

# Introducing “La fabrique du droit” A Conversation with Bruno Latour

Paolo Landri and Bruno Latour

**Abstract** Bruno Latour talks with Paolo Landri about his book on the Conseil d'Etat (*La Fabrique du droit*). The conversation was held in 2006 at the time of the Italian translation of the book and illustrates the research project and the difficulties the author had in the field. At the same time, it clarifies the trajectories of Bruno Latour's work and theoretical framework of his program of study with respect to sociology, anthropology, and philosophy of law. The conversation helps to understand the open-ended character of Bruno Latour's research and reflection including STS as well as sociological, anthropological and philosophical themes.

**Keywords** biology; law; after-ANT; anthropology; sociology

This conversation with Bruno Latour happened when Domenico Lipari and I were working on the Italian translation of *La fabrique du droit*. While Domenico Lipari did the work of translation of the book from French, I tried to enrich the Italian edition by proposing a dialogue with the author where the basic topics, the characteristics of the research project as well as the theoretical framework of the book were presented.

In what follows, the reader finds the transcription of a conversation in English with the author, which was held at the end of February 2006 at Fondazione Cini in Venice. I am still grateful to Prof. Gagliardi and to the Foundation for allowing this interview to take place. The conversation makes it possible to position *La fabrique du droit* within Latour's projects, and provides interesting insights into the multifarious activities of his work, which poses many challenges to sociology, anthropology and philosophy.

The dialogue has been translated into Italian, and it is featured in the afterword to the Italian edition (B. Latour, *La fabbrica del diritto. Etnografia del Consiglio di Stato*, Troina, Città Aperta Edizioni, 2007). The conversation we had in English

remained unpublished until *Tecnoscienza* asked me to bring it out, and the interviewee agreed to publish it.

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**Paolo Landri:** *I would start with a simple issue. You are very well known for being a scholar in science studies. I would like to invite you to explain if La fabrique du droit is a “detour” in your work.*

**Bruno Latour:** It’s a detour if you consider only what I did about science, but for me it is not a detour, because I always wanted to compare truth conditions, “veridiction” so to speak, at least the ones I am most interested in, within the European tradition, so first I studied religious truth conditions, then of course I have been interested for a long time in science. But I was also interested in technology, in what is called efficiency, which is the truth condition of technology. So law was the next one in my list, now I am interested in politics, in economics. I want to try to compare the different truth conditions. For the reader it is a detour, because most of my known work is about science studies, but I have always been interested in the comparative aspects of truth conditions.

**PL:** *How could we summarize your study about Conseil d’Etat ?*

**BL:** [*Laugh*] It’s not easy. First of all, it’s a very specific case. I made this strange choice for this very, very peculiar type of law that is French administrative law. It is less peculiar for the Italians, because you have a very similar system. But it is very peculiar when you compare it with the English and the American one. Although, in one sense, this is also a reason why I chose it, because it is a case-based law, a law based on precedents; in that sense it’s closer to the Common Law. But as an administrative law, it’s completely different from English and American law. It would be difficult to summarize it for the specialists of law. As far as I am concerned, I can summarize this work as an inquiry into the felicity conditions of the legal type of speech. What are the conditions for the felicity of law? This is what I was interested in detecting. It’s clear to me, but in many other cases I showed in the book, it is a very specific type of truth condition, so specific that when people talk about it they say: “this is just too legalistic”, or “this is too formal, this is too moral, this is too political”. They try to find the specificity of their type of judgment. The legal type of tie is highly specific; it’s a way of tying layers of discourse. But it’s hard to summarize because it is fieldwork. And fieldwork is hard to summarize!

