

LAWD20001: Comparative Law

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[1]

Edward Elgar Publishing, Elgar encyclopedia of comparative law, Second edition. Cheltenham, UK: Edward Elgar, 2012. Available: <https://ebookcentral.proquest.com/lib/bristol/detail.action?docID=1034697>

[2]

P. De Cruz, Comparative law in a changing world, 3rd ed. London: Routledge-Cavendish, 2007.

[3]

M. Reimann and R. Zimmermann, Eds, The Oxford handbook of comparative law, Second edition. Oxford, United Kingdom: Oxford University Press, 2019.

[4]

H. P. Glenn, Legal traditions of the world: sustainable diversity in law, Fifth edition. Oxford, United Kingdom: Oxford University Press, 2014.

[5]

Edward Elgar Publishing, Elgar encyclopedia of comparative law, Second edition. Cheltenham, UK: Edward Elgar, 2012.

[6]

P. De Cruz, Comparative law in a changing world, 3rd ed. London: Routledge-Cavendish,

2007.

[7]

Griss, I., 'How Judges Think: Judicial Reasoning in Tort Cases from a Comparative Perspective', *Journal of European Tort Law*, Available: <http://heinonline.org/HOL/Page?public=false&handle=hein.journals/jetl4&id=259>

[8]

E. Steiner, *French law: a comparative approach*, Second edition. Oxford, United Kingdom: Oxford University Press, 2018.

[9]

H. P. Glenn, *Legal traditions of the world: sustainable diversity in law*, Fifth edition. Oxford, United Kingdom: Oxford University Press, 2014.

[10]

J. Dainow, 'The Civil Law and the Common Law: Some Points of Comparison', *The American Journal of Comparative Law*, vol. 15, no. 3, 1966, doi: 10.2307/838275

[11]

Edward Elgar Publishing, *Elgar encyclopedia of comparative law*, Second edition. Cheltenham, UK: Edward Elgar, 2012.

[12]

H. P. Glenn, 'Comparative Legal Families and Comparative Legal Traditions', in *The Oxford Handbook of Comparative Law*, doi: 10.1093/oxfordhb/9780198810230.013.13. Available: <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780198810230.001.0001/oxfordhb-9780198810230>

[13]

P. De Cruz, *Comparative law in a changing world*, 3rd ed. London: Routledge-Cavendish, 2007.

[14]

RALF MICHAELS, 'Comparative Law by Numbers? Legal Origins Thesis, Doing Business Reports, and the Silence of Traditional Comparative Law', *The American Journal of Comparative Law*, vol. 57, no. 4, 2009, Available: https://www-jstor-org.bris.idm.oclc.org/stable/25652669?Search=yes&resultItemClick=true&searchText=Comparative&searchText=Law&searchText=by&searchText=Numbers&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3DComparative%2BLaw%2Bby%2BNumbers%2B&ab_segments=0%2Fdefault-2%2Fcontrol&refreqid=search%3Ac05a3ae003fc902494e259b48514c412&seq=1#metadata_info_tab_contents

[15]

G. Frankenberg, *Comparative law as critique*. Cheltenham, UK: Edward Elgar Publishing, 2016. Available: <https://www.elgaronline.com/view/9781785363931/9781785363931.xml>

[16]

K. Stanton, 'Comparative Law in the House of Lords and Supreme Court', *Common Law World Review*, vol. 42, no. 3, pp. 269–296, Sept. 2013, doi: 10.1350/clwr.2013.42.3.0256

[17]

H. P. Glenn, *Legal traditions of the world: sustainable diversity in law*, Fifth edition. Oxford, United Kingdom: Oxford University Press, 2014.

[18]

MARIANA PARGENDLER, 'The Rise and Decline of Legal Families', *The American Journal of Comparative Law*, vol. 60, no. 4, 2012, Available: https://www-jstor-org.bris.idm.oclc.org/stable/41721695?Search=yes&resultItemClick=true&searchText=Rise&searchText=and&searchText=Decline&searchText=of&searchText=Legal&searchText=Families&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3DRise%2Band%2BDecline%2Bof%2BLegal%2BFamilies%2B&filter%3Djid%253A10.2307%252Fj100060&ab_segments=0%2Fdefault-2%2Fcontrol&refreqid=search%3Ab6697aa70b91a6cbd106bfd679b3bd8&seq=1#

metadata_info_tab_contents

[19]

O. F. Robinson, T. D. Fergus, and W. M. Gordon, *An introduction to European legal history*. Abingdon, Oxon: Professional Books, 1985.

[20]

P. Legrand, 'How to compare now', *Legal Studies*, vol. 16, no. 2, pp. 232–242, July 1996, doi: 10.1111/j.1748-121X.1996.tb00005.x

[21]

Edward Elgar Publishing, *Elgar encyclopedia of comparative law*, Second edition. Cheltenham, UK: Edward Elgar, 2012.

