

WORKSHOP FOR YOUNG RESEARCHERS

# Framing and Diagnosing Constitutional Degradation: A Comparative Perspective

Monday June 21, 2021 - Tuesday June 22, 2021

Certosa di Pontignano - Webex and Youtube Live

## MONDAY 21 JUNE

9:30 - 13:30 FIRST PLENARY SESSION

*hybrid*

CHAIR

**Giammaria Milani**

University of Siena

GREETINGS - 9:30 / 9:45

**Roberto di Pietra**

Director, Department of Business and Law, University of Siena

**Tania Groppi**

University of Siena, PI of the National Research Program (PRIN)  
Framing and Diagnosing the Constitutional Degradation: A Comparative Perspective

KEYNOTE SPEECH (ITALIAN) - 9:45 / 11:00

**Josep Castellà**

University of Barcelona, Venice Commission

*The Venice Commission and the Rule of Law*

ROUNDTABLE (ITALIAN) - 11:30 / 13:30

CHAIR

**Melina Decaro**

LUISS University of Rome

**Carla Bassu**, University of Sassari

**Diana Maria Castano Vargas**, University Suor Orsola Benincasa of Naples

**Gianluca Conti**, University of Pisa

**Gianmario Demuro**, University of Cagliari

**Ibrahim Kaboglu**, Professor of Constitutional Law  
Member of the Constitutional Commission at the Grand National Assembly of Turkey

## MONDAY 21 JUNE

15:30 - 18:00

*online*

PANEL I

THE PROCESSES OF  
CONSTITUTIONAL DEGRADATION  
(ENGLISH/ITALIAN)

Chair: **Mario Perini**, University of Siena

**Participants:** Elia Cremona, Andrea Gatti,  
Giacomo Giorgini Pignatiello, Micol Pignataro  
Adrian Rubio, Andrea Vernata, Giuseppe Naglieri.

PANEL II

A GLOBAL COMPARATIVE PERSPECTIVE  
ON CONSTITUTIONAL DEGRADATION  
(ENGLISH)

Chair: **Pierluigi Petrillo**, University Unitelma Sapienza of Rome

**Participants:** Lidia Bonifati, Thiago Burckhart,  
Valentina Carlino, Ali Shirvani, Evis Garunja, Ferdinando La Placa  
Andrea Cristina Robles Ustariz, Giacomo Salvadori,  
Federico Spagnoli, Emese Szilagy.

## TUESDAY 22 JUNE

9:30 - 12:00

*online*

PANEL III

INSTITUTIONAL ARRANGEMENTS WHICH  
CAN PROTECT LIBERAL DEMOCRACY  
(ENGLISH)

Chair: **Irene Spigno**, Interamerican Academy of Human Rights

**Participants:** Ylenia Citino, Ilaria De Cesare, Simon Drugda,  
Marco Bruno Fornaciari, Mayra Angélica Rodríguez Avalos,  
Francesco Alberto Santulli, Francesco Severa, Marco Antonio Simonelli, Giulia Vasino.

PANEL IV

EUROPEAN INTEGRATION AND  
CONSTITUTIONAL DEGRADATION  
(ENGLISH/ITALIAN)

Chair: **Francesco Clementi**, University of Perugia

**Participants:** Stefano Bargiacchi, Luca Dell'Atti,  
Simone Gianello, Giovanni Guerra, Pietro Masala,  
Omar Pallotta, Paola Pannia.

## TUESDAY 22 JUNE

14:30 - 18:00 SECOND PLENARY SESSION

*hybrid*

CHAIR

**Andrea Pisaneschi**

University of Siena

RESTITUTIONS FROM THE PANELS (ITALIAN) - 14:30 / 16:00

**Mario Perini**, University of Siena

**Pierluigi Petrillo**, University Unitelma Sapienza of Rome

**Irene Spigno**, Interamerican Academy of Human Rights

**Francesco Clementi**, University of Perugia

COFFEE BREAK - 16:00 / 16:30

CONCLUDING SPEECH (ENGLISH) - 16:30 / 17:45

**Tom Ginsburg**

University of Chicago

*How to Save a Constitutional Democracy*

Moderates:

**Luis Efrén Ríos Vega**

High Court of Justice, State of Coahuila de Zaragoza, Mexico

CONCLUSIONS - 17:45 / 18:00

**Tania Groppi**

University of Siena

The workshop is part of the National Research Project PRIN 2017

“FRAMING AND DIAGNOSING CONSTITUTIONAL DEGRADATION: A COMPARATIVE PERSPECTIVE”

Principal Investigator Professor **Tania Groppi**



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**THE PROCESSES OF  
CONSTITUTIONAL DEGRADATION**  
(ENGLISH/ITALIAN)

Chair: **Mario Perini**, University of Siena

**Participants:**

**Elia Cremona**, The “Constitutional Degradation”: a ‘bottom-up’ look

**Andrea Gatti**, Abuse of rights and constitutional stability

**Giacomo Giorgini Pignatiello**, The Expansion of Judicial Powers: the Principle of Separation of State Powers in the line of fire. Physiological Evolution of Democratic Systems or Prelude to Illiberal Democracies?

