

LAWRENCE M. FRIEDMAN'S COMPARATIVE LAW

*Tom Ginsburg**

Forthcoming in *LAW, SOCIETY AND HISTORY: ESSAYS ON THEMES IN THE LEGAL HISTORY AND LEGAL SOCIOLOGY OF LAWRENCE M. Friedman*, edited by Robert Gordon (New York, Cambridge University Press, 2010).

For over four decades, Lawrence Friedman has been one of the key figures in American law and society studies, as well as the country's leading legal historian. His unique vantage point has brought him into contact with a wide range of subfields in legal studies, including, not least, comparative law. Friedman has never published in the leading journals of the discipline, and he has had only peripheral involvement in the multi-jurisdictional collaborative projects around which comparative lawyers have organized much of their work. He does not write about foreign countries. Yet Friedman's series of book chapters and articles commenting on the field of comparative law have articulated a consistent and important methodological challenge to the mainstream of the field.

This essay elaborates Friedman's comparative jurisprudence and argues that comparative law since the 1960s would have been much more fruitful had it followed Friedman's advice. Friedman's persistent mantra, more often ignored than heeded, has been that comparative law must integrate with law and society studies. This stance has been rooted in his strong claim that law is not autonomous of other elements of the social system. Only in recent years has the discipline of comparative law begun to come around to Friedman's critique. We have lost four decades by ignoring Friedman.

I. Friedman on Law and Development

Friedman and the other grand figures of the Law and Society movement came of age as scholars in an era, like our own, of optimism about the possibility of transferring

* Professor, University of Chicago Law School. Thanks to Harry Scheiber for encouraging me to undertake the pleasurable task of re-reading Friedman's early works in preparation of this essay. Thanks also to Richard Ross for helpful discussions and comments.

legal institutions across borders. Informed by modernization theory, many were engaged in the project of intentional legal transfers that became known as the Law and Development movement (Tamanaha 1995). Funded by private American foundations and the U.S. government, and supported by law schools, this movement famously sought to transfer skills, institutions and ideas from the developed world to the developing world. Leading law schools like Stanford and Yale became major centers of this activity.

The Law and Development movement ended by the mid-1970s with a sense of frustration, crisis, and “self-estrangement,” as the leading epitaph on the movement put it (Galanter and Trubek 1974). Reading back on the early writings of the most sophisticated scholars in the field, including Friedman and Galanter, it seems clear that they recognized early on that the funders’ hopes of legal-institutional transformation were naïve. In their view, law was an inherently local technology despite its purported claims to universality. These sociologically informed scholars suggested that efforts to transfer formal law onto very different informal environments would be unsuccessful, and possibly even counterproductive (Galanter 1966). The scholars’ own concerns were analytic and positivist rather than technocratic in nature, seeking to understand the process of social and legal change more than contributing to it. Thus the Law and Society movement and the Law and Development movement shared a common genealogy, and the experience of unmet expectations in the third world no doubt informed the subsequent orientation of many of the major figures in Law and Society studies.

Friedman’s position in this milieu, it seems to me, was as a respondent whose role was to keep the others honest and to frame interesting questions, rather than to answer them himself. He did not engage directly in studies of the developing nations; nor did he did tour the world selling the American model of legal education. His role, instead, was to critically read the works of those who did tour the world as well as those who sought to develop positive theories of law and social change. Friedman’s role has been one of external sounding board, problematizing the frameworks of others.

Consider the contrast with figures such as Galanter and Trubek, who traversed some of the theoretical terrain covered by Weber and other modernists (Galanter 1966; Trubek 1972). Both sought to develop frameworks for understanding modern law that

involved wrestling with rationality. In a long and particularly insightful essay called *On Legal Development* (Friedman 1969), Friedman summarizes Galanter's 1966 piece, *The Modernization of Law*, which identifies eleven traits that characterize modern law. These familiar traits, including predictability, a transactional character, and uniform and universal application by professionals, are well and good, Friedman seems to say. Friedman concludes his summary, though, with a crucial question which went to the core of the law and development movement, namely, is modern law the cause or product of development? In a typically pointed analogy, he notes that "countries with high per capita incomes also rank high in the number of neckties worn, low in loin clothes and robes. Yet no one could modernize a country by changing its clothes." Friedman thus suggests that the frameworks that purport to analyze modern law are essentially descriptive in character, catalogues or collections of attributes, rather than causal accounts or analyses of the relationships among various attributes.

