

UNIVERSITY OF WASHINGTON PH.D. PROGRAMS
SCHOOL OF LAW & JACKSON SCHOOL OF INTERNATIONAL STUDIES

LAW B568/JSIS 599 Field Seminar in Law, Rights, and Governance

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<u>Meeting Time</u>	Thursday 1:30-4:20
<u>Meeting Location</u>	William H. Gates Hall 441
<u>Office Hours</u>	Monday 3:00-4:30 and By Appointment
<u>Faculty Assistant</u>	Morgan W. Tubby William H. Gates Hall Room 422, (206) 616-2583, mt53@uw.edu

Seminar Objective

The purpose of this seminar is to introduce students to a selection of key works across the social sciences and humanities in the Law, Rights, and Governance (LRG) field. This field exposes students to theoretical and policy debates about the causes and consequences of legal evolution, rule of law, rights, and a broad range of governance concerns in world affairs. Through a survey of the major concepts, theories, and controversies in these debates, the seminar will help graduate students gain a solid appreciation of international approaches to LRG-related works.

Course Description

Each week students will be responsible for that week's required reading, which will feature a single book. These will be discussed in class. Successful graduate seminars require active discussion of the materials and students are expected to be fully prepared for course meetings. Students will choose five of the weekly required reading assignments over the quarter and will write an essay of about 1000 words due before each of the respective five classes. Once per quarter, each student also will write a 2500-3000 word essay covering both that week's required *and* at least two of the supplementary readings. Neither the short nor the longer papers should be just summaries of the readings, but analytical essays that discuss what is useful in each set of readings, what is not, and what use these readings can be put to in understanding the main themes of the course. Submission of all essays must be completed by 4:00pm on the Monday prior to class by upload to the course electronic platform.

Students will be required to give a class presentation on their long essay. This way the entire class will be exposed to some of the supplementary reading by hearing these reports and everyone will read at least one week's worth of the supplementary readings. Working with the professor and others, doctoral students also should use that opportunity to begin firming up a reading list concurrent with presenting their long essay that can strengthen their Ph.D. General Exam preparation and other dissertation-related work.

Course Grading

Class attendance is mandatory and grades will be lowered for unexcused absences.

Each of the five short essays will make up 10% of the course grade, the long essay will count as 30% of the course, and the quality of each student's class discussion – including presentation of the long essay – will make up the other 20%.

The short essay is an analytical précis that addresses the required reading. The long essay is an analytical précis that addresses the required reading as well as at least two supplemental readings.

Presentation of the long essay should be no longer than 15 minutes in total – 10 minutes should be allocated to presenting the material and 5 minutes to answering questions. Effective presentation is an important professional development skill.

Required Text and Supplemental Reading

Students are required to purchase one text: Eve Darian-Smith, *Laws and Societies in Global Contexts: Contemporary Approaches*, Cambridge: Cambridge University Press, 2013. Copies are available at the Bookstore. All required and supplementary readings are available either on reserve at the M. G. Gallagher Law Library or on the course electronic platform.

Course Policies

Students must attend all classes. Full participation in the seminar is essential and expected. Participation requires **preparation** for class, **timely submission** of essays, **active involvement** in class discussion, and **effective presentation** of the long essay.

If a documented illness or other extenuating circumstance arises, students are responsible for: (1) contacting me in advance of class, if possible; (2) getting notes from classmates before the next class, if possible; and, (3) asking whether anything additional may be required.

Students may not make audio or video recordings of class sessions. Cell phones are not permitted and must be turned off at all times. Laptops may be used for course purposes only.

Please bring your laptop on May 28 in order to complete the course evaluation.

Disability-Related Needs

The UW is committed to ensuring that students with physical, mental, learning, and/or sensory disabilities have equal access to its facilities and programs. To request accommodations due to a disability, please contact Disability Resources for Students (DRS), # 011 Mary Gates Hall, (206) 543-8924 (V), (206) 543-8925 (TTY), dso@u.washington.edu. If you have a letter from DRS, then please make an appointment so we can discuss any accommodations you may need.

