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## Postnational Rulemaking between Authority and Autonomy

### Call for Papers

#### Conference

University of Amsterdam, 20 and 21 September 2012

#### **The Project: The Architecture of Postnational Rulemaking**

Our project investigates the architecture of postnational rulemaking from the views of public international law, European public law and European private law. We are interested in rulemaking processes that unfold below the radar of formal lawmaking but are powerful nonetheless. By way of example, we suggest that understanding or assessing rulemaking in the field of food safety requires looking at the interaction between the Codex Alimentarius Commission, the World Trade Organization and the European Union. In the field of pharmaceutical regulation we see how EU administrators turn non-binding standards on pharmaceutical testing into legal obligations for national actors. And in (European) private law we can observe how expert committees forcefully shape model rules that not only facilitate, but also guide, channel and de facto constrain the activity of private actors.

On top of striving to compare and combine views from the three fields of law, there are three elements that characterize our project and define the contribution it seeks to make. They all fundamentally challenge common narratives of legitimacy:

- First, we examine the shifting *sources of authority* and do not take legal capacity or competence as a starting point for such authority.
- Second, we focus on the *process of rulemaking* and on how actors or rules gain authority in this process – leaning and building on one another. This is highly relevant where no single actor could have produced a rule with authority, but actors' interaction does precisely that.
- Third, we examine authority and autonomy in the *spaces between actors*. Actors recognize or contest the authority of others. At this juncture lies a moment of autonomous will, and thus of legitimation. In short, we look at *postnational rulemaking between authority and autonomy*.

Our project on *The Architecture of Postnational Rulemaking* aims at elucidating shifts in authority and at carving out processes of rulemaking that involve multiple actors. In particular, we wish to focus on the interaction between them. We wish to understand these processes better, to develop normative assessments, and to contribute to the development of legal doctrine and theory in response to the phenomenon of postnational rulemaking between authority and autonomy.

## The Conference

Our project took effect after a workshop in September 2011, which has guided its development. (Further information may be found on our website [www.jur.uva.nl/architecture](http://www.jur.uva.nl/architecture).) A year later, 20-21 September 2012, we again wish to engage with our peers. During the Conference we will explore both empirical and normative approaches to the themes outlined above, gathering contributions from the three fields of law that compose the project (public international law, European public law and European private law). We also seek to include contributions from related disciplines.

We plan to group contributions around the three themes mentioned above:

1. *Shifting sources of authority*: papers should mainly analyze how authority to make rules is established in a postnational setting beyond instances of legal competence.
2. *Processes of rulemaking*: papers should examine the processes through which rules are made as well as the qualities and characteristics of the actors involved in such processes. Contributions could investigate how regulations in specific fields of society have come about through the interaction of multiple actors of a different kind and on different levels of governance.
3. *Between authority and autonomy*: papers should investigate how actors recognize or contest the authority of others. At this juncture might lie a moment of autonomous will, and thus of legitimation. Contributions might possibly link this issue to the relationship between legal orders.

The conference seeks to combine conceptual, normative and empirical analysis in a mutually supportive fashion.

We invite a small number of speakers and call for submission of proposals:

## Submission of Paper Proposals

The research group on Postnational Rulemaking invites the submission of paper proposals that explore any of the topics outlined above. We are particularly interested in empirical studies that contribute to a better understanding of postnational rulemaking in any of the three fields of public international law, European public law and European private law. We welcome submissions from related disciplines.

Please submit a proposal of no more than 1000 words by February 28, 2012. Abstracts should include the proposed title for the paper and a synthesis of the main arguments. Please enclose a CV and mention your affiliation and contact details. Abstracts should be submitted in PDF to Angela Moisl ([A.Moisl@uva.nl](mailto:A.Moisl@uva.nl)).

The selection panel composed of Professors Deirdre Curtin, Martijn Hesselink and André Nollkaemper will consider all abstracts received by the submission deadline. A decision will be made by March 15, 2012.

Drafts of the full papers should then be submitted no later than July 1, 2012.

The best contributions will be published in the Working Paper Series of our project and will subsequently be selected for publication in an edited volume.

Reasonable expenses of participants will be covered (travel in economy class and accommodation to be arranged by the organizers).

For more information please contact Joana Mendes ([J.M.Mendes@uva.nl](mailto:J.M.Mendes@uva.nl)) or Ingo Venzke ([I.Venzke@uva.nl](mailto:I.Venzke@uva.nl)).

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