# 3

# Law and Anthropology in a 'Glocal' World: The Challenge of Dialogue

*Christoph Eberhard**

## I. Introduction

Our world is shrinking. Frontiers get blurred. A sense of 'globality' emerges. '"Globalization" has become *the* academic and media buzzword of the early 21st century' (Lewellen 2002: 7). At the same time the diverse 'locals' reaffirm themselves. The reality that we have to deal with as lawyers and as anthropologists becomes increasingly a reality of 'in-betweens'.[1] As Jackie Assayag (2005: 13 *et seq*) points out, what we have to deal with more and more are not simply the phenomena of globalization but of 'glocalization', of the complex dynamics and interactions between diverse 'globals' and diverse 'locals' in the contemporary world. Lawyers have to rethink their modern heritage in order to tackle the present realities of globalization and to address the move from 'government' informed to 'governance'[2] oriented approaches where the state and its norms, even on the official level, lose their undisputed central place in favour of other stakeholders and other regulatory mechanisms. As for the anthropologists, they too have to review their methods and tools in order to tackle issues that cannot any more be addressed through classical fieldwork approaches alone (see Lewellen 2002; Inda and Rosaldo 2008). 'The distinctive contribution of anthropology has always been its focus on small-scale, more or less observable, social units and the cultural meanings and practices that constitute them. But is this model appropriate now?' asks Sally Engle Merry (2006: 28–9). 'Where can we find these units as we look at the new political and cultural configurations produced by globalization and the flows of capital and culture across national boundaries? The challenge is to study placeless phenomena in a place, to find small interstices in global processes in which critical decisions are

* Facultés universitaires Saint Louis, Boulevard du Jardin Botanique, 43, B-1000 Bruxelles, email:<eberhard@fusl.ac.be>.

[1] On the question of the study of Law between 'global', 'local', and 'in-betweens', see Mark Goodale's stimulating introduction to *The Practice of Human Rights. Tracking Law Between the Global and the Local* (2007).

[2] See, on these questions, Arnaud (1998 and 2003).

made, to track the information flows that constitute global discourses, and to mark the points at which competing discourses intersect in the myriad links between global and local conceptions and institutions' (Merry 2006: 29). In order to take up this challenge, Sally Engle Merry (2006: 29) pleads for 'deterritorialized ethnography', which, put into more French terms, consists of relating diverse field and theoretical research around a well defined *problématique* or central question that one seeks to answer, which is in line with the anthropology of Law as practised, since at least the early 1980s, in Francophone contexts, which felt less constrained by exclusive focus on fieldwork than Anglophone research and did not shy away from more theoretical approaches to its objects dealing with questions such as institutional transfers, development and human rights issues, land law issues etc (see for example Le Roy 1999).

The reshaping of our world as well as of the academic disciplines trying to get to grips with it, the paradigmatic shift of law, science, and politics (see de Sousa Santos 1995) are largely embedded in a postmodern ethos which is emphasizing plurality, intersubjectivity, experience, situated knowledge, hermeneutics, hybridity.[3] Law and anthropology may both gain in joining their efforts in this new context. For Laura Nader:

> The study of law as a process of control and a mode of discourse has become more sophisticated with the varied use and abandonment of schools of thought. Today the possibilities for greater understanding of the place and power of law are wide open, the ground is laid, and the issues are staring us in the face: the imposition of dichotomous Western categories that are embedded in cultural practices, categories such as collective versus individual property, justice versus injustice, statism (the belief that rights are defined by texts, treatises and the like) versus universalism (the idea that values are of universal validity), as well as conflicting arguments about how law contributes to dynamizing culture. The talent is there both in anthropology and in law, where legal scholarship has moved away from a purely technical focus toward a mutually constituting interaction between law and social experience. (. . .) Schools of thought are blurred, and multiple mirrors combine to enlarge both the strategies of research and the recognition of common objectives, one of which is an understanding of the relationship of global to local as well as of locals to locals. Microlevel fragments and dislocations are now integrated with macrolevel questions that involve law but go beyond law.' (Nader 2005: 213–14, 230)

All these challenges and new horizons for research and action that Laura Nader points out in the epilogue to her reflection on the *Life of the Law*, and which are representative of the current trends in socio-legal scholarship, point towards one underlying, primordial question: the question of dialogue. Indeed, how to approach the construction of knowledge once it leaves its comfortable disciplinary boundaries, keeping in mind that this endeavour goes beyond the mere adding up of different streams of knowledge? How to engage in genuine

[3] See, for a quick presentation of postmodernism in Law, Arnaud (1998: 147 *et seq*); and for a succinct presentation of postmodernism and anthropology Lewellen (2002: 38 *et seq*).

*interdisciplinary* research, in a research that is neither simply juxtaposing diverse discourses which should rather be termed 'multidisciplinary', nor creating a metadiscourse such as in 'transdisciplinary' studies (see Ost and van de Kerchove 1984)? Roger Cotterrell (1996: 48) pointed out a decade ago that '[i]ntellectual confrontations of disciplinary knowledge fields may be possible to advance knowledge beyond that encompassed by each of them.' He added, however, 'that any such effective confrontation will 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' (1996: 48). What does this entail for him who dares to venture between anthropology and Law and for the 'interdisciplinary science' of anthropology of Law itself?[4] How to locate oneself in the in-between of these 'disciplines'? And how to address the wider challenge not only of interdisciplinary but also of *intercultural* dialogue which is inherent in the anthropological approach that deals par excellence with the relationship to the 'other'? The latter gains prominence in a globalizing world where sensitivity to the stakes of translation, dialogue, cooperation between global and local and diverse local is on the rise and where the current predominant 'ideology' of dialogue and of participation which accompanies the contemporary 'global governance' fashion that seeks to promote new articulations between the global and the local.[5]

The current developments of 'globalization' or rather the dynamics of 'glocalization', of the mutual reinterpretation of local and global realities on the factual and ideological levels, raise awareness of pluralism, of the necessity to deal with the universal *and* the particular, the global *and* the local. They thus give new prominence to anthropological approaches which have reinterpreted their classical universality/relativity or unity/diversity nexus into the 'global–local paradigm' (see for example Kilani 1992).[6] The disillusions of universalist approaches as well as the clear need to overcome relativist approaches provide fertile ground to take the challenges of pluralism—and of the related interculturalism—seriously (Eberhard 2006, 2008b; Panikkar 1990; Vachon 1997). There is a felt need to organize this living together in a responsible and culturally sensitive way. This entails, from a social science perspective, understanding diverse normative organizations and, from a legal

[4] Whenever I write 'Law' with a capital 'L' it is in order to refer to the French idea of *juridicité*, of the general 'legal phenomenon' which puts into forms and puts forms to the reproduction of societies and to the solving of their conflicts and of which 'law' as understood in the Western sense is but one expression. In doing so, I am in line with the tradition of the Laboratoire d'anthropologie juridique de Paris, which since the early 1980s has moved towards an anthropology of Law as a 'non-ethnocentric science of Law' (see Alliot, 1983) or an 'anthropologie de la juridicité' (see Le Roy).

