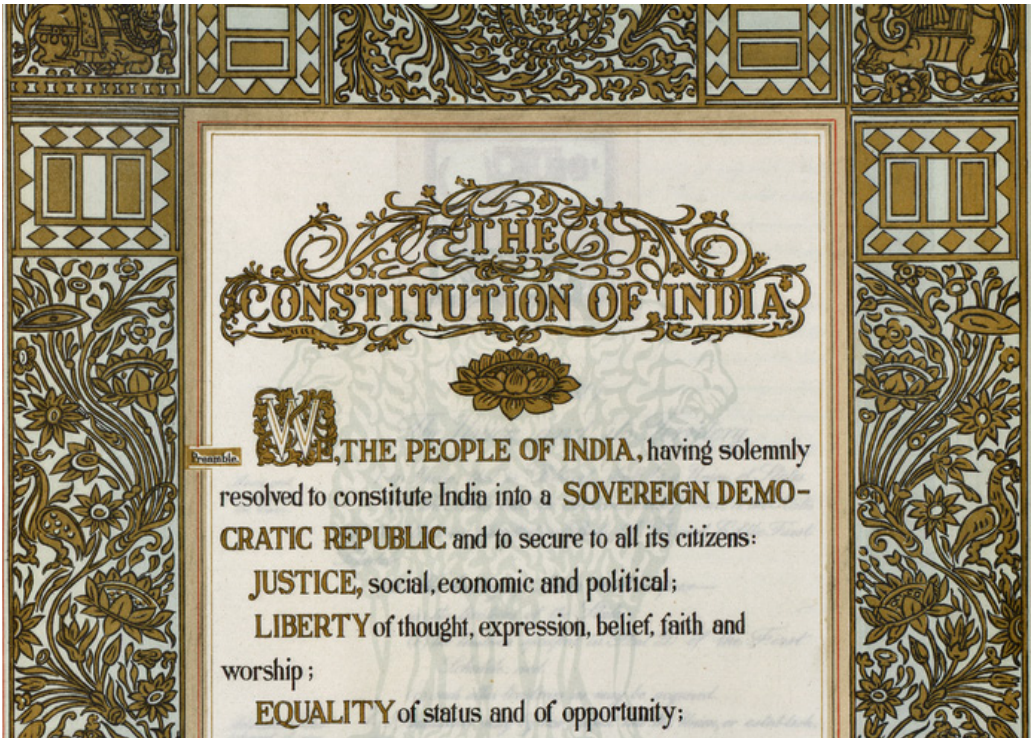




University of  
Zurich <sup>UZH</sup>

University Research Priority Program (URPP) Asia and Europe  
Faculty of Law



# Constitutional Reform and Social Change in Asia and the Middle East

Law, Politics and Theory

Public Lecture Series, Spring Semester 2015

# Outline & Speakers' Biographies

Constitutional reforms are being discussed in different regional contexts today. These endeavors develop in a context of increased transnationalization of norms and orders. Yet, they also vary from one region to the other. Furthermore, while debates on constitutional reform do not always lead to concrete changes of the Constitution they can evoke the emergence of new constitutional interpretations and lead to the transformation of norms. This lecture series aims therefore at inviting experts in the field of constitutional reform to present constitutional debates in (and beyond) Asia and the Middle East and to analyze ensuing political transformations, normative changes and emerging new discursive patterns.

**Chibli Mallat** is Professor of Middle Eastern Law and Politics at the University of Utah, holds the EU Jean Monnet Chair of Law at Saint Joseph's University in Lebanon, has held several research and teaching positions in the US, England, France and Lebanon, and is Chairman of the international NGO *Right to Nonviolence*. He has written extensively on Islamic, Middle Eastern, European and international law and his latest research is on law and nonviolence. Among his publications: *Philosophy of Nonviolence* (Oxford University Press, 2015), *Introduction to Middle Eastern Law* (Oxford University Press, 2007, 2<sup>nd</sup> edition 2009), *Iraq: Guide to Law and Policy* (Aspen/Kluwer Law International, 2009) and *The Middle East into the 21<sup>st</sup> Century* (Garnet, Reading 1996).

