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Governance of Governance, Recurring Corporatism and Liquid Modernity

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The semblance of a solid modernity of organized welfare state capitalism – what Durkheim referred to as functional organic solidarity - melts as we are hurled into decentered regulatory orders, where re-regulation is not a delegation of state authority.

Can the concrete autonomous and responsive legal orders of protocolism and standard-setting be coordinated as the Governance of Webs of Governance? Such corporatism was originally developed by a tripartite regime of law and negotiated political economy in what the historian Charles Maier refers to as the “project nation state”. It was extended in the 1990s competitive regional social pacts.

How has a corporatism be reconceptualized for the increasingly fragmented authority characteristic of the fluid sense of space in transnational capitalism?

Can webs of governance - focused on new forms of legitimacy and a mode of reciprocal solidarity – emerge to counter webs of capital accumulation uncoupled from territorial spatial boundaries?

Following Bob Jessop (2020), we can understand governance as a new form of internodal network corporatism geared to reducing liquidity by fixing new modes of regulation and coordination. Corporatism is a recurring regulatory and coordinating process embodied in a form of governance, reflecting the changing functional differentiation of economy and society. Corporatism is understood as a process rather than as a time-pegged structure aims to correct market limitations and failures. And now in a new mode seeks to manage risk and sustainability.

In the second part of this paper, we can methodically align Jessop’s insights of recurring corporatism with the Law and Political Economy Framework Approach spearheaded by Jedediah Britton-Purdy and his associates (2020). Such an approach suggests framing devices for imagining possibilities in the 21st century. Specifically, transformative possibilities in the self-constitutionalizing capacity of non-state associations institutionalizing regulations within the political economy. How these “webs of governance” are rooted in concepts of institutional complementarity and connecting institutions. Do such webs of governance offer glimmers of horizons of possibility?

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JESSOP, Bob (2020)

Putting Civil Society in Its Place: Governance, Metagovernance and Subjectivity Bristol, Policy Press.

This paper seeks to present a provocative 4-fold table in political sociology that frames the project of the Law & Political Economy Movement in terms of resonances of freedom & equality/equity on the vertical axis...and Solid Modernity & Liquid Modernity on the horizontal axis. It builds not on American Critical Legal Studies, but on a Critical Sociology of Law developed by Weimar labor lawyers: Hugo Sinzheimer, Franz Neumann and Hermann Heller in conjunction with Karl Renner's "The Institutions of the Private Law and Their (Changing) Social Function" as well as on the German law tradition of connecting institutions/ institutional complementarity.

As a core prism, corporatism is a concept of both political sociology and political economy that relates to the legal ensemble of rule-making and standard-setting by non-state actors in civil society. Its ordering is the normative expression of self-constituting private power and social power. In its latest iteration, a network corporatism amounts to a "governance of governance."

1. Recurring Corporatism

"Governance is the most recent incarnation of corporatism... It is the latest stage of corporatism as an attempt to coordinate reciprocal interdependence." (Jessop, pp.4, 185)

As a concept. Jessop understands corporatism as a "recurring and constantly evolving phenomenon of norm-producing autonomous bodies of self-regulating prescribed limitation." Beyond the guild corporatism of the medieval epoch, corporatism in the development of capitalism came to address the limits of market-driven thinking and practice – where the market no longer suffices.

Corporatism did not disappear but began to operate in ways that were different. It is an evolving phenomena linked to the functional differentiation process within the division of labor of a society, now a networked world society. It involves rule creating and standard setting. And it is rooted in practices of social pact-ing and the mediation of modernity's developing externalities through the "intermediary institutions" (Poul Kjaer, 2020). These practices evolve as non-state association. They come to juridified nodes for governing the mutual regulation and its coordination (Guenther Teubner, 2012; 2015). In its recurrence, corporatism is characterized by themes of connecting institutions and institutional complementarity.

Jessop details stages of corporatism in a similarly evolving capitalism—beyond (1) the tripartism, delegated authority and interest group capture of the three decades following 1945;(2) the 1980s negotiated order of tripartism focused on an earlier mode of austerity on steering, stabilization and control of inflation; and (3) the "competitive corporatism" on regional meso-levels and local micro level in search of foreign direct investment. As this proceeds, we see the erosion of what Charles

Maier refers to as a "project nation state," we witness a new stage of corporatism countering similarly emerging webs of capital financialization with a hegemonic logic of capital accumulation and unlimited industrial and financial "growth."

