



Legal Pluralism in the Commons: The Case of Toyooka, Japan

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ABSTRACT

This paper examines the role of law in contemporary commons revitalisation projects through a case study of *satoyama* restoration in Toyooka City, Japan. While research on Japanese commons has traditionally focused on common-pool resource governance (*iriai*), we argue that current revitalisation efforts are better understood as commoning, which foregrounds the relational and ongoing co-production of social and ecological life. Drawing on ethnographic research conducted in Toyooka City, we examine how legal norms emerge through interactions between local communities, the Oriental White Stork (*Ciconia boyciana*), and formal legal institutions. Our findings explore how customary practices, including stork-friendly farming and habitat restoration, might constitute emergent legal orders rooted in multispecies relationships, shared responsibilities, and situated environmental knowledge. These legal orders do not operate independently of state law but interact with national legislation and international conservation frameworks, including endangered species protection and the Ramsar Convention. Rather than supporting a binary distinction between customary and state law, the Toyooka case demonstrates the coexistence of multiple legal orders within commons governance. This meaningfully expands the discussion on the role of law in commoning scholarship, by moving beyond concepts, such as ‘commoners’ law’, to examine the dynamic interactions between customary, state, and international legal orders. In doing so, the paper contributes to debates on the legal dimensions of commons governance and demonstrates the value of ethnographic approaches for analysing the plural and more-than-human character of law in social-ecological systems.

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INTRODUCTION

This paper focuses on the place of law in commons revitalisation projects using the case study of Toyooka city in Japan. There, efforts to revitalise the *satoyama* landscape, a setting of commons governance and home of the Oriental White Stork (*Ciconia boyciana*), or *Kounotori*, reveal a situation in which different legal orders meet in complex ways. In the past, commons scholars have approached *satoyama* landscapes using a new-institutional lens, studying *iriai* as a Japanese traditional Common Pool Resource (CPR) governance system (Ostrom 1990; McKean 1992). Over time, *iriai* systems have experienced a decline (Morimoto 2011; Miyanaga and Shimada 2018), which has resulted in new environmental governance practices in *satoyama* landscapes today. These governance practices, as will be seen through our case study of Toyooka city, disrupt society-nature dualisms and speak to the literature on commoning, which understands the commons not as a set of rules governing a material resource, but as a set of social-ecological relations (Linebaugh 2008).

The governance practices this paper is concerned with are legal ones. Speaking to the aims of this Special Issue, we show how commoning unlocks emancipatory ways of interpreting the role of law in commons settings. For example, commoning invites us to think about law relationally, across scales, and law as emerging at the intersection of society and nature. This not only allows us to re-embody law within landscapes, like *satoyama*, but also to think about the plurality of laws that inform commons governance and their multiple scales. We argue that legal pluralism is a useful analytical lens to study law beyond typical legal settings, like statutes and courtrooms, and within a variety of social-ecological settings, like *satoyama* landscapes.

The paper is structured as follows. First, we introduce *satoyama* landscapes, providing a brief historical account of how commoning governance has unfolded and been studied in these settings. Second, we introduce our case study of Toyooka, Japan, followed by a methodology and methods section, in which we argue for the value of ethnographic methods for legal pluralist research on the commons. Third, we discuss the findings from ethnographic research in Toyooka's *satoyama* landscapes, focusing on how law is co-produced by humans and the Oriental White Stork to inform sustainable practices of farming and conservation in *satoyama*, and how these emergent laws interact with other legal orders in complex ways. We conclude the paper with a wider reflection on how these ethnographic observations expand the study of law within commoning scholarship.

INTRODUCING SATOYAMA

Saito and Shibata (2013) trace the earliest historical use of the word *satoyama* back to 1661 within the Saga Domain's *Yamakatanitsukite Moushiwatashi Jojo* (Ordinance on Mountains). This feudal record included *satoyamakata* as one of three words that referred to categories of land. The first was '*denpata*', which translates to agricultural fields, then '*satoyamakata*', meaning areas of villages and mountains, and finally '*yamakata*', areas of mountains (Saito and Shibata 2013: 17–18). *Sato* comes from the kanji 里 (さと = sato) which means village and *yama* from the kanji 山 (やま = yama) which means mountain. Although a popular term today among environmental activists, academics, and government organisations, championing *satoyama* as a model for conservation and sustainability (Satsuka 2012, 2014; Kamada 2017; Ministry of Japan 2012, 2023), the term had been somewhat dormant until the post-war period in Japan (Knight 2010; Saito and Shibata 2013). For example, it was not until the 1970s that the word *satoyama* was revived in the work of forest ecologists like Tsunahide Shidei who used the term to describe agricultural woodlands (Takeuchi 2003). Similar terms exist within the Japanese language, such as *shihekirin*, *jitsuzukiyama*, and *satorin*, all of which articulate a relationship between people and nature in semi-cultivated contexts. *Satoyama*, therefore, speaks to the relationship between humans and nature, and, as such, is praised for its potential to articulate a 'nature-harmonious society' (Takeuchi 2010: 891).

