

CHARLES HOMER HASKINS  
PRIZE LECTURE FOR 2018

*A Life of Learning*  
**Sally Falk Moore**

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## ON CHARLES HOMER HASKINS

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Charles Homer Haskins (1870–1937), for whom the ACLS lecture series is named, organized the founding of the American Council of Learned Societies in 1919 and served as its first chairman from 1920 to 1926. He received a PhD in history from Johns Hopkins University at the age of 20. Appointed an instructor at the University of Wisconsin, Haskins became a full professor in two years. After 12 years there, he moved to Harvard University, where he served as dean of the Graduate School of Arts and Sciences from 1908 to 1924. At the time of his retirement in 1931, he was Henry Charles Lea Professor of Medieval History. A close advisor to President Woodrow Wilson (whom he had met at Johns Hopkins), Haskins attended the Paris Peace Conference of 1919 as chief of the Division of Western Europe of the American Commission to Negotiate Peace. He served as president of the American Historical Association in 1922, and was a founder and the second president of the Medieval Academy of America in 1926–27.

A great American teacher, Haskins also did much to establish the reputation of American scholarship abroad. His distinction was recognized by honorary degrees from Strasbourg, Padua, Manchester, Paris, Louvain, Caen, Harvard, Wisconsin, and Allegheny College, where in 1883 he had begun his higher education at the age of 13.

## HASKINS PRIZE LECTURERS

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2018	Sally Falk Moore
2017	Harry G. Frankfurt
2016	Cynthia Enloe
2015	Wendy Doniger
2014	Bruno Netti
2013	Robert Alter
2012	Joyce Appleby
2011	Henry Glassie
2010	Nancy Siraisi
2009	William Labov
2008	Theodor Meron
2007	Linda Nochlin
2006	Martin E. Marty
2005	Gerda Lerner
2004	Peter Gay
2003	Peter Brown
2002	Henry A. Millon
2001	Helen Vendler
2000	Geoffrey Hartman
1999	Clifford Geertz
1998	Yi-Fu Tuan
1997	Natalie Zemon Davis
1996	Robert William Fogel
1995	Phyllis Pray Bober
1994	Robert K. Merton
1993	Annemarie Schimmel
1992	Donald W. Meinig
1991	Milton Babbitt
1990	Paul Oskar Kristeller
1989	Judith N. Shklar
1988	John Hope Franklin
1987	Carl E. Schorske
1986	Milton V. Anastos
1985	Lawrence Stone
1984	Mary Rosamond Haas
1983	Maynard Mack

## ON SALLY FALK MOORE

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Sally Falk Moore began her career in a Wall Street law firm and then became a staff attorney for the War Department in Nuremberg during the time of the International Military Tribunal, preparing cases to be tried subsequently in the American zone. She returned to the United States and received her PhD in anthropology from Columbia University in 1957. Moore developed anthropological studies at the University of Southern California (1963–1977) and taught at the University of California, Los Angeles and Yale University before joining the Harvard University faculty in 1981. Currently the Victor S. Thomas Professor of Anthropology Emerita at Harvard, she served as dean of the Graduate School (1985–1989) and master of Dunster House. In 2010 she was appointed affiliated professor of international legal studies at Harvard Law School.

Moore did her major fieldwork in Tanzania and has published extensively on cross-cultural, comparative legal theory. Her books include *Law as Process* (1978, 2nd ed. 2000), *Social Facts and Fabrications: “Customary” Law on Kilimanjaro 1880–1980* (1986), *Anthropology and Africa* (1994), *Law and Anthropology, A Reader* (2004), and *Comparing Impossibilities* (2016).

## INTRODUCTION

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Professor Sally Falk Moore's 2018 Charles Homer Haskins Prize Lecture is the 36th in an annual series named for the first chairman of the American Council of Learned Societies. The Executive Committee of the Delegates of ACLS selects the prize winner and lecturer from the many worthy nominations put forward by our community.

Haskins lecturers are asked "to reflect on a lifetime of work as a scholar, on the motives, the chance determinations, the satisfactions (and the dissatisfactions) of the life of learning; and to explore through one's own life the larger, institutional life of scholarship. We do not wish the speaker to present the products of one's own scholarly research, but rather to share with other scholars the personal process of a particular lifetime of learning."

