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LEGAL PLURALISM, NORMATIVE PLURALITY AND THE ARAB WORLD

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Introduction

In this introduction I would like first of all to suggest that many of the theoretical problems associated with legal pluralism are actually terminological in origin or, to be more precise, stem from the desire to give legal and/or political concepts (such as law, tradition, the state, etc.) a socio-anthropological dimension. It is for this reason that I shall begin by indicating the analytical advantages of a sociology of normative plurality. I shall then attempt to demonstrate that the study of the normative phenomenon in the Arab world has hitherto been hindered by two types of obstacle, and that the need for a move towards an anthropology of the actors of the norm, fully respecting the plurality of the latter, is even greater here than elsewhere.

1. Adjusting the angle of analysis

Griffiths, in his founding article (1986), explicitly identified the ideology that the theory of legal pluralism set out to challenge. It was the ideology of legal centralism. He considered the latter as an emanation of the moral and political pretensions of the modern Nation state which complicated any attempt at understanding the phenomenon of law. Thus, from the very beginning, the new approach – which saw itself as resolutely non-exclusive rather than deconstructionist – took issue with state law. While the state portrays itself as sole lawmaker, legal pluralism highlights the multitude of partially autonomous and self-regulating social fields also producing legal rules. In a later article (1995), Griffiths implied that the state itself was nothing more than an aggregate of social fields. His later works intimate, if only peripherally, the transition which I myself would like to advocate. I feel that there is a strong case for moving away from the present dichotomization of the analysis of the phenomenon of law between state law and legal pluralism, and adjusting our angle of analysis so as to divest the state and its law-making activities of any analytical value.

I acknowledge the merit of Tamanaha's article (1993) in revealing a weakness in the reasoning of the proponents of legal pluralism (the desire to seek law outside the context of the state, while using state law to define the criteria of law in general). It seems obvious to me that defining a phenomenon on the basis of the categories it establishes is a vicious circle, and that using the same categories to assess the nature of presumed related phenomena is even worse.

If a relationship does exist, it will certainly not be found in those categories, since they have been created by the actors in the arena (of state law in this case) for the sole purpose of guaranteeing the internal coherence of the performance in which they are involved (that of state law).

Does this mean that Tamanaha is justified in stating that, "lived norms are qualitatively different from norms recognized and applied by legal institutions because the latter involves 'positivizing' the norms, that is, the norms become 'legal' norms when they are recognised as such by legal actors" (1993: 208)? It seems obvious to me that this is where the relevance and the import of his critique of legal pluralism ends. By attempting to recreate a tight link between Law and the state, Tamanaha does not solve the problem he raises, but only displaces it. By denying the status of law to phenomena unconnected with the state and upholding a strict definition of law distinguishing it from all other modes of social control, he simply confronts himself with a question that a hundred years of legal sociology and anthropology have been unable to settle — the question of the boundaries of juridicity.

I would argue that this question is insoluble because it is devoid of sociological relevance. The argument that law is the domain of jurists and that the study of law is therefore the study of what asserts itself as such and other directly comparable elements is a circular argument. It is surely more fruitful to adopt an externalist attitude, or, as Ost and van de Kerchove (1991) have it, to move from the stage up into the balcony. The latter type of approach, which considers itself detached from law, leads to a realization of the elusive character of law and a refusal to acknowledge a uniqueness (Assier-Andrieu, 1987) evidenced only by its self-affirmation. This in no way precludes an anthropology of self-proclaimed law and its institutions, but relegates them to the position of one subject and one locus in a more wide-ranging anthropology of the normative sphere (Dupret, 1996b).

From an epistemological standpoint, this problem of definition, (be it of the law or of the state) is fundamental. The real danger of speaking of "law" when dealing with all forms of norms is not so much that of equating them with something supposedly totally different (state law) but more that of creating confusion and ambiguity, or, worse still, artificially restricting their study by focusing on the categories of state law. On the other hand, to say that "law" can only refer to state law is to fail to understand the conceptual difficulties involved in the notion of state. It is to confine and contain where empirical observation reveals fluid mechanisms and, of course, it is to take a product of political theory for a social object. And what is to be done with the rather woolly categories of arbitration, international law, the common sense of law (even state law) and the legal assessment of common sense? Are we to deny any legal relevance to what individuals believe to be law? (Vanderlinden 1993: 575).

