

INTERNATIONAL CONFERENCE ON LEGAL PLURALISM 2020

Brisbane, 15-17 July 2020

PANEL TITLE: Engaging with Legal Pluralism: A Taxonomy of Techniques, Effects, and Determinants

NAME OF PANEL PROPOSER: Ghislain Otis

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ABSTRACT: This panel will be devoted to 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. The first paper will propose a taxonomy of the processes and techniques through which state and customary or indigenous legal systems engage formally or informally with legal pluralism. The second paper will assess the effects of each technique on state and non-state legal systems as well as on individuals. The third paper will focus on the underlying dynamics and factors that determine the way legal systems engage or fail to engage with legal pluralism. Finally, the last presentation will offer an overview of proposed avenues for changes in the management of legal pluralism with a view to securing more legitimate and effective governance.

PANEL TITLE: Legal Pluralism in War-Torn Societies

NAME OF PANEL PROPOSER: Dr. Markus Weilenmann

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ABSTRACT: Many different facets of legal pluralism in developing countries as well as in wealthy democracies have already been well scrutinized, but impact and role of legal pluralism in war torn societies remain surprisingly widely under-researched. While writers on humanitarian law or international law usually apply a state centric approach and remain widely caught within the UN terminology, focus thinkers on legal pluralism and plural governance rather on the limited capacities of the political power centre to penetrate the social relations. This way, already many challenging insights into unintended consequences are captured, especially with regard to the critical role of the political power centre in societies that are falling apart.

It is however critical to understand the specific role, legal pluralistic configurations can have in war torn societies where the political and legal landscape may be subject of ongoing fragmentation processes and where former dissolution processes such as gross human rights violations or organised crimes against humanity may underpin the deterioration of any political and legal legitimacy. In such constellations, the analytical concepts of legal pluralism and plural governance allow capturing the growing and multi-layered fragmentation of social relations in society; and as social phenomena, legal pluralism and plural governance may remain nourished by social and political conflicts outside of the immediately visible. Both social phenomena may then comply with their role as historical witnesses, as they institutionally encapsulate cruel experiences of the past and trigger this way new, dangerous and unforeseen dynamics into current power conflicts. As analytical concepts, legal pluralism and plural governance can however be used as door openers for a deeper understanding of the composition of the social cohesion, which keeps a society together or may explain their falling apart.

With this panel, I would like to address such questions and focus on how legal pluralism and plural governance in war-torn societies may shape issues of political legitimacy and the strengthening or

weakening of political institutions. Welcomed are also papers which address the promulgation of extremely narrow containers of identity in order to cash on experiences of the traumatizing past. A further issue concerns the promotion of human rights by competing actor groups with distinct political goals in highly fragmented and often violent communities.

PANEL TITLE: A Comparative Approach to Access to Justice in Business and Human Rights Field – How Could Human Rights Violations Be Remedied from Right-Holder’s Perspective

NAME OF PANEL PROPOSER: Akiko Sato

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ABSTRACT: Business and Human Rights formulated by the UN Guiding Principles on Business and Human Rights endorsed by the UN in 2011 (hereafter UNGPs) is one of the evolving discourses in which a role for the private sector in achieving human rights is explicitly stipulated in its second pillar ‘Responsibility to Respect Human Rights’ as well as its third pillar ‘Access to Remedy’ in the context of non-state grievance mechanisms specifically. Although UNGPs bind neither member states nor corporate entities legally, since its endorsement, a wide range of actions such as implementing grievance mechanism as a part of human rights due diligence in companies or national legislation led by the UK Modern Slavery Act have been initiated by this soft law in practice.

Whilst a robust international standard for jurisdiction of extraterritorial cases has yet to be introduced in any country, a number of human rights violations are brought to either domestic courts, National Human Rights Institutions or the National Contact Point of the OECD; however, those who claim their rights are facing continuous reluctance from companies.