Professor Moore's lifetime of learning has taken an unusual course for a scholar in the humanities. She began her career, shortly after graduating from Columbia Law School, first working for a Wall Street law firm and then as an attorney assisting in the investigation and prosecution of Nazi war criminals at the Nuremberg trials. Her experience at Nuremberg led her to the humanistic social sciences to wrestle with the problem of how to attribute individual responsibility for the actions of a society. While she may not have found answers in anthropology, she found methods and theories that would help form the foundations of her distinguished scholarly career as a legal anthropologist.

As one of the letters nominating Professor Moore for this honor noted, "She was a global scholar before anyone had a term for this point of departure." After writing her dissertation—which would become her first book—on Inca law, judicial practice, and political institutions, Professor Moore turned her attention to Tanzania, where she conducted fieldwork regularly over the course of more than 40 years. She is a leading figure in the field of legal anthropology, whose work has focused on the social and cultural aspects of law, legal professionalism, and the role of law in local, regional, and global processes of social transformation.

Professor Moore is, to say the least, a prolific writer, the author or editor of eight books and more than 50 articles. One nomination letter noted that her work “speaks to many audiences at once,” and she herself has described her approach as “eclectic,” employing a range of theoretical frameworks, and her methodology as “hybrid,” mobilizing a combination of ethnographic fieldwork and archival and documentary evidence to support her claims.

One example of this is her 1986 book, *Social Facts and Fabrications: “Customary” Law on Kilimanjaro, 1880-1980*, about the changing use of “customary” law within a particular Chagga lineage group in northern Tanzania over a 100-year period. The book received glowing reviews in over a dozen academic journals as diverse as *American Anthropologist*, *Contemporary Sociology*, *The American Historical Review*, *Law and Society Review*, and *The Journal of African History*, with reviewers calling it “ambitious,” “exciting,” “innovative,” “a remarkable achievement,” and “an outstanding contribution.”

Professor Moore’s inclination to speak to multiple audiences refers not only to her ability to address other scholars across disciplinary boundaries but also to her “gift for making complex ideas accessible and engaging” to students and the public. She has taught at the University of Southern California, the University of California, Los Angeles, and Yale University, and has been at Harvard University since 1981, where she is appointed as the Victor S. Thomas Professor of Anthropology, Emerita, as well as in the law school, and where she has earned a reputation as a “legendary” teacher, generous mentor, and sought-after public speaker.

Professor Moore has received dozens of honors and awards, and her service to the profession and to the institutions where she has spent her career is considerable. She has served many stints as department chair, has participated in numerous boards and committees in the Faculty of Arts and Sciences at Harvard, and served as dean of the Graduate School of Arts and Sciences in 1985-89. Among ACLS learned societies, she has been an active member of the American Anthropological Association,



where she served on its Board of Directors; the Law and Society Association; and the African Studies Association. She is a fellow of the American Academy of Arts and Sciences.

ACLS celebrates Sally Falk Moore's achievements as a dedicated member of the profession, stimulating teacher and public speaker, and visionary scholar. As the letter nominating her put it, "She is truly an exemplar of wisdom and broad influence in the humanities." Her lecture was a highlight of the 2018 ACLS Annual Meeting. We are pleased to bring these reflections on a lifetime of learning to a wider audience.

Pauline Yu  
President  
American Council of Learned Societies



SALLY FALK MOORE

*A Life of Learning*

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Where and when does an intellectual autobiography begin? Surely it starts in childhood, with the many puzzles that children have to figure out. I will start with the age of six to the age of 10. At that time, I lived with my father and mother, my younger brother, and a governess in a spacious New York apartment on the Upper West Side, right across the street from Central Park. The governess was our constant companion. She slept in the same room with me and my brother. We ate all our meals with her in the “playroom.” Somewhat peripherally, but also living in our household, was a buxom, smiling Czechoslovakian cook who prepared all the family meals. Most of the time she stayed in her kitchen domain and her tiny adjacent room.

For an anthropologist, perhaps the first thing to note about this assemblage was that not everyone was of the same nationality. The cook was always a European. Our governess was German. She had been given the task of teaching us to speak French. She had gone to school in Alsace and had learned French at school.

