

Index

- Acemoglu, Daron, 270
 ADGM (Abu Dhabi Global Market), 103
 adultery, laws prohibiting, 182
 adversarial legalism, 74, 329
 adversarial trial systems, 61
 Afghanistan
 informal law, 404
 rule of law, post-2001, 396
 Bonn Agreement 2001, 396
 constitution 2004, 397
 human security prioritised, 399
 legal culture, lack of, 397
 non-state dispute resolution, 398
 provincial, regional and local powers,
 dealing with, 399
 Africa
 legal pluralism, 96
 African Charter on Human and Peoples’
 Rights, 326, 344
 Afro-Asian law, 88, 96
 AFTA (ASEAN Free Trade Area), 325
 Age of Enlightenment, 342, 380
 Ahearn, Sinéad, 212
 Ala Hamoudi, Haider, 124
All England Law Reports, 210
 al-Sanhuri, Abd al-Razzaq, 124
 Al-Shafi’i, 123
 alternative hypothesis, 256
 American Anthropological Association
 universal human rights, rejection of, 437
 American Bar Association, 385
 American Convention on Human Rights, 326
 American exceptionalism, 74
 Amnesty International, 384
 death penalty statistics 2020, 201
Ancient Law (Maine), 380
 Andean Community, 325
 Andean Tribunal of Justice, 327
 Anglophone countries with Civil Code, 221
 appeal courts. *See also* courts
 civil law countries, 57
 common law countries, 58
 appeals
 cassation model, 57
 revision model, 57
 Arab League, 326
 arbitration
 international commercial
 attitudes and results, 365
 circumventing national legal
 institutions, 363
 court proceedings, reducing, 364
 empirical research, 364
 law linked to domestic law, 364
 legal traditions, differences, 364
 Islamic law, 125
 transnational contracts, 355
 Arbitrazh courts (Russia), 395
 archetypes, psychological (Jung), 35
 Argentina
 shareholder protection measures, 237
 state laws, 98
 US constitutional law, incorporating of, 132
 Aristotle, 13, 422
 Arminjon, Pierre, 86
 Arrighetti, Alessandro, 195
 Arvind, T. T., 217, 296, 299
 Asian Barometer, 441
 aspirational laws, 47
 asynchrony, 357
 Atiyah, Patrick, 186
 AU (African Union), 326
 aura of legitimacy, 373
 Austin, John, 149

- Australia
 judicial review, 341
 Rule of Law Index (WJP), 251
 work regulations, 44
- Austria
 civil litigation rates, 187
 constitutional review, 341
 cross-citations, 210
 German case citations, 210
 judicial review, 341
 strict liability, 29
- authority-ranking cultures, 433
- autonomy of law, 179
- auxiliaries remedy institutions, 186
- Ayres, Ian, 124
- balancing concept, constitutions, 317
- Baltic states
 legal system, 100
 shareholder protection, 218
- Banakar, Reza, 13
- Bangladesh
 legal system, 222
- barristers, 62
 duty to judicial system, 63
 judges, appointment as, 59
 junior judges, as, 191
- Bartie, Susan, 76
- Basel Committee on Banking Supervision, 325
- Baxi, Upendra, 293
- BCBS (Basel Committee on Banking Supervision), 362
- Beck, Thorsten, 178
- Beijing Consensus, 391
- Belgium
 civil litigation rates, 187
 cross-citations, 210
 shareholder protection measures, 237
- Bell, John, 41, 144
- Bello, Andrés, 116
- Belt and Road Initiative, 391
- Benedict, Ruth, 437
- Benelux, 322
- Berinzon, Maya, 229
- Berlin, Isaiah, 145
- Berman, Harold, 126, 180
- Berman, Paul Schiff, 359
- BGH (German Federal Supreme Court)
 citing academic literature, 224
- bijural legal systems, 102
- Bilchitz, David, 160
- binary comparison, 166
- Bingham, Lord, 113, 388
- black-letter law
 convergence, and, 314
 non-convergence, and, 315
 transplants, and, 299
- Blankenburg, Erhard, 187, 188
- Bloch, Maurice, 436
- Boas, Franz, 437
- Bogdan, Michael, 28
- Bohannon, Paul, 434, 437
- Bolivia
 informal/indigenous law, 98
- Bonn Agreement 2001, 396
- Botswana
 legal system, 44, 100, 408
- bottom-up legal uniformity, 403
- Bourdieu, Pierre, 426
- Bozkurt, Mahmut Esat, 120
- Bradford, Anu, 309
- Brazil
 Commercial Code 1850, 116
 shareholder protection measures, 237
 US constitutional law, incorporating of, 132
- Brexit, 324
- Breyer, Justice, 114, 302
- BRICS countries (Brazil, Russia, India, China, South Africa), 26
 possible classification, 101
- Briggs, Ryan, 229
- Brunei
 Islamic law, 125
- Brussels effect, 309
- Bucerius Law School Hamburg, 227
- Bulgaria
 foreign legislative models, learning from, 215
- Bürgerliches Gesetzbuch (Germany), 106
- Burke, John, 319
- Business Environment and Enterprise Performance Survey (BEEPS, World Bank), 252
- Byzantine law, 112, 123
- Caldeira, Gregory, 440
- California Civil Code, 52
- Calliess, Galf-Peter, 360
- Cameroon
 legal system, 100, 102
- Canada
 homicide rates, 202

- judges per capita, 192
- judicial review, 341
- shareholder protection measures, 237
- US case referrals, 210
- Canivat, Guy, 113
- CARICOM (Caribbean Community), 326
- Carney, William, 229
- cassation model of appeals, 57
- causal inference, 279
- causality
 - economic development and democracy, 423
 - Granger test, 273
 - puzzle, 268
 - reverse, 268
- causality problem
 - legal adaptability, 178
 - mirror view
 - law as tool of engineering, 180
 - law autonomous of social structures, 179
 - laws related to societal changes, 180
 - legal adaptability, 178
 - product of society's history, 177
 - reflecting society at the moment, 178
 - religion, 180
 - conflict between law and religion, 183
 - impact of laws, 182
 - influences, 180
 - influencing effect of law, 182
 - no law on particular topic, 181
 - part of the law, 182
- Cavadino, Michael, 205
- CBR (Centre for Business Research)
 - coding shareholder protection, 230
 - measuring similarities and convergence, 231
 - project
 - findings, 273
 - objective, 238
 - panel data, 273
 - ten-variable index, 218
- CDF (Comprehensive Development Framework), 383
- Cemac (Monetary and Economic Community of Central Africa), 326
- Central African Republic
 - Civil Code 1958, 117
 - polygamous marriage, recognition of, 117
- centralisation of law-making and enforcement, 199
- CEPEJ (European Commission for the Efficiency of Justice), 240, 244
- Chancery Court (England and Wales), 57
- Chang, Yun-chien, 232
- charter cities, 103
- Chile
 - Andean Community, leaving, 324
 - case average per judge, 185
 - Civil Code 1855, 116
 - judicial independence, 98
 - rule of law, 98
 - shareholder protection measures, 237
 - state laws, 98
- Chilton, Adam S., 221
- China
 - Belt and Road Initiative, 391
 - capital punishment, 201
 - death penalty, 204
 - derivative action legislation, 287
 - diffusion of Western laws, 120
 - formal litigation, avoidance of, 189
 - legal culture, 93
 - legalist tradition, 93
 - rule of law, 391
 - Beijing Consensus, 391
 - courts and lawyers, 392, 393
 - socialist, implementing, 392
 - thin rule, 391
 - special economic zones (SEZs), 103
 - tenant evictions, duration, 242
- Chomsky, Noam, 35
- Christian values
 - capital punishment, United States, 203
 - legal systems, 181
 - universal divine law, 35
 - US comparative law, 155
- chthonic law, 409
- CISG (United Nations Convention on Contracts for the International Sale of Goods), 106
- Citizens' Advice Bureau (UK), 186
- Civil Codes. *See also* entries under specific countries and jurisdictions
 - countries without, 221
- Civil Law Initiative, 251
 - arguments against, 252
 - Legal Certainty Index, 251
- civil litigation
 - differing attitudes towards, 184
 - globalisation, and, 185
 - rates, 186
 - conclusion, 191
 - Japan, 188–190

- civil litigation (cont.)
 - United States, England, Germany and Netherlands, 186–188
 - research
 - 1970s, 184
 - Africa and Asia, 185
 - selected jurisdictions, 185
- civil litigation personnel
 - access to justice, 194
 - delays in cases, 194
 - empirical evidence lacking, 194
 - precise costs, 194
 - comparing numbers, 191
 - determining eligible lawyers, 191
 - divisions between judges and other lawyers, 191
 - selected comparative information
 - judges per capita, 192
 - salaries, 193
- civil proceedings
 - civil law countries
 - limited discovery, 60
 - written proceedings, 60
 - common law countries
 - oral proceedings, 60
 - pre-trial preparation, 60
- civil service, politically neutral, 425
- civil trials
 - judges, role of, 60, 61
 - parties, role of
 - civil law countries, 61
 - client–lawyer relationship, 62, 63
 - common law countries, 61, 62
- CJEU case law (Court of Justice of the EU), 330, 331
- class actions, 65
 - limited forms, 65
 - United States, 75
- classical legal thought, 79
- classification (general)
 - conclusion, 108
 - linguistics, 82
 - natural sciences, 82
 - political and economic systems, 83
- classification of legal systems, 83
 - complications and qualifications, 84
 - facilitating description and understanding, 83
 - legal families, 85
 - across time, 86
 - commonalities and differences, 90–92
 - ideal types, 85
 - La Porta et al. classification, 89
 - late twentieth-century literature, 88
 - Mattei classification, 88
 - post-Second World War literature, 86
 - real types, 85
 - Russian socialist law, 89
 - legal transplants, predicting success, 84
 - over-emphasis of differences, 92
 - Chinese law, 93, 94
 - East Asian law, 92, 93
 - over-emphasis of similarities, 94
 - Asia and Africa, 95–97
 - Latin America, 97–99
 - relating legal/non-legal similarities and differences, 84
 - self-identity, 84
 - supplementary information, 108
- classifications
 - supplementary information, 108
- client–lawyer relationship, 62
 - civil law countries, 63
 - common law countries, 63
- cliometrics, 135
- Code Napoleon, 66, 116
- Code of Hammurabi, 111
- codes of conduct
 - non-state standards, 361
 - restrictions, 63
- codification
 - civil law countries, 52
 - commercial laws
 - nineteenth century, 360
 - lex mercatoria*, 360
 - common law countries, 52
 - India, pre-independence, 52, 116
 - Roman law, eighteenth and nineteenth centuries, 112
 - transnational commercial law, 361
- codified customary law, 122, 404
- coding law, 208
- CoE (Council of Europe), 326
- Cohen-Tanugi, Laurent, 184
- Cohn, Margit, 297, 320
- Commission Supérieure de Codification, 52
- Common Core project, 238, 330
 - comparison of country solutions, 39
 - good faith cases, 70
 - majority solution, 48
 - origins of, 38
 - policy recommendations, 39

