MUNI LAW

LAW AND THE CRITIQUE OF POLITICAL ECONOMY: 60TH ANNIVERSARY OF READING CAPITAL

NOMOS: CENTRE FOR INTERNATIONAL RESEARCH ON LAW, CULTURE AND POWER

↘

4th ANNUAL CONFERENCE
BRNO 6–7 JUNE 2025

↘

FACULTY OF LAW
MASARYK UNIVERSITY
VEVEŘÍ 158/70, BRNO (AND ONLINE)

BOOK OF ABSTRACTS

PARALLEL STREAM NO. 1

Constitutional Kampfplatz: From Neoliberalism to Authoritarianism

(Friday, June 6, 10:15)

Małgorzata Damek • University of Wrocław

The Politics of Constitutional Court and the Reinvention of Worker in Post-Socialist Poland

To understand the contemporary resurgence of authoritarian and anti-liberal tendencies in constitutionalism, it is crucial to look back at the role of Constitutional Court in legitimizing new political formations. An analysis of judgments from the transition period in Poland reveals the Court's role in neoliberal change. I would like to focus on the rulings on unemployment benefits. Although these rulings usually were in favor of workers, they constructed a new figure of the worker in the legal discourse. According to them, the worker was an individual functioning in the free market, responsible for his own fate and not tied to the community. In a period of structural unemployment, these judgments, despite references to the social function of the state, were based on discourses about the state that emphasized the values of freedom and human dignity. This axiological change was consistent with the values of systemic transformation. The juridification of social conflict was one of the key mechanisms facilitating the initial accumulation of capital during the political transition. Turning a social conflict into a court case deprives the public of agency, enabling processes such as reprivatization to be implemented in an undemocratic manner. In this context, the Court played a similar role, arbitrarily constructing the figure of the unemployed/worker and his rights. Attributing to the law and its institutions qualities such as neutrality and apoliticality reinforces their ability to legitimize political decisions. Although the Court's rulings distanced themselves from extreme political proposals, such as "fighting parasitism," they played a similar role at the level of discourse: they constructed the worker as an individual who had to

be motivated to take up employment on the free market. Examining transition-era judgments reveals the mechanisms through which the legal world supported the neoliberal project. This aids in understanding its role in fostering authoritarianism today.

Attilio Alessandro Novellino • University of Parma

Structure and Anti-Structure: Neoliberalism, War, and the Suppression of Popular

Constituent Power This paper analyzes the role of violence and war in contemporary political structures and their impact on the relationship between society and the state. It explores power dynamics through a comparison with archaic societies and a critique of contemporary neoliberalism. Drawing on Pierre Clastres' theories, the discussion reflects on the development of political power in non-coercive forms, highlighting how creativity and the poetic use of words can play a socio-political role, even if they cannot mitigate the burden of violence, war, and bloodshed imposed by anti-coercive machinery. The analysis sheds light on the connection between the enforcement of a coercive institutional framework and the use of warfare in Western contexts. Additionally, the paper examines modern governance practices that suppress political and social dissent through violence, thereby maintaining the existing order. The elimination of spaces for anti-structure and the repression of creative forms of protest – managed by an indistinguishable amalgam of political and economic forces – contribute to perpetuating insecurity and the threat of an apocalyptic end in the gobal imaginary. Finally, the discussion addresses how violence is used to sustain authority, stifling alternative visions of community and collective living based on gift and creativity, and inhibiting the emergence of a popular constituent power capable of generating "new institutional forms.

Attila Antal • Eötvös Loránd University

Weaponized Constitution: Constitutional Dictatorship in Hungary

The authoritarian populist right-wing has rapidly reborn in the field of authoritarian state and emergency governance, moreover the COVID-19 crisis gave a new rise this phenomenon mainly at the expense of civil society. The failures of liberal democracy opened the way of authoritarian populist right-wing populism in Central and Eastern Europe (CEE), which on the one hand remained integrated into the neoliberal capitalism and on the other hand dismantled the legal basis of liberal constitutionalism. Investigating the CEE authoritarian populist regimes (especially Hungary), it has been argued that Hungarian authoritarian populism and its regional followers established this politics from the migration crisis of 2015 on the permanent state of exception and extraordinary governance measures. The constitutional changes created by the Orbán regime have moved the Hungarian constitutional system towards constitutional dictatorship.The COVID-19 crisis offered a new opportunity to maintain and extend the emergency measures. Viktor Orbán, Prime Minister found the way to capitalize the pandemic crisis and introduced the overlapping exceptional measures. Relying on the political theoretical concept of exceptional governance, it has been argued and analysed in this paper that the new forms of authoritarianism in CEE are based on the extraordinary measures. The main task of the lecture is to examine the relationship between extraordinary governance and democracy, it has been emphasized here what are the main the impacts and risks of the use of extraordinary measures on democracy. In this lecture, I will examine the 15 amendments to the Fundamental Law of the Orbán regime, many of which were about creating political enemy and hate. The main claim of the paper is that the use of

the constitution as a weapon has become widespread in Hungary, which raises the question that the authoritarian legalism of the Orbán regime does not in any way meet the requirement of a basic moral principle of law.

