

---

# The Ways of Negative Comparative Law

---

Pierre Legrand

Designed cover image: © STILLFX/Shutterstock

First published 2026

by Routledge

4 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge

605 Third Avenue, New York, NY 10158

a GlassHouse book

*Routledge is an imprint of the Taylor & Francis Group, an informa business*

© 2026 Pierre Legrand

The right of Pierre Legrand to be identified as author of this work has been asserted in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

*Trademark notice:* Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

*British Library Cataloguing-in-Publication Data*

A catalogue record for this book is available from the British Library

ISBN: 978-0-367-72305-7 (hbk)

ISBN: 978-0-367-75333-7 (pbk)

ISBN: 978-1-003-16203-2 (ebk)

DOI: 10.4324/9781003162032

Typeset in Bembo

by Taylor & Francis Books

I	The fair foot and the weak mind	1
II	The institutionalization of it all	9
III	Wrong words and the wrighting	81
IV	My talk at Harvard	148
V	Selfness exorbitant	219
VI	The foreign preponderates	277
VII	Comparative contraventions	305
VIII	Animal law, comparatively speaking	322
IX	A partial glossary	349
X	Appreciation	387
	<i>Index of matters</i>	390
	<i>Index of names</i>	411

## A partial glossary

---

Ablepsy: effectively orthodox comparative law's intellectual manner, thus a prohibitive epistemic problem.

*Agencement*: assemblage with a Deleuzian touch (for those who like that sort of touch). Eg: Starbucks in Paris is an *agencement* of the so-called 'global' and the local, so are class actions or '*actions de groupe*' in France.

Agonism: what must be the case across laws, inevitably, for each law is singular.

Allomorphism: what must be the case across laws, inevitably, for each law is singular.

Amelioration (of local law): what comparative law is also about, ultimately.

Anecdota: an inherent feature of anecdotal comparative law, which is key to keeping comparative law alive; interpretive, inevitably; evokes anecdatagraphy. Not data: *anec*-data.

Angle: every comparatist-at-law comes to foreignness at an angle (some angles being much wider than others).

Antagonism: what must be the case across laws, inevitably, for each law is singular.

Anxiety (or dread): mental response that the differend and attendant legal relativism may well generate in the (committed and thoughtful) comparatist-at-law. Comparative law is not for the faint of heart.

Appropriation: simplistic epistemic motion vis-à-vis foreignness that the comparatist-at-law must resist, absolutely.

Archaeology: the comparatist-at-law's interpretive digging, his tracing, with a view to eliciting, evincing, the constitutive threads of the fabric that is the law-text.

Archive: in interpretive/productive tension with the narrative, inevitably.

As is (as in 'foreign law as is'), also 'as such' (as in 'foreign legal culture as such'): effectively inconceivable.

Assemblage (1): intertwinement between the so-called 'global' and the local.

Assemblage (2): intertwinement of the traces that exist within the foreign law-text and as the law-text, that attest to the foreign law-text's enculturation.

Assimilation: simplistic epistemic motion vis-à-vis foreignness that the comparatist-at-law must resist, absolutely.

Attachments: evocations of foreign law's facticity or worldliness. Eg: foreign law has attachments to a world (foreign law is worldly).

Attitude: mindset that the comparatist-at-law brings to bear as he addresses foreignness; must be other-oriented, for the other, inevitably.

Authority: some comparatists-at-law have it and apply it, never disinterestedly.

Autobiography: what every comparison-at-law exists as, inevitably.

Autoimmunity: inherent feature of foreignness allowing it to parry the comparatist-at-law's appropriation or assimilation.

Beckett (1): foremost negative comparatist-at-law *sans la lettre*.<sup>1</sup>

Beckett (2): 'Try see. Try say'.<sup>2</sup>

Better law: simplistic epistemic motion vis-à-vis foreignness that the comparatist-at-law must resist, absolutely. All there is, and all there can be, is preferred law, one's preferred law according to one's preferred benchmark. Comparative law must do better than better-law comparison. (Quaere: ought animal law not to rank as a felicitous quasi-exception in the interest of animals as in 'a law prohibiting farrowing crates for sows is better than a law allowing them?')

Bindingness: the normativity that foreign law or legal culture can never enjoy locally.

1 Eg: P Legrand, 'Beckett's Weather Report' in L Siliquini-Cinelli, D Gianti, and M Balestrieri (eds), *The Grand Strategy of Comparative Law* (Routledge 2024) 181–93.

2 S Beckett, *Worstward Ho* in *Company/Ill Seen Ill Said/Worstward Ho/Stirrings Still* (D Van Hulle ed, Faber & Faber 2009 [1983]) 82.

Body (as in ‘the comparatist-at-law’s body’ or ‘the body text’): effectively ineliminable, an irreduction.

Borges: significant source of sophisticated comparative insights.

*Bricolage*: what every comparative-law report exists as.

*Bricoleur*: what every comparatist-at-law exists as.

Cartesianism (1): philosophical doctrine that residually pervades orthodox comparative law (unbeknownst to orthodox comparatists-at-law) and serves it very poorly (ditto).

Cartesianism (2): enemy epistemology.

Censorship: what regularly manifests itself under various guises in comparative law, at times shockingly so. *See* MPI.

Charity (as in ‘the principle of charitable interpretation’): ethical precept that must guide the comparatist-at-law.

‘Clean slate’: inexistent. The comparatist never brings such disposition to bear unto his foreign-law research. *See* Encumbrance (2).

Close reading (1): ‘A little close reading goes a long way.’<sup>3</sup>

Close reading (2): the comparatist-at-law’s future attentional practice, one very much hopes.

Closed reading: the comparatist-at-law’s present (not to mention past) non-attentional practice, one very much regrets.

Coevalness: parity; the relative status of the different, singular laws. *See* Better law; Differend; Relativism (legal) (1) and (2).

Colonialism (1): strong orthodox comparative-law disposition whereby the ruling self has sought to construct inferior others by reference to criteria such as civilization and race – or lately, conceptualism and ‘scientificity’. Eg: a German comparatist-at-law writes that ‘German doctrinal scholarship will always be superior to that of other countries.’<sup>4</sup>

<sup>3</sup> J Guillory, *On Close Reading* (Yale University Press 2024) 64.

<sup>4</sup> R Michaels, “‘Law as the Study of Norms’ – Foundational Subjects and Interdisciplinarity in Germany and the United States’ (*Verfassungsblog*, 19 February 2014)

Colonialism (2): simplistic epistemic motion vis-à-vis foreignness that the comparatist-at-law must resist, absolutely; instead, one must be other-oriented, for the other, inevitably.

Commensurability (1): what cannot exist as between the comparatist-at-law and foreignness being separated within their compearance, as between word and world, except by reference to the comparatist's interested intervention.

Commensurability (2): what cannot exist across singular foreign laws or legal cultures being separated within their compearance, as between law-worlds, except by reference to the comparatist's interested intervention.

Commonality: obsessive and addictive focus within comparative law; effectively difference by another name.

Common core (across laws): .

Common to: different from.

Communication: absent from the dynamics arising between the comparatist and foreign law or legal culture, inevitably.

'Community': misnomer; at best an 'as-unity', which is why quotation marks are in order. There are but individuals, ultimately.

Comparative: neologism. Emphasizes the active role that the comparatist plays within foreign-law research, which is never objective or true. Eg: Simone's work on French constitutional law is comparative.

Comparatist (also comparatist-at-law) (1): one of culture's forms of existence. Also, one of legal culture's forms of existence.

Comparatist (also comparatist-at-law) (2): he who haunts foreign-law research, inevitably.

Comparative law (1): misnomer.

Comparative law (2): since the 1820s, a field, now featuring all the usual sociological markers.

Comparative law (3): discipline (there are good comparative manners – or so claims the orthodoxy, aggressively).

Comparative law (4): fissure within positivism's structure of power.

Comparative law (5): practice that must involve more than one law in co-presence, but not necessarily expressly so. Eg: a French jurist writing on US law engages in comparative law.

Comparative law (6): what there is much too much of that is not good enough (for example, in the form of a very short introduction).<sup>5</sup>

Comparative legal studies: what the comparative enterprise in the law should be designated (which would make it the other CLS – the CLS after CLS).

