

Self-organization in Legal Orders

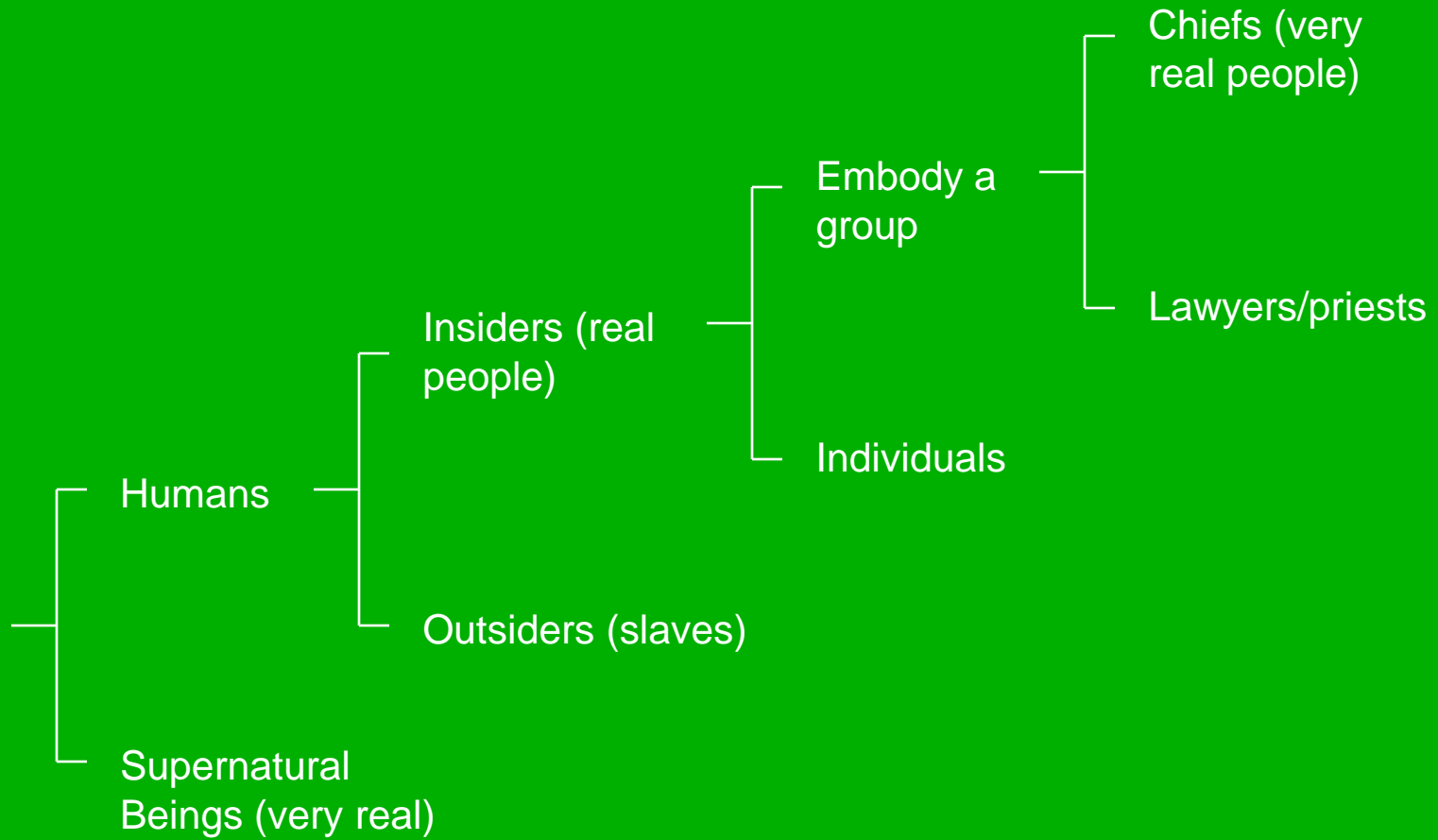
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Bulkley Valley Research Centre

