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Oñati International Institute for the Sociology of Law
Avenida Universidad, 8 – Apdo. 28
20560 Oñati – Gipuzkoa – Spain
Tel. (+34) 943 783064 / opo@iisj.net / https://opo.iisj.net

Law as Imagination: Feminist Rethinkings of Legal Pluralism

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SARA ARAÚJO*

Abstract

In today's political landscape, the rise of right-wing populisms across different regions has revived colonial grammars of difference, reframing women's rights worldwide as markers of civilizational distinction while disregarding persistent gender inequalities within their own agendas. Against this backdrop, this article revisits the conceptual legacy of legal pluralism through feminist and postcolonial horizons. It offers a critical examination of classical, new, instrumental, global, and intercultural approaches, showing how recognition often operates as control. From the colonial codification of "customary law" to the technocratic pluralism of global governance, plurality has frequently served administrative ends. The article advances an epistemological reconceptualization of legal pluralism by moving beyond interpretive accounts centred on law's cultural embeddedness toward an understanding of law as a system of imagination — a contested arena in which authority, meaning, and possibilities are negotiated. Drawing on feminist, Black, and Indigenous thought, it positions feminist subjectivity as a method of epistemological disobedience, expanding legal imagination while opening space for justice beyond the confines of modern legality and its imagined traditional counterpoints.

Key words

Legal pluralism; feminist subjectivity; epistemological approaches; epistemic disobedience; world-making; colonial continuities

Resumen

En el panorama político actual, el auge de los populismos de derecha en diferentes regiones ha reavivado las gramáticas coloniales de la diferencia, replanteando los derechos de las mujeres en todo el mundo como marcadores de distinción civilizatoria, al tiempo que se ignoran las persistentes desigualdades de género en sus

* Sara Alexandre Domingues Araújo, University of Maia. Email: saraujo@umaia.pt, ORCID: https://orcid.org/0000-0003-1914-4074.

propias agendas. En este contexto, el presente artículo revisa el legado conceptual del pluralismo jurídico desde una perspectiva feminista y poscolonial. Ofrece un examen crítico de los enfoques clásicos, nuevos, instrumentales, globales e interculturales, mostrando cómo el reconocimiento suele funcionar como control. Desde la codificación colonial del «derecho consuetudinario» hasta el pluralismo tecnocrático de la gobernanza global, la pluralidad ha servido con frecuencia a fines administrativos. El artículo propone una reconceptualización epistemológica del pluralismo jurídico, yendo más allá de las interpretaciones centradas en el arraigo cultural del derecho hacia una comprensión del derecho como un sistema de imaginación, un ámbito controvertido en el que se negocian la autoridad, el significado y las posibilidades. Basándose en el pensamiento feminista, negro e indígena, posiciona la subjetividad feminista como un método de desobediencia epistemológica, ampliando la imaginación jurídica y abriendo un espacio para la justicia más allá de los límites de la legalidad moderna y sus contrapuntos tradicionales imaginarios.

Palabras clave

Pluralismo jurídico; subjetividad feminista; enfoques epistemológicos; desobediencia epistémica; construcción del mundo; continuidades coloniales

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1. Introduction

Legal pluralism is not a new debate within sociolegal studies, yet in the current global conjuncture—marked by colonial continuities, neoliberal forms of governance, and resurgent authoritarianisms—it acquires renewed relevance. The enduring logics of progress and redemption—rooted in Western legal and scientific rationalities—continue to conceal colonial hierarchies by framing oppression not as a structural condition but as an unfinished task to be resolved through further development (Quijano 2000, Federici 2004, Lugones 2008). In today's political landscape, these narratives find new expression in the rise of right-wing populisms across different regions, which revive colonial grammars of difference, reframing women's rights worldwide as markers of civilizational distinction while disregarding the persistent gender inequalities within their own agendas.

Feminist and human rights discourses, historically intertwined with empire and the colonial project, have always exhibited this ambivalence: mobilized in the name of emancipation, they have also served to reinforce civilizational hierarchies and modes of governance (Merry 2006, Kapur 2018). This dynamic has been both intensified and reconfigured by exclusionary and nationalist politics. Under the banner of protecting women's rights, populist and nationalist movements instrumentalize gender equality to racialize and stigmatize those positioned as culturally "other"—whether Roma, Muslim, migrant, or otherwise—while ignoring the patriarchal structures embedded in their own societies (Abu-Lughod 2013, Farris 2017).

This inversion—where discourses of emancipation are mobilized to legitimize exclusion—reveals not a rupture with modernity but its deepening. The colonial logic persists, reducing the "Other" to a single, totalizing trait, as if criticizing one practice meant condemning an entire culture. Such essentializations reappear in legal and political discourses that classify certain normative systems as "backward" and others as "civilized," reinscribing forms of stratification that legal pluralism—historically institutionalized through colonial governance—has often reinforced (Chanock 1985, Moore 1986, Mamdani 1996). Against this backdrop, revisiting legal pluralism today is not merely a theoretical exercise but a critical necessity. The concept, despite its long history of oscillation between recognition and domination, offers a powerful lens for examining how difference is recognized, managed, and hierarchized through law.

The debate surrounding gender violence, women's emancipation, and legal pluralism is particularly intricate, especially when framed through the presumed (in)compatibility between human rights and customary law, each grounded in distinct epistemological traditions. Analyzing women's interactions with customary law through Western legal frameworks—without interrogating the epistemic assumptions that structure such analysis—risks reproducing colonial narratives and perpetuating hierarchies of knowledge. This dynamic is not new. As Sylvia Tamale reminds us:

> African women became an effective tool to engender colonial representations of the continent as primitive and uncivilized. Colonialists did this by constructing an essentialized universal story of African women's cultural oppression through simplified and uncomplicated stories of traditional practices such as polygyny, 'wife-inheritance,' 'female genital mutilation,' and so forth. (Tamale 2020, 147)

In contemporary contexts, similar essentializations re-emerge when feminist and human rights discourses are selectively deployed to measure the "progress" of societies according to Eurocentric parameters. Revisiting legal pluralism through feminist, postcolonial, and decolonial traditions makes visible how recognition can coexist with, and even reinforce, colonial hierarchies. Building on these critiques, an epistemological approach does not simply add new empirical cases or authors to an existing field; it interrogates the conceptual frameworks that determine whose norms are rendered audible, intelligible, or legitimate within legal analysis. It requires recognising co-presence rather than hierarchy—the simultaneous validity of different legal and epistemic worlds—and confronting the cartographies that silence or domesticate subaltern legalities. This shift, foregrounded by contemporary feminist, African, and Indigenous scholarship, reveals that the struggle over meaning, authority, and legality remains as urgent as ever.

Over time, legal pluralism has evolved from a marginal concern into an established field within the sociology and anthropology of law, as well as in sociolegal studies more broadly (Griffiths 1986, Merry 1988; see also the long-standing *Journal of Legal Pluralism and Unofficial Law*). Its analytical strength lies in its capacity to reveal the coexistence of multiple normative orders and the complex relations between them. Yet this very versatility has also produced conceptual ambiguity: the recognition of diversity has frequently coexisted with theoretical and political frameworks that reproduce Eurocentric hierarchies of knowledge. Far from being a neutral description of social reality, legal pluralism has often operated as a technology of governance—in Foucault's sense—extending state control and reshaping the very practices it purported to acknowledge (Foucault 1978/1991, Comaroff and Roberts 1981, Abel 1982, Chanock 1985, Merry 2006).

As Abel (1982) demonstrated in his analysis of informal justice reforms, initiatives that sought to decentralize or humanize law frequently ended up reproducing existing relations of domination, channelling conflict into administrable and morally acceptable forms of order. These debates emerged in a period marked by a sustained critique of the modern state as a producer of discipline and normative control; despite their limitations—including the lack of engagement with coloniality, gender, and race—they remain analytically valuable for understanding how institutions shape the conditions of legal intelligibility. They also reveal a broader tension at the heart of sociolegal inquiry: the very tools developed to recognize diversity may also delimit its intelligibility, confining the political imagination of the world to what is already thinkable within the horizon of modern, state-centred law. This tension forms the hinge of what follows: a shift from law as administration to law as imagination—understood here as a movement from the managerial governance of legal pluralism toward its redefinition as an epistemological and political field for world-making.