[5] For an illustration of the stakes of translation and of dialogue between disciplines, cultures, different levels of 'globality' and of 'locality' in the current socio-legal-political-economical transition see Eberhard (2008a).

[6] See also the other contributions in von Benda-Beckmann and von Benda-Beckmann (2006a). On the importance of 'participation' and its contemporary stakes and challenges in the governance debates, see Eberhard (2009).

perspective, mapping out new ways to articulate them. This predicament calls for approaches such as those developed in the anthropology of Law that are sensitive not only to intercultural dialogue but also to dialogue between the 'descriptive social sciences' and the 'normative' sciences of 'law', 'politics', and 'economics'. Indeed, as Rosen rightly points out, 'The human propensity to differentiate categories of experience suggests that one ignores the local at one's own peril, and it may be that it is in the law that the contest between a sense of the local and the global will receive some of its most serious testing' (Rosen 2006: 197).

If[7] one shares Sally Falk Moore's conclusion in *Law and Anthropology*, that in recent years anthropology has not only expanded the scope of its own scholarly analysis by contextualizing legal field materials more extensively and more deeply but has started to aspire to alter the way law is conceived (Moore 2005: 362), the need for dialogical approaches to Law rooted in anthropological sensitivities is further illustrated in the fact that notions such as 'governance', 'sustainable development', 'participation'[8] which do increasingly shape the socio-legal-economic-political world reflect a change of perception which may be channelled in two opposite directions. Through their more totalizing approach they may either become more 'oppressing universalisms' than the former concepts of 'government', 'state', 'growth' . . . or they may open up the paths towards more emancipatory approaches to normative organization, to use de Sousa Santos's terminology in his *Toward a New Common Sense. Law, Science and Politics in the Paradigmatic Transition* (1995). Indeed, contrary to the former universalisms, these new 'universalisms' do explicitly point to the necessity to take into account 'particularisms' and to replace more segmentary by more holistic approaches. Taking participation seriously entails recognizing the role of the state, official law, the market, etc, while *also* realizing that these are not exclusive realities but that there exist other socio-legal-political-economic realities which have also to be taken seriously. Franz and Keebet von Benda-Beckmann (2006b: 31) underlined in the introduction to a recent publication on *The Dynamics of Plural Legal Orders* (2006a) that in many parts of the world there is nowadays '. . . more plurality in bodies of law and neo-traditional and other self-proclaimed political authorities within and beyond the state legal order, as a consequence of transnationalisation of law and the emergence of new versions of traditional and religious laws'. Legal anthropology may be of help in trying to tackle these delicate agendas and to rethink contemporary legal issues in more holistic and pluralistic ways. The current political, legal, economic situation of the 'glocalizing' world indeed invites us to engage in what de Sousa Santos (1995) called 'heterotopia', 'a displacement in the very world we live in—from

[7] As the author does, in line with Étienne Le Roy's call for a 'political anthropology of Law'. See Eberhard (2002a).

[8] For an exploration of the dialogical challenge addressed to Law by governance, sustainable development, and participation, see Eberhard (2009).

the center to the margins', or in what Panikkar (1984a) calls a 'healthy pluralism'. Both are based on the central method of dialogue[9] that can be actualized through bringing together the approaches of social sciences, namely anthropology, and of law.

This article will explore the challenges of dialogue for more pluralist and intercultural approaches to Law by shedding light on the implications, challenges, and stakes of a dialogical construction of socio-legal knowledge in the current contexts of globalization on an epistemological level. In order to do so we will reiterate the need to move from the anthropology of Law to an intercultural theory and to an intercultural approach to Law. I proposed such a move almost 10 years ago in an article entitled 'Towards an Intercultural Legal Theory. The Dialogical Challenge' (Eberhard 2001). As I laid down the premises, the challenges, and the stakes of such an endeavour there, I will not develop them again here. I will rather recall some of the key aspects here and illustrate how they become increasingly important in the contemporary world of 'globalization' where normative regulation is increasingly approached in terms of 'good governance'.[10]

We will start by exploring the current predicament of the dialogue between Law and anthropology. We will then propose one possible in-between of Law and anthropology, an intercultural legal theory which seems to provide a better framework to understand phenomena of 'governance', 'co-regulation', and 'participation' than do former theories of Law. Finally we will expose the limits of even such an endeavour by pointing out the stakes of intercultural approaches to Law. This will lead us back to a reflection not only on Law but on the methodology and limits of anthropology.

## II. Word of Caution

Before continuing, maybe a little word of 'dialogical' caution to the reader: the author, although being Austrian, has predominantly been trained in the Francophone academic tradition and continues to carry out most of his research in this setting. He obviously also participates in the wider Anglophone world of socio-legal research. In doing so, he is confronted by the fact that research objects, articles, communications are constructed differently in these two worlds and that some of the insights, hot issues, or methodologies that make sense in one context sometimes fall completely flat in the other context. Does this mean that they are not relevant in the other context? Should one only 'write

[9] On the bases of the method of dialogical dialogue, as we are advocating it here, see Eberhard (2002c: 98 *et seq*), Panikkar (1984b), and Vachon (1990, 1995a, 1995b, and 1995c).

[10] To deepen the stakes of the paradigmatic shift from 'government' to governance see, for example, Arnaud (2003), Calame (2003), and Gaudin (2002).

Anglophone-style research for Anglophone audiences' and keep 'French-style approaches' for the Francophone research community? Or may it mean that the relevance of these different approaches can only really be grasped through a patient dialogical effort on both sides which also entails efforts of translation and the conscious choice to try to say things and to say them in a way that may seem slightly odd in the other cultural context? The author clearly favours the latter approach.

The fact that this article is written in English should thus not fool the reader. It is an attempt to keep on translating some more 'Francophone' insights and sensitivities into the Anglophone world[11] ... hopefully with at least the success of reminding the reader that even amongst our 'European' traditions, there are quite different epistemological perspectives, which should make us very humble in our relationship to 'non-Western' systems of knowledge and of social organization.

