Abstract: Paul BLOKKER

A Comparative Engagement with Dissent and Constitutionalism

The paper will discuss the relation between (radical) democracy and constitutionalism from a comparative, American-European perspective. It explores the obstacles for popular participation in constitutional politics and possibilities for constitutional dissent in the American context, and compares that context with other constitutional democracies in Europe (among others, the Icelandic and UK cases as well as the EU). The upshot is to see to what extent constitutionalism can be made more responsive to civic voice in general and dissenting voices in particular. The argument will engage with ‘juristocracy’ and lego-centrism, with ‘political constitutionalism’ or legislative supremacy, and ‘conversational’ and democratic forms of constitutionalism, and sees in the latter important ways of reviving democracy. In the context of democratic constitutionalism, the need for public discussion of constitutions and various forms of constitutional dissent will be discussed.

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