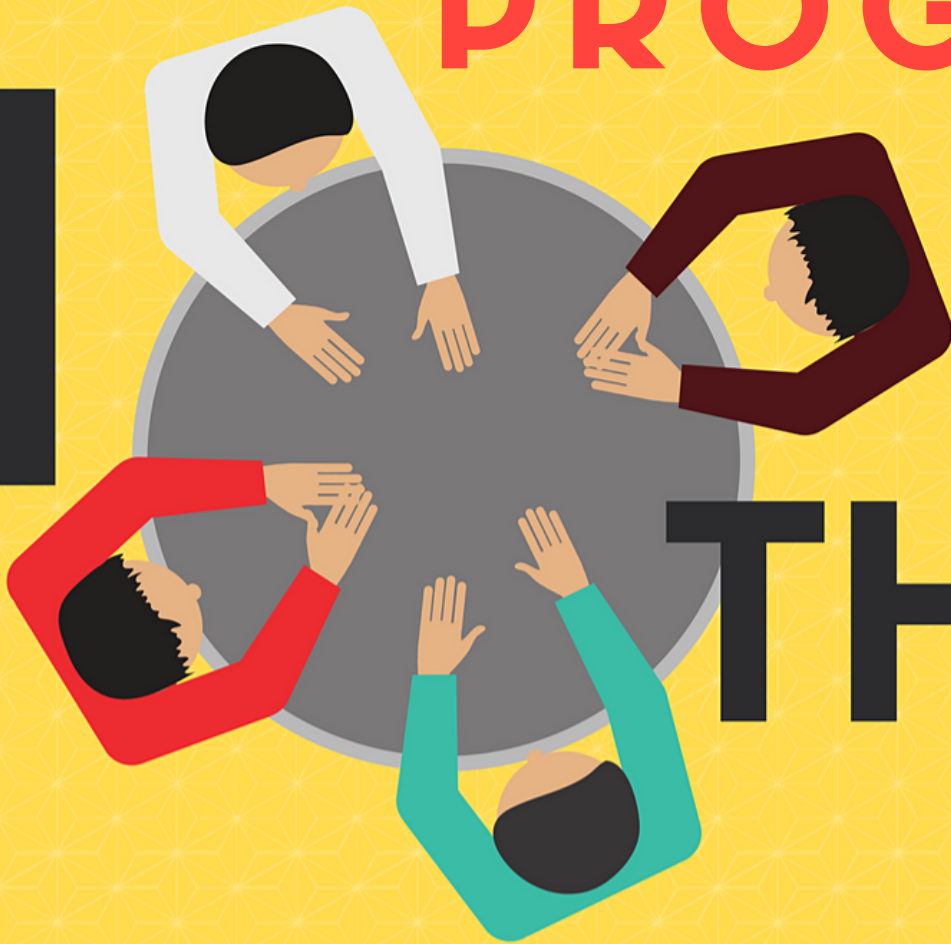


# PROGRAM

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CENTRAL AND EASTERN  
EUROPEAN FORUM OF  
YOUNG LEGAL,  
POLITICAL AND SOCIAL  
THEORISTS

# CONSTITUTIONAL IDENTITY

AND

# SOCIAL MEMORIES

IN CENTRAL  
AND  
EASTERN EUROPE

# 3-4

MAY 2018  
TIMIȘOARA  
ROMANIA

# WELCOME

10TH CEE FORUM

TIMIȘOARA, 3-4 MAY 2018

*Dear All,*

The Central and Eastern European Forum of Young Legal, Political and Social Theorists (**CEE Forum**) was founded in May 2009, its inaugural conference being held at the University of Silesia, Katowice (Poland). Since that time, the CEE Forum annual conferences were held in Budapest (2010), Belgrade (2011), Celje (2012), Greifswald (2013), Zagreb (2014), Sofia (2015), again in Budapest (2016) and in Wrocław (2017).

