法的确非常值得借鉴

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