On ordinary weekdays the governess took me and my brother to the park every afternoon. My mother never went to the park with us, nor did other mothers we knew go with their children. All the children we knew had a live-in caretaker, called, variously, nanny, governess, fraulein. Our governess had Thursday afternoon and all of Sunday off. At those times my mother

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Note: A video of Professor Moore delivering the 2018 Charles Homer Haskins Prize Lecture is available in the media collection on the ACLS website, [www.acls.org](http://www.acls.org).

often took us to visit with her parents and her sister. But on ordinary days my mother was a serious art student who spent most of her time at the Art Students League, studying with one mentor or another or painting in one of the studios. My father was a surgeon, and he seemed to be away at work most of the time. On some Sundays, when he had house calls to make, he would take me and my brother out for a ride in the car; when we were alone I sometimes took the opportunity to give my brother a punch.

We got to know our parents well later on, when we were teenagers, when we were through with governesses. By then we had graduated to eating our meals in the dining room with our mother and father.

When we were young, Saturdays were always a special treat. Every Saturday the governess took us to the Museum of Natural History. We especially enjoyed seeing the models of Indian villages, the huge totem poles, and the large Indian canoe in the main hall filled with life-size casts of Indians ready to row their boat out to sea. We wanted to visit these villages, and wondered if they still existed.

We also loved when occasionally during our walks in summer Miss Pfrundner, the governess, stopped in to a Catholic church. She would take us with her as she hurried in for a few minutes to light some candles and say a silent prayer. For us the scene was awesome, the dark interior of the church tantalizing. We were vaguely aware that we were something called “Jewish” but had not been exposed to any Jewish ceremony. The mystical activity in the church was strange and wonderful.

For us, every day ended when the governess put us to bed. She then told us wonderful stories, before putting out the light. Many were German folktales, some very much on the model of the Grimm brothers, full of magical events and unexpected adventures

I often thought about the details of these stories and how a little change of fact here and there would have produced a different outcome. If Hansel and Gretel had strewn their path with

pebbles instead of crusts of bread, they could easily have found the path they took and retraced their steps. If William Tell's son had refused to let his father aim his bow and arrow at him, perhaps he would not have run any risk. I often asked, "What if?"

Our Miss Pfrundner told us not only such stories, but also things about her life. We learned that when she lived in Germany her sister worked at a bakery and that she did not want to do that kind of work herself. She told us she wanted to travel and see the world. She thought she could make it happen by becoming a governess. The child-minding job she had before she came to our family was in Portugal. She learned Portuguese while she worked there. We asked her to say something in Portuguese, and to teach us something we could say ourselves. What she taught us was *de-me um beijo*, "Give me a kiss." I admired her enormously.

So, the early development of an anthropologist: a multicultural household, an inquiring mind, a fascination with the odd and mystical, and a love for totem poles.

## **School**

That was the general picture until we went to school. We were sent to an extraordinary school: a much-talked-about, innovative, new institution at Columbia University that my mother had heard about when she was in college. Called the Lincoln School of Teacher's College, it was an experimental school funded by the Rockefellers and inspired by the philosophy of John Dewey. Columbia's Teachers College sent its education students to observe our classes and to learn new ways of teaching.

Here are a few highlights of classes that I remember: In the fourth grade, when we learned about ancient Egypt, we were told a lot about how people there lived. We learned about camels and deserts. We made small clay bricks and built mini pyramids. We learned about hieroglyphics. But most exciting of all, we made paper out of papyrus reeds. How the school got the papyrus and how the teachers knew how we might process it, I have no idea, but it gave us the feeling that we really understood a lot about an ancient civilization.

When we moved on to the fifth grade, the theme of our studies was the city around us: the physical plant, the buildings, the firehouses, the trolley cars, the post office, the police station, the harbor, the trucks that brought supplies into the city. We learned about how maps were made.

The teachers also told us about poverty in the city, that not everyone had a place to live or as much food as they needed. Many of us had seen the shacks in the park that homeless people built to shelter themselves. We learned about strikes that workers were using to try to get better wages. This would have been around 1934. I was 10. We were, in fact, in the midst of the Great Depression. Many people were out of work, and others were very poor. The teacher's sympathy for the impoverished was clear. We did not fully understand all of this, but we certainly got the message that the city was a place where many people lived in very different situations from ours, and sometimes they took political action.

When we were older, early in high school, the class went on a trip to an automobile factory. The repetitiousness of the work on the assembly line made an indelible impression. I did not have to wait to see Charlie Chaplin's *Modern Times*. I had seen the real thing. Grown-up people doing the same thing over and over again, all day. They were not able to talk to each other or walk around. It all seemed awful.

