



FACULDADE DE DIREITO  
Universidade de Lisboa



GERI

# RELATÓRIO DE ATIVIDADES

## GABINETE ERASMUS E DE RELAÇÕES INTERNACIONAIS

ANO LETIVO 2023/2024

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## INTRODUÇÃO

O Gabinete Erasmus e de Relações Internacionais (GERI) promove e gere, entre outras atribuições, os programas de mobilidade da Faculdade de Direito da Universidade de Lisboa, nomeadamente a mobilidade de alunos, docentes, investigadores e funcionários. No âmbito desta gestão, é tarefa do GERI não só prestar esclarecimentos sobre os programas em vigor, como também promover iniciativas informativas e de incentivo à mobilidade, quer para alunos *Outgoing*, que queiram realizar um período de mobilidade numa universidade parceira, quer para alunos *incoming*, que queiram frequentar um semestre ou um ano letivo na FDUL.

No ano letivo 2022/2023 houve um aumento significativo do número de mobilidades *incoming*, que se manteve no ano letivo 2023/2024, e que vai ser analisado em detalhe no presente Relatório de Atividades. Para fazer face ao elevado número de alunos *incoming* foram abertas 45 subturmas para 32 disciplinas lecionadas exclusivamente em inglês e lecionados 33 cursos intensivos, destinados a alunos de mobilidade, mas também aos alunos regulares da FDUL.

Além da mobilidade *incoming*, este Relatório visa dar conta do número de mobilidades *outgoing*, que cresceu significativamente após a pandemia Covid-19 e tem vindo a manter números elevados nos últimos anos letivos em comparação com anos anteriores. Ainda neste campo, também temos assistido a um aumento gradual do número de mobilidades docentes, não só no que diz respeito à atribuição de financiamento, mas também do interesse dos docentes em atividades desta natureza.

Por fim, no que diz respeito a atividades de ensino e investigação relacionadas com programas de mobilidade, é importante destacar o financiamento atribuído à FDUL no âmbito do Programa ICM e a participação da FDUL no segundo ano consecutivo num BIP – Blended Intensive Programme, uma nova modalidade do Programa Erasmus+ que visa organizar programas cursos e intensivos com formas inovadoras de aprendizagem, ensino e formação. Este programa vise promover um conjunto diversificados de competências para o crescimento académico e profissional dos alunos num mundo cada vez mais digital e globalizado.

O aumento do número de mobilidades *incoming* e *outgoing* reflete-se necessariamente no aumento do número de Acordos Interinstitucionais e Protocolos de Intercâmbio, que será também discutido neste Relatório.

Este Relatório de Atividades irá ainda apresentar várias outras atividades desenvolvidas no âmbito das atribuições do GERI, nomeadamente a gestão dos Cursos Intensivos, uma oferta formativa inovadora que pretende integrar alunos de mobilidade e alunos regulares na FDUL num curso lecionado por Professores convidados para lecionar diversas áreas do saber no âmbito do Direito, o apoio na gestão e organização da participação da FDUL em vários Moot Courts, a gestão do Mestrado em European Legal Practice, que tem vindo a atrair mais alunos, e a Pós-Graduação Erasmus de Atualização em Direito Europeu, Global e Comparado.

Por fim, será também feita uma reflexão sobre as atividades no âmbito da investigação, que se reflete, de uma forma global, na participação e intervenção da FDUL nas várias redes de investigação das quais faz parte integrante, e mais concretamente através da Rede ELPIS, com a continuação dos trabalhos do ELPIS Research, através da publicação da publicação do **No. 8/2024** da **ELPIS V-Law Review**, subordinada ao tema “Law and Culture”.

## **EQUIPA**

A orgânica do Gabinete é composta por um presidente, oito vice-presidentes, representantes dos vários grupos científicos, uma equipa de colaboradores constituída por um técnico-superior, um Assistente Técnico, três alunos-colaboradores e ainda um representante da Associação Académica da Faculdade de Direito da Universidade de Lisboa.

**Presidente:** Professor Doutor Vasco Pereira da Silva

### **Grupo de Ciências Jurídicas**

Professor Doutor Tiago Soares da Fonseca

Professor Doutor José Ferreira Gomes

### **Grupo de Ciências Jurídico-Políticas**

Professor Doutor Rui Guerra da Fonseca

Professor Rui Tavares Lanceiro

### **Grupo de Ciências Jurídicas-Económicas**

Professor Doutor Nuno Cunha Rodrigues

Professor Doutor Rute Saraiva

### **Grupo de Ciências Histórica-Jurídicas**

Professora Doutora Sílvia Alves

Professora Doutora Isabel Graes

### **Equipa de colaboradores:**

Andreia Caeiro (Técnica Superior, 2020)

Enzo Wanderley (Junho, 2022 – Setembro, 2023)

Joel Semedo (Setembro, 2023 – Setembro, 2024)

Miguel Pires (Assistente Técnico, 2021)

Rafaela Silva (Setembro, 2023 - )

Renan Schiavon (Setembro, 2023 – Setembro, 2024)

Renée Torres (Setembro, 2023 - )

Vivianne Carvalho (Junho, 2022 – Setembro, 2022)

**Representante da Associação Académica:** Alexandra Ferreira

## **PROGRAMAS E REDES**

A internacionalização tem sido uma das principais prioridades da Faculdade de Direito da ULisboa, cuja importância se traduz não só nos diferentes programas de mobilidade, mas também na oferta formativa, permitindo assim que os alunos da Faculdade e os alunos visitantes de universidades parceiras tenham uma experiência académica enriquecedora e multicultural.

A fim de concretizar esse objetivo, a FDUL é membro de vários programas e redes, cujos objetivos se prendem com o intercâmbio de alunos, docentes e funcionários, a realização de encontros periódicos, o estabelecimento de parcerias, o desenvolvimento de projetos de investigação em conjunto e a atribuição de graus académicos conjuntos.

As redes internacionais de que a Faculdade de Direito da Universidade de Lisboa é parte são as seguintes:

### **Asociación Sui Iuris**

A Asociación Sui Iuris é uma associação de Faculdades e Escolas de Direito Ibero-Americanas que tem como objetivo promover oportunidades de mobilidade de estudantes entre as universidades parceiras.

### **ELFA (European Law Faculties Association)**

Associação representativa das Faculdades de Direito europeias, fundada em 1995, em Leuven, Bélgica. É atualmente constituída por mais de 180 Faculdades de Direito e constitui-se como um dos principais fóruns de discussão para assuntos relacionados com o ensino do Direito. A rede é responsável pela publicação do “European Journal of Legal Education”.

Em 2023/2024, o Professor Vasco Pereira da Silva e o Professor José Ferreira Gomes participaram na Annual Meeting and Conference da European Law Faculties Association (ELFA), subordinada ao tema “The Future of Global Legal Education” que se realizou entre os dias 17 e 19 de abril na Edinburgh Law School, Old College (Escócia).

### **Rede ELPIS (European Legal Practice Integrated Studies Network)**

Rede fundada pela Leibniz Universität Hannover, atualmente constituída por cerca de quatro dezenas de universidades europeias (assim como associadas, de outros continentes), destina-se à promoção do intercâmbio de estudantes, docentes e funcionários, à organização de programas de estudos, cursos e publicações, assim como à promoção da investigação científica e pedagógica, em especial, nos domínios do Direito Europeu e Direito Comparado.

Na sequência da eleição do Professor Doutor Vasco Pereira da Silva, em 2015, para a liderança do grupo ELPIS, a Faculdade de Direito da Universidade de Lisboa assegura a respetiva coordenação. Entre as alterações realizadas durante o presente mandato, foi criado o ELPIS-Research que, juntamente com o ELPIS-Network e o ELPIS-Master, completa a organização institucional internacional do Grupo ELPIS, autonomizando as tarefas de investigação.



Em 2023/2024, o Professor Vasco Pereira da Silva e o Professor Rui Guerra da Fonseca participaram na reunião anual da Rede ELPIS que se realizou entre os dias 9 e 11 de maio na Faculdade de Derecho da Universidad de Granada (Espanha).

### **Rede EuropePolis**

Rede de cooperação e promoção da investigação académica, fundada em março de 2011, pela Sapienza - Università di Roma, é composta por 19 universidades e centros europeus, com o objetivo de incentivar o ensino do Direito Europeu. A Faculdade de Direito da Universidade de Lisboa é membro fundador desta rede.

### **Rede de Direito de Roterdão (Rotterdam Law Network)**

Rede de intercâmbio e cooperação académica, fundada pela Erasmus Universiteit Rotterdam, atualmente composta por 30 universidades europeias, destina-se à promoção do intercâmbio de estudantes, docentes e funcionários.

No ano letivo 2023/2024, o Professor Tiago Soares da Fonseca participou na reunião anual da RLN que se realizou entre os dias 27 e 29 de junho na Mykolas Romeris University (Lituânia).

### **Rede de Nanterre (Nanterre Network)**

Rede de cooperação e promoção de investigação universitária nas ciências do Direito, coordenada pela Universidade de Université Paris-Ouest Nanterre (La Défense), da qual a Faculdade de Direito da Universidade de Lisboa é membro desde maio de 2011.

No ano letivo 2023/2024, a Professora Isabel Graes e a Professora Rute Saraiva participaram na reunião anual que se realizou entre os dias 3 e 7 de julho na Paris Lodron Universität Salzburg (Áustria), na qual realizaram uma palestra sobre **Learning Legal History in a Digital Age e ChatGPT and Active Learning**, respetivamente.

### **Societas Iuris Publici Europaei e.V. (SIPE)**

A Societas Iuris Publici Europaei e.V. (SIPE), fundada em Frankfurt am Main em 2021, visa discutir questões relacionadas com Direito público na Europa, incluindo o seu efeito em todo o sistema jurídico e científico.

## PROTOSCOLOS E PARCERIAS

A Faculdade de Direito da Universidade de Lisboa oferece três tipos de programas de mobilidade, sendo que o GERI é responsável pela gestão dos Acordos Interinstitucionais no âmbito do Programa Erasmus+, dos protocolos assinados pelo Instituto de Direito Brasileiro e pela gestão de outros protocolos com instituições de ensino superior não inseridas em programas específicos.

O GERI é igualmente responsável pela gestão dos protocolos que regulamentam os dois mestrados internacionais: o Mestrado em *European Legal Practice* (ELPIS) e o Duplo Grau com a University of Loyola College of Law. Existe ainda o Programa Almeida Garrett, gerido pela Reitoria, cabendo ao GERI a responsabilidade de receber e validar as candidaturas, para enviar posteriormente ao Núcleo de Mobilidade da Reitoria e/ou às Universidades portuguesas que fazem parte do programa.

No fim do ano letivo de 2023/2024, o GERI encontrava-se a gerir 189 protocolos com instituições europeias, americanas, latino-americanas e asiáticas.<sup>1</sup>

No que respeita à evolução dos parceiros, geridos pelo GERI, com os quais foram assinados protocolos, com mobilidade (Fig. 1), verificamos que não houve qualquer alteração geográfica. É importante realçar que a renovação dos Acordos Interinstitucionais no âmbito do novo Programa Erasmus+ 2021/2027 foi adiada devido à pandemia COVID-19 e muitas Universidades optaram por não assinar novos Acordos durante este período, preferindo aguardar pela implementação do sistema EWP (Erasmus Without Paper) e subsequente renovação digital dos All já em vigor. Este processo está ainda a decorrer e a FDUL irá renovar todos os IIA em vigor e constantes no Anexo 1. Neste sentido, foram assinados seis novos acordos, sublinhados a amarelo também no Anexo 1.

Os países com maior número de parceiros continuam a ser a Espanha e a Itália, seguidos da Alemanha, França e Polónia:<sup>2</sup>

País	Acordos Interinstitucionais
Espanha	37
Itália	30
Alemanha	23
França	18
Polónia	13

TABELA 1. DISTRIBUIÇÃO DE ACORDOS INTERINSTITUCIONAIS POR PAÍS

<sup>1</sup> A este número devem ser acrescentados os protocolos estabelecidos entre Instituto de Direito Brasileiro, Instituto de Cooperação Jurídica e Reitoria da ULisboa e universidades estrangeiras, ao abrigo das quais a FDUL também pode enviar e receber alunos em mobilidade.

<sup>2</sup> Anexo 1 – Lista de Protocolos em vigor e assinados 2021/2022.

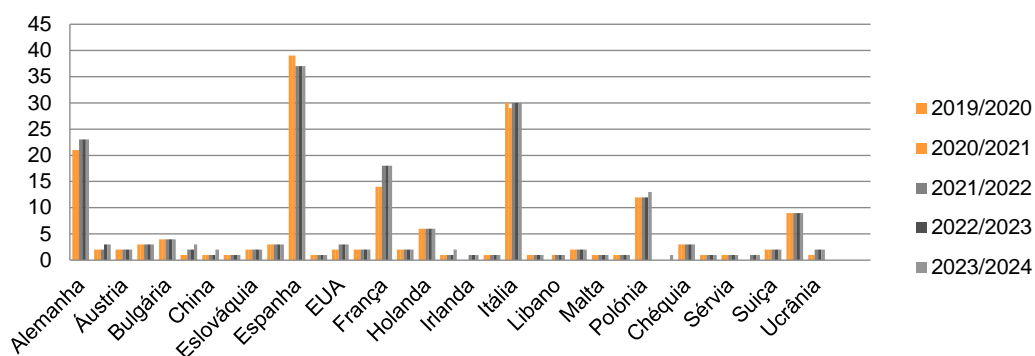


FIG. 1. – EVOLUÇÃO DOS ALUNOS INCOMING, POR PROGRAMA (2019-2024)

No ano letivo de 2023/2024, enviámos 234 alunos para 78 instituições parceiras e recebemos 407 alunos de 154 instituições. Em regra, o número de vagas é respeitado, embora o número de alunos *incoming* continue a ser superior ao número de alunos *outgoing*, havendo reciprocidade com 28% dos parceiros.<sup>3</sup>

<sup>3</sup> Ver Anexo 15 – Alunos *incoming* e *outgoing*, por instituição parceira.



## MOBILIDADE DE ALUNOS

### Alunos Incoming

407 ALUNOS

154 INSTITUIÇÕES<sup>4</sup>

29 PAÍSES<sup>5</sup>

34 NACIONALIDADES<sup>6</sup>

Em 2023/2024, o número de mobilidades ao abrigo do Programa Erasmus+ aumentou em comparação aos últimos dois anos letivos, aumento esse que vai ao encontro do aumento que temos vindo a verificar nos últimos anos, com exceção do ano letivo 2020/2021, em que o número de mobilidades baixou significativamente devido à pandemia Covid-19. Pelo contrário, verificamos que o número de mobilidades ao abrigo de Protocolos de Intercâmbio diminuiu ligeiramente face ao ano letivo 2022/2023.

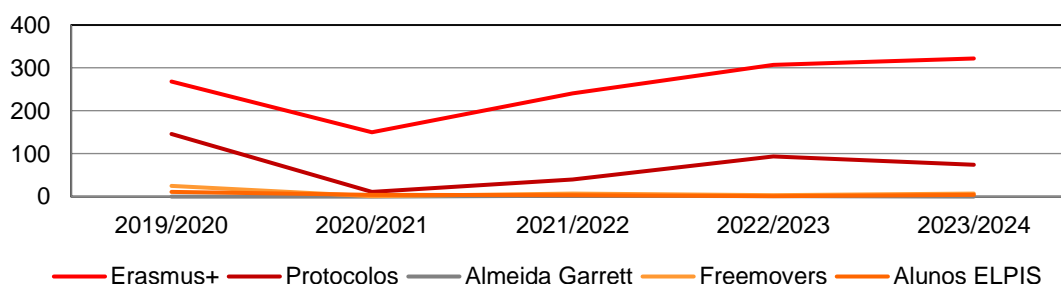


FIG. 2 - EVOLUÇÃO DOS ALUNOS INCOMING, POR PROGRAMA (2019-2024)

É possível verificar que o número de mobilidades ao abrigo de Protocolos de Intercâmbio reduziu entre os anos letivos 2019/2020 e 2020/2021 na sequência da pandemia Covid-19, tendo aumentado no ano letivo 2022/2023, à semelhança do número de mobilidades ao abrigo do Programa Erasmus+. O número de alunos *free movers*<sup>7</sup> aumentou face ao ano letivo anterior, mas continua a não ter uma expressão significativa no contexto da mobilidade. O Programa Almeida Garrett, sendo um programa nacional, tem um fluxo de mobilidades bastante inferior e no ano letivo anterior não houve nenhum aluno *incoming*, ao contrário do número de mobilidades *outgoing* que tem vindo a aumentar de forma significativa.

No ano letivo 2023/2024, a FDUL recebeu 557 nomeações e foram matriculados 451 alunos, dos quais 44 desistiram:

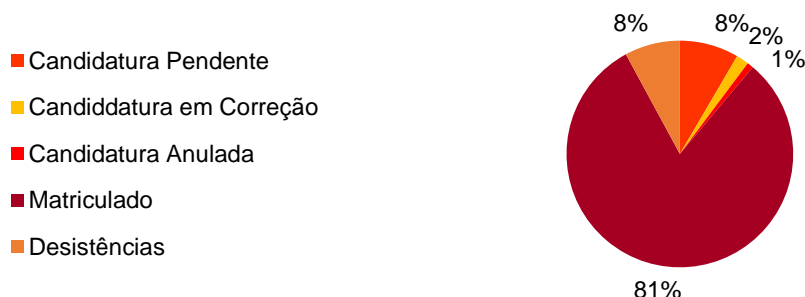


FIG. 3 - NÚMERO DE CANDIDATURAS NO ANO LETIVO 2023/2024

<sup>4</sup> Anexo 2 – Alunos *incoming* inscritos por universidade de origem.

<sup>5</sup> Anexo 3 – Alunos *incoming* por país de origem.

<sup>6</sup> Anexo 4 – Alunos *incoming* por nacionalidade.

<sup>7</sup> Alunos *free movers* são alunos que realizam uma mobilidade na Faculdade de Direito da Universidade de Lisboa sem estarem abrangidos por nenhum programa ou protocolo. Estes alunos, não estando enquadrados em nenhum programa de mobilidade, são recebidos na qualidade de aluno que realiza unidades curriculares isoladas.

407 alunos avançaram efetivamente com a mobilidade, o que significa que o número de mobilidades se manteve estável face ao ano letivo anterior, sendo que recebemos uma média de 203 alunos por semestre, tendo havido 13 pedidos de prorrogação do 1.º para o 2.º semestre.

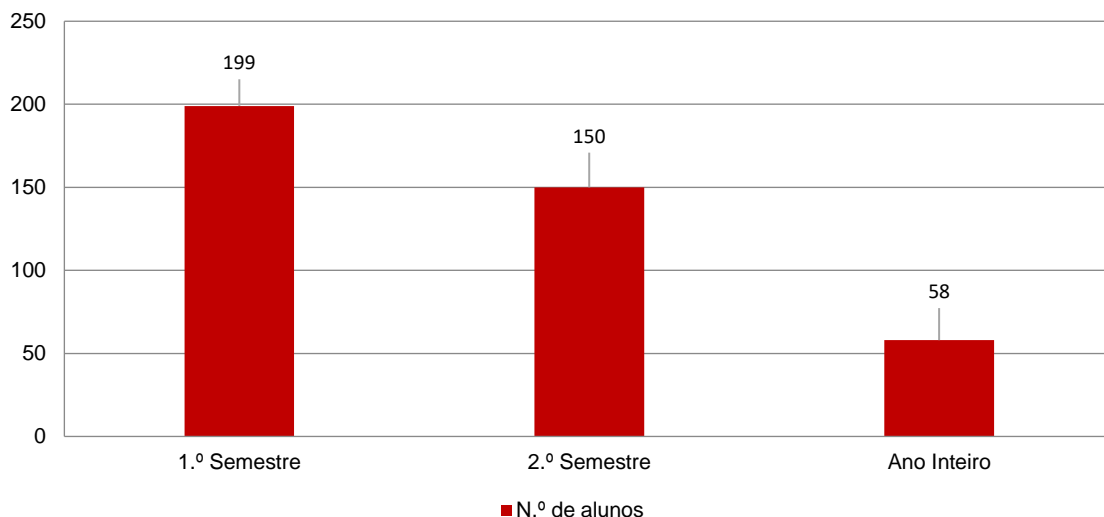


FIG. 4 - DISTRIBUIÇÃO DOS ALUNOS INCOMING POR SEMESTRE

A Faculdade de Direito ULisboa recebeu em média 2,6 alunos por universidade parceira (Fig. 6) e uma média de 14 alunos por país de origem (Fig. 7):

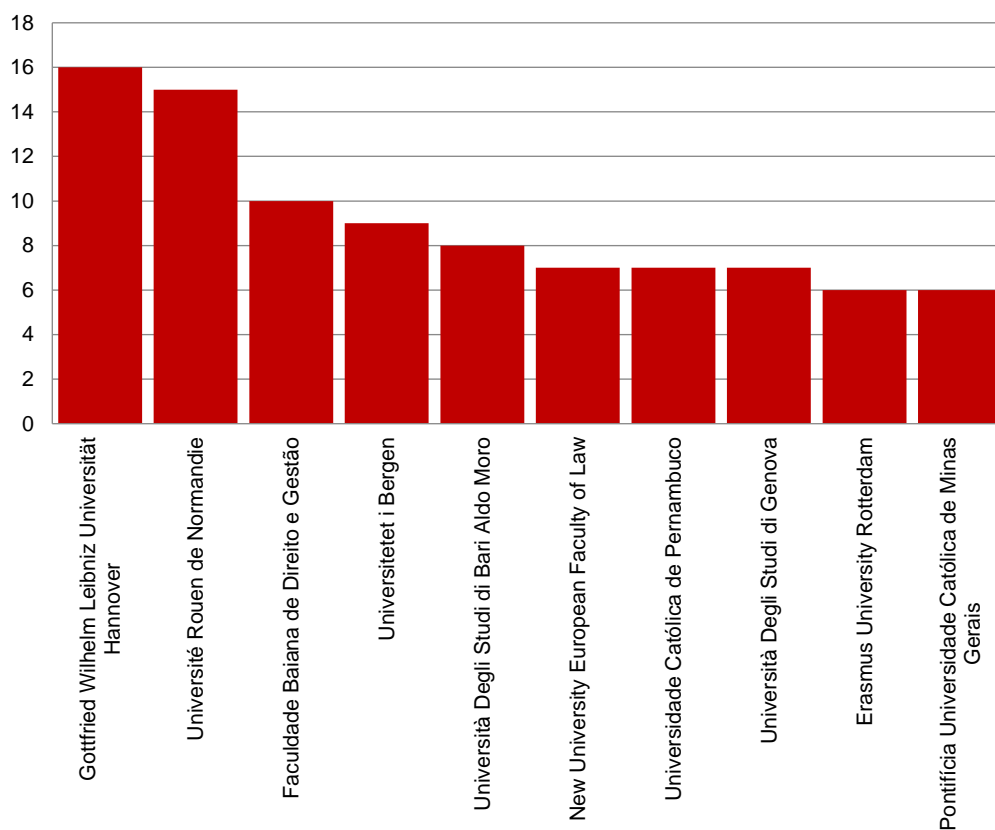


FIG. 5 - UNIVERSIDADES COM MAIOR NÚMERO DE ALUNOS INCOMING

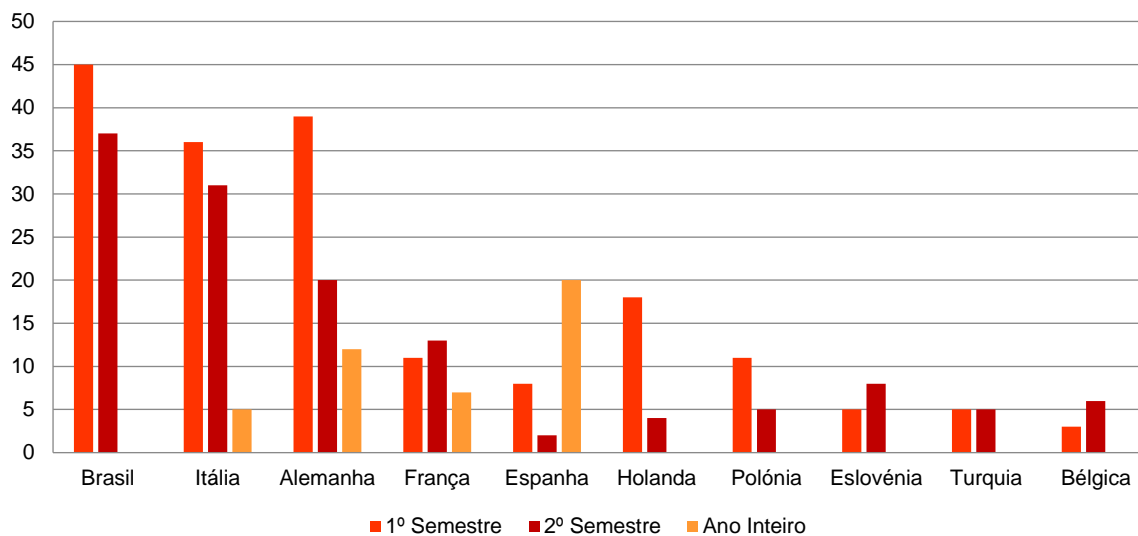


FIG. 6 - PAÍSES COM MAIOR NÚMERO DE ALUNOS INCOMING

Demograficamente, a grande maioria dos alunos de mobilidade são do género feminino (Fig. 8) e maioritariamente entre os 19 e os 24 anos (Fig. 9).<sup>8</sup>

FIG. 7 - DISTRIBUIÇÃO DOS ALUNOS INCOMING POR GÉNERO

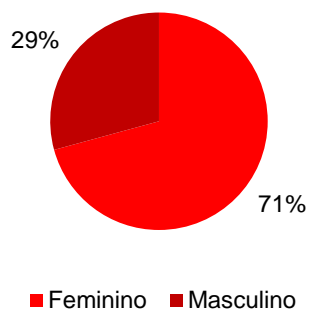
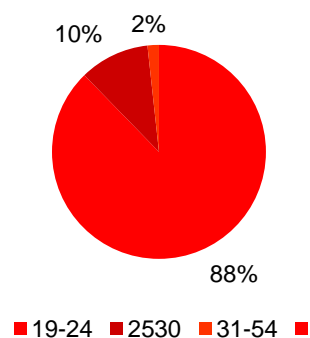


FIG. 8 - DISTRIBUIÇÃO DOS ALUNOS INCOMING POR IDADE



<sup>8</sup> Anexo 5 – Alunos *Incoming* por Género e Idade.

No ano letivo 2023/2024, os alunos *incoming* frequentaram 81 disciplinas<sup>9</sup>, numa média de 36 alunos *incoming* por unidade curricular, o que se traduz num aumento significativo de alunos *incoming* por disciplina face ao ano letivo anterior.

As unidades curriculares que tiveram maior número de alunos *incoming* inscritos foram as seguintes:

Unidade Curricular	Total
Direito Comparado	172
Direito Do Ambiente	161
Proteção Internacional dos Direitos do Homem	91
Direito da União Europeia	84
Direito Internacional Público I	83
História Das Relações Internacionais	75
Direitos Fundamentais	60
União Económica E Monetária	52
Contencioso da União Europeia	49
Direito Do Trabalho I	47
Organizações Internacionais	47
Direito Internacional dos Direitos Humanos	46

TABELA 2. UNIDADES CURRICULARES

Na sua grande maioria, as disciplinas com mais alunos correspondem também a disciplinas com subturmas em Inglês. Todos os anos é oferecido um conjunto de unidades curriculares lecionadas em Inglês. Estas unidades curriculares, tanto na Licenciatura em Direito como no Mestrado em Direito e Prática Jurídica, visam facilitar o processo de aprendizagem e ensino dos alunos que não dominam ainda o português. Os alunos que optam por se inscrever nestas disciplinas são na sua maioria de origem alemã, espanhola, francesa, italiana e polaca.

Em 2023/2024, nas 32 disciplinas em inglês<sup>10</sup> foram lecionadas 45 subturmas: 27 no 1.º semestre e 18 no 2.º, o que representa um ligeiro aumento da oferta de disciplinas lecionadas em Inglês em comparação com o ano letivo anterior.

<sup>9</sup> Anexo 6 – Alunos *incoming* inscritos por disciplina.

<sup>10</sup> Anexo 7 – Lista de unidades curriculares lecionadas em inglês.

As disciplinas com maior número de alunos inscritos são as seguintes:

Unidades Curriculares	Alunos
Direito Internacional Público I	108
Direito do Ambiente	83
Proteção Internacional dos Direitos do Homem	73
Direito do Ambiente	67
Direito Comparado	64
Direito da União Europeia	63
Direito Comparado	62
Direitos Fundamentais	54
União Económica e Monetária	48
Contencioso da União Europeia	45
Organizações Internacionais	44
Direito Internacional dos Direitos Humanos	43

TABELA 3. UNIDA/DES CURRICULARES EM INGLÊS

Em termos de avaliação, a média geral dos alunos *incoming* é de 12,24 no total (12,49 – Licenciatura em Direito; 11,63 – MDPJ) <sup>11</sup>. Esta média aumenta ligeiramente se analisarmos apenas as disciplinas lecionadas em Inglês, cuja média é 13,41 no total<sup>12</sup>.

<sup>11</sup> Anexo 9 – Média de avaliação dos alunos *incoming* por disciplina.

<sup>12</sup> Anexo 10 – Média de avaliação dos alunos *incoming* por disciplina (turma) lecionada em Inglês.

## Alunos Outgoing

234 ALUNOS

78 INSTITUIÇÕES<sup>13</sup>

23 PAÍSES<sup>14</sup>

No ano letivo 2023/2024, o número de candidaturas no âmbito da realização de um período de mobilidade ao abrigo do Programa Erasmus+, Protocolos de Intercâmbio ou Programa Almeida Garrett aumentou significativamente em comparação com o ano letivo 2022/2023, com um total de 629 candidaturas, distribuídas da seguinte forma:

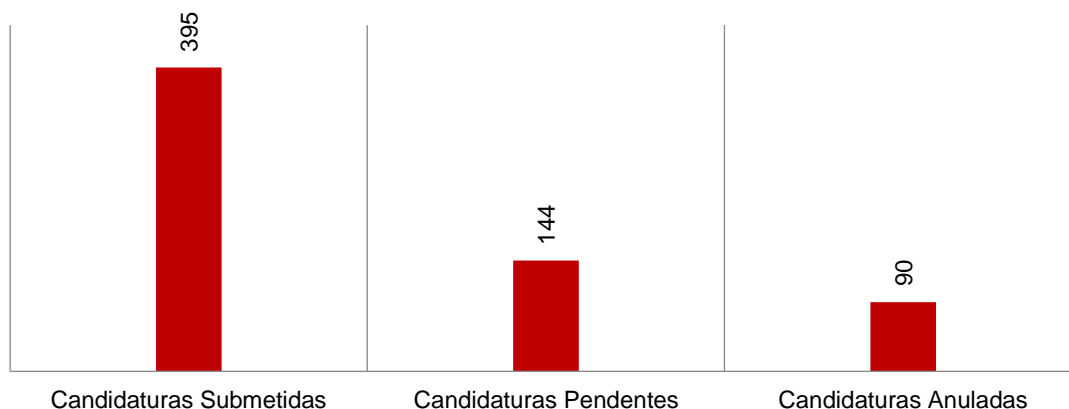


FIG. 9 - NÚMERO DE CANDIDATURAS NO ANO LETIVO 2023/2024

Das 395 candidaturas submetidas, 54 alunos não foram colocados e 107 optaram por não avançar com a mobilidade. As restantes 234 candidaturas foram distribuídas da seguinte forma:

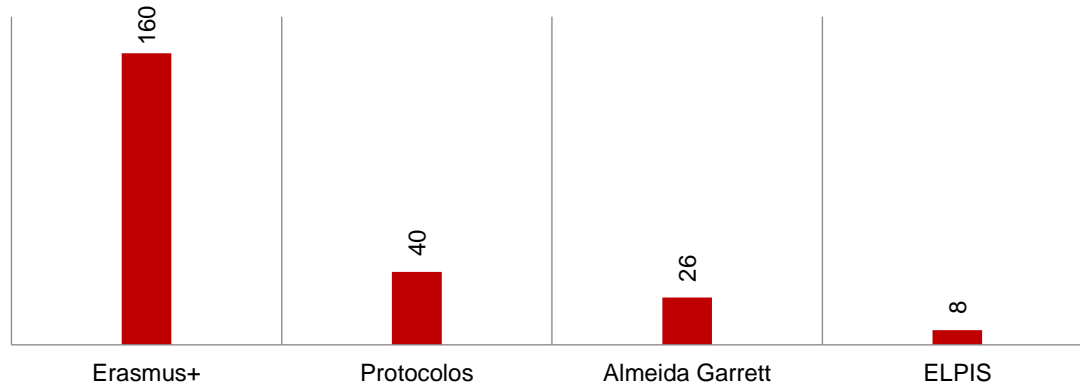


FIG. 10 - DISTRIBUIÇÃO DE CANDIDATURAS NO ANO LETIVO 2023/2024

O aumento significativo do número de candidaturas refletiu-se no aumento do número de alunos que realizaram o período de mobilidade em comparação com o ano letivo 2022/2023, com um aumento de 198 para 234 mobilidades efetivas. Apesar do aumento significativo de mobilidades ao abrigo do Programa Erasmus+, fenómeno que se verificou um pouco por toda a Europa desde o levantamento das restrições no âmbito da pandemia Covid-19, é importante referir que o número de mobilidades também cresceu devido ao aumento do número de candidaturas ao Programa Almeida Garrett e ao aumento do número de alunos do Mestrado em European Legal

<sup>13</sup> Anexo 11 – Alunos *outgoing* por universidade de destino.

<sup>14</sup> Anexo 12 – Alunos *outgoing* por país de destino.

Practice que realizam um semestre numa das Universidades parceiras ao abrigo do Programa Erasmus+.

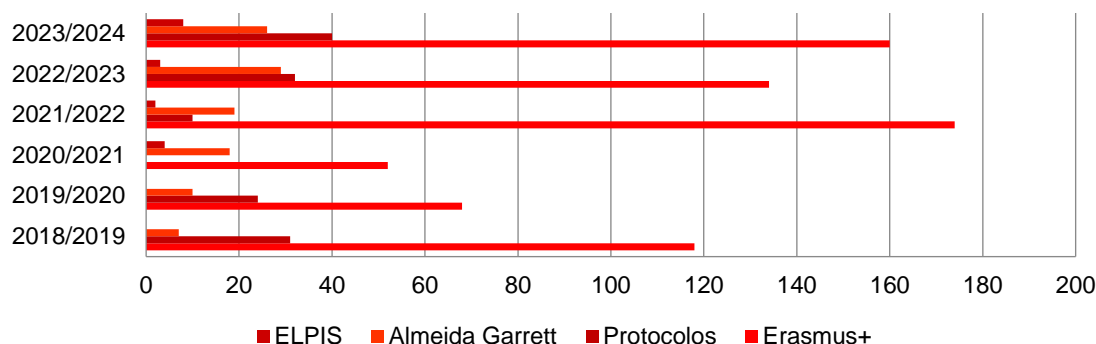


FIG. 11 – EVOLUÇÃO DOS ALUNOS *OUTGOING* POR PROGRAMA

Em comparação com o ano letivo 2022/2023, houve um aumento de 134 para 160 mobilidades ao abrigo do Programa Erasmus+. Este aumento pode explicar-se pelo esforço concertado da ULisboa em assegurar que todos os alunos têm acesso à Bolsa Erasmus+. Estas Bolsas são atribuídas com o objetivo de cobrir "despesas de mobilidade", nomeadamente as despesas das viagens e as resultantes da diferença do custo de vida do país de acolhimento. Estas bolsas são equiparadas a um subsídio de apoio, não tendo como objetivo a cobertura das despesas na íntegra. Adicionalmente, a ULisboa atribui ainda um complemento, designado como **TOP-UP**, aos bolseiros dos Serviços de Ação Social (SAS) da ULisboa.

O GERI tem também assegurado um conjunto de ações de divulgação dos vários Programas de Mobilidades da FDUL, além do apoio prestado diariamente aos alunos.

No ano letivo 2023/2024, a maioria das mobilidades tiveram lugar no 1.º semestre (Fig. 14) à semelhança do que habitualmente se verifica:

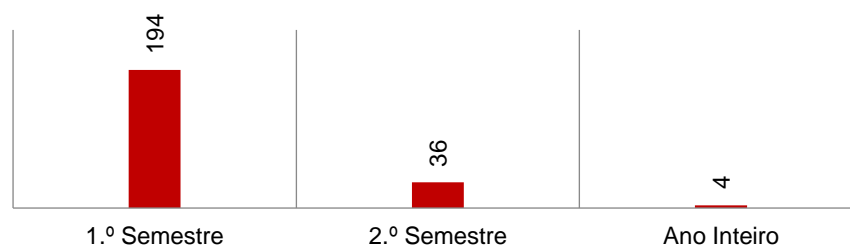


FIG. 12 - DISTRIBUIÇÃO DOS ALUNOS *OUTGOING* POR SEMESTRE

Esta tendência verifica-se tanto nas mobilidades *outgoing* como mobilidades *incoming*.

A Faculdade de Direito enviou em média 3 alunos por universidade de destino e um número médio de 10 alunos por país de destino. Na Fig. 15 constam as 12 universidades que receberam mais alunos durante o ano letivo 2023/2024:

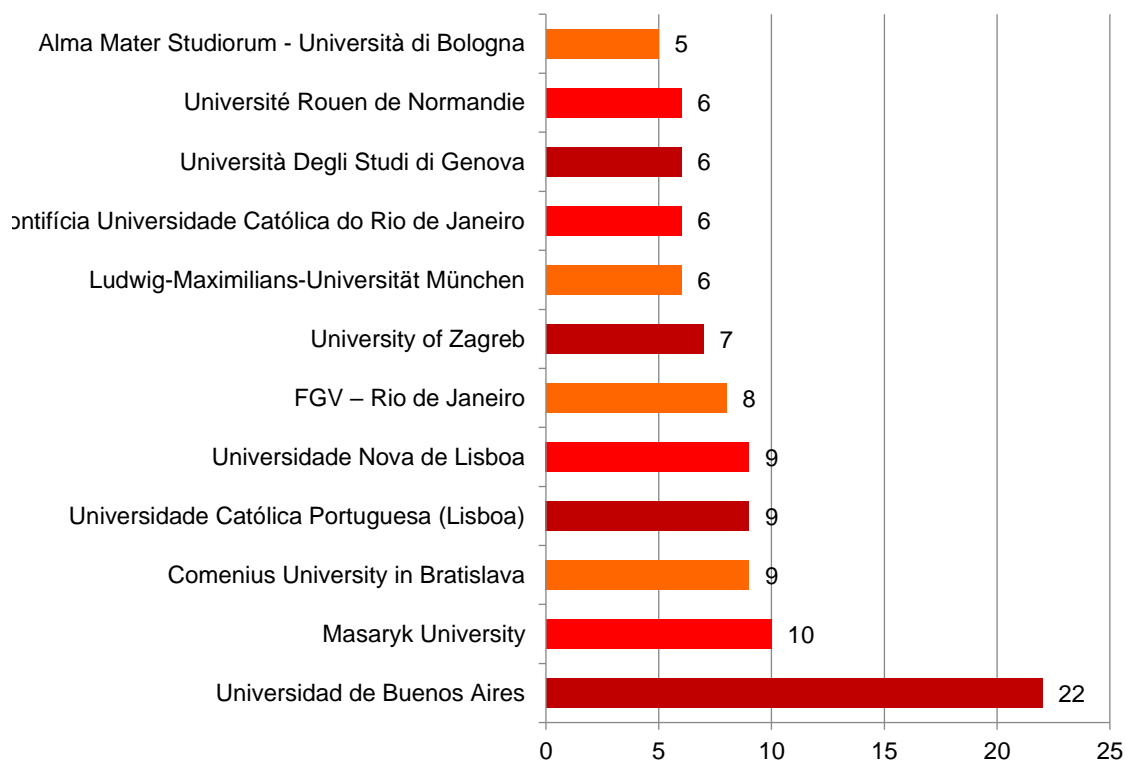


FIG. 13 - UNIVERSIDADES COM MAIOR NÚMERO DE ALUNOS

Estes alunos são, na sua maioria, alunos da Licenciatura em Direito. Na generalidade, a mobilidade durante a Licenciatura em Direito (mobilidade estudos) é bastante superior à mobilidade nos demais ciclos de estudos (mobilidade estágio):

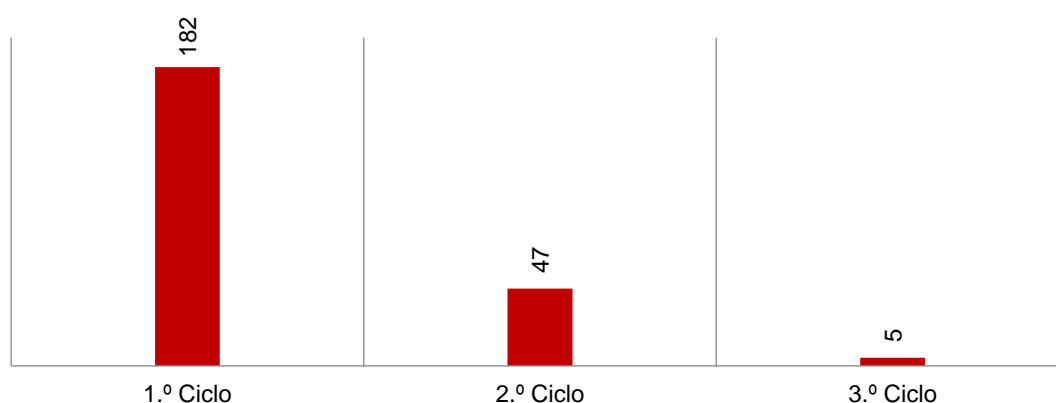


FIG. 14 - DISTRIBUIÇÃO DE ALUNOS POR CICLOS DE ESTUDO

A maioria dos alunos (78%) que realizou um período de mobilidade numa Universidade parceira frequenta a Licenciatura em Direito (Fig. 16). Sendo um ciclo de estudos com uma duração de 4 anos curriculares (8 semestres), os alunos têm mais tempo para decidir se pretendem realizar um período de mobilidade, não havendo qualquer tipo de restrição relativa ao semestre em que



escolhem realizá-lo (podem candidatar-se todos os alunos que, à data de início do período de mobilidade tenham completado, pelo menos, o primeiro ano do ensino superior).

No caso dos alunos do MDPJ e MDCJ, só podem realizar um período de mobilidade no 1.º semestre do segundo ano do Mestrado, que corresponde à fase de preparação da Dissertação de Mestrado. As mobilidades estágio estão condicionadas à atribuição de um orientador na Universidade de destino para supervisionar o trabalho desenvolvido durante este período. Dado que algumas Universidades não asseguram tal orientação, há uma maior tendência para os alunos do 2.º ciclo desistirem do período de mobilidade. A mesma regra se aplica aos alunos do Doutoramento em Direito, que podem realizar mobilidades anuais, com exceção do ano correspondente à entrega da Dissertação.

Relativamente aos países de destino, há uma preferência dos alunos por Itália, Portugal (Programa Almeida Garrett), Argentina, Alemanha, França, seguidos de Brasil, Espanha, República Checa e Eslováquia.

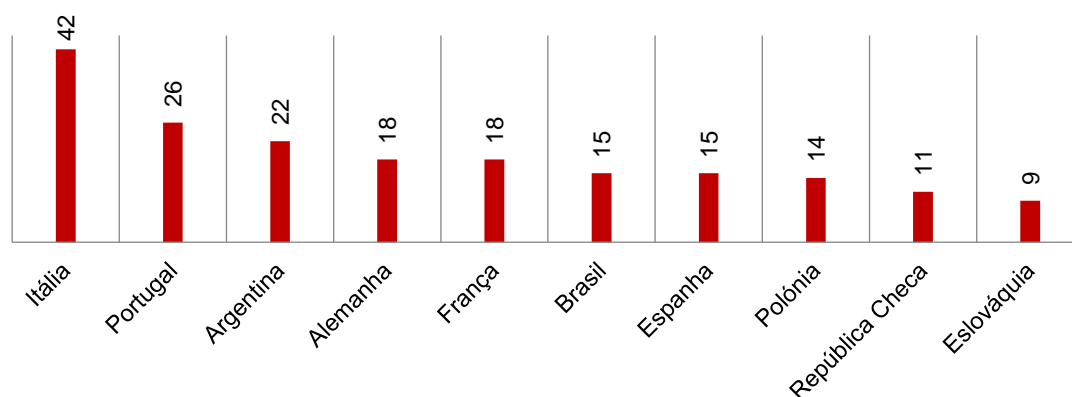


FIG. 15 - DISTRIBUIÇÃO DE MOBILIDADES POR PAÍS

Demograficamente, a grande maioria dos alunos de mobilidade são do género feminino (Fig. 18) e maioritariamente entre os 20 e os 29 anos (Fig. 19).<sup>15</sup>

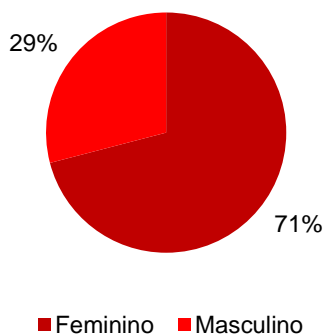


FIG. 16 - DISTRIBUIÇÃO DOS ALUNOS OUTGOING POR GÉNERO

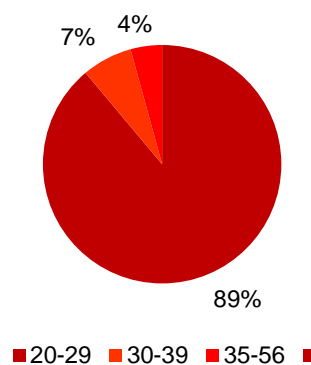


FIG. 17 - DISTRIBUIÇÃO DOS ALUNOS OUTGOING POR IDADE

<sup>15</sup> Anexo 14 – Alunos Género e Idade.

### Comparação *Incoming* vs. *Outgoing*

Ainda que o número de mobilidades tenha recuperado face aos dois últimos anos letivos, a FDUL continua a receber aproximadamente dois terços do total de fluxos de mobilidade pelo que nem sempre existe reciprocidade (Fig. 20), dado que recebemos mais alunos de instituições para as quais não enviamos<sup>16</sup>. Ainda que essa diferença tenha diminuído face aos anos letivos anteriores, continua a existir uma diferença significativa entre o número de mobilidades *incoming* e *outgoing*, sendo que recebemos 407 alunos e enviamos 234, havendo uma diferença de 173 alunos.

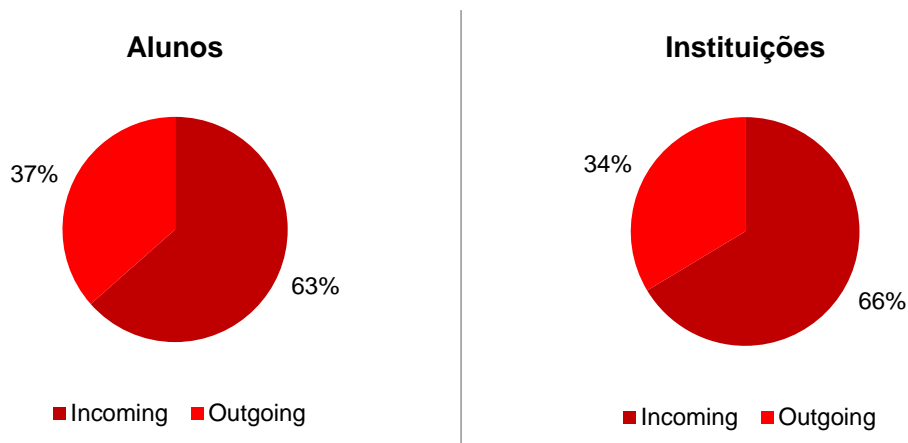


FIG. 18 - ALUNOS INCOMING VS ALUNOS OUTGOING

No entanto, quando comparamos as instituições com quem a FDUL tem reciprocidade, isto é, recebe e envia alunos, independentemente do número de mobilidades entre instituições, esta diferença diminui, ainda que continue a haver mais alunos *incoming*. A FDUL recebe e envia alunos com 43 instituições. Entre estas 43 instituições, são recebidos 166 alunos (40% dos alunos *incoming*) e enviados 123 (53% dos alunos *outgoing*) (Fig. 21)

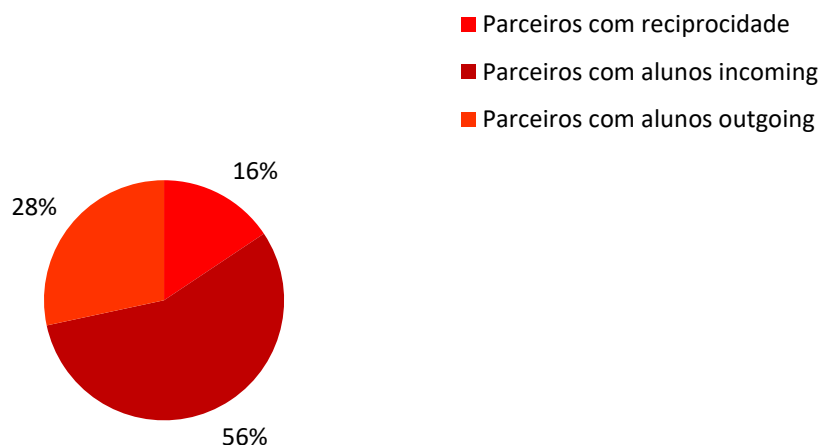


FIG. 19 RECIPROCIDADE POR INSTITUIÇÃO PARCEIRA

<sup>16</sup> Anexo 15 – Alunos *incoming* e *outgoing*, por instituição parceira.

## BLENDDED INTENSIVE PROGRAM

Um **Blended Intensive Programme** é uma nova modalidade do Programa Erasmus+, que consiste num curso intensivo e interdisciplinar, que combina uma componente de mobilidade online com uma mobilidade física de curta duração, com o intuito de promover novas e inovadoras metodologias de ensino e aprendizagem.

Esta nova modalidade envolve no mínimo três instituições de Ensino Superior, de países aderentes ao Programa Erasmus+, e integra uma componente online (que pode ser antes ou depois da mobilidade física e sem limites à duração), com um mínimo de 3 ECTS. Para cada BIP é esperado um mínimo de 15 estudantes, docentes ou não docentes, oriundos das instituições parceiras.

Para a componente de mobilidade física de curta duração, os participantes no BIP da Instituições parceiras (não aplicável a participantes da Instituição Coordenadora) beneficiam de uma Bolsa Erasmus+ de €70 por dia, atribuída de acordo com o número de dias da componente física do BIP na instituição coordenadora, cuja duração mínima são de 5 dias (excluindo dias de viagem).

No ano letivo 2023/2024, a Faculdade de Direito da Universidade de Lisboa integrou um Blended Intensive Programme em parceria com a Universidad de Granada e a Università Degli Studi di Padova, subordinado ao tema **“Sociedad Digital. Retos del Derecho ante la Inteligencia Artificial”** (6 ECTS), dedicado a “analyse how Artificial Intelligence affects our fundamental rights and the structural principles of our legal system. The development achieved by new technologies and particularly by AI systems calls for the urgent adoption of legislation that not only allows us to fully benefit from the possible positive effects but also to reduce and limit, through the imposition of a series of “red lines”, the negative impact of the study and processing of large amounts of data on the fundamental rights and principles of the rule of law. The adoption of the EU Regulation on the harmonisation of AI is an important step, but it is also the beginning. O curso teve uma “interdisciplinary and comparative approach” e objetivo foi “to analyse the impact of the phenomenon of digitalisation from the constitutional law, international law, EU law, civil law, procedural law, labour law and philosophy of law.”

A componente online (3 ECTS) teve lugar durante o mês de março e foi distribuída da seguinte forma:

- 04 de março: **Derecho, ética, y gobernanza en la Inteligencia artificial**
- 11 de março: **Justicia e Inteligencia Artificial**
- 18 de março: **La Protección de Datos y Perfiles Éticos de la IA**

A componente física decorreu entre os dias 06 e 10 de maio na Universidad de Granada:

- 06 de maio: **Constitución y Derechos Fundamentales**
- 07 de maio: **IA y Administración pública. Control, Supervisión y Evaluación**
- 08 de maio: **Ciber Seguridad y Tecnologías Digitales**
- 09 de maio: **Inteligencia Artificial en el Derecho**
- 10 de maio: **Conclusions**

Das 39 candidaturas recebidas, a FDUL contou com a participação de 12 alunos dos vários ciclos de ensino:

- a) Licenciatura em Direito – 3
- b) Mestrado em Direito e Prática Jurídica - 3



- c) Mestrado em Direito e Ciência Jurídica – 3
- d) Doutoramento em Direito – 3

O GERI foi responsável pela gestão das candidaturas dos alunos da FDUL e prestou ainda apoio na organização do BIP, no qual também participaram vários docentes na componente online (em anexo).

No ano letivo 2024/2025, a FDUL será responsável pela organização do próximo BIP.

O programa do BIP (componente presencial e online) consta em Anexo e faz parte integrante do presente Relatório de Atividades.

## MOBILIDADE DE DOCENTES E STAFF

As mobilidades de docentes ao abrigo do Programa Erasmus+ são organizadas exclusivamente pelo Gabinete Erasmus e de Relações Internacionais. Os dados apresentados não incluem informações do Instituto de Cooperação Jurídica, nem do Instituto do Direito Brasileiro, nem participações de docentes em conferências, seminários, congressos, ou manifestações similares.

A mobilidade de docentes para missões de ensino é um pilar fundamental na estratégia de internacionalização da FDUL, que beneficia não só o docente, mas também a Faculdade. A realização de um período de mobilidade neste âmbito proporciona aos docentes uma oportunidade de valorização pessoal e profissional, reforçando os laços entre as instituições de ensino superior de países diferentes, sendo também um instrumento de melhoria e de partilha de boas práticas, na medida em que promove o intercâmbio de conhecimentos e de experiências.

Uma missão de ensino ao abrigo do Programa Erasmus+ tem a duração mínima de 2 dias consecutivos e máxima de 2 meses e obriga à lecionação de 8 horas de aulas.

### Docentes *Incoming*

No ano letivo 2022/2023 assistimos a um aumento significativo do número de mobilidades *incoming*, num total de 26 mobilidades, incluindo 4 docentes que lecionaram cursos intensivos ao abrigo do Programa Erasmus+. No ano letivo 2023/2024 verificámos uma ligeira diminuição com 19 mobilidades:

País	Universidade de Origem	Mobilidades
Bulgária	Varna Free University 'Chernorizets Hrabar'	1
Croácia	University of Zagreb	1
Eslovénia	University of Maribor	1
Espanha	Universidad de Las Palmas de Gran Canaria	1
Espanha	Universidad de Zaragoza	1
Espanha	Universidad de Granada	1
Espanha	Universidad de Málaga	1
Espanha	Universidad de Alcalá	1
Espanha	Universidad Isabel I	1
Espanha	Universidad de Alicante (CI)	1
Espanha	Universidad de Santiago de Compostela (CI)	1
França	Université de Rouen Normandie (CI)	1
França	CY Cergy Paris Université	1
Lituânia	Mykolas Romeris University	1
Polónia	University of Lodz	2
Polónia	Kozminski University	1
Sérvia	University of Belgrade	2
<b>Total:</b>		<b>19</b>

TABELA 4. MOBILIDADES DOCENTES *INCOMING*

Relativamente aos Cursos Intensivos lecionados por docentes convidados estrangeiros, no ano letivo foram convidados 27 docentes para lecionarem os referidos cursos, sendo que 3 lecionaram um curso ao abrigo do Programa Erasmus+ (2.º Semestre) e constam na Tabela 4 (CI).

No que diz respeito às Universidades de origem dos docentes dos cursos intensivos que visitaram a FDUL, mas não vieram ao abrigo do Programa Erasmus+, distribuem-se da seguinte forma:

Universidade de Origem	Docente
Bucerius Law School	1
École Normal Supérieure	1
Erasmus University Rotterdam	1
Federal University of Applied Sciences for Public Administration	1
Gottfried Wilhelm Leibniz Universität Hannover	2
Mykolas Romeris University	1
Lincoln Memorial University – Duncan School of Law	2
Loyola University College of Law	2 (*)
Universidad de Granada	1
Universidade Federal de Pernambuco	1
Università Degli Studi di Kori di Enna	1
Università Degli Studi di Milano	1
Università Degli Studi di Pavia	1
Institut für Ostrecht	1
Aix-Marseille Université	1
Universität Regensburg	1
Université de Montpellier	1
University of Innsbruck	1
University of Louisville	2
William & Mary Law School (**)	1
<b>Total:</b>	<b>24</b>

TABELA 5. CURSOS INTENSIVOS - UNIVERSIDADES DE ORIGEM DOS DOCENTES CONVIDADOS

(\*) uma das docentes da Loyola University New Orleans lecionou o curso intensivo no âmbito do Programa ICM (International Credit Mobility).

(\*\*) lecionou o curso intensivo no âmbito de uma Bolsa Fullbright.

Na Fig. 23 podemos verificar a origem dos docentes que visitaram a FDUL ao abrigo do Programa Erasmus+ e para lecionar cursos intensivos:

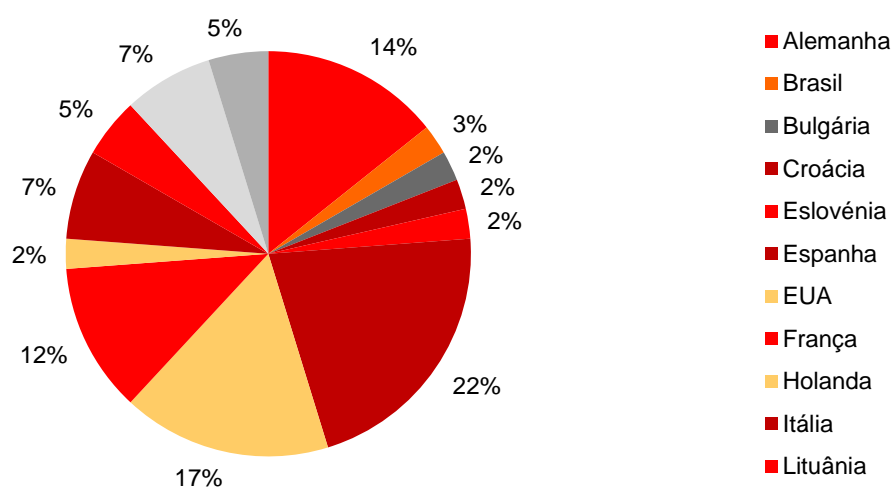


FIG. 20 PAÍS DE ORIGEM DOCENTES QUE LECCIONAM OS CURSOS INTENSIVOS

## Docentes *Outgoing*

O interesse pela mobilidade de docentes *outgoing* tem vindo a aumentar nos últimos anos letivos, mas o número de fluxos ainda se mantém reduzido devido às verbas que nos são atribuídas.

A fraca expressão da mobilidade *outgoing* na FDUL resulta numa dispersão geográfica e institucional, que, embora fortaleça as relações interinstitucionais, não reflete a estratégia de internacionalização da Faculdade (Fig.21).

Em 2023/2024, houve cinco mobilidades *outgoing*:

País	Universidade	Docente
Alemanha	Gottfried Wilhelm Leibniz Universität Hannover	1
Espanha	Universidad Complutense de Madrid	1
Lituânia	Vytautas Magnus University	2
Sérvia	University of Belgrade	1

TABELA 6. MOBILIDADES DOCENTES *OUTGOING*

A mobilidade *outgoing* para a Vytautas Magnus University foi realizada no âmbito da VMU Erasmus+ Teaching Week, que teve lugar entre os dias 22 e 26 de abril de 2024. Alguns docentes submeteram candidaturas e duas candidaturas (Professora Catarina Granadeiro e Professor João Espírito Santo) foram aceites.

## Mobilidade Staff *Incoming* e *Outgoing*

As atividades de mobilidade de pessoal para formação realizam-se entre instituições de ensino superior e outras organizações de um país participante no Programa e visam:

- Permitir a aquisição de conhecimentos ou saberes especializados a partir de experiências e boas práticas em instituições / serviços congéneres europeus;
- Permitir o desenvolvimento de competências práticas relevantes para o desempenho das suas funções e para o seu desenvolvimento profissional;
- Ajudar a construir a cooperação entre instituições de ensino superior e empresas.

No ano letivo 2022/2023 assistimos a um aumento significativo do número de mobilidades *incoming*, num total de 13 mobilidades, o que reforça um interesse crescente pelas atividades realizadas na FDUL:

País	Universidade	Docente
Polónia	Andrzej Frycz Modrzewski Krakow University	2
Eslovénia	Nova Univerza	2
Itália	Università Degli Studi di Perugia	3

Itália	Università Degli Studi di Sassari	5
Itália	Università del Salento	1

TABELA 7. MOBILIDADES STAFF *INCOMING*

A maioria destas mobilidades prendem-se com atividades desenvolvidas no âmbito do Serviço Académico e Biblioteca.

Quanto à mobilidade *outgoing*, realizou-se apenas uma mobilidade na Università Degli Studi di Napoli Parthenope (Itália).



## INTERNATIONAL CREDIT MOBILITY (ICM)

O Programa Erasmus+, através do International Credit Mobility (ICM), um subprograma criado em 2015, oferece oportunidades de mobilidade para estudantes, docentes e funcionários em instituições de ensino superior (IES) fora da Europa. Este programa proporciona também a mesma possibilidade para estudantes, docentes e funcionários de instituições de países parceiros (não europeus) de realizar um período de mobilidade em instituições de ensino superior detentoras da Carta Erasmus (Erasmus Charter for Higher Education – ECHE: documento que fornece o quadro geral de qualidade para as atividades de cooperação europeia e internacional que uma instituição de ensino superior pode realizar no âmbito do Programa Erasmus+) na Europa.

Cada Projeto ICM é desenvolvido com um conjunto de países e instituições específicas como parceiras, de acordo com a candidatura anual apresentada à Agência Nacional portuguesa.

Em 2024, as candidaturas ao Projeto ICM decorreram no início do ano e a FDUL candidatou-se em conjunto com as seguintes instituições:

País	Universidade Parceira
Argentina	Universidad de Buenos Aires
Brasil	Pontifícia Universidade Católica do Rio de Janeiro
Chile	Universidad de Chile
	Universidad Valparaíso de Chile
EUA	University of Louisville
	Loyola University College of Law, New Orleans
	Lincoln Memorial University – Duncan School of Law
	FIU College of Law
Israel	Bar-Ilan University
Macau	University of Macau
México	Universidade Autónoma del Estado de México

TABELA 8. CANDIDATURAS ICM 2024

Os resultados ainda não foram divulgados.

A escolha destas Universidades está diretamente ligada à estratégia de internacionalização da FDUL, que passa pela continuidade do apoio às estruturas internas de cooperação e relações internacionais, com especial ênfase dado às mobilidades para estudantes, oferecendo a possibilidade de realizarem um período de mobilidade numa universidade parceira e adquirirem formação especializada em Direito estrangeiro in loco. Neste sentido, pretende-se: a) promover a expansão das ações de internacionalização para novos espaços geográficos, aprofundando as relações já existentes com Universidades não europeias; b) o desenvolvimento de duplos graus; c) o aprofundamento de conhecimentos e investigação em matérias específicas, nas quais outras instituições de ensino superior têm linhas de investigação mais fortes; d) manter o ensino e aumentar o número de unidades curriculares lecionadas em língua inglesa; e) apoiar a realização de conferências internacionais e a presença de docentes e investigadores estrangeiros, diversificando a oferta de cursos intensivos de matérias jurídicas, lecionados numa língua estrangeira por docentes regulares e convidados de Universidades internacionais com as quais a FDUL mantém uma longa tradição de cooperação académica e de investigação.

Em 2023 foram submetidas as seguintes candidaturas:

Região	Universidade Parceira
<b>Região 3 Israel</b>	Bar-Ilan University
<b>Região 5 Índia, Vietname e Macau</b>	Ho Chi Min City University
	Symbiosis Law School
	University of Macau
<b>Região 8 América Latina</b>	PUC – Rio de Janeiro
	Universidad Autónoma del Estado de México
	Universidad de Buenos Aires
	Universidad de Chile
	Universidad Nacional de Colombia
	Universidad Valparaíso de Chile
<b>Região 12 EUA e Canadá</b>	University of Louisville
	Loyola University College of Law, New Orleans
	Lincoln Memorial University – Duncan School of Law

TABELA 9. CANDIDATURAS ICM 2023

No seguimento das candidaturas supracitadas, foi atribuído à FDUL financiamento para a realização das seguintes mobilidades:

Mobilidade	Direção	Região	País de Origem	País de Destino	Dias	Viagem	Estadia	Fluxos
Docente	Incoming	EUA	Índia	Portugal	5	1 500,00€	1 120,00€	1
Docente	Incoming	EUA	Vietname	Portugal	5	1 500,00€	1 120,00€	1
Docente	Incoming	EUA	México	Portugal	5	1 500,00€	1 120,00€	1
Estudos	Incoming	EUA	Vietname	Portugal	90	1 500,00€	2 550,00€	1
Estudos	Incoming	Israel	Macau	Portugal	90	1 500,00€	2 550,00€	1

TABELA 10. CANDIDATURAS ICM 2023 - RESULTADOS

No ano letivo 2023/2024 realizaram-se quatro mobilidades no âmbito do Programa ICM 2022:

Mobilidade	Direção	Região	País de Origem	Universidade de Origem
Docente	Incoming	EUA	EUA	Loyola University New Orleans
Estudos	Outgoing	Israel	Portugal	Bar-Ilan University
Estudos	Incoming	Portugal	Israel	Bar-Ilan University
Estudos	Incoming	Portugal	Israel	Bar-Ilan University

TABELA 11. MOBILIDADES REALIZADAS NO ÂMBITO DO PROGRAMA ICM 2022

## MOOT COURTS

MOOT COURT	DATA	LOCAL	ORGANIZAÇÃO	EQUIPA	TREINADORES	RESULTADO
24th Annual Willem C. Vis International Commercial Arbitration Moot	22/03 – 29/03	Faculty of Law da University of Vienna	Association for the Organisation and Promotion of the Willem C. Vis International Commercial Arbitration Moot	Joana Simas Leite Lourenço da Cruz Lousada Fonseca Batista Manuel Pinto Cardoso Rafael Maria João de Queirós Barroso Arzileiro de Carvalho	Professor José Ferreira Gomes Dr. António Pestana de Araújo Dra. Carolina Nagy Correia Dra. Catarina Coelho	Vencedora do VI Lisbon Pre-Moot 3.º Lugar no 16th Annual Prague Pre-Moot Rondas das Eliminatórias
9 <sup>th</sup> Hugo Sinzheimer Moot Court Competition	15/06 – 17/06	Faculty of Law da University of Vienna	<b>Institute for Labour Law and Social Law</b>	Bianca Florinda dos Santos Almeida Guilherme Campos Fescina João Francisco Guerreiro Gomes Patrícia Alexandra da Silva Domingues Pedro Alschinger Rezende Renata Moraes Domingos dos Santos	Isabel Vieira Borges Dr. Tiago Cochofel de Azevedo Dr. Pedro Vera	Provas Orais
The Philip C. Jessup Moot Court Competition	30/03 – 06/04	Lisboa	International Law Students Association	Gabriel José da Silva Carvalho João Renato Barbosa David Matilde Correia Lima Paulo Fernando Simões Ramos Pedro Rocha Lima Ferreira Carneiro Sofia Loienko	Rui Tavares Lanceiro Paulo Simões Ramos	83.º lugar
XIII Edição da Competição Brasileira de Arbitragem e Mediação da CAMARB		Online	Câmara de Arbitragem e Mediação Empresarial do Brasil	Alfredo Seródio Fonseca Carolina Maria de Lima Caldeira Mendes (Menção Honrosa – 10.º lugar) Francisco André Salvado Bastos (3.º Melhor Orador) Gonçalo Filipe Coelho Oliveira Leonardo Estevez Santos Salvador Maria Branco da Silva Sargo Vicente (Menção Honrosa – 7.º lugar)	Dra. Beatriz Leal de Macedo Vitorino Dr. Filipe Gomes Dr. Marcus Alves	Oitavos de Final 5.º lugar <i>ex aequo</i>

TABELA 12. MOOT COURTS REALIZADOS NO ANO LETIVO 2023/2024

## CURSOS INTENSIVOS

No ano letivo 2023/2024, foram lecionados 33 cursos intensivos: 15 no 1.º semestre e 18 no 2.º semestre.

Foram convidados 27 docentes estrangeiros, sendo que 3 lecionaram um curso ao abrigo do Programa Erasmus+ (2.º semestre), 5 pertenciam à FDUL (4 no 1.º semestre e 1 no 2.º semestre) e um foi realizado no âmbito da iniciativa ELPIS/US Law Schools – Transatlantic Legal Lectures.

Curso Intensivo	Edição	Semestre	Docente	Universidade de Origem
Asylum and Immigration Law and Policy of the European Union	8. <sup>a</sup>	1.º	Jaap W- de Zwaan	Erasmus University Rotterdam
Constitutional Justice in the Mediterranean: A way out of crises?	2. <sup>a</sup>	1.º	Dimitrios Parashu	FDUL
Criminal Procedure in the U.S.	2. <sup>a</sup>	1.º	Luke Milligan	University of Louisville
ELIS/US Law Schools – Transatlantic Legal Lectures	6. <sup>a</sup>	1.º	Rede ELPIS	Rede ELPIS
EU Consumer Law	4. <sup>a</sup>	1.º	Arndt Kühnnecke	Federal University of Applied Sciences for Public Administration
History of Migration Law	2. <sup>a</sup>	1.º	Ana Caldeira Fouto	FDUL
International Humanitarian Law – The Basics	2. <sup>a</sup>	1.º	Ana Soares Pinto	FDUL
Introduction to U.S. Cybersecurity Law	1. <sup>a</sup>	1.º	Kimberly Houser	William & Mary Law School
Philosophy of Law	8. <sup>a</sup>	1.º	Alexandre Viala	Université Montpellier
R2D Back to the Future, an Internacional, European Union and Comparative Labor Law Perspective on the RIGHT TO DISCONNECT from work	1. <sup>a</sup>	1.º	Isabel Vieira Borges	FDUL
Redes Sociales, Compañías Tecnológicas y Democracia	5. <sup>a</sup>	1.º	Francisco Balaguer Callejón	Universidad de Granada
Shareholders' Role, Rights & Remedies in Private Limited Companies	1. <sup>a</sup>	1.º	Lina Mikalonienė	Mykolas Romeris University
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	6. <sup>a</sup>	1.º	Axel Kämmerer	Bucerius Law School
Thinking about the Production of Norms by Judges : between the "government by judges" and the judge as "mouth of the law"	1. <sup>a</sup>	1.º	Xavier Magnon	Aix-Marseille Université
Introduction to the History of Justice	5. <sup>a</sup> e 6. <sup>a</sup>	1.º e 2.º	Isabel Graes	FDUL
A World History of Criminal Law	2.º	2.º	Jean-Louis Halpérin	École Normal Supérieure

Comparative Police Law, Policy and Practices	2. <sup>o</sup>	2. <sup>o</sup>	Melanie Reid	Lincoln Memorial University – Duncan School of Law
Constitutional Justice in Europe	7. <sup>a</sup>	2. <sup>o</sup>	Rainer Arnold	Universität Regensburg
EU Administrative Law and Administrative Procedure	4. <sup>a</sup>	2. <sup>o</sup>	Diana-Uriana Galetta	Università Degli Studi di Milano
European Comparative Competition Law	10. <sup>a</sup>	2. <sup>o</sup>	Bernd Oppermann	<i>Gottfried Wilhelm Leibniz Universität Hannover</i>
Globalisation and International Protection of Human Rights	10. <sup>a</sup>	2. <sup>o</sup>	Marine Toullier	Université Rouen de Normandie
História e Teoria do Crime	10. <sup>a</sup>	2. <sup>o</sup>	Cláudio Brandão	Universidade Federal de Pernambuco
Introduction to European Private Law	11. <sup>a</sup>	2. <sup>o</sup>	Andreas Schwartze	University of Innsbruck
Introduction to the Judicial System of the United States	1. <sup>a</sup>	2. <sup>o</sup>	Madeleine Landrieu	Loyola University College of Law (EUA)
Introduction to the Law of the United States	13. <sup>a</sup>	2. <sup>o</sup>	Patrick Hugg	Loyola University College of Law (EUA)
Introduction to the North American Constitution	11. <sup>a</sup>	2. <sup>o</sup>	Russell Weaver	University of Louisville
La Crisis del Estado de Derecho	7. <sup>a</sup>	2. <sup>o</sup>	Fausto Vecchio	Università Degli Studi di Kori di Enna
Litigation in Economic International Law	10. <sup>a</sup>	2. <sup>o</sup>	Millan Casanova	Universitá di Alicante
Nacionalismos e Federalismos: A Construcción do Estado Federal no Marco da União Europeia	2. <sup>a</sup>	2. <sup>o</sup>	Vicente Sanjurjo	Universidad de Santiago de Compostela
Russian Law: the legal system of a country at war	1. <sup>a</sup>	2. <sup>o</sup>	Herbert Küpper	Institut für Ostrecht München
The Rule of Law in the European Convention of Human Rights and Council of Europe Law	1. <sup>a</sup>	2. <sup>o</sup>	Jacques Ziller	Università Degli Studi di Pavia
U.S. Administrative Law and Comparative Approaches to Administrative Governance	1. <sup>a</sup>	2. <sup>o</sup>	Akram Fazier	Lincoln Memorial University – Duncan School of Law

TABELA 13. CURSOS INTENSIVOS 2023/2024

No total foram lecionados 33 cursos intensivos durante o ano letivo 2023/2024:

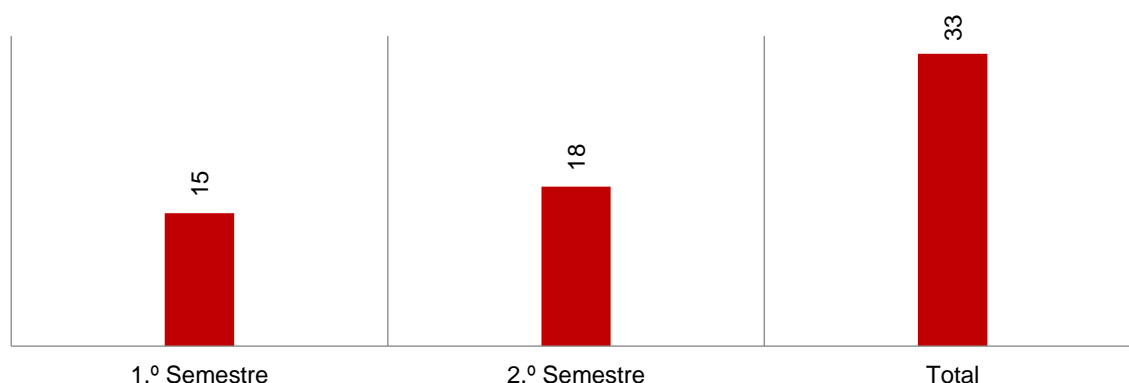


FIG. 21 - CURSOS INTENSIVOS 2023/2024

É importante salientar que foram lecionados 8 novos cursos:

- um** curso lecionado por um docente já anteriormente convidado;
- cinco** cursos lecionados por docentes convidados pela primeira vez e oriundos de Universidades com as quais foram estabelecidas parcerias nos últimos anos letivos, não só a nível de ensino, mas também de investigação;
- dois** cursos lecionados ao abrigo do Programa Internacional Credit Mobility (ICM) e Programa Fullbright, respetivamente.

Os cursos intensivos, sendo lecionados por docentes estrangeiros, são necessariamente lecionados numa língua estrangeira, sendo que a língua preferencial de leção é o inglês, com exceção dos docentes de nacionalidade brasileira e espanhola, que lecionam em português e espanhol, respetivamente (88%). No caso dos docentes da FDUL, é obrigatório que sejam lecionados numa língua estrangeira.

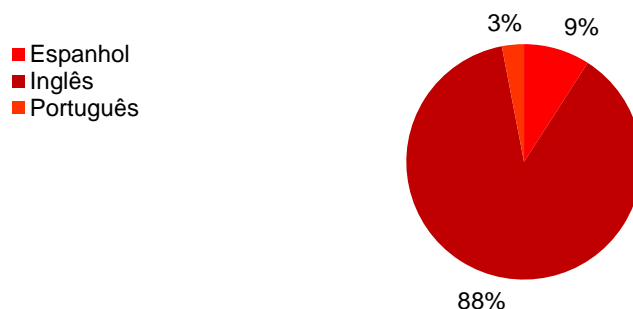


FIG. 22 - LINGUAS EM QUE OS CURSOS SÃO LECCIONADOS.

A origem dos docentes que lecionam os cursos é muito variada, não havendo predominância de um país específico. No entanto, podemos destacar a Alemanha, Portugal e Itália, seguidos de Espanha, França e EUA como os países de origem com mais docentes convidados (Fig. 27):

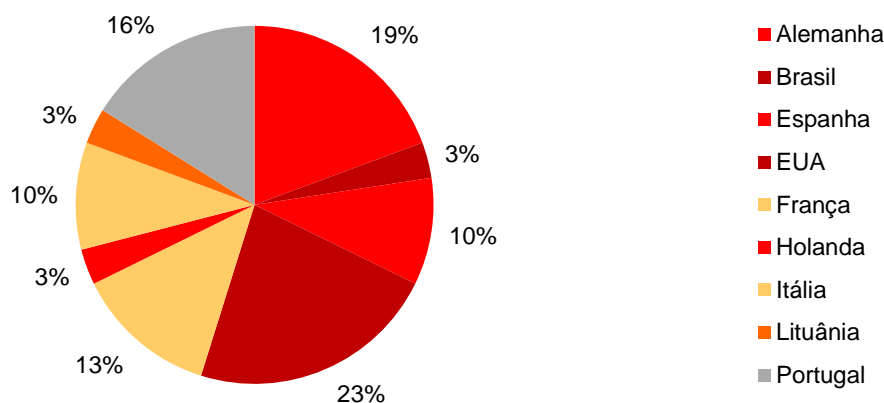


FIG. 23 - PAÍS DE ORIGEM DOS DOCENTES QUE LECCIONAM OS CURSOS INTENSIVOS

Confirma-se ainda a tendência de os docentes preferirem lecionar os Cursos Intensivos no 2.º semestre.

No ano letivo 2023/2024 inscreveram-se um total de 1346 alunos, o que significa que houve um aumento de alunos inscritos na ordem dos 12% em comparação com o ano letivo 2022/2023. Destes 1346, 1217 alunos efetivaram a inscrição num ou mais cursos, sendo que 129 desistiram antes dos cursos iniciarem e 203 não foram avaliados.

No ano letivo 2019/2020, os procedimentos de inscrição nos cursos intensivos alteraram e os alunos já matriculados no curso 8000 – Curso Livre em Cursos Intensivos devem apenas aceder aos PROCESSOS DE INSCRIÇÃO e inscrever-se em dois cursos intensivos (os alunos podem inscrever-se até quatro cursos desde que haja vagas remanescentes após concluídas as fases de inscrição). No caso dos alunos que não estão matriculados no curso 8000 – Curso Livre em Cursos Intensivos, os alunos devem primeiro matricular-se e só depois é que conseguem aceder ao Fenix e selecionar os cursos intensivos que pretendem frequentar.

No ano letivo 2023/2024 matricularam-se 243 novos alunos e 438 renovaram a inscrição em dois cursos intensivos. Dada a possibilidade de substituírem uma UC Optativa por dois cursos intensivos, a grande maioria dos alunos da FDUL inscritos são da Licenciatura em Direito.

A distribuição dos alunos pelos cursos intensivos divide-se entre 20 vagas para os alunos regulares da FDUL e 20 vagas para os alunos de mobilidade, num total de 40 vagas. No ano letivo 2023/2024, a totalidade dos alunos que efetivaram a inscrição resultou na seguinte distribuição:

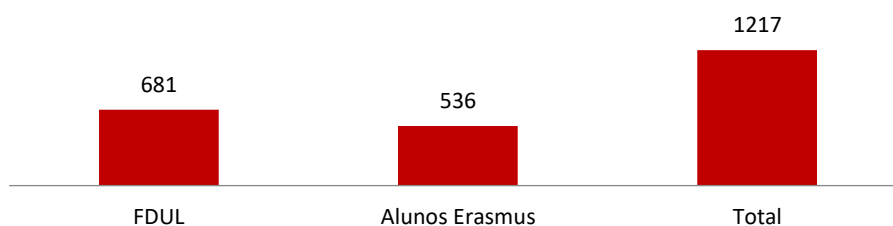


FIG. 24 - NÚMERO DE ALUNOS INSCRITOS NO ANO LETIVO 2023/2024

Com base na Fig. 28, podemos confirmar que o número de alunos inscritos aumentou tanto nos alunos FDUL, como nos alunos de mobilidade, sendo que o maior aumento se verificou nos alunos FDUL e outros com uma diferença de 105 alunos.

De acordo com a Fig. 29, as turmas dos cursos intensivos tiveram em média 37 alunos, sendo que o número de alunos inscritos foi ligeiramente superior no 1.º semestre:

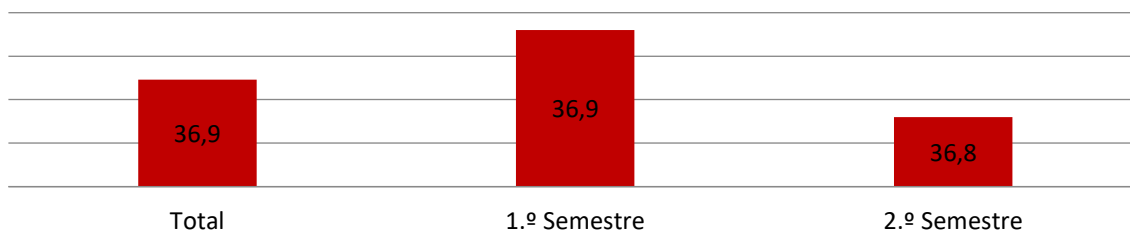


FIG. 25 NÚMERO MÉDIO DE ALUNOS POR TURMA

De acordo com a Fig. 30, dos 1217 alunos inscritos, verificamos que foram avaliados 988 alunos, sendo que 203 alunos não foram avaliados e 26 reprovaram, com uma média final de 11,98<sup>17</sup>.

Devido ao aumento do número de alunos inscritos, verificamos que o número de alunos avaliados aumentou face ao ano letivo 2023/2024, o que se reflete também no aumento de alunos não avaliados e reprovados.



FIG. 26 - ANÁLISE DA FREQUÊNCIA DOS CURSOS INTENSIVOS

- Cancelamentos e Desistências
- Não Avaliados

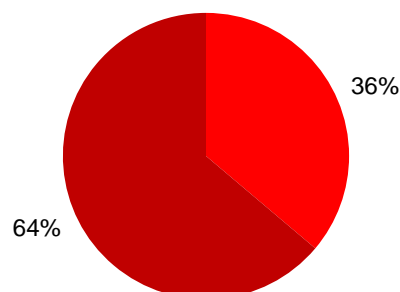


FIG. 27 - CANCELAMENTOS, DESISTÊNCIAS E NÃO AVALIADOS

<sup>17</sup> Anexo 17 - Cursos Intensivos 2021/2022 – Avaliações por curso intensivo



No caso dos alunos da Licenciatura em Direito e do Mestrado em Direito e Prática Jurídica, a frequência de dois cursos intensivos permite solicitar a substituição de uma unidade curricular optativa. No ano letivo 2023/2024 foram submetidos 210 pedidos de substituição, menos 10 do que no ano letivo 2022/2023.

As unidades curriculares optativas mais substituídas foram as seguintes:

UC Optativa	Substituições
Direito Comercial III	29
Direito dos Mercados Financeiros	25
Economia Internacional	14
Direito Penal III	13
União Económica Monetária	11
Direito Administrativo III	10
Direito dos Contratos II	10
União Económica Monetária	10
Direito do Ambiente	9
Direito Comercial III	29

TABELA 14. SUBSTITUIÇÃO DE UNIDADES CURRICULARES POR CURSOS INTENSIVOS

Os cursos mais usados para solicitar a substituição de uma Unidade Curricular Optativa foram os seguintes:

Cursos Intensivos	Substituição de UC Optativa
História e Teoria do Crime	28
Introduction to the History of Justice: the modern period	22
La Crisis del Estado de Derecho	22
Redes sociales, Compañías Tecnológicas y Democracia	22
A World History of Criminal Law	20
European and Comparative Competition Law	20
EU Consumer Law	18
Comparative Police Law Policy and Practices	16
Introduction to the North American Constitution	16
Constitutional Justice in Europe	15

TABELA 15. CURSOS INTENSIVOS USADOS PARA SUBSTITUIR UMA UC OPTATIVA

## MESTRADO EM EUROPEAN LEGAL PRACTICE

O Mestrado em *European Legal Practice* (ELPIS) foi criado no âmbito do programa Erasmus Mundus em 2004 e faz parte da oferta formativa da FDUL, tendo sido acreditado pela A3ES em 2019.

Este mestrado é uma oferta conjunta entre a Faculdade de Direito da Universidade de Lisboa, a Leibniz University Hannover (Alemanha), a University of Rouen (França) e a Mykolas Romeris University in Vilnius (Lituânia). Este mestrado foi criado no âmbito do programa Erasmus Mundus, pelas seguintes universidades: a Faculdade de Direito da Universidade de Lisboa (Portugal), a Gottfried Leibniz Universität Hannover (Alemanha), a Université Rouen Normandie (França) e a Mykolas Romeris University in Vilnius (Lituânia). Este mestrado insere-se nas atividades do Consórcio ELPIS, que envolve cerca de Faculdades de Direito, em quase todos os Estados-Membros da União Europeia (UE) e países da Associação Europeia de Comércio Livre (EFTA), que data de 1985. Estas quatro Universidades compõem o consórcio que atribui o grau de mestre.

O mestrado, sendo uma oferta conjunta, obriga a que os alunos passem pelo menos um semestre numa das instituições parceiras. Os participantes podem escolher qualquer uma das universidades parceiras para submeter a sua candidatura e escolher passar um ou dois semestres numa, ou duas, das restantes parceiras, sendo apenas obrigatório que o aluno realize o semestre de dissertação na universidade de origem (*i.e.*, onde submeteu a sua candidatura e foi aceite).

Em 2023/2024, candidataram-se 10 alunos ao Mestrado em European Legal Practice (Fig. 23), o que significa uma ligeira diminuição face ao ano letivo 2022/2023:

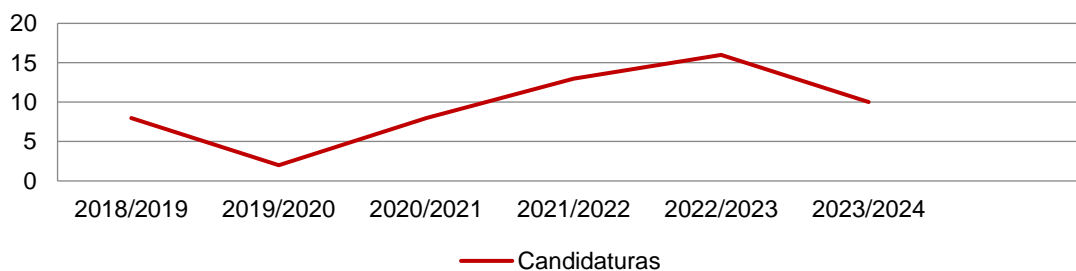


FIG. 28 - EVOLUÇÃO DO NÚMERO DE CANDIDATURAS AO MESTRADO EM EUROPEAN LEGAL PRACTICE

8 alunos foram colocados, 1 desistiu, 1 não foi colocado por não reunir a documentação exigida e 4 formalizaram a sua matrícula. Todos os alunos matriculados optaram por realizar o 3.º semestre (1.º semestre do ano letivo 2024/2025) na Mykolas Romeris University (Lituânia).

Ainda neste campo, no ano letivo 2023/2024 realizaram-se oito mobilidades *outgoing* no âmbito do Mestrado em European and Legal Practice: 6 na Université Rouen de Normandie e 2 na Gottfried Wilhelm Leibniz Universität Hannover. Estas mobilidades foram consideradas para efeitos de análise no ponto relativo às Mobilidades Outgoing e dizem respeito a alunos colocados no ano letivo 2022/2023.

No que diz respeito aos alunos ELPIS *incoming*, o número continua a ser inferior ao número de alunos *outgoing*, o que se pode explicar pela oferta reduzida de disciplinas em inglês no Mestrado

em Direito e Prática Jurídica. No entanto, ano letivo 2023/2024 recebemos 4 alunos, o que representa um ligeiro aumento face ao ano letivo 2022/2023.

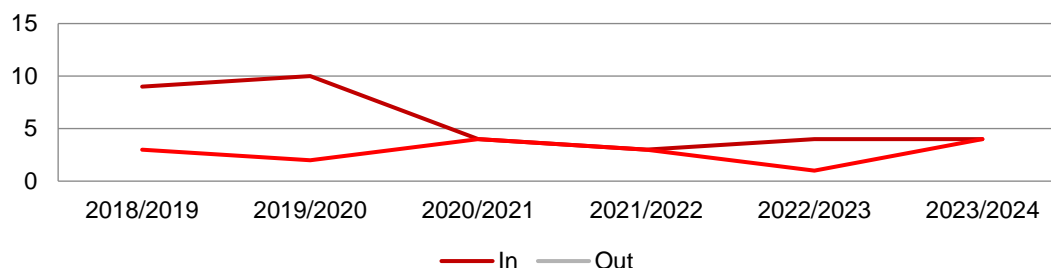


FIG. 29 - EVOLUÇÃO DO NÚMERO DE ALUNOS EM MOBILIDADE DO MESTRADO CONJUNTO ELPIS

No ano letivo 2023/2024 realizaram-se ainda duas provas de defesa de dissertação subordinadas aos temas “**O Princípio da Jurisdição Universal em Direito Penal Internacional e a sua aplicabilidade extensiva, em especial o caso da Alemanha**” e “**Directive (EU) 2018/2001: rethinking regulation to reconcile climate change and energy**”.

Foram ainda registadas as seguintes teses com datas de entrega entre novembro de 2024 e janeiro de 2025:

A fronteira entre castigos corporais enquanto método disciplinar e a prática de crime(s) - a Lei e o sistema judiciário português
Segurança do abastecimento energético na União Europeia
A Proteção Internacional das crianças afetadas por conflitos armados
O Direito Internacional de Proteção de Dados e as Responsabilidades dos Tribunais e Organizações Internacionais
O instituto da Persona Non-Grata: uma análise da declaração entre Brasil e Israel no Contexto das Relações Internacionais
Direito à Nacionalidade como Direito Humano: uma solução internacional para erradicar os apátridas
A natureza jurídica da autoexecução dos smart contracts

TABELA 16. MESTRADO EM EUROPEAN AND LEGAL PRACTICE - TESES

## **PÓS-GRADUAÇÃO ERASMUS DE ATUALIZAÇÃO EM DIREITO EUROPEU, GLOBAL E COMPARADO**

A Pós-graduação Erasmus de Atualização em Direito Europeu, Global e Comparado é uma oferta formativa especializada da Faculdade de Direito, com cariz internacional e lecionada em várias línguas.

O interesse manifestado por parte dos alunos e o crescente incentivo que tem vindo a ser dado à presença de professores e estudantes estrangeiros a nível dos cursos pós-graduados, levou à criação deste curso, que está assente na estratégia de internacionalização da Faculdade de Direito da ULisboa e beneficia da experiência da leção dos cursos intensivos, lecionados por docentes estrangeiros.

O plano de estudos da pós-graduação é composto pelo conjunto de [Cursos Intensivos](#) oferecidos pela Faculdade de Direito. Os alunos deverão obter um total de 60 ECTS:

- 42 ECTS, referentes aos Cursos Intensivos frequentados
- 18 ECTS, referentes a um trabalho escrito.

O trabalho escrito é elaborado individualmente e deve abordar qualquer um dos temas lecionados nos cursos intensivos frequentados.

No ano letivo 2023/2024, contámos com a participação de uma aluna nesta pós-graduação.

## REDE ELPIS

No seguimento das iniciativas que foram criadas nos últimos anos letivos como resposta à pandemia COVID-19 e com o objetivo de promover a colaboração, a participação e a integração das Universidades parceiras da FDUL e de estudantes estrangeiros e nacionais, no ano letivo 2022/2023 foi dada continuidade às seguintes atividades:

### INICIATIVAS NO ÂMBITO ACADÉMICO

a) Realização das **"ELPIS / US Transatlantic Online Legal Lectures"**, que consistiram num conjunto de 9 vídeo conferências lecionadas no 1.º semestre..

