

How Laws Impact Our Lives and Cultural Practices as Society Changes

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ABSTRACT

Law and culture interconnect with one another, each impacting and guiding the other in complex, dynamic and symbiotic relationship. Legal systems are not empty frameworks in which states must be shaped to live in ongoing relations of domination and control but are enmeshed within, but constitutive of, their cultural, social, and historical conditions. This research, brings out the two-sided relationship between law and culture: how legal norms embody and stabilize cultural values while law is an instrument of 'cultural change.' The first section discusses the socially constructed and culturally relative nature of legal norms and shows the same using the interaction between law and law and the contention that laws are also socially constructed and culturally relative. It goes on to investigate how the law is a cultural artifact, and to see legal systems as the product of histories and cultures that articulate the social values out of which they emerge. The study in particular analyses how the law creates and forms the identities of citizen, gender, race, and the nation. In addition, the research relates the place of law in power and in authority exercised, the role of law in pursuing justice and its potential to bring about social change. This work shows the importance of the study of legal systems by making culture the object of study to have a basis for understanding how Laws affect society through the acceptance and acceptance of norms, change promotion and legal aid defence of rights and justice.

Keywords: Law, Legal Norms, Culture, Identity, Socially Constructed, Justice, Social Change, Society.

1. INTRODUCTION

As law, law is often thought of as a rational, objective system of rules intended to organize and control behaviour and to maintain social order. Yet this ignores how law is from the outset imbricate in cultural contexts within which it acts. Legal systems do not stand alone but reflect, recreate, and internalise customs, values, beliefs, and ideologies extant in the societies that produced them. The law is also an important factor in the construction of culture: it both reflects and embodies culture, and while doing so it influences and helps socially construct the very culture it is attempting to regulate. Since the cultural turn of the 1980s, experts have learned that law constantly interacts with culture as both source and result.³ The 'cultural lives' of the law is the focus of this article, an exploration of how law influences and how law is influenced by the [cultural] environment. The cultural dimensions of law facilitate the analysis of its social functions, its role in the making and keeping of power structures, and its capacity to bring

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³ Macaulay, S. (1989). Popular Legal Culture: An Introduction. Yale Law Journal, 98(8), 1545-1558.

competing social groups to accommodation. Research on legal culture and how people view law helps us see how our everyday actions lead to understanding law.⁴

2. The Interplay Between Law And Culture

Riding in the realization of this paper is the correlation between the law and culture, which I present as cyclical. Legal systems are not out there; they are not the product of legal culture-in-itself but are produced from within the culture as a symbol system, as a system of meaning. Subsequently, noticing that the law is far from being seen as a system of strict rules which severely punishes violators, but rather as an institution which reflects the norms, ethics, and values and social relations of culture, and reproduces those relations by either recognizing or questioning them.

2.1. Social Construction Of Legal Norms

Legal norms, respectively, legal reality is being built according to the set social relations and cultural practices⁵. For instance, about early twentieth century in law in Western societies, and especially common genders, women in marriage were regarded as marital chattels with the law operating upon them mainly to enforce their subjection to their husbands. It is revealed in law that marriage as a social phenomenon is seen as constructing this kind of bilateralism that does not only conform to cultural perceptions of gender roles, family sets up, and anticipated behavioural patterns. This extend previous exploration of how legal ideas show the influence of social theory⁶.

As the culture changed with new ideas or views on women, or people being equal the laws of marriage also changed. As other social processes, feminism insisted on the change of laws regulating marriage, replacing gender stereotype that defined the legal framework of the relations. In this case, the law responded to changes of culture, and its provisions regarding women's rights as well as the sovereignty of persons in relationships.

2.2. Cultural Relativity And Legal Norms

The place of law It has often been noted that culture forms the background against which law operates, as well as how it can be interpreted. That means although some laws set down in one society may be effective in another society, they do not operate in the same way owing to the diverse cultural, belief, and practice systems held by the societies. His other idea views law and culture intertwined, this is widely known as the cultural relativity of law and it asserts that to understand legal norms one must familiarize himself with the cultural setting of such norms.⁷

For instance, structure of owning property in west is based on liberalism where every man owns his property while in the Indigenous point of view most of the resources are collective inheritances for the future generations. The differences in these worldviews are reflected in contrasting legal systems: The common legal systems of the Western tradition focus on the rights of individuals over property, on the other hand original rights of Indigenous people are mostly oriented towards the communal resource management.

