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Globalization: The Next 25 Years (Introduction)

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Introduction

Globalization: The Next 25 Years¹

ALFRED C. AMAN, JR.

OPENING REMARKS TO THE 25TH ANNIVERSARY CONFERENCE

A warm welcome to you all. Thank you for your participation in this very special milestone for this Journal. As you know, this symposium conference marks the twenty-fifth anniversary of the journal. Our first symposium conference was entitled “The Globalization of Law, Politics and Markets.” Those papers were published in our first issue. I went back to that first issue not long ago, and found these lines:

“We currently stand at a watershed in the public law history of the United States. We have moved from local and state common-law, regulatory regimes that dominated the 19th and early 20th centuries, to national regimes that dominated the public law of the 1930s to 1980s, to the present global era. In the present era, law formulated solely in terms of purely state or national entities, without taking into account the significant role played by transnational forces embodied in multinational corporations, global capital markets, and rapidly advancing technologies and new scientific discoveries, is likely to be not only ineffective, but counterproductive. Today [1993], the line between domestic and international is largely illusory. As a result, we need fresh assessments of issues such as the role and theory of the nation-state in the twenty-first century, the need for and development of new

1. I am deeply grateful to the editorial board and Global Journal students who worked on the 25th anniversary issues, as I am to all the boards and Global Journal students who worked on past issues. We are all deeply grateful for their dedication, care, and professionalism.

international and global institutions, and, in particular, the kinds of domestic legal reforms necessary to mesh with or respond to global economic and political forces.”

That was 1993. When I think about the excitement of the Journal's early days, it seems like just yesterday to me. Much has changed—our first symposium took place before NAFTA and the WTO were established. Still, some of those long-ago lines might still apply, especially in the idea of the legal academy as a place of innovation and experimentation toward the future. But as I think about the unity under law and the sure progress for the world at large, implicit in the lines I have just read, those days suddenly seem like a long time ago. Today we know, for example, that globalization is not a single process pitched toward harmonization, but something far more complex. We know it is not a unidirectional process in time or locale, a process that occurs only once, as if globalization were a straightforward yes/no question, but—again—something far more complex. As we embark upon our 25th anniversary symposium, gathered under the theme of *globalization and legal studies*, we have a timely opportunity to reflect on what the future world will ask of legal studies—not just in the legal profession, but across all disciplines engaged with law, and not just in the United States, but around the world. Of course, this also means thinking about the needs for and stakes in law, for ordinary people in their daily lives, around the world.

When we were first in contact regarding this symposium, we did not know the outcome of the Brexit referendum or the U.S. presidential election, though the contours of a widespread and steepening populist turn were already visible. We hadn't yet witnessed the full scale of the refugee crisis in Europe spawned by the war in Syria, the bristling border tensions in Eastern Europe, or the coup attempt in Turkey. Talk of austerity had waned in the near-decade after 2008, but new forms of precarity clearly remain. The United States, under President Trump's executive orders, has retreated from the TPP and much else from the Obama administration's distinctive transnationalism (including its commitment to dealing with climate change), but it is too soon to know what specifically will replace those agreements. Some of those executive orders have been tested and rejected by the courts. Indeed, the stakes in any current question of law and globalization could not be higher. Borrowing from sociologist Peter Evans, a theorist of alter-globalizations, we might ask: “Is another globalization possible?” That is a complex question, but surely one that has everything to do with the future of legal education, whether in law schools or colleges and graduate schools.

The articles over the course of this issue will provide us with opportunities to take stock and consider the diversity of the field of globalization deeply. The papers range across various settings of law—in the U.S. and abroad, as local, state, or national formations—and refer to significant effects of specific global ventures (in the legal profession, science, finance, liberalisms of various kinds, civil rights, trade, and more). Global relations may drive new forms of economic and legal integration or cooperation across local legal and economic systems. On the other hand, global relations may also expand the scope for difference, resulting in localized or specialized legal regimes resistant to the generalities of globalization. In this sense, far clearer today than twenty-five years ago, the diversity within globalization is now apparent, and an understanding of globalization is crucial to understanding difference. By focusing on globalization as a dynamic interlegality involving multiple legal sites and scales, we advance understanding of the ways in which law, politics, economics and social life respond to and shape each other—hopefully to make a better future for those who will live in it.

This Journal though has always welcomed fresh interdisciplinary analyses of transnational issues with the goal of creating new knowledge from questions such as these. As we stated at the outset, in Issue 1:

“Globalization” means different things in different contexts, and we offer this journal as a forum for communication and exchange among the many research agendas that now involve this concept. In our view, “globalization” refers to complex, dynamic legal and social processes; it is not—or at least not necessarily—a synonym for “universality” or “homogeneity.” Nor is “global” necessarily a synonym for “world-wide.” Global processes can be intensely local or regional.

Global institutions have proliferated, but so have transnational and local regimes of law and life that are essential to the experience of community and that sustain both the sense of belonging and the possibility of new partnerships. One thing is certain as we look ahead to the next twenty-five years, and that is change. We will be tested as academics to pursue and defend the relevance of new knowledge, the commitment to inclusion that makes new knowledge possible, and the collegial support that affirms the value of creativity. In that spirit, let us look forward to the conversations over the coming days, and to the next quarter century of global collegial partnership that the Journal represents.