PARALLEL STREAM NO. 2

Law in Flux: Time, Affect, and Radical Horizons

(Friday, June 6, 10:15)

Przemyslaw Tacik • Jagiellonian University in Kraków

Infinity of Legal Times: How Modern Law Cannot Produce Its Full History

In Reading Capital, Althusser and Balibar demand answering the question of 'the mode of existence of invisible times, of the invisible rhythms and punctuations concealed beneath the surface of each visible time'. 1 As they argue, 'the time of economic production' constitutes 'a complex and non-linear time -- a time of times'. 2 The problem that they invoke is larger than Marxism itself, although perspicaciously grasped by Marx: how modernity (and capitalism) produce histories – necessarily plural – and posit the mirage of a 'times of times' that would include all of these histories. The idea of all-inclusive time appears already in Kant's Critique of Pure Reason and returns, already as an impossible collapse point, in Hegel's Absolute Knowledge. Drawing on these intuitions, I will try to ask how modern law produces its own plural times and finds itself confronted with the impossibility of identifying their common 'times of times'. As I will argue, modern law – precisely in its dependence on sovereignty and consequent permeation by exceptionality – cannot stabilise meaningfully its own assumed time. It always requires some extra time, defined externally and non-legally, as an external point in which it constitutes itself. In other words, legalities assume their own times, thereby positing a claim for the existence of a universal legal time, but precisely in this they demonstrate their incompleteness.

Lala Darchinova • European University Institute

Imagination as a Method: Deconstructing the Legal Real

This paper interrogates the role of imagination, specifically legal imagination, in shaping, constraining, and potentially transforming our social and political realities. Drawing on the work of Castoriadis, Ricoeur and Fitzpatrick it argues that law is not merely a technical apparatus or a neutral container for rights and duties, but a mythic structure sustained by shared imaginaries. Legal systems, far from being autonomous, are steeped in collective fictions that too often serve to reinforce the status quo under the guise of neutrality and objectivity. But what will happen when this old order and old myths are swept away? What will happen with law after the revolution? Will it cease to exist? What will be the new myth? Another repetition of the old pattern? These questions remain dangerously open precisely because legal imagination is in crisis. It is in the crisis of falling in the same trap that law is a neutral, transcendental phenomenon that can control and regulate social relations objectively, because the alternative legal imaginations have internalised the very myth they should be disrupting. This tendency is manifested both among Left- and Right-wing political theories. However, this crisis of imagination is not unique to the legal thought. It is a result of abandoning utopian thinking. Across the political spectrum, utopia has been cast out of serious discourse as a fiction and replaced by liberal managerialism. Yet, it is important to

revive the ideas that utopia is not fantasy — it is method; and imagination is not an indulgence — it is a necessity. By revisiting concepts like prefiguration and radical social imaginary, utopia and drawing from the lived practices of social movements, this work explores how law can be reimagined from below — not as a top-down alienated imposition, but as a collective, creative act. If we are to navigate away from legal forms that reproduce socio-economic, racial and patriarchal inequalities and ecological collapse, we must not only critique the present but dare to imagine law otherwise.

