

**Constitutional Revolutions and Counter Revolutions:  
May 5, 6 and 7**

**The Hirshon Suite, 55 West 13th Street, 2nd floor, The New School**

Since the 1970s, transitions to democracy in Portugal and Spain, constitutional revolutions have been on the international agenda. The Arab revolutions of this spring demonstrate that they remain there. Led by governmental elites or mass movements, institutionalized by round tables, courts or legislatures, or some combinations of all of these, the goal has consistently been constitutional democracy. With some notable exceptions, such as Romania in 1989, Russia in 1993 and Egypt now, the changes though often of revolutionary magnitude have been achieved mostly through legal continuity. Yet almost everywhere they have gone beyond mere reform of regimes. Today some of these “revolutions”, self limiting, velvet, peaceful, negotiated or partial, also encounter their own counter or contrary –revolutions. Others have been plagued by coup like usurpations almost from the beginning.

Our conference explores the law and politics of some of these revolutions in a comparative context. We chose to compare various dimensions of two important cases of the post 1970s multiple stage, round table led constitutional transformations, Hungary and South Africa, to the case of India, where a constitutional revolution leading to one of the most powerful of world constitutionalisms occurred in the classical way, through an unlimited constitutional assembly, and to Israel, through bold judicial interpretations of two Basic Laws. We believe there is much to be learned from this comparison, among other reasons because of the wealth of issues in the areas of property, social rights, religion, gender, and minorities that are thrown up by these cases. We plan to include other comparisons as well, notably cases from Latin America.

We believe the New School is the right place for this conference. This is a place where Hannah Arendt, the author of the inspiring work *On Revolution* introduced many of the ideas that still inform our conception. We have long been involved in supporting democratization projects in Central and Eastern Europe, Africa, and more recently the Middle East as well, including Israel/Palestine. And most recently many of us have increasingly turned to India to learn as much as we can from the successes and failures of the world's largest constitutional democracy, its inspiring struggles against colonialism, its founding and state building processes, the history of its old and new conflicts, as well as the story of its remarkable judiciary.

The Conference is grateful for support to the NS Provost's Office, to the India China Institute, to the journal *Constellations*, to Sarah Lawrence College, as well as the Departments of Sociology, History, Political Science and the Dean of the New School for Social Research.

**Thursday, May 5**

- 1:30 to 2:00     Introduction to the Conference: Andrew Arato, Yoav Peled, Nehal Bhuta
- 2:00 to 4:00     The Stakes of Constitutional and Judicial Politics I: Courts, The Majority and Its Others: Hassan Jabareen, Ruti Teitel, Gary Jacobsohn, Stephen Ellman
- 4:15 to 4:30     Coffee/tea
- 4:15 to 6:30     The Stakes of Constitutional and Judicial Politics II: Property, Social Rights, and Public Interest Litigation: Johan Van der Walt, Nehal Bhuta, Courtney Jung, Sanjay Ruparelia
- 7:45 to 8:00     Introduction to Keynote One: Tim Marshall, Provost, The New School
- 8:00 to 9:30     Keynote Dinner lecture: Frank Michelman: Property and Constitutionalism

**Friday, May 6**

- 10:00 to 1:00 Questions of Theory: New Constitutionalism or Juristocracy? The Structure of Constitutional Revolutions:  
Ran Hirschl, Gary Jacobsohn, Said Arjomand, Adam Shinar
- 2:30 to 5:00 Original Constitution Making, The Amending Power and Constitutional Review:  
Pratap Mehta, Yoav Peled, Nicolas Figureoa, Gabriel Negretto
- 5:00 to 5:30 Coffee/Tea
- 5:30 to 6:00 Introduction to Keynote Two: David Van Zandt, President, The New School
- 6:00 to 7:30 Keynote Lecture: Robert Post: Democracy and Constitutionalism

**Saturday, May 7**

- 10:00 to 12:00 Constitutionalism, Secularism and Gender:  
Penelope Andrews , Hassan Jabareen, Jean Cohen, Hannah Lerner
- 1:30 to 4:00 Constitutional Revolutions and Counter-Revolutions:  
Andrew Arato, Uday Mehta, Gabor Halmai, Peter Molnar
- 4:00 to 4:30 Coffee/tea
- 4:30 to 6:00 Closing Lecture: Pratap Mehta  
Introduced by Ashok Gurung, Director of the India China Institute, The New School