

Challenges and Prospects for the Anthropology of Law. A Francophone Perspective?

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“When anthropologists are moved to ask under what conditions legal institutions can contribute to democratic practice, they are inadvertently showing some small signs of optimism about the possibilities for intentional action. Such enquiries demonstrate that even a habitually sceptical profession can acknowledge that perhaps things could be better. At the very least, situations could be better understood. To this end, anthropology has expanded the scope of its own scholarly analysis by contextualizing legal field materials more extensively and more deeply. It has always known that law is a major political instrument, and it has always had something to say about the way law has been used. But in recent decades it has gone further, it has aspired to alter the way law is conceived.” (Moore 2000 : 17¹)

Although I will present a Francophone perspective on the challenges and prospects for the anthropology of Law, I think Sally Falk Moore’s assessment provides a nice point of departure. Indeed, as I will show, major concerns of Francophone legal anthropology are the mapping out of new ways to think and to practice Law, from the most global to the national or more local levels. Her concluding remark that in recent years anthropology of law “has aspired to alter the way law is conceived” seems especially relevant. Indeed, if Michel Leiris (1992 : 37) argued that the anthropologist is the “natural advocate” of the peoples he studies, we could say that through his specific sensitivity to peoples

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[?] This contribution reflects the author’s point of view. It is but one perspective within many in the larger setting of Francophone legal anthropology. The term Francophone rather than French is used as the author’s perspective is much influenced by Canadian / Québécois and Belgian approaches. It should also be noted that the author, next to his training at the Laboratoire d’Anthropologie Juridique de Paris, has also been trained at the European Academy of Legal Theory in Brussels where he is presently working and that thus he is also especially exposed to the critical theory of Law as it is advocated and practiced by François Ost and Michel van de Kerchove (see 1984 ; 1987 ; 1999 - their most extensive study that has been translated into English is *Legal system between order and disorder*, 1994). The author would like to thank for their useful comments Alain Bissonnette, anthropologist and lawyer teaching at the University of Montréal, Marie-Claire Foblets from the Katholieke Universiteit Leuven, Nidhi Gupta from the Katholieke Universiteit Brussels, Étienne Le Roy from the Laboratoire d’Anthropologie Juridique de Paris (Université Paris I Panthéon-Sorbonne), Charles de Lespinay from the Center Droit et Cultures (Université Paris 10 Nanterre), Robert Vachon from the Intercultural Institute of Montréal, Jacques Vanderlinden from the University of Moncton. These discussions made clear that it would be very useful to write a real review article on Francophone approaches to the anthropology of Law in English. The French Association of Anthropology of Law (AFAD) is currently also working on a collective manual of anthropology of Law.

¹ The reference refers to the page numbering as found on the internet version of the article to be consulted at <http://www.dhdi.org>

practices and representations the legal anthropologist is nowadays the “natural spokesman” for a rethinking of Law in pluralist and complex terms, which permit to take into account the paradigms of the practices of the diverse actors. And this endeavour seems most important in the contemporary world : indeed “modern” representations of Law have shown their limits and it is felt more and more accurately that Law has to be rethought of² in more pluralistic and complex terms and taking into account not only theories but also the practices of actors. We only have to think on the global scale of current issues in international human right’s law which remains trapped in the universalism/relativism debate (see Eberhard 2000a)³, of the question of the recognition of indigenous peoples’ rights (see Vachon 1995a, b, c), or of the problems posed by the newly emerging international penal justice and the establishment of international penal courts (see Eberhard & Liwerant 1999). On the national levels, we find the issues of the rethinking of multicultural states (see Le Roy 1997b ; Vanderlinden 2001). A good example is provided by the South American context and its dynamics of claims of indigenous people who do not want to separate from the national states, but want to be recognized⁴ - which implies a recognition of their legal and political cultures and the searching to move towards a partnership / articulation between those traditions and the modern tradition of the Nation-State⁵ in order to organize the “living together” of all. But we can also think of the issues facing Justice in European countries such as France who has to deal with a growing interculturality of its population. Even though there may not yet be the feeling that the whole state should be rethought in an intercultural way, demands emerge on more “local levels”, in the administration of Justice where judges are confronted to growing interculturality - without necessarily being prepared for it⁶. Besides the issue of an interculturalization of the state, there is also the challenge to rethink it in a pluralist way, especially in non-Western contexts, in order to take into account local conceptions and perceptions of law and practices - this requirement is especially tackled by Jacques Vanderlinden’s recent work (Vanderlinden 1996b, 1998, 2001 ; see also Le Roy 1997a, 1997b).

To use an image of Boaventura de Sousa Santos, anthropologists of Law may nowadays be the “heterotopists” *par excellence*. As he writes (1995 : 479-482), it is not enough to criticize the current modern paradigm of law, but it is important to map out the new possibly emerging alternatives, which he would call “postmodern”, but Etienne Le Roy (1998b : 3) rather “transmodern” - or which we could even say to have to be embedded in the new emerging myth of the pluralism of Reality (see Vachon 1997)⁷. He argues, that we have to engage in “utopia” or rather “heterotopia” which rather than the

² Being here in line with Norbert Rouland’s (1989a : 90) statement that « *On ne peut définir le droit, on ne peut que le penser* ».

³ Also see the internet site of the working group *Droits de l’Homme et Dialogue Interculturel* (DHDI) : <http://www.dhdi.org>

⁴ See Alertanet’s (<http://geocities.com/alertanet/>) interesting forum on «Derecho indígena y Derechos Humanos» : <http://geocities.com/alertanet/foros2b.html>

⁵ See also Robert Vachon’s work on the Peace dynamics between the Canadian Nation and the North American autochthonous Nations and more precisely the Mohawk (1993 ; 1995a, b, c). Let us note that we must be cautious with terms such as “non-separation”, “partnership” etc which are only useful when we look at this problematiques from a European perspective where claims for recognition often go in hand with claims to territorial independance. In the Mohawk context for example the Mohawk do not want to “separate” because they never felt as a part of the new Canadian Nation State. They are not really looking for a “partnership” with the modern state neither. They rather want recognition and the possibility to continue on living on a parallel track to the modern State’s, such as two canoes paddling side by side on a river (see Vachon 1995c : 40 ss).

⁶ See the work of the Laboratoire d’Anthropologie Juridique de Paris’ work on the Justice of minors in France and of the dynamic of intercultural mediators at the Tribunal de Grande Instance de Paris, which stemmed from it (LAJP 1989, Kuyu 1997).

⁷ Le Roy speaks in terms of transmodernity as for him the new alternatives demand to move through modernity. Sometimes premodern solutions must be taken up, sometimes modern ones, sometimes completely new ones need to be invented - and all these solutions must be articulated. The problem with terms such as « post- » or « transmodernity » consists for us in the

invention of a place elsewhere consists in a radical displacement in the place / world we are already in : from the center to the margins. If this project may seem to “grandiose”, we feel that already the fact that “At the very least, situations could be better understood.” as Sally Falk Moore notes and that awareness to usually ignored situations is raised, can make valuable contributions, if the communication with the larger “legal world” is working⁸. And we come here to another point which seems primordial to us - especially from a French perspective.