- publications, criticisms of, 167
- solutions, 38
- structure, 38
- common heritage of humankind, 285
- common markets, 326
- common/civil law divide, 50
 - appeal courts
 - civil law countries, 57
 - common law countries, 58
 - civil law countries, 51
 - civil litigation, 79
 - civil proceedings. *See* civil proceedings
 - civil trials. *See* civil trials
 - codification
 - civil law countries, 52
 - common law countries, 52
 - conclusion, 80
 - contract law. *See* contract law
 - convergence, 78
 - courts
 - civil judges, 54, 55
 - civil law countries, 56
 - common law countries, 57
 - common law trials, 54
 - definitions
 - common law countries, 50
 - diversity in Europe
 - court operation, 73
 - not uniform modern Roman law, 73
 - Romanist or Germanic model, 73
 - England
 - judges, 76
 - legal thought, 76
 - examinations and qualifications, 62
 - judges. *See* judges
 - judgments. *See* judgments
 - judicial process, 79
 - legal scholarship, 79
 - civil law courts, 56
 - common law countries, 56
 - learned law, 55
 - legislative codes and style, 78
 - majority of countries, 51
 - statute law, role and interpretation
 - civil law codes, nineteenth and twentieth centuries, 53
 - civil law countries, 52
 - common law, 54
 - modern substance, 53
 - statutory interpretation, 78
 - substantive law, 80
 - supplementary information, 81
 - United States
 - constitutional structure, 74
 - courts and civil procedure, 75
 - judges, 75, 76
 - legal thought, 76
 - mixed nature, 74
- commonalities
 - Common Core project
 - comparison of country solutions, 39
 - origins of, 38
 - policy recommendations, 39
 - solutions, 38
 - structure, 38
 - legal universalism, confirming or rebutting, 36
 - other phenomena, 35
 - universal principles, 35
- community judges (Schöffren), 59
- company law
 - Anglo-Saxon common law model, 197
 - approached from socio-legal perspective, 196
 - convergence, 290
 - convergence through congruence, 312, 314
 - convergence through pressure, 314
 - corporate governance, 312
 - general policy, 312
 - law and reality, 313
 - politics, role of, 313
 - precise written texts, 313
- corporate governance, 196
- EU directives, classification study, 229
- financial markets, link between, 197
- functional legal measurement, 218
- incorporation theory, 310
- path dependencies, 315
- shareholder primacy principle, 312
- comparative analysis
 - aim of, 152
 - description of laws, 153
 - improving, 143
 - legal systems, excluding, 33
 - non-Western legal systems, 45
 - political factors, 162
 - socio-legal comparative law, 205
 - suitability of, 34
 - testing theory-driven research
 - questions, 416
 - unstated norms, 45

- comparative commercial law
 positive law application
 contract law study, 195, 196
 corporate governance, 196, 197
 drafting of contracts, 195
 socio-legal perspective, 196
 shaping society
 Anglo-Saxon common law model,
 197, 198
 financial markets, links, 197
 legal differences, 198
 legal systems, influences on, 198
 Muslim countries, 199
 political economies, differences, 199
 vertically divided legal systems, 105, 106
- comparative criminal law
 frequency of convictions, 200
 law as deterrent, 201
 Asian countries, 204
 current factors, 203
 effects of lenient or harsh laws, 201
 incarceration rates, 204
 moral philosophy, 202
 political economies and harshness of
 punishment, 205
 political structures, 204
 tangible features, 203
 United States and Europe, differences
 between, 202
 research challenges, 200
 death penalty, 201
 information not available, 200
 specific sanctions, 200
- comparative economics, 430
- comparative historical reconstruction, 25
- comparative international law, 333
 domestic law, impact on, 333
 globalisation of societies, 334, 335
 horizontal, 338
 comparing countries, 339
 international level, 338, 339
 legal rules, convergence of, 334
 vertical, 335
 challenging nature of, 338
 explicitly need for, 337
 interpretation, 336
 multiple domestic laws, considering, 336
 specific nature of law, 336
 studies with equal weight, 335
 understanding institutional
 structures, 337
- comparative jurisprudence, 151
- comparative law
 book structure, 11
 common/civil law divide. *See* common/civil
 law divide
 conclusion, 443, 445
 convergence. *See* convergence
 cultural variant, 163
 development. *See* development
 development as discipline, 13
 diffusion of legal traditions. *See* diffusion
 of law
 empirical. *See* empirical comparative law
 focus of general books, 6
 implicit. *See* implicit comparative law
 interdisciplinary nature, 9, 10
 legal method. *See* comparative legal method
 legal transplants. *See* legal transplants
 literal interpretation, 5
 mapping. *See* classification of legal systems
 natural process, 1, 2
 number of core themes, 13
 numerical. *See* numerical comparative law
 objectives, 2
 knowledge and understanding, 2
 use at domestic level, 4
 use at international level, 4
 other disciplines, relationship between, 453
 overview of main areas covered in book, 7
 political critique, 163
 postmodern. *See* postmodern compara-
 tive law
 purposes in book, 3
 regional law. *See* regionalisation
 socio-legal. *See* socio-legal comparative law
 technocratic variant, 163
 topics and questions, overview, 448
 traditional approach, 141
 transnational. *See* transnational law
Comparative Legal Cultures (Ehrmann), 244
- comparative legal method
 commonalities. *See* commonalities
 countries to be examined
 choice of systems may influence
 results, 18
 current laws only, 17
 focusing on major legal systems, 18
 legal history, 17
 number of systems to be included, 17
 pragmatic considerations, 19
 primary resources, 19

- secondary resources, 19
- types of legal systems to be included, 18
- critical analysis. *See* critical analysis
- critical policy evaluation
 - advice for foreign legal systems, 28
 - foreign law as test case, 28
 - necessity for, 26, 27
 - one's own law, 28
 - transnational and international
 - dimension of law, 29
- explaining variations, 24
 - humanities, using, 25
 - institutional design of rules, 26
 - legal analysis, 24
 - natural sciences, using, 25
 - social sciences, using, 25
- finding the right perspective
 - interior point of view, 19
 - neutral stance, 20
 - own perspective, 19
 - simultaneous presentations of legal systems, 20
 - successive presentations of legal systems, 20
- four steps, 15
- identifying variations, 23
 - formal and functional aspects, 24
 - similarities and differences, 23
- legal universalism. *See* legal universalism
- positive law, 22
 - further aspects to be considered, 22
 - interdisciplinary and empirical research, 22
 - laws, determining, 22
 - structuring arguments, 23
- possible research questions, 15
 - identifying range of factors, 16
 - legal system does not possess institution or rule, 16
 - role of judiciary, 16
 - start with functional question, 16
- strict liability, 29
 - England, 30
 - European jurisdictions, 29
 - France, 30
 - Germany, 29
 - legal systems, differences between, 30
- translating foreign terms, 20
 - affirmative view, 20
 - in practice, 21
 - negative view, 21
 - reader knowledge, 21
- comparative linguistics, 297
- comparative method
 - choice of comparison units
 - most different cases, 420, 421
 - most similar cases, 420
 - scales, 419, 420
 - historical and conceptual approaches
 - causal regularities, identifying, 419
 - grouping diverse phenomena, 419
 - implicit comparative dimension, 418
 - uniqueness of events, 418
 - rationales for approach, 415
 - establishing relationships between variables, 416
 - understanding units for own sake, 416
 - types of research
 - advantages and disadvantages of
 - qualitative or quantitative methods, 418
 - availability of information, and, 418
 - choosing either qualitative or quantitative, 417
 - qualitative, 417
- comparative regional law
 - civil/common law countries, impact of, 328
 - design of structures, 327
 - diffusion of ideas, 327
 - EU model
 - elements, 326
 - Eurocentric bias, 327
 - forms of cooperation
 - common markets, 326
 - diversity of, 325
 - free-trade areas, 325
 - harmonisation, 325
 - non-state actors, 326
 - political integration, 326
 - region, meaning of, 324
- comparative research
 - supplementary information, 444
- comparative studies of societies and cultures
 - conclusion, 443
 - supplementary information, 444
- comparative studies of states
 - conclusion, 443
 - determining best form of government, 422
 - Aristotle's analysis, 422
 - causality, problems with, 423
 - de Montesquieu's analysis, 422
 - de Tocqueville's analysis, 422
 - many shades of democracy, 423

- comparative studies of states (cont.)
 - Polity Project, 423
 - legal mentalities, measuring, 439
 - amount of law research, 441
 - comparative surveys, 439
 - crime and punishment, relationship
 - between, 442
 - cross-national surveys, 439
 - forms of government, 441
 - general attitudes towards law, 442
 - human behaviour, law and, 439
 - individualism, 440
 - objections to research, 442
 - legal similarities, 435
 - legal singularities, 437
 - legal systems, understanding differences and similarities, 431
 - anthropological criteria, 433
 - classifications, 433
 - cultural diffusion, 434
 - Durkheim's analysis, 431
 - religious cultures, comparing, 434
 - Weber's analysis, 432, 432
 - legal universalities, 435
 - anthropology, and, 435, 436, 436
 - cultural specificity, 438
 - rejection of, 437
 - policy choices, classifying and evaluating, 427
 - institutional complementaries, 429
 - law and finance research, 430
 - legal differences, role of, 430
 - neo-classical economics, and, 430
 - three worlds of welfare capitalism, 428
 - varieties of capitalism, 428
 - state in action, 424
 - administrative trends, 426
 - judicialisation of politics, 426, 427
 - law-making in different countries, 424, 425
 - nepotism and favouritism, 425
 - supplementary information, 444
 - concurring opinions, 63
 - Congress of the International Academy of Comparative Law 2006, 184
 - consciousness, legal, 175, 189
 - Conseil constitutionnel (France), 57
 - Conseil d'État (France), 57
 - consensus democracy, 424
 - consideration, doctrine of, 68
 - constitution specificity index, 222
 - constitutional law
 - convergence, 317, 318
 - convergence, limitations of, 316
 - transnational trends, 352
 - constitutional transplants
 - determinants, 218
 - construction law
 - transnational trends, 351
 - content analysis, 158, 223, 229
 - English judgments, 223
 - contiguity disorder, 165
 - continental civil law
 - Romanist and Germanic models, 73, 88
 - contingency fee arrangement, 63
 - continuum of legal transplants, 298
 - contract formation
 - civil law countries, 68
 - doctrine of consideration, 68
 - common law countries
 - doctrine of consideration, 68
 - objective way, 68
 - contract interpretation
 - civil law countries, 68
 - common law countries, 68
 - contract law
 - civil law countries
 - civil codes, 67
 - good faith principle, 69, 70
 - scholarship, role of, 67
 - common law countries, 67
 - good faith principle, 69, 70
 - conclusion, 72
 - contractual drafting, 195
 - EU harmonisation, 329
 - EU survey, 229
 - Ius Commune Casebooks for the Common Law of Europe, 330
 - contracts
 - penalty clauses, 71
 - contractual convergence, 290
 - contractual remedies
 - civil law countries
 - fault for damages, 71
 - penalty clauses, 71
 - specific performance or damages, 70
 - common law countries
 - penalty clauses, 72
 - specific performance or damages, 71
 - Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 344, 397

