

Jackson School of International Studies, UW Seattle.
Ph.D. Program
Spring 2014

JSIS 599 Field Seminar in Law, Rights, and Governance

Goals of the Seminar

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 Mechanics

Each week students will read the required reading for the week. Typically, this will feature a single book, but it may also be a set of articles. 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 take five of the weekly required reading assignments over the quarter and write an essay of about 1000 words due before class that week. One time per quarter, students will write a 2500-3000 words essay covering both that week's required *and* supplementary readings. Neither the short nor the longer papers should be just summaries of the readings, but 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. (A sample of this kind of writing will be handed out on the first day of class.)

Students will be expected to give a class presentation about their long essay. This way the entire class will be exposed to some of the supplementary reading by hearing these reports, and everyone will get to read at least one week's worth. Working with the professor and others, doctoral students should also use that opportunity to begin firming up a reading list in their week of interest that can feed into their general exam preparation and also dissertation-related work.

Each short essay will make up 10% of the course grade, the longer essay will count as 30% of the course, and the quality of each student's class discussion will make up the other 20%.

All the books are available for purchase, and are also on reserve at Odegaard Library. Articles marked with an asterisk (*) in the syllabus are available on-line through the UW library e-journals subscriptions or through the UW library e-reserves system. Although the LRG themes remain the same, students are advised that the course contents and readings may be updated from year to year by the professor of record.

WEEKLY TOPICS AND READINGS

WEEK ONE: INTRODUCTION

Read: Saskia Sassen, *Territory, Authority, Rights: From Mediaeval to Global Assemblages*, Princeton: Princeton University Press, 2006.

Supplemental readings from: Max Weber, *On law in economy and society*, Cambridge, MA: Harvard University Press, 1954.

WEEK TWO: 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 from: Curtis J. Milhaupt & Katharina Pistor, *Law and Capitalism: What Corporate Crises Reveal about Legal Systems and Economic Development around the World*, Chicago: Chicago University Press, 2008; and Stephen Gill, Globalisation, market civilisation, and disciplinary neoliberalism, *Millennium: Journal of International Studies*, 24 (3): 399 – 423.

WEEK THREE: 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 from: Jamie Peck, *Constructions of Neoliberal Reason*, Oxford: Oxford University Press, 2010; and Raymond Wacks, *Privacy: A Very Short Introduction*, Oxford University Press, 2010.

WEEK FOUR: HUMAN RIGHTS

Read: Mark Goodale, & Sally Engel Merry, *The practice of human rights: tracking law between the global and the local*, Cambridge: Cambridge Univ Press, 2007.

Supplementary readings from: Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics*, New York: WW Norton, 2011; and, Jamie Meyerfield, "The Democratic Legacy of the International Criminal Court," *Fletcher Forum of World Affairs*, 28, 2 (2004): 147-56.

WEEK FIVE: EMERGENCY AND EXCEPTIONALISM

Read: Philippe Sands, *Lawless world: The making and breaking of global rules*, London: Allen Lane, 2005.

Supplementary readings from: Tayyab Mahmud, 2007, “Geography and International Law: Towards a Postcolonial Mapping,” *Santa Clara Journal of International Law*, 2: 525-561; Sally Engel Merry, *Human rights and gender violence: translating international law into local justice*, University of Chicago Press, 2006; Derek Gregory, “Vanishing points: Law, violence and exception in the global war prison,” in Gregory, D. and Pred, A. eds. *Violent Geographies: Fear, Terror, and Political Violence*, New York: Routledge, 2007; and Didier Fassin and Mariella Pandolfi, *Contemporary states of emergency: the politics of military and humanitarian interventions*, New York: Zone Books, distributed by the MIT Press, 2010.

WEEK SIX: JUSTICE AND ORDER

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

Supplementary readings from: Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals*, 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*, Beacon Press 1999.

WEEK SEVEN: LEGAL CONFLICTS OVER COMMERCE

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

Supplementary 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.fafu.no/liabilities

WEEK EIGHT: CLIMATE CHANGE AND ENVIRONMENTAL GOVERNANCE

Reading: Stephen Humphreys, *Human rights and climate change*, Cambridge: Cambridge University Press, 2010.

Supplementary readings from: Edward Allison, et al, “Rights-based fisheries governance: from fishing rights to human rights,” *Fish and Fisheries*, 2012, 13: 14 – 29; Knox, J.H., 2009. Linking Human Rights and Climate Change at the United Nations. *Harvard Environmental Law Review*, 33; Gunningham, N., 2009. Environment Law, Regulation and Governance: Shifting

Architectures. *Journal of Environmental Law*, 21(2), pp.179–212; and Patrick Christie and A. T. White, “Best practices for improved governance of coral reef marine protected areas,” *Coral Reefs* (2007) 26:1047–1056 DOI 10.1007/s00338-007-0235-9

WEEK NINE: MIGRATION MANAGEMENT

Read: Alexander Bett, *Forced Migration and Global Politics*, Oxford: Wiley-Blackwell, 2009.

Supplementary readings from: Michel Agier's, *Managing the Undesirables: Refugee Camps and Humanitarian Government*, New York: Routledge, 2011; Didier Fassin, “Another Politics of Life is Possible,” *Theory, Culture & Society*, vol. 26 no. 5 44-60; Jennifer Fluri, ““Foreign Passports Only””: Geographies of (Post)Conflict Work in Kabul, Afghanistan,” *Annals of the Association of American Geographers*, 99, 5 2009: 986 – 994; and Laura Hammond, *This place will become home: refugee repatriation to Ethiopia*, Ithaca: Cornell University Press, 2004.

WEEK TEN: COSMOPOLITAN LAW FROM BELOW

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

Supplementary readings from: 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 also use to advance and deepen their general knowledge of this field in preparation for the General Examination in the JSIS Ph.D. Program. In consultation with the professor of record and/or their JSIS 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 exam preparation and their dissertation work. The reservoir reading list also identifies works and topics that may not necessarily appear on the actual required syllabus in a given quarter.

Interested students should know that this seminar and its readings will also serve as a gateway for further study in the more specialized graduate course offerings within the LRG field. Within the Jackson School, these include (1) the graduate courses identified in the *Student Handbook* of the JSIS Ph.D. Program (Appendix III, Representative Graduate Courses by Jackson School Ph.D. Program Foundational Fields), a copy of which is available online at <http://jsis.washington.edu/phd/>; as well as (2) 600-level Independent Study and Research courses with Faculty Advisors (FAs) and/or individual JSIS faculty members that expand upon the themes represented in the works in this seminar. Students seeking to enroll in LRG-related courses outside the Jackson School may petition the JSIS Ph.D. Program Committee.

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

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

Eve Darian Smith, *Laws and Societies in Global Contexts*, (Cambridge University Press, 2013).

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

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

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

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* (The MIT Press, 2001).

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

Lous Henkin, *How Nations Behave: Law and Foreign Policy* (Columbia University Press, 1979).

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).

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

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* (Chicago University 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).

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* (London: Butterworths, 2002).