



The Constitutionalization of the World Trade Organization: Legitimacy, Democracy, and Community in the International Trading System (International Economic Law Series)

By Deborah Z. Cass

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What is the World Trade Organization? Has it become a type of a "constitution"? Will it curb international trade discrimination and open up markets for developing countries, or will it prevent States from choosing the economic systems they want? This book untangles debates about constitutionalization and argues that the WTO is not, and should not, be described as a constitution by the standards of any conventional definition, or by the lights of any constitution to which we ought to aspire. Under current models, a constitutionalized WTO may curtail the ability of states to decide matters of national economic interest. The risk is an emphasis upon economic goals and free trade theory over other social values. Instead, Cass argues that what is needed, is a constitutionalized WTO which considers the economic development needs of States. Trading democracy, and not trading constitutionalization, is the biggest challenge facing the WTO.

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Review

'Deborah Cass has achieved that rare thing: An account which is sophisticated at both a theoretical and a doctrinal level. Her book will be a benchmark for all future writing on this theme.' Joanne Scott, University of Cambridge 'This extraordinary book probes the frontier of international economic law' From the Preface by Professor John Jackson, Georgetown University, Washington, D.C. 'Can or should global governance be guided by constitutional ideals and aspirations? What does democracy mean beyond the nation-state? Cass's book addresses these crucial issues by a careful examination of the debate over the legitimacy of the World Trade Organization. A fine legal scholar whose analysis is grounded in doctrine and jurisprudence but who also has very good interdisciplinary intuitions, Cass builds important bridges between political philosophy and international law. Even those who disagree with her conclusions about democracy and global constitutionalism will find that this work clarifies and enriches their own thinking.' Professor Robert Howse, University of Michigan

About the Author

Deborah Z. Cass is at Senior Lecturer in Law, London School of Economics and Political Science.

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