- convergence
- common outcome in some areas, 316
 - common/civil law divide, 78
 - company law
 - convergence through congruence, 312
 - corporate governance, 312
 - general policy, 312
 - law and reality, 313
 - conclusion, 320
 - constitutional law, 317, 318
 - black-letter law, and, 314
 - convergence through congruence, 314
 - convergence through pressure, 314
 - politics, role of, 313
 - precise written texts, 313
 - legal evolution, 316
 - legal transplants, irrelevance of, 316, 317
 - limitations of
 - black-letter laws, 315
 - ideological and cultural differences, 316
 - path dependencies, 315
 - should convergence occur, 318, 319
 - similar rules and different effects, 317
 - supplementary information, 321
- convergence forces, 304, 305
- binding rules, 305
 - convergence through congruence, 307
 - extraterritorial effect of laws, 307
 - regulatory competition, 307
 - role of conflict of law
 - choice of law and regulatory competition, 309–311
 - policy-neutral or unilateral approaches, 308–309
 - summary, 306
- convergence through congruence, 307
- corporate governance
- Anglo-American model, 312
 - country and firm level, 196, 197
 - G20/OECD principles, 362
 - non-binding codes, 197
- Corpus Juris Civilis, 111
- corpus linguistics, 158
- Corruption Perception Index (Transparency International), 247, 373
- cosmopolitanism, 285
- pluralist approach, 359
- Cossman, Brenda, 162
- Costa Rica
- judicial independence, 98
 - legal system, 408
 - rule of law, 98
- cost-saving transplants, 291, 292
- Côte d'Ivoire
- property protection, 277
- Cotterrell, Roger, 298, 432
- Council of Notaries, 248
- counter-hegemonic globalisation, 285
- cour d'assises (Assize Court) (France), 59
- Cour de Cassation (France)
- Jand'heur case*, 30
 - writing style, change in, 65
- Court of Appeal (England and Wales), 58
- citing academic literature, 224
- courts. *See also* appeal courts
- civil law countries, 56
 - common law countries
 - equity, 57
 - private and public law, 57
 - common law trials
 - developing law, 54
 - solving conflicts, 54
 - conclusion, 67
- covariates, 276
- COVID-19 pandemic
- globalisation, and, 305
- CPTPP (Comprehensive and Progressive Agreement for Trans-Pacific Partnership), 324
- criminal law
- cultural approaches, 155
- criminal trials
- cultural approaches, 155
- criminology, comparative, 202, 436
- critical analysis, 47
- explicit/implicit comparisons, 41
 - following on from, 42
 - globalisation, and, 43
 - missing interesting topics, 40
 - narrow focus on positive law, 41, 42
 - non-Western countries, disregard of, 43
 - plurality of methods, 40
 - theoretical section preceding, 40
 - Westphalian concept of law, 43
- critical comparative law, 161
- law as discourse, 164
 - authors belonging to, 165
 - binary comparisons, 166
 - core element, 164
 - exposing differences, 164
 - non-foreign/domestic divide differences, 167

- critical comparative law (cont.)
 notion of 'self' and 'other', 166
 law as politics, 161
 alignment with international law, 164
 critique of economics and Western law, 162
 non-Western countries, 164
 normative approach, 162
 political perspectives, 163
 specific projects, 162
- critical studies, 162
- cross-citations between courts, 209
 common law countries, 209
 Court of Appeal (England and Wales) (CA), 210
 differences, 211
 EU private law citations, 210
 European civil and criminal law, 210
 German Federal Supreme Court (BGH), 210
 judgment style, 211
 networks between private law supreme courts, 210
 particular country pairs, 212
 personal contact between judges, 212
 US federal courts, 1945–2005, 210
- cross-country experiments, 278
- cross-sectional studies
 black-letter rules, numerical coding, 260
 countries as units, 264, 265, 266
 economics, 261
 endogeneity, 268
 independent variables, 269, 270
 reverse causality, 268, 269
 legal differences, 261–263
 legal origins, 261
 normative suggestions, 266, 267
 omitted variables, 263, 264
 other aspects, 260
 resource-based enforcement data, 260
 shareholder protection, 260
- cryptotypes, 42
- CSR (corporate social responsibility), 361
- cultural constraints argument, 159
- cultural diffusion, 434
- cultural relativism, 342
 embracing cruel laws, 160
- Curran, Vivian Grosswald, 35, 143, 144
- customary Arab law, 123
- customary law
 codified, 122, 404
 judicial, 122
 living, 122
 textbook, 122
- customs unions, 325
- Cyprus
 legal system, 100, 222
- Czech Republic
 shareholder protection, 218
- Dakolias, Maria, 185
- Dalhuisen, Jan, 305
- Damaška, Mirjan, 58
- David, René, 88, 117, 292
- Davis, Kevin, 370
- Dawson, John, 16, 126
- DCFR (Draft Common Frame of Reference, EU), 215, 330
- De Coninck, Julie, 437
- de Cruz, Peter, 19, 27, 89
- de Montesquieu, Charles-Louis, 422
- de Saussure, Ferdinand, 153
- de Soto, Hernando, 382
- de Tocqueville, Alexis, 422
- death penalty
 Asian countries, 204
- Declaration of Human Rights 1789, 342
- Declaration of Independence (United States), 342
- deconstructive methods, 170
- deep-level analysis of law, 143
- general legal scholarship, 148
- immersion
 accommodating for local audience, 144
 advantage of, 144
 legal culture, 144
 reflecting on differences, 145
 time and effort required, 143
- legal pluralism
 customary law, and, 146
 definition, 145
 overlapping legal orders, 147
 social order, and, 147
 weak and strong, 146
 Western legal systems, 146
- Deffains, Bruno, 244
- Dehousse, Renaud, 329
- delictual liability, 69
- Delmas-Marty, Mireille, 359
- Democracy in America* (Tocqueville), 422
- dependency theory, 381
- dependent variables, 209, 256, 258, 264, 267, 272

- derecho común* (Spain), 73
- derivative actions
 Japan, 190
- Derrett, Duncan, 88
- descriptive statistics, 417
- development
 Age of Enlightenment, 380
 conclusion, 411
 criticisms of, 401
 choosing wrong rules and institutions,
 408–410
 law does not work, 401–403
 top-down approach, 403–406
 Western law, inappropriateness of,
 406–408
 dependency theory', 381
 modernisation theory, 380
 Post-Washington Consensus. *See* Post-
 Washington Consensus
 rule of law. *See* rule of law
 supplementary information, 411
 Washington Consensus. *See* Washington
 Consensus
 world systems theory, 381
- developmental state notion, 381
- Dezalay, Yves, 364
- di Robilant, Anna, 135
- diachronic comparison, 17
- Dibadj, Reza, 226
- DIFC (Dubai International Financial
 Centre), 103
- Diffusion of law
 cross-border judicial dialogue, 113
 academic literature, 114
 Europe, 113
 US, 114
- Islamic law, 123
 arbitration, 125
 current reach, 125
 different schools, 123
 financing arrangements, 125
 impact on modern Muslim law, 124, 125
 influence on Western law, 124
 mixture of Western/Islamic
 traditions, 124
 relationship to other traditions, 123
- legal evolution, core element, 111
- non-Western law, 121
 forms of proximity, 121
 mixed with Western law, 123
 Western influence, 122
- Western law, impact on, 122
- Western civil law, 111
 nation states, eighteenth and nineteenth
 centuries, 112
 Roman law, 111
- Western common and civil law
 seventeenth-century English property
 protection, 111
- Western common law, 111
 Norman Conquest, 111
- Western law
 mixed with non-Western law, 123
- Western law, colonial colonies, 114
 Africa, post-independence, 116, 117
 Asia, post-independence, 118
 conquered colonies, 114
 English strategy, 115
 French strategy, 115
 Latin America, post-independence,
 116
 mixture of traditions, 116
 settled colonies, 115
- Western law, non-colonial countries, 118
 China, 120
 Japan, 119
 Turkey, 120
- diffusion, legal, 125, 129, 134
- Dignan, James, 205
- Diogenes, 455
- direct colonial rule, 115
- disaster response law
 transnational trends, 352
- discovery rules, pre-trial, 60
- disequivalence, 45
- dissenting opinions, 63
- diverse legal orders, 147
- divided legal profession, 62
- Djankov, Simeon, 238, 241, 242, 243
- doctrine of consideration, 68
- doing business
 legal systems ranked, 250
- Doing Business Reports (World Bank), 236,
 242, 249, 250, 252, 253, 376
- Donoghue v. Stevenson* case (UK), 113
- droit commun*, 73
- dualism, 333
- Dubber, Markus, 135
- Duina, Francesco, 328
- Durkheim, Émile, 178, 431
- dysfunctional laws, 47
- Dyson, Matthew, 148

- East Asian law, 92, 93
- EBRD (European Bank for Reconstruction and Development), 325
- ECCAS (Economic Community of Central African States), 326
- ECCU (Eastern Caribbean Currency Union), 326
- ECHR (European Convention on Human Rights)
 United Kingdom, and, 340
- Economic Freedom of the World reports (Fraser Institute), 247
- ECOWAS (Economic Community of West African States), 326
- ECtHR (European Court of Human Rights), 341
- egalitarian cultures, 433
- Egypt
 Civil Code 1949, 124
 legal system, 44, 116
- Ehrmann, Henry, 244
- El Bialy, Nora, 241
- empirical comparative law
 Bayesian statistics
 attractiveness of, 280
 limited examples, 280
 process, 279
 conclusion, 281, 282
 cross-sectional studies. *See* cross-sectional studies
 experiments
 core features, 278
 cross-country, 278
 limited participants, 279
 Fuzzy-set Qualitative Comparative Analysis (fsQCA)
 French Civil Code, German
 reception, 281
 hypothesis testing. *See* hypothesis testing
 panel data analysis. *See* panel data analysis
 Qualitative Comparative Analysis (QCA)
 binary data, 281
 process, 280
 quasi-experiments. *See* quasi-experiments
 supplementary information, 283
- empirical facts
 causal relationships, and, 267
 counting, 253
- end of history thesis (Fukuyama), 304
- endogeneity, 268
 independent variables, 269, 270
 reverse causality, 268, 269
- England
 colonial rule
 indirect, 115
 powers not transferred to local
 population, 115
 cross-citations, 210
 foreign legislative models, learning
 from, 215
 strict liability, 29, 30
- English language
 countries where not official language, 221
- entrepreneurial transplants, 292
- environmental policy law
 transnational trends, 352
- equivalence, functional, 30, 31
- Esping-Andersen, Gøsta, 428
- Esquirol, Jorge, 98
- Estonia
 shareholder protection, 218
- Ethiopia
 Civil Code 1960, 117
 legal system, 292
- EU
 bijural structure, 102
 Brussels effect, 309
 company law directives, classification
 study, 229
 competition law, global influence, 219
 contract law survey, 229
 Council of Notaries, 248
 cross-country law variation studies, 281
 DCFR (Draft Common Frame of Reference),
 215, 330
 European Judicial Training Network, 331
 Galton's problem, 265
 harmonisation
 challenges, 332
 contract law, 329
 further progress, 332
 horizontal regional comparative law, 347
 model for other regions, 326
 Eurocentric bias, 327
 Network of the Presidents of the Supreme
 Judicial Courts of the EU Member
 States, 331
 private law citations, 2000–2018, 210
 regionalisation
 approximation of cultures, 332
 common legal culture, 331
 comparison with state powers, 328