Legal pluralism in practice is inherently hybrid, and the analytical frameworks available to social scientists often fall short of capturing the richness of diversity as it is lived. Our grasp of reality is conditioned by prevailing concepts, theories, and methodologies, as well as by dominant scientific trends, funding priorities, and institutional expectations of what counts as valid knowledge. Gayatri Spivak's enduring question—*"Can the subaltern speak?"*—haunts any attempt to describe plurality from within modern law, for

it exposes how recognition may depend on the prior silencing of those who inhabit other epistemic worlds. Colonialism did not merely transform Africa's history; it narrated it through Eurocentric lenses, stripping people of the means to articulate their realities according to their own ontologies and intellectual traditions (Mudimbe 1988). This narrative persists, sustaining the myth of a superior Eurocentric modernity that remains fundamentally racialized, patriarchal, and classed.

Drawing on Patricia McFadden's notion of feminist contemporarity—understood not as an endpoint but as a site of struggle—this article treats epistemological disobedience as a feminist practice: a way of inhabiting the present critically, refusing the comforts of normative modernity, and transforming contradiction and discomfort into method (McFadden 2023). The article begins by revisiting the conceptual legacy of legal pluralism, subjecting its main traditions—classical and new—to a critical reading that exposes their colonial genealogies and their limits in capturing a reality more fluid than their conceptual frameworks. The second section examines the field of informal justice, tracing how projects of participation and access to justice often reproduced managerial and neoliberal logics of governance. The third section expands this analysis through three additional analytical configurations of legal pluralism—instrumental, global, and intercultural—highlighting the tensions between pluralism as administration and pluralism as imagination. The fourth section advances an epistemological approach that redefines law as a system of imagination rather than as a neutral set of norms, engaging Black, feminist, and Indigenous epistemologies as resources for expanding the horizons of legality. Finally, the fifth section develops feminist contemporarity as the ethical and epistemic ground of legal pluralism as epistemological disobedience: a politics of refusal and imagination that unsettles dominant cartographies of the legal and opens space for thinking justice beyond the boundaries of modern legality.

2. The colonial and the critical conceptual legacy of legal pluralism

Legal pluralism has a long tradition in sociolegal studies, mobilizing different disciplines, questions, and approaches. Nearly forty years ago, Sally Engle Merry (1988) identified two enduring orientations in the study of legal pluralism. The first, which she termed *classical legal pluralism*, emerged from analyses of colonized societies in Africa, Asia, and the Pacific. The second, known as *new legal pluralism*, examined plural normative orders in so-called "developed" societies, showing that legal pluralism is not an exception of the Global South but a feature of all social worlds (Griffiths 1986). These orientations did not replace one another; they have coexisted from their inception and continue to be mobilized for different questions, contexts, and scales of analysis.

Although the study of legal pluralism has since expanded in multiple directions—including important developments in Latin America that have raised new and defiant questions—a significant part of the conceptual vocabulary still used to approach plural legal landscapes in Africa and Asia dates back to the twentieth century and to the intense theoretical debates of those earlier periods.

While these debates were often presented as technical or descriptive, they were deeply entangled with the political and gendered structures of colonial governance. The regulation of customary law was never neutral; it functioned as a central instrument

through which colonial administrations—and, later, postcolonial states—produced authority, legitimacy, and hierarchy.

2.1. Controlling customary law, silencing women

Classical legal pluralism revealed that law was not exclusive to modern societies; however, the distinction it established between "modern law" and "primitive law" (Malinowski 1926) reproduced the binary between the civilized and the savage—between citizen and subject (Mamdani 1996)—with modern law promising "to overcome the 'whims' of the 'primitive' pre-colonial legal system" (Tamale 2020, 134). Legal pluralism was largely understood in its "weak" version (Hooker 1975, Griffiths 1986), reinforcing the hierarchy between canonical modern law and customary law. The "colonial difference" (Mignolo 2000, Kilomba 2008) was not a residue of the past but a product of modernity itself—constructed through classification and imposed through law.

Upon arriving on the African continent, Europeans classified what existed in opposition to the modern world they knew and transformed the reality they found into "tradition." Legal anthropology tended to ignore the idea of "living law" (Ehrlich 1936) and instead imagined static indigenous, customary, "primitive," or traditional legal systems that supposedly contrasted with evolving modern law (Ranger 1994). Many early anthropologists and ethnographers—often working in close collaboration with colonial administrations—produced forms of knowledge that explicitly served the aims of imperial governance. Isaac Schapera's *A Handbook of Tswana Law and Custom* (1938), commissioned by the British authorities in Bechuanaland to codify "native law," is emblematic of this tendency. So too is the *Restatement of African Law* project, led by A. N. Allott at SOAS between the 1950s and 1970s, which translated fluid and context-dependent normative practices into fixed, administratively legible categories of "customary law." These were not neutral descriptions but interventions that reshaped legal orders to fit the epistemic and managerial needs of colonial rule.

As part of indirect-rule strategies— originating in the British empire but later informing other colonial administrations, including the Portuguese — the colonizers demarcated tribes, codified norms and promoted the crystallization of a reality that had never been rigid. By the time of the Berlin Conference (1884–85), many African normative orders were already undergoing profound transformations, making any notion of a stable "traditional consensus" untenable. Then, as now, "living customary law moves with socioeconomic changes, although there will always be those who benefit from the old order and will argue against progress" (Tamale 2020, 142). In this sense, not only did colonialism transform the customary law, but the pre-colonial period also could no longer see itself in a traditional world where consensus, peace and static custom reigned (Mamdani 1996, Chanock 1998).

In discussing women's rights and indigenous law, it is essential to recognize the historical colonial bias that continues to pervade Western feminist studies in both academic and policy literature. Processes of systematization and classification were themselves part of the colonization of complexity, reducing diverse women's experiences to what Chandra Talpade Mohanty (1984) famously described as the construction of the "Third World Woman" as a singular, monolithic subject. By

appointing traditional chiefs and elders as "informants" and representatives of tradition, colonizers privileged older male voices, thereby excluding the perspectives of women and younger generations and establishing one version of "tradition" at the expense of others (Mann and Roberts 1991, Chanock 1991, Mamdani 1996, Oomen 2005). Gender relations were deeply reconfigured through this process (Tamale 2021). As Terence Ranger writes in *The Invention of Tradition*:

> The people who were in a position to contribute to the definition of custom sought to safeguard their interests. Elders tended to appeal to 'tradition' in order to defend the domination of the rural means of production against the challenges of the young; men tended to appeal to 'tradition' in order to ensure male control over women; chiefs and ruling aristocracies appealed to tradition in order to maintain or extend their control over their subjects; indigenous populations appealed to 'tradition' in order to ensure that migrants settling near them did not acquire political or economic rights. (Ranger 1994, 254)

In this context, the recognition of customary law cannot be understood as an acknowledgment of indigenous humanity or epistemologies, but rather as a form of administrative control applied to subjects under metropolitan rule who were not citizens with rights. Through mechanisms such as the "repugnance clause" — which invalidated any norm deemed "repugnant to natural justice, equity, and good conscience" — the colonial state ultimately determined which customs could be codified, ensuring that they served imperial interests.

The notion that African societies recognised no private rights in land—defined as part of "customary law"—is a prime example of the instrumentalization of "custom." Not only did this colonial construction prevent Africans from entering the capitalist land market; it also entrenched their dependence on chiefs, who controlled access to land in exchange for loyalty to the colonial administration (Chanock 1991). The image of a deeply conservative society thus functioned as an ideological tool to reproduce the trope of the "backward" and "dark" continent, resistant to modernization, thereby legitimizing European domination (Ranger 1994).

