

The Rule of Law, Non-Law, and Social Order

Stanford Law School, May 6-7, 2016

The rule of law, the central political ideal of our time, is an important mode of social ordering, but it is not the only one for many social outcomes. Informal mechanisms of governance trace their institutional relevance to pre-state societies and many remain relevant today even in developed societies. These systems have been studied in a wide-ranging array of contexts and academic traditions. Against a backdrop of decades of often crassly transplanted formal institutions as a governance technology, the World Justice Project in partnership with Stanford Law School will examine the role of organic or informal institutions in achieving economic growth and development and safety and security.

The conference will have several component themes. A first will be conceptual and will look at the relationship of legal ordering to non-legal ordering, including historical and theoretical perspectives. To understand where the rule of law comes from, we must first understand where law comes from, and the panel will feature work on this question.

A second theme will focus on what an interdisciplinary set of scholars at Stanford call the “rule of non-law” for development and security in poor countries today. The basic hypothesis of the project is that the growth of small and medium-sized enterprises (SMEs) and a host of other economic activities, especially as they serve populations living at the base of the pyramid, cannot await the development of OECD-level legal regimes, and may be facilitated by strategies and techniques that do not depend on formal legal institutions.

The third theme will examine the dark side of the rule of non-law dealing with violence. The panel will focus on issues such as governance by non-state armed actors such as drug cartels and militias, the capturing of the state by these organizations, and the problem of state-instigated violence. Other aspects that will be considered are the differing strategies citizens respond to the challenges of insecurity and violence including through vigilantism and self-defense groups.

Finally, the fourth theme will look at empirical work analyzing the rule of law, focusing on measurement challenges associated with informality.

In collaboration with:

Stanford
Law School

Washington, DC office

1025 Vermont Avenue NW, #1200
Washington, D.C. 20005 USA
202.407.9330

Seattle, WA office

1411 Fourth Avenue, #920
Seattle, WA 98101 USA
206.792.7676

worldjusticeproject.org
facebook.com/World-Justice-Project
twitter.com/TheWJP

Agenda

Scholars Conference | Rule of Law Research Consortium (RLRC)



THURSDAY, MAY 5TH

6:00-9:00 PM	Welcome Dinner Located across the street from the Sheraton Hotel	MacArthur Park Palo Alto
--------------	--	-----------------------------

FRIDAY, MAY 6TH

8:45 – 9:00 AM	Welcome and introduction The Rule of Law, Non-Law, and Social Order <ul style="list-style-type: none">• Dean Elizabeth Magill, Stanford Law School• Tom Ginsburg, University of Chicago Law School• Juan Carlos Botero, World Justice Project	Manning Faculty Lounge Stanford Law School
9:00 – 10:15	Theme I: The Relation of Law and Other Systems of Ordering Chair/Discussant: Margaret Levi, Stanford CASBS Federica Carugati, Indiana University; Gillian Hadfield, University of Southern California; and Barry Weingast, Stanford University <i>Achieving Inclusion: Extending Access to the Rule of Law in Ancient Athens</i> John Ferejohn, Stanford University; Tom Ginsburg, University of Chicago; and Richard Holden, University of New South Wales <i>Arbitration in Anarchy</i>	
10:15 – 10:35	Coffee break	
10:35 – 11:15	[Theme I continued] Chair/Discussant: Gillian Hadfield, University of Southern California Benito Arrunada, Universitat Pompeu Fabra <i>Private and Public Ordering in the Law of Sequential Exchange</i>	
11:15 – 12:35	Theme II: Dimensions of Informality and the Rule of Non-Law Chair/Discussant: Michael Woolcock, World Bank Erik Jensen and Matthew Gasperetti, Stanford University <i>Commercial Arbitration: Signaling Targeted Commitment to the Rule of Law</i> Paul Brest and Stanford Policy Lab <i>Impact Investing In the Absence of Credible Legal Institutions</i>	
12:35 – 1:35	Lunch	

Continued...

