

THE COMPARATIVE LAW METHOD AND ITS CORRECT APPLICATION AS A PREREQUISITE FOR OBTAINING RELIABILITY OF RESEARCH RESULTS

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Abstract. Approximation of legal systems serves the achievement of similar economic, social or cultural goals. The comparative method is a tool to achieve such goals. This is why the subject matter of this paper is to present the characteristic features of the legal comparison method and all its stages. Results of research that uses this method aim to formulate *de lege ferenda* conclusions for the national legislator. The main hypothesis of this article is to demonstrate that the truth of the research result obtained by a comparatist largely depends on the correct application of the comparative method. Nevertheless, it is not the only factor that affects reliability of the research result. The article also points to the relationship of comparative law with neighbouring scientific disciplines and in particular with the theory of law, where this relationship concerns convergence of legislative goals. This is why a lawyer – comparatist, who is preparing a comparative law study, should draw on the research method developed in the theory of legal comparison and on the achievements of the theory of law. The discussion opens with a presentation of a short historical overview of the essence of the dispute on the perception of comparative law either as an independent scientific discipline or as only a specific research method (section 1). When it comes to the characteristics of the comparative law method, its general properties are presented first (section 2), followed by a description of its special features (section 3). It is in particular unique in the fact that it is implemented in stages during which specific activities must be performed. Adherence to this multi-stage procedure is significant in obtaining reliable research results.

Keywords: research method, comparative law, research result, legal equivalent, theory of law

INTRODUCTION

Recently there has been an increase in the number of studies that employ the comparative law method. There is no doubt that each comparative legal study is very specific, often based on abundant sources from territorially and culturally remote law systems. Therefore, evaluation of reliability of research results becomes more difficult, not only for the domestic legislator who would like to use the outcomes of this research, but also for any prospective reader. However, the criterion of how the comparative method should be used may

become useful. Nevertheless, there is no single universal path that would be suitable for any comparative legal study, though each method constitutes a set of typical activities. The comparative method also has characteristic elements (activities), that appear in consecutive research stages. Therefore, the aim of this article is to show the “full research path” of an investigator who applies the comparative law method. A comparative study should be carried out in a few stages. Omitting any of such stages may distort the research result. In a pursuit to obtain an objective and a reliable result, one needs to make sure that all steps making up the research procedure are implemented completely and correctly. In other words, a comparative lawyer should pass through all stages in his comparative research so that the quality of results may allow them to be used in the legislative process.

I will also refer polemically to a view expressed in the literature according to which a researcher may follow one of two paths [Radwański and Zegadło 2012, 258]. First, a comparative lawyer may choose an easier way, that is a description of the problem in a foreign law (it is most often presented in a separate segment of the text). A legal institution may be investigated in this way by describing – one by one – the legal constructions derived from various legal systems in separate chapters devoted to individual law systems. Secondly, a more difficult way may be opted for, which involves placing comparative elements in the content of the entire study. Then, notes that involve comparative law content may be likened to “building blocks” dispersed in subsequent chapters among other “building blocks.” As I do not agree with this alternative approach to the comparative method, I believe that the two ways mentioned above are not two separate comparative methods, but are subsequent stages that form one method leading to the achievement of the final research result.

1. DISPUTES ON THE NOTION OF COMPARATIVE LAW

When characterising the comparative law method, one must, at least briefly, refer to the discussion among legal scholars and commentators on what *comparative law* is. Since comparative studies are mainly written in English, which has a broad semantic scope relevant to this notion, legal scholars and commentators point out terminological ambiguities [Szymczak 2014, 39]. Because there are different conceptual grids in other languages for describing the notion of comparative law, this may cause reasonable misunderstandings leading in consequence to polemics in substantive issues. In the Polish scholarship this problem is noticed by R. Tokarczyk, who sees *komparatystka prawnicza* [legal comparison] as a science and thus pays a great deal of attention to the genesis of the term *prawo porównawcze* [comparative law] [Tokarczyk 2008, 25]. He analyses many expressions that might be

applied, such as *prawoznawstwo porównawcze* [comparative jurisprudence] or *porównawcza nauka prawna* [comparative legal science], and in the final part of his discussion – pointing out some shortcomings – he offers the term *komparatystka prawnicza* [legal comparison], which is also used as the title of his monograph. Before that, Z. Ziemiński wrote about it in a similar way. He suggested the term *prawoznawstwo porównawcze* [comparative law study] [Ziemiński 1983, 25].