What makes the CEE Forum distinct from other similar initiatives is the fact that it takes a transdisciplinary approach, creating opportunities for cooperation among legal theorists, philosophers, political scientists, sociologists and social theorists.

The aim of this year's anniversary Forum (10th edition) is to discuss the topic of constitutional identity in Central and Eastern European countries, in general, and in relation to the concept of "social memory" in particular. How do CEE countries construct their present-day constitutional consciousness with reference to social memories of actually existing socialism? Can we talk about a regional, supranational CEE identity (as opposed to a Western or Eastern European one)? But what separates CEE countries from each other in terms of constitutional identity? At a time when the rhetoric of constitutional identity, national identity, and collective memories is used to justify "illiberal" attitudes, we seek to understand the role that various actors and institutions play in shaping the constitutional order. Therefore, we invited papers dealing with the topic of "Constitutional Identity and Social Memories in Central and Eastern Europe", especially from a legal, political, social or philosophical perspective.

We hope you will have fruitful debates and a good time in Timișoara,

The Organizing Committee:

*Alexandra Mercescu, Lucian Bojin,*

*Karolina Kocemba and Andreea Verteș-Olteanu*

# PROGRAM

## General overview

10TH CEE FORUM

3RD OF MAY

<b>08:30 – 09:00</b>	<b>REGISTRATION</b>	Faculty of Law, bvd. Eroilor 9A (first floor)
<b>09:00-09:20</b>	<b>WELCOME ADDRESS</b> Dr. Alexandra Mercescu - on behalf of the Organizing Committee Professor Lucian Bercea - Dean of the Faculty of Law in Timisoara Dr. Florentin Țuca - Managing Partner Țuca Zbârcea & Asociații	Room A2
<b>09:20 – 11:00</b>	<b>KEYNOTE SPEECHES</b>  <b>Professor Zoltán Szente</b> (National University of Public Service / Hungarian Academy of Sciences) <i>The Constitutional Identity Conundrum</i>  <b>Carsten Zatschler</b> (EFTA Surveillance Authority / Fellow King's College London) <i>European Integration as a Source of Constitutional Identity</i>	Room A2
<b>11:00 – 11:15</b>	<b>COFFEE BREAK</b>	
<b>11:15 - 12:45</b>	<b>PANELS:</b> <ul style="list-style-type: none"><li>• Constitutional Identity I</li><li>• Constitutional Crisis and Illiberal Discourses I</li><li>• Legal Consciousness</li></ul>	Room A2 Room A3 Room A4
<b>12:45 - 13:30</b>	<b>LUNCH</b>	Buffet at the Faculty
<b>13:30 - 15:00</b>	<b>PANELS:</b> <ul style="list-style-type: none"><li>• Constitutional Identity II</li><li>• Diversity and "The People"</li><li>• The Rule of Law</li></ul>	Room A2 Room A3 Room A4
<b>15:00 - 15:15</b>	<b>COFFEE BREAK</b>	
<b>15:15 – 16:45</b>	<b>PLENARY SESSION</b>  <b>Professor Sergiej Korolyov</b> , <i>Does the term 'legal identity' make sense in the first place?</i> (State and Law Institute of the Russian Academy of Sciences)  <b>Associate Professor Bogdan Iancu</b> , <i>Constitutional identity - the 'dead hand of the past' in constitutionalism and constitutional law</i> (University of Bucharest)  <b>Professor Manuel Guțan</b> , <i>The Tendentia Constitutionalism and the Confines of the Romanian Constitutional Identity</i> (Lucian Blaga University, Sibiu)	Room A2
<b>16:45 – 17:00</b>	<b>COFFEE BREAK</b>	
<b>17:00 - 18:30</b>	<b>PANELS:</b> <ul style="list-style-type: none"><li>• Constitutional History</li><li>• Changes in the Constitutional Order</li><li>• Constitutional Identity as Shaped by Soft and Customary Law</li></ul>	Room A2 Room A3 Room A4
<b>19:30</b>	<b>DINNER</b>	Merlot Restaurant (Splaiul Nistrului 1)

