



BIOGRAPHICAL MEMOIRS

LEOPOLD J. POSPISIL

April 26, 1923–October 25, 2021

Elected to the NAS 1984

A Biographical Memoir by Frank Hole

AS A STUDENT, and later faculty member, Leopold “Leo” Jaraslov Pospisil joined a group of anthropologists at Yale University who emphasized strict empirical analysis of language and culture: Floyd Lounsbury (linguistics), Harold Conklin (ethnology, ethnobotany, ethnoscience) and Benjamin Rouse (Caribbean archaeology), all of whom became members of the National Academy of Sciences. The synergy (and competition) among these colleagues at Yale was evident in their long-term, evidence-based research. Pospisil maintained that it is only through fluency in the language of one’s subjects, attention to all facets of culture, and long-term participation can one achieve objective reality—that is, understand the culture like a native. As he noted, “For me the only authority has been objective reality.”¹ He is widely respected for his extraordinarily detailed ethnographic studies and his conception that there are “levels of law” in all societies, an insight that led to the field of legal anthropology. As Mark Ryan Goodale noted, “His was the first attempt to analyze the complexity of legal pluralism.”² And Rebecca French stated, “Most of the definitions and theories which students of the subdiscipline take for granted were initially defined by Pospisil.”³

Leo was born in Olomouc, Czechoslovakia, on April 26, 1923, the first child of Leopold Pospisil, a successful lawyer, and painter Ludmila Petrlak. From boyhood, Leo had been fascinated by nature and human biology and had hoped to become a physician. With the Nazi German threat looming, his father bought him a farm to provide security. But the Gestapo arrested his father who gave himself up to free his



Figure 1 Leopold Jaraslov Pospisil.

son. While his father was imprisoned in Dachau and Buchenwald, Leo ran the farm for five years. After liberation in 1945, he started medical school but quit to study law at Charles University in Prague. In 1945, Leo married Zdenka Smyd. On the eve of the Communist coup in 1948, arrest warrants for resistance activities were issued for both father and son. Leo and Zdenka fled, leaving behind their two-year-old daughter, also Zdenka, with her maternal grandparents. The couple lived in German refugee camps for a year and a half. While in Germany, Leo studied philosophy at Masaryk University in Ludwigsburg. He emigrated to the United States in 1949.





Figure 2 Leo Pospisil with a Kapauku informant, New Guinea.

Leo's training in law formed the foundation of his enduring interest in comparative legal systems. But his experiences with totalitarian regimes led him to the social sciences and study of the means of social control. Leo began his studies in the United States in Salem, Oregon, at Willamette University, earning a bachelor of arts in sociology, and then completed a master of arts in anthropology at the University of Oregon. In 1952, he entered the doctoral program in anthropology at Yale. Leo made particular use of George Peter Murdock's cross-disciplinary files of human cultures (today, the Human Relations Area Files) to develop his ideas about the necessity of developing a comparative science of law. Cornelius Osgood, director of the Anthropology Division of the Yale Peabody Museum, instilled in Leo the axiom that "systematic and holistic ethnographic fieldwork in far-flung territories was the hallmark of anthropology."⁴ From the first, he "wanted to design a cross-culturally valid theory of law based on solid fieldwork in several societies."⁵ In the end, he noted, "I have studied four societies representing an evolutionary system: the Nunamiut Eskimo [Inupiat], hunters and gatherers of Alaska (1957); the Kapauku Papuans, tribal horticulturalists of New Guinea (1954–55, 1959, 1962, 1975, 1979); the Hopi Indians, an agricultural chieftainship of the American Southwest (1952); and the Obernberg

peasants, representative of the Tirolean civilization of Austria (in 1962–63 and every summer from 1964–1994)."⁶

His initial field research was among the Hopi-Tewa Indians of Hano village on the First Mesa in Arizona. Leo recalled, "Although I had collected a heap of material on socio-political structure and social control, I did not dare to publish because of my ignorance of the language. . . . I did not want to join those anthropologists who published on people of whose language and whole culture they were ignorant."⁷ A summer's study among the Nunamiut Inupiat, whose language he also did not know, produced a large collection of artifacts for the Yale Peabody Museum as well as an article on law and society among the Nunamiut.