Throughout the world, this debate is in fact carried out in literature written in the English language. Even though authors who voice their opinions in the discussion represent various nationalities, they choose the English language as the *lingua franca*. However, English language literature lacks a suitable conceptual grid which would show the differences between the term denoting the *comparative law method* and the *study on comparing law systems*. Therefore, commentators who write in this very language believe that the term comparative law is used in two separate meanings in studies written in English. First of all, comparative law is used to specify legal comparison as a stock of knowledge (the term *academic discipline* is sometimes used), secondly, as a research method. Similarly, in the French language, the term *Le droit comparé* [comparative law] is defined as an intellectual discipline and a research method [Samuel 2014, 8]. In turn, there is no such problem in the German language, where terminology is more diverse and offers terms. Firstly, the term *Rechtsvergleichung* operates, which should be understood as a method [“comparing law”], and secondly, the term *vergleichende Rechtswissenschaft*, which—if analysed lexically in more detail—turns out to be “the science of comparing law.” Grossfeld uses this terms in describing the comparative law method. It is reflected in his monograph’s title: *Kernfragen der Rechtsvergleichung* [Grossfeld 1996, 3]. Another example of a title of a monograph by K. Zweigert and H. Kötz is *Einführung in die Rechtsvergleichung* [1998]. This terminology appears in names of scholarly journals that deal with this subject matter (German comparative journal titled: *Zeitschriften für vergleichende Rechtswissenschaft*).

Moving on now to the essence of the debate over whether comparative law is a scientific discipline or a research method, I will begin by presenting advocates of the thesis that comparative law is a science. Proponents of treating comparative law as a science include Bussani and Mattei, who write about the exploratory calling of this discipline. Nevertheless, they do point out that it is likely to interact with neighbouring disciplines, thereby it is difficult to identify its boundaries precisely [Bussani and Mattei 2012, 4]. Reimann also opts for such an approach. The author accepts the dual role of comparative law, first as a method of studying law; and second, as a “stock of academic knowledge” [Reimann 2012, 14]. In his further reflections, he writes about the “core of science.” Reimann, in a footnote, makes a reference to the views

of Zweigert and Kötz, who wrote about pure science [ibid., 16]. And it is the existence of this stock of knowledge that is to be the formal basis for recognizing this discipline [Zweigert and Kötz 1998, 6]. Comparative law consolidates knowledge about general legislative trends or common law principles [Monateri 2012, 7]. Its basic function is to form the canon of knowledge on the basis of various legal sources from different legal cultures.

In Polish science the subject matter of comparative law was addressed by Ziemiński, who concluded that even though it is not a doctrinal discipline of law, it is a “stock of knowledge” which is composed of general statements on re-occurrence of individual measures in certain legal circles and also common rules for law systems of a certain social and economic formations or cultural circles [Ziemiński 1972, 50].

When it comes to the opposite approach, that is a view treating comparative law as a method, its advocates can be found in Polish and international literature alike. In the Polish literature this belief is held by Szer and Rozmaryn. Both authors treat comparative law solely as a method [Szer 1967, 22]. The former shares Rozmaryn’s view [Rozmaryn 1966, 407]. In foreign literature it is concluded that comparative law does not exist as an independent discipline, because it does not have its own substance and may only be treated as a research method [Örücü 2004, 37]. To some extent one must agree with the statement that comparative law cannot be treated as a classic branch of law. Nonetheless, we cannot agree with this author’s belief that comparative law has no substance on its own (which has been mentioned before). Even the proponent of this position himself is not entirely consistent in his statements. He admits in a further part of his discussion that comparative law consolidates knowledge on law and allows understanding of law in a context [ibid., 34]. Therefore, when searching for arguments for recognizing comparative law as a scientific discipline, one may point out that, even though it does not have its “own” set of legal norms (like civil law or criminal law does) on the one hand, it still has a certain stock of knowledge on the other. Therefore, it seems reasonable to specify that comparative law, though not yet a single separate branch of law like the branches identified before, does indeed have its own substance.

