Introduction

Signe Arnfred and Hanne Petersen

Background and Motivations

The papers in this volume are the outcome of a four day conference/workshop/researcher training course: Legal Change in North/South Perspective, held in November 1995 at the University of Copenhagen and organized as a joint venture between the editors and their institutions, International Development Studies, Roskilde University, and the Institute of Legal Science B, University of Copenhagen (from where Hanne Petersen is on leave to work for a period from 1995 to 1998 at Ilisimatusarfik, University of Greenland).[1]

More specifically the plan for the conference emerged from the experience of creative collaboration between the two of us starting in 1992, and related to two different projects concerned with law and social sciences in Southern Africa. The first in time was an experiment with project oriented research and field studies as a part of a law course at the Law Faculty at the Eduardo Mondlane University in Maputo (see Teodosio Uate's paper). The second was the Women and Law in Southern Africa Research project (WLSA) (see Julie Stewarts paper). Both projects were (and the WLSA project still is) funded by the Danish foreign aid agency, Danida.

We had several motivations for arranging a conference of this kind. One motivation, and the most obvious one, was that we had found the interdisciplinary North/South collaboration on issues of law and legal change so inspiring that we wanted to share it with Nordic colleagues and PhD students in both of our otherwise rather diverse fields of Legal Science and Development Studies. The unspoken assumptions underlying development projects often is that people coming from the North will be instructors, consultants and facilitators offering ideas and advice for others (from the South) to learn from. It is seldom

[1] The conference was funded as a joint venture between the Danish Research Academy and NorFA, the Nordic Researcher Training Academy.

assumed that the North would have anything to learn from the South.

In actual fact we had found that we had learned a lot, that there was much more to learn, and that we should not be the only ones to benefit from this knowledge. - We felt that we were in a period of change, which affected not only the South but the North as well, and that it could be of mutual interest to exchange ideas and experiences.

Since both of the projects in question were funded by Danida, there was also a **second** motivation: to explore this kind of relationship between aid projects at one hand, and development-relevant research on the other. The relations between development research and development aid being a current concern of Danida, we saw our conference as a humble contribution in this respect.

The **third** motivation had to do with the chosen format for the conference. We structured it as a researcher training course for Nordic PhD students with an eye to the possibilities for funding, but also because we wanted to support the scattered researcher students working on Law and Development issues at different Nordic Universities, to strengthen network relations, and to sketch a field for further research in this area.

In our own opinion we were quite successful. About 25 lecturers and post-doc participants from Africa, Asia, Australia and the Nordic countries and 15 Nordic PhD students enthusiastically attended the conference. The high spirits and good atmosphere - even though they may perhaps not be felt directly in the succeeding pages - surely contributed to inspiring discussions and valuable exchange of ideas.

Legal Change in North/South Perspective

The South has witnessed profound changes in law and society during the second half of the twentieth century through the creation of new states and post-colonial political and legal regimes.

The North - in this context mainly Europe - has also witnessed some changes during the same period. The creation of a supra-national economic and legal institution as the European Union is slowly making its consequenses felt in theory and practice. The development of "new" political movements (such as the environmental movement and the feminist movement) are beginning to be felt also in the legal discourses considered of a

more central nature. However it is probably only with the fall of the Berlin Wall and the dramatic political, territorial and legal changes of less than a decade in Europa, that the dominant scientific paradigms also in jurisprudence may begin to be questioned more broadly. Some of these changes are briefly reflected upon in the rather few papers in the anthology, which take a distinctly Northern perspective.

In general one could say that the South has the lead in experiences with major changes of both empirical realities and legal and political changes. This is reflected in the papers where contributions from the South on occurring and occurred changes dominate.

Theory has been likened to maps and mapping. The revision of maps and the need for new map-making has probably been most acutely observed and felt from a Southern post-colonial perspective.

Both Southern and Northern legal academics have very often been trained in the paradigm of legal positivism. However the limitations of this paradigm have perhaps been more striking in both practice and theory in a Southern context than in the North up to now. This goes for legal education, for legal research and for legal action be it before the court or in a parliament or in the public at large.

The understanding of law and legislation as a tool for social engineering has been an important part of the paradigm of legal positivism - which has been adapted in both the North and the South. However also here the South has perhaps had more experience both with the limitations of this understanding and with the coexistence of different and often quite volatile types of normative legal regimes, which also serve different interests, and thus lead to different outcomes.

