



**THE MINERVA CENTER FOR
THE RULE OF LAW UNDER EXTREME CONDITIONS**

in collaboration with

BOSTON COLLEGE LAW SCHOOL

under the auspices of

ISRAELI ASSOCIATION OF PUBLIC LAW

invite submissions for

Symposium on Constitutionalism under Extreme Conditions

University of Haifa

Haifa, Israel

Monday, 18 July 2016

9:00am-6:30pm

The Minerva Center for the Rule of Law under Extreme Conditions at the University of Haifa and Boston College Law School invite submissions for a full-day international Symposium on *Constitutionalism Under Extreme Conditions*, to be held in Haifa, Israel at the Faculty of Law, University of Haifa on Monday, 18 July 2016, under the auspices of The Israeli Association of Public Law (IAPL).

The Keynote speech at this event will be delivered by Justice Dorit Beinisch, President of the Supreme Court of Israel (ret.) and President of the IAPL.

This Symposium is convened by Prof. Richard Albert (Boston College) and Dr. Yaniv Roznai (Minerva Center for RLuc).

Subject-Matter of Symposium

Constitutions are often made, broken or changed under extreme conditions, whether war, secession, emergency or another extraordinary circumstance. Over the past 40 years alone, more than 200 constitutions have been introduced in this way—and the number rises dramatically when we consider constitutional changes, both successful and failed, under extreme conditions.

Constitutional change during times of crisis raises a number of concerns. Fear or uncertainty may compel decisions on a compressed schedule without sufficient attention to fundamental freedoms, leading to the expansion of executive powers or even the suspension of democracy as it is has been practiced. The separation of powers often fails to fulfill its purpose under these circumstances, as legislatures and even courts “rally around the flag” and in so doing may fail to exercise their constitutional functions.

Yet constitutions are intended to be stable and to survive during times of crisis. They are often designed expressly to accommodate or respond to unforeseen circumstances, whether the crisis lasts for short or long periods of time. Constitutions authorize resort to emergency powers and in some cases to a temporary “constitutional dictatorship” as the regime seeks to restore the status quo ante emergency.

How are we to understand the role of constitutions during times of crisis? Do different kinds of crises call for different solutions? Can constitutions even shape the conduct of political actors during such extreme conditions?

Papers are welcomed on any subject of constitutionalism under extreme conditions from comparative, doctrinal, historical, philosophical, sociological and theoretical perspectives. A non-exhaustive list of possible subjects includes:

- The resilience of constitutions to internal/external shocks
- Constitutional states of exception
- Abusive constitutionalism under extreme conditions
- Constitutional design for war, siege and emergency
- Designing, constraining and exercising extraordinary powers
- Judicial review during emergencies
- Constitutional rights protection under extreme conditions
- Constitution-making/amending under extreme conditions
- Sunset/sunrise/temporary constitutional provisions
- Constitutional responses to financial crisis

Purpose of Symposium

The purpose of this Symposium is to convene a group of scholars for a high-level discussion on enduring and emerging questions on constitutionalism and emergencies. This full-day Symposium will offer participants a balanced combination of rigorous scholarly discussion and more relaxed social interaction.

Structure of Symposium

This full-day Symposium will feature seven papers selected through this Call for Papers, with one discussant assigned to each paper, for a total of fourteen participants. The day will begin at 9:00am with welcoming remarks over a continental breakfast. Each of the seven papers will be allocated one hour of time for group discussion. The assigned discussant will critique the paper for up to 15 minutes, followed by a 45 minute group discussion. The paper author will not present her/his paper but will have the opportunity to respond to questions over the course of the hour devoted to her/his paper. Lunch will be served from 12:30pm to 1:30pm. The Keynote address is scheduled for 5:30pm. Dinner will follow at 6:30pm.

Publication

The convenors intend to publish the papers in an edited book or as a special issue of a law journal. Discussants may also be invited to submit stand-alone papers.

Eligibility

Submissions are invited from scholars of all ranks, including doctoral students.

Submission Instructions

Interested scholars should email an abstract of 750 words along with curriculum vitae by **February 1, 2016** to the following address: minervaextreme@univ.haifa.ac.il

Abstracts should reflect papers that will not have been published by the time of the Symposium, nor submitted elsewhere for consideration for publication. Scholars should identify their submission with the following subject line: “Minerva Center—Constitutionalism Under Extreme Conditions Symposium.”

Notification and Participation Requirements

Successful applicants will be selected by a Symposium Organizing Committee and notified no later than March 1, 2015.

Conditions

An invitation to participate in this Symposium will be issued to a participant on the following conditions: (1) the participant agrees to submit an original, unpublished paper between 8,000 words and 12,000 words consistent with submission guidelines issued by the Symposium convenors; (2) the participant agrees to submit a full pre-symposium draft by June 20, 2016; and (3) the participant agrees to submit a full post-symposium final draft by November 1, 2016.

