International Journal for the Semiotics of Law - Revue internationale de Sémiotique juridique
https://doi.org/10.1007/s11196-026-10425-w

Reclaiming Conflict: Towards a Sociological Critique of Democratic Law in the Neoliberal Conjuncture

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Received: 19 November 2025 / Accepted: 7 January 2026

Abstract
This article tries to elaborate a sociological critique of democratic law by addressing the transformations that have reshaped representative democracy under neoliberal restructuring. Drawing upon the conceptual legacy of classical sociology, it analyses the progressive displacement of political conflict from institutional arenas and its reconfiguration within juridical and technocratic domains. Depoliticisation is conceived not as a retreat of politics but as a reorganisation of authority through the neutralisation of antagonism. Neoliberal legality functions as a moral and managerial technology that fragments collective agency, individualises responsibility, and reframes dissent as deviance. The article contends that law simultaneously legitimises the retreat of democratic contestation under the guise of neutrality and provides the symbolic infrastructure for the governance of dissent. By engaging with classical and contemporary sociological theory, critical legal studies, and the semiotics of power, the paper conceptualises the neoliberal legal order as a site of democratic regression. It concludes by outlining the foundations of a critical theory of democratic law, centred on conflict, reciprocity, and recognition.

Keywords Depoliticisation · Neoliberal legality · Democratic law · Authoritarian neoliberalism · Legal subjectivity · Social conflict

1 Neoliberal Citizenship and Law

The contemporary crisis of democracy is increasingly interpreted through the prism of neoliberal restructuring—a process that has not simply reduced state intervention in the economy but has profoundly reconfigured the state's functions, norma-

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Published online: 27 January 2026

tive expectations, and symbolic architecture. Within this broader transformation, law emerges as a privileged medium through which social relations are reorganised, political conflicts are displaced, and citizenship itself is subtly recast. Rather than standing as an autonomous normative order, law mirrors and reproduces the dominant rationality of its historical moment. Classical sociology had already intimated this relation: the legal form expresses the social form [25–65]. What distinguishes the neoliberal configuration, however, is the progressive recalibration of legality into a moral and managerial technology of governance.

While the dynamics of neoliberal depoliticisation and the juridification of governance have been extensively analysed in contemporary social and legal theory, this article advances a distinct contribution by conceptualising law as the semiotic infrastructure through which depoliticisation, moralisation, and legal subjectivation are articulated as a coherent regime of governance. Rather than treating these processes as parallel or successive developments, the article examines their mutual reinforcement, showing how legality operates simultaneously as a symbolic grammar, a moral technology, and a mechanism of subject formation. In doing so, it shifts the analytical focus from law as an instrument or outcome of neoliberal restructuring to law as a central site where political conflict is translated, neutralised, and rendered governable.

In the modern capitalist era, legality long functioned as an institutional articulation of political conflict. Marx's [50] understanding of the legal form as the ideological counterpart of commodity exchange, Weber's analysis of legal–rational authority, and Durkheim's conception of law as the moral bond of society [25–65] all presupposed that the rule of law rested upon a political compromise [61]—a provisional crystallisation of antagonistic interests within a shared normative horizon. In the neoliberal era, these integrative and mediating functions appear increasingly depleted or displaced. Law no longer operates primarily as a site of mediation between competing social forces; it is progressively reconfigured as a symbolic instrument for transferring conflict from political arenas into technical, administrative, and juridical ones.

The transition from political deliberation to governance is central to this reorganisation. In Foucault's reading of ordoliberalism [32], neoliberalism does not entail the retreat of the state but its strategic reprogramming: the state becomes an "entrepreneurial state", tasked with cultivating competitive subjects and securing the institutional conditions of market order. The consequences for legality are substantial. Law ceases to embody collective will and instead functions as a normative infrastructure for governing through competition. Dardot and Laval [16] describe neoliberalism as a "normative system" that extends the logic of the enterprise to all domains of social life. Within this normative universe, the citizen is reimagined as an entrepreneur of the self, responsible for personal outcomes, while institutions shift from mediating social demands to enforcing behavioural norms and compliance.

This transformation produces a semantic and political inversion in the relationship between law, citizenship, and democracy. Whereas classical liberalism treated law as a safeguard against arbitrary authority, neoliberalism reconstitutes law as a technology of rule grounded in ostensibly objective norms—what Davies terms "the authority of competition" [17]. Legal discourse thereby lends legitimacy to economic rationality by presenting political decisions as technical necessities rather than con-

testable choices. Neoliberal legality thus performs a dual operation: it constrains democratic decision-making under the guise of neutrality while moralising social relations by reframing systemic risks as matters of individual responsibility.

The effects of this inversion are particularly visible in the shifting grammar of citizenship. The classical notion of *citoyenneté*, anchored in participation, collective deliberation, and shared sovereignty, gradually gives way to what Brown conceptualises as neoliberal citizenship [8, 9]: a model of belonging defined by economic performance, responsibilisation, and self-management. Social rights that once balanced formal equality with substantive solidarity [47] are reinterpreted as conditional privileges tied to personal conduct. Neoliberal law thereby enacts what Supiot describes as the "anthropological revolution of contract" [61], abstracting individuals into contracting parties and modelling the social bond on bilateral obligation rather than collective reciprocity.

This juridical reorientation amplifies what Crouch has described as the emergence of post-democracy [14, 15]. Representative institutions remain formally intact, yet substantive political decisions increasingly migrate to domains insulated from popular contestation. Law—once a normative grammar for democratic conflict—becomes the architecture of rule without politics. Fiscal rules, regulatory agencies, and soft-law standards exemplify this evolution: they embed neoliberal rationality within procedural norms that appear impartial while effectively pre-empting democratic deliberation.

The transformation is not merely institutional but also semiotic. Law provides the vocabulary through which social anxieties are moralised and conflicts reframed as issues of conduct, risk, or deviance rather than as manifestations of structural inequality. Luhmann conceptualised the legal system as a self-referential code stabilising expectations through the lawful/unlawful distinction [48]. Under neoliberal conditions, this code becomes saturated with moral and managerial semantics—what De Giorgi identifies as a moral economy of punishment [18]. Legality no longer signifies justice; it increasingly signals conformity with market rationality and moral discipline.

These developments carry far-reaching semiotic implications [3–63]. The legal lexicon of neutrality, responsibility, merit, efficiency, and compliance conceals the coercive dimensions of neoliberal order while reconfiguring law as a domain of expertise rather than democratic debate. As Rancière reminds us [56, 57], politics consists in disrupting the distribution of what is perceptible and sayable. Neoliberal legality, by contrast, narrows this perceptual field: dissent is reframed as deviance, and disagreement is interpreted as a failure of conduct rather than as a legitimate expression of conflict.