Juan J. Garcia Blesa • University of Hagen

Political economy, emotions and European legal discourse

Formulated in his early writings, Marx's notion of estrangement ("Entfremdung") posits that one of capitalism's main impacts on mankind is the denaturalization of human life by the disruption of the essential connection between reason and passion, which separates human beings from their passional energy and their ability to break away from the capitalist form of life (Marx 1944, Weyher 2012). Marx's estrangement points at the idea that capitalism turns human beings into calculative agents driven by an external and ever-expanding market logic. This idea of separation between human emotion and capitalist logic, later reinforced by Polanyian thought and Weber's account of the pervasive expansion of instrumental rationality in capitalism, explains the relative lack of interest with which the dominant critique of capitalism looked at the study of emotions for most part of the 20th century. More recent research, however, suggests that capitalism, especially in its later neoliberal stage, builds strongly upon emotions (e.g. Illouz 2007, Konings 2015). This growing body of research shows that emotions are not extrinsic to capitalism, but a fundamental engine in the deepening and expansion of the capitalist marketization of human life. Indeed, neoliberal discourses and policies constantly mobilize, select and (re-)shape emotions to underpin and further entrench our acceptance and active cooperation in the construction and reconstruction of neoliberal forms of life. In this sense, emotions play an essential role in the production of neoliberal rationality, i.e., in our making sense of neoliberal political economy in different areas of human experience from the way we understand and deal with money and labour to our most intimate relations. More specifically, the neoliberal mobilization of emotions can also be traced across all sections of public discourse, including the law. This paper probes European judicial discourse produced by CJEU and ECtHR in search for manifestations of this mobilization in European legal discourse and enquires about potential alternatives from the left.

PARALLEL STREAM NO. 3

Statecraft and Accumulation: Legal Arenas of Commons, Labor, and Taxation

(Friday, June 6, 17:00)

Łukasz Moll • Institute of Sociology, University of Wrocław

Juridical and non-juridical nomos in continuous primitive accumulation and struggles over the commons

Chapter 24 of I volume of Capital – titled The So-Called Primitive Accumulation – gained the in-depth attention of contemporary Marxist scholars interested in ongoing enclosures of the commons on the world scale, and the struggles of commoners to defend and expand their communal rights. Critical law theorists, political economists, social historians, anthropologists,

and radical geographers alike made contributions not only to the understanding of 'the so-called primitive accumulation' as a continuous process, of systemic character for the reproduction of capitalism but also as a process leading to profound transformation of law imaginaries. The dispossession of commoners, the imposition of private property as a dominant and almost natural arrangement, and the criminalization of acts of resistance to enclosures and 'unlawful' reclamation of the commons have their legal side. It was evident already for Marx and Engels, to mention just young Marx's articles on the law on theft of wood during enclosures in Rhineland forests, or their joint interests in the role of English game laws in establishing the primacy of private property through violent criminal code. Since then, the legal side of enclosures – and the ways to resist it – popped up in many analyses of dispossession, from land grabbing in colonial contexts, through the ban of traditional 'poor right' to gleaning the fields and taking out the 'chips' from workshops to confining the rights of way and expanding the notion of trespassing, or criminalization of squatting in today's cities. I aim to focus on alternative – communal and non-possessive – imaginaries of law that commoners had put forward against the legal legitimation of enclosures. To this aim, I will revisit the pre- and non-juridical meaning of the term 'nomos' which – for archaic Greeks – referred to sharing and arranging unenclosed fields, or dividing the food during the feast. Such communal understanding of nomos did not disappear in the darkness of ancient history. It was reinvoked in the struggles against enclosures each time when commoners opposed their non-juridical, non-possessive, non-written and embodied ways of sharing, based on customs, habits, and uses, to the legal acts of dispossession.

Tarjei Ellingsen Røsvoll • University of Inland

Building, shifting and shaping institutional capacity: A legal-theoretical framework for analyzing the state apparatus

The politics of productiveness has returned with a vengeance", writes Pitts (2021), and this applies no less to state employees, derided as red-tape creating bureaucrats since the dawn of modern state apparatuses. How should the imperatives of 'productivity' shaping state organizations and employees be theorized? This paper argues that materialist state and legal theory should analyze how state labor attains social validation through specific technologies of power within the political economy of the state apparatus. Within materialist and social reproduction theory, state employees are often classified as 'unproductive' workers. Their unproductiveness is 'a gift not a curse' (Marx) since they are exempt from the structural imperatives of the market. In the market, such imperatives are imposed by the requirement to sell products at market price. The sale retroactively gives social validity to the labor performed (Heinrich). I propose that the process of validating labor is equally essential in the public sector. Using the Norwegian state administration as an example, the paper argues that while the demand for social validation is constant, the institutional form of such validation varies and shows more complexity, particularly within the state. Law plays both a direct and indirect role in this process. It directly determines employees' tasks and shapes governance techniques, including budgeting, accounting, and newer techniques such as governance by numbers, goals, and risk. These variations generate distinct institutional imperatives, while shaping the relative influence of political and professional actors. These variations also affect workers' professional and personal autonomy — some fostering de-skilling and automation, while others serve as institutional tools for resisting the integration of their labor into state repressive mechanisms. Social validation in the state, like in the market, is a site of social

struggle. I propose it be treated as a central part of the political economy of the state apparatus itself.

