
Preface

It was stated in the first edition of this book that a true ‘comparative law explosion’ had taken place in the two decades before its publication: as a result of increasing globalization and Europeanization, comparative law has become more and more important. The last six years have confirmed this trend. This is true not only for the academic discipline of comparative law as such (where the focus is usually on methodology), but also for specific areas of the law. The feeling among many legal academics is that one can no longer write about, for example, tort law or constitutional law without involving at least some comparative aspect. But the importance of comparative law is not restricted to legal scholarship. In legal practice too, to tackle a legal problem with a comparative approach has become en vogue. Legislators increasingly make use of foreign law in drafting new legislation and in more and more countries courts draw inspiration from abroad as well.

All this is a fortunate development for those who believe in the value of an international legal science. However, it is often difficult to find one’s way in the massive amount of doctrinal writings on comparative law. The purpose of this encyclopedia is to provide such a reference work. It does so by providing a general readership with easily accessible articles in which stock is taken of present-day comparative law scholarship.

In this alphabetically ordered book the reader will find four types of entries. First, it contains a collection of articles on specific areas of the law (criminal law, administrative law, etc.) and on specific topics (accident compensation, privacy, etc.). The contributors of these entries were asked to shed light on the ‘comparative’ state of affairs in their area. Second, this volume contains entries on topics that deal with more methodological questions in comparative law (the aims of comparative law, the idea of a European Civil Code, legal transplants, etc.). Third, there are contributions that deal more broadly with common law in general and with American, German, Japanese, Scots and Russian law in particular. These legal systems were chosen for their importance in the comparative debate. Finally, several authors were asked to write a report about specific countries’ legal systems. These are short entries in which a set format is followed and in which material on these systems, usually in English, German or French, is mentioned.

To describe the current state of affairs within the word limit prescribed by the editor proved to be impossible for some topics. The length of these entries therefore extends beyond what was originally envisaged.

Consistent with the idea of a reference work, all contributors were asked to add a list of references. The reader is thus able to use this book as a first entry into a field of law, a specific topic or a legal system.

A reference work in a rapidly emerging field like comparative law runs the risk of quickly being outdated. This is why the contributors were asked, not only to look at recent materials but also to pay attention to the classic comparative 'canon' in their field. Second, no doubt other editors would have included topics not covered in the present volume or would have left out topics that are now included. It is only constraints of length – and of editorial management – that have precluded me from including more topics. My hope is that, with regard to the topics that are included, the reader will find the entries just as valuable as the editor finds them to be. This second edition contains updated versions of most contributions as well as several new entries.

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