
The Law is a Chameleon



LEGAL ANTHROPOLOGY

By Norbert Rouland
(Athlone Press 1994 pp 352 £45)

NORBERT ROULAND's work is an overview of legal anthropology written for law students. It is an introduction to a field of inquiry that seeks to understand both the general nature of human societies and the particular ways in which the laws of various societies are constructed and used.

Legal Anthropology was originally published in France in 1988 and was only recently translated into English and published with a foreword by Simon Robert. The text has largely escaped the perils of mistranslation and offers a clear outline of legal anthropology. The extensive bibliography includes references from the British and American schools of legal anthropology and also from the developing French academy.

Legal Anthropology is divided into two parts: the first examines theories of the law, the second uses ethnology to develop case studies on the use of law in traditional societies. The first part, called 'Understanding Otherness: The Western Perspective', considers the history and aims of legal anthropology. It traces the different ways in which Western legal anthropologists (who were usually also jurists in the eighteenth and nineteenth centuries) categorised the laws of their own culture and those of other cultures with which they came into contact. This kind of information is invaluable for law students, providing a contextualising framework for their own studies.

Rouland also sketches some of the wider issues in law and society on which the discipline of legal anthropology concentrates. He outlines the differences between Western and traditional legal cultures and attempts to define the multifaceted nature of law in these various surroundings. Since Rouland relies on anthropology rather than philosophy, he offers a fresh approach to the question of what the law is and why people obey it. He examines legal behaviour in a practical framework rather than working speculatively in legal theory. In this way *Legal Anthropology* provides a unique and thought-provoking perspective on the relationship between the law and the various societies in which it operates.

Rouland concludes the first part of the book by suggesting that the intent of legal anthropology is 'to achieve a general classification of human society in the field of law, by comparing the legal systems of all the societies which can be observed' (p 104). The aim of expanding knowledge of the legal and social spheres is shared by many teachers and students — which is why over 60 American universities currently offer courses in legal anthropology (pp 95-102). Legal anthropology grapples with the social face of law.

The second part of the book — entitled 'Examining Diversity: The Legal Anthropology of Traditional Societies' — describes various ethnological studies

of legal activity in traditional cultures. The focus is on African societies, as the 4 000 legal cultures of this continent have often been studied by legal anthropologists. Rouland considers the different ways the law is experienced in these societies, addressing such questions as the role of the law in creating kinship ties and inheritance rules, the nature of oral law and custom, and the means of dispute resolution in small-scale communities.

Some of the issues addressed by Rouland should be of interest to those dealing with contemporary Aboriginal legal issues. For instance, the description of traditional land ownership could be studied by those looking at indigenous land claims and native title, as it contains comparative information on land ownership in African societies. Rouland outlines legal anthropological understandings which argue that land ownership in these societies was collective and inalienable. Land rights were therefore limited and contingent. This background information complements the material provided by anthropologists examining Aboriginal patterns of land holding. It is useful contextualising material for Australian law teachers and students.

The critical and comparative information provided by *Legal Anthropology* is undoubtedly its greatest strength. It provides fresh insights into issues faced by lawyers and develops an original approach to the more general question of the relationship of law and society. By offering this cross-cultural material, *Legal Anthropology* gives the reader a more thorough and meaningful understanding of the law. The value of such knowledge is appreciated by Rouland. His aim in writing *Legal Anthropology* is summed up by a Gola proverb that he quotes — 'Law is chameleon-like. It varies from place to place, and only those who know it well can tame it' (p 19).

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