## III. Dialogues between Law and Anthropology

From an Anglophone perspective, Donovan and Anderson recently provided a welcome invitation to a 'scholarship of balanced reciprocity' between law and anthropology in their joint book *Anthropology and Law* (2006) which 'examines the intersection of the independent practices of law and anthropology: in what ways should legal processes recognize the findings of anthropology, and reciprocally, what benefits can the legal institution confer upon the discipline of anthropology' (Donovan and Anderson 2006: ix). If the horizon of such a project is paramount in order to be able to create knowledge that transcends a particular discipline, I will nevertheless argue that this kind of dialogue, this kind of 'in-between' is just one among many relationships that can be, and are actually constructed, between law and anthropology. 'Law and anthropology' itself is a pluralistic field.

Let us have a look at some of the common denominations that are used[12] by those dealing with 'law and anthropology' or practising this 'discipline', 'science', 'art', 'perspective', or 'way'[13]. We find denominations such as 'legal anthropology', 'anthropology of law', 'anthropology of Law', 'law and anthropology', 'anthropology and law' ... It appears that even when only the terms 'anthropology' and 'law' are used, there is already a lot of scope for variation.

[11] See also Eberhard (2001, 2002a, 2002b, and 2003).

[12] Please keep in mind that this presentation is written from a Francophone perspective on the field of law and anthropology.

[13] To get an overview of the different ways that researchers in the field of 'law and anthropology' position themselves see the special joint issue of *Cahiers d'anthropologie du droit* and *Droit et cultures*, *Anthropologie et Droit. Intersections et confrontations*, where around 50 researchers give their definition of the field and of their approach.

These variations are not always consciously used, but for some authors they do reflect very distinct approaches. In a Francophone context for example, 'legal anthropology' long referred to the 'anthropology' carried out by lawyers (*jurists*—law professors etc) and had a quite pejorative connotation in the eyes of the social scientists. Indeed, considerable numbers of Francophone legal anthropologists originally come from a legal background and remain embedded in it (they depend on the law faculties of universities). 'Anthropologie juridique', 'legal anthropology' appeared as 'anthropology made by lawyers'—who even if they had also completed a doctorate in anthropology seemed unfit to do 'real anthropology'—and 'for lawyers', imposing law's agendas on anthropology. This led to a counter-reaction and to an emancipation of 'legal anthropology' into 'anthropologie du droit', 'anthropology of law' where anthropology was sought to be the dominating discipline—notwithstanding that it was still predominantly practised by researchers depending on the law faculties that were not really recognized by the anthropologists. The idea was to provide a scientific perspective to study the object of law that was emancipated from legal surdetermination ... But the problem still remained that 'anthropologists of law' kept on talking of anthropology of *law*. However, 'law' constitutes but one specific way, one 'folk system' among others (Le Roy 2004: 246), in which societies organize their living together and their solving of conflicts and does not have any intercultural relevance. So a need was felt, in the in-between of law and anthropology, to go even further and to move towards a 'non-ethnocentric science of Law' to use Michel Alliot's terms (1983) or a science or anthropology of 'juridicité' as Étienne Le Roy advocates it (see Le Roy 2004 and 2006), 'juridicité', referring to the 'legal phenomenon', that which provides forms and puts into form the reproduction of societies and their solving of conflicts in the domains they consider as being vital. But it was also felt in the Francophone context, independent from the discussions on the 'balanced reciprocity' advocated by Donovan and Anderson, that it may be interesting to have a look at the tensional in-between of the two disciplines. In the early 2000s around 50 Francophone researchers, evolving in and around the field of 'anthropology and law', accepted the invitation to contribute to a joint publication of *Cahiers d'anthropologie du droit* and *Droit et cultures*, on *Anthropologie et Droit. Intersections et confrontations*, the intersections and confrontations of anthropology and of law. Even the choice of the title between *Anthropologie et droit* or *Droit et anthropologie* reflected the tensions between different 'colourings' of the 'in-between', of the 'and' by the respective perspectives of the diverse contributors. It is interesting to note that if this initiative chose the former option, the present publication chose the latter.

The survey of these numerous different ways to construct the meeting point of these two disciplines points to important debates that can be encapsulated in the question of the tension between the descriptive approaches that social sciences and anthropology defend and the performative or prescriptive approach

that lawyers carry out, between the classical '*Sein*' and '*Sollen*', 'be' and 'ought to be'. On one hand, it should be noted that these approaches are not absolute and independent realities. Any construction of knowledge is necessarily also normative in the sense that it chooses to function in certain analytical frames and thus excludes others. Any normative approach is necessarily also a quest for knowledge as the reality to be ordered has to be understood and a translation between the facts and the theory established. On the other hand, it must be underlined that the prescriptive or descriptive nature of an analysis is also to a certain extent relative and does not only depend on the option chosen by the researcher. Let us illustrate this point with an example. A researcher carries out a study where he encounters situations referred to by legal anthropologists as 'legal pluralism', which to keep things simple we will approach here as the coexistence of diverse normative systems in a given social field and which challenges the legal centralist assumption of law's (understood as modern state law) monopoly on normative regulation. If his audience is composed of anthropologists he will face criticisms of not being descriptive enough because he is imposing normative ethnocentric assumptions on his fieldwork: 'law' and thus 'legal' pluralism are not interculturally valid concepts. In a certain way, he will be asked to be—seemingly—even more radical in the 'deconstruction' of his research object, as he should not be using any ethnocentric terminology but should instead use more 'objective' concepts such as 'mechanisms for conflict resolution' (which if you dig a little deeper does not fundamentally change the problem of imposing foreign concepts on realities that are studied). If the audience is composed of lawyers, the situation will be almost diametrically different. Here too, he will be criticized for the fact of talking of 'law' to refer to realities that are not 'law'. But the problem is a performative one. If the lawyer accepts the anthropologist's conclusions that there are other 'laws' than state law in a given context, then this has major implications on his legal system: what would happen then to the hierarchy of norms? How to determine which norms are valid and which not, etc?