Amidst the eroding of the regulatory of the project nation state, there is a searching for some coordination of decentered regulatory order – as a re-regulation process sometimes referred to as "regulatory arbitrage." Such a re-regulatory ordering through inter-laced hybrid networks is constituted as a meshwork of relational contracting.

This latest form sometimes labelled as "networked corporatism"--understood as a "governance of governance". It is not a revival of tripartism within growth and stability pacts. Rather, it responds to the challenge of myriad contractual non-statist assemblages. This amounts to coordinating/ governing the complexity of networks of intangibles —doing so in a subsuming manner of inter-operability rather than in an imposing mode of command and discipline. It buffers the shocks and precarity of what Zygmunt Bauman refers to as "liquid modernity." It attempts to blunt the sharp edges of neoliberalism's sharp edges and its eroding of the social contract of social liberalism/ social democracy embedded in the practices and visions of a Keynesian welfare state.

In a broad brush characterization, we seems to have moved from an epoch of social solidarity as *conscience collective* to an epoch of clustering assemblage affinities (cf. Bruno Latour, Gilles Deleuze, Saskia Sassen). Can we grasp some *conscience collective* of binding connexion persisting or emerging in the in-betweened-ness (*Zwischenwelt*) marking spaces between the margins of compatible and often overlapping networks? Can we protect solidarity in not yielding to the hegemony of market determinations? Can we grasp practices of sustainable self-binding protocols --*réglementations* rather than *régulations* according to Robert Boyer, 2002)? And how an Enabling Transnational Network State can participate and encourage such new social pact-ing. The most recent iteration of a "network corporatism" attempts to coordinate complex reciprocal interdependence. Rooted from the bottom-up in the recursive protocolism/ standard setting of multi— stakeholder social pacts (Bäckstrand, 2006) especially regarding ecological, climate and epidemiological concerns. Guarding against hazardous substances and viruses, as well as replenishing the earth.

Following Henri Lefebvre's argument in *The Production of Society* (1974) , Doreen Massey (1995) points to the explosion of space and a dispersal of space beyond territorial place -- vertically, horizontally, centripetally, centrifugally, diagonally, and fractally. Spaces unfold in multi-level, multi-scalar and inter-scalar practices of governance. These are increasingly spaces generated by telecommunications and information technology, in a world in which human interactions more and more evolves into spaces of intangibles marked by computing, data bases, simulations and algorithms.

These intangibles are characterized as well in securitization credit, debt and leverage as financial capital secures hegemony over the materiality of industrial capital. This is trumpeted as a "democratization of finance" multiplying the inclusion of speculators and mortgagees. The concept of materiality is transformed --- ironically as an immateriality (Lyotard and Chaput, 1985). *Le immateriaux* is released from (1) the panopticon of the first and second industrial revolutions predating the cybernetic revolution of the middle twentieth century; and (2) the equilibrating mechanical model or perfectly self-organizing organismic model of functional differentiation Durkheim pointed to.

Finance is the ultimate sector of the immaterial and intangible (Cerny 2023, chapter 12) as trade-able securities are "sliced and diced" into all form of contracted derivatives, collateralized debt obligations, sub-prime mortgages and "swaps." And are bundled as tranches into more abstract complex securities. Financial contracts become more and more liquid.

By the close of the 1970s, social liberalism/ social democracy were alleged to manifest "ungovernability" amidst a decade of stagflation. Considerations of equality and equity were relegated to the back seat. Supply side neoliberalism was turned to in Western capitalism. A quick fix was needed to jolt capital accumulation back on track. De-regulation was seen as a further unleashing of entrepreneurial vitality. Re-regulation was conceived as coming through contracting rather than through the administrative law of the project state. Capital becomes more fluid. Contracting became more fluid. Fluidity here is also synonymous with flexibility, Meaning short term contracts swell. With its disorienting consequences this instills vulnerability and precarity in the labor process. Private individualized asset-based security packages are offered to supplement the stalled further development of social security. This swelling up of fluid capital became institutionalized in a regime of NeoLiberalism at the turn of the 1980s.

Bauman's concept of liquid modernity denotes What Michel Foucault labelled as the internalized neoliberal "governability" of the self. Panopticon reversed. Synoptic as the gaze of the many view the few as a risk group. Authority becomes dispersed with a lesser degree of consolidation, and spread out over a process in which authority becomes hard to locate and which is in constant flux. Marked by constant acceleration without sufficient time to solidify.

