

CONTENTS

List of Contributors xi

Understanding Global Legal Pluralism: From Local to Global,
from Descriptive to Normative 1
PAUL SCHIFF BERMAN

PART I FROM LOCAL TO GLOBAL: INTRODUCTORY STORIES OF GLOBAL LEGAL PLURALISM

Introduction 37

1. Local People and Global Goings-On: An African Story 41
SALLY FALK MOORE

2. Anthropological Roots of Global Legal Pluralism 67
KEEBET VON BENDA-BECKMANN AND BERTRAM TURNER

3. The Eclipse of Global Legal Pluralism in Ethnology:
A French Trajectory 143
GRÉGOIRE MALLARD

4. An Anthropological Perspective on Legal Pluralism 169
SALLY ENGLE MERRY

5. Empires and Jurisdictional Politics: Legal Pluralism and
the Search for Global Order 187
LAUREN BENTON

6. Other Parts of the Forest: Some Aspects of Global Legal Pluralism 201
CAROL WEISBROD

7. Manifestations and Arguments: The Everyday Operation of
Transnational Legal Pluralism 231
PEER ZUMBANSEN

**PART II DEVELOPING AND CONTESTING
A PHILOSOPHICAL THEORY OF GLOBAL
LEGAL PLURALISM**

<i>Introduction</i>	263
8. Does Legal Theory Have a Pluralism Problem? CORMAC MAC AMHLAIGH	267
9. Theorizing Justice under Conditions of Global Legal Pluralism VÍCTOR M. MUÑIZ-FRATICELLI	299
10. Conceptual Theories of Law and the Challenge of Global Legal Pluralism: A Legal Interactionist Approach WIBREN VAN DER BURG	319
11. Pluralist Authority and the Relation between Plurality and Pluralism NICOLE ROUGHAN	339
12. Global Legal Pluralism and the Rule of Law DAVID LEFKOWITZ	365
13. Legal Pluralism and the Problem of Evil DETLEF VON DANIELS	383
14. Value Pluralism and Legal Pluralism: Using Radbruch's Value-Based Approach to Law to Understand Global Legal Pluralism SANNE TAEKEMA	405

**PART III GLOBAL LEGAL PLURALISM
AND CONSTITUTIONALISM**

<i>Introduction</i>	425
15. Law Unbounded? The Shifting Stakes in Global Normative Order NEIL WALKER	427

-
- | | |
|---|-----|
| 16. Constitutionalism without Borders and Governance beyond
the States: A Comparative Institutional Approach | 439 |
| MIGUEL POIARES MADURO AND NEIL KOMESAR | |
| 17. Transnational Networks and the Construction of Global Law | 473 |
| OREN PEREZ | |
| 18. Federalism as Legal Pluralism | 491 |
| ERIN RYAN | |

PART IV GLOBAL LEGAL PLURALISM AND INTERNATIONAL LAW

- | | |
|---|-----|
| <i>Introduction</i> | 529 |
| 19. International Law as a System of Legal Pluralism | 533 |
| FRÉDÉRIC MÉGRET | |
| 20. The Integrative Effects of Global Legal Pluralism | 557 |
| MONICA HAKIMI | |
| 21. International Criminal Law and Legal Pluralism | 575 |
| ELIES VAN SLIEDREGT | |
| 22. Cosmopolitan Pluralist Hybrid Tribunals | 595 |
| ELENA BAYLIS | |

PART V GLOBAL LEGAL PLURALISM AND CONFLICTS OF LAW

- | | |
|--|-----|
| <i>Introduction</i> | 627 |
| 23. Global Legal Pluralism and Conflict of Laws | 629 |
| RALF MICHAELS | |
| 24. Conflicts of Laws Unbounded: The Case for a
Legal-Pluralist Revival | 649 |
| HORATIA MUIR WATT | |

PART VI GLOBAL LEGAL PLURALISM AND TRANSNATIONAL COMMERCIAL TRANSACTIONS

<i>Introduction</i>	687
25. Global Legal Pluralism and Commercial Law JOHN LINARELLI	689
26. Private Uniform Law and Global Legal Pluralism GHALF-PETER CALLIESS AND INSA STEPHANIE JARASS	747
27. Compliance as an Exchange of Legitimacy for Influence KISHANTHI PARELLA	769
28. The Application of Non-State-Based Standards in International Arbitration SHAHLA ALI	787

PART VII GLOBAL LEGAL PLURALISM AND INDIGENOUS COMMUNITIES

<i>Introduction</i>	803
29. <i>E Pluribus Plures</i> : Legal Pluralism and the Recognition of Indigenous Legal Orders MICHAEL COYLE	805
30. Indigenous Rights and Intrastate Multijuridicalism DWIGHT NEWMAN	833
31. Legal Pluralism and Indigenous Legal Traditions KIRSTY GOVER	847

PART VIII GLOBAL LEGAL PLURALISM AND RELIGIOUS COMMUNITIES

<i>Introduction</i>	877
32. State Legal Pluralism and Religious Courts: Semi-Autonomy and Jurisdictional Allocations in Pluri-Legal Arrangements JACLYN L. NEO	879

-
33. The Future of Religious Arbitration in the United States:
Looking through a Pluralist Lens 901
MICHAEL A. HELFAND
34. Sex Policing in the Arab World 929
HAIDER ALA HAMOUDI

**PART IX GLOBAL LEGAL
PLURALISM AND
THE DETERRITORIALIZATION
OF DATA**

- Introduction* 951
35. The Overlapping Web of Data, Territoriality, and Sovereignty 955
JENNIFER DASKAL
36. The Problem of Platform Law: Pluralistic Legal Ordering
on Social Media 975
MOLLY K. LAND
37. Fighting Fundamentalism with Pluralism: Technologies of
Enlightenment during the Arab Spring 995
MADHAVI SUNDER

**PART X GLOBAL LEGAL PLURALISM,
MEMBERSHIP, AND CITIZENSHIP**

- Introduction* 1017
38. Membership and Global Legal Pluralism 1021
PETER J. SPIRO
39. On the Verge of Citizenship: Negotiating Religion and
Gender Equality 1035
AYELET SHACHAR
- Index* 1063