Contextualized Constitutionalism: Local Contexts of Political Reconstruction

This presentation aims at socio-theoretical analysis of constitutionalism after the collapse of communist regimes in Eastern Europe, at the end of XXth century.

Considering its aims and its immediate, current results, one should not forget that postcommunist transformation does not present a linear change from one point of the history - totalitarianism - to a well defined and unproblematic liberal democracy. On the contrary, one should remember that it is as much an open process, as liberal democracy is an open project, deeply rooted and influenced by local contexts in which it develops. Especially the ideas and concepts on the rule of law, on human and civic rights, on power, on government and on the state contribute to the proposition of liberal democracy as an unfinished project of great potential, a project rooted in the ideas of freedoms and liberties that have been developing through centuries in a never-ending process, and were interpreted in light of traditions and experiences of particular societies. One shall not forget too, that the new, postcommunist constitutions are proclaimed at the time of the accelerated global exchange which consists in the growing international cooperation, and formation of international legal order. This results in the growing complexity, and also brings about a considerable ambiguity and uncertainty with regard to the trajectories of liberal-democracy, and to the new self-definitions of political societies that emerge after the collapse of communism. In the case of Eastern Europe, the efforts undertaken by the societies engaged in the overwhelming political, economic and social change meet with international, indeed global phenomena and processes. Hence it is interesting to investigate how this specific contexts, the pressures from the bottom up and from the outside, the lack of clear rupture, of clear rituals of passage, the particular experiences with totalitarianism and colonialism, as well as the new orthodoxies contribute to the development of postcommunist constitutionalism, once initiated by dissenting civil society.