Complexity & Global Change Workshop

February 13, 2009

	Northwest Europe			Northern Northwest Coast (19C)		
Legal capacity	Ireland (7C Ğ 12C)	Anglo-Saxon (7C - 9C)	Iceland (10C Ğ 13C)	Tlingit	Coastal Tsimshian	Gitksan/Nisga'a / Inland Tsimshian
Embody a local group (and its leading lineage)	<i>r'</i>	<i>cyning</i>	[not present]	<i>lingit llen</i> or <i>na cade hani</i>	<i>smgyigyeyet</i>	[not present]
É and their heirs (ÓRǫaltyÓ)	<i>tþnaise r'</i>	<i>aethling</i>		<i>anyadi</i>	<i>kÕabwaalksik</i>	
É and their retainers (ÓComþionsÓ)	<i>rigomna</i>	<i>cyne cynn</i>			<i>sel-waÕlks</i> <i>lgu-yaÕks</i>	
Holds contracts with a number of clients (ÓLordsÓ)	<i>flaithe</i> (economic)	<i>hlaford</i> (military & legal)	<i>godr</i> (legal)	[not present]	[not present]	[not present]
É and their clients	<i>aire</i>	<i>hlafeater</i>	<i>thingmenn</i>			
Embody a property-holding lineage or group of lineages (ÓNblesÓ)	<i>conn fine</i>	<i>gesith</i> (8C Ğ 10C) <i>thegn</i> (9C - 10C)	<i>fyrirnad</i>	<i>hit sati</i>	<i>manlikÕagyigyeyet</i> <i>likÕagyigyeyet</i>	<i>simgiget</i> <i>laxgiget</i>
Full legal capacity (ÓCommonersÓ)	<i>fni</i>	<i>ceorl</i>	<i>b—ndi</i>	<i>kÕanadideÕh</i>	<i>kÕalgyigyeyet</i>	<i>liksgiget</i> or <i>amgiget</i>
Temporarily with no or partial legal capacity (including debt- and penal-slaves)	<i>fuidir</i> <i>deorad</i>	<i>laeti</i> (Kent) <i>wealh</i>	<i>sk—gamadr</i> <i>skuldamadr</i>	<i>xatÕaq quÕu</i>	<i>wahÕaÕayin</i>	<i>gagweeyÕ</i>
Permanently with no legal capacity (ÓSlavesÓ)	<i>mug</i> (m) <i>cumal</i> (f)	<i>theow</i>	<i>thrall</i> (m) <i>ambitt</i> (f)	<i>gux</i>	<i>laluungit</i>	<i>lilingit</i>



Legal Framework

1. Legal capacity: a person may
 - embody a group
 - be an individual
 - be an outsider
2. Legal process: dyadic, reciprocal interaction between groups, e.g.
 - feast (potlatch)
 - litigation
 - feud (killings, insults, law suits)

"The rich ... consume little more than the poor, and in spite of their natural selfishness ... They are led by an **invisible hand** to make nearly the same distribution of the necessaries of life, which would have been made, had the earth been divided into equal portions among all its inhabitants, and ... advance the interest of the society, and afford means to the multiplication of the species."

Adam Smith

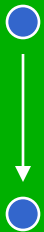
Kauffman's NK Network

[emergent complexity through structure]

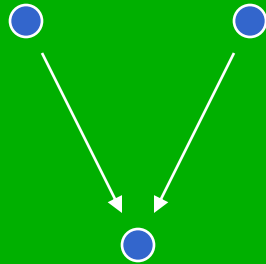
Random, binary (0 or 1), Boolean inputs

N = number of elements in a network

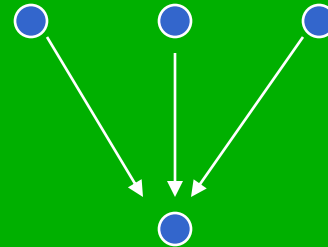
K = average number of inputs to each element from other elements



