



Constitutional History—Comparative Perspectives

Landmark Judgments

Bologna, Italy

September 14 & 15, 2023

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

University of Bologna Department of Legal Studies

Center for Constitutional Studies and Democratic Development

**University of Bologna School of Law
Via Zamboni, 22 – *Sala Armi*
Bologna**

Thursday, September 14, 2023

09:30 – 09:45 **OPENING REMARKS**

- Federico Casolari (University of Bologna)
- Francesco Biagi (University of Bologna)
- Jason Mazzone (University of Illinois)
- Justin O. Frosini (Bocconi University)

09:45 – 11:15 **KEYNOTE**

- Hon. Mirosław Granat (Professor, Cardinal Stanislaw Wyszyński University; Former Judge, Polish Constitutional Court): *Is There a Place for Landmark Decisions in the Civil Law System?*
- *Chair:* Francesco Biagi (University of Bologna)

11:15 – 11:30 **BREAK**

11:30 – 13:00 **PANEL ONE: LANDMARKS IN THEORY AND PRACTICE**

- Catarina Botelho & Marta Vicente (Universidade Católica Portuguesa): *The Portuguese Constitutional Court and its Landmarks*
- Justin O. Frosini (Bocconi University): *The Legal Value of Constitutional Preambles and the Significance of the Grande Décision of the Conseil Constitutionnel of 1971*
- Ana Robalinho (Yale Law School): *A Needle in a Haystack: Forward-looking Criteria for Identifying Landmark Judgements and the Case of Brazil*
- *Chair:* Jason Mazzone (University of Illinois)

13:00 – 14:30 **LUNCH**

14:30 – 16:00 **PANEL TWO: LANDMARKS AND JUDICIAL POWER**

- Francesco Biagi (University of Bologna): *Judgment no. 1 of 1956: A Founding Moment in Italian Constitutionalism*
- Saul Cornell (Fordham University): *The Second Amendment and Constitutional Time: Originalism, Historicism, and Constitutional Meaning*
- Yvonne Tew (Georgetown University Law Center): *Malaysia's Judicial Empowerment Moment: Indira Gandhi*
- *Chair:* Jason Mazzone (University of Illinois)

Friday, September 15, 2023

9:30 – 11:00 **PANEL THREE: LANDMARKS ACROSS TIME AND SPACE**

- Jud Mathews (Pennsylvania State University): *Solange as Promise and Threat*
- Leonardo Pierdominici (University of Bologna): *The Landmark Footnote Four of United States v. Carolene Products as a Case Study in Globalization of Constitutional Law*
- Mauro Arturo Rivera Leon (University of Silesia in Katowice): *On the Chronology of Landmark Judgments*
- *Chair*: Susanna Mancini (University of Bologna)

11:00 – 11:15 **BREAK**

11:15 – 12:45 **PANEL FOUR: LANDMARK SUCCESSES AND FAILURES**

- Marie Laur (Central European University): *The Unremarkable Destiny of Landmark Cases in the Jurisprudence of the Constitutional Court of Mali*
- Dan Rodriguez (Northwestern University) & Barry Weingast (Stanford University): *Lochner and Lochnerism: Perspectives on Constitutions, Constitutional Review and the Scope of the Police Power in the U.S.*
- Zoltán Szente (TK Institute for Legal Studies): *The Rise and Fall of a Landmark Judgment: The Death Penalty Case in Hungary*
- *Chair*: Justin O. Frosini (Bocconi University)

12.45 – 14.15 **LUNCH**

14:15 – 15:45 **PANEL FIVE: LANDMARKS AND DEMOCRATIC CONSTITUTIONALISM**

- Lidia Bonifati (University of Bologna): *The ‘Constituent People’s Case’ and its Impact on the Multinational Nature of Bosnia and Herzegovina*
- Molefhi Phorego (Nelson Mandela University): *The Public Protector as a Mechanism to Enhance Presidential Accountability for Cabinet Appointments in South Africa: Re-Visiting Nkandla*
- Carlos Arturo Gutierrez Rodriguez (University of Padua): *Peace Constitutionalism and Transitional Justice: The Colombian Landmark Decision on the Legal Framework for Peace*
- *Chair*: Francesco Biagi (University of Bologna)

15:45 – 16:15 **CONCLUSION & FUTURE DIRECTIONS**

Organizing Committee

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