



IACL-International Association of Constitutional Law

## ROUNDTABLE

LUISS

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*

**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, U.S.A.*)

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, U.S.A.*)

Theorizing Disagreement: Reconceiving the

Relationship Between Law and Politics

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

*h. 17-17,30 Coffee Break*

*Organising Committee:*

**Raffaele Bifulco, Nicola Lupo, Susanna Mancini**

*Secretariat* ([cesp@luiss.it](mailto:cesp@luiss.it)):

**Pietro Faraguna, Cristina Fasone,**

**Renato Ibrido, Giovanni Piccirilli**

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



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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*

# 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)

**Joshua 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 Rauegger**  
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)