

“Constitutional Interpretation in European Populist Regimes”

International conference

Budapest, December 5-6, 2019

Organised by the IACL Working Group on Constitutional Interpretation
supported by the EU H2020 project DEMOS
(Democratic Efficacy and the Varieties of Populism in Europe),
the Hungarian Academy of Sciences,
and the Centre for Social Sciences, Institute for Legal Studies

PROGRAMME

Day 1 – December 5, Thursday

8.30 – 9.00 Registration

9.00 – 9.15 Welcome remarks by **Fruzsina Gárdos-Orosz**
(Director, CSS Institute for Legal Studies; Associate Professor, Eötvös
Loránd University)

9.15 – 9.30 Introductory notes by **Zoltán Szente**
(Research Chair, CSS Institute for Legal Studies; Professor of Law,
National University of Public Service)

PLENARY SESSION

Moderator: **András Bragyova**

(Professor of Law, University of Miskolc; Research Chair, CSS Institute for Legal Studies; former member of the Hungarian Constitutional Court)

9.30 – 10.00 Keynote speech by **Mark Tushnet**

(William Nelson Cromwell Professor of Law, Harvard Law School)

The possibility of autochthonous methods of constitutional interpretation

10.00 – 10.20 **Pablo Riberi**

(Constitutional Law Professor at the School of Law of the National University of Córdoba (UNC) and at the School of Political Science of the Catholic University of Córdoba (UCC))

Populist and non-democratic reading of the Constitution – Sad lessons from Latin America

10.20 – 10.40 Discussion

10.40 – 11.00 Coffee Break

11.00 – 12.30 PANEL I: POPULISM MEETS CONSTITUTIONAL INTERPRETATION IN POST-COMMUNIST COUNTRIES

11.00 – 11.20 **Zdeněk Kühn** (Associate Professor, Charles University Law School; Justice, Supreme Administrative Court of the Czech Republic)

The rise and fall of judicial activism in the Czech Republic

11.20 – 11.40 **Nóra Chronowski** (Associate Professor, National University of Public Service; Visiting Researcher, CSS institute for Legal Studies) &

Attila Vincze (Associate Professor, Andrásy Gyula University)
Use and misuse of European frameworks: legal transplants and the 'European constitutional dialogue' in the case law of the Hungarian Constitutional Court

11.40 – 12.00 Wojciech Brzozowski (Adjunct Professor, University of Warsaw)
Whatever works: Constitutional interpretation in Poland in times of populism

12.00 – 12.30 Discussion

12.30 – 13.45 Lunch

13.45 – 15.50 PANEL I (Cont.): POPULISM MEETS CONSTITUTIONAL INTERPRETATION IN POST-COMMUNIST COUNTRIES

Moderator: **Zoltán Szente**

(Research Chair, CSS Institute for Legal Studies; Professor of Law, National University of Public Service)

13.45-14.05 Alexandra Mercescu (West University of Timisoara)
Non Sequitur in Constitutional Interpretation: A Populist Tool?

14.05-14.25 Eszter Bodnár (Associate Professor, Eötvös Loránd University; Premium Postdoctoral Researcher, Hungarian Academy of Sciences)
The use of the comparative method in the Hungarian Constitutional Court's practice after 2010

14.25-14.45 Djordje Gardasevic (Associate Professor, Zagreb Law School)
The Concept of Constitutional Identity Against Populist Claims - the Case of Croatia

14.45-15.05 **Csongor Kuti** (University of Arts Târgu Mureş)
Between a rock and a hard place: constitutional conflict cases before the Romanian Constitutional Court

15.05-15.25 **János Mécs** (PhD student, Eötvös Loránd University)
Populism, elections, legal paradigm – the interpretative struggle of the Hungarian constitutional court in electoral matters

15.25-15.50 Discussion

15.50-16.00 Coffee Break

16.10–18.00 **PANEL II: AUTHORITARIAN TRENDS AND CONSTITUTIONAL INTERPRETATION IN CONSOLIDATED DEMOCRACIES**

Moderator: **Fruzsina Gárdos-Orosz**

(Director, CSS Institute for Legal Studies; Associate Professor, Eötvös Loránd University)

16.00-16.30 Keynote speech by **Anna Gamper**
(Professor of Law, University of Innsbruck)
An "Instrument of Government" or "Instrument of Courts"? The Impact of Political Systems on Constitutional Interpretation and the Case of Populism

16.30-16.50 **Paolo Zicchittu** (Researcher in Constitutional Law and Adjunct Professor, University of Milan-Bicocca) &
Simone Gianello (Research Fellow, University of Milan-Bicocca)

Limiting Populism through Constitutional Interpretation: A Comparison between the Recent Practice of the Constitutional Courts of Italy and Hungary

16.50-17.10 **Gianmario Demuro** (Professor in Constitutional Law at the University of Cagliari) &
Riccardo Montaldo (doctoral candidate at the Universities of Kassel and Cagliari)

The populist reforms in Italy and the instrument of constitutionally conforming interpretation

17.10-17.30 **José Antonio Sanz Moreno** (Professor at the Universidad Complutense de Madrid)

Populist theologies and Spanish constitutional court: democratic constitutionalism without intangible clauses vs. Catalan secessionist process

17.30-18.00 Discussion

20.00 – Dinner

Day 2 – December 6, Friday

PLENARY SESSION

9.00-9.30 Keynote speech by **Martin Loughlin**
(Professor of Public Law, London School of Economics and Political Science)

Constitutional Interpretation: What can Europeans learn from the US debates?

- 9.30-9.50** **John Morijn** (Assistant Professor, University of Groningen)
Populism v. human rights: substantive and interpretational challenges
- 9.50-10.20** Discussion
- 10.20-10.40** Coffee Break
- 10.40-12.30** **PANEL II: AUTHORITARIAN TRENDS AND CONSTITUTIONAL INTERPRETATION IN CONSOLIDATED DEMOCRACIES**
- 10.40-11.00** **John McEldowney** (Professor of Law at the University of Warwick Law School)
Populism, UK Sovereignty, the Rule of Law and Brexit
- 11.00-11.20** **Konrad Lachmayer** (Professor for Public Law, Sigmund Freud University in Vienna)
*Formalism and judicial self-restraint as tools against populism?
Considerations to recent developments of the Austrian Constitutional Court*
- 11.20-11.40** **Apostolos Vlachogiannis** (Teaching Assistant, Hellenic Open University)
Constitutional identity as a populist notion? The Council of State and the forging of the Greek constitutional identity through the crisis
- 11.40-12.00** **Irene Spigno** (Professor of Comparative Constitutional Law and Human Rights, Inter-American Academy of Human Right-Autonomous University of Coahuila (Mexico))
Challenges to constitutional interpretation in xenophobic populist hate speech cases in comparative perspective

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12.00-12.30 Discussion

12.30 – Lunch

Please send an email indicating your intention to attend the conference with your name and affiliation at szilagyi.emese@tk.mta.hu. Registration is free of charge.

