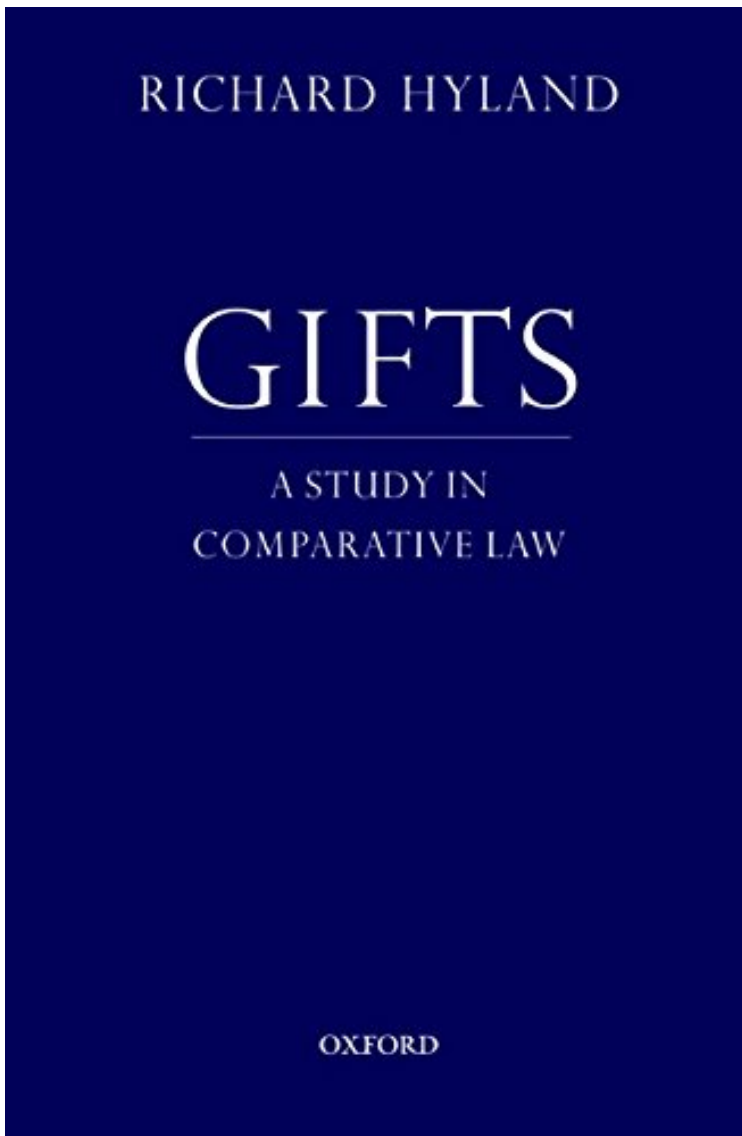


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Gifts: A Study in Comparative Law



Par Richard Hyland
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Description :

Prsentation de l'diteur Gifts: A Study in Comparative Law is the first broad-based study of the law governing the giving and revocation of gifts ever attempted. Gift-giving is everywhere governed by social and customary norms before it encounters the law and the giving of gifts takes place largely outside of the marketplace. As a result of these two characteristics, the law of gifts provides an optimal lens through which to examine how different legal systems engage with social practice. The law of gifts is well-developed both in the civil and the common laws. Richard Hyland's study provides an excellent view of the ways in which different civil and common law jurisdictions confront common issues. The legal systems discussed include principally, in the common law, those of Great Britain, the United States, and India, and, in the civil law, the private law systems of Belgium and France, Germany, Italy, and Spain. Professor Hyland also serves a

critique of the dominant method in the field, which is a form of functionalism based on what is called the *praesumptio similitudinis*, namely the axiom that, once legal doctrine is stripped away, developed legal systems tend to reach similar practical results. His study demonstrates, to the contrary, that legal systems actually differ, not only in their approach and conceptual structure, but just as much in the results. *Revue de presse* This new and massive volume called *Gifts: A Study in Comparative Law* by American professor Richard Hyland seems to be an important piece not only for those who are puzzled about the factual nature of gift but also for those who are interested in the comparative study of law. It requires no effort to realize that this study is such a badly needed one...it should be clear that Hyland's volume is an impressive in-depth study in comparative law and that this is a book of rare quality. (Jaakko Husa, *Maastricht Journal of European and Comparative Law* 2009) The book is a must-have for every comparativist, in that it is a critical analysis of the different theories of comparative law which makes it an indispensable tool when working in that field of the law...I thoroughly enjoyed working through Hyland's work and hope that it will receive the acknowledgement and recognition that it deserves for being an authoritative contribution to the subject field (Christian Schulze, *Comparative and International Law Journal of Southern Africa*, University of South Africa) *Gifts* is a remarkably wide-range work, especially in the perspectives it takes on the essentials of donation in systems representing the Anglo-American and civilian legal families. A multi-disciplinary study, the book brings in history, philosophy, economics, anthropology and sociology in its quest to understand the subject. (David Carey Miller, University of Aberdeen, *The Edinburgh Law*, Vol 15) *Présentation de l'auteur* *Gifts: A Study in Comparative Law* is the first broad-based study of the law governing the giving and revocation of gifts ever attempted. Gift-giving is everywhere governed by social and customary norms before it encounters the law and the giving of gifts takes place largely outside of the marketplace. As a result of these two characteristics, the law of gifts provides an optimal lens through which to examine how different legal systems engage with social practice. The law of gifts is well-developed both in the civil and the common laws. Richard Hyland's study provides an excellent view of the ways in which different civil and common law jurisdictions confront common issues. The legal systems discussed include principally, in the common law, those of Great Britain, the United States, and India, and, in the civil law, the private law systems of Belgium and France, Germany, Italy, and Spain. Professor Hyland also serves a critique of the dominant method in the field, which is a form of functionalism based on what is called the *praesumptio similitudinis*, namely the axiom that, once legal doctrine is stripped away, developed legal systems tend to reach similar practical results. His study demonstrates, to the contrary, that legal systems actually differ, not only in their approach and conceptual structure, but just as much in the results.