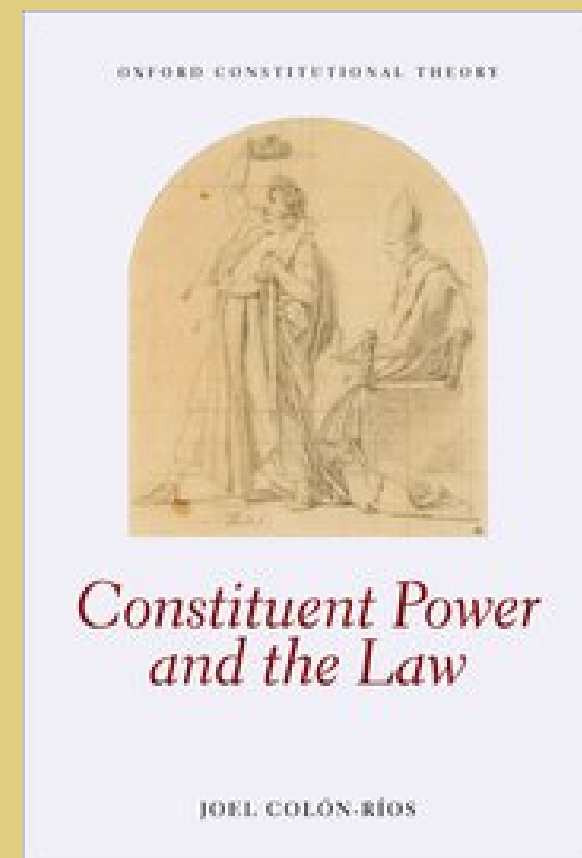


CONSTITUENT POWER AND THE LAW (OUP, 2020)

with the author -
Joel Colón-Ríos



27 JAN 2021 (WED)
12:30-14:00 (HK TIME)

Constituent power is the power to create new constitutions. Frequently exercised during political revolutions, it has been historically associated with extra-legality and violations of the established legal order. This book examines the relationship between constituent power and the law. It considers the place of constituent power in constitutional history, focusing on the legal and institutional implications that theorists, politicians, and judges have derived from it. Constitutional courts have also at times employed constituent power to justify their jurisdiction to invalidate constitutional amendments that alter the fundamental structure of the constitution and thus amount to a constitution-making exercise. Some governments have used it to defend the legality of attempts to transform the constitutional order through procedures not contemplated in the constitution's amendment rule, but considered participatory enough to be equivalent to 'the people in action', sometimes sanctioned by courts. Building on these findings, *Constituent Power and the Law* argues that constituent power, unlike sovereignty, should be understood as ultimately based on a legal mandate to produce a particular type of juridical content. In practice, this makes it possible for a constitution making body to be understood as legally subject to popularly ratified substantive limits.

AUTHOR:

Prof Joel Colón-Ríos is Professor of Law at Victoria University of Wellington and Director of the NZ Centre for Public Law. His main research interests are constitutional theory and comparative constitutional law, areas in which he has published widely.

CHAIR:

Dr Alex Schwartz, Deputy Director, CCPL, HKU

This webinar is organized by the Centre for Comparative and Public Law, HKU and will be held via Zoom Meeting. Prior registration is required. Click [here](#) to register. For inquiries, please email Winnie Law at winniewm@hku.hk.

