Abstract and Keywords

Since the nineteenth century anthropologists have been fascinated by law and legal practices in far-off cultures and lands. Legal anthropology, as a subfield of the discipline, has contributed enormously to contemporary sociolegal analyses of legal pluralism across the academy. Be that as it may, this chapter suggests that anthropology's contribution is ultimately limited by the enduring analytical framing of legal pluralism within colonial/post-colonial contexts. Moreover, this analytical constraint prevents scholars from seeing other forms of legal pluralism of immense importance in analysing contemporary societies in which genealogies of colonialism and modernist units of analysis and assumptions of state power are not so evident or significant. The essay calls for anthropologists to think about legal pluralism in terms, and along lines of inquiry, that move beyond the discipline's colonial legacies and conventional sites of research and to appreciate the global contexts in which all legal pluralism should be analysed.

Keywords: legal pluralism, postcolonialism, postnationalism, authoritarianism, racism, anthropology, Brexit

Introduction

Legal anthropologists first engaged with *legal pluralism* as a concept in the early twentieth century; in recent decades the concept has been influential in fostering new scholarship both in the discipline and in related sociolegal fields that take seriously the social contexts of law and the inherent plurality of law in everyday social life (see e.g. Adams 2016; Kleinhans and Macdonald 1997). Legal pluralism underscores the fact that there are multiple, contradictory, intersecting, and competing normative frameworks. These frameworks are recognized as having some form of legal authority through which people imaginatively organize their social relations and everyday behaviours. These plural legal frameworks—and their operation across a local/global continuum—shake up modernist assumptions of the centrality of the state as the primary legal entity and conceptual container of social, cultural, political, and economic engagements (Berman 2019; Darian-

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Smith 2013; Helfand 2015; Zumbansen 2011). As Boaventura da Sousa Santos has long argued, 'Our legal life is constituted by an intersection of different legal orders, that is by *interlegality*' (Santos 1987; Santos 2002: 437, emphasis added; see also Darian-Smith 1998; Twining 2000).

The ever-expanding body of literature on legal pluralism has been enormously helpful in identifying co-existing, conflicting, and often competing visions of legal order that reflect —and give rise to—new forms of legal consciousness (Halliday and Morgan 2013; Ewick and Silbey 1998; Sarat and Kearns 1995). Legal pluralism has also helped in the interrogation of law's relationship to territory and the articulation of non-state processes of legal legitimation and delegitimation, in turn underscoring the dynamic boundaries of legal fields across time and space (Blomley et al. 2001). In this chapter I will not reprise these debates and theoretical contributions, which have been extensively discussed elsewhere (Davies 2010; Michaels 2009; Rajagopal 2005; Tamanaha 2008). Nor do I wish to weigh in on the relative value of legal pluralism in thinking about overlapping and competing non-state and quasi-legal institutions and practices (Berman 2014; Tamanaha et al. 2012). As Sally Merry writes, 'From an anthropological perspective, the question is not whether legal pluralism is a good or a bad thing, but what kind of thing is it?' (Merry 2020).

Typically, scholarship on legal pluralism from an anthropological perspective is informed by colonial and postcolonial histories and settings, often presenting analyses of human rights, Indigenous laws and conflicts, and moments of transitional justice, particularly in the global South. This scholarship is rich and insightful and has enduring relevance given the neocolonial realities of our current era (Benda-Beckmann 2002; Comaroff and Comaroff 2006; Hooker 1975; Moore 1973; Nader 2005; Parma 2015). That being said, a postcolonial lens typically posits marginalized communities—however identified—against the state. This analytical framework arguably restricts scholars from fully engaging with emerging legal pluralities and 'interlegalities' that are challenging a modernist legal landscape built upon the territorial bounding and political authority of an international world order organized along the lines of nation-states.

In this essay, in addition to the enduring implications of postcolonialism, I focus on two legal trends or phenomena that have become more pronounced in recent decades. These trends suggest additional analytical frameworks for understanding legal pluralism. While appearing contradictory, I argue that the trends are in fact mutually constitutive. I refer to the first trend as postnationalism and the second as postdemocracy. As with the concept of postcolonialism, the 'post' does not imply an end to an era of colonialism, but rather a transitional phase in which old forms of colonialism are being phased out even if remnants endure, while new modes of colonialism emerge. Likewise, postnationalism and postdemocracy do not imply that state nationalism or democratic aspirations are no longer important, but rather that taken-for-granted assumptions about the centralized authority and functioning of modern states are being challenged and modified under new legal, economic, political, cultural, and social forces. A significant feature to stress is that

postnational and postdemocratic trends should be analysed within global contexts, or more specifically across a local/global continuum (Darian-Smith and McCarty 2017).

