Complexity, Legal and Institutional Change, and Rule of Law

The Program on Rule of Law for Development (PROLAW) at Loyola University Chicago School of Law invites papers on complexity theory and its application to rule of law development practice to be presented at a conference to be held at Loyola’s Rome, Italy campus on 1-2 December 2017.

Research in complexity theory continues to grow. As knowledge of complexity has increased, its influence has spread into diverse fields, opening new avenues of inquiry. Development studies is one field to which complexity theory been applied, generating new insights into a variety of development topics. Central concepts in complexity such as non-linearity, self-organization, co-generation of environments, and the role of feedback mechanisms are beginning to result in reconsideration of many aspects of development theory and practice.

The past three years have seen the release of numerous studies that draw on insights from complexity to refine development theory and practice. Among these are Ramaligan (2015), Andrews et al. (2017), and Bamberger et al. (2016). These works have provided important insights into development theory and practice and have opened the way to deeper research.

Complexity theory has spawned new ways of thinking about current development topics including multi-stakeholder participation, understanding and assessing needs, project design, formulating theories of change, project monitoring techniques, evaluation methodologies and practice, and learning. In each of these areas complexity theory has challenged core assumptions and suggested new ways of understanding and doing development work. Much of this research has thus far been directed to development generally with limited focus on law and governance reform.

This conference seeks to explore the application of complexity theory to development assistance in the rule of law field. It draws on insights from the development community and academic research on complexity theory and institutions. It seeks to bring together scholars and practitioners in order to intensify dialogue on these issues.

Of particular interest to the rule of law field is research exploring how complexity theory can complement major strands of institutional research. Room (2011) has analyzed the relationship between complexity, comparative historical institutionalism, and evolutionary economics, while Root (2013) explores how complex systems analysis can explain decreasing convergence towards liberal democratic governance and growing institutional heterogeneity that often departs from the assumptions of modernization theory. Byrne et al (2014) has also shown the variety of ways that complexity theory may complement social scientific research.
The application of complexity theory to rule of law development practice is not without challenges. An important question involves the proper methodologies for studying complex phenomena. In this field, as in other areas of the social sciences, researchers diverge over the use of quantitative versus qualitative methodologies as well as the proper role of modeling, both abstract theory-based and empirically grounded. Byrne et al. (2014). This conference will seek to understand better the methodologies being used to study complexity in the field of rule of law development and their advantages and disadvantages as research tools.

A key theme that the conference will explore is the concept of non-linearity in relation to rule of law development. While practitioners have been growing more comfortable with accepting the limitations of linear approaches to development activities including those involving rule of law, the donor community been slow to do so. Yet donor agencies continue to use programming models that rely on input-output type reasoning and assume straight-line causation and results. Complexity perspectives have implications for the design, strategy, and planning phases of reform initiatives as well as their evaluation. To respond to these concerns, the conference seeks contributions that identify ways donor practices can be modified to incorporate learning from complexity.

The conference is set against the background of persistent and increasing doubts on the willingness of bilateral and multilateral donors to support rule of law assistance. Recognized shortcomings in rule of law development program results in many countries have added to these concerns. The conference will afford an opportunity to consider whether complexity theory can help address and mitigate some of these issues.

We are inviting abstracts that address topics related to the application of complexity theory to rule of law development practice. Both conceptual and empirical studies are welcome. Topics of particular interest include:

- approaches to non-linear project design strategies and project planning
- experience using Problem Driven Iterative Adaptation (PDIA) approaches and positive deviance in rule of law development projects
- approaches to developing theories of change
- methods for incorporating diverse stakeholders in project assessments, project development, and project implementation
- ways of achieving coherence and developing synergies between multiple actors involved in rule of law development interventions
- the use of complexity-based approaches to rule of law program evaluation
- implications for the development of knowledge on rule of law reform
• the compatibility of complexity based development programs with the Sustainable Development Goals (SDG)

• critical perspectives on rule of law development practice based on complexity theory.

Abstracts

Paper abstracts should be between 300-500 words and submitted by 13 October 2017. The organizers will respond to persons submitting abstracts by 20 October 2017. Final papers should be submitted by 24 November 2017.

Selected papers may feed into the publication of an edited volume.

The Conference will take place at the John Felice Rome Center (JFRC), Loyola University Chicago’s campus in Italy. The JFRC is the home of Loyola’s LL.M and MJ program in rule of law for development (the PROLAW Program).

Please note that, as financial means are limited, the organizers are able to provide financial assistance only to a limited extent. These resources will be specifically directed at young professionals otherwise lacking the financial resources to participate in international conferences. Please contact the organizers to discuss what options are available.

Paper abstracts should be sent to Professor Thomas McInerney, tmcinerney@luc.edu and Buhle Nxumalo buhle.nxumalo89@gmail.com.

References


