
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:

Conference Organizers:

Jürgen Bast

Justus-Liebig-Universität Giessen
Email: Jurgen.Bast@recht.uni-giessen.de

Mattias Kumm

WZB Berlin Social Science Center & NYU Law School
Email: Mattias.kumm@wzb.eu

Liav Orgad

WZB Berlin & EUI Florence & IDC Herzliya
Email: Liav.orgad@wzb.eu

Location:

Reichpietschufer 50 D-10785 Berlin

The Conference is funded by the Fritz Thyssen Stiftung and
the European Research Council (Grant Agreement # 716350)

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 it is 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 it 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 30st, 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 (Wissenschaftskolleg 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
Dimitra Gamba, PhD Student, Faculty of Law, Aristotle University of Thessaloniki
Menaka Guruswamy, Fellow, Wissenschaftskolleg zu Berlin: WIKO
Gábor Halmai, Professor of Comparative Constitutional Law, European University Institute
Zsolt Körtvélyesi, Junior Researcher, Institute for Legal Studies, Hungarian Academy of Sciences
Ruud Koopmans, Director, Research Area Migration, Integration, Transnationalization, WZB Berlin
Kriszta Kovács, Associate Professor, ELTE Faculty of Social Sciences, Budapest
Asha Kaushal, Assistant Professor, School of Law, University of British Columbia
Mattias Kumm, Research Professor, Global Public Law, WZB Berlin & NYU Law School
Dimosthenis Lentzis, Lecturer in EU Law, Aristotle University of Thessaloniki
Balázs Majtényi, Associate Professor, ELTE Faculty of Social Sciences, Budapest
Nora Markard, Junior Professor of Public Law and Global Constitutionalism, Universität Hamburg
Liav Orgad, Director, Global Citizenship Law, European University Institute & WZB & IDC
Monika Polzin, Junior Professor of Public Law, Universität Augsburg
Francesca Strumia, Lecturer, School of Law, University of Sheffield

CONTACT INFORMATION

Kassandra Wetz

Justus-Liebig-Universität Giessen
Phone: +49 641 99 1063
Fax: +49 641 99 21069
Email: Kassandra.Wetz@recht.uni-giessen.de

Susanne Grasow

WZB Berlin Social Science Center
Phone: +49 30 25491 453
Fax: +49 30 25491 452
Email: Susanne.grasow@wzb.eu