In collaboration with:

Stanford
Law School

Washington, DC office
1025 Vermont Avenue NW, #1200
Washington, D.C. 20005 USA
202.407.9330

Seattle, WA office
1411 Fourth Avenue, #920
Seattle, WA 98101 USA
206.792.7676

worldjusticeproject.org
facebook.com/World-Justice-Project
twitter.com/TheWJP

Agenda (Continued)

Scholars Conference | Rule of Law Research Consortium (RLRC)



1:35 – 2:10	<p>[Theme II continued]</p> <p>Chair/ Discussant: Alejandro Ponce, World Justice Project</p> <p>Julio Rios, Centro de Investigación y Docencia Económica <i>Meritocracy or Clientelism? Networks and the Politics of Internal Independence in Civil-Law Judiciaries. Evidence from Mexico, 1917-1994</i></p>	
2:10 – 3:25	<p>Theme III: Law, Order and Violence</p> <p>Chair/Discussant: Susan Hirsch, George Mason University Co-Discussant: Francis Fukuyama, Stanford University</p> <p>Beatriz Magaloni, Stanford University <i>On Police Violence in Brazil</i></p> <p>Rachel Kleinfeld, Carnegie Endowment/CASBS <i>Insurgency, Organized Crime, Homicide: The Interdependence of Different Forms of Extreme Violence</i></p>	
3:25 – 3:45	<p>Coffee break</p>	
3:45 – 5:00	<p>[Theme III continued]</p> <p>Chair/Discussant: Jothie Rajah, American Bar Foundation Co-Discussant: Tom Ginsburg, University of Chicago Law School</p> <p>Aziz Z. Huq, University of Chicago <i>Community-Led Counterterrorism</i></p> <p>Cian Murphy, King’s College London <i>ISIS & The Rule of Law</i></p>	
5:00	<p>Drinks and dinner</p>	<p>Center for Advanced Study in the Behavioral Sciences Stanford</p>

Continued...

In collaboration with:

Stanford
Law School

Washington, DC office
1025 Vermont Avenue NW, #1200
Washington, D.C. 20005 USA
202.407.9330

Seattle, WA office
1411 Fourth Avenue, #920
Seattle, WA 98101 USA
206.792.7676

worldjusticeproject.org
facebook.com/World-Justice-Project
twitter.com/TheWJP

Agenda (Continued)

Scholars Conference | Rule of Law Research Consortium (RLRC)



SATURDAY, MAY 7TH

8:30 – 9:45 AM	Theme IV: Empirical Challenges to Measuring 'Informal' Rule of Law Chair/Discussant: Brad Epperly, University of South Carolina Svend-Erik Skaaning, Aarhus University <i>De Jure vs. De Facto Rule of Law Observance</i> Stefan Voigt, University of Hamburg <i>Measuring Informal Institutions</i>	Manning Faculty Lounge
9:45 – 10:00	Coffee break	
10:00 – 10:15	Anthony Lewis Award presentation	
10:15 – 11:30	Panel of general counsels Chair: Bill Neukom, Founder & CEO, World Justice Project Hilary Krane, Nike; Bruce Sewell, Apple; Colin Stretch, Facebook; Kent Walker, Google	
11:30 – 12:30	Chair: Tom Ginsburg, University of Chicago Deborah Isser, World Bank <i>World Development Report: Integrating Politics into the Rule of Law</i>	
12:30 – 12:45	Conclusions and wrap-up	
12:30 – 2:00	Lunch	

Additional Instructions:

Shuttles will be provided from the Sheraton Hotel in Palo Alto to the location of the conference each morning, leaving 15 minutes before the scheduled start time, and returning fifteen minutes after the last event.

In collaboration with:

Stanford
Law School

Washington, DC office

1025 Vermont Avenue NW, #1200
Washington, D.C. 20005 USA
202.407.9330

Seattle, WA office

1411 Fourth Avenue, #920
Seattle, WA 98101 USA
206.792.7676

worldjusticeproject.org
facebook.com/World-Justice-Project
twitter.com/TheWJP