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Global Legal Traditions Comparative Law and Society Comparative Law Comparing Law Roman Law & Comparative Law The Cambridge Companion to Comparative Law Comparative Law and Anthropology Comparative Law Comparative Law and Legal Traditions International Law in Comparative Perspective Rethinking Comparative Law Comparative Law Practice and Theory in Comparative Law Comparative Law and Economics Comparative Law in a Global Context Comparative Constitutional Law Comparative Law and Regulation Comparative Law of Obligations Methods of Comparative Law A New Introduction to Comparative Law Gifts Comparative International Law Comparative Law Elgar Encyclopedia of Comparative Law, Second Edition Comparative Law Comparative Administrative Law Negative Comparative Law Comparative Legal Studies: Traditions and Transitions Comparative Law as Critique An Introduction to the Comparative Study of Private Law Comparative Law in a Changing World Comparative Law Introduction to Comparative Law Groups of Companies Comparative Property Law The Oxford Handbook of Comparative Law International Encyclopedia of Comparative Law Readings in Comparative Health Law and Bioethics Practice and Theory in Comparative Law A Comparative Study of Chinese and Western Legal Language and Culture

This comprehensive book provides a comparative overview of legal institutions that intersect with everyday life: contracts, unilateral legal transactions, torts, negotiorum gestio and unjust enrichment. These institutions form the core of the Law of Obligations, which is examined in this book from the perspective of all major legal traditions including Civil, Common, Islamic and Chinese law. Reconstructs existing comparative law scholarship into a coherent analytic framework so as to both fend off current charges of theoretical arbitrariness and guide future work. The topical chapters in this cutting-edge collection at the intersection of comparative law and anthropology explore the mutually enriching insights and outlooks of the two fields. Comparative Law and Anthropology adopts a foundational approach to social and cultural issues and their resolution, rather than relying on unified paradigms of research or unified objects of study. Taken together, the contributions extend long-developing trends from legal anthropology to an anthropology of law and from externally imposed to internally generated interpretations of norms and processes of legal significance within particular cultures. The book's expansive conceptualization of comparative law encompasses not only its traditional geographical orientation, but also historical and jurisprudential dimensions. It is also noteworthy in blending the expertise of long-established, acclaimed scholars with new voices from a range of disciplines and backgrounds. This collection of readings places side by side the principal doctrines of contracts, torts, unjust enrichment, and property in the cases of the United States, England, France, Germany and China. It presents code provisions, cases, and other legal materials that describe the law in force, and places each doctrine in its historical context to enable an understanding of the development of law as an ongoing process, in which the resolution of current issues depends upon how past issues were resolved. It both provides a road map of the private law of these jurisdictions, and illustrates how private law has been shaped by history, by the effort to solve common problems, and by differences in culture. This new edition reflects changes in the law, and includes the addition of Chinese Law as a comparative study. Now in its second edition, this textbook presents a critical rethinking of the study of comparative law and legal theory in a globalising world, and proposes an alternative model. It highlights the inadequacies of current Western theoretical approaches in comparative law, international law, legal theory and jurisprudence, especially for studying Asian and African laws, arguing that they are too parochial and eurocentric to meet global challenges. Menski argues for combining modern natural law theories with positivist and socio-legal traditions, building an interactive, triangular concept of legal pluralism. Advocated as the fourth major approach to legal theory, this model is applied in analysing the historical and conceptual development of Hindu law, Muslim law, African laws and Chinese law. Comparative Law: An Introduction explores the position and nature of comparative law in a world in which contacts among different countries and cultures are increasing at an ever more rapid pace. Curran discusses the various goals of comparative legal analysis, including the problems of language and translation--problems that operate on a multitude of levels, endangering, limiting, and defining mutual understanding. The book explores the meaning of comparing; comparison's fundamental role in cognition; and its potentials for use in legal analysis beyond the field of comparative law. It spans topics such as comparative law's ability to challenge and debunk entrenched assumptions; the role of history and culture in forming the legal establishment's optic; and issues of validity and verifiability concerning the findings of comparative legal analysis. Comparative Law: An Introduction is designed to open the reader's mind to the complexities of comparative law, to present helpful ideas for engaging in comparative legal analysis, and to suggest the great adventures of the mind that await and reward comparatists. This book is part of the Comparative Law Series, edited by Michael L. Corrado, Arch T. Allen Distinguished Professor of