

Law E583
Globalization and the Law
Autumn 2021 (2cr) [+ optional Winter 2022 (2cr)]
Prof. Dana Raigrodski

Class Hours:

Autumn Quarter - Fridays 8:30-10:20; William H. Gates Hall Room 207

Winter Quarter: Regular research paper advising meetings with Prof. Raigrodski TBD; Watch optional pre-recorded Panopto lectures at your convenience

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Course Description and Goals

This seminar focuses on law in global settings, the intersection of national, international and global law, and the legitimacy of global law by examining contemporary globalization issues. Students write several 500-750 word comments on seminar readings of their choice and a final 750-1000 comment giving a concrete/applied example that demonstrates key concepts from the course. For the 4 credit optional extended credit version students complete a supervised independent research paper on any topic related to globalization and law. The 4 credit version of the seminar meets the JD "Advanced Writing Requirement" and may also meet various Graduate Programs "major research paper" requirements.

Learning Objectives

- Distinguish national and international law from global law
- Identify the institutional factors fueling the growth of global arenas
- Recognize the impact of global legal institutions on domestic U.S. legal developments
- Recognize the impact of U.S. legal developments on global legal institutions
- Distinguish the legitimate from illegitimate exercise of power in global legal institutions
- Become familiar with contemporary globalization issues, such as human trafficking, migration, corporate social responsibility, and global supply chains

Required Course Materials

All required readings are posted on CANVAS

For the first class I assigned a video lecture of Robert C. Allen, Global Economic History: A Very Short Introduction. It is based on this now optional very short book:

- Robert C. Allen, Global Economic History: A Very Short Introduction (2011)(Oxford University Press; ISBN: 978-0199596652). In addition to print copy, e-copies are also

available: <https://www.vitalsource.com/products/global-economic-history-a-very-short-introduction-robert-c-allen-v9780191620539?term=978-0199596652>

Classroom Community

My goal is to welcome every student and invite learning. When I provide feedback to students, my goal is to invite learning. It is important to me that all members of the class feel supported, respected and included.

Mutual respect is the foundation of collaboration. Help to create environments for everyone to contribute, speak up when you have something to share, but also create an environment for others to share. This can mean letting others speak even if you don't get to share your view and being aware of the impact you are having on others' ability to contribute (be mindful of any privileged identities you may hold).

Everyone makes mistakes including me, and all mistakes can be seen as opportunities to learn. If you think I've made a mistake, please let me know in person or by email. It may be hard for me to respond in real time during class but do know that I will respond outside of class.

Podcasting and Recording of Lectures and Class Discussions

Lectures are provided for instructional purposes only and remain the intellectual property of the instructor. All other uses are prohibited.

The majority of class sessions in this course will meet live, and you are expected to attend in person. As a courtesy to those who are unable to attend a class session in person due to illness or for other reasons—or for those who want to review something that was said in class—the class will be recorded via Zoom and available to be reviewed by students enrolled in the class. **Continued enrollment in this course is considered consent to being recorded for this purpose.**

Course Grading

While course grades will be based primarily on a student's written work (80%), class participation will carry significant weight (20%) in my final evaluation. In-class participation is crucial for understanding the course materials. Questions and discussion are encouraged and expected. Participation can also include questions or commentary offered via e-mail or in other written form. Students who turn in assignments on time, demonstrate superior academic effort, and actively participate in learning will be rewarded. Participation can take many forms. If you are concerned about your ability to participate fully please contact me.

Please read the syllabus **carefully** for due dates of assignments. If you must miss class, it is your responsibility to turn in assignments on time and/or make up materials. All late assignments, except those with professor-approved excuses, will be penalized as described below.

Autumn Quarter:

- Submit three 500-750 word comments on three reading assignment texts from three different weeks (first due Oct. 29, second due Dec. 3; last due at the end of exams on Dec, 20). Each comment should devote around half to a summary of the key points in the reading and the second half to critical reflection and analysis.
- Submit a final 750-1000 word comment giving a concrete/applied example that demonstrates, in your opinion, key concepts from our readings, such as Transgovernmentalism, hard law and soft law dynamics, governance triangle, etc' (due Dec.

20). The comment should clearly link the example to the readings. Some external research to identify and help develop your example is encouraged, but you are not expected to do extensive research. This final assignment is focused on demonstrating understanding key theoretical concepts of the course through an applied example of your own (similar to how we use specific topics during the course).