**Hiroshi Nishihara** is Professor of Constitutional Law at Waseda University in Japan and was recently appointed as the Dean of the School of Social Sciences. His research is on theories of spiritual freedom and fundamental theories of human rights. Among his publications: *The Right to Equal Treatment* (Seibundoh, 2003), *When Schools Teach 'Patriotism'* (Nippon-Hyoron-sha Co., Ltd., 2003), *Das Recht auf geschlechtsneutrale Behandlung nach dem EGV und GG* (Duncker & Humblot, 2002) and *Vom paternalistischen zum partnerschaftlichen Rechtsstaat* (with Sung-Soo Kim, Nomos, 2000).

**Arun Kumar Thiruvengadam** is assistant professor at the Faculty of Law of the National University of Singapore and visiting fellow at the National University of Juridical Sciences in Kolkata, India. His research focuses—among other topics—on comparative constitutional law and theory and on public law in India. He co-edited *Comparative Constitutionalism in South Asia* (Oxford University Press India, 2013) and *Emergency Powers in Asia: Exploring the Limits of Legality* (Cambridge University Press, 2010) and is the author of several articles such as “Social Justice Lawyering and the Meaning of Indian Constitutionalism” (with Arvind Narrain, in *Wisconsin International Law Journal*, 31, 2013).

# Program

**March 17, 2015, 18:15–20:00**

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## **2011 and the Middle East challenge to world constitutionalism**

Prof. Dr. Chibli Mallat, University of Utah / Saint-Joseph University, Lebanon

In the lecture, Professor Chibli Mallat presents the most challenging themes to constitutionalism in the aftermath of the Arab Spring. He will discuss in particular: religion in the constitution, the sectarian conundrum, civil society and the state, and the (Swiss) model of rotating executive. These themes are examined extensively in his new book, *Philosophy of Nonviolence: Revolution, Constitutionalism, and Justice beyond the Middle East*, Oxford University Press 2015.

**April 28, 2015, 18:15–20:00**

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## **Zwischen anspruchsvollen Erwartungen vom Staat und Repräsentationsdefizite: Warum akzeptieren viele Japaner den LDP-Entwurf der anti-freiheitlichen Verfassungsrevision?**

Prof. Dr. Hiroshi Nishihara, Waseda University

Since about the start of this millennium, the political movement in Japan has been enlivened by efforts to revise its democratic Constitution, striving towards an emperor led totalitarian military State. The Japanese population that enjoyed its freedom and peace during the second half of the 20<sup>th</sup> century, does not show much reluctance to the new supporters of restoration. In order to better explain this contradictory phenomenon, I will analyze the peculiar mode of reception of democracy by the post-war Japanese and its current consequences.

This talk will be held in German.

**May 7, 2015, 18:15–20:00**

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## **Assessing the Social Rights Jurisprudence of India: Perspectives from Constitutional Theory and Comparative Law**

Prof. Dr. Arun Thiruvengadam, National University of Singapore

In recent years, there has been considerable debate in the field of comparative constitutional law on the issue of social rights and their enforcement by the judiciary in particular. This talk will engage with these debates by focusing on the record and experience of the Indian judiciary in enforcing the social rights provisions of its Constitution. The talk will focus on cases from the early 1980s through to more recent cases in the new century, and will also cover the scholarly literature in India and abroad that has developed around these issues. Finally, the talk will seek to draw contrasts and comparisons with the approach to social rights taken by judiciaries in South Africa and Colombia in particular.

# General Information

**Dates** March 17, April 28, May 7, 2015, 18:15–20:00

**Location** University of Zurich  
Main Building  
Room KOL F-117  
Rämistrasse 71  
CH-8006 Zurich

**Conveners** Dr. Yasmine Berriane  
Prof. Dr. David Chiavacci  
Prof. Dr. Matthias Mahlmann

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