1. Introduction

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The crisis that began with the ‘housing bubble’ in 2007 continues to haunt global governance. Taxpayer bailouts of large banks and austerity measures have not ameliorated the dire economic situation for populations around the world, and often heightened and spread dangers previously associated with decolonized and non-industrialized regimes. The rate of profit and growth continues to lag, the once so popular mantras of ‘free markets’, ‘individual entrepreneurship’, and ‘privatization’ are increasingly treated with suspicion, and distrust of the private and public sector seems at an all-time high in contemporary memory. Rather than address these growing challenges, the majority of official responses remain embedded within the very same mainstream conceptual logic that led to the current situation; the underlying dynamics and goals that shape the organization of production unscathed. The imaginative and institutionalized resistance to alternative ideological experimentation in turn tends to not only stifle creativity and naturalize entrenched socio-economic agendas (eg, the co-option of movements concerning anti-capitalist democracy, the commons, deep ecology), but pushes critics into ever more desperate measures (eg, reactionary European and US populist movements, militant Islamic cadres) or cynical apathy and quiet despair.

Even more troubling, while widespread reforms have been enacted with the purpose to mitigate the crisis, there is no consensus about what caused the conditions that allowed for the crisis in the first place, nor what policy directions would be best for the future. Consider the initial stages of the crisis itself. Was it due to the moral failure of consumers that spent lavishly on lifestyles they couldn’t afford? Or perhaps it was the fault of financial institutions willing to take on excessive risk to maximize short-term profits? Or possibly it was the government officials that succumbed to the overspending of populations and over-lending of banks in the hopes of placating their constituencies and ensuring reelection? Or was it a combination of these factors, the crisis at once a story of financial miscalculation, moral failure, and political ineptitude? And was it due to intentional or unintentional actions? To what extent was the crisis the result of neoliberal policies (eg, trade liberalization, privatization), and to the extent it might be, is this merely a situation requiring that excesses are tamed or does it point to intrinsic instabilities within the global infrastructure? Even if it was any number of these dynamics, a more fundamental question emerges: namely, why did these factors and conditions arise in the first place, and how might we simultaneously treat them in their individualized/contingent and structured/systemic specificity?

To identify the factors that gave rise to the conditions that facilitated the crisis leads to another level of problems about what should be done. It is one thing to identify parties and policies that might be at fault, but it is quite different from developing appropriate policy responses. On the one hand, even among constituencies which may agree on the causes of the crisis, there is no necessary agreement on the exact
parameters of reform or where to begin. Is it a matter of election reform, of
strengthening labor unions, of reining in privatization of utilities, of changing leverage
capacities of banks, of allowing state import substitution schemes? Or does it call for
more drastic measures: to restructure the very incentivization structure of production, to
limit capital accumulation, to scale back heavy industrialization, to build new institu-
tional entities that engage in global redistribution efforts? And if we settle on a policy
package, what are the unintended consequences of any reform? There is, for instance,
no guarantee that a stronger state will necessarily mitigate inequality or promote more
widespread prosperity or not be susceptible to siphoning the accumulation of social
power. And perhaps there really are not the resources to sustain cosmopolitan lifestyles
for an exponentially growing world population, whereby any attempt at redistribution
underestimates its own unsustainability, which will only lead to future systematic
crises. We are back to the conundrum of modernist ideology: the idea that unlimited
growth is possible in a limited planet and that there is something innate to humanity
which allows us to overcome any constraint, whether an individual overcoming unequal
social opportunity through hard work or global popular consumption transcending
shortages through technological innovations.

On the other hand, it is not simply a matter of getting the substance of reform right.
Regardless of our ability to identify the most ideal courses of action, there is the
problem of tactics – in other words, how to actually implement a given strategy.
Consider the following scenario: a Nobel Prize-winning economist develops an analysis
of how the crisis occurred and what to do about it. She writes her analysis in a paper,
which is erudite, witty, and absolutely convincing, and she publishes it in a leading
journal within her field. We might even say that her ideological commitments would be
seen as ‘radical’ by any conventional source. In support of her publication, she travels
around countries giving talks at universities and in the media pushing her positions.
From even this privileged situation, how does that set of ideas actually get transformed
into systematic action? How do we go from a position we hold to actually seeing that
position implemented? Nor does it have to be a respected professor. The same is true
for a social movement or even a political leader. It is very difficult to get things done,
and the problem is well beyond any simple appeal to enlightened self-interest of the
population or political will. In short, the tactics of reform are as important as the
substance of the prescriptions themselves for understanding the nature of the crisis and
what might be done about it.

The questions left in the wake of the crisis do not afford any simple answers, but
there seem to be at least three shared agreements that are emerging to provide clues to
future analysis. First, there is a growing consensus that the economic ideas of the last
40 or so years are no longer valid: trickle-down economics is a fantasy, there is no such
thing as a free market, prices are not an adequate measuring unit, privatization is not a
panacea for freedom, production cannot ignore environmental realities, and so forth. In
other words, the neoliberal era, in either its German or American guises, may still hold
sway in policy, but its track record has proven its fundamental logic to be by and large
intellectually bankrupt. Second, any future analysis needs to move away from reified
notions of the subjects of history (eg, individuals, states) and think through the
conditions (eg, organizational configurations, ideational frameworks of interpretation)
that allow these various actors and set the possibilities of their interests. And third, a
central problem to the future of global governance revolves around the twin concerns of ‘inequality’ and ‘production’. In terms of inequality, this is not to indicate that scholars aspire to a world of homogenized interests and experiences. Quite the opposite: the problem with the current valorization of privatized consumption to direct governance is that it has actually led to fewer and fewer meaningful options for the majority of people, within and outside the more prosperous countries. Similarly, in relation to production, what marks the current moment from the Keynesianism of the 20th century is that scholars no longer feel that production is endless. The increasing interconnectedness of the world has not only led to a pervasive rise in the cost of production, which has simultaneously resulted in lower rates of profit, but is beginning to come up against the limits of a social model of perpetual growth that ignores environmental (and political-economic) realities. The enormity of the problem and the demand for profound and systematic innovation marks our moment. If the invention and innovations of capital accumulation once fueled unparalleled advances for large segments of global populations (and especially, Western industrial regimes), its costs seem increasingly unmanageable for future governance.

This collection is an effort to begin thinking through these challenges in this spirit of excitement about the significance of what is at stake and the openness that the crisis has provided for rethinking what the conditions are and should be for the future of global governance. As noted in the title, Political Economy and Law, the materials in this collection offer you the opportunity to think about the crisis from 360 degrees. To speak of economic things, like private property, is to also speak about a type of legal institution that formalizes certain political values and social interests. We need to understand how these various conceptual and institutional fields work internally and in relation to each other, if we are to understand the increasingly complex world we live and work within. To help facilitate this analysis, the chapters are organized into the fundamental pillars of capitalism – finance/markets, labor/interests, and property/commodities. In addition, the authors have come together from economic, legal, and political economy departments to address the diverse aspects of the world we live in today. There is no political agenda or school of thought presented here. Rather, the aspiration is to provide you with a broad overview of the new thinking that is emerging out of the aftermath of the crisis across countries, disciplines, and policy fields.