As recognized, adventure as without difficulty as experience approximately lesson, amusement, as competently as union can be gotten by just checking out a books the gradual convergence foreign ideas foreign influences and english law on the eve of the 21st century along with it is not directly done, you could receive even more in this area this life, re the world.

We present you this proper as capably as simple mannerism to get those all. We give the gradual convergence foreign ideas foreign influences and english law on the eve of the 21st century and numerous ebook collections from fictions to scientific research in any way. among them is this the gradual convergence foreign ideas foreign influences and english law on the eve of the 21st century that can be your partner.
Global Constitutionalism and the Path of International Law
Surendra R. Bhandari 2016-04-25 Global Constitutionalism and the Path of International Law offers an account of the most important growth and features of international law in the form of global constitutionalism. This book demonstrates how global constitutionalism is shaping the path of international law.

Comparative Company Law
Sacha Prechal 2008 This volume examines the harmonisation of company law is necessary. The book covers 12 legal systems from different legal traditions and from different parts of the world (though with a special emphasis on European countries). In alphabetical order, those countries are: Finland, France, Germany, Italy, Japan, Latvia, the Netherlands, Poland, South Africa, Spain, the UK, and the US. All of these jurisdictions are subjected to scrutiny by deploying a comparative case-based study. On the basis of these case solutions, various conclusions are reached, some of which challenge established orthodoxies in the field of comparative company law.

Revue de droit uniforme- 1999

The Europeanisation of Law
Francis Snyder 2000-09-25 This book consists of interrelated essays by many past and present members of the EU Law Department. The contributors are all well-known specialists in their fields, whose essays address such issues as the effects of integration upon certain national laws, the elaboration of EU law to provide a new framework for or replacement for national laws, the piece-meal development of specific legal strands of EU law and their intertwining with national or international laws, and the indirect and sometimes unintended consequences of European integration with regard to national, EU, or international law.

Public Liability in EU Law
Pekka Aalto 2011-11-01 Over the last two decades public law liability for breach of European Union law has been subject to remarkable developments. This book examines the convergence between the two constituent systems: the damages liability of the EU and that of its Member States for failing to comply with EU rules. Member State liability, based as it is on the Francovich case (1991) and Brasserie du Pécheur and Factortame (1996) judgments of the European Court of Justice (ECJ) is well established. But it is yet to be closely scrutinised by reference to the detailed rules on the liability of the European Union. The focus of the book is on the two key legal criteria that are common to both systems, namely the grant of rights to individuals by EU law and the notion of sufficiently serious breach of such rights. The analysis concentrates on developments in the case law of the ECJ and the General Court since the Bergadern judgment (2000), which consolidated the convergence of the two liability systems that was first indicated in Brasserie du Pécheur and Factortame. These two criteria are set side by side to evaluate the extent, in real terms, of the convergence of Member State and EU institutional damages liability, and to determine the extent to which one has influenced the other. This book shows that although full convergence between the two liability systems is not likely, each stream of case law should look to the other more actively as this important element of EU remedial law develops. Convergence in EU law public liability is supported by developments in adjacent areas, most notably European tort law and European administrative law. This study also illustrates how convergence in the EU liability systems to date has had spill-over effects into national public liability law.

The Coherence of EU Law
Sacha Prechal 2008 The book is therefore to fill a gap in the literature by identifying whether conceptual differences between countries exist. Rather than concentrate on whether the institutional structure of the corporation varies across jurisdictions, the objective of this book will be pursued by focusing on specific cases and how different countries might treat each of these cases. The book also has a public policy dimension, because the existence or absence of differences may lead to the question of whether formal harmonisation of company law is necessary. The book covers 12 legal systems from different legal traditions and from different parts of the world (though with a special emphasis on European countries). In alphabetical order, those countries are: Finland, France, Germany, Italy, Japan, Latvia, the Netherlands, Poland, South Africa, Spain, the UK, and the US. All of these jurisdictions are subjected to scrutiny by deploying a comparative case-based study. On the basis of these case solutions, various conclusions are reached, some of which challenge established orthodoxies in the field of comparative company law.