Comparison (1): indispensable to the acquisition of information, a most basic (*the* most basic?) form of making-sense.

Comparison (2): always-already, structurally, defective, inevitably. *See* Defective; Failure.

Comparison (3): not foreign law or legal culture, yet operating as that foreign law or legal culture itself (for the comparatist's readers, foreign law or legal culture is what the comparatist's comparison asserts it to be).

Conflict: what must be the case across laws, inevitably, for each law is singular; what must be the case across interpretations, inevitably, for each interpretation is singular; what must be the case across comparisons, inevitably, for each comparison is singular.

Conjunctive: effectively the form that knowledge adopts if there is knowledge to be had (not subjective or objective, but taking shape in conjunction both with the alleged knower and with what is purportedly being known). *See* Nescience; Thrownness.

Conjuration: stage in the interpretive process.

Consensus: whenever it is claimed in any form (eg with reference to universalism), must be taken to imply exclusion, silencing; yet, a hegemon; a fantasy, too.

Contingency (1): abiding (cultural) characteristic of foreign law or legal culture and of the comparing self, too, that prohibits the emergence of mind-independent

<sup>5</sup> For a detailed argument, see P Legrand, 'Comparative Law's Shallows and Hollows: A Negative Critique on Ablepsy' (2025) 20(2) J Comp L 239.

objectivity or truth; invites humility in the defence of one's views (eg I could have been born and raised elsewhere, and I would think differently).

Contingency (2): space of possibility that could have seen the co-authors of the leading textbook in comparative law for the past fifty years or so having received their legal education in the United States instead of Germany, at Berkeley or Harvard instead of in Berlin or Hamburg. (Imagine!)

Contrarianism: what the comparatist-at-law must dare – as a matter of scholarly integrity – so as to move the field of comparative law beyond the nineteenth century.

Convergence (of laws): persistent descriptive and prescriptive delusion informing orthodox comparative law's egregious epistemic condition.

Correctness: unless the comparatist is seeking the date of coming into force of a statute or other such humdrum information, an illusion. No comparatist reading foreign law or legal culture can produce a correct record of it, ever, for interpretation of foreign law or legal culture is intrinsically unsusceptible of correctness; yet, a hegemon; a fantasy, too.

Cosmopolitical: what comparative law must be, not cosmopolitan.

Counter-signature: the comparatist's inevitable inscription or mark making his foreign-law or legal culture record structurally non-mimetic vis-à-vis foreign law or legal culture.

Creditability: what comparative law struggles institutionally to earn, ever.

Crinanthropist: what a credible comparatist-at-law must be in reaction to orthodox comparative law, absolutely.

Critique (1): evidently critically important.

Critique (2): disposition towards comparative law that one is much more likely to implement if one received one's comparative-law training in certain places or institutions and with certain comparatists-at-law instead of others. *See* Contingency (1) and (2).

'Crude traveller': as per Rousseau (who writes '*voyageu[r] grossie[r]*').<sup>6</sup> It is for the comparatist-at-law to ensure that he is never *that*.

6 J-J Rousseau, [*Notes sur le*] *Discours sur l'origine et les fondements de l'inégalité* in *Œuvres complètes*, vol 3 (B Gagnebin and M Raymond eds, Gallimard 1964 [1755]) 214.

Culturalism: significantly broader space of interpretive possibility vis-à-vis foreign law or legal culture; effectively the only way towards meaningful comparison of laws.

Culturalize: what the comparatist-at-law must do, always, meaningfully (and what even the most blinkered positivist does in any event, inevitably, if at some basic level only, whether he sees it or not, whether he accepts it or not).

Culture (1): what law, any law, exists as, inevitably (law is made as culture, law is law-as-culture).

Culture (2): what a foreign law-text incorporates or embodies, inevitably (no foreign law-text exists out of culture: there is no culture-less foreign law-text).

Culture (3): what a comparatist-at-law incorporates or embodies, inevitably (no comparatist-at-law exists out of culture: there is no culture-less comparatist-at-law).

Culture (4): decisive heuristic for comparatists-at-law (culture does not exist in the way a mountain, a table, or a law-text exists).

Data: inexistent (nothing is given), except as interpretation, inevitably.

Decoloniality: long overdue sensibility requiring to inform comparative law's theory and practice.

Deconstruction (1): the most edifying interpretive strategy on offer for comparative law.

Deconstruction (2): must precede reconstruction.

Deconstruction (3): effectively tracing by another name.

Deculturation: impossible (whether the comparatist-at-law's or the foreign law's).

Defeasibility: interpretation's destiny, tracing's fate, inevitably. No interpretation can be the last interpretation, ever.

Defective: what comparison always-already is, structurally, inevitably (after Mallarmé).<sup>7</sup>

<sup>7</sup> See S Mallarmé, 'Tennyson vu d'ici' in 'Quelques médaillons et portraits en pied' in *Divagations* in *Œuvres complètes*, vol 2 (B Marchal ed, Gallimard 2003 [1892]) 138. Mallarmé's text adopts the form of a Tennyson obituary.

Definitiveness: illusion. No comparison can produce a definitive record of foreign law, ever. See Defeasibility.

Dependence: structurally, the character of any configuration or interpretation of foreignness, for the comparison depends upon the comparatist-at-law. See Contingency (2); Play (2).

Derrida: *l'accompagneur*.

Derring: audacious literariness-enhancing, anti-scientific, humanist writerly strategy that stands diametrically opposed to positivism.<sup>8</sup>

Description (of foreignness): impossibility. No comparatist-at-law can produce a record of foreign law, of world through word, that would be ad idem with the foreign law that exists, there. Think of the descriptive difference that the comparatist-at-law, *this* comparatist-at-law, makes, inevitably.

Desire: effectively ineliminable, an irreduction.

Detail: infinite and ever pointing to more singularity of law, what is never in inscriptive excess.

Deterritorialization: what comparative law is all about, ultimately.

Detractors: occupational hazard. Think flies at the stables.

Dialogue: inexistent; what cannot take place between the comparatist and foreign law or legal culture; yet, a hegemon; a fantasy, too.

Difference (1): what must be the case across laws, inevitably, for each law is singular.

Difference (2): what must be the case between the comparatist-at-law's world and foreignness's world, inevitably.

Difference (3): what must be the case between the comparatist-at-law's word and foreignness's world, inevitably.

Difference (4): what must be the case between the various interpretations of foreign law or legal culture that various comparatists produce, inevitably.

<sup>8</sup> See P Legrand, 'Derring Literarity: The Case of *Negative Comparative Law*' (2025) 37 *L & Literature* 247.

Difference (5): what orthodox comparative law has desperately wanted to contain. *See* Otherness.

Differend: what must be the case across laws, inevitably, for each law is singular (also as between the comparatist-at-law and foreignness – as between world and world or word and world – and as between comparatists-at-law).

Disciples: numerous, alas; very largely, ascertainably, pertaining to the civil-law tradition.

Discord: what must be the case across laws, inevitably, for each law is singular.

Discredit: what comparative law struggles institutionally to overcome, ever.

Disposition: mindset that the comparatist-at-law brings to bear as he addresses foreignness; must be other-oriented, for the other, inevitably.

Disrelation: the state of epistemic play arising between the comparatist-at-law and foreignness, inevitably. *See* Irrelation.

Distance (from foreign law or legal culture): what the comparatist-at-law must consciously keep instead of pretending to an impossible immersion (and what he will maintain, inevitably).

Distortion (of the foreign): unacceptable, a matter of ethics. It follows that one must therefore avoid method and in particular functionalism. *See* Transgression (of the foreign).

Double bind: comparison must record foreign law or legal culture as it exists/ comparison cannot record foreign law or legal culture as it exists.

Duplication (of the foreign law-world): what the comparatist-at-law's words can never achieve. *See* Mimetism.

Emotion: legal relativism's suppletive epistemological regime (to supplement the comparatist-at-law's intellectual commitments). Think heterarchy.

Empiricism: not impartial, not neutral, not objective, not true; someone's empiricism, inevitably. Do not let the fancy diagrams and intricate charts fool you.

