



# Lincoln University

## BA 317 – Political and Legal Aspects of International Business

### COURSE SYLLABUS Spring 2023

**Instructor:** Professor Leon Kil  
**Lecture Schedule:** Wednesday, 12:30 PM – 3:15 PM  
**Credits:** 3 units / 45 lecture hours  
**Level:** Mastery 1 (M1)  
**Office Hours:** By appointment  
**e-mail:** lkil@lincolnuca.edu  
**Textbook:** Course Reader compiled by the instructor

**Prerequisite:** *None*  
**Last Revision:** December 28, 2022

#### CATALOG DESCRIPTION:

The course includes: analysis of political, military, economic and ideological factors affecting the behavior of states and the conduct of transnational business, with attention to multinational enterprises, foreign economic and trade policies. It also includes: analysis of international legal systems, with particular emphasis on business disputes arising from antitrust laws; contracts and agreements; tariff liabilities; nationalization problems; procedures for arbitration and settlement. (3 units)

#### LEARNING OBJECTIVES

- Understanding the origins of the central institutions of capitalism: private property, the nation-state, competition, and international law.
- Analyzing the role of the state in fostering and strengthening industrial enterprise and R&D.
- Considering the sources and the implications of concentration and globalization of commodity production and capital flows.
- Examining the roots and consequences of international political and economic inequality for international legal regimes, their fairness and efficacy across the globe.
- Understanding the importance of political factors in shaping national reactions to international legal arrangements in corporate governance, asset protection,

multilateral trade and monetary commitments, climate accords, human migration, and non-proliferation of weapons of mass destruction.

- Accounting for how and when business interests rally in support for free trade and economic openness versus for protectionism and economic nationalism.

### COURSE LEARNING OUTCOMES<sup>1</sup>

	Course LO	Program LO	Institutional LO	Assessment activities
1	Understand the origins of the central institutions of capitalism: private property, the nation-state, competition, and international law.	PLO 1	ILO 1b, ILO 2b, ILO 7b	Assess the factors which contribute to sustained capacity to gain and retain international competitiveness across different historical contexts.
2	Analyze the role of the state in fostering and strengthening industrial enterprise and R&D.	PLO 2	ILO 1b, ILO 2b, ILO 4b	Assess how domestic and external factors influence the shape of state-business relations (i.e., capital accumulation and capital allocation) and how they influence the degree and the mode of state regulation of the domestic economy and its linkages with the world market.
3	Consider the sources and the implications of concentration and globalization of commodity production and capital flows.	PLO 3	ILO 1b, ILO 2b, ILO 7b	Assess how and why capitalist enterprises seek to expand to foreign markets and what impact this expansion tends to have on the more underdeveloped economies at different historical junctures.
4	Examine the roots and consequences of international political and economic inequality for international legal regimes, their fairness and efficacy	PLO 2	ILO 1b, ILO 2b, ILO 4b	Assess asymmetries in power and influence which result from international economic disparity and how they are reflected in central areas of contestation and conflict such as legal regimes

<sup>1</sup> Detailed description of learning outcomes and information about the assessment procedure are available at the [Center for Teaching and Learning](http://ctl.lincolnuca.edu) website (ctl.lincolnuca.edu).

	across the globe			governing trade, currency valuation, property rights enforcement, migration flows, etc.
5	Understand the importance of political factors in shaping national reactions to international legal arrangements in corporate governance, asset protection, multilateral trade and monetary commitments, climate accords, human migration, and non-proliferation of weapons of mass destruction.	PLO 6	ILO 3b	Assess how and when transnational business networks get established and solidified and why they get disrupted and subjected to the resurgence of state-promoted economic nationalism.
6	Account for how and when business interests rally in support for free trade and economic openness versus for protectionism and economic nationalism	PLO 2	ILO 1b, ILO 2b, ILO 4b	Assess the efficacy of international legal agreements such as arbitration agreements, forum selection clauses, international anti-bribery laws, theories and practice of expropriation and nationalization, and foreign sovereign immunity.

## INSTRUCTIONAL METHODS

Students are expected to read the assigned reading materials before each class. Case studies demonstrating specific issues of interest will comprise a part of each class session. Students will consider the case studies individually and in groups.

Each session will strike a balance between thematic lecture and teacher-student interaction in the class.

Assignments and projects require students to actively use resources of the library. Detailed guide to business *resources of the library* as well as the description of Lincoln University approach to *information literacy* are available at the [Center for Teaching and Learning](http://ctl.lincolnuca.edu) website (ctl.lincolnuca.edu).

## INDIVIDUAL PROJECT PRESENTATION:

Each student is expected to choose a topic related to the subject matter – it could be contemporary or historical or comparative – and present a short reflection on it to the rest of the class. This should be done through consultations with the instructor. At the end of the course each student should submit a 6-8 page

written document detailing one's finding and thinking. In your project/presentation, please explain how your topic/issue is related to the interaction between political power and business interests, what interesting and important lessons we can derive from analyzing this issue, and what kind of further research you would like to pursue with regard to it. Feel free to make use of the materials from class as well as any other reputable source. The order of presentations will be determined on a volunteer basis and then, by a lottery.

### TESTING

There will be one mid-term examination and one final examination. Both will be in-class essay examinations based on the assigned readings. There will be a review for both exams ahead of time.

### GRADING

Grading will be based on the following criteria:

Mid-term	: 30 per cent
Final Examination	: 40 per cent
Class Attendance and Participation	: 10 per cent
Individual Project	: 20 per cent
Total	: 100 per cent

### Grading Standard:

Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	F
Points	95-100	90-94	87-89	84-86	80-83	77-79	74-76	70-72	67-69	60-66	0-59

### Classroom Protocol:

Courtesy is expected. This includes no cell phone usage. Excessive talking will be punished by immediate beheading.

**COURSE CALENDAR AND ASSIGNMENTS**

The assigned material for each date should be read before the class with the exception of the first class. Class participation in discussing the material is expected.

**Week 1 (Jan. 25): Political and Legal Power amidst Global Economic Interdependence**

- Morris R. Cohen, “Property and Sovereignty,” *Cornell Law Review*, vol. 13, issue 1 (December 1927)
- Richard Rosecrance. The Rise of the Virtual State: Wealth and Power in the Coming Century (Basic Books, 1999), chapters 1, 6-7

**Week 2 (Feb. 1): Formation of Modern State-Business Relations**

- Joseph Schumpeter, “The Crisis of the Tax State” in Richard Swedberg, ed., Joseph A. Schumpeter: the Economics and Sociology of Capitalism (Princeton: Princeton UP, 1991), pp. 99-140
- Charles Tilly, “War Making and State Making as Organized Crime” in Peter B. Evans et al., eds., Bringing the State Back In (Cambridge UP, 1985), pp. 169-191

**Week 3 (Feb. 8): Three Templates of Foreign Economic Policy: Mercantilism, Liberalism, Nationalism**

- David Boucher. Political Theories of International Relations: from Thucydides to the Present (Oxford: Oxford UP, 1998), chapter 7
- Robert L. Heilbroner. The Worldly Philosophers: the Lives, Times, and Ideas of the Great Economic Thinkers (Simon&Shuster, 1995), chapter 3
- David Levi-Faur, “Friedrich List and the Political Economy of the Nation-State,” *Review of International Political Economy*, vol. 4, issue 1, 1997, pp. 154-178

**Week 4 (Feb. 15): Capital Accumulation and Capital Allocation in European Industrial Growth**

- Alexander Gerschenkron, “Economic Backwardness in Historical Perspective” in Mark Granovetter and Richard Swedberg, eds., The Sociology of Economic Life (Boulder: Westview, 1992), pp. 111-130

- Linda Weiss and John M. Hobson, “Strong and Weak States in European Industrialization” in their States and Economic Development: a Comparative Historical Analysis (London: Polity, 1996), pp. 93-129

**Week 5 (Feb. 22): International Economic Crises and National Reactions**

- Ronald Rogowski, “Why Changing Exposure to Trade Should Affect Political Cleavages” in his Commerce and Coalitions: How Trade Affects Domestic Political Alignments (Princeton: Princeton UP, 1989), pp. 3-20
- David M. Woodruff, “Commerce and Demolition in Tsarist and Soviet Russia: Lessons for Theories of Trade Politics,” *Review of International Political Economy*, vol. 12, issue 2, 2005, pp. 199-225

**Week 6 (March 1): Uneven Development of Capitalism and the Theories and Practice of Imperialism**

- Vladimir Lenin, Imperialism, the Highest Stage of Capitalism, entire, accessible at: <http://www.marxists.org/archive/lenin/works/1916/imp-hsc/>

**Week 7 (March 8): In-Class Midterm Exam**

**Week 8 (March 15): Spring Recess – No class!**

**Week 9 (March 22): International Trade and International Business  
Between the First and the Second World War  
(1914-1945)**

- Karl Polanyi, The Great Transformation: the Political and Economic Origins of Our Time (Boston: Beacon Press, 2001), chapters 11-18
- Janis Mimura, Planning for Empire: Reform Bureaucrats and the Japanese Wartime State (Ithaca: Cornell UP, 2011), chapters 1-2

**Week 10 (March 29): America’s Benevolent Hegemony, ‘Organized  
Capitalism’ and the Political Economy of the Cold  
War**

- John Gerard Ruggie, “International regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order” in Stephen Krasner, ed., International Regimes (Ithaca: Cornell UP, 1981), pp. 195-232.

- Stephan Haggard, “Explaining Development Strategies” in his Pathways from the Periphery: the Politics of Growth in the Newly Industrializing Countries (Ithaca: Cornell UP, 1990), pp. 23-48
- Hagen Koo, “The Interplay of State, Social Class, and World System in East Asian Development: the Cases of South Korea and Taiwan” in Frederic C. Deyo, ed., The Political Economy of the New Asian Industrialism (Ithaca: Cornell UP, 1987), pp. 165-181

### **Week 11 (April 5): The Origins of Neo-Liberal Globalization in the Industrialized and the Developing World**

- William K. Carroll and J.P.Sapinski, “Neoliberalism and the Transnational Capitalist Class” in Simon Springer et al., eds., The Handbook of Neoliberalism (Routledge, 2016), pp. 39-49
- Dieter Plehwe, “Neoliberal Hegemony” in Simon Springer et al., eds., The Handbook of Neoliberalism (Routledge, 2016), pp. 61-72
- Kiren Chaudhry, “The Myths of the Market and the Common History of Late Developers” in Naazneen H. Barma and Steven K. Vogel, eds., The Political Economy Reader: Markets as Institutions (London: Routledge, 2008), pp. 447-473

### **Week 12 (April 12): The Empire of Capital: Transnational Business and Its Legal Regimes**

- Ronen Palan. The Offshore World: Sovereign Markets, Virtual Places, and Nomad Millionaires (Ithaca: Cornell UP, 2003), chapters 1-2
- Garry Gereffi, “Global Value Chains in a post-Washington Consensus World,” *Review of International Political Economy*, vol. 21, issue 1, 2014, pp. 9-37

### **Week 13 (April 19): American Hegemony Challenged and the Rise of Alternative Centers of Capital Accumulation**

- Stephen S. Cohen and J. Bradford DeLong. The End of Influence: What Happens when Other Countries Have the Money (Basic Books, 2010), chapters 4 and 5
- Henry Farrell and Abraham L. Newman, “Weaponized Interdependence: How Global Economic Networks Shape State Coercion,” *International Security*, vol. 44, no. 1 (Summer 2019), pp. 42–79

**Week 14 (April 26): A New Globalization Project or a New World War?**

- Klaus Schwab. Stakeholder Capitalism: a Global Economy that Works for Progress, People and Planet (World Economic Forum, 2021).

**Week 15 (May 3): Individual Project Presentations**

**Week 16 (May 10): Final Examination**