

Methods of Comparative Law

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RESEARCH HANDBOOKS IN COMPARATIVE LAW

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Comparative Law Introduction Method Research

Harold Cooke Gutteridge



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An Introduction to Comparative Law Theory and Method

Geoffrey Samuel, 2014-12-01 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.

The Method and Culture of Comparative Law Maurice Adams, Dirk Heirbaut, 2014-12-01 Awareness of the need to deepen the method and methodology of legal research is only recent. The same is true for comparative law by nature a more adventurous branch of legal research which is often something researchers simply do whenever they look at foreign legal systems to answer one or more of a range of questions about law whether these questions are doctrinal economic sociological etc. Given the diversity of comparative research projects the precise contours of the methods employed or the epistemological issues raised by them are to a great extent a function of the nature of the research questions asked. As a result the search for a unique one size fits all comparative law methodology is unlikely to be fruitful. That however does not make reflection on the method and culture of comparative law meaningless. Mark Van Hoecke has throughout his career been interested in many topics but legal theory comparative law and methodology of law stand out. Building upon his work this book brings together a group of leading authors working at the crossroads of these themes the method and culture of comparative law. With contributions by Maurice Adams John Bell Joxerramon Bengoetxea Roger Brownsword Sen Patrick Donlan Rob van Gestel and Hans Micklitz Patrick Glenn Jaap Hage Dirk Heirbaut Jaakko Husa Souichirou Kozuka and Luke Nottage Martin Lhng Susan Millns Toon Moonen Francois Ost Heikki Pihlajamki Geoffrey Samuel Mathias Siems Jrm yrehagen Sunde Catherine Valcke and Matthew Grellette Alain Wijffels.

Introduction to Comparative Law Jaakko Husa, 2023-05-18 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.

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Law: an Introduction to the Comparative Method of Legal Study and Research H.C. Gutteridge,1949 **An Introduction to Comparative Law Theory and Method** Geoffrey Samuel,2014-12-01 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 A New Introduction to Comparative Law Jaakko Husa,2015-05-28 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 *Comparative Law in Eastern and Central Europe* Aleksander W. Bauknecht,Branisław Sitek,Jakub J. Szczerbowski,2014-07-24 Comparative law is a research methodology which has been increasingly fashionable in recent decades as comparisons between common law and civil law have dominated the law studies landscape There are many methods of comparative law in use including comparison of legal rules comparison of cases and comparison of legal theories Each of these methods has strong proponents and opponents Dogmatic comparisons of rules are criticized for not giving the whole picture of law in action but praised for being the first and the only truly legal step in comparative research Case based comparisons are praised for enabling us to compare the true understanding of rules by courts yet the critics of this method point out that only the higher courts decisions are subject to comparison and most cases do not reach this stage Finally comparisons of legal theories are praised for enabling us to know the spirit of the laws yet opponents would argue that many countries sharing the same theory would draw opposite conclusions from it This book is a result of the attempted and successful introduction of comparative law into the region of Eastern and Central Europe The subject has induced interest beyond expectations This volume opens with a chapter on the unification of law both from the perspective of institutional unification by such supra state organizations spontaneous and institutionalized unifications between two or more legal systems and the methods of choosing the right rules in the unification process Chapters two and three follow the classical division of private and public law as proposed by the brilliant Roman lawyer Ulpian Overall the chapters in this book offer an interesting and engaging commentary on the current topics discussed by academics in Eastern and Central Europe *Comparative Law and Multicultural Legal Classes: Challenge or Opportunity?* Csaba Varga,2020-07-30 This book

discusses legal education in multicultural classes Comparative law education is now widespread throughout the world and there is a growing trend in developed countries toward teaching global law Providing theoretical answers on how to describe each legal culture and tradition side by side it also explores educational methodological options to address these aspects without causing offence or provoking tension within a multicultural student community The book examines nine countries on three continents bringing together academic views and educational insights from ten scholars in the field of comparative law

