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Conference

«Max Weber and Émile Durkheim in the distorting mirror of the anthropology»

Tuesday May 22th 2012

at 6 :00 pm

Amphitheater SIMONE WEIL
5 allée Jacques Berque, Nantes

Conference by **Werner GEPHART**

Director of the *Käte Hamburger*

Kolleg "Law as Culture" , Bonn.

Biographical elements :

Prof. Dr. jur. Werner Gephart is a lawyer, a sociologist and a painter. He is professor of sociology at the University of Bonn. He was visiting professor at Washington University, St. Louis United States, at Sciences Po (Paris): Alfred Grosser Chair at the University of Paris XIII, in Tunis, in Santiago, in Herzliya, in Moscow, etc. His publications include several disciplines: history of social science, the sociology of religion, sociology of law, art and media sociology. His publications include:

- *Strafe und Verbrechen*. Die Theorie Emile Durkheims Opladen: Leske + Budrich 1990.
- *Gesellschaftstheorie und Recht*. Das Recht im soziologischen Diskurs der Moderne, Frankfurt am Main: Suhrkamp 1993.
- *Bilder der Moderne*. Studien zu einer Soziologie der Kunst- und Kulturinhalte, Opladen: Leske + Budrich 1998 (Sphären der Moderne; Bd. 1).
- *Religion und Identität*. Im Horizont des Pluralismus , Frankfurt am Main: Suhrkamp 1999.
- *Voyages sociologiques*. France – Allemagne, Paris : l'Harmattan 2005.
- *Goethe als Gesellschaftsforscher*. Und andere Essays zum Verhältnis von Literatur und Soziologie, in: Gesellschaft und Kommunikation. Soziologische Studien, Bd. 5, Münster 2008.
- *Recht als Kultur*. Kultursoziologische Studien zum Recht, Vittorio Klostermann, Frankfurt am Main 2006. Cet ouvrage est aussi le livre fondateur de l'Institut d'études avancées „Recht als Kultur“ (Droit comme Culture) en 2010.
- *Rechtsanalyse als Kulturforschung (Hrsg.)*, Schriftenreihe des Käte Hamburger Kollegs „Recht als Kultur“, Frankfurt am Main: Vittorio Klostermann 2012

He is also the publisher of texts by Max Weber on law (MWG I / 22 - 3) that appeared in late 2010 by Mohr Siebeck.

Since 2010, Werner Gephart is the Director of the *Käte Hamburger Kolleg* „Recht als Kultur“ in Bonn.

Theme of the conference :

“Did the two founders Max Weber and Emile Durkheim have inspired or on the contrary prevented - with their thoughts on the legal and normative dimension of the social world - the evolution of this opaque discipline, called « anthropologie juridique » in France, “legal anthropology” in the Anglo-Saxon world and "Rechtsethnologie" in Germany? When trying to answer this question, we find ourselves confronted with certain images returned by a distorting mirror:

1. Max Weber was the witness to a failed anthropology, par excellence. He would, indeed, be a culturalist without culture, advocating a "legal monism" by being attached to the nation state, and by systematically excluding globalization.
2. Caricatures of Durkheim are no less common than those of Weber. According to Sally Falk Moore, Durkheim is in search of the "elementary forms of social unanimity," which are only a variant of this heresy advocating the existence of a single "collective consciousness". Under this approach, Durkheim joined a holistic and homogeneous conception of the "normative reign", a reign, which for lack of a sufficient theory of the State, suffered the failure to capture the "meta-sphere" of society. The scientific interest of Durkheim for archaic societies is therefore marked by the prejudice of primitivism, paradigmatically expressed in the essay "On some primitive forms of classification."

This conference seeks to address these "crimes" committed by Weber and Durkheim: those of a culturalism, a monism and an implicit nationalism without duplicating identically the Weberian and Durkheimian studies for the need of a normative reign in the era of globalization.”

Werner Gephart