



Pázmány Péter Catholic University Budapest

Faculty of Humanities and Social Sciences

Egyetem str 1., Piliscsaba-Klotildliget, H-2087 Hungary

Phone: + 36 (26) 375-375/2889

CONSTITUTIONAL CULTURE IN WESTERN AND CENTRAL EUROPE

Theoretical and practical problems in light of the recent political and economic challenges

International Conference
Pázmány Péter Catholic University
Faculty of Humanities and Social Sciences
13-15 November 2013

Recent constitutional developments in Hungary and Romania drew remarkable international attention to the Central European region and shed a new light on the age old problem of constitutional and democratic consolidation processes. Only a few scholars and politicians have assumed that after more than two decades of experiencing with democratic practices a series of institutional changes may occur in countries which were supposed to be consolidated or at least semi-consolidated democracies. On the other hand, the financial and economic crisis from 2008 has induced Western European countries to rethink some constitutional constrains, especially but not exclusively on public finances. Both on the European and the national level tendencies have loomed which implicated radical or sophisticated changes (or challenges of the prevailing constitutional regulations as in case of Portugal) in the political system of individual countries and the European political system as well. Questions were raised especially concerning the role of constitutional courts as powerful veto players in public financial matters. Although in different contexts and with different aims, important decisions (or cut of the competence) of the constitutional courts in Portugal, Hungary and Germany showed that the financial and economic crises had a deep impact on and reopened some constitutional debates.

Nevertheless some scholars think that the disfunctionality of certain institutional factors or even their deadlocks in the political system are only symptoms of a more fundamental factor which determines the workings of the whole structure or at least the attitudes towards and operations of particular political institutions and their cooperations. From this point of view institutions are organizational frameworks which can determine the political life of a political community only to a certain extent. This brings us to another major factor of the constitutional life of Western democracies: it is the role of unwritten norms of a given political culture to secure the appropriate daily operation of the political mechanism of a community. Beyond securing a rational institutional structure the daily performance of political actors should also be the object of scientific research: players on the political field have an immense and largely underestimated personal responsibility in establishing and maintaining a constitutional and democratic culture.

Against this background our conference aims to highlight some theoretical, historical and practical questions regarding the contemporary challenges of constitutional and democratic culture.

The **first session** of the conference, entitled *Philosophers in and about Western democratic constitutional culture* confronts the issue on the level of philosophical abstractions. The issues to be tackled are the following: What is the state of the art in the field of political philosophy in the aftermath of the Habermas-Ratzinger discussion on the pre-political conditions of Western constitutions? How should political philosophy conceptualize the different forms of constitutional arrangements of member states and the European Union? Is there a philosophical reflection on the necessary personal and common virtues of a thriving constitutional culture? How and how far should institutions be guarded by the active participation of citizens? How can new democracies formulate new democratic practices or return to updated forms of their own constitutional tradition? How far is constitutional practice driven by or against the reflections of political philosophers?

Session organizer: Prof. Dr. Ferenc Hörcher

The **second session**, entitled *History of constitutional ideas and practices* turns to the historical background of constitutionalism from the perspective of the history of ideas. Hungary has a long tradition of constitutional thought and practice, questions of the public law have always been at center of political issues. The classics of the 19th century, including Széchenyi, Kossuth, Deák or Eötvös, could easily refer back to a long history of constitutional awareness. The historical achievements of this tradition is openly addressed by the preamble of the new Fundamental law. Constitutional lawyers were however quite timid so far in addressing the issue, limiting themselves to the historical achievements of the constitutional culture of the last twenty years. This session tries to provide keys to connect these two parts of the troubled but rich history of constitutional theorizing in Hungary, also looking at it in a regional context. For the dissatisfaction with the political transition in Hungary is not exceptional in Central Europe: intellectual history can reveal some of the common elements in the mentality of the political communities in the region, while explaining also the sometimes surprising dissimilarities among them. Questions in this panel therefore should include: How can our research into the historical semantics of popular, liberal or democratic vocabularies contribute to the understanding of recent constitutional processes in East-Central Europe? How are past struggles for survival, freedom and independence mirrored in post-1989 constitutions? What kind of role does the memory of these efforts play in the collective consciousness of East-Central European nations? Can common features in East-Central European constitutional traditions be revealed that would arch over national agendas? How far differences in historical development did cause dissimilarities in their re-democratization processes?

