



A Multitude of Constitutions? European Constitutional Pluralism in Question

A workshop within the framework of the
2nd International Conference on Democracy as Idea and Practice

Oslo, 13-14 January 2011

A joint RECON/Research Programme on Democracy workshop

RE/CON RECONSTITUTING
DEMOCRACY
IN EUROPE

Demokratiprogrammet

A Multitude of Constitutions?

European Constitutional Pluralism in Question

Workshop coordinators:
Agustín José Menéndez and John Erik Fossum

Georg Sverdrup's Building (University Library), Blindern campus

This workshop will discuss the merits of the theory of constitutional synthesis, recently developed by the workshop coordinators, and exposed in their forthcoming monograph *The Constitution's Gift*.¹ The key component of the theory is the regulative ideal of a common constitutional law, of a constitution made up of a collective of national constitutions; which in their view makes up the deep constitution of the European Union. Constitutional synthesis is made up of normative integration and institutional consolidation, which together make up for a distinct constitutional dynamic.

The workshop is one of seven parallel workshops organised within the 2nd *International Conference on Democracy as Idea and Practice*.

There will be a plenary session on 'Democratization through Higher Education' on Thursday 13 January at 10:15-12:00 and a roundtable discussion 'A typical European way of looking at politics?' on Prof. Johan P. Olsen's recent book *Governing through Institution Building* on Friday 14 January at 12:15-13:30. For the full programme, see www.demokrati.uio.no/english/current-issues/2nd-conference-january-2011.html

Workshop 1: A Multitude of Constitutions? European Constitutional Pluralism in Question is organized by ARENA – Centre for European Studies in cooperation with the Research Programme on Democracy at the University of Oslo. It is organised as part of the ARENA-coordinated RECON project within its research cluster WP 2 – *The Constitutionalisation of the EU, the Europeanisation of National Constitutions, and Constitutionalism Compared*. RECON ('Reconstituting Democracy in Europe') is an Integrated Project supported by the European Commission's Sixth Framework Programme for Research. The project seeks to clarify whether democracy is possible under conditions of pluralism, diversity and complex multilevel governance. For more information, see www.reconproject.eu.

¹ *The Constitution's Gift. A Constitutional Theory for a Democratic European Union*, John Erik Fossum and Agustín José Menéndez, to be published by Rowman and Littlefield ultimo December 2010. Further information on the book, including a table of contents is available at: [http://www.rowmanlittlefield.com/Catalog/SingleBook.shtml?command=Search&db=^DB/CATALOG.db&eqSKUdata=0742553116&thepassedurl=\[thepassedurl\]>](http://www.rowmanlittlefield.com/Catalog/SingleBook.shtml?command=Search&db=^DB/CATALOG.db&eqSKUdata=0742553116&thepassedurl=[thepassedurl]>).

PROGRAMME

Thursday, January 13th

⊕ 12:00-13:00 Lunch

Introduction

⊕ 13:00-13:30 ‘Constitutional Synthesis as the Constitutional Theory of the European Union’
John Erik Fossum, *ARENA, University of Oslo* and
Agustín José Menéndez, *University of León*

First Session: Polity Perspectives

Chair: Carlos Closa, Consejo Superior de Investigaciones Científicas (CSIC)

⊕ 13:30-13:50 ‘Revolutionary and Evolutionary Constitutionalization in the Evolution of the European Union’
Hauke Brunkhorst, *University of Flensburg*

⊕ 13:50-14:10 ‘The Incoherence of (Strong) Popular Sovereignty’
Lars Vinx, *Bilkent University*

⊕ 14:10-14:25 Comments by **Peter Burgess**, *Peace Research Institute Oslo*

⊕ 14:25-15:35 General Discussion

⊕ 15:35-15:50 Coffee Break

Second Session: Constitutional Perspectives

Chair: Mads Andenæs, University of Oslo

⊕ 15:50-16:10 ‘The Legitimacy of a European Normative Order: Legitimacy through Legal Reasoning’
Tor Inge Harbo, *EUI/University of Oslo*

⊕ 16:10-16:30 ‘Unity in Diversity as Europe’s Vocation and Conflicts Law as Europe’s Constitutional Form’
Christian Joerges, *ZERP, University of Bremen*

⊕ 16:30-16:45 Comments by **Lars Blichner**, *University of Bergen*

⊕ 16:45-17:00 Coffee Break

⊕ 17:00-18:00 General Discussion

Conference dinner at *Grefsenkollen*

Friday, January 14th

Third Session: Legal Perspectives

Chair: Tor Inge Harbo

- ⊕ 09:30-09:50 The Constitution's Gift to the European Union:
A Donkey or a Trojan Horse?
Jörg Luther, *Università degli Studi del Piemonte Orientale*
- ⊕ 09:50-10:10 'End of Empire and the Foundation of European Law:
The ECtHR, the ECJ and the European Legal Field (1950-1980)
Mikael Rask Madsen, *University of Copenhagen*
- ⊕ 10:10-10:30 'Mapping the Overlapping Spheres:
Constitutional Pluralism vs. Constitutional Synthesis'
Ian Cooper, *ARENA, University of Oslo*
- ⊕ 10:30-10:45 Coffee Break
- ⊕ 10:45-12:00 General Discussion

- ⊕ 13:30-14:15 Lunch

Fourth Session: Applied Perspectives

Chair: Ian Cooper

- ⊕ 14:30-14:50 'Comment on The Constitution's Gift by Fossum & Menéndez'
Theresa Scavenius, *University of Copenhagen*
- ⊕ 14:50-15:10 'The European Union Towards Administrative Integration:
A Further Step in the 'Constitutional Synthesis' Theory?'
Fernando Losada, *CoE, University of Helsinki*
- ⊕ 15:10-17:00 General Discussion

- ⊕ 18:30 Common departure from Rica Holberg Hotel
Workshop 1 dinner at *Bølgemøi*, Tjuvholmen