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**Foreign Law As Speculation: An Example from Contract**

Comparativists disagree as how best to approach law. The examination of a controversy about contract law illustrates competing understandings of law and comparativism. This investigation shows how the decision to prefer one theoretical model over another entails concrete implications regarding what one understands the law to be stating.

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“Comparative law”: “Detotalization”; “deterritorialization”.

“Epistemic commitments”: “Positivism”; “culturalism”.

Culturalism: law is encultured, comparativists are encultured, too.

Gottfried Wilhelm Leibniz (1646-1716), a German philosopher and mathematician.

European Union Directive on Unfair Terms in Consumer Contracts (1993).

Gunther Teubner, “Legal Irritants: Good Faith in British Law Or How Unifying Law Ends Up in New Divergences” (*Modern Law Review*, 1998).

Reinhard Zimmermann/Simon Whittaker, “Good Faith in European Contract Law: Surveying the Legal Landscape”, in Reinhard Zimmermann/Simon Whittaker (eds), *Good Faith in European Contract Law* (Cambridge University Press, 2000).

Zimmermann/Whittaker: “Private law in Europe is in the process of reacquiring a genuinely European character”.

Teubner: “[A]n interpretation of good faith which is oriented to the peculiarities [...] of a specific production regime would indeed result in widely divergent rules in different countries”.

Samuel Beckett: “What can one do but speculate, speculate, until one hits on the happy speculation?” (*The Unnamable*, 1958).