**PL:** *How did you get access to the Conseil d’Etat?*

**BL:** It was long. I found a friend of mine; we attended the same Jesuit school. He was also a philosopher, but he turned to ENA and then he became a member

of the Conseil d'Etat. And he was one of the characters of this story. I met him in the subway, I had not seen him for years, but I was very quickly interested in his description of his work as "*commissaire du gouvernement*". I could not believe in this work. Conseil d'Etat in France is completely unknown. I do not know how it is in Italy, but... no one knows about its existence really, the difference between the judiciary and the administrative law is completely obscure. It's totally exotic in France. No one really knows it except if you are a specialist. So I knew nothing of Conseil d'Etat. This role of *commissaire of government* struck me so much as a kind of very strange objectivity that I thought I had to study it. It turned out that the Vice-President of the Conseil d'Etat of the time was liberal-minded and he allowed me to do a pilot study, and the Secretary also was very open-minded, so it was a nice combination. And they also had the bicentenary of their institution, so I used this little wind current. Later it could have been more difficult. Bicentenary year had passed. But they did accept me for many years with no difficulty. I am very grateful. There were some difficulties with the publication at first, because they wanted me to get rid of the interlocutions between them, which I had observed. So I had to do some cleanings. And now they love the book. Now, it's completely classic, it is taught in administrative law classes... To give an idea of the mood of the Conseil d'Etat, I was introduced at one of these meetings and they said: "Monsieur Latour has made a very beautiful portrait of the Conseil d'Etat, a well deserved portrait" ... (laughing) because they are extremely proud of themselves. Of course, sociologists of law did not like this portrait, because for them it is too much a glorification of Conseil d'Etat.

**PL:** *We will go on that later. Now I'd like to look at the details of your work. How did you carry it out?*

**B.L:** I was put in the most uncomfortable position. I was a fly on the wall, which is a very outdated type of anthropology. No one does it anymore. I was forced in that position, because of their indifference to my presence. No one was interested in me at all. They were not even ironic. They were just plain indifferent. I was absolutely invisible, which was of course helped by the fact that we were all seated around a table to take notes. I was the right age, of the right social demeanors. I was completely pushed in the position of the classical anthropologist of the very old-fashioned anthropology. I did not try to be in any other position because they put me in this one. I did not try to inquire, as I would have done for other projects in a more collaborative or energetic position with them if they had been interested, but they were not. I really extracted from their interactions the things I was interested in, without bothering at all about what was of interest to them. This was completely different from other empirical projects like Aramis and the science books where you are, on the contrary, on a constant confrontation to negotiate the right meta-language to talk about the science they do. Here, they knew nothing about science studies or sociology of any sort. I do not think that in the library of Conseil d'Etat, which is of Napoleon time, there is any kind of book of sociology, except of course Jean Carbonnier. They did not even have Pierre

Legendre, who is a sort of thinker on administrative law in France. This is the only case I found, in my 30 years of study, of a site completely indifferent about sociology. Sometimes people have an idea about sociology, sometimes people say it could be so useful to be studied, even people I know in business, but not Conseil d'Etat. So my method is not very original. And I could not attend the real moment of judgment. The system is such that, I don't know if it is the same here, they have these long and open conversations before the judgment, and that is what I was allowed to witness. In this study they were very open in my presence, and indifferent to what I was doing to the point they did not even ask me to sign anything. The only thing they have objected before the publication was the interlocutory situation. I had a letter from them: "Conseil d'Etat speaks out with one voice, since the origin, and you are betraying this by showing the interlocutory situation. It was not completely true, I do not know how it works in your system, but they actually have some "rapporteurs" who in fact comment the decisions. In that sense the book is not innovative in terms of methodology, it is completely outdated anthropology. But the place itself is slightly outdated!

**PL:** *In this study, as usual, you paid attention to the mutual constitution of subjects-and-objects. You argued that the materiality of law is made invisible, while in the case of science it is too much visible. In what sense?*

**BL:** The textual materiality of law is accepted and invisible, because everyone accepts the idea that it's paperwork; in science, it's just the opposite: the materiality of the traces made out of nature strikes your eyes, because you have a spectrometer here, you have the animal quarter, there exists a high distribution of roles and technical infrastructures in science, and yet you never see scientists pay attention to their own paperwork. Law is still at the time of what it was in the bureaucracy of the Serenissima, it's paperwork; okay, now it's typed, but not much, it's file upon file, and it's not easy to distinguish a place where it is high tech from low tech. The only change is that now all the decisions of Conseil d'Etat are in one computer. But the rest has not changed much: you have this assembly of lawyers, you have a written technology. So it's quite the reverse, because the writing technology of law is explicit, visible, thought at length by many people, and they actually teach how to write a decision. When you write in science, writing is invisible, if we talk in terms of technology of writing, it's highly visible in law, but in science it's sort of hidden in the background.

