

WORKSHOP AT THE 2018 WORLD CONGRESS OF CONSTITUTIONAL LAW, SEOUL, 18-22 JUNE  
<http://wccl2018-seoul.org/home.html>

### Workshop theme and Title

Membership and exclusion in times of crisis and populism

### Co-chairs

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### Workshop Statement

The constitutional identity of a 'people' can be affected by legal categories of membership and exclusion, as understood and applied by judicial, legislative and/or executive actors. Those categories may be informed by cultural norms, global developments, historical compromises. This workshop will explore the ways in which constitutions can and do perform the role of defining the community, particularly in times of crisis.

Issues of membership and exclusion often come to the fore of legal and political debates in moments of crisis. Such moments can be broadly construed as inclusive of crisis relating to terrorism, secession, domestic and international conflict, social tensions whether originating from within a society (eg religious, ethno-cultural), from elsewhere (eg migration-related, or related to non-domestic sources of law, etc), or from broader movements such as the rise of populism.

Papers addressing this theme, in its many aspects, are welcome. You may choose to focus on a particular state (or sub-national level of governance) or set of states; you may take a comparative perspective, across time or space; you may opt for philosophical, theoretical or doctrinal perspectives. The workshop's aim is problem-oriented, not dictated by method. Relevant issues include (but are not limited to):

- Theoretical/philosophical/normative enquiries as to whether and if so, how, constitutions can/should play a role in identifying the relevant constitutional community.
- The locus of power concerning inclusion and exclusion (e.g. citizenship policy, migration policy, national identity policy): what institutional design is to be preferred and how ought such powers be exercised?
- Whether membership is or should be uniform across a nation, or whether there are legitimate claims for privilege or differential status within a state.

- The process whereby ‘constitutional identity’ and ‘sovereignty’ are used/abused to produce a homogenous vision of a society on the basis of supposedly common histories and thereby exclude all ‘others’.
- The impact of populism and populist constitutionalism on the possibility of diversity and plurality within a constitutional community.
- The relationship between formal inclusion or community membership and access to substantive membership rights including residence and political rights.
- The role of supranational integration in redrawing both the lines and meaning of constitutional belonging.
- The impact of membership of more than one nation state (for example through dual/multiple nationality) on concepts of constitutional identity.
- The potential disjuncture between formal inclusion/exclusion and substantive dis/connection to a nation-state.

Submissions are welcome from scholars of all levels, including doctoral candidates in law and related disciplines. The Workshop chairs will endeavour to assemble a group that reflects a diversity of perspectives, national origins, seniority and methodological approaches. We will explore the possibility of establishing a new IACL Research Group on Constitutional Membership and Exclusion.

**PLEASE SEND ABSTRACTS TO THE WORKSHOP CHAIR/S**

**RELEVANT DATES:**

- Early abstract submissions received by 30 November will be notified of acceptance by 15 January 2018
- Abstract submissions open until 30 March, notifications within 2 weeks of that date
- Papers due by 1 May