Record Nr. UNINA9910784280403321 Epistemology and methodology of comparative law / edited by Mark Titolo van Hoecke Pubbl/distr/stampa Oxford; Portland, Oregon,: Hart Publishing, 2004 **ISBN** 1-4725-5958-4 1-280-80862-4 9786610808625 1-84731-124-5 Edizione [1st ed.] Descrizione fisica 1 online resource (408 p.) European Academy of Legal Theory monograph series Collana Disciplina 340/.2 Soggetti Comparative law - Methodology Knowledge, Theory of Law - Methodology Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali "Mainly the plenary papers of the Conference on Epistemology and Methodology of Comparative Law, organised in Brussels on 24 till 26 October 2002 ... by the Katholieke Universiteit Brussel, in collaboration with the Vrije Universiteit Brussel and the European Academy of Legal Theory"--Foreword Nota di bibliografia Includes bibliographical references Nota di contenuto Legal culture v. legal tradition / Alan Watson -- Legal cultures and legal traditions / H. Patrick Glenn -- Legal epistemology and transformation of legal cultures / Marek Zirk-Sadowski -- Epistemology and comparative law: contributions from the sciences and social sciences / Geoffrey Samuel -- How to make comparable things: legal engineering at the service of comparative law / Juha Karhu (previously Juha Poyhonen) -- Methodology and European law - can methodology change so as to cope with the multiplicity of the law? / Karl-Heinz Ladeur -- Comparative law of obligations : methodology and epistemology / Christian von Bar -- Codifying European private law / Walter van Gerven -- Deep level comparative law / Mark van Hoecke --NICE dreams and realities of European private law / Nikolas Roos --Europeanisation of national legal systems : some consequences for

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Sommario/riassunto

Whereas many modern works on comparative law focus on various aspects of legal doctrine the aim of this book is of a more theoretical kind - to reflect on comparative law as a scholarly discipline, in particular at its epistemology and methodology. Thus, among its contents the reader will find: a lively discussion of the kind of 'knowledge' that is, or could be, derived from comparative law; an analysis of 'legal families' which asks whether we need to distinguish different 'legal families' according to areas of law; essays which ask what is the appropriate level for research to be conducted - the technical 'surface level', a 'deep level' of ideology and legal practice, or an 'intermediate level' of other elements of legal culture, such as the socio-economic and historical background of law. One part of the book is devoted to questioning the identification and demarcation of a 'legal system' (and the clash between 'legal monism' and 'legal pluralism') and the definition of the European legal orders, sub-State legal orders, and what is left of traditional sovereign State legal systems; while a final part explores the desirability and possibility of developing a basic common legal language, with common legal principles and legal

concepts and/or a legal meta-language, which would be developed and used within emerging European legal doctrine. All the papers in this collection share the common goal of seeking answers to fundamental, scientific problems of comparative research that are too often neglected in comparative scholarship