Course Description:

This graduate course examines the socio-legal tradition of legal pluralism – or the study of normative orders that impact on social behaviour. State law is one such normative order that interacts with and competes with other non-state orders. And state law can have its own pluralism as well, with customary, religious, common and civil laws applying in one jurisdiction. This course will introduce students to the rich North American literature and European literature, as well as the debates within legal pluralism.

The purpose of the course is not to present an exhaustive reading of legal pluralism scholarship. Rather, the intention is to in a first instance introduce students to the concept of legal pluralism and theoretical debates around it. To do so students will read early anthropological studies on law as well as important contemporary articles in this area. The second part of the course analyses case studies of overlapping jurisprudences and normative orders. The first week’s introduction to key ideas, assumptions and debates in the area of legal pluralism should help students engage and appreciate the complexity of these different case studies.

Assignments and Evaluation:

The course requirements include:

- Seminar participation: 30%
- Seminar presentation: 10%
- 2 critical readings: 30% (15% each)
- Grant research proposal design: 30%

Seminar Participation: Your participation is the essential ingredient to the success of the course and the learning environment. The course requires a high degree of participation in class discussions and participation in exercises. To facilitate this participation you will be asked to come to each class with written key questions/comments that you would want to tackle in class.
Seminar Presentation: Each student will lead the discussion on readings twice in the course – for half the seminar duration. This will in essence be a series of questions on the week’s readings in order to kick-start the discussion. You should plan to do your seminar presentations when you submit your critical readings. This should guide your questions and comments.

Critical readings: Critical readings are an opportunity to engage more systematically with readings. One of your task will be to evaluate the argument of the readings, to point to questions which were left unanswered, to highlight how the readings for the week complement each other as well as how they are related to the discussions and readings previously analyzed in the seminar. Students can choose to focus their reaction on one reading, or choose to compare and contrast required and/or supplementary readings. Each reaction paper should be between 2 to 3 pages (double space/ times new roman/ 12p font), and should be sent to me by email the day before the seminar (no later than 6.00pm). If students agree, critical readings will be shared on Moodle with the rest of the class.

Grant research proposal design: This assignment requires that you develop a proposal for a larger research project on legal pluralism that you would wish to undertake. Students will be asked to put themselves in the shoes of a researcher writing a grant proposal to a funding agency (e.g. Social Science and Humanities Research Council (SSHRC)). The proposal will have to cover, among other things, the context, objectives, and theoretical and methodological approach of the proposed project. You will be required to draw on class readings, in particular theoretical readings, and outside readings to develop this proposal. Further instructions on this assignment will be given in class. Students will also be given in class time to discuss, share their ideas and present this proposal to their peers. This proposal should be approximately 10-12 pages (double space/times new roman/12p font).

Due date: Friday May 26th - 6.00 pm

Seminar schedule

Theme 1: Legal Pluralism & Theory

May 1 – Introduction


May 2 – Early Studies in Legal Pluralism

Going further:


May 3 – Establishing a field of study


Going further:

Harry Arthurs, "Without the law": administrative justice and legal pluralism in nineteenth century England (1986), chapters 1,2 and 7.

May 4 – Establishing a file of study


Please read these two foundational texts in parallel with this article:

Going further:

UNESCO documentary on Irrigator Tribunals in Spain:
May 5 – Concepts and Criticisms


Going further:
W. Michael Reisman, Law in Brief Encounters (New Haven: Yale Univ. Press, 1999)
Osgoode Library: K 380 R445 1999
The Irrelevant Show, Potluck Potlaw, CBC RadioOne:
http://www.cbc.ca/player/play/2464203659

May 8 – Sites of Law Making


Going further:
Gauthier, F and St John, G: http://www.journaldumauss.net/?Burning-Man-s-Gift-Driven-Event
http://sparkpictures.com
Documentary: Dealers among Dealers
http://www.pbs.org/pov/dealersamongdealers/

Theme 2 - Overlapping jurisdictions & normative orders

May 9 - Aboriginal justice –overlapping legal jurisdictions

Going further:
Documentary: Totem: The Return of the G’psgolox Pole
[https://www.nfb.ca/film/totem_the_return_of_the_gpsgolox_pole/](https://www.nfb.ca/film/totem_the_return_of_the_gpsgolox_pole/)

May 10 - Aboriginal justice –overlapping legal jurisdictions

Listen to: Fragile freedoms – John Borrows: First Nations and Human Rights
[http://www.cbc.ca/player/play/2440344648](http://www.cbc.ca/player/play/2440344648)

Going further:

May 11 - Gender and spaces of normative plurality - Introduction


Going further:
Documentary Invoking Justice (85 min):
http://www.wmm.com/filmcatalog/pages/c834.shtml

**May 12 - Gender and spaces of normative plurality – Mock Beth Din with Dr. Dia Dabby**


Going further:

Glenn,HP (2001) *Legal Traditions of the World*, Chapter 4

**May 15 - *The Trial of Viviane Amsalem* - Discussion with Dr. Dia Dabby**
http://www.imdb.com/title/tt3062880/


**May 16 - Gender and spaces of normative plurality – Marion Boyd Report (Ontario, Canada)**


Going Further:


May 17 – Global Legal Pluralisms – International Criminal Law & Human Rights

Provost, R (2013). “Magic and Modernity in Tintin au Congo (1930) and the Sierra Leone Special Court” 16 Law, Text, Culture

Going further:

Glenn, HP (2000) Legal Traditions of the World, Chapter 10
Delmas-Marty, M (2009). Ordering Pluralism. 1-16

May 18- Presentations of research proposals & conclusion

Going further:


For research proposal inspiration:


Commission on Legal Pluralism: http:// www.commission-on-legal-pluralism.com/

“Courts and Councils: Dispute Settlement in India” (documentary produced by the UW Center for South Asia, 1981)