The first postnational trend refers to the emergence of new legal identities and subjectivities that bring into question conventional notions of citizenship as it pertains to the nation-state. Postnational processes foster new imaginaries of legal allegiance and the emergence of flexible modes of citizenship within and across state lines. For instance, regional independence movements such as those in Scotland in the United Kingdom and Catalonia in Spain are constant reminders of the destabilizing of state politics and conventional notions of unified national identity. While these independence movements may make claims for their own laws and institutions that mimic modern nation-states, these regional movements are qualitatively different in that they see their future with a united Europe and are willing to compromise exclusive sovereignty and give up certain powers to work collectivity with the rest of the European Union (EU). In addition to these regional movements, an estimated 70 million people are on the move fleeing war, famine, persecution, and environmental disasters. These movements of people break individuals' conventional ties with home countries and underscore the value of global governance institutions such as the United Nations, the European Court of Human Rights, and the International Criminal Court, as well as the need for global humanitarian aid, global climate change regulations, and the importance of international non-governmental organizations (INGOs) and non-governmental organizations (NGOs). While all of these elements of global governance are to some degree flawed, and at times reify an anachronist international order based on interstate relations, they nonetheless point to the need for alternative ways of achieving social justice and legal order in dynamic global contexts. Together mass migrations and regional independence movements challenge the role of the modern nation-state to exclusively rule over certain communities and how people think about and access the law.

The second postdemocratic trend appears to work in opposing directions and affirms a modernist world order based on exclusive sovereignty and the territorialization of law. The increasing political power of radical right-wing parties, populist movements, and authoritarian tendencies urge a re-centring of the nation-state, the bolstering of militarized legal systems, and the securing of borders. Accompanying this ultranationalist trend is the alarming rise of laws and policies that are profoundly anti-democratic in nature and often associated with isolationism, nativism, and discrimination against foreigners and non-nationals in political movements worldwide. Moreover, standard pillars of democracy regarding the separation of powers, independent judiciaries, and an uncensored press are steadily being undermined and chipped away as state leaders seek to consolidate their power and usher in a new political landscape (see Crouch 2004).

In this chapter I ask what legal pluralism is in the context of the EU, focusing on shifts in British legal identity and legal culture in light of Brexit and Britain's referendum vote on 23 June 2016 to leave the EU. This exploration takes into account current legal debates and legal formations revolving around postnationalism as well as heightened support for state nationalism as expressed in radical right-wing populist movements that seek to

'Take Back Control'. These challenges to and affirmations of a modernist nation-state paradigm are materializing in multiple forms and sites and legal practices within the United Kingdom and across Europe, and indeed around the world. Interestingly, these sites of contestation over the meaning and authority of national legal systems are concurrently diminishing and revitalizing the authority of state law and its territorialized jurisdictional boundaries.

In the first section, I describe how the concept of legal pluralism as analysed through a postcolonial framing helps to partially understand the Brexit referendum. In interrogating the limits of this analysis, the second section turns to thinking about legal pluralism in the context of postnationalism. Finally, the third section examines the concept of legal pluralism against a backdrop of right-wing politics and rising authoritarianism. At the outset I want to stress that these sections are artificially divided for analytical purposes, as postcolonial, postnational, and postdemocratic legal formations are simultaneously in play and mutually shaping, impacting, and constituting people's legal consciousness and a range of legal frameworks, overlapping normative systems, and competing systems of legal legitimacy.

Legal pluralism and postcolonialism

Thinking about legal pluralism in the EU returns me to my earlier research on the new configuration of domestic and supranational legal jurisdictions in post-Maastricht Europe. I published this work in a book titled *Bridging Divides: The Channel Tunnel and English Legal Identity in the New Europe* (1999). The book examined how the building of the Tunnel between England and France created a site through which people could project their fears and hopes about connecting the British Isle with mainland continental Europe. Specifically, I was interested in how the 'bridging' of borders was shaping people's understanding of law and order, nationalism and legal identity, and a sense that things were rapidly changing under processes of globalization and aspirations of European unity. In the book's foreword I wrote, 'In a world of increasing talk about unity and transnationalism, what the Tunnel helps articulate is that there are also simultaneously emerging expressions of neonationalism and parochial exclusivity' (Darian-Smith 1999: xiii).

