



Culture in the domains of law

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Culture in the domains of law, edited by René Provost, Cambridge, Cambridge University Press (Cambridge Studies in Law and Society), 2017, xiv + 437 pp., £ 89,99 (hardback), ISBN 9781107163331

This edited volume offers a number of detailed and compelling studies on the interface of law and culture. It is the result of a conference held at Montreal's McGill Centre for Human Rights and Legal Pluralism in 2014. It provides answers to questions related to the cultural sensitivity of courts and other legal institutions, examines the implications and consequences of this sensitivity, and explores the capacity of legal discourse to accommodate multiple cultural narratives without renouncing its claim to normative specificity. It also deals with the interface of law and culture meeting in the context of formal and informal legal processes when demands are made to accommodate cultural differences. The title of the volume is, by the editor's own admission, a nod to the influential book edited by Sarat and Kearns, *Law in the Domains of Culture* (2000) which, like the present volume, deals with the fascinating interaction of law and culture.

Culture in the Domains of Law is one of 88 volumes thus far published in the prestigious *Cambridge Studies in Law and Society* series, which focuses on legal discourse and practice in its social and institutional contexts, combining theoretical insights and empirical research. The editor of the present volume, René Provost, is Professor of Law at McGill University, where from 2005 through 2010, he served as the director of the McGill Centre for Human Rights and Legal Pluralism. *Culture in the Domains of Law* beautifully combines legal and anthropological perspectives as part of its underlying goal of exploring what each of these can learn from the other.

Following Provost's introduction, the rest of the book is divided into four sections. Part 1 deals with the general accommodation of minority rights or cultural practices. It starts with a theoretical chapter by Anthony Connolly, in which he explores the interpretive limits of state law. The fundamental question he addresses is how state law can take into account indigenous law without renouncing its own rightful claim to constituting law. In the next chapter, Pascale Fournier addresses the empowering of women by legal or religious institutions. Her chapter concerns the divorce of Jewish and Muslim women under religious auspices in the United Kingdom. The third chapter in this first part of the volume takes us to France. Lucia Belluci's chapter is about the conflicts that often arise between customary norms and state law, focusing specifically on French Courts' responses to the traditional practice of *excision* (often referred to as "female genital mutilation"). Part 2, titled "Aboriginal Law" is a comprehensive exploration of indigenous legal practices. In her chapter on Canada, Kirsten Anker provides a theoretical framework that fundamentally considers legal pluralism as a problem of recognition. The next chapter in this second part, by Justin Richland, is about the Hopi, an indigenous people native to the south-western United States. Richland focuses on discourses of law and tradition in terms of what he calls their *perpetuity*. In contrast, Jennifer Hendry's chapter, also on the Hopi, argues that legal culture should be conceptualized in a relational sense (i.e., as a process). The final chapter in this section, co-authored by Thomas Burelli and Régis Lafargue, discusses the unexpected effects of the recognition of indigenous rights in New Caledonia, a South Pacific archipelago under French sovereignty.

Part 3 is dedicated to Alternative Dispute Resolution (ADR). Eric Reiter explores both the embrace and rejection of non-Western influences in alternative dispute resolution, arguing that what is imported from other cultures is in fact only an essentialized version of exotic institutions. In the next chapter, Morgan Briggs analyses the relationship

between formal power and informal culture through ADR, in order to ask whether ADR can truly embody serious legal pluralism. In the third chapter in Part 3, Kristin Doughty examines the interaction among *gacaca* courts, mediation committees and a legal aid clinic in Rwanda. The final section of the book, Part 4, is also the shortest. Part 4 is about the role of law in conflicts. In his chapter, René Provost discusses the theme of cannibal law. The second chapter in this section, and the final one of the book, is by David Chandler and concerns “the war on drugs” in the Americas.

From a legal pluralism point of view, the volume most certainly repays close reading. It examines legal pluralism’s potential to enrich legal knowledge, in a way that takes account multiple cultural narratives while at the same time upholding the notion of a normative foundation for formal legal processes. In his introduction, René Provost asks if legal pluralism can bring culture within the domains of law. The remainder of the volume seems to answer this question in the affirmative. The vernacularization of law and anthropology can lead to what René Provost calls a “centaur jurisprudence.” While not giving birth to an entirely new discipline, this encounter of law and anthropology does indeed lead to more richly textured and interpenetrating views within and among the two existing disciplines. This mutually beneficial encounter is the primary focus of this book.

Acknowledging that the encounters of law and culture within legal institutions are complex and dynamic, *Culture in the Domains of Law* addresses these encounters at three different normative sites. The first site – acculturation of justice – deals with culture as facts which fall into categories known by law. The chapters that address this site (by Kirsten Anker, Justin Richland, Eric Reiter, Jennifer Hendry, Lucia Belluci and Anthony Connolly) basically are about the translation or “factualization” of culture, and about the pitfalls that are a part of these processes. The second site – acculturation of justice – focuses on how legal institutions react and adapt in an attempt to become culturally sensitive. The chapters written by Thomas Burelli and Régis Lafargue, Kristin Doughty and Morgan Brigg focus on the way law appears to change in order to deal with cultural diversity. Experiments with ADR fit into this site. While, in the first site, culture is translated to fit into the legal system and, in the second site, the notion of law is flexible in order to be more open to culture, the third normative site concerns mutual influence. This third site – pluralized narratives of law and culture – is about the impact of legal institutions on local legal norms, and *vice versa*. In a way this resembles what Boaventura de Sousa Santos has called “interlegality”, and what André Hoekema has labelled “interlegality in reverse.” The chapters by René Provost and by Richard Chandler show that the encounter of law and culture leads to exchanges in both directions.

Culture in the Domains of Law is an important contribution to an extensive body of literature, not only on law and anthropology but also on legal pluralism. Coming in at a hefty £ 89,99, the acquisition of this volume will for the most part be limited to libraries and institutional entities. Be that as it may, only the future can tell us whether it will be as influential as the book written by Sarat and Kearns, but it certainly has the potential to be as groundbreaking as that earlier volume.

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