**PL:** *How would you classify this work? Is it an ANT study? Or not?*

**BL:** I just tried to adjust the style to the different object. Not like my dear colleagues in critical sociology, they always do the same. Every time, I tried to study truth conditions. It was also a study getting to the point that it is not an ANT study. At least what is known as ANT, which is the next project I am interested in... I am sorry this is a little bit confusing. What I called an inquiry into various regimes of enunciation. This study is very much oriented to the regime of

enunciation, and not so much about network. If I had done an ANT writing, I should have moved to follow the decisions where it comes to see what sort of impact decisions had. I did something I always say you should not do: stay in one place and don't follow the networks! The reason was that I wanted to extract only one aspect of those networks: the felicity conditions as they are understood by the actors themselves. Yes, I broke my own rules. But now what I am interested in after ANT – “after” means “reassembling the social”, which for me is not the canonical version of ANT – is to try to show how many ways there are to connect what was formally called “the social”, and which now I call the “collective”. Law is a one of those types of connectors, and I was very interested in doing that kind of study. The place is different, so the style is different.

**PL:** *In your previous study I saw an attitude to challenge dichotomies, while now it is completely different.*

**BL:** You're right. The difficult for me is that it was my original project. I understand that for the reader it is odd, because they think that ANT is like fighting against dichotomies. The project now is different. If we have never been modern, what have we been? One of the answers is to say “we have been interested in a specific type of link”, which, in this case, is law-link, if you wish. If we don't understand law, we miss something, if we don't understand science we miss something, if we don't understand the very specific link, the political enunciation, we lose something. If we don't understand what is linked to religion, a certain type of link that in our tradition we have called religion, we miss something. And so on. I am doing the *positive* version of “we have never been modern”, whose title had remained only negative so far. And this is why I am so interested in politics, making things public, I am interested in law, in science, because it is crucial, the view of science orders everything else in some sense, we invested so much in theory of science. But I am also interested in other conditions of felicity. It's a little bit confusing for the reader, I agree. This book is completely specific to the topic. It is also a different method, not necessarily the best, but certainly not good in terms of ANT, because there is no network to be followed.

**PL:** *A very difficult task during the translation was the term of “moyen”. Yet, this is important for understanding the movements of the judgment.*

**BL:** It's never defined, no one has ever bothered to define “moyen”. When you enter administrative law, for instance my daughter is a lawyer and she was never taught about “moyen”. And yet, she learned it the first minute she entered law. If you have not been in law, “moyen” is a very odd term in French as well. It's a very strange usage. And yet the whole theory of law uses this word constantly. This proves the difficulty of finding a good theory for such a ubiquitous and under-theorized practice.

**PL:** *It is an elusive term, but it drives the process, explaining at the same time the fragility and the strength of law. In Italian, we chose the word “argomento”.*

**BL:** The word “argument” [instead of *moyen*] is not bad, except for the fact that it is a way to epistemologize law. Law has been epistemologized especially by legal philosophers. When they summarize what a *moyen* is, they define it as an argument. As if it was a logical argument. The problem is that it is not logical, because you have huge files, twenty letters about something else, and people extract “le *moyen*” out of it. The extraction of “le *moyen*” is an operation that is everything but logical. I mean, it has something to do with the logic, but it precisely makes the legal definition of logic explicit. It is one of those kinds of terms that are reflexive in law and yet implicit – this is why law is so ubiquitous, and yet so difficult to define. Either you know it, and you are in law, or you are out of it and you don’t understand what it means. Lawyers extract “le *moyen*” with an amazing ability. Being in law means how to extract “le *moyen*”. This is why the book needs many examples to try to understand what this sort of link is about.