What I then called 'neonationalism and parochial exclusivity' erupted decades later in 2016 when, by a slim margin, the British people voted to leave the EU. I, alongside many others in Britain and around the world, was taken aback by the Brexit vote. I never thought that the optimism of a united Europe—which the building of the Tunnel heralded—could have been rolled back in support of the jingoistic, xenophobic politicking of the U.K. Independence Party (UKIP). However, on reflection, the Brexit vote should probably not have come as such a surprise given that twenty-five years ago Eurosceptics were a loud if somewhat fringe element within the Tory party and have been gaining political traction ever since. As discussed in *Bridging Divides*, it was not just party opposition to the Tunnel that grabbed my attention back in the 1990s. Across the general populace, particularly among those living outside London, I was confronted by people's romantic vi-

sion of a proud imperial nation that had compromised its island status and legal sovereignty by joining the EU in 1973 amidst a global oil crisis and fears of the country's economic isolation. Since then Britain has chafed under pressures to abide by a transnational EU legal system and change many of its domestic laws to better conform to the policies of the European Parliament residing in Strasbourg. More importantly perhaps, many British people have resented opening the country's borders to France, Germany, and other member nations despite the obvious economic, political, and social advantages in doing so. There has been a slowly mounting sense that integration with the EU is diluting Britain's unique cultural and social fabric.

Reasserting state sovereignty and racial superiority

At the time of the building of the Channel Tunnel in the 1990s, the themes of war, invasion, racial insularity, and the tunnel undermining a 'naturally' existing English 'civilization' reoccurred often in the popular press (Darian-Smith 1999: 85). Unlike other EU member states with more porous territorial borders, the threat of invasion profoundly challenged essentialized (and racialized) images of what it means to be English and more generally British (MacDougall 1982). For instance, many English people I spoke to in the 1990s expressed concern in terms of the EU 'colonizing' their island nation, and the imposition of EU law diluting their historical legacy as the originators of the common law that has existed since 'time immemorial'. That the great British empire was now being 'colonized' by continental Europe infuriated many people.

Linked to a collective English/British nostalgia for lost empire and island sovereignty is a deeply racialized undercurrent of fear (Gilroy 2005). Back in the 1990s, many people expressed their fear of rabies being transmitted by foxes running through the Tunnel under the sea and 'infecting' the pristine island nation (Darian-Smith 1995). I interpreted the widespread obsession with rabies as a metaphor for racialized fears of dark-skinned postcolonial peoples trying to get into Britain illegally.

Over the decades popular sentiment based on the fear of 'invading' darker-skinned Others has not diminished, and many analysts argue that the issues of migration and racial discrimination, particularly against people from the Middle East and Muslim countries, was decisive in the Brexit campaign and the ultimate vote to leave the EU. However, data show that in fact 70 per cent of immigrants to the United Kingdom over the past fifteen years came from non-EU countries and could have been stopped if the British government had wanted to at any point. Moreover, the 30 per cent of migrants coming from EU countries under its open border policies have higher employment rates and draw less on public assistance programmes than native Britons (Kirchick 2017: 168). Yet despite these realities, the Brexit campaigners managed to instil in the minds of voters the idea that the presence of migrants, supposedly all living on welfare, was the fault of EU laws. The slogan 'Take Back Control' suggested that people had little choice but to vote in favour of Britain leaving the European Union. The use of fear stoked by racist rhetoric and imagery was clearly evident in the U.K. Independence Party's campaign to leave the EU (Drainville 2016). The effectiveness of this type of campaigning suggests a hardening and deepening

of racist attitudes in recent years among some Britons. The more abstract language of rabies that was prevalent in the 1990s has been replaced by explicit references to terrorist Muslims, marking an increasingly violent and targeted language of public bigotry.

As Wendy Brown dramatically reminds us in her book *Walled States, Waning Sovereignty* (Brown, 2010), in many countries the fear of national identity being diluted by cultural and religious diversity is promoting a frenzied rebuilding of state boundaries and implementation of new strategies aimed to deny legal access and related civil and political rights to various marginalized groups within state territories. In the early decades of the twenty-first century, perhaps more than in any other era, the spectre of 'invading hordes' of undocumented immigrants and 'illegal aliens' from Latin America, Eastern Europe, Africa, and the Middle East looms large in the Euro-American imaginary. As evidenced by the Brexit vote (and Donald Trump's travel bans), the 'homecoming' of the postcolonial subject is not generally seen by those in Western democracies as an occasion for celebration.