I puzzled over the relationships that people had, some right at home. I understood, certainly by the time that I was 10, that the governess and the cook were employees of my parents. It was plain to me that my mother could direct the governess and the cook and define their tasks, and that they could be dismissed. The help always looked embarrassed when my mother was in ordering mode. It was clear that they had to obey. Their shoes were not as pretty as mother's. I thought it was very unfair that they were not as free or as well off as my parents and would only stay with us temporarily. There is no doubt that observing the household I grew up in shaped my early fascination with micropolitics, and that what I learned in school made me want to understand something about the larger working world.

In high school, one year we were taught by a marvelous, gentle social studies teacher with powerful political views. His name was Henry Fenn. He had been brought up in China, where his parents were missionaries, and spoke Chinese. His indignation over the Japanese invasion of Manchuria was strong and persuasively communicated to us. We learned about boycotts of Japanese goods. I was determined to participate. I completely stopped wearing Japanese-made silk stockings and substituted ugly cotton lisle thereafter. I felt that I was taking political action in a grown-up way. I was aware of the Spanish Civil War, which began when I was 12, and admired the young American volunteers fighting on the side of the leftists against the conservative Nationalist government led by Francisco Franco.

Outside of school, I was an occasional visitor to the household of my classmate David Lowenthal, the son of a lawyer who was a well-known Washington lobbyist. The home life of the Lowenthals was very different from that of my own family. The parents, Max and Eleanor, always ate dinner with their three children. And most striking was the fact that this happened even when the Lowenthals had guests from among Max's professional acquaintances in Washington. I was dazzled by these occasional glimpses of important people in public life.

School, then, led to further development of the nascent political anthropologist: delight in making papyrus and pyramids, horror at rote labor, awareness of the micropolitics present in my parents' relationship with their servants, and a burgeoning global political consciousness, solidified by dinners at the Lowenthals and a commitment to wearing meaningful, if ugly, stockings.

## **College**

When I was about 15 years old, my Lincoln School teachers thought I was ready for college. I had amassed enough credits to graduate, largely because I was fluent in French and had a smattering of German. If I were indeed going to college at that age, my parents wanted me living at home, where they could watch over me. They feared that at Vassar I might become pregnant

some weekend, or at Bennington, worse still, become a dancer. I argued, but obeyed, and went to Barnard College in New York.

Barnard's style of lectures and heavy dependence on textbooks and memorization was a deep disappointment after the Lincoln School. It was 1939, and the developing war in Europe was ominous and preoccupying. But all was not dreary in my life. I made some good friends among my classmates and could talk with them about what the future might hold for us. And, astonishingly, some friends of my parents introduced me to a potential boyfriend, a young lawyer nine years older than I, Bill Zeck. I saw a lot of him, and the romance lasted for all of my years at college and beyond.

It was during my third year of college that I made two major decisions. One was to apply to Columbia Law School instead of continuing at Barnard for my senior year. I hoped that a professional education might put me on the road to a career in politics. I wanted to change the world.

The second was to marry Bill Zeck. This had a certain urgency, since he was being drafted into the army. My parents were not pleased with the idea of my marrying, particularly since I was only 18 years old. However, they eventually consented, probably recognizing that the circumstances of the war and my own headstrong nature made this necessary. I continued to live at my parents' New York apartment, but I sometimes visited my new husband for a weekend at a time at the various places where he was stationed.

## **Law School**

The law school also was in an unsettled state, with some faculty members on leave to work in Washington and an odd year-round schedule to accommodate students who might be drafted. I do not remember exactly, but my recollection is that there was something like 100 people in the class, only six of them women. The women were often treated as a strange category of person who did not really belong. For example, in one class, when called upon to present a case, all the students were addressed as "Mr. So-and-so." If a woman stood up, there would be general laughter.



Law school passed in a blur of wartime excitement and my itinerant marriage. I stayed in touch with my mentor, Max Lowenthal, and when it came time for me to find three lawyers to sponsor me for the bar in New York, I asked Max if he would do so.

