



CENTER FOR THE STUDY OF LAW AND SOCIETY  
BERKELEY LAW

## **CSLS SPEAKER SERIES**

Monday, March 12, 2018

### **SHAINA POTTS**

Assistant Professor of Geography and of Global Studies, UCLA

#### **“The Politics of the ‘Private’: U.S. Law and the Judicialization of Sovereign Debt Relations”**

Since the 1950s, US courts have exercised increasing authority over transnational economic relations involving foreign governments. This has been enabled most importantly by the restriction of the act of state doctrine and foreign sovereign immunity and the development of commercial exceptions to each. In this paper I argue that this history is best understood in the context of broader processes of judicialization; the mechanism for transferring these transnational cases to the judiciary has been precisely the reclassification of acts previously considered “public” and “political” as “commercial,” “private” and therefore properly “legal.” Judicialization scholars to date have been prevented from seeing this by a tendency to methodological nationalism and by the assumption that economic matters are by definition not political. Transnational commercial law scholars have been similarly limited by the latter, which has supported a narrative about the development of commercial law that has tended to overlook its geopolitical context and functions. This paper aims to address these gaps and to contribute to a deeper understanding of changing modalities of US power and global governance since World War II.

Professor Potts’ paper is available on our website and in hard copy at the Center.

**PLACE** Selznick Seminar Room, 2240 Piedmont Avenue  
**TIME** **12:45 – 2:00pm.** Coffee and water provided. Bag lunches welcome.  
**INFO** <https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/>  
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