



HU-PU Workshop on Constitutionalism Under Stress: “The Other ‘Transitology’: Pathways into and out of Authoritarianism in the Twenty-First Century – Empirical and Normative Perspectives.”

29.-30. März 2019

Organized under the Auspices of the Princeton-Humboldt Universität zu Berlin Strategic Partnership; with special assistance from the University Center for Human Values, the Program in Law and Public Affairs, and the Bouton Law Lectures Fund

Room 301 Princeton University, Marx Hall

It has become conventional wisdom that, across the globe, democracies are under threat or even undergoing a process of systematic decay. Yet relatively little has been said about the exact role of institutions commonly associated with democracy – from courts to free media – once a transition into authoritarianism has started. Can they slow it down? Might they make things worse if some institutions simply serve as facades, as analysts of “autocratic legalism” have sometimes suggested? And how are individuals – in particular professionals such as judges and journalists – to act under such conditions? Should they selectively collaborate with emerging authoritarian regimes in order to retain some influence? Should they protest – thereby possibly confirming the reproach often levelled against professionals that they are also always just doing politics (usually: liberal) by other means? We appear not have accounts the ethics both of institutions and of individuals under conditions of transition into undemocratic – or, as some might prefer to call it – “illiberal” regimes.

There’s something else we don’t seem to have: ideas about ways to transition out of these new authoritarian regimes. Can ideas such as pluralist constitution-making in the form of round tables be revived? And if not, what innovative strategies might be devised?

Programme:

Friday, 3/29:

9.00 am: Introduction: Anna Kaiser, Jan-Werner Mueller, Kim Scheppele, Silvia von Steinsdorff

9.15 Learning from Mistakes (and Successes?)

Chair: Jan-Werner Mueller

Martin Krygier, Tom Daly, Jan Wouters, Gabor Halmai, Ece Göztepe

12.00 Lunch

13.00 Rethinking Militant Democracy

Chair: Silvia von Steinsdorff

Aziz Huq, Arthur Latsch, Peter Giraud, Anthoula Malkopoulou

15.00 Coffee

15.30 How Should Judges Act under “Illiberal Regimes” I?

Chair: Anna Kaiser

Maria Abad, Andras Sajó, Zoltán Gábor Szűcs

Saturday, 3/30:

10.00 How Should Judges Act under “Illiberal Regimes” II?

Chair: Kim Lane Scheppele

Dominik Rennert, Lalit Chennamaneni, Gabe Levine

12.00 Lunch

13.00 Ways Out I?

Chair: Silvia von Steinsdorff

Susanne Baer, Wojciech Sadurski, Kriszta Kovacs, Ertug Tombus

15.00 Coffee

15.30 Ways Out II (and Conclusions...)?

Chair: Jan-Werner Mueller

Roger Kelemen, Gabor Attila Toth, Brad Epperly, Kim Scheppele