### **Wall Street**

In my last semester at the law school I began looking for jobs at large New York law firms. There were very few that had any women attorneys on staff, and most of my interviews were dismal affairs with negative remarks about gender stitched into the conversation. But there was one important exception: Spence, Hotchkiss, Parker and Duryea, which was then a prominent Wall Street firm. It had just made a woman a partner, which was extremely unusual. My favorite law school professor, Karl Llewellyn, had suggested I apply to them. They hired me. I spent a year at Spence, Hotchkiss, working for private clients, still living at my parents' apartment, still visiting my officer husband on weekends from time to time.

### **Germany, Nuremberg, 1946–47**

An unexpected turn of events changed all my ideas about my future. By 1945–46, during my year on Wall Street, World War II had come to an end. The international trial of the major German political figures, mounted by American, Russian, French, and British prosecutors together, was ongoing in Nuremberg. Subsequent trials were planned for other “war criminals,” ranging from Nazi doctors to German government, military, and industrial leaders. These were to be mounted not by an international group, but by the Allied governments in charge of the various occupied zones of Germany.

The person who became the chief prosecutor in the American zone was Brigadier General Telford Taylor. Taylor made a trip to the United States to recruit the new staff that was needed to replace the military service lawyers who would be coming home. One of the people he consulted was my old friend Max Lowenthal,

whom he had known years earlier when both were working for a congressional committee in Washington. Lowenthal suggested that I might be a good candidate. So it was due to Max's speaking to Telford Taylor that I came to be at Nuremberg. I asked my law firm for a leave of absence and it was granted.

When I arrived at the Palace of Justice in Nuremberg, I made an appointment with Telford Taylor. He showed me the list of contemplated prosecutions and asked which I wanted to work on. I chose the case against the industrialists. My reasoning was that they would be the most interesting, because they probably had some choice as to whether or not to involve themselves in Hitler's projects. Taylor assigned me to the I.G. Farben case. Farben was a major chemical company that not only provided the deadly gas for the "final solution" but also employed captive labor in its factories. I was very pleased by the assignment.

My immediate job at Nuremberg was to review and compile documentary evidence related to Farben's potentially criminal activities. It was thrilling to be part of the internationally important Nuremberg activities, particularly when I was asked to travel to other military centers, such as Berlin, in search of documentary files that might be in their custody. On one of these assignments I went to Frankfurt, to the headquarters of Farben. I had been told that the records of the company had been stored in salt mines to protect them from bombing, but then at the end of the war had been brought back to Frankfurt. When I got there what I saw were several factory-like warehouses full of papers, all neatly arranged in manila folders on hundreds of shelves on many floors. I was introduced to a very dignified German who had been in Farben's employ. He had been in charge of Farben's records for many years, and he had overseen their placement in the warehouses when they were brought back from the salt mines. He said he would be glad to help me in any way possible. I explained my mission, gathering evidence for potential prosecutions of Farben executives, and asked to see various kinds of records that I thought would be useful—financial records, records of workers employed, and such. I asked in what order the documents had been shelved, so that I could set my assistants to

work in productive areas. He replied, “Oh no, madam, I cannot help you there. I have no idea in what way these documents are arranged.” This seemed unlikely: he had had a long career with the Farben company and was in charge of the delivery of the records to Frankfurt.

I decided to make an appointment with the American army major who was in charge of the whole of the Farben complex. He received me. I explained what I was doing in Frankfurt, the kind of information I was looking for, and the fact that the German custodian was not helpful. The major’s response was that he did not approve of the prosecution of the prominent political figures who were presently on trial in Nuremberg and certainly did not support the contemplated prosecution of industrialists. He told me, moreover, that he had heard that there were Jews on the staff at Nuremberg. He made it clear that he would not help me in any way. I reported the discouraging result to Telford Taylor when I got back to Nuremberg.

So the evolving anthropologist had now glimpsed some of the limits of what law could do and how the agendas of individuals in organizations could circumvent the best laid plans of formal structures.

Some months later, in 1947, I returned to the United States. My marriage was in tatters. I needed to obtain a divorce and to straighten out my life. Telford Taylor offered me a job in the Washington office associated with the trials, but I did not want to be that far from the center of action, so I refused.

### **1948: Back in the USA, Work on the Lowenthal FBI Project, and Psychoanalysis**

After spending some time in Reno, Nevada, I got my divorce, and in the spring of 1948 I moved back in with my parents. The law firm I had left welcomed me back, but I did not want to spend the rest of my life in private practice. I wanted to do something grander and be part of the new international world. Exposure to the excitement at Nuremberg—the moral dilemmas and the political complexity—had made private law practice pale in com-

parison. But what to do instead was not clear. I felt very uncertain of myself. I was also very much aware that my marriage had been a mistake, and I wanted to be sure that my future choices would be better ones.