From a more general standpoint, these issues of definition raise the question of the ascription of models to which the social sphere is required to conform. Once again we find ourselves confronted with the conflict between macro-sociological and micro-sociological analysis, between an evolutionary image of the processes, which are presented as being determined mainly by macro-social, extra-individual factors (the macro-sociological analysis) and an open-ended, perpetually shifting image determined by interactional micro-social mechanisms (Gribaudo, 1996: 113). It is expedient, however, to distinguish between form and content, and to avoid clinging to any formal definition to encapsulate the infinite variety of human action and interaction. The aim of the analysis must not be to "individualize typical forms of behaviour to illustrate norms or models," but, on the contrary, to "discover mechanisms which make it possible to account for the variation and the differentiation of types of behaviour." (*id.*: 123).

I therefore suggest that in our attempt to analyze the phenomenon of norms we should move resolutely away from legal categories and towards social categories, and that we should do this both at a conceptual level and at a methodological level. This is a shift from the law to the norm, with all that such a move implies in terms of assimilation with social constraints. I am therefore advocating the firm acceptance of what Tamanaha reviles. Law must be stripped of its conceptual status and returned to the fold of general normativity, so that there is no longer any *ex post facto* distinction between it and other types of norms such as moral injunctions, political rules, traditions, habits, etiquette and even table manners (Tamanaha, 1993: 193).

Perhaps we would be well inspired to consider Malinowski's view — not his idea of sanctions but the broadness of his conception, so broad in fact that it is virtually indistinguishable from a study of the obligatory character of all social relations (Moore, 1978: 220). This will not prevent us, at a later stage, considering how a process of codification can result in the mutation of norms (Bourdieu, 1986) or how a complex of norms can acquire a more integrated and institutionalized form. I would therefore be tempted to invert Woodman's proposal (1998) that it should be "accepted that all social control is part of the subject-matter of legal pluralism." I believe it should be accepted that the category of "law" — whether it be state Law, traditional law, folk law, informal law or anything else — is devoid of sociological value and can only be conceived of and apprehended (in its self-proclaimed form) outside of the category of norms or (in its infra-, supra-, para- or non-state forms) in terms of something we need to detach ourselves from.

A first step in the direction of a shift towards the consideration of "norms" has already been taken by Carol Greenhouse. This author believes that when individuals are confronted with an object, they are induced, by their interaction, to label, typify and qualify it, and that each new confrontation causes an

adjustment of existing categorization and classification patterns. Thus knowledge of an object proceeds from principles peculiar to the social structures within which the interaction occurs. These principles are not so much prescriptive rules of behaviour as forms of knowledge (Greenhouse, 1982: 68). Norms can therefore be perceived as "assumptions" (Kapferer, 1976), "meanings" (Cohen and Comaroff, 1976) or as "instruments of evaluation" (Paine, 1976: 65; cf. Greenhouse, 1982: 68). They become models for reconstructing reality, imbedded in regularisation and situational adjustment processes attached with a high indeterminacy factor (Moore, 1978: 39). The function of norms is therefore to freeze in their frame and so to preserve them from indeterminacy, and yet to fail to accomplish this completely (*id.*: 41). This means that in any discourse which has recourse to them, norms become a rationalizing rather than a motivating force – their role is that of justification. Consequently, the study of norms has more to do with the analysis of a stock of arguments than with the analysis of a structure of motivation (Bailey, 1973: 326, quoted by Greenhouse, 1982: 61). This is what, in Greenhouse's terms, distinguishes norms from rules. While rules prescribe or proscribe particular acts or groups of acts, norms classify acts by categorizing them as normal or abnormal.

The only personal addition I would like to make to this theoretical explanation is a proposition relating to language, which I would make for convenience's sake. I feel that the term "norm" is of a generic nature, encompassing normality and normativity, justification and prescription. "Norm" means both, "the abstract formulation of what ought to be," and "the usual condition, encountered in most cases" (definitions from Le Robert dictionary, quoted by Lochak, 1993: 393). Perhaps it would therefore be expedient to go on using the single concept of the "norm" but to make a distinction between justificatory and prescriptive norms. That ought to enable us to observe the interplay between these two aspects of the norm. The actors in the legal sphere, i.e. the professionals of the self-proclaimed legal system, often tend to "conventionalize" what they consider to be normal and wish to have accepted as legal (and vice versa) or, in other words, to make justificatory normativity and prescriptive normativity coincide.

