

Call for Papers

The De-legalization of International Law: Social Science Perspectives

Pre-workshop to 2023 ESIL Annual Conference in Aix-en-Provence

30 August 2023, 13:00-16:00 (CET) and 16:00-19:00 (CET)

In summer 2000, *International Organization* - the well-known international relations journal - published a special issue devoted to legalization and world politics, emphasizing that “[i]n many issue-areas, the world is witnessing a move to law”. The leading article presented three criteria operationalizing the concept of legalization: the degree to which rules are obligatory, the precision of those rules, and the delegation of certain functions of interpretation, monitoring, and implementation to a third party. Thus, assessing legalization of particular international domain requires an analysis of the three dimensions – obligation, precision and delegation. More than twenty years later, researchers observe clear trends of de-legalization in some central fields of international law.¹ It is maintained that de-legalization trends are notable, for example, in the diminishing level of obligations and an increasing employment of soft law; decline in precision of legal provisions and a growing resort to vague concepts; and most prominently, increased skepticism towards delegation manifested in an increased resistance against a range of international tribunals.

Aimed at opening avenues for young and senior researchers interested in promoting interdisciplinary engagements, the research workshop will address different dimensions of de-legalization trends across different branches of international law. Potential contributors are invited to submit proposals exploring *processes* of de-legalization, different *explanations* regarding the factors accounting for de-legalization, as well as *mechanisms that address* the effects of or challenges posed by instances of de-legalization.

(1) Processes of de-legalization: participants may explore the processes of de-legalization across the three dimensions of obligation, precision, and delegation and are welcome to address questions such as: How does de-legalization play out in different fields of international law? Have some fields experienced a sharper turn towards de-legalization than others? How do the different levels of de-legalization manifest themselves across different fields and in the practices of different institutions? What kinds of non-legal measures are taken following de-legalization?

(2) Explaining de-legalization: participants may engage with different sets of factors accounting for de-legalization, such as structural changes in the international system (e.g., globalization or polarization); ideological shifts (e.g., rising nationalism or resistance to

¹ See for example, Daniel Abebe and Tom Ginsburg, “The Dejudicialization of International Politics?,” *International Studies Quarterly* 63, no. 3 (September 1, 2019): 521–30, <https://doi.org/10.1093/isq/sqz032>.

unequal allocation of international resources); ‘feedback politics’ and changing preferences of judges, states and litigants; behavioral biases arising from the rapid dissemination of misleading information in the media; or the intensified activities of social movements in certain international domains.

(3) Responses to de-legalization: participants are invited to examine various responses addressing the effects and challenges of de-legalization, and explore their promise and perils. What legal and semi-legal mechanisms have been designed to overcome shortcomings and counter the effects of and challenges posed by de-legalization processes? How do different actors cope with or benefit from de-legalization? Are states more inclined to resort to unilateral measures? With regard to international courts, how do they address or maneuver increased resistance? And what promises – and pitfalls – lie in alternatives to international courts, such as hybrid tribunals, truth and reconciliation mechanisms, soft courts, or other forms of dispute settlement, such as mediation or conciliation?

Participants are encouraged to engage with theoretical insights and methodological tools borrowed from psychology, political science, behavioral science, sociology, economics, linguistics and additional social science disciplines. Potential contributors are welcome to address a particular instance of de-legalization or engage in multi-level analysis, and explore the international system as a whole, a specific branch of international law or certain norms applied across fields of international law.

Details

The workshop will be held in-person in Aix-en-Provence, with one or two fully online panels. It is scheduled to take place on 30 August 2023 at 13:00-16:00 and 16:00-19:00 (CET).

We are looking for participants who are willing to present ‘think pieces’ of approximately 2-3,000 words² or draft articles of max. 8,000 words that will structure the discussion and debate at the meeting. The IG meeting will be held in a conventional workshop-style format.

Those who are interested in participating are invited to send their abstracts (max. 300 words) accompanied by a short bio to esilsocsci@gmail.com. Please CC the IG convenors, Moshe Hirsch (moshe.hirsch@huji.ac.il), Zuzanna Godzimirska (zuzanna.godzimirska@jur.ku.dk), Tommaso Soave (soavet@ceu.edu), Ezgi Yildiz (ezgi.yildiz@csulb.edu), and Eva van der Zee (eva.leora.van.der.zee@uni-hamburg.de), write ‘ESIL SSIL Abstract - De-legalization of International Law’ in the e-mail’s subject field and note in your email, whether you expect to participate in-person in the workshop.

Abstracts should be received by 10 April 2023 at 12:00 CET.

Submitters will be advised of the outcome of selection procedure by end of April.

² Please note that, due to their short length, the think pieces will not be eligible for the ESIL Young Scholar Prize 2023.

Depending on the number and quality of the submissions, the IG convenors may consider turning workshop contributions into a series of blog posts on EJIL:Talk! and/or a Special Issue in an internationally renowned journal.

The Interest Group is unable to provide funding for travel and accommodation. Selected speakers will be expected to bear the costs of their own travel and accommodation. Some [ESIL travel grants](#) and [ESIL carers' grants](#) will be available to offer partial financial support to speakers who have exhausted other potential sources of funding.

Please see the [ESIL website](#) for all relevant information about the conference.

All participants at ESIL Interest Group workshops are required to register for the Annual Conference. There will be an option to register just to attend the IG workshops; however, all participants are warmly invited to attend the entire event.

Selected speakers should indicate their interest in being considered for the ESIL Young Scholar Prize, if they meet the [eligibility conditions](#) as stated on the ESIL website. The [ESIL Secretariat](#) must be informed of all selected speakers who wish to be considered for the Prize before 30 April.