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The Oxford Handbook of  
**COMPARATIVE**  
**ADMINISTRATIVE LAW**

# The Oxford Handbook Of Comparative Law 2015

**Christoph Schmon**



## **The Oxford Handbook Of Comparative Law 2015:**

**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

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[The Oxford Handbook of Comparative Law](#) Mathias Reimann, Reinhard Zimmermann, 2006-11-16 The Oxford Handbook of Comparative Law provides a wide ranging and highly 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 two chapters which are 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

**The Oxford Handbook of the Australian Constitution** Cheryl Saunders, Adrienne Stone, 2018-03-01 Constitutional law provides the legal framework for the Australian political and legal systems and thus touches almost every aspect of Australian life The Handbook offers a critical analysis of some of the most significant aspects of Australian constitutional arrangements setting them against the historical legal political and social contexts in which Australia's constitutional system has developed It takes care to highlight the distinctive features of the Australian constitutional system by placing the Australian system where possible in global perspective The chapters of the Handbook are arranged in seven thematically grouped parts The first Foundations deals with aspects of Australian history which have influenced constitutional arrangements The second Constitutional Domain addresses the interaction between the constitution and other relevant legal systems and orders including the common law international law and state constitutions The third Themes identifies themes of special constitutional significance including the legitimacy of the constitution citizenship and republicanism The fourth Practice and Process deals with practical issues relevant to constitutional litigation including the processes techniques and authority of the High Court of Australia The final three parts deal with the structural building blocks of the Australian Constitutional system Separation of Powers Federalism and the Protection of Rights Written by a team of experts drawn from academia and practice the Handbook provides Australian and international readers alike with a reliable source of knowledge understanding and insight into the Australian Constitution

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Legal Geography Tayanah O'Donnell, Daniel F. Robinson, Josephine Gillespie, 2019-12-06 This book is the first legal geography book to explicitly engage in method It complements this by also bringing together different perspectives on the emerging school of legal geography It explores human environment interactions and showcases distinct environmental legal geography scholarship Legal Geography Perspectives and Methods is an innovative book concerned with a new

relational and material way of examining our legal spatial world With chapters examining natural resource management Indigenous knowledge and political ecology scholarship the text introduces legal geography s modes of analysis and critique The book explores topics such as Indigenous environmental rights the impacts of extractive industries mediation of climate change food animal and plant patents fossil fuels mining and coastal environments based on empirical jurisdictional and methodological insights from Australia New Zealand and the Asia Pacific to demonstrate how space and place are invoked in legal processes and contestations and the methods that may be employed to explore these processes and contestations This book examines the role of legal geographies in the 21st century beyond the simple law in action and it will thus appeal to students of socio legal studies human geography environmental studies environmental policy as well as politics and international relations

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The Regulation of Consumer Credit Sarah Brown,2019 This incisive book gives a comprehensive overview of the regulation of consumer credit in both the US and the UK It covers policy procedure and the dynamics of the consumer credit relationship to advocate for a balanced approach in achieving more effective consumer protection

*The Law and Legitimacy of Imposed Constitutions* Richard Albert,Xenophon Contiades,Alkmene Fotiadou,2018-11-01 Constitutions are often seen as the product of the free will of a people exercising their constituent power This however is not always the case particularly when it comes to imposed constitutions In recent years there has been renewed interest in the idea of imposition in constitutional design but the literature does not yet provide a comprehensive resource to understand the meanings causes and consequences of an imposed constitution This volume examines the theoretical and practical questions emerging from what scholars have described as an imposed constitution A diverse group of contributors interrogates the theory forms and applications of imposed constitutions with the aim of refining our understanding of this variation on constitution making Divided into three parts this book first considers the conceptualization of imposed constitutions suggesting definitions or corrections to the definition of what exactly an imposed constitution is The contributors then go on to explore the various ways in which constitutions are and can be imposed The collection concludes by considering imposed constitutions that are currently in place in a number of polities worldwide problematizing the consequences their imposition has caused Cases are drawn from a broad range of countries with examples at both the national and supranational level This book addresses some

of the most important issues discussed in contemporary constitutional law the relationship between constituent and constituted power the source of constitutional legitimacy the challenge of foreign and expert intervention and the role of comparative constitutional studies in constitution making The volume will be a valuable resource for those interested in the phenomenon of imposed constitutionalism as well as anyone interested in the current trends in the study of comparative constitutional law *The Interconnection of the EU Regulations Brussels I Recast and Rome I* Christoph

