

Reading Group: Law and the Global Political Economy

Yale Law School, Fall 2023

Sponsoring Professor: Prof. Amy Kapczynski

Student Coordinators: Akshat Agarwal and Xiaolu Fan

12 sessions; 1 hour 30 minutes per session

Overview:

The global economic order is in flux. The Covid-19 pandemic, Russia's war in Ukraine, rising tensions between the United States and China, and a more assertive and independent Global South have challenged long-held assumptions of global governance. Economic theories focusing on free trade and the power of independent markets have also come under criticism for deepening inequalities (race, wealth, gender etc.) exacerbating the climate crisis, and disregarding labor welfare and the value of care.

The Law and Political Economy (LPE) movement in the American legal academy aims to question and understand the role of law in shaping the current political and economic framework, and explore alternative legal possibilities. While recognizing that this theorization is sensitive to context, this reading group seeks to use an LPE lens to examine and understand the global political economy.

By applying an LPE lens to global issues, the reading group explores various questions. These include the meaning of global capitalism, the role of the Global South, the dynamics between the center and periphery at the global level, the interconnectedness between domestic policies and international ones, and discussions on specific themes such as money, climate change, geo-conflict, human rights, race, and international development.

The selection of such a broad range of topics is intended to encourage thinking about the interconnectedness (or lack thereof) of global issues. Throughout the semester, diverse materials spanning international law, history, foreign affairs, comparative studies, journalistic writing, and economics are read. In addition to more traditional accounts, the group also delves into perspectives such as TWAIL, feminist critiques, and critical race theory.

Attendance Policy: Participants need to attend the first meeting and at least 11 sessions to receive credit.

Credits: 1 credit

Week 1.

What is Law and Global Political Economy?

Patricia Cohen, Why it seems everything we knew about the global economy is no longer true, *The New York Times* (18 June 2023). (11 pages)

Jedediah Britton-Purdy, Amy Kapczynski, David Singh Grewal, 'How Law Made Neoliberalism,' *Boston Review* (2021). (12 pages)

Angela P. Harris, Amy Kapczynski, and Noah Zatz, 'Where is the Political Economy?' LPE Project (2021). (2 pages)

David W. Kennedy, 'Law and the Political Economy of the World,' 26 *Leiden J. Int'l L.* 7 (2013), pp. 7-46. (40 pages)

Skim through the "[transnational LPE](#)" page, read any two pieces of your choice, and get a sense of global LPE topics that people have written about.

Week 2.

What is Global South? Global South, Imperialism, and Political Economy

Siba Grovogu, 'A Revolution Nonetheless: The Global South in International Relations,' *The Global South*, Vol. 5, No. 1, Special Issue: The Global South and World Dis/Order (Spring 2011), pp. 175-190. (15 pages)

Walter D. Mignolo, 'The Global South and World Dis/Order', *Journal of Anthropological Research*, Vol. 67 (2011), pp. 165-88. (24 pages)

B. S. Chimni, 'Capitalism, Imperialism, and International Law in the Twenty-First Century,' *Oregon Review of International Law* 14, no. 1 (2012), pp. 17-46. (29 pages)

Robin Jaspert, Central Bank Capitalism is Forcing the Global South into a Debt Crisis, *Jacobin* (December 2022). (6 pages).

Week 3.

International Organizations and Global Political Economy

Jamie Martin, 'Introduction' in *The Meddlers Sovereignty, Empire, and the Birth of Global Economic Governance* (Harvard University Press, 2022) pp. 1-21 (21 pages)

B. S. Chimni, 'International Institutions Today: An Imperial Global State in the Making,' *European Journal of International Law*, Volume 15, Issue 1, (2004), pp.1–37. (37 pages)

Abdessaman Jaldi, *The Crisis of Multilateralism Viewed from the Global South*, Policy Center for the New South (April 2023) only pp 1-18 (18 pages).

Missy Ryan, U.S. Seeks to Expand Developing World's Influence at United Nation, *The Washington Post* (June 2023). (4 pages)

Week 4.

Care, Social Reproduction and Labor

Kalpna Khanal & Zdravka Todorova, 'Remittances and Households within Neoliberalism: A "Triple Movement"', *Journal of Economic Issues*, 55:2 (2021), pp. 461-468. (7 pages)

Evans, A., 'Export Incentives, Domestic Mobilization, & Labor Reforms,' In: *Review of International Political Economy* 28, 5 (2021), pp. 1332-1361 (29 pages)

Nancy Fraser, "Contradictions of Capital and Care," *New Left Review* (August 1, 2016). (18 pages)

Prabha Kotiswaran, 'Towards a Model of Universal Care, One Manifesto at a Time,' *Social Politics: International Studies in Gender, State & Society*, Volume 28, Issue 4 (Winter 2021), pp. 854–864. (10 pages)

Week 5.

Race

Charles Mills, *The Racial Contract* (1999), chapter 1. (31 pages)

Ntina Tzouvala, 'Invested in Whiteness: Zimbabwe, the von Pezold Arbitration, and the Question of Race in International Law,' 2 *Journal of Law and Political Economy* 2 (2022). (26 pages)

E. Tendayi Achiume & Asli Bali, 'Race and Empire: Legal Theory within, through, and across National Borders,' 67 *UCLA L. REV.* 1386 (2021). (44 pages)

Week 6.

Human Rights

Samuel Moyn, 'A Powerless Companion: Human Rights in the Age of Neoliberalism,' 77 *Law and Contemporary Problems* 4 (2015), pp. 147-169. (23 pages)

Amy Kapczynski, 'The Right to Medicines in an age of Neoliberalism,' *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* Volume 10, Number 1, Spring 2019. (29 pages)

Zachary Manfredi, *Radicalizing Human Rights*, Boston Review (July 2022). (16 pages)

Week 7.

Climate Change

Sarah Mason-Case and Julia Dehm, "Redressing Historical Responsibility for the Unjust Precarities of Climate Change in the Present", in Benoit Mayer and Alexander Zahar (eds.), *Debating Climate Law* (Cambridge University Press, 2021). (20 pages)

Julia Dehm, Carmen Gonzalez, and Usha Natarajan, 'Meltdown! International Law Praxis During Socio-Ecological Crises,' *TWAIL Review* (2021). (17 pages)

Julia Dehm, 'Global Law: Sustaining Accumulation, Constraining Ecological Protection?' *Transformative Private Law Blog* (2022). (5 pages)

Bill McKibben, *To Save the Planet, Should We Really Be Moving Slower?*, *The New Yorker* (July 2023). (15 pages)

Week 8.

Money

Katharina Pistor, 'From Territorial to Monetary Sovereignty,' 18 *THEORETICAL INQ. L.* 491 (2017). (28 pages)

Adam Tooze, Bucking The Buck? Debating The Global Dollar ... Again!, Chartbook #211, <https://adamtooze.com/2023/04/28/chartbook-211-bucking-the-buck-debating-the-global-dollar-again/> (April 2023).

Karina Patrício Ferreira Lima and John Hogan Morris, 'Monetary Power and The Core Periphery Dynamics of Inflation' LPE Blog (2022). (5 pages)

Patrício Ferreira Lima K. 2022. Sovereign Solvency as Monetary Power. *Journal of International Economic Law.* 25(3), pp. 424-446 (22 pages)

Week 9.

International Development

Kerry Rittich, 'Theorizing International Law and Development', in Anne Orford and Florian Hoffmann eds., *The Oxford Handbook of the Theory of International Law* (Oxford University Press, 2016), pp. 820-844. (25 pages)

Sundhya Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality* (Cambridge University Press, 2011), Introduction, pp.1-9. (9 pages)

Kate Bedford. "Promoting Exports, Restructuring Love: The World Bank and the Ecuadorian Flower Industry," In *Development, Sexual Rights and Global Governance* (Routledge, 2010), pp. 99-112. (14 pages)

Week 10.

Trade and Investment

Anne Orford, "How to Think About the Battle for the State at the WTO," 24 *German Law Journal* 1(2023). pp. 45–7. (27 pages)

Andrea Leiter, “Protecting Concessionary Rights: General Principles and the Making of International Investment Law,” 35 *Leiden Journal of International Law* 1 (2022), pp. 55–69. (14 pages)

James Thuo Gathii and Ntina Tzouvala, ‘Racial Capitalism and International Economic Law: Introduction,’ 25 *Journal of International Economic Law* 2, (2022), pp. 199–206. (7 pages)

Week 11.

Geopolitics and Conflict

Matias Spektor, In Defence of the Fence Sitters: What the West Gets Wrong About Hedging, *Foreign Affairs* (2023) (15 pages).

Adam Tooze, Ukraine’s War Has Already Changed the World’s Economy, *Foreign Policy* (2022) (7 pages).

Stephen Wertheim, Is It Too Late to Stop a New Cold War With China? *The New York Times* (2019) (3 pages).

David Singh Grewal, ‘A World-Historical Gamble: The Failure of Neoliberal Globalization,’ *American Affairs*, Volume VI, Number 4 (Winter 2022): pp. 87–121. (35 pages)

Week 12.

Global Economic Order Post Neoliberalism?

Remarks by National Security Advisor Jake Sullivan on Renewing American Economic Leadership at the Brookings Institution, the White House (April, 2023). (15 pages)

Amy Kapczynski, What’s Beyond “Beyond Neoliberalism”?, LPE Project (January 2023). (5 pages)

Amy Kapczynski, “Reading the Post-Neoliberal Right”, LPE Project (January 2023) (3 pages)

Rosalind Dixon, Fair Market Constitutionalism: From Neo-liberal to Democratic Liberal Economic Governance, *Oxford Journal of Legal Studies*, Volume 43, Issue 2, Summer 2023, Pages 221–248. (28 pages)