



OSAIC

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

Multiple Legalities: Conflict and Entanglement in the Global Legal Order

*Virtual Conference, 13 to 15 January 2021
In memoriam Sally E. Merry*

Conference Programme

All times CET

Livestream on www.verfassungsblog.de

Wednesday, 13 January 2021

14:00 Welcome and introduction by the conference conveners
-14:15

14:15 **Plenary 1: Navigating Multiplicity in Law**
-15:45

Julia Eckert (University of Bern)
Miguel Maduro (European University Institute, Florence)
Balakrishnan Rajagopal (Massachusetts Institute of Technology)
Surabhi Ranganathan (University of Cambridge)
Moderator: Nico Krisch (Graduate Institute, Geneva)

How do different actors navigate law's multiplicity? This panel will bring together perspectives from law, critical theory and legal anthropology to discuss how actors' engagements with legal norms shifts our understanding of law as a unitary order.

Coffee break

16:00
-17:30

Parallel panels

[Panel 1: Colliding Systems or Legal Tapestry?](#)

Laura Mai (King's College London)

Jason Rudall (Leiden University)

Lars Viellechner (University of Bremen)

Discussant: Sarah Nouwen (European University Institute, Florence)

Moderator: Tomer Broude (Hebrew University of Jerusalem)

This panel will analyse different ways in which norms from different legalities are being related: how do different forms of ordering in the field of climate change (standards, guidelines and frameworks) interact with one another? How do norms of environmental protection impact other areas of international law? And how can we best conceptualize the ways in which such norm interactions take place and provide guidance to normative conflicts – are they examples of colliding systems or instead of an emerging legal tapestry?

[Panel 2: \(Post\)Colonial Legal Encounters](#)

Tobias Berger (Freie Universität Berlin)

Robert Hamilton (University of Calgary)

Julie Wetterslev (European University Institute, Florence)

Discussant: Julia Eckert (University of Bern)

Moderator: Poul F. Kjaer (Copenhagen Business School)

This panel investigates how international law, formal state law and Indigenous and/or religious law interact and relate to one another by contrasting the historical example of 18th century maritime provinces in Canada with contemporary legal disputes from Bangladesh and Nicaragua. The papers use ethnographic and legal historical methods to better understand those relationships.

[Panel 3: Weaving the Law](#)

Michele Krech (New York University)

Lucy Lu Reimers & Tomáš Morochovič (both Graduate Institute, Geneva)

Rozemarijn Roland Holst (Utrecht University)

Discussant: Larry Catá Backer (Pennsylvania State University)

Moderator: Oren Perez (Bar-Ilan University)

How do norms get transformed and do new norms emerge from legal interactions? This panel looks at this question with three different case studies of actors weaving different legalities together: World Athletics' engagement with the norm of gender equality; UNCLOS courts' and tribunals' consideration of broader norms of ocean governance; and the entanglement between the OECD Guidelines for Multinational Enterprises and other bodies of norms governing corporate human rights responsibilities.

Coffee break

17:45
-19:15

Plenary 2: Transnational Law's Multiple Legalities

Gráinne de Búrca (New York University)

Ralf Michaels (Max Planck Institute for Comparative and International Private Law, Hamburg)

César Rodríguez Garavito (New York University)

Moderator: Hannah Birkenkötter (Humboldt University Berlin)

Almost seventy years after Philip Jessup coined the term “transnational law” as “all law which regulates actions or events that transcend national frontiers [...] both public and private international law”, the public-private law dichotomy is still deeply entrenched in legal thought. This panel brings together scholars who have regularly transcended this dichotomy in their work to discuss how legal multiplicity is impacting on our understanding of transnational law today.

Thursday, 14 January 2021

12:00
-13:30

Parallel panels

[Panel 4: Cyberlegalities](#)

Stefania di Stefano (Graduate Institute, Geneva)

Nofar Sheffi (University of New South Wales, Sydney)

Thomas Streinz (New York University)

Discussant: Ralf Michaels (Max Planck Institute for Comparative Public Law and International Law, Heidelberg)

Moderator: Christoph Möllers (Humboldt University Berlin)

How are online platforms that are used by billions of users around the world regulated? This panel looks at how platform economies such as Facebook or AirBnB are regulated and how they relate to and connect the different legalities they come into contact with. Does this challenge traditional understandings of law?

