

Index

- AB v. Minister of Social Development* (South Africa), 646
 Abadía, Marcela, 609
Abortion Decision (Brazil), 644
 Accursius, 216
 Acemoglu, Daron, 135, 165
 Acevedo, Eduardo, 306, 458
 Action of Unconstitutionality (Brazil), 642–3
 Adjusted Rand Index, 201
 administrative legal codes, 259–60
 Adorno, Theodor W., 56
aequitas, 238
 Afghanistan
 causes of divided legal system in, 529–42
 communist era, 535
 constitutional change in, 532–3
 contested legal traditions in, 526–7
 decade of democracy, 535
 divided legal education in, 539–42
 divided legal systems and, 525–6, 542–3
 history of state-building, 534–6
 informal credit institutions, 536–7
 informal justice systems, 537–9
 Islamic law and, 526–7, 529–31
 regime change in, 529–34
 Sharia faculties of law, 539–42
 state-centric authority and, 534–9
 Afghanistan Constitution (1964), 530–2
 Afghanistan Rule of Law Stabilization (ARoLS), 541
 Africa. *See also* Sub-Saharan Africa
 civil law and, 548
 common law and, 548
 legal pluralism and, 558
 legal pluralism in commerce and, 549
 regional business law in, 549–58
 African Charter on Elections, Democracy and Governance, 636
 African Charter on Human and Peoples' Rights, 551
 African Charter on the Rights and Welfare of the Child, 646
 African Charter on the Rights of Women in Africa, 646
 African Commission on Human and Peoples' Right, 636
 African Conference on the Rule of Law, 631
 African Continental Free Trade Agreement (AfCFTA), 656
 African Court of Justice and Human Rights, 639
 African Court on Human and Peoples' Rights, 631, 632, 634, 636, 637, 639, 640, 645
 African Economic Community (AEC), 549
 African Judicial Dialogue (AJD), 632, 640
 African Judicial Network (AJN), 640
 African Union (AU), 383, 384, 631, 633–4
 agglomerative nesting (AGNES), 197
Agu v. Ikewibe, 546
 Akuffo, Sophia A. B., 640
 ALBA Constitutionalism. *See* New Latin American Constitutionalism (NLAC)
 Alciato, Andrea, 219
Alcon International Ltd v. Standard Chartered Bank of Uganda, 553
Alexkor Ltd v. Richtersveld Community (South Africa), 708
 Allen, C. K., 239
 Allen, R. G. D., 717
Allgemeines Landrecht, 225
 alternative dispute resolution (ADR), 617, 619–20
 Amari, Emerico, 33
 American Arbitration Association (AAA), 612–13, 622
 American Bar Association (ABA), 612
 American Comparative Literature Association, 392
 American Convention on Human Rights (ACHR), 633, 636–7, 644
 analogical reasoning, 243–4
Ancien régime, 222, 285, 287, 289
 Andean Community (CAN), 631, 635, 636, 650
 Andean Court of Justice (ACJ), 631
Anekwe v. Nweke (Nigeria), 705
 Anglo-Saxon law, 37
Antitribonian (Hotman), 219
Anwar Hossain Chowdhury v. Bangladesh, 350
 apartheid, 380, 707, 708
 Apter, Emily, 395
 Arab League, 331–2
 Arab Spring, 332, 336, 639
 Arbitration and Conciliation Act, 547
 arbitrazh courts, 293

- Arendt, Hannah, 678
 Argentinian Civil Code, 306, 312, 314, 463, 466, 467, 470–2
 Ashenfelter, Orley, 623
 Asia
 beginnings of modern legal education in, 716–19
 colonialism and, 677–81
 comparative law in legal education, 723–4
 comparative legal education and, 713–15
 cross-disciplinary approaches to legal education and, 722–3
 curricular development in legal education, 720–6
 development of modern legal education in, 714–15
 Hague Conference on Private International Law (HCCH) and, 687–8
 legal education in, 732–3
 post-graduate law study in, 726–8
 practical competency in legal education, 724–5
 qualifying law degrees in, 720–6
 research focus in legal education in, 730–2
 teaching methodologies in legal education, 728–30
 Asian public law, 489
 basic structure doctrine and, 485–9
 mega-politics and, 481–5
 proportionality analysis and, 477–81
 Asociación Latinoamericana de Integración (ALADI), 316
 Assman, Jan, 49
 Association of Caribbean States (ACS), 316
 Association of Southeast Asian Nations (ASEAN), 652, 654, 655, 657
 Atatürk, Mustafa Kemal, 493, 494
 AU Commission on International Law (AUCIL), 383
 Aurélio, Marco, 643–4
 Aust, Helmut Philipp, 568–9
 authority, epistemic, 589
 autocorrelation, 166, 174, 175
Avneri v. The Knesset, 451
Awas Tingni Community v. Nicaragua, 418
 Azerbaijan Civil Code, 291

 Baldelli, Federico, 381
 Baldus, 217, 220
 Balkin, Jack, 566
 Bangladesh
 basic structure doctrine and, 350–1, 487–8
 form of government, 349–50
 single-party rule in, 351–3
 Bangladesh Accord, 578, 583
 Bangladesh National Party (BNP), 351
Bangladesh v. Asaduzzaman Siddiqui, 487, 488–9
 Banjul Charter. *See* African Charter on Human and Peoples' Rights
 Bar Council of India (BCI), 725
 Barak, Aharon, 450–1
 Barisan Nasional (Malaysia), 480
 Barre, Siad, 370
 Barry, Matthew, 612
 Bary, Michael, 615
 Bartolism, 217, 219–20
 Basabilbaso, Eduardo, 455

 Basel Committee on Banking Supervision (BCBS), 577
 basic structure doctrine, 344, 365
 Asian public law and, 485–9
 Bangladesh and, 350–1, 487–8
 India and, 345–7
 Bassnett, Susan, 394–5, 398
 Baxi, Upendra, 413, 416
 Beccaria, Cesare, 226
Begriffsjurisprudenz, 225
 Behdad, Ali, 395
 Belgian Civil Code, 44
 Bell, John, 39, 80, 437
 Bello, Andrés, 229, 306, 308, 312, 455, 459–62, 465
 Benjamin, W., 65, 66
 Bentham, Jeremy, 242, 247–8, 306, 456, 457, 460, 465–7
 Berger, Klaus P., 612
 Berman, Paul Schiff, 80, 591
 Bernstein, Steven, 588–9, 591
 Bhabha, Homi, 413
 Bharatiya Janata Party, 348–9
 Bhatia, Vijay K., 616–17
 Bhutto, Benazir, 354
 bi-juralism, 370, 378
 bilingual drafting, 106
 Bills of Exchange Act (1882), 248
 black letter law, 118
Black Skin White Masks (Fanon), 404
 Blackstone, William, 246, 247
 Blaser, Mario, 415
 Boattieri, Petrus, 217
 Bolivian Civil Code, 309, 462–3
 Bolivarian Constitutionalism. *See* New Latin American Constitutionalism (NLCAC)
 Boóc, Adam, 615
 Borba, Igor M., 612
 Borrows, John, 417
 Bourdieu, Pierre, 40, 122
 Boxer Rebellion, 406
 Braddell, Roland, 717
 Brand, Oliver, 96–7, 99
 Brazil, cross-border judicial dialogue and, 641–5
 Brazilian Civil Code, 230, 306, 309, 311, 315, 462, 463, 469, 472
 Brekoulakis, Stavros, 614
 Breyer, Stephen, 629
British American Tobacco Ltd v. the Attorney General of Uganda, 553
 Brower, Charles N., 614
 Buckand, William, 240
 Business Enabling Environment (BEE), 605
 Business Environment Risk Intelligence (BERI), 597
 Bustamante, Ana-Carolina Donoso, 613
 Byzantine Roman law, 214

 Canadian Charter of Rights and Freedoms, 645
 Canadian Supreme Court, 645
 Candea, Matei, 125–6
 Candlin, Christopher N., 616–17

- canon
 of antiquity, 49
 sacred, 49
 canon law, 37
 civil law and, 217–19
 prestige of, 218
 canonisation, 48–52
 polarising effects of, 49
 Castán Vásquez, José María, 311
 casuistry, 240–1
Cavendish Square Holdings, 242
 Central American Court of Justice (CACJ), 631
 Central American Integration System (SICA), 631
 centralism, legal, 42
 Centre for Business Research (CBR), 167–8
 Céspedes-Báez, Lina, 609
 Chalmers, Mackenzie, 248
 change of circumstances, doctrine of, 454, 464, 470, 471–3
 Chanock, Martin, 697
 Charles II, 228
 Charles VI, 224
 Chaudhry, Ifikhar Muhammad, 484–5
 Cheema, Moeen, 354
 Chen, Albert, 265, 266
 Chi, Manjiao, 613
 Chile, constitution-making process
 ambivalence toward courts and, 329
 constituent power and, 326–7
 as democratic revolution, 325–6
 ecocentrism and, 328–9
 indigenism and, 327–8
 New Latin American Constitutionalism and, 325–9
 participation processes of, 327
 populism and, 326
 Chilean Civil Code, 306–7, 312, 455, 457, 470, 473
 French Civil Code and, 460
 legal transplant and, 459–62
 Roman law and, 460, 461
 wide adoption of, 461–2
 China International Economic and Trade Arbitration Commission (CIETAC), 612, 618
 China-Africa Cooperation Vision 2035, 558
 Chinese Civil Code, 44
 Chinese Communist Party (CCP), 716, 722, 730
 Chongko Choi, 270
 Chosŏn Dynasty, 258
 Chow, Rey, 395
 Church law, 42
 Church, Western, 214, 218
 City University of Hong Kong School of Law, 721
 taxonomy, of civil law, 212–13
 civil law, 233–4
 Africa and, 548
 canon law and, 217–19
 codification and, 223–6, 232
 colonial legal transplant and, 227–30
 continental European legal tradition and, 211–12
 current place of, 231–3
 flexibility of, 232
 French Civil Code and, 223–4
 French Revolution and, 221–3
 imposition of in Brazil, 229–30
 imposition of in Latin and Central America, 227–9
 ius commune and, 220–1
 Japan and, 230–1
 legal humanism and, 219–20
 legal transplant and, 232
 medieval rediscovery of Roman law and, 217
 Roman law and, 211
 Sub-Saharan Africa and, 368–70, 373–4, 380–1
 taxonomy of, 212–13
 Civil Procedure Law (PRC), 618
 classical MDS (cMDS), 191
 classification, 202–7
 k nearest neighbour and, 204–5
 naïve Bayes classifier and, 206
 support vector machine, 206–7
 clustering, 197–201
 hierarchical, 199
 k-modes and, 201
 Coase, Ronald, 134, 138
 Codex Theodosianus, 214
 Codex Theresianus, 224
 codification, 223–6
 common law and, 247–9
 conflict of laws and, 677–8
 in former Soviet States, 290–1, 298–9
 Germanic, 225–6
 Japan and, 230–1
 in Latin America, 305–8
 in Latin and Central America, 227–9
 legal transplant and, 454–63
 Napoleonic, 222
 national identity and, 231
 prestige of, 224, 227, 230–1, 232
 Russian Empire and, 281
 Soviet Union and, 284–5
 Código Santa Cruz (Bolivia), 229
 Coendet, Thomas, 628
 Coke, Edward, 44, 239, 246, 247
 Cold War, 394, 513, 690
 Collected Codes of Great Ming, 260
 Collected Codes of Great Nam, 260
 Collected Codes of Great Qing, 260
 Collected Codes of the Le Dynasty, 260
 Colloquium of African Human Rights Institutions, 640
 Colombian Civil Code, 472
 colonial question, the, 408–10
 colonial-decolonial divide, 59–61
 colonialism
 Asia and, 677–81
 common law spread and, 253
 comparative law as form of, 387, 401–7
 comparative method and, 402–4
 conflict of laws and, 677–81
 Latin America and, 303–4
 legal education in Asia and, 713–14
 legal transplant and, 227–30
 property rights and, 153