An Introduction to the Study of Comparative Law Indian Law Institute, Rahmatulla Khan, 1971 **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 *Methods and Legal Comparison* Roberto Scarciglia, 2023-08-14 This comprehensive book explores different methods and approaches to legal comparison considering how they are perceived and understood by the reader It examines how comparative discussion can be used effectively in both the classroom and courtroom The author builds on both analytical and methodological perspectives to provide an insight into the phenomenon of legal pluralism across global legal systems **Legal Geography** Tayanah O'Donnell, Daniel F. Robinson, Josephine Gillespie, 2019-12-06 This book is the first legal geography book to explicitly engage in method It complements this by also bringing together different perspectives on the emerging school of legal geography It explores human environment interactions and showcases distinct environmental legal geography scholarship *Legal Geography Perspectives and Methods* is an innovative book concerned with a new relational and material way of examining our legal spatial world With chapters examining natural resource management Indigenous knowledge and political ecology scholarship the text introduces legal geography's modes of analysis and critique The book explores topics such as Indigenous environmental rights the impacts of extractive industries mediation of climate change food animal and plant patents fossil fuels mining and coastal environments based on empirical jurisdictional and methodological insights from Australia New Zealand and the Asia Pacific to demonstrate how space and place are invoked in legal processes and

contestations and the methods that may be employed to explore these processes and contestations This book examines the role of legal geographies in the 21st century beyond the simple law in action and it will thus appeal to students of socio legal studies human geography environmental studies environmental policy as well as politics and international relations

Comparative Space Law Sirio Zolea,2025-02-03 This book approaches space law from the angle of legal comparison In a new phase of exploration and exploitation of outer space characterised by an increasing presence and role of commercial entities problems inherent in systems of private law arise in a special context and require specific legal answers Through a comparative method this book systematises the complex legal space concerning some fundamental concepts rooted in the various national systems of private law natural and legal persons property rights liability contracts and securities These analyses form a handbook of private law in the context of outer space

Alternative Dispute Resolution of Shareholder Disputes in Hong Kong Ida Kwan Lun Mak,2019-12-19 The landscape of shareholder dispute resolution in Hong Kong has changed vastly since the launch of the Civil Justice Reform in 2009 Key initiatives the voluntary court connected scheme and reform of the statutory unfair prejudice provisions were employed to promote the greater use of alternative dispute resolution ADR in shareholder disputes While the Hong Kong government and judiciary introduced such schemes to prove the legitimacy of extra judicial over court based litigation processes their success is still uncertain In this book socio legal theory and sociological institutionalism are used to develop a theoretical framework for analyzing the key stages of institutionalization The author analyzes how procedural innovations could acquire legitimacy through different types of legal and non legal inducement mechanisms within the institutionalization process Recommendations on codifying and innovating ADR policy in Hong Kong shareholder disputes are also made with comparison to similar policies in the United Kingdom South Africa and New Zealand

Comparative Law and Jurisprudence in Namibia Samuel Kwesi Amoo,Tapiwa Victor Warikandwa,Kennedy Kariseb,2025-01-31 Comparative law examines the differences and similarities between various countries laws and legal systems across the world such as common civil and socialist laws Its significance has grown dramatically in the current era of internationalism populism economic globalization and democratization Despite its relevance Namibia lacks scholarly literature in comparative law Comparative Law and Jurisprudence in Namibia provides in depth understanding of the theoretical framework of different legal systems and of comparative law and contextualizes its application for the Namibian context particularly towards a unified legal system It addresses topics such as comparative law s conceptual framework the interplay between courts and comparative law and comparative law praxis or the practical application thereof The chapters span across all levels of comparativism and promote a multidisciplinary approach to discourse including altering Namibian legal education Futhermore the collection accelerates required legislative change in Namibia to guarantee a legal structure aligned with societal and constitutional imperatives in the twenty first century

The Indian Yearbook of Comparative Law 2019 Mathew John,Vishwas H. Devaiah,Pritam Baruah,Moiz