- distinct features, 330
- European judiciary, stimulating, 331
- further harmonisation, 332
- international legal system, impact on, 333
- perceived threat to sovereignty, 332
- policy convergence, fostering, 329, 330
- supranationalism, 328
- Survey of Income and Living Conditions, 243
- survey sponsorships, 243
- US legal influences, 131
- Eurobarometer, 243
- Euro-Justis project, 244
- European Bank for Reconstruction and Development, 385
- European Civil Code, 216, 330, 332
- European Convention on Human Rights, 326
- European Court of Justice
 - regional courts modelled after, 327
- European Legal Culture cluster, 234
- European Social Survey, 243, 244
- European Union. *See* EU
- Eurostat, 243
- Eurozone, 326
- Evans-Pritchard, E.E., 437
- everyday law, 395
- Ewald, William, 23, 151
- exegetical statutory interpretation method, 53
- external legal culture, 176
- externally dictated transplant, 293
- extraterritoriality
 - US securities regulation, 309
- factual convergence, 290
- false negatives (type II errors), 268
- false positives (type I errors), 268
- family law
 - transnational trends, 352
- FATF (Financial Action Task Force), 362
- Federal Rules of Civil Procedure (US), 52
- Fedtke, Jörg, 18, 34, 79, 169
- Ferguson, Niall, 388
- Field, David Dudley, 52, 75
- Fikentscher, Wolfgang, 150, 434
- financial development
 - shareholder protection, relationship between, 198
- Flanagan, Brian, 212
- Fletcher, George, 150
- foreign influences on research, 213
 - changing over time, 214
 - law journals, mentions in, 214
 - lawyers on both academics and judges, 213
 - origin of cases cited in textbooks, 213
- foreign statute law, influence of
 - DCFR (Draft Common Frame of Reference), 215
 - general support, 215
 - international/regional instruments, 217
 - legal rules impacting other legal systems, 216
 - measuring core features, 217
 - company law, 218
 - competition law, 219
 - constitutional law, 217
 - measuring relevant statute laws, 215
 - scrutinising citations, 215
 - word matching techniques, 216
- formal dimension of law, 24
- formal rationality, 432
- formal regression model, 256
- formal remedy institutions, 186
- Foster, Nick, 198
- Fragile State Index, 375
- France
 - case average per judge, 185
 - cassation model of appeals, 57
 - Civil Code 1804, 30, 52, 53, 112
 - German reception, 281
 - civil law structure, 115
 - civil litigation rates, 187
 - Code Napoleon, 66, 116
 - colonial rule
 - cultural assimilation, 115
 - direct, 115
 - Commission Supérieure de Codification, 52
 - constitutional review, 341
 - contiguity disorder, court judgments, 165
 - cross-citations, 210
 - delictual liability, 69
 - judgments, style of, 64, 65
 - judicial review, 341
 - judicial training, 58
 - lay judges, 59
 - penalty clauses in contracts, 71
 - shareholder protection measures, 237
 - specialised courts, 57
 - strict liability, 29, 30
 - tenant evictions, duration, 242
- Frankenberg, Günter, 165, 166, 314
- free trade agreements, 323

- Freedom House
 Freedom in the World Report, 240
 variable indicators, 241
- Freedom in the World Report (Freedom House), 240
- freedom of contract, 54, 70, 355
- Friedman, Lawrence, 176, 258, 305
- FsQCA (Fuzzy-set Qualitative Comparative Analysis), 281
- Fukuyama, Francis, 304
- functional comparative law. *See* functionalism
- functional convergence, 290, 318
- functional dimension of law, 24
- functional equivalence, 30, 31
- functional question, 16
- functional rules
 similarities and differences, 46
- functionalism, 16
 academic and scholarly support, 32
 adjustments for different countries
 interdisciplinary research necessary, 44
 similarities and differences, 44
 attractiveness of, 31
 core element, 32
 criticisms
 all societies face same social problems, 46
 focus on similarities, 45
 law serves particular functions, 47
 praesumptio similitudinis, 45
 feasible tool of comparison, 43
 framing research questions, 32
 historical discussion of, 31
 legal research, 31
 limitations
 certain areas less suitable, 34
 certain systems excluded, 33
 comparative family and constitutional law, 34
 incomparables cannot be compared, 33
 political differences making comparisons fruitless, 33
 tools from other countries fulfilling function, 32
- G20/OECD
 overview principles, 363
- Galanter, Marc, 296
- Galgano, Francesco, 95
- Galton, Francis, 265
- Garland, David, 155, 202
- Garth, Bryant, 364
- GCC (Gulf Cooperation Council), 325
- Geertz, Clifford, 434
- Gelter, Martin, 210, 262
- gemeine Recht* (Germany), 73
- general legal scholarship, 148
- Georgia
 Doing Business Report ranking, 252
- Gerber, David, 38
- Germany
 case average per judge, 185
 Civil Code 1900, 52, 55
 civil litigation rates, 187
 Commercial Code 1889, 112
 community judges (Schöffen), 59
 constitutional review, 341
 contract law principles, 70
 cross-citations, 210
 delictual liability, 69
 fault for damages, 71
 judges, duty to parties, 61
 judgments, style of, 64
 judicial review, 341
 judicial training, 58
 law professors, influence on law, 55, 56
 lay judges, 59
 penalty clauses in contracts, 71
 ratio of lawyers to judges, 193
 revision model of appeals, 57
 Rule of Law Index (WJP), 251
 shareholder protection measures, 237
 specialised courts, 57
 strict liability, 29
 tenant evictions, duration, 242
- Ghana
 property protection, 277
- gift law, 145
- gifts, as contracts, 68
- Ginsburg, Tom, 217, 222
- Glendon, Mary Ann, 9, 160, 161
- Glenn, Patrick, 78, 89, 90, 92, 98, 111, 127, 128, 130, 135, 409
- Global Competitiveness Reports (WEF), 245, 374, 375
- global constitutionalism, 358
- global law. *See* transnational law
- global legal system, 354
- Global North, 385
- Global Regulation (website), 223
- Global Slavery Index, 375
- global social indicators, 376
 comparing

- checks and balances, 375
- drafters, 374
- focus on economic or social goals, 375
- global relevance, 375
- law-like features, 373
- narrow/wider benefits, 374
- nuances to be considered, 376
- objective data, use of, 373
- sociological legitimacy, and, 373
- subject matter, 375
- support structure, 374
- units of comparison, 374
- definitions, 369
- examples, 371
- law-like effectiveness, 369
- legitimacy of
 - aura of, 373
 - critics and supporters, 370
 - law-makers reaction, 372
 - normative, 372
 - perceived, 370
- Global South, 385
- globalisation, 43
 - challenges to, 305
 - civil litigation, and, 185
 - counter-hegemonic, 285
 - COVID-19 pandemic, and, 305
 - defining, 285
 - hegemonic, 285
 - human rights, 343
 - legal thought, 79
 - sovereignty, diminishing, 350
 - tangible impact, 302
 - welfare state, and, 428
- globalised localism, 285
- globalisation, 355
- Gluckman, Max, 435, 437
- GMM (general method of moment estimator), 272
- Goa
 - legal system, 102
- Goethe, Johann Wolfgang von, 35
- Goldschmidt, Walter, 31
- Good Country Index, 374
- good faith principle, 69, 70
- good governance, 387
- Goode, Roy, 353
- grammar, universal, 35, 150
- Granger causality test, 273
- Graziadei, Michele, 296
- Greece
 - legal system, 112
- Greenpeace, 384
- Grossfeld, Bernhard, 154
- group litigations, 65
- Guatemala
 - informal/indigenous law, 98
- Gulliver, Philip, 434
- Gutmann, Jerg, 220
- Gutteridge, Harold, 5
- Guyana
 - legal system, 100
- Hague Conference on Private International Law, 308, 362
- Haiti
 - informal/indigenous law, 98
- Hall, Andrew, 204
- Hall, Jerome, 149
- Hall, Mark, 223
- Hall, Peter, 428
- Hanseatic League, 322
- Hansmann, Henry, 305, 312
- Hantrais, Linda, 23, 454
- Happy Planet Index, 374
- hard influence, 293
- harmonisation
 - economic regionalism, 325
 - EU contract law, 329
 - legal convergence, relationship between, 290
- Harvard International Law Journal*, 214
- Harvard Law Review*, 77, 214
 - foreign laws, 214
- Harvey, David, 287
- HDI (Human Development Indicators), 384
- hegemonic globalisation, 285
- Heidegger, Martin, 145
- Heinrich-Heine University Düsseldorf, 227
- Hendley, Kathryn, 395
- Herder, Johann Gottfried, 151
- Hexabiblos, 112
- High Court (England and Wales), 57
- Hindu law, 118
 - legal families, 91
- Hirsch, Ernst, 120
- Hirschl, Ran, 415
- Hodges, Chris, 194
- Hofstede, Geert, 439, 441
- Holmes, Oliver Wendell, 71
- Hong Kong
 - death penalty, 204
 - legal system, 102

- horizontal comparative international law, 338
 comparing countries, 339
 international level, 338, 339
- horizontal legal transplants, 288
- horizontally divided legal systems, 102
 examples, 102
 one part is significantly smaller, 102
 religious, customary and political laws, 103
- House of Lords (UK)
 Donoghue v. Stevenson case, 113
 Rylands v. Fletcher case, 30
- HRAF (Human Relations Area Files) (Yale University), 436
- human rights
 ECtHR (European Court of Human Rights), 341
 European Convention on Human Rights, 147
 French law, role of, 251
 globalisation, 343
 judicial dialogue notion, 114
 non-universality, 342
 protection, 35, 342
 regional charters, 344
 regional cooperation to protect, 326
 rule of law, relationship with, 387
 US emphasis, 74
- Human Rights Watch, 314
- Huntington, Samuel, 82
- Husa, Jaakko, 85, 349
- Huxley, Andrew, 18
- hybrid convergence, 290
- hybridisation, 290, 296
 EU Court of Justice, 330
- Hyland, Richard, 144
- hypothesis testing
 law and society, relationship between
 abstract theories, establishing, 258
 legal scholarship, and, 258
 number of observations, 259
 society, defining, 258
 process, 256
 theories, and, 257
- Ibbetson, David, 134
- ICC (International Chamber of Commerce)
 Incoterms, 107, 361
- ICtC (International Criminal Court), 337
- ICJ (International Court of Justice), 337
- IFRS (International Financial Reporting Standards), 362
- IKEA theory, 303
- ILO (International Labour Organization), 384
- impaired consent transfers, 152
- implicit comparative law. *See* comparative research; comparative studies of societies and cultures; comparative studies of states
- implied terms, 69
- import substitution, 380
- imprisonment
 political economy, relationship between, 204
- incarceration rates
 Europe, 205
 United States, 204, 205
- incorporation theory, 310
- Incoterms, 107, 361
- independent variables, 209, 256, 268, 272
- Index of Legal Certainty, 375
- India
 board structures, 196
 codification, pre-independence, 52, 116
 common law system, 95, 106
 Constitution, 346
 death penalty, 204
 English common law, impact of, 118
 family law, 107
 Goa civil law, 102
 Hindu law, elements of, 118
 human rights, protection, 345
 multiple legal traditions, 95
 shareholder protection measures, 237
 shareholders, 196
- indirect colonial rule, 115
- individual human rights
 challenges to, 342
- individualism, comparative studies of, 440
- Indonesia
 Islamic law, 123, 125
 judicial activism, 346
 religious courts, 185
 work regulations, 44
- Infantino, Marta, 373
- inferential statistics, 417
- informal law, 404, 405
- informal rationality, 432
- innovations, diffusion of, 298
- Inns of Court (England and Wales), 124
- input legitimacy, 358, 374
- inquisitorial trial systems, 61, 104
- Institute for Liberty and Democracy, 382
- instrumental variable (IV), 269

