

# Commission on Folk Law and Legal Pluralism

## Schedule for the International Course on Legal Pluralism Chiang Mai, April 1-5, 2002

**ROOM: Pathumkarn Room at Royal Park Wing**

### April 1, Monday

Morning session:

8:30 – 9:30 Registration for those who did not register on 31<sup>st</sup> March

9:30 – 10:00 Opening

**Welcome:** Prof. Pong-In Rakariyatham (RCSD), Chairman of the Steering Committee of RSCD, and Co-chair, Local Organizing Committee

**Objectives and outline of the workshop, and introduction of the participants:**

Prof. Keebet von Benda-Beckmann, President, Commission on Folk Law and Legal Pluralism

10:00- 10:30 Tea/ Coffee break

10:30 - 12:30 Lecture:**The Political Economy of Thailand's Natural Resources**  
*Prof. Dr. Yos Santasombat, Sociology and Anthropology Department, Faculty of Social Sciences, Chiang Mai University.*

12:30- 1:30 Lunch

1:30- 3:00 **Legal Pluralism: Introductory Theory, Concepts and Methodologies**  
*Prof. Gordon Woodman*

3:00 – 3:30 Tea/Coffee break

3:30 – 5:00 **Legal Pluralism:** Group Discussion of the Papers and Concepts

7:00 – 8:30 Dinner

### April 2, Tuesday

9:00 -10:30 **Natural Resources Rights Issues I: How to Look at Legal Pluralism in Natural Resources?**

*Prof. Franz von Benda-Beckmann and Prof. Melanie Wiber*

10:30 – 11:00 Tea/Coffee break

11:00 – 12:30 **Natural Resource Rights Issues:** Group Discussion

12:30- 1:30 Lunch

1:30 – 3:00 **Natural Resource Rights Issues II: Finding the Balance**  
*Veera Kaul and Owen Lynch*

3:00 – 3:30: Tea/ coffee break

3:30 – 5:00 **Natural Resource Rights Issues II:** Group Discussion

7:00 – 8:30 Dinner

### **April 3, Wednesday**

- 9:00 -10:30 **Gender Issues in Legal Pluralism**  
*Prof. Keebet von Benda-Beckmann and Prof. Melanie Wiber*
- 10:30 – 11:00 Tea/Coffee break
- 11:00 – 12:30 **Gender Issues:** Group Discussion
- 12:30- 1:30 Lunch
- 1:30 – 6:00 Field trip (3 sites)
- 7:00 – 8:30 Dinner

### **April 4, Thursday**

- 9:00 – 10:30 **Transnational Dimensions of Legal Pluralism and Human Rights Issues**  
*Prof. Shalini Randeria and Prof. Keebet von Benda-Beckmann*
- 10:30 – 11:00 Tea/Coffee break
- 11:00 – 12:30 **Transnational Dimensions:** Group Discussion
- 12:30- 1:30 Lunch
- 1:30 – 3:00 **Ethnicity, Caste, Religion, State, Community**  
*Prof. Joanne Pfaff-Czarnecka, Dr. Rajendra Pradhan and Prof. Franz von Benda-Beckmann*
- 3:00 – 3:30 Tea/ coffee break
- 3:30 – 5:00 **Ethnicity, Caste, Religion, State, Community:** Group Discussion

### **Dinner in Chiang Mai city and shopping at the night bazaar**

Depart at 6:00, dinner at 7 p.m. shopping from 8 p.m. – 10 p.m.

### **April 5, Friday**

- 9:00 – 10:30 Reading
- 10:00 –10:30 Tea/ Coffee
- 10:30 -12:00 **Methodology, Activism and Engagement in Plural Legal Conditions**  
*Prof. Melanie Wiber and Dr. Ujjwal Pradhan*
- 12:00 – 1:00 Lunch
- 1:00 – 2:30 **Methodology, Activism and Engagement:** Group Discussion
- 2:30 – 3:00 Tea/coffee break
- 3:00- 4:30 **Closing Session**  
*Prof. Gordon Woodman*  
Coming back to legal pluralism in the light of the discussions.  
Evaluation and suggestions from participants
- 7:00 – 8:30 Dinner

