

THE TELOS PAUL PICCONE INSTITUTE

THE 2018 TELOS CONFERENCE

THE TELOS-PAUL PICCONE INSTITUTE, IN COLLABORATION
WITH DEUTSCHES HAUS AT NEW YORK UNIVERSITY, PRESENTS

CONSTITUTIONAL THEORY

AS CULTURAL PROBLEM: GLOBAL PERSPECTIVES

FRIDAY, FEBRUARY 16, TO SUNDAY, FEBRUARY 18, 2018

NEW YORK CITY

THE 2018 TELOS-PAUL PICCONE INSTITUTE CONFERENCE WILL HOST A
FORUM OF SCHOLARS AND THINKERS FROM A VARIETY OF DISCIPLINARY
BACKGROUNDS TO DISCUSS THE THEORY AND PRACTICE OF THE
CONSTITUTIONAL STATE, AS IT FACES NEW AND URGENT CHALLENGES,
BOTH NATIONAL AND GLOBAL IN NATURE, IN THE TWENTY-FIRST CENTURY.

SPEAKERS

Keynote Speakers: PAUL KAHN and BERNHARD SCHLINK

XUDONG ZHANG · ANDREA GADBERRY · TAKAHIRO NAKAJIMA

QIN WANG · TIM LUKE · ADRIAN PABST · RUSSELL BERMAN · DAVID PAN

ARYEH BOTWINICK · MARIA PICCONE · JOSEPH BENDERSKY · MARCIA PALLY

GREG MELLEUSH · STEVEN EKOVIK · MARK WEINER

CO-SPONSORED BY

THE INTERNATIONAL CENTER FOR CRITICAL THEORY

FOR MORE DETAILS, VISIT THE TELOS-PAUL PICCONE INSTITUTE WEBSITE AT WWW.TELOSINSTITUTE.NET
TO ATTEND THE CONFERENCE, PLEASE R.S.V.P. TO DEUTSCHESHAUS.RSVP@NYU.EDU

CONFERENCE SUMMARY

The 2018 Telos-Paul Piccone Institute Conference

February 16–18, 2018

New York, NY

Constitutional Theory as Cultural Problem: Global Perspectives

The challenges faced by the liberal democratic model in the twenty-first century have made constitutional theory into an urgent topic of global concern. Both the second Iraq War and the revolutions of the Arab Spring frustrated hopes of an easy trajectory toward liberal democratic constitutional orders. If there was the hope that liberation would mean the establishment of liberal democracy, the result has been that emancipation from tyranny does not naturally lead in a particular political direction. Such a conclusion presents fundamental problems for a constitutional theory that is built around a liberal democratic model. These questions indicate that the constitutional state, as theory and practice in modern Europe, North America, and Japan, while continuing to be the common point of reference, calls for renewed reflections as it faces new challenges both domestic/national and global in nature.

To attend the conference, please RSVP to deutscheshaus.rsvp@nyu.edu

Conference Locations

The conference will be held at both Deutsches Haus and China House at New York University. The two venues are located on Washington Mews, just north of Washington Square Park in the heart of Greenwich Village in New York City. **Deutsches Haus** is located at 42 Washington Mews, and **China House** is located at 8 Washington Mews.

For more information about Deutsches Haus, visit their website at <http://as.nyu.edu/deutscheshaus.html>. For more information about China House, visit their website at <https://wp.nyu.edu/chinahouse/>.

By Subway

The nearest subway stop is West 4th Street/Washington Square subway station, at the intersection of West 4th St. and 6th Ave. The stop can be reached on the A, C, and E trains as well as the B, D, F, and M trains.

From the West 4th Street station, walk north on 6th Ave. until you reach Waverly Place. Turn right on Waverly Place and walk three blocks east, passing Washington Square Park on your right, until you reach University Place. Turn left on University Place and walk half a block north until you reach Washington Mews. The entrances to Deutsches Haus and China House will be on your left.

FRIDAY SCHEDULE

Registration and Coffee/Tea

4:30 PM to 5:00 PM

Deutsches Haus

Introduction

5:00 PM

Deutsches Haus

Juliane Camfield, Director, Deutsches Haus

Xudong Zhang, New York University, Director, China House, and Director, International Center for Critical Theory (NYU-PKU)

David Pan, Executive Director, The Telos-Paul Piccone Institute

Keynote Address

5:10 PM to 6:30 PM

Deutsches Haus

Chair: David Pan, University of California, Irvine

Minimal Constitutionalism

Bernhard Schlink, Humboldt University of Berlin

Dinner Reception

(for paid conference registrants only)

7:00 PM to 9:00 PM

Buddakan

75 9th Avenue

New York, NY 10011

212-989-6699

www.buddakannyc.com

SATURDAY SCHEDULE

Session 1: Tradition and State Structure

9:00 AM to 10:30 AM

Deutsches Haus

Moderator: Marcia Pally, New York University

Constitution-Making Perpetualized:

Is There an Invisible, Unwritten Contract between the Chinese State and the People?

Xudong Zhang, New York University

Poetry and Political Responsibility:

Metaphors of the State in the Aristocratic Tradition of Pre-Modern Chinese Literature

John Yu Zou, Chongqing University

What Is the Second Estate?

