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The limits of globalization – legal and political issues in e-commerce

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Keyweeds

Globalization, Litigation, Political risk, Internet, International business

Abstract

This article analyses some of the most important political and legal challenges faced by internationally operating internet. firms today. In addition to dealing. with an important, albeit rarely discurred, listue, the present article attempts to provide a freshperspective on this topic by utilizing the concept of political risk. Using evidence from exemptory court cases on topics such as consumption tax and inpelliscount property rights, the discussion demonstrates that Internet firms face serious political and legal uncertainties. which differ considerably between different markets. The article reveals that, in the age of globalization, national boundaries still matter a great deal. In terms of methodology, the article portravis how legal materials can he used to understand the impact of legal and political processes on international firms, Indeed, it suggests that future business research could make greater use of factual evidence from Ittination as an atternative methodology in the study of the business.



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Introduction

Globalization has been one of the most botly debated business subjects in the last decade. While definitions of globalization vary widely, perhaps the key distinguishing feature is the "permeability of traditional boundaries of every kind" including physical borders such as nation-states and less tangible borders such as cultural norms (Parker, 1998, p. 6). The Internet was often seen as an embodiment of globalization and terms such as "borderless cyberspace" were previously used to refer to it. It was hailed as a space where individuals and firms could escape the control of nation-states. Governments would not be able to effectively regulate the Internet and such regulation could even be considered illegitimate, so there would be unlimited freedom of speech. no taxes and no government regulation. Prototypical for this view, a US Treasury paper dealing with the tax implications of e-commerce stated that new communications technologies have "effectively eliminated national borders on the information highway" (quoted in Kobrin, 1997).

But such a view was inherently misleading. While the Internet poses new challenges to state officials, nation-states are unlikely to give up taxing Internet businesses or trying to regulate various aspects of Internet activities. Governments have gradually begun to regulate Internet activities including e-commerce, creating new laws or extending old laws to the Internet. From Chinese efforts to introduce Web site censorship to a series of European Union directives dealing with issues such as copyright, Internet businesses have been faced with a growing tide of Internet regulation. Indeed, Internet gurus perhaps underestimated that the success of

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e-commerce may even require some regulation (which governments are best placed to provide) ranging from common international standards to the legal enforceability of electronic signatures.

The growth of government regulation entails the persistence of political and legal challenges for Internet firms. While Internet firms have perhaps less to fear from traditional political and legal risks such as expropriation, they still face other risks such as non-enforcement of intellectual property rights; uncertainty over the legal validity of electronic contracts; changes in taxation; or legal liability of Internet service providers (ISPs) for third-party content. Furthermore, as there has been increasing internationalization of e-commerce and firms increasingly derive a greater part of their income from outside the home country, Internet businesses became more vulnerable to unpredictable changes in the political and legal business environments outside the home country. Meanwhile, the regulation of e-commerce has mainly developed at the national or regional level and few common international rules have been established. An Internet firm might find that the legal and political environment in foreign markets may be very different from that of the home country. Thus, political and legal events in foreign countries are likely to play some role in the expansion of e-commerce.

Unfortunately, the rapidly expanding business and management literature on e-commerce appears to have neglected the political and legal environment. The academic writing on e-commerce in mainstream business publications concentrates on purely commercial concerns such as strategic management issues (e.g. Porter, 2001; Meliahi and Johnson, 2000), marketing issues (e.g. Reichheld and Schefter, 2000; Kenny and Marshall, 2000) or supply chain management issues (e.g. Lancioni et al., 2000). The legal and political environment in e-commerce has been