Satoyama has played an important role in Common Pool Resources (CPRs) scholarship. In her work with Japanese commons, also known as *iriai*, McKean (1996) demonstrated how local customary commons governance played a key role in the Edo period (1603–1868) in conserving Japan's forestry. McKean's (1982, 1992, 1996) work, among others (Morimoto 2011), revealed the benefits of local institutions for revitalising, conserving, and sustaining *satoyama*. McKean's scholarship focuses largely on the institutional rules governing local CPR regimes and influenced Ostrom's (1990) well-known design principles. McKean's (1992: 76–86) work focused on bounded community groupings, known as *kumi*. In particular, her work demonstrates that the rules emanating from the *kumi* can successfully govern forest commons in *satoyama* settings. The rules regard bounded membership, specific user rights and clear monitoring rules and sanctions. Overall, there is an emphasis on local, internal, rules over external ones. Although successful in managing the commons, McKean (1992: 90) explains that *iriai* systems were often 'democratic in form if not in fact' and, indeed, more recent literature on *iriai* has been critical of *iriai* systems, for example discussing the exclusive

character of access rights (Miyanaga and Shimada 2018: 344), or the gender imbalance as *iriai* rights were typically held by men (Nakamura and Sato 2023; Chizu 2025).

It should be noted that the *iriai* literature focuses on commons governance as a fully social affair, situating it in a different plane to material resources. Rules and governance are entirely socially produced (McKean 1992: 76–86). The environment, in this case forests, is defined as a resource, existing out there as an object of governance. This understanding is at the basis of the majority of CPR scholarship. Indeed, the commoner in Ostrom's (1990) *Governing the Commons* is an appropriator, a resource user, agreeing with other individual appropriators a set of rules to act on the external environment. Such rules exist in a plane that is separate from the ecological. A dichotomy is created between 'commoners law' and the external environment. The CPRs rules are not glued together by various social and ecological connectors, they are fully social, and their materiality remains unacknowledged. As a result, this literature overlooks relational alliances with the more-than-human world in its accounts of commons governance.

The systems of *iriai* governance came under attack during the Meiji Restoration (1968–1912), when 9 out of 12 million hectares of *iriai* were privatised, thus marking what McKean (1996: 13) described as the 'Japanese enclosure movement.' A sentiment that has been echoed within the more recent research of Takahashi et al. (2017), who reveal that thirty to forty percent of the 1.6 million hectares of common land from the 1960s have been re-listed as private ownership. Western law has also been identified as a key driver behind this shift toward private ownership since the Meiji Restoration (Takamura et al 2021; Takamura 2025). Aligned with this trend of privatisation, and the hollowing out of *iriai* systems of governance, has been a fracture in the interaction between humans and nature. This has been termed the 'eutrophication of the *satoyama*' (Morimoto 2011: 167; Shimada 2014) and the tragedy of the commons by underuse (Miyanaga and Shimada 2018).

Confronting the rapid ecological degradation experienced in *satoyama* settings, many community groups have formed coalitions in recent years aimed at revitalising *satoyama* (Yamamoto 2013). Characterised by an insurgency of novel participation in the spaces where the co-production of life had been halted by modernity, the '*satoyama* revitalisation movement' emerged as a defence for worlds otherwise. Satsuka (2014: 90) has described these groups as an "experimental movement" that draw upon a diverse community, with an assorted demographic character, bridging young and old, city and country, with the aim of reviving the connections between society and nature in *satoyama* settings. This movement operates at a local scale and are independent from the national and international movements that have embedded

satoyama revitalisation within environmental policy, most notably 'The *Satoyama* Initiative'. Stemming from the Japan *Satoyama* and *Satoumi* Assessment (JSSA 2010), *satoyama* was recognised under 'The *Satoyama* Initiative' via Decision X/32 of the Convention on Biological Diversity as a "potentially useful tool to better understand and support human-influenced natural environments for the benefit of biodiversity and human well-being" (Convention on Biological Diversity 2010: 3). 'The *Satoyama* Initiative' understands *satoyama* as a 'Socio-Ecological Production Landscape' (SEPLs). The SEPLs framework provides a universal approach to understanding the *satoyama* landscapes as systems that fit international environmental priorities (Knight 2010; Satsuka 2012, 2014). This paper is not concerned with 'The *Satoyama* Initiative' but with locally generated commoning perspectives and practices revealed through our Toyooka case study in which social-ecological relations take a central place.

