



OSAIC
*Overlapping Spheres of Authority and
Interface Conflicts in the Global Order*

Multiple Legalities Conflict and Entanglement in the Global Legal Order

Conference, Berlin, 6 to 8 July 2020

Call for Papers

Multiplicity, it is now widely agreed, is a condition of the legal order beyond the state. Whether expressed in the language of regime complexity, fragmentation or (constitutional) pluralism, observers in both transnational law and international law have come to converge on the importance of going beyond a simple, unitary frame to capture the relations of different legalities in the global order. This move “beyond fragmentation” acknowledges that law beyond the state is no hierarchically ordered system, and that multiple legal orders might overlap, intersect and enmesh as a matter of fact. This is not limited to horizontal enmeshment of different regimes in the international legal sphere, but also extends to vertical overlaps and entanglement between domestic legal order(s) and the international legal sphere(s), cutting across the traditional dichotomy of domestic v. international law as much as putting into question a clear-cut distinction between public and private law dimensions.

Yet how exactly these different legalities interact and what kind of law emerges from this interaction is still far from understood. Contestation also reigns on the normative assessment of the new constellation: while fragmentation has been seen as a threat to the unity of international law by some, others have emphasized the opportunities for open contestation that legal pluralism offers. Entangled legalities beyond the state also pose new challenges to jurisprudence, as they question the paradigmatic character that state law has long occupied in this field.

The two-day conference aims at taking stock of, and going beyond, the debate over the past years. It asks: how do actors deal with conflicts and inconsistencies between different norms and layers of law? How do they construe the relations, and how are the conflicts processed – do conflicts persist or do they lead to adjustment and entanglement over time? To what extent are these normative relations framed as explicitly ‘legal’, and how? Is this multiplicity an entirely new phenomenon, or are there historical analogues? And what does this multiplicity mean for our understanding of ‘law’, ‘legal system’, and ‘legal order’? The law that arises out of multiplicity differs from the ideal type of modern law in its forms and institutions. Does this have implications for legal theory? The conference seeks to understand its dynamics as well as the (new) theoretical frames we need to capture it.

The conference will bring together scholars working in both public and private international law and transnational law, jurisprudence and legal philosophy, history and sociology of law. Confirmed

speakers include, amongst others, Bhupinder S. Chimni, Jeff Dunoff, Sally E. Merry, and Brian Z. Tamanaha. Our aim is to start a conversation amongst scholars who work with different normative assumptions and/or methodological tools, but who address the same empirical phenomenon: entangled legalities beyond the state. To this end, we are seeking empirically- as well as theoretically-oriented paper proposals that address one or more of the above questions. We welcome different disciplinary approaches, as long as a clear focus on law and legalities is present. Full panel proposals are also welcome.

Please submit your abstract of no more than 400 words, accompanied by a short CV, by *15 January 2020* to francesco.corradini@graduateinstitute.ch. We aim at communicating the results of the selection process by early February. Those selected are expected to submit draft papers of 5000-7000 words by 20 June 2020. We will cover accommodation for all speakers in Berlin, and we will be able to cover part of the travel expenses for speakers without own institutional funding. Childcare during the event is available upon request.

The conference is organized by the Humboldt University, Berlin, and the Graduate Institute of International and Development Studies, Geneva, as part of the research group on Overlapping Spheres of Authority and Interface Conflicts in the Global Order (www.osaic.eu). Convened by Hannah Birkenkötter (Berlin) and Nico Krisch (Geneva), it will take place at the Wissenschaftszentrum zu Berlin (WZB). The conference is made possible by the Deutsche Forschungsgemeinschaft and the Swiss National Science Foundation and is supported by the European Society of International Law.