We have already got a glimpse now of the pluralism inherent in 'anthropology and law'. But things do not stop here! Other denominations have been used to describe the same field of research for diverse strategic or political reasons such as 'ethnography of law' or 'ethnology of law'. In France, '*éthnologie juridique*' is nowadays still sometimes used as a synonym for '*anthropologie juridique*', but generally speaking 'anthropology' has replaced 'ethnology'. But some authors have recently very consciously reaffirmed their choice in favour of a 'legal ethnology' in order to underline the important focus on fieldwork in their approach and to distenciate themselves a little from a more theoretical anthropology of law (see for example Nicolau *et al.* 2007). A similar move can also be seen in recent publications on the role of ethnography in law (see for example Starr and Goodale 2002). If one shares Claude Lévi-Strauss's approach of a continuity between ethnography, ethnology, and anthropology as three different moments

of anthropological research moving from the more local to the more global and from the more singular to the more general (Lévi-Strauss 1995: 413) these affirmations appear not as conflicting approaches but as the sign of the vitality of the field which continues to draw diverse specialists into its different but complementary projects.

Finally, we should also keep in mind that because of its interdisciplinary nature—which also means that it is not, at least institutionally speaking, a solid discipline, 'legal anthropologists' sometimes have to mask what they do under more 'appealing denominations' ... if they do not altogether attempt to hide their interdisciplinary wanderings (see *CAD & Droit et cultures* (2004) op. cit.). My own class of 'anthropology of Law' that I teach at my University, the Facultés universitaires Saint Louis in Brussels, is thus officially called 'Social Anthropology of Law and Culture', and Franz and Keebet von Benda-Beckmann once mentioned to me that in order to teach anthropology of law at one of their universities in the Netherlands, they had to call it 'comparative sociology of law', which sounded more serious and less 'exotic' than 'anthropology of law' or 'legal anthropology'. Here again denominations are not neutral: if you are for example labelled a 'comparative sociologist of law' you will have to somehow include comparative law and sociology approaches into your own *démarche*.

Ultimately, there are probably as many 'law and anthropology in-betweens' as there are researchers. This is the conclusion reached by the editors of the special issue of *CAD & Droit et cultures* on *Anthropologie et Droit. Intersections et confrontations*, who finally opted to present to the reader a portrait of 'legal anthropologists' rather than of 'legal anthropology' (de Lespinay and Le Roy 2004). Although diverse, the majority of the contributors share a sensitivity to what they perceive as key features for an 'intelligent' study of law: the recognition of the pluralist, the complex and dynamic nature of Law; the recognition that Law is not only a systemic reality but a lived reality, that Law is largely linked to 'forms' and creating forms to accompany or shape social evolutions, that our understanding of Law gains by being enriched by the comparison of diverse cultural experiences, and that a main feature of any valid anthropology of Law is the necessity for constant epistemological questioning of one's research assumptions and approaches.

Let us now complete this portrait with some complementary information for an Anglophone audience, before exploring the relevance of the emerging perspective for contemporary 'glocalized socio-legal studies'.

As noted above, many Francophone legal anthropologists come from a legal background, which is moreover very 'Law and State and legal system centred', as compared even to lawyers (*juristes*) who 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 inputs. 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 as in human rights law, international penal law, land law, and natural resources management in non-Western 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 search for 'global governance', for European construction, the emergence of an international penal law, the building of an international human rights system . . .

Moreover, it should be noticed that if many Francophone legal anthropologists are quite embedded in 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 'out of the box', to address, for instance, issues of legal pluralism in pluralist terms—the horizon of the state, and the legal system being indeed deeply embedded in their unconscious.[14] 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 by 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 vital 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 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: 201–3) 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'. Valuing models of conduct and behaviour is related to a more 'negotiated ordering' (cf the mechanism of African traditional culture). The preeminence of habitus points to 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

[14] On this question see, for example, the issue of the *Cahiers d'anthropologie du droit* 2003 on *Legal Pluralisms* (*Les pluralismes juridiques*).

perpetuation of our living together, especially if we share an agonistic view of Law, such as that of Michel Alliot (1983) 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 of such forerunners as 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' (Lévy-Bruhl 1955), or we could say 'the laws underlying social reproduction and conflict management'—even though it may not be very accurate any more to speak in terms of law if we are very particular 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 social reality, 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. Let us consider how this original perspective can enlighten contemporary studies on 'glocalization' and 'governance'.

## IV. Tackling 'Governance' in the Context of Glocalization in between Law and Anthropology

The contemporary discourses on 'globalization', 'governance', and 'sustainable development' do permit renewal of the ways we think about our living together. 'Globalization' stresses the awareness that we are all sharing the same planet and are thus bound to all participate in our 'collective voyage' on 'spaceship earth'. 'Governance' emancipates the shaping of our living together from the state monopoly and from the legal paradigm in its strict sense. 'Sustainable development' which is closely related to the 'good governance' discourse and can be

seen as its 'economic translation', although still embedded in the 'development paradigm' (see Sachs 1992; Vachon 1990), starts to emancipate it from a sectoral 'development as growth' towards a more holistic understanding, taking into account also social, environmental, and increasingly also cultural stakes. Through the accent on reponsibilization and participation of the actors in the elaboration and application of collective action in these approaches, there is a shift towards a broadened, pluralist perspective of Law, which in an anthropological understanding can be seen as that which puts forms and puts into forms the reproduction of humanity and the resolution of conflicts in our societies. If the notion invites us to unveil its traps, especially under its form of 'good governance', it is also an invitation to explore the potentialities which are inherent in the emerging forms of 'living together'. What are the contemporary stakes in rethinking the modalities of our 'living together' and how to integrate realities which are largely ignored by mainstream modern legal, political, and economic thought?[15]

'Good governance', although probably one of the most written about 'concepts' in the last decade, is quite a vague concept—if a concept at all (Baron 2003: Gaudin 2002; Simoulin 2003). It seems to have originated in France many centuries ago. From there it has been exported to Great Britain and then the United States, before becoming a global buzz word through the channel of 'corporate governance' (Le Roy 2005). If the present understanding is marked by its managerial connotation, 'governance' can be understood in a broader meaning than the one associated with it when one does not look beyond 'corporate governance' for its roots. It can be approached as a shifting of paradigms from 'government' to 'governance' which is echoed in a transition of Law from 'pyramid' to 'network' (Ost and van de Kerchove 2002). As governance and the network paradigm do present themselves as more complex than the classical unidirectional pyramidal, state centred government paradigms by taking into account the different actors and by focusing on their mutual interactions and retroactions they seem to give a more complete picture of what is going on. Moreover they seem to emphasize 'participation' by all the actors, as norms are not seen as being imposed by a rigid top-down structure but are perceived as being in perpetual negotiation by all the 'stakeholders' for an 'optimum management' of the issues to be dealt with. Nevertheless, even this kind of approach seems to be biased in a 'systemic' or 'functionalist' way. 'Living law', social networks, and movements are not really part of the picture. Society is approached in terms of the regulatory system … instead of the regulatory mechanisms being understood in their broader social context.[16]

[15] For a general introduction to these explorations see Eberhard (2005, 2006, 2008a, 2008b, and 2009).

