

# GALIT A. SARFATY

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## EDUCATION

### YALE LAW SCHOOL

J.D., 2005

*Yale Law Journal*, Symposium Committee Chair, Symposium Editor  
*Yale Journal of International Law*, Articles Editor

### UNIVERSITY OF CHICAGO, DEPARTMENT OF ANTHROPOLOGY

M.A., 2001, Ph.D., 2011

Dissertation: “An Ethnography of Human Rights at the World Bank”  
National Science Foundation Dissertation Grants in Law & Social Sciences and Cultural Anthro.  
National Science Foundation Graduate Fellowship  
Social Science Research Council–Mellon and Woodrow Wilson Foundation Research Grants

### HARVARD COLLEGE

A.B. in Anthropology, *summa cum laude*, 2000

Phi Beta Kappa; John Harvard Scholar  
Thomas T. Hoopes Prize for senior honors thesis  
Evon Z. Vogt Prize for the best thesis in the Anthropology Department  
*Harvard Political Review*, Assistant Managing Editor  
*Harvard Lampoon*, Business Staff Director

## PUBLICATIONS AND WORKS IN PROGRESS

*Regulating Through Numbers: A Case Study of Corporate Sustainability Reporting* (work in progress; job talk paper).

An emerging form of regulation is the use of quantitative indicators, which reduce complex concepts into simple numbers. Under the theory that what gets measured gets done, international law has begun relying on these tools to operationalize legal norms. While private actors are using indicators to claim scientific authority and assert their legitimacy to govern, there are risks in doing so—the use of indicators is threatening public values, prioritizing accounting expertise, and becoming an end in itself, divorced from their intended audience. Organizations that develop indicators have their own motivations that may not coincide with regulatory goals. The Global Reporting Initiative (GRI) is a notable case study of this phenomenon. Founded in 1997, the GRI is a private, transnational network-based organization that has developed 79 indicators for corporations to report on their social, environmental, and economic performance. Reporting under the GRI has become the norm for large companies globally, with more than three-quarters of the Global Fortune 250 companies using GRI guidelines as the basis for their sustainability reporting. Based on my study of the GRI, I offer recommendations on how to enhance the effectiveness of indicators in achieving regulatory goals.

VALUES IN TRANSLATION: HUMAN RIGHTS AND THE CULTURE OF THE WORLD BANK (Stanford University Press, forthcoming Spring 2012).

This book offers an ethnographic analysis of the World Bank’s organizational culture based on 24 months of extensive field research at its headquarters in Washington, D.C. over the 2002-2006

period. The dilemma of human rights at the Bank represents a clash of normative rationalities: the market versus social democratic liberalism. In this study, I demonstrate how the bureaucratization of human rights has imbued them with a technocratic rationality that emphasizes their regulatory dimension (including their instrumental, rule-oriented, and administrative qualities) while disregarding their sovereignty dimension (which invokes their universal character, symbolic valence, and emancipatory power). I argue that the conditions under which norms such as human rights are internalized within the World Bank are shaped by its operational procedures, management structure, decision-making process, and internal politics among employees who are negotiating competing values.

*Why Culture Matters in International Institutions: The Marginality of Human Rights at the World Bank*, 103 AM. J. INT'L L. 647 (2009) (peer-reviewed journal; winner of the 2010 Francis Deák Prize, awarded to a younger author for meritorious scholarship published in the *American Journal of International Law*), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1534882](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1534882).

Why has the World Bank not adopted a human rights policy or agenda despite internal and external pressure over the past two decades? Contrary to existing literature, legal and political constraints do not fully explain this phenomenon. I argue that bureaucratic obstacles have impeded the adoption of human rights norms. These obstacles include the Bank's employee incentive system as well as an interpretive clash between lawyers and economists over how to define human rights and justify their relevance with respect to the Bank's mission. The recent initiative to translate human rights norms for economists (by defining them as instrumentally valuable to achieving the institution's development goals) represents an effective strategy in line with the Bank's organizational culture.

*Measuring Justice: Internal Conflict over the World Bank's Empirical Approach to Human Rights*, in MIRRORS OF JUSTICE: LAW AND POWER IN THE POST-COLD WAR ERA (Kamari Clarke & Mark Goodale eds., Cambridge Univ. Press, 2009), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1534908](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1534908).

*International Norm Diffusion in the Pimicikamak Cree Nation: A Model of Legal Mediation*, 48 HARV. INT'L L.J. 441 (2007), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=992541](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=992541).

