

## **Legal Pluralism Panels at the Global Meeting on Law & Society, Lisbon 2022**

Convened by the Commission on Legal Pluralism &

CRN48 Legal Pluralism and Non-State Law

**Wednesday, July 13<sup>th</sup>**

12:45 PM — 2:30 PM, Building II C6.02

### **The role of women in traditional and minority governance structures in southern Africa and elsewhere**

Chair: *Christa Rautenbach*, Discussant: *Kyriaki Topidi*

Women globally experience discrimination in various forms in accessing and maintaining leadership and decision-making positions. This phenomenon is even more pronounced in traditional and minority contexts. At the same time, they need support from governments towards empowerment within governance structures but rarely receive it. The general trend is a reluctance from states to interfere in the management of cultural minorities directly. How can women help shape societies that are still governed by traditional authority and institutions, and how can they obtain equal participation in leadership positions generally reserved for the senior male members of royal families? These are some of the questions that will be addressed in this panel.

12:45 PM — 2:30 PM, Virtual 09

### **Theoretical and empirical perspectives on legal pluralism**

Chair: *Amalendu Jyotishi*

Over the past decades, the notion of legal pluralism has become widely accepted as a serious field of inquiry. It is now an established subject of study not only for social scientists, but also for comparative lawyers and a diverse range of other scientists. What they have in common is, first, that sets of law that seemed stable and unified, at closer inspection often turn out to be fractured, instable, and subject to change. Secondly, there is a common interest in power relations as a driving force in the development and transformation of plural legal constellations. This panel offers insights into legal pluralism from different scientific perspectives that includes comparative law and transitional justice, ecological theory and sustainability, minority studies, complexity science.

## Thursday, July 14<sup>th</sup>

8:15 AM — 10:00 AM, Sedas Nunes, 2E.04

### **Adaptive legal pluralism in post-colonial states**

Chair: *Anthony Diala*, Discussant: *Janine Ubink*

In most of the global South, state laws are basically adaptations of colonial transplants. They co-exist uncomfortably with agrarian indigenous laws, especially in the spheres of marriage, property, and succession. However, judicial and legislative policies pay insufficient attention to people's normative adaptations to the socio-economic changes that accompanied legal transplants. Paradoxically, these policies demand obedience to individualistic state laws. This panel explores how legal orders imitate each other in the South, and how African experiences compare with Asia and elsewhere. Papers may examine the extent to which legal pluralism is imitative, the influence of globalisation on imitation, patterns of (dis)continuities in indigenous laws, and the significance of adaptive legal pluralism for law and development programming.

8:15 AM — 10:00 AM, Virtual 05

### **Contestation and dispossession of space: a legal pluralistic inquiry**

Chair *Masami Tachibana*

Space has a varied meaning in the literature and includes physical, geographical, social, political, economic, cultural, religious, etc. In this panel we discuss the meaning of space in some of these contexts and attempt to understand how the process of claim, (re) appropriation, contestation, and dispossessions by various communities; how these spaces are shrinking or changing for them. The papers planned in this panel include village commons space like land & water, coastal commons, economic and livelihood space for the working groups, political space, access to religious and cultural space. This panel would help advance our understanding of modern-day marginalization and the conflicts regarding the rule of law through the broader lens of (shrinking) 'space' from a legal pluralistic perspective.

10:15 AM — 12:00 PM, Ala Autónoma, AA 3.29

### **Legal pluralism in war-torn societies**

Chair: *Markus Weilenmann*, Discussant: *Ido Shahar*

In war-torn societies, the concepts of legal pluralism and plural governance allow capturing the growing and multi-layered fragmentation of social relations; and as social phenomena, both concepts may remain nourished by conflicts outside of the immediately visible. Legal Pluralism and plural governance may then comply with their role as historical witnesses, as they institutionally encapsulate cruel experiences of the past and trigger new, dangerous and unforeseen dynamics into current power conflicts. With this panel, I want to focus on how both concepts shape issues of political and legal legitimacy and the strengthening or weakening of political institutions in war-torn societies.

12:45 PM — 2:30 PM, Ala Autónoma, AA 3.26

### **Experiencing migration, navigating legal pluralism**

Chair: *Carolien Jacobs*, Discussant: *Larissa Vettters*

This session combines two perspectives on legal pluralism and migration: How do migrants navigate state and non-state legal systems to rebuild their lives? How do state and non-state actors, who implement migration law, acknowledge and regulate situations of legal pluralism? Invited papers take up either one of these perspectives or bring them into dialogue based on original empirical data. The session brings together contributions across a broad range of migration trajectories, experiences and encounters and cuts across established categorizations of migration. We aim to better understand how normative plurality is practiced in specific migration cases and how this effects access to justice, (in)equality before the law, and the reproduction of or emancipation from legal structures that perpetuate and instantiate inequality in society.

2:45 PM — 4:30 PM, Sedas Nunes, Auditório JJ Laginha

### **Human dramas at the intersection of secular and religious law**

Chair: *Armando Guevara-Gil*

Tensions and contradictions intensify when different legalities claim diverging sources of legitimacy, as in the case of secular and religious law. It is in these conflictive contexts that couples, women cohabitants, and nuns assert their legal agency to defend their rights and livelihoods. Is imposing, as in some Western European countries, a civil marriage previous to a religious one, an infringement or a safeguard of a couple's human rights? Is cohabitation in diasporic Muslim communities a form of legal liminality that enhances women's empowerment? We will try to understand the human dramas unfolded at the intersection of secular and religious law.