Law, UNC School of Law. "Teachers of comparative law should take a look at this book." -- Bimonthly Review of Law Books, September/October 2002 This thought-provoking introduction to the study of comparative law provides in-depth analyses of all major comparative methodologies and theories and serves as a common sense guide to the study of foreign legal systems. It is written in a lively and accessible style and will prove indispensable reading to students of the subject. It also contains much that will be of interest to comparative law scholars, offering novel insights into commonplace methodological and theoretical questions and making a significant contribution to the field. First published in 1946, this text studies the origin and meaning of comparative law, as well as its purpose and value. Comparative Law and Society, part of the Research Handbooks in Comparative Law series, is a pioneering volume that comprises 19 original essays written by expert authors from across the world. This innovative handbook offers both a history of the field of comparative law and society and a thorough exploration of its methods, disciplines, and major issues, presenting the most comprehensive look into this contemporary field to date. Comparative Property Law provides a comprehensive treatment of property law from a comparative and global perspective. The contributors, who are leading experts in their fields, cover both classical and new subjects, including the transfer of property, the public-private divide in property law, water and forest laws, and the property rights of aboriginal peoples. This Handbook maps the structure and the dynamics of property law in the contemporary world and will be an invaluable reference for researchers working in all domains of property law. This book discusses a number of important themes in comparative law: legal metaphors and methodology, the movements of legal ideas and institutions and the mixity they produce, and marriage, an area of law in which culture – or clashes of legal and public cultures – may be particularly evident. In a mix of methodological and empirical investigations divided by these themes, the work offers expanded analyses and a unique cross-section of materials that is on the cutting edge of comparative law scholarship. It presents an innovative approach to legal pluralism, the study of mixed jurisdictions, and language and the law, with the use of metaphors not as an illustration but as a core element of comparative methodology. Comprising an array of distinguished contributors, this pioneering volume of original contributions explores theoretical and empirical issues in comparative law. The innovative, interpretive approach found here combines explorative scholarship and research with thoughtful, qualitative critiques of the field. The book promotes a deeper appreciation of classical theories and offers new ways to re-orient the study of legal transplants and transnational codes. Methods of Comparative Law brings to bear new thinking on topics including: the mutual relationship between space and law; the plot that structures legal narratives, identities and judicial interpretations; a strategic approach to legal decision making; and the inner potentialities of the 'comparative law and economics' approach to the field. Together, the contributors reassess the scientific understanding of comparative methodologies in the field of law in order to provide both critical insights into the traditional literature and an original overview of the most recent and purposive trends. A welcome addition to the lively field of comparative law, Methods of Comparative Law will appeal to students and scholars of law, comparative law and economics. Judges and practitioners will also find much of interest here. Written under the sign of Beckett, this book addresses comparative law's commitment to the deterritorialization of the legal and its attendant claim for the normative relevance of foreign law locally in the fabrication of statutory determinations, judicial opinions, or academic reflections. Wanting to withstand the law's persistent tendency towards nationalist retrenchment and counter comparative law's institutional marginalization, the fifteen essays at hand impart radical and discerning intellectual equipment in order to foster the valorization of the legally foreign and the comparative motion. In particular, the critique informing this manifesto examines pre-eminent topics like culture and difference, understanding and translatability, objectivity and truth, invention and tracing. Harnessing insights from a range of disciplinary discourses, this book contends that comparatists must boldly desist from their field's dominant epistemology and embrace a practice much better attuned to the study of foreignness. The 14 essays that make up this 2003 volume are written by leading international scholars to provide an authoritative

