

ABSTRACT

The old anthropological question of the comparison between an archaic or traditional commercial law on one hand and a modern commercial law on the other is revisited using a conceptualization of an empirical study of legal comparisons performed within the real decision-making processes at work in the current Czech justice system. Commercial law is represented by a single legal institution – the law of reciprocity (*comitas gentium*) – which regulates the cooperation between various legal authorities and legal systems potentially entangled in cross-border commercial disputes. The reader is first introduced to the context and evidence-dependency of any legal comparison ranging from the representation of law and feud in Yemen at an asylum trial, to the legal systems regulating exchange contracts in Afghanistan involving cross-border disputes. The idea of comparing legal systems as two autonomous social units is abandoned in favor of the study of the comparative practices of a small population of Czech legal authorities, which furnishes readers with plenty of questions about the social organization of legal cognition. The dissertation refrains from drawing final conclusions using legal comparisons, instead it focuses on the limitations and barriers of marshalling evidence (symbolic representations) of “the law of the Other,” resulting from the social organization and material culture of the intercultural transmission of legal systems. Based on this, the author aims to compare the “archaic” and “modern” law of reciprocity as two fundamentally different forms of cross-border cooperation between legal authorities established to solve contract disputes resulting from cross-border exchange: intercultural transmissions of legal systems and legal sodalities. While the intercultural transmissions of legal systems are studied at the phases of the re-localization of foreign legal systems during Czech trials, the legal sodalities are explored on the basis of symbolic representations of law in Afghanistan, which travelled into the same context. Although the legal systems in Afghanistan may be seen as an example of archaic law (as an opposite to legal modernity), they rather represent a site of legal difference with the law in the Czech Republic (as an example of legal modernity). The archaic legal sodalities and the modern intercultural transmissions of legal systems are then related to the broader questions of the disciplinary canon of the anthropology of law.