

„The dynamics of normative orders“

3rd Graduate Conference of the Cluster of Excellence „The formation of normative orders“

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Panel: The Dynamic Relationship Between Legal and Moral Rights in the International Order

Chair: Verena Risse

Call for Papers

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 famously asked, can there be a rights-based moral theory?

The question this panel raises is 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. Possible research questions include but are not limited to: Are the classical theories still applicable, do they need adjustment and if so, to what extent? Is moral reasoning about the international order possible on the basis of a language of rights? How is the relationship articulated in human rights conventions as well as other international norms? Or, alternatively, one might doubt the status of the international order as a legal order from the outset, rendering theories about international legal rights superfluous.

We invite contributions on this topic from both purely theoretical and theoretically informed empirical approaches from relevant disciplines. Please send proposals and questions to verena.risse@normativeorders.net. Abstracts should not exceed 500 words in length. The deadline for submissions is **August 21st**, 2011.