

# NORMATIVE AND LEGAL PLURALISM: A GLOBAL PERSPECTIVE

WILLIAM TWINING\*

THE SEVENTH ANNUAL HERBERT L. BERNSTEIN MEMORIAL  
LECTURE IN INTERNATIONAL AND COMPARATIVE LAW

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## ABSTRACT

*This lecture sets out to demystify the topic of legal pluralism by examining the relationship between legal pluralism, normative pluralism, and general normative theory from a global perspective. The central theme is that treating legal pluralism as a species of normative pluralism de-centers the state, links legal pluralism to a rich body of literature, and helps to show that some of the central puzzlements surrounding the topic can usefully be viewed as much broader issues in the general theory of norms and legal theory. A second theme is that so-called "global legal pluralism" is in several respects qualitatively different from the older anthropological and socio-legal accounts of legal pluralism and is largely based on a different set of concerns.*

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\* Emeritus Quain Professor of Jurisprudence, University College London; Visiting Professor, University of Miami School of Law. This is a revision and expansion of the Bernstein Lecture, delivered at Duke University School of Law on April 7, 2009. It is one of a series of works exploring the implications of adopting a global perspective for academic law and for jurisprudence as its theoretical, or more abstract, part. Others in the series are WILLIAM TWINING, *GENERAL JURISPRUDENCE: UNDERSTANDING LAW FROM A GLOBAL PERSPECTIVE* (2009), WILLIAM TWINING, *Social Science and Diffusion of Law*, 32 J. L. SOC'Y 203-40 (2005), WILLIAM TWINING, *Law, Justice and Rights: Some Implications of a Global Perspective*, in *ENVIRONMENTAL LAW AND JUSTICE IN CONTEXT* 76 (Jonas Ebbesson & Phoebe Okoska eds., 2008), *Globalisation and Comparative Law*, in *COMPARATIVE LAW: A HANDBOOK* 69 (Emin Özgüç & David Nelken eds., 2007), WILLIAM TWINING, *Implications of "Globalisation" for Law as a Discipline*, in *THEORISING THE GLOBAL LEGAL ORDER* 39 (Andrew Halpin & Volker Roeben eds., 2009), WILLIAM TWINING, *GLOBALISATION AND LEGAL THEORY* (Northwestern University Press 2001); (2000), *Institutions of Law From a Global Perspective: Standpoint, Pluralism and Non-State Law*, in *LAW AS INSTITUTIONAL NORMATIVE ORDER* (Macquymillan Del Mar & Zenon Bankowski eds., 2010). I am grateful to Terry Anderson, Shaun Larcom, Brian Tamanaha and the editors for helpful comments and suggestions. I am especially indebted to Ralf Michaels both for his careful critique of an earlier draft and for the insights in his recent writings on legal pluralism.

# Global Legal Pluralism Global Legal Pluralism

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### **Table of Contents Global Legal Pluralism Global Legal Pluralism**

1. Understanding the eBook Global Legal Pluralism Global Legal Pluralism
  - The Rise of Digital Reading Global Legal Pluralism Global Legal Pluralism
  - Advantages of eBooks Over Traditional Books
2. Identifying Global Legal Pluralism Global Legal Pluralism
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Global Legal Pluralism Global Legal Pluralism
  - User-Friendly Interface
4. Exploring eBook Recommendations from Global Legal Pluralism Global Legal Pluralism
  - Personalized Recommendations
  - Global Legal Pluralism Global Legal Pluralism User Reviews and Ratings
  - Global Legal Pluralism Global Legal Pluralism and Bestseller Lists

5. Accessing Global Legal Pluralism Global Legal Pluralism Free and Paid eBooks
  - Global Legal Pluralism Global Legal Pluralism Public Domain eBooks
  - Global Legal Pluralism Global Legal Pluralism eBook Subscription Services
  - Global Legal Pluralism Global Legal Pluralism Budget-Friendly Options
6. Navigating Global Legal Pluralism Global Legal Pluralism eBook Formats
  - ePub, PDF, MOBI, and More
  - Global Legal Pluralism Global Legal Pluralism Compatibility with Devices
  - Global Legal Pluralism Global Legal Pluralism Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Global Legal Pluralism Global Legal Pluralism
  - Highlighting and Note-Taking Global Legal Pluralism Global Legal Pluralism
  - Interactive Elements Global Legal Pluralism Global Legal Pluralism
8. Staying Engaged with Global Legal Pluralism Global Legal Pluralism
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Global Legal Pluralism Global Legal Pluralism
9. Balancing eBooks and Physical Books Global Legal Pluralism Global Legal Pluralism
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Global Legal Pluralism Global Legal Pluralism
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Global Legal Pluralism Global Legal Pluralism
  - Setting Reading Goals Global Legal Pluralism Global Legal Pluralism
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Global Legal Pluralism Global Legal Pluralism
  - Fact-Checking eBook Content of Global Legal Pluralism Global Legal Pluralism
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

#### 14. Embracing eBook Trends

- Integration of Multimedia Elements
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