From a sociological perspective, this shift signals a displacement of political legitimacy from communicative justification to technical credibility. Habermas [37] argued that democratic legitimacy rests on the dialectic between facticity and validity—the coercive fact of law and its claim to normative justification. Neoliberal legality undermines this balance by privileging facticity: law becomes an instrument of adaptation to global economic constraints rather than a medium through which democratic will is articulated. Compliance replaces conviction; order supersedes justice.

In this context, legality increasingly functions as a system of normative expectations that defines the limits of political possibility. What appears as technical adjustment or moral imperative often corresponds to a deeper reconfiguration of the political field. The state acts through dispersed networks of judicial, regulatory, and administrative authorities, while citizens tend to experience law less as a medium of collective self-determination than as a framework of behavioural requirements. The displacement of conflict into legal and administrative registers has profound democratic implications: contestation is reinterpreted as procedural failure, moral disorder, or economic irrationality, while the authority of expert domains expands.

The result is a paradoxical configuration: a juridical state stripped of democratic substance. Citizenship is increasingly redefined as a set of duties and behavioural expectations, while participation is reduced to adherence to procedural norms. As Fraser observes [33], neoliberal governance fragments the public sphere into a series of managerial arenas governed by metrics of efficiency and responsibility. This produces a moral economy of belonging structured around the distinction between the "deserving" and the "undeserving", the disciplined and the deviant.

Law thus functions as the semiotic infrastructure of neoliberal moral order. Rights-language persists, yet it is progressively hollowed out, serving primarily to legitimise selective exclusion and conditional inclusion. The legal subject is recast as the self-responsible agent of neoliberal anthropology, governed by expectations of compliance that obscure the structural determinants of inequality. What recedes is not politics as such, but its democratic articulation: the institutionalisation of conflict through law. In its place emerges a juridical order that moralises dissent, individualises responsibility, and reduces politics to administration.

The next sections will examine how these transformations materialise in practices of depoliticisation, penal regulation, and the moral governance of dissent. Understanding neoliberal legality thus requires attention to its semiotic foundations: the ways in which political conflict is translated into juridical normality and moral judgement, and how this translation reshapes the very conditions of democratic agency.

2 From Legal Rationalisation to Economic Governance: A Genealogical Shift

The reconfiguration of law as an instrument of economic governance did not emerge *ex nihilo* with late neoliberalism, but was prepared by a longer intellectual trajectory in which legality was progressively detached from its function as a medium of social regulation and political mediation. Classical sociological theory already grasped the ambivalent role of legal rationality in capitalist modernity. Weber's analysis of rational–legal authority emphasised the centrality of formal, general, and predictable rules for the organisation of modern capitalism, identifying legal calculability as a structural condition of contractual exchange, bureaucratic administration, and market coordination [65]. At the same time, He clearly recognised the costs of this formalisation: as legality becomes increasingly autonomous from ethical and political deliberation, it risks being reduced to a technically rational system oriented toward consistency and predictability rather than substantive justice. The separation between

formal legality and social legitimacy, implicit in Weber's distinction between formal and substantive rationality, already anticipates a potential displacement of political conflict from the legal sphere.[1]

This displacement becomes the object of explicit critique in Carl Schmitt's diagnosis of liberal normativism. For Schmitt, liberal legality operates through a logic of neutralisation, transforming substantive political antagonisms into juridical, procedural, or moral questions [59, 60]. By privileging rule-bound administration and normative regularity, liberal law presents itself as neutral and universal while concealing the decisive moments of power that sustain it. The opposition between legality and legitimacy captures this tension: legal norms claim to govern political life precisely by excluding the question of who decides and on what grounds. Although Schmitt's own solution rests on a problematic reassertion of sovereign decision, his critique exposes a crucial mechanism that will later be central to neoliberal governance: the use of legal form to displace political conflict without abolishing coercion, recoding power as norm and necessity.

Within neoliberal thought, this logic is reformulated rather than abandoned. In the work of Hayek, the rule of law is explicitly mobilised as a safeguard for economic order against democratic intervention. Hayek's conception of law centres on general and abstract rules designed to stabilise expectations and protect individual action within the market [40, 41]. Law does not articulate collective purposes, nor does it mediate between competing social interests; instead, it secures the conditions of a spontaneous order generated by decentralised exchanges. Democratic legislation oriented toward substantive ends—redistribution, social protection, economic planning—is treated as a source of instability, since it introduces discretionary interference into a system whose coordination depends on dispersed knowledge. The rule of law thus acquires a restrictive function: it limits democratic decision-making by transforming economic rationality into a normative constraint on politics.

This transformation is further radicalised by the praxeological framework developed by Ludwig H. E. Mises. By grounding liberalism in a general theory of human action, praxeology extends economic rationality beyond the market, elevating it to an anthropological principle [53]. Human action is conceived as purposive, calculating, and oriented toward individual ends, while collective action and political coordination are framed as epistemically flawed interventions. In this perspective, the limits of political authority are no longer merely normative but cognitive: economic order appears as the unintended outcome of innumerable individual actions that cannot be centrally coordinated without distortion. Law, accordingly, is no longer conceived as a medium of social mediation or collective will-formation, but as the institutional framework that secures the conditions of individual action against political interference.

Ordoliberal thought further consolidates this shift by assigning law an active role in producing and stabilising market order. Far from advocating deregulation, ordoliberalism relies on a strong legal framework to shape norms, behaviours, and expecta-

[1] For a specific reference to Weber's conception of law, the selected excerpts from *Economy and Society* edited by Max Rheinstein and translated by Edward A. Shils, published in 1954 by Harvard University Press, are particularly useful [64].

tions, constructing the market as a juridically sustained order. In this configuration, legality functions not only as an economic infrastructure but also as a pedagogical and moral device, oriented toward the formation of responsible, self-regulating subjects. Law thus becomes a central technology through which economic rationality is translated into standards of conduct and criteria of legitimacy.[2]

Taken together, these theoretical developments mark a decisive transformation in the meaning and function of legality. Law is progressively redefined from an institutional articulation of social conflict into a framework for securing economic order, insulating market rationality from democratic contestation, and reinterpreting political intervention as disturbance. Against this genealogical background, depoliticisation appears not as a contingent feature of contemporary neoliberalism, but as the outcome of a longer process in which legality is mobilised to displace conflict from democratic arenas into technical, juridical, and moral registers.

3 Depoliticisation as a Form of Government

Against this genealogical background, depoliticisation emerges not as a contingent deviation of contemporary neoliberal governance, but as the structured outcome of a longer transformation in which legality is progressively reconfigured to displace political conflict from democratic arenas into technical, juridical, and moral registers.

