I. Confucian Law: An Analytic Framework
   (Confluent Discourses)
   A Law - A system of formal and informal rules that are oriented to the resolution of disputes (dispute resolution).
   B. All Legal Systems have the following institutional characteristics:
      1. Underlying Principle (Theory) of Justice
      2. Rule of litigation: how what institutional (individual, family, state) engage in litigation
      4. Rules of procedure - that to do law: procedures oriented primarily to truth revelation or protection of persons
The Western Tradition of Law and Justice

1. Principle (Theory) of Justice
   a. Justice As The Distribution of The Costs And Benefits Of Fair Cooperation

2. Law As Restitution - Paying Back A Debt Or Debts Owed To
   a. Government (The Public)
   b. Common Law

2. Individuals (Contracts, Property)
   a. Rule of Litigation - Individuals Dispute Civil/Rights Claims/Rights Bearing Individuals
   b. Example: Corporation Law

3. Rules of Legal Process - Law As The Litigation of Competing Claims Of Rights (Rights)
4. Rules of Procedure - Neutral / Equal / Procedures
1. Neutral - No "Special Treatment"
   Not Guaranteed by Statute or Custom
2. Equal Procedures / Treatment of All Claims As Initially Equal / Inequality / of Results
4. Guilt / Innocence

II. The Confucian Tradition
   A. Justice - Restorative Justice
      (Restoration of Broken Human Relationships; Can Also Reconciliation)
      C. Of Conflicting Interests
   B. Rule of Litigation - Institutions
      (Typically Families or Corporate Groups / Organizations)
C. Rules of Procedure (Process) Law As A Mix of Rule Application (Applying Rules Based on Impar/LEGAL CODES AND CUSTOMARY RULES) AND MORAL TEACHING (Law as Public Moral Drama)

D. PROCEDURAL/RECOMMENDATION: RULES THAT Elicit Truth and Teach Lessons THAT Correct Litigants' Moral Behavior

B. The Essential/Institutional Division of Labor

1. Local, Informal/Mediation
   a. Court "Appeal" Magistral
   b. Adjudication (County Magistrate)
   c. Widens with & Reaches Local
      Mediation - Appeals to County

C. Magistral Adjudication
   a. Magistrates - Restore A
      Broken Family Through
      Reconciliation of Parties

2. Rule of Litigation Families
   Litigate

3. Legal Process - Magistrate
   Applies Family Law Rules From
   Qing Dynasty Code and Engages
   In Moral Lecture.
C. Procedural Procedures
   A. Inquiry into (Judge Question)
   B. User Procedure
   C. Rectify Infraction Behavior Through Appeals to Honor of Shame

II. Casting Legacies
   A. Maximization of Informal Litigation (Mediation)
   B. Minimization of Formal Litigation (Litigation Rates)
   C. Restorations of Law (Moral Teaching Moments)
   D. Informed Contracting (Contracting As Trust)
Justice As Reciprocity
(Proper Shares)
And This Focus
Law And
Justice As
Reconciliation