Second, when legal systems change bodies from one culture to another, for example in post-colonial societies it is possible for conflict to arise arising from cultural divergences in manners that legal norms are received and perceived and the way the existent cultural norms are interpreted by the legal systems⁸.

⁴ Silbey, S. S. (2018). *Legal Culture and Cultures of Legality*. Routledge Handbook of Cultural Sociology.

⁵ Luhmann, N. (2004). *Law as a Social System*. Oxford University Press.

⁶ Cotterrell, R. (2017). *Law, Culture and Society: Legal Ideas in the Mirror of Social Theory*. Routledge.

⁷ Sarat, A., & Kearns, T. R. (1993). *Law in Everyday Life*. University of Michigan Press.

⁸ Geertz, C. (1983). *Local Knowledge: Further Essays in Interpretive Anthropology*. Basic Books

2.3. The Role Of Cultural Change In Legal Reform

Thus, legal systems are not exempt from changes of force in cultural transformation, and culturally they adapt to the new understanding. As an example, the decriminalization of homosexuality in many countries symbolizes a large, even if slow and gradual, cultural change towards sexual orientation, human rights, or individual liberty.

A good example of how culture and law intersect is about how we all change our social norms around LGBTQ+ rights. The victories here have been a direct product of changes in society's cultural norms concerning what equality, justice, and human rights should entitle us to.

2.4. Legal Mobilization And Cultural Advocacy

Legal mobilization is the use of the law to change cultural patterns. Legal strategies regularly used by social movements to challenge legally and culturally dominant modes of law. Legal use was made of the legal system in the American Civil Rights Movement to challenge racial segregation and discrimination. Legal cases like *Brown v. The Board of Education* (1954), in fact, affirmatively played a key role in galvanizing other cultural transformations around race and segregation by emulating the notion that these changes could be affected legally⁹.

Legal mobilization is also related to the environmental justice, because with the changes in the cultural environment, laws of protection from pollutants are created, for example, from climate change, pollution, deforestation, etc. They are not just predictions of the trends in the future, these are markers of society becoming more concerned with the environment, but also a way to advocate for culture, promote sustainability, protect the natural world.

3. Law As A Cultural Artifact

In this chapter, we examine the notion of law as a cultural artifact an artifact whose characteristics derive from an instance of social reality. In other words, law is not only about rules, but a result of historical and cultural one. Values, beliefs, and political ideologies as to how we use law, how we should best operate institutions of legal system and what norms should regulate those institutions are part of the legal systems, institutional and norms. Research shows law works differently for people with various cultural backgrounds and social statuses¹⁰.

3.1. The Historical Development Of Legal Systems

Legal systems are closely associated with the evolution of all aspects of societies from the political to culture history. To give a plain example, the medieval feudal system upon which the common law system that grew up in England was founded, depended on the feudal relationship of lords to vassals. Such medieval cultural understanding of social structure and authority and of the proper way to order the social fabric was mirrored in common law, which, for this reason, granted great importance to property rights, inheritance laws and the protection of social order.

Like this, European powers also imposed their law on the colonized people. These affordances had sometimes been used to give these legal systems the ability to use ignore indigenous cultural norms and traditions within these systems conflict with colonial laws and local practices. Bargain sharply conflicted with indigenous communal ways of saying who owns what and how to enforce that, which were based on collective rights and social cohesion.

⁹ Santos, B. D. S. (2002). *Toward a New Legal Common Sense: Law, Globalization, and Emancipation*. Cambridge University Press.

¹⁰ Marshall, A. M. (2006). *Communities and Culture: Enriching Legal Consciousness and Legal Culture*. Law & Social Inquiry.

While considering the impact of colonialism, many post-colonial legal systems still have the ongoing impact on colonialism, in many places where post-colonial legal system still reflects the inherited legal framework of the colonial powers and sometimes the discrepancy this can finding in local cultural practices and traditions¹¹.

3.2. Customary Law As A Reflection Of Cultural Values

Another way we can approach the law as a cultural artifact is by viewing it, as either customary or religious law which basically means laws derived from the traditions, customs, and practices of a certain community.