Depoliticisation has become one of the most pervasive yet least critically interrogated characteristics of contemporary governance [20, 21]. It is often described as the retreat of politics, the decline of ideological confrontation, or the outcome of citizen apathy. Such interpretations, however, underestimate its structural and active character. In the neoliberal era, depoliticisation does not signal a withdrawal of political authority but its strategic reorganisation. It constitutes a mode of rule that neutralises antagonism by translating conflict into technocratic, juridical, and moral registers. Depoliticisation should therefore be understood not as the absence of politics but as a political technology—a way of governing through the denial of the political quality of decisions.

The genealogy of the concept already reveals this inversion. Early political science literature framed depoliticisation primarily as the delegation of contentious choices to independent agencies, central banks, or expert regulatory bodies. The emphasis was placed on statecraft: the deliberate relocation of responsibility from elected officials

[2] For reasons of space, it is not possible to develop here a detailed discussion of laissez-faire traditions within continental European liberalism, particularly the ordoliberal tradition. Ordoliberalism takes its name from the journal Ordo, founded in 1940 by Walter Eucken, and derives from the Latin term *ordo*, meaning order. At its core, ordoliberal thought interrogates the role that law plays—or should play—in the construction and stabilisation of the free market, while simultaneously addressing concerns related to social inequality. Of particular relevance is also the sociological strand of ordoliberalism, which focused on the study of social facts and forms of action capable of producing and sustaining values conducive to a market economy. As Wilhelm Röpke [58], one of the most influential representatives of this tradition, argued, a market economy can flourish only within a social order grounded in a set of moral and cultural principles, including individual initiative, responsibility, independence rooted in property, balance and audacity, calculation and thrift, self-organisation of life, social embeddedness, and a strong sense of family and tradition.

to insulated institutions [11–30]. From this perspective, depoliticisation appeared as a functional response to the risks of democratic volatility.

Subsequent contributions refined this view by highlighting its paradoxical implications. Hay [38, 39] and Jessop [44] demonstrated that the displacement of political responsibility does not entail a diminution of state power but a transformation in how that power is exercised. The neoliberal state governs more effectively by appearing to govern less. Its authority derives not from direct intervention but from its capacity to define what counts as "non-political"—that is, what is exempt from democratic scrutiny. Depoliticisation thus operates not through the suspension of politics but through its reclassification.

This logic resonates with Rancière's distinction between *politics* and *police* [56, 57]. "Police" refers to the distribution of roles, competences, and spaces that determines what can legitimately appear as political. Depoliticisation functions precisely through such distributive mechanisms: by recoding social antagonisms as matters of expert knowledge, legal compliance, or moral conduct, it restricts the field of political visibility and intelligibility.

A central mechanism of depoliticisation is the discursive shift from decision to necessity. Economic imperatives, fiscal constraints, and legal obligations are presented as external facts, beyond the reach of political deliberation. Thatcher's dictum that "there is no alternative" crystallised this logic of inevitability. Policy choices appear as technical responses to objective conditions rather than as contestable decisions among alternatives. Law plays a decisive role in this transformation by translating political decisions into juridical categories that foreclose antagonism.

The apparent neutrality of legal formalism is among the most effective instruments of depoliticisation. Law presents itself as an impartial framework concerned solely with procedural correctness, indifferent to the substantive content of decisions. Yet critical legal scholarship has long shown that this neutrality is a fiction concealing the social and political determinations underpinning legal norms [4–52]. Under neoliberalism, this fiction becomes foundational to governance.

Legal norms proliferate—fiscal rules, budgetary constraints, competition regulations, compliance standards—each carrying the authority of technical rationality. Flinders and Buller describe this dynamic as the "arm's-length" principle [28]: decisions are entrusted to bodies ostensibly shielded from partisan influence. Autonomy and independence, however, serve less to ensure neutrality than to entrench neoliberal rationality beyond democratic contestation.

In this sense, juridification—the expansion of legal norms into ever more domains of social life—functions as a depoliticising force. As Supiot notes [61], the neoliberal juridical subject is no longer embedded in relations of citizenship or recognition but in contractual obligations and individualised responsibilities. Law increasingly defines freedom as compliance, displacing democratic legitimacy in favour of behavioural conformity.

The codification of economic imperatives within legal frameworks exemplifies this logic. Budgetary rules, monetary constraints, and regulatory standards are framed as neutral requirements, effectively precluding alternative political projects. Law thus operates as a shield, protecting neoliberal rationality from democratic challenge while presenting itself as an objective necessity.

Depoliticisation is also a semiotic phenomenon. It is sustained by a linguistic order that privileges terms such as "efficiency", "credibility", "stability", and "risk management". These signifiers transform political disagreements into technical problems requiring managerial solutions. In this discursive universe, conflict appears irrational, and dissent becomes synonymous with irresponsibility.

Drawing on Fairclough and Laclau [26–46], this process can be understood as a hegemonic articulation: the construction of a field of meaning in which certain claims become intelligible while others are marginalised. Neoliberalism's discursive power lies in its capacity to naturalise its own categories. Governance "by numbers" [52] epitomises this shift. Quantification, indicators, and performance metrics convey an aura of objectivity, masking the political choices embedded within them.

Legal discourse reinforces this semiotic closure. The injunction that "the law must be obeyed" supplants the democratic question of whether the law is justified. Expertise and legality converge to produce a depoliticised ethos: decisions become necessary rather than debatable, and compliance becomes a virtue rather than a constraint.

Technocratic and moral discourses operate jointly. Technocracy emphasises efficiency and expertise; morality reinforces ideals of responsibility, civility, and respect for order. Together, they sustain what Garland terms a "culture of control" [35]: an order grounded in the management of risk and the moral evaluation of conduct.

From a sociological perspective, depoliticisation redistributes authority across institutions and social actors. As Rancière observes [57], the post-political regime replaces disagreement with consensus, and consensus with the authority of expertise. Power is displaced from representative institutions to networks of regulators, consultants, judges, and policy professionals. The ideal of "policy without politics" becomes normative.

Yet these arrangements are not apolitical. As Hay emphasises [38], they reconstitute power in less visible and less accountable forms. The disappearance of political contestation is accompanied by the proliferation of moral codes defining legitimate behaviour. This dual dynamic—technocratic in form, moralising in content—characterises what Brown describes as the neoliberal moral economy [8].

Citizens are encouraged to internalise legal norms as moral obligations. Compliance is no longer imposed solely through external sanctions but increasingly self-enforced. The legal system thus functions as a moralising apparatus that aligns behaviour with market-oriented virtues such as discipline, responsibility, and productivity.

In systems-theoretical terms, depoliticisation reduces contingency by translating conflict into predictable distinctions—lawful/unlawful, efficient/inefficient, responsible/irresponsible [48]. Whereas classical modernity employed legality to stabilise expectations while keeping open the possibility of contestation, neoliberal modernity transforms legality into a device of closure. The legal code becomes permeated by moral and managerial semantics, producing what De Giorgi describes as a "moralisation of the social" [18].

