

**The Future of the European Constitution: a View from the Past.
International Expert Meeting, March 26-28, 2009
Royal Netherlands Institute in Rome**

In the beginning of the 21st century, the notion of constitutions as the foundation of democracy has become essentially contested. This crisis of constitutionalism has most clearly come to the fore in the European Union. The 2005 French and Dutch 'no' to the draft Treaty establishing a Constitution for Europe sent a shock wave through the Union and the ratification process has come to halt. In reaction to these events a fierce debate on the future of Europe has been reopened. This debate not only touches on the legitimacy of the European constitution, but on the foundations of constitutions in general; no longer is the question *what* constitution Europe should adopt, but *whether it needs a constitution at all*.

In this meeting, a group of international experts will address the problem of the future of the European constitution by studying its past. By comparing the history of constitutionalization in Italy, Germany, the United States of America, France, the Netherlands and the European Union, they will explore how modern democracies have actually dealt with the *problems concerning the legitimacy of constitutions*. In this context, they will *focus on the function of the demos in constitutionalization processes*.

The approach is both legal and historical. On the one hand, the experts will address the problem of the foundation of a constitution from a theoretical point of view, relating it to other central notions such as the nation-state, polity and (national) identity. On the other hand, they will explore how these notions have actually been employed in national constitutional discourses. Moreover, assuming that the legitimacy of a constitution is to be founded in public discourse, special attention will be paid to the *rhetorical situations* in which constitutional discourse was invented and employed on the one hand, and to the *legal and rhetorical aspects* of judicial review, theory and practice of legal interpretation of constitutional laws on the other. Finally, the practical implications of these historical and theoretical issues for the future of Europe will explicitly be addressed.

Speakers:

Prof. Dr. Richard Bellamy, University College London

Prof. Dr. A.M. Banti, University of Pisa

Prof. Dr. O. Camy, Institute of Political Sciences (IEP) Paris-Dijon

Prof. Dr. S. Dellavalle, University of Turin, Max Planck Institute Heidelberg

Prof Dr .M. Fioravanti, University of Florence

Prof Dr Fabian Amtenbrink, Erasmus University Rotterdam

Prof Dr. Gareth Davies, Free University of Amsterdam

Prof. Dr. Christophe Hillion, University of Leiden

Dr. P.A.J. van den Berg, University of Groningen (NWO research group Contested Constitutions)

Dr. R.G.P. Peters, University of Groningen (NWO research group Contested Constitutions)

J. Hollander, MA, University of Groningen (NWO research group Contested Constitutions)

J. Olthof, MA, University of Groningen (NWO research group Contested Constitutions)

Chair:

Prof. Dr. L.W. Gormley, University of Groningen (NWO research group Contested Constitutions)

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