

# **Law and Social Anthropology**

## **with special reference to African Laws**

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The investigation of the relations between law and social anthropology can imply either the delimitation of their respective domains, the possibilities of competition or cooperation between lawyers and social anthropologists, or the comparison of legal and anthropological methods of research, analysis and description. I propose in this paper to consider all three aspects of the question.

### **I. Domains of Law and Anthropology**

"Law is one of the best-studied subdisciplines of anthropology; the literature is small but of high quality".<sup>1</sup>

It may seem unfair to quote this observation out of context, but it serves to emphasize the large degree of overlap between the two disciplines. They are both obviously concerned with the structure of society, especially with the power or authority structure, and with the mechanisms of social control within the society. But, unlike anthropology, law is an activity as well as a science. Lawyers — legislators, judges and practitioners — are involved in the operation of the system of social control as well as in its study and theoretical analysis: in this way they are moulding their own raw materials. Perhaps, it may be argued, one ought therefore to try to distinguish between the practical lawyer and the theoretician; the former might be called a "lawyer", the latter a "jurist". In practice, the division between theory and practice is by no means as clear-cut as this verbal separation might suggest;

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<sup>1</sup> P. J. Bohannon: *Social Anthropology*, 1963, p. 284.

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Anmerkung des Herausgebers: Die Verfasser der Aufsätze, der Buchbesprechungen und sonstigen Mitteilungen tragen allein die Verantwortung für die von ihnen vorgebrachten Auffassungen.

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