# PROGRAM

## General overview

10TH CEE FORUM

4TH OF MAY

<b>9:00 - 11:00</b>	<b>KEYNOTE SPEECHES</b> <b>Emeritus Professor Frank Furedi</b> (University of Kent) <i>Anti-populism and its Problem of Popular Sovereignty</i>  <b>Professor Jiří Přibáň</b> (Cardiff University) <i>No Identity Without Constitution: A Critique of Political Existentialism and Constituent Power</i>	Room A2
<b>11:00 - 11:15</b>	<b>COFFEE BREAK</b>	
<b>11:15 - 12:45</b>	<b>PANELS:</b> <ul style="list-style-type: none"><li>Discourses of Collective Memories</li><li>Constitutional Crisis and Illiberal Discourses II</li><li>Judicial Dialogue in the European Union</li></ul>	Room A2 Room A3 Room A4
<b>12:45 - 13:30</b>	<b>LUNCH</b>	Buffet at the Faculty
<b>13:00 - 13:30</b>	<b>CEE FORUM BOARD MEETING</b>	Room A4
<b>13:30 - 14:30</b>	<b>PLENARY SESSION</b> <b>CEE Forum Roundtable:</b> Accomplishments and Future Directions  Moderator: Balázs Fekete	Room A2
<b>14:30 - 14:45</b>	<b>COFFEE BREAK</b>	
<b>14:45 - 16:15</b>	<b>PANELS:</b> <ul style="list-style-type: none"><li>Constitutional Identity as Shaped by Fundamental Rights</li><li>Local and Regional Legal Cultures</li><li>Philosophy/Sociology of Law</li></ul>	Room A2 Room A3 Room A4
<b>16:15 - 16:30</b>	<b>COFFEE BREAK</b>	
<b>16:30 - 18:00</b>	<b>PANELS:</b> <ul style="list-style-type: none"><li>Ethnicity</li><li>Economic Doctrines and the Constitutional Order</li><li>Administrative Law and the Constitutional Order</li></ul>	Room A2 Room A3 Room A4
<b>18:00 - 18:15</b>	Concluding remarks from the part of the Organizers	

# PROGRAM

## Parallel Sessions

10TH CEE FORUM, PARALLEL SESSION 1

11:15 – 12:45, 3RD OF MAY

### CONSTITUTIONAL IDENTITY I

**Room: A2**  
**Chair: Zoltán Szente**

**Milos Markovic**  
*Three questionable assumptions and a critique of global constitutionalism*  
(University of Belgrade)

**Raluca Bercea**  
*What's in a name?*  
(The West University of Timișoara)

**Johanna Hase**  
*The enigmatic notion of constitutional identity*  
(WZB Berlin Social Science Center)

**Alexandra Mercescu**  
*The comparative double-binds of Central and Eastern European Countries*  
(The West University of Timișoara)

### CONSTITUTIONAL CRISIS AND ILLIBERAL DISCOURSES I

**Room: A3**  
**Chair: Bogdan Iancu**

**Łukasz Chyla**  
*The critical analysis of the current Polish constitutional identity crisis in a comparative perspective with Central and Eastern European countries* (Jagiellonian University)

**Stanisław Tosza and Dominik Zając**  
*Independent judiciary, a cornerstone of a constitutional order – but how to do it? A comparative study in view of the latest reforms in Poland* (Utrecht University / Jagiellonian University)

**Wojciech Zomerski**  
*"As You Sow, So Shall You Reap": The crisis of Rule of Law in Poland as a crisis of a legal discourse* (University of Wrocław / Centre for Legal Education and Social Theory)

### LEGAL CONSCIOUSNESS

**Room: A4**  
**Chair: Luka Burazin**

**György Gajduschek and Balázs Fekete**  
*Lack of rights consciousness in the legal cultures of Central-Europe and Balkans. Myth or reality? A comparative study* (Hungarian Academy of Sciences, Centre for Social Sciences)

