
Studies in Legal Systems: Mixed and Mixing

Editors:

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Studies In Legal Systems Mixed Mixing

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Studies In Legal Systems Mixed Mixing:

Studies in Legal Systems: Mixed and Mixing Esin Orucu, Elspeth Attwooll, Sean Coyle, 1996-02-13 All legal systems are mixed some more than others There are covert mixtures and overt mixtures stable mixtures and mixtures in transition This book brings together a wide range of legal orders some well known some not so often studied The analysis offered is far beyond a descriptive one the general aim being to provide a basis for discussion by covering paths methods and specific techniques consequences and implications of legal migration The newly emerging democracies of Eastern Europe for example are looking at the pool of models when re designing their systems Such systems in transition open up a whole new world of possibilities for research The two final chapters on spectral jurisprudence and the conceptual search bring into focus and widen the analysis further

A Study of Mixed Legal Systems: Endangered, Entrenched or Blended Sue Farran, Esin Örüçü, 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

Mixed Legal Systems, East and West Vernon Valentine Palmer, Mohamed Y. Mattar, 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

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

Human Rights from a Comparative and International Law Perspective Joan Church, Christian Schulze, Hennie Strydom, 2007 In terms of the South African Constitution of 1996 there is a general need for an introduction to comparative law and one that covers what is technically known as applied comparative law more particularly applied comparative law that involves a study of the bills of rights in other countries

Comparative Law and Legal Traditions George Mousourakis, 2019-11-01 The primary aim of this book is to provide clear and reliable information on a number of central topics in comparative law At a time when global society is increasingly mobile and legal life is internationalized the role of comparative law is gaining importance While the growing interest in this field may well be attributed to the dramatic increase in international legal transactions this empirical parameter is only part of the explanation The other part and at least equally important has to do with the expectation of gaining a deeper understanding of law as a social phenomenon and a fresh insight into the current state and future direction of one's own legal system In response to the internationalization of legal practice and theory law schools around the world have expanded their comparative law programs Within the legal subjects that form the core of the curriculum there is a greater interest in comparative legal analysis as well as greater attention to how global developments and international actors and institutions affect domestic law Transnational legal education based on comparative reasoning is intended to help shape a new generation of lawyers public servants and other professionals who recognize and respect cultural diversity in an

interconnected world The central topics discussed in this book include the nature and scope of comparative legal inquiries the relationship of comparative law to other fields of legal study the aims and uses of comparative law the origins and historical development of comparative law and the evolution and defining features of some of the world s predominant legal traditions It also deals with selected theoretical aspects such as the problem of comparability of legal events the classification of legal systems into families of law and the topics of legal transplants harmonization and convergence of laws Chiefly intended for students the book also discusses a number of fundamental issues concerning the development of comparative law and devotes certain sections to reviewing the salient features of the relevant literature on definitional terminological methodological and historical issues

Comparative International Law Approaches for Optimizing Petro-Wealth in Nigeria: The Sustainable Development Pathway Dr. Onome Ejenavi, 2024-03-24 International and Comparative Law Approaches for Optimizing Petro Wealth in an SDGs Context and in harmony with sustainable development forms the core and subject of this book This book considers a beleaguered Nigerian oil industry and the pervasive contemporary struggles to sustain lucrative oil production in the 21st Century Currently Nigeria grapples with unrelenting and intractable challenges in its oil industry and apparently a plausible means of alleviating the extensive negative impacts of untenable oil exploitation patterns in the Niger delta have remained elusive From the foregoing the missing ingredient seems to be a dismal lack of sustainability endeavored approaches to guarantee a green petroleum industry economic growth and poverty eradication which remain vital considerations for a developing state like Nigeria Apparently the development that meets the needs of the present without compromising the interests options and indeed the needs of future generations summed up in the definition of sustainable development appears to be a maxim with minimal recognition or import in the Niger Delta which remains the hub of oil exploitation in Nigeria This book is thus motivated by the constantly evolving yet irrefutable implications arising from the concept of Sustainable Development and how it can be realistically applied to oil and gas exploitation

Concepts of Law Lukas Heckendorn Urscheler, 2016-05-23 Debates surrounding the concept of law are not new For a wide variety of reasons and in a wide variety of ways the meaning of law has long been an important part of Western thought both within legal scholarship and beyond The contributors to Concepts of Law are international experts from the fields of comparative law legal philosophy and the social sciences Combining theoretical analyses with case studies they explore various legal concepts and contexts from diverse national and disciplinary perspectives Legal and normative pluralism is a theme throughout Some chapters discuss the development of state law and legal systems Others wrestle with law s rhetoric and the potential utility of alternative vocabularies e g governance and governmentality Others reveal the rich polyjurality of the present from the local to the global The result is a rich picture of both present scholarship on laws and norms and the state of contemporary legal complexity each crossing traditional boundaries

Comparing Law Catherine Valcke, 2018-10-25 The enterprise of comparative law is familiar yet its conceptual whereabouts remain somewhat obscure

Comparing Law Comparative Law as Reconstruction of Collective Commitments reconstructs comparative law scholarship into a systematic account of comparative law as an autonomous academic discipline The point of that discipline is neither to harmonize world law nor to emphasize its cultural diversity but rather to understand each legal system on its own terms As the proposed reconstruction exercise involves bridging comparative law and contemporary legal theory it shows how comparative law and legal theory both stand to benefit from being exposed to each other At a time when many courses are adding a transnational perspective Valcke offers a more theoretical broadened and refreshed view of comparative law

