

Methods of Comparative Law

Edited by
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RESEARCH HANDBOOKS IN COMPARATIVE LAW

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Comparative Law and Society David Scott Clark,2012-01-01 Comparative Law and Society part of the Research Handbooks in Comparative Law series is a pioneering volume that comprises 19 original essays written by expert authors from across the world This innovative handbook offers both a history of the field of comparative law and society and a thorough exploration of its methods disciplines and major issues presenting the most comprehensive look into this contemporary field to date In Part I Methods and Disciplines contributors approach critical issues in comparative law and society from a variety of academic fields including sociology criminology anthropology economics political science and psychology This multidisciplinary approach highlights the importance of addressing the variance of perspectives inherent to the field In Part II Core Issues chapters offer an exploration of major legal institutions processes professionals and cultures associated with particular legal subjects Since authors utilize the perspective of at least two different legal systems this book offers a truly thorough and wide ranging focus the general reader as well as students and scholars will find this handbook useful in their continuing explorations into the interaction between law and society Practitioners such as lawyers and judges with an interest in global perspectives of law will also find much to admire in this innovative volume *Methods of Comparative Law* P. G. Monateri,2012-01-01 Comprising an array of distinguished contributors this pioneering volume of original contributions explores theoretical and empirical issues in comparative law The innovative interpretive approach found here combines explorative scholarship and research with thoughtful qualitative critiques of the field The book promotes a deeper appreciation of classical theories and offers new ways to re orient the study of legal transplants and transnational codes *Methods of Comparative Law* brings to bear new thinking on topics including the mutual relationship between space and law the plot that structures legal narratives identities and judicial interpretations a strategic approach to legal decision making and the inner potentialities of the comparative law and economics approach to the field Together the contributors reassess the scientific understanding of comparative methodologies in the field of law in order to provide both critical insights into the traditional literature and an original overview of the most recent and purposive trends A welcome addition to the lively field of comparative law *Methods of Comparative Law* will appeal to students and scholars of law comparative law and economics Judges and practitioners will also find much of interest here Advanced Introduction to Comparative Legal Methods Monateri, Pier,2021-10-22 Drawing on historical normative theoretical and economic methodologies Pier Giuseppe Monateri offers a fresh critical analysis of various dimensions of comparative law methods Comprehensive and engaging with a multidisciplinary approach this *Advanced Introduction* spans the fields of comparative legal studies law and finance and global law **The Oxford Handbook of Comparative Law** Mathias Reimann,Reinhard Zimmermann,2019-03-26 This fully revised and updated second edition of *The Oxford Handbook of Comparative Law* provides a wide ranging and diverse critical survey of comparative law at the beginning of the twenty first century It

summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the academic and on the practical level The Handbook is divided into three main sections Section I surveys how comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with other fields such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field

Comparative Legal History

Olivier Moréteau, Aniceto Masferrer, Kjell A. Modéer, 2020-07-31 Is comparative legal history an emerging discipline or a much needed dialogue between two academic subjects This research handbook presents the field in a uniquely holistic way and illustrates how comparative law and legal history are inextricably related Cementing a solid theoretical grounding for the discipline legal historians and comparatists place this subject at the forefront of legal science Comprehensive in coverage this handbook collates theory and method for comparative legal history as well as discussing international legal sources and judicial and civil institutions Particular attention is paid to custom and codification contracts civil procedure and ownership By assessing the evolution of law across European Asian African and American environments from the pre modern era to the nineteenth century the chapters provide stimulating and enlightening cases of legal history through a comparative lens A centrepiece for this field of scholarship this research handbook will be an essential resource for scholars interested in comparative law legal theory and legal history from both legal and social science backgrounds

Quantitative Methods in Comparative Law

Pier G. Monateri, Mauro Balestrieri, 2023-11-03 This invaluable and timely book provides a comprehensive Conflict Prevention and Friction Analysis CPFA Model for researching comparative law in our increasingly technology led legal and economic order It provides an in depth examination of practical case studies showcasing the real world application of quantitative methods and theoretical approaches for analysing legal issues

Comparative Methods in Law, Humanities and Social Sciences

Adams, Maurice, Van Hoecke, Mark, 2021-11-19 This cutting edge book facilitates debate amongst scholars in law humanities and social sciences where comparative methodology is far less well anchored in most areas compared to other research methods It posits that these are disciplines in which comparative research is not simply a bonus but is of the essence