Anthropology of Law and Legal Theory : A Fruitful “In-Between”

Anthropology of Law is facing the major challenge to move from the “edges of Law” (*des Confins du Droit* to make reference to the title of Norbert Rouland’s book on an anthropological approach to Law - 1993) to the core of Law, to the core of legal theory, which for the moment remains almost exclusively monocultural, and to open it up from within. There seems to be a possible meeting point as the aim of legal theory is to give a complete understanding of Law, from a point of view which aims to be universal (because rational) but is in fact Western, whereas at least French legal anthropology in the continuity of Michel Alliot’s work is seeking for a general “non-ethnocentric”, or intercultural, science of Law, which in its turn is in continuity with the anthropological aim formulated by Claude Lévi-Strauss (1995 : 413) to understand Man in all its generality through the diversity of his/her manifestations, thus introducing the comparative and intercultural elements. Both approaches have a universalizing aim and Law as the object of understanding - that is where they can meet - but the latter does not postulate universality a priori, as a consequence of rational deduction, but reconstructs it through an additive logic which builds on the diversity of observed situations. In the contemporary situation, it seems that the first position is less and less tenable and the second emerges as the only really credible alternative. And it should be taken further and deepened.

Let us note that we can make out a double “French” influence in the universalizing aim of a “universal theory of law based on the comparison of the different cultures of the world” - but which in our eyes does not take away the relevance of such thought for non-French legal anthropological research. First of all, it is true that French anthropological thought has a tendency to move towards grand theories, to focus on general comparative models and that sometimes the fieldwork aspect runs a little short. But the epistemological questionings linked to a comparison of diverse “legal” cultures and of what can be learned from it, seem more and more paramount in our “shrinking world”, which through its shrinking also makes the need for intercultural approaches much more felt⁹. Second, it seems that the aim to

fact that they refer to modernity as something central - but for a lot of people in the world, modernity is not central to their lives - which does not mean that there is no contact with modernity - but it is not the essential framework, basis or center of life and intelligibility see Eberhard 2000a : 281 ss). It should be noted that in the African context Étienne Le Roy (1997a : 135) speaks in terms of “contemporaneity” (*contemporanéité*) in order to insist on the “in-between” situations in which Africans find themselves, in between “modernity” and “tradition”.

⁸ The dynamic of the International Network of Cultural Alternatives (INCA(D)) which is coordinated by the Intercultural Institute of Montreal seems inspiring here. The idea is to draw attention to the already existing alternatives to the modern system and to learn from them - instead of trying to imagine new ones in disconnection with what is actually going on. It is a very good illustration of what engaging in «heterotopia» can mean (see the Institute’s internet site : <http://www.iim.qc.ca/>).

⁹ To get an insight on some of the comparative problems an anthropologist of Law is facing and on possible ways to overcome them see for example Alliot 1983a, 1985 ; Eberhard 2000a : 148 ss ; Le Roy 1994 ; Sinha 1989, 1995a & b ;

“rethink Law” is also very French. Not only because of the tendency to like “grand theorizing” but also because the great majority of French legal anthropologists come from a legal background and stay embedded in it (they depend of the Law faculties of universities)¹⁰, and that moreover this legal background is very “Law and State and legal system centered”, as compared to even lawyers (*juristes*) that come from the Common Law tradition, and who are trained in Law but do not have the same sense of “normative systems” as have continental European lawyers. It thus seems natural, especially because of the second trait, that French legal anthropologists try to enrich and to open up the concepts of Law which they have been taught through anthropological inputs¹¹. This may not be of so much concern to legal anthropologists coming from an anthropological background and who are not lawyers but who see the study of Law as a study like any other anthropological study in a specific domain. But if these two traits can partly be traced back to a French sensitivity they have nevertheless shown their relevance in the putting into perspective and the working out of alternatives in the field of Law as well in human rights’ law, international penal law, land law in African contexts, problems of *État de Droit* and justice etc. - it is maybe also becoming increasingly relevant as the system’s approach of Law is growing : see the European construction, the aims to the emergence of a international penal law, the building of an international human right’s system, the structural adjustment plans imposed on many countries etc. Thus this special sensitivity could be enriching to other sensitivities in the field of the anthropology of Law.

Moreover it should be noticed that if French legal anthropologists come from a legal background, this does not mean that they remain caught in the “legal frame” (as understood in the Western sense). But they do take it very seriously, and are maybe sometimes a bit trapped by their legal enculturation, making it difficult for them to think legal pluralism in pluralist terms - the horizon of the state, and the legal system being indeed deeply embedded in their unconscious. Once this predicament is made conscious, it is turned from “weakness” to “strength”. Indeed it is unthinkable for a French legal anthropologist to think about Law without somehow integrating state and modern law in his/her approaches. He or she is thus automatically confronted to the complexity of legal pluralism. Étienne Le Roy (1998 ; 1999) tackles it through his theory of *multijuridisme* or “multilegalism”. For him, “Law” as “legal phenomenon” (*phénomène juridique*) which could be defined as that which puts forms and puts into forms the reproduction of humanity in the domains a society considers as being vital¹² does not have a single foundation, general and impersonal norms, to which we tend to reduce it from a Western perspective, but rests on at least two other feet, thus giving it a “tripodic” character : models of

Vachon 1990 ; von Benda Beckmann 1981. Generally speaking it can be said that no comparison can be carried out without a clear epistemological frame for the comparison and thus a certain definition or theory of what is to be compared, and thus of « Law ». Let us note that this requirement also makes its way into « classical » comparative law which tends to link the comparative endeavour with a theoretical reflexion on Law (see for example Bell 1994 ; Legrand 1996).

¹⁰ It is also appropriate to note here the close links in France between legal anthropology and legal history from which it initially emerged (see Rouland 1989b). An example of the close relationship between the historical input and research on contemporary *problématiques* is also provided by the two last issues of *Droit et cultures*. In n° 41 Charles de Lespinay’s “L’anthropologie, le droit et le génocide” is the only contemporary article in between historical ones and in n° 42 his article “La religion en Casamance dans les relations de voyage, 15e-19e siècles” is the only historical one in between contemporary ones, a presentation which was chosen on purpose. See also Norbert’s Rouland’s integration of legal anthropology in his manual of legal history (1998).

¹¹ This sensitivity may also be due to the fact that French legal anthropologists are also involved in the field of French legal cooperation with France’s former colonies and that they are the ones who bring in the critical point of view on the “black letter” approaches of the “pure” lawyers (*juristes*) who stay embedded in a universalistic approach to Law and an evolutionist paradigm where and are most of all concerned with the exportation of their model and the conversion of the “underdeveloped” to it. See Le Roy & Kuyu 1996.

