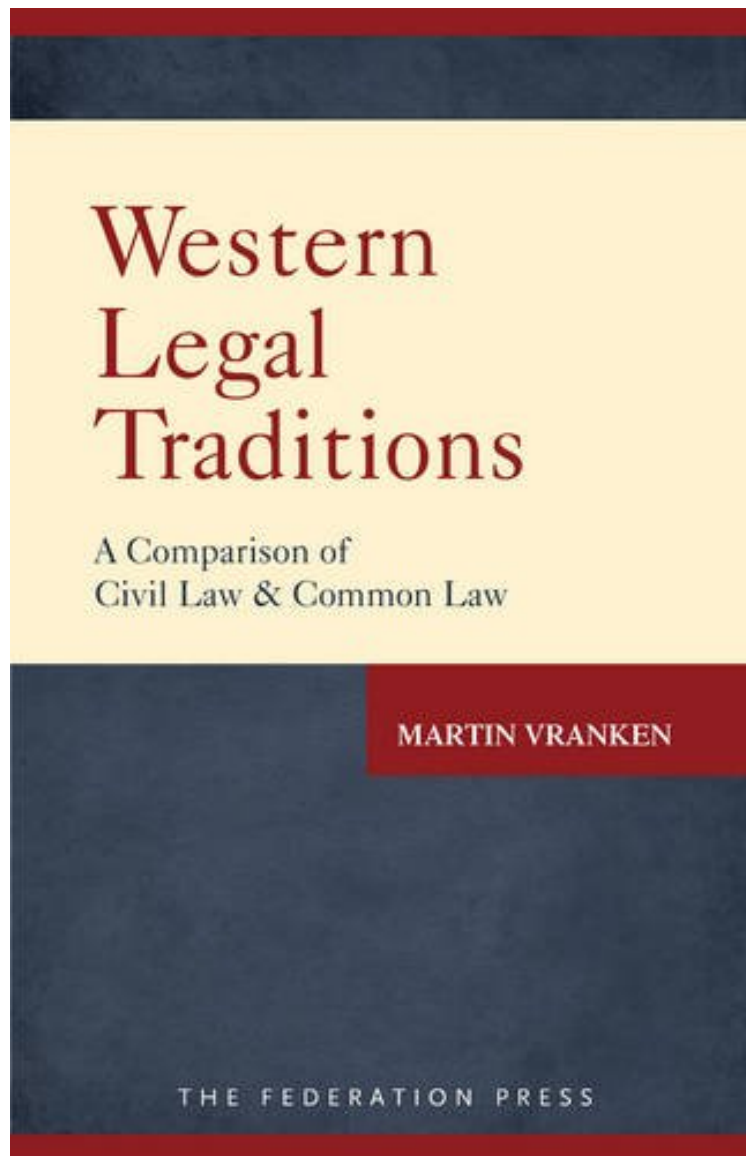


Western Legal Traditions: A Comparison of Civil Law and Common Law

Martin Vranken

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Martin Vranken : Western Legal Traditions: A Comparison of Civil Law and Common Law before purchasing it in order to gage whether or not it would be worth my time, and all praised Western Legal Traditions: A Comparison of Civil Law and Common Law:

The rule of law constitutes the hallmark of contemporary Western society. However, public perceptions and attitudes to the law can vary in space and time. This book explores legal solutions to selected problem scenarios in their broader historical, economic, political and societal context. The focus is on the legal traditions of civil law and common law. The book is premised on the assumption - indeed, the conviction - that use of the comparative method both facilitates and promotes a deeper understanding of the society in which we live and the rules by which it is shaped. Major 'threads' that run through the book are the relationship between law and morality, the role of the state in regulating human interaction, as well as the relationship between the state and the individual. As a practical matter, the text is divided into 3 Parts. A first Part provides various building blocks for a discussion of 'the law in action' in the second and main Part of the book. A final Part addresses the issue of regional globalisation and its impact on the traditional divide between civil law and common law. An Appendix contains the full text of the Charter of Fundamental Rights of the European Union.

This book is highly recommended for legal practitioners seeking to understand how two somewhat different legal systems operate. It is also of value for law students (both undergraduate and postgraduate) embarking upon the study of comparative law. The level of analysis contained in *Western Legal Traditions: A Comparison of Civil Law and Common Law* only comes about after many years of thought and reflection. Vranken is to be applauded for providing such an easy to read (and carry) book. Read review... - Christopher Brien, *InPrint*, Law Institute Journal Victoria, August 2016 The utility in comparative legal analysis is skilfully highlighted in this brief but, where relevant, detailed treatment of a number of controversial issues that continue to be relevant to practice in Australia. *Western Legal Traditions - A Comparison of Civil Law Common Law* conveniently commences with a refresher of the theoretical underpinnings of legal systems generally, as well as the common law and civil methods. The book then considers the solutions which have been adopted by various common and civil law to issues such as the imposition of a duty to rescue, wrongful life and birth suits, and a requirement for good faith in the performance of contracts. Whilst not proposing a solution to all of the issues which it addresses, nor providing a theoretical justification to overcome the reticence that has been shown to the utilisation of top-down legal reasoning in Australia (in order perhaps to justify the adoption of civil law theories), the author evidently does not set out to achieve those aims. Rather, the author succeeds in his stated goal of providing a thought-provoking treatment of the selected issues in order "to promote a deeper understanding of the society in which we live, and the rules by which it is shaped", but also successfully demonstrates how the solutions which different legal systems have adopted to controversial issues are thoroughly shaped by the system in which they are resolved. This work is published by The Federation Press which continues to lead all other Australian legal publishers in the promotion of quality legal works. - Queensland Law Reporter - 06 May 2016 - [2016] 17 QLRA About the Author Martin Vranken is a Reader in the Faculty of Law at the University of Melbourne.