Approaches to Procedural Law

The Oxford Handbook of the Canadian Constitution
Peter Oliver 2017 The Oxford Handbook of the Canadian Constitution provides an ideal first stop for Canadians and non-Canadians seeking a clear, concise, and authoritative account of Canadian constitutional law. The Handbook is divided into six parts: Constitutional History, Institutions and Constitutional Change, Aboriginal Peoples and the Canadian Constitution, Federalism, Rights and Freedoms, and Constitutional Theory. Readers of this Handbook will discover some of the distinctive features of the Canadian constitution: for example, the importance of Indigenous peoples and legal systems, the long-standing presence of a French-speaking population, French civil law and Quebec, the British constitutional heritage, the choice of federalism, as well as the newer features, most notably the Canadian Charter of Rights and Freedoms, Section Thirty-Five regarding Aboriginal rights and treaties, and the procedures for constitutional amendment. The Handbook provides a remarkable resource for comparativists at a time when the Canadian constitution is a frequent topic of constitutional commentary. The Handbook offers a vital account of constitutional challenges and opportunities at the time of the 150th anniversary of Confederation.

The Effectiveness of Domestic Human Rights NGOs
Scott Calnan 2008 Although human rights NGOs, and especially domestic human rights NGOs, have become crucial to the human rights movement over the years very little literature exists which critically examines their operations. This book sets out to begin to fill this gap by focusing on how NGOs mobilise the law and how their effectiveness could be measured. Focusing on case studies of actual domestic human rights NGOs, and using a comparative methodology, this book focuses its analysis on the real life problems of human rights NGOs. The result is a revealing snapshot of the legal work of human rights NGOs and a vision of how they could become even more important in the future.

The Coherence of EU Law
Sacha Prechal 2008 This volume examines the problems of legal and linguistic diversity in the EU legal system. In a union of 27 member states, with 23 different languages, how can the coherence of EU law be guaranteed? Is there a common understanding between lawyers from different national backgrounds as to the meaning and domestic application of EU law? The volume addresses these central questions from a range of theoretical and practical perspectives.
Engaging with Foreign Law-Basil S Markesinis 2009-03-30 This book presents a developed theory of how national lawyers can approach, understand, and make use of foreign law. Its theme is pursued through a set of detailed essays which look at the courts as well as business practice and, with the help of statistics, demonstrate what type of academic work has any impact on the ‘real’ world. Engaging with Foreign Law thus aims to carve out a new niche for comparative law in this era of globalisation, and may also be the only book which deals in some depth with both private and public law in countries such as England, Germany, France, South Africa, and the United States.

Civil Law Studies-Anthony D’Souza 2020-07-24 The glacier of Ancient Vedic wisdom flowed down the Himalayan Kailash and watered the Hindu philosophy. The Shrutis (that which was heard) and the Smritis (that which was remembered) reflected this Vedic wisdom. Thinkers and philosophers of the time expressed their thoughts in prosaic Dharmasutras and later on in more refined poetic Dharmashastras. The Smritkars followed with their own interpretation, symbolically represented by the Code of Manu. That jurisprudence was responsible for taking the country through the Golden pages of its history. With the British dominance, India was plunged in Common Law Jurisprudence, interwoven with Hindu Philosophy. The Midnight country awoke in 1947 to an Independent democratic set up, and in 1950 was wedded to the Indian Constitutional philosophy, laid with the bricks of Common Law. With the establishment of the Supreme Court of India, the apex judicial institution in an interpretative mode carved a unique niche for Anglo-Indian Jurisprudence, amidst the Legal Systems of the World. In the twenty first century, India is on a launch pad as a new political and economical superpower. At this stage there is a need for Indian lawyers to familiarize with the Anglo-American System, that half of the commercial world. Tiny pockets in Western and in Eastern India, as parts of erstwhile Portuguese or French colonial possessions had earlier experienced the Continental Jurisprudence. These pockets have the unique distinction of having run both the Common and Civil Law Systems and even simultaneously during the transition period. This experience can be a contribution to the globalizing world. Hence it is necessary to foster the study of Civil Law in India, not only from its historical past but also from its future prospects in world market. In “Civil Law Studies: An Indian Prospective”, about two dozen scholars from the Law faculties of the Universities of India, Lisbon and Coimbra have collaborated to visualize the role for Civil Law Studies in the various fields. They have convincingly demonstrated the different branches of law for comparative research such as constitutional, civil, commercial, criminal, etc. The book is intended to be a thought provoking exercise which will strengthen the Study and Research of Civil Law in India. The suggestions are meant to empower legal educators, law students, the bar and the bench in India.