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

Legal Theory and the Legal Academy Maksymilian Del Mar, 2017-07-05 The third in a series of three volumes on Contemporary Legal Theory this volume deals with four topics 1 the role of legal theory in the legal curriculum 2 the teaching of legal theory 3 the relationship of legal theory to legal scholarship and 4 the relationship of legal theory to comparative law The focus of the first two topics is on the common law world where the debates over the aims and proper place of legal theory in the study of law have traversed a good deal of ground since John Austin s 1828 lecture *The Uses and the Study of Jurisprudence* These first two parts offer a selection of the most important papers including surveys as well as pedagogical viewpoints and particular course descriptions from analytical critical feminist law and literature and global perspectives The last three decades have seen just as many changes for legal scholarship and comparative law These changes such as the rise of empirical legal scholarship have often attracted the attention of legal theorists Within comparative law the last thirty years have witnessed intense methodological reflection within the discipline the results of these reflections are themselves properly recognised as legal theoretical contributions The volume collects the key papers including those by Neil MacCormick Mark Van Hoecke Andrew Halpin William Ewald and Geoffrey Samuel

Asia-Pacific Trusts Law, Volume 1 Ying Khai Liew, Matthew Harding, 2021-08-26 At a time when Asia represents the fastest growing economic region there is no better moment to consider what trusts law can contribute to societal stability and economic prosperity This book does this by offering the first work that systematically explores trusts

law across the region Many Asian Pacific jurisdictions have integrated and developed trusts law in their legal systems either through colonial heritage or statutory activism But the diversity of legal traditions and local contexts has resulted in trusts laws having a significantly varied impact across the region In the modern globalised world there is growing need to adopt an outward looking approach in dealing with matters of common interest This book answers this need by bringing together leading legal scholars and practitioners in the region to explore the theory and practice of trusts law contextualised to specific jurisdictions in the Asia Pacific Exploring 17 jurisdictions in Asia it bring both an academic and practitioner perspective to trusts law in the region *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 **Elgar Encyclopedia of Comparative Law, Second Edition** J. M. Smits, 2012-01-01 Acclaim for the first edition This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar s I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library _ Sally Ramage The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present day comparative law scholarship Written by leading authorities in their respective fields the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law but also specific areas of law such as administrative law and criminal law and specific topics such as accident compensation and consideration In addition the Encyclopedia contains reports on a selected set of countries legal systems and as a whole presents an overview of the current state of affairs Providing its readers with a unique point of reference as well as stimulus for further research this volume is an indispensable tool for anyone interested in comparative law especially academics students and practitioners *Encyclopedia of Law and Society* David S. Clark, 2007-07-10 This work will be very valuable for academic and public libraries supporting prelaw law social and cultural studies Summing Up Highly recommended Upper level undergraduates through professionals practitioners general readers CHOICE There are two aspects of scholarship about the legal systems of our day that are especially salient one being for the first time there is a fair amount of genuine research on legal systems and two that this research is increasingly global As

soon as you cross a jurisdictional line even if it separates countries that are very similar you enter a different legal system It cannot be assumed that any particular rule doctrine or practice is the same in any two jurisdictions regardless of how close these jurisdictions are in terms of history and tradition The Encyclopedia of Law and Society is the largest comprehensive and international treatment of the law and society field With an Advisory Board of 62 members from 20 countries and six continents the three volumes of this state of the art resource represent interdisciplinary perspectives on law from sociology criminology cultural anthropology political science social psychology and economics By globalizing the Encyclopedia s coverage American and international law and society will be better understood within its historical and comparative context Key Features Includes more than 700 biographical entries that are historical comparative topical thematic and methodological Presents the rich diversity of European Latin American Asian African and Australasian developments for the first time in one place to reveal the truly holistic interdisciplinary virtues of law and society Examines how and why legal systems grow and change how and why they respond or fail to respond to their environment how and why they impact the life of society and how and why the life of society impacts in turn these legal systems With borders more porous than ever before this Encyclopedia reflects the paradoxical reality of modern life including legal life This valuable resource aims to present research along with the theories on which it is grounded fairly and comprehensively and is a must have for all academic libraries

A General Jurisprudence of Law and Society Brian Z. Tamanaha,2001 Law is generally understood to be a mirror of society that functions to maintain social order Focusing on this general understanding this text conducts a survey of Western legal and social theories about law and its relationship within society *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 Justice of Islam* Lawrence Rosen,2000 Using data ranging from the courts of North Africa to the treatment of Islam in American courts these essays demonstrate the appeal of Islamic law in the lives of everyday adherents [The Human Rights-Based Approach to Carbon Finance](#) Damilola S. Olawuyi,2016-06-09 This book analyses the topical and contentious issue of the human rights impacts associated with carbon projects especially in developing countries It outlines a human rights based approach to carbon finance as a functional framework for mainstreaming human rights into the design approval finance and implementation of carbon projects It also describes the nature and scope of carbon projects the available legal options for their financing and the key human rights issues at stake in their planning and execution Written in a user friendly style the proposal for a rights based due diligence framework through

which human rights issues can be anticipated and addressed makes this book relevant to all stakeholders in carbon energy and environmental investments and projects

Reviewing **Studies In Legal Systems Mixed Mixing**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is actually astonishing. Within the pages of "**Studies In Legal Systems Mixed Mixing**," an enthralling opus penned by a highly acclaimed wordsmith, readers set about an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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