Postnationalism and new legal identities

Alongside a perceived threat to English/British identity are the emerging challenges presented by postnationalism that bring into question the assumed legal relationship and social contract between citizen and nation-state (Darian-Smith 2015a; Mitra 2013; Ong 1999; Sassen 2005). As mentioned above, the concept of postnationalism does not mean the end of nation-states and nationalism, but rather new forms of translocal and transnational allegiances working in tension with conventional state nationalism. These processes are reflected in scholarship on the politics of identity, which has expanded in scale and reach as it seeks to analyse the complex relations between individuals and the nation-state in the context of globalization (Ong 2006). This expansion speaks to the ways people conceptualize their legal subjectivity and relations to others in emerging sociopolitical contexts that include the mobilization of global social movements, an expanding international human rights regime, and mass migrations of people that deem some people illegal and stateless and that affect millions of refugees fleeing wars, poverty, and various natural and man-made disasters. This expansion in the literature also reflects new sociopolitical contexts of a less obviously global nature present in subnational regions, global cities, sanctuary cities, borderlands, prisons, immigration offices, hospitals, and tribal reservations (Delgado 2018; Perry and Maurer 2003; see also Constable et al. 2019).

These trans-state and sub-state contexts suggest a diverse range of legal relations occurring across a local/global continuum (Darian-Smith 2013; Darian-Smith and McCarty 2017). Hence, whether we think of ourselves as living in a postnational moment or not, it is clear that the idea of a person's legal subjectivity and identity being constituted solely through the geopolitical boundaries of the nation-state is no longer a given. In other words, those living in the global North can no longer pretend that the modernist concepts of 'the individual' and 'the state' are stable categories and share clearly demarcated relations that up until relatively recently have underscored a person's sense of personal and

collective belonging vis-à-vis a national polity. How people conceptualize themselves is now widely acknowledged as not reducible to simplified and essentialized individual and group identities recognized in law through state policies and institutions. Autonomous sovereign states, autonomous sovereign individuals living within those states, and the 'imagined communities' that supposedly bind states to peoples through narratives of a monocultural society are increasingly being recognized among ordinary people as romanticized—albeit at times very powerful—modern secular mythologies (Anderson 1983; Chakrabarty 2000; Hobsbawm 1990). As the international lawyer Thomas Franck wrote back in 1996, we are witnessing new 'possibilities of layered and textured loyalties' such that it is conceivable that many people will 'shed the drab single-hued identities deterministically front-loaded onto their lives by the accidents and myths of birth and blood' (Franck 1996: 359).

Decentring and recentring London

In Britain, perhaps no group of people has experienced the same degree of 'layered and textured loyalties' as the residents of the city of London. Today London is a global tourist destination as well as a major business and financial centre. London accounts for 13.4 per cent of the United Kingdom's population, but it should be noted that London's residents do not reflect the same demographics as the rest of the country. London, like many so-called global cities, is a huge cosmopolitan and urban centre and home to a culturally diverse population (Roy and Ong 2011; Sassen 1991). The dominant political ideology in London leans to the left. Arguably this is why the residents of London voted overwhelmingly against Brexit, calling loudly for Britain to stay in the European Union. The polarized support for Brexit reflected a country-wide divide between those living in big city metropoles and those who feel left behind in more beleaguered towns and villages where unemployment and poverty have been steadily rising over the past twenty years.

Emblematic of London's cosmopolitan outlook is the Lord Mayor of London, Sadiq Khan, who was voted into office in May 2016. Khan's electoral victory was significant on a number of fronts. He received more votes in one election than any other politician in British history. He is also London's first ethnic minority mayor, the son of a working-class British Pakistani family and practising Muslim. As a former lawyer, Khan has been a long-standing supporter of human rights, anti-discrimination measures, and making law accessible to minority and poor clients. Khan's landslide mayoral election represented a significant turnabout in the national discourse targeting Muslims communities and their supposed association with terrorism. Politically, Khan stands for pluralist ethnic and religious diversity, and his inclusive worldview has come under significant attack from right-wing political groups.