Writing an Essay or Analytic Précis

(1) When writing a critical review of a book, assume that the reader of your essay has not read the book and will decide whether or not to read the book on the basis of your assessment.

(2) A critical review has four main components: first, you must introduce the book to the reader by telling the reader what the book is about and summarizing the author's main arguments; second, you must describe the book in enough detail to convey the story the author tells, what the author wants the reader to understand, what the author's conclusions are, and how the author goes about convincing the reader that the story being told is both powerful and "right"; third, you must criticize the book—tell the reader what in your view the book's weaknesses are (if any), whether the book's facts and/or arguments are in fact convincing, and whether the book's conclusions are justified; and, last, you must offer your own broad conclusion in which you summarize your overall opinion of the book and tell the reader whether, overall, you think it is a good book or not, and why.

WEEKLY TOPICS AND READINGS

APRIL 2 – WEEK ONE: INTRODUCTION

Read: Eve Darian-Smith, *Laws and Societies in Global Contexts: Contemporary Approaches*, Cambridge: Cambridge University Press, 2013.

Supplemental Readings: Max Weber, *On Law in Economy and Society*, Cambridge, MA: Harvard University Press, 1954. Saskia Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages*, Princeton: Princeton University Press, 2006.

APRIL 9 – WEEK TWO: DIGITAL DIPLOMACY IN THE 21ST CENTURY

Guest Speaker: Valerie Crites Fowler
Principal Deputy Assistant Secretary for Public Affairs
U.S. State Department
Friday April 10 9:00-10:15am Thomson 317

APRIL 16 – WEEK THREE: ECONOMICS AND MARKET RULE

Read: Claire Cutler, *Private Power and Global Authority: Transnational Merchant Law in the Global Political Economy*, New York: Cambridge University Press, 2003.

Supplemental Readings: Curtis J. Milhaupt and Katharina Pistor, *Law and Capitalism: What Corporate Crises Reveal about Legal Systems and Economic Development around the World*, Chicago: Chicago University Press, 2008. Stephen Gill, 'Globalisation, Market Civilisation, and Disciplinary Neoliberalism,' *Millennium: Journal of International Studies*, 24(3) 1995: 399–423. Robert Wade 'Emerging World Order?: from Multipolarity to Multilateralism in the G20, the World Bank, and the IMF,' *Politics & Society*, 39(3) 2011: 347–378. Shiufai Wong 'Varieties of the Regulatory State and Global Companies: the Case of China,' *Global Policy* 4(2) 2013: 173–183.

APRIL 23 – WEEK FOUR: THE RULE OF LAW

Read: Yves Dezalay and Bryant G. Garth, *Lawyers and the Rule of Law in an Era of Globalization*, New York: Routledge, 2011.

Supplemental Readings: Jamie Peck, *Constructions of Neoliberal Reason*, Oxford: Oxford University Press, 2010. Raymond Wacks, *Privacy: A Very Short Introduction*, Oxford: Oxford University Press, 2010. Robert Howse and Ruti Teitel (2010) 'Beyond Compliance: Rethinking Why International Law Really Matters,' *Global Policy*, 1(2): 127–136.

APRIL 30 – WEEK FIVE: HUMAN RIGHTS

Read: Mark Goodale and Sally Engel Merry, *The Practice of Human Rights: Tracking Law between the Global and the Local*, Cambridge: Cambridge University Press, 2007.

Supplemental Readings: Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*, New York: WW Norton, 2011. Jamie Mayerfeld, 'The Democratic Legacy of the International Criminal Court,' *Fletcher Forum of World Affairs*, 28(2) 2004: 147–156. Conor Gearty 'Do Human Rights Help or Hinder Environmental Protection?,' *Journal of Human Rights and the Environment*, 1(1) 2010: 7–22.

MAY 7 – WEEK SIX: JUSTICE AND ORDER

Read: Anne-Marie Slaughter, *A New World Order*, Princeton: Princeton University Press, 2005.