Inherent in this typical law is that it is part of the extension of local cultural values and societal norms which are deeply rooted in the social pluralistic texture of the community¹².

Customary law, how one solves conflict and the like, is an important mechanism of governance and maintaining social harmony in many Indigenous cultures. Traditional legal systems unlike formal legal systems codified and institutionalize are rather fluid, such law is an expression of the changes in the social and cultural mainstream. Customary law is law that is passed on in generations and reflects the communal value and principles that constitute the society.

Nevertheless, as it is being overtaken and co-opted state legal systems and forms of Western legal norms are being imposed upon it, customary law can be disempowered or dispossessed. The penetration of customary law into state legal systems, particularly in post-colonial societies, demands some reflection on the meaning of cultural preservation, the validity of non-state legal system, and legal pluralism¹³. Another way we can approach the law as a cultural artifact is by viewing it, as either customary or religious law which basically means laws derived from the traditions, customs, and practices of a certain community.

Inherent in this typical law is that it is part of the extension of local cultural values and societal norms which are deeply rooted in the social pluralistic texture of the community. Anthropological research shows us how societal cultures influence different legal systems which operate alongside each other¹⁴.

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3.3. The Role Of Law In Cultural Memory

Legal codes often store a cultural and memory stock, containing the values, ideologies, and historical experiences in the societies. For one, the U.S. Constitution, as a founding legal text, was not only to prescribe the form of political organization but to testify to the postulates of democracy, liberty and rights whose enactment took place during the American Revolution.

¹¹ Ewick, P., & Silbey, S. S. (1998). *The Common Place of Law: Stories from Everyday Life*. University of Chicago Press.

¹² Merry, S. E. (2000). *Colonizing Hawaii: The Cultural Power of Law*. Princeton University Press.

¹³ Comaroff, J. L., & Roberts, S. (1981). *Rules and Processes: The Cultural Logic of Dispute in an African Context*. University of Chicago Press.

¹⁴ Merry, S. E. (2012). *Anthropology and Law*. SAGE Handbook of Social Anthropology.

Likewise, neither is the Magna Carta in England, or the Declaration of the Rights of Man in France, a legal text only, but a cultural symbol of the struggle for freedom, and for human rights. Such documents still articulate our cultural sense of justice and governance, as they do in their original situations and in their ongoing effects on the world's legal systems.

3.4. The Interplay Of Law And Culture In Legal Innovations

Examples of the dynamic play between law and culture included the introduction of human rights law, legal innovations. It is, in its cultural and philosophical values, the expression of the post War, World War II stamp of civilization. In short, this legal document had been laid down reacting to atrocities of the war and in recognition that individual dignity and freedom must be embedded in law.

As a cultural product, human rights law has become a powerful means of global cultural exchange, allowing marginalized communities to air their points of view, and challenge oppressive legal regimes. As such, human rights law is therefore not just legal framework but cultural movement intended to undermine the prevalent relationship between law and the autonomy of the individual in a swiftly evolving international context.

4. The Law And The Construction Of Identity

To construct individual and collective identities are one of the most important functions of the law. Legal recognition shapes how individuals see themselves and how others see them, in part by categorizing them into a variety of groups—citizens, criminals, parents, or workers and others—as the legal system does.

4.1. Legal Identity And Citizenship

Citizenship is a good example of how social identities are created by the law. Citizenship is not only a legal status but establishes who you are and who you belong to, a nation and a community. Legal recognition of citizenship involves with it cultural expectations about how citizens are to participate in political life, about their economic rights, and their social duties, in many societies¹⁵.

Granting of citizenship usually parallels broader cultural norms regarding who is part of the community and who isn't. In some cases, citizenship continues to be basically induced through ethnic, racial, or national origin. By way of example, while African Americans were legally excluded from full citizenship in the United States, this exclusion arose from both a legal and a cultural understanding that forms of race and belonging deserved to be excluded.

In modern societies the expansion of citizenship to include women, LGBT folks and immigrants is a shift of cultural values towards greater inclusion and equality. Changes in the law brought about by the granting of citizenship rights to marginalized groups are an expression of a process of cultural reimagining what it means to be part of a society, and of belonging; diversity becomes part of the notion of national identity.