This relational approach was first discussed by Tsing (2015) who has drawn attention to the multispecies entanglements at the heart of *satoyama*, and their role in shaping alliances of resistance and strategies of repair within the ruins of capitalist modernity. In this way, *satoyama* can be understood as a set of social-ecological relations. This aligns with an understanding of the commons best characterised as commoning. Conceptualised in the work of feminist scholars (Federici 2004; Mies 2014; Nightingale 2019), geographers (Blomley 2008; Gibson-Graham, Cameron, and Healy 2016), and historians (Linebaugh 2008), commoning represents a sensitivity to the ontological co-dependencies of the human and more-than-human world. In this context, the commons are not simply governed by a set of social relations and rules, such as in the literature on *iriai* (McKean 1992), but instead they are relational becomings that trouble modernity's fracture between society and nature. In this context, the noun 'commons' is replaced by the verb 'commoning' to account for the lively ongoing and unfinished entanglements that shape patterns of governance at the intersection of society and nature (Linebaugh 2008: 279). This relational ontological rooting carries a disruptive potential for how law might be understood in *satoyama* settings, as will be discussed in the case study below.

CASE STUDY: TOYOOKA CITY, JAPAN

Hyogo prefecture bands from the Sea of Japan on the north coast of the Kansai region, to the Seto inland sea in the south. Toyooka city can be found in the Northeast of Hyogo prefecture. Its distinguishing feature is the Maruyama River. Figure 1 below is the view looking southward from Kuruhi mountain. The Maruyama is visibly banked by a network

of rice fields and wetland areas, with Toyooka city nestled in the middle of the image. These rice fields, at the edge of steep forested areas, had long been the home of the Oriental White Stork – the symbol of Toyooka city.

Satoyama revitalisation in Toyooka was prompted by the gradual decline of the Oriental White Stork. During the Edo period (1603–1868), the Oriental White Stork was a common sight in Japan (Figure 2). However, a combination of over-hunting and habitat destruction during the Meiji (1868–1912), Taishō (1912–1926), and Shōwa (1926–1989) eras put the species' survival at risk (Kobayashi 2017; Toyooka City Office 2012). Deforestation, agricultural chemicals, and abandonment resulted in a critical decrease in liveable areas for the Oriental White Stork. Despite establishing the 'Tajima Kounotori Protection Support Group' in 1958 and a captive breeding programme in 1965, the last living stork in the Toyooka region died in 1986 leaving the species extinct in Japan (Toyooka City Office 2012). Against this backdrop, the citizens of Toyooka city began a long journey to restore the habitats of the Oriental White Stork. This promoted a refocusing on the rules and practices that had led to the destruction of *satoyama* and the initiation of pragmatic practices to ensure their revitalisation. By 2002 the captive stork population had grown to over one hundred and in 2005 five were introduced back into the wild (Toyooka City

Office 2012). Today, the stork is now common once again in the day to day lives of the people of Toyooka. What place has law had in the restoration of this *satoyama* landscape? To answer this question, ethnographic research methods were selected, as explained in the section below.

METHODOLOGY AND METHODS

Ethnographic research methods provide a way for legal scholarship to engage with phenomena through an emphasis on context, meaning, and subjectivity (Merry 1990; Sarat and Kearns 1995; Ewick and Silbey 1998). This enabled us to study not only the law in text but also, what Ehrlich called, the 'living law' (Ehrlich 1962) and how these intersect in informing patterns of governance. This perspective can be contrasted with positivism, which relies on producing 'objective' meaning. Such approaches depend on Western epistemologies with little acknowledgement to structures of power within those processes of knowledge creation (Smith 2012; Bryman 2016). Law's relationship with positivist methods has been critiqued for legitimising and validating patterns of oppression, ecological destruction, and colonisation (de Sousa Santos 2014; Gear 2015; Davies 2022).



Figure 1 Toyooka City from Kuruhi Mountain, Toyooka (Toyooka City Office N.D. Reproduced with image rights holder permission).



Figure 2 Archival Images of Traditional Oriental White Stork Nesting Habitat, Toyooka (Toyooka City: N.D. Reproduced with image rights holder permission).

In contrast, ethnography involves the detailed study of people, their cultures, and the meanings that emanate from them, via observation of their practices, beliefs and perspectives (Geertz 1973, 1983; Hammersly and Atkinson 2019). Despite its entangled origins with colonisation (Asad 1998; Bodley 2008; Mahmood 2011), ethnography has grown to become a meaningful interpretivist device through which the plurality of worlds within our shared planet can be expressed. It has also been used in socio-legal scholarship to study law beyond the state. Notably, Sally Falk Moore (1973) used ethnographic methods to study what she termed ‘the semi-autonomous social field’, that is an arena capable of internally generating rules and coerce/induce compliance to them but that is also vulnerable to external rules and influences. At the core of her work was a focus on the reciprocal constitution between law and society. Although Moore did not speak of legal pluralism, reserving the term law only for state law, her work shows how the state is not the only institution that produces rules and that law is involved in a variety of social processes. This expansive understanding of law became central in the legal pluralist literature (Griffiths 1986), which makes the bold argument that many normative orders, other than state law, can be called law. For example, for Tamanaha (2007), any normative order can be called law if the participants perceive it in this way.

