The Challenge of Global and Local Legal Pluralism

Negotiating State and Non-State Law

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 its 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.

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The purpose of the American Society of International Law (ASIL) Studies in International Legal Theory series is to clarify and improve the theoretical foundations of international law. Too often the progressive development and implementation of international law have foundered on confusion about first principles. This series raises the level of public and scholarly discussion about the structure and purposes of the world legal order and how best to achieve global justice through law.

This series grows out of the International Legal Theory project of the ASIL. The ASIL Studies in International Legal Theory series deepens this conversation by publishing scholarly monographs and edited volumes of essays considering subjects in international legal theory.

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Edited by

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