This closure reshapes both subjectivity and state form. The neoliberal subject is conceived less as a citizen engaged in collective deliberation and more as a self-regulating agent bound by contractual obligations and performance metrics. The state, in turn, derives legitimacy not from democratic will-formation but from output

performance, credibility, and adherence to market rationality. Depoliticisation thus coincides with the juridification of the social: a proliferation of norms and sanctions in the absence of meaningful political negotiation.

Depoliticisation does not produce a weak state; it produces a reconfigured strong state. As Bonefeld and Bruff demonstrate [5–10], neoliberal governance requires coercive capacity to enforce the conditions of market competition. Authoritarian liberalism emerges at the intersection of formal freedoms and substantive constraints. In this configuration, coercion is accompanied by a moralised discourse of responsibility, productivity, and civic virtue.

Depoliticisation therefore constitutes the operative logic of neoliberal governance. It does not eliminate politics but transforms its modalities by displacing decision-making into juridical, technocratic, and moral domains. Law plays a decisive role in this transformation by translating political conflict into normative and behavioural categories. In doing so, it narrows the space of democratic agency and prepares the terrain for the moralisation of social order and the criminalisation of dissent.

The next section examines how these dynamics materialise in the production of a moral society in which legality and punishment converge to contain conflict and stabilise inequality.

4 Order and the Moral Society: Criminalising Dissent

If depoliticisation provides the general grammar of neoliberal governance, criminalisation constitutes its practical syntax. Juridical and moral languages of order converge within an expanding punitive landscape in which dissent, vulnerability, and nonconformity are no longer interpreted as expressions of structural tensions but as indicators of deviant conduct or moral failure. This convergence—what Wacquant famously described as the "neoliberal government of social insecurity" [62]—marks the emergence of a moral society in which law does not mediate conflict but moralises it, recoding social inequalities as behavioural lapses rather than political antagonisms.

In this configuration, criminal law becomes a central instrument for stabilising an order marked by economic insecurity and political disaffection. Far from operating as a neutral mechanism of deterrence, it functions as a symbolic and material apparatus that reassures citizens of the state's capacity to enforce norms of civility, discipline, and productivity. Penal expansion thus complements welfare retrenchment: social protection recedes even as punitive capacities intensify.

The historical shift from welfare provision to punitive regulation has been extensively documented. Garland characterises late modernity as an era defined by a "culture of control" [35], marked by the decline of rehabilitative ideals and the rise of security-centred, managerial approaches to social order. The erosion of social citizenship [49] has coincided with an increasing reliance on carceral logics, risk management, and the moral categorisation of populations.

Wacquant conceptualises this transformation through the "workfare–prisonfare nexus" [62], highlighting how the same state that withdraws social support simultaneously expands its penal apparatus to manage the consequences of economic

exclusion. Welfare recipients, the unemployed, migrants, and precarious workers are increasingly subjected to surveillance, conditionality, and coercion. They are addressed less as citizens entitled to rights than as subjects requiring correction.

This punitive turn has profound semiotic consequences. Figures such as the "offender", the "welfare cheat", or the "dangerous migrant" condense moral, economic, and legal meanings into emblematic representations of disorder. Delinquency is reframed not merely as a breach of law but as a violation of the moral economy of responsibility. Punishment thus becomes a key site where social anxieties are channelled and political demands displaced.

Neoliberal penal governance operates through the moralisation of legality. As Foucault already observed, neoliberal governmentality rests upon the production of responsible subjects who govern themselves according to market rationality [32]. When individuals deviate from expected norms—through dependence, protest, or nonconformist behaviour—state intervention is framed less as coercion than as moral rectification. Brown captures this dynamic by showing how neoliberalism fuses economic rationality with moral conservatism, reading social suffering as evidence of personal failure rather than structural injustice [8].[3]

Legal systems actively participate in this moralisation by embedding behavioural expectations within administrative sanctions, public order regulations, and penal codes. These measures function not merely as preventive tools but as symbolic performances that reaffirm normative boundaries. Through such practices, legality acquires a pedagogical function: it teaches what counts as acceptable conduct within the neoliberal order.

One of the most significant consequences of this process is the criminalisation of dissent. Protest, civil disobedience, and collective mobilisation are increasingly interpreted not as democratic practices but as threats to public order. Legal and administrative mechanisms—permit systems, injunctions, fines, preventive policing—confine protest to circumscribed formats and spaces. When these boundaries are transgressed, dissent is reframed as deviance rather than recognised as political agency.

As della Porta demonstrates [24], this shift reflects a broader logic of depoliticisation. Political disagreement is translated into issues of security, risk, or civility. The protester becomes a figure of potential disorder whose behaviour demands monitoring and containment rather than negotiation. The regulation of protest thus exemplifies the transformation of democratic conflict into a problem of administration.

[3] One could argue that, in its current phase, neoliberal governance appears increasingly capable of dispensing with overt moralising justifications, relying instead on more explicit forms of coercion and constraint, often articulated as strategies of economic, social, or political blackmail directed at those groups who still perceive themselves as having something to lose. This apparent shift, however, should not be interpreted as a rupture with earlier neoliberal *dispositifs* grounded in responsibilisation and moral discipline. On the contrary, such strategies presuppose the long-term production of self-responsible, risk-bearing subjects who have already internalised insecurity, compliance, and adaptation as individual moral obligations. Forms of blackmail operate effectively only insofar as subjectivities have been shaped to interpret structural constraints as personal risks and losses. From this perspective, coercion and moralisation are not successive or alternative phases, but complementary modalities within the same regime of depoliticisation. The capacity to govern through threat and constraint remains anchored in a legal and moral economy that continues to frame obedience as rational, necessary, and ultimately self-imposed.

This logic extends beyond explicitly political activities. Urban ordinances addressing decorum, cleanliness, or "anti-social behaviour" increasingly target marginalised populations under the language of safety and order. The semantic proximity between social vulnerability and political dissent reveals a wider moral project: through the policing of conduct, the state regulates not only behaviours but also the boundaries of the political itself. Dissent becomes part of a continuum of disorder requiring correction.

Punishment in neoliberal societies operates not only as deterrence but as a semiotic device. It renders visible certain bodies and behaviours, transforming them into symbols through which the moral order is reaffirmed. As Garland notes [35], contemporary penal politics fuses managerial rationality with affective appeals to fear, indignation, and public sentiment. These emotional registers legitimise the expansion of surveillance and sanction while reinforcing normative distinctions between the "deserving" and the "undeserving".