Docente	Universidade	Tema
Professor Vasco Pereira da Silva	Faculdade de Direito da Universidade de Lisboa (Portugal)	"Laugh, Happiness and Constitutional Law   Inaugural Lecture"
Rambod Behboodi BA, JD, LL.M	Geneva Trade Law / World Trade Organization	"WTO Dispute Settlement: Are there any alternatives?"
Professor Patrick R. Hugg	Loyola University New Orleans, College of Law (EUA)	"Ethnic Cleansing: Legalism, Redundancy, and Reality?"
Professor Ester Renedo	Universidad Isabel II (Espanha)	"The Jurisdiction Problem in Environmental Law"
Professor Robert Cunningham	Curtin University Law School (Austrália)	"Federal Court Cases in Australia relating to defining "Aboriginality"
Professor Melanie Reid	Lincoln Memorial University   Duncan School of Law (EUA)	"The Difficulties of Prosecuting Cybercrime Cases"
PD Dr. Markus Beham	University of Vienna/Passau (Áustria)	"Sustainable Supply Chains – Experiences from Germany and Europe"
Professor Nicolas Lamp	Queen's University in Kingston (Canadá)	"The Rise and Fall of the Market Metaphor of International Trade Lawmaking"
Professor Dimitrios Parashu	Gottfried Wilhelm Leibniz Universität Hannover (Alemanha)	"The best of all possible Unions - Lessons learned for the EU through Leibniz and through Voltaire's Candide"

TABELA 17. ELPIS / US TRANSATLANTIC ONLINE LEGAL LECTURES

Estas sessões culminaram numa sessão na qual os alunos das três Faculdades (*Gottfried Wilhelm Leibniz Universität Hannover*, Lincoln Memorial University – Duncan School of Law e FDUL), apresentaram e discutiram aqueles que foram considerados os melhores trabalhos no âmbito do tema Direito Comparado (Portugal/EUA). Estes trabalhos foram posteriormente publicados no site da Rede ELPIS

Universidade	Aluno	Tema
FDUL	Luís Pedro Bravo	The Independent and Administrative Entities: a comparative analysis between the Portuguese and American Administrative Law
FDUL	Patrícia Alexandra da Silva Domingues	The right to Health: a comparative law perspective

FDUL	Tânia Ribeiro Coelho	Administrative Procedural Means: a comparative analysis between Portugal and the United States
Lincoln Memorial University   Duncan School of Law	Bailey Stamp	The nonconsensual Dissemination of Deepfake Pornography: a deep dive into why more legislation is needed to protect victims

TABELA 18. ELPIS / US TRANSATLANTIC ONLINE LEGAL LECTURES – TRABALHOS PREMIADOS

### INICIATIVAS NO ÂMBITO DA INVESTIGAÇÃO

- a) 2024: reunião anual da Rede ELPIS, que teve lugar na Facultad de Derecho da Universidad de Granada, entre os dias 9 e 11 de maio;
- b) Continuidade da “ELPIS v-Law Review”, a primeira revista científica jurídica em formato de vídeo, que visa retratar a atividades do “ELPIS Research” que em conjunto com o “ELPIS Master”, integra a “ELPIS Network”, a maior rede de ensino e investigação na área de Direito, da qual a FDUL faz parte.

Durante o ano letivo 2023/2024 foram lançados dois volumes da **ELPIS V-Law Review**:

- a. **7/2024**, subordinada ao tema [“The new world of Artificial Intelligence and the Law”](#):

Docente	Universidade	Tema
Professor Rainer Arnold	Universität Regensburg (Alemanha)	Human Dignity, Algorithms and the Rule of Law – some reflections
Professor Raquel Brízida Castro	FDUL	Ethics versus Law in the Regulation of Artificial Intelligence Ethics a la carte
Professor Dimitrios Parashu	Gottfried Wilhelm Leibniz Universität Hannover (Alemanha)	The European Union AI Act Proposal, seen through Paulo Coelho and Karl Kraus
Professor Marlon Lopez	Tecnológico de Monterrey (México)	The relationship between AI and Copyrights
Professor Dimitrios Devetzis	Frederick University (Chipre)	Dee fake AI and Artists' employment contracts under the lens of the Greek Civil Code
Dr. Maria Beatriz Rebelo Garcia	FDUL	Public Liability when the Public Administration uses AI in the Decision-Making Process and Causes Damages to Particular Citizens
Professor Francisco Balaguer Callejon	Universidad de Granada (Espanha)	The Constitution of the Algorithm
Professor Arndt Künnecke	University of Applied Sciences for Public Administration in Brühl (Alemanha)	AI & Future of Legal Education

ELPIS Annual Meeting and Conference	Faculty of Law - CY Cergy Paris University (França)	Artificial Intelligence and its Consequence on Law Learning / Teaching / Researching
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TABELA 19. V-ARTICLES / V-LOGS

b. **8/2024**, subordinada ao tema "[Law and Culture](#)":

Docente	Universidade	Tema
Professor Dimitrios Parashu	Gottfried Wilhelm Leibniz Universität Hannover (Alemanha)	Madame Butterfly and the EU Regulation Rome III
Professor Rainer Arnold	Universität Regensburg (Alemanha)	Constitution and Culture: some considerations
Professor Lilla Garayova	Pan-European University (Eslováquia)	Analogies of International Law in The Lord of the Rings
Professor Jarosław Kostrubiec	Maria Curie-Skłodowska University (Polónia)	"Artificial intelligence: Chances & Threats"
Professor Isabel Graes	FDUL	"Culture and Censorship: a page in the Portuguese Legal History"
Professor Paolo Sommaggio	Università Degli Studi di Trento (Itália)	"Venice as a Common"
Professor Claas Germelmann	Gottfried Wilhelm Leibniz Universität Hannover (Alemanha)	"Protecting Cultural Heritage"
Professor Vasco Pereira da Silva	FDUL	"Right to Culture through Time"
Professor Michael Epstein	Southwestern Law School (EUA)	"Law and Popular Culture: Roy Cohn, Trump Witch-hunts, and the Hegemony of TV's Perry Mason"

TABELA 20. V-ARTICLES / V-LOGS

É importante referir que a atualização do site da [Rede ELPIS](#) e o [canal YouTube](#) é gerido exclusivamente pelo GERI.

## OUTRAS ATIVIDADES CIENTÍFICAS REALIZADAS PELO GERI

Durante o ano letivo 2023/2024, o GERI colaborou ainda nas seguintes atividades:

- a) Doutoramento Honoris Causa atribuídos aos Professores Jean-Louis Halpérin, da École Normale Supérieure (França) e Axel Kämmerer da Bucerius Law School (Alemanha). Ambos os docentes mantêm uma longa relação de amizade e colaboração com a FDUL, na qual têm lecionado um curso intensivo a convite do GERI e da Direção da FDUL;
- b) Publicação de livro de Atas relativo ao **SIPE XVI Congress – New Public Tasks in Times of Tension**, que decorreu entre os dias 22 e 23 de junho na FDUL, e contou com a presença de cerca de 50 participantes de várias Universidades integrantes da Rede SIPE.

A Societas Iuris Publici Europaei (SIPE), é uma associação de estudiosos europeus de direito pública fundada em Frankfurt em abril de 2003. O objetivo desta associação, enquanto fórum académico, é discutir e questões de direito público na Europa, incluindo o seu impacto no sistema legal como um todo.

A publicação, editada pelos Professores Doutores Vasco Pereira da Silva, Axel Kämmerer e Diana Urania-Galetta, intitulada «NEUE ÖFFENTLICHE AUFGABEN IN SPANNUNGSZEITEN / NEW PUBLIC TASKS IN TIMES OF TENSION / NOUVELLES MISSIONS PUBLIQUES EN PÉRIODE DE TENSION» (em formato de livro e em “e-book” de “open access”, reúne a versão escrita das intervenções feitas no **SIPE XVI Congress**, incluindo um Prefácio do Presidente da República, Prof. Doutor Marcelo Rebelo de Sousa, assim como textos dos seguintes colegas nacionais e estrangeiros, membros da associação, a saber (segundo a ordem de publicação no livro): os Profs. Doutores Herbert Küpper, Jaap de Zwann, Paulina Starski, Luca Mezzetti, Maria João Estorninho; Claas Fridrich Germelmann, Stefan Storr. Rui Guerra da Fonseca, Ekaterini Iliadou, Pedro Lomba, Eloísa Pérez Conchillo, Rui Tavares Lanceiro, Giulia Ferré. Miguel Arjona Sánchez, Vasco Pereira da Silva.

E-BOOK: <https://editorialescientifica.it/prodotto/new-public-tasks-in-times-of-tension/>.

- c) SEALS 2024 Conference, que teve lugar entre o 21 e 27 de julho de 2024, na qual o Professor Vasco Pereira da Silva participou nas seguintes sessões:
  - a. Moderador: **SEALS Global Outreach Committee: 2024 ELPIS**
  - b. Orador: **SEALS Global Outreach Committee: How Can the Conflict Between Hamas and Israel be Constructively Examined in the Classroom?**



## CONCLUSÃO

À semelhança dos últimos anos letivos, o ano letivo 2023/2024 foi bastante desafiante dado o número elevado de mobilidades *incoming* e *outgoing*, o que teve um profundo impacto na organização e gestão de trabalho do GERI, com especial enfoque no início de cada semestre.

No ano letivo 2023/2024, notou-se um aumento acentuado do número de mobilidades, sendo que o número de mobilidades *incoming* manteve-se estável e o número de mobilidades *outgoing* aumentou. No que diz respeito às mobilidades *incoming*, em 2022/2023, num total de 513 nomeações, 406 avançaram efetivamente com o período de mobilidade, 134 no 1.º semestre e 109 no 2.º semestre. No ano letivo 2023/2024, recebemos 557 nomeações, foram matriculados 451 alunos, 44 desistiram e 407 avançaram com a mobilidade: 199 no 1.º semestre, 150 no 2.º semestre e 58 *full year*. No que diz respeito às mobilidades *outgoing*, em 2023/2024 realizaram-se 234 mobilidades: 194 no 1.º semestre, 36 no 2.º semestre e 4 *full year*. Na totalidade, a FDUL teve 641 mobilidades *incoming* e *outgoing*, mais 37 alunos que no ano letivo 2022/2023. Estes números visam promover a internacionalização da FDUL, uma das apostas estratégicas e transversais que assenta em dois pilares: ensino e investigação. Neste contexto, a mobilidade de estudantes dos três ciclos de ensino, bem como de docentes e funcionários não docentes trata-se de uma componente estratégica fundamental.

Neste campo, é importante destacar o desempenho do GERI no que diz respeito ao acompanhamento dos alunos, tanto *incoming* como *outgoing*. No que diz respeito aos alunos *incoming*, o acompanhamento é feito de forma virtual desde que os alunos são nomeados para a FDUL, através do envio de e-mails com todas as informações necessárias sobre a candidatura, oferta formativa, horários, alojamento, entre outros aspetos relevantes. Foram ainda feitos vários manuais e tutoriais para ajudar os alunos a compreender o modo de funcionamento da FDUL e respetivos procedimentos, incluindo um Welcome Kit digital, que é enviado para os alunos antes de viajarem para Lisboa, além do Welcome Kit físico que é dado no momento do check-in. Após o check-in, é organizada a Welcome Session, na qual participam várias associações Erasmus+ de Lisboa, a PSP e a Study in Lisbon, que pertence à CML. Nesta sessão, o GERI é responsável por explicar aos alunos como funciona a escolha de horários e como é que se podem inscrever nas respetivas turmas e subturmas. Aqui é importante referir que no momento da chegada e dado que os alunos de mobilidade podem frequentar disciplinas de todos os anos, é dado um período de duas semanas para frequentarem as disciplinas que constam no plano de estudos inicial e outras disciplinas nas quais possam ter interesse ou que se enquadrem melhor no seu horário. Após esta fase os alunos podem alterar o plano de estudos inicial e efetivar a inscrição nas turmas e subturmas no Fenix.

Quanto às mobilidades *outgoing*, o GERI realizou várias sessões de esclarecimento: uma primeira sessão antes das candidaturas para dar informações sobre os programas e de que forma funcionam, como é que se podem candidatar, prazos e Bolsas Erasmus+; uma segunda sessão após a divulgação das colocações, para prestar informações detalhadas sobre os procedimentos a seguir após serem colocados nas respetivas Universidades de Destino. Dadas as suas especificidades, foram organizadas sessões de esclarecimento para alunos da Licenciatura em Direito e para os Mestrados e Doutoramento. Desta forma, o GERI compromete-se a prestar todo o apoio necessário aos alunos. Este compromisso traduz-se num acompanhamento constante desde que os alunos são colocados até que terminam o período de mobilidade, e que em última instância, se traduz no aumento do número de mobilidades na sua totalidade.

Destacamos ainda a participação da FDUL no Blended Intensive Program “**Sociedad Digital. Retos del Derecho ante la Inteligencia Artificial**”, uma iniciativa interdisciplinar que permitiu aos alunos das três Universidades (a saber, das Universidades de Granada, de Pádua e de Lisboa) realizar mobilidades de curta duração, possibilitando assim a troca conhecimentos e de experiências.

No que diz respeito aos cursos intensivos, continuam a ser uma oferta formativa bastante procurada, não só pelos alunos da FDUL, mas também pelos alunos Erasmus+. É importante referir que estes cursos abordam diversas áreas do saber no âmbito do Direito, lecionados numa língua estrangeira, em regra por Professores estrangeiros convidados (mas também por alguns Professores portugueses, que se voluntariam para o efeito), existindo o cuidado por parte do GERI em convidar alguns dos maiores especialistas internacionais das matérias em questão, de forma a complementar o ensino constante dos currículos e planos de estudos da FDUL.

Adicionalmente, o GERI tem vindo a desenvolver atividades, tanto a nível da Rede ELPIS, como das outras redes das quais faz parte, do ICM e dos novos protocolos que assinou, que reforçam a estratégia de internacionalização da FDUL. Neste ponto, é fundamental destacar o financiamento aprovado em 2022 e 2023. É de suma importância valorizar este financiamento, não só porque os critérios de atribuição da Agência Nacional Erasmus+ Educação e Formação são bastante rigorosos, mas também porque o financiamento para este Programa é substancialmente inferior ao financiamento do Programa Erasmus+ para países da Europa. Tal financiamento reforça o compromisso da FDUL no desenvolvimento e promoção de iniciativas que promovam atividades de intercâmbio e cooperação internacional.

Neste sentido, o balanço do ano letivo 2023/2024 é bastante positivo, não só pelo aumento das mobilidades *incoming* e *outgoing*, mas também pelas várias atividades promovidas e pela forma como o GERI assegurou e concretizou todas as tarefas a que se propôs.

# ANEXOS

## Anexo 1 | Lista de Protocolos em vigor e assinados em 2021/2022

País	Nome da instituição
Alemanha	Bucerius Law School
Alemanha	Gottfried Wilhelm Leibniz Universität Hannover
Alemanha	Humboldt Universität zu Berlin
Alemanha	Johann Wolfgang Goethe-Universität Frankfurt am Main (*)
Alemanha	Justus-Liebig-Universität Giessen
Alemanha	Leipzig University
Alemanha	Ludwig-Maximilians-Universität München
Alemanha	Martin-Luther Universität Halle-Wittenberg
Alemanha	Rheinische Friedrich-Wilhelms-Universität
Alemanha	Technische Universität Dresden
Alemanha	Universität Augsburg
Alemanha	Universität Bayreuth
Alemanha	Universität Hamburg
Alemanha	Universität Konstanz
Alemanha	Universität Mannheim
Alemanha	Universität Regensburg
Alemanha	Universität Zu Köln
Alemanha	University of Applied Sciences Hochschule Koblenz, RheinAhrCampus Remagen
Alemanha	University of Greifswald
Alemanha	Westfälische Wilhelms - Universität Münster
Alemanha	Universität Mannheim
Alemanha	Leuphana Universität Lüneburg
Alemanha	Georg August <i>University of Göttingen</i>
Argentina	Universidad de Buenos Aires- Facultad de Derecho
Argentina	Universidad de Mendoza
Argentina	Universidad de Torcuato di Tella
Áustria	Faculty of Law - University of Salzburg; Paris Lodron Universität Salzburg
Áustria	University of Innsbruck Faculty Law
Bélgica	Ghent University
Bélgica	Université Catholique de Louvain - Faculté de droit et de criminologie
Bélgica	Universite Libre de Bruxelles
Bulgária	Varna Free University "Chernorizets Hrabar"
Bulgária	Angel Kanchev - University Of Ruse
Bulgária	Sofia University St. Kliment Ohridski
Bulgária	University of National and World Economy
Chile	Pontificia Universidad Católica de Chile
Chile	Universidad Central de Chile
Chile	Universidad de Chile
China	Shanghai University of Political Science and Law

China	Universidade de Macau
Croácia	University of Zagreb
Eslováquia	Comenius University in Bratislava
Eslováquia	Pan-European University
Eslovénia	Nova Univerza European Faculty of Law
Eslovénia	University of Maribor
Eslovénia	Univerza v Ljubljani
Espanha	Colégio Universitario de Estudios Fianceiros - CUNEF
Espanha	Universidad Autonoma de Madrid
Espanha	Universidad Carlos III de Madrid
Espanha	Universidad CEU Cardenal Herrera
Espanha	Universidad Complutense de Madrid
Espanha	Universidad de Alicante
Espanha	Universidad de Barcelona Faculty of Law
Espanha	Universidad de Burgos
Espanha	Universidad de Cadiz
Espanha	Universidad de Castilla - La Mancha
Espanha	Universidad de Córdoba
Espanha	Universidad de Extremadura
Espanha	Universidad de Extremadura
Espanha	Universidad de Granada
Espanha	Universidad de Huelva
Espanha	Universidad de Las Palmas de Gran Canaria
Espanha	Universidad de León
Espanha	Universidad de Málaga
Espanha	Universidad de Murcia
Espanha	Universidad de Navarra
Espanha	Universidad de Oviedo
Espanha	Universidad de Santiago de Compostela
Espanha	Universidad de Valladolid
Espanha	Universidad de Zaragoza
Espanha	Universidad del País Vasco/ Euskal Herriko Unibersitatea (UPV/EHU)
Espanha	Universidad Internacional de Andalucía
Espanha	Universidad Isabel I
Espanha	Universidad Miguel Hernandez de Elche
Espanha	Universidad Nacional de Educación a Distancia
Espanha	Universidad Pablo de Olavide
Espanha	Universidad Rey Juan Carlos
Espanha	Universidade da Coruña
Espanha	Universitat Autònoma de Barcelona
Espanha	Universitat de Girona
Espanha	Universitat de València

Espanha	Universitat Pompeu Fabra
Espanha	University of Salamanca
Estónia	University of Tartu
EUA	Loyola University New Orleans College of Law
EUA	University of Louisville
EUA	Lincoln Memorial University   Duncan School of Law
Finlândia	Tallin University / Tallinna Ülikool
Finlândia	University of Turku
França	Paris Descartes University
França	Université de Bordeaux
França	Université de Bourgogne
França	Université de Cergy-Pontoise
França	Université de Le Havre
França	Université de Rouen
França	Université de Strasbourg
França	Université Grenoble Alpes
França	Université Paris 13
França	Université Paris II Pantheon Assas (
França	Université Paris Ouest Nanterre La Défense
França	Université Paris-Est Créteil
França	Université Paris-Sud
França	Université Toulouse 1 Capitole
França	École Normale Supérieure
França	Université de Pau et Des Pays de L'Adour
França	Université de Lorraine
França	Université de Strasbourg
Grécia	Aristotle University of Thessaloniki
Grécia	University of Macedonia
Holanda	Erasmus University Rotterdam
Holanda	Maastricht University
Holanda	Radboud University Nijmegen
Holanda	University of Amsterdam
Holanda	University of Groningen Faculty of Law
Holanda	Windesheim University of Applied Sciences
Hungria	Eötvös Loránd University (ELTE)
Hungria	Pázmány Péter Catholic University
Irlanda	University College of Cork
Israel	Bar-Ilan University
Itália	Sapienza - Università di Roma
Itália	Università Degli Studi della Campania "Luigi Vanvitelli
Itália	Università Degli Studi "G. d'Annunzio" Chieti-Pescara
Itália	Università Degli Studi "Suor Orsola Benincasa"

Itália	Università Degli Studi del Piemonte Orientale
Itália	Università Degli Studi di Bari Aldo Moro
Itália	Università Degli studi di Cagliari
Itália	Università Degli Studi di Enna "Kore"
Itália	Università Degli studi di Genova
Itália	Università Degli Studi di Macerata
Itália	Università Degli Studi di Milano
Itália	Università Degli Studi di Milano-Bicocca
Itália	Università Degli studi di Napoli "L´Orientale"
Itália	Università Degli Studi di Napoli "Parthenope"
Itália	Università Degli Studi di Napoli Federico II
Itália	Universita Degli studi di Padova
Itália	Università Degli Studi di Perugia
Itália	Università Degli studi di Roma "Tor Vergata"
Itália	Università Degli studi di Salerno
Itália	Università Degli Studi di Sassari
Itália	Università Degli Studi di Teramo
Itália	Università Degli Studi di Trento
Itália	Università Degli Studi Magna Graecia di Catanzaro
Itália	Università Degli Studi Roma Tre
Itália	Università di Messina
Itália	Università di Pisa
Itália	Università Europea
Itália	Università Mediterranea di Reggio Calabria
Itália	University of Catania
Itália	Università di Pavia
Letónia	University of Latvia
Líbano	Modern University for Business and Science / Lebanon
Lituânia	Mykolas Romeris University
Lituânia	Vilnius Universitetas
Malta	University of Malta
Noruega	Universitetet of Bergen Faculty of Law
Polónia	Adam Mickiewicz University in Poznan
Polónia	Andrzej Frycz Modrzewski Krakow University
Polónia	Jagiellonian University
Polónia	Kozminski University
Polónia	Maria Curie-Sklodowska University
Polónia	SGH Warsaw School of Economics
Polónia	Spoleczna Akademia Nauk - University of Social Sciences
Polónia	The University of Szczecin
Polónia	University of Bialystok
Polónia	University of Lodz

Polónia	University of Rzeszów
Polónia	University of Warsaw
Polónia	University of Zielona Góra
<b>Reino Unido</b>	<b>University of Liverpool</b>
República Checa	Charles University in Prague - Faculty of Law
República Checa	Masaryk University - Faculty of Law
República Checa	Univerzita Palackého v Olomouci
Roménia	University of Bucharest
Sérvia	University of Belgrade
Suécia	Stockholm University
Suíça	University of Lucerne
Suíça	University of Fribourg
Turquia	Anadolou University
Turquia	Beykent University Istanbul
Turquia	ÇaG University
Turquia	Istambul Sabahattin zaim University
Turquia	Koç University
Turquia	MEF University of Law
Turquia	Okan University Law Faculty
Turquia	University of Galatasaray
Turquia	Yeditepe Univesity - Faculty of Law
Ucrânia	Yaroslav Mudryi National Law University
Ucrânia	National University Odesa Law Academy
<b>Total</b>	<b>189</b>





## Anexo 2 | Alunos *Incoming* inscritos por Universidade de Origem

Universidade de Origem	1.º Sem	2.º Sem	FY	Total
Gottfried Wilhelm Leibniz Universität Hannover	9	4	3	16
Université Rouen de Normandie	10	5		15
Faculdade Baiana de Direito e Gestão	6	4		10
Universitetet i Bergen	3	6		9
Università Degli Studi di Bari Aldo Moro		8		8
New University European Faculty of Law	2	5		7
Universidade Católica de Pernambuco	4	3		7
Università Degli Studi di Genova	3	1	3	7
Erasmus University Rotterdam	6			6
Pontifícia Universidade Católica de Minas Gerais	4	2		6
Pontifícia Universidade Católica do Rio de Janeiro	2	4		6
Universität zu Köln	3	3		6
Université Catholique de Louvain		6		6
Alma Mater Studiorum - Università di Bologna	4	1		5
Comenius University Bratislava	3	2		5
Ludwig-Maximilians-Universität München		3	2	5
Ruhr-Universität Bochum	4	1		5
Universidad de Granada			5	5
Università Degli Studi di Trento	4	1		5
University of Groningen	5			5
CY Cergy Paris Université		4		4
Eötvös Loránd University	4			4
Faculdade de Direito de Franca		4		4
Faculdade Multivix Vila Velha	2	2		4
Galatasaray University	4			4
Jagiellonian University	3	1		4
Kozminski University	4			4
Maastricht University	2	2		4
Universidade de Brasília	3	1		4
Università Degli Studi di Milano		4		4
Università Degli Studi di Napoli Parthenope	4			4
Università Degli Studi di Padova	1	3		4
Università Degli Studi di Pavia	1	3		4
Università Degli Studi Mediterranea di Reggio Calabria	4			4
Universität Augsburg	4			4
Universität Hamburg	2	1	1	4
Westfälische Wilhelms Universität Münster	2	2		4
Ghent University	3			3
Humboldt Universität zu Berlin	2		1	3
Martin-Luther-Universität Halle-Wittenberg	1	1	1	3

Paris Lodron Universität Salzburg	3			3
Pontifícia Universidade Católica do Rio Grande do Sul	2	1		3
Stockholm University	2	1		3
Universidad Complutense de Madrid		1	2	3
Universidad Pablo de Olavide			3	3
Universidade de Fortaleza	3			3
Universidade Federal do Espírito Santo	2	1		3
Universidade Presbiteriana Mackenzie	2	1		3
Università Degli Studi di Milano-Bicocca	1	2		3
Università Degli Studi di Perugia	2	1		3
Università di Pisa	3			3
Universität Bayreuth	1		2	3
Universität Leipzig	1		2	3
Université Paris-Saclay	1		2	3
Universiteit van Amsterdam	3			3
University of Lodz	2	1		3
University of Maribor		3		3
Univerza v Ljubljana	3			3
Bar-Ilan University	2			2
Bucerius Law School	2			2
Çağ Üniversitesi		2		2
Charles University in Prague	2			2
Fundação Getúlio Vargas - São Paulo	1	1		2
Johann Wolfgang Goethe - Universität Frankfurt am Main	1	1		2
Justus-Liebig-Universität Gießen	1	1		2
MEF Üniversitesi	1	1		2
Pan-European University	1	1		2
Pontifícia Universidade Católica do Paraná		2		2
Radboud University Nijmegen	1	1		2
Rheinische Friedrich-Wilhelms-Universität Bonn	2			2
Sofia University "St. Kliment Ohridski"	2			2
Universidad de Cádiz	2			2
Universidad de Valladolid			2	2
Universidad Miguel Hernández de Elche			2	2
Universidad Rey Juan Carlos	2			2
Universidade de Passo Fundo	2			2
Universidade de São Paulo		2		2
Universidade Federal da Bahia		2		2
Universidade Federal de Pernambuco	1	1		2
Università Degli Studi di Macerata	2			2
Università Degli Studi di Napoli L'Orientale	1	1		2
Università Degli Studi Suor Orsola Benincasa di Napoli	2			2
Universität Freiburg	2			2

Universität Greifswald	1	1		2
Universität Zürich	2			2
Université de Montréal	1	1		2
Université de Strasbourg			2	2
Université Paris-Est Créteil		2		2
Université Toulouse Capitole			2	2
University of Macedonia	1	1		2
University of Malta	2			2
University of Turku	1	1		2
Uniwersytet Szczeciński	2			2
Yeditepe University		2		2
Adam Mickiewicz University		1		1
Aristotle University of Thessaloniki		1		1
Centro Universitário 7 de Setembro		1		1
Centro Universitário Curitiba		1		1
Centro Universitário FAMETRO	1			1
Centro Universitário UNIFAFIBE		1		1
CUNEF Universidad	1			1
Faculdade Multivix Vitória		1		1
Fundação Getúlio Vargas - Rio de Janeiro	1			1
Hochschule Koblenz - RheinAhrCampus		1		1
Leuphana Universität Lüneburg	1			1
Mykolas Romeris University		1		1
Palacký University Olomouc		1		1
Pontificia Universidad Católica de Chile		1		1
Tallinn University	1			1
Tilburg University	1			1
Univerität Bayreuth	1			1
Universidad CEU Cardenal Herrera	1			1
Universidad de Burgos		1		1
Universidad de Castilla - La Mancha			1	1
Universidad de Córdoba			1	1
Universidad de Oviedo			1	1
Universidad Nacional de Educación a Distancia			1	1
Universidade Católica de Petrópolis	1			1
Universidade de Oviedo			1	1
Universidade de Uberaba	1			1
Universidade do Estado do Rio de Janeiro	1			1
Universidade Estácio de Sá	1			1
Universidade Federal de Minas Gerais	1			1
Universidade Federal do Ceará		1		1
Universidade Federal do Rio Grande do Norte		1		1
Universidade Franciscana	1			1

Universidade Positivo	1			1
Universidade Tiradentes	1			1
Universidade Vila Velha	1			1
Università Degli Studi del Piemonte Orientale			1	1
Università Degli Studi della Campania Luigi Vanvitelli			1	1
Università Degli Studi di Cagliari		1		1
Università Degli Studi di Catania		1		1
Università Degli Studi di Enna Kore	1			1
Università Degli Studi di Messina	1			1
Università Degli Studi di Napoli Federico II		1		1
Università Degli Studi di Roma Tre		1		1
Università Degli Studi di Salerno		1		1
Università Degli Studi di Sassari	1			1
Università Degli Studi di Teramo	1			1
Università Degli Studi Roma Tre		1		1
Universitat de Barcelona	1			1
Universitat de València			1	1
Universität Innsbruck		1		1
Universität Konstanz		1		1
Universitat Pompeu Fabra	1			1
Université de Bordeaux		1		1
Université de Pau et des Pays de l'Adour			1	1
Université Paris Cité		1		1
University College Cork			1	1
University of Latvia		1		1
University of Warsaw		1		1
Uniwersytet Rzeszowski		1		1
Windesheim University of Applied Sciences		1		1
<b>Total</b>	<b>212</b>	<b>150</b>	<b>45</b>	<b>407</b>

### Anexo 3 | Alunos *Incoming* por País de Origem

País	1.º Semestre	2.º Semestre	Full Year	Total
Brasil	41	34		82
Itália	36	31	5	72
Alemanha	39	20	12	71
França	11	13	7	31
Espanha	8	2	20	30
Holanda	18	4		22
Polónia	11	5		16
Eslovénia	5	8		13
Turquia	5	5		10
Bélgica	3	6		9
Noruega	3	6		9
Eslováquia	4	3		7
Áustria	3	1		4
Hungria	4			4
Grécia	1	2		3
República Checa	2	1		3
Suécia	2	1		3
Suíça	3			3
Bulgária	2			2
Canadá	1	1		2
Finlândia	1	1		2
Israel	2			2
Malta	2			2
Chile		1		1
Estónia	1			1
Irlanda			1	1
Letónia		1		1
Lituânia		1		1
<b>Total Geral</b>	<b>212</b>	<b>150</b>	<b>45</b>	<b>407</b>

#### Anexo 4 | Alunos *Incoming* por Nacionalidade

Nacionalidade	Alunos
Brasil	83
Itália	72
Alemanha	69
Espanha	30
França	28
Polónia	17
Eslovénia	12
Holanda	12
Turquia	11
Eslováquia	10
Bélgica	9
Noruega	9
Hungria	5
Áustria	4
República Checa	4
Grécia	3
Suécia	3
Suíça	3
Bulgária	2
Canadá	2
Finlândia	2
Israel	2
Malta	2
Portugal	2
Ucrânia	2
Benin	1
Bolívia	1
Chile	1
Colômbia	1
Congo	1
Egito	1
Irlanda	1
Letónia	1
Lituânia	1
<b>Total</b>	<b>407</b>

### Anexo 5 | Alunos *Incoming* por Género e Idade

Género	1.º Semestre	2.º Semestre	Ano Inteiro	Total
Feminino	144	111	33	288
Masculino	68	39	12	119
<b>Total</b>	<b>212</b>	<b>150</b>	<b>45</b>	<b>407</b>

Idade	Total
22	107
23	95
21	77
24	54
25	27
20	22
27	7
26	5
29	3
19	2
31	2
34	2
30	1
40	1
41	1
54	1
<b>Total</b>	<b>407</b>

## Anexo 6 | Alunos *Incoming* inscritos por disciplina

Curso	Código	Unidade Curricular	Alunos
Licenciatura em Direito	143	Ciência Política	3
	282	Contencioso Administrativo E Tributário	39
	263	Contencioso da União Europeia	49
	106	Direito Administrativo I	29
	206	Direito Administrativo II	30
	306	Direito Administrativo III	9
	117	Direito Comercial I	12
	217	Direito Comercial II - Sociedades Comerciais	17
	317	Direito Comercial III	2
	147	Direito Comparado	172
	107	Direito Constitucional I	2
	207	Direito Constitucional II	2
	116	Direito da Economia	5
	119	Direito da Família	16
	128	Direito da Sociedade da Informação	3
	251	Direito da União Europeia	84
	111	Direito das Obrigações I	1
	211	Direito das Obrigações II	2
	220	Direito das Sucessões	9
	268	Direito do Ambiente	161
	127	Direito do Trabalho I	47
	227	Direito do Trabalho II	36
	157	Direito do Urbanismo	6
	171	Direito dos Contratos I	5
	256	Direito dos Mercados Financeiros	10
	115	Direito Fiscal	18
	264	Direito Fiscal Internacional	1
	134	Direito Internacional Económico	10
	133	Direito Internacional Privado I	18
	233	Direito Internacional Privado II	5
	114	Direito Internacional Público I	83
	314	Direito Internacional Público II	35
	275	Direito Marítimo	4
	118	Direito Penal I	4
	239	Direito Penal II	3
	339	Direito Penal III	1
	112	Direito Processual Civil I	9
	212	Direito Processual Civil II	4
	149	Direito Processual Civil III	1
	228	Direito Processual Penal	12



Curso	Código	Unidade Curricular	Alunos
	132	Direito Romano	37
	138	Direitos Fundamentais	60
	213	Direitos Reais	3
	103	Economia I	3
	203	Economia II	1
	155	Economia Internacional	29
	231	Filosofia do Direito	15
	210	Finanças Públicas	5
	253	História das Ideias Políticas	44
	130	História das Relações Internacionais	75
	202	História do Direito Português	2
	121	História do Pensamento Jurídico	42
	101	Introdução ao Estudo do Direito I	1
	258	Justiça Constitucional	32
	129	Medicina Legal	13
	310	Proteção Internacional dos Direitos do Homem	91
	252	Sociologia do Direito	18
	260	União Económica E Monetária	52
<b>Mestrado em Direito e Prática Jurídica</b>	3068	Contencioso da União Europeia	14
	3080	Contratos Internacionais	1
	3006	Convenções de Dupla Tributação	2
	3041	Direito Administrativo do Ambiente	2
	3075	Direito da Arbitragem e da Mediação I	4
	3081	Direito da Arbitragem e da Mediação II	6
	3095	Direito da Família e das Sucessões	1
	3050	Direito das Nações Unidas	26
	3055	Direito Diplomático e Consular	29
	3045	Direito do Gás e do Petróleo	1
	3069	Direito dos Menores	2
	3043	Direito dos Recursos Naturais e das Energias Renováveis	1
	3001	Direito e Economia	42
	3033	Direito Internacional dos Direitos Humanos	46
	3060	Direito Processual Civil Internacional I	1
	3067	Direito Processual Civil Internacional II	1
	3013	Economia Comportamental e Direito	2
	3065	Justiça Internacional	15
	3057	Organizações Internacionais	47
	3004	Políticas Fiscais e Governação Global	1
3054	Relações Internacionais	4	
3049	Responsabilidade por Dano Ecológico e Dano Ambiental	1	
300	Teoria Geral da Regulação Económica	1	



Curso	Código	Unidade Curricular	Alunos
<b>Total</b>			<b>2964</b>

### Anexo 7 | Lista das unidades curriculares lecionadas em Inglês

Sem.	Ciclo	Ano	Unidade Curricular (PT)	Unidade Curricular (ENG)	Docente
1.º	Licenciatura em Direito	1.º	Direito Romano	Roman Law	Professora Ana Caldeira Fouto
		2.º	Direito Administrativo I	Administrative Law I	Doutor Pedro Santos Azevedo
			Direito Comparado	Comparative Law	Professora Catarina Granadeiro
			Direito Internacional Público I	Public International Law I	Professor Lourenço Vilhena de Freitas
					Doutor Tiago Fidalgo de Freitas
			História do Pensamento Jurídico	History of Legal Philosophy	Professora Isabel Graes
			História das Relações Internacionais	History of International Relations	Professora Ana Caldeira Fouto
		3.º	Direito Administrativo III	Administrative Law III	Doutora Sara Matos
			Economia Internacional	International Economy	Doutor Eduardo Vieira Raposo
		4.º	Contencioso da União Europeia	European Union Procedural Law	Professor Rui Tavares Lanceiro
					Doutor Gustavo Almeida Neves
			Direito do Ambiente	Environmental Law	Professora Heloísa Oliveira
					Doutor Hong Cheng Leong
			Direito do Trabalho I	Labour Law	Professor Guilherme Dray
			Direito Internacional Público II	International Public Law II	Professor Fernando Loureiro Bastos
					Doutor António Peças Pereira
					Doutora Joana Gama Gomes
		União Económica e Monetária	Economic and Monetary Union	Professora Nazaré da Costa Cabral	
		Contencioso Administrativo e Tributário	Administrative Justice	Professor Miguel Assis Raimundo	

			Proteção Internacional dos Direitos do Homem	International Human Rights Protection	Doutor Ricardo Marcos	
					Doutor Bernardo Sousa Alvim	
	MDPJ	1.º	Direito das Nações Unidas	United Nations Law	Professora Ana Soares Pinto	
Direito e Economia			Economy and Law	Professora Paula Vaz Freire		
Justiça Internacional			International Justice	Professora Ana Rita Gil		
2.º	Licenciatura em Direito	1.º	História das Ideias Políticas	History of Political Thought	Professora Ana Caldeira Fouto	
		2.º	Direito Administrativo II	Administrative Law II	Doutor Pedro Santos Azevedo	
			Direito Comparado	Comparative Law	Professor Guilherme Dray	
			Direito da União Europeia	European Union Law	Professora Doutora Heloísa Oliveira Doutor Francisco Cordeiro de Araújo	
			História das Relações Internacionais	History of International Relations	Professora Ana Caldeira Fouto	
		3.º	Direito Administrativo III	Administrative Law III	Doutor Miguel Arnaud de Oliveira	
		4.º	Direito do Ambiente	Environmental Law	Doutor Jorge Pação Doutor Pedro Santos Azevedo	
			Direitos Fundamentais	Fundamental Rights	Doutora Margarida Vidal Sampaio Doutor Gustavo Almeida Vezes	
			Direito do Trabalho II	Employment & Labour Law II	Professor Guilherme Dray	
			Justiça Constitucional	Constitutional Justice	Doutor António Peças Pereira	
		MDPJ	1.º	Contencioso da União Europeia	European Union Procedural Law	Professora Ana Soares Pinto
				Organizações Internacionais	International Organizations	Professor Lourenço Vilhena de Freitas
				Direito Internacional dos Direitos Humanos	International Human Rights Law	Professora Ana Rita Gil



			Direito Diplomático Consular	Consular and Diplomatic Law	Professor Jaime Valle
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**Anexo 8 | Número de alunos *incoming* por unidades curriculares lecionadas em inglês**

Semestre	Curso	Código	Unidade Curricular	Alunos
1.º Semestre	Licenciatura em Direito	132	Direito Romano	30
		106	Direito Administrativo I	24
		306	Direito Administrativo III	4
		147	Direito Comparado	64
		114	Direito Internacional Público I	108
		130	História das Relações Internacionais	40
		121	História do Pensamento Jurídico	38
		155	Economia Internacional	26
		282	Contencioso Administrativo e Tributário	35
		263	Contencioso da União Europeia	45
		268	Direito do Ambiente	83
		127	Direito do Trabalho I	41
		314	Direito Internacional Público II	35
		260	União Económica e Monetária	48
	310	Proteção Internacional dos Direitos do Homem	73	
	Mestrado em Direito e Prática Jurídica	3001	Direito e Economia	40
		3050	Direito das Nações Unidas	26
3053		Justiça Internacional	14	
2.º Semestre	Licenciatura em Direito	253	História das Ideias Políticas	36
		206	Direito Administrativo II	23
		306	Direito Administrativo III	2
		251	Direito da União Europeia	63
		147	Direito Comparado	62
		130	História das Relações Internacionais	32
		138	Direitos Fundamentais	54
		268	Direito do Ambiente	67
		227	Direito do Trabalho II	34
		258	Justiça Constitucional	32
	Mestrado em Direito e Prática Jurídica	3057	Organizações Internacionais	44
		3068	Contencioso da União Europeia	14
		3033	Direito Internacional dos Direitos Humanos	43
		3055	Direito Diplomático e Consular	26
<b>Total</b>				<b>1195</b>

### Anexo 9 | Média de avaliações dos alunos *incoming* por disciplina

Curso	Código	Unidade Curricular	Média
	203	Economia II	15
	107	Direito Constitucional I	13
	106	Direito Administrativo I	13,1
	206	Direito Administrativo II	14,5
	306	Direito Administrativo III	11,6
	114	Direito Internacional Público I	13,5
	271	Direito dos Contratos II	14
	115	Direito Fiscal	11
	116	Direito da Economia	14
	117	Direito Comercial I	13,8
	119	Direito da Família	13,7
	121	História do Pensamento Jurídico	12,9
	127	Direito do Trabalho I	11,8
	129	Medicina Legal	10,6
	130	História das Relações Internacionais	14,8
	132	Direito Romano	13,7
	133	Direito Internacional Privado I	8,5
	134	Direito Internacional Económico	12,2
	138	Direitos Fundamentais	13
	143	Ciência Política	10,2
	147	Direito Comparado	11,2
	155	Economia Internacional	12,1
	157	Direito do Urbanismo	15
	202	História do Direito Português	12
	210	Finanças Públicas	14,3
	212	Direito Processual Civil II	12,8
	213	Direitos Reais	14,9
	217	Direito Comercial II - Sociedades Comerciais	12,9
	220	Direito das Sucessões	11,3
	227	Direito do Trabalho II	12,9
	228	Direito Processual Penal	12,4
	231	Filosofia Do Direito	12,9
	233	Direito Internacional Privado II	13,1
	118	Direito Penal I	12,3
	239	Direito Penal II	12,4
	251	Direito da União Europeia	11,6
	252	Sociologia Do Direito	15
	253	História das Ideias Políticas	14
	256	Direito dos Mercados Financeiros	12,3
	258	Justiça Constitucional	13,9

Curso	Código	Unidade Curricular	Média
	260	União Económica e Monetária	13,7
	263	Contencioso da União Europeia	12,7
	264	Direito Fiscal Internacional	10,8
	268	Direito do Ambiente	14,4
	275	Direito Marítimo	11,4
	282	Contencioso Administrativo E Tributário	12,4
	306	Direito Administrativo III	13,8
	310	Proteção Internacional dos Direitos do Homem	13,5
	314	Direito Internacional Público II	14,8
	317	Direito Comercial III	14
	339	Direito Penal III	16,5
	105	Teoria Geral do Direito Civil I	11,5
	205	Teoria Geral do Direito Civil II	12
	207	Direito Constitucional II	14
	128	Direito da Sociedade da Informação	12
	211	Direito das Obrigações II	12,1
	212	Direito Processual Civil I	12,8
<b>Mestrado em Direito e Prática Jurídica</b>	3068	Contencioso da União Europeia	11,8
	3001	Direito e Economia	16,2
	3008	Introdução ao Direito da Concorrência	16,3
	3016	Tributação das Empresas	11,5
	3033	Direito Internacional dos Direitos Humanos	13
	3050	Direito das Nações Unidas	15,5
	3053	Justiça Internacional	15,3
	3080	Contratos Internacionais	12,7
	3057	Organizações Internacionais	15,5
	3043	Direito dos Recursos Naturais e das Energias Renováveis	13,3
	3069	Direito dos Menores	11
	3056	Direito da Responsabilidade Internacional	13
	3037	Direito do Procedimento Administrativo	15,5
	3072	Direito das Sociedades Comerciais I	8,5
	3055	Direito Diplomático e Consular	10,8
	3097	Direito de Personalidade	13,5
	3052	Direito Internacional do Mar	14
	3084	Medida da Pena e Direito da Execução das Penas	13
	3013	Economia Comportamental e Direito	15,3
3002	Políticas Públicas	14,8	
3010	Regulação Financeira	15,5	
3075	Direito da Arbitragem e da Mediação I	14,4	
<b>Total</b>			<b>13,12</b>



**Anexo 10 | Média de avaliações dos alunos *incoming* nas disciplinas lecionadas em inglês**

Semestre	Curso	Código	Disciplina	Média
1.º Semestre	Licenciatura em Direito	132	Direito Romano	14,5
		106	Direito Administrativo I	13
		147	Direito Comparado	10,9
		114	Direito Internacional Público I	13,8
		130	História das Relações Internacionais	15,9
		121	História do Pensamento Jurídico	12,5
		155	Economia Internacional	13,4
		282	Contencioso Administrativo e Tributário	12,1
		263	Contencioso da União Europeia	12,5
		268	Direito do Ambiente	13,1
		127	Direito do Trabalho I	11,8
		314	Direito Internacional Público II	14,8
		260	União Económica e Monetária	13,8
		310	Proteção Internacional dos Direitos do Homem	14,2
	Mestrado em Direito e Prática Jurídica	3001	Direito e Economia	16,2
		3050	Direito das Nações Unidas	15,6
3053		Justiça Internacional	15,5	
2.º Semestre	Licenciatura em Direito	253	História das Ideias Políticas	14,5
		252	Sociologia do Direito	15,1
		206	Direito Administrativo II	15
		251	Direito da União Europeia	11,4
		147	Direito Comparado	10,8
		130	História das Relações Internacionais	14,6
		121	História Do Pensamento Jurídico	13,4
		134	Direito Internacional Económico	12,3
		138	Direitos Fundamentais	12,9
		268	Direito do Ambiente	16,3
		227	Direito do Trabalho II	13
		258	Justiça Constitucional	13,9
	Mestrado em Direito e Prática Jurídica	3057	Organizações Internacionais	15,4
		3068	Contencioso da União Europeia	11,8
<b>Total</b>				<b>13,67</b>

## Anexo 11 | Alunos *outgoing* por Universidades de destino

Universidades de Destino	1S	2S	FY	Total
Universidad de Buenos Aires	22			22
Masaryk University	10			10
Comenius University in Bratislava	9			9
Universidade Católica Portuguesa (Lisboa)	5	4		9
Universidade Nova de Lisboa	6	3		9
FGV – Rio de Janeiro	8			8
University of Zagreb	6	1		7
Ludwig-Maximilians-Universität München	4	2		6
Pontifícia Universidade Católica do Rio de Janeiro	5	1		6
Università Degli Studi di Genova	6			6
Université Rouen de Normandie	5	1		6
Alma Mater Studiorum - Università di Bologna	3	2		5
Universidade de Coimbra	3	2		5
Università Degli Studi di Milano	4	1		5
Università Degli Studi di Padova	5			5
Eötvös Loránd University (ELTE)	4			4
Gottfried Wilhelm Leibniz Universität Hannover	4			4
Jagiellonian University	4			4
Università Degli Studi di Roma "Tor Vergata"	4			4
Università Degli Studi di Roma Tre	4			4
University of Bialystok	2	2		4
University of Groningen	4			4
University of Lodz	4			4
University of Maribor	4			4
Consulado-Geral de Portugal em Paris		3		3
Università Degli Studi di Trento	3			3
Universität Hamburg	3			3
Univerza v Ljubljani	3			3
Ghent University	2			2
Mykolas Romeris University	2			2
Sofia University St. Kliment Ohridski	2			2
Universidad Autonoma de Madrid		2		2
Universidad Carlos III de Madrid	2			2
Universidad Complutense de Madrid	1		1	2
Universidad de Granada	1	1		2
Universidad Rey Juan Carlos	2			2
Universidade Católica Portuguesa (Porto)	1		1	2
Universidade de Macau	2			2
Università Degli Studi di Milano-Bicocca	2			2
Università Degli Studi di Napoli Federico II	2			2
Università di Pisa	2			2
Universität Zu Köln		1	1	2
Université Libre de Bruxelles	1	1		2
Université Paris Ouest Nanterre La Défense	2			2
University of Zurich	1	1		2
Uniwersytet Warmińsko-Mazurskie w Olsztynie	2			2
Charles University in Prague	1			1

Universidades de Destino	1S	2S	FY	Total
École Normale Supérieure	1			1
Georg-August-Universität Göttingen	1			1
Humboldt Universität zu Berlin			1	1
Maastricht University	1			1
Ministry of Foreign Affairs of the Portuguese Republic		1		1
Paris Lodron Universität Salzburg	1			1
Pontificia Universidad Católica de Chile	1			1
Representação Permanente de Portugal na União Europeia (MNE)	1			1
Rheinische Friedrich-Wilhelms-Universität	1			1
Sapienza Università di Roma	1			1
Universidad de Burgos	1			1
Universidad de Cadiz	1			1
Universidad de Murcia	1			1
Universidad Internacional de Andalucia	1			1
Universidade do Porto		1		1
Universidade Federal de Santa Catarina	1			1
Università Degli Studi della Campania "Luigi Vanvitelli"		1		1
Univrtidità Europea di Roma		1		1
Università di Messina	1			1
Universitat Pompeu Fabra	1			1
Université Catholique de Louvain		1		1
Université de Bordeaux	1			1
Université de Paris		1		1
Université Grenoble Alpes	1			1
Université Paris Pantheon Assas		1		1
Université Sorbonne Paris Nord	1			1
Université Toulouse 1 Capitole	1			1
University of Amsterdam	1			1
University of Bergen	1			1
University of Fribourg		1		1
University of Turku	1			1
<b>Total</b>	<b>194</b>	<b>36</b>	<b>4</b>	<b>234</b>

## Anexo 12 | Alunos *outgoing* por país de destino

País	1S	2S	FY	Total
Itália	37	5		42
Portugal	15	10	1	26
Argentina	22			22
Alemanha	13	3	2	18
França	12	6		18
Brasil	14	1		15
Espanha	11	3	1	15
Polónia	12	2		14
República Checa	11			11
Eslováquia	9			9
Croácia	6	1		7
Eslovénia	7			7
Bélgica	4	2		6
Holanda	6			6
Hungria	4			4
Suíça	1	3		4
Bulgária	2			2
Lituânia	2			2
Macau	2			2
Áustria	1			1
Chile	1			1
Finlândia	1			1
Noruega	1			1
<b>Total</b>	<b>194</b>	<b>36</b>	<b>4</b>	<b>234</b>

### Anexo 13 | Alunos *outgoing* por ciclo de estudos

Universidades de Destino	1.º Ciclo	2.º Ciclo	3.º Ciclo	Total
Alma Mater Studiorum - Università di Bologna	3	2		5
Charles University in Prague	1			1
Comenius University in Bratislava	9			9
Consulado-Geral de Portugal em Paris	2	1		3
École Normale Supérieure		1		1
Eötvös Loránd University (ELTE)	4			4
FGV – Rio de Janeiro	8			8
Georg-August-Universität Göttingen		1		1
Ghent University	2			2
Gottfried Wilhelm Leibniz Universität Hannover		4		4
Humboldt Universität zu Berlin	1			1
Jagiellonian University	4			4
Ludwig-Maximilians-Universität München		5	1	6
Maastricht University	1			1
Masaryk University	10			10
Ministry of Foreign Affairs of the Portuguese Republic		1		1
Mykolas Romeris University	2			2
Paris Lodron Universität Salzburg		1		1
Pontificia Universidad Católica de Chile	1			1
Pontificia Universidade Católica do Rio de Janeiro	6			6
Representação Permanente de Portugal na União Europeia (MNE)		1		1
Rheinische Friedrich-Wilhelms-Universität	1			1
Sapienza Università di Roma		1		1
Sofia University St. Kliment Ohridski	2			2
Universidad Autonoma de Madrid		2		2
Universidad Carlos III de Madrid	2			2
Universidad Complutense de Madrid	2			2
Universidad de Buenos Aires	22			22
Universidad de Burgos	1			1
Universidad de Cadiz		1		1
Universidad de Granada	2			2
Universidad de Murcia		1		1
Universidad Internacional de Andalucia		1		1
Universidad Rey Juan Carlos	2			2
Universidade Católica Portuguesa (Lisboa)	9			9
Universidade Católica Portuguesa (Porto)	2			2
Universidade de Coimbra	5			5
Universidade de Macau	2			2
Universidade do Porto	1			1
Universidade Federal de Santa Catarina	1			1
Universidade Nova de Lisboa	9			9
Università Degli Studi della Campania "Luigi Vanvitelli"		1		1
Università Degli Studi di Genova	6			6
Università Degli Studi di Milano	5			5
Università Degli Studi di Milano-Bicocca	2			2
Università Degli Studi di Napoli Federico II		2		2

Universidades de Destino	1.º Ciclo	2.º Ciclo	3.º Ciclo	Total
Università Degli Studi di Padova	4	1		5
Università Degli Studi di Roma "Tor Vergata"	4			4
Università Degli Studi di Trento	2	1		3
Università Degli Studi di Roma Tre	3	1		4
Univrdità Europea di Roma		1		1
Università di Messina	2			2
Università di Pisa		1		1
Universität Hamburg	1	2		3
Universität Zu Köln	1			1
Universitat Pompeu Fabra	1	1		2
Université Catholique de Louvain	1			1
Université de Bordeaux		1		1
Université de Paris			1	1
Université Grenoble Alpes		1		1
Université Libre de Bruxelles		1	1	2
Université Paris Pantheon Assas		1	1	2
Université Paris Ouest Nanterre La Défense	1			1
Université Rouen de Normandie		6		6
Université Sorbonne Paris Nord		1		1
Université Toulouse 1 Capitole			1	1
University of Amsterdam	1			1
University of Bergen	1			1
University of Bialystok	4			4
University of Fribourg		1		1
University of Groningen	4			4
University of Lodz	4			4
University of Maribor	4			4
University of Turku	1			1
University of Zagreb	6	1		7
University of Zurich	2			2
Univerza v Ljubljani	3			3
Uniwersytet Warminsko-Mazurskie w Olsztynie	2			2
<b>Total</b>	<b>182</b>	<b>47</b>	<b>5</b>	<b>234</b>

### Anexo 14 | Alunos *outgoing* por Género e Idade

Género	1S	2S	FY	Total
Feminino	135	29	2	166
Masculino	59	7	2	68
<b>Total</b>	<b>194</b>	<b>36</b>	<b>4</b>	<b>234</b>

Idade	Total
20	4
21	39
22	102
23	29
24	9
25	8
26	5
27	5
28	5
29	2
30	1
31	2
32	3
33	1
34	2
35	2
36	1
38	2
39	2
41	3
43	1
44	2
47	1
48	2
61	1
<b>Total Geral</b>	<b>234</b>

### Anexo 15 | Alunos *incoming* e *outgoing* por instituição parceira

Universidade de Origem	OUT	IN	Total
Universidad de Buenos Aires	22		22
Université Rouen de Normandie	6	15	21
Gottfried Wilhelm Leibniz Universität Hannover	4	16	20
Comenius University Bratislava	9	5	14
Università Degli Studi di Genova	6	7	13
Pontifícia Universidade Católica do Rio de Janeiro	6	6	12
Ludwig-Maximilians-Universität München	6	5	11
Alma Mater Studiorum - Università di Bologna	5	5	10
Faculdade Baiana de Direito e Gestão		10	10
Masaryk University	10		10
Universitetet i Bergen	1	9	10
Fundação Getúlio Vargas - Rio de Janeiro	8	1	9
Universidade Católica Portuguesa - Lisboa	9		9
Universidade Nova de Lisboa	9		9
Università Degli Studi di Milano	5	4	9
Università Degli Studi di Padova	5	4	9
University of Groningen	4	5	9
Eötvös Loránd University	4	4	8
Jagiellonian University	4	4	8
Università Degli Studi di Bari Aldo Moro		8	8
Università Degli Studi di Trento	3	5	8
Universität Zu Köln	2	6	8
New University European Faculty of Law		7	7
Universidad de Granada	2	5	7
Universidade Católica de Pernambuco		7	7
Universität Hamburg	3	4	7
Université Catholique de Louvain	1	6	7
University of Maribor	4	3	7
University of Zagreb	7		7
Erasmus University Rotterdam		6	6
Pontifícia Universidade Católica de Minas Gerais		6	6
Univerza v Ljubljana	3	3	6
Ghent University	2	3	5
Maastricht University	1	4	5
Ruhr-Universität Bochum		5	5
Universidad Complutense de Madrid	2	3	5
Universidade de Coimbra	5		5
Università Degli Studi di Milano-Bicocca	2	3	5
Università Degli Studi Roma Tre	4	1	5
Università di Pisa	2	3	5



CY Cergy Paris Université		4	4
Faculdade de Direito de Franca		4	4
Faculdade Multivix Vila Velha		4	4
Galatasaray University		4	4
Humboldt Universität zu Berlin	1	3	4
Kozminski University		4	4
Paris Lodron Universität Salzburg	1	3	4
Sofia University "St. Kliment Ohridski"	2	2	4
Universidad Rey Juan Carlos	2	2	4
Universidade de Brasília		4	4
Università Degli Studi di Napoli Parthenope		4	4
Università Degli Studi di Pavia		4	4
Università Degli Studi di Roma "Tor Vergata"	4		4
Università Degli Studi Mediterranea di Reggio Calabria		4	4
Universität Augsburg		4	4
University of Amsterdam	1	3	4
University of Bialystok	4		4
University of Lodz	4		4
Westfälische Wilhelms Universität Münster		4	4
Charles University in Prague	1	2	3
Consulado-Geral de Portugal em Paris	3		3
Martin-Luther-Universität Halle-Wittenberg		3	3
Mykolas Romeris University	2	1	3
Pontifícia Universidade Católica do Rio Grande do Sul		3	3
Rheinische Friedrich-Wilhelms-Universität Bonn	1	2	3
Stockholm University		3	3
Universidad de Cádiz	1	2	3
Universidad Pablo de Olavide		3	3
Universidade de Fortaleza		3	3
Universidade Federal do Espírito Santo		3	3
Universidade Presbiteriana Mackenzie		3	3
Università Degli Studi di Napoli Federico II	2	1	3
Università Degli Studi di Perugia		3	3
Universität Bayreuth		3	3
Universität Leipzig		3	3
Université Paris-Saclay		3	3
Université Toulouse 1 Capitole	1	2	3
University of Turku	1	2	3
Bar-Ilan University		2	2
Bucerius Law School		2	2
Çağ Üniversitesi		2	2
Fundação Getúlio Vargas - São Paulo		2	2
Johann Wolfgang Goethe - Universität Frankfurt am Main		2	2

Justus-Liebig-Universität Gießen		2	2
MEF Üniversitesi		2	2
Pan-European University		2	2
Pontificia Universidad Católica de Chile	1	1	2
Pontificia Universidade Católica do Paraná		2	2
Radboud University Nijmegen		2	2
Universidad Autónoma de Madrid	2		2
Universidad Carlos III de Madrid	2		2
Universidad de Burgos	1	1	2
Universidad de Valladolid		2	2
Universidad Miguel Hernández de Elche		2	2
Universidade Católica Portuguesa - Porto	2		2
Universidade de Macau	2		2
Universidade de Passo Fundo		2	2
Universidade de São Paulo		2	2
Universidade Federal da Bahia		2	2
Universidade Federal de Pernambuco		2	2
Università Degli Studi della Campania "Luigi Vanvitelli"	1	1	2
Università Degli Studi di Macerata		2	2
Università Degli Studi di Napoli L'Orientale		2	2
Università Degli Studi Suor Orsola Benincasa di Napoli		2	2
Universität Freiburg		2	2
Universität Greifswald		2	2
Universität Pompeu Fabra	1	1	2
Universität Zürich		2	2
Université de Bordeaux	1	1	2
Université de Montréal		2	2
Université de Strasbourg		2	2
Université Libre de Bruxelles	2		2
Université Paris Ouest Nanterre La Défense	2		2
Université Paris-Est Créteil		2	2
University of Macedonia		2	2
University of Malta		2	2
University of Zurich	2		2
Uniwersytet Szczeciński		2	2
Uniwersytet Warmińsko-Mazurskie w Olsztynie	2		2
Yeditepe University		2	2
Adam Mickiewicz University		1	1
Aristotle University of Thessaloniki		1	1
Centro Universitário 7 de Setembro		1	1
Centro Universitário Curitiba		1	1
Centro Universitário FAMETRO		1	1
Centro Universitário UNIFAFIBE		1	1

CUNEF Universidad		1	1
École Normale Supérieure	1		1
Faculdade Multivix Vitória		1	1
Georg-August-Universität Göttingen	1		1
Hochschule Koblenz - RheinAhrCampus		1	1
Leuphana Universität Lüneburg		1	1
Ministry of Foreign Affairs of the Portuguese Republic	1		1
Palacký University Olomouc		1	1
Representação Permanente de Portugal na União Europeia (MNE)	1		1
Sapienza Università di Roma	1		1
Tallinn University		1	1
Tilburg University		1	1
Univerität Bayreuth		1	1
Universidad CEU Cardenal Herrera		1	1
Universidad de Castilla - La Mancha		1	1
Universidad de Córdoba		1	1
Universidad de Murcia	1		1
Universidad de Oviedo		1	1
Universidad Internacional de Andalucía	1		1
Universidad Nacional de Educación a Distancia		1	1
Universidade Católica de Petrópolis		1	1
Universidade de Oviedo		1	1
Universidade de Uberaba		1	1
Universidade do Estado do Rio de Janeiro		1	1
Universidade do Porto	1		1
Universidade Estacio de Sá		1	1
Universidade Federal de Minas Gerais		1	1
Universidade Federal de Santa Catarina	1		1
Universidade Federal do Ceará		1	1
Universidade Federal do Rio Grande do Norte		1	1
Universidade Franciscana		1	1
Universidade Positivo		1	1
Universidade Tiradentes		1	1
Universidade Vila Velha		1	1
Università Degli Studi del Piemonte Orientale		1	1
Università Degli Studi di Cagliari		1	1
Università Degli Studi di Catania		1	1
Università Degli Studi di Enna Kore		1	1
Università Degli Studi di Messina		1	1
Università Degli Studi di Roma Tre		1	1
Università Degli Studi di Salerno		1	1
Università Degli Studi di Sassari		1	1
Università Degli Studi di Teramo		1	1

Università di Messina	1		1
Università Europea di Roma	1		1
Universitat de Barcelona		1	1
Universitat de València		1	1
Universität Innsbruck		1	1
Universität Konstanz		1	1
Université de Paris	1		1
Université de Pau et des Pays de l'Adour		1	1
Université Grenoble Alpes	1		1
Université Paris Cité		1	1
Université Paris Pantheon Assas	1		1
Université Sorbonne Paris Nord	1		1
University College Cork		1	1
University of Fribourg	1		1
University of Latvia		1	1
University of Warsaw		1	1
Uniwersytet Rzeszowski		1	1
Windesheim University of Applied Sciences		1	1
<b>Total</b>	<b>234</b>	<b>407</b>	<b>641</b>

## Anexo 16 | Alunos *incoming* e *outgoing* por país

País	OUT	IN	Total
Alemanha	18	71	89
Argentina	22		22
Áustria	1	4	5
Bélgica	6	9	15
Brasil	15	82	97
Bulgária	2	2	4
Canadá		2	2
Chile	1	1	2
Croácia	7		7
Eslováquia	9	7	16
Eslovénia	7	13	20
Espanha	15	30	45
Estónia		1	1
Finlândia	1	2	3
França	18	31	49
Grécia		3	3
Holanda	6	22	28
Hungria	4	4	8
Irlanda		1	1
Israel		2	2
Itália	42	72	114
Letónia		1	1
Lituânia	2	1	3
Macau	2		2
Malta		2	2
Noruega	1	9	10
Polónia	14	16	30
Portugal	26		26
República Checa	11	3	14
Suécia		3	3
Suiça	4	3	7
Turquia		10	10
<b>Total</b>	<b>234</b>	<b>407</b>	<b>641</b>

## Anexo 17 | Cursos Intensivos 2023/2024

### 1. Inscritos por curso intensivo

Curso Intensivo	Alunos FDUL	Alunos Erasmus+	Total
	Alunos Matriculados		
A World History of Criminal Law	23	17	40
Asylum and Immigration Law and Policy of the European Union	11	34	45
Comparative Police Law, Policy and Practices	22	18	40
Constitutional Justice in Europe	22	19	41
Constitutional Justice in the Mediterranean: A way out of crises?	13	27	40
Criminal Procedure in the U.S.	18	20	38
ELPIS-US Transatlantic Online Legal Lectures	27	9	36
EU Consumer Law	20	19	39
European Administrative Law and Administrative Procedure	21	18	39
European and Comparative Competition Law	18	19	37
Globalisation and International Protection of Human Rights	18	21	39
História e Teoria do Crime	35	5	40
History of Migration Law	19	19	38
International Humanitarian Law	21	18	39
Introduction to European Private Law	17	20	37
Introduction to the History of Justice	18	18	36
Introduction to the History of Justice	20	0	20
Introduction to the Judicial System of the United States	20	13	33
Introduction to the Law of the United States	20	18	38
Introduction to the North-American Constitution	22	11	33
Introduction to U.S. Cybersecurity Law	16	24	40
La Crisis del Estado de Derecho	31	6	37
Litigation in Economic International Law	20	21	41

Nacionalismos e Federalismos A construción do Estado Federal no marco da Unión Europea	29	1	30
Philosophy of Law	22	19	41
R2D Back to the Future, an Internacional, European Union and Comparative Labor Law Perspective on the RIGHT TO DISCONNECT from work	5	9	14
Redes Sociales, Compañías Tecnológicas y Democracia	30	7	37
Russian Law: the legal system of a country at war	21	19	40
Shareholders' role, rights & remedies in private limited companies	23	14	37
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	17	23	40
The Rule of Law in the European Convention of Human Rights and Council of Europe Law	21	19	40
Thinking about the Production of Norms by Judges : between the "government by judges" and the judge as "mouth of the law"	14	20	34
U.S. Administrative Law and Comparative Approaches to Administrative Governance	27	11	38
<b>Total:</b>	<b>681</b>	<b>536</b>	<b>1217</b>

## 2. Avaliações por curso intensivo

	N.º de Alunos Avaliados	N.º de Alunos Não Avaliados	N.º de Reprovações	Média
A World History of Criminal Law	37	3	0	13,88
Asylum and Immigration Law and Policy of the European Union	37	7	1	10,24
Comparative Police Law, Policy and Practices	40	0	0	15,68
Constitutional Justice in Europe	37	4	0	12,68
Constitutional Justice in the Mediterranean: A way out of crises?	31	9	0	12,83
Criminal Procedure in the U.S.	26	12	0	10,37
ELPIS-US Transatlantic Online Legal Lectures	12	24	0	5,42
EU Consumer Law	37	2	0	14,59
European Administrative Law and Administrative Procedure	33	5	1	12,97
European and Comparative Competition Law	32	5	0	13,05
Globalisation and International Protection of Human Rights	21	8	10	8,46
História e Teoria do Crime	39	1	0	15,38
History of Migration Law	35	3	0	12,61
International Humanitarian Law	34	5	0	12,90
Introduction to European Private Law	32	5	0	11,41
Introduction to the History of Justice (1.º Sem.)	27	9	0	11,08
Introduction to the History of Justice (2.º Sem.)	16	4	0	11,25
Introduction to the Judicial System of the United States	24	9	0	11,42
Introduction to the Law of the United States	27	11	0	11,32
Introduction to the North-American Constitution	26	7	0	10,67
Introduction to U.S. Cybersecurity Law	36	4	0	14,48
La Crisis del Estado de Derecho	28	9	0	12,86
Litigation in Economic International Law	34	7	0	11,95
Nacionalismos e Federalismos A construção do Estado Federal no marco da União Europeia	21	9	0	8,73
Philosophy of Law	39	2	0	13,80



R2D Back to the Future, an Internacional, European Union and Comparative Labor Law Perspective on the RIGHT TO DISCONNECT from work	14	0	0	13,43
Redes Sociales, Compañías Tecnológicas y Democracia	33	2	2	14,08
Russian Law: the legal system of a country at war	37	3	0	13.88
Shareholders' role, rights & remedies in private limited companies	30	7	0	12,08
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	27	8	5	8,55
The Rule of Law in the European Convention of Human Rights and Council of Europe Law	35	5	0	13,05
Thinking about the Production of Norms by Judges : between the "government by judges" and the judge as "mouth of the law"	21	6	7	10,24
U.S. Administrative Law and Comparative Approaches to Administrative Governance	30	8	0	12,13
<b>Total:</b>	<b>988</b>	<b>203</b>	<b>26</b>	<b>11,98</b>

### 3. Cancelamentos, Desistências e Não Avaliados

Curso	Desistências	Não Avaliados
A World History of Criminal Law	3	3
Asylum and Immigration Law and Policy of the European Union	8	7
Comparative Police Law, Policy and Practices	2	0
Constitutional Justice in Europe	1	4
Constitutional Justice in the Mediterranean: A way out of crises?	1	9
Criminal Procedure in the U.S.	2	12
ELPIS-US Transatlantic Online Legal Lectures	3	24
EU Consumer Law	1	2
European Administrative Law and Administrative Procedure	0	5
European and Comparative Competition Law	10	5
Globalisation and International Protection of Human Rights	9	8
História e Teoria do Crime	4	1
History of Migration Law	3	3
International Humanitarian Law	0	5
Introduction to European Private Law	3	5
Introduction to the History of Justice (1.º Sem.)	6	9
Introduction to the History of Justice (2.º Sem.)	5	4
Introduction to the Judicial System of the United States	3	9
Introduction to the Law of the United States	3	11
Introduction to the North-American Constitution	9	7
Introduction to U.S. Cybersecurity Law	8	4
La Crisis del Estado de Derecho	9	9
Litigation in Economic International Law	5	7
Nacionalismos e Federalismos A construção do Estado Federal no marco da União Europeia	11	9
Philosophy of Law	0	2



R2D Back to the Future, an Internacional, European Union and Comparative Labor Law Perspective on the RIGHT TO DISCONNECT from work	1	0
Redes Sociales, Compañías Tecnológicas y Democracia	2	2
Russian Law: the legal system of a country at war	5	3
Shareholders' role, rights & remedies in private limited companies	0	7
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	5	8
The Rule of Law in the European Convention of Human Rights and Council of Europe Law	0	5
Thinking about the Production of Norms by Judges : between the "government by judges" and the judge as "mouth of the law"	5	6
U.S. Administrative Law and Comparative Approaches to Administrative Governance	2	8
<b>Total:</b>	<b>129</b>	<b>203</b>

## Anexo 18 | Cursos Intensivos 2023/2024 | Docentes

Curso Intensivo	Edição	Semestre	Docente	Universidade de Origem
A World History of Criminal Law	2. <sup>o</sup>	2. <sup>o</sup>	Jean-Louis Halpérin	École Normal Supérieure
Asylum and Immigration Law and Policy of the European Union	8. <sup>a</sup>	1. <sup>o</sup>	Jaap W- de Zwaan	Erasmus University Rotterdam
Comparative Police Law, Policy and Practices	2. <sup>o</sup>	2. <sup>o</sup>	Melanie Reid	Lincoln Memorial University – Duncan School of Law
Constitutional Justice in Europe	7. <sup>a</sup>	2. <sup>o</sup>	Rainer Arnold	Universität Regensburg
Constitutional Justice in the Mediterranean: A way out of crises?	2. <sup>a</sup>	1. <sup>o</sup>	Dimitrios Parashu	FDUL
Criminal Procedure in the U.S.	2. <sup>a</sup>	1. <sup>o</sup>	Luke Milligan	University of Louisville
ELIS/US Law Schools – Transatlantic Legal Lectures	6. <sup>a</sup>	1. <sup>o</sup>	Rede ELPIS	Rede ELPIS
EU Administrative Law and Administrative Procedure	4. <sup>a</sup>	2. <sup>o</sup>	Diana-Uriana Galetta	Università Degli Studi di Milano
EU Consumer Law	4. <sup>a</sup>	1. <sup>o</sup>	Arndt Kühnnecke	Federal University of Applied Sciences for Public Administration
European Comparative Competition Law	10. <sup>a</sup>	2. <sup>o</sup>	Bernd Oppermann	<i>Gottfried Wilhelm Leibniz Universität Hannover</i>
Globalisation and International Protection of Human Rights	10. <sup>a</sup>	2. <sup>o</sup>	Marine Toullier	Université Rouen de Normandie
História e Teoria do Crime	10. <sup>a</sup>	2. <sup>o</sup>	Cláudio Brandão	Universidade Federal de Pernambuco
History of Migration Law	2. <sup>a</sup>	1. <sup>o</sup>	Ana Caldeira Fouto	FDUL
International Humanitarian Law – The Basics	2. <sup>a</sup>	1. <sup>o</sup>	Ana Soares Pinto	FDUL
Introduction to European Private Law	11. <sup>a</sup>	2. <sup>o</sup>	Andreas Schwartze	University of Innsbruck
Introduction to the History of Justice	5. <sup>a</sup> e 6. <sup>a</sup>	1. <sup>o</sup> e 2. <sup>o</sup>	Isabel Graes	FDUL
Introduction to the Judicial System of the United States	1. <sup>a</sup>	2. <sup>o</sup>	Madeleine Landrieu	Loyola University College of Law (EUA)
Introduction to the Law of the United States	13. <sup>a</sup>	2. <sup>o</sup>	Patrick Hugg	Loyola University College of Law (EUA)
Introduction to the North American Constitution	11. <sup>a</sup>	2. <sup>o</sup>	Russell Weaver	University of Louisville
Introduction to U.S. Cybersecurity Law	1. <sup>a</sup>	1. <sup>o</sup>	Kimberly Houser	William & Mary Law School

La Crisis del Estado de Derecho	7. <sup>a</sup>	2. <sup>o</sup>	Fausto Vecchio	Università Degli Studi di Kori di Enna
Litigation in Economic International Law	10. <sup>a</sup>	2. <sup>o</sup>	Millan Casanova	Universitá di Alicante
Nacionalismos e Federalismos: A Construcción do Estado Federal no Marco da Unión Europea	2. <sup>a</sup>	2. <sup>o</sup>	Vicente Sanjurjo	Universidad de Santiago de Compostela
Philosophy of Law	8. <sup>a</sup>	1. <sup>o</sup>	Alexandre Viala	Université Montpellier
R2D Back to the Future, an Internacional, European Union and Comparative Labor Law Perspective on the RIGHT TO DISCONNECT from work	1. <sup>a</sup>	1. <sup>o</sup>	Isabel Vieira Borges	FDUL
Redes Sociales, Compañías Tecnológicas y Democracia	5. <sup>a</sup>	1. <sup>o</sup>	Francisco Balaguer Callejón	Universidad de Granada
Russian Law: the legal system of a country at war	1. <sup>a</sup>	2. <sup>o</sup>	Herbert Küpper	Institut für Ostrecht München
Shareholders' Role, Rights & Remedies in Private Limited Companies	1. <sup>a</sup>	1. <sup>o</sup>	Lina Mikalonienė	Mykolas Romeris University
The European Economic and Monetary Union (EEMU): Background, Structures, Evolution	6. <sup>a</sup>	1. <sup>o</sup>	Axel Kämmerer	Bucerius Law School
The Rule of Law in the European Convention of Human Rights and Council of Europe Law	1. <sup>a</sup>	2. <sup>o</sup>	Jacques Ziller	Università Degli Studi di Pavia
Thinking about the Production of Norms by Judges : between the "government by judges" and the judge as "mouth of the law"	1. <sup>a</sup>	1. <sup>o</sup>	Xavier Magnon	Aix-Marseille Université
U.S. Administrative Law and Comparative Approaches to Administrative Governance	1. <sup>a</sup>	2. <sup>o</sup>	Akram Fazier	Lincoln Memorial University – Duncan School of Law

## **Prof Dr Jaap DE ZWAAN**

Jaap de Zwaan is a lawyer and Dutch emeritus professor of European Union Law.

He started his professional career as a member of the The Hague Bar.

Thereafter he worked for 19 years for the Dutch Ministry of Foreign Affairs in The Hague (European Integration Department and Legal Service) and Brussels (Permanent Representation of the Netherlands to the European Union). He was active in international negotiations (EU decision making, treaty making and accession treaties) and acted in numerous cases as agent for the Dutch Government in legal proceedings before the EU Court of Justice in Luxembourg.

In 1998 Jaap de Zwaan was appointed full time professor of European Union Law at Erasmus University Rotterdam. Apart from his activities as a European law professor, he served his Law School as Vice-Dean for International Affairs (1999-2001) and as Dean (2001-2004).

From September 2005 to May 2011 De Zwaan was Director of the Netherlands Institute of International Relations, 'Clingendael', a think tank as well as diplomatic academy.

In May 2011 he returned to Erasmus University Rotterdam. In March 2014 he delivered his valedictory lecture at that university.

In the period May 2012 until April 2017 De Zwaan was also active, on a part-time basis, as Professor European Integration at the The Hague University of Applied Sciences.

Until the present day Jaap de Zwaan is still working in various fields related to European Union law and policies. His main domains of interest concern respectively the constitutional debate, the internal market cooperation, the Area of Freedom, Security and Justice (notably EU asylum and immigration law and policy), enlargement and the external relations of the EU.

**Prof Dr Jaap W. de Zwaan**

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Erasmus University Rotterdam

The Netherlands

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Universidade de Lisboa, Intensive Course, 13-17 November 2023

## **ASYLUM AND IMMIGRATION LAW AND POLICY OF THE EUROPEAN UNION**

<b>Lectures</b>
<b>Monday 13 November: The Migration problem</b>
<ul style="list-style-type: none"> <li>- Introduction</li> <li>- Crisis of 2015-2016</li> <li>- New Pact on Migration and Asylum (Commission proposals of 23 September 2020)</li> <li>- The war in Ukraine (temporary protection for displaced persons)</li> <li>- Migration situation in 2023</li> <li>- Cooperation with third countries</li> <li>- The need for a comprehensive approach: decision making in the European Council, the Council and the European Parliament</li> </ul>
<ul style="list-style-type: none"> <li>- European Union cooperation               <ul style="list-style-type: none"> <li>a. International organisation with supranational characteristics</li> <li>b. Institutions and policy making</li> <li>c. Achievements</li> <li>d. Two treaties: TEU and TFEU</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>- Legal context               <ul style="list-style-type: none"> <li>a. EU Treaties and secondary law</li> <li>b. Charter of Fundamental Rights of the EU</li> <li>c. European Convention for the Protection of Human Rights and Fundamental Freedoms</li> <li>d. UN Convention of Geneva</li> </ul> </li> </ul>
<b>Tuesday 14 November: Movement of Persons/Schengen/Borders and Visa</b>
<ul style="list-style-type: none"> <li>- EU Area of Freedom, Security and Justice</li> </ul>
<ul style="list-style-type: none"> <li>- Internal Market               <ul style="list-style-type: none"> <li>a. Free movement of Persons: Directive 2004/38</li> <li>b. European Citizenship</li> </ul> </li> </ul>

c. Internal Market and Third Country Nationals
- Border control <ul style="list-style-type: none"> <li>a. Internal and External borders</li> <li>b. Schengen cooperation</li> <li>c. European Border and Coast Guard (Frontex)</li> </ul>
- Visa law and policy
<b>Wednesday 15 November: EU Asylum Law and Policy</b>
- Legal instruments/policy areas <ul style="list-style-type: none"> <li>a. Definition</li> <li>b. Responsible Member State</li> <li>c. Procedures</li> <li>d. Reception</li> <li>e. Eurodac</li> <li>f. Temporary Protection (with special attention for the mass influx of displaced persons from Ukraine since the end of February 2022)</li> </ul>
- Principles of Solidarity and Burden Sharing
- Concepts of Relocation and Resettlement
- European Asylum Support Office (EASO)
- External relations <ul style="list-style-type: none"> <li>a. Cooperation with countries: Return and Readmission agreements</li> <li>b. Cooperation with International Organisations: UNHCR and IOM</li> </ul>
<b>Thursday 16 November: New Pact on Asylum and Migration</b>
- Communication European Commission 23 September 2020 <ul style="list-style-type: none"> <li>a. Overall principles: solidarity and responsibility</li> <li>b. Point of departure: most migrants have no right to stay in the EU</li> <li>c. Reception and handling of applications for protection require 'flexible' solidarity from all Member States</li> <li>d. Cooperation with third countries</li> </ul>
- Decision making in European Council, Council and European Parliament <ul style="list-style-type: none"> <li>a. Bottlenecks           <ul style="list-style-type: none"> <li>○ The numbers of migrants</li> <li>○ Protection of the external EU borders</li> <li>○ Reception and handling of applications for asylum: relocation</li> <li>○ Return (and readmission) of illegal migrants</li> </ul> </li> </ul>



- b. Conclusions European Council 9 February 2023
- c. State of play in the Justice and Home Affairs Council
- d. Trilogue with the European Parliament
- e. Future perspectives for a comprehensive approach

### **Friday 17 November: Immigration Law and Policy**

- Legal migration: instruments
  - a. Long term residents
  - b. Family reunification
  - c. Work: Blue Card, Single Permit, Seasonal Workers, Intra-corporate Transfers, Study and Research
- Integration
- Combat of Illegal immigration
  - a. Cooperation with third countries
    - Return and Readmission agreements
  - b. Cooperation with international organisations: UNHCR and IOM

### **Q&A: Questions and Answers**

**Academic CV of Dimitrios Parashu,**  
**Dr. iur., MLE, Dikigoros (Greek Lawyer)**

***Date: July 15th, 2022***

<b>SURNAME, NAME:</b>	<i>Parashu, Dimitrios</i>
<b>DATE OF BIRTH:</b>	<i>December 28th, 1981</i>
<b>PLACE OF BIRTH:</b>	<i>Siegburg (West Germany)</i>
<b>NATIONALITY:</b>	<i>German, Greek</i>
<b>MARITAL STATUS:</b>	<i>married (with 2 children)</i>

## **A. Legal Education**

**September 2000 - April 2005** Law Studies at the Faculty of Law, Aristoteles-University of Thessaloniki, Hellenic Republic

**October 2005 - September 2007** Magister Studies, Faculty of Law, Gottfried Wilhelm Leibniz Universität Hannover ('Europäische Rechtspraxis'; Achieving of the title 'Magister Legum Europae' - MLE)

**Subject of the Magister Thesis:** *"Die Auflösung des Parlaments in Deutschland und Griechenland - eine verfassungshistorisch und -aktuell rechtsvergleichende Arbeit"*

**November 6th, 2007** 2nd Hellenic State Exam (Efeteio Kerkyras, Corfu/Hellenic Republic)

**January 24th 2008** Inauguration and Professional Licensing as Greek Lawyer (Dikigoros), Protodikeio Kerkyras, Corfu/Hellenic Republic (Member of the Bar Association of Kerkyra)

**October 2007 - November 2011** PhD Studies at the Faculty of Law, Gottfried Wilhelm Leibniz Universität Hannover (Prof. i.R. Dr. Jörg-Detlef Kühne); Promotion to Dr. iur.

**(Subject of the PhD Thesis:** *"Der Ausbau der griechischen Verfassungsgerichtsbarkeit. Eine kritische Betrachtung zu Entwicklung und Entfaltungsmöglichkeiten im Rechtsvergleich")*

## **B. Academic Employments**

**Gottfried Wilhelm Leibniz Universität Hannover:**

2008-2013 Research Assistant;

since 2013 Research Associate (since 2017 also Habilitand=Assistant Professor)

**Bucerius Law School Hamburg:**  
2013-2015 Research Associate

**October 1st, 2008 - December 31st, 2011** Research Assistant (Wissenschaftliche Hilfskraft), Deanship of the Faculty of Law, Gottfried Wilhelm Leibniz Universität Hannover (Prof. i.R. Dr. Dr. h.c.mult. Hilmar Fenge),  
(furthermore

**April 1st, 2009 - March 31st, 2010** Research Assistant (Wissenschaftliche Hilfskraft), Chair for German, European and International Civil and Commercial Law, Faculty of Law, Gottfried Wilhelm Leibniz Universität Hannover (Prof. Dr. Dr. h.c. Bernd H. Oppermann, LL.M.)

**January 1st, 2012 - February 28th, 2013 again** Research Assistant (Wissenschaftliche Hilfskraft), Chair for German, European and International Civil and Commercial Law, Faculty of Law, Gottfried Wilhelm Leibniz Universität Hannover (Prof. Dr. Dr. h.c. Bernd H. Oppermann, LL.M.)

**March 1st, 2013 - February 28th, 2015** Research Associate (Wissenschaftlicher Mitarbeiter, Claussen-Simon-Chair for International Law, **Bucerius Law School Hamburg** [Mrs. President Prof. Dr. Doris König, M.C.L., now judge of the German Federal Constitutional Court/Bundesverfassungsgericht]) within the framework of the project KORSE (Kompetenznetzwerk für das Recht der zivilen Sicherheit in Europa),  
furthermore

- **December 15th, 2013 - March 14th, 2021** Research Associate (Wissenschaftlicher Mitarbeiter), Chair for German, European and International Civil and Commercial Law, **Faculty of Law, Gottfried Wilhelm Leibniz Universität Hannover** (Prof. Dr. Dr. h.c. Bernd H. Oppermann, LL.M.);

- **since June 2017**, also Habilitand (=Assistant Professor)

(**Faculty of Law, Gottfried Wilhelm Leibniz Universität Hannover**, Subject: "Rechtsvereinheitlichung durch Verfahrensgestaltung im Europäischen Wettbewerbsrecht – Das Harmonisierungspotenzial von Anhörungsbeauftragten im europäischen Lauterkeitsrecht") and

- **since October 1st, 2017** Research Associate (Wissenschaftlicher Mitarbeiter), Chair for Public Law, especially European Law, **Faculty of Law, Gottfried Wilhelm Leibniz Universität Hannover** (Prof. Dr. Claas Friedrich Germelmann, LL.M.)

Besides my academic teaching and examining as well as my scientific activities there, as a Research Associate at the Faculty of Law in Hannover I have been responsible (since 2013) for the redaction of the ELPIS-Collective Volume Series (including the Vol. II-V, the latter being published in 2021); furthermore I have been responsible for the reaccreditation of the Hannover part of the ELPIS II Master Studies Program (European Legal Practice) as well as its Hannover Exam and Admission Regulations; besides that I have participated in third party-funding applications done by my chair of affiliation at our faculty. I have also participated in numerous internal organisation boards of our faculty, and have the special pleasure to be well-connected among our partners (a wealth of 40 universities within Europe and further continents) of the ELPIS Network.

## **C. Guest Lectures/Visiting Professorships**

1) University of Lisbon (Winter Semester 2021/22 onwards): "ELPIS-US Transatlantic Legal Lectures", as co-coordinator (Online)

2) University of Bucharest / University Alexandru Ioan Cuza of Iasi (November 2021):

"Allgemeines zum Verfassungsbegriff *sowie*  
Entwicklung der Verfassungsgerichtsbarkeit Rumäniens" (Online)

3) Loyola University New Orleans College of Law (November 2021): "Enhanced Cooperation - An Answer to the EU Crises?" (Online, with Professor Patrick R. Hugg)

4) Symbiosis Law School, Pune (February/March 2022): "Contemporary Approaches to Legal Scholarship" / "A Matter of Cross-Cultural Communication: The EU Internal Market as a Field of Comparative Legal View through the ECJ Case Law" (Online)

5) Frederick University Nicosia (March 2022): "The Regulation 'Rome III' of the European Union - A Model of Future Legislation? ("Ο Κανονισμός 'Ρώμη III' της Ευρωπαϊκής Ένωσης - Μοντέλο Μελλοντικής Νομοθεσίας;)" (Online)

## **D. Academic Teaching Experience and Scientific Interests**

My academic teaching experience (which started in 2009) includes, among others, the courses: Introduction to EU Law (Hannover, since Summer Semester 2018; in English language); Introduction to EU State Aid Law (Hannover, since Winter Semester 2019; in English language) and Europäische Rechtspraxis (Hannover, both in German and English Language, since Winter Semester 2009/2010) (*please see my teaching portfolio for further information*)

My scientific interests include Comparative Public Law, especially Constitutional Law and Constitutional History, furthermore European Law as well as International Law.

## **E. Memberships (among others)**

- Juristische Studiengesellschaft Hannover
- Deutsch-Griechische Juristenvereinigung e.V.
- Verein "Europa-Institut an der Universität Zürich"
- European Law Institute/ELI
- Societas Iuris Publici Europaei (SIPE) e.V.

## **F. Publications**

### **I. Editorship:**

The EU and the Matter of Concerted Acting / Die EU und die Frage einverständlichen Handelns / La UE et la question de l' action concertée. Nomos Verlag Baden-Baden, 1st ed. 2019 (164 pages)

[furthermore (Executive) Vice Director of the "ELPIS v-LAW-Review" (ISSN number: 2795-5397) published online through the ELPIS Network (since 12 June 2020); see <http://www.elpisnetwork.eu/>]

## II. Monographies:

- 1) Der Ausbau der griechischen Verfassungsgerichtsbarkeit. Eine kritische Betrachtung zu Entwicklung und Entfaltungsmöglichkeiten im Rechtsvergleich. Logos Verlag Berlin, 2012 (283 pages)
- 2) Die Weimarer Reichsverfassung und die Verfassung der II. Hellenischen Republik (1927) - Bioi Paralleloi? Logos Verlag Berlin, 2012 (288 pages) (*reviewed by Christoph Gusy, ZNR 36 (2014) 3/4, pp. 339-341*)
- 3) Die Verfassungswirklichkeit auf dem Heiligen Berge Athos und andere Schriften zum ausländischen öffentlichen Recht und dem institutionellen Europarecht, Logos Verlag Berlin, 2013 (156 pages, including:
  - Die Verfassungswirklichkeit auf dem Heiligen Berge Athos
  - Verfassungsgerichtsbarkeit in El Salvador - Bemühungen zur Konsolidierung eines Rechtsstaates
  - Rechtliche Streitfragen parlamentarischer Untersuchungsausschüsse in Österreich: Schlichtungsmaterial für den Wiener Verfassungsgerichtshof?
  - Schuldenbremse: Antwort auf die griechische Finanzkrise? Analyse mit rechtsvergleichendem Bezug, unter dem Prisma der aktuellen Entwicklungen auf EU-Ebene
  - Der Europäische Bürgerbeauftragte in Theorie und Praxis. Versuch der Zwischenbilanz am Ende einer Ära
  - Wahlen zum Wiener Gemeinderat - dokumentarische Betrachtungen auf öffentlich-rechtlicher und politischer Ebene
  - Epimetron: Aktuelle Ansätze in Bezug auf einen möglichen Ausbau der griechischen Verfassungsgerichtsbarkeit)
- 4) Einführung in die Verfassung der Republik Mauritius, Logos Verlag Berlin, 2013 (184 pages)
- 5) The Constitutional Status of the Monarchs in Malaysia, Cambodia and Thailand, Logos Verlag Berlin, 2014 (148 pages)
- 6) Kompendium weiterführender Themen zur europäischen Rechtspraxis,  
1st ed. Logos Verlag Berlin, 2014 (143 pages)  
2nd ed. Logos Verlag Berlin, 2016 (161 pages)  
3rd ed. Logos Verlag Berlin, 2018 (164 pages)
- 7) Die Errichtung einer Ausschließlichen Wirtschaftszone für die Hellenische Republik als Faktor ziviler Sicherheit für Europa: Prämisse für eine Vertiefung der integrierten Meerespolitik sowie der Energiepolitik der EU?, Logos Verlag Berlin, 2015 (218 pages) (*reviewed by Sabine Steppat, Online-"Portal für Politikwissenschaft", 4 February 2016*)
- 8) Elemente indonesischer Verfassungsgeschichte, Exekutive und Verfassungsgerichtsbarkeit, Logos Verlag Berlin, 2015 (85 pages)
- 9) Gedanken zu möglichen Elementen staatspolitischer Konkordanz für die aktuelle Verfassung der Hellenischen Republik, Logos Verlag Berlin, 2016 (104 pages)
- 10) Das Heilige Kloster der Panagia Eikosifoinissa: Verbindung mit dem Heiligen Berge Athos vor dem Hintergrunde dessen verfassungsrechtlicher Besonderheiten, Logos Verlag Berlin, 2017 (90 pages)
- 11) Kompendium ausgewählter Elemente des Europäischen und des Deutschen Kartellrechts, Logos Verlag Berlin, 2017 (110 pages)
- 12) Aus Geschichte, Rechtsgrundlagen und Rechtsprechung des Verfassungsgerichtshofes der Zypriischen Republik (1960-1963). Jubiläumsschrift zum 75. Geburtstag von Jörg-Detlef Kühne, Logos Verlag Berlin, 2017 (172 pages)

- 13) Völkerrecht ad absurdum: Der Prespes-Vertrag. Zugleich Bezugnahme zu aktuellen Problemen hellenischer Verfassungspraxis, Logos Verlag Berlin, 2019 (104 pages)
- 14) Kompendium zum Niedersächsischen Polizei- und Ordnungsbehördengesetz (NPOG), Kommunal- und Schulverlag (KSV Verwaltungspraxis) Wiesbaden, 2019 (120 pages; e-book)
- 15) König Georgios I. und die Anwendung der hellenischen Verfassung von 1864 *in praxi*, Nomos Verlag Baden-Baden 2020 (116 pages)
- 16) Der portugiesische Verfassungsgerichtshof (Tribunal Constitucional) in Theorie und Praxis, Nomos Verlag Baden-Baden 2020 (99 pages)
- 17) Völkerrechtsbezüge in Theorie und Praxis: Hellenische Erfahrungen der Vergangenheit und Gegenwart, Logos Verlag Berlin 2020 (129 pages)
- 18) Der rumänische Verfassungsgerichtshof in Theorie und Praxis, Nomos Verlag Baden-Baden 2021 (98 pages)
- 19) Drei Brüder auf dem Thron der Hellenen: Alexandros, Georgios II. und Pavlos I. und die praktische Anwendung kontemporärer griechischer Verfassungen, Logos Verlag Berlin 2021 (140 pages)

### III. Articles, Papers and Judgment Reviews:

- 1) "Das zyprische Repräsentantenhaus zwischen Verfassungsvorgaben und Teilungsnöten: Entwicklungen seit 1960", in: 'Zeitschrift für Parlamentsfragen (ZParl)', Vol. 4/2009, pp. 840-859.
- 2) "Belgien vor der Spaltung?", in: 'Zeitschrift für Staats- und Europawissenschaften (ZSE)', Vol. 2/2010, pp. 287-298.
- 3) "Die Entwicklung der Verfassungsgerichtsbarkeit in Tschechien und der Slowakei", in: 'Osteuropa-Recht (OER)', Vol. 1/2011, pp. 47-59.
- 4) "Die verfassungsrechtliche Position des Königs von Tonga", in: 'Verfassung und Recht in Übersee (VRÜ)', Vol. 1/2011, pp. 99-114.
- 5) "Der Verfassungsrat der Elfenbeinküste" in: 'Zeitschrift für öffentliches Recht (ZÖR)', Vol. 3/2011, pp. 367-380.
- 6) "Jurist(en) im Porträt: Alexander Graf zu Dohna-Schlodien (1876-1944) und Dimitrios S. Mavrokordatos (1821-1873). Biographische Parallelen zweier Juristen aus Deutschland und Griechenland", in: 'Recht und Politik (RuP)', Vol. 4/2011, pp. 238-241.
- 7) "Das Gericht für den öffentlichen Dienst der EU - Versuch eines ersten Fazits", in: Bernd H. Oppermann (ed.), International Legal Studies II by European Scholars of the ELPIS Network, Halle an der Saale (UVHW) 2013, pp. 99-105.
- 8) "Ways to a real constitutional democracy: Some comparative thoughts regarding the Indonesian Constitution in its current form and the Grundgesetz of the Federal Republic of Germany", in: Bernd H. Oppermann (ed.), International Legal Studies II by European Scholars of the ELPIS Network, Halle an der Saale (UVHW) 2013, pp. 107-115.
- 9) "Das jüngste Landesverfassungsgericht der Bundesrepublik: Einige Bemerkungen zum 5.Gründungstag des Verfassungsgerichts Schleswig-Holstein", in: 'Recht und Politik (RuP)', Vol. 4/2013, pp. 227-231.
- 10) Judgment Review "Staatskonsolidierung über Parteiinteressen: Bemerkungen zur Entscheidung des moldawischen Verfassungsgerichts über den Antrag 22b/2013", in: 'Osteuropa-Recht (OER)', Vol.