- colonialism (cont.)
 state formation in Sub-Saharan Africa and, 696–7
 Sub-Saharan Africa and, 368–71, 698, 710–12
- coloniality, 60, 387, 390, 391, 396, 398, 401, 414–15
 comparative law and, 401–7
- combination concepts, 130–1
- Commentators, school of, 216–17
- Commission for the Promotion and Protection of the
 Rights of Cultural, Religious and Linguistic
 Communities (South Africa), 707
- common core method, 27–8
- Common Court of Justice and Arbitration (CCJA), 379
- common external tariff (CET), 550
- common law, 44, 232
 Africa and, 548
 analogical reasoning and, 243–4
 basic structure design and, 345
 casuistry and, 240–1
 codification and, 247–9
 colonial spread of, 253
 deductive reasoning and, 247
 empirical approach of, 240
 equity and, 238–9
 feudalism and, 236
 forms of action, 236–7
 legal education and, 249–53
 malleability of, 243
 Norman conquest and, 235
 normless normativity of, 254–5
 pedagogy, 250–3
 polycentricity of, 254–5
 rationalism and, 248–9
 reasoning, 242–3
 Roman law and, 240–1
 royal courts and, 236
 rule and, 243
 Sub-Saharan Africa and, 368–70, 373–4, 380–1
 systematisation and, 249–52
 tacit knowledge and, 245–7, 250
 universities and, 250–1
- Common Market for Eastern and Southern Africa
 (COMESA), 549, 555–6
- Common Market of the South (MERCOSUR), 316, 631,
 635, 636, 652, 654
- communis opinio*, 220
- community development agreement (CDA), 547
- Community of Sahel-Saharan States (CEN-SAD), 636
- company law
 EU, 495–7
 Turkish, 495, 497–506
- ‘Comparative Law and Decolonizing Critique’ (Munshi),
 390
- comparative arbitration law, 624
 civil and common law comparison and, 616–17
 economic methods and, 622–4
 empirical methods and, 621–2
 historical methods and, 614–15
 legal culture and, 618
 legal translation and, 616
 linguistic methods and, 615–17
 socio-legal methods and, 617–20
 traditional methods of, 610–14
- comparative conflict of laws, 674–7, 692
 harmonisation and, 686
- comparative international human rights analysis, 568
- comparative international law, 573–4
 analytic purpose of, 565–6
 canonicity and, 566
 concept of, 561–2
 difference and, 564
 disruption and, 564–5
 dominance and, 564
 foreign relations law and, 566
 international environmental law and, 570–3
 international human rights law and, 567–70
 international relations theory, 566
 meaning of, 562–3
 tenets of, 564–5
- comparative law
 the colonial question in, 410, 424
 coloniality of, 401–7
 comparative ‘crisis’ and, 393–4
 comparative literature and, 390–7
 comparator concept selection, 127
 conflict of laws and, 674–7, 681–6
 cosmopolitan approach to, 7
 culture in study of, 73–6
 decolonial theory and, 416–21, 424–5
 decolonisation of, 389–90, 407
 disciplinarity of, 391–3
 disciplinary dynamics of, 388–91, 393
 essentialist approach to, 6
 ethnocentricity of, 417
 ethnological approach to, 402
 functional method of, 21–6
 genealogy of, 391
 Global South perspective and, 411
 heterodox approaches to, 410–11
 identity in study of, 73–6
 identity politics and, 5–6
 indigenous scholarship and, 417–18
 law and development and, 520–2
 legal governance indicators and, 598–607
 legal origins debate and, 598
 legal translation and, 101
 linguistic approaches to, 96–8
 methodological debates and, 17
 methodological developments in, 92–3
 as ‘modern’ discipline, 399–401
 New Institutional Economics and, 146–50, 154–5
 objective linguistics and, 99
 origin of as discipline, 399–400
 politicisation of quantitative methods and, 607–9
 postcolonial approaches to, 410–13
 postcolonial theory and, 397–8
 property rights and, 150–4
 qualitative fieldwork and, 116–17, 131–2
 quantitative forms of governance and, 594–5
 race as category for comparison, 400–1
 radical scepticism and, 4, 5

- regional law and, 658–64
- shortcomings of addressed by NIE, 144–6
- traditional method of, 15–21
- transnational law and, 593
- transnational regulation and, 575–6
- transnationalism and, 394–7
- universalist approach to, 6
- Comparative Law and Economics, 144, 148
- Comparative Law: A Handbook* (Örücü and Nelken), 119
- comparative legal education, 713–15
- Comparative Legal Linguistics. Language of Law, Latin and Modern Lingua Francas* (Mattila), 95
- comparative literature
 - comparative law and, 390–7
 - postcolonial theory and, 397–8
 - transnationalism and, 394–7
- Comparative Literature in the Age of Multiculturalism* (Bernheimer), 395
- comparative method
 - colonialism and, 402–4
 - nineteenth-century, 402–3
- comparative regional law
 - methodologies of, 664–73
 - objectives and limits of, 658–64
- comparative socio-legal studies, 120–1
 - conceptions of space in, 122–6
 - pluralist approaches of, 122
 - qualitative research design and, 128–31
- comparative studies, roots of, 388
- comparativism, 9, 26, 400, 401, 561, 573
- comparator concepts, 127
- Comunidad Andina (CAN), 316
- Concordances* (de Saint-Joseph), 457
- Concordantia discordantium canonum* (Gratian). *See* *Decretum* (Gratian)
- Conference of Constitutional Jurisdictions of Africa (CCJA), 632
- conflict of laws
 - colonialism and, 677–81
 - comparative law and, 674–7
 - coordination and cooperation and, 686–8
 - Global North bias in study of, 675–6
 - Global South perspective and, 690–2
 - globalisation and, 689–92
 - origins of, 674–5
 - principle of nationality and, 677–80
- Conflict of Laws Act (Japan), 678
- Confucian legal tradition, 256–7, 273–4
 - administrative legal codes, 260
 - Book on Good Governance (Vietnam) and, 269
 - Chosŏn law and, 269
 - Confucianisation of the law and, 267
 - consolidation of, 267–8
 - differential humanism and, 262–3
 - dynastic East Asia and, 258–60
 - as embodiment of Han Confucianism, 267
 - Japanese administrative law and, 269
 - as legal embodiment of Confucianism, 265–6
 - modern family law and, 272
 - modernisation of, 270–3
 - penal codes and, 259
 - rule of virtue and, 264–5
 - structural embodiment of Confucianism and, 270–1
 - substantive embodiment of Confucianism and, 271–3
 - transnationalisation of, 268–70
 - virtue ethics and, 261–2
- Confucianism, 257–8, 261
- consideration, doctrine of, 237, 313
- Consolidação* (Teixeira), 230
- Constitutional Court of Korea, 483
- Constitutional Court of South Africa, 645–8
- Constitutional Court of Taiwan, 485
- Constitutional Court of Thailand, 485
- constitutionalism
 - African, 629
 - development of in Sub-Saharan Africa, 372–5, 381, 382, 384
- constitution-making process (CMP), 322, 330
 - Chilean Constitution and, 326
 - constituent power and, 326–7
 - ecocentrism and, 328–9
 - indigenism and, 327–8
 - participation processes of, 327
- contract law, 237, 249, 289, 297, 307, 308, 315, 317, 454, 458, 470, 582, 616
 - former Soviet States and, 299
 - South American, 463–70, 473–4
- contract, freedom of, 465
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 341, 568
- Convention on the Reduction of Statelessness, 337
- Convention on the Rights of Persons with Disabilities (CRPD), 568
- Convention on the Rights of the Child (CRC), 568
- Convention relating to the Status of Refugees, 336
- Convention relating to the Status of Stateless Persons, 337
- conventionality control, doctrine of, 317–18
- convergence, culture and, 506–9
- Cook, Joanna, 126
- Corcodel, Veronica, 412
- corporate governance, 497–8
- Corporate Governance Principles, 499
- Corpus Iuris Civilis*, 106, 211, 213–20, 233, 306, 460
- Corruption Perceptions Index, 608
- cosmopolitanism, 7, 27
- Cossman, Brenda, 412
- Costa, Antonino Domingo, 466
- Cotterrell, Roger, 127, 586
- Court of Chancery, 238–9
- Court of Justice of the European Union (CJEU), 646, 659, 662, 663–4, 666
- critical comparative law
 - canonisation and, 48–52
 - colonial-decolonial divide and, 59–61
 - East-West limit and, 69–70
 - Foucauldian critical theory and, 52–4
 - limit attitudes of, 55–7
 - as method, 70–1
 - orientalism and, 61–8