Eurocentric legal narratives equated civilization with private property (Bhandar 2018), producing racialized property as both a legal form and a political technology: a mode of governing life that linked ownership to whiteness and dispossession to the racialized Other. The absence of such regimes was framed as terra nullius, a fiction scientifically validated by positivist international law—as a pretext for dispossession and external appropriation (Darian-Smith 2001, Roy 2008, Tamanaha 2021), and deployed most explicitly in Australia to justify the expropriation of Aboriginal land.

As feminist and critical scholars have shown—particularly those working on Africa, coloniality, and gender — the modern conception of private property was inseparable from both the patriarchal reorganization of social and economic life in Europe and the colonial imposition of gender in the Global South: the ownership of land and the control of women's bodies emerged together as twin dimensions of the same civilizational order (Oyěwùmí 1997, Federici 2004, Lugones 2008).

2.2. Legal pluralism in action: the customary is alive

In the 1960s, with the work of Max Gluckman (1955), it began to be acknowledged that the study of customary law had to move beyond consultations with groups of elders and attend to processes of adjudication and everyday legal practice. A methodological precursor to this shift can already be found in Llewellyn and Hoebel's *The Cheyenne Way* (1941), which centred legal reasoning on case analysis rather than on codified "custom." However, it was with the emergence of "new legal pluralism" after the 1970s that the idea of "living customary law" gained renewed theoretical and political traction. The new legal pluralism not only expanded the geographies under study—reducing connotations of exoticism and marginality—but also marked a major conceptual leap.

The concept of the "semi-autonomous social field" (Moore 1978/2000)—central to Griffiths's (1986) influential definition—challenged the idea that customary law was static or that social change could be directly engineered through law. In his 1986 essay, Griffiths argued that legal pluralism is a concomitant of social pluralism, meaning that the legal organization of society reflects its social organization. Legal pluralism, he wrote, "refers to the normative heterogeneity attendant upon the fact that social action always takes place in a context of multiple, overlapping 'semi-autonomous social fields,' which, it may be added, is in practice a dynamic condition" (Griffiths 1986, 38).

This insight opened the way for a new generation of scholars to distinguish between "law in the books" and "law in action," emphasizing that legal pluralism in practice is far more complex than institutional or codified arrangements suggest. This distinction had important precursors in American legal realism and early sociology of law, but it was within the debates on "new legal pluralism" that the idea of "living law" (Ehrlich 1936) gained renewed theoretical centrality. The state's attempt to formalize and control customary law—imposing what Griffiths (1986) called a "weak" form of legal pluralism—was not incompatible with the "strong" pluralism that persisted in the lived reality of semi-autonomous social fields (Moore 1978/2000).

By the 1990s, critiques of "frozen traditions" in Africa had become widespread. Expressions such as "the invention of tradition," "the invention of ethnicity," and "the myth of customary law" gained prominence (Mann and Roberts 1991, Hobsbawm and Ranger 1992, Mamdani 1996, Gentili 1998, Oomen 2005). A central question for legal pluralism in Africa at that time was whether customary legal systems were merely remnants of colonial imposition—legal constructs shaped by indirect rule—or whether African societies had historically carved out spaces of resistance where legitimate traditions could survive and adapt. In other words, was legal pluralism in Africa a colonial fiction or a living system that was never fully controlled? Efforts to codify or suppress custom were largely acts of colonial wishful thinking: while colonialism profoundly transformed social reality, it never achieved total control over it.

This question, however, has not lost its relevance. Contemporary struggles over the recognition of customary law, land rights, and gender relations continue to echo this tension between domination and resistance, reminding us that the plural legal orders shaped by colonialism remain contested and alive.

Based on fieldwork conducted on Kilimanjaro and her analysis of the 1957 Memoranda on local courts in Tanganyika, Sally Falk Moore illustrates how, alongside violent

colonial impositions, resistance strategies were developed by colonized peoples, varying across space and time. Although the population of Kilimanjaro was unable to reject imposed institutional structures such as the colonized local courts, much of the daily management was left in the hands of local actors, allowing them to adjust practices to serve their political ends. This suggests that there was room for maneuver within the semi-autonomous social field. If colonial control of native courts relied on written records, the disruption of these records was managed in a convenient way, continually frustrating the rule of law. While these irregularities were sometimes the result of inefficiency or lack of skill, they were also employed as strategies to preserve local power and create obstacles for the authorities. However, since deliberate bad faith carried uncomfortable implications, colonial officers preferred to interpret these irregularities as stemming from incompetence, inefficiency, or ignorance. As the author states, "it may be of some comfort to emphasize superior skill when losing the game" (Moore 1992, 28). This example shows how the subaltern's narrative was silenced by the colonizers who had the power to define official history.

There is no frozen customary law that reaches back to immemorial times, but strong legal pluralism continues to exist in Africa—as in many other places. Postcolonial reality "consists of layers upon layers of accretions, interpretations, re-interpretations, and modifications of laws from different eras and different sources" (Moore 1986, 322), and traditional customary law "is in fact a palimpsest of colonial and pre-colonial rules, interpretations, and administrative practices" (Moore 1986, 321). The concept of interlegality (Santos 2002) captures the interaction and permeability of laws within multi-layered legal spaces where local, national, and global systems intersect. Legal pluralism operates not only at the macro level—where different legalities interact and transform one another—but also at the level of individual experience, as citizens navigate between overlapping normative systems. This dynamic is reflected in the notion of forum shopping (Benda-Beckmann 1981), which describes how individuals strategically choose among available forums based on their expectations of justice outcomes. In contexts such as Mozambique, as my own research has shown (Araújo 2012, José e Araújo 2016), these choices illustrate the pragmatic agency of citizens negotiating multiple legal orders within unequal power relations.

3. Accessing the many rooms of justice: the more the merrier or less might be more?

The "new legal pluralism," with its focus on dispute resolution, developed alongside the trend toward informal justice observed in the United States and Europe during the 1970s and 1980s (Abel 1982, Bonafé-Schmitt 1987). Terms such as informal justice, alternative dispute resolution (ADR), non-state justice, and community justice referred to a wide variety of initiatives—hybrid arrangements that blurred the boundaries between state and society. Despite their conceptual looseness, these approaches created a fertile interface between legal anthropology, sociolegal studies, and access-to-justice debates, including those related to structural inequality.

For several critical legal scholars engaging with Foucault's analysis of power, informal justice did not mark the retreat of the state but its expansion. As Richard Abel (1982) argues, informal institutions enable the state to move beyond the walls of its coercive

apparatus—courts, prisons, psychiatric hospitals, schools—and to permeate society through new, less visible forms of control. In his analysis, while formal institutions are largely passive and reactive, informal mechanisms can be proactive and prescriptive. They blur liberal distinctions between public and private, state and civil society, legality and morality. By cultivating an appearance of non-coercion, they extend governance into intimate and local spaces of life. The withdrawal of overtly coercive forms of control, Abel writes, has been a necessary complement to the expansion of more subtle mechanisms of coercion (Abel 1982, 5–6). Similarly, Peter Fitzpatrick (1992) challenged the romantic image of informal justice as a counterpoint to formal law, arguing that the former "is nothing more than the extension of formal regulation, its mask or its agent." In this view, the informality of justice is not its opposite but its frontier—the point at which legality becomes diffuse, internalized, and moralized in everyday life.

Still, these critiques did not dismiss the aspirations that inspired many informal justice initiatives. Scholars such as Cappelletti, Garth, Galanter, and Bonafé-Schmitt recognized the risks of co-optation and inequality, yet continued to search for ways to democratize law by widening participation and accessibility. Access to justice had always been a central concern in sociolegal research. As early as the 1970s, Cappelletti and Garth (1978) questioned the assumption that access to law meant access to courts, arguing that it should also be understood as the ability to secure individual and collective rights. They also noted that the increasing professionalization of lawyers had turned law into a specialized market, creating additional barriers to access for those unable to navigate or afford it. Soon after, Marc Galanter (1981), in his seminal essay *Justice in Many Rooms*, emphasized that the utopia of access to justice could not rely on universal adjudication, noting that parties often achieve more satisfactory outcomes through negotiation than through the rigid application of general rules.

