

# The Contribution Of Mixed Legal Systems To European Private Law IUS Commune Europaeum

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[The Contribution of Mixed Legal Systems to European Private Law](#) - J. M. Smits 2001

This book brings together a number of essays on the contribution that the so-called mixed legal systems can make to the emergence of a European private law. The contributions discuss different aspects of the law of Scotland, South Africa and Louisiana, as well as some general methodological aspects of mixing legal systems, all in their relationship with the development from a new ius commune for Europe. This book contains contributions from Robin Evans-Jones, Gerhard Lubbe, Johann Neethling, Anthony Ogus, Vernon Palmer, Alan Watson and Jan Smits.

**Nationalism and Private Law in Europe** - Guido Comparato 2014-12-01

While the internationalisation of society has stimulated the emergence of common legal frameworks to coordinate transnational social relations, private law itself is firmly rooted in national law. European integration processes have altered this state of affairs to a limited degree with a few, albeit groundbreaking, interventions that have tended to engender resistance from various actors within European nation-states. Against that background, this book takes as its point of departure the need to understand the process of legal denationalisation within broader political frameworks. In particular it seeks to make sense of opposition to Europeanisation at this point in the evolution of European law when, despite growing nationalist attitudes, great efforts have been made to produce comprehensive legal instruments to synthesise general contract law - an area that has traditionally been solely within the ambit of nation-states. Combining insights from the disciplines of law, history and political science, the book investigates the conceptual and cultural associations between law and the nation-state, examines the impact of nationalist ideas in modern legal thought and reveals the nationalist underpinnings of some of the arguments employed against and, somewhat paradoxically, even in support of legal Europeanisation. The author's research for this book has been supported by the Hague Institute for the Internationalisation of Law.

*Globalization and Private Law* - Michael Faure 2010-01-01

This timely book explores the relationship between private law and globalization. It examines the consequences of the fact that law making now takes place in a globalized world which increasingly leads to questions of accountability and legitimacy of the law making process. Within this work, European and South African scholars deal with the relationship between private law and globalization in fourteen innovative chapters, addressing inter alia globalization, democracy and accountability, harmonization versus decentralization, public law issues, corporate governance, procedural issues as well as human rights and the environment. This well-documented and original study will be a valuable resource for academics and legal practitioners as well as students. Specialists in private law, transnational law, international law and legal theory should also not be without this important book.

**England and Wales, Ireland, Scotland, Cyprus** - Wolfgang Faber 2009-04-27

This is the second volume of a series of national reports on basic issues concerning the acquisition and loss of ownership of movable assets. The series is planned to cover 27 European legal systems, distributed over six volumes. Starting with general property law issues like the concepts of ownership and possession employed in the different legal systems, and the means by which they are protected, the reports primarily focus on the "derivative" transfer of ownership, but their scope extends to good faith acquisition from a non-owner, acquisitive prescription, processing

and commingling, and further related issues. The reports, prepared by national property law experts, provide the reader with detailed information about the rules, case law and legal literature in the jurisdictions concerned. They serve as a starting point for further comparative research in property law and also as a tool for practitioners searching for information on foreign legal systems.

**The Arrest of Ships in Private International Law** - Verónica Ruiz Abou-Nigm 2011-11-17

Analysing the arrest of ships in English and Scots law in the light of the international conventions in the field this book examines the protective, security, and jurisdictional functions of arrest within the three classical domains of private international law: applicable law, jurisdiction, and the recognition and enforcement of foreign judgments.

[Comparative Law](#) - Esin Örucü 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 Örucü, 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.