$K = 1$
ORDERED



$K = 2$
COMPLEX



$K > 2$
CHAOTIC

Kauffman's NKP Network

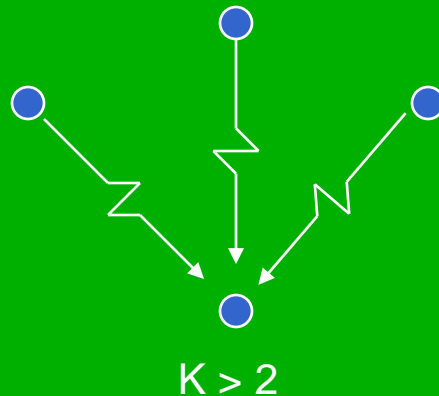
[emergent complexity through process]

Biased, binary (0 or 1), Boolean inputs

N = number of elements in a network

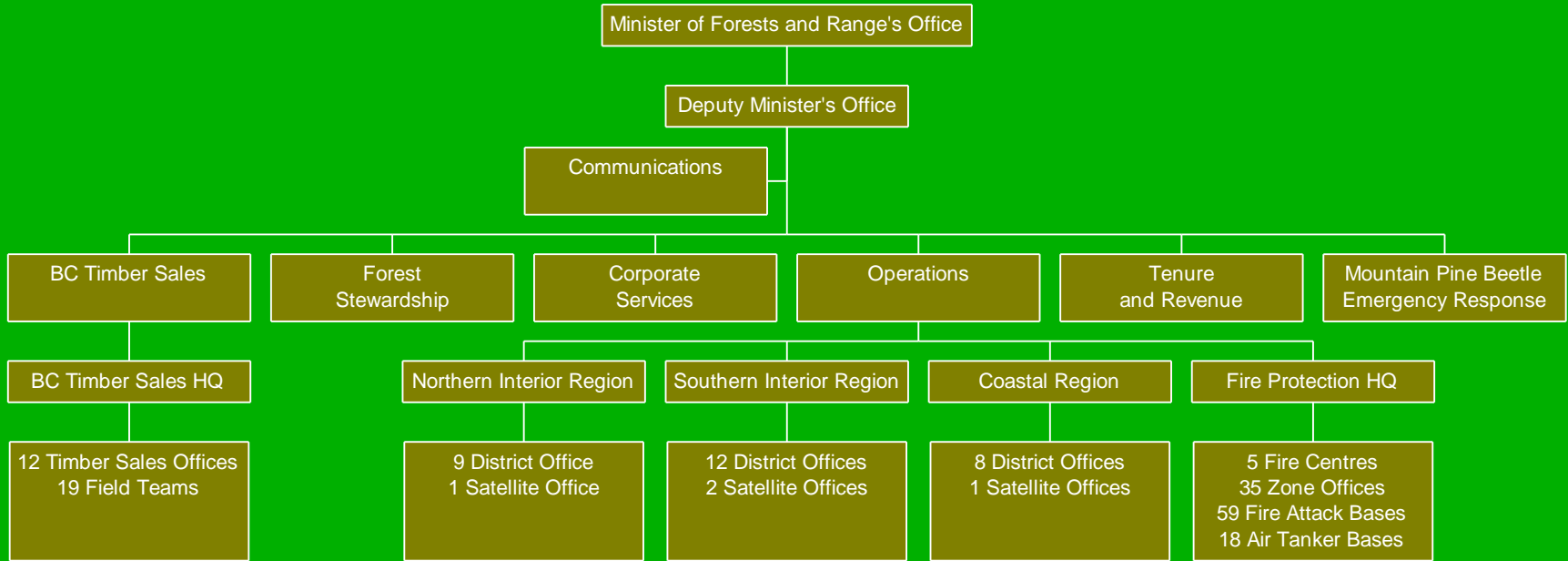
K = average number of inputs to each element from other elements

