

Call for Papers

2008 Joint Sessions: 11 - 16 April

Workshop 15

Contested Constitutionalisation: Towards a Theory of Democratic Constitutionalism

Convenors: Rainer Schmalz-Bruns (Hannover) and Antje Wiener (Bath)

Workshop Abstract

The workshop seeks to develop further insights into the contested nature of the foundations of processes of constitutionalisation beyond the nation state and to pin down the implications this may have for adequate conceptualisations of constitutionalism. By linking theoretical and empirical perspectives we expect to develop a better understanding of the effects of ethical pluralism and contested normative meanings in political, legal and societal settings beyond-the-state. In these contexts practices of contestation become a central issue for research especially with regard to problems of political representation and constitutional arrangements.

Our central proposition is that studying the processes of constitutionalisation while focusing on 'diversity' and 'contestation' as its key norms, will reveal a need to move beyond the traditional notion of 'constitutional democracy' towards a notion of 'democratic constitutionalism' that accepts the equiprimordiality of democracy and constitutionalism. We therefore propose to revise the traditional view of constitutionalism that viewed the system of politics as itself both constitutive and constitutional.

Against this background, especially **two questions** will be raised:

- (1) What is constitutionalisation beyond the state and what shape does it have to take – a question which mainly addresses the task of conceptualizing institution-building beyond the state.
- (2) What is to be understood as democratic constitutionalisation beyond the state? What are the conceptual prerequisites and the favourable empirical conditions for rendering institution-building beyond the state democratic and how can these be analytically captured and empirically observed?

More in detail, the workshop aims to do the following:

Explore the role of constitutional 'dialogue and mutual recognition'; highlight the concepts of 'new governance' and 'the normative turn' in European constitutionalism; offer an empirical focus on examining 'contested norms'; discuss the concept of 'constitutional pluralism in a metaconstitutional frame'; and bring in meta-theoretical research on 'reflexive recognition.'

Two kinds of contributions to the workshop are appreciated:

(1) The first set of papers is expected to address the conceptual challenges of constitutionalism and constitutionalisation beyond the state and to present to some extent paradigmatic positions regarding these topics.

(2) The second set of papers is thought to explore aspects of the empirical side of constitutionalism and constitutionalisation beyond the state in perspectives which are able to inform and further elaborate the conceptual work.

Deadline:

We invite paper proposals for submission by **December 1, 2007**. Since the Joint Sessions are conceptualised with a view to providing relatively thorough and in-depth discussion, the paper proposals of 3-5 pages are welcomed.

We are very pleased to announce that this workshop is also sponsored by the 6th Framework Programme's Network of Excellence, CONNEX (Connecting Excellence on European Governance): <http://www.connex-network.org/>

For information regarding funding opportunities, timing, application details etc, please visit this website: www.rennes2008.visionmd.co.uk/Workshop_details.asp?workshopID=15

For further inquiry please get in touch with the **convenors**:

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