**PL:** *Is it tacit knowledge?*

**BL:** It is tacit, but it is very operational. It’s actually what you learn, and in any case it is something you have to show when one criticises another very politely for having extracted the wrong *moyen*... You understand what “le *moyen*” is and you enter law, Luhmann saw that very well: law has its own horizon of understanding. There exist many various ways to be “in science”, but understanding “le *moyen*” is crucial to be precisely “in” law.

**PL:** *In many points of the book, you draw a difference between your approach to the making of law and the critical sociology of law. Could you explain that?*

**BL:** Half of sociology of law searches the real substance of law *behind* the law. There are thousands and thousands of books about the politics of law behind the Supreme Court in the USA where you can read the political position. This is interesting, but it is not what I have observed. What I have observed is precisely the opposite. People never, never hide the fact that there exist endless numbers of practical considerations within it; not *behind*, but *within* it: political positions, opportunities, and practicalities, and so on... But then they say: “well, now we have to start doing our job as a lawyer, as a judge”. So this means they have a clear sense that there is not only a social force behind it. The law is not the hidden gloss of something you have to discover if you are a sociologist. Law is a specific type of connecting, which connects in a specific way, which is different from science, religion, arts, and so on. And that’s what I want to understand. For critical sociologists this book is on the wrong path, because they have spent years and years by trying to finally understand that law is not real, but there is something *behind* law. Here, I made exactly the opposite portrait. There is nothing behind law, law is a certain type of connecting that has to be understood in its own terms.

And yet this understanding should not lead you to believe that law is autonomous. Everyone agrees that there are plenty of other things, yet they say “yes, we have all those things present, and now we have to *start* doing law”. It means that it is a special beast, and the job of sociology – this is the ANT point – is to try to understand what the beast is, if it is different from other beasts, they have to be different.

**PL:** *When you talk about understanding the specificity of law, are you not implying some sort of realism?*

**BL:** Realism will not bother me, because I am a realist for science and other things. The problem is what realism we want. The social has to be composed, it has to be connected, it is not something that comes with the social, and it’s something that has to be achieved every time anew. If it is made of ties, then law is one of them. Law is a special kind of tying together. But the next connector might be religion, it might be science, art or economy. The difficulty with sociology as it is practiced is that it takes law, science, economy, and translates all of them into the same language of the social, and that’s precisely the point I disagree with. I and Gabriel Tarde. Tarde was also a lawyer and a judge who is quite interesting, and I’ve learned much more about him since when I was writing this. It’s a very crucial thing to say: “If there is no society, if there are no social forces, what are the special vehicles that do the tying, which we called the legal tie”. Of course, there also exist, *in addition*, many other things than law, including in the legal institutions, but then they need to be transported into their own vehicles, technology, science, etc. If it is a different force, then it has to have its own vehicle. You cannot just say “well, they are all made of social stuff”. The specification of the type of link is crucial for my project of understanding what the collective is.

**PL:** *Do you disagree with the tendency of sociology to be hegemonic?*

**BL:** I have nothing against being hegemonic! Auguste Comte defined sociology as the queen of science, and I am happy to be a sociologist, but to be hegemonic means to say that everything is made of social types. This is what I showed in “reassembling the social”, sociology has been a way of tying together too quickly, without being specific regarding the kind of tie. A law is a completely different type of tie, and politics is completely different from religion. So if you say that behind religion there is society, and there is also society behind law, and there is also society behind science, then behind economy there is society, society is always *behind* all kinds of activities and, as a good ANT theorist and a good student of Tarde, if it is the same thing explaining all these different things, then it proves that something is missing. You don’t explain the difference, you just repeat endlessly the same things about many objects that are different. You lose the ability to differentiate. It strikes me that, when I interviewed people at Conseil d’Etat, they said: “*nous devons juridifier les questions*”. “All of the prejudices have been said, but now the law starts, the legal tie starts, and we never denied being

