

INTRODUCTION

Francis Snyder

Legal anthropology in the French language has a long, diverse and illustrious history. Unfortunately, however, except for Marcel Mauss' *The Gift*, it has often remained little-known outside France, Belgium, Quebec and French-speaking Africa. This issue of the *JLP* is intended partly to fill this gap. It presents a sample of studies in the anthropology of law by French-speaking scholars. These articles were selected from a wider group of papers, which were proposed and subsequently submitted in reply to an initial call for contributions to this special issue. We wish to thank all those who responded to this invitation, including those whose papers could not be included in this issue because of lack of space. The articles in this issue do not necessarily constitute a statistically representative sample of work published in French in all fields of legal anthropology. Instead, they are designed to illustrate some of the main themes and principal approaches in contemporary research on the anthropology of law and culture, legal ideas and ideologies, and legal pluralism.

In the first article, Etienne le Roy discusses some of the principal themes which have long preoccupied French scholars. Examining the legacy of Henri Levy-Bruhl, he argues for an intercultural approach to law, one which recognises cultural differences and respects the integrity of different cultural logics. Louis Assier-Andrieu then provides a case study in the historical anthropology of law. He analyses the representation of pastoral or grazing rights in the Roussillon area of southern France in the mid eighteenth century, emphasising the interpenetration of practical reason and legal culture.

In the third article, Norbert Rouland uses a comparative method to examine the legal aspects of colonisation, first in the Arctic and then

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in Africa and in ancient Rome. While recognising the originality of each different case, he gives special emphasis to what he considers to be similar underlying colonial processes. Adriaan van Rouveroy van Nieuwaal then compares the treatment of sorcery by magistrates and chiefs in northern Togo. From this case study he draws two important conclusions: first, that state law should recognise the judicial role of customary chiefs and, secondly, that customary law, not so-called 'modern law', should be the general law of the people.

Many of these themes are drawn together in the final article in the issue. Robert Vachon advocates a new approach to the study of legal pluralism. He criticises the cultural colonialism which often implicitly underlies the views held by lawyers, anthropologists and others of societies and cultures other than their own. He argues for the need to recognise both the integrity and the mutual intelligibility of radically different legal cultures.

The articles in this issue are based primarily on research carried out prior to 1983. Some of the same themes are examined by our contributors in recent books. This recent work also shows, however, the development of new themes, research sites or approaches in French-language anthropology of law. *JLP* readers may wish in particular to consult the following:

ASSIER-ANDRIEU, Louis

1987 *Le peuple et la loi: Anthropologie historique des droits paysans en Catalogne française*. Paris: Librairie générale de Droit et de Jurisprudence.

LE ROY, Etienne

1988 *La Conciliation: Instance de Règlement des Litiges. Enjeu professionnel et institutionnel*. Rapport présenté sous la responsabilité scientifique d'Etienne le Roy au Conseil de la Recherche, Ministère de la Justice. Paris: Laboratoire d'Anthropologie Juridique.

ROULAND, Norbert

1988 *Anthropologie Juridique*. Paris: Presses Universitaires de France.

VACHON, Robert

1988 *Alternatives au Développement. Approches Interculturelles du Développement et de la Coopération internationale* (with T. Takahatake). Montréal: Centre Interculturel Monchanin.

ROUVEROY VAN NIEUWAAL, Adriaan van

1988 "Etat et pouvoir neotraditionnel en Afrique: position ambiguë du chef coutumier face à l'Etat africain." *Droit et Cultures* 15: 71-113.

These recent works testify to the continued vitality and creativity of anthropological research published in the French language.

The articles in this issue exemplify some of the main currents in legal anthropology by French-speaking scholars. They are not necessarily intended, however, to be a strictly representative sample. Such an exercise would require a thorough search of the legal, anthropological and sociological journals in France, Quebec, Belgium and French-speaking Africa, as well as a perusal of the publications by French-speaking scholars in numerous journals in other languages, including English. The attention of readers should nonetheless be drawn to certain publications. A review of the main themes in French-language legal anthropology may be gleaned from the contributions by Michel Alliot, Jean Poirier and Henri Levy-Bruhl to Jean Poirier (ed.), *Ethnologie générale* (Encyclopédie de la Pléiade, Paris, 1968); Levy-Bruhl's article was translated into English by Siân Miles and circulated as Yale Law School Program on Law and Modernization Working Paper no. 16 (1973). Readers should also consult the important four-volume series of studies edited by Raymond Verdier (to which he also contributed) entitled *La Vengeance: Etudes d'ethnologie, d'histoire et de philosophie* (Editions Cujas, Paris, 1981 and subsequently). A general survey of Francophone legal anthropology, including contemporary work, has recently been provided in Rouland's textbook on *Anthropologie Juridique* (1988).

Three French-language journals in particular deserve to be drawn to the attention of *JLP* readers. *Droit et Cultures* is published by the Centre Droit et Cultures at the Université Paris X, 2 rue de Rouen, 92001 Nanterre, France. The general editor of the journal, and the Director of the Centre, is Raymond Verdier; Louis Assier-Andrieu is a member of the editorial board. The *Bulletin de Liaison du Laboratoire d'Anthropologie Juridique de Paris* is published by the Laboratoire d'Anthropologie Juridique de Paris (LAJP), Université de Paris I (Panthéon-Sorbonne), 14 rue Cujas, 75231 Paris Cedex, France. Etienne le Roy has recently replaced Michel Alliot as Director of the LAJP; Francis Snyder and Norbert Rouland are members of the Administrative Council. *Interculture* is published by the Centre Interculturel Monchanin, 4917 St-Urbain, Montréal, Québec, Canada H2T 2W1. Among the recent issues of *Interculture* are "No to Development?" (Issue 95, April-June 1987); "Dominique Temple sur l'économicide" (Cahier 98, janvier-mars 1988); "Etat et Culture" (Cahier 99, avril-juin 1988); and "Une alternative à l'économie industrielle: l'économie vernaculaire" (Cahier 102, janvier-mars 1989). Robert Vachon is the general editor of the journal and the Director of the Centre.