- internal legal culture, 176
 internal structures of legal knowledge, 151
 International Bar Association
 Rules on the Taking of Evidence in
 International Commercial
 Arbitration, 363
 International Congress of Comparative Law
 1900, 37
 International Country Risk Guide, 240
 international crime law
 transnational trends, 352
 International Global Corruption
 Barometer, 244
 internationalisation. *See* regionalisation
 Internet law
 transnational trends, 351
 invented legal cultures, 177
 investor protection, 196, 197
 IOSCO (International Organization
 of Securities Commissions),
 362
 IPCC (Intergovernmental Panel on Climate
 Change), 384
 Iran
 Islamic law, 124
 legal system, 95, 100
 Iraq
 legal system, 100
 Ireland
 cross-citations, 210
 irrationality, 432
 ISDA (International Swap and Derivatives
 Association), 361
 Islamic finance, 125
 Islamic law, 123
 arbitration, 125
 current reach, 125
 different schools, 123
 family arbitration, 125
 financing arrangements, 125
 impact on modern Muslim law, 124, 125
 influence on Western law, 124
 influences on, 123
 Khadi justice, 432
 legal families, 91
 mixture of Western/Islamic traditions, 124
 relationship to other traditions, 123
 rule of law, 408
 Wahhabi version, 125
 waqf, 124
 Islamic supremacy clause, 316
 ISO (International Organization for
 Standardization), 361
 Israel
 judicial review, 341
 legal system, 99, 154
 Italy
 civil litigation rates, 187
 constitutional review, 341
 cross-citations, 210
 judicial review, 341
 shareholder protection measures, 237
 strict liability, 29
ius commune, 112
 Ius Commune Casebooks for the Common
 Law of Europe, 330
ius gentium, 301
 Jackson, Howell, 260
 Jacobson, Brynna, 210
 Jakobson, Roman, 165
 James I (king of England), 111
Jand'heur case (France), 30
 Japan
 civil litigation rates, 188–190
 codified law, 18
 Commercial Code, 229
 Constitution 1947, 346
 corporate law, post-Second World War, 100
 death penalty, 204
 derivative actions, 190
 façade of Western law, 119
 German civil law, classified as, 95
 human rights, cautious enforcement, 346
 legal transplants
 French codes, 119
 German, 100
 medical malpractice litigation, 190
 path dependency, 119
 shareholder protection measures, 237
 US influence, post-Second World War, 119
 Jewish law, 155
 Jones, Owen, 437
 Jordan
 legal system, 100
 judges
 case average per country, 185
 civil law countries
 appointment, 58
 education, 58
 juries, 59
 number of, 58

- judges (cont.)
 civil law jurisdictions, 54
 implementing in rational manner, 55
 syllogistic approach, 55
 civil trials, role in, 60, 61
 common law countries
 appointment, 59
 education, 58
 juries, 59
 number of, 58
 common law trials
 binding precedents, 54
 guaranteeing freedoms, 54
 judgments
 civil law countries
 binding between parties, 65
 class actions, 65
 court speaking with one voice, 63
 style, 64
 common law countries
 binding between parties, 65
 concurring or dissenting opinions, 63
 precedents for future cases, 66
 previous decisions not binding, 66
 principles of law, 66
 style, 63, 64, 65
 judicial comparative law, 4, 114
 judicial customary law, 122
 judicial dialogue notion, 114
 cross-border, 113, 128
 human rights, 345
 transnational, 352
 judicial transplants, 314
 judicialisation of politics, 426, 427
 Jung, Carl, 35
 Juriglobe (website), 100
 jurisprudential approaches
 identifying common legal structures, 149
 global perspectives, 150
 limitations, 150
 specific examples, 150
 specific subject matter and countries, 150
Juristenzeitung (Germany), 77
 Justice for the Poor programme, 410
 Justinian, 111

 Kagan, Robert, 74, 75, 77
 Kahn-Freund, Otto, 298
 Kant, Immanuel, 342
 Kaufmann, Daniel, 247
 Kelsen, Hans, 341

 Kelvin, Lord, 207
 Kennedy, David, 163, 164
 Kennedy, Duncan, 79
 Khadi justice, 432
 Kings' Beach (England and Wales), 57
 Kirchgässner, Gebhard, 201
 Kischel, Uwe, 89
 Kötz, Hein, 27, 79, 88
 Kraakman, Reinier, 305, 312
 Kumar, Niraj, 95
 Kuran, Timur, 199, 200

 Lambert, Édouard, 37
 La Porta, Rafael, 89, 236, 237, 239, 249, 254,
 260, 261, 369
 Larsson-Olaison, Ulf, 297
 Lasser, Mitchell, 65, 165
 Latin America
 civil litigation research, 185
 classification of legal systems, 97–99
 import substitution, 380
 legal pluralism, 98
 legislature trust, 441
 post-independence diffusion of Western
 law, 116
 regional organisations, changing
 membership, 324
 US constitutional law, nineteenth century
 adoption, 132
 Latinbarometer, 441
 Latour, Bruno, 296, 437
 Latvia
 legal system, 100
 shareholder protection, 218
 law
 as storytelling, 161
 formal dimension, 24
 functional dimension, 24
 knowledge as three-dimensional model, 9
 religion, relationship between, 181
 Law in radically Different Countries (Stanford
 University course), 44
 law markets, 310
 law of globalisation, 334
Law Quarterly Review, 77
 Law Society of England and Wales, 251
 Law, David S., 230
 law as culture, 154, 158
 limitations, 159
 problems, 159
 lay judges, 59

- League of Nations, 322
- learned law, 55, 58, 112
- left-wing comparatist, 163
- legal adaptability, 178
 - criteria fostering, 179
- legal anthropology, 433
 - broadening of, 438
 - comparative, 435
- Legal Certainty Index, 251
- legal consciousness, 175, 189
- legal convergence, 289
 - contractual, 290
 - factual, 290
 - functional, 290
 - harmonisation, relationship between, 290
 - hybrid, 290
 - legal transplants
 - at same time, 290
 - without, 291
- legal culture
 - Americanisation of Europe, 132
 - China, 93
 - exoticization of, 94
 - meanings, 174
 - compliance of the law, 175
 - external legal culture, 176
 - law in action, 175
 - public attitudes towards laws, 175
 - social order, and, 176
 - spatial levels, 176
 - culture of modernity, 176
 - differing according to laws, 177
- legal differences, 261–263
- legal diffusion, 125, 129, 134
- legal empowerment of the poor, 390
- legal evolution, 25
 - complex forms, 316
 - diffusion of law, 111
 - Islamic law, 199
- legal families
 - concept, 7
- legal formants, 41
- legal history, 17
 - explaining current law, 133
 - quantitative, 135
 - use of, 127
- legal imperialism, 293
- legal imposition, 293
- legal irritants, 300
- legal mentalities, 168
 - measuring, 439
 - amount of law research, 441
 - comparative surveys, 439
 - crime and punishment, relationship
 - between, 442
 - cross-national surveys, 439
 - forms of government, 441
 - general attitudes towards law, 442
 - human behaviour, law and, 439
 - individualism, 440
 - objections to research, 442
- legal needs surveys, 194
- legal orientalism, 94
- legal pluralism
 - Africa, 96
 - customary law, and, 146
 - definition, 145
 - Latin America, 98
 - overlapping legal orders, 147
 - social order, and, 147
 - strong form, 146
 - weak form, 146
 - Western legal systems, 146
- legal polytheism, 103
- legal research
 - preferred methods, five law schools, 227
 - recent changes in preferred methods, 228
- legal rules
 - diffusion from one place to another, 129
 - measuring
 - coding, criticisms of, 237, 238
 - different methods giving different results, 239
 - employment protection, 236
 - functional approach, 238, 239
 - shareholder and creditor protection, 236
 - substance, measuring
 - aggregate of variables, 231
 - content analysis, 229
 - divergence of systems, 229
 - econometric methods, 231
 - global datasets, 232
 - indices, 230
 - quantitative differences, 229
 - surveys, 229
- legal scholarship
 - civil law courts, 56
 - common law countries, 56
 - cross-border dialogue, 79
 - EU harmonisation, challenges to, 332
 - hypothesis testing, and, 258
 - learned law, 55

- legal scholarship (cont.)
 - legal transplants, and, 298
- legal scholarship research methods
 - quantitative comparison, 226
 - small-scale survey, 226, 227, 228
- legal similarities, 435
- legal singularities, 437
 - cultural specificity, 438
- legal systems
 - legal evolution, 25, 111, 199, 316
 - map, 233
 - mapping. *See* classification of legal systems
 - objective measures, 220
 - amount and detail of codified law, 221
 - Civil Codes, measuring, 221
 - content analysis, 223
 - non-law arguments, 223
 - referencing literature and cases, 224
 - statute and case law, relationship
 - between, 221
 - understanding and interpreting text, 223
 - overview of main areas covered in book, 7
 - vertically divided, 105, 106
 - Western model, commonalities, 77
 - world network, 233
- legal systems, understanding differences and similarities, 431
 - anthropological criteria, 433
 - classifications, 433
 - Durkheim's analysis, 431
 - religious cultural diffusion, 434
 - religious cultures, comparing, 434
 - Weber's analysis, 432, 432
- legal traditions, 126
 - comparative law, relevance to, 110
 - conclusion, 136
 - continuation of differences, 130
 - criticisms of
 - conceptual, 133–134
 - methodological, 134–135
 - normative ambiguities, 135
 - outdated selection, 131–133
 - diffusion. *See* diffusion of law
 - evolution and mixing, 129
 - path dependence, 129, 130
 - insights from the past, 130
 - semi-strong, 130
 - strong, 130
 - weak, 129
 - role of the past, 126
 - common/civil law divide, 126
 - cross-border judicial dialogue, 128
 - cultural heritage, and, 127
 - empirical-historical narratives, 127
 - modern judicial systems, 126
 - relevance for research, 127
 - role of the present, 127
 - supplementary information, 137
 - universalising tendency, 128
- legal translation, 5
- legal transplants
 - arguments about, 301
 - globalisation, and, 302
 - improving quality of domestic law, 302
 - universalist view, 301
- benefits for origin country
 - hard influence, 293
 - intangible benefits, 293
 - soft influence, 293
 - tangible benefits, 293
- benefits for transplant country
 - adoption of best laws, 291
 - benefits for origin country, 293
 - legitimacy, gaining, 292
 - quick adoptions, 292
 - varying benefits, 292
- beyond direct benefits, 294
- conceptualising, 288
- conclusion, 320
- continuum, 298
- cost-saving, 291, 292
- designing, 303
- entrepreneurial, 292
- example, 288
- horizontal, 288
- impossibility of, 295
- legal convergence
 - at same time, 290
 - without, 291
- legitimacy-generating, 292
- malicious, conceptual framework, 303, 304
- modification rather than transplant, 289
- mutual benefit, 293
- opponents of, 300
- outcomes in transplant country
 - black-letter law, going beyond, 299
 - considering foreign models, 296
 - copying text, 296
 - country considerations, 299
 - difficult areas of law for transplanting, 298
 - fitting into previous conditions, 298