influenced by thousands of other things”. And that’s the specificity of this domain, because it is a very strange domain where all the people agree it is not autonomous, and yet it is not reducible to the forces that are explicitly present in it. Luhmann imagined this as one subsystem. Legal philosophers of the positivist school said that it was because law in itself is a production, it has no ground in itself. Still others imagined a natural law, which really means the same thing, if you think of it, that is law is based on law! Everyone had the same problem to tame the beast... But I think, as a sociologist, that we have the responsibility to find the exact type of connectedness, which is quite specific; I have had many discussions with legal sociologists since, and also with those of the Conseil d’Etat, of course. The way they solve the question, I do not know in Italy, but they say: “law is a special domain, for specialists, with a jargon, there is a sort of being in autonomy, and law is everywhere in a very elusive and yet *objective* way”. This is the puzzle to be solved: it has *objectivity*, which is absolutely amazing. The best example in the book for me is when President Chirac’s signature is questioned. When you read this passage, you realize that this table here, this chair, this tape recorder, are much less objective than the claim that questions this signature. Everyone tried to break it, to slam it, but they can’t. This is what I wanted to demonstrate to sociologists of law. “You guys say that it is pure legitimation and power relations. Okay, now explain to me this case”. So, in that sense, the word “realism”... yes, I am a realist. Of course it is a constructivist type of realism! I tried to make this less a mystery.

**PL:** *Furthermore, there is a clear-cut attempt to keep a distance from the formalist explanation of the work of those applying law. The points you made, in that case, remind me of the well-know issue of Wittgenstein’s question about what it means to follow a rule. And in some way the study seems to be an empirical answer to that question. What is your point of view about it?*

**BL:** That’s perfectly correct. The formalist solution is the other branch of the alternative for many legal philosophies, because of the difficulty of describing what I have just alluded to... They say “don’t try to extend law to anything else, law is a world of its own”, not because it is autonomous, but because of its formalism. They often even imitate, borrow formalism from science. We have done a lot of science studies in formalism, we are not impressed by formalism, empirically I have many examples where people say “it’s formalism”, meaning “it is not good judgment”. Formalism is something they *criticize* when they are making a judgment. So formalism is a wrong direction. If they are so good, precisely in saying: “did we judge well?”, it must be describable, and they have this practical and often very elaborate type of judgment, they have a flair for it. I think this is exactly what ethnography and social science are made for. Now it is used by lawyers to teach what the Conseil d’Etat is. It was completely unexpected. I like that usage of my book, because it is a very classical definition of ethnology. And it is very different from the reaction of scientists to my books about them.



**PL:** *What is the difference between your approach and the ethnomethodology of law? One of the recent principle is “going to be native”, but this is not the case of your study. You have been successful in describing law without following the unique adequacy principle.*

**BL:** Garfinkel’s principle is difficult to apply. First, I used the unique adequacy principle, but I added something else, which is that the *text* has to be uniquely adequate to the task. And this textual adequacy dimension Garfinkel never consider it, because he is not interested in textuality in itself (this is by the way why he writes so terribly!) and I am trying not to write so terribly. For me, precisely, one of the other mediations is the effect of the text on the people studying and on the reader, this is for me what unique adequacy is. But, of course, if unique adequacy is being a lawyer at the Conseil d’Etat, I’ve never come even close to that. I have in the book this example when someone forgot I was an observer and asked for my opinion. I could not even utter one sentence! I was a very bad laboratory technician, and yet you can enter any laboratory and even help doing something, you can do something or clean the glasses or whatever. But here you cannot do anything, because of the technicality, because being uniquely adequate could be very difficult even for Garfinkel. In that sense, I have completely failed, but for my view of the uniquely adequacy I succeeded precisely because I invested a lot of work in textual results. In this case, French administrative law, the technicalities are abominable. I did not want to add my sociological jargon on top of it, which Garfinkel often does. And unique adequacy is what the effect on the reader is. And I was very pleased with the effect, the effect was that thousands of people who teach administrative law in France could discover how the law they teach is produced... the only things they had before Conseil d’Etat were the results, the decisions. They did not know how they work. This was completely unexpected and I like it. If the test of unique adequacy is to enter into an interesting conversation about two metalanguages, yours and that of the actor of the study, I think so far I’ve passed it. While I’ve never managed to pass it for science, which I think is much easier to understand than law, because it is not comparable in terms of difficulties of access, nor, strangely enough, in terms of technicality. Science is much easier...

