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THE
CHALLENGE
OF
NON-STATE
ACTORS

Proceedings
of the 92nd
Annual
Meeting

The American Society of International Law

ASIL

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JACQUES DELSILE

ASIL/JACUNS SUMMER WORKSHOP ALUMINI PANEL ON POLITICAL AND LEGAL SPACE

The panel was convened at 1:15 p.m., Thursday, April 2, by its Chair, Julie Merrens, who introduced the panelists: Barbara Stark, University of Tennessee College of Law; Robin L. Teske, James Madison University; Mary Ann Tetreault, Iowa State University; and the discussant, Barbara Welling Hall, Earlham College.

REMARKS BY JULIE MERRENS

What Is New in Our Thinking about Political and Legal Space?

Post-Cold War politics, rapid technological changes, the spread of neoliberal market ideology and the accompanying invasion of "rule of law" and "civil society" projects have opened new challenges to our thinking about political and legal space. The forces of globalization demand the writing of a new global geography.

We can think of globalization as three sets of seemingly contradictory dimensions. The first of these dimensions is *increased interconnectedness and intensified fragmentation*. Just as our geography has become less territorially bound and more based on interconnected relationships, autonomous subgroups and subareas flex whatever muscle they have to (re)create and preserve their modes of thought and ways of life. The second dimension is *stealthy homogenization and de facto differentiation*. On the one hand, the flood of products and practices from U.S. markets gives rise to a threat of unthinking unification and forced assimilation, so-called McDonaldization. On the other hand, exposure to outside goods, ideas and cultures increases the variety and heterogeneity of ideas and cultures adapted by once-isolated localities. The third dimension is *power dispersion and concentration*. As a variety of non-state and interstate actors arrive on the global scene, power shifts above and below states; at the same time, the regrouping of hegemonic forces retains importance in the new global geography.

Driven by the globalization dynamic, the direction, nature, and scope of state action has changed. Crosslinkages now exist among a variety of actors. The language we use to describe interactions between various actors has become shrouded in technocratic, managerial and economic talk that sounds neutral but which asserts its own hierarchy of values and aspirations. By the time a state gets around to addressing a problem, nonstate and interstate actors have already restricted the agenda and shaped the nature of possible responses. Struggling to cater to the multidimensions of globalization in this new global geography, law finds itself in constant tension between its missions of protecting localisms and advancing universalisms.

REMARKS BY BARBARA STARK

Space as a Source of Social Power in Modern and Postmodern International Law

This paper explores international law's relationship with the Enlightenment project, the postmodern critique of the Enlightenment project and its implications for international law. French philosopher Jean-François Lyotard defines *postmodernism* simply as "incredulity toward metanarratives." It challenges the Enlightenment notion that rational thought, the logical manipulation of abstractions and empirical data, leads not only to human progress

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