Transience replaces durability. There is perpetual living in transition. The ability to move and travel light on short notice. Who accelerates, wins. Who stays pat, loses. Perpetual re-assembling. Perpetually constructing and reconstructing a sense of self. A ruthless, ambient and episodic existence of fleeting experiences. The appearance of freedom when actually there is for most an increase of dependent participation anchored in private enterprises. A fragmentation of life strategizing into sensibilities of entrepreneurial individualism rather than a sharing in social-economic investment and social responsibilities. However, Bauman's take on liquid modernity lacks much

of a normative edge and a regime institutionalizing imaginary which we turn to in the second part of this paper. (See the 4 models at the close of the second part of this essay.)

A new network corporatism is not some teleological end. It is just the latest recurrence of confronting the need for coordination when the limits of the market are evident in capitalism. Today, there is a grasping of the need to coordinate the decentered and multi-nodal character of non-state assemblages, which come to constitute *webs of governance*. We are destined for a spatially oriented transnational corporatism to coordinate and regulate conflicts of laws emanating from within territorial places within nation-state borders. Economic constitution has emerged independently from political constitutions of the nation-states. Transnational network corporatism is already implicit within the coordinating of networked webs of governance -- often privately outside state courts and in lawyer's chambers, without supervisory nation-state apparatus. Here, the evolving corporatist economic constitutions of Northern Europe have proved resilient in the reorganization of code-making and social pact-ing.

A strategy of Confluence in interurban meshwork counters network corporatism with what Charles Tilly referred to as trust regimes of emerging social insertion and solidarity. Such social ontology of resonances of commoning, equality and equity mediate liquid modernity. It is often a diffuse, multi-scalar and inter-scalar reconfiguring of spaces -- with transversal negotiations and projections. Here we have the example of the Indignados movement emerging in Spain during the twenty teens as a reaction to the financial crisis of 2008. These are resonance of both freedom and equality/ equity -- not just the narrow sense freedom emphasized by NeoLiberals and It is often diffuse, multi-scalar and inter-scalar reconfiguring of spaces with transversal negotiations and projections. Here we have the example of the Indignados movement emerging in Spain during the twenty teens as a reaction to the financial crisis of 2008. These are resonances of both freedom and equality/ equity, and not the narrow contracting freedom of the NeoLiberals. A recursive protocolism of multi-stakeholder social pacts (MSSPs) constituted by frame agreements, incentives and procedures orient toward longer term/ larger range of ecological and epidemiology -- constituting Green value chains.

These are resonances protecting solidarity and common goods, not yielding to determining market hegemony (cf. Christodoulidis, 2017). Jessop argues that increasing social insertion at the intersections of networks/ meshworks and solidarity may show us the extent to which civil society agency can guide us in jointly mediating the liquid modernity we inhabit> Here, there is a responsibly participating in what Elinor Ostrom the development of self-enforcing reciprocity norms (SERN) -- institutionalized as rules and standards.

Spurred by reflections on governing governance in liquid modernity—and with a synthesizing sentiment, I turn to how this all contributes to the Law and Political

Economy Movement. And at the same time, getting us beyond the embeddedness of Sociological Institutionalism and the path dependency of Historical Institutionalism. We can draw upon the spirit and imagination of the Weimar Critical Sociology of Law and develop a Critical Institutionalism. (Rather than the less class-oriented Critical Legal Studies of the 1980s in the UK and North America. Critical in the sense of utilizing Immanent Critique in understanding emergent practices and their institutionalizing so as to facilitate capabilities and complementarities. – with a focus more on commitments than just on interests.

2. Regimes: A Law and Political Economy Framework Approach

How can the very institutions created to encase and insulate private property and security of contract-- from forces of social power and democratization --generate social economies oriented to longer term ecological sustainability concerns? Indeed, the Polanyi moment of "double movement."

The issue here is one of ecology -- of an ever complex functionally differentiated global system where multi-stakeholder social pacts (MSSPs) blossom on both the regional meso/ micro scale as well as on the scale of transnational space. The focus is planetary ecological and epidemiological balances that social power seeks to secure protocols and corporate codes of social responsibility. There would have to be corporate commitment to mutual sustainability management with interoperable/ complementary performance standards and attentiveness to risks. Such interaction between Multi-Stakeholder Social Pacts (Bäckstrand, 2006), NGOs, and advocacy groups with corporate codes would have to involve a regime of law and economy where there is a working together with nation-state regulatory bodies and transnational arbitration bodies to bring proceedings against corporate executive directors.