Hedvig Lärka • Göteborg University

Endgame: A Marxist Theory of International Tax Law

International tax law scholarship has long framed the challenge of taxing mobile capital as the contradiction of territorial states struggling to govern borderless corporations, leading to a "prisoner's dilemma" of tax competition (Christians & Apeldoorn, 2022; Dagan, 2017; Magalhaes, 2021; Oei & Ring, 2024). As a consequence, modern game theory models suggest that low mobility sources such as labour and consumption is best subject for taxation (Mirrlees et al., 2011). This thesis both builds on and challenges that narrative, arguing that the perceived contradiction between sovereignty and capital mobility is not an inevitable economic law but a historically constructed outcome of a struggle over taxing powers between capital-exporting and capital-importing states. This means that tax cooperation and transnational equity is structurally inhibited not by the inability of certain groups of states to tax multinational enterprise but by their unwillingness to do so. Drawing on the Marxist theoretical and historical tradition, and notably on the works of Utsa and Prabhat Patnaik (Patnaik, 2017), I argue that the imperial core and capitalist relations of production writ large is dependent on income deflation and the suppression of a threat of rising supply price, and that this dependency has structural implications for tax law as a social form.

PARALLEL STREAM NO. 4

Exceptional States: Law, Capital, and Subject-Making

(Friday, June 6, 17:00)

Anna Piekarska-Krzeska • Ghent University

The State of Emergency as a Radical Mechanism of Subjective Interpellation

The permanent state of crisis we find ourselves in nowadays means that it's legal reflections – the state of emergency and emergency legislaKon it entails – are also here to stay. Hence, understanding the funcKon of emergency and its results upon the law and sociopolitical reality is of vital importance. The state of emergency and, more parKcularly, the state of excepKon have been an object of interest for legal theory and political philosophy for a considerable time. The accounts produced focus heavily on the transformaKons of power it gives rise to. Only of further importance are its effects upon the community that exists under power that has to adapt to these transformations.The proposed paper adapts a perspecKve that brings into focus the subjects of power. In order to do so, I propose to use concepts developed by two of the authors of "Reading Capital" – Louis Althusser and ÉKenne Balibar. First, I argue for relevance of the concept of interpellaKon for understanding the mode of operaKon of the state of emergency. Althusser uses this concept to describe the mode through which an individual is induced into the ideology as a compliant subject. This compliance is fostered by both by Repressive State Apparatus and Ideological State Apparatuses. The moment of crisis threatens the very being of these Apparatuses and eventuates their response in a form of the state of emergency. Hence, I propose to investigate the state of emergency as a radical mode of interpellaKon geared towards enforcing compliance with the transformed state power. Second, Balibar's dual investigation into a subject – the modaliKes of subjecKon and

subjectivation – allows to see two dimensions to this compliance. On the one hand, it subjects by naming the danger (emergency) and introducing repressions. On the other, it fosters positive compliance by providing a promise of safety and return to normalcy. The investigation into the subjective side of the state of emergency highlights new modes of domination it has the potential to give rise to.

Cosmin Cercel • University of Ghent

Reading the Capital, Reading the Exception: A Report on Critical Legal History

"In this paper I aim to provide the basis for a critical methodology in approaching constitutional history beyond the visited thopoi of sovereignty, sovereign power, exception and biopolitics, in arguing for a necessary return to Marx. In doing so, my point of departure is the assertion that historiography calls for a grounding that is resistant to idealist recuperations, deterritorialization, or purely discursive inscription. Against the grain of the ever-moving, ever-reconstructed, and ever-deconstructible infinite of possibilities, material history resists not only as a trace, but as an archive of class struggle: 'the history of all hitherto existing society is the history of class struggles'. Within the sphere of legal history, this posits that beyond, within and throughout the very texture of the law, social processes and class conflict are inscribed as abstractions, and reproduced as a-historical, natural concepts, as ideology insofar as 'ideology "in general" has no history'. The task before the critical legal historian, insofar as it is a matter of historiography, and not of museography or myth-making, and insofar it pledges a fidelity to the materiality of the event, is to bring back the tension within the texture of the law. It is to bring back the heavy, difficult and conflictual tension of the context that the law aims to repress within its abstraction and erasure of its own historical grounding. In other words, it is to bring back law to its inscription in the class struggle and question its monumentality by pointing out the ruins of its emergence. Therefore, a critical legal history is a counter-history of law. There is perhaps no better vantage point in questioning the monumentality of the legal form than the one provided by the cracks that open in the paradoxes of the state of exception. This paper will then consider the theoretical prerequisites in approaching from a critically Marxist informed position the history of constitutionalism, drawing on examples from 19th century France and Romania. Drawing on Marx's primitive accumulation, I examine the ways in which the French instantiation of the state of exception – the state of siege emerged in the context of the French revolution and travelled to the Balkans and colonial spaces, before getting back with a vengeance in the context of the Paris Commune. Subsequently, I shall examine how the bourgeois state of siege adopted in the Romanian principalities in the 19th century kept on being haunted by its aristocratic origins. In concluding, I reflect on the relation between primitive accumulation – Marx's concept for the paradigmatic violence of capitalist dispossession – and legal form, with a view of challenging from within the presupposition of law as an expression of commodity form. In other words, primitive accumulation, as the founding violence of capitalist order, is not merely extra-legal but constitutive of the legal form itself, thwarting its coherence, and opening the possibility of a complete abolition of legal normativity.