[16] For a critique of the network paradigm from the point of view of legal anthropology, see Eberhard (2002d).

Nevertheless, despite these problems, one positive aspect cannot be denied: the state, state law, and the normative pyramid lose their centrality. In Griffith's words (1986) we could say that the move from government to governance approaches does illustrate a move away from legal centralism to more pluralistic approaches to Law. This is welcome news for the legal anthropologist or more generally speaking for the socio-legal scientist. The reason for optimism has nothing to do with an agreement to a neoliberal ideology celebrating the disappearence of the state and the taking over of the 'organization of our living together' by the 'invisible hand' of the 'market'. On the contrary, most socio-legal scholars are aware of the unavoidable role the state continues to have to play and are conscious of the dangers of an ideology of 'economicisation' of the world, to use Serge Latouche's term (1998). The reason to be optimistic is that, little by little, socio-legal insights move from the edges to the core of our thinking about Law, if we understand the latter as the larger legal phenomenon which puts into forms our living together in view of its reproduction and the solving of conflicts and which in French is often termed '*juridicite*' (Le Roy 2004, 2006). This initial recognition of non-state Law, of phenomena of co-regulation, is good news as it finally permits the opening up of a window towards the immerged part of the 'legal iceberg', the 'hidden part of the normative complex' of our societies (Le Roy 1997). It allows us to rethink Law from a broader perspective which opens paths to more holistic approaches of a responsible living together in the contemporary world (see Eberhard 2008a).

This predicament meets one major challenge of the Anthropology of Law which is to move from the 'edges of Law'[17] 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.

[17] *des Confins du Droit* to make reference to the title of Norbert Rouland's book on an anthropological approach to Law – 1993.

The recognition of the variety of situations and ways of approaching the putting into forms of our living together and the solving of arising conflicts, which lies at the core of the approaches of anthropology of Law, channels its research within three poles which are all relevant for the contemporary rethinking for 'another world' (Eberhard 2006). Different researchers may stress different aspects and the same researcher may choose to deepen one or the other aspect in a given research but the general field does not seem to be disputed. Anthropology of Law is deeply rooted in the recognition of *alterity*, of otherness, of the existence of different world-views which are related to different ways to think and act out '*juridicité*' or 'Law' with a capital 'L' in contrast to 'law' understood as only state-related law, be it national or international. This recognition of differences which reflects a more structuralist comparative approach to human societies' reproduction, this pole of alterity, is complemented by the pole of *complexity*. Indeed legal pluralism is not a static reality. It is a dynamic interplay, an ever-ongoing process (see Moore 1983; Le Roy 1999; von Benda-Beckmann 2006a) which necessitates dynamic approaches that analyse the complex processes of the 'game of laws' ('jeu des lois') to refer to Le Roy's metaphor. A third pole is *interculturality*. Recognizing *alterity* is like opening up our own window on the world more in order to deal with constructs coming from a different cultural window. For instance, we translate a host of concepts and practices of another culture back into our culture as 'phenomena of legal pluralism'. We thus open up our 'legal centralist' window (see Griffiths 1986), but we continue to talk in terms of 'legal pluralism' which remains a Western cultural construct. With *interculturality* we give credit to the fact that opening up one's window on the world wider in order to see things to which our attention is drawn from the perspective offered by another cultural window is nevertheless not to be equated with looking at the world through that other cultural window. The translation of a different culture's perspective into one's own, necessarily translates the latter. To give just one example, in the case of the recognition of indigenous people's rights, the predominant Western world-view transforms their claims into anthropocentred claims on collective rights. It is not able really to deal with the cosmic aspect of these approaches to life and to 'Law'.[18] So one of the questions that has to be addressed beyond the opening up of socio-legal sciences to alterity and complexity is how to deal with the more radical intercultural pluralism which can never be unified in any system. As Panikkar (1990) notes: if we break down all the walls between windows, there would be no structure left any more. No perspective is global and our human condition is thus always an 'in-between' where we share a world, but from different point of views which are also part of this same world. It is fundamentally pluralistic.

[18] See, on this question, as exemplified by a contrast between modern legal-political culture and Mohawk legal political culture: Vachon (1992).

What are the implications of these insights of legal anthropology for our question on 'global governance'? It seems that if we want to take heterotopia, or the search for alternatives, seriously (see for example Cavanagh and Mander 2004; de Sousa Santos and Rodriguez-Garavito 2005; de Sousa Santos 2006; Kothari 1990), we have to emancipate ourselves from the predominant, 'Western' approaches.

Then we should distinguish the official from the unofficial spheres as well as the underlying basic assumptions that influence them (see Chiba 1987). Indeed as pointed out above, the 'formal sector' which is already quite different from one context to another often only represents the tip of the political-normative complex. In order to open up to 'good governance' between the 'globals' and the 'locals' understood as the 'organization of a living together in which everybody can participate', it is paramount to move beyond the state or 'formal sector' centred approaches. Teachings such as those of the Laboratoire d'Anthropologie Juridique de Paris, that have in the 1980s modellized different 'legal archetypes', understood as fundamental perspectives on the world and of the human being's place in it, which are related to the way these human beings organize their living together (Alliot 2003) which have then been complemented by more dynamic approaches and led to the vision of a tripodic Law, a 'juridicité' based not only on general and impersonal norms and an imposed ordering of society, but also on models of conduct and behaviour and a negotiated order, and on habitus, in Bourdieu's sense, and an accepted order (Le Roy 1999) seem to provide promising paths of exploration (for a short presentation of these approaches in English see Eberhard 2001). The challenge consists in not only remaining on the level of the translation of these diverse cultural experiences into the framework of Western social and legal theory, which I have termed the move towards an *intercultural legal theory*, but to dare to explore the in-betweens through intercultural dialogues that accept leaving the initial framework that determined the object of the dialogue (for example, the Western culture that provides 'law' as a starting point for an intercultural dialogue on the organization of our living together). I have termed the latter an *intercultural approach to Law* and have located it rather on the level of *mythos* than of *logos* in reference to the work of Raimon Panikkar (see Eberhard 2001; Panikkar 1984b).