My brother, Lee, was by then a doctor and was in training with the intention of becoming a psychoanalyst. Psychoanalysis was widely talked about in the circles in which I travelled. I thought that being psychoanalyzed might help me sort out the many choices I had to make concerning my professional and personal life. I appealed to my parents, who very generously agreed to foot the bill. I began a three-year analysis in the spring of 1948.

I explored alternatives for my professional future: I consulted my Columbia law professors, and I talked with Max Lowenthal. I explained my dilemmas about work and asked for suggestions. We decided that an optimal solution was in New York.

The United Nations, very conscious of its location in the United States and desiring an international reputation, had established a quota for the number of Americans it would hire. My mentors inquired into the hiring situation and told me that my chances for a job were very good, but that it would be at least another year before a new quota for Americans would open up, and that I should expect to wait.

I decided to spend my waiting year in an academic setting in which I could learn more about comparative political and legal organization. I spoke with members of the anthropology faculty at Columbia University and described my background as a lawyer. They were very welcoming and explained that there was very little work being done on law in anthropology and that there should be more. They suggested I register for their graduate program. I did not have any intention of shifting from law to anthropology at the time. But I thought that an exposure to the field would make for a very interesting waiting year and prepare me for the international arena. I applied to the Columbia department.

I had several months to wait before the academic year began. During that time I had two exciting adventures: one political and the other a matter of the heart.

First the political one: Max Lowenthal, my admired mentor, was working on a book about the Federal Bureau of Investigation, and he needed someone to do library research for him. Lowenthal was a well-connected Washington insider. He thought that if he wrote about the misdeeds of J. Edgar Hoover as head of the FBI, the book would make it possible for President Truman to fire Hoover. Lowenthal had known Truman for years, in fact since 1935, and was familiar with his views. He was sure Truman would like the book and find its evidence useful. Much of what Lowenthal knew about the illegal mismanagement of the FBI was privileged information that he could not publish. He felt that nevertheless a strong case could be made if it were based on publicly available data. He asked me if I would be willing to dig up this material in the library if he gave me the dates when it might have come out.

I agreed to help with his project, but I was frightened that such an involvement might result in my being targeted by the FBI. This was the time of the House Un-American Activities Committee and all the hunting down of liberals. But the work sounded interesting, and I had some time. I agreed to help on condition that I wouldn't be paid for the work and that my involvement would be completely off the record. I spent several months burrowing in the library for scandals.

To jump ahead: Some time later, when the book was finished, Lowenthal phoned me sounding very excited. He explained that he wanted me to come over so that he could show me the galley proofs that he had sent to President Truman for comment. Truman had inked his remarks in the margins: "This is great!", "Wow!", and words to that effect. Max was delighted; he was sure that the book, when printed, and with the support of Truman, would have the practical effect he expected and would help to lift the country out of the dark days of Hoover's reign.

A bit later, in 1950 when the book was actually published, its politically explosive content was noted in *The New York Times*. A reporter from the *Times* then asked Truman what he thought of the book. President Truman replied without hesitation, "I've never heard of it." And that was the end of that. Hoover remained head of the FBI until 1972. I had learned something about the politics of power.

On to the adventure of the heart: In 1948, I decided to use the summer before I could start in the Columbia anthropology program by visiting an anthropological research site in Haiti. I had heard from one of the Columbia professors that there was a study going on in Haiti under the leadership of Alfred Metraux, a well-known French anthropologist. I wrote to him. He invited me to come to his outpost in the Marbial Valley, where he was conducting research and training some Haitian students. Nothing could have pleased me more.

I also knew that before and after I visited Metraux in Haiti, I could stay with a college friend, Edith Efron, who lived in Port-au-Prince. She had recently married a Haitian businessman much older than herself and had just had a son. I wanted to see Haiti, and I wanted to see Edie and the baby.

While I was staying at Edith's house, an American friend of hers who had been in Haiti for a year and was soon leaving dropped in to say goodbye. The tall, red-headed person with a gold earring was Cresap Moore, a Princeton dropout who had been in Haiti living in a grass hut on a beach. He was writing a novel at the time. He was soon going to go back to the United States to finish college at Columbia, hence the goodbye visit. He offered to show me a little of Haiti before he left.