In the neoliberal phase of liquid modernity, there is a disengagement from social responsibility. Any social insertion into the State or market society is resisted. Labor is forced to take on more flexibility. There is an emphasis away from passive recipience toward "responsibilizing." In its place, there is a penetrating accentuation on the entrepreneurial self and understanding one's life less in terms of the protections of social security, and more in terms of asset-management, a more asset-based security. Liquid modernity is an uncertain, fragile and insecure modernity.

The theme of regulation within social liberalism and social democracy's welfare state is overshadowed by a theme of enabling and facilitating. These are enabling and facilitating efforts on the one hand to introduce a market frame of reference and its pricing mechanism; and on the other hand enabling and facilitating social pact-ing to create alternatives where the market no longer suffices. The outlier variant of neoliberalism known as German OrdoLiberalism (Böhm, 1951) understands that while the market lives by its prerequisites, it cannot guarantee itself. (Markets are not assumed to not undermine themselves.)

The liquidating of the welfare state model hurls us into a fragmented voluntarism. And re-regulation is not a delegation of state power but a decentered regulatory order through interlaced networking of supply-side protocolism – string-like clew, often as a meshwork of relational contracts. An Enabling State facilitates the decentering of enterprise and networking.

The core *puzzle* our essay plays with are the possibilities in the self constitutionalizing capacity of stable non-state associations/ institutions of regulation (Thornhill, 2011) in the form of the governance of private law and the governance of social law (Selznick, 1969; Heller 1929/30; 1930)), Dyzenhaus 1997)

Spin-off auxilliary *riddles* persist.

- (1) How the phenomena of binding connexion is sustained amidst the fluidity and transience of post-1970s liquid modernity ?
- (2) How multi-stakeholder social pacts (MSSPs) beyond nation-state borders counter transnational capital with social pacting and pressuring the creation of corporate codes of responsibility ?
- (3) How MSSPs reveal emergent social capital with realizable democratic practices of participation?
- (4) How newly seeded institutionalizing MSSPs can provide public space that undergirds reciprocity and mutual learning?
- (5) How does this project respond to Philip Selznick's concern with sustaining an "institutionalizing embodiment of purpose and vision" as well as with the development of "cumulative responsibility"?

In the attached Lean Model, followed by Figures 1 and the more detailed Figures 2 and 2A, we employ *Weberian ideal type constructs of Rechtsstaat* (i.e., the state regime under the rule of law). An ideal typical approach focuses on-- in a relational rather than an essentialist manner. A relationality of a regime of law and economy to wider social economic factors. These constructs are understood as cognitive and experiential templates of the institutional environment grounded in social-economic practices. And not only based on idealistic faith per se in social democratic state initiatives. This extension of our analysis involves ideal typical framing of *meaning-making* -- regarding the context of phases in the context of social formation. Particularly the complexion of interactive and collaborative governance.

Ours is more than a study of ideas; it is an an *immanent critique* of practices, valuations, commitments and justification claims. Our designated social forms evolve as collaborative interactions that come to produce non-state institutions of regulation alongside the State and other social-economic groups. (Renewal of our problematic is retrieved and set by Philip Selznick (1969). Regimes embedded within social practice generate rules regarding bounds, compliance and interoperability.

Each property space characterizes respective regimes of law and economy. While each represents a historically evolved stage, the property spaces are not to be understood as necessarily successive. Some of these institutional imaginaries (Castoriadis 1975/1987) as parts of each space affects aspects of the others, affect horizons of possibility. There is a horizontal axis of "solid modernity" contra "liquid modernity." And a vertical axis of resonances more distinctly oriented to freedom and those more oriented to broaden equality of social relations. A Rechtsstaat ideal typical approach to law and economy situates the role of *réglementation* (arrangement of protocols) within the more encompassing regime of *régulation*.

We understand regime as an assemblage of constitutive discourses providing the framing imaginary/ the horizon of possibility through which we interpret the normative order into which are drawn, if not thrown. Regimes are purposively created normative orders which frame and organize negotiations among a formally specified set of actors. The concept of regime denotes respective modes of legal and economic discourse corresponds to the logic of argumentation for what purports to be interactive and collaborative governance.

