

THE OXFORD HANDBOOK OF  
**COMPARATIVE**  
**LAW**

SECOND EDITION

*Edited by*

**MATHIAS REIMANN**

*and*

**REINHARD ZIMMERMANN**

**OXFORD**  
UNIVERSITY PRESS

# CONTENTS

<i>Notes on the Contributors</i>	xiii
<i>Abbreviations</i>	xvi

## PART I THE DEVELOPMENT OF COMPARATIVE LAW IN THE WORLD

1. Comparative Law before the <i>Code Napoleon</i> CHARLES DONAHUE	3
2. Development of Comparative Law in France BENEDICTE FAUVARQUE-COSSON	29
3. Development of Comparative Law in Germany, Switzerland, and Austria INGEBORG SCHWENZER	54
4. Development of Comparative Law in Italy ELISABETTA GRANDE	87
5. Development of Comparative Law in Great Britain JOHN W. CAIRNS	111
6. Development of Comparative Law in the United States DAVID S. CLARK	148
7. Comparative Law in Central and Eastern Europe ZDENEK KUHN	181
8. The Development of Comparative Law in Japan LUKE NOTTAGE	201
9. The Development of Comparative Law in Modern China TAISU ZHANG	228
10. Development of Comparative Law in Latin America JAN KLEINHEISTERKAMP	252

## PART II APPROACHES TO COMPARATIVE LAW

11. Comparative Law and Comparative Knowledge NILS JANSEN	291
12. Comparative Law in Legal Education NORA V. DEMLEITNER	320
13. The Functional Method of Comparative Law RALF MICHAELS	345
14. Comparative Law: Study of Similarities or Differences? GERHARD DANNEMANN	390
15. Comparative Legal Families and Comparative Legal Traditions H. PATRICK GLENN	423
16. Comparative Law, Transplants, and Receptions MICHELE GRAZIADEI	442
17. Comparative Law and the Study of Mixed Legal Systems JACQUES DU PLESSIS	474
18. Comparative Law and its Influence on National Legal Systems JAN M. SMITS	502
19. Comparative Law and European Union Law FRANCIS G. JACOBS	524
20. Comparative Law and the Europeanization of Private Law REINHARD ZIMMERMANN	557
21. Globalization and Comparative Law HORATIA MUIR WATT	599
22. Comparative Law and the Islamic (Middle Eastern) Legal Culture CHIBLI MALLAT	624
<	
23. Comparative Law and African Customary Law T. W. BENNETT	652
24. Comparative Law and Language VIVIAN GROSSWALD CURRAN	681

25. Comparative Law and Legal Culture  
ROGER COTTERRELL
26. Comparative Law and Religion  
JAMES Q. WHITMAN
27. Comparative Law and Legal History  
JAMES GORDLEY
28. Comparative Law and Socio-Legal Studies  
ANNELISE RILES
29. Comparative Law and Critical Legal Studies  
UGO MATTEI
30. Comparative Law and Economic Analysis of Law  
FLORIAN FAUST
31. New Directions in Comparative Law  
MATHIAS SIEMS

### **PART III SUBJECT AREAS**

32. Sources of Law and Legal Method in Comparative Law  
STEFAN VOGENAUER
33. Comparative Contract Law  
HEIN KOTZ
34. Comparative Sales Law  
PETER HUBER
35. Unjustified Enrichment in Comparative Perspective  
DANIEL VISSER
36. Comparative Tort Law  
GERHARD WAGNER
37. Comparative Property Law  
SjEF VAN ERP
38. Comparative Succession Law  
MARIUS J. DE WAAL

39. Comparative Family Law JENS M. SCHERPE	1088
40. Comparative Labour Law MATTHEW W. FINKIN	1110
41. Comparative Company Law KLAUS J. HOPT	1137
42. Comparative Competition Law DAVID J. GERBER	1168
43. Comparative Constitutional Law MARK TUSHNET	1193
44. Comparative Law and Human Rights SAMANTHA BESSON	1222
45. Comparative Administrative Law JOHN S. BELL	1250
46. Comparative Criminal Law MARKUS D. DUBBER	1276
47. Comparative Civil Procedure JOACHIM ZEKOLL	1306
48. Comparative Law and Private International Law MATHIAS REIMANN	1339
<i>Index</i>	<b>1371</b>