

Constitutional Cultures

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From May 12th to 14th 2011, the conference „Constitutional Cultures“, organized by the projects C5 and C7 associated with the research center on „Symbolic Communication and Social Value Systems“, took place at the Agora Tagungshotel in Münster. Scholars from both sides of the Atlantic dealt with questions concerning the „concept and representation of constitutions in the Atlantic World“.

Constitutions played an important role in the formation of modern states but historians so far have largely neglected to analyze them apart from traditional perspectives and structures. To the organizers of the conference, however, an analysis of the cultural context in which constitutions are situated promised to further the understanding of state-building and forms of symbolically communicated and legitimized distributions of power. The so-called Age of Atlantic Revolution seemed to offer an especially rich field of study and lend itself to a comparative and cross-Atlantic approach. Panelists provided case-studies that shed light on the workings of constitutions grounded in a particular culture and time. Since constitutions are constructed systems of rule and order, panelists stressed the role symbolic representations play for the implementation and acceptance, and therefore also development and durability, of constitutions.

In the opening-lecture, HANS VORLÄNDER (Dresden) pointed out that there is no agreed-upon definition of „constitutional culture“. Rather, „the culture says what the constitution is“. He stated that constitutions are no fixed orders but ideas based on interpretation and situated in a particular culture, relying on symbols to communicate meaning and value. According to Vorländer, further research is needed to explain how constitutions perform their most treasured role of provi-

ding integration and stability to a society, or why they fail to do so.

JAIME E. RODRIGUEZ O. (Irvine) delivered an in-depth study of constitutionalism in the Federal Republic of Mexico. He observed that the so-called Constitution of Cadiz (1812) served as model for a sequence of further constitutions in Spain and Mexico throughout the 19th century. Since the Constitution of Cadiz was no pure Spanish document but in style and form highly influenced by Mexican representatives serving in the Cortes of Cadiz, he favoured the term Hispanic Constitutionalism over Spanish Constitutionalism. Furthermore, he argued that the process of creating a constitution in Mexico took place in a field of tension between old elites, parliament, and local authorities, and thus was a composite and compromise of several cultures.

Agreeing with Rodriguez in using the term Hispanic Constitutionalism, JOSE M. PORTILLO VALDES (Victoria/Mexico City) concentrated on the failure of the Spanish Monarchy to use the constitution as an integrative instrument in the colonies. Spain, according to Valdes, not only failed to create a coherent national identity for its empire, but also used a double standard in dealing with autonomy ambitions of its peninsular-states, like Basque Provinces, and the South-American colonies. Thus, despite the fact that there was one constitution applicable to all, different and even competing interpretations of the constitution were implemented depending on the current policy toward a specific region.

Even though the constitution of the Great Revolution in France had never been enacted, when it comes to constitutionalism, there is hardly any study not referring to it in some way. More than that, even the subsequent French constitutions of the first half of the 19th century referenced it, as KLAUS DEINET (Wuppertal) observed. While this is often assumed to show the continuation of legal ideas first conceptualized in the constitution of the Great Revolution, Deinet showed that all constitutions nonetheless had their distinct style. He argued that the cultural circumstances and condition of the people thus play an important role in the development of constitutions.

Shifting the focus from constitutional cul-

ture to representations of constitutions in the second part of the conference, KATRIN DIRCKSEN (Münster) discussed if and how constitutions and the new political order were symbolically represented in Mexico in festivities from 1824 to 1846. She pointed out that even though Mexico reached emancipation from Monarchy and proclaimed very different constitutions, the authorities tried to convey the new political order through similar traditional symbols and ceremonial acts. This seems to indicate that Mexico failed to implement a stabilizing and integrating constitutional tradition that would unify the states and therefore had to recur on older symbols to provide order and meaning.

In contrast to some of the preceding presentations, VIVIEN GREEN FRYD's (Nashville) talk was based not so much on text but on visual representations of constitutional ideals. She introduced the case of the US as the assumed prime example of a highly effective, homogeneous constitutional culture. Her analysis of the symbolical representation of the Constitution and the Capitol building, however, revealed that the US constitution, too, was interpreted differently depending on political and social circumstances. This openness to interpretation of the constitution was, according to Fryd, both a blessing and a curse, lending itself both to the strengthening and weakening of democratic rights.