Alessandra Spadaro • Utrecht University

International law and racial capitalism in occupied Palestine

In 2024, the International Court of Justice issued an Advisory Opinion on Israeli policies and practices in the Occupied Palestinian Territory. The Court concluded that Israel violated

foundational rules of the international legal order, including several provisions of the law of occupation, the right to self-determination of Palestinians, and the prohibition to annex territory through force. The Court also established that Israel systematically discriminates against Palestinians, although it fell short of providing an unequivocal finding concerning the establishment of an apartheid regime by Israel. In spite of this, the Advisory Opinion has been celebrated for authoritatively establishing the illegality of the Israeli occupation. While the Court's conclusions can be deployed in the service of political strategies aimed at affirming and supporting the rights of Palestinians in the international arena, my paper will argue that the Court's reasoning reveals international law's embeddedness with and furtherance of (racial) capitalist interests. In the Advisory Opinion, the Court briefly touched upon economic activities in connection with illegal Israeli settlements in the West Bank. The Court held that Israel abuses its position as an occupying power by allowing Israeli businesses to operate in the West Bank and profit from the extraction of natural resources to the exclusion and detriment of Palestinians. However, by being framed as violations of international law, these actions appear exceptional. This exceptionalism in turn hides the structural and racialized violence to which Palestinians are subjected and the economic structures that sustain such violence. The latter are significantly more extensive and pervasive that the Court let on. In reality, the geographic footprint of Israeli industrial settlements in the West Bank far exceeds that of residential settlements; a huge variety and number of Israeli and foreign industries and businesses are implicated in and profit from the illegal settlements; and the Israeli economy actively benefits from the occupation, which instead perpetuates the impoverishment, subordination and exploitation of Palestinians. Israel's practices and policies facilitating capital accumulation at the expense of Palestinians should be contextualized in the broader Zionist settler-colonial project and its logic of dispossession of backward natives, notoriously depicted as inferior to savvy settlers able to make the desert bloom. Insights from the Black Marxist tradition help clarify the co-constitutive link between racial discrimination and capital accumulation in the context of Palestine. Profit-making cannot be divorced from the racial oppression of Palestinians. The prevalent inability of international law and its institutions to articulate this relationship speaks to the rootedness of the law in both capital accumulation and racialization. Conversely, it is precisely this articulation which allows grasping the colonial, exploitative and racist character of the occupation of Palestine.

PARALLEL STREAM NO. 5

Ecological Legal Futures: Investment Regimes, Nature Boundaries, and Plural Rights

(Saturday, June 7, 14:45)

Denisa Hlušičková • Palacký University Olomouc

Rewriting International Investment Law: Colony Legacy, Ecological Future?

This paper critically examines the international investment law regime, arguing that its core structures and principles are historically rooted in imperial frameworks that privileged capital-exporting states and foreign investors over host states and local communities. The outcome of this asymmetry has consistently been reflected in the law, reinforcing legal norms that overwhelmingly protect foreign investors while limiting the regulatory autonomy of host states. Over time, international investment law has repeatedly favoured the interests of foreign investors, reinforced asymmetrical power dynamics and preserved ideas rooted in its colonial past. The current controversies surrounding the international investment regime –

particularly those related to environmental regulation and sustainable development – are not entirely new, but rather manifestations of unresolved structural tensions that have defined the field since its inception. This paper adopts a historical and critical approach, arguing that any meaningful transformation of international investment law must begin with a deliberate effort to address the deeply rooted legal and political structures that have shaped the regime. It explores potential pathways for reform, including the development of ecologically grounded investment frameworks and new mechanisms of shared governance that reflect interdependence. Ultimately, it also reflects on the inertia of the current system and the political difficulty of shifting long-standing institutional and ideological commitments.