The subsequent expansion of ADR reflected both optimism and anxiety. On the one hand, the informalization of justice promised democratization—greater participation, reduced professionalization, and more restorative approaches to conflict (Matthews 1988). Drawing on Bonafé-Schmitt's (1987) notion of *justice douce*, informal justice was envisioned as a means of preserving social cohesion by reopening communication and repairing damaged relationships. These aspirations echoed long-standing observations from contexts where social relations were largely *multiplex*, meaning that the same individuals interacted across several spheres of life. In such settings, dispute-handling mechanisms aimed not only to resolve conflicts but also to maintain the stability of ongoing relationships (Gluckman 1955). The emphasis on proximity—cultural, geographical, and temporal—what Wyvekens (2008) later conceptualized as the "triangle of proximity," further reinforced the idea that these forms of justice could foster more humane, dialogical, and context-sensitive responses to conflict.

On the other hand, critics quickly warned that such mechanisms risked creating a two-tier system of justice, where wealthier litigants accessed the courts while marginalized groups were redirected toward cheaper, less formal forums (Abel 1982, Merry 1993). As Sally Falk Moore later observed, the judiciary often embraced ADR not to empower the poor but to manage caseloads, treating "minor" disputes as "garbage cases" to be removed from the docket (Moore 2001).

These debates reveal a structural tension between participation and control. Informal mechanisms are often celebrated as empowering alternatives to state justice, yet they may also function as extensions of state power—a Trojan horse through which governance expands into everyday life (Fitzpatrick 1992, Van Krieken 2001). Many scholars at the time were concerned that their supposed neutrality often concealed entrenched class hierarchies (Santos 1982, Matthews 1988), although the dimensions of race and gender were far less explored within these discussions. The question, then, is not merely whether informal justice enhances access to law, but whose access, to what kind of law, and under which conditions of power.

The literature on informal justice and legal pluralism thus opens a broader reflection on how law recognizes and organizes difference. Legal pluralism once celebrated diversity as evidence of law's social embeddedness, but colonial and postcolonial practices revealed that plurality can also serve as a tool of control. The experience of informal justice exposed a similar pattern—showing that the management of difference, whether under the banner of development or participation, can reproduce rather than dismantle structural hierarchies. The challenge is therefore epistemological: to imagine pluralism beyond the managerial logic of governance, as a field where multiple normative worlds coexist and contend for legitimacy. The next section turns precisely to this challenge. What kind of epistemological turn can expand the horizons of legal imagination by dismantling the hierarchies that produce invisibility and silence?

4. Law as imagination beyond culture

The tension between instrumental and epistemological approaches to legal pluralism points toward a broader question in sociolegal thought: whether law can be understood not only as a cultural phenomenon but also as a system of imagination. This tension is well illustrated by Clifford Geertz's classic formulation of law as a cultural system (1983). In his interpretive anthropology, law is part of a distinctive manner of imagining "the real" — a symbolic framework through which societies render social facts intelligible. This resonates with broader debates on social imagination, including Benedict Anderson's (1983) account of communities as imagined. Yet Geertz's notion of imagination remains hermeneutical rather than political: it invites interpretation rather than disobedience. What is at stake here, however, is not merely how law imagines reality, but who is authorized to imagine it — and who is compelled to inhabit imaginaries not of their own making. Feminist, postcolonial, and critical perspectives reveal that law's imaginative capacity is an epistemological struggle, exposing how modern legality has monopolized both the power to imagine justice and the authority to render those imaginaries operative — even when recognising legal pluralism as a matter of cultural diversity.

While Geertz illuminated law's symbolic and meaning-making dimensions, his interpretive approach largely bracketed questions of power. Culture appeared as a shared web of significance rather than a contested field of meaning. Yet the capacity to produce meaning is inseparable from the capacity to impose it. To treat law as a system of imagination, therefore, is not only to interpret symbols but also to confront the hierarchies that authorize certain imaginations and silence others.

In most legal-anthropological and policy discourses, law is treated as a reflection of social order — a cultural product that encodes norms, values, and practices. Yet this descriptive view obscures law's world-constituting power. Law does not merely represent culture; it shapes the very ways in which reality can be perceived, narrated, and transformed. To think of law as a system of imagination is to recognize its world-making force — its capacity to define what counts as knowledge, as justice, and as a legitimate subject of rights. Within this frame, the epistemological project of legal pluralism is not simply to map coexistence, but also to question the modern cartography of law itself — its visibilities and invisibilities — and to expand its horizons.

The debates surrounding informal justice and access to law have shown that plurality is never innocent: it can operate as a discourse of emancipation or as a subtle mechanism of control. At stake is not only how legal pluralism functions in practice, but also how it is conceived and mobilized as a way of knowing and governing. In its instrumental form, legal pluralism has often been absorbed into the neoliberal logic of governance, reproducing the colonial distinction between those entitled to rights and those merely administered under the rule of law.

Yet pluralism can also be reclaimed as an epistemological project — an invitation to disobey the hierarchies of the Western canon, to recognize co-presence rather than hierarchy — that is, the simultaneous validity of different legal and epistemic worlds — and to redraw the maps through which law represents and limits the world.

4.1. Instrumental legal pluralism as the neoliberal indirect rule

In the first section of this article, I examined the two approaches to legal pluralism identified by Sally Engle Merry. Building on that widely accepted typology, I have elsewhere proposed an expanded framework that distinguishes five main forms of legal pluralism: classical, new, global, instrumental, and intercultural (Araújo 2023). In what follows, I focus on instrumental legal pluralism, which directly relates to the concern raised at the end of the previous section: the use of legal pluralism as a technology of governance that extends the reach of the capitalist and colonial Western state. Within this model, "recognition" functions less as an act of emancipation than as a form of administration—it reinforces what Walter Mignolo (2000) theorized as the colonial difference, the epistemic division that structures modernity, while materializing it through what Mahmood Mamdani (1996) described as the bifurcated state, which separates those governed through rights from those subject to law and custom.

By the 1980s and 1990s, international investments in rule-of-law reforms across so-called developing or post-conflict countries had failed to produce the expected outcomes. Among donors and development agencies, one of the most common explanations for these failures was the narrow focus on state legal systems (Janse 2013). After decades of attempting to impose a universalistic model of legality rooted in centralized institutions, organizations such as the World Bank and the United Nations Development Programme began to incorporate the language of legal pluralism into their policy frameworks. Conferences, policy papers, and research partnerships started to circulate an apparently new vocabulary—local ownership, customary justice, community empowerment, vernacularization—which signaled not a break with the colonial model but its mutation,

as reflected in the World Bank's and UNDP's adoption of these terms in policy frameworks during the 2000s (World Bank 2006, Wojkowska 2006, Merry 2006).

The move from state-centric legality to pluralist governance was less a paradigm shift than a change of instruments: from direct imposition to indirect administration, from coercion to participation, from colonial empire to a market-driven form of rule that disguises domination as development. Programs such as the World Bank's *Justice for the Poor* initiative exemplified this shift, reframing legal pluralism as a means to translate global standards into local realities and turning participation into a managerial tool for governance.

This managerial version of pluralism did not emerge from any genuine recognition of the need to decolonize law or to challenge the epistemic violence of universalism. Rather, it reflected a pragmatic adjustment—an acknowledgment that universalist policies often fail not because they reproduce colonial hierarchies, but because they are inefficient. The neoliberal turn reframed development around principles of cost-effectiveness, decentralization, and "good governance." In this configuration, informality became an asset. Traditional, religious, and local systems were rebranded as resources to translate universal prescriptions into vernacular terms, making global policy agendas appear context-sensitive while leaving their ideological foundations intact.