Recent trends in legal scholarship (Pieraccini 2016, Davies 2017, 2022, Robinson and Graham 2018) add to this by advancing a legal pluralist approach which

brings ecological relations into the analysis. Instead of focussing only on society as the producer of law, scholars are beginning to observe law through socio-ecological relations. This ‘ecological’ approach to law also informs our understanding of ethnographic research for the study of law in commons. Borrowing from Ingold, we understand ethnography as the study of ‘zones of entanglement’ constituted by the radically interdependent relations of humans and nonhumans, in natural and social contexts, experiencing phenomena that are both physical and virtual (Ingold 2008: 1797). This allows us to explore how law shapes and is shaped by complex entanglements of scale and species.

The data below comes from fieldwork in Toyooka in August 2022 and was carried out by one of the co-authors (McKeown). Fifteen interviews with different community actors were conducted. The sample included local farmers, Toyooka City Office staff, and members from local groups engaged in *satoyama* revitalisation activities, such as the Oriental White Stork Museum, Hachigoro Toshima Wetlands, and Tai Wetlands. These interviews contained both a desk based and walking element. The walking interviews allowed participants to share their worlds and stories through a situated dialogue, generating a more embodied form of knowledge (Evans and Jones 2011; Moretti 2017). Alongside interviews, participant observation also took place with local groups to understand their practices, approaches, and perceptions of commons governance (Hammersley and Atkinson 2019).

SOCIETY-NATURE RELATIONS, LAW AND COMMONING IN TOYOOKA

The following ethnographic extract is intended to present the ways in which law was perceived by research participants. It is a picture of law as experienced from the actors actively engaged in the revitalisation project. Alongside this, it draws upon the interpretivist lens of legal pluralism, to analyse how laws emerge from commons settings and disrupt society/nature dualisms. Importantly, this is not a comprehensive doctrinal review of the laws that govern *satoyama* landscapes in Toyooka. Rather, it is an account of the laws that were discussed by the research participants during interviews and participant observation.

Upon arriving in Toyooka, a meeting took place with Tetsuro Inaba, a local farmer. Tetsuro explained his experiences living through the destruction of Toyooka's *satoyama* and its detrimental impact on the Oriental White Stork. In Toyooka, this emerged not only by use of chemical pesticides on rice paddies, but also in the destruction of the birds nesting habitats in tall trees that flank the paddies (see [Figure 3](#)). In response, Tetsuro, alongside a growing coalition of local farmers, began to establish new methods of farming that would help to restore *satoyama* in the hope that one day the Oriental White Stork might return. These new methods informed an emergent stork friendly farming method, with clear rules to protect Toyooka's Oriental White Stork population. For example, these rules involve

reduced or zero use of chemicals, winter flooding of rice paddies, organic fertilisers, and a pro-active approach to habitat creation ([Toyooka City 2012](#)). Legal pluralism invites us to observe these rules as a type of customary legal order that, in a literal sense, emerges from the grassroots.

During an interview Tetsuro explained 'our main aim is for the Oriental White Stork to have a better environment to survive' (Tetsuro Inaba Interview: August 22nd 2022). Commons revitalisation was, therefore, much more than just a social enterprise, but something directly prompted by a connection of care with the more-than-human world. Applying the legal pluralist lens discussed above, *satoyama*'s relationality, between the human and more-than-human world, evidenced in *satoyama* settings can be understood as an invitation for a broader legal analysis. In particular, one that focuses on the rule making and governance agency shared in *Kaya* Wetlands ([Figure 3](#)) between species.

During a walking interview with members of staff from Toyooka City Office working on the protection of the Oriental White Stork, a member of staff introduced the word *Giri* (義理). They described *giri* as a type of 'moral compass' stating that '*giri* is your responsibility' (Takuro Aihara Interview: August 26th 2022). Another city office member, who was assisting with translation, helped to explain its etymology. She outlined that *giri* is a value and can be traced back to the samurai and, although this might imply a feudal and hierarchical ordering of duty, the word today is broadly understood as a value of care and responsibility.



Figure 3 *Kaya* Wetlands, Toyooka (Author's own: 26th August 2022).

In the context of Toyooka city, the value of *giri* captured a key dimension of the community's approach to *satoyama* revitalisation. Care and responsibility in this context align with Haraway's (2012: 302) call for a 'praxis of care and response—response-ability—in ongoing multispecies worlding on a wounded terra'. Wounded terra encapsulates the conditions that impacted the lives of the Oriental White Stork in the postwar period in Toyooka. Rapid development and intensive use of pesticides in agricultural practices had damaged the lives and wellbeing of the Oriental White Stork. *Giri*, in this context, speaks to a value of relationality between humans and the Oriental White Stork in Toyooka. A type of 'radical interdependence' (Escobar 2017) or 'ethics of radical interrelatedness' (Keating 2009: 84) is present in emergent practices that have shaped Toyooka's approach to revitalising *satoyama* and making the city a liveable space for the Oriental White Stork. This can also be connected to the 'EcoLaw' concept of Davies (2022), which identifies the relational bonds between people and place as key pillars of legal orders. Davies identifies that, for legal pluralists:

It is not only a question of human law co-becoming with the law of place, but of multiple orders understood as a confluence of norms intersecting, converging, and conflicting in specified situations. (Davies 2022: 90)

By expanding our analytical register beyond the human, Davies (2022) provides commons scholars with a theoretical grounding for observing law in the spaces of interaction between human and more-than-human worlds. Davies (2022: 1) articulates in *EcoLaw* that nature, like society, 'produces its own norms' and that human norms are part of a shared 'nomos' or normative universe. Nature is, therefore, understood as purposeful in its actions and not as dead mechanistic matter for law to control (Merchant 1990). It has a 'teleology' (Davies 2022: 34), and that direction and purpose need to be accounted for in our legal analysis. Adopting a legal pluralist analytical framework that accounts for the more-than-human, enables a legal activation of relationality that can amount to a more inclusive approach when searching for the legal orders at play in commons settings.

Peoples sense of *giri* towards the Oriental White Stork resulted in a reconnection with customary rules and a novel re-emergence of those orders to promote conservation and sustainability. A central aspect of this was the stork friendly farming method. Returning to Tetsuro Inaba, he explained how, after a period of iteration, the method came to be:

At first we received technical information from the prefectural office. We then tried and tweaked these

approaches, until we were able to produce rice. At this point, we also noticed the return of critters and tadpoles to the rice paddies. This was a sign things were working as they perform key roles within a healthy rice paddy. Then Toyooka City Office helped spread information about our rice and method and the Tajima JA [local agricultural association] helped us sell it (Tetsuro Inaba, Interview: August 22nd 2022).

These insights reveal how local approaches are shaped by a convergence of knowledge and practices across scales, between Hyogo Prefecture and local farmers. Moreover, these practices are also shaped by the more-than-human, as Tetsuro actively acknowledged the role played by critters and tadpoles. While commentaries to date on this method do not mention law (Naito, Kikuchi and Ohsako 2014), from a legal pluralist perspective, it is important to acknowledge how this process of interaction and method represents the emergence of customary practices. It reveals to us how rules for governing the commons are ever emerging and evolving at the site of intersection between society and nature.

Alongside innovative farming practices, revitalising *satoyama* habitats was identified as central to providing safe spaces for the Oriental White Stork to return to. During trips to Tai Wetlands and the Oriental White Stork Park, community members shared their thoughts on the role of law. The unwritten dimensions of law were emphasised in these discussions. For example, Kozo Enomoto from Tai wetlands explained that:

Actually, there is nothing really written. So, it's not really formal law, but all the rules about the protection of the wetlands are understood by everyone and everyone knows them. (Kozo Enomoto, Interview: August 23rd 2022)

The vernacular dimension of governance in *satoyama* landscapes conveys how 'formal law' is, in this context, perceived as outside of *satoyama* settings, but that 'rules' exist as a type of situated customary law guiding local practices. This contrast gestures to law's simultaneous 'worldliness' (Harm Benson 2012) and 'disembodiment' (Greear 2017) in *satoyama* settings, in a way that is consistent with the oppositional tension between state and customary law in commoning literature (Capra and Mattei 2015). Yet, as will be discussed in the next section, there may be more at play from a legal pluralist perspective that reveals the complex and overlapping character of these legal orders.

For now, it is important to focus first on the different sites, beyond the state, in which legal rules emerge. On this point, Professor Tomohiro Deguchi, a researcher at

the Oriental White Stork Park, acknowledged something distinct about the way conservation practices unfold in Toyooka and Japan more broadly:

If we want to protect something we don't need rules or regulations. Often we may even want to resist the rules of the government. Instead we voluntarily act to protect or do something. So, for example, in Japan we do not recommend using rules and regulations to do everything (Tomohiro Deguchi, Interview: August 24th 2022).

Professor Deguchi's response points not only to the limitations of top-down governance, but also to the emergent nature of customary legal practices in response to conditions of un-liveability. If we are to take custom as a 'repeated behaviour that has crystallised over time into an identifiable set of place-specific standards for a community' (Davies 2017: 36), the accounts of both Kozo Enomoto and Professor Deguchi signal toward how customary legal practices emerge in reflexive ways. They often arise in the gaps between top-down legal orders, or where local awareness to those orders is limited. Moreover, they are widely 'understood by everyone', because they

are practiced in relation to the land in a lived way (Kozo Enomoto, Interview: August 23rd 2022). As such, these rules are not generated in abstraction to the world, rather they emerge through an embodiment and being in the world. These customs are, thus, a re-embodiment and re-claiming of our connection with the more-than-human, and demonstrate the distinct value of legal norms that emerge from commons settings.