## V. The Horizon of 'Radical Interculturalism'

If 'governance' and 'sustainable development' are 'globalized realities' and may appear as new universals in the continuity of the 'rule of law', 'democracy', 'human rights', 'development', one should be aware that the institutional transfer of Western models to its former colonies has not ceased to be problematic. What do these concepts mean in very different cultural, economic, social, and political contexts? Beyond their legality, are they legitimate and efficient?

What are the stakes of their translation into idioms and world visions that do not share the Western cultural matrix? A purely Western approach, starting from the existing analytical tools, cannot suffice to address these questions. We have to ask other questions like: What are equivalents to these concepts in non-Western cultural settings? How are the questions put and approached? Could these other approaches not also be an enrichment to the 'global', very 'Western', way of putting questions and answers? What are the conditions and the stakes of genuine intercultural dialogue on the shaping of our living together? The requirement of intercultural dialogue is inevitable in order to complete the analysis of the current situation and in order to map out new horizons for action. But it is very difficult to carry out, not only in the politico-legal-economic arena but even within the academic world. To criticize only my own shortcomings: I have been consistently trying for over a decade to bring together anthropologists of Law and other socio-legal researchers who are sensitive to the stakes of intercultural dialogue in diverse research projects aiming at 'interculturalizing' our current legal and political approaches (see Eberhard 2002d, 2005, 2007, and 2008a). The projects are always highly interesting and rewarding . . . but the vast majority of our results remain firmly embedded in our Western social sciences and legal approaches and one could even say that only lip-service is paid to the diverse legal cultures that we would actually want to engage with in a dialogue. There is talk of 'legal pluralism', of 'actor's perspectives', of 'legal cultures' etc but there does not seem to be a real space to engage in a real dialogue with all these realities. There is not even a real space to explore these questions as they are not 'academically correct'. The veto, from the anthropologist's side, usually takes the form of the accusation of being a 'culturalist' or 'essentialist' who has missed the train of scientific evolution as soon as one tries not only to approach different legal, political, and scientific cultures as mere 'folkore' but as traditions that are as relevant as our own and face the same kind of challenges of evolution, change, adaptation, and dialogue as our own.[19] From the lawyer's side the critique is rather the utopian non-pragmatic and non-realistic character of these explorations which are seen as remote from the 'real world' and 'real political and legal agendas'.

It is thus very precious to have institutes such as the Intercultural Institute of Montreal[20] where more 'radical intercultural research' than mainstream anthropological work is carried out and where the stakes and challenges of interculturality for thought and action are explored. Robert Vachon, one of its founders and directors and the founder and director of its journal *Interculture*, has carried out very important work on these questions since the 1970s.[21] It is

[19] On some developments on these issues, see the introductions to Eberhard (2007 and 2008).

[20] For a presentation of the IIM see <http://www.iim.qc.ca/> and issue No 135 of *Interculture* on *IIM and its Journal. An Intercultural Alternative and an Alternative Interculturalism*.

[21] See Baxer (2007) for an overview of Vachon's career and Vachon (1995a, 1995b, 1995c, and 2003) for a concise presentation of the intercultural approach.

based on the insights and methodology developed by Raimon Panikkar in his lifelong effort of intercultural and interreligious dialogue between Hinduism, Buddhism, Christianity, and Secularism (see Prabhu 1996). With the years, his work does not seem to be ageing but on the contrary to become more and more relevant. It may not be immediately translatable into mainstream approaches of social sciences research or of law and politics, but it provides an invaluable horizon one should be aware of when dealing with questions of intercultural dialogue. It is also a paramount epistemological reminder for any research that aims to address interculturality. Indeed, for Robert Vachon (2003: 33), 'It is a never ending task to track down not only the prejudices but the ethnocentric, integrationistic and occidentocentric presuppositions of our legal ethnology and anthropology, even when the latter wants to be objective/scientific, comparative and pluralistic. And, this not only at the level of its motivation and finality, but at the level of its nature and methodology.'

Our present world situation is not only an academic or intellectual 'problem'. We may be living today the emergence of a new myth—understood as an unconscious horizon of thought and action. Robert Vachon (1997), in line with Raimon Panikkar, calls it the myth of pluralism and interculturalism of Reality. The pluralization of our analytical frameworks and of our normative organization pointed out in the introduction may be one sign of this mutation. The challenge may be to enter this new reality in a peaceful way. Boaventura de Sousa Santos (1995: 479 *et seq*) underlined that in the current paradigmatic transition of law, science, and politics, it is not enough to merely criticize the current paradigms. We also need to imagine possible futures and to reflect on the ways to translate these visions into reality. This may be one of the areas where anthropologists and lawyers could meet. As François Ost (2004: 19) recalled, notwithstanding the rational legal methodology, '*ex fabula ius oritur*', it is from narratives that Law stems. This is nothing new for the anthropologist who knows that in order to understand the institutions and processes he observes, he must always relate them to the underlying logics and world visions as well as to the discourses and practices of the actors. But we may have to draw new conclusions from this insight: law as well as anthropology may have to reconsider the role of imagination in their respective approaches. In doing so, they may contribute to mapping out new possible futures that promote more peaceful relationships in our glocal world, with our fellow human beings as well as more generally with the planet we live on.

No one culture, religion, wisdom – no matter how modern, traditional or even intercultural it may be, is self-sufficient, even to properly ask the question (of Peace). To deepen as much as possible the various cultures of Man is a prerequisite. But it is not enough. (. . .) Peace is not simply a matter of preserving our traditional cultures, of opening up to modernity or to post-modernity, or even of accepting our different ways of living, and co-existing in mutual indifference or resigned tolerance. It requires meeting, understanding ('standing under'. . .), a common horizon, a new vision. But this

requires that we acknowledge together a center – a circle – which transcends the intelligence that we have or can have of it, at a particular moment of space and time. In short, in order to be at peace, we cannot start with the presupposition that we know what peace is. Neither before, during, nor after, our peace attempt. (...) Peace requires that we overcome our individualisms, sociocentrisms and monoculturalisms; that we relativize not only the convictions, beliefs, 'myths' that we are aware of (assumptions), but even the presuppositions that we are not aware of. (...) Strictly speaking, nothing is purely cultural; we are always within a transcultural reality. Yet, nothing is purely transcultural: we are always in a concrete culture. To speak thus of the radical relativity (...) of peace, is not to fall into the relativism of agnosticism and skepticism. We are dealing here with a wisdom of peace that is constitutively in search of itself. (...) What we are proposing is to approach peace together in an intercultural way, which involves a cultural disarmament, but is accorded the greatest cultural authenticity and fidelity. It is the way of non-duality, in a world which is ripped apart by the tyranny of monism and the cancer of dualism. It is a path of homeostatic balance between cultural authenticity, interculturalism, cultural disarmament and Peace. (Vachon 1995b: 38–40)

If we take this interpellation seriously, a main challenge of the 'anthropology of Law' for the next decades could be to become one pathway[22] of Peace, amongst others, that contributes to opening up dialogical spaces in our glocal world where different world visions and logics can meet in a logic of the complementarity of differences rather than of the opposition of contraries.

