

# **Methodological Problems of Comparative Law**

## **Summary**

From the end of the Second World War the comparative law is constantly growing. Growth of the comparative law was enabled, but also forced, by escalating globalization. Development of an information and communications technology in the past decades growth of the comparative law only accelerate. On this aggressive growth the comparative law wasn't prepared, which led to perversion of its content, subversion of its method and establishment of Feyerabend's methodological anarchism, which to this day under the slogan „anything goes” reigns over the comparative law.

This thesis is an attempt to create order in the comparative law. We don't do that for the comparative law, or because of the current state of the discipline, but because of our own interest in application of the comparative method in the legal science.

In the first section of this thesis we propose a working definition of comparative law. In the second section of this thesis we focus on the structure of comparative method: on the structural elements which compose the comparative method. In the third section of this thesis we focus on the composition of comparative method: on the compositional elements by which are the structural elements of the comparative method integrated into the complete whole. In the fourth section of this thesis we focus on the process of comparative method: on the course of human action from its beginning to its completion. In the last section of this thesis, on the basis of previous sections of this thesis, we define a fundamental methodological problems of the comparative law.

In this thesis we don't offer any given solution for any of the fundamental methodological problems of the comparative law we define. But we believe that good definition of the fundamental methodological problems of the comparative law alone, in conjunction with a formal arrangement of this thesis and proposed framework of the comparative law, will be beneficial not only for a better understanding of the massive amount of comparative law's work, but also for a better implementation of the comparative method in the legal science.

**Keywords:** Comparison; Comparative Method; Comparative Law; Methodology of Comparative Law