Winter Quarter: Optional for students interested in writing a supervised research paper

- Write a major research paper on any legal topic related to globalization and the law (length and topic may be modified to meet different degree requirements). Topics will be chosen by students in consultation with the instructor at the start of winter quarter. Students will be required to turn in an outline and a rough draft and consult with a reference librarian at least twice before submitting the final draft.

Grades:

20% Class participation

54% Three (3 x 18%) 500-750 word comments on reading assignments

26% Final 750-1000 word comment giving a concrete/applied example demonstrating key concepts from our readings.

For students adding 2 winter credits: +100% research paper (final course grade based on average of both quarters)

Submitting Assignments

Unless otherwise directed, all assignments should be submitted through the upload function on the CANVAS course website. **I will subtract points for late assignments (at my discretion) unless I pre-approved the late submission.**

Academic Conduct

By deciding to study at this university, you have entered an academic community that has distinctive rules and customs. Specifically, the Law School Honor Code sets strict rules governing academic conduct. Each assignment submitted must be your original work, drafted by you. You are expected to make references to the ideas of others, but you must always alert the reader when you are using someone else's ideas. This is not just a matter of politeness. It is a formal rule of academic conduct at the University of Washington.

Access and Accommodation

Your experience in this class is important to me. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs in this course.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you can contact DRS at 206-543-8924 or uwdrs@uw.edu or disability.uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions.

Reasonable accommodations are established through an interactive process between you, your instructor(s) and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

Religious Accommodations

Washington state law requires that UW develop a policy for accommodation of student absences or significant hardship due to reasons of faith or conscience, or for organized religious activities. The UW's policy, including more information about how to request an accommodation, is available at Faculty Syllabus Guidelines and Resources. Accommodations must be requested within the first two weeks of this course using the Religious Accommodations Request form available at <https://registrar.washington.edu/students/religious-accommodations-request/>.

Campus Resources and Support

UW has a variety of resources dedicated to student wellbeing. Please visit this page to learn more: <https://wellbeing.uw.edu/>. UW also has a program called Safe Campus that you can learn more about here: <https://www.washington.edu/safecampus/> Finally, please know that you can always contact our Dean of Students Anna Endter at aendter@uw.edu for assistance in finding resources or support.

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READINGS, RECORDED MODULES & ASSIGNMENTS

AUTUMN QUARTER 2021

Class One (Oct. 1): Globalization - Introduction & Course Overview

- Watch Robert C. Allen, Global Economic History: A Very Short Introduction – Each part is about 15 minutes, and each should start automatically following the previous part, but here are all the links:
Part 1 of 4: <http://www.youtube.com/watch?v=iSJePOZRrSs> (start from min. 11:19 to skip the introductions)
Part 2 of 4: <https://www.youtube.com/watch?v=DzhDCW4pfVI>
Part 3 of 4: <https://www.youtube.com/watch?v=B72-3VTIU14>
Part 4 of 4: <https://www.youtube.com/watch?v=PHdCBHvrgfw>
- Suzanne Berger, Who's Afraid of Globalization, *in* How We Compete (MIT Industrial Performance Center, 2005)
- Optional: Lawrence M. Friedman, Erehwon: The Coming Global Legal Order, 37 Stan. J. Int'l L. 347 (2001)

Optional further reading:
 - Robert C. Allen, Global Economic History: A Very Short Introduction
 - Duncan Kennedy, Three Globalizations of Law and Legal Thought: 1850-2000 *in* Trubek & Santos, eds, New Law and Economic Development 2006

Class Two (Oct. 8): Migration and Human Rights

- Excerpt from Catherine Dauvergne, Making People Illegal: What Globalization Means for Migration and Law (2008, Cambridge University Press)
- Jennifer Gordon, People Are Not Bananas: How Immigration Differs from Trade, 104 Nw. U. L. Rev. 1109 (2009)

- Optional: Chantal Thomas, Transnational Migration, Globalization, and Governance: Reflections on the Central America – United States Immigration Crisis, Cornell Law School research paper No. 14-26, <http://ssrn.com/abstract=2491308>
- Optional further reading: James F. Hollifield, Migration, Trade and the Nation State: The Myth of Globalization, 3 UCLA J. Int'l L. & Foreign Aff. 595 (1998-99)

Class Three (Oct. 15): Transgovernmentalism and International Governance

- Anne-Marie Slaughter, The Real New World Order, Foreign Affairs, September/October 1997
- Part I-II and V-VII from Romney Manassa, Federalism in the Era of Globalization: The Exercise of Foreign Affairs Powers by Subnational Entities, 52 U. Miami Inter-Am. L. Rev. 141 (2021)