Empowerment: comparatists-at-law have it and apply it, never disinterestedly.

Encounter: helpful trope to refer to the interaction between the comparatist and foreign law or legal culture.

Enculturation (1): the comparatist-at-law's unsurpassable horizon; his framework; his prison-house; what befell him. Enculturation haunts the comparatist-at-law and the comparison.

Enculturation (2): foreign law's unsurpassable horizon; its framework; its prison-house; what befell it. Enculturation haunts foreign law and the comparison.

Enculturation (3): at once epistemically empowering and epistemically encumbering (affording a *world-view* but affording *a world-view*).

Encumbrance (1): foreign law or legal culture is epistemically encumbered, inevitably. No foreign law or legal culture comes to the comparison unencumbered. Every instantiation of foreignness (every foreign law-text) is in situation; it is there, somewhere. *See* Enculturation (1).

Encumbrance (2): the comparatist-at-law is epistemically encumbered, inevitably. No comparatist-at-law comes to the comparison unencumbered. Every comparing mind is in situation; it is here, somewhere. It can only start from where it is (and from what it has). *See* Enculturation (2).

English: hegemony to combat, not least when writing in English. *See* References.

Epistemicide: what orthodox comparative law regularly condones and fosters (as when it devises and imposes sham-commonalities or sham-equivalences across laws), thus a prohibitive epistemic problem.

Epistemology (1): the heart of any theory and any practice of comparative law, inevitably.

Epistemology (2): orthodox comparative law's epistemic quintet features scientificity, commonality, familiarity, functionality, and transplantability.

Equipment: what goes into the comparatist-at-law's toolbox.<sup>9</sup>

Equivalence: obsessive and addictive focus within comparative law; effectively difference by another name.

Equivalent to: different from.

<sup>9</sup> See P Legrand, *Negative Comparative Law: A Strong Programme for Weak Thought* (Cambridge University Press 2022) 423–25.

Errancy: the existential condition of interpretation and translation (it wanders and it misses).

Essayism: habit of thought, a way of writing, a lifestyle becoming comparative law.

Estrangement (1): what will always exist vis-à-vis foreign law or legal culture; what must also arise vis-à-vis local law or legal culture.

Estrangement (2): in his record of foreign law or legal culture, the comparatist-at-law must ensure that the reader feels it.

Ethics: evocations of scholarly integrity. There must be a comparative ethics. *See Friendship.*

Ethnocentrism: effectively ineliminable, an irreduction; not disqualifying if kept in epistemic check (could be invisible though).

Exactitude: illusion, unless the comparatist is seeking the date of coming into force of a statute or other such humdrum information. No comparatist reading foreign law or legal culture can give an exact record of it, ever, for interpretation of foreign law or legal culture is intrinsically insusceptible of exactness; yet, a hegemon; a fantasy, too.

Exhaustivity: not a feature of this glossary.

Exile: helps the comparatist-at-law more than it hinders.

Experience: crucial equipment for the comparatist-at-law's toolbox, like flair.

Expressivism: would-be, inexpressive alternative to culturalism.

Fact(s): inexistent, except as interpretation, inevitably.<sup>10</sup>

Facticity (1): every foreign law-text is a factual entity, pertains to facticity.

Facticity (2): every comparatist-at-law is a factual entity, pertains to facticity.

Failure: what comparative law will prove to be in the end, inevitably, the only possibility for the comparatist-at-law being to improve upon the failure over time (a key Beckettian insight).

<sup>10</sup> cf M Heidegger, *Sein und Zeit* (Niemeyer 2006 [1927]) 362: '[T]here is fundamentally no "bare facts".'

Fiction: the comparison, as it is structured. *See* Defective; Failure.

Fidelity: what the comparatist-at-law owes foreign law or legal culture (and SG) as a matter of justness or justice, inevitably.

Fieldwork (1): (badly needed) creditability check for comparison-at-law.

Fieldwork (2): badge of scholarly integrity that most comparatists-at-law feel free to circumvent without any fear of the least stigmatization.

Finiteness: key feature of the comparing mind's existential condition because of the structural cognitive limitations impairing understanding, interpretation, and representation, with which the comparatist-at-law must contend. *See* Failure; Weak.

Flair: crucial equipment for the comparatist-at-law's toolbox, like experience.

Foreign law (1): inexistent for the comparatist (any apprehension of what would be foreign law entails an instantaneous de-foreignization).

Foreign law (2): encultured (or enworlded), inevitably.

Foreign law (3): any study of it comparative, inevitably.

Foreign law (4): any study of it interpretive, inevitably.

Foreign law (5): any study of it self-oriented, inevitably.

Foreign law (6): any study of it autobiographical, inevitably.

Foreign law (7): destination beyond the comparatist's interpretive reach, ultimately.

Foreign legal culture (1): inexistent for the comparatist (any apprehension of what would be foreign legal culture entails an instantaneous de-foreignization).

Foreign legal culture (2): what foreign law, any foreign law, exists as, inevitably (foreign law is made as culture, foreign law is foreign-law-as-culture).

Foreign legal culture (3): what a foreign law-text incorporates or embodies, inevitably (no foreign law-text exists out of foreign legal culture: there is no culture-less foreign law-text).

Foreign legal culture (4): frameworks of intangibles within which ascertainable 'communities' operate and that have normative force for these 'communities'

even though not coherently and completely instantiated, what Gayatri Spivak calls 'a package of largely unacknowledged assumptions'.<sup>11</sup>

Foreign legal culture (5): decisive heuristic for comparatists-at-law (foreign legal culture does not exist in the way a mountain, a table, or a law-text exists).

Foreign legal culture (6): any study of it comparative, inevitably.

Foreign legal culture (7): any study of it self-oriented, inevitably.

Foreign legal culture (8): any study of it autobiographical, inevitably.

Foreign legal culture (9): any study of it interpretive, inevitably.

Foreign legal culture (10): destination beyond the comparatist's interpretive reach, ultimately.

Foreignization: the active process to which the comparatist must subject the host language for a translation to aspire to be just.

Foreignness (1): comparative law's historically distinctive and ultimately contingent epistemic criterion whereby the field asserts its disciplinary jurisdiction so that the *American Journal of Comparative Law*, the review's name notwithstanding, will not publish a comparison between the laws of California and Texas; no foreignness means no comparative law.

Foreignness (2): interpretive, inevitably. *See* Conflict.

Foreignness (3): what cannot mean independently from (the comparatist-at-law's) interpretation *pace* Cartesianism.

Foreignness (4): what must survive translation, absolutely. *See* Foreignization.

Form of life: *see* *Lebensform*.

Frankenberg (Günter): early influencer.

French: quaint language providing the comparatist-at-law with practically no readership of significance (as one learns).

11 GC Spivak, *An Aesthetic Education in the Era of Globalization* (Harvard University Press 2012) 120.

Friendship: opportunity to generate discussion and foster the attunement of edifying interpretation, yet an epistemic hindrance to (negative) critique, hence to scholarly integrity.

Fusion of horizons (1): what never happens between the comparatist and foreign law or legal culture, because it can never happen. Think ivory-tower fallacy. Think theology, too.

Fusion of horizons (2): what never happens between foreign laws or legal cultures, because it can never happen. Think ivory-tower fallacy. Think theology, too.

Fusion of horizons (3): what never happens between comparatists-at-law, because it can never happen. Think ivory-tower fallacy. Think theology, too.

Gadamer: *see* Hermeneutics (1).

Gap: what there is between word and world, inevitably; what will remain between word and world, inevitably; what must remain between word and world, inevitably. Think Leibniz's Law.

Genealogy: *see* Archaeology.

Generic (law): excellent example of a lamentably undertheorized and misleading metaphor. Avoid. Do not use. Leave to pharmacology.

*Genius loci*: what there is, there. Think singularity of law, and forgive the Latin.

German comparative-law scholarship: guilty.

Global (as in so-called 'global' justice): fiction; yet, a hegemon; a fantasy, too.

Globalization (so-called): inexistent; yet, a hegemon; a fantasy, too. *See* Glocalization (1) and (2).

Glocalization (1): what must be the case all over the planet, inevitably; the assemblages that there are, there; not so-called 'globalization'.