Tundawala, Niraj Kumar, 2021-07-28 This book is a compilation of thematically arranged essays that critically analyze emerging developments issues and perspectives in the field of comparative law especially in the field of comparative constitutional law The book discusses limits and challenges of comparativism comparative aspects of arbitral awards cross border consumer disputes online hate speech authoritarian constitutions issues related to legal transplants the indispensability of the idea of the concept of Rechtsstaat interdisciplinary challenges of comparative environmental law free exercise of religions public interest litigation constitutional interpretation and developments and sustainable development in model BITs It comprises seven parts wherein the first part focuses on general themes of comparative law the second part discusses private law through a comparative lens and the third fourth and fifth parts examine aspects of public law with special focus on constitutional law human rights environmental law and economic laws The last part of the book covers recent developments in the field of comparative law The book intends to seamlessly tie together discussions on both public and private law aspects of comparative law It encourages readers to gain a nuanced understanding of the working of law legal systems and legal cultures while aiding deliberations on the constituents of an ideal system of law **Consent for Medical Treatment of Trans Youth** Steph Jowett, 2022-10-06 Access to medical treatment for trans youth occupies a haphazard and dynamic legal landscape In this comprehensive scholarly analysis of the historical and current legal principles Steph Jowett examines the medico legal nexus of regulation of this healthcare in Australia and in England and Wales This is informed by an in depth discussion of the medical literature on treatment for trans youth including clinical guidelines the outcomes of treatment and outcomes for trans youth who are unable to be treated With illustrative examples and clear language Jowett argues that legal barriers to clinical practice should be congruent with and reflect the current state of medical knowledge Not only does Jowett assess the extent to which key legal decisions have been consistent with medical knowledge in the past but she offers a nuanced comparative perspective that will inform reform efforts in the future The Making of Consumer Law and Policy in Europe Hans-W. Micklitz, 2021-11-04 This book analyses the founding years of consumer law and consumer policy in Europe It combines two dimensions the making of national consumer law and the making of European consumer law and how both are intertwined The chapters on Germany Italy the Nordic countries and the United Kingdom serve to explain the economic and the political background which led to different legal and policy approaches in the then old Member States from the 1960s onwards The chapter on Poland adds a different layer the one of a former socialist country with its own consumer law and how joining the EU affected consumer law at the national level The making of European consumer law started in the 1970s rather cautiously but gradually the European Commission took an ever stronger position in promoting not only European consumer law but also in supporting the building of the European Consumer Organisation BEUC the umbrella organisation of the national consumer bodies The book unites the early protagonists who were involved in the making of consumer law in Europe Guido Alpa Ludwig Kr mer Ewa Letowska Hans W

Micklitz Klaus Tonner Iain Ramsay and Thomas Wilhelmsson supported by the younger generation Aneta Wiewi rowska Domagalska Mateusz Grochowski and Koen Docter who reconstructs the history of BEUC Niklas Olsen and Thomas Roethe analyse the construction of this policy field from a historical and sociological perspective This book offers a unique opportunity to understand a legal and political field that of consumer law and policy which plays a fundamental role in our contemporary societies

The Contract of Carriage Paula Bäckdén, 2019-01-28 The Contract of Carriage Multimodal Transport and Unimodal Regulation provides a new perspective on how to approach the question of multimodal transport regulation regarding liability for goods carried Unlike previous literature which has approached the issue of applicability from a strict interpretation of the convention angle this book will analyse the issue from a law of contracts perspective If goods are damaged during international transport the carrier s liability is governed by rules laid down in international conventions such as the CMR convention the Hague Visby Rules and the Montreal Convention Such rules apply to certain modes of transport to contracts for unimodal carriage When goods are carried under a multimodal contract of carriage which provides for carriage by more than one mode of transport the question is whether these rules are applicable to transport under multimodal contracts of carriage This book investigates the rules of carrier s liability applicable to unimodal transport and whether these rules are applicable to carriage under multimodal contracts of carriage with focus on the actual contract of carriage This unique text will be of great interest to students academics industry professionals and legal practitioners alike

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