¹² For more details on that definition and for a more complete presentation of Le Roy’s theory of “multilegalism” in English see Eberhard 2001a : 176 ss.

conduct and behaviour and systems of lasting dispositions or *habitus*, to follow Bourdieu's terminology. Different cultures value these different feet of Law differently (see Le Roy 1999 : 201-203) and thus articulate them differently, thus also revealing preferences for different ways of "ordering" or "patterning" social reality in view of its reproduction. Indeed, general and impersonal norms rather reflect an "imposed ordering", models of conduct and behaviour a "negotiated ordering" (cf. the mechanism of African traditional custom), and *habitus* an "accepted ordering" (cf. confucian cultures and their value of autodiscipline). But the picture would not be complete if we did not add the "contestation of order" which also plays an important role in the perpetuation of our living together, especially if we share an agonistic view of Law, such as the one of Michel Alliot (1983a : 83) for whom Law is "the struggling and the consensus on the outcomes of the struggling in the domains a society considers as being vital." This definition leads us to the other essential aspect of the theory of *multijuridisme* : it is a fundamentally dynamic approach to the legal phenomenon, in the continuity of work such as that carried out by Max Gluckmann (1955) or Sally Falk Moore (1983) in the Anglophone world or Georges Balandier (1967, 1971) in the Francophone world. It leads to a leap into what one could call a "fully anthropological approach" as the main question that is addressed is that of the reproduction of human societies in the big "jeu des lois" (game of laws). "Laws" should be understood here in the sense of Lévy-Bruhl's *juristique* as the "laws underlying the laws", or we could say "the laws underlying social reproduction and conflict management" - even though it may not be very accurate anymore to speak in terms of law if we are very peculiar about the choice of our words. Indeed Le Roy's (1999) whole model is based on the recognition of the non-systemic complexity of the social games we play. There are no evident underlying rules for social reproduction: rather social reproduction and conflict management can be understood in specific situations by taking into account various sociological, historical, geographical, political etc. factors which are tied together by the anthropological questioning of how the diverse practices, discourses, logics and worldviews in interplay contribute to the evolution of the situations observed. Questions are put by starting from the social totality which explains the interdisciplinary character of the endeavour. Anthropology of Law, or rather of "*juridicité*" (in line with our above definition of the *phénomène juridique* or legal phenomenon), rather than as a discipline determined by specific objects of study or a specific methodology, thus appears as a particular perspective on the social, as a particular way of knotting together questions, the pursued aim being to understand the "rules of the games" we play in our social reproduction,¹³.

We have now clarified some of the prospects and challenges as they emerge from a French approach to the anthropology of Law in its peculiar relationship on the one hand with general legal theory and Law and on the other hand with anthropology¹⁴. As this part has shown, our practice of an anthropology of Law in between legal theory and anthropology and open to enrichment by other social sciences requires an appropriate "inter-" method of research and is thus confronted to a "dialogical challenge".

¹³ For a more detailed presentation in English of the dynamic approach of the *jeu des lois* which integrates structural approaches (such as presented in Rouland 1988) into a dynamic one (Le Roy 1999) see Eberhard 1997 : 69 ss; 2001b).

¹⁴ I may note that I am presently working in a legal theory project of the FNRS on the « production of law : from pyramid to network ? ». I am organizing a set of seminars on anthropological and intercultural perspectives on the « pyramid and network problématique » whose results will be published (for the moment see informations on <http://www.dhdi.org>). This problematic « from pyramid to network » constitutes another example illustrating where legal theory and anthropology of Law can meet and can be mutually enriched, although a lot of « pedagogical work » is required. Fruitful bridges do exist between both kinds of approaches, but it is necessary to show how perspectives of general legal theory and of anthropology of law can be mutually enriching so that real dialogue can start and visions of Law been changed.

The Dialogical Challenge : The Requirements of Intercultural and Interdisciplinary Research

A major task for contemporary anthropology of Law seems to be to help approaching the new emerging myth of “interculturalism and pluralism of Reality” as Robert Vachon (1997) calls it - and we could maybe say more generally speaking the “emergence of a dialogical myth”. Indeed there is an increased awareness (Panikkar 1984a : 28-29) that the Reality we live in is neither one, nor multiple, it is pluralist (Panikkar 1990) : we do all share the same world but at the same time our diverse ways to experience the world are also part of it. Our human predicament is thus ultimately pluralistic. Although this awareness deeply challenges modern views where Reason is central and where the ideal is a reduction of diversity to unity through Reason (which was thought to be possible) it is more and more prominent, as postmodern writings, feminist studies, or the debates on communitarianism and liberalism etc. illustrate. Let us note that I will not deepen the analysis on the dialogical approach very much here as I have done so in a recent article (Eberhard 2001a). I will just share a few reflexions starting by quickly noting the interdisciplinary challenge we have to face if we see anthropology of Law as a necessarily interdisciplinary endeavour as presented above, before coming to the intercultural dialogical challenges facing us as anthropologists of Law.

a) The Interdisciplinary Challenges

For Raimon Panikkar (1984b : 214) « (...) to deal with a perspective means to deal with very fundamental springs in the knowing subject. A new epistemology is required here.” And as Roger Cotterrell (1996 : 48) notes “inter-“ approaches stemming from a confrontation between different disciplines and legal cultures “not merely add to knowledge but ultimately *transform the terms in which knowledge is sought and conveyed* by disrupting the taken-for-granted foundations of the disciplines involved.” It is thus important to reflect on the conditions to move from mere “multidisciplinarity”, a juxtaposition of disciplines, to a true “interdisciplinarity” which is enlightening a “common” question from different perspectives in order to get a more complete picture of it (cf Ost & van de Kerchove 1987 : 69 ss ; Le Roy 1999 : 47 ss). I wonder if we really take the implications of this seriously although we might argue that we do actually work in an interdisciplinary way - but to what extent do we take different disciplines’ in-bringsings and challenges seriously ? How far are we really opening up to them and permitting them to challenge us ? And how far do we recognize the methodological requirements and constraints of such a research ? Epistemological questionings on the construction of our “objects of research”, focus on a well defined problematiques, that can provide the backbones of approaches which otherwise would be torn into pieces by the complexity of the situations and the multiplicity of the entries become paramount. Interdisciplinary research is only possible if one clearly works out where one is rooted, what his or her *topos* is, and what one is looking for (in the sense of what one wants to understand or to research)¹⁵. Thus even here diatopical and dialogical hermeneutics become paramount (see Panikkar 1984b ; Vachon 1990) These questions run parallel to those we face when we work in cultural settings alien to us and where we are confronted with different cultural traditions. We can thus refer some of the following reflexions on the intercultural challenges to the challenges of interdisciplinary approaches to Law.

¹⁵ We will come back to this point when approaching the challenge of scientific endeavour as praxis below.

b) The Intercultural Challenges

First, I feel that if - as I said in the introduction - it seems that legal anthropologists should naturally be the spokesmen of the diverse homeomorphic legal cultures of the world (Vachon 1990), the privileged analysts and “utopists” or rather “heterotopists” for the actual encounter of different traditions, and maybe the mediators *par excellence* in the encounter, it does not really seem that they really do play that role to the extent they could do it and maybe should do it. A lot of legal anthropological work is quite insensitive to different “cultural” perspectives, or at least does not really reflect those perspectives in their work. If I put “cultural” in inverted comas, it is because by culture I also mean here the “subcultures” of specific groups an anthropologist may study, as for example the “culture” of Indian untouchable women studied by R.S. Khare (1998a). I do not intend here to invite people to an essentialization of “cultural representations” but I have the feeling that we do not sufficiently recognize the original perspectives of the people we are working with - and somehow we seem to still have the feeling of the superiority of our modern, Western social sciences’ tools and frames of analysis as compared to the representations of those with whom we work - and of Western modern law in order to provide solutions for issues. As R.S. Khare (1998a) notices, in his work with untouchable women, it took him very long to start listening to what they were actually telling him and to take it seriously, without trying to integrate it before all in his analytical framework and to use it to answer the questions of concern *to him* and maybe anthropology at large, but not the questions of concern *to the concerned people*.