survey of the state of comparative legal studies. Representing such varied disciplines as the law, political science, sociology, history and anthropology, the contributors review the intellectual traditions that have evolved within the discipline of comparative legal studies, explore the strengths and failings of the various methodologies that comparatists adopt and, significantly, explore the directions that the subject is likely to take in the future. No previous work had examined so comprehensively the philosophical and methodological foundations of comparative law. This is quite simply a book with which anyone embarking on comparative legal studies will have to engage. Gifts: A Study in Comparative Law is the first broad-based study of the law governing the giving and revocation of gifts ever attempted. Gift-giving is everywhere governed by social and customary norms before it encounters the law and the giving of gifts takes place largely outside of the marketplace. As a result of these two characteristics, the law of gifts provides an optimal lens through which to examine how different legal systems engage with social practice. The law of gifts is well-developed both in the civil and the common laws. Richard Hyland's study provides an excellent view of the ways in which different civil and common law jurisdictions confront common issues. The legal systems discussed include principally, in the common law, those of Great Britain, the United States, and India, and, in the civil law, the private law systems of Belgium and France, Germany, Italy, and Spain. Professor Hyland also serves a critique of the dominant method in the field, which is a form of functionalism based on what is called the praesumptio similitudinis, namely the axiom that, once legal doctrine is stripped away, developed legal systems tend to reach similar practical results. His study demonstrates, to the contrary, that legal systems actually differ, not only in their approach and conceptual structure, but just as much in the results. Presenting a critique of conventional methods in comparative law, this book argues that, for comparative law to qualify as a discipline, comparatists must reflect on how and why they make comparisons. Günter Frankenberg discusses not only methods and theories, but also the ethical implications and the politics of comparative law in bringing out the different dimensions of the discipline. Comparative Law as Critique offers various approaches that turn against the academic discourse of comparative law, including analysis of a widespread spirit of innocence in terms of method, and critique of human rights narratives. It also examines how courts negotiate differences between cases regarding Muslim veiling. The incisive critiques and comparisons in this book will be of essential reading for comparatists working in legal education and research, as well as students of comparative law and scholars in comparative anthropology and social sciences. The primary aim of this book is to provide clear and reliable information on a number of central topics in comparative law. At a time when global society is increasingly mobile and legal life is internationalized, the role of comparative law is gaining importance. While the growing interest in this field may well be attributed to the dramatic increase in international legal transactions, this empirical parameter is only part of the explanation. The other part, and (at least) equally important, has to do with the expectation of gaining a deeper understanding of law as a social phenomenon and a fresh insight into the current state and future direction of one’s own legal system. In response to the internationalization of legal practice and theory, law schools around the world have expanded their comparative law programs. Within the legal subjects that form the core of the curriculum there is a greater interest in comparative legal analysis, as well as greater attention to how global developments and international actors and institutions affect domestic law. Transnational legal education based on comparative reasoning is intended to help shape a new generation of lawyers, public servants and other professionals who recognize and respect cultural diversity in an interconnected world. The central topics discussed in this book include: the nature and scope of comparative legal inquiries; the relationship of comparative law to other fields of legal study; the aims and uses of comparative law; the origins and historical development of comparative law; and the evolution and defining features of some of the world’s predominant legal traditions. It also deals with selected theoretical aspects, such as the problem of comparability of legal events; the classification of legal systems into families of law; and the topics of legal transplants, harmonization and convergence of laws. Chiefly intended for students, the book also discusses a number of fundamental issues concerning the development of comparative law, and devotes certain sections to reviewing the salient features of the relevant literature on definitional, terminological, methodological and historical issues. This book presents a comprehensive study on how twenty-three countries have approached the issue of company groups. In addition to detailed profiles of each country’s legislation, written by some of the most respected experts in the field, the book also presents a general overview and offers readers an in-depth, up-to-date and highly practical comparative analysis of the company group phenomenon in connection with national legal regimes. As such, the book is a must-read for all those seeking a deeper understanding of how company groups are viewed and regulated around the globe. The book links the study of comparative law with the study of law and economics "Global Legal Traditions: Comparative Law for the 21st Century explores four legal traditions from around the world, both Western (German civil law and English common law) and non-Western (Chinese law and Islamic law). The book opens by focusing on European-based civil law, represented by German law, before moving on to the common law legal tradition seen in English law. Some comparative law casebooks and study guides stop with Western law but Global Legal Traditions continues by turning to the study of a secular non-European legal tradition by examining Chinese law, or more specifically the law of the People's Republic of China. The book's