4/2013, pp. 471-473.

**11)** "Die Verfassungsgerichtsbarkeit in den Neuen Bundesländern. Eine Zwischenbilanz nach gut 20 Jahren mit einem Blick auf die Rechtsprechung", in: 'Recht und Politik (RuP)', Vol. 4/2014, pp. 215-225.

**12)** "Das Vereinigte Königreich als kolonialer Verfassungsgeber nach dem Wiener Kongress. Kritische Betrachtungen am Beispiel der Verfassung der Ionischen Inseln von 1817", in: Michael Stolleis (Hrsg., unter Mitarbeit von Gerd Bender und Jani Kirov), *Konflikt und Koexistenz. Die Rechtsordnungen Südosteuropas im 19. und 20. Jahrhundert, Band I: Rumänien, Bulgarien, Griechenland* (Schriftenreihe "Studien zur europäischen Rechtsgeschichte" des Max Planck-Instituts für europäische Rechtsgeschichte, Band 292), Frankfurt am Main 2015, pp. 213-220  
*(reviewed by Herbert Küpper, Online "H-Soz-Kult. Kommunikation und Fachinformation für die Geschichtswissenschaften", 26 May 2016).*

**13)** Judgment Review "Notwendige Stärkung des litauischen Rechtsstaates: Zur Entscheidung der Verfassungswidrigkeit einer Bestimmung des litauischen Strafvollzugsgesetzes durch den litauischen Verfassungsgerichtshof - Entscheidung 1/2013 (Az. KT8-N4/2015) vom 26. Februar 2015", in: 'Osteuropa-Recht (OER)', Vol. 3/2015, pp. 375-378.

**14)** "Die Volksabstimmung in der Hellenischen Republik vom 05.07.2015 vor verfassungsrechtlichem und einfachgesetzlichem Hintergrund", in: 'Zeitschrift für öffentliches Recht (ZÖR)', Vol. 4/2015, pp. 801-823.

**15)** "Der Grenzzaun zwischen der Hellenischen und der Türkischen Republik. Analyse vor dem Hintergrund der Gemeinsamen Einwanderungspolitik der EU", in: Florian Schneider / Thomas Wahl (Hg.) *Herausforderungen für das Recht der zivilen Sicherheit in Europa. Aktuelle Beiträge des Kompetenznetzwerkes KORSE [Sicherheit und Gesellschaft. Freiburger Studien des Centre for Security and Society* (hg. v. Hans-Helmuth Gander, Walter Perron, Ralf Poscher, Gisela Riescher, Thomas Würtenberger), Band 9], 1st ed. Baden-Baden 2016, pp. 137-148.

**16)** "Preface" (with Bernd H. Oppermann) in: Bernd H. Oppermann / Hilmar Fenge / Vasco Pereira da Silva / Sylvia Calmes-Brunet / Regina Valutyte (ed.), *International Legal Studies III by European Scholars of the ELPIS Network*, Halle an der Saale (UVHW) 2016, pp. 5-8.

**17)** "Die jüngste ‚Gruppenfreistellungsverordnung für Technologietransfer-Vereinbarungen (TT-GVO)‘ in der Kurzanalyse: Ein leidenschaftlicher ‚neuer‘ Baustein im Gefüge des EU-Kartellrechts", in: Bernd H. Oppermann / Hilmar Fenge / Vasco Pereira da Silva / Sylvia Calmes-Brunet / Regina Valutyte (ed.) *International Legal Studies III by European Scholars of the ELPIS Network*, Halle an der Saale 2016 (UVHW), pp. 135-149.

**18)** "Die Kunst der Balance - Bemerkungen zu ausgewählten Elementen des Urteils des Zweiten Senats des BVerfG vom 21. Juni 2016 (2 BvR 2728/13)", in: Zeitschrift 'Bonner Rechtsjournal (BRJ)', Vol. 2/2016, pp. 128-129.

**19)** "Tu 'felix' Austria...re-elige! Bemerkungen zur jüngsten Wahlprüfungsjudikatur des Wiener Verfassungsgerichtshofes zur Bundespräsidentenstichwahl vom 22.05.2016", in: 'Zeitschrift für öffentliches Recht (ZÖR)', Vol. 4/2016, pp. 649-663.

**20)** "Der Verfassungsgerichtshof der Republik Gabun", in: 'Verfassung und Recht in Übersee (VRÜ)', Vol. 4/2016, pp. 416-430.

**21)** "Effektive Grenzziehung zwischen verfassungsgerichtlichen Kompetenzen in Mecklenburg-Vorpommern: Bemerkungen zu zentralen Elementen des Urteils LVerfG 1/14", in: 'Neue Justiz (NJ)', Vol. 2/2017, pp. 63-65.

**22)** "25 Jahre Berliner Verfassungsgerichtsbarkeit: Eine Würdigung", in: 'Recht und Politik (RuP)', Vol. 1/2017, pp. 83-93.

**23)** "Der jüngste legislative Vorstoß für eine institutionalisierte Schuldenbremse in der Hellenischen

Republik: Adieu dem Rechtsstaat?" in: 'Jahrbuch des Öffentlichen Rechts (JöR, N.F.)' 2017 (Vol. 65), pp. 701-711.

**24)** Judgment Review "EuGH: Lebensmittelrecht: Kostenbeitragspflicht für Lebensmitteleinzelhandelsgeschäfte" in: 'Europäische Zeitschrift für Wirtschaftsrecht (EuZW)', Vol. 19/2017, pp. 773-774.

**25)** "Der sekundärrechtliche Ansatz der EU zur Rahmensetzung von Hafendiensten", in: 'Europäisches Wirtschafts- und Steuerrecht (EWS)', Vol. 6/2017, pp. 329-333.

**26)** "A "Summer Nightmare"? Some Thoughts regarding the UK Referendum of June 23rd, 2016, and the Background of Certain Elements of Art. 50 TEU or: Shakespeare's Story of Oberon and Titania, "Reloaded" ", in: 'European Review of Public Law (ERPL)' 2016 / Vol. 28, No. 4 (102), pp. 1339-1351 (published 2018).

**27)** Judgment Review "EuGH: Markenrecht: Bezeichnung 'Glen' für deutschen Whisky", in: 'Europäische Zeitschrift für Wirtschaftsrecht (EuZW)', Vol. 14/2018, pp. 602-603.

**28)** "Rückblick auf die III. Mittelbautagung der Juristischen Fakultät Hannover", in: 'Hanover Law Review', Vol. 4/2018, pp. 373-374.

**29)** "Quocum procedis, Europa?", in: Vol. 1-2/2017 of the 'European Politeia', pp. 71-100 (published 2019).

**30)** "Some thoughts regarding the EU Regulations 1217/2010 and 1218/2010, vis-à-vis the historic cooperation of Giuseppe Verdi and Arrigo Boito", in: Hilmar Fenge / Claas Friedrich Germelmann / Bernd H. Oppermann / Vasco Pereira da Silva (ed.), International Legal Studies IV by European Scholars of the ELPIS Network, Halle an der Saale (UVHW) 2019, pp. 117-126.

**31)** "Die EU und die Herausforderung der Migration: EU-Regionalpolitik als Lösungsansatz von Problemen?" in: 'Europarecht (EuR)', Vol. 3/2019, pp. 324-337.

**32)** "Das Niedersächsische Polizei- und Ordnungsbehördengesetz (NPOG) und die 'Gefahr'. Zugleich eine Bezugnahme zu 'drohender' bzw. 'dringender Gefahr' im selektiven Rechtsvergleich", in: 'Recht und Politik (RuP)', Vol. 3/2019, pp. 265-271.

**33)** "Quocum procedis, EU? Bestandsaufnahme und Gedanken zur 'Verstärkten Zusammenarbeit' ", in: Jörn Axel Kämmerer / Markus Kotzur / Jacques Ziller (Hrsg.), Integration und Desintegration in Europa (=Collective Volume of the 13th SIPE Summit), Baden-Baden 2019, pp. 61-70.

**34)** "Introduction: Concerted Actions within the EU. General Status Overview", in: Dimitrios Parashu (ed.), The EU and the Matter of Concerted Acting / Die EU und die Frage einverständlichen Handelns / La UE et la question de l'action concertée, 1. Aufl. Baden-Baden 2019, pp. 7-38.

**35)** "Konstantinos von Hößlin (1844-1920): Ein bayerischer Hellene", in: 'Recht und Politik (RuP)', Vol. 4/2019, pp. 442-445.

**36)** "Playing it safe: Das jüngste Rechtsgutachten des IGH, in Sachen Chagos", in: 'Archiv des Völkerrechts (AVR)', Vol. 3/2019, pp. 319-344 (published 2020).

**37)** "Rückblick auf die internationale Fachtagung 'Innovative Teaching in European Legal Education' ", in: 'Zeitschrift für die Didaktik der Rechtswissenschaft (ZDRW)', Vol. 1/2020, pp. 64-70.

**38)** Judgment Review "Rumänischer Verfassungsgerichtshof: Stärkung des Zweikammersystems und der Gesetzgebungsqualität" in: 'Osteuropa-Recht (OER)', Vol. 3/2020, pp. 442-445 (published 2021).

**39)** "Is there an Optimal (and also Modern) Learning Method of Law in the Context of Educating International Lawyers?" in: Claas Friedrich Germelmann (ed.), Innovative Teaching in European Legal Education. International Conference within the Framework of the 2019 ELPIS Network Meeting, Baden-Baden/Oxford 2021, pp. 75-78.



40) " 'Rechtliches' im musikalischen Oeuvre der Strauß-Dynastie", in: Claas Friedrich Germelmann / Vasco Pereira da Silva (ed.), *International Legal Studies V by European Scholars of the ELPIS Network*, Baden-Baden 2021, pp. 163-170.

#### **IV. Online Contributions/Blogs:**

1) "*EU State Aid Law – Necessity for a EU Regulation de eminentibus*", in: *ELPIS v-LAW Review No. 1/2020* («10 to 15 Minutes on: The effect of the “corona virus” in Global, European and National Law»), published in May/September 2020, accessible under <http://www.elpisnetwork.eu/elpis-v-law-review-no-1-2020/>, alternatively through the Youtube Channel "ELPIS Research"

2) "*Matters of Democratic Transition: Administration Appointment in the US and the EU*", in: *ELPIS v-LAW Review No. 2/2020* («“Through the looking glass”: Law in Europe and America»), published in March 2021, accessible under <http://www.elpisnetwork.eu/elpis-v-law-review-no-2-2020/>, alternatively through the Youtube Channel "ELPIS Research"

3) "*The European Data Protection Supervisor, based on the Regulation 2018/1725*", in: *ELPIS v-LAW Review No. 3/2021* («“20(2)1: Law in a Space Odyssey” – Robots, Computers, Digitalization as the new challenges to the Law»), published in September 2021, accessible under <http://www.elpisnetwork.eu/elpis-v-law-review-no-3-2021-3/>, alternatively through the Youtube Channel "ELPIS Research"

4) *Developing Billiard Skills: The CJEU Judgment in Euro Box Promotion, a Reaction to Recent Romanian Constitutional Case Law* (Blog on the "European Law Blog", <https://europeanlawblog.eu/>), published in February 2022

5) "*Combining Tradition with the Future: The (Ever Modern) Socratic Approach*", Part of Panel 3 ("*Outlook: Thoughts About Modern Law Teaching from 2022 Onwards*"), in: *ELPIS v-LAW Review No. 4/2022* («Law Teaching and Learning - Hommage to Professor Hilmar Fenge»), published in March 2022, accessible under <http://www.elpisnetwork.eu/law-teaching-and-learning/>, alternatively through the Youtube Channel "ELPIS Research"

# **Syllabus for the Course**

**"Constitutional Justice in the  
Mediterranean: A way out of  
crises?"**

## **University of Lisbon**

**Dimitrios Parashu**

**(Privatdozent/Associate Professor, Faculty of Law,  
Gottfried Wilhelm Leibniz Universität Hannover)**

**(online; November 20-24, 2023, 4-6 pm Lisbon time)**

# Welcome - Introduction

The course focuses on the development of constitutional justice especially in the biggest part of the Mediterranean, having some introductory elements about continental Europe.

The analysis in regard to continental Europe aims at showing the content (as an "overture") of the German and Austrian relevant experience, as well as the French system; especially the latter has (even more than Germany) further influenced a considerable wealth of other contemporary EU member states.

Relevant developments in Eastern (Mediterranean) Europe are also dealt with, especially regarding the special development of constitutional justice in Greece and Cyprus; furthermore, there will be answers to the question whether the ECJ could be considered as a constitutional court.

# Course Topical Coverage

The course comprises 5 class sessions (2 hours each),  
in which the following topics will be considered:

- Welcoming / Course Plan / Historical Overview as an introduction:  
The development of Constitutional Courts in Germany and Austria;  
Countries affected by the German System (*Session 1*)
- The French System and Countries affected by it (*Session 2*)
- Greece/Cyprus as well as Eastern (*lato sensu* Mediterranean) Europe  
after 1989/90, e.g. Romania) (*Session 3*)
- What about the European Court of Justice? (*Session 4*)
- Repetition (*Session 5*).

Reading suggestions will be given in every edition.

## **Text and Other Resources**

There is no formal text for this intensive course, however the participants will be provided excerpts of Constitutional Law and Constitutional Case Law through the presentation of each edition.

## **Class Attendance**

Students are expected to attend all (online) course sessions. Absences may be excused by the Administration.

## **Final Exam=Thematic Research Paper**

Instead of a formal, written examination, students will write a research paper of ten pages to be submitted on or before \_\_\_\_January 10th, 2024\_\_\_\_\_. The topic, which should relate to a comparative legal issue regarding the presented constitutional courts, must be proposed by each student and agreed upon by the Professor.

The essay may be substituted by a thematic presentation of 10 minutes on November 24th, taking place within the online course session.

## **Course Assessment/Grade**

The students' final assessment grades will be based on their respective analytical essay paper or presentation (see above), using the grading scale customary at the University of Lisbon.

## **LUKE M. MILLIGAN**

Director & Professor of Law  
The Ordered Liberty Program  
University of Louisville  
Louisville, KY 40292

### **POSITIONS**

**THE ORDERED LIBERTY PROGRAM** 2018-Present  
University of Louisville  
Louisville, Kentucky

*Founder & Director*

**THE ORDERED LIBERTY SCHOOL IN CENTRAL EUROPE** 2020-Present  
University of Public Service - Ludovika  
Budapest, Hungary

*Founder & Co-Director*

**LOUIS D. BRANDEIS SCHOOL OF LAW** 2008-Present  
University of Louisville  
Louisville, Kentucky

*Professor of Law, 2015-Present*  
*Associate Professor of Law (with Tenure), 2014-15*  
*Associate Professor of Law, 2012-14*  
*Assistant Professor of Law, 2008-12*

Courses: Natural Law & Natural Rights, Jurisprudence, Criminal Law,  
Criminal Procedure I, Criminal Procedure II, Constitutional Law II

Honors: Professor of the Year (2013); Hooding Professor (four times);  
Helfat Award for Legal Scholarship

### **LEGAL EXPERIENCE**

**WILLIAMS & CONNOLLY LLP** 2004-06  
Washington, D.C.

*Associate*

**HON. EDITH BROWN CLEMENT, U.S. COURT OF APPEALS** 2003-04  
**FOR THE FIFTH CIRCUIT**  
New Orleans, Louisiana

*Law Clerk*

**HON. MARTIN L.C. FELDMAN, U.S. DISTRICT COURT** 2002-03



**FOR THE EASTERN DISTRICT OF LOUISIANA**  
New Orleans, Louisiana

*Law Clerk*

**KING & SPALDING LLP** 2002  
Washington, D.C.

*Summer Associate*

**UNITED STATES DEPARTMENT OF JUSTICE** 2001  
Antitrust Division  
Washington, D.C.

*Summer Law Intern*

**KING & SPALDING LLP** 2001  
Atlanta, Georgia

*Summer Associate*

## **EDUCATION**

**EMORY UNIVERSITY** 2002  
Atlanta, Georgia

J.D., with honors  
Articles Editor, *Emory Law Journal*

**MIAMI UNIVERSITY** 1998  
Oxford, Ohio

B.S.B., *cum laude*, Economics, minor in Finance  
John E. Dolibois European Center (Luxembourg); *Phi Kappa Phi*; *Beta Gamma Sigma*

## **VISITING POSITIONS**

**UNIVERSITY OF LISBON** 2023  
Lisbon, Portugal

*Visiting Professor of Law*

Course: Criminal Procedure

**UNIVERSITY OF MILAN** 2023  
Department of Italian and Supranational Public Law  
Milan, Italy

*Visiting Professor*

Course: Administrative Law for Sustainable Development

**KAGAWA UNIVERSITY** 2023  
Takamatsu, Japan

*Visiting Lecturer*

Topic: Criminal Procedure

**UNIVERSITY OF LISBON** 2022  
Lisbon, Portugal

*Visiting Professor of Law*

Course: Criminal Procedure

**UNIVERSITY OF MAINZ** 2014  
Mainz, Germany

*Visiting Professor of Law*

Course: Criminal Procedure

**UNIVERSITY OF KWAZULU-NATAL** 2010  
Pietermaritzburg, South Africa

*Visiting Professor of Law*

Course: Criminal Procedure

**UNIVERSITY OF TURKU** 2009  
Turku, Finland

*Visiting Professor of Law*

Course: Criminal Procedure

**LOUIS D. BRANDEIS SCHOOL OF LAW** 2007-08  
University of Louisville  
Louisville, Kentucky

*Visiting Assistant Professor of Law*

Course: Criminal Law, Criminal Procedure

**EMORY UNIVERSITY**  
Atlanta, Georgia

2006-07

*Visiting Assistant Professor of Law*

Course: Habeas Corpus; Information Privacy

## **AFFILIATIONS**

**CATO SUPREME COURT REVIEW**  
Washington, D.C.

2021-Present

*Board of Advisors*

**PUBLIC GOVERNANCE, ADMINISTRATION AND FINANCES LAW REVIEW**  
Budapest, Hungary

2021-Present

*Board of Editors*

**CERIDAP EDITORIAL SERIES**  
Milan, Italy

2022-Present

*Scientific Committee*

**BLUEGRASS INSTITUTE FOR PUBLIC POLICY SOLUTIONS**  
Bowling Green, Kentucky

2021-Present

*Board of Scholars*

**FEDERALIST SOCIETY**  
Lawyers Chapter  
Louisville, Kentucky

2019-Present

*Executive Committee*

**HILLSDALE COLLEGE**  
Hillsdale, Michigan

2021-Present

*Associate*

## **PUBLICATIONS**

MASTERING EVIDENCE (Carolina Press forthcoming 2023)

*Ordered Liberty and the Exclusionary Rule*, 92 MISSISSIPPI LAW JOURNAL \_\_ (forthcoming 2023) (symposium) (with Robert Ranney)

*Judicial Process, Free Speech, and Ordered Liberty*, 45 MCGEORGE LAW REVIEW 501 (forthcoming 2023) (symposium) (with Robert Ranney)

*Common Good Constitutionalism and the Right to Be Secure* (forthcoming 2022)

*History of Search Warrants*, ATTORNEY GENERAL'S TASK FORCE REPORT ON SEARCH WARRANTS (Dec. 2021)

*Police Transparency and the Exclusionary Rule*, 58 UNIVERSITY OF LOUISVILLE LAW REVIEW 467 (2020) (symposium)

*Natural Law, Commonwealths, and Higher Education*, 57 UNIVERSITY OF LOUISVILLE LAW REVIEW 501 (2019) (symposium)

*Freedom from Fear: The Original Meaning of the Fourth Amendment*, in PRIVACY IN 21<sup>ST</sup> CENTURY (Carolina Press) (2017)

*The Right to Be Secure: Los Angeles v. Patel*, 2015 CATO SUPREME COURT REVIEW 251 (2015)

*Kentucky Penal Code: Degradation and Reform*, 79 KENTUCKY BENCH & BAR 26 (January 2015)

*The Right to Be Secure*, 41 SEARCH & SEIZURE REPORT 1 (Dec. 2014)

*The Forgotten Right to Be Secure*, 65 HASTINGS LAW JOURNAL 713 (2014)

*Hugo's Trumpet*, 77 KENTUCKY BENCH & BAR 7 (March 2013)

*The Fourth Amendment and Concreteness Drift*, 82 MISSISSIPPI LAW JOURNAL 891 (2013) (symposium)

*The Real Rules of "Search" Interpretations*, 21 WILLIAM & MARY BILL OF RIGHTS JOURNAL 1 (2012)

*Analogy Breakers: A Reality Check on Emerging Technologies*, 81 MISSISSIPPI LAW JOURNAL 1319 (2011) (symposium)

*Modeling the Congressional End-Run Constraint*, 45 UNIVERSITY OF RICHMOND LAW REVIEW 863 (2011)

*Beyond Form and Hyperbole*, JURIST (April 7, 2011)

*Congressional End-Run: The Ignored Constraint on Judicial Review*, 44 GEORGIA LAW REVIEW 211 (2010)

*Stacking in Criminal Procedure Adjudication*, 85 CHICAGO-KENT LAW REVIEW 331 (2010) (symposium)

*Rethinking Press Rights of Equal Access*, 65 WASHINGTON AND LEE LAW REVIEW 1103 (2008) (symposium)

*The “Ongoing Criminal Investigation” Constraint: Getting Away With Silence*, 16 WILLIAM & MARY BILL OF RIGHTS JOURNAL 747 (2008)

*A Theory of Stability: John Rawls, Fetal Homicide, and Substantive Due Process*, 87 BOSTON UNIVERSITY LAW REVIEW 1177 (2007)

*The Source-Centric Framework to the Exclusionary Rule*, 28 CARDOZO LAW REVIEW 2739 (2007)

Comment, *The Fourth Amendment Rights of Trespassers: Searching for the Legitimacy of the Government-Notification Doctrine*, 50 EMORY LAW JOURNAL 1357 (2001)

### **COLLOQUIA**

Law & Economics Center, George Mason University Antonin Scalia School of Law, *Economic & Legal Foundations of Capitalism*, Laguna Beach, California (September 2021)

Liberty Fund, *The Jurisprudence of Adam Smith*, Phoenix, Arizona (November 2018)

James Wilson Institute, *Natural Rights and Natural Law*, University of Chicago Law School, Chicago, Illinois (May 2018)

### **OP-EDS**

*State-Funded Law School Goes Partisan*, MINDING THE CAMPUS (January 27, 2016)

*UofL Law School Is No Longer Neutral*, LOUISVILLE COURIER-JOURNAL (January 14, 2016)

*Dangerous Incompetence*, LOUISVILLE COURIER-JOURNAL (June 26, 2009)

### **BRIEFS**

*Beshear v. Goodwood Brewing Co.*, No. 21-0126-I (Ky. 2021) (co-authored Brief of U.S. Senator Rand Paul in Support of Respondents)

*Caniglia v. Strom*, No. 20-157 (U.S. 2021) (co-signed Brief of Fourth Amendment Scholars in Support of Petitioners)

*Torres v. Madrid*, No. 19-292 (U.S. 2020) (co-signed Brief of Fourth Amendment Scholars in Support of Petitioners)

*Ashland Specialty Co., Inc. v. Dale W. Steager, West Virginia State Tax Commissioner*, No. 18-1053 (U.S. 2019) (co-authored Brief of Bluegrass Institute in Support of Petition for Certiorari)

*United States v. Microsoft*, No. 17-2 (U.S. 2018) (co-signed Brief of Fourth Amendment Scholars in Support of Respondents)

*Carpenter v. United States*, No. 16-402 (U.S. 2018) (co-signed Brief of Scholars of the History and Original Meaning of the Fourth Amendment in Support of Petitioners)

## **PRESENTATIONS**

*Ordered Liberty and Constitutional Interpretation*, Young Leaders Academy, McConnell Center (June 16, 2023)

*Judicial Process and Ordered Liberty*, Free Speech Discussion Forum, University of Luxembourg (June 4, 2023)

*Ordered Liberty and the Exclusionary Rule*, Criminal Procedure Discussion Forum, University of Louisville (May 24, 2023)

*The Right to Be Secure*, Kagawa University, Japan (Apr. 17, 2023)

*The Lost Right to Be Secure*, Transatlantic Legal Lecture Series, European Legal Practitioner Integrated Studies (January 18, 2023)

*Campus Speech: Law & Practice*, Federalist Society, State Conference, Louisville, Kentucky (September 29, 2022)

*Dobbs & Ordered Liberty*, Ordered Liberty Fellows Dinner, Louisville, Kentucky (August 25, 2022)

*The Right to Be Secure and Special Needs Exception*, Annual Conference, Southeastern Association of Law Schools, Destin, Florida (July 30, 2022)

*The Right to Be Secure and Common Good Constitutionalism*, Free Speech Forum, University of Public Service, Budapest, Hungary (June 6, 2022)

*Cold War and Communism*, Ordered Liberty Fellows Dinner, Louisville, Kentucky (March 8, 2022)

*Burke and Conservative Constitutionalism*, Ordered Liberty Fellows Dinner, Louisville, Kentucky (September 23, 2021)

*“To Be Secure” and the U.S. Supreme Court*, Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida (August 1, 2021)

*The History of Warrants: James Otis and the Right to Be Secure*, Attorney General’s Search Warrants Taskforce, Inaugural Meeting, Frankfort, Kentucky (May 24, 2021)

*Theological Roots of American Compacts*, Ordered Liberty Fellows Dinner, Louisville, Kentucky (February 4, 2021)

*Roger Scruton's Conservative Environmentalism*, Ordered Liberty Fall Retreat, Elk Creek Lake, Indiana (October 3, 2020)

*Common Good Constitutionalism*, Ordered Liberty Fellows Dinner, Louisville, Kentucky (September 10, 2020)

*The Common Good*, Ordered Liberty Fellows Dinner, Anchorage, Kentucky (August 27, 2020)

*Whittaker Chambers and the Crisis of the West*, Ordered Liberty Fellows Dinner, Louisville, Kentucky (January 8, 2020)

*Introduction of Senator Rand Paul*, Federalist Society, State Conference, Frankfort, Kentucky (October 7, 2019)

*Russell Kirk and the Moral Imagination*, Ordered Liberty Fellows Dinner, Anchorage, Kentucky (September 23, 2019)

*Ordered Persons and Ordered Societies*, ASEZ Conference, University of Louisville, Louisville, Kentucky (September 19, 2019)

*Police Transparency and the Exclusionary Rule*, Symposium on Criminal Justice Reform, *University of Louisville Law Review*, Louisville, Kentucky (September 13, 2019)

*Supreme Court Preview: October Term 2019*, Federalist Society, Louisville Lawyer's Chapter, Louisville, Kentucky (September 4, 2019)

*Edmund Burke and Ordered Liberty*, Ordered Liberty Fellows Dinner, Louisville, Kentucky (August 26, 2019)

*Federalist Society SCOTUScast: Stokeling v. United States*, Opinion Analysis (July 24, 2019)

*Federalist Society SCOTUScast: The Armed Career Criminal Act (ACCA) Cases* (Stokeling v. United States; United States v. Simms; United States v. Stitt), Post-Argument Analysis (December 5, 2018)

*Higher Education, Natural Law, and the Commonwealth*, Symposium on the Idea of a Commonwealth, *University of Louisville Law Review*, Louisville, Kentucky (September 28, 2018)

*Freedom of Speech and the American Campus*, Federalist Society, Evansville Lawyer Chapter, Evansville, Indiana (August 4, 2018)

*Police Transparency and the Exclusionary Rule*, Privacy Discussion Forum, Paris Dauphine University, Paris, France (June 24, 2018)

*The Common Law, the Colonies, and Constitutional Conventions*, Annual Conference, Kentucky Association of Criminal Defense Lawyers, Louisville, Kentucky (October 29, 2017)

*Diversity of Ideas*, 1L Orientation, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (August 10, 2017)

*Ideological Diversity in Legal Academia*, Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida (August 2, 2017)

*Historical and Textual Perspectives on Immigration Law*, American Inns of Court, Louis D. Brandeis Chapter, Louisville, Kentucky (April 24, 2017)

*Diversity of Ideas*, 1L Orientation, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (August 13, 2016)

*Navigating the Hiring Process*, Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida (July 29, 2015)

*Judicial Decisionmaking and Judicial Databases*, Annual Conference, Kentucky Department of Public Advocacy, Frankfort, Kentucky (June 16, 2015)

*The Right to Be Secure*, Symposium on NSA Surveillance, *Michigan Journal of Telecommunications & Technology*, University of Michigan Law School, University of Michigan, Ann Arbor, Michigan (February 21, 2015)

*The Constitutional Right to Examine Witnesses*, Louisville Metro Public Defender's Office, Louisville, Kentucky (December 11, 2014)

*Closing Remarks: Kentucky Criminal Law Reform*, Fourth Annual Forum on Criminal Law Reform in the Commonwealth, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (November 7, 2014)

*The Right to Be Secure*, Louisville Metro Public Defender's Office, Louisville, Kentucky, (October 14, 2014)

*Navigating the Hiring Process*, Annual Conference, Southeastern Association of Law Schools, Amelia Island, Florida (August 2, 2014)

*The Fourth Amendment and Mass Surveillance*, University of Mainz, Mainz, Germany (June 18, 2014)

*Mass Surveillance and the Original Meaning of the Fourth Amendment*, Federalist Society, Louisville Lawyer's Chapter, Louisville, Kentucky (May 21, 2014)

*Stand Your Ground*, American Inns of Court, Louis D. Brandeis Chapter, Louisville, Kentucky (April 23, 2014)

*"Stand Your Ground" Laws: A Benefit or Detriment?*, African-American Initiative, Community Mini-Summit, Louisville, Kentucky (December 5, 2013)



*Navigating the Hiring Process*, Annual Conference, Southeastern Association of Law Schools, Palm Beach, Florida (August 5, 2013)

*The Right to Be Secure: The Forgotten Value of the Fourth Amendment*, College of Law, University of Kentucky, Lexington, Kentucky (January 25, 2013)

*The Merits of Judicial Elections*, Lively M. Wilson Memorial Panel Discussion, Louisville Bar Association, Louisville, Kentucky (June 26, 2012)

*Concreteness Drift and the Fourth Amendment*, Criminal Procedure Discussion Forum, Yeditepe University, Istanbul, Turkey (May 22, 2012)

*Magisterial Response*, Symposium: The Language of Natural Rights, Saint Louis University, St. Louis, Missouri (April 27, 2012)

*The Atomic Code of Fourth Amendment Interpretations*, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (April 11, 2012)

*The Atomic Code of Fourth Amendment Interpretations*, Salmon P. Chase College of Law, Northern Kentucky University, Highland Heights, Kentucky (April 6, 2012)

*Originalism*, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (February 2, 2012)

*GPS and the Fourth Amendment*, Central High School, Louisville, Kentucky (November 30, 2011)

*Surveilling the Police*, Cincinnati Bar Association, Cincinnati, Ohio (October 5, 2011)

*The Atomic Code of Search-and-Seizure*, Annual Conference, Southeastern Association of Law Schools, Hilton Head, South Carolina (July 28, 2011)

*Surveilling the Police*, Annual Conference, Southeastern Association of Law Schools, Hilton Head, South Carolina (July 27, 2011)

*The Perils of Fourth Amendment Pragmatism*, Louis D. Brandeis School of Law, University of Louisville, Brandeis School of Law, Louisville, Kentucky (April 1, 2011)

*Juvenile Justice*, Manual High School, Louisville, Kentucky (January 6, 2011)

*Constitution Day: City of Ontario v. Quon*, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (September 17, 2010)

*Judicial Politics and Constitutional Theory*, New Scholars Workshop, Annual Conference, Southeastern Association of Law Schools, Palm Beach, Florida (July 31, 2010)

*A Reality Check on Emerging Technologies*, Criminal Procedure Discussion Forum, University of Aix-Marseilles III, Aix-en-Provence, France (June 11, 2010)

*Congressional End-Run*, Faculty Workshop, University of KwaZulu-Natal School of Law, Pietermaritzburg, South Africa (May 15, 2010)

*The Confirmation Hearings of Sonia Sotomayor*, Constitution Day, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (September 16, 2009)

*Congress and Strategic Adjudication*, Florida State University College of Law, Florida State University, Tallahassee, Florida (August 27, 2009)

*Federalist Society SCOTUScast: Herring v. United States*, Opinion Analysis (May 28, 2009)

*Good Faith and Exclusion*, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (March 17, 2009)

*Adjudicative Stacking*, Criminal Procedure Discussion Forum, Emory University School of Law, Atlanta, Georgia (December 10, 2008)

*Federalist Society SCOTUScast: Herring v. United States*, Post-Argument Analysis (October 31, 2008)

*The Supreme Court: Past and Prologue*, Cato Institute, Washington, D.C. (September 17, 2008)

*Constitution Day*, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky (September 8, 2008)

*Supreme Court Review: October Term 2007*, Annual Conference, Southeastern Association of Law Schools, Palm Beach, Florida (July 27, 2008)

*The Roberts Court and the Future of the Fourth Amendment*, Symposium on Criminal Procedure, *Texas Journal on Civil Liberties & Civil Rights*, University of Texas School of Law, University of Texas, Austin, Texas (March 3, 2008)

## **SERVICE**

U.S. Commission on Civil Rights, State Advisory Board for Kentucky (2019-2023)

Kentucky Department of Public Advocacy Commission (2010-Present)

Louisville Metro Public Defender's Office, Faculty Fellow (2014-16)

American Inns of Court, Barrister, Louis D. Brandeis Chapter, Louisville, Kentucky (2015-18)

Southeastern Association of Law Schools (SEALS), Chair, Prospective Law Teachers Workshop (2012-15)

Federalist Society, Executive Committee, Lawyer's Chapter, Louisville (2019 – Present)

Federalist Society, Faculty Advisor, Student Chapter, University of Louisville, Brandeis School of Law (2012-Present)

Republican Party of Kentucky, Representative, Recanvass of Jefferson County (November 2019)

Hon. Allison Ball, Treasurer of Kentucky, Representative, Election Day (November 2019)

McConnell Re-Election, Representative, Election Day (November 2020)

Southeastern Association of Law Schools (SEALS), Chair, Prospective Law Teachers Workshop (2012-15)

Louisville Bar Association, Leadership Academy (2009-10)

Faculty Senate (2013-16, 2019-22)

Academic Programs Committee (2021-Present)

Law Dean Search Committee (2013-14)

Scholars at Risk Committee (2017- Present)

Grievance Committee (2018-Present)

University Research Awards Committee (2017 & 2019)

Dean's Advisory Committee (2012-14; 2019-20)

Chair, Clerkship Committee, (2017-Present)

Brandeis Medal Committee (2019-20)

Faculty Appointments Committee (2009-12 & 2014-15)

Economic Welfare Committee (2013-15; 2019-20)

Strategic Planning Committee (2011-13)

Faculty Excellence Committee (2012-13)

Faculty Advisor, *Law Review* (2009-11)

## **BAR MEMBERSHIPS**

### **SUPREME COURT OF KENTUCKY**

Member, 2015-Present

**SUPREME COURT OF OHIO**

Member, 2004-Present

## Syllabus

Course: U.S. Criminal Procedure

Faculty: Prof. Luke Milligan  
Director & Professor of Law  
Ordered Liberty Program  
University of Louisville

Contact: luke.milligan@louisville.edu

Term: Fall 2023 (Nov. 06 - 10)

Time: 4 pm - 6 pm

Schedule:

06.11 Government Searches

07.11 Government Seizures

08.11 Warrants & Exceptions

09.11 Warrants & Exceptions

10.11 Remedies

Reading: Article (at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2302850](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2302850))

Case (at <https://supreme.justia.com/cases/federal/us/389/347/>)

Case (at <https://supreme.justia.com/cases/federal/us/499/621/>)

Grading:

The final grades will be based on one exam, administered on Friday, Nov. 10.

Dr. Dr. Arndt Künnecke is Professor for Public Law and Politics at the Federal University of Applied Sciences for Public Administration in Brühl / Germany. From 2007-2017 he was working in Turkey as lecturer for law and political science at Okan University Istanbul and MEF University Istanbul. Besides, he also practiced as lawyer and freelance journalist for German media. Throughout his academic career he conducted extensive interdisciplinary research on comparative aspects in Turkish and European law and politics, minority rights, EU consumer law and European migration law and politics, and published several books and articles on these subjects.

During his three years at MEF University, where – as the world’s first and only university – each course was given in compliance with the Flipped Classroom teaching approach, Prof. Künnecke produced professional and engaging pre-class videos to enhance learning experiences and improve results and he became one of Europe’s leading experts in flipped teaching. In times of the need for distance teaching due the Covid-19 pandemic, he developed his own successful VWZ distance teaching approach combining the tools of explanatory Videos, constant and easy accessible communication via WhatsApp and regular virtual meetings on Zoom.

**Prof. Dr. Dr. Arndt Künnecke**

Federal University of Applied Sciences for Public Administration  
Brühl / Germany

## EU Consumer Law

Does consuming always make you happy? If yes, you are the lucky one. If not, this lecture will help you. As a consumer within the EU you have more rights, than you think.

Have you ever felt manipulated by advertising? Do you know that you have the right to withdrawal, or do you know how to protect yourself from the risks of e-commerce? Do the financial services that you get meet your expectations? Who is liable for the damages caused by defective products? What difficulties you may face if you buy something abroad?

If you are not sure about your rights as a consumer, this lecture provides you the legal background in order to find the right answers to your questions. Because as a consumer you need to be informed to make the right decision to buy and to know about your rights in case there is anything wrong with your purchased good or service.

In order to better prepare you for your future purchases and for any inconveniences with your purchased products or services, this lecture will introduce five main areas of EU consumer protection to you. You will learn the theoretical legal background and then be encouraged to find practical solutions for selected cases in each area. In short, this lecture will provide you with the theoretical knowledge and practical skills in the area of the protection of consumer rights, comprising both the internal and EU market.

**Aim of the lecture:** The aim of the lecture is to improve the students' academic and professional competences analyzing the problematic areas of consumer rights protection as well as providing relevant recommendations for their solution being of interest both for the academic community and individual consumers. According to this aim, five main areas of EU consumer protection will be theoretically introduced before the students will work on practical solutions for selected cases in each area. By these means, the students will be equipped with the theoretical knowledge and practical skills in the area of the protection of consumer rights, comprising both the internal and EU market.

### **Topics of the lecture:**

- 1.) General principles of EU consumer law
- 2.) Protection of consumer goods and services
- 3.) Product liability
- 4.) Consumer protection in the area of e-commerce
- 5.) Cross-border consumer protection

**FACULDADE DE DIREITO – UNIVERSIDADE DE LISBOA**

**INTENSIVE COURSE**

**HISTORY OF MIGRATION LAW**

**Prof. Ana Caldeira Fouto**

**2023 / 2024**

**SYLLABUS**

**16/10 (11h00/13h00)**

*Jus migrationis* – the modern definition of the “right to migrate” as a natural right

**17/10 (11h00/13h00)**

The status of migrants under classic international law

**18/10 (11h00/13h00)**

The historical evolution of migration law in the 20th century

**19/10 (11h00/13h00)**

21st century migrant crises – challenges and responses under contemporary international law

**10/10 (11h00/13h00)**

Evaluation (written essay)



**FACULDADE DE DIREITO UNIVERSIDADE DE LISBOA**  
**INTERNATIONAL HUMANITARIAN LAW**

**(course in English)**

**September 2023**

Prof.<sup>a</sup> Doutora Ana Soares Pinto

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**RESPONSIBLE ACADEMIC STAFF:** Ana Soares Pinto

**LEARNING OUTCOMES:** This course aims at offering an overview and thorough analysis of the basics of International Humanitarian Law (IHL). Acquire key concepts which are essential to understand IHL: principles of IHL and their relevance in contemporary armed conflicts, the core sources of IHL (the Geneva Conventions and their Additional Protocols), the distinction between international and non-international armed conflicts, the rules protecting persons and regulating the conduct of hostilities and the general and specific mechanisms to ensure respect and to sanction violations of IHL. By the end of this course students will develop the ability to analyze IHL implementation.

**SYLLABUS**

**LECTURE 1:** International Humanitarian Law: concept and main sources. (25/09/2023: 11h00-13h00)

**LECTURE 2:** Protected persons. (26/09/2023: 11h00-13h00)

**LECTURE 3:** Protected persons. Conduct of hostilities. (27/09/2023: 11h00-13h00)

**LECTURE 4:** Implementation of International Humanitarian Law. (28/09/2023: 11h00-13h00)

**LECTURE 5:** Implementation of International Humanitarian Law. (29/09/2023: 11h00-13h00)

**EVALUATION:** continuous assessment + paper on topics related to the course

## MAIN BIBLIOGRAPHY:

BOTHE, Michael / PARTSCH, Karl Josef / SOLF, Waldemar A., *New Rules for Victims of Armed Conflicts: Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949*, Martinus Nijhoff Publishers, 2.<sup>a</sup> ed. (revista Michael Bothe), 2013.

BUGNION, François, «Commentary on the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an Additional Distinctive Emblem (Protocol III)», *International Review of the Red Cross*, vol. 89, n.º 865, 2007, pp. 175-207.

CASSESE, Antonio, «Under what conditions may belligerents be acquitted of the crime of attacking an ambulance?», *Journal of international Criminal Justice*, vol. 6, n.º 2, 2008, pp. 385-397.

CLAPHAM, Andrew / GAETA, Paola / SASSÒLI, Marco (ed.), *The 1949 Geneva Conventions: a commentary*, Oxford University Press, 2014.

CRAWFORD, Emily / PERT, Alison, *International Humanitarian Law*, Cambridge University Press, 2015.

DEYRA, Michel, *Le droit dans la guerre*, Paris, Gualino, 2009.

DJUKIC, Dražan / PONS, Niccolò (ed.), *The Companion to International Humanitarian Law*, Brill – Nijhoff, 2018.

DOSWALD-BECK, Louise (ed.), *San Remo Manual on International Law Applicable to Armed Conflicts at Sea*, International Institute of Humanitarian International Law, 2010.

DOSWALD-BECK, Louise, «The Right to Life in Armed Conflict: Does International Humanitarian Law Provide all the Answers?», *International Review of the Red Cross*, Vol. 88, No. 864, 2006, pp. 881-904.

DURHAM, Helen (et al.), «Protecting the ‘Helpers’: Humanitarians and Health Care Workers During Times of Armed Conflict», *Yearbook of International Humanitarian Law*, volume 14, 2011, pp. 327-346.

FLECK, Dieter,

- «International humanitarian law after September 11: challenges and the need to respond», *Yearbook of International Humanitarian Law*, volume 6, 2003, pp. 41-71.

- *Handbook of international Humanitarian Law*, 3.<sup>a</sup> ed., Oxford University Press, Oxford, 2013.

HOLTERHUS, Till Patrik, «Targeting the Islamic State's Religious Personnel Under International Humanitarian Law», *Yearbook of International Humanitarian Law*, volume 20, 2017, pp. 199-228.

KALSHOVEN, Frits,

- «The Undertaking to Respect and Ensure Respect in All Circumstances: From Tiny Seed to Ripening Fruit», *Yearbook of International Humanitarian Law*, volume 2, 1999, pp. 3-61.

- *Constraints on the Waging of War: An Introduction to International Humanitarian Law*, Cambridge University Press, 4.<sup>a</sup> ed., 2011.

LUIS, José (coord.), *Derecho Internacional Humanitario*, Cruz Roja Española/Tirant lo Blanch, 2.<sup>a</sup> ed., 2007.

PICTET, Jean, «La profession médicale et le droit international humanitaire», *Revue Internationale de la Croix-Rouge*, vol. 67, sélection française, 1985, pp. 195-213.

QUÉGUINER, Jean-François, «Commentaire du Protocole additionnel aux Conventions de Genève du 12 août 1949 relatif à l'adoption d'un signe distinctif additionnel (Protocole III)», *Revue Internationale de la Croix-Rouge*, vol. 88, sélection française, 2006, pp. 313-348.

RUFIN, Jean-Christophe, «The Paradoxes of Armed Protection», in Médecins Sans Frontières (ed.), *Life, Death and Aid*, New York, Routledge, 1993, pp. 111-123.

SALMON, Elizabeth / PÉREZ-LEÓN-ACEVEDO, Juan-Pablo, «Reparation for victims of serious violations of international humanitarian law: New developments», *International Review of the Red Cross*, vol. 104, n.º 919, 2022, pp. 1315–1343.

SANDOZ, Yves, «International humanitarian law in the twenty-first century», *Yearbook of International Humanitarian Law*, volume 6, 2003, pp. 3-40.

SASSÒLI, Marco,

- «The Implementation of International Humanitarian Law: Current and inherent challenges», *Yearbook of International Humanitarian Law*, volume 10, 2007, pp. 45-73.

- *International humanitarian law : rules, controversies, and solutions to problems arising in warfare*, Northampton, Edward Elgar Publishing Ltd, 2019.

SAUL, Ben / AKANDE, Dapo (eds.), *The Oxford Guide to International Humanitarian Law*, Oxford, OUP, 2020.

SOLF, Waldemar A., *Development of the protection of the wounded, sick and shipwrecked under the Protocols Additional to the 1949 Geneva Convention*, International Committee of the Red Cross, 1984.

### **ELETRONIC DOCUMENTATION:**

The Geneva Conventions and their Additional Protocols (Full texts, commentaries and State parties): <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>

Customary IHL Database: <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>

International Committee of the Red Cross: <https://www.icrc.org/en>

International Institute of Humanitarian Law: <http://iihl.org>

*International Review of the Red Cross*: <https://www.icrc.org/en/international-review>

Office of the High Commissioner United Nations Human Rights, *International legal protection of Human Rights in armed conflict*, 2011: [https://www.ohchr.org/Documents/Publications/HR\\_in\\_armed\\_conflict.pdf](https://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf)

*Yearbook of International Humanitarian Law*: <https://www.asser.nl/asserpress/books/?rId=13942>

# KIMBERLY A. HOUSER

## ACADEMIC POSITIONS

William & Mary Law School, Williamsburg, Virginia  
Director of Cybersecurity and Data Science – 2023 to present

University of North Texas (UNT), Denton, Texas  
Clinical Assistant Professor – 2020 to 2023

Oklahoma State University (OSU), Stillwater, Oklahoma  
Assistant Professor of Legal Studies – 2018 to 2020

Washington State University (WSU), Pullman, Washington  
Clinical Assistant Professor of Business Law – 2013 to 2018

César Ritz Colleges – Brig, Switzerland  
Hospitality and Tourism Management Joint Program – 2016 to 2018  
Law and the Ethical Environment of Business Hybrid Course

Universitat Politècnica de València - Valencia, Spain  
Faculty-Led Study Abroad Summer 2016 and Summer 2017  
Law of Emerging Technologies and Social Media Law

## TEACHING/RESEARCH INTERESTS

Primary Interests: Privacy and Cyber Law (U.S., EU & UK), Tech Law, Corporate Law, Gender Diversity  
Additional Interests: Comparative Law, International Law, Intellectual Property Law, Employment Law

## ACADEMIC PUBLICATIONS

[\*Disrupting Venture Capital: Carrots, Sticks, and Artificial Intelligence\*](#), U.C. IRVINE LAW REVIEW (Forthcoming 2023) (with Kathryn Kisska-Schultze, Clemson University).

[\*The Data Trust Solution to Data Sharing Problems\*](#), VANDERBILT JOURNAL OF ENTERTAINMENT AND TECHNOLOGY LAW (Forthcoming 2023) (with John Bagby, Professor Emeritus, Pennsylvania State University).

[\*Navigating the Non-Fungible Token\*](#), UTAH LAW REVIEW (Forthcoming 2022) (with John Holden, Oklahoma State University).

[\*Taboo Transactions: Selling Athlete Biometric Data\*](#), 49 FLORIDA STATE UNIVERSITY LAW REVIEW 103 (2022) (with John Holden, Oklahoma State University).

[\*Sovereign Digital Currencies: Parachute Pants or the Continuing Evolution of Money\*](#), 18 NYU JOURNAL OF LAW & BUSINESS 527 (2022) (with Colleen Baker, University of Oklahoma).

[\*Board Gender Diversity: What the U.S. Can Learn from the EU on Substantive Equality\*](#), 63 WILLIAM & MARY LAW REVIEW 497 (2021) (with Jamillah Bowman Williams, Georgetown Law School).

[\*Artificial Intelligence and The Struggle Between Good and Evil\*](#), 60 WASHBURN LAW JOURNAL: SPECIAL ISSUE ON ARTIFICIAL INTELLIGENCE 475 (2021).

[\*It is Time to Move Beyond the “AI Race” Narrative: Why Investment and International Cooperation Must Win the Day\*](#), 18 NORTHWESTERN JOURNAL OF TECHNOLOGY AND INTELLECTUAL PROPERTY LAW 129 (2021) (with Anjanette H. Raymond, Indiana University).

[\*The Innovation Winter Is Coming: How the U.S.-China Trade War Endangers the World\*](#), 57 SAN DIEGO LAW REVIEW 549 (2020).

[\*Can AI Solve the Diversity Problem in the Tech Industry? Mitigating Noise and Bias in Employment Decision-Making\*](#), 22 STANFORD TECHNOLOGY LAW REVIEW 290 (2019).

[\*Personal data and the GDPR: Providing a competitive advantage for U.S. companies\*](#), 56 AMERICAN BUSINESS LAW JOURNAL 287 (2019) (with W. Gregory Voss, Toulouse Business School).

## KIMBERLY A. HOUSER

### ACADEMIC PUBLICATIONS

[GDPR: The end of Google and Facebook or a New Paradigm in Data Privacy?](#), 25 RICHMOND JOURNAL OF LAW & TECHNOLOGY 1 (2018) (with W. Gregory Voss, Toulouse Business School).

[The use of big data analytics by the IRS: what tax practitioners need to know](#), 128 JOURNAL OF TAXATION 6 (Feb. 2018) (with Debra Sanders, Washington State University).

[The use of big data by the IRS: efficient solution or the end of privacy as we know it?](#), 19 VANDERBILT JOURNAL OF ENTERTAINMENT & TECHNOLOGY LAW 817 (2017) (with Debra Sanders, Washington State University).

### OTHER PUBLICATIONS

LEGAL GUIDE TO SOCIAL MEDIA: RIGHTS AND RISKS FOR BUSINESSES, ENTREPRENEURS, AND INFLUENCERS (2<sup>nd</sup> edition, Allworth: 2022).

[Stablecoins, National Currencies, CBDCs, and Banks](#), THE CLS BLUE SKY BLOG (Oct. 18, 2021) (with Colleen Baker, University of Oklahoma).

[Opinion: Congress must regulate COVID-19 contact tracing apps to protect the privacy of Americans](#), THE HOUSTON CHRONICLE (Aug. 13, 2020) (with Janine Hiller, Virginia Tech).

[Artificial Intelligence in Hiring: Problem or Solution?](#), THE CLS BLUE SKY BLOG (Aug. 7, 2020).

[The European Commission on the Privacy Shield: All Bark and No Bite?](#), ILLINOIS JOURNAL OF LAW, TECHNOLOGY & POLICY – TIMELY TECH (Dec. 20, 2018) (with W. Gregory Voss, Toulouse Business School).

[Can Facebook and Google survive the GDPR?](#), OXFORD BUSINESS LAW BLOG (Aug. 29, 2018) (with W. Gregory Voss, Toulouse Business School).

[IRS violating privacy law – must do better](#), THE HILL (Jan. 20, 2018).

KIMBERLY A. HOUSER, LEGAL GUIDE TO SOCIAL MEDIA (Allworth: 2013).

### WORK-IN-PROGRESS/UNDER REVIEW

*Next-Generation Data Governance* (with John Bagby, Professor Emeritus, Pennsylvania State University, Under review).

*Investor-Driven Climate Accountability* (with Lindsay Sain Jones, University of Georgia Athens, Under review)

*The Future of ESG Reporting in the U.S.: Lessons from the EU* (with W. Gregory Voss, Toulouse Business School, Work-in-progress)

*Data Governance and Cybersecurity for Corporate Boards* (Work-in-progress)

### AWARDS, HONORS AND GRANTS

Fulbright Specialist Roster, U.S. Department of State (2022-2025)

Research Grant, G. Brint Ryan College of Business, UNT (2022)

Visiting Scholar, Ostrom Workshop, Data Trust Working Group, Indiana University (2020-22)

Holmes Cardozo Distinguished Paper Award, *Leveling the Playing Field in Venture Capital*, Academy of Legal Studies in Business (2021)

Finalist, Holmes Cardozo Best Paper Award, *Taboo Transactions: Selling Athlete's Biometric Data*, Academy of Legal Studies in Business (2020)

Finalist, Best Sports & Entertainment Law Best Paper Award, *Taboo Transactions: Selling Athlete's Biometric Data*, Academy of Legal Studies in Business (2020)

Richard W. Poole Research Excellence Award, Spears School of Business, OSU (2019).

## KIMBERLY A. HOUSER

### AWARDS, HONORS AND GRANTS

Social Science Foo Camp, Facebook, O'Reilly Media & Sage (2018).

Dean's Excellence Award, Carson College of Business, WSU (2016/17).

Research Grant, Carson College of Business, WSU – Privacy Law (2017)

Provost's Leadership Academy, WSU (2016/17).

International Business Fellow, WSU (2016/17).

Finalist, Charles M. Hewitt Master Teacher Competition, *Ethical Decision-Making Using the Nolan Ryan Baseball Card Case*, Academy of Legal Studies in Business (2016).

Outstanding Clinical Faculty Award, Carson College of Business, WSU (2016).

Exceptional Professor Award, Associated Students of WSU, WSU (2016).

Outstanding Professor, National Society of Minorities of WSU, WSU (2016).

### INTERNATIONAL RESEARCH PROJECTS AND PRESENTATIONS

Doctoral Supervisor, DBA Dissertation: Victoriano Travieso, *The US and EU tech start-ups and SMEs GDPR compliance: Great data problems revealed*, Geneva Business School (2019/present)

Subject Matter Expert, Eurofound project - Human and ethical implications of automation and digitisation at the workplace on work organisation and working conditions, Fundamental Rights Agency, European Commission Report 2 – Delphi Survey with national policy stakeholders (2021/22)

Subject Matter Expert, Eurofound project - Human and ethical implications of automation and digitisation at the workplace on work organisation and working conditions, Fundamental Rights Agency, European Commission Report 1 – Desk Research (2021)

Grant Application Reviewer, Governmental Predictive Analytics: Legal Aspects, Opportunities and Technical Limitations /GovPA, for Linz Institute of Technology Law Lab, Johannes Kepler University, Linz, Austria (2021)

Co-PI, HSI Implementation and Evaluation Project: Artificial Intelligence Education: from theory to practice in undergraduate Construction and Mechanical Engineering programs, grant application to the National Science Foundation in collaboration with the College of Engineering, UNT (2021)

Presenter, *How to Empower Women Investment to Increase Innovation Finance Opportunities in Europe*, European Parliament – 11<sup>th</sup> Innovation Summit, Brussels, BE (February 5, 2020).

Facilitator, *Data Trusts: A tool for 21<sup>st</sup> century data governance*, UK Data Trust Initiative, Open Data Institute, Cambridge, UK (Jan. 28, 2021)

Scientific Committee, 5<sup>th</sup> Congress of the French Association of Law and Management (2019)

Presenter, *Who will win the AI race? A comparison of law and policy in the U.S., EU and China*, Academy of Legal Studies in Business, Montreal, CA (August 20, 2019).

Presenter, *Board Gender Diversity: A comparison of laws and initiatives in the EU and U.S.*, 5<sup>th</sup> Congress of the French Association of Law and Management, Paris, FR (June 21, 2019).

Invited Speaker, *GDPR: A chance to level the playing field. Boardroom presentation*, TNW, Amsterdam, NL (May 24, 2018).

Invited Speaker, *GDPR roundtable facilitator*, TNW, Engage presentation, Amsterdam, NL (May 24, 2018).

Invited Speaker, *Big Data and the IRS: The end of privacy*, Big Data Speaker Series, Sage Ocean, London, UK (March 8, 2018).

Keynote Speaker, *The GDPR for US companies: a comparison of EU and US data privacy laws*, 8<sup>th</sup> Academic International Conference on Interdisciplinary Legal Studies, University of Oxford, St. Anne's College, Oxford, UK (March 6, 2018).

## KIMBERLY A. HOUSER

### PRESENTATIONS/PANELS

- Revisions to the California Consumer Privacy Act*, Chicago Bar Association, virtual (Nov. 15, 2022) (with Jordan Blanke, Mercer University)
- Recent Developments in International Data Privacy Law*, Chicago Bar Association, virtual (June 1, 2022) (with Odia Kagan, Fox Rothschild; Amelia Vance, Public Interest Privacy Consulting, Inc.; Mark Webber, Fieldfisher; and Matt Loar, CBRE)
- Emerging Challenges in Cybersecurity*, Chicago Bar Association, virtual (May 17, 2022) (with Geeta Malhotra, Sidley & Austin and Stephen W. McNerny, Sidley & Austin)
- General Data Protection Regulation (GDPR) Compliance for Companies Based in the U.S.*, Chicago Bar Association, virtual (Jan. 18, 2022) (with Matt Loar, CBRE; Odia Kagan, Fox Rothschild; and Veronica Caton, Notre Dame Law School)
- Privacy Law in China*, Chicago Bar Association, virtual (Nov. 16, 2021) (with Wendy Zhang, McDermott, Will & Emery and Justyna Regan, Miller Canfield)
- The Present and Future of BIPA*, Chicago Bar Association, virtual (Sept. 21, 2021) (with Charlotte Tschider, Loyola Law School; Connor T. Gants, Barack & Ferrazzana; State Senator Jason Barkickman; Justyna Regan, Miller Canfield; Matt Loar, CBRE; and Donata Kalnenaite, Termageddon)
- What's in your wallet? Legal Issues Presented by Central Bank Digital Currencies (CBDC)*, Academy of Legal Studies in Business, virtual (Aug. 4, 2021)
- Non-Fungible Tokens: Collectable, Investment, or Something Else*, Academy of Legal Studies in Business, virtual (Aug. 2, 2021)
- Leveling the Playing Field in Venture Capital*, Academy of Legal Studies in Business, virtual (Aug. 2, 2021)
- Sovereign Digital Currencies*, National Business Law Conference, University of Tennessee College of Law (June 18, 2021)
- Use Cases of Data Trusts*, Data Trust Salon, Ostrom Workshop, Indiana University, virtual (May 20, 2021) (with Astha Kapoor, Aapati Institute, Delhi, India)
- Data Trusts - Disturbing the 'One Size Fits All' Approach to Data Governance*, Data Trust Salon, Ostrom Workshop, Indiana University, virtual (Dec. 17, 2020) (with Sylvie Delacroix, Birmingham Law School, UK; Neil David Lawrence, University of Cambridge, UK; and Jessica Montgomery, University of Cambridge, UK)
- AI in Employment: Problem or Solution*, Artificial Rights Symposium, Washburn University School of Law, Topeka, Kansas (November 5, 2020)
- Keeping your workplace safe from artificial intelligence and surveillance*, Brookings Institute, Washington, D.C. (April 14, 2021)
- Cybersecurity Issues for Municipalities*, OSU Municipal Clerks and Treasurers Institute and Academy, Stillwater, Oklahoma (March 13, 2020)
- The Innovation Winter is Coming: Implications of the U.S.-China Trade War*, Technology Futures Conference, Invited Speaker, Austin, Texas (January 24, 2020).
- Keeping your workplace safe from artificial intelligence and surveillance*, Brookings Institute, Washington, D.C. (April 14, 2021)
- Who will win the AI race? A comparison of law and policy in the U.S., EU and China?* Law and Ethics of Big Data Colloquium, Invited Participant, Washington and Lee University School of Law, Lexington, Virginia (April 24, 2019).
- EU v. U.S. Privacy Law - GDPR: A chance to level the playing field*, Loyola Law School International Law Symposium, Invited Speaker, Chicago, Illinois (February 8, 2019).
- The IRS and the Data Mess*, Technology Futures Conference, Invited Speaker, Austin, Texas (January 24, 2019).
- The IRS's Modern Use of Artificial Intelligence and Big Data for Tax Enforcement*, ABA Tax Section Annual Meeting, Invited Speaker, Atlanta, Georgia (October 4, 2018).



## **KIMBERLY A. HOUSER**

### **PRESENTATIONS/PANELS**

*How California's Consumer Privacy Act of 2018 compares to the GDPR*, Panel on the Governance of Innovation, Academy of Legal Studies in Business, Portland, Oregon (August 20, 2018).

*Discrimination, bias and big data: problem or solution?* Law and Ethics of Big Data Colloquium, Invited Participant, Babson College, Boston, Massachusetts (April 27, 2018).

*In Big Data algorithms we trust (Nizan Packin)*, Law and Ethics of Big Data Colloquium, Discussant, Babson College, Boston, Massachusetts (April 27, 2018).

*Panel on Net Neutrality*, Associated Student of WSU, Panelist (March 20, 2018).

*IRS and Big Data: The end of privacy*, Ignite! 2018, Invited Speaker, SXSW, Austin, Texas (March 13, 2018).

*Facilitator: GDPR discussion*, Social Science Foo Camp, Invited Participant, Facebook, O'Reilly Media & Sage, Facebook HQ, Mountain View, California (February 2, 2018).

*Social Media and College Students: Legal issues for today*, Alpha Omicron Pi, WSU (October 16, 2017).

*A comparison of US and EU privacy law*, Academy of Legal Studies in Business, Savannah, Georgia (August 8, 2017).

*The Dangers of the IRS's use of Predictive Analytics*, Panel, Academy of Legal Studies in Business Annual Conference, San Juan, Puerto Rico (August 15, 2016).

*The use of big data by the IRS: efficient solution or the end of privacy as we know it?* Law and Ethics of Big Data Colloquium, Invited Participant, Kelley School of Business - Indiana University, Bloomington, Indiana (April 8, 2016).

*Big Data as Efficient National Market System Enabler: Dodd-Frank Balances Systemic Risk with Privacy & Confidentiality (John W. Bagby)*, Law and Ethics of Big Data Colloquium, Discussant, Kelley School of Business - Indiana University (April 8, 2016).

*Law and Technology*, Pre-law Association, WSU, Moderator (March 31, 2016).

*Legal Issues for Managers and Executives*, MBA Boot Camp, WSU (August 19, 2015).

*Social Media Law and Online Professionalism*, First Year Law Student Professionalism Course, Guest Speaker, University of Idaho College of Law (April 20, 2015).

*Social Media Law for Facebook Pages*, WSU Alumni Association Leadership Conference, Guest Speaker, WSU (October 3, 2014).

### **SERVICE**

Member, International Committee, UNT (2022/present)

Vice-Chair, Chicago Bar Association Cybersecurity and Privacy Section (2021/present)

Review Editor, *Frontiers in Artificial Intelligence* (2021/present)

Diversity Statement Committee, G. Brint Ryan College of Business, UNT (2020/present)

Scholarship Committee, G. Brint Ryan College of Business, UNT (2020/present)

Mentor, Historically Black Colleges and Universities (HBCU) Battle of the Brains (2020/present)

Business Law Subject Matter Expert, *Quality Matters* (2014/present)

Reviewer, *American Business Law Journal*, Academy of Legal Studies in Business (2014/present)

Member, Academy of Legal Studies in Business (2013/present)

Member, Chicago Bar Association – (2013/present)

## **KIMBERLY A. HOUSER**

### **SERVICE**

Thesis Adviser, Honors College, The Fashion Heist: Design Piracy and Counterfeit Goods in the Fashion Industry, UNT (2021)

Co-Founder, Data Trust Salon series, Indiana University and UNT Collaboration through the Ostrom Workshop (2020/21)

Organizer, Technology Law Colloquium, Academy of Legal Studies in Business Annual Conference (2020)

Reviewer, Federal Law Review (2020)

Chair, Technology Section of Academy of Legal Studies in Business (2018/20)

Faculty Senate, Senator for the Carson College of Business, WSU (2017/18)

Faculty Adviser, Global Case Competition – 3<sup>rd</sup> place finalist, WSU (2016)

Honors Thesis Adviser, Honors College – Technology and the Law, WSU (2015)

Honors Thesis Adviser, WSU Honors College – Law School's Effect on the Psychological Health of Law Students, WSU (2015)

Faculty Adviser, Global Case Competition – 3<sup>rd</sup> place finalist, WSU (2015)

Faculty Adviser, Business Plan Competition, WSU (2015)

Carson College of Business Strategic Development Committee, WSU (2014/15)

Mentor, First Scholars Program, WSU (2014/15)

Faculty Adviser, Beta Alpha Psi Mentoring Program, WSU (2013/15)

Faculty Adviser, Global Case Competition – 5<sup>th</sup> place finalist, WSU (2014)

Judge, Mock Trial Competition Joint Collaboration of University of Idaho Law School and WSU Accounting Department (2014)

Evaluator, Honors Thesis, Internet sales and use tax, Honors College, WSU (2014)

### **CURRICULUM AND COURSE MATERIAL DEVELOPMENT**

Cybersecurity and Privacy Law Certificate (William & Mary Law School: Executive Education Program) – currently designing certificate program and creating online courses for the executive education program to be implemented in 2023-2024

Corporations (William & Mary Law School: International LLM Program, 2022) – created asynchronous online course

ONLINE BUSINESS LAW LEARNING SYSTEM (McGraw-Hill, 2020-2022) – creation of modules for digital business law course including eLearning materials, cases studies, writing prompts, case briefs, exam bank, and instructor's manual.

Mylab assets for Cheeseman - Business Law 11/e (Pearson, 2020) – update chapter warm-up questions for 54 chapters and chapter quizzes for 54 chapters.

Quizzes for Prenkert – Business Law: The Ethical, Global, and E-Commerce Environment 17/e (McGraw-Hill, 2020).

Instructor's Manual for Melvin – Legal and Ethical Environment of Business 1/e (McGraw-Hill, 2019).

Mylab assets for Cheeseman - Business Law 10/e (Pearson, 2017) – creation of chapter warm-up questions for 54 chapters and chapter quizzes for 54 chapters.

Business Law (Washington State University, 2016) – creation of hybrid course for partnership with Cesar-Ritz Colleges

Mylab assets for Cheeseman - Business Law 9/e (Pearson, 2015) – creation of XL study plan questions for 54 chapters.

## KIMBERLY A. HOUSER

### PROFESSIONAL EXPERIENCE

#### General Counsel – HCP Realty Advisors, Inc. and Rail Yard, Inc. – Austin, TX - 2009-2020

- Provided legal advice to technology platform company and real estate services company
- Drafted and negotiated agreements relating to software development, software licensing, content and data licensing, data storage, web portal, website development and maintenance, technology licensing, web partner, data sharing, employment, consulting, outsourcing, joint marketing, end-user, terms of use, privacy policies, nondisclosure and other documents relating to technology tools for commercial building owners, tenants, and telecommunications companies
- Drafted and negotiated agreements relating to real estate acquisitions, dispositions, workouts, commercial leasing, brokerage, property management, appraisals, valuations, telecommunications access, right-of-entry, and easements
- Reviewed surveys, title commitments, construction reports, environmental reports and recorded documents, drafted exception letters, reviewed commercial loan documents, prepared closing documents
- Advised management on state and federal regulatory compliance (including privacy, data security, advertising, telecommunications, and e-commerce issues), intellectual property, employment, and liability issues
- Created standardized contract templates for customers and vendors
- Monitored corporate activities for regulatory compliance and identified areas of legal or ethical risks and made recommendations for the mitigation of such risks
- Investigated and resolved contract and employee disputes and supervised outside counsel

#### Attorney - Law Offices of Kimberly A. Houser – Chicago, IL - 1998-present (virtual after 2009)

- Advise businesses on state and federal regulatory compliance (including data privacy and protection, telecommunications, advertising, and e-commerce issues), intellectual property, employment, and liability issues
- Draft and negotiate contracts (software license, development and maintenance, logistical services, technology licensing, employment, independent contractor, operating and shareholder agreements)
- Assist clients with PIAs, responding to data breaches, privacy complaints, potential infringement issues, and evaluating data collection activities
- Conduct training on social media marketing, privacy and data security best practices
- Represent buyers and sellers of businesses (including drafting and negotiating confidentiality, loan, and sale agreements; conducting due diligence; and drafting closing documents)
- Represent purchasers and sellers of office buildings, shopping centers and industrial parks (including coordination and review of due diligence materials, drafting of exception letters and closing documents, and handling post-closing issues)
- Manage litigation counsel on matters involving employment, contract, and real estate-related disputes
- Form corporations and limited liability companies, file annual reports, and maintain corporate minutes

#### Staff Attorney - Rudnick & Wolfe n/k/a DLA Piper – Chicago, IL - 1997-1998

- Represented clients and provided legal advice concerning commercial real estate lending and commercial real estate sales, purchases, and leasing
- Conducted independent title research, reviewed surveys, drafted exception letters, and facilitated the closings of real estate transactions
- Drafted and negotiated office, retail, industrial and hotel lease agreements, construction agreements, non-disturbance agreements, subordination agreements, cross-easement agreements, consents, and lease summaries; provided legal advice on real estate and contract law

### EDUCATION

University of Illinois College of Law  
Juris Doctor

University of Texas at Austin  
Bachelor of Business Administration – International Business

Please see [ABA Council Statement 2](#) declaring a Juris Doctor equivalent to a Ph.D. for educational employment purposes. The American Bar Association (ABA) is the accrediting body for American law schools.

### LICENSURE/CERTIFICATION

Illinois Law License (Active)

Certified Information Privacy Professional – Europe (CIPP/E)

U.S. Federal District Court, Northern District of Illinois, General Admission

Quality Matters Online Course Design & Peer Reviewer Certification

## KIMBERLY A. HOUSER

### SELECTED MEDIA COVERAGE

*The Same Law Firm Is Representing Celsius, Voyager and Babel Finance*, BLOCKWORKS, Jack Kubinek (Jul. 20, 2022) – interview on recent crypto lender bankruptcies

*Must Read – Book Pick with author Kimberly A. Houser*, Podcast with host Linda Lemos (June 14, 2022) – interview on new edition of THE LEGAL GUIDE TO SOCIAL MEDIA

[\*La lunga notte de Lionel Messi\*](#), ZETA MAGAZINE, Antonio Cefalu (May 2022) – interview for Italian magazine on the use of athlete’s biometric data

*Sovereign Digital Currencies: Parachute Pants or the Continuing Evolution of Money – Kimberly Houser*, THESIS podcast with host Giovanni Fumei (May 5, 2022) – interview on central bank digital currencies

*From Berkshire Hathaway to Silicon Valley, little to show for diversity pledges, critics say*, CBS News – Kate Gibson (Apr. 30, 2021) – interview on progress on diversity pledges

*Privacy concerns with COVID-19 tracing apps*, Good Morning Show – KDFT, Dallas-Fort Worth (Aug. 5, 2020) – interview on phone app privacy issues

*Diversity in hiring a key to eradicating AI bias*, TECHTARGET, Patrick Thibodeau (Apr. 19, 2019) – interview on the use of AI to reduce bias

## **Seminar Syllabus**

### ***Introduction to U.S. Cybersecurity Law***

**Prof. Kimberly A. Houser**

Digital Democracy Lab  
William and Mary Law School  
Visiting Scholar – Ostrom Workshop on Data Management and Governance  
Indiana University

**University of Lisbon Faculty of Law**

October 9-13, 2023

Professor Houser is a Fulbright Specialist in cyberlaw with 15 years advisory board experience and more than 25 years of corporate law expertise as Chief Operating Officer. Internationally recognized for academic research on corporate governance, data governance, and the law and ethics of artificial intelligence. Invited speaker to K4I Horizon 2020 debates at the European Parliament on the use of AI to increase investment in women-led startups and subject matter expert for the 2021 Report to the European Commission on the risks of AI in the workplace and 2023 Report to the UN Committee on CEDAW on the role of AI. Industry experience across multiple fields including technology, retail, wholesale, supply chain logistics, healthcare, franchise, energy, commercial real estate, and telecommunications.

## SYLLABUS

**Seminar Objectives:** This seminar will introduce students to the basics of U.S. cybersecurity law, including federal and state data protection and data breach notification laws, the heightened standards for financial and health information, cybersecurity disclosure requirements, governmental concerns with cybersecurity, and the international backdrop and differing perspectives on cybersecurity as between the United States and the European Union.

The seminar will involve class discussions on the readings and a paper. Student performance will be assessed with a final case study based on cybersecurity ethics. It is assumed that the students have a background in European data protection law.

**Expected Student Learning Outcomes:** Students will be able to contrast U.S. cybersecurity law and European cybersecurity law.

**Text and Other Resources:** Selected seminar readings are available via the links in the course schedule below.

### **Optional Resources:**

[Politico's Morning Cybersecurity](#)

[Lawfare](#)

**Seminar Schedule:** The seminar will meet for five sessions, starting Monday, October 9 through Friday, October 13, 2023, in two-hour seminar meetings from \_\_\_\_\_ to \_\_\_\_\_, Lisbon time.

**Class Attendance:** Students are expected to attend all five of the seminar sessions. One absence may be excused by the Erasmus administration based on valid reason.

**Course Format, Expectations, and Student Assessment:** As noted above, the seminar will focus on class discussions on the assigned readings. Students are encouraged to prepare for class by reading a few assigned materials prior to each class. Also, students will be asked to “team up” with a partner to provide a summary of their assigned article and open the discussion for similarities and differences between U.S. and European data protection law. The course will conclude with a cybersecurity case study on the final day.

**Course Grading:** Students’ grades will be administered according to the traditional numerical system in place at the University of Lisbon Law Faculty. Final grades in the course will be computed on the following basis: class participation and reading summaries 40%, case study 60%.

**Office Hours:** Prof. Houser will be available for private conversations with students by appointment. Prof. Houser may be contacted most easily via e-mail at [khouser@wm.edu](mailto:khouser@wm.edu).

## Course Schedule

Oct. 9	Intro to Cybersecurity	Guided discussion focusing on the meaning of cybersecurity and the risks it presents.	Class discussion and reading summaries
Oct. 10	U.S. Federal and State Law	Guided discussion focusing on the federal and state law and voluntary initiatives.	Class discussion and reading summaries
Oct. 11	Cybersecurity Incident Disclosure Requirements	Guided discussion focusing on cybersecurity incident disclosure rules.	Class discussion and reading summaries
Oct. 12	U.S. v EU Cybersecurity Perspectives	Guided discussion focusing on the differences between U.S. and EU cybersecurity perspectives.	Class discussion and reading summaries
Oct. 13	Cybersecurity Ethics	The first half of class will focus on ethical decision-making and the second half on the case study.	Case Study

## Oct. 9 - Monday: Introduction to Cybersecurity, U.S. Cybersecurity Law, U.S. v EU Ideological Differences

**Deliverable:** Come prepared to discuss the readings

### Readings:

1. CISA, [What is Cybersecurity?](#) (Feb. 1, 2021)
2. Congressional Research Service, [Cybersecurity: A Primer](#) (Dec. 8, 2022)
3. Aaron P Simpson & Lisa J Sotto, [Q&A: the data protection legal framework in USA](#) (Jul. 27, 2022)
4. Helena Tapp Barroso & Tiago Félix da Costa, [Q&A: the data protection legal framework in Portugal](#) (Jul. 14, 2023)
5. The White Houser, [FACT SHEET: Biden-Harris Administration Announces National Cybersecurity Strategy](#) (Mar. 2, 2023)
6. [SEC Adopts Rules on Cybersecurity Risk Management, Strategy, Governance, and Incident Disclosure by Public Companies](#) (Jul. 26, 2023)
7. Kimberly A. Houser & W. Gregory Voss, [GDPR: The End of Google and Facebook or a New Paradigm in Data Privacy?](#), 25 RICH. J.L. & TECH. 1 (2018) [Read pages 5-10 and 21-25]

**Class Activity:** Discuss cybersecurity as a holistic concept, how it relates to privacy and data protection, and how the U.S. and EU differ in their ideology around data use.

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## Oct. 10 Tuesday: United States federal and state cybersecurity laws

**Deliverable:** Present summaries of readings

**Readings:**

1. [COMPUTER FRAUD AND ABUSE ACT OF 1986](#), 18 U.S.C. § 1030 [Read preamble and introduction]
2. Robert M. Chesney, [CHESNEY ON CYBERSECURITY LAW, POLICY, AND INSTITUTIONS](#) (v. 3.1) (Aug. 2021) – The Computer Fraud and Abuse Act [Reads pages 19-21]
3. Samantha Schwartz, [A company is suing its hackers – it doesn't know who they are](#) (Jan. 7, 2020)
4. NCSL, [Cybersecurity Legislation 2022](#) (Jul. 22, 2022)
5. ICLG, [Cybersecurity Laws and Regulations USA 2023](#) (Nov. 14, 2022) [Read chapter 2]

**Class Activity:** *Discuss the difference between federal and state action on cybersecurity law. Determine what these varying laws mean for businesses. Discuss how the omnibus approach of the EU differs.*

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## Oct. 11 Wednesday: Cybersecurity Incident Disclosure Requirements

**Deliverable:** Present summaries of readings

**Readings:**

1. EY, [How to prepare for the NIS2 Directive?](#) (May 16, 2023) [Read Chapter 1]
2. ENISA, [Incident Reporting](#) (n.d.)
3. Taylor Wessing, [In brief: cyberthreat detection and reporting in European Union](#) (Feb. 13, 2023)
4. Deloitte, [SEC Issues New Requirements for Cybersecurity Disclosures](#) (Jul. 30, 2023)
5. White & Case, [SEC Adopts Mandatory Cybersecurity Disclosure Rules](#) (Aug. 1, 2023)

Optional Readings  
[SEC Fact Sheet](#)

**Class Activity:** *Discuss the reasoning for and against disclosure requirements. Why is the U.S.*



Securities Exchange Commission, an agency which regulates public corporations, requiring disclosures? Does the U.S. have a data protection agency?

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## **Oct. 12 Thursday: The International Backdrop (the GDPR)**

**Deliverable:** Present summaries of readings

**Readings:**

1. GDPR.EU, [What is GDPR, the EU's new data protection law?](#) (2023)
2. W. Gregory Voss & Kimberly A. Houser, [Personal Data and the GDPR: Providing a Competitive Advantage for U.S. Companies](#) (2019) [Read 1-8]
3. Cyberwatching.eu, [Regulations vs. Guidelines: A Look at How the EU and the US are Dealing with Standards and Certification in Cybersecurity](#) (n.d.)
4. Nuvias, [Cybersecurity Perspectives: Europe vs. USA](#) (Oct. 17, 2022)

**Class Activity:** Compare and contrast the various state and federal cybersecurity laws in the United States and the various EU level and member state level cybersecurity laws. What are the advantages to the U.S. model? What are the advantages to the European model?

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## **Oct. 13 Friday: Ethical Decision-Making and Cybersecurity**

**Deliverable:** Present summaries of readings Complete case study assignment

**Readings:**

1. Manuel Velasquez, Claire Andre, Thomas Shanks, S.J., and Michael J. Meyer, [Thinking Ethically](#), Markkula Center for Applied Ethics (Aug. 1, 2015)
2. [Making an Ethical Decision](#), Markkula Center for Applied Ethics (2009)
3. [Apple vs FBI: All you need to know](#), CNBC (Mar. 29, 2023)

Optional Readings

U.S. Department of Homeland Security, [Cybersecurity](#) (May 30, 2023)  
[Apple v. FBI](#), EPIC (2016)

**Class Activity:** Discussion of ethical decision-making theory and cybersecurity. Case Study.

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## Alexandre VIALA

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Professeur associé de l'Université Senghor d'Alexandrie  
Directeur du D.U. de Philosophie du droit

Né le 29 mai 1967 à Neuilly-sur-Seine

### PARCOURS :

- Juin 1985** : Baccalauréat sciences économiques, Mention Bien, (Académie de Nantes)
- Juin 1987** : DEUG de droit, mention Assez Bien, à l'Université de Nantes
- Juin 1988** : Licence de droit à l'Université de Nantes
- Juin 1989** : Maîtrise de droit public général, mention Assez Bien, à l'Université de Nantes
- Septembre 1991** : DEA de Droit public interne, mention Assez Bien, à l'Université Montpellier I
- Janvier 1998** : Doctorat en droit public de l'Université Montpellier I, mention très honorable avec les félicitations du jury à l'unanimité, (*prix de thèse du Conseil constitutionnel, septembre 1998*) (*Titre de la thèse* : Les réserves d'interprétation dans la jurisprudence du Conseil constitutionnel, *L.G.D.J., 1999*).
- Septembre 1998** : Maître de conférences à l'Université Pierre Mendès-France de Grenoble II
- Juin 2000** : Agrégation de droit public, rang : 6ème
- Septembre 2000** : Professeur à l'Université de Montpellier
- Septembre 2007** : Avancement à la 1<sup>ère</sup> classe
- Septembre 2014** : Avancement à la Classe exceptionnelle (1<sup>er</sup> échelon)
- Septembre 2019** : Avancement à la Classe exceptionnelle (2ème échelon)

### SPECIALITE :

Droit constitutionnel, Théorie et Philosophie du droit

### PUBLICATIONS :

#### Ouvrages :

- Les réserves d'interprétation dans la jurisprudence du Conseil constitutionnel, *L.G.D.J., 1999, Bibliothèque constitutionnelle et de science politique, tome 92*, (316 pages)
- Droit constitutionnel, *Montchrestien, coll. Pages d'Amphi, 2004*, (manuel co-écrit avec Dominique Rousseau), (480 pages).
- Le pessimisme est un humanisme. Schopenhauer et la raison juridique. *Editions Mare et Martin, coll. « Libre Droit », 2017* (305 p.)
- L'essentiel de la philosophie du droit, *Gualino-Lextenso éditions, coll. « Les carrés », 2<sup>ème</sup> éd., 2018* (114 p.)
- Philosophie du droit, *Ellipses, coll. Cours magistral, 2ème éd. 2019* (263 pages).

## Directions d'ouvrage :

- La Constitution et le temps, *Actes du Vème séminaire franco-japonais de droit public, L'Hermès 2003.*
- Les mutations contemporaines de la démocratie, *Actes du VIIème séminaire franco-japonais de droit public, Publications de la Faculté de Droit de Montpellier, 2007.*
- Le droit, de quelle nature ?, *Actes du colloque de Montpellier, 8 et 9 mars 2007, (en co-direction avec D. Rousseau), Montchrestien-Lextenso éditions, coll. « Grands colloques », 2010.*
- La démocratie : mais qu'en disent les juristes ? Forces et faiblesses de la rationalité juridique, *Actes du colloque de Montpellier, 24 et 25 mai 2012, Montchrestien-Lextenso éditions, coll. « Grands colloques », 2014.*
- Le droit constitutionnel européen à l'épreuve de la crise économique et démocratique de l'Europe, *Actes du colloque de Montpellier, 12 et 13 décembre 2013, (en co-direction avec F. Ballaguer Callejon et S. Pinon), LGDJ-Institut universitaire Varenne, 2015.*
- La QPC : vers une culture constitutionnelle partagée ?, *Actes du colloque organisé sous l'égide de la Maison de recherche Droit et Justice, Palais du Luxembourg, 24 mars 2014, (en co-direction avec L. Gay et E. Cartier), LGDJ-Institut universitaire Varenne, 2016.*
- Le pouvoir constituant au XXIème siècle, *Actes du colloque de Montpellier, 13 mai 2016, (en co-direction avec F. Ballaguer et S. Pinon), LGDJ-Institut universitaire Varenne, 2017.*
- Demain, l'épistocratie ?, *Actes du colloque de Montpellier, 7 et 8 décembre 2017, Mare et Martin, coll. Le sens de la science, 2022.*

## Articles dans des revues à comité de lecture :

- Les réserves d'interprétation, un outil de "resserrement" de la contrainte de constitutionnalité, *Revue du Droit Public, 1997, n° 4, pp. 1047 à 1067 (20 pages).*
- Chronique de jurisprudence constitutionnelle 1995-1996, *Rev. Adm. Nov-déc. 1996, n° 294, pp. 642 à 651 (9 pages).*
- Chronique de jurisprudence constitutionnelle 1996-1997, *Rev. Adm. Nov-déc. 1997, n° 300, p. 620 à 626 (6 pages).*
- Chronique de jurisprudence constitutionnelle 1997-1998, *Rev. Adm. Juil-août 1999, n° 310, pp. 382 à 390 (8 pages).*
- Chronique de jurisprudence constitutionnelle 1998-1999, *Rev. Adm. Mars-avril 2001, n° 320, pp. 138 à 146 (8 pages).*
- L'interprétation du juge dans la hiérarchie des normes et des organes, *Les Cahiers du Conseil constitutionnel, 1999, n° 6, pp. 87 à 93 (7 pages).*
- La réforme du quinquennat dans le désenchantement, *Rev. Adm. Nov-déc. 2000, n° 318, pp. 591 à 593*
- La notion d'Etat de droit : l'histoire d'un défi à la science juridique, *Revue Européenne de droit public, 2001, n° 13, vol.1, pp. 673 à 691.*
- De la dualité du *sein* et du *sollen* pour mieux comprendre l'autorité de la chose interprétée, *RDP 2001, n° 3, pp. 777 à 809 (33 pages).*
- La légalité des quotas par sexe (pour certains jurys de concours), *Actualité Juridique Droit Administratif, n° 16-2003, pp. 817 à 820 (article co-écrit avec François LICHERE).*
- Le débat français sur la légitimité de l'euthanasie : pourquoi une loi ?, *in L'éthique et la mort, Revue Générale de Droit Médical, n° spécial, 2004, pp. 281 à 289 (8 pages).*
- La supraconstitutionnalité comme ressource paradoxale du souverainisme, *Politéia, n° 6, automne 2004, pp. 367 à 382 (15 pages).*

- Désordre normatif et pluralité linguistique européenne, *RDP 2006*, n° 1, pp. 139 à 152 (13 pages).
- Bulletin bibliographique : Controverses sur la Théorie pure du droit. Remarques critiques sur Georges Scelle et Michel Virally, *RDP 2006*, n° 6, pp. 1849 à 1858 (9 pages).
- Propos introductif, in Dossier « La campagne présidentielle de 2007 : quels débats constitutionnels ? », *Politéia*, n° 11, 2007, pp. 47-50 (4 pages).
- Recension de la thèse de Mathieu Disant sur « L'autorité de la chose interprétée par le Conseil constitutionnel », in *Constitutions*, n°1, janvier-mars 2010, pp. 157-159.
- Recension de l'ouvrage de Riccardo Guastini, traduit et préfacé par Véronique Champeil-Desplats, *Leçons de théorie constitutionnelle*, Paris, 2010, in *Juspoliticum*, n° 5, décembre 2010, notes de lecture, <http://www.juspoliticum.com/Riccardo-GUASTINI-traduit-et.html>
- Propos introductif, in *Les positivismes : d'Auguste Comte au Cercle de Vienne*, Actes du colloque de Montpellier, 12 février 2011, *Revue Interdisciplinaire d'Etudes Juridiques*, 2011, n° 67, pp.43-47.
- Le positivisme juridique : Kelsen et l'héritage kantien, in *Les positivismes : d'Auguste Comte au Cercle de Vienne*, Actes du colloque de Montpellier, 12 février 2011, *Revue Interdisciplinaire d'Etudes Juridiques*, 2011, n° 67, pp. 95-117.
- De la puissance à l'acte : la QPC et les nouveaux horizons de l'interprétation conforme, *RDP 2011*, n° 4, pp. 965 à 996 (31 pages).
- Un PFRLF contre le mariage gay ? Quand la doctrine fait dire au juge le droit qu'elle veut qu'il dise, *Revue des droits et libertés fondamentaux*, 21 janvier 2013, *Chron.* n° 4.
- Controverse autour de l'ouvrage de Norberto Bobbio, *De la structure à la fonction. Nouveaux essais de théorie du droit*, *RDP 2013*, n° 2, p. 239.
- La vocation instrumentale des normes juridiques dans l'œuvre de Paul Amserek, in *La pensée de Paul Amserek*, Cahiers de méthodologie juridique, n° 27, 2013, pp. 2029-2037.
- A propos d'un ouvrage récent, les cheminements philosophiques de Paul Amserek dans l'univers des normes, *RDP 2013*, n° 5, pp. 1377 à 1388 (11 pages).
- L'autorité des censures néo-calédonienne : quand le contrôle *a priori* pétrifie les enjeux du contrôle *a posteriori* (commentaire de la décision du Cons. const. n° 2013-349 QPC du 18 octobre 2013, *Société Allianz IARD et autre*, JORF du 20 octobre 2013, p. 17279), *Constitutions*, 2013, n° 4, p. 573-581.
- La consécration du droit naturel moderne dans la décision du Conseil constitutionnel relative au mariage gay, *Annuaire International de Justice Constitutionnelle*, 2014, pp. 77-85.
- Recension de l'ouvrage de Jean-Jacques Sueur, *Pour un droit politique. Contribution à un débat*, Presses universitaires de Laval, collection Dikè, 2011, in *Juspoliticum*, n° 12, juin 2014, notes de lecture, <http://www.juspoliticum.com/Jean-Jacques-SUEUR-Pour-un-droit.html>
- Ronald Dworkin et la philosophie de la justice : l'héritage de Sir Edward Coke ?, *RDP 2014*, n° 4, pp. 863-889.
- Recension de l'ouvrage de Dominique Schnapper, *L'esprit démocratique des lois*, Gallimard, 2014, *Revue Droit et société*, plateforme en ligne <http://ds.hypotheses.org/860>
- Débat autour de l'ouvrage « L'esprit démocratique des lois », *RDP*, 2015, n° 6, pp. 1477-1494.
- Le droit constitutionnel à l'heure du tournant arrêteste. Questions de méthode, *RDP 2016*, n° 4, pp. 1137-1162.
- Les réserves d'interprétation : aspects généraux, in *Le droit constitutionnel, une nouvelle arme pour le praticien du contentieux social*, colloque organisé le 14 décembre 2015 par AVOSIAL, *Semaine sociale Lamy*, n° 1724, 23 mai 2016, pp. 22-26.
- Recension de l'ouvrage de Dominique Rousseau, *Radicaliser la démocratie. Propositions pour une refondation*, Seuil, 2015, 231 p., in *RFDC mars 2016*, n° 105, pp. 70-76.

- Constitution et sciences économiques : enjeux et difficultés épistémologiques, in *Constitution et sciences économiques*, Actes du colloque de Montpellier, 13 novembre 2013, *Revue Interdisciplinaire d'Etudes Juridiques*, 2017, n° 78, pp. 55-58.
- Le pessimisme de la théorie réaliste de l'interprétation : une lecture schopenhauerienne du positivisme juridique, *Revue Droit et Philosophie*, vol. 8, 2016, pp. 195-230.
- Démocratie pluraliste et pouvoir normatif du gouvernement. L'exemple français, in *Crise de la représentation et nouvelles dynamiques de la régulation. Perspectives de la démocratie pluraliste en Europe*, Université de Catane, Giuseppe Vecchio (sous la dir. de), 3 et 4 avril 2017, *Rivista telematica Osservatorio sulle fonti*, Fascicolo 3, 2017
- La transcendance républicaine en question. Autour de « Soumission » de Michel Houellebecq, *Revue Droit et Littérature*, n° 2, 2018, p. 211-223.
- Recension de l'ouvrage d'O. Jouanjan, *Justifier l'injustifiable. L'ordre du discours juridique nazi*, *Archives de Politique Criminelle*, n° 40, 2018, pp. 259-264.
- La révision constitutionnelle et la majesté de la Constitution, *Romanian Journal of comparative law*, Volume n° 10, 2019, p. 13.
- Le droit constitutionnel européen, un nouvel objet pour une nouvelle discipline ?, *RFDC* 2019/4, n° 120, pp. 929-947.
- Le coronavirus ou les symptômes d'une épistocratie sanitaire, *Revue Droit et Santé*, juillet 2020, n° 96, pp. 585-588.
- La légitimité et ses rapports au droit, *Les Cahiers Portalis*, n° 7, novembre 2020, pp. 27-40.
- Jean-Marie Denquin face aux mutations contemporaines du constitutionnalisme, *Juspoliticum* n° 25, janvier 2021, pp. 195-201.
- Le regard critique de Paul Amselek sur l'œuvre de Kelsen. Dialogue avec Alexandre Viala, *Revue du droit public*, 2021, n° 1, pp. 3-43 (co-écrit avec P. Amselek).
- L'état d'urgence sanitaire ou la tentation de l'épistocratie, *Revue du droit public*, n° spécial 2021, « *Les états d'exception, un test pour l'Etat de droit* », pp. 55-79.
- L'espace privé à l'épreuve du néolibéralisme, *Archives de politique criminelle*, 2021/1, n° 43, pp. 13-26.
- Conter le droit pour le donner à penser, *Revue du droit public*, 2022, n° 6, pp. 1495-1515 (co-écrit avec F. Ost).
- Recension de l'ouvrage de Michel Lévinet, *Réfléchir sur les droits et libertés*, Anthémis, coll « Droit et justice », 2021, in *Revue française de droit constitutionnel*, 2023/1, n° 133, pp. 252-254.
- Interpréter les droits et libertés, qu'est-ce à dire ?, *Revue française de droit constitutionnel*, 2023/1, n° 133, pp. 7-15.
- Propos introductif : pour un usage raisonnable de l'argument scientifique, *Revue du droit public*, 2023, n° 2, pp. 291-300.

