

NEGATIVE COMPARATIVE LAW

Written under the sign of Beckett, this book addresses comparative law's commitment to the deterritorialization of the legal and its attendant claim for the normative relevance of foreign law locally in the fabrication of statutory determinations, judicial opinions, or academic reflections. Wanting to withstand the law's persistent tendency towards nationalist retrenchment and counter comparative law's institutional marginalization, the fifteen essays at hand impart radical and discerning intellectual equipment in order to foster the valorization of the legally foreign and the comparative motion. In particular, the critique informing this manifesto examines pre-eminent topics like culture and difference, understanding and translatability, objectivity and truth, invention and tracing. Harnessing insights from a range of disciplinary discourses, this book contends that comparatists must boldly desist from their field's dominant epistemology and embrace a practice much better attuned to the study of foreignness.

PIERRE LEGRAND teaches comparative law at the Sorbonne.

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NEGATIVE COMPARATIVE LAW

A Strong Programme for Weak Thought

PIERRE LEGRAND



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*Enfin sorti de l'étroite prison, j'ai voyagé jusqu'à l'étiollement.
Aujourd'hui, j'habite le pays que tu m'as festonné
et notre insolente solitude me comble.
Je n'ai pas les mots pour faire ton éloge
ou dire notre emmèlement somptueux.
Je m'émerveille.
Mais voici donc ces tissures, ces vestiges,
pendant qu'ailleurs on s'affiche sûr.
Dotés d'étangs camarguais,
de tes vifs chevaux blancs aux crinières vaporeuses
(Mein Muppie et Der Züßfe),
avantagés des arcades de ton vieux cloître arlésien,
des chemins rocailleux du massif mistralé aussi,
signalant avec ardeur leur regimbement,
tu as voulu qu'ils s'élancent, Compagne.*

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‘[I]n this great worry around the manner of governing
and in research on the manners of governing, one detects
a perpetual question that would be: “how not to be governed *like that*,
by them, in the name of these principles, with a view to such objectives
and by the means of such processes, not like that, not for that, not by them?” . . .
[I]t seems that one could place on that side pretty much what one would call
the critical attitude . . . as a manner to be wary [of the arts of governance],
to recuse them, to limit them, to find them a just measure, to transform them,
to seek to escape these arts of governance or, at any rate,
to displace them, by way of essential reticence, but also and thereby
as a line of development of the arts of governance . . .
[what] I would call quite simply . . .
the art of not being governed like that and at that price.’

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