This shift from colonial empire to a market-driven form of rule that disguises domination as development thus marks not a rupture but a rearticulation of power. As James Ferguson (1990) showed in his analysis of development discourse as an "anti-politics machine," neoliberal interventions depoliticize inequality by transforming structural domination into a technical problem to be solved through local participation—thereby extending, rather than challenging, the reach of global governance. Yet the instrumental appropriation of legal pluralism goes further. It does not simply depoliticize inequality; it transmutes it into a cultural form, reframing structural domination as a matter of cultural difference to be managed through dialogue, tolerance, and inclusion. This is what Catherine Walsh (2018) calls *neoliberal interculturality*—a politics of recognition that romanticizes diversity while leaving untouched the material hierarchies of race, gender, and capital.

The recognition of cultural diversity has been accompanied by a parallel and often contradictory movement in the field of gender justice. Efforts to eliminate "harmful traditional practices" have frequently relied on abolitionist approaches that reproduce the civilizing logic of colonialism, assuming that emancipation can only be achieved through the eradication of what repulses the West. Yet the opposite stance—cultural relativism—offers no real alternative, as it tends to freeze living practices into static caricatures of authenticity and to silence the internal power struggles that animate them. The challenge is to confront the colonial and the patriarchal simultaneously: neither abolishing custom nor romanticizing it, but rather recognizing that traditions are dynamic and contested fields of meaning in which women actively negotiate authority, legitimacy, and transformation.

Across contexts such as Mozambique and East Timor — where I conducted empirical research between 2003 and 2011, and again in 2016–2017 — women's practices of navigating between state, customary, and religious orders do not fit neatly into our categories. They expose the limits of the frameworks — legal and scholarly — that seek

to render them legible. Their strategies often exceed the available juridical and policy vocabularies; yet to be heard beyond their own cultural worlds they must be channelled through the idioms of modern legality — a translation that reshapes meanings and filters what can count as justice (Araújo 2012, Meneses *et al.* 2017).

The state remains, as Janse (2013) notes, the central gravitational force of legal pluralism, defining the conditions of audibility. In this sense, women face what Fricker (2007) calls *hermeneutical injustice*—their experiences fall outside dominant interpretive resources—and what Spivak (1988) names *epistemic violence*: the subaltern cannot speak and be heard on her own terms. What remains unheard is not silence, but the absence of a grammar capable of communicating. Women act, negotiate, and transform, yet their practices fall outside the epistemic field that defines what counts as reason, justice, or resistance.

This unresolved tension—between recognition and translation, audibility and silence—marks the threshold between instrumental and epistemological legal pluralism. The next section turns to the other side of that threshold: the practices and epistemologies that emerge from below, where women, communities, and subaltern groups reclaim pluralism as a field of struggle and imagination.

4.2. Intercultural legal pluralism and its limits

Against this instrumental and managerial pluralism, other processes of recognition have emerged from below, grounded in collective struggles that seek to redefine not only the place of law but the very meaning of justice. This perspective corresponds to what I have elsewhere described as *intercultural legal pluralism*: a form of pluralism that arises from dialogical encounters and conflictive negotiations among distinct normative and ontological worlds, rather than from state-led frameworks of recognition. Across the Global South, feminist, peasant, and Indigenous movements have mobilized legal pluralism as a language of resistance, deploying it to contest the epistemic and political monopolies of the modern state. The constitutional reforms of Ecuador (2008) and Bolivia (2009) exemplify this shift. Unlike the technocratic pluralism endorsed by global institutions, these plurinational constitutions were born from constituent assemblies animated by social movements that challenged monocultural statehood and neoliberal extractive economies Concepts such as *Pachamama* (Mother Earth) and *Buen Vivir* (Living Well) entered the constitutional text not as cultural ornaments but as ontological claims—asserting relational understandings of life and law that directly confront the Eurocentric grammar of rights and property.

Still, these experiences reveal the tensions of translating insurgent pluralism into state form. The endurance of Eurocentric constitutional structures and the persistence of political and economic elites have often neutralised their transformative potential. Yet their importance lies precisely in exposing the limits of recognition without decolonisation. They have opened conceptual and political space for articulating what Yrigoyen Fajardo (2017) calls *egalitarian legal pluralism*—one grounded in the dismantling of cultural hierarchies, the decolonisation of relations among peoples, and the establishment of equal dignity between knowledges. In her formulation, equality among legal orders requires not the subordination of one to another, but rather a reconfiguration of the relationship between state and Indigenous jurisdictions, so that the latter exercise authority according to their own norms, needs, and worldviews. This

vision resonates with a broader project of epistemic disobedience—here understood as a critical effort to unsettle the hierarchies that define who can know, judge, and rule

Legal pluralism from below thus names a horizon rather than a model. It does not romanticise "tradition," nor does it seek to restore precolonial legal orders. Instead, it recognises that struggles for decolonisation, depatriarchalisation, and decommodification of life are simultaneously epistemic and juridical. They involve reclaiming law's capacity to imagine new social relations, new subjectivities, and new forms of coexistence. In this sense, pluralism from below is not simply a claim for inclusion within existing frameworks but also an invitation to rethink what counts as law, as justice, and as the human in worlds still organised by colonial difference.

Alongside celebratory readings of plurinationality, Indigenous jurists such as Raúl Llasag Fernández (2023) have warned that state-centred recognition may reproduce colonial hierarchies if Indigenous jurisdiction remains confined within the institutional logic of the modern Western state. His distinction between *plurinationality from above* and *plurinationality from below* exposes this tension: while the former translates Indigenous demands into constitutional discourse, the latter insists on self-determination grounded in Indigenous epistemic and normative horizons. From this more sceptical perspective, plurinationality risks becoming a symbolic reform unless it dismantles the very structures of state sovereignty that sustain coloniality (Llasag Fernández 2023).

Moreover, feminist and Indigenous scholarship have shown that plurinational reforms can leave intact patriarchal arrangements unless women's collective authorities and dispute practices are recognized as law in their own right. "From below" is not only Indigenous versus state; it is also women versus patriarchal gatekeeping within communities. Collaborative work between Indigenous and non-Indigenous feminists — including Aída Hernández Castillo (2023) and Raquel Yrigoyen Fajardo (2017) — has underscored that decolonization without depatriarchalization risks reproducing internal hierarchies under the guise of cultural autonomy. These scholars remind us that egalitarian legal pluralism is not achieved by adding gender to plurinational frameworks, but rather by transforming the very foundations of authority and legitimacy. In this sense, both decolonization and depatriarchalization are conditions for jurisdiction without tutelage — and for voices that are not already lost in translation by the time they are heard.

4.3. Global law as a technology of governance

In the current phase of globalization, law has been reconfigured as a technology of governance rather than a democratic project. The notion of global legal pluralism corresponds to one of the five analytical configurations elaborated in that earlier work—classical, new, instrumental, intercultural, and from-below legal pluralisms. Unlike other forms, global legal pluralism does not seek to expand recognition or diversity; it reproduces a technocratic architecture in which law functions as the infrastructure of market circulation. It can coexist—and even harmonize—with instrumental legal pluralism, since both sustain a system of indirect governance: the former providing the technocratic order that legitimizes global superiority, and the latter operating as its mechanism of local implementation. In this sense, global legal pluralism extends the

colonial distinction between the global and the local, the universal and the particular, by embedding hierarchy in the very architecture of interconnection.

What appears as plurality is, in practice, a dense network of transnational regimes—financial, digital, and corporate—whose legitimacy rests not on participation but efficiency. This transformation reflects a shift from political to technical legitimacy: decision-making is depoliticized and reframed as the neutral management of complexity. The "rule of law" has become an instrument of universalizing a specific model of rationality that privileges capital over citizenship. As Mattei and Morpurgo (2009) observe, law has been constructively turned into a technology and a mere component of capitalism's economic system—concealing its political nature and annulling local political agency. What circulates today under the name of global legal pluralism, therefore, is not an ecology of normative imaginations but a hierarchy of technocratic regimes that hollow out democracy while governing life.

Academic debates on legal pluralism in the 1970s and 1980s were intense and generative. Much of that legacy remains valuable; yet in the twenty-first century, familiar problems persist while new ones emerge. Defining "law" is no less complex than it was decades ago, but the contemporary challenge adds an epistemic task: to unlearn inherited Eurocentric certainties and denaturalize the hierarchies that sustained them. This involves approaching legal pluralism not merely as a descriptive account of coexisting orders, but as a critical and epistemological stance toward the modern cartographies of law—its scales, projections, and silences—and the colonial difference they continue to reproduce.

