



Constitutional History: Comparative Perspectives

Bologna, Italy

October 6 & 7, 2014

**University of Illinois College of Law
Program in Constitutional Theory, History & Law**

University of Bologna School of Law

Center for Constitutional Studies and Democratic Development

Accademia delle Scienze dell'Istituto di Bologna

Monday, October 6, 2014

09:00 - 09:30 **OPENING REMARKS**

- Ivano Dionigi (Rector, University of Bologna)
- Giuseppe de Vergottini (University of Bologna)
- Jason Mazzone (University of Illinois)

Venue: Accademia delle Scienze, via Zamboni 31

09.30 - 10.45 **KEYNOTE**

- Justice Daphne Barak-Erez (Supreme Court of Israel)
- *Chair:* Susanna Mancini (University of Bologna)

Venue: Accademia delle Scienze, via Zamboni 31

11:00 - 11:30 **COFFEE BREAK**

Venue: Johns Hopkins School of Advanced International Studies, via Belmeloro 11

11:30 – 13:00 **INTERLUDE: A MODERN PROBLEM**

- Sheila Foster (Fordham University – Scuola Superiore Sant’Anna): “Vulnerability, Equality and Environmental Justice”
- *Discussant:* Michel Rosenfeld (Cardozo Law School)

Venue: Johns Hopkins School of Advanced International Studies, via Belmeloro 11

LUNCH

15:00 – 18:00 **PANEL ONE: TRANSITIONS AND TRANSFORMATIONS**

- Francesco Biagi (University of Bologna): “Three Generations of European Constitutional Courts in Transition to Democracy”
- Jud Mathews (Pennsylvania State University): “Constitutional Rights, Private Law, and Judicial Power in Germany”
- Anne Meuwese (Tilburg University): “Peer Review as a Vehicle for Constitutional Change”
- Conor O’Mahony (University College Cork): “Constitutional Amendment and Judicial Constraint”
- *Chair:* Jason Mazzone (University of Illinois)

Venue: Accademia delle Scienze, via Zamboni 31

DINNER

Tuesday, October 7, 2014

09.30 - 13:00 **PANEL TWO: CONSTITUTIONALISM PAST AND PRESENT**

- Margit Cohn (Hebrew University of Jerusalem): “The Evolution of Non-Statutory Executive Powers in Five Regimes: Assessing Global Constitutionalism Over Time in Structural-Institutional Contexts”
- Elena Ferioli (University of Bologna): “The Influence of Foreign Models on Past and Present Constitutional Developments in Italy”
- Menachem Mautner (Tel Aviv University): “Liberal Constitutionalism in a Culturally Polarized Country”
- Luca Mezzetti (University of Bologna): “Systems and Models of Constitutional Justice in the History of Contemporary Constitutionalism”
- *Chair:* Susanna Mancini (University of Bologna)

Venue: Accademia delle Scienze, via Zamboni 31

LUNCH

15:00 - 18:00 **PANEL THREE: COURTS AND CONSTITUTIONAL HISTORY**

- Elisa Arcioni (University of Sydney): “Historical Facts and Constitutional Adjudication: The Case of the Australian Constitutional Preamble”
- Justin Collings (Brigham Young University): “Constitutional Justice as Public Memory”
- Grant Huscroft (Western University, Ontario): “The Relevance and Irrelevance of History in Contemporary Rights Adjudication”
- Marko Turudic (University of Zagreb): “Constitutional Courts and General Acts—Developments After the Dissolution of Yugoslavia”
- *Chair:* Justin Frosini (Bocconi University)

Venue: Accademia delle Scienze, via Zamboni 31

About the Conference

Accompanying the spread of constitutional government around the world has been a profound interest in the comparative aspects of constitutional law. Scholars have catalogued the differing features of national constitutions and examined how different constitutional systems resolve common legal issues. So, too, judges faced with legal questions have sought guidance in the decisions of constitutional courts of other nations. While comparative constitutional law is therefore a well-established field, less attention has been paid so far to the comparative dimensions of constitutional history. This international conference aims to address that shortcoming by energizing the study and analysis of constitutional history from comparative perspectives. The conference has several interrelated goals. It will provide a forum for presentation and discussion of current research on issues of constitutional history that crosses national boundaries. Relevant topics in this regard include such things as the origins of constitutional governments in different nations, changes in constitutional structures over time, comparative studies of the shifting roles of constitutional actors, the development of individual rights in different systems, and the legitimacy and longevity of constitutions in various nations. The conference will also bring together scholars who, at present, are working on constitutional histories of single jurisdictions—with the expectation that conversations among these scholars will allow for sharing of methodologies and point also to fresh areas of research that may transcend national boundaries. In addition, the conference has relevance to the task of judging. In some nations, notably the United States, constitutional history plays an important and sometimes decisive role in the resolution by courts of questions of constitutional law. The conference will take up the place of constitutional history in constitutional adjudication. By comparing the practices of courts around the world, the conference will trace the movement (or not) of constitutional history from the academy to the courthouse and examine the risks and benefits of modern practices.

Organizing Committee

Jason Mazzone (chair)
University of Illinois College of Law
contact: mazzonej@illinois.edu

Francesco Biagi
University of Bologna School of Law
Center for Constitutional Studies and Democratic Development
contact: fbiagi@jhu.edu

Giuseppe de Vergottini
University of Bologna School of Law
Center for Constitutional Studies and Democratic Development

Justin O. Frosini
Bocconi University
Johns Hopkins School of Advanced International Studies, Europe
Center for Constitutional Studies and Democratic Development
contact: jfrosini@jhu.edu

Kurt Lash
University of Illinois College of Law
contact: klash@illinois.edu

Susanna Mancini
University of Bologna School of Law
Johns Hopkins School of Advanced International Studies, Europe
Center for Constitutional Studies and Democratic Development
contact: susanna.mancini@unibo.it