The punitive rhetoric of neoliberal governance thus produces a normative portrait of the "good citizen" as one who accepts discipline, inequality, and surveillance as necessary conditions of social order. Compliance becomes a marker of moral worth; nonconformity signals deviance. Law becomes a site for the performance of civic virtue, where obedience substitutes for democratic participation.

At the symbolic level, this punitive logic transforms legality into a moral narrative. Legal discourse is saturated with references to civility, responsibility, and respect for order, while structural inequalities are obscured or reframed as outcomes of personal choices. Political conflicts over redistribution, labour rights, or migration are thereby displaced into moralised debates over behaviour and discipline.

De Giorgi describes this dynamic as the "penal colonisation of the social" [18]: a process through which categories of criminality extend into domains traditionally governed by political contestation. Through this colonisation, legality acquires a quasi-sacral authority, presenting itself as the ultimate arbiter of right conduct beyond the reach of democratic dispute. Law ceases to mediate conflict and instead enforces behavioural norms aligned with market rationality.

The convergence of law and morality erodes the mediating function traditionally attributed to legality within democratic theory. Whereas classical democratic models conceived law as a mechanism for transforming antagonism into legitimate contestation, neoliberal legality increasingly operates as a system of moral judgement. Structural injustices are individualised; inequality is moralised; dissent is delegitimised.

As Brown argues, neoliberalism "undoes the demos" by dissolving the relational and collective dimensions of democratic life [8]. The moralisation of legality converts citizens into atomised moral agents evaluated according to behavioural standards rather than political participation. Public life contracts into a terrain governed by legality, civility, and performance.

Criminalisation thus forms a central component of neoliberal depoliticisation. By reframing political antagonisms as problems of conduct, it displaces democratic conflict in favour of managerial control. The moral society sustained through punitive legality does not eliminate conflict; it renders it illegible within official political channels.

The next section examines how these dynamics converge in authoritarian neoliberalism, where legality, morality, and coercion are fused into a regime that preserves democratic forms while hollowing out their substantive content.

5 Authoritarian Neoliberalism: Law, Coercion, and the Crisis of Democracy

Authoritarian neoliberalism is not a rupture with liberal democracy but the consolidation of its long-term contradictions [22]. It reflects a political moment in which the formal institutions of representative government remain intact, yet the substantive capacity of citizens to influence collective decisions is severely diminished. As Bruff argues [10], authoritarian neoliberalism emerges when the ruling bloc is no longer willing—or no longer able—to secure consent through the usual democratic mechanisms, relying instead on coercive, legalistic, and moralising strategies to stabilise the social order.

This configuration does not entail the abandonment of legality or the erosion of constitutional forms. On the contrary, law becomes an increasingly central instrument through which authority is exercised. The legal system acquires a dual function: it legitimises the constraints imposed by neoliberal rationality and provides the coercive means to enforce them. In this context, legality does not protect democratic agency; it constrains it by narrowing the space of legitimate contestation.

Habermas conceptualised democracy as a delicate balance between facticity and validity [37]—the coercive fact of law and its normative claim to justify itself before the citizenry. Authoritarian neoliberalism disrupts this balance by privileging facticity: legal norms proliferate, yet their legitimacy is grounded less in democratic processes than in appeals to necessity, responsibility, and security. The law becomes an instrument of governance rather than an expression of the popular will.

The emergence of authoritarian neoliberalism is inseparable from a deeper crisis of political legitimacy. As Crouch notes [14, 15], representative institutions increasingly function as symbolic structures, while substantive decisions are taken elsewhere—by central banks, regulatory agencies, markets, or transnational bodies. Citizens discover that participation has little impact on major political outcomes, generating disaffection, resentment, and distrust.

This crisis is not merely perceptual. The institutional architecture of neoliberal governance has transferred decision-making capacity from democratic to technocratic domains. As a result, political elites confront growing difficulties in securing consent for policies that impose austerity, flexibilisation, or marketisation. Coercive instruments—policing, administrative sanctions, restrictive protest laws—fill the vacuum left by declining consent.

Bonefeld argues that coercion is not an aberration within neoliberalism but a constitutive element of its state form [5]. The neoliberal state is "strong" because it must enforce the conditions under which market freedom can operate. This strength manifests not only in policing and surveillance but also in subtler modalities: enforceable contracts, behavioural conditions attached to welfare, disciplinary labour market regimes, and sanctions for non-compliance.

Authoritarian neoliberalism thus materialises through a combination of administrative, legal, and penal techniques that normalise coercion while preserving the formal language of freedom. The result is a paradoxical situation in which citizens appear formally free yet are increasingly subject to intrusive mechanisms of control justified by appeals to responsibility, civility, and security.

The transition toward authoritarian neoliberalism unfolds largely through legal channels. Constitutional amendments, emergency powers, security legislation, and procedural reforms reshape the political field without overtly violating democratic forms. This "authoritarian legalism" expands executive power while maintaining the appearance of constitutional order.

Legal reforms serve as mechanisms of depoliticisation by presenting coercive measures as technical responses to crises—economic, migratory, sanitary, or security-related. Exceptional measures gradually become permanent, and the boundaries between emergency and normality blur. Agamben [1] warned that the state of exception risks becoming a stable paradigm of government. Under neoliberal conditions, this paradigm gains a managerial dimension: emergencies are governed through rules that appear neutral and administrative rather than overtly political [23].

The legal architecture of authoritarian neoliberalism is thus characterised by:

- the expansion of discretionary powers in policing, migration control, and public order management;
- the proliferation of administrative sanctions that bypass judicial oversight;
- the normalisation of extraordinary measures, justified by appeals to risk, threat, or crisis;
- the procedural formalisation of inequality, through eligibility conditions, compliance requirements, and behavioural obligations.

These legal transformations restructure the relationship between the state and citizens. Rights remain formally intact, but their practical exercise becomes increasingly conditional. Access to welfare, mobility, public space, and even political participation is mediated by a dense web of behavioural expectations.

In this sense, authoritarian neoliberalism does not abandon legality; it redefines it. The law becomes a means of extending coercive power while preserving democratic façades. The shift is subtle yet profound: coercion becomes administratively routinised, and democratic rights are hollowed out through procedural constraints rather than direct prohibitions.

Authoritarian neoliberalism should be understood not only as the intensification of coercive practices but as a broader strategy of depoliticisation. Rather than overtly suspending democratic procedures, it reconfigures them so that antagonism becomes illegible within official channels. Political disagreement is reframed as incivility, instability, or irresponsibility, while institutional mechanisms for expressing dissent are increasingly constrained.

This logic is evident in the proliferation of administrative and procedural barriers that limit access to political participation: tightened protest regulations, restrictions on public gatherings, and complex bureaucratic requirements for civic initiatives. These measures appear administrative rather than political, yet their cumulative effect

is to narrow the terrain of collective action. What emerges is a political order in which dissent is tolerated only insofar as it remains compatible with managerial rationality.