## **Friday, July 15th**

10:15 AM — 12:00 PM, Sedas Nunes, 1E.04

### **PluriLand I: theorizing conflict and contestation in plural land regimes**

Chair: *Rachel Sieder*, Discussant: *Tatiana Alfonso-Sierra*

This double panel will present the preliminary results and theoretical and methodological premises of the interdisciplinary PluriLand research project, which brings together a group of international scholars to examine different forms of land rights claiming by marginalized groups in plural legal regimes. The project is developing cross-regional research on judicialized land conflicts affecting the land rights of vulnerable communities and aims to contribute to theorizing transformative processes of sociolegal mobilization, specifically those related to land and territorial claims. Country-focused papers drawn from cases including Colombia, India, Ethiopia, South Africa, Brazil, and Guatemala map variations in kinds of threats, legal sites of rights claiming, and the framing of claims.

12:45 PM — 2:30 PM, Building II C6.01

**Legal pluralism as a means to promote international development projects**

Chair: *Miguel Lemos*, Discussant: *Bernardo Almeida*

Over the last 30 years, development projects, namely those linked to the promotion of the Rule of Law, have realized the importance of traditional systems of justice and conflict resolution. In this sense, more than fighting a pre-existing reality, these projects began to show signs of reforming their approaches towards joint work with traditional realities. The proposed panel aims to debate and answer the following question: can Legal Pluralism be an ally in the implementation and promotion of Rule of Law, Justice and Land management systems?

12:45 PM — 2:30 PM, Building II Auditório B2.04 –Juan Mozzicafreddo

**PluriLand II: theorizing conflict and contestation in plural land regimes**

Chair: *Rachel Sieder*, Discussant: *Siri Gløppen*

This double panel will present the preliminary results and theoretical and methodological premises of the interdisciplinary PluriLand research project, which brings together a group of international scholars to examine different forms of land rights claiming by marginalized groups in plural legal regimes. The project is developing cross-regional research on judicialized land conflicts affecting the land rights of vulnerable communities and aims to contribute to theorizing transformative processes of sociolegal mobilization, specifically those related to land and territorial claims. Country-focused papers drawn from cases including Colombia, India, Ethiopia, South Africa, Brazil, and Guatemala map variations in kinds of threats, legal sites of rights claiming, and the framing of claims.

2:45 PM — 4:30 PM, Ala Autónoma, AA 3.25

**Decolonizing the normative power of technology and materiality in postcolonial plural legal settings**

Chair: *Bertram Turner*, Discussant: *Keebet von Benda-Beckmann*

Since early colonial times, technology, materiality and their encoded knowledge regimes have, largely unacknowledged, displayed their normative power within the plural legal configurations created by colonizing states for their colonies. Such processes of normative interference by other-than-legal means continue in the postcolony. Given the fact that legal pluralism today is propagated in various fields of legal studies, not as a sensitizing analytical concept but as a normative project that may provide an appropriate tool to decolonize the global legal order, unpacking these less obvious components of legal pluralism is an essential task. We discuss how materiality, technology and other-than legal-knowledge regimes are entangled with other ordering regimes that together make up plural legal constellations in the postcolony today.

## Saturday July 16th

10:15 AM — 12:00 PM, Sedas Nunes, 2E.05

### **Managing legal pluralism: processes, driving forces and effects**

Chair: *Ghislain Otis*, Discussant: *Rene Provost*

This panel will offer a comparative analysis of empirical data collected in case studies aimed at understanding the manifestations and management of legal pluralism in various countries and regions (Africa, Canada, Central Europe, South Pacific). The first paper will describe and analyze the processes and techniques through which state and customary or indigenous legal systems manage legal pluralism formally or informally. The second paper will focus on the underlying dynamics and factors that determine the way legal systems manage or fail to manage legal pluralism. The third paper will assess the effects of legal pluralism management processes and dynamics on state and non-state legal systems as well as on individuals. The papers of the panel will be based on a book co-authored by the speakers and soon to be published.

12:45 PM — 2:30 PM, Building II C5.06

### **Indigenous rights being transformed**

Chair: *Bradford Morse*

Indigenous peoples are pressing for fundamental change to recognize their laws & jurisdiction to govern their traditional territories. Domestic and international courts play a major role in redefining rights and the political status of Indigenous peoples. The passage of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) by the UNGA in 2007 has significantly prodded decolonization efforts across the globe. Similarly, many nations' courts have triggered significant changes in the legal rights of Indigenous peoples, the jurisdiction of their governments and the status of Indigenous laws today. This panel will explore factors are influencing dramatic changes, how that is reviving traditional Indigenous laws and new intergovernmental relationships being forged.

2:45 PM — 4:30 PM, Building II Auditório B1.04

### **Nature, rights and the law**

Chair: *Patricia Urteaga-Crovetto*

Both women's claims to the land in Jharkhand and those of South American island communities to the ocean generate conflictive dynamics that highlight the interplay of different legal orders and the consequences that legal pluralism has for these populations. The panel also looks to address how diverse combinations of legal systems, rights, values and cultures open up new perspectives for the defense of nature. The environmental rights of communities in Ecuador, Ethiopia and Mongolia, the Ubuntu theory in the South African Constitution, as well as the recognition of the rights of rivers in different legal systems may open up new avenues to explore legal pluralism as an instrument for social emancipation and ecological justice.