

<<中国国际私法>>

图书基本信息

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前言

This book has been long in gestation. Originally conceived as a book for the students of China University of Political Science and Law (CUPL) who attend my private international law class taught in English, it has developed to a significant deeper study. It is now a work that is hoped to be of great interest to both foreign conflicts and comparative scholars interested in Chinese private international law and Chinese scholars and students who are expecting to deepen their understanding of private international law from the perspective of comparative law. As we know, private international law aspires to provide solutions to disputes that have legal implications involving more than one sovereign. It three questions that usually occur in international civil and commercial disputes, namely, (1) jurisdiction (will a court of a particular state or nation take the case?), (2) choice of law (what law will the court apply if it does take the case?), and (3) recognition and enforcement of foreign judgments (can other states and nations be expected to honor the judicial determinations of the court that decided the dispute?).

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内容概要

本书是世界上首部以中国法为视角并用英文写作的国际私法专著，其用途有三：其一，它可以消除横亘在外国学者与中国国际私法之间的语言障碍，促进中、外国国际私法学术界的互通互动。其二，它可以为中、外法律实务工作者把握当代中国国际私法实践提供指导。其三，它可作为国际私法双语及全英语教材，用于各法学院校的本科与研究生教学。

作者简介

霍政欣 1976年11月生，2005年6月毕业于武汉大学法学院，获法学博士学位，现就职于中国政法大学国际法学院，兼任中国法学会理事、中国国际私法学会理事、韩国首尔国立大学中国研究所研究员。曾先后赴德国(2001)、奥地利(2003)、荷兰(2004)、美国(2006—2007)、韩国(2009—2010)等国进行访问研究。

作者的主要专著有《不当得利的国际私法问题》(武汉大学出版社，2006)，主要译著有《法律选择与涉外司法》(北京大学出版社，2007)、《如果你是平等主义者，为何如此富有？》(北京大学出版社，2009)等；先后在“American Journal of Comparative Law”、“Asian Pacific Law and Policy Journal”、“Journal of Cambridge Studies”、《法学研究》、《法学评论》、《比较法研究》、《武汉大学学报》、《求是学刊》、《民商法论丛》、《中国国际法年刊》、《中国国际私法与比较法年刊》、《武大国际法评论》、《人民法院报》、《南方周末》、《联合早报》等国内外刊物上发表中英文学术论文、译文及评论50余篇；其科研及教学成果曾获得湖北省第六届哲学社会科学优秀成果奖二等奖、北京市第十届哲学社会科学优秀成果奖二等奖、中国高等学校科学研究优秀成果奖(人文社会科学)三等奖、中国政法大学第四届青年教师教学基本功大赛冠军等奖项。

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章节摘录

open to criticism in that it can lead to confusion with public international law and does not properly reflect the fact that the subject embraces the difficulties that arise when one state includes more than one jurisdiction, such as China and the United States. Likewise, the latter is misleading in that the entire object of the subject is to promote harmony rather than conflict between the different legal systems of the world. if) Nevertheless, the author submits that as both titles have long been used throughout the world and as nobody has found a better one, it hardly seems worthwhile to devote further thought to this merely terminological issue. For this reason, the two terms are used alternatively in this book without actual difference in meaning. @ 1.1.2 Scope The scope of private international law is another issue that invites debate, and the following discussion is a tentative description of the different arguments on this issue from the perspective of comparative law. 1. Common Law Approach In common law countries, conflict of laws, or private international law, is a body of rules designed to determine whether domestic or foreign law is to be applied when a domestic court is faced with a claim that contains a foreign element. ~ The peculiarity of private international law in common law doctrines is that it has no material content, in the sense that it does not provide any immediate solution to a particular dispute, but merely indicates the legal system which is competent to provide the rules to be applied.

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