

ClassCrits IX

The New Corporatocracy and Election 2016

Sponsored by
Loyola University Chicago School of Law
and The Loyola University Chicago Business Law Center
Chicago IL * October 21-22, 2016



Call For Papers and Participation

We invite panel proposals, roundtable discussion proposals, and paper presentations that speak to this year's theme, as well as to general ClassCrits themes. Proposal due: May 16, 2016.

As the U.S. presidential election approaches, our 2016 conference will explore the role of corporate power in a political and economic system challenged by inequality and distrust as well as by new energy for transformative reform.

In January 2010, the U.S. Supreme Court, in Citizens United v. FEC, redesigned the functioning of our constitutional democracy. By giving corporations a fundamental right to bankroll elections, the Court effectively shifted power to a new economic 'royalty' that sits atop the most massive capital aggregations in history. Further, other government officials, influenced by elite lobbying and theory, have diminished longstanding rules and systems of corporate accountability (including criminal liability for financial crimes and basic norms of corporate disclosure) on the premise that some corporations and institutional forces are too big or important to fail or control. The result is that, along with other billionaires, these corporate and financial elites now may hold more influence in our political system than ever before.

The heightened power of monied interests has loomed over the 2016 election, provoking a groundswell of populist anger and resistance. Even as elites have selected, shaped, and mediated candidates and campaigns, traditionally marginalized groups have also flexed new electoral muscle. For example, #Blacklivesmatter and Fight for 15 have turned new energy toward visions of power based on values other than quantifiable individualized material gain. Yet this emerging and democratic populism has also confronted new restrictions on voting and newly limited protections for voting rights that strike at the heart of the public's ability to enact meaningful democratic reform.

If the election has brought new mainstream attention to problems of inequality and insecurity, it has also exposed deep popular skepticism toward existing political and economic systems and whether they will provide adequate answers to these problems. Out of this sense of human powerlessness, some populist calls seek security and control not only through invigorated social

and political engagement, but also through messages of exclusion, fear and hate, as well as violence. Against this backdrop, many social movements increasingly target corporate power and corporate citizenship rights, particularly the *Citizens United* ruling, as a source of numerous social, political, economic and environmental ills.

How might a sharper understanding of corporate power shed light on the current context of inequality and distrust? How have legal changes in corporate rights and regulation reshaped political and social as well as economic activity? Does the contemporary corporation simply empower individual human interests, as the Supreme Court suggested in the recent *Hobby Lobby* decision, or do the legal rights of corporations operate to narrow, distribute, and distort human rights and interests and citizenship? What kind of person is the contemporary corporation and what does this mean for society, government, and law? What is missing from the prevailing legal theory of the corporation as a nexus of contracts reflecting individualized economic transactions? How does the contemporary legal understanding of the corporation help enforce and excuse inequality and instability? What structures of race, gender, and class have been advanced or obscured by the corporatocracy? And finally, what law reforms might best reshape the corporation? What alternative forms of business organization might offer better opportunities for more inclusive and responsible economic coordination? And, how might insights from other disciplines, including studies on religion and mindfulness, inform and inspire alternative visions and practices of law, democracy and political economy that promote human and (planetary) thriving?

We seek to explore these and other questions by focusing on a range of legal subject areas. Possibilities include:

- Antitrust and Competition Law
- Comparative Corporate Law
- Corporate Constitutional Rights
- Corporate Governance
- Corporate Personhood
- Corporate Power and Labor
- Corporate Power, Class, and Poverty
- Corporate Social Responsibility
- Corporate Taxation
- Corporations and Campaign Finance
- Corporations and Civil Justice Systems (civil procedure, class actions, judicial elections, tort reform)
- Corporations and Diversity
- Corporations and the Family
- Corporations and Human Rights
- Corporations and Immigration
- Corporations and International Trade Law
- Corporations and the University
- Corporations, Pensions, and Social Security
- Corporatization of Professions such as Health, Education and Law
- Corporations and Small Business

Criminalization of Corporate Wrongdoing
Economic Development and Corporate Subsidies
Financial Institutions and Financial Regulation
Gender, Sex, Sexuality and the Corporation
Global Regulation of Corporations
Law, Corporations and Political Economy
Law, Litigation and the Corporation
Legal History of the Corporation
Race and the Corporation
Religion and the Corporation
Social Movements and the Corporation

ClassCrits IX also seeks to engage activists who help organize communities to action. The conference solicits the participation of activists who believe their work should be informed by a deep understanding of the limitations of current legal and institutional structures, as academics and activists alike strive to energize and mobilize our many communities for a more equal and just society.