Glocalization (2): every instantiation of foreign law or legal culture being local and localizable, the edifying attunement of so-called 'globalization'.

Goodrich (Peter): *scholarship* epitomized.

'*Grands systèmes*': stale brand of comparatism consisting in a superficial tour of what are deemed to be the laws worthy of a book chapter, an approach oddly

persistent within comparative law, not least in France, despite profoundly disqualifying epistemic flaws. See Nescience.

Hamburg: to a critical comparatist-at-law, enemy territory featuring an electric wire barrier, floodlit and dog-patrolled (it is different, of course, if one styles oneself an orthodox comparatist taking the view that ‘German doctrinal scholarship will always be superior to that of other countries’).<sup>12</sup>

Haunting: ubiquitous, primordial phenomenon within comparative law. There is at least the haunting of the foreign law-text (by the traces attesting to the text’s enculturation), of the comparatist-at-law (because of his enculturation), and of the comparison (by way of the comparatist-at-law). See Enculturation (1) and (2).

Harkening (1): the strategy that comparative law must deploy.

Harkening (2): the strategy that the comparatist-at-law must deploy.

Heidegger: philosopher, a card-carrying member of the Nazi party from 1933 to 1945 (having briefly occupied a position of local academic leadership), a zealous anti-Semite (as many of his extraordinarily stupid diary entries make incontrovertibly and nauseatingly striking), a thinker whose decisive anti-Cartesian insights comparative law simply cannot afford to ignore nonetheless.<sup>13</sup>

Heidelberg: *see* Hamburg.

Herder: if in need of an eighteenth-century German guiding intellectual star, instead of Kant (or Hegel).

Hermeneutics (1): interpretive strategy featuring many very helpful insights mixed with a number of decidedly unhelpful intuitions (some of these unduly conservative propositions), the key being to appreciate which is which.

Hermeneutics (2): comparative law must harness deconstruction, instead.

<sup>12</sup> See (n 4).

<sup>13</sup> The compelling character of Heidegger’s philosophical intuitions no doubt explains why George Steiner – easily one of the twentieth-century’s most prominent professors of comparative literature and literary critics, a Jewish intellectual who published extensively on Judaism, the Holocaust, Zionism, and the ‘Jewishness’ of early-twentieth-century Jewish writers, who unceasingly canvassed Jewish origins, identity, and survival – devoted an entire book to Heidegger. See G Steiner, *Martin Heidegger* (2nd edn, University of Chicago Press 1989).

Hiatus (1): what there must be, at the ‘meremost minimum’,<sup>14</sup> between the comparatist-at-law’s re-presentation of foreignness and foreignness as it exists, there, inevitably. *See* Slit.

Hiatus (2): what must characterize every (attempt at) interlocution such as interpretation or translation (translation is also interpretation), inevitably.

Hubris: debilitating attitudinal affliction surprisingly widely disseminated within orthodox comparative law; to substitute humility not least because of the ineffability of foreign law or legal culture, ultimately.

Hypercultural: the brand of comparatism that tracing promotes (and solicits).

Hyperdifference: what tracing makes possible for the comparatist-at-law to discern.

Hypergraphy: where the traces dwell (they are not in the perigraphy).

Hyperinterpretation: the brand of interpretation that tracing promotes (and solicits).

Hyper-reading: the brand of reading that tracing promotes (and solicits).

Ibarra effect: the inability to appreciate ‘here’ after having seen ‘there’.<sup>15</sup>

Identity: what there cannot be if there is more than one, an impossibility, structurally so (eg between word and world).

Idiom: effectively ineliminable, an irreduction.

14 Beckett (n 2) 82.

15 In *Noli Me Tangere*, a Filipino novel originally published in 1887 in Berlin during the Spanish occupation of the Philippines, a prelude to the Philippine Revolution of 1896, an acknowledged masterpiece of Filipino literature and source of great nationalist pride known locally as ‘the *Noli*’, José Rizal has Don Crisóstomo Ibarra return home to the Philippines after spending almost seven years in Europe. But Ibarra has been seized by ‘the devil of comparisons’: he is now unable to look at the botanical garden of Manila without remembering wistfully the botanical gardens of Europe, ‘wealthy and well-kept’, to be found in countries that invest ‘much determination and much money so that grows a leaf and opens its calyx a flower’. I quote from J Rizal, *Noli Me Tangere* (M Russotto ed, Biblioteca Ayacucho 1982 [1887]) 51. In one of his famous novels, Milan Kundera discusses ‘*die Entfremdung*’ (‘estrangement’) as ‘the process during which what has been intimate for us has become foreign’: M Kundera, *Les Testaments trahis* in *Œuvre*, vol 2 (F Ricard ed, Gallimard 2016 [1993]) 877.

Idiomatycity: singularity (a characteristic of every law vis-à-vis every other law).

Immanence: the level that becomes comparative law.

Imperialism (1): strong orthodox comparative law disposition whereby the ruling self has sought to construct inferior others by reference to criteria such as civilization and race – or lately, conceptualism and ‘scientificity’. Eg: a German comparatist-at-law writes that ‘German doctrinal scholarship will always be superior to that of other countries.’<sup>16</sup>

Imperialism (2): mindset that the comparatist-at-law must not bring to bear as he addresses foreignness, absolutely; instead, one must be other-oriented, for the other, inevitably.

Incommensurability (1): what there is as between the comparatist-at-law and foreignness separated within their compearance, as between word and world, inevitably.

Incommensurability (2): what there is across singular foreign laws or legal cultures separated within their compearance, as between law-worlds, inevitably.

Incommensurability (3): decisive heuristic for comparatists-at-law.

Incommensurability (4): to be configured in minimal terms (after Natalie Melas).<sup>17</sup>

Incommensurability (5): one of comparative law’s great unthoughts, thus a prohibitive epistemic problem.

Incommensurability (6): not incomparability.

Incomparability: inexistent. One can always sign a comparison between any this and any that.

Indeterminacy: effectively ineliminable, an irreduction. *See* Interpretation (1) to (7).

Indiscipline: not interdisciplinarity, ever; necessary for an edifying comparison, absolutely.<sup>18</sup>

Individual (the): key form of (legal) culture’s existence through incorporation or embodiment. Think comparatist-at-law.

<sup>16</sup> See (n 4).

<sup>17</sup> See N Melas, *All the Difference in the World* (Stanford University Press 2007) 31.

<sup>18</sup> See Legrand (n 9) 182–216.

Inscription: the form that the comparison adopts; the comparison's outcome, ultimately.

Instrumentalism: persistent descriptive and prescriptive inclination informing orthodox comparative law's egregious epistemic condition.

Interdisciplinarity: no. Indiscipline.

Interface: epistemic platform that the comparatist must frame across laws so as to enter the comparison, to make it possible, inevitably; no further epistemic role; effectively a contrivance. *See* Third space; Violence.

Interlocution: absent from the dynamics between the comparatist and foreign law or legal culture, inevitably.

International law: comparative law, applied.

Interpretation (1): what there is, all there is, ultimately.

Interpretation (2): partial, tangential, angled, encultured, ever; never objective or true.

Interpretation (3): provisional, ever. *See* Defeasibility.

Interpretation (4): always-already, structurally, defective.

Interpretation (5): performative, productive of meaning.

Interpretation (6): the comparatist-at-law's self-portrait of something else.

Interpretation (7): effectively self-interpretation (an instance of incorporated or embodied cognition). *See* Autobiography; Failure.

Intervention: what the comparatist brings to foreign law or legal culture. *See* Worldmaking.

Invagination: what an edifying interpretation of foreign law or legal culture must involve, inevitably.

Invention: what the comparatist does with foreignness, to foreignness – he finds it, there, and he fashions it, here.

Irreductions: effectively ineliminable epistemic accoutrements pertaining to the theory and practice of comparative law (in the plural, for there are many).

Irrelation: the state of epistemic play arising between the comparatist-at-law and foreignness, inevitably.

Irritation: if one generates it amongst orthodox comparatists-at-law, one has to be well on one's way to doing edifying comparative work (the more irritation the better, then).

Isomorphism: what cannot be the case across laws, for each law is singular vis-à-vis all other laws (although the comparatist will enforce it so as to enter the comparison). *See* Interface.