For example, the Liberal Rechtsstaat context and that of the NeoLiberal Rechtsstaat emphasize resonances of freedom; whereas the Social State and the Social Rechtsstaat broaden egalitarian resonances and substance. The Social Rechtsstaat context focuses on possibilities of non-state associations building a social materiality beyond a vertical functionalist welfarism, quasi-nongovernmental organizations (quangos), and brokered pluralism – possibilities of *seeding new forms of social relations*.

For Social Rechtsstaat framing, liberal modes of thinking need to be transcended, not simply depassed -- especially the utopian excesses of the market imaginary in the NeoLiberal phase. The Social Rechtsstaat imaginary is more self-binding than the interventionist Sozial Staat of administrative law (also referred to as Wohlfahrtsstaat). This imaginary is committed to the forward march for democratic participation -- where the relation between State and Civil Society assures autonomous institution of self-critical governance for diverse domains, reflexively responsible both within and between institutional spheres.

Our ideal typical approach is grounded in historical evolution, but again the property spaces described are not necessarily successive. Contributions and remnants of the first three property spaces persist in the fourth phase of a Social Rechtsstaat. An institutional imaginary as a more embracing contextual regime phase. Ideal typical analysis enables us to explain and understand both contextually and tendentially – especially to detect creation of new paths of economic constitution parallel to nation-state constitution.

Fragmented economic constitutions have emerged in liquid modernity There are those reflecting Franz Böhm's model of a national and transnational market economy supported

by private law regime (Mesrstmäcker, 1973; 2006). There are those -- to a lesser extent -- that reflect Hugo Sinzheimer's redefinition of economic constitution as *labor constitution*, grounded in trade unions, works councils and trade associations. The labor constitution (Dukes 2014) focuses on national social democracy and governance of social law models with transnational aspirations.

The governance of social law tradition and the concept of Social Rechtsstaat captures best the approach of Hugo Sinzheimer (1875-1945) and Hermann Heller (1891-1933). Indeed, Heller's emphasis was on the collectivities of civil society, and an awareness of taking up a possible new civic culture of enabling group rights. Heller argued for the co-constituting of meaning as generating *institutional facts* of autonomous co-regulation. Both envisioned a social democracy with guaranteed property rights, while at the same time moving toward an institutionalizing imaginary of economic democracy. At the same time, they envisioned a conception of social law that was broader than labor law.

Sinzheimer (1976) like Otto Gierke (1889/ 1977) argued that social groups are "organic entities" autonomously aware of willing and acting, rather than being viewed as legally fictitious corporate personalities as they had been viewed under the "concession theory" of Roman Law. These authentic group personalities make their own rules, their own protocols: what Gierke referred to as *social law*. Collective bargaining agreements fit this new category. Labor unions, works councils and trade associations were understood as legitimate groups with rights and responsibilities." These groups could speak through their own organs in ways determined by their own internal rules. Not only within one's own association, but in-between associations. Such rule of social law would take priority over the simple individual labor contract.

Sinzheimer and the Weimar critical sociology of law tradition speaks to an American New Deal context wherein legislation like the Fair Labor Standards Act, the National Labor Relations Act, and the Social Security Act were written in the language of private law norms. Such legislation was constituted in terms of a sense of entrepreneurial individuals' respective responsibilities, rather than in terms of the regime of law and economy. Thus, the *social citizenship* connected to the welfare states and coordinated market economies of Skandinavia, Germany and Austria. German solidaristic social-economy (Model Deutschland) has been marked by horizontal negotiations mediated by the State within a context of social cohesion and a degree of egalitarianism.

Social citizenship included the capacity/ capability for participation in social pact-ing. This is a capacity/ capability to mobilize people for cooperative voluntary actions of various sorts in civil society. It is a capacity/ capability for active participation in solving collective problems. Selznick's renewal of a sense of social solidarity according to recognized interdependence.

Anticipating the Polanyi “double movement,” Heller (1929, 1930) championed the form of Social Rechtsstaat (cf. Caldwell 1996; and Perels, 2006) rather than an Adam Smith/Kant Liberal Rechtsstaat or a Bismarckian paternalistic Protective Sozial Staat. The Social Rechtsstaat is about legitimating and realizing the constitution of social-economic rights – and, a century later, ecological rights. What Sinzheimer and Heller referred to as “collective democracy” is updated in Paul Hirst’s (1994) reconceptualized *associative democracy*.