Seen from a Southern perspective the need for a less jurisprudential and more empirically based investigation and understanding of changing realites is urgent. - This may be an explanation for the higher legal creativity and imagination asked for - and also demonstrated - in several of the papers concerning changes in the South. It should not be forgotten however (as Upendra Baxi points out) that changes are not just going on either in the South or in the North but on a global scale - and that these changes influence everybody, and thus should be followed, criticized and felt responsibility for by lawpersons everywhere.

What is repeatedly underlined by a Southern perspective is that *law is concerned with relations*. The important relations dealt with in the papers presented here are relations between human beings and natural resources, especially land, and relations between humans and other humans, especially in the family. These important relations are not only investigated by lawpersons. The interest in studying these relations comes from social science, development studies and lawyers alike. The approach to studying these relations is thus generally more interdisciplinary and diverse and perhaps also more dialogical than is mostly the case in the study of normative aspects of relations in the North.

This focus upon relations is interesting to observe from a Northern perspective, where great stress has been laid upon legal rights and obligations pertaining to the individual.

However in the increasing focus upon sustainability and preservation of natural resources also in the North a new focus seems to be emerging - one where also public property rights require protection - as in relation to fishing resources, as argued in Peter Ørebech's paper.

It is of course both farfetched and unwise to draw any clearcut conclusions about actual legal changes in North and South taking place on the basis of diverse papers from a small seminar like this.

We do however think that we may safely say that there is much experience and inspiration to look for in the South in areas concerning legal change, and that the changes taking place in the North during this period may certainly make it worthwhile to look for it.

The majority of the papers in this volume are dealing with analysis and reflections related to research in Africa. This research has two major empirical focal points, as already mentioned, namely land and family. This has structured the presentation of the papers in this volume. Another shared concern of a majority of the papers is reflections upon concepts and methods.

Confronting Northern legal theory - in hesitant transition - with field research experience from the South must challenge conventional concepts and methods and invite to **legal creativity, legal imagination and legal sensitivity** as asked for in several of the papers.

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The field research approach is the basis of this theoretical creativity and reconceptualization. It is the confrontation with different realities and the insight in the plurality of norm-generating and norm-upholding contexts and institutions which convince of the necessity of theoretical rethinking. Not only in order to better understand the South, but also for updating legal research in the North.

Perspectives on Land, Law and Power

The question of land ownership has been and still is a crucial issue in all post-colonial countries, and it is one of the areas where development studies and law most obviously intersect. One country where the question of whose rights to which land is topical is South Africa, and South Africa is also one of the places where truly innovative approaches to post-colonial land issues can be found.

This is the focus of **Martin Chanock's** paper. Analyzing the South African land politics in a historical perspective, he points out that the dual regime of land tenure was invented by the European colonial power with the aim of keeping African land out of the market. This dual regime is known from all countries in Africa and has been defended (for different reasons) by Europeans as well as by Africans. It indicates that individual ownership versus land held in common imply two different modes of land tenure - one based on a Western concept of property, and the other on non-marketable rights of access and use. The colonial power did not want the creation of large scale African landowners, little as it wanted the creation of a class of landless Africans. Chanock shows how a whole ideology was developed based on this dual regime, "the opposition between the ideas of communal and individual tenure allowed the tenure issue to become a part of the evolutionary narratives in which the pace, appropriateness and direction of the civilizing mission were framed." In the beginning individual tenure is held up as an ultimate goal for Africans when eventually they'll become "mature enough to cope with it." But later the colonial power realizes that community occupations are more flexible, more people may be crammed into less land, and official reports elaborate on the negative outcome of experiments with individual tenure.

After the end of apartheid, the de Klerk government in 1991 came up with a new land act attempting to do away with the

old dual land regime by letting individual ownership, as well as occupation governed by free market access, take precedence over all other forms of tenure. This solution, however, did *not* break with the colonial ideology, still seing individual tenure as 'most progressive'.

In a 1995 government document it is stated that "applying the term 'ownership' only to individual tenure obscures the fact that persons holding land under communal and other systems can enjoy high levels of tenure security. A variety of land rights will be described and registered under a unified registry system." This implies a redefinition of ownership to include communal ownership, and a redefinition of rights to protect these various forms of ownership. Also included is a re-structuring of the institutions responsible for administering and protecting tenure rights. "The new law" Chanock says, "will wholly re-make the ways in which 'customary' systems are supposed to work, effectively depriving the traditional authorities of their former powers."

This new South African legal creativity is an exiting example of how aspects from dual legal systems may be merging in positive ways. How it will work out in practice is yet to be seen.

