

Elgar encyclopedia of comparative law

Jan M Smits, editor

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Book review by Sally Ramage, editor, *The Criminal Lawyer*

Introduction

This is a very important and immense book, consisting of 70 wonderful chapters and index. The jurisdictions covered are : Australia; Canada; Czech Republic; England and Wales; Germany; Greece; Israel; Japan; Lithuania; Netherlands; Poland; Russia; South Africa; Spain; Sweden; and Switzerland. Europe as a whole is covered in Chapter 24 on the European Civil Code. The editor must be congratulated for this arrangement and for successfully obtaining agreements from such illustrious legal specialists who contributed to this fine work, for which there really is no fair comparison because bit is far superior in comprehensiveness; detailed knowledge of the law; and trustworthy eminence of its contributors. Single-handedly, Smits has reviewed and checked this immense work to bring it to its final high standard in quality and accuracy and selection of laws.

Comparative law - a distinct legal discipline

Comparative law is the study of the different legal systems in existence in the world, including common law, civil law, and socialist law. It includes the description and economic and legal analysis of foreign legal systems, explicitly and generally and is especially important in these times of globalisation of trade and cultural and sociological mixtures. Comparative law is not a casual mentioning of another country's law- it is actually an academic study of separate legal systems leading to comparative civil, common, commercial and criminal analyses and this is the importance of this Elgar book- it can be trusted implicitly for a distillation of the laws of the countries of Australia; Canada; Czech Republic; England and Wales; Germany; Greece; Israel; Japan; Lithuania; Netherlands; Poland; Russia; South Africa; Spain; Sweden; and Switzerland, without need for the legal practitioner to himself undergo a comparative law degree course.

Distilled for legal practitioners

The micro and macro comparative legal analyses included here assist the legal practitioner to understand how the law of private relations is organised, interpreted and used in different countries and the system in the European Union. It dispels misunderstanding of other countries' laws and enables mutual understanding. The comparative study of the various legal systems assist, in context, in the understanding of how different legal regulations for the same problem function in practice.

The importance of having comparative laws secrets opened up to all cannot be underestimated, especially when Tom, Dick and Harry choose to throw in comparisons in their writings without knowledge of, study of, nor qualifications in comparative methodology. Other comparative law texts are the *Oxford Handbook of Comparative Law* edited by, M and Zimmermann, R; *Comparative law: a handbook* edited by Orucu and Nelken; *Comparative law in a changing world* by De Cruz; *English, French and German comparative law* by Youngs; *International investment law and comparative public law* by Schill; *Comparative administrative law* by Rose-Ackerman and Lindseth; *Comparative company law: Germany, UK, USA* by Cahn Donald; and *German law of contract: a comparative treatise* by Markesinis, Unberath, and Johnston. Of these, in my opinion Peter de Cruz really has a good understanding of the methodology of comparative law- however his book is generally, not consisting of the enormous depth and detail of *Elgar Encyclopaedia of Comparative Law*.