London, of course, is still the capital of the United Kingdom. However, its unquestioned dominance as the locus of power is now challenged by new divides and factions within the nationalist framework that pit young against old, coloured migrants against white nationalists, and cities against smaller towns and village communities. Yet even as London's status as the capital city and locus of national power is buffeted by the contemporary negoti-

ations over Brexit and their aftermath, London has for some years sought to rebrand itself as a postnationalist centre of cosmopolitanism, urbanism, and diversity, and as a home to a broad spectrum of religions, languages, and cultures (Bartlett 2007). In short, London sees itself as a central part of the EU and as such embraces legal, cultural, religious, and ethnic pluralism at the very moment approximately half of Britain is screaming Islamophobic propaganda, denouncing an imagined takeover by sharia law, and demanding to 'make Britain Great Again' (Farrar and Krayem 2017; Jackson 2018).

It appears that while London is decentring itself as the capital of a United Kingdom, it is simultaneously recentring itself as a postnational cosmopolitan city deeply committed to the concept of a united EU. This recentring explicitly engages new forms of politics, legal subjectivities, and hybridized legal systems, and requires submitting to a full range of EU laws and regulations on trade, finance, labour, health, migration, and so on. According to one commentator:

> The fast-moving political terrain of places like London speaks volumes about what politics can be; it brings changes not only to London but also to other nodes worldwide. What we are starting to see is a new kind of informal political architecture which has resonances across many differing groups and countries, but has no necessary connection to the way that politics has been traditionally configured. (Bartlett 2007: 237; see also Butler and Athanasiou 2013)

Scotland and Wales

Furthering the decentring of London as the capital city are growing north/south divides within the United Kingdom that have become more marked in recent decades. When I wrote *Bridging Divides* in the 1990s, in contrast to many people living in suburban and rural England, citizens in Wales, Scotland, and Northern Ireland were supportive of the Tunnel project. This was a period in which the Welsh language was being revitalized and hopes for new kinds of separatist democratic reforms were being openly discussed (Chaney et al. 2001). In particular, Scottish support grew under a strengthening Scottish Nationalist Party in the 1980s and expanding ties to, and financial assistance from, the EU under the principle of subsidiarity as implemented through the European Committee of Regions (Darian-Smith 1999).

In more recent years, Scottish nationalism has grown stronger with expanding job opportunities promoted through the EU and access to EU funding and resources. Many Scots have aggressively argued for freeing the region from British control and increasing its integration into the EU. In 2014, a referendum on Scottish independence was held; while it was ultimately unsuccessful and Scotland remained in the United Kingdom, it did result in considerable legal powers being devolved to the Scottish Parliament, including the right to set income taxes, control drilling and offshore gas extraction, and legislative capacities to amend the Scotland Act (1998) (Bulmer 2016; Lazarowicz and McFadden 2018).

These developments are not unconnected to the politics surrounding Brexit and Scotland's overwhelming vote to stay in the EU. Today there appears to be greater affinity between Londoners and Scots on the issue of EU membership than Londoners and surrounding small-town communities populated by older and whiter generations. What these various cultural and legal divides and political allegiances portend is very difficult to predict. Given the current national crisis as the United Kingdom faces its withdrawal from the EU, there is much uncertainty about Scotland's future direction that may involve an intensification of conversations about Scottish independence from Britain and greater interdependence with EU institutions and laws on such things as trade, labour, health, human rights, and so on.

Legal pluralism and postdemocratic governance

Over three decades ago, Margaret Thatcher negotiated the terms of the Channel Tunnel Treaty with French President François Mitterrand. For Thatcher, the Tunnel was emblematic of free-market economics and fit well with her neoliberal policies and ultimately with the enabling of corporate market logics within government. Thatcher insisted that the Tunnel should not be understood as a state project benefiting the collective good, but a capital venture that must be paid for by corporate funding.

At the time of my research in the early 1990s, I was aware of Thatcher's turbulent term as Prime Minister in the preceding decade, which involved breaking up miners' unions, implementing policies of privatization, deregulation, and 'property-owning democracy', as well as her expedient use of the Falklands War in 1982 to staunch her loss of popular support (Thatcher 1990). But I was not fully aware of the cumulative impact of the free-market policies that Thatcher helped put into practice in Britain and across the EU, and which were concurrently implemented in the United States and spread around the world though organizations such as the IMF, the World Bank, and the WTO. These policies are often referred to as neoliberalism (Harvey 2007). Very simply, neoliberal ideology pushes an economic, social, political, and legal agenda in which profit-seeking capitalists seek to act without restrictions or limitations (Stedman Jones 2012). This agenda includes the dismantling of state responsibilities for citizens by defunding social and health services, public education, and infrastructure. At the same time, neoliberal policies typically seek to lower taxes on the wealthy while allowing corporations to utilize state institutions (e.g. the legal system, health system, penal system) to maximize their profit margins.