- critical comparative law (cont.)
 provincialisation and, 55–6
 self-orientalism and, 63
 self-reflection and, 55
 specialisation and, 56–7
 transmodern approach to, 69–70
 universalist-relativist divide and, 57–9
 view of traditional approaches as WEIRD, 51
- Critical Comparisons* (Frankenberg), 51
- Critical Legal Studies, 51, 514, 601, 671
- critical theory, 51, 52–3, 56, 394, 411, 416, 420, 672
- cross-border judicial dialogue, 628–30, 648
 Brazil and, 641–5
 differences in Latin American and Africa, 641
 domestic judicial power and, 630–1
 international judicial networks and, 631–2, 640
 judicial resources and training and, 640–1
 language and tradition differences and, 633–4
 pan-regional human rights courts and, 636–8
 regional democratisation and, 638–9
 regional integration and, 631
 regional integration differences and, 634–6
 South Africa and, 645–8
 spread of international courts and, 631
- cross-cultural criticism, 395
- cross-region comparison. *See also* cross-border judicial dialogue
 challenges of, 628–30
 Eurocentrism of, 629
 Global South perspectives and, 626–7
 methodological challenges of, 625–8
 positionality of researchers and, 627–8
- cross-sectional studies, 160–6
 challenges of, 162
 court decisions and, 164
 endogeneity and, 164–6
 independent variables in, 164–6
- Cugano, Ottobah, 415
- cultural relativism, 89, 706, 711
- Cultural Revolution
 legal education and, 716
 legal research and, 730
- culturalism, 51, 73, 89
- culture, 73–6, 88–90
 convergence and, 506–9
 element-oriented view of, 79–80
 epitomisation of, 75–6, 81
 informal institutions and, 142–3
 insider view of, 80–4, 87
 memetic theory of, 89–90
 objectivity and, 84–8
 ontological objectivity and, 86–7
 outsider view of, 80–1, 89
 relevancy and, 76–9
 typologies of, 3
 vs. element, 76
- Culture and Imperialism* (Said), 397
- cultured jurisprudence. *See* humanism:legal
- customary commercial arbitration, 545–8
- customary law, 37, 41–3, 633, 696. *See also* indigenous law
 in Afghan legal education, 540
 in Kenya, 701–3
 in Nigeria, 703–6
 in Somaliland, 706–7
 in South Africa, 707–10
 in Sub-Saharan Africa, 700–10
 Sub-Saharan African constitutions and, 700–1
- Cyprus Case, 444
- D'Silva, Magdalene, 619–20
- da Pistoia, Cinus, 217
- Dakar Action Plan, 558
- Darden, K., 141
- David, René, 36
- de Anzola, Petrus, 217
- de Belleperche, Pierre, 217
- de Cruz, Peter, 19–20
- de Groot, Gérard-René, 103
- de la Cadena, Marisol, 415
- de Pombal, Marquis, 229
- de Revigny, Jacques, 217
- de Silanes, Florencio López, 596
- de Sousa Santos, Boaventura, 396, 415, 418
- DE v. RH* (South Africa), 646
- de Vera, Carlos, 618
- de Vitoria, Francisco, 409
- Death of a Discipline* (Spivak), 394
- Declaration of the Rights of Man and of the Citizen, 222
- decolonial theory, 672
 comparative law and, 416–21, 424–5
 comparative law methodology and, 419–21
 critique of, 415
 Global South epistemology of, 626–7
 indigenous research methods and, 421
 indigenous scholarship and, 417–18
 legal translation and, 422–3
 legal transplant and, 409–19
 norm diffusion and, 421–4
 postcolonial studies and, 414, 415
 quantitative methods and, 419–20
- decolonisation, 16
 of comparative law, 389–90
- Decolonising Approaches in Comparative Constitutional Law (DACCL), 626
- deconstructivism, 394
- Decretum* (Gratian), 218
- deductive reasoning, 120, 129, 154, 240, 241, 242, 243
 common law and, 247
- Defence of Usury* (Bentham), 465
- deference, doctrine of, 442
- dei Passeggeri, Rolandinus, 217
- delict, law of, 308
- democratic centralism, 286
- democratisation, 326, 384, 481, 485, 489, 627, 632, 642
 cross-border judicial dialogue and, 638–9
 third wave, 372, 642
 third wave in Sub-Saharan Africa, 372–3
- dendograms, 199

- Derecho patrio*, 304
 Derrida, Jacques, 56, 413
 Descartes, René, 247
 Descheemaeker, Eric, 237
 Dewan, Nakul, 612
 Diala, Anthony C., 548, 696
 difference in difference studies, 168–9
 diffusion theory, 421–2, 670–1
Digest (Corpus Iuris Civilis), 213, 214–15, 225, 233
 Digest of Laws of the Russian Empire, 281
 Digest of the Local Laws of the Baltic Governorates, 281
 dimension reduction, 186–97
 multidimensional scaling (MDS) methods and, 191
 principal component analysis (PCA) and, 188–9
 t-distributed stochastic neighbour embedding and, 191–5
 uniform manifold approximation and projection and, 195–7
 Dinokopila, Ramadi, 634
 Direct Action of Unconstitutionality (ADI), 642
 direct effect, doctrine of, 431
 disciplinarity, 391–3, 400, 403
District Bar Association v. Federation of Pakistan, 356
 divided legal systems
 Afghanistan and, 525–6, 542–3
 causes of in Afghanistan, 529–42
 civil war and, 527–8
 Columbia and, 527
 contested legal traditions and, 526–7
 divided legal education and, 539–42
 Guatemala and, 527
 instability of, 528
 regime change and, 529–34
 state-centric authority and, 534–9
 Syria and, 527
 Yemen and, 527
 divisive analysis clustering (DIANA), 197
Dobbs v. Jackson Women's Health Organization, 45
Doctor and Student (St. Germain), 238
 Dodd, Michael D., 613
 Doing Business Indicator (DBI), 596, 599, 603–6
 Domat, Jean, 223
 domicile or habitual residence, principle of, 682, 684
 dominant party democracies, 481–2
 Dong Zhongshu, 262, 263, 267
 Donlan, Seán Patrick, 526
Donoghue v. Stevenson, 243
 Drahozal, Christopher R., 613
Dunsmuir v. New Brunswick, 448
 Dworkin, Ronald, 417
 dynamic democracies, 483

 early Middle Ages, legal science in, 213–14
 East African Community (EAC), 552–3, 557, 631, 635, 662
 East African Community Chief Justices Forum (EACJF), 632
 East African Court of Justice (EACJ), 552–3, 640
 ecocentrism, 323–4, 328–9
 econometrics, 164, 172, 174, 175, 176

 Economic Community of West African States (ECOWAS), 550–2, 631, 652, 653
 ECOWAS Chief Justices Forum, 632
 ECOWAS Community Court of Justice (ECCJ), 550–2, 635, 640
 ECOWAS Trade Liberalisation Scheme (ETLS), 550
 Eggertsson, T., 153
 Egyptian Civil Code, 334, 532
 Ehrlich, Eugen, 41
 Eight Considerations (Tang Code), 266
Eke v. Okwaranya, 546
 Ellis, Julian, 614
 empirical comparative law, 175–6
 benefits of, 177–8
 classification and, 202–7
 clustering and, 197–201
 comparative arbitration law and, 621–2
 cross-sectional studies and, 160–6
 difference in difference studies and, 169
 dimension reduction and, 186–97
 experiments and, 159–60
 Law and Finance studies and, 163
 law data and, 179
 legal family categorisation and, 182
 legal origins and, 162
 matching and, 169–70
 normative arguments and, 172–3
 panel analysis and, 166–8
 problem of comparison and, 173–5
 problems with 'law' and, 171–3
 quasi-experiments and, 168–71
 regression continuities and, 170–1
 visualisation methods and, 185
 empirical legal studies, 157–8
 socio-legal studies and, 157
 endogeneity, 164–6, 171
 panel data and, 166
 Endy, Julie, 527
 Engberg, Jan, 92, 100
 English law, 76, 235, 237, 253, 380, 384, 440, 459, 473, 614, 677, 703, 716. *See also* common law
 Enlightenment, 53–4, 56
 critique of administration of justice, 226–7
 critique of *ius commune*, 223
epieikeia, 238
 epistemologies of the South, 415, 418
 epistemology, 245
 Equator Principles, 579, 583
 equity
 common law and, 238–9
 Esmein, Adhemar, 36, 405
 ethnography, 33, 116, 121, 123
 multi-site, 125–6
 etic comparison, 129
 EU law
 harmonisation of, 495–7
 legal translation and, 108, 111
 regional cooperation and, 662
 regional law and, 663–4

- EU law (cont.)
 regional law economic integration and, 661–2
 Turkish law convergence and, 490–1, 494, 502, 506–9
 EU-Canada Comprehensive Economic and Trade Agreement (CETA), 656
 Eurolects, 110–11
 European Common Core Project, 27–8
 European Convention on Human Rights (ECHR), 440, 443, 445, 662
 European Court of Human Rights (ECtHR), 443–5, 448, 449, 450, 644, 646, 686, 688
 European Economic Area (EEA), 654, 662
 European Free Trade Area, 662
 European Free Trade Association (EFTA), 339, 654
 Ewald, William, 80–1, 83
 exceptionalism, American, 568
 experiments, 159–60
 externalism, 83
 externalities, 81, 138, 152
 Extractive Industries Transparency Initiative (EITI), 578, 657
 Faculty of Law and Social Science (Indonesia), 715, 718
 Fagan, Eduard, 379
 Fakultas Hukum dan Ilmu Pengetahuan Masyarakat (FH IPK), 715
 family law, 36, 213, 223, 226, 231, 272, 280, 335, 491, 668, 673, 687, 692
 Fanon, Frantz, 398, 404
 Farran, Sue, 526
 Federal Constitutional Court of Germany, 641
 Federal Court of Malaysia (MFC), 479–80
 federalism, 279, 285, 345, 645, 660
 Fedtke, Jörg, 436, 438, 440
 Feeny, D., 151
 Ferguson, James, 126
 feudalism, 236
FIDH v. Senegal (African Commission), 646
 Financial Action Task Force (FATF), 577, 580
Fiqh, 333
First Certification judgment (South Africa), 647
Five Classics, 257
Five Constant Virtues (Dong Zhongshu), 262
 Five Relationships, 263
 Fletcher, George, 82, 83
 Florescu, Cristina Ionana, 614
 Fombad, Charles, 548, 639
Fonction du droit civil compare (Lambert), 46
Fonction et méthode du droit compare (Sauser-Hall), 36
 Foreign Direct Investment (FDI), 161, 667
 foreign relations law, 568–9
 foreignisation, 102, 105, 106
 Forest Stewardship Council (FSC), 578–9
 former Soviet States, 275–301
 approaches to legal classification of, 275–7
 arbitrazh courts and, 293
 contract law and, 299
 divergent experiences of, 278–80
 independence of judiciary in, 292–3
 judicial systems in, 291–5
 legacy of Russian Empire and, 278
 legal academia in, 295–7
 legal harmonisation and, 280
 macro-comparative approach to study of, 280
 persistence of hierarchical judicial structures in, 294–5
 post-Soviet legal developments and, 290–7
 private law and, 297–301
 progressivist view of, 277
 property law and, 299–300
 socialist legal system classification and, 277
 systematisation of statutory law in, 290–1
 Western legal models and, 277–8
 forms of action, 236–7
formularia, 217
 Forum on China-Africa Co-operation (FOCAC), 558
 Foster, Nicholas, 428
 Foucault, Michel, 52–6, 58, 61, 64, 65, 66, 413
 Fournier, Mireille, 122, 406
 Fourth Lateran Council (1215), 218
 Fox, Richard G., 128
 fragmentation, 590–2
 Frame-Based Terminology approach, 100
 Framework Code of Obligations for Latin America, 317
 framework theory, 81
 Franck, Susan D., 622
Francogallia (Hotman), 219
 Franco-Roman legal family, 308, 309–10, 329
 Frankenberg, Günter, 4, 40, 51, 68, 388, 400
 Frankfurt School, 51, 53, 55
 Frederick the Great, 225
 free trade area (FTA), 550, 554
 Free, Prior, and Informed Consent (FPIC), 423–4
 Freedom House, 595
 Freedom in the World Index, 595
 French Civil Code, 77, 78, 223–4, 226, 304, 305, 308–9, 334, 456, 457, 458, 463
 Chilean Civil Code and, 460
laesio and, 467
 Latin American reception of, 304–8
 in Rhine regions, 225
 South American Civil Codes and, 456, 473
 French Commercial Code, 492
 French law, 7, 77, 219, 309. *See also* French Civil Code
 Chilean Civil Code and, 229
 influence of on OHADA Acts, 379
laesio and, 467
 Latin America commercial law and, 310
 UNCITRAL Model Law and, 613
 French Revolution, 223, 231, 232
 civil law and, 221–3
 French Romanistic legal family, 305
 Freund, Kahn, 428
 Friedman, Lawrence, 437–8
 Friel, Raymond J., 613
 Fuglinszky, A., 106
 Fukuyama, Francis, 277
 Fulbecke, William, 212
 functional comparative law, 26
 critique of, 22–3