If global legal pluralism exposes the technocratic limits of law's globalization, the next section turns to the inverse movement: the epistemological pluralism that reclaims law as a form of knowing and imagining, rather than governing.

5. Legal pluralism as an epistemological issue

Modern legal thought secured its immunity to context through the nineteenth-century projects of codification and the authority claimed by Eurocentric science. From this position, state law came to occupy the "positive" pole of modern legal dichotomies—modern, formal, official—while local legalities were relegated to the opposite pole—traditional, informal, unofficial—defined primarily through lack, deficit, and deviation. This classificatory regime eclipsed hybridity in action and, through the imposition of the colonial difference, elevated Eurocentric legality to the status of canon. As Tamale notes, the colonial introduction of written law and "independent" courts established hierarchies with the colonizer's norms at the top, filtering plurality through dualities that continue to organize our legal imagination (Tamale 2020).

An epistemological approach to legal pluralism first rejects the way constitutionalism and human rights—when understood as technical limits—police the boundaries of acceptable difference. Second, it insists that listening to subaltern legalities requires confronting hermeneutical injustice (Fricker 2007): the existence of worlds of meaning that prevailing legal vocabularies are unable to hear. The question, therefore, is not whether women, Indigenous peoples, or racialized communities have law, but whether our legal science possesses the conceptual tools to recognize their maps without forcing them into canonical projections.

In this sense, Black feminist epistemologies (Collins 2002) are instructive. As Collins observes, because white male elites have historically controlled the Western structures of knowledge validation, the themes, paradigms, and epistemologies of academic research remain saturated with their interests. Exclusion is not merely institutional or bodily—it is cognitive. Dominant epistemologies lack the interpretive codes to apprehend alternative ways of knowing. Epistemology matters because it decides which questions can be asked, which frameworks count as rigorous, and which purposes knowledge is supposed to serve. To decolonize legal pluralism, then, is not to reopen the old question of what law is, but to ask what law can make thinkable—what worlds, relations, and futures it allows us to imagine. The task is not ontological but epistemological to expand the horizons of meaning through which law mediates our understanding of justice, coexistence, and transformation. What the postcolonial turn demands, then, is an epistemic reorientation: a movement from cataloguing plurality to interrogating the conceptual regimes that have long governed its legibility within modern legality.

This also demands interdisciplinarity beyond tokenism. The siloed structures of academia often prevent legal pluralism from engaging meaningfully with postcolonial feminism, Black studies, critical race theory, and the arts. The task is not simply to recognize violence, but also to widen the representational grammars of political imagination—those that exceed Western legal rationality. The idea of law found in the street is at the heart of this project.[1] It reflects on law through the claims and actions of social movements, understanding legality as something made in the historical process of liberation while unveiling the obstacles that constrain non-harmful freedom to others. Extending this insight, law found in art[2] recognizes artistic practices, oral narratives, and embodied performances as forms of normativity and as claims to justice that operate beyond juridical prose. The challenge is to engage these practices without assimilating them into the canon as colourful illustrations of a pre-given map.

Against this background, law should be approached not as a neutral set of norms but as a system of imagination — a device that shapes what can be perceived, desired, and transformed in social life. Rather than mapping reality, law organizes its possibilities: it defines the boundaries of the thinkable and the legitimate, determining who may speak, what counts as harm, and which futures appear attainable. To provincialize modern law (Chakrabarty 2000, Woessner 2013) and de-parochialize legal theory (Twining 2013) is to expose canonical frameworks to other, marginalized legal cartographies so as to expand political imagination. Thomas Duve's notion of legal entanglements reminds us that there are no singular starting points for legal analysis (Duve 2014); and Asifa Quraishi-Landes asks, pointedly, "What would a constitution look like if it began from legal pluralism rather than adding it as critique?" (Quraishi-Landes 2023). To imagine

[1] The notion of law found in the street derives from the critical legal thought of Roberto Lyra Filho, later elaborated by the Brazilian group *O Direito Achado na Rua* (Sousa Júnior 2019). It conceives law as emerging from the practices and claims of social movements.

[2] The concept of law found in art is being developed in collaboration with my PhD student Hannah Silva Linhares, within her dissertation *Human Rights Found in Art: Towards Other Possible Readings of Legal Imagination Maps* (University of Coimbra, Centre for Social Studies, 2024).

law's future, therefore, is to think beyond the state as its epistemic center and beyond modernity as its condition of possibility.

6. Feminist subjectivity beyond law

Following Patricia McFadden (2023), a leading figure in African feminist thought and a central voice in pan-African radical critique, feminist subjectivity constitutes the critical foundation of contemporary epistemic disobedience. Against forms of feminism that seek accommodation within dominant institutions, McFadden calls for a radical politics of self-making and embodied refusal—a refusal of assimilation to the neoliberal, patriarchal, and colonial orders that structure modernity. Subjectivity, in this sense, is not introspective individualism but a mode of political consciousness that links knowing, feeling, and acting: a continuous practice of reclaiming freedom from within the structures that attempt to domesticate it.

Within sociolegal thought, this approach opens a path beyond the binary of law as norm and law as culture. It foregrounds the affective and experiential dimensions through which legality and justice are imagined, contested, and lived. A feminist epistemology attentive to subjectivity thus complements the project of epistemological legal pluralism: both seek to decenter the canonical map and to acknowledge the plurality of worlds in which meaning, normativity, and freedom are produced.

Feminist subjectivity—understood as the capacity to inhabit contradiction and discomfort—does not aim at resolution or purity. It insists on thinking from within tension, on staying with the trouble rather than escaping it. This ethical and epistemic stance, central to African and Black feminist thought, transforms discomfort into method: a way of unlearning privilege, exposing domination, and nurturing new sensibilities of justice. It points toward other grammars of legality—ones that combine critique with care, and resistance with creation. In this sense, legal pluralism as epistemological disobedience is inseparable from the feminist labour of reimagining law's possibilities and limits, grounded in vulnerability, affect, and the refusal of epistemic comfort.

Ultimately, what is at stake is the redefinition of law itself: from a univocal system of rules to a plural field of world-making practices. To approach law as epistemology—as imagination, affect, and embodied knowledge—is to reclaim its capacity to generate rather than merely regulate social life. Feminist, African, and Indigenous perspectives do not stand outside this project; they are its conditions of renewal, reminding us that the struggle over pluralism is, at its core, a struggle over the meanings of humanity, authority, and justice in a world still organized by colonial difference.

7. Conclusion: toward a plural grammar of legality for world-making

Revisiting legal pluralism through feminist and postcolonial lenses reveals both its analytical potential and its historical complicities. Far from being a neutral description of diversity, legal pluralism has long operated at the intersection of recognition and domination—acknowledging difference only to translate, manage, and render it governable. The challenge is therefore not to abandon pluralism but to reclaim it as a site of epistemic struggle.

An epistemological approach reframes legal pluralism as more than the coexistence of normative orders: it becomes a project of reimagining law itself. Law is not merely a system of norms but also a system of imagination—an apparatus that shapes what can be known, said, and transformed. Confronting the hermeneutical injustices that silence subaltern legalities makes clear that knowledge about law is itself a terrain of power. African, Black, and feminist epistemologies remind us that the issue is not only who speaks law, but also whose interpretive codes are recognised as intelligible.

To decolonise legal knowledge is to widen the grammar of legality beyond the vocabulary of the modern state. It requires engaging forms of normativity expressed through oral narratives, embodied practices, affective relations, and artistic expression—world-making practices that exceed the textual and institutional canon. This move does not romanticise "custom" or oppose tradition to modernity; rather, it seeks to understand how multiple ways of knowing justice coexist, collide, and transform one another.

