



ROUND TABLE of the IACL-AIDC

CONSTITUTIONAL IDENTITY: UNIVERSALITY OF CONSTITUTIONALISM VS. NATIONAL CONSTITUTIONAL TRADITIONS?

**St. Petersburg, Russia
10-13 June 2021**

DAY ONE (10 JUNE)

GMT 9:00-10:00 Opening Ceremony

Adrienne Stone, the President of the IACL-AIDC.

Sergei Belov Dean of Law Faculty, St. Petersburg State University.

Sergei Mavrin, Vice-President of the Russian Constitutional Court.

GMT 13:00-15:15 Session 1: The Theory of Constitutional Identity

This panel will explore the idea of constitutional identity in the context of constitutional theory. What is the notion of constitutional identity? What is the scope for ideas of ‘constitutional identity’ without encroaching on the basic principles and values of the constitutionalism? What space does contemporary constitutionalism leaves for national constitutional traditions? Positions of scholars vary. For some, constitutional identity poses dangers for the values of constitutionalism and may provide a justification for authoritarian political regimes. For others, ideas of constitutional identity allow for the representation of local of political cultures and social values in national constitutional systems. This panel will draw out both positions and frame the discussion for the Roundtable.

- Gary J. Jacobsohn (University of Texas at Austin, USA)
- Michel Rosenfeld, President Emeritus of IACL (Cardozo Law School, USA)
- Martin Belov (University of Sofia, Bulgaria)
- Constance Grewe (Strasbourg University, France)

DAY ONE (10 JUNE)

GMT 16:00-18:00 Session 6: Young scholars’ session Panel I (Chair: Selin Esen. Ankara University, Turkey)

- Raphael Oidtmann (Associate Researcher, Max Planck Institute for Comparative Public Law and International Law) “The Two Sides of the German Grundgesetz – Between Constitutional Identity and International Orientation”
- Toni Fickentscher, (PhD student, University of Regensburg) “The Supranational Identity of the German Constitution”
- Catriona Shirley Mullay (PhD researcher, European University Institute Department of Law, Italy) “Constitutional Identity: Contemporary Issues and Challenges the Case of Scotland and the Continuity Bill”
- Tony Meacham (Coventry Law School, England) “Foreign Heritage and the Right to Citizenship”



DAY TWO (11 JUNE)

GMT 8:00-10:30 Session 2: Constructing Constitutional Identity: History and Traditions, Religion, Language

Constitutional identity represents cultures in the constitutional or broader, legal dimension. However, the role and contribution to constitutional identity from the various elements of culture is still an issue for theoretical analysis and research. These questions are to be considered in the context of the role of religion, national traditions and social values in shaping the constitutional landscape. The panel will also consider to the extent to which constitutional transplants are compatible with national constitutional identities, as well as the concept of transformative constitutionalism.

- Zdeněk Kühn (High Administrative Court of Czech Republic, Karlov Univ. of Prague)
- Alexander Ponomariov (University of Passau, Germany)
- Yasuo Hasebe (Waseda University, Japan)
- Cheryl Saunders, President Emeritus of IACL-AIDC (University of Melbourne, Australia)

GMT 11:00-12:30 Session 3: Sub-National and Supra-National Constitutional Identity

Autonomy or independence for regional communities is often sought based on the arguments of their cultural identity. These claims pose the question whether constitutional identity can be a criterion for granting political status, and if so, how to measure and respond to distinct cultural identity.

- Pietro Faraguna (the University of Trieste, Italy)
- Elena Gritsenko (St.Petersburg University, Russia)
- Anita Schnettger (Berlin, Germany)
- Ren Xirong (Jilin University, China)

GMT 14:00-16:30 Session 2: Factors Of Constructing Constitutional Identity: History and Traditions, Religion, Language (Part 2)

Constitutional identity represents cultures in the constitutional or, broader, legal dimension. However, the role and contribution to the constitutional identity from the various elements of culture is still an issue for theoretical analysis and research. These questions are to be considered in the context of the role of religion, national traditions and social values in shaping the constitutional landscape as such. The panel will also consider to the extent to which constitutional transplants are compatible with national constitutional identities, as well as the concept of transformative constitutionalism.

- Han Dayuan (Renmin University of China)
- César Landa Arroyo (Perú)
- Alexandra Troitskaya (Moscow State University (Lomonosov), Russia)
- Gerhard van der Schyff (Tilburg University, Germany)

DAY THREE (12 JUNE)

GMT 09:00-10:30 Session 4: Constitutional Identity around the Globe: National Practices

This panel will explore national experiences in recognizing and conferring legal consequences on national constitutional identity. Among the most important questions relate to the use of constitutional identity by courts in constitutional adjudication. Included in this session is a debate on the role of constitutional identity for judicial review of constitutional amendments.