It is obvious that this approach implies the inversion of logical and demonstrational constructions. In the words of Gribaudi, "social forms and social behaviour are directly engendered by the dynamics of interaction between individuals" (Gribaudi, 1996: 122). We therefore need to examine the ways in which individuals apprehend their environment and act within it with the impression of conforming to a norm. Two questions arise here – firstly, what is the advantage of starting with the actors, and secondly, what norms do they feel they are complying with?

Starting with the actors must be viewed in instrumental terms, for the actors are the seat of the quintessentially human activity of apprehending, interpreting and constructing "reality." As Gribaudi remarks on reading Levi (1989), this activity is once individual and social. "It is individual because it is marked by the limited and particular perception of each social actor. It is social because it is developed through interaction and negotiation with an entourage stretching from the next of kin to the image of the sovereign, encompassing the whole range of (symbolic and economic) resources and other actors the individual encounters along the way." (Gribaudi, 1996: 123). The individual is not valued for his or her own sake (as an individual), but as part of an interactive mechanism continuous with its human and social environment. The goal is not to construct a typical or ideal profile to illustrate an analytical model, but to expose the mechanisms of differentiation. This leads us to the idea that, "variation is the norm for a series of behaviours," that are described and classified in a zone of (dis)continuities, and that the contents have to be individualized "beyond the formal level of the phenomena." (*ibid.*)

I do not consider the norm to constitute "solid ground" or to be a bedrock commanding our acceptance without our being able to hope to understand it. I see it more as what Taylor (1995) calls, "a background of understanding". The fact that we have mental representations of things does not necessarily mean that we explicitly explain them to ourselves. Comprehension precedes representation in as much as the way in which we imagine things is conditioned by our understanding of them, and this affects not only patterns of justification but also patterns of action, based on a sense of what is right and what is just. A norm does not exist independently and is not complied with simply because it is there. A norm exists as an incorporation (internalisation) of an understanding which is felt to be in harmony with others. This means that the existence of a norm is not determined by its formalization, any more than the form of a territory is determined by the map that represents it. Norms exist as collections of practices forming a background or backcloth. They can be, but are not necessarily, objects of mental representation. On the basis of their consistency, we internalize them in such a way as to reproduce them without feeling the need to explain this to ourselves otherwise than as the act of conforming. Practice first determines the norm, and it is only then that the norm can determine practice. Of course, as Bourdieu (1986) points out, codification objectivizes, publicizes and formalizes. But this in itself cannot justify its reification. The strength of a norm increases with formalization, but this can only occur if the social conditions required for the norm's effectiveness are in place, and these depend on the practices of the actors. In saying that norms originate in practice, we should remember that we are doing no more than to espouse an idea broached long ago by Malinowski (1926), and more recently by authors such as Roberts and Comaroff (1981), Moore (1971), Gribaudi (1996) and Cerutti (1995).

We have to acknowledge that actors generally claim to act on the basis of existing norms. But in what capacity do those norms exist? They serve first and foremost as resources available to actors in a primarily rhetorical context — they are elements of what I would call rhetorical repertoires. The fact of their being available resources does not in any way imply that norms precede practice. Quite simply, in this case, norms are traces of the formalization of past practices. To paraphrase Bernard Petit (1995), they owe their existence to past practices, but can be endued with different practices. This implies that in addition to owing their existence to practice, norms have no real substance outside of the use people make of them, either explicitly or implicitly. A norm is an empty shell until it is used as an argumentative resource in a process of communication, whereby it acquires the meaning resulting from this interaction.

Having said this, it is not because a norm as such denotes nothing that it connotes nothing. What I mean by this is that although a norm has no substance apart from that with which it is endued, it still refers, when invoked, to a range of discursive resources liable to have meaning in a given social context. They have meaning because they relate back to "authorized languages," to clusters of norms based on legitimizing principles, accepted at a given time in a given place. It is naturally possible to have several legitimizing principles, each with its own repertoire.