Supplemental Readings: Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals*, Princeton: Princeton University Press, 2001. Hannah Arendt, *Eichmann in Jerusalem*, New York: Penguin, 2006 [Viking, 1963]. Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*, Boston: Beacon Press, 1999. Miles Kahler 'Territoriality and Conflict in an Era of Globalization' in Miles Kahler and Barbara F. Walter (eds), *Territoriality and Conflict in an Era of Globalization*, Cambridge: Cambridge University Press, 2006. Naomi Roht-Arriaza, 'The New Landscape of Transitional Justice,' in Naomi Roht-Arriaza and Javier Mariezcurrena (eds), *Transitional Justice in the Twenty-First Century, Beyond Truth versus Justice*, New York: Cambridge University Press, 2006: 1–16.

MAY 14 – WEEK SEVEN: GLOBAL ENVIRONMENTAL GOVERNANCE & CLIMATE CHANGE

Read: Stephen Humphreys, *Human Rights and Climate Change*, Cambridge: Cambridge University Press, 2010.

Supplemental Readings: Edward Allison et al, 'Rights-based Fisheries Governance: From Fishing Rights to Human Rights,' *Fish and Fisheries*, 13(1) 2012: 14–29. John H. Knox, 'Linking Human Rights and Climate Change at the United Nations,' *Harvard Environmental Law Review*, 33(2) 2009: 477–498. Neil Gunningham, 'Environment Law, Regulation and Governance: Shifting Architectures,' *Journal of Environmental Law*, 21(2) 2009: 179–212. Patrick Christie and A. T. White, 'Best Practices for Improved Governance of Coral Reef Marine Protected Areas,' *Coral Reefs*, 26(4) 2007: 1047–1056 [DOI 10.1007/s00338-007-0235-9]. Per-Olof Busch, Aarti Gupta, and Robert Falkner, 'International-Domestic Linkages and Policy Convergence,' in Frank Biermann

and Philipp Pattberg (eds), *Global Environmental Governance Reconsidered*, Cambridge, MA: MIT Press, 2012: 199–218. Lavanya Rajamani, 'The Changing Fortunes of Differential Treatment in the Evolution of International Environmental Law,' *International Affairs*, 88(3) 2012: 605–623.

MAY 21 – WEEK EIGHT: GLOBAL RULES AND EXCEPTIONALISM

Read: Philippe Sands, *Lawless World: The Making and Breaking of Global Rules*, London: Allen Lane, 2005.

Supplemental Readings: Tayyab Mahmud, 'Geography and International Law: Towards a Postcolonial Mapping,' *Santa Clara Journal of International Law*, 5(2) 2007: 525–561. Sally Engel Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice*, Chicago: University of Chicago Press, 2006. Derek Gregory, 'Vanishing Points: Law, Violence and Exception in the Global War Prison,' in Derek Gregory and Allan Pred (eds), *Violent Geographies: Fear, Terror, and Political Violence*, New York: Routledge, 2007. Didier Fassin and Mariella Pandolfi, *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions*, New York: Zone Books, distributed by MIT Press, 2010. Rame Mani, 'Rebuilding an Inclusive Political Community after War,' *Security Dialogue*, 36(4) 2005: 511–526.

MAY 28 – WEEK NINE: LEGAL CONFLICTS OVER COMMERCE

Read: Angelina Godoy, *Of Medicines and Markets: Intellectual Property and Human Rights in the Free Trade Era*, Stanford: Stanford University Press, 2013.

Supplemental Readings: Anita Ramasastry and Robert C. Thompson, *Commerce, Crime and Conflict: Legal Remedies for Private Sector Liability for Grave Breaches of International Law—Executive Summary*, 2006 [available at www.fao.no/liabilities]. James Thuo Gathli, *War, Commerce, and International Law*, Oxford: Oxford University Press, 2009. Chang-hsien Tsai, 'Exit, Voice and International Jurisdictional Competition: A Case Study of the Evolution of Taiwan's Regulatory Regime for Outward Investment in Mainland China, 1997-2008,' *Syracuse Journal of International Law and Commerce* 39(2) 2012: 303-355. Suresh Nanwani, 'Conflict Resolution Mechanisms in International Financial Organizations: Experiences and Collaborations in Broadening the Informal Process,' *Global Policy* 2014: 1-5. Angus Young, 'Conceptualizing a Hybrid Approach in Enforcement and Compliance in China: Adapting Responsive Regulation and Confucian Doctrines to Regulate Commerce,' *Social Science Research Network*, August 10, 2013: 1-33.