final section covers the non-state, religion-based legal tradition found in Islamic law, both in its pre-state form and how Islamic law manifests itself within the confines of sovereign state powers. Each part contains seven chapters intended to enable students to draw comparisons and make distinctions between the legal traditions under review. Each part includes five chapters covering common topics: history and development of the legal tradition; political process; judicial process; legal actors and legal education; and civil law. The remaining two chapters for each part focus on a legal subject most relevant to that legal tradition"-- The most up-to-date and contextualised offering for comparative law students and scholars, referencing the newest research in the field. This book involves a variety of aspects and levels, including the diachronic and synchronic dimensions. Law profoundly affects our daily lives, but its language and culture can at times be nearly impossible to understand. As a comparative study of Chinese and Western legal language and legal culture, this book investigates the similarities and differences of both sides and identifies their respective advantages and disadvantages. Accordingly, it considers both social and cultural functions, and both theoretical and practical values. Firstly, the book addresses the differences, that is, the basic frameworks and disparities between the Chinese and Western legal languages and legal cultures. Secondly, it explores relevant changes over time, that is, the historical evolution and the basic driving forces that were at work before the Chinese and Western legal languages and cultures “met.” Lastly, the book elaborates on their fusion, that is, the conflicts and changes in Chinese and Western legal languages and cultures in China in the modern era, as well as the introduction, transplantation and transformation of Western legal culture. Accessibly written, this book outlines recent changes to EC law, compares the civil law of France, Germany and England, examines the Russian Federation in the post-Soviet era and explores socialist legal influences and non-Western legal traditions. Provides a comprehensive description of the system of Roman law, discussing slavery, property, contracts, delicts and succession. Also examines the ways in which Roman law influenced later legal systems such as the structure of European legal systems, tort law in the French civil code, differences between contract law in France and Germany, parameters of judicial reasoning, feudal law, and the interests of governments in making and communicating law. 'A delightful and fresh approach to the comparative study of law.' (Jans Smits, Maastricht University, the Netherlands) (of the first edition). This textbook presents a clear and thought-provoking introduction to the study of comparative law. The book provides students with in-depth analyses of the major global comparative methodologies and theories. Written in a lively style, it leads the student through debates in comparative legal scholarship, both in the Western world and in the lesser studied jurisdictions, beyond Europe and North America. The second edition includes a revised structure to help the student understand the subject, an updated introductory chapter, and new material on legal transplants and globalisation. It also explores allied disciplines, including linguistics, history, and post-colonial studies giving students full context of the subject. This landmark volume of specially commissioned, original contributions by top international scholars organizes the issues and controversies of the rich and rapidly maturing field of comparative constitutional law. Divided into sections on constitutional design and redesign, identity, structure, individual rights and state duties, courts and constitutional interpretation, this comprehensive volume covers over 100 countries as well as a range of approaches to the boundaries of constitutional law. While some chapters reference the text of legal instruments expressly labeled constitutional, others focus on the idea of entrenchment or take a more functional approach. Challenging the current boundaries of the field, the contributors offer diverse perspectives - cultural, historical and institutional - as well as suggestions for future research. A unique and enlightening volume, Comparative Constitutional Law is an essential resource for students and scholars of the subject. Acclaim for the first edition: ïThis is a very important and immense book. . . The Elgar Encyclopedia of Comparative Law is a treasure-trove of honed knowledge of the laws of many countries. It is a reference book for dipping into, time and time again. It is worth every penny and there is not another as comprehensive in its coverage as ElgarÍs. I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers. This is a very important book that should be sitting in every university law school library.Í _ Sally Ramage, The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries, this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present-day comparative law scholarship. Written by leading authorities in their respective fields, the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law, but also specific areas of law (such as administrative law and criminal law) and specific topics (such as accident compensation and consideration). In addition, the Encyclopedia contains reports on a selected set of countriesÍ legal systems and, as a whole,