4.2. The Legal Construction Of Gender And Sexuality

Gender and sexual identity also largely exist in the law. Marriage, family, and sexuality are wrapped in, and continue to be embedded and reflected by, legal frameworks that are not neutral; they reflect, and enforce, cultural assumptions about gender roles, sexuality, and family structure.

The legal definitions of gender in many societies have often been of a two-part system (male and female) and associated with biological sex. But where cultural understandings of gender have expanded to include non-binary and transgender identities, so, too, has the legal system been challenged to change. Taking in of gender identity in anti-discrimination laws and legal recognition of same sex marriage of many

¹⁵ Yngvesson, B. (1993). *Virtuous Citizens, Disruptive Subjects: Order and Complaint in a New England Court*. Routledge.

countries depicts cultural switch to grant that gender is fluid and the individual autonomy to specify one's identity.

4.3. Race And The Law

However, legal categories along the line of race, ethnicity and nationality also contribute to the shaping of identity. People have always assigned laws to categorise other people by their race, enforcing discriminatory social hierarchies. For example, the U.S. system of racially enforced segregation under Jim Crow laws enforced racial boundaries and had legally designated Black Americans as inferior to white Americans.

These racial hierarchies, moreover, have been challenged in large part through the law. Civil rights movements in the U.S. and anti-apartheid activism in South Africa highlight the law's dual function: As a tool of oppression and as a Means of resistance and Cultural transformation. The civil rights legislation passed in the 1960s in the United States directly challenged racialized legal categories that historically defined Black identity and revealed everything from legal to cultural ideologies of race.

4.4. Nationalism And Legal Identity

Legal frameworks also influence very much the construction of the national identity. As a concept that depends in its articulation on legal language, national identity is frequently articulated in terms of citizenship, nationality, and legal status in the state. Legal frameworks are frequently the tools of nationalist movements to build a nationally homogeneous identity, excluding others based on ethnicity, language, or culture.

In this case, multicultural societies can develop legal structures that vouch for various identities of their populations. Legal pluralism refers to the presence of several legal systems in the same society, in place to recognize the cultural identities of close communities, and keep social order; it can be used in this case.

5. Law, Rights, And Justice

Law, rights, and justice are closely bound together analytical concepts, crucial to the way that legal systems work and to the deliberate activities of individuals and groups with respect to the law. The concept of justice is rarely separate from the legal framework covering a given society, the law is both the protector and the (legal) violator of rights.

5.1. The Concept Of Rights In Legal Systems

Rights are one of the basic elements on contemporary (modern) legal systems, that are entitled to people in a relation to the law. There are civil, political, social, economic, and cultural rights and these are designed to protect the individual from being harmed, from being treated unequally, as well as opportunities for self-determination.

Often there is a cultural basis to the recognition of rights grounded in human dignity, freedom, equality. Universal Declaration of Human Rights; approved by the United Nations in 1948, contains a worldwide consensus on every human being's dignity and equality. Although not legally binding, this document has shapers the creation of laws and policies in many of the Countries that protect rights of people to life, liberty, and security.

We can view rights as a tool used to empower individuals to be able to plead for business for discrimination or for oppression. Rights are however contested in the recognition and enforcement, and what is a 'right' is convexification (cultural, political, historical). One such example would be debates concerning reproductive rights, LGBTQ+ rights, and even more so the rights of refugees, because these debates demonstrate how cultural value and the way we interpret law intersect when defining or limiting the scope

and limits of who or what rights apply to.

5.2. Justice As a Legal and Cultural Concept

Different cultures and legal traditions understand justice in vastly different ways, and even within the same culture such judgements can be wildly different. There are some cultures that look at justice as retribution or punishment search and they are concerned with finding someone held responsible for wrong doing¹⁶. Another takes justice to be restorative, where it might mean repair of harm, reconciliation of relationships, and returning to society the re-entrant.

On the level of the concept of justice, cultural beliefs to do with fairness, equality and the role of the state are significant. In fact, Eastern legal systems, for example, may seek to achieve distributive justice, determining the fair distribution of resources and opportunities, while some Western societies are interested in procedural justice — that is, the fair processes in legal affairs.

