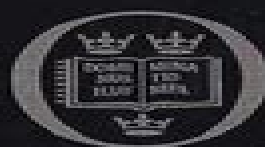


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**AN INTRODUCTION TO  
COMPARATIVE LAW**

**Second Edition**  
Volume I



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**National Legal Systems and Globalization** Pierre Larouche, Péter Cserne, 2012-11-27 This book presents the results of research project financed by the Hague Institute for the Internationalization of Law HiiL and carried out at the Tilburg Law and Economics Center TILEC of Tilburg University The project team shows that globalization instead of threatening national legal systems put them in a new role and gives them continuing relevance First of all once one takes a more functional view of the law based on law and economics and comparative law literature harmonization or unification of national legal systems is no longer a foregone conclusion Secondly fundamental constitutional principles continue to bear in the era of multi level and transnational governance they become governance principles divorced from specific institutional settings Finally looking beyond regulatory competition and comparative law legal emulation provides a rich and fruitful model to explain the interplay between legal systems This book explores these three themes both at a theoretical level and in the light of specific examples

Privacy and Data Protection Issues of Biometric Applications Els J. Kindt, 2013-12-05 This book discusses all critical privacy and data protection aspects of biometric systems from a legal perspective It contains a systematic and complete analysis of the many issues raised by these systems based on examples worldwide and provides several recommendations for a transnational regulatory framework An appropriate legal framework is in most countries not yet in place Biometric systems use facial images fingerprints iris and or voice in an automated way to identify or to verify identity claims of persons The treatise which has an interdisciplinary approach starts with explaining the functioning of biometric systems in general terms for non specialists It continues with a description of the legal nature of biometric data and makes a comparison with DNA and biological material and the regulation thereof After describing the risks the work further reviews the opinions of data protection authorities in relation to biometric systems and current and future EU law A detailed legal comparative analysis is made of the situation in Belgium France and the Netherlands The author concludes with an evaluation of the proportionality principle and the application of data protection law to biometric data processing operations mainly in the private sector Pleading for more safeguards in legislation the author makes several suggestions for a regulatory framework aiming at reducing the risks of biometric systems They include limitations to the collection and storage of biometric data as well as technical measures which could influence the proportionality of the processing The text is supported by several figures and tables providing a summary of particular points of the discussion The book also uses the 2012 biometric vocabulary adopted by ISO and contains an extensive bibliography and literature sources

**Derrida and Law** Pierre Legrand, 2017-07-05 This volume gathers together sixteen seminal articles all written by leading scholars which

articulate and effectuate the influence of Derrida's scholarship on the field of law. The articles included in this collection are underpinned by the authors' shared belief that the intellectual challenges posed by Derrida's work to legal scholarship are as challenging as they are pressing and as profound as they are inescapable. In addition to a thorough introduction addressing salient aspects of Jacques Derrida's engagement with law, this book comes with an extensive bibliography of sources in English. This provides the reader with a carefully selected list of more than one hundred texts, all of which serve as introductory pathways to Derrida's philosophy and, in particular, to the interaction between Derrida and law. A fine reminder of the transdisciplinary influence of Jacques Derrida's thought, this landmark collection is destined to generate substantial interest in philosophy departments and law schools alike.

**Courts' Inquiry into Arbitral Jurisdiction at the Pre-Award Stage** Sandra Synková, 2013-06-14. International arbitration has become the favored method of resolving disputes between business partners in almost every aspect of international trade, commerce, and investment. The resolution of a dispute by means of international arbitration provides the parties with an opportunity to resolve their disputes in a private, confidential, cost- and time-efficient manner before a neutral tribunal of their choice. However, challenges to arbitral jurisdiction have become a common practice in the field. Resolution of such challenges may significantly delay the resolution of the parties' primary substantive dispute, increase overall dispute resolution costs, and even whittle down the benefits of the parties' bargain to arbitrate. Accordingly, adopting a proper approach to the resolution of such disputes becomes crucial to the efficacy of international arbitration as a system of dispute resolution. The present book provides a comparative analysis of the practice of three carefully selected legal orders: the English, German, and Swiss, and outlines possible ways forward. As the work strikes a balance between theory and practice, it will appeal to practitioners, researchers, but also students looking to develop their understanding of the international arbitration field.

**Research Handbook on International Food Law** Michael T. Roberts, 2023-11-03. With contributions from over 30 international legal scholars, this topical Research Handbook on International Food Law provides a crucial and reflective examination of the rules, power dynamics, legal doctrines, societal norms, and frameworks that govern the modern global food system. The Research Handbook analyses the interlinkages between producers and consumers of food, as well as the environmental effects of the global food network and the repercussions on human health.