In this regime, technocracy and coercion reinforce each other. Technocratic governance narrows the scope of legitimate debate, while coercive measures ensure compliance with its boundaries. The result is a post-democratic configuration in which formal institutions endure but substantive democratic capacities weaken. The *demos*, in Brown's words [8], is undone not by authoritarian rupture but by an incremental reorganisation of legality, morality, and governance.

A defining feature of authoritarian neoliberalism is the fusion of coercive and moralising discourses. State strength is justified not only in terms of security or efficiency but through appeals to virtue, responsibility, and civic order. Citizens are encouraged to perceive coercive measures as necessary safeguards of community values rather than as constraints on political freedom.

This moral economy translates structural inequalities into questions of conduct. Those who fall outside the normative parameters of productivity, civility, or respectability—migrants, welfare recipients, precarious workers, or protesters—are framed as moral threats rather than political actors. Their exclusion becomes a matter of public virtue. The punitive state thus performs a symbolic function: it reassures "deserving" citizens that disorder is being contained and that their own status is morally warranted.

In this context, legality becomes a vehicle for moral differentiation. Administrative sanctions, public space regulations, and behavioural conditions are not merely instruments of governance—they carry implicit judgements about the worthiness of different social groups. As Fraser argues [33], recognition and redistribution become intertwined in complex ways: those who are denied material support are often simultaneously denied moral standing.

This dynamic contributes to a broader reconfiguration of citizenship. Citizenship becomes a conditional status dependent on behavioural conformity and adherence to normative expectations. Those who deviate from these expectations are relegated to the margins, not only economically but symbolically, as figures whose presence threatens the moral cohesion of the community.

The cumulative effects of these transformations are far-reaching. Authoritarian neoliberalism does not dismantle democratic institutions; it empties them of political substance. Representation persists, but its capacity to mediate conflict diminishes. Participation continues, but its influence on substantive decisions wanes. Rights remain formally intact, yet their exercise is increasingly circumscribed.

What emerges is a political order characterised by: formal adherence to democratic norms coupled with substantive erosion of democratic capacities, and routinised coercion operating through legal, administrative, and moral channels. This configuration stabilises neoliberal rationality while suppressing alternatives. It narrows the horizon of political imagination, making it difficult to articulate demands that challenge market imperatives or question existing hierarchies.

Authoritarian neoliberalism is therefore not an anomaly but the culmination of a longer trajectory in which legality becomes a tool for managing conflict rather than facilitating its democratic articulation. The challenge for critical theory is to uncover

the mechanisms through which this transformation occurs and to reimagine forms of legality that enhance, rather than diminish, democratic agency.

Authoritarian neoliberalism reveals the coercive underside of contemporary governance. It extends the logic of depoliticisation by combining legal formalism, technocratic authority, and moralising discourse into a coherent regime of control. The law becomes both shield and sword: it legitimises neoliberal imperatives while enforcing behavioural norms that sustain existing hierarchies.

Democracy is not abolished but hollowed out. Its symbolic forms persist, yet the substantive capacity for collective self-determination is constrained by a dense architecture of legal, administrative, and moral mechanisms. Understanding authoritarian neoliberalism therefore requires attending to its juridical foundations: how law is mobilised to neutralise conflict, manage dissent, and reproduce social inequalities under the guise of order, responsibility, and civility.

The following section will explore the implications of these transformations for democratic subjectivity and the prospects of a critical legal politics capable of resisting neoliberal depoliticisation.

6 Neoliberal Anthropology and Legal Subjectivity

Every legal order presupposes an anthropology—a conception of the human being that grounds its legitimacy and moral coherence. In classical liberalism, the juridical subject was conceived as an autonomous bearer of rights, endowed with reason and capable of contractual freedom. In the social-democratic model, this figure was supplemented by the recognition of social vulnerability and collective responsibility. Neoliberalism, by contrast, articulates a new anthropology of the subject, one that combines the formal autonomy of the liberal individual with the moral discipline of the entrepreneur.

This section explores how neoliberalism reshapes the human condition as a *juridico-moral project*: the transformation of individuals into self-governing, self-blaming, and self-optimising entities. Law plays a pivotal role in this transformation, not merely as a regulator of conduct but as a *technology of subjectivation* [31, 32]. The neoliberal legal order does not simply constrain behaviour; it produces subjects who internalise its codes of responsibility and competition as ethical imperatives.

Foucault's lectures on *The Birth of Biopolitics* mark a turning point in the understanding of neoliberal rationality [32]. He argues that ordoliberalism redefines freedom as *regulated liberty*—a condition in which the individual is free only insofar as he acts according to the norms of competition. The market becomes a site of moral pedagogy, and *homo oeconomicus*, once a model of rational choice, becomes a model of *self-conduct*. In this schema, the state governs indirectly, shaping the environment in which individuals govern themselves.

Dardot and Laval radicalise this insight by describing neoliberalism as a "normative system" that generalises the *enterprise form* to every domain of life [16]. The self becomes an enterprise to be managed; identity is reimagined as a portfolio of skills, performances, and risks. Legal subjectivity, in turn, is reframed as accountability—a permanent audit of one's capacity to comply with norms. The juridical form, histori-

cally linked to recognition and protection, mutates into a device of evaluation and responsibility.

This anthropology of the *entrepreneurial self* reconfigures the meaning of rights. Under neoliberal conditions, rights no longer function as shields against power but as instruments of self-activation. The right to education becomes the obligation to invest in human capital; the right to welfare, the duty to seek employability; the right to protest, the burden of legality. Law no longer guarantees autonomy—it prescribes it. As Brown [8, 65] observes, "freedom itself is economised", reduced to the capacity to perform efficiently within market constraints.

The anthropological shift that underpins neoliberal legality can be captured by comparing two paradigms: the *homo juridicus* described by Supiot [61] and the emergent *homo responsabilis* of neoliberalism. Supiot conceives law as the symbolic structure that binds humans together by recognising their interdependence and finitude. The juridical subject, in this sense, is not a solitary agent but a being-in-relation, whose dignity arises from the recognition of mutual obligations.

Neoliberalism dismantles this symbolic order by replacing reciprocity with responsibility. The new legal subject is defined not by relational recognition but by self-regulation. Responsibility becomes an ethical absolute detached from social context: every failure is internalised as moral fault, every inequality reframed as difference in merit. This transformation produces what Castel called *the social individual* [13], a figure simultaneously autonomous and precarious—free to choose but condemned to succeed.

