

A PLURALITY OF PLURALISMS – UNDERSTANDING LEGAL PLURALISM

SYMPOSIUM

14 JANUARY 2013

UNIVERSITY OF LAPLAND

ROVANIEMI, FINLAND

The world and the world of law are changing. Globalization and European integration have had a great impact on virtually every area of human life – social, economic, cultural, political, legal and technological. Simultaneously, we face mass migrations which inject new legal ideas and competing world views into national legal cultures. These developments are flanked by the rediscovery of old linguistic and ethnic internal pluralities within nation-states. Law today is increasingly more than state laws uniform to all, excluding other forms of law and administered by a single set of formal institutions. The legal traditions of indigenous peoples (eg, the Sámi, the Maori, etc) has also presented a renewed challenge to the state-centred paradigm of law. In short, legal plurality is today's reality. Accordingly, debates about pluralism can no longer be confined the classical anthropological legal pluralism in colonial or post-colonial settings. Today, there are several forms of pluralism in law: constitutional, religious, disciplinary, philosophical, etc.

Several transnational processes have also transformed today's legal professions: lawyers, attorneys, judges, public officials, translators, and scholars. Accordingly, the requirements for valid legal knowledge today are different from those of the past. The need for a comparative and non-national understanding of our plural laws, both within the state and without, and legal cultures is constantly growing. Accordingly, knowing how to deal with legal pluralism in practice is increasingly unavoidable. In order to be able to cope with pluralism, however, it is first necessary to understand it. The *theoretical and methodological challenge* of understanding legal pluralism is the scholarly core of this Symposium: rethinking conventional state-centred approaches to understanding law in terms of both methodology and substance.

Legal research (ie, the doctrinal study of law) in Continental Europe has traditionally been, and remains, nationally oriented. It is methodologically unequipped to deal with contemporary legal pluralisms and overlapping normative orders. This Symposium seeks to juxtapose and contrast theoretical and substantive perspectives on the plurality of legal pluralisms.

The Symposium is organised by the ULEP research project and LeCTra Research School (the University of Lapland) in cooperation with M-EPLI (the University of Maastricht).

Programme:

Opening

9.30-9.45

Prof. JAAKKO HUSA (Lapland)

Session 1:

9.45-10.15 *Constitutional Pluralism and Legal Pluralism: A Complex Relationship*

Prof. NEIL WALKER, Regius Chair of Public Law and the Law of Nature and Nations (Edinburgh)

10.15-10.45 *"The State" and Disciplinary Pluralism*

Academy of Finland Fellow Dr. PETRI KOIKKALAINEN (Lapland)

10.45-11.15 Comments & Discussion

11.15-11.45 Coffee Break

Session 2

11.45-12.15 *Private Autonomy and Legal Pluralism*

Prof. JAN SMITS, Chair of European Private Law, Director of M-EPLI (Maastricht)

12.15-12.45 *Legal Positivism in a Legal Pluralist World*

Prof. MAURO ZAMBONI, Chair of Jurisprudence (Stockholm)

12.45-13.15 Comments & Discussion

13.15-14.15 Lunch

Session 3

14.15-14.45 *The Nineteenth and Twentieth Centuries: a Break in Legal Pluralism?*

Professor HEIKKI PIHLAJAMÄKI, Chair of Comparative Legal History (Helsinki) & International Francqui Chair (Ghent & Brussels)

14.45-15.15 *Here We Go Again: Reflections on History and Hybridity*

Lecturer Dr. SEÁN PATRICK DONLAN, President of Juris Diversitas (Limerick)

15.15.-15.45 Comments & Discussion

Closing

15.45-16.00

Prof. JUHA KARHU (Lapland)

The Symposium will be chaired by Associate Professor PETRI KESKITALO (Lapland).

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