### **Contributions à des ouvrages collectifs :**

- Il governo e il primo ministro, *chapitre III du manuel collectif rédigé sous la direction de Dominique Rousseau (L'ordinamento costituzionale della Quinta Repubblica francese)*, G. Giappichelli Editore-Torino, 2000, trad. Andrea Morrone, pp. 197 à 243
- Controverses sur la justice constitutionnelle, *Memoria del VIIème Congreso iberoamericano de Derecho Constitucional, Tribunales y justicia constitucional*, sous la coordination de Juan Vega Gomez et d'Edgar Corzo Sosa, Instituto de Investigaciones jurídicas, Serie Doctrina Juridica, N° 108, Mexico, 2002, p. 401.

- Les grandes questions constitutionnelles de l'intégration européenne, in *Les institutions constitutionnelles et l'intégration européenne, sous la direction de Attila Bado et Laszlo Trocsanyi, Publications de la Faculté de droit de l'Université de Szeged, 2002, pp. 7-14.*
- La légitimité de la justice constitutionnelle : perspectives françaises, *Hosei Riron (Japon, Université de Niigata), vol. 34, n° 3, février 2002, pp. 124-147.*
- L'esprit des Constitutions par-delà les changements, in *La Constitution et le temps, Vème séminaire franco-japonais de droit constitutionnel, Alexandre Viala (sous la dir. de), L'Hermès 2003, pp. 27-36*
- Commentaire d'un texte de Bertrand de Jouvenel (corrigé d'Annales), in *Les Annuels du Droit 2005, Dalloz 2004, pp. 81-88*
- La question de l'autorité des décisions du Conseil constitutionnel, in «*Le Conseil constitutionnel en questions* », *Actes du colloque de Montpellier, 16 mars 2001, L'Harmattan 2004, pp. 145-173*
- Dissertation : La souveraineté est-elle indivisible ? (corrigé d'Annales), in *Les Annuels du Droit 2006, Dalloz 2005, p. 39 (7 pages).*
- Droits fondamentaux (Notion), in *Dictionnaire des droits fondamentaux, sous la direction de D. Chagnollaud et G. Drago, Dalloz 2006, pp. 303 à 319*
- Droits fondamentaux (Garanties procédurales), in *Dictionnaire des droits fondamentaux, sous la direction de D. Chagnollaud et G. Drago, Dalloz 2006, pp. 287 à 303*
- Post-modernité européenne et hiérarchie des normes, in *Droit et Philosophie, Ed. Al-Najoie, G. Saad (sous la dir. de), 2006, pp. 207 à 220 (14 pages).*
- Démocratie représentative et système partisan, in *Les mutations contemporaines de la démocratie, O. Jouanjan, A. Viala, H. Yamamoto (sous la dir. de), Cahiers de la Faculté de Droit de Montpellier, coll. « Actes de colloque », 2007, p. 61.*
- La pensée juridique peut-elle se passer de la dualité de l'être et du devoir être ?, in «*Le droit dérobé* », *Actes du colloque de Montpellier, 10 et 11 avril 2003, Montchrestien, coll. Les grands colloques, 2007, pp. 71-95*
- Aux sources de la controverse juridique : la force des mots, in *Interpréter et traduire, Actes du colloque de Toulon, 25 et 26 novembre 2005, Bruylant 2007, pp. 189 à 215.*
- Des croyances religieuses aux revendications identitaires (examen d'une mutation), in *Le droit à l'épreuve des changements de paradigmes, Rencontres juridiques Montpellier-Sherbrooke, juin 2007, Presses Universitaires de Montpellier, 2008, pp. 53 à 71.*
- La représentation par les partis politiques, in *Représentation et représentativité, Dalloz, Thèmes et commentaires, 2008, pp. 53 à 64.*
- Droits et libertés (distinction), in *Dictionnaire des droits de l'homme, S. Rials et alii (sous la dir. de), P.U.F.-quadrige, 2008, pp. 327 à 330.*
- Valeurs et principes (distinction), in *Dictionnaire des droits de l'homme, S. Rials et alii (sous la dir. de), P.U.F.-quadrige, 2008, p. 971 à 974.*
- Sûreté, in *Dictionnaire des droits de l'homme, S. Rials et alii (sous la dir. de), P.U.F.-quadrige, 2008, pp. 915 à 917.*
- Dissertation : Le chef de l'Etat gouverne-t-il sous la Vème République ?, (corrigé d'Annales), in *Annales Droit constitutionnel 2008, Dalloz 2007, p. 163.*
- L'autonomisation du droit constitutionnel, in *Cinquantième anniversaire de la Constitution française, B. Mathieu (sous la dir. de), Dalloz, 2008, pp. 519 à 526*
- Les vertus dialogiques de la parole, in *La parole et le droit, Rencontres juridiques Montpellier-Sherbrooke, juin 2008, Les Editions Revue de Droit de l'Université de Sherbrooke, 2009, pp. 45 à 54.*
- Avant-Propos, in *Le droit, de quelle nature ?, Actes du colloque de Montpellier, 8 et 9 mars 2007, D. Rousseau et A. Viala (sous la dir. de), Montchrestien-Lextenso éditions, coll. « Grands colloques », 2010, pp.7 à 13.*

- Les lois naturelles comme représentations mentales, in *Le droit, de quelle nature ?*, Actes du colloque de Montpellier, 8 et 9 mars 2007, D. Rousseau et A. Viala (sous la dir. de), Montchrestien-Lextenso éditions, coll. « Grands colloques », 2010, pp. 155 à 174.
- L'unité dans la théorie de l'Etat, in *L'unité de l'Etat*, Actes du colloque d'Angers des 10 et 11 octobre 2008, Félicien Lemaire (sous la dir. de), Cujas, coll. Actes et études, 2010, pp. 17 à 27.
- Le concept d'identité constitutionnelle. Approche théorique, in *L'identité constitutionnelle saisie par les juges en Europe*, L. Burgorgue-Larsen, (sous la dir. de), Cahiers Européens, IREDIES, n° 1, Pédone, 2011, pp. 7-24.
- Philosophie de la justice : entre objectivisme et subjectivisme juridiques (réflexions faites après l'affaire d'Outreau) in *Juges et justice : approche comparative. Marrakech-Avril 2009*, Université Cadi Ayyad, collection de la Faculté des sciences juridiques, économiques et sociales de Marrakech, n° 38, 2011, pp. 221-237.
- Plaidoyer pour une théorie émotiviste du droit, in *Les sentiments et le droit*, Rencontres juridiques Montpellier-Sherbrooke, juin 2011, Les Editions Revue de Droit de l'Université de Sherbrooke, 2012, pp. 39 à 53.
- Des libertés publiques aux droits fondamentaux : examen d'une mutation (trad. Yu-ichiro Ishkawa), in *Les mutations contemporaines des droits fondamentaux, VIIIème séminaire franco-japonais de droit constitutionnel*, 12-14 mars 2008, Universités de Kyushu et de Fukuoka, *Hô, seido, kenri no konnichiteki henyô*, Mamiko Ueno (sous la dir. de), Chuo University Press, 2013, pp. 183 à 193.
- Les juristes face au dogme de la *wertfreiheit*, in *La neutralité et le droit*, Rencontres juridiques Montpellier-Sherbrooke, 25-26 octobre 2012, Les Editions Revue de Droit de l'Université de Sherbrooke, 2013, pp. 7 à 18.
- Conditions et objet de la transgression : ce que l'étymologie nous enseigne, in *La transgression, Actes du colloque de Toulon (J-J. Sueur, sous la dir. de), 24 et 25 novembre 2011*, Bruylant, 2013, pp. 347 à 364.
- Les embarras épistémologiques du droit constitutionnel européen, in *Le constitutionalisme du XXIème siècle dans sa dimension étatique, supranationale et globale*, Actes du Congrès organisé à l'occasion du 80<sup>ème</sup> anniversaire de Peter Haberle, Université de Lisbonne, 13 mai 2014, <http://www.icjp.pt/publicacoes/1/5103>
- Avant-Propos, in *La démocratie : mais qu'en disent les juristes ?*, Actes du colloque des 24 et 25 mai 2012, Montpellier, A Viala (sous la dir. de), Montchrestien-Lextenso éditions, coll « Grands colloques », 2014, pp. 1-3.
- Relativisme ou substantialisme : quelle philosophie du droit pour la démocratie ? in *La démocratie : mais qu'en disent les juristes ?*, Actes du colloque des 24 et 25 mai 2012, Montpellier, A Viala (sous la dir. de), Montchrestien-Lextenso éditions, coll « Grands colloques », 2014, pp. 131-154.
- Rapport de synthèse. Les défis d'une lecture politique de la QPC, in *Question sur la question 3 (QSQ) : de nouveaux équilibres institutionnels ?*, Actes du colloque du 14 juin 2013, Université Toulouse 1, Montchrestien-Lextenso éditions, coll. « Grands colloques », 2014, pp. 205-213.
- Limitation du pouvoir constituant, la vision du constitutionnaliste, in *Internationalisation des constitutions et consentement du peuple*, Journée décentralisée de l'AFDC, Nancy, 18 octobre 2013, Revue *Civitas Europa*, n° 32, 2014, pp. 81-91.
- Le droit constitutionnel européen : hypothèse épistémologique ou nouvelle branche du droit ?, in *Le droit constitutionnel européen à l'épreuve de la crise économique et démocratique de l'Européen*, F. Balaguer Callejon, S. Pinon, A. Viala (sous la dir. de), LGDJ-Institut universitaire Varenne, 2015, pp. 39-57.

- L'indifférence de la nature du contrôle de constitutionnalité au contexte de la saisine, in *La QPC : vers une culture constitutionnelle partagée ?*, E. Cartier, L. Gay, A. Viala (sous la dir. de), LGDJ-Institut universitaire Varenne, 2015, pp. 105-117.
- Le droit à la traduction, in *Le multilinguisme dans l'Union européenne*, I. Pingel (sous la dir. de), Cahiers européens, IREDIES, n° 9, Pédone, 2015, pp. 21-30.
- L'équité d'Aristote à Dworkin : les figures angéliques du juge, in *Aequitas, Equité, Equity*, Faculté de droit de Montpellier, Actes de colloque, S. Boudewijn et Y. Mausen (sous la dir. de), 2015, p. 169-183.
- L'objectivation du contentieux des droits et libertés et la réalisation démocratique de l'Etat de droit, in *L'objectivation du contentieux des droits et libertés fondamentaux : du juge des droits au juge du Droit ?*, Actes du colloque du 12 décembre 2014, J. Arlettaz et J. Bonnet (sous la dir. de), Pédone, 2015, pp. 177-191.
- La modernité juridique ou l'histoire d'une objective complicité entre puissance étatique et garantie des droits, in *Le régime représentatif à l'épreuve de la justice constitutionnelle*, Toulouse 1-Capitole, 9 et 10 octobre 2014, S. Mouton (sous la dir. de), LGDJ-Lextenso, coll. « Grands colloques », 2016, pp. 229-239.
- La Charte de l'environnement et les déclarations de droits françaises, in *Les 10 ans de la Charte de l'environnement 2005-2015*, Bordeaux, 5 et 6 février 2015, C. Cerda-Guzman et F. Savonitto (sous la dir. de), LGDJ-Institut universitaire Varenne, 2016, pp. 51-61.
- D'Athènes à Jérusalem : le saut qualitatif de la pensée juridique occidentale, in *Hommage à Marie-Luce Pavia. L'homme méditerranéen face à son destin*, J. Bouineau (sous la dir. de), L'Harmattan 2016, pp. 227-240.
- Le rôle de la théorie du droit et les ombres de la caverne, in *Pratique(s) et enseignement du droit. L'épreuve du réel*, J-J Sueur et S. Farhi (sous la dir. de), LGDJ-Lextenso, 2016, pp. 41-46.
- *Soft law* et droit naturel, in *Soft law* et droits fondamentaux, Actes du colloque des 4 et 5 février 2016, Faculté de droit de Grenoble, M. Ailincai (sous la dir. de), Pédone, 2017, pp. 31-41.
- Introduction générale, in *Le pouvoir constituant au XXIème siècle*, Actes du colloque de Montpellier, 13 mai 2016, (en co-direction avec F. Ballaguer et S. Pinon), LGDJ-Institut universitaire Varenne, 2017, pp. 7-11.
- Les conditions d'une réforme en France au regard des expériences étrangères, in *Le contrôle de constitutionnalité des décisions de justice : une nouvelle étape après la QPC ?*, Confluence des droits, Collection d'ouvrages numériques, 2017, M. Fatin-Rouge Stefanini et C. Severino (sous la dir. de), pp. 469-475.
- Le point de vue du commentateur, in *Comment rédiger une décision de justice au XXIème siècle ?*, F. Malhière (sous la dir. de), Dalloz-Thèmes et Commentaires, 2018, pp. 99-106.
- Justice constitutionnelle et démocratie : le débat doctrinal français, *XXème Congrès International de Droit Constitutionnel : Système de gouvernement, gouvernance et gouvernabilité*, G. Ferreira Mendes et P. G. Gonet Branco (sous la dir. de), Publications de l'Institut de Droit Public, Université de Brasilia, 2018, pp. 7-17.
- La décentralisation en France : le maintien d'une solide tradition jacobine, in *Pour une macro-région de la Méditerranée occidentale*, Université de Palerme, Renato D'Amico et Andrea Piraino (sous la dir. de), Franco Angeli Editions, Milan, 2018, pp. 143-146.
- Le principe de la souveraineté sous la Vème république : la fin d'un mythe, in *La Constitution de la Vème République : 60 ans d'application (1958-2018)*, Ph. Blachèr (sous la dir. de), LGDJ-Lextenso, 2018, pp. 23-34.
- La postmodernité juridique ou le concept de sécularisation au carré, in *Dieux et hommes : modèles et héritages antiques*, J. Bouineau (sous la dir. de), L'Harmattan, Volume I, 2018, pp. 191-206.



- Les interprétations constitutionnelles du Conseil d'Etat et de la Cour de cassation, in *La question prioritaire de constitutionnalité. Une mutation réelle de la démocratie constitutionnelle française ?*, D. Rousseau et P. Pasquino (sous la dir. de), Editions Mare et martin, 2018, pp. 49-79.
- Le sens de la peine : une approche philosophique, in *Annales de l'Université de Bucarest, Série Droit*, 2018, pp. 20-34.
- L'idéal de justice, in *Revue du Centre Michel de l'Hospital*, n° 16, décembre 2018, pp. 9-17.
- La sécurité, principe cardinal de la pensée juridique moderne, in *La sécurité : mutations et incertitudes*, M. Afroukh, M. Maubernard, C. Vial (sous la dir. de), LGDJ-Institut universitaire Varenne, 2019, pp. 9-20.
- Avant-propos, in *Existe-t-il un droit constitutionnel punitif ?*, P-Y. Gahdoun, A. Ponseille, E. Sales (sous la dir. de), Presse de la Faculté de droit et de science politique de Montpellier, 2019, p. 9.
- La cohabitation du savant et du politique dans l'œuvre de Kelsen, in *Un classique méconnu : Hans Kelsen*, Th. Hochmann, X. Magnon, R. Ponsard (sous la dir. de), Mare et Martin, coll. « Le sens de la science », 2019, pp. 203-230.
- De l'objet d'étude à l'objet scientifique : le défi épistémologique du juriste, in *Epistémologie et méthodologie juridiques, Vol. 1*, S. Bernatchez et L. Lalonde (sous la dir. de), Canada, Editions Yvon Blais, 2019, pp. 97-125.
- 1958 : Révolution, complot ou coup d'Etat ?, in *La révolution de 1958*, F. Rouvillois (sous la dir. de), Paris, Editions du Cerf, 2019, pp. 155-167.
- L'Etat de droit et le positivisme sociologique : une alternative au modèle kantien, in *La dimension kantienne de l'Etat de droit. Approches juridiques et philosophiques*, Presses universitaires de Nancy, collection *Philosophie allemande : une autre histoire*, Ch. Bouriau et J. Sohnle (sous la dir. de), pp. 143-157.
- L'écologie politique au risque de l'épistocratie. Une lecture de la crise des « gilets jaunes », in *Le droit en transition. Les clés juridiques d'une prospérité sans croissance*, A. Bailleux (sous la dir. de), Presses de l'Université Saint-Louis, Bruxelles, 2020, pp. 463-479.
- La domination nazie ou l'éclipse totale du droit romain, in *Les aspects politico-juridiques de la domination. De l'époque moderne à l'époque contemporaine*, J. Bouineau (sous la dir. de), L'Harmattan, coll. Méditerranées, 2020, pp. 153-166.
- Quelle métaphysique se cache derrière le réalisme juridique ?, in *Droit, réel et valeurs : les liaisons subtiles*, Mare et martin, 2021, pp. 49-62.
- Le juriste face au dogme de la *Wertfreiheit* : trois différentes postures, in *Droit, réel et valeurs : les liaisons subtiles*, Mare et martin, 2021, pp. 181-195.
- Les experts et le pouvoir politique au temps du Covid-19, in *Les pouvoirs publics face aux épidémies. De l'Antiquité au XXIème siècle*, Editions *Les Etudes Hospitalières*, coll. *A la croisée des regards*, 2021, pp. 331-341.
- Jusnaturalisme, in *Dictionnaire du progressisme*, C. Boutin, O. Dard, F. Rouvillois (sous la dir. de), Les éditions du Cerf, 2022, pp. 595-599.
- L'épistocratie : proposition de définition, in *Demain, l'épistocratie ?*, A. Viala (sous la dir. de), Mare et Martin, coll. *Le sens de la science*, 2022, pp. 17-26.
- La dérive épistocratique du premier moment positiviste, in *Demain, l'épistocratie ?*, A. Viala (sous la dir. de), Mare et Martin, coll. *Le sens de la science*, 2022, pp. 69-85.
- De la vanité du suicide. L'approche d'Arthur Schopenhauer, in *le suicide. De l'Antiquité au XXIème siècle*, F. Viaila, P. Vielfaure et S. Joly (dir.), LEH Edition 2022, pp. 108-119.
- Quelle place institutionnelle et scientifique pour le droit constitutionnel ?, in *Quelles doctrines constitutionnelles aujourd'hui pour quels droits constitutionnels demain ?*, X. Magnon et S. Mouton (dir.), Mare et Martin, coll. « Sens de la science », 2022, pp. 415-425.

- Homme, humanité, nature humaine : réflexions sur les racines conceptuelles des droits subjectifs, in *Les droits de l'homme face aux risques pour l'humanité*, C. Boiteux-Picheral (sous la dir.de), LexisNexis, 2022, pp. 1-16.
- Une relecture du choc des civilisations. *Problématique méditerranéenne*, in *Domination culturelle antique et culture méditerranéenne*, J. Bouneau (sous la dir. de), L'Harmattan, coll. Méditerranées, 2022, pp. 263-278.
- Peut-on parler d'une épistocratie sanitaire ?, *La Covid-19 et l'état d'urgence sanitaire (mars 2020-juillet 2022) Quels savoirs ? Quelles perspectives ?*, B. Cherubini (dir.), Editions de l'Institut Louis Joinet, 2023, pp. 155-165.
- La démocratie comme forme institutionnelle, in *La démocratie, une idée-force*, S. Laugié et D. Rousseau (dir.), Mare et Martin, Collection de l'Institut des sciences juridique et philosophique de la Sorbonne, 2023, pp. 159-170.
- L'élection, garantie de la représentativité ? Le contresens de la démocratie représentative, in *Res publica et Parlement : quelles représentations pour quelles démocraties ?*, A. Levade, N. Farhat, Ph. Poirier (dir.), Bruylant, 2023, pp. 141-151.

### **Contributions à des Mélanges :**

- Le contrat social : un acte exorbitant du droit commun ?, in *Mélanges Michel Guibal, Presses Universitaires de Montpellier, Collection Mélanges, tome 1, 2005, p. 457 (10 pages)*.
- L'autonomie du droit : un fantasme de juristes ?, in *Mélanges Michel Miaille, Presses Universitaires de Montpellier, Collection Mélanges, 2008, pp. 479 à 500*.
- De la critique des droits de l'homme à l'obsession républicaine du droit-de-l'hommisme, in *Mélanges Henri Oberdorff, LGDJ, Lextenso-éditions, 2015, pp. 51-69*.
- Les droits de l'homme et de l'animal chez Schopenhauer : une alternative à Kant, in *Mélanges Frédéric Sudre, LexisNexis, 2018, pp. 833-842*.
- Le conflit du savant et du politique dans la tête du professeur de droit, in *Mélanges Marie-Laure Mathieu, Bruylant, 2019, pp. 855-871*.
- Une lecture nietzschéenne de la démocratie continue, in *Mélanges Dominique Rousseau, LGDJ-Lextenso, 2020, pp. 579-588*.
- Préface, in *Mélanges Dominique Rousseau, LGDJ-Lextenso, 2020, pp. 41-43*.

### **Préfaces :**

- Préface de la thèse de Cathie-Sophie Pinat, *Le discours de l'avocat devant la Cour de cassation. Pour une théorie réaliste de la cohérence jurisprudentielle*, LGDJ-Lextenso, Institut Varenne Editions, collection des thèses, 2017, p. XIII.
- Préface de la thèse de Jean-Benoist Belda, *Du discours sur l'office de la Cour de cassation. Contribution à l'analyse réaliste de la justice française*, Editions l'Építoge, coll. « L'unité du droit », vol. XXII, 2018, pp. 15 (co-écrite avec D. Mainguy).
- Préface de la thèse de Marine Haulbert, *L'interprétation normative par les juges de la QPC*, Dalloz, *Nouvelle Bibliothèque de Thèses*, 2020, p. XV. (co-écrite avec D. Rousseau).

### **Tribunes :**

- Le macronisme ou le spectre de l'épistocratie, *Le Monde*, 19 octobre 2017, p. 22.
- N'exposons pas la démocratie aux dangers du ressentiment, *Le Monde*, 9 janvier 2019, p. 20.
- L'impasse post-politique. Libéralisme vs populisme -1, *Revue en ligne AOC (Analyse, Opinion, Critique)*, 28 mai 2019.
- Le piège épistocratique. Libéralisme vs populisme – 2, *Revue en ligne AOC (Analyse, Opinion, Critique)*, 29 mai 2019.
- Le transhumanisme et le désir d'immortalité : l'illusion de l'ego, *Revue en ligne AOC (Analyse, Opinion, Critique)*, 20 janvier 2020.
- La science doit servir le pouvoir sans que celui-ci ne succombe à la tentation de s'en servir, *Le Monde*, 30 mars 2020, p. 29.
- Macron et la crise sanitaire : Léviathan mieux que Jupiter, *Revue en ligne AOC (Analyse, Opinion, Critique)*, 22 mars 2021.
- L'antagonisme ami/ennemi, terreau dangereux du macronisme, *Revue en ligne AOC (Analyse, Opinion, Critique)*, 25 juin 2021.
- L'étrange croisade du roman national contre la *cancel culture*, *Revue en ligne AOC (Analyse, Opinion, Critique)*, 18 janvier 2022.
- La stratégie d'Emmanuel Macron a rendu ses ennemis singulièrement audibles, *Le Monde*, 22 juillet 2022, p. 33.
- Le 49-3, un secours pour ces majorités qui entendent dépasser le clivage gauche-droite, *Le Monde*, 9 novembre 2022, p. 30.
- Le pouvoir des experts : nouvelle menace pour l'idéal démocratique ?, *Revue en ligne Elucid*, 15 janvier 2023.
- Un débat constitutionnel implique une arène citoyenne et non un toilettage technique, *Le Monde*, 21 février 2023, p. 24.
- Autoritarisme constitutionnel : de Weimar à Macron, *Revue en ligne AOC (Analyse, Opinion, Critique)*, 22 mars 2023.
- Un regard excessivement abstrait sur la réforme, *Le Monde*, 19 avril 2023, p. 28.

### **Billets de blog :**

- Carl Schmitt, précurseur du néolibéralisme ? A propos d'une conférence de 1932 pour le patronat allemand, *Blog du CERCOP. Questions constitutionnelles*, 6 janvier 2021.
- Au Conseil de défense, Hobbes dans le corps de Macron, *Blog du CERCOP. Questions constitutionnelles*, 3 février 2021.
- Napoléon et le roman national : l'excuse historiciste, *Blog du CERCOP. Questions constitutionnelles*, 8 mai 2021.
- L'antagonisme ami/ennemi, terreau fertile du macronisme, *Blog du CERCOP. Questions constitutionnelles*, 31 mai 2021.
- Le nouveau variant de la démocratie continue, *Blog du CERCOP. Questions constitutionnelles*, 3 avril 2022.
- Le concept de « guerre froide » à la lumière du conflit russo-ukrainien, *Blog du CERCOP. Questions constitutionnelles*, 28 février 2023.



# PHILOSOPHIE DU DROIT

10H

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La philosophie du droit est l'histoire d'une querelle entre deux visions du monde : l'une substantialiste et l'autre relativiste. Cette *summa divisio* connaît déjà sa première illustration littéraire dans un extrait de l'œuvre de Platon : l'*Euthyphron*. Dans ce dialogue écrit par l'illustre fondateur de l'Académie, Socrate demande à Euthyphron ceci :

« *Le saint est-il aimé des dieux parce qu'il est saint ou est-il saint parce qu'il est aimé des dieux ?* » (Platon, *L'Euthyphron ou de la piété, Œuvres complètes*, tome I, Gallimard, coll. La Pléiade, 1950, p. 351).

En fondant l'attrait des dieux pour le saint sur sa sainteté intrinsèque, la première alternative est de type substantialiste (essentialiste) car elle repose sur le présupposé de l'existence d'une sainteté en soi. Des comportements ou des actions seraient, par essence, frappés du sceau de la sainteté. En fondant au contraire la sainteté du saint sur l'amour qu'il suscite chez les dieux, la seconde alternative est de type relativiste car en faisant de leur opinion subjective la source de la sainteté, elle fait de celle-ci, qui n'existerait pas en soi, une question d'autorité et non de vérité. Là où le substantialisme voit des entités indivisibles (des substances) qui sont ce qu'elles sont indépendamment de toute construction, le relativisme ne considère que des entités divisibles et forgées par l'esprit.

Cette dichotomie divise depuis leurs lointaines origines les deux grands courants de la philosophie du droit. Certaines doctrines, qu'on retrouve principalement – mais pas seulement – au sein du courant jusnaturaliste, sont fondées sur la conviction selon laquelle la raison est capable de connaître ce qui est juste *par nature*. La vision substantialiste du droit qui les anime repose sur une méta-éthique cognitiviste.

D'autres au contraire, qu'on associe généralement au courant juspositiviste, ont une conception plus pessimiste de la raison et lui dénie l'aptitude à connaître ce qu'est, en soi, le droit juste. C'est qu'en effet, un tel pessimisme épistémologique repose sur l'idée que le droit ne serait pas le reflet de la raison mais plutôt la traduction des émotions du législateur ou du juge. Le relativisme axiologique qui les caractérise se fonde sur une méta-éthique émotiviste.

Le cours a pour objet de présenter ces deux visions irréconciliables du monde, dont la pensée juridique est depuis toujours – et pour toujours – marquée. L'évocation de quelques courants de la philosophie du droit permettra de prendre la mesure de cet antagonisme. Dire *l'essentiel de la philosophie du droit* implique inévitablement des choix et des sacrifices. Ce sont les courants qui jouissent de la plus grande audience dans le débat doctrinal français qui seront dès lors traités dans ce cours.

**1 – Les philosophies du droit substantialistes**

**2 – Les philosophies du droit relativistes**

The philosophy of law is the story of a quarrel between two visions of the world : one substantialist and the other relativist. This summa divisio already knows his first literary illustration in an text from Plato's work : the Euthyphron. In this dialogue written by the illustrious founder of the Academy, Socrates asks Euthyphron :

*"Is the saint loved by the gods because he is holy or is he holy because he is loved by the gods ? (Plato, The Euthyphron or Piety, Complete Works, Volume I, Gallimard, Coll. La Pléiade, 1950, 351).*

By basing the attraction of the gods for the saint on his intrinsic holiness, the first alternative is substantialist (essentialist) because it rests on the presupposition of the existence of holiness in itself. Behaviors or actions would, in essence, be sealed with sanctity. On the contrary, by basing the holiness of the saint on the love he arouses among the gods, the second alternative is of the relativistic type, because by making of their subjective opinion the source of holiness, it makes of it, which does not would not exist in itself, a question of authority and not of truth. Where substantialism sees indivisible entities (substances) which are what they are regardless of any construction, relativism only considers divisible and forged entities by the mind.

This dichotomy divides from their distant origins the two great currents of the philosophy of law. Certain doctrines, which are mainly, but not only, found in the jusnaturalist current, are based on the conviction that reason is capable of knowing what is right by nature. The substantialist vision of the law that animates them is based on a cognitivist meta-ethics.

Others, on the contrary, which are generally associated with the current juspositivist, have a more pessimistic conception of reason and deny it the ability to know what is, in itself, the right right. It is because such an epistemological pessimism rests on the idea that the law is not the reflection of reason but rather the translation of the emotions of the legislator or the judge. The axiological relativism that characterizes them is based on an emotivist meta-ethics.

The course aims to present these two irreconcilable visions of the world, whose legal thinking has always been - and forever - marked. The evocation of some currents of the philosophy of law will make it possible to take the measure of this antagonism. To say the essence of the philosophy of law inevitably implies choices and sacrifices. It is the currents that enjoy the greatest audience in the French doctrinal debate that will be treated in this course.

## **1 - Fundamentalist philosophies of law**

## **2 - Relativistic philosophies law**

## **Bibliographie recommandée :**

### **Ouvrages :**

- Alexandre Viala, *Philosophie du droit*, Ellipses, coll. « Cours magistral », 2<sup>ème</sup> éd. 2019.
- Alexandre Viala, *L'essentiel de la philosophie du droit*, Gualino-Lextenso, 2<sup>ème</sup> éd., 2018.
- René Sève, *Philosophie et théorie du droit*, Dalloz, 2<sup>ème</sup> éd., 2017.
- Michel Troper, *Philosophie du droit*, PUF-Que sais-je ?, 4<sup>ème</sup> éd., 2015.
- Paul Amssele, *Cheminements philosophiques dans le monde du droit et des règles en général*, Armand Colin, 2012.
- Paul Amssele (sous la dir. de), *Controverses autour de l'ontologie du droit*, PUF 1988.
- Simone Goyard-Fabre, *Les fondements de l'ordre juridique*, PUF 1992
- Michel Troper, *Pour une théorie juridique de l'Etat*, PUF-Léviathan, 1994
- Michel Troper, *La théorie du droit, le droit, l'Etat*, PUF-Léviathan, 2002
- Michel Troper, *Le droit et la nécessité*, PUF-Léviathan, 2011
- Pierre Bouretz (sous la dir. de), *La force du droit*, Ed. Esprit, 1991
- Michel Villey, *La formation de la pensée juridique moderne*, PUF-Léviathan, 2003
- Léon Duguit, *L'Etat, le droit objectif et la loi positive*, Dalloz (rééd.), 2003
- Raymond Carré de Malberg, *Contribution à la Théorie générale de l'Etat*, Dalloz (rééd.), 2003
- Hans Kelsen, *Théorie pure du droit*, trad. Ch. Eisenmann, 2<sup>ème</sup> éd. (rééd. LGDJ-Bruylant, 1999)
- Carl Schmitt, *Théorie de la Constitution*, 1928, PUF-Léviathan (rééd.), 1996
- Eric Millard et Olivier Jouanjan (sous la dir. de), *Les théories réalistes du droit*, Presses Universitaires de Strasbourg, 2000.
- Jean-Cassien Billier et Aglaé Maryioli, *Histoire de la philosophie du droit*, Armand Colin, 2001
- Rémy Libchaber, *L'ordre juridique et le discours du droit. Essai sur les limites de la connaissance du droit*, LGDJ, 2013.
- Lucien François, *Le cap des tempêtes. Essai de microscopie du droit*, Bruylant, 2012.
- Alain Saudan, *Fonder la loi*, Le Pommier, 2017.
- Sébastien Neuville, *Philosophie du droit*, LGDJ, 2019.
- François Colonna d'Istria, *Philosophie du droit et pratique des juristes*, Dalloz, coll. « Méthodes du droit », 2021.
- David Mongoin, *Philosophie du droit*, Dalloz, 2022.
- Wojciech Zagorski, *Introduction aux doctrines juridiques du XX<sup>ème</sup> siècle*, PUF, 1<sup>ère</sup> éd., 2022.

### **Revue :**

- Archives de philosophie du droit
- Droits (Revue Française de théorie, de philosophie et de culture juridiques)
- Droit et philosophie (Annuaire de l'Institut Michel Villey)
- Droit et société
- Jurisprudence (Revue critique)
- Juspoliticum (Revue en ligne)

- Revue de la recherche juridique et de droit prospectif
- Revue interdisciplinaire d'études juridiques



**Intensive Courses 2023/2024**  
**Erasmus and International Relations Office**  
**Faculty of Law of the University of Lisbon**

***R2D or Back to the Future***  
**An International, European Union and Comparative Labour Law Perspective on**  
**The RIGHT to DISCONNECT from Work**  
October 2023

Isabel Vieira Borges  
Faculty of Law of the University of Lisbon, Portugal,  
[isabelvieiraborges@gmail.com](mailto:isabelvieiraborges@gmail.com)

**Focus:** Labour Law; International law; European Union law; Comparative law.  
**Teaching language:** English.

**Structure**

Place: Faculty of Law of the University of Lisbon, Portugal  
Duration: 10 teaching hours, from 16h00 to 18h00.  
Dates: 23-10-2023 to 27-10-2023.

**Goal:**

Know the main legal issues related to the right to disconnect from work (R2D), through an International, European Union, and Comparative Labour Law perspective, and develop the capacity for critical analysis of the different options made by national legislators in this matter.

**Description**

Describe the state of the art regarding the R2D on international and EU labour law perspectives, emphasizing the 2020 Agreement on Digitalisation and the 2021 EU Parliament Directive Proposal, and examining the national legislation's recent examples and the company-level initiatives.

Underline the several difficulties related to implementing the R2D and enabling it for all employees, highlighting challenges and alerting for some questions; argue about the demand for a global legal protection ensuring and encompassing, not only the right, but also the duty to disconnect, and propose solutions, aiming to provide a motto for further and more detailed legal analysis and developments.

**Learning outcomes**

Upon completion of the course, students are expected to be able to achieve:

- ✓ Concerning knowledge and understanding: a deepened knowledge of legal theory, methodology, practical questions, and possible solutions on the R2D, on an international, European Union, and comparative labour law perspective.
- ✓ Concerning skills and abilities: identify, apply, and analyze advanced and complex legal problems within the area of R2D, from national, comparative, European, and international perspectives; independently plan, write, and defend legal oral presentations; and review another student's oral participation.
- ✓ Concerning judgment and approach: the ability to, from theories within other disciplines discuss, analyze, and assess problems related to social and ethical impacts and practical implementation of legislating on R2D, through a national, European, and international perspective.

**Examination format:**

Instruction is given in the form of lectures open always for some questions and debate.

There is a requirement of active attendance at all lectures, meaning that the student shall: read the materials, prepare the lecture subjects, and participate in lecture discussions.

The examination is conducted through active participation during the seminars of the course.

The final exam is a take-home assignment (paper), submitted as a Word document by email until 06-11-2023.

Submitting the paper is mandatory, and exemption will not be granted.

The paper must focus on one of the topics of each lecture, giving preference to analyzing the way in which each student's national legislation enshrines R2D.

The paper must have between 10 and 25 pages, not including the initial and final pages (cover, title, abstract, index, literature, attachments).

The complete paper requirements (size, format, structure, references) will be provided by 25-10-2023.

**Course content:**

The course encompasses all the labour law questions regarding R2D, from an international, European Union, and comparative perspective.

The course contains five blocks, one for each two-hour lecture, from 16h00 to 18h00.

The first block presents the theme of disconnection from work, digitalization and hyperconnection, and health at work issues.

The second block describes the international and European Union labour law context

The third block is about overviewing the options among the national legislation and the company-level initiatives.

The fourth block addresses the problems related to implementation measures and practical challenges of legislating on the R2D

The fifth block covers the study and analyses of the proposal of a new Directive on the right of disconnect.

**Course (provisional) Description: SYLLABUS**

Block 1 (23-10-2023)

1.1. About disconnection from work

1.2. Digitalization and hyper connection

Block 2 (24-10-2023):

2.1. International labour law context

2.2. European Union labour law context

Block 3 (25-10-2023):

3.1. Overview of national legislations

3.2. Company-level initiatives

Block 4 (26-10-2023):

4.1. Implementation measures

4.2. Practical challenges

Block 5 (27-10-2023):

5.1. The Proposal of a Directive

5.2. Conclusions

Paper delivered until 06-11-2023.

**Required reading:**

Isabel Vieira Borges, "R2d: The Right to Disconnect from Work", in *The Legal Challenges of the Fourth Industrial Revolution*, vol. 57, Springer, 2023, [https://link.springer.com/chapter/10.1007/978-3-031-40516-7\\_14](https://link.springer.com/chapter/10.1007/978-3-031-40516-7_14)

The complete reading list is to be available in 23-10-2023.

**Author Bio**

Isabel Vieira Borges is a Portuguese PhD associate professor at the Faculty of Law of the University of Lisboa (FLUL), teaching since 1992, practiced as a lawyer for several years, took an HR and Leadership Management certified course, by the Catholic University Business & Economics School, is a professionally certified teacher in legal E-learning, by the Lisbon Open University, and works at the HR Management Department at Group CTT.

She is a founding member of the Labour Law Portuguese Association; Private Law Research Centre and Labour Law Institute of the FLUL; and a member of the Community for Labour and Occupational Research and Study and of the International Association on Workplace Bullying & Harassment.

She is also a consultant, advising employees, companies, and unions of workers and employers; executive and scientific coordinator and speaker, in several national and international congresses; teacher and lecturer in many regular certified courses; a reviewer in peer review processes; and has professional experience on management, HR, leadership, labour, employment, social security, civil service, insurance, and data protection law.

She published various publications about labour law; future of work, NTIC and GPS at the workplace; platforms, GPDR, and R2D; violence and harassment, psychosocial risks, digital era, pandemic; harassment, sexual and moral harassment; absences and annual paid leave; collective bargaining and labor agreements; just cause of dismissal and breach of trust; drug addiction and personality rights; worker's polyvalence; qualification of the employment contract and legal presumption.



Curriculum Vitae Abreviado

Francisco Balaguer Callejón

Catedrático de Derecho Constitucional

**Francisco Balaguer Callejón**

- Catedrático de Derecho Constitucional de la Universidad de Granada.
- Catedrático Jean Monnet de Derecho Constitucional Europeo.
- Catedrático Jean Monnet *ad personam* de Derecho Constitucional Europeo y Globalización
- Director de la *Revista de Derecho Constitucional Europeo*.
- Presidente de la *Fundación Peter Häberle*.
- Coordinador del *Máster Oficial en Derechos Fundamentales en perspectiva nacional, supranacional y global*
- Miembro de *68 Consejos Editoriales y Científicos de Revistas y de Colecciones Editoriales* especializadas en Derecho constitucional en 9 países: Italia (30), Brasil (17), España (14), México (2), Francia (1), Perú (1), Portugal (1), Malta (1) y Grecia (1).
- Autor de más de *600 publicaciones* sobre materias de su especialidad en alemán, inglés, italiano, francés, portugués y español, en 12 países: Alemania, Bélgica, Holanda, Brasil, España, Francia, Italia, México, Perú, Portugal, Reino Unido y Suiza.
- Más de *250 libros, capítulos de libro y artículos publicados fuera de España*, entre ellos: Italia (90), Brasil (60), Alemania (25), UK/USA & Inglés (21), México (12), Francia (10) y Portugal (8).
- Premio "Adolfo Posada" del Centro de Estudios Constitucionales, correspondiente al periodo 1991-1992, por su obra *Fuentes del Derecho* (Tecnos, Madrid, Vol. I, 1991 y Vol. II, 1992).
- Ha impartido más de *700 conferencias, ponencias, cursos y seminarios*, en alemán, inglés, italiano, francés, portugués y español, en 16 países: Alemania, Argentina, Bélgica, Brasil, Chile, España, Estados Unidos, Francia, Italia, Lituania, México, Perú, Portugal, Hungría, Reino Unido y Suiza.
- Más de 300 conferencias, ponencias cursos y seminarios impartidos fuera de España*, entre ellos: Italia (152), Brasil (63), Portugal (29), UK/USA & Inglés (21), Alemania (17), Francia (14) y México (11).
- Ha dirigido *28 Tesis Doctorales* de doctorandos de España, Italia, Portugal y Brasil.
- Ha participado en *78 Tribunales de Tesis Doctorales* en España y en otros países, en 24 de ellos como Presidente.
- Ha dirigido más de *50 Congresos, Seminarios y Jornadas Internacionales* de Derecho Constitucional en España, Italia, Francia, Portugal y Brasil.
- Ha impartido más de *100 Cursos de Doctorado en Programas de Doctorado* de más de 30 Universidades en España y en otros países.
- Investigador principal en 15 Proyectos de Investigación* europeos, internacionales, nacionales y autonómicos.
- Doctor "Honoris Causa"* (Universidade Federal de Maranhão, São Luis, Brasil, 2011)
- Profesor visitante* en Estados Unidos (Indianápolis) Francia (Montpellier) Italia (Roma y Milán) y Portugal (Lisboa).
- Codirector de *La Cittadinanza Europea*, Roma.

**FORMACIÓN Y POSICIONES ACADÉMICAS**

- Licenciado en Derecho (Universidad de Granada, 1981).
- Doctor en Derecho (Universidad de Granada, 1984).
- Profesor de Derecho constitucional (Universidad de Málaga, 1981-1986).
- Visiting Professor*, Indiana University-Purdue University at Indianapolis Law School, Spring Semester, EEUU, 1985.
- Profesor Titular de Derecho constitucional (Universidad de Málaga 1986, Universidad de Granada, 1989).
- Catedrático de Derecho Constitucional (Universidad de Granada, 1991).
- Professore Visitatore*, Università degli studi "La Sapienza" de Roma, Italia, Diciembre de 1999.
- Catedrático Jean Monnet de Derecho Constitucional Europeo (2004).

- Professore Visitatore*, Università degli studi "La Sapienza" de Roma, Italia, Diciembre de 2006.
- Professore Visitatore*, Università degli Studi di Milano, Milán, Italia, Marzo de 2009.
- Catedrático Jean Monnet *ad personam* de Derecho Constitucional Europeo y Globalización (2010).
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2010.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2011
- Doctor "Honoris Causa" (Universidade Federal de Maranhão, São Luis, Brasil, 2011) .
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2012.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2013.
- Director del Centre of Excellence on European Integration and Globalization (Ei&G).
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2014.
- Professeur Invité*, Université de Montpellier, Montpellier, Francia, Marzo-Abril de 2015.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2015.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2016.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2017.
- Professore Visitatore*, Università degli Studi di Milano, Milán, Italia, Febrero-Marzo de 2018.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2018.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2019.
- Professore Visitatore*, Università degli Studi di Milano, Milán, Italia, Febrero de 2020.
- Professor Visitante*, Universidade de Lisboa, Portugal, Abril de 2021.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2021.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2022.
- Professor Visitante*, Universidade de Lisboa, Portugal, Septiembre de 2023.
- Professore Visitatore*, Università degli studi di Roma Tor Vergata, Italia, Octubre-Noviembre de 2023.

## ORGANIZACIÓN DE CONGRESOS

Ha dirigido más de 50 Congresos, Seminarios y Jornadas Internacionales de Derecho constitucional en España, Italia, Francia, Portugal y Brasil.

Entre ellos, los congresos *Federalismo y regionalismo en el umbral del Siglo XXI* (1997); *Derecho constitucional y cultura* (1999, 2000); *Constitución y Democracia* (2003) y *La Constitución Europea* (2004). Igualmente, las *Jornadas Internacionales sobre la Constitución Europea* (I a X) durante los años 2004 a 2012. También los congresos internacionales *La Construcción del Derecho Constitucional Europeo* (2009); *La interacción constitucional entre Unión Europea y Estados miembros como factor de desarrollo del Derecho Constitucional Europeo* (2010); *La respuesta europea a la crisis en el marco de la Globalización* (2010); *Integración supranacional y descentralización política en el contexto de la Globalización* (2011) *Linee tematiche di sviluppo del Diritto Costituzionale Europeo* (Catania, Italia, 2011); *Primavera Árabe, Unión Europea y contexto global* (2012); *Constitutionalismo crítico* (2012); *Le Droit constitutionnel Européen à l'épreuve de la crise économique et démocratique de l'Europe* (Montpellier, Francia, 2013); *La dimensión de la Administración Pública en el contexto de la globalización* (2014); *O constitucionalismo do séc. XXI na sua dimensão estadual, supranacional e global* (Lisboa, 2014); *El Impacto de la crisis económica en las instituciones de la Unión Europea y de los Estados miembros* (2015); *La reforma de la gobernanza económica de la Unión Europea y el progreso de la integración política* (2015); *Le pouvoir constituant au XXIe siècle* (Montpellier, Francia, 2016); *Los nuevos desafíos del constitucionalismo contemporáneo* (Granada, 2017); *Perspectivas actuales del proceso de integración europea* (Zaragoza, 2018); *Passato, Presente e Futuro dell'Europa* (Roma, 2018); *Derechos fundamentales, desarrollo y crisis del constitucionalismo multinivel* (Granada, 2019); *Libertades comunicativas em tempo de crise* (Brasilia, 2020); *La constitución del algoritmo* (Zaragoza, 2021); *Constitutionalismo Digital* (Brasilia, 2021); *Democracia y Estado de Derecho en la Unión Europea* (Zaragoza, 2021); *Derechos fundamentales y democracia en el constitucionalismo digital* (Granada, 2022); *Hacia un mundo híbrido: Inteligencia Artificial, Ética y Derecho*, *Integración europea y descentralización territorial después de la pandemia* (Granada, 2022); *Constituição, Estado de Direito e Tecnologia* (Brasilia, 2022).

## CONFERENCIAS, CURSOS Y SEMINARIOS IMPARTIDOS

Ha impartido más de 700 conferencias, ponencias, cursos y seminarios, en alemán, inglés, italiano, francés, portugués y español, en 16 países: Alemania, Argentina, Bélgica, Brasil, Chile, España, Estados Unidos, Francia, Italia, Lituania, México, Perú, Portugal, Hungría, Reino Unido y Suiza.

Por ejemplo, **España:**

A Coruña (Universidad de La Coruña, 2005); Ávila (UNED, 1996 y 1998); Alicante (Universidad de Alicante, 1995, 2001, 2005, 2006, 2007, 2008, 2009, 2012 y 2014); Almería (Universidad de Almería, 1993, 1994, 1996, 1997, 1998, 1999, 2000 y 2003); Cursos de Verano de la Universidad Complutense de Madrid, 1998); Almuñécar (Centro Mediterráneo de la Universidad de Granada, 2003); Baeza (Universidad Internacional de Andalucía (1996, 1997 y 2001); Baza (UNED, 1997 y 2000); Barcelona (Universidad Pompeu Fabra, 1994; Universidad Central de Barcelona, 1994, 1996 y 2002; Universidad Autónoma de Barcelona, 2002, 2004 y 2005; Asociación Española de Letrados de Parlamentarios, 2007); Bilbao (Universidad del País Vasco, 2002, 2003, 2004, 2005, 2011 y 2015); Cáceres (Universidad de Extremadura, 2002, 2007 y 2008); Castro Urdiales (Universidad de Cantabria, 2003 y 2005); Cádiz (Universidad de Cádiz, 1999) Castellón (Universidad Jaume I de Castellón, 1998); Ceuta (Ciudad Autónoma de Ceuta, 1999) Córdoba (Universidad de Córdoba, 1993, 2005 y 2006); Elche (Universidad Miguel Hernández de Elche, 2015); Jaén (Universidad de Jaén, 1994, 1997, Diputación Provincial/Universidad, 1997); La Rioja (UNED, 1992 y Universidad de La Rioja, 2008); Las Palmas de Gran Canaria (Universidad de Las Palmas de Gran

Canaria, 1997); Málaga (Universidad de Málaga, 1994, 1996, 1997, 2003 y 2006); Melilla (Universidad de Granada, Ciudad Autónoma de Melilla, 1997, 1998, 1999 y 2004); Mérida (Escuela de Administración Pública de Extremadura, 2005, Asamblea de Extremadura, 2006); Monasterio de Piedra (Zaragoza, Fundación Manuel Giménez Abad/Konrad Adenauer Stiftung, 2018); Motril (Centro Mediterráneo de la Universidad de Granada, 1998; Centro Asociado de la UNED, 2001, 2003 y 2004); Murcia (Universidad de Murcia, 2018); Oñati (Universidad del País Vasco, 1996; Instituto Internacional de Sociología Jurídica, 1999); Osuna (Universidad de Sevilla, 2007); Pamplona (Universidad Pública de Navarra, 1998; Universidad de Navarra, 2018); Salamanca (Universidad de Salamanca, 2009); Santiago de Compostela (EGAP, 1992 y 2005); San Roque (Universidad de Cádiz, 2001); San Sebastián (Universidad del País Vasco, 2005); Segovia (Universidad de Valladolid, 2008); Sevilla (Universidad Internacional de Andalucía, 1998 y 1999; Universidad Pablo de Olavide, 2003; Parlamento de Andalucía, 2005; Instituto Andaluz de Administración Pública, 2005; Gabinete Jurídico de la Junta de Andalucía, 2005; Instituto Andaluz de Administración Pública, 2006; Centro de Estudios Andaluces, 2008, Universidad de Sevilla, 2022); Tarragona (Universidad Rovira i Virgili, 1998, 1999 y 2001); Tenerife (Instituto Canario de Administración Pública, Universidad de La Laguna, 1997); Toledo (Universidad de Castilla-La Mancha, 1998; Facultad de Ciencias Jurídicas y Sociales de Toledo, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017 y 2018); Torrevieja (Universidad Miguel Hernández de Elche, 2006); Valencia (Universidad de Valencia, 2004 y 2018); Valladolid (Universidad de Valladolid, 2006, 2008, 2012, 2016, 2018, 2020 y 2021); Vitoria (Parlamento Vasco, 1998); Yuste (Universidad de Extremadura, 2003 y 2017); Zaragoza (Gobierno de Aragón, 2008, Fundación Manuel Giménez Abad, 2012, 2015, 2017, 2018, 2019, 2020, abril y septiembre de 2021, 2022).

#### **España (Madrid):**

UNED, 2004, 2007, 2009, 2014, 2015, 2018 y 2021; Universidad Complutense, 2004, 2005, 2006, 2007, 2008, 2009 y 2013; Universidad Autónoma, 2005, 2015, 2016, 2017, 2018 y 2019; Universidad Autónoma de Madrid/Fundación Pablo Iglesias, 2022; Centro de Estudios Políticos y Constitucionales, 2005, 2006, 2008, 2012, 2013, 2018, enero, febrero, marzo y junio de 2019, 2020, enero, abril y noviembre de 2021, enero de 2022; Instituto Iberoamericano de Derecho Procesal Constitucional/CEPC, 2022; Universidad Carlos III, 2007; Universidad Rey Juan Carlos, 2010 y 2016; Fundación José Ortega y Gasset, 2013; Universidad CEU San Pablo, 2013; Congreso de los Diputados, 2018; Instituto Nacional de Administración Pública, 2019;

Fuera de España ha impartido más de 300 conferencias, ponencias cursos y seminarios, entre ellos: Italia (152), Brasil (63), Portugal (29), UK/USA & Inglés (21), Alemania (17), Francia (14) y México (11). A modo de ejemplo:

#### **Italia:**

Bari (Università degli Studi di Bari, 2012 y 2016), Cagliari (Università degli Studi di Cagliari, 2008), Catania (Facoltà di Scienze Politiche. Università degli Studi di Catania, 2010, 2011, 2015, 2016, 2017 y 2018), Cava de' Tirreni (Università degli Studi di Salerno, 2018 y 2019), Cosenza (Facoltà di Scienze Politiche. Università della Calabria, 2007, 2011, 2012, 2016 y 2021), Enna (Università Kore di Enna, 2011, 2013, 2017 y 2021), Ferrara (Dipartimento di Giurisprudenza dell'Università di Ferrara, 2016), Génova (Università degli Studi di Genova, 2013), Messina (Università degli Studi di Messina, marzo y julio de 2019), Milán (Facoltà di Scienze Politiche, Dipartimento Giuridico-Politico, Università degli Studi di Milano, 2009, 2013, 2015, 2016, marzo y noviembre de 2017, 2018, 2019, 2020; Università degli Studi di Milano Bicocca, 2013 y 2022; Università degli Studi di Milano, Dipartimento di Diritto pubblico italiano e sovranazionale, 2019, 2020 y 2021), Nápoles (Facoltà di Giurisprudenza - Seconda Università degli Studi di Napoli, 2009, 2010, 2014 y 2015; Seconda Università degli Studi di Napoli/Università degli Studi di Napoli Federico II, 2012, Università degli Studi di Napoli "Parthenope", 2019 y 2021), Palermo (Università degli Studi di Palermo, Facoltà di Giurisprudenza, 2011, 2013, 2014 y 2019; Asamblea Regional Siciliana, 2016; Fondazione Sicana, 2022), Perugia (Università degli Studi di Perugia, Facoltà di Giurisprudenza, 2008), Pisa (Dipartimento di Diritto Pubblico, Facoltà di Giurisprudenza de la Università di Pisa, 2006 y 2010) Siena (Centro di Ricerca e Formazione sul Diritto Costituzionale Comparato, Universidad de Siena, 2000, 2003), Turín (Università di Torino, 2021) Urbino (Università degli Studi di Urbino, 2010, 2013 y 2014).

#### **Italia (Roma):**

Dipartimento di Teoria dello Stato y Facoltà di Scienze Politiche de la Universidad "La Sapienza" diciembre de 1998; Facoltà di Scienze Politiche de la Universidad "La Sapienza", diciembre de 1999; Centro de excelencia europea Jean Monnet-Luigi Einaudi de la Universidad "La Sapienza", junio y noviembre de 2004; Associazione Italiana dei Costituzionalisti, Universidad "La Sapienza", octubre de 2006; Facoltà di Scienze Politiche de la Universidad "La Sapienza", diciembre de 2006; Facoltà di Economia de la Universidad "La Sapienza", junio de 2007; Libera Università internazionale degli Studi Sociali Guido Carli-LUISS, junio de 2007; Istituto di Studi sui Sistemi Regionali, Federali e sulle Autonomie "Massimo Severo Giannini"- Università degli Studi di Roma "Tor Vergata", junio de 2007 y diciembre de 2011; Facoltà di Giurisprudenza de la Universidad "La Sapienza", mayo de 2008; Istituto di Studi sui Sistemi Regionali Federali e sulle Autonomie "Massimo Severo Giannini", mayo de 2008; Libera Università internazionale degli Studi Sociali Guido Carli-LUISS, mayo de 2010; Facoltà di Giurisprudenza de la Universidad "La Sapienza", mayo de 2010; Istituto di Studi sui Sistemi Regionali, Federali e sulle Autonomie "Massimo Severo Giannini", marzo de 2011; Facoltà di Economia, Università "La Sapienza", diciembre de 2011; Università degli Studi di Roma "Tor Vergata", junio y diciembre de 2011; Facoltà di Giurisprudenza, Università "La Sapienza", diciembre de 2011, mayo de 2013, junio de 2013, abril 2014; Facoltà di Scienze Politiche, Sociologia, Comunicazione, Università La Sapienza, abril 2014 y enero de 2015; Camera dei Deputati, marzo, mayo y diciembre de 2015, con el Patrocinio del Presidente de la República Italiana; Dipartimento di Scienze politiche dell'Università degli Studi di Roma "La Sapienza", enero de 2016; Centre of Excellence Altiero Spinelli, Università "Roma Tre", junio 2016; Istituto di Studi sui Sistemi Regionali, Federali e sulle Autonomie "Massimo Severo Giannini", junio 2016; Camera dei Deputati/Università La Sapienza, Mayo 2018; Senato della Repubblica, junio de 2019; Università degli Studi di Roma "La Sapienza", Facoltà di Giurisprudenza, noviembre de 2019; Università degli Studi di Roma "La Sapienza", Facoltà di Scienze Politiche, Sociologia, Comunicazione, 2022.

#### **Brasil:**

Brasilia (Instituto Brasiliense de Direito Público, 2007, 2010, 2011, abril y octubre de 2012, 2013, 2017, 2018, 2019, marzo, junio y noviembre de 2020; junio de 2021, mayo de 2022), Campina Grande (Universidade Estadual da Paraíba, 2010 y 2012), Ceará (Universidad Regional de Cariri/Colegio de Abogados de Brasil, 2021) Curitiba (Escola de Ciências Jurídicas e Sociais – Universidade Positivo, 2018; Escola Judicial do Tribunal Regional do Trabalho, 2018), Chapecó (Universidade do Oeste de Santa Catarina, 2022), João Pessoa (Escola Superior da Magistratura da Paraíba, 2010; Centro de Ciências Jurídicas da Universidade Federal da Paraíba, 2012; Programa de Pós-Graduação em Ciências Jurídicas da Universidade Federal da Paraíba, 2020, Gobierno del Estado de Paraíba, 2021), Natal (Escola Brasileira de Estudos Constitucionais, 2010 y 2012), Porto Alegre (Pontificia Universidade Católica do Rio Grande do Sul, 2010, 2013, 2018 y 2021; Escola Superior de Direito Municipal 2010), Rio de Janeiro (Brasil, Procuradoria Geral do Município do Rio de Janeiro, 2007), Salvador de Bahia (Universidade Federal da Bahia, 2021); São Luis (Brasil, Universidade Federal do Maranhão, 2011, 2012, 2020, junio y octubre de 2021; CONPEDI y Universidade Federal do Maranhão, 2017), São Paulo (Escola de Direito do Brasil – EDB/Federação das Indústrias do Estado de São Paulo – FIESP, noviembre de 2011; Faculdade de Direito da Universidade de São Paulo, noviembre de 2011; Escola de Magistrados da Justiça Federal da 3ª Região – Emag, abril de 2012, Conselho Nacional de Pesquisa e Pós-graduação em Direito, 2013),

#### **Portugal:**

Coimbra (Universidade de Coimbra, 2005), Lisboa (Universidade de Lisboa, 2010, 2011, 2012, 2013, mayo y septiembre de 2014, 2015, 2016, 2017, 2018, 2019, abril y septiembre de 2021/Associação Portuguesa de Direito Constitucional, Instituto de Ciências Jurídico-Políticas da Faculdade de Direito de Lisboa, Instituto Jurídico da Faculdade de Direito da Universidade de Coimbra y Fundação Calouste Gulbenkian, con el Alto Patrocinio del Presidente de la República Portuguesa, 2016; Fundação Getulio Vargas, Instituto Brasiliense de Direito Público y Faculdade de Direito da Universidade de Lisboa, 2019; IDP de Brasilia/Universidade Nova de Lisboa, 2020; ICON-S Portugal, 2020).

#### **Alemania:**

Baden-Baden (FernUniversität Hagen, 1999), Bayreuth (Universität Bayreuth, 1997, 2001 y 2002), Berlín (Konrad-Adenauer-Stiftung, 2019), Bonn (Institut für Öffentliches Recht der Universität Bonn, 2006), Erfurt (Universität Erfurt, 2008); Erlangen (Universität Erlangen-Nürnberg, 2001); Hannover (Deutsche Institut für Föderalismusforschung, 1993, Leibniz Universität Hannover, 2019), Hamburgo (Societas Iuris Publici Europaei, SIPE/Universität Hamburg/Bucerius Law School, 2018; Europa-Kolleg Hamburg, 2019), Regensburg (Universität Regensburg, 1997).

**México:**

Cancún (Universidad de Quintana Roo/Universidad Nacional Autónoma de México, 1998), Ciudad de México (Instituto de Investigaciones Jurisprudenciales de la Suprema Corte de Justicia de la Nación, 2012/XIII Congreso Iberoamericano de Derecho Constitucional, 2017; Instituto de Investigaciones Jurídicas de la UNAM, 2020; Universidad Autónoma Metropolitana UAM- Xochimilco, 2021 y 2022; Universidad de Pisa y Tribunal Electoral de México, 2022), Tuxtla (Universidad Autónoma de Chiapas/Universidad Nacional Autónoma de México, 1998), Monterrey (Instituto de Investigaciones Jurídicas de la UNAM/Instituto Iberoamericano de Derecho Constitucional/Universidad Autónoma de Nuevo León, 2020).

**Francia:**

La Rochelle (Université de La Rochelle, 2016), Montpellier (Faculté de Droit et Science politique, Université Montpellier I, 2009, 2013, 2015, 2016 y 2021); Sainte-Eulalie-de-Cernon, 2016; Rouen (Université de Rouen Normandie, 2020 y 2021).

**Perú:**

Arequipa (Academia de la Magistratura de Perú, 2015; Universidad Nacional de San Agustín de Arequipa, 2020), Lima (Academia de la Magistratura de Perú, 2015; Escuela del Ministerio Público. Fiscalía de la Nación, 2016).

**USA:**

Amelia Island (Florida, Southeastern Association of Law Schools, 2021); New Orleans (ELPIS/US Law Schools - Transatlantic Legal Lectures, 2022); Sandestin, Florida (Southeastern Association of Law Schools, 2022).

**Bélgica:**

Bruselas (Istituto Italiano di Cultura, 2009; Centro Asociado de la UNED de Bruselas, 2015 y 2016).

**UK:**

Cambridge (Universidad de Cambridge, 2012); Londres (Istituto Italiano di Cultura, 2010).

**Suiza:**

Sankt-Gallen (Universität St. Gallen, 2008), Freiburg (Universität Freiburg, 2022).

**Hungría:**

Budapest (The National University of Public Service, The institute for legal studies of the Hungarian Academy of Sciences, and The Embassy of France in Budapest, 2015).

**Lituania:**

Vilnius, The Constitutional Court of the Republic of Lithuania, 2019.

**TESIS DOCTORALES**

-Ha dirigido 28 Tesis Doctorales de doctorandos de España, Italia, Portugal y Brasil. Todas ellas han obtenido la máxima calificación y la Mención "Cum Laude" por unanimidad. Cinco de ellas han obtenido el Premio Extraordinario de Doctorado en Derecho de la Universidad de Granada. Una de ellas tiene el Título de Doctorado Europeo, otra la Mención de Doctorado Internacional, once han sido dirigidas en cotutela con la Universidad de Lisboa, con la PCURS de Porto Alegre y con diferentes universidades italianas. Nueve de ellas fueron defendidas en Italia: en la Universidad "La Sapienza" de Roma 2008, 2011, 2015 y 2023; en la Universidad de La Calabria, 2011; en la Segunda Universidad de Nápoles, 2009, 2010 y 2014 y en la Universidad de Bari, 2012. Una fue defendida en Porto Alegre (PCURS, 2022).

-Ha participado en 78 Tribunales de Tesis Doctorales en España y en otros países, en 24 de ellos como presidente.

En Málaga (1986), Granada (1987), Madrid (Universidad Complutense, 1990), Granada (2, 1992), Florencia (European University Institute, 1994), Málaga (1995), Granada (1996), Barcelona (1996, Universidad Central); Málaga, 1997; Valencia, 1997; La Coruña, 1997; Barcelona, 1997 (Universidad Central); Madrid (Universidad Complutense, 1998); Almería, 1998; Las Palmas de Gran Canaria, 1998; Granada (2), 1998; Alicante, 1998; Almería, 1999; Oviedo, 1999; Barcelona (1999, Universidad Central); Granada, 1999; Alicante (2), 2000; Granada, 2000; Málaga, 2000; Barcelona (2000, Universidad de Barcelona); Almería (2), 2001; Málaga, 2002 (como Presidente); Almería, 2003; Siena, 2003 (Universidad de Siena, como Presidente); Granada, 2003 (como Presidente); Bilbao, 2004; Alcalá de Henares, 2005 (2); Bilbao, 2005; Granada, 2005; Sevilla (Universidad de Sevilla), 2006; Roma (Universidad "La Sapienza"), 2008; Granada, 2008 (como Presidente); Nápoles, 2009 (Segunda Universidad de Nápoles); Salamanca, 2009, Nápoles 2010 (Segunda Universidad de Nápoles, 3 como Presidente); Salamanca, 2010 (Universidad de Salamanca, como Presidente), Málaga, 2010 (como Presidente), Bilbao, 2011; Cosenza, 2011 (Universidad de La Calabria, 3 como Presidente), Roma (Universidad "La Sapienza"), 2011; Granada 2011 (como Presidente), Bari, 2012 (Universidad de Bari, 3); Bilbao, 2012; Salamanca, 2012; Roma (Universidad "Tor Vergata"), 2012; Granada, 2014; Nápoles, 2014; Granada, 2015 (2, como Presidente); Roma (Universidad La Sapienza, como Presidente) 2015, Salamanca, 2016, Granada 2017 (como Presidente) Barcelona 2017 (como Presidente), Bilbao, 2019 (como Presidente), Nápoles 2021 (como Presidente), Porto Alegre, 2022 (como Presidente), Granada, 2022 (como Presidente), Granada 2023 (2, como Presidente) y Porto Alegre, 2024.

**CURSOS Y PROGRAMAS DE DOCTORADO**

-Ha impartido más de 100 Cursos de Doctorado en Programas de Doctorado de más de 30 Universidades en España y en otros países.

En España en: Universidad de Alicante, Universidad de Almería, Universidad de Granada, Universidad de Málaga, Universidad de La Rioja, Universidad Pablo de Olavide de Sevilla, Universidad de las Palmas de Gran Canaria, Universidad del País Vasco, Universidad Autónoma de Barcelona, UNED y Universidad Internacional Menéndez Pelayo/Centro de Estudios Políticos y Constitucionales, en Madrid. Fuera de España en: Universidad "La Sapienza" de Roma (Italia), Universidad Tor Vergata de Roma (Italia), Universidad de Siena (Italia), Universidad de Perugia (Italia), Universidad de Milán (Italia), Universidad de Catania (Italia), Universidad de Palermo (Italia), Universidad de Génova (Italia) Universidad Kore di Enna (Italia), Universidad de La Calabria (Italia), Segunda Universidad de Nápoles (Italia), Universidad de Bari (Italia), Instituto Brasiliense de Direito Público (Brasil) Universidad de São Paulo (Brasil), Universidad Federal de Maranhão (Brasil), Pontificia Universidade Católica do Rio Grande do Sul (Porto Alegre, Brasil), Universidade Federal da Paraíba (Brasil), Universidade Federal da Bahia (Brasil), Universidade do Oeste de Santa Catarina (Brasil), Universidad de Montpellier I (Francia) y Universidad Autónoma de Nuevo León (México).

-Ha coordinado 7 Programas de Doctorado bianuales. Ha sido Coordinador del Programa de Doctorado "Derecho constitucional jurisprudencial" del Departamento de Derecho constitucional de la Universidad de Granada (bienios 1993-1995, 1995-1997, 1997-1999, 1999-2001 y 2001-2003) y del Programa de Doctorado "Derecho Constitucional Común Europeo: Jurisprudencia y Doctrina" del Departamento de Derecho constitucional de la Universidad de Granada (bienio 2003-2005). Igualmente, del Programa de Doctorado "Derecho Constitucional Europeo" (2005-2007), del Departamento de Derecho constitucional de la Universidad de Granada y la Cátedra Jean Monnet de Derecho Constitucional Europeo. Este Programa obtuvo la Mención de Calidad del Ministerio de Educación y Ciencia (MCD-2005 00139, Resolución de 29 de junio de 2005).

-Ha sido Coordinador del Máster Oficial y Postgrado de la Facultad de Derecho de la Universidad de Granada: "Derecho Constitucional Europeo". Postgrado Oficial en Derecho, organizado en colaboración con la Cátedra Jean Monnet de Derecho Constitucional Europeo y adaptado al EEES. Máster con Mención de Calidad del Ministerio de Educación y Ciencia. Cursos Académicos 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015 y 2015-2016.

-Actualmente es Coordinador del Máster Oficial en Derechos Fundamentales en perspectiva nacional, supranacional y global. Cursos Académicos 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023 y 2023-2024.

## INVESTIGACIÓN

-Investigador principal en 15 Proyectos de Investigación europeos, internacionales, nacionales y autonómicos.  
 -Becado en 1991 (Deutscher Akademischer Austauschdienst) y 1993 (Ministerio de Educación y Ciencia) en la Universidad de Regensburg.  
 -Investigador principal en dos Acciones Integradas de investigación científica entre España y Alemania (Universidad de Regensburg), 1994, 1995.  
 -Investigador Principal del Grupo de Investigación de la Junta de Andalucía "Andalucía, la Unión Europea y el Estado social", subvencionado con las ayudas para el fomento de la Investigación y el Desarrollo Tecnológico de la Junta de Andalucía (años 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 y 2021).  
 -Investigador Principal del Proyecto de Investigación PB97-0801: "Relaciones entre ordenamientos en la jurisprudencia del Tribunal Constitucional. Derecho europeo, derecho estatal y derecho autonómico". Proyecto nacional, subvencionado dentro del Programa Sectorial de Promoción General del Conocimiento, por Resolución de 18-9-1998, con una duración de tres años (1998-2001).  
 -Investigador Principal del Proyecto de Investigación BJU2003-06526: "El proceso de constitucionalización de la Unión Europea". Proyecto nacional, subvencionado por la Secretaría de Estado de Política Científica y Tecnológica del Ministerio de Ciencia y Tecnología, por Resolución de 1 diciembre de 2003, con una duración de tres años (2003-2006).  
 -Investigador Principal del Proyecto de Investigación de Excelencia SEJ-939: "Las reformas constitucionales y estatutarias en el marco de la Unión Europea", de la Junta de Andalucía, con una duración de tres años (2005-2008).  
 -Investigador Principal del Proyecto de Investigación SEJ2007-66427/JURI "La interacción constitucional entre Unión Europea y Estados miembros como factor de desarrollo del Derecho Constitucional Europeo". Proyecto nacional, subvencionado por la Dirección General de Investigación del Ministerio de Educación y Ciencia, con una duración de tres años (2007-2010).  
 -Investigador principal en la Acción Integrada de investigación científica entre España y e Italia, con la Universidad de Pisa, 2007. Referencia: HI2007-0028, Proyecto: "Jurisdicción ordinaria y jurisdicción constitucional en el proceso de integración europea".  
 -Investigador Principal del Proyecto de Investigación de Excelencia SEJ-4931: "Reformas estatutarias y desarrollo estatutario en el marco de la Unión Europea", de la Junta de Andalucía, con una duración de cuatro años (2011-2015).  
 -Cátedra Jean Monnet de Derecho Constitucional Europeo (2004) 2004-2818/001-001 JMO JMO (2004-2009).  
 -Cátedra Jean Monnet "ad personam" de Derecho Constitucional Europeo y Globalización (2010) 176234-LLP-2010-1-ES-AJM-CL.  
 -Director del Centre of Excellence on European Integration and Globalization (Ei&G) JM Centre of Excellence 542418-LLP-1-2013-1-ES-AJM-PO/ 2013-3027.

## PUBLICACIONES

Autor de más de 600 publicaciones sobre materias de su especialidad en 12 países: Alemania, Bélgica, Holanda, Brasil, España, Francia, Italia, México, Perú, Portugal, Reino Unido y Suiza.

Más de 250 libros, capítulos de libro y artículos publicados fuera de España, entre ellos: Italia (90), Brasil (60), Alemania (25), UK/USA & Inglés (21), México (12), Francia (10) y Portugal (8).

Entre las publicaciones se pueden mencionar:

### España:

Fuentes del Derecho (dos tomos, Tecnos, Madrid, 1991 y 1992), Premio "Adolfo Posada" del Centro de Estudios Constitucionales, correspondiente al periodo 1991-1992.

"La integración del derecho autonómico y la aplicación supletoria del derecho estatal" *Revista de Administración Pública*, N. 124, Centro de Estudios Constitucionales, Madrid, 1991.

"Constitución normativa y ciencia del Derecho", en AAVV: *Estudios de Derecho Público en Homenaje a Juan José Ruiz-Rico*, Editorial Tecnos, Vol. I, Madrid, 1997.

"La constitucionalización de la Unión Europea y la articulación de los ordenamientos europeo y estatal", en Miguel Ángel García Herrera (dir.): *El constitucionalismo en la crisis del Estado social*, Universidad del País Vasco, Bilbao, 1997.

"La constitucionalización del Estado autonómico", *Anuario de Derecho constitucional y Parlamentario*, nº 9, Murcia, 1997.

"Las relaciones entre el ordenamiento estatal y los ordenamientos autonómicos. Una reflexión a la luz de la regla de supletoriedad", *Revista de Derecho Político*, n. 44, 1998.

"Tribunal Constitucional y creación del Derecho", en *La justicia constitucional en el Estado democrático*, Eduardo Espin Templado y Francisco Javier Díaz Revorio (coords.), Tirant lo Blanch, Valencia, 2000.

"Poder Judicial y Comunidades Autónomas", *Revista de Derecho Político*, n. 47, UNED, Madrid, 2000.

"Capacidad creativa y límites del legislador en relación con los derechos fundamentales. La garantía del contenido esencial de los derechos", en Miguel Ángel Aparicio Pérez (Coord.) *Derechos Constitucionales y pluralidad de ordenamientos*. CEDECS, Barcelona, 2001.

"Derecho y Derechos en la Unión Europea" en Javier Corcuera Atienza (Coord.), *La protección de los Derechos Fundamentales en la Unión Europea*, Dykinson, Madrid, 2002.

"El Estado social y democrático de Derecho. Significado, alcance y vinculación de la cláusula del Estado social", en José Luis Monereo (coord.), *Comentario a la constitución socioeconómica de España*, Comares, Granada, 2002.

"El status constitucional de la reforma y la fragmentación del Poder Constituyente", en AAVV, *La democracia constitucional. Estudios en homenaje al Profesor Rubio Llorente*, Congreso de los Diputados, Tribunal Constitucional, Vol. I, Madrid, 2002.

"Fuentes del Derecho, espacios constitucionales y ordenamientos jurídicos", *Revista Española de Derecho Constitucional*, n. 69, Madrid, 2003.

"Soluciones apócrifas a problemas ficticios. Un comentario al Dictamen del Consejo de Estado sobre el Tratado por el que se establece una Constitución para Europa", *La Ley. Unión Europea*, AÑO XXV. Número 6138. Martes, 30 de noviembre de 2004.

"Niveles y técnicas internacionales e internas de realización de los derechos en Europa. Una perspectiva constitucional", *Revista de Derecho Constitucional Europeo*, nº 1, Enero-Junio de 2004.

"Reformas constitucionales relativas al Título VIII en relación con la recepción constitucional de la denominación oficial de las CCAA" en Francisco Rubio Llorente, José Álvarez Junco (eds.) *El informe del Consejo de Estado sobre la reforma constitucional. Texto del informe y debates académicos*, CEPC, Madrid, 2006.

"Constitucionalismo Multinivel y Derechos Fundamentales en la Unión Europea", en *Teoría y metodología del Derecho. Estudios en Homenaje al Profesor Gregorio Peces-Barba*, Dykinson, Madrid, 2008.

"El Tratado de Lisboa en el Diván. Una reflexión sobre constitucionalidad, estatalidad y Unión Europea", *Revista Española de Derecho Constitucional*, núm.

83, mayo-agosto de 2008.

“La incidencia del Tratado de Lisboa en el sistema de fuentes de la Unión Europea y su influencia en los ordenamientos estatales”, en F.J. Matia Portilla (Dir.): *Estudios sobre el Tratado de Lisboa*, Instituto de Estudios Universitarios y Editorial Comares, Granada, 2009.

„Crisis económica y crisis constitucional en Europa“, *Revista Española de Derecho Constitucional*, número 98, Mayo/Agosto 2013.

“Una interpretación constitucional de la crisis económica”, *Revista de Derecho Constitucional Europeo*, Año 10, Número 19, enero-junio de 2013.

“Las dos grandes crisis del constitucionalismo frente a la globalización en el Siglo XXI”, *Revista de Derecho Constitucional Europeo*, n. 30, julio-diciembre de 2018.

“Redes sociales, compañías tecnológicas y democracia”, *Revista de Derecho Constitucional Europeo*, Número 32, julio-diciembre de 2019.

El constitucionalismo en su hora crítica. Crisis clásicas y crisis inéditas” en Balaguer Callejón, F., Guillén López, E., Azpitarte Sánchez, M. y Sánchez Barrilao, J.F., (Dir.) *Los derechos fundamentales ante las crisis económicas y de seguridad en un marco constitucional fragmentado*, Thomson, Madrid, 2020.

“Interpretación constitucional y populismo”, *Revista de Derecho Constitucional Europeo*, n. 33, enero-junio de 2020.

“Control de constitucionalidad y relaciones entre ordenamientos” *Revista de Derecho Constitucional Europeo*, n. 37, enero-junio de 2022.

#### Italia:

"Il finanziamento dei partiti politici in Spagna", en *Finanziamento della politica e corruzione*, a cura di Fulco Lanchester, Milano, Dott. A. Giuffrè Editore, 2000.

"Livelli istituzionali e tecniche di riconoscimento dei diritti in Europa. Una prospettiva costituzionale", en *Tecniche di garanzia dei diritti fondamentali*, a cura di Giancarlo Rolla, G. Giappichelli Editore, Torino, 2001.

"I diritti degli stranieri in Spagna", *Diritto Pubblico Comparato ed Europeo*, n° II, G. Giappichelli Editore, Torino, 2003.

"Lo Stato autonomo spagnolo: la stagione delle riforme", en *I cantieri del federalismo in Europa*, a cura di Antonio D'Atena, Giuffrè, Milano, 2008.

"Le Corti Costituzionali e il processo di integrazione europea" en AA VV, *Anuario 2006 - La circolazione dei modelli e delle tecniche del giudizio di costituzionalità in Europa*, Jovene Editore, Napoli 2010.

"Diritto e giustizia nell'ordinamento costituzionale europeo", en *Giustizia e diritto nella scienza giuridica contemporanea*, a cura di Antonio Cantaro, G. Giappichelli Editore, Torino, 2011.

*La proiezione della Costituzione sull'ordinamento giuridico*, Cacucci Editore, Bari, 2012.

"Crisi economica e crisi costituzionale in Europa" *KorEuropa*, no 1/2012.

"Autonomia finanziaria e pluralismo territoriale in Spagna nel contesto della crisi economica" en *Il federalismo fiscale in Europa*, a cura di Silvio Gambino, Milano, Giuffrè, 2014.

"Profili metodologici del Diritto Costituzionale europeo", *La cittadinanza europea*, n° 1/2015.

"L'articolazione territoriale del potere politico in Europa. Il pluralismo costituzionale di fronte alla crisi económica", en Francisco Balaguer Callejón, Pedro Cruz Villalón, Pierfrancesco Grossi, Peter Häberle, Stelio Mangiameli, Gianpiero Milano, Jorge Miranda e Dian Schefold, *Scritti in onore di Antonio D'Atena*, Giuffrè, Milano, 2015.

"Il modello europeo di integrazione e la sua incidenza sulle Corti costituzionali e sui Parlamenti nazionali", en *Parlamenti nazionale e Unione Europea nella governance multilivello*, a cura di Fulco Lanchester, Giuffrè, Milano, 2016.

"Primato del diritto europeo e identità costituzionale nell'esperienza spagnola", en *I Controlimiti - Primato delle norme europee e difesa dei principi costituzionali*, a cura di Alessandro Bernardi, Jovene Editore, Napoli, 2017.

"Potere costituente e limiti alla revisione costituzionale visti dalla Spagna", en Fulco Lanchester (a cura di), *Costantino Mortati. Potere costituente e limiti alla revisione costituzionale*, Padova, Cedam, 2017.

"La prospettiva spagnola sul pilastro sociale europeo", en *I diritti sociali tra ordinamento statale e ordinamento europeo*, a cura di Paola Bilancia, *federalismi.it*. Numero speciale 4, 2018.

"Alcune lezioni dalla Brexit per il Diritto costituzionale europeo. Referendum e social network versus democrazia pluralista", en G. D'Ignazio, G. Moschella (a cura di), *Giornate in onore di Silvio Gambino*, Editoriale Scientifica, Napoli, 2019.

"Crisi sanitaria, globalizzazione e diritto costituzionale", en *Scritti in onore di Paolo Ridola, Rivista italiana per le scienze giuridiche*, Roma, 2020.

„La costruzione di un'identità cittadina europea“ en *Liber Amicorum Luigi Moccia*, a cura di Ermanno Calzolaio, Raffaele Torino, Laura Vagni, *Roma TrE-Press*, Roma, 2021.

"La teoria delle fonti del diritto nello Stato costituzionale", en AAVV, *Scritti in onore di Antonio Ruggeri*, Editoriale Scientifica, Napoli, 2021.

"Controllo di costituzionalità e relazioni tra ordinamenti", en *Scritti in onore di Paola Bilancia*, *federalismi.it*, 2022.

"Continuità e discontinuità del progetto europeo di fronte alla crisi sanitaria e alla globalizzazione" en *Scritti in Onore di Fulco Lanchester*, a cura di Giulia Caravale, Stefano Ceccanti, Laura Frosina, Paola Piciacchia e Astrid Zei, Jovene, Napoli, 2022.

#### Brasil:

"Possibilidades e limites da reforma constitucional na Espanha no contexto do Estado autônomo integrado na União Européia". *Direitos Fundamentais & Justiça*, n° 6, Porto Alegre (Brasil), 2009.

"A divisão territorial do poder num contexto supranacional. O exemplo da Espanha na União Europeia" en André Ramos Tavares, Ingo Wolfgang Sarlet y George Salomão Leite (eds.) *Estado Constitucional e Organização do Poder*, Editora Saraiva, São Paulo (Brasil), 2010.

"A Carta dos Direitos Fundamentais da União Europeia", *Direito Público*, 35, set-out/2010.

"Federalismo e integração supranacional. As funções do Direito constitucional nos processos de integração supranacional no contexto da globalização", en Paulo Roberto Barbosa Ramos (Org.) *Constituição e federalismo no mundo globalizado*, EDUFMA, São Luis, 2011.

"A configuração normativa dos direitos fundamentais pela justiça constitucional em um contexto de integração supranacional" en George Salomão Leite e Ingo Wolfgang Sarlet (Coord.) *Jurisdição Constitucional, Democracia e Direitos Fundamentais. Estudos em homenagem ao Ministro Gilmar Ferreira Mendes*, Editora JusPODIVM, Salvador Bahia, 2012.

"A transição para um Direito Constitucional Supranacional. O caso do Brasil. Discurso de Agradecimento pelo Título de Doutor "Honoris Causa" pela Universidade Federal do Maranhão", *Revista do Curso de Direito*, Vol. 1, 2012.

"Reserva de lei e potestade regulamentadora na Constituição normativa", *Direito Público*, n. 50, Marz./Abr. 2013.

*A Projeção da Constituição Sobre o Ordenamento Jurídico*, Saraiva, São Paulo, Brasil, 2014.

"As duas grandes crises do constitucionalismo diante da globalização no século XXI", *Espaço Jurídico Journal of Law [EJLL]*, 19 (3), 2018.

"Direito Constitucional, Pandemia e Globalização", *Prima@Facie*, v.19, n.42, maio-ago., 2020.

"Redes sociais, companhias tecnológicas e democracia", *Revista Estudos Institucionais*, v. 6, n. 2, maio/ago. 2020.

"O impacto dos novos mediadores da era digital na liberdade de expressão", *Espaço Jurídico Journal of Law [EJLL]*, n. 1, 2022.

#### Alemania:

"Die Autonome Gemeinschaft Andalusien im Bildungsprozeß des Autonomen Spanischen Staates", *Jahrbuch des öffentlichen Rechts der Gegenwart*, Mohr Siebeck, Tübingen, Bd. 47, 1999.

"Das System der Rechtsquellen in der spanischen Verfassungsrechtsordnung", *Jahrbuch des öffentlichen Rechts der Gegenwart*, Mohr Siebeck, Tübingen, Bd. 49, 2001.

"Der Verfassungsstaat in iberamerikanischem Kontext", Martin Morlok (Hrsg.) *Die Welt des Verfassungsstaates*, Nomos, Baden-Baden, 2001.

"Der Beitrag Spaniens zur europäischen Rechtskultur", *Jahrbuch des öffentlichen Rechts der Gegenwart*, Mohr Siebeck, Tübingen, Bd. 52, 2004.

"Der Integrationsprozess in Europa und die Beziehungen zwischen der Europäischen Rechtsordnung und den Rechtsordnungen der Mitgliedsstaaten", en A. Blankenagel, I. Pernice, H. Schulze-Fielitz (Hrsg.) *Verfassung im Diskurs der Welt, Liber Amicorum für Peter Häberle*, Mohr Siebeck, Tübingen, 2004.

"Die europäische Verfassung auf dem Weg zum Europäischen Verfassungsrecht", *Jahrbuch des öffentlichen Rechts der Gegenwart*, Mohr Siebeck, Tübingen, Bd. 53, 2005.

"Die Territorialreformen in Spanien". *Jahrbuch des öffentlichen Rechts der Gegenwart*, Mohr Siebeck, Tübingen, Bd. 57, 2009.



Die Einwirkungen des Unionsrechts und der EMRK auf die nationalen Verfassungen. Der Fall Spanien“, en *Verfassungsentwicklungen im Vergleich*. Herausgegeben von Hermann-Josef Blanke, Siegfried Magiera, Johann-Christian Pielow, Albrecht Weber, Duncker & Humblot, Berlin, 2021.

#### UK/USA & inglés:

“The Relations between the European Court of Justice and the Constitutional Courts of the Member States”, en Hermann-Josef Blanke/Stelio Mangiameli (Editors) *The European Union after Lisbon. Constitutional Basis, Economic Order and External Action*, Springer-Verlag, Berlin, and Heidelberg, 2011.

“European Identity, Citizenship and the Model of Integration”, en *Citizenship and Solidarity in the European Union - from the Charter of Fundamental Rights to the crisis, the state of the art*, PIE - Peter Lang SA - Éditions scientifiques internationales, Bruxelles, 2013.

“European Integration and Limitation of the Power of Constitutional Reform”, en Rainer Arnold (Editor) *Limitations of National Sovereignty through European Integration*, Springer, 2016.

“The dialectic relation between the national and the European constitutional identity in the framework of European Constitutional Law”, *UNIO - EU Law Journal*. Vol. 3, No. 3, May 2017, pp 10-24.

“Constitutional Courts under Pressure – New Challenges to Constitutional Adjudication. The Case of Spain”, in *New Challenges to Constitutional Adjudication in Europe. A Comparative Perspective*. Edited by Zoltán Szente, Fruzsina Gárdos-Orosz, Routledge, London and New York, 2018.

“The Relevance of Subsidiarity to European Integration”, en Jörn Axel Kämmerer, Markus Kotzur, Jacques Ziller (Ed.) *Integration und Desintegration in Europa | Integration and Desintegration in Europe | Intégration et Désintégration en Europe*, Nomos Verlagsgesellschaft, Baden-Baden, 2019.

„Modern Teaching Methods in European Legal Education“, en Claas Friedrich Germelmann (ed.) *Innovative Teaching in European Legal Education*, Nomos, Baden-Baden, 2021.

„Constitutional interpretation and populism in contemporary Spain“, en Gárdos-Orosz, F., & Szente, Z. (Eds.) *Populist Challenges to Constitutional Interpretation in Europe and Beyond*, Routledge, London and New York, 2021.

“The impact of the new mediators of the digital age on freedom of speech”, en Steffen Hindelang and Andreas Moberg (eds.) *YSEC Yearbook of Socio-Economic Constitutions*, Springer 2022.

#### Francia:

“Niveaux et techniques internes et internationaux de réalisation des droits en Europe. Une perspective constitutionnelle”, *Revue Française de Droit Constitutionnel*, n° 60, Paris, Octobre 2004.

“Crise économique et crise constitutionnelle en Europe”, *Constitutions*, avril-juin 2013.

“La méthodologie du droit constitutionnel européen”, en *Le Droit constitutionnel Européen à l'épreuve de la crise économique et démocratique de l'Europe*. Sous la direction scientifique de Francisco Balaguer Callejón, Stéphane Pinon et Alexandre Viala, Institut Universitaire Varenne, Paris, 2015.

“La fragmentation du pouvoir constituant” en *Le pouvoir constituant au XXI<sup>e</sup> siècle*. Sous la direction scientifique de Francisco Balaguer Callejón, Stéphane Pinon et Alexandre Viala, Institut Universitaire Varenne, Paris, 2017.

“Constitution, démocratie et mondialisation. La légitimité de la Constitution face à la crise économique et aux réseaux sociaux”, en *Mélanges en l'honneur du Professeur Dominique Rousseau. Constitution, justice, démocratie*. L.G.D.J., Paris 2020.

**Bélgica:** *Droit constitutionnel de l'Espagne*, Bruylant, Bruxelles, 2022.

#### México:

“Constitución y ordenamiento jurídico”, en Miguel Carbonell (compilador), *Teoría de la Constitución. Ensayos escogidos*. Editorial Porrúa/UNAM, México, 2000.

“La reforma constitucional en el contexto de la pluralidad de espacios constitucionales de dimensión europea”, *Boletín Mexicano de Derecho Comparado*, Sexagésimo aniversario, Número conmemorativo 1948-2008, Año 2008.

“La función normativa de las sentencias constitucionales”, *Criterio y Conducta*, Suprema Corte de Justicia de la Nación, n° 4, Julio-Diciembre 2008.

“La interacción entre democracia y derechos en el constitucionalismo y su proyección supranacional y global”, en AAVV, *Memoria del III Congreso Internacional de Argumentación Jurídica ¿Cómo argumentar los derechos humanos?* Suprema Corte de Justicia de la Nación, México, 2013.

*La proyección de la Constitución sobre el ordenamiento jurídico*, Suprema Corte de Justicia de la Nación, México D.F. (México), 2015.

“Constitución y Estado en el contexto de la integración supranacional y de la globalización”, en Miguel Carbonell, Héctor Fix-Fierro, Luis Raúl González Pérez y Diego Valadés (Coordinadores), *Estado constitucional, Derechos humanos, Justicia y vida universitaria. Estudios en homenaje a Jorge Carpizo*, UNAM, México, 2015.

#### Portugal:

“La configuración normativa de principios y derechos constitucionales en la Constitución europea”, *Boletim da Faculdade de Direito*, STVDIA IVRIDICA, 84. Coimbra Editora, Coimbra, 2005.

“El final de una época dorada. Una reflexión sobre la crisis económica y el declive del Derecho constitucional nacional”, en *Estudos em Homenagem ao Professor Doutor José Joaquim Gomes Canotilho*, Vol. II, *Constituição e Estado: entre Teoria e Dogmática*, Coimbra Editora, Coimbra, 2012.

“Perfis metodológicos do Direito Constitucional Europeu”, en Vasco Pereira da Silva y Francisco Balaguer Callejón (coordinadores) *O constitucionalismo do séc. XXI na sua dimensão estadual, supranacional e global*, Instituto de Ciências Jurídico-Políticas da Faculdade de Direito da Universidade de Lisboa, 2015.

“A relação dialética entre identidade constitucional nacional e europeia, no quadro do Direito Constitucional Europeu” *UNIO - EU Law Journal*. Vol. 3, N.º 1, Janeiro 2017.

**Ha realizado traducciones de obras de diversos autores alemanes que se han publicado en España y en otros países. Igualmente, más de 20 Prólogos a diversas obras en España, Brasil e Italia y recopilaciones de textos normativos.**

**Coautor y coordinador de diversos libros en España, Francia, Italia, Portugal y Brasil.** Por ejemplo:

#### España:

Francisco Balaguer Callejón (Coordinador), Gregorio Cámara Villar, Juan Fernando López Aguilar, María Luisa Balaguer Callejón y José Antonio Montilla Martos, *Manual de Derecho Constitucional*, dos volúmenes, 17<sup>a</sup> edición, Tecnos, Madrid, 2022.

Francisco Balaguer Callejón (Coordinador), Gregorio Cámara Villar, María Luisa Balaguer Callejón y José Antonio Montilla Martos, *Introducción al Derecho Constitucional*, 11<sup>a</sup> ed., Tecnos, Madrid, 2022.

Francisco Balaguer Callejón (Coordinador), Gregorio Cámara Villar, José Antonio Montilla Martos, José María Porras Ramírez y Agustín Ruíz Robledo, *Manual de Derecho Autonómico de Andalucía*, 2<sup>a</sup> ed., Tecnos, Madrid, 2022.

Francisco Balaguer Callejón (Coordinador), *Derecho constitucional y cultura. Estudios en Homenaje a Peter Häberle*, Tecnos, Madrid, 2004.