As such, it is crucial to analyse the effectiveness of a ‘bouquet of remedies’ reflecting diverse circumstances (OHCHR 20171) in evaluating to what extent private entities have visible potential to serve as an institution in promoting access to justice. The presenters will discuss their role in exercising access to justice in line with international human rights on the basis of empirical research as practicing lawyers.

PANEL TITLE: Intra-Religious Legal Pluralism

NAME OF PANEL PROPOSER: Assoc. Prof. Ben Schonthal

INSTITUTE: University of Otago

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ABSTRACT: Scholars often think about religious law as a distinct facet of pluri-legal settings, one of the many types of normative systems that coexist in a given place. This perspective informs a great deal of public writing and discussion, from disputes about the state recognition of Islamic law in Asia to parliamentary debates over euthanasia or abortion. While this zoomed-out approach to religious law successfully highlights its importance in societies, it also gives the impression that most of the pluri-legal jostle of competing norms, authorities, institutions and jurisprudential practices applies to boundaries *between* religious law and state law or between the legal systems of particular religious groups, e.g. Christian law versus Islamic law, Buddhist law versus Hindu law. However, this is often not the case. In many places and times, some of the most contentious and consequential features of legal pluralism are varieties of intra-religious legal pluralism, the legal diversity and competition that appears within traditions of religious law, between different sects, gurus, jurists or schools of interpretation. This panel proposes to examine this topic and welcomes papers that explore any aspect of intra-religious legal pluralism within religious traditions.

PANEL TITLE: Can the rivers speak? Between the Anthropomorphization and the Reification of Nature in the Law

NAME OF PANEL PROPOSER: Patricia Urteaga-Crovetto and Yenny Vega Cardenas

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ABSTRACT: Since 2017, a recent trend in the courts that recognize rivers as bearers of rights has emerged in several countries, granting water sources with constitutional protection. In New Zealand, the Maori tribe of Whanganui in North Island demanded the recognition of the Whanganui river as a living entity and an ancestor for approximately 140 years. In March 2017, the Maori declared: “[...] we have fought to find an approximation in law so that all others can understand that from our perspective treating the river as a living entity is the correct way to approach it, as an indivisible whole, instead of the traditional model for the last 100 years of treating it from a perspective of ownership and management” (Roy, 2017).

Also, in March 2017, the Uttarakhand Court in India declared the Ganges and Yamuna rivers as “living entities with the status of a legal person”, thus granting them all correspondent rights as such. In April 2017 the Colombian Constitutional court recognized the Atrato river as a subject of rights, and since, many rivers, a moorland and the Amazonian region have been recognized as living entities in the country. In Bangladesh, last August 2019 all the rivers have been declared as living entities, and in United States, a local community recognized the Erie lake as a living person. Indeed, the anthropocentric paradigm that has long dominated the regulation of nature is gradually being replaced by an ecological approach that conceives nature as a subject of rights linked to human rights (Vega & Parra, 2019).

The academic exchange has swung between rejecting this legal strategy for anthropomorphizing nature and upholding it as a unique way to defend nature from devastation, and even as the best way to fight climate change. However, the subtleties of the debate from a legal pluralist approach remain to be explored. In this panel, we intend to look at this trend from this perspective to open up new avenues and shed light to the ongoing discussion.

PANEL TITLE: Transactions as Just Resolutions (TBC)

NAME OF PANEL PROPOSER: Dr. Robyn Holder & Dr. Judy Putt

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ABSTRACT: This panel examines transactions as a resolution for sexual violence. Sexual abuse and sexual violence involve intimate bodily intrusion and abuse of trust. These are perhaps the most difficult of victimisations for legal systems to respond to, whether formal or informal system, state or non-state. Described in various ways as compensation, reparation, restitution, redress, and offering a range of commodities such as money, goods or services, and involving a range of mechanisms from family or village processes to state-based procedures and mechanisms that involve varying levels of participation by victims and offenders (incl. differing degrees of ‘accountability’ and ‘proof’), this panel will examine practices and their implications and controversies.

