

Launching ICON•S

The International Society of Public Law

www.icon-society.org

MISSION STATEMENT

We are inviting you to join the newly established International Society of Public Law (ICON•S).

- Why create a new international learned society – are there not enough already?
- Why public law – if we typically teach Constitutional Law, Administrative Law, or International Law (and now the much *a la mode* Global Law)?
- And why does the word “comparative” not feature in the title of the new Society? Surely if we bring together constitutionalists from, say, Japan and Canada or administrative lawyers from Italy and Turkey – their common language will be Comparative Law?

The initiative to create an International Society of Public Law emerged from the Editorial Board of I•CON – the International Journal of Constitutional Law. For several years now I•CON has been, both by choice and pursuant to the cartographic reality of the field, much more than a journal of comparative constitutional Law. I•CON has expanded its interests, range of authors, readers, Editorial Board members and, above all, issues covered, to include not only discrete articles in fields such as Administrative Law, Global Constitutional Law, Global Administrative Law and the like, but also – and increasingly so – scholarship that reflects both legal reality and academic perception; scholarship which, in dealing with

the challenges of public life and governance, *combines elements from all of the above* with a good dose of *political theory and social science*.

True, in our classrooms we still teach “con. law”, “ad. law” and “int. law” separately – with some justification: they retain their reality and heuristically, one has to start somewhere. But in litigation and jurisprudence, lawmaking, and academic reflection, the boundaries between these disciplines and the borders between the national and the transnational – and even global – have become porous, indeed so porous that at times one is actually dealing with an *AltNeuland* of public law.

We are certainly not announcing the death of Constitutional Law or Administrative Law and the comparative variants of both. But at a minimum, a full explication and understanding of today’s “constitutional” cannot take place in isolation from other branches of public law or in a context that is exclusively national. The same is true for these other branches too. Public law, as a field of knowledge that transcends these dichotomies, thus deserves our renewed intellectual attention. Our German colleagues, who have always had a more holistic approach to public law, may smile with some satisfaction.

In the same vein, the divide between law and political science has become porous too. Some of the finest insights on public law come from social scientists deeply cognizant of law; also, is there any legal scholarship that does not make at least some use of the theoretical and empirical understandings and methodologies external to the legal discipline, *stricto sensu*?

What then of “Comparative Law”? Are we announcing the death of the field? Perhaps not of the field, but of the word. The field is flourishing. It is possible to think of the field of Public Law in Chomskyan terms: there is a surface language, which differs from jurisdiction to jurisdiction, but there is also a deeper structure that is common to the phenomenon of public law. It is difficult to find a public law scholar whose work is not “comparative” in some respects: informed by the theoretical discussion of X or Y in another

jurisdiction; referring – often by way of contrast, sometimes by way of similarity – to a foreign leading case somewhere else as in "this is the Marbury v Madison of our legal system"; addressing universal themes of constitutional theory or design; or simply searching for a constitutional "best practice" overseas. Like Monsieur Jourdain who discovered to his astonishment that he was speaking prose, we in the field of public law should not be surprised to discover that in one way or another, we are all comparativists. To limit our new Society to those scholars whose work is explicitly "comparative" would be hugely constricting and would limit many valuable conversations that go well beyond the formally comparative.

Learned societies have often been founded to validate the emergence, autonomy, or breakaway of an intellectual endeavor. By contrast, international learned societies are often driven by the realization of intellectual cross-fertilization that can stem from disciplinary ecumenism. ICON•S is both! We believe that there is a compelling case for the establishment of an International Society of Public Law predicated on these sensibilities – a new breakaway field, the content of which respects traditional categories yet rejects an excessive division of intellectual labor that no longer mirrors reality.

The Society will be officially launched at an Inaugural Conference which will take place in Florence, Italy, on June 26-28, 2014. The European University Institute and NYU School of Law will sponsor this important event – so that we can spread our wings for the first time in the historic Villa Salviati, Villa La Pietra, Villa Schifanoia, the Badia Fiesolana and the like.

An organizing Committee of both the Society and Conference, presided by Sabino Cassese, is in charge of the Program and of the Society's first steps, as is the usual practice with such "births". Once it has taken off, the general membership will elect the officers of the Society who will take charge of its future direction.

The Conference will combine the best practices of the genre. There will be several plenary sessions with invited speakers, commentators and floor discussions on themes that define and reflect the scope of the new Society. We have also issued a "Call for Panels and Papers", and are thus expecting a plethora of member-generated panels and workshops.

We are inviting all interested scholars and practitioners – *from both law and the social sciences* – to formally become Charter Members of the new Society by registering online at www.icon-society.org. The regular Membership Fee will be \$95 (\$50 for scholars from non-OECD countries and students), and will cover not only membership of the Society, but also the Registration Fee for the Inaugural Conference and an online subscription to I•CON—The International Journal of Constitutional Law— for one year.

The Registration form will enable members to propose panels and papers for the Conference.

Welcome to ICON•S!

ICON•S *Pro Term* Executive Committee

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