- heuristics and, 25
 as mainstream, 25
 functional methodology, 118–19, 143–4, 154
 functionalism, 18, 21–6, 51, 72–3, 76, 78, 79, 90, 92, 128, 393, 410–11
 collaboration as method as corrective to, 672–3
 critical theories as corrective to, 671–2
 diffusion theory as corrective to, 670–1
 legal translation and, 106–7
 legal transplant as corrective to, 669–71
 New Institutional Economics and, 144–5
 prescriptive legal governance indicators and, 606
 private law and, 24
 regional law and, 666–8
 thick description as corrective to, 669
 transnational regulation and, 582–3
 functionality principle, 88
Fuman v. Georgia, 45

 Gaius, 213, 306, 312
 Galdia, Marcus, 91, 94–5
 Galton's problem, 174
 Gandhi, Indira, 387, 397, 345–6
 Gandhi, Leela, 407
 García Goyena, Florencio, 306, 457, 467
 Garskof, Irwin, 612
Gavric v. Refugee Status Determination Officer (South Africa), 646
 Gelter, Martin, 164
 General Data Protection Regulation (GDPR), 690
 general method of moment (GMM), 167–8
 General Theory of Law and Development, 516–20
 concept of development in, 517–18
 concept of law and, 516–17
 regulatory impact mechanisms, 518–20
 Gény, François, 224
 Gerber, David J., 23
 German Civil Code (BGB), 212, 226, 298, 305, 307, 463, 469
 German Company Law, 498
 German law, 7, 38, 230, 499
 South African Constitution and, 440
 German Stock Corporation Act, 499–500, 503
 Germanic legal family, 308
 Gershon, F., 151
 Gezelius, Stig S., 123
 Gia Long Code (Vietnam), 259
 Gillani, Yousuf, 356
 Gingrich, Andre, 129
 Ginsburg, Tom, 271, 483
 Glanert, Simone, 97, 109
 Glenn, H. Patrick, 46, 583, 593
 Global Cooperation Council, 338–9
 global governance, legitimacy of, 588–9
 Global South, 16, 411
 conflict of laws and, 690–2
 constitutionalism, 626
 cross-region comparison and, 626–7
 decolonial theory and, 626–7
 globalisation, 45, 394, 625, 698
 conflict of laws and, 689–92
 legal, 40
 public law and, 476
Glossa Ordinaria (Accursius), 216
 Glossators, school of, 216, 223
Golak Nath v. Punjab, 345
 Goldmann, Mathias, 607
Gonzalez v. Carhart, 644
 good faith, doctrine of, 218, 308, 471, 473
 Gordley, James, 51
 Gotti, M., 616–17
 governmentalism, 53, 58–9
 Gower dissimilarity coefficient, 186
 Gratian, 218
 Graziadei, Michele, 79, 429, 435, 438
 Great Code for Governing the State (Korea), 260
Greek Case, 444
Gregg v. Georgia, 45
 Griffiths, Anne, 42
Griswold v. Connecticut, 644
 Grotius, Hugo, 221
 Group for the Harmonisation of Law in Latin America (GADAL), 317
 Group Representative Constituencies (Singapore), 482
 Grynawski, Eric, 618
 Gudynas, Eduardo, 415
 Güemes, Miguel María, 459
 Gulf Cooperation Council, 337–8
 Gumede, Vusi, 548, 710
 Gupta, Akhil, 126
 Guzmán Brito, Alejandro, 311, 457

 Habermas, Jürgen, 416
 Hague Academy of International Law, 675
 Hague Conference on Private International Law (HCCH), 679, 682–3, 685
 Asian participation in, 687–8
 Haiman, John, 98
 Hale, Matthew, 44, 240
 Hamilton, John C., 614
 Han dynasty, 258, 262, 263, 267
 Hanafi jurisprudence, 531–2, 534
Handyside v. The United Kingdom, 445
 harmonisation, 26–7, 280, 315–17, 329, 492, 506
 conflict of laws, 681–6
 of EU company law, 497
 Hart, H. L. A., 40–1, 251, 656
 Hasina, Sheikh, 351–3
 Hauck, Maria, 123
 Hayek, Friedrich, 511
 HCCH Principles on Choice of Law in Commercial Contracts, 682
 Hegel, G. W. F., 54, 55, 64–6, 67, 403
 Helmke, G., 141
 Henderson, James (Sákéj) Youngblood, 417
 Hendry, Jennifer, 99, 101, 109
 Heyvaert, Veerle, 571
 High Court of Justice (HCJ), 451
 Higher School of Law (Indonesia), 715
 Himonga, Chuma, 548

- Hindu law, 37, 46
 Hirschl, Ran, 481
 historical comparative methods, 614–15
 Historical School of Law, 34, 35, 40, 44, 305, 460
 historical-jurisprudential comparative law, 43–7
 customary law and, 43
 delimitation of law and, 40–3
 dynamic perspective and, 43–4
 legal cultures and, 618
 legal family classification and, 35–8
 legal norms and, 43–4
 legal revolutions and, 38
 legal transplant and, 38–40
 nineteenth-century view of, 32–3
 oral law and, 42–3
 qualitative methods and, 45–6
 quantitative methods and, 44–5
 scientific goals of, 34
 Ho, Norman, 265, 266
 Hoekman, Bernard, 557
 Holdsworth, William, 37, 235, 240
 Holy Roman Empire, 221
 homosexuality, 77–8, 87–8
 Hong Kong Court of Final Appeal (HKCFA), 478, 530–1
 Hong Kong University (HKU), 718–19, 722, 723, 726, 729, 731
 Hotman, François, 219
 Hozumi, Nobushige, 36, 231
 Hsieh, Amy, 618
 human rights, 58–61, 62
 human rights law, 442, 444–5, 527, 562, 567–70
 humanism, 54, 58
 differential, 262–3
 legal, 219–20
 Husa, Jaakko, 99, 109–10, 111, 146, 147

 Ibero-American Judicial Summit, 632, 640
 Ibero-American law, 311
 Ibsen, Christian L., 618, 619
 ideal types, 129
 identity, 73–6
 identity politics, 5–6
 IKEA theory, 40
 Imperial Translator's College (China), 714
 Imperialism, 389, 391, 397, 401, 406–7
imprevisión, 471–3
 South American Civil Codes and, 474
 India
 basic structure doctrine and, 345–7
 consolidation of executive power and, 348–9
 Emergency period, 345–6
 form of government, 344
 Indian Contract Act (1872), 248, 255
 indigenism, 323
 Chilean constitution-making process and, 327–8
 indigenous law
 jurispathic regulation of, 694, 697
 Sub-Saharan Africa and, 693–6, 698–700, 710–12
Indira Gandhi v. Raj Narain, 346
 informal cross border trade (ICBT), 556

 informal institutions, 536–7
 culture and, 142–3
 definitional categories of, 140–1
 rules of, 141–2
 as self-enforcing, 140–1
 Inns of court, 249–50
 institutions
 categories of, 150
 defined, 134–5
 Inter-American Commercial Arbitration Commission (IACAC), 613
 Inter-American Court of Human Rights (IACtHR), 317, 418, 631, 636–7, 638, 644
 interdisciplinarity, 24, 28, 111, 112, 392
 internal displacement, 336–7
 International Academy of Comparative Law (IACL), 28, 675
 International Accounting Standards Board (IASB), 579
 International Arbitration Rules of the Asia/Pacific Centre (IARAC), 613
 International Bar Association (IBA), 612
 International Centre for Dispute Resolution (ICDR), 612
 International Centre for the Settlement of Investment Disputes (ICSID), 612, 621–2
 International Chamber of Commerce (ICC), 612
 International Commission on Civil Status (ICCS), 682
 International Congress for Comparative Law, 399
 International Country Risk Guide (ICRG), 597
 International Court of Arbitration (ICC), 612
 International Covenant on Economic, Social and Cultural Rights (CESCR), 568
 International Criminal Tribunal for Rwanda, 631
 international environmental law, 570–3
 International Finance Corporation (IFC), 603–6
 International Financial Reporting Standards (IFRS), 579
 international human rights law, 567–70
 International Institute for the Unification of Private Law (UNIDROIT), 299, 315, 316, 382, 682
 International Labour Organization (ILO), 338, 339, 423
 international law
 concept of comparative, 561–2
 localism and, 562–3
 myth of universality and, 562–3
 universalism and, 562
 International Law Association (ILA), 675
 International Law Institute, 675
 International Organization for Migration, 336
 International Organization for Standardization (ISO), 102, 107
 International Sustainability Standards Board (ISSB), 579
 internationalism, 27
 Internet Cooperation for Assigned Names and Numbers (ICANN), 578
 intersectionality, 396, 695, 696, 698, 712
 Imerius, 215
 Isanga, Joseph, 634, 647
 ISEAL Alliance, 590
 Islamic law, 493–4. *See also Shari'a*
 Afghanistan and, 526–7, 529–31, 533–4
 Pakistan and, 528

