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<th>Jean Monnet Course - A Constitutional Sociology of Europe: Law, Politics, and Society</th>
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| **Goal of the Course** | • To introduce the students to the sociology of constitutions;  
• To provide insights in the societal context in which constitutions operate;  
• To obtain knowledge regarding different traditions of constitutionalism in Europe;  
• To explore constitutional dimensions of the European integration project;  
• To provide insights into the social operation of the law;  
• To explore the changing nature of constitutionalism from the perspective of social functions of constitutions, including axiological, integrative, and participatory functions;  
• To provide insight into the social embeddedness of rights and constitutional norms. |
| **Teaching methodology** | Lectures  
In-class debate  
Collaborative projects (in-class)  
Class presentations |
| **Final exam** | Final essay |

**Hourly demands course:**

| Lectures attendance | 18 h |
| Essay preparation | 102 h |
| Preparation in-class projects, presentations | 20 h |
| Self-study preparation, readings | 100 h |
| **In sum** | **240 h** |
Weekly programme

Week 1 Introduction to the course
The sociology of constitutions understands constitutions in a context-sensitive manner. Different approaches to a constitutional sociology can be identified, including Luhmannian, historical-sociological, and political-sociological approaches. The sociological approach will be utilized in the exploration of constitutional traditions in European countries and of the European Union at large.

Readings

Readings MA

Week 2 Constitutions and constitutional traditions in Europe
The making of constitutions is a unique historical event, and the way constitutions are structured and relate to their socio-political environment is strongly context dependent. This means that even if processes of Europeanization and supranational constitutionalization play an important role in domestic European societies, distinctive national constitutional cultures and traditions keep on playing an important role.

Readings
Scholl, Bruno. ‘The impact of constitutional traditions on the EU-reform discourse in Austria, France, Germany and the UK’. VS Verlag für Sozialwissenschaften, 2006, 175-199.

Readings MA

Week 3 Constitutions, Rights, and European Integration
European integration is for an important part about integration-through-law. The European project prominently involves a process of incremental constitutionalization and an increasing role of rights. In particular in the project for a European Constitution, the fundamental politico-legal dimension came to the fore. It can however be argued that part of the failure of the European Draft Constitution is due to a lack of attention to important sociological dimensions, including questions regarding identity, legitimacy, and societal engagement with the law.

Readings
Week 4 The Many Constitutions of Europe
The European integration project has developed its own constitutional dimensions, not least through a gradual evolution of EU law and the interpretation by the European Court of Justice. From a sociological point of view, it can be argued that there are, however, other constitutional dimensions of the European integration project, which are not necessarily captured by the legal constitution.

Readings

MA Readings

Week 5 Domestic Constitutional Reform in Europe
Various constitutional orders in Europe are the object of constitutional reform and in some cases far-going change. Main questions to be discussed are: what are the purposes of these reforms, whether the relation between constitutionalism and modern society is changing, what does an increasingly pluralistic landscape of constitutionalism look like, and how do domestic constitutional orders relate to an increasingly constitutionalized transnational/European situation.

Readings

Week 6 Constitutions and Civic Participation
An increasingly important dimension of relations between society and constitutional politics in Europe regards civic participation in constitutional amendment and drafting. A trend towards participatory constitutionalism can be identified, which blurs the distinction between law and society in important ways. Such a trend can also be discerned on the EU level.

Readings


Week 7 Constitutions and Illiberal Democracy in New EU Member States
The new democracies in Central and Eastern Europe have embarked on the constitutionalization of democratic regimes since at least the early 1990s. A specific set of templates can be said to be important in this process of constitutionalization, which has arguably involved the institutionalization of so-called new constitutionalism, which portrays constitutions as relatively distinct from situated societies.

**Readings**

**Week 8 Grassroots Constitutionalism**
Constitutions are in legal and political-scientific approaches largely understood as top-down orders, grounded in universally valid principles and rights. An alternative, society-oriented view argues that constitutions are importantly expressions of local mores, traditions, and historical experiences. An additional perspective emphasizes the creation of constitutional norms and constitutionalization from the bottom-up.

**Readings**


**Week 9 The Future of a Constitution for Europe**
The political constitutional project for the EU of the early 2000s failed in the French and Dutch ratification referenda in 2005. The objective of an official Constitution for the European Union seems to be further away than ever. Key questions are what are the obstacles to a formal constitutionalization of the EU and why would it be necessary?

**Readings**


**Week 10 Global constitutionalism**
Global constitutionalism can be understood as involving the constitutionalization of international regimes and institutions (e.g. the United Nations), but also as the diffusion and increasing interconnectedness of domestic constitutional orders. A different way of understanding post-national phenomena is through the lens of constitutional pluralism. Global constitutional tendencies strongly differ from the national experiences in the conspicuous absence of a global society.

**Readings**

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