



Constitutional History: Comparative Perspectives

Bologna, Italy

November 13 & 14, 2017

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

University of Bologna School of Law

Center for Constitutional Studies and Democratic Development

**University of Bologna School of Law
Via Zamboni, 22
40126 Bologna**

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.

The Illinois-Bologna 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 Illinois-Bologna 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.

The first Illinois-Bologna Conference was held in Bologna, Italy, on October 6 and 7, 2014. The conference keynote speaker was Justice Daphne Barak-Erez of the Supreme Court of Israel.

The second Illinois-Bologna Conference was held in Chicago, Illinois, on April 12 and 13, 2016. The conference keynote speaker was Justice Rosalie Silberman Abella of the Supreme Court of Canada.

Monday, November 13, 2017

University of Bologna School of Law, via Zamboni, 22 (*Sala Armi*)

09:30 – 10:00 OPENING REMARKS

- Giovanni Luchetti (Director, Department of Legal Studies, University of Bologna)
- Giuseppe de Vergottini (University of Bologna)
- Jason Mazzone (University of Illinois)
- Justin O. Frosini (Center for Constitutional Studies and Democratic Development)

10.00 – 11.30 KEYNOTE

- Justice Gonçalo Manoel de Vilhena de Almeida Ribeiro (Constitutional Court of Portugal): *Judicial Review of Legislation in Portugal: A Mixed System*
- *Chair*: Susanna Mancini (University of Bologna, Italy)

11:30 – 13:30 PANEL ONE: CHALLENGES OF EXECUTIVE AND LEGISLATIVE POWER

- Catherine Andrews (CIDE, Mexico): *“The Constitution Will Be Our Last Hope in the Monetary Storm:” Moderating and Conservative Powers in Mexico (1821-1841)*
- Francesco Biagi (University of Bologna, Italy): *Separation of Powers and Forms of Government in the MENA Region following the “Arab Spring:” A Break with the Past?*
- Margit Cohn (Hebrew University, Israel): *The History of Unilateral Semi-Formal Executive Measures: Their Origin and Evolution in the United Kingdom and the United States*
- *Chair*: Giuseppe de Vergottini (University of Bologna, Italy)

LUNCH

15:00 – 18:00 PANEL TWO: CONSTITUTIONAL ORIGINS

- Justin O. Frosini & Viktoriia Lapa (Bocconi University, Italy): *The Arduous Road to Approving the 1996 Ukrainian Constitutional Preamble and its Legal Value Today*
- Dante Gatmaytan (University of the Philippines): *Runt of the Litter: Former Colonies and Unattainable Constitutional Benchmarks*
- Mark Somos (Max Planck Institute for Comparative Public Law and International Law, Germany): *Sigonius’ Method: A Sixteenth-Century Italian Source of British Imperial Reform*
- Miguel Manero de Lemos (University of Macau, China): *Too late for the Standing Committee of the National People’s Congress to Take a Step Back?: The Basic Laws of Hong Kong and Macau as Constitutions of China and the Fall-Off of the “One Country, Two Systems” Principle*
- *Chair*: Jason Mazzone (University of Illinois, USA)

DINNER

Tuesday, November 14, 2017

University of Bologna School of Law, via Zamboni, 22 (*Sala Armi*)

09.30 - 13:00 **PANEL THREE: JUDICIAL AUTHORITY AND ITS LIMITS**

- Sana Alsarghali (An-Najah University, Palestine): *The First Palestinian Constitutional Court: A New Hope?*
- Elena Ferioli (University of Bologna, Italy): *From Seriatim to Dissent: An Historical Overview of Opinion-Delivery Practices in the United States and Canada*
- Mario Alberto Cajas Sarria (ICESI, Colombia): *Judicial Review of Constitutional Amendments in Colombia in a Political Historical Perspective, 1953-2016*
- Fabian Duessel (Association of Asian Constitutional Courts, South Korea): *Origins and Evolution of Access to Constitutional Complaint in South Korea and Taiwan*
- *Chair*: Francesco Biagi (University of Bologna, Italy)

LUNCH

14:30 - 17:00 **PANEL FOUR: MEMBERSHIP: INCLUSION AND EXCLUSION**

- Menachem Mautner (Tel Aviv University, Israel): *The Dangerous Thinness of Liberal Constitutionalism*
- Noura Karazivan (University of Montreal, Canada): *The Extraterritorial Scope of Constitutional Rights: A US/Canada Comparison*
- Gohar Karapetian (University of Groningen, Netherlands): *Uniformity and Diversity: A Confrontation Between French and Dutch Thought on Citizenship*
- *Chair*: Justin O. Frosini (Bocconi University, Italy)

17.00 – 17.30 **CLOSING REMARKS**

Organizing Committee

Jason Mazzone (chair)
University of Illinois College of Law

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

Susanna Mancini
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