**Mixed Legal Systems, East and West** - Vernon Valentine Palmer 2016-07-22

Advancing legal scholarship in the area of mixed legal systems, as well as comparative law more generally, this book expands the comparative study of the world's legal families to those of jurisdictions containing not only mixtures of common and civil law, but also to those mixing Islamic and/or traditional legal systems with those derived from common and/or civil law traditions. With contributions from leading experts in their fields, the book takes us far beyond the usual focus of comparative law with analysis of a broad range of countries, including relatively neglected and under-researched areas. The discussion is situated within the broader context of the ongoing development and evolution of mixed legal systems against the continuing tides of globalization on the one hand, and on the other hand the emergence of Islamic governments in some parts of the Middle East, the calls for a legal status for Islamic law in some European countries, and the increasing focus on traditional and

customary norms of governance in post-colonial contexts. This book will be an invaluable source for students and researchers working in the areas of comparative law, legal pluralism, the evolution of mixed legal systems, and the impact of colonialism on contemporary legal systems. It will also be an important resource for policy-makers and analysts.

**Tort Law - The American and Louisiana Perspectives, Third Revised Edition** - Frank L. Maraist 2017-07-31

Tort Law: The American and Louisiana Perspectives, Second Edition has as its primary objective a study of tort law in the United States and Louisiana. It differs from most other torts casebooks, however, in that it has a secondary objective of providing an exercise in comparative law. In the United States, we often overlook the fact that the common law system that prevails in our nation is not the only legal system in the world. Much of the world applies a civil law approach in which a civil code has a more prominent role than case law. In a world in which trade and economics, politics, and law cross national borders, it has become increasingly important to be aware of and conversant in other nations' legal systems. Louisiana, the only state in the United States that can be described as a mixed jurisdiction, using both civil law and common law, provides an excellent model for examining and comparing and contrasting civil law and common law approaches to various legal issues. This book invites the reader to both study tort law and consider the differences and similarities between the common law states and a state that has a civil code and views the role of the courts and the legislature somewhat differently.

**The Law and Economics of Federalism** - Jonathan Klick 2017-01-27

This unique volume takes a primarily empirical perspective on the law and economics of federalism. Using cross jurisdiction variation, the specially commissioned chapters examine the effects of various state experiments in areas such as crime, welfare, consumer protection, and a host of other areas. Although legal scholars have talked about states as laboratories for decades, rarely has the law and economics literature treated the topic of federalism empirically in such a systematic and useful way.

**The Unauthorised Agent** - Danny Busch 2009-02-19

This book focuses on a highly significant issue in agency law: the legal situation created when an agent acts without authority.

**A Cosmopolitan Jurisprudence** - Helge Dedek 2021-12-16

Inspired by comparative law scholar Patrick Glenn's work, an international group of legal scholars explores the state of the discipline. *Constructing Modern European Private Law* - Ivan Sammut 2016-09-23  
The Europeanisation of European Private Law (EPL) is an ongoing process that has gained momentum with the communitarisation of judicial cooperation in civil and commercial matters with the Amsterdam Treaty. This work examines the governance structure of EPL. It proves that more can be achieved towards the Europeanisation of private law through a new approach involving innovative modes of governance in EPL. In order to test this hypothesis, it is necessary to look at this exercise from three different angles. The first angle provides a study about the tools and the context with which one can further Europeanise private law and bridge the gaps between the main legal families, common law and civil law. The second angle encompasses a study of what has and what has not been achieved in the development of EPL by looking at both EU and non-EU initiatives. The final angle then examines the role of governance in the future development of EPL. As such, this study confirms that the further Europeanisation of EPL requires a multi-level mode of governance, confirming the traditional supra-national Community Method mode of governance in EPL with the introduction of intra-governmental innovative methods in EPL such as the Open Method of Coordination (OMC) and soft-law. These innovative modes, together with the traditional mode of governance, can take forward the development of EPL so that it can better serve the needs of the European legal community in the future.

**A Cosmopolitan Jurisprudence** - Helge Dedek 2021-12-16

H. Patrick Glenn (1940–2014), Professor of Law and former Director of the Institute of Comparative Law at McGill University, was a key figure in the global discourse on comparative law. This collection is intended to honor Professor Glenn's intellectual legacy by engaging critically with his ideas, especially focusing on his visions of a 'cosmopolitan state' and of law conceptualized as 'tradition'. The book explores the intellectual history of comparative law as a discipline, its attempts to push the objects of its study beyond the positive law of the nation-state, and both its potential and the challenges it must confront in the face of the complex phenomena of globalization and the internationalization of law. An international group of leading scholars in comparative law, legal

philosophy, legal sociology, and legal history takes stock of the field of comparative law and where it is headed.