Heller understood the Social Rechtsstaat as a process of the democratization of reason – as a conceptualizing process which replaced the idea of the dictatorship of the proletariat. Heller understood this as a process constitutive of intersubjective meaning, as well as continually shaping the normativity of the social lifeworld as institutional facts. The Social Rechtsstaat was both in the interest of the bourgeoisie whose concern was with security and certainty of contract and property -- as well as in the interest of the proletariat. And today the precariat of short term contracts. Together, they show intent on developing social claims of opportunity, protection and participation in self-governance.

The connection between the rationality of the legal order and liberalism was understood by Heller to be a historically contingent one, but not a relativist one – particularly just before the Third Reich, not relative to a particular national culture. *It was more contingent effect from an embedded pattern of institutional forms, and normatively embedded the institutional form of governance.* Social economic and ecological relations could transcend their immediate social origins, and were interpretable through a socially grounded and value-oriented rules jurisprudence, shielded from external forces of domination and the exclusivist values of particularist communities and particularist neocorporatist hierarchies.

Constituted and imagined social solidarity economies are understood ideal typically as both discursively constituted and materially reproduced protocols on several sites and scales. Not as integrated in vertically organized neocorporatism or in the more flexible capital-inducing mesocorporatism of regions and multi-microcorporatisms (what Rhodes, 2006) referred to as a “competitive corporatism” seeking to play off transnational capital interests in a globalized economic context.

Conclusion

Within our extended ideal typical framing, we depict the extent to which First Modernity’s solidity/ solidarity is challenged, liquified, and responded to. First modernity appeared to be solid because of how the rapid centralization of institutional power became consolidated in an epoch of organized capitalism, the welfare state and the law reflecting both. Under the pressure of the NeoLiberal mindset there are increasingly dense but dispersed webs of interdependence. But a new and different form of dispersed yet connected web of governance arises.

Multiple fragmented economic constitutions and corporate codes of social responsibility materialize within the civil society of liquid modernity. And with them come conflicts of rules and standards, collisions and fussing over issues of inter-legality/ inter-constitutionality. Liquid modernity challenges us to cope with seemingly incompatible modes of protocols, and to seek a way to attain some semblance of institutional complementarity. Such complementarity (1) compensates for each other's deficiencies in institutionalizing some new whole; and (2) reciprocally reinforces each other to sustain greater resilience and better performance.

If a de-regulatory NeoLiberalism de-coupled connectivity, the Confluence of meshwork movements re-couples it. Ironically, the institutions created to encase and insulate private property and security of contract from democratic politics end up within new spaces of social-economies oriented toward longer term sustainability concerns.

The ever accelerating forces of liquid modernity mean the wilting and displacement of older securities and integrity. Interurban meshworks like the Indignados "social insertion" movements in Spain (Weiner and López, 2018) this past decade as well as the emergence of Sustainable Community Movement Organizations in Europe and the Americas (Forno and Weiner, 2020) signify a new form of hybridity in liquid modernity. They are, as well, new forms of democratic governance as well as a reinvention of civic participation enabling reciprocal connexion – in-between different groups of stakeholders. The clew/ string-like meshworks flow across the older negotiated boundaries and flow into a confluence of different discourses with a sense of reciprocal rather than functionally organic solidarity.

In the case of interurban meshworks of meso- and micro-solidarity economies, they help us grasp glimmers of horizons of possibility. They seed and help us anticipate the outlines of the possibility of a renovated Social Democracy Mark II for a 21st century. One that adds the role of ecological activism, epidemiological consciousness and nongovernmental organizations *to extend social law to more social-ecological constitutions*. Such a new form of constitution would re-engage social responsibility connected to a post-growth ecological orientation that questions the direction and acceleration of industrial growth, that emphasizes repairing the earth rather than just democratizing a labor constitution.

