Comparing Legal Cultures

Edited by
DAVID NELKEN
Distinguished Professor of Sociology, University of Macerata, Italy and
Distinguished Research Professor of Law, University of Wales at Cardiff

Dartmouth
Aldershot • Brookfield USA • Singapore • Sydney
# Contents

*List of Contributors; Acknowledgement*  
1. Comparing Legal Cultures: An Introduction  
   *David Nelken*

## PART I INVOKING LEGAL CULTURE: DEBATES AND DISSENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Author(s)</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Concept of Legal Culture</td>
<td><em>Roger Cotterrell</em></td>
<td>13</td>
</tr>
<tr>
<td>2</td>
<td>The Concept of Legal Culture: A Reply</td>
<td><em>Lawrence M. Friedman</em></td>
<td>33</td>
</tr>
<tr>
<td>3</td>
<td>Civil Litigation Rates as Indicators for Legal Cultures</td>
<td><em>Erhard Blankenburg</em></td>
<td>41</td>
</tr>
<tr>
<td>4</td>
<td>Puzzling Out Legal Culture: A Comment on Blankenburg</td>
<td><em>David Nelken</em></td>
<td>69</td>
</tr>
<tr>
<td>6</td>
<td>Sociological Uses of the Concept of Legal Culture</td>
<td><em>Carlo Pennisi</em></td>
<td>105</td>
</tr>
<tr>
<td>7</td>
<td>Comparing Legal Cultures in the Quest for Law’s Identity</td>
<td><em>Michael King</em></td>
<td>119</td>
</tr>
</tbody>
</table>
Contents

8 Gender and Nature in Comparative Legal Cultures
   Hanne Petersen 135

PART II DISCLOSING LEGAL CULTURE: THE
PRODUCTION OF DIFFERENCE

9 An Entrepreneurial Conception of the Law? The American
   Model through Italian Eyes
   Maria Rosaria Ferrarese 157

10 Prosecution in Two Civil Law Countries: France and Italy
   Carlo Guarnieri 183

11 The Enigma of Japan as a Testing Ground for Cross-Cultural
   Criminological Studies
   Setsuo Miyazawa 195

12 Patients’ Rights, Citizens’ Movements and Japanese Legal
   Culture
   Eric A. Feldman 215

13 Remembering and Forgetting: The Birth of Modern Copyright
   Law
   Brad Sherman 237

Index 267