

'Unwritten Constitutionalism and Public Law in Central and Eastern Europe'

Faculty of Law, 'Lucian Blaga' University of Sibiu

Sibiu, Romania

PROGRAMME

FRIDAY, 12 APRIL

8:30 – 9:00 ARRIVAL OF THE PARTICIPANTS, REGISTRATION

9.00-9.15 – Welcome speeches

9:15 – 10:00 KEYNOTE SPEECH

Prof.univ.dr. Elena-Simina Tănăsescu, *Unwritten Constitutionalism between Optimism and Decay* (Moderator – Silvia Şuteu, ICON-S CEE Co-Chair)

10:00 – 10:30 COFFEE BREAK

10:30 – 12:15 PANELS

AULA MAGNA

ROOM 101, 1ST FLOOR

ROOM 103, 1ST FLOOR

CONCEPTS

TRADITIONS AND IDENTITY

FEMINIST JUDGMENTS IN CENTRAL AND EASTERN EUROPE AT THE INTERSECTION OF WRITTEN AND UNWRITTEN CONSTITUTIONALISM

Chair: **DAVID KOSAŘ**

Chair: **MANUEL GUŢAN**

Chair: **SILVIA ŞUTEU**

Marius Balan, *Two Features of Unwritten Constitutional Law*

Martin Belov, *Making Rules out of Constitutional Imaginaries and Socio-Legal Practices in the Shadow of Official Excessive Rationalism: The Unwritten Constitution in Bulgaria*

Barbara Havelkova, *Divide and Rule (Poorly) – The Czech Constitutional Court's Refusal to Take Trans Rights Seriously*

Tanasije Marinkovic, *The Concept of Constitutional Conventions Revisited*

Monika Florczak-Wątor, *Constitutional traditions as part of unwritten constitutionalism in the jurisprudence of the Polish Constitutional Court*

Elena Brodeală, *Empowering Choice: Revising Romania's Constitutional Court Decision 418/2005 on Abortion and Assisted Reproduction*

Alexandra Mercescu, *The inevitability of unwritten constitutionalism. A matter of legal culture*

Cosmin Cercel, *Crisis and the Unwritten constitution: Emergency Powers in Romania from 1915 to 1938*

Emanuela Ignatou-Sora, *Stereotypes, slurs and other discriminatory beasts. Exposing the ruptured fabric of the intimate and social life in Romania*

Boldizsár Szentgáli-Tóth, *Classifying constitutional frameworks with meaningful unwritten components*

Lorant Csink, *Unwritten constitutionalism in Hungary: From the invisible to the historical constitution*

Alexandra Sipos, *The constitutional case of same-sex couple recognition in Hungary: The 154/2008. (XII. 17.) Decision of the Hungarian Constitutional Court*

Teresa Weber, *Constitutional Fidelity: Concept, Comparison and Manifestations*

Răzvan Roghină, *Writing Constitutions with Invisible Ink: The Romanian Experience Across Time, Identity and Change*

Silvia Şuteu, *Redefining Family as a Feminist Site of Struggle: An Imagined Dissent in Romanian Constitutional Court Decision 580/2016*

12:15 – 13:45 LUNCH (RESTAURANT JOYME, ACROSS THE ROAD)

13:45 – 15:30 PANELS

AULA MAGNA

ROOM 101, 1ST FLOOR

ROOM 103, 1ST FLOOR

FORMAL AND INFORMAL IN CONSTITUTION MAKING AND CHANGING

SILENCE AND FLEXIBILITY AS CONSTITUTIONAL TOOLS

THE UNWRITTEN CONSTITUTIONALISM OF THE TRANSITIONAL PERIOD – THE ROLE OF LEGAL EPISTEMIC AUTHORITY IN EMERGENCE OF RULE OF LAW IN POLAND 1986-2020

Chair: **BARBARA HAVELKOVA**

Chair: **MONIKA FLORCZAK-WĄTOR**

Chair: **PIOTR ECKHARDT**

Agnieszka Bień-Kacała, *Verfassungsdurchbrechung, Informal Constitutional Change and Constitutional Violation. The Polish Experience*

