# COMPARATIVE LAW

Third Edition

K. ZWEIGERT & H. KÖTZ

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# **Introduction To Comparative Law Zweigert 1998 Book**

Magdalena Tulibacka

#### **Introduction To Comparative Law Zweigert 1998 Book:**

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 **Comparative Law** Fernanda G. Nicola, GŸnter 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

The Method and Culture of Comparative Law Maurice Adams, Dirk Heirbaut, 2014-12-01 Awareness of the need to deepen the method and methodology of legal research is only recent The same is true for comparative law by nature a more adventurous branch of legal research which is often something researchers simply do whenever they look at foreign legal systems to answer one or more of a range of guestions about law whether these guestions are doctrinal economic sociological etc Given the diversity of comparative research projects the precise contours of the methods employed or the epistemological issues raised by them are to a great extent a function of the nature of the research guestions asked As a result the search for a unique one size fits all comparative law methodology is unlikely to be fruitful That however does not make reflection on the method and culture of comparative law meaningless Mark Van Hoecke has throughout his career been interested in many topics but legal theory comparative law and methodology of law stand out Building upon his work this book brings together a group of leading authors working at the crossroads of these themes the method and culture of comparative law With contributions by Maurice Adams John Bell Joxerramon Bengoetxea Roger Brownsword Se n Patrick Donlan Rob van Gestel and Hans Micklitz Patrick Glenn Jaap Hage Dirk Heirbaut Jaakko Husa Souichirou Kozuka and Luke Nottage Martin L hnig Susan Millns Toon Moonen Francois Ost Heikki Pihlajam ki Geoffrey Samuel Mathias Siems J rn yrehagen Sunde Catherine Valcke and Matthew Grellette Alain Wijffels An introduction to comparative law Konrad Zweigert, 1998 An introduction to comparative law, by K. Zweigert and H. Kotz Konrad Zweigert, **Taxation of Cross-border Partnerships** Jesper Barenfeld, 2005 Aims to identify and analyse problems related to double taxation of income attributable to cross border partnerships in asymmetrical situations de lege lata This refers to cases where the same partnership in across border owner entity situation is recognized as a taxable person in one country but as transparent for tax purposes in the other **The German Law of Torts** Basil S Markesinis, Hannes Unberath, 2002-06-10 This edition has been extensively

rewritten and enlarged and is an ideal tool for those interested in comparative torts and comparative methodology Indigenous Water Rights in Law and Regulation Elizabeth Jane Macpherson, 2019-08-08 A detailed study of the engagement of state law with indigenous rights to water in comparative legal and policy contexts **Product Liability Law** in Transition Magdalena Tulibacka, 2016-04-08 This volume examines the evolution of Central European product liability systems with particular reference to the effect of the implementation of the Product Liability Directive in the context of the recent enlargement of the EU This book also provides a comparison of how product liability law has evolved in the socialist states comparing it to developments taking place in the West Using product liability law this study offers a valuable insight into the necessary features and requirements of the harmonization of laws between the EU and post socialist Europe Predominantly legal in scope it also takes account of the importance of extra legal elements in law reform As such this book will be a valuable resource for those interested in European Law as well as those working in the area of Consumer and Product Liability law The Right to Confrontation in Europe Stefano Maffei, 2012 Investigates the theory and practice of the Right to Confrontation and the right of an accused person to examine witnesses against him This book tackles the question of what values and interests should allow incursions into this fundamental right A conceptual analysis is developed in order to define the concept of testimonial evidence **Basic Legal Instruments for the Liberalisation of Trade** Federico Ortino, 2004 An in depth analysis of the core legal concepts characterising the two most prominent efforts in the regulation of international trade Researching Property Law Sarah Blandy, Susan Bright, 2015-08-31 For those embarking on or engaged in property law research this is a unique resource which includes contributions from twelve international scholars who each analyse a different research approach addressing its value associated methodology and the challenges involved in pursuing it **Common Law Judging** Douglas E. Edlin, 2020-03-06 Are judges supposed to be objective Citizens scholars and legal professionals commonly assume that subjectivity and objectivity are opposites with the corollary that subjectivity is a vice and objectivity is a virtue These assumptions underlie passionate debates over adherence to original intent and judicial activism In Common Law Judging Douglas Edlin challenges these widely held assumptions by reorienting the entire discussion Rather than analyze judging in terms of objectivity and truth he argues that we should instead approach the role of a judge's individual perspective in terms of intersubjectivity and validity Drawing upon Kantian aesthetic theory as well as case law legal theory and constitutional theory Edlin develops a new conceptual framework for the respective roles of the individual judge and of the judiciary as an institution as well as the relationship between them as integral parts of the broader legal and political community Specifically Edlin situates a judge's subjective responses within a form of legal reasoning and reflective judgment that must be communicated to different audiences Edlin concludes that the individual values and perspectives of judges are indispensable both to their judgments in specific cases and to the

