

**Ernst-Wolfgang Böckenförde's Contributions to
Constitutional and Political Theory**

Carl Friedrich von Siemens Stiftung

with support from the Fritz Thyssen Foundation

Südliches Schloßrondell 23, 80638 München

June 29 - July 1, 2016

Day I. Wednesday, 29 June

Opening Remarks and Introductions. 2.30-3.00pm

- Mirjam Künkler (Princeton/Göttingen) and Tine Stein (Kiel)

Afternoon Session I: 3.00-4.30pm: Hermann Heller and Carl Schmitt as points of reference

- David Dyzenhaus (Toronto): Schmitt vs. Heller on constitutionalism and legality
- Mirjam Künkler (Princeton/Göttingen) and Tine Stein (Kiel): How Schmittian is Böckenförde?
- Discussants: Martin Loughlin (LSE) and Christoph Schoenberger (Konstanz)
- Chair: Shylashri Shankar

4.30pm -5.00pm Coffee and Cake

Afternoon Session II: 5.00pm-6.30pm: Böckenförde between State and Society

- Christopher Thornhill (Manchester): Böckenförde and the Claims of Sociology
- Justin Collings (Brigham Young University): Böckenförde in the History of the German Constitutional Court
- Discussants: Frieder Günther (Berlin) and David Abraham (Miami)
- Chair: Shylashri Shankar

6.40pm Buffet Dinner in the Carl Friedrich von Siemens Stiftung

Day II, Thursday, 30 June

Morning Session I: 9.30am–11.00am: Peace and Power. The state as a peace-providing force and its implications for constitutional theory

- Patricia Springborg (Berlin): Ernst-Wolfgang Böckenförde on Hobbes and Natural law
- Martin Loughlin (London): Power: the key to constitutional theory
- Discussants: Oliver Lepsius (Bayreuth) and Mattias Kumm (Berlin/NYU)
- Chair: Vlad Perju

11.00am-11.30am Coffee, Cookies, Pretzels

Morning Session II: 11.30am-1.00pm: Constituent Power and constitutional processes

- Nimer Sultany (SOAS): Constituent Power in the Arab Spring
- Lars Vinx (Bilkent): Constituent Power and the Politics of Constitution-Making in Turkey
- Discussants: Christoph Schoenberger (Konstanz) and Christoph Thornhill (Manchester)
- Chair: Vlad Perju

1.00pm Lunch in the Dining Hall of the Carl Friedrich von Siemens Stiftung

Afternoon Session I: 2.30pm – 4pm: The State of Emergency

- Pasquale Pasquino (Paris): The failed attempt to constitutionalize emergency measures in France
- Shylashri Shankar (New Delhi): The State of Emergency in India
- Discussants: Patrick Bahners (FAZ) and Ellen Kennedy (UPenn)
- Chair: Mirjam Künkler

4.00pm-4.30pm Coffee and Cake

Afternoon Session II: 4.30pm-6pm: Homogeneity and Identity Politics

- David Abraham (Miami): The refugee crisis, homogeneity and the welfare state
- Ellen Kennedy (UPenn): Legitimacy & transcendence: thoughts on the Böckenförde dilemma
- Discussants: Oliver Lepsius (Bayreuth) and Jan Werner Mueller (Princeton)
- Chair: Mirjam Künkler

6.15 pm Dinner in Schloßwirtschaft zur Schwaige

Day III: 1 July

Morning Session I: 9am-10.30am: Identity Politics in European Constitutionalism

- Jan Werner Mueller (Princeton): Is there such a thing as populist Constitutionalism?
- Vlad Perju (Boston): Authoritarianism and the Turn to Identity in European Constitutionalism
- Discussants: Ruth Zimmerling (Mainz) and Pasquale Pasquino (Paris)
- Chair: Tine Stein

10.30am-11.00am Coffee, Cookies, Pretzels

Morning Session II: 11.00am-12.30pm. Judicial action and the constitutional state

- Michaela Hailbronner (Pretoria): Acting when others aren't – institutional failure as a basis for judicial action
- Mattias Kumm (Berlin/NYU): Böckenförde and the statist interpretation of the constitutionalist tradition
- Discussant: David Dyzenhaus (Toronto) and Shylashri Shankar (New Delhi)
- Chair: Tine Stein

12.30pm Closing discussion, further procedures and closing remarks.

1.00pm Snack in the Dining Hall of the Carl Friedrich von Siemens Stiftung

Other participants: Dieter Grimm (Berlin, Wednesday and Thursday), Heinrich Meier (Carl Friedrich von Siemens Stiftung), Jürgen Habermas (Wednesday and Thursday)

Format per panel: 15 minutes for each paper giver, 10-15 min for each discussant, 35 min for plenary discussion.