

PUBLIC REASON AND CONSTITUTIONAL THEORY

By Professor Wojciech Sadurski

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Chairperson: Assistant Professor Swati Jhaveri

16 SEPTEMBER 2015, WEDNESDAY, 4.00PM – 6.00PM

LEE SHERIDAN CONFERENCE ROOM, EU TONG SENG BUILDING, FACULTY OF LAW, NUS (BUKIT TIMAH CAMPUS)

ABSTRACT

The general idea that only such exercises of public power are legitimate which are based on properly “public” reasons can be translated into a constitutional doctrine under which improper legislative motives contaminate a law with unconstitutionality. But is such a “translation” legitimate? In this paper, I undertake three tasks. First, I reinterpret a Rawlsian idea of ‘public reason’ in a way which lends itself, in my view, to constitutional application. Second, I defend the idea (in its constitutional version) against the main objections raised by its critics: that it is either too thick, or too thin, or that it creates perverse incentives for insincerity in public life. Third, I sketch the connection between constitutional public reason and the idea of motivation-based scrutiny of constitutionality.

ABOUT THE SPEAKER



Wojciech Sadurski is Challis Professor in Jurisprudence. He also holds a position of Professor in the Centre for Europe in the University of Warsaw, and was visiting professor (in 2010, 2011 and 2012) at the University of Trento, Italy and in Cardozo Law School in New York. In 2013/2014 he is Straus Fellow and Global Visiting Professor of Law at New York University Law School. He was Professor of Legal Theory and Philosophy of Law in the Department of Law, European University Institute in Florence (1999-2009), and served as head of department of Law at the EUI in 2003-2006. He also taught as visiting professor at a number of universities in Europe, Asia and the United States. He has written extensively on philosophy of law, political philosophy and comparative constitutional law.

Fellow of the Academy of the Social Sciences in Australia (elected in 1990), Wojciech Sadurski is member of a number of supervisory or program boards, including the Institute of Public Affairs (Poland), Freedom of Press Observatory (Poland) and the Centre for International Affairs (Poland), and also of editorial boards, including the European Law Journal, Politics, Philosophy and Economics, and Law and Philosophy Library (Springer Scientific). Since 2011, Chairman of the Academic Advisory Board of the Community of Democracies. In 2013, he initiated and has been leading the Myanmar Constitutional Reform Project.

Participation is By Invitation Only

Registration commences at 3.30pm and light refreshments will be served.

For more information, please contact Ms Yvonne Lim at yvonnelim@nus.edu.sg