



IACL-International Association of Constitutional Law

ROUNDTABLE



LUISS Guido Carli University, Viale Pola 12, Rome

DEPARTMENT OF LAW

DEPARTMENT OF POLITICAL SCIENCE

May 5-6, 2017

CONSTITUTIONAL ADJUDICATION: TRADITIONS AND HORIZONS

Friday, May 5

**Friday, May 5: IACL Executive Committee and
Parallel Panels Session”**

h. 8,30-9: Registration

h. 9-13: *Sala Consiglio* IACL Executive Committee

h. 9-13: Rooms 12, 13 and 14 >>

Young scholars workshop on “Constitutional Adjudication,
between Pluralism and Unity”:

Three parallel panels

Chairs: **Raffaele Bifulco, Nicola Lupo,**

Bernardo G. Mattarella (LUISS University, Rome)

h. 13-15 Lunch Break

Organising Committee:

Raffaele Bifulco, Nicola Lupo, Susanna Mancini

Secretariat (cesp@luiss.it):

Pietro Faraguna, Cristina Fasone,

Renato Ibrido, Giovanni Piccirilli

Registration required by May 1: To register [click here](#)

Friday, May 5: First Session

Aula Magna “Mario Arcelli”

h. 15-15,30 Greetings

Paola Severino

LUISS Rector

Manuel José Cepeda Espinosa

IACL President

Susanna Mancini

IACL Executive Committee

h. 15,30-19

Panel I: Boundaries of Constitutional Adjudication

Rosalie Abella (*Supreme Court of Canada*)

The Judicial Role in a Constitutional Democracy

Giuliano Amato (*Constitutional Court of Italy*)

When the Balancing of the Court Supersedes the
Balancing of the Parliament. Is It a Case of Trespass?

Jamal Greene (*Columbia Law School, USA*)

A Private Law Court in a Public Law System

Nicola Lupo (*LUISS University, Rome*)

When Courts Are Called to Protect Parliaments,
Supporting the Reasons of Representative Democracy

Robert Post (*Yale Law School, USA*)

Theorizing Disagreement: Reconceiving the
Relationship Between Law and Politics

Chair: **Daria de Pretis** (*Constitutional Court of Italy*)

h. 17-17,30 Coffee Break



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Saturday, May 6

Saturday, May 6: Second Session

Sala delle Colonne

h. 9,30-13 Panel II: Social Movements and Constitutional Adjudication: Global and Local

Manuel José Cepeda Espinosa (*Law School, University of Los Andes, Colombia*)

Responsive Constitutional Adjudication and Social Mobilization

Silvana Sciarra (*Constitutional Court of Italy*)

On the Road Again: Adjudication of Social Rights in the Aftermath of the Crisis

Reva Siegel (*Yale Law School, USA*)

Same-Sex Marriage and Backlash: Consensus, Conflict, and Constitutional Culture

Susanna Mancini (*University of Bologna, SAIS Johns Hopkins University*)

The Other Dialogue: Transnational Right-Wing Movements and Global Constitutionalism

Raffaele Bifulco (*LUISS University, Rome*)

Constitutional Pluralism in the European Union: Perspectives and Limits

Chair: **Cesare Pinelli** (*Sapienza University, Rome*)

h. 11-11,30 Coffee Break

h. 13-15 Lunch Break

Saturday, May 6: Third Session

Sala delle Colonne

h. 15-18,30 Panel III: Constitutionalism, Politics, Morals and Proportionality

Daphne Barak-Erez (*Supreme Court of Israel*)

Proportionality and Values

Marta Cartabia (*Constitutional Court of Italy*)

The Many and The Few: Conscientious Objection and Religious Accommodation

Gábor Halmai

(*European University Institute, Florence*)

With a Little Help from My Friends. The Hungarian Constitutional Court on the Government's Constitutional Identity Defense

Vlad Perju (*Boston College Law School, USA*)

Universal Norms in Constitutional Law

Michel Rosenfeld

(*Benjamin N. Cardozo School of Law, USA*)

Justice, Proportionality, and Identity: In Quest of Fair Accommodation of the Singular, the Plural, and the Universal

Chair: **Giuseppe de Vergottini**

(*University of Bologna*)

h. 18,30 Farewell Cocktail

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PARALLEL PANELS SESSION

CONSTITUTIONAL ADJUDICATION, BETWEEN PLURALISM AND UNITY

PANEL 1

Adjudicating What? Constitutional Adjudication and Fundamental Rights

h. 9 – 13, Room 12 Chair: Prof. Bernardo G. Mattarella (LUISS)

PANEL 2

Adjudicating How? Interpretation, Proportionality and Balancing

h. 9 – 13, Room 13 Chair: Prof. Raffaele Bifulco (LUISS)

PANEL 3:

Adjudicating Where? Constitutional Adjudication within the Composite European Constitution

h. 9 – 13, Room 14 Chair: Prof. Nicola Lupo (LUISS)

PANEL 1

PRESENTER

TITLE

DISCUSSANT

Andrea Edenharter
Universität Regensburg

Fundamental Rights before the ECJ: A Difficult Balance between Uniformity and Diversity

Pietro Faraguna
(LUISS University, Rome)

Jonathan Hafetz
Seton Hall University School of Law

Pluralism, Rights, and the Politics of Exclusion in Constitutional Adjudication

Lara Trucco
(University of Genova)

Andrea Katz
Yale Law School

Taming the Prince: The Colombian Constitutional Court and Rights Review of Executive Emergency Powers

Francesco Biagi
(University of Bologna)

Dian A.H. Shah
National University of Singapore

Adjudicating Religion and Religious Freedom in Malaysia and Sri Lanka: Unity over Pluralism

Peter Leyland
(SOAS, University of London)

PANEL 2

Kevin Crow
Universität Halle-Wittenberg

The Proportionality Delusion in International Law

Daniele Gallo
(LUISS University, Rome)

Angelo Jr Golia
University of Napoli II

Constitutional Adjudication outside Constitutional Courts? The Case of International Arbitral Tribunals

Fernanda Nicola
(American University Washington DC, USA)

Juha Tuovinen
European University Institute

A Phenomenology of Deference in Balancing

Lucia Corso
(Kore University, Enna)

Anna Mlynarska-Sobaczewska
The Institute of Law Studies, Polish Academy of Science

Looking for the Agreement, not the Truth: The Persuasive Function of Constitutional Adjudication

Pasquale Pasquino
(New York University, USA)

PANEL 3

Davide Paris
Max Planck Institute for Comparative Public Law and International Law

Constitutional Courts and Domestic Compliance with EU Law

Giovanni Piccirilli
(LUISS University, Rome)

Kyriaki Pavlidou
Freie Universität Berlin

The Unsocial Sociability of Neo-Liberalism: Social Rights, Austerity and Constitutional Pluralism in Europe

Francesco Saitto
(Sapienza University, Rome)

Clara Rauchegger
European University Institute

Conflicts between EU and National Fundamental Rights before Constitutional Courts

Cristina Fasone
(LUISS University, Rome)

Sarah Verstraelen
University of Antwerp Faculty of Law

The Belgian Constitutional Court as Protector of EU Law: Going the Extra Mile for Legislative Lacuna

Angelo Schillaci
(Sapienza University, Rome)