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The Functional Method of Comparative Law

Abstract. This article is a late draft of the identically titled second chapter of Maurice Adams and Dirk Heirbaut (eds.), *The Method and Culture of Comparative Law. Essays in Honour of Mark Van Hoecke*, Hart Publishing, Oxford and Portland, Oregon 2014, 37-52. It addresses both the justificatory role of comparative law within legal research...

Methodology of Comparative Legal Research - Law and Method

Methods of Comparative Law (Research Handbooks in Comparative Law series)(Elgar Original reference) [Pier Giuseppe Monateri] on Amazon.com. *FREE* shipping on qualifying offers. Comprising an array of distinguished contributors, this pioneering volume of original contributions explores theoretical and empirical issues in comparative law. The innovative

Methods Of Comparative Law Research

On the basis of these writings, we may distinguish six different methods for comparative research: the functional method, the structural method, the analytical method, the law-in-context method, the historical method and the common-core method.

(PDF) Methodology of Comparative Legal Research

In order to determine whether the functional method developed for comparative legal studies can be a useful tool for legal translators, this paper compares this method with the methodology applied ...

Functions of comparative law and practical methodology of ...

2009] THE METHOD AND ROLE OF COMPARATIVE LAW 453. have referred to these forces as "invisible powers."2 Rodolfo Sacco terms. these underlying influences "legal formants," influences that help drive the. formation of law.3 The point, simply stated, is that to get a complete.

The Comparative Method in Legal Research: The Art of ...

Functions of comparative law and practical methodology of comparing Or how the goal determines the road! by prof.dr. Danny PIETERS Introduction In a course like this the teachers can take two approaches. They can try to unify their contents according to one paradigm or take the freedom of giving a

Research Methods for Law on JSTOR

of 'comparative law as method' has ... a negative and potentially stultifying impact on ... comparative research based on 'a methodological approach that integrates the social and ethical elements of law in its various social contexts'.20 In fact, only a small number of comparatists nowadays fail to discuss method in their scholarship ...

Functional Method of Comparative Law - Oxford Handbooks

Jaakko Husa, *Comparative Law, Legal Linguistics and Methodology of Legal Doctrine*, in: *Methodologies of Legal Research*, Hoecke and Ost (eds.) 209-228 (2011). Konrad Zweigert and Hein Kotz, *An Introduction to Comparative Law* 33-47 (1998).

Methods of Comparative Law

enable a (re-)construction of a more theoretically grounded functional method of comparative law than is usually presented (Section II). This should reveal its con-nections with and its peculiarities within both the development of comparative law and the development of functionalism in other disciplines. Second, the inter-

Methods of Comparative Law (Research Handbooks in ...

law, it is often taught at un iversities that 't he' method of comparative l aw is the 'f unctional me thod', optimist ically sup ported by the a lleged conclusion th at rules

Getting Started - Comparative Law Research Guide ...

Comparative law, examination of comparative legal systems and of the relationships of the law to the social sciences. The expression comparative law is a modern one, first used in the 19th century when it became clear that the comparison of legal institutions deserved a systematic approach, in

Methods of comparative law | Request PDF

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.

Comparative law - Wikipedia

Comparative law is a method of legal study comparing legal systems with each other. As the world has become smaller through the effects of globalization, scholarship in comparative law has also expanded. This guide contains helpful resources that will aid students in researching their scholarly paper topic on comparative law.

Comparative Law Methodology – CompareLex

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.

Comparative Law as Method and the Method of Comparative ...

Pay attention to names, capitalization, and dates. Book Description: Research Methods for Law introduces undergraduate and postgraduate students to available methods of research - legalistic, empirical, comparative and theoretical - drawing on actual research projects as examples.

Comparative law | Britannica

The functional method has become the mantra of comparative law. For its proponents it is the most, perhaps the only, fruitful method; to its opponents, it represents everything bad about mainstream comparative law.

MethodsofComparativeLaw

Comparative law is the study of differences and similarities between the law (legal systems) of different countries.More specifically, it involves the study of the different legal "systems" (or "families") in existence in the world, including the common law, the civil law, socialist law, Canon law, Jewish Law, Islamic law, Hindu law, and Chinese law.

The Method and Role of Comparative Law

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.

Methods of Comparative Law - Edward Elgar Publishing

The Comparative Method in Legal Research: The Art of Justifying Choices. To be published in Laura Cahillane and Jennifer Schweppe (eds), *Legal Research Methods: Principles and Practicalities* (Clarus Press 2016) UCD Working Papers in Law, Criminology & Socio-Legal Studies Research Paper No. 09/16.

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