Over the past four decades, neoliberal logics have created enormous inequality between the global North and global South. But they have also created enormous inequalities within advanced industrial countries. A small economic elite increasingly controls governments, and these elites have effectively eviscerated the middle classes while expanding the poor and working classes exponentially. Millions and millions of people are suffering as they fall below poverty thresholds (Hickel 2018; Stiglitz 2013). The conventional mythologies of capitalism that hard work and education offer solutions for social advance-

ment have become empty slogans as ordinary people—the precariat—struggle to meet basic needs. In short, a free-market neoliberal agenda now holds sway in various forms across the entire EU and around the world, creating gross socioeconomic inequalities that seem insurmountable to impoverished majorities (Sliwinski 2018).

Legal pluralism under neoliberalism

Accompanying growing inequality is the increasing experience by ordinary people that different legal systems exist for different constituencies (Mattei and Nader 2008). For business and financial sectors, the law seemingly operates effectively and efficiently, irrespective of whether a company is based in London, New York, Hong Kong, São Paulo, or Beijing. Global law firms, the 'lubricators of global capitalism', are flourishing despite the economic recession, and special courts facilitating international trade and finance, dispute resolution, and arbitration are a booming global industry (Darian-Smith 2015b; Faulconbridge et al. 2008: 455). In contrast, the legal systems available to ordinary people are often too expensive, confusing, or inaccessible. And when cases are taken to court, these institutions are typically understaffed, slow to process cases, and the outcomes produced often appear to support commercial interests (e.g. insurance companies, privatized health providers, pharmaceutical companies, landlords) over the interests of individuals or communities. Burgeoning working classes feel disenfranchised and disempowered, and the law no longer serves many of their needs, particularly the needs of migrant and minority communities.

A prevailing concern across many societies is a declining trust in the institutions of democracy, which include the institution of a fair and just legal system. One consequence is a broadening sense that national legal systems operate within two quite distinct legal spheres and serve two very different constituencies—the 1 per cent corporate elite and the 99 per cent ordinary people, to borrow language from the global Occupy Movement. So despite the rise of so-called democratic governments around the world since the 1990s, the reality is that across Britain, the EU, and elsewhere a growing global democracy-deficit is the outcome of the undermining of the freedom of the press, judicial independence, regulatory agencies, public education, and political transparency (Abramowitz 2018; Diamond 2016). In the name of greater economic freedom, ultranationalists support new forms of discrimination, racism, and legal inequality. Admittedly, these elements have always existed in so-called democracies, particularly during historical periods associated with laissez-faire capitalism in the late nineteenth and early twentieth centuries. Today, however, these new forms of legal inequality are more insidious and harder to see, in part because they are infused with the neoliberal logics of a global political economy.

The Grenfell Tower fire

In London the Grenfell Tower fire epitomizes the power of corporate logics over government, and the differences in how people experience various legal systems operating within the national jurisdiction. The twenty-four-storey tower was built in 1967 in Northern Kensington, an inner London neighbourhood with the highest gap between rich and poor

anywhere in the country.[1] The tower was built as part of a council project to provide housing to mainly working-class residents. For over a decade the Grenfell Action Group had complained about the lack of maintenance and fire safety practices. Fires had broken out in similar housing towers, leading to council inquiries and the establishment of an All-Party Parliamentary Fire Safety and Rescue Group, which strongly recommended that the government take action and address safety recommendations such as sprinklers, fire doors, and secondary stairwells. After years of complaints being ignored, in 2015 the tower underwent major renovations including new aluminium rainscreen cladding.

