

INTERVIEWS

“Legal Anthropology in Perspective: An Interview with Sally Falk Moore”¹

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BRIEF NOTE ON SALLY FALK MOORE

In November 2011, I had the opportunity to interview Sally Falk Moore (SFM) at Harvard, on the eve of the annual meeting of the American Anthropological Association, which that year was to be held in Montreal. Unfortunately, I was unable to organize the publication of this work before her death in May 2021. SFM was my doctoral advisor, and after her passing, I was invited to give a lecture in her memory during the VII ENADIR,² held that same year. She liked to be called by her first name, and I will use only Sally from now on. This brief note will attempt to give an idea of her trajectory and her main contribution to the Anthropology of Law. I will finish with two observations about the content of the interview that follows.

Sally was born on January 18, 1924, into an upper-middle-class family, part of the New York elite, and grew up on Manhattan's Upper West Side, according to her, in a spacious apartment across from Central Park.³ Daughter of a surgeon and a visual artist, non-practicing Jews, whose families had migrated from Russia and Hungary to the USA. She and her brother were cared for by a German governess, with whom they spent the day and who taught them French. The house also had a Czech cook, and the internationalized domestic environment would have motivated Sally from an early age to be interested in cultural and social class differences. At the age of 15, she began her undergraduate studies at Barnard College in New York, and at the end of her third year, she managed to enter the Law School of Columbia University, at only 18 years old.

Having graduated in Law in 1945, she then obtained her New York Bar certification, under the sponsorship of Max Lowenthal, an important lawyer with influence in Washington and mentor to Sally. Karl Llewellyn was her main teacher and greatest influence on her views on law, having been instrumental in securing her first job as a lawyer at a Wall Street firm, at a time when there was almost no room for women lawyers, and gender issues were significant at various points in her career.⁴

In 1946, she worked as an assistant prosecutor in Nuremberg, responsible for prosecuting industrialists who collaborated with Nazism, focusing on the large chemical company I.G. Farben, which used slave labor and was allegedly responsible for supplying the lethal gas used in concentration camps for the “Final Solution.” Faced with the difficulty of accessing the company's files during her investigation, she requested assistance from the American major in charge of these investigations in the area, who refused support on the grounds that he did not agree with the criminal prosecution of prominent industrialists. This experience had a strong impact on her view of how power and property influence the functioning of law. Although she was invited to return to her job on Wall Street after her return from Nuremberg, she preferred to take a sabbatical to seek an activity more focused on human rights concerns.

The first alternative that excited her was the possibility of working at the United Nations (UN) in the post-war implementation process. She then decided to take anthropology courses at Columbia University while awaiting placement at the UN, which ultimately did not materialize. Thus, she formalized her enrollment as a doctoral student, completing her dissertation in 1957 on the legal system of the

2 This is the VII National Meeting of Anthropology of Law, which has been held at the University of São Paulo-USP every two years since 2009.

3 Most of the information about Sally Falk Moore's career was obtained from the first chapter of her last book, *Comparing Impossibilities* (published in 2016 by HAU Books), which has an autobiographical character, as well as from her speech when receiving the Charles Homer Haskins Award in 2018: “A Life of Learning”.

4 In her class at Columbia Law School, there were 100 students and only 6 women. According to Sally, when one of them spoke up in class, the other students laughed and didn't take her seriously. Later, on her first attempt to get hired at the University of California, Los Angeles, after her husband was hired, she heard from a professor that they wouldn't be able to hire her because they already had a woman in the department.



Incas in Peru. At Columbia, she was a student of Charles Wagley and even considered involvement in his projects in Brazil, but decided against it, preferring to invest in her young, growing family. In any case, she had no interest in small-scale tribal societies, and her most significant fieldwork took place years later in Africa, among the Chagga in Tanzania. In fact, her Ph.D. education at Columbia left few marks on her publications, which always engaged more with the British tradition of anthropology, focusing on social relations. In addition to long periods residing in England accompanying her husband, Cresap Moore, a historian, and in dialogue with the local academic environment, Sally was involved in many academic projects with Hilda Kuper and M.G. Smith, Africanist anthropologists trained in Britain, during her long association with universities in California.

Sally published five books as a single author and edited several others, the best known being *Power and Property in Inca Peru* (1958); *Law as Process: An Anthropological Approach* (1978); *Social Facts and Fabrications: “Customary” Law on Kilimanjaro, 1880-1980* (1986); *Anthropology and Africa: Changing Perspectives on a Changing Scene* (1994); as well as *Comparing Impossibilities: Selected Essays of Sally Falk Moore* (2016), her last book.

Among the authors classified within the processual approach in the constitution of Legal Anthropology as a field of research,⁵ Sally is perhaps the one who has invested most in the sophistication of this perspective. The fact that her main fieldwork was carried out among the Chagga in relatively short stages, spaced out over time, allowed her to systematically revisit events witnessed at different times, exploring their implications for longer processes of change and permanence, leading to the formulation of the concept of “diagnostic events,” signaling the significance of their unfolding. In the same vein, she also developed a focus on comparing social processes instead of privileging comparisons between structures, as discussed in the 2016 book mentioned above.

In my view, her main contribution was the formulation of the concepts of “semi-autonomous social field” and “reglementary processes.” Both concepts allow for a better understanding of the multiple sources of rules and rights present in any society, indicating more comprehensive and promising alternatives for understanding conflict management, where the eventual presence of legal pluralism is not associated with ethnic differences, as discussed in the interview. As she argues in *Law as Process*, the unfolding of social processes implies the constant creation of rules and norms of behavior over which the State has no control, and which in many cases take precedence in defining the respective conflicts. Furthermore, she also argues that the piecemeal and relatively disjointed nature of lawmaking in the various legislative bodies of the State means that the body of laws in force is never entirely coherent, as jurists often proclaim when discussing the legal system, even though in practice they are fully aware of the respective inconsistencies.

I would like to conclude this short presentation with two observations about the interview.

Firstly, Sally makes an interesting assessment of the development and perspectives of the Anthropology of Law, beyond the conference that motivated

5 Legal Anthropology and Anthropology of Law are terms used synonymously in the interview.



the interview, but her vision is excessively circumscribed to publications in Anglo-American media, completely leaving aside what is published outside this circuit, even when disseminated in English, as is clear in her observations on the difficulties of dialogue with African social scientists, which are not limited to this. In this context, the singularity of the Anthropology of Law done in Brazil, Argentina, and Mexico, focusing on the state legal system, or on conflict management processes connected to it, remains entirely outside the scope of her observations.

