

# LA956-20 Global Law & Politics

**20/21**

**Department**

School of Law

**Level**

Taught Postgraduate Level

**Module leader**

Jayan Nayar

**Credit value**

20

**Module duration**

8 weeks

**Assessment**

100% coursework

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

Recent theorisations of law have posited the emergence of a global legal consciousness and practice that challenges conventional understandings. We witness today the state transcended in many areas of political, economic and social relations where identities, interests, aspirations and languages of normative understanding derive from non-state sources. From transnational economic relations to global security policies, from environmental consciousness to human rights discourses, from cross-border conversations of regulatory and bureaucratic agencies to globally connected anti-systemic movements, social interaction at the local, national and transnational arenas are now influenced less and less by the hegemonic discourses and control mechanisms of statist law. State sovereignty, thus it would seem, stands challenged as the foundational principle of legal imagination.

The course examines this emergent legal reality through an examination of both the theories and practices of divergent consciousnesses of 'global law'. Global law, in this respect, is not taken as an un-contentious terrain of imagination. Through the lenses of competing visions – those of globalising elites and those of subjects/objects of ordering - various histories and narratives of global regulation will be considered, as will the tensions and confrontations between them examined.

[Module web page](#)

## **Module aims**

Central to the approach of the course will be a perspective which views law as contested, both as a matter of 'theory' and as a matter of social struggle, as world-orders are imagined and effected. During the course, you will be familiarised with different and differing theories of 'global law' and be enabled to critically evaluate them by reference to examined realities of the life-worlds of law.

You will be encouraged to adopt socially grounded analytical perspectives and to present analyses of global law through examinations of specific regimes of governance. The course, therefore, seeks to enable you to acquire analytical and advocacy skills necessary to engage with law in a globalising world, informed by a concern for social justice and human development.

## **Outline syllabus**

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

**BASIC ISSUES ON GLOBALISATION AND LAW:** The aim of this session is to consider, by way of introduction, what we understand by such terms as globalisation, global governance and global society in relation to law.

**FROM COLONIAL INTERNATIONAL LAW TO THE UNITED NATIONS CONCEPTION OF WORLD ORDER:** Global law purportedly marks a departure from the national-international duality of the conception of law in society. We will trace the evolution of global law through the world ordering phases of colonialism through to the United Nations Charter system and identify the key features of the transition from the 'rights to conquest' to the 'duties of cooperation'.

**GLOBALISED (B)ORDERINGS: THE PLACE OF THE STATE:** In this session we will examine the role of the state under conditions of 'globalisation'. We will examine the ways in which the state functions 1) as a conduit of 'supraterritoriality' and 2) as a space for protection and belonging. Particularly of concern will be our understandings of constitutionality and democracy that underpin the 'modern' statist order as it operates as 'cunning states' within a global order.

**GLOBALISED (B)ORDERINGS: THE SUBJECT OF CITIZENSHIP:** The 'citizen' stands as the ubiquitous subject of politics and law. The focus of this session will be to interrogate the theory and practice of citizenship and political belonging under the pervasive realities of globalisation. What does it mean to be a 'citizen'? Are we witnessing the emergence of a 'global citizenship'? How do we understand the differentiated regimes of bordering that enable global movement for some but not for others? To what extent does 'citizenship' provide a meaningful conception of belonging and non-belonging, inclusion and exclusion?

**THEORIES OF GLOBAL LAW:** The idea of Global Law directly challenges the presumed fixity of the national-international duality in mainstream political-legal conceptualisations of order. To what extent do the realities of 'global/transnational' relations find explanation and expression in such theories of global law? What role the bordered 'state', and the 'citizen', in this conception of global political-legal relations?

**MOVEMENTS FOR SUBALTERN LAW:** We will examine the 'subaltern'/'activist' conceptions of the world we live in, and the prospects that these provide for a different possibility of imagining the

'political' and the 'legal'.

**THE LAW AND POLITICS OF PEOPLES' TRIBUNALS:** In this session, we consider the theory and practice of peoples'/citizen's tribunals? How might a theorisation of these rebellious 'doings' challenge the dominant conceptions of politics/law? We will consider various examples of peoples' tribunal initiatives in this light.

**LOCATIONS AND SPACES WITHIN GLOBAL LAW WORLDS:** The concluding session will provide for an opportunity for reflection on the implications and possibilities for individual and collective action in the light of our discussions. We will consider the implications of our locations of thought and directions of action. Ultimately, this is about how we locate ourselves in the 'world'.