Iteration: what takes place, inevitably, not repetition (eg between word and world).

Juricentrism: effectively ineliminable, an irreduction; not disqualifying if kept in epistemic check (could be invisible though).

Jurimorph: trace that has morphed into/as a foreign law-text to live on as that foreign law-text.

Just (1): what the comparatist-at-law must aspire to be vis-à-vis foreignness, ever.

Just (2): what an understanding, an interpretation, a translation, or an inscription must aspire to be vis-à-vis foreignness, ever.

Kinky empiricism (1): Danilyn Rutherford's edifying insight.<sup>19</sup>

Kinky empiricism (2): empiricism integrating situation and singularity. Yes.

Kinky empiricism (3): empiricism less than hubristic, less than intransigent, less than dogmatic.

Knowledge (1): the comparatist-at-law's implausible goal as regards foreign law or legal culture.

Knowledge (2): not what the comparatist is effectively acquiring as regards foreign law or legal culture. *See* Nescience.

19 Eg: D Rutherford, 'Kinky Empiricism' in O Starn (ed), *Writing Culture and the Life of Anthropology* (Duke University Press 2015) 105–18; D Rutherford, 'Kinky Empiricism' (2012) 27 *Cultural Anthropology* 465.

Language (1): constitutive of foreignness, constitutive of comparative thought, constitutive of comparative inscription.

Language (2): infinitely more significant than orthodox comparative law has been willing to assume.

Language (3): the comparatist-at-law's first and last implement, his overarching piece of equipment, ultimately.

Law (1): compound, an entity inherently impure.

Law (2): key form of a culture's existence.

Law-as-culture: the law as it exists (whether foreign or local); emphatically not law in context.

Law-text (1): fabric. Think textile.

Law-text (2): what the comparatist invents, inevitably. *See* Invention.

Law-world: more than one of them (there is not *the* law-world, although there is the planet).

*Lebensform*: unnecessary alternative to 'culture' born of a misapprehension of 'culture'.

Leibniz's Law: arguably, the key philosophical insight for comparatists-at-law (to reformulate: if there is more than one, there is no identity; if there is no identity, there is difference).

Living on: what traces do into/as the foreign law-text or legal culture (after Derrida).<sup>20</sup>

Localization: every instantiation of foreign law or legal culture being local and localizable, never in inscriptive excess.

Making-sense: to make foreignness make sense is what comparative law is all about, ultimately.

Manipulation (of foreign law): extraordinarily, what a dead and Greek comparatist-at-law expressly promoted. *Sans commentaire*.

<sup>20</sup> See J Derrida, 'Living On' (J Hulbert tr) in H Bloom et al, *Deconstruction and Criticism* (Continuum 2004 [1979]) 62–142.

Meaning (1): what the comparatist assigns to foreign law or legal culture as he reads foreign law or legal culture.

Meaning (2): what the comparatist-at-law enacts as he reads foreign law or legal culture.

Meaning (3): neither objective nor true; interpretive, inevitably.

Meaning (4): in effect, embedded, embodied, experienced, emerging, and enacted (meaning can only be '5E-meaning').

Meaning in: what the comparatist-at-law does as he reads foreign law or legal culture, inevitably.

Method (1): no. Way. *See* Experience; Flair; Protocols.

Method (2): nothing to do with the interpretation of foreignness.

Method (3): distraction. Avoid. Do not use. Leave to biochemistry.

Method (4): fable ('*fable*' is Descartes's own word – which goes to show...).<sup>21</sup>

Method (5): purportedly 'scientificity'-enhancing device that cannot deliver on what would be its epistemic promise. Any method is someone's method, inevitably.

Method (6): attesting to science envy, a debilitating attitudinal affliction surprisingly widely disseminated within orthodox comparative law, even though comparative law is evidently not biochemistry.

Method (6): to be jettisoned in favour of comparative law *sans* method.

Milquetoast: attesting to feebleness, a debilitating attitudinal affliction surprisingly widely disseminated within orthodox comparative law.

Mimetism (of the foreign law-world): what the comparatist-at-law's words can never achieve. *See* Duplication.

Mistranslation: every translation, inevitably.

21 R. Descartes, *Discours de la méthode* in *Œuvres philosophiques*, vol 1 (F. Alquié ed, Garnier 1997 [1637]) II, 571.

Misunderstanding (1): effectively inevitable (since the self cannot be the other), an irreduction.

Misunderstanding (2): opportunity, counter-intuitively, to generate discussion and foster the attunement of edifying interpretation.

Monologue: what takes place, twice, as the comparatist and foreign law or legal culture fail to meet, inevitably.

Montaigne: brave defender of legal relativism *avant la lettre* (directly inspired Pascal's famous Pyrenean observation).

Montesquieu: arguably the most famous example of colonial comparative law *avant la lettre*. See Tocqueville.

More than one: comparative law's structural scene as in 'more than one law', 'more than one legal culture', 'more than one comparatist', inevitably. See Leibniz's Law.

Moskering (epistemology): the condition of orthodox comparative law's epistemology, thus a prohibitive epistemic problem. See Rots.

Mourning (of world): what every wordy re-presentation inscribes, inevitably.

MPI: in its comparative-law and legal-theory instantiations, anagram variously or cumulatively signifying major professional insignificance; massive pedagogical imposture; monstrously philistine initiative; malignantly preposterous insularity; moneyed proselytizing irrelevance; most peremptory imperiousness; magisterially prodigious insolence; markedly portentous immodesty; masterfully presumptuous impertinence; and meretricious propagandist installation. Avoid. See Censorship.

Mythology (1): important key to a foreign legal culture's existence.

Mythology (2): effectively comparative law's orthodox epistemology, thus a prohibitive epistemic problem.

*Nachleben*: after-life (after Agamben). Think traces as jurimorphs.

Narrative: in interpretive/productive tension with the archive, inevitably. Think invention.

Natural law: ascertainable streak of orthodox comparative-law thought, implausibly.

Negativity: neologism emphasizing the extensive epistemological resourcefulness of negativity.

Negative: infinitely more productive than what one may have had in mind, energy of thought. Think analogue photography and what a negative makes possible.

Negative capability: Keats's decisive insight.<sup>22</sup>

Negative comparative law: strong, and necessary, alternative epistemological programme for the comparatist-at-law's weak mind (after Adorno).<sup>23</sup>

Negative dialectics: effectively ineliminable tension between the comparatist-at-law and foreignness (after Adorno), an irreduction.

Negativity: strong, and necessary, response to comparative law's positivist orthodoxy; a formidable epistemic resource.

Negotiation (1): not dialogue.

Negotiation (2): what the economy of comparative law is all about, ultimately; all that the economy of comparative can be about, ultimately.

Nescience (or not-knowledge): the outcome of the comparatist's investigation of foreign law or legal culture, inevitably (whether the comparatist-at-law wants it or not, and whether he recognizes it or not).

Non-local: non-starter; every instantiation of foreign law or legal culture is local and localizable, ultimately.

'Not-to-want-to-seize': a crucial epistemic challenge for comparative law (after Barthes and, more distantly, Heidegger).<sup>24</sup>

22 Letter from J Keats to G and T Keats in *The Letters of John Keats*, vol 1 (HE Rollins ed, Harvard University Press 1958 [21 or 27 December 1817]) 193: '[A]t once it struck me, what quality went to form a Man of Achievement ... – I mean *Negative Capability*, that is when man is capable of being in uncertainties, Mysteries, doubts, without any irritable reaching after fact & reason.'

23 Eg: TW Adorno, *Negative Dialektik* (Suhrkamp 1966); TW Adorno, *Vorlesung über Negative Dialektik* (R Tiedemann ed, Suhrkamp 2007 [2003†]). Adorno delivered the *Vorlesung* from 1960 to 1966.

24 R Barthes, *Fragments d'un discours amoureux* in *Œuvres complètes*, vol 5 (2nd edn, E Marty ed, Editions du Seuil 2002 [1977]) 285: '[H]enceforth, of the other, not to want to seize anything.'

Numbers (1): not fungible with law.

Numbers (2): not objective – someone’s numbers, inevitably. *See* Empiricism.