International legal norms are shaping how local communities such as indigenous groups are designing their laws and legal institutions. Drawing on field research at the Pimicikamak Cree Nation in Canada, I argue that the Cree are engaging in "legal mediation" by designing a government that integrates Canadian and international law while also adapting cultural norms and customary practices. Legal mediation refers to a process of negotiation among multiple normative commitments. Under this model, local actors play a critical role in shaping how international norms become internalized within their communities and how they interact with state and non-state norms.

*Doing Good Business or Just Doing Good: Competing Human Rights Frameworks at the World Bank*, in THE INTERSECTION OF RIGHTS AND REGULATION: NEW DIRECTIONS IN SOCIOLEGAL SCHOLARSHIP (Bronwen Morgan ed., Ashgate Press, 2007).

Note, *The World Bank and the Internalization of Indigenous Rights Norms*, 114 YALE L.J. 1791 (2005), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=753065](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=753065).

The World Bank has emerged as an important actor in the international community by enforcing social and environmental standards in borrower countries. One such standard is its indigenous peoples policy, which the Bank attempts to incorporate into domestic law through binding loan agreements. I argue that the transnational legal process by which the Bank internalizes indigenous rights norms into domestic legal systems is influenced by external factors (domestic political and legal constraints and the level of civil society activism) and internal factors (power relations within the Bank). Understanding the dynamics of norm emergence and internalization within the process is important to analyzing the role of international institutions in promoting effective norm compliance.

Book Review, 30 YALE J. INT'L L. 338 (2005) (reviewing SALMAN M.A. SALMAN & SIOBHAN MCINERNEY-LANKFORD, *THE HUMAN RIGHT TO WATER: LEGAL AND POLICY DIMENSIONS* (2004)).

Book Review, 98 AM. J. INT'L L. 398 (2004) (reviewing MAC DARROW, *BETWEEN LIGHT AND SHADOW: THE WORLD BANK, THE INTERNATIONAL MONETARY FUND, AND INTERNATIONAL HUMAN RIGHTS LAW* (2003)).

Book Review, 28 YALE J. INT'L L. 275 (2003) (reviewing KAREN KNOP, *DIVERSITY AND SELF-DETERMINATION IN INTERNATIONAL LAW* (2002)).

## RESEARCH AND TEACHING INTERESTS

*Primary Interests:* Public and Private International Law, International Business Transactions, International Economic Law, Human Rights Law, Legal Profession, Law and Development.

*Additional Interests:* Contracts, Professional Responsibility, Comparative Law, Environmental Law, Administrative Law, Law and Social Science, Federal Indian Law, Regulatory Governance, Property.

## TEACHING AND OTHER SCHOLARLY EXPERIENCE

<b>THE WHARTON SCHOOL, UNIVERSITY OF PENNSYLVANIA</b> DEPARTMENT OF LEGAL STUDIES AND BUSINESS ETHICS, <i>Assistant Professor</i> . Courses: Introduction to Law and the Legal Process (including a half-course on Contracts); Human Rights Law and International Business.	2009-present
<b>UNIVERSITY OF PENNSYLVANIA LAW SCHOOL</b> PENN PROGRAM ON REGULATION, <i>Faculty Affiliate</i> .	2011-present
<b>HARVARD LAW SCHOOL AND HARVARD UNIVERSITY</b> PROGRAM ON THE LEGAL PROFESSION, <i>Affiliated Faculty, Research Fellow</i> . HUMAN RIGHTS PROGRAM, <i>Visiting Fellow</i> . CENTER FOR ETHICS, <i>Edmond J. Safra Graduate Fellow in Ethics</i> .	2007-present 2006-2008 2006-2007
<b>AMERICAN ACADEMY OF ARTS &amp; SCIENCES</b> <i>Visiting Scholar</i> .	2007-2008

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**PRESENTATIONS**

“Regulating Through Numbers: A Case Study of Corporate Sustainability Reporting,” paper presented at:

Cornell University, International Law-International Relations Colloquium, September 2011.

Law and Society Association Annual Meeting, June 2011.

Princeton University, Program in Law and Public Affairs, Workshop on “Global Legal Regulation and Social Science Measurements: Balancing Critique and Pragmatism,” May 2011.

University of Toronto, Faculty of Law, Law & Development Society Speaker Series, March 2011.

American Society of International Law’s International Economic Law Conference, University of Minnesota Law School, November 2010.

“Why Culture Matters in International Institutions: The Marginality of Human Rights at the World Bank,” paper presented at:

Hebrew University of Jerusalem Faculty of Law, International Law Forum, June 2010.

Temple Law School, International Law Colloquium, March 2010.

University of Toronto Faculty of Law, International Human Rights Workshop, March 2010.

University of Pennsylvania, Department of Anthropology Colloquium, November 2009.

McGill University, Department of Anthropology Speaker Series, November 2009.

Harvard Business School, Leadership and Corporate Accountability Workshop, December 2008.

Conference on Empirical Legal Studies, Cornell Law School, September 2008.

Brown University, Conference on “After Empire: Global Governance Today,” June 2008.

Law and Society Association Annual Meeting, May 2008.

American Academy of Arts and Sciences, Visiting Scholars Luncheon, May 2008.

American Society of International Law Annual Meeting, “New Voices” Panel, April 2008.

Harvard Law School, Program on the Legal Profession, March 2008.

American Anthropological Association Annual Meeting, November 2007.

“The Incorporation of Human Rights in Business Decision-Making,” paper presented at:

Law and Society Association Annual Meeting, May 2008.

Harvard Law School, Human Rights Program Fellows Lunch, April 2008.

“International Norm Diffusion in the Pimicikamak Cree Nation: A Model of Legal Mediation,” paper presented at:

Indiana University School of Law, Bloomington, Conference on “The Individual and Customary International Law Formation,” April 2008.

Princeton University, Program in Law and Public Affairs, Workshop on “A World of Legal Conflicts: Multiple Norms in the International System,” June 2007.

Harvard Law School, Human Rights Program Fellows Lunch, February 2007.

Law and Society Association Annual Meeting, June 2005.

“The Marginality of Human Rights at the World Bank,” paper presented at:

Harvard University, International Law and International Relations Seminar, March 2007.

Harvard Law School, Human Rights Program Fellows Lunch, December 2006.

World Bank, Friday Morning Group on Values in Development, July 2006.

University of Pavia, Italy, Cortona Colloquium on “A Multi-Voiced Dialogue on Global Society,” sponsored by the Human Development and Capability Association, August 2005.

“Bureaucratic Decisionmaking within the World Bank: Internal Contestations over Human Rights,” paper presented at:

Law and Society Association Annual Meeting, July 2006.

American Anthropological Association Annual Meeting, November 2005.

“The World Bank and the Internalization of Indigenous Rights Norms,” paper presented at:  
 Law and Society Association Annual Meeting, June 2005.  
 Yale Law School, Yale Law Women Works-in-Progress Workshop, November 2003.  
 University of Chicago, Human Rights Workshop, May 2003.  
 Yale Law School, Yale Journal of International Law Young Scholars Conference on “World  
 Public (Dis)Order: International Law in an Age of Uncertainty,” March 2003.

## OTHER WORK EXPERIENCE

**THE WORLD BANK**, Washington, D.C. 2002-2006  
 Consultant in the International Law and Environment Unit, the Europe and Central Asia Region’s  
 Social Development Unit, and the Latin America and Caribbean Region’s Environment and  
 Social Development Units.

**CLINIC ON CIVIL LIBERTIES & NAT’L SECURITY AFTER SEPT. 11**, Yale Law School 2003-2004  
 Helped draft amicus briefs for Supreme Court civil liberties cases. Conducted research on citizen  
 and non-citizen detentions, Fifth Amendment issues, and international humanitarian law.

**PROFESSORS HAROLD KOH AND OONA HATHAWAY**, Yale Law School 2002-2004  
 Assisted in editing a book on *Foundations of International Law and Politics* and prepared  
 materials for their course on Law and Globalization. Conducted research for Professor Hathaway  
 on international law and human rights treaties.

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**, Washington, D.C. Summer 2003  
 Drafted merits and admissibility reports regarding petitions alleging human rights violations.  
 Analyzed the applicability of inter-American human rights instruments.

**INDIAN LAW RESOURCE CENTER**, Washington, D.C. Summer 2001  
 Analyzed case and statutory law for the Mohawk Nation’s land claims case. Researched the  
 operational policies of international financial institutions relating to indigenous peoples.

**PIMICIKAMAK CREE NATION**, Manitoba, Canada Summer 1999  
 Conducted field research and analyzed the implementation of the Northern Flood Agreement to  
 compensate the Cree for the hydroelectric dam that flooded their traditional territory.

**INTERNATIONAL LABOR ORGANIZATION**, Geneva, Switzerland Summer 1998  
 Surveyed countries’ compliance with ILO human rights conventions for the Equality and Human  
 Rights Branch.

## PROFESSIONAL AFFILIATIONS

American Society of International Law, Program Committee for the 2012 Annual Meeting  
 Law and Society Association, Graduate Student Workshop Committee, 2009-2011  
 American Anthropological Association  
 Association for Political and Legal Anthropology

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**REFERENCES**

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