presents an overview of the current state of affairs. Providing its readers with a unique point of reference, as well as stimulus for further research, this volume is an indispensable tool for anyone interested in comparative law, especially academics, students and practitioners. Governance by regulation – rules propounded and enforced by bureaucracies – is taking a growing share of the sum total of governance. Once thought to be an American phenomenon, it is now a central form of state action in every part of the world, including Europe, Latin America, and Asia, and it is at the core of much international lawmaking. In Comparative Law and Regulation, original contributions by leading scholars in the field focus both on the legal dimension of regulation and on how this dimension operates in those places that have turned to regulation to meet their obligations. Uwe Kischel's comprehensive treatise on comparative law offers a critical introduction to the central tenets of comparative legal scholarship. The first part of the book is dedicated to general aspects of comparative law. The controversial question of methods, in particular, is addressed by explaining and discussing different approaches, and by developing a contextual approach that seeks to engage with real-world issues and takes a practical perspective on contemporary comparative legal scholarship. The second part of the book offers a detailed treatment of the major legal contexts across the globe, including common law, civil law systems (based on Germany and France, and extended to Eastern Europe, Scandinavia, and Latin America, among others), the African context (with an emphasis on customary law), different contexts in Asia, Islamic law and law in Islamic countries (plus a brief treatment of Jewish law and canon law), and transnational contexts (public international law, European Union law, and lex mercatoria). The book offers a coherent treatment of global legal systems that aims not only to describe their varying norms and legal institutions but to propose a better way of seeking to understand how the overall context of legal systems influences legal thinking and legal practice. The book delves into the 'deeper structures' of the world's legal systems, where law meets culture, politics and socio-economic factors. A comprehensive overview of the field of comparative administrative law that builds on the first edition with many new and revised chapters, additional topics and extended geographical coverage. This research handbook's broad, multi-method approach combines history and social science with more strictly legal analyses. This new edition demonstrates the growth and dynamism of recent efforts - spearheaded by the first edition - to stimulate comparative research in administrative law and public law more generally, reaching across different countries and scholarly disciplines.A particular focus is on administrative independence with its manifold implications for separation of powers, democratic self-government, and the boundary between law, politics, and policy. Several chapters highlight the tensions between impartial expertise and public accountability; others consider administrative litigation and the role of the courts in reviewing both individual decisions and secondary norms. The book concludes by asking how administrative law is shaping and is being shaped by the changing boundaries of the state, especially shifting boundaries between the public and the private, and the national and the supranational domains.This extensive and interdisciplinary appraisal of the field will be a vital resource for scholars and students of administrative and comparative law worldwide, and for public officials and representatives of interest groups engaged with government policy implementation and regulation. What does doing comparative law involve? Too often, explicit methodological discussions in comparative law remain limited to the level of pure theory, neglecting to test out critiques and recommendations on concrete issues. This book bridges this gap between theory and practice in comparative legal studies. Essays by both established and younger comparative lawyers reflect on the methodological challenges arising in their own work and in work in their area. Taken together, they offer clear recommendations for, and critical reflection on, a wide range of innovative comparative research projects. This innovative, refreshing, and reader-friendly book is aimed at enabling students to familiarise themselves with the challenges and controversies found in comparative law. At present there is no book which clearly explains the contemporary debates and methodological innovations found in modern comparative law. This book fills that gap in teaching at undergraduate level, and for postgraduates will be a starting point for further reading and discussion. Among the topics covered are: globalisation, legal culture, comparative law and diversity, economic approaches, competition between legal systems, legal families and mixed systems, comparative law beyond Europe, convergence and a new ius commune, comparative commercial law, comparative family law, the 'common core' and the 'better law' approaches, comparative administrative law, comparative studies in constitutional contexts, comparative law for international criminal justice, judicial comparativism in human rights, comparative law in law reform, comparative law in courts and a comparative law research project. The individual chapters can also be read as stand-alone contributions and are written by experts such as Masha Antokolskaia, John Bell, Roger Cotterell, Sjef van Erp, Nicholas Foster, Patrick Glenn, Andrew Harding, Peter Leyland, Christopher McCrudden, Werner Menski, David Nelken, Anthony Ogus, Esin Örücü, Paul Roberts, Jan Smits and William Twining. Each chapter begins with a description