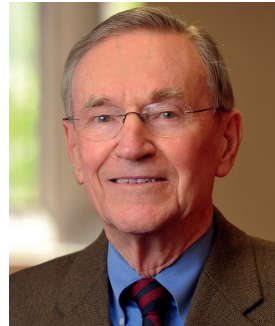


Donald P. Kommers is Emeritus Joseph and Elizabeth Robbie Professor of Political Science and Professor of Law at the University of Notre Dame (South Bend, Indiana). Professor Kommers is one of his generation's leading constitutional law scholars and, alongside a handful of other commentators, he pioneered the field of comparative constitutional law. Professor Kommers is recognized internationally for his innovative and penetrating work on Germany's post-war constitutional experience.



A SYMPOSIUM *Honoring*

Donald P. Kommers

*Emeritus Joseph and Elizabeth Robbie Professor
of Political Science & Professor of Law
University of Notre Dame*

On his 80TH BIRTHDAY

**The Curious Life of the
Grundgesetz in America**
*26—27 October 2012
Berlin*

Symposium Conveners

Russell A. Miller
Alexandra Kemmerer

Symposium Venues

American Academy Hans Arnhold Center Am Sandwerder 17—19 14109 Berlin	Wissenschaftskolleg zu Berlin Wallotstraße 19 14193 Berlin
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A SYMPOSIUM Honoring **Donald P. Kommers**
On his 80TH BIRTHDAY

The Curious Life of the *Grundgesetz* in America

In the mid-1970s Donald Kommers published his book *Judicial Politics in West Germany: A Study of the Federal Constitutional Court*. It was a path-breaking work that pointed American legal scholars to the possibilities of comparative constitutional law, a field that was still-nascent at the time. It also was a revelation for German jurists who were unaccustomed to viewing their Court from the perspectives opened up by Kommers' expertly deployed political science methodology. The strong interest stirred by *Judicial Politics* inspired the publication, more than a decade later, of Kommers' treatise *The Constitutional Jurisprudence of the Federal Republic of Germany*. This book's insightful commentary, illustrated by scores of translated excerpts of the Constitutional Court's decisions, was a milestone in comparative law. It was a nearly-comprehensive survey of its subject written with a deep awareness of German constitutionalism's socio-political roots.

In the years that followed, which saw the publication of an updated and revised edition of *Constitutional Jurisprudence*, something curious occurred. Thanks almost exclusively to Kommers' work, German constitutional law achieved a remarkable degree of familiarity and currency among American constitutional lawyers. In turn, this opened up paths for German public law scholars' work on constitutional law in America. Succeeding generations of American and German legal scholars now have encountered the German Basic Law and the Constitutional Court from a uniquely American perspective, framed by distinctly American approaches to constitutional law and legal scholarship. These efforts recast the Basic Law in ways not altogether familiar to more traditional German *Staatsrechtslehre*. Indeed, an "Americanization" of the Basic Law might be said to have begun with Kommers, whose treatise, in structure, content and style, more closely resembled an American constitutional law casebook than a traditional German commentary on the Basic Law.

This comparative constitutional arrogation and reorientation does not easily align with the discipline's usual theories, which involve functional assessment, transplantation, dialogue or migration. For this reason it invites the kind of self-reflection—the distancing and differencing—urged on comparatists by the field's prominent critics. What truths about ourselves might American and German comparative constitutional law scholars discover through a reflection on the distinctly American uses of the Basic Law? This symposium, recognizing Professor Kommers on his 80th birthday and coinciding with the publication of the third edition of his treatise, will explore this question.

PROGRAM

Friday, 26 October 2012 — *The American Academy in Berlin*
HONORARY DINNER — *by Invitation Only*

17:30—18:00	Reception
18:00—18:30	Welcoming Remarks
18:30—20:00	Dinner honoring Professor Donald Kommers on his 80th Birthday
20:00—21:30	Podium Discussion <ul style="list-style-type: none">• Moderator: CHRISTOPH MÖLLERS (Berlin)• DIETER GRIMM (Berlin)• VICKI JACKSON (Cambridge, Mass.)• DONALD KOMMERS (South Bend)

Saturday, 27 October 2012 — *Wissenschaftskolleg zu Berlin*
SYMPOSIUM — *Open to the Public (Registration in Advance)*

10:00—10:30	<i>Introductory Remarks</i>	RUSSELL MILLER (Lexington)
10:30—12:30	PANEL ONE	What We Talk About When We Talk About the Basic Law <ul style="list-style-type: none">• Moderator: ALEXANDRA KEMMERER (Berlin)• PETER QUINT (Baltimore)• KIM LANE SCHEPPELE (Princeton)• RUSSELL MILLER (Lexington)• JAMES MCADAMS (South Bend)
12:30—13:30	Buffet Lunch	
14:00—16:00	PANEL TWO	The Basic Law: (Re)Made in the USA <ul style="list-style-type: none">• Moderator: KATJA GELINSKY (Berlin)• SUSANNE BAER (Karlsruhe/Berlin)• GÜNTER FRANKENBERG (Frankfurt)• MATTIAS KUMM (New York/Berlin)• CHRISTIAN STARCK (Göttingen)
16:00—16:30	Coffee Break	
16:30—17:30	<i>Concluding Remarks</i>	DONALD KOMMERS (South Bend)