Schmon, 2020-03-17 This book deals with the interconnection between the Brussels I Recast and Rome I Regulations and addresses the question of uniform interpretation A consistent understanding of scope and provisions is suggested by the preamble of the Rome I Regulation Without doubt it is fair to presume that the same terms bear the same meaning throughout the Regulations The author takes a closer look at the Regulations systems guiding principles and their balance of flexibility and legal certainty He starts from the premise that such analysis should prove particularly rewarding as both legal acts have their specific DNA The Brussels I Recast Regulation has a procedural focus when it governs the allocation of jurisdiction and the free circulation of judgments The multilateral rules under the Rome I Regulation by contrast are animated by conflict of laws methods and focus on the delimitation of legal systems This fourth volume in the Short Studies in Private International Law Series is primarily aimed at legal academics in private international law and advanced students But it should also prove an intriguing read for legal practitioners in international litigation Christoph Schmon is a legal expert in the fields of Private International Law Consumer Law and Digital Rights After serving in research positions at academic institutes in Vienna and London he focused on EU policy and law making He is appointed expert of advisory groups to the EU Commission Transnational Constitution Making Alicia Pastor y Camarasa, 2024-06-14 This book examines the

largely neglected but crucial role of transnational actors in democratic constitution making The writing or rewriting of constitutions is usually a key moment in democratic transitions But how exactly does this take place Most contemporary comparative constitutional literature draws on the concept of constituent power the power of the people to address this moment But what this overlooks this book argues is the important role of external transnational actors who tend to play a crucial role in the process Drawing on sociolegal methodologies but informed by new legal realism this book develops a new theoretical framework for examining the involvement of such actors in constitution making Empirically grounded the book uncovers a more comprehensive picture of how constitution making unfolds on the ground Illuminating the power dynamics at play during the legal process it reveals not only the wide range of external actors involved but also the continuity between decolonisation and post Cold War constitution making This book the first to provide an in depth examination of external actor involvement in constitution making will appeal to scholars of constitutional law sociolegal studies law and development and transitional justice **Comparative Law and Jurisprudence in Namibia** Samuel Kwesi Amoo, Tapiwa Victor

Warikandwa, Kennedy Kariseb, 2025-01-31 Comparative law examines the differences and similarities between various

countries laws and legal systems across the world such as common civil and socialist laws Its significance has grown dramatically in the current era of internationalism populism economic globalization and democratization Despite its relevance Namibia lacks scholarly literature in comparative law Comparative Law and Jurisprudence in Namibia provides in depth understanding of the theoretical framework of different legal systems and of comparative law and contextualizes its application for the Namibian context particularly towards a unified legal system It addresses topics such as comparative law s conceptual framework the interplay between courts and comparative law and comparative law praxis or the practical application thereof The chapters span across all levels of comparativism and promote a multidisciplinary approach to discourse including altering Namibian legal education Futhermore the collection accelerates required legislative change in Namibia to guarantee a legal structure aligned with societal and constitutional imperatives in the twenty first century