**Mario Kresic**  
*Legal consciousness and (de)constitutionalisation of the legal order* (University of Zagreb)

**Iwo Jarosz**  
*Polish Constitution and Polish collective consciousness on ownership and limited rights in rem* (Jagiellonian University)

**Flaminia Stârc-Meclejan**  
*Social responsibility and legal consciousness: our less ecological common bequest* (The West University of Timișoara)

# PROGRAM

## Parallel Sessions

10TH CEE FORUM, PARALLEL SESSION 2

13:30 – 15:00, 3RD OF MAY

### CONSTITUTIONAL IDENTITY II

Room: A2  
Chair: Fruzsina Orosz

**Laurianne Allezard**  
*The automatic mechanisms behind the construction of the Constitutional Identity*  
(University Clermont Auvergne)

**Aleksandra Gliszczyńska-Grabias**  
*Constitutional identity, community belonging and constitutional referenda – the case of Poland*  
(Institute of Law Studies of the Polish Academy of Sciences)

**Sorina Ioana Doroga**  
*Understanding constitutional identity through the language of the Courts. The Case of Romania*  
(The West University of Timișoara)

### DIVERSITY AND “THE PEOPLE”

Room: A3  
Chair: Marius Bălan

**Andraž Teršek**  
*CEE constitutional identity must be understood as a foundational constitutional democracy*  
(University of Primorska & European Faculty of Law)

**Agnieszka Skora**  
*The collective rights of national, ethnic and regional minorities in Poland. The problem of minorities in a homogeneous state?*  
(Warmia & Mazury University)

**Eliana Zatschler**  
*Gender equality - from constitutional promise to practical reality*  
(European Women Lawyers Association)

**Karolina Kocemba**  
*Gender and The Constitution. The Case of Poland*  
(University of Wrocław / Centre for Legal Education and Social Theory)

### THE RULE OF LAW

Room: A4  
Chair: Lucian Bojin

**Ionuț Tudor**  
*The Rule of Law as state of exception*  
 (“Alexandru Ioan Cuza” University)

**Jacek Barcik**  
*Rule of Law as a part of Polish constitutional identity. A comparison with the European Union's Rule of Law*  
(University of Silesia)

**Bogdan Dima**  
*The Concept of integrity in the Romanian Constitutional Court's case-law*  
(University of Bucharest)

# PROGRAM

## Parallel Sessions

10TH CEE FORUM, PARALLEL SESSION 3

17:00-18:30, 3RD OF MAY

### CONSTITUTIONAL HISTORY

Room: A2  
Chair: Manuel Guţan

**Marton Matyasovszky-Nemeth**  
*Parallel social identities: The Humans rights discourse in the 1980's in East-Central Europe*  
(Eötvös Loránd University)

**Łukasz Koltuniak**  
*Why "Radbruch formula" was not a "philosophy of transition" in Central and Eastern Europe*  
(Jagiellonian University)

**Marica Mišić**  
*Collective memory of totalitarian communist regime: Show trials in Yugoslavia*  
(University of Niš)

**Andreea Verteş-Olteanu**  
*The Separation of powers principle under the Romanian Constitution(s) - constitutional transplant, chimera or self-defence mechanism?*  
(The West University of Timișoara)

### CHANGES IN THE CONSTITUTIONAL ORDER

Room: A3  
Chair: Sorina Doroga

**Michael Hein**  
*Do constitutional entrenchment clauses matter? A Study on constitutional politics and constitutional review in Europe (1945-2016)*  
(University of Göttingen)

**Petra Gümplöva**  
*The unfinished constitutionalization of the permanent sovereignty over natural resources*  
(Max Weber Kolleg – Erfurt University)

**Viktorija Soneca**  
*Constitutional identity from the perspective of the case C-673/16 Coman and Others*  
(Ministry of Justice of the Republic of Latvia)