- Islamic Republic of Afghanistan, 533
 Isometric Mapping (Isomap), 188
 Italian Civil Code, 309, 463, 469, 470
ius commune, 36, 217, 220–2, 223, 225, 228, 229, 231, 234, 236, 283, 329, 330, 460, 461, 675
Ius Constitutionale Commune, 318, 637
ius gentium, 230
- Jaccard binary similarity coefficient, 186
 Jackson, Howell, 161
 Jackson, Vicki, 436
 Japan
 National Bar Examination, 720–1
 responses to colonialism, 678–9
 Japan Commercial Arbitration Association (JCAA), 612
 Japanese Civil Code, 36, 230, 231
 Japanese law, Western influences on, 230–1
 Japanese Supreme Court (JSC), 479
 Jaspers, Karl, 56
Jersild v. Denmark, 643
 Jhering, Rudolf von, 18, 43, 225
 Joireman, Sandra Fullerton, 381
 Judicial Arbitration and Mediation Services (JAMS), 612
 judicialisation, 476
 Jullien, François, 57
 juridical field, 122
 jurispactic recognition, 710–12
 jurispactic regulation, 694, 697
 justice, administration of
 Anglo-American criminal procedures of, 226
 enlightenment critique, 226–7
 Romano-canonical procedures of, 226
 Justinian, 106, 211, 213, 215, 219, 222, 223, 233, 306, 312
- k* nearest neighbour, 204–5
K.L. v. Peru, 644
 Kabul University, 540–1
Kafala system, 337–8, 339
 Kahn, Abdul Rahman, 529–30, 534–5
 Kahn, Franz, 675
 Kant, Immanuel, 53–4, 63
Kashef v. BNP Paribas S.A., 691
 Keith, Linda, 381
 Kelley, Liam C., 597
 Kelsen, Hans, 40, 42, 43, 252, 642
 Kennedy, David, 548, 596
 Kenyan Judicature Act, 702
Kesavananda Bharati v. State of Kerala, 345–6, 350, 360–1
 Khaitan, Tarun, 348
 Khan, Amanullah, 530
 Khan, Daud, 535
 Khan, Habibullah, 530–1
 Khan, Imran, 357–9
 Kilmuir, Viscount, 241
 Kim, Marie Seong-Hak, 256, 268
 King's court, 236, 238
k-modes, 201
 knowledge structures, 99–100
 knowledge, objectivity of cultural, 84–5
- Kohler, Josef, 38, 402, 406
 Koshy, Susan, 397
 Kötz, Hein, 18, 19, 22, 23, 24, 25, 72, 88, 118, 240, 277, 311, 399, 461, 520
 Kuhn, Thomas, 245, 254
 Kyöngguk Taejõn Code (Korea), 259, 268
- l'homme des lois*, 56–7
La fonction du droit civil comparé (Lambert), 33–4
 La Porta, Rafael, 160–2, 500–1, 596
La Societe Bedir Sarl v. Republic of Niger, 551
 Laboulaye, Édouard, 33
 labour dispute resolution, 114
laesio, 466–8, 474
 new forms of, 468–70
 Lambert, Edouard, 33–4, 35, 37, 41, 46, 399, 405
 Lamond, Grant, 242
 Lang, Andrew, 602
 language
 law and, 96–8
 legal family classification and, 313
 languages for special purposes (LSP), 94
 Latin America
 academic legal harmonisation and, 316–17
 civil and commercial law distinction and, 314–15
 Civil Codes in, 308–9
 colonisation and, 303–4
 common factors in legal traditions of, 312–14
 constitutional doctrine and, 317–18
 difficulties in legal family classification of, 314
 eclectic legal traditions and, 306–7
 French Civil Code and, 304–8
 Ibero-American law and, 311
 independence movement and, 303–4
 instruments of harmonisation in, 315–16
 legal family classification and, 305–9
 legal harmonisation and, 315–17, 329
 limits of legal family classification and, 311
 private law and, 310, 329
 public law and, 310, 317–30
 public/private difference in legal parentage in, 309–10
 Roman conception of private law, 313
 Roman legal tradition influences in, 306
Lautsi v. Italy, 644
 law
 Americanisation of, 233
 as science, 249
 invention in, 41
 Law and Colonialism movement, 408
 law and development, 524, 548
 application of in developing countries, 523–4
 comparative law and, 510–11, 520–2
 concept of development in, 522–3
 as discipline, 511–12
 first movement, 513
 General Theory of, 516–20
 legal transplant and, 510, 521–2
 limits of scholarship, 515–16
 neoliberalism and, 514

- law and development (cont.)
 second movement, 513–14
 third moment, 514–15
- law and economics, 511
- Law and Finance studies, 160–2, 164, 171, 173, 420
 empirical research and, 163
- law and governance, 512
- law and society, 512
- law as such, 66–8
- law data, 179
- Law of Evidence Amendment Act (South Africa), 708
- Law of Succession Act (Kenya), 703
- Law of XII Tables, 40
- Lawless Case*, 444
- Le Code (Vietnam), 259
- Le Dynasty, 258
- League of Arab States, 337
- Lectures on Legal Linguistics* (Galdia), 94
- legal anthropology, 409
- legal consciousness, 121, 130, 251
- legal culture, 130, 618
 comparative arbitration law and, 618
 convergence effects of, 508–9
- legal education
 in Asia, 732–3
 case method in, 233
 colonisation and, 713–14
 common law and, 249–53
 comparative focus in Asia, 723–4
 cross-disciplinary approaches in Asia, 722–3
 Cultural Revolution and, 716
 curricular development in Asia, 720–6
 internationalisation of, 233
 modern beginnings in Asia, 716–19
 modern development of in Asia, 714–15
 post-graduate study in Asia, 726–8
 practical competency models and, 724–5
 qualifying law degrees in Asia, 720–6
 research focus in Asia and, 730–2
 Soviet models in China, 716
 teaching methodologies in Asia, 728–30
- Legal Education Support-Afghanistan (LESPA), 541
- legal family classification, 35–8, 46, 165, 178, 413, 596
 colonialism and, 37–8
 empirical comparative law and, 182
 ethnology and, 36
 Latin America and, 305–9, 633
 legal style and, 311
 limits of, 311
 racism and, 36
 socialist, 36
 visualisation methods and, 182–5
- legal governance indicators, 596–8
 comparative law and, 598–607
 as descriptive, 598–603
 objectivism and, 602–3
 politicisation of, 607–9
 as prescriptive, 603–7
- legal orientalism, 389, 412
- Legal Orientalism* (Ruskola), 389, 412
- legal origin, 105, 164, 496, 500
 as independent variable, 164
- legal origins debate
 comparative law and, 596–8
 quantitative method and, 607
- legal pluralism, 396–7, 591, 633, 664
 Africa and, 544–5, 558
 African commerce and, 548–9
 African regional business law and, 549–58
 Nigerian customary commercial arbitration and, 545–8
- legal science
 decline of in early Middle Ages, 213–14
 medieval Germanic courts as preserver of, 214
 medieval Western Church as preserver of, 214
- legal semantics, 92, 98–101
- legal translation, 616
- legal translation studies, 7, 91, 95–6, 111
- legal transplant, 38–40, 118, 311, 411
 academic study of, 427–30
 adoption and, 447–8
 Chilean Civil Code and, 459–62
 civil law and, 232
 codification and, 454–63
 colonialism and, 227–30
 complexity of process of, 437–8
 composite model of, 440
 Confucian legal tradition and, 268–70
 culturalist approach, 428
 decolonial theory and, 409–19
 doctrine of margin of appreciation and, 445–51
 early South American Civil Codes and, 456–8
 entrepreneurial, 433
 forms of adoption and, 431–2
 functionalism and, 669–71
 history of South American Civil Codes and, 454–6
 law and development and, 510, 521–2
 long-term interactions of, 438–40
 malicious, 433–4
 mention of source, 447–8
 motivation and, 432–4
 outcomes and, 434–6
 patterns of in Sub-Saharan Africa, 368–71
 prestige and, 433
 rejection of, 434–5
 reluctance and, 436
 signalling theory and, 429
 South American Civil Codes and, 474
 Soviet models of education in China and, 716
 Sub-Saharan Africa and, 373–5
 suspicion of foreign legal traditions and, 455
 transferist approach, 428
 Turkish law and, 495
 two-player scenario and, 439–40
 typologies of, 430–7, 451–2
 warped, 427, 435, 441, 450
- Legrand, Pierre, 27, 39, 51, 77–8, 82, 83, 97, 240, 413, 428, 492
 on culture, 75–6
- Les Établissements VAMO et Paschal Kuekia v. Republic of Benin*, 550

- Les lois civiles dans leur ordre naturel* (Domat), 223
 Levi, Edward, 242
 Levinson, Sanford, 566
 Levitsky, S., 141
lex mercatoria, 396, 564, 576, 587, 618
lex non-scripta, 246
Lex Romana Visigothorum, 214
 Libeap, G. D., 152, 153
 Liberal Democratic Party (Japan), 479
 Likhovski, Assaf, 429
 linguistic turn, the, 95
 linguistics
 cognitive, 98–9
 comparative approaches of, 94–6
 comparative arbitration law and, 615–17
 comparative legal, 95
 corpus analysis and, 110
 Eurolects and, 111
 formal approaches, 93
 Frame-Based Terminology approach in legal, 100
 functional, 93–4, 98
 knowledge structures and, 100
 legal, 94–6
 legal genres and, 110
 legal semantics and, 98–101
 methodological development of, 93–4
 objectivist approach, 99
 postmodernism and, 97
 localism, 562–3
 Lombard codes, 214
 London Court of International Arbitration (LCIA), 612
 Luhmann, Niklas, 24, 66
 Lyon-Caen, Charles, 405
- MacCormack, Geoffrey, 256, 265, 267
 machine learning, 207
 classification and, 202–7
 clustering and, 197–201
 dimension reduction and, 186–97
 methods, 185
 Macintyre, Alasdair, 257, 261
 MacPherson, Elizabeth J., 128
Mahmood Khan Achakzai v. Federation of Pakistan, 354
 Maine, Henry Sumner, 33
 Maitland, F. W., 34, 37, 46, 237
 Maldonado, Daneil Bonilla, 412, 602
Maledu v. Itereleng Bakgatla Mineral Resources (Pty) Ltd (South Africa), 646
 Mancini, Pasquale Stanislao, 677, 680
 Mancuso, Salvatore, 548
 margin of appreciation, doctrine of, 427
 Canada, 447–9
 claim of US origin of, 445–6
 as doctrine, 441–2
 doctrine of deference and, 442
 ECtHR and, 443–5
 European human rights law and, 444–5
 genealogy of, 443–4
 legal transplant of, 445–51
 legal transplant of in Israel, 451
 nature of, 442–3
Maria Chin v. Ketua Pengarah Imigrasi, 486
 Markesinis, Basil, 430, 436, 438
 Massoud, Mark Fathi, 618
 matching, 169–70
 Mathews, Jud, 477
 Matrimonial Property Act (Kenya), 703
 Mattila, Heikki, 95
 Max Planck Foundation for International Peace and the Rule of Law, 541
 Max Planck Institute (MPI), 159–60, 318
Mayelane v. Ngwenyama (South Africa), 710
 McArthur, Kathleen S., 622
 McCrudden, Christopher, 567–8
 McLaughlin, Sara, 381
 McNair, Arnold, 240
Meaning of Racism Decision (Brazil), 643
 Medina, López, 457
 Melas, Natalie, 388
 MENA, 342
 forced migration and, 336–7
 gap in legal studies of, 332
 influence of French legal system in, 332, 334–5, 342
 internal displacement and, 336–7
 international trade and, 336
 irregular migration and, 338–9
 labour migration and, 337–8
 legal status of women in, 340–2
 Shari'a and, 333–5
 Mencius, 257, 262, 263
 Mendes, Gilmar, 643
 Menski, Werner, 592
 MERCOSUR Permanent Forum of Supreme Courts, 632
 MERCOSUR Permanent Review Court (PRC), 631
 Merry, E., 125
 Merryman, John H., 305
 Mexican Civil Code, 229
 Michaels, Ralf, 88, 410–11, 413, 416, 596, 597
 Mignolo, Walter, 398, 403, 404
 migration
 forced, 336–7
 irregular, 338–9
 labour, 337–8
Mike Campbell (Pvt) Ltd and Others v. Republic of Zimbabwe SADC, 555
 Mill, John Stuart, 133, 139
 Millennium Development Goals (MDGs), 512, 514
 Miller, Jonathan, 429, 430–7
 Miller, Robert, 417
 Milsom, S. F. C., 241
 Minben, 264, 265
Minerva Mills v. Union of India, 346
 Ming Dynasty, 258
Minor Transnationalism (Lionnet and Shih), 397
 mixed legal systems, 368–9, 379–80, 382, 494, 525–6, 633
 Model Civil Code for the CIS, 280, 291, 298, 300
Modern Holdings EA Ltd v. Kenya Ports Authority, 553
 modernisation, theory of, 513
 Modi, Narendra, 348–9

