

DISCIPLINA ELETIVA: STRATEGIC CREATIVITY IN THE GLOBAL CONTEXT	CÓDIGO:
PROFESSOR: DANIEL VARGAS E KELLEN TRILHA SCHAPPO	CARGA HORÁRIA: 30h
EMENTA Market's stability depends on a framework composed by rules, a Constitution determining how these rules will be developed and a judiciary to enforce them. In the global context, however, this legal framework is fragmented, multilayered and lacks hierarchy. In spite of international efforts to build top-down solutions, the regulation of international situations is dispersed in a plurality of sources. What is limited, or even prohibited, in a certain legal order might be achieved under a foreign, international, or hybrid sui generis regime. The plurality and relativism of solutions place parties in a normative market, in which building more adapted and less costly regimes is possible. Private actors' will plays a fundamental role in this dynamic, once it might be exercised in order to opt out from a legal framework considered unfit, and create a new game which still lacks rules.	
OBJETIVOS GERAIS Through the study of different cases, the purpose of this course is to analyze how strategic creativity translates to new legal solutions in the global context, admitting regulatory answers to this phenomenon as well as its concrete consequences.	
OBJETIVOS ESPECÍFICOS Students will be confronted to the relativity of the global legal context, where the notion of law, morality and justice is blurred, variable and subject to the intervention of private will. By adopting a strategic and creative perspective on this framework, students might be able to identify transnational problems linked to the phenomenon, as well as conceive strategic moves satisfying a certain interest. The aim is to place students as players and creators in the global context, instead of direct practitioners of pre-established law.	
BIBLIOGRAFIA OBRIGATÓRIA <i>In re Union Carbide Corp. Gas Plant Disaster at Bhopal, India</i> , 634 F. Supp. 842, 844 (S.D.N.Y. 1986); <i>Yaiguaje v. Chevron Corp</i> , 2013 ONCA 758 ; <i>Bonny v. Society of Lloyd's</i> , 3 F.3d 156, 159-63 (7th Cir. 1993); <i>The Society of Lloyd's v. James Frederick Ashenden</i> , 233 F.3d 473 (7th Cir. 2000); ECJ 18 dec. 2007, <i>Laval un Partneri</i> (C-341/05) ; Jonathan I. Blackman, Rahul Mukhi, "The evolution of modern sovereign debt litigation: vultures, alter egos, and other legal fauna", 73 <i>Law & Contemp. Probs.</i> 47 2010.	
BIBLIOGRAFIA COMPLEMENTAR: David Kennedy, "One, Two, Three Many Legal Orders: Legal Pluralism and the Cosmopolitan Dream," 31 <i>NYU Rev. L. & Soc. Change</i> 641 2006-2007; Martii Koskeniemi, Päivi Leino, "Fragmentation of International Law? Postmodern Anxieties", 15 <i>Leiden journal of International Law</i> 553 (2002); Gunther Teubner, Andreas Fischer-Lescano, "Regime-Collisions: The Vain Research for Legal Unity in the Fragmentation of Global Law", 25 <i>Michigan Journal of International Law</i> 1002 (2004).	