Naturally, a question arises whether this stock of knowledge is characteristic enough for it to be reasonable to recognize it as an independent discipline. Borucka–Arctowa asks a suitable question about the point of dividing a specific legal study into a comparative part and a part which addresses national (“domestic”) law [Borucka–Arctowa 1971, 11]. On the one hand, the author questions this separation from the methodological point of view. Her justification sounds convincing to me, whereby any legal research on national measures involves a presentation of the full background which includes other norms and instruments in the surrounding world. On other hand, she accepts

institutional separation of research teams justifying it with organizational needs (preparation of suitably qualified staff, exchange of views or concentration of library resources). Hage writes in a similar fashion about the difficulties related to the separation of “comparative substance.” He claims that we cannot draw a list of matters and problems that fall under comparative law and a list of other matters [Hage 2014, 38].

However, a conclusion has been drawn from this on-going debate – i.e. a debate on whether comparative law contains its own content or whether it is only a method – according to which the term *comparative law* accommodates a stock of scientific knowledge. It may be substantiated by the fact that if comparative law is perceived solely as a method (research process), it will create a problem with classifying and organizing a lot of information that is usually gathered as part of comparative research. Even though this information relates to specific legal measures accommodated under specific branches of doctrinal law, they are analysed in a particularly broad comparative law approach which allows an in-depth analysis of the reasons for this research problem. Given the above, it is worth distinguishing and identifying these comparative conclusions (research results) so that it is easier for the science of law to establish a certain canon of shared principles that occur in different law systems to which we can refer.

2. GENERAL COMMENTS ON THE COMPARATIVE LAW METHOD

At the outset I will remind the reader, in the broader context of reflections, that the method in the original Greek meaning denotes “a path to achieve a goal” and in Latin it was defined as a rational procedure composed of individual planned actions that occur in a given scientific discipline. Modern science offers the following definition: “[a] method described a rational way of doing things, a particular mode of proceeding according to a defined and regular plan in intellectual discipline” [Vogenauer 2008, 885]. In turn, when it comes to the comparative methodology, it is a scholarly method applied in various scientific fields, such as finance, political studies, sociology or even environmental studies [Reimann 2012, 14; Tokarczyk 2008, 26; Flejterski and Solarz, 2015, 11]. Its broad application can be found in historical studies and in particular in the history of the state and law [Bardach 1962, 10]. Giaro claims that a historian must be a comparatist and comparative studies need history [Giaro 2016, 63]. Thus, it may be concluded that the comparative method is differentiated due to the kinds of objects that may be compared. If this object involves legal norms (and not regulations (!), which will be discussed later), we can talk about a comparative law method.

I will begin the explanation of the general characteristics of the comparative law method by introducing a rather extreme position of Ziemiński, who

claims that comparative law “does not in fact contribute anything particular in terms of how doctrinal problems are formulated and solved.” However, in further discussion he admits that the key difference in comparative research pertains to the processing of results [Ziemiński 1983, 25]. He then goes on to present its very general outline. He writes that a comparative study may be done in a vertical set-up and at the same time in a horizontal plane (also known as: a vertical approach and a horizontal approach). The former includes examination of subsequent evolutionary stages of a given law system (or its individual measures) in a longer run. The latter compares various law systems that are contemporary to the researcher. A combination of these two planes, that is investigating a few law systems in the longer period of development, constitutes investigation of evolutionary stages (either of the entire system or a specific legal institution). In comparison, in the “horizontal profile,” which includes examination of contemporary law systems, the emphasis is placed on a logical and linguistic examination [ibid., 26]. A linguistic and logical analysis is obligatory in each legal research type. Moreover, the research may be conducted in the sociological, cultural, psychological and economic approach, where the last one is optional. They depend on the nature of the legal measure. E.g., when investigating adoption, cultural and social factors, not economic premises, are important. In turn, when analysing the construct of a commercial company, the economic aspect is important, not the psychological factor. Therefore, the last criteria may be perceived by the researcher differently, depending on the character of the investigated legal institution.

