CONFERENCE PAPER ABSTRACT

A Transnational Turn For/From 'the Worst':
North American Labour Law and the Wretched of the Earth

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Objective

Increasingly, North American labour law scholars turn to the (re)formulation of transnational regulatory regimes as a means of dampening the harsh effects of globalizing capital in the new economy. Much emphasis is placed on strengthening international labour standards with proposals examining traditional avenues (i.e. ILO); newer supra-national institutions (WTO, IMF); and trade treaties (NAFTA), corporate codes of conduct, and other private mechanisms.

This 'transnational turn' in labour law scholarship flows from mounting concerns about the impact of economic globalization on state sovereignty and law-making powers, and national legal regimes. The paper critiques these proposals in the context of regional integration in the Americas and interrogates the relationship between the theory of globalization and the methods employed.

Results

The considerable interest shown in transnational reforms may be warranted, but I argue that 'the transnational' encourages a 'one-size fits all' solution. A source of difficulty is the indifference toward the impact of globalization in 'developing' nations. This reflects a troubling methodological bias toward 'First World' globalization data. The paper proposes some corrections. The more formidable task, however, lies in overcoming the ideological predisposition to 'First World' data. Here, I draw on the emerging field of post-colonial legal theory to propose avenues for future research.

Conclusions

We must transcend the methodological bias through exploration of alternative approaches that take seriously the impact of globalization in the hemisphere's 'developing' countries. Overcoming the deeper political biases presents the larger challenge, requiring a re-assessment of our historical indebtedness to Anglo-American legal and intellectual traditions.