[22]

A. Watson, 'Legal transplants and law reform', *Law Quarterly Review*, vol. 92, 1976.

[23]

P. Legrand, 'The Impossibility of "Legal Transplants"', *Maastricht Journal of European and Comparative Law*, vol. 4, no. 2, pp. 111–124, June 1997, doi: 10.1177/1023263X9700400202

[24]

M. Graziadei, 'Comparative Law, Transplants and Receptions', in *The Oxford Handbook of Comparative Law*, doi: 10.1093/oxfordhb/9780198810230.013.14. Available: <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780198810230.001.0001/oxfordhb-9780198810230>

[25]

M. Dean, 'Legal transplants and jury trial in Japan', *Legal Studies*, vol. 31, no. 4, pp. 570–590, Dec. 2011, doi: 10.1111/j.1748-121X.2011.00197.x

[26]

ROBIN EVANS-JONES.*, 'Receptions of law, mixed legal systems and the myth of the genius of Scots private law', *Law Quarterly Review*, pp. 228–249, 1998, Available: <http://signon.thomsonreuters.com/federation/UKF?entityID=https%3A%2F%2Fidp.bris.ac.uk%2Fshibboleth&returnto=https%3A%2F%2Fwestlawuk.thomsonreuters.co.uk%2FBrowse%2FHome%2FWestlawUK%3FskipAnonymous%3Dtrue>

[27]

A. Gray, 'The Incomplete Legal Transplant – Good Faith and the Common Law', in *Legal Transplants in East Asia and Oceania*, V. Breda, Ed., Cambridge: Cambridge University Press, 2019, pp. 111–131.

[28]

A. Harding, 'The Legal Transplant Debate: Getting Beyond the Impasse?', in *Legal Transplants in East Asia and Oceania*, V. Breda, Ed., Cambridge: Cambridge University Press, 2019, pp. 13–33.

[29]

W. Menski, *Comparative law in a global context: the legal systems of Asia and Africa*, 2nd ed. New York: Cambridge University Press, 2006. Available: <https://www.cambridge.org/core/books/comparative-law-in-a-global-context/4705C7C2B21A97742DA59ED690FD9534>

[30]

Shah, P., 'Globalisation and the Challenge of Asian Legal Transplants in Europe', *Singapore Journal of Legal Studies*, Available: <http://heinonline.org/HOL/Page?public=false&handle=hein.journals/sjls2005&id=354>

[31]

Castellucci, Ignazio, 'Legal Hybridity in Hong Kong and Macau', *McGill Law Journal / Revue de droit de McGill*, vol. 57, no. 4, pp. 665–720, doi: <https://doi.org/10.7202/1013028ar> CopiedAn error has occurred. Available: <https://www.erudit.org/en/journals/mlj/2012-v57-n4-mlj0351/1013028ar/>

[32]

John Gillespie, 'Transplanted Company Law: An Ideological and Cultural Analysis of Market-Entry in Vietnam', *The International and Comparative Law Quarterly*, vol. 51, no. 3, 2002, Available:
https://www.jstor.org/stable/3663071?seq=1#metadata_info_tab_contents

[33]

M. Siems, 'Malicious legal transplants', *Legal Studies*, vol. 38, no. 1, pp. 103–119, Mar. 2018, doi: 10.1017/lst.2017.4

[34]

Edward Elgar Publishing, *Elgar encyclopedia of comparative law*, Second edition. Cheltenham, UK: Edward Elgar, 2012.

[35]

H. Muir Watt, 'Globalisation and comparative law', in *The Oxford Handbook of Comparative Law*, doi: 10.1093/oxfordhb/9780198810230.013.18. Available:
<https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780198810230.001.0001/oxfordhb-9780198810230>

[36]

P. Legrand, 'European Legal Systems are not Converging', *International and Comparative Law Quarterly*, vol. 45, no. 1, pp. 52–81, Jan. 1996, doi: 10.1017/S0020589300058656

[37]

Gerard McMeel, 'The proposal for a Common European Sales Law: next stop a European Contract Code?', *Journal of International Banking & Financial Law*, vol. 27, no. 1, Available:
<https://bris.idm.oclc.org/login?url=http://www.lexisnexis.com/uk/legal>

[38]

Jansen, Corjo J.H., 'A European Civil Code and National Private Law: Lessons from History',

European Review of Private Law, vol. 24, no. 3, pp. 473–488, Available:
<http://www.kluwerlawonline.com.bris.idm.oclc.org/abstract.php?area=Journals&id=ERPL2016030>

[39]

'Proposal for a Regulation of the European Parliament and of the Council on a Common European Sales Law'. Available:
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52011PC0635>

[40]