Finally, we extend a special invitation to junior scholars (i.e., graduate students and non-tenured faculty members) to submit proposals for works in progress. At least one senior scholar, as well as other ClassCrits scholars, will provide feedback and detailed commentary upon each work in progress in a small, supportive working session at this year's workshop.

Proposal Submission Procedure and Deadline

Please submit your proposal by email to classcrits@gmail.com by May 16, 2016. Proposals should include the author's name, institutional affiliation and contact information, the title of the paper to be presented, and an abstract of the paper to be presented of no more than 750 words. The Conference also welcomes panel proposals. Junior scholar submissions for works in progress should be clearly marked as "JUNIOR SCHOLAR WORK IN PROGRESS PROPOSAL."

The venue for the gathering is Loyola University Chicago School of Law, Chicago IL, October 21-22, 2016. The workshop will begin with continental breakfast on Friday, October 21, and continue through the afternoon of Saturday, October 22. Arrangements are being made for conference hotels. Please check our website, www.classcrits.org, for further updates. The registration fee is \$150.00 for all conference attendees who are full-time faculty members. Registration is free for students and activists. Participants who do not fit into these categories, and/or who for individual reasons cannot afford the registration fee, should contact us at classcrits@gmail.com. Workshop attendees are responsible for their own travel and lodging expenses.

Conference Organizing Committee

Steven Ramirez, Loyola University Chicago School of Law, sramir3@luc.edu (Chair)

Wendy Bach, University of Tennessee College of Law, wbach@utk.edu

Tonya Brito, University of Wisconsin Law School, tlbrito@wisc.edu

Kim Clark, Pacific School of Religion and Graduate Theological Union, boalted@hotmail.com
Angela Harris, U.C. Davis School of Law, apharris@ucdavis.edu
Danielle Hart, Southwestern Law School, dhart@swlaw.edu
Rana Jaleel, University of California, Davis, rmjaleel@ucdavis.edu
Lucy Jewel, University of Tennessee College of Law, ljewel@utk.edu
Martha R. Mahoney, University of Miami School of Law, mmahoney@law.miami.edu
Saru Matambanadzo, Tulane University Law School saruchie@gmail.com
Martha McCluskey, University of Buffalo School of Law, mmclusk@buffalo.edu
Athena Mutua, University of Buffalo School of Law, admutua@buffalo.edu
René Reich-Graefe, Western New England Law School, rene.reich-graefe@law.wne.edu
Matthew Titolo, University of West Virginia School of Law, matthew.titolo@mail.wvu.edu

About ClassCrits

ClassCrits is a network of scholars and activists interested in the critical, interdisciplinary and international analysis of law and economic relations. The global economic crisis, along with growing economic inequality and insecurity, suggests it is time to explore alternatives to the neoclassical or “free market” economic paradigm, often identified with the U.S.-origin “Law and Economics” movement. We aim to revive discussions of questions of class pushed to the margins or relegated to the shadowy past, considering the possible meaning and relevance of economic class to the contemporary context. We also hope to better integrate the rich diversity of economic and social sciences methods and theories into law by exploring and engaging non-neoclassical and heterodox economics. The name “ClassCrits” reflects our interest in focusing on economics through the lens of critical legal scholarship movements, such as critical legal studies, critical feminist theory, critical race theory, LatCrit, queer theory, and critical law and development theory. That is, we start with the assumption that economics in law is inextricably political and fundamentally tied to questions of systemic status-based subordination. Please visit our website at www.classcrits.org for more about ClassCrits.