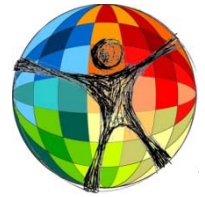




Centaur Jurisprudence Research Project

McGill Centre for Human Rights and Legal Pluralism



Project Description

Objectives: Many claims to justice ask law to be responsive to the lived experiences of those to and through whom it is applied. “Culture” is one label attached to collective forms of this lived experience. But what does it mean for courts and other legal institutions to be culturally sensitive? What are the institutional implications and consequences of such an aspiration? To what extent is legal discourse capable of accommodating multiple cultural narratives without losing its claim to normative specificity? And how are we to understand meetings of law and culture in the context of formal legal processes, such as when a criminal defendant invokes the acceptability of domestic violence within his ethnic community (*R. v. Humaid*, 2006), when oral traditions are presented as the basis for an aboriginal land claim (*Delgamuukw v. B.C.*, 1997), or when the custom of ‘bush marriage’ is evoked as relevant to the prosecution of the war crime of rape (*Prosecutor v. Brima*, 2008)? A traditional approach to law anchored in positivism tends to construct the encounter between law and cultures as one of subjugation: cultural practices are vetted to assess compatibility with existing legal rules. Cultural anthropology would see a more horizontal interplay of practices and symbols, with law constituting just one more cultural field. As such, law and cultural anthropology would seem to correspond to different ways of imagining the world, to distinct epistemes. However, legal pluralism, rejecting a narrow focus on formal law and state institutions, offers a vision of law as dynamic and inherently open to “culture”. This project will assess the potential of legal pluralism to account for the varied and dynamic roles of culture within legal discourse: can legal pluralism create a richer model of legal knowledge, one that reflects plural cultural narratives, while still offering a normative foundation for formal legal processes? Or does it entail abandoning a distinctively legal discourse in favour of a “centaur discipline” (Geertz, 1983; Benda-Beckmann, 2008), an awkward assemblage of anthropological and legal knowledge? In short, can legal pluralism bring culture within the domain of law?

The encounters of law and culture within legal institutions are complex and dynamic, intersecting at multiple sites. We have identified three distinct sites, understood as normative sites in which legal knowledge is produced. The project proposes to critically analyze each of these sites by combining legal and anthropological perspectives. The first site, “translation of cultures,” relates to the process of representing cultures as facts which fall into categories known to law. The second, “acculturation of justice,” centres on the ways in which legal institutions react and adapt

in an attempt to be culturally sensitive. This includes experimenting with alternative modes of conflict resolution, where legal processes are adapted to local cultural exigencies. The third, “pluralised narratives of law and cultures,” touches on the impact within a given community of the narrative created by legal institutions in the process of applying legal norms. In this respect, the project seeks to assess the *rayonnement* of legal culture beyond the boundaries of legal institutions and, by the same process, analyze the extent to which legal culture itself is shaped through these encounters. These three normative sites are neither insular nor neatly bounded, but rather three facets of the continuous interaction between legal and cultural perspectives.

Overall, through each of the three sites, the project seeks to provide a better understanding of the productive and transformative nature of the encounter of law and culture, making this encounter the primary locus of our inquiry (Kasirer, 2003). More specifically, the project objectives include: (1) offering a critical understanding of the production of legal and cultural narratives by the various interveners in the legal process, including parties, judges, experts, and community leaders; (2) questioning a vision of the encounter of law and culture as necessarily asymmetrical, as the subjugation of a given culture by law’s own culture; (3) assessing the extent to which the production of cultural narratives through legal processes can endow them with greater legitimacy, in ways for which legal pluralism may have failed to fully account up to now (Tamanaha, 2008); and (4) at a more general level, critically addressing the interactive process whereby legal and anthropological knowledge is created and labeled as belonging to distinct disciplines (Clifford, 2005; Riles, 1994), something we hope to achieve without unquestioningly surrendering to the hegemony of either anthropological or legal hermeneutics.

Context: Site 1 (Translation of Cultures): A first investigation of the deployment of the culture concept within formal legal processes begins with the observation that *talking* about aspects of life as culture is first and foremost a linguistic practice or discourse whose shape and consequences can be analysed discursively. Culture, it is suggested, has been largely invoked in courts to describe a “thing” rather than a process or a normative regime. In Aboriginal rights cases, for example, Indigenous culture is something that can be measured and empirically observed (*R. v. Van der Peet*, 1996). In an initial step, we will attempt to identify the implicit model of culture that is operative before Canadian and select hybrid-international courts.