In Brazil, the Institute for Comparative Studies in Conflict Management (InEAC),⁶ based at Fluminense Federal University (UFF), has published or supported more than 150 ethnographies and hundreds of articles on the subject. Similarly, the National Meetings of Anthropology of Law (ENADIR), based at the University of São Paulo (USP), bring together hundreds of researchers biennially with original works within this perspective, and the Latin American Forum of Anthropology of Law (FLAD), based in Mexico City with branches in Brazil and Argentina, also has a significant body of work. Beyond their focus on the state judiciary, the three organizations mentioned maintain a systematic dialogue with legal professionals (lawyers, prosecutors, and judges), a practice not as intense in the context referenced by Sally in the interview, highlighting the singularity of this contribution to the field.

Finally, when we discussed Gluckman and Geertz's contributions in the interview with reference to their concerns about ideas of justice, I didn't elaborate on the disagreements I've always had with Sally regarding issues of justification and fairness, and this isn't the place for that, but I recommend that those interested in the subject read the second part of my Ph.D. dissertation,⁷ especially the fifth chapter. When Sally read the draft of the original text, she praised the argument extensively but said she would respond to my criticisms in press, which never happened, and we never had the opportunity to resume the discussion.

THE INTERVIEW

LRCO - Sally, in your Huxley Lecture, in 1999 [*Certainties Undone: Fifty Turbulent Years of Legal Anthropology, 1949-1999*]⁸ you made a balance of the field and I would like to ask you if you think that there have been any significant changes ever since, or if you would still keep the same vision today?

Sally Falk Moore – Well, my general feeling is that because there are so many sub-specialties, and people have so many different interests, any sort of commonality has disintegrated. It would be very hard to describe it as a single field. So, there are people, for example, who are interested in the traffic in organs in the world, and other morally significant kinds of traffic – women also, the traffic in women. Now, such an anthropologist is partly a legal anthropologist because they are interested in all the laws that bear on this. But on the other hand, they have practically no interest whatsoever in, say, commerce of any other kind. It is similar for other matters. Homosexuality, for example, and how people do in other countries. There's a very bright and very productive fellow at Berkeley whose

6 CAJU, my research laboratory on Citizenship, Conflict Management, and Justice at University of Brasília – UnB, is linked to InEAC and holds ongoing seminars bringing together faculty and students from anthropology and law. The courses I teach on this topic at the postgraduate level also always include students from both fields, encouraging a deeper debate between the two areas.

7 Fairness and Communication in Small Claims Courts, (PhD dissertation, Harvard University), Ann Arbor: University Microfilms International, 1989, pp. 495

8 Available at <https://raio.onlinelibrary.wiley.com/doi/epdf/10.1111/1467-9655.00052>



specialty is India, and he is interested in how homosexuality was dealt with, and what kind of life they have, and what sort of subgroups there are. Again, there's really no meeting of the minds between that and people who are interested in real estate in Latin America or in South Africa.

I've recently written a paper called *The Legislative Dismantling of a Colonial and an Apartheid State*,⁹ and the colonial regime was, of course, the one I encountered in Tanzania, where they were trying to institute a socialist government. And what I describe in this paper is the way in which the people I dealt with, who were quite remote from the center, just carried on the lives that they had had. And they didn't consider themselves as resisting the government any more than they had the colonial government. They accommodated whatever they had to. So, Swahili was made the official language, and how it could be used in schools and the courts and things like this. Fine, all right with them, because, at home, they spoke Kichagga. And similarly with many other things they were able to do... The government wanted to reorganize them, they all got little cards saying they were party members and a division of the whole population into groups of ten... there was a unit of ten households — which was the basic unit — and then there were a hundred households and a thousand households and so on. This was supposed to substitute for all organizations locally, and of course it didn't. So, when the government tried to make this organization, the place where, if someone needed a loan, they were going to the 10 house-cells leaders. People didn't pay any attention; they went to their families and so it went. There was nobody to enforce these changes, so they adapted to the changes that had to be and continued their own society.

The major change in their society was economic, cause the population was growing. I don't know whether you are aware that the population in Africa doubles every 25 years, and in any area where there is good land, very soon there is not enough land. So, there was a tremendous migration to the cities, and so a lot of this “traditional” societies exists because they're depopulated now. Because half the young people — I did some census surveys —, half the young people are going to the cities. Well, that changes the structure, so it isn't the government legislation, it's the changes in the demography and economy that have really made the deep changes. And on the surface, they maintain their own local ethnic religion and behavior. In South Africa, it's very different. It was a very different regime that they tried to undo, but again there are some very, very good legal anthropologists who have worked on South Africa. There's a man named Richard Wilson, who's written about the truth and reconciliation court... (Wilson 2001). And there was a woman named Deborah James, who's written about the land distribution, land redistribution... (James 2007)

LRCO - Are they from South Africa?

Sally Falk Moore - No, Deborah James is at the London School of Economics, and Wilson is an American in some University here (Editor's note: University of Connecticut). He may be English, I don't remember. I do remember meeting him, but I don't remember whether he is English. Again, the redistribution of land in

9 Available at <https://www.annualreviews.org/doi/pdf/10.1146/annurev-lawso-csci-102510-105436>



South Africa is a completely different problem from the international traffic in organs. There were many idealists who wanted to redistribute 30% of the land. And they wanted the sellers, the white farmers, to be willing sellers to willing buyers. So, the government subsidized Africans, they gave them money with which to buy white-owned land, because they didn't want things to happen the way they did in Zimbabwe, they didn't want the land to be seized, and they didn't want to claim it through any government requirement. They wanted it to be a contractual arrangement that people made for themselves, and they encouraged Africans to group themselves and then pool their money and buy some of the land. Well, all sorts of wonderful right-thinking lawyers were in some NGO's there, and they wrote constitutions for these groups, and that was in the legislations that gave them the loans. Well, to begin with, the people who received the loans couldn't understand the constitutions or do anything about carrying out their rules! They were people who didn't know each other, they just pooled their [money]... Deborah James has this wonderful, humorous way of alluding to it as *renting a crowd* [both laugh] and this is what was happening.¹⁰ And then the people who got together were not qualified to do any particularly efficient farming, and they were not qualified to get along with each other. I mean, it was a nightmare and it still goes on.