**A Study of Mixed Legal Systems: Endangered, Entrenched or Blended** - Sue Farran 2016-03-16

A Study of Mixed Legal Systems: Endangered, Entrenched, or Blended takes the reader on a fascinating voyage of discovery. It includes case studies of a number of systems from across the globe: Cyprus, Guyana, Jersey, Mauritius, Philippines, Quebec, St Lucia, Scotland, and Seychelles. Each combines its legal legacies in novel ways. Large and small, in Europe and beyond, some are sovereign, some part of larger political units. Some are monolingual, some bilingual, some multilingual. Along with an analytical introduction and conclusion, the chapters explore the manner in which the elements of these mixed systems may be seen to be 'entrenched', 'endangered', or 'blended'. It explores how this process of legal change happens, questions whether some systems are at greater risk than others, and details the strategies that have been adopted to accelerate or counteract change. The studies involve consideration of the colourful histories of the jurisdictions, of their complex relationships to parent legal systems and traditions, and of language, legal education and legal actors. The volume also considers whether the experiences of these systems can tell us something about legal mixtures and movements generally. Indeed, the volume will be helpful both for scholars and students with a special interest in mixed legal systems as well as anyone interested in comparative law and legal history, in the diversity and dynamism of law.

**Practice and Theory in Comparative Law** - Maurice Adams 2012-07-05

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.

**Property Rights and Bijuralism** - Jan Jakob Bornheim 2020-10-12

"Using the Canadian experience as a model, Jan Jakob Bornheim shows that the efficient interaction of common law and civil law can take place on both vertical and horizontal planes."--

**Mixed Jurisdictions Compared** - Vernon Palmer 2009-10-15

Returning to a theme featured in some of the earlier volumes in the Edinburgh Studies in Law series, this volume offers an in-depth study of 'mixed jurisdictions' - legal systems which combine elements of the Anglo-American Common Law and the European Civil Law traditions. This new collection of essays compares key areas of private law in Scotland and Louisiana. In thirteen chapters, written by distinguished scholars on both sides of the Atlantic, it explores not only legal rules but also the reasons for the rules, discussing legal history, social and cultural factors, and the law in practice, in order to account for patterns of similarity and difference. Contributions are drawn from the Law Schools of Tulane University, Louisiana State University, Loyola University New Orleans, the American University Washington DC, and the Universities of Aberdeen, Strathclyde and Edinburgh.

**The Oxford Handbook of Comparative Law** - Mathias Reimann 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.

**A Common Law for Europe** - Gian Antonio Benacchio 2005-09-15

An essential guide for lawmakers, scholars, and students of law, this work takes on the formidable task of providing a detailed overview of the harmonization of law in the European Union. Skillfully researched, the authors seek to approach this topic with an eye to the recent enlargement process. In highlighting the most recent actions of the European Court of Justice and the Court of First Instance, the book seeks to analyze the future strengths and pitfalls of EU Common Law. Court rulings are quoted at length, and work in conjunction with text inserts in providing a format that breaks down complex information. This open style of the book gives researchers the ability to quickly locate useful information and cite statements from EU institutions. In outlining the sources and institutions of Community Law, and the challenges in harmonizing national and supra-national law-books, 'A Common Law for Europe' has done a tremendous service for academics and future leaders of the European Union.