Another striking example is work carried out by legal anthropologists on the recognition of indigenous peoples’ rights (see for example Pierré-Caps, Poumarède & Rouland 1996). Isn’t it striking that studies can be written on Indigenous Law which do not refer to the nature of the indigenous visions of “Law”, to their worldvisions, logics and stakes in the process as seen from their point of view ? Of course it is also important to make an analysis of the existing international law and of its challenges. And it must be noticed that there are anthropologists of Law who have done valuable work to recognize these different visions and reflect upon their interaction with the modern visions¹⁶. But that a collective book, directed by anthropologists of Law, can ignore these perspectives, excluding the points of view of those mainly concerned reveals that we still seem to be in an evolutionist paradigm where the generally accepted and legitimized ultimate horizon of thought remains legal organization modern style. Let us note also that to a large extent work on “legal pluralism”, and I herein include my own work and that of my Laboratory, the Laboratoire d’Anthropologie Juridique de Paris, focuses on a theoretical analysis of the “working of legal pluralism” but does not really convey the cultural pluralist dimension of it¹⁷. We

¹⁶ See the references in the bibliography of Bissonnette’s and Vachon’s works and also the two special issues of *Recherches amérindiennes au Québec* on “Le droit international et les peuples autochtones”, directed by Alain Bissonnette in 1994 (Volume XXIV No. 4) and in 1995 (Volume XXV, No. 3.). Let us also note Norbert Rouland’s own valuable work on the Inuit (see for example 1979). The point here is not to make a personal criticism but to point to the general ambiance which leads to the exclusion of diverse non-Western discourses in a more or less conscious way and which is still very much present.

¹⁷ I have recently tried to make some efforts to get out of this predicament. In a first article I had tried to propose a new approach of Justice in Africa and of human rights in the context of globalization and a new legal paradigm by starting from the traditional African communitarian archetype of Law (Eberhard 2000b). But ultimately this attempt only uses a Western model of African communitarianism but does not really permit a non-informed reader to get a feeling of what it is. That is why we wrote another article with Aboubakri Sidhi Ndongo (2001) where we tried to convey the traditional African perspective through a rereading of Amadou Hampâthé Bâ, using large extracts of his novels, in the frame of a « Law and Literature » project at the Facultés Universitaires Saint Louis in Brussels (another example of interesting bridges between anthropology of Law and legal theory). I have also tried to interculturalize our anthropology of Law in a reflexion on cultures of Peace and the role of Law (Eberhard 2000c - there also exists an enriched English version to be published) starting the reflexion from a Buddhist perspective. It is interesting to note that the reflexion was perceived by some

are not really aware, or do not really take seriously, that we have to engage in a meeting between different homeomorphic legal and political cultures - This is indeed an arduous task and asks for a whole preliminary methodological work and a “cultural disarmament” (Panikkar 1995a) in order that only the prerequisites of such an encounter can be met. And once the encounter then can really start, epistemological and existential challenges will be revealed that oblige a fundamental rethinking not only of modern law but of the whole underlying modern worldview - which does not mean its abandoning, but its transformation in something different through its opening up to different cultural traditions and its enrichment through them. This necessarily entails on the one hand an emancipation from the evolutionist paradigm and the recognition of the historical aspect of the diverse traditions of the world and of the pluralism of histories making up our living together on the larger scales such as the world, continents, regions or countries - but as well on the local planes : there is not one history of a place there are always different and sometimes competing histories. This in turn entails in my opinion a second necessary step : it is to recognize the dimension of “tempiternity”, as Raimon Panikkar (1993 : 120 ss) calls it in his *Cosmotheandric Experience*, next to our historical awareness in the intercultural encounter. But on a even more fundamental level we will have to learn to complement our rather “dialectical” current approaches by more dialogical ones (see Panikkar 1984b)¹⁸

A last question which I would like to put forward is the question of the legal anthropologist’s role as a “passeur” between worlds, in reference to the recently published *Liber Amicorum* of Michel Alliot, founder of the Laboratoire d’Anthropologie Juridique de Paris - LAJP (Le Roy 2000). To what extent should and can anthropologists of Law play the role of cultural intermediators in the encounter between different political and legal cultures ? This role can be played on more local levels such as for example in the cultural intermediation experience in the field of Youth Justice at the Tribunal de Grande Instance in Paris, where researchers of the LAJP, knowing the immigrants’ worlds as well as the French legal world intermediate between the juveniles and their families and the judges (see Eberhard 2001a : 191), or on more global ones, such as in the case of the Peace dynamics between the Mohawk Nation and the Canadian Nation (see especially Vachon’s work), or in the question of a move towards a more intercultural approach to human rights (see Eberhard 2000). And this role again puts forward epistemological questions as well as maybe the question of new fields of research : how can intercultural encounters become dialogical, eg where an actual enrichment of all partners can take place ? What are the conditions allowing it ? How can different world views be opened up through mutual contact, how can “articulations” be found ? How is it possible to move from logics of “exclusion of the contrary” to logics of “complementarity of differences”? I think anthropologists of Law have a role to play in this praxiological research on how to open up the putting in forms and putting forms on our living together in contexts that become intercultural on a ever more profound level.

Scientific Endeavor as Praxis : A Political Anthropology of Law

anthropologists as not being « anthropology of law » and of not being relevant to the question of violence and peace in a legal anthropological framework.

¹⁸ The Intercultural Institute of Montréal is presently carrying out an interesting project with, amongst others, anthropologists of the University of Montréal on the intercultural ethics of research.

The developments above lead us to a last reflexion : the importance of an anthropology of Law as praxis. Anthropology of Law cannot - or at least in my eyes should not - be a purely theoretical endeavour. The whole participatory research is based on the idea of personal experience and thus leads us from a dialectical method of understanding Reality to a dialogical one to use Raimon Panikkar's terminology, where knowledge is not based on rational deductions alone, but on the sharing of insights of others which through a process of opening up and dialogue, little by little changes our own fundamental ways of seeing things embedding us thus in a new "myth" that emerges through a cognitive journey of "Understanding as Convincement" (Panikkar 1984b : 215). This entails that on the one hand a deepening of the requirements of a truly dialogical approach seem paramount for work carried out in the field of the anthropology of Law - even in the cases where the goal is to then translate different cultural experiences in the frame of Western modern science. An example is Étienne Le Roy's (1998) theory of multilegalism (*multijuridisme*) : the insights underlying it have been gained through a dialogical approach and diatopical hermeneutics - but the formalization of the findings in a theory of multilegalism are a translation into the Western modern socio-legal anthropocentered frame. But there is also the challenge of more radical intercultural dialogue, such as it is reflected in the approach of the Intercultural Institute of Montreal : the question is not only how to elaborate a new "interculturalized frame" for specific intercultural encounters in the domain of the *logos* alone, but how to be able to move to the sharing of a new *mythos*. I think a lot of fundamental research remains to be carried out in that field (see Vachon 1998).

