Panel 1: New Liberalism and International Relations (section: motion)
Friday, 18th November 2011, Jügelhaus 32 B, 16:15-18:00
Chair: Leonie Holthaus – Technische Universität Darmstadt
Discussant: Nadja Meisterhans – Universität Flensburg

Liberalism can be conceived as an ideology that is constituted by interrelated concepts. These can be contested, interpreted or framed in particular fashions in order to exclude dismissed understandings and to put forward novel ones. This perspective is especially open to (normative) motions within liberalism. At the beginning of the 20th century, British liberals like L.T. Hobhouse and J.A. Hobson, and socialists like Harold Laski and G.D.H. Cole aimed at rephrasing central concepts of liberalism, blurring the lines between liberalism and different ideologies, which had appeared as mutually exclusive before. In contrast to their political conceptions in reference to the domestic sphere, the international thought of New Liberals (with possible exception of J.A. Hobson), who are also known as “idealists” in International Relations, have not received the same scholarly attention. Attentive to this lacuna, the panel focuses especially on New Liberals’ views on international relations and according (de-) conceptualizations that belong to the international realm. It invites papers that discuss particular ascendancies, moments, authors or rephrasing lines within New Liberalism and their impact on the international thought or contributions that directly access e.g. reform proposals for the international realm.

Papers:
Øystein Lundestad – Norwegian University of Science and Technology
Reformulating Kant’s Peace Project? – Kant’s League of States and the Institutionalization of International Law

Leonie Holthaus – Technische Universität Darmstadt
The International Thought of L. T. Hobhouse

Annette Förster – London School of Economics and Political Science
John Rawls’s International Theory
The Panel focuses on the role of mobile actors in the dynamics of (post-)colonial orders. We understand mobility in an epistemic sense, i.e. as physical and social movement into different normative orders. Mobile actors can become visible in different ways at different places, attaining diverging positions of articulation. Hence, one can ask for the significance of the paradigmatic "subalternity" with respect to a shift in perspective on normative orders. Can the same actors maintain a subaltern position in one normative order while holding a central position in another? The main focus of the panel is the question how mobile actors behave with respect to different normative orders and whether they change them in a particular way through their trans-local experiences and knowledge. Do mobile actors contribute substantially to the dynamics and change of normative orders? Or are they interested in stabilizing the respective normative orders, maybe with the intention to maintain their privileged positions?

Papers:
Parfait Bokohonsi – Goethe-Universität Frankfurt am Main
Transnationalität als Ressource? Zu Akteurstrategien bei der Verortung der Vodûn-Kulte in Europa

Ulrike Hamann – Goethe-Universität Frankfurt am Main
Zwischen Übersetzung und Normalität: Intersektionalität in Afro-Amerikanischen Perspektiven auf das imperiale Berlin zu Beginn der Kolonialzeit

Jan Hoffmeister – Freie Universität Berlin
Schwarzer Nationalismus und liberaler Imperialismus: Das Beispiel des jungen Du Bois
Jeremy Bentham famously declared that 'all rights are legal rights'. Unsurprisingly, the refutation of this statement was not long in coming. Ever since, it has been common usage to speak of both moral rights and legal rights. Moral rights can be understood as those rights derived from moral reasoning and being morally compelling as opposed to legal rights, defined as rights that are legally prescribed and whose violation entails punishment. What is less clear, however, is the proper relationship between moral and legal rights as well as the dynamics they may develop. For instance, should legal rights be grounded in moral rights or vice versa? Is there a hierarchical order among moral and legal rights? Or, as J. L. Mackie has notably asked, can there be a rights-based moral theory?

The panel seeks to shift these issues onto the international level and asks whether and to what degree the emerging international order alters this dynamic relationship between moral and legal norms, and whether the former demands modification of the latter. Papers will investigate this relationship not only theoretically, but also against the background of global problems such as poverty and power inequalities. Besides, it will be assessed whether human rights change their character when it comes to their promulgation in a regional context, such as the ECHR, as opposed to global human rights charters. And finally, one might raise the fundamental question of whether international legalisation is legalisation at all and thus must respond to principles such as the rule of law or a minimum of democratic participation.

