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Methodological Issues in Economic, Political and Sociological Comparisons of
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Abstract:

The “comparative quality” of common law and civil law has become an issue of policy, since La Porta, Lopes-de-Silanes, Shleifer and Vishny (LLSV) have asserted that common law countries enjoy better governance and economic performance than civil law countries. Influencing the methodology of the “Doing Business” Reports of the World Bank and the country analyses of rating agencies, LLSV affect the creditworthiness of transforming and developing countries and hence cast doubt on assistance to legal reforms in these countries from civil law sources. This paper surveys the methodological issues, which LLSV have raised in arriving at their assertion. Reviewing their methodology requires meeting them in the interdisciplinary arena of political theory, sociology and economics, which they have chosen, while extending it to the disciplines of institutional economics, comparative law, legal history and philosophy of science, which they have neglected.

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