[Panel 5: Competing Visions, Intersecting Legalities](#)

Tomer Broude (Hebrew University of Jerusalem)

Miranda Forsyth (Australian National University)

Laura Knöpfel (King's College London)

Discussant: B.S. Chimni (O.P. Jindal Global University)

Moderator: Laurence Boisson de Chazournes (University of Geneva)

When faced with multiple legalities, how do we know what “the law” is, and how is this notion formed by different actors coming at this question from different vantage points? This panel investigates this question through different case studies, ranging

from the post-colonial state of Papua New Guinea to Northern Colombia and China's Belt and Road Initiative.

Panel 6: Networks

Fulya Apaydin & Charles Roger (both Institut Barcelona d'Estudis Internacionals)

Poul F. Kjaer (Copenhagen Business School)

Oren Perez (Bar-Ilan University)

Discussant: Anne Peters (Max Planck Institute for Comparative Public Law and International Law, Heidelberg)

Moderator: Surabhi Ranganathan (University of Cambridge)

Informal, "soft" law has often been investigated through the lens of network authority. This panel contrasts two such perspectives from transnational law – private transnational legal regimes in the field of corporate social responsibility and the transition from and connections between informal and formal law in the field of global financial governance – with a theoretical approach that emphasizes the importance of connectivity norms for the global legal order.

Break

14:00
-15:30

Plenary 3: Overlapping Spheres of Authority and Interface Conflicts in the Global Order

Hannah Birkenkötter (Humboldt University Berlin)

Nico Krisch (Graduate Institute, Geneva)

Andrea Liese (University of Potsdam)

Moderator and comments: Jeffrey L. Dunoff (Temple University)

The Conference on Multiple Legalities is organized as part of the interdisciplinary research group "[Overlapping Spheres of Authority and Interface Conflicts in the Global Order](#)". Three research groups present their main insights from this multi-year collaborative endeavor in conversation with Jeffrey L. Dunoff. Some research results can be found in this [Global Constitutionalism Special Issue](#).

Coffee break

15:45
-17:00

Plenary 4: Multiplicity and Law's Foundations (plenary)

A discussion between Christoph Möllers (Humboldt University Berlin) and Brian Z. Tamanaha (Washington University in St. Louis), moderated and commented on by Sarah Nouwen (European University Institute, Florence)

How does multiplicity in law beyond (and within) the state affect our understanding of the nature of law? In this discussion, international law scholar Sarah Nouwen engages in a conversation with legal philosophers Brian Z. Tamanaha and Christoph Möllers to take stock of the debate and its implications for theories of law.

Friday, 15 January 2021

14:00

Parallel panels

-15:30

[Panel 7: Invisible Drivers Behind Formal Law](#)

Larry Catá Backer (Pennsylvania State University)

Pascal McDougall (Sciences Po, Paris)

Gabriele Wadlig (New York University)

Discussant: Balakrishnan Rajagopal (Massachusetts Institute of Technology)

Moderator: Gráinne de Búrca (New York University)

Formal legal rules do not appear out of thin air. Rather, their emergence is conditioned by frameworks that are invisible to the formalist perspective. This panel looks at how formal law is driven by an array of less visible factors: data, algorithms, and broader “background rules”.

[Panel 8: Verticality and Struggles Over Human Rights](#)

Caroline de Lima e Silva (Lichtenberg-Kolleg, Georg-August-Universität Göttingen)

Antoine Duval (T.M.C. Asser Institute for European and International Law)

Machiko Kanetake (Utrecht University)

Discussant: César Rodríguez Garavito (New York University)

Moderator: Miguel Maduro (European University Institute, Florence)

How do different legal orders interact ‘vertically’? Is this interaction one marked by conflict and contestation, or by compromise and collaboration? This panel looks at three different interactions of this sort: between domestic courts and the Inter-American Court of Human Rights; between regional human rights courts and United Nations Treaty Bodies; and between Swiss domestic law and the lex sportiva.

[Panel 9: Images of Multiplicity: Spaces, Entanglement, Hybridity](#)

Dana Burchardt (Freie Universität Berlin)

Francesco Corradini (Graduate Institute, Geneva)

Valentin Jeutner (Lund University)

Discussant: Brian Z. Tamanaha (Washington University in St. Louis)

Moderator: Andrea Liese (University of Potsdam)

When attempting to analyse multiple legalities, various conceptualizations have been and continue to be offered to capture this phenomenon. These different conceptualizations rest on different images of multiplicity. How do we arrive at such diverging conceptualizations, and what are the reasons behind them? This panel presents and discusses three different images of multiplicity.

Coffee break

15:45 **Plenary 5: Multiple Legalities in International Law** (plenary)

-17:15

Laurence Boisson de Chazournes (University of Geneva)

B.S. Chimni (O.P. Jindal Global University)

Jeffrey L. Dunoff (Temple University)

Moderator and comments: Anne Peters (Max Planck Institute for Comparative Public Law and International Law, Heidelberg)

This panel assembles four eminent international law scholars to discuss how the multiplicity of law beyond the state observed over the past two days affects the study of international law today. What are the prospects for international law as a discipline?