But this approach of anthropology of praxis also entails that anthropological research is also a social praxis with social consequences. And especially in the field of the anthropology of Law which explicitly deals with "Law" which is at the core of the "putting in forms of our living together, of our reproduction, of the handling of our conflicts" we must be aware of the responsibility of our research. As Étienne Le Roy (1999 : 34) reminds us in the introduction of his manual of legal anthropology the key questions every anthropologist of Law must ask before going any further is "*à qui ça sert, quoi ça sert ?*" (whom does it bring something ? What is its purpose ?). It seems very important to recognize that our research is never "objective" - which does not mean that it is unscientific. All approaches are ultimately founded in our personal *mythoi*, in our very personal ways to see the world and to be more sensitive to certain of its aspects or others. The scientificity of the research lies in the reproductibility of it. Others must be able to reach to our conclusions, though they may not agree with them and may be able to either show inconsistencies of our position or show that our whole underlying perspective is problematic. But this entails that we clearly take position in our research and make clear what our standpoint is. It goes without saying that it is only through ongoing dialogue with oneself and others that our own positions really crystallizes. Thus even fundamental research has a political turn to it as it reflects the things which are important to us and which we want to bring to the public forum (the scientific community and the larger community) in order to shed light on it and to engage debate and dialogue on them.

This leads to a last role for anthropologists of Law that I have already shortly touched upon above. Generally speaking it can be said that anthropologists of Law are concerned with the diverse representations and practices of people in relationship to social reproduction. They are thus concerned with pluralism and with pragmatism, in the sense that they take people's practices and representations seriously. In the general contemporary context which remains embedded in a modern vision based on representations of uniformity and of an idealistic outlook on our living together (see François Ost and Jacques Lenoble on the idealist philosophy of the lawyer - 1980a, 1980b), and which nowadays tends to also get "systemic", life being more and more seen as something which can optimally be managed through systemic approaches (see especially the illustration of World Bank structural adjustment plans

or think of the representations of law as autopoietic system ; see Eberhard 2000 : 168 ss), the voice of the anthropologist is an important one to be heard in order to map out alternatives to the present approaches which seem less and less satisfying. His/her experience is also valuable to allow him to be a *porteur* between different cultures (understood in the large sense, including “sub-cultures” etc.) in such diverse contexts as international human rights debates, the working of international penal tribunals, reflexions on *État de Droit*, injustice in multicultural settings etc.

Thus from our point of view it is this specific point of view, of sensitivity to people’s representations and practices, and the awareness of the great diversity that exists between those representations and practices without any one being *a priori* able to be assumed as being superior to the others among the people of the world, which is at the core of the anthropology of Law. Thus anthropology of Law in my sense is more defined (if one wants to define it) by a specific outlook on social and human reality and a way of knotting together questions concerning that reality, than a discipline distinct from other social sciences’ approaches through a different methodology or through different objects of study. Its major challenge and maybe also its major contribution to our “living together” (theoretical contributions as well as applied research) is to raise awareness to the requirement of *dialogue*. And in order to do so we may ourselves have to keep on deepening our dialogical skills as well in respect of the people amongst and with whom we carry out research, as of the scientific and legal and political community to which we belong and to which we want to transmit our findings and insights.

Bibliography²

ALLIOT Michel, 1980a, « Un droit nouveau est-il en train de naître en Afrique ? », CONAC Gérard (éd.), *Dynamiques et finalités des droits africains - Actes du colloque de la Sorbonne « La vie du Droit en Afrique »*, Paris, Economica, Col. Recherches Panthéon-Sorbonne Université de Paris I, Série Sciences juridiques, 509 p (467-495)

ALLIOT Michel, 1980b, « Le miroir noir. Images réfléchies de l’État et du Droit français », *Bulletin de Liaison du Laboratoire d’Anthropologie Juridique de Paris*, n° 2, p 77-86

ALLIOT Michel, 1980c, « Modèles sociétaux- 1. Les communautés », *Bulletin de Liaison du Laboratoire d’Anthropologie Juridique de Paris*, n° 2, p 87-93

ALLIOT Michel, 1982, « Les transferts de droit ou la double illusion », *Bulletin de liaison du Laboratoire d’Anthropologie Juridique de Paris*, Paris, n° 5, p 121-131

ALLIOT Michel, 1983a, « Anthropologie et juridique. Sur les conditions de l’élaboration d’une science du droit », *Bulletin de Liaison du Laboratoire d’Anthropologie Juridique de Paris*, n° 6, p 83-117

² Not all the books and articles are quoted in the article. The aim of the bibliography is to also provide the reader with suggestions for further reading that put into perspective the ideas expressed in the article. The journal *Interculture*, quoted here from the French version, is also available in English (for further information see <http://www.iim.qc.ca/>)

- ALLIOT Michel, 1983b, « L'anthropologie juridique et le droit des manuels », *Bulletin de Liaison du Laboratoire d'Anthropologie Juridique de Paris*, n° 6, p 181-198
- ALLIOT Michel, 1985, « La coutume dans les droits originellement africains », *Bulletin de Liaison du Laboratoire d'Anthropologie Juridique de Paris*, n° 7-8, p 79-100
- BALANDIER Georges, 1967, *Anthropologie politique*, France, Quadrige / PUF, 240 p
- BALANDIER Georges, 1971, *Sens et puissance*, France, Quadrige / PUF, 334 p
- BELL John, 1994, « Comparative Law and Legal Theory », KRAWIETZ Werner, MACCORMICK Neil, von WRIGHT George Henrik (éds.), *Prescriptive Formality and Normative Rationality in Modern Legal Systems. Festschrift for Robert S. Summers*, Berlin, Duncker & Humblot, p 19-31
- BERTHOUD Gérald, 1992, *Vers une anthropologie générale. Modernité et altérité*, Suisse, Librairie Droz S.A., 294
- BISSONNETTE Alain, 1996, "Le juge canadien et son interprétation des droits des peuples autochtones", BONTEMPS C ; (sous la direction de), *Le juge : une figure d'autorité*, Paris, L'Harmattan, p 459-491
- BISSONNETTE Alain, 1995, BOUCHARD Serge et SAUVÉ Louise, "L'affirmation contemporaine de la souveraineté autochtone", Sauvé Louise (sous la direction de), *Peuples autochtones de l'Amérique du Nord : de la réduction à la coexistence*, Sainte-Foy, Télé-Université, 2ième version corrigée et remaniée
- BISSONNETTE Alain, 1993, « Le droit à l'autonomie gouvernementale des peuples autochtones: un phénix qui renaîtra de ses cendres », *Revue générale de droit*, n° 24, p 5-25
- COTTERRELL Roger, 1996a, *Law's Community - Legal Theory in Sociological Perspective*, USA, Oxford University Press, Oxford Socio-Legal Studies Series, 381 p
- de LESPINAY Charles, 2001a, « L'anthropologie, le droit et le génocide », *Droit et cultures*, n°41, p 141-163
- de LESPINAY Charles, 2001b, « La religion en Casamance dans les relations de voyage, 15e-19e siècles », *Droit et cultures*, n°42, p 147-180
- de SOUSA SANTOS Boaventura, 1995, *Toward a New Common Sense - Law, Science and Politics in the Paradigmatic Transition*, New York-London, Routledge, After the Law Series, 614 p
- EBERHARD Christoph, 1997, *Common Humanities and Human Community - Towards a Dianthropological Praxis of Human Rights*, LLM thesis directed by Prof. R.B.M. Cotterrell, European Academy of Legal Theory in Brussels 146 p, can be consulted at <http://www.dhdi.org>
- EBERHARD Christoph, 1999a, « Pluralisme et dialogisme. Les droits de l'homme dans une mondialisation qui ne soit pas uniquement une occidentalisation », *Revue du MAUSS semestrielle*, n° 13, 1er semestre, p 261-279