Assignment #1: 500-750 word comment on one of the reading assignments due Oct. 21

Class Four (Oct. 22): Hard and Soft Law

- Gregory C. Shaffer, Mark A. Pollack, Hard vs. Soft Law: Alternatives, Complements, and Antagonists in International Governance, 94 Minn. L. Rev. 706, 707 (2010)
- Cary Coglianese, Environmental Soft Law As A Governance Strategy, 61 Jurimetrics J. 19 (2020)

Class Five (Oct. 29): Global Regulation

- Walter Mattli and Ngaire Woods, In Whose Benefit? Explaining Regulatory Change in Global Politics, *in* Politics of Global Regulation (Mattli & Woods eds., 2009, Princeton University Press)
- Kenneth W. Abbott & Duncan Snidal, The Governance Triangle; regulatory Standards Institutions and the Shadow of the State, *in* Politics of Global Regulation (Mattli & Woods eds., 2009, Princeton University Press)

Class Six (Nov. 5): Online Speech and Social Platforms

- Rebecca J. Hamilton, Governing the Global Public Square, 62 Harv. Int'l L.J. 117 (2021)

Assignment #2: 500-750 word comment on course readings due Nov. 11

Class Seven (Nov. 12): Introduction to Global Corporations and Corporate Responsibility

- Christopher May, Introduction: What are Global Corporations? *in* Global Corporations in Global Governance (2015, Routledge)
- Nelson Lichtenstein, Supply-Chains, Workers' Chains and the New World of Retail Supremacy
- S.H. Goo and Desiree Klinger, The Limits of Directors' Duties in Fostering Corporate Social Responsibility and the Idea of a Multi-Stakeholder Board, *in* Research Handbook on Directors' Duties (Adolfo Paolini ed., 2014, Edward Elgar)

Class Eight (Nov. 19) Supply Chains and Corporate Social Responsibility

- Excerpt from John Ruggie, Just Business: Multinational Corporations and Human Rights (W. W. Norton & Company, 2013)

- Michael E. Porter and Mark R. Kramer, Strategy and Society: The Link between Competitive Advantage and Corporate Social Responsibility, HARVARD BUSINESS REVIEW 84, no. 12, 78-92 (December 2006)

NO CLASS Nov. 26 – THANKSGIVING HOLIDAY

Assignment #3: 500-750 word comment on course readings due Dec. 2

Class Nine (Dec. 3): Human Trafficking

- Berta Esperanza Hernandez-Truyol and Stephen Powel, Human Bondage Trafficking, in Just Trade: A New Covenant Linking Trade and Human Rights (NY University Press, 2009)
- Focus on Parts IV and V in Dana Raigrodski, Economic Migration Gone Wrong: Trafficking in Persons Through the Lens of Gender, Labor and Globalization, 25 IND. INT'L & COM. L. REV. 79 (2015)
- Optional further readings: Dana Raigrodski, *Creative Capitalism and Human Trafficking: A Business Approach to Eliminate Forced Labor and Human Trafficking from Global Supply Chains*, 8 Wm. & Mary Bus. L. Rev. 71-134 (2016).

Final Assignment: Submit a final 750-1000 word comment giving a concrete/applied example that demonstrates, in your opinion, key concepts from our readings, such as Transgovernmentalism, hard law and soft law dynamics, governance triangle, etc'. Due no later than Dec. 20

WINTER QUARTER 2022

Winter quarter is designed as independent supervised research. We will not meet weekly as a class. Instead, each student will be meeting with me regularly via Zoom to discuss and monitor the progress of your individual research papers. Each student is expected to submit the following:

- Feb. 6: Assertive Outline
- Feb. 27: Draft paper
- March 25: Final paper

Under the Modules Tab on CANVAS – please see module for winter quarter papers, in which I uploaded helpful power point slides, some handouts and samples. Not all is applicable to your paper but much of it offers general guidelines for writing U.S. law school academic papers.

Under the Panopto Recordings tab, there is a sub-tab for winter papers (the other sub-tab will have the recordings of our fall classes), with self-paced short-recorded lectures:

Topic Selection and Making a Claim

- Paper Organization
- Using Sources Correctly and Academic Ethics
- The Writing Process – Assertive Outline (Zeroth Draft) & Draft
- The Writing Process –Editing and Problems to Watch For