## **Learning outcomes**

By the end of the module, students should be able to:

- Demonstrate an in-depth understanding of the distinctions between 'national', 'international' and 'global' law, of the histories of global ordering structures, the significance and impact of 'globalisation' on the role and functioning of the state and international institutions, and on the imaginations and practice of law and politics.
- Examine and understand legal, economic, political and social materials on issues of 'global law'.
- Examine and critically evaluate the spaces and possibilities of 'subaltern' political-legal praxes.
- Demonstrate an ability to work effectively in groups to examine specific topics related to the module
- Demonstrate an advanced ability to deliver effective written and oral presentation skills
- Demonstrate an advanced ability to assess critically the legal, political and activist texts relating to the subject of global law and political practice.
- Demonstrate high quality research, interpretation and drafting skills in relation to various genres of political and legal texts.

## **Indicative reading list**

Esteva, Gustavo and Prakash, Madhu Suri (1998) *Grassroots Post-Modernism: Remaking the Soil of Cultures*, (London, Zed Books), Chap.2

Scholte, Jan Aart (2000), *Globalization: A Critical Introduction*, (London, MacMillan), Chap. 2

Bauman, Zygmunt (2003) "Utopia with no Topos", *History of the Human Sciences*, Vol. 16, (11)

Beck, Ulrich (trans. Cross, Kathleen) (2005), *Power in the Global Age: A new Global Political Economy*, (Polity, Cambridge), Chaps. 1 and 2.

Mieville, China (2005), *Between Equal Rights: A Marxist Theory of International Law*, (Leiden, Brill), Chap. 6

Anghie, Antony (2000), "Civilization and Commerce: The Concept of Governance in Historical Perspective", *Villanova Law Review*, Vol 45, pp. 887-911

Rajagopal, Balakrishnan (2003), *International Law From Below: Development, Social Movements and Third World Resistance*, (Cambridge, CUP), Chap. 4

Mutua, Makau (2000), "What Is Twail", *American Society of International Law Proceedings* 94, 31-40

Benhabib, Seyla, "Twilight of Sovereignty or the Emergence of Cosmopolitan Norms? Rethinking Citizenship in Volatile Times", at <http://www.clb.ac.il/workshops/2007/articles/benhabib.pdf>

Slaughter, Anne-Marie (2004), *A New World Order* (Princeton, Princeton Uni. Press), Introduction.

Chimni, B.S (2004) "International Institutions Today: An Imperial Global State in the Making", *European Journal of International Law* 15, 1-37.

Fischer-Lescano, Andreas and Teubner, Gunther, "Regime-Collisions: The Vain Search for Legal Unity in the Fragmentation of Global Law", *Michigan Journal of International Law* 25, 999-1046.

De Sousa Santos, Boaventura and Rodriguez-Garavito, Cesar A. eds. (2005) *Law and Globalization from Below: Toward a Cosmopolitan Legality*, (Cambridge, Cambridge Uni. Press)

Randeria, Shalini (2003), "Between Cunning States and Unaccountable International Institutions: Social Movements and Rights of Local Communities to Common Property Resources", in Zentai, Violetta, Krizsán, Andrea (eds.), (2003), *Reshaping globalization: multilateral dialogues and new policy initiatives*, (CPS Books, New York), pp 101-34

Christodoulidis, Emiliios (2009), 'Strategies of Rupture', *Law and Critique*, Vol. 20, 2009, 3-26, p. 19

Van Den Hemel, Ernst (2008), "Included But Not Belonging: Badiou and Ranciere on Human Rights", *Krisis: Journal for Contemporary Philosophy*, Issue 3, at <http://www.krisis.eu/content/2008-3/2008-3-03-hemel.pdf>

Nayar, Jayan (2013), "Thinking from the Ban", in Kumar, Corinne (Ed), *Asking, We Walk: South as New Political Imaginary*, (Bangalore, Sreelekha Pub), available also at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1693827](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1693827)

Borowiak, Craig (2008), "The World Tribunal on Iraq: Citizen's Tribunals and the Struggle for Accountability", *New Political Science*, Vol. 30 (2), 161-86

Nayar, Jayan (2006), 'Taking Empire Seriously: Empire's Law, Peoples' Law and the World Tribunal on Iraq', in Bartholomew, Amy (ed), *Empire's Law* (London, Pluto), pp. 313-39

Conversations on the Courts of Women, Kumar, Corinne et.al (2007), "Our Memories are Our Histories", in Kumar, Corinne (ed.), *Asking We Walk: The South as New Political Imaginary*, (Sreelekha Publications, Bangalore), pp. 183-214

Freire, Paulo (1974), *Pedagogy of the Oppressed*, (Penguin, London), Chap. 1

Esteva, Gustavo "Back From the Future", at [http://www.gustavoesteva.com/english\\_site/back\\_from\\_the\\_future.htm](http://www.gustavoesteva.com/english_site/back_from_the_future.htm)

Shiji, Issa (2001), "The Life and Times of Babu: The Age of Revolution and Liberation", *Law, Social Justice & Global Development (LGD)*, Vol. 2 at [http://www2.warwick.ac.uk/fac/soc/law/elj/lgd/2001\\_2/shivji/](http://www2.warwick.ac.uk/fac/soc/law/elj/lgd/2001_2/shivji/)

## **Research element**

Students are expected to formulate their essay topics based on independent research from the thematics covered in the course.