Besides, there were innumerable instances where there were several groups of people who made claims to the same land. So, she [Deborah James] gives a major example of some Africans who, in 1910, had bought a large piece of land. They had broken away from their Lutheran congregation and bought this land. Ok, fine, then comes the apartheid regime and they come and put them in buses and take them out to the homelands and say, “you have to live here now”. And you lose your citizenship in South Africa, you only have citizenship in the homelands, you've lost your land... But in fact, when they lived on their land, they eventually, because they prospered, and because they had made this investment when, many, many years earlier, they were able to go to the cities and work in white-collar jobs and things like this, and they had tenants. So, the tenants, also Africans, lived on the farmland and had cattle and themselves also prospered. Well, when apartheid came, the land was empty for the Whites: nobody farmed it. It was used as a police firing range. But later, when independence came, in 1994, there was great celebration because they were going to be given back the land. What happened? There was another set of claimants, because squatters had moved into the land, so they occupied it for 6 or 7 years and they thought it was theirs. So, you have three groups of Africans claiming this land: the tenants, the original owners, and the squatters. The administrators had to find land for everybody. And these are the kinds of problems which multiplied by the thousands because there were millions of Africans who had to be resettled. Just the bureaucratic business of the Land Claims Court hearing these cases meant that they were always far behind; they couldn't keep up. So, it went with many other administrative aspects of this program. Well, this kind of legal anthropology, while the literature that has been produced from it, is very instructive and very well done, it's not part of a unit of interest in the same way.

10 The return of the broker: consensus, hierarchy and choice in South African land reform. Available at: http://eprints.lse.ac.uk/30993/1/___Libfile_repository_Content_James%2C%20D_James_Return_broker_consensus_2011_James%20_Return_%20Broker_consensus_2011.pdf



So it goes, I mean, there are people, a couple named Franz von Benda-Beckmann and his wife Keebet, who write about pluralism in Indonesia and in Malaysia.¹¹ They've produced very intelligent and wonderful stuff, but it isn't read by the people who are doing these other kinds of things, and there's nothing in it that would help understand the problems because their problems are with, again, the problem of ethnic rules versus national rules, and the strains that are produced and then the strains between ethnic groups. So, there were people who were interested in this, the Comaroffs, who are well known in legal anthropology here, and they are coming here, by the way... I've written about ethnic stuff in South Africa and how the ethnic groups are saying: "we don't want the government to make the rules for us, we want to be able to make our own rules". But there are other Africans who say: "I don't want to get a divorce in a traditional manner; I want to get a divorce under modern rules". So, there are all kinds of clashes connected with ethnicity.

11 Two reference texts are available at: https://www.researchgate.net/publication/329947272_Legal_pluralism_and_legal_anthropology_Experiences_from_indonesia; <https://www.tandfonline.com/doi/full/10.1080/07329113.2018.1532674>.

LRCO - But you are saying that legal anthropology has become such a diverse universe of questions that many different sets of questions do not talk to each other, or to other researchers. One thing that I am curious about is whether, in the work of the Africanists that you mentioned, there is a sense of dialogue, of exchanging interpretations with local anthropologists or social scientists, or sociologists in Africa. Do you have a reading or a view of this kind of dialogue?

Sally Falk Moore - Well, this is again a development since I wrote that paper. The original view of anthropology in Africa was that it was the handmaiden of colonialism, and so African professionals in the sociology realm, tended to reject anthropology and not to read it and not to be interested in it. And only in very recent years has there come to be, you know, some change in attitude. I was able to do fieldwork because I was sponsored by the Law school in Tanzania. If I had been sponsored only by anthropologists, I would have never... even gotten permission to do research.

LRCO - Yes, it was a prejudice against anthropologists...

Sally Falk Moore - Yes, yes... So, how much communication there is between the sociologists and the anthropologists? I don't know if you get to know, but the sociologists in Africa are mostly interested in development issues, in what way is the law helping economic development. So...

LRCO - And the example you just gave me, from my point of view, connects well with concerns towards development, like land redistribution and things like that... But is there any dialogue?

Sally Falk Moore - Nothing I know about, but there may be, you know. I haven't been to Africa in more than ten years, so there may be more going on there than I'm aware of. Hard to say... It certainly doesn't appear very much in the literature, and of course Africans complain bitterly that they are not quoted in the papers that are



written by Americans. And I had a disagreement with one of the sociologists there, who had had an anthropological training. His career actually is an exemplification of these attitudes. His name is Mafeje [Archie Mafeje], and what happened to him was this: he was trained in, I think, one of the British universities. I think it was Oxford, but I don't remember whether it was Oxford or Cambridge [Cambridge]. And he was a student of Monica Wilson's, and very much respected by her, and had a tremendous respect for her. And when Monica stopped working in the rural areas, with the Nyakyusa and the other peoples she had been working with, she wanted to work in an urban area. But, of course, it was not easy for her to introduce herself into working class Africans in an urban area, so she hired Mafeje to be her research assistant and she developed questionnaires and all kinds of other things and he did the research. Well, the book came out, later,¹² and the first thing that strikes one if one reads her introduction is that she says: "all the theoretical ideas in this book and all the questions being addressed were devised by me". And the book was published under both their names, but I imagine he required her to do this. He must have made a big fuss.¹³ And so, this urban study... Well, he later attacked me because I wrote a book about anthropology and Africa [*Anthropology and Africa: Changing Perspectives on a Changing Scene*].¹⁴ It's a little paperback, which is a survey of how anthropologists have addressed Africa, in particular, of course, from the colonial area. It's really largely English-speaking world that I was concerned with. The history of the change in British attitudes, and the American interest. Well, Mafeje was very offended, I'm sure, though he never mentioned this, by the fact that I didn't mention him. And I didn't mention him because I'd never read anything of his, and I'd never heard of him. And that is, of course, a handicap, because the Africans don't publish in the journals that Americans and British people do. He had never read anything of mine either, which is clear. It's just this one book — but it is well known, it's on the Internet — and in my biography there is this disagreement. So, again, the lack of communication between the people who have the social sciences in Africa, and the anthropologists is from my point of view a non-communication. It has yet to really be born. It's highly problematic. They have no funding the Africans. The only funding there is, is for development work. So, they make surveys and they do little studies of, I don't know, diarrhea, in some population and the measures that have been taken against it. This then becomes a sort of half- economy-half-law kind of question: are there now more sanitary rules? And this and that. But there is no meshing of theoretical interest of the Africans with the Europeans.

LRCO - One of the reasons why I asked, although I don't want to expand on that here... I have actually written a paper in English on the kind of specific dialogue between Brazilianists and Brazilian anthropologists, which I think Brazilianists show usually very little interest in engaging themselves in problems that concern Brazilian anthropologists. (Cardoso de Oliveira, 2008). So, it's not exactly the same kind of situation you were describing in the debate with Africans, although there is some of that too. And afterwards I ended up speaking on this in many different places, and I further developed the idea that there isn't much interest

12 Langa: a study of social groups in an African township (Monica Wilson and Archie Mafeje). Review available at: <https://www.cambridge.org/core/journals/journal-of-modern-african-studies/article/abs/langa-a-study-of-social-groups-in-an-african-township-by-monica-wilson-and-archie-mafeje-capetown-oxford-university-press-1963-pp-ix-190-r225-the-second-generation-by-b>

13 According to John Sharp it hasn't happened that way: Wilson had stimulated the co-authorship.

14 Mafeje's critique is available at: <https://www.jstor.org/stable/24487460>. And SFM's response is available at: <https://www.jstor.org/stable/44895985>.

in what I called *local contextual interest*, as opposed to self-interest, which has nothing to do with that, or human interest, as in Habermas’ discussion on constitutive knowledge interest... But I find it very difficult for anthropologists, for instance in the American community, to develop a systematic interest in dialogue with interests or problems that are cultivated in the anthropology community where they do fieldwork, because these problems do not resound within their own community. But anyway, as in the case of Brazilian anthropologists, for many different reasons — historical reasons —, I think we always did fieldwork thinking about others and ourselves at the same time. In a way, we maybe unintentionally, I don’t know, we developed an interest in dealing with their problems when we go abroad...

