



**Deceitful Destruction of
International Trade Law:
America First and
Xenophobic Autarky**

**University Distinguished Professorship
Inaugural Lecture**

Raj Bhala

University of Kansas, School of Law
15 September 2025
5:30-7:30 PM U.S. Central Time
Kansas Room, KU Memorial Union (6th Floor)

Program

Welcome	Amy Mendenhall, Ph.D. Vice Provost for Faculty Affairs Professor, KU School of Social Welfare
Introduction	Barbara A. Bichelmeyer, Ph.D. Chief Academic Officer, Provost, and Executive Vice Chancellor (KU Lawrence)
Lecture and Q&A	Raj Bhala, J.D. University Distinguished Professor Kansas School of Law
Closing Remarks	Dr. Kara Tan Bhala B.Sc. (Systems Science), City University of London; M.Phil. (Management), Oxford (Trinity College); M.A. (Liberal Studies), NYU; M.A., Ph.D. (Philosophy), Kansas Shera Bhala A.B. (Government and French), Dartmouth College, Class of 2022; Fulbright Scholar (Luxembourg), 2022-2023; J.D. Candidate, Vanderbilt Law School, Class of 2028 (Dean's Scholar) Dr. Deuckjoo (D.J.) Nathan Kim B.A. (Music, Clarinet Performance), New England Conservatory of Music; J.D., University of Kansas School of Law; S.J.D., University of Kansas School of Law Dean Stephen W. Mazza, Professor of Law B.S., Samford University; J.D., University of Alabama School of Law; LL.M. (Tax), NYU
Reception	

*Thank you to all who attended in person, or remotely via
livestreaming, and to those who view the event recorded
and posted on the [Office of Faculty Affairs website](#)*

Dedication:

This Lecture is dedicated to my Research Assistants (RAs) and students who – starting in August 1993, when my academic career commenced – teach me a lot, professionally and personally, in their own inimitable (and fun) ways.

Abstract:

“We are not living an era of change but a change of era.”

Pope Francis
Decennial National Conference of the Italian
Church
Florence, Italy
10 November 2015 (363 days before election of
first Trump Presidency)

“The world as we knew it has gone.”

Prime Minister Keir Starmer
United Kingdom
5 April 2025 (Day 76 of second Trump
Administration)

Overview

This Lecture poses three questions: (1) How is International Trade Law being destroyed? (2) Why is it being destroyed? (3) Is it worth preserving?

The answers offered are: (1) through a series of “America First” unilateral trade measures, all of which violate International Trade Law, and some of which likely violate U.S. law; (2) to onshore or reshore industries and jobs, but in truth, because of Xenophobic Autarky; and (3) yes, because “America First” hurts America most by eroding its economy, political soft power, and military alliances.

The above-two headline quotes capture the global environment for these questions and answers, and encapsulate the thesis of this University Distinguished Professorship (UDP) Lecture.

“International Trade Law” includes multilateral trade treaties (numbering approximately 20), especially the 1947 General Agreement on Tariffs and Trade (GATT) and 1995 World Trade Organization (WTO) texts (which include GATT). “International Trade Law” also includes free trade agreements (FTAs), such as the *North American Free Trade Agreement (NAFTA)*, known since July 2020 by the anodyne title, *United States Mexico Canada Agreement (USMCA)*.

These questions and answers are posed and addressed in a non-partisan, and *ad hominem* manner. They are not connected with any single leader. Indeed, the trade policy of President Donald J. Trump did not arise *ex nihilo* (out of nothing). In his 19 January 1978 State of the Union Address, President Jimmy Carter highlighted the need for free and fair trade:

By working closely with our friends abroad, we can promote the economic health of the whole world, with fair and balanced agreements lowering the barriers to trade.

Despite the inevitable pressures that build up when the world economy suffers from high unemployment, we must firmly resist the demands for self-defeating protectionism. But free trade must also be fair trade. And I am determined to protect American industry and American workers against foreign trade practices which are unfair or illegal.¹

¹ <https://www.presidency.ucsb.edu/documents/the-state-the-union-address-delivered-before-joint-session-the-congress-1>.

