



LEGAL PLURALISM AND DEVELOPMENT

**Scholars and Practitioners
in Dialogue**

*Edited by Brian Z. Tamanaha, Caroline Sage,
and Michael Woodcock*

CAMBRIDGE

Legal Pluralism And Development Scholars And Practitioners In Dialogue

Georgios I. Zekos



Legal Pluralism And Development Scholars And Practitioners In Dialogue:

Legal Pluralism and Development ,2012 Legal Pluralism Explained Brian Z. Tamanaha,2021-03-03 This book places legal pluralism in historical context describing the origins of legal pluralism in postcolonial countries and its implications today It identifies manifestations of legal pluralism within Western societies discusses contemporary transnational legal pluralism identifies problems with current theoretical accounts of legal pluralism and articulates an approach to legal pluralism that is useful for social scientists theorists and law and development scholars and practitioners

Designing Indicators for a Plural Legal World Siddharth Peter de Souza,2022-11-10 Based on author s thesis doctoral Humboldt Universit at zu Berlin 2020 The Oxford Handbook of Governance and Limited Statehood Thomas Risse,Tanja A. Börzel,Anke Draude,2018-03-08 Unpacking the major debates this Oxford Handbook brings together leading authors of the field to provide a state of the art guide to governance in areas of limited statehood where state authorities lack the capacity to implement and enforce central decision and or to uphold the monopoly over the means of violence While areas of limited statehood can be found everywhere not just in the global South they are neither ungoverned nor ungovernable Rather a variety of actors maintain public order and safety as well as provide public goods and services While external state governors and their interventions in the global South have received special scholarly attention various non state actors from NGOs to business to violent armed groups have emerged that also engage in governance This evidence holds for diverse policy fields and historical cases The Handbook gives a comprehensive picture of the varieties of governance in areas of limited statehood from interdisciplinary perspectives including political science geography history law and economics 29 chapters review the academic scholarship and explore the conditions of effective and legitimate governance in areas of limited statehood as well as its implications for world politics in the twenty first century The authors examine theoretical and methodological approaches as well as historical and spatial dimensions of areas of limited statehood and deal with the various governors as well as their modes of governance They cover a variety of issue areas and explore the implications for the international legal order for normative theory and for policies toward areas of limited statehood

World Heritage Conservation in the Pacific Stephanie Clair Price,2018-07-20 This book explores the opportunities and challenges associated with the legal protection of World Heritage sites in the Pacific Islands It argues that the small Pacific representation on the World Heritage List is in part due to a lack of strong legal frameworks for heritage conservation putting such sites under threat Providing a comprehensive analysis of the nomination listing and protection of the Solomon Island World Heritage Site it examines the implementation of the World Heritage Convention in the Pacific context It explores how the international community s broadening interpretation of the notion of outstanding universal value has increased the potential for Pacific heritage to be classified as World Heritage This book also analyses the protection regime established by the Convention and the World Heritage Committee s approach to heritage conservation identifying challenges

associated with the protection of Pacific Island heritage

Hybridity in Peacebuilding and Development Lia

Kent, Miranda Forsyth, Sinclair Dinnen, Joanne Wallis, Srinjoy Bose, 2020-06-29 The concept of hybridity highlights complex processes of interaction and transformation between different institutional and social forms and normative systems It has been used in numerous ways to generate important analytical and methodological insights into peacebuilding and development Its most recent application in the social sciences has also attracted powerful critiques that have highlighted its limitations and challenged its continuing usage This book examines whether the value of hybridity as a concept can continue to be harnessed and how its shortcomings might be mitigated or overcome It does so in an interdisciplinary way as hybridity has been used as a benchmark across multiple disciplines and areas of practical engagement over the past decade including peacebuilding state building justice reform security development studies anthropology and economics This book encourages a dialogue about the uses and critiques of hybridity from a variety of perspectives and vantage points including deeply ethnographic works high level theory and applied policy work The authors conclude that there is continued value in the concept of hybridity but argue that this value can only be realised if the concept is engaged with in a reflexive and critical way This book was originally published as a special issue of the online journal Third World Thematics

