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Comparative effectiveness research (CER) is the generation and synthesis of evidence that compares the benefits and harms of alternative methods to prevent, diagnose, treat, and monitor a clinical condition or to improve the delivery of care (IOM 2009). CER is conducted to develop evidence that will aid patients, clinicians, purchasers, and health policy makers in making informed decisions at both the individual and population levels. CER encompasses a very broad range of types of studies—experimental, observational, prospective, retrospective, and research synthesis. This volume covers the main areas of quantitative methodology for the design and analysis of CER studies. The volume has four major sections—causal inference; clinical trials; research synthesis; and specialized topics. The audience includes CER methodologists, quantitative-trained researchers interested in CER, and graduate students in statistics, epidemiology, and health services and outcomes research. The book assumes a masters-level course in regression analysis and familiarity with clinical research. Economic pressure, as well as transnational and domestic corporate policies, has placed labor law under severe stress. National responses are so deeply

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embedded in institutions reflecting local traditions that meaningful comparison is daunting. This bo

The aim of this book is to explain in clear terms some of the main methodological approaches in legal research. This is an edited collection, with each chapter written by specialists in their field, researching in a variety of jurisdictions. Each contributor addresses the topic of "lay decision makers in the legal system" from one particular methodological perspective, explaining how they would approach the issue and discussing why their particular method might, or might not, be suited to this topic. In asking all contributors to focus on the same topic, the editors have sought to provide a common link throughout the text, thereby providing the reader with an opportunity to draw comparisons between methods with relative ease. In light of the broad geographical range of its contributors, the book is aimed at an international readership. This book will be of particular interest to PhD students in law, but it will also be of use to undergraduate dissertation students in law, LL.M Research students as well as prospective PhD students and early year researchers.

The transition from undergraduate study to postgraduate study in law has traditionally been somewhat seamless: students are typically enculturated into the discipline of law, and have engaged in a variety of writing and research

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exercises throughout their undergraduate degree. However, the nature of legal research is changing dramatically, with more emphasis being put on how we are researching, rather than what we are researching. Undergraduate students are increasingly engaging in primary research as part of their degree, and typically borrow from other disciplines to do so. The reason for this is that, to date, there has been little importance placed on research methods in law. This book aims to rectify this in a manner which is suitable for students, not only in Ireland but internationally. *Legal Research Methods: Principles and Practicalities* is tailored to the needs of researchers in examining varying methodological approaches from a practical perspective. In addition to the principal approaches now commonly used in legal research (the doctrinal method; the socio-legal method; the historical method; and the comparative method) issues such as participatory and community-based research, as well as empirical methods, are examined by leading experts in their fields in a critical but clear manner. The book outlines the various types of methodologies, with authors drawing on their own experiences and expertise to examine the benefits and pitfalls involved in each method. This allows the reader to determine the usefulness of any method to their own research, and aids them in employing these methods and avoiding any pitfalls.

[Subject: Legal Research Methods]~

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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.

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

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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, Seán Patrick Donlan, Rob van Gestel and Hans Micklitz, Patrick Glenn, Jaap Hage, Dirk Heirbaut, Jaakko Husa, Souichirou Kozuka and Luke Nottage, Martin Löhnig, Susan Millns, Toon Moonen, Francois Ost, Heikki Pihlajamäki, Geoffrey Samuel, Mathias Siems, Jørn Øyrehagen Sunde, Catherine Valcke and Matthew Grellette, Alain Wijffels.

'Extensively footnoted throughout, the book takes its place as part of Elgar's Research Handbooks in Comparative Law series - the first of its kind, apparently, to cover such a broad range of comparative law issues. the orientation is global; the approach scholarly. This is a book which will no doubt interest the worldwide

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community of law academics and academic lawyers. Offering up some of the latest thinking on this subject, it contains much food for thought.' - Phillip Taylor MBE and Elizabeth Taylor, the Barrister Magazine

In an era marked by processes of economic, political and legal integration that are arguably unprecedented in their range and impact, the translation of law has assumed a significance which it would be hard to overstate. The following situations are typical. A French law school is teaching French law in the English language to foreign exchange students. Some US legal scholars are exploring the possibility of developing a generic or transnational constitutional law. German judges are referring to foreign law in a criminal case involving an honour killing committed in Germany with a view to ascertaining the relevance of religious prescriptions. European lawyers are actively working on the creation of a common private law to be translated into the 24 official languages of the European Union. Since 2004, the World Bank has been issuing reports ranking the attractiveness of different legal cultures for doing business. All these examples raise in one way or the other the matter of translation from a comparative legal perspective. However, in today's globalised world where the need to communicate beyond borders arises constantly in different guises, many comparatists continue not to address the issue of translation. This edited

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collection of essays brings together leading scholars from various cultural and disciplinary backgrounds who draw on fields such as translation studies, linguistics, literary theory, history, philosophy or sociology with a view to promoting a heightened understanding of the complex translational implications pertaining to comparative law, understood both in its literal and metaphorical senses.