Like Martin Chanock, **Peter Ørebech** is dealing with different regimes of tenure - or as he puts it: public, common or private property rights - although in a very different setting (Norway) and in a totally different way. Ørebech's discussion shows that a duality of individual or private versus common or public property rights is not limited to post-colonial Third World countries. Similar issues are highly relevant in a Scandinavian setting. Ørebech's intention is comparable to that of the new South African government: To transcend the duality and to argue against the so-called 'tragedy of the commons', a notion implying that ressources held in common - like grazing areas or open access fishing - are bound to be over-exploited, the remedy against this being privatization. Peter Ørebech holds a different opinion. He sees the atomized market decisions as a greater threat to sustainability, and argues for a strategy of sustainable development through legal protection of public property rights.

Christian Lund's paper on the multidimensional character of tenure disputes in Niger brings the discussion back to Africa, but

the focus has moved from dual tenure systems (individual vs. common; European vs. African) to an investigation of the wide normative repertoire guiding indigenous tenure arrangements. Parties in conflict over land, Lund observes, invoke different norms from the repertoire in order to support competing arguments in a dispute. The colonial state condoned competing legal authorities, later developing into Magistrates, Sous-Préfets and local chiefs, with different types of legitimacy, thus providing a fertile ground for perpetual tenure conflicts. The attempts of the Nigerian state to gain support through land reforms has not been successful. Thus, according to Lund, "the ambiguities providing legitimacy for contrasting interpretations of rights of access to and control over land have been perpetuated throughout Niger's recent history."

Plans of a New Rural Code, aiming to create tenure security through transforming tenure rights from customary use-right or 'right of the first occupant' to individual property - thus following the conventional notion of land tenure, seeing individual property as the 'progressive' solution, cf. Martin Chanock's paper - has resulted in a plethora of conflicts, because everybody wants to improve this position in the customary system(s) before the customary rights are transformed into 'modern' property rights.

Through a detailed analysis of two 'trouble-cases' Lund convincingly makes his point that social rules and structures cannot be taken for granted; rather they are at stake in a socio-political process of conflict and negotiation. The case studies further demonstrate how politization, as a consequence of an imposed multi-party situation, undermines the possibility of development of increasingly rule-ordered relations between politico-legal institutions, turning these into areas for political competition.

Pekka Seppälä discusses dilemmas of inheritance in Kenya, and under this heading also land tenure issues are discussed, as "land is the major thing of value transferred through inheritance." Seppälä, however, does not want to speak about a land tenure *system;* instead he prefers to speak of *local land tenure discourses.* He proceeds to show the existence of different *discursive registers,* elaborating on two such registers, calling one the 'squabble' and the other the 'succession' register. "In an ordinary situation outside ritual gatherings it is normal to follow the squabble register, but it is also possible to try to frame

the issue in terms of the long-term succession register." The point of an analysis in terms of different discursive registers is to make it understandable how people - eg. men - can give apparently contradictory statements on the same issue - eg. women's relation to land - depending on in which register they are speaking.

In an interesting section of his paper Seppälä discusses the outcomes of three different approaches to the study of institutionalized control of inheritance. The 'discursive registers' are an aspect of a *discourse analysis* approach. An alternative approach is the *political economy*, looking at access to means of production (like land), looking at accumulation (if any), and looking at relations (of production) between seniors and juniors and between men and women. Applying a political economy-approach in Africa has its difficulties, however. Things are changing too fast. "Among the Babukusu the idea of accumulation has changed during this century from a large number of followers, to a large herd of cattle, to a large land holding, and then towards urban employment. In this situation the basis of authority has shifted rapidly, and the elders have been forced into defensive positions."

Finally an approach in terms of *the theory of practice* is discussed. "The theory of practice emphasises the situational factors which turn an inheritance case into a social drama." The matters which are important are wealth, residential patters, nature of marriage and age order of various people. In this analysis the application of any rule will be complicated by a number of contextual parameters. It is a fatal error to take a few principles of lineage organization as the base from which all practices of eg. inheritance may be deduced.

With his focus on different and complementary methodological approaches, applied on a case material of inheritance norms, conflicts and disputes (mainly on issues of land) Seppäla's paper stands as a mediation and link between the first section on **Land, Law and Power**, and the second section on **Discussions of Concepts and Methods**. In the following eight papers theoretical and methodological discussions of re-conceptualizations and new methodological approaches will play a major role.

Discussions of Concepts and Methods 1: Context of Globalization

Upendra Baxi's brief notes on *Life of Law Amidst Globalization* set the scene for the conceptual discussions: Ours is a globalizing

world. What happens to law amidst globalization? And how can legal thinking contribute to a critique of the way globalization takes place?