Charting the Divide Between Common and Civil Law-Thomas Lundmark 2012-09-27 What does it mean when civil lawyers and common lawyers think differently? In Charting the Divide between Common and Civil Law, Thomas Lundmark provides a comprehensive introduction to the uses, purposes, and approaches to studying civil and common law in a comparative legal framework. Superbly organized and exhaustively written, this volume covers the jurisdictions of Germany, Sweden, England and Wales, and the United States, and includes a discussion of each country’s legal issues, structure, and general rules. Students of international law, comparative law, social philosophy, and legal theory will find this volume a valuable introduction and companion to their courses.

Defendant Participation in the Criminal Process-Abena Ousu-Bempha 2016-10-04 Requirements for the defendant to actively participate in the English criminal trials have been increasing in recent years such that the defendant can now be penalised for their non-cooperation. This book explores the changes to the defendant’s role as a participant in the criminal process and the ramifications of penalising a defendant’s non-cooperation, particularly its effect on the adversarial system. The book develops a normative theory which proposes that the criminal process should operate as a mechanism for calling the state to account for its accusations and request for official condemnation and punishment of the accused. It goes on to examine the limitations placed on the privilege against self-incrimination, the curtailment of the right to silence, and the defendant’s duty to disclose the details of his or her case prior to trial. The book shows that participationary requirements on defendants and penalising them for their non-cooperation, a system of obligatory participation has developed. This development is the consequence of pursuing efficient fact-finding with little regard for principles of fairness or the rights of the defendant.

Construction Arbitration and Alternative Dispute Resolution-Renato Nazzini 2021-10-15 This book provides comprehensive, rigorous and up-to-date coverage of key issues that have emerged in the first quarter of the 21st Century in transnational construction arbitration and alternative dispute resolution (ADR). Covering four general themes, this book discusses: the increasing internationalisation of dispute resolution in construction law; the increasing reliance on technology in the management of construction projects and construction arbitration/ADR; the increasing prominence of collaborative contracting in construction and infrastructure projects; the increasing importance of contractual adjudication such as dispute boards in construction and infrastructure projects; the increasing prevalence of statutory adjudication mechanisms across the world; and the greater incidence of investment disputes and disputes against States and State entities over construction and infrastructure concessions and agreements. Tapping on their substantial expertise in practice and in research, the contributor team of senior practitioners and academics in the area of construction law and dispute resolution provide readers with information that balances an intellectually rigorous academic contribution against the backdrop of real concerns raised in practice. Construction Arbitration and Alternative Dispute Resolution is an invaluable resource for practitioners in the field, academics in arbitration and construction law, and post-graduate students in construction law and dispute resolution.

The Worlds of the Trust-Lionel Smith 2013-08-22 Despite the common belief that they are found only in the common law tradition, trusts have long been known in mixed jurisdictions even where they have a civil law of property. Trusts have now been introduced by legislation in a number of civil jurisdictions, such as France and China. Other recent developments include the reception of foreign trusts through private international law in Italy and Switzerland and the inclusion of a chapter on trusts in Europe’s Draft Common Frame of Reference. As a result, there is a growing interest in the ways in which the trust can be accommodated in civil law systems. This collection explores this question, as well as general issues such as the juridical nature of the trust, the role and qualifications of the trustee and particular developments in specific jurisdictions.

The Oxford Handbook of Law and Politics-Keith E. Whittington 2010-06-11 The study of law and politics is one of the foundation stones of the discipline of political science, and it has been one of the most productive areas of cross-fertilization between the various subfields of political science and between political science and other cognate disciplines. This Handbook provides a comprehensive survey of the field of law and politics in all its diversity, ranging from such traditional subjects as theories of jurisprudence, constitutionalism, judicial politics and law-and-society to such re-emerging subjects as comparative judicial politics, international law, and democratization. The Oxford Handbook of Law and Politics brings together leading scholars in the field to assess key literatures shaping the discipline today and to help set the direction of research in the decade ahead.

