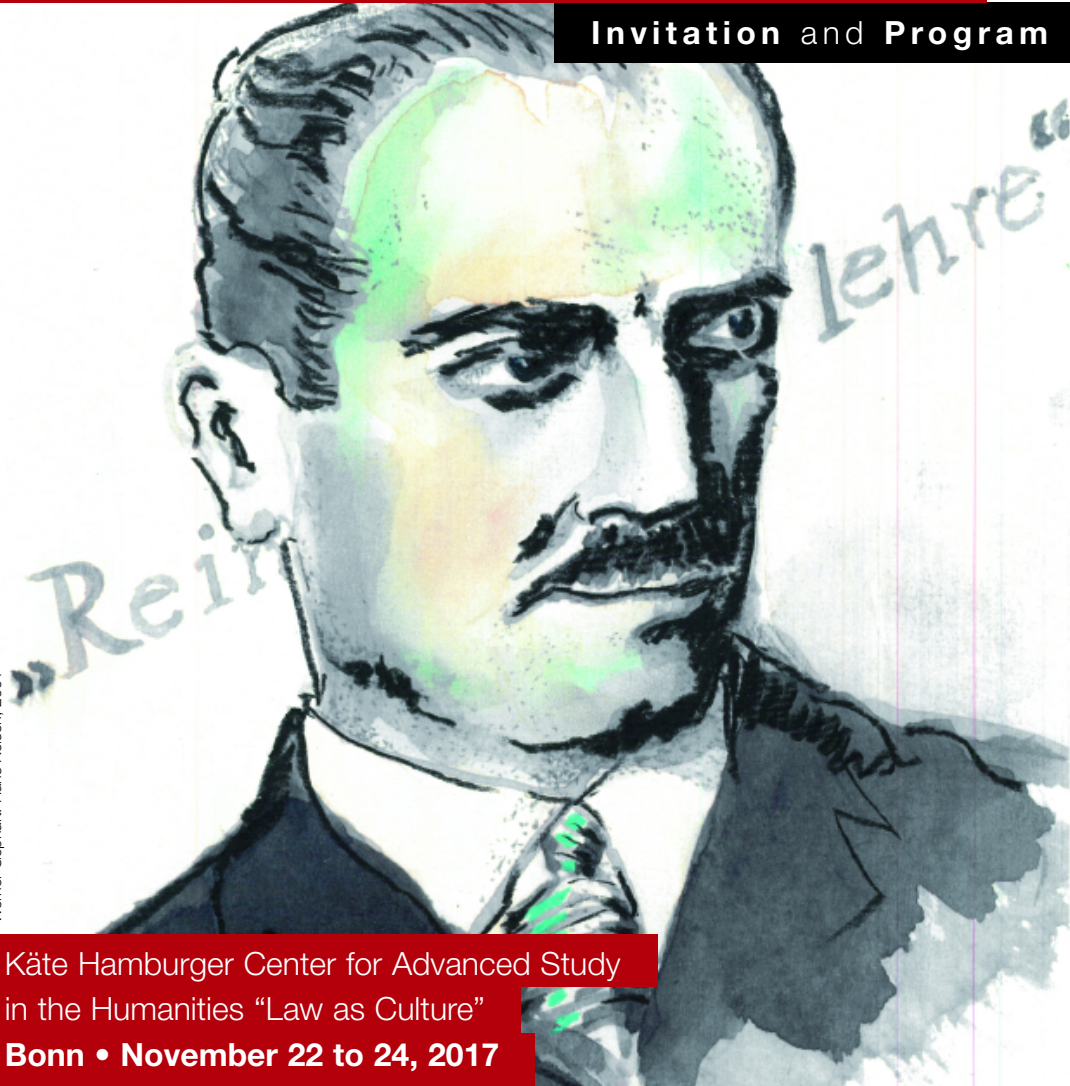


International Conference **Constitutional Cultures in Comparative Perspective**

Invitation and Program

Werner Gephart: Hans Kelsen, 2001



Käte Hamburger Center for Advanced Study
in the Humanities "Law as Culture"
Bonn • November 22 to 24, 2017

GEFÖRDERT VOM



Bundesministerium
für Bildung
und Forschung

UNIVERSITÄT



recht als kultur

käte hamburger kolleg
law as culture
center for advanced study



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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**

I. 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

2. Representing and Reproducing Constitutions (Part 1)

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

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Thursday, November 23

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 Lübbecke-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
- Mirosław 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

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Friday

Friday, November 24

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.

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



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.

Patrícia 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 Künkler (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 Lübbecke-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.



Conception of the Conference



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.

Käte Hamburger Kolleg
„Recht als Kultur“
Center for Advanced Study
in the Humanities
“Law as Culture”

Konrad-Zuse-Platz 1-3
53227 Bonn
Tel.: 0228 73-54050
Fax: 0228 73-54054
kspranz@uni-bonn.de
www.recht-als-kultur.de