Nature, in Toyooka, is far from a passive site, but rather a central agent in law-making (Graham, Davies, and Godden 2017). Customary law in this context can be understood to emerge from a collaboration between human and more-than-human participants. For example, Yuriko, a member of the *An Garzu* conservation group working at the Tai Wetlands, explained:

In the end, storks taught us so much in terms of agriculture, but not only that, they taught us to act as human beings. Thanks to the stork we changed our point of view. For example, if this stork didn't come down to the Tai Wetland in 2008, we wouldn't have started our activities. We couldn't have met you today and we couldn't meet all these people we've met since then. So, the stork also maybe



Figure 4 Oriental White Stork on a Rice Paddy, Toyooka (Makoto Takahashi: N.D. Reproduced with permission of the photographer).

brings different types of knowledge or opportunities to meet people and share in their stories, which is, definitely a form of happiness for me (Yuriko Shimasaki, Interview August 23rd 2022)

This point was echoed by Setsuo Satake of the Hachigoro Toshima Wetlands group:

The community does it because it wants to do it. Because these practices are not only benefiting the stork, but they are also benefiting the people. It's a benefit to society as a whole. The Oriental White Stork is the best textbook we have (Setsuo Satake, Interview: August 24th 2022).

These approaches emphasise the intrinsic bonds, across difference, between the human and more-than-human world. Respectively, they played a key role in the return of the Oriental White Stork to *Toyooka* (Figure 4). This collaborative footing helps us to see the more-than-human not merely as a resource, but as a guide and source of wisdom within the creation of worlds otherwise. The identification of the Oriental White Stork's role in the emergence of new customary law challenges the centrality of the human subject in the creation of law. Much like indigenous law (Graham 1999; Watson 2002, 2014; Borrows 2016), the customary paradigms in Toyooka can be seen to emerge from a collective dialogue between place, humans, and the more-than-human.

This section has discussed the ways in which customary laws emerge between humans and more-than-humans within commoning processes of *satoyama* revitalisation. These customary laws challenge the singularity of top-down state law in ways consistent with the commoning literature. Indeed, this aligns with what Capra and Mattei (2015) term the 'ecolegal order' or what Bollier (2017) calls 'vernacular law'. Capra and Mattei define 'ecolegal order' as 'an ecology of law founded on social and natural relations and on community ownership' (Capra and Mattei 2015: 187). Not dissimilarly, Bollier's 'vernacular law' is defined as "'unofficial" social norms, procedures and customary institutions that peer communities devise to manage their own resources, outside of state and market' (2017: 140). But there is more to it. In the next section, we will demonstrate that customary law interacts in complex ways with other, more official, legal forms giving rise to a situation of legal pluralism.

PLURAL AND POROUS COMMONS GOVERNANCE

Legal pluralism directs us to the porosity and entangled character of law. Customary law does not sit in a simple opposition to state law. Plural legal orders sometimes converge, other times they interact, trespass, shape, and re-shape governance in commons contexts. This is visible



Figure 5 Yuriko Shimasaki and Yaeko Ootsubo of the 'An Garzu', Toyooka (Author's own: 23rd August 2022).

in Toyooka city as other legal orders beyond customary law have played a key role in the protection of the Oriental White Stork.

During respective interviews with Setsuo Satake and Professor Tomohiro Deguchi, The Act on Conservation of Endangered Species of Wild Fauna and Flora (ACES 1992) was mentioned. This legislation works primarily to prevent the capture, transport, and import/export of restricted species. It has a secondary function to promote the habitat protection of listed species. Setsuo Satake from Hachigoro Toshima Wetlands reflected on the protection of the species in Toyooka city:

As the Oriental White Stork is a cultural property of Japan [because of the ACES 1992], Hyogo and Fukui prefectures were designated by the Ministry of Education, Culture, Sports, Science and Technology as protectors and managers of the Oriental White Stork. In order to protect this cultural property, we had to improve the wetlands. (Setsuo Satake, Interview 24th August 2022).

Similarly, Professor Deguchi acknowledged:

In Japan, the Oriental White Stork is still preserved as national heritage. So it is designated as a national heritage. So we've got to keep to these rules [ACES 1992]. Conservation must follow these rules. (Tomohiro Deguchi, Interview: August 24th 2022)

This reference to ACES 1992 demonstrates that there are often more than one set of laws guiding strategies of governance in *satoyama* at any given time. Interestingly, as discussed above, both these participants had previously emphasised the role of customary legal orders in making rules for the protection of the Oriental White Stork. Legal pluralist lenses, therefore, remind us that, even though we may not explicitly reference state-law when we talk about customary law, it is still present and can be acknowledged by participants in both explicit and implicit ways. From a critical perspective, what is valuable is to understand the character of these intersections and the power-relations between these legal orders. ACES 1992, for example, can be understood to represent a conventional top-down command and control approach to conservation (Bell et al. 2024). Characterised by specific rules, restrictions, and standards, it stands in contrast to the vernacular, bottom-up, and iterative character of customary law. These two legal orders, therefore, hold different strengths. For example, customary law demonstrates an effective means of conservation in local settings, but state-law can be enlisted as a means of

authority to legitimise customary practices at points of intersection. This reading of law reveals its sophisticated and nuanced role within commons governance. As de Sousa Santos explains:

Laws use different criteria to determine the meaningful detail and the relevant features of the activity to be regulated, that is to say, they establish different networks of facts. In sum, different forms of law create different legal realities (de Sousa Santos 2002: 426).