Sally Falk Moore – Contextually... That is what anthropology is about!

LRCO - Yeah. Anyway... I thought that perhaps with Africa...

Sally Falk Moore - That’s interesting; there is some parallel... Well, you see, I have... That’s one of the reasons I’m so enthusiastic about working with these African law students, because I already know that we have similar interests and that they find anthropology enormously revealing for the problems in which they’re interested. Well, one of the young women, named Kabira, who is a Kenyan, and was a lawyer in Kenya, and has worked with the judiciary there, is writing a dissertation in the law school about commissions of inquiry. Because whenever there is a political problem in Kenya, the Parliament appoints a committee, or the President appoints a commission to investigate it. And she says they may investigate for a year or two and they write a report and then nothing happens. So, she’s writing a kind of history of commissions in Kenya and their outcome. But in a personal sense, she’s enormously excited by the fact that a new Constitution was passed in Kenya in August. And in the whole process by which it was generated, the man who handed it had been the dean of the law school in Dar es Salaam, when I went to Tanzania and had sponsored me for the work that I did. She’s very excited by the way the suggestions for the constitution were put together, because in a very populist way of doing this, they had gotten suggestion from all over the country, and from people of every class. Also, she’s very interested in the discarding of certain judicial practices. For example, the judges in Kenya have just discarded wearing wigs, this is the first time! And it’s symbolic of the changes they intend to make — to transpose themselves into. Now, this kind of legal anthropology will, I think, be of enormous interest to both communities and there will be no questions about communication. The same thing is true with another one of these law students, well, many of them, they deal with different questions.

LRCO - I think it would be interesting to see to what extent there would be a real exchange of ideas and interpretations...



Sally Falk Moore - Oh, you are making me feel that what I should do is organize a conference of some kind that will involve them....

LRCO - I think it could be very interesting to see that...

Sally Falk Moore - It certainly would, there is no doubt, and they address very concrete problems. I mean, this woman is involved and, because she's worked with the Judiciary, and knows, has many contacts... And, of course, it's only elite Africans who get here, it isn't... They are not necessarily from elite backgrounds. I have at the moment a wonderful Ethiopian student, who... we were having a conversation about land redistribution, and of course, there has been land redistribution in Ethiopia. And he said, well, of course, when they decided how the land was going to be arranged in the town from which I come, my sister was given a certificate indicating that a particular piece of land belonged to her. He said: unfortunately, my sister can't read. He may be an elite person as an individual, but he does not necessarily come from an elite background. He's just been a wonderful student all along and has gradually been shoved along into these programs. And his interests are... He isn't yet at the dissertation stage, but he's been able to move some of his interests in Ethiopia into his dissertation project; what he is going to do exactly, I don't know. Another man, from Ghana, has recently submitted his proposal for his dissertation, and it's almost a dissertation, because he's done his fieldwork in an urban slum, and he's interested in what needs to be done legally to change this slum. Well, again, you know, this, for me, is a tremendously dynamic group of people who are really up to their elbows in the work. And that's just a different group. They are not doing what... See, the Americans, I think, on the whole, American anthropologists who work in Africa tend to be people who think of Africans as being the underdog, and they're interested in politically promoting the situation of such people. So, their theoretical interests are quite different from these very applied lawyers.

LRCO - Another thing that comes out of the discussion on Africa, and that you also mention in your lecture, the Huxley Lecture, is the discussion on pluralism that exists as an actual thing in Africa, but the way it was transported, in a way, to industrial societies in the West. I think myself that it's not a very illuminating way of looking at different ways of enacting rules, and dealing with disputes in Western societies. The question I would like to ask is that I often bring up your own conception of reglementary processes as more enriching, from my view, than the idea of pluralism to deal with that type of difference. And in your lecture — and it's not the only place you say this —, you make a point, which I think is very well made, that one of the problems with the discussion on pluralism is that people do not make the proper differences between laws enacted by the State, and other sorts of rules... But my question is: do you still think that the idea of reglementary processes is an interesting way of looking at this type of processes?



Sally Falk Moore - I certainly do. I mean, it goes back to the first article that I wrote of with this kind, many, many years ago [LRCO - The seventies, I think]. Yes, in which I described the garment industry... (Moore, 1978a) [LRCO - Yes, very interesting article]. And I think that this epitomizes my perspective, that they, the people in the garment industry used the laws to promote their illegal activities [laughs] because it enabled them to raise money to buy cloth, to employ people, and all sorts of things that enabled them to break contracts, and yet paper this over... It was a whole process of making their own rules, and they were enforced internally, because the people who gave them cloth with which they made the garments would not have extended the credit, unless it was understood among them how this would be carried out. So, there was an interlocking of interests, but this domain cannot be said to have been entirely designed by, or closed into a legal arrangement; it was their own internal interpretations of what would be best for them. So, it was a process of the evolution of generating a certain kind of knowledge and generating a certain number of rules. And nobody who wanted to be respected in the profession could stay in the profession unless they obeyed those rules. And, of course, in that article I compare that with the Chagga. This is a semi-autonomous social field, and a semi-autonomous legal field really. There is a man in the law business, whom I just once met in Wisconsin, who is a contract specialist, and he's written about contracts in this way, and this is partly the way I started. I was a student of Llewellyn's at Columbia, and he was a contract person, and he made it very clear that no contract could be made in any domain that one could explain entirely in terms of law. That you had to know about the context in which people made these contracts, when a builder made a building, when somebody who paved the street made a contract with the city: you would understand more about this if you knew the context.

LRCO - It's legal realism!

Sally Falk Moore - That's right! And so, I took this from his teaching and developed it more in my interest in the semi-autonomous social field. And that has really become, I think fairly well, just part of the way people look at things. I think everybody assumes this now, but it certainly wasn't so when I started.

