

Constitutionalism and Disagreement

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Liberal constitutionalism arose out of religious wars, as a way of coping with the breakdown of the deep societal consensus that had underlain the medieval world order. After the failure of twentieth-century efforts to forge societies grounded in ideological unity, liberal constitutionalism seemed to have established itself as the definitive model of government for a globalised world. The 'end of history' lay not in the transcendence of disagreement and the creation of 'species-beings', but in a form of society premised on disagreement.

Of course, not everyone was satisfied with the way liberalism dealt with disagreement, and the 'end of history' thesis was rightly challenged by those who saw that constitutional democracies were, in practice, framing debates in such a way that certain types of concern were effectively excluded. In recent years, however, we have seen in the US, Europe, and beyond the intensification of disagreement to such a degree that questions are being asked about whether the institutions and practices of liberal constitutionalism have the capacity to continue to hold societies together.

This workshop will examine the way in which liberal constitutionalism deals with disagreement – how disagreement is framed, fostered, negotiated and suppressed by liberal democratic institutions and practices – as well as addressing normative questions about how contemporary challenges ought to be met. Do we need to modify the traditional virtues of toleration and civility? Are the accounts of public reason-giving found in theories of deliberative democracy adequate to cope with the demands of the current moment? If not, with what do they need to be supplemented? Might some of the current attacks on the liberal order possess the potential to open up possibilities that had been foreclosed by liberal conceptions of constitutionalism? These and related questions will be addressed from perspectives drawn from political, legal and moral theory.