### CONSTITUTIONAL IDENTITY AS SHAPED BY SOFT AND CUSTOMARY LAW

Room: A4  
Chair: Przemyslaw Tacik

**Jolita Miliuviene**  
*Influential vectors shaping the constitutional doctrine*  
(Mykolas Romeris University)

**Marius Bălan**  
*National identity and constitutional patriotism - A matter of unwritten constitutional law? ("Alexandru Ioan Cuza" University)*

**Jan Bazyli Klakla**  
*The (Memory of) customary law as a part of collective identity in contemporary CEE countries*  
(Jagiellonian University)

# PROGRAM

## Parallel Sessions

10TH CEE FORUM, PARALLEL SESSION 4

11:15 – 12:45, 4TH OF MAY

### DISCOURSES OF COLLECTIVE MEMORIES

Room: A2

Chair: Michael Hein

#### Mirosław Michał Sadowski

*Bánffy, Roth, Rankov, Kundera, Ash, Mikanowski – CEE countries' social memories revisited, or what is left of CEE 100 years after the first fall of the Empires*  
(University of Wrocław)

#### Ewa Góraska

*When memories collide: memory activism and conflicting memory narratives in former Yugoslavia*  
(Jagiellonian University)

#### Justyna Jezierska

*Responsibility for the past. Settlements with the previous system - duty of the law or history?*  
(University of Wrocław)

### CONSTITUTIONAL CRISIS AND ILLIBERAL DISCOURSES II

Room: A3

Chair: Michał Stambulski

#### Filip Rakoczy

*Social justice as a base for constitutional identity and an axis of political struggle*  
(University of Wrocław)

#### Przemysław Tacik

*Polish constitutional identity under illiberal turn*  
(Jagiellonian University)

#### Tomas Gabris

*Citizens preceding their state: Trans-Atlantic views on Slovak political identities*  
(Comenius University Bratislava)

### JUDICIAL DIALOGUE IN THE EUROPEAN UNION

Room: A4

Chair: Raluca Bercea

#### Andreas Orator

*The rise of arguments based on constitutional identity in the judicial dialogue of the European compound of constitutional courts*  
(Vienna University)

#### Karolyi Benke

*The Romanian Constitutional Court's approach toward constitutional identity*  
(Constitutional Court of Romania)

#### Martin Belov

*Constitutional identity – Westphalian reflection of the constitutional heritage of the nation state or post-Westphalian alternative to sovereignty in the context of supranational constitutionalism?*  
(St. Kliment Ohridski, University of Sofia)



# PROGRAM

## Parallel Sessions

10TH CEE FORUM, PARALLEL SESSION 5

14:45 – 16:15, 4TH OF MAY

### CONSTITUTIONAL IDENTITY AS SHAPED BY FUNDAMENTAL RIGHTS

Room: A2  
Chair: Karolina Kocemba

**Norbert Tribl**  
*Through hardships to the stars: Human rights and constitutional identity*  
(University of Szeged)

**Magdalena Nazimek**  
*Constitutional identity and global migration - The Polish Case*  
(University of Łódź)

**Teodor Papuc**  
*The inconstant essence of the “constitutional identity” in the area of fundamental rights*  
(The West University of Timișoara)

### LOCAL AND REGIONAL LEGAL CULTURES

Room: A3  
Chair: Balázs Fekete

**Mattia Costa**  
*Constitutional identities v. common values in Central and Eastern Europe: is there a regionalization of rights within the European legal framework?*  
(University of Genoa)

**Piotr Eckhardt**  
*Dissidents’ idea of Central Europe and today’s constitutional identity of the region*  
(Jagiellonian University / Centre for Legal Education and Social Theory)

**Laura Gheorghiu**  
*The traditional legal culture in Banat*  
(The West University of Timișoara)

### PHILOSOPHY / SOCIOLOGY OF LAW

Room: A4  
Chair: Alexandra Mercescu

**Miklós Merényi**  
*Habermas vs Castoriadis on the constitution of modernity*  
(Corvinus University of Budapest)

**Marin Keršič**  
*Legal principles in the discourse of Croatian legal science: What qualifies a norm as a principle?*  
(University of Split)