independence of the courts According to the common law tradition judicial subjectivity is a virtue not a vice

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 Mathias Siems, 2018-04-12 Comparative Law offers a thorough grounding in the subject for students and scholars of comparative law alike critically debating both traditional and modern approaches to the subject and using examples from a range of legal systems gives the reader a truly global perspective Covering essential academic debates and comparative law methodology its contextualised approach draws on examples from politics economics and development studies to provide an original contribution to topics of comparative law This new edition is fully revised and updated throughout to reflect contemporary research contains more examples from many areas of law and there is also an increased discussion of the relevance of regional international transnational and global laws for comparative law Suitable for students taking courses in comparative law and related fields this book offers a fresh contextualised and cosmopolitan perspective on the subject

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 Non-Discrimination Law in the Courts Jule Mulder, 2017-01-12 Since the year 2000 the material and personal scope of EU non discrimination law has been significantly broadened and has challenged national courts to introduce a comprehensive equality framework into their national law to correspond with the European standard The book provides a multi layered culturally informed comparison of juridical approaches to EU in direct sex and sexualities discrimination and its implementation in Germany and the Netherlands It examines how and why national courts apply national non discrimination law with a European origin differently although the legislation derives from the same set of EU law and the national courts have to respect the interpretive competence of the CIEU The book provides valuable insights into the national and European context which shape the dialogue and influences of the courts inter se the national application of EU law and the harmonisation process within the area of gender equality law and beyond A Dutch and German comparison is of special interest here because both countries approaches towards non discrimination law are quite different despite the similarities in the respective legal systems they are founding members of the EU they are neighbours they are civil law countries and their legal systems are relatively similar at least compared to Scandinavian and common law jurisdictions Therefore the different reception EU non discrimination law cannot simply be explained by obvious differences between the legal systems Their comparison thus provides an interesting case study to uncover legal and non legal cultural and historic factors which influence the application of EU non discrimination law in both countries The book is of interest for EU comparative and equality lawyers **Justifying Strict Liability** Marco Cappelletti, 2022 The imposition of strict liability in tort law is controversial and its theoretical foundations are the object of vigorous debate Why do or should we impose strict liability on employers for the torts committed by their employees or on a person for the harm caused by their children animals activities or things In responding to this type of questions legal actors rely on a wide variety of justifications Justifying Strict Liability explores in a comparative perspective the most significant arguments that are put forward to justify the imposition of strict liability in four legal systems two common law England and the United States and two civil law France and Italy These justifications include risk accident avoidance the deep pockets argument loss spreading victim protection reduction in administrative costs and individual responsibility By looking at how these arguments are used across the four legal systems this book considers a variety of patterns which characterise the reasoning on strict liability The book also assesses the justificatory weight of the arguments showing that these can assume varying significance in the four jurisdictions and that such variations reflect different views as to the values and goals which inspire strict liability and tort law more generally Overall the book seeks to improve our understanding of strict liability to shed light on the justifications for its imposition and to enhance our understanding of the different tort cultures featuring in the four legal systems studied The

Harmonisation of National Legal Systems Antonios E. Platsas, 2017-10-27 This book offers a novel perspective on the leading concept of harmonisation advocating the mutual benefits and practical utility of harmonised law Theoretical models and factors for harmonisation are explored in detail Antonios E Platsas acknowledges a range of additional factors and presents harmonisation as a widely applicable and useful theory Comparative Law Esin Örücü, 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

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