In the current global conjuncture—marked by colonial continuities, neoliberal governance, and resurgent authoritarianisms—this task becomes urgent. The enduring logics of progress and redemption, rooted in Western legal and scientific rationalities, continue to conceal colonial hierarchies by framing oppression as unfinished business awaiting further modernisation. The rise of nationalist and exclusionary politics, often cloaked in the language of protecting women or defending culture, shows how the grammar of emancipation can be mobilised to legitimise domination. Revisiting legal pluralism today thus requires vigilance both against the state's managerial appropriation of difference and against the reproduction of civilisational hierarchies in the name of progress.

Feminist subjectivity offers an alternative ground. Rather than seeking assimilation into dominant institutions, it enacts a politics of refusal—one that embraces contradiction, inhabits discomfort, and turns vulnerability into a source of epistemic creativity. Within this horizon, law's plural futures depend less on reforming existing systems than on reimagining the very conditions of intelligibility that define what counts as justice.

Ultimately, what is at stake is the redefinition of law as a plural, relational, and imaginative practice. Feminist, African, and Indigenous perspectives do not stand outside this project—they constitute its condition of renewal. To think pluralism epistemologically is to insist that law's future depends not on its universalisation but on its capacity to imagine other forms of coexistence—forms grounded in refusal, in the recovery of silenced grammars of humanity, and in a commitment to keeping the struggle for justice radically unfinished.

To think pluralism from a place of discomfort is to recognise that this work remains necessarily incomplete. The reflections offered here emerge not from epistemic distance but from the situated uncertainties of my own trajectory: a woman trained within European social-science traditions, carrying the lessons and contradictions of fieldwork in Mozambique and Timor-Leste and the transformative encounters experienced across Latin America. They also emerge from the uneven violences experienced within the academy itself. Academic life is not lived under equal conditions: women, precarious scholars, and those whose trajectories do not conform to the institution's unspoken expectations often confront forms of silencing and marginalisation that remain largely

unacknowledged within Europe's dominant theoretical vocabularies. The grammars I learned through these encounters made legible forms of violence that had long been rendered invisible by Eurocentric frames, allowing me to recognise how my own positionality is shaped both by the privileges and the exclusions of the institutions in which I was formed.

Living with that discomfort requires refusing the analytic safety of neutrality. It demands acknowledging the ways in which my interpretive habits have been shaped by epistemic formations that render certain legalities intelligible and others peripheral. To confront these limits is not an act of confession but an epistemological gesture: an effort to read my own violences through the grammars I have learned, and to allow those grammars to unsettle what I take safety and justice to be.

Such a stance stretches the academic languages and worlds available to us. Yet this stretching is part of the work. If decolonising legal knowledge entails widening the grammar of legality, it also requires widening the grammars through which we write, think, and situate ourselves. The present text does not resolve that task; it only marks the contours of its possibility. Its incompleteness is not an oversight but a method—an opening toward forms of knowing and imagining justice that remain, necessarily, unfinished. It also signals a commitment: to continue searching for forms of writing capable of sustaining the plural worlds that this inquiry calls into being.

References

Abel, R.L., ed., 1982. *The Politics of Informal Justice*, Vols. 1–2. New York: Academic Press.

Abu-Lughod, L., 2013. *Do Muslim Women Need Saving?* [online] Cambridge, MA: Harvard University Press. Available at: https://doi.org/10.4159/9780674726338

Anderson, B., 1983. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso Books.

Araújo, S., 2012. Toward an ecology of justices: an Urban and Rural Study of Mozambican Plurality. *In:* H. Kyed *et al*., eds., *The dynamics of legal pluralism in Mozambique*. Maputo: Kapicua, 2012.

Araújo, S., 2023. Modern Constitutionalism, Legal Pluralism and the Waste of Experience. *In:* B.S. Santos, S. Araújo and O. Aragón Andrade, eds., *Decolonizing Constitutionalism: Beyond False or Impossible Promises* [online]. London: Routledge, 159–174. Available at: https://doi.org/10.4324/9781003391920-7

Benda-Beckmann, F. Von, 1981. Forum Shopping And Shopping Forums: Dispute Processing in a Minangkabau Village in West Sumatra. *Journal of Legal Pluralism and Unofficial Law* [online], 13(19), 117–159. Available at: https://doi.org/10.1080/07329113.1981.10756260

Bhandar, B., 2018 *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* [online]. Durham: Duke University Press. Available at: https://doi.org/10.1215/9780822371571

Bonafé-Schmitt, J.P., 1987. *La médiation: une justice douce.* Paris: Syros.

Cappelletti, M. and Garth, B., eds., 1978. *Access to Justice.* Alphen aan den Rijn: Sijthoff/Noordhoff.

Chakrabarty, D., 2000. *Provincializing Europe: Postcolonial Thought and Historical Difference.* Princeton University Press.

Chanock, M., 1985. *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia.* Cambridge University Press.

Chanock, M., 1991. Paradigms, Policies and Property: A Review of the Customary Law of Land Tenure. *In*: K. Mann and R. Roberts, eds., *Law in Colonial Africa.* Portsmouth: Heinemann, 61–84.

Chanock, M., 1998. *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia.* Portsmouth: Heinemann.

Collins, P.H., 2002. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. 2nd ed. New York: Routledge.

Comaroff, J., and Roberts, S., 1981. *Rules and Processes: The Cultural Logic of Dispute in an African Context.* University of Chicago Press.

Darian-Smith, E., 2001. *Laws of the Postcolonial: Law, Meaning and Violence.* Ann Arbor: University of Michigan Press.

Duve, T., 2014. Entanglements in Legal History: Introductory Remarks. *Max Planck Institute for European Legal History Research Paper Series*, No. 2014–09. Available at: https://doi.org/10.12946/rg22/051-051

Ehrlich, E., 1936. *Fundamental Principles of the Sociology of Law*. Cambridge, MA: Harvard University Press. (Originally published in 1913).

Farris, S.R., 2017. *In the Name of Women's Rights: The Rise of Femonationalism* [online]. Durham: Duke University Press. Available at: https://doi.org/10.1215/9780822372929

Federici, S., 2004. *Caliban and the Witch: Women, the Body and Primitive Accumulation.* New York: Autonomedia.

Ferguson, J., 1990. *The Anti-Politics Machine: "Development," Depoliticization, and Bureaucratic Power in Lesotho.* Cambridge University Press.

Fitzpatrick, P., 1992. *The Mythology of Modern Law.* London: Routledge.

Foucault, M., 1991. Governmentality. *In:* G. Burchell, C. Gordon and P. Miller, eds., *The Foucault Effect: Studies in Governmentality.* University of Chicago Press, 87–104. (Originally published in 1978).

Fricker, M., 2007. *Epistemic Injustice: Power and the Ethics of Knowing* [online]. Oxford University Press. Available at: https://doi.org/10.1093/acprof:oso/9780198237907.001.0001

Galanter, M., 1981. Justice in Many Rooms: Courts, Private Ordering, and Indigenous Law. *Journal of Legal Pluralism and Unofficial Law* [online], 13(19), 1–47. Available at: https://doi.org/10.1080/07329113.1981.10756257

Gentili, A., 1998. *A África e a Invenção da Tradição: Tradição, Modernidade e Colonialismo.* Lisbon: Vega.

Gluckman, M., 1955. *The Judicial Process among the Barotse of Northern Rhodesia.* Manchester University Press.

Griffiths, J., 1986. What is Legal Pluralism? *Journal of Legal Pluralism and Unofficial Law* [online], 24, 1–55. Available at: https://doi.org/10.1080/07329113.1986.10756387

Hernández Castillo, R.A., 2023. Indigenous Women: Towards a New Transformative Constitutionalism? *In:* B.S. Santos, S. Araújo and O. Aragón Andrade, eds., *Decolonizing Constitutionalism: Beyond False or Impossible Promises*. [online]. London: Routledge. Available at: https://doi.org/10.4324/9781003391920-6

Hobsbawm, E., and Ranger, T., eds., 1992. *The Invention of Tradition.* Cambridge University Press.