Francisco Balaguer Callejón (Director), Luís Ortega, Gregorio Cámara Villar, José Antonio Montilla Martos, (Coordinadores), *Reformas estatutarias y distribución de competencias*, IAAP, Sevilla, 2007.

Francisco Balaguer Callejón (Director), Luís Ortega, Gregorio Cámara Villar, José Antonio Montilla Martos, (Coordinadores), *Reformas estatutarias y Declaraciones de Derechos*, IAAP, Sevilla, 2008.

Francisco Balaguer Callejón (Director), Luís Ortega, Gregorio Cámara Villar, José Antonio Montilla Martos, (Coordinadores), *Reformas estatutarias y organización institucional*, IAAP, Sevilla, 2010.

*The impact of the Economic Crisis on the EU Institutions and Member States/El impacto de la crisis económica en las instituciones de la UE y los Estados miembros*. Edited by Francisco Balaguer Callejón, Miguel Azpitarte Sánchez, Enrique Guillén López y Juan Francisco Sánchez Barrilao. Thomson Reuters Aranzadi, Pamplona, 2015.

*The Dimension of the Public Administration in the Context of Globalization/La Dimensión de la Administración Pública en el contexto de la globalización*.

Edited by Francisco Balaguer Callejón, Miguel Azpitarte Sánchez, Enrique Guillén López y Juan Francisco Sánchez Barrilao. Thomson Reuters Aranzadi, Pamplona, 2015.

Miguel Angel García Herrera, José Asensi Sabater y Francisco Balaguer Callejón (Coordinadores) *Constitucionalismo crítico. Liber Amicorum Carlos de Cabo Martín*. Tirant lo Blanch, Valencia, 2016.

Francisco Balaguer Callejón y José Tudela Aranda (Coords.) *Estudios en Homenaje al Profesor y Magistrado Luis Ortega Álvarez*, editorial Thomson, Pamplona, 2016.

*The Reform of the European Union Economic Governance and the Progress of Political Integration/La reforma de la gobernanza económica de la Unión Europea y el progreso de la integración política*, Edited by Francisco Balaguer Callejón, Miguel Azpitarte Sánchez, Enrique Guillén López, Juan Francisco Sánchez Barrilao, Thomson Reuters Aranzadi, Pamplona, 2017.

Francisco Balaguer Callejón y José Tudela Aranda (Coords.) *Perspectivas actuales del proceso de integración europea*, Marcial Pons, Madrid, 2019.

P. Häberle, F. Balaguer Callejón, I. Sarlet, C. L. Strapazzon y A. Aguilar (coords.), *Derechos fundamentales, desarrollo y crisis del constitucionalismo multinivel. Libro Homenaje a Jörg Luther*, Thomson Reuters/Civitas, Madrid, 2020.

Balaguer Callejón, F., Guillén López, E., Azpitarte Sánchez, M. y Sánchez Barrilao, J.F., (Dirs.) *Los derechos fundamentales ante las crisis económicas y de seguridad en un marco constitucional fragmentado*, Thomson, Madrid, 2020.

#### Francia:

*Le Droit constitutionnel Européen à l'épreuve de la crise économique et démocratique de l'Europe*. Sous la direction scientifique de Francisco Balaguer Callejón, Stéphane Pinon et Alexandre Viala, *Institut Universitaire Varenne, Paris, 2015*.

*Le pouvoir constituant au XXIe siècle*, Sous la direction scientifique de Francisco Balaguer Callejón, Stéphane Pinon et Alexandre Viala, Institut Universitaire Varenne, Paris, 2017.

#### Italia:

Francisco Balaguer Callejón, Pedro Cruz Villalón, Pierfrancesco Grossi, Peter Häberle, Stelio Mangiameli, Gianpiero Milano, Jorge Miranda e Dian Schefold, *Scritti in onore di Antonio D'Atena*, Giuffrè, Milano, 2015.

#### Portugal:

Vasco Pereira da Silva y Francisco Balaguer Callejón (coordinadores) *O constitucionalismo do séc. XXI na sua dimensão estadual, supranacional e global*, Instituto de Ciências Jurídico-Políticas da Faculdade de Direito da Universidade de Lisboa, 2015.

#### Brasil:

P. Häberle, G. Ferreira Mendes, F. Balaguer Callejón, I. Sarlet, C. L. Strapazzon y A. Aguilar (organizadores) *Direitos fundamentais, desenvolvimento e crise do constitucionalismo multinível Livro em homenagem a Jörg Luther*, Editora Fundação Fênix, Porto Alegre, 2020

### OTRAS ACTIVIDADES

-Miembro de 68 *Consejos Editoriales y Científicos de Revistas y de Colecciones Editoriales* especializadas en Derecho constitucional en 9 países: Italia (30), Brasil (17), España (14), México (2), Francia (1), Perú (1), Portugal (1), Malta (1) y Grecia (1).

-Codirector de la Revista *La Cittadinanza Europea*, Roma.

-Miembro del IACL Research Group on Constitutional Interpretation.

-Miembro del Grupo de Expertos Jurídicos de la Agencia de Derechos Fundamentales de la Unión Europea (FRALEX).

-Miembro de la Comissão de Acompanhamento del Centro de Investigação em Direito Público do Instituto de Ciências Jurídico-Políticas da Faculdade de Direito da Universidade de Lisboa.

-Miembro del Collegio dei Docenti del Corso di Dottorato di Ricerca in Internazionalizzazione dei sistemi giuridici e diritti fondamentali (Segunda Universidad de Nápoles, Italia).

-Miembro del Comité Científico del Centro di Ricerca e Formazione sul Diritto Costituzionale Comparato (Universidad de Siena, Italia) 2000-2005.

-Miembro del Comité Científico del Centro di Ricerca sui Sistemi Costituzionali Comparati (Universidad de Génova, Italia).

-Socio del Centro Interdepartimentale di Ricerca e di Formazione sul Diritto Pubblico Europeo e comparato (DIPEC).

-Miembro de la Societas Iuris Publici Europaei (SIPE, Georg-August-Universität, Alemania).

-Miembro del Centro di ricerca Transizione ecologica, sostenibilità e sfide globali, Università di Teramo (Italia).

-Ha realizado Dictámenes e Informes para diversas instituciones y empresas: Junta de Andalucía, Gobierno de la Nación, Consejo de Estado, Diputación General de Aragón, Universidades de Andalucía, Agencia de Derechos Fundamentales de la Unión Europea, entre otras.

-Director del Departamento de Derecho Constitucional de la Universidad de Granada desde 1996 a 2012 (reelegido en 2000, 2004 y 2008).

-Miembro del Grupo de Trabajo sobre El futuro de la Unión Europea, Real Instituto Elcano de Estudios Internacionales y Estratégicos.

-Miembro del Foro sobre La reforma de la estructura territorial del Estado, Centro de Estudios Políticos y Constitucionales (2004-2007).

-Tramos de Investigación: 6. Tramos de Docencia: 6. Tramos autonómicos: 5. Tramos de transferencia de conocimiento e innovación: 1. El máximo posible en todos los casos.

-Conocimiento de Idiomas: inglés, francés, italiano, portugués y alemán.

-Consejero del Consejo Consultivo de la Comunidad Autónoma de Andalucía y miembro de la Comisión Permanente del Consejo (1994-2005).

-Miembro del Comité de Coordinación Andaluz para la conmemoración de 2005 como Año Europeo de la Ciudadanía a través de la Educación.

-Director del Observatorio de Derecho europeo, autonómico comparado y local.

## **Redes sociales, compañías tecnológicas y democracia**

Francisco Balaguer Callejón. Catedrático de Derecho Constitucional de la Universidad de Granada y Catedrático Jean Monnet "ad personam" de Derecho Constitucional Europeo y Globalización.

Duración: 10 horas. Idioma: español

### **Objetivos del curso:**

En el curso se desarrollarán las cuestiones que se plantean actualmente en la relación entre redes sociales, compañías tecnológicas y democracia, así como las posibles actuaciones que puedan evitar las disfunciones que están provocando. En la relación entre redes sociales y democracia es necesario considerar un mediador fundamental como son las empresas tecnológicas que gestionan las redes. Las redes sociales no son un fenómeno natural que haya aparecido en los procesos sociales y políticos de manera espontánea. Son el resultado de opciones empresariales que han configurado un modelo de negocio que está basado en atraer la atención del público para optimizar los rendimientos publicitarios mediante la utilización continua de las redes. Este modelo de negocio está provocando problemas importantes en los procesos de comunicación política porque fomenta la fragmentación del espacio público y su radicalización con la finalidad de incrementar el uso de las redes y obtener así más beneficios. A esa finalidad económica se añade un interés político en generar inestabilidad, que debilita a las instituciones democráticas y dificulta el control que deberían realizar esas instituciones sobre las compañías tecnológicas.

Son muchos los ámbitos en los que las redes sociales están generando problemas desde el punto de vista constitucional y democrático. Desde los derechos fundamentales a los procesos electorales, pasando por la configuración misma del orden constitucional, en un contexto en el que las condiciones del espacio y el tiempo se han transformado como consecuencia de la globalización y del desarrollo tecnológico. Nuevas pautas culturales y nuevos paradigmas se están generando y su incidencia sobre el constitucionalismo es muy amplia. Algunos de los cambios que han traído las redes sociales pueden ser estructurales y se mantendrán previsiblemente en el futuro. Otros, sin embargo, pueden considerarse directamente vinculados a los intereses de las compañías tecnológicas y deberían ser objeto de revisión para evitar que conduzcan a una involución democrática. La intervención de los poderes públicos, estatales y supranacionales es cada vez más necesaria para controlar a estas compañías.

Las medidas que se pueden tomar son muy diversas. Desde reforzar la protección de los derechos fundamentales hasta promover la educación digital de la ciudadanía, pasando por actuaciones destinadas a evitar que las compañías tecnológicas consoliden posiciones de monopolio, así como medidas fiscales y sancionadoras. De particular importancia es la regulación de los procesos electorales para evitar que se sigan produciendo interferencias a través de las noticias falsificadas y por medio de la propaganda subliminal personalizada. El horizonte se va moviendo, en todo caso, a medida que avanza el desarrollo tecnológico y que estas compañías diseñan nuevas estrategias. Por tanto, es necesario tener en cuenta que los riesgos no son solamente los que hoy conocemos, sino que habrá que tener una actitud vigilante para evitar que se generen efectos disfuncionales en el futuro. En particular, la crisis sanitaria ha reforzado a las compañías tecnológicas frente a los Estados, dificultando todavía más su control.

## **Temario:**

### **I.-El contexto de la globalización.**

- 1.-La globalización en el siglo XXI.
- 2.-La aceleración del tiempo y la ampliación del espacio público.
- 3.-Agentes globales y Estado.
- 4.-La ruptura del paradigma constitucional del Estado nacional.
- 5.-La incidencia de la crisis sanitaria sobre el proceso de globalización

### **II.-Constitución, democracia y redes sociales.**

- 1.-Constitución y redes sociales.
- 2.-Procesos democráticos y redes sociales.
- 3.-Los procesos comunicativos y la construcción del espacio público.
- 4.-El sustrato previo, globalización y crisis económica.
- 5.-La fragmentación y la radicalización del espacio público.

### **III.- Las compañías de Internet y redes. Aspectos problemáticos.**

- 1.-Incidencia sobre los derechos fundamentales.
- 2.-Tendencia al monopolio y afectación de la competencia.
- 3.-La presión sobre los medios de comunicación tradicionales.
- 4.-Noticias falsificadas y desinformación.
- 5.-Perfiles individuales y propaganda subliminal.

### **IV.-Posibles niveles de actuación.**

- 1.-Compañías globales y poderes estatales.
- 2.-Agentes externos y grupos organizados internos.
- 3.-El nivel internacional o global.
- 4.-El nivel supranacional europeo.
- 5.-El nivel estatal.

### **V.-Posibles áreas de actuación**

- 1.-Derechos fundamentales.
- 2.-Competencia, publicidad y medios de comunicación.
- 3.-Procesos electorales.
- 4.-Medidas fiscales.
- 5.-Sanciones.

## Bibliografía Básica

Todas las referencias bibliográficas que se indican a continuación (y las que puedan recomendarse posteriormente porque estén disponibles al comienzo del curso) son de acceso gratuito a través de Internet. Además de las referencias doctrinales que siguen en portugués y español, se recomiendan como referencias específicas en inglés los siguientes documentos, igualmente de acceso libre en Internet: *Disinformation and 'fake news': Final Report*. Published on 18 February 2019 by authority of the House of Commons; *Unlocking digital competition. Report of the Digital Competition Expert Panel*, March 2019, Jason Furman and others y *The Cairncross Review. A sustainable future for journalism*, 12 February 2019.

-Balaguer Callejón, Francisco: *La constitución del algoritmo*, Fundación Manuel Giménez Abad, Zaragoza, 2022, 2ª edición de 2023 (edición en portugués: *A constituição do algoritmo*, Editora Forense, Rio de Janeiro, 2023).

<https://www.fundacionmgimenezabad.es/es/publicaciones/la-constitucion-del-algoritmo>

[https://www.fundacionmgimenezabad.es/es/publicaciones?field\\_tipo\\_value=2&title=](https://www.fundacionmgimenezabad.es/es/publicaciones?field_tipo_value=2&title=)

-Balaguer Callejón, Francisco: “O impacto dos novos mediadores da era digital na liberdade de expressão”, en *Espaço Jurídico Journal of Law [EJLL]*, 23 (1), 2022, 179–204. <https://doi.org/10.18593/ejll.30501>

-Balaguer Callejón, Francisco: “Redes sociais, companhias tecnológicas e democracia” *Revista Estudos Institucionais*, v. 6, n. 2, p. 579-599, maio/ago. 2020: <https://www.estudosinstitucionais.com/REI/article/view/485>

-Balaguer Callejón, Francisco: “Direito Constitucional, Pandemia e Globalização”, *Prim@ Facie*, no. 42, set.-dez. 2020: <https://periodicos.ufpb.br/index.php/primafacie/article/view/56459>

-Balaguer Callejón, Francisco “As duas grandes crises do constitucionalismo diante da globalização no século XXI”, *Espaço Jurídico Journal of Law [EJLL]*, 19 (3), 2018, pp. 681-702. <https://portalperiodicos.unoesc.edu.br/espacojuridico/article/view/20205>

-Balaguer Callejón, Francisco: “Uma Interpretação Constitucional da Crise Econômica” *Revista Direito Público*, No 54 – Nov-Dez/2013: <https://www.portaldeperiodicos.idp.edu.br/direitopublico/article/view/2371/1235>

-Balaguer Callejón, Francisco: “Constitución y Estado en el contexto de la integración supranacional y de la globalización” en Miguel Carbonell, Héctor Fix-Fierro Luis Raúl González Pérez y Diego Valadés (Coordinación), *Estado constitucional, Derechos humanos, Justicia y vida universitaria. Estudios en homenaje a Jorge Carpizo*, México, 2015: <https://archivos.juridicas.unam.mx/www/bjv/libros/8/3825/11.pdf>

-D’Atena, Antonio, “La conflictividad axiológica de la democracia liberal y el desafío de Internet” *Revista de Derecho Constitucional Europeo*, n. 30, Julio-Diciembre de 2018: [https://www.ugr.es/~redce/REDCE30/articulos/01\\_DATENA.htm](https://www.ugr.es/~redce/REDCE30/articulos/01_DATENA.htm)

-Frosini, Tommaso Edoardo, “Internet y democracia”, *Revista de Derecho Constitucional Europeo*, n. 30, Julio-Diciembre de 2018: [https://www.ugr.es/~redce/REDCE30/articulos/03\\_FROSINI.htm](https://www.ugr.es/~redce/REDCE30/articulos/03_FROSINI.htm)

-Häberle, Peter “El Constitucionalismo Universal Desde las Constituciones Parciales Nacionales e Internacionales. Siete Tesis”, *Revista Direito Público*, No 54 – Nov-Dez/2013: <https://www.portaldeperiodicos.idp.edu.br/direitopublico/article/view/2363/1219>

-Pereira Da Silva, Vasco, “Para un Derecho Administrativo sin Fronteras”, *Revista de Derecho Constitucional Europeo*, n. 30, Julio-Diciembre de 2018: [https://www.ugr.es/~redce/REDCE30/articulos/04\\_VASCO.htm](https://www.ugr.es/~redce/REDCE30/articulos/04_VASCO.htm)

**Bio:**

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Dr. Lina Mikalonienė is a professor at Mykolas Romeris University, Law School. Her combined academic experience of 18 years includes teaching both Master of Laws students and students in a five-year integrated law degree programme, as well as interdisciplinary teaching and teaching in multicultural environments. She has taught courses in corporate law and civil law. Her main specialization is in the field of closely held companies. Lina is a member of the Editorial Board of the International and Comparative Corporate Law Journal. She is a member of the European Commission's Informal Group of Company Law Experts.

## Information about the course:

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**Title:** Shareholders' role, rights & remedies in private limited companies

**Language:** English

**Dates:** 11-15 Sept 2023, 11:00-13:00

### Course description

The course aims at providing students with the overall legal framework on statutory rights and remedies of shareholders in solvent private limited liability companies in a comparative private law context and addressing the most problematic related issues. The course also aims to enhance students' teamwork skills.

2023-09-11	1. Characteristics of a private limited liability company
2023-09-12	2. Shareholders' role and key conflicts in a private limited liability company
2023-09-13	3. Shareholder's rights in a private limited liability company
2023-09-14	4. Shareholder's remedies in a private limited liability company
2023-09-15	5. Shareholder's exit mechanisms in a private limited liability company

Students are encouraged to participate in a group discussion and team-working on case studies.

Recommended pre-reading:

- Bachmann, G., *et al. Regulating the closed corporation*. Berlin [etc.]: De Gruyter, 2014 (enclosed);
- European Commission, Directorate-General for Justice and Consumers, *Study on minority shareholders protection: final report*, Publications Office, 2018, <https://data.europa.eu/doi/10.2838/658269>.

Lecture slides will be shared.

Prof. Dr. Jörn Axel Kämmerer

**Jörn Axel Kämmerer** has been a Professor (chair holder) at Bucerius Law School since 2000. He was a Guest Professor at Université Paris I (Panthéon-Sorbonne) from 2005 to 2007 (part-time) and at Seoul National University, Republic of Korea, in 2007 and 2017. He studied law at Tübingen University, Germany, and Université d'Aix-en-Provence/Marseille III, France. Appointed Doctor of law in 1993 with a thesis on the the Antarctic System after the Madrid Protocol, he received his "venia legendi" (*Habilitation*) in Public Law, European Law and Public International Law in 2000 by Tübingen Law Faculty. His research focuses, *inter alia*, on market regulation, privatization as well as law and finance in both German public law and EU law. A Director of the Institute on Company and Capital Markets Law (ICCML/IUKR) at Bucerius, he was appointed member of an advisory committee to the German Ministry of Finance on financial markets regulation in 2011. He is the author of a textbook on Constitutional Law and has made contributions to renowned legal commentaries. With two colleagues he conducted an interdisciplinary research project on colonialism and the evolution of Public International Law (with financial assistance by the *Deutsche Forschungsgemeinschaft*). In 2016 he was elected Secretary-General of the Societas Iuris Publici Europaei (SIPE). Jörn Axel Kämmerer teaches mostly in German and English and has given lectures or lecture series at academic institutions of various countries, including Australia, Brazil, Canada, China, Israel, Japan, New Zealand, Singapore, and South Africa.



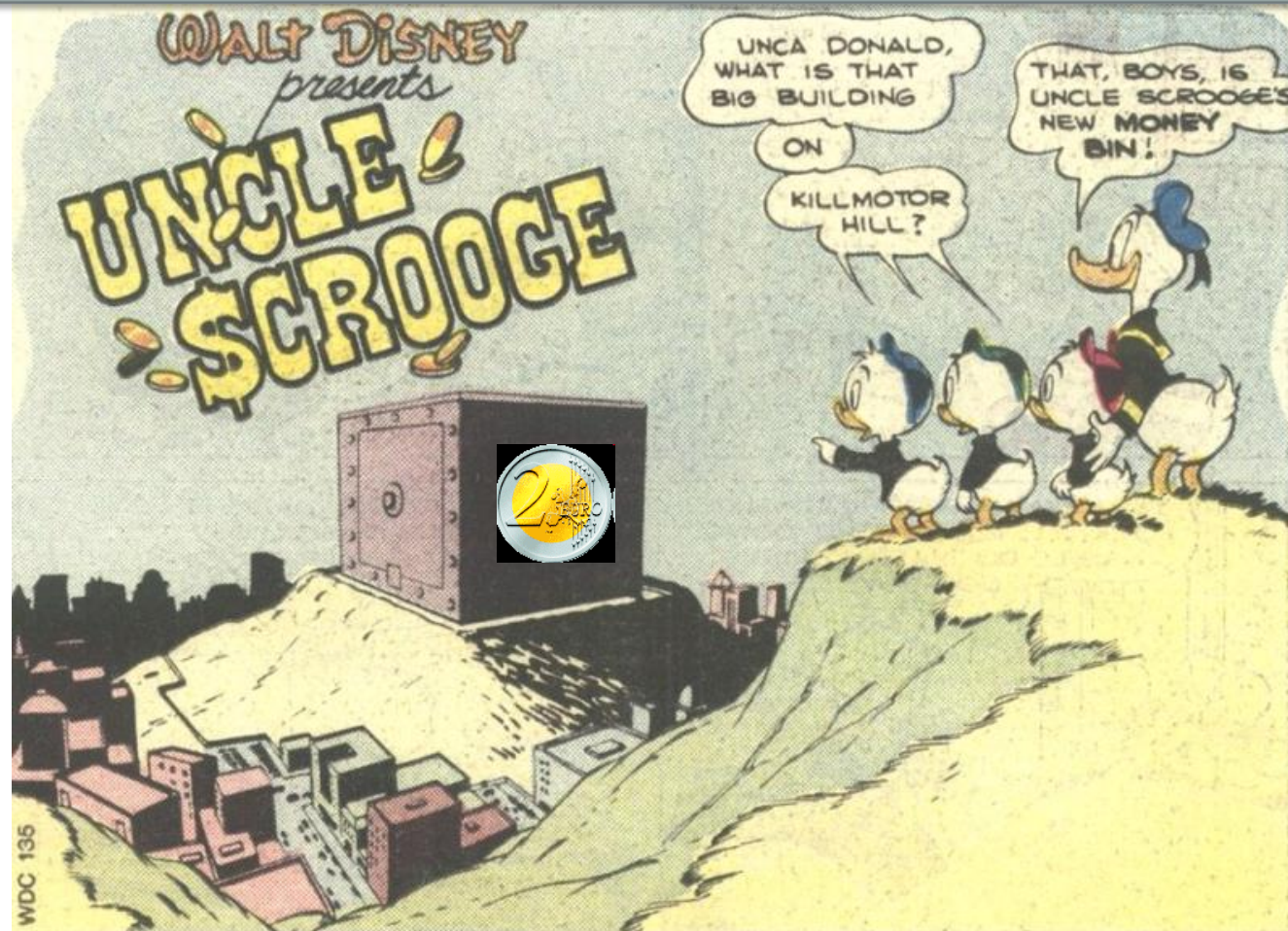
# The EEMU (and beyond) Background, Structure, Evolution

Jörn Axel Kämmerer

2023

# Chapter 1

## Free Movement of Capital, Freedom of Payment - and Why There Is an EEMU



## THE EU-27

- Customs Union (more than free trade area)
- Internal Market – Art. 26 TFEU
- Monetary Union
- Political union *in statu nascendi*

## FREE MOVEMENT OF CAPITAL *WITHIN THE INTERNAL MARKET*

- Definition of the internal market – Art. 26 TFEU
- Freedoms = individual rights (of natural and legal persons)
- Direct effect in national orders
- Duties incumbent on EU and its MS
- Prohibition of discriminations and non-discriminatory restrictions

**FREE MOVEMENT OF CAPITAL**  
*WITHIN THE INTERNAL MARKET*

Free movement of goods and services

Free movement of persons

Free movement of goods


**Freedom to provide services**



The logo consists of a stylized bank building with a Euro symbol (€) on top and the word 'BANK' in bold letters. Below the bank icon is a cartoon character in a white shirt and green pants, running and carrying a wrench and a briefcase.

Workers

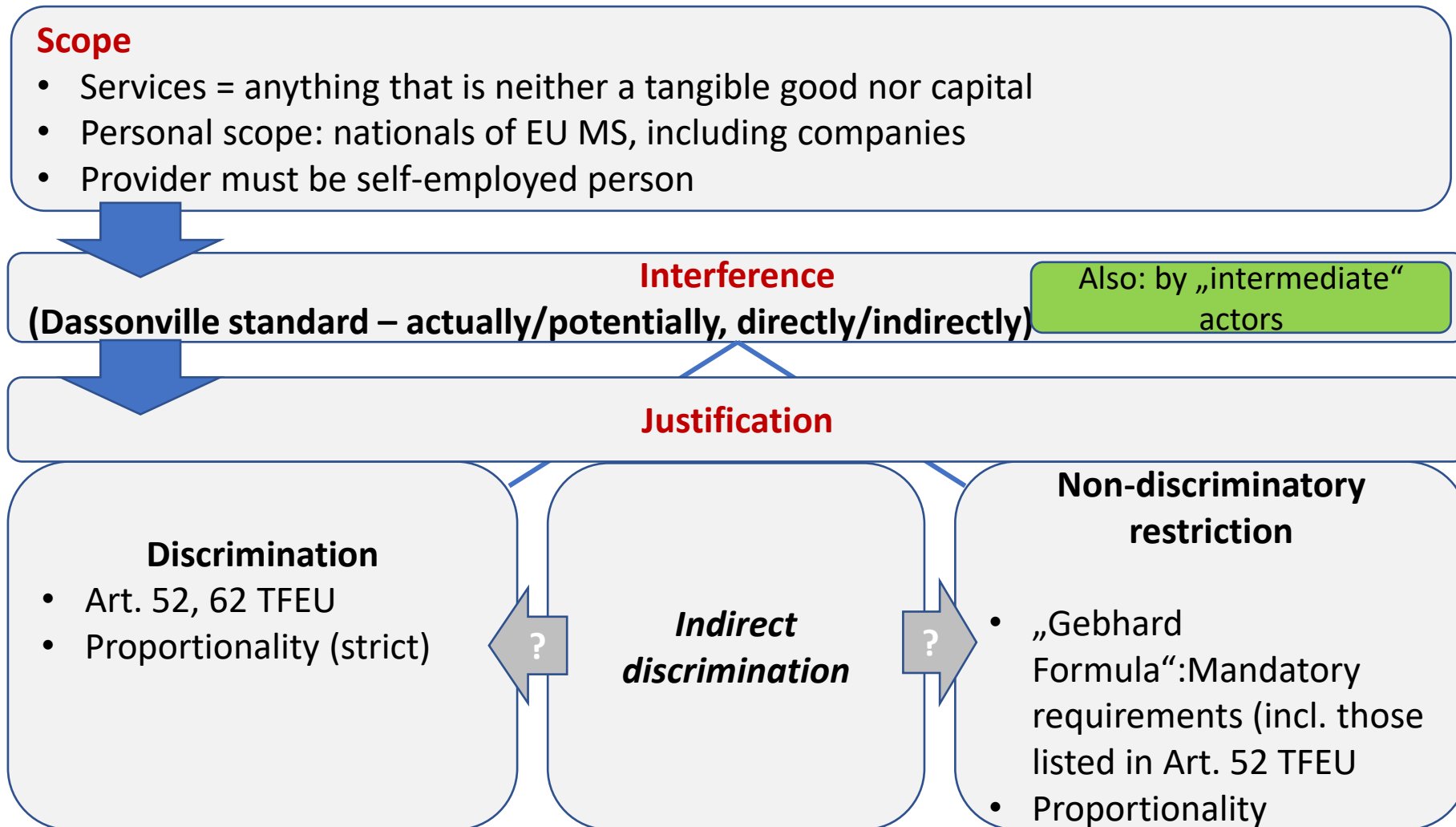
**Free movement of capital**  
(also for 3rd States)



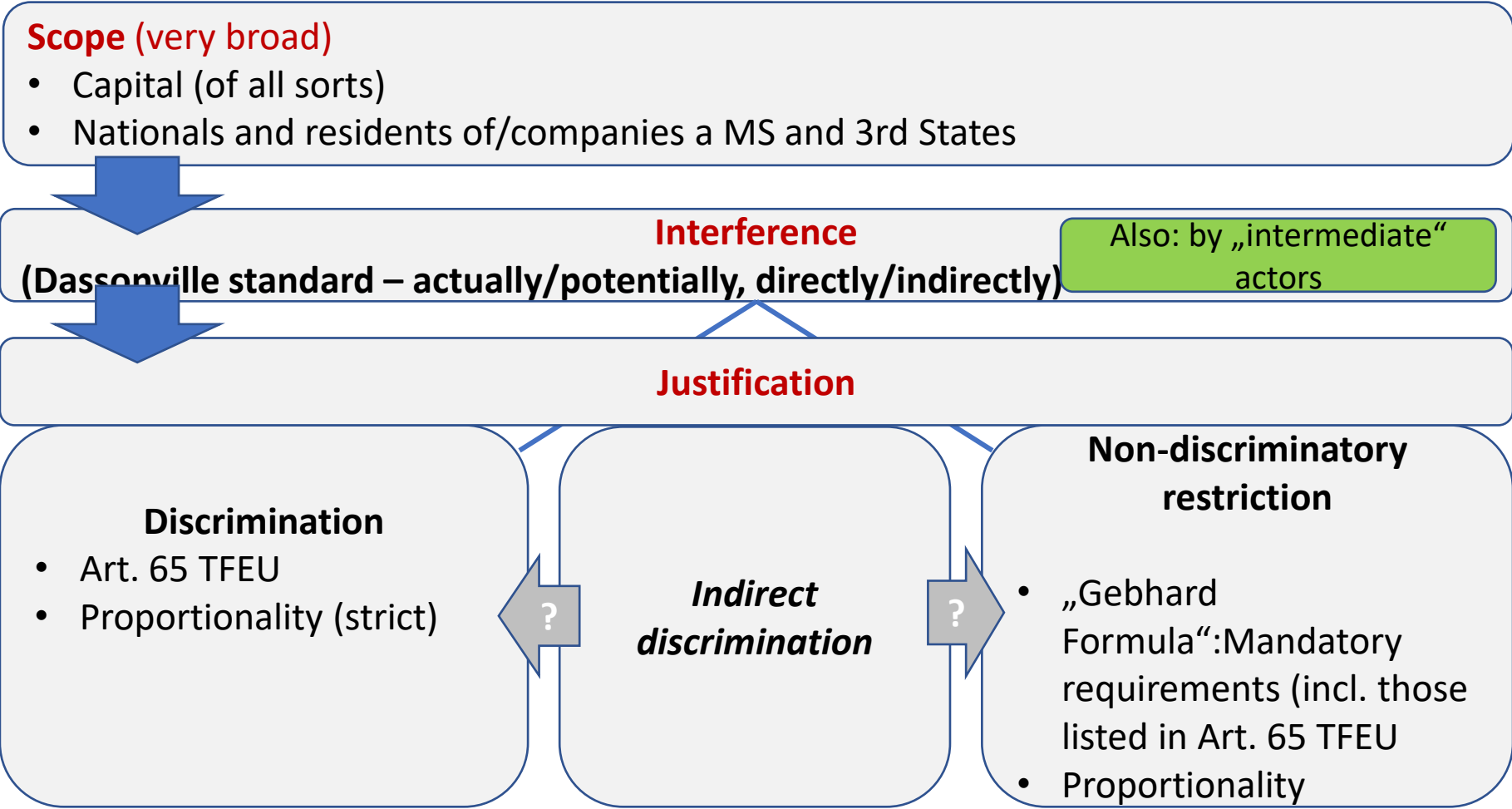
The logo features a stylized bank building with a Euro symbol (€) on top and the word 'BANK' in bold letters.

Self-employed (establishment)

## Checklist: Free Movement of Services



# Checklist: Free Movement of Capital



## FREE MOVEMENT OF CAPITAL *WITHIN THE INTERNAL MARKET*

### **Typical forms of interference**

- Golden shares
- Privileges of the State
- Prohibition of transactions
- Discriminatory taxation
- Non-binding measures (advertisement, deterrence)



## FREE MOVEMENT OF CAPITAL *WITHIN THE INTERNAL MARKET*

### **Justification of restrictions/interference**

- Taxation
- Supervision
- Administrative/statistical information
- Public policy and public security
- Other imperative/mandatory requirements (at least for non-discriminatory measures)

Beware: Proportionality is always required!

## FREEDOM OF PAYMENTS BETWEEN MS

### *WITHIN THE INTERNAL MARKET*

- „Dependent“ freedom (associated with transaction falling within a different freedom)
- All means of payment
- 2009/2015 Payment Services Directive
- SEPA (Single Euro Payments Area)

## THE EURO *AND THE INTERNAL MARKET*

### Benefits of a single currency

- No barrier to freedom of payment
  - Mitigation of exchange-rate risk
  - Reduction of transaction costs
- Homogeneous interest rates
- Flourishing capital markets
- Advantages of a global currency

## ***Chapter 2***

# ***The Treaty of Maastricht and the Genesis of the EEMU***



# *I. Background: The Breakdown of „Bretton Woods“*



## THE HISTORICAL BACKGROUND

### *„BRETTON WOODS“ UNTIL ITS BREAKDOWN*

#### The „Bretton Woods“ System of the IMF (1944-1973)

- Free convertibility of currencies (as a prerequisite of free international trade)
- Competent International Organisation: International Monetary Fund (IMF)
- „Gold standard“: USD pegged to gold (1 oz. Au = 35 USD), other currencies pegged to USD („par value“)
- Fixed but adjustable exchange rates (pegs)

## THE HISTORICAL BACKGROUND

### *„BRETTON WOODS“ UNTIL ITS BREAKDOWN*

#### The Breakdown of „Bretton Woods“

- Late 1960s: System did not adequately reflect economic strength of countries and supply and demand
- USA: increasing inflation because of enhanced volume of money (financing of Vietnam war)
- Abandonment of fixed pags for floating exchange rates as of 1973
- Consequence: serious economic and fiscal disturbances, loss in predictability of cost of international transactions

## THE GLOBAL MONETARY SYSTEM AFTER 1970

- Convertibility of currencies (as before)
- Flexible („floating“) exchange rates
- Emerging capital markets („Petro dollar“)
- Sovereign debt crises, enhance risk of sovereign default, especially with developing countries and emerging economies



## THE IMF TODAY

- 189 Member States
- Functions (Art. I Statute) include watching upon convertibility of currency, since 1970 accent on financial assistance (fund!)
  - Various facilities (concessional)
  - LIC: various non-concessional facilities
- Weighted voting according to quotas („one State, one vote“ does not apply)
- Special Drawing Rights (replacing USD as reference)
- Main function: financial support to States in fiscal distress (balance of payment); aid to development → *Chapter 6*

## *II. The Genesis and Features of the EEMU*



nypswitzerland

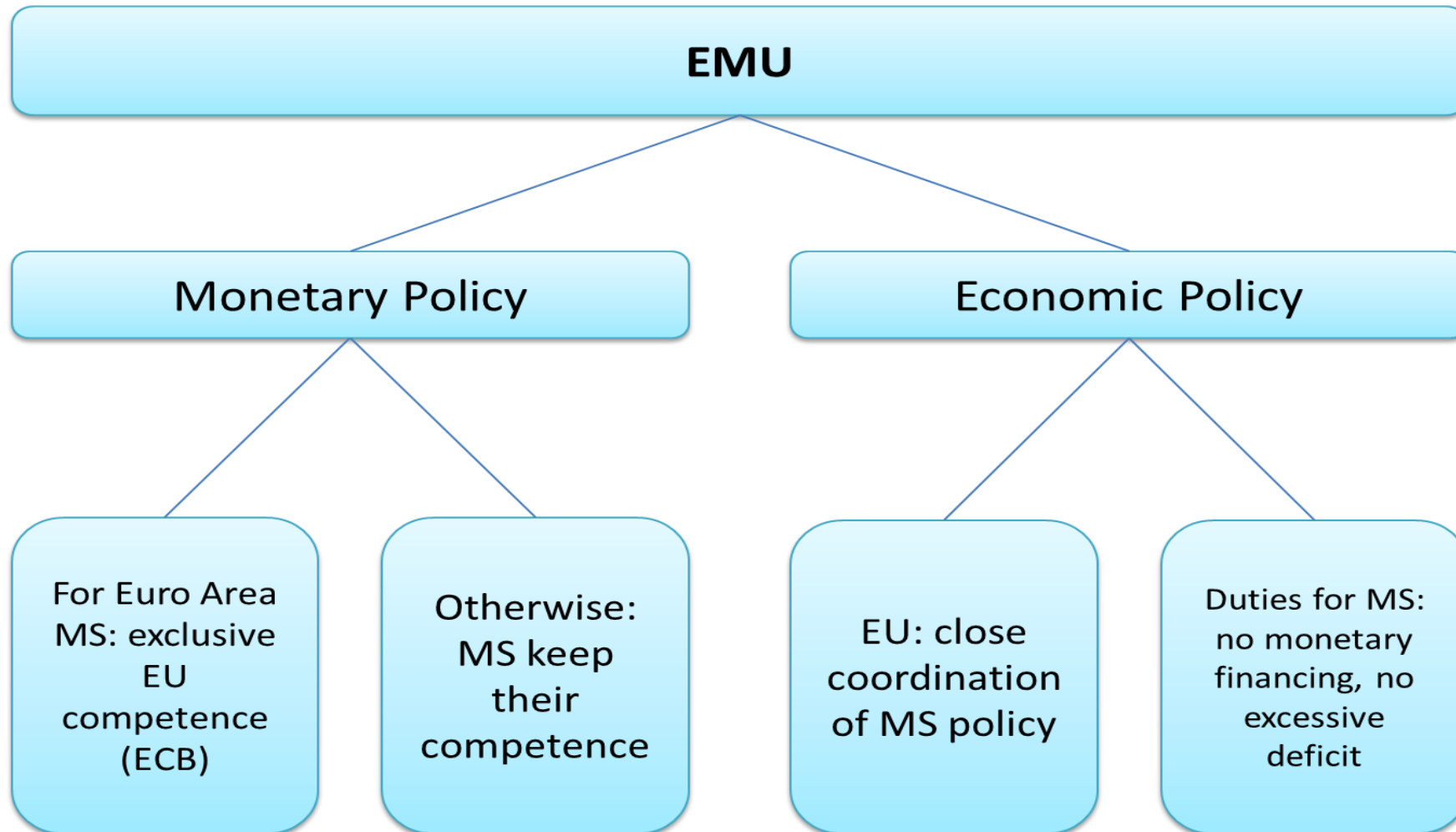
## THE EURO

### *A CURRENCY IS BORN*

#### Timetable

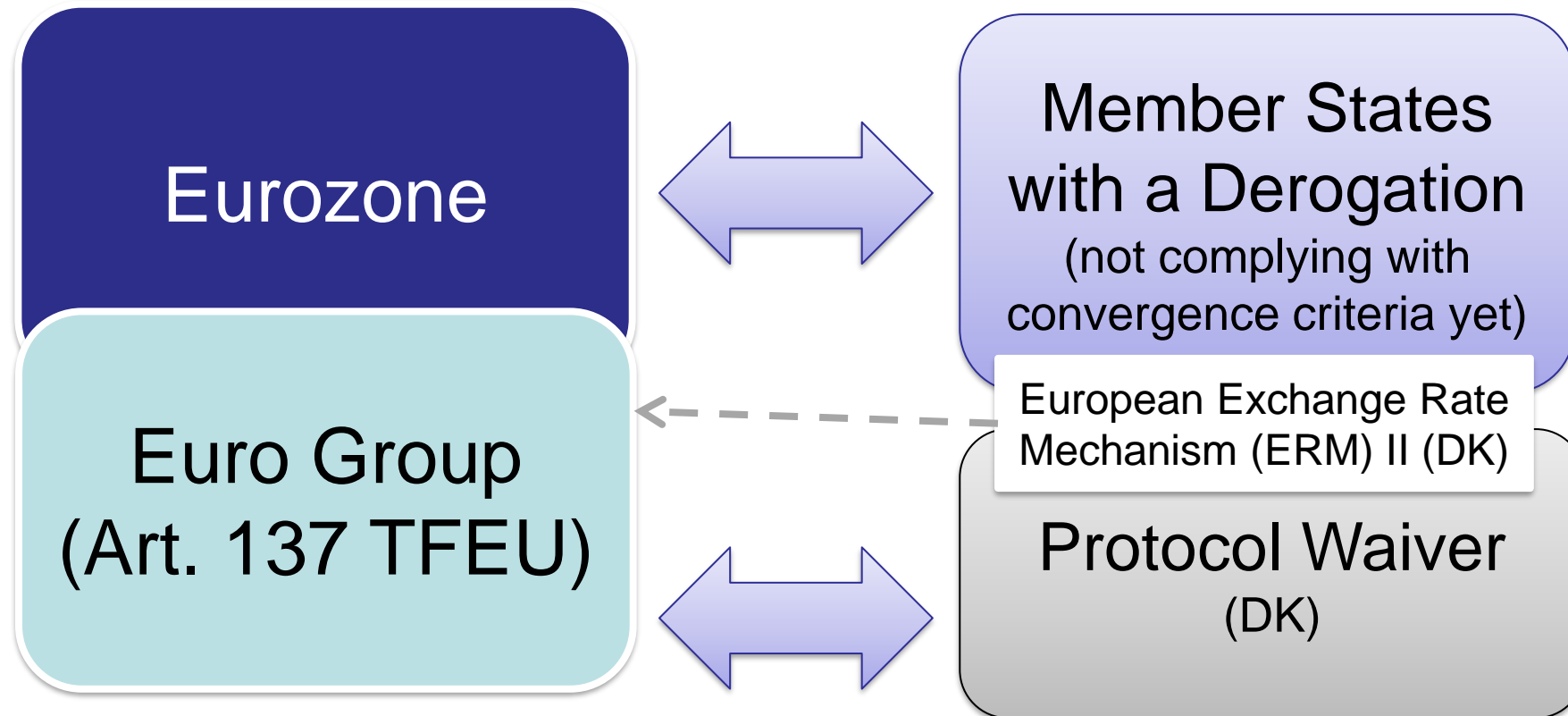
- Werner Plan 1970 (established against backdrop of impending breakdown of „Bretton Woods system“)
- European Monetary System 1979 (with ERM I and ECU)
- Delors Report on Economic and Monetary Union 1989
- Treaty of Maastricht 1992
- ECB/ECSB start operating (as well as ERM II), Euro as book currency 1999
- Euro notes and coins 2002

# THE EEMU

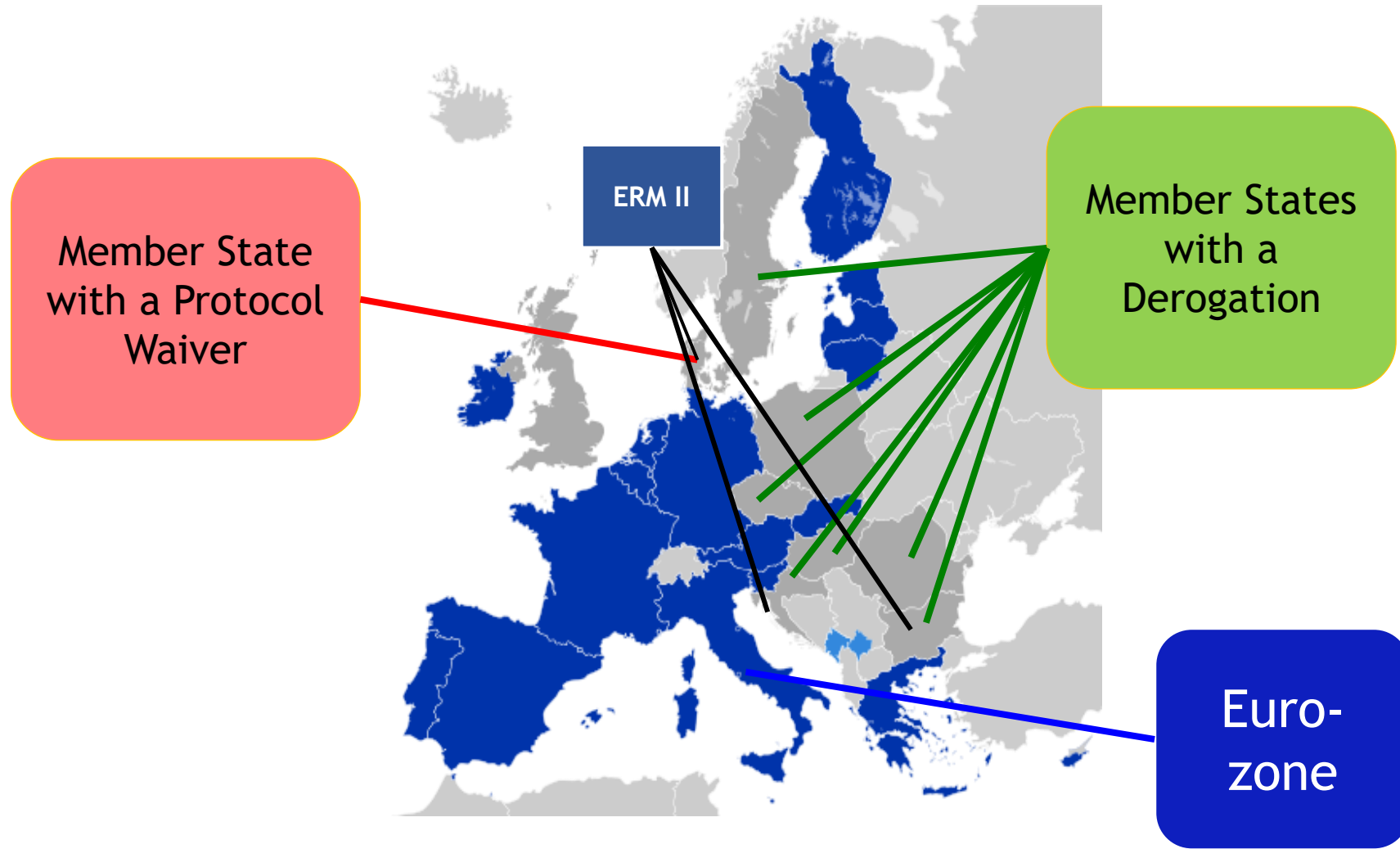


## EEMU AND „EURZONE“

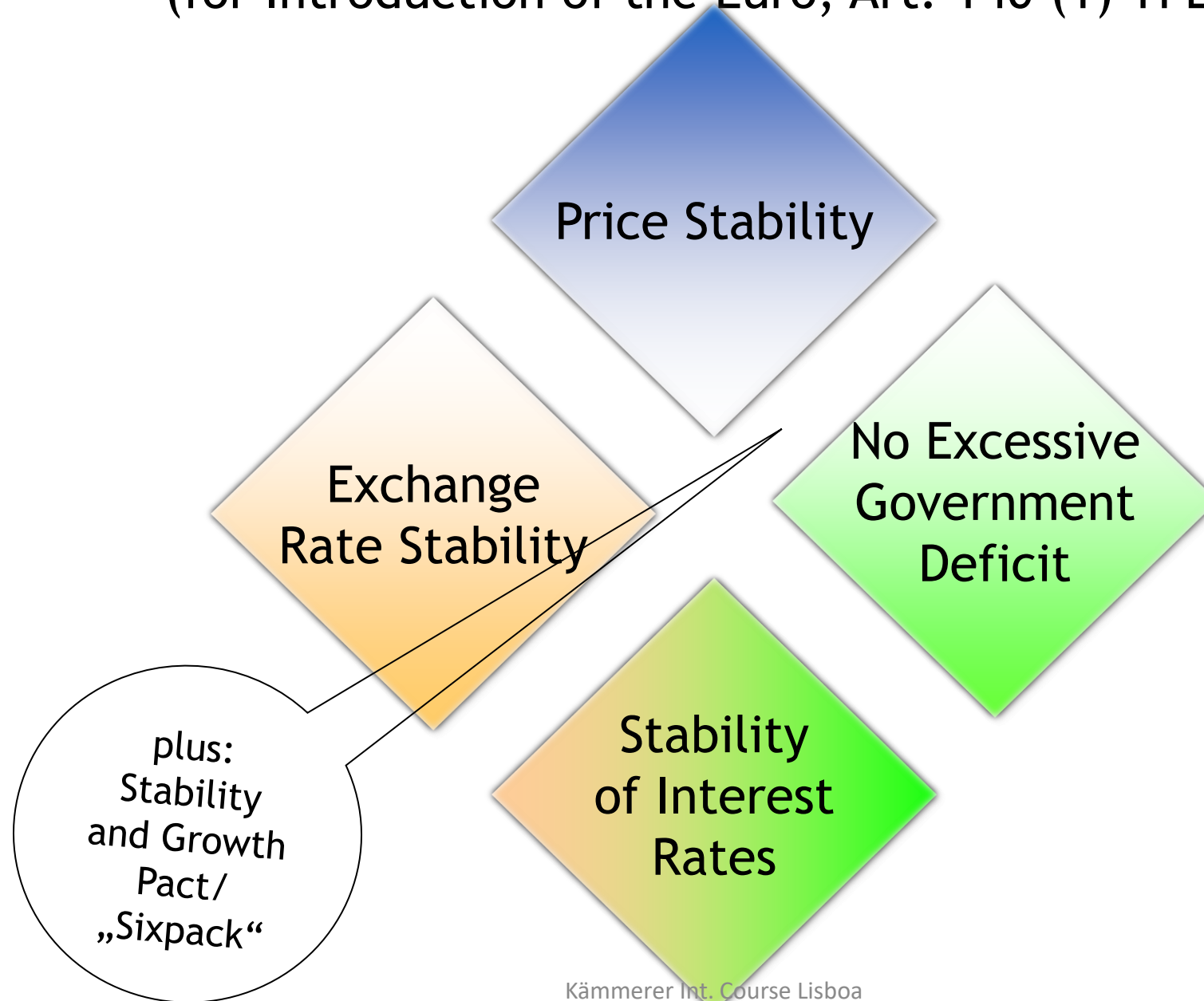
There is no such thing as a „Euro membership“!



# Eurozone and Eurogroup



# Convergence Criteria (for Introduction of the Euro, Art. 140 (1) TFEU)



# Convergence Criteria

(for Introduction of the Euro, Art. 140 TFEU)



achieving a high degree of price stability = a rate of inflation which is close (at most 1.5 % above) to that of the three best performing Member States in terms of price stability




# Convergence Criteria

(for Introduction of the Euro, Art. 140 TFEU)

Sustainability of the government financial position (Council decides whether excessive deficit exists).

Reference values according to TFEU Protocol No. 12 are:

- Government deficit of at most 3% of gross domestic product
- Government debt of at most 60% of gross domestic product

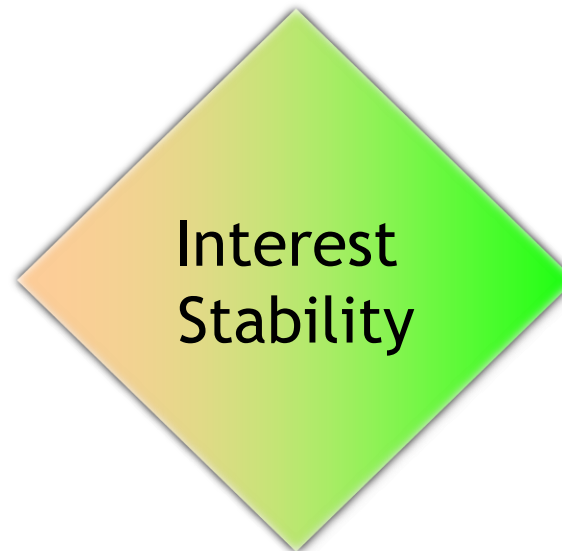


No excessive  
Government  
Deficit

# Convergence Criteria

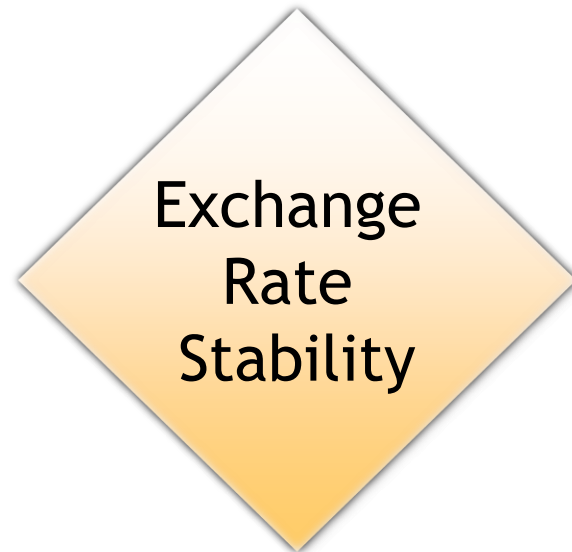
(for Introduction of the Euro, Art. 140 TFEU)

Convergence of long-term interest rates (at most 2 % above those of the three best performing Member States)



# Convergence Criteria

(for Introduction of the Euro, Art. 140 TFEU)



Maintaining exchange rate fluctuations according to ERM II for two years without devaluing against the Euro

## ***Chapter 3***

# ***The Monetary „Wing“ of the EEMU: ECB and ESCB and Their Commitment to Price Stability***

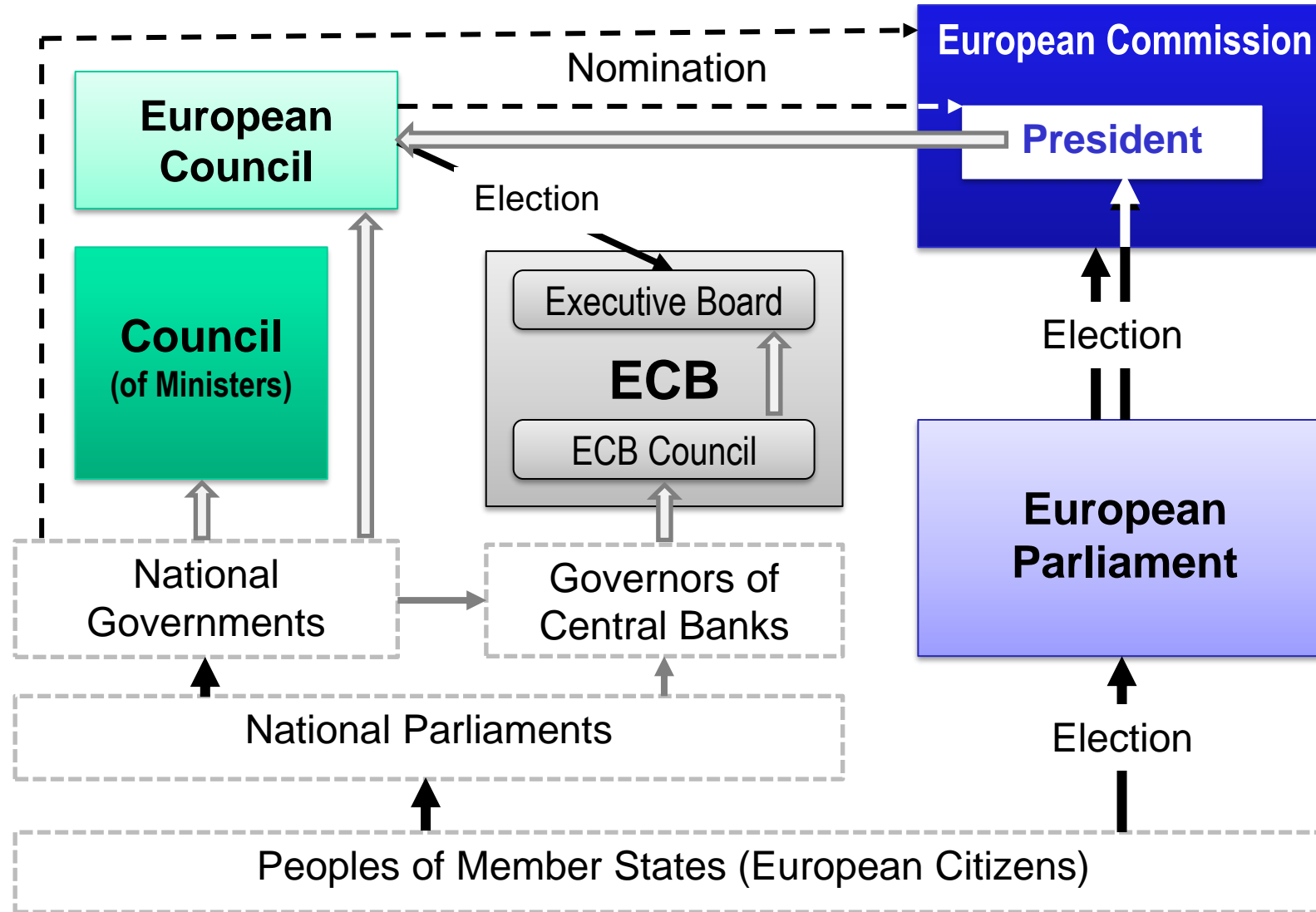


## NOTIONS

*Not to be mixed up:*

- *„Eurozone“/“Euro Area“ („Euro-19“)  
= countries for which the euro is the currency (exclusive monetary powers of the EU=*
- *European System of Central Banks (ESCB), Art. 282 (1) 1 TFEU  
= ECB + all 27 CB*
- *Eurosystem, Art. 282 (1) 2 TFEU  
= ECB + all 19 Eurozone CB, conducting the monetary policy for the Eurozone*
- *Euro Group (Art. 137 TFEU)*

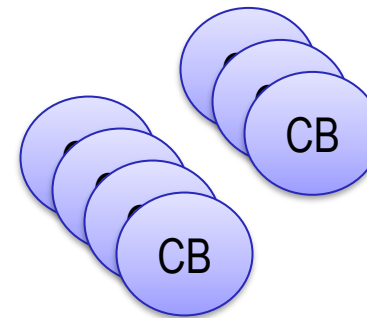
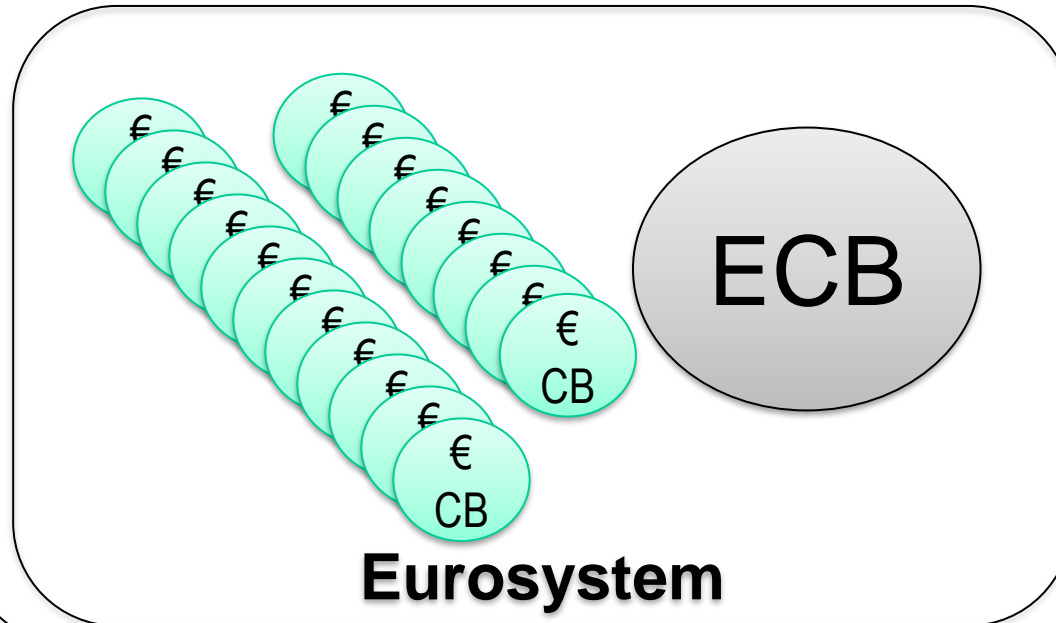
# Major EU Institutions (excluding judicial bodies)



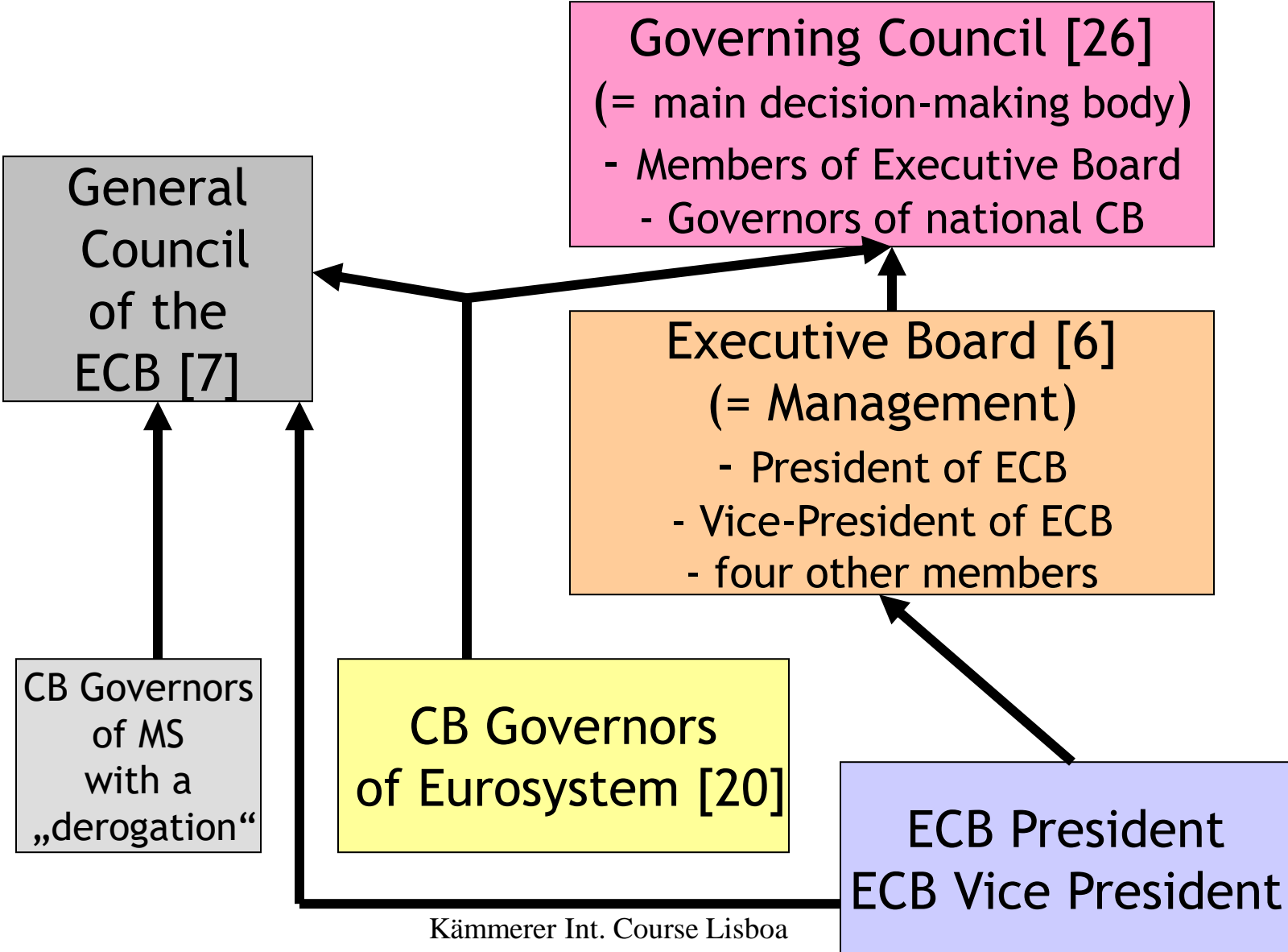
# ECB AND ESCB COMPOSITION

## ESCB

(European System of Central Banks)



# ECB BODIES (ORGANS)





## ECB FUNCTIONS

- **Monetary policy for the Union**
- Foreign exchange transactions
- Foreign reserves of the member states
- Ensuring the functioning of payment systems
- Banknotes and coins (Art. 128 TFEU)
- *Supervision of credit institutions if competency is delegated (to the ECB, Art. 127 (6) TFEU)*
- Contribute to general economic policies and the Union's competencies according to Art. 3 TFEU (secondary objective, Art. 127 (1) 2 AEUV)

## ECB

### FUNCTIONS: MONETARY POLICY (1 OF 3)

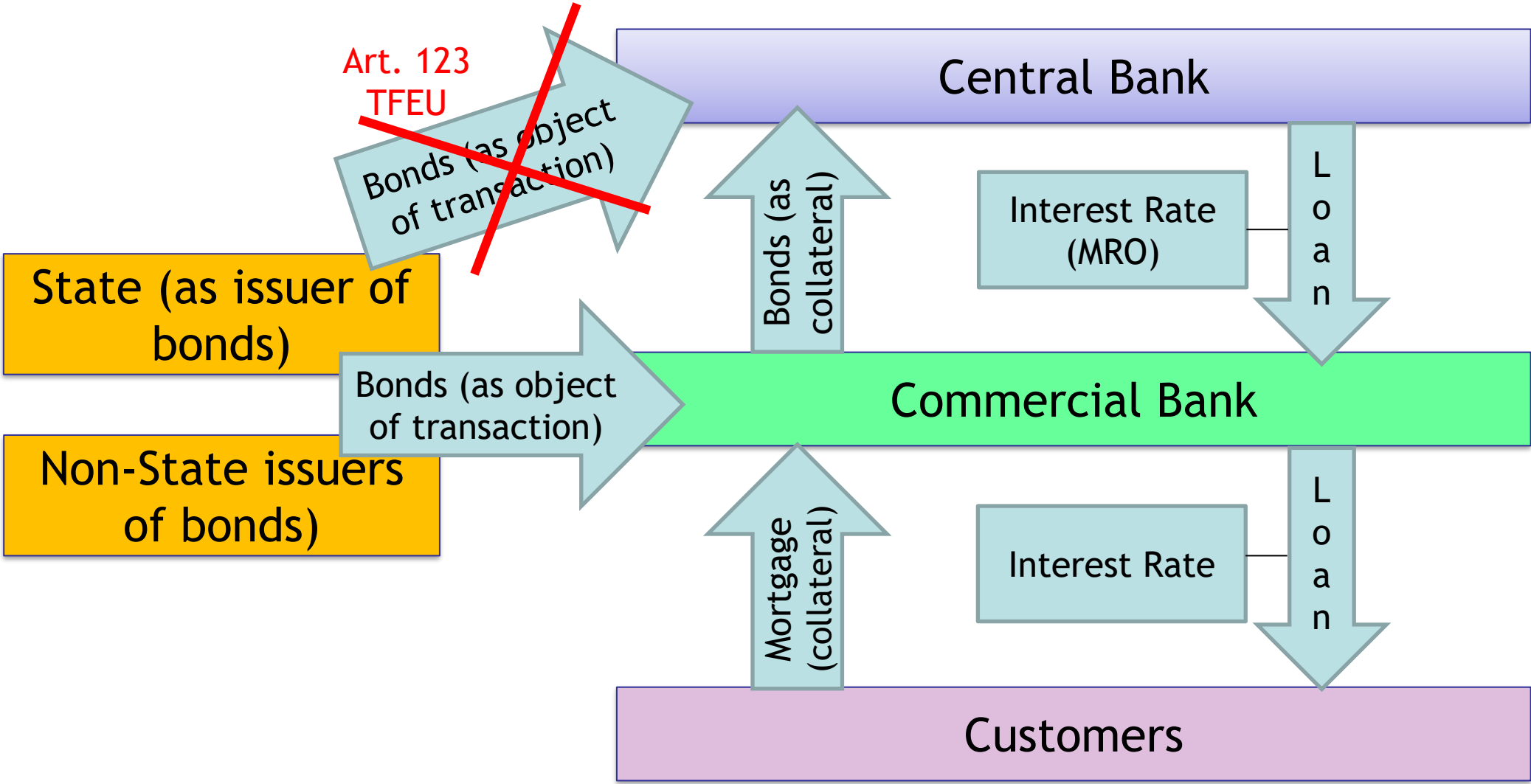
- Open Market Policy/Operations
  - All sorts of transactions with commercial banks
  - Sale and purchase of bonds, gold, securities etc.
  - Collateral for loans granted to commercial banks
  - Limits:
    - Prohibition of direct direct purchase from sovereign issuers (Art. 123 TFEU)
    - No circumvention of that prohibition (**disputed: selective measures like OMT - German Const. Court vs. ECJ; Emergency Liquidity Assistance (ELA) for Greek banks**)

## ECB

### FUNCTIONS: MONETARY POLICY (2 OF 3)

- Minimum Reserve Policy
- Lending / Interest Rate Policy
  - Main Refinancing Operation (MRO)
  - Marginal Lending Facility
  - Deposit Facility
- Other (unnamed) instruments of monetary policy (pursuant to ESCB/ECB Statute)
  - Large-scale purchase programmes since 2008 (OMT, QE, PSPP, CSPP, PEPP etc.): unconventional monetary measures to unclog monetary transaction mechanism or economic policy (prohibited to ECB)?

**ECB**  
**FUNCTIONS: MONETARY POLICY (3 OF 3)**



## ECB

### OBJECTIVES: PRIMACY OF PRICE STABILITY

- Basis: Art. 127 (1) TFEU, Art. 282 as well
- Accompanying provisions: Art. 123 to 126 TFEU
- Definition
  - Annual increase in the Harmonized Index of Consumer Prices (HICP) for the euro area of 2% (ECB)
  - No price stability in a deflation
- Problem: diverging evolution of consumer prices between MS

# ECB INDEPENDENCE

- Legal basis
  - Art. 119 (2), 130 and 282 (3) TFEU
  - Art. 88 sent. 2 German Basic Law as constitutional requirement (no similar provisions in other constitutions)
- Main purpose: Price stability
- Aspects of independence:
  - Operational and institutional
  - financial
  - personal

## Chapter 4

# The Economic „Wing“ of the EEMU: Fiscal Guidelines for Member States



## ECONOMIC POLICY FEATURES

- Avoidance of excessive government deficits (Art. 126 TFEU) [+ „Fiscal Compact“]
- Prohibition of facilities in favour of governments with central banks / direct sovereign lending (Art. 123 TFEU)
- Prohibition of privileged access of governments to financial institutions (Art. 124 TFEU)
- No bailout (Art. 125 TFEU), but
  - De-facto exceptions in Art. 122, 143 TFEU
  - Financial assistance pursuant to ESM Treaty in connection with new Article 136 (3) TFEU



## ECONOMIC POLICY

### FISCAL DISCIPLINE (ART. 126 TFEU)

- Prohibition of excessive government deficits (Art. 126 (1), (2) TFEU); for reference values see Protocol no. 12
  - Annual growth of government deficit not exceeding 3% of GDP
  - Aggregate government deficit not exceeding 60% of GDP
- Secondary law: Stability and Growth Pact
- Procedure in case of excessive deficit (Art. 126 (4)-(12) TFEU):
  - Opinion of Economic and Financial Committee
  - Council decision on existence of deficit, makes recommendations
  - Eurozone: Gives notice, requests reports
  - Eurozone may impose/invite measures: publication of information, EIB lending policy, non-interest-bearing deposit with Union, fines

## ECONOMIC POLICY

### PROHIBITION OF FACILITIES WITH CENTRAL BANKS (ART. 123 TFEU)

*Provision binds both MS/EU and central banks → relevant to economic and monetary policy*

- Prohibition of credit facilities, Art. 123 (1) TFEU
- Overdraft facilities (providing means to public sector which may result in a negative balance)
- Other credit facilities
- Prohibition on central banks purchasing debt instruments from public authorities (Art. 123 (1) TFEU)
- Exceptions (see Reg. (EC) No. 3603/93)

**ECONOMIC POLICY**  
**NO PRIVILEGED BANK ACCESS FOR THE STATE (ART. 124 TFEU)**

It is prohibited (according to Reg. (EC) No. 3604/93)

- To oblige financial institutions to acquire public sector liabilities
- To prohibit the sale of such liabilities
- To offer any incentives which result in an undue advantage of the public sector accessing the financial markets:
  - Tax advantages solely for financial institutions
  - financial advantages which do not comply with the principles of a market economy (regarding the acquisition of public sector debt)

## ECONOMIC POLICY

### „NO BAILOUT“ (ART. 125 TFEU)

- Relates to
  - Liabilities of the „central government“ of a Member State
  - Liabilities of the regional or local authorities
  - MS: Liabilities of other public authorities or undertakings
- Exception: Financial guarantees for the joint execution of a mutual project
- Scope highly disputed (but clarification through ECJ, case Pringle → *next slide*)
- Special provisions (see next slides):
  - Art. 122 TFEU (→ 2/3 slides ahead and also Chapter 6; encompasses aid to Greece, EFSF aid, Corona aid without involvement of EFSF/ESM = SURE, NGEU)
  - Art. 143 TFEU (for non-Euro MS only)

## ECONOMIC POLICY „NO BAILOUT“ (ART. 125 TFEU)

ECJ, Case C-370/12 Pringle/Govt. of Ireland et al.  
Bailout is associated with **moral hazard**

Permitted (according to ECJ)	Prohibited (according to ECJ)
Mutual assistance between MS if strictly conditional (as in ESM)	Unconditional assistance Unconditional debt remission or any sort of „haircut“ Anything else generating moral hazard



The Treaty prohibits assistance of any kind by means of which

- (1) The probability of other Member States **standing surety** for a sovereign debtor is enhanced; and
- (2) Where the transfer (even interest advance) may result in a **less stability-inclined policy** of the benefitting Member State

**ECONOMIC POLICY**  
**„NO BAILOUT“ (ART. 125 TFEU) – ART. 122 ETC.**

<b>Art. 122</b>	all Member States	Severe difficulties caused by “exceptional occurrences beyond its control”	Union assistance ( <i>acc. to CJEU, Pringle-Case, no decision on admissibility of assistance from Member States</i> )	Financial assistance „under certain conditions“; discretion regarding if and how
<b>Art. 143 f.</b>	Member States with derogation	Difficulties regarding balance of payments	Union assistance	Council grants mutual assistance; discretion regarding condition and details (examples in Art. 143 (2) TFEU)
<b>Art. 136 (3) &amp; ESM-Treaty (→ ch. 6)</b>				

**ECONOMIC POLICY**  
**„NO BAILOUT“ (ART. 125 TFEU) – ART. 122 ETC.**

**Details of Art. 122 (2) TFEU**

- Matters of fact
- Exceptional occurrences (natural, social or economic catastrophes), beyond the control of a member State
- „Difficulties“ caused by them (including budgetary)

*Unclear: How should contributory negligence consisting of a lack of budgetary discipline be taken into account?*

- Legal consequences
  - Financial assistance by EU (*provision is silent on assistance by MS!*)
  - Discretionary decision
  - Conditionality („under certain conditions“)

**ECONOMIC POLICY**  
**„NO BAILOUT“ (ART. 125 TFEU)**  
**THE „EUROBOND“ QUESTION (NEXT 7 SLIDES)**

*Topical question: May the EU or may the Member States jointly issue so-called Eurobonds, e.g. intended to mitigate of the economic effects of the Corona crisis?*



# Phenomenology of Eurobonds

## Type 1 Eurobonds (= in a narrow sense)

Bonds issued by the European Union  
(e.g. within SURE or NGEU  
(„Corona bonds“))

## Type 2 Eurobonds (= in a broader sense)

Bonds issued by the  
ESM

*Conditionality required  
for subsequent lending  
by ESM*

Bonds issued (jointly) by  
the Euro MS themselves

(3 variants → next slide)

### Legal problems:

- Conferral (permitted by Treaty, especially Art. 311 TFEU)?
- Compliance with Art. 122 (2) TFEU?
- No circumvention of Art. 125 (1) TFEU where MS give (pro rata) guarantees for debt taken on by EU (as in NGEU = Next Generation EU – volume € 0.72 trillion)?

Legal Obstacles?

## Type 2 Eurobonds

Bonds issued conjunctly by the MS pertaining to the „Eurozone“

Eurobonds with joint and several guarantees/liability  
(*dívidas/obligações solidárias*)

Eurobonds with pro rata guarantees/liability  
(*dívidas/obligações proporcionais*)  
Example: Germany + Länder

Sovereign bonds with individual liability  
(*dívidas/obligações individuais*)

Possible combinations (as senior/junior)

## Type 2 Eurobonds with joint and several liability

1

Complete or partial mutualisation with seniority of (mid-term or long-term) Eurobonds

2

Mutualisation with juniority of (mid-term or long-term) Eurobonds

### (1) Probability of other MS standing surety

- Joint liability implies that *any* MS may be (formally) hold liable for total debt (principal + interest)
- Low (but extant) risk of irrecoverability where mutualisation does not exceed 60% (of BIP), higher risk where Eurobonds are junior
- Possible „cross-contagion“ between default on bond categories possible

### (2) Focus on stability

- Debtor MS can rely on others „paying the bill“
- No conditionality
- No rigid control mechanisms (such as in ESM) and sanctions for fiscal indiscipline

→ **Inconsistent** with Article 125 TFEU

## Type 2 Eurobonds with joint and several liability

3

Complete or partial mutualisation with short-term Eurobonds (Eurobills)

- (1) Probability of other MS standing surety
  - Any MS may be (formally) held liable for total debt
  - But very low risk of irrecoverability
  - No time for possible „cross-contagion“
- (2) Focus on stability
  - Debtor MS can rely on others „paying the bill“
  - Short maturity permits for de-facto exclusion from next instalment, efficiency akin to ESM (Troika) supervision

→ Potentially consistent with Article 125 TFEU

4

Any complete or partial mutualisation involving ESM-assisted MS

ESM as „stability enhancer“?

- Agreed conditionality and supervision (MoU) would have to encompass issuance of bonds (undesired)
- After issuance low chances of imposing effective sanctions against co-issuers of Eurobonds for fiscal indiscipline within bond context
- Unrealistic options, since issuance would require participation of ESM-assisted MS

## Type 2 Eurobonds with pro rata liability

1

### Pro rata bonds with common interest rates (Type 1)

- (1) Probability of other MS standing surety
    - No liability for principal
    - But transfer of „interest advance“ (rating!)
  - (2) Focus on stability
    - Debtor MS likely enjoys interest benefit even when conducting a sloppy fiscal policy
    - Danger of retorsion and fiscal „race to the bottom“ with resulting general instability
- Generally **inconsistent** with Article 125 TFEU

2

### Pro rata bonds with averaged interest rates (Type 2)

- Interest rate at issuance = weighted average of packaged bonds
- (1) Probability of other MS standing surety
    - No liability for principal
    - No transfer of „interest advance“
  - (2) Focus on stability
    - No interest benefit, just pooling advantage = lower transaction cost (reduced liquidity premium)
- Generally **consistent** with Article 125 TFEU

Type 2 Eurobonds with ...	Generally illicit	Exceptionally permitted	Generally permitted
<b>Joint and Several Liability</b>	<ul style="list-style-type: none"> <li>- Comprehensive mutualisation of all sovereign debt</li> <li>- Senior Eurobonds and junior national bonds</li> <li>- Senior national bonds and junior Eurobonds</li> </ul>	„Eurobills“ with very short maturity and very effective control of conditionality	-----
<b>Pro Rata Liability</b>	Most forms of pro rata bonds with <i>common</i> (pooled) interest rates	When issued conjunctly by States touching ESM support plus one other State, provided that ESM conditionality extends to issuance of bonds	Pro rata bonds with <i>averaged</i> interest rates and joint administration

## Can the Legal Barriers be Overcome?

### Formal requirements

- Bond issuance by interpositioned EU agency (EDA model)
  - Art. 114 TFEU questionable basis, as fiscal policy does not pertain to internal market
  - Art. 352 TFEU (but requires unanimous decision of all MS)
  - Intergovernmental Agreement cannot bring about an EU agency
- Joint bond issuance by MS:
  - EU Law is rather indifferent as to the legal basis (Treaty?) and form
  - Treaty as such does not suffice as a means for circumventing Art. 125 TFEU (Art. 136 (3) TFEU does not waive it and applies to ESM only)

### Material requirements

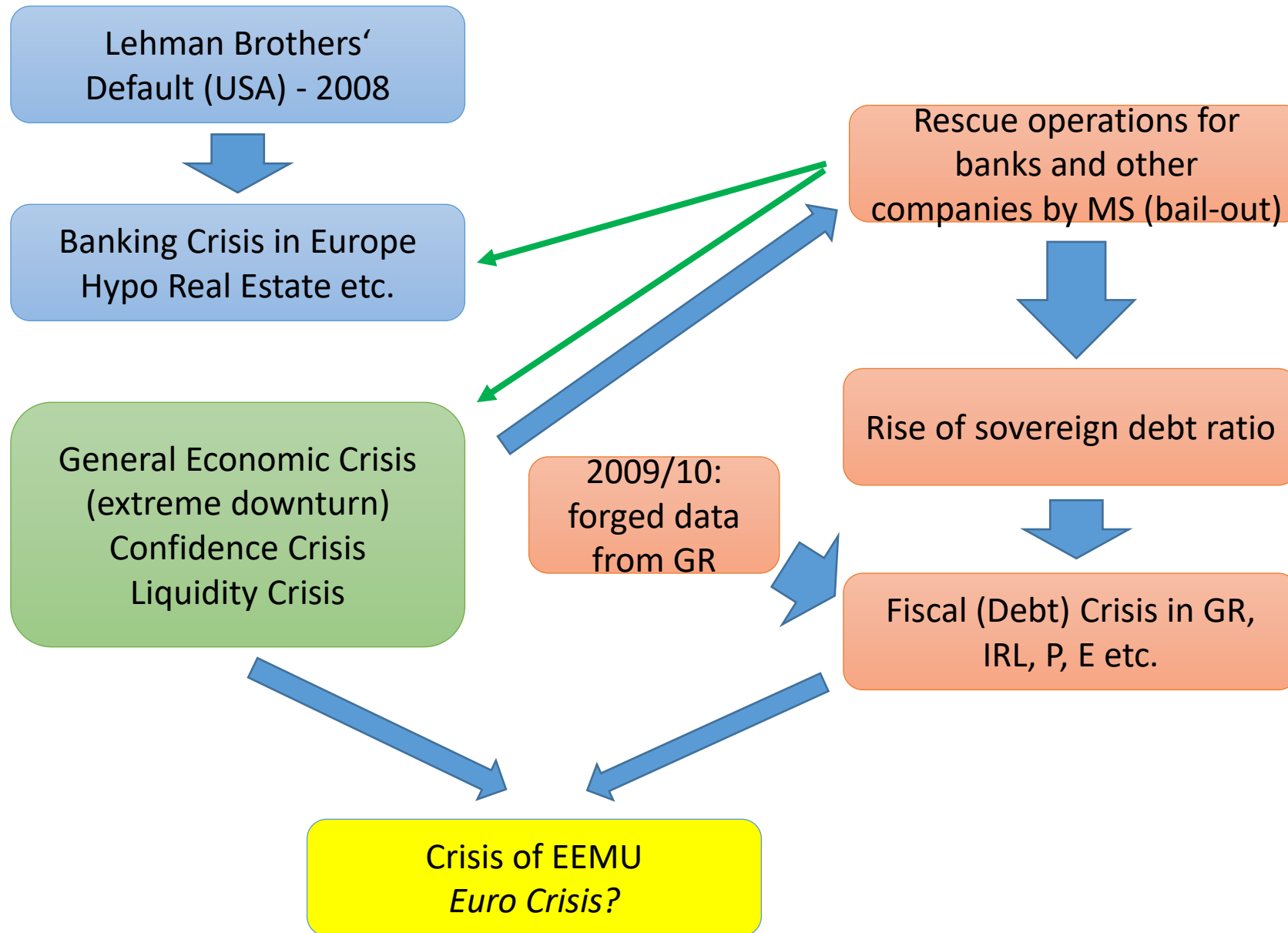
#### Joint bond issuance by MS

- Art. 352 TFEU (-): object and purpose is not to empower Union but to lift a ban affecting MS
- Treaty amendment waiving Art. 125 TFEU („Art. 136 (4)“ TFEU): possible, but
  - requires ratification by all MS
  - Would belie the stability orientation of Art. 123 et seq.

