Final Conference

PROJECT CONSTITUTIONAL POLITICS IN POST-WESTPHALIAN EUROPE (CoPolis)

THE RENOVATION OF THE MODERN CONSTITUTION: CONTEMPORARY CONSTITUTIONAL TRANSFORMATIONS IN EUROPE

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Outline
Modern constitutionalism is subject to important challenges and transformations. Scholarly attention is particularly focussing on the novelty of post-national, transnational, and global tendencies of constitutionalization, but appears less comprehensive in its analysis of domestic change and transformation. Recent trends that affect constitutionalism include not only the transnational emergence of forms of constitutionalism(-s) as some scholars argue, but equally concern the domestic arena, and not merely as a direct result of transnationalization. There is an absence of systematic and comparative reflections on, and analyses of, the way in which domestic constitutionalism itself is being contested by a variety of actors as well as the object of proposals for (radical) change.

The conference wants to deal with important forms of constitutional change and transformation in domestic European societies. The focus includes the emergence of transnational legal regimes and the globalization of constitutional ideas, but an important emphasis is on how these affect domestic constitutional orders differently and how domestic actors respond in a variety of ways to these challenges. In general, there appears to be a trend of what Francesco Palermo has called ‘constitutional acceleration’, that is, the ‘intensification of recourse to [the instrument of] revision in order to update the constitution’. Such constitutional acceleration also appears to frequently involve the instrumentalization of constitutions, in terms of constitutional revision becoming an instrument of everyday/ordinary politics. Acceleration seems further paralleled by constitutional intensification, in terms of a widening scope of areas included in constitutional reform and constitutionalization. But in more specific terms, we see differing responses throughout Europe, including civic participatory forms of constitution-making and reform, in which the popular legitimation of constitutional change is upfront (Iceland, Ireland, Luxembourg, Romania), sub-national forms of constitutionalism (Scotland), as well as the emergence of illiberal, theocratic, and populist forms of constitutionalism (Hungary).

Constitutional scholars of various disciplinary backgrounds will discuss contemporary challenges and threats to modern constitutionalism, focussing on a variety of actors and institutions, critical trends at different levels, as well as distinctive constitutional rationalities. The conference will further be a vehicle for presenting the results of the CoPolis project.