**On the Fourth Industrial Revolution: Legal Perspectives from Germany and South Africa** Thomas M.J. Möllers, Kathleen Van der Linde, 2024-10-30 Based on collaboration between the law faculties of the University of Augsburg and the University of Johannesburg this book focuses on legal developments relating to the Fourth Industrial Revolution in South Africa and Germany and the European Union more broadly Written in the aftermath of the Covid 19 pandemic which has given impetus to digital and other technology driven innovations it pays particular attention to the aspects of digitalisation artificial intelligence and data protection in various contexts including international sales law labour law medical law and environmental law The chapters reflect critically on legal and other developments to determine their appropriateness impact and long term viability in the digital age Other significant topics covered in this book include human rights in an increasingly globalised world of business climate change and the war between Russia and Ukraine Focusing on legal aspects and applicable frameworks the chapters dealing with these topics clearly encourage an appreciation for the ideals of accountability fairness peace and security Undoubtedly this book is a timely and appropriate collection of research on fundamental developments and problems facing our world today It is recommended reading for those interested in legal perspectives on important developments in the era of the Fourth Industrial Revolution

**Competition Law's Innovation Factor** Viktoria H S E Robertson, 2020-02-06 In recent years market definition has come under attack as an analytical tool of competition law Scholars have increasingly questioned its usefulness and feasibility That criticism comes into sharper relief in dynamic innovation driven markets which do not correspond to the static markets on which the concept of the relevant market was modelled This book explores that controversy from a comparative legal perspective taking into account both EU competition and US antitrust law It examines the manifold ways in which courts and competition authorities in the EU and US have factored innovation related considerations into market delineation covering innovative product markets product differentiation future markets issues going beyond market definition proper such as innovation competition innovation markets and potential competition intellectual property rights innovative aftermarkets and multi sided platforms This book

finds that going forward the role of market definition in dynamic contexts needs to focus on its function of market characterisation rather than on the assessment of market power      Jurists and Legal Science in the History of Roman Law Fara Nasti,Aldo Schiavone,2021-10-10 This book provides a new approach to the study of the History of Roman Law It collects the first results of the European Research Council Project *Scriptores iuris Romani* dedicated to a new collection of the texts of Roman jurisprudence highlighting important methodological issues together with innovative reconstructions of the profiles of some ancient jurists and works Jurists were great protagonists of the history of Rome both as producers and interpreters of law since the Republican Age and as collaborators of the principes during the Empire Nevertheless their role has been underestimated by modern historians and legal experts for reasons connected to the developments of Modern Law in England and in Continental Europe This book aims to address this imbalance It presents an advanced paradigm in considering the most important aspects of Roman law the Justinian Digesta and other juridical late antique anthologies The work offers an historiographic model which overturns current perspectives and makes way for a different path for legal and historical studies Unlike existing literature the focus is not on the Justinian Codification but on the individualities of ancient Roman Jurists As such it presents the actual legal thought of its experts and authors the ancient *iuris prudentes* The book will be of interest to researchers and academics in Classics Ancient History History of Law and contemporary legal studies

**Legal Culture, Legality and the Determination of the Grounds of Judicial Review of Administrative Action in England and Australia** Voraphol Malsukhum,2021-07-01 This book presents a navigating framework of legal culture and legality to facilitate a comprehensive understanding of the English and Australian determination of the grounds of judicial review This book facilitates tangible process of how and why jurisdictional error jurisdictional fact proportionality and substantive legitimate expectations are debatable in English law while they are either completely rejected or firmly entrenched in Australian law This book argues that these differences are not just random Legality is not just a fig leaf but is profoundly rooted in legal systems legal culture hence it dictates the way in which courts empower justify constrain or limit the scope of judicial review This book presents evidence that courts differ in legal systems and apply diverse ways to determine the scope of judicial review based on their deep understanding of legality which is embedded in the legal culture of their legal system This book uses comparative methodology and develops this framework between English and Australian law Although obvious and important this book presents a kind of examination that has never been undertaken in this depth and detail before      The Hague Judgments Convention and Commonwealth Model Law Abubakri Yekini,2021-08-12 This book undertakes a systematic analysis of the 2019 Hague Judgments Convention the 2005 Hague Choice of Court Convention 2005 and the 2017 Commonwealth Model Law on recognition and Enforcement of Foreign Judgments from a pragmatic perspective The book builds on the concept of pragmatism in private international law within the context of recognition and enforcement of judgments It demonstrates the practical application of legal pragmatism by setting up a toolbox pragmatic



goals and methods that will assist courts and policymakers in developing an effective and efficient judgments enforcement scheme at national bilateral and multilateral levels Practitioners national courts policymakers academics students and litigants will benefit from the book s comparative approach using case law from the United Kingdom and other leading Commonwealth States the United States and the Court of Justice of the European Union The book also provides interesting findings from the empirical research on the refusal of recognition and enforcement in the UK and the Commonwealth statutory registration schemes respectively