- Mohochi v. Attorney General of Uganda*, 553
Mojekwu v. Iwuchukwu (Nigeria), 705
 monism, 42
 monothetic analysis clustering of binary variables (MONA), 197
 Montesquieu, 32
 Moore, Sally Falk, 122
 Moran, Michael, 548
mos italicus, 216
Mtikila v. Tanzania, 647
 Müller, Max, 403
 multiculturalism, 323, 394
 multidimensional scaling (MDS) methods, 189–91
 multilateral environmental agreements (MEAs), 570
 multilingual law, 96
 Mumford, Karen, 615
Munir Hussain Bhatti v. Federation of Pakistan, 356, 487
 Munshi, Sherali, 390, 413
 Musharraf, Pervez, 355–6, 484–5
 Mylovanov, Tymofiy, 623
- Nadir Shah, 531
nadzor, 286, 294
 naïve Bayes classifier, 206
 Napoleonic Code, 39, 222, 305, 306, 307, 332, 334, 379
 National Bar Examination (Japan), 721
 National Chengchi University (Taiwan), 717
 National Judicial Appointments Commission (NJAC) (India), 347, 351, 486–7
 National Law School of India University (NLSIU), 725–6
 National law universities (NLUs) (India), 726
 National Taiwan University, 717
 National University of Singapore (NUS), 718, 719, 720, 721–2, 723, 726–7, 728, 729, 731–2
 nationalism, 46
 Hindu, 348
 legal humanism and, 219
 nationalism, legal, 223
 nationality, principle of, 682, 684
 conflict of laws and, 677–80
 natural law, 218, 221, 223–5, 230, 234, 282
 Nelken, David, 116, 430
 neoclassical economics, 133–4, 138, 147–8
 neo-Confucianism, 258, 263, 267–8
 neoliberalism, 606
 law and development and, 513–14
 neo-Marxism, 411
New Approach to Legal Translation (Šarčević), 95
 New Confucianism, 258
 New Economic Policy (Soviet Union), 288
 New Institutional Economics (NIE)
 comparative law and, 154–5
 contributions to comparative law, 146–50
 core principles of, 136–9
 culture of informal institutions and, 142–3
 functionalism and, 144–5
 informal institutions and, 536–7
 institutional functions and, 137
 neoclassical economics and, 133–4, 137–8, 147–8
 property rights and, 150–4
 shortcomings of comparative law and, 144–6
 social analysis and, 138
 tertium comparationis and, 146–7
 theory of institutional change and, 138–9
 as tool for comparative law, 135–6
 uncertainty and, 138
 variables beyond efficiency and, 148–9
 New Latin American Constitutionalism (NLAC), 303, 638
 ambivalence toward courts and, 324–5
 Chilean constitution-making process and, 325–9
 constituent power and, 320–2
 as democratic revolution, 319–20
 econcentrism of, 323–4
 indigenism and, 323
 participatory process and, 322
 populism and, 320
New Nation Movement case (South Africa), 647
 new public management (NPM), 606
 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 686
Neziyanya v. Okagbue (Nigeria), 705
 Nguyen Dynasty, 258
 Nigeria
 customary commercial arbitration and, 545–8
 customary law in, 703–6
 Nikolic, Andrea, 612
 Njinkeu, Dominique, 557
Nkabinde case (South Africa), 646
 Nkrumah, Kwame, 698
 nominalism, 67
 Non-Party Caretaker Government (NPCTG) (Bangladesh), 351–3
 norm diffusion, 421–4
 Norman conquest, 235
 norms, legal, 43–4
 North, Douglass, 134, 135, 138–40, 153
 notaries, medieval, 217
Novísima Recopilación de Castilla, 464
Nueva Recopilación de Castilla, 228
 Nyerere, Julius, 698
- Oakeshott, Michael, 245
 objectivism, 602–3
 objectivity
 culture and, 84–8, 89
 empirical observability of, 87
 epistemic, 85, 86
 ontological, 86–7
 quantitative methods and, 600
 of subjectivity, 86, 88
 Odofredus, 215
 Ogundele, Ayo, 381
Okpabi v. Royal Dutch Shell (UK), 691
Okpuruwu v Okpokam, 546
 Olszewski, Wojciech, 623
On Crimes and Punishments (Beccaria), 226
 Opleidingschool voor Inlandsche Rechtskundigen (OSVIR), 715, 717
 oral law, 42–3
 Orange Revolution (Ukraine), 481

- Ordenações Afonsinas* (1447), 229
Ordenações Filipinas, 229, 456, 464
Ordenações Manuelinas (1521), 229
Ordenamiento de Alcalá, 464
 Order of Barristers, 222
 Organisation for the Harmonisation of Business Law in Africa (OHADA), 378–9, 382, 548, 683
 Organisation for the Harmonisation of Business Law in the Caribbean (OHADAC), 316
 Organisation of American States (OAS), 315–16, 631, 632, 634, 635, 638, 682
 Organization for Economic Cooperation and Development (OECD), 622
 orient as such, 65–8
 orientalism, 60, 61–3
 analytical pragmatism and, 63–6
 law as such and, 66–8
 orient as such and, 65–8
 West-West limit and, 62–3
 Ormachea, Pablo A., 622
 Örtücü, Esin, 20–1, 93, 438, 526
 Osterhammel, Jürgen, 404
 Ostrom, E., 135
 Oto-Peralías, Daniel, 381
 Ottoman Empire, 332, 491, 506
- pacta sunt servanda*, 454, 464, 470–1
 Pakistan, 484, 487
 abuse of executive power in, 357–9
 Dominion period, 353–4
 form of government, 353–4
 Islamic law and, 528
 progress toward mixed law system, 528
 salient features doctrine and, 354–7
Pakistan Lawyers Forum v. Federation of Pakistan, 356
 Pakistan Muslim League, 354–6
 Pakistan People's Party, 354, 355–6
 Pakistan Tehreek-e-Insaf, 357–8
 Palmer, Vernon, 369
 Pan-Africanism, 637, 698
 Panama Convention, 614
 Pan-Arab Free Trade Area Agreement, 339
 Pandectist school, 34, 225–6, 305, 307, 309
 panel data analysis, 166–8
 paradigmatic views, 18
 Paraguayan Civil Code, 307, 462, 463
 parallel legal systems, 527–8
A Parallele or Conference of the Civill Law, the Canon Law, and the Common Law of this Realme of England (Fulbecke), 212
 Paris Climate Agreement, 573, 592
 Paris Congress, 36, 38, 389, 391, 399–400, 401, 402
 internationalist sentiments of, 406–7
 invocation of civilisation and, 404–6
 Pasa, Ahmet Cevdet, 492
 Pauwelyn, Joost, 585
 pedagogy
 American, 252
 common law, 253
 rationalistic, 252–3
- Pejovich, S., 142
 penal codes, Confucian, 259
 Pertence, Sepúlveda, 642
 Peruvian Civil Code, 229, 309, 462–3, 469, 472
 philosophy, transcendental, 64
 Piñera, Sebastián, 326
 Pirie, Fernanda, 43
 pluralism, 30, 122, 124
 legal, 42
 Polanyi, Michael, 254
 Polden, Patrick, 250
 Pollock, Frederic, 400
Polytol Paints and Adhesive Manufacture v. the Republic of Mauritius, 555
 positivism, 38, 40, 42–3, 51, 55, 118, 120, 232, 393, 656
 legal humanism and, 219
 transnational regulation, 582
 Posner, Richard, 134, 244
 Posnett, Macaulay, 394, 403
 postcolonial studies, 56, 395, 397
 post-structuralism and, 413–14
 postcolonial theory, 410–13
 comparative law and, 397–8
 critique of, 412–13
 postmodern comparative law, 97
 postmodernism, 50
 post-structuralism, 413–14
 Pothier, Robert Joseph, 223, 247
 Pozzo, Barbara, 99, 111
 pragmatism, 19–20
 pragmatism, analytical
 orientalism and, 63–6
 prestige
 of canon law, 218
 of codification, 224, 227, 230–1, 232
 of Roman law, 215, 220
 price theory, 134, 137
 principal component analysis (PCA), 188–9
 Principles of European Contract Law, 44
 Principles of International Commercial Contracts (PICC), 315, 316
 Principles of Latin American Contract Law (PLACL), 316, 317
Prior Laws Decision (Brazil), 642
 private law
 in former Soviet States, 297–301
 functionalism and, 24
 Latin America and, 310, 329
 Russian Empire and, 283–4
 Soviet Union and, 289
 traditional comparative law and, 17
 procedural law, 218, 227, 230, 234, 280, 529, 533, 548, 607
 Programme for International Student Assessment (PISA) (OECD), 607
 property rights, 162
 change in, 153–4
 colonialism and, 153
 enforcement of, 151–3