This point made in 1969 has continuing relevance today, for we are again in an era of optimism regarding intentional legal transfers. "Law reform" is again in the mouths of international development agencies, human rights groups, and ministries of justice. And in re-reading Friedman's work one has the feeling of *déjà vu* all over again, wondering what lessons have been drawn from the field. We still know very little about the interactions among various legal reforms, issues of timing and sequencing, and the broad issue of causality (Stromseth et al, 2006). The questions have not changed much in 35 years, and our answers aren't much better either.

One persistent issue in the field is the question whether institutional transfers are even possible. Comparative law has historically expended the bulk of its energy on tracing the borrowings of legal institutions across borders. The Law and Development movements, of course, concerned a subset of these borrowings, namely ones that are more or less consciously intended. And whether or not these can work has been a controversial question; answers range from the technocratic view that law can move easily and intentionally, to the radical culturalist position that legal transfers are a contradiction in terms, and that cultural specificity of the recipient system inexorably transforms the borrowed institution (Legrand 1997; Legrand 2001). A transplant, for these post-modernist scholars, is a logical impossibility.

Where does Friedman come down on the efficacy of legal transfers? We can best characterize him as a qualified optimist. He frames the question of transferability of law in terms of two competing paradigms. On the one hand, there is a technological view of law which sees it as universal, like an appendectomy procedure; this view suggests that law involves the same process whether undertaken in California or Kyoto (Friedman 1978: 29). Presumably this means that law can be easily transferred across borders. On the other hand, there is a long tradition of seeing law as culturally specific (Friedman 1978). Friedman's view is that the question of transferability-nontransferability is too general (1978: 30-31). Transferability is an empirical and sociological question, rather than a conceptual or theoretical one. While we do have famous examples of legal transplants such as the Turkish adaptation of Swiss law and the legal modernization of Meiji Japan, there is a larger number of stories of failed transfers. Some features of law are likely to be more transplantable than others, and the key question is what might be called the cultural embeddedness of the area of law. Thus, a reasonable hypothesis is that banking law ought to be more amenable to transfer across border than family law (Friedman 1969. Bankers are businessmen responding to relatively universal profit incentives embedded in markets, and banking transactions do not touch on core issues of private or personal behavior. Family law, on the other hand, regulates non-elective choices that are more or less permanent and difficult to exit. It touches on deep questions of religion, culture and expectation. So legal transfers are less likely to take in recipient societies.

Note how this position actually constitutes a hypothesis, amenable in principle to empirical disconfirmation. Are rules that regulate economic behavior more easily transferred than those regulating intimate or personal behavior? Most of us would assume the answer is yes, but one could learn more through careful empirical study. Very few have tried to do so (see e.g. Levmore 1986), and Friedman himself did not. His own contributions in this field were conceptual rather than empirical.

Friedman's ability to probe the intellectual underpinnings behind legal inquiry has made him a respondent of choice for many conference organizers in comparative law. To provide only one example of his technique, he was asked to participate in Cappelletti's (1978) high profile project on access to justice. Friedman argued that access to justice

only becomes an issue when one accepts the peculiarly modern notion “that there is, or ought to be, a single, uniform, universal body of norms; that every citizen—every man, woman, and child—regardless of rank, social status or income must be able to enjoy the protection and the privileges of that body of norms.” Most law, in most times and places, has been hierarchical, and thus there is little demand for “access” until a liberal regime starts to take hold. This move turned the focus back onto the intellectual questions underlying the comparative law inquiry, away from technocratic concerns.

Friedman’s questioning stance led him to reflexive consideration not only about the role of law in development, but about the reasons we are interested in law and development. To make this point in 1969, as he did, was to foreshadow not only Trubek and Galanter’s much more famous 1974 article, but also the whole turn to discursive and critical analysis in legal studies.