LRCO - But also some of the people who deal with the idea of legal pluralism in Western societies still do not make the difference between state enacted laws and the others. That's one thing. But there's something else which I think is also in your book *Law as Process*... I like the introduction very much, I think that it has two parts. And I think that it's well established that there are no legal systems with only one source of rules. So, if you look at legal systems from that perspective, any legal system is pluralistic by definition, and if everything is pluralism, it means...

Sally Falk Moore - Pluralism isn't a concept!

LRCO - yes, it isn't a concept!

Sally Falk Moore - Well, I think the way pluralism has usually been used in Anthropology and Law is having to do with ethnic groups. [LRCO - Yes, that makes more sense]. And my interest is in these social fields that have their own dynamics...

LRCO - I haven't been reading American jurists on pluralism, but Brazilian jurists often talk about pluralism, meaning what I think makes more sense to think of as semi-autonomous social or legal fields, and not looking at ethnic differences. And actually, in Africa, the state recognized more than one actual system, which is not the case of these situations discussed by anthropologists and legal scholars, not only in Brazil, but in the West at large... Boaventura de Sousa Santos, for instance... I don't know if you've read anything by him...

Sally Falk Moore - Yes, I have...

LRCO - He is very popular in Brazil, especially among legal scholars; he doesn't make much success among anthropologists...

Sally Falk Moore - Well, his arguments are so abstract that they don't speak to anthropologists, but they should pay more attention, yes.

LRCO - But he also speaks of pluralism in a way that I don't think it makes much sense... I wanted to see what you think about it...

Sally Falk Moore - Oh, I agree with you very powerfully. But this has to do then with labeling segments of knowledge; it doesn't have so much to do with the concepts themselves, or even the real ethnographic situation. It has to do with how you classify things in a theoretical way, and how it's useful in a theoretical way.

LRCO - And, of course, the implications of it to understand the ethnographic situation. But as we are speaking about pluralism, I would also like to ask you about your experience in keeping a dialogue within anthropology and legal scholars. What would you say are the most challenging aspects of such dialogue?

Sally Falk Moore - Well, I don't have, except for sitting on the examinations that these law students have, I don't have much contact with the law school, but I'm very aware that they are extremely respectful of anthropology, what is interesting to me is how things have changed, and they've hired John Comaroff to come and teach in the law school. So, I opened the way and now they're really going to pay for somebody to do this, because I used to teach a course in the law school, annually...

LRCO - I took it, if it's the same course. Anthropological Approaches to Law...

Sally Falk Moore - Yes, oh my goodness! For many, many, years I did that, and then when I became a dean, I had to do it every other year, because I just didn't



have the time. This course, which I'm doing now, is called Law for Anthropologists and Anthropology for Lawyers.

LRCO - very interesting...

Sally Falk Moore - And what I have done, it's essentially a reading course and I've tried to pick readings which will bring out theoretical problems. I start with a little sort of history of anthropology, and start with some of the evolutionists, you know, Morgan and Weber and so on. But not a great deal. Then I show some films, because I believe in using some of the modern equipment that you can use to get these points across, and then we move into other kinds of questions about law. It's how we are about the dialogue with the law people. Well, Martha Minow, who is now the dean of the law school ran a conference a few years ago and asked me to be one of the speakers. It was a conference about the Nuremberg trials,¹⁵ because she wanted... She applied for a grant, and she got an enormous grant and got lots of people... I wasn't paid to do this, but, you know, it was a real big-stage thing. The source of the money was the Department of Education, because she wanted to produce a film and documents, and so on, that students in high schools across the country could read. And the teachers would have found it easy to teach, because this material would all be ready for them. And there is a little film in which I appear, and a number of other people, such survivors were still there.

15 Pursuing Human Dignity: The Legacies of Nuremberg for International Law, Human Rights, and Education. Informações gerais disponíveis em: <https://today.law.harvard.edu/conference-probes-nurembergs-legacy-for-law-and-education/>

LRCO - Is the film available? How could I have access to this film? Is it on the internet?

Sally Falk Moore - It must be... I don't even remember what it was called. I have one copy, and, you know, if you're leaving tomorrow, I don't think that I can get it to you. What time are you leaving tomorrow?

LRCO - Very, very early.

Sally Falk Moore - We'll have to figure out some other way, but I will find out its name and who's produced it, so you can find out how to get it.

LRCO - Ok.

Sally Falk Moore - And it's about people remembering what the trials were like and what their role was, but it's mostly... the conference was mostly to produce these educational materials, and Martha was very engaged. She is very interested in women's rights, also. So, she is interested in anthropology. And when Elena Kagan was the dean of the law school before she became a judge on the supreme court, she also indicated some interest in this field, but I didn't have any formal dialogue with her. The other people who were interested are in the human rights field, and I've had some dialogue with them. But there's such a difference between the needs of the formal system, and negotiating on behalf of clients in a formal

system, and the freedom that anthropologists have to look at this and to look at that, and no responsibility... you know that you can just look and write and infer, and suggest, but you don't have the weight of decisions to make or clients to serve. So, it's a very, very different orientation. But my general sense is that the lawyers are becoming more friendly than ever to... Now, of course, there's systems like the state system in Wisconsin, where the state government pays for the law school, and it wants judges and lawyers out of it, it doesn't want theorists and anthropologists. It wants these people who can do the practical work, so this isn't country wide. But I'm invited by the Berkley law school to come and be interviewed in March, because they said they are trying to collect interviews from all the people who've pioneered the law and anthropology field, and they're taking one a month. But this is the Berkeley Law School, this isn't the anthropology department. So, there is a dialogue going on. And I think it will be productive in the long run, but in the immediate present it's mostly with these foreign students that I see results.

LRCO - In Brazil nowadays I teach in the anthropology department, and I teach in the law school as well, but only for the graduate students. I give the anthropology of law or legal anthropology for them. And the dialogue isn't very easy because... it would take us long for me to explain certain particularities of the Brazilian legal system, it's not only a matter of being civil law instead of common law, but the way the system actually works in trials in Brazil: people pay very little attention to facts, believe it or not, in the law. It's mostly rhetoric because the contradictory principle, I mean, in the common-law system it comes in the adversarial system. In Brazil we call it the contradictory game, or whatever, but the way the principle gets life in the two systems is quite different, cause in the adversarial in order to take a trial to the end, one has to build a consensus about the valid facts within the process. I mean, if no facts survive cross-examination, you must free the accused. In the civil — I don't know much about the civil law, in general —, but in Brazil the system is immune to consensus, lawyers have to disagree always. I mean, if a lawyer agrees with the prosecutor, the judge may say that the defense is improper. There's a special...

Sally Falk Moore - It is understood that this is about the adversarial system here too.

LRCO - yeah, but the thing is that, in Brazil, as the different versions of the facts do not have to demonstrate their facticity or veracity against facts or evidence, or whatever you call it, it's the kind of argumentation that one has in the legal system is by and large distorted, because there is no reference point against which people can evaluate the different versions of the case. So, I'm saying all of this just because it's very difficult to get across the students in law because most of them, when they come to graduate school, already have a practice and they have internalized this way of contradicting...

