



Radboud Universiteit



Call for Papers

CONSTITUTIONAL INTOLERANCE: HOW EUROPEAN STATES ENGAGE INTOLERANCE THROUGH CONSTITUTIONAL REPERTOIRES

Blavatnik School of Government

13-14 April 2023

Dr Marietta van der Tol (Oxford) and Prof Hansko Broeksteeg (Nijmegen)

This conference convenes scholars in constitutional studies, political theory and political sociology to discuss the emerging phenomenon of Constitutional Intolerance: the use of constitutions and constitutional repertoire to further intolerant political attitudes in European constitutional states. Through constitutional amendments, revisions, as well as dynamic interpretation of constitutional and quasi-constitutional concepts, states may seek to leverage the power of the law to settle politically controversial issues. These may include, for example, the freedom of religious and ethno-religious minorities, as well as LGBT+ rights: issues that have taken centre-stage in the deepening political polarisation in (and beyond) Europe.

This conference explores processes through which constitutions and constitutional repertoire facilitate intolerant attitudes and aims, the extent to which constitutional intolerance might be institutionalised, how underlying socio-political attitudes to constitutionalism enable these processes, and what the normative significance is of the rise of Constitutional Intolerance. Specialist and generalist papers, from legal, political and sociological scholars, are welcomed, with particular reference to:

- ✚ Iterations of Constitutional Intolerance in the law: constitutional texts and amendments, legislative proposals, both successful and failed
- ✚ Procedural aspects, such as analysis of Parliamentary histories, and (critical) positions taken by independent advisory institutions, as well as administrative and constitutional courts
- ✚ Dynamics of the public order-doctrine and the growing significance of social norms, as well as the dynamics of other legitimate aims, such as public health
- ✚ Analysis of circumstances which facilitate the rise of Constitutional Intolerance and differences in the significance of Constitutional Intolerance between states
- ✚ The relationship between democratic mandates and principles of constitutionalism
- ✚ Attitudes towards constitutions and constitutional repertoire in nationalist and populist movements, such as in Poland and Hungary; transnational aspects to these attitudes, with reference to for example the United States, Brazil, Russia and India
- ✚ The rise of anti-liberal or 'illiberal' democracy, and the analysis of differences that may exist between illiberal leaning states

- ✚ Constitutional theoretical or normative reflection on the character of constitutions and constitutional repertoire
- ✚ Echoes of structural inequality and institutional racism in Constitutional Intolerance

Please send your proposed title, short abstract and biography to marietta.vandertol@bsg.ox.ac.uk by 15 January 2023. Decisions will be released by the end of January. Conference briefs of ca 4.000 words are due by 1 April 2023. The convenors intend to put together an edited volume after the conference. All submissions and papers should contain original work that has not been committed elsewhere.

Funding

All speakers and chairs will receive a full waiver of the conference fee and be invited to New College for dinner (smart-casual) on the evening of Friday 14 April 2023. Speakers are expected to organise their own travel and accommodation. Subsidies towards the cost of travel will only be considered in exceptional circumstances and applicants must make a strong case that no other funding is available to them.

Embedding

This conference is hosted by the Alfred Landecker Programme at the Blavatnik School of Government, Oxford. Funded by the Alfred Landecker Foundation, the Programme seeks to generate academic conversations about the future of the protection of minorities in Europe. The conference is co-sponsored by the Radboud University of Nijmegen.