

Contents

<i>List of tables</i>	x
<i>Acknowledgements</i>	xi
<i>List of contributors</i>	xii
<i>Foreword: Liberalism's global mirror: Worldwide contracting and 'no alternative'?</i>	xiii
PEER ZUMBANSEN <i>An overview of the volume</i>	xviii
1 The politics of private transnational governance by contract: Introduction and analytical framework	1
A. CLAIRE CUTLER AND THOMAS DIETZ	
PART I Analytical and Theoretical Dimensions of Private Transnational Governance by Contract	37
2 Contract as normative regulation and its relation to the rule of law	39
CHRISTOPHER MAY	
3 Governance by contract from a perspective of power: The case of land grabbing	57
DORIS FUCHS AND ANNE HENNINGS	
PART II Trade and Production: Global Value Chains and Transnational Private Governance by Contract	77
4 Private transnational governance in global value chains: Contract as a neglected dimension	79
A. CLAIRE CUTLER	

viii *Contents*

5	The new gatekeeper: Ethical audits as a mechanism of global value chain governance	97
	GENEVIEVE LEBARON, JANE LISTER AND PETER DAUVERGNE	
6	Relational contracts 2.0: Efficiency and power	115
	THOMAS DIETZ	
 PART III		
	Trade, Investment, and Dispute Settlement: Arbitration as Transnational Private Governance by Contract	131
7	Arbitration as transnational governance: Legitimacy beyond contract	133
	FABIEN GÉLINAS	
8	Private arbitration as a mechanism for the construction of contractual norms in private-public relationships: The case of investor-state arbitration	151
	EDWARD COHEN	
9	Theorizing private transnational governance by contract in the investor-state regime	169
	A. CLAIRE CUTLER AND DAVID LARK	
 PART IV		
	Sectoral Specifications of Private Transnational Governance by Contract	193
10	Contractual governance and sectoral fragmentation of transnational contract law	195
	JOSHUA KARTON	
11	Transnational carbon contracting: Why law's invisibility matters	215
	NATASHA AFFOLDER	
12	Merchants of hegemony: Neoliberalism and the legitimacy of private contractual governance in the transnational cotton trade	237
	AMY A. QUARK	
13	Regulating private military security companies by contract: Between anarchy and hierarchy?	255
	A. CLAIRE CUTLER AND STEPHANIE LAW	

14	Conclusion: Empire through contract: A private international law perspective	277
	HORATIA MUIR WATT	
	<i>Index</i>	300