Further, social movements contest current legal structures with demands of increased equality and fairness, and are agents of social justice. As an example, the fight for racial justice in the United States, in general, and predominantly during the Civil Rights Movement would never have been possible without the mentality that the legal system itself was perverted to continue a racial evil, and that true justice could not come about without systemic reform.

5.3. The Law's Role in Enforcing Social Justice

Laws can be good weapons to use to fight justice or bad weapons to perpetuate injustice. Legal systems have a history of colluding with the maintenance of social status and hierarchy, and especially where those systems failed to protect margins groups' rights. For instance, laws that were used in the United States to segregate by race and in the case of South Africa under Africa's Apartheid System were simply deep works of injustice that violated the most fundamental principles to equality and decency.

In response to these injustices, Justice reform has happened to what denounce more inclusive and equitable understandings of justice. Civil rights legislation of the 1960s — say such as that passed in the United States to dismantle institutional, differential, systemic racism and attain equality under law — is one example. International human rights law has also emerged as a major tool for demanding social justice through the world: tackling issues as poverty, gender discriminations or economic inequality.

Cultural change is closely connected with the potential of the law for advancing social justice. So as societies continue to become 'aware' of issues of equity and fairness, legal systems can change to better¹⁷. these values. Yet justice is often a matter of active resistance: people and groups must challenge the laws which sustain injustice and fight for the kinds of legal reforms which would serve to redress unequal treatment.

5.4. The Tension Between Legal Justice and Moral Justice

Another important problem in the cultural lives of the law involves the tension between legal justice and moral justice. Legal justice is the application of rules and procedures and laws but moral justice is relating to ethical aspect about right and wrong which may tend to draw on cultural or religious beliefs.

Sometimes legal justice and moral justice coincide; sometimes they do not. A further example involves the international law on, say, abortion or same-sex marriage, which can be enforced by the law in some forms, but commercialized in other places, and is considered unjust morally even by those who are moral human beings and do not consider reproductive rights or LGBTQ+ rights to be fundamental to human

¹⁶ Mertz, E. (2007). *The Language of Law School: Learning to "Think Like a Lawyer"*. Oxford University Press.

¹⁷ Greenhouse, C. J. (1986). *Praying for Justice: Faith, Order, and Community in an American Town*. Cornell University Press.

dignity. In these cases, legal norms and cultural values run at cross purposes, and the law confronts the question of whether legal justice is possible at all without moral justice.

This also registers in the case of legal reforms. The challenge to existing legal frameworks has often been made by many social movements like the women's rights movement, the LGBTQ+ rights movement, that one of the premises of an argument they're making is that the law is reformable to conform to more ethical and moral values.

6. Law And Social Change

The law is a mirror of its society, as well as a transformer of it. Even though legal systems may portray a society's values and cultural norms, legal systems can also lead social change with their influence on how people think, behave, or conduct their lives. It is important to understand how the law affects social change for analysis of how the culture and law are interrelated.

6.1. Law As an Agent of Social Change

Legal systems are powerful, potential forces of social change. Through history laws have been something very important to change society, at times in response to changes in individual values, shifts in the social movements, and shifts in the economic conditions¹⁸. For instance, the United States' abolition of slavery, which was primarily a result of cultural changes (increase in abolitionist movements, 13th Amendment to the Constitution, 1865) and legal reforms (abolition or limited manumission of slaves in all or some of the several independent states of the Union, ending of slavery System of African bondage and slavery defining: "The beginning of overtaking Melanesian's had inducted the conquest of Oceania; colloquially, Man

The laws, however, can also be used as tools for social reform — such as in gender equality, racial justice, and workers' rights. Legal change can establish new rights and new protections for already marginalized groups; it can serve to upset entrenched social hierarchies; legal change can promote the values of fairness and equality. There are many ways in which law can help cultural change: for example, it may establish rights of labour, legalize same sex marriage, or recognize women's right to vote.

6.2. The Impact of Social Movements on Law

Legal change is commonly sparked by social movements. The law is used by activists and advocacy groups to protest discrimination and obtain justice and to press for reforms that are consonant with current cultural understandings. The civil rights movement, women's suffrage movement and environmental movement have all effected legal frameworks and restructured of societal value.