Coffee break

17:30 **Plenary 6: Closing Roundtable**

-18:30

Hannah Birkenkötter (Humboldt University Berlin) and Nico Krisch (Graduate Institute, Geneva) in conversation with Mattias Kumm (New York University) and Sarah Nouwen (European University Institute, Florence)

In closing, we aim to take stock of the two-day conference and our attempt to bring into conversation scholars from different backgrounds to understand the implications of multiplicity for the theory and practice of law beyond the state.

*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 online due to the ongoing Covid-19 pandemic. We are planning to livestream the conference on *Verfassungsblog*. The research group is funded by the Deutsche Forschungsgemeinschaft and the Swiss National Science Foundation. The conference is supported by the European Society of International Law.*

Parallel Panels: Paper Titles

Wednesday 13 January 16:00-17:30 CET

Panel 1: Colliding Systems or Legal Tapestry?

Towards a Global Normative Tapestry? Exploring the Functioning and Functions of Transnational Legalities in the Global Response to Climate Change (Laura Mai)

The Environment in Unchartered Territory: International Law's System for Protecting the Natural World (Jason Rudall)

The Private International Law Analogy in Global Governance: Potential and Problems (Lars Vellechner)

Panel 2: (Post)Colonial Legal Encounters

Dynamics of Entangling and Disentangling State and Non-State Law in Postcolonial Spaces (Tobias Berger)

Indigenous Lands for Rent (Julie Wetterslev)

Legal Pluralism and the Geography of Law in Early British North America (Robert Hamilton)

Panel 3: Weaving the Law

Managing Multiple Legalities in the Legal Order for the Oceans: Opportunities and Challenges for UNCLOS Dispute Settlement (Rozemarijn Roland Holst)

Hidden in the Shades: Patterns of Entanglement Within the Web of Corporate Social Responsibility Law (Lucy Lu Reimers & Tomáš Morochovič)

Ordering, Reordering and Disordering Gender in World Athletics: The Development of a Public Norm by a Private Institution (Michele Krech)

Thursday 14 January 12:00-13:30 CET

Panel 4: Cyberlegalities

The Emergence of “Platform Law”: Implications, Challenges, and Law “Beyond the State” (Stefania Di Stefano)

We Accept: The Constitution of AirBnB (Nofar Sheffi)

Disentangling Entangled Legalities: The Flawed Dualism of Facebook’s Oversight Board (Thomas Streinz)

Panel 5: Competing Visions, Intersecting Legalities

Entangled Legalities on the New Silk Road (Tomer Broude)

The Multiple Legalities of Resource Frontiers (Laura Knöpfel)

The Multiple Powers of Law (Miranda Forsyth)

Panel 6: Networks

Connectivity Norms: Global Interfaces Beyond Coherency and Possibility Norms (Poul F. Kjaer)

Transnational Networked Authority (Oren Perez)

Blurring Boundaries: Formality, Informality, and the Governance of Global Financial Markets (Fulya Apaydin & Charles Roger)

Friday 15 January 14:00-15:30 CET

Panel 7: Invisible Drivers Behind Formal Law

And an Algorithm to Bind them All? Social Credit, Data Driven Governance, and the Emergence of Entangled Operating Systems for Global Normative Orders (Larry C. Backer)

On Global Value Chains, Labor Rights, and Transnational Legal 'Background Rules' (Pascal McDougall)

Legality Through Indicators: Global Land Indicators and the Concept of Property in International Development Law (Gabriele Wadlig)

Panel 8: Verticality and Struggles Over Human Rights

The Embedded *Lex Sportiva*: Governing Global Sports With a Lot of Help From Swiss Law (Antoine Duval)

UN Human Rights Treaty Monitoring Bodies in Regional Human Rights Courts: Mapping Pathways to Judicial Engagement (Machiko Kanetake)

Gatekeepers of the Realm: Domestic Judges' Strategies vis-à-vis the Jurisprudence of the Inter-American Court of Human Rights (Caroline de Lima e Silva)

Panel 9: Images of Multiplicity: Spaces, Entanglement, Hybridity

The Concept of Legal Space – Assessing Alternatives to the Concept of Legal Order in Light of Multiple Legalities (Dana Burchardt)

Multiple Legalities in Sovereign Debt Controversies in XIXth Century Europe: An Intellectual History Perspective (Francesco Corradini)

Law and Entanglement (Valentin Jeutner)