The normative repertoire is a cluster of formal resources around legitimizing principle. One is reminded of Boltanski and Thévenot's "cities" ("cités") (1991). The notion of a normative repertoire makes it possible to call upon a multitude of justifying principles and to use them according to the needs of the situation or context of interaction. However, the normative repertoire does have one particularity (which makes it somewhat similar to what Veyne (1983) calls a "truth programme") and that is that its principal aim is to account for the discursive forms used in the construction of an action claiming to be founded on a norm (a justificatory norm) and expressed in a norm (a prescriptive or regulatory norm). Thus, in a single interactive process, several repertoires may be called into play, and several people, pursuing different arguments, may have recourse to the same repertoires. The repertoire is determined not so much by the circumstances but by the argumentative tactics chosen by its user. The number of repertoires any individual can use will be influenced by the individual's own choices and the constraints of the social environment. It follows that a single individual can draw upon a number of repertoires, a single repertoire can be interpreted in a number of ways, and the same group of repertoires can be rated in various ways, or, conversely, many individuals can draw upon one same repertoire, many repertoires can be interpreted in one same way, and various groups of repertoires can be rated along one same principle of hierarchization (Veyne 1983, 53, 65-67). My conception of normative plurality is founded on this standpoint.

From one same reality, beliefs can be multiple, since the angles of perception are as much as there are perceiving actors. Such a coexistence, rather than creating insolvable problems, allows the actors to play on all counts, the opportunity determining the belief of the time being (Veyne 1983: 53, 65-67). In any case, the individual, in each new set of circumstances, adopts a "point of view," i.e. a perception defined on the basis of their particular standpoint. Thus we have the idea of the coexistence of a multitude of worlds, none of which are more real or more fictitious than the others. Veyne employs the notion of "truth programmes." Truths are legion, and their multiplicity engenders the plurality of their programmes (*id.*: 96). In this context, actors make arrangements and establish hierarchies which are not necessarily institutionalised or even stable (Vanderlinden, 1993: 581) because contexts of interaction require them to do so. They are doing what is now often referred to as "forum shopping".

"Truth programmes" and truth itself lead us straight back to the notion of normative ideas. Norms are closely linked to the idea of values, and values tend to be situated in hierarchical frameworks in which ideas are also present (Dumont, 1983: 254-299). Thus the cognitive (ideas) becomes associated with the normative (values) and the resulting value-ideas have a natural propensity for hierarchism and hegemony. The hegemonical bent of these "orderings" (to use the term dear to Vanderlinden) is pursued both within each individual normative repertoire and in relations between normative repertoires, which cannot help but compete with each other. Normative repertoires have a tendency to claim exclusivity. They disregard their own underlying multiplicity and rivalry and engage in holistic and exclusive self-affirmation. To borrow De Sousa Santos' terms, "ignoring the plurality of normative orders we detect within society, each of them individually aspires to exclusiveness and to the monopoly of the regulation of the control of social action within its own legal territory" (1987: 344). Thus the plurality of normative repertoires cannot be taken to signify their pluralism. A situation of plurality in no way implies that each of the normative components is engaged in happily pursuing the goal of continued pluralism. Quite to the contrary, each one of them cherishes the ambition of achieving hegemony, while tolerating some degree of plurality depending on the degree of autonomy it enjoys or can, strategically speaking, lay claim to.

One current of legal anthropology has attempted to identify different types of law systems used by groups with differing interests (Rouland, 1988: 364), on the premise that the different repertoires stem from different law-making sources. Roughly speaking, this school of thought distinguishes between the law systems of the dominated (traditional law, customary law, local law, people's law) and those of the dominators (state law). Without denying the relevance of such a distinction, we would like to signal another possibility. It is quite possible for a normative order to escape the ownership of any clearly defined social group, and instead to be one of the major normative resources

available to all of the actors in the social sphere. In this hypothesis we do not have alternative repertoires, and the different *loci* of norm production do not produce different repertoires but different substantializations and instrumentalizations of the same repertoires. In this connection I employ the notion of the closure of the normative field, indicating that although the plurality of normative repertoires is a fact, it is limited by the requirements of political interplay (Dupret, 1996: 40), some repertoires being considered permissible and others out of bounds. The actors are obliged to restrict the range of repertoires on which they draw (although this does not mean that those repertoires are only substantialized and instrumentalized in one way).