II. Method in Comparative Law: Critiques

Here we can pivot the discussion away from law and development to broader questions of method in comparative law. Friedman’s most sustained critique of traditional comparative law has been methodological. Inasmuch as it possesses a consistent methodology, traditional comparative law uses two techniques: comparative doctrinal analysis and system-level taxonomy. Doctrinal focus takes law as an object and examines the relationship between doctrinal developments in different countries, tracing the transfer and spread of specific rules. Taxonomy involves categorizing legal systems according to some dominant characteristic (Mattei 1997). The approach originates in a scientific approach to the study of comparative law that was dominant from the time of Montesquieu until the early part of this century, classifying legal systems according to their genetic characteristics (Marfording 1997). It is echoed today in the so-called “Law and Finance” literature which postulates long-term effects of legal origins (La Porta et al 1998).

Both doctrinal analysis and taxonomy are essentially historical in character, and it may seem ironic that neither method is particularly appealing to an unquestioned giant in legal history. Friedman parts ways from traditional comparative legal historians who

focus on the genealogy of particular rules. In a 1990 paper in honor of John Merryman, Friedman diagnoses the ills of comparative law as well as its strengths (Friedman 1990). Comparative law, in his view, has done a good job of generating information on materials that facilitate cross-border transactions. This is the doctrinal work identified above. In a typically succinct analogy, Friedman characterizes comparative law as being preoccupied with the problems of translation across cultures and the corresponding search for functional equivalents. It thus “has the virtues and the faults of a dictionary. A dictionary is an essential reference tool, but nobody can learn a foreign language, or grasp its essential genius, from a dictionary alone. ...The vital core of a language is not to be found in the dictionary, but in the mouths of real people, using a language in their daily lives.” Friedman then notes that understanding a legal system requires more than the dictionary-like tools: “A living body of law is not a collection of doctrines, rules, terms and phrases. It is not a dictionary but a culture, and it has to be approached as such” (1990: 50) .

This stance has strong methodological implications. The traditional methods of the comparativist, doctrinal analysis and taxonomy, both implicitly adopt a view of law as highly autonomous. A rule can be divorced from its social context, “transferred” across borders, and then compared; the aggregate of rules forms a legal “system” that exists independent of its society. But Friedman rejects this view. The comparativist’s idea of legal tradition, he notes, tracing the genealogy of legal rules, is a “fairly arid and formalist affair, divorced from context and the living law” (1994: 20)

Taxonomy, which focuses on the aggregate of rules in a system, can fare no better without a sociological approach. Taxonomy is an essentially genealogical exercise that aggregates the doctrinal development of particular rules into grand statements about the family to which a legal system belongs. For Friedman, one must begin the inquiry with the functioning legal system rather than its historical basis. It takes a certain amount of intellectual courage for a professional historian to reject the dominant historical method in comparative law, and yet Friedman did so because it was the wrong kind of history.

One can summarize his stance in a series of propositions. First, law, however it may be defined, is *not* an autonomous system. It is responsive to needs and demands from society, culture, and the economy; but it is not identical to them. Law, Friedman

suggests, is neither wholly autonomous in the sense of impervious to social changes, nor a mere “mirror” of society (see also Tamanaha 2001). This leads to a strong anti-formalism:

“Formal change, almost universally, has no power in itself to do more than to act as a tool of strong social forces. Otherwise, we would have to admit that legal words, concepts and propositions have an almost magical power, in themselves, to mold the attitudes, first, of lawyers and judges, then of masses of people and in the long run determine their behavior. There have been many men who believe in such a theory of law—law insulated from and independent of social forces. But it runs counter to the idea which modern social science insists upon—that law is part of the totality of culture; that the part is not master of the whole; that interests and values, pressing in from outside or internalized by those inside the system, make up the law.” (Friedman 1969)

Second, law is a culturally specific category whose scope varies across societies (Friedman 1994). This point poses severe methodological challenges to the comparative enterprise. In the late 1970s, Friedman described comparative sociology of law, he described, is “weak, fledgling branch of legal scholarship”(Friedman 1978) and it is doubtful whether the recent explosion in research in foreign-focused materials in the law and society journals would lead him to a different conclusion today, as little of this work is truly comparative in scope.