Truth and

Transitional Justice Alice Panepinto, 2022-02-24 With a unique transitional justice perspective on the Arab Spring this book assesses the relocation of transitional justice from the international paradigm to Islamic legal systems The Arab uprisings and new and old conflicts in the Middle East North Africa and other contexts where Islam is a prominent religion have sparked an interest in localising transitional justice in the legal systems of Muslim majority communities to uncover the truth about past abuse and ensure accountability for widespread human rights violations This raises pressing questions around how the international paradigm of transitional justice and in particular its truth seeking aims might be implemented and adapted to local settings characterised by Muslim majority populations and at the same time drawing from relevant norms and principles of Islamic law This book offers a critical analysis of the relocation of transitional justice from the international paradigm to the legal systems of Muslim majority societies in light of the inherently pluralistic realities of these contexts It also investigates synergies between international law and Islamic law in furthering truth seeking the formation of collective memories and the victims right to know the truth as key aims of the international paradigm of transitional justice and broadly supported by the shari ah This book will be a useful reference for scholars practitioners and policymakers seeking to better understand the normative underpinnings of potential transitional truth seeking initiatives in the legal systems of Muslim majority societies At the same time it also proposes a more critical and creative way of thinking about the challenges and opportunities of localising transitional justice in contexts where the principles and ideas of Islamic law carry different meanings

The Oxford Handbook of Global Legal Pluralism Paul Schiff Berman, 2020-06-01

Over the past two decades Global Legal Pluralism has become one of the leading analytical frameworks for understanding and conceptualizing

law in the 21st century Wherever one looks there is conflict among multiple legal regimes Some of these regimes are state based some are built and maintained by non state actors some fall within the purview of local authorities and jurisdictional entities and some involve international courts tribunals and arbitral bodies and regulatory organizations Global Legal Pluralism has provided first and foremost a set of useful analytical tools for describing this conflict among legal and quasi legal systems At the same time some pluralists have also ventured in a more normative direction suggesting that legal systems might sometimes purposely create legal procedures institutions and practices that encourage interaction among multiple communities These scholars argue that pluralist approaches can help foster more shared participation in the practices of law more dialogue across difference and more respect for diversity without requiring assimilation and uniformity Despite the veritable explosion of scholarly work on legal pluralism conflicts of law soft law global constitutionalism the relationships among relative authorities transnational migration and the fragmentation and reinforcement of territorial boundaries no single work has sought to bring together these various scholarly strands place them into dialogue with each other or connect them with the foundational legal pluralism research produced by historians anthropologists and political theorists Paul Schiff Berman one of the world s leading theorists of Global Legal Pluralism has gathered over 40 diverse authors from multiple countries and multiple scholarly disciplines to touch on nearly every area of legal pluralism research offering defenses critiques and applications of legal pluralism to 21st century legal analysis Berman also provides introductions to every part of the book helping to frame the various approaches and perspectives The result is the first comprehensive review of Global Legal Pluralism scholarship ever produced This book will be a must have for scholars and students seeking to understand the insights of legal pluralism to contemporary debates about law At the same time this volume will help energize and engage the field of Global Legal Pluralism and push this scholarly trajectory forward into another two decades of innovation

Applied Legal Pluralism Ghislain Otis, Jean Leclair, Sophie Thériault, 2022-07-15 This book offers a comparative study of the management of legal pluralism The authors describe and analyse the way state and non state legal systems acknowledge legal pluralism defined as the coexistence of a state and non state legal systems in the same space in respect of the same subject matter for the same population and determine its consequences for their own purposes The book sheds light on the management processes deployed by legal systems in Africa Canada Central Europe and the South Pacific the multitudinous factors circumscribing the action of systems and individuals with respect to legal pluralism and the effects of management strategies and processes on systems as well as on individuals The book offers fresh practical and analytical insight on applied legal pluralism a fast growing field of scholarship and professional practice Drawing from a wealth of original empirical data collected in several countries by a multilingual and multidisciplinary team it provides a thorough account of the intricate patterns of state and non state practices with respect to legal pluralism As the book s non prescriptive approach helps to uncover and evaluate several biases or assumptions on the part of policy makers