Nils Jansen and Reinhard Zimmermann, "'A European civil code in all but name": Discussing the nature and purposes of the draft common frame of reference', *The Cambridge Law Journal*, vol. 69, no. 1, 2010, Available:
https://www.jstor.org/stable/40731210?seq=1#metadata_info_tab_contents

[41]

R. Zimmermann, 'Comparative Law and the Europeanization of Private Law', in *The Oxford Handbook of Comparative Law*, doi: 10.1093/oxfordhb/9780198810230.013.17. Available:
<https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780198810230.001.0001/oxfordhb-9780198810230>

[42]

Collins, Hugh, 'Why Europe Needs a Civil Code', *European Review of Private Law*, vol. 21, no. 4, pp. 907–922, Available:
<http://www.kluwerlawonline.com.bris.idm.oclc.org/abstract.php?area=Journals&id=ERPL2013052>

[43]

Cotterrell, R., 'What Is Transnational Law', *Law & Social Inquiry*, Available:
<http://heinonline.org/HOL/Page?public=false&handle=hein.journals/lsoiq37&id=1>

[44]

T. Ginsburg and R. Dixon, *Comparative Constitutional Law*. Cheltenham: Edward Elgar Pub,

2011. Available: <https://ebookcentral.proquest.com/lib/bristol/detail.action?docID=714157>

[45]

A. Stone Sweet, 'Constitutional Courts', in *The Oxford handbook of comparative constitutional law*, 1st ed. Oxford, U.K.: Oxford University Press, 2012, pp. 816–830.

Available:

<https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199578610.001.0001/oxfordhb-9780199578610>

[46]

M. Hunter-Henin, 'Constitutional developments and human rights in France: One step forward, two steps back', *International and Comparative Law Quarterly*, vol. 60, no. 1, pp. 167–188, Jan. 2011, doi: 10.1017/S0020589310000709

[47]

S. Boyron, 'France', in *How constitutions change: a comparative study*, Oxford: Hart Pub, 2011, pp. 115–142. Available:

<https://ebookcentral.proquest.com/lib/bristol/detail.action?docID=1778909>

[48]

S. Boyron, 'Germany', in *How constitutions change: a comparative study*, Oxford: Hart Pub, 2011, pp. 143–167. Available:

<https://ebookcentral.proquest.com/lib/bristol/detail.action?docID=1778909>

[49]

S. Boyron, 'The United Kingdom', in *How constitutions change: a comparative study*, Oxford: Hart Pub, 2011, pp. 329–355. Available:

<https://ebookcentral.proquest.com/lib/bristol/detail.action?docID=1778909>

[50]

M. V. Tushnet, *Advanced introduction to comparative constitutional law*, Second edition. Cheltenham, UK: Edward Elgar, 2018.

[51]

'Selection of QPC decisions'. Available:

<https://www.conseil-constitutionnel.fr/en/selection-of-qpc-decisions>

[52]

T. Ginsberg, 'Written constitutions and the administrative state: on the constitutional character of administrative law', in *Comparative Administrative Law*, pp. 60–70. Available: <https://doi.org/10.4337/9781784718671.00011>

[53]

J. Bell, 'Comparative Administrative Law', in *The Oxford Handbook of Comparative Law*, pp. 1259–1286. Available: <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780198810230.001.0001/oxfordhb-9780198810230>

[54]

M. Thatcher, 'Delegation to Independent Regulatory Agencies: Pressures, Functions and Contextual Mediation', *West European Politics*, vol. 25, no. 1, pp. 125–147, Jan. 2002, doi: 10.1080/713601588

[55]

D. Halberstam, 'The promise of comparative administrative law: a constitutional perspective on independent agencies', in *Comparative Administrative Law*, pp. 139–158. Available: <https://doi.org/10.4337/9781784718671.00017>

[56]

S. Rose-Ackerman, 'Introduction', in *Comparative Administrative Law*, pp. 1–20. Available: <https://doi.org/10.4337/9781784718671.00006>

[57]

Kingsbury, B.; Krisch, N.; Stewart, R. B., 'The Emergence of Global Administrative Law',

Law and Contemporary Problems,, Available:

<http://heinonline.org/HOL/Page?public=false&handle=hein.journals/lcp68&id=607>

[58]

'Ordonnance n° 2016-131 du 10 février 2016 portant réforme du droit des contrats, du régime général et de la preuve des obligations'. Available:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032004939&categorieLien=id>

[59]

'The law of contract, the general regime of obligations, and proof of obligations'. Available:

http://www.textes.justice.gouv.fr/art_pix/THE-LAW-OF-CONTRACT-2-5-16.pdf

[60]

S. Rowan, 'The new French law of contract', *International and Comparative Law Quarterly*, vol. 66, no. 4, pp. 805–831, Oct. 2017, doi: 10.1017/S0020589317000252

[61]

Edward Elgar Publishing, *Elgar encyclopedia of comparative law*, Second edition. Cheltenham, UK: Edward Elgar, 2012.