**April 6, Saturday**

**ROOM: Lobby Royal Park Wing**

**2:30 – 4:30 p.m. Panel discussion between experts from RCSD, Faculty of Social Sciences and International Legal Pluralism experts**

**Organized by:**

Dr. Anan Ganjanapan (RCSD), Faculty of Social Sciences, Chiang Mai University

**3:00 – 6:00 p.m.: Registration (outside Pratumrat Convention Hall)**

**ROOM: Pratumrat Convention Hall**

**6:15 – 7:00 p.m. : Opening Ceremony**

**Welcome:**

Prof. Pong-In Rakariyatham (RCSD), Dean Social Science Faculty, Chiang Mai University and of the Steering Committee of RSCD, and co-chair, Local Organising Committee [Chair of the session]

**Speech by the chief guest:**

President of Chiang Mai University, Prof. Dr. Nipon Tuwanon

**Speech by**

Dr. Ujjwal Pradhan, Ford Foundation, Indonesia

**Speech by**

Prof. Keebet von Benda-Beckmann, President of the Commission on Folk Law and Legal Pluralism

**Vote of Thanks**

Prof. Kanak Thapa, co-chair, Local Organising Committee

**Logistic and other information**

Dr. Rajendra Pradhan, Chair Local Organising Committee

**Lan Bua I (Garden/Lawn)**

7:00 – 8:00 Cocktail Reception hosted by RCSD and the Local Organising Committee

8:00 – 9:30 Dinner hosted by RCSD and the Local Organising Committee

# Commission on Folk Law and Legal Pluralism

## International Course on Legal Pluralism

Chiang Mai, Thailand

April 1-5, 2002

### *Reading List*

#### 1. **Legal Pluralism: Introductory Theory, Concepts and Methodologies**

*Prof. Gordon Woodman*

- a. Sally Falk Moore. 1978. *Law and Social Change: the Semi-autonomous Field as an Appropriate Subject of Study*. In S.F. Moore, **Law as Process: An Anthropological Approach**. London: Routledge & Kegan Paul Chapter 2. First published in *Law and Society Review*, 1973 (7) 719-746.
- b. Jacques Vanderlinden. 1989. *Return to Legal Pluralism: Twenty Years Later*. *Journal of Legal Pluralism*, (28): 149 –157.
- c. Keebet von Benda-Beckmann. 2001. Legal Pluralism. **Tai Culture** VI (1& 2). (6) 18-40

#### 2. **Natural Resources Rights Issues I: How to Look at Legal Pluralism in Natural Resources?**

**Prof. Franz von Benda-Beckmann and Prof. Melanie Wiber**

- a. Joep Spiertz and Melanie Wiber. 1996 *The Bull in the China Shop: Regulation, property rights and natural resource management: an Introduction* in Joep Spiertz and Melanie Wiber (eds.) **The Role of Law in Natural Resource Management**. Pp. 1-16. The Hague: VUGA.
- b. F. and K. von Benda-Beckmann. 1999. *Community Based Tenurial Rights: Emancipation or Indirect Rule?* In K. von Benda-Beckmann and H.F. Finkler (eds.) **Papers of the XIth International Congress “Folk Law and Legal Pluralism: Societies in Transformation”**. Ottawa: Commission on Folk Law and Legal Pluralism.

#### 3. **Natural Resources Rights Issues II : Finding the Balance**

*Veera Kaul and Owen Lynch*

- a. Lynch, Owen J. no date “*Law, Pluralism and the Promotion of Sustainable Community-Based Forest Management.*”  
<http://www.fao.org/DOCREP/W8827E/w8827c09.htm>

- b. Li, Tania Murray 2001 “*Masyarakat Adat and the limits of recognition in Indonesias Forest Zone*” **Modern Asian Studies** 35 (3) : 645-676
- c. Tsing A. L. 2002 “*Land As Law: Negotiating the Meaning of Property in Indonesia.*” In John F. Richards, ed. **Land, Property, and the Environment.** ICS Press, Oakland, Calif. Pp 94-137