## Bibliography

ALLIOT Michel, 1983, « Anthropologie et juristique. 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, republié dans Michel Alliot, 2003, *Le droit et le service public au miroir de l'anthropologie. Textes choisis et édités par Camille Kuyu*, Paris, Karthala, 400 p (283–305).

ARNAUD André-Jean, 1998, *Entre modernité et mondialisation – Cinq leçons d'histoire de la philosophie du droit et de l'État*, Paris, LGDJ, Col. Droit et Société n° 20, 185 p.

ARNAUD André-Jean, 2003, *Critique de la raison juridique 2. Gouvernants sans frontières. Entre mondialisation et post-mondialisation*, Paris, LGDJ, 433 p.

ASSAYAG Jackie, 2005, *La mondialisation vue d'ailleurs. L'Inde désorientée*, Paris, Seuil, 294 p.

BALANDIER Georges, 1967, *Anthropologie politique*, France, Quadrige/PUF, 240 p.

BALANDIER Georges, 1971, *Sens et puissance*, France, Quadrige/PUF, 334 p.

BARON Catherine, 2003, « La gouvernance: débats autour d'un concept polysémique », *Droit et Société*, n° 54, pp 329–51.

BAXER, Joseph, 2007. *Vivre à l'interculturel. Robert Vachon: un itinéraire spirituel à la croisée des cultures et des religions*, Montréal: Médiaspaul.

[22] On the idea of the anthropology of Law as a 'path' see Eberhard (2006: 15 *et seq*).

CALAME Pierre, 2003, *La démocratie en miettes. Pour une révolution de la gouvernance*, Paris, Éditions Charles Léopold Mayer/Descartes & Cie, 331 p.

CHIBA Masaji, 1987, 'Three Dichotomies of Law. An Analytical Scheme of Legal Culture', *Tokai Law Review*, n° 1, pp 279–90.

COTTERRELL Roger, 1996, *Law's Community – Legal Theory in Sociological Perspective*, USA, Oxford University Press, Oxford Socio-Legal Studies Series, 381 p.

de LESPINAY Charles and LE ROY Étienne, 2004, 'Portrait de l'anthropologue du Droit, de pied en cape', *Cahiers d'anthropologie du droit* and *Droit et cultures*, special joint issue *Anthropologie et Droit. Intersections et confrontations*, pp 9–23.

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.

DONOVAN James, M and ANDERSON H Edwin, III, 2006 (2003) *Anthropology and Law*, New York, Oxford, Berghahn Books, Paperback Edition, 229 p.

EBERHARD Christoph, 2001, 'Towards an Intercultural Legal Theory – The Dialogical Challenge', *Social & Legal Studies. An International Journal*, n° 10 (2), pp 171–201.

EBERHARD Christoph, 2002a, 'Challenges and Prospects for the Anthropology of Law. A Francophone Perspective', *Newsletter of the Commission on Folk Law and Legal Pluralism*, n° XXXV, pp 47–68.

EBERHARD Christoph, 2002b, 'Human Rights and Intercultural Dialogue. An Anthropological Perspective', *Indian Socio-Legal Journal*, Vol XXVII, pp 99–120.

EBERHARD Christoph, 2002c, *Droits de l'homme et dialogue interculturel*, Paris, Éditions des Écrivains, 398 p. Second edition 2009.

EBERHARD Christoph, 2002d (ed), *Le Droit en perspective interculturelle. Images réfléchies de la pyramide et du réseau*, numéro thématique de la *Revue Interdisciplinaire d'Études juridiques* n° 49, 346 p.

EBERHARD Christoph, 2003, 'Dialogue with Jacques Vanderlinden', *Newsletter of the Commission on Folk Law and Legal Pluralism*, n° XXXVII, pp 72–9.

EBERHARD Christoph (ed), 2005, *Droit, gouvernance et développement durable*, numéro spécial des *Cahiers d'Anthropologie du Droit*, Paris, Karthala, 376 p.

EBERHARD Christoph, 2006, *Le Droit au miroir des cultures. Pour une autre mondialisation*, Paris, LGDJ, Col. Droit et Société, 199 p. A second edition in pocket book is to be published in 2009 by LGDJ/Lextenso.

EBERHARD Christoph (ed), 2007, *Law, Land Use and the Environment. Afro-Indian Dialogues*, Pondichery, Institut Français de Pondichéry, 549 p.

EBERHARD Christoph (ed), 2008a, *Traduire nos responsabilités planétaires. Recomposer nos paysages juridiques*, Bruxelles, Bruylant, 756 p.

EBERHARD Christoph, 2008b, 'De l'univers au plurivers. Fatalité, utopie, alternative?', DILLENS Anne-Marie (dir), *La mondialisation: utopie, fatalité, alternatives*, Bruxelles, Publications des Facultés universitaires Saint Louis, pp 67–104.

EBERHARD Christoph, 2009, 'Préliminaires pour des approches participatives du Droit, de la gouvernance et du développement durable' to be published in *Revue d'Etudes Juridiques,* n° 62, pp 125–51.

EBERHARD Christoph and GUPTA Nidhi, 2005, (eds), *Legal Pluralism in India,* Special Issue of the *Indian Socio-Legal Journal*, Vol XXXI, 148 p.

EBERHARD Christoph and VERNICOS Geneviève (eds), 2006, *La quête anthropologique du Droit. Autour de la démarche d'Étienne Le Roy*, Paris, Karthala, 612 p.

GAUDIN Jean-Pierre, 2002, *Pourquoi la gouvernance?* France, Presses de Sciences Po, 137 p.

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

GOODALE Mark, 2007, 'Locating Rights, Envisioning Law Between the Global and the Local', GOODALE Mark and MERRY Sally Engle, *The Practice of Human Rights. Tracking Law Between the Global and the Local*, Cambridge, Cambridge University Press, pp 1–38.

