Call for Papers

Constitutional History: Comparative Perspectives

Chicago, Illinois
April 29 & 30, 2019

An international conference sponsored by:

University of Illinois College of Law
University of Bologna School of Law
Johns Hopkins Center for Constitutional Studies and Democratic Development

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Paper proposals are invited for the Fourth Illinois-Bologna conference on Constitutional History: Comparative Perspectives. The conference will be held in Chicago on April 29 & 30, 2019.

The conference keynote speaker will be Justice Grant Huscroft of the Court of Appeal for Ontario (Canada).

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Accompanying the spread of constitutional government around the world has been a profound interest in the comparative aspects of constitutional law. Scholars have catalogued the differing features of national constitutions and examined how different constitutional systems resolve common legal issues. So, too, judges faced with legal questions have sought guidance in the decisions of constitutional courts of other nations. While comparative constitutional law is therefore a well-established field, less attention has been paid so far to the comparative dimensions of constitutional history. This international conference series aims to address that shortcoming by energizing the study and analysis of constitutional history from comparative perspectives. It provides a forum for presentation and discussion of current research on issues of constitutional history that crosses national boundaries. It also brings together scholars who, at present, are working on constitutional histories of single jurisdictions—with the expectation that conversations among these scholars will allow for sharing of methodologies and point also to fresh areas of research that may transcend national boundaries.
For 2019, the focus of the conference is on *Uses of History in Constitutional Adjudication*.

We therefore welcome papers that shed light on the myriad ways in which courts around the world make use of—or ignore—history as they go about deciding cases and the implications and effects of such efforts.

In some nations, the historical meaning of a constitutional provision plays an important role in how courts interpret that provision and then resolve questions of constitutional law. In other nations, historical meaning has relatively little relevance to adjudicating contemporary disputes. A nation’s history can also provide *background themes*—whether acknowledged or not—that shape how courts approach and situate cases and how they conceive of the role they themselves play in the constitutional system. Historical legacies might provide *justification* for one outcome over another or limit the options available to a court. Courts might themselves play a role in *shaping* historical memory by providing in the course of resolving disputes their own reflections upon a nation’s past. Judicial opinions might even be a context for airing of *disagreements* over the historical record or its lessons. Sometimes courts might decide cases in a way that suggests *ignorance* of a historical tradition. This might be deliberate: perhaps no institutional actor wants to dredge up the past. Uses of history in constitutional adjudication also raise questions of *methodology*, including the capacity of courts to conduct historical research and analysis and variations in that regard across national systems. There are also issues of *legitimacy*: for instance, which kinds of uses of history are defensible in a constitutional regime? And which kinds of history? And when might invocation of history generate public support or opposition? Assessments of current practices, particularly from a comparative perspective, can generate lessons for the *future practices* of courts—whether longstanding or newly-established—as they adjudicate constitutional cases. These are among the topics papers for the conference could usefully address.

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Scholars interested in presenting a paper at the conference should first e-mail a title and summary of the proposed paper along with a CV to Professor Jason Mazzone at mazzonej@illinois.edu. There is no word limit for the proposals but proposals in the range of 500-1,000 words are typical. Proposals received by December 15, 2018 will receive priority. After that date, submitted proposals will be considered if space remains.

For those whose abstracts are accepted, draft papers will be due for circulation three weeks prior to the conference.

Subject to the usual requirements of peer review, papers from the conference will be published as a single volume by Brill. Authors who accept an invitation to present
a paper at the conference must agree to have the paper included in the published volume. Additional information about length and formatting requirements for the final versions of the papers will be provided to authors.

Conference participants are responsible for their own travel and accommodation expenses.