UNIVERSITY OF LUCERNE

FACULTY OF LAW

PUBLIC LAW, LAW OF THE SUSTAINABLE ECONOMY, AND PHILOSOPHY OF LAW

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Call for Papers

14th Law and Economics Conference, University of Lucerne, 12-13 March 2027

Law and Economics of Public Law

Public law can be understood as an institutional framework that shapes political behavior, decision-making processes, and governance outcomes. From a Law and Economics perspective, the focus lies on how constitutional structures, administrative organizations, and international arrangements influence the functioning of governance across different levels. Public law thus appears not only as a system of norms, but as an institutional setting whose design affects the exercise of authority and the outcomes of public action.

With his *Economic Theory of Democracy* (1957), Anthony Downs developed an electoral competition model, where politicians act as office-seeking agents who aim to secure re-election. In the field of Constitutional Law and Economics, Nobel Laureate James M. Buchanan and Gordon Tullock showed with their seminal work, *The Calculus of Consent* (1962), that rules are not to be understood merely as commands, but as incentives that shape the behaviour of citizens, politicians, and bureaucrats. By exploring the “choice among rules” rather than just the “choices within rules”, the analysis allows for an assessment of the efficiency of political institutions. Thus, public law emerges not as a neutral framework for welfare maximization, but as a system of rules structuring political behaviour under conditions of strategic interaction. In *The Logic of Collective Action* (1965) Mancur Olson analyzes how collective decisions are systematically influenced by organized interest groups. Due to collective action problems, small and concentrated groups are more effective in advancing their interests than large and diffuse ones, leading to distortions in public policy and reinforcing the importance of constitutional constraints.

In the field of administrative law and regulation, economic analysis has significantly reshaped the understanding of bureaucracy. The classical model, developed by Max Weber, conceives administration as a rule-bound, hierarchical, and impersonal system designed to ensure legality and predictability. While this model provides a strong foundation for the liberal constitutional state, it reveals significant limitations in more complex governance settings, where rigid rule-orientation may hinder flexibility and effective problem-solving. Against this background, the economic approach emphasizes the internal dynamics of bureaucratic organizations, including their tendency to expand and to maximize budgets. These dynamics can be conceptualized within the principal-agent framework, where administration operates as an agent under conditions of informational asymmetry, limiting the effectiveness of political control. In response, New Public Management approaches seek to address these structural inefficiencies through competition, performance orientation, and outcome-based governance reforms.

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Finally, the scope expands to the global stage, examining the interplay between sovereign states and international and supranational organizations. Questions regarding the institutional design of these organizations or the effectiveness of the mechanisms for legal enforcement arise. Special emphasis is placed on EU law, where issues of regulatory competition alongside the goals of harmonisation and legal certainty in the internal market are of interest. International law, from this perspective, emerges as a system of decentralized governance, structured by strategic behaviour, institutional design, and the interplay between internal and external political forces.

This conference aims to advance the economic analysis of public law by examining how institutional structures and dynamics shape political and administrative behavior and legal outcomes. It seeks to bridge the gap between the normative foundations of constitutional law and the functional realities of administrative and international legal orders. It invites contributions that apply economic reasoning to constitutional frameworks, administrative systems, and international arrangements in order to better understand the functioning of governance across different levels. Theoretical contributions as well as empirical studies on the economic analysis of public law are welcome.

Schedule

31 August 2026	Submission of the proposals
15 September 2026	Selection of the proposals
28 February 2027	Submission of the draft papers
12-13 March 2027	Conference
31 March 2027	Submission of the final papers
Spring 2028	Publication of the volume

Submission of Proposals

If you would like to submit a paper for this conference, you are kindly requested to send a brief description of your topic (1-2 pages) and a short CV no later than 31 August 2026 to Prof. Dr. iur. Klaus Mathis (klaus.mathis@unilu.ch).

Speakers' Expenses

The speakers' accommodation expenses will be covered by the organizers. You are kindly requested to apply to your home institution for your travel expenses.

Organization

The conference is organized by **Prof. Dr. Klaus Mathis**, University of Lucerne, in collaboration with **Prof. Dr. Avishalom Tor**, Notre Dame Law School.