

Introduction To Comparative Law Zweigert 1998

Book

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Comparative Law: The institutions of private law
An Introduction to Comparative Law. 2. The Institutions of Private Law
Comparative Law
Comparative Law and Society
An Introduction to Comparative Law Theory and Method
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The Oxford Handbook of Comparative Law
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this thought provoking introduction to the study of comparative law provides in depth analyses of all major comparative methodologies and theories and serves as a common sense guide to the study of foreign legal systems it is written in a lively and accessible style and will prove indispensable reading to students of the subject it also contains much that will be of interest to comparative law scholars offering novel insights into commonplace methodological and theoretical questions and making a significant contribution to the field

in this very short introduction sabrina ragone and guido smorto explore the objectives methods

and uses of comparative law following an overview of the fundamental definitions key concepts and basic lexicon of the discipline ragone and smorto analyse the most successful techniques adopted for mapping the world s legal systems and for explaining legal change and diffusion of law also providing a concise description of the major legal traditions of the world they examine the alternative methodologies employed for comparative inquiries explaining how these choices contribute to the assessment of differences and similarities finally the authors discuss the practical uses of comparative law in both law making and adjudication

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

this short book on comparative law theory and method is designed primarily for postgraduate research students whose work involves comparison between legal systems it is accordingly a book on research methods although it will also be of relevance to all students undergraduate and postgraduate taking courses in comparative law and to academics entering the field of comparison the substance of the book has been developed over many years of teaching general theory of comparative law primarily on the european academy of legal theory programme in brussels but also on other programmes in french belgian and english universities it is arguable that there has been to date no single introductory work exclusively devoted to comparative law methodology and thus this present book aims to fill this gap

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

this book provides a practical introductory guide to comparative law fernanda g nicola and gYnter frankenberg present and examine conventional and critical approaches to legal comparison exploring its ramifications in the field and political effects

presenting a critique of conventional methods in comparative law this book argues that for comparative law to qualify as a discipline comparatists must reflect on how and why they make comparisons günter frankenberg discusses not only methods and theories but also the ethical implications and the politics of comparative law in bringing out the different dimensions of the discipline comparative law as critique offers various approaches that turn against the academic discourse of comparative law including analysis of a widespread spirit of innocence in terms of method and critique of human rights narratives it also examines how courts negotiate differences between cases regarding muslim veiling the incisive critiques and comparisons in this book will be of essential reading for comparatists working in legal education and research as well as students of comparative law and scholars in comparative anthropology and social sciences

in our increasingly globally linked world comparative law needs to take an ever more crucial role with the rise of important new developments over the last thirty years like the proliferation of the computer and the internet global capital markets that begin in asia and end in the united states and the mutual trade in commodities like oil foodstuffs and metals we are linked in important common ways the computer and especially its generation of the internet has made us in effect a global village still of course there are differences among areas of the world and countries notwithstanding our common linkages and so that brings us to the topic at hand assessing the role and methodology of comparative law so that we can come up with a sound methodological framework to better understand the role of law in different countries as a way of promoting insight and knowledge and perhaps some degree of harmonization over critical issues or at least a measure of common understanding the gathering of knowledge obtained through comparative law can be a vital portal to a foreign culture the insights gathered can usefully illuminate the inner workings of a foreign legal system and these insights can be applied to our own legal culture helping illuminate different perspectives that may yield a deeper understanding of our legal order first some insight into comparative law the essence of comparative law is the act of comparing the law of one country to that of another most frequently the basis for comparison is a foreign law juxtaposed against the measure of one's own law but of course the comparison can be broader more than two laws more than law more than written words the key act in comparison is looking at one mass of legal data in relationship to another and then assessing how the two lumps of legal data are similar and how they are different the essence of comparison is then aligning similarities and differences between data points and using this exercise as a measure to obtain understanding of the content and range of the data points here we need to focus quite carefully on the similarities and differences among the data points derived from the different legal systems 1 what is the substance of the data point how does it diverge from the point to which it was compared what is the nature of the divergences what do the divergences and similarities reveal on what data are the revelations based it is not enough simply to compare words on the page law sits within a culture law both drives and is influenced by the culture of the home country so we must look beneath the law as written formally in text we need to excavate the underlying structure of law

to understand better what the law really is and how it actually functions within a society to do this we need to explore the sub structural forces that influence law these can be things like religion history geography morals custom philosophy or ideology among other driving forces hopefully this compilation will benefit students of comparative law across the globe

a delightful and fresh approach to the comparative study of law jans smits maastricht university the netherlands of the first edition this textbook presents a clear and thought provoking introduction to the study of comparative law the book provides students with in depth analyses of the major global comparative methodologies and theories written in a lively style it leads the student through debates in comparative legal scholarship both in the western world and in the lesser studied jurisdictions beyond europe and north america the second edition includes a revised structure to help the student understand the subject an updated introductory chapter and new material on legal transplants and globalisation it also explores allied disciplines including linguistics history and post colonial studies giving students full context of the subject

the oxford handbook of comparative law provides a wide ranging and highly 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 two chapters which are 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

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Introduction

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