The relationship between customary law and state law in Toyooka reveals how commons are regulated by plural legal sets, intersecting with each other in multiple ways.

In July 2012, the Lower Maruyama River, and its neighbouring rice paddies, were designated as a Ramsar site. Under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention 1971) contracting Parties commit to designate at least one wetland site for inclusion in the List of Wetlands of International Importance. Japan currently has 57 Ramsar sites. Parties commit to protecting wetlands through their national law. In Japan, this is through Wildlife Protection Areas, or the wildlife reserve scheme. It can be found in the Wildlife Protection and Hunting Law 2002 (Ishihara et al. 2017). During a walking interview in Tai wetlands, Yuriko Shimasaki of the women's conservation group 'An Garzu' (Figure 5) explained the impact of Ramsar:

Before this was a Ramsar site, locals would sometimes go fishing and take from the river. Now it's a bit of a grey area. I am almost certain that no one fishes here anymore (Yuriko Shimasaki, Interview: 22nd August 2022).

As could be seen with ACES 1992 and customary protection of the Oriental White Stork, Yuriko reminds us how local customary laws rarely exist in a vacuum. Rather, by citing Ramsar, she reveals how external state laws can help influence local practices of protection in commons settings.

As has been discussed above, customary conservation practices and innovations have been central to Toyooka city's response to reintroducing and protecting the Oriental White Stork. For example, the stork friendly farming method has been pioneered and promoted by local farmers to ensure agricultural practices align with the wellbeing of the Oriental White Stork. During an interview with one of the farmers who established this method, Tetsuro Inaba, it became clear how the exclusion of chemical fertilisers and pesticides brought forward a surprising set of alliances. He explained that:

Once we started to change our methods, that's when we started to notice the different creatures coming into the rice paddies. This was a trigger that maybe this way can work and that we should continue to practice it (Tetsuro Inaba, Interview August 22nd 2022).

This reflection not only points to the realisation that the more-than-human world can play a crucial role in reweaving damaged threads of life, but also to how local innovations are frequently the source of these transformative practices and customary codes. Problematically, these approaches can become subjected to neoliberal forms of environmental governance that can create tensions at the local level. For example, two types of Payment for Ecosystem Services (PES) have been implemented in Toyooka: an eco-certification scheme and a co-management scheme (Toyooka City Office 2012). These schemes were adopted by the local government, Toyooka City, but are consistent with governance trends across Japan that have used PES as a mechanism to address underuse in commons settings in the country (Ishihara et al. 2017). Today, The National Biodiversity Strategy for Japan section 5-4-2 on Promoting PES explains that:

The government will promote payment for ecosystem services in Japan through disseminating information on cases of payment for ecosystem services in which beneficiaries of ecosystem services bear financial burden for the benefits of the services (Ministry of the Environment, Japan 2023 196–197).

This demonstrates the entrenched role of PES in national policy that can impose an external economic rationality upon local society-nature relations. For example, Toyooka's eco-certification scheme, called 'the Dance of the Storks' (*kounotori no mai*), incentivizes farmers to switch from conventional to organic farming by providing a premium price and some additional subsidies. Reflecting on the impact this had on the community in Tai Wetlands, Ishihara et al. (2017: 52) suggest that PES can induce 'a battlefield of legitimacy as to who has the right to dictate new institutional processes'. This often results in dominant actors within commons settings imposing their interpretation of fair distribution and blocking the voices of non-dominant actors. In turn, this can create community divisions and fracture ties between 'society' and 'nature.' Some authors have suggested that systems like PES need to pay greater attention to agency and power at local levels (Ishihara et al 2017; Berbés-Blázquez et al 2016).

At the national and international level, the research of Asano on 'wise use' within the Ramsar Convention in the context of Japan's Ramsar sites highlights that 'the global

standards of the Ramsar Convention may not conform to the realities of the local area' (Asano 2014: 548). Asano's research also considered Toyooka city's white stork rice and stork friendly farming method, emphasising that:

Environmentally aware agriculture developed before registration in many cases... Ramsar registration has not inspired novel agricultural techniques and implementation; instead, the connection between wise use and the Ramsar Convention is only made after registration. (Asano 2014: 548–9)

Asano's insights draw us to the power relations between different legal orders in plural legal settings. In the context of Toyooka, much of the work that the Ramsar Convention supports had been done prior to the Maruyama River being designated as a Ramsar site. Yet, the customary practices between local coalitions of farmers and conservationists are rarely given a legal grounding that acknowledges the legitimacy of customary legal orders. Li's (2007) work on the ways in which power is enacted in community-based natural resource management is helpful in this context. In challenging the neutrality of paradigms such as development and conservation, Li highlights the way power shifts between local groups, states, and NGOs. The same is true for the power between legal orders in Toyooka.

