

FACULTY OF LAW, UNIVERSITY OF VICTORIA
2022-2023 COURSE REGISTRATION - PRELIMINARY COURSE INFORMATION¹

COURSE	LAW 343-3 Legal Pluralism
UNIT VALUE	1.5 Units (3 hours of instruction per week)
INSTRUCTOR	Jeremy Webber
TERM OFFERED	Spring 2023
CLASS TIMES	See Schedule
PREREQUISITES/COREQUISITES	None

OBJECTIVES AND COURSE DESCRIPTION

This course examines “legal pluralism”: the co-existence of more than one legal order in the same (or overlapping or interacting) social space. Legal pluralism is not so much a theory as the realization that we live in a legally plural world and that we had better understand that world and how to navigate within it. It is, in that sense, like comparative law, but it is a radicalized comparative law: a) it takes seriously legal orders that are not the product of state action, emphasizing that law emerges through human interaction generally and not merely by state decree; and b) it emphasizes that legal orders are constantly interacting, and that good legal analysis – and a good legal education – ought to explore how they interact and how we, as legal actors, ought to act in consequence.

That said, the legal pluralist literature sometimes takes very different approaches to understanding the emergence and operation of legal orders. One purpose of this course is to study and evaluate those different approaches. Different literature also focuses on very different contexts. Some analysts examine the interaction of legal orders at the trans-national level – both the interaction of states in the arena that lies beyond any single state and the role of non-state actors (such as multinational corporations, industry associations, NGOs, or national minorities) in that arena. Some focus on interactions between states and peoples that do not control a state (such as Indigenous peoples or the cohesive customary legal orders within many African states). Some focus on how norms emerge in virtually any sphere of social interaction, including labour relations, religious institutions, economic interactions, summer camps, families – even criminal organizations like the mafia. We will therefore examine the application of legal pluralism in some of these contexts and consider its utility, insights, and limitations. We will briefly consider the implications of legal pluralism for legal education and the practice of law.

Through this course, students will obtain an understanding of approaches to law that are of very wide application and of increasing importance in the world today. Most importantly, they will have developed conceptual tools to help them navigate more effectively in our legally plural world.

METHODOLOGY

This is a seminar course, in which we will work through assigned readings on a series of topics, discussing them actively in class. Class sessions will be complemented by an on-line discussion forum. The seminars will support the research papers you will write as the major portion of your evaluation.

EXPECTED EVALUATION METHODOLOGY (SUBJECT TO CHANGE)

1. Class Participation: 20%
2. Term Paper: 80%

June 2022

¹ The information in this document is provided for course registration purposes only and is **subject to change**. More detailed information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Associate Dean (lawassoc@uvic.ca).