Foundations of Comparative Law William Elliott Butler, Oleksiï Kresin, Iñaki Urrutia Serhiïovych Shemshuchenko, 2011 The first book in decades to explore the historical jurisprudential and methodological foundations of modern comparative legal studies

in the former Soviet Union it is without precedent there in its breadth of authorship and methodological originality For the western reader it constitutes a thoroughly representative introduction to the New Wave of comparative legal studies on the territory of the Independent States Some issues that engage comparatists there are long familiar in the West others are relatively new to the field in general usually with an unusual twist generated by Eastern experience or philosophical disposition Individual chapters address the periodization of comparative law the place of Russia and Ukraine on the legal map of the world the renaissance of Slavonic law canon law convergence between Anglo American and Romano Germanic legal systems the integrating role of international law and various approaches to typologies of modern legal systems

Elgar Encyclopedia of Comparative Law J. M. Smits, 2006 This is a very important and immense book Single handedly Smits has reviewed and checked this immense work to bring it to its final high standard in quality and accuracy and selection of laws The Criminal Lawyer This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar's I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library Sally Ramage The Criminal Lawyer The entries are written in a lucid and accessible style with appropriate references being given for further research All in all a substantial work which will delight enthusiasts of comparative law The Commonwealth Lawyer The breadth of topics plus the bibliographies allows a reader to use the Elgar Encyclopedia as an initial entry into a field of law a specific topic or a legal system Any law library business library large public library or academic library supporting the study of international law or international business will want to have it in its collection This work is highly recommended Ladyjane Hickey American Reference Books Annual Comparative law is the comparison of law and legal systems from around the world At one time it was a field of limited interest and academic participation However increasing globalization whether of commerce or culture makes it imperative that citizens learn more about the law of other countries That is the premise of this comprehensive new research tool designed for general readers Some 70 articles address topics as diverse as accident compensation legal culture the European Civil Code and the law and legal systems of a selected set of nations This single volume work provides an excellent comprehensive overview of the current state of affairs in comparative law Highly recommended Lower level undergraduates and above general readers J E Stephens Choice The timely publication of this encyclopedia reflects what is happening in international law and in a field where works even student textbooks are often expensive it comes at an attractive price Stuart Hannabuss Reference Reviews The Elgar Encyclopedia of Comparative Law looks set to become an indispensable source for the ever increasing body of lawyers needing accurate information on the structure and working of foreign systems as well as on points of a substantive law Edited by Professor Jan Smits of Maastricht University the Encyclopedia is the work of an extremely strong international

team of noted specialists Comprising articles on the nature methodology and focus of comparative law on the legal systems of particular jurisdictions and on matters of substantive law the work should be a very significant contribution to the literature It seems likely that the contributions on the comparative state of affairs in particular fields of substantive law will be an especially valuable aspect of the work There will be 37 such articles from accident compensation to unjustified enrichment with mistake personality rights product liability and transfer of moveable property only a sample of what the work will offer Casting over this list one is again struck by the wealth of established expertise brought together in the Encyclopedia I have little doubt that I can speak for the worldwide community of comparative lawyers in saying that the Elgar Encyclopedia of Comparative Law is eagerly awaited David L Carey Miller University of Aberdeen UK Comparative law is moving swiftly from a long infancy to teenage maturity and Jan Smits provides the essential tonic In this outstanding work he has gathered together leading scholars each his her o *Comparative law* Harold Cooke Gutteridge,1974 **Comparative Law** H. C. Gutteridge,1946 First published in 1946 this text studies the origin and meaning of comparative law as well as its purpose and value Comparative Law Methodology Maurice Adams,Jaakko Husa,Marieke Oderkerk,2017 This important two volume collection draws together the most significant and instructive articles relating to comparative law methodology and offers vast and comprehensive coverage of practices principles methods and sources in comparative legal research The first volume deals with preliminary considerations such as the aims of research and the questions one should ask as well as how to select objects for comparison and formulate a research plan The second volume focuses on the comparative research of regulation description and explanation along with discussion on functionalism quantitative approaches translation issues legal transplants and global challenges Together with an original introduction by the editors that frames the articles and helps the reader to navigate them successfully this collection offers a balanced body of seminal research which will benefit legal scholars students and all who are undertaking or seeking to evaluate comparative legal research *Comparative Law: an Introduction to the Comparative Method of Legal Study and Research* H.C. Gutteridge,1949 Comparative Law Sabrina Ragone,Guido Smorto,2023-11-28 Very Short Introductions Brilliant Sharp Inspiring Comparative Law A Very Short Introduction aims to offer a concise introduction to Comparative Law its objectives methods concepts and uses After an overview of the fundamental definitions key concepts and basic lexicon of the discipline the book proposes an analysis of the most successful techniques adopted in legal comparison for mapping the world s legal systems and for explaining legal change and diffusion of law also giving a concise description of the legal traditions of the world It also offers an account of the competing approaches adopted over time in comparative endeavours from functionalism to culturalism and postmodernism and highlights the different emphasis placed by each of these approaches on commonalities faith in universal law and convergence or on divergence and irreducible differences Finally the book provides readers with an understanding of the practical use of comparative law describing how legal comparison is employed both in law making and in adjudication