If law, lawyers, and legal systems are defined differently in different societies, comparison may be impossible. Perhaps in response to the paucity of method in traditional comparative law, a number of comparative law scholars have recently begun to follow the interpretive turn in contemporary anthropology (Ainsworth 1996). This approach contrasts the *external* study of social phenomena with efforts to capture the *internal* understanding of social meaning. Scholars leading the revival of this perspective now call for a new kind of comparative law focused on the diversity and uniqueness of legal systems and legal cultures. By forcing legal phenomena into pre-existing and

universal categories, it is claimed, the observer loses what is distinctive and meaningful about particular practices. Understanding the meaning of the practices within their cultural contexts is the goal of these comparativists.

All of this was anticipated by Friedman, with his emphasis on culture, but he seems to resist grand postmodernist claims of incommensurability as well. Instead, he moves out to survey the forest rather than the trees, and emphasizes surprising similarities rather than particularistic differences. When grappling with Blankenburg's contrast of Dutch and German legal cultures, for example, Friedman (1998) questions whether they are really that different at all. Both systems face many of the same social problems, and share methods of attacking them. The problem clearly is one of degree. While it may be difficult to develop a precise jurisprudential definition of law, it is possible to develop a sociological one (Friedman 1969). And the fact that the borders may be fuzzy, that some things may be difficult to place as within the realm of the legal, does not reduce the fact that some things clearly are in the category of legal actors and legal behavior. The method that this stance implies is, in short, a lot of reading and hard work. There are no shortcuts other than knowing as much as one can about various societies and how law, as a discrete mode of social ordering, operates in local culture.

Thus Friedman remains optimistic about positive social science. Annelise Riles, in an important critical volume on comparative law as an intellectual discipline, (Riles 2001) notes that it is normative and modernist in character, seeking "unity through law" and identifying the "common core" of legal systems.¹ Friedman and collaborators made similar points in the late 1970s (Merryman, Clark et al. 1979).² They noted that the discipline of comparative law always sought universality, and was in this sense a logical

¹ Friedman is not above what Riles calls the modernist notion in comparative law. His contribution, with Teubner, to the *Integration through Law* exercise is an example, considering how legal education might be employed for integration. But his recommendations are predictably interdisciplinary in orientation: European legal education should focus not on norms but on methods, drawing heavily from positivist social science to understand and grapple with national features.

² This volume moves toward a quantitative comparative law, collecting statistics on legal activity in many societies; though in the end the authors don't take the additional step of testing propositions about modernization.

extension of continental notions of legal science. Friedman and his collaborators thus identified the same problem that Riles did later, but pushed in the direction of positivist inquiry rather than post-modernist self-reflection.

III. The Trope of Legal Culture

Once we move to the behavioral concept of law, comparing two societies is a particularly difficult task. For Friedman, the key point of inquiry is his long-standing trope of legal culture. Culture matters. As he put it in 1969:

“There do seem to be differences between legal systems which cannot be explained as differences in their strictly legal inheritance, cannot be traced to substantive and structural dissimilarities, and cannot be entirely imputed to differences in technology or economy, yet are not purely formal differences either. These differences reside in what we might call the cultural domain. I would like to suggest that what separates modern from premodern and nonmodern law is a critical cultural distinction.”

Friedman’s concept of legal culture has evolved over time. The quotation above makes it sound like a residual category, composed of everything not easily explained by other more observable factors. But he has in mind something more concrete. Legal culture, in Friedman’s sense, is “values, opinions, attitudes and beliefs about law” (Friedman 1998). It might include (and does include at various points in his corpus of work) ideas about law, propensities to litigate, and customs and habits related to law. Indeed, Cotterell (1997) attacks Friedman as including phenomena too diffuse to fit within a single construct, and accuses Friedman of shifting the concept of culture over time.

My reading of his use of culture is as an intervening variable. Social forces make law, but social change does not produce legal change directly. Rather, legal culture mediates similar pressures in different ways in different societies (Friedman 1994). Yet

legal culture is not static, but partially responsive to social, technological and economic change. For example, as the number and type of economic transactions increase in the developing world, there may be some convergence in attitudes toward law with the developed world. Culture thus represents a kind of lag, though it is hardly predictable in the ways it changes. It is partly a constraint, but also partly a wild card, not capable of mechanistic analysis.