Take for example environmental movement has led to legislation that sets a limit on how much pollution is acceptable, protects natural resources and addresses the issue of climate change. Cultural shift toward a legal recognition of environmental sustainability and a necessity to have the means to protect the planet for future generations have been responsible for these legal changes.

Social movements do not just affect law changes, they change the cultural perceptions of it as well. In legal victories, too, social attitudes shift and how people come to see race, gender and the environment are changed. Therefore, the law is a reflection on cultural change and an important instrument to forge future cultural norms¹⁹.

¹⁸ . Engel, D. M., & Engel, J. S. (2010). *Tort, Custom, and Karma: Globalization and Legal Consciousness in Thailand*. Stanford University Press.

¹⁹ Bourdieu, P. (1987). *The Force of Law: Toward a Sociology of the Juridical Field*. University of California Press.

7. The Role of Legal Institutions in Shaping Culture

The cultural lives of the law are shaped in large part by legal institutions, courts, legislatures, then law enforcement agencies. Broadly speaking, these institutions are not that merely places where legal disputes are settled, but places where cultural values, social norms, and the workings of power are, as it were, played out. Legal institutions' rights of interpretation and enforcement have consequence for cultural practices and the values of the society²⁰.

Particularly, courts are central in defining the cultural significance of law. As the product of judicial decisions, they often precede otherwise, and influence future interpretations of the law; their decisions can uphold or defeated cultural norms. *Brown v. Or Obergefell v. Its* power to reshape cultural understandings of equality, justice, and civil rights are shown by the courts' work in legalising same-sex marriage nationwide in *Hodges*. Judicial rulings may either reproduce or break with prevailing cultural attitudes, case law then differs in representing, and in helping to formulate, evolving legal and cultural norms. Law functions as a cultural practice when we analyse how legal institutions build and modify social meanings through their actions²¹.

Like legislatures, cultural institutions are central to the law-making process. Legislators formalize cultural values in laws creating rules of behaviour expressed in legal rules. Law-making is a process with little progress forward usually occurring through the mechanism of negotiation and compromise of competing cultural groups with their various groups pushing to get their values reflected in specific legal statutes.²² Often cultural debates are involved in creating laws like environmental protection, labour rights or consumer protections, and creating laws about the right balance between individual rights and social responsibility. The mix of theory findings and real-world studies to study how people understand legal matters while respecting their free will and their position in society²³.

Law enforcement agencies—police, correctional systems—are institutions that do more than enforce the law; they also draw upon social attitudes to crime, punishment, and justice. The way police treat with and deals with crimes of police brutality and how they hand punishment in general affects the society views on justice and fairness. It is the criminal justice system, as it determines who counts as a criminal, and how justice is justifiably administered, that serves as the central location of cultural norms of the way law and order is maintained or challenged. The different dimensions work together to create a critical imagination within legal consciousness²⁴.

8. Conclusion: The Future of Law and Culture

The history and social processes of producing the social lives of the law are continually changing over time. The relationship between law and culture will be dynamic and complex because as legal systems respond to changes in social conditions, cultural values, and technological advancement. Law is the not only a set of rules to be carried out, but it is a living institution that interacts and forms the culture within which it lives.

A view of the law from a broad scientific perspective, which looks at how legal systems reflect, promote and challenge cultural norms, is necessary to achieve a basic understanding of the cultural dimensions of

²⁰ Cover, R. M. (1983). *The Supreme Court, 1982 Term -- Foreword: Nomos and Narrative*. Harvard Law Review.

²¹ Mezey, N. (2001). *Law as Culture*. Yale Journal of Law & the Humanities.

²² Moore, S. F. (1978). *Law as Process: An Anthropological Approach*. Routledge & Kegan Paul.

²³ Chua, L. J., & Engel, D. M. (2019). *Legal Consciousness Reconsidered*. Annual Review of Law and Social Science.

²⁴ Halliday, S., & Morgan, B. (2013). *I Fought the Law and the Law Won? Legal Consciousness and the Critical Imagination*. Current Legal Problems.

the law. Through the crucible of law looking at the role the law plays in forming identities, establishing power, and organizing society, we can understand the intersection of law and culture. As legal systems develop and integrate across borders there will continue to be an interest by scholars, activists, and legal practitioners in understanding the cultural lives of the law.