# Introduction

Almost forty years ago I became interested in the legal system of saga-period Iceland, a society where if you killed someone his relatives sued you. Trying to make sense of it taught me interesting things not only about that legal system but about law enforcement more generally. Some fifteen years later I got interested in criminal law in eighteenth-century England, a system where prosecution of crime was private, usually by the victim, where all serious crimes were capital but only a minority of those convicted of capital crimes and only a small minority of those charged with them were actually executed. It too was interesting.

After another ten years or so it occurred to me that it would be worth doing more work along similar lines, so I invented a seminar on legal systems very different from ours. That meant I had to learn about more legal systems. With the assistance of my school’s librarians, I did. Over the years since I have expanded my knowledge with the help of Google, Amazon.com, and the papers of my students. This book is the result. Most of it is mine but it includes three chapters by other authors, each on the subject of that author’s research.

The underlying idea is simple. All human societies face about the same problems. They deal with them in an interesting variety of different ways. All of them are grownups–there is little reason to believe that the people who created the legal systems of Imperial China, Periclean Athens, or saga-period Iceland were any less intelligent than the creators of the U.S. legal system. All of the systems should be taken seriously, each as one way in which a human society dealt with its legal problems.

People I describe the project to often ask which is the best legal system. I doubt there is one. What I am trying to do is to make sense of a large number of different legal systems, how they worked, what problems they raised, how those problems were dealt with.

Adequately studying even one legal system and the society it was embedded in is a large, possibly a lifetime, job. I cannot do it for eleven different ones. To deal with that problem I attempted, wherever possible, to find someone who was an expert, send my draft to him, and let him tell me what I got wrong. This book is dedicated to those who responded–none of whom is responsible for whatever errors I failed to correct.

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Joseph Dellapenna

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Thomas Meyers

David McConnell

And to the students whose seminar papers, over the years, have introduced me to many more legal systems than I cover here.[[1]](#footnote-1)

In addition, I would like to thank my coauthors, Peter Leeson for his chapter on pirate law and David Skarbek for his on prisoner’s law.

1. A few of the student papers can be found at

http://www.daviddfriedman.com/Academic/Course\_Pages/Legal\_Systems\_Very\_Different\_13/old\_papers\_lgl\_systs.htm [↑](#footnote-ref-1)