The law as a path to social justice

When James Gathii was growing up in Kenya, he thought about a career that focused on social justice. As events unfolded, he decided the best place to accomplish that goal was the law.

“I was very interested in what was going on in the national arena, but politics and politicians didn’t seem that promising at that time. It seemed lawyers were doing the really interesting things,” says Loyola’s new Wing-Tat Lee Chair in International Law.

His varied expertise in African and international law is in demand on several continents, and he has several major projects under way. Gathii is an independent expert on law and policy not only in Kenya, but across Africa and the globe.

Gathii’s research is in the areas of public international law, international economic law, trade and hope to develop a set of industry guidelines that will minimize negative impact on humans and the environment. Gathii’s work in this area will be the topic of the Loyola University Chicago International Law Journal conference on February 8, 2013, at the law school (all are welcome).

In another initiative, Gathii is renovating his past work on international trade in developing countries to focus on the costs and benefits of small, less wealthy countries complying with international trade law. “I’m looking for empirical evidence that if these countries implement the changes required for international trade, large development and overall benefits will necessarily follow,” Gathii explains. For instance, he’s examining the costs to citizens’ health from changes in traditional production systems, such as the rise of diabetes in the South Pacific that may be traceable to the import of cheaper, less healthy foodstuffs.

Yet another project has Gathii analyzing reasons for the transformation of the Kenyan judiciary to a more transparent and progressive institution. “I’m exploring what led the judiciary to wake up from its very quiescent, executive-friendly nature to being very vibrant and responsive to pressure from the people,” explains Gathii, adding that he considers Willy Mutunga, a former political prisoner and now chief justice of Kenya, a mentor and inspiration.

“I think it’s less about external influences or institutional changes than about the judiciary trying to redeem itself from a repressive past,” Gathii says. Pressure from the people has put the Kenyan judiciary in the driver’s seat while other branches of government have lagged behind.”

Gathii is a founding member of the Third World Approaches to International Law network. He serves as the chair of the African Interest Group of the American Society of International Law, and is a member of two International Law Association Study Committees: The Study Group on the Meaning of War and the Study Group on the Principles on the Engagement of Domestic Courts in the Application of International Law. He also is on the Global Faculty of the Trade Policy Training Institute in Arusha, Tanzania.

Choosing Loyola

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