GOODALE Mark and MERRY Sally Engle, 2007, *The Practice of Human Rights. Tracking Law Between the Global and the Local*, Cambridge, Cambridge University Press, 384 p.

GRIFFITHS John, 1986, 'What is Legal Pluralism?', *Journal of Legal Pluralism and Unofficial Law*, n° 24, pp 1–55.

KILANI Mondher, 1992, *Introduction à l'anthropologie*, Lausanne, Payot, 368 p.

LATOUCHE Serge, 1998, *Les dangers du marché planétaire*, France, Presses de Sciences Po, Col. La bibliothèque du citoyen, 131 p.

LE ROY Étienne, 1997, « La face cachée du complexe normatif en Afrique noire francophone », ROBERT Philippe, SOUBIRAN-PAILLET Francine, and van de KERCHOVE Michel (eds), *Normes, Normes juridiques, Normes pénales – Pour une sociologie des frontières – Tome I*, CEE, L'Harmattan, Col. Logiques Sociales, Série Déviance/GERN, 353 p (123–38).

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, 2004, « Pour une anthropologie de la juridicité », *Cahiers d'Anthropologie du Droit*, n° 2004, pp 241–47.

LE ROY Étienne, 2005, « Gouverner la néo-modernité africaine? », EBERHARD Christoph (ed), 2005, *Droit, gouvernance et développement durable*, numéro spécial des *Cahiers d'Anthropologie du Droit*, Paris, Karthala, 376 p (183–196).

LE ROY Étienne (ed), 2006, *Juridicités. Approches du droit au Laboratoire d'Anthropologie Juridique de Paris*, hors série des *Cahiers d'anthropologie du Droit*, Paris, Karthala, 176 p.

LÉVY-BRUHL Henry, 1955, *Aspects sociologiques du droit*, Paris, Librairie Marcel Rivière et Companie, 189 p.

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

LEWELLEN Ted, C, 2002, *The Anthropology of Globalization. Cultural Anthropology Enters the 21st Century*, Westport, London, Bergin & Garvey, 282 p.

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

MOORE Sally Falk, 2005, *Law and Anthropology. A Reader*, Malden, Oxford, Carlton, Blackwell Publishing, 371 p.

NADER Laura, 2005 (2002), *The Life of the Law. Anthropological Projects*, Berkeley, Los Angeles, London, University of California Press, 262 p.

NICOLAU Gilda, PIGNARRE Geneviève, and LAFARGUE Régis, 2007, *Éthnologie juridique. Autour de trios exercices*, Paris, Dalloz, 423 p.

OST François, 2004, *Raconter la loi. Aux sources de l'imaginaire juridique*, Paris, Odile Jacob, 442 p.

OST François and van de KERCHOVE Michel, 1984, 'Towards an interdisciplinary theory of law', in PECZENIK A (ed), *Theory of Legal Science*, Dordrecht, 1984, pp 497–508.

OST François and van de KERCHOVE Michel, 2002, *De la pyramide au réseau? Pour une théorie dialectique du droit*, Bruxelles, Facultés universitaires Saint Louis, 596 p.

PANIKKAR Raimon, 1984a, 'Is the notion of Human Rights a Western Concept?', *Interculture*, Vol XVII, n° 1, Cahier 82, pp 28–47.

PANIKKAR Raimon, 1984b, 'The Dialogical Dialogue', WHALING F (ed), *The World's Religious Traditions*, Edinburgh, T & T Clark, 311 p (201–21).

PANIKKAR Raimon, 1990, 'The Pluralism of Truth', Carger, Harry James (ed), *Invisible Harmony. Essays on Contemplation and Responsibility*, USA, Fortress Press, 210 p (92–101).

PARTHASARATHY D, 2005, 'Taking Participation Seriously. A Critique of Good Governance', EBERHARD Christoph (ed), *Droit, gouvernance et développement durable*, Paris, Karthala, Col. *Cahiers d'Anthropologie du Droit*, 376 p (307–21).

PRABHU Joseph (ed), 1996, *The Intercultural Challenge of Raimon Panikkar*, USA, Orbis Books, 1996, 307 p.

ROSEN Lawrence, 2006, *Law as Culture. An Invitation*, Princeton, Princeton University Press, 214 p.

ROULAND Norbert, 1993, *Aux confins du droit*, Mayenne, Odile Jacob, 318 p.

SACHS Wolfgang (ed), 1997 (1992), *The Development Dictionary. A Guide to Knowledge as Power*, Great Britain, Zed Books, 306 p.

SIMOULIN Vincent, 2003, « La gouvernance et l'action publique: le succès d'une forme simmélienne », *Droit et Société*, n° 54, pp 307–28.

STARR June and GOODALE Mark (eds), 2002, *Practicing Ethnography in Law. New Dialogues, Enduring Methods*, New York, Palgrave Macmillan, 209 p.

VACHON Robert (ed), 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, 1995a, *Guswenta or the Intercultural Imperative. Part 1: The Intercultural Foundations of Peace*, thematic issue of *Interculture*, n° 127, 73 p.

VACHON Robert, 1995b, *Guswenta or the Intercultural Imperative. Part 2: A Common Horizon*, thematic issue of *Interculture*, n° 128, 80 p.

VACHON Robert, 1995c, *Guswenta or the Intercultural Imperative. Part 3: A New Method* thematic issue of *Interculture*, n° 129, 46 p.

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.free.fr/recherches/horizonsinterculturels/articles/vachonpluralism.pdf>.

VACHON Robert, 2003, 'The Study of Legal Pluralism, A Diatopical and Dialogical Approach', *Interculture*, n° 144, pp 33–41, first published in French in 1990 as « L'étude du pluralisme juridique – une approche diatopique et dialogale », *Journal of Legal Pluralism and Unofficial Law*, n° 29, pp 163–73.

von BENDA-BECKMANN Franz, 1981, 'Ethnologie und Rechtsvergleichung', *Archiv für Rechts- und Sozialphilosophie*, Vol LXVII/3, pp 310–29.

von BENDA-BECKMANN Franz and Keebet (eds), 2006a, *Dynamics of Plural Legal Orders*, Special Double Issue of *The Journal of Legal Pluralism*, n° 53 and 54.

von BENDA-BECKMANN Franz and Keebet, 2006b, 'The Dynamics of Change and Continuity in Plural Legal Orders', *Journal of Legal Pluralism*, n° 53 and 54, pp 1–44.