CONSTITUTIONAL IDENTITY IN THE AGE OF GLOBAL IMMIGRATION:
THEORETICAL AND COMPARATIVE PERSPECTIVES

Friday and Saturday, June 30-July 1, 2017
WZB Berlin Social Science Center

Organized by:

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Location:  
Reichpietschufer 50 D-10785 Berlin

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OVERVIEW

The international structure for governing global migration and allocating citizenship was established in a different era, when cross-border movements were of a different scale, pace, and composition. The refugee/migrant crisis has caught the international community unprepared, politically and legally, and has brought to the fore the relationship between immigration policy and constitutional identity. How can liberal democracies welcome a large-scale of immigrants without fundamentally changing their constitutional heritage, forsaking their liberal traditions, or slipping into nationalism? This question is one of the greatest challenges facing liberalism today. In Europe, in particular, the challenges posed by migration encounter a complex setting. Legal and political actors are struggling on what defines the core of EU’s “constitutional identity.” What elements of a European collective identity are emerging from its (non-) protection policies toward refugees and its (non-)admission policies toward migrants? What if fundamental constitutional values enshrined in the EU Treaties clash with illiberal notions of national identity expressed at the Member State level?

The workshop seeks to explore how migration affects constitutional identity and whether is it justified to impose immigration restrictions in order to protect constitutional essentials. It discusses national, regional, and global challenges presented by international migration, as well as legal and ethical dilemmas that have arisen as a result of massive population movements. Specifically, the workshop will focus on:

1) *Theories of Constitutional Identity*: examining the concept of constitutional identity—its normative sources, methods of identification, and mechanisms of legal implementation—and how political communities (national or supranational) define collective identity in their constitution;

2) *Immigration Policy and Constitutional Design*: exploring policies whose purpose is to protect collective identities when faced with the realities of migration, and discuss on which ground is may be justified to impose restrictions on immigration and access to citizenship for preserving different notions of constitutional identity;

3) *Immigration and Europeanness*: analyzing the interrelations between EU powers and the autonomy of the Member States to define their basic constitutional structures. How should the EU govern the refugee and other migratory movement, bearing in mind both the EU’s commitment to fundamental values and the duty to respect the constitutional identities of Member States?

The format of the workshop is the following: Each author is required to provide a paper two weeks before the workshop (no longer than June 15). He or she will briefly introduce the paper (max. 5 minutes; please use the time to outline the main thesis or provide some information on the research context, rather than summarize the paper), followed by a discussion of two commentators who will provide a feedback (15-20 minutes each), and ending with a discussion of the workshop participants (30-40 minutes) and a brief response of the author (5-10 minutes; please note that you are not expected to “defend” the paper).
WORKSHOP PROGRAM

June 30th, 2017

Location: WZB Berlin Social Science Center, Reichpietschufer 50, 10785 Berlin

9:30 Arrival at WZB Berlin Social Science Center

10.00 – 10.30 Opening and Welcoming Remarks

10.30 – 12.00 Paper 1: Monika Polzin (Universität Augsburg)
Constitutional Identity and its Theoretical and Normative Foundations

Commentators:
Ruud Koopmans (WZB)
Menaka Guruswamy (Wissenschaftkolleg zu Berlin: WIKO)

12.00 – 13.30 Lunch (Maritim Hotel Berlin, Stauffenbergstraße 26)

13.30 – 15.00 Paper 2: Pietro Faraguna (LUISS Guido Carli University)
Constitutional Identity—a Shield or a Sword?
The Dilemma of Constitutional Identities in the EU

Commentators:
Jelena von Achenbach (Universität Giessen)
Liav Orgad (WZB/EUI/IDC)

15.00 – 15.15 Coffee Break

15.15 – 16.45 Paper 3: Kriszta Kovács (ELTE Budapest)
Beyond Global/National Dichotomy: Rival Judicial Interpretations of Identity

Commentators:
Gábor Halmai (EUI)
Mattias Kumm (WZB/NYU)

16.45 – 17.00 Coffee Break
17.00 – 18.30  **Paper 4: Francesca Strumia & Asha Kaushal** (University of Sheffield & University of British Columbia)

*Between Sovereign Resilience and Global Emulation: Immigration and Constitutional Identity in Canada and Italy*

*Commentators:*
Jürgen Bast (Universität Giessen)
Sujit Choudhry (University of California, Berkeley)

19.30  **Dinner**, Van Loon Restaurant Boat, Carl-Herz-Ufer 5

*July 1st, 2017*

*Location: WZB Berlin Social Science Center, Reichpietschufer 50, 10785 Berlin*

9:00  **Arrival at WZB Berlin Social Science Center**

9.30 – 11.00  **Paper 5: Dimosthenis Lentzis & Dimitra Gamba** (University of Thessaloniki).

*Crafting Constitutional Identity in the Era of Migration and Economic Crisis: the Greek Case*

*Commentators:*
Jürgen Bast (Universität Giessen)
Nora Markard (Universität Hamburg)

11.00 – 11.15  **Coffee Break**

11.15 – 12.45  **Paper 6: Zsolt Körtvélyesi & Balázs Majtényi** (Hungarian Academy of Sciences & ELTE Budapest)

*The Migration of Illiberal Constitutional Identities in Europe*

*Commentators:*
Gábor Halmai (EUI)
Mattias Kumm (WZB/NYU)

12.45 – 14.00  **Lunch** (Maritim Hotel Berlin, Stauffenbergstraße 26)

14.00 – 15.00  **Closing Remarks and Discussion**
PARTICIPANTS

Jelena von Achenbach, Junior Professor of Public Law, Justus-Liebig-Universität Giessen
Jürgen Bast, Chair of Public Law and European Law, Justus-Liebig Universität Giessen
Sujit Choudhry, I. Michael Heymann Professor of Law, University of California, Berkeley
Pietro Faraguna, Post-doctoral Research Fellow, LUISS Guido Carli University
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