The very notion of culture sounds like it emphasizes the particular and the permanent. But Friedman makes the case that legal culture can be studied at a general level: there is, a distinctively modern legal culture around which societies converge (Friedman 1994). The modern legal culture, writes Friedman, shares six traits: 1) Rapid legal change, in line with rapid social change; 2) Density and ubiquity of law, leading to a juridification of social life; 3) Instrumental legitimacy of law as a tool of social engineering; 4) a somewhat paradoxical emphasis on rights and entitlements; 5) a culture of individualism, which explains the shift toward rights; and 6) Globalization and convergence of legal cultures.

Here Friedman's angle on globalization becomes apparent. Many argue that globalized efforts to transfer legal institutions are imperialistic and involve crude Westernization. But this claim implicitly assumes that the rule of law concept is culturally specific to the west. Friedman argues that it is not so much Western as modern (Friedman 1994). Modern societies are complex, and involve less face-to-face interaction among people who know each other. They also involve disruption to established social orders, as the adoption of formal equality undermines culturally rooted hierarchies. Again, Friedman has a pithy analogy, likening the historical introduction of modern law in the West to the automobile: "America was the first automobile society, but it does not follow that the streets of Tokyo, Seoul and Bangkok are jammed with traffic because of American influence" (Friedman 1998).

The simple observation that legal culture reflects underlying social forces allows Friedman to emphasize surprising similarities that cut across the traditional "families" of comparative law. Thus, he sees similarities between the legal cultures of Germany and the Netherlands, Japan and the United States (Friedman 1998) and Belgium and Britain (Friedman 1990). All of these systems face common problems of industrial societies:

auto accidents, bond flotations, social security payments. On the other hand, observes Friedman, a British lawyer transported backwards in time a century or two would find himself quite unfamiliar with virtually everything about the law. Legal culture is dynamic and responsive, not genetic. And this convincingly lays to rest the traditional comparativists' idea that legal families provide much analytic bite in understanding contemporary societies.

This is a good illustration of the liberating power of the concept of legal culture in social explanation. Ross (1993) notes that the "alluring ambiguity of legal culture offers a standing invitation to arrange seemingly unconnected bits of the past in new and revealing patterns without dampening enthusiasm or imagination by suggesting in advance what should and should not matter" Indeed the very inclusiveness of the concept "can prod historians to make unexpected connections and stimulate scholarly inventiveness." Friedman has indeed used it to this effect.

Even if one accepts this view of the utility and power of legal culture as a concept, there is still the enormous evidentiary difficulty to overcome in deploying it. How can one know what attitudes and ideas about law are? Studying living law is difficult and expensive; indeed, one might say Friedman rejects incommensurability at the theoretical level, only to recreate it at the practical level by utilizing the empirically challenging construct of culture as his key analytic variable. Perhaps then, he means to utilize the notion of culture as a kind of remonstrance for researchers. Simply because you can't easily observe it does not mean that culture isn't there. So we should at least attempt to read between the lines of what evidence we do have, be it legal documents or litigation rates or judicial decisions, for what they tell us about the real issue of legal culture. Better to focus on the difficult but crucial issues than to bypass them in favor of easier work.

IV. On Big Theories and Small Cases

Friedman also has what I might call the historian's distaste for grand theory. Ideas produced by legal scholars about law and society no doubt have the potential to shape the legal system. But Friedman's view (1994: 1293) is that "great ideas have little

or nothing to do with the way the legal system grinds away on a daily basis. ...Great ideas are distilled from simple, commonplace notions that are part of the fabric of daily life.” This is itself, of course, a theoretical statement.

Friedman’s concern with bottom-up construction of the legal system, of the details of law in ordinary lives, has led him to participate in a number of exercises in gathering massive amounts of data (Kagan and al 1978; Merryman, Clark et al. 1979). Yet one wishes, at times for more theoretical integration. The 1979 SLADE volume, for example, contains rich time-series data on litigation rates, types of claims and legal documents in a number of Mediterranean and Latin American jurisdictions. The Introduction lays out a critique of law and development. But there is no attempt to analyze the data, to do more. I can picture the other members of the group, putting forward suggestions for data analysis, only to have Friedman expose in laser-like fashion the conceptual weakness in their constructs.