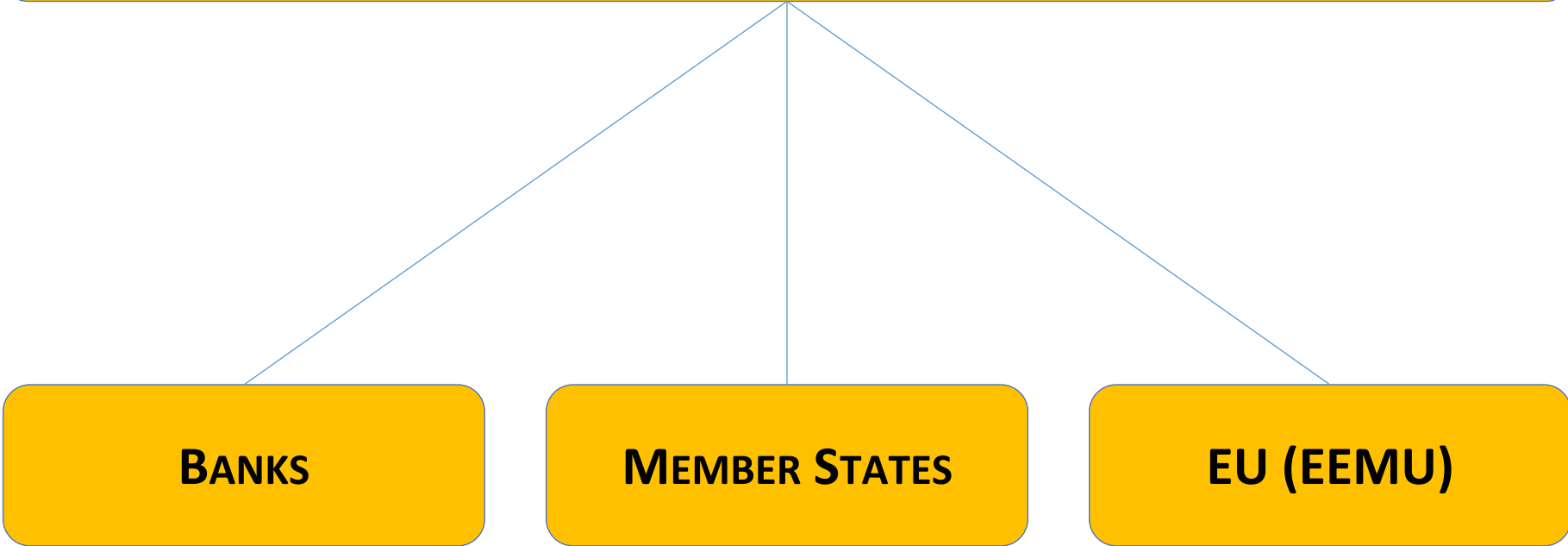
***Chapter 5***  
***The Crisis of 2008***  
***and Shortcomings***  
***of the EEMU***







**SHORTCOMINGS AND LESSONS  
REGARDING**



## SHORTCOMINGS AND LESSONS BANKS

- Subprime („toxic“) securities, often re-securitised
- High degree of international interconnectedness (underestimated by politics)
- Interbank lending (and lending to other sectors by banks) stalled by crisis
- Evidence of banks being „systemically relevant“ and „too big to fail“
- Bailout of banks (and moral hazard) ensuing

## SHORTCOMINGS AND LESSONS MEMBER STATES

- Deficient supervision (supervisory forbearance, arbitrage, capture etc.) → need for a meta-supervision of supervisors by new EU bodies
- Increase of sovereign debt due to need to rescue (or wind up) banks → markup of interest rates in some but not all MS →
- Disruptive effects enhancing hazard of sovereign default (State bankruptcy), but absence of both effective preventive instruments and insolvency mechanisms

## SHORTCOMINGS AND LESSONS EU/EEMU






- Lack of effective *post*-euro convergence requirements
- Legal impossibility of „withdrawing from the euro“ without exiting the EU (→ Art. 50 TEU)
- Uncertainty about application of Art. 122 and 125 (indispensability of EU and mutual financial assistance vs. strict interpretation of „no bailout“)
- Functions of ECB must go beyond those of an ordinary central bank

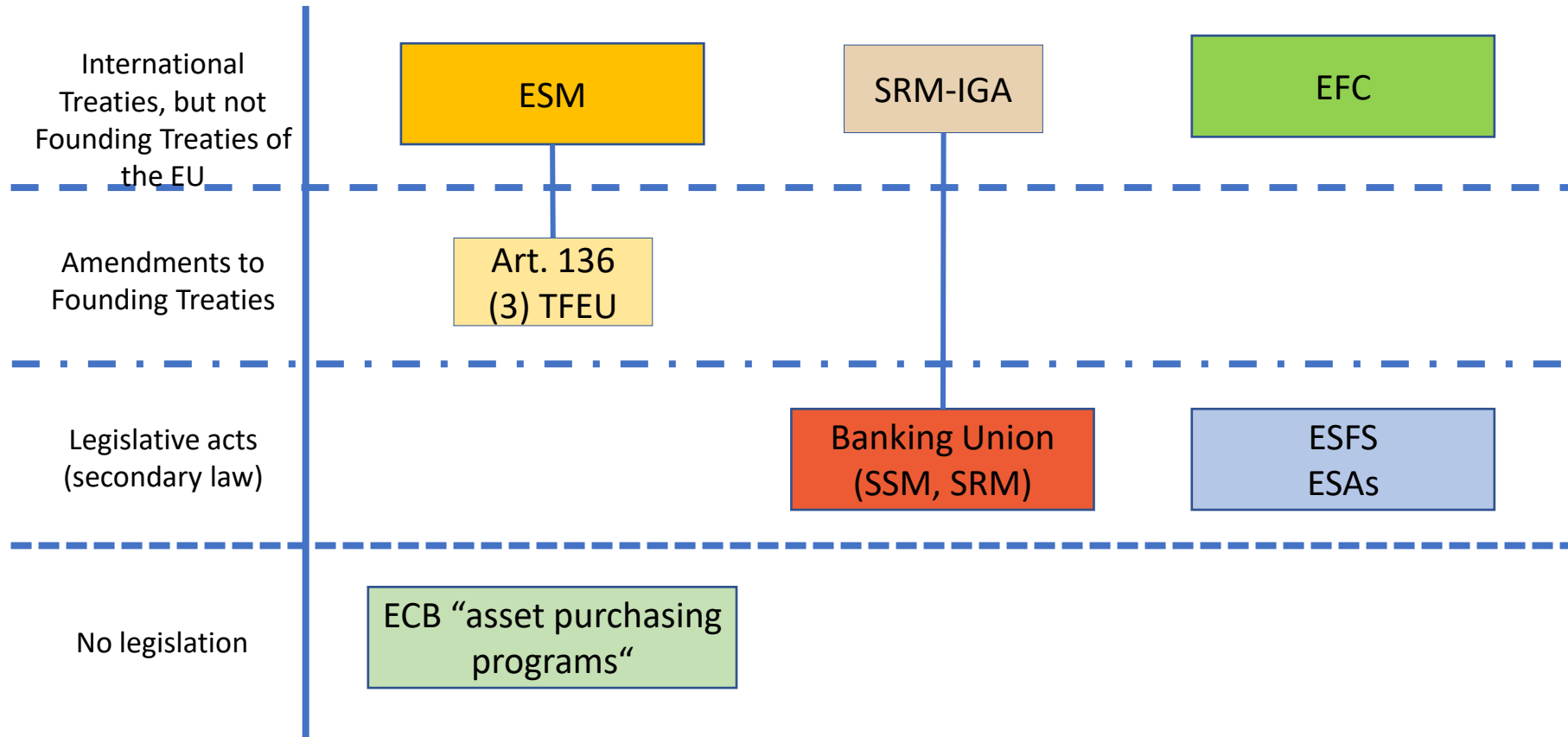
## *Chapter 6*

### *Fundamental Reforms - and Their Ambiguities*



## REFORMS OVERVIEW

- Prevention of sovereign default (and its acceptance as possible scenario): Conditional financial assistance, Stability Funds (EFSF, EFSM, ESM) 
- Sovereign debt: Fiscal Compact 
- Financial system: Extension of ECB toolkit, asset purchase programmes 
- Improved regulation of banks and prevention of moral hazard: Banking Union 
- Improved supervision of financial institutions: European Supervisory Authorities and „Capital Markets Union“ 



International  
Treaties, but not  
Founding Treaties of  
the EU

ESM

SRM-IGA

EFC

Amendments to  
Founding Treaties

Art. 136  
(3) TFEU

Legislative acts  
(secondary law)

Banking Union  
(SSM, SRM)

ESFS  
ESAs

No legislation

ECB "asset purchasing  
programs"



# *I. Stabilisation Mechanisms (Prevention of Sovereign Default)*

Sven Klippel

# *The Traditional Approach (Public International Law)*

## STATE BANKRUPTCY (SOVEREIGN DEFAULT) *IN PUBLIC INTERNATIONAL LAW*

- No generally agreed terminology
  - „State bankruptcy“
  - „State insolvency“
  - „Sovereign default“
- Lack of binding rules in Treaty and customary law
  - Threshold disputed
  - But: Cross-Default Clauses (CDC)
- Frequent phenomenon (ca. 100 cases in 200 years)

## STATE BANKRUPTCY

### *PROCEDURAL ASPECTS – „INSOLVENCY PROCEEDINGS“?*

- State of Necessity (Art. 25 ASR)
  - Temporary suspension only
  - Strict prerequisites
  - Not applicable to private creditors
- Debt Restructuring in Clubs of London and Paris
  - Insolvency proceedings *in nuce*
  - Non applicable to multiple creditors (individual bondholders)
- IMF-Assisted Debt Restructuring
  - Insolvency proceedings *in nuce*
  - Non applicable to multiple creditors (individual bondholders)

## STATE BANKRUPTCY

### *PROCEDURAL ASPECTS – „INSOLVENCY PROCEEDINGS“?*

- Sovereign Debt Restructuring Mechanism (SDRM) Proposal
  - Features of insolvency proceedings
  - Binding elements, stay of payments
  - Involvement of individual bondholders unclear
  - Rejected by USA
- Collective Action Clauses (CAC)
  - Substitute for insolvency proceedings
  - Efficient against holdout creditors
  - Art. 12 (3) ESM Treaty and Greek debt restructuring

*The New European Approach: Stability Funds (+ IMF)  
New forms of financial assistance to MS*



## OVERVIEW

### FINANCIAL ASSISTANCE PROVISIONS PRIOR TO AND AFTER 2008

Art. 122	all Member States	Severe difficulties caused by “exceptional occurrences beyond its control”	Union assistance ( <i>acc. to CJEU, Pringle-Case, no decision on admissibility of assistance from Member States</i> )	Financial assistance „under certain <b>conditions</b> “; discretion regarding if and how
Art. 143 f.	Member States with derogation	Difficulties regarding balance of payments	Union assistance	Council grants mutual assistance; discretion regarding <b>condition</b> and details (examples in Art. 143 (2) TFEU)
Art. 136 (3) & ESM-Treaty	Eurozone Member States	Serious financial problems of a Member State, financial stability of the entire Eurozone is endangered	ESM assistance	ESM Board of Governors has discretion; <b>strict conditionality</b> of assistance (= no actual deviation from Art. 125 TFEU)

## FINANCIAL ASSISTANCE

### FIRST STEPS: *AD HOC* AID (GREECE)

#### Details of Art. 122 (2) TFEU

- Matters of fact
- Exceptional occurrences (natural, social or economic catastrophes), beyond the control of a member State
- Causally determined „difficulties“ (including budgetary)

*Unclear: How should contributory negligence consisting of a lack of budgetary discipline be taken into account?*

- Legal consequences
  - Financial assistance
  - Discretionary decision
  - „under certain conditions“



## THE STABILITY FUNDS – FIRST GENERATION (EFSF AND EFSM)

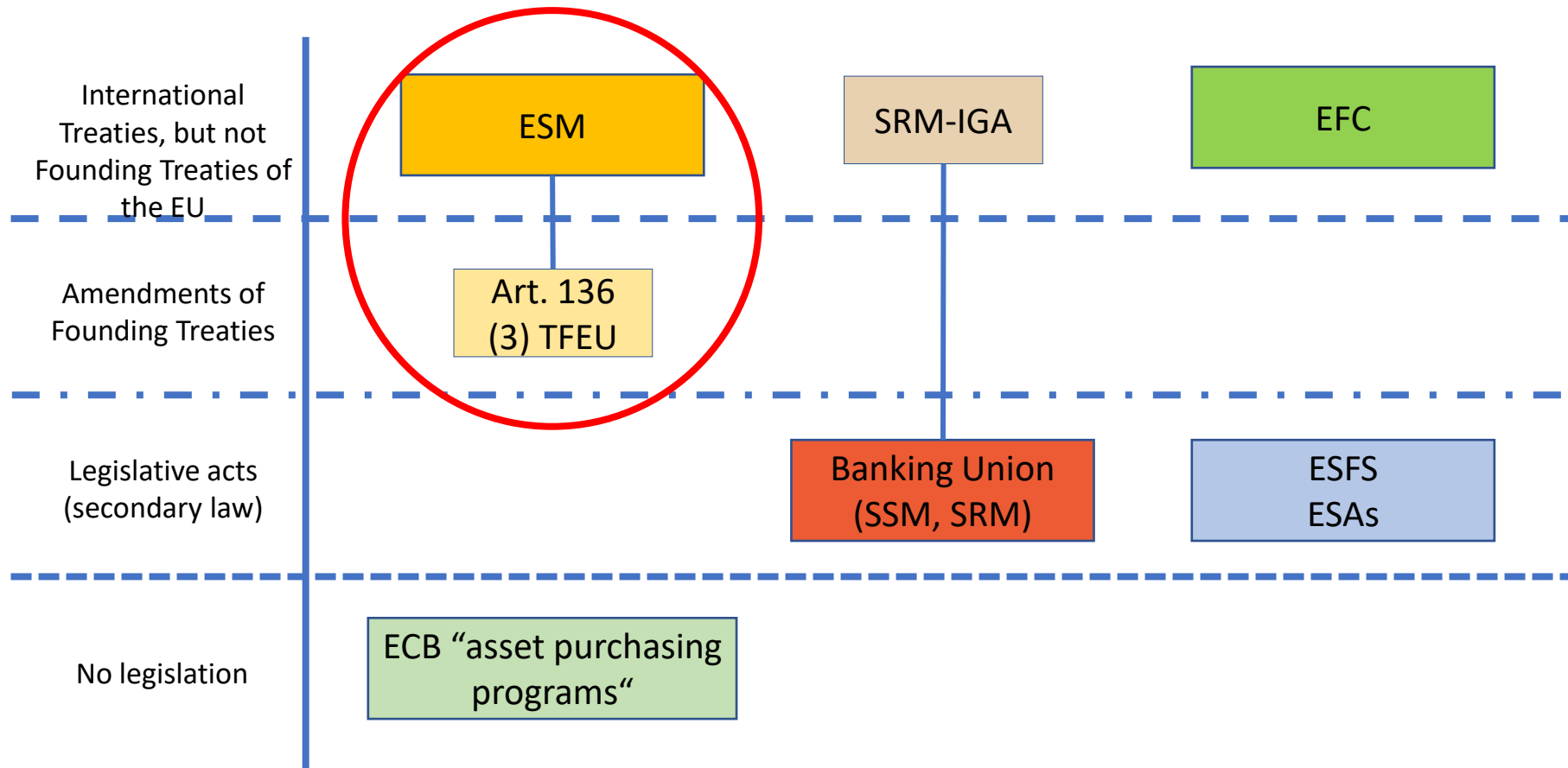
European Financial Stabilisation Mechanism (EFSM) [= EU Aid] (6/2010)

European Financial Stability Facility (EFSF) [= Aid provided by MS] (6/2010)

*European Stability Mechanism (ESM) (since 10/2012)*

- Temporary Fund
- Common institution of MS, society under law of Luxembourg
- Capital (originally) € 440 bn (Germany: € 127 bn)
- Additional loans by IMF
- *Basis EFSF Framework Treaty; individual Council decisions pursuant to Art. 136 (1) TFEU or MoU*
- *Beneficiaries: GR (until 2015, now ESM), formerly: IRL, P, E, CY*

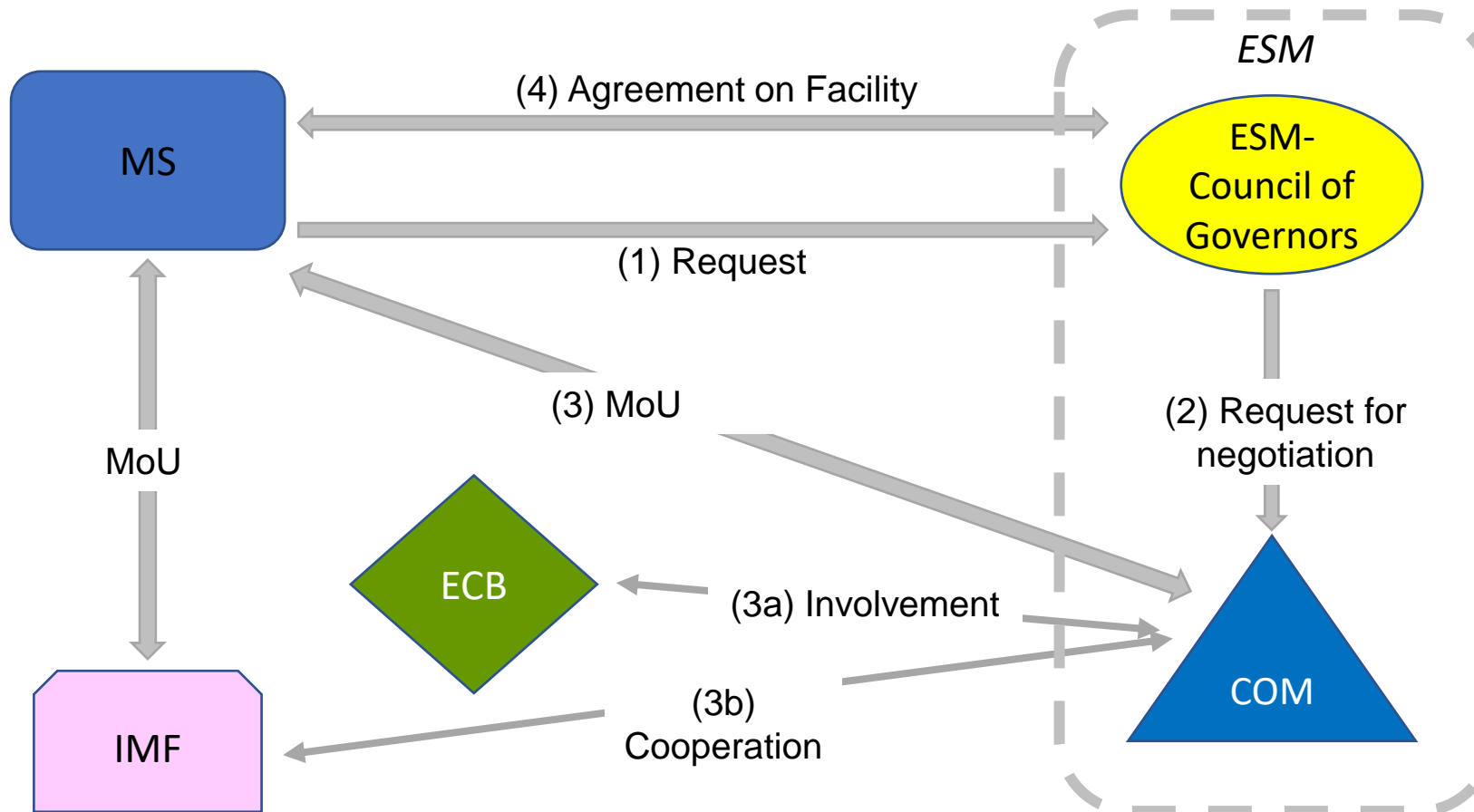
# THE STABILITY FUNDS – SECOND GENERATION (ESM)



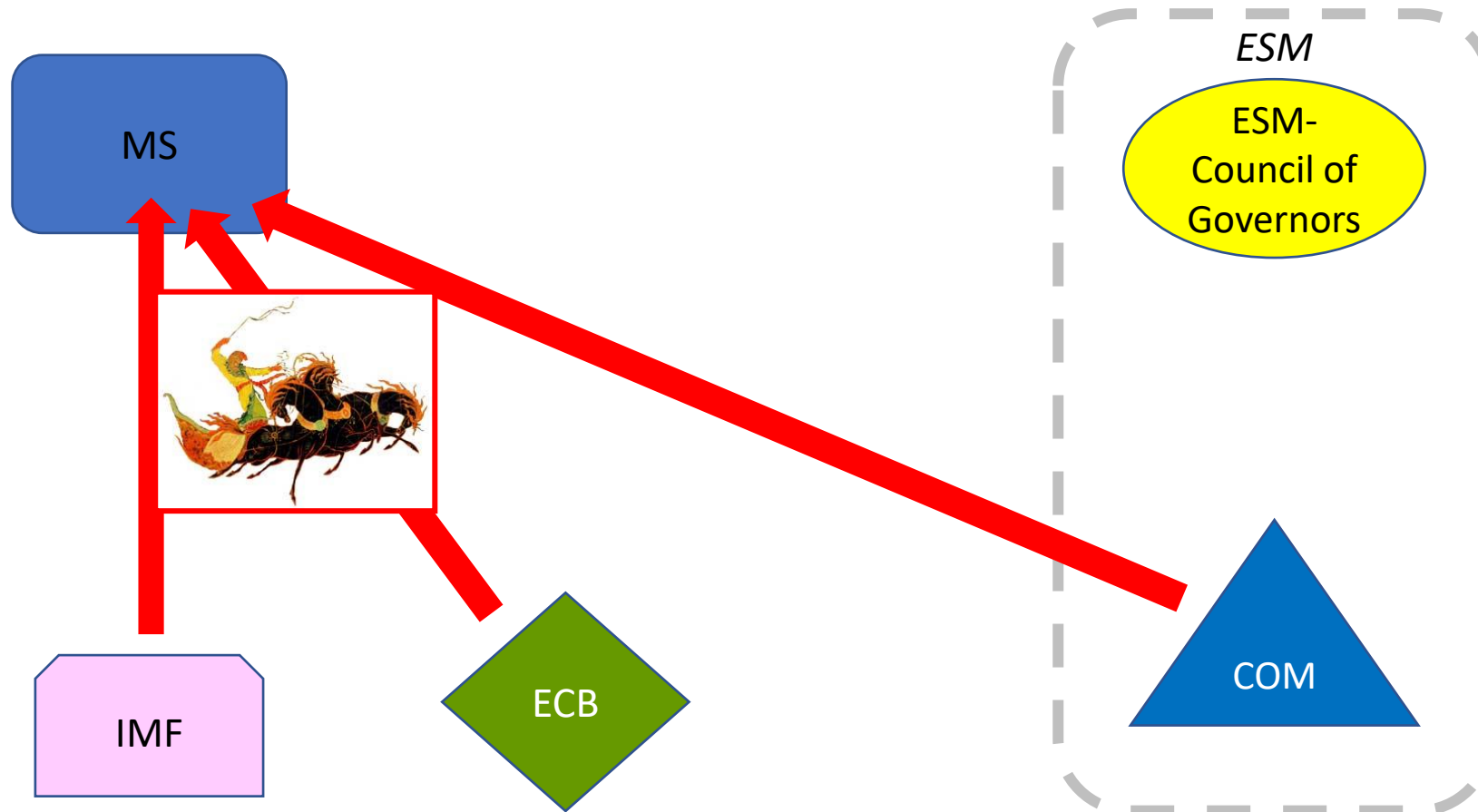
## THE STABILITY FUNDS – SECOND GENERATION (ESM)

- Legal Basis: ESM Treaty + new Art. 136 (3) TFEU, in force since 2013
- Permanent Fund
- International Financial Organization of Euro MS, seat: Luxemburg
- Capital € 700 billion (500 billion available, 80 billion to be paid in) (share of D: € 190 billion = 27%)
- Lending policy: Various facilities and operations
  - Precautionary financial assistance (precautionary credit line)
  - Fin. assistance for re-capitalization of financial institutions of an ESM Member
  - Loans to ESM Member
  - Primary market support facility (= purchase of ESM Member's bonds)
  - Secondary market support facility
- **Strict conditionality** according to MoU pursuant to the chosen instrument
- Revised and increased capital calls possible
- Right to take up loans on financial markets

# THE STABILITY FUNDS – SECOND GENERATION (ESM) NEGOTIATION OF ASSISTANCE

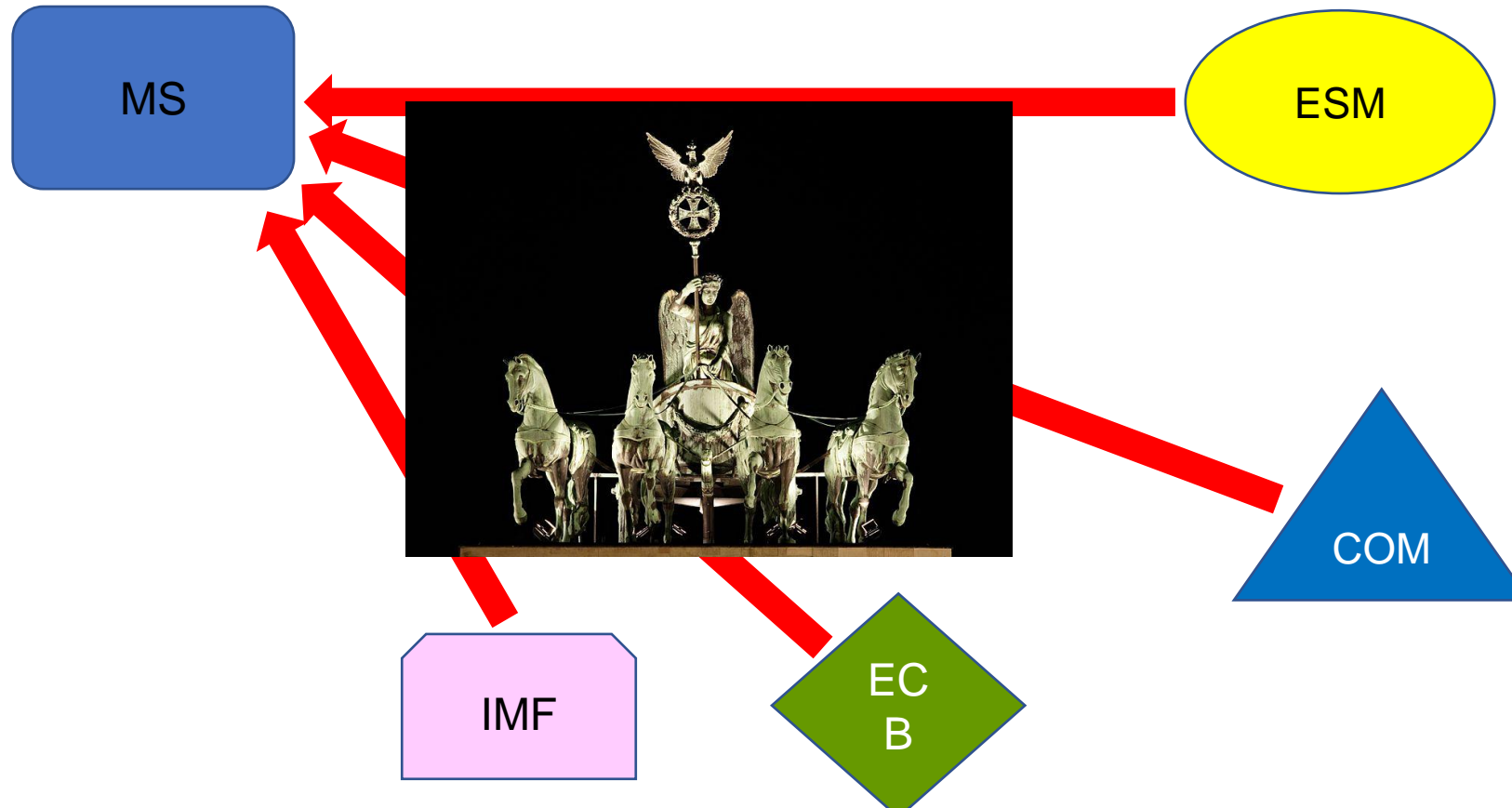


# THE STABILITY FUNDS – SECOND GENERATION (ESM) CONTROL OF COMPLIANCE – „TROIKA“



# THE STABILITY FUNDS – SECOND GENERATION (ESM) CONTROL OF COMPLIANCE – „QUADRIGA“

Photo: Aleph



## *II. The Fiscal Compact - Control of Expenditure*

Sven Kitzler

## TSCG AND FISCAL COMPACT (2012)

- Treaty, mainly for Eurozone MS
- Structural deficit decisive
- Low thresholds
- Sanctions imposed by ECJ
- „Automatic“ reduction of debt
- Reversal of qualified majority



### *III. ECB Asset Purchase Programmes*

Sven Krippel

## ECB ASSET PURCHASE PROGRAMMES

“Within our mandate, the ECB is ready to do whatever it takes to preserve the euro. And believe me, it will be enough.”

Are purchase programmes within the ECB’s mandate?

Problematic features:

- Selectivity → do they still qualify as till monetary policy? (ECJ: goal is to combat disturbance of monetary transaction mechanism)
- Circumvention of direct purchase of bonds from States, prohibited by Art. 123 TFEU?

## Initial Asset Purchase Programmes

Name	Description	Dates	Financial Scope	Rationale
Covered Bond Purchase Programme 1 (CPBB1)	Eurosysteem purchases covered bonds up to target of 60 billion Euros	July 2009 – June 2010	Holdings of 60 billion Euros at termination, current holdings of approx. 4.2 billion Euros	Ease funding conditions for credit institutions thereby encouraging lending
Securities Market Programme	Eurosysteem purchases public and private sector bonds on secondary markets, liquidity partially re-absorbed	May 2010 to September 2012, terminated with the announcement of the OMT Programme	Current holdings of approx. 62.7 billion Euros	Address the malfunctioning of securities markets and restore the monetary policy transmission mechanism
Covered Bond Purchase Programme 2 (CPBB2)	Eurosysteem to purchase covered bonds up to target of 60 billion Euros	November 2011 – October 2012	Purchases of only 16.4 billion Euros, current holdings of approx. 3.9 billion Euros	Ease funding conditions for credit institutions thereby encouraging lending

## Expanded Asset Purchase Programmes

Name	Description	Dates	Financial Scope	Rationale
Covered Bond Purchase Programme 3 (CPBB3)	Eurosystem purchases covered bonds	Net purchases October 2014 - December 2018, currently reinvesting maturing securities	Current holdings of 262.1 billion Euros	Ease funding conditions for credit institutions thereby encouraging lending
Public Sector Purchase Programme (PSPP)	Eurosystem purchases central, regional and local government bonds on secondary markets	Net purchases March 2015 - December 2018, currently reinvesting maturing bonds	Current holdings of approx. 2.1 trillion Euros	Transmission of monetary policy, facilitate credit provision and contribute towards higher inflation levels
Corporate Sector Purchase Programme (CSPP)	Eurosystem purchases securities issued by non-bank corporations in primary and secondary markets	Net purchases June 2016 - December 2018, currently reinvesting maturing securities	Current holdings of approx. 178 billion Euros	Ease financing conditions for the real economy as a precondition for inflation to return to its 2 % target

## ECB ASSET PURCHASE PROGRAMMES

### Pandemic Emergency Purchase Programme (2020)

- Temporary, aimed at countering the risks posed by Covid-19 to the monetary transmission mechanism
- All asset categories under the existing asset purchase programmes (private and public sector securities) are eligible
- Total of 1.85 trillion euro
- Terminates with end of pandemic

## ECB ASSET PURCHASE PROGRAMMES

### LEGAL CONTROVERSIES

- Concerns about excess of powers (no more monetary but economic policy) because of
  - Selectivity of some programmes (OMT)
  - Insufficient assessment of proportionality (PSPP, according to Federal Const. Court – constitutional complaint founded)
  - Assistance to banks and issuing bodies (ECB: required to unblock transaction mechanisms)
- Concerns about violation (by circumvention) of Art. 123 TFEU  
ECJ and Federal Constitutional Court agreeing on necessity of a cooling-down period between purchase by commercial bank and purchase by central bank

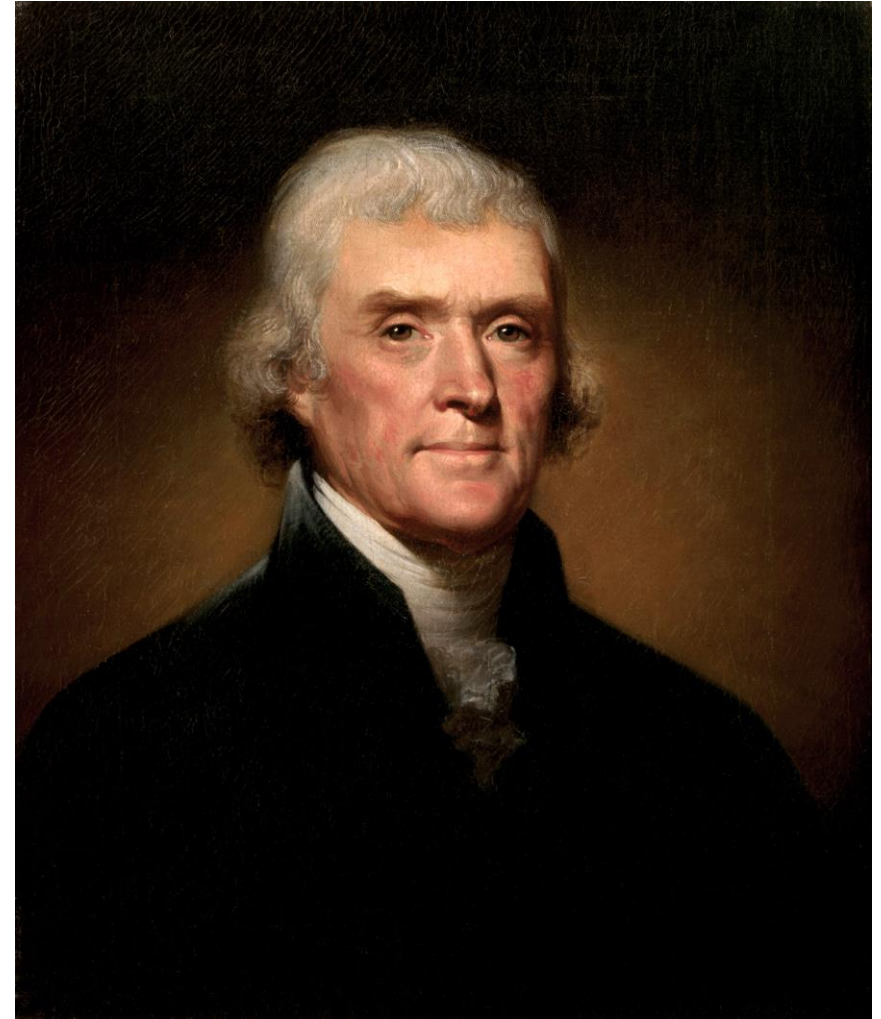
OMT was never implemented – government bond spreads fell significantly after announcement

## *IV. Measures Relating to Financial Market Actors*

*Supervision and Resolution of Credit Institutions:  
Common Rules and Common Authorities - The Banking  
Union*

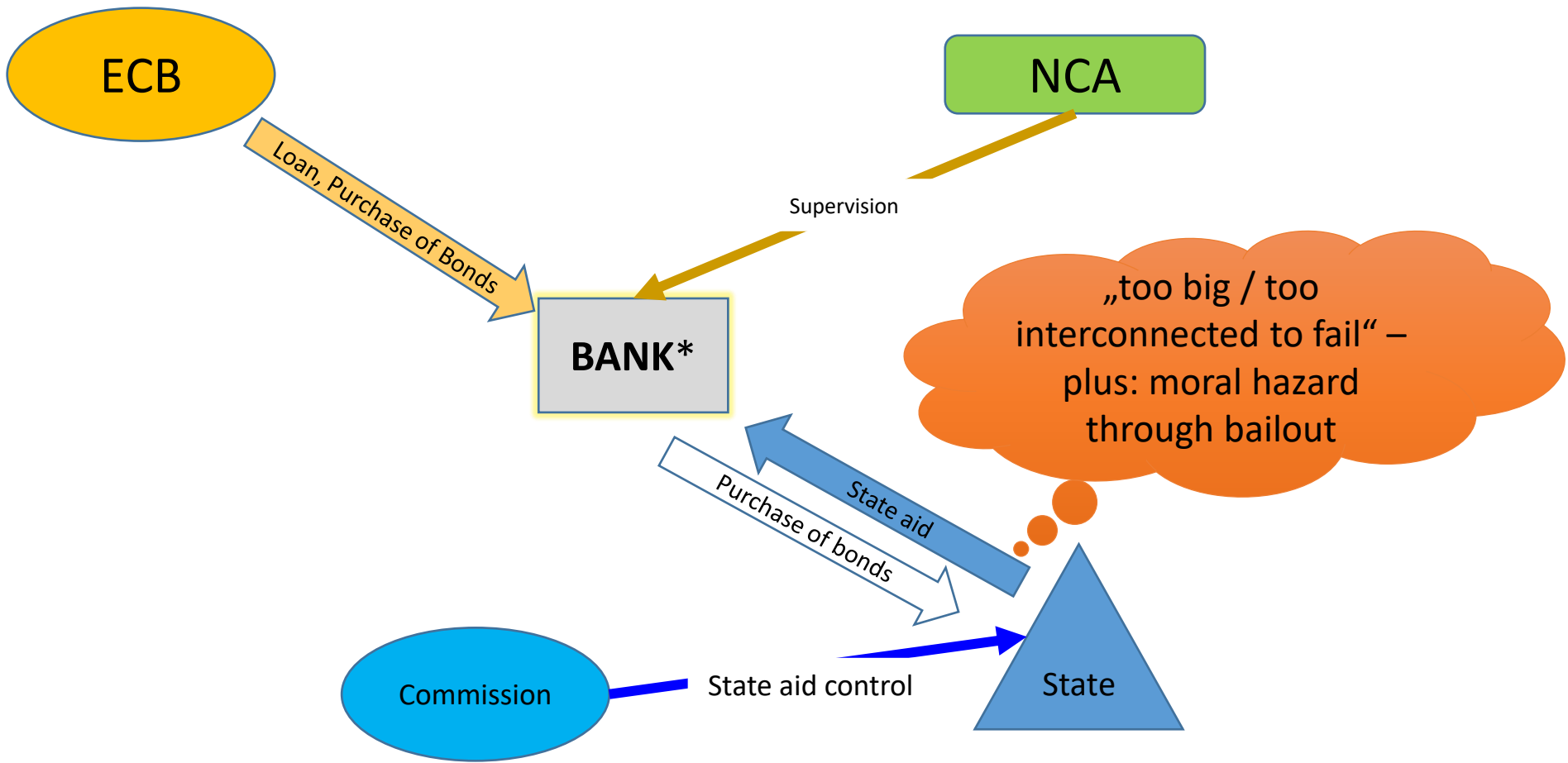


„I believe that banking institutions are more dangerous to our liberties than standing armies.“

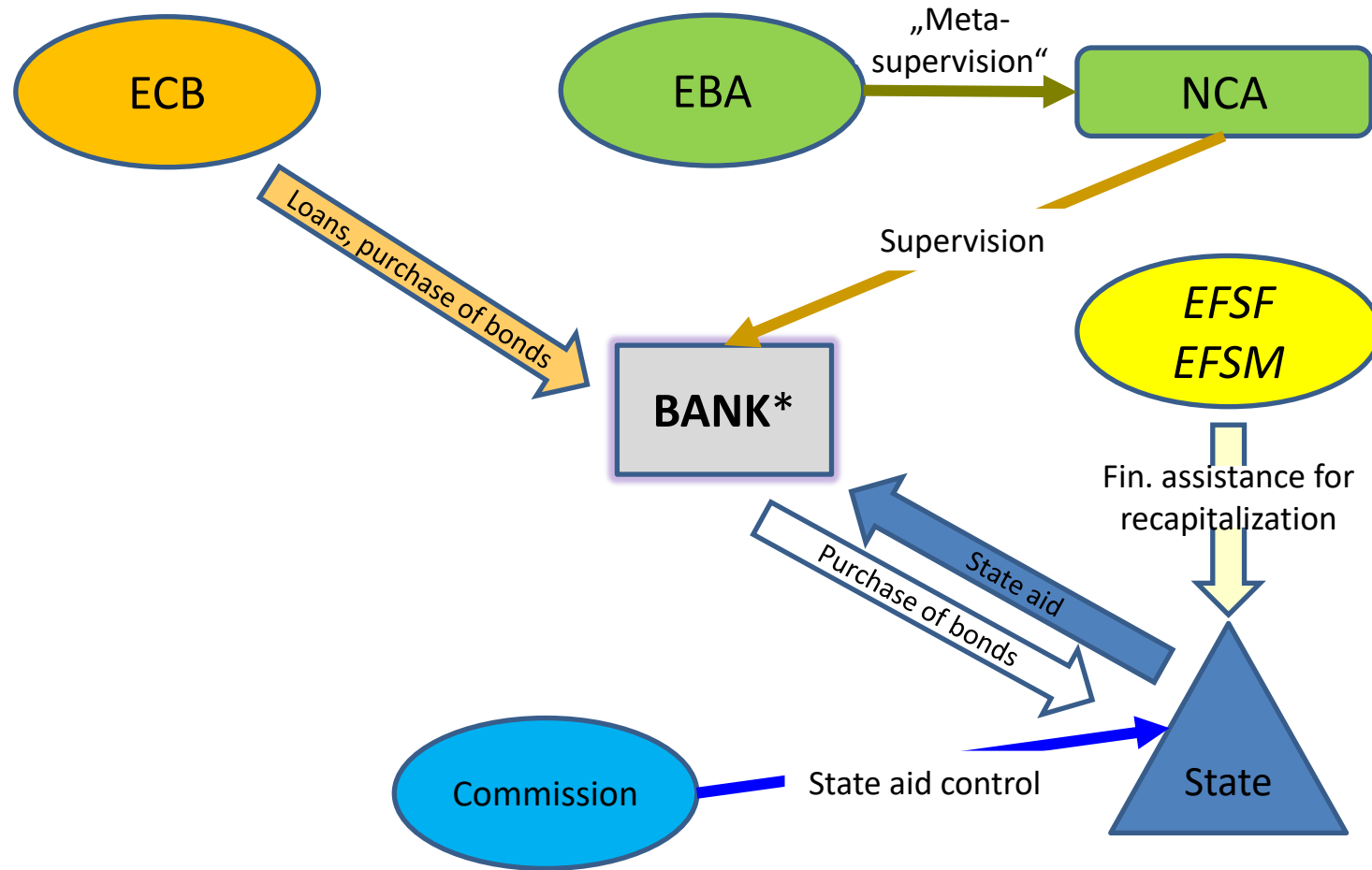


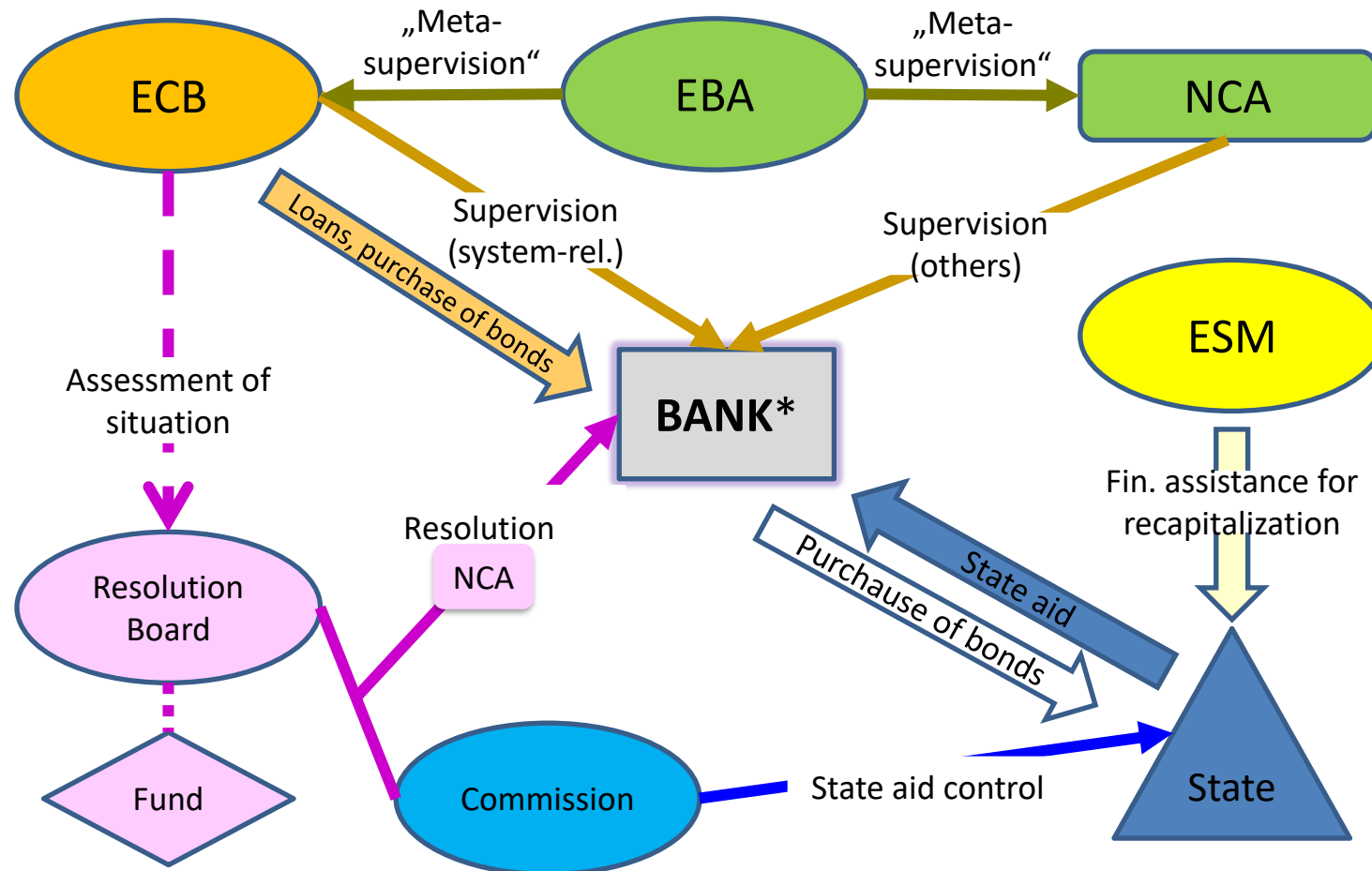
# REFORMS

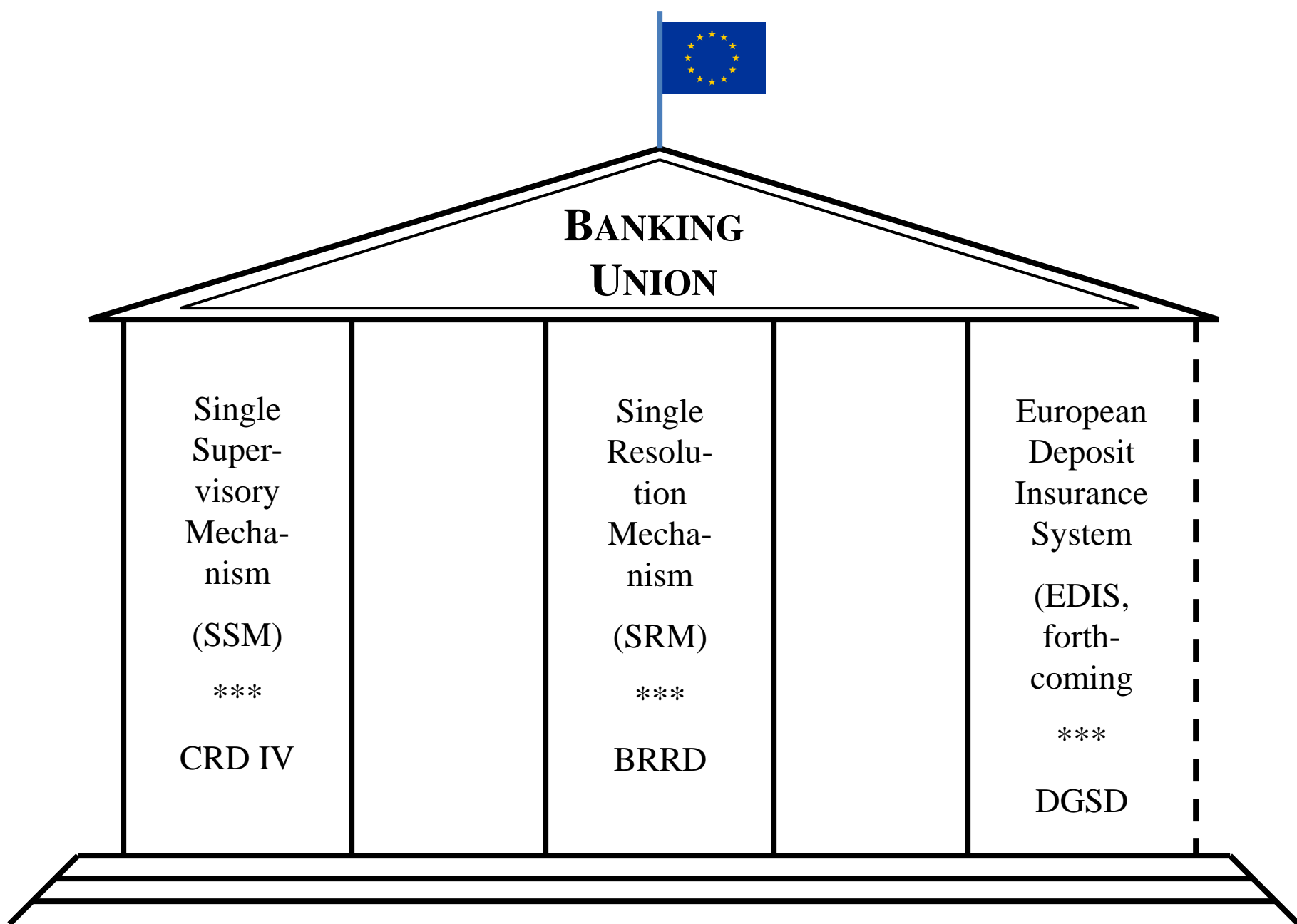
## TOWARDS THE BANKING UNION: SITUATION IN THE CRISIS



# TOWARDS THE BANKING UNION: SITUATION AFTER THE CRISIS







Eurozone only



# BANKING UNION

Single  
Super-  
visory  
Mecha-  
nism  
(SSM)

Single  
Resolu-  
tion  
Mecha-  
nism  
(SRM)

European  
Deposit  
Insurance  
Scheme  
(EDIS,  
forth-  
coming)

**THE SINGLE SUPERVISORY MECHANISM (SSM)  
CENTRALISED SUPERVISION OF CREDIT INSTITUTIONS**

## BANKING UNION

### THE SINGLE SUPERVISORY MECHANISM (SSM)

Art. 127 (6) TFEU: “The Council [...] may unanimously [...] confer *specific tasks* upon the European Central Bank *concerning* policies *relating* to the prudential supervision of credit institutions [...].”



# THE BANKING UNION

## SSM – DISTRIBUTION OF POWERS

Supervision by ECB  
(according to SSM Regulation, 2013)

Supervision by  
National Authorities

- „Significant credit institutions“ in Euro Area, i.e.
  - value of assets exceeds € 30 bn. OR
  - the 3 leading banks of a MS OR
  - Assets exceed 20% of the MS's GDP OR
  - banks touches ESM support (OR)
- Other credit institutions: upon *Selbsteintritt*

- Euro Area: Other credit institutions (unless ECB decides to assume supervision)
- Outside Euro Area: all institutions

# THE BANKING UNION

## SSM – DISTRIBUTION OF POWERS

ECB

Guidelines, instructions

NCA

### „Exclusive“ Powers

- All CI (Art. 4 ] lit. a, c, Art. 6 [4]):
  - Authorization of C.I. (but not rejection of respective applications – Art. 14 [2])
  - Withdrawal of authorizations
  - Assessment of notifications regarding qualified holdings
  - Penalties (mostly)
- Important C.I.:
  - Reviews, compliance
  - Supervisory powers

... unless ECB decides to exercise powers (Art. 6 [5] lit. b)

### Powers

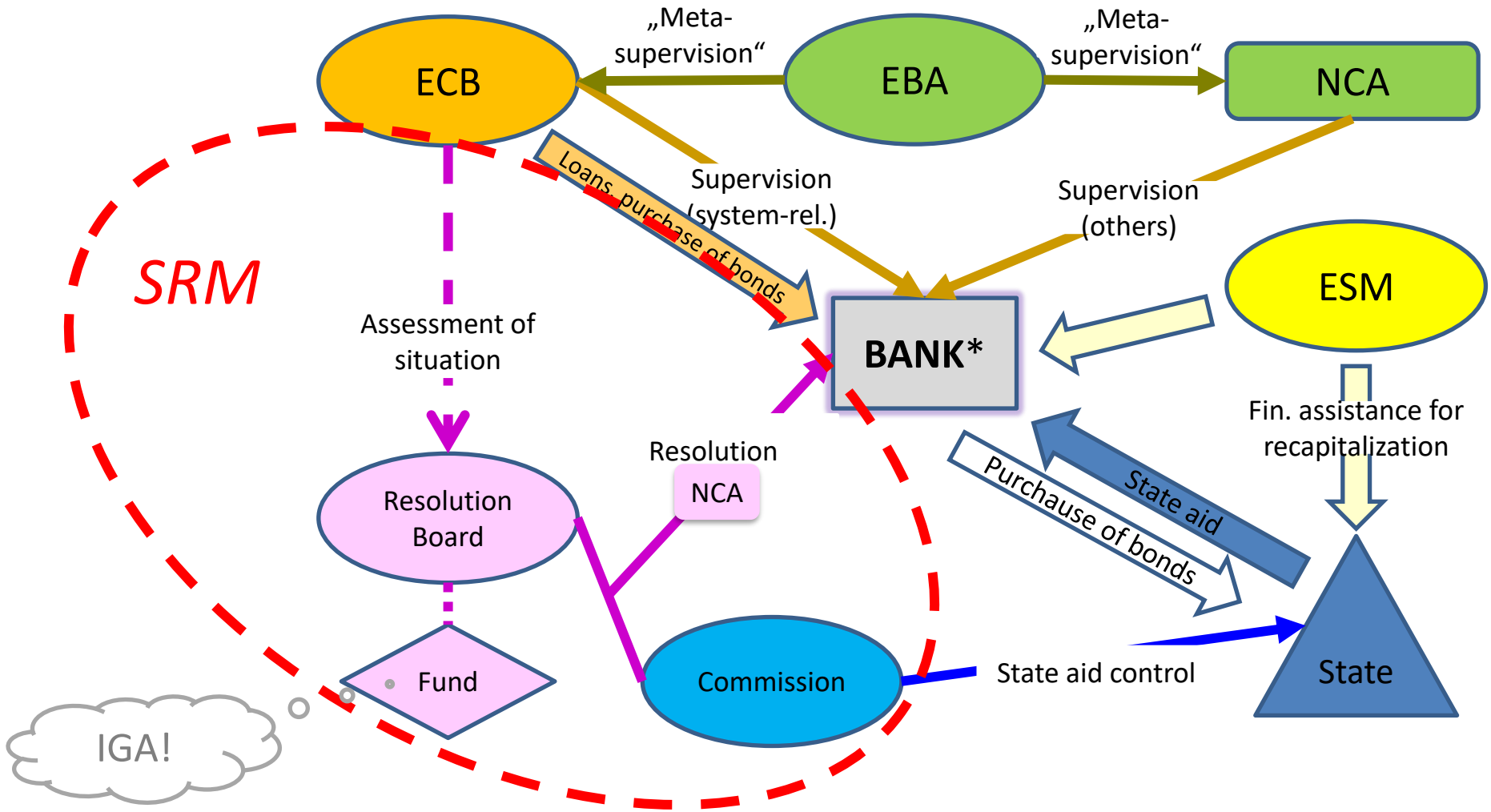
*Original? (arg. e Art. 127 [6] TFEU)*  
*Delegated? (arg. e Art. 4, 6 SSM Reg.)*

- All CI:
  - Rejection of applications for authorization
  - Macroprudential tasks according to Art. 5 (1)
- Less significant C.I.:
  - Reviews, compliance
  - Supervisory powers

**THE SINGLE RESOLUTION MECHANISM (SRM):  
DOING AWAY WITH „TOO BIG TO FAIL“ AND BAILOUT**

# BANKING UNION

## THE SINGLE RESOLUTION MECHANISM (SRM)



## BANKING UNION

### THE SINGLE RESOLUTION MECHANISM (SRM)

- Banks shall be no longer „too big to fail“ → prevention of moral hazard
- Resolution as a special insolvency mechanism for moribund banks
- No conferment of task on ECB, because
  - Resolution is not supervision in terms of Art. 127 (6) TFEU and
  - Dual function as lender and supervisor may impair independence when bank is not healthy
- Creation of Single Resolution Board (SRB)
- Establishment of a Single Resolution Fund (SRF), administered by SRB
- Bail-in as one of four resolution tools → Liability cascade

# BANKING UNION SRM - TOOLS

Resolution Plan



Resolution Scheme



Resolution Tool

Sale of  
Busi-  
ness

Bridge  
Insti-  
tution

Asset  
Separa-  
tion

Bail-in

Otherwise – or as  
supplement –: national  
insolvency proceedings  
(liquidation)

Analogous application  
of Art. 107 f. TFEU  
where appropriate

# BANKING UNION

## SRM – BAIL-IN TOOL – LIABILITY CASCADE

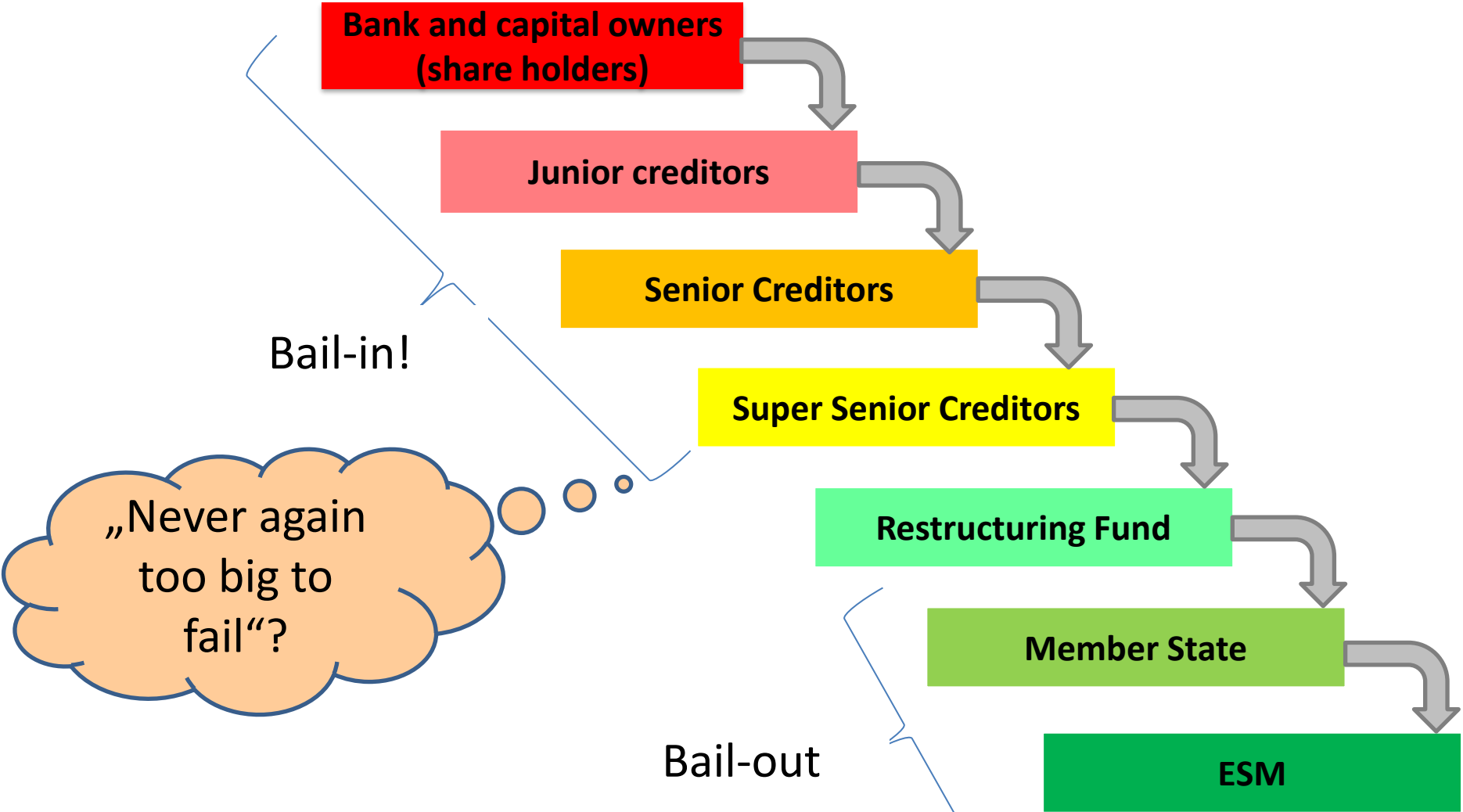


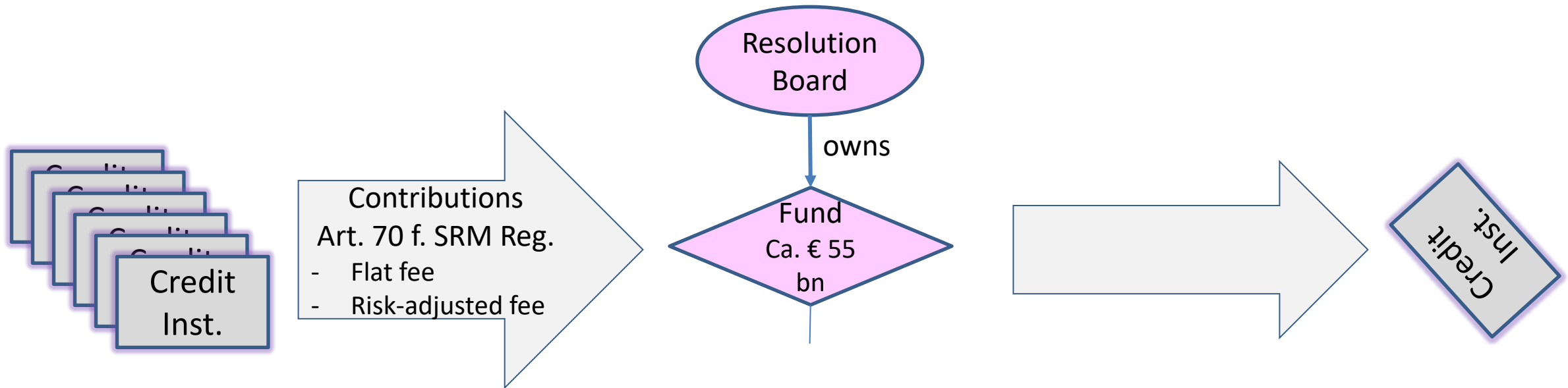


Photo: El País



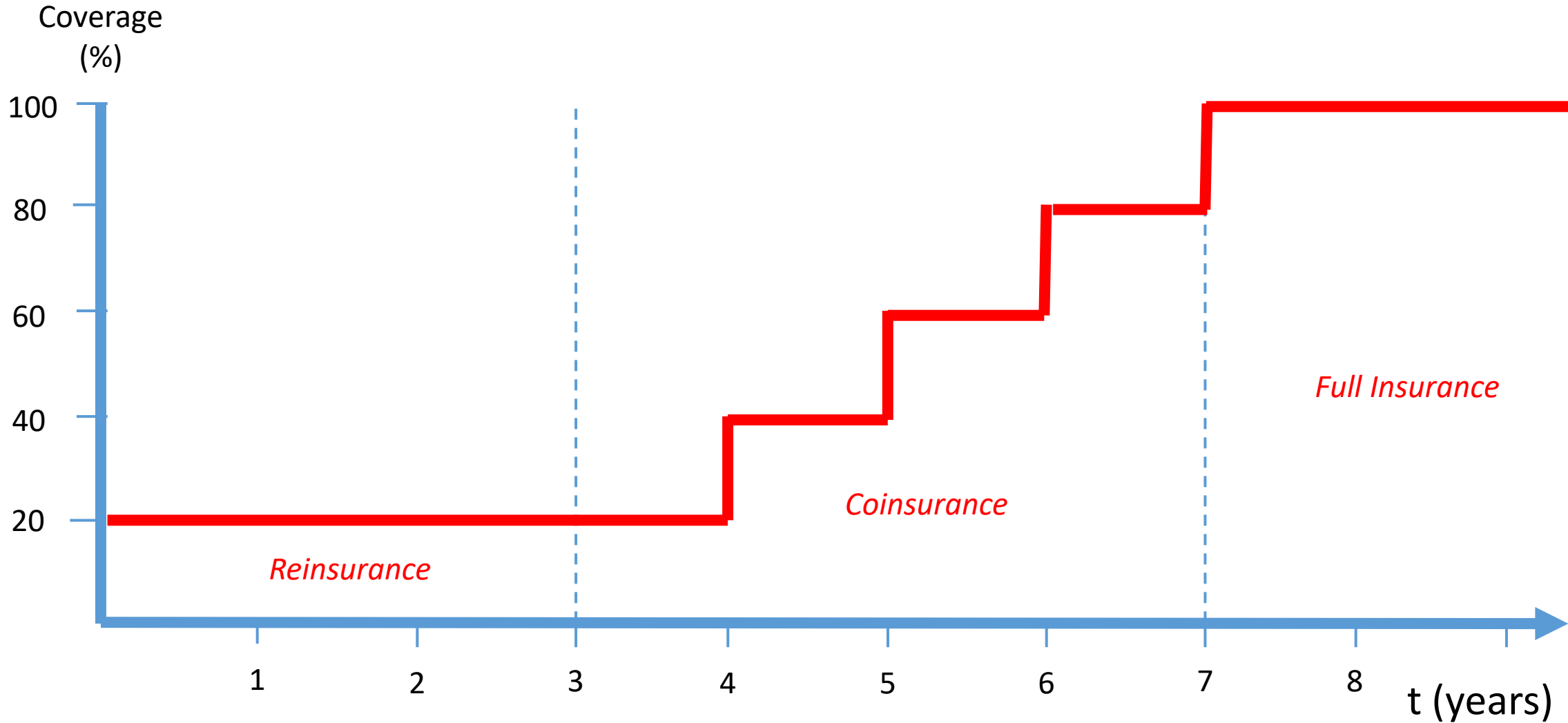
# BANKING UNION

## SRM – THE SINGLE RESOLUTION FUND (SRF)



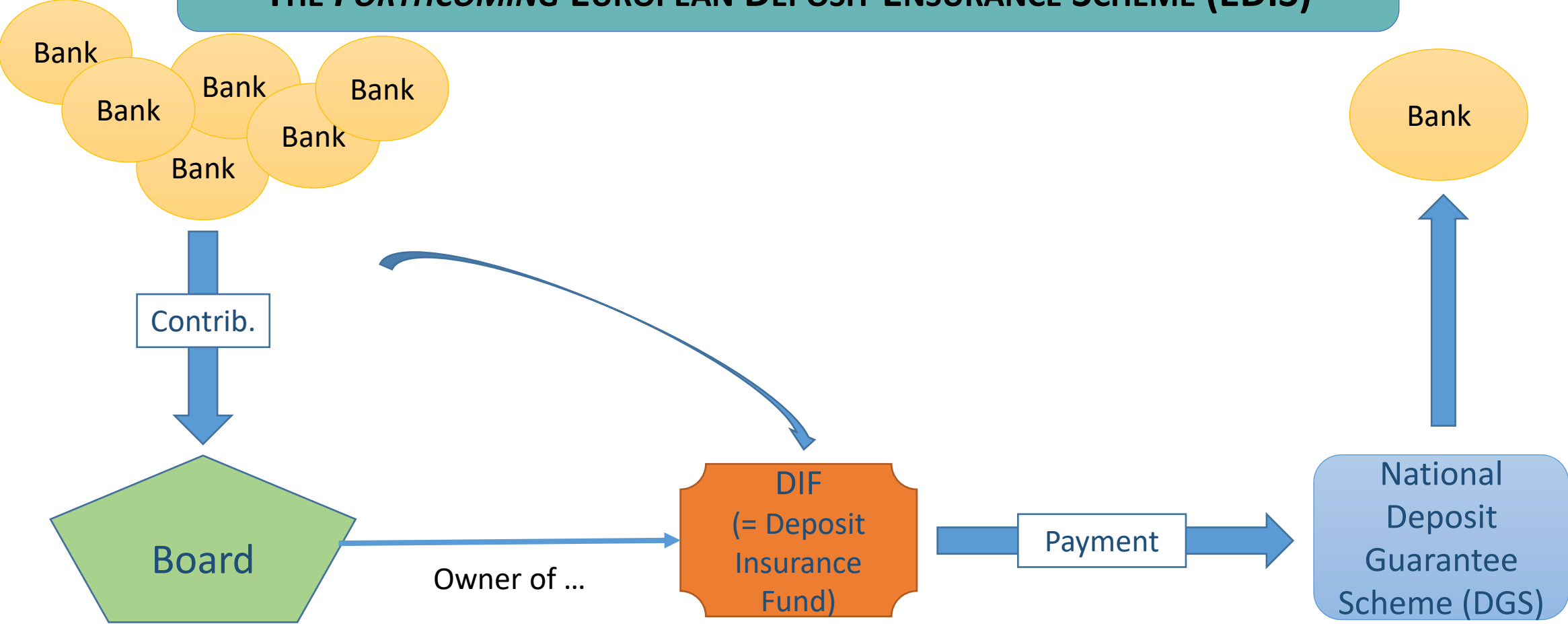
# BANKING UNION

## THE *FORTHCOMING* EUROPEAN DEPOSIT ENSURANCE SCHEME (EDIS)



# BANKING UNION

## THE *FORTHCOMING* EUROPEAN DEPOSIT ENSURANCE SCHEME (EDIS)



*Better Supervision of Other Financial Markets:  
The European Supervisory Authorities (ESAs)*

# IMPROVING SUPERVISION: THE NEW EUROPEAN SUPERVISORY AUTHORITIES

European Systemic Risk Board (ESRB)

European Banking  
Authority (EBA)

European Securities  
and Markets  
Authority (ESMA)

European Insurance and  
Occupational Pensions  
Authority (EIOPA)

Coordination, information  
Guidelines, Recommendations  
Exceptionally: orders  
Very exceptionally: *Selbsteintritt*

National competent authorities  
(e.g. BaFin, Autorité des Marchés Financiers, Instituto de Seguros de Portugal)

Financial Institutions (Banks, Intermediaries, Insurances etc.)

*A Stocktaking of the Reforms:  
A Mixed Picture*



- Integration marching at increasingly different speeds („intégration à plusieurs vitesses“)
- Incremental fragmentation of primary law (with intergovernmental „satellites“ such as ESM waiting to be reinserted in the TEU/TFEU)
- Questionable practice of adopting regulations (secondary law) instead of Treaty amendments
- Insufficient democratic control of an increasingly self-confident ECB



- Breakdown of the EU has been averted and the EEMU appears to be more resilient
- Eurozone has remained intact, no MS has dropped out of the euro (but the UK withdrew from the EU)
- More sophisticated regulation and supervision of banks and financial markets
- Sovereign debt: no new crisis (but moderate containment and further increase due to Covid and Ukraine crises)

# Chapter 7

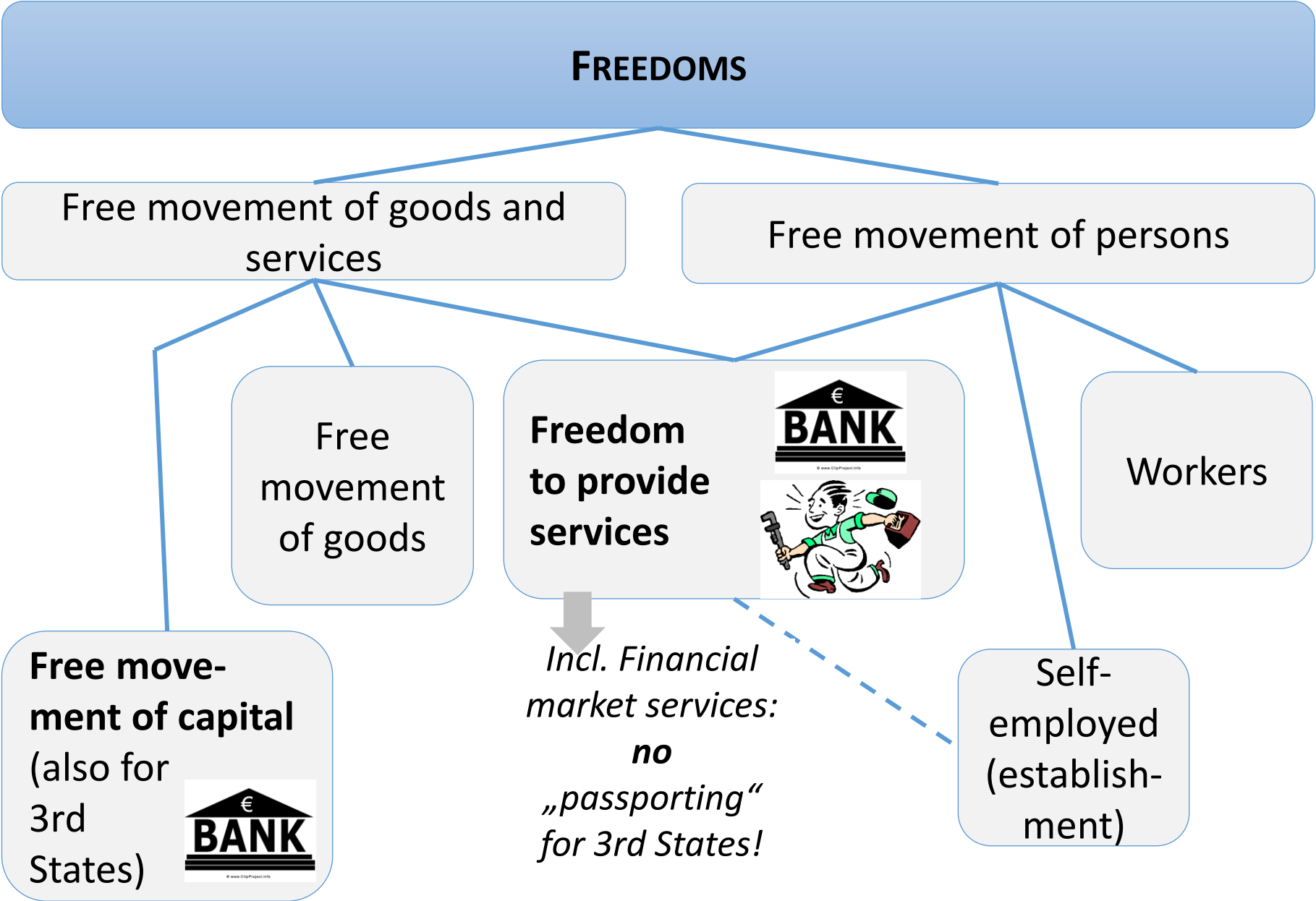
## *The Broader Picture: Regulation of Finance in, and with, the EEA, Switzerland, the UK, and Others*



Source: The Sun



# *I. Regulation of Financial Services: Third-State Régime and Standard of Equivalence*



## The Third-State Regime

- Free movement of capital
  - applies both within the EU and to transfers between the EU and third States (Art. 63 (1) TFEU)
  - Background: IMF – free convertibility; freedom of investment
- Freedom to provide services
  - Applies within internal market only unless otherwise agreed by a Treaty
  - Financial services:
    - EU-based actors require only one license which allows them to provide services in all 27 MS (“passporting”)
    - No passporting for financial service providers from third States, which are admitted if the regulatory standards in their country of origin are equivalent to that of the EU (“standard of equivalence” – “Third-State Régime”)
    - UK aspired to maximum freedom to provide financial services (with passporting) but no freedom for other categories of services (“Polish plumber”) → Cherry picking?
    - If UK limbos standards to attract financial businesses, it risks losing any EU market access and the risk of a new global financial crisis may be enhanced

*II. Brexit and Available Models for the Structuring of  
Legal and Economic Relations with the EU*

# The Economist



Barack Obama on the American economy  
BY INVITATION

OCTOBER 8TH-14TH 2016

# The road to Brexit



41

Albania 11,000 Croatia 11,000 France 11,000 Ireland 11,000 Latvia 11,000 Netherlands 11,000 Romania 11,000 Spain 11,000  
Austria 6,50 Cyprus 6,50 Germany 6,50  
Bahamas 11,000 Bosnia and Herzegovina 11,000 Gibraltar 11,000  
Belgium 11,000 Denmark 11,000 Greece 11,000  
Bulgaria 11,000 Estonia 11,000 Finland 11,000 Hungary 11,000 Italy 11,000 Lithuania 11,000 Luxembourg 11,000 Malta 11,000  
Czech Republic 11,000 Slovakia 11,000 Slovenia 11,000  
Cyprus 6,50  
Denmark 11,000  
Estonia 11,000  
Finland 11,000  
France 11,000  
Germany 6,50  
Greece 11,000  
Hungary 11,000  
Ireland 11,000  
Italy 11,000  
Latvia 11,000  
Lithuania 11,000  
Luxembourg 11,000  
Malta 11,000  
Netherlands 11,000  
Poland 11,000  
Portugal 11,000  
Romania 11,000  
Slovakia 11,000  
Slovenia 11,000  
Spain 11,000

## The UK and the EEMU before Brexit: Increasing Estrangement

- Reluctance of the to follow path of „ever closer Union“, EU membership considered by many as a matter of profitability
- Maastricht Treaty: Protocol Waiver from Art. 140 TFEU for the UK
  - No membership in ERM II
  - Introduction of euro never considered
- London developing to global hub for financial services, thanks to liberal and sophisticated regulation (but also freedom to provide services)
- UK influential in development of of new EU rules on financial regulation (but also objecting to many of them – sometimes without success due to qualified majority in Council)

# BREXIT: ART. 50 EUV EU LEVEL

Referendum: 51.2% in favour of leaving EU  
23 June 2016

Notification of decision to withdraw from EU  
29 March 2017 (Art. 50 (2))

Negotiation of exit agreement UK/EU  
(Art. 50 (2))

- Qual. Majority (Council)
- Approval by EP and **2 years**
- brit. Parliament (UK Withdrawal Agreement Bill)

In absence of an agreement

All prerequisites met

Not all prerequisites met

Extension of time limit  
Eur. Council  
(unanimous) Art. 50  
(3)

No extension

„Orderly exit“

„Automatic exit at deadline“

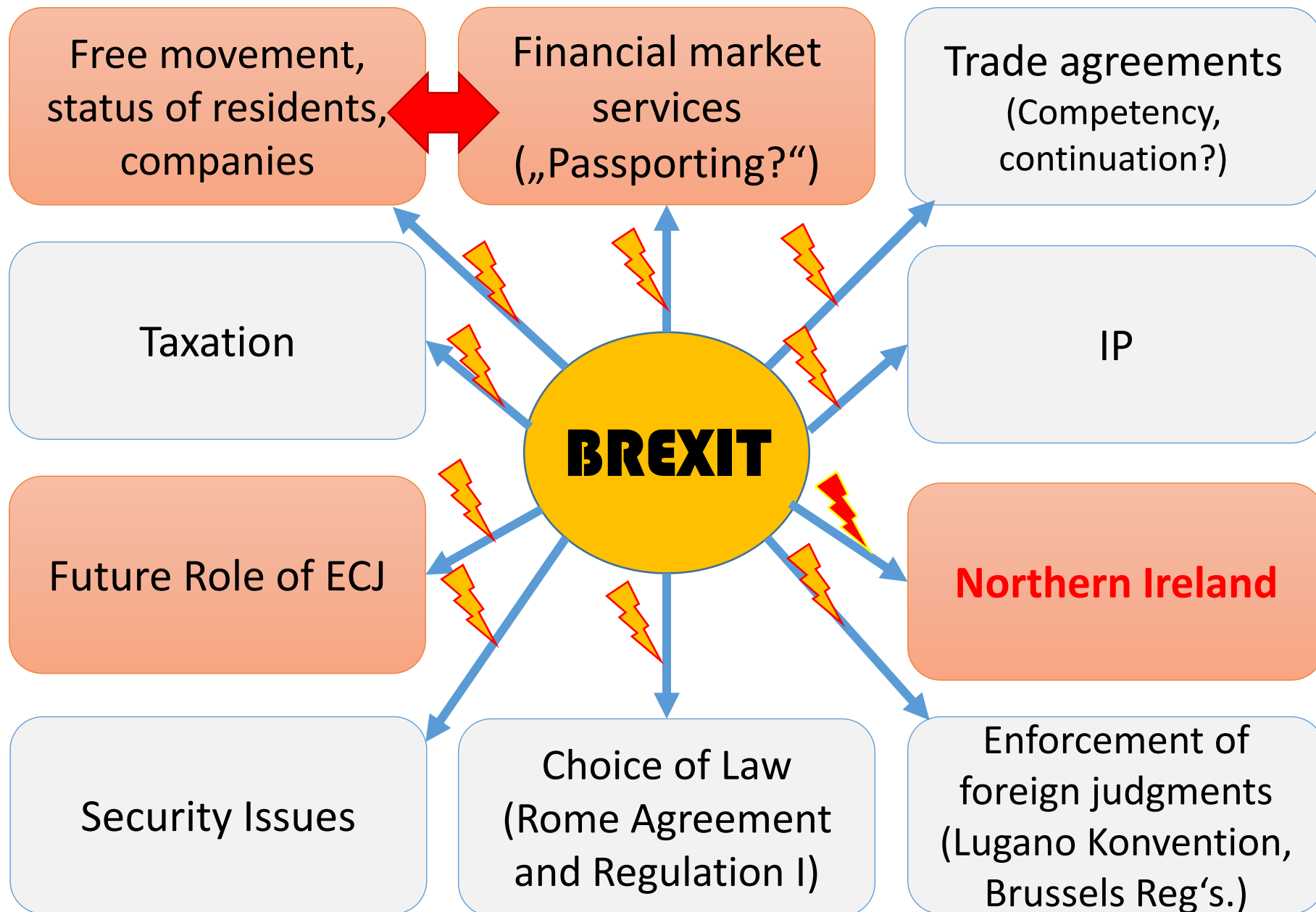
UK exiting EU on 31 January 2020

## Exit Agreement (November 2019)

- UK exits from EU on 31 January 2020
- Transition Period until 31 December 2020, with UK *de facto* remaining in Internal Market
- Protocol on Ireland/Northern Ireland approaching the latter to the internal market for at least four years after end of transition period

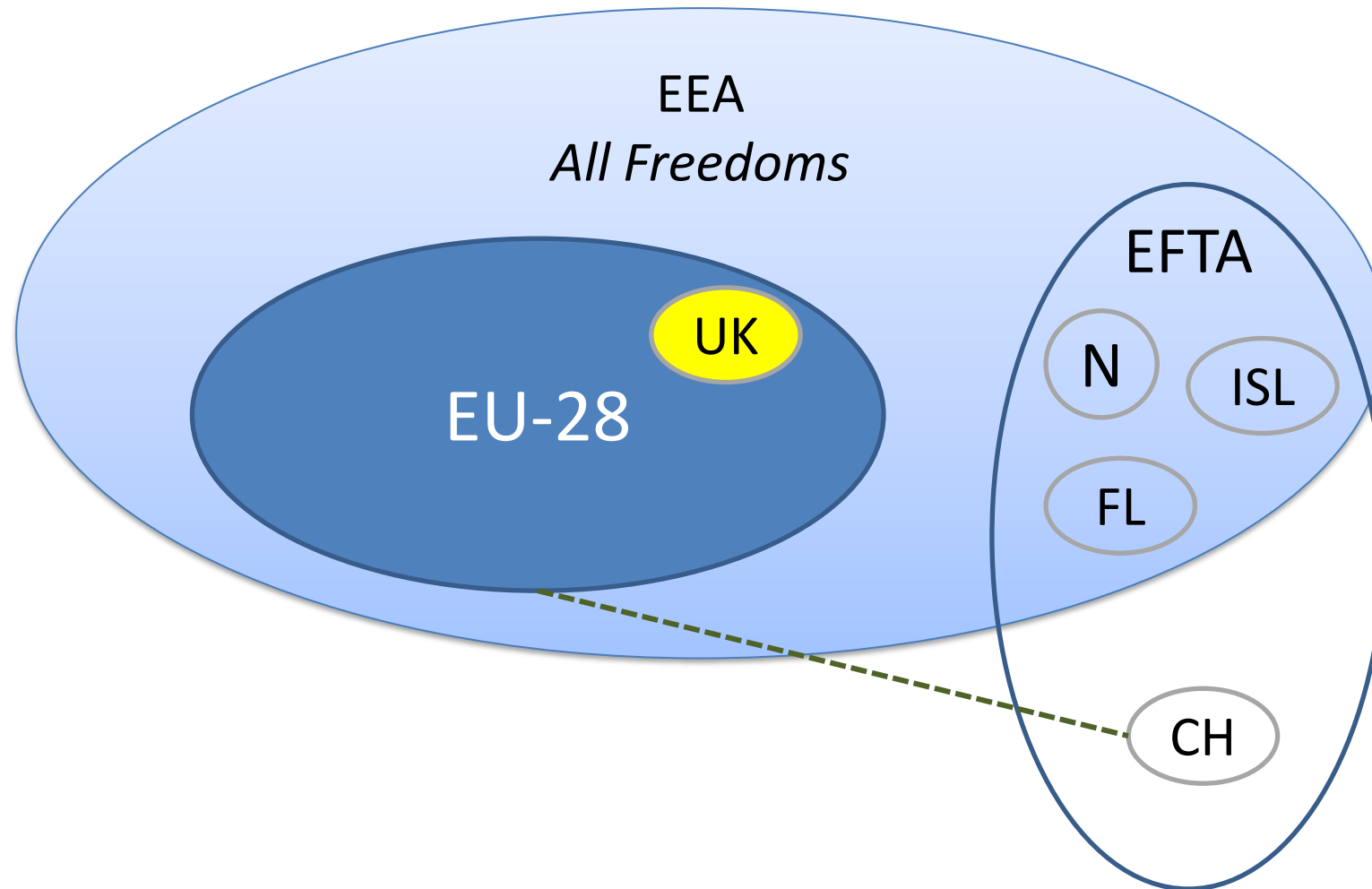
= withdrawal agreement in terms of Art. 50 (2) 2 TEU, not a treaty on the future relations („Post-Brexit Agreement“)





**BREXIT VARIANTS (IN RETROSPECT)  
FROM “SOFT” TO “WILD”**

## OPTION 1: BREXIT IS CALLED OFF (STATUS QUO)



## OPTION 1: BREXIT IS CALLED OFF (STATUS QUO)

Prerequisites:

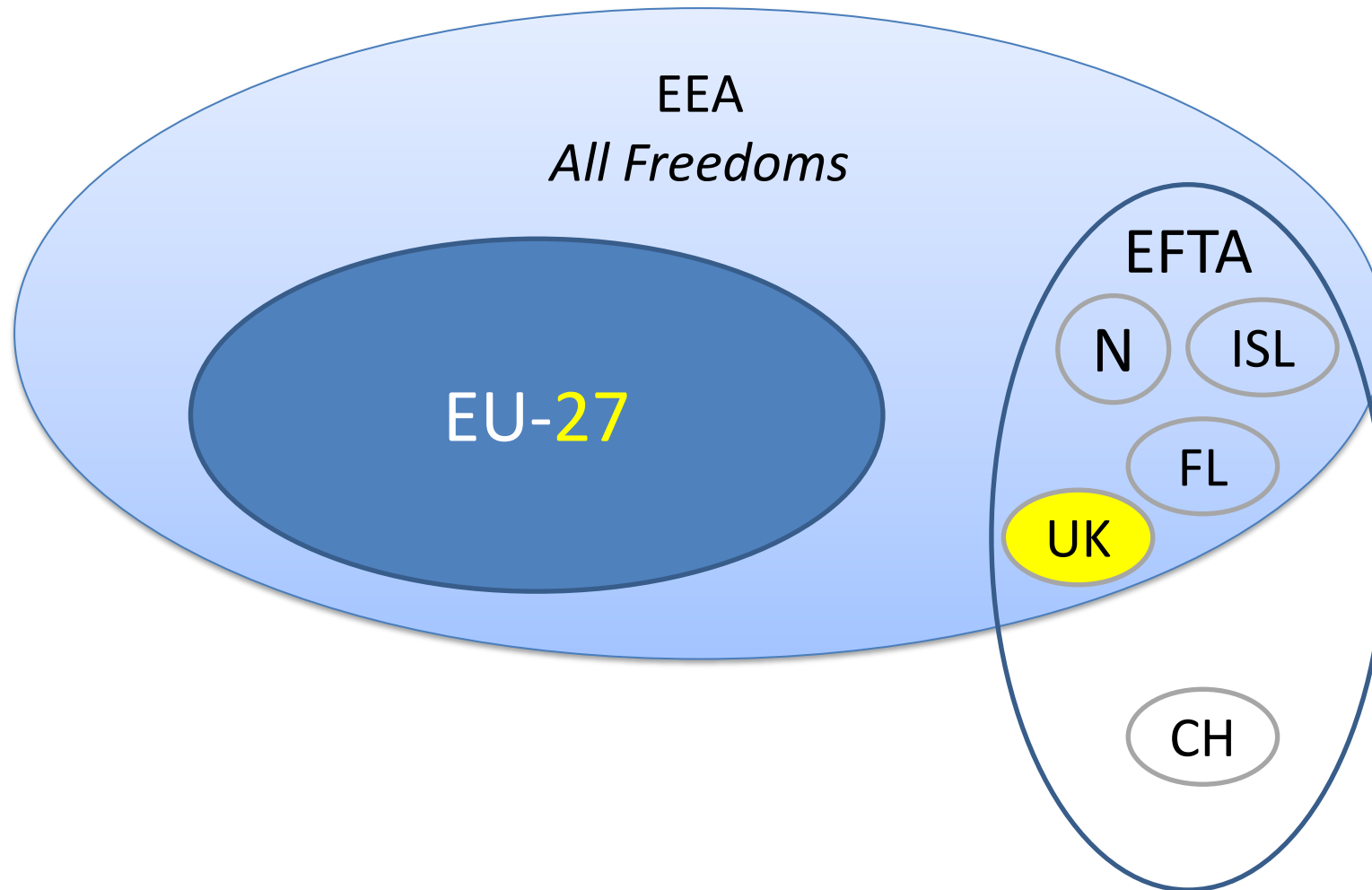
- Agreement on exit modalities fails (in British Parliament)
- New Referendum with Pro-EU Majority
- Reversal of British exit legislation

Problem: Admissibility of a revocation of the notification? (→ *Question by Inner House of Court of Session, Edinburgh, of 21 Sept. 2018 for preliminary ruling by ECJ, Case Wightman et al.*)

Consequence: UK remains in EU and internal market

*Probability: always very low*

## OPTION 2: „SOFT EEA BREXIT“



## OPTION 2: „SOFT EEA BREXIT“

### EEA [EWR] Terms:

- Emulation of constitutive elements of internal market (freedoms and competition law)
- Interpretation of EEA rules in conformity with EU law
- Implementation of secondary EU law through approval by the EEA Joint Committee [composed of representatives of ISL, N and FL and the EU] and transformation by the respective EFTA Member States
- Judicial protection by EFTA Court in Luxembourg (which must observe the jurisprudence of the ECJ)
- All EEA bodies must take into account the interpretation of EU law by the ECJ

## OPTION 2: „SOFT EEA BREXIT“

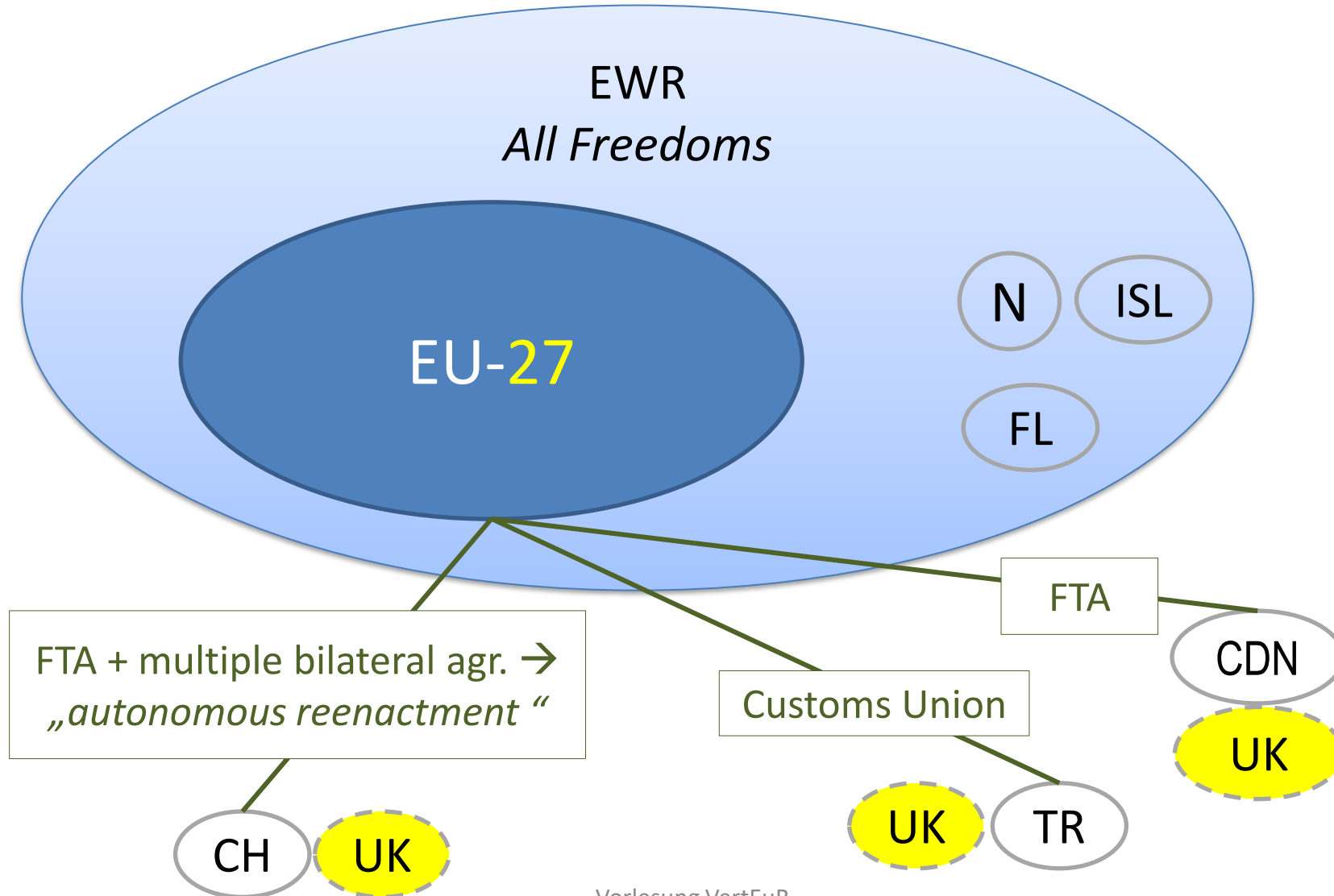
Prerogatives unclear:

- Termination of UK's EEA membership alongside with withdrawal from EU?
- If so, accession to EEA (und EFTA) required

Consequence: UK remains *de facto* in internal market, only limited trade-related room for maneuver

# OPTIONS 3-5

„CANADIAN MODEL“ („CETA +/++/+++“)  
„SWISS MODEL“ / „TURKISH MODEL“





## OPTION 3: THE SWISS MODEL

### Terms:

- Autonomous Reenactment → CH decides in full sovereignty whether and when it emulates EU law (but so on theory only)
- Numerous agreements concluded between EU and CH
- „Guillotine clause“ → Failure to observe one of the agreements triggers termination of all other agreements
- EU is desirous to substitute numerous agreements with few, but comprehensive, new treaties

## OPTION 4: THE TURKISH MODEL

Terms:

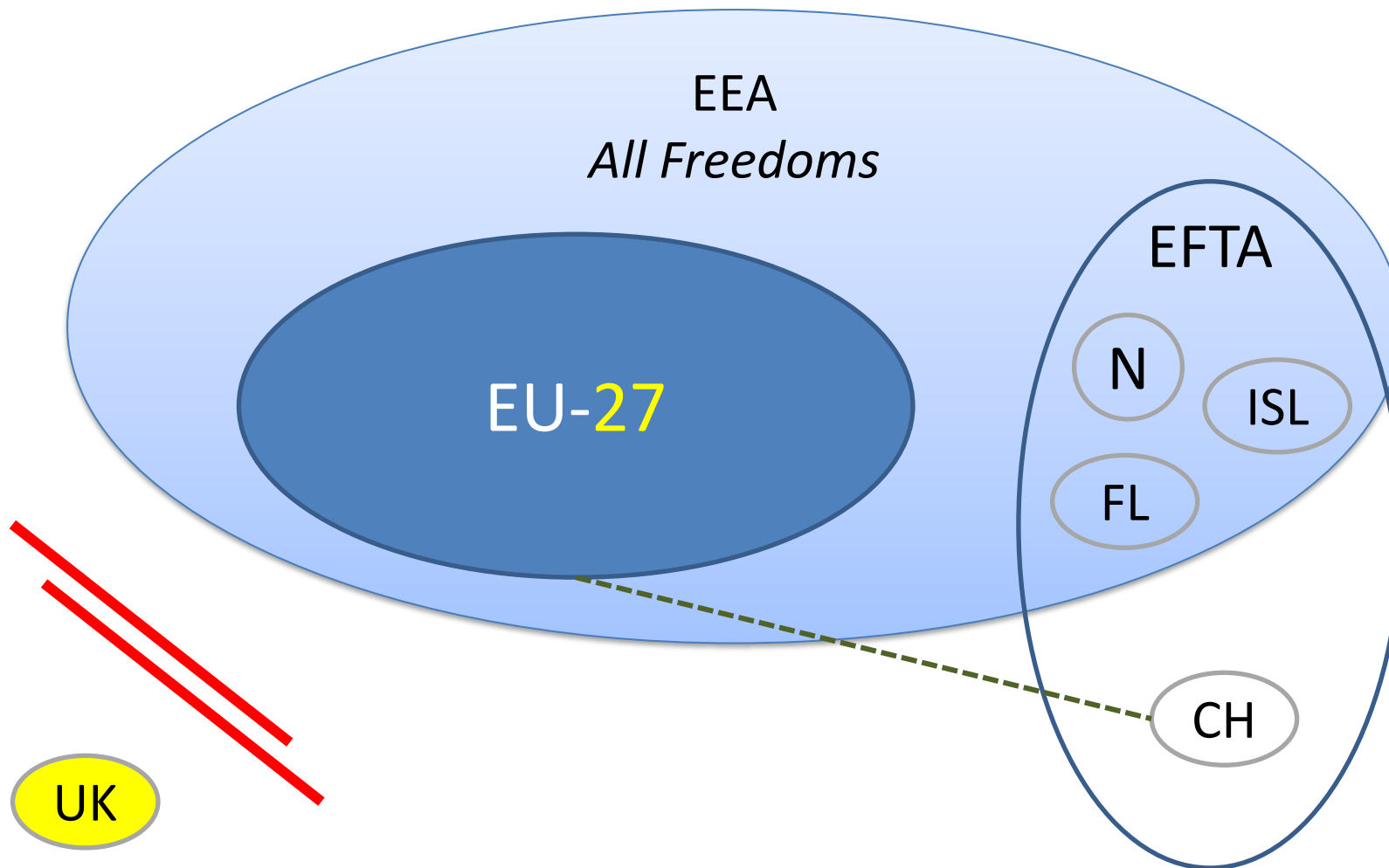
- Association Treaty of 1963, leading to the eventual establishment of a Customs Union in 1995
- Freedoms do not apply, but facilitation in some areas of trans-border trade/movement
- ECJ: Standstill duty = no introduction of new barriers to performance of services or establishment after 1973

## **OPTION 5: THE CANADIAN MODEL (CETA +/CETA ++/CETA +++ ...)**

### Terms:

- Free-trade agreement confined to agreed areas of trade in goods or services
- No customs union
- Canada as blueprint (CETA = „Comprehensive Economic and Trade Agreement“ between EU and CDN), 2016)
- No automatic continuation of treaties concluded by EU with third States in their relations with UK, negotiations of new treaties can take many years
- Virtually no chance of „passporting“; partner to agreement remains third State

## OPTION 6: „HARD (WILD, NO-DEAL) BREXIT“



## OPTION 6: „HARD BREXIT“



EU-UK legal relations are determined by public international law and unilateral rules only

Applicable to UK (*inter alia*)

Not applicable to UK (*inter alia*)

WTO Law

- Full Treaty-making power of UK
- Problem: Most-favoured nation clause

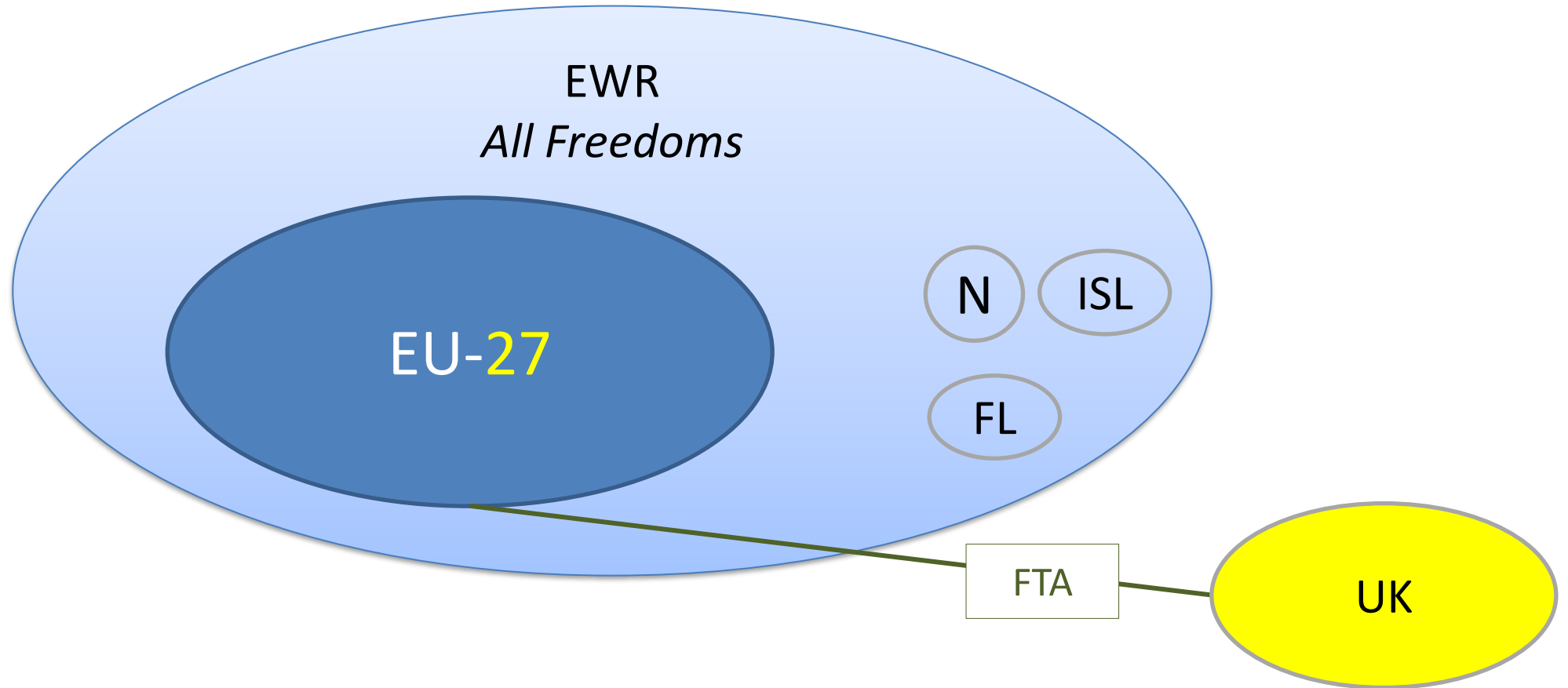
Other trade agreements

- Problem 1: Negotiation is time-consuming
- Problem 2: No automatic continuation of EU trade agreements involving UK

Art. 63 TFEU

- Free movement of goods
- Free movement of persons
- Freedom to provide services
- EU fundamental rights

# THE TRADE AND COOPERATION AGREEMENT (29 DEC 2020)



























## EU-UK Trade and Cooperation Agreement

= ordinary trade agreement pursuant to Art. 207 TFEU; „Post-Brexit Agreement“

- No customs duties on mutual trade (but no customs union)
- Very limited agreement on services (most importantly: no agreement on financial services → UK is third State)
- Dispute settlement incumbent on arbitral courts, not ECJ
- Provisions on IP, subsidies, transport, judicial cooperation, fisheries etc.