Since then, Chief Executives and their United States Trade Representatives (USTRs) have sought to liberalize trade with attention to justice.

Yet, asymmetries have worsened (*e.g.*, between surplus and deficit countries, between rich and poor countries, and between America and China), and adjustment costs (on workers in every country) have mounted. The attendant adverse foreseeable sentiments have been frustration and anger with globalization generally, and free trade in particular. In turn, the foreseeable consequences have been populist backlashes against an 80-year post-Second World War project to broaden and deepen commercial ties among countries, and advance economic interdependence that (in the words of the May 1950 *Schuman Declaration* founding the European Steel and Coal Community (ESCS), the forerunner to today's European Union (EU)) would make war “not merely unthinkable, but materially impossible.”²

Never mind that these problems have multiple causes – trade is hardly the only culprit. Perception has drowned out calm reflection and empathetic discourse. Dark impulses are overriding what once was a shared commitment to the international rule of law (at least with respect to trade) and through it, a hope for catalyzing (or at least reinforcing) peace.

Question 1:
How did the destruction happen?

During the first 100 days of the second Trump Administration (Inauguration Day, 20 January 2025) through 29 April, the U.S. announced three sets of tariffs: (1) 1977 *International Emergency Economic Powers Act (IEEPA)* Fentanyl and Immigration Tariffs of 10-25% on Canadian, Mexican, and Chinese merchandise under the (*IEEPA*); (2) Reciprocity Tariffs of at least 10% under

² https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_en.

IEEPA;³ and (3) Sector-specific Tariffs of 25%-200% under Section 232 of the *Trade Expansion Act of 1962*. These three programs, or regimes, each of which the Administration set out in its Inauguration Day *America First Trade Policy Memorandum*, explain “how” International Trade Law is being shattered.

During the second 100 days (30 April-7 August 2025) of the second Trump Administration, the U.S. completed the implementation of these regimes (though new developments arise nearly daily). Doing so shattered multilateral rules and diplomatic norms that lay at the heart of International Trade Law. The U.S. shot through those rules and norms, ones it defended since the 1941 *Atlantic Charter*.

The U.S. did so by aggressively – unilaterally and bullyingly – raising America’s average applied Most Favored Nation (MFN) tariff rate to its highest level since the Great Depression of the early 1930s, from 2.3% to 15.2%, thus violating both the MFN rule in GATT Article I, and the tariff binding rule in Article II. They are two (of five) core pillars of International Trade Law. The U.S. has no credible defense to justify any of the regimes – not the FTA provision (Article XXIV), not the balance of payments (BOP) provision (Article XII), and not the national security provision (Article XXI).

³ All *IEEPA* Tariffs remain in force pending the outcome of the *V.O.S. v. Trump* litigation, which may yield a U.S. Supreme Court decision. These Tariffs will remain in effect under *IEEPA* authority, if the Court decides in favor of the President. If the Court decides against the President, then these Tariffs will remain in place under either (1) authority modified by Congress through new legislation, or (2) through invocation by the President of different authorities (such as Section 232 of the *1962 Act*, Section 338 of the *Tariff Act of 1930*, Section 122 of the *Trade Act of 1974*, or Section 301 of the *1974 Act*). Simply put, the Tariffs are not going away anytime soon.

Question 2:

Why did the destruction occur?

The disruptive effects of the *IEEPA* Fentanyl, Immigration, and Reciprocity Tariffs, and Section 232 Sectoral Tariffs, were the worst since the early 1930s, the Smoot-Hawley Tariffs that exacerbated the Great Depression. They go far beyond the tariffs imposed by the first Trump Administration starting in March 2018, and maintained (even increased) by the Biden Administration, against China under Section 301 of the *Trade Act of 1974*. That is, these tariff regimes have turned an arguably just Trade War against China into a devilish Global Trade War.

So, why set fire to International Trade Law and start a global commercial conflagration?

The reasons offered by the second Trump Administration are plentiful. Enhance national security. Reduce trade deficits. Fight cheating. Protest foreign domestic court cases. But, each justification is an appearance, and a parlous one at that.