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Comparative Law David S. Clarke, 2012 *The Grand Strategy of Comparative Law* Luca Siliquini-Cinelli, Davide Gianti, Mauro Balestrieri, 2024-04-19 This book features original essays by leading academics and emerging researchers written in honour of a legal comparatist who over the course of four decades has played a major role in comparative law's development Pier Giuseppe Monateri Rather than being just a celebrative work without analytical appeal this book makes a significant contribution to the comparative legal literature by exploring key comparative law themes and recent developments in the field Reflecting Monateri's vast expertise innovative thinking and truly global network the volume is divided into five thematic areas of both scholarly and practical significance Comparative Law and Its Methods Comparative Private Law Law and Literature The Politics and Ontology of Law Comparative Law Economics Discussing novel case studies as well as exploring Monateri's importance to the comparative enterprise through various trajectories of inquiry for example normative doctrinal empirical critical this book takes a fundamental and much needed step towards the establishment of comparative law as a fully fledged academic discipline and professional practice Addressing the current status and future direction of comparative law this book will appeal to legal comparativists as well as students and scholars with broader interests in the nature of legal cultures

The Cambridge Handbook of Comparative Law Mathias Siems, Po Jen Yap, 2024-02-01 Comparative law is a common subject matter of research and teaching in many universities around the world and the twenty first century has aptly been termed the era of comparative law This Cambridge Handbook of Comparative Law presents a truly global perspective of comparative law today The contributors are drawn from all parts of the world to provide different perspectives on how we understand the law and how it operates in practice In substance the Handbook contains 36 chapters covering a broad range of topics divided under the following headings Methods of Comparative Law Part I Legal Families and Geographical Comparisons Part II Central Themes in Comparative Law Part III and Comparative Law beyond the State Part IV

Interdisciplinary Comparative Law Jaakko Husa, 2022-05-17 Comparative law scholars have long recognised the importance of looking beyond legal texts and incorporating interdisciplinary methods into the study of law yet in practice such use of non legal methods has remained modest Interdisciplinary Comparative Law illuminates why the doctrinal approach to legal research has retained its strong position offering a critical analysis of the difficulties of interdisciplinarity Incisive and ambitious in scope the book highlights why the comparative study of law benefits from employing the methods of other disciplines Chapters explore the various ways in which different fields can learn from each other taking a deep dive into the respective studies of legal history linguistics literature economics social theory and international law The result is a vibrant cross section of the contrasts and

parallels between the practices of law and other areas of research demonstrating which are the easiest for comparatists to grasp and implement and which present obstacles for the application of non legal methods This cutting edge book is an essential read for advanced students and scholars of law and legal studies Its diagnosis of interdisciplinarity as both a boon and bane in the study of law will be of especial interest to comparative law scholars *Comparative Law* Mathias

Siems,2018-04-12 *Comparative Law* offers a thorough grounding in the subject for students and scholars of comparative law alike critically debating both traditional and modern approaches to the subject and using examples from a range of legal systems gives the reader a truly global perspective Covering essential academic debates and comparative law methodology its contextualised approach draws on examples from politics economics and development studies to provide an original contribution to topics of comparative law This new edition is fully revised and updated throughout to reflect contemporary research contains more examples from many areas of law and there is also an increased discussion of the relevance of regional international transnational and global laws for comparative law Suitable for students taking courses in comparative law and related fields this book offers a fresh contextualised and cosmopolitan perspective on the subject **Practice and Theory in Comparative Law** Maurice Adams,Jacco Bomhoff,2012-07-05 What does doing comparative law involve Too often explicit methodological discussions in comparative law remain limited to the level of pure theory neglecting to test out critiques and recommendations on concrete issues This book bridges this gap between theory and practice in comparative legal studies Essays by both established and younger comparative lawyers reflect on the methodological challenges arising in their own work and in work in their area Taken together they offer clear recommendations for and critical reflection on a wide range of innovative comparative research projects

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