The statements quoted above show that the legal science sees a strong relationship between the comparative law method and methods developed on the ground of theory of law, though undoubtedly the comparative law method has its own characteristics determined by a special function. Foreign literature emphasises that the function of the legal comparison research does not only involve a description of a foreign law, but also an assessment of the investigated rules as potential candidates to a domestic law system and substantiation of legal solutions for specific types of cases [Hage 2014, 47]. The basic question asked by researchers in comparative literature reads as follows: Is there only one research method, or is it rather a set of research tools? The scientific canon identifies the following types of the comparative law method: a) functional comparison; b) structural comparison; c) systemic comparison; and d) critical comparison [Husa 2014, 60–63]. However, authors who address these issues believe that the functional method is the most crucial. The functional comparison places emphasis on locating the same (or almost the same) social and legal problem and on establishing how it is (or was) solved in different law systems. In general terms, the functional method deals with an answer to the question about which institution in law system A is a legal equivalent in system B [Örücü 2006, 443].

Husa claims that the functional method plays the main role, while the other methods are only auxiliary to it. Therefore, in turn, a structural comparison refers to the location of an investigated object (legal norm) in its primary environment, that is the law system in which it operates. This structural comparison takes into account the division into branches in the law system which the investigated object originates from. In contrast, a systemic comparison means that the investigated legal institutions are cut off from their national contexts and examined in a pure theoretical perspective created by the comparatist on the basis of a canon of comparative knowledge. When it comes to critical comparison, it actually refers to the three previous ones.

3. RESEARCH STAGES OF THE COMPARATIVE METHOD

The specific feature which distinguishes the comparative law method involves research activities which must be carried out in consecutive stages. The comparative law method consists of a few characteristic steps. The correct performance of particular activities belonging to each of these stages affects reliability of the research result. The stages of the research process which are identified in the theory of comparative study are: (1) setting research objectives; (2) choice and selection of equivalent objects of comparison; (3) their juxtaposition; (4) classification; and (5) drawing general conclusions and their justification (postulates *de lege ferenda*).

The first stage involves identification of a research goal. The theory of comparative studies only provides a general differentiation of research goals. The area of application of results coming from legal comparison studies may consist in the unification of the law at the international level (e.g. in the European Union) or a reform of a national law. The intended research aim may be achieved by filling the structural loophole (thetic loophole) or by transplanting the legal institution. However, from the individual perspective of a given comparative law study, a much more detailed research goal must be specified – depending on the level of knowledge in a given field of law [de Cruz 2007, 8]. The choice of a research goal is a very important moment of the research, which will impact the shape of the method applied by a comparatist. In other words, the choice of the goal largely determines detailed research steps (activities) that form the stages of the particular procedure to be applied in a specific comparative study. At the beginning, a comparative lawyer formulates preliminary research hypotheses which should be verified in the course of the research process (they may be proven or rejected). Where the hypotheses are supported by proof, which is collected in the research, then they become theses which will be presented as final conclusions.

In the second stage, equivalent objects to be compared are chosen and selected.

An object of comparison includes abstract legal norms or entire legal institutions (these are not specific legal provisions). Firmenich claims that the subject matter of research involves abstract objects, the content of which has been interpreted on the basis of the wording of a legal text. She writes “Vergleich sich auf Rechtssysteme insgesamt, also ihres Geistes und Stil” [*Compare them to legal systems as a whole, including their spirit and style*] [Firmenich 2011, 52]. One must explain here that, at first, a broader scope of potentially similar legal constructs is investigated in legal comparison studies, but next, during this stage, their functional similarity is investigated – the content of the legal institution is established. Selection occurs at the end of this stage, which also means elimination of certain objects from the pool of those initially chosen for the investigation. It is about identifying legal institutions that are similar in content to functional legal equivalents [Gordley 2012, 118]. A lawyer – comparatist cannot be solely guided by a similar-sounding name (lexical similarity), but he should determine the content of the institutions compared. For example, Swiss law features an institution called *das Retentionsrecht*, which is defined in general dictionaries as “the right to refuse to deliver a thing” [Kozieja–Dachterska 2006, 368]. On the basis of a lexical analysis it could be concluded that it is an equivalent of the Polish term: *retention right*. However, when we analyse its content (in the functional approach), it turns out that in the Swiss law the term *das Retentionsrecht* should be qualified from the functional side as an equivalent of the Polish construction of the statutory pledge right. This construct is regulated in the Swiss law in Article 268a ZGB.¹ The Polish law equivalent, i.e. the legal construct of the statutory *pledge right*, is regulated in Article 670 of the Civil Code. Both legal constructs have a similar function – they serve to secure liabilities that form, *inter alia*, in the tenancy relationship. Therefore, it is clear that the dictionary definition based on an “acoustic” similarity may fail since *retention right* in the Polish law occurs in the law of obligations, while in the Swiss law the content of *das Retentionsrecht*, equivalent to the Polish statutory *pledge right*, pertains to a limited real right. This means that the objects compared, that is legal norms, should include equivalent content or a similar concept, but it is not enough to compare terms that sound lexically similar.

