



**ILS
PAS**

Institute of Law Studies
Polish Academy of Sciences
Nowy Świat 72
00-330 Warsaw, Poland

Law and Political Economy – Central and Eastern European Perspectives

21 March 2022

We invite submissions for the conference “**Law and Political Economy – Central and Eastern European Perspectives**” organized by the Institute of Law Studies of the Polish Academy of Sciences. The conference will take place on **21 March 2022 in an online format**.

Conference

The interdependence between law and contemporary model of capitalism has long been the object of discussion in social sciences. However, the understanding of this relationship is currently in crisis and requires rethinking in the light of deepening inequalities, re-emerging crises and worsening condition of the natural environment. Such rethinking should concern, first of all, the constitutive role which law plays in the economy, namely how legal institutions create the framework within which the actors and the mechanisms of market economy operate. In particular, this involves the question in what aspects should the law create private autonomy, and where should it protect certain values or social groups. Second, rethinking of the relation between law and capitalism requires improving our understanding of the way in which law is currently an instrument of power in the hands of the more powerful market participants and allows for establishing “the code of capital”, as recently described by Katharina Pistor, which entrenches market power and allows for steering of resource allocation in the society.

The contemporary phenomena require, in other words, looking at the law from the perspective of political economy and answering questions about the idea of the society and the market it should serve. Law and Political Economy (LPE) is a scholarly approach rising in popularity in recent years, which draws attention to the distributive consequences of the laws in force. It asks how law can be instrumentalised, and how it distributes and entrenches power and inequalities (Britton-Purdy, Grewal, Kapczynski and Rahman, 2020). One such example is limited liability which effectively protects companies from assuming responsibility for the social and environmental consequences of their actions. LPE as a scholarly and an analytical approach undermines the deployment of categories of efficiency and the appearance of neutrality in the context of laws, in contrast to the dominant approach combining economic and legal matters, namely Law & Economics.



From the perspective of Central and Eastern Europe, the problems of interrelationships between law and the capitalist model present particular challenges given the still relatively recent process of transformation to a market economy. Some phenomena to which an LPE analysis draws attention, such as inequalities or the instrumentalisation of the law by market participants, appear to assume here more intense form than in states with longer traditions of market economy and democracy. For example, weak accountability mechanisms and less developed civil society engagement preclude effective decentralisation of power within the economy. The role which EU membership plays in this context is less straightforward than sometimes assumed from a Western European perspective, and adds an additional level of complexity to the transformation process. While in the latter sphere the EU law indeed has been driving economic, rather than social, integration, from a CEE perspective it also has been a vehicle for values and ideas (e.g. with regard to protection of the weaker market participants).

In this context, our conference seeks to deepen the discussion among the Polish and CEE scholars on the political dimension of law and its uses in the economy given the specificity of free market transformation of the region. Particular attention will be paid in this context to the role which law plays in the shaping of the market, including with regard to the allocation of rights, their creation and impact on resource distribution.

The keynote speech will be delivered by prof. Christian Joerges, Professor Emeritus of Law and Society at the Hertie School (Berlin), author of path-breaking work on the EU economic law and the crises faced by the Union.

Themes

The conference organisers encourage submissions on all topics which concern political economy applied to the analysis of legal phenomena. This includes general LPE problems analysed by CEE scholars, as well as problems specific to the region from given particular historical experiences and contemporary issues. Problems which could be tackled in the context of the conference include:

- Law and wealth distribution in the society and the market
- Market regulation and sustainable development
- Capitalism and the structure of the legal system
- Liberalism, neoliberalism, interventionism, protectionism – impact on the thinking about the relation between law and the market
- Law and social inequalities
- Law and the protection of vulnerable parties (consumers)
- Courts as neutral arbiters and active participants in the regulatory policy
- Political economy of digital market regulation
- Political economy of financial market regulation
- LPE vs L&E

Methodologically, we encourage submissions which adopt legal perspectives or drawing on other social science disciplines, such as economics, sociology and political sciences.



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Submissions

Submissions may be made by sending the title and abstract (max. 1000 words) to lpe@inp.pan.pl by **10 December 2021**.

By the end of December, successful submissions' authors will receive invitations and information on the deadline for the submission of the conference drafts. A post-conference publication is foreseen, with details to follow.

Organisers

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