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**A CRITICAL DISCOURSE THEORY OF INTERNATIONAL ECONOMIC
ADJUDICATION: A GRAMSCIAN PERSPECTIVE**

Edoardo Stoppioni

International Dispute Settlement, Max Planck Institute for Procedural Law, Germany

The overall purpose of this paper is to apply Laclau and Mouffe's discourse analysis to international economic law adjudication (WTO dispute settlement and investment arbitration) in order to voice their neoliberal structural bias.

The starting point of this investigation lies in the analysis of the *neoliberal discourse of the adjudicator*. The idea is to map the ideology of the judge via the neoliberal discursive elements used to operate their legal spaces. These elements show how the judge introduces a neoliberal ideology while presenting its actions as mandated by the text. This is clear in WTO case law, forging a particular use of the concept of '*market*' to commit the central judicial tests to the project of free trade. Similarly, in ISDS, arbitrators reinforce the asymmetric logic of the system by creating 'pro-investor' presumptions or evaluation techniques.

Second, the paper will analyze how this *neoliberal discourse becomes a particular hegemonic discourse*. The aim is here to show that, because of their neoliberal economic agenda, the two dispute settlement mechanisms assert the supremacy of their normative space values over the international legal order at large in a common peculiar way. This will be shown demonstrating that the different linguistic tools converge in the aim of asserting hegemony. In order to do so, (neo-)Gramscian theories will be the fundamental intellectual lens to read the discourses.