The next stage is juxtaposition of (previously selected) institutional equivalents. In practice, these two stages, that is selection and juxtaposition, may overlap, but they must be distinguished in the formal sense. In comparative studies, the term “juxtaposition” must be understood not only as the technical ordering of a set of elements, but it is also necessary to compare preliminarily various scientific concepts (or ideas). As has been previously mentioned, the prerequisite for proceeding to the stage of research that consists of a strict

¹ ZGB – Swiss Civil Code of 1907 – Zivilgesetzbuch.

comparison, involves comparability of objects. These objects that may be compared must present a score of common features. The etymology of the word “comparison” shows that it is a Latin word which means: comparing something with something else (Latin *com* means *with*; Latin *parare* means *comparison*). The researcher should compare a national legal norm or institution with its equivalent in a foreign law system [Firmenich 2011, 44]. Therefore, one must note that there must be at least two legal institutions in a comparison. Moreover, legal theory talks of a third element called *tertium comparationis*. This means that next to the two objects that are being compared, known as *comparatum* and *comparandum* in the literature, there is a third element (an abstract element). Örucü explains that objects of comparison must have shared common features that serve as a common comparative denominator. In other sources this common denominator is called *tertium comparationis* [Örucü 2006, 442–43]. In Polish literature this subject was addressed by Jakubowski, who referred this term to the establishment of repeatability of economic circumstances or social events. He believed that establishing this repeatability must be done in an inductive procedure [Jakubowski 1963, 12]. It involves finding a minimum of uniformity which may be expressed in the similarity of functions, an organizational structure or origin of the institution.

This may be illustrated by the examples below. I start with a minimum standard for comparative studies, which consists of two equivalents (two institutions) coming from two different law systems. When German law is compared with Polish law, we have two elements to compare and a model with common features that will be the reference point (*tertium comparationis*). However, when we have three legal equivalents, three comparison variants will be possible: Polish-German, Polish-Swiss and Swiss-German. Each set of two equivalent elements will be compared with a model reference point, which is the fourth element (constructed on the basis of common features of these three equivalents). In all those three variants comparison is made in reference to these common features, that is to the so-called *tertium comparationis*. Similarly, the above-mentioned comparison mode will apply when we increase the number of equivalent objects. For example, if we have four equivalents, then it is even possible to configure six variants of comparison: Polish-German, Polish-Swiss, Polish-Austrian, Swiss-German, Swiss-Austrian and German-Austrian. In each of these variants, two substantial equivalents will be compared with respect to model features covered by *tertium comparationis*.

The model presented above shows that the increasing of a set of comparative objects with only one more element multiplies the number of possible comparative options. And then a question may emerge about the point of expanding the comparison which then accommodates too many options. Do all of them have to be carried out in the research process for the research results

to be deemed reliable? The answer to this question is not easy. There is no general rule on the number of comparable variants applied.

However, this answer surfaces in the next stage, that is classification. A lawyer – comparatist proceeds to the ordering of law institutions. This may be done as identification of a “family” that gathers together similar law systems. Therefore, in this stage the set of equivalents is put in order, that is they are classified according to a criterion specified by the scholar [Kadner Graziano 2007, 259]. The legal solutions compared should not be geographically or conceptually remote from the basic law system or else the scientific result obtained may be an element that expands only the general canon of comparative knowledge and is useless for the national legislator. In this stage, a move is made from comparative law analysis to synthesis. In the English language literature this stage is even metaphorically described as “filtering” or “refining” (the latter is an even more complex process of purification in order to extract suitable elements and to eliminate unnecessary components). When transposing this metaphor to the research process, it is about extracting essential elements and separating them from other research information that does not contribute anything to the score of knowledge.