National security is undermined by “dissing” trusted cross-border supply chains. Bilateral trade deficits are irrelevant, explicable, and/or offset by surpluses in services trade. Cheating (*e.g.*, transshipment) is a problem, but one addressed through customs enforcement, not committing arson against International Trade Law. Protests against foreign judicial proceedings (as in Brazil) illegally politicizes trade relations and can redound to America’s detriment.

The reality underlying U.S. tariff policy is ***Xenophobic Autarky***.

This term means a misguided impulse to onshore or reshore industries and jobs in lieu of trade (autarky) owing to a distrust, even dislike, of foreign sources of goods and services (xenophobia).

Question 3:

Why preserve multilateral rules and diplomatic norms?

Is the GATT-WTO and FTA rule of law network, and attendant diplomatic norms, worth preserving? Yes, but why?

First, because shattering the rules and norms through Xenophobic Autarky is self-defeating.

The U.S. hurts itself by eroding its economy, and political soft power and its hard power military alliances. America has undermined its credibility the world over as a reliable trading partner, encouraged once steadfast trading partners (*e.g.*, Canada) to divert trade from the U.S. and form new alliances with third countries, and driven would-be allies (*e.g.*, India) into the arms of adversaries (*e.g.*, China and Russia).

Second, because Xenophobic Autarky is futile; it is a goal that cannot (and should not) be achieved.

Trade effects everyone, everywhere – in positive ways, and in ways that, when negative, can be addressed (*e.g.*, through Trade Adjustment Assistance (TAA), a program established by President John F. Kennedy under the *Trade Expansion Act of 1962*).

That includes Kansans. Case in point: Panasonic in DeSoto.

During the week of 14 July 2025, Panasonic commenced electric vehicle (EV) battery production, employing 4,000 Kansans. That week, the U.S. Department of Commerce (DOC) issued a preliminary affirmative dumping margin determination assessing Chinese-origin graphite an anti-dumping (AD) duty of 93.5%.

Graphite accounts for less than 8% of the cost of an EV battery. But, the battery is the most expensive component of an EV. No American producer yet can make that battery at the level of

purity, or quality, required of U.S. EV car companies like Ford and Tesla – hence the sourcing from China.

The AD duty will add at least \$1,000 to the price of an EV battery. EV prices will rise. Consequently, those DeSoto factory workers may suffer a diminution of income, or job losses, as American consumer demand for EVs declines. Sourcing graphite from third countries will not relieve the pressure, thanks to Reciprocity Tariffs.

Here, then, is a(nother) case in the Sino-American Trade War that during the first 200 Days of the second Trump Administration (Inauguration Day, 20 January-7 August 2025), has become a most regrettable Global Trade War.

Biography:

Raj Bhala joined the University of Kansas School of Law Faculty in July 2003 as the Rice Distinguished Professor. He became the Brenneisen Distinguished Professor in August 2017. As of August 2025, he is a University Distinguished Professor (UDP), the first in the history of KU Law School. In 2020, *Ingram's Business Magazine* designated him as one of “50 Kansans You Should Know.”⁴

Before joining KU Law School, Raj was the Patricia Roberts Harris Research Professor at The George Washington University Law School (1998-2003), and an Associate Professor at William & Mary Law School (1993-1998, where he was voted tenure).

Raj practiced International Banking and Payments Systems Law as an Attorney at the Federal Reserve Bank of New York (1989-1993), where he twice won the President’s Award for Excellence for his work on payment systems, and for his service as a United

⁴ <https://ingrams.com/article/50-kansas-you-should-know-the-class-of-2020/>.

States delegate to the United Nations Commission on International Trade Law (UNCITRAL) to draft a Model Law on International Credit Transfers.

Raj's research and teaching interests are in International Trade Law, Law and Literature, and Islamic Law. In all his scholarship, teaching, and service endeavors, Bhala insists on a lawyer-like, non-partisan, non-*ad hominem* approach.

In International Trade Law, his signature themes are the (1) inextricable link between trade and national security, (2) social justice basis for special and differential treatment for poor countries, (3) rising importance of India in the world trading system, and (4) death of the 2001-2018 Doha Round of Multilateral Trade Negotiations (MTNs).

