

Law as Process

An Anthropological Approach

Sally Falk Moore

Professor of Anthropology
University of California, Los Angeles



Routledge & Kegan Paul
London, Boston, Melbourne and Henley

Contents

Acknowledgments	vii
Introduction	1
Transformation I Piecemeal alterations over time, accretion and doctrinal synthesis	9
Transformation II Custom, law, and the multiple sources of reglementation	13
1 Uncertainties in situations, indeterminacies in culture	32
Ideology and social structure: congruent or not?	33
Process: changes in individual situations and changes in culture	42
An analytic framework	48
2 Law and social change: the semi-autonomous social field as an appropriate subject of study	54
Mutual obligation, legal and non-legal, in the better dress line	59
The Chagga of Mount Kilimanjaro	65
Conclusions	78
3 Legal liability and evolutionary interpretation: some aspects of strict liability, self-help, and collective responsibility	82

CONTENTS

1	Introduction: some sherds of the theoretical pot	82
2	State of mind and strict liability	91
3	Self-help and the principle of expanding dispute	99
4	Collective responsibility and corporateness: collectivities inside and outside	111
5	Conclusions	126
4	Comparative studies	135
5	Descent and legal position	149
	A minimal definition of descent	153
	The Lango: descent and constitutional theories	158
	Clans, cattle, and contingency: variations in the descent formula	163
	Village membership: descent group membership	170
	Conclusion	174
6	Politics, procedures, and norms in changing Chagga law	181
7	Law and anthropology	214
	The classification of legal systems	214
	Definitions of the law	218
	The concept of law implicit in empirical studies	223
	Current literature	232
	Legal norms and social change	244
	Conferences and collections of papers	251
	Future developments	253
	Bibliography	257
	Index	267