

Workshop

Changing legal definitions of minority rights and nationhood in written constitutions

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Date: December 15-16, 2017

**Venue: Max-Planck-Institute for the Study of Religious and Ethnic Diversity,
Hermann-Föge-Weg 11, 37075 Göttingen**

by invitation only

Outline: This workshop forms part of a collaborative project that examines how legitimating principles of nation-states have changed since the emergence of nation-states in the late eighteenth century by analyzing written constitutions. The project, funded by the Japan Foundation Center for Global Partnership and the National Science Foundation at the University of Michigan, as well as the Max Planck Institute for the Study of Religious and Ethnic Diversity, has built a unique dataset in which all national constitutions in the world are coded with a three-dimensional coding scheme that captures provisions on cultural homogeneity, individual cultural rights, and group cultural rights. This dataset has been used to address two core research questions. *First*, the project has traced descriptively how different models of minority incorporation have evolved over time and became globally influential. Its initial findings suggest that the cultural homogeneity model had become increasingly dominant since the late eighteenth century but has declined since the mid-twentieth century, while individual cultural rights have gained prominence since the mid-twentieth century, and multiculturalism since the 1990s. *Second*, the project examines domestic and global factors influencing constitutional change. It notably tests the hypothesis that in addition to domestic factors, such as levels of development and power configurations, global factors, such as exposure to global human rights discourse and linkage with transnational legal networks, are crucial in shaping the decision to adopt one or another model of minority incorporation in national constitutions.

The workshop complements the quantitative large-N analysis with qualitative case studies that examine in greater detail the transnational diffusion processes and domestic socio-legal contestations over ethnic, linguistic and religious diversity in particular moments of constitution-writing. Focusing on the post-1990 period, which has seen the general expansion of minority rights in constitutions, albeit with regionally specific patterns, the workshop aims to situate constitutional changes in longer historical trajectories, scrutinize processes of constitutional reform, and assess their impact on public policies and majority-minority relations on the ground.

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Friday, December 15, 2017

- 9:30 **Welcome and Introduction**
- 9:45 **MATTHIAS KOENIG** (University of Göttingen) & **KIYOTERU TSUTSUI** (University of Michigan): **“Changing legal definitions of minority rights and nationhood in written constitutions”**
- 10:45 *Coffee break*
- 11:15 **JOHN SKRENTNY** (University of California San Diego): **“Constitutional law and the minority rights revolution – the US and Canada”**
Discussant: RAN HIRSCHL (University of Göttingen)
- 12:30 *Lunch (Bistro Cichon, Nikolausberger Weg 43)*
- 14:00 **MENAKA GURUSWAMY** (Columbia University): **“Minorities in India and Pakistan – secular and theocratic constitutionalism”**
Discussant: NAHEED SAMOUR (Lichtenberg Kolleg, University of Göttingen)
- 15:00 **TOM GINSBURG** (University of Chicago, skype session): **“Minority rights, federalism and constitutional reform in Nepal and Myanmar”**
Discussant: EUGÉNIE MÉRIEAU (University of Göttingen)
- 16:00 *Coffee break*
- 16:30 **MIRJAM KÜNKLER** (Käte-Hamburger Kolleg Bonn) & **JULIA LEININGER** (German Institute for Development Studies): **“Minority rights in the aftermath of the Cold War – Indonesia and Senegal in comparative perspective”**
- 17:30 **Interim discussion and closure**
- 19:00 *Dinner (Restaurant Gaudi, Rote Strasse 16)*

Saturday, December 16, 2017

- 9:30 **HEINZ KLUG** (University of Minnesota): **“Minority protections in Southern Africa”**
Discussant: JEFFREY SWINDLE (University of Michigan, Ann Arbor)
- 10:30 *Coffee break*
- 11:00 **ALEXANDER OSIPOV** (European Minority Rights Centre, ECMI): **“Are communist legacies at odds with the recent global trends in minority protection? Diversity issues in the constitutions of Russia and Ukraine”**
Discussant: MICHAEL HEIN (University of Göttingen)
- 12:00 *Lunch*
- 13:00 **Concluding discussion**