Regulating and Managing Food Safety in the EU - Harry Bremmers 2018-08-01

This book analyses EU food law from a regulatory, economic and managerial perspective. It presents an economic assessment of strategies of food safety regulation, and discusses the different regulatory regimes in EU food law. It examines the challenges of food safety in the internal market as well as the regulatory tools that are available. The book's generic theorising and measurement of regulatory effects is supplemented by detailed analysis of key topics in food markets, such as health claims, enforcement strategies, and induced risk management at the level of the organizations producing food. The regulatory effects discussed in the book range from classical regulatory analysis covering e.g. effects of ex-ante versus ex-post regulation and content-related versus information-related regulation to new regulatory options such as behavioral regulation. The book takes as its premise the idea that economic considerations are basic to the design and functioning of the European food supply arena, and that economic effects consolidate or induce modification of the present legal structures and principles. The assessments, analyses and examination of the various issues presented in the book serve to answer the question of how economic theory and practice can explain and enhance the shaping and modification of the regulatory framework that fosters safe and sustainable food supply chains.

**Civil Litigation in a Globalising World** - X.E. Kramer 2012-02-02

Globalization of legal traffic and the inherent necessity of having to litigate in foreign courts or to enforce judgments in other countries considerably complicate civil proceedings due to great differences in civil procedure. This may consequently jeopardize access to justice. This triggers the debate on the need for harmonization of civil procedure. In recent years, this debate has gained in importance because of new legislative and practical developments both at the European and the global level. This book discusses the globalization and harmonization of civil procedure from the angles of legal history, law and economics and (European) policy. Attention is paid to the interaction with private law and private international law, and European and global projects that aim at the harmonization of civil procedure or providing guidelines for fair and efficient adjudication. It further includes contributions that focus on globalization and harmonization of civil procedure from the viewpoint of eight different jurisdictions. This book is a unique combination of theory and practice and valuable for academic researchers in the area of civil procedure, private international law, international law as well as policy makers (national and EU), lawyers, judges and bailiffs.

**Trusts in Mixed Legal Systems** - John Michael Milo 2001

**Wrongful Damage to Property in Roman Law** - Paul J. du Plessis 2018-05-15

Explores hieroglyphs as a metaphor for the relationship between new media and writing in British modernism.

**European Legal Cultures in Transition** - Åse B. Grødeland 2015-07-24

Are national legal cultures in Europe converging or diverging as a result of the pressures of European legal integration? Åse B. Grødeland and William L. Miller address this question by exploring the attitudes and perceptions of the general public and law professionals in five European countries: England, Norway, Bulgaria, Poland and the Ukraine. Presenting new findings, they challenge the established view that ordinary citizens and people working professionally with the law have

different legal cultures. Their research in fact reveals that the attitudes of citizens in Eastern and Western Europe towards 'law-in-principle' are remarkably similar, whereas perceptions of 'law-in-practice' differ by country and often correlate with GDP per capita and country ranking in rule of law indices. Grødeland and Miller's innovative methodological approach will appeal to both experts and non-experts with an interest in legal culture, European integration, or European elite and public opinion.

Tort Law - Frank L. Maraist 2015-07-31

Tort Law: The American and Louisiana Perspectives, Second Revised Edition (includes 2015 cumulative supplement) has as its primary objective a study of tort law in the United States and Louisiana. It differs from most other torts casebooks, however, in that it has a secondary objective of providing an exercise in comparative law. In the United States, we often overlook the fact that the common law system that prevails in our nation is not the only legal system in the world. Much of the world applies a civil law approach in which a civil code has a more prominent role than case law. In a world in which trade and economics, politics, and law cross national borders, it has become increasingly important to be aware of and conversant in other nations' legal systems. Louisiana, the only state in the United States that can be described as a mixed jurisdiction, using both civil law and common law, provides an excellent model for examining and comparing and contrasting civil law and common law approaches to various legal issues. This book invites the reader to both study tort law and consider the differences and similarities between the common law states and a state that has a civil code and views the role of the courts and the legislature somewhat differently.

**Rights of Personality in Scots Law** - Niall Whitty 2014-02-08

Explores the law on rights of personality in Scotland compared to other jurisdictions Taking a comparative perspective, this book explores the trends and issues affecting the law on rights of personality in jurisdictions drawn from the families of common law, civilian law, and mixed legal systems. The main focus is on the private law of personality rights, with due regard paid to the impact of constitutional legislation and other instruments protecting human rights.