#### 4. Gender Issues in Legal Pluralism

**Prof. Keebet von Benda-Beckmann and Prof. Melanie Wiber**

- a. Anne M.O. Griffiths. *Academic Narratives: Models and Methods in the Search for Meanings.* Chapter 1 from **In the Shadow of Marriage: Gender and Justice in an African Community.** Chicago and London: The University of Chicago Press. Pp. 11-38
- b. Keebet von Benda-Beckmann, et al. 1997. **Rights of Women to the Natural Resources Land and Water.** The Hague: Netherlands Development Assistance, Ministry of Foreign Affairs. Women and Development, working paper no. 2. **Chapters 2 and 4.**

Extra Reading

- c. Indira J. Simbolon. 1998. *Women and Access Rights to Land Tenure in Relative Normalcy: The Case of Desa Siraja Hutagalung.* Chapter 4 in **Peasant Women and Access to Land: Customary Law, State Law and Gender-based Ideology. The Case of the Toba-Batak (North Sumatra).** Ph.D. thesis. Wageningen: Wageningen Agricultural University. Pp.131-217.

#### 5. Transnational Law

**Prof. Shalini Randeria and Prof. Keebet von Benda-Beckmann**

- a. Shalini Randeria. *Which State is Globalisation in?: International Institutions, Social Movements and the Cunning State in India.* (To be published in Boaventura de Sousa Santos (ed.) **Legal Pluralism and Citizenship Rights in a Globalising World**).
- b. Keebet von Benda-Beckmann. 2001. *Transnational Dimensions of Legal Pluralism.* In Wolfgang Fikentscher (eds.) **Begegnung und Konflikt-ene kulturanthropologische – Bestandsaufnahm.** Munchen: Bayerischen Akademie Der Wissenschaften. Pp. 33-48.

Extra Reading

- c. Shalini Randeria. 2001. *Injustice in Many Rooms: The World Bank Inspection Panel and Justiciability of Project Law.* Chapter VI in **Local Refractions of Global Governance: Legal Plurality, International Institutions, the Post-Colonial State and NGOs in India,** Habilitation thesis, Faculty of Political and Social Sciences, Free University Berlin.

## 6. Ethnicity, Caste, Community, Religion and State

Prof. Joanna Pfaff-Czarnecka, Dr. Rajendra Pradhan and Prof. Franz von Benda-Beckmann

- a. Veena Das. 1996. *Cultural Rights and the Definition of Community*. In Oliver Mendelsohn and Upendra Baxi (eds.) **The Rights of Subordinated Peoples**. Pp. 117-158. Delhi: Oxford University Press.
- b. Aristide R. Zolberg and Long L. Woon. 1999. *Why Islam is like Spanish: Cultural Incorporation in Europe and the United States*. **Politics and Society**, vol. 27 (1) pp 5-38.

### Extra reading

- c. Franz von Benda-Beckmann and Tanja Taale. 1992. *The Changing Laws of Hospitality: Guest Labourers in the political economy of rural legal pluralism*. In F. von Benda-Beckmann and M. van der Velde (eds.) **Law as a Resource in Agrarian Struggles**. Wageningen: Wageningen Agricultural University. Pp 61-88
- d. Joanna Pfaff-Czarnecka. 1999. *Debating the State of the Nation: Ethnicization of Politics in Nepal – A Position Paper*. In J. Pfaff-Czarnecka, D. Rajasingham-Sennanayake, A. Nandy and E. T. Gomez (eds.) **Ethnic Futures. The State and Identity Politics in Asia**. New Delhi/Thousand Oaks/London: Sage Publications. Pp 41-98.

## 7. Methodology, Activism, and Engagement in Legal Plural Situations

Prof. Melanie Wiber and Dr. Ujjwal Pradhan

- a. Susan Bazilli. *A Brief Guide to International Human Rights Law for Canadian Lawyers*. **Canadian Women Studies**. 20 (3): 64-71
- b. Mark Drumbl. *Punishment Goes Global: International Criminal Law, Conflict Zones, and Gender (In) equality*. **Canadian Women Studies**. 19 (4): 22-27.
- c. Melanie Wiber. 2002. *Methods in Legal Anthropology with Special Attention to Legal Pluralism* (paper specially written for the course on Legal Pluralism).