SEBASTIAN DORSCH (Erfurt) examined how the Congress of Michoacán conceptionalized and constructed a new order by analyzing both its representational forms and memorial politics. In contrast to the French or US-American model, Michoacán's Congress distanced the new order from the people. In this way it created „two“ Congresses; an elite circle of law-makers distant from the people, and a tight group of colleagues quite cordial with each other. Furthermore, to create a sense of community Congress relied on the memory of independence from Spain rather than on the constitution. All in all, Congress' primary goal, according to Dorsch, was to assert an unquestionable legitimization of its own authority.

ULRIKE BOCK's (Münster) case study of „Constitutions and Constitutional Bodies in Yucatán“ in the first half of the 19th century

provided an example for a representational overuse that eventually rendered constitutional references meaningless. She argued that Yucatán's authorities at the same time failed to represent constitutional bodies as „sacrosanct“ and used symbolizations of the constitution that stood in competition with other national symbols. Besides, over the years, an increasing number of opinion-groups drew on the constitution to legitimize variegated goals, furthering the disintegration of what the constitution meant and thus contributing to the eventual failure of the constitutional order.

„You gonna fight for your right to party“ was ARMIN OWZAR's (San Diego/Münster) succinct description of constitutional celebrations in 19th century France. He argued that festivities were a good way to reach people because everyone likes to celebrate and that therefore festivities were contested territories where various groups fought to implement their interpretation of what the republic meant. Celebrations were thus balancing acts, trying to both transmit the rulers' ideals and satisfy the people's expectations. Using examples from the First to the Third Republic, Owzar showed that symbols used in constitutional celebrations at the same time attempted to carry the new vision, comply with rational arguments and promise eternal validity, and were thus precarious political orchestrations.

Looking back to the First French Republic (1792-1799) CHRISTINA SCHRÖER (Freiburg) explicitly examined stagings of constitutional text and constitutional bodies during festive acts and ceremonies. She argued that it is not possible to speak of THE constitutional culture of THE First Republic, because the constitution did become neither part of the national identity nor function as a tool for integration. Nonetheless, the First Republic's culture of discussion and opposition, according to Schröer, was a crucial feature of the 19th century political culture. It prepared the grounds on which the integrative constitution of the Third Republic was founded. Therefore even „lacking“ constitutional cultures are important for later success and must be taken in consideration.

Investigating symbolic representations of constitutions, MARTIN KNAUER (Münster)

discussed the example of constitutionalism in South-West-Germany from 1800 to 1850 as a region that was highly influenced by France. Transmission of civic values and ideals, here, like elsewhere, was based on symbolic representation. Traditionally, the constitutional ideal had been represented by the icon of the ruler as arbiter of rule and order. Staging constitutions only took place if they became part of civic culture. But while the texts of the constitutions often lacked democratic rights, there were ceremonial gestures that symbolically bound the ruler to the will of the people.

In the last session, attention was drawn to the practice of voting and all panelists stressed the symbolic meaning of elections, as well as a gradual rather than abrupt shift from pre-modern to modern concepts and systems of rule and order as indicated by democratic elections.

According to MARCELA TERNAVASIO (Rosario) „the question of sovereignty was at the heart of the Atlantic World“ in the 19th century. She juxtaposed her observations with the older notion that elections were a barometer for measuring the democratization of a society. While voting results often perpetuated earlier distributions of power, electoral corruption was universal, and elections provided only the illusion of transparency, the practice of voting was still a form of participating in governing and taught citizens the value of competition.

SILKE HENSEL's (Münster) paper dealt with the voting patterns of indigenous people in rural Oaxaca, Mexico. The observation that while the system changed the distribution of power did not follow suit led her to ask why indigenous people voted for the old elites. She pointed out that indigenous people had gained autonomy over their own affairs and might have been more interested in protecting internal matters than changing the power distribution outside their sphere of immediate interest. She also pointed out that while voting introduced a new form of legitimizing power, the symbolic language of festivities perpetuated ideas prevalent in monarchical times.

