

Journal of
Law and
Political
Economy

Volume 3, Number 2 / Winter 2022





EDITORS

Eric George (Managing Editor)
Association for the Promotion of Political Economy and the Law (APPEAL)
jlpemanagingeditor@gmail.com

Angela P. Harris (Co-Editor-in-Chief)
University of California, Davis
apharris@ucdavis.edu

Jedidiah Kroncke (Book Review Editor)
University of Hong Kong
jkroncke@hku.hk

James J. ("Jay") Varellas, III (Co-Editor-in-Chief)
University of California, Berkeley
jvarellas@berkeley.edu

EDITORIAL BOARD

Elizabeth Berenguer, Stetson University

Corinne Blalock, Law and Political Economy Project

Tonya Brito, University of Wisconsin, Madison

Raúl Carrillo, Law and Political Economy Project

Kim Clark, Pacific School of Religion

Navjyot Gill, University of California, Irvine

Jonathan Glater, University of California, Berkeley

Maj Grasten, Copenhagen Business School

Rohan Grey, Willamette University

Ioannis Kampourakis, Erasmus University Rotterdam

Martha McCluskey, University at Buffalo

Liam McHugh-Russell, Dalhousie University

Jamee Moudud, Sarah Lawrence College

René Reich-Graefe, Western New England University

Natsu Taylor Saito, Georgia State University

Jonathan Simon, University of California, Berkeley

Lua Kamál Yuille, Northeastern University

ARTICLES EDITORS

Bernard Gburek, New York University

Aurélie Lanctôt, McGill University

Erica Liu, New York University

SOCIAL MEDIA

Daniela Mia Campos Ugaz, University of Wisconsin, Madison

ADVISORY BOARD

Michael Apple, University of Wisconsin, Madison
Bernadette Atuahene, University of Wisconsin, Madison
Wendy Brown, Institute for Advanced Study
Antonia Darder, Loyola Marymount University
Christine Desan, Harvard University
Lauren Edelman, University of California, Berkeley
Gerald Epstein, University of Massachusetts, Amherst
William Forbath, University of Texas, Austin
Marion Fourcade, University of California, Berkeley
Robert Hockett, Cornell University
Emma Coleman Jordan, Georgetown University
Duncan Kennedy, Harvard University
Maryam Khan, University of Wisconsin, Madison
Greta Krippner, University of Michigan, Ann Arbor
Nancy MacLean, Duke University
Ajay Mehrotra, American Bar Foundation
Paul Ortiz, University of Florida, Gainesville
Jamie Peck, University of British Columbia
Robert Reich, University of California, Berkeley
Kathleen Thelen, Massachusetts Institute of Technology
Chantal Thomas, Cornell University
Steve Vogel, University of California, Berkeley
Lucie White, Harvard University
Peer Zumbansen, McGill University

The *Journal of Law and Political Economy* is an online-only, peer-reviewed, interdisciplinary, and international journal, hosted by the University of California, Berkeley School of Law and published on the eScholarship publishing platform of the University of California: <https://escholarship.org/uc/lawandpoliticaleconomy>. ISSN: 2693-9681.

eScholarship Publishing is an open access publishing platform subsidized by the University of California, managed by the California Digital Library, and offered free of charge to UC-affiliated departments, research units, publishing programs, and individual scholars.

Works published in the *Journal of Law and Political Economy* are published under the Creative Commons license BY-NC-SA 4.0. Under the terms of this license, anyone is free to copy and redistribute the material in any medium or format, or remix, transform, and build upon the material, under the following terms:

- **Attribution** — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.
- **NonCommercial** — You may not use the material for commercial purposes.
- **ShareAlike** — If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original.

The *Journal of Law and Political Economy* is a refereed journal that practices double-blind peer review. Article manuscripts deemed appropriate for the Journal are evaluated by two or more referees with expertise in the relevant subject matter and methodology. Double-blind peer review means that manuscripts are rendered anonymous prior to review, and that referees are not identified to authors.

The *Journal of Law and Political Economy* will not consider any manuscript concurrently submitted for publication elsewhere.

Submission of a manuscript commits the author to publish the manuscript in the *Journal of Law and Political Economy* if accepted for publication by the Editors.

Submit articles and essays through the eScholarship portal at <https://escholarship.org/uc/lawandpoliticaleconomy>.

For inquiries and book review proposals, contact jlpeManagingEditor@gmail.com.

Journal of Law and Political Economy

Volume 3, Number 2

Winter 2022



ARTICLES

Margaret Somers, *Legal Predistribution, Market Justice, and Dedemocratization: A Neo-Polanyian Law and Political Economy* / 225–279

Beth Rose Middleton Manning and Steven Gayle, *Enslaved in a Free Country: Legalized Exploitation of Native Americans and African Americans in Early California and the Post-Emancipation South* / 280–303

Sarah Klammer, *The Legal-Economic Performance Framework as a New Approach to Institutional Impact Analysis and Critical Thinking in Economics* / 304–325

Zoe Adams, *Aspirational Work: A UK Labor Analysis* / 325–350

Kate Bedford, *Gambling in the Moral Economy: A Case Study of Law and Regulation in a Pandemic* / 351–392

David Birchall, *Human Rights and Political Economy: Realizing Rights Within and Beyond Global Capitalism* / 393–416

BOOK REVIEWS

Charles Camic, *Veblen: The Making of an Economist Who Unmade Economics* (Harvard University Press, 2020), reviewed by Eric George / 417–421

Wendy Bach, *Prosecuting Poverty, Criminalizing Care* (Cambridge University Press, 2022), reviewed by Anna Arons / 422–423