International Conference

Constitutional Cultures in Comparative Perspective

Invitation and Program

Käte Hamburger Center for Advanced Study in the Humanities “Law as Culture”

Bonn • November 22 to 24, 2017
International Conference
Constitutional Cultures in Comparative Perspective

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Wednesday, November 22

15:00-15:30 Introduction:
Werner Gephart/Jan Christoph Suntrup (Bonn):
Analysing the Multidimensional Social Life of Constitutions

II. FOUNDING, REPRESENTING AND REPRODUCING CONSTITUTIONS

1. Constitutional Identity

15:30-16:15 Hans Vorländer (Dresden):
The Conflicting Narratives of Constitutional Orders

16:15-17:00 Michel Rosenfeld (New York):
Constitutional Culture and Identity

Coffee Break

17:30-18:15 Lawrence Solan (New York/Bonn):
Precedent and Coherence in Constitutional Cultures

Thursday, November 23

2. Representing and Reproducing Constitutions (Part 1)

18:15-19:00 Patricia Branco (Coimbra):
Constitutions Written in Stone? Considering the Architecture of Supreme and Constitutional Courts

II. FOUNDING, REPRESENTING AND REPRODUCING CONSTITUTIONS

2. Representing and Reproducing Constitutions (Part 2)

10:00-10:45 Marinos Diamantides (London):
The Political Theology of Constitutional Foundations

10:45-11:30 Werner Gephart (Bonn):
Constitutions’ Materialities: Constitutional Cultures in Stone, Marmorated Documents and Parchments

Coffee Break

12:00-12:45 Daniel Schulz (München):
Constitutional Images and Rituals

Lunch Break
II. HOW TO BEHAVE AS A CONSTITUTIONAL JUDGE – TRADITIONS AND DISCUSSIONS

14:30-14:40 Welcome Address
by Michael Hoch, Rector, University of Bonn

14:40-16:30
- Gertrude Lübbe-Wolff (Bielefeld/Bonn)
  former Justice, Federal Constitutional Court of Germany
- Koen Lenaerts (Luxembourg/Leuven)
  President, Court of Justice of the European Union
- Christoph Grabenwarter (Vienna)
  Justice, Constitutional Court of Austria
- Daphne Barak-Erez (Jerusalem)
  Justice, Supreme Court of Israel
- Miroslaw Wyrzykowski (Warsaw)
  former Justice, Constitutional Tribunal of Poland

Coffee Break

III. THE LIMITS OF CONSTITUTIONALISM

1. Between Law and Politics: Constitutional Struggles

17:00-17:45 Matthias Herdegen (Bonn):
Constitutionalism and Political Choices
in a Global Perspective

17:45-18:30 Marta Bucholc/Daniel Witte (Bonn):
Constitutionalism in Post-Socialist Societies

Lunch Break

2. Constitutions, Legal Pluralism and Cultural Conflicts

10:00-10:45 Menachem Mautner (Tel Aviv):
Religious vs. Legal Fundamentalism in Israel

10:45-11:30 Jan Christoph Suntrup (Bonn):
The Failed Project of Constitutional Programming:
Legal Diversity, Identity Politics and Power Struggles
in Afghanistan

Coffee Break

11:45-12:30 Mirjam Künkler (Uppsala/Bonn):
Islamic Constitutionalisms

Lunch Break

IV. CONSTITUTIONALISM BEYOND THE STATE

14:30-15:15 Gunther Teubner (Frankfurt a.M.):
Transnational Societal Constitutionalism:
Nine Variations on a Theme by David Sciulli

15:15-16:00 Fatima Kastner (Bielefeld/Bonn):
Re-Foundation of World Society:
Transnational Constitutionalism and Transitional Justice

Coffee Break

16:15-17:00 Paul Blokker (Prague):
Constitutional Politics in the Transnational
Public Sphere

Conclusion

Due to limited capacities, registration is required for attending the conference.
Please contact: kspranz@uni-bonn.de
Overview of Speakers

Daphne Barak-Erez (Jerusalem): Justice at the Supreme Court of Israel, former Stewart and Judy Colton Professor of Law at the Tel Aviv University.

Marta Bucholc (Bonn/Warsaw): Legal scholar and sociologist, Research Professor and former Fellow at the Käte Hamburger Center for Advanced Study in the Humanities “Law as Culture”, Assistant Professor at the Institute of Sociology at the University of Warsaw.

Paul Blokker (Prague): Sociologist, Associate Professor in Sociology (Jean Monnet Chair in European Political Sociology) at the Institute of Sociological Studies, Charles University, Prague.

Patricia Branco (Coimbra): Legal scholar, Researcher at Centre for Social Studies of the University of Coimbra (Portugal), former Fellow at the Käte Hamburger Center for Advanced Study in the Humanities “Law as Culture”.

Marinos Diamantides (London): Legal scholar, Reader in Law, Director of Studies of the Law Department and Director of the “LLM Constitutional Law, Theory and Politics” program at the School of Law at Birkbeck, University of London.

Werner Gephart (Bonn): Legal scholar, sociologist and artist, Professor of Sociology at the University of Bonn, Founding Director of the Käte Hamburger Center for Advanced Study in the Humanities “Law as Culture”.

