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COMPARATIVE — LAW — CASEBOOK

Professor Stefan A. Riesenfeld
and
Dr. Walter J. Pakter



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Preface

Professor Stefan Albrecht Riesenfeld (1908–1999), one of the great jurists of the twentieth century, was at home *inter alia* in bankruptcy, commercial law, international law, legal history and property law, not only from the United States perspective, but from that of Western Europe and South America. His name evokes universal admiration and affection for his up-to-date erudition, his pointed wit and the humanitarian ideals which he instilled in his pupils in many lands. From 1986 until shortly before his death, February 17, 1999, the undersigned assisted Professor Riesenfeld in teaching the Comparative Law Seminar at the School of Law of the University of California, Berkeley (Boalt Hall) and in preparing the materials presented therein.

This Casebook reflects the increasing role of comparative law in modern practice. Despite vast differences in the approaches of various civil law countries, considerable convergence has occurred through legislation and creative decision-making (cf. *infra* p. 249). Part II, *Constitutionalization and Internationalization of Private Rights* and Part III, *Transactions Securing Performance* illustrate this trend. In areas where convergence has been less pronounced, as seen in Part I, *Judicial Organization* and Part IV, *Bona Fide Purchase and Acquisitive Prescription*, courts still reveal a profound interest in foreign law. The study of comparative legal institutions not only places our own law in broader perspective, it facilitates communications with foreign scholars and practitioners worldwide.

Case notes indicate sources for further study. All translations are by the authors. Translations preserve the highly stylized drafting techniques of the original legislation and decisional law. Omissions are indicated by three asterisks (* * *). Footnotes have been renumbered consecutively for each chapter. Internal page numbers have been provided for some lengthy decisions in order to facilitate examination of the original text.

The authors are indebted to Thomas H. Reynolds, Librarian for Civil law and the entire staff of the Boalt Hall Law Library for their indefatigable assistance over the years in locating materials, and to Transnational Publishers for its skill in preparing this volume.

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