In Law and Literature, Raj tri-sects the field into (1) law "as" literature (treating legal texts as a genre of literature that may be analyzed using Literary Criticism methodologies), (2) law "in" literature (highlighting law-related themes in the western canon, particularly in Shakespeare's plays), and (3) law "with" literature (applying Aristotelian principles of rhetoric to improve legal presentations).

In Islamic Law (*Sharī'a*), which he has taught both at KU and to U.S. Special Operations Forces, Raj focuses on differentiating authentic from inauthentic principles, and emphasizing common precepts across the Christian and Muslim faiths.

Among Raj's published articles are three trilogies, on precedent *stare decisis* (the principle that courts should adhere to previously decided cases) in international trade law, the failed Doha Round of World Trade Organization negotiations, and India's inconsistent trade law and policy, plus a major piece on Brexit, and one on literary criticism and treaty interpretation.

Raj's Inaugural UDP Lecture draws from his latest research, including two major articles forthcoming in the *Texas*

International Law Journal (volumes 60 and 61) on U.S. tariff policy during the second administration of President Donald Trump.

Among Raj's books is the sixth revised edition of *International Trade Law: A Comprehensive E-Textbook*, all eight Volumes of which are published Open Access [on KU ScholarWorks](#) and have been used at over 100 law schools worldwide. He authored the two-volume *Modern GATT Law*, the first treatise on the General Agreement on Tariffs and Trade in nearly 50 years, *Trade War: Causes, Conduct, and Consequences of Sino-American Confrontation* the first comprehensive analysis of a seemingly forever trade war between the U.S. and China, and *Understanding Islamic Law (Sharī'a)*, the first textbook in the field written by a non-Muslim American legal scholar. Bhala's current project is *Principles of Law, Literature, and Rhetoric: A Shakespearean Approach*.

Raj has taught around the world, including on both sides of hot zones in India and Pakistan, China and Taiwan and Israel and Arab countries. He is widely quoted in the world's media, including Associated Press, Bloomberg, Reuters, CNN, The New York Times, The Washington Post, Business Insider, Financial Times (London), The Globe and Mail (Toronto), Arirang TV (Seoul), Nikkei Asia (Tokyo), South China Morning Post (Hong Kong), China Global Television Network, Frankfurter Allgemeine Sonntagszeitung, Bulgarian National Radio, Turkish Radio and Television, plus several outlets in India.

Born in Toronto and is of Indian (Punjabi) and Celtic (Scottish-Irish) heritage, Raj attended the University School of Milwaukee (USM), his beloved high school. He earned his bachelor's degree at Duke, was a Marshall Scholar in England where he obtained a master's degrees at the London School of Economics and Oxford (Trinity College). His juris doctor degree is from Harvard.

Raj feels "blessed to be a member" of churches in New York, Washington, D.C., Lawrence and Kansas City. He has completed

115 marathons, including Boston twice, New York twice, Chicago twice and Berlin and London. He is an active cross-trainer and hiker and serves on the fitness committee of the Carriage Club of Kansas City, where he is also on the executive board and the Club's treasurer. Raj is deeply grateful to his wife, Kara, and their daughter Shera. "They teach me a lot. Plus, I have travelled to 50 countries, most of them with them. Who could ask for more?"

Acknowledgements:

Raj's Inaugural UDP Lecture is possible only because of the hard work and dedication of many friends and colleagues at KU. They include the: Provost; Vice Provost and Office of Faculty Affairs (including Yolanda Huggins and Elizabeth Barton); Law School Dean, Faculty, Administrators, Librarians, and Staff (including Susanne Stoupakis); UCDP Committee; and, KU Office of Public Affairs (including Mike Krings). Indispensable to Raj's professional and personal growth leading to the award of a UDP have been excellent mentors at every step of his education, including at the University School of Milwaukee (USM), in practice at the Federal Reserve in New York (New York Fed), and in Church (including Guardian Angels Catholic Church in Kansas City).

About Distinguished Professorships:

The first distinguished professorships were established at KU in 1958. A University Distinguished Professorship is awarded wholly based on merit, following exacting criteria. A complete list is available on the [Distinguished Professor website](#).