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Autore	Vernooy, D. Andrew
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Titolo	National Legal Systems and Globalization : New Role, Continuing Relevance // edited by Pierre Larouche, Péter Cserne
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Altri autori (Persone)	LarouchePierre CsernePeter
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Soggetti	Law - Philosophy Law - History Law - Europe Conflict of laws International law Comparative law Administrative law Theories of Law, Philosophy of Law, Legal History European Law Private International Law, International and Foreign Law, Comparative Law Administrative Law
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Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Introduction -- Convergence and divergence, in law and economics and comparative law -- The Draft Common Frame of Reference (DCFR): A giant with feet of clay -- The recodification of private law in Central and Eastern Europe -- Courts and expertise: Consequence-based arguments in judicial reasoning -- From a formalistic to an integrative model: the case of EU economic regulation -- The reform of EU electronic communications law: revolution or evolution? Networks of regulatory agencies in Europe -- Reinventing accountability: judicial

control vs. participation -- Legal emulation between regulatory competition and comparative law -- Impact Assessment: the theory -- Impact Assessment: empirical evidence -- Judicial networks -- Conclusions.

Sommario/riassunto

For the researchers involved in this book, the prospects of national law seemed less dire than is usually acknowledged. The project team shows that globalization, instead of threatening national legal systems, puts them in a new role and gives them continuing relevance. First of all, once one takes a more functional view of the law, based on law and economics and comparative law literature, harmonization or unification of national legal systems is no longer a foregone conclusion. Secondly, fundamental constitutional principles continue to bear in the era of multi-level and transnational governance: they become governance principles, divorced from specific institutional settings. Finally, looking beyond regulatory competition and comparative law, legal emulation provides a rich and fruitful model to explain the interplay between legal systems. This book explores these three themes, both at a theoretical level and in the light of specific examples. It sheds a new light on the fate of national legal systems, with a more optimistic outlook.

Researchers and practitioners alike will experience how this research project brings us a step forward in the understanding of the evolution of national legal systems in the globalization era. The research for this book, in which a team of experts in comparative law and law and economics took part, was commissioned and funded by HiiL (The Hague, the Netherlands), as a project named Convergence and divergence of national legal systems: coping with the challenges of globalization. It was carried out at the Tilburg Law and Economics Center (TILEC) of Tilburg University (the Netherlands) under the direction of Pierre Larouche. Pierre Larouche is Professor of Competition Law at Tilburg University and a founding director of TILEC. Péter Cserne is now Senior Lecturer in law, University of Hull (United Kingdom) and an extramural fellow of TILEC.