Law in Transition-Ferdinand J.M. Felthuysen 2021-10-25 Comparative Reasoning in European Supreme Courts-Michal Bobek 2013-08-06 Peeking into each other’s backyard and getting inspired by how a similar problem has been tackled by a neighbour or a colleague is certainly nothing new. Moreover, in most professions, acknowledging such inspiration coming from abroad will not pose a problem. For instance, it would only be welcomed if an English doctor suggested a less known but much more effective treatment in a hospital in Birmingham with reference to German expertise in successfully treating the same illness. There might be, however, a problem if a colleague who argues that English law is a comparative law has been construed as a territorial national enterprise: for solving a legal dispute in Birmingham, only English law matters. English judges therefore ought to apply English common law and English statutes. What the Germans say or do in similar cases is irrelevant. This book is about judicial pecking: when and why do judges use inspiration from other systems in solving cases in national law? The book examines the frequency and the general practice of judicial pecking across national boundaries in contemporary Europe. It evaluates these findings and on their basis asks what they mean for our understanding of judicial reasoning and judicial function today.

Paradoxes of European Legal Integration-Anne Lise Kjær 2016-12-05 Focusing on paradoxes and tensions of European legal integration, this book investigates four complex and inherently contradictory processes - constitutionalization and democratization, institution-building and market-making, cross-cultural communication and European discourse, and cultural
exceptionalism and normalization - to offer a new framework for understanding contemporary European integration. The volume features contributions from some of the biggest names in European legal philosophy, to include Neil MacCormick, Yves Dezalay and Bryant Garth, Pierre Legrand, Heikki Mattila and David Nelken. It presents a timely, interdisciplinary approach to an important and topical area and will be of interest to those concerned with the place of socio-legal processes, language and culture in the continuous advancement of the EU project.

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.

Human Rights in the UK and the Influence of Foreign Jurisprudence- Helène Tyrrell 2018-09-20 Human Rights in the UK and the Influence of Foreign Jurisprudence represents the first major empirical study of the use of foreign jurisprudence at the UK Supreme Court. This book focuses on the patterns of use and non use of rulings from foreign domestic courts in human rights cases before the UK Supreme Court. Results are drawn from quantitative and qualitative research, presenting data from the first eight years of Supreme Court activity. The evidence includes interviews with active and former members of the senior judiciary, as well as a focus group including some of the Supreme Court Judicial Assistants. It is argued that foreign jurisprudence is more intimately woven into the fabric of judicial reasoning, and serves a wider range of functions, than the term ‘persuasive authority’ might imply. Foreign jurisprudence is used mainly as a heuristic device, providing judges with a fresh analytical lens. Foreign jurisprudence is also import for evaluating a country’s foreign policy, supporting dialogue between the Supreme Court and supranational courts such as the European Court of Human Rights. The perspectives offered by foreign jurisprudence can also support a stronger conception of domestic human rights. In these ways, this book addresses a broader political question about the source of human rights in the UK.

The Politics of Judicial Co-operation in the EU-Hans-W Micklitz 2005-07 Three case studies look into judicial co-operation between Member States and the ECJ.

The Politics of Justice in European Private Law-Hans-W Micklitz 2018-11-15 The Politics of Justice in European Private Law intends to highlight the differences between the Member States’ concepts of social justice, which have developed historically, and the distinct European concept of access justice. Contrary to the emerging critique of Europe’s justice deficit in the aftermath of the Euro crisis, this book argues that beneath the larger picture of the Monetary Union, a more positive and more promising European concept of justice is developing. European access justice is thinner than national social justice, but access justice represents a distinct conception of justice nevertheless. Member States or nation states remain free to complement European access justice and bring to bear their own pattern of social justice.