**PL:** *In the book, there is a comparison between the objects of science and the objects of law. An important role is played by the dynamics of attachment and detachment in terms of being passionate or not passionate, meaning the role of passion in the associations of human and non-humans.*

**BL:** I followed a guy; he was a physicist and became a member of the Conseil d’Etat. In fact, it is the only one I could find, he was a really good scientist and now he is a very good *commissaire du government* of the Conseil d’Etat. I was fascinated by him and by what other people said about him, they said “He’s very good, but he is sometimes too attached to his solution”, which is a great quality for scientists, except if you are concerned in falsification, but here it’s different. It’s a

culture of *detachment*, which does not mean that people are under-passionate, they are passionate about something else, and they are attached to law, to the institution... I mean, Conseil d'Etat in itself is an amazing institution. Certainly, in the case of Conseil d'Etat, the *libido legandi* is as strong as the *libido sciendi*. But the distribution is very different. In science there is an object that authorizes you to speak in the name of it. In other words, the experiment is also a judgement, it has a sort of scenography of judgement. But in law, which shares lots of characteristics with objectivity in science, every thing turns in another direction: toward detachment. What I wanted to show is how it is possible to talk about objectivity in both cases in different terms.

**PL:** *Is semiotics the tool you have used to detect passion?*

**BL:** I did not use semiotics in this case. I did not find the semiotics of law useful. Ethnomethodology of law is very good, but I did not study the act of judgement, because I had no access. I found semiotics very useful on science, but not in that case. I found the question of passion, of attachment, interesting. And I was more interested in why they are so disinterested, and I was fascinated by many procedures, the amazing elaboration in Conseil d'Etat of practical ways to be detached. And yet science is seen as objective, while law is not. I try to redress the divide. In Conseil d'Etat there is no laboratory, no experiments, there are no objects, everything is done by the quality of speech, but with this little *flatus vocis* you gain an objectivity that is so strong that you cannot actually reverse it, even if you are the President of the Republic. If there is a passion, this is the passion: we are in a place where we are detached from the solution. At the end of the chapter I describe people very excited about being at Conseil d'Etat. It's just words tying in a certain way, obtaining an objectivity that is different from the objectivity in chemistry or in physics. Why should we choose? We want a world where these different kinds of objectivities are realistically respected without adding metaphysics.

**PL:** *What is, at the very end, the objective of this anthropology of law? I found the role of the anthropologist, and I guess of the sociologist, as a maestro of protocol, quite interesting. Is that objective significantly connecting your approach to what elsewhere has been called the theory of reflexive modernization (Beck, Giddens and Lash), or is your position better understood as a-modern?*

**BL:** Ulrich Beck has a better term, reflective modernity, we discussed a lot on that. We agreed that what is in question is what I call "recalling modernity", in all senses simultaneously: calling again, reminding and also recalling a product. The term is used in industry: when you have a bad product, you send your object back. Maybe, recalling modernity is like reflective modernity. The price of recall is not small: you have to re-understand what we in fact wanted when we developed all this argument about law, the state of law, science, politics, so that we can inherit again what we have been. This is why I introduce this figure of the diplomat, the