To skip to a much later part of the story, Cresap and I were married in 1951, while we were both studying at Columbia. Our first daughter, Penelope, was born in New York in 1952. That marriage lasted for 50 years, until Cresap died in 2001.

## **Doctoral Studies, 1948–57**

I greatly enjoyed my first year studying anthropology, and when at the end of that year the job at the UN that I had hoped for did not materialize, I decided, at the age of 25, that a hybrid law and anthropology career might be very attractive. I signed up for the PhD program.

A great deal of American anthropology at that time—including the work of many members of the Columbia department—was concerned with living Native Americans of North and South America. And though my interest from the Nuremberg experience was in large polities and how they acquired their character, most of the ethnographic courses offered had to do with small-scale societies, such as the Hopi or Navaho. When I learned that there was much Spanish colonial material available on the no longer existent, large-scale societies of the Inca and the Aztecs, I resolved to study the Inca legal system for my dissertation. I knew that library research, as opposed to field work, would allow me to meet the family obligations I undertook when I married Cresap. I would not have to leave the family.

Because Cresap was a historian of nineteenth-century British politics, we spent a number of years in England for his work. Family life continued along with his research and mine. We had a second daughter, Nicola, born at home in London on December 30, 1955.

Thanks to a nursery school for Penny, and occasional hours when sitters for baby Nicola were available, I was able to continue working on my dissertation in England. While we lived in Cambridge I worked in the university library. Later, in London, I continued at the British Library.

Detailed study of Inca methods of taxation and administrative structures exposed much about the practical problems the Inca government encountered in ruling both its own people and others it conquered and incorporated into its domain. That a rudimentary state could rule a large population over a considerable geographical area was remarkable. That it could do so without

modern methods of communication and transportation was astonishing. The workings of the Inca organization called attention to political and legal questions that did not manifest themselves in the small-scale field studies that were the more common product of academic anthropology at the time.

### **Contact with British Social Anthropology**

My next big step in learning to be the anthropologist I became came with contact with British social anthropology and finally undertaking real fieldwork. The British academic approach was quite different from the American. A great deal of the British foundational fieldwork was conducted in colonial societies in the first half of the twentieth century. The British were most interested in the precolonial native culture and trying to reconstruct from current practices how those cultures had operated. They did not focus on the interaction between traditional social systems and the recently imposed colonial structure.

From 1961 to 1981, when Cresap and I were not in England, we lived and taught in California, at the University of California, Los Angeles and at the University of Southern California. In fact my British anthropology contacts began in California. I became close friends with two senior, well-known British-trained anthropologists who were part of the UCLA department: Hilda Kuper and M.G. Smith. Both had done major fieldwork in Africa, Kuper in Swaziland and Smith in Nigeria. Kuper and Smith became central figures in a lively African Studies Center at UCLA. With Ford Foundation funding, they invited a series of British social anthropologists with African experience to come to California to give papers at the center. It was an exciting time in Africa, as decolonization was under way in many countries.

I found that the discussions at the Center for African Studies were the intellectually liveliest that I had heard in years. I would have liked to see for myself what was happening in Africa. However, although I had read much of the anthropological materials on African societies, I had never done any fieldwork, and I wondered whether my family obligations would allow my effectively



doing so. Hilda Kuper and Mike Smith persuaded me: It could be done, they assured me. I selected a location, learned basic Swahili, and applied for a grant. I got the grant and the die was cast.

## **Kilimanjaro**

I set out for Africa in 1968–69 with the whole family in tow—a husband and my two daughters, who were now becoming teenagers. I planned to study the way of life and the living law among the Chagga, a large ethnic group that lived on Mount Kilimanjaro in Tanzania. Tanzania had recently become independent. The new African government had decided to turn the whole country into a socialist polity. As a practical matter, what did that mean?

The Chagga were not a small local group. They numbered at least 700,000 at the time. (The population has grown considerably since.) They speak their own language, Kichagga, with kin and neighbors. However, Swahili is the official language of the government, the courts, the schools, and all public business, so most Chagga also speak Swahili. There were substantial differences in wealth among the Chagga, usually depending on whether a family member had a salaried job or a grandfather had worked for a colonial government or was a chief in the old days. There were also substantial differences in educational level. Most finish during elementary school. Very few made it to secondary school.