The ‘*pathologie de l’altérité*’ (Nicolau et al., 2007), whereby culture is objectified through empirical means in the courts, is framed by the distinction between fact and law that characterizes Western law (Shapiro, 2000; Provost, 2002; Little Bear, 2004). The judicial process is constructed as applying legal rules to a defined set of facts. Within this construction, claims of cultural specificity become viewed as part of the factual context in which legal rules must be applied (Anker, 2008; Provost, 2007; Reiter 2009). The project proposes to analyze the process

whereby a culture becomes reduced to facts as one in which a particular cultural narrative is created. The massaging of culture into facts involves a translation of beliefs and practices into the description of a static context, in a language suitable to be understood and relied upon by legal actors (Twining, 1990). It involves a version of the culture which has been transformed by the parties, packaging their culture in terms comprehensible by courts. As with any translation, cultural translators can never be reduced to mere conduits channeling information in a different form and a different direction, but necessarily affirm their own identity in the process of translation (White, 1990). The study proposes to assess, through a critical analysis of key party submissions and court decisions, the physical, symbolic and discursive means by which culture is made to appear as a fact and constructed to meet the needs of the judicial process, including the way individuals become “experts” deemed able to speak for a culture (Kuper, 1994; *R. v. Nahar*, 2004).

In suggesting that the ‘factualization’ of culture is necessarily reductive, rendering an essentialized version of culture which denies the constant intercultural exchanges and redefinition which are critical to the continued survival of any culture (Niezen, 2003), do we advocate a concept of culture that is unmanageable by courts? For instance, in *Marshall (No. 2)*, Justice Binnie wrote: “The law sees a finality of interpretation of historical events where finality, according to the professional historians, is not possible. The reality, of course, is that courts are handed disputes that require for their resolution the finding of certain historical facts. The litigating parties cannot await the possibility of a stable academic consensus. The judicial process must do as best it can” (*R. v. Marshall (No. 2)*, 1999). Applying the law is a process in which cultural, as well as historical, narratives are created for the immediate purpose of permitting a resolution (Twining, 1999). As such, the legal representation of culture is normative and instrumental from the start, reflecting political and cultural assumptions embodied in law and legal practice, clearly serving the epistemic interest in power (Benhabib, 2002). What seems critical is how that representation is itself represented to all the actors involved. The problem invites us to be conscious not only of the fluid nature of culture and law and of the existence of diversity internal to any culture, diversity which is often critical to the protection of marginal groups (Renteln, 2004), but also of the crucially creative character of the process of presenting culture to law.

The anthropological perspective that “*les milieux* are all *mixtes*,” as Geertz (2000) puts it, poses a challenge to the ‘factualization’ of culture before legal institutions. Because the ineluctable instrumentalism of the legal process promotes the essentialization of a given culture in order to make it amenable to a final decision, a fundamental precept of legal culture is its ability to affirm its supremacy, leading it to cannibalize any ‘other’ culture it encounters (Diamond, 1971). The project proposes to revisit the encounter starting with an understanding of law developed by theorists of legal pluralism. In part, legal pluralism suggests that the normative regime encompassing the official law of the state includes more than the formal sources of law: the

practice of official institutions as well as the informal understanding of legal norms by all social agents can lead to the emergence of expectations which, when they intersect, become part of the normative fabric that gives law its meaning (Fuller, 1969). In addition, legal pluralism sees normative regimes entirely dissociated from any state institution or approval as falling within a broad definition of law (Moore, 1978; de Sousa Santos, 1987; Melissaris, 2004). These insights suggest an understanding of the encounter of law and culture before legal institutions whereby courts and other legal institutions stand at the confluence of multiple regimes (Griffiths, 2005). Culture, in offering an account of a discursive practice, is taken to be inherently normative (Merry, 2003; Riles, 2006; Provost, 2009). Formal law is not seen as a monolithic system being forced upon an 'other' culture, but rather a regime whose fabric is liable to be transformed by the encounter (Anker, 2005; Berger, 2008). In its most extreme form the very individuals involved, judges, lawyers, experts, community representatives, become normative sites in which a polyvocal legal culture is created (Jackson, 1995; Kleinmans and Macdonald, 1997; Webber, 2006).