Regarding the first question, Baxi points out that legal imagination is central to the project of globalization, legal imagination, however, by and large facilitating "the enormous privatization of power which is occurring worldwide under the auspices of late capitalism." "The ability of lawpersons to enunciate, and reiterate, foundational truths in ways which make state ethical, power accountable and governance just" is in high demand. Similarly, Baxi says, "in the place of Human Rights, globalization celebrates the script of *trade-related human rights* of conglomerates of late capitalism. It repudiates the vision of a just world order putting in its place world free trade as the only legitimate ideology" (emphasis added here).

Yet at the same time (a considerably less powerfull trend of) *juridical criticism* of globalization is also going on, for instance in the women's movement's push for 'globalization from below' and in this context for radicalization of the notion of human rights in the slogan: 'Women's Rights are Human Rights', as well as the other way round: The human right of women to be women.

Also discussing notions of law in a context of globalization, **Henrik Zahle** takes up for critical investigation the concept of 'constitutional law'. What is it really about?

The closer he looks at the object of investigation, however, the more it dissolves - into aggreements, customs and interpretations at local, European and international levels. The national level, which is supposed to be the central focus of constitutional law, seems to be particularly "exposed to erosion"; the world is not what it appears to be. Thus also law must undergo reconceptualization: According to Zahle "what a description of a field of law can provide is not a rule fixed in advance of what is good and what is bad, but a possible argument for anyone who later becomes a party to a conflict."

Consequences of a changing, globalizing world for understandings of law are further discussed in **Hanne Petersen's** paper: *Grasping Kaleidoscopic circumstances - Methodological Considerations for Animating Legal Sensibility*. She talks about a necessity of resorting to feelings and legal sensibility as tools for understanding the world. Nowadays science as a sole means for

understanding seems to be creating problems as much as it is solving them, she claims. This goes for legal science as well. Different, wider, approaches are needed, and this is where *legal sensibitity* comes in.

Legal sensibility implies consideration of values. Following Boaventura de Sousa Santos, Petersen talks of postmodern knowledge as a "new common sense", "a paradigm of a prudent knowledge for a decent life." But talking about "a decent life" it becomes important to consider "which of the values connected to and protected by the contemporary Western modern legal system should be secured for the next millenium." And what about other values *not* connected to or protected by Western law? Sousa Santos suggests participation, solidarity and pleasure as central elements in a new common sense. But "are we as participants of our societies and as persons with a developed (or developing) legal sensitivity contributing to development and protection of such values?" Petersen asks.

Rubya Mehdi's paper on *Fundamentalism and Flexibility in the Islamic Law* relates to the theme of globalization in a somewhat different way. The paper discusses flexibility and interpretive approaches to Islamic law, pointing out first and foremost that - contrary to the impression given by Islamic fundamentalists - an important characteristic of Islamic law is its flexibility and adaptability, merging into different cultural contexts and environments on an (almost) global scale. Islamic law and procedure differ from place to place, from country to country and from people to people. Often local custom is decisive. "It is clear" according to Mehdi, "that a legal system which has such a recognition of custom is more realistic and flexible than idealistic and fundamentalistic." Nevertheless, fudamentalists insist on rather rigid interpretations of the Quran, the Sunnah and Hadith (sayings and doings of the prophet) and other accepted sources of Islamic law. Mehdi shows how the same sources of law in Islam can provide for flexibility on the one hand and rigidity on the other, thus being open for modernist as well as fundamentalist interpretations. In general, however, flexibility of Islamic law offers a possibility for Muslim *women* to reinterpret Shariah rules from women's points of view, thereby opening new perspectives, as such interpretations previously were undertaken by men only.

Discussions of Concepts and Methods 2: Localized Approaches

As initially stated our involvement in the Women and Law in Southern Africa research project provided much of the motivation as well as the ideas for arranging a conference of this type, with an emphasis on reversed and reciprocal teaching and learning processes between researchers and practitioners of law and/or social science in North and South. Thus several of the papers given in the conference were directly or indirectly linked to 'the WLSA experience'. Those placed in this section share a strong emphasis on the importance of empirical field studies in legal research.

