

COMPARATIVE LEGAL HISTORY AND SYSTEMS

COURSE CODE: LAW 132

Some observations

“[The] everyday process of thinking involves the making of a series of comparisons . . . the process of contrasting and comparing, juxtaposing the unknown and the known . . . [and] observing the differences and similarities.”

• Esin Örüçü, *Developing Comparative Law*, in *Comparative Law: A Handbook* 45

“Thinking without comparison is unthinkable.”

• Guy E. Swanson, *Frameworks for Comparative Research: Structural Anthropology and the Theory of Action*, in *Comparative Methods in Sociology Essays on Trends and Applications* 141

“A legal arrangement can only be qualified as satisfactory or good because there is another arrangement by which it can be measured; such arrangement is never good in and of itself.”

• Maurice Adams, *Doing What Doesn't Come Naturally. On the Distinctiveness of Comparative Law*, in *Methodologies of Legal Research. Which Kind of Method for What Kind of Research?* 229 (Mark Van Hoecke ed., 2011)

Theoretical problems

1. How is CL defined?

Comparative Law An Introduction Comparative Law Series

Sabrina Ragone, Guido Smorto



Comparative Law An Introduction Comparative Law Series:

Comparative Law Harold Cooke Gutteridge, 1946 **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 Introduction to Comparative Law Konrad Zweigert, Hein Kötz, 1998 Now in its third edition this title is completely updated with all recent developments incorporated in both new chapters and the existing ones *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 supplementing legal reasoning and interpretation ABOUT THE SERIES The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area These pocket sized books are the perfect way to get ahead in a new subject quickly Our expert authors combine facts analysis perspective new ideas and enthusiasm to make interesting and challenging topics highly readable **Comparative Law** Harold Cooke Gutteridge, 1971 **Comparative Law** Vivian Grosswald Curran, 2002 Comparative Law An Introduction explores the position and nature of comparative law in a world in which contacts among different countries and cultures are increasing at an ever more rapid pace Curran discusses the various goals of comparative legal analysis including the problems of language and translation problems that operate on a multitude of levels endangering limiting and defining mutual understanding The book explores the meaning of comparing comparison s fundamental role in cognition and its potentials for use in legal analysis beyond the field of comparative law It spans topics such as comparative law s ability to challenge and debunk entrenched assumptions the role of history and culture in forming the legal establishment s optic and issues of validity and verifiability concerning the findings of comparative legal analysis Comparative Law An Introduction is designed to open the reader s mind to the complexities of comparative law to present helpful ideas for engaging in

comparative legal analysis and to suggest the great adventures of the mind that await and reward comparatists This book is part of the Comparative Law Series edited by Michael L Corrado Arch T Allen Distinguished Professor of Law UNC School of Law Teachers of comparative law should take a look at this book Bimonthly Review of Law Books September October 2002

Concise Introduction to Comparative Law Michael Bogdan,2013 In today s globalized world jurists cannot limit themselves to studying the laws of their own country This book is mainly intended to be used as a textbook for beginners taking introductory courses on foreign and comparative law Its concise format makes it fit for use also in other courses such as legal history or jurisprudence having the ambition to provide the students with a basic knowledge about English American French German Chinese and Islamic law and legal culture as well as about the methodological problems that arise in connection with studying comparing and working with foreign legal systems in general The book will hopefully also be useful as a spring board towards more profound studies by students and others seeking more advanced knowledge Michael Bogdan is Professor of Comparative and Private International Law at the University of Lund Sweden 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 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 An Introduction to Comparative Law: The framework Konrad Zweigert,Hein Kötz,1977 **American Comparative Law** David Scott Clark,2022 Historical Comparative Law and Comparative Legal History Legal history and comparative law overlap in important respects This is more apparent with the use of some methods for comparison such as legal transplant natural law or nation building M N S Sellers nicely portrayed the relationship The past is a foreign country its people strangers and its

laws obscure No one can really understand her or his own legal system without leaving it first and looking back from the outside The comparative study of law makes one s own legal system more comprehensible by revealing its idiosyncrasies Legal history is comparative law without travel Legal historians perhaps especially in the United States have been skeptical about the possibility of a fruitful comparative legal history preferring in general to investigate the distinctiveness of their national experience Comparatists however content with revealing or promoting similarities or differences between legal systems by their nature strive toward comparison Some American historians especially since World War II see the value in this *Annual Bulletin - Comparative Law Bureau of the American Bar Association* American Bar Association, Comparative Law Bureau,1911 *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 *Comparative Law* Sabrina Ragone,Guido Smorto,2024 Sabrina Ragone and Guido Smorto provide a concise introduction to the field of comparative law explaining how it is used by legislators judges international organizations and scholars and demonstrating that legal comparison challenges conventional beliefs and unquestioned assumptions about law and society **Comparative Law** FERNANDA G. FRANKENBERG NICOLA (GUNTER.),Günter Frankenberg,2024-09-28 This book provides a practical introductory guide to comparative law Fernanda G Nicola and G nter Frankenberg present and examine conventional and critical approaches to legal comparison exploring its ramifications in the field and political effects Comparative Law begins by outlining the theory and methodology of this critical legal practice Chapters present real world problems that the law faces in eight specific fields property informal property contracts specific performance tort wrongful birth family law same sex marriage administrative law COVID 19 measures constitutional law veiling legal transfers gun control and legal histories indigenous property claims Whilst examining various approaches to legal comparison Nicola and Frankenberg crucially recognise how legal knowledge can be perpetually reconstructed abstracted and re contextualised in diverse settings across space and time Pairing real world contemporary examples with established legal principles and practices this book is an essential resource for teachers and students of comparative law and legal anthropology Its practical case application will also be of interest to political scientists and journalists engaged in international legal regimes problems and solutions **Courts and Comparative Law** Mads Tønnesson Andenæs,Duncan Fairgrieve,2015 A critical analysis of the use of comparative and foreign law by courts across

the globe this book provides an inclusive coherent and practical analysis of comparative reasoning in the forensic process

An Introduction to Comparative Law: The institutions of private law Konrad Zweigert, Hein Kötz, 1977

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