**Comparative Law** - Sean Patrick Donlan 2019-12-06

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.

*Mixed Jurisdictions Worldwide* - Vernon Valentine Palmer 2012-06-28

This examination of the mixed jurisdiction experience makes use of an innovative cross-comparative methodology to provide a wealth of detail on each of the nine countries studied. It identifies the deep resemblances and salient traits of this legal family and the broad analytical overview highlights the family links while providing a detailed individual treatment of each country which reveals their individual personalities. This updated second edition includes two new countries (Botswana and Malta) and the appendices explore all other mixed jurisdictions and contain a special report on Cameroon.

The Enigma of Comparative Law - Esin Örüçü 2013-12-14

Bijuralism - Albert Breton 2006

Bijuralism is the coexistence of two or more legal systems or subsystems within a broader legal order. Issues addressed in papers and comments in this volume carry important implications for legal education and for a furthering of our understanding of bijuralism and multijuralism.

**Mixed Legal Systems at New Frontiers** - E. Örüçü 2010

This book aims to provide original views on and insight into mixed legal systems in general, and some mixed legal systems and ongoing mixes in particular. The hope is that the analyses to be found in the eleven contributions will be helpful for all who have a general interest in comparative law and a special interest in mixed legal systems.

*The Making of European Private Law* - J. M. Smits 2002

The private law of the Member States of the European Union has become more and more 'European'. The fact that the European Union is making ever more use of directives as an instrument to achieve private law goals, is, in this context, not the most important development. Of much more

substance is the fact that one increasingly realises that a uniform European private law has to be created, in one way or another, in the near future, if a truly common European market is to function at all. Over the last decade, Europe has witnessed the emergence of a vigorous debate about the need for and the feasibility of a future European *ius commune* in the field of private law. This book critically discusses this debate and provides a systematic overview of the various initiatives taken and describes the fragmentary European private law that already exists (by way of European directives, international conventions, etc.). In addition, the author aims at making a contribution to the debate by suggesting that the experience (good or bad) of the so-called 'mixed legal systems' is of great importance to the European private law venture and to the development of a uniform private law for Europe. This idea is supported by insights from Law & Economics and illustrated by South African law in particular. This idea of 'European private law as a mixed legal system' is then applied to the law of contracts, torts and property. This book takes up the challenge to give a critical examination on the various methods of creating this *ius commune*. A detailed table of contents, list of abbreviations, bibliography, table of cases and index complete the book and make it a valuable study for everyone interested in European private law.

*The New European Private Law: Vol. 3: Essays on the Future of Private Law in Europe* - Martijn Hesselink 2002-10-16

In *The New European Private Law*, Martijn W. Hesselink presents a revised and supplemented collection of essays written over the last five years on European private law. He argues that the creation of a common private law in Europe is not merely a matter of rediscovering the old *ius commune* or of neutrally establishing the present 'common core' which may be codified in a European Civil Code. Rather, it is a matter of making choices, some of which may be highly controversial. In this book he discusses some of the most important choices which will have to be made with regard to culture, principles, politics, models, rights, concepts and structure in the new European private law.

*A Study of Mixed Legal Systems: Endangered, Entrenched or Blended* - Dr Seán Patrick Donlan 2014-10-28

*A Study of Mixed Legal Systems: Endangered, Entrenched, or Blended* takes the reader on a fascinating voyage of discovery. It includes case studies of a number of systems from across the globe: Cyprus, Guyana, Jersey, Mauritius, Philippines, Quebec, St Lucia, Scotland, and Seychelles. Each combines its legal legacies in novel ways. Large and small, in Europe and beyond, some are sovereign, some part of larger political units. Some are monolingual, some bilingual, some multilingual. Along with an analytical introduction and conclusion, the chapters explore the manner in which the elements of these mixed systems may be seen to be 'entrenched', 'endangered', or 'blended'. It explores how this process of legal change happens, questions whether some systems are at greater risk than others, and details the strategies that have been adopted to accelerate or counteract change. The studies involve consideration of the colourful histories of the jurisdictions, of their complex relationships to parent legal systems and traditions, and of language, legal education and legal actors. The volume also considers whether the experiences of these systems can tell us something about legal mixtures and movements generally. Indeed, the volume will be helpful both for scholars and students with a special interest in mixed legal systems as well as anyone interested in comparative law and legal history, in the diversity and dynamism of law.