MALCOM CROOK (Keele) argued that in the France of the Bourbon Monarchy and July Monarchy (1814-1848), citizenship exis-

ted without, or indeed, before democracy. He stressed the collective aspect of voting. A community understood itself as sovereign in regards to its own affairs and these had to be dealt with in communal decisions. During the transition to a democratically legitimized system of elections, collective decision-making was continued.

The participants applauded the transatlantic approach and scholarly exchange the conference took in dealing with constitutional culture but pointed out that it needed to be put into practice more often. Discussion ensued over the usefulness of the distinction between „modern“ and „pre-modern“ since a variety of presentations suggested that even in the practice of secret elections, which often are regarded as a sign of modernity, pre-modern elements were perpetuated. Further points of debate were the impact „symbolical politics“ might really have on people and their behavior, and the problem of finding adequate sources to proof or disproof such an impact, and it was agreed that following these questions would be particularly fruitful for further research. Above that, the variety of definitions of the terms „constitution“, „culture“ and „symbolic politics“ was still a major concern for the participants. The conference however enriched these debates and was able to look at these terms from new angles through its interdisciplinary approach and a wide range of field studies. Further research and workshops to follow up on this conference are desirable. Conferences that bring together international researchers from different fields and presenting studies from a broad range of time and space but applying similar theories promise new insights and this method is therefore recommended for future conferences.

Conference overview:

Welcome

Silke Hensel and Hans-Ulrich Thamer (Münster)

Introduction: Constitutions and Constitutional Cultures

Hans Vorländer (Dresden): The Constitution as Symbolic Order: On what „Constitutional Culture“ Means

Jaime E. Rodríguez O. (Irvine): Hispanic Con-

stitutionalism and the Federal Republic of Mexico

José M. Portillo Valdés (Vitoria / Mexico City): The Imperial Crisis of the Spanish Monarchy

Klaus Deinet (Wuppertal): Competing Strands of French Constitutional History in the First Half of the 19th Century

Section Discussion

Discussant: Andreas Biefang (Berlin)

Representation of Constitutions: Constitutional Bodies and Celebrations I

Katrin Dirksen (Münster): Representations of Competing Political Orders: Constitutional Festivities in Mexico City (1824-1846)

Vivien Green Fryd (Nashville): Representing the Constitution in the U.S. Capitol Building: Freedom and Slavery

Sebastian Dorsch (Erfurt): Spatial and Temporal Dimensions of Institution Building: The Congress of Michoacán (1823-1835)

Ulrike Bock (Münster): Failing to Construct a Lasting Order? Constitutions and Constitutional Bodies in Yucatán (1823-1839)

Section Discussion

Discussant: Annick Lempérière (Paris)

Representation of Constitutions: Constitutional Bodies and Celebrations II

Armin Owzar (San Diego / Münster): Celebrate the Constitution: Political Culture in France during the Long 19th Century

Christina Schröer (Freiburg): Symbolic Politics and the Visualization of the Constitutional Order during the First French Republic (1792-1799)

Martin Knauer (Münster): Allegorical Embodiments of the Ideal Constitutional Political Order in Early Southern German Constitutionalism (1800-1850)

Section Discussion

Discussant: Hans-Ulrich Thamer (Münster)

The People as Sovereign: Elections

Marcela Ternavasio (Rosario): Representation, Suffrage and Political Order in the River Plate

during the Era of the Revolutions

Silke Hensel (Münster): The Symbolic Meaning of Electoral Processes: Mexico in the Early 19th Century

Malcolm Crook (Keele): Citizenship without Democracy: The Culture of Elections in France under the Constitutional Monarchy (1814-1848)

Christian Müller (Münster): „Apples of Gold in Frames of Silver?“ Symbolic Politics, Suffrage Laws, and Electoral Practices in the United States of North America (1770-1880)

Section Discussion

Discussant: Ulrich Mücke (Hamburg)

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