**An introduction to comparative law** Konrad Zweigert, 1998. **Comparative legal analysis. 5 basic fields** M. T., 2016-07-28. Essay from the year 2016 in the subject Law, Comparative Legal Systems, Comparative Law, grade 78% (17 Punkte), University of Hull, language English, abstract. In times of globalization and internationalisation, comparative legal studies play an ever more important role. Especially against the backdrop of trying to foster understanding of different cultures, as well as to enhance the development of domestic legal systems and thereby improve one's own law, comparative law studies are becoming increasingly significant. Comparative legal studies can be defined as the purposeful analysis of different laws or legal systems through the use of one or more approaches. Comparative

law consists of the fields private international law the making of law the interpretation and application of the law the confluence of the law and the development of general common principles and the unification of the law The aim of this essay is to explain these five basic fields in which comparative legal studies are employed and to illustrate these subjects by giving examples

The enforceability of the human right to adequate food Bart Wernaart,2023-09-04 While the right to adequate food is often discussed in the context of developing countries especially in situations where access to adequate food is a problem on a larger scale this book focusses on the right to food in two Western countries in which theoretically the circumstances allow this right to be enjoyed by each individual Through a legal comparative study the enforceability of the right to food is compared between the Netherlands and Belgium in light of the current UN Human Rights system There seems to be a difference between what the countries do what they say they do and what they should do on the matter As it appears the coincidental constitutional circumstances mainly determine the enforceability of the right to food rather than the content of the human right in itself This book includes a thorough analysis of suitable comparative legal methodology and the embedment of the right to food in the UN human right system Furthermore for both countries an in depth analysis of the case law on the right to food mostly concerning the status of foreigners the constitutional context in which the Judiciary operates and the relevant UN reports and subsequent procedures are outlined Finally recommendations are made to both countries and the relevant UN Committees

*An Introduction to Comparative Law: The framework* Konrad Zweigert,Hein Kötz,1977

*Epistemology and Methodology of Comparative Law* Mark van Hoecke,2004-05 Whereas many modern works on comparative law focus on various aspects of legal doctrine the aim of this book is more theoretical to reflect on comparative law as a scholarly discipline and in particular its epistemology and methodology It seeks answers to fundamental scientific problems of comparative research

Vanderbilt Journal of Transnational Law ,2002

Comparative Law in the 21st Century Andrew Harding,E. Örüçü,2002-06-03 Comparative Law in the 21st Century confronts all these looming issues from a vantage point that reveals the broad contours of law as practised and studied today and tomorrow highlighting fast moving trends that were unsuspected as little as two decades ago It is a volume of great significance and value for all thinking lawyers both practising and academic

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Zweigert and Kötz Arthur Taylor Von Mehren,1988

Law in Civil Society Richard Dien Winfield,1995 Law in Civil Society advances a new and comprehensive theory of how legal institutions should be reformed to uphold the property family and economic rights of individuals in civil society In so doing it offers a powerful challenge to the dominant legal theories and practices espoused by liberalism positivism natural law and critical legal thought Winfield argues against the prevailing assumptions of legal philosophers who dogmatically embrace formal or historical conceptions of law True law he contends must be constructed within the context of the different spheres of rights and ultimately can only exist within a civil society committed to self determination and community Working from these fundamental premises he analyzes in detail a rich array of important legal issues fair access to legal

representation the rationale for jury trials appropriate distinctions between civil and criminal legal procedures the controversies pitting common law versus codification and adversarial versus inquisitorial systems of trial and the relationship between civil society and the state Much inspired by Hegel's Philosophy of Right Winfield's study offers the most convincing critique yet of that renowned philosopher's work and in the process provides a more complete and coherent conception of law than Hegel himself articulated Provocative and highly instructive the book should attract scholars teachers and students in legal and political philosophy and anyone else with an abiding interest in the foundations of Western law Precedent and the Law E. H. Hondius, 2007 This volume contains the general report and the national reports on the subject Precedent and the Law which were submitted to the world congress of the International Academy of Comparative Law held in Utrecht in 2006 Precedent is often considered a major distinction mark between the civil law and the common law But is this still the case In common law jurisdictions the sharp edges of stare decisis seem to water down whereas civil law jurisdictions now do admit that precedents at least de facto constitute a source of law Convergence however would be too strong a word to characterise these tendencies These reports throw light on this issue *Central European Political Science Review*, 2005

Global Issues in Contract Law John A. Spanogle, 2007 This supplementary text facilitates the introduction of international comparative and transnational legal issues into the basic contracts course It covers status and scope of the U N Convention on Contracts for the International Sale of Goods CISG contract formation issues formal requirements ambiguity of contract terms parol evidence under domestic law and under the CISG irrevocable offers performance and breach and comparative and CISG approaches to remedies It is designed to inform but not overburden the basic contracts course It also contains carefully drafted problems and notes **Harmonizing Law in an Era of Globalization** Larry Catá Backer, 2007 The essays in this book highlight the most important ways in which domestic international public and private legal systems interact with each other The initial essays provide a theoretical overview of the study of legal harmonization that is of the nature and character of communication accommodation amalgamation or resistance among legal systems These interactions occur within horizontal relationships between political institutions operating at the same level of authority Vertical relationships between political institutions whose relationships are hierarchical have given rise to different patterns of interaction New legal orders are being created through the adoption of international legal instruments that may reach nation states private entities and individuals Each has the potential for significantly affecting the sources of authority over public and private actors Other essays illustrate the many ways in which communication between legal systems produce very real if very different effects across the world This book is part of the Studies on Globalization and Society Series edited by Raj Bhala Rice Distinguished Professor The University of Kansas School of Law The individual essays may be profitably used to illustrate and discuss harmonization among both legal systems and political systems In particular the essays on South Africa on Mercosur and on Islam raise some distinct challenges and clear issues for scholars and students of globalization both from a

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