PANEL TITLE: Author meets Readers

NAME OF PANEL PROPOSER: Agnes Schreiner

INSTITUTE: University of Amsterdam

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ABSTRACT: Agnes Schreiner, from the University of Amsterdam The Netherlands and specialized in social and cultural legal studies, has just finished the bilingual book *According to Aboriginal Law ... Volgens Aboriginal recht ...* (May 2019). The core question is what do Australian indigenous people mean when they address law. In order to approach this topic, she uses concepts and ideas beyond regular legal anthropology, such as the *Gestalt Switch*, the mnemotechnics of the analogy, the art of appearing and disappearing. In this panel she hopes for a vivid exchange of ideas and research results with fellow

colleagues in the fields of the legal anthropology in general and in that of the Australian Indigenous Peoples Studies in particular.

She recently found a reader in Ad Borsboom, the author of a short review in the *Oceania Newsletter* No. 95, September 2019. Borsboom concludes: “This book is an intellectual challenging and inspiring piece of work. It combines a thorough knowledge of both Legal Anthropology and Anthropology in general with accurate analytic observations of films, documentaries and exhibitions. It pictures the almost two incompatible perceptions of relation to land in particular and of cultural ways of thinking in general. The very last sentence of the book says it all: the ultimate consequence that a legal (Western) system wanting to offer space within it ranks to Aboriginal law will not know what it invites. But perhaps a book like this will be a valuable contribution to overcome the biggest hurdles.”

PANEL TITLE: Adaptive Legal Pluralism in Post-Colonial States

NAME OF PANEL PROPOSER: Dr. Anthony C. Diala

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ABSTRACT: In post-colonial states, particularly in sub-Saharan Africa, State laws are essentially adapted versions of the laws that Europeans imposed through legal transplants. These transplants and their accompanying socio-economic changes radically restructured the political economies of these states and assumed a dominant position over co-existing indigenous laws. Today, judicial and legislative policies in many former colonies pay insufficient attention to people’s normative adaptations to socio-economic changes, yet, paradoxically, attempt to inculcate obedience to liberal State laws, which sometimes sit uncomfortably with indigenous laws. Here, notable State laws include bills of rights, rules of evidence, and marriage, property, and succession laws. This panel explores this paradox, focussing on the ways in which legal orders imitate each other in post-colonial states, and how African experiences compare with Asia and other parts of the world. Papers for the panel may examine the extent to which legal pluralism is imitative, the influence of globalisation on legal pluralism, patterns of (dis)continuities in indigenous laws, and the significance of adaptive legal pluralism for law and development programming in the Global South.

PANEL TITLE: Legal Education Reform as a Pathway to Legal Pluralism

NAME OF PANEL PROPOSER: Heron Lobban, Marcelle Burns, & Simon Young

INSTITUTE: Griffith University/University of Southern Queensland

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ABSTRACT: In recent decades, there has been a steadily growing acknowledgement of the serious inequity experienced by First Peoples in respect of access to justice and legal outcomes. Numerous high-level reports have emphasised the need for lawyers to be equipped with a better understanding of Indigenous histories, worldviews and priorities and a greater cultural competency. Alongside the accumulating evidence that lawyer incapacity significantly impacts upon First Peoples, universities are increasingly acknowledging that curriculum silence and structural inequity perpetuate the sector’s poor engagement with Indigenous students. There are broad initiatives underway to promote cultural competency across the higher education sector, and collaborative law-specific initiatives are steadily building – consistently with initiatives in comparable countries such as Canada. The goal is clear – to build positive, collaborative, consistent and sustainable reform to legal education. This is not about accommodating Indigenous ‘incapacity’ in the legal space - it is about legal professional responsibility, respecting strength and diversity, and justice.

PANEL TITLE: Legal Pluralism and On-Ground Realities – Solomon Islands, Samoa, and Sri Lanka

NAME OF PANEL PROPOSER: Anne Pickering

INSTITUTE: University of Queensland

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ABSTRACT: Despite the difference in the attributes of legal pluralism between many Island nations in the Asia-Pacific region, in the face of development most of those countries are in the process of navigating ways to reconcile customary and formal land tenure. This session will present some examples of contemporary complexities involving land tenure in the Solomon Islands, Samoa and Sri Lanka. Using these examples, this session discusses how those complexities are navigated in the three countries.