It is easy to link the content of the last few paragraphs to the notion of the semi-autonomous field developed by Moore (1978) and taken up by Griffiths (1986, 1995) and the proponents of a robust form of legal pluralism. This notion, which confirms the obvious facts of the multiplicity of actors' social embeddment and the simultaneous operation of a large number of networks (reticularity of actors' social involvement), has the obvious advantage of not implying any *a priori* hierarchy of the different *loci* of norm production. Needless to say, therefore, I have no wish to reintroduce the notions of law and state at this level. It is worth noting that multiplicity of actors' roles can be understood in both synchronic and diachronic terms. For me, diachronic multiplicity implies that actors are receptacles of normative memory, which cannot fail to influence contemporary practices and representations. We could speak of "normative layering" or "normative sedimentation," although the actor always interprets and employs the norms of the past in context of the present. Synchronic multiplicity is the classic principle that the actor is simultaneously subject to several clusters of norms. It might also be useful to remember that the multiplicity of actors' social involvement is in no way static. I would go as far as to say that its mobility is a basic principle. This being so, is it necessary to make a strict definition of the notion of a semi-autonomous social field? I think not, since it is more important to reflect, in a metaphorical form, the multiplicity of the individual's involvement in a web of loosely-defined social structures. Any attempt at definition might easily recreate segmentation, when it is much more important to emphasise the permeable and gradated nature of the affiliations. We doubtless still have much to learn from the organization of fuzzy subsets which permits an individual to have, to a greater or a lesser extent, an awareness of belonging to a class (Bouchon-Meunier, 1993: 7, quoted in Ireton, forthcoming).

As we approach the end of this theoretical presentation of the case for a sociology of normative plurality, it is time for some remarks on the economy of the proposed operation. Instead of legal pluralism's radical opposition to the state and state law we have the total dissolution, in sociological terms, of the terms "state," and "law." While Griffiths (1986) is obliged to found legal pluralism on a critique of legal centralism, while Tamanaha (1993) accuses

Griffiths of diluting the notion of law in such a way that it no longer does justice to the unique position of the state, while Woodman (1998) – responding *inter alia* to this criticism – accepts that the study of state law (within the framework of pluralism) ought to be considered legitimate, and while an emerging current turns its attention to the study of the concept of the "polycentricity of law," (Bentzon, 1992), the sociology of normative plurality has no problem with the selection for study, from amongst the range of observable normative forms, of the topic of the products and practices of self-proclaimed law, or of what certain actors declare to be law. Its specificity is now confined to those elements which the tools of sociological analysis can identify, and the question of the adoption of categories peculiar to the subject under study and its privileged actors no longer arises.

2. State, law and normative plurality in "Arab-Muslim" states

I would now like to demonstrate that the study of normative plurality in Muslim societies is faced with two major obstacles, one relating to legal positivism and the other to religious dogmatism. Given this situation, our need for an approach starting with the actors of the norm is becoming ever more acute.

But first of all, is it justifiable for researchers studying the Arab Muslim world to use disciplines, analyses and theories developed in (and for) other parts of the globe? I do not think I am taking any risks in saying that the theoretical, sociological and anthropological approach to legal and religious norms appears to have been hitherto largely neglected when dealing with "Arab-Muslim" societies. But there are at least two reasons for asserting that this state of affairs is completely unjustified. First of all there is the total refusal of any idea of "Arab-Islamic exceptionality," and the ensuing deconstructionist approach to Islam, to use the title of an article by Jean-Noël Ferrié (1991). We should mark our distance from the studies of Arab countries of Islamic tradition which have made the mistake of essentializing Islam and societies of Muslim tradition. Any approach aspiring to a theoretical status claims some degree of methodological and conceptual universality, and it is the very essence of this claim which is at stake in the exceptionality issue. In addition to this, it is no longer possible to address an issue like "modernity," in the Arab states or elsewhere solely in terms of "importation." What is important is not to demonstrate the accession of these countries to modernity and the changes it entails, but to demonstrate the predominance of those changes and the effects they have induced. Furthermore, it can hardly be considered that all the manifestations of this modernity are necessarily pathological.

Drawing inspiration from Bruno Latour (1988), I shall therefore advocate the application, in the treatment of social facts, of the principle of the need for symmetry of time and place. As Grignon and Passeron (1989) have it, cultural

relativism could only really make sense in situations of total difference or otherness, whereas the situations we actually encounter are always situations of intertwined otherness. Historical starting points and watersheds are illusions created by retrospective examination (not to be confused with the regressive approach) seeking to identify a particular trend. But no moment ever gives rise to exact sameness, or indeed to complete otherness. Historical relativism is impossible because it precludes the overlapping of historicities. As far as determinism of place is concerned, it attempts to use the local to explain the local. Such an explanation would only be feasible in a situation of watertight geographical compartmentalization, and we do not need to consult the literature on globalization and "world time" to realize that such a postulate is untenable today — as indeed it was yesterday.