Site 2 (Acculturation of Justice): Even if it were posited that courts and other legal institutions ought to be culturally responsive, what does that imply for the way in which the law is actually applied? Claims of cultural specificity can lead to a culturally reflexive jurisprudence in which substantive legal norms are adapted to respond to such claims (Howes, 2005). Thus whereas Site 1 considers the process by which culture is made to speak in terms cognizable to the legal system – whether as something “similar” or something “different” – Site 2 focuses on the way law appears to change in order to respond to claims of cultural specificity. The project proposes to assess both the process whereby such adjustments are made and the cultural narrative that is created. For instance, *Van der Peet* (1996) requires courts to take into account “aboriginal perspectives” on the meaning of the rights claimed. In later cases this perspective is said to influence the concepts of rights, title and culture itself, with judges debating just what this “reconciliation” of perspectives means in terms of evaluating evidence (*Delgamuukw v. B.C.*, 1997; *R. v. Sappier*, 2006; *Tsilhqot’in Nation v. B.C.*, 2007). In the international criminal law sphere, references have been made before the Sierra Leone Special Court to the fact that “bush wives”, cannibalism, and the use of child soldiers hold particular meaning in the cultural context of that armed conflict, and that legal norms should reflect such a fact (*Prosecutor v. Brima*, 2008; Barnes, 2007; Bélair, 2006). The so-called “cultural defense” raised in some criminal cases in the United States (*People v. Romero*, 1999) and Canada (*R. v. Lucien*, 1998; *R. v. Nahar*, 2004; *R. v. Humaid*, 2006) likewise evokes the possibility of altering the fabric of criminal law to reflect the accused’s distinct cultural background (Bhabha, 1994; Renteln, 2004).

The acculturation of legal institutions can also lead to development of rules governing the process whereby a matter is brought before a judge or other third party. In Canada, an initial response to the perception that criminal justice is failing Aboriginal peoples was to call for justice processes sensitive to and incorporating unique aspects of Aboriginal “culture” (Canada, 1996). A diverse

range of programs has been initiated, some of which attempt to build “hybrid” institutions or practices by grafting “traditional” ways of dealing with offending onto a modern context, including sentencing circles, elders’ panels, potlatch and the use of totem symbols (*R. v. Moses*, 2004; Andersen, 1999; Green, 1998; Johnston, 2005; Regan, 2008). In Aboriginal land claims, the Supreme Court has held that “[t]he law of evidence must be adapted in order that this type of evidence [aboriginal oral testimony] can be accommodated and placed on an equal footing with other types of historical evidence that courts are familiar with, which largely consists of historical documents” (*Delgamuukw v. B.C.*, 1997). One undeveloped question, explored mainly by anthropologists and historians as a matter of expert witnessing (Ray, 2003), is to ask whether, and if so how, in pragmatic terms, courtroom process and practices have been altered by the changes to evidentiary law.

The very institutional design of legal mechanisms reflects cultural markers. The adoption of alternative dispute resolution (ADR) processes, for instance, where the conflict resolution paradigm is itself said to be influenced by Indigenous, African or other customary practices, promises to give voice to the parties themselves (Alberstein, 2007), and to open a greater space in which culturally reflexive approaches may flourish (Menkel-Meadow, 2004; Avruch, 2004; Kahane, 2003; Brigg, 2003; Pavlich, 1996). The project will consider whether the shift from adjudication to ADR allows the development of new views of the legal subject as a site of cultural encounter, particularly as the values and techniques of ADR loop back into the formal justice system. The emerging practice of creating hybrid international criminal courts (Sierra Leone, Cambodia, Bosnia, Timor Leste, Lebanon, Uganda) allows consideration of whether these institutions differ in design in a way that is anchored to some degree in the specific culture of their location (Romano, 2004; Adjovi, 2007).

Site 3 (Pluralised Narratives on Law and Cultures): The narrative that is created when culture is brought before the law for the resolution of a particular dispute is one that may not necessarily conform to those generated either by anthropologists or by the practitioners of the culture itself. At the same time, it is a narrative that will be legitimized by the endorsement legal institutions give. When selecting facts needed to determine the outcome of a dispute, courts will necessarily arbitrate cultural debates. They will do so, whether consciously or not, on the basis of their own thought-world, embedded as it is in the architecture of legal institutions (Douglas, 1986). The weight carried by these legalized narratives can thus go beyond the immediate outcome of the decision, and may, for instance, strengthen the in-culture inequality of vulnerable groups such as women (Bunting, 1993; Shachar, 2001) or shift the balance of power as some actors are validated over others (Corey, 2006). A pluralization of the notion of audience with which judges and other legal actors are engaged could allow a dialogue with the community whose culture has been invoked (Mohr, 2005; Provost, 2008). The ambitious outreach programme run by the Sierra Leone Special Court has attempted this to ensure that its work was accessible and visible in even remote