Jakub Bokes • London School of Economics

Why lawyers should distinguish between nature and society

Recent years have seen the emergence of an increasingly influential group of legal scholars who draw on new materialist philosophy to reject the separation between nature and society and, in so doing, problematise concepts such as causation, responsibility, agency, and freedom which are central to modern political and legal thought. In this paper I caution against this emerging approach for two main reasons. First, blurring the distinction between nature and society is politically disempowering at a time when the importance of responding to anthropogenic climate change through political and legal action is becoming increasingly clear. Second, the 'new materialist turn' in legal theory and the humanities more broadly is based on a misunderstanding of modern scientific practice, which is concerned precisely with disentangling seemingly inseparable aspects of worldly phenomena. A more useful avenue for legal scholarship, I suggest, would be to conceptualise society as an emergent form of nature. Human law, on this account, would be seen as dialectically connected to nature without being reducible to it.

Renan Nery Porto • University of Silesia in Katowice, Poland

The Limits of Rights of Nature and the Law Reimagined in a Multinatural Pluriverse

In this paper, I present the concept of viscous law as a material and spatial ordering of bodies emerging from the relationship that people have with the land and its many forms of life. The viscous law is not confused with the modern, normative and State-centric law but it goes through inside and outside of State law. It goes beyond the latter since it is made through the production of worlds and concepts of nature that do not fit into the Western and anthropocentric perspective of modern law and science. However, the viscous law deals with the practical necessity of the struggles for land reclaiming rights from the State in the global south. Together with this concept, I developed the notion of humus rights being produced not strictly by legal institutions, but by the emergence of the viscous law that connects an aggregate of human and non-human bodies with the land. The right that is claimed here is not of any isolated part, but of the aggregate, assemblage or meshwork to which the existences of these parts are inseparable. This concept can rethink the normative notions of the rights of nature and change the understanding of rights and their intrinsic connection to the political and institutional form of the State.

PARALLEL STREAM NO. 6

Illiberal Moments: Ideology, Legal Culture, and the Crisis of Constitutional Order

(Saturday, June 7, 14:45)

Aimilianos Tsakiroglou • National and Kapodistrian University of Athens/University of Belgrade

Illiberalism on the margins of the Theory of Ideology: The Lack of the Law

The recent political crisis in Serbia draws very interesting points firstly, how illiberal regimes produce both economic and political crises and secondly, how those crises produce modes of resistance that oppose the logic of political representation. We find that one of the key characteristics of such regimes is the logic of private property that enters the legal sphere taking the form of personalization of institutions and rights. This corrupts the logic of legal order that transcends both the private and the public sphere, opening the possibility of resistance that is on the margins of legal order through various types of grassroot general assemblies. In this paper we argue that the theory of ideology as we read in Althusser and Močnik can not give us a satisfying explanation for these types of phenomena that occur in illiberal regimes and particularly how the modes of resistance we mentioned occur spontaneously, without an ideological program that produces them. This happens because theory of ideology considers the Law as a particular ideological program, and not as its condition. Furthermore, we will propose the Law as the material existence of Ideology instead of Močnik's institutional norm which he reads from the point of Lacanian symbolic register. This is because for us, the Law ontologically precedes the symbolic once we see it as the presymbolic production of the lack which then creates the economy of the lack of the symbolic. We will read the Law as a specific kind of production that produces and embodies Lacan's subject, Močnik's institutional norm and Batailles restrictive economy, creating the distinction between politics and economy. Finally, the crisis in illiberal regimes occur as post-ideological crises once the whole production of Lack upon which ideological programs occur tend to be threaten by illiberal regimes which come to abolish the political sphere through the personalization of institutions and rights.