Figure 1 attached

Figure 2 attached

Figure 3 (detailed) attached

Figure 4 (detailed) attached

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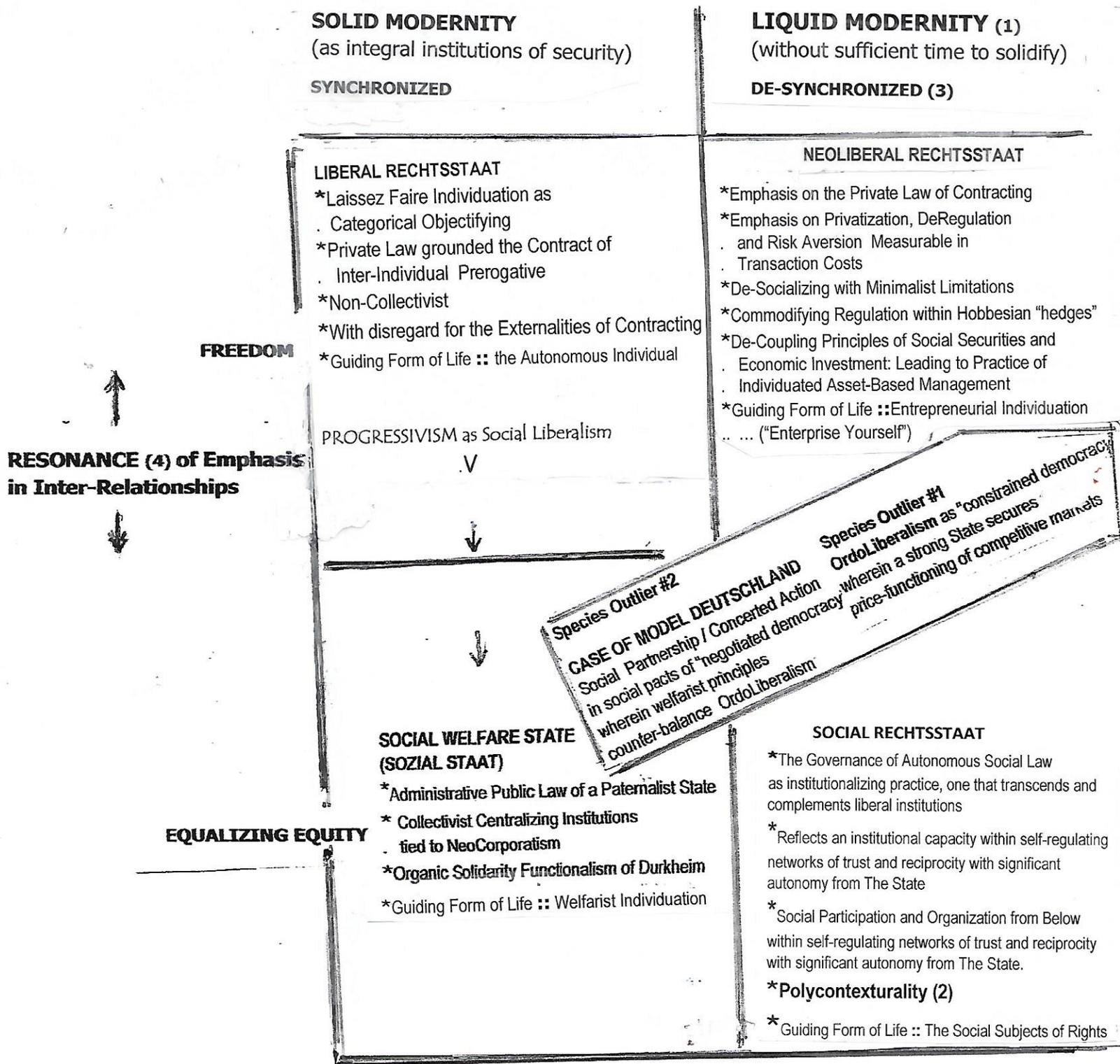
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FIGURE 1

CONTEXTUATING REGIMES OF ECONOMY AND LAW

← VARIETIES OF MODERNITY →



1 Zygmunt Bauman. *Liquid Modernity*. Polity, 2000

2. Günther Teubner. "Coincidentia Oppositorum: Networks and the Laws Beyond Contract and Organization," *Storrs Lectures*, Yale Law School, 2003/04