Julie Stewart's paper may be read as an informed introduction to 'the WLSA experience'. As an important motivation for the creation of the Women and Law in Southern Africa research project, she refers to the fact that during colonialism it was white missionaries and bureaucrats who spoke for the indigenous population; in the post-independence period a different group of knowers and describers arrived, creating a feeling of "neo-colonialism in academia". The problem, she points out, is not that research is done by outsiders "that has its bonuses," but that Southern African activists and potential researchers percieve themselves as disqualified in the discourse. Thus one major aim of a project like WLSA has been to enhance national research capacity, by educating researchers to look at things from Southern African points of view, addressing the problems of women in the region.

Initially the WLSA project adopted a legal centralist approach, following the general trend of law teaching in the universities involved. Thus what was investigated were women's relationships with the law, rather than women's daily lives. It was soon realized, however, that that was far too narrow, and a search for alternative methodologies was initiated. This went along with the insight that "the simplistic solution of changing the law, informing people about its content was not enough. There were many more dimensions to the problem. The research had not, because of its initial theoretical perspectives, focused to any significant extent on the cultural and social context of women's lives." Furthermore "what significance would our carefully constructed reform of the law in the books have on the lives of women, where there was no social welfare as a back up, inefficient and unresponsive bureaucratic

systems?" The alternative methodology aimed to take its point of departure in women's lived experiences, with an emphasis on case studies, and on identifying and investigating relevant semi-autonomous social fields, resulting in an amalgam of "legal data, social data economic data, end (even) some data of a psychological dimension."

The results of this new approach have been rich and diverse, one of them a broad and profound rethinking of issues related to legal studies and law reform, turning the analysis "back into attempts to provide new perspectives on the law as well as a search for possible new approaches, interpretations and reform measures in the law."

Inspiration from the Women and Law in Southern Africa research project is also reflected in **Anne Hellum's** paper; in discussing different approaches to the study of law, she mentions how in her own case her African research experience has given her new ideas as to how to pursue legal investigations in a Scandinavian context.

Regarding Hellum's main concern of seeing women as subjects in the process of law, she discusses the potentials of using Sally Falk Moore's notion of *semi-autonomous social fields*, ie. arenas for rule-upholding and rule-generating human activities. One of the qualities of this approach is that it transcends the dichotomous divisions of law and society, and of traditional and modern law, because the field of study is thought and action of daily life.

This is also where Hellum finds what she calls the *gateways* from reality to law. In conventional jurisprudence and legal research a major source of customary law is *precedent cases*, ie. the courts' interpretation of law, including customary law. As against this the WLSA project is developing a notion of *use-oriented* customary law, based on an analysis of the status of different semi-autonomous social fields as sources of customary law, taking into account also family- and local court practices. In this way it becomes possible to assess "whether old norms are dying out and whether new norms are emerging."

"By paying attention to the very norms which are created through human interaction in daily life, women appear as subjects of law rather than as objects of law," Hellum states.

The concept of semi-autonomous social fields is further discussed by **Agnete Weis Bentzon**. The concept was introduced in a

context of legal anthropology, but it has far more wide-ranging applicability: "Even if the concept semi-autonomous social field is absent in most writings within legal polycentricity" Bentzon points out, "it is a locigal consequence of the negation of monocentrism" ie. the insight that "different authorities in the different fields of regulation possess a certain degree of autonomy."

The aim of Bentzon's paper is to show the limitations and shortcomings of the dominating tradition of jurisprudence in the North as well as in the South: Legal positivism. Legal positivism, she says, is a theory of congruence, in so far as it assumes a congruence between the content of the law in books and the activities of the courts in action. But reality is far more complex. "The formal national system of law and norms is *not* a covering description of an observable behaviour of judges and other legal authorities, and of the beliefs and attitudes in the population of what is right or wrong" (emphasis added here). Legal positivism has been critizised by various schools of Legal Realism, pointing to discrepancies between law in books and law in action, and turning the focus from the texts of legislation to the law-making activity of the judge and other legal authorities. Following this tradition the different actions of courts of different levels come into focus. Bentzon quotes WLSA results showing much higher degrees of flexibility at lower levels of the institutional hierarchy for dispute settlement manned with lay judges, as compared to supreme court decisions based on precent and case law. A further step away from conventional legal studies (legal positivism) towards a much broader sociological/anthropological approach is taken by legal anthropology.

The critical confrontation with the dominant tradition of law faculty teaching: legal positivism, is continued in **Teodosio Uate's** paper. The paper tells the story of a collective research experience in the law faculty of the Eduardo Mondlane university in Maputo, Mozambique, the result of "a desire to establish an alternative to teaching methods that emphasize the classroom interpretation of written statutes without questioning the latter's efficacy to change social behavior in present day Mozambique." The research, dealing with the legal status of Maputo street vendors, revealed an unexpected degree of organization and 'closed ranks' on the part of the street vendors, as well as contradictions and disparities between state-

officials on different levels: The state does not act as a homogenous body *vis-a-vis* the street hawkers; ie. the state appears to be composed of a number of different semi-autonomous fields.