- how rules received, 297
 - irrelevance of, 295
 - legal families, and, 299
 - parallels with other areas, 296
 - similarity depending on
 - circumstances, 297
 - tree/wave model analysis, 297
 - working similar to origin country,
 - 294, 295
- overfitting, 298
- preventing, 303
- supplementary information, 321
- supporters of, 300
- transplant as outcome, 297
- transplant as practice, 297
- vertical, 289
- legal universalism
 - commonalities, confirming or rebutting, 36
 - early twentieth century, 37
 - similar results, 36, 37
- legal universalities, 435
 - anthropology, and, 435, 436, 436
 - rejection of, 437
- legitimacy-generating transplants, 292
- Legrand, Pierre, 10, 13, 23, 167, 168, 169, 171
 - individual identity, and, 166
 - negative comparative law
 - Common Core project, criticism of, 167
 - confrontational research, 167
 - criticisms from other authors, 169, 170
 - deep differences between countries, 168
 - diversity, importance of, 169
 - legal families, 171
 - legal families, and, 169
 - textual analyses, and, 168
- Lesotho
 - legal system, 100
- Lévi-Strauss, Claude, 153
- Levy, Ernst, 298
- lex mercatoria*, 359, 360
 - creeping codification, 360
- Lex Mundi network, 243
- leximetrics, 222
- Liberia
 - US law, influence of, 131
- linguistic approaches, 156
 - applications to other fields, 158
 - translation of foreign terms, 157
 - cultural approach, 157
 - functional approach, 157
 - literal approach, 157
- linguistic relativity hypothesis, 270
- linguistics, 297
- Linnaeus, Carl, 82
- literary theory, 165
- Lithuania
 - legal system, 100
 - shareholder protection, 218
- litigant activism
 - United States, 75
- living customary law, 122
- Llewellyn, Karl, 75
- local knowledge
 - legal and other differences, and, 437
- localised globalism, 285
- Locke, John, 342
- Lombard League, 322
- longevity of legal rules, 179
- loose cultures, 433
- Louisiana
 - legal system, 99, 102
- Lundmark, Thomas, 221
- Mac Sithigh, Daithí, 226
- MacCormick, Neil, 66
- Macey, Jonathan, 124
- Macmillan, Lord, 54
- macro-comparisons, 14, 49
- macro-regions, 324, 420
- Magna Carta 1215, 342
- Mahy, Petra, 44
- Maine, Sir Henry, 25, 37, 380
- Malaysia
 - shareholder protection measures, 237
- malicious legal transplants
 - conceptual framework, 303, 304
- Malinowski, Bronislaw, 435
- Malta
 - legal system, 100
- Markesinis, Basil, 18, 28, 34, 79, 169, 213, 300
- market-pricing cultures, 433
- Marxist economics, 430
- Mattei, Ugo, 42, 88, 112, 132
- Mauritius
 - legal system, 100
- Mautner, Menachem, 154
- Maxeiner, James, 61
- May, Theresa, 455
- McGilchrist, Ian, 18
- MDS (metric multidimensional scaling), 234
- Measuring Justice project, 245

- mega-cities, 420
 mega-countries, 420
 mega-regions, 324
 Menski, Werner, 95
 MERCOSUR, 325
 Merry, Sally Engle, 436
 Merryman, John Henry, 97, 184
 Mexico
 shareholder protection measures, 237
 US constitutional law, incorporating of, 132
 Michaels, Ralf, 13, 359
 micro-approaches
 experimental, 410
 micro-comparisons, 14, 49
 Micronesia
 legal system, 118
 micro-regions, 324
 Mikhail, John, 35
 Mill, John Stuart, 420, 421, 454
 Millennium Declaration (UN), 384
 mini-states, 420
 Mirow, Matthew, 98
 MITI (Ministry of International Trade and Industry) (Japan), 381
 mixed legal systems, 99
 beyond civil and common law, 100
 BRICS countries (Brazil, Russia, India, China, South Africa), 101
 Central and Eastern Europe, 100
 England, 101
 examples, 99, 100
 France, 101
 Germany, 101
 Japan, 100
 various influencing sources, 101
 Mixed Legal Systems cluster, 235
 modernisation theory, 380
 monads, 159
 Monateri, Pier Giuseppe, 122
 monetary unions, 326
 monism, 333
 Montana Civil Code, 52
 Montesquieu, Charles-Louis de, 13, 177
 moral cosmopolitanism, 455
 moral philosophy, crime and, 202
 MPI (Max Planck Institute), 278
 multijural legal systems, 102
 multiple legal orders, 147
 mutual benefit legal transplants, 293
 Nader, Laura, 436
 NAFTA (North American Free Trade Association). *See* USMCA (United States–Mexico–Canada Agreement)
 Namibia
 legal system, 100
 Nardulli, Peter, 220
 National Contact Points, 367
 NATO (North Atlantic Treaty Organisation), 397
 negative comparative law
 Pierre Legrand
 Common Core project, criticism of, 167
 confrontational research, 167
 criticisms from other authors, 169, 170
 deep differences between countries, 168
 diversity, importance of, 169
 legal families, 171
 legal families, and, 169
 textual analyses, and, 168
 Nelken, David, 175, 188
 neo-classical economics, 430
 neoliberal institutionalism, 324
 Nepal
 legal system, 222
 Netherlands
 civil litigation rates, 187
 cross-citations, 210
 ratio of lawyers to judges, 193
 Rule of Law Index (WJP), 251
 shareholder protection measures, 237
 network analysis programs, 233, 234
 networked governance, 362
 New Institutional Economics, 430
 new regionalism, 326
 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 363
 New Zealand
 legal system, 83
 tort law, 30
 Newman, Katherine, 434
 Ng, Kwai Hang, 210
 Nigeria
 Islamic law, 103
 Noda, Yoshiyuki, 35
 Nolde, Boris, 86
 non-Anglophone countries without Civil Code, 222
 non-mainstream legal systems, 409

- non-state actors
 regionalisation, and, 326
- Nordic countries
 legal system, 222
- North Korea
 death penalty, 204
- Norway
 foreign legislative models, learning
 from, 215
- no-win no-fee, 63
- null hypothesis, 256
- numerical comparative law
 combined measures
 common/civil law countries, 250, 251
 conveyancing services study, 247, 248
 data aggregation, 247
 Doing Business Reports (World Bank),
 249, 252, 253
 WJP (World Justice Project), 248
 conclusion, 253
 cross-citations between courts. *See* cross-
 citations
 foreign influences on research. *See* foreign
 influences in research
 foreign statute law, influence of. *See* foreign
 statute law, influence of
 legal scholarship research methods. *See* legal
 scholarship research methods
 legal systems, classification, 232
 network analysis programs, 234
 normative lessons, 235
 variables, 232
 measuring legal rules. *See* legal rules
 measuring political and legal institutions.
 See political and legal institutions:
 measuring
 quantitative legal information, 207
 coding law, 208
 conducting surveys about the law, 208
 counting facts about law, 208
 methods and examples, 208
 regression analysis, 209
 supplementary information, 254
 surveying perceptions of law. *See* surveying
 perceptions of law
- Numerical comparative law
 legal rules. *See* legal rules
- O'Hara, Erin, 310
- OAS (Organization of American States), 326
- obiter dicta*, 66
- objective data, 373
- ODIHR (Office for Democratic Institutions
 and Human Rights), 314
- OECD (Organisation for Economic
 Cooperation and Development)
 Anti-Bribery Convention, 131
 employment protection, comparative
 indicators, 236
 Guidelines for Multilateral Enterprises, 361
 Guidelines for Multinational
 Corporations, 367
 Indicators of Regulatory Policy and
 Governance, 236
 indicators, defining, 369
 Product Market Indicators, 236
- Ogus, Anthony, 311
- OHADA (Organisation pour l'Harmonisation en
 Afrique du Droit des Affaires), 325, 328
- omitted variables, 263, 264
- one-sided laws, 409
- optimisation clusters, calculating, 234
- Oracles of the Law* (Dawson), 16
- oral proceedings, 60
- ordered pluralism, 359
- orientalism
 legal, 94
- Örücü, Esin, 103, 210
- OSCE (Organization for Security and Co-
 operation in Europe), 314
- Otterbein, Keith, 434
- Ottoman law, 120
- outlook
 conclusion, 456
 cosmopolitanism and comparative law,
 454–456
 future of comparative law, 451–452
 interdisciplinary and comparative law,
 452–454
- output legitimacy, 358
- outsider perspective of foreign lawyer's, 170
- overfitting legal transplants, 298
- overlapping legal orders, 147, 308
- Oxfam, 384
- Oxford Handbook of Comparative Law*, 168
- Pakes, Francis, 29
- Pakistan
 shareholder protection measures, 237
- Pandectists, 55
- panel data analysis, 271
 advanced approaches, 272, 273

- panel data analysis (cont.)
 advantages
 controlling confounding factors, 272
 endogeneity, tackling, 272
 problems, 271
 shareholder protection, 273
- Paraguay
 informal/indigenous law, 98
 judicial independence, 98
 rule of law, 98
- parallel legal systems, 107
 different rules applied to different
 persons, 107
 person subject to different regimes, 107
 transnationality, and, 107
- Paris Court of Appeals, 65
- Parsons, Talcott, 31
- parties
 civil trials, role in
 civil law countries, 61
 common law countries, 61, 62
- path dependencies, 129
 convergence, limitations of, 315
 legal origins, 261
 semi-strong, 130
 strong, 130
 weak, 129, 130
- path dependency, 119
- Peace of Westphalia 1648, 43
- PECL (Principles of European Contract
 Law), 329
- Pegoraro, Lucio, 213
- penalty clauses in contracts, 71
- perceived legitimacy, 370
- Persian law, 123, 124
- personal law
 transnational trends, 352
- Philippines
 legal system, 100
 US law, influence of, 131
- Pistor, Katharina, 199, 298
- Plato, 13
- plural legal orders, 147
- poetry, 145
- Poland
 foreign legislative models, learning
 from, 215
 shareholder protection, 218
 tenant evictions, duration, 242
- political and legal institutions
 measuring, 239
 benchmarks, selecting, 240
 duration of judicial proceedings, 243
 functioning and performance, 241, 242
 general court operation, 243
 indicators, selecting, 241
 point of interest for governments, 240
 providers of quantitative information, 240
 speed of court cases, 242
- political economy
 imprisonment, relationship between, 204
- political liberalism, 427
- Political Risk Services
 International Country Risk Guide, 240
 variable indicators, 241
- Polity Project, 423
- Polybius, 422
- Popova, Maria, 395
- Popper, Karl, 84, 257
- Posner, Eric, 441
- Posner, Richard, 191, 192, 224
- Post, Albert Hermann, 435
- postmodern comparative law
 critical comparative law. *See* critical com-
 parative law
 cultural approaches, 154
 criminal law, 155
 criminal trials, 155
 Israeli legal system, 154
 normative comparison, 159, 160, 161
 religions, connections with, 155
 shaping differences, 154
 works of art, 156
- deep-level analysis. *See* deep-level analysis;
 jurisprudential approaches; structural
 approaches
- identity and self-knowledge of researcher,
 importance of, 142
- law as culture, 154, 158
 limitations, 159
 problems, 159
- linguistic approaches. *See* linguistic
 approaches
 sceptical of traditional method, 142
- postmodernism, 142
- postmodernist comparative law
 conclusion, 171
 supplementary information, 173
- Post-Washington Consensus. *See also*
 Washington Consensus
 countries and organisations, role of,
 383

