

The Rule of Law and Private Power

Webinar Series September – December 2021

References to the ‘rule of law’ as a desired component – and even a telos – of systems of social organization point to the need to prevent arbitrariness in the exercise of power. Instead, power needs to be controlled, its exercise anticipated and justified on the basis of general rules. Going beyond a conceptualization that confines the ambit of the rule of law to the state and its exercise of public power, the Webinar Series will inquire about the relevance of the rule of law framework for the exercise of *private power* – focusing in particular on transnational corporate actors. On the one hand, the rule of law could constitute an ideal that promises the regulation of such power and the protection of those who are subjected to it from its arbitrary exercise. On the other hand, as recent Law and Political Economy scholarship has highlighted, private power is itself, at least partially, a product of legal entitlements. From this perspective, private power is constituted by the rule of law in the first place, the function of which is to ensure predictability of outcomes and the smooth operation of markets.

Exploring this dualism further, some of the questions that will be addressed by the speakers of the Webinar Series, across different subfields of legal inquiry, include: How does law generate private power? Through which prohibitions or permissions does the (international) legal infrastructure create and sustain asymmetries of power that result in socio-economic inequalities? Does globalization and the emergence of global private powers entail a paradigm shift with regards to both the origins and the possibilities to restrain private power? Do voluntary forms of social engagement with public goals (e.g., Corporate Social Responsibility) blur the public/private divide? Can the rule of law harbour institutional imagination or does it only guarantee the perpetuity of existing forms of social organization? What is the relationship between the rule of law and normative visions of sustainable, equitable, and democratic global political economy?

The Webinar Series is organised by **Erasmus School of Law**, Erasmus University Rotterdam with the support of the **Law and Political Economy in Europe** network.

Zoom link: <https://eur-nl.zoom.us/j/95346734805?pwd=ZFJWcWkvbXRiRnRzblZCZ1pHcTA3UT09>

For any questions, please contact Ioannis Kampourakis (kampourakis@law.eur.nl).



16 September 2021, 12.00 – 13.15 CEST

Martin Krygier (UNSW Sydney)

The Ideal of the Rule of Law and Private Power



29 September 2021, 17.00 – 18.15 CEST

Amy Kapczynski (Yale Law School)

Political Economy and Intellectual Property



14 October 2021, 13.00 – 14.15 CEST

Andrew Lang (University of Edinburgh)

Fair Trade and the Making of Market Orders



28 October 2021, 17.00 – 18.15 CEST

Emiliios Christodoulidis (University of Glasgow)

Book Launch: *The Redress of Law: Globalisation, Constitutionalism and Market Capture* (CUP 2021).

Discussants: Anna Chadwick (University of Glasgow), Ioannis Kampourakis (Erasmus University Rotterdam).



11 November 2021, 17.00 – 18.15 CET

Marija Bartl (University of Amsterdam)

Social Imaginaries of Innovation and the Public/Private Divide



23 November 2021, 18.00 – 19.15 CET

David Singh Grewal (UC Berkeley School of Law)

The Legal Constitution of Capitalism



8 December 2021, 14.00 – 15.15 CET

Nadia Bernaz (Wageningen University)

Corporate Accountability for Human Rights in a Globalised Economy