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The Curious Case of Overfitting Legal Transplants

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Abstract

Sometimes cultural phenomena are more popular abroad than at home. For example, modern business cards arrived in Japan in the late 19th century but in today's Japan they are considered more important than in Western countries. Similarly, and even more surprisingly, in Germany the US actor David Hasselhoff is considered as one of the greatest pop stars while his musical career has not been very successful in the US. This chapter suggests that a similar phenomenon may also exist in law. This is meant to refer to the situation that legal transplants may work even 'better' in the transplant than in the origin country, here called 'overfitting legal transplants'. This suggestion departs from the current debate about legal transplants which holds that, at best, a transplant may work almost as good as in the origin country (and, at worst, it may be irrelevant, or even harmful to the transplant country). Thus, it is the main aim of this paper to relate the idea of overfitting legal transplants to the current discussion, to outline possible categories and examples, and to show how law-makers may be able to make use of them.

Keywords: legal transplants, comparative law, law and society, law and culture, business cards, David Hasselhoff, Big in Japan**JEL Classification:** K00, K10, K40, Z1[Suggested Citation](#) >[Show Contact Information](#) > Download This Paper (Delivery.cfm/SSRN_ID2437402_code367649.pdf?abstractid=2437402&mirid=1)

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