Laura Gheorghiu • Karl Franzens University Graz

Constitutionalism, civil society and illiberalism in Central Europe

There is no "strong law" nor any "weak law". There are the enforcing mechanisms at stake and behind them the legal culture that exists or not in the given society. A Constitution is not a Bible; having been written by people they are refutable and restrictive in their very essence. But illiberalism does not come from the constitutional game! Constitutionalism, which is not the identical to the constitutional text, may be manipulated by the politicians to argue for their plans. A strong legal culture catches the pitfalls and keeps the power under scrutiny. On the contrary, a society that used to depend on the state's deliveries, will play victim and will be the victim of those who use it. After monitoring Central and East European illiberalism for almost a decade I would say the following: the societies used to hang on the state's game will never reach constitutionalism and thus, the politicians will find free way to grab and abuse power. There is no exploitation: it is cooperation and in most of the cases, a clear bargaining between politicians and the society: (old and new) gulyas regime, petrol-dollars and the like. As far as V4 countries are concerned, perhaps the best example is their easiness to avoid adopting the euro currency, although they signed such a commitment once with the joining

treaty. While there was little if any interest in explaining and promoting the common currency, societies remained at the level of "exploitation" and "them vs us" mentality, jeopardizing the welfare of their own countries as well as of their very personal life. I am going to explain the relationship between a dependent society and a civil society; between them and constitutionalism; just to end by bringing all together to show the playground illiberalism uses (ideas, principles, values, institutions) when politicians are left free to abuse whatever pleases them. But illiberalism is not their merit, rather their unexpected gift from a society pleased to stay behind its epoch.

Krzysztof Katkowski • University of Warsaw

Jadwiga Staniszkis' Democratic Theory – Neo-Marxism or "Critical Fascism"?

In recent years, we have witnessed the proliferation of so-called ""illiberal democracies"" (Zakaria, 1997), particularly in Eastern Europe, where such regimes are often linked to nationalist ideologies despite their post-Soviet lineage (Porter-Szűcs, 2019). While mainstream liberal discourse tends to read these formations through the lens of anti-Marxist reaction, this paper interrogates a more uncomfortable possibility: what if elements of critical theory particularly those rooted in Marxist dialectics—are not only present but instrumental in shaping contemporary right-wing authoritarian projects? Using Poland as a case study, this paper explores the ideological undercurrents of the ruling Law and Justice (PiS) party. While scholars have noted PiS's discursive continuity with the Polish United Workers' Party (PZPR), less attention has been paid to the philosophical architecture underpinning this rhetoric. This study reconstructs the socio-legal thought of Jadwiga Staniszkis, a key intellectual figure whose early work was deeply informed by Marxist analysis. Drawing from her engagements with systems theory, late socialism, and the contradictions of transition, I argue that Staniszkis' theoretical framework helped shape the intellectual milieu of contemporary PiS elites—including figures such as Andrzej Zybertowicz, Piotr Gliński, Jadwiga Emilewicz, Piotr Naimski. The paper concludes by asking whether Staniszkis' hybridization of Marxist critique and state theory anticipates what might be termed, a bit as a provocation (as this whole proposal), a form of "critical fascism": an authoritarian epistemology that draws legitimacy not from rejecting critique, but from appropriating and weaponizing it in service of a reactionary political project.

PARALLEL STREAM NO. 7

Performing Authority: Law, Culture, and Political Economy in Late Capitalism

(Saturday, June 7, 16:45)

Kateřina Ochodková • Masaryk University

The Expansion of Convenience Voting Methods: Sign of Hyper-Capitalism?

In an age marked by the rise of hypercapitalism, the expanding use of convenience voting methods—such as postal voting and electronic voting—presents a significant shift in democratic processes. This paper explores the growing prevalence of these methods in the 21st century, examining how they reflect broader societal trends toward efficiency, automation, and consumer
convenience. By juxtaposing the concept of convenience voting with Graeme Orr's notion of the ""election ritual,"" the paper critically analyzes the implications of this shift on the nature

of democratic participation. Orr's Framework emphasizes the symbolic and performative aspects of elections, suggesting that voting is not merely a procedural act but a ritual through which citizens
engage with the democratic process. In the context of hypercapitalism, where convenience and speed often take precedence over substantive engagement, the expansion of convenience voting methods raises questions about the authenticity and integrity of the election ritual. How do postal and electronic voting methods—designed for ease and accessibility—alter the meaning of voting as a public, collective act? Are we witnessing the commodification of democracy itself, as voting becomes just another service to be optimized for convenience rather than participation? This paper will critically engage with these questions, using the ritual approach to highlight the tensions between convenience, democracy, and the performative aspects of voting. By situating convenience voting within the broader Framework of hypercapitalism, the paper aims to offer a nuanced critique of how election rituals are being reshaped in the digital age.

