

Goldstein, J., M. Kahler, et al. (2000). "Introduction: Legalization and World Politics." International Organization.

International institutions are becoming increasingly legalized, but this move to law is not uniform. In this Introduction to the special issue of IO on legalization, the authors sketch out their plan of attack: defining legalization along the three dimensions of Obligation, Precision, and Delegation (see Abbot and Snidal 2000), charting the extent of legalization, explaining why actors choose legalization, and what the results of legalization are.

Legalization and international institutions

Int'l institutions: "enduring sets of rules, norms, and decision-making procedures that shape the expectations, interests, and behavior of actors." These vary greatly, according to rule scope, resources, and bureaucratic differentiation.

Legalization: Increases along three dimensions: "1)the degree to which rules are obligatory, 2)the precision of those rules, and 3)the delegation of some functions of interpretation, monitoring, and implementation to a third party."

The uneven expansion of legalization

Variation in legalization

Legalization traditionally includes constitutionalization (EU) or judicialization (WTO), but this volume uses a broader definition (see above)

Explaining legalization

- Realists argue that institutions are epiphenomenal.
- Functionalists stress the role of institutions in reducing uncertainty and transaction costs.
- Liberals argue that they are the result of and are enforced through domestic politics.
- Constructivists argue that int'l identities and institutions are based on shared norms and beliefs.

Organization of the volume

Chapter 2 defines legalization. (Abbott, Keohane, Moravcsik, Slaughter, Snidal)

Chapter 3 develops the spectrum of hard and soft law. (Abbott, Snidal)

Chapter 4 ties legalization to domestic politics through dispute resolution (Slaughter, Keohane, Moravcsik)

Chapter 5 discusses the effects of hard law in the EU on EU policies (Alter)

Chapter 6 discusses the effects of binding commitments in NAFTA (Abbott)

Chapter 7 discusses the low legalization in the Asia-Pacific region (Kahler)

Chapter 8 examines legalization in int'l monetary affairs (Simmons)

Chapter 9 examines legalization of int'l trade (Goldstein and Martin)

Chapter 10 examines human rights law in Latin America (Lutz and Sikkink)

Kahler concludes.

Legalization and world politics: common assumptions and working hypotheses

- Legalization is a specific form of institutionalism
- Legalized institutions can be explained in terms of their functional value, the preferences and incentives of domestic political actors, and the embodiment of particular international norms.
- A key consequence of legalization for international cooperation lies in its effects on compliance with international obligations
- Compliance with obligations, institutional effectiveness, and increased international cooperation may not coincide, in part because of the domestic effects of legalization.
- The effects of legalization on world politics in the long run will depend on its continuing uneven spread. Its spread will depend on the evolution of international norms, its consequences for domestic and transnational politics, and its perceived benefits for key actors.