communities (Shepler, 2005; Muller, 2008; Park, 2008). What, then, becomes of such a cultural narrative beyond the specific case with which it was associated? To what extent, for example, do First Nations in Canada – and particular members within them – co-opt the picture of their community produced in the extensive litigation of Aboriginal rights? How transformative is this encounter for a given culture? Can Indigenous accounts of court proceedings such as the Sissons-Morrow collection of Inuit sculptures be seen as a reverse cultural translation of the legal process, a contribution to the constitution of a legal order for that community (Almog, 2005; Richland, 2008)? One approach, following Weiner (1999), is to see these encounters not in terms of misrecognition or co-optation of some otherwise pure cultural realm, but as “elicitory mechanisms” for the expression and actualisation of cultural differences.

Site 3 directs us to consider one further aspect of the encounter of culture and law: the significance of the creation of pluralized narratives for legal culture itself. In offering a narrative about ‘other’ cultures, legal institutions by the same token create a narrative about their own identity (Nelken, 2004; Webber, 2004). The exchange goes in every direction. It might take the form of a reaffirmation of normality, difference, and even exclusion, when other social norms are highlighted as clearly different from those embodied in formal law. On the other hand, it may lead to the co-option of components that were initially presented as distinct, but are later taken as a model suited to use beyond the boundaries of their culture of origin. It is a context in which we will question whether legal pluralism truly offers a richer view of law as setting the condition for social action and providing a repertoire for social interaction across cultural boundaries (Benda-Beckmann, 2008). The cultural narrative created by legal institutions likewise fosters within the legal community a specific narrative about the formal legal regime (Rosen, 2006; Nicolau, 2007). From the perspective of these communities, the encounter of culture and law is thus not merely self-reflective but stands for a meaningful engagement with formal law, perhaps towards a more intercultural legal tradition (LeRoy, 1995; Kuper, 1999; Shachar, 2001).

Methodology: The four investigators will undertake a series of case studies within their domain of expertise that intersect at the three sites in the ways outlined below. Briefly, Kirsten Anker will examine institutions and processes related to Aboriginal claims. David Howes will evaluate representations of culture produced through a range of Canadian and US cases concerning criminal and civil responsibility. René Provost will focus on the Sierra Leone Special Court (SCSL) and other “hybrid” international criminal courts, and Eric Reiter will inquire into the increasing use of alternative dispute resolution (ADR) in the formal court system and explore subjectivity and cultural difference in ADR discourse and practice. The **first phase** of the project will develop a literature review centering on law and anthropology, but also pursuing these questions in other disciplines such as sociology, criminology and history. In the **second phase**, joint law-anthropology research teams will carry out a documentary, doctrinal and jurisprudential analysis under the direction of each of the four investigators. Some empirical work – observation of practices,

interviews with key actors – will be undertaken where possible. In the **third phase**, results will be developed progressively by way of a graduate research seminar, symposium and conference, more fully described under “Communication of results”. The project engages two research methodologies: first is qualitative field research in the form of semi-directed interviews (Hollway & Jefferson, 1997) and on-site observation; second, conceptual written analysis of complementary texts (Richardson, 2004) including court judgments, courts records, policy papers, academic articles and books. The mapping of different types of primary and secondary data will serve to trace connections among the diverse institutions, legal actors, and substantive legal issues, as informed by contemporaneous assessment and retrospective reflection (Charmaz, 2004; Harding 2004).