Veronica Lazăr • University of Bucharest

Law, History and Political Economy : on the Social Materialism of the Enlightenment

In the great tradition of the Scottish Enlightenenment, political economy was born from the historicization of the field of natural jurisprudence. Scottish political economy developed a particular materialist account of historical development connecting economic understandings of power and class structures with historical genealogies of jurisprudence, of political and social forms and with social understandings of moral norms. For Adam Smith and John Millar, whose works I will engage with in my talk, modern world was the complex and contingent by-product of lengthy stadial transformations in modes of subsistence: technologies of food production, stages of economic development, forms of the social and then technical division of labour. In turn, these transformations mustered historically specific structures of property, laws, suitable institutions, adapted marriage and family arrangements, particular social hierarchies and classes and eventually social emotions. Nevertheless, and despite that venerable temptation to absorb Scottish social theories into the noble family of the so-called anticipators of historical-materialism, the centrality of sentiments in Smith's and Millar's materialist explorations departs from a rough version of 'base and superstructure' model. (Historicized) feelings and emotions were just as central in the economy of stadial development as techniques of production and property forms. In my talk, I will focus on two sets of questions 1. How does this Smithian moral economy of fellow-feelings shape what Smith calls 'commerce' and how can it contribute to a supposedly paradoxical materialist understanding of historical societies? What is the rôle of law in this equation? 2. I will test this Smithian account by comparing Millar's Smith-inspired inquiry into the origin of the distinction of ranks – which I will call social materialism - with the genealogy of family and state relations in Engel's Anti-Dühring – historical materialism proper. I will end my talk with a few comments on the notions of 'anticipation' and 'influence' and review a few recent versions of Adam Smith's ideological and historical reappropriations on the left (especially by Branko Milanović).

Martin Škop • Masaryk University

Lukács in Carnival

In his works, György Lukács analyzed the relationship between bureaucracy and law, emphasizing that bureaucracy constitutes one of the tools the state uses to conserve (or

strengthen) social inequalities and reproduce power structures. In this conception, law is not a neutral justice system; rather, it is shaped and instrumentalized by bureaucratic mechanisms that legitimize and ensure the functioning of economic and social relations based on holding the status quo. Bureaucracy thus performs administrative functions and reinforces the ruling class's ideological dominance. As a result, the law functions as a mechanism for maintaining the prevailing order and system. Therefore, the presentation will examine how legal and bureaucratic structures maintain power relations. In contrast, Mikhail Bakhtin conceptualized carnival as a provisional reversal and interrogation of established hierarchies, values, and rules. In this perspective, carnival is conceived as a counterpoint to official and serious culture associated with authority and power. During the carnival period, there is often a reversal of conventional social roles, mocking authority figures, and freezing social constraints. It is therefore suggested that Carnival should be regarded as a symbolic and collective form of resistance to the oppressive forces of bureaucracy and the law. The central question that this paper seeks to address is whether this phenomenon is indeed the case and whether carnival is not becoming a dominant form that once again maintains the existing order. Carnival, therefore, is not to be regarded as a form of revolt, but rather as a tool of social control.

John Bessai • University College of the North

Sovereignty's Cultural Double Bind: Law, Public Media, and the Aporetic Condition in Canada

This paper examines how Canadian public cultural institutions, particularly the National Film Board of Canada (NFBC), function as legal-economic mechanisms that reproduce the contradictions of sovereignty under late capitalism. Drawing from my dissertation Art as a Public Service: The National Film Board of Canada's Role in Shaping Democratic Dialogues and Societal Transformation (Trent University, 2024), I argue that the NFBC operates within a juridical logic that embeds cultural production within a framework of state legitimacy, property, and colonial continuity—even while seeking to challenge or subvert these structures through participatory and inclusive storytelling. Engaging with the 60th anniversary of Reading Capital, this analysis builds on the Marxist understanding of law as a constitutive apparatus of capitalist reproduction. I extend this to the field of cultural policy, where legal and institutional mandates govern not only access to funding, but also the aesthetics of belonging and the limits of dissent. In particular, I introduce the concept of the Canadian aporetic condition to describe the unresolved tensions between cultural sovereignty, legal pluralism, and economic dependency in a settler-colonial state that champions public culture while managing extractive and dispossessive logics. Drawing on NFBC projects such as Bear 71, Biidaaban: First Light, and Supreme Law, I trace how public media narrates constitutional and environmental crisis through digital form, revealing how law is aestheticized as both a source of order and an object of critique. The NFBC's institutional function thus becomes emblematic of a broader paradox: public storytelling as both a mode of democratic engagement and a tool of governance. This paper contributes to debates on reimagining sovereignty and legal frameworks through a materialist lens, situating cultural institutions within global capitalist infrastructures while insisting on their capacity to signal otherwise.