master of protocol, because if we have not been modern, it means that all the story of ourselves has to be reinterpreted, and then we have to go through all this. I did this book of law: did I capture something valuable, so as to get rid of all the other things, which is the metaphysical, the autonomy of law; can I get rid of the autonomy of law and keep what I am really interested in? And if I do it on science, did I capture what I am really interested in about science, can I get rid of the metaphysics associated with it, all these arguments about indisputable matters of fact, which is completely useless? That's what I mean by diplomacy. Is there a way to be diplomatic in the sense of detecting the values without adding metaphysics? This is very important now, since we, as Europeans at least, are now frightened by the fundamentalism. If you want to fight fundamentalism, if you don't want to be polemical, we have to say: "this is what we are all, this is what we have been after, modernism is not the right way; we now want to differentiate what we really want, our values, if you wish, while this metaphysics is negotiable, it is an extra baggage that we can get rid of". Can we negotiate? The state of law is not simply a package to be swallowed by all the others on earth: it includes our values and, in addition, an extra metaphysics, which remains negotiable, this is what I mean by diplomacy, and it's the new role of the anthropology. We have this very tense situation where we have the fundamentalists attacking you and we have to be able to say: "ok, those are our values", without being fundamentalists ourselves, you have to reinterpret positively a lot of things you were supposed to be against, realism for example, and you have to be extremely precise on what the difference is between the values and the extra baggage.

**PL:** *The idea of diplomacy seems to suggest a method, not an objective, but a method to build up the world. I think this is different from the idea of reflexive modernization.*

**BL:** Yes, you're right, this is exactly the topic of the paper I wrote against Beck, because he used, in my eyes, the cosmopolitics tradition in the traditional sense, as if it was an easy matter. The diplomat is a figure I took from Isabelle Stenger, I did not invent it... She made two points, first, there is war, so it is not an easy cosmopolitics, we are in state of war, everyone says "no, we are not", simplifying the things anyway; second, there is no referee, this is the reason why the diplomats are so important, and that's the second point of misunderstanding, because people say "but we have referees, look, we share human rights, we have one nature, etc"... But no, we have no referees, and this is why the diplomat is a very interesting figure, which has the same task as anthropology, trying to make connections and speaking not to maintain a distance between different positions, but trying to see how we can distinguish what is negotiable and what is not without referee. This is a very interesting task, because you accept the negotiation after you have realized that war goes nowhere. Of course, there are many people who like war!

**PL:** *In the same sense, being in a reflexive modernization means being in a more comfortable position.*

**BL:** Yes, add another loop to modernization. But my argument is that we have never been modern, so there is nothing to keep, the problem is what to inherit from it, but it is hard to inherit from something when you don't know what it was in the first place! Law has not been central for the definition of modern, law is archaic, there is something in law that is archaic, traditional. So the good thing is that law is more sharable. Legal philosophers have never denied that other cultures had law, different law but law nonetheless. It is not the same with the universality of science, which is a much more polemical question. Law is less engaged in disputes about what it is to be modern, and how to stop being modern with respect to science and politics. Law is different.

**PL:** *You seem to shift continuously from anthropology and sociology. What's wrong with sociology and how is it possible to build a bridge between the two disciplines?*

**BL:** If sociology can get rid of society and modernization, it might become pretty good. The problem with sociology is that it is too engaged, as Baumann showed, in modernization, so it is very rare to find, apart from Garfinkel and few others, sociologists who are not also militant, completely engaged in the task of modernization. Hence two questions, the first is: can sociology be freed from this task of modernization? This is what I say in a slightly sexist metaphor, "sociology has two breasts", Durkheim and Tarde. For Tarde, the task is not to modernize, while for Durkheim the task is how to modernize France, the 3<sup>rd</sup> Republic. Now, the second question is that sociology is better than anthropology, because sociology has to take the price of a common world, which for anthropology is not in question, because anthropologists are allowed to produce the diversity of cultures with no cost! I simplify, of course, they paid large *empirical* costs, but if you are an anthropologist you do not have to ask the question of the *unity* of the common world, while sociologists have to ask it, because sociology is the "science of how to live together in the same world". This is why I wrote this other book, *Reassembling the social*: can sociology become able to do the two tasks in the right order? We have one more question than anthropology to ask, because it is not its job: the problem of the common world knowing that we have no referees, no nature, no society. But of course we might never get to a diplomatic phase, because we might get to war for good, if only the fundamentalist idiots win over, which is totally possible. In this case, we will have the war. Now, we are in Venice, this city has remained here for thousands of years, we hope that it will remain here for thousands more! This is why I like here at San Giorgio: there is the statue of San Giorgio, up there, on the church, but it has lost its arm! The dragon is still there, but the gesture is suspended...

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