



## **After Neoliberalism? Constitution, Democracy, and Capitalism**

*Nomos: Centre for International Research on Law, Culture and Power,  
2nd annual Conference, Gothenburg 12-13 May 2023*

In the interwar period, the tensions between democracy and capitalism were, among other titles, discussed under the heading of the “economic constitution”. To what extent was the constituted power authorized to make substantive decisions about social and economic arrangements in a jurisdiction grounded on a capitalist order of production? Whereas the Social Democratic labour lawyer Hugo Sinzheimer, who coined the notion of “economic constitution”, suggested that constitutional law should authorise the promotion of economic democracy, conservatives such as Carl Schmitt argued that sound economy places strong normative limits on democratic interventions into the economic sphere. Ironically (but not surprisingly) liberal economists and jurists who eventually had an impact on the development of ordoliberalism and neo-liberalism came to take the more conservative viewpoint, emphasising the necessity of constitutionalizing the ground rules of the capitalist order, to insulate it from the sphere of democratic majoritarian decision-making.

Over the last few decades, the discussion on democracy, capitalism and the constitution has gradually intensified, bringing to the fore the anti-democratic substance of ordo-liberal and neo-liberal governmentality. Indeed, the well-known political experiences that joined dictatorial governments and neo-liberal economy, and the formation of transnational legal arrangements aimed explicitly at curtailing the possibility of democratic manoeuvres in domestic politics, exposed the authoritarian drive moving contemporary liberal law and politics. With the upcoming NOMOS conference, we wish to continue the exploration of the interrelationship between liberal democracy, capitalism and authoritarianism at a moment in time marked by the crisis and transfiguration of neoliberalism as well as the advances of right-wing populism.

We are particularly interested in critical contributions on:

- The economic or material constitution
- Constitutions from the perspective of political economy
- The future of neoliberalism and its possible transformations
- Authoritarian constitutionalism
- Historical debates on constitutions, democracy, and capitalism
- Capitalism and critical legal theory
- The legal form of authoritarian liberalism
- Governmentality, its history and meaning
- Capitalist realism
- Neo-liberalism, ideology, and culture

Confirmed Keynote speakers:

- Professor Jenny Andersson, programme leader *Neoliberalism in the Nordics* (<https://nyliberalisminorden.se>)
- Professor Günter Frankenberg, Goethe-Universität Frankfurt am Main ([https://www.jura.uni-frankfurt.de/42780580/Zur\\_Person](https://www.jura.uni-frankfurt.de/42780580/Zur_Person))

Abstracts (300 words max) and panels proposals (1000 words max) should be sent to: [tormod.otter.johansen@law.gu.se](mailto:tormod.otter.johansen@law.gu.se) until **15 April 2023**.

There are no conference fees.