- developed and developing countries,
 - terminology of, 385
- non-economic interests, 384, 385
- UN declarations, 384
- World Bank
 - articles of agreement, 383
 - complaints procedure, 383
- Pound, Roscoe, 55
- praesumptio similitudinis*, 36, 45
- presentism, 127
- pre-trial discovery rules, 60
- primary information resources, 19
- primitive societies, 380
- Principles of Corporate Governance (OECD/G20), 362
- Principles of International Commercial Contracts (UNIDROIT), 361
- private actors
 - regionalisation, and, 326
- private enforcement, 79
- private law
 - transnational/global law, 353
- privatisation of adjudication, 185
- Procaccia, Uriel, 154
- progressive societies, 380
- progress-prone cultures, 433
- progress-resistant cultures, 433
- property law, 351
 - common/civil law divide, 232
 - imposition, criticisms of, 407
 - informal regimes, added to, 406
- property rights protection, 111
- PROSUR (Forum for the Progress and Development of South America), 326
- protodroit*, 35
- psychological archetypes (Jung), 35
- public enforcement, 79
- public law
 - transnational/global law, 353
- publicness of law, 354
- Puerto Rico
 - legal system, 99
- Qatar
 - legal system, 103
- QFC (Qatar Financial Centre), 103
- qualitative comparative research, 417
 - advantages and disadvantages, 418
- quantitative comparative research, 417
 - advantages and disadvantages, 418
- quasi-experiments, 274
- difference in difference approach, 274
 - common trends assumption, 275
 - descriptive statistics, 274
 - regression analysis, 275
- matching
 - only as good as data included, 276
 - pharmaceutical patent protection, 276
 - process, 276
- natural experiments, 274
- regression discontinuity design
 - de facto property protection, 277
 - minimum age-of-marriage laws, 277
 - purpose, 277
- Quebec
 - legal system, 84, 99, 102, 105
- Queen's Beach (England and Wales), 57
- Rabel, Ernst, 16
- racial characteristics, legal classification and, 86
- Radcliffe-Brown, Alfred, 435
- RAEs (Research Assessment Exercises), 227
- Rahimi, Haroun, 398
- ratio decidendi*, 66
- RCEP (Regional Comprehensive Economic Partnership), 325
- Reagan, Ronald, 381
- real-seat theory, 310
- recursivity notion, 355
- reflections
 - conclusion, 456
 - diversity of questions and methods, 447–451
 - revisiting topics, 445–447
- regional human rights charters, 344
- regional supranationalism, 328
- regionalisation
 - convergence through congruence, 323
- EU
 - approximation of cultures, 332
 - common legal culture, 331
 - comparison with state powers, 328
 - distinct features, 330
 - European judiciary, stimulating, 331
 - further harmonisation, 332
 - international legal system, impact on, 333
 - perceived threat to sovereignty, 332
 - policy convergence, fostering, 329, 330
 - supranationalism, 328
- historical examples, 322
- member countries, role of, 324
- mutual benefits, 323
- neoliberal institutionalism, 324

- regionalisation (cont.)
 power politics, role of, 324
 regional identity, fostering, 323
 supplementary information, 348
- regression analysis
 causal relationships, 209, 257
 causality relationships, 417
 difference-in-difference studies, 275
 exclusion of, 418
 legal differences, 262
 legal transplants, 263
- regression discontinuity design, 277
- Reitz, John, 9, 199
- religion
 cultural approaches, 155
 law, relationship between, 181
- religious cultures
 comparing, 434
- religious legal systems, 91
- remedies, 186
- res judicata*, 65
- research questions, 447
- reverse causality, 268
- reverse learning, 409, 410, 411
- reverse legal transplants, 409
- revision model of appeals, 57
- Ribstein, Larry, 310
- right-wing comparatist, 163
- Roberts, Anthea, 213
- Roberts, Simon, 46
- Roe, Mark, 198, 260
- Roman law
 codification, eighteenth and nineteenth centuries, 112
 modern civil law, and, 111
 modern civil law, comparing, 73, 77
 modern common law, comparing, 78
 state and individual, distinguished, 56
- Rome Conference on the Rule of Law in Afghanistan 2007, 397
- Romer, Paul, 103
- rooted cosmopolitanism, 455
- ROSCs (Reports on the Observance of Standards and Codes), 382
- Rosen, Lawrence, 155
- Rousseau, Jean-Jacques, 342
- Roussey, Ludivine, 244
- rule by law, 386
- Rule by Law cluster, 235
- rule of law
 Afghanistan, post-2001, 396
 Bonn Agreement 2001, 396
 constitution 2004, 397
 human security prioritised, 399
 legal culture, lack of, 397
 non-state dispute resolution, 398
 provincial, regional and local powers, dealing with, 399
- case studies approach
 challenges to, 400
 international and/or foreign influence on domestic reforms, 400
- China, 391
 Beijing Consensus, 391
 courts and lawyers, 392, 393
 socialist, implementing, 392
 thin rule, 391
- clear and transparent, 386
- defining, 386
- equitable application, 386
- examples, variants and functions, 390
- functions of
 appropriate rules for specific countries, 389
 compliance and economic success, 388
 target to achieve, 388
- good governance, 387
- human rights, relationship with, 387
- judiciary, role of, 387
- measurement data
 limitations, 400
 use in book, 400
- rule by law, distinguishing, 386
- Russia, 393
 ambiguous assessment, 395
 mixed results, 396
 praise for, 395
 problems, 394
 socialist law, modified, 394
- sponsoring of, 385
- substantive criteria, 387
- Rule of Law Index (WJP), 251, 375
 ranking of legal systems, 248
 structure, 248, 389
- rule of political law, 88
- rule of professional law, 88
- rule of traditional law, 89
- Ruskola, Teemu, 94
- Russia
 contracts, opposition to, 154
 rule of law, 393
 ambiguous assessment, 395

- mixed results, 396
 - praise for, 395
 - problems, 394
 - socialist law, modified, 394
 - socialist law, 89
- Rwanda
 - Doing Business Report ranking, 252
 - legal system, 117
- Rylands v. Fletcher* case (UK), 30
- Sacco, Rodolfo, 41, 42, 68
- Saidov, Akmal, 89
- Saint Lucia
 - legal system, 100
- Sailleis, Raymond, 37
- Samuel, Geoffrey, 56, 151
- sanctions
 - administrative, 200
 - criminal, 200
 - repressive/restitutionarity, 431
 - specific, 200
 - United States, 75
- Sandefur, Rebecca, 186, 187
- Santos, Boaventura de Sousa, 285, 409
- Sapir-Whorf hypothesis, 270
- Saudi Arabia
 - Doing Business Report ranking, 250, 252
 - Islamic law, 124, 125, 200
 - legal system, 95
- Sauser-Hall, Georges, 86
- Scalia, Justice, 113, 114
- Scandinavian countries
 - legal system, 90
- Schlesinger, Rudolf, 38
- Schnitzer, Adolf, 86
- Schnyder, Gerhard, 258
- Scotland
 - legal system, 84, 90, 99, 102, 228, 294
- secondary information resources, 19
- secured credit, 351
 - advantages and disadvantages, 252
- Sen, Amartya, 385
- Seychelles
 - legal system, 100
- Shapiro, Martin, 79, 150
- shareholder primacy
 - company law principle, 312
- shareholder protection
 - CBR (Centre for Business Research) coding project, 230
 - Central and Eastern Europe, 218
 - comparison of measures, 237
 - convergence of law, 231
 - country comparisons, 237
 - cross-sectional studies, 260
 - financial development, relationship
 - between, 198
 - legal origin, 230
 - measuring, 218
 - panel data analysis, 273
 - ten-variable index, 218
- Sharia courts, 125
- Sharia law, 125
- Shiite school of Islamic law, 123
- similarity disorder, 165
- simultaneous presentations of legal systems, 20
- Singapore
 - death penalty, 204
 - legal system, 408
- Singh, M. P., 95
- Slaughter, Anne-Marie, 352
- Slovenia
 - shareholder protection, 218
- Smith, Stephen, 170
- Smits, Jan, 27
- social legal thought, 79
- social order, 146, 147
 - achieving, 176, 220
- socialist rule of law, 392
- Societas Europaea (SE) company form, 333
- socio-legal comparative law
 - causality problem. *See* causality problem
 - civil litigation. *See* civil litigation
 - civil litigation personnel. *See* civil litigation personnel
 - comparative commercial law. *See* comparative commercial law
 - comparative criminal law. *See* comparative criminal law
 - conclusion, 205
 - legal culture. *See* legal culture
 - qualitative approaches
 - advantages, 183
 - focus of, 183
 - variations of, 183
 - quantitative approaches
 - advantages, 183
 - focus of, 183
 - variations of, 183
 - supplementary information, 206
- socio-legal systems, 432
- sociological legitimacy, 373

- soft influence, 293
- soft law, 351
 - international, 362
 - transnational, 362, 367
- solicitors, 62
 - duty to judicial system, 63
- Somalia
 - legal system, 100
- Soskice, David, 428
- South Africa
 - Constitution, 346
 - human rights protection, 345
 - legal system, 90, 99
 - shareholder protection measures, 237
- South Korea
 - board structures, 196
 - civil litigation, 402
 - death penalty, 204
 - shareholders, 196
 - US law, influence of, 131
- Southern Sudan
 - informal law, 404
- Spain
 - Civil Code 1889, 112
 - cross-citations, 210
 - shareholder protection measures, 237
- Spamann, Holger, 237
- spatial specificity
 - legal and other differences, and, 437
- special economic zones (SEZs), 103
- specific performance, 70, 72, 278
- sports law
 - transnational trends, 351
- Sri Lanka
 - legal system, 99
- stare decisis*, 66
- stationary societies, 380
- statutory interpretation
 - exegetical method, 53
 - golden rule, 54
 - literal rule, 54
 - mischief rule, 54
 - teleological method, 53
- statutory specificity index, 222
- Steiker, Carol, 202
- Steiker, Jordan, 202
- Stirton, Lindsay, 217
- Stramignoni, Igor, 145
- strong legal pluralism, 146
- structural approaches
 - conceptualisation as comparison
 - contract law, 152
 - impaired consent transfers, 152
 - limitation of, 153
 - underlying principles, understanding, 152
- structuralism, 153
- structuralist comparative law, 153
- subaltern cosmopolitanism, 404
- subjective data, 373
- subjectivity of knowledge, 165
- successive presentations of legal systems, 20
- Sudan
 - legal system, 118
- sui generis*, 97, 336
- Summers, Robert, 66
- Sunni school of Islamic law, 123
- supermajoritarian political structure, 424
- supplementary information
 - legal transplants, 321
- supplementary information (questions for
 - discussion and suggestions for further reading)
 - classification of legal systems, 108
 - common/civil law divide, 81
 - development, 411
 - diffusion of legal traditions, 137
 - empirical comparative law, 283
 - implicit comparative law, 444
 - legal convergence, 321
 - numerical comparative law, 254
 - postmodern comparative law, 173
 - regional and international comparative law, 348
 - socio-legal comparative law, 206
 - traditional method, 49
 - transnational and global law, 377
- supranational use of comparative law, 4, 9
- Supreme Court (Japan), 190
- Supreme Court (Philippines), 346
- Supreme Court (UK), 58
- Supreme Court (US)
 - decisions, references to academic literature, 64
 - foreign case law, and, 114
 - judges, appointment, 76
 - judicial review, 341
- surveying perceptions of law, 243
 - academic surveys, 244, 245
 - criticisms of
 - choice of respondents and topics can influence results, 245
 - data collection, 246