Papers:

Martin Brecher – Universität Bonn
Rights without Claims? The Implications of Claimability for the Relationship between Moral and Legal Rights

Tanja Abendschein-Angerstein – Wissenschaftszentrum Berlin für Sozialforschung
Legalizing International Relations – Is International Legalization a Threat or Panacea for International Institutions’ Democratic Quality?
Alain Zysset – University of Fribourg/Switzerland
The United Nation's Conference on Environment and Development in Rio de Janeiro 1992 set the normative terms for and gave direction to the development of global environmental politics especially through the ‘Principle of common but differentiated responsibilities’, the 'Polluter pays-', and the 'Precautionary principle'. On this basis, today's trans- and international environmental politics are characterized by a highly fragmented governance-architecture, including a diversity of institutional and legal settings. On the other hand though the character of policy instruments seems to converge as market-based instruments gain momentum in various fields (certification, Access and Benefit-Sharing, Payment for Ecosystem Services in general and e.g. Reducing Emissions from Deforestation and Degradation (REDD+) in particular). In the course of this development the basic principles, justifications, goals, and not least understandings of justice and fairness have to be revised.

Following upon these considerations the panel will debate on the following questions:
What are the causes and conditions for policy change and normative dynamics in global environmental governance? How have fairness and equity concepts in global environmental governance evolved? How do actors inside and outside the negotiation process influence the agenda of global environmental governance and the modification of its normative foundations? What are the implications of (1) fragmentation and (2) norm(ative) dynamics for international, national, as well as subnational environmental policy processes?

Theoretical-conceptual as well as more empirical contributions bring together perspectives from
Political Science, International Relations and Law, focusing on climate and biodiversity policies and sustainable development.

**Papers Panel 4a:**

Peter Gottschalk – Lund University  
The Emergence of Benefit-Sharing Norms in Global Governance of Genetic Resources

Janina Sombetzki – Humboldt Universität Berlin  
Co-Responsibility for Climate Change

Moritz Hartmann – Freie Universität Berlin  
Global Public Goods and Asymmetric Markets. Decoding Market-Based Normativity: The Regulation of Climate Change

Franziska Wolff – Öko-Institut Berlin  
International institutional change towards markets and payments for ecosystem services

**Papers Panel 4b:**

Karolina Safarzynka – WU Vienna University of Economics and Business  
Evolution, economic valuation and policy: sustainable consumption

Sarah Surak – Virginia Tech  
Pollution, Production, and Protection: The normative foundations and resulting implications for and of the international management of waste electronics

Shazia Wülbers – Universität Hamburg  
Environmental Policy Diffusion from the Industrialized to the Developing Countries: The Indo-German Context
Societies consist of many ‘normative orders’. Some belong to the almost undisputed core of society and constitute individual life as well as social interactions. Others are subject to negotiation from within or from outside society. The panel aims at addressing these negotiation processes. What kind of strategies do institutions, individual actors and collective groups develop in order to maintain the status quo of their society? How are strategies of 'conservation' legitimized, and how do stakeholders deal with change? How do negotiation processes affect institutions and individuals? And what is done to restore and secure a normative order after times of change?

We are interested in both stakeholders’ discourses, and in strategies and actions that aim at legitimizing the normative order. The panel seeks to examine strategies and elements of stability within those societies that are particularly strongly shaped by ethnic, social, religious, or class structures. The presentations are based on empirical and historical research, and deal with the persistence of normative orders at the institutional and / or the individual level.

