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# Anthropology of Law (Clarendon Law)

*By Fernanda Pirie*



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## Anthropology of Law (Clarendon Law) By Fernanda Pirie

Questions about the nature of law, its relationship with custom, and the distinctive form of legal rules, categories, and reasoning, are placed at the centre of this introduction to the anthropology of law. It brings empirical scholarship within the scope of legal philosophy, while suggesting new avenues of inquiry for the anthropologist.

Going beyond the functional and instrumental aspects of law that underlie traditional ethnographic studies of order and conflict resolution, The Anthropology of Law considers contemporary debates on human rights and new forms of property, but also delves into the rich corpus of texts and codes studied by legal historians, classicists, and orientalist scholars. Studies of the great legal systems of ancient China, India, and the Islamic world, unjustly neglected by anthropologists, are examined alongside forms of law created on their peripheries. The coutumes of medieval Europe, the codes drawn up by tribal groups in Tibet and the Yemen, village laws on both sides of the Mediterranean, and the intricate codes of saga in Iceland provide rich empirical detail for the author's analysis of the cross-cultural importance of the form of law, as text or rule, and the relative marginality of its functions as an instrument of government or foundation of social order. Carefully-selected examples shed new light upon the interrelations and distinctions between law, custom, and justice. Gradually an argument unfolds concerning the tensions between legalistic thought and argument, and the ideological or aspirational claims to embody justice, morality, and religious truth which lie at the heart of what we think of as law.



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## Anthropology of Law (Clarendon Law) By Fernanda Pirie Bibliography

- Sales Rank: #2022111 in Books
- Published on: 2013-12-30
- Released on: 2013-12-30
- Original language: English
- Number of items: 1
- Dimensions: 5.40" h x .70" w x 8.40" l, .80 pounds
- Binding: Paperback
- 288 pages

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### **Review**

"Fernanda Pirie's *The Anthropology of Law* is an exciting introduction to this ethnographically informed field of inquiry. Although a number of texts on anthropology and law have been published in recent years, Pirie's commentary is imbued with her own insightful contributions that help to more clearly define the field and at the same time make it accessible to a wide range of scholars across the social sciences and humanities." -Eve Darian-Smith, *Law and History Review*

### **About the Author**

Fernanda Pirie is a University Lecturer in socio-legal studies at the University of Oxford, and Director of the University's Centre for Socio-Legal Studies. An anthropologist by training, following a career at the London Bar, she has carried out fieldwork for over a decade on the Tibetan plateau. Her studies have centred on conflict resolution, social order, and tribe-state relations, and have led to publications on violence, conflict, order, and disorder. More recently she has been working on the nature of legalism on the Tibetan plateau. She is a coordinator of the Oxford Legalism project, which brings together scholars from law, history, anthropology, classics, and oriental studies in a series of seminars and workshops, in order to compare examples of legalistic texts, practices, and thought from across the world.

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