IN AN INCREASINGLY INTERCONNECTED WORLD, INTERNATIONAL LEGAL INSTITUTIONS CAN HELP PROVIDE SOLUTIONS TO A GROWING NUMBER OF TRANS-BORDER PROBLEMS
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How can we design legal institutions to resolve international problems?

Many of today's most pressing challenges transcend national borders. Combating climate change, ensuring human rights, managing transborder conflicts, ensuring financial stability—these are only a few of the issues affected by the flow of people, money, and ideas across borders. Addressing these challenges requires international cooperation. But there is no way for nation states to solve these problems alone, by agreeing to a treaty or becoming a member of an international organization. The key is to design international agreements and institutions in ways that give states incentives to join and cooperate.

Creating those incentives is easier said than done, however. Global legal institutions are diverse. They include old and new nations, rich and poor states, and governments ranging from democracies to dictatorships. These countries often have shared goals, such as stamping out terrorist networks or creating international organizations to address old and new global problems. They include old and new regions, rich and poor states, and governments ranging from democracies to dictatorships. The Kenan Institute for Ethics is an interdisciplinary “think and do” tank committed to understanding and addressing the ethical implications of international legal institutions.

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How can we design legal institutions to resolve international problems?

Many of today’s most pressing challenges transcend national borders. Combating climate change, respecting human rights, ensuring financial stability—these are only a few of the many problems that are being addressed by transnational organizations and institutions. Addressing these challenges requires international cooperation. But there is no way to force nation states to hold them responsible for these problems, for example, by signing a treaty or becoming a member of an international organization. The key is to design international agreements and institutions in ways that give states incentives to join and cooperate. Creating those incentives is easier said than done, however. Global legal institutions have been slow to emerge in many areas. A sea of under-enforced legal rules in other areas. Effective international adjudication surrounded by a little demand for international litigation in those other areas. Intellectual property—a subject of interest to the US government, businesses, administrative agencies, and law firms that includes human rights and international intellectual property. The firm’s distinctive practice areas, which also included work for several foreign governments, shaped his career in international law and institutions.

Laurence R. Helfer

Senior Fellow, Kenan Institute for Ethics

Harry R. Chadwick, Sr. Professor of Law

Senior Fellow, Kenan Institute for Ethics

Laurence R. Helfer, Ph.D.

Laurence R. Helfer is the legal regulation, but it was the addition of a social science perspective that shaped his career in international law and politics. As an undergraduate at Yale, Helfer majored in Russian and European studies with a focus on urban planning. While attending law school at New York University, he also studied for a MPA at Princeton University’s Woodrow Wilson School of Public and International Affairs. “I learned that law, political science, and economics study many similar problems, but analyze them from different perspectives using different tools. This interdisciplinary perspective has been very useful in my work. It gives me a clear-eyed view of what international law and institutions can realistically accomplish. It’s also led me to examine empirically the relationship between law and politics and to identify factors that can further increase or inhibit cooperation among states.”

While he was offered a scholarship from Princeton to study for a PhD, Helfer decided instead to practice law. After working for a federal appeals court judge, Helfer was hired by a small New York firm that specializes in international law, civil liberties, and intellectual property law and policy as well as international legal institutions. This interdisciplinary perspective has been very useful in my work. It gives me a clear-eyed view of what international law and institutions can realistically accomplish. It’s also led me to examine empirically the relationship between law and politics and to identify factors that can further increase or inhibit cooperation among states.”

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expanding their mandates. In West and South-Eastern Europe, for example, three international institutions were created to improve compliance with free trade and economic development rules. With most governments bound by economic integration agreements, the authorities of these courts risked becoming irrelevant. To avoid that fate, the judges accepted suits by individuals and NGOs to allow the institutions to adapt over time if the reality they face differs from what their founders imagined.

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PROFILE

Intellectual puzzles and problem solving attracted Laurence Helfer to the legal profession, but it was the add- on of a social science perspective that shaped his career in international law and politics. As an undergraduate at Yale, Helfer majored in Russian and European studies with a focus on urban cooperation among states.”

During his years in practice, Helfer learned that “my years in practice helped me to understand the practical aspects of the law as well as its conceptual foundations. This has made me a clear and focused way.” Helfer also takes pride in his role in the iCourts center in Copenhagen. “One of the most rewarding parts of my job is working with young lawyers and scholars to figure out the next steps on their professional paths.” In addition to his affiliation with the iCourts center in Denmark, Helfer’s research has taken him across the globe to study other international institutions and legal rules in action. He has examined sub-regional courts in the Andean Community and in Africa, dispute settlement in Southeast Asia, and the human rights practices of Caribbean governments relating to capital punishment. His scholarship, which draws on his interdisciplinary skillset and is sometimes coauthored with political scientists, focuses not only on the formal output of international law institutions—court decisions or UN resolutions, for example—but also on how judges, government officials, NGOs, and lawyers develop relationships that can strengthen or undermine the rule of law. Analyzing these relationships can’t be done in a library; it requires meetings and interviews with key stakeholders who create and adapt international legal institutions to their political and social contexts.”

The Kenan Institute for Ethics is an interdisciplinary “think and do” tank working to understand and addressing real-world ethical challenges facing individuals, organizations, and societies worldwide. Learn more at dke Ethics.
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