Papers:

Andre Thiemann – Martin-Luther-Universität Halle
Staatskritik als Staatserhalt: Wie permanente Staatskritik staatlich-gesellschaftliche Beziehungen in Serbien stabilisiert

Sinthiou Estelle Buszewski – Westfälische Wilhelms-Universität Münster
Die Beharrung auf Staatensouveränität im Völkerrecht und rechtliche Konsequenzen

Henry Kammler – Ludwig-Maximilians-Universität München
Adel im Untergang? Indianisches Erbhäuptlingtum, koloniale Bevormundung und neue indigene Autonomiestatuten auf Vancouver Island, Kanada

Katharina Fink – Universität Bayreuth
“Heritage“ zwischen Beharrung und Bewegung – Re-membering Sophiatown
Legal pluralism is of ancient origin and yet a quite new phenomenon. In the new complex global world order, the concepts as well as the contents, the form and substance of 'law' are subjects to change. Old legal orders of the international community threaten to fall into fragments and seek stability by turning to a new constitutionalism. Radically new legal systems emerge on the scale of global law, as for example in the case of the lex mercatoria, lex sportiva, or lex digitalis. From the 1970s on, ethnological research in legal pluralism has focused on the colonial encounter of the indigenous and the colonizer’s law. Since the early 1990s, researchers deal with global legal pluralism. Of course, to legal historians of the medieval and early modern period, legal pluralism rather represents the rule than the exception: only with the rise of the nation state and its ideology of the state monopoly on jurisdiction and the use of force, legal pluralism lost its (empirical and discursive) predominance without being extinct completely. Even in 19th century Europe, particular state laws, diverse customary laws of social communities, and the Roman law with its universalistic claims coexisted.

In this panel, we focus on conceptual as well as normative and empirical questions on legal pluralism. How is law broken and how can it claim its “right” to establish a new legal and social order in the context of legal pluralism? Is “plurality” the key to orders of legal pluralism? How can “chaos” of plurality be managed by forming a new order? And how do actors negotiate legal pluralism? Finally: how is the disarray of legal orders legitimized?

Papers:
Jan Christoph Suntrup – Käte Hamburger Kolleg 'Recht als Kultur', Bonn
Fünf Dimensionen des Rechtspluralismus

Andreas Wagner – Goethe-Universität Frankfurt am Main
Wie kann der Rechtspluralismus der Frühen Neuzeit erschlossen werden?
Prior to the Great Depression 1929, unemployment was not perceived as a persisting economic problem. The majority of economists assumed that market forces would automatically establish full employment over time. Unemployment was in many cases regarded as the result of subjective choices. With the Great Depression and the Keynesian Revolution, a different perception of unemployed was highlighted. In his *General Theory*, Keynes proved that persisting unemployment is theoretically consistent with an equilibrium position. His analysis opened up the possibility to interpret unemployment differently: It became possible to speak of „involuntary unemployment“. Thus, unemployment was not only a problem apparent in public job agencies but increasingly also perceived as an ethical problem in the theoretical debate.

Such and further examples share a common core: Normative changes can be accompanied by theoretical innovations. Theoretical insights can expound problems. Economic theories can help to legitimize or call into question economic orders. They show value conflicts between freedom and justice or between growth and sustainability. They help political actors to justify their economic policies. For example, the description of unemployment as the result of free individual choices or as a consequence of structural forces induces different value judgments.

The impossibility of deriving value judgments from deductive reasoning has been continuously highlighted. However, this panel is guided by the intuition that theories always refer to specific normative agendas. Research in economic theory or the history of economic thought will provide manifold possibilities to reflect upon the following questions:

Which conflicts of value are identified? To which extent do economic benchmarks, terms and definitions (concepts of property, efficiency, capital, wealth, etc.) contribute to specific value judgments? How do theories contribute to the realization of certain values in society?
Papers Panel 7a:
Economics and the technocratic legitimation of postwar capitalism

Henry Kelly – Trinity College Dublin
Ethical Foundations of Economic Methodology

Wolf-Gero Reichert – Philosophisch-theologische Hochschule Sankt-Georgen Frankfurt am Main
Die Rückkehr des Positivismus in die Ökonomie und wie Ökonomen dadurch (unbewusst) Politik machen

Papers Panel 7b:
Katia Backhaus – Christian-Albrechts-Universität Kiel
Existenziell-radikale Grundlagen einer Neudefinition von Freiheit

