Contents

*Foreword by A Vaughan Lowe*  v
*Preface*  ix
*Editor’s introduction*  xvii
*Table of statutes*  xlv
*List of cases*  xlvii

**PART I  FRAMEWORKS  1**

**Chapter 1  Reviving general jurisprudence**  3
W Twining
- General rather than global jurisprudence  5
- Analytical jurisprudence  7
- Normative jurisprudence  13
- Legal reasoning  15
- Historical, social scientific and interpretive inquiries  16
- The role of comparative legal studies  18
  *References*  21

**Chapter 2  One world: notes on the emerging legal order**  23
L M Friedman
- Globalisation of law  28
- Substance and style  30
- Risks and opportunities  32
- Reflections in a mirror: global law at home  33
- Globalisation of human rights  36
  *Select bibliography*  39

**Chapter 3  Changing legal cultures**  41
D Nelken
- Legal change and social change  41
- ‘Legal culture’ as topic and explanation  45
- Naming the present  48
  *Select bibliography*  54
PART II STRATEGISING COMMERCIAL INTEGRATION 59

Opening remarks: legal constraints in the capitalist world-economy 61
I Wallerstein

Chapter 4 Governing globalisation 65
F G Snyder
Introduction 65
Towards a theory of global legal pluralism 66
An example: the global toy industry 72
Economic globalisation and global legal pluralism 74
Conclusion 92
Select bibliography 95

Chapter 5 Transnational transactions: legal work, cross-border commerce and global regulation 98
D McBarnet
Business, law and competitive advantage 100
Global legal work in action 101
Implications: legal work, cross-border commerce and global regulation 109
Conclusion 112
Select bibliography 112

Chapter 6 Capital markets, globalisation and global elites 114
J Flood
Introduction 114
Globalisation 115
Capital markets 116
Capital markets and insolvency 127
Elites and capital markets 128
Conclusion 132
Select bibliography 133

Chapter 7 Global markets, national law, and the regulation of business – a view from the top 135
E M Fox
Introduction 135
The problems 136
Case examples 137
Solutions 143
Lack of vision from the top 144
Conclusion 146
Select bibliography 146
Chapter 8  Corruption and the global corporation: ethical obligations and workable strategies  148
S Rose-Ackerman
  Current international efforts  149
  The costs of 'grand corruption'  151
  Corruption and the obligations of multinational business  155
  Next steps  163
  Conclusions  168
  Select bibliography  168

Chapter 9  Law's elusive promise: learning from Bhopal  172
M Galanter
  Bhopal and the transnational traffic in remedies  181
  Select bibliography  183

PART III  CHANGING STATES  187

Opening remarks: producing the transnational inside the national  189
S Sassen

Chapter 10  Dollarizing state and professional expertise: transnational processes and questions of legitimation in state transformation, 1960–2000  197
Y Dezalay and B Garth
  Select bibliography  211

The promise and peril of international order  213
R Abel

A response to Richard Abel's reading  218
Y Dezalay and B Garth

Chapter 11  Cultural imperialism in the context of transnational commercial collaboration  221
M B Likosky
  Introduction  221
  The controversy  226
  Colonial period  228
  The current scene  230
  Conclusion  251
  Select bibliography  253

Chapter 12  Sovereignty and citizenship in a world of migration  259
C Joppke
  Sovereignty  260
  Citizenship  267
  Select bibliography  273
Chapter 13  Patterns of African constitution in the making  275
U Mattei
Introduction  275
The issue of the state  277
Some background  278
Puntland state of Somalia  282
Legitimacy and participation  286
Professionalism  288
Conclusions  290
Select bibliography  292

Chapter 14  From individual dignity to respect for jinkaku – continuity and change in the concept of the individual in modern Japan  295
K Inoue
Introduction  295
The making of the post-Second World War Japanese Constitution  296
The birth of the concept of jinkaku  298
Modern education and the teaching of morals  300
The self improvement movement, jinkaku and Nitobe Inazo  305
The Taisho democratic movement and the democratisation of the concept of jinkaku  306
The diminishing role of jinkaku in the era of ultra-nationalism  311
Conclusion  312
Select bibliography  313

Chapter 15  Transitional justice as liberal narrative  316
R Teitel
Law's history: the uses of the human rights trial  317
Narratives of transition  319
Select bibliography  324

PART IV  PUBLIC INTERNATIONAL LAW AND CONTEXT  325

Opening remarks: Transnational legal process illuminated  327
H H Koh

Chapter 16  An international legal regime and the context of conditionality  333
S F Moore
Reconfiguring the organisation West Africa  333
Land rights in Burkina Faso: multiple and conflicting claims and policies  337
Decentralisation conceived as a strategy of democratisation  342
Ideological expressions: a regional conference and an official report about the future  347
Conclusion  350
Select bibliography  352
Chapter 17  Re-framing the legal agenda of world order in the course of a turbulent century  
R Falk
- Persisting doubts about international law  
- From 1899 to 1999: points of comparison  
- Structures and processes: constraining action  
- Conclusion  
- Select bibliography  

Chapter 18  Globalisation: a challenge to the nation state and to international law  
S Hobe
- Introduction – The phenomenon of globalisation  
- Challenges to statehood  
- Transactions of private actors beyond state control  
- Challenges to international law  
- The answer: a new change of paradigm at the threshold of the twenty-first century? Toward a transnational law?  
- Select bibliography  

Chapter 19  Racism in civil conflict: domestic and global dimensions  
J Mertus
- Classification systems in Rwanda and Kosovo: potent for conflict  
- Internal dimensions  
- Global/trans-boundary dimensions  
- Conclusion  
- Select bibliography  

Chapter 20  The virtual sociality of rights: the case of ‘women’s rights are human rights’  
A Riles
- Human rights as project  
- Human rights as representation  
- Rights inside out  
- Select bibliography  

Chapter 21  National legislation and the role of the government and the UNHCR in the determination of legal status of refugees in Kenya  
Koki Muli
- Introduction  
- The current legal framework  
- Laws dealing with restriction of aliens  
- The role of the government in the process of determination of refugee rights  
- The role of the UNHCR  
- Conclusions  
- Select bibliography  
Chapter 22  Geographies of hunger  466
C Powell

The US approach to economic rights under domestic law  468
The scope of US obligations under international law  471
The US approach to economic rights under domestic law  471
Cyclical nature of US recognition of economic rights  476
The dialectic of universality and particularity  479
Rethinking the structure of rights and responsibilities in the transnational context  481
Federalism and the right to food  484
Concluding observations  486
Select bibliography  488

Index  491