Costs

There is no cost to participate in the Symposium. Successful applicants are responsible for securing their own funding for travel and other incidental expenses. The Minerva Center is pleased to offer two nights of accommodation and all meals for participants.

Questions

Please direct inquiries in connection with this Symposium to Dr. Yaniv Roznai by email at roznai.yaniv@post.idc.ac.il or telephone at +972-(0)-543333340. Please circulate this Call for Papers widely.

Symposium Organizing Committee

Prof. Gad Barzilai, Dean of University of Haifa Faculty of Law and Principal Investigator, Minerva Center for RLuc

Prof. Eli M. Salzberger, The Director of the Minerva Center for RLuc

Prof. Amnon Reichman, Principal Investigator, Minerva Center for RLuc

Prof. Richard Albert, Associate Professor, Boston College
Prof. Suzie Navot, Chairperson, The Israeli Association of Public Law
Dr. Yaniv Roznai, Fellow, Minerva Center for RLUeC & Secretary, The Israeli Association of Public Law

About The Minerva Center for the Rule of Law under Extreme Conditions

The Minerva Center for the Rule of Law under Extreme Conditions initiates innovative interdisciplinary research on the normative and institutional dimensions of the rule of law under extreme conditions as well as in-depth examination of law-in-action. It fosters multifaceted empirical and theoretical research in the study of the rule of law as a social sphere during belligerencies, natural disasters and socio-economic acute crises. Challenges to the rule of law under extreme conditions may vary under different constitutional and political regimes. The Center concentrates on democracies. The analyses examine institutional, cultural, socioeconomic and policy dimensions. Its mission includes encouraging scholars, young scientists, and students to develop data and cultivate an interactive dialogue for research and training around these issues. The Center fosters dialogue with students, scholars, experts, policy and decision makers through symposia, colloquia, seminars, conferences and a series of publications based on its research and findings. For more, please visit: <http://minervaextremelaw.haifa.ac.il>

About Boston College Law School

Founded in 1929, Boston College Law School offers broad course offerings and small class sizes that permit considerable personal interaction with faculty. The international and comparative law curriculum provides opportunities for in-class instruction, innovative and flexible study-abroad programs, and meaningful training in the field. Boston College Law School understands that globalization magnifies the scope and complexity of law and legal practice. The curriculum trains students for the needs of today, while giving them skills and perspectives that anticipate the needs of tomorrow. The program prepares leaders to pursue social justice not just nationally, but internationally as well. For more, please visit: <http://www.bc.edu/law>

About the Israeli Association of Public Law (IAPL)

The IAPL, established in 1988, serves as the Israeli branch of the International Association of Constitutional Law. It aims to promote public law – both constitutional and administrative – in Israel and to protect its core principles and values. As a young democracy, Israel calls upon its judicial system to deal with an exceptionally wide range of complex and controversial issues. These include the constitutional rights of minorities; the intricacies of emergency laws and wartime conduct; unique citizenship regulations; the complicated relations between religion and state; and the special role of the Israeli Supreme Court in the constitutional discourse. The IAPL actively seeks to broaden and deepen the public and academic discourse on these critical issues and a host of others. For more, please visit: <http://www.publiclaw.org.il>

About the Convenors

Richard Albert is an Associate Professor at Boston College Law School and, in 2015-16, a Visiting Associate Professor of Law and Political Science at Yale University. His research focuses on constitutional amendment, both formal and informal, from

comparative, historical and theoretical perspectives. Since December 2014, he has been Book Reviews Editor for the *American Journal of Comparative Law*, which awarded him the Hessel Yntema Prize in 2010 for “the most outstanding article” on comparative law by a scholar under the age of 40. He is also an elected member of the *International Academy of Comparative Law*, an elected member of the Executive Committee of the *American Society of Comparative Law*, a member of the Governing Council of the *International Society of Public Law*, and a founding co-editor of I-CONnect, the scholarly blog of the *International Journal of Constitutional Law*. Prior to joining the faculty of Boston College Law School, Albert served as a law clerk to the Chief Justice of Canada and earned degrees at Yale, Harvard and Oxford.

Yaniv Roznai is a Post-Doctoral Fellow at the Minerva Center for the Rule of Law under Extreme Conditions, University of Haifa. Yaniv’s scholarship focuses on constitutional and international law. He holds a PhD and LL.M from The London School of Economics, and LLB and BA degrees in Law and Government from the IDC Herzliya. In 2013, he was a visiting researcher at the Program in Law and Public Affairs, Princeton University and in 2015 he was a Post-Doc Fellow at the Hauser Global Law School, NYU. He is an elected board member and Secretary General of the *Israeli Association of Public Law*. In 2015, he was awarded the 2014 Thesis Prize of the *European Group of Public Law* for his dissertation on “unconstitutional constitutional amendments,” which is forthcoming as a book with Oxford University Press, Constitutional Theory Series.