- top-of-the-head answers, 246
 - established procedure, 244
 - firm manager perceptions, 245
 - general surveys, 244
- Sustainable Development Goals/Indicators, 384
- Sweden
 - constitutional law, 341
 - shareholder protection measures, 237
- Switzerland
 - Civil Code 1912, 52, 53
 - constitutional review, 341
 - cross-citations, 210
 - German case citations, 210
 - shareholder protection measures, 237
 - strict liability, 29
- syllogism, 55
- symbolic laws, 47
- Tabellini, Guido, 266
- Taiwan
 - civil litigation, 402
 - death penalty, 204
- Taliban, 397, 399
- Talmudic law, 123
 - legal families, 91
- taxonomies, 82, *See* classification
- technocratic universalism, 455
- teleological statutory interpretation method, 53
- tenant evictions
 - court proceedings, duration, 242
- tenant protection, 243
- tertium comparationis*, 32, 149
- Teubner, Gunther, 70
- textbook customary law, 122
- textual analyses, 168
- Thailand
 - legal system, 100, 101
- Thatcher, Margaret, 381
- The Long Divergence – How Islamic Law Held Back the Middle East* (Kuran), 199
- thin rule of law, 391
- third generation human rights, 343
- three worlds of welfare capitalism, 428
- throughput legitimacy, 373
- tight cultures, 433
- Tocqueville, Alexis de, 422
- Todd, Harry, 436
- top-down legal uniformity, 403
- torn cultures, 433
- trade associations, 196
- traditional comparative law. *See* comparative legal method
 - functionalism. *See* functionalism
- traditional method
 - supplementary information, 49
- transgovernmentalism, 350
- transnational and global law
 - supplementary information, 377
- transnational commercial law
 - codes of conduct, 361
 - contractual practice, 360
 - evolutionary*, 360
 - implemented into domestic law, 362
 - lex mercatoria*, and, 359, 360
 - networked governance, 362
 - opt-in/opt-out agreements, 361
 - states and intergovernmental organisations, 361
- transnational law
 - across many areas of law
 - business law, 351
 - judicial dialogue, 352
 - non-business law, 352
 - already existing, 354
 - aspirational nature, 354
 - challenges to state law and national boundaries, 349
 - congruence-related reasons, 351
 - globalisation, 350
 - pressure-related reasons, 351
 - transgovernmentalism, 350
- commercial law. *See* transnational commercial law
- conceptual limitations
 - concordance with national norms, 357
 - glocalisation, 355
 - laws drifted by different parties, 356
 - recursivity, 355
 - state involvement, 355
 - state-based laws, comparing, 356
- conclusion, 376
- global social indicators. *See* global social indicators
- legal rules, 353
- normative implications
 - administrative measures, 358
 - loss of sovereignty, 357
 - multiplicity of interests, 358
 - need for legitimacy, 357, 358

- transnational law (cont.)
 procedures and institutions, 359
 segmented nature, 357
 private law-making, 365
 autonomous independent regimes, 367
 defences of, 365
 deficiencies of state laws, 365
 initiatives fostering, 367
 institutional supports, 367
 legitimacy issues, 366
 practical problems, 366
 second-best solution, 368
 soft law, 367
 private level, 353
 procedural structures and dynamics,
 354
 public level, 353
 supplementary information, 377
 transnational commercial law. *See* trans-
 national commercial law
 transnational legal order, 353
 Transparency International
 Corruption Perception Index, 247
 International Global Corruption
 Barometer, 244
 Trento project. *See* Common Core project
 Trinity University Dublin, 227
 trust in legal systems, 244, 441
 TTIP (Transatlantic Trade and Investment
 Partnership), 325
 Turin project. *See* Common Core project
 Turkey
 board structures, 196
 Commercial Code 1957, 120
 legal system, 120
 shareholder protection measures, 237
 shareholders, 196
 TWAIL (Third World Approaches to
 International Law), 338
 Twining, William, 129, 285
 two-stage least squares (2SLS) regression,
 269, 273
 Tylor, Sir Edward, 265
 ubiquitous law, 146
 UCC (Uniform Commercial Code), 52
 UEA (University of East Anglia), 227
 Uemoa (West African Economic and
 Monetary Union), 326
 Uganda
 tenant evictions, duration, 242
 Ukraine
 foreign legislative models, learning from, 215
 UN
 Convention on Contracts for the International
 Sale of Goods (CISG), 362
 Development Programme, 384
 Global Compact, 361, 375
 Guiding Principles on Business and Human
 Rights, 361
 Millennium Declaration (UN), 384
 UNCTAD (Conference on Trade and
 Development), 381
 UN-Habitat, 384
 Universal Declaration of Human Rights
 1948 (UDHR), 343, 387
 UNASUR (Union of South American
 Nations), 326
 uncertainty avoidance, 441
 UNCITRAL (United Nations Commission on
 International Trade Law), 362
 Model Law on International Commercial
 Arbitration, 363, 367
 unconscionable bargains, 69
 UNDEF (United Nations Democracy
 Fund), 314
 Uniform Customs and Practices for
 Documentary Credits, 361
 unitary legal profession, 62
 United Arab Emirates
 legal system, 103
 United Kingdom
 civil litigation rates, 186
 judges per capita, 192
 judicial review, 341
 shareholder protection measures, 237
 tenant evictions, duration, 242
 United Nations Convention on Contracts for the
 International Sale of Goods (CISG),
 362, 367
 Advisory Council, 367
 United States
 adversarial legalism, 329
 capital punishment, 155, 201, 203
 case average per judge, 185
 cases turnover, 224
 civil law judges, 61
 civil law juries, 59
 civil litigation, 184
 civil litigation rates, 186
 class actions, 75
 competition law, global influence, 219

- constitutional basis, 74
- constitutional review, 341
- costs and fees rules, 63
- courts and civil procedure, 75
- fee-shifting rules, 79
- Foreign Corrupt Practices Act 1977, 131
- group litigations, 65
- homicide rates, 202
- human rights, 74
- Illinois Business Corporation Act 1933, 229
- incarceration rates, 200, 204, 205
- judges per capita, 192
- judges, selection and appointment, 76
- legal scholarship thought, 80
- legal thought, 76
- litigant activism, 75
- mixed law structure, 74
- Model Business Corporation Act, 229
- private enforcement, 79
- sanctions, 75
- shareholder protection measures, 237
- similarity disorder, court judgments, 165
- stare decisis*, 66
- strict liability, 29, 30
- Supreme Court decisions, references to
 - academic literature, 64
 - tenant evictions, duration, 242
- universal grammar, 35, 150
- universal human rights
 - American Anthropological Association, rejection of, 437
- universalism
 - rejection of, 437
 - technocratic, 455
- universalistic formalism, 163
- University of Edinburgh, 227
- Upham, Frank, 407
- Urphänomene, 35
- Uruguay
 - judicial independence, 98
 - rule of law, 98
 - state laws, 98
- USAID (United States Agency for International Development), 385, 400
- USMCA (United States–Mexico–Canada Agreement), 325
- Valcke, Catherine, 152, 153
- Van Caenegem, William, 74
- Vanderlinden, Jacques, 83, 434
- Vanuatu
 - legal system, 100
- Venezuela
 - Andean Community, leaving, 324
 - judicial independence, 98
 - rule of law, 98
- Venice Commission, 314
- Vermeule, Adrian, 441
- Versteeg, Mila, 217, 221
- vertical comparative international law, 335
 - challenging nature of, 338
 - explicit need for, 337
 - interpretation, 336
 - multiple domestic laws, considering, 336
 - specific nature of law, 336
 - studies with equal weight, 335
 - understanding institutional structures, 337
- vertical legal transplants, 289, 336
- vertical regional comparative law, 347
- vertically divided legal systems
 - civil procedure, 104
 - commercial law, 105, 106
 - constitutional law, 105
 - criminal procedure, 104
 - defining, 103
 - private law, 105
- Vietnam
 - death penalty, 204
 - legal system, 118
- virtual law, 156
- Vogler, Richard, 432
- Voigt, Stefan, 220, 241
- von Jhering, Rudolph, 292
- von Kirchmann, Julius, 256
- von Savigny, Friedrich Karl, 171, 177
- Wallerstein, Immanuel, 83
- Wang, Yueduan, 396
- waqf, 124
- Washington Consensus. *See also* Post-Washington Consensus
 - international development organisations, role of, 382
 - property rights protection, 382
 - recommendations, 381
- Watson, Alan, 111, 126, 134, 295
- Watt, Gary, 156
- Watt, Horatia Muir, 160
- Weak Law in Transition cluster, 235
- weak legal pluralism, 146

- Weber, Max, 182, 370, 380, 388, 419, 431, 432, 454
- WEF (World Economic Forum) Global Competitiveness Report, 245, 374, 375
- Wells, Michael, 64
- West Africa
 Criminal Codes, 229
- West Germany
 civil litigation rates, 187
- West, Mark, 229
- Westphalian concept of law, 43
- WGI (Worldwide Governance Indicators) (World Bank), 252
- Whitman, James, 202
- WHO (World Health Organization), 384
- Wigmore, John Henry, 23, 37, 86, 100
- William the Conqueror (king of England), 111
- WJP (World Justice Project)
 Rule of Law Index (WJP), 251, 375
 ranking of legal systems, 248
 structure, 248, 389
- Wolff, Martin, 86
- Wolfsberg Principles, 361
- Woo, Margaret, 305
- works of art
 legal systems, insight into, 156
- World Bank
 articles of agreement, 383
 Business Environment and Enterprise Performance Survey (BEEPS), 252
 CDF (Comprehensive Development Framework), 383
 Doing Business Reports, 236, 242, 250, 252, 253, 376
 Enterprise Analysis Unit surveys, 245
 Inspection Panel, 383
 Justice for the Poor programme, 410
 legal delay study, 194
 World Business Environment Survey (WBES), 252
 World Development Report 2002, 242
 Worldwide Governance Indicators (WGI), 247, 252, 400
 World Business Environment Survey (WBES), 252
 World Development Report 2002, 242
 World Social Forum, 384
 world system of countries, 83
 world systems theory, 381
 World Values Survey, 244
 Wright, Ronald, 223
 written proceedings, 60
 WTO (World Trade Organization)
 balancing economic and non-economic interests, 384
 criticism of, 163
 RTAs (regional trade agreements), 325
- Yemen
 legal system, 95
- Zaring, David, 210
- ZERP (University of Bremen) conveyancing services market study, 247, 248
- Zimbabwe
 legal system, 100
- Zimmermann, Reinhard, 77, 135
- Zollverein, 322
- Zumbansen, Peer, 360
- Zweigert, Konrad, 27, 29, 30, 36, 88