He received his Ph.D. in 1956, with a dissertation based on fieldwork in Papua New Guinea. Three books—*Kapauku Papuans and Their Law*, *Kapauku Papuan Economy*, and *The Kapauku Papuans of West New Guinea*—derived from his initial eighteen-month fieldwork and subsequent shorter visits. These later study trips enabled him to observe changes in law and Kapauku society that resulted from the encroachment of Dutch government officials and their imposed state law. Owing to his multiple decades of fieldwork, he witnessed and recorded the transformation of the "stone age" into the modern age.

The books on the Kapauku display Leo's use of detailed case studies of social interactions and legal disputes, data that he used to develop his theories of Kapauku and other legal systems. His book *Anthropology of Law: A Comparative Theory* states that "anthropology of law is a *science* of law and therefore empirical."⁸ In this and in his many other works, facts, not theories, are central. This book has been translated into Chinese, Korean, German, and Czech. As Rebecca French noted in her essay on Leo,

To record the legal system, he focuses on instances of trouble and conflict inside the culture, classifying those involving internal decision-making as legal cases. These are recorded, categorized at the fieldsite and then discussed with local informants to abstract the main principles—substantive procedural and moral—which can be garnered from these legal decisions. . . . These principles are then rechecked with the informants in a continuous feedback process aimed at creating an accurate portrayal of the legal system from inside.⁹

Leo learned the difficult Kapauku language through intense interactions with boys who became in native terms, his sons.¹⁰ Learning Kapauki, Leo's seventh language, was difficult, and at first, he tried to learn ten new words a day, while also studying from a grammar to put the words in their contexts. In five months, he could converse comfortably in

Kapauku. In addition to learning their language and participating in all aspects of daily life, he introduced gymnastics, teaching the boys to do headstands, somersaults, turnovers on beams, and pull ups, as he had learned in his Czechoslovak Sokol. His boys erected a house for him, and he made a small garden of onions, cucumbers, beans, chili peppers, maize, potatoes, and tomatoes using seeds sent from the United States to supplement the indigenous fare. Leo had fun carrying out fieldwork. His daughter Mira recalled his research trips as “the happiest times of his life.”¹¹ The natives, whether in New Guinea or the Tirol, had deep affection for him because of his genuine interest in them, his insatiable curiosity, and his fondness of practical jokes.

From 1962–2015, he spent part of each year studying Tirolean peasants, the culmination of which was *Obernberg: A Quantitative Analysis of a Tirolean Peasant Economy*. Like his work on the Kapauku, he delved into the most minute details of life in the Tyrol, making use of numerous informants, including his father and his daughter Mira, who attended the local school. He emulated Hal Conklin’s massive *Ethnographic Atlas of Ifugao* in its meticulous detailed observations and analyses of peasant economy in the Tyrol. *Obernberg* contains 168 pages of tabular numerical data, fully explained in the text. He records details and the rationale of cattle husbandry and agriculture and the technology related to each; the farms and inheritance; women’s roles in raising and selling chickens and eggs; and individual capitalism. Daniel Strouthes described it as the “most detailed anthropological publication I have ever seen.”¹² As with the Kapauku, by the end of his fieldwork he had experienced and documented the transformation into the modern world of a previously isolated community.¹³

His last book, *Adventures in the ‘Stone Age’: A New Guinea Diary*, published shortly after his death, is a vivid account of his experiences in the field, with a wealth of photographs. He also shot 16mm film while in New Guinea that he compiled into the film *KAPAUKU 1954–1959*, now preserved on DVD at the Yale Film Archive. It features sixty-three minutes of various aspects of Kapauku life as it was nearly seventy years ago.¹⁴ This is supplemented by some 200 annotated color slides documenting Kapauku life. During his field trips, he collected hundreds of ethnographic artifacts representative of the cultures he studied, carrying on the tradition of Cornelius Osgood, his predecessor as curator of Anthropology and like his colleague Hal Conklin. These are now in the anthropology collections of the Yale Peabody Museum.

Leo lectured at more than fifty institutions worldwide and held visiting posts at universities in the United States and abroad, from England to Holland, Germany, Poland, Czech Republic, Australia, and South Africa. He was awarded honorary degrees from Willamette University (1969) and Charles

University (1991, 1994). He served as president of the Czechoslovak Academy of Sciences (1980–84), was elected to the National Academy of Sciences in 1984, and was named a Fellow of the American Association for the Advancement of Science (1991). Leo was a Fellow of Yale’s Branford College, lectured at the law school, and was a member of numerous professional societies in anthropology and law.