The collective research experience initiated 1992 has been hampered, however, and the latter part of the paper discusses the difficulties for this kind of participatory, research oriented approach to the teaching of law. For one thing, Uate states, in the dominating teaching tradition, based on lectures and memorization and focused on enabling the student to interpret and apply existing laws, research is not seen as a teaching tool. And secondly the majority of the teachers are not really motivated to try out new teaching methods: The students are many, the teachers are busy, and promises of economic gain for a lawyer in present day structural adjustment Mozambique are not in university teaching.

Talking about law and legal research in Africa and other parts of the Third World it is not unimportant to look at the intellectual and material context of those - lawyers, academics and university teachers - who are going to carry it out. In some southern African countries, partly as an effect of the WLSA project, new approaches to law teaching and legal research are gaining ground. This for instance is the case in Zimbabwe, where a Women's Law course has been institutionalized (cf. Julie Stewart's paper in this volume). In Mozambique, however, the national WLSA research group is based at the Centre for African Studies (history and social science). Attempted connections to the Law Faculty have so far not been successful.

Perspectives on Family Relationships

In WLSA's two previous research phases, on Maintenance and Inheritance, 'the family' emerged as a very strong semi-autonomous field. This was the reason for taking up family studies in the third research phase, initiated 1994. In her contribution **Elizabeth Gwaunza** discusses experiences and results from the first year of the family research. Originally the researchers had decided in their data collection and initial data analysis not to use the words 'kinship' and 'family' in order not to be constrained by the use of loaded concepts, but go to the field with open minds, trying to understand the reality on the ground on its own terms. It quickly turned out, however, that "the concepts that we eschewed were in fact inescapable" in so

far as blood and affinal kinship ties in fact had great importance in people's lives. Thus the next step was to map family forms, finding out that 'families' are anything but static. Family relations vary according to time, place and culture, and also according to purpose. "The family may be defined in one way for purposes of, say, inheritance, but in another for other purposes."

'The family' accordingly changes and fluctuates, contracts and expands depending on context and purpose, inspiring to a conception of the "amoeba-like nature of the family" as well as the concept of "contracting and expanding families". It does not make sense, thus, to talk of 'the family', but *family relations* are certainly important.

A further result of the WLSA research is that family relations also work in relation to distant members in terms of support to relatives who are "old, infirm, too young to fend for him/herself or simply economically deprived." This kind of support seems to be a strong moral obligation, even if it is not supported by any law. "Throughout the research it was apparent that it was conceptually inconcievable to discount relatives for whom one felt a moral obligation to maintain" Gwaunza states. That legally there was no such duty was irrelevant, and that there was no reciprocity was also irrelevant."

This finding accentuates a) the *strength* of family relations, and b) their *supportive* aspects, both issues taken up for discussion in **Signe Arnfred's** paper. She criticizes feminist research for having focused too narrowly on the oppressive and confining aspects of family relations, neglecting their doubleness and ambivalence, and especially disregarding the protective and supportive aspects of family relations. By inspiration partly from WLSA findings regarding women's feelings of *belonging* she goes on to criticize what she sees as the dominant (and North-dominated) feminist discourse of *equality* and *rights*, as for instance expressed in the documents from the Beijing 1995 Fourth World Conference on Women.

The language of equality and rights does not take needs for belonging into consideration, and when it talks of *reproductive rights*, it does so in a context of commodification. At the same time a powerful right wing movement, led by the Holy See, presents itself as the protector of family values and of life.

It is the argument of the paper that the Left/Right dividing line is drawn in a wrong place, leaving women's needs of *belonging* to be structured according to a right wing, fundamentalist agenda.

This uneasiness regarding a Left/Right divide may point to a change, the impact of which is felt stronger in the North, where the Left/Right divide has historically provided a very important and strong point of orientation in political, legal and scientific matters. Now that (if) this worldview and point of orientation has to some degree imploded, it has left a void in the evaluation of and argumentation for these matters and changes concerning them. However perhaps this feeling of disorientation and even frustration may also allow for a greater acknowledgment of actual diverse realities as well as for the necessity of theoretical and positional rethinking. - By way of conclusion - it might be high time for the North to begin learning from the South.