It is not that Friedman thinks such analysis is impossible, for, as I hope I have made clear, he believes firmly in the possibility of social science. He acknowledges that some comparison is possible, just very difficult. But because of his view of culture as *the* key phenomenon for analysis, he has, in a sense, avoided having to *do* the social science work by placing all the weight on the most empirically difficult part of the legal system to study. He has left that difficult work to the rest of us laboring in the trenches of comparative law.

What then, might a Friedmanite comparative law look like? Clearly, it would obviously be a branch of and technique for comparative social studies. Friedman’s essay with Teubner (Friedman and Teubner 1986) calls for a shift in legal method “away from doctrine, classification and abstraction, toward a problem-oriented, functional approach.” Looking at the operation of law and legal rules in society must be the starting point.

Functionalism, of course, has a long tradition in comparative law. But in general the social science invoked is implicit, not explicit. Classic comparativists (Zweigert and Kotz 1998) recognize that different legal rules can play similar functions in different societies. But they do not take the logical next step, which is to identify social, cultural and environmental factors as the relevant independent variables worthy of inquiry.

Friedman suggests that these are not only worthy of study, but essential to making any progress.

One finds, then, suggestive hypotheses for empirical testing throughout Friedman's work. "In all societies people avoid activities that impose on them punishments or costs and they perform acts that bring them rewards. What differs from society to society is the perception of benefit or cost." (Friedman 1969). This would seem to suggest experimental and empirical projects to isolate the perceptions of costs and benefits, integrating cross-cultural psychology with law and economics. (One might think of this as Lawrence's challenge to his namesake Milton). The statement also suggests that legal systems are essentially frames or images of social reality. They are epistemologies which guide and orient legal decision-makers. These perceptions of legal decision-makers are clearly related to, yet autonomous from, the general perceptions of society. As he and Teubner (1986) conclude: "The traditional approach to legal doctrine is either dead, or at best ineffective in explaining how legal systems actually behave. The social sciences may not have satisfactory answers; but at least they do sometimes ask the right questions."

Conclusion

For comparative lawyers, Friedman is a problematizer and wise critic. Indeed, given the prescience of his articles in the late 1960s, one might even call him prophetic. His consistent concern, too often ignored, has been to push comparative studies to the issue of culture, and to how people understand the law. But he consistently rejects claims of incommensurability and in this sense defends the possibility of comparative legal studies.

The challenges to a Friedmanite comparative law are enormous since his framework identifies as the key variable something very difficult to observe. Indeed, I have suggested that at times his view leans toward a practical incommensurability at the same time that he rejects a theoretical one. Yet we are beginning to see steps in the right direction in comparative legal studies.³ Much comparative work now relies on very close

³ I hesitate to single out specific studies, but Ross 2004 and Whitman 2004 would likely meet with Friedmanite approval.

social science work to grapple with the law in action, taking culture seriously. But on balance, comparative law and society studies have not come far since Friedman developed his framework in the late 1960s. Had he put on a beret and developed a complex multisyllabic vocabulary, we might think of Friedman as one of the great social theorists of the 20th century. Instead, he had the simpler virtue of simply asking the right questions, early and often.

SOURCES

Ainsworth, J. E. (1996). "Categories and Culture: On the "Rectification of Names" in Comparative Law." Cornell Law Review **82**: 19-42.

Friedman, L. M. (1969). "Law Reform in Historical Perspective." St. Louis University Law Review **13**: 351-72.

Friedman, L. M. (1969). "On Legal Development." Rutgers Law Review **24**: 11-64.

Friedman, L. M. (1978). Access to Justice: Social and Historical Context. Access to Justice. M. Cappelletti and J. Weisner. Milan, Dott. A. Giuffrè Editore. **II**: 3-36.