Piotr Mikuli, *Unwritten Rules in Poland's Constitutional Framework*

Michał Paździora, *Legal Epistemic Authority in Poland. Dynamics and Development 1986-2020 – the objectives of the research project and the first results of empirical research*

Max Steuer, Darina Malova, *Slovakia's Flexible Written Constitution: A Contextual Analysis of Formal Amendments amidst Fragmented Political Competition*

Bianca Selejan-Guţan, *Letter and Spirit or Visible and Invisible in the 1991 Romanian Constitution, Between Drafting and Revision*

Jolanta Sawicka, *Epistemic authority in conditions of epistemic injustice*

Andreea Verteş-Olteanu, *Reading the Unwritten: The Dynamic Journey of Romania's Invisible Constitution*

Matija Miloš, *The Symbolism of a Constitution: The Repository of Unwritten Popular Constitutionalism in Croatia*

Anna Młynarska-Sobaczewska, *Power, law, knowledge. On the role of legal experts in the exercise of power in Poland*

Wojciech Brzozowski, *Who can read the invisible? Unwritten constitutionalism in Poland in the age of populism and post-populism*

Maria Lakatos, *Unwritten constitution as the tool of the states' existence in Central-Europe during the hegemony of the Habsburg Empire*

Piotr Eckhardt, *Issues of Political and Economic Transformation in the Activity of the Polish Constitutional Tribunal. Jurisprudence vs. Reminiscences of Judges*

15:30 – 15:45 COFFEE BREAK

15:45 – 17:30 PANELS		
AULA MAGNA	ROOM 101, 1 ST FLOOR	ROOM 103, 1 ST FLOOR
UNWRITTEN RULES BEYOND CONSTITUTIONAL LAW	HUMAN RIGHTS, IDENTITY AND UNWRITTEN RULES	UNWRITTEN RULES AND STATE POWERS
<p>Chair: ALEXANDRA MERCESCU</p> <p><i>Marcin Romanowicz, Beyond the constitutional provisions: genealogical interpretation as a remedy to constitutional identity abuses</i></p> <p><i>Loredana-Elena Gogoășe, "Building The Shadow": The Case Law of the Romanian Constitutional Court and the "invisible constitution"</i></p> <p><i>Anthony Murphy, Anca Jeanina Niță, The reception of the uncodified constitution of the European Union in Romania</i></p> <p><i>Ioana Maria Costea, Despina Ilucă, Unwritten Constitutionalism and Tax Law. Argus Panoptes: Every Eye Sees a Different Sight?</i></p> <p><i>Mihaela Tofan, The new design of public law concepts in the digital economy: taxation influence on fundamental concepts</i></p>	<p>Chair: MAX STEUER</p> <p><i>Alina Gentimir, Current Progressive Human Rights Standards between Unwritten and Written Laws?</i></p> <p><i>Marta Deak, The Proportionality Test in Practice: A Comparative Analysis of the Hungarian and Polish Juridical Landscape</i></p> <p><i>Luca Sevaracz, Comparative Analysis of Identity Review in Constitutional Complaint Procedures</i></p> <p><i>Donatas Murauskas, The national constitutional case-law before the European Court of Human Rights: examples from the Baltic States</i></p> <p><i>Atul Kumar Dubey, Shreya Matilal, The Unwritten Constitutional Morality: Interpreting the Right to Religious Freedom under Indian Constitution</i></p>	<p>Chair: MARIUS BALAN</p> <p><i>Ramona Popescu, Constitutional design of intra executive dynamics recreated by informal networks and unwritten constitutional principles - case of Romania</i></p> <p><i>Djordje Gardasevic, Cabinet Supremacy as the Most Salient Feature of Croatia's Small-c Constitution</i></p> <p><i>Viktor Derka, Unwritten Rules of Judicial Selection in the Czech Republic: A Maelstrom of Status Quo?</i></p> <p><i>Ladislav Vyhnánek, Robert Zbiral, Unwritten Conventions in Constitutional Judges Selection Processes</i></p> <p><i>Mikolaj Wolanin, Incorporation of parliamentary customs on the example of Poland</i></p>
17:35 – 18:05 CONCLUDING REMARKS		
David Kosař, ICON-S CEE Co-Chair		