Numbers (3): not true – someone’s numbers, inevitably. *See* Empiricism.

Numericization (1): technology of so-called ‘global’, neo-liberal governance (within law and beyond law).

Numericization (2): authoritarian epistemic imposture. Think the World Bank’s *Doing Business Reports* (2004–20).

Numericization (3): variation on the theme of epistemicide (within comparative law and beyond comparative law).

Object: what foreign law or legal culture is not and what it cannot be, ever, from the standpoint of the comparatist.

Objectivity (1): authoritarian, exclusionary, epistemic imposture. Any alleged comparative-law ‘objectivity’ can only be someone’s objectivity, inevitably, which means that there is no comparative-law ‘objectivity’ (and that there must not be). Only interpretation and negotiation obtain.

Objectivity (2): would require the comparatist-at-law not to be encultured, which cannot be.

Objectivity (3): nothing to do with the interpretation of the foreign or negotiation with the foreign.

Objectivity (4): avoid. Do not use.

Objest: the foreign law-text or legal culture before the comparatist (after Ponge’s ‘*objeu*’). Think ‘in jest’ or ‘in play’.<sup>25</sup> Not object.

Odyssey: effectively the comparative motion, a *nostos*.

On (as in ‘comparing on’): to signify that comparison is ever under way and never achieved (a further key Beckettian insight).

One law: persistent descriptive and prescriptive delusion informing orthodox comparative law’s egregious epistemic condition.

25 See F Ponge, ‘Le soleil placé en abîme’ in *Pièces in Œuvres complètes*, vol 1 (B Beugnot ed, Gallimard 1999 [1961]) 776–94.

Opacity: foreign law's or legal culture's entitlement vis-à-vis the comparatist (thereby allowing it to parry appropriation or assimilation). *See* Secret.

Open mind: inexistent. The comparatist never brings such disposition to bear unto his foreign-law research. *See* Encumbrance (2).

Original (second): the translation.

Original language (of foreign law or legal culture): what the comparatist must be able to read, inevitably.

Original meaning (of foreign law or legal culture): inexistent; yet, a hegemon; a fantasy, too.

Original texts (of foreign law or legal culture): what the comparatist must be able to access, inevitably.

Orthodoxy: prohibitive epistemological problem within comparative law.

Otherness: what orthodox comparative law has desperately wanted to contain (largely through various epistemic filters such as method or the *presumptio similitudinis*).

Ownmost (of foreign law or legal culture): to capture foreign law or legal culture at that juncture must be comparative law's ambition.

Paris: city where nothing was inaugurated in 1900 as regards comparative law.

Partial (1): this glossary, very much so.

Partial (2): incomplete – the fate of every comparative-law report. *See* Unsaturation.

Partial (3): prejudicial – the fate of every comparative-law report (the abiding ambition being that the prejudice should be controlled and favouring the other instead of the self).

Partial (4): what comparison-at-law must be, inevitably.

Persuasiveness: the utmost normativity that foreign law or legal culture can ever enjoy locally.

Place (1): where law or legal culture dwells, where every law or legal culture dwells, inevitably.

There is no placeless law or legal culture.

Place (2): where the comparatist-at-law dwells, where every comparatist-at-law dwells, inevitably. There is no placeless comparatist-at-law.

Play (1): not free play, ever.

Play (2): what the comparatist does to the foreign law-text (he *plays* it), and what the foreign law-text does to the comparatist (it *plays* him). It is the foreign law-text that wins the game. See Resistance; Text-dependence.

Plethoraphobia: attesting to simplism, a debilitating attitudinal affliction surprisingly widely disseminated within orthodox comparative law.

Plurality: what is the case within foreign law-texts because of their enculturation and amongst comparatists-at-law because of their enculturation.

Polemical: what the comparatist's writing will conveniently be said to be by those whom it irritates.

Political (1): dimension within the comparison that orthodox foreign-law research and comparative-law reporting has politically sought to erase.

Political (2): effectively an ineliminable dimension within the comparison that no foreign-law research and no comparative-law reporting can escape, an irreduction.

Positive law (as in 'posited law'): starting point for foreign-law research; not to be excluded (not even by negative critique).

Positivism (1): the dominant epistemological model within comparative law, by very far; an invidious and insidious variation on the theme of legal parochialism; no matter how generously understood, unable to countenance disciplinary dissembling.

Positivism (2): what (negative) comparative law must depose as a referential theory.

Power: what every foreign-law research and every comparative-law report assert, never disinterestedly.

*Præsumptio similitudinis* (1): excellent example of the utmost confusion between the descriptive and prescriptive realms.

*Præsumptio similitudinis* (2): most egregious bigram, a through-and-through intellectual travesty. Avoid. Do not use.

Prejudice (1): within every interpretation, inevitably.

Prejudice (2): source of all interpretation, inevitably.

Pre-judicial: what comes before the law. Think enculturation or traces.

Prejudicial: the character of the comparatist-at-law's comparison, inevitably.

Presence (as in 'the presence of a foreign law-text'): more complicated than readily assumed. The foreign law-text is not simply visibly there, all visibly there, visibly closed in on itself. Rather, important constitutive aspects of the text are invisible, although present, and must be traced and elicited, evinced.

Progressivism: comparative law's inclination, preferably.

Protocols: directions for use ranging from the need to work with materials in the foreign language to the imperative to ensure the currency of the information being deployed about the foreign law or legal culture.

Provisionality: the epistemic condition of every foreign-law research and of every comparative-law report, inevitably. *See* Defeasibility.

Purity: stupendous subterfuge; yet, a hegemon; a fantasy, too. (Every foreign law-text is an assemblage, an entanglement. Every foreign-law research is an assemblage, an entanglement. Every comparative-law report is an assemblage, an entanglement.)

Quietism: emphatically not a claim that the comparatist-at-law ought to be making (although there are those who make it). Avoid.

Quotation (1): strategic approach that the comparatist-at-law must deploy at length so as to favour the accreditation of the other's discourse.

Quotation (2): the other's words. The comparatist-at-law must ensure that the other is read in the other's words.

Readership: effectively the controller (or vetter) of the persuasiveness of the comparatist-at-law's ascription of meaning to foreignness; beyond the comparatist-at-law's interpretive control, ultimately.

Reading (1): performative; something that the comparatist-at-law *does*, a making-sense activity, an intervention.<sup>26</sup>

26 cf Guillory (n 3) 26: 'Reading is the art of *making sense* of writing.' Note: making sense as in fabricating sense as in 'the comparatist-at-law is fabricating the foreign writing's sense.'

Reading (2): what the comparatist-at-law must unceasingly do.

Reading (3): what the comparatist-at-law must unceasingly do in the text's original language.

Reading (4): effectively self-reading (an instance of incorporated or embodied cognition). *See* Autobiography; Failure.

Reason (as in lower-case-r-reason or rationality): local knowledge. There is an infinity of local reasons (or rationalities).

Reason (as in upper-case-R-Reason or Rationality): colossal illusion; yet, a hegemon; a fantasy, too.

*Rechtsdogmatik*: guilty.

*Rechtswissenschaft*: guilty.

Recognition (1): what comparative law is all about, ultimately.

Recognition (2): not capture or ossification, not exoticization or romanticization either.

References: constitutive part of a strategy towards the optimization of textual authority (which must embrace references to original-language texts rather than their unreliable published English translations). *See* English.

Relation (1): what will inevitably not happen between the comparatist-at-law and foreignness. *See* Monologue.

Relation (2): no. Not-relation, disrelation, irrelation, relationlessness. *See* Monologue.

Relativism (legal) (1): what enculturation makes inevitable (enculturation being itself inevitable).

Relativism (legal) (2): necessary commitment for the comparatist-at-law due to entail enhanced self-awareness and humility on his part (instead of making oneself the self-appointed judge of the worlds' laws, of making one's law the measuring rod of the worlds' laws).

Remainder (or remaining): what remains about foreignness that continues to escape the comparatist-at-law's interpretive intervention even after he has said all that he could possibly say about the foreign. *See* Secret; Surrender; Unsaturation.