The last stage involves explanation of reasons (French: *raison d’être*) that affect the existence of differences or similarities of solutions that belong to different legal systems. The comparative law function does not only consist in describing a foreign law, but also in an assessment of legal solutions as potentially recommended for introduction into the national law system [Hage 2014, 47]. This stage of research, which involves drawing general conclusions, is the most important moment of proceeding from a comparative analysis to a comparative synthesis [Örücü 2004, 34].

In the Polish literature, Szer writes more appropriately about this stage of explaining the reasons, claiming that comparative law should not be limited to the function of being an effective instrument of determining and explaining specific regularities in the field of legal phenomena [Szer 1967, 25]. This explanation is to be done in a context of broader cultural, social or economic phenomena. Similarly, Ziemiński believes that the very pointing to the fact that there are analogous legal norms in force in different systems does not bring anything and does not solve the problem until we demonstrate the similarity in operation or in the genesis of these norms [Ziemiński 1972, 51]. The discovery of this fact does not only require an examination of the reasons referring to the construction of legal institutions, but also the taking into account of social, economic and cultural determinants. In turn, F. Longchamps de Berier expresses a belief that all three arguments (doctrinal, historic and comparative) must be used “in concurrence” in the methodology of the science of private law as each of them requires careful attention [Longchamps de Berier 2016, 289].

Therefore, the last stage of comparative research involves the discovery and explanation of reasons of the legislative differences. An author of a law comparison study should sum up the research and place general conclusions in this summary. They are the basis for formulating legal theories on the development and course of legislative trends. Moreover, such a summary usually accommodates *de lege ferenda* conclusions for the national legislator.

CONCLUSIONS

Comparative law and its method have an immense impact on the internal legislative process and approximation of legal systems. This is why it is important that the scientific comparative result be reliable. In order to do so, a scholar must follow the full path, that is all stages of a comparative procedure that lead to the achievement of a research goal. There are many comparative studies, with varying degree of detail and thematic scope, but each of them should be implemented with full compliance to this procedure as this ensures correctness of the scientific outcome. The process of its verification is needed to distinguish the “superficial” comparative studies from in-depth comparative research. The last one is based on a multi-stage and labour-intensive research process that requires the scholar’s immense involvement. He also often encounters language barriers and difficulties.

However, the goals and tasks that the lawyer – comparatist must achieve and perform, respectively, are important because he makes certain generalizations (recognized as general rules) on the basis of detailed information from various law systems. Given the above, all the more, he must be expected to demonstrate a higher degree of diligence in collecting and selecting data and a high level of argumentation due to the measurable effect of comparative investigations that hold scholarly conclusions and postulates (*de lege ferenda* conclusions). I hope that the issues addressed in this paper will contribute to a more in-depth study of foreign law systems in order to create the scientific core of shared legal values.

REFERENCES

- Bardach, Juliusz. 1962. “Metoda porównawcza w stosowaniu do powszechnej historii państwa i prawa.” *Czasopismo Prawno-Historyczne* 2:11–59.
- Borucka–Arctowa, Maria. 1971. “Problemy metodologiczne badań porównawczych.” *Studia Prawnicze* 29:3–19.
- Bussani, Mauro, and Mattei Ugo. 2012. *The Cambridge Companion to Comparative Law*. Cambridge: Cambridge University Press.
- De Cruz, Peter. 2007. *Comparative Law in a Changing World*. New York: Routledge Cavendish.