Each Chagga family lived in a tiny, self-built house, without running water or electricity. They grew subsistence crops on the small plot surrounding the house. Where altitude permitted, the plantings included a small grove of towering banana plants, which provided their staple food, as well as coffee bushes, cultivated as a cash crop. There were no villages in the European sense, just many little plots of land adjacent to one another all over the mountain.

Law on Kilimanjaro was many layered. The Chagga had a traditional, indigenous system of law of their own, which had been well documented by a learned missionary named Bruno

Gutmann. He lived on the mountain for some decades, beginning in the 1890s. On top of the “customary” system was the legal legacy of successive colonial regimes: a German period from the late 1800s to World War I and a British period from World War I to independence in 1961. Both colonial periods brought many new laws and regulations, as did the new independent government. There were also missionaries who pressed their own rules and ideas on the Chagga, claiming the authority of God.

The task for me was to learn about their present way of life and how they explained it all to themselves. In the beginning, I spent time in a tiny open-air court with rows of benches and a raised platform in front, where a magistrate with no legal training applied the law he knew. I hired a young local man named Hawkins Ndesanjo, who had some English, to sit with me and explain the background so that I could begin to understand what was going on. We began work in the court but soon Hawkins invited me to his own home. There I met his family and his neighbors and eventually learned a lot about local life and controversies. Over the years, I obtained more informants from various other localities and so broadened my reach. I did this work, with variations, for a few months at a time over a period of 20 years.

One subject I studied was land use and ownership. In a society of subsistence farmers, land is a matter of life and death. I generally began by asking how an individual had acquired his plot. After a time I was able to find out how neighbors and kinsmen had obtained theirs. I began to make maps and to construct local genealogical histories.

I attended to the local gossip. There was a general land shortage on Kilimanjaro, and much disputation about who should inherit what and how the small plots should be subdivided. These disputes generally did not go to the courts but were negotiated “at home,” among kinsmen. There was, for example, a particular relative of Hawkins who had been seriously ill for a year or more. The sick man attributed his illness to the malevolence of a nephew. He said the nephew had somehow enlisted supernatural forces to attempt to kill him. The sick man did not want the

nephew to have anything more to do with him. He declared to his kinsmen that he would not allow the nephew to make any claim to his land or other assets, though the nephew would have been eligible according to local customary law. The kinsmen sided with the sick man.

Grievances, suspicions, and witchcraft anxieties festered for years and were simply part of ongoing local life. Sometimes individuals were chased out of the patrilineage, never to be seen again. No one could ever be sure that he or she was safe from the suspicions and envy of others.

The instance of Hawkins's nephew shows how the patrilineage had control over its members. It had its own internal rules and priorities. The formal legal system had nothing to do with it. Though my interest in formal legal systems continues, like many other law and society scholars, I have become increasingly focused on the nonlegal orderings and political maneuverings that account for so much of social life.

How did the new socialist government of Julius Nyerere figure in these families' lives? The answer, not surprisingly, was extremely complex. One example will have to suffice. Very early in the life of the new state, Nyerere abolished all titles to land. Land suddenly belonged to all the people, not to particular individuals. Of course in practice on Killimanjaro, everyone continued to live on the same small plots as before. But because land was not formally owned, legitimized by a title, in theory, it could not be sold. Nevertheless, with various legitimating subterfuges, occasional transfers of land for cash continued to occur. Disputes about these were addressed through a many-layered set of resources. There was the possibility of expulsion from the kinship group, or the intervention of customary authority; there were appeals to official contacts, allusions to customary law and to the formal laws of the national government—and all operating in overlapping domains.

## **Conclusion**

Such a double life, one ruled by the local social system and the other decreed by the governmental legal system, is found in almost all social settings. In every society and social subgroup several normative orders are in operation. Searching these out and describing them modifies one's understanding of the position and workings of formal legal systems. This work has been the center of my life of learning throughout the years.

Like Miss Pfrundner, my dear governess, I've been able to travel the world. My interest in the micropolitics of my multicultural Upper West Side apartment has developed into a life of trying to understand and explain how conflicts are resolved in other arenas. Though my work has not involved totem poles, I have spent a good deal of time in grass huts studying the systems and structures that govern real lives. The limits to formal law that were suggested by my experience in Nuremberg and elsewhere turned out to be universal.