



Global law

We inhabit a world of multiple **normative communities**.

some of those communities **impose their norms** through officially sanctioned coercive force and **FORMAL** legal processes.

Interaction between multiple normative communities:

state,

international,

non-state normative communities.

Many other normative communities articulate norms **without FORMAL** state power behind them.

Bermann conceptualizes a world of **hybrid legal spaces**.

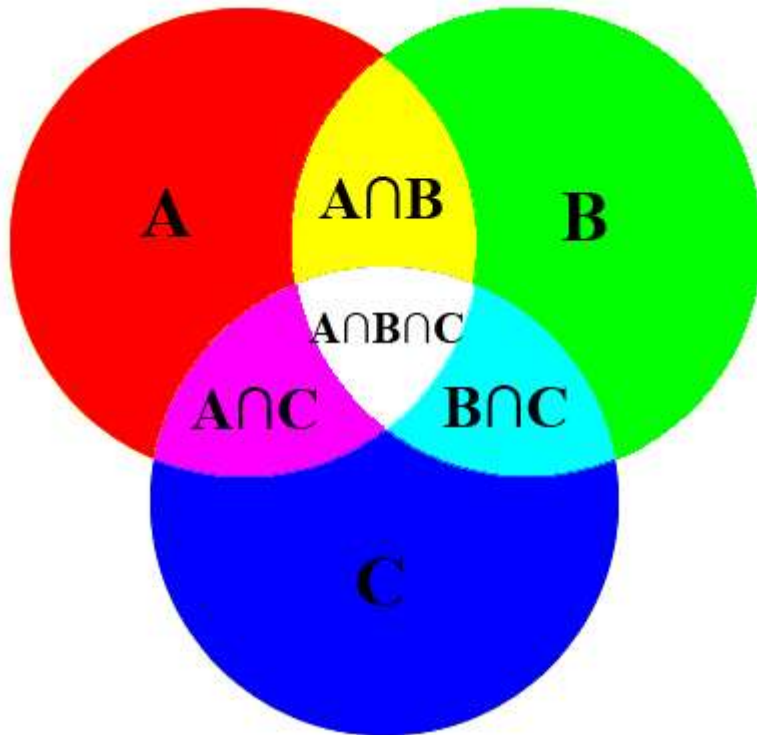
Each type of overlapping jurisdictional assertion

state versus **state**;

state versus **international body**;

state versus **non-state entity**

creates a potentially hybrid legal space that is not easily eliminated.



The nation-state and the interstate system are the central political forms of the capitalist world system, and they will probably remain so for the foreseeable future.

What has happened, however, is that they have become an inherently contested terrain, and this is the central new fact on which the analysis must focus:

the state and the interstate system as complex social fields in which state and non-state, local and global social relations interact, merge and conflict in dynamic and even volatile combinations.

Multiple states asserting jurisdiction over the same activity is just the tip of the iceberg, however, because nation-states must also often share legal authority with one or more international and regional courts, tribunals, or regulatory entities.

Some factors:

-The growth of global communications technologies,

-The rise of multinational corporate entities with no significant territorial center of gravity

-The mobility of capital and people across borders mean that many jurisdictions

will feel effects of activities around the globe, leading inevitably to multiple assertions of legal authority over the same act, **without regard to territorial location.**

Some Cases:

Tribunal de Grande Instance De Paris [T.G.I.] [ordinary court of original jurisdiction] Paris, May 22, 2000, Ordonnance de refere, *UEJF et Licra c/ Yahoo! Inc. et Yahoo France*

The dispute started, when French groups sued Yahoo for allowing people to sell Nazi-related items in its auctions. The groups argued that because Yahoo's site could be viewed by people in France, the site was subject to **French laws** that largely prohibit the display and sale of Nazi insignia. In November 2000, a French judge agreed with that argument and **ordered Yahoo to find a way to block French users from seeing the items or pay a fine of \$13,000 a day.**

A month later, Yahoo decided to ban items like Nazi and Ku Klux Klan memorabilia from its auctions while keeping its bulletin boards relatively free of such regulation. At the same time, however, it requested that a **United States court declare the French order unenforceable** because of its conflict with the First Amendment.

Some other fields inter-crossing:

environmental,
trade,
intellectual property,
tax regulation

No-state legal (or quasi-legal) norms add to the **hybridity**.

communities may be

ethnic
religious
epistemic
transnational
subnational
international,
and the norms asserted by such communities frequently challenge territorially-based authority.

And in the Middle East and elsewhere, conflicts between a personal law tied to religion and a territorial law tied to the nation-state continue to pose constitutional and other challenges

Bonds of ethnicity can also create **significant normative communities**.

There are communities of **transnational bankers** developing their own law governing trade finance and the use of modern forms of *lex mercatoria* to govern

business relations. Such non-state legal systems often influence (or are incorporated into) state or international regimes

Legal pluralists explored the myriad ways that overlapping **legal systems interact with each other** and observed that the very existence of multiple systems can at times create openings for contestation, resistance, and creative adaptation.