3. Hartmut Rosa. *Resonance: A Sociology of Our Relationship to the World*, Polity, 2019

4. Op. cit

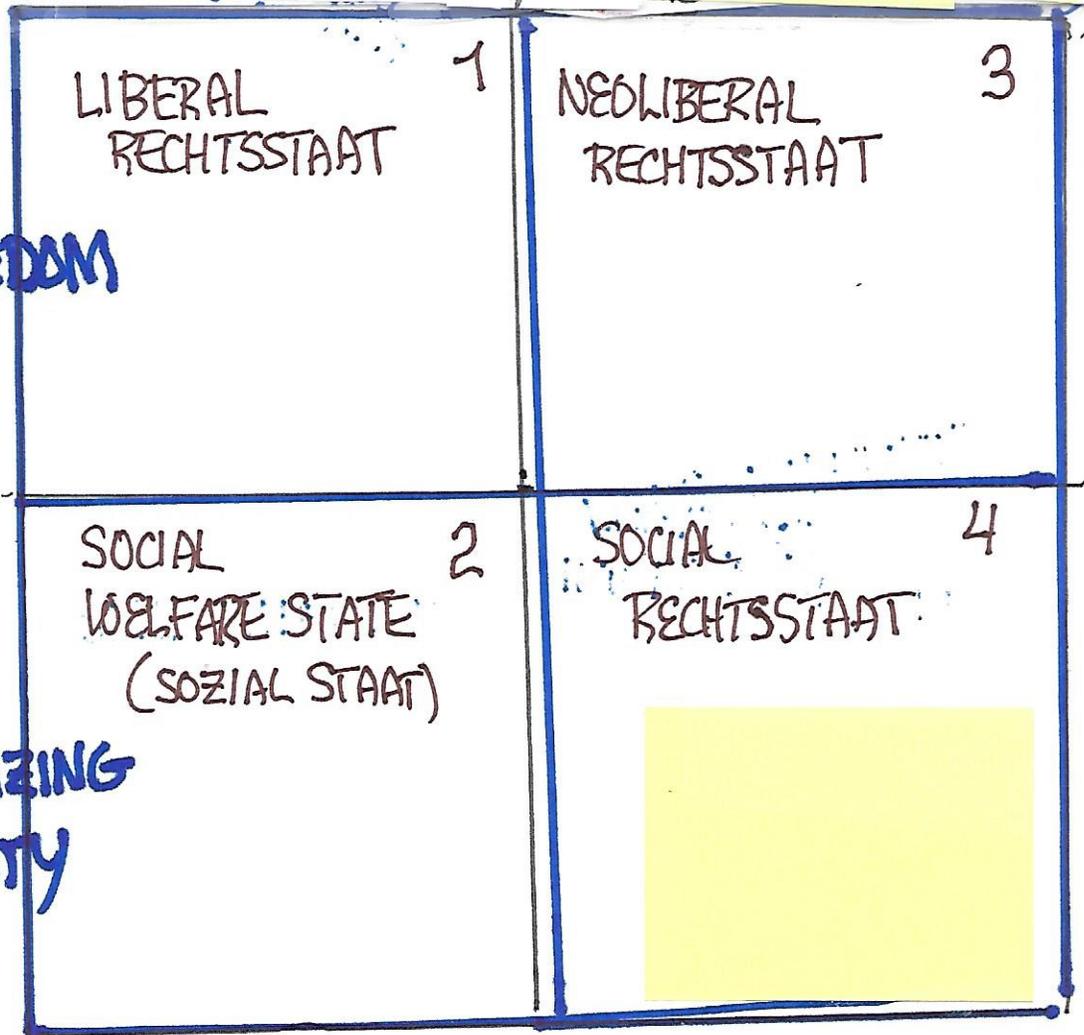
MODEL

FRAMING REGIMES of LAW & POLITICAL ECONOMY

← VARIETIES of MODERNITY →

SOLID MODERNITY*

LIQUID MODERNITY**



* integral institutions of security

** marked by constant acceleration/without time to solidify

FIGURE 2

SOLID MODERNITY 1

cos integral institutions of security
SYNCHRONIZED

LIBERAL RECHTSSTAAT

Freedom

pluralist conflict of voluntary associations

RESONANCE of emphasis in INTER-relationships

Progressivism as social liberalism

Equalizing Equity

SOCIAL WELFARE STATE (SOZIAL STAAT)

functional organic solidarity (neocorporatism as social corporatism)

2

LIQUID MODERNITY

(without sufficient time to solidity)
DE-SYNCHRONIZED

NEOLIBERAL RECHTSSTAAT 3

Economic constitution

Encased Markets
Disengaged Social Responsibility
Liquid Capital, Fluidity of Assets
Fragmented Concertation
Competitive Solidarity

CASE of MODEL DEUTSCHLAND
Species Outlier: Ordoliberalism as "constrained democracy"

SOCIAL RECHTSSTAAT 4

Fluidity of Meshworks (clearly)
Engaged Social Responsibility of Post-Growth Ecology
Fluidity of Negotiated Boundaries
Confluence of Flows & Movements
Post-Regulatory Meso- & Micro-Corporatism
↳ with sensitivity to emergent social movements
Reciprocal Solidarity beyond the labor Constitution of Collective Bargaining

FIGURE 2 A
(DETAIL)