Friedman, L. M. (1990). Some Thoughts on Comparative Legal Culture. Comparative and Private International Law: Essays in Honor of John Henry Merryman on his Seventieth Birthday. D. S. Clark. Berlin, Duncker and Humblot: 49-57.

Friedman, L. M. (1994). "Is there a Modern Legal Culture?" Ratio Juris **7**(2): 117-31.

Friedman, L. M. (1994). Law, Legal Institutions and Economic Development. Law and Technology in the Pacific Community. P. S. C. Lewis. Boulder, Westview Press: 7-26.

Friedman, L. M. (1998). Blankenburg on Legal Culture: Some Comments. Soziologie des Rechts: Festschrift für Erhard Blankenburg zum 60 Geburtstag. J. Brand and D. Stempel. Baden-Baden, Nomos Verlagsgesellschaft: 381-86.

Friedman, L. M. (1998). Some Thoughts on the Rule of Law, Legal Culture and Modernity in Comparative Perspective. Toward Comparative Law in the 21st Century. Tokyo, Chuo University Press: 1075-90.

Friedman, L. M. and G. Teubner (1986). Legal Education and Legal Integration: European Hopes and America Experience. Integration through Law. M. Cappelletti, M. Seccombe and J. Weiler. New York, Walter de Gruyter. **1, Book 3**: 345-79.

Galanter, M. (1966). The Modernization of Law. Modernization: The Dynamics of Growth. M. Weiner. New York, Basic Books: 153-165.

Galanter, M. and D. Trubek (1974). "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States." Wisconsin Law Review: 1062-95.

Kagan, R. and e. al (1978). "The Evolution of State Supreme Courts." Michigan Law Review **76**: 961.

La Porta, R., F. Lopez-De-Silanes, A. Shleifer, and RW. Vishny, (1998). "Law and Finance," *Journal of Political Economy* **106**: 1113-.

Legrand, P. (1997). "The Impossibility of Legal Transplants." Maastricht Journal of European and Comparative Law **4**: 111-.

Legrand, P. (2001). What "Legal Transplants?" Adapting Legal Cultures. D. Nelken and J. Feest. Oxford, UK, Hart Publishing: 55-69.

Levmore, S. (1986). "Rethinking Comparative Law: Variety and Uniformity in Ancient and Modern Tort Law." Tulane Law Review **61**: 235.

Marfording, A. (1997). The Fallacy of Classification of Legal Systems: Japan Examined. Asian Laws Through Australian Eyes. V. Taylor. Sydney, LBC Information Systems.

Mattei, U. (1997). "Three Patterns of Law: Taxonomy and Change in the World's Legal Systems." American Journal of Comparative Law **45**(Winter): 5-44.

Merryman, J. H., D. S. Clark, et al. (1979). Law and Social Change in Mediterranean Europe and Latin America. Stanford, Stanford Studies in Law and Development.

Riles, A. (2001). Rethinking the Masters of Comparative Law. Portland, OR, Hart Publishing.

Ross, J. E. (2004). "Impediments to Transnational Cooperation in Undercover Policing: A Comparative Study of the United States and Italy." American Journal of Comparative Law **52**: 569-623.

Ross, R. J. (1993). "The Legal Past of Early New England: Notes for the Study of Law, Legal Culture and Intellectual History." William and Mary Quarterly **50**(28-41).

Stromseth, J., D. Wippman and R. Brooks (2006). Can Might Make Rights? New York: Cambridge University Press.

Tamanaha, B. (1995). "The Lessons of Law and Development Studies." American Journal of International Law **89**: 470.

Tamanaha, B. Z. (2001). A General Jurisprudence of Law and Society. New York, Oxford University Press.

Trubek, D. (1972). "Max Weber On Law And The Rise Of Capitalism." Wisconsin Law Review **3**: 720.

Whitman, J. Q. (2003). Harsh Justice: Criminal Punishment and the Widening Divide Between America and Europe. New York, Oxford University Press.

Whitman, J. Q. (2004). "Two Western Cultures of Privacy: Dignity versus Liberty." Yale Law Journal **113**: 1151.

Zweigert, R. and H. Kötz (1998). An Introduction to Comparative Law. 2d.ed. New York: Oxford University Press.