



OÑATI INTERNATIONAL INSTITUTE
FOR THE SOCIOLOGY OF LAW
—
OÑATIKO LEGE-SOZIOLOGIAKO
NAZIOARTEKO ERAKUNDEA
—
INSTITUTO INTERNACIONAL
DE SOCIOLOGIA JURÍDICA DE OÑATI

Oñati IISL Workshop 2023

CONSTITUTIONALISM AND POLITICAL ECONOMY.

NEW TRAJECTORIES AND OPPORTUNITIES FOR SOCIO-LEGAL SCHOLARSHIP

JUNE 22- 23, 2023

Organizers:

Ioannis Kampourakis (Erasmus University Rotterdam)

Michał Stambulski (Erasmus University Rotterdam)

Summary

The purpose of the proposed workshop is to juxtapose perspectives and recent research in constitutionalism and political economy. The last few decades have been a period of constitutionalisation and depoliticisation of regulations concerning broadly understood economics, such as free market principles and financial market operations. At the same time, other social goods such as public health or climate have been commoditized. The economic crisis of 2008 sparked renewed interest in the topic of inequality and the social foundations of economic regulation within the political economy paradigm. Moreover, research conducted in this paradigm increasingly points to the constitutive role of law for the economic sphere. It was also a period of grassroots and civic social activism and related ideas for remodeling constitutionalism from legal to political and social.

In this workshop, we want to consider what political economy can offer constitutionalism and vice versa. The law and political economy perspective seems to contain a creative critique of the dominant liberal constitutionalism and economic constitution, both global and European. And constitutionalism allows one to ask about the positive agenda and normative background of such a critique. The collision of these perspectives can thus open new ways of problematizing issues important for socio-legal scholarship as inequality, the limits of the free market, the power of corporations, and the democratization of economic relations. During the workshop more than fifteen researchers from five countries and nine universities will be engaged in fundamental discussions of these new trajectories and opportunities for socio-legal research.

PROGRAMME

JUNE 21

21:00 Dinner in “Restaurante Iturritxo” for the participants [Street: Atzeko Kalea, 32]

JUNE 22

Meeting room: Achille Loria (1st floor)

8:45 – 09:00 Registration at the International Institute for the Sociology of Law (1st floor)

9:00 – 09:30 **OPENING:** Sabine Frerichs, IISL Scientific Director, Leire Kortabarria, IISL Publications officer

9:30 - 11:15 SESSION I: POLITICAL ECONOMY AS A CRITIQUE OF LIBERAL CONSTITUTIONALISM

Rafał Mańko (CEU Democracy Institute, European Parliamentary Research Service), *Law-as-Form: Theorizing the Relationship Between Law and the Economy*

Michael Wilkinson (London School of Economics), *The Political Economy of Liberal Constitutionalism: A Conceptual and Historical Inquiry*

Anna Chadwick (University of Glasgow), *The Contested Futures of Constitutional Political Economy*

Discussant: Michał Stambulski

11:15 - 11:30 **COFFEE BREAK** [Gurvitch & Galdos room]

11:30 - 13:15 SESSION II: CONSTITUTIONALISM BEYOND THE STATE: INSULATING THE ECONOMY FROM CONTESTATION?

Mikel Diez Sarasola (University of the Basque Country), *The Neoliberal Capture of Global Constitutionalism and its Reflection in National Constitutions*

Klaas H. Eller (University of Amsterdam), *Constitutionalizing Private Governance: Rethinking Compliance Along Global Supply Chains*

Nikolas Vagdoutis (University of Luxembourg), *The Role of the ECB within the EU Economic Constitution*

Discussant: **Ioannis Kampourakis**

13:15 - 14:45 **LUNCH BREAK** [Cantina Zapore]

14:45 - 16:30 **CONSTITUTIONALISM AND THE GREEN TRANSITION**

Ioannis Kampourakis (Erasmus University Rotterdam), *The Law and Political Economy of the European Green Deal*

Agnieszka Smoleńska (Polish Academy of Sciences), *EU's Sustainability Capitalism: Transforming Political Economies Across the Member States*

María Campo Comba (Erasmus University Rotterdam), *EU Competition Law Beyond Economic Efficiency in Markets: Contemplating Fairness and Societal Values*

Discussant: **Anna Chadwick**

JUNE 23

Meeting room: Achille Loria (1st floor)

10:00 - 11:45 SESSION IV: FRAGMENTS OF PROGRESSIVE CONSTITUTIONALISM: SOCIAL RIGHTS AND LABOUR

Karolina Kocemba (European University Institute), *Anna Śledzińska-Simon* (University of Wrocław), *Women and the Economy of Social Rights in CEE*

Jack Meakin (University of Leeds), *'Legal Mobilisation and the Labour Constitution: The Challenge of Rights-based Litigation in the Industrial Relations Context'*

Discussant: Rafał Mańko

11:45 - 12:00 COFFEE BREAK [Gurvitch & Galdos room]

12:00 - 13:45 SESSION V: CONSTITUTIONALISM, COURTS, AND THE RULE OF LAW

Alexandra Mercescu (West University of Timisoara), *Does Economics Rule in a Court of Law?*

Michał Stambulski (Erasmus University Rotterdam), *The Political Economy of Populist Constitutionalism*

Karol Muszyński (KU Leuven/University of Warsaw), *Why Die for the Rule of Law? Access to Justice Gap and Constitutional Crisis in Poland*

Gautam Bhatia (Lawyer, independent scholar), *Horizontal Rights and the Limits of Political Economy in Constitutional Interpretation*

Discussant: Michael Wilkinson

13:45 - 14:30 LUNCH BREAK [Cantina Zapore]

14:30 - 15:00 ROUNDTABLE ON PUBLICATION