

Press release

Max-Planck-Institut für ethnologische Forschung

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Scientific conferences
Cultural sciences, Law
transregional, national



"Parallel Justice" and the Rule of Law in Germany

Paralleljustiz – reliance on “parallel” justice to resolve conflicts – is often invoked as a threat to the rule of law in Germany. But does such an informal system of extrajudicial justice in disregard of state norms even exist? This is one of the questions that will be addressed at the conference “Konfliktregulierung in Deutschlands pluraler Gesellschaft: ‘Paralleljustiz?’” on 1 December 2023 in Harnack House in Berlin. Researchers from the MPI for Social Anthropology will present the results of their fieldwork in immigrant communities and state institutions and discuss their findings with representatives of the ministries of justice of Berlin, Bremen, and North Rhine-Westphalia.

No Solid Evidence for the Existence of “Parallel Justice”

The term “parallel justice” (Paralleljustiz) refers to a phenomenon that is generally seen as challenging state justice, explains Marie-Claire Foblets, Director of the Department ‘Law & Anthropology’ at the Max Planck Institute for Social Anthropology. In common usage, the term implies that certain immigrant communities have their own informal justice system that exists in parallel with the state courts and in which the norms of the legal order do not apply. “But when we take a closer look, there is never any concrete evidence provided to back up the claim. And empirical research on the topic is still in its early stages”, notes Hatem Elliesie. Together with Foblets, he leads the research group “Conflict Regulation in Germany’s Plural Society” at the MPI with the aim of shedding light on this understudied topic. Initial findings of the group have been published in the MPI Working Paper “Konfliktregulierung in Deutschlands pluraler Gesellschaft: ‘Paralleljustiz?’” (<https://www.eth.mpg.de/cms/de/publications/working-papers/wpo199>).

Studying the Legal Practices of Immigrant Communities

These findings suggest that, on the contrary, members of immigrant communities turn to a variety of mechanisms for protection and support in various situations – including both state courts and extrajudicial conflict resolution. However, not much is currently known about the specific legal practices that have developed as part of the everyday lives of certain communities. “The starting point for our research was the observation that members of communities with migrant backgrounds are often hesitant to trust the legal justice system. Often they have no idea what they can expect from a German judge”, says Foblets. The project thus pursued a dual approach: conducting fieldwork among Chechen, Afghan, Syrian, Yazidi, Kurdish, and Turkish-Lebanese communities to gain empirical knowledge about the forms of dispute regulation in these groups, and examining how state institutions respond to these practices.

Legal Pluralism in Modern Societies

The existence of alternative forms of conflict regulation that function to a certain extent independently of state judicial systems is not in itself a cause for concern. The Catholic Church has its own courts and sports arbitration courts are not considered a threat to the authority of the state. As research by social scientists and legal scholars has shown, the increasing plurality and diversity of groups and communities within modern societies also results in legal pluralism. This is also a conclusion of the research group’s Working Paper, which notes that “a country like Germany [is comprised of] many different social fields, which each independently produce their own rules, norms, and symbols. This is neither threatening nor unusual.”

Paralleljustiz – A Vague and Loaded Buzzword

For the researchers at the MPI, the widespread reference to Paralleljustiz in connection with this plurality is inappropriate and problematic. “In the media and many other publications intended for the general public, Paralleljustiz is associated with a vague and not precisely definable range of proceedings and practices that take place outside of state control and with disregard for state laws”, Elliesie explains. The MPI researchers therefore suggest an alternative to this imprecise, heavily judgmental word – in order to more accurately describe the social realities and the phenomenon of plural legal norms, they opted for the neutral term “conflict regulation”.

Free registration for the conference:

Secretary of the Department ‘Law & Anthropology’, Max Planck Institute for Social Anthropology, Mariko Steudtner,
Tel. +49 345 29 27 303, steudtner@eth.mpg.de

Conference venue:

Harnack House – The Conference Venue of the Max Planck Society
Hnestr. 16–20
14195 Berlin
<https://www.harnackhaus-berlin.mpg.de/contact/directions>

Conference Programme:

<https://web.eth.mpg.de/data-export/events/13064/20231201-Abschlussstagung-Konfliktregulierung-Programm-Nachmittag.pdf>

Contact for this press release

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ABTEILUNG 'RECHT UND ETHNOLOGIE'

MAX-PLANCK-INSTITUT
FÜR ETHNOLOGISCHE FORSCHUNG

KONFLIKTREGULIERUNG IN DEUTSCHLANDS PLURALER GESELLSCHAFT: 'PARALLELJUSTIZ'?

Abschlusstagung am 1. Dezember 2023

Paralleljustiz fordert den Rechtsstaat heraus, so lautet eine verbreitete Ansicht. Was es damit auf sich hat und was man unter dem Begriff versteht, wie damit umgegangen wird, ist Gegenstand dieser Tagung, bei der Forschungsergebnisse eines über vier Jahre angelegten Forschungsprojekts der Abteilung 'Recht und Ethnologie' des Max-Planck-Instituts für ethnologische Forschung vorgestellt werden.

Dabei werden nicht nur Ergebnisse zu Forschungen in migrantischen Milieus beleuchtet, sondern spiegelbildlich auch Studien, die den Umgang mit dem Phänomenbereich innerhalb staatlicher Einrichtungen erforschen.

**Veranstalter:**

Marie-Claire Foblets & Hatem Elliesie

Veranstaltungsort:

Harnack-Haus, Ihnstraße 16-20, 14195 Berlin

Kostenlose Anmeldung zur Tagung:

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„Konfliktregulierung in Deutschlands pluraler Gesellschaft: ‚Paralleljustiz‘?“ – a conference of the Department 'Law & Anthropology' at the Max Planck Institute for Social Anthropology, on 1 December at the Harnack-Haus in Berlin
Max Planck Institute for Social Anthropology