EBERHARD Christoph, 1999b, « Les politiques juridiques à l'âge de la globalisation. Entre archétypes, logiques, pratiques et 'projets de société'. », *Bulletin de liaison du Laboratoire d'Anthropologie Juridique de Paris*, n° 24, p 5 - 20

EBERHARD Christoph, 2000a, *Droits de l'homme et dialogue interculturel. Vers un désarmement culturel pour un Droit de Paix*, Thèse de Doctorat en Droit, Université Paris 1 Panthéon-Sorbonne, 464 p (a synthesis can be consulted at <http://www.dhdi.org>)

EBERHARD Christoph, 2000b, « Justice, Droits de l'Homme et globalisation dans le miroir africain : l'image communautaire », *Revue Interdisciplinaire d'Études Juridiques*, n° 45, p 57-86

EBERHARD Christoph, 2000c, « Ouvertures pour la Paix. Une approche dialogale et transmoderne », *Bulletin de liaison du Laboratoire d'Anthropologie Juridique de Paris*, n° 25, p 97-113

EBERHARD Christoph, 2001a, « Towards an Intercultural Legal Theory - The Dialogical Challenge », *Social & Legal Studies. An International Journal*, n° 10 (2), p 171- 201

EBERHARD Christoph, 2001b, « Human Rights and Intercultural Dialogue. An Anthropological Perspective », to be published in the *Indian Socio-Legal Journal*.

EBERHARD Christoph, 2002, « Vers une nouvelle approche du Droit à travers ses pratiques. Quelques implications des approches alternatives », to be published in *Revue Interdisciplinaire d'Études Juridiques*, n° 48

EBERHARD Christoph, LIWERANT Sara, 1999 « Le droit international confronté aux crimes contre l'humanité et génocides - l'émergence d'une exigence interculturelle », contribution à la 9ème conférence générale de l'EADI (European Association of Development Research and Training Institutes), Paris 22-25 septembre, 21 p, can be consulted at <http://www.dhdi.org>

EBERHARD Christoph & NDONGO Aboubakri, 2001, « Relire Amadou Hampaté Bâ pour une approche africaine du Droit. Images réfléchies de la 'pyramide' et du 'réseau' », à paraître dans *Revue Interdisciplinaire d'Études Juridiques*, n°47

EBERHARD Christoph & GUPTA Nidhi, 2001, « Towards a Pluralist and Intercultural Approach to Law : Tackling the Challenge of Women's Rights in India », Contribution to the Twentieth Congress of the International Association for Philosophy of Law and Social Philosophy, 19-23 June 2001, Vrije Universiteit, Amsterdam, Netherlands, to be published in the proceedings of the conference.

ESTEVA Gustavo, 1993, *La nouvelle source d'espoir : « les marginaux »*, *Interculture*, n° 119, 66 p

ESTEVA Gustavo, PRAKASH Madhu Suri, 1998, *Grassroots Post-Modernism - Remaking the Soil of Cultures*, United Kingdom, Zed Books, 223 p

GLUCKMAN Max, 1955, *The Judicial Process among the Barotse of Northern Rhodesia*, Manchester, Manchester University Press

HESELING Gerti, LE ROY Étienne, 1990, « Le Droit et ses pratiques », *Politique Africaine*,

Décembre, n° 40, p 2-11

KHARE R.S., 1998a, « Elusive Social Justice, Distant Human Rights : Untouchable Women's Struggles and Dilemmas in Changing India », *Cultural Diversity and Social Discontent. Anthropological Studies on Contemporary India*, New Delhi, Sage Publications, 282 p

KHARE R.S., 1998b, « The Cultural Politics of Violence and Human Rights : Contending Indian Traditions, Narratives, and the State », *Cultural Diversity and Social Discontent. Anthropological Studies on Contemporary India*, New Delhi, Sage Publications, 282 p

KUYU Camille, 1997, « L'intermédiation culturelle au tribunal pour enfants de Paris : la justice française entre les frontières institutionnelles et la perception du 'monde réel africain' », *Bulletin de liaison du Laboratoire d'Anthropologie Juridique de Paris* n° 22, p 91-97

KUYU Camille (éd.), 2001, *Repenser les Droits africains pour le XXIème siècle*, Yaoundé, Menaibuc, 220 p

Laboratoire d'Anthropologie Juridique de Paris, 2000, *Droits de l'homme et cultures de la Paix. Bulletin de liaison du Laboratoire d'Anthropologie Juridique de Paris*, n° 25 (consultable sur <http://www.dhdi.org>)

Laboratoire d'Anthropologie Juridique de Paris (under the direction of Etienne Le Roy), 1989, *La différence culturelle, argument devant la juridiction des mineurs, défi à la société française.*, Rapport d'une recherche contractuelle réalisée pour le compte du Ministère de la Justice. Paris, LAJP.

LAJOIE André, MACDONALD Roderick A., JANDA Richard, ROCHER Guy (eds.), 1998, *Théories et émergence du droit : pluralisme, surdétermination et effectivité*, Bruxelles, Bruylant/Thémis , 266 p

LEGRAND Pierre, 1996, « How to compare now ? », *Legal Studies*, n° 16, p 232-242

LEIRIS Michel, 1992 (1969), *Cinq études d'ethnologie*, France, Denoël / Gonthier, 151 p

LENOBLE Jacques, OST François, 1980a, *Droit, mythe et raison. Essai sur la dérive mythologique de la rationalité juridique*, Bruxelles, Facultés Universitaires Saint Louis, 590 p

LENOBLE Jacques, OST François, 1980b, « Prolégomènes à une lecture épistémologique des modèles juridiques », *Domination ou partage ? Développement endogène et transfert des connaissances*, Paris, UNESCO, 1980, p 79-91

LE ROY Étienne, 1978, « Pour une anthropologie du Droit », *Revue interdisciplinaire d'études juridiques*, vol. I, p 71-100

LE ROY Étienne, 1979, « L'anthropologie juridique anglo-saxonne et l'héritage scientifique de Max Gluckman : Un point de vue français », *African Law Studies*, n° 17/1979, p 53-70

LE ROY Étienne, 1989, « Der Stand der Rechtsanthropologie in Frankreich : ein Projekt für das 21. Jahrhundert », *Zeitschrift für Rechtssoziologie*, n° 2/1989, 221-235

LE ROY Étienne, 1990, « Juristique et anthropologie : Un pari sur l'avenir », *Journal of legal pluralism and unofficial law*, number 29, p 5-21

LE ROY Étienne, 1990b, « Le justiciable africain et la redécouverte d'une voie négociée de règlement des conflits », *Afrique Contemporaine*, 4e trimestre, n° 156 (spécial), p 111-120

LE ROY Étienne, 1991, « Les usages politiques du droit », COULON Christian, MARTIN Denis-Constant (éds.), *Les afriques politiques*, Saint-Amand (Cher), La Découverte, Col. Textes à l'appui, Série Histoire contemporaine, 294 p (109-122)

LE ROY Étienne, 1992, « Les fondements anthropologiques des droits de l'homme - Crise de l'universalisme et post modernité », *Revue de la recherche juridique Droit prospectif*, N° XVII - 48 (17ème année- 48e numéro)