- Firmenich, Miriam. 2011. *Comparative Legal Analysis. Kreditsicherung durch Grundpfandrechte in England und Deutschland*. Baden-Baden: Hanoversches Forum Rechtswissenschaften.
- Flejterski, Stanisław, and Jan Krzysztof Solarz. 2015. *Komparatystyka finansów*. Warsaw: C.H. Beck.
- Giario, Tomasz. 2016. "Moment historyczny w prawoznawstwie porównawczym." In *Polska komparatystyka prawnicza. Prawo obce w doktrynie prawa polskiego*, edited by Arkadiusz Wudarski, 31–60. Warsaw: Stowarzyszenie Notariuszy Rzeczypospolitej Polskiej.
- Gordley, James. 2012. "The Functional Method." In *Methods of Comparative Law*, edited by Pier G. Monateri, 107–19. Northampton: Edward Elgard Publishing Limited.
- Grossfeld, Bernard. 1996. *Kernfragen der Rechtsvergleichung*. Tübingen: J.C.B. Mohr.
- Hage, Jaap. 2014. "Comparative Law as Method and the Method of Comparative Law." In *The Method and Culture of Comparative Law. Essays in Honour of Mark Van Hoecke*, edited by Maurice Adams, and Dirk Heirbaut, 37–52. Oxford and Portland, Oregon: Hart Publishing.
- Husa, Jaakko. 2014. "Research Designs of Comparative Law – Methodology or Heuristics?" In *The Method and Culture of Comparative Law. Essays in Honour of Mark Van Hoecke*, edited by Maurice Adams, and Dirk Heirbaut, 53–68. Oxford and Portland, Oregon: Hart Publishing.
- Jakubowski, Jerzy. 1963. "Z problematyki badań prawoporównawczych." *Państwo i Prawo* 7:3–17.
- Kadner Graziano, Tomasz. 2007. "Die Europäisierung der juristischen Perspektive und der vergleichenden Methode – Fallstudien." *Zeitschriften für Vergleichende Rechtswissenschaft* 106:248–71.
- Koziejka-Dachterska, Agnieszka. 2006. *Glossarbuch der Wirtschafts- Und Rechtssprache, Deutche-Polnisch*. Vol. 1. Warsaw: C.H. Beck.
- Longchamps de Berier, Franciszek. 2016. "Z uwag do metodologii prawa prywatnego; argumenty historyczny, dogmatyczny i prawoporównawczy na przykładzie darowizny na wypadek śmierci oraz zapisu windykacyjnego." In *Polska komparatystyka prawnicza. Prawo obce w doktrynie prawa polskiego*, edited by Arkadiusz Wudarski, 285–99. Warsaw: Stowarzyszenie Notariuszy Rzeczypospolitej Polskiej.
- Monateri, Pier G. 2012. "Methods of Comparative Law – intellectual overview." In *Methods of Comparative Law, Research Handbook in Comparative Law*, edited by Pier G. Monateri, 107–19. Cheltenham: Edward Elgar.
- Örücü, Esin. 2004. *Enigma of Comparative Law. Variations on Theme for the Twenty-First Century*. Leiden–Boston: Martinus Nijhoff Publishers.
- Örücü, Esin. 2006. "Methodology of comparative law." In *Elgar Encyclopedia of Comparative Law*, edited by Jan M. Smits, 442–54. Cheltenham, UK and Northampton, USA: Edward Elgar.
- Reimann, Mathias. 2012. "Comparative Law and Neighbouring Disciplines." In *The Cambridge Companion to Comparative Law*, edited by Mauro Bussani, and Ugo. Mattei, 13–34. Cambridge: Cambridge University Press.
- Rozmaryn, Stefan. 1966. "Z teorii badań i prac prawo-porównawczych." *Państwo i Prawo* 3:759–70.
- Radwański, Zbigniew, and Roman Zegadło. 2012. "Artykuły recenzyjne." *Ruch Prawniczy Ekonomiczny i Społeczny* LXXIV, no. 4:258–64.
- Samuel, Geoffrey. 2014. *An Introduction to Comparative law. Theory and Method*. Portland: Hart Publishing.
- Szer, Seweryn. 1967. "Metoda prawo-porównawcza w prawie cywilnym i rodzinnym." *Państwo i Prawo* 1:22–30.

- Szymczak, Iwona. 2014. "Metoda nauki o porównywaniu systemów prawnych." *Ruch Prawniczy, Ekonomiczny i Socjologiczny* 3:38–49.
- Tokarczyk, Roman. 2008. *Komparatystyka prawnicza*. Warsaw: Woters Kluwer.
- Vogenaue, Stefan. 2008. "Sources of Law and Legal method." In *Comparative Law*, edited by Mathias Reimann, and Reinhard Zimmermann, 870–97. Oxford: Oxford University Press.
- Ziemiński, Zygmunt. 1972. *Metodologia nauk prawnych. Przewodnik dla studentów pracujących*. Poznań: Uniwersytet im A. Mickiewicza.
- Ziemiński, Zygmunt. 1983. *Szkice z metodologii szczegółowych nauk prawnych*. Poznań: Polska Akademia Nauk, Oddział Poznań.
- Zweigert, Karol, and Heinz Kötz. 1998. *An Introduction to Comparative Law*. Oxford: Oxford University Press.