Andrea Gadberry, New York University

From Practice to Theory:

How Australian Liberal Democracy Has Been Transformed, Not Necessarily for the Better

Greg Melleuish, University of Wollongong

Coffee/Tea

10:30 AM at Deutsches Haus

Session 2: Constitutions and Culture in the Mediterranean

10:45 AM to 12:15 PM

Deutsches Haus

Moderator: Tim Luke, Virginia Tech

Revolution and the Tunisian Constitution

Steven Ekovich, American University of Paris

Constitutional Art in Early Republican Tuscany

William Klein, New York University

Democratic and Republican Coups

Brendan Mullen, The Wilkes Firm

SATURDAY SCHEDULE

Session 3: State Structure and the Social Question

10:45 AM to 12:15 PM

China House

Moderator: Adrian Pabst, University of Kent

Rousseau's Ambivalences about the "General Will" and New Middle-Class Authoritarianism
Pekka Sulkunen, University of Helsinki

Social Movements and Constitutional Theory: Self-Transcendence and Tradition
Thomas Ponniah, George Brown College

The Irony behind the Discreet Legal Charm of Marx's Writings
Dana Neacsu, Columbia University

Lunch

12:15 PM to 1:15 PM

Deutsches Haus

Session 4: U.S. Political Movements

1:15 PM to 2:45 PM

Deutsches Haus

Moderator: Joseph Bendersky, Virginia Commonwealth University

The Clash of Cultures and the U.S. Constitution since 1989
Tim Luke, Virginia Tech

Climate Change Denial as the Historical Consciousness of Trumpism:
A Challenge to Liberal Constitutional Theory
Mark Weiner, Rutgers Newark School of Law

State Movement People: Contemporary Antinomies of Political Identity
David Pan, University of California, Irvine

Crises of Parliamentary Democracy
Russell Berman, Stanford University

Coffee/Tea

2:45 PM at Deutsches Haus

SATURDAY SCHEDULE

Session 5:

Constituent Moments and Constitutional Assemblies

3:00 PM to 4:30 PM

Deutsches Haus

Moderator: Greg Melleuish, University of Wollongong

Theoretical Issues in the Making of the Constitution of Nigeria 1999 and the Quest for Restructuring of the Nigerian Federation

Michael Chukwujindu Ogwezzy, Rivers State University, Nigeria

The Power to Give Society a Form: Constituent Moments and the Force of Concepts (Reflections from the Drafting of Chile's 1980 Constitution)

Rodrigo Cordero, Universidad Diego Portales

Icelandic Constitutional Reform: People, Processes, Politics (2010–2017)

Agust Thor Arnason, University of Akureyri

The (Cultural) Vices of the Political System:

James Madison's Early Work as a Mirror into Constitutional Culture

Samuel Ulmschneider, Maggie L. Walker Governor's School

Session 6:

Legal Structures and Political Policies

3:00 PM to 4:30 PM

China House

Moderator: Loren Goodman, Yonsei University

Revolting Toward What? In Search of an Objective beyond Promethean Modernity

Andrew Wender, University of Victoria

Is Democracy in India Viable without the Caste System?

Carolin Mehnert, University of California, Irvine

Constitutional Implications of War

Robert Reuschlein, Real Economy Institute

Surveillance, Profiling, and the Nation-State: Constitutional Theory in a "Post-Privacy" Era

Jo Ann Oravec, University of Wisconsin–Whitewater

SATURDAY SCHEDULE

Keynote Address

5:00 PM to 6:30 PM

Deutsches Haus

Chair: Russell Berman, Stanford University

A Constitutional Culture: Between Law and Power

Paul Kahn, Yale University

Dinner

(for paid conference registrants only)

7:00 PM to 9:00 PM

Knickerbocker Bar & Grill

33 University Place

New York, NY 10003

212-228-8490

www.knickerbockerbarandgrill.com

SUNDAY SCHEDULE

Session 7:

Japanese Constitutionalism in World-Historical Context

9:00 AM to 10:30 AM

Deutsches Haus

Moderator: Xudong Zhang, New York University

Constitutionalism and Sovereignty: On Japanese Constitutional Problems

Takahiro Nakajima, University of Tokyo

Toward a Destituent Constitution:

A Politico-Philosophical Reading of Article 9 of the Japanese Constitution

Qin Wang, Peking University

Poetic Impositions: Japanese–U.S. Constitutional Problems of Peace and Tranquility

Loren Goodman, Yonsei University

Coffee/Tea

10:30 AM at Deutsches Haus

Session 8:

Cultural Foundations of Political Life

10:45 AM to 12:15 PM

Deutsches Haus

Moderator: David Pan, University of California, Irvine

A Tale of Two Covenants: The Dangers of Uncoupling Constitutional Form from Ontology

Marcia Pally, New York University

“Commonwealths of Culture” and Shared “Social Imaginaries”:

A Cultural Approach to Constitutional and Political Order

Adrian Pabst, University of Kent

Nothing Surprising—Then or Now:

Carl J. Friedrich’s Early Pessimistic Diagnosis of Constitutionalism in Emergent Nations

Joseph Bendersky, Virginia Commonwealth University

Epistemological Skepticism, Textual Skepticism, and the Role of Constitutions

Aryeh Botwinick, Temple University

Lunch

12:15 PM to 1:30 PM

Deutsches Haus