What we need is to develop a theoretical, sociological and anthropological approach to norms and their modification within a relatively defined time-span and geographic area. I believe that it is appropriate to take a disciplinary approach developed (at least partly) in the Western academic context and to confront it with the legal practices observed in what are commonly referred to as Muslim societies. Both the issue and the approach have been hitherto been unjustifiably neglected when dealing with areas of the globe with "different" traditions. For any theoretical structure to claim that its methods and concepts are valid, they have to be usable in settings other than the one in which they were created. Looking at and developing views about "otherness" is considered perfectly natural for anthropologists (so much so that it is difficult for us in the present case to renounce the attractions of exoticism and redirect our gaze towards our own social sphere) but the process much less easily acceptable to practitioners of law and its "ancillary sciences," who often look with reticence, not to say disdain, on "trial by export," despite the well-established efforts of Claude Lévi- Strauss (1958) and Michel de Certeau (1990) to show that voyages (through space or time) have the virtue of helping us to discover what nearness and familiarity have hidden from our eyes.

We should therefore distance ourselves from legal positivism and focus instead on the actors of what I term "self-proclaimed law" and the signification of their action. This precept applies equally to any study of the religious dimension. When dealing with religious matters we should avoid the "essentialist" or "monolithic" approach which attempts to explain social phenomena via religious norms, and adopt a socio-anthropological approach examining the relationship between actors and norms. At the risk of becoming repetitive, I will reiterate my suggestion that in both of the above cases (law and religion) we should approach our subject from quite the opposite angle, starting with a deconstruction of the norm and developing a mode of examination which concerns itself with the plurality of *loci* of norm production. The actors we find at these *loci* tend to develop their action within areas of meaning which are not determined by the ontological content of justificatory and/or

prescriptive norms (e.g. legal or religious norms) but are probably shaped by the actors' representations of them (Dupret, 1996).

To illustrate the need to move away from legal positivism and towards a sociology of the norm, I will take the example of the reference to the *shari'a* in the Egyptian constitution (Dupret, 1995). In the contemporary Egyptian legal system, a gradual integration of religiously-inspired norms can be observed. It is clear that the study of positive law alone cannot clarify the modalities, or, most importantly, the content of this integration process. It is therefore expedient to begin by identifying the mechanisms which permit the interpenetration of the different normative orders acknowledged by the legislator and the constitutional judges. Of course, that will also be insufficient mainly for reasons pertaining to legal sociology and anthropology. As I have said before, the issue of social constraint cannot be analyzed with sole reference to one law-making *locus*, such as the state, for example. There are a large number of semi-autonomous social fields, and each of them picks up the religious normative referent in its own way. These fields are found both inside and outside the state apparatus (the word apparatus emphasizes the fact that the state is nothing more than an aggregation of different fields). The very nature of the *shari'a* places it, today, at the crossroads between common sense and technical knowledge. Furthermore, without prejudice to its content, the fact that it presents and combines a conception of the world and a system of values, and is perceived to do so, makes it fertile ground for ideological exploitation. Just as it is the nature of norms to contribute to ideological constructions, it is the nature of the *shari'a*, in its present *oikumene*, to be consubstantial with them. Every (or nearly every) protagonist in the political arena projects his own representation of it and the use he intends to make of it in that arena, where it is supposed to be seen as the expression of a self-evident fact. In reality, of course, this is anything but the case — each actor's relationship with the norm is highly strategic in nature. It remains that it is difficult, in the present situation, to position oneself outside of the area thus defined.

There are no works dealing with normative plurality in contemporary societies of Islamic tradition as such. One can find articles on traditional law (e.g. Serjeant, 1991, Botiveau, 1988) and works on legal sociology and anthropology (e.g. Messick, 1993, Botiveau, 1993, Rosen, 1989, Dwyer, 1990, Mir-Hosseini, 1993, Starr, 1992, Bleuchot, 1994, Abd al-Fattah and Botiveau, 1995, Hill, 1979). But the overdetermination of Islam remains undeniable. To my knowledge there is no work addressing the normative phenomenon and normative pluralism in the Arab world from an anthropological standpoint which does not assign a decisive role to Islam. The extent of the importance attached to Islamic normativity doubtless reveals how difficult it is to wholly detach oneself from the language of the actors, for whom it is a key reference. But we should not allow this to mask the emergence of a strong new current which aspires to throw light on the mechanisms of the Islamic reference and to

incorporate them in a broader vision of norms. We would like to feel that the papers contained in this publication are part of that current.