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Legal Transplants An Approach to Comparative Literature

Argues that laws are borrowed from pre-existing laws in other legal systems without any initial inherent relationship between these laws (transplants) and society. However, once brought over, the interpretation and impact of the law is adapted locally.

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LEGAL TRANSPLANTS An Approach to Comparative Law

LEGAL TRANSPLANTS An Approach to Comparative Law SECOND EDITION Alan Watson The University of Georgia Press ATHENS AND LONDON. PREFACE PREFACE TO FIRST ABBREVIATIONS CONTENTS EDITION xi xiii XV 1. COMPARATIVE LAW AS AN ACADEMIC DISCIPLINE I Comparative Law not just a method of study, i: com-prises more than one discipline, 3: as an independent academic discipline is not study of one foreign

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Legal transplants

Legal transplants, a term coined by Alan Watson in his well-known book *Legal Transplants: An Approach to Comparative Law*,¹ have become an important matter of research interest in the 1970s, as a consequence the publication of A. Watson. Even if we can agree that it is possible to trace the analysis as far back as to 18th century, when Montesquieu de-scribed similarities in law as a pure

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GLOBALISATION AND THE CHALLENGE OF ASIAN LEGAL TRANSPLANTS

Press, 1974); Alan Watson, *Legal Transplants: An Approach to Comparative Law*, 2nd ed. (Athens and London: The University of Georgia Press, 1993).² Watson's thesis continues to provoke discussion as seen by some essays in David Nelken & Johannes

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Legal Transplants and European Private Law vol 4 4 EJCL

(7) For me the value of comparative law lies fundamentally in its capacity to explain legal developments, the relationship of law to society, and at this stage of its development - comparative law is in its infancy - the simplest way to exploit comparative law is by examining, and accounting for, similarities and differences in systems that have a historical relationship.

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1 2 1 1 Pierre Legrand

The Impossibility of 'Legal Transplants' [A] comparative study [sh] A good example of this approach is offered by Alan Watson who writes that 'legal transplants' refer to 'the moving of a rule

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