The Many Concepts of Social Justice in European Private Law-H. W. Micklitz 2011-11 International private law is the place for a genuine model of justice for society? Beyond its initial libertarian focus on economic integration through the market citizen, might it now serve the social inclusion of the vulnerable? In the wake of Hans Micklitz’s inspired and relentless pursuit of meaning within the ongoing constitutionalization of private law relationships, this rich collection explores the implications of new, specifically European, forms of access rights, which ensure (horizontally and vertically) enforceable and non-discriminatory opportunity for all participants. Horstia Muir Watt, Columbia Law School, US. This insightful book, with contributions from leading international scholars, examines the European model of social justice in private law that has developed over the 20th century. The first set of articles is devoted to the relationship between corrective, commutative, procedural and social justice, more particularly the role and function of commutative justice in contrast to social justice. The second section brings together scholars who discuss the relationship between constitutional order, the values enshrined in the constitutional order and the impact of constitutional values on private law relations. The third section focuses on the impact of socio-economic developments within the EU and within selected Member States on the propriety order of the EU, on the role and function of the emerging welfare state and the judiciary, as well as on nation state specific patterns of social justice. The final section tests the hypothesis to what extent patterns of social justice are context related and differ in between labour, consumer and competition law. The Many Concepts of Social Justice in European Private Law will prove to be of great interest to academicians of law, as well as to private lawyers and European policymakers.

Epistemology and Methodology of Comparative Law Mark Van Hoecke 2004-06-01 Whereas many modern works on comparative law focus on various aspects of legal doctrine the aim of this book is of a more theoretical kind - to reflect on comparative law as a scholarly discipline. In particular it presents an essay on its epistemology and methodology. Thus, among its contents the reader will find: a lively discussion of the kind of ‘knowledge’ that is, or could be, derived from comparative law; an analysis of ‘legal families’ which asks whether we need to distinguish different ‘legal families’ according to areas of law; essays which ask what is the appropriate level for research to be conducted - the technical level, a ‘deep level’ of ideology and legal practice, or an ‘intermediate level’ of other elements of legal culture, such as the socio-economic and historical background of law. One part of the book is devoted to questioning the identification and demarcation of a ‘legal system’ (and the clash between ‘legal monism’ and ‘legal pluralism’) and the definition of the European legal orders, sub-systems, and what is left of traditional sovereign State legal systems; while a final part explores the desirability and possibility of developing a basic common legal language, with common legal principles and legal concepts and/or a legal meta-language, which would be developed and used within emerging European legal doctrine. All the papers in this collection share the common goal of seeking answers to fundamental, scientific problems of comparative research that are too often neglected in comparative scholarship.

Drafting Legislation - Helen Xanthaki 2014-10-16 This book constitutes the first thorough academic analysis of legislative drafting. By placing the study of legislation at its very heart, this book offers a novel approach which breaks the tradition of unimaginative past descriptive reiterations of drafting conventions. Instead of prescribing rules for legislation, it sets out to identify efficacy as the main aim of the authors in the policy, legislative and drafting processes, and effectiveness as the main goal in the drafting process. Through the prism of effectiveness as synonymous with legislative quality, the book explores the stages of the drafting process; guides the reader through structure and sections in their logical sequence, and introduces rules for drafting preliminary, substantive and final provisions. Special provisions, comparative legislative drafting and training for drafters complete this thorough analysis of the drafting of legislation as a tool for regulation. Instead of teaching the reader which drafting rules prevail, the book explores the reasons why drafting rules have come about, thus encouraging readers to understand what goal is served by each rule and how each rule applies. The book is aimed at academics and practitioners who draft or use statutory law in the common or civil law traditions.

International Management of Hazardous Wastes - Katharina Kummer 1999 This work deals with the international response to one of the serious environmental problems we face: transboundary traffic in hazardous wastes. The book analyses the key international treaties in this field, and proposes ways to build a comprehensive global waste management regime.

International Law - Malcolm Evans 2010-06-24 Clearly and accessibly written, this new text provides a valuable resource for undergraduate and postgraduate students of international law and covers subjects including the history, theories and sources of international law, as well as current areas of interest such as international criminal law.

International Documents on Environmental Liability - Hannes
Descamps 2008-05-26 International Documents on Environmental Liability brings together 30 official full-text documents in the field of international environmental liability into an easily accessible, practical handbook; details the work of the International Law Commission on this topic; and provides the latest versions of international liability conventions and their statuses – including the latest on: (1) 2003 UNECE Kyiv Liability Protocol; (2) 2004 EC Directive on Environmental Liability; (3) 2005 Antarctica Liability Annex. The authors’ combined capacity as an academic, policy advisor, and practitioner have helped bring forth a publication that reflects their experience of being involved in the development, negotiations and implementation of environmental liability regimes at both an international and European level.