



§ Law in Context

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Includes bibliographical references and index. *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. It is perhaps the one area of law where cross-country comparison seems inappropriate because all parties are governed by the same rules. However, as this book explains, states sometimes adhere to similar and at other times adopt different interpretations of the same international norms and standards. International legal rules are not a monolithic whole but are the basis for ongoing contestation in which states set forth competing interpretations. International norms are interpreted and redefined by national executives, legislatures and judiciaries. These varying and evolving interpretations can in turn change and impact the international rules themselves. These similarities and differences make for an important but thus far largely unexamined object of comparison. This is the premise for this book and for what the editors call comparative international law. 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* 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.

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 Örüçü 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.

[The Cambridge Handbook of Comparative Law](#) Mathias Siems, Po Jen Yap, 2024-02-01 Comparative law is a common subject matter of research and teaching in many universities around the world and the twenty first century has aptly been termed the era of comparative law. This Cambridge Handbook of Comparative Law presents a truly global perspective of comparative law today.

The contributors are drawn from all parts of the world to provide different perspectives on how we understand the law and how it operates in practice In substance the Handbook contains 36 chapters covering a broad range of topics divided under the following headings Methods of Comparative Law Part I Legal Families and Geographical Comparisons Part II Central Themes in Comparative Law Part III and Comparative Law beyond the State Part IV Interdisciplinary Comparative Law Husa, Jaakko, 2022-05-17 This is an open access title available under the terms of a CC BY NC ND 4.0 License It is free to read download and share on Elgaronline.com This insightful and timely book introduces an explanatory theory for surveying global and international politics Describing the nature and effects of democracy beyond the state Hans Agn explores peace and conflict migration politics resource distribution regime effectiveness foreign policy and posthuman politics through the lens of democratism to both supplement and challenge established research paradigms 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 Enigma of Comparative Law** Esin Örüçü, 2013-12-14 Viewing the contested theme Comparative Law as an Enigma this book explores its fundamental issues as sub themes each covered in two variations After the Overture the author pulls some strands together in the Intermezzo uses a free hand in the Cadenza and asks the reader to draw her own conclusions in the Finale By this method two fundamentally opposed views are exposed in each Chapter The what why and how of comparative law comparative law and legal education comparative law and judges and comparative law and law reform by transposition are explored The author also examines current debates of comparative law such as law and culture deconstruction of classifications mixing systems limits of comparability convergence non convergence and ius commune novum By following this two pronged approach the book covers many important aspects of comparative law in a refreshing manner not seen in any other work It is provocative and discursive bringing together for the reader major developments of comparative law The book ends by asking Where are we going **Comparative Law and Multicultural Legal Classes: Challenge or Opportunity?** Csaba Varga, 2020-07-30 This book discusses legal education in multicultural classes Comparative law education is now widespread throughout the world and there is a growing trend in developed countries toward teaching global law Providing theoretical answers on how to describe each legal culture and tradition side by side it also explores educational methodological options to address these aspects without causing offence or provoking tension within a multicultural student community The book examines nine countries on three continents bringing together academic views and educational insights from ten scholars in the field of comparative law Comparative Law Fernanda G. Nicola, Gnter Frankenberg, 2024-08-06 This book provides a practical introductory guide to comparative law Fernanda G Nicola and G nter Frankenberg present and examine conventional and critical approaches to legal comparison exploring its ramifications in the field and political effects **Comparative Law** Mathias Siems, 2022-03-24 Presents a fresh contextualised and sophisticated perspective on comparative law for both students and scholars **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 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 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 **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 Sean Patrick Donlan, Jane Mair, 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 *American Law in a Global Context* George P. Fletcher, Steve Sheppard, 2005 Resource added for the Paralegal program 101101 *Introduction to Comparative Law* Jaakko Husa, 2023-05-18 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

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