Limits Of Globalization Cases And Arguments

Steven J. Jackson, David L. Andrews

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poin Global Capitalism at Bay Professor John H Dunning, 2000-12-14 In this collection of his latest essays John H Dunning renowned authority in international business elaborates his theories on the current situation of foreign direct investment and multinational enterprises Global Capitalism at Bay considers the unique characteristics of contemporary capitalism and what must be done if it is to survive and The Globalisation of Charismatic Christianity Simon Coleman, 2000-10-02 This 2000 book analyses the revival of charismatic Protestant Christianity as an example of globalization Simon Coleman shows that along with many social movements these religious conservatives are negotiating their own interpretations of global and postmodern processes They are constructing an evangelical arena of action and meaning within the liminal chaotic space of the global The book examines globalization not only as a social process but also as an embodied practice involving forms of language and ritualized movement Charismatic Christianity is presented through its material culture art architecture and consumer products as well as its rhetoric and theology. The book provides an account of the incorporation of electronic media such as television videos and the Internet into Christian worship Issues relating to the conduct of fieldwork in contexts of globalization are raised in an account which is also a major ethnography of a Faith **Sport, Culture and Advertising** Steven J. Jackson, David L. Andrews, 2004-11-10 Sport has a close relationship ministry with advertising both where advertisers sponsor sports as well as where sport and fitness lends its perceived positive imagery to a wide range of consumer goods Sport Culture Advertising explores the themes of The Political Economy of **Japanese Globalisation** Harukiyo Hasegawa, Glenn D. Hook, 2004-08-02 The Political Economy of Japanese Globalisation reveals the key dimensions of Japanese globalisation today by analysing both its inward and outward manifestations This is the first book to examine fully the issue of globalisation in relation to Japan Organised in three parts The Political Economy of Japanese Globalisation reveals the meanings and implications of the study of Japan's globalization in the context of on going debates about globalisation in general The book demonstrates how despite the passing of the Japanese model Japan can still provide significant insights into the meaning of this phenomenon The first part of the book examines globalization in politics and international relations Japan's particular position in globalization its recent role in the East Asian political economy and the relative identities of Japan and Europe Part two looks at the economy and business at the heart of Japanese globalization Japan's globalization in Asia as part of oriental capitalism its recent financial reforms the US globalization in Japan Japan's impact on Germany and the meaning of Japanization and globalization The third part of the book assesses the social issues in Japan in the context of globalization highlighting the positive political impact of globalization seen in the way externally generated pressures have brought into focus universal values such as citizenship human rights and democracy Providing a clear analysis of the political economy of Japanese globalization in one volume The Political Economy of Japanese Globalization is a major resource for postgraduates and researchers in Japanese studies Asian studies international relations international political economy as well as for all those dealing with Japan professionally **Decoloniality in the Break of**

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we learn in this way can be assumed to be necessarily relevant to re shaping legal practices without further argument that pays heed to law s specificity Regional Politics in Oceania Stephanie Lawson, 2024-02-22 The most comprehensive study of regional politics in Oceania produced to date Drawing on a range of interdisciplinary sources and providing a systematic account of major issues facing the region this book will appeal to anyone engaged in any aspect of regional studies in Oceania and beyond Dangerous Designs Parminder Bhachu, 2005-10-05 In late 1990s Britain the salwaar kameez or Punjabi suit emerged as a high fashion garment Popular both on the catwalk and on the street it made front page news when worn by Diana Princess of Wales and by Cherie Booth the wife of UK Prime Minister Tony Blair In her ethnography of the local and global design economies established by Asian women fashion entrepreneurs Parminder Bhachu focuses on the transformation of the salwaar kameez from negatively coded ethnic clothing to a global garment fashionable both on the margins and in the mainstream Exploring the design and sewing businesses shops and street fashions in which this revolution has taken place she shows how the salwaar kameez is today at the heart of new economic micro markets which themselves represent complex powerfully coded means of cultural dialogue and racial politics. The innovative designs of second generation British Asian women are drawn from characteristically improvisational migrant cultural codes Through their hybrid designs and creation of new aesthetics these women cross cultural boundaries battling with racism and redefining both Asian and British identities At the same time their border crossing commercial entrepreneurship produces new diaspora economies which give them control over many economic aesthetic cultural and technological resources In this way the processes of global capitalism are gendered racialized and localized through the interventions of diasporic women from the margins The State and Indigenous Movements Keri E. Ivall Smith, 2007-05-07 Using the comparative historical method this book looks at the experience of indigenous peoples specifically the Native Hawaiians showing how a nation can express culture and citizenship while seeking ways to attain greater sovereignty over territory culture and politics Global Media Policy in the New Millennium Marc Raboy, 2002 This book traces the emergence of Britain's fifth and last terrestrial channel together with the changing broadcast environment in which it has evolved Drawing on interviews with key TV personnel it presents an historical analysis of Channel 5 from conception through to the end of the fifth year of transmission

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