

Call for Papers: The Comparative Constitutional Evolution of the United States and the European Union: December 6th, 2010, American University, Washington DC

Two descriptions of the European Union seem to be eternally true: Firstly that it is a new experiment, a sui generis entity, which has transformed the way we understand the traditional relations between sovereign nation states. It is an original construction, beyond comparison because it sits precariously on the line between being a domestic federal institution and an international organization. Secondly, this new project is in continual crisis, under attack from various combinations of anti-federalists, hard Euro-skeptics, soft Euro-skeptics, nationalists, anti-Europeans and many combinations thereof. The EU's historical narrative invariably lurches along the path of one crisis to another, be that of the Empty Chair type or the threatened bankruptcy of certain Member States.

Are these descriptions really accurate? Is the EU as an institution beyond comparison? Is its evolution really remarkable in being shaped by crisis, conflict and catastrophe? Or are some of these developments, in essence, inevitable in the creation of a multi-faceted, complex federalized democracy? If so, we should be able to find traces of comparable debates in some of the World's other large, federalized democracies, most typically, the United States of America. Is a US-EU comparison viable, considering the very different histories of the respective constitutive states? What are the limits of comparison, and why? The US has also followed a long and difficult path in developing what remains even today an uneasy balance of authority between the federal government and the states. This American federal evolution has predominately taken place in the courtroom and in the form of constitutional amendment. Historians of the European Union are now for the first time beginning to mine the rich seam of sources surrounding the European Court of Justice, the European Legal Service and national judiciaries which point to a similar phenomenon in the Old World. The law, in both its judicial and public forms, seems to be the most plentiful medium for understanding how the dynamics of governance in these complex systems are established.

This conference aims to assess the ability to and benefits of comparing the constitutional evolution of the European Union with that of the United States, with a focus on:

- The methodology and assessment of comparative history
- Methodologies for legal and constitutional history in a comparative context

- Narratives of US and EU legal and constitutional history with particular themes of comparative note, including – not exclusively -
 - o Questions of sovereignty and competence
 - o Creation of Judicial Review and federalized Judiciaries
 - o Protection of fundamental rights and basic political freedoms
 - o Constitutive identity and religion
- The role of lawyers, judges and legal personnel in the creation of federalized judiciaries
- Theoretical approaches to federalism and integration which focus on the role of the law and constitution
- Comparisons with other federal entities beyond the EU and the US

Abstracts should be between 200-250 words and ideally will include the author's affiliation and contact details. We welcome submissions from doctoral students and encourage interested parties from the field of American constitutional and judicial history. Some travel, accommodation in Washington DC will be funded. Abstracts should be forward to Dr. Bill Davies at davies@american.edu by October 29. This workshop is affiliated to the History of European Integration Research Society (HEIRS) (<http://heirs-eu.org>) and International Research Network of Young Historians of European Integration (RICHE) (<http://www.europe-richie.org/>)