



INDIANA UNIVERSITY BLOOMINGTON
OSTROM WORKSHOP

COLLOQUIUM SERIES

Geoffrey Swenson

City University of London

Monday, March 28: 12:00 – 1:00 pm ET

Via Zoom: [Click here for link to Zoom meeting](#)

Limited In Person Seating at 513 N. Park Ave.



Promoting the Other Rule of Law

Promoting the rule of law is a key foreign policy goal for major Western donor states. The rule of law assumes the state legal system that can project law uniformly over its territory and monopolize legitimate violence. In most countries that receive foreign aid, however, non-state justice systems rooted in custom, tradition or religion handle the vast majority of legal disputes. Yet, scholars have paid relatively little attention to foreign policy towards non-state justice. This paper proposes a new theory that explains donors' policies based on risk tolerance and strategic objectives. It posits five policy approaches (acceptance, transformation, acknowledgement, denial, rejection) and four common goals (judicial reform, symbolic recognition, state-building, counterinsurgency). It then explores how the largest rule-of-law-assistance donor nations approached non-state justice from 2008 to 2018. Donors strongly favored risk-averse approaches towards non-state justice, even when this was unlikely to produce the desired results or undermined policy coherence. Certain policy goals – such as counterinsurgency or state-building – sometimes prompted riskier choices, but only when there was a compelling justification and a reasonable prospect of success.

Geoffrey Swenson is an Associate Professor of International Politics at City, University of London, and a Term Member of the Council on Foreign Relations. Geoffrey has held fellowships at Oxford, LSE, Stanford, and the Carnegie Endowment. Previously, he was a program manager for the Asia Foundation in Timor-Leste and Nepal.

Geoffrey earned a DPhil in International Relations at Oxford as a Clarendon Scholar, an MA from Queen's University Belfast as a Mitchell Scholar, and a JD from Stanford. Geoffrey's research has been published in leading journals including *International Security*, *World Development*, and the *Columbia Human Rights Law Review*, and his book, *Contending Legal Orders*, is forthcoming with Oxford University Press.

Ostrom Workshop
513 N. Park Ave
Bloomington, IN 47408

ostromworkshop.indiana.edu

This will be a hybrid event. Attend via the Zoom link above or in person. To reserve a seat please email workshop@iu.edu