Zweigert & Kötz

1.“[L]egal science in general is sick, and comparative law can cure it”.

> Konrad Zweigert & Hein Kötz, *Introduction to Comparative Law*, 3d ed. transl. by Tony Weir (Oxford: Oxford University Press, 1998 [1996]), p. 34 [hereinafter: *Introduction*].

2.“Comparative law […] shows up the emptiness of legal dogmatism and systematics”.

> *Introduction*, p. 33.

3.“[C]omparative law offers the only way by which law can become international and consequently a science. […] There is no such thing as ‘German’ physics or ‘British’ microbiology or ‘Canadian’ geology”.

> *Introduction*, p. 15.

4.“[P]rivate law can once again become, as it was in the era of natural law, a proper object for international research”.

> *Introduction*, p. 45.

5.“[C]omparative law […] is preeminently adapted to putting legal science on a sure and realistic basis”.

> *Introduction*, p. 33.

6.“[C]omparative law seems to present itself as a *science pure*”.

> *Introduction*, p. 6 [emphasis original].

7.“[L]eave aside the topics which are heavily impressed by moral views or values, mainly to be found in family law and in the law of succession, and concentrate on those parts of private law which are relatively ‘unpolitical’” [German = *unpolitischen*].

> *Introduction*, p. 40.

> 7a.“[T]he comparatist must sometimes look outside the law”: *Introduction*, p. 39.

8.“Scholars [...] have [...] only the ultimate goal of discovering the truth”.

> *Introduction*, p. 3.

9.“Comparative law is an ‘école de vérité’”.

Introduction, p. 15.

10.“[O]ne of the aims of comparative law is to discover which solution of a problem is the best”.

Introduction, p. 8.

11.“[A] textbook of comparative law should […] indicate which is the best solution here and now”.

Introduction, p. 23.

> 11a.“The critic is forced to conclude that on this point [the legal consequences to the issuance of an offer] the German system is best”: *Introduction*, p. 362.

12.“[Comparative lawyers] […] know that they must cut themselves loose from their own doctrinal and juridical preconceptions and liberate themselves from their own cultural context in order to discover ‘neutral’ concepts with which to describe […] problems”.

Introduction, p. 10.

13.“[T]he comparatist must eradicate the preconceptions of his native legal system”.

Introduction, p. 35.

14.“‘If the picture presented by a scholar is coloured by his background or education, international collaboration will correct it’” (quoting Rabel).

Introduction, p. 47.

15.“[T]he pure and disinterested investigation of foreign legal systems […] produces the […] working hypothesis”.

Introduction, p. 34.

16.“[W]hen the process of comparison begins, each of the solutions must be freed from the context of its own system”.

Introduction, p. 44.

17.“[T]he solutions we find in the different jurisdictions must be cut loose from their conceptual context and stripped of their national doctrinal overtones so that they may be seen purely in the light of their function, as an attempt to satisfy a particular legal need”.

Introduction, p. 44.

18.“[Reports] should be objective, that is, free from any critical evaluation”.

Introduction, p. 43.

18a.“[T]he comparatist must treat as a source of law […] whatever the lawyers there would treat as a source of law, and he must accord those sources the same relative weight and value as they do”: *Introduction*, pp. 35-36.

19.“[P]rivate law can […] maintain its claim to scientific exactitude and objectivity”.

Introduction, p. 45.

20.“The basic methodological principle of all comparative law is that of *functionality*”.

Introduction, p. 34 [emphasis original].

21.“The question to which any comparative study is devoted must be posed in purely functional terms”.

Introduction, p. 34.

22.“[If one poses one’s questions properly, that is, in terms of function, and if one investigates a legal system in its entirety, […] differences are really immaterial”.

Introduction, p. 62.

23.“[T]he legal problems of all countries are similar. Every legal system in the world is open to the same questions and subject to the same standards, even countries of different social structures or different stages of development”.

Introduction, p. 46.

24.“[O]ne can almost speak of a basic rule of comparative law: different legal systems give the same or very similar solutions, even as to detail, to the same problems of life”.

Introduction, p. 39.

25.“Indeed, it almost amounts to a ‘*praesumptio similitudinis*’, a presumption that the practical results are similar. As a working rule this is very useful, and useful in two ways. At the outset of a comparative study it serves as a heuristic principle — it tells us where to look in the law and legal life of the foreign system in order to discover similarities and substitutes. And at the end of the study the same presumption acts as a means of checking our results: the comparatist can rest content if his researches through all the relevant material lead to the conclusion that the systems he has compared reach the same or similar practical results, but if he finds that there are great differences or indeed diametrically opposite results, he should be warned and go back to check again whether the terms in which he posed his original question were indeed purely functional, and whether he has spread the net of his researches quite wide enough” [emphasis original].

Introduction, p. 40.

26.“[I]f clear and consistent general principles of law were established, this would promote international trade and advance the general standard of living”.

Introduction, pp. 3-4.

27.“[C]omparative law […] permits us […] to deepen our belief in the existence of a unitary sense of justice”.

Introduction, p. 3.