scholars and development agencies regarding the nature and the consequences of legal pluralism it will appeal to a wide range of scholars and practitioners in law development studies political science and social sciences *Anti-Corruption in International Development* Ingrida Kerusauskaite, 2018-02-06 Corruption is linked to a wide range of developmental issues including undermining democratic institutions slowing economic development and contributing to government instability poverty and inequality It is estimated that corruption costs more than 5 per cent of global GDP and that more than one trillion US dollars are paid in bribes each year This book unpacks the concept of corruption its political and ethical influences its measurement commitments to combat corruption and ways that this is being attempted Building on the research on the nature causes and consequences of corruption this book analyses international anti corruption interventions in particular It discusses approaches to focus efforts to tackle corruption in developing countries on where they are most likely to be successful The efforts of the UK are considered as a detailed case study with comparisons brought in as necessary from other countries and multilateral institutions anti corruption efforts Bridging a range of disciplines *Anti Corruption in International Development* will be of interest to students and scholars of international development public administration management international relations politics and criminal justice Political, Economic and Legal Effects of Artificial Intelligence Georgios I. Zekos, 2022-03-07 This book presents a comprehensive analysis of the alterations and problems caused by new technologies in all fields of politics It further examines the impact of artificial intelligence AI on the nexus between politics economics and law The book raises and answers several important questions What is the role of AI in politics Are people prepared for the challenges presented by technical developments How will AI affect future politics and human society How can politics and law deal with AI s disruptive technologies What impact will AI and technology have on law How can efficient cooperation between human beings and AI be shaped Can artificial intelligence automate public decision making Topics discussed in the book include but are not limited to digital governance public administration digital economy corruption democracy and voting legal singularity separation of power constitutional rights GDPR in politics AI personhood digital politics cyberspace sovereignty cyberspace transactions and human rights This book is a must read for scholars and students of political science law and economics as well as policy makers and practitioners interested in a better understanding of political legal and economic aspects and issues of AI **An Interdisciplinary Journey from Non-Discrimination to Collective Rights** Jessika Eichler, 2024-04-22 This book develops a critique of the equality paradigms and principles to be found in the majority of today s legal orders It accompanies the reader taking her him x from a critique of non discrimination and equality to the opposite end of the spectrum that is to collective rights collectivization processes and a manifestation of recognition that is based on difference This interdisciplinary theoretical journey explores a multiplicity of legal orders in terms of how they provide spaces of articulation for difference The book draws emblematically on the rights of indigenous peoples as well as recognized and unrecognized cultural ethnic linguistic and religious minorities The book thereby builds on

legal and political theory which ultimately proves essential given the dedicated objective of the book that is to introduce a variety of recognition principles and what the author terms scales of collectivization which facilitate a better understanding of collective rights and further ways to capture define and ultimately measure these rights **Hart, Fuller, and Everything After** Allan C Hutchinson,2023-02-23 More has been said about the Hart Fuller debate than can be considered healthy or productive even within the precious world of jurisprudential scholarship too much philosophising about how law has revelled in its own abstractness and narrowness But the mission of this book is distinctly and determinedly different it is not to rework these already rehashed ideas but to reject them entirely Rather than add to the massive jurisprudential literature that has been generated by all and sundry the book criticises and abandons the project that Hart and Fuller set in motion It contends that the turn that was taken in 1957 has led down a series of cul de sacs blind alleys and dead ends to nowhere useful or illuminating It is more than past time to leave their debate behind and strike out in an entirely new and more promising direction The book insists that not only law but also all theorising about law is political in all its derivations dimensions and directions *Authority and the Globalisation of Inclusion and Exclusion* Hans Lindahl,2018-09-06 Protracted and bitter resistance by alter and anti globalisation movements shows that the globalisation of law transpires as the globalisation of inclusion and exclusion Humanity is inside and outside global law in all its possible manifestations But how is this possible How must legal orders be structured such that even if we can now speak of law beyond state borders no emergent global legal order is possible that does not include without excluding Is an authoritative politics of boundaries possible that neither postulates the possibility of realising an all inclusive global legal order nor accepts resignation or political paralysis in the face of the globalisation of inclusion and exclusion These pressing questions guide this book opening up a vast field of enquiry that demands integrating sociological doctrinal and philosophical perspectives and insights