Site 1 (Translation of Cultures): The starting point for the project is to identify the shape of the discourse of culture employed before legal institutions. The combined case studies will permit a comparison between different fields (Aboriginal rights and criminal responsibility, for instance), between domestic Canadian and international settings, and between formal and informal processes. Howes, in particular, will document and evaluate the anthropological and legal soundness of the representations of culture produced as part of claims for diminished criminal responsibility (*R. v. Humaid*, 2006), or heightened civil responsibility (*Lee v. Dawson*, 2006). This will be contrasted with the American context where a fairly robust “cultural defense” doctrine is already claimed to exist (Renteln, 2004). Provost will analyse the practice of the SCSL with a view to determining the extent to which it incorporates cultural references to African traditions. This will be done at both a formal level, by considering the significance of African sources relied upon by the SCSL, and an informal level, assessing by way of interviews and court record analysis the way in which practices such as “bush marriage”, cannibalism and the use of child soldiers have been presented by parties. In his case study, Reiter will bring together different bodies of scholarship that have remained largely separate: studies of legal subjectivity (which often ignore the cultural dimension), and the literature on culture in ADR (which tends to view culture in instrumental terms) in order to articulate how the ADR movement understands the cultural subject. Anker will contribute to an understanding of the link between evidentiary processes of presenting aspects of culture and judicial translations of such evidence first, by bringing together critiques of Aboriginal rights jurisprudence and those of the role of expert witnesses in litigation and second, by examining evidentiary processes in detail through transcripts, interviewing participants and attending hearings where possible.

Site 2 (Acculturation of Justice): At this site, the case studies will examine how processes, norms and narratives have adapted to claims of cultural specificity. How do various kinds of institutions represent this process of acculturation? What do they imagine that they are responding to? ADR is one of the more widespread mechanisms used to open up more culturally-situated possibilities for the treatment of the legal subject. In seeking justice, ADR participants – like parties to court

proceedings – tap into cultural narratives and play cultural roles, some created for them, some of their own making. As ADR is increasingly incorporated into formal court systems – particularly through judicial mediation – Reiter will examine ADR procedure, its institutionalization within the formal justice system and academic literature to question whether its informality offers possibilities for a pluralistic view of legal subjectivity by providing space for participants to express narratives of cultural difference rather than shaping themselves and their dispute to fit pre-ordained ideas about what the legal process will or will not consider. In Provost’s case study, the institutional design of the SCSL will be compared to that of other established so-called ‘hybrid’ international courts (in Bosnia, Timor Leste, Cambodia and Lebanon) and contrasted to purely international courts (ICC, ICTR, ICTY), to assess the degree to which the SCSL and other hybrid courts can be said to reflect non-Western cultures. Second, consideration will be given to international criminal law models which integrate the cultural practices of non-dominant cultures to a much greater extent, for instance by opening up to traditional procedures for sentencing which would create spaces for victims and communities in the international criminal process (eg the model proposed in 2008 by Uganda to locally try LRA leader Joseph Kony). Anker will examine policy statements, judicial decisions and academic literature in order to ask how more flexible rules of evidence in Aboriginal rights litigation, the resort to sentencing circles and elders panels in criminal matters, and the recent use of potlatch ceremonies in residential school processes have been understood as acculturating justice to the “reconciliation” of two different perspectives on law. Examining new material concerning the very recent work by the Federal Court and the Indigenous Bar Association on oral histories and the role of elders, and on draft practice guidelines for receiving cultural evidence, will be a priority. Howes’s research will focus on court decisions which mandated the “reasonable accommodation” of ethnic minorities in matters such as religious holidays and dress codes and how it is supposed to have led to the “un/reasonable accommodation crisis” which engulfed Québec in the Winter of 2007. A sign of this ‘crisis’ was the promulgation by the town of Herouville of its code of conduct for immigrants, one of the factors which led to the creation of the Bouchard-Taylor Commission.

Site 3 (Pluralised Narratives on Law and Culture): Treating the Bouchard-Taylor Commission as an exercise in the enculturation of justice, Howes will study how the relationship between law and culture is envisioned and revised in the briefs submitted to the Commission, the Commission’s final report, and the reception of that report by the media. Provost, working on the basis of visits to Sierra Leone, interviews and locally available documentation, will examine the outreach program of the SLSC as one specific way by which the court’s narratives are presented to specific communities. The contribution of the criminal justice process to post-conflict reconstruction will be scrutinized to assess whether representations of cultural practices adjudicated upon by the SCSL have been appropriated by communities in their cultural narratives. Site 3 offers Anker the possibility of a thought experiment: approaching Indigenous legal institutions – such as Anishanabek *dodem*, the Haudenaushawnee Wampum belt, or the *daxgyet* that links a Gitksan house to its territory – as didactic devices for non-Indigenous cultures. For example, Anker plans

to retry the *Delgamuukw* decision by submitting the Canadian and B.C. Government's claims to ownership and jurisdiction of the interior of British Columbia to the Gitksan-Wet'suwet'en feast hall. Through published accounts and interviews with relevant cultural practitioners, Indigenous legal institutions will be taken as a means to re-think the cultural constructs of non-Indigenous peoples and thus produce a new pluralized narrative.

