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978-1-107-00697-3 - Law and Custom in Korea: Comparative Legal History

Marie Seong-Hak Kim

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Law and Custom in Korea

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.

Marie Seong-Hak Kim was born in Seoul, Korea, and was educated at Ewha Womans University (BA and MA), the University of Minnesota (PhD), and the University of Minnesota Law School (JD). Originally trained as a sixteenth-century French historian, Professor Kim teaches and writes on both European and East Asian legal history, concentrating on France, Korea, and Japan. Her book, *Michel de L'Hôpital: The Vision of a Reformist Chancellor during the French Religious Wars*, was published in 1997. Her articles have appeared in journals such as *Law and History Review*, *The American Journal of Comparative Law*, *The Journal of Asian Studies*, *The Journal of Japanese Studies*, *Tijdschrift voor rechtsgeschiedenis*, *Tōyō Bunka Kenkyū*, *Sixteenth Century Journal*, and *French History*. Her major awards and grants include the National Endowment for the Humanities Research Fellowship, Fulbright Senior Scholar Grant, the Academy of Korean Studies Research Grants, and the Japan Foundation Research Fellowship. She served as a visiting professor at the Institut d'Asie Orientale, Ecole Normale Supérieure de Lyon, France, and was a Fellow at the International Institute for Asian Studies in Leiden, the Netherlands. As a Fulbright Visiting Professor of Law, she taught at Handong Global University in Pohang, Korea. From 2011 to 2012, Professor Kim was a Fellow at the Collegium de Lyon (Institut d'Etudes Avancées) in France. She currently teaches at St. Cloud State University. She is an attorney at law and a member of the Minnesota Bar.

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MARIE SEONG-HAK KIM

St. Cloud State University



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*For Christopher, John-Paul,
and Joel*

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