

Legal Transplants By Alan Watson

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The term legal transplant was coined in the 1970s by the Scottish legal scholar W.A.J. 'Alan' Watson to indicate the moving of a rule or a system of law from one country to another (A. Watson, Legal Transplants: An Approach to Comparative Law, Edinburgh, 1974). The notion of legal transplantation is diffusionism -based and according to this concept most changes in most legal systems occur as the result of borrowing.

[Legal transplant - Wikipedia](#)

When it was first published in 1974, Legal Transplants sparked both praise and outrage. Alan Watson's argument challenges the long-prevailing notion that a close connection exists between the law and the society in which it operates. His main thesis is that a society's laws do not usually develop as a logical outgrowth of its own experience.

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In Legal Transplants, one of the world's foremost authorities on legal history and comparative law puts forth a clear and concise statement of his controversial thesis on the way that law has developed throughout history. When it was first published in 1974, Legal Transplants sparked both praise and outrage. Alan Watson's argument challenges the long-prevailing notion that a close connection exists between the law and the society in which it operates.

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The taxonomy and the factors which contribute to the success of a \u2013legal transplant\u2013 represent as well, interesting subjects and shall represent the object of a subsequent study. Keywords: legal transplant (legal transplant), definition, record, the new Civil Code, trust, Alan Watson, Pierre Legrand, \u2013theory, \u2013culturalist ...

[Legal Transplants \(I\): Definition, Record and Debates in ...](#)

Comments. Publisher's Citation Watson, Alan. 1993. Legal transplants an approach to comparative law.Athens: University of Georgia Press.

["Legal Transplants: An Approach to Comparative Literature ...](#)

ALAN WATSON* From Legal Transplants to Legal Formants Comparative law as an academic discipline is a very personal subject, giving its proponents great liberty to choose their interests.' Not surprisingly it produces wonderful, flamboyant scholars, like Ru-dolf Schlesinger,2 who remain forever youthful. His Comparative

[From Legal Transplants to Legal Formants](#)

Legal Transplants. : An Approach to Comparative Law. Alan Watson. University Press of Virginia, 1974 - 106 Seiten. 0 Rezensionen. A reprint of the 1974 edition (Scottish Academic Press). Highly controversial then and now, Watson's argument is that a society's laws do not usually develop from within, but are borrowed from other societies.

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W. Alan J. Watson (1933 \u2013 7 November 2018) was a Scottish legal historian, regarded as one of the world's foremost authorities on Roman law, comparative law, legal history, and law and religion. He is credited for coining the term " legal transplants ". Watson was educated at St John's Grammar school and at the Hamilton Academy, subsequently attending the Glasgow University, graduating in Arts in 1954 and in Law in 1957.

[Alan Watson \(legal scholar\) - Wikipedia](#)

See most recently, Alan Watson, Law Out of Context, Athens, Ga., 2000, p. 1. 6. 'Impossibility', pp. 123 f. 7. For one example, now see Alan Watson, Society and Legal Change, Edinburgh, 1977. 8. See Pierre Legrand, 'Against a European Civil Code', 60, Modern Law Review, 1997, pp. 44 ff. This is a position that would seem attractive to many ...

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Scottish legal historian and comparatist Alan Watson, in his classic work Legal Transplants, which was published in 1974, introduced the concept of a legal transplant. 21 In Watson's theory, it is important for a legal transplant to have a historical connection between systems or, more precisely, between formal laws of the systems. In other words, it is not a question of a reception where ...

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Legal Transplants: An Approach to Comparative Law, Second Edition: Watson, Alan: Amazon.com.au: Books

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Topics: Alan Watson, Kahn-Freund, Legal Transplants, Society and Legal Change, comparative law, law and society, transplantation of laws, transplanting of laws, legal transplantation, legal borrowing, borrowing foreign laws, relationship between legal systems, comparative method, critique of Alan's work, organic integration of foreign law, developments of Alan's ideas, reviews on legal ...

In Legal Transplants, one of the world's foremost authorities on legal history and comparative law puts forth a clear and concise statement of his controversial thesis on the way that law has developed throughout history. When it was first published in 1974, Legal Transplants sparked both praise and outrage. Alan Watson's argument challenges the long-prevailing notion that a close connection exists between the law and the society in which it operates. His main thesis is that a society's laws do not usually develop as a logical outgrowth of its own experience. Instead, he contends, the laws of one society are primarily borrowed from other societies; therefore, most law operates in a society very different from the one for which it was originally created. Utilizing a wealth of primary sources, Watson illustrates his argument with examples ranging from the ancient Near East, ancient Rome, early modern Europe, Puritan New England, and modern New Zealand. The resulting picture of the law's surprising longevity and acceptance in foreign conditions carries important implications for legal historians and sociologists. The law cannot be used as a tool to understand society, Watson believes, without a careful consideration of legal transplants. For this edition, Watson has written a new afterword in which he places his original study in the context of more recent scholarship and offers some new reflections on legal borrowings, law, and society.

A noted scholar tackles dysfunctional law.

Legal transplantation and reform in the name of globalisation is central to the transformation of Asian legal systems. The contributions to "Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia" analyse particular legal changes in China, Indonesia, Malaysia, Singapore, Thailand, Taiwan, and Vietnam. The contributions also concurrently critically analyse the utility of scholarly developments in comparative legal studies, particularly discourse analysis; regulatory theory; legal pluralism; and socio-legal approaches, in the study of Asian legal systems. While these approaches are regularly invoked in the study of transforming European legal systems, the debate of their relevance and explanatory capacity beyond the European context is recent. By bringing together these diverse analytical tools and enabling a comparison of their insights through Asian empirical case studies, this book makes an invaluable contribution to the debates concerning legal change and the methods by which it is analysed globally, and within Asia.

The book links the study of comparative law with the study of law and economics

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