

European Legal Cultures

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Classes 1-2 (8/25 and 8/26)

French Law's Otherness

- Alain Badiou, *Ethics*, transl. by Peter Hallward (London: Verso, 2001), pp. 18-29 [1993].
- Otto Kahn-Freund, "Introduction", in *The Institutions of Private Law by Karl Renner*, ed. by Otto Kahn-Freund and transl. by Agnes Schwarzschild (London: Routledge & Kegan Paul, 1949), pp. 8-16.
- Max Weber, *Economy and Society*, ed. by Guenther Roth and Claus Wittich, vol. II (Berkeley: University of California Press, 1978), pp. 784-808 [1922].

In the first of these three texts, Alain Badiou, one of Europe's foremost contemporary philosophers, challenges assumptions to the effect that there is cultural diversity worth studying (and, to extend his argument to law, that there is *legal* diversity deserving our attention). Against Badiou, I will make a case *for* differential analysis of juriscultures. The excerpts from Kahn-Freund, a distinguished XXth-century comparatist, and Weber, arguably the most influential modern European sociologist, introduce what is generally styled the "civil law" tradition — as opposed to the common-law tradition with which we are familiar. These two texts serve as background to our examination of French legal culture, the main focus of the course.

All texts can be downloaded from www.pierre-legrand.com. Kindly go to the last page of the website, which is entitled "European Legal Cultures".

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