

What Makes Legal Norms Distinctive?

ISA Catalytic Workshop, 2 April 2013

Report

We had a wonderful workshop, and would like to extend our sincere thanks to ISA for enabling it to happen. Jeanne White patiently answered all our questions in the lead-up, which was tremendously helpful, and gave advice or other assistance wherever that was possible. Thank you Jeanne!

Twelve papers were presented at the workshop across four sessions, with a discussant for each session. A full programme follows below. Some late withdrawals due to sickness and conflicting schedules meant that we had to rejig the programme. We were very grateful to Paul Berman and Phil Orchard – who had expressed interested in observing the workshop – for agreeing to present papers at short notice.

All the papers were circulated and read in advance, which helped to focus attention on discussion. We also set aside time at the end of the day to talk about next steps. The group is now hoping to move a set of papers towards publication, ideally as a special journal issue.

Once again, many thanks to ISA for its support in enabling this catalytic workshop.

Sincerely,

Travers McLeod (on behalf of the workshop co-conveners)

Workshop Programme

9:00 – 10:30 **SESSION ONE**

How are legal norms distinctive?

Chair: Martha Finnemore

Rebecca Sanders – What makes legal norms distinctive and the evolving internal criteria of legality

Wayne Sandholtz – International norms and domestic courts: the distinctiveness of law

Janina Dill – International legal norms: dependent but separate

Discussant: Laura Dickinson

11:00 – 12:30 **SESSION TWO**

Does the legal quality of norms make a difference?

Chair: Travers McLeod

Toby Goldbach – Relationship between recipient and donor countries in the transnational movement of law

Sean Richmond – How the legal status of rules impacts decision-makers leading up to and during armed conflict

Paul Schiff Berman – The impact of international law even in the absence of formal enforcement power

Discussant: Janina Dill

12:30 – 14:00 **LUNCH (First Crush Restaurant – 101 Cyril Magnin, Union Square)**

14:00 – 15:30 **SESSION THREE**

How do legal norms interact with social and moral norms?

Chair: Janina Dill

Sarah Percy – How norm decline demonstrates the differences between social and legal norms
Phil Orchard – Blurring the boundaries: implementing legal and social norms at the domestic level
Derek Jinks – Importance of law for pro-compliance domestic social movements

Discussant: Charli Carpenter

16:00 – 17:30 **SESSION FOUR**

Is there an international rule of law?

Chair: Sarah Percy

Ian Hurd – The idea of the rule of law as developed in domestic legal theory and adapted to the international setting
Travers McLeod – The rule of law ideal and levels of legal distinctiveness in counterinsurgency
William Banks – The emerging international legal architecture on cyber war

Discussant: Karen Alter

17:30: **DISCUSSION ON NEXT STEPS**

17:45 **CLOSE**