Andreas Rainer – Universität Graz
Lock-In im ökonomischen Wissenschaftsbetrieb: Analysen und Auswege Karl-Franzens

Sebastian Gehart – University of Warwick
Normative Brüche als konstruktivistisches Wirken des strategischen Handelns politischer Akteure:
Das OECD DAC und die Aid Effectiveness Agenda

Thomas Dürmeier – Universität Kassel
Pluralismus als neue Wirtschafts-Wissenschafts-Ethik
Law and Justice are key concepts for the explanation of normative orders. With regard to different perspectives of jurisprudence and philosophy, the panel will discuss the conceptual relation between law and justice (1) as well as the role of justice for legal processes (2).

(1) The issue of the relation between law and justice goes back to the debates about the concept of law. Legal positivists argue in favor of the theory of separation, according to which the concept of law is not necessarily connected to that of justice. It is said that even though the obligation of obedience does not apply, unmoral law does not lose its legal character. In contrast other authors hold the belief that the violation of basic claims of justice is not compatible with the law. Alternatively, one can tie the concept of law to the concept of justice by referring to democratic legitimacy. But does the concept of law include ideas of moral correctness or democratic legitimacy? And which strengths and weaknesses are associated with the different concepts of law regarding law morally opened to criticism?

(2) The relation of law and justice also concerns legal processes. It is debatable, if judges are allowed to use or even should use moral principles in the application of law and how to decide in cases of conflict between law and justice. But the transformation of justice in law can also be analyzed in a wider context. The general question is, in what ways beliefs about justice enter in jurisdiction and legislation.

Papers Panel 8a:
Lisa Herzog – Universität St. Gallen, Thomas Wischmeyer – Universität Freiburg
„Moral Luck“ in Moral und Recht
Dietrich Schotte – Philipps Universität Marburg
Impliziert „Recht“ immer schon „Gerechtigkeit“? Zur Theorie „impliziter Normativität“

Daniel Gruschke – RWTH Aachen
Die Moral in Midas’ Hand - oder wie man das Verhältnis von Recht und Moral (nicht) bestimmen sollte

Papers Panel 8b:
Daniel Schierke – Goethe-Universität Frankfurt am Main
Narrative Ethik. Kants Versprechen vor dem Gesetz

Wulf Loh – Humboldt Universität Berlin
Gerechtigkeit des Völkerrechts? Kollektive Selbstbestimmung als Legitimationsquelle einer neuen internationalen Ordnung
For a long time, the states of the Middle East and North Africa (MENA) have been regarded as an example for the narrowness of models of democracy-diffusion due to the persistence of their autocratic political structures. Terms as “autocratic consolidation” and the recent emergence of “post-democratization” studies illustrate that scholars have viewed the regimes, although to a different degree, as relatively stable. Further, this went along with the attempt to release research from the underlying normative assumption of an inevitable transition to liberal-democratic systems, in order to better explore the dynamics within autocratically ruled societies. The prominent upheavals in MENA states like Tunisia and Egypt but also the lesser-known unrests in the Arab Gulf states as Bahrain and Oman have challenged this notion by their call for more participation. It is important to note, however, that the protests were directed to different, e.g. monarchical or republican, normative and political systems, and that the challenge of an autocratic order does not need to initiate a democratization process with a linear proceeding. In this light, the panel invites, firstly, papers that question the underlying assumptions and methods in the study of the dynamics of the normative order in the MENA states, secondly, contributions that examine the international interrelations of the oppositional actions, and, lastly, case studies on such dynamics in particular states.