Course Evaluation: Please bring your laptop to class.

JUNE 4 – WEEK TEN: COSMOPOLITAN LAW AND GLOBALIZATION FROM BELOW

Read: Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World*, Cambridge: Cambridge University Press, 2003.

Supplemental Readings: Boaventura de Sousa Santos and César Rodríguez-Garavito (eds), *Law and Globalization from Below: Toward a Cosmopolitan Legality*, Cambridge: Cambridge University Press, 2005. Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, New York: Polity Press, 2008.

RESERVOIR READING LIST

The syllabus below identifies a “reservoir” reading list, which doctoral students can draw upon to advance and deepen their general knowledge of the LRG field in preparation for the Ph.D. General Examination. This seminar and its readings serve as a gateway for further study in more specialized graduate course offerings within the LRG field. In consultation with the professor of record and/or their advisors, doctoral students are advised to **use and supplement** the required, supplemental, and reservoir reading lists to further explore theories, concepts, and controversies that may be of more specialized interest to advancing their General Exam preparation and their dissertation work. The reservoir reading list also identifies works and topics that may not necessarily appear on the required syllabus in a given quarter.

Gad Barzilai, *Communities and Law: Politics and Cultures of Legal Identities* (University of Michigan Press, 2003, paperback edition 2005).

Alexander Betts, *Global Migration Governance* (Oxford University Press, 2011).

Francis Anthony Boyle, *World Politics and International Law* (Duke University Press, 1985).

Robert Falkner, *The Handbook of Global Climate and Environment Policy* (Wiley Blackwell, 2013).

David P. Forsythe, *Human Rights in International Relations* (Cambridge University Press, 2012).

Malcolm Feeley, Terry Halliday, and Lucien Karpik (eds), *Fighting for Political Freedom* (Hart, 2007).

Malcolm Feeley, Terry Halliday, and Lucien Karpik (eds), *Fates of Political Liberalism in the British Post-Colony* (Cambridge University Press, 2012).

Anthony Giddens, *The Politics of Climate Change* (Polity Press, 2009).

Jack L. Goldsmith and Eric A. Posner, *The Limits of International Law* (Oxford University Press, 2006).

Judith L. Goldstein, Miles Kahler, Robert O. Keohane, and Anne-Marie Slaughter (eds), *Legalization and World Politics* (MIT Press, 2001).

Derek Gregory, *The Colonial Present* (Blackwell, 2005).

David Held, *Cosmopolitanism: Ideals and Realities* (Polity Press, 2010).

John H. Jackson, *Sovereignty, the WTO, and Changing Fundamentals of International Law* (Cambridge University Press, 2009).

Mark W. Janis, *An Introduction to International Law* (Aspen Law & Business, 1999).

Jaron Lanier, *You are Not a Gadget: A Manifesto* (Vintage Books, 2011).

Gill Loescher, Alexander Betts, and James Milner, *The United Nations High Commissioner for Refugees (UNHCR): The Politics and Practice of Refugee Protection into the Twenty-First Century* (Routledge, 2008).

Liisa H. Malkki, *Purity and Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania* (University of Chicago Press, 1995).

Michael McCann, *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (University of Chicago Press, 1994).

Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge University Press, 1990).

Austin Sarat and Stuart Scheingold, *Cause Lawyering and the State in a Global Era* (Oxford University Press, 2001).

Malcolm N. Shaw, *International Law* (Cambridge University Press, 1991).

Daniel J. Solove, *Nothing to Hide: The False Tradeoff between Privacy and Security* (Yale University Press, 2011).

Boaventura de Sousa Santos, *Toward a New Legal Common Sense: Law, Globalization, and Emancipation* (Butterworths, 2002).

Ruti Teitel, *Humanity's Law* (Oxford University Press, 2011).

Ngairé Woods and Walter Mattli, *The Politics of Global Regulation* (Princeton University Press, 2009).