DISCUSSION

Our Toyooka case study speaks to two main components of the special issue framework: 'commons institutions' and 'human-nature relationships', investigating how legal worlds, as 'commons institutions', determine and are determined by human-natural relationships unfolding in *satoyama*. Building upon some of the foundational more-than-human dimensions within commoning literature (Linebaugh 2008), and legal concepts like 'EcoLaw' (Davies 2022), it has been possible to account for the active role played by the more-than-human in shaping legal relations. This was seen through the rule making agency of the Oriental White Stork articulated in our case study. Ethnographic material, interpreted through a legal pluralist analytical lens, was essential to render visible these different entanglements between established and emerging legal worlds. Resisting hierarchies and species boundaries, law emerges as something much more tangible and connected to the communities engaged with commoning practices.

This aligns with commoning scholarship's conceptualisation of 'commoners' law' as an 'ecolegal order' (Capra and Mattei 2015) or 'vernacular' law (Bollier 2017). However, in some of this commoning scholarship 'commoners law' is posited in opposition to state law,

highlighting the extent to which state law is complicit in expanding markets and economic growth and in the wider project of neoliberalism (Gibson-Graham, Cameron, and Healy 2016). For example, for Capra and Mattei (2015), state law is deemed to be anchored in the mechanistic paradigm developed in the 17th century by jurists such as Grotius, Hobbes, and Locke, and premised on the ideas of individual ownership, state sovereignty, objectivity, and cartesian dualisms which contribute to the erasure of commons and the rise of capital. ‘Commoners’ law’ needs to be disconnected from power and violence and communities are to be made sovereign and ownership generative. Law, therefore, needs to go back to the commoning communities for the interests of present and future generations. The ecollegal order is proposed as a paradigm shift in which law emerges from commoning practices, understood as actively engaged citizens and self-organized legal communities. Not too dissimilarly, Bollier’s ‘vernacular law’ seems to sit outside state and market. Again, the sovereignty of people to devise their own governance is stressed, and bottom-up initiatives and engagements are proposed as the way to reject the ‘liberal presumption that equality should be pursued through strategies of state redistribution only’ (Bollier 2017:163). This scholarship, normatively advocating for commoning as a transformative governance paradigm, often takes issue with existing Western state law, seen as an embodiment of capital accumulation and market exchange. Commoning is, therefore, a way to create a radical postcapitalist alternative outside state law boundaries.

Differently, recent work in law and political economy has shown how commoning involves dynamic intersections of state law and other legal orders (Cohen and Healy 2025). For example, Cohen and Healy (2025) use the concept of ‘diverse legalities’ to remind us that postcapitalist governance consists of a mix of rules ‘grounded in community forms of authority’ and playful use of state-based rules ‘as if they already enacted a beyond-capitalism’ (Cohen and Healy 2025: 83). In this sense, the dichotomy between state law and commoners law collapses. Our study builds on this understanding in two ways. Firstly, it strives to empirically convey the intersections of state law and emerging legal orders through commoning. Not necessarily does state law aim at reproducing capitalist relations, not necessarily do commoning communities produce alternative more ecological laws. The relationship between state and communities is a complex one (Cumbers 2015: 70). Secondly, our research demonstrate how legal orders within commoning are often co-produced by social and ecological components.

Through our case study, hybridisation, porosity, and cross fertilisation can be seen as central to understanding law’s place and its effects on commoning and commons.

The analytical lenses of legal pluralism show how legal norms and processes emerge from complex interactions between legal systems, rooted in different practices and discourses. This approach allows for a politically and materially sensitive understanding of how commons settings transform in relation to collective action and its institutions. Ethnographic work was essential to render visible these different entanglements between established and emerging legal worlds.

Resituating commons scholarship at the intersection of legal worlds, including those produced by the more-than-human, we can better understand the legal complexity at play in commons and commoning. This is because, as Davies states, ‘it is not only a question of human law co-becoming with the law of place, but of multiple orders understood as a confluence of norms intersecting, converging, and conflicting in specified situations’ (2022: 90).

CONCLUSION

The emergence of collaborative and entangled social-ecological practices of environmental governance in Toyooka city conveys that law is something more than that found in legal texts and more than a product of social relations only. Toyooka has demonstrated the role of the more-than-human in generating governance practices. While this ecological and relational vision of law has featured in commoning scholarship, we have argued that it has been mainly confined to ‘commoners’ law’, understood as a postcapitalist alternative to state law. Empirical lessons from Toyooka call for a revision of this legal reading pointing to the porosity of diverse legal orders, including state law, and their complex relationships. In this specific case study, state law, as perceived by the research subjects, mainly supports and adds protection to customary legal practices, rather than obstructing it. This realisation opens new questions for commons scholars, in particular the emergence of ‘inter-legality’ (de Sousa Santos 2002) and how best to study it. This paper is a first step to bring to life the ‘fuzzy boundaries’ and ‘multiplicities’ of law that exist not only in *satoyama* settings, but also in commons more generally and to call for studying law beyond the legal text (Merry 2020: 169).

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