750

property rights (cont.)
 as an institution, 150–1
 New Institutional Economics and, 150–4
 proportion, doctrine of, 442
 proportionality analysis, 477–81
 Protocol related to the Status of Refugees, 337
Province of Jurisprudence Determined (Austin), 41
 provincialisation, 55–6
 Prussian Civil Code, 225
 psychology
 cross-cultural, 2–3
 WEIRD bias in, 3
 public law
 globalisation and, 475–6
 Latin America and, 310, 317–29, 330

Qawwama, 341

Qing Dynasty, 258

Quacquarelli Symonds (QS), 730

Qualitative Comparative Analysis (QCA), 175

qualitative fieldwork

challenges of, 113–14
 combination concepts and, 130–1
 comparative law and, 116–17, 131–2
 comparative socio-legal studies and, 120–1
 comparator concepts and, 129
 conceptions of space in, 122–6
 cross-national approaches, 121–2, 123
 cultural lens of, 116
 isolation of key variables in, 129–30
 site selection, 124–6
 socio-legal comparative law and, 119–20
 traditional comparative law and, 118–19

quantitative forms of governance, 594–5

quantitative legal governance

indicators of, 596–8
 objectivity and, 599–600
 politicisation and, 607–9
 quantitative methods, 594–5
 decolonial theory and, 419–20
 epistemological effects of, 600
 objectivity and, 599–600
 visual representation and, 182–5

quasi-experiments, 168–71

Quijano, Anibal, 414

Qur'an, 333–4

Rabbani, Burhanuddin, 540

Rabel, Ernst, 18, 23–6, 28, 675

Radbruch, Gustav, 392

radical scepticism, 4, 5

Rajapaksa, Gotabaya, 364–5

Rajapaksa, Mahinda, 362–4

Ramos, Prieto, 95

Rashda, Rana, 614

rat trial, medieval, 83–4

rationalisation, of law sources, 221, 231

rationalism, 240, 247

common law and, 248–9
 pedagogy and, 252–3

Index

Rawls, John, 241, 416

Re the Estate of Lerionka Ole Ntutu, 702–3

Rechtsgeschäft, 226

Rechtshogeschool te Batavia (RH) tradition, 715, 718

Recognition of Customary Marriages Act (South Africa),
 701, 708

Recopilación de Leyes de las Indias, 228

Regional Comprehensive Economic Partnership (RCEP),
 654

regional economic communities (RECs), 549–50

regional integration, 652

regional law, 673

choice and concept of region and, 653–5

collaboration as method and, 672–3

comparative methodologies of, 664–73

comparative objectives and limits, 658–64

conceptions of law and, 655–8

critical theories and, 671–2

definition of terms for comparison, 651–2

diffusion theory and, 670–1

dynamics of comparison of, 649–51

economic integration and, 661–2

EU centrism and, 665–6

forms of collaboration and, 672–3

functionalism and, 666–8

institutional design and, 659–61

international relations and, 658–9

legal transplant and, 669–71

national law and, 663–4

political science and, 658–9

regional overlap and, 662–3

thick description and, 669

regionalisation, 652–3, 654

regionalism, 652

regression analysis, 158, 163, 166, 169, 170, 171, 172, 175,
 178, 565

regression discontinuities, 170–1

regulatory impact mechanisms, 518–20

adaptation to socioeconomic conditions and, 519

legal frameworks and institutions and, 518–19

quality of implementation and, 520

regulatory compliance and, 519–20

regulatory design and, 518

Reimann, Mathias, 33

Reiss, Katharina, 107

Reitz, John C., 20–1

relativism, 7, 57–9

cultural, 90, 706, 711

legal, 413

Ren (concern for others), 262

Rennie, Douglas C., 612

researching there, 116, 117

Revue historique de droit français et étranger, 33

Rheinstein, Max, 24

Rhodes Must Fall, 383–4

Ridley, Thomas, 212

Right to Protest Decision (Brazil), 643

rights, abuse of, 308

rights, universal, 59

Ring, Jonathan, 381

- Risse, T., 650, 652
 Ritsuryō codes (Japan), 259
 Roberts, Anthea, 563
Roe v. Wade, 45, 644
 Roe, Mark, 161
 Rolandina, 217
 Roman law, 32–4, 219, 229
 arbitration law and, 614
 Chilean Civil Code and, 460, 461
 civil law and, 211
 Codex Thesianus and, 224
 common law and, 240–1
 ius commune and, 36, 220–1
 Latin American private law and, 313, 329
 legal humanism and, 219–20
 Lombard codes and, 214
 natural law challenge to, 223
 prestige of, 215, 220
 rediscovery of, 214–17
 Roman-Dutch law, 8, 369, 380, 384
 Romano, Santi, 42
 Romero-Ávila, Diego, 381
 Roughan, Nicole, 585, 589, 591
 Roundtable of Sustainable Palm Oil (RSPO), 578–9
 royal courts, common law and, 236
 rule of law, 667, 669, 711
 Afghanistan and, 537
 basic structure doctrine and, 345
 as development goal, 515, 521
 empirical research and, 163
 former Soviet States and, 295
 Inter-American Court and, 636
 Law and Finance and, 161, 162, 165
 MENA and, 340
 socioeconomic conditions and, 519
 Soviet, 287, 291, 293
 Sri Lanka and, 364
 Sub-Saharan Africa and, 372–5, 380–2, 384
 Turkey and, 507
 UNCITRAL Model Law and, 613
 Rule of Law Index, 595, 600–1
 Rules on Counteracting Extraterritorial Application of Foreign Measures (China), 690
 rulishness, 239
 Ruru, Jacinta, 417
 Ruskola, Teemu, 391, 397, 411–12
 Russian Civil Code, 283, 293
 Russian Empire
 challenges faced by legal system of, 280
 codification and, 281
 judicial system of, 281–2
 legal academia in, 282–3
 private law and, 283–4
 systematisation of statutory law in, 281
 Western legal thought and, 282
 Sacco, Rodolfo, 394, 399, 428
 Said, Edward, 61, 63, 68, 395, 397–8, 412, 413
 Sajko, Kresimir, 613
 Salavon, Jason, 601
 Salaymeh, Lena, 410–11, 413, 416
 Saleilles, Raymond, 399, 400, 405
 salient features doctrine, 354–7, 365
 Samararatne, Dinesha, 365
 Samuel, Geoffrey, 96
 Sanson, Michelle, 614
 Sapir-Whorf hypothesis, 165
 Šarčević, Susan, 95, 103–4, 106
 Sarsfield, Dalmacio Vélez, 229, 306
 Sauser-Hall, Georges, 36, 400
 Saussy, Haun, 392–3
 Savigny, Friedrich Carl von, 33, 40, 225, 457, 460, 681
 conflict of laws and, 674–5
 Sayyaf, Abdul Rab Rasul, 540
 Schacherreiter, Judith, 412
 Schauer, Frederick, 241
 Scheppele, Kim Lane, 431
 scholastic comparison, 129
 Second Company Law Directive, 498
 Seigel, Micol, 388, 391, 394, 407
 Select Committee on Legal Education, 250
 self-orientalism, 61–3, 69
Semenyih Jaya v. Pentadbir Tanah Daerah Hulu Langat, 486
 semi-autonomous social field, 122
 Sen, Amartya, 515
Shari'a, 333–5, 633
 as constitution, 335
 Sharif, Nawaz, 354–5, 357
 Sharif, Shehbaz, 358
 Sharpe, Jeremy K., 614
Shilubana and Others v. Nwamitwa (South Africa), 709
 Shleifer, Andrei, 596
 Shu-mei Shih, 395
Shuo Wen Jie Zi, 82
 Siems, Mathias, 164, 432, 433, 434, 475, 502, 607, 613
Siete Partidas, 306, 456, 458, 460
 signalling theory, 429
 similarity measures, 185–6
 Simmons, Beth A., 597
 Simplified Trade Regime (STR), 557
 Simpson, Brian, 245
 Singapore, 485
 mega-politics and, 482
 Singapore International Arbitration Centre (SIAC), 612
 Singapore Management University (SMU), 721
 Singapore's Court of Appeal (SGCA), 482, 486
 single-member constituencies (SMCs), 482
 single-party rule, 351–3
 Sino-African Declaration on Climate Change, 558
 Sirisena, Maithripala, 363–4
 SISMA Mujer, 608
 The Six Codes of the Great Tang, 260
 Six Codes of Administration (Korea), 260
Skopostheorie, 106–7
 Slaughter, A. M., 629
 Slavic legal family, 276
 Smith, Adam, 133
 Smith, Elvind, 431
 Social Sciences Citation Index (SSCI), 730

- socialist legal family, 277
 Société de législation comparée, 388, 400
 socio-legal comparative law, 118, 119–20
 comparative arbitration law and, 617–20
 qualitative research design and, 128
 socio-legal studies, 409, 415
 empirical legal studies and, 157
 Somali National Movement (SNM), 706
 Somssich, Réka, 106
 Sørensen, Estrid, 129
 Soulbury Constitution, 359
 South Africa, 379–80
 cross-border judicial dialogue and, 645–8
 customary law in, 707–10
 South African Development Community (SADC), 635
 South American Civil Codes
 conservative responses to, 455
 early generation of, 456–8
 French Civil Code and, 456
 history of, 454–6
 imprevisión and, 473
 legal transplant and, 473–4
 pacta sunt servanda and, 470–1
 second generation, 463
 suspicion of French influence and, 455
 waves of codification, 462–3
 South American contract law
 laesio and, 466–8, 474
 legal transplant and, 463–70
 liberalisation of, 465–70
 new forms of *laesio* and, 468–70
 new usury laws and, 468–70
 usury laws and, 465–6, 474
 South Asia
 as legal family, 365–6
 judicialization of politics and, 366
 South Asian Association for Regional Cooperation (SAARC), 653
 South Vietnam Civil Code, 680
 Southeast Asia Project
 comparative law approach, 120–1
 methodology of, 114–15, 117
 research design, 131
 site selection, 126–7
 Southern African Chief Justices Forum (SACJF), 632
 Southern African Customs Union (SACU), 554
 Southern African Development Community (SADC), 554–5, 631
 Soviet Union
 codification and, 284–5
 early legal transformations of, 284
 judiciary system of, 285–7
 legal academia in, 287–8
 legal commentaries and, 287
 popular justice in, 285–6
 private law and, 288–9
 systematisation of statutory law in, 284–5
 Theory of State and Law, 288
 Western legal scholarship and, 288
 Spamann, Holger, 609
 Spanish Civil Code, 306, 467
 Spanish law, 303
 freedom of contract and, 464–5
 South American Civil Codes and, 456
 spatial error model, 175
 Special Education of Advocate Profession (PKPA), 720
 Specialized Conferences on Private International Law (CIDIP), 315
 Spellman, Mary, 381
 Spivak, G. C., 394, 395, 413
 Sri Lanka
 executive presidency and, 362–5
 form of government, 359–60
 judicial review and, 362
 Soulbury Constitution and, 359
 Thirteenth Amendment Case, 360–2
 Standardised Residual Sum of Square (STRESS), 191
 statism, 585–6
 statutory law, 222
 emergence of, 220–1
 systematisation of, 281, 284–5, 290–1
 Stephan, Paul, 563
 Stephen, J. F., 248
 Stockholm Chamber of Commerce (SCC), 612
 structuralism, 410
 structured proportionality (SP), 478
 subjectivism, 43
 subjectivity
 epistemic, 86
 ontological, 86
 Sub-Saharan Africa, 384
 Anglophone constitutional tradition and, 373–5
 Anglophone countries, 370, 372–7, 378, 382
 civil and common law distinctions and, 373–5
 civil law and, 368–70, 373–4, 380–1
 colonial legacy in, 368–71
 colonial state formation and, 696–7
 colonialism and, 698, 710–12
 common law and, 368–70, 373–4, 380–1
 comparative analysis of civil vs. common law and, 380–1
 constitutional development in, 700
 customary law in, 378, 700–10
 customary law in constitutions of, 700–1
 development of constitutionalism in, 372–5, 381, 382, 384
 divergent legal orders in, 697–8
 francophone constitutional tradition and, 373
 francophone countries, 370, 371, 372–3, 375–7, 378, 382–3
 hispanophone countries, 373, 376, 378
 independence constitutions and, 372
 indigenous law and, 693–6, 698–700, 710–12
 judicial institutions and, 375–8
 jurispathic recognition and, 710–12
 legal development in, 371–2
 legal education and, 383
 legal modernisation and, 378–80
 legal orders in, 696–700
 legal transplant and, 368–71, 373–5