## **Interdisciplinary**

The module is substantively interdisciplinary, utilising literature and analysis derived from diverse social science perspectives.

## **International**

The module is by definition, design and intent substantively focussed on international issues, specifically with a focus on the global south.

## **Subject specific skills**

Subject knowledge and understanding

Demonstrate an in-depth understanding of the distinctions between 'national', 'international' and 'global' law, of the histories of global ordering structures, the significance and impact of 'globalisation' on the role and functioning of the state and international institutions, and on the imaginations and practice of law and politics.

Examine and understand legal, economic, political and social materials on issues of 'global law'.

Examine and critically evaluate the spaces and possibilities of 'subaltern' political-legal praxes.

### **Cognitive Skills**

Demonstrate an advanced ability to assess critically the legal, political and activist texts relating to the subject of global law and political practice.

### **Subject-Specific/Professional Skills**

Demonstrate high quality research, interpretation and drafting skills in relation to various genres of political and legal texts.

## **Transferable skills**

### **Key Skills**

Demonstrate an ability to work effectively in groups to examine specific topics related to the module

Demonstrate an advanced ability to deliver effective written and oral presentation skills

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## **Study**

### **Study time**

#### **Type**

Tutorials

Total

#### **Required**

8 sessions of 1 hour (4%)

200 hours

<b>Type</b>	<b>Required</b>
Online learning (independent)	8 sessions of 1 hour (4%)
Private study	184 hours (92%)
Total	200 hours

### **Private study description**

No private study requirements defined for this module.

### **Other activity description**

Consultation

### **Costs**

No further costs have been identified for this module.

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### **Assessment**

You must pass all assessment components to pass the module.

Students can register for this module without taking any assessment.

### **Assessment group A1**

	<b>Weighting</b>	<b>Study time</b>
4000 word essay	100%	
A 4,000 word essay.		

### **Feedback on assessment**

Formal written feedback via Tabula and informal discussions.

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### **Availability**

### **Courses**

This module is Optional for:

- Year 1 of TLAS-M1M2 LLM International Development Law and Human Rights
- Year 1 of TIMA-L981 Postgraduate Social Science Research
- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies

This module is Option list C for:

- TPOS-M9PE Double MA in Politics and International Studies (with NTU Singapore)
  - Year 1 of M91F Globalisation and Development (Double Degree - NTU)
  - Year 1 of M91L International Development (Double Degree - NTU)
  - Year 1 of M91B International Political Economy (Double Degree - NTU)
  - Year 1 of M91C International Politics and East Asia (Double Degree - NTU)
  - Year 1 of M91D International Politics and Europe (Double Degree - NTU)
  - Year 1 of M91G International Security (Double Degree - NTU)
  - Year 1 of M91K Political and Legal Theory (Double Degree - NTU)
  - Year 1 of M91J United States Foreign Policy (Double Degree - NTU)
  - Year 2 of M91L International Development (Double Degree - NTU)
  - Year 2 of M91B International Political Economy (Double Degree - NTU)
  - Year 2 of M91C International Politics and East Asia (Double Degree - NTU)
- TPOS-M9PP Double MA in Politics and International Studies (with Universität Konstanz, Germany)
  - Year 1 of M92L International Development (Double Degree - Konstanz)
  - Year 1 of M92B International Political Economy (Double Degree - Konstanz)
  - Year 1 of M92C International Politics and East Asia (Double Degree - Konstanz)
  - Year 1 of M92D International Politics and Europe (Double Degree - Konstanz)
  - Year 1 of M92E International Relations (Double Degree - Konstanz)
  - Year 1 of M92G International Security (Double Degree - Konstanz)
  - Year 1 of M92K Political and Legal Theory (Double Degree - Konstanz)
  - Year 1 of M92H Public Policy (Double Degree - Konstanz)
  - Year 2 of M92B International Political Economy (Double Degree - Konstanz)
  - Year 2 of M92C International Politics and East Asia (Double Degree - Konstanz)
  - Year 2 of M92D International Politics and Europe (Double Degree - Konstanz)
  - Year 2 of M92E International Relations (Double Degree - Konstanz)
  - Year 2 of M92G International Security (Double Degree - Konstanz)
  - Year 2 of M92K Political and Legal Theory (Double Degree - Konstanz)
  - Year 2 of M92H Public Policy (Double Degree - Konstanz)
- Year 2 of TPOS-M9PT MA in International Development
- Year 2 of TPOS-M1P8 Postgraduate Taught International Politics and East Asia
- Year 2 of TPOS-M9PS Postgraduate Taught Political and Legal Theory
- Year 2 of TPOS-M9PQ Postgraduate Taught United States Foreign Policy