Session organizer: Prof. Dr. Gábor Gángó

The **third session** of the conference, entitled *At the Frontier of Law and Politics: Constitutional Culture and Struggle for Power*, focuses on the problem of constitutional culture from the perspective of political science and legal studies. Constitutions are not only sets of fundamental regulations in codified or uncoded form. The textual corpus of constitutions are always in need of interpretation thus constitutionalism only starts out but certainly never finishes with constitution drawing processes and their textual developments (as in the case of Britain). After clearing up more or less ostensibly *what* should be regarded as the content of a constitution (i.e. the *object* of constitutionalism) a process of power struggle begins for the right interpretation of the corpus, on the one hand, and for the competence of interpretation over this corpus, on the other hand. *How* should this corpus be interpreted and *who* has the right/competence to interpret this

corpus? Both questions refer to different levels of political power struggle in the aftermath of a crystallization process of the constitutional corpus. Nevertheless, from this constant struggle emerges a special kind of *constitutional culture* which is sometimes more important factor in politics than the textual corpus of the constitution itself. Constitutional culture is a certain attitude towards the constitution by the political actors and institutions in their daily activities. When solidified, constitutional culture determines the boundaries of the struggle for power, it sets limit to the actual use of power. Answers to questions like the “juridification” of politics and, in turn, the “politicization” of judicial issues are related to the scope and nature of a given constitutional culture. Since constitutional affairs are at the frontier of politics and law in this third session, which tries to combine the perspective of political science and legal studies, we're going to shed light not only on the theoretical questions of the subject and methods of constitutionalism, together with the power struggles around constitutional interpretation, but we shall also try to point at relevant and persistent constitutional mechanisms by examining case studies of different countries of Europe and more particularly of this region.

Session organizer: Dr. Kálmán Pócza

As for the **fourth session** (*The sociology of democratic constitutional cultures*) a sociological perspective will be used to tackle the issues brought up in the other sessions regarding their social aspects and on a more empirical basis. The problem of political legitimacy is, after all, one of the key concepts having been disseminated from Max Weber's sociology of domination. From Émile Durkheim we inherited the quest for social solidarity and the idea of contractual and precontractual elements of it. Indeed, the problem of the normative and legal components of the society are up to now at the heart of political sociology. A special issue of modern political order consists in the constitutional establishment of the nation state. A diagnosis of the recent constitutional developments both on national and European transnational level from a sociological point of view is a great need in times of challenging the very fundamentals of this genuinely modern socio-historical phenomenon. The scope of highly relevant questions concerning the sociology of constitutional politics denotes subjects like these: social and cultural frames and embeddedness of constitutional democracies; social aspects of statehood in European context; constitutionalism and nation-building processes; the variety of constitutionalism in diachronic and synchronic comparison; the guiding ideas and formative institutions of constitutionalism; the social carriers of constitutional ideas; the economical relevance of constitutions in the times of high capitalism; the changing role of the state in transition regions; the social function of the constitution and of constitutional debates by the multiple transitions to democracy – as well as by the formation of modern political communities at all.

Session organizer: Dr. Zoltán Hidas

PROGRAM SCHEDULE

Wednesday, November 13, 2013

8:30 opening the conference
9:00-10:30 Session 1 (3 speakers)
10:30-11:00 coffee break
11:00-12:30 Session 1 (3 speakers)
12:30-14:00 lunch
14:00-15:30 Session 2 (3 speakers)
15:30-16:00 coffee break
16:00-17:30 Session 2 (3 speakers)
19:00 dinner

Thursday, November 14, 2013

9:00-10:30 Session 3 (3 speakers)
10:30-11:00 coffee break
11:00-12:30 Session 3 (3 speakers)
12:30-14:00 lunch
14:00-15:30 Session 4 (3 speakers)
15:30-16:00 coffee break
16:00-17:30 Session 4 (3 speakers)
18:00 round table talk/general discussion

Friday, November 15, 2013

10:00-12:00 Lessons and consequences of the TÁMOP Project (*in Hungarian*)

Venue: Sophianum, Budapest 1088 Mikszáth Kálmán tér 1.
Pázmány Péter Catholic University, Faculty of Humanities and Social Sciences

Organizing Committee:

Prof. Dr. Gábor Gángó, Department of Political Science, PPCU
Dr. Zoltán Hidas, Department of Sociology, PPCU
Prof. Dr. Ferenc Hörcher, Department of Philosophy, PPCU
Dr. Kálmán Pócza, Department of Political Science, PPCU

Contact:

Gábor Gángó, gango.gabor@btk.ppke.hu
Zoltán Hidas, hidas.zoltan@btk.ppke.hu
Ferenc Hörcher, horcher.ferenc@btk.mta.hu
Kálmán Pócza, pocza.kalman@btk.ppke.hu