

Negotiating state and non-state law : the challenge of global and local legal pluralism

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Abstrak

Trends in legal philosophy, international law, transnational law, law and religion, and political science all point toward the increasing role played by non-state law in both public and private ordering. Numerous organizations, institutions, associations, and groups have emerged alongside the nation-state, each purporting to provide their members with rules and norms to govern their conduct and organize their affairs. The nation-state increasingly finds itself sandwiched, so to speak, between two broad and contrasting categories of non-state law. The first category - law above the state - captures a wide range of legal systems that function across the territorial borders of nation-states. The second category - law below the state - includes various forms of local customary, religious, and indigenous law. Indeed, as these forms of non-state law persist and proliferate alongside the nation-state, the relationship between state and non-state law becomes more complex, multifaceted, and tense. This volume addresses this relationship between the nation-state and these various forms of non-state law, considering whether and to what extent state and non-state law can coexist and how each form of law seeks to influence as well as transform the other." -- Page 4 of cover.