

NOTES AND NEWS

THE COMMISSION ON FOLK LAW AND LEGAL PLURALISM AND THE BELLAGIO SYMPOSIUM, SEPTEMBER, 1981

The Commission on Folk Law and Legal Pluralism was created in December, 1978, by the International Union of Anthropological and Ethnological Sciences. It unites lawyers and anthropologists interested in what is termed "folk law", by which is meant legal systems which are of customary or popular origin, both in traditional and modern societies. Such systems often co-exist with, or even contradict, official or state laws. One of the predominant contexts within which such "folk law" is found is therefore that of legal pluralism.

The Commission's first scholarly activity, except for the regular publication of a very useful Newsletter which chronicles work in progress in these fields, was a symposium held at Bellagio, Italy, in September, 1981. This was widely exploratory in character, as both the definition of the field(s) and its validity as an independent object of study required investigation. The papers and discussions at the Symposium were therefore widely various in character and aim. The title of the Symposium itself, "State Institutions and their Use of Folk Law", was wide enough to cover Eskimo law at one end of the range and "common-law marriage" in England at the other. The papers and the discussions they generated were considered under five main heads: "Informal social control"; "Folk law in state courts"; "Competition between state and unofficial law"; "Neo-marxist interpretations of folk law"; and "Legal policy". A number of the participants had specifically African experience: A. N. Allott, R. L. Abel, F. von Benda-Beckmann, J. Griffiths, A. K. P. Kludze, E. Le Roy, A. K. Mensah-Brown, R. Schott, N. J. Singer, F. G. Snyder, E. van Rouveroy van Nieuwaal, R. Verdier, and G. R. Woodman—and these participants naturally drew on their practical and theoretical acquaintance with African legal systems, western and traditional, in their presentations. However, one of the striking features of the Symposium was the attempt to place such observations within a wider context of theory and knowledge. The development of a global language of description, and an agreed framework of analysis, is a vital but probably unobtainable goal in such studies. The field as defined by the Commission is strongly future-oriented, as members are deeply conscious of the fact that the presence and continuance of "folk law" and "unofficial law" elements in a national legal system pose major problems both for those who control the state machinery and for those who live under it.

The next activity of the Commission is projected for Canada in August, 1983, to coincide with and form part of the International Congress of Anthropological and Ethnological Sciences. The actual theme of the Commission's meeting in Canada has not yet been precisely defined, but will probably cover "The actual and legal position of ethnic and cultural minorities", and "The implications of traditional native justice and social control for law reform and the justice system".

The Commission welcomes membership inquiries from qualified and interested persons, who should write to the Secretary, F. Strijbosch, at:

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