Contents

List of Abbreviations	xiii
Tables of Treaties and Official Documents of International Organizations	xvi
Tables of Cases	xxv
1. Introduction	1
Argument 1: Understanding the neoliberal turn	3
Argument 2: Renewing the politics of collective purpose	7
The structure of the book	11
I. REGIME ENCOUNTERS: TRADE And Human Rights	
2. 'Trade and Human Rights' in Historical Perspective	23
I. The first decades: 'mutual isolation' and its deeper foundations	24
II. The development challenge and the beginnings of regime conflict	42
III. Neoliberal resurgence	52
IV. Conclusion	57
3. The Global Justice Movement	61
I. Mobilization against free trade in the 1980s and 1990s	61
II. Human rights in the global justice movement	81
4. Inter-Regime Contestation	104
I. International human rights institutions' engagements with trade	104
II. The discursive framework of 'coherence'	123
III. Conclusion	129
5. The Limits of Coherence	132
I. Coherence and its consequences	132
II. Strategies of inter-regime integration	137
III. Conclusion to Part I	154

II. THE TRADE REGIME AND THE NEOLIBERAL TURN

5. Against Objectivism	159
I. The objectivist fallacy	161
II. Avoiding subjectivism and idealism	177
III. Conclusion	185

7. Embedded Liberalism and Purposive Law	190
I. The nature and purpose of the post-war trade regime II. Approaches to domestic regulation in the GATT's early decades	190 205
8. Neoliberalism and the Formal-Technical Turn	221
 I. The expanding scope of application of GATT/WTO disciplines on domestic regulation II. The formalization and technicalization of GATT/WTO disciplines on domestic regulation III. The changing jurisprudence on domestic regulation, 1980–2000 IV. Conclusion: a new legal imagination 	223 240 253 271
9. Trade in Services	273
I. An open-ended agreement II. Telecommunications III. Financial services IV. Catalogues V. Conclusion to Part II	274 284 290 300 307

III. CONCLUSION

10. Conclusion: After Neoliberalism?	313
I. Crisis of legitimacy in a post-neoliberal era	313
II. New developments in GATT disciplines on domestic regulation	317
III. Post-positivism and proceduralization under the SPS Agreement	330
IV. Post-neoliberalism and the re-moralization of international trade law	343
Select Bibliography	355
Index	381