

# CONTENTS

---

*Notes on the Contributors* xi

*Abbreviations* xv

## INTRODUCTION

Comparative Law before the *Code Napoléon* 3

CHARLES DONAHUE

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

1. Development of Comparative Law in France 35

BÉNÉDICTE FAUVARQUE-COSSON

2. Development of Comparative Law in Germany, Switzerland,  
and Austria 69

INGEBORG SCHWENZER

3. Development of Comparative Law in Italy 107

ELISABETTA GRANDE

4. Development of Comparative Law in Great Britain 131

JOHN W. CAIRNS

5. Development of Comparative Law in the United States 175

DAVID S. CLARK

6. Development of Comparative Law in Central and Eastern Europe 215

ZDENĚK KÜHN

7. Development of Comparative Law in East Asia 237  
ZENTARO KITAGAWA
8. Development of Comparative Law in Latin America 261  
JAN KLEINHEISTERKAMP

## PART II APPROACHES TO COMPARATIVE LAW

9. Comparative Law and Comparative Knowledge 305  
NILS JANSEN
10. The Functional Method of Comparative Law 339  
RALF MICHAELS
11. Comparative Law: Study of Similarities or Differences? 383  
GERHARD DANNEMANN
12. Comparative Legal Families and Comparative Legal Traditions 421  
H. PATRICK GLENN
13. Comparative Law as the Study of Transplants and Receptions 441  
MICHELE GRAZIADEI
14. Comparative Law and the Study of Mixed Legal Systems 477  
JACQUES DU PLESSIS
15. Comparative Law and its Influence on National Legal Systems 513  
JAN M. SMITS
16. Comparative Law and the Europeanization of Private Law 539  
REINHARD ZIMMERMANN
17. Globalization and Comparative Law 579  
HORATIA MUIR WATT
18. Comparative Law and the Islamic (Middle Eastern)  
Legal Culture 609  
CHIBLI MALLAT

- 
19. Comparative Law and African Customary Law 641  
T. W. BENNETT
20. Comparative Law and Language 675  
VIVIAN GROSSWALD CURRAN
21. Comparative Law and Legal Culture 709  
ROGER COTTERRELL
22. Comparative Law and Religion 739  
HAROLD J. BERMAN
23. Comparative Law and Legal History 753  
JAMES GORDLEY
24. Comparative Law and Socio-legal Studies 775  
ANNELISE RILES
25. Comparative Law and Critical Legal Studies 815  
UGO MATTEI
26. Comparative Law and Economic Analysis of Law 837  
FLORIAN FAUST

### PART III SUBJECT AREAS

27. Sources of Law and Legal Method in Comparative Law 869  
STEFAN VOGENAUER
28. Comparative Contract Law 899  
E. ALLAN FARNSWORTH
29. Comparative Sales Law 937  
PETER HUBER
30. Unjustified Enrichment in Comparative Perspective 969  
DANIEL VISSER
31. Comparative Tort Law 1003  
GERHARD WAGNER

32. Comparative Property Law	1043
SJEFF VAN ERP	
33. Comparative Succession Law	1071
MARIUS J. DE WAAL	
34. Comparative Family Law	1099
HARRY D. KRAUSE	
35. Comparative Labour Law	1131
MATTHEW W. FINKIN	
36. Comparative Company Law	1161
KLAUS J. HOPT	
37. Comparative Antitrust Law	1193
DAVID J. GERBER	
38. Comparative Constitutional Law	1225
MARK TUSHNET	
39. Comparative Administrative Law	1259
JOHN S. BELL	
40. Comparative Criminal Law	1287
MARKUS DIRK DUBBER	
41. Comparative Civil Procedure	1327
JOACHIM ZEKOLL	
42. Comparative Law and Private International Law	1363
MATHIAS REIMANN	
<i>Index</i>	1397