

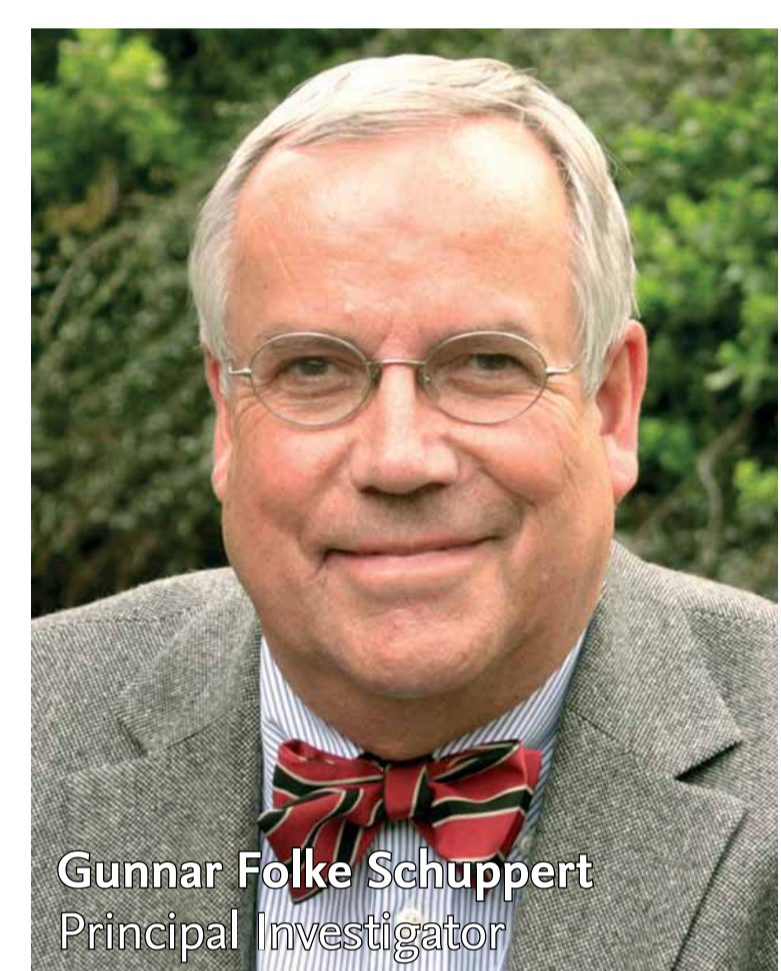
## Research Goal

The B7 project explores the role of law in areas of limited statehood. It starts by observing two central characteristics of these areas: a plurality of authorities claiming a right to govern based on different sources of legitimacy, and the resulting plurality of normative orders, which can complement each other, overlap, and sometimes collide.

## Research Questions

1. What significance does social, political, traditional, or religious **authority** have for the right to govern and the resulting power to set and implement rules?
2. What concept of **law** is appropriate for areas of limited statehood, in which neither state institutions nor other actors succeed in creating and maintaining a uniform legal order?
3. Under what conditions will the law **effectively** fulfill its regulatory functions in areas of limited statehood – what form should legal norms take in order to be effective, and what conditions for implementation must we take into account?
4. Under what conditions can we count on the effectiveness of state law in areas of limited statehood? Can **state-set law** create a framework capable of encompassing multiple autonomous normative orders and guaranteeing minimum normative standards?
5. To what extent can we use the normative principle of **rule of law** as a yardstick to evaluate legal and regulatory structures in areas of limited statehood?

## Project Team



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## Implementation

- (1) To investigate the plurality of authorities and their consequences for state and statehood, the B7 project is planning studies on local authority in South Africa and religious authority in Ethiopia and Pakistan.
- (2) To crystallize the concept of law for research on governance and the rule of law in areas of limited statehood, we will compare our own empirical findings with literature on legal pluralism and law in religious and traditional legal communities, as well as with international contributions to legal theory in the area of general jurisprudence.
- (3) Field research in Cape Town, Islamabad, and Addis Abeba will lead to a better understanding of plural legal and regulatory structures. We will begin by mapping the empirically relevant normative influences,



then analyze the sketched-out legal structures in relation to their sources of validity, degree of binding force, and ability to regulate conflict.

(4) In order to determine the compatibility of law in areas of limited statehood with international law and human rights discourses, we focus our investigation on conflicts at the intersection of state laws and non-state legal structures.

(5) From a distinct normative perspective, B7 will seek generally applicable criteria according to which conflict resolution and the establishment of order in local contexts can be considered legitimate in the sense of “rule of law,” but without propagating a universally applicable yardstick.



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## Contribution to the SFB 700

B7 Schuppert is a project based in the study of law. While contributing to legal sociology and legal anthropology, the project also adds to an empirically informed legal philosophy, incorporating the juristic-normative discourses of constitutional law in international comparison.

In questions of normative plurality, B7 assumes an interdisciplinary function within the SFB. It provides the other projects with access to legal scholarship on the development and effectiveness of legal institutions and the interplay among state and informal institutions. The project also contributes to the further development of concepts such as norms, governance, and state, which are central to the SFB.

Regarding the goals of the SFB's third funding period, the B7 project investigates:

- different sources of (legal) legitimacy as a precondition for effective governance in areas of limited statehood,
- the preconditions of valid and effective overarching (legal) norms and principles as meta-governance institutions in areas of limited statehood, and especially
- the significance of a universal rule-of-law perspective as a yardstick to evaluate governance in areas of limited statehood.

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