At Yale, Leo was head of the Anthropology Division of the Peabody Museum of Natural History from 1966–93. He organized a major exhibit entitled “Peoples of the Pacific,” with emphasis on New Guinea, and he worked tirelessly to encourage collectors to donate to the Peabody Museum and to exhibit their collections. He also edited *Yale University Publications in Anthropology* (1973–95). He encouraged students to study collections and develop exhibits based on them. Barry Rollett, one of his last students, followed his example by establishing a museum in French Polynesia to display artifacts recovered from the Marquesas.

Leo was a strict teacher, requiring anyone who did fieldwork under his supervision to learn the language of their informants. Leo set an example, with fluency in Czech, Slovak, German, English, French, Kapauku Papuan, and Spanish and had reading knowledge of Latin. Barry Rollett remarked that he gave formal lectures even to a class of three.¹⁵ He wore his three-piece suit, stood with one hand behind his back, and turned the pages of his typed notes with the other. He explained that he was trained in law school to present legal arguments that way. Despite the formality, he regaled students and anyone who would listen with stories of his fieldwork, for he was a master raconteur. Mira Pospisil described him as “a wonderful exuberant storyteller.”¹⁶ He delighted in the wonders of nature and wrote with vivid images: the water “spout disintegrated and collapsed in a spectacular cascade of colourful, glittering water drops magically illuminated by the late afternoon sun.”¹⁷

Leo’s work habits were legendary. He had an office in the basement of a former bank building where he made room for his graduate students. He came to his office at 3 p.m. each day and worked until midnight, eager to chat and to urge his dissertation students to write a page a day. If they didn’t drop by, he called them at home to consult, chat, or encourage. When he admonished students, it was always with a smile, a practice he had developed among the Kapauku.

An avid gardener, his backyard was a riot of flowers, which he tended until his last days. He was quick to offer bulb catalogs from Europe and advice on planting. Leo owned a small farm and apple orchard in Bethany, Connecticut, from which he brought bushels of apples to the Anthropology Department each autumn. A highlight of each New Year was Leo and Zdenka’s parties at their house near the Yale campus. Inside the front door stood a knight in full armor, and in the



Figure 3 Leo Pospisil with cups of punch at his holiday party.

living room stood a giant Christmas tree. The living room was decorated from walls to ceiling with streamers, balloons, candy boxes and more than could be embraced by one's eyes. Leo, dressed in a Tirolean jacket passed out cups of his favorite punch. He held court before the fireplace while Zdenka, Mira, and others bustled in the kitchen serving up Czech food. Every two years, Leo made an elaborate gingerbread house for all to admire, but not eat. Then he would eat the two-year-old gingerbread house himself. At times, Leo would invite others to join him in descending through the basement to bring prize bottles of Czech wine from the cellar, which he had excavated inside a filled-in cylindrical, brick icehouse. As a joke, Leo had some cookies for his holiday party decorated royal blue because he thought Western people could not eat blue cookies.¹⁸

Leo enjoyed people, and in his later years, as his Parkinson's disease advanced, he could often be found in his front yard tending a small garden and talking with passersby. An avowed enemy of elitism and authoritarianisms of all kinds, Leo treated people as equals. At the announcement of his death, John Cascio, UPS driver for twenty years, said in Leo's obituary, "the Professor always treated me with the utmost respect as I was a blue-collar worker."¹⁹

Over three decades, Parkinson's disease gradually diminished Leo's vitality, and he passed away peacefully in October 2021 at the age of ninety-eight. Leo is survived by his wife, Zdenka, daughters Zdenka Jonak and Mira Pospisil, five grandchildren, and seven great-grandchildren. His brother, Lubomir (Mik), predeceased him. Leo was buried in the family grave in Olomouc, Czech Republic.

NOTE

Most of the biographical information in this memorial was taken from the following sources: Barbora Zelenková's interview with Leo Pospisil in *The Ethnologist* in Prague on May 18, 2018; Jaroslav Jiřík and Martin Soukop's "Afterword" in *Adventures in the Stone Age* (pp. 271–283); email correspondence with John Lane in January and February of 2024; and Leo's obituary, written by son-in-law John Lane, for the *New Haven Register* from February 5, 2022.