Law operates as the key medium of this anthropology. Through contracts, sanctions, and performance indicators, it encodes the expectation of self-responsibility into everyday practices. In social policy, conditionality replaces entitlement; in labour law, flexibility replaces protection; in criminal law, guilt replaces social causality. The juridical grammar of neoliberalism thus produces a subject who is legally autonomous but existentially accountable—a self-disciplined agent who experiences social domination as moral duty.

The moral economy of neoliberal law rests on a distinctive semiotics of responsibility. Words such as "empowerment", "activation", "resilience", and "compliance" populate the legal and policy discourse, displacing the older lexicon of solidarity and rights. These signifiers operate performatively: they do not merely describe subjects but *constitute* them. As Laclau and Fairclough showed [26–46], discourse is a site of power—it produces the identities and hierarchies it appears to name.

In this semiotic regime, the subject is continuously interpellated as a moral actor whose worth depends on compliance with norms. Responsibility is presented as virtue, and deviation as failure of character. The law, through its symbolic authority, confers moral weight to these distinctions. The citizen becomes a *moral entrepreneur* of the self, perpetually engaged in self-assessment and self-justification.

This process entails a profound individualisation of social relations. Collective claims are reinterpreted as personal grievances; structural injustices as behavioural shortcomings. As Honneth warns [42], the moral grammar of recognition degenerates when it loses its intersubjective dimension: self-realisation becomes self-reproach. Under neoliberalism, this degeneration is institutionalised. Law no longer mediates

recognition between subjects; it distributes esteem according to performance and conformity.

From the standpoint of legal anthropology, the neoliberal transformation represents the eclipse of the *gift* as a social principle. Mauss had described law as rooted in reciprocity [51]—the circulation of obligations that sustains social cohesion. The juridical order, in this sense, institutionalises exchange without annihilating solidarity. By contrast, neoliberal legality replaces the gift with calculation: it reduces obligations to measurable transactions and transforms relationships into contracts.

This contractual ontology destroys the symbolic dimension of law as a space of meaning. As Supiot argues [61], when the law loses its symbolic function, it becomes mere instrumentality—an administrative code detached from justice. The neoliberal subject, governed by performance indicators and behavioural metrics, internalises this loss as an existential condition. To exist legally is to perform compliance; to fail is to be morally and juridically excluded.

Such displacement of reciprocity also reshapes the collective imagination of justice. The moral language of responsibility substitutes for the political language of rights. Where justice once referred to the fair distribution of resources and recognition, it now denotes the moral rectitude of the individual. This inversion sustains the legitimacy of inequality: the poor are not victims but moral delinquents; the successful are not privileged but virtuous. The legal system, in turn, mirrors and legitimises this symbolic economy.

Law is not only a constraint; it is a *productive power*. It does not merely prohibit but shapes desires, affects, and identities. As Foucault maintained [31], power operates through *subjectivation*: the process by which individuals are constituted as subjects capable of moral agency. In the neoliberal context, this subjectivation takes the form of disciplinary freedom—the obligation to be autonomous, competitive, and self-accountable.

The disciplinary effects of law are subtle yet pervasive. In workplaces, compliance regimes and codes of conduct extend the reach of legality into the intimate sphere of behaviour. In welfare systems, contractual conditionality binds assistance to moral performance. In education, evaluation metrics cultivate self-surveillance and internal competition. Law thus penetrates subjectivity, producing what Bourdieu [6, 7] called *habitus of obedience*: a disposition to conform to institutional expectations without external coercion.

The novelty of neoliberal subjectivation lies in its affective dimension. Individuals are encouraged to desire what disciplines them. Freedom becomes inseparable from anxiety; autonomy, from fear of failure. The subject loves the norms that oppress it because they promise recognition and worth. This fusion of discipline and desire constitutes the *psychological infrastructure* of neoliberal legality. The law governs not only through sanctions but through the internalisation of its moral code.

If neoliberal anthropology produces a self-responsible, moralised subject, democratic anthropology—as articulated by thinkers such as Arendt, Lefort, and Habermas [2–47]—conceives the human being as a *relational actor* whose freedom depends on plurality and communication. In the democratic imaginary, law is not a system of obedience but a medium of recognition: it institutionalises the equality of voices in the public sphere.

This contrast exposes the anthropological roots of democratic regression. As Brown notes [8], neoliberalism "undoes the demos" by dissolving the relational and collective bases of political life. When citizens are redefined as self-entrepreneurs, the conditions for deliberation and solidarity evaporate. The juridical form, deprived of its communicative function, becomes a moral code of self-discipline.

Reclaiming democracy, therefore, requires a *counter-anthropology* of the legal subject—one grounded in interdependence, vulnerability, and mutual recognition. Honneth's theory of recognition offers a starting point [42, 43]: law must once again serve as a medium through which individuals encounter each other as equals, not as moral competitors. Similarly, Fraser's conception of justice as *parity of participation* provides a normative framework for reimagining legality as inclusion rather than evaluation [33, 34].

The anthropology of neoliberal law reveals the intimate nexus between subjectivity and power. By constructing individuals as self-responsible moral agents, neoliberalism displaces the structural determinants of inequality onto the terrain of ethics. Law, in this context, functions as a mirror in which subjects see their failures as moral shortcomings rather than political consequences.

This anthropology of guilt sustains the entire edifice of authoritarian neoliberalism: it legitimises coercion as pedagogy and inequality as merit. The juridical subject of neoliberalism is thus not a citizen but a moral debtor—a self who governs and punishes itself in the name of freedom.

To recover the democratic potential of law requires a radical inversion of this anthropology: from the moralised self to the relational subject, from responsibility as blame to responsibility as reciprocity. The concluding section will address this task, asking whether democracy can still be saved by a critical theory of law capable of restoring conflict, recognition, and collective agency to the heart of legality.

7 For a Critical Sociopolitical Analysis of Democratic Law

If neoliberalism has succeeded in depoliticising the democratic order, the question that remains is whether democracy can still be recovered through law rather than against it. This article has argued that law has been a central medium of depoliticisation precisely because of its capacity to translate political conflict into moralised, technical, and behavioural categories. The challenge, therefore, is not simply to denounce the juridical colonisation of politics, but to reimagine law as a space of conflict, recognition, and collective self-determination. From this perspective, the contribution of this article lies in advancing a critical sociopolitical analysis of democratic law that treats legality not merely as an institutional framework or normative constraint, but as a semiotic and political infrastructure through which democracy is either hollowed out or reactivated.

The possibility of such a reversal depends on reclaiming what Lefort called the empty place of power [47]—the constitutive openness of democracy. Law, in this sense, must cease to serve as the closure of political antagonism and return to its original vocation: the institutionalisation of dissent. A democratic legal order is not one that eliminates conflict but one that renders it visible, negotiable, and productive.

Against neoliberal legality, which seeks to stabilise order by suppressing antagonism, democratic law must preserve the indeterminacy through which political agency remains possible.