- lusophone countries, 373, 375, 376–7, 378
 mixed legal systems and, 368–9, 379–80, 382
 prospects for, 382–4
 reasons for retention of colonial patterns, 370–1
 recognition of indigenous values in, 700–10
 state laws in, 696–7
 third wave of democratisation and, 372–3
Summa totius artis notariae (dei Passeggeri), 217
Sunday Charles Uguuaba v. State of Senegal, 551
 Sung Dynasty, 258
 Sungmoon, Kim, 271
Summa, 333–4
 support vector machine, 206–7
Supreme Court Advocates-on-Record Association v. Union of India, 347
 Supreme Court of Bangladesh (SCB), 350, 351–2, 365, 487, 488
 Supreme Court of India (SCI), 344, 346–7, 349, 350, 361, 365
 Supreme Court of Pakistan (SCP), 354–9, 366
 Supreme Court of Sri Lanka (SCSL), 359–62, 364, 366
 Supreme Federal Court of Brazil, 641–5
 Susler, Ozlem, 613
 Sustainable Development Goals (SDGs), 512, 515, 524, 608
 Svampa, Maristella, 415
 Sweet, Alec Stone, 477
 Swiss Chambers' Court of Arbitration and Mediation (SCCAM), 612
 Swiss Civil Code (ZGB), 39, 106
 adoption of in Turkish law, 493–4
 Swiss Code of Obligations, 490, 498, 499, 503, 504
 systematisation
 common law and, 249–52
 of statutory law, 281, 284–5, 290–1
- T'ung-tsu Chü, 267
 Ta Van Tai, 257
 tacit knowledge, 245–7
 common law and, 250
 Taihoku (Taipei) Imperial University, 714
 Taihō-ritsuryō (Japan), 260
 Taliban, 527, 529, 532–3
 Tamanaha, Brian, 42–3
 Tang Dynasty, 258, 677
 Tarde, Gabriel, 406
 t-distributed stochastic neighbour embedding (t-SNE), 188, 191–5
 Teixeira de Freitas, Augusto, 230
 Ten Abominations (Tang Code), 266
tertium comparationis, 8, 19, 28, 72, 92, 100, 119, 128, 129, 411
 New Institutional Economics and, 146–7
 Teubner, Gunther, 55, 428
 Teutonicus, John, 218
The Emperor Napoleon in His Study at the Tuileries (David), 77–8
The End of History and the Last Man (Fukuyama), 277
The Four Books, 257
The Structure of Scientific Revolutions (Kuhn), 245, 254
- Theresa, Maria, 224
 Third World Approaches to International Law (TWAAIL), 409, 514, 626
Thirteenth Amendment Case (Sri Lanka), 360–2
 Three Bonds, 263, 269
 Tokugawa government, 258
 Tokugawa penal codes, 259
 Tomlins, Christopher, 429
 Torres García, Guillermo, 466
 tradition, legal, 261
 traditional comparative law, 118
 comparative arbitration law and, 610–14
 as heuristic, 18, 21
 as legal scientific approach, 118
 outlook of, 30
 paradigmatic views and, 18
 positivism and, 118
 pragmatism and, 19–20
 private law and, 17
 qualitative fieldwork and, 118–19
 qualitative research design and, 128
 research process of, 18–21
 socio-legal function of law and, 19
 transaction costs, 134, 136, 137–8, 145, 146, 147–8, 152–3, 155, 622
 translation, legal
 bilingual drafting, 106
 decolonial theory and, 422–3
 descriptive equivalency and, 104
 dynamic equivalence, 108
 foreignisation and, 106
 formal equivalency and, 104
 functional equivalency and, 103–4
 functionalism and, 106–7
 harmonisation and, 108
 intersystemic, 107–8
 intrasystemic, 107–8
 ISO standardisation and, 102, 107
 nature of, 101–2
 receiver-oriented approach, 108–10
 target-oriented approach, 108–10
 techniques of, 106
 as tool of comparative law, 101
 transcreation and, 110
 transmodern comparative law, 69–70
 transnational law, 388, 396, 437. *See also* transnational regulation
 comparative law and, 593
 transnational regulation
 comparative approaches to, 581–4
 comparative law and, 575–6
 fragmentation and, 590–1
 functionalism and, 582–3
 globalisation and, 584–5
 hierarchy of state law and, 590–3
 methodological nationalism and, 583
 non-state regulators and, 578–9
 positivism and, 582
 public-private regulators and, 577–8
 scope of, 576–81

- transnational regulation (cont.)
 state claims of legitimacy and, 588–90
 state coercion and, 587–8
 statism and, 585–6
 territoriality and, 586–7
- transnationalism
 comparative law and, 394–7
 comparative literature and, 394–7
- Treaty of Tordesillas (1492), 227
- Treaty on the Functioning of the European Union (TFEU), 496
- Trosborg, Anna, 617
- Tsietsi, Tsootong, 557
- Tu Wei-ming, 258
- Turkish Civil Code, 39, 494
- Turkish Commercial Code, 494. *See also* Turkish company law
- Turkish company law, 495
 comparative analysis of, 497–506
 corporate governance and, 497–8
 court protection of shareholder rights and, 503–6
 equal treatment of shareholders and, 498–500
 shareholder rights and, 500–3
- Turkish law, 490–1
 convergence with EU law, 506–9
 legal transplant and, 491–5
 mixed legal systems and, 494
 ongoing transition to European law, 491–5
 Swiss Civil Code and, 493–4
Tanzimat reforms, 491–2
 transition from Islamic law, 493–4
 unification of international law and, 492–3
- Tushnet, Mark, 436, 475, 582
- Twelve Tables, 219
- UN Commission on International Trade Law (UNCITRAL), 315, 612, 682
- UN Convention on Contracts for the International Sale of Goods (CISG), 315, 317
- UNCITRAL Model Law, 613, 616
- unification, 26–7
- uniform manifold approximation and projection (UMAP), 188, 191, 195–7
- unilateralism, 685
- Union of South American States (UNASUR), 635
- United Malays National Organization (UMNO), 480
- United National Party (UNP), 363
- United Nations Convention on the Law of the Sea (UNCLOS), 564
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 423
- United Nations Development Programme (UNDP), 332
- United Nations High Commissioners for Refugees (UNHCR), 337
- United Nations Human Rights Committee, 644
- United People's Freedom Alliance (UPFA), 363
- Universal Declaration of Human Rights (UDHR), 636, 700
- universalism, 18, 26–9, 57–9, 404–5, 415
 common core method and, 27–8
 harmonisation and, 26–7
 unification and, 26–7
- universalist-relativist divide, 57–9
- universities
 common law and, 250–1
 rediscovery of Roman law and, 215, 250–1
- University of Hong Kong (HKU), 715
- University of Malaya (Singapore), 715
- University of Tokyo, 714
- Uruguayan Civil Code, 307, 455, 457, 458, 459, 467, 473
- usury laws, 465–6, 474
 new forms of, 468–70
- Uyghur Forced Labor Prevention Act, 689
- van der Ver, Hamish, 591
- van Hoecke, Mark, 80, 617
- Vedanta Resources PLC et al v. Lungowe et al* (UK), 691
- Vélez Sarfield, Dalmacio, 466, 470
- Venezuelan Civil Code, 307, 467
- Ventura, Mison, 492
- Vermeer, Hans, 106
- vernacularisation, 422
- Vienna Convention (1980), 44
- Villagrán Sandoval, C. A., 627
- virtue ethics, 261–2
- virtue, rule of, 264–5
- Vishny, Robert W., 596
- visualisation, 182–5
- Voltaire, 223
- von Bar, Ludwig, 675
- von Bogdandy, Armin, 607
- Vulgata*, 215
- Wailles, Nick, 615
- Walton, Frederick P., 39
- Warrington, Mark, 80
- Watson, Alan, 38, 427–8, 438
- Weber, Max, 54, 55, 66, 511, 513
- Weinrib, Lorraine, 449
- Wellek, René, 392
- Wham Kwok Han v. Public Prosecutor*, 480
- What Is Enlightenment?* (Kant), 53
- Whitman, James, 51
- Wilhelm, Friedrich I, 221
- will theory, 248
- William I, 235
- Williamson, Oliver, 133, 138
- within-case method, 614
- women, legal status of in MENA states, 340–2
- Wong Souk Yee v. Attorney-General*, 482
- Woo-Jung Jon, 271–2
- World Bank, 579, 596
- World Intellectual Property Organization (WIPO), 612
- World Justice Project (WJP), 595
- World Trade Organization (WTO), 557, 662, 689
- writ system. *See* forms of action

- Wukala Mahaz Barai v. Federation of Pakistan*, 355
Wusong, 265
- Xunzi, 257
- Yap, P.-J., 630
Yi Li (Book of Rites), 257
Young, Robert J. C., 395, 398
Yourow, Howard, 443, 444, 445
Yuan Dynasty, 258, 677
- Zeitgeschichte*, 44
Zheng Ming, 264, 265
Zimmermann, Andrew, 404
Zitelmann, Ernst, 405
Zollmann, Jakob, 402, 404
Zürn, Michael, 589
Zweigert, Konrad, 18, 19, 22, 23, 24, 25, 72, 88, 118, 240,
277, 311, 399, 461, 520