This timely Handbook contains a wide-ranging overview of the diverse research methods used within international law. Providing an insightful examination of how international legal knowledge is analysed and adopted, this Handbook offers the reader a deeper understanding on the role and place of research methods in international legal theory, reasoning and practice.

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

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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.

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-

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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.

This book discusses a number of important themes in comparative law: legal metaphors and methodology, the movements of legal ideas and institutions and the mixity they produce, and marriage, an area of law in which culture – or clashes of legal and public cultures – may be particularly evident. In a mix of methodological and empirical investigations divided by these themes, the work offers expanded analyses and a unique cross-section of materials that is on the cutting edge of comparative law scholarship. It presents an innovative approach to legal pluralism, the study of mixed jurisdictions, and language and the law, with the use of metaphors not as an illustration but as a core element of comparative methodology.

The study and teaching of international human rights law is dominated by the doctrinal method. A wealth of alternative approaches exists, but they tend to be discussed in isolation from one another. This collection focuses on cross-theoretical discussion that brings together an array of different analytical methods and theoretical lenses that can be used for conducting research within the field.

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As such, it provides a coherent, accessible and diverse account of key theories and methods. A distinctive feature of this collection is that it adopts a grounded approach to international human rights law, through demonstrating the application of specific research methods to individual case studies. By applying the approach under discussion to a concrete case it is possible to better appreciate the multiple understandings of international human rights law that are missed when the field is only comprehended through the doctrinal method. Furthermore, since every contribution follows the same uniform structure, this allows for fruitful comparison between different approaches to the study of our discipline.

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. The book is written by a team of contributors with a broad range of teaching and research experience in law, criminal justice and socio-legal studies. Designed to serve as a handbook for research methods courses with its coverage of the principal research traditions, the book will also appeal to students of related disciplines who have an interest in legal issues including those from criminology, sociology, psychology, government, politics and social administration. The rich mix of

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general lessons, theoretical engagement and practical examples will be of real value to students.

The topical chapters in this cutting-edge collection at the intersection of comparative law and anthropology explore the mutually enriching insights and outlooks of the two fields. *Comparative Law and Anthropology* adopts a foundational approach to social and cultural issues and their resolution, rather than relying on unified paradigms of research or unified objects of study. Taken together, the contributions extend long-developing trends from legal anthropology to an anthropology of law and from externally imposed to internally generated interpretations of norms and processes of legal significance within particular cultures. The book's expansive conceptualization of comparative law encompasses not only its traditional geographical orientation, but also historical and jurisprudential dimensions. It is also noteworthy in blending the expertise of long-established, acclaimed scholars with new voices from a range of disciplines and backgrounds.

Providing a comprehensive and comparative analysis of the legal approach to key areas of law within different legal systems, this book offers a blueprint for comparative legal study by evaluating the current epistemological debate on comparative law and comparative legal research methods. Substantive law, the

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law of obligations, commercial and corporate law within the major legal systems of the world are all examined and compared. While France and Germany are generally used as the archetypal civil law jurisdictions and English law as the main common law comparator, this third edition also examines the Russian Federation in the post-Soviet era and socialist legal influences as well as non-Western legal traditions. Fully updated and revised to include all recent developments, this edition also includes a broad historical introduction and outlines changes in EC Law. It assesses the possibility of Europeanization of national legal systems and certain legal topics, the impact of the globalization of legal institutions and the evolving 'new world order' in the early twenty-first century. Written in a clear, user-friendly style, *Comparative Law in a Changing World* is an accessible source for undergraduates and postgraduates wishing to trace the influence of common law and civil law legal traditions on jurisdictions across the world.

Through an extensive exploration of comparative constitutional endeavours past and present, near and far, Ran Hirschl shows how attitudes towards engagement with the constitutive laws of others reflect tensions between particularism and universalism as well as competing visions of who 'we' are as a political community. Drawing on insights from social theory, religion, history, political

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science, and public law, Hirschl argues for an interdisciplinary approach to comparative constitutionalism that is methodologically and substantively preferable to merely doctrinal accounts. The future of comparative constitutional studies, he contends, lies in relaxing the sharp divide between constitutional law and the social sciences.

What does doing comparative law involve? Too often, explicit methodological discussions in comparative law remain limited to the level of pure theory, neglecting to test out critiques and recommendations on concrete issues. This book bridges this gap between theory and practice in comparative legal studies. Essays by both established and younger comparative lawyers reflect on the methodological challenges arising in their own work and in work in their area. Taken together, they offer clear recommendations for, and critical reflection on, a wide range of innovative comparative research projects.

