

The Importance of Socio-legal Perspectives in Legal Studies: Building Capacity

Announcement for a Summer School on Legal Pluralistic Studies at the University of Neuchâtel (August 26 – 29, 2009) and an international Congress on Legal Pluralist Perspectives on Development and Cultural Diversity at the University of Zurich (August 31 – September 3, 2009)

Context

In July 2008 the International Commission on Legal Pluralism planned to organize, jointly with the IUAES, a course and a conference in Kunming, China. But unfortunately, both events had to be cancelled by the China Union of Anthropological and Ethnological Sciences, due to unspecified insurmountable difficulties. The commission therefore explored alternative options and decided in September 2008, jointly with the chairs of Social Anthropology of the Universities of Zurich and Neuchâtel (Prof. Dr. S. Randeria and Prof. Dr. E. Hertz) to carry out the summer school and the international congress in Switzerland.

Overview: Course and Conference

Socio-legal research and the study of legal pluralism (the existence of plural normative orders) are indispensable to our understanding of how legal institutions can be improved to achieve social justice and to explore the possible merits and challenges of the available alternatives. The academic study and teaching of law on the one hand has in many countries generally focused on legal theory and positive law, that is, the law in the books only. Much effort is invested in the study of new legislation, legal principles, international law and “advanced lessons” from Western legal systems. In much of this, the local picture from daily practice is often ignored or treated as being of secondary importance at best. As such there has been little attention to how law and different normative systems function in the every day lives of the poor and weak and how such functioning can be improved. Most law faculties concentrate on training lawyers for the profession and devote little time, if any, to the way in which law functions under conditions of legal pluralism in practice. This means that legal scholars who are interested in these issues find themselves isolated when it comes to teaching and research in this area. The academic study and teaching of social anthropology at the other hand rarely focuses explicitly on the ways of how different legal concepts such as international law, state law, religious law or customary law interact with each other and what kind of reactions such interplay might institute. Rather, legal questions are either delegated to the law professionals or only discussed from the angle of customary or informal law.

The course, followed by the conference that participants will attend, aims to provide participants with the opportunity of engaging in a sustained dialogue with like-minded scholars from a diverse, international background as well as access

to networks that can help sustain individuals' ongoing research and teaching activities when they return to their home base.

Course

The course shall be carried out at the University of Neuchâtel. The purpose of the 4-day course is to familiarize the participants with the current international debates and insights in socio-legal studies and legal pluralism and to offer them a comparative perspective that allows them to rethink their own research and practical work. At the centre of the discussion will be issues of rights protection, gender, natural resource management and land tenure, and conflict resolution, in the context of globalising economic, political and legal developments. These issues converge in the theme of social justice for the poor and weak.

Topics

1. Theories and methodologies in socio-legal studies and legal pluralism

This session provides an introduction to theoretical and methodological aspects of legal pluralism, one of the most interesting and controversial concepts in the anthropology and sociology of law and legal theory. The session will sensitize the participants to the complexity of the coexistence of legal orders and the empirical and theoretical challenges it raises.

Responsible: Prof. Dr. Franz von Benda-Beckmann,
Max Planck Institute for Social Anthropology/GE

2. Dispute resolution and social control

The course introduces the legal anthropology of disputing and social control in plural legal settings and draws attention to ongoing processes of disputing and social control in a global or transnational environment.

Responsible: Dr. Bertram Turner
Max Planck Institute for Social Anthropology/GE

3. Gendered perspectives on law

In this session attention will be paid to the gendered dimensions of law, its impact on women's and men's access to resources, including legal institutions. It will be discussed, how gender is socially and legally constructed and the consequences that this has for people's access rights.

Responsible: Prof. Dr. Anne Griffiths
Edinburgh Law School/UK

4. Natural resources management

In most countries, the access-rules to natural resources as well as the corresponding rights of disposal are subject of different normative sets, which might influence each other or which might stay in a permanent competition for social recognition and public legitimacy.

Responsible: Prof. Dr. Melanie Wiber
University of New Brunswick/CA

5. Field trip: (half-day)

6. Disaster management and conflict research

This session provides insight into the legal mechanisms that are structuring the development political procedures for coping with human and natural disasters. These mechanisms, known under the term “project law”, largely determine the ways development agencies identify and administer those “problems” for which a specific solution is sought. In the countries of intervention however, these solutions might then clash with local customary law, religious law or the state law prevailing there.

Responsible: Dr. Markus Weilenmann

Office for Conflict Research in Developing Countries/CH

7. Law and religion

Religion in many countries is an important element of legal pluralism. This session will explore the role of religion and religious law in the emergence of conflicts and its potential role in conflict management. The session will also discuss religion as a globalizing factor which has specific local manifestations.

Responsible: Prof. Dr. Keebet von Benda-Beckmann

Max Planck Institute for Social Anthropology

and Prof. Dr. Susanne Brandstädter

University of Oslo

8. Justice and Closing Session

Until now, the question of justice has been largely left to the political and legal philosophy of (the rule of) law and the state. Within the legal anthropological debate however, considerations on ethical questions such as justice play almost no role. This session opens the floor for a debate on “just law”.

Responsibility not yet assigned

Participation

Participation in the course is limited to 25 persons, to allow for maximum discussion. A balanced participation is sought which includes a strong presence from Switzerland (about 10), but also attracts young scholars from the region (7), other western countries (3) and a limited number from developing countries (5). The participants are academics and/or practitioners, e.g. NGO activists or government officials, who deal with issues related to social justice in their academic or practical work. During this intensive training the participants will be able to build a national and international network both with other participants and with the teaching staff. As in past courses (held amongst others in Wellington (New Zealand), Accra (Ghana), Williamsburg (USA), Moscow (Russia), Chiang Mai (Thailand) and Fredericton (Canada) the teaching teams will consist of senior academics of various backgrounds drawn from the Commission and of colleagues from the region, in this case from Switzerland.

Selection, Fee, and Funding

Prospective students should be either young scholars studying for a PhD degree or having just finished one, or they should be practitioners whose work is directly related to topics discussed in the course. Students should be able to demonstrate an English language ability that allows them to read and actively discuss relevant academic literature. Students will be selected based on their motivation to join the course. Such selection will also be based on a balanced regional participation as outlined above.

The course fee is 100 EUR and the conference fee is 150 EUR. Other costs include accommodation, food and beverages, which will be arranged at prices as low as possible. The course organizers are currently working on securing funding for the non-Western participants. It is hoped that in this way, most of the costs they have can be covered by the organization. However as such funding is not yet certain prospective participants are encouraged to also seek their own funding.

Conference:**Legal Pluralist Perspectives on Development and Cultural Diversity**

Following the course, participants will take part in the conference of the International Commission on Legal Pluralism (CLP) at the University of Zurich. This conference offers students the opportunity to present their work to a larger international audience, as well as directly engage in an international network of socio-legal scholars. Meanwhile the conference will also attract participants from all over the world from various academic and professional backgrounds. Earlier conferences have attracted over a hundred paper presenters. It will address a number of related themes and issues pertaining to gender, natural resource management, land tenure arrangements, rights of minorities and indigenous peoples, human rights in non-state normative systems, and legal development cooperation. These include power and cultural aspects of law, especially in the context of the relations between transnational, national and local processes affecting people's every day lives. For further information see <http://www.commission-on-legal-pluralism.ch/>

Organization

This program is a joint initiative of the chairs of Social Anthropology of the Universities of Zurich and Neuchâtel (Prof. Dr. S. Randeria and Prof. Dr. E. Hertz) and the (International) Commission on Legal Pluralism (CLP), represented here by its executive secretary, Dr. Markus Weilenmann. It targets young and experienced scholars throughout Switzerland. The course is to be organized in Neuchâtel, Switzerland from August 26th – 29th, 2009, followed by the CLP conference from August 31st – September 3rd, 2009 in Zurich.

Application, Contact and More Information

Scholars and practitioners interested in and qualified to partake in this course and conference are warmly welcomed to apply **before June 30, 2009**. The applicant should complete the application form and write a motivation letter, a resume, inform about the achieved level of English, and send an estimation of the travel costs to Zurich resp. Neuchâtel. Applications are to be sent to Markus Weilenmann: drmweilenmann@smile.ch.

For more information on the Commission on Legal Pluralism, past courses and conferences and the venue in Switzerland, please visit our website: <http://www.commission-on-legal-pluralism.ch/>.