**Micol Pignataro**, Constitutional degradation in the time of Coronavirus

**Adrian Rubio**, The Decline of Consultive Bodies in Executive Decision-Making: A Sign of Constitutional Degradation?

**Andrea Vernata**, Governing bodies and representative assemblies: time for a new balance?

**Giuseppe Naglieri**, Overturning the pillars of democratic representation: partisan gerrymandering and the impact of the modern technology-based redistricting processes on the constitutional order. Brief notes on Rucho’s fallouts.

PANEL II

**A GLOBAL COMPARATIVE PERSPECTIVE  
ON CONSTITUTIONAL DEGRADATION**  
(ENGLISH)

Chair: **Pierluigi Petrillo**, University Unitelma Sapienza of Rome

**Participants:**

**Lidia Bonifati**, Constitutional design v. constitutional degradation: strengthening the rule of law in Bosnia-Herzegovina

**Thiago Burckhart**, Constitutional degradation in Brazil and the protection of cultural rights: de-constitutionalization and institutional de-regulation

**Valentina Carlino**, Undemocratic threats in the African context: which lesson to be learned from the Benin turning?

**Ali Shirvani**, Degradation of Democracy via Islamic Sharia. Typology and Methodology of the Islamic States Constitutions.

**Evis Garunja**, The effects of constitutional changes on the judiciary system in Albania. The process of VETTING

**Ferdinando La Placa**, Constitutional degradation: a comparative overview

**Andrea Cristina Robles Ustariz**, May the credit rating agencies stay neutral regarding constitutional degradation?

**Giacomo Salvadori**, Diagnosis of a very scrupulous judiciary in giving weight to words. A comparison between Italy and Spain

**Federico Spagnoli**, The process of constitutional degradation in Spain

**Emese Szilagyi**, The chances of pluralistic political competition in populist Hungary

  
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PANEL III

**INSTITUTIONAL ARRANGEMENTS WHICH  
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(ENGLISH)

Chair: **Irene Spigno**, Interamerican Academy of Human Rights

**Participants:**

**Ylenia Citino**, Comparing Constitutional Provisions Regarding Parliamentary Opposition. An Introductory Note

**Ilaria De Cesare**, Constitutional Degradation and the Italian Parliament. How to preserve the centrality of the representative body in Italian legal system?

**Simon Drugda**, When should Constitutional Judges be Appointed?

**Marco Bruno Fornaciari**, Regression of the constitutional order and the role of the highest Courts: a comparative perspective

**Mayra Angélica Rodríguez Avalos**, In defense of the constitution: judicial autonomy and the crusade of judiciary in Mexico

**Francesco Alberto Santulli**, The crisis of political parties as a phenomenon of constitutional degradation: what is to be done?

**Francesco Severa**, Limited powers or adequate powers. Considerations on the relationship between freedom and authority in modern democracies, starting from the reflection of Adrian Vermeule

**Marco Antonio Simonelli**, The People’s Watchdog. Public Media as an Instrument of Accountability

**Giulia Vasino**, De-constructing and re-building procedural standards: new trends in the current stage of the Italian constitutional review of legislation

PANEL IV

**EUROPEAN INTEGRATION AND  
CONSTITUTIONAL DEGRADATION**  
(ENGLISH/ITALIAN)

Chair: **Francesco Clementi**, University of Perugia

**Participants:**

**Stefano Bargiacchi**, The new role of national parliaments in the post-crisis EU economic governance. Some considerations on the Hungarian case; a(nother) constitutional degradation issue?

**Luca Dell’Atti**, European Treaties and Social Constitutions. A Problem of Sovereignty

**Simone Gianello**, The ECHR as a tool for the protection of the rule of law (articles 17 and 18)

**Giovanni Guerra**, Challenging Austerity Measures at the Time of the Euro-Crisis. Which Judicial Guarantees against the Degradation of Social Rights?

**Pietro Masala**, Emerging collective implications of personal data processing and possible forms of superindividual protection for the safeguard of constitutional values and democracy in Europe

**Omar Pallotta**, Fighting Europarties’ democratic backsliding: arguments for a multilevel approach

**Paola Pannia**, The “institutional uncertainty” of migration governance, in Europe and beyond

  
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