- Li-ann Thio (National University of Singapore)
- Pablo Riberi (National University of Córdoba, Argentina)
- Charles Fombad (University of Pretoria, South Africa)
- Marcelo Figueiredo (Pontifícia Universidade Católica of São Paulo, Brazil)

GMT 11:00-13:30 Session 5: Constitutional Identity in the context of Recent Constitutional developments in Russia.

The Russian Constitutional Court appealed to constitutional identity for the first time in a judgment of 2015, in relation to the European Court of Human Rights' decision on the disfranchisement of prisoners. The ECtHR found that the Russian Constitution contradicted the European Convention. This dispute frames the questions for discussion in this panel: Are deviations of human rights interpretation in Russia and abroad justified by the idea of constitutional identity and if so, to what extent do such deviations lie within the margin of appreciation of the Member States?

- William Partlett (University of Melbourne, Australia)
- Gadis Gadjev (Judge of the Constitutional Court of Russia)
- Eva Brems (Ghent University, Belgium)

GMT 14:00-16:00 Session 6: Young Scholars' Session Panel II: (Chair: Bertrand Mathieu Professeur de Droit à l'Université Paris I Panthéon Sorbonne)

- Muiyiwa Adigun, (Department of Public Law, Faculty of Law, University of Ibadan, Nigeria) "Constitutional Identity: What Does It Mean and Why Is There a Disconnect Between Constitutions and Those Whose Lives They Regulate in Africa?"
- Eric M. Ngango Youmbi (Université de Paris Panthéon-Sorbonne), "Is There an African Constitutionnal Identity?"
- Sergei Manzhosov (St Petersburg State University), "The Doctrine of Precedent and Post-Soviet Constitutional Identity"
- Marija Vlajković (University of Belgrade) "Constitutional Identity in the Context of EU Integration Process: Case Study of the Republic of Serbia"

Session 7: Young Scholars' Session. Current Constitutional Research of Young Russian Scholars

This panel will be based upon a general call for papers among young scholars. If necessary, a selection of papers will be made by a board of experts which will be drawn formed from keynote speakers of the Roundtable.

DAY FOUR (13 June)

GMT 09:00-11:00 Session 6: Young Scholars' Session Panel III: (Chair: Sergei Belov, St. Petersburg State University, Russia)

- Maksymilian Hau (PhD candidate, University of Warsaw, Faculty of Law) "Margin of Appreciation Versus Constitutional Identity: the Case of Freedom of Religion or Belief"
- Tatiana Khramova, (Associate Professor at the National Research University Higher School of Economics, Moscow, Russia) "The Possibilities and Limits of Evolutive Interpretation of Constitutional Principles: The Example of the Russian Constitutional Court"
- Alberto Nicotina, (PhD candidate, University of Antwerp) and Emil Martini (LLM, College of Europe, Bruges) "The Other Heading'. National and European Identity: a Dialogue-Based Approach"



- Karol Popławski, (PhD candidate, Akademia Leona Koźmińskiego, Warsaw) “Definitional Vagueness on the National Constitutional Identity Concept As a Source of the “Integration Despite the Law Process. The Perspective of the V4 Countries”
- Jakob Gašperin (PhD candidate, Humboldt University of Berlin) “Constitutional Identity and Multileveled Fundamental Rights Protection in the EU”

GMT 11:30-13:30 **Session 6: Young Scholars’ Session** Panel IV: (Chair: Anna Jonsson Cornell, Uppsala University, Sweden)

- Laurianne Allezard (Part-time lecturer, School of Law, Clermont-Ferrand, University Clermont Auvergne), “An Identity System Behind the Concept of Constitutional Identity”
- Francesco Cirillo (PhD. Cand. in Law and Cognitive Neuroscience, Faculty of Law, Telematic University of Rome Niccolò Cusano) and Federico Girelli (Associate Professor in Constitutional Law, Faculty of Law, Telematic University of Rome Niccolò Cusano), “Innovative Disruption and Constitutional Identities: Current Trends and Issues”
- İlker Gökhan Şen (Researcher, Chr. Michelsen Institute, Center on Law and Social Transformation, Norway) “Constitutional Identity in Crisis: Populist constitutionalism and Its Effects”
- Gürkan Çapar (PhD student, Scuola Superiore Sant’Anna, Pisa, Italy) “Constitutional Identity as an Inherent Constraint on Amendment Power: an Evaluation from the Perspective of Systems Theory”
- Cristina Gazzetta (Assistant Professor of Comparative Constitutional Law, Faculty of Political Science, Università Degli Studi “Niccolò Cusano”, Roma) and Giovanni D’alessandro, (Professor of Public Law, Faculty of Law, Università Degli Studi “Niccolò Cusano”, Roma), “Constitutional Identities Beyond National Traditions?”
- Ekaterina Kalinina, (Senior teacher, the “Ural State Law University” Yekaterinburg, Russia) “The Role of Constitutional Identity in the Human Rights Protection and the Challenges of Globalization”

Closing Ceremony GMT 15:30-16:30