→ a rather hard but at least not a „no-deal Brexit“

	EEA Model	CH Model	TR Model	Hard Brexit
<b>Free movement of capital</b>	Yes (maximum) 	Yes 	Yes 	Yes 
<b>Free movement of goods</b>	Yes (but no formal CU) 	Limited (only for EEA goods) 	For goods from EU and TR 	Customs and non-tariff barriers 
<b>Free movement of persons</b>	Yes 	Mostly yes 	Limited 	No 
<b>Freedom of financial services</b>	Yes, some restrictions 	No (3rd State régime) 	No (3rd State régime) 	No (3rd State régime) 
<b>Influence on EU lawmaking</b>	Indirectly (no right of vote, but participation) 	Barely 	Barely 	No 
<b>Financial contributions</b>	Yes 	Yes 	No 	No 



Xavier MAGNON

Agrégé de droit public  
Professeur à Aix-Marseille Université  
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### *Curriculum vitae*

#### Renseignements personnels

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#### Domaines et thèmes de recherche

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Droit constitutionnel (institutionnel, normatif et substantiel), contentieux constitutionnel (général, question prioritaire de constitutionnalité), justice constitutionnelle, rapports de systèmes (droit constitutionnel et droit de l'Union européenne, droit étatique et droit local), droit de l'Union européenne (institutionnel), théorie du droit et épistémologie, droit comparé.

#### Travaux

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##### I - Thèse et ouvrages

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- *Contrôle de constitutionnalité et droit communautaire devant les juges constitutionnels français et italien*, Thèse de doctorat, Faculté de droit d'Aix-en-Provence, 30 novembre 2002, dactylographiée, 777 p.
- *Théorie(s) du droit*, Ellipses, Collection Universités Droit, 2008, 167 p.
- *Code constitutionnel*, sous la direction de T. S. RENOUX et M. de VILLIERS, *Litec*, Juriscode,
  - 2<sup>ème</sup> édition, 2005, 1613 p.
  - 3<sup>ème</sup> édition, 2010, 1501 p.
  - 4<sup>ème</sup> édition, 2012, 1640 p. (art. 1, 3, 5, 6, 11, 12, 13 et 17 DDHC, al. 9, 12, 13, 16, 17 et 18 Pr. 46, et Titres VI, VII et XI bis de la Constitution) ;

- 5<sup>ème</sup> édition, 2013, 1600 p. (art. 1, 3, 5, 6, 11, 12, 13 et 17 DDHC, al. 9, 12, 13, 16, 17 et 18 Pr. 46, et Titres VI, VII et XI bis de la Constitution) ;
- 6<sup>ème</sup> édition, 2014, 1772 p. (art. 1, 3, 5, 6, 11, 12, 13 et 17 DDHC, al. 9, 12, 13, 16, 17 et 18 Pr. 46, et Titres VI, VII et XI bis de la Constitution).
- *La question prioritaire de constitutionnalité. Pratique et contentieux*, direction d'ouvrage et participation, avec V. BERNAUD, K. FOUCHER, J.-P. MIGNARD et T.S. RENOUX, Litec, 2011, 466 p.
- *La question prioritaire de constitutionnalité. Principes généraux, pratique et droit du contentieux*, direction d'ouvrage et participation, avec V. BERNAUD, K. FOUCHER, J.-P. MIGNARD et T.S. RENOUX, 2<sup>ème</sup> édition, Litec, 2013, 454 p.
- *Code constitutionnel*, direction d'ouvrage avec T. S. RENOUX et M. de VILLIERS, Litec, Juriscode :
  - 7<sup>ème</sup> édition, 2016, 1634 p.
  - 8<sup>ème</sup> édition, 2017, 1772 p.
  - 9<sup>ème</sup> édition, 2018, 1970 p.
  - 10<sup>ème</sup> édition, 2020, 2145 p.
- *Les grands discours de la culture juridique*, direction d'ouvrage avec W. MASTOR, J. BENETTI et P. EGEA Dalloz, Collection Grands arrêts :
  - 1<sup>ère</sup> édition, 2017, 908 p.
  - 2<sup>ème</sup> édition, 2020, 1089 p.
- *Un classique méconnu : Hans Kelsen*, direction d'ouvrage avec T. HOCHMANN et R. PONSARD, Mare & Martin, Le sens de la science, 2019, 434 p.

## II – Direction d'ouvrages issus de colloque, de journée d'études ou de dossiers thématiques

---

- *Pouvoir exécutif et Parlement : de nouveaux équilibres ?*, avec R. GHEVONTIAN et M. STEFANINI, PUAM, 2012, 560 p.
- *Question sur la Question (QsQ I) : Le réflexe constitutionnel*, avec X. BIOY, W. MASTOR ET S. MOUTON, Bruylant, 2013, 230 p.
- *Questions sur la question (QsQ II) : La QPC façonnée par ses acteurs, quelle(s) tendance(s)*, avec X. BIOY, W. MASTOR ET S. MOUTON, *Les Nouveaux Cahiers du Conseil constitutionnel*, n° 38, 2013, pp. 205-230, et n° 39, pp. 251-291.
- *Questions sur la question (QsQ III) : De nouveaux équilibres institutionnels ?*, avec P. ESPLUGAS, W. MASTOR et S. MOUTON, LGDJ-Lextenso, collection Grands Colloques, 2014, 219 p.
- *Questions sur la question (QsQ IV) : L'office du juge constitutionnel face aux exigences supranationales*, avec P. ESPLUGAS, W. MASTOR et S. MOUTON, Bruylant, Coll. A la croisée des droits, 2015, 332 p.
- *De la possibilité d'un discours constitutionnel critique*, coordination du dossier spécial avec B. LAHIRE et R. PONSARD, *AJJC*, 2015, pp. 11-90.
- *Les pouvoirs d'instruction des cours constitutionnelles et la formation de l'intime conviction des juges constitutionnels (QsQ V)*, avec P. ESPLUGAS, W. MASTOR et S. MOUTON, *Cahiers de l'ILF*, n° 6, PUAM, 2016, 107 p.
- *La fabrique du droit constitutionnel : réinterroger les concepts structurants de la science du droit constitutionnel*, avec S. MOUTON et A. VIDAL-NAQUET, *RFDC*, 2019, n° 120, pp. 793-966.
- *La QPC, vers une reconfiguration de l'architecture juridictionnelle ?*, avec A. VIDAL-NAQUET, PUAM, 2020, 202 p.

- *Quelles doctrines constitutionnelles aujourd'hui, pour quel(s) droit(s) constitutionnel(s) demain ?*, avec S. MOUTON, Mare & Martin, 2022, 448 p.
- *Les assemblées citoyennes : nouvelle utopie démocratique ?*, avec M. FATIN-ROUGE STEFANINI, DICE édition, Confluence des droits, 17, 2022, 303 p.

Voir également *infra* les Tables rondes internationales (depuis 2016) et les Universités d'été aixoises parues à l'AIJC.

### III – Etudes

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Les différentes études sont disponibles, dans la version envoyée à l'éditeur, sur [publications.ut-capitole.fr](http://publications.ut-capitole.fr) jusqu'en 2016 puis sur [hal.archives-ouvertes.fr](http://hal.archives-ouvertes.fr).

#### A - Etudes parues dans des ouvrages

- [« La liberté d'expression », in Protection des libertés et droits fondamentaux, sous la direction de T.-S. RENOUX, Les notices de La documentation française, 2007, pp. 120-127.](#)
- [« La liberté de communication », in Protection des libertés et droits fondamentaux, sous la direction de T.-S. RENOUX, Les notices de La documentation française, 2007, pp. 128-134.](#)
- [« La protection des juges constitutionnels », in La protection des pouvoirs constitués. Chefs de l'Etat, Ministres, Parlementaires, Juges, sous la direction de Philippe SEGUR, Bruylant, 2007, pp. 167-189.](#)
- [« Orientation théorique et choix méthodologique de l'école aixoise de droit constitutionnel : réflexions et tentative de reconstruction », in Renouveau du droit constitutionnel. Mélanges en l'honneur de Louis FAVOREU, Dalloz, 2007, pp. 233-254.](#)
- [« Essai de stratégie constitutionnelle : quelle politique jurisprudentielle pour sauver la question préjudicielle de constitutionnalité ? », in Contrôle de constitutionnalité et contrôle de conventionnalité, sous la direction d'A. LEVADE et de D. ROUSSEAU, Actes du colloque des 5 et 6 juin 2008, Conseil constitutionnel, Paris, Dalloz \(inédit, article achevé et envoyé mais ouvrage non publié\).](#)
- [« L'autonomie politique au sein d'un Etat unitaire décentralisé : l'exemple de la Polynésie française », in Le statut d'autonomie régionale en droit comparé, Publication de la Revue Marocaine d'Administration Locale et de Développement, Collection Thèmes actuels, n° 63, 2009, pp. 119-133.](#)
- [« La Nouvelle-Calédonie : un pays à souveraineté partagée ? », in Le statut d'autonomie régionale en droit comparé, Publication de la Revue Marocaine d'Administration Locale et de Développement, Collection Thèmes actuels, n° 63, 2009, pp. 135-149.](#)
- [« Le juge constitutionnel et le droit européen », in L'influence du droit européen sur les catégories juridiques du droit public français, sous la direction de J.-B. AUBY, Rapport à la Mission de Recherche « Droit et Justice », Dalloz, Thèmes et commentaires, 2010, pp. 63-87.](#)
- [« Juge et apparence\(s\). Rapport de synthèse », in Juge et apparence\(s\), sous la direction de N. JACQUINOT, LGDJ, Presses de l'Université Toulouse 1 Capitole, 2010, pp. 311-330.](#)
- [« La vision de la justice dans les chansons de Bob Dylan \(1962-2001\) », in Droit et Rock, sous la direction de W. MASTOR, J.-P. MARGENAUD ET F. MARCHADIER, Dalloz, Thèmes & commentaires, 2011, pp. 65-78.](#)
- [« Regard sur les Conseils constitutionnels algérien, marocain et tunisien. Quel constitutionalisme pour le Maghreb central ? », in Mélanges offerts au Doyen François-Paul BLANC, Tome II, Institut français de droit comparé et de droit musulman, Presses universitaires de Perpignan-Presses de l'Université de Toulouse 1 capitole, 2011, pp. 619-637.](#)

- [« L'accès du justiciable au juge des libertés : l'exemple du référé-liberté »](#), Symposium on "Guarantee of the Right to Access to the Administrative Jurisdiction", On the Occasion of 10<sup>th</sup> Anniversary of the Administrative Court, 2011, publication dans un ouvrage thaïlandais, traduit en thaïlandais.
- « Propos introductifs », in *Le Parlement face au pouvoir exécutif en France. Quel bilan après la révision constitutionnelle du 23 juillet 2008 ?*, sous la direction de R. GHEVONTIAN, X. MAGNON et M. STEPHANINI, PUAM, 2012, pp. 11-17.
- [« Le renouveau de la fonction de contrôle du Parlement sur le gouvernement »](#), in *Un Parlement renforcé ? Bilan et perspectives de la réforme de 2008*, sous la direction de J. GICQUEL, A. LEVADE, B. MATHIEU et D. ROUSSEAU, Dalloz, Thèmes et commentaires, 2012, pp. 99-111.
- [« Le réflexe constitutionnel au service du réflexe conventionnel ? Quelle place pour la conventionnalité face au contrôle de constitutionnalité a posteriori »](#), in *Question sur la Question : le réflexe constitutionnel*, sous la direction de X. MAGNON, X. BIOY, W. MASTOR et S. MOUTON, Bruylant, 2013, pp. 167-188.
- [« L'exigence d'un standard de protection des droits fondamentaux : un moyen de pacification des rapports entre les cours suprêmes ? »](#), in *Existe-t-il une exception française en matière de droits fondamentaux ?*, sous la direction de M. FATIN-ROUGE STEFANINI et G. SCOFFONI, *Les Cahiers de l'Institut Louis Favoreu*, n° 2, PUAM, 2013, pp. 61-69.
- « La concurrence entre la constitutionnalité et la conventionnalité devant la Cour de cassation : la priorité de la question ne résout pas toutes les questions », in *La Cour de cassation et la Constitution. Perspectives nouvelles*, sous la direction de G. DRAGO et X. PHILIPPE, (inédit, article achevé et envoyé mais ouvrage non publié).
- [« Retour sur quelques définitions premières en droit constitutionnel : que sont une « juridiction constitutionnelle », une « cour constitutionnelle » et une « cour suprême » ? Proposition de définitions modales et fonctionnelles »](#), in *Long cours. Mélanges en l'honneur du Professeur Pierre BON*, Dalloz, 2014, pp. 305-322.
- [« Le juge face à l'exception. \(Re\)lecture générale du jugement d'égalité par le prisme de l'exception illustrée par la jurisprudence QPC »](#), in *La norme et ses exceptions : quels défis pour la règle de droit ?*, sous la direction d'A. VIDAL-NAQUET et M. FATIN-ROUGE STEFANINI, Bruylant, A la croisée des droits, 2014, pp. 257-276.
- [« Appréhender le droit constitutionnel jurisprudentiel sous un angle politique. D'une posture à la discussion de quelques orientations méthodologiques fondamentales »](#), in *Questions sur la question (QsQ 3) : de nouveaux équilibres institutionnels ?*, sous la direction de X. MAGNON, P. ESPLUGAS, W. MASTOR et S. MOUTON, LGDJ-Lextenso, collection Grands Colloques, 2014, pp. 3-14.
- [« Appréhender le droit et les ordres juridiques : entre renoncement à une explication normative de la divergence \(théorie des réseaux\) et mythe de la convergence \(droit global\), faut-il renoncer à une approche normativiste ? »](#), in *Le pouvoir, mythes et réalité. Mélanges en hommage à Henry Rousillon*, Presses de l'Université de Toulouse 1 Capitole, 2014, pp. 455-470.
- [« Morale et politique : quelle place pour le droit ? »](#), in *Transparence et vie publique. Neuvième printemps du droit constitutionnel*, sous la direction de B. MATHIEU et M. VERPEAUX, Dalloz, Thèmes et Commentaires, 2015, pp. 15-31.
- « Maurice Hauriou lecteur de Hans Kelsen », in *La pensée du Doyen Hauriou à l'épreuve du temps: quel(s) héritage(s) ?*, sous la direction de C. ALONSO, A. DURANTHON ET J. SCHMITZ, PUAM, 2015, pp. 149-165.
- [« La concrétisation des exigences supranationales dans l'ordre juridique interne : entre habilitations supranationales et nationales »](#), avec B. BONNET, in *L'office du juge constitutionnel face aux exigences supranationales (QsQ IV)*, sous la direction de X. MAGNON, P. ESPLUGAS, W. MASTOR et S. MOUTON, Bruylant, Coll. A la croisée des droits, 2015, pp. 233-277.
- [« L'organisation particulière du secrétariat général de l'Élysée et du cabinet du Premier ministre : considérations générales et regard particulier sur l'organisation actuelle »](#), in *Le règne des entourages. Cabinets et conseillers de l'exécutif*, sous la direction de X. BIOY, J.-M. EYMERIE-DOUZANS et S. MOUTON, SciencesPo Les Presses, 2015, pp. 359-388.

- [« La question prioritaire de constitutionnalité, instrument de défense des libertés locales ? »](#), in *Le droit constitutionnel des collectivités territoriales. Etudes comparées*, sous la direction d'A. MECHERFI, REJMA, 2015, pp. 53-75.
- [« La France au mépris des langues régionales ou minoritaires ? »](#), in *L'Unité de la République et la diversité culturelle*, sous la direction de M. MAISONNEUVE et O. DESAULNAY, PUAM, Collection Droit d'Outre-mer, 2016, pp. 59-73.
- [« Qu'est-ce que le droit peut faire du « raisonnable » ? »](#), in *Le raisonnable en droit administratif*, sous la direction de S. THERON, Editions l'Építoge-Lextenso, Collection l'Unité du droit, Vol. XIII, 2016, pp. 23-33.
- [« La puissance et la représentation, l'État et le citoyen : quel est le fondement de l'autorité de la norme constitutionnelle et de la jurisprudence du juge constitutionnel ? »](#), in *Le régime représentatif à l'épreuve de la justice constitutionnelle*, sous la direction de S. MOUTON, Lextenso, Grands Colloques, 2016, pp. 251-269.
- [« Le contrôle de conventionnalité depuis la QPC »](#), in *Question prioritaire de constitutionnalité et contrôle de conventionnalité*, sous la direction de P. GAÏA et A. VIDAL-NAQUET, *Les Cahiers de l'Institut Louis Favoreu*, n° 5, PUAM, 2016, pp. 41-45.
- [« L'accès à la justice dans la théorie générale du droit »](#), in *Le droit d'accès à la justice en droit de l'environnement*, sous la direction de Julien BETAÏLLE, LGDJ-Lextenso PUT1C, 2016, pp. 27-48.
- [« Repenser la frontière droit externe-droit interne au profit d'une approche unitaire du droit »](#), in *Traité des rapports entre ordres juridiques*, sous la direction de B. BONNET, LGDJ, 2016, pp. 653-666.
- [« Qu'est-ce que « instruire » le procès constitutionnel ? »](#), in *Les pouvoirs d'instruction des cours constitutionnelles et la formation de l'intime conviction des juges constitutionnels (QsQ 5)*, sous la direction de X. MAGNON, P. ESPLUGAS, W. MASTOR et S. MOUTON, Cahiers de l'ILF, n° 6, PUAM, 2016, pp. 9-12.
- [« Commentaire sous La méthode de la libre recherche scientifique de F. Gény »](#), in *Les grands discours de la culture juridique*, sous la direction de W. MASTOR, J. BENETTI, P. EGEE, X. MAGNON, Dalloz, Collection Les grands arrêts, 2017, pp. 736-754.
- [« Commentaire sous Le droit constitutionnel, Constitution du droit, droit de la Constitution de L. Favoreu »](#), in *Les grands discours de la culture juridique, op. cit.*, pp. 866-887.
- [« Commentaire sous Les bases constitutionnelles du droit administratif, la controverse G. Vedell/Ch. Eisenmann »](#), in *Les grands discours de la culture juridique, op. cit.*, pp. 841-865.
- [« Le point de vue du constitutionnaliste : quel\(s\) sens de l'alinéa 7 du Préambule de la Constitution du 27 octobre 1946 ? »](#), in *Grève et droit public, 70 ans de reconnaissance*, sous la direction de F. CROUZATIER et N. KADDA, LGDJ-PUT1C, 2017, pp. 39-58.
- [« Souveraineté, identité, et Europe : autour des articles 1, 2 et 3 de la Constitution. De l'échec d'une formalisation d'une souveraineté interne à une reconnaissance inévitable d'une souveraineté internationale de l'État »](#), in *La Constitution européenne de la France*, sous la direction de H. GAUDIN, Dalloz, Thèmes & commentaires, 2017, pp. 53-71.
- [« Le Conseil constitutionnel, quel acteur européen ? Autour des articles 54, 55, 61 et 61-1 de la Constitution »](#), in *La Constitution européenne de la France, op. cit.*, 2017, pp. 223-245.
- [« Le censeur des lois dans l'œuvre de Gaetano Filangieri »](#), in *Les précurseurs italiens du droit constitutionnel*, sous la direction d'A. LE QUINIO et T. SANTOLINI, MDD, La Mémoire du droit, 2019, pp. 407-418.
- [« Une typologie modale des classes de rapports entre « droit » et « habitude » »](#), in *L'habitude en droit*, sous la direction de C. AUBRY DE MAROMONT et F. DARGENT, Institut Universitaire Varenne, Collection Colloques & Essais, 2019, pp. 19-26.
- [« Le droit en dehors de l'État et les rapports entre ordres normatifs chez Hans Kelsen »](#), in *Un classique méconnu : Hans Kelsen*, sous la direction de T. HOCHMANN, X. MAGNON et R. PONSARD, Mare & Martin, Le sens de la science, 2019, pp. 405-428.

- [« L'apport de la question prioritaire de constitutionnalité à la protection des droits et libertés dans les différents champs du droit : une synthèse »](#), in *L'apport de la QPC à la protection des droits et libertés. Un bilan*, sous la direction de K. FOUCHER, Dalloz, Thèmes et Commentaires, 2020, pp. 311-324 (également publié dans une revue, voir *infra*).
- [« Une introduction. Le droit au juge : un droit autopoïétique »](#), in *Du « droit constitutionnel au juge » au « droit au juge constitutionnel » ? Perspectives de droit comparé*, sous la direction de L. GAY et C. SEVERINO, Institut Francophone pour la Justice et la Démocratie, Colloques & Essais, 2020, pp. 11-16.
- [« Commentaire sous \*Qu'est-ce que la nation ?\* d'E. Renan »](#), in *Les grands discours de la culture juridique, op. cit.*, 2<sup>ème</sup> édition, 2020, pp. 134-150.
- [« La représentation d'intérêts devant le Conseil constitutionnel »](#), in *Le lobbying. Influence, contrôle et légitimité des représentants d'intérêts*, sous la direction de J.-F. KERLEO, LGDJ-Lextenso, 2020, pp. 113-132.
- [« Le droit constitutionnel au-delà du droit constitutionnel : la singularité du discours de droit constitutionnel de Dominique Rousseau »](#), in *Mélanges en l'honneur de Dominique Rousseau*, LGDJ-Lextenso, 2020, pp. 677-695.
- [« Bref exercice de méthodologie juridique pratique : que dire du principe de « libre administration » des collectivités territoriales ? »](#), in *Révolution, Constitution, Décentralisation. Mélanges en l'honneur de Michel Verpeaux*, Dalloz, 2020, pp. 633-643.
- [« Table ronde sur les modèles de justice constitutionnelle »](#), in *La QPC, vers une reconfiguration de l'architecture juridictionnelle ?*, *op. cit.*, pp. 147-152.
- [« L'indépendance du Conseil constitutionnel et les libertés »](#), in *Le Conseil constitutionnel, gardien des libertés*, sous la direction de S. BENZINA, LGDJ-Lextenso, Actes & Colloques, 2021, pp. 25-39.
- [« Les questions préjudicielles européennes et les juges nationaux : une nouvelle architecture juridictionnelle pour une nouvelle approche des rapports de systèmes ? »](#), in *Le Protocole n° 16 à la Convention européenne des droits de l'homme*, sous la direction de T. DISPERATI et C. TZUTZUIANO, PUAM, 2021, pp. 133-144.
- [« Solidarité et clause\(s\) de respect des identités nationales dans le traité de Lisbonne : incompatibilité indépassable ou binôme indispensable ? »](#), in *Les dix ans du Traité de Lisbonne. Quelle solidarité dans l'Union européenne ?*, sous la direction de E. BROSSET et N. RUBIO, Confluence des droits, Collection d'ouvrages numériques, 2021, pp. 39-54.
- « Peut-il exister une pluralité de fondements à la primauté ? Ajouter au fondement européen des fondements nationaux. D'une impossible résolution normative au relativisme des différentes réponses théoriques », in *Réseau de normes, réseau de juridictions. Le nouveau paradigme des droits fondamentaux en Europe, entre primauté et clause la plus protectrice*, sous la direction d'H. GAUDIN, Mare & Martin, Horizons européens, 2021, pp. 261-275.
- [« Que sont les « assemblées citoyennes » ? Saisir, juridiciser et concrétiser les concepts de démocratie, démocratie délibérative et démocratie participative »](#), in *Les assemblées citoyennes : nouvelles utopie démocratique ?*, sous la direction de M. STEFANINI FATIN-ROUGE et X. MAGNON, *op. cit.*, pp. 21-40.
- [« Quelles doctrines constitutionnelles aujourd'hui pour quel\(s\) droit\(s\) constitutionnel\(s\) demain ? Synthèse »](#), in *Quelles doctrines constitutionnelles aujourd'hui, pour quel(s) droit(s) constitutionnel(s) demain ?*, sous la direction de X. MAGNON et S. MOUTON, Mare & Martin, Le sens de la science, 2022, pp. 427-439.
- [« L'unité organisationnelle du pouvoir gouvernemental »](#), in *Pour un droit gouvernemental ?*, sous la direction de V. BOYER et R. RENEAU, Institut Francophone pour la Justice et la Démocratie, Collection « Colloques & Essais », 2022, pp. 291-343.
- [« The Concept of law »](#), in *Constitutions, peuples et territoires. Mélanges en l'honneur d'André Roux*, Dalloz, 2022, pp. 307-316.
- [« Vœux uchroniques du Conseil constitutionnel au Président de la République. 6 janvier 2016 »](#), *La V<sup>ème</sup> République. Mélanges en l'honneur de Didier Maus*, PUAM, 2023, pp. 375-379.

- [« Propos conclusif, proposition de relecture théorico-pratique de la question de l'autorité de la jurisprudence de la Cour européenne des droits de l'homme »](#), in *Les juges nationaux et la Convention européenne des droits de l'homme : analyse des rapports à travers les expériences russe et française*, sous la direction de N. DANELCIUC-COLODROVSKI, P. GAÏA et M. GUDZENKO, PUAM, Collection de l'Institut Louis Favoreu, 2023, pp. 243-256.
- « La théorie du droit peut-elle être utile à la science du droit administratif ? Éprouver la question à l'aune d'une lecture normativiste de la jurisprudence administrative française sur le « droit souple » », in *Grandeur et servitudes du bien commun. Mélanges en l'honneur de J.-C. RICCI*, Dalloz, 2023, pp. 371-384.

#### B - Etudes parues dans des revues

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- [« Les discriminations positives territoriales : l'exemple des zones franches »](#), avec W. MASTOR, *AJJC*, Vol. XIII, 1997, pp. 185-189.
- [« La Constitution comme cause d'inapplicabilité d'un engagement international devant le juge administratif français »](#), Rapport au IV<sup>ème</sup> Congrès français de droit constitutionnel, 10, 11 et 12 juin 1999, Aix-en-Provence.
- [« Le pouvoir réglementaire des collectivités territoriales. Nouveau bilan après la décision du Conseil constitutionnel du 17 janvier 2002 sur le Statut de la Corse »](#), Rapport au V<sup>ème</sup> Congrès français de droit constitutionnel, 6, 7 et 8 juin 2002, paru à la *Revue de la Recherche Juridique, Droit prospectif (RRJ-DP)*, 2003, n° 4, pp. 2757-2786.
- [« Quelques maux encore à propos des lois de révision constitutionnelle : limites, contrôle, efficacité, caractère opératoire et existence »](#), *RFDC*, n° 59, 2004, pp. 595-617.
- [« La jurisprudence communautaire du Conseil constitutionnel \(juin 2004-novembre 2004\) »](#), avec D. SIMON, *Cahiers de Droit Européen*, 2005, pp. 217-262.
- [« La directive communautaire comme paramètre du contrôle de constitutionnalité des lois : une exception d'interprétation stricte à la jurisprudence I.V.G. »](#), *Dalloz*, 30 novembre 2006, n° 42, Chron., pp. 2878-2882.
- [« L'Union européenne vue du droit constitutionnel national. Principe et conséquences d'une lecture nationale par les cours constitutionnelles allemande, espagnole, française et italienne »](#), *Annuaire de Droit Européen*, 2004, Volume II, 2006, pp. 119-147.
- [« Le statut constitutionnel des collectivités infra-étatiques dans l'Union européenne »](#), *Revue des Affaires Européennes*, 2006/3, pp. 395-404.
- [« Le nouveau régime de responsabilité du Chef de l'Etat issu de la révision constitutionnelle du 23 février 2007 : à la recherche d'une responsabilité pénale perdue ! »](#), avec T. S. RENOUX, *Revue Pénitentiaire et de droit pénal*, n° 2, avril-juin 2007, pp. 453-469.
- [« La composition du comité BALLADUR : brèves réflexions sur l'expertise en matière constitutionnelle »](#), *RFDC*, numéro hors-série : *Après le comité BALLADUR. Réviser la Constitution en 2008 ?*, 2008, pp. 39-47.
- [« En quoi le positivisme – normativisme - est-il diabolique ? »](#), Rapport au VII<sup>ème</sup> Congrès français de droit constitutionnel, 25, 26 et 27 septembre 2008, Paris, *RTD Civ.*, n° 2, 2009, pp. 269-280.
- [« Une lecture du juge constitutionnel français en tant que « pouvoir juridictionnel » : la jurisprudence du Conseil constitutionnel au cours de la procédure de révision constitutionnelle de 2008 »](#), *Politeia (Revue semestrielle de droit constitutionnel comparé)*, *La réforme des institutions françaises (2)*, n° 16, 2009, pp. 217-261.
- [« De la possibilité d'une contribution carbone : entre censure constitutionnelle, contraintes communautaires et concurrence internationale »](#), *Droit de l'Environnement*, 2010, n° 180, p. 219-224.
- [« La QPC et l'Union européenne : la brute, les bons et le truand »](#), *RFDC*, 2010, n° 84, pp. 761-791.

- [« Premières réflexions sur les effets des décisions de censure du Conseil constitutionnel. Quel\(s\) bénéfice\(s\) pour le citoyen de la question prioritaire de constitutionnalité ? »](#), *RFDA*, n° 4, 2011, pp. 761-771.
- [« La loyauté : aspects institutionnels »](#), Dossier spécial : *La loyauté en droit de l'Union européenne*, sous la responsabilité de F. PICOD et M. SOUSSE, *RAE*, n° 2, 2011, pp. 245-251.
- [« Le contrôle du Conseil constitutionnel »](#), in *Le financement de la campagne présidentielle*, 2012 (*inédit, article achevé et envoyé mais actes du colloque non publiés*).
- [« La modulation des effets dans le temps des décisions des juges constitutionnels »](#), *AIJC*, 2011 (paru en 2012), pp. 558-591.
- [« La liberté d'expression devant le Conseil constitutionnel : une liberté en voie de concrétisation jurisprudentielle »](#), Dossier spécial : *La liberté d'expression*, *Revue Pénitentiaire et de droit pénal*, 2012, n° 4, pp. 863-877.
- [« Que faire des doctrines du Conseil constitutionnel ? »](#), *Les Nouveaux Cahiers du Conseil constitutionnel*, n° 38, 2013, pp. 206-211.
- [« La doctrine, la QPC et le Conseil constitutionnel : quelle distance ? Quelle expertise ? »](#), *RDP*, 2013, n° 1, pp. 135-154.
- [« Sur un pont-aux-ânes ? L'autorité des décisions du Conseil constitutionnel, pour une distinction entre « autorité » et « force » de chose jugée »](#), *RFDA*, 2013, n° 4, pp. 859-867.
- « Pluralisme des juridictions et pluralisme des jurisprudences : l'ordonnancement du pluralisme. Rapport général », in *La multiplication des garanties et des juges dans la protection des droits fondamentaux : coexistence, cohérence et articulation entre les systèmes constitutionnels, internationaux et régionaux ? Evolution d'une décennie*, *AIJC*, 2013, pp. 526-534.
- [« La révolution continue : le Conseil constitutionnel est une juridiction... au sens de l'article 267 du traité sur le fonctionnement de l'Union européenne »](#), *RFDC*, n° 96, 2013, pp. 917-940.
- « Les adages en droit public. Propos introductifs », avec P. DEUMIER, *RFDA*, 2014, n° 1, pp. 3-10.
- [« Plaidoyer pour que le Conseil constitutionnel devienne une cour constitutionnelle »](#), *RFDC*, Numéro spécial : *25 ans de droit constitutionnel*, n° 100, 2014, pp. 999-1009.
- [« La QPC est-elle une question préjudicielle ? »](#), Dossier *Actualité des questions préjudicielles*, *AJDA*, n° 5-2015, pp. 254-259.
- [« Pour un moment épistémologique du droit – constitutionnel – »](#), *AIJC*, 2015 (paru en 2016), pp. 13-25.
- [« La prise en compte inaboutie des droits et libertés fondamentaux par le droit constitutionnel »](#), *Politeia*, n° 30, 2016, pp. 303-315.
- [« L'expression de « dialogue des juges » peut-elle avoir un sens utile pour connaître ce qu'elle est censée décrire ? »](#), *Annuaire international des droits de l'homme*, Volume IX, 2015-2016 (publié en 2017), pp. 23-34.
- [« Quelle déontologie pour les enseignants-chercheurs ? »](#), *Les Cahiers Portalis*, n° 6, Décembre 2018, pp. 15-27.
- [« Le droit constitutionnel est-il un droit politique ? »](#), avec A. VIDAL-NAQUET, *Les Cahiers Portalis*, n° 6, Décembre 2018, pp. 107-128.
- [« Quel\(s\) « juge\(s\) » pour les élections : le chemin dyspraxique de la modélisation à la mise en œuvre pratique »](#), avec A. VIDAL-NAQUET, in *Etudes : Juger les élections*, *AIJC*, 2018 (publié en 2019), pp. 23-34.
- [« L'apport de la question prioritaire de constitutionnalité à la protection des droits et libertés dans les différents champs du droit : une synthèse »](#), *Titre VII* [en ligne], octobre 2019, n° 3 (également publié dans un ouvrage, voir *supra*).



- [« L'ontologie du droit : droit souple c. droit dur »](#), in *La fabrique du droit constitutionnel : (re)interroger les concepts structurants de la science du droit constitutionnel*, RFDC, n° 120, 2019, pp. 949-966.
- « Présentation du Conseil constitutionnel et de la justice constitutionnelle en France », traduit par M. UENO et publié en japonais, *Revue de droit comparé/Comparative law review*, Vol. LII, n° 2 (190), 2019, pp. 53-58
- [« La question prioritaire de constitutionnalité en France, une question « préjudicielle » singulière »](#), traduit par M. UENO et Y. OGAWA et publié en japonais, *Revue de droit comparé/Comparative law review*, Vol. LII, n° 2 (190), 2019, pp. 59-89.
- [« La Constitution nationale dans un contexte européen intégré : quelles lectures de la souveraineté et de l'identité ? »](#), in *Maturité et utilité de la Constitution de 1958 dans le contexte européen*, sous la direction de S. CURSOUX-BRUYERE, M. MONOT-FOULETIER et A. THEVAND, *Politeia*, n° 36, 2019, pp. 263-279.
- [« La constitutionnalisation de la protection de l'environnement dans le monde : d'une ontologie de la protection de l'environnement à ses concrétisations en droit constitutionnel comparé »](#), *La Revue des juristes de Sciences Po*, n° 18, janvier 2020, pp. 65-70.
- [« La culture constitutionnelle du peuple. Une synthèse »](#), in *La culture constitutionnelle du peuple*, sous la direction de Julien VACHEY, RFDC, n° 123, 2020, pp. 659-668.
- [« Le concept d'état d'exception. Une lecture juridique »](#), RDP, *Les États d'exception : un test pour l'État de droit ?*, n° hors-série, 12 octobre 2021, pp. 11-34.
- [« La question de l'utilité et de la nécessité, pour les juristes, de se munir d'une définition du droit pour l'étudier »](#), *Cahiers Portalis*, n° 8, 2021, pp. 93-103.
- [« D'une ontologie juridique de l'usage des objectifs à l'utilité de leur mobilisation en droit de l'urbanisme français »](#), in *Les objectifs du droit de l'urbanisme*, sous la direction de C. GUEYDAN et L. PEYEN, *Droit et ville*, 2022/1, n° 93, pp. 5-15.

### C - Etudes achevées à paraître

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- « Des dispositions étendues : l'exemple de la liberté et de l'égalité. Des énoncés dispositionnels de la Déclaration à leur interprétation par le Conseil constitutionnel », in *Les 230 ans de la Déclaration des droits de l'homme et du citoyen*, sous la direction de O. PLUEN et N. WOLFF, Dalloz, Thèmes et commentaires, à paraître.
- « Loi », in *Dictionnaire encyclopédique du Parlement*, sous la direction de P. JENSEL-MONGE, D. CONNIL et A. DE MONTIS, Larcier-Bruylant, Études parlementaires, à paraître.
- « Le Dialogue des doctrines constitutionnelles. Vers l'unité transfrontalière du droit constitutionnel ? Synthèse française », in *Le Dialogue des doctrines constitutionnelles. Vers l'unité transfrontalière du droit constitutionnel ?*, sous la direction de G. SERGES, à paraître.
- « L'État de droit face à la banalisation des régimes d'exception : quelle(s) instabilité(s) normative(s) des états d'exception ? », in *Les réincarnations de l'État de droit en Europe*, sous la direction de H. HRISTEV, à paraître.
- « L'invisible des états d'exception : de la dilution à la disparition du droit », in *Le fonti della crisi: prospettive di diritto comparato*, sous la direction de M. DAMICO, A. APOSTOLI et G. SERGE, à paraître.
- « Populisme et Constitution. Approche théorique », in *L'influence du populisme sur les changements constitutionnels. Approche de droit comparé*, sous la direction d'A. DUFFY et N. PERLO, à paraître.
- « L'éclosion du contentieux constitutionnel », in *La doctrine publiciste et le tournant des années 70*, sous la direction de W. MASTOR et J.-G. SORBARA, à paraître.
- « Brève tentative d'éclairage de la question de la présence de normes générales et abstraites dans la motivation des décisions juridictionnelles en France : pour une distinction entre l'établissement de la signification générale de l'énoncé prescriptif applicable au litige et la concrétisation jurisprudentielle de cet énoncé normatif textuel », in *Mélanges B. MATHIEU*, Dalloz, à paraître.

- « Constitution, histoire et mémoire. Rapport français », avec A. VIDAL-NAQUET, à paraître à l'AIJC.
- « Le tournant 1962 : la politique au-dessus du droit », in *L'élection du Président de la République au suffrage universel direct (1962-2022). Genèse, bilan et perspective*, sous la direction de J.-P. DEROSIER, à paraître.
- « L'encadrement des puissances privées dans la jurisprudence du Conseil constitutionnel », in *Puissances privées et Droits de l'homme*, sous la direction de J. ANDRIANSIMBAZOVINA, à paraître

#### IV – Chroniques et notes de jurisprudence

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##### A - Juridictions administratives

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- « L'expulsion d'un étranger pénalement condamné disposant d'attaches familiales en France : le droit à une seconde chance devant le juge administratif ? », sous T.A. Lyon, 14 mai 2002, *M. E. c. ministre de l'intérieur*, *L.P.A.*, 19 mars 2003, n° 56, pp. 13-20.
- « Le champ d'application territorial de l'accord de Schengen », Note sous Conseil d'Etat, sect., 10 janvier 2003, *Joorawon*, *AJDA*, 7 avril 2003, pp. 683-684.
- « La sanction de la primauté de la Constitution sur le droit communautaire par le Conseil d'Etat », sous C.E., Ass., 8 février 2007, *Arceleor*, *RFDA*, n° 3, 2007, pp. 578-589.
- « Des suites de la censure de la loi anti-Perruche par le Conseil constitutionnel devant le Conseil d'Etat », sous C.E., Ass., 13 mai 2011, *Lazare et Delannoy et Verzele* (2 arrêts), *RFDC*, n° 88, 2011, pp. 869-874.
- « L'inconstitutionnalité de la cristallisation des pensions devant le Conseil d'Etat : *dubia in meliorem parti interpretari debent* », sous C.E., Ass., 13 mai 2011, *Lazare et Delannoy et Verzele* (2 arrêts), *RFDC*, n° 88, 2011, pp. 865-869.

##### B - Conseil constitutionnel

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- Note sous Conseil constitutionnel, 17 janvier 2002, *Statut de la Corse*, *Dalloz*, *Sommaire commenté*, 24 avril 2003, n° 17, pp. 1124-1125.
- « Chronique constitutionnelle. France 2002 », avec L. GAY, W. MASTOR, V. OGIER-BERNAUD et C. SEVERINO, développements concernant la jurisprudence électorale du Conseil constitutionnel rendue en 2002, *Annuaire International de Justice Constitutionnelle (AIJC)*, XVIII, 2002, paru en 2003, pp. 611-659.
- « Le chemin communautaire du Conseil constitutionnel : entre ombre et lumière, principe et conséquence de la spécificité constitutionnelle du droit communautaire (Commentaire du volet communautaire des décisions du Conseil constitutionnel n° 2004-496 DC du 10 juin 2004, *Loi pour la confiance dans l'économie numérique*, et n° 2004-497 DC du 1<sup>er</sup> juillet 2004, *Loi relative aux communications électroniques et aux services de communication audiovisuelle*) », *Europe*, août-septembre 2004, pp. 6-12.
- « Le traité établissant une Constitution pour l'Europe devant le Conseil constitutionnel (A propos de la décision n° 2004-505 DC du 19 novembre 2004) », *RFDC*, n° 62, 2005, pp. 330-357.
- Note sous C.C., n° 2005-513 DC, 14 avril 2005, *Loi relative aux aéroports*, *RFDC*, n° 64, 2005, pp. 734-751.
- Note sous C.C., n° 2005-524/525 DC, 13 octobre 2005, *Engagements internationaux relatifs à l'abolition de la peine de mort*, *RFDC*, n° 66, 2006, pp. 322-338.
- « La singularisation attendue du droit communautaire au sein de la jurisprudence *I.V.G.* (brèves réflexions sous la décision du Conseil constitutionnel, n° 2006-535 DC, 30 mars 2006, *C.P.E.*) », *Europe*, juin 2006, pp. 4-6.

- « La loi relative au secteur de l'énergie face au droit communautaire et aux exigences constitutionnelles nationales », sous C.C., n° 2006-543 DC, 30 novembre 2006, *RFDC*, n° 70, 2007, pp. 313-331.
- « La consolidation de la jurisprudence constitutionnelle sur la Polynésie française », *RFDC*, n° 74, 2008, pp. 283-310.
- « Le traité de Lisbonne devant le Conseil constitutionnel : *non bis in idem* ? », *RFDC*, n° 74, 2008, pp. 310-336.
- « Chronique constitutionnelle. France 2007 », avec R. GHEVONTIAN, S. LAMOUREUX et D. RIBES, *AJJC*, 2008, pp. 759-823.
- « Chronique constitutionnelle. France 2008 », avec M. FATIN-ROUGE STEPHANINI et S. LAMOUREUX, *AJJC*, 2009, pp. 653-690.
- « Le droit constitutionnel des collectivités « territoriales » d'exception : la Nouvelle-Calédonie et Mayotte devant le Conseil constitutionnel », *RFDC*, 2010, n° 81, pp. 123-147.
- « La jurisprudence pénale du Conseil constitutionnel en 2009 », avec TH. S. RENOUX, *Revue Pénitentiaire et de droit pénal*, n° 1, 2010, pp. 185-203.
- « Chronique constitutionnelle. France 2009 », avec M. FATIN-ROUGE STEPHANINI, S. LAMOUREUX, A. VIDAL-NAQUET et X. PHILIPPE, *AJJC*, 2010, pp. 697-758.
- « La QPC, beaucoup de bruit pour quoi ? », *AJDA*, 20 septembre 2010, Tribune, p. 1673.
- « Droit pénal constitutionnel. La jurisprudence du Conseil constitutionnel rendue sur Question Prioritaire de Constitutionnalité en matière répressive (Mai 2010-mai 2011) », avec TH. S. RENOUX, *Revue Pénitentiaire et de droit pénal*, n° 2, 2011, pp. 417-446.
- « Chronique constitutionnelle. France 2010 », avec M. FATIN-ROUGE STEPHANINI, A. VIDAL-NAQUET, G. SCHMITTER et X. PHILIPPE, *AJJC*, 2011, pp. 645-678.
- « La QPC, révélateur des limites du droit constitutionnel ? Lectures contrariées et contradictoires. L'antithèse », face à A. BOTTON et B. DE LAMY (la thèse), *Rec. Dalloz*, Point de vue, 13 septembre 2012, n° 31, respectivement p. 2032 (l'antithèse) et p. 2030 (la thèse).
- « Chronique constitutionnelle. France 2011 », avec M. FATIN-ROUGE STEPHANINI, A. VIDAL-NAQUET et O. LE BOT, *AJJC*, 2012, pp. 853-883.
- « Droit pénal constitutionnel. La jurisprudence du Conseil constitutionnel rendue sur Question Prioritaire de Constitutionnalité en matière répressive (mai 2011-mai 2012) », avec TH. S. RENOUX, *Revue Pénitentiaire et de droit pénal*, 2012, n° 3, juillet-septembre 2012, pp. 703-744.
- « Un traité international de mise en œuvre du droit de l'Union européenne devant le Conseil constitutionnel : la ratification du traité sur la stabilité, la coordination et la gouvernance dans l'Union économique et monétaire (TSCG) *peut* ne pas exiger de révision constitutionnelle préalable », *RFDC*, n° 92, 2012, pp. 851-862.
- « Chronique constitutionnelle. France 2012 », avec A. VIDAL-NAQUET et O. LE BOT, *AJJC*, 2013 (paru en 2013), pp. 777-812.
- « La jurisprudence QPC du Conseil constitutionnel en matière pénale (1<sup>er</sup> juin 2012-1<sup>er</sup> février 2014) », avec T. S. RENOUX, *Revue Pénitentiaire et de droit pénal*, n° 1, 2014, pp. 111-159.
- « Chronique constitutionnelle. France 2013 », avec A. VIDAL-NAQUET et O. LE BOT, *AJJC*, 2014 (paru en 2014), pp. 749-788.
- « Chronique constitutionnelle. France 2014 », avec A. VIDAL-NAQUET et O. LE BOT, *AJJC*, 2015, (paru en 2015), pp. 771-802.
- « La jurisprudence du Conseil constitutionnel rendue sur la question prioritaire de constitutionnalité en matière répressive (février 2014-septembre 2015) », avec T. S. RENOUX, *Revue Pénitentiaire et de droit pénal*, n° 3, 2015, pp. 641-680.
- « Chronique constitutionnelle. France 2015 », avec A. VIDAL-NAQUET et O. LE BOT, *AJJC*, 2016, (paru en 2016), pp. 763-793.

- « Chronique constitutionnelle. France 2016 », avec A. VIDAL-NAQUET et O. LE BOT, *AJJC*, 2017, (paru en 2017), pp. 801-854.
- « L'AECG devant le Conseil constitutionnel : *much ado about quite nothing!* », *RFDC*, n° 113, 2018, pp. 173-194.
- « Droit pénal constitutionnel. La jurisprudence du Conseil constitutionnel en matière répressive (octobre 2015-février 2018) », avec TH. S. RENOUX et A. BOTTON, *Revue Pénitentiaire et de droit pénal*, n° 1, janvier-mars 2018, pp. 143-199.
- « Chronique constitutionnelle. France 2017 », avec A. VIDAL-NAQUET et O. LE BOT, *AJJC*, 2018, pp. 823-866.
- « Droit pénal constitutionnel. La jurisprudence du Conseil constitutionnel en matière répressive (mars 2018-...) », avec TH. S. RENOUX, *Revue Pénitentiaire et de droit pénal*, n° 1, janvier-mars 2019, pp. 209-238.
- « Chronique constitutionnelle. France 2018 », avec A. VIDAL-NAQUET et O. LE BOT, *AJJC*, 2019, pp. 933-977.
- « Chronique constitutionnelle. France 2019 », avec A. VIDAL-NAQUET et O. LE BOT, *AJJC*, 2020, pp. 839-888.
- « Les principes d'un droit constitutionnel jurisprudentiel d'exception. A propos des décisions du Conseil constitutionnel sur l'état d'urgence sanitaire », *AJDA*, n° 23/2020, 29 juin 2020, Tribune, 2020, p. 1257.
- « État d'urgence sanitaire : traiter l'exception avec les outils de la normalité ? », avec A. VIDAL-NAQUET, A. BACHERT-PERETTI et T. S. RENOUX, *RFDC*, 2020/4, n° 124, pp. 905-935.
- « Le Conseil constitutionnel, infidèle aux traditions républicaines, n'entend plus se conformer aux règles du droit public international ». Libres propos à l'occasion de la décision du 2 octobre 2020, *M. Geoffrey F. et autre [Conditions d'incarcération des détenus]* », *RFDC*, n° 127, 2021, pp. 175-191.
- « Vers un constitutionnalisme anthropocentré : le constitutionnalisme du vivant ? », *Recueil Dalloz*, Edito, 9 juin 2022, n° 21, p. 1033.

### C – Jurisprudence étrangère

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- « Le juge constitutionnel national, dernier obstacle au processus d'intégration européenne ? Interrogation(s) autour d'une lecture de l'arrêt de la Cour constitutionnelle fédérale allemande du 30 juin 2009 sur « le traité de Lisbonne », *RFDC*, 2010, n° 82, pp. 417-442.

### V - Organisation de colloques ou de journées d'études

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- *Quel renouveau de la fonction de contrôle du Parlement sur l'action du gouvernement ? Premier bilan après la révision constitutionnelle du 23 juillet 2008*, Journée décentralisée de l'Association française de droit constitutionnel, UPVD, 13 décembre 2010, parue aux PUAM.
- *Question sur la Question (QsQ 1) : Le réflexe constitutionnel*, avec W. MASTOR, X. BIOY et S. MOUTON, 1<sup>ère</sup> Journée d'étude annuelle QsQ sous le Haut parrainage du Conseil constitutionnel, Toulouse, 3 juin 2011, parue chez Bruylant.
- Direction de l'atelier *Droit constitutionnel et droit externe*, avec A. LEVADE, J.-D. MOUTON ET S. PIERRE-CAPS, au VIII<sup>ème</sup> Congrès national de l'AFDC, 16, 17 et 18 juin 2011, Nancy, Actes du Congrès en ligne, les contributions de l'atelier ont été publiées dans la revue *Politeia*.
- *Questions sur la question (QsQ 2) : la QPC façonnée par ses acteurs, quelle(s) tendance(s)*, avec W. MASTOR, X. BIOY et S. MOUTON, 2<sup>ème</sup> Journée d'étude annuelle QsQ sous le Haut parrainage du Conseil constitutionnel, Toulouse, 1<sup>er</sup> juin 2012, parue aux *Nouveaux Cahiers du Conseil constitutionnel*.

- *Questions sur la question (QsQ 3) : de nouveaux équilibres institutionnels ?*, avec P. ESPLUGAS, W. MASTOR et S. MOUTON, 3<sup>ème</sup> Journée d'étude annuelle QsQ, Toulouse, 14 juin 2013, parue chez LGDJ-Lextenso.
- *Questions sur la question (QsQ 4) : le procès constitutionnel face aux exigences supranationales (droit constitutionnel comparé, UE, CEDH, CADH)*, avec P. ESPLUGAS, W. MASTOR et S. MOUTON, 4<sup>ème</sup> Journée d'étude annuelle QsQ, Toulouse, 30 mai 2014, parue chez Bruylant.
- *Questions sur la question (QsQ 5) : Le pouvoir d'instruction des juridictions constitutionnelles et la formation de l'intime conviction des juges constitutionnels*, avec P. ESPLUGAS, W. MASTOR et S. MOUTON, 5<sup>ème</sup> Journée d'étude annuelle QsQ, Toulouse, 5 juin 2015, parue aux *Cahiers de l'ILF*, PUAM.
- *Questions sur la question (QsQ 6) : Quelles doctrines constitutionnelles aujourd'hui, pour quel(s) droit(s) constitutionnel(s) demain ?*, avec S. MOUTON, 6<sup>ème</sup> Journée d'étude annuelle QsQ, Toulouse, 29-30 septembre 2016, à paraître chez Mare & Martin.
- *Questions sur la question (QsQ 7) : La fabrique du droit constitutionnel : réinterroger les concepts structurants de la science du droit constitutionnel*, avec S. MOUTON et A. VIDAL-NAQUET, 7<sup>ème</sup> Journée d'étude annuelle QsQ, Aix-Marseille- Université, 9 juin 2017, à paraître à la RFDC.
- *1<sup>ère</sup> Université d'été de justice constitutionnelle de l'Institut Louis Favoreu : Le juge constitutionnel face aux transformations de la démocratie*, avec A. VIDAL-NAQUET, Aix-en-Provence, 4-7 septembre 2017, actes parus à l'*AJJC*, 2017, pp. 529-716.
- *XXXII<sup>ème</sup> Table ronde sur la justice constitutionnelle, L'interprétation et les juges constitutionnels*, avec A. VIDAL-NAQUET, X. PHILIPPE, Aix-en-Provence, 8-9 septembre 2017, actes parus à l'*AJJC*, 2017, pp. 79-526.
- *La QPC, vers une reconfiguration de l'architecture juridictionnelle ?*, avec A. VIDAL-NAQUET, Aix-en-Provence, 6 avril 2018, à paraître aux *Cahiers de l'Institut Louis Favoreu*, PUAM.
- *Question sur la question (QsQ 8) : Le juge dans le constitutionnalisme moderne*, avec S. MOUTON et A. VIDAL-NAQUET, 8<sup>ème</sup> Journée d'étude annuelle QsQ, Toulouse, 18-19 octobre 2018.
- *XXXIII<sup>ème</sup> Table ronde sur la justice constitutionnelle, Constitution et genre*, Aix-en-Provence, 7-8 septembre 2018, à paraître à l'*AJJC*.
- *3<sup>ème</sup> Université d'été de l'Institut Louis Favoreu : la justice prédictive*, avec R. DECHAUX et J.-F. KERLEO, Aix-en-Provence, 10-12 juillet 2019.
- *XXXIV<sup>ème</sup> Table ronde sur la justice constitutionnelle, Constitution et environnement*, avec L. GAY, M. STEFANINI et A. VIDAL-NAQUET, Aix-en-Provence, 6-7 septembre 2019.
- *XXXV<sup>ème</sup> Table ronde sur la justice constitutionnelle, L'état d'exception, Nouveau régime de droit commun des droits et libertés ? Du terrorisme à l'urgence sanitaire*, avec L. GAY, et A. VIDAL-NAQUET, Aix-en-Provence, 11 et 12 septembre 2020.
- *Les assemblées citoyennes : nouvelle utopie démocratique ?*, avec M. STEFANINI, Aix-en-Provence, 4 décembre 2020.
- *XXXVI<sup>ème</sup> Table ronde sur la justice constitutionnelle, Constitution, libertés et numérique*, avec A. BACHERT, Aix-en-Provence, 10 et 11 septembre 2021.
- *Les apports de l'épistémologie juridique à l'enseignement du droit constitutionnel. Transmettre la science du droit constitutionnel : réflexivité, analyse, imagination (QsQ 9)*, avec S. MOUTON, R. PONSARD, Aix-en-Provence, 1<sup>er</sup> et 2 juillet 2021.
- *XXXVII<sup>ème</sup> Table ronde sur la justice constitutionnelle, Constitution, histoire et mémoire*, avec A. VIDAL-NAQUET, Aix-en-Provence, 11 septembre 2022.
- *Personnalisation et concentration du pouvoir dans les régimes démocratiques contemporains*, avec S. MOUTON et Toulouse, 21 et 22 septembre 2023.
- *XXXVIII<sup>ème</sup> Table ronde sur la justice constitutionnelle, Guerre et Constitution*, avec A. DUFFY-MEUNIER ET C. SEVERINO, Aix-en-Provence, 15 et 16 septembre 2022.
- *Université d'automne de l'Institut Louis Favoreu : la mort saisie par le droit constitutionnel*, avec X. BIOY, 22-24 novembre 2023.

## VI - Interventions à des colloques ou des journées d'études

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- « La Constitution comme cause d'inapplicabilité d'un engagement international devant le juge administratif français », IV<sup>ème</sup> Congrès français de droit constitutionnel, 10, 11 et 12 juin 1999, Aix-en-Provence.
- « Le pouvoir réglementaire des collectivités territoriales. Nouveau bilan après la décision du Conseil constitutionnel du 17 janvier 2002 sur le Statut de la Corse », V<sup>ème</sup> Congrès français de droit constitutionnel, 6, 7 et 8 juin 2002, Toulouse.
- « La propriété publique, droit « naturel et imprescriptible » ? Quel « noyau dur » constitutionnel garanti à la propriété publique ? », Colloque *Patrimoine public*, Faculté de droit de La Réunion, 19 et 20 avril 2005, Saint-Denis de La Réunion.
- « La nature du Traité établissant une Constitution pour l'Europe : Traité ou Constitution ? », Journée d'étude sur le Traité établissant une Constitution pour l'Europe, organisé par la Mission pour l'Europe en partenariat avec l'Ecole nationale d'administration, le Centre d'études européennes de Strasbourg et l'Université de La Réunion, Faculté de droit de La Réunion, 3 et 4 mai 2005, Saint-Denis de La Réunion.
- « Le statut constitutionnel des collectivités infra-étatiques dans l'Union européenne », Colloque international *Les collectivités territoriales et l'Union européenne*, 5 et 6 octobre 2006, Université de Perpignan *Via Domitia*.
- « L'autonomie politique au sein d'un Etat unitaire décentralisé : l'exemple de la Polynésie française », Journée d'études *Le statut d'autonomie régionale en droit comparé*, 15 février 2008, Université de Perpignan *Via Domitia*.
- « La Nouvelle-Calédonie : un pays à souveraineté partagée ? », Diada d'estudis *L'estatut d'autonomia regional en dret comparat*, Divendres 16 de maig del 2008, Barcelona.
- « Essai de stratégie constitutionnelle : quelle politique jurisprudentielle pour sauver la question préjudicielle de constitutionnalité ? », Colloque *Contrôle de constitutionnalité et contrôle de conventionnalité*, 5 et 6 juin 2008, Conseil constitutionnel, Paris.
- « En quoi le positivisme – normativisme - est-il diabolique ? », VII<sup>ème</sup> Congrès français de droit constitutionnel, 25, 26 et 27 septembre 2008, Paris.
- « La loyauté : aspects institutionnels », Colloque *Loyauté du commerce et droit de l'Union européenne*, 24 octobre 2008, Université de Perpignan *Via Domitia*.
- « Le constitutionalisme moderne : illustration française », Les débats d'El Watan, *Constitution sans constitutionalisme ?*, 26 février 2009, Alger.
- « Juge et apparence(s). Rapport de synthèse », Colloque *Juge et apparence(s)*, 4 et 5 mai 2009, Université de Toulouse I.
- « Les droits sociaux en France comme « droits opposables » : l'exemple du « droit » au logement », *El dret a l'habitadge comunitaire a dret exigible*, 17 de juny l'aula Seminari I de la Facultat de Dret, Universitat de Girona, Area de Dret Constitucional, 2009.
- « *La idea de pacto constitucional en el derecho constitucional francés* », Cicle de conferències, *Pacte, Contracte, Federació*, Càtedra de Cultura Jurídica, Universitat de Girona, 14 d'octubre 2009.
- « La vision de la justice dans les chansons de Bob Dylan (1962-2001) », Colloque *Droit et Rock*, Limoges, 1<sup>er</sup> et 2 avril 2010.
- « Propos introductif », *Quel renouveau de la fonction de contrôle du Parlement sur l'action du gouvernement ? Premier bilan après la révision constitutionnelle du 23 juillet 2008*, Journée décentralisée de l'Association française de droit constitutionnel, UPVD, 13 décembre 2010.

- « Le renouveau de la fonction de contrôle du Parlement sur le gouvernement », *La forme parlementaire de la démocratie : enjeux de la révision de 2008*, Journée d'étude annuelle de l'AFDC, Assemblée nationale, Paris, 13 janvier 2011.
- « L'accès du justiciable au juge des libertés : l'exemple du référé-liberté », Symposium on *Guarantee of the Right to Access to the Administrative Jurisdiction*, On the Occasion of 10<sup>th</sup> Anniversary of the Administrative Court, Wednesday 9<sup>th</sup> March 2011, Bangkok.
- « Le rock est-il encore subversif ? Synthèse », *Electric artyland*, Toulouse, 11 avril 2011.
- « Quel(s) bénéfice(s) de la question prioritaire de constitutionnalité pour les citoyens ? », *QPC an I. Journée d'étude sur la première année d'application de la question prioritaire de constitutionnalité*, Saint-Denis de La Réunion, 15 avril 2011.
- « Le réflexe constitutionnel au service du réflexe conventionnel ? », *Question sur la Question : le réflexe constitutionnel*, IMH, Toulouse, 3 juin 2011.
- « Droit constitutionnel et droit externe. Synthèse de l'atelier », VIII<sup>ème</sup> Congrès national de l'AFDC, Nancy, 18 juin 2011.
- « La modulation dans le temps des effets des décisions des juges constitutionnels », *Les effets des décisions des juges constitutionnels*, 23<sup>ème</sup> Cours international de Justice constitutionnelle, ILF-GERJC, Aix-en-Provence, 7-8 septembre 2011.
- « L'exigence d'un standard de protection des droits fondamentaux : un moyen de pacification des rapports entre les cours suprêmes ? », *Existe-t-il une exception française en matière de droits fondamentaux ?*, Colloque organisé par l'ILF-GERJC, Aix-en-Provence, 17-18 novembre 2011.
- « Le Doyen Favoreu, l'école aixoise et le Conseil constitutionnel : liens, distances et influences », *Les Cours constitutionnelles et la doctrine : quel dialogue ?*, Col-Loqui de Justícia Constitucional del Principat d'Andorra, Tribunal Constitucional, Andorra, 1<sup>er</sup> au 3 décembre 2011.
- « Synthèse de l'atelier en langue française », *Les Cours constitutionnelles et la doctrine : quel dialogue ?*, Col-Loqui de Justícia Constitucional del Principat d'Andorra, Tribunal Constitucional, Andorra, 1<sup>er</sup> au 3 décembre 2011.
- « Le contrôle du Conseil constitutionnel », *Le financement de la campagne présidentielle*, Journée décentralisée de l'AFDC, Lyon, 28 mars 2012.
- « [La doctrine, la QPC et le Conseil constitutionnel : quelle distance ? Quelle expertise ?](#) », *Questions sur la question (QsQ II) : la QPC façonnée par ses acteurs, quelle(s) tendance(s)*, Toulouse, 1<sup>er</sup> juin 2012.
- « Le juge face à l'exception », *La norme et ses exceptions : quels défis pour la règle de droit ?*, Aix-en-Provence, 16 novembre 2012.
- « Penser les rapports entre systèmes juridiques : entre mythe de la convergence et renoncement à une explication normative de la divergence », *Convergences et divergences entre systèmes juridiques*, Cracovie, 23 et 24 novembre 2012.
- Animation, avec Marc VERDUSSEN, des tables rondes « Le jugement de constitutionnalité et ses suites » et « Le contrôle incident de constitutionnalité, la Convention européenne des droits de l'homme et le droit de l'Union européenne », *Colloque final QPC*, GIP Mission droit et justice, Aix-en-Provence, 21 et 22 mars 2013.
- Participation à la table ronde sur le thème « l'identité nationale comme principe d'interprétation des rapports de systèmes », in *L'identité à la croisée des Etats et de l'Europe : quel sens ? Quelles fonctions ?*, Aix-en-Provence, 23 et 24 mai 2013.
- « [Appréhender le droit constitutionnel jurisprudentiel sous un angle politique](#) », *Questions sur la question (QsQ III) : de nouveaux équilibres institutionnels ?*, Toulouse, 14 juin 2013.
- Rapport général « Pluralisme des juridictions et pluralisme des jurisprudences : l'ordonnement du pluralisme », in *La multiplication des garanties et des juges dans la protection des droits fondamentaux : coexistence, cohérence et articulation entre les systèmes constitutionnels, internationaux et régionaux ? Evolution d'une décennie*, XXIX<sup>ème</sup> Table ronde internationale de justice constitutionnelle comparée, 6 et 7 septembre 2013, Aix-en-Provence.

- « La concurrence entre la constitutionnalité et la conventionnalité devant la Cour de cassation : la priorité de la question ne résout pas toutes les questions », *La Cour de cassation et la Constitution. Perspectives nouvelles*, Grande Chambre de la Cour de cassation, Paris, 27 septembre 2013.
- « Propos introductifs », avec Pascale DEUMIER, *Les adages en droit public*, Cour administrative d'appel de Paris, 11 octobre 2013.
- « L'intégration normative du droit de l'Union dans l'ordre juridique interne français », in *L'influence du droit de l'Union européenne sur le droit administratif français*, Séminaire de formation des magistrats administratifs, Bangkok, Cour administrative, 28 octobre 2013.
- « Les délocalisations... ce que le droit constitutionnel peut en dire », *Les délocalisations*, Lyon, 21 novembre 2013.
- Animation table ronde « *Relaciones entre los sistemas jurídicos nacionales y europeo - Relations entre les systèmes juridiques nationaux et européen* », *El Derecho Constitucional Europeo ante la crisis económica y democrática de Europa, Le Droit constitutionnel européen à l'épreuve de la crise économique et démocratique de l'Europe*, Colloque international, Montpellier, 12 et 13 décembre 2013.
- « Plaidoyer pour que le Conseil constitutionnel devienne une cour constitutionnelle », *Les conférences du Master 2 de Droit public*, 1<sup>ère</sup> édition, 5 février 2014, Saint-Denis, La Réunion.
- « Morale et politique : quelle place pour le droit ? », *Transparence et vie publique*, 9<sup>ème</sup> printemps du droit constitutionnel, 23 mai 2014, Assemblée nationale, Paris.
- « [La concrétisation des exigences supranationales dans l'ordre juridique interne : entre habilitations supranationales et nationales](#) », avec B. BONNET, QsQ 4 : *Le procès constitutionnel face aux exigences supranationales (droit comparé, UE, CEDH, CADH)*, Toulouse, 30 mai 2014.
- Participation à la table ronde, *Quel rôle pour le professeur de droit constitutionnel ?*, Table ronde, 9<sup>ème</sup> Congrès de droit constitutionnel, Atelier Jeune recherche, Association française de droit constitutionnel, Lyon, 28 juin 2014.
- « [La puissance et la représentation, l'Etat et le citoyen : quel fondement à l'autorité de la norme constitutionnelle et de la jurisprudence du juge constitutionnel ?](#) », *Le régime représentatif à l'épreuve de la justice constitutionnelle*, Toulouse, 9 et 10 octobre 2014.
- « La France au mépris des langues régionales ou minoritaires ? », *Unité de la République et diversité culturelle*, Saint-Denis, La Réunion, 31 octobre 2014.
- « Le censeur des lois dans l'œuvre de Gaetano Filangieri », *Les précurseurs italiens du droit constitutionnel*, Toulon, 7 et 8 novembre 2014.
- « Le contrôle de conventionnalité depuis la QPC », in *Question prioritaire de constitutionnalité et contrôle de conventionnalité*, Aix-en-Provence, 2 février 2015.
- « La concurrence entre les systèmes de protection des droits fondamentaux : le point de vue interne », in *Hiérarchie des normes et droits fondamentaux*, Séminaire de formation, Ecole Nationale de la Magistrature, Paris, 5 février 2015.
- [Débat filmé « Question prioritaire de constitutionnalité et droit européen des droits de l'homme »](#), *Les rencontres de la RDLR*, avec Julien BONNET, Serge SLAMA et Romain TINIERE, Grenoble, 4 mars 2015.
- « [Qu'est-ce que le droit peut faire du « raisonnable » ?](#) », in *Le raisonnable en droit administratif*, Toulouse, 20 mars 2015.
- « La question prioritaire de constitutionnalité, instrument de défense des libertés locales ? », in *Le droit constitutionnel des collectivités territoriales au Maghreb*, Rabat, 17-18 avril 2015.
- « Que reste-t-il du positivisme aixois ? », in *Hommage à Louis Favoreu*, Pau, 22 mai 2015.
- « [Qu'est-ce que « instruire » le procès constitutionnel ?](#) », in *QsQ 5 : Les pouvoirs d'instruction des juridictions constitutionnelles et la formation de l'intime conviction des juges constitutionnels*, Toulouse, 5 juin 2015,
- « [L'accès à la justice dans la théorie générale du droit](#) », in *Le droit d'accès à la justice en droit de l'environnement*, Toulouse, 5-6 novembre 2015.



- Discutant de A. COHEN, « La construction européenne : un phénomène constituant ? », in *Le phénomène constituant. Un dialogue interdisciplinaire*, Toulouse, 27 novembre 2015.
- « [De la nécessité d'une Cour constitutionnelle pour sanctionner le respect de la Constitution : quelle légitimité de la justice constitutionnelle ?](#) », in *Aspects juridiques de la transition démocratique*, Faculté de droit, Université de Thammasat, Bangkok, 16 janvier 2016,
- « Introduction générale », in *Les principes généraux du droit*, 1<sup>er</sup> Ateliers doctoraux de l'Ecole Européenne de Droit, Toulouse, 14 et 15 avril 2016.
- [Participation à la table ronde](#), in *Dialoguer, collaborer, coproduire : les relations enseignants - chercheurs/ professionnels de l'information aujourd'hui*, Journée d'étude, 7 juin 2016, Toulouse,
- « Le point de vue du constitutionnaliste », in *Grève et droit public, 70 ans de reconnaissance*, Toulouse, 9 juin 2016.
- « L'expression de « dialogue des juges » peut-elle avoir un sens utile pour connaître ce qu'elle est censée décrire ? », in *Le dialogue des juges*, IX<sup>ème</sup> Journée du Centre International des droits de l'homme, Athènes, 14-16 juin 2016.
- Participation à la table ronde sur « Les conditions d'une réforme en France, au regard des expériences étrangères », in *Le contrôle de constitutionnalité des décisions de justice : quel intérêt ? Quelles perspectives ?*, Aix-en-Provence, 23 et 24 juin 2016.
- Rapport général sur les étrangers et les droits fondamentaux, in *Migrations internationales et justice constitutionnelle*, XXXII<sup>ème</sup> Table ronde internationale, Aix-en-Provence, 9 et 10 septembre 2016.
- « Rapport de synthèse », in *Questions sur la question (QsQ VI) : Quelles doctrines constitutionnelles aujourd'hui pour quel(s) droit(s) constitutionnel(s) demain ?*, Toulouse, 29 et 30 septembre 2016.
- « L'incomplétude des droits fondamentaux », in *Les droits et libertés fondamentaux, horizon indépassable du droit constitutionnel ?*, Colloque de la Commission Jeune Recherche constitutionnelle, AFDC, Lyon, 21 octobre 2016.
- Participation à la table ronde sur *Les primaires et l'élection présidentielle de 2017*, Aix-en-Provence, 9 février 2017.
- « Existe-t-il une déontologie de l'enseignant-chercheur ? », in *Quelle déontologie pour les juristes ?*, Aix-en-Provence, 14 mars 2017.
- Animation et participation à l'atelier « Norme fondamentale, souveraineté, justice constitutionnelle, questions européennes », in *Conversations autour du Traité des rapports entre ordres juridiques*, Université Jean Monnet – Saint-Etienne, 11 et 12 mai 2017.
- « Quels droits pour quel environnement ? Les leçons du droit constitutionnel comparé », in *Vers un pacte mondial pour l'environnement ?* Journée d'études, Aix-en-Provence, 19 mai 2017.
- « L'ontologie du droit : droit dur c. droit souple/ droit écrit c. droit spontané », in *Questions sur la question (QsQ 7) : La fabrique du droit constitutionnel : réinterroger les concepts structurants de la science du droit constitutionnel*, 7<sup>ème</sup> Journée d'étude annuelle QsQ, Aix-Marseille- Université, 9 juin 2017.
- « De la possibilité d'un contentieux environnemental ? L'invocabilité des droits environnementaux devant le juge », in *Droit constitutionnel de l'environnement*, Renmin University of China Law School, Beijing, Chine, 3 et 4 juillet 2017.
- « Identité, souveraineté et Europe : autour des articles 1, 2 et 3 de la Constitution », « Le Conseil constitutionnel, nouvel acteur européen ? », in *La Constitution européenne de la France*, Université Toulouse 1 Capitole, Toulouse, 21-22 septembre 2017.
- « La possibilité d'un juge constitutionnel en tant que pouvoir juridictionnel en France », in *Les problèmes de l'augmentation de l'efficacité du pouvoir judiciaire dans la République du Bélarus et dans les pays étrangers*, Faculté de droit de l'Université d'Etat biélorusse, Biélorussie, 28-28 septembre 2017.
- « Au commencement était l'ordre juridique... », in *Le juriste idéal*, Bordeaux, 5 avril 2018.
- Participation à la Table ronde : « Repenser les modèles de justice constitutionnelle », in *La QPC, vers une reconfiguration de l'architecture juridictionnelle ?*, Aix-en-Provence, 6 avril 2018.

- [Participation à la table ronde : Le cadre juridique, in \*L'état d'urgence : bilan et perspectives\*](#), Assemblée nationale, Paris, 11 avril 2018.
- Séminaire de *Théorie du droit*, Université de Saint-Joseph, Beyrouth, Liban, 25 avril 2018.
- « Rapport de synthèse », in *Constitution et genre, XXXIII<sup>ème</sup> Table ronde sur la justice constitutionnelle*, Aix-en-Provence, 7-8 septembre 2018.
- « Rapport de synthèse », in *L'apport de la QPC à la protection des droits et libertés dans les différents champs du droit*, Nantes, 11-12 octobre 2018.
- « Le néoconstitutionnalisme : épistémologie implicite de la doctrine constitutionnelle française ? », in *Le juge dans le constitutionnalisme moderne*, Toulouse, 18-19 octobre 2018.
- « *Quis custodiet ipsos custodes ? Le juge et la démocratie* », in *Surveillance et droit*, La Réunion, 25 octobre 2018.
- « Typologie modale des classes de rapports entre droit et habitude », in *L'habitude en droit*, La Réunion, 26 octobre 2018.
- « Synthèse », in *La culture constitutionnelle du peuple, VII<sup>ème</sup> Journée d'études de la Commission de la jeune recherche constitutionnelle*, Toulon, 9 novembre 2018.
- « Rapport introductif », in *Du « droit constitutionnel au juge » au « droit au juge constitutionnel » ?*, Aix-en-Provence, 23 novembre 2008.
- « La Constitution nationale dans un contexte européen intégré : quelle(s) lecture(s) de la souveraineté et de l'identité ? », in *Maturité et utilité de la Constitution de 1958 dans le contexte européen*, Lyon, 30 novembre 2018.
- Participation à la table ronde : *Les gilets jaunes : quels enseignements pour la démocratie ?*, Les débats de l'Institut Louis Favoreu, Aix-en-Provence, 29 janvier 2019.
- « Un projet épistémologique iconoclaste pour la science du droit : forger des concepts proprement juridique », in *Forger des concepts pour analyser le droit*, Séminaire de la Société européenne d'épistémologie appliquée, Paris, 21 février 2019.
- Participation à la table ronde : *Dualisme juridictionnel, stop ou encore ?*, Journée nationale d'études de l'AFDC, *Constitution et Justice(s)*, Cour de cassation, Paris, 22 février 2019.
- « Les gilets jaunes : quelle crise du régime représentatif ? Quelle crise de la V<sup>ème</sup> République », avec A. VIDAL-NAQUET, Collègue Universitaire Français, Saint-Petersbourg, 10 avril 2019.
- « L'indépendance du Conseil constitutionnel et les libertés », in *Le Conseil constitutionnel, gardien des libertés ?*, Poitiers, 25 octobre 2019.
- « Solidarité et clause(s) de respect des identités nationales dans le Traité de Lisbonne : incompatibilité indépassable ou binôme indispensable ? », in *Les dix ans du traité de Lisbonne : Bilan et perspectives du principe de solidarité dans et par le droit de l'Union européenne*, Aix-en-Provence, 5 et 6 décembre 2019 (annulé, contribution écrite).
- « Des dispositions étendues : l'exemple de la liberté et de l'égalité », in *La Déclaration des droits de l'homme du 26 août 1789 à l'aube de sa 230<sup>ème</sup> année. Entre espoir d'éternité et risque de rupture*, Paris, 18 mars 2020 (annulé, contribution écrite).
- « [Le point de vue constitutionnel français](#) », in *La gouvernance de l'exception sanitaire*, 29 avril 2020 (en ligne), Tunis.
- « Le type de décision en matière pénale : quels enseignements ? », in *La QPC en matière pénale. Journée d'études à l'occasion du 10<sup>ème</sup> anniversaire de la QPC*, Aix-en-Provence, 9 juin 2020 (colloque en ligne).
- « [Le Conseil constitutionnel et l'état d'urgence sanitaire : entre préservation de l'État et respect du droit](#) », avec A. VIDAL-NAQUET, in *L'éthique à l'épreuve de la crise*, Colloque virtuel, 14 juillet 2020, vidéo en ligne
- « Peut-il exister une pluralité de fondements à la primauté ? Ajouter au fondement européen des fondements nationaux ? », in *Primauté et clause la plus protectrice de l'article 53 de la Charte des droits*

*fondamentaux l'évolution du rapport de normes dans l'espace juridique de l'Union européenne*, Toulouse, 19 et 20 novembre 2020 (colloque en ligne).

- « *Better situate legally the contemporary concepts of democracy for a better communicability of the technical ways employed to democratize democracy* », in *DEmocracy in Crisis: Exploring the CITizen Challenge of DELiberative Democracy in light of the French and Irish Constitutional Experiments (DECIDE2)*, Ulysses Programme 2020, Irish research council, Aix-en-Provence, 9 décembre 2020.
- « *Propos conclusifs* », in *Les juges nationaux et la Convention européenne des droits de l'homme : analyse des rapports à travers les expériences russe et française*, Web-Colloque, 23 avril 2021.
- « *La problématisation : le droit constitutionnel envisagé comme des questions de droit susceptibles de donner lieu à des interprétations contradictoires* », in *Les apports de l'épistémologie à l'enseignement du droit constitutionnel. Transmettre la science du droit constitutionnel : réflexivité, analyse, imagination*, Aix-en-Provence, 1<sup>er</sup> et 2 juillet 2021.
- « *Crise de la représentation et démocratie libérale* », Programme Hubert Curien - Projet Balaton, *La participation des citoyens aux projets politiques locaux, nationaux et européen en France et en Hongrie : les nouvelles formes démocratiques et les normes constitutionnelles (PARCIPROPO)*, coopération Institut Louis Favoreu et Institut des études internationales et régionales, Université de Szeged, 6 septembre 2021, Szeged.
- Participation à la table ronde interdisciplinaire, in *Les mutations contemporaines du droit de l'animal*, 5<sup>ème</sup> Université d'automne de l'Institut Louis Favoreu, Aix-en-Provence, 6 octobre 2021.
- « *L'État de droit face à la banalisation des régimes d'exception : quelle(s) instabilité(s) normative(s) des états d'exception* », in *Les réincarnations de l'État de droit en Europe*, Journées juridiques francophone, Sofia, 11 au 13 octobre 2021.
- « *Conceptual questions relating to the articulation of the different forms of democracy and how to take advantage of the principles and rules of deliberative democracy* », in *DEmocracy in Crisis: Exploring the CITizen Challenge of DELiberative Democracy in light of the French and Irish Constitutional Experiments (DECIDE2)*, Ulysses Programme 2020, Irish research council, UCD Sutherland School of Law, Dublin, 18 octobre 2021.
- « [Propos conclusifs](#) », *Rome 2020. Le dialogue des doctrines constitutionnelles ? Vers l'unité transfrontalière du droit constitutionnel ?*, Colloque Franco-Italien pour les 10 ans de la CJRC, Rome, 28-30 octobre 2021.
- « *L'éclosion du contentieux constitutionnel* », in *La doctrine publiciste et le tournant des années 70*, Toulouse, 19 novembre 2021.
- « *Les objectifs en droit : éléments de théorie générale* », in *Les objectifs du droit de l'urbanisme*, Toulouse, 19 novembre 2021.
- Participation à la table ronde « *Situer l'interprétation* », in *Interpréter les droits et libertés : quel pouvoir pour le juge constitutionnel dans l'état de droit contemporain ?*, Metz, 25 novembre 2021.
- « *Prendre la participation citoyenne au sérieux : concrétiser juridiquement la prise en compte de la demande citoyenne* », in *La participation des citoyens à l'élaboration des politiques publiques : quelles modalités de participation citoyenne ?*, Projets Campus France Balaton (Hongrie) et Ulysse (Irlande), Aix-en-Provence, 9 décembre 2021.
- « *Le concept d'état d'exception, une lecture juridique* », in *Les États d'exceptions, un test pour l'État de droit ?*, présentation avec D. ROUSSEAU du numéro spécial de la RDP consacré à ce thème, Marseille, 24 février 2022.
- « [Qu'est-ce que le droit ?](#) », avec F. ROUVIERE, Les discussions Portalis, Aix-en-Provence, 8 mars 2022.
- « [Populisme et Constitution. Approche théorique](#) », in *L'influence du populisme sur les changements constitutionnels. Approche de droit comparé*, Toulouse, 17-18 mars 2022.
- « *L'invisible des états d'exception : de la dilution à la disparition du droit* », in *Le fonti della crisi: prospettiva di diritto comparato*, 3<sup>ème</sup> Journée du droit comparé du Groupe de Pise, Colloque en ligne, Brescia, 25 mars 2022.

- « Les faits, les preuves et le contentieux constitutionnel : le contrôle des lois est-il nécessairement concret ? », in *Faits et preuves dans le contrôle de constitutionnalité des lois*, Aix-en-Provence, 31 mars et 1<sup>er</sup> avril 2022.
- « Rapport de synthèse », in *La responsabilité de l'exécutif. Approches croisées*, Colloque du projet Régalien, Aix-en-Provence, 7 octobre 2022.
- « Le tournant 1962 : la politique au-dessus du droit », in *60 ans d'élection directe du Président de la République : genèse, bilan et perspectives*, Lille, 24 et 25 novembre 2022.
- « Vers un constitutionnalisme anthropocentrique : le constitutionnalisme du vivant ? », International Association of Constitutional Law, World Congress, *Workshop 5: Harnessing Constitutional Law to Address Climate Change : Challenges and Opportunities*, Johannesburg, South Africa, 5-9 décembre 2022.
- « Multiplication et constance des états d'exception : la fin du droit ? », International Association of Constitutional Law, World Congress, *Workshop 8: Constitutionalism, the COVID-19 Pandemic and Recovery*, Johannesburg, South Africa, 5-9 décembre 2022.
- « *Constitutional review committees : a form of civil participation in constitutional reforms* », in *Reforming the Constitution in France, Ireland and Iceland: what modalities ? What difficulties ? What practices ? What place for citizens ?*, Workshop 1, COREP project – International emerging action (IEA), 2023-2024, Aix-en-Provence, 12 mai 2023.
- Direction de la Table ronde n° 3 : « Quel rôle pour les juridictions constitutionnelles et suprêmes ? », in *Repenser l'initiative législative dans et en dehors du Parlement : approche comparée*, Aix-en-Provence, 8 et 9 juin 2023.
- « L'encadrement des puissances privées dans la jurisprudence du Conseil constitutionnel », in *Puissances privées et Droits de l'homme*, Toulouse, 15 et 16 juin 2023.

À venir :

- « Qu'est-ce qu'une Cour illibérale ? », *La justice constitutionnelle illibérale. Un dialogue interdisciplinaire et de droit comparé*, Aix-en-Provence, 30 juin 2023.
- « *States of emergencies, states of exception, states of siege, etc.: how do legal systems deal with crises?* », in *Governing in times of crisis*, Université d'été CIVIS, Bruxelles, 3-7 juillet 2023.
- Direction et interventions aux Table rondes du colloque *Personnalisation et concentration du pouvoir dans les régimes démocratiques contemporains*, Toulouse, 21 et 22 septembre 2023.
- « Garantir l'autonomie constitutionnelle normative des collectivités territoriales : un instrument de séparation des pouvoirs ? », in *2022-2023, Bilan et perspectives du droit constitutionnel local*, Lille, 16 et 17 novembre 2023.

## VII – Expertises et participation à des projets de recherche

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- Audition dans le cadre du *Rapport sur l'enseignement des langues régionales. État des lieux et perspectives après la décision du Conseil constitutionnel*, Rapport au Premier ministre, par C. EUZET et Y. KERLOGOT (députés), juillet 2021.
- *Modernisation of master programmes for future judges, prosecutors, investigators with respect to European standard on human rights* (CRIMHUM), sous la direction de N. DANELCIUC-COLODROVSKI, Projet Erasmus plus, 2019-2023, Partenaires du projet : Aix-Marseille Université (France), Université de Graz (Autriche), Université d'État de Biélorussie, Université d'État « Yanka Kupala » de Grodna (Biélorussie), Union des Avocats de la République de Biélorussie, Université de Rijeka (Croatie), Université de Potsdam (Allemagne), Université de Vilnius (Lituanie), Université nationale « Ivan

Franko » de Lviv (Ukraine), Université nationale de Droit « Yaroslav Mudryi » (Ukraine), Université nationale « Académie de Droit » d'Odessa (Ukraine)).

- *Responsibility of Governments, Accountability and Legitimacy In European Nations (REGALIEN)*, coordonné par les professeurs G. TUSSEAU et M. MORABITO de l'École de droit de SciencesPo, 2020-2022, Universités partenaires : SciencesPo, Université Toulouse 1 Capitole, Aix-Marseille Université ;
- *La participation des citoyens aux projets politiques en France et en Hongrie : entre renouveau démocratique et enjeux constitutionnels*, Projet PHC Balaton, 2021-2022, sous la direction de M. FATIN-ROUGE STEFANINI et P. KRUSLICZ, Universités partenaires : Aix-Marseille Université, Université de Szeged (Hongrie) ;
- *Fragmentation et défragmentation du droit des innovations biomédicales*, ANR I-Biolex, sous la direction de A. MAHALATCHIMY, Universités partenaires : AMU, Université d'Oxford, Queens Université de Belfast, Université de Monash (Australie).
- *Le défi citoyen de la démocratie délibérative en France et en Irlande*, Projet PHC Ulysse 2020, sous la direction d'A. DUFFY-MEUNIER et Universités partenaires : Aix-Marseille Université, University College Dublin (Irlande) ;
- *Governing in Times of Crisis*, (Projet CIVIS, 2021-2023, sous la direction de E. ILIADOU, P. JENSELMONGE, E. SLAUTSKI, A. VIDAL-NAQUET, Universités partenaires : Aix-Marseille Université, Université Nationale et Capodistrienne d'Athènes (Grèce), Université Libre de Bruxelles (Belgique) ;
- *La vulnérabilité, nouvel outil pour la promotion de l'effectivité des droits fondamentaux ? Étude comparative de la jurisprudence des Cours européennes et des Cours nationales françaises et italiennes*, GIP Mission de recherche Droit et Justice, 2021-2023, sous la direction de L. GAY, C. SEVERINO et L. MONTANARI, Universités partenaires : Aix-Marseille Université, Université de Toulon, Université d'Udine (Italie) ;
- *Constitutional and European Aspect of Protection of Health. The Fundamental Rights Approach*, Projet Civis, sous la direction de I. CIOLLI, L. GAY, E. SIMINA TANASESCU, 2021-2023, Universités partenaires du projet : Aix-Marseille Université, Université La Sapienza (Rome), Université de Bucarest (Roumanie).
- *Constitutional reform processes in Ireland, Iceland and France : methods, difficulties and potential to institutionalize citizen empowerment (COREP)*, sous la direction de M. FATIN-ROUGE STEFANINI, International Emerging Actions (IEA), 2023-2024.

## VIII – Autres travaux et vulgarisation

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- Compte rendu des discussions et des débats du X<sup>ème</sup> Cours international sur la justice constitutionnelle, *Constitution et bioéthique, AIJC*, Vol. XIV, 1998, pp. 433-554.
- Compte rendu des discussions et des débats de la Table ronde sur les droits constitutionnels des étrangers, *AIJC*, Vol. XIV, 1998, pp. 367-431.
- Participation à la mise à jour de l'ouvrage du Doyen Louis FAVOREU et du Professeur Loïc PHILIP, *Les grandes décisions du Conseil constitutionnel*, 10<sup>ème</sup> édition, Dalloz, 1999.
- Participation dans le cadre du G.E.R.J.C.-Institut Louis FAVOREU à l'élaboration des tables de la jurisprudence du Conseil constitutionnel, *Conseil constitutionnel, Cinquante ans de jurisprudence. Tables d'analyse 1959-2009*, Trois tomes, Dalloz, 2009.
- « La question prioritaire de constitutionnalité : la Constitution à disposition du justiciable ! », *Newsletter Lysias*, février 2010.

- Actes de l'atelier *Droit constitutionnel et droit externe*, codirigé avec A. LEVADE, J.-D. MOUTON ET S. PIERRE-CAPS, VIII<sup>ème</sup> Congrès national de l'AFDC, 16, 17 et 18 juin 2011, *Politeia*, n° 22, 2012, pp. 84-539.
- « Transparence de la vie publique, respect de la vie privée et séparation des pouvoirs. Première lecture rapide des décisions du Conseil constitutionnel du 9 octobre 2013 sur la loi organique (n° 2013-675 DC) et sur la loi ordinaire (n° 2013-676 DC) relatives à la transparence de la vie publique », in *La transparence vue par le Conseil constitutionnel*, Note n° 3, Fondation Jean-Jaurès, Observatoire droit, justice, institutions, 16 octobre 2013, pp. 5-10.
- « Méthodologie et sujets corrigés », in *Droit constitutionnel*, Les Annales du Droit, sous la direction de M. VERPEAUX, Dalloz, participation chaque année de 2010 à 2016.
- « L'invité de Codes et Lois », in *Loi pour la croissance, l'activité et l'égalité des chances économiques*, Cahier Législatif, Octobre 2015, LexisNexis, pp. 3-4.
- « [Mesures restrictives en Guadeloupe et à Aix-Marseille : un confinement masqué et un état d'urgence bis](#) », avec Ariane VIDAL-NAQUET, Tribune, *Le Monde*, 30 septembre 2020.
- « [Confinement : le principe d'égalité ne s'oppose pas à des différences de traitement](#) », avec Ariane VIDAL-NAQUET, Tribune, *Le Monde*, 30 janvier 2021, en ligne.
- « [Pass sanitaire : cinq questions à un universitaire spécialiste des droits et libertés](#) », Reportage télévisé, *France 3 Provence-Alpes Côte d'Azur*, 26 juillet 2021.
- « [Les droits fondamentaux sont-ils dans l'impasse du pass sanitaire](#) », Émission de Radio, *Droit dans vos bottes # 14 et 15*, *Radio Grenouille*, 13 et 20 novembre 2021.
- « [Donner au peuple des instruments pour décider de la production de la loi](#) », Tribune, *Le Monde*, 26 janvier 2022.
- « [Inscrire dans la Constitution la liberté de manifester serait un acte symbolique fort](#) », avec Ariane VIDAL-NAQUET, Tribune, *Le Monde*, 5 avril 2023.

## Fonctions professionnelles

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<i>Agrégé de droit public</i>	Aix-Marseille Université (2016- ) Université de Toulouse I <i>Capitole</i> (2010-2016). Université de Perpignan - <i>Via Domitia</i> (2004-2010).
<i>Grade</i>	première classe (2011, CNU), classe exceptionnelle (2018, CNU).
<i>Prime d'excellence scientifique</i>	2011-2015 ; 2016-2020 ; 2020-...
<i>Maître de conférences</i>	Université de La Réunion (2003-2004).
<i>Attaché temporaire d'enseignement et de recherche</i> (A.T.E.R.) à la Faculté de Droit d'Aix-en-Provence	Université Aix-Marseille III (2001-2003)
<i>Allocataire-moniteur de l'enseignement supérieur</i> au sein du Groupe d'études et de recherches sur la Justice constitutionnelle (G.E.R.J.C., C.N.R.S., UMR 6055) dirigé par le Doyen Louis FAVOREU, à la Faculté de droit d'Aix-en-Provence	Université Aix-Marseille III (1997-2001).
Suspension du contrat durant la période de <b>service militaire</b> (1999-2000), service civil, affectation au Conseil départemental de l'accès au droit (C.D.A.D.) des Bouches-du-Rhône.	

## Titre universitaire

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### Docteur en droit

Titre de la thèse : *Contrôle de constitutionnalité et droit communautaire devant les juges constitutionnels français et italien*  
Date de soutenance : 30 novembre 2002

Lieu de soutenance : Aix-en-Provence

Directeur de thèse : Patrick GAÏA, Professeur à l'Université d'Aix-Marseille III.