Sally Falk Moore - And these are philosophical arguments...

LRCO - Yes. Yes. And each interlocutor can make up its own reference. And that can go forever...

Sally Falks Moore - laughs out loud.

LRCO - and the way the system actually works in Brazil is that the judge is the one who decides, and he decides not because he's capable of demonstrating why his position is more reliable than others, but because he has the authority, the institutional authority to do so. So, anyway, lawyers in Brazil have very little sensitivity to facts, and this is different than lawyers in the US, where they have to either do investigation themselves, or have to oversee the investigation of, you know, of others... It's quite different, so I imagined that the dialogue here was perhaps easier.

Sally Falk Moore - oh well, as far as students are concerned... I don't know how big the class was when you took it...

LRCO - it was big.

Sally Falk Moore - And I'm told that Obama took it. I don't know whether he did or not...

LRCO - maybe we were colleagues [both laugh out loud].

Sally Falk Moore - I haven't been able to discover in fact whether he did, but his mother was an anthropologist, so it would not surprise me if he had. There was really no problem with students. The thing about the law students is that they... while they found the anthropological material interesting, only a few of them were interested in a serious, professional way; most of them were just, you know, on a cruise. Taking a course that seemed to them to be interesting, but not relevant to their work. But that depends on whether... There are a few, you know, there are the human rights people, there are the people who work in the international fields. They all were more than slightly interested, so I don't think there's a real problem of dialogue there. Do you know the journal *Political and Legal Anthropology Review* - POLGAR?

LRCO - Yes... I actually was in the meeting in San Francisco this year. It actually was the only one time. It's an interesting journal.

Sally Falk Moore - If you want to know what's going on in political and legal anthropology, that would be a good place to look because it shows many varied kinds of articles and concerns.

16 In fact, regarding POLGAR, there are no journals as specialized, but there are publications with a similar objective in Brazil, such as the Conflicts, Rights and Society Collection promoted by InEAC and published by Autografia. Recently, the Brazilian Journal of Empirical Legal Studies has sought to fill this gap.

LRCO - Yes, and there is nothing like that in the Brazilian scene.¹⁶ This is a very interesting journal; I actually used it when I was writing my dissertation. They had interesting things on that. Some of it you mentioned in your Huxley lecture: the works of O’Barr and Conley on mistakes. It’s interesting. Actually, one thing that I think is similar, whenever one has positive State law — be it civil law or common law — is what in English one would describe as the process of *narrowing down the case*, which is intrinsic to legal procedure where State law prevails. It’s quite different in situations like Gluckman’s, in Africa, in the Barotse, for instance, where...

Sally Falk Moore – Oh, they talk around and there are fifteen judges...

LRCO - I think it’s a wise way to improve one’s understanding... It’s much more open to making a better sense of the problem lived by the people who bring the case to court, than what happens in civil law or common law...

Sally Falk Moore - I must tell you about this. The Transaction Publishers is about to reissue Max Gluckman’s book *Politics, Law and Ritual and Tribal Society*, and they’ve asked me to write an introduction to it, and I did, and the introduction is not uncritical of Gluckman’s work. And you might be interested in seeing it...

LRCO – Yes, I would love to.

Sally Falk Moore - It is coming out in a few months, this book.

LRCO - Yes, I will order it. I have an old edition of the book... But I will get a new one with your introduction!

Sally Falk Moore [laughs] - That’s one of the things that has occupied me in the past year or few months. One was this article about Tanzania and South Africa and their national legal attempts to change their government. And the other one was this writing the introduction for Gluckman’s book. I’m now about to start on a big labor of trying to write something about customary law. But these are very, very interesting and serious questions, and I think that the journal of Political and Legal Anthropology will also... if you look at a few of their recent issues, you’ll see, the diversity of interests. I mean, they are people, for instance, who are interested in immigration, legal and illegal immigration, and what is the status of these legal immigrants and illegal immigrants, what can they do to protect themselves... This kind of interest is, again, so different from the others, but there are very good people interested in this. And if I wrote another survey or article, it would be dropping a little bit on each of these questions.

LRCO - It would be an interesting project to do...

Sally Falk Moore - It’s a very good idea!

LRCO - Yes, but going back to your Huxley lecture and Gluckman, in the lecture itself in a way you tried to explain what you describe as Gluckman's concern with the rational character of Barotse law... African law, the rationality of African law. In a way, and I don't know to what extent it's adequate to define it as a disagreement between the two of us... But what to look at as rationality? I always looked, I mean, talking in terms of Gluckman, in terms of what concerns rationality and legitimacy at the same time. And I still think, I'm much more concerned with questions of justification, it's another way of putting this...

Sally Falk Moore - Well, I think I explained there, and if I didn't... I have explained in this article that his emphasis on rationality, I mean, this is not an acceptable argument at all. But surely, his interest was in showing that Africans were capable of the same kind of logic as Europeans...

LRCO - Yes, that's well written in there.

Sally Falk Moore - He was a man who was caught between two worlds. He wanted to look at the Africans as sort of exotic, and at the same time he wanted to say they could move into the modern world. And in some of his writings, like the economy book or other kinds of little things that he wrote, he would write real descriptions of real people and what was going on. But when he talked about law, it got very lofty! I think he thought that it would be more acceptable to the lawyers, to tell the truth, I think...

LRCO - Yeah, I think it makes sense, but the link I wanted to make with our concern with fairness, as you see, and fairness and legitimacy, I still think, for me... But towards the end of your lecture, you gave three or four examples of interesting things that you think have been done lately. One of them is a recent, at the time, book by John Borneman, on Germany (*Settling Accounts: Violence, Justice, and Accountability in Postsocialist Europe*). The question that I wanted to make is... I haven't read this one book of his, but the way you described it, I had the idea that the kind of criticism that he attempts to make in his ethnographic analysis of Germany, was in some way inspired by a concern with the questions of legitimacy and fairness, even if he may construe it in a different way...

Sally Falk Moore - I think that's quite true. The idea of accountability...

LRCO - Yeah, the idea of accountability. But it is not just accountability, as I see it, as something outside, that you can look from outside. But accountability, in a way, that one can justify it in a stronger sense, not only in a logical sense, and then the link to Gluckman. Although, as you may remember, I like Gluckman very much, it's true, but you remember that I think he didn't invest very much in constructing a theory of fairness, but he had the concern there... Anyway, I mentioned John's book because it is the one that I remembered now, but you made reference to three or four different things, which I had the impression when I read that they all pointed to that.

