

**Kahler, M. (2000). "Conclusion: The Causes and Consequences of Legalization."
International Organization.**

In this conclusion to the special issue of IO, Kahler summarizes the work of the authors in this volume. Legalization is the result of the preferences of the most powerful states, which are driven by domestic politics. Both second image explanations and "second image reversed" explanations are used (international legalization leads to shifts in domestic politics, both anticipated and unanticipated). These institutions are found primarily in the industrialized democratic world.

Explaining Legalization

Functionalist Explanations

Governments choose legalized institutions because they solve particular problems of commitment or collective action, increasing the prospective benefits from cooperation, although these must be weighted with the costs (decreased sovereignty, negotiating costs).

Asymmetries in power and legalization

States with lower bargaining power will prefer increased legalized dispute resolution. But the EU and the US are strong proponents of (soft) legalization, due to reduced bargaining costs, but will object to delegation. Small states with legal resources will strongly prefer legalization.

Domestic politics and legalization

Domestic politics explain the origin of the preferences of states.

1)Groups: Lawyers are strong advocates for legalization. NGOs are, too. National judiciaries vary. Businesses involved in trade and investment also prefer legalization.

2)Politicians: Legalization solves problems for support-maximizing politicians.

3)Effects: Legalization has domestic effects desired by groups or politicians.

Explanations for legalization

Supply of legalized institutions is dependent on the prefs of the most powerful states in a region or issue-area and on domestic political dynamics. Democratization gives voice to pro-legalization groups (business for material concerns, activists for normative concerns). But it also softens law due to the uncertainty of elections.

Sovereignty costs prevent poor states from legalizing.

Consequences of legalization

Legalization and international outcomes: cooperation and compliance

Legalization increases coop'n gains through resolving collective action problems. Democracy can decrease compliance, but societies based on the "rule of law" show increased compliance (Simmons). Governments may only join agreements they already intended to follow.

Norms and legalization

Lutz and Sikkink argue that a rapidly evolving norm consensus on human rights was reinforced through legal and non-legal channels. Elsewhere, Price argues that legalization after WWI helped to solidify the norm of non-use of chemical weapons.

Legalization: spread and retrenchment

Legalization can spread and harden or recede and soften over time due to change in the resources or calculus of key actors, a change in the availability of substitutes, the acceptance of legalized commitments by other governments, or an internal dynamic based on unanticipated consequences.

The open future of legalization

Legalization has appeared as an important feature of int'l collaboration. Mostly this has been in the area of economic arrangements in the 80s and 90s. Not all of the movement is in one direction: the int'l monetary regime is less legalized now than it was. Legalization varies greatly with region. It is one of many institutional choices; unlike others, it is deeply rooted in domestic politics.