[62]

J. M. Smits, *Contract law: a comparative introduction*, Second edition. Cheltenham, UK: Edward Elgar, 2017. Available:

<https://ebookcentral.proquest.com/lib/bristol/detail.action?docID=5267325>

[63]

HansW. Micklitz, 'On the Intellectual History of Freedom of Contract and Regulation', *SSRN Electronic Journal*, 2015, doi: 10.2139/ssrn.2587696

[64]

Valcke, Catherine, 'Convergence and Divergence of the English, French, and German Conceptions of Contract', *European Review of Private Law*, vol. 16, no. 1, pp. 29-62, Available:
<http://www.kluwerlawonline.com.bris.idm.oclc.org/abstract.php?area=Journals&id=ERPL2008003>

[65]

H. Koetz, 'Comparative contract law', in *The Oxford Handbook of Comparative Law*, doi: 10.1093/oxfordhb/9780198810230.013.29. Available:
<https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780198810230.001.0001/oxfordhb-9780198810230>

[66]

A. DE MOOR, 'Contract and agreement in English and French law', *Oxford Journal of Legal Studies*, vol. 6, no. 2, pp. 275-287, 1986, doi: 10.1093/ojls/6.2.275

[67]

Valcke, C., 'On Comparing French and English Contract Law: Insights from Social Contract Theory', *Journal of Comparative Law*, Available:
<http://heinonline.org/HOL/Page?public=false&handle=hein.journals/jrnatila4&id=75>

[68]

S. Whittaker, 'Unfair Terms in Commercial Contracts and the Two Laws of Competition: French Law and English Law Contrasted', *Oxford Journal of Legal Studies*, vol. 39, no. 2, pp. 404-434, June 2019, doi: 10.1093/ojls/gqz003

[69]

Pillet, G., 'The Reform of French Contract Law and of the General Rules on Obligations: The Civil Code Faces the Challenges of the Market', *International Business Law Journal*, Available:
<http://heinonline.org/HOL/Page?public=false&handle=hein.journals/ibuslj2016&id=241>

[70]

A. Vaquer i Aloy, *Contract law in Spain*, Second edition. Alphen aan den Rijn, The Netherlands: Kluwer Law International, 2015.

[71]

G. Wagner, 'Comparative Tort Law', in *The Oxford Handbook of Comparative Law*, doi: 10.1093/oxfordhb/9780198810230.013.32. Available: <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780198810230.001.0001/oxfordhb-9780198810230>

[72]

Oliphant, K., 'Cultures of Tort Law in Europe', *Journal of European Tort Law*, Available: <http://heinonline.org/HOL/Page?public=false&handle=hein.journals/jetl3&id=1>

[73]

Banakas, Stathis, 'Liability for Incorrect Financial Information: Theory and Practice in a General Clause System and in a Protected Interests System', *European Review of Private Law*, vol. 7, no. 3, pp. 261–286, Available: <http://www.kluwerlawonline.com.bris.idm.oclc.org/abstract.php?area=Journals&id=252529>

[74]

P. Brun and C. Quézel-Ambrunaz, 'French Tort Law Facing Reform', *Journal of European Tort Law*, vol. 4, no. 1, Jan. 2013, doi: 10.1515/jetl-2013-0004

[75]

C. M. Sharkey, 'Tort Liability for Pure Economic Loss: A Perspective from the United States and Some Comparative European Insights', *Journal of European Tort Law*, vol. 7, no. 3, Jan. 2016, doi: 10.1515/jetl-2016-0012

[76]

J.-S. Borghetti, 'The Culture of Tort Law in France', *Journal of European Tort Law*, vol. 3, no. 2, Jan. 2012, doi: 10.1515/jetl-2012-0158

[77]

J. Fedtke, 'The Culture of German Tort Law', *Journal of European Tort Law*, vol. 3, no. 2, Jan. 2012, doi: 10.1515/jetl-2012-0183

[78]

J.-S. Borghetti, 'Non-Pecuniary Damages in France', *The Chinese Journal of Comparative Law*, Oct. 2015, doi: 10.1093/cjcl/cxv012

[79]

U. Magnus, 'Damages for Non-pecuniary Loss in German Contract and Tort Law', *The Chinese Journal of Comparative Law*, Aug. 2015, doi: 10.1093/cjcl/cxv011

[80]

'Projet de Réforme de la Responsabilite Civile'. Available:
http://www.justice.gouv.fr/publication/Projet_de_reforme_de_la_responsabilite_civile_13032017.pdf

[81]

'Projet de Réforme: du droit de la responsabilité civile'. Available:
http://www.justice.gouv.fr/publication/dp_responsabilite.civile_20170310.pdf