Sally Falk Moore - Well, I think the problem with Gluckman is that he was so keen to be positive about the Africans that he lost sight of making a realistic judgment about the material he had, which was much more interesting than if you construe it as all rational. You know, there is this terrible story about him, which... Well, the implication is in there. I don't remember whether I've written about this at all, but... There's a case in his book about the judicial process called «The headman's Fish Dams»...

LRCO - Yes, I remember.

Sally Falk Moore - Well, and he thought it was a brilliant decision because it preserved the rule that you can't, unless you live in the village of the headman, you can't make a claim. But on the other hand, the headman, because he is a headman, has to be more fair and more equal-handed than other people. So, he has to... the rule is not enough. The right to use these fish dams accrues to the people. The case must be decided that way. So, it isn't just the rule, it's the generosity of the headman they're making a judgment about. Okay, he has to be more generous because he is a headman. But this brilliant decision, which was supposed to satisfy everybody, Gluckman went back some years later - did I write about this? I don't know. He went back some years later. One of these nephews [the headman's], who was supposed to be given... There was another lawsuit about the same issues. And one of these nephews killed, I don't know if he killed the headman, but he killed somebody and he went to jail, that is, because he was not satisfied with this decision. So, far from being a brilliant solution of everybody's problems, it was not really resolved. And it's a case in which the rule, legal rule and the rationale that Gluckman made about the modifications of the legal rule, or the secondary legal rule about the responsibilities of the headman, were not enough to keep from a murder taking place. And it's in one of, I think, the later editions of that book he writes a little addendum at the end, explaining this.

LRCO - I think this case comes up in the Barotse book, *The Judicial Process [Among the Barotse]*, but also perhaps in the Ideas of Barotse Jurisprudence...

Sally Falk Moore - I don't remember whether it's in *The Ideas [in Barotse Jurisprudence]* ... if it is, it's not important. *The Ideas* is a very different book with a very different perspective.

LRCO - Yes, it was a Storrs Lectures, originally, at Yale. I don't remember really the details, I was impressed with your memory, though, describing how, I mean, this terrible case...

Sally Falk Moore - This is my line of business, I mean...

LRCO - But without wanting to transform this into an argument, I think that a

legal decision is never a guarantee that things have been solved.

Sally Falk Moore - Solved... right, you're absolutely right.

LRCO - **But it has to provide an outcome at the moment, and I think it's important to differentiate different kinds of outcomes. Some of them are better justified than others...**

Sally Falk Moore - Yes...

LRCO - **And I think that was a strong interest of Gluckman's as well.**

Sally Falk Moore - I think you're absolutely right.

LRCO - **Even why, as time goes by, people transform their past experiences in order to account for the present...**

Sally Falk Moore - What I believe about most of these cases in which there are disputes between a plaintiff and a defendant, one way in which I look at them is that they always deal with the past, with a set of past occurrences. And it's rewriting a new narrative with a new ending. The judicial decision makes a new ending for whatever happened before. But legislation has just the opposite way. Legislation is always forming the future. And these are two different aspects of law and two different ways of looking at the legal system.

LRCO - **It's an interesting way to look at it, perhaps much more so in civil law systems than in common-law systems, where precedence has an important role too. There's another thing in your lecture that puzzled me and I wanted to ask you to explain it a bit. At one point, you make reference to Geertz's Storrs lectures on law and fact [*Local Knowledge: Fact and Law in Comparative Perspective*], and you claim that the way he designs the relationship between law and fact is not in accordance with the way it is perceived in the American judicial system. I always had the impression that it did. So, I would like you to talk about it, to enlighten me on this!**

Sally Falk Moore - [laughs] Well, what he really wants to do is to indicate that law is a way of thinking about life. And from the legal ideas you can talk about the whole philosophical system of any legal system. I see this lecture as a piece of artistry in which he manipulates the facts. First of all, he selects the terms that he wants to use, and he doesn't tell you under what bases he selected them. He just selects them and says: "well, these terms differ in each of these places. They represent, therefore, a completely different vision of law". And, of course, he could've selected another set of terms in each place. There are linguistic questions and all kinds of very profound questions about the consistency of his argument. And in American law, the difference between law and fact as it is practiced in the

courts is that the facts are brought out by the evidence in the case. Law is what is decided by the judge and the precedents and the whole legal operators that he calls on. And he [the judge] does not have the right to decide anything about the facts. The facts are supposed to emerge from the evidence. And what Geertz did was talk about truth, and say “well, this is about truth, and law and fact is really about truth, and the conception of the legal system”. Well, this division between law and fact is a division of procedure in the American courts. And this issue of truth is something he invented to deal with the particular terms that he identified as crucial in the very systems that he wanted to discuss. And the truth sometimes and somehow was connected with a general philosophical view. Well, fact is not a question of philosophy in American courts. Fact is evidentiary stuff. Now, it’s true that the court can’t admit some evidence, and there are rules of evidence: it can’t be hearsay, it has to be this and that, but it is not produced by the judge. All he can do is say: “this is not a relevant piece of evidence; you can’t make this statement now”. But he doesn’t decide what the facts are. But he decides how to represent the facts to a jury to say what laws are relevant, and when he gives his directions to the jury, if there is a jury, what he’s trying to do is to say: “these facts have been brought up”. And the question then is: was there intention to murder, or was there no intention? Was there intention to make a contract or was this just an informal discussion? Or things like that. And these are the issues that the jury must look on, reexamine the evidence, see if they fit. And what Geertz is involved with is moral truth, I mean, he gets all tangled into a question of morality.

LRCO - One thing that I think Geertz is correct about.... I think it’s important for any legal system to convey a sense of justice. His idea of legal sensibility is associated to different senses of justice...

Sally Falk Moore - I think you are absolutely right; this is your idea about fairness. [LRCO - Here she is making a reference to my dissertation]

LRCO - Yeah, right, but I think, as you may remember, I have a criticism of Geertz on that aspect, but that doesn’t make much difference actually, I mean, what he calls a sense of justice, and what I call a concern with fairness...

Sally Falk Moore - But how you arrive at that, and whether you can talk about whole legal systems without talking about any practice. See, he’s talking about concepts, and not about cases. And the one case he gives is not very relevant... of that funny man, I don’t know his name....

LRCO - Regreg.

Sally Falk Moore - oh, that’s right! Regreg, yes. And he says it was the discourtesy that he paid to the system was enough to drown him. Well, one doesn’t know whether this poor man was psychotic, and therefore rejected by the people

he lived with, and that it had nothing to do with the facts that Geertz picked out as relevant. I mean Geertz has constructed these things himself. He is an artist, and that was the disagreement I have with this article. It has some very interesting ideas on it. I think Geertz was a phenomenal writer, but very selective in the judgments he made.