**On Crime, Society, and Responsibility in the Work of Nicola Lacey**

Iyiola Solanke, 2021 Few contemporary scholars have done more in their work to develop the idea of responsibility than Nicola Lacey She ranks alongside thinkers and writers such as HLA Hart and Antony Honor in developing approaches to understanding responsibility Like these authors the influence of her work has spread beyond academia to change the perception of responsibility amongst practitioners Both Hart and Honor have during their lifetime had volumes dedicated to their work This book does the same for Nicola Lacey marking her ongoing influence and accomplishments in the common law world through a collection of essays by leading international scholars reflecting and interrogating her contribution to understanding criminal responsibility Additionally the book aims to promote the best legal scholarship on responsibility in the common law world and inspire the brightest legal scholars through a collection of essays designed to mark Professor Lacey s ongoing contribution to the understanding of criminal responsibility The role of Professor Lacey s work in this area as well as others cannot be overlooked her scholarship includes not only a prize winning biography of HLA Hart himself but numerous articles and tomes on the subject culminating with her most recent work *In Search of Criminal Responsibility Ideas Interests and Institutions* OUP 2016 This Festschrift one of few common law publications to pay homage to the erudition of a female jurist can be seen as a continuation of the themes in this book via reflection and interrogation of her work by leading scholars on the topic The Festschrift will therefore not only be a celebration of her work but also an attempt to take forward intellectual engagement with the topic of responsibility by continued engagement with her ideas Each author brings new ideas to bear on her work touching upon important aspects of responsibility that are current in the scholarship categorization frameworks for understanding criminal responsibility and the relationships between them women in criminal law the history of criminal law blameworthiness and ascriptions of responsibility moral responsibility the role of politics and political economy Nicola Lacey is a School Professor of Law Gender and Social Policy From 1998 to 2010 she held a Chair in Criminal Law and Legal Theory at the LSE she returned to the LSE in 2013 after spending three years as Senior Research Fellow at All Souls College and Professor of Criminal Law and Legal Theory at the University of Oxford She has held a number of visiting appointments most recently at Harvard Law School and the Australian National University She is an Honorary Fellow of New College Oxford and University College Oxford and a Fellow of the British Academy In 2011 she was awarded the Hans Sigrist Prize by the University of Bern for outstanding scholarship on the function of the rule of law in late modern societies

and in 2018 an Honorary Doctorate by the University of Edinburgh In 2017 she was awarded a CBE for services to Law Justice and Gender Politics

**Constitutional Bricolage** Eugénie Mérieau, 2021-12-02 This book analyses the unique constitutional system in operation in Thailand as a continuous process of bricolage between various Western constitutional models and Buddhist doctrines of Kingship Reflecting on the category of constitutional monarchy and its relationship with notions of the rule of law it investigates the hybridised semi authoritarian semi liberal monarchy that exists in Thailand By studying constitutional texts and political practices in light of local legal doctrine the book shows that the monarch's affirmation of extraordinary prerogative powers strongly rests on wider doctrinal claims about constitutionalism and the rule of law This finding challenges commonly accepted assertions about Thailand arguing that the King's political role is not the remnant of the unfinished borrowing of Western constitutionalism general disregard for the law or cultural preference for charismatic authority as generally thought Drawing on materials and sources not previously available in English this important work provides a comprehensive and critical account of the Thai mixed constitutional monarchy from the late 19th century to the present day

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