**Laura Stănilă**  
*Legal acculturation and criminal law. Between uniformity and preservation of identity*  
(The West University of Timișoara)

**Dana Diaconu**  
*Legal reasoning anew? Romania’s post-1989 legal culture*  
(The West University of Timișoara)

# PROGRAM

## Parallel Sessions

10TH CEE FORUM, PARALLEL SESSION 6

16:30-18:00, 4TH OF MAY

### ETHNICITY

**Room: A2**  
**Chair: Andreea Verteș-Olteanu**

**Lukasz Necio**  
*Controversial approach to the concept of nation in the newest Polish legislation*  
(Jagiellonian University)

**Lucian Bojin**  
*Ethnonationalism and the Romanian Constitution*  
(The West University of Timișoara)

**Radu Odangiu**  
*Between collective memories of European territories and the concept of state unity in the constitutional order*  
(The West University of Timișoara)

**Andrei Drăgan**  
*Recognition and self-identification of national minorities - constitutional perspectives*

### ECONOMIC DOCTRINES AND THE CONSTITUTIONAL ORDER

**Room: A3**  
**Chair: Piotr Eckhardt**

**Michał Czykierda**  
*Social market economy in Poland and in the EU*  
(University of Warsaw)

**Dan-Adrian Căărămidariu**  
*Between Perestroika and the Washington Consensus. Romania's transition and the economic doctrine of the 1991 Constitution*  
(The West University of Timișoara)

**Ana-Maria Telbis and Raluca Bercea**  
*The protection of socio-economic rights under the ECHR - a limited scope with a far reaching impact*  
(HELP Programme, Council of Europe)

### ADMINISTRATIVE LAW AND THE CONSTITUTIONAL ORDER

**Room: A4**  
**Chair: Violeta Stratan**

**János Fazekas**  
*Centralization of public administration in the CEE countries*  
(Eötvös Loránd University)

**Agata Cebera and Jakub Firlusa**  
*Public administration in post-soviet era - remarks on so-called 'procedural relicts' in Polish administrative proceedings*  
(Jagiellonian University)

**Stefan Andonovic and Uros Bajovic**  
*The role of independent control bodies in the shaping of constitutional identity*  
(University of Belgrade)

# PRACTICAL INFO

10TH CEE FORUM

TIMIȘOARA, 3-4 MAY 2018

## CONTACT:

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☎ Lucian Bojin - +40 (723) 576 487

- **FACEBOOK EVENT:** <https://www.facebook.com/events/126773897978227/>
- **CONFERENCE HASHTAG:** you can tag your conference posts and pictures on Facebook, Twitter or Instagram with **#10thCEEForum**
- **website:** [www.cee-forum.org](http://www.cee-forum.org)

## TRANSPORTATION:

### PUBLIC TRANSPORT

Stops for :

#### The Faculty of Law

stop "Complexul Studentesc" (line 15 bus)

#### Naru

stop "Punctele Cardinale" (line 11, 17 - bus),

stop "Mărăști" (line 17 - bus),

stop "Hotel Continental" (line 1,2,4,5,6 - tram)

#### Merlot Restaurant

stop "Parcul Poporului" (line 1,2,4,5,6,10 - tram),

stop "Pestalozzi" (line 22 - bus)

### TAXI

(price : 2,20 lei/km  $\cong$  0,50 euro/km)

- Fan Taxi : +40256 944; +40356 444 944 ; +40723 944 944;

- Radio Taxi : +40256 940;