Reconstructs existing comparative law scholarship into a coherent analytic framework so as to both fend off current charges of theoretical arbitrariness and guide future work.

While the role of comparative law in the courts was previously only an exception, foreign sources are now increasingly becoming a source of law in regular use in supreme and constitutional courts. There is considerable variation between the

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practices of courts and the role of comparative law, and methods remain controversial. In the US, the issue has been one of intense public debate and it is still one of the major dividing issues in the discussion about the role of the courts. Contributing to the existing discussion of the use of comparative law in the courts, this book provides an inclusive, coherent, and practical analysis of the relevant law and jurisprudence in comparative law in the courts. It examines the consequences for court procedures and the form of judgments, as well as how foreign sources are drawn upon in private international law, European law, administrative law, and constitutional law as well as before general courts. The book also includes case studies of comparative law used in particular spheres of the law, such as tort law and consumer law. Written by practising judges and lawyers as well as leading academics, this book serves as a central reference point concerning the role of comparative law before the courts.

The specially commissioned papers in this book lay a solid theoretical foundation for comparative legal history as a distinct academic discipline. While facilitating a much needed dialogue between comparatists and legal historians, this research handbook examines methodologies in this emerging field and reconsiders legal concepts and institutions like custom, civil procedure, and codification from a comparative legal history perspective.

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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.

Until quite recently questions about methodology in legal research have been largely confined to understanding the role of doctrinal research as a scholarly discipline. In turn this has involved asking questions not only about coverage but, fundamentally, questions about the identity of the discipline. Is it (mainly) descriptive, hermeneutical, or normative? Should it also be explanatory? Legal scholarship has been torn between, on the one hand, grasping the expanding reality of law and its context, and, on the other, reducing this complex whole to manageable proportions. The purely internal analysis of a legal system, isolated from any societal context, remains an option, and is still seen in the approach of the French academy, but as law aims at ordering society and influencing human behaviour, this approach is felt by many scholars to be insufficient. Consequently many attempts have been made to conceive legal research differently. Social scientific and comparative approaches have proven fruitful. However, does the

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introduction of other approaches leave merely a residue of 'legal doctrine', to which pockets of social sciences can be added, or should legal doctrine be merged with the social sciences? What would such a broad interdisciplinary field look like and what would its methods be? This book is an attempt to answer some of these questions.

Introduces students to legalistic, theoretical, empirical, comparative and cross-disciplinary research methods, grounded in working examples
New for this edition
New chapter on inter- and cross-disciplinary research essential reading for international students and students with a non-law first degree undertaking research in the areas of law, criminology, psychology and sociology
Research ethics has been expanded to a full chapter that includes current plagiarism and imperfect disclosure
Brings existing chapters up to date with the newest thinking in legal research
Drawing on actual research projects, *Research Methods for Law* discusses how legal research as process impacts on research as product. The author team has a broad range of teaching and research experience in law, criminal justice and socio-legal studies, and give examples from real-life research products to illustrate the theory.

This book gives an overview of the most relevant disciplines for interdisciplinary research on law. What are the characteristics of these disciplines one really needs to

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understand in order to do research that combines law with them? The book consists of three parts. The first part addresses general questions about legal scholarship and interdisciplinary research. These are questions of the aims and character of academic research and what it means to regard issues from different disciplinary perspectives. Furthermore, the particular character of the discipline of law and its methods are discussed. The second part consists of chapters exploring the relationship between law and other disciplines. Each chapter addresses questions of the characteristic methods of that discipline, its relevance to law and the problems to be tackled. The disciplines are classified in broadly three categories: empirical social science (sociology, economics, psychology), humanities (history, political theory, ethics, philosophy), and language-oriented disciplines (rhetoric, law and literature, argumentation theory). The third part contains examples of interdisciplinary research in practice: How is it done, what kinds of problems arise when doing such research, and what insights into law does it provide?The intended audience consists of law students who participate in research master programs or PhD students who are confronted with methodological questions about law in relation to other disciplines. The book will also be of interest to other legal researchers who are looking for an accessible introduction to the main fields of interdisciplinary research.

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

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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.

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

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and global law.

Contemporary law and economics has greatly expanded its scope of inquiry as well as its sphere of influence. By focussing specifically on a comparative approach, this Handbook offers new insights for developing current law and economics research. It also provides stimuli for further research, exploring the idea that the comparative method offers a valuable way to enrich law and economics scholarship. With contributions from leading scholars from around the world, the Handbook sets the context by examining the past, present and future of comparative law and economics before addressing this approach to specific issues within the fields of intellectual property, competition, contracts, torts, judicial behaviour, tax, property law, energy markets, regulation and environmental agreements. This topical Handbook will be of great interest and value to scholars and postgraduate students of law and economics, looking for new directions in their research. It will also be a useful reference to policymakers and those working at an institutional level.

