



UCL FACULTY OF LAWS

DELIBERATIVE CONSTITUTIONALISM

9–10 NOVEMBER 2015

Call for abstracts deadline: Friday 19 June 2015



This conference focuses on processes of deliberation *about* and *under* a constitution.

Constitutional law has largely neglected deliberation as a value. This may be due to the assumption that political power is simply an exercise in collecting and wielding partisan influence, rather than deliberating.

Constitutional cases and research frequently therefore revolve around a narrow triad of values: liberty, equality and anti-corruption. Yet research into deliberation has challenged old assumptions about political power and prompted new ways of understanding the development or impact of constitutional norms.

Conference contributions will examine both sides of the constitutional-deliberative coin:

How do judges, ordinary citizens, legislators or administrators deliberate about constitutional norms; and how do the features of a constitution, such as human rights, separation of powers, and federalism/ devolution, affect how democracies deliberate?

Publication

We anticipate publishing a collection of contributions with *Cambridge University Press* (CUP) (following on the successful CUP book series initiated by the Centre for International and Public Law, Australian National University). Those interested in principle in developing their paper after the conference for publication should indicate so in their abstract submission.

The first ever of its kind focusing on Deliberative Constitutionalism, this volume will offer a comprehensive reference-point on a range of views of deliberation as a seminal value in constitutional law. Contributions will help to establish the parameters of the public law of deliberative democracy.



Questions that may be addressed within this include:

- > *How do judges deliberate about the constitution?* Is judicial deliberation adequately adapted (e.g., sufficiently sensitive to democratic preferences) to the task of enunciating fundamental constitutional norms?
- > *Popular deliberation:* To count as democratically legitimate, should constitutional reform be conducted not only by democratic, but also deliberative means (e.g., citizens' assemblies, crowd-sourcing, panels of experts)?
- > *Referendums and rights:* Do referendums enable careful deliberation about important social issues (e.g., Indigenous recognition, same-sex marriage), or perhaps simply aggravate social division?
- > *Legislative deliberations:* Can legislatures deliberate carefully about constitutional norms (e.g., human rights), or are they chiefly arenas for partisan contestation?
- > *Administrative constitutional deliberations:* How do administrative decision-makers deliberate about constitutional norms and principles when conducting their work?
- > *Human rights:* Does the potential for human rights laws to stimulate popular deliberation help diminish the critique of such rights as counter-majoritarian?
- > *Separation of powers:* Does separating governmental powers encourage deliberation, or perhaps exert the opposite effect?
- > *Federalism and devolution:* How do ideas of the benefits and drawbacks of federalism and devolution square with concerns over the quality of political deliberation? Which specific areas of divided power manifest these ideas?
- > *Constitutional conventions:* What are the deliberative implications of pursuing constitutional reform via formal conventions of varying types?
- > *Historical, comparative, doctrinal and theoretical contributions:* We welcome any combination of approaches to the questions above, or to any other question addressing the central question of the conference.

Submission of abstracts

Please submit a 250 word abstract by Friday 19 June to Dr Ron Levy, ANU College of Law:

- > Ron.Levy@anu.edu.au

Organising Committee

Organisers: Hoi Kong (McGill University) and Ron Levy (The Australian National University)

Host: Jeff King (University College London)