of key concepts and includes questions for discussion and reading lists to aid further study. Traditional topics of private law, such as contracts, obligations and unjustified enrichment are omitted as they are amply covered in other comparative law books, but developments in other areas of private law, such as family law, are included as being of current interest. As law's institutional configurations stand, comparative law is a relatively new discipline. The first specialized journals and chairs, for example, go back a mere two hundred years or so. Yet, in its two centuries of institutional existence, comparative law has been the focus of much discussion, mostly by comparatists themselves reflecting on their practice. Indeed, some of this thinking came firmly to establish itself as a governing epistemology within the field. This book holds that the time has nonetheless come, even for such a young venture as comparative law, to engage in a re-thinking of its intellectual ways. Specifically, three comparatists hailing from different horizons investigate various assumptions and lines of reasoning that must invite reconsideration. The principal ambition informing the work is to optimize the interpretive rewards that the comparison of laws is in a position to generate. Not limited to a particular country or jurisdiction, Rethinking Comparative Law aims to attract a large audience comprising students and scholars from diverse cultural backgrounds. Undergraduate or postgraduate law students and lawyers with an interest in comparative law will find the book helpful for a better appreciation of the many implications arising from the increased interaction with foreign law in a globalizing world. "The chapters of this volume were presented at the twenty-seventh and twenty-eighth Sokol Colloquia on Private International Law, held at the University of Virginia School of Law in September 2014 and September 2015." -- Acknowledgments, p. [xi]. This new edition updates and expands the first.Readings in Comparative Health Law and Bioethics presents balanced comparative coverage of the four major areas of health law: health care organization and finance, the obligations of health care professionals and institutions to patients, bioethics, and public health law. For each of these topics, it presents a carefully edited collection of cases, statutes, and readings. While the book contains many sources from English-speaking, common-law jurisdictions, it also includes a wealth of sources from continental Europe and Japan, as well as from developing countries. Several sources have been translated specifically for this book. Whenever possible, the readings are by authors from the countries whose laws are discussed in the reading. Also, most readings are truly comparative; that is, they analyze the laws of not just one, but of several jurisdictions.While this book is intended in part to inform health policy, it is not just another book about comparative health policy. Rather, Jost focuses uniquely on comparative health law — how law, legal systems, and legal institutions influence health care recipients, professionals, institutions, and systems. Thus, for example, this book is not so much concerned with how various health care systems ration care as it is with the role of the courts or of administrative agencies in health care rationing.This is the first book to offer a text for teaching courses in comparative health law and bioethics in American law, public health, medical or nursing schools. It is also ideally suited for the comparative emphasis of summer courses abroad or for anyone interested in comparative health law. This fully revised and updated second edition of The Oxford Handbook of Comparative Law provides a wide-ranging and diverse critical survey of comparative law at the beginning of the twenty-first century. It summarizes and evaluates a discipline that is time-honoured but not easily understood in all its dimensions. In the current era of globalization, this discipline is more relevant than ever, both on the academic and on the practical level. The Handbook is divided into three main sections. Section I surveys how comparative law has developed and where it stands today in various parts of the world. This includes not only traditional model jurisdictions, such as France, Germany, and the United States, but also other regions like Eastern Europe, East Asia, and Latin America. Section II then discusses the major approaches to comparative law - its methods, goals, and its relationship with other fields, such as legal history, economics, and linguistics. Finally, section III deals with the status of comparative studies in over a dozen subject matter areas, including the major categories of private, economic, public, and criminal law. The Handbook contains forty-eight chapters written by experts from around the world. The aim of each chapter is to provide an accessible, original, and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come. Each chapter also includes a short bibliography referencing the definitive works in the field. What does doing comparative law involve? Too often, explicit methodological discussions in comparative law remain limited to the level of pure theory, neglecting to test out critiques and recommendations on concrete issues. This book bridges this gap between theory and practice in comparative legal studies. Essays by both established and younger comparative lawyers reflect on the methodological challenges arising in their own work and in work in their area. Taken together, they offer clear recommendations for, and critical reflection on, a wide range of innovative comparative research projects.