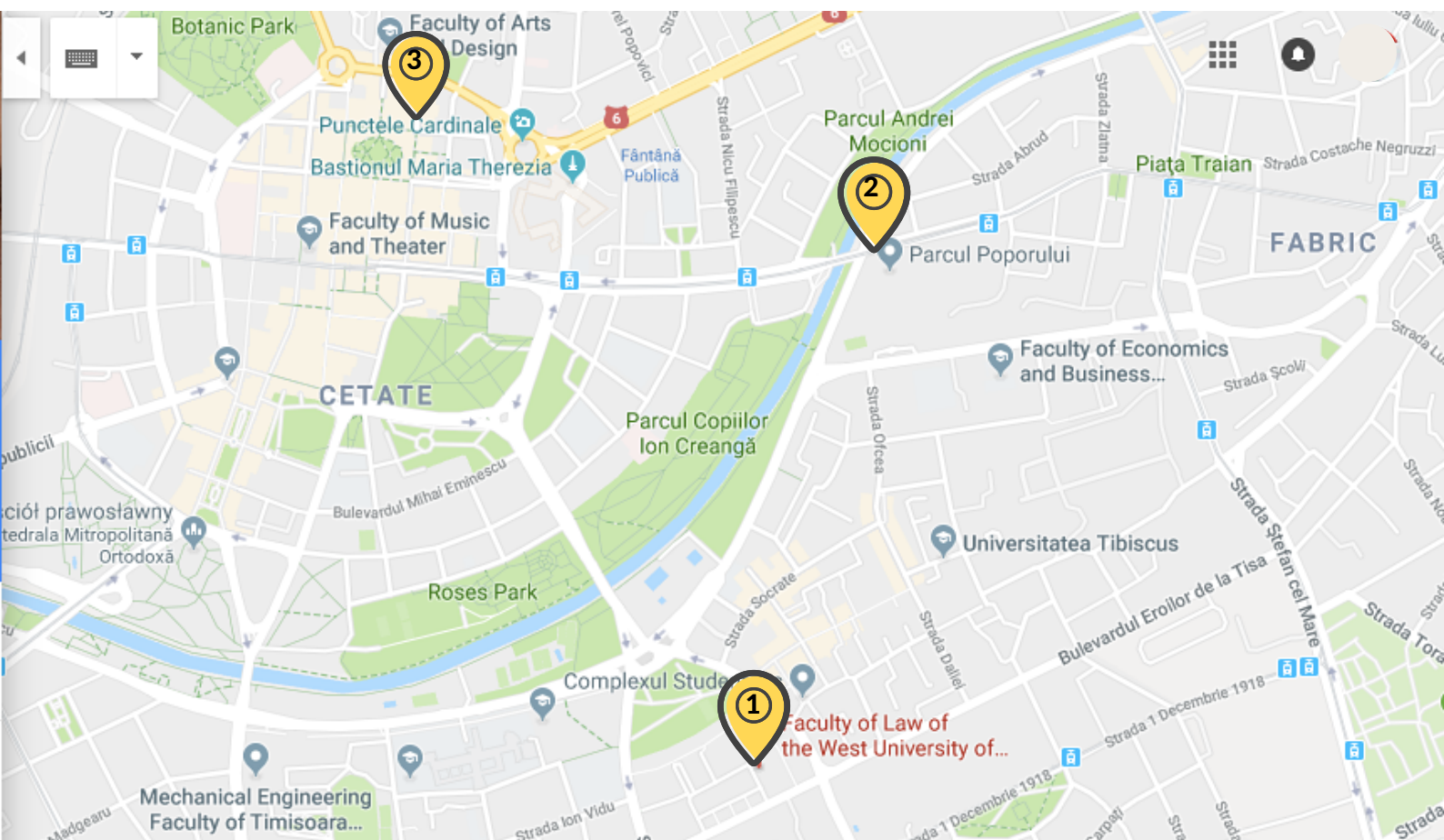
- Pro Taxi: +40256 942; 0745 872 297

# MAP

10TH CEE FORUM

TIMIȘOARA, 3-4 MAY 2018

- 1 Conference:** Faculty of Law of the West University of Timisoara, street Blvd. Eroilor n. 9A, first floor (3rd of May, 09:00 / 4th of May, 09:00)
- 2 Dinner:** Merlot Restaurant, street Splaiul Nistrului 1 (3rd of May, 19:30)
- 3 Pre-conference drinks:** NARU, street Matei Corvin 3 (2nd of May, starting from 19:00)



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