LE ROY Étienne, 1994, « Comparaison n'est pas raison : Anthropologie et Droit comparé face aux traditions non européennes », CENDON Paolo (éd.), *Scritti in onore di Rodolfo Sacco - La comparazione giuridica alle soglie del 3° millennio*, Milano, Milano Dott. A. Giuffrè Editore, 1224 p

LE ROY Étienne, 1995, « L'accès à l'universalisme par le dialogue interculturel », *Revue générale de droit*, vol. 26, p 5-26

LE ROY Étienne, 1997a, « La face cachée du complexe normatif en Afrique noire francophone », ROBERT Philippe, SOUBIRAN-PAILLET Francine, van de KERCHOVE Michel (éds.), *Normes, Normes juridiques, Normes pénales - Pour une sociologie des frontières - Tome I*, CEE, L'Harmattan, Col. Logiques Sociales, Série Déviance/GERN, 353 p (123-138). Can be consulted at <http://www.dhdi.org>

LE ROY Étienne, 1997b, « Contribution à la 'refondation' de la politique judiciaire en Afrique francophone à partir d'exemples maliens et centrafricains », *Afrika Spektrum*, 32. Jahrgang, n° 3, p 311-327. Can be consulted at <http://www.dhdi.org>

LE ROY Étienne, 1998a, « L'hypothèse du multijuridisme dans un contexte de sortie de modernité », LAJOIE André, MACDONALD Roderick A., JANDA Richard, ROCHER Guy (éds.), *Théories et émergence du droit : pluralisme, surdétermination et effectivité*, Bruxelles, Bruylant/Thémis, 266 p (29-43)

LE ROY Étienne, 1998b, « Les droits de la personne à l'âge de la transmodernité face à la complexité des sociétés, un outil politique dans 'l'entre deux' de l'universalisme et des particularismes », résumé de la communication à la journée « La déclaration universelle des droits de l'homme : bilan après cinquante ans », Ottawa, 4 Juin, 10 p. Can be consulted at <http://www.dhdi.org>

LE ROY Étienne, 1999, *Le jeu des lois. Une anthropologie « dynamique » du Droit*, France, LGDJ, Col. Droit et Société, Série anthropologique, 415 p

LE ROY Étienne & Jacqueline (éds.), 2000, *Un passeur entre les mondes. Le livre des Anthropologues du Droit disciples et amis du Recteur Michel Alliot*, France, Publications de la Sorbonne, 357 p

LE ROY Étienne, KARSENTY Alain, BERTRAND Alain (éds.), 1996, *La sécurisation foncière en*

Afrique - Pour une Gestion viable des ressources renouvelables, Clamecy, Karthala, 388 p

LE ROY Étienne, KUYU Camille Mwissa, 1996, *La politique française de coopération judiciaire : bilan et perspectives*, 29 p, publié dans *Observatoire permanent de la Coopération française, Rapport 1997*, Paris, Karthala, 1997, p 36-65. Can be consulted at <http://www.dhdi.org>

LÉVI-STRAUSS Claude, 1995 (1958), *Anthropologie structurale*, Angleterre, Plon, 480 p

MADAN T.N., 1978, « On the mutual interpretation of cultures », MADAN T.N., *Pathways. Approaches to the study of society in India*, Delhi, Oxford University Press, 1995, 289 p (131-146)

MADAN T.N., 1990, « On critical self-awareness », MADAN T.N., *Pathways. Approaches to the study of society in India*, Delhi, Oxford University Press, 1995, 289 p (147-166)

MADAN T.N., 1997, *Modern Myths, Locked Minds. Secularism and Fundamentalism in India*, New Delhi, Oxford University Press, 323 p

MOORE Sally Falk, 1983, *Law as Process - An Anthropological Approach*, Great Britain, Routledge & Kegan Paul, 263 p

MOORE Sally Falk, 2001, « Certainties undone : fifty turbulent years of legal anthropology, 1949-1999 », *The Journal of the Royal Anthropological Institute* 7, p 95-116. Can be consulted at <http://www.dhdi.org>

NANDY Ashis, 1983, *The Intimate Enemy. Loss and Recovery of Self Under Colonialism*, 121 p, in *Exiled at home. Comprising At the Edge of Psychology, The Intimate Enemy, Creating a Nationality*, Delhi, Oxford University Press, 1998

NANDY Ashis, 1988, « La culture, l'État et la redécouverte d'une politique indienne », *Interculture*, Vol. XXI, n° 2, Cahier n° 99, p 2-19

OST François & van de KERCHOVE Michel, 1984, "Towards an interdisciplinary theory of law", in A. Peczenik (ed.), *Theory of legal science*, Dordrecht, 1984, p. 497-508.

OST François, van de KERCHOVE Michel, 1987, *Jalons pour une théorie critique du droit*, Bruxelles, Publications des Facultés universitaires Saint-Louis, Col. Travaux et Recherches, 602 p

F. OST & M. van de KERCHOVE, 1994, *Legal system between order and disorder*, Oxford University Press, 1994, 199 p.

OST François & van de KERCHOVE Michel, 1999, "Constructing the complexity of law : towards a dialectic theory", in L. Wintgens (ed.), *The law in philosophical perspective. My philosophy of law*, Dordrecht-Boston-Londres, Kluwer, p. 147-171. Can be consulted at <http://www.dhdi.org>

PANIKKAR Raimon, 1977, « The myth of Pluralism. The Tower of Babel », Harry James Carger (éd.), *Invisible Harmony. Essays on Contemplation and Responsibility*, USA, Fortress Press, 1995, 210 p (52-91)

- PANIKKAR R., 1978, *The Intrareligious Dialogue*, USA, Paulist Press, 104 p
- PANIKKAR R., 1979, *Myth, Faith and Hermeneutics - Cross-cultural studies*, USA, Paulist Press, 500 p
- PANIKKAR Raimundo, 1982, « Alternatives à la culture moderne », *Interculture*, Vol. XV, n° 4, Cahier 77, p 5-16
- PANIKKAR R., 1984a, « Is the notion of Human Rights a Western Concept ? », *Interculture*, Vol. XVII, n° 1, Cahier 82, p 28-47
- PANIKKAR Raimon, 1984b, « The Dialogical Dialogue », WHALING F. (éd.), *The World's Religious Traditions*, Edinburgh, T. & T. Clark, 311 p (201-221)
- PANIKKAR Raimon, 1990, « The Pluralism of Truth », Harry James Carger (éd.), *Invisible Harmony. Essays on Contemplation and Responsibility*, USA, Fortress Press, 210 p (92-101)
- PANIKKAR Raimon, 1993, *The Cosmotheandric Experience - Emerging Religious Consciousness*, New York, Orbis Books, 160 p
- PANIKKAR Raimon, 1995, *Cultural Disarmament - The Way to Peace*, USA, Westminster John Knox Press, 142 p
- PANIKKAR Raimon, 1999a, « Les fondements de la démocratie (force, faiblesse, limite) », *Interculture*, n° 136, p 4-23
- PANIKKAR Raimon, 1999b, « La découverte du métapolitique », *Interculture*, n° 136, p 24-60
- PIERRÉ-CAPS Stéphane, POUMARÈDE Jacques & ROULAND Norbert, 1996, *Droit des minorités et des peuples autochtones*, PUF, Collection Droit fondamental, 584 p
- PRABHU Joseph (éd.), 1996, *The Intercultural Challenge of Raimon Panikkar*, USA, Orbis Books, 307 p
- ROULAND Norbert, 1979, « Le droit esquimeau face à l'Occident », *Revue Monchanin*, Vol. XII, n°4, Cahier 65, p 17-23
- ROULAND Norbert, 1988, *Anthropologie juridique*, France, PUF, Col. Droit fondamental Droit politique et théorique, 496 p
- ROULAND Norbert, 1989a, « Penser le droit », *Droits*, n° 10, p 77-79
- ROULAND Norbert, 1989b, « Histoire du droit et anthropologie juridique », *Droit et Cultures*, n° 18, p 193-221
- ROULAND Norbert, 1993, *Aux confins du droit*, Mayenne, Odile Jacob, 318 p
- ROULAND Norbert, 1998, *Introduction historique au droit*, France, PUF, Col. Droit fondamental, 722 p