A critical sociology of democratic law therefore begins by rejecting the myth of legal neutrality. As Habermas demonstrated [37], law always stands at the intersection of facticity and validity: it must simultaneously stabilise social order and remain open to communicative contestation. When law claims neutrality, it forecloses this dialectic and becomes an instrument of domination. The task, therefore, is not to abolish legality but to repoliticise it—to restore its reflexive function as a forum for public reasoning and democratic dispute.

In this perspective, the legitimacy of law derives not from its moral or technical correctness but from its responsiveness to social struggles. As Honneth argues [43], law embodies the historical sedimentation of conflicts over recognition; its normative content must remain revisable through new claims. The democratic rule of law is thus not a fixed structure but an open process, continually reshaped by the voices it includes and excludes. What this article has sought to show is that such revisability is not only institutional but semiotic: it depends on the capacity of legal language to remain open to contestation rather than being monopolised by moralising or managerial grammars.

Fraser's concept of parity of participation offers a normative criterion for this process [33]. Justice requires that all social actors have equal capacity to contribute to the making of norms that govern them. In neoliberal societies, where law is increasingly insulated from popular influence and reframed as an instrument of performance and compliance, this parity is systematically denied. Reclaiming democracy therefore entails not only institutional reform but a transformation of the semiotics of legality: law must once again speak the language of equality, reciprocity, and collective agency rather than that of responsibility and efficiency.

Repoliticising law does not mean subordinating it to arbitrary will; it means recognising its constitutive dependence on conflict. Conflict is not the pathology but the motor of democratic life. As Mouffe and Rancière insist [54–57], democracy lives through agonism: the legitimate contestation of power within a shared symbolic space. The juridical form, far from suppressing this contestation, should provide its institutional grammar. This article has argued that neoliberalism undermines this function by moralising dissent and transforming legality into a pedagogy of obedience.

This entails a redefinition of legality itself. Instead of treating law as a system of command, we must understand it as a field of struggle in which competing interpretations of justice confront one another. The courtroom, the parliament, and the street are all moments of this same political grammar. Democratic law must therefore remain porous to social movements and counter-publics [19]. As della Porta shows [24], contemporary movements often enact forms of "democratisation from below" by challenging the moral and legal assumptions of neoliberal order. Their struggles reveal that law is not only a tool of domination but also a terrain of reappropriation.

From a sociological standpoint, this reappropriation requires what Bourdieu called reflexive juridification [6]: the capacity of the legal field to reflect upon its own symbolic power and forms of violence. Such reflexivity transforms legality from a mech-

anism of closure into an arena of negotiation. It invites jurists, judges, and citizens alike to treat law not as a moral authority standing above society, but as a contested social practice embedded in relations of power.

To conceptualise law as the institutionalisation of conflict is to restore its political ontology. Marx and Pashukanis had already recognised that the legal form, under capitalism, expresses relations between formally free but materially unequal subjects [50–55]. A critical sociology of law must confront this contradiction without naturalising it. Democratic legality should aim not to conceal social antagonism but to render it governable without erasing it.

This conception aligns with Lefort's understanding of democracy as a regime of indeterminacy [47]. Democratic order does not fix the meaning of justice once and for all; it keeps it open to dispute. Law, in this view, is the medium through which society institutionalises its own contingency. Authoritarian neoliberalism, by contrast, seeks to eliminate this indeterminacy by codifying market rationality as legal necessity [36]. The antidote lies in reopening the space of indeterminacy and affirming that every legal norm remains subject to political revision.

Such an approach also challenges the moralisation of legality. In neoliberal societies, law often operates as a pedagogy of virtue, transforming citizens into moral subjects accountable for their conformity. A democratic legal theory should instead conceive law as a pedagogy of reciprocity: a structure that teaches coexistence through difference rather than obedience through guilt. This requires rethinking the anthropology of law in relational rather than moral terms.

Against the neoliberal anthropology of the self-responsible subject, a democratic anthropology affirms the interdependent nature of social life. As Mauss and Arendt recognised [2–51], social relations are sustained by practices that exceed calculation. Law, in this sense, should not reduce relations to contracts but articulate them as forms of mutual recognition. Supiot's notion of *homo juridicus* captures this insight [61]: law binds because it symbolically acknowledges shared vulnerability and common finitude.

Honneth's theory of recognition further develops this intuition by linking legal respect to moral and social esteem [42]. Recognition through law is not merely procedural equality; it expresses society's willingness to treat individuals as co-authors of normative life. When legality degenerates into a system of moral evaluation, recognition collapses into judgement. Restoring democracy thus means restoring recognition as a political and legal practice.

From this perspective, democratic law requires an ethics of reciprocity rather than responsibility. Responsibility, in neoliberal semantics, isolates; reciprocity connects. The former moralises failure, the latter acknowledges interdependence. The normative horizon of democratic legality lies not in self-control but in the recognition of mutual dependence—what Balibar calls *equaliberty* [4].

At this point, the stakes of a critical sociology of democratic law become fully visible. What is at issue is not merely the reform of legal institutions, but the transformation of the symbolic and moral coordinates through which legality is experienced and interpreted. Law can function as a language of closure, translating conflict into guilt and obedience; or it can operate as a language of mediation, capable of holding together disagreement, recognition, and solidarity. The difference between these

two trajectories is not technical but political, and it concerns the kind of democratic subjectivities that law helps to produce.

To save democracy, we must cultivate a critical legal imagination: the capacity to envision alternative uses and meanings of law beyond its neoliberal enclosure. This imagination does not reject legality but reclaims it as a field of creative politics. Every act of interpretation, every judicial decision, and every social mobilisation participates in redefining what law is.

The critical legal imagination therefore demands a rearticulation of law's symbolic language. The vocabulary of compliance must give way to that of solidarity; the rhetoric of merit to that of justice. The semiotics of democracy is not neutral—it is agonistic, inclusive, and reflexive. Only by transforming the way law signifies can we transform the way democracy is practised.

Can democracy be saved? Only if law—having been the principal medium of its depoliticisation—becomes once again the medium of its re-politicisation. This article has argued that such a transformation requires rethinking legality as a semiotic, moral, and political infrastructure rather than as a neutral system of rules. Against the authoritarian moralism of neoliberal legality, a democratic law would affirm the right to contest, the duty to listen, and the collective capacity to reimagine justice.

Acknowledgements I would like to thank the Editor of the IJSL for considering this manuscript for publication and the two anonymous Reviewers for their careful, constructive, and insightful comments. Their suggestions have been invaluable in improving the clarity, coherence, and overall quality of the article. Any remaining shortcomings are, of course, the sole responsibility of the author.

Funding Open access funding provided by Università del Salento within the CRUI-CARE Agreement.

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