**Are mixed legal systems necessarily systems in transition, or can they achieve stability?** - Miriam Nabinger 2008-02-26

Seminar paper from the year 2006 in the subject Law - Comparative Legal Systems, Comparative Law, grade: 72%, Stellenbosch Universitiy (University of Stellenbosch, South Africa - Department for Private Law), course: Comparative Private Law, 27 entries in the bibliography, language: English, abstract: This paper is aimed at presenting why, in the author's opinion, mixed legal systems are not likely to be in a transitory stage in either the Civil or Common law direction and will not end up as one of the two "classical" legal ways. Rather, they will extend

their borrowing and transplanting effort and strive for the "perfect rule" among the available rules in existing Civil law just as all Common law systems do if they do not in a specific area come up with a striking and creative new solution. This awards them a great potential to serve as a role-model when harmonization and unification of law is on the agenda or when the two classical eurocentric legal families have reached stagnation and need inspiration.

*Juries, Lay Judges, and Mixed Courts* - Sanja Kutnjak Ivković 2021-07-29

Offers a comprehensive and comparative picture of how countries around the globe use ordinary citizens to decide criminal cases.

*Mixed Legal Systems in Comparative Perspective* - Reinhard Zimmermann 2004

This volume sets out to compare the effects of this historical development by assessing whether shared experience has led to shared law.

**Legal Origins and the Efficiency Dilemma** - Nuno Garoupa 2016-12-08

Economists advise that the law should seek efficiency. More recently, it has been suggested that common law systems are more conducive of economic growth than code-based civil law systems. This book argues that there is no theory to support such statements and provides evidence that rejects a 'one-size-fits-all' approach. Both common law and civil law systems are reviewed to debunk the relationship between the efficiency of the common law hypothesis and the alleged inferiority of codified law systems. *Legal Origins and the Efficiency Dilemma* has six aims: explaining the efficiency hypothesis of the common law since Posner's 1973 book; summarizing the legal origins theory in the context of economic growth; debunking their relationship; discussing the meaning of 'common law' and the problems with the efficiency hypothesis by comparing laws across English speaking jurisdictions; illustrating the shortcomings of the legal origins theory with a comparative law and economics analysis; and concluding there is no theory and evidence to support the economic superiority of common law systems. Based on previous pieces by the authors, this book expands their work by including new areas of analysis (such as trusts), detailing previous analysis (such as French law versus common law in the areas of contract, property and torts), and updating for recent developments in the academic discourse. This volume is of interest to academics and students who study microeconomics, comparative law and foundations of law, as well as legal policy analysts.

**Comparative International Law** - Anthea Roberts 2018

"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].

**Mixed Legal Systems, East and West** - Vernon Valentine Palmer 2016-07-22

Advancing legal scholarship in the area of mixed legal systems, as well as comparative law more generally, this book expands the comparative study of the world's legal families to those of jurisdictions containing not only mixtures of common and civil law, but also to those mixing Islamic and/or traditional legal systems with those derived from common and/or civil law traditions. With contributions from leading experts in their fields, the book takes us far beyond the usual focus of comparative law with analysis of a broad range of countries, including relatively neglected and under-researched areas. The discussion is situated within the broader context of the ongoing development and evolution of mixed legal systems against the continuing tides of globalization on the one hand, and on the other hand the emergence of Islamic governments in some parts of the Middle East, the calls for a legal status for Islamic law in some European countries, and the increasing focus on traditional and customary norms of governance in post-colonial contexts. This book will be an invaluable source for students and researchers working in the areas of comparative law, legal pluralism, the evolution of mixed legal systems, and the impact of colonialism on contemporary legal systems. It will also be an important resource for policy-makers and analysts.