

WEIMAR MOMENTS

CONSTITUTIONALISING MASS DEMOCRACY
IN GERMANY, ITALY, SPAIN, AND BEYOND

CALL FOR PAPERS FOR
A WORKSHOP IN MADRID
13–15 NOVEMBER 2019

GOETHE
UNIVERSITÄT
FRANKFURT AM MAIN



UAM
Universidad Autónoma
de Madrid



UNIVERSITÀ
DEGLI STUDI
DI FERRARA
- EX LABOR FRUCTUS -



Instituto de
Derechos Humanos
UNIVERSITAT ID VALÈNCIA

WEIMAR MOMENTS: CONSTITUTIONALISING MASS DEMOCRACY IN GERMANY, ITALY, SPAIN, AND BEYOND

**CALL FOR PAPERS FOR A WORKSHOP IN MADRID, 13-15 NOVEMBER 2019
A CO-OPERATION BETWEEN GOETHE UNIVERSITY FRANKFURT, UNIVERSIDAD
AUTÓNOMA DE MADRID, UNIVERSIDAD DE VALENCIA, UNIVERSITÀ DI
FERRARA, AND THE MAX PLANCK INSTITUTE FOR EUROPEAN LEGAL HISTORY.**

Moments of deep crisis, not moments of peace and contemplation, give birth to modern democratic constitutions or trigger constitutional change. Such constitutional change in moments of crisis can be ambiguous. On the one hand, it can take an incremental form, allowing the political powers to legitimise the status quo, avoid abrupt, disruptive breaks with past regimes, and »muddle through« until the situation stabilises. On the other hand, moments of crisis allow radical breaks with past constitutional concepts and arrangements, providing space for new fundamental visions about society in response to the societal transformations perceived to be at the root of the crisis. The relationship between these continuities and discontinuities might characterise the origin, life, transformation, and death of a constitution.

The Weimar Constitution of 1919 stands for a particular type of constitutional transformation featuring this ambiguity. On the one hand, it avoided a radical break with the institutions and power structures of the German Empire, adapting them to rally support for parliamentary, republican democracy. On the other hand, it is

among the first constitutions that aimed at standing to the challenge of organising public power in a mass democracy in which the »social question« played a key role in the political agenda. These elements of the Weimar constitution, starting with the recognition of social rights and not ending with the call for the development of international labor standards, marked a radical break from the bourgeois constitutionalism emerging in the 18th century. Unlike the latter, the Weimar Constitution recognises that »the law« as such does not solve conflicts, but rather generates conflicts which the constitution needs to hedge. This elevates the constitution to the level of an instrument for the solution of societal conflicts – a high toll for the new political regime emerging from the revolution, yet still reminiscent of the old order.

This type of constitutional transformation is not unique to Weimar Germany. Constitutional history is full of comparable »Weimar Moments«. While the Mexican constitution of 1917 is a precursor, the Italian Constitution of 1948 and the Spanish Constitution of 1978 stand out as particular examples combining the transition from an old

regime to a new one with the recognition of deep societal conflicts in the constitutions' foundational part, which the constitution aims at keeping within political bounds. Both the Italian and the Spanish Constitution include borrowings from the Weimar constitution. Other examples include F. D. Roosevelt's »Four Freedoms«. And of course, given the specific history of European integration, one might ask whether the European Union could ever undergo a »Weimar Moment« – and what consequences should be drawn in case of a positive or negative answer. In fact, the Weimar experience makes the absence of a »Weimar Moment« a significant constitutional event, especially in transformations occurring after the end of the Cold War.

These questions will be at the centre of a workshop in Madrid on 13–15 November 2019. We invite proposals for contributions to the workshop. These contributions may take up any of the issues within the scope of the workshop, addressing questions such as:

- Transition from authoritarian regimes to democracy and the »social question« in comparative constitutional perspective;
- Parliamentary democracy and the »social question«;
- The relationship between the international openness of a constitution and the social question;
- Weimar Moments and constitutional law: How do Weimar Moments change the function of the law in society, and how did legal practice adapt?
- The transformation of Weimar Moments across time and space;
- The scholarly debate about Weimar Moments then and now;
- Emigré scholars and the dissemination of Weimar legal and political thought;
- The constitutionalisation of labour law;
- Regulation of industrial relations and collective conflicts in Weimar Moments;
- Comparing the success and failure of different Weimar Moments;
- The role of European integration and the international order in Weimar moments.
- The role of law in the constitutional transformation of the European Union: is a Weimar Moment in the history of European integration possible?;
- The relationship between Weimar Moments and the different manifestations in the European Union member states of protest politics, including liberal authoritarianism, and populism.

SUBMISSIONS AND CONTACT

Proposals may comprise up to 1.000 words and should be submitted to Kevin Hinzen, Hinzen@jur.uni-frankfurt.de. The deadline is 1 June 2019. Successful applicants will be informed by the end of June 2019. Conference papers of around 7.000 words are due on 20 October 2019.

The conference organisers will cover the travel and accommodation costs of successful participants from German, Italian, and Spanish institutions according to the DAAD rates. Applications from researchers at institutions located in third countries are encouraged, but regretfully it is most likely that selected speakers would have to fund their own travel, maintenance and accommodation costs.

For younger scholars (doctoral students and early postdocs), should their proposal not be selected for the main workshop, there is the possibility to present their paper as a »communication« at two special sessions immediately preceding and following the workshop. Applicants falling in this category are requested to indicate whether they would like to present a communication should their paper not be accepted for the main workshop.

Scholars presenting a communication will have to bear their own expenses and contribute a modest fee to cover lunches and dinners. Communications can be presented in English, Spanish, Italian, and German. There is the possibility of publishing communications in English and Spanish in a special issue with the online journal CEFD (Cuadernos Electrónicos de Filosofía

del Derecho) provided they pass a peer review process.

ORGANISING COMMITTEE

Silvia Borelli (U. Ferrara) – Matthias Goldmann (Goethe U) – José Antonio Garcia Saez (U Valencia) Agustín José Menéndez (UA Madrid) – Sigfrido Ramirez Perez (MPI for European Legal History).

The Workshop is funded by the German Academic Exchange Service with support from the Foreign Office of the Federal Republic of Germany.