Repetition (of the foreign): what the comparatist-at-law's words can never achieve (a distortion, inevitably). The comparatist-at-law cannot produce a record of foreign law, of world through word, that would be *ad idem* with the foreign law that exists, there.

Representation (of the foreign): what the comparatist-at-law's words can never achieve (a distortion, inevitably). The comparatist-at-law cannot produce a record of foreign law, of world through word, that would be *ad idem* with the foreign law that exists, there.

Re-presentation: what always-already takes place, inevitably (an iteration, that is, a repetition with a difference – the difference that the comparatist-at-law must make as he makes sense of foreignness).

Resemblance: obsessive and addictive focus within comparative law; effectively difference by another name.

Resistance: what the foreign law-text successfully opposes to the comparatist's intervention and invention. *See* Play (1) and (2); Text-dependence.

Respect: what comparative law is all about, ultimately.

Restitution (of foreignness): impossibility. The comparatist-at-law cannot produce a record of foreign law, of world through word, that would be *ad idem* with the foreign law that exists, there.

Rhizomatic: the traces' (erratic) textual pattern.

Rots: anagram standing for **r**epresentation/**o**bjectivity/**t**ruth/**s**ubjectivity and referring to these four concepts as the epistemic debris or flotsam that creditable comparative law must jettison in short order.

Rudden (Bernard): early mentor; the Mentor, too. Suffered from a severe silliness deficit.

Rule of law: excellent example of neo-liberalism's imperialist mindset; also an apt illustration of glocalization.

Same as: different from.

Sameness: obsessive and addictive focus within comparative law; an infantile regression afflicting comparative law; a concoction, necessarily; effectively difference by another name.

Satisficing: what comparatists-at-law regularly do, one very much regrets. Think haste, laziness.

Seamlessness (1): what there is between the interpreter and the interpreted (even as the interpreter cannot be the interpreted). *See* Autobiography; Slit.

Seamlessness (2): what there is between what would be ‘description’ and interpretation (no matter how ‘purely’ descriptive the comparatist-at-law would have the matter).

Secret: what foreignness always keeps from the comparatist-at-law, ultimately (thereby allowing it to parry appropriation or assimilation). *See* Remainder; Surrender; Unsaturability.

Self (1): crucial form of culture’s existence (and of legal culture’s existence).

Self (2): what will also be transformed through comparison-at-law.

Self-fashioning: interpretive process whereby the comparatist-at-law’s invented foreignness changes the comparatist (apart from the fact that through his invented foreignness, the comparatist-at-law transforms foreign law or legal culture). *See* Intervention; Worldmaking.

Self-portrait: effectively the form that every comparative-law report adopts, inevitably.

Separation (1): in the comparatist-at-law’s record of foreignness, the separation between the interpreter and the interpreted is not nearly as sharp as unreflexively assumed. The foreign law being re-presented is the comparatist’s foreign law. *See* Invention; Seamlessness (1) and (2); Undertheorization.

Separation (2): in the comparatist-at-law’s record of foreignness, the separation between the interpreter and the interpreted is sharper than unreflexively assumed. The comparatist-at-law cannot completely access the foreignness of foreign law. *See* Secret; Seamlessness (1) and (2); Undertheorization.

Serendipity: what must not be discounted as a comparative resource; no comparative research without it, ultimately.

Servility (intellectual): epistemic predicament constraining the deployment of edifying comparative law; very largely, ascertainably, an affliction pertaining to the civil-law tradition. *See* Disciples.

Sham-commonality: deceptive tactic that orthodox comparatists-at-law readily adopt in the pursuit of their anti-comparative (and thus bizarre) political agenda in favour of legal oneness. Instantiates assimilation or appropriation, colonialism or imperialism. A case of strong epistemic violence. Unjust to foreignness, inevitably.

Sham-equivalence: deceptive tactic that orthodox comparatists-at-law readily adopt in the pursuit of their anti-comparative (and thus bizarre) political agenda in favour of legal oneness. Instantiates assimilation or appropriation, colonialism or imperialism. A case of strong epistemic violence. Unjust to foreignness, inevitably.

Similar to: different from.

Similarity: obsessive and addictive focus within comparative law; an infantile regression afflicting comparative law; a concoction, necessarily; effectively difference by another name.

Singular plural: the foreign law-text and its meanings.

Singularity (1): idiomaticity, a characteristic of every law or legal culture.

Singularity (2): every foreign law, every tracing, every interpretation, every inscription, and every comparatist-at-law is singular, inevitably.

Singularity (3): not exceptionalism.

Situatedness: effectively an ineliminable epistemic circumstance or starting point pertaining to every foreign law or legal culture and to every comparatist-at-law, an irreduction.

Slit: what there must be, at the 'meremost minimum',<sup>27</sup> between the self and the other, inevitably. *See* Hiatus (1).

'Slow-comp.': the comparatist-at-law's research into foreignness, his reading, his interpretation, his translation, and his writing must unfold slowly.

Spectrality: *see* Haunting.

Speculation: what interpretation must involve, inevitably. *See* Autobiography (etymologically, *speculum* is mirror).

27 *Supra* (n 14).

Staging: what the comparatist-at-law does to/with foreignness (he creates a scene or a seen). *See* Re-presentation.

Standards: there are those who would do away with them and readily make the comparison of laws everything and less.

Subject/object: unsustainable Cartesian dichotomy having long profoundly misled orthodox comparatists-at-law (unbeknownst to them).

Subjectivity (1): nothing to do with the interpretation of foreignness.

Subjectivity (2): grandiose (Cartesian) delusion evoking agency or autonomy; yet, a hegemon; a fantasy, too.

Subjectivity (3): avoid. Do not use.

Subsequence: every inscription of the comparison comes after the event and therefore stands as a recollection of the past.

Subversive: what comparative law must be, in more ways than one (after George Fletcher).<sup>28</sup>

Superficiality: what comparative law struggles institutionally to overcome, ever.

Surrender: what foreignness never does completely vis-à-vis the comparatist-at-law. *See* Secret; Remainder; Unsaturation.

Synthesis: comparatist-at-law's thesis, inevitably.

System: pace German scholarship, no comparative-law theory can/should operate systematically (unless the term is defined so open-texturedly as to make it effectively meaningless).

Tetradic: the structure of comparison-at-law as parity or coevalness.

Text (1): not an object that features a meaning awaiting collection.

Text (2): a massively incorporative cultural formation. Think crypt (after Derrida).

Text (3): nexus where traces as jurimorphs meet.

28 See GP Fletcher, 'Comparative Law as a Subversive Discipline' (1998) 46 Am J Comp L 683.

Text (4): interpellation, an address, a demand for interpretive engagement.<sup>29</sup>

Text (5): what comparative law is all about, ultimately.

Text-dependence: there is an extent, no matter how limited, by virtue of which a comparison is text-dependent. *See* Play (1) and (2); Resistance.

Textile: evocation of text, etymologically pointing to the text as fabric.

*Thé-au-riz*: very watery, diluted theoretical concoction.

Theology: virus infecting orthodox comparative law. *See* Transcendentalism.

Theory (1): dispositive that must inform any comparative-law practice, inevitably.

Theory (2): while deployed by a comparatist-at-law under his signature, very much the work of others having influenced him.

Theory (3): what philistine comparatists-at-law affect to dismiss (without appreciating that their dismissal effectively stands as a theoretical position in its own right). *See* Undertheorization.

Theory (4): what is structurally lagging or lacking within comparative-law practice. *See* Undertheorization.

Theory (5): what requires to be theorized in its turn.

Third space: the comparatist-at-law's interface; effectively a contrivance. *See* Interface; Violence.

Threshold-commonality: elementary and provisional comparative motion, a cursory figure inevitably eschewing detail, an attempt to make laws look common or to pretend that laws are not different from one another with a view to entering into the comparison, to making the comparison possible. A case of lesser epistemic violence. Unjust to foreignness, inevitably.

Threshold-equivalence: elementary and provisional comparative motion, a cursory figure inevitably eschewing detail, an attempt to make laws look equivalent or to pretend that laws are not different from one another with a view to entering into the comparison, to making the comparison possible. A case of lesser epistemic violence. Unjust to foreignness, inevitably.

29 *See* R. Gasché, *The Stelliferous Fold* (Fordham University Press 2011) 7–8.