P = input bias

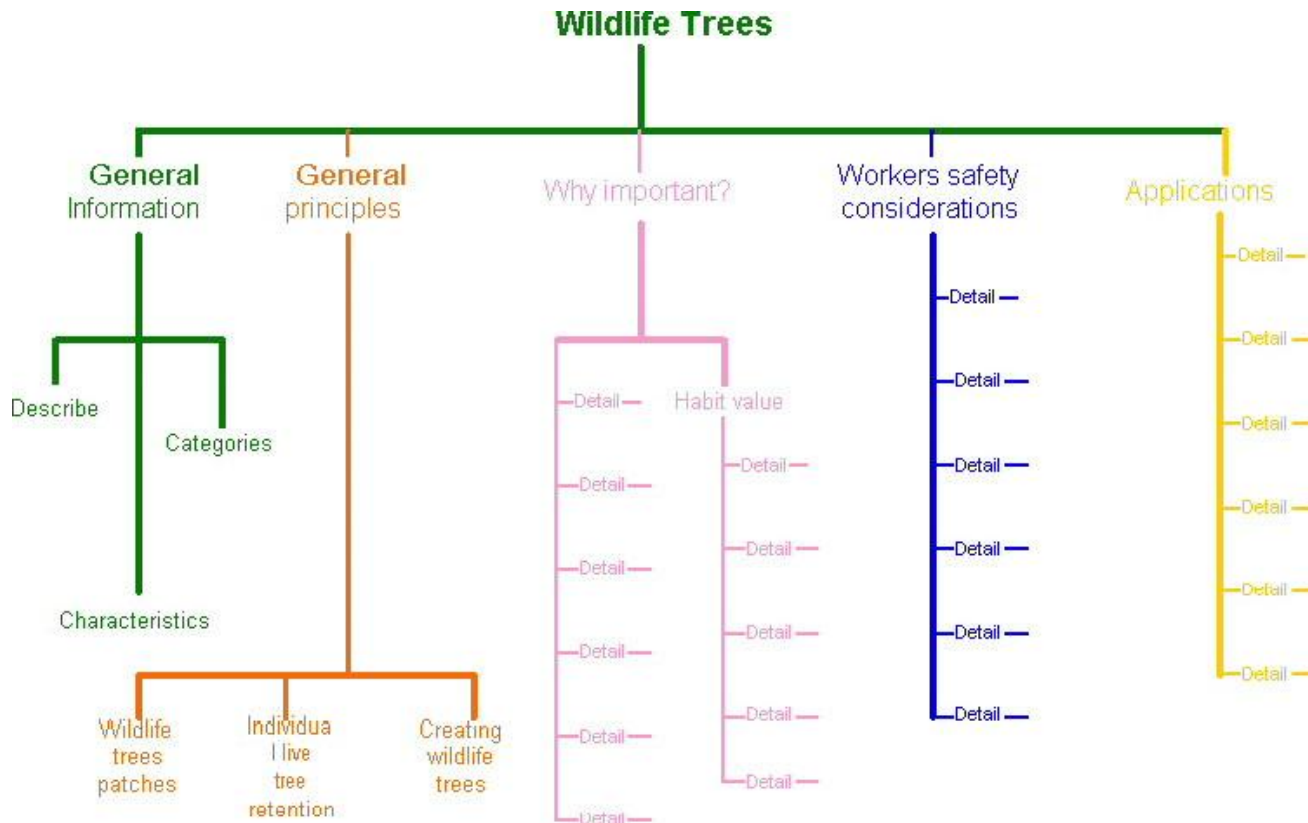


A network with $K > 2$ shows emergent complexity when P is “tuned” such that the receiving elements on average show responses between no bias (0 and 1 are equal) and maximum bias (all 0s or all 1s)

Ministry of Forests and Range organizational chart



Graphic organizer schematic



Bureaucratic law is positive as well as public. The crucial condition of the emergence of positive law is what one might call the disintegration of community...Positive law remains superfluous as long as there is a closely held communion of reciprocal expectations, based on a shared view of right and wrong. In this setting the normative order will not surface as formulated rules; indeed, it may remain almost entirely below the threshold of explicit statement and conscious understanding.

- Roberto Unger, *Law in Modern Society*

The areas of similarity to be looked for when comparing two societies that are thought to be complex should include the following:

1. Maintenance of a bounded network of nominally equal legal actors;
2. Maintenance of moderately loose, multi-faceted, non-hierarchical, clustered connections among the legal actors;
3. The actors carry on legal interactions (e.g. resolve disputes, acquire and validate land holdings, enforce economic transactions, etc.) without unbalancing the above.