

Kaius Tuori, Lawyers and Savages: Ancient History and Legal Realism in the Making of Legal Anthropology. Routledge, Oxon, New York 2015, 232 pp.-

Today more and more scholars working on the field of the anthropology of law have tended to express their standpoints on the discipline as a whole. In doing so they continue in a tradition well established in the 20th century. Each of these authors brings added value, repairs certain biases and omissions, or blindly follows some of the established clichés. Kaius Tuori's *Lawyers and Savages* is no exception. This unique interpretation of the development of the anthropology of law considers ancient European legal history and American legal realism as both formative and transition points. The author focuses primarily on "the rise and fall of legal primitivism from the early 19th century to the twentieth century" (p. 2) or rather the early expansion and later diminishment of the concept of Ancient, Savage or Primitive law. This genesis is explored as an undercurrent of several other topics ("Blood" meaning revenge, "Sex," "Magic" and "Legal pluralism"). Although it does not have an essay of its own, it should be mentioned that the topic of land tenure meanders through the book. The essays together constitute an interdisciplinary saga, which gains its momentum from the tensions between the anthropology and the changing legal approaches to indigenous cultures.

Regarding the main thesis of the book (that American legal realism was fundamental to the development of legal anthropology), the attentive reader cannot escape the impression that this narrative is built only on the innovations made by

Llewellyn and that it was actually anthropology that greatly co-inspired the realist legal movement (as is clear especially in the chapter on magic). Nevertheless, Llewellyn's contribution "to circumvent the obsession with written laws" (p. 121) and his epoch-making methodology, which sets the case-law method against the rule-centered approach, is hardly contestable. On the other hand, similar arguments against an exclusive focus on abstract rules have already been made by Ehrlich and Malinowski. Possibly, the obsession was no longer the issue of the anthropology of law as such, but rather of non-legal anthropology and the legal sciences of the time. Besides, Llewellyn's argument has never been a plain refusal of the rule-centred approach, but rather a more particular specification of where the rules may be found, as he added trouble-cases resolutions to Ehrlich's distinction between legal propositions and living law. The overall impression from this argument is that the intersection between anthropology and legal realism is more a complicated mutual weave than one-sided influence. In this respect, it should be noted that the book's virtue is in the gathering and presentation of curious and usually side-lined historical details, not in the thesis itself.

With this on mind, it should also be noted that the history of legal pluralism is based primarily on a very narrow concept – the "simultaneous existence of state law and indigenous law." (p. 150) The claim that "Originally a colonial concept used to signify the simultaneous existence of

multiple legal systems, legal pluralism was adopted by legal anthropologists as a way of understanding the coexistence of modern state law and indigenous law," (p. 151) will be certainly ferociously opposed by some legal anthropologists. Moreover, it is clear that a preference for this definition shapes the beginning of the story. Although this allows one to retrospectively take into account the cooperation between anthropology and colonial administration in the 20th century (which is a remarkable point of the book), this "colonial" legal pluralism as a starting point entirely disqualifies another, in my view more emphatic, narrative, that legal pluralism originates from the general acceptance of the concept of the multiplicity of indigenous legal systems, which has no direct link with any variant of colonialism and whose only anthropological proponents until the 1970s were Malinowski, to certain extent also Llewellyn and most significantly Pospíšil. Pospíšil's theory was rather a refinement of certain aspects of the established ethnographic analytical concept of law, which was tested in his ethnography of the nearly completely intact Kapauku Papuans, and posited against strong resistance at the time represented especially by Leach and the colonial administration itself. From this point of view the latter legal pluralism articulated by other authors since the beginning of the 1970s may be read rather as the expression of the wide acceptance of this

anthropological innovation (and also of the attempts to neutralise its far-reaching methodological demands) rather than the original articulation of the innovation itself. However, the author works in the end with at least three variants of the concept; state legal pluralism, deep legal pluralism and anthropological legal pluralism. The fact that he calls the last mentioned variant "new anthropological legal pluralism" (p. 162) or "the very new deep legal pluralism" (p. 181) only proves how fresh and inspiring the "legal" understanding of the most significant anthropological innovators still is.

In this regard, an interpretation of the "unbridgeable gulf" between anthropology and the legalistic approach in the second half of the twentieth century belongs among the book's most remarkable points. The anthropological studies of actual law in whatever settings, that may lead to a restatement, is contrasted with the legal modernizers who disregard the sociocultural reality of indigenous law and take complete legal modernization based on legislation as the only way forward (p. 167). Professor Tuori deserves high praise for devoting a large portion of his careful depiction to illuminating what makes legal pluralism banal for legal modernizers, and why the unbridgeable gulf remains.

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