REFERENCES

- 1 Pospisil, L. 2021. *Adventures in the 'Stone Age': A New Guinea Diary*, p. 9. Ed. J. Jiřík. Prague: Karolinum Press.
- 2 Goodale, M. R. 1998. Leopold Pospisil: A critical reappraisal, p. 144. *J. Leg. Plur. Unoff. Law* 4:123–149.
- 3 French, R. 1993. Leopold J. Pospisil and the anthropology of law, p. 2. *PoLAR* 16(2):1–8.
- 4 French, R. 1993, p. 1.
- 5 Pospisil, L. 2021, p. 3.
- 6 Pospisil, L. 1995. *Obernberg: A Quantitative Analysis of a Tirolean Peasant Economy*, p. 2. *Memoirs of the Connecticut Academy of Arts & Sciences*, Vol. 24. New Haven, Conn.: Connecticut Academy of Sciences.
- 7 Pospisil, L. 2021, p. 11.
- 8 Pospisil, L. 1971. *Anthropology of Law: A Comparative Theory*, p. x. New York: Harper & Row.
- 9 French, R. 1993, p. 2.
- 10 Pospisil, L. 2021, p. 34.
- 11 M. Pospisil, e-mail messages to author, December 2023 to January 2024.
- 12 Strouthes, D. 1997. Review of *Obernberg: A quantitative analysis of a Tirolean peasant economy*. *PoLAR* 20(2):164–169.
- 13 Pospisil, L., dir. *Obernberg 1965 and Obernberg (1971)*. Yale Film Archive, Yale University.
- 14 Pospisil, L., dir. *KAPPAUKU1954/55–1959 (1959)*. Yale Film Archive, Yale University. 63 min. A version with Leo's narration is <https://vimeo.com/yalefilmarchive/review/213715685/d6435c6145>.
- 15 B. Rollett, e-mail message to author, December 11, 2023.
- 16 M. Pospisil, email messages to author, January 1 and January 18, 2024.

17 Pospisil, L. 2021, p. 13.

18 J. Offner, email message to author, December 12, 2023.

19 Obituary, Leo J. Pospisil, *New Haven Register*, February 5, 2022.

SELECTED BIBLIOGRAPHY

- 1958 With Irving Rouse. *Kapauku Papuans and Their Law*. Yale University Publications in Anthropology, No. 54. Whitefish, Mt.: Literary Licensing LLC.
- 1963 *Kapauku Papuan Economy*. Yale University Publications in Anthropology, No. 67. New Haven: Yale University Press.
- The Kapauku Papuans of West New Guinea*. New York: Holt, Rinehart, and Winston.
- 1964 Law and societal structure among the Nunamiut Eskimo. In: *Exploration in Cultural Anthropology: Essays in Honor of George Peter Murdock*, ed. W. Goodenough, pp. 395–431. New York, McGraw-Hill.
- 1965 A formal analysis of substantive law: Kapauku Papuan laws of inheritance. *Am. Anthropol.* 67(6, part 2):166–185.
- A formal analysis of substantive law: Kapauku Papuan land tenure. *Am. Anthropol.* 67(5, part 2):185–214.
- 1967 Legal levels and multiplicity of legal systems in human societies. *J. Conflict Resol.* 11(1):2–26.
- 1971 *Anthropology of Law: A Comparative Theory*. New York: Harper & Row.
- 1972 *The Ethnology of Law*. McCaleb Module in Anthropology No. 12. Boston: Addison-Wesley Publishing.
- 1976 With Derek De Solla Price. Kapauku numeration. *Journal of the Polynesian Society*, 271–272.
- 1979 Legally induced change in New Guinea. In: *The Imposition of Law*, eds. S. B. Burman and B. E. Harrell-Bond, pp. 127–146. New York: Academic Press.
- 1980 Law versus morality: A solution to the problem of the Australian eight-class marriage system. In: *Entstehung und Wandel rechtlicher Traditionen*, eds. W. Fikentscher, H. Franke, and O. Kohler, pp. 235–263. Freiburg, München: C. H. Beckischer Verlag.
- A dynamic view of law. *Rev. Anthropol.* 7(2):235–248.
- 1982 *Anthropologie des Rechts: Recht und Gesellschaft in archaischen und modernen Kulturen*. Munich: Beck.
- Obernberg: A Quantitative Analysis of a Peasant Tirolean Economy*. Memoirs of the Connecticut Academy of Arts & Sciences, Vol. 24. New Haven, Conn.: Connecticut Academy of Sciences.
- Law equals Ius and Lex: The major problem of Anglo-Saxon theories of law. *Acta Universitatis Carolinae-Philosophia et Historica Studia Ethnographica* 49–56.
- 2004 *Sociocultural Anthropology*. Boston: Pearson Custom Publishing.
- 2021 *Adventures in the 'Stone Age': A New Guinea Diary*. Ed. J. Jiřík. Prague: Karolinum Press.