The Grenfell Tower fire broke out on 14 June 2017. Fire quickly engulfed the building, racing up the sides of the tower following the highly combustible exterior cladding. It burned for sixty hours, involved 250 firefighters, 70 fire trucks, and over 100 ambulance service crews. It caused seventy-two deaths, many injuries, and was the worst residential fire in Britain since the Second World War. While inquiries continue as to the cause of the fire, there is no doubt that government spending cuts, council neglect, and deregulation of fire safety rules all contributed to the problem. The combustible materials used in the Grenfell Tower renovations were considerably cheaper than non-combustible alternatives. Moreover, inspectors visited the renovation site sixteen times and never tested the substandard materials which the manufacturer later acknowledged would not pass the 'limited combustibility requirements'. Sadiq Khan, Mayor of London, said 'years of neglect' by successive government ministers and the local council were answerable for what had been a 'preventable accident' and called for council members to resign.[2]

The government's ignoring of Grenfell Tower resident complaints, the unregulated outsourcing of the tower's maintenance and renovations, the poor response to the fire by an under-funded fire brigade—all these factors underscore a neoliberal approach to governance. This approach includes the devolving of local power and budgetary responsibility to local councils under the guise that local governments are less corrupt than 'big government'. Democracy, including political representation and adequate accountability, is being corroded from within through neoliberal strategies of governmental organization that deliberately abdicate formal state responsibility.

In horrifying ways, the Grenfell Tower fire echoes other disasters linked to neoliberal policies and a global political economy that foster neglect, deregulation, and blatant disregard for human life in the quest to reduce expenditure and maximize profit. These include the Rana Plaza garment factory collapse in Bangladesh in 2013 that killed 1,135 people and the earlier Bhopal gas tragedy in India in 1984, in which more than 3,500 people were killed and another 500,000 exposed to toxic chemicals. Together such incidents reflect what sociolegal scholar Brenna Bhandar calls 'organized state abandonment'. This term refers to the ways in which state and non-state organizations 'manage their activities in such a way so as to render groups of people irrelevant in their calculations', relying 'on a profound devaluation of human lives, the lives of those without socio-cultural and economic capital'. Bhandar goes on to argue that this leaves us with 'a political ethos of neoliberalism premised on the abandonment of *responsibility* as central to the govern-

ing ideals of organizational action' (Bhandar 2018, emphasis in original; see also Brown 2015; Sassen 2014).

Rising right-wing populism and authoritarianism

Against a backdrop of widening socioeconomic inequality and a sense of disenfranchisement and abandonment, explicit forms of discrimination and racism are on the rise. Across Britain and the EU, hate speech and openly racist attacks upon migrants, ethnic minorities, Jews, and LGBTQ communities have escalated in recent years (Kirchick 2017). Specifically, the Syrian migrant crisis has fuelled fears of non-Europeans taking jobs and depleting health, education, and welfare services, and in the process destabilizing governments and political parties.

The reasons for the current uptick in authoritarianism and anti-democratic legal processes have been decades in the making, coinciding with the global embrace of neoliberalism and for-profit logics that justify legal policies and decision-making. Coinciding with the devaluation of social services, education, health care, unionism, and national ownership of public goods in the 1980s, Michel Wieviorka, a French sociologist, writes that there was also 'growth of renewed and different forms of racism, anti-Semitism, terrorism and nationalism or national-populism... . As long as Europe appears to be undemocratic or insufficiently democratic, possibly non- or post-political or post-democratic ... it will be vulnerable to the forces of evil' (Wieviorka 2018: 333). It appears that what we are currently experiencing is a new phase of aggressive neoliberalism that is creating socio-economic conditions prone to racialized violence and despair, as well as fostering the appeal of authoritarianism that is fast becoming an acceptable norm in the global South and the global North (Darian-Smith and McCarty 2020).

Concluding comments

Britain is facing a dangerous mix of inequality, racism, and popular disillusionment in law and the institutions of democracy. These elements, when coupled with what in effect amounts to the capture of government by corporate interests, creates an extremely volatile and potentially dangerous set of conditions. But Britain is not alone. Countries such as the United States, Hungary, Italy, Brazil, Switzerland, France, Turkey, Australia, Poland, Norway, Denmark, Austria, and the Czech Republic are all experiencing such things as the militarizing of national borders, escalating anti-immigrant legislation, violence against minorities, ultranationalist rhetoric, as well as the violation of multilateral agreements and a turn inwards to tariffs and protectionism. Together these are the hallmarks of our current anti-democratic era.

