

Comparative Law in a Global Context

THE LEGAL SYSTEMS OF
ASIA AND AFRICA

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Comparative Law Law In Context

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evolving new world order in the early twenty first century Written in a clear user friendly style *Comparative Law in a Changing World* is an accessible source for undergraduates and postgraduates wishing to trace the influence of common law and civil law legal traditions on jurisdictions across the world *The Cambridge Companion to Comparative Law* Mauro Bussani, Ugo Mattei, 2012-08-16 We can only claim to understand another legal system when we know the context surrounding the positive law in which lawyers are trained To avoid ethnocentricity and superficiality we must go beyond judicial decisions doctrinal writings and the black letter law of codes and statutes and probe the deeper structures where law meets cultural political socio economic factors It is only when we acquire such awareness and knowledge of the critical factors affecting both the backgrounds and implications of rules that it becomes possible to control the present and possibly future developments of the world s legal institutions This collection of essays aims to provide the reader with a fundamental understanding of the dynamic relationship between the law and its cultural political and socio economic context

Comparative Law Uwe Kischel, 2019-02-21 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 Rule of**

Law in International and Comparative Context Robert McCorquodale, 2010 Includes bibliographical references and index

Practice and Theory in Comparative Law Maurice Adams, Jacco Bomhoff, 2012-07-05 A collection of essays exploring the gap between theory and practice in comparative legal studies Comparative International Law Anthea Roberts, Paul B. Stephan, Pierre-Hugues Verdier, Mila Versteeg, 2017-12-13 By definition international law once agreed upon and consented to applies to all parties equally This book explains that states at times adhere to similar and at other times adopt different interpretations of the same international norms and standards This book achieves three objectives The first is to show that international law is not a monolith The second is to map the cross country similarities and differences in international legal norms in different fields of international law as well as their application and interpretation with regards to geographic differences The third is to make a first and preliminary attempt to explain these differences It is organized into three broad

thematic sections exploring conceptual matters domestic institutions and comparative international law and comparing approaches across issue areas The chapters are authored by contributors who include leading international law and comparative law scholars with diverse backgrounds experience and perspectives

Comparative Law Esin Örüçü, David Nelken, 2007-10-12 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 r c 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

Courts and Comparative Law Mads Andenas, Duncan Fairgrieve, 2015-07-30 While the role of comparative law in the courts was previously only an exception foreign sources are now increasingly becoming a source of law in regular use in supreme and constitutional courts There is considerable variation between the practices of courts and the role of comparative law and methods remain controversial In the US the issue has been one of intense public debate and it is still one of the major dividing issues in the discussion about the role of the courts Contributing to the existing discussion of the use of comparative law in the courts this book provides an inclusive coherent and practical analysis of the relevant law and jurisprudence in comparative law in the courts It examines the consequences for court procedures and the form of judgments as well as how foreign sources are drawn upon in private international law European law administrative law and constitutional law as well as before general courts The book also includes case studies of comparative law used in particular spheres of the law such as tort law and consumer law Written by practising judges and lawyers as well as leading academics this book serves as a central reference point concerning the role of comparative law before the courts

Comparative Law and Economics the late Theodore Eisenberg, Giovanni B. Ramello, 2016-02-26 Contemporary law and economics has greatly

expanded its scope of inquiry as well as its sphere of influence By focussing specifically on a comparative approach this Handbook offers new insights for developing current law and economics research It also provides stimuli for further research exploring the idea that the comparative method offers a valuable way to enrich law and economics scholarship With contributions from leading scholars from around the world the Handbook sets the context by examining the past present and future of comparative law and economics before addressing this approach to specific issues within the fields of intellectual property competition contracts torts judicial behaviour tax property law energy markets regulation and environmental agreements This topical Handbook will be of great interest and value to scholars and postgraduate students of law and economics looking for new directions in their research It will also be a useful reference to policymakers and those working at an institutional level

Constitutionalism in Context David S. Law, 2022-02-17 A broad ranging interdisciplinary and context rich exploration of the fields of constitutional studies and comparative constitutional law for research and teaching

The Oxford Handbook of Comparative Law Mathias Reimann, Reinhard Zimmermann, 2019-03-26 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

Methods of Comparative Law P. G. Monateri, 2012-01-01 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.

Paradigms in Modern European Comparative Law Balázs Fekete, 2021-04-22. This book uses the philosophy of Thomas Kuhn to provide a new vision of the development of European comparative law that will challenge and inspire scholars in the field. With the empathic use of some ideas from Kuhn's theories on the history of science, paradigm shift, puzzle solving, research and incommensurability, the book rethinks the modern history of European comparative law from the late 19th century to the modern day. It argues that three major paradigms determine modern comparative law: historical and comparative jurisprudence, *droit comparé*, and post-World War II comparative law. It concludes that contemporary methodological trends are not signs of a paradigm shift toward a postmodern and culturalist understanding of comparative law, but that the new approach spreads the idea of methodological plurality.

Civil Litigation in Comparative Context Oscar G. Chase, Helen Hershkoff, 2007. *Civil Litigation in Comparative Context* opens with a treatment of the principal differences among the major civil litigation systems. Subsequent chapters cover Organization of the courts and the legal profession; Roles of the attorney and judge; Processes of learning and proving facts; Short cuts to judgment and provisional remedies; Appellate process; Enforcement of judgments; Prospects for convergence and harmonization. The book can be used as an adjunct to an introductory civil procedure course, the text for an upper class seminar in comparative procedure, and a supplement to the existing general comparative law casebooks.

The Grand Strategy of Comparative Law Luca Siliquini-Cinelli, Davide Gianti, Mauro Balestrieri, 2024-04-19. This book features original essays by leading academics and emerging researchers written in honour of a legal comparatist who over the course of four decades has played a major role in comparative law's development. Pier Giuseppe Monateri. Rather than being just a celebrative work without analytical appeal, this book makes a significant contribution to the comparative legal literature by exploring key comparative law themes and recent developments in the field. Reflecting Monateri's vast expertise, innovative thinking, and truly global network, the volume is divided into five thematic areas of both scholarly and practical significance: Comparative Law and Its Methods; Comparative Private Law; Law and Literature; The Politics and Ontology of Law; Comparative Law Economics. Discussing novel case studies as well as exploring Monateri's importance to the comparative enterprise through various trajectories of inquiry, for example, normative, doctrinal, empirical, critical, this book takes a fundamental and much needed step towards the establishment of comparative law as a fully fledged academic discipline and professional practice. Addressing the current status and future direction of comparative law, this book will appeal to legal comparativists as well as students and scholars with broader interests in the nature of legal cultures.

American Law in a Global Context George P. Fletcher, Steve Sheppard, 2005.

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