Thrownness: what optimally refers to what is the case, that is, to the comparatist-at-law's enculturation (after Heidegger). Very much more sophisticated than objectivity or subjectivity, both concepts epistemological dead-ends. *See* Conjonctive.

Tocqueville: arguably, second only to Montesquieu as a precursive colonial comparatist-at-law. *See* Montesquieu.

Tolerance: epistemic cover for one's investment in one's superiority. Not to be included as part of the comparatist-at-law's equipment.

Totalization (1): whenever it is claimed in any form (eg with reference to universalism), must be taken to imply exclusion, silencing; yet, a hegemon; a fantasy, too.

Totalization (2): authoritarian epistemic imposture. Any 'totalization' is someone's (purported) totalization, inevitably.

Traces (1): vestiges and marks of foreignness's factual or worldly attachments, of foreignness's worldliness, of its enculturation.

Traces (2): the very constitutive fabric of the foreign law-text.

Traces (3): so many instances of hyperlegality promoting (and soliciting) hyperinterpretation.

Tracing (1): what the comparatist must do with a foreign law-text so as to make sense of it.

Tracing (2): where meaningful comparison-at-law begins and never ends.

Tracing (3): foreign law or legal culture interpretation itself.

Transcendentalism: avoid all forms at all costs. Do not use. *See* Theology.

Transgression (of the foreign): unacceptable. It follows that one must therefore avoid method and in particular functionalism. *See* Distortion (of the foreign).

Translatability: inexistent; yet, a hegemon; a fantasy, too.

Translaticide: perversion of translation that effectively smothers the text being translated (as in the coerced movement from law to econometrics).

Translation (1): what comparative law is all about, ultimately.

Translation (2): something to think through before translating.

Translation (3): enactment, someone's enactment, inevitably.

Translation (4): empowerment.

Translation (5): attitudinal, predisposed, prejudiced, autobiographical.

Translation (6): infidelity, inevitably.

Translation (7): iteration. Think of the interpretive difference that the comparatist-at-law, *this* comparatist-at-law, makes, inevitably. *See* Re-presentation.

Translation (8): infinite, provisional process, ever.

Translation (9): always-already disadjusted even as it must aim to be just, inevitably.

Translation (10): whatever the text in translation is, it cannot be the original original. *See* Untranslatability (1) and (2).

Translation (11): exercise in incommensurability.

Translation (12): another name for impossibility – what cannot happen, yet what must happen (as impossibility).

Translation (13): endeavour that is fated to fail, the only question being how badly or how well (after Beckett).

Translation (14): effectively self-translation (an instance of incorporated or embodied cognition). *See* Autobiography; Failure.

Transnational law: comparative law, applied.

Transplant (legal): impossible; a most egregious metaphor, a through-and-through intellectual travesty. Avoid. Do not use. Leave to botany and medicine.

Transportation (of law): transformation (of law).

Truth (1): authoritarian, exclusionary, epistemic imposture. Any alleged comparative-law 'truth' can only be someone's truth, inevitably, thus a power play, which means that there is no comparative-law 'truth' (and that there must not be). Only interpretation and negotiation obtain.

Truth (2): would require the comparatist-at-law not to be encultured, which cannot be.

Truth (3): nothing to do with the interpretation of the foreign or negotiation with the foreign.

Truth (4): avoid. Do not use.

Truth-for-me (or 'my truth' or 'local truth'): mistruths, all.

Uncle Theo: Iris Murdoch's primordial comparatist-at-law.

Undecidability (as in 'texthood or selfhood?' or as in 'textuality or the interpreter's autobiographical input?'): ineliminable dimension of the comparison, inevitably.

Understanding (1): what cannot obtain vis-à-vis foreignness, ultimately. Always, one *imagines*, more or less audaciously, that one has understood.

Understanding (2): whatever it is, always-already different from the foreign law or legal culture and always-already different from another comparatist-at-law's, too. The self cannot be the other.

Understanding (3): effectively a cultural matter (which may well include affect).

Understanding (4): effectively self-understanding (an instance of incorporated or embodied cognition). *See* Autobiography; Failure.

Undertheorization: one of orthodox comparative law's many distressing epistemic predicaments.

Universal (1): whenever it is claimed in any form (eg: universal human rights), must be taken to imply exclusion, silencing; yet, a hegemon; a fantasy, too. Any 'universal' is someone's (purported) 'universal'.

Universal (2): avoid. Do not use.

Unjust: what the comparatist-at-law must aspire not to be vis-à-vis foreignness; what the comparatist-at-law must necessarily be vis-à-vis foreignness, ultimately.

Unknowability: what must characterize comparative law, ultimately. *See* Nescience.

Unsaturability: structural feature of every comparison-at-law. There is always more to be said about foreign law or legal culture. *See* Remainder; Secret; Surrender.

Untranslatability (1): leitmotiv for the edifying comparatist-at-law (after Derrida).

Untranslatability (2): what comparative law is all about, ultimately.

Unworlding (of foreign law): effectively the calamitous positivist project.

Vergency: the outermost point that the comparatist-at-law can reach vis-à-vis the other (at best, the comparatist-at-law can stand on the verge of otherness).

Veridiction: discursive mode that the comparatist-at-law cannot aim to embrace (a discursive mode that the comparatist-at-law could not embrace in any event).

Violence: epistemic predicament inevitably visiting even the most optimally respectful re-presentation of foreignness. The comparatist-at-law must therefore aim for the lesser violence (eg in the framing of an interface or third space permitting the comparison).

Way: not method, ever; necessary for an edifying comparison, absolutely.<sup>30</sup>

Weak: the comparing mind's existential condition because of the structural cognitive limitations with which it must contend that impair understanding, interpretation, representation, and inscription. *See* Failure; Finiteness.

Wit(h)nessing: yes (after Bracha Ettinger). Crucially, the comparatist-at-law is of the re-presentation. *See* Separation (1).

World (1): cannot mean independently from (the comparatist-at-law's) interpretation pace Cartesianism.

World (2): always resists (the comparatist-at-law's) wordy attempts at representation.

World (3): all potentially and interpretively legal, ultimately.<sup>31</sup>

<sup>30</sup> See P Legrand, *The Negative Turn in Comparative Law* (Routledge 2025) 8–50.

<sup>31</sup> cf T Bernhard, 'Ist es eine Komödie? Ist es eine Tragödie?' in *Erzählungen* (Suhrkamp 2001 [1967]) 74: 'The world is utterly, thoroughly legal, as you may not know it.'

World (4): when it comes to law, there is more than one of them – indeed there are many (but there is only one planet).

Worldmaking: what a comparative intervention does as it sets in motion an epistemological or legal re-ordering, whether as regards foreign law or legal culture – or with respect to local law or legal culture, too (after Nelson Goodman).

World-view: what a language, or a law, affords; at once empowerment (a *world-view*) and constraint (a *world-view*).

Worldliness: feature of all foreign laws or legal cultures, of all foreign law-texts, of all comparatists-at-law. They are in-the-world, of-the-world, worldly.

Words (1): what foreign law or legal culture resolves itself into, inevitably.

Words (2): what the comparatist-at-law's record of foreignness resolves itself into.

Words (3): what materializes, whether there or here.

Writing (1): after the event, ever.

Writing (2): inscription by the comparatist-at-law purporting to express how he remembers the foreign after having experienced it.

Writing (3): exercise in the invention of otherness by the comparatist-at-law, inevitably.

Writing (4): exercise in self-fashioning by the comparatist-at-law, inevitably.

Yield (as in 'interpretive yield'): what comparative law is all about, ultimately.

Yuck: reaction that must remain foreign to comparative law (after Richard Shweder),<sup>32</sup> except in a suppletive role (to supplement the comparatist-at-law's intellectual commitments).<sup>33</sup> See Emotion.

32 See RA Shweder, "What About Female Genital Mutilation?" and Why Understanding Culture Matters in the First Place' in RA Shweder, M Minow, and HR Markus (eds), *Engaging Cultural Differences* (Sage 2002) 222–26.

33 See P Legrand, *Comparative Law and the Task of Negative Critique* (Routledge 2023) 182–249.