Severe economic inequalities and the dismantling of the middle classes help us understand the rising support in Britain and around the world for populist radical right-wing parties and emerging policies that increasingly lean towards authoritarianism (Rovira Kaltwasser et al. 2017). But economic determinism does not explain the full story (De Cleen 2016). Here it is important to return to the discussion above of the openly racist

Brexit campaign to leave the EU. As I mentioned in the Introduction, postcolonial frameworks overlap with postnationalist frameworks which overlap with postdemocratic/neoliberal frameworks. While these spheres of engagement may involve different histories and genealogies and are not equivalent, they resonate with each other in that they share logics of racism, exploitation, dispossession, and exclusion that are occurring on a global scale. These overlapping spheres of interlegality mutually constitute each other in complex pulls and pushes across economic, social, cultural, political, and legal fields as people constantly reimagine their place in the world. And it is here that we find new forms of legal pluralism that include, and also transcend, postcolonialism as a line of inquiry which often assumes a rather static concept of the nation-state and the territorialization of law.

In thinking about legal pluralism in Britain and the EU, there are similarities between the 1990s and the 2010s that can be analysed through the framework of postcolonialism. However, there are other 'constellations of legal pluralism' in play that are becoming clearer with hindsight and a deeper understanding of the global contexts in which legal pluralism must be analysed (Benda-Beckmann and Benda-Beckmann 2006). My earlier analysis of legal pluralism applied a postcolonial framework to try to better understand English people's concerns with the seeming 'colonization' of their country by mainland Europe as symbolized by the Chanel Tunnel project. However, I did not engage adequately with concurrent legal trends associated with the emerging impacts of postnationalism and the disruption this makes to modernist understandings of citizenship, national allegiance, and people's sense of the legitimacy of state-based law. More fundamentally, I did not engage with Thatcher's neoliberal policies and the cumulative impact of the EU's free-market logics that over time have created an elite system of transnational corporate governance and produced widespread inequalities though the steady erosion of welfare services, dismantling of labour rights, and in some cases crippling austerity policies (Stuckler et al. 2018). Perhaps if I had paid more attention to these sets of legal and political conditions, I may have better anticipated people voting for Brexit and the rise of a racialized and hyper-nationalized rhetoric of nativism in Britain and across the EU. Yet these multiple complexities were simply impossible for me to imagine decades ago amidst the democratic euphoria of the fall of the Berlin Wall (1989), ending of the Cold War (1991), signing of the Maastricht Treaty (1992) enabling the free movement of goods, capital, services, and labour across the EU, and the building of the Channel Tunnel to help make such movement a reality.

What does this discussion suggest with respect to thinking about legal pluralism today? For me, the most important message is that we must not be complacent in how we think about what is going on and constantly interrogate our assumptions and categories of analysis, as well as reflect upon our own cultural and ideological perspectives, subjectivities, and proclivities. Legal pluralism is a dynamic concept that needs to be reframed against the complex, messy, and emerging societies, politics, and legalities of any given historical moment. Moreover, as scholars we must be ever vigilant against allocating greater significance to some legal systems than others in a hierarchal geopolitical fashion, for example, assuming that state legal systems are more important than local or regional legal systems. Rather, productive scholarship about legal pluralism is that which

recognizes its value in providing an unrestricted conceptual lens through which to talk about and reflect upon competing and intersecting legal processes that are themselves in constant evolution, adaptation, dissolution, and motion. Specifically, it means recognizing that legal pluralism has always been—and should always be—situated within global contexts in which nation-states are important but not exclusive actors. In short, the world and its complex interlegalities are not standing still, and our concept of legal pluralism as it applies to analysing real-world contexts must try to keep up by expanding and adapting to change as well (Benda-Beckmann and Benda-Beckmann 2006).

This discussion also suggests that anthropology as a discipline in the Euro-American academy should commit to working in unfamiliar conceptual and ethnographic terrain that forces scholars to directly analyse their own societies, as well as to think globally even when analysing the most intimate and mundane of social relations and experiences (Darian-Smith and McCarty 2017). Against a backdrop of enduring postcolonial anxieties, I have argued for a more encompassing line of inquiry that also explores the production of postnational legal identities and impacts of neoliberal postdemocratic modes of governance in the EU. I have attempted to draw attention to spheres of overlapping, emerging, collapsing, and competing interlegality that are markedly absent in the anthropological literature on legal pluralism to date. Given what is at stake, I have high hopes for the discipline rising to the challenge.

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Notes:

(1.) See 'Grenfell Tower MP highlights huge social divisions in London', available at: <https://www.theguardian.com/inequality/2017/nov/13/grenfell-tower-mp-highlights-huge-social-divisions-in-london> (accessed 18 March 2020).

(2.) See <https://www.bbc.com/news/uk-40320459> (accessed 17 March 2020).

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