Hooker, M.B., 1975. *Legal Pluralism: An Introduction to Colonial and Neo-Colonial Laws* [online]. Oxford: Clarendon Press. Available at: https://doi.org/10.5771/0506-7286-1976-3-400

Janse, R., 2013. *The Evolution of the Rule of Law: From Liberalism to Globalisation.* Cambridge University Press.

José, A. C.; Araújo, S. (2016), "Redes de resolução de conflitos no bairro de Inhagoia B". *In*: A. C. José, ed., *Retratos da justiça moçambicana: Redes informais de Resolução de conflitos em espaços urbanos e rurais*. Maputo: Centro de Formação Jurídica e Judiciária, 45-122.Kapur, R., 2018. *Gender, Alterity and Human Rights: Freedom in a Fishbowl* [online]. Cheltenham: Edward Elgar. Available at: https://doi.org/10.4337/9781788112536

Kilomba, G., 2008. *Plantation Memories: Episodes of Everyday Racism.* Münster: Unrast.

Llasag Fernández, R., 2023. Plurinational Constitutionalism: Plurinationality from Above and Plurinationality from Below. *In*: B.S. Santos, S. Araújo and O. Aragón Andrade, eds., *Decolonizing Constitutionalism: Beyond False or Impossible Promises*. [online]. London: Routledge. Available at: https://doi.org/10.4324/9781003391920-14

Llewellyn, K.N., and Hoebel, E.A., 1941. *The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence*. Norman: University of Oklahoma Press.

Lugones, M., 2008. The Coloniality of Gender. *Worlds & Knowledges Otherwise*, 2, 1–17.

Malinowski, B., 1926. *Crime and Custom in Savage Society.* London: Kegan Paul, Trench, Trubner & Co.

Mamdani, M., 1996. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism.* Princeton University Press.

Mann, K., and Roberts, R., 1991. *Law in Colonial Africa.* Portsmouth: Heinemann.

Mattei, U., and Morpurgo, M., 2009. *Global Law and Plunder: The Dark Side of the Rule of Law* [online]. Bocconi School of Law Student-Edited Papers, No. 2009-03/EN. Available at: https://doi.org/10.2139/ssrn.1437530

Matthews, R., 1988. *Informal Justice?* London: Sage.

Mcfadden, P., 2023. Subjectivity is the Critical Foundational Expression of Feminist Contemporarity. *Feminist Formations* [online], 36(3), 1–16. Available at: https://doi.org/10.1353/ff.2024.a950657

Meneses, M.P., *et al.*, 2017. *Para uma Justiça de Matriz Timorense: O Contributo das Justiças Comunitárias.* Dili: CES/CRL.

Merry, S.E., 1988. Legal Pluralism. *Law & Society Review* [online], 22(5), 869–896. Available at: https://doi.org/10.2307/3053638

Merry, S.E., 2006. *Human Rights and Gender Violence: Translating International Law into Local Justice* [online]. University of Chicago Press. Available at: https://doi.org/10.7208/chicago/9780226520759.001.0001

Mignolo, W., 2000. *Local Histories/Global Designs: Coloniality, Subaltern Knowledges, and Border Thinking.* Princeton University Press.

Mohanty, C.T., 1984. Under Western Eyes: Feminist Scholarship and Colonial Discourses. *Boundary* [online], 2(12), 333–358. Available at: https://doi.org/10.2307/302821

Moore, S.F., 1986. *Social Facts and Fabrications: "Customary" Law on Kilimanjaro, 1880–1980.* Cambridge University Press.

Moore, S.F., 1992, Treating Law as Knowledge: Telling Colonial Officers what to Say to Africans about Running 'Their Own' Native Courts. *Law and Society Review* [online], 26(1), 11-46. Available at: https://doi.org/10.2307/3053835

Moore, S.F., 2000. *Law as a Process. An Anthropological Approach*. Hamburg: LIT. (Originally published in 1978).

Moore, S.F., 2001. Certainties Undone: Fifty Turbulent Years of Legal Anthropology, 1949–1999. *Journal of the Royal Anthropological Institute* [online], 7(1), 95–116. Available at: https://doi.org/10.1111/1467-9655.00052

Mudimbe, V.Y., 1988. The Invention of Africa: Gnosis, Philosophy, and the Order of Knowledge. Bloomington: Indiana University Press.

Oomen, B., 2005. *Chiefs in South Africa: Law, Power and Culture in the Post-Apartheid Era* [online]. Oxford: James Currey. Available at: https://doi.org/10.1007/978-1-137-06460-8.

Oyèwùmí, O., 1997. *The Invention of Women: Making an African Sense of Western Gender Discourses.* Minneapolis: University of Minnesota Press.

Quijano, A., 2000. Coloniality of Power, Eurocentrism, and Latin America. *Nepantla: Views from South* [online], 15(2), 533–580. Available at: https://doi.org/10.1177/0268580900015002005

Quraishi-Landes, A., 2023. Healing a Wounded Islamic Constitutionalism: Sharia, Legal Pluralism, and Unlearning the Nation-State Paradigm. In: B.S. Santos, S. Araújo and O. Aragón Andrade, eds., *Decolonizing Constitutionalism: Beyond False or Impossible Promises* [online]. London: Routledge. Available at: https://doi.org/10.4324/9781003391920-4

Ranger, T., 1994. The Invention of Tradition Revisited: The Case of Colonial Africa. In: T. Ranger and E. Hobsbawm, eds., *The Invention of Tradition* [online]. Cambridge University Press, 211–262. Available at: https://doi.org/10.1017/CBO9781107295636.006

Roy, A., 2008. Postcolonial Theory and Law: A Critical Introduction. *Adelaide Law Review*, 29(1/2), 315–357.

Santos, B.S., 1982. Law and Revolution in Portugal: The Experiences of Popular Justice after the 25th of April 1974. *Law & Society Review* [online], 16, 623–654. Available at: https://doi.org/10.1016/B978-0-12-041502-1.50013-9

Santos, B.S., 2002. *Towards a New Legal Common Sense.* London: Butterworths.

Sousa Júnior, J.G., 2019. *O Direito Achado na Rua: Concepção e Prática.* Universidade de Brasília.

Spivak, G.C., 1988. Can the Subaltern Speak? *In:* C. Nelson and L. Grossberg, eds., *Marxism and the Interpretation of Culture.* Urbana: University of Illinois Press, 271–313.

Tamale, S., 2020. *Decolonization and Afro-Feminism.* Ottawa: Daraja Press.

Tamanaha, B.Z., 2021. *A Realistic Theory of Law.* Cambridge University Press.

Twining, W., 2013. *Globalisation and Legal Theory.* Cambridge University Press.

Van Krieken, R., 2001. The Barbarism of Civilization: Cultural Genocide and the "Stolen Generations". *British Journal of Sociology* [online], 50(2), 297–315. Available at: https://doi.org/10.1111/j.1468-4446.1999.00297.x

Walsh, C., 2018. *Interculturalidad, Estado, Sociedad: Luchas (De)Coloniales de Nuestra Época.* Quito: Abya-Yala.

Woessner, M., 2013. Provincializing Human Rights? The Heideggerian Legacy from Charles Malik to Dipesh Chakrabarty. *In:* J.M. Barreto, ed., *Human Rights from a Third World Perspective: Critique, History and International Law.* Cambridge Scholars, 65-101.

Wojkowska, E., 2006. *Doing Justice: How Informal Justice Systems Can Contribute.* Oslo: UNDP.

World Bank, 2006. *Justice for the Poor: An Emerging Consensus?* Washington, DC: World Bank.

Wyvekens, A., 2008. "Proximity justice" in France: anything but justice and community?. *In* J. Shapland, ed., *Justice, Community and Civil Society. A contested terrain*. Portland: Willan, 30-46. Available at: https://doi.org/10.4324/9781843925521.

Yrigoyen Fajardo, R., 2017. Pluralismo jurídico e interculturalidad: hacia un derecho igualitario. *In:* B.S. Santos and A. García Villegas, eds., *El caleidoscopio de las justicias en Colombia.* Bogotá: Siglo del Hombre, 503–539.