Papers:
Jens Heibach – Philipps-Universität Marburg
National Dialogues as a Means for Conflict Resolution and Political Transformation: Past Lessons Drawn from the Arab World and Future Implications

Ali Sonay – Philipps-Universität Marburg
Being young and political in Egypt: The case of the April 6 movement

Maria Josua – Eberhard-Karls Universität Tübingen
The Dynamics of Normative Orders in the Arab Spring: Interruption and Continuity in Jordanian
Politics
With the turn to a system of post-national governance, global norms and institutions have not only increased in number and scope but have equally begun to interfere ever stronger with national societies and their respective orders. At the same time, the power-balance underlying the global political order has come into motion, foreshadowing the turn to multi-polar system to come. With these twin developments, projections of the nature of the global political order have been pluralized and new conflicts have begun to emerge. The legitimacy of global norms, institutions, or even the global political order as a whole is questioned by a diverse group of actors from within and outside the OECD-world. However, while opposition is clearly on the rise, systematic analysis of opposition in and to global governance so far hardly exists. The panel aims to shed light on this process and investigate the various forms of critique that have been emerging against global governance: What is the content of their normative claims? Can one also consider that the rise on contestation reflects a more profound change in the system of global governance; perhaps into one of rule and public authority (Herrschaftssystem)? Moreover, we should be attentive to the fact that, first, the new forms of global governance often escape the formal settings in which to voice opposition and, second, that they might purport to work through consensual procedures that rule out opposition as obstructive. Another important question to consider is then: what kind of space can empower opposition in a system of dispersed centres of authority? Global governance has already made some attempts to accommodate critique and one can see that the result of these processes profoundly differ from the ways opposition is dealt with in domestic settings. The panel thus also invites papers that engage with modern democratic theory in order to illuminate the challenges ahead and suggest more suitable ways to consider how opposition should be institutionalized in such a scenario of fragmented and asymmetrical relations of power and authority.
Papers:
Mariana Laeger – Goethe-Universität Frankfurt am Main
The Quest for a ‘New Deal’ – Opposition and the Global Political Order

Dace Šulmane – University of Latvia
Variety of legal opposition: Contemporary tendencies focus Latvia

Ingrid M. Hoofd – National University of Singapore
Of Revolutions, Springs and Riots: the Usurpation of Democratic Ideals in Techno-Economic Velocity
The growing entanglement of global shipping traffic in the (early) modern age opened up contact zones in many maritime spaces: islands, littorals and, not least, ships became arenas of communication and exchange between people from different world regions. Until colonization and imperialism brought about more consistent normative orders, the outcome of encounters between different ways of life and regulatory systems was comparatively open. Thereby interaction processes within maritime spaces could at times develop its own logics, leading to lasting normative dynamics in the affected societies and their respective orders.

This panel aims at outlining maritime spaces as specific arenas of normative change by bringing together contributions from historically oriented disciplines, focusing on the period from the 16th to the 19th century. In this period, the rapidly growing transoceanic interconnections and the plurality of normative orders can reveal the effects of maritime interactions as impulses for normative changes in a particularly obvious way.

Papers:
Hannes Foth – Heinrich-Heine-Universität Düsseldorf
Meeresfreiheit – Lesarten einer Erfolgsgeschichte

Magnus Ressel – Ruhr-Universität Bochum
Die erstmalige Durchsetzung des Prinzipes ‚Frei Schiff – Frei Gut‘ als Resultat des Kulturkontaktes zwischen Barbaresken und Europäern
The change of normative orders can be viewed as a shift in societal paradigms which are constructed through communication. In a discursive manner ideas about the yet to come are discussed and evaluated. Uncertainty, which is triggered by the demise of old views and the rise of new opinions is met by explanations, compromises and struggles over meaning. Still, a change in the means and ways of communication can trigger the development of something new. This change particularly can be viewed as a means to understand and create new political relations between representatives and those being represented.

The aim of our panel is to systematically analyze the relations between communicative processes and changing normative orders. The communication of responsibility, new forms of protest and the conditions of societal change will be the foci of this session.

Papers:
Jule Jakob Govrin – Freie Universität Berlin
Slutwalk als feministische Körperpolitik

Janina Sombetzki – Humboldt Universität Berlin
Kollektive Verantwortung für die Folgen kumulativer Prozesse

Alexander Weiß – Universität Hamburg
Das Kommunikationsdispositiv der Menschenrechte und seine Veränderung durch die Entwicklung neuer Kommunikationstechniken