

## THE POWERS OF LAW

Comparative studies can reveal much about how law is formed out of social reality and political power by exploring these interactions in different national contexts. In this work Mauricio García-Villegas compares ideas about law, power and society in France and the United States, demonstrating different approaches to sociopolitical legal studies. Using the interdisciplinary tools of the sociology of law, critical legal theory, and socio-legal studies, García-Villegas builds up an insightful overview of what constitutes law and society theory and practice in France and the United States. He brings together diverse perspectives and practices that generally do not communicate well with one another, as is often the case between the critical theory of law of jurists and the legal sociology of sociologists. This study will allow readers to understand the sociology of law in a comparative perspective and sets out a new research agenda for the field of sociopolitical legal studies.

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A Comparative Analysis of Sociopolitical  
Legal Studies

*Mauricio García-Villegas*  
*National University of Colombia*



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To Eric Rambo

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## PREFACE

Our ideas are largely dependent on the events of our lives and on the history of our existence. Every thought, Nietzsche said, is the confession of a body, the autobiography of a living being. This book is no exception to this assertion. The ideas of law and politics that I present here are, mainly, the product of the life I have lived, first as a student in Latin America and Belgium, then as a professor at various universities and research centers in France, the United States, and Latin America.

The contrasting populations, histories, cultures, and political struggles of the countries where I have lived have shaped my own conceptions of law and its relation to political power. My academic experience in such different countries has allowed me to see how dependent legal thought is on the national setting and, from this evidence, how doubtful the idea of the political neutrality of law is.

Nonetheless, this experience also showed me that we should not dissolve legal thinking into the social and political reality of each country. The law is not only a system of ideas built by the tools of a technical rationality (the science of law) but also the result of the political and cultural relations underlying such rationality.

This book would not have been possible without the help and support of many colleagues and friends. I would first like to extend my thanks to Jacques Commaille, who asked me to write this book in 2010, when I was doing research in France, and who has honored me with his friendship and advice throughout most of my academic career. I also wish to thank Liora Israël, who patiently read the first draft of the French version of this book and gave me important critical feedback. I thank Aude Lejeune, who commented on the first version of this book and coauthored an early version of Chapter 5.

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## PREFACE

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