Routledge Handbook of Law and Religion Silvio Ferrari,2015-03-05 The field of law and religion studies has undergone a profound transformation over the last thirty years looking beyond traditional relationships between State and religious communities to include rights of religious liberty and the role of religion in the public space This handbook features new specially commissioned papers by a range of eminent scholars that offer a comprehensive overview of the field of law and religion The book takes on an interdisciplinary approach drawing from anthropology sociology theology and political science in order to explore how laws and court decisions concerning religion contribute to the shape of the public space Key themes within the book include Religions symbols in the public space Religion and security Freedom of religion and cultural rights Defamation and hate speech Gender religion and law This advanced level reference work is essential reading for students researchers and scholars of law and religion as well as policy makers in the field **Re-Imagining Labour Law for Development** Diamond Ashiagbor,2019-07-25 The aim of this book is to explore labour law s conceptual and normative narrative If labour law is informed by the wider political and economic landscape within which it operates then given the

declining prevalence of the post war model of full employment within a formal welfare state regime what shape does or should labour law assume in response to the transformation of the political economy in countries of the global North Correspondingly what is the proper role to be played by labour law and labour relations institutions in the development process within industrialising countries of the global South where informal employment has long been and remains the predominant form Drawing on the expertise of leading labour law scholars this collection addresses those questions by examining the growth and continued prevalence of informality Offering research that is both empirically grounded and doctrinally astute the book explores the changing character of labour law in the global North and South Legal Dissonance

Shaun Larcom,2015-07-01 Papua New Guinea s two most powerful legal orders customary law and state law undermine one another in criminal matters This phenomenon called legal dissonance partly explains the low level of personal security found in many parts of the country This book demonstrates that a lack of coordination in the punishing of wrong behavior is both problematic for legal orders themselves and for those who are subject to such legal phenomena Legal dissonance can lead to behavior being simultaneously promoted by one legal order and punished by the other leading to injustice and perhaps more importantly undermining the ability of both legal orders to deter wrongdoing *Hybridity on the Ground in Peacebuilding and Development*

Joanne Wallis,Lia Kent,Miranda Forsyth,Sinclair Dinnen,Srinjoy Bose,2018-03-01 Hybridity on the Ground in Peacebuilding and Development engages with the possibilities and pitfalls of the increasingly popular notion of hybridity The hybridity concept has been embraced by scholars and practitioners in response to the social and institutional complexities of peacebuilding and development practice In particular the concept appears well suited to making sense of the mutually constitutive outcomes of processes of interaction between diverse norms institutions actors and discourses in the context of contemporary peacebuilding and development engagements At the same time it has been criticised from a variety of perspectives for overlooking critical questions of history power and scale The authors in this interdisciplinary collection draw on their in depth knowledge of peacebuilding and development contexts in different parts of Asia the Pacific and Africa to examine the messy and dynamic realities of hybridity on the ground By critically exploring the power dynamics and the diverse actors ideas practices and sites that shape hybrid peacebuilding and development across time and space this book offers fresh insights to hybridity debates that will be of interest to both scholars and practitioners Hybridity has become an influential idea in peacebuilding and this volume will undoubtedly become the most influential collection on the idea Nuance and sophistication characterises this engagement with hybridity Professor John Braithwaite Decolonizing Constitutionalism

Boaventura de Sousa Santos,Sara Araújo,Orlando Aragón Andrade,2023-07-31 The modern state law and constitution result from a legal canon that re produces the abyssal lines dividing the world that is validated from the world whose humanity and epistemological validity are denied This book aims to contribute to a post abyssal reflection on law and constitutionalism by considering the structural axes of power that are constitutive of modern law capitalism colonialism and

heteropatriarchy alongside the legal plurality of the world Is it possible to decolonize decommodify and depatriarchalize the constitution The authors speak from multiple geographies raise different questions resort to differentiated theoretical approaches and reveal varying levels of optimism about the possibilities of transforming constitutions The readers are confronted with critical perspectives on the Eurocentric legal canon as well as with the recognition of anti capitalist anti colonial and anti patriarchal legal experiences The horizon of this publication is the expansion of the possibilities of legal and political imagination

Necessary Evil David Kinley (Lecturer in law), 2018 Over the course of modern history finance the fuel of capitalism has had both positive and negative impacts on humanity *Necessary Evil* is a penetrating investigation of how our economic system affects human rights progress this will be an essential read for anyone interested in how to make the global capitalist system more responsible and progressive

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