The most up-to-date and contextualised offering for comparative law students and scholars, referencing the newest research in the field.

Legal research examines subject matter enshrouded in social circumstances in order to conceptualize theories and prepare a future course of action. This dynamic, interdisciplinary, and labyrinthine character of legal research requires researchers to be fluid, eclectic, and analytical in their approach. Idea and Methods of Legal Research

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unearths how the thinking process is to be streamlined in research, how a theme is built on the basis of comprehensive and intensive study, and the paths through which notions of objectivity, feminism, ethics, and purposive character of knowledge are to be understood. The book first explains the meaning, evolution, and scope of legal research, and discusses objectivity and ethics in legal research. It engages with the requirements, advantages, and limits of various doctrinal and non-doctrinal methods and tools, and the points to be considered in selecting a suitable method or combination of methods. It highlights analytical, historical, philosophical, comparative, qualitative, and quantitative methods of legal research. The book then goes on to discuss the use of multi-method legal research, policy research, action research, and feminist legal research and finally, reflects on research-based critical legal writing, as opposed to client-related legal writing. This book, thus, is a comprehensive answer to key questions one faces in legal research.

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

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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. First published in 1946, this book formed part of the Cambridge Studies in International and Comparative Law series. The text was written with three key aims: to explain the origin and meaning of comparative law; to describe the purposes for which the comparative method of legal study can be utilised; and to estimate the value of comparative law as an instrument for the growth and development of the law. Tables of cases and statutes are included. This book will be of value to anyone with an interest in comparative law and legal history.

This cutting-edge book facilitates debate amongst scholars in law, humanities and social sciences, where comparative methodology is far less well anchored in most areas compared to other research methods. It posits that these are disciplines in which comparative research is not simply a bonus, but is of the essence.

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The relevance of intellectual property law has increased dramatically over the last several years. Globalization, digitization, and the rise of post-industrial information-based industries have all contributed to a new prominence of IP law as one of the most important factors in driving innovation and economic development. At the same time, the significant expansion of IP rules has impacted many areas of public policy such as public health, the environment, biodiversity, agriculture, and information in an unprecedented manner. The growing importance of IP law has led to an exponential growth of academic research in this area. This book offers a comprehensive overview of the methods and approaches that could be used as guidelines to address and develop scholarly research questions related to intellectual property law. In particular, this volume aims to provide a useful resource that can be used by IP researchers who are interested in expanding their expertise in a specific research method or seek to acquire an understanding of alternative lenses that could be applied to their research. This edited collection is one of the largest compilations, to date, of existing methods and approaches from different lenses, perspectives, and experiences from a diverse group of scholars who derive from a wide range of countries, backgrounds, and legal traditions. This diversity, both regarding the topics and the authors of the contributions, is a fundamental feature of this

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collection, which seeks to assist IP researchers across many countries in the developing and developed world. This is an open access title available under the terms of a CC BY-NC-ND 4.0 International licence. It is offered as a free PDF download from OUP and selected open access locations.

The field of legal translation and interpreting has strongly expanded over recent years. As it has developed into an independent branch of Translation Studies, this book advocates for a substantiated discussion of methods and methodology, as well as knowledge about the variety of approaches actually applied in the field. It is argued that, complex and multifaceted as it is, legal translation calls for research that might cross boundaries across research approaches and disciplines in order to shed light on the many facets of this social practice. The volume addresses the challenge of methodological consolidation, triangulation and refinement. The work presents examples of the variety of theoretical approaches which have been developed in the discipline and of the methodological sophistication which is currently being called for. In this regard, by combining different perspectives, they expand our understanding of the roles played by legal translators and interpreters, who emerge as linguistic and intercultural mediators dealing with a rich variety of legal texts; as knowledge communicators and as builders of specialised knowledge; as social agents

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performing a socially situated activity; as decision-makers and agents subject to and redefining power relations, and as political actors shaping legal cultures and negotiating cultural identities, as well as their own professional identity.

This important two-volume collection draws together the most significant and instructive articles relating to comparative law methodology and offers vast and comprehensive coverage of practices, principles, methods and sources in comparative legal research. The first volume deals with preliminary considerations such as the aims of research and the questions one should ask, as well as how to select objects for comparison and formulate a research plan. The second volume focuses on the comparative research of regulation, description, and explanation, along with discussion on functionalism, quantitative approaches, translation issues, legal transplants and global challenges. Together with an original introduction by the editors that frames the articles and helps the reader to navigate them successfully, this collection offers a balanced body of seminal research which will benefit legal scholars, students, and all who are undertaking, or seeking to evaluate, comparative legal research.

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