p

SINHA Surya Prakash, 1989, « Why has it not been possible to Define Law », *Archiv für Rechts- und Sozialphilosophie*, Vol. LXXV, Heft 1 - 1. Quartal, p 1-26

SINHA Surya Prakash, 1995a, « Legal Polycentricity », PETERSEN H., ZAHLE H. (eds.), *Legal Polycentricity : Consequences of Pluralism in Law*, UK, Dartmouth, 245 p (31-69)

SINHA Surya Prakash, 1995b, « Non-universality of Law », *Archiv für Rechts- und Sozialphilosophie*, Vol. 81, Heft 2 - 2. Quartal, p 185 - 214

SNYDER Francis, 1996, « Law and Anthropology », THOMAS Philip A. (éd.), *Legal Frontiers*, Great Britain, Dartmouth, 344 p (135-179)

VACHON Robert, 1977, « La rencontre des cultures ; perspectives de diverses cultures. Une introduction. », *Revue Monchanin*, Vol. X, n° 4, Cahier 57, p 2-7

VACHON Robert, 1982, « Univers juridique autochtone et Lutte pour les droits autochtones », *Interculture*, Vol. XV, n° 2-3, Cahiers 75-76, p 2-19

VACHON Robert, 1983, « Autogestion et développement : La tradition autochtone contemporaine d'ontogestion et de solidarité cosmique », *Recherches amérindiennes au Québec*, Vol. XIII, n° 1, p 36-43

VACHON Robert, 1985, « Le désarmement culturel et la Paix », *Interculture*, Vol. XVIII, n° 4, Cahier 89, p 37-43

VACHON Robert, 1990, « L'étude du pluralisme juridique - une approche diatopique et dialogale », *Journal of Legal Pluralism and Unofficial Law*, n° 29, p 163-173

VACHON Robert (éd.), 1990, *Alternatives au développement. Approches interculturelles à la bonne vie et à la coopération internationale*, Victoriaville (Québec), Institut Interculturel de Montréal - Éditions du Fleuve, Col. Alternatives, 350 p

VACHON Robert, 1991, *La nation Mohawk et ses communautés. Chapitre 1 : Quelques données sociologiques majeures*, *Interculture*, n° 113

VACHON Robert, 1992, *La nation Mohawk et ses communautés. Chapitre 2 : Cultures politiques : occidentale et Mohawk. Une mise en contraste*, *Interculture*, n° 114

VACHON Robert, 1993, *La dynamique Mohawk de la Paix. Chapitre 3 : Le Peuple de la Grande Paix*, *Interculture*, n° 118

VACHON Robert, 1995a, *Guswenta ou l'impératif interculturel - Première partie : Les fondements interculturels de la paix*, *Interculture*, Vol. XXVIII, n° 2, cahier n° 127, 80 p

VACHON Robert, 1995b, *Guswenta ou l'impératif interculturel - Partie 1, Volet II : Un horizon commun*, *Interculture*, Vol. XXVIII, n° 3, cahier n° 128, 43 p

VACHON Robert, 1995c, *Guswenta ou l'impératif interculturel - Volet III : Une nouvelle méthode*, *Interculture*, Vol. XXVIII, n° 4, cahier n° 129, 47 p

VACHON Robert, 1996, « L'ère de la post-modernité - Quelques signes et priorités - Préface », *Interculture*, Vol. XXIX, n° 1, Cahier n° 130, Hiver, p 2-6

VACHON Robert, 1997, « Le mythe émergent du pluralisme et de l'interculturalisme de la réalité », Conférence donnée au séminaire *Pluralisme et Société, Discours alternatifs à la culture dominante*, organisé par l'Institut Interculturel de Montréal, le 15 Février 1997, 34 p. Can be consulted at <http://www.dhdi.org>

VACHON Robert, 1998, « L'IIM et sa revue : Une alternative interculturelle et un interculturel alternatif », *Interculture*, n° 135, p 4-75

VACHON Robert, 2000, « Au-delà de l'universalisation et de l'interculturalisation des droits de l'homme, du droit et de l'ordre négocié », *Bulletin de liaison du Laboratoire d'Anthropologie Juridique de Paris*, n° 25, p 9-21

van de KERCHOVE Michel, OST François, 1992, *Le droit ou les paradoxes du jeu*, Vendôme, PUF, 1992, Col. Les voies du droit, 268 p

VANDERLINDEN Jacques, 1989, « Return to Legal Pluralism : Twenty Years Later », *Journal of Legal Pluralism and Unofficial Law*, n° 28, p 149-157

VANDERLINDEN Jacques, 1993, « Vers une nouvelle conception du pluralisme juridique », *Revue de la Recherche Juridique - Droit prospectif*, XVIII, 2, p 573-583

VANDERLINDEN Jacques, 1996a, *Anthropologie Juridique*, Dalloz, France, 123 p

VANDERLINDEN Jacques, 1996b, Rendre la production du droit aux « peuples », *Politique Africaine*, n° 62, p 83-94. Can be consulted at <http://www.dhdi.org>

VANDERLINDEN Jacques, 1998, « L'utopie pluraliste, Solution de demain au problème de certaines minorités ? », *Minorités et organisation de l'État*, Bruxelles, Bruylant, 1998, p 665-675. Can be consulted at <http://www.dhdi.org>

VANDERLINDEN Jacques, 2000, « Au côté de Michel Alliot sur la pente savonneuse de la définition des droits », LE ROY Étienne & Jacqueline (éds.), *Un passeur entre les mondes. Le livre des Anthropologues du Droit disciples et amis du Recteur Michel Alliot*, France, Publications de la Sorbonne, 357 p (87-97). Can be consulted at <http://www.dhdi.org>

VANDERLINDEN Jacques, 2001, « Production pluraliste du droit et reconstruction de l'État Africain ? », to be published in *Afrique contemporaine*. Can be consulted at <http://www.dhdi.org>

von BENDA BECKMANN Franz, 1981, "Ethnologie und Rechtsvergleichung", *Archiv für Rechts- und Sozialphilosophie*, Vol. LXVII/3, p 310 - 329

von BENDA BECKMANN Franz, 1991, “Soumission ou distance : sur les rapports de l’ethnologie juridique et de la sociologie du droit”, *Droit et cultures*, n° 21, p 73-86

von BENDA BECKMANN Keebet, 1991, “Dispute sans fin sur la méthode de l’anthropologie juridique”, *Droit et Cultures*, n° 21, p 73-86