Christoph Grabenwarter (Vienna): Justice at the Constitutional Court of Austria, Professor of Public Law, Business Law and International Law at the Vienna University of Economics and Business.

Matthias Herdegen (Bonn): Legal scholar, Professor of Law at the University of Bonn, Director of the Institute of Public Law and of the Institute of Public International Law, Fellow at the Käte Hamburger Center for Advanced Study in the Humanities “Law as Culture”.

Fatima Kastner (Bielefeld/Bonn): Sociologist, Private Lecturer at the Faculty of Sociology at the University of Bielefeld, Fellow at the Käte Hamburger Center for Advanced Study in the Humanities “Law as Culture”.

Mirjam Künnler (Uppsala/Bonn): Political scientist, Researcher at the Swedish Collegium for Advanced Study, Fellow at the Käte Hamburger Center for Advanced Study in the Humanities “Law as Culture”.

Koen Lenaerts (Luxembourg/Leuven): President of the Court of Justice of the European Union, Professor of European Law at the University of Leuven.

Gertrude Lübbe-Wolff (Bielefeld/Bonn): Former Justice of the Federal Constitutional Court of Germany, Professor of Public Law at the Public Law Department at the University of Bielefeld, Fellow at the Käte Hamburger Center for Advanced Study in the Humanities “Law as Culture”.

Menachem Mautner (Tel Aviv): Legal scholar, Daniel Rubinstein Professor of Comparative Civil Law and Jurisprudence at the Tel Aviv University.

Michel Rosenfeld (New York): Legal scholar, University Professor of Law and Comparative Democracy, Justice Sydney L. Robins Professor of Human Rights and Director of the Program on Global and Comparative Constitutional Theory at the Benjamin N. Cardozo School of Law.

Lawrence M. Solan (New York/Bonn): Legal scholar and linguist, Don Forchelli Professor of Law and Director of Graduate Education at Brooklyn Law School, Fellow at the Käte Hamburger Center for Advanced Study in the Humanities “Law as Culture”.

Daniel Schulz (München): Political scientist, Researcher at the Geschwister-Scholl-Institute, LMU München.

Jan Christoph Suntrup (Bonn): Political scientist, Private Lecturer at the Institute of Political Science and Sociology at the University of Bonn, Fellow at the Käte Hamburger Center for Advanced Study in the Humanities “Law as Culture”.

Gunther Teubner (Frankfurt a.M.): Legal scholar, Professor em. of Private Law and Sociology of Law at the University of Frankfurt.

Hans Vorländer (Dresden): Political scientist, Professor of Political Theory and History of Political Thought and Director of the Center for the Study of Constitutionalism and Democracy at the University of Dresden.

Daniel Witte (Bonn): Sociologist, Research Coordinator at the Käte Hamburger Center for Advanced Study in the Humanities “Law as Culture”.

Mirosław Wyrzykowski (Warsaw): Former Justice at the Constitutional Tribunal of Poland, Professor at the Faculty of Law at the Warsaw University.
While it is hard to deny that we have entered the “Global Age of Constitutionalism” (Neil Walker), constitutions neither appear as a uniform model nor as an uncontested means of organizing the political game of communities. The authoritarian backlash that can be presently witnessed in Europe and many other parts of the world demonstrates that the competitive relation between law and politics is not automatically pacified once a constitution takes effect. Moreover, the emerging supranational, transnational and maybe even global constitutional structures often show themselves at odds with constitutional traditions nurtured at the national level.

By assembling internationally leading scholars specialized in the analysis of constitutions, this conference aims to illuminate, conceptually and empirically, general fundamental aspects as well as divergent paths of constitutional orders in a globalizing world. In addition, the legal practitioners’ side will also be included in the discussion, as several renowned justices of constitutional courts will discuss their view of the latest constitutional developments around the world and provide insight into the inner life of their courts. Tying in with the research approach of the Käte Hamburger Center “Law as Culture”, the term “constitutional culture” evokes the multidimensional life of a constitution that cannot be restricted to its textual normative provisions and its authorized interpreters. Instead, grasping the foundational force and societal influence of constitutions by means of cultural sociology calls for the analysis of narratives, symbols, rituals, places and materials in which constitutions are framed and reproduced.

These multifold dimensions of constitutional power and binding force shall be looked at in a comparative way, whereas another section of the conference will address the limits of constitutionalism: Social struggles between law, politics and religion are on the agenda as well as cases in which the force of constitutions is contested by legal pluralism and cultural conflicts. Further contributions will shed light on constitutional architecture beyond the state: In how far can we speak of a transnational and global constitutionalism and how do these structures relate to national conceptions? Is there, beyond the systemic rationalities of constitutionalization, a cultural life of the law, a symbolic dimension of the constitution comparable to the rich national constitutionalist heritage? How can we make sense of the project of constitutional transplants? What are potential means of constitutional pluralism and where are its limits?

This program seeks to demonstrate the potential of a research perspective framed by cultural studies that does not lose touch with legal discourse. Thus, the concept of “constitutional cultures” can be shaped in order to enrich the vast and complex debate about constitutional forms and effects.