LRCO - Yeah. I also think, in your lecture, I think you put him excessively close, in my views, to Bohannan, because he was very critical of Bohannan. If you remember in that one lecture, I mean, the anthropologist who... He picks on him that imagined that at one point Fortran would resolve all of the problems [both laughs] ... That was Bohannan, exactly! Because you placed both of them as putting an emphasis on culture, which is pretty strong. But they do it in such a different way...

Sally Falk Moore - Yes. Well, they are certainly very different people.

LRCO - Yes, I never met Geertz, but...

Sally Falk Moore - Well, I didn't... I had only one or two encounters with him personally, because we were both on the board of the Social Sciences Research Council at the same time, but I had no intellectual contact with him. But I did see him in action. What is interesting to look at in his career is the difference between his early writings, which were more economic and much more factual, and his later ones, where he was interested in the vision that people have of themselves and the world that they lived in. And that's, of course, the thing which he transmits in this article about law, that law represents a certain vision. Well, let's be honest. You can't talk about a whole legal system. A legal system is something so complicated, it goes from the traffic rules to the taxes, to the rules about murder. I mean, it is not a single thing. And you can't say it has this or that vision. It's not like that. And it is something which is self-advertised as a system, but the parts of it are not connected. And that they came into the law in different periods, the legislation that produces the rules or the judicial decisions that produce the rules were decided at very different times. The law is not a single seamless body, and the emphasis on that, which is in that article that I think is deeply misleading. And it doesn't matter whether you're talking about Indonesia or you're talking about Europe: the law embraces everything at some level. But everything means lots of different things!

LRCO - Yes, yes, It's true. And I think this point is well made in your introduction to *Law as Process*.

Sally Falk Moore - You know that *Law as Process* has been reissued? It was reissued in 2000, with a new introduction.



LRCO - Oh, I'll look after that. I usually give the introduction...

Sally Falk Moore - Not a new introduction by me, but a new introduction by an editor...

LRCO - I'd like to see that! I usually use the book in the course I give in the law school...

Sally Falk Moore - That's nice! That makes me feel good!

LRCO - It's very much deserving; it's a very interesting book. And your introduction, I think, gives a very good and real picture of what are the constraints of legal systems, and that they cannot be as coherent as they claim to be, it is structurally impossible.

Sally Falk Moore - So Weber's idea about rationality is blown. In that sense...

LRCO - In that sense, yes... But I think it's possible to reconcile that point you made with some of the points that Geertz makes in his lecture, because, I mean, legal sensibilities and senses of justice, even if very grand and abstract ideas, they nevertheless say something about the cases at issue...

Sally Falk Moore - Well, this is the problem of making judgments about such articles. There is something right about them, and there is something wrong about them, and how is one to sort it all out, except to make another statement, a counter statement, not about the vision of a particular author, but one of one's own...

LRCO - One thing that I've always had difficulty believing are the descriptions of former students of Geertz, of how much of a bad lecturer he was. I mean, because my access to Geertz is only through reading, and everything I read that became a text from an original lecture is very well written, and I imagine that it was...

Sally Falk Moore - I don't know his lectures, I can't say...

LRCO - But I have terrible descriptions of his lectures.

Sally Falk Moore - But Rosen [Lawrence Rosen] for example, his devotion to Geertz was such that he's never thought a different thought. I mean, everything is culture, and it doesn't explain anything.

LRCO - His article, the one that Geertz quotes in his Storrs Lectures, side by side with your article as,¹⁷ according to him, the only interesting things that had been done recently... I think it's a very interesting article, the one on equity in Morocco - Rosen's article [*Equity and Discretion in a Modern Islamic Legal System*]. But I

17 Moore, Sally Falk. 1978b "Legal Liability and Evolutionary Interpretation: Some Aspects of Strict Liability, Self-Help, and Collective Responsibility." In *Law as Process: An Anthropological Approach*, 92-134. London: Routledge & Kegan Paul.

didn't like very much his book on justice, on the anthropology of justice...

Sally Falk Moore - no, no...

LRCO - I mean, I didn't think it had any interesting new ideas or...

Sally Falk Moore - No, no. He is a very nice fellow, very nice, and he is very intelligent, but his devotion to this idea that culture determines everything and his thoughts, his understanding that this explains something... It doesn't explain anything, it's the black box.

LRCO - Even so, I thought... Later he wrote another book.

Sally Falk Moore - I don't remember this equity in Morocco.

LRCO - That's a very interesting article that came out first in the journal you were talking about....

Sally Falk Moore - oh, Political and Legal Anthropology

LRCO - No, not that one... **Law and Society Review**. I know both, of course... The **Law and Society Review** came to my mind when we were talking before because it shows a kind of dialogue between law and social sciences...

18 See note 3 above.

Sally Falk Moore - Well, you see, this article that I've written about the changing of the regimes [*The Legislative Dismantling of a Colonial and an Apartheid State*]¹⁸ has been published by Law and Society, The Annual Review of Law and Society. It's the introduction. They find an old anthropologist to do the introduction each year.

LRCO - That's great. It will be out in the next number?

Sally Falk Moore - I think it's just out now. I don't know whether I have the... You can get it on the Web. I don't know. I can't give you this, this is my only copy...

LRCO - Ok, no problem, I'm associated with the **Law and Society Review**, I can download it.

Sally Falk Moore - So, if that can be considered a communication between lawyers and anthropologists, fine, but I'm not sure it's a communication if they are collecting forty articles, you know, of very different interests... And you were talking about a kind of professional communication and...

LRCO - Yeah, because in Brazil, I don't know exactly when, the teaching of anthropology became mandatory for law students. I have the impression it's very badly



done in Brazil, because I think that most of the time lawyers teach anthropology.

Sally Falk Moore - When I came up for a job here, I wasn't hired in the law school because one of the law professors who I know said: «I teach anthropology, we don't need an anthropologist» [laughs].

LRCO - That's incredible... And in a way, in the Brazilian case it's even worse, perhaps, because as I was trying to convey to you, the distance between the legal doctrines on the one side, and empirical facts, on the other... There is no effort whatsoever to meet the two things in the system. So whatever anthropology they teach is not really articulated with empirical research. But anyway, at the same time there has been a growing interest in law schools in listening to anthropologists. I am often invited...

Sally Falk Moore - I don't know whether it's mandatory anywhere.

LRCO - Now it's mandatory, but I think it may not have a meaningful effect.

Sally Falk Moore - It's mandatory in Brazil?

LRCO - Yes, in Brazil. But not in the graduate school, for master's degrees and PhD degrees. I'm often invited to talk to law students in graduate school.

Sally Falk Moore - I see...

LRCO - Sally, thanks very much for this nice conversation!

Sally Falk Moore - I hope it's of some interest.



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Authors' contributions

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