Jury :

Marta CARTABIA, Professeur à l'Université de Vérone ;

Claude BLUMANN, Professeur à l'Université de Paris II, Panthéon-Assas ;

Filippo DONATI, Professeur à l'Université de Florence ;

Louis FAVOREU, Professeur à l'Université d'Aix-Marseille III ;

Otto PFERSMANN, Professeur à l'Université de Paris I, Panthéon-Sorbonne.

Mention : *très honorable avec les félicitations du jury à l'unanimité.*

Prix de la Fondation Jules & Louis Jeanbernat et prix des Grands problèmes de droit contemporain.

Faculté de Droit et de science politique d'Aix-en-Provence

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### Laboratoire de rattachement en matière de recherche

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1997-2003 - Rattachement au sein du Groupe d'Etudes et de Recherches sur la Justice Constitutionnelle (G.E.R.J.C., C.N.R.S., UMR 6055), dirigé par le Professeur Louis FAVOREU à la Faculté de droit d'Aix-en-Provence.

2003-2004 - Rattachement au sein du Centre de Recherche Juridique (C.R.J.), dirigé par le Professeur Valérie GOESEL-LE BIHAN, à la Faculté de droit de Saint-Denis de La Réunion.

2004-2010 - Rattachement au Centre de droit économique et du développement (C.D.E.D.), dirigé par le Professeur Yves PICOD.

2010-2011 - Rattachement au Centre d'études et de recherches politiques et constitutionnelles, dirigé par le Doyen Henry ROUSSILLON.

2011-2016 - *Rattachement* à l'Institut Maurice Hauriou (I.M.H.), dirigé par les Professeurs Isabelle POIROT-MAZERES et Xavier BIO

2003-2016 - *Associé* au Groupe d'Etudes et de Recherches sur la Justice Constitutionnelle - Institut Louis FAVOREU (G.E.R.J.C., C.N.R.S., UMR 6201), dirigé successivement par les professeurs Louis FAVOREU, André ROUX et Xavier PHILIPPE.

2016- - *Rattachement* au Groupe d'Etudes et de Recherches sur la Justice Constitutionnelle - Institut Louis FAVOREU (G.E.R.J.C., C.N.R.S., UMR 6201), dirigé par X. PHILIPPE.

2018- - Direction de l'Institut Louis Favoreu (GERJC, UMR DICE, n° 7318).

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### Directions de thèses

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- DOURNEAU (L.), *Les atteintes structurelles aux droits fondamentaux aux pouvoirs du juge administratif*, en co-direction avec O. LE BOT, première inscription en 2022, contrat doctoral, AMU.
- LE DU (S.), *Le juge et la loi en France et au Royaume-Uni. Réflexion sur l'autolimitation du juge*, en co-direction avec A. DUFFY, première inscription en 2020, contrat doctoral, AMU.
- LEFEBVRE (E.), *Le courage des juges constitutionnels*, première inscription en 2022, contrat doctoral, AMU.
- MORANDO (A.), *Le droit global: quelles doctrines pour quels nouveaux objets normatifs ?*, première inscription en 2018, contrat doctoral, AMU.

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### Thèses soutenues et avenir des docteurs

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- ARNAUD (C.), *L'effet corroboratif de la jurisprudence*, première inscription en 2008 - UPVD (ATER) puis UT 1, soutenance en 2014 à Toulouse, mention très honorable avec félicitations du jury à l'unanimité, jury composé de J. ANDRIANTSIMBAZOVINA, P. DEUMIER, W. MASTOR, E. MILLARD et A. VIALA.

Prix Maurice HAURIOU de l'Institut Fédératif de Recherches de l'Université Toulouse 1 Capitole.

Thèse publiée, LGDJ-Presses de l'Université Toulouse 1 Capitole, Collection des thèses de l'IFR, 2016, 595 p.

*Formation et enseignement privés.*

- GOTTOT (S.), *La concurrence entre contrôle de conventionnalité et de constitutionnalité dans l'ordre juridique français. La conciliation des contrôles de régularité de la loi par le juge ordinaire*, première inscription en 2010, ATER – UT 1, soutenance à Toulouse en 2016, jury : M. BLANQUET, B. BONNET, A. ROBLOT-TROUZIER et J. ROUX.

*Enseignement privé.*

- TAP (F.), *Recherche sur le précédent juridictionnel en France*, en co-direction avec W. MASTOR, première inscription en 2014 (contrat doctoral) – UT 1, soutenance 4 décembre 2019, jury : G. BIGOT, F. MELLERAY, P. DEUMIER et M. CARPENTIER.

*Qualifié aux fonctions de MCF, 2020.*

- SYDORYK (S.), *La doctrine constitutionnelle. Étude des discours de connaissance du droit constitutionnel contemporain français*, première inscription en 2014 (contrat doctoral) – UT 1, soutenance 8 décembre 2020, jury : M. ALTWEGG-BOUSSAC, T. HOCHMAN, F. MELLERAY et M. CARPENTIER.

*Qualifié aux fonctions de MCF, 2022.*

- VAN OUWERKERK (S.), *Penser les formes de l'Etat. Un état de la pensée publiciste française*, première inscription en 2014, contrat doctoral puis ATER – UT 1, soutenance 8 février 2019, jury : M. ALTWEGG-BOUSSAC, M. CARPENTIER, A. GAILLET, C. MIGUEL HERRERA, O. PFERSMANN et M. TROPER.

*Réussite aux concours des IRA.*

## **Activités en matière d'enseignement**

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### **Cours magistraux :**

- *Premier cycle :*

*Droit administratif* (LAP – Université de La Réunion)

*Droit constitutionnel* (Licence I – UT1 - UPVD – Institut supérieur de droit de Dakar ; LAP – Université de La Réunion)

*Droit des libertés fondamentales* (Licence III – UPVD)

*Droit européen* (Licence II – UT1)

*Droit institutionnel de l'Union européenne* (Licence III – UPVD)

*Institutions politiques et administratives* (L.A.P. – Université de La Réunion)

*Institutions européennes* (Licence 1 – UT 1)

*Introduction au droit et méthodologie* (Licence I - Université de La Réunion et UPVD)

*Théorie générale du droit et de l'Etat* (Licence II - UPVD)

*Théorie générale de l'État* (L1)

*Droit constitutionnel des normes* (L2 AMU)

*Droit de l'Union européenne* (Collège universitaire français de Moscou, Université d'État de Moscou Lomonossov, avril 2017)

*Théorie du droit* (Université de Saint-Joseph de Beyrouth, avril 2018 ; Licence III - AMU).

- *Deuxième cycle :*

*Actualité de la QPC en droit public des affaires* (Master II – UT1)



*Droit international et comparé des intégrations régionales* (IEP Toulouse)  
*Contentieux constitutionnel* (Master I – UPVD, Master I – UT1)  
*Droit constitutionnel approfondi* (Master II – UPVD)  
*Droit constitutionnel comparé* (Master I – Maroc, I.G.A. Casablanca)  
*Droit de la fonction publique territoriale* (D.E.S.S. – Université de La Réunion)  
*Droit des libertés fondamentales* (Master I – UPVD)  
*Droit des marchés publics* (Master II – UT1)  
*Droit et contentieux constitutionnel* (Master II – Université de La Réunion)  
*Intégrations régionales* (IEP Toulouse)  
*Les principes généraux du droit en droit international et européen* (Master II – UT1)  
*Méthodologie de la recherche* (Master II – UPVD)  
*Théorie du droit* (Master II AMU ; Maîtrise de droit – Université de La Réunion ; Master II – UPVD ; Master II – Université de Pau et des pays de l'Adour)  
*Théorie générale du droit et de l'Etat* (Master I - UT1)  
*Grands systèmes juridiques et politiques européens* (LAP AMU)  
*Droit du contentieux constitutionnel* (Master II AMU)  
*Contentieux économique* (Master II AMU)  
*Droit des collectivités ultra-marines* (Université de La Réunion)  
*Égalité, discrimination et minorités* (Master II - AMU)  
*État d'exception et régime de crise* (Master II - AMU)  
*Méthodologie appliquée* (Master II - AMU)  
*Grands principes du droit public* (Université Ain Chams, Le Caire, novembre 2021)  
*Question prioritaire de constitutionnalité* (Master II - AMU, UT1)  
*Contentieux constitutionnel* (Master II - Université de Pau et des Pays de l'Adour).  
*Théorie du droit appliquée* (Master II - AMU)

- *Troisième cycle :*

*Instruments et méthodologie de la recherche* (Ecole Doctorale 461 - Avignon-Montpellier-Perpignan-Toulon)  
*La problématisation dans le travail de recherche* (ED 461)  
*Méthodologie de la recherche* (Ecole doctorale – UPVD)  
*Séminaires mensuels de compte rendus de travaux* (CDED – UPVD ; CERCP – UT1 ; IMH – UT1)  
*Théorie du droit* (UPVD, Ecole doctorale de sciences juridiques et politiques 171 - UT1 – AMU)

**Travaux dirigés**

*Droit constitutionnel* (DEUG-I – Université Aix-Marseille III) sous la direction du Doyen Louis FAVOREU, du Professeur André ROUX et du Professeur Guy SCOFFONI ;  
*Droit administratif* (DEUG II – Université Aix-Marseille III) sous la direction du Doyen Charles DEBBASCH et de Jean-Pierre FERRAND (DEUG-II) ;  
*Droit des libertés fondamentales* (Licence – Université Aix-Marseille III) sous la direction du Professeur Richard GHEVONTIAN  
*Droit constitutionnel jurisprudentiel* (Maîtrise de droit public interne – Université Aix-Marseille III) sous la direction du Professeur Thierry RENOUX.  
*Méthodologie* (Licence I – UPVD) sous la direction du Professeur Xavier MAGNON.

**Cours et conférences à l'étranger**

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Alger (Algérie),  
Andorre  
Athènes (Grèce),  
Bangkok (Thaïlande),  
Barcelone (Espagne),  
Beyrouth (Liban),  
Casablanca (Maroc),  
Cracovie (Pologne),

Dakar (Sénégal),  
 Dublin (Irlande),  
 Gérone (Espagne),  
 La Caire (Egypte),  
 Moscou (Russie),  
 Minsk (Biélorussie),  
 Rabat (Maroc),  
 Rome (Italie),  
 Saint-Petersbourg  
 Sofia (Bulgarie),  
 Szeged (Hongrie),  
 Tokyo (Japon).

## **Responsabilités scientifiques et administratives**

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### *Direction de laboratoire de recherche*

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Directeur de l'Institut Louis Favoreu – Groupe d'études et de recherches sur la justice constitutionnelle (ILF-GERJC, Droits international, comparé et européen DICE – UMR DICE 7318) (2018-...).

### *Responsabilités éditoriales*

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Directeur de l'*Annuaire international de justice constitutionnelle* (2017- )

Membre du Comité de rédaction de la *Revue française de droit constitutionnel*.

Membre du Comité de lecture de la *Revue juridique de l'Océan indien*.

Membre du Conseil scientifique de la revue *Les Cahiers Portalis. Revue française d'études et de débats juridiques*.

Membre du Comité de rédaction et du Comité scientifique de la revue *Confluence des droits*.

Chronique constitutionnelle France de l'*Annuaire international de justice constitutionnelle* (2007-2020).

Chronique constitutionnelle de la *Revue Pénitentiaire et de droit pénal* avec TH. S. RENOUX.

### *Organisation de colloques*

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- *Quel renouveau de la fonction de contrôle du Parlement sur l'action du gouvernement ? Premier bilan après la révision constitutionnelle du 23 juillet 2008*, Journée décentralisée de l'Association française de droit constitutionnel, UPVD, 13 décembre 2010.
- *Questions sur la question (QsQ I) : le réflexe constitutionnel*, avec W. MASTOR, X. BIOY et S. MOUTON, sous le Haut parrainage du Conseil constitutionnel, Toulouse, 3 juin 2011.
- *Questions sur la question (QsQ II) : la QPC façonnée par ses acteurs, quelle(s) tendance(s)*, avec W. MASTOR, X. BIOY et S. MOUTON, sous le Haut parrainage du Conseil constitutionnel, Toulouse, 1<sup>er</sup> juin 2012.

- *Questions sur la question (QsQ III) : de nouveaux équilibres institutionnels ?*, avec P. ESPLUGAS, W. MASTOR et S. MOUTON, Toulouse, 14 juin 2013.
- *Questions sur la question (QsQ IV) : Le procès constitutionnel face aux exigences supranationales (Droit comparé, UE, CEDH et CADH)*, avec P. ESPLUGAS, W. MASTOR et S. MOUTON, sous le Haut parrainage du Conseil constitutionnel, Toulouse, 30 mai 2014.
- *Questions sur la question (QsQ V) : Les pouvoirs d'instruction des cours constitutionnelles et la formation de l'intime conviction des juges constitutionnels*, avec P. ESPLUGAS, W. MASTOR et S. MOUTON, Toulouse, 5 juin 2015.
- *Questions sur la question (QsQ VI) : Quelles doctrines constitutionnelles aujourd'hui pour quel(s) droit(s) constitutionnel(s) demain ?*, avec Stéphane MOUTON, Toulouse, 29 et 30 septembre 2016.
- *Questions sur la question (QsQ VII) : La fabrique du droit constitutionnel : réinterroger les concepts structurants de la science du droit constitutionnel*, avec S. MOUTON et A. VIDAL-NAQUET, Aix-Marseille-Université, 9 juin 2017.
- *1ère Université d'été de justice constitutionnelle de l'Institut Louis Favoreu, Le juge constitutionnel face aux transformations de la démocratie*, avec A. VIDAL-NAQUET, Aix-en-Provence, 4-7 septembre 2017.
- *XXXIIème Table ronde sur la justice constitutionnelle, L'interprétation et les juges constitutionnels*, A. VIDAL-NAQUET et X. PHILIPPE, Aix-en-Provence, 8-9 septembre 2017.
- *La QPC : vers une reconfiguration de l'architecture constitutionnelle ?*, avec A. VIDAL-NAQUET, Aix-en-Provence, 6 avril 2018.
- *XXXIIIème Table ronde sur la justice constitutionnelle, Constitution et genre*, Aix-en-Provence, 8-9 septembre 2018.
- *Questions sur la question (QsQ VIII) : Le juge dans le constitutionnalisme moderne*, avec S. MOUTON et A. VIDAL-NAQUET, Toulouse, 18-19 octobre 2018.
- *3ème Université d'été de justice constitutionnelle de l'Institut Louis Favoreu, La justice prédictive*, avec J.-F. KERLEO et R. DESCHAUX, Aix-en-Provence, 9-12 juillet 2019.
- *XXXIVème Table ronde sur la justice constitutionnelle, Constitution et environnement*, avec L. GAY, M. STEFANINI et A. VIDAL-NAQUET, Aix-en-Provence, 6-7 septembre 2019.
- *XXXVème Table ronde sur la justice constitutionnelle, L'état d'exception, nouveau régime de droit commun des droits et libertés ? Du terrorisme à l'urgence sanitaire*, avec A. VIDAL-NAQUET, Aix-en-Provence, 11 septembre 2020.
- *4ème Université d'automne de justice constitutionnelle de l'Institut Louis Favoreu, L'opinion publique aujourd'hui. Regards pluridisciplinaires*, avec P. ALDRIN ET T.S. RENOUX, Aix-en-Provence, 21-22 octobre 2020.
- *Les assemblées citoyennes : nouvelle utopie démocratique ?*, avec M. STEFANINI, Aix-en-Provence, 4 décembre 2020.
- *Questions sur la question (QsQ IX) : Les apports de l'épistémologique à l'enseignement du droit constitutionnel. Transmettre la science du droit constitutionnel : réflexivité, analyse, imagination*, avec S. MOUTON et R. PONSARD, Aix-en-Provence, 1<sup>er</sup>-2 juillet 2021.
- *XXXVIème Table ronde sur la justice constitutionnelle, Constitution et numérique*, avec A. BACHERT, Aix-en-Provence, septembre 2021.
- *XXXVIIème Table ronde sur la justice constitutionnelle, Constitution, mémoire et histoire*, avec A. VIDAL-NAQUET, Aix-en-Provence, septembre 2022.
- *Personnalisation et concentration du pouvoir dans les régimes démocratiques contemporain*, avec S. MOUTON et B. DAUGERON, Toulouse, 15 et 16 juin 2023.
- *XXXVIIIème Table ronde sur la justice constitutionnelle, Guerre et Constitution*, avec L. GAY et C. SEVERINO, Aix-en-Provence, 15 et 16 septembre 2023.

Laboratoires de recherche des Universités d'Orléans et de Tours (2010).

Laboratoires de recherches en droit international et européen de l'Université Panthéon-Assas, Paris II, (2013).

Institut du droit public et de la science politique, Université de Rennes 1 (2016).

Laboratoires de recherche en droit public et européen à l'Université de Nice Sophia-Antipolis (2017).

Centre d'études constitutionnelles et politiques, Paris 2 Panthéon-Assas (2018).

École de droit de Science po Paris (2018).

Centre d'études et de recherches comparatives constitutionnelles et politiques, Université de Montpellier (2021).

Institut fédératif sur les transition juridiques, Université de Pau et des pays de l'Adour (2021 - Présidence du comité d'évaluation).

### *Mandat*

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Candidat et tête de liste avec A. VIDAL-NAQUET aux élections du Conseil national des universités, section 02, liste Alternative, (3 élus PR, 2 élus MCF) (2014-2018).

Membre de la Commission de la Recherche UT1 (2014-2016).

Membre du Conseil scientifique UT1 (2012-2014).

Président de la section de droit public UT1 (2011-2014).

Membre du Conseil d'administration de l'UPVD (2005-2008).

### *Ecole doctorale*

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Représentant de l'Ecole doctorale 461 *Droit et sciences sociales* (Avignon-Montpellier-Perpignan-Toulon) à Perpignan. Gestion locale de 160 doctorants (inscription, soutenances et formation) (2007-2010).

Membre du bureau et du Conseil de l'Ecole doctorale 461 (2007-2010).

Formations dispensées dans le cadre de l'ED 461 (voir *supra*).

Membre du Conseil de l'école doctorale de sciences juridiques et politiques ED 67, Aix-en-Provence (2018-)

### *Montage de projets*

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Projet de refonde du Master « Droit public fondamental » et création d'un Master « Droits fondamentaux appliqués », avec A. Vidal-Naquet, Aix-Marseille Université, 2018-2022, projets retenus.

Projet Idex Formation, « Cours magistral interactif en Droit constitutionnel », Université Fédérale Toulouse Midi-Pyrénées, obtenu, 2015.

Projet de création d'un Master « Droit public général », avec G. KALFLECHE, UT1, 2015, habilitation obtenue.

Projet de création d'un Master « Droit public général, option Carrières administratives », habilitation obtenue, plan quadriennal 2011-2014 UPVD.

Projet de création d'une École doctorale pluridisciplinaire (Sciences sociales, Droit, économie et gestion) « Inter-méd. » à Perpignan avec le Professeur Paul CARMINIANI. Validation, plan quadriennal 2011-2015 UPVD, habilitation obtenue.

#### *Représentations aux conseils centraux de l'Université et autres fonctions*

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Assesseur à la recherche du Doyen à la Faculté de droit et de sciences politiques d'Aix-en-Provence (depuis le 1<sup>er</sup>/09/2021) et chargé de la Fédération de la recherche Droits, pouvoirs et sociétés (depuis le 1<sup>er</sup>/09/2022).

Membre du Conseil académique restreint UT1 (2014-2016).

Membre de la Commission de la Recherche UT1 (2014-2016).

Membre du Conseil scientifique UT1 (2012-2014).

Responsabilité, mise en place et organisation de la « Conférence d'agrégation toulousaine » UT1 (2011-2016)

Responsable des comités de sélection pour le recrutement en droit public UT1 (2015-2016).

Président du comité de sélection pour le recrutement des professeurs en droit public UT1 (mutation et 46-3 - 2015).

Président du comité de sélection pour le recrutement d'un professeur et des maîtres de conférences en droit public UT1 (2016).

Président de la section de droit public UT1 (2011-2014).

Membre du Conseil d'administration de l'UPVD (2005-2008).

Membre invité au Conseil scientifique de l'UPVD (2008-2010).

Membre de la Commission de discipline de l'UPVD (2005-2008).

Membre du bureau scientifique et du collège doctoral de l'UPVD (2008-2010).

Membre de la commission de spécialiste de droit public UPVD (2006-2008).

#### *Responsabilité de master*

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Codirection avec M. MAISONNEUVE du Master « Droit public fondamental » (AMU – 2018-...)

Direction du Master « Droit public fondamental » (AMU – 2018-2019)

Direction du Master « Droit de l'action publique » (UPVD - 2005-2007).

Direction du Master « Droit public général spécialité Carrières administratives » (UPVD - 2007-2009).

#### *Professeur invité*

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Université de Chuo, Tokyo, juillet 2018.

#### *Responsabilités pédagogiques*

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Membre du directoire du Collège supérieur de droit UT1 (2012-2016).

Enseignant référent dans le cadre du plan licence (UPVD - 2008-2010).

Coordination du plan licence (UPVD - 2008-2010).

Dispense de travaux dirigés de méthodologie (UPVD -2009-2010).

#### *Vie associative*

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Membre de l'Association française de droit constitutionnel (AFDC).

Membre du Conseil scientifique de l'AFDC (2007-2017).

Membre du Conseil d'administration de l'AFDC (2017- )

Direction de l'atelier *Droit constitutionnel et droit externe*, avec A. LEVADE, S. PIERRE-CAPS et J.-D. MOUTON, au VIII Congrès national de l'AFDC, 16, 17 et 18 juin 2011, Nancy.

Membre du comité scientifique de la 6ème Journée de la jeune recherche en droit constitutionnel (15 février 2017)

**Academic Year 2023/2024**

**Thinking about the Production of Norms by Judges - between the government by judges and the judge as mouth of the law**

**Xavier Magnon**

The aim of this seminar is to examine the degree of a judge's power from a normative perspective. It will show that the function of judging is the expression of a power, the extent of which needs to be properly assessed in order to have a relevant vision that can better capture the reality of the phenomenon. The question is equally interesting politically, theoretically and in terms of positive law.

From a political perspective, the question of the judge's normative power invites various values around which our different contemporary legal systems have been built: rule of law, democracy, liberalism, constitutionalism, separation of powers. In these different value systems, which place should be given to the judge's power? The most significant illustration of the conflicts of value crystallised by the power of the judge can be seen in the counter-majoritarian dimension of constitutional justice, opposing the rule of law and democracy.

From a theoretical point of view, the various possible theoretical conceptions of the judge's normative power need to be highlighted and evaluated against each other. The theoretical issue is decisive because it makes it possible to establish the extent of the power to judge in any legal system. A certain number of so-called realist currents (American, Scandinavian but also French) are opposed to the normativist current, around the work of Hans Kelsen.

Finally, from the point of view of positive law, it will be necessary to illustrate, from a comparative law perspective, the choices made by legal systems with regard to the power of the judge. What are the legal norms that govern the exercise of the judge's normative power in these different systems? Should common law systems be contrasted with Romano-Germanic systems? Or, on the contrary, do not each of these two systems deal with this question of the judge's power in the same way?

These different points of view will make it possible to situate the place occupied by judges in our legal systems, to measure the extent of their power and to grasp the reality of this power.

## Introduction to the History of Justice

**Professor: Isabel Graes**

### **Syllabus:**

#### **Seminar description:**

- I. Introduction : brief considerations about the History of justice and its importance
- II. Preparing the modern period: The Middle Age and its legacy
- III. The first judicial maps
- IV. The political power and the judiciary institutions
- V. The judiciary institutions
- VI. The positive law
- VII. The perfect judge and the good lawyer
- VIII. The instruments of justice

#### **Learning outcomes:**

The present seminar aims to provide a framework and an overview of the occidental judicial system during the modern Age, especially regarding the Portuguese example.

#### **Teaching methodologies (including evaluation)**

**Methodology and assessment:** The themes will be presented by the teacher and the students are prompted to intervene and participate.

The class requires active and regular participation and preparation for daily discussions. This includes attending each class on time, listening, contributing in class.

Grades will be based exclusively on class participation and a writing assignment that has to be emailed until the 30<sup>th</sup> November.

No exam will be required.

#### **Optional Bibliography:**

ASCHERI, M., *Tribunali, giuristi e istituzioni dal medioevo all'età moderna*, Bologna, 1989;  
BENTON, Lauren & ROSS, Richard J., *Legal pluralism and empires, 1500-1850*, New York, New York Press, 2013;

BASDEVANT-GAUDEMET, Brigitte e GAUDEMET, Jean, *Introduction historique au droit, XIII-XX siècles*, LGDJ, 2<sup>a</sup> ed., Paris, 2003;

BERNAL, José Sánchez-Arcilla, *El arbitrio judicial en el Antiguo Regimen (españa y Indias, siglos XVI-XVIII)*, Dykinson, S.L., Madrid, 2012;



Dykinson, 2004;

CABRERO, José Luís Bermejo, *Poder político y administración de justicia en la España de los Austrias*, Imprenta nacional del Boletín oficial del estado, Madrid, 2005;

CASTELLANO, Juan Luis, *Gobierno y poder en la España del siglo XVIII*, Universidad de Granada, Granada, 2006;

CLAVERO, Bartolomé, *La monarquía, el derecho y la justicia*, en *Instituciones de la España moderna*, Las jurisdicciones (coord. E. Martínez Ruiz y M. de Pazzis), Madrid, 1996;

GAUVARD, Claude, *Les juges devant le parlement de Paris aux X<sup>IV</sup>e et X<sup>V</sup>e siècles*, in *Juger les juges: Du moyen âge au conseil supérieur de la magistrature*, Association Française pour l'Histoire de la Justice, Paris, 2000;

*Punir et réparer en justice du XV<sup>e</sup> au XXI<sup>e</sup> siècle*, La documentation française, Paris, 2019;

HALPERIN, Jean Louis, *Forfaiture des juges et privation de l'office á la fin de l'Ancien Régime*, in *Juger les juges: Du moyen âge au conseil supérieur de la magistrature*, Association Française pour l'Histoire de la Justice, Paris, 2000;

*Histoire des Droits en Europe de 1750 à nos jours*, Paris, Flammarion, 2004;

*Five Legal Revolutions since the 17<sup>th</sup> century. An Analysis of a Global Legal History*, Springer, 2014;

HESPANHA, António Manuel, *Les magistratures populaires dans l'organisation judiciaire d'ancien régime au Portugal*, Sep. de: *Diritto e potere nella storia europea*, atti del quarto Congresso internazionale della Società Italiana del Diritto, in onore di Bruno Paradisi, Leo S. Olschki, Firenze, 1982;

HILAIRE, JEAN, *Histoire des institutions judiciaires*, Paris, Les Cours de droit, 1990-1991, 2 vols.;

KRYNEN, JACQUES, *L'élection des juges. Étude historique française et contemporaine*, Paris, PUF, 1999;

LEYTE, Guillaume, *Les origines médiévales du ministère public*, in Jean Marie Carbasse (dir.), *Histoire du Parquet*, PUF, Paris, 2000;

PADOA-SCHIOPPA, Antonio, *Justice et législation*, sous la direction d'Antonio Padoa-Schioppa, *Les origines de l'état moderne en Europe, XIII-XVIII siècles* et sous la direction générale de Wim Blockmans et Jean-Philippe Genet, PUF, Paris, 2000;

OLIVIER-MARTIN, François *Histoire du droit français des origines à la révolution*, éditions Domat Montchrétien, s/l, 1948, pp. 29-31, 54-59, 139-141, 186-193;

STOLLEIS, Michael, *Introducción al Derecho Público alemán (siglos XVI-XXI)*, Marcial Pons, Madrid, 2018;

SUEUR, Philippe *Histoire du droit public français, XV<sup>e</sup>-XVIII<sup>e</sup> siècle*, PUF, 2<sup>a</sup> ed., 1993, II vol.;

TOMÁS Y VALIENTE, Francisco, *Gobierno e Instituciones en la España del antiguo Regimen*, Alianza editorial, Madrid, 1999;

WIEACKER, Franz, *A history of private law in Europe*, Clarendon Press, 1995.

HALPÉRIN, Jean-Louis

Born on the 30<sup>th</sup> of October 1960 in Paris, French Nationality

Married, three children (1993, 1995 and 2002)

Actual position:

Professor (exceptional class) at the École Normale Supérieure (Paris)

Director of the “Unité mixte de recherche 7074 – Centre for Legal Theory and Analysis” (CNRS-University Paris X-ENS and EHESS)

Formation and degrees:

*Baccalauréat*, section C, mention “ très bien ”, 1977

Classed first for the competition to the entrance in the École Normale Supérieure (Ulm), 1979

Student in the E.N.S. from 1979 to 1982; Military duty in the French Navy, 1982-1983

*Degrees in history*: Bachelor of Arts (*Licence ès lettres*), University Paris IV, 1980; Master in history, mention “ très bien ”, University Paris IV, 1981 ; Degree of specialized studies “ *Histoire et civilisation de l’Antiquité* ” (Ancient History), University Paris IV, 1982 ; Degree of the *Ecole Pratique des Hautes Études*, IVth section, 1984; *Degrees in Law*: Bachelor in Law (*Licence en droit*), University Paris I, 1981; Master in public Law, University Paris II, 1982; Master in legal history, University Paris II, 1982; State Doctorate (Ph. D.), mention “ très honorable ”, University Paris II, 1985, thesis price from University Paris II

Teaching functions : 1983-1986 Assistant at the University Paris II, 1986-1988 Lecturer (*Maître de conférences*) at the University Paris II; 1986-1989 Lecturer at the Institut d’Études Politiques, Paris, 1988 *Agrégé d’histoire du droit*, nominated professor at the University Lyon III 1988-1998, then professor at the University of Burgundy 1998-2003, dean of the Law Faculty 2000-2003, 1994 Elected junior member of the *Institut Universitaire de France*, **Law professor at the Ecole normale supérieure since september 2003, Elected senior member of the Institut Univesitaire de France (2013-2018)**

**Representative publications in peer-reviewed journals** In English: 1) The Concept of Law: A Western Transplant ?, *Theoretical Inquiries in Law*, 10/2, 2009, p. 333-354. 2) Western Legal Transplants in India, *Jindal Global Law Review*, 2010, vol. 2, p. 12-39. 3) Law in Books and Law in Action: the Problem of Legal Change, *Maine Law Review*, vol. 63, n° 3, Fall 2011, p. 45-76. 4) Transplants of European Normativity in India and in Japan: A Historical Comparison, *Rechtsgeschichte* 2014, 22, 150-157. 5) For a Renewed History of Lawyers, *American Journal of Legal History* 2016, 56, 53-59.

In French: 1) Le droit et ses histoires, *Droit et Société*, 2010, 75, p. 295-313. 2) Lex posterior derogat priori. Lex specialis derogat generali. Jalons pour une histoire des conflits de normes centrée sur ces deux solutions concurrentes, *Tijdschrift voor Rechtsgeschiedenis*, 2012, 80 (3/4), p. 353-397. 3) La détermination du champ juridique à la lumière de travaux récents en histoire du droit, *Droit et Société*, 2012/81, p. 405-423. 4) Changer de constitution et par la constitution : l’exemple historique des États fédérés d’Amérique jusqu’à la Première Guerre mondiale. , *Jus Politicum*, n° 9, février 2013, 34 p. 5) Les styles judiciaires, des traditions nationales ? *Droit et Société* 91, 2015, p. 491-504.

**Research monographs since 2006** : 1) Avec Naoki Kanayama, *Droit japonais et droit français au miroir de la modernité*, Paris, Dalloz, 2007. 2) *Histoire du droit des biens*, Paris, Economica, 2008. 3) *Profils des mondialisations du droit*, Paris, Dalloz, 2009. 4) *Portraits du droit indien*, Paris, Dalloz, 2012. 5) Avec Frédéric Audren, *La culture juridique française. Entre mythes et réalités (XIX<sup>e</sup>-XX<sup>e</sup> siècles)*, Paris, ed. du CNRS, 2013. 6) *Five Legal Revolutions since the 17<sup>th</sup> century. An Analysis of a Global Legal History*, Springer, 2014. 7) *Histoire de l’état des juristes. Allemagne XIX<sup>e</sup>-XX<sup>e</sup> siècles*, Paris, Garnier, 2015.

**ACADEMIC YEAR 2022/2023**  
**INTENSIVE COURSE**  
**A WORLD HISTORY OF CRIMINAL LAW**  
**Professor Jean-Louis Halpérin**

**Syllabus:**

- Monday: Criminal Law in Antiquity and Middle Ages (Europe and Asia);
- Tuesday: Criminal Law during the period from 16th to 18th century;
- Wednesday: Beccaria's time and the codifications of the first half of the 19th century;
- Thursday: Criminal law from the 1860s to 1914 (Europe, America, Asia, Africa);
- Friday: Criminal law evolutions during the 20th century

The evaluation method will be a written essay with 30000 words or 18000 characters, about an historical question concerning criminal law from the Antiquity to the 20th century (excluding an analysis of current positive law). Comparison between two countries will be accepted.

The final version of the syllabus will be published in January.

# MELANIE REID

## EDUCATION

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- J.D. University of Notre Dame Law School, 2001 (magna cum laude)  
Editor, Legislative Reform, Notre Dame Journal of Legislation 2000-2001
- M.A. Middlebury College, 1998 (Master of Arts in Spanish)
- B.A. University of Notre Dame, 1996, Business and Spanish Majors (magna cum laude)  
1996 Hamilton Award, College of Business Administration

## ACADEMIC APPOINTMENTS

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- 2016 – present Professor of Law, Associate Dean of Faculty, Lincoln Memorial University  
Duncan School of Law
- Dec. 2022 Guest Instructor, University of Lisbon Faculty of Law, Portugal
- June 2022 Visiting Professor, Cardinal Stefan Wyszyński University, Warsaw, Poland
- Spring 2022 Visiting Professor of Law, Southwestern Law School
- July 2021 Guest Instructor, University of Beyreuth, International Summer School, Germany
- Dec. 2019 Guest Lecturer, Moldova State University, Chisinau, Moldova
- Spring 2018 Visiting Professor of Law, University of Latvia, Fulbright Scholar
- 2013 – 2016 Associate Professor of Law, Lincoln Memorial University School of Law
- June 2016 Guest Lecturer, Liaocheng University, Shangdong Province, China
- 2010 – 2013 Assistant Professor of Law, Lincoln Memorial University School of Law

## PUBLICATIONS

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### ARTICLES

- The Rule of Lenity as a Disruptor*, 113 J. Crim. & Criminology \_\_\_ (forthcoming 2023).
- The Joyful Prosecutor: A More Empathetic and Balanced Approach*, 63 Santa Clara L. Rev. \_\_\_, (2023).
- Your Privacy on the Road: What is Collected and How it is Utilized*, 5 J.L. & Tech. Tex. (2022); <https://jolttx.com/2022/04/11/your-privacy-on-the-road-what-is-collected-and-how-it-is-utilized/>.
- Prosecutor Appeals After Acquittal and the Oscar Pistorius Case*, 53 Tex. Tech L. Rev. 25 (Fall 2020).
- Goodbye Marijuana Schedule I-Welcome to A Post-Legalization World*, 18 Ohio St. J. Crim. L. 169 (2020).
- A Call to Arms: Why and How Lawyers and Law Schools Should Embrace Artificial Intelligence*, Vol. 50, Issue 3 U. Toledo Law Review 477 (Spring 2019).

*A CSI Story: The Past, Present, and Future of Crime Scene Collection and What Litigators Need to Know*, 8 Wake Forest J.L. & Pol’y 409 (2018).

*Rethinking the Fourth Amendment in the Age of Supercomputers, Artificial Intelligence, and Robots*, 119 W. Va. L. Rev. 863 (Spring 2017).

*A Comparative Approach to Economic Espionage: Is any nation effectively dealing with this global threat?*, 70 U. Miami L. Rev. 757 (2016).

*The Culture of Mass Incarceration: Why “locking them up and throwing away the key” Isn’t Working and How Prison Conditions Can Be Improved*, 15 U. Md. L.J. Race Relig. Gender & Class 251 (Fall 2015).

*NSA and DEA Intelligence Sharing: Why It’s Legal and Why Reuters and the Good Wife Got It Wrong*, 68 SMU L. Rev. 427 (Spring 2015).

*Government secrets: the Public’s Misconceptions of the Snowden Disclosures*, 3 LMU L. Rev. 36, Symposium edition.

*Crime and Punishment, A Global Concern: Who Does It Best and Does Isolation Really Work?*, 103 Ky. L. J. 45 (2015).

*Grounding Drones: Big Brother’s Tool Box Needs Regulation Not Elimination*, 20 Rich. J. L. & Tech. 9 (2014).

*The Quagmire that Nobody in the Federal Government Wants to Talk About: Marijuana*, 44 N.M. L. Rev. 169 (2014).

*United States v. Jones: Big Brother and the “Common Good” versus the Fourth Amendment and your Right to Privacy*, 9 Tenn. J. L. & Pol’y 7 (Spring 2013).

*West Africa, the EU’s Mexico: Extraditions and Drug Trafficking Prosecutions in the EU could be the Answer*, 19 Colum. J. Eur. L. 1 (Winter 2012/2013).

*Mexico’s Crisis: When There’s a Will, There’s a Way*, 37 Okla. City U. L. Rev. 397 (Fall 2012).

*When Does Restitution Become Retribution?*, 64 Okla. L. Rev. 653 (Summer 2012) (with co-author Judge Curtis Collier).

*Secrets Behind Secrets: Disclosure of Classified Information Before and During Trial and Why CIPA Should be Revamped*, 35 Seton Hall Legis. J. 272 (2011).

## BOOK CHAPTERS AND CONTRIBUTIONS

*A CSI Story: The Past, Present, and Future of Crime Scene Collection and What Litigators Need to Know*, Search & Seizure Law Report, October 2018.

*Aerial Reconnaissance and Surveillance (definitions, uses, and criticisms)*, The SAGE Encyclopedia of Surveillance, Security, and Privacy, (2015).

Chapter 43: *The Role of Intelligence and the Use of Intelligence-Derived Information in Criminal Prosecutions*, U.S. Department of Justice Executive Office for U.S. Attorneys, Federal Narcotics Prosecutions Manual, 3<sup>rd</sup> edition (2011).

## SHORTER WORKS

*Transparency and Accountability over Secrecy*, Book Review of Sudha Setty's COMPARATIVE EFFECTS ON DEMOCRACY AND THE RULE OF LAW, American Journal of Comparative Law (2021).

*The Bottom Line in Caniglia v. Strom: Get Consent Before Entering a Home, Don't Rely on the Community Caretaking Exception*, DICTA, Knoxville Bar Journal (August 2021).

*State of Tennessee v. Jerome Antonio McElrath: Expanding the Good Faith Exception to the Exclusionary Rule*, DICTA, Knoxville Bar Journal (June 2019).

*Currier v. Virginia: Revisiting Issue Preclusion in the Criminal Context*, DICTA, Knoxville Bar Journal (August 2018).

*6<sup>th</sup> Circuit, 6<sup>th</sup> Circuit, Make me a Match: Comparing Tennessee's aggravated burglary statute to the generic version in Stitt*, DICTA, Knoxville Bar Journal (October 2017).

*Probable Cause: Informant Information and the Jacumin/Tuttle Debate*, DICTA, Knoxville Bar Journal (August 2017).

*To Exclude or Not to Exclude: The Tennessee Supreme Court Expands the Good Faith Exception to the Exclusionary Rule*, DICTA, Knoxville Bar Journal (Feb. 2017).

*Privacy v. Safety in the DUI Context: Warrants now Required to Draw Blood*, DICTA, Knoxville Bar Journal (Dec. 2013).

## LAW SCHOOL SERVICE

### **Current Law School Service:**

Faculty Development Chair, Promotion Committee Chair, Student Success Committee, Faculty Recruitment Committee, Faculty Sponsor of the LMU Criminal Law Society (2011-current), Law Review Faculty Advisor (2019-current), Academic Advisor (2010-current), LMU's representative on LMU's Promotions and Multi-Year Appointments Committee (PMYAC) (2018-Current);

LMU Law's representative on LMU's Committee on Scholarly Activities (COSA) (2014-Current)

**Previous Law School Service:**

Accreditation/Strategic Planning Committee Chair (2021-2022), Promotion and Tenure Committee Chair (2016-2019), Faculty Recruitment Chair (2015-2016), Academic Standards Chair (2014-2015), Dean Search Committee Member (2014-2015), Admissions and Scholarship Committee Chair (2010-2013), Vice Chair of Ad Hoc Committee (2012-2013), Mock Trial Faculty Advisor (2016-2019), Vice Chair of Mock Trial (2012-2013), Self-Study Committee Member (2016-2017), Strategic Planning Committee Member (2010-2013, 2016-2017), Externship/Clinic Committee Member (2010-2015), Faculty Recruitment Committee Member (2010-2020), Faculty Recruitment and Development Committee Member (2013-2014), Admissions and Scholarship Committee Member (2015-2017), Experiential Learning Committee (2015-2016), Independent Study Advisor (2012 & Summer 2014), Academic Integrity Committee Member (2010-2011, 2016-2017), Diversity Committee Member (2013-2014), Externship Mentor (2013-2017)

LMU's Designated Board Member in the American Society of Comparative Law and Editor of the American Journal of Comparative Law (2014-Current); member of the Younger Comparativists Committee (YCC) Affiliates Advisory Group (2015-2017)

**COURSES TAUGHT**

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*Criminal Law Courses:* Criminal Law; Criminal Procedure; Criminal Practice Skills; Federal Criminal Law; National Security, Police Law, Policy, & Practices, Emotional Intelligence for Criminal Litigators

*Other Courses:* Torts; Comparative Legal Traditions; Conflict of Laws; Law, Economics, and Criminal Justice in the U.S. and China; Select Evidentiary Foundations and Trial Advocacy in China and the U.S.; American Bar Association Rule of Law Initiative's (ABA ROLI's) Program on Legislative Assistance to Bosnia and Herzegovina's Criminal Procedure Codes – Harmonization of Laws Project

**PRESENTATIONS**

---

*Artificial Intelligence and its Consequence on Law Learning, Teaching, and Researching*, ELPIS Conference, June 3, 2023.

*The Law of Protests: Safeguarding First Amendment Rights and Maintaining Public Safety*, TBA Virtual Federal Criminal Practice CLE, May 9, 2023.

*National Bail Reform and Overpolicing Panel Discussion*, Equal Justice Now, Livingston College, Salisbury, NC, March 23, 2023.

*The Rule of Lenity in the Search for Truth and Justice in the Common and Civil Law Traditions*, Northwestern Journal of Criminal Law and Criminology, March 16, 2023.

*Ruan v. United States Charging Considerations and Expert Witness Testimony in Opiate Prosecutions*, TBA Virtual Federal Criminal Practice CLE, December 15, 2022.

*Exploring the Mental Health of the Criminal Justice System*, (moderator), TBA Virtual Criminal Law Forum, December 14, 2022.

*Prosecutors, Empathy, and Disadvantages to the Adversarial System*, Lincoln-ELPIS Faculty Lecture Series, sponsored by European Legal Practice Integrated Studies (ELPIS), November 17, 2022, elpisnetwork.eu.

*International Course Collaboration*, SEALS Discussion Group, August 2, 2022.

*The Police and Beyond: Achievements versus Obstacles*, SEALS Works-in-Progress Discussion Group, July 28, 2022.

*New Technologies, Forensic Science, and Criminal Procedure Updates*, CLE for Campbell County Bar Association, May 13, 2022.

*Legal Ethics and the Public Interest: Representing the Government*, California Western School of Law, 6<sup>th</sup> Annual Ethics Conference, May 6, 2022.

*Solutions to Marijuana Legalization and Criminal Justice Reform*, Campbell Law Review Symposium, The Solutions Manual, March 25, 2022.

*Tennessee Women's Leadership Summit*, Keynote Speech, December 16, 2021, Tennessee Women's Leadership Webconference. Knoxville Women Leaders.

*EU and U.S Differences on Autonomous Driving and Criminal Liability*, December 14, 2021, Interdisciplinary Institute for Automated Systems (Rifas) Lecture Series, Hannover, Germany (via webex).

*Economic Espionage and an Examination of the United States v. Anming Hu Case*, December 8, 2021, Tennessee Bar Association (TBA) Federal Practice Section CLE, online.

*The Impact of Autonomous Driving and Artificial Intelligence on Road Surveillance, Evidence Collection and Criminal Prosecutions of Traffic Violations*, 2021 ABA-AALS-Academy for Justice Criminal Justice Roundtables, November 5, 2021.

*Team-Based Learning and International Collaboration*, Panel, July 30, 2021, Southeastern Association of Law Schools (SEALS) Conference 2021, Amelia Island, Florida.

*A Global Look at the Changes in the Practice of Law and in Legal Education*, Lincoln-ELPIS Faculty Lecture Series, sponsored by European Legal Practice Integrated Studies (ELPIS), June 10, 2021, elpisnetwork.eu.

*How to Survive, Thrive, and Compete in the Practice of Law in the Conceptual Age*, East Tennessee Lawyer's Association for Women (ETLAW), May 5, 2021.



*Prosecutor Appeals and the Oscar Pistorius Case*, Texas Tech Law Review Symposium on Double Jeopardy, April 8, 2021.

*Teaching Globally with ABA ROLI*, International Legal Education: Life after 2020, 2021 International Legal Education Abroad and LLM Administrators' Virtual Conference, April 7, 2021.

*Looking For "Probable Cause/Mere Suspicion/Reasonable Grounds/Indicia of Suspicion" in the Breonna Taylor Search Warrant*, ELPIS video Law Review 2<sup>nd</sup> Vol, March 20, 2021, <http://www.elpisnetwork.eu/elpis-v-law-review-no-2-2020/>.

*ROLI at 30: What We Do and How ABA Members Can Get Involved, Country Focus: Bosnia and Herzegovina*, ABA Mid-Year Meeting, February 19, 2021.

*Working with ABA ROLI in Course Development and Exploring Innovative Ways to Teach*, ABA International Law Section's International Legal Education & Specialist Certification Committee Meeting, January 12, 2021.

*Virtual Mobility: Innovating and Promoting Global Legal Education in Times of Crisis*, AALS Section on Global Engagement co-sponsored by Teaching Methods, Technology and Law and Legal Education, AALS Annual Meeting, January 6, 2021.

*Online Teaching Seminar Series*, ABA ROLI Building Bridges Program, World Economy and Diplomacy (UWED) and Westminster (WIUT) Law Faculty in attendance, Tashkent, Uzbekistan, December 1, 11, and 18, 2020.

*The Selection and Support of "Balanced" Prosecutors*, 2020 ABA-AALS-Academy for Justice Criminal Justice Roundtables, November 12, 2020.

*Double Jeopardy Law in the U.S., Prosecutor Appeals in South Africa and Canada, and the Oscar Pistorius Case*, Lincoln-ELPIS Faculty Lecture Series, sponsored by European Legal Practice Integrated Studies (ELPIS), November 9, 2020, [elpisnetwork.eu](http://elpisnetwork.eu).

*The Impact of Criminalizing Marijuana on Criminal Procedure Cases*, Controlled Substances Act at 50 Years Symposium, Academy for Justice at Arizona State University Sandra Day O'Connor College of Law and the Drug Enforcement Policy Center at Ohio State University Moritz College of Law, February 22, 2020.

*American Legal Reasoning, Oral Advocacy and Written Pleadings*, ABA Rule of Law Initiative, Jessup Moot Court Competition, December 11-12, 2019, Chisinau, Moldova.

*The Evolution of Dog Sniffs: Reliability, Credibility, and What triggers a "search,"* CLE for Claiborne County Bar, August 9, 2019.

*The AI Revolution for Criminal Practitioners*, Discussion Group, July 28, 2019, Southeastern Association of Law Schools (SEALS) Conference 2019, Boca Raton, Florida.

*Vulnerable People, Fragile Rights and Criminal Justice*, Discussion Group, July 28, 2019, Southeastern Association of Law Schools (SEALS) Conference 2019, Boca Raton, Florida.

*Faculty Development Deans – Leadership, Promotion, and Mentorship*, Discussion Group, July 29, 2019, Southeastern Association of Law Schools (SEALS) Conference 2019, Boca Raton, Florida.

*Abraham Lincoln, Ethics, and the Almanac Trial*, LMU's Lincoln Institute for the Study of Leadership and Public Policy McMurtry Lecture Series, LMU Duncan School of Law, October 26, 2018.

*Artificial Intelligence and The Impact on The Practice of Law and Legal Education*, University of Toledo Law Review Symposium, October 12, 2018, Toledo, Ohio.

*Crime Scene Investigations and What Needs to Change*, ABA-AALS Criminal Justice Section work-in-progress academic roundtable, November 2, 2017, Washington D.C.

*Growing Cannabis Law: When Grass Becomes Cash*, Discussion Group, August 6, 2017, Southeastern Association of Law Schools (SEALS) Conference 2017, Boca Raton, Florida.

*The Law of National Security and Foreign Affairs in the Trump Administration*, Discussion Group, August 5, 2017, SEALS Conference 2017, Boca Raton, Florida.

*Using Mindfulness to Enhance Scholarship and Service*, Moderator, August 3, 2017, SEALS Conference 2017, Boca Raton, Florida.

*Preparing for Prosecution and Trial: Strategies while Testifying as a Crime Scene Technician or Expert Witness*, National Forensic Academy (NFA), May 1-2, 2017, Oak Ridge, Tennessee.

*Fourth Amendment Symposium*, West Virginia University College of Law 2017 Law Review Symposium, Mar. 30-31, 2017, Morgantown, West Virginia.

*Legal Issues surrounding the domestic use of unmanned aerial vehicles (“UAV”)*, Campbell University School of Law 2017 Law Review Symposium, February 2-3, 2017, Raleigh, North Carolina.

*Politics of Criminal Justice*, Discussion Group, August 8, 2016, Southeastern Association of Law Schools (SEALS) Conference 2016, Amelia Island, Florida.

*Future Law Enforcement Tools and its Impact on the Fourth Amendment*, Discussion Group, August 5, 2016, SEALS Conference 2016, Amelia Island, Florida.

*Investigations, Interrogations, and Prosecutorial Discretion in the U.S. and Georgia: A Comparative Perspective*, May 12, 2016, Presentation to judges, lawyers, and investigators from the Republic of Georgia, LMU Duncan School of Law, Knoxville, TN.

*The History behind Miranda v. Arizona and what the Future Will Bring*, April 1, 2016, LMU Criminal Law Society and Law Review Symposium, “Celebrating 50 years of *Miranda v. Arizona*, Past, Present, and Future,” LMU School of Law, Knoxville, TN (speaker and organizer).

*The Impact of Stop and Frisk Policies and Excessive Force Cases on the Latino Community*, March 3, 2016, Diversity Event co-sponsored with HoLa Hora Latina at LMU Duncan School of Law (speaker and organizer).

*Career Advancement, Negotiation Tips, Work/Life Balance and Beyond - Advice for Women in the Law*, November 12, 2015, CLE at LMU Duncan School of Law.

*MLATS, Asset Forfeiture, and Prosecuting International Narcotics Trafficking and Money Laundering Cases in the United States*, August 25-27, 2015, U.S. DOJ and DEA Training for Peruvian Law Enforcement, Lima, Peru.

*Economic Espionage*, July 30, 2015, New Scholars Presentation, Southeastern Association of Law Schools (SEALS) Conference 2015, Boca Raton, Florida.

*Reversing Mass incarceration: What Reforms Are Working (or Could Work) and Why?*, Discussion Group, July 29, 2015, Southeastern Association of Law Schools (SEALS) Conference 2015, Boca Raton, Florida.

*Homeland Security*, March 12, 2015, Smoky Mountain Paralegal Association, Eastern District of Tennessee U.S. Attorney’s Office, Knoxville, TN.

*Parallel Construction*, January 30, 2015, Sandra C. Ruffin Memorial Law Review Symposium, “The Edward Snowden Effect: the Impact of Spilling National Secrets,” LMU Duncan School of Law, Knoxville, TN (speaker and panelist).

*The Snowden Effect: U.S. Intelligence Collection and Its Impact on Prosecutor’s Discovery Obligations, the Classified Information Procedures Act, and a Defendant’s Right to a Fair Trial*, November 7, 2014, 5<sup>th</sup> Annual Constitutional Law Colloquium, Loyola University Chicago School of Law.

*Grounding Drones: Big Brother’s Tool Box Needs Regulation Not Elimination*, July 22, 2014, 5<sup>th</sup> Annual CrimProf Conference, Rutgers School of Law, Newark, New Jersey (and panel commentator).

*Art and Cultural Identity: Highlights from HoLa Hora Latina Exhibits and Its Relationship to Migrant Workers’ Rights*, April 26, 2014, Villamaria Symposium at Maryville College, Maryville, TN.

*Roundtable Discussion on the Legal Challenges Facing Migrant Workers*, April 11, 2014, HoLa Celebration of the Smithsonian's Bittersweet Harvest Exhibit, Knoxville, TN (moderator).

*A Comparative Study of Detention: An individual's right to be free versus the government's right to protect and punish*, April 5, 2014, Third Annual Conference of the Younger Comparativists Committee of the American Society of Comparative Law, Lewis & Clark Law School, Portland, Oregon.

*The Marijuana Dilemma in the United States: the Government's Quagmire and the Impact of Legalization Movement*, July 29, 2013, Critical Public Issues, Oxford Round Table, Harris Manchester College, Oxford, England.

*Conflict or Harmonization in the World's Modern Choice of Law Approaches: A Comparative Look at North American, European, and Asian Choice of Law Approaches*, December 5, 2012, International Academic Conference, International Institute of Social and Economic Sciences and University of Economics in Prague, Prague, Czech Republic.

*Is West Africa Becoming the EU's Mexico: A Perspective on Illicit Drug Trafficking*, June 28, 2012, Third Conference of European Law & Policy in Context, Institute of European Law, University of Birmingham Law School, Birmingham, England.

*Trespass and the Expectation of Privacy: The Impact of United States v. Jones on Law Enforcement and Private Entities*, April 27, 2012, Sixth Circuit Judicial Conference, Eastern District of Tennessee Breakout Session, Lexington, Kentucky.

*Trial Preparation and Courtroom Evidence in International Narcotics Cases*, March 21-25, 2011, DEA, Dominican Republic.

*Prosecuting International Narcotics Trafficking Cases in the U.S.*, 2007-10, DEA Office of International Training, Quantico.

*Evidentiary Issues in International Criminal Cases*, June 2010, International Law Enforcement Academy, Budapest, Hungary.

*Discovery Obligations and Prudential Searches*, December 2009, U.S. Department of Justice, Narcotics Section.

*Narco-terrorism under Title 21 U.S.C. § 960a and its Impact on International Narcotics and Money Laundering Prosecutions*, August 2008, F.B.I. Region 6 Regional Counterintelligence Working Group.

*Proactive Investigations*, Basic Narcotics Seminar, March 2008, National Advocacy Center, South Carolina.

*U.S. Wiretap and Conspiracy Laws*, Judicial Seminar, September 3-7, 2007, U.S. Department of Justice, Guatemala City.

## **LEGAL EXPERIENCE**

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2007 – 2010 Department of Justice, Narcotic and Dangerous Drug Section, Trial Attorney  
2006 – 2007 Gunster, Yoakley, and Stewart, LLP, Litigation Associate, Ft. Lauderdale, FL  
2002 –2006 United States Attorney’s Office, Southern District of Florida, Assistant United States Attorney, Miami, FL  
2001 – 2001 Law Clerk, Hon. Charles R. Wilson, U.S. Appellate Court, 11<sup>th</sup> Circuit  
2000 Summer Associate, Shumaker, Loop, and Kendrick, LLP

## **COMMUNITY SERVICE**

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2018 - present United Way of Greater Knoxville Outcome Based Investment Process Member  
2014 – 2021 Knoxville Museum of Art, Docent Program – Spanish and English programs  
2012 – 2020 Board Member for HoLa Hora Latina, an art, cultural, and educational non-profit organization, Chair of Public Relations Committee, Co-chair of Membership Committee, and Festival Volunteer Co-chair  
2013 Knoxville Habitat for Humanity

## **OTHER PROFESSIONAL ACTIVITIES AND AWARDS**

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Certified Practitioner of Acceptance and Integration Training, March 2023  
American Bar Association Rule of Law Initiative (ABA ROLI) Central European and Eurasian Law Initiative (CEELI) Council, Chair (August 2020 – present), Member (August 2019-20)  
American Bar Association Rule of Law Initiative (ABA ROLI) Board Member (August 2020 – present)  
American Bar Association International Legal Education and Specialist Certification Committee, Co-Chair (2022-23), Vice Chair (2021-22)  
Tennessee Bar Association (TBA) Criminal Justice Executive Council Member (2019 - present), Chair (2021-22), Vice Chair (2020-21)  
Tennessee Bar Association (TBA) Federal Practice Executive Council Member (2019 - present), Vice Chair (2021-22), Chair (2022-23)  
East Tennessee Lawyer’s Association for Women (ETLAW), Member (2019-present)  
Rule of Law Leaders Mentoring Program (2021 – 2022)  
TBALL, Tennessee Bar Association Law Leadership Class of 2019  
Member of the Florida Bar, American Bar Association, Tennessee Bar Association, and Knoxville Bar Association  
Solo Photography Exhibit, *The Aztecs and the Mayans: A Legacy Revisited*, First Friday Opening at Casa HoLa, Emporium Building, Knoxville, TN, March 4-25, 2016.  
Assistant Attorney General's Award for Distinguished Service, Trial Attorney, Narcotics and Dangerous Drug Section, Intelligence Unit, December 6, 2010  
F.B.I. Region 6 Regional Counterintelligence Working Group, Outstanding Presentation Award, August 2008.

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## SYLLABUS

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### Comparative Police Practices, Law, and Policy

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**Lecturer:** Professor Melanie Reid

**Institution:** Lincoln Memorial University Duncan School of Law

**Duration of the course:** 10 hours

**Start and end of the lectures:** 16h00 - 18h00

**Place:** ULisboa Faculty of Law

**Assessment:** **40%** of the course grade will be based upon in-class participation, and **60%** of the course grade will be based upon your memo which will lay out your recommendations as part of the Civilian Review Committee to provide feedback about the officers' actions that were at issue in the case *United States v. Johnson*.

**Contact details:** [melanie.reid@lmunet.edu](mailto:melanie.reid@lmunet.edu)

<b>PURPOSE OF THE COURSE UNIT:</b>
This course studies how the police and other government agencies “police” society and investigate crimes in various countries. It deals with fundamental issues concerning the relationship between the state and the individual, and raises critical concerns about surveillance, force, racial justice, and basic civil liberties. Topics include police stops, frisks, the community policing philosophy, predictive policing, and police strategies to reduce crime. What privacy protections are provided to U.S. and EU citizens, what is law enforcement entitled to do, and how do U.S. protections differ from those in the European Union and in countries in other regions? How does policing in the common law tradition differ from civil (Roman law) countries? This course is starting ground for anyone interested in learning more about the criminal justice space, be it direct services or law reform, but will be of interest to anyone concerned about some of the paramount issues of the day: community policing, the policing culture, police strategy and tactics, and excessive force cases.
<b>MAIN TOPICS TO BE DISCUSSED:</b>
<b>Class One – Monday, March 11<sup>th</sup> 16.00-18.00</b> <b>The Concept of Policing</b> <ul style="list-style-type: none"><li>• Segment 1: Police Organizational Structure<ul style="list-style-type: none"><li>○ Exercise: Pros/Cons of the organizational policing structure in various countries</li></ul></li><li>• Segment 2: What do police do? What is the democratic police ideal?<ul style="list-style-type: none"><li>○ Exercise: the police department mission statement</li></ul></li><li>• Segment 3: What is the function of the modern police department?<ul style="list-style-type: none"><li>○ Exercise: which federal law enforcement activities should local police departments join?</li></ul></li></ul> <b>Class Two – Tuesday, March 12<sup>th</sup> 16.00-18.00</b> <b>Evolution of Modern Policing &amp; Community Policing</b> <ul style="list-style-type: none"><li>• Segment 1: Evolution of Policing<ul style="list-style-type: none"><li>○ Exercise: Policing in 1968: What’s changed? What’s stayed the same?</li></ul></li><li>• Segment 2: Community Policing<ul style="list-style-type: none"><li>○ Exercise: What are the goals of Community Policing?</li></ul></li><li>• Segment 3: What are the metrics of success?</li></ul>

- Exercise: What are positive nonenforcement activities to promote community engagement?

### **Class Three – Wednesday, March 13<sup>th</sup> 16.00-18.00**

#### **Policing Culture: Defining Culture, Cultural Values**

- Segment 1: What shapes police culture?
  - Exercise: What do you believe to be the relevant attributes of both the operational and organizational environment?
- Segment 2: Culture by design: define the behaviors that drive your success
  - Exercise: Does culture impact how police respond on patrol and at traffic stops? What are the behaviors of rightful policing?
- Segment 3: Culture by design: ritualize the practice of rightful policing and select people who are the right fit for your culture
  - Exercise: What rituals could help us to think about, talk about, teach, practices, and focus on rightful policing? What people would be a good fit for a culture focused on rightful policing?
- How might we build a police culture committed to procedural justice?

### **Class Four – Thursday, March 14<sup>th</sup> 16.00-18.00**

#### **Proactive Policing Tactics**

- Segment 1: The origins of proactive policing and place-based predictive policing
  - Exercise: what are the pros and cons to place-based predictive policing? Are these algorithms better than existing patrol practice? What are the impacts on people?
- Segment 2: Person-based predictive policing and Evidence-based policing
  - Exercise: What are the lessons learned from the first generation of predictive policing? What do you think works to prevent crime?
  - How is evidence currently collected to determine what is working in your department to reduce crime? What kind of collaboration exists with external agencies re: data collection?
- Segment 3: The Next Generation: Data-Driven Policing
  - Exercise: Are we OK with the collection of all this data? How will this impact community orientation and outreach?


### **Class Five – Friday, March 15<sup>th</sup> 16.00-18.00**


#### **Policing Strategies and Legal Standards in Traffic Stops: Probable Cause and Reasonable Suspicion**


- Segment 1: What role do the police play in the Broken Windows Hypothesis?
  - Exercise: What are effective policies for addressing urban crime?
- Segment 2: Stop and frisk seizures: Police must have a reasonable suspicion supported by articulable facts of criminal activity or involvement in a completed crime. *Terry v. Ohio*, 392 U.S. 1 (1968). If the police also have reasonable suspicion to believe that the detainee is armed and dangerous, they may also conduct a frisk to ensure that the detainee has no weapons. *Hiibel v. Sixth Judicial District Court of Nevada*, 542 U.S. 177 (2004).
- Reasonable suspicion for stop and frisk seizures: An officer's subjective motivation in conducting a search or making an arrest is irrelevant. *Wren v. United States*, 517 U.S. 806 (1996); Reasonable suspicion requires something more than a vague suspicion but full probable cause is not required. *United States v. Arvizu*, 534 U.S. 266 (2002)

- Segment 3: Profiling in reasonable suspicion cases: *United States v. Sokolow*, 490 U.S. 1 (1989); *Illinois v. Wardlow*, 528 U.S. 119 (2000).


**LITERATURE:**

CLASS ONE: *Federalist papers, Marx, UN Code of Conduct, Sir Robert Peel's Policing Principles*,  [Class1Readings.pdf](#)

CLASS TWO: *Stoughton, The President's Task Force on 21<sup>st</sup> Century Policing*  
 [Class2Readings.pdf](#)

CLASS THREE: *Paoline, Meares, Stoughton*  [Class3Readings.pdf](#)

CLASS FOUR: *Ferguson, Brennan Center for Justice, Sherman*  [Class4Readings.pdf](#)

CLASS FIVE: *Kelling and Wilson/Kelling*,  [Class5Readings.pdf](#)  
*Terry v. Ohio*, 392 U.S. 1 (1968) [Terry v. Ohio.pdf](#). *Wren v. United States*, 517 U.S. 806 (1996) [Whren v. United States.pdf](#)

Additional course materials (optional readings):

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:fa4fcbb6-157e-34e7-9a83-f642da988e46>

**ESSAY/EXAM REQUIREMENTS:**

Review the *en banc* opinion and dissent in *United States v. Johnson*, 874 F.3d 571 (7th Cir. 2017).

Acting on his own initiative, the police chief has convened a Civilian Review Committee to provide feedback about the officers' actions that were at issue in *Johnson*. You have been appointed as a member of that committee. Please draft a memorandum that does both of the following:

1. Analyzes the incident by applying the principles that we have studied;
2. Provides at least one recommendation for the agency to adopt. Each recommendation must be related to your analysis. For each recommendation, please include:
  3. A description of what you want the agency to do in the future;
  4. An explanation of why you believe that implementing the recommendation would be beneficial; and
  5. A brief discussion of any relevant concerns about the implementation of the recommendation.

**EVALUATION CRITERIA:**

In this course, we will study the interesting and important topic of police law and policy. Upon successful completion of this course, students should:

- (1) Be aware of the theoretical and practical implications of policing in contemporary society;
- (2) Be familiar with different legal and administrative regulations that shape police agency policy and officer behavior; and
- (3) Be conversant with the aspects of policing that have been identified as problematic, the causes of those problems, and the different solutions that have been proposed to resolve them.





Rainer Arnold, Dr.Dr.h.c.mult., Professor at the University of Regensburg, in 1979 appointed holder of the Chair of Public Law, in 1999 nominated holder of the Jean Monnet Chair of EU Law and in 2008 holder of the Jean Monnet Chair ad personam „Legal Relations of the EU with Central, Eastern and Southeastern Europe“. Nominated in 2000 hostující professor at the Charles University Prague. Corresponding Member of the Academy of Sciences of Bologna, Membre titulaire de l'Académie internationale de droit comparé, Fellow of the European Law Institute, in 2008 Fernand Braudel Fellow at the European University Institute, Fiesole/Florence, former Visiting Professor at Universities in Europe (Paris I (Panthéon-Sorbonne), Paris II (Panthéon-Assas), Strasbourg, Toulouse, Rome La Sapienza, Bologna, and other) and in Latin America.

Rainer Arnold

## Constitutional Justice (CJ) in Europe

18.03.2024 Monday :

Introduction: The notion of Constitutional Justice. The forms of CJ existing in Europe. CJ on a supranational level.

19.03.2024 Tuesday:

### The Review of Legislation as the Core Element of CJ.

Historical Developments and Present Day Situation. Rule of Law in a modern perspective. The tension between sovereignty of Parliament and judicial review of legislation. Margin of appreciation of the legislator and constitutional review. The different approaches of UK, France and Germany. The developments of CJ in Central and Eastern Europe.

20.03.2024 Wednesday:

### The Judicial Protection of Fundamental Rights – Further Competences of Constitutional Courts

The anthropocentric approach of modern Constitutions. The judicial means to protect Fundamental Rights. The characteristics of individual recourses to the Constitutional Courts for the protection of Fundamental Rights. The diverging systems of judicial protection in Europe. - Controversies of State institutions - federal and regional disputes

21.03.2024 Thursday:

### Constitutional Courts, Court of Justice of the EU and European Court of Human Rights: Cooperation and Conflicts

22.03.2024 Friday:

Conclusion and Repetition

## General Description of the Intensive Course

Constitutional justice is of main importance for the new constitutionalism in Europe. Constitutional courts interpret constitutions as “living instruments” often in a dynamic way and contribute essentially to the development of constitutional law concepts destined to moderate the political process and to protect the individual by fundamental rights. This active role of constitutional courts corresponds to the new understanding of Rule of Law.

The intensive course analyses the different models of constitutional justice in Europe, gives an insight into the various forms of actions and procedures and includes the international law impact on national constitutional jurisprudence.

Literature:

Constitutional Courts and Ordinary Courts: Cooperation or Conflict? Rainer Arnold, Herbert Roth (Eds.), XVIIth International Congress on European and Comparative Law, Universitätsverlag Regensburg, 2017, 380 p.

Wojciech Sadurski, Constitutional Justice, East and West: Democratic Legitimacy and Constitutional Courts in Post-Communist Europe in a Comparative Perspective, 2002

Rainer Arnold (ed.), The protection of human rights through inter- and supranational jurisprudence, Comparative Law Studies, vol. 14, University of Regensburg, 2021, 69 p.

The Convergence of the Fundamental Rights Protection in Europe, R. Arnold (ed.), 2016, 235 p.

Rule of Law, Human Rights and Judicial Control of Power. Some Reflections from National and International Law, Rainer Arnold/José Ignacio Martínez-Estay (Editors), Springer, 2017, 446 p.



**Diana-Urania GALETTA.**

See **CV in Italian** for the (full) list of publications - and at: <https://orcid.org/0000-0001-6699-1570>

List of publications, most of them available also in open access at:

[https://air.unimi.it/simple-search?query=Diana%5C+Urania%5C+Galletta&location=&sort\\_by=bi\\_sort\\_2\\_sort&order=desc&pp=10&etal=0&filitemame=author&filterquery=rp10799&filtertype=authority](https://air.unimi.it/simple-search?query=Diana%5C+Urania%5C+Galletta&location=&sort_by=bi_sort_2_sort&order=desc&pp=10&etal=0&filitemame=author&filterquery=rp10799&filtertype=authority)

#### CURRENT PROFESSIONAL POSITION

Full-time, **Full Professor of Administrative Law** at the **Law Faculty** of the University of Milan - Department of Italian and Supranational Public Law

Courses taught: Administrative Law; EU Administrative Law; The Role of Public Administration in Enhancing Sustainable Development (LL.M. in Law and Sustainable Development); Administrative Law in the era of Digitalization (Ph.D.)

- Member of the Board of Professors of the **PhD in "Intersectoral Research for Innovation"** of the University of Milan (as from 01.10.2022)
- Member of the Board of Professors of the **PhD in "International and Public Law, Ethics and Economics for Sustainable Development"** (LEES) of the University of Milan (as from 01.10.2022)

#### PAST ASSIGNMENTS

- Full Professor of Administrative Law at the Faculty of Political Sciences of the University of Milan (01.10.2006-27.04.2012)
- Associate Professor of Administrative Law at the Faculty of Political Sciences of the University of Milan (01.10.2001-30.10.2006)
- Assistant Professor - Administrative Law, advanced course, at the Faculty of Political Sciences of the University of Milan (01.10.2000-30.09.2001)
- Research Assistant - Administrative Law - Faculty of Political Sciences of the University of Milan (01.07.1996-30.09.2001)

#### VISITING PROFESSORSHIPS (with formal appointment issued by the Universities of reference)

- **Academic Year 2023-2024:** Sabbatical year (from 1 October 2023 to 30 September 2024) in connection with the "**Excellence Initiative - International Guest Professorship**" (Exzellenzinitiative - Internationale Gastprofessur) **at the University of Heidelberg (Germany)**
- Faculty of Law of the University of Lisbon (**Portugal**) - intensive 10-hour course in "European Administrative Law and Administrative Procedure" (**February 2020; May 2022; May 2023**)
- Faculty of Law of the University of Toulouse 1 Capitole (**France**) - Classes in Master II courses and Seminars for Ph.D. students (**January 2022**)
- Faculty of Law of the University of Paris I, Panthéon-Sorbonne (**France**) - Seminars in Ph.D. and Master II courses (**January 2020**)
- Law School of the University of Sydney (**Australia**) - (**July-September 2019**) – Research activity, seminars with colleagues of the Law School
- Faculty of Law of the University of Konstanz (**Germany**) - cycles of lectures (24 hours each) on Italian public law (**August 2013; August 2013; June 2017**)
- Faculty of Law of the University of Huelva (**Spain**) - cycle of lectures (8 hours in total) on Italian public law (**April 2014**)

#### CURRENT INSTITUTIONAL POSITIONS

- Member of the **Disciplinary Commission for Full Professors** of the University of Insubria, appointed by the Rector of the University of Insubria with Rector's Decree 01.02.2023
- **Secretary General** of *Societas Juris Publici Europaei* (SIPE) <http://www.uni-potsdam.de/sipe-office/> (as from June 2022)
- Member of the **Executive Board** of the Italian Association of Professors of Administrative Law (AIPDA) <https://www.aipda.it/organigramma/> (as from October 2021)
- **Coordinator of the Working Group for the evaluation of Law Journals** of the Italian Agency for Evaluation of Universities and Scientific Research (ANVUR) (as from 24.09.2020)
- **Scientific Director** of the Interdisciplinary Research Center on Public Administration Law (CERIDAP) of the University of Milan - (as from 10.01.2020)
- **Head of the scientific and research Cooperation Agreement** between the Adriano Olivetti Foundation and the University of Milan, via the Interdisciplinary Research Center on Public Administration Law (CERIDAP) of the University of Milan (as from 01.07.2020)

#### PREVIOUS INSTITUTIONAL POSITIONS

**Coordinator of the Ph.D. in Public, International and European Law** of the University of Milan (01.10.2015-30.09.2021)

- Head of the Cooperation Agreement signed in June 2011 between the University of Milan and the State University "Universidade Federal Fluminense" of Niteroi (Brazil), Nucleus of Sciences of the Judiciary (Nupej) (2011-2021)
- **Deputy Director** of the Department of Italian and Supranational Public Law of the University of Milan (01.10.2015-30.09.2020)
- President of the Joint Teacher-Student Commission within the Interdepartmental Academic Board for the Master's Degree in Sustainable Development (01.10.2015-30.09.2020)
- Member of the Steering Committee and head of the legal curriculum in the "Walter Tobagi School of Journalism" in Milan, organised by the Council of the National Order of Journalists in agreement with the University of Milan (a.y. 2013-2019)
- Member of the GEV (Group of Evaluation's Experts) of Area 12 (Legal Area) for the Evaluation of the Quality of Universities' Scientific Research (VQR) 2011-2014 (01.09.2015-31.03.2017)
- Member of the research group on evaluation in the legal area (GRAVAG), established within the Italian Agency for the Evaluation of Universities

and Scientific Research (ANVUR) (a.y. 2014-2015)

- Member of the Disciplinary Commission for Full Professors, appointed by the Rector of the University of Milan, following a resolution of the Academic Senate (a.y. 2013-2016)
- President of the master's degree course in Public Administration and Public Policy (APP) of the University of Milan, Faculty of Political Sciences (a.y. 2009-2011)

#### **OTHER (MOST RELEVANT) APPOINTMENTS - EU/INTERNATIONAL LEVEL**

- **Participation in the "Experts Legal Roundtable"** at the European Central Bank. 23 February 2021 (online, Webex Platform)
- **Adviser to the European Parliament's Committee on Legal Affairs (JURI)**, in support of the work of the Working Group on European Administrative Law, responsible for drawing up the document "Proposal for a Regulation of the European Parliament and of the Council on the administrative procedures of the institutions, bodies, offices and agencies of the European Union" (2015-2016)
- **Public Hearing at the European Parliament** on "The consequences of the judgment of 5 May 2020 of the Second Senate of the German Constitutional Court (Bverfg)". 14 July 2020 - 09.30 - 11.00 - room: ASP (Altiero Spinelli building) 1G-3 + Interactio
- **Member of the "Expert Group** to advise on the future design and implementation of Art 185 initiatives", appointed by the European Commission's Research and Innovation DG (2017)
- Member of the Board of Professors in the Specialist Degree Program "Administrative Justice/ PPGJA" (Professional Master's Degree) organised by the "Universidade Federal Fluminense" (UFF) of Niteroi (Brazil), Nucleus of Sciences of the Judiciary (Nupej), in collaboration with the Federal Justice Council of Brazil - <http://www.nupej.uff.br/laurea-magistrale> (a.a. 2013-2018)

#### **OTHER (MOST RELEVANT) APPOINTMENTS – NATIONAL LEVEL**

- Member of the Steering Committee of the Research Center "Coordinated research centre on prevention measures of the University of Milan (as from 2020)
- Member of the Board of Professors of the PhD in Public, International and European Union Law of the University of Milan (01.10.2015-30.09.2022)
- Member of the Scientific Coordination Committee of the Rivista Italiana di Diritto Pubblico Comunitario (RIDPC) - <http://www.giuffre.it> (rivista di fascia A) - (2009-2017)
- Member of the Board of Professors of the Ph.D. consortium in "Administrative Law" (within the Ph.D. School in Legal Sciences of the University of Milan) - (a.a. 2002-2013)
- Member of the Board of Professors of the Ph.D. in "Institutions of Regional Administrations and Policies" (IAPR) - <http://www-2.unipv.it/iapr/> - (a.a. 2007-2012)
- Teaching activity in the Master in Law and Administrative Procedure (MDPA) organised by Just Legal Service (JSL) in Milan (2004-2009)
- Member of the Editorial Committee of the "Rivista Italiana di Diritto Pubblico Comunitario" (RIDPC) - (1991-2008)
- Coordinator (together with Prof. Gianfranco Carlei) of the second edition of the "Trattato di Diritto Amministrativo europeo" (European Administrative Law Treaty), edited by M.P. Chiti and G. Greco, Giuffrè, Milano, 2007 (6 volumes)- (2004-2007)
- Legal advisor to the Department of Culture, Identity and Autonomy of the Lombardy Region (2000-2002)
- Professor of "Urban Planning Law" at the Notary School of Lombardy "Federico Guasti" (1997-1999)
- Teaching activities for the subject "Elements of Italian administrative law", within the Postgraduate Course "expert legal translators", organised by the University Institute of Modern Languages (IULM) - (a.a. 1997-1998)
- Responsible for the scientific coordination of training and refresher courses for Town Clerks at the Centre for Research and Training for Public Administration of the Carlo Cattaneo University of Castellanza (VA) - (a.a. 1993-1994)
- Co-director of the column monitoring the EEC judges case-law of the "Rivista Italiana di Diritto Pubblico Comunitario" (1992-1994)
- Teaching position (Lehrauftrag) at the University of Osnabrück (FRT) - (a.a. 1992-1993)
- Teaching assistant to the Public Law Chair of the Luigi Bocconi University of Milan (a.y. 1991-1992)

#### **EDITOR AND ADVISORY BOARDS' MEMBERSHIP**

##### **A) EDITOR/EDITOR IN CHIEF**

- **Publisher and Editor-in-chief of the online Journal CERIDAP** (ISSN 2723-9195), <https://ceridap.eu/>, included in the List of the Editors-in-chief (Italian Journalists' Register) as from 2020
- **Director of the Editorial Series "CERIDAP Series"**, published by Editoriale Scientifica Srl (Naples) - (as from 2020)
- **Director (together with G. della Cananea and J. Ziller)** of the Editorial Series "Procedimenti europei – European Procedures", published by G. Giappichelli Editore (Turin) - (as from 2017)
- **Member of the Board of Editors** of the Law Journal "Federalismi.it" - <http://www.federalismi.it/> (as from 2017)
- **Member of the Board of Editors** of the Law Journal "Rivista Italiana di Diritto Pubblico Comunitario" - (as from 2018)
- **Member of the Board of Directors** of the "Collège doctoral franco-allemand en droit public comparé européen" (Paris - Speyer - Strasbourg - Freiburg - Milan), funded by the Franco-German University of Saarbrücken (as from 2017)

##### **B) ADVISORY BOARDS**

- Member of the **Scientific Committee** of the Law Journal "Revista Catalana de Dret Públic – Catalan Journal of Public Law" (as from 2022)
- Member of the **Scientific Committee** of the Law Journal "Nuove Autonomie" (as from 2021)
- Member of the **Steering Committee** of the Law Journal "IUS PUBLICUM Network Review" (as from 2020)
- Member of the **Scientific Committee** of the "European Review of Digital Administration & Law" - (as from 2020)
- Member of the **Scientific Committee** of the Law Journal "European Public Law" (as from 2018)
- Member of the **Scientific Committee** of the Law Journal "AmbienteDiritto.it" - <https://www.ambientediritto.it/> - (as from 2018)
- Member of the **Scientific Committee** of the Law Journal "Ciberspazio e Diritto" - <https://www.mucchieditore.it/images/IndiciRiviste/Indice122018CD.pdf> - (as from 2018)

- Member of the **Scientific Committee** of the "Metropolitan Cities Observatory" for the Law Journal: Federalismi.it (www.federalismi.it) - (2014-2017)
- Member of the **Scientific Council** of ICONA (Interdepartmental Center of the University of Milan for innovation and organizational change in public administration) - (as from 2014)
- Member of the **Scientific Council** of the Institute for Public Administration Science (ISAP) - (Three years 2002-2004)

#### SCIENTIFIC ASSOCIATIONS AND RESEARCH GROUPS – MEMBERSHIPS etc.

- Honorary Member of Global Professionals for Artificial Intelligence (GP4AI) <https://www.gp4ai.com/> (as from 2021)
- Member of the Italian Association of European Union Law Scholars (AISDUE) <https://www.aisdue.eu/> (as from 2018)
- Member of the international research group "Venice Network on Smart Cities and Digital Administration" <https://venicenetwork.net/> (as from 2018)
- Member of the Italian-Brazilian Association of Professors of Administrative and Constitutional Law (AIBDAC) <http://www.aibdac.com/> (as from 2018)
- Member of the National Association of German Public Law Professors (Vereinigung der Deutschen Staatsrechtslehrer "(VDSiRL) [www.staatsrechtslehrer.de](http://www.staatsrechtslehrer.de) (as from 2011)
- Member of the "Steering Committee" and "Team Leader" of the international research group: "Research Network on EU Administrative Law"(ReNEUAL) - <http://www.reneual.eu> (as from 2009)
- Member of the international research group "Euro-American project"- Código modelo de jurisdição administrativa <https://nupej2.sites2.uff.br/codigo-modelo-euro-americano-de-jurisdiacao-administrativa/> (as from 2008)
- Member of the international research group "Dornburg Research Group" <https://www.rewi.uni-jena.de/forschung/dornburg-research-group/english> (as from 2007)
- Member of the Italian Association of Administrative Law Professors (AIPDA) - <http://www.diritto-amministrativo.org/> (as from 2006)
- Member of the Societas Juris Publici Europei (SIPE) <http://www.uni-potsdam.de/sipe-office/> (as from 2004)

#### REFEREE ACTIVITIES

- Referee for the "QS World University Rankings" <https://www.topuniversities.com/qs-world-university-rankings>
  - For the "Law School" of the University of Sydney (Australia) – 2021; 2022
  - For the "Facultad de Derecho" of the University "Complutense" Madrid/Spain - 2022
- Member of the Board of Reviewers for the Italian Ministry for Universities and Research (MIUR). Reviews of several PRIN, COFIN and FIRB projects
- Evaluator for "Assessment of Research Quality"(VQR) for the Italian Agency for the Evaluation of Universities and Scientific Research (ANVUR)
- Evaluator of research projects for the Austrian Science Fund (FWF) Elise-Richter-Program (<http://www.fwf.ac.at/en/projects/richter.html>)
- Evaluator of post-doc research projects for the Research Foundation Flanders (Fonds Wetenschappelijk Onderzoek Vlaanderen, FWO <http://www.fwo.be/>)
- Evaluator of research projects for the Region Puglia, concerning the research program "FutureInResearch" 2013.
- **Referee activities for the following Law Journals:**
  - Diritto Amministrativo
  - Diritto e Società
  - Diritto, immigrazione e cittadinanza
  - European Public Law (Kluwer)
  - Federalismi.it
  - Foro amministrativo/Consiglio di Stato
  - Foro amministrativo/TAR
  - Il Diritto dell'Economia
  - IUS PUBLICUM Network Review (<http://www.ius-publicum.com/>)
  - Journal of Law and the Biosciences
  - Maastricht Journal of European and Comparative Law
  - Review of European Administrative Law
  - Revista Digital de Derecho Administrativo, dell'Universidad Externado de Colombia
  - Studi Parlamentari e di Politica Costituzionale
  - Yearbook of Socio-Economic Constitutions

#### PARTICIPATION TO INTERNATIONAL SELECTION COMMITTEES

- Member of the Commission appointed by the Universidad de Vigo (Spain) to award Itzar Sobrino García the title of European PhD (final discussion: 22.07.2022)
- Member of the committee appointed by the Universitat de València (Spain) to award Adrián Palma Ortigosa the title of European PhD (final discussion: 20.12.2021)
- President of the Selection Committee appointed in **January 2021** for the selection of one Associate Professor in Administrative Law at the Universidad Pompeu Fabra, Barcelona (Spain)
- Member of the Selection Committee appointed in **December 2020** for the selection of the Dean of the Master of Law and Business (MLB) Program of the Bucerius Law School (Hamburg/Germany)
- Member of the Selection Committee appointed in **July 2018** for the selection of one Full Professor in Administrative Law at the Universidad Pompeu Fabra, Barcelona (Spain)
- Member of the Selection Committee appointed in **March 2015** by the Spanish Association for the Study of European Law, for the

evaluation of the candidacies for the award of the first edition of the "Eduardo García de Enterría Award for European Legal Studies"(http://www.aedeur.es/index.php/actividades/67-premio-estudios-juridicos-europeos-eduardo-garcia-de-enterria) - only foreign member

## EDUCATION AND TRAINING

- Degree cum laude in Political Sciences obtained from "Università degli Studi di Milan"(1990)
- LL.M. ("Magistra Legum"degree) cum laude obtained from "Osnabrück University"(RFT) (1993)
- Law degree cum laude obtained from "Università degli Studi di Milano"(1998)

## SCHOLARSHIPS, AWARDS, AND RESEARCH GRANTS

- 2022: Winner in the international selection "Exzellenzstrategie, Expanding Internationality - International Gastprofessuren" 2022-2023 University of Heidelberg
- 2018: First prize in the "Altiero Spinelli Prize for Outreach: spreading knowledge about Europe"2017, for the ReNEUAL collective work on codification of administrative procedures.
- 2012: Research scholarship granted by the German Foundation "Von Humboldt-Stiftung"- Program: "Humboldt Wiederaufnahme"
- 1999-2000: Annual Research Scholarship granted by the German Foundation "Von Humboldt-Stiftung"
- 1995-1996: Grant awarded as first in the ranking for postgraduate studies abroad by "Università degli Studi di Milan"during the calendar years 1995-96 – Sector: Law.

## RESEARCH STAYS

- June-July 1991: Research Stay at the University of Osnabrück - Faculty of Law - Chair of Prof. Dr. Albrecht Weber - Public Law.
- May 1992: Research Stay at the University of Freiburg - Faculty of Law - Chair of Prof. Dr. Jürgen Schwarze - Public and European Community Law.
- November 1997: Research Stay at the University of Osnabrück in the context of the Socrates exchange project as representative for the Faculty of Political Science of the University of Milan.
- October 1998: Research Stay at the Legal Center for European and International Collaboration in Cologne - Section for public and constitutional law in Europe headed by Prof. Dr. Klaus Stern.
- 01.05.1999-31.04.2000: Research Stay at the Legal Center for European and International Collaboration in Cologne, financed with an annual scholarship of the German Foundation "Von Humboldt-Stiftung".
- May 2001: Research Stay at the Ludwig Maximilian University of Monaco - Faculty of Law.
- July 2007: Visiting Fellow at the European University Institute (IUE) of Fiesole (<http://www.eui.eu/Documents/Research/EUIPublications/EUIPresidentReport/AR2007.pdf>, p.35)
- 01.07.2012-30.09.2012: Research Stay at the Universities of Konstanz and Köln, financed by a research grant from the German "Von Humboldt-Stiftung Foundation", Wiederaufnahme-programme

## CITIZENSHIP: Italian and French

**LANGUAGE SKILLS:** Italian (mother tongue), French, English, German (excellent, spoken and written), Spanish (good, spoken, and written), Portuguese (beginner)

Mother tongue Other languages	ITALIAN				
	UNDERSTANDING		SPEAKING		WRITING
	Listening	Reading	Spoken interaction	Spoken production	
ENGLISH	C2	C2	C2	C2	C2
	C2 level certificate in accordance with the common european framework of reference for languages (CEFR) from University Language Centre - SLAM ( <a href="https://www.unimi.it/en/ugov/ou-structure/university-language-centre-slam">https://www.unimi.it/en/ugov/ou-structure/university-language-centre-slam</a> )				
GERMAN	C2	C2	C2	C2	C2
	Kleines Deutsches Sprachdiplom				
FRENCH	C2	C2	C2	C1	C1
	Test de connaissance du français (TCF) issued by Alliance française » ; Diplômes d'Etudes Françaises - Niveau supérieur				
SPANISH	C1	C1	B2	B2	B2
PORTUGUESE	A2	B1	A1	A1	A1

**ADDITIONAL INFORMATION** See Annexes

## ANNEXES

- Annex 1 List of funded research programs
- Annex 2 List of Conferences, Seminars, round tables (as participant and/or organizer)

Personal information I authorize the handling of personal information in this curriculum, according to D.Lgs n. 196/03 and following modifications and Regulations EU 679/2016 (General Regulations concerning Data Protection or GRDP) and art. 7 of University Regulations concerning the protection of personal information.



I authorize, according to D.lgs 14/03/2013 n. 33 concerning transparency, in case of conferment of the position and the fellowship, the publication of this curriculum in the web site of Università degli Studi di Milan in the section "Amministrazione trasparente", "Consulenti e collaboratori".

<b>ANNEX 1 – funded RESEARCH PROGRAMS</b>
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- 1991-1992: Participation in a research project on Public Administration funded by CNR (Italian National Research Center) with a contribution on "General principles of administrative procedure"
- 1992-1993: Participation in a research project on social security funded by CNR with a contribution on "Revocation of social security services "
- Master Degree dissertation on "Proportionality principle in the German, European and Italian legislations", included in the library of the Law School of the Osnabrück University (as from July 1993).
- 1997-1999: Participation in the comparative research program on "The administrative procedure discipline in Europe between participation and simplification", organised by Prof. M.A. Sandulli within the framework of the research activities of the Administrative Law section of the Faculty of Political Science of "Università degli Studi di Milan"
- 1999-2001: Participation in a research program financed with 40% of MURST funds (funded by the Ministry of University and of scientific research) and directed by Prof. Mario G. Losano, with a contribution on "Privacy legislation, immigration legislation and the Schengen agreements: integration and contrast points "
- 2000: Scientific coordinator of a research project financed with 60% of MURST funds on "The administrative procedure as influenced by the European Community law in the German and Italian legislations"
- 2001: Scientific coordinator of a research project financed with FIRST funds on "Faults of the administrative procedure as a ground for annulment of the administrative action: The emerging trends".
- 2002: Scientific coordinator of a research project financed with FIRST funds on "Subject of the administrative ruling and the new role of the administrative judge after the introduction of law 205/2000"
- 2002-2004: Head of the Research Unit of the University of Milan for a national research project financed with 40% of MURST funds (funded by the Ministry of University and of scientific research) and coordinated at national level by Prof. Giampaolo Rossi. Topic of the research unit: "Limited Public Companies and Public law".
- 2003: Scientific coordinator of a research project financed with FIRST funds of "Università degli Studi di Milan" on "Public Administration between the new trend of privatisation and the need to preserve the public interests"
- 2004: Scientific coordinator of a research project financed with FIRST funds of "Università degli Studi di Milan" on "Administrative 'self-remedy' between national and community law"
- 2005: Scientific coordinator of a research project financed with FIRST funds of "Università degli Studi di Milan" on "The reform of the Italian law on administrative procedure"
- 2005-2007: Head of the Research Unit of the University of Milan for a national research project financed with 40% of MURST funds (funded by the Ministry of University and of scientific research) and coordinated at national level by Prof. Fabio Roversi Monaco. Topic of the research unit: "EU regulatory and administrative integration in the field of credit and savings protection – From "indirect administration" to "co-administration" through to the recent trends aimed at creating new subjects and joint ownership of performed functions".
- 2006: Scientific coordinator of a research project financed with FIRST funds of "Università degli Studi di Milan" on "Administrative activity and jurisdictional control: control processes and instruments, between national legislations and EU law".
- 2007: Scientific coordinator of a research project financed with FIRST funds of "Università degli Studi di Milan" on "EU administrative integration and procedural autonomy of the Member States".
- 2008: Scientific coordinator of a research project financed with FIRST funds of "Università degli Studi di Milan" on "Protection of legitimate expectations, between national legislation and EU law".
- 2009: Scientific coordinator of a research project financed with PUR funds of "Università degli Studi di Milan" on "Immigration and asylum, between rights and legislation".
- 2014-2017: Head of the Research Unit of the University of Milan for a research project PRIN (Projects of Scientific Research of Relevant National Interest) funded by the Ministry of University and of scientific research, directed at the national level, Prof. Jacques Ziller. Topic of the research unit: Reinforced administrative cooperation and general rules of administrative Procedure of the European Union
- 2015-2017: Participation in the research project funded by the Spanish "Ministerio de Economía y Competitividad" on the topic: "personas y responsabilidad criminal Jurídicas: imputación (atribución, limitación, exclusión) y coautoría with personas físicas"- REFERENCE: DER2014-58217-R, coordinated by Prof. Dr. Joan J. Queralt University of Barcelona (Spain)
- 2022-2024: participation in the research project funded by the Spanish Next Generation EU programme (<https://www.aei.gob.es/convocatorias/buscador-convocatorias/proyectos-estrategicos-orientados-transicion-ecologica>) on the topic: "Transición digital de las Administraciones públicas e inteligencia artificial: claves, riesgos y propuestas de política regulatoria (DIGITAPIA)" - REFERENCE: TED2021-132191B-I00, coordinated by Prof. Agustí Cerrillo Martínez and Prof. Clara Isabel Velasco Rico
- 2023-2025: participation in the research project (Proyecto de I+D+i) on the topic: "Derechos y garantías públicas frente a las decisiones automatizadas y el sesgo y discriminación algorítmicas" 2023-2025 (PID2022-136439OB-I00) funded by the Ministerio de Ciencia e Innovación (MICINN), Proyectos de Generación de Conocimiento 2022, coordinated by Prof. Lorenzo Cotino Hueso

<b>ANNEX 2 - CONFERENCE PAPERS, SEMINARS, ROUND TABLES</b>
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**1997-2001**

**Paper** presented at the Conference organised by the Association of Germans, Italians and French Administrative Judges (AGATIF) and by the University of Brescia on the topic "Potere discrezionