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Law as the Interplay of Ideas, Institutions, and Interests: Using Polyani (and Foucault) to ask TWAIL Questions

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Abstract
This paper sketches out some preliminary thoughts on political economy that stem from problematics that emerge from TWAIL. The TWAIL story of international law is one of frustration and disappointment because of the constant exploitation of the Third World despite all the historic changes in international legal ideas and institutions, but it also a story of hope in the moments of resistance. In order to better debate how particular international institutions should be changed or whether particular international institutions should be renounced, I suggest that we need to explicate the theories of political economy embedded within these institutions. Drawing from Karl Polanyi's *The Great Transformation*, bringing alongside the work of Michel Foucault, I sketch out one way of conducting a study of international political economy by suggesting that we can think of law as the interplay of ideas, institutions, and interests.

Keywords
International political economy; TWAIL; globalization; international institutions

1. Introduction

One major focus by Third World Approaches to International Law (TWAIL) scholars is on international economic institutions. Implicit in this work is the assumption that these institutions matter because they: 1) constitute and affect discourse; and 2) transform social institutions. So far, there has been excellent work in TWAIL examining how we are governed through international economic institutions. What I suggest in this paper is that we need to build on questions of political economy to better understand how international institutions affect power and production. This will help with the broader discussion of why international institutions matter. There have been examinations of particular institutions noting structural and discursive biases against Third World countries. Throughout TWAIL footnotes are references to Karl Marx, V.I. Lenin, John A. Hobson,

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Immanuel Wallerstein, Andre Gunder Frank, Samir Amin, Gunnar Myrdal, Karl Polanyi, and Douglass C. North. We need to be more particular about what theories of international political economy we are employing, and, more interestingly, we need to develop our own notions of political economy. With clearer institutional maps we can better debate how particular international institutions should be changed or whether particular international institutions should be renounced.

There is a common trend in law to simply assume as a fact that the world is interconnected through markets, and that the role of national governments and international institutions is to exploit the benefits "and, if possible ameliorate" the detrimental effects of this "globalization".[1] TWAIL scholarship, in contrast, problematizes this understanding of interconnectedness and considers how different laws and institutions are involved in global interdependence. For example, Anghie explores the links between development and international law through cultural ideas,[2] Rajagopal examines the link between development, human rights and international law through resistance,[3] and Gathii sketches notions of social issues interwoven within the praxis, history and rules of the WTO.[4] TWAIL scholars outline how interdependent economic, social, political, and cultural ideas are embedded within international laws and institutions. [5] They examine how the relationship between these ideas and institutions changes throughout history.

By taking stock of power dynamics, TWAIL scholars are enabled to understand how international law's imperial history affects structures and understandings of contemporary international institutions.[6] Of course, domination from

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1) For e.g., Brian Tamanaha, *General Jurisprudence of Law and Society* (2001), pp. 129–139; Paul Schiff Berman, "From International Law to Law and Globalization", (2005) 43 *Columbia Journal of Transnational Law* pp. 485, 552–553; John H. Jackson, *Sovereignty, the WTO and the Changing Fundamentals of International Law* (2006) p. 3.

2) Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (2005).

3) Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* (2003).

4) James Thuo Gathii, "Re-characterizing the Social in the Constitutionalization of the WTO: Preliminary Analysis" (2001) 7 *Widener Law Symposium*, p. 137.

5) See also Anne Orford, "Beyond Harmonization: Trade, Human Rights and The Economy of Sacrifice" 18 *Leiden Journal of International Law* (2005) p. 179; Ruth Buchanan, "Legitimating Global Trade Governance: Constitutional and Legal Pluralist Approaches" 57 *Northern Ireland Legal Quarterly* (2006) p. 654; and Robert Wai, "Conflicts and Comity in Transnational Governance: Private International Law as a Mechanism and Metaphor for Transnational Social Regulation Through Plural Legal Regimes" in Christian Joerges & Ernst-Ulrich Petersmann (eds.), *Constitutionalism, Multilateral Trade Governance And Social Regulation* (2006) pp. 229-262.

6) *Cf.* work in other fields such as Paul A. David, "Why Are Institutions the 'Carriers of History': Path Dependence and the Evolution of Conventions, Organizations, and Institutions", 5 *Structural Change and Economic Dynamics* (1994) p. 205; Paul A. David, "Path Dependence: A Foundational Concept For Historical Social Science", 1 *Cliometrica* (2007) p. 91; and Daron Acemoglu, Simon Johnson & James A. Robinson "The Colonial Origins of Comparative Development: An Empirical Investigation", 91 *The American Economic Review* (2001) p. 1369.

past empires does not present itself in the same forms and processes today, which makes it imperative to conduct historical work that traces and maps the dynamics of power and institutions.[7] The TWAIL story of international law is one of frustration and disappointment because of the constant exploitation of the Third World despite all the historic changes in international legal ideas and institutions,[8] but it also a story of hope in the moments of resistance. TWAIL scholars, in their critical examinations of international law, are looking for spaces of resistance whether it is in the form of social movements, international institutions or urban governance. I am suggesting that we continue to expand and deepen this search. I am not calling for a "TWAIL theory of political economy"; a more productive approach is to open up a systemic discussion and debate of political economy by scholars who are driven by overlapping concerns. We should look to unpacking the theories of political economy in places where the Third World encounters international law in order to look for spaces of opportunity and debate what world we want to create. What is the political economy of the international human rights framework? What are the competing notions of "free trade" within the different WTO provisions and agreements? How is the theory of sustainable development behind the *Cartagena Protocol* different than that of the *Sanitary and Phytosanitary Agreement*?

When I first started asking myself these questions and began to outline the structure of my study, I looked to Karl Polanyi's *The Great Transformation* for he too was asking how the history of the power dynamics of law, markets, and institutions on a global level led to structuring the contemporary world.[9] Drawing from *The Great Transformation*, bringing alongside the work of Michel Foucault, I have sketched out one way of conducting a study of international political economy by suggesting that we can think of law as the interplay of ideas, institutions, and interests.

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7) Susan Marks, "Empire's Law", 10 *Indiana Journal of Global Legal Studies* (2003) p. 449.

8) I use the term "Third World" in the sense that, as Okafor puts it:

> [w]hat is important is the existence of a group of states and populations that have tended to self-identify as such – coalescing around a historical and continuing experience of subordination at the global level that they feel they share – not the existence and validity of an unproblematic monolithic third-world category. That much is undeniable. Now, if these states tend to complain about similar things, and tend to speak to similar concerns, it is of course undeniable that, as contingent and problematic as any style they wish to assign to their grouping is, or can be, that grouping – that sense of shared experience – does exist and has been repeatedly expressed.

Obiora Chinedu Okafor, "Newness, Imperialism, ad International Legal Reform In Our Time: A TWAIL Perspective", 43 *Osgoode Hall Law Journal* (2005) pp. 171, 174.

9) *The Great Transformation: The Political and Economic Origin of Our Time* (1944) [hereinafter *The Great Transformation*]. I have greatly benefited in my reading of Polanyi from Fred Block & Margaret R. Somers, "Beyond Economistic Fallacy: The Holistic Social Science of Karl Polanyi", in Theda Skocpol (ed.), *Vision and Method in Historical Sociology* (1984) pp. 47–84.

2. Polanyi – Interplay of Ideas, Institutions and Interests

In *The Great Transformation*, Polanyi shows how an international economy links nations and peoples by examining the role of law, domestic institutions, and international institutions in structuring the global economy. Polanyi's insights have re-emerged through the contemporary discussion on globalization and development as economists debate the role of the market in society.[10] What is methodologically under-explored, however, is explicating how Polanyi examines social change and the interconnectedness of the world by considering the laws and institutions that structure the world economy.[11] Polanyi has an implicit theory of law that is linked to his theory of social change, and I suggest that this framework provides a particularly helpful way of understanding global interdependence.

Polanyi tells a story in which different classes compete for interests through socially embedded political and economic institutions and these institutions also in turn form and link class interests. These laws and institutions remained over time after the original purpose had passed and would change in function depending on the dominant ideas and interests of the time. This means that examining law and institutions uncovers how contemporary political economic structures came about.

2.1. *Polanyi's Theory of Law*

Polanyi's first thesis, drawing from Max Weber and other sociological and anthropological studies, is that historically, markets are "submerged" in social relationships and as such can be considered as enmeshed or embedded in society.[12] Therefore, because markets are embedded in society, it is societal redistribution not economic gain that structures the market. People do not act to safeguard their individual interest in material goods; rather they act to safeguard their social standing, social claims, and social assets.[13] The term "embeddedness" has become

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[10] Some read Polanyi as providing a critique of the market, see for e.g. Samir Amin, "The Challenge of Globalization", 3 *Review of International Political Economy* (1996) p. 216. Others focus on how Polanyi provides a way of better understanding how markets work, see e.g. Joseph Stiglitz, "Foreword", in Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Times* (1944, 2001) pp. vii–xvii; and Douglas C. North, "Markets and Other Allocation Systems in History: The Challenge of Karl Polanyi", 6 *Journal of European Economic History* (1977) p. 703. Whereas some react against Polanyi in their reading that Polanyi justifies political intervention into the market, see for e.g. Martin Wolf, *Why Globalization Works* (2004) pp. 98–99.

[11] Some argue that Polanyi does not have a theory of change, see for e.g. Mark Blyth, *Great Transformations: Economic Ideas and Institutional Change in the Twentieth Century* (2002) pp. 1–16. Others use Polanyi to examine global interconnectedness but leave out a theory of change, see for e.g. John Gerald Ruggie, "International Regimes, Transactions and Change: Embedded Liberalism in the Postwar Economic Order", 36 *International Organization* (1982) p. 379.

[12] *The Great Transformation*, *supra* note 19, pp. 45–46.

[13] *Ibid.*, pp. 43–55.

a contested term of art that has taken on a life of its own beyond Polanyi's text;[14] therefore, it is worth closely examining how Polanyi used the term and the role it played in his text.

Polanyi is reacting against a theory that assumes that the market is separate from society. He is reacting against the premise that "instead of economy being embedded in social relations, social relations are embedded in the economic system."[15] Polanyi warns, however, that this theory of the market is a stark utopia that has violent consequences.[16] The destructive nature of markets was most acute during the Industrial Revolution in England during which new technologies radically improved the tools of production while at the same time drastically dislocated common people's lives through productive "satanic mills".[17]

This leads to Polanyi's second thesis, regarding the "double movement" created by the market. According to Polanyi, all markets are embedded in society. Therefore, when the market emerges as a paramount societal institution, society responds to the market's destructive effects through laws and institutions. In sum, Polanyi suggests that laws and institutions arise from the social response to the destructive nature of the market and that this double movement is what characterizes a market society. Put another way, from Polanyi's historical telling of how the market society emerged and the ensuing double movements, he suggests that only by understanding the legal and institutional contours of society do we understand market society.

From this we can extrapolate Polanyi's theory of law and see that a society's laws and institutions exemplify the conflict and tension of competing social interests. Laws (which constitute institutions)[18] are created to (re)establish the market's role as the primary institution structuring society or are created as the pushback dynamic of the double movement to compensate for the markets destructive effect. Moreover, laws and institutions can also reflect a compromise or uneasy tension between the market and other societal structures. Law is not simply characterized as representing the interests of the ruling class; rather it exemplifies the mix of societal interests and structures. This complexity means that law can

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14) For surveys of how the term has been used see Jens Beckert, "The Great Transformation of Embeddedness. Karl Polanyi and the New Economic Sociology", *MPIFG Discussion Paper 07/01* (2007), online: Max Planck Institute for the Study of Societies, http://www.mpi-fg-koeln.mpg.de/pu/mpifg_dp/dp07-1.pdf; and Ayse Burgra & Kaan Agartan, *Reading Karl Polanyi for the Twenty-First Century: Market Economy as a Political Project* (2007), pp. 4–5.

15) *The Great Transformation*, *supra* note 9, p. 57.

16) *Ibid.*, p. 3.

17) *Ibid.*, pp. 33–42.

18) Polanyi never explicitly defines what he means by institution (which he used interchangeably with "system"). Generally, he considers institutions to be the social instruments that translate interests into politics. Nevertheless, one could assume from his discussion of the more informal system that what Polanyi means by an institution are the various laws made effective by customary practice and "established centers, regular meetings, common functionaries, or compulsory code of behavior." *Ibid.*, pp. 8, 262.

either represent the interests of social actors who benefit from the primacy of the market, social actors reacting against the transformative nature of the market, or a compromise between varieties of social actors.

Thereby examining laws and institutions of a market society, we understand the conflicts generated by the double movement between the interest of those who benefit from the market and the institutional transformations created by the market versus the societal response to the changes brought about by the market and the interest of those who lose from the new changes.

2.2. *Violence of the Market in the Peripheries*

Polanyi considered the transformative effect of the market society to be most acute in the colonial world. To recap Polanyi's story, the market first emerged in Europe and then became the driving logic behind international economic institutions. Thus, when European countries and international institutions established colonies in the non-European world, the latter were transformed into market societies. This transformation was most drastic in the colonies because the transformations brought in by the market created "a social calamity [that] is primarily cultural not an economic phenomenon that can be measured by income figures or population statistics."[19] Economic exploitation through the imposition of a market economy was the vehicle that caused "rapid and violent disruption of the basic institutions" of the colonized. Polanyi argues that it was not the economic system *per se* that devastated the lives of the colonized; rather it was the speed and violence of the institutional changes brought upon them by the colonizers.[20]

Polanyi suggests that one must understand the role of the market alongside the interests of certain social classes to explain why the market society expanded out of Europe into international institutions and the colonies. Moreover, the formation of international economic structures was not just a dynamic of interests of particular class, but also emerged from policies driven by unquestioning faith in the market to organize life.

This faith also underlay ideas and institutions that legitimized colonial expansion and radically constrained domestic policies. The European free market and free trade policies of the early and mid 19th century were followed by economic crisis and depression during 1873–1886, which included the dislocation of millions in rural Europe. During the beginning of the depression, Europe's economies were linked by the gold standard and free trade. Governments believed that the gold standard was absolutely necessary to preserve since it represented sound economic policy, despite the fact that the international gold standard restricted the policy-tools which governments could use to address the crisis. In order to ensure a stable currency and convinced of the necessity of free trade, the Euro-

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19) *Ibid*., p. 157.
20) *Ibid*., pp. 158–165.

pean powers expanded outside of their continent to "politically unprotected regions" to supply the raw material necessary for industry,[21] imposing "unspeakable suffering" on those colonies.[22] Colonized peoples were either convinced or forced through gunboat diplomacy to embrace a market system, with social consequences more devastating than the transformation in Europe since colonial structures did not allow people to politically organize to create the "double movement" to ameliorate the destructive affects of the market.[23] The balance of power system of Europe shifted from interlinking interests on the European continent to competing interests in colonial expansion. Though Polanyi was adept at examining how societies become dominated by the market, how these market societies functioned, and how the notion of the "market society" spread to the colonies, he provides little help in understanding non-market societies unto themselves without comparing them to market societies.[24]

This insight into the role of the idea of the market has great power for explaining why certain decisions may have seemed necessary or normal for the time. In hindsight, it seems paradoxical that the idea of free trade and faith in the gold standard was the very source of laws and institutions that reduced intra-European trade and encouraged colonial expansion. The institutions and ideas of the market of the time, however, shaped how social actors understood their interests and how policy-makers understood what changes were possible. In turn, institutions and laws were created or changed to respond to the problems and needs of certain classes of society of the time.

3. Foucault's Genealogy

Polanyi's account of the international system and the changes that occurred during the 19th century, however, has a difficult relationship with establishing causation (which he explicitly acknowledges).[25] At times, Polanyi' working premise is that "[a]ll types of societies are limited by economic factors"[26] and in other accounts, political "[p]ower has precedence over profit".[27] This tension might be a result of Polanyi's changing relationship with the work of Marx during the span of writing *The Great Transformation*.[28]

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21) *Ibid.*, p. 217.
22) *Ibid.*, p. 214.
23) *Ibid.*, pp. 182–183, 207.
24) Block & Somers, *supra* note 9, p. 75.
25) *The Great Transformation*, p. 28.
26) *Ibid.*, p. 30.
27) *Ibid.*, p. 12.
28) Fred Block, "Karl Polanyi and the Writing of 'The Great Transformation'" 32 *Theory and Society* (2003) pp. 275, 276; and Michael Burawoy, "For a Sociological Marxism: The Complementary Convergence of Antonio Gramsci and Karl Polanyi" 31 *Politics & Society* (2003) pp. 193, 202–208.

There is an ambiguity in Polanyi's text as to whether economy, politics, and ideas caused or characterized international crisis; this underlying tension regarding causality is both Polanyi's strength and weakness. Polanyi's approach is richest when he assumes that establishing determinative causes of change is virtually impossible in light of the complexity of society, happenstance of history, and shifting interests of social actors and instead focuses on the dynamic between ideas, institutions, and interests.

This is similar to Foucault's "genealogical" approach, which overcomes Polanyi's tension and embraces causal ambiguity by placing at the front and centre of historical examination the accidents and deviations that give birth to those that things that continue to exist and have contemporary value.

Foucault's approach to history is similar to Polanyi's in that it seeks to understand how the present was made possible through conditions and changes in the past. Foucault, however, explicitly eschews determining "causes" of historical change and focuses on the discontinuities that constitute change. Foucault does not examine discontinuities in history to celebrate dissonance. Instead, his focus on discontinuity is intended to understand the sudden transformations in history.[29] Foucault's genealogical approach, taking cues from the *Annales* school of historical writing, looks to explain historical transformation by examining dissonant events within long, continuous durations of history, analyzing "types of relationships and modes of linkage" that led to moments of sudden change.[30]

Foucault's project, like Polanyi's, can be read as a desire to struggle against repression coinciding with a focus on the constituting affect of power.[31] Polanyi does this by developing his notion of the "double movement" which is exemplified by a notion of law that reflects conflict and compromise as well as structures future conflict and compromise. The purpose of the genealogical approach is to unmask the struggles over power that constitute seemingly stable ideas and institutions, thereby identifying what is at stake for varying social actors.[32] For Foucault, law played a role in constituting power and knowledge.[33] Foucault's main focus, however, was examining the dynamic between power and knowledge through institutions such as hospitals, penitentiaries, schools, and the family, which were traditionally under-explored. The market is bracketed out of Fou-

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29) Michel Foucault, "Two Lectures", in Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972–1977* (1980) pp. 78–108, 112 [hereinafter "Two Lectures"].

30) Michel Foucault, "The Discourse of History", in Sylvère Lotringer (ed.), *Foucault Live (Interviews, 1961–1984)* (1996) pp. 19–34. See also "The Order of Things", "History, Discourse and Discontinuity", "Foucault Responds to Satre", and "The Archeology of Knowledge", in Sylvère Lotringer (ed.), *Foucault Live (Interviews, 1961–1984)* (1996) pp. 13–18, 33–50, 51–56, and 57 respectively.

31) Michel Foucault, "Intellectuals and Power", in Sylvère Lotringer (ed.), *Foucault Live (Interviews, 1961–1984)* (1996) pp. 70–82 [hereinafter "Intellectuals and Power"].

32) "Two Lectures", *supra* 28 pp. 87, 101.

33) Michel Foucault, "Truth and Juridical Forms", in James D. Faubion (ed.), *Power: Essential Works of Foucault 1954–1984 Volume Three* (1994) pp. 1–89.

cault's work, for he thinks that economic structures are now well understood.[34] He considers that we have a good understanding of economic struggle in the form of exploitation (which he defines as the forms which separate the individual from what they produce).[35] To Foucault, what is less understood is how power operates in all its social forms, not just through the state and market.

Foucault's theoretical richness comes from his notion of power, which is central to his theory of change. Power is a dynamic of both struggle and repression; individuals and institutions are constantly affected by and exercising power at the same time. Power is not simply repressive, but is a constituting force shaping and forming discourses, knowledge, interests, and institutions in all aspects of social life. Thereby, in understanding power we can understand how certain practices and ideas come about and seem "normal".[36]

4. Conclusion

With all that Foucault's work brings to light on understanding of the constituting effect of power and a way of examining history without rigid rules of causality, it does not provide a direct approach for understanding the role of law and the market in social transformation. We can use Polanyi for his rich framework of law, social change, and global interconnectedness. And to pick-up where Polanyi oscillates on theories of history and causation, we bring in Foucault's genealogical approach. Both Foucault and Polanyi considered the conflict and power between ever-shifting social actors to shape and be shaped by ideas and institutions. Polanyi's theory of law and social change incorporates these notions so that when Polanyi examines markets, laws, and other institutions he unpacks social conflict by showing how interests are created and linked. Foucault's study of the relationship between power and knowledge provides a way of further understanding how the idea of the market took such a firm hold on dictating what was necessary and normal in structuring the international system.

