

PROGRAMME

Wednesday, September 21, 2016

Carl Friedrich von Siemens Stiftung
Südliches Schloßbrondell 23, 80638 Munich

14:00

Welcome and Registration

14:30

'The Westminster Parliament's Formal Sovereignty in Britain and Europe from a Historical Perspective'

Dr. John Allison, Fellow of Queens' College Cambridge

15:30

Coffee Break

16:00

'The Sovereignty Dispute in a European Perspective. Force, Reason or Constitution?'

Prof Dr. Luigi Lacchè, Rector of the University of Macerata and Member of the Advisory Board

17:00

Final Discussion

Moderation: Prof. Dr. Ulrike Müßig

17:30

Reception

CONTACT

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Deutsche und Europäische Rechtsgeschichte
(Chair of Civil Law, German and European Legal History)
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REGISTRATION

All participants are required to register informally via mail to LS-muessig@uni-passau.de until July 22, 2016.

Students and doctoral researchers are especially welcome.

FUNDING

ReConFort is a research project in the field of legal history (ERC-AG-SH6 - ERC Advanced Grant - The study of the human past).

This project has received funding from the European Union's Seventh Framework Programme for research, technological development and demonstration under grant agreement no. 339529.



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MID-TERM
CONFERENCE MUNICH
SEPTEMBER 21 2016
RECONFORT



On the Way to Juridification by Constitution

Sovereignty Issues in Constitutional History

September 21, 2016
Carl Friedrich von Siemens Stiftung
Munich

Organisation:
ReConFort in collaboration with the
Carl Friedrich von Siemens Stiftung

ABOUT RECONFORT

Seven graduated historians and legal scholars from Belgium, Germany, Great Britain, Poland, Italy and Spain conduct research under the supervision of Prof. Dr. Ulrike Müßig on European constitutional history in the 18th and 19th century.



Reconsidering Constitutional Formation in the late 18th and 19th century, keeps historic constitutions from being simply log books for political experts through a functional approach to the interdependencies between constitution and public discourse.

The project aims at investigating the cross-border interplays between constitutional process and public debates and understands constitution as an evolutionary achievement assessing the interplay of the constitutional text, societal context, political practice and constitutional interpretation. The reconsidering of the constitutional processes is based on the exploration of mainly still unknown primary sources.

The interconnected synchronic and diachronic comparative approach of ReConFort sheds light on the complex mechanisms of constitutional formation and their generalisation. This is meant to contribute to the contemporary overall debate about the future of the EU integration process.

HONORY SPEAKERS



Dr. John Allison

John Allison is Reader in Public Law and Comparative Historical Jurisprudence in the Faculty of Law, University of Cambridge, and a Fellow of Queens' College, Cambridge. He previously taught at the Universities of London, Chicago and Cape Town and is the author of two books, *A Continental Distinction in the Common Law: A Historical and Comparative Perspective on English Public Law* and *The English Historical Constitution: Continuity, Change and European Effects*. He is also the editor of the recent two-volume Oxford Edition of Dicey.



Prof. Dr. Luigi Lacchè

Luigi Lacchè is Professor of Legal History and Rector of the University of Macerata. His major research interests are comparative constitutional history, legal European history, criminal law and justice, administrative law, law and literature. He has founded the *Journal of Constitutional History* and advises other leading journals, such as the *Quaderni fiorentini per la storia del pensiero giuridico moderno* and the *Rivista di storia del diritto italiano*. Recently he has published 'History & Constitution. Developments in European Constitutionalism: the comparative experience of Italy, France, Switzerland and Belgium (19th-20th centuries)'.

PRINCIPAL INVESTIGATOR



Prof. Dr. Ulrike Müßig

Ulrike Müßig, née Seif, studied Law at the Universities of Würzburg and Cambridge, and as a visitor at the Université Paris II, Panthéon-Assas. She is Professor of Legal History at the University of Passau. In 2013, Ulrike Müßig received the ERC Advanced Grant ReConFort, for her comparative research on European Constitutional History. She is corresponding member of the historical-philosophical class of the Austrian Academy of Sciences and the National Academy of Sciences of the National Academy of Sciences of Spain.

RECONFORT PUBLICATION



Volume I – National Sovereignty

According to its functional approach ReConFort recognises sovereignty as to be 'believed' by subjects and political élites. Therefore, the first research period focused on national sovereignty/constituent sovereignty as a key category of its overall research on communication dependencies of historic constitutions. The topos was not only used as a search item, but also as tertium comparationis. On a comparative overview, national sovereignty is used to explain the legal starting point of the constituting process. The constitutional formation as a legal act of constituting could defend the monarchy from the threat of revolution (Albertine Statute 1848), could be a legal decision of a national constituent assembly (Belgian Constitution 1831), could borrow from the old liberties (Polish May Constitution 1791) or try to remain in between by referring to the Nation as sovereign (French September Constitution 1791, Cádiz Constitution 1812).

All references to national sovereignty mark the process of juridification of sovereignty by means of the constitution, i.e. political legitimation is turned into legal legitimation. This is coincident with the normativity as goal of the modern constitutional concept arising out of the late 18th century revolutions.

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RECONFORT DATABASE

The set of key passages consisting of 'national sovereignty/constituent sovereignty', 'precedence of constitution', 'judiciary as constituted power' and 'justiciability of politics' structures not only the remotely based archival work of the international post-doc group, but also the ongoing interdisciplinary development of ReConFort's open access database. Relevant sources found, scanned and uploaded comprise of constitutional debates, drafts, public media such as pamphlets and private correspondances.

The web-application and the underlying relational database for persistence are designed for long-term reliability, extensibility and maintainence. The search interface provides the user advanced search options. The integrated document viewer allows direct access to the relevant files.