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Research team

The team is composed of two members of the Faculty of Law at McGill University and two members of the Faculty of Arts (Anthropology and History) at Concordia University. All but Reiter are members of the McGill Centre for Human Rights and Legal Pluralism, and each has worked independently on issues touching on the intersection of law and culture. While every member of the team received legal training, the team was composed as an attempt to escape the totalizing nature of legal culture towards a more congenial *métissage* of law and anthropological perspectives at every stage of the research, including the preparatory work carried out by hybrid law-anthropology research teams. The fact that all members are based in Montréal will allow for intense interaction throughout the project by way of conferences, workshops and informal meetings. We will develop a proposal for a collaborative seminar in which we can share our findings with graduate students in Law and Anthropology at McGill and Concordia.

The Principal Investigator, **René Provost**, is the founding Director of the McGill Centre for Human Rights and Legal Pluralism (CHRLP) and an Associate Professor in the Faculty of Law of McGill University. He was Associate Dean (Academic) of the Faculty of Law from 2001 until 2003. He is recognized as an expert on international law, human rights and humanitarian law and has been innovating in this domain by incorporating attentiveness to cultural diversity and legal plurality. He initiated the Sierra Leone Special Court Clinic at the CHRLP whereby LLB, BCL, LLM and DCL students work as “remote law clerks” for the judges of the SCSL, a programme now expanded to include the Khmer Rouge court in Cambodia. He launched and currently oversees the CHRLP International Courts and Tribunals Programme which places young jurists with the leading international judicial institutions around the world, including the SCSL Chambers and Prosecutor. These programmes were given awards for the internationalization of education by the AUCC in 2006 and the CBIE in 2008. Provost will provide important intellectual leadership in his specific areas of expertise as well as working to develop an understanding of how the intersection of human rights and legal pluralism bridges the axes of research transversally. He will devote 50% of his research time to this project for the next three years, including a sabbatical leave.

Kirsten Anker is an Assistant Professor of Law at McGill, teaching in property law, legal theory and Aboriginal law. She is a member of the McGill Centre for Human Rights and Legal Pluralism. With undergraduate degrees in science and law, she recently completed her doctoral dissertation on legal pluralism in the context of the recognition of native title in Australia. Her research interests in broad terms concern law as a lived human practice, and she has written and published on anthropological and social-scientific approaches to law, aesthetics in proof of native title, and the intersection of normative orders in colonial states. At McGill, Anker is principal researcher in a project investigating the inclusion of Aboriginal legal traditions in Transsystemic Legal Education. Her research experience will contribute to project expertise on the encounter between social-scientific and legal methodology in the proof of culture and the development of a legal discourse around the culture concept. She will devote 30% of her research time to this project for the next three years.

David Howes was trained in law and anthropology and is a Professor in the Department of Anthropology of Concordia University. He is a member of the McGill Centre for Human Rights and Legal Pluralism. His principal areas of research expertise are in law/legal pluralism, globalization, commerce/consumption, and aesthetics/material culture studies. In his capacity as Director of the Concordia Sensoria Research Team (1988-present), and Director of the Concordia Culture and Consumption Research Group (1998-present), he has been responsible for directing the research of fellow faculty and graduate students in large-scale projects which involve intensive, multi-site ethnographic research and have resulted in an impressive range of publications. Howes recently coordinated a special issue of *The Canadian Journal of Law and Society* on the topic of "Cross-cultural jurisprudence," which ranks as one of the most ambitious attempts to date to problematize the judicialization of culture and the enculturation of justice. He will devote 30% of his research time to this project for the next three years.

Eric H. Reiter is an Assistant Professor in the Department of History at Concordia University. He has published extensively in comparative law, alternative dispute resolution, and history. His research focuses on the changing meaning of the concept of personhood in the civil and common law and on theoretical and practical aspects of alternative dispute resolution in both the national and international contexts. As a research lawyer at the Quebec Court of Appeal from 2004 to 2007, he worked closely with the judicial mediation program there, providing legal opinions and conflict analysis for the judge-mediators who mediated disputes. Reiter also served as research assistant to Justice Louise Otis in her capacity as member of the Redesign Panel on the United Nations Administration of Justice System. He did background research for the Panel on the role of alternative dispute resolution methods in the context of a culturally diverse international institution. He will devote 30% of his research time to this project for the next three years.