Polanyi's story explains the complex dynamics that led to European expansion. It is a theory of imperialism that focuses on the political and economic explanation as to how Europeans expanded through ideas and institutions of a market society. He explains the violent social transformations in the colonies brought about by the expansion of European ideas and institutions concerning market society as a result of the conditions, attitudes, and needs of European actors. But

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[34] *Ibid*., p. 86. *Cf*. Duncan Kennedy, "The Stakes of Law, or Hale and Foucault!" 15 *Legal Studies Forum* (1991) pp. 327, 360.

[35] "Intellectuals and Power", *supra* note 30, p. 79; and Michael Foucault, "The Subject and Power", in James D. Faubion (ed.), *Power: Essential Works of Foucault 1954–1984 Volume Three* (1994), pp. 326–348.

[36] See Michel Foucault, *The History of Sexuality, Volume I: An Introduction*, (1978) pp. 92–96; and Michel Foucault, "Truth and Power", in Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings 1972–1977* (1980) pp. 109–133, 119.

what is missing, which TWAIL scholars bring, are the stories from the periphery, which are necessary to understand imperial expansion in its fullest. How and why European actors expanded into forming colonies can be understood as a necessary product of the domestic conditions of Europe as well as a response to increasing contact between Europe and non-European peoples.[37] As Edward Said notes, "the durability of empire was sustained on both sides, that of the rulers and that of the ruled, and in turn each had a set of interpretations of their common history with its own perspective, historical sense, emotions, and traditions."[38] If Polanyi's telling of 19th century market society and imperialism is one of the centre affecting the periphery, what is needed is consideration of how ideas and institutions moved to the periphery and the dynamic of the encounter between colonizer and colonized within the periphery.[39] This not only allows for an understanding of the relationship between Europe and the rest of the world and the consequences of imperialism, but also provides an opportunity for an understanding of conditions that shape life in the colonies that is not necessarily Eurocentric.

I looked to Polanyi and Foucault to understand how to craft a historical study that focuses on international law, political economy, and power. It provides a starting point to organize my research – sometimes Polanyi is more helpful than Foucault, or Foucault is more helpful than Polanyi, or neither is helpful and I allow the material to speak for itself. Indeed, to bring Polanyi alongside Foucault can be an uneasy relationship. Polanyi and Foucault negotiated differently with the works of Marx and with different traditions of Marxism.[40] Both looked to history to understand the institutional origins of contemporary life eschewing a strict focus on the nation-state; Polanyi, however, looked for a comprehensive framework for global history whereas Foucault excavated the capillaries of power. Moreover, both were informed by different moments in history, Polanyi by World War II and Foucault by the events of May 1968.

Nevertheless, my reading and appropriation of these texts, that ask questions similar to those posed by TWAIL scholars, allows me to sketch a way of asking how international institutions matter with regards to affecting international patterns of power and production. We can better understand international institutions by explicating the varying history of the interplay of ideas and interests

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37) D.K. Fieldhouse, *Economics and Empire, 1830–1914* (1984).

38) Edward Said, *Culture and Imperialism* (1994) p. 11.

39) See for e.g. W.J. Mommsen & J.A. De Moor, (eds.), *European Expansion and Law: The Encounter of European and Indigenous Law in 19th and 20th Century Africa and Asia* (1992), Anghie, *supra* note 2; and Duncan Kennedy, "Three Globalizations of Law and Legal Thought: 1850–2000", in David Trubek and Alvaro Santos (eds.), *The New Law and Economic Development: A Critical Appraisal* (2006) pp. 19–73. For a examination of this dynamic in contemporary settings Rajagopal, *supra* note 3.

40) For Polanyi, see *supra* note 27. For Foucault, see Kennedy, *supra* note 33; and "Foucault and Political Economy", in Gary Browning & Andrew Kilimster, *Critical and Post-Critical Political Economy* (2006) pp. 61–84.

packed within these institutions. Using Polanyi and Foucault, TWAIL scholars can continue to craft studies of an international institution or examine several institutions and ask how these institutions are structuring ideas that concern the Third World and affecting the interests of the Third World. They can also better understand how ideas and interests are also, in turn, structuring international institutions. The hope is that TWAIL scholars continue to explore different spaces of international law by examining the global terrain of international institutions with a clearer way of thinking about the role of government, market, and non-state actors in order to change prevalent ideas and interests. Then we will be better able to debate whether (and how) particular international institutions should be renounced or changed.