PANEL TITLE: Rights of nature approaches and legal pluralism: exploring the relationships

NAME OF PANEL PROPOSER: Dr. Dik Roth

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ABSTRACT: In critical reaction to anthropocentric approaches to nature and its resulting exploitation as 'resources', 'rights of nature' approaches have become immensely popular. Based in local knowledge systems and alternative ontologies, or at least framed as such, rights of nature are increasingly seen as a possible way out of the deepening worldwide social-environmental crisis (climate change; environmental degradation; depletion of nature; threats to biodiversity etc.). Although initiatives that are developing under this heading are much more diverse, cases of rivers that were given the status of legal subjects (rights-bearing legal persons) gained much media attention in the last few years: the Whanganui River in New Zealand and the Atrato River in Colombia (a similar state-level decision for Ganges/Yamuna in India was overruled by the Indian supreme court).

Although rights of nature approaches represent and open up extremely important new opportunities for the emergence of innovative and socially transformative modes of relating to nature, giving nature a stronger form of legal protection, politically organizing around issues of nature, and contesting anthropocentric and economic approaches to human-nature relationships, they also raise questions about the explicitly rights-based character of the approach: can such legal solutions make a real difference? Doesn't this create new layers of legal complexity and legally plural realities of governing nature? What does it mean for the legal anthropological analysis of property in terms of subjects and objects of property relations? In this panel I would like to explore these and other questions with contributors working on human-nature relations, 'resource'-related conflicts, policies and practices of managing and governing nature, etc.

PANEL TITLE: Religion, Ethnicity, and Legal Pluralism (in Asia)

NAME OF PANEL PROPOSER: Masami Mori Tachibana

INSTITUTE: Kyoto Bunkyo University

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ABSTRACT: Even after two decades of the 21st century, the nation-state is still in negotiation with different religious or ethnic groups. Each religious or ethnic group has tried to assert its ideas and values in the political and legal contexts of the state. However, state-centered dominant legal discourse has not satisfactorily accommodated the protests and concerns of different religious or ethnic groups and has often resulted in conflicts, sometimes to the extent of crashes and violence.

In the time of global resurgence of religion such as Islam and the expansion of global information network, non-state laws based on the religious or ethnic identities have gained power from the global linkages to contest with the state-centered dominant legal discourse.

This panel welcomes the study of struggles and innovations of different religious and ethnic groups "from Down-under" to contest or communicate with the state-centered legal discourse.

PANEL TITLE: Pluralistic Legal Geographies

NAME OF PANEL PROPOSER: Dr. Rebecca Monson

INSTITUTE: Australian National University

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ABSTRACT: The fields of legal geography and legal pluralism have to date remained surprisingly distinct despite a mutual interest in the co-constitutive relationship between law, space and society. Much of the existing literature on legal geography has focused on highly industrialised states in Europe and America, in particular urban areas in which state law is paramount. The literature on legal pluralism, on the other hand, has generally focused on legal systems and experiences of the law in the so-called 'Global South'. This panel builds on an emerging wave of scholarship situated at the intersection of legal pluralism and legal geography (e.g. Robinson and Graham 2018). It explores diverse questions of pluralism and place, including climate-induced displacement and resettlement; notions of consent regarding nuclear waste disposal; and the evolution and 'becoming' of place via regulation over time

PANEL TITLE: Subjectivation Under Colonial Biopolitics: Neoliberalism, Islamophobia, and Identity Politics

NAME OF PANEL PROPOSER: Dr. Farrukh Hakeem

INSTITUTE: *Not specified.*

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ABSTRACT: This panel examines the mechanisms and strategies of human life processes managed through regimes of authority with respect to power, knowledge and the methods of subjectivation. It will explore the apparatuses and ideologies of state control through the conceptual apparatus formulated by French philosopher Michel Foucault. Focusing on the plight of the individual through the concept of biopolitics, it will examine the concept of subjectivation through a colonial and hegemonic lens. Biopolitics, being an intersectional field between politics and human biology, will be employed to examine local populations from a poststructuralist perspective. This lens will be used to scrutinize social and political power over human life processes. The Marxist concept of Interpellation will also be used to examine the contributory effects of subjectivation. This conceptual framework will be further employed to scrutinize the deficiencies of the Neoliberal form of governance. It seeks to trace the relationship between Islamophobia, neoliberalism, and identity politics. In consonance with the "bottoms up" approach, it will examine popular movements through identity politics as a means to reclaim greater self-determination and political freedom for marginalized groups. The historically specific classification and shaping of individuals into subjects, as a colonial consequence of subjectivation, will examine the effects of identity creation while analysing the relationship between various ascribed markers and identity politics to seek a more equitable distribution of political power and economic resources. Proposed individual papers in this panel will focus on Islamophobia, Feminism, Civil and human rights and identity politics through this conceptual lens.

PANEL TITLE: Re-constructing Law, Complexities, and Changes in Society

NAME OF PANEL PROPOSER: Dr. Lidwina Inge Nurtjahyo

INSTITUTE: Universitas Indonesia

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ABSTRACT: The ability of people to construct their own rules or reconstruct state law, customary law and religious law to adapt to the rapid changes in the world today is astounding. Both in the context of urban and indigenous communities, the law is read and implemented very dynamically. The rules constructed by these communities can even shake the pillars of state and customary law, which, it is often believed, has strong influence on society, especially in Asia. The papers in this panel describe some of the results of a multidisciplinary research project that tries to present the stories of people who carry out the construction and reconstruction of laws and their complexity in dealing with changes. These papers include topics such as economic disruption in the motorcycle industry, the evolution of the resolution of customary violations, and the intermediary role of Safe Houses for victims of gender-based violence.

PANEL TITLE: Queering and Querying Law and Development

NAME OF PANEL PROPOSER: Dr. Rebecca Monson

INSTITUTE: Australian National University

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ABSTRACT: The links between gender, sexuality and legal pluralism remain surprisingly under-explored in both research and practice. There is now a vast, complex and highly interdisciplinary literature that explores the links between gender relations and processes of “development”, and a similarly large and complex literature on “law and development”. However, there is relatively little overlap between these two fields of scholarship. Furthermore, with the exception of a few particular fields – such as property rights, transitional justice, and gender-based violence – these literatures do not intersect to any significant degree with the work of feminist legal scholars or queer legal theorists. These gaps and silences have acquired a new significance – both conceptually and politically – with the resurgence of interest in legal pluralism, hybridity, informality, and customary and informal justice systems. To date, the increased emphasis on the customary or informal has received very little sustained attention from either feminist or queer legal theorists. Equally, scholars interested in questions of legal pluralism, customary or informal justice systems, or hybridity have not turned to feminist or queer legal theorists as often as they might. The presenters in this panel attempt to bridge some of these divides, drawing on a diverse range of critical legal approaches to examine the links between gender, sexuality and legal pluralism in a range of sites.

PANEL TITLE: Legitimate Laws – Determined by the People for the People, at a Given Time

NAME OF PANEL PROPOSER: Telei'ai Dr. Lalotoa Mulitalo

INSTITUTE: Samoa Law Reform Commission

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ABSTRACT: The panel constitutes of 4 Samoa Law Reform Commission (Commission) lawyers. The Commission was set up under the Law Reform Commission Act 2008 (Act) Samoa to establish the Commission for the review and development of the laws of Samoa. The purpose of this Act is to facilitate the review, reform and development of the laws of Samoa in order to promote Samoan custom and traditions; to enhance the social, cultural, economic and commercial development of Samoa; and to ensure that the laws of Samoa are kept in a modern state which meets the needs of Government and the community.

The statutory mandate of the Commission to develop law reform that promotes Samoan customs and usage, needless to say, is, in this modern world, full of challenges. This is experienced throughout the full 6 law reform process steps adopted by the Commission for its law reform projects. The Commission is all too familiar with the stated themes of this Conference.

This Conference is a golden opportunity for the Commission to make some contribution to a further expansion of perspectives on the challenges relating to legal pluralism. We hope this contribution would be of some use to all plural societies attending this Conference.

PANEL TITLE: Decolonising the Normative Power of Technology and Materiality in Postcolonial Plural Legal Settings

NAME OF PANEL PROPOSER: Bertram Turner & Keebet von Benda-Beckmann

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ABSTRACT: Since early colonial times, technology, materiality and the related 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 post colony.

The colonies were used as laboratories for experimenting with new technology, its materiality and the associated knowledge regimes. Probing their normative effects was part of this agenda. Colonial states thus moved material-techno-legal assemblages offshore and tested their normative power in the colonies before applying them at home. This method has been continued after decolonization. Examples are technologies of security such as ID cards and fingerprinting, land registration, extractive technologies such as irrigation systems, mining and transport infrastructures or innovations in healthcare such as new drugs and medical treatments. More recent examples are technical innovations dealing with environmental justice, climate adjustment and disaster risk reduction, and environmental migration. Such innovations continue to have an impact on a wide range of legal tenets and practices such as the production of evidence, the exercise of claims to material and intellectual property, or regulations related to environmental issues and migration.

In this panel we are interested in the various modes of offshoring experimenting with normative assemblages to the global south, or 'repatriating' such tested assemblages to the global north, both in colonial and in postcolonial settings. We are in particular interested in the conceptual and language problems involved in the knowledge systems and the plural legal orders in which these are put into practice. We invite contributions that inquire how the more or less strategic or intentional impact normatively shapes people's behaviour and legal consciousness, and how this affects power structures.

We suggest that these are quite significant components that affect plural legal configurations at various scales and affect the power relations that run the legal universe. 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 welcome contributions that discuss these entanglements of materiality, technology and other-than legal-knowledge regimes with the other ordering regimes that together make up the plural legal constellations in the post colony today, and suggest to inquire in what way they may have an impact on 'normative global legal pluralism' as a decolonizing project.

We are especially interested in questions about interactions within plural legal setting with:

- Extractive technologies, land rights, and land registration
- Technologies of human security, including environmental security
- Local dealing (resilience, integration, translation etc.) with techno-legal and material implementations

PANEL TITLE: Interrogating Community Rule Making

NAME OF PANEL PROPOSER: Dr. Miranda Forsyth, Dr. Sinclair Dinnen, & Dr. Joseph Foukona

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ABSTRACT: What we term "community rule making" is a participatory and dynamic process involving mainly actors within a self-identified 'community,' and centres around deliberation over norms tailored for that particular community. It occurs in many parts of the world, in both rural and urban areas, and mostly without state-sanctioned authority. It is often motivated by desire to address local social problems and disputes that local actors view as being ignored or inadequately addressed by existing state approaches. We are interested in the substantive outcomes of such processes, but even more in the practices and discursive technologies that give rise to them. This panel welcomes submissions for papers that interrogate the following or other themes associated with the phenomena of community rule making:

- a. How community rule making shapes and is, in turn, shaped by existing power relations and gendered norms
- b. Foreseen and unforeseen implications of legal experimentation by traditionally oral communities, particularly through new governance mechanisms such as written rules and explicit normative principles

- c. The intersections between community rule making and contests over normative change and social identity, especially in relation to issues of gender, violence, custom and non-state authority and autonomy
- d. The implication of community rule making in broader processes of postcolonial state formation, particularly the different scales at which rules are decided and their impact on significant issues of political governance including decentralisation.

PANEL TITLE: Publishing in the Journal of Legal Pluralism: a writing workshop for young scholars

NAME OF PANEL PROPOSER: Dr. Dik Roth

INSTITUTE: Wageningen University

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ABSTRACT: Especially for young scholars and researchers with little publishing experience, developing and submitting a paper to a scientific journal may be a major challenge. Motivating and supporting young scholars from all over the world in developing a scientific understanding of legal pluralism and contributing to debates about legal pluralism in specific societal contexts is an important aim of the conference organisers. This is the first time that we organise a publishing workshop during the conference. In this workshop, which will cover two panel timeslots, we intend to provide support to young scholars and researchers who intend to write for / publish their work in the Journal of Legal Pluralism. Aside from general introductory information about publishing in the journal (submitting; the peer review process; revision; production etc.), the workshop will deal with several key elements of the writing process itself, such as:

- What do I intend my paper to contribute, and to which debate(s)?
- The need to focus; writing an abstract
- Issue or problem in context; theoretical paper or research-based paper
- Theoretical section / framework, methodology and methods
- Literature review: state of the art and research gaps
- Presentation of research material, cases etc.
- Analysis, discussion, conclusion

We intend to work with a small group, to facilitate detailed comments, discussion, and intensive interaction between participants through e.g. peer reviews of abstracts and other small exercises. In preparation of the workshop we will ask participants to submit material they want to discuss during the workshop. This can be an idea for a paper (e.g. a write-up of some first ideas on possible topic(s), relations to field or other data and theory; an abstract / topic description and intended basic structure of the paper; or a draft version of a paper / work in progress). This can also be work in progress that you are presenting at the conference.

PANEL TITLE: Challenging the Articulation of Customary Law in Plural Legal Systems. Whose Voices Are Being Heard?

NAME OF PANEL PROPOSER: Prof. Susan Farran & Prof. Jennifer Corrin

INSTITUTE: University of Newcastle & University of Queensland

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ABSTRACT: While it is widely acknowledged both internationally and at local levels that taking account of customary law and indigenous ways of doing and governing things is important and valuable, especially in the context of land, sea and natural resources, all too often the versions of customary law being put forward or relied on to develop pluri-legal approaches represent a narrow view of those who 'speak out'. This version of customary law may be elitist, gendered, unbalanced and/or contested. This panel invites participants to express the 'other' version or versions in those ways which they think best gives expression to this other, including song, dance, poetry, storytelling or conventional presentation.

PANEL TITLE: Constitutional or Legal Pluralism? Challenges of Recognition in Aotearoa New Zealand

NAME OF PANEL PROPOSER: Assoc. Prof. Nicole Roughan & Assoc. Prof. Claire Charters

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ABSTRACT: This panel will critically examine the emergence of both constitutional and legal pluralism in Aotearoa New Zealand. It will examine whether recent, tentative steps towards recognition of tikanga Māori in both common law and statute, modelling of alternative constitutional arrangements, and developments in legal education, can be constructive towards a form of constitutional pluralism; or whether state 'recognition' of tikanga inevitably suggests the continuation of 'mono-legalism.'

Papers will explore the relationship between constitutional recognition and legal pluralism, as well as the forms of recognition and inter-legality practices within tikanga Māori that might point towards a form of constitutional pluralism. Common thematic questions will be drawn from the following:

- How do constitutional and legal pluralism relate, with what consequences for both the practice and legitimacy of relations between state law and tikanga Māori?
- What resources does tikanga Māori offer for understanding the relation with state legal and constitutional forms?
- What forms (including constitutional and legal) can 'recognition take, and which if any forms of recognition may be legitimate?
- How do legal and constitutional recognition relate to the practice and justification of political and cultural pluralism?
- What developments in legal theory, legal practice, and legal education, would support pluralistic legal and constitutional developments, to the extent these can be justified?

We hope to include, on the panel, scholars with complementary but distinctive expertise in theories of legal pluralism, state-Indigenous legal relations, constitutional recognition of Indigenous laws, pluralist legal reasoning (and its challenges), and constitutional pluralism.

PANEL TITLE: Accommodating the Multicultural Mosaic of Law and Religion in Australia and the Asia-Pacific Region

NAME OF PANEL PROPOSER: Assoc. Prof. Ann Black

INSTITUTE: University of Queensland

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ABSTRACT: One of the most significant issues faced by societies today concerns the complex and contested relationship between the state and religion. These include a wide array of religions and religious practices, some expressed individually, others in and through religious communities; some manifested privately, others in public, often with considerable legal and political ramifications. The issues that arise also involve a variety of states and state policies towards religion, some relatively inclusive and tolerant, others more exclusive, intolerant and even oppressive.

Much of the discussion of these issues internationally has been shaped by predominantly European and North American perspectives to the neglect of the unique, instructive and challenging experiences of countries in the Asia-Pacific region. This panel focusses attention on the complex law and religion issues that arise both within Australia and the Asia-Pacific region. Papers will strive to generate a deeper understanding of these issues.

PANEL TITLE: Reimagining Law and its Plurality

NAME OF PANEL PROPOSER: Dr. Sayaka Takano

INSTITUTE: Chuo University

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ABSTRACT: Those interested in legal pluralism have long provided a critical examination of law in various settings and created a series of adjectives to categorize law, such as informal, unofficial or customary, etc. Although these imaginations about the plurality of law have provided many stimulating perspectives, it is still important to think about law without an adjective and to ask how it is formulated, to question state-centered dominant legal discourse. As Riles (2000) and Latour (2010) shed light on “making of law” in state institutions and international human rights conferences, we could see that categories of law could not be taken for granted, and the social context in which they work demands closer attention.

This panel brings together scholars from legal anthropology, science and technology studies (STS) and philosophy of law to tackle these issues of emerging legality. By examining the ongoing debate to create legal personality for natural entities in India, the transport problems seen in a marginal village (*genkaishuraku*) in Japan, the trajectory of Japanese legal technical assistance projects, and law and emotion in Japan, we explore with renewed interest a question that engaged early work on legal pluralism: what is the place of law in contemporary society? What are the processes that eventually justify certain modes of reasoning as legal? What are the aspects included or excluded, and how? How are various categories related to law imagined and how do they interact in the process?

PANEL TITLE: Theoretical and Methodological Developments in Legal Pluralism

NAME OF PANEL PROPOSER: Prof. Dr. Janine Ubink

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ABSTRACT: Participants are invited to present papers that deal with theoretical and methodological issues involving research on legal pluralism. This panel will explore how legal pluralism theory is engaging with or challenging other theoretical developments from law and/or the social sciences. The organizers welcome papers on any theoretical influences that flow into legal pluralism, or ideas from legal pluralism that have influenced/challenged other strands of social theory. Papers may also be methodological, focusing for instance on temporal, spatial and scalar issues such as the interaction of legal and quasi-legal systems across territorial borders, and the challenges of participatory action research.

PANEL TITLE: Gendered Normativity and Legal Pluralism: Challenges to Heteronormativity

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ABSTRACT: Gendered normativity is considered to be inscribed in any sort of legal regime of ordering ranging from customary law arrangements and religious legal repertoires to state law, international law and global legal orders. Moreover, any given legal regime may be rated down into an indefinite number of gendered interpretations. Gendered normativity poses thus a fundamental challenge to be taken into account in dealing with plural legal configurations. Such inscription entails misbalanced gender relations, significant burdens, discrimination, subordination, and exploitation. Normative regulations determine how humans are translated into gendered beings, they challenge the positioning of selves in the gender continuum and an equal legal status of all humans, most often to the disadvantage of women and LGBTQI people. Moreover, they determine how sexism and patriarchy intersect with other forms of discrimination, such as racism, classism, and homophobia, to structure pathways to justice. In plural legal scholarship we are especially (but not exclusively) interested in the following questions:

- What are the consequences of structured disadvantage that is mediated through discriminatory gendered laws across legal regimes?
- How does gendered normativity play out in overlapping plural legal orders?
- What are the specific scalar arrangements of interacting gendered normativities of social ordering from household and communities to global organizations?

- Are there reinforcing effects or do gender equity and nondiscrimination legislations in one legal order take effect within plural legal settings?
- Is there a pluralizing effect of gender sensitive transnational law within plural legal orders?
- How are, for instance, human rights regulations on the one hand and heteronormative religious law on the other brought in relation to each other in concrete situations of legal conflict?