GLOBAL LEGAL PLURALISM

We live in a world of legal pluralism, where a single act or actor is potentially regulated by multiple legal or quasi-legal regimes imposed by state, substate, transnational, supranational, and nonstate communities. Navigating these spheres of complex overlapping legal authority is inevitably confusing, and we cannot expect territorial borders to solve all the problems that arise because legal norms inevitably flow across such borders. At the same time, trying to create one universal set of legal rules is also often unsuccessful because the sheer variety of human communities and interests thwarts such efforts.

Instead, we need an alternative jurisprudence, one that seeks to create or preserve spaces for productive interaction among multiple overlapping legal systems by developing procedural mechanisms, institutions, and practices that aim to manage, without eliminating, the legal pluralism we see around us. Such mechanisms, institutions, and practices can help mediate conflicts, and we may find that the added norms, viewpoints, and participants that are included actually produce better decision making, better adherence to those decisions by participants and non-participants alike, and ultimately better real-world outcomes. Global Legal Pluralism provides a broad synthesis across a variety of legal doctrines and academic disciplines and offers a novel conceptualization of law and globalization.

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Global Legal Pluralism

A JURISPRUDENCE OF LAW
BEYOND BORDERS

Paul Schiff Berman

The George Washington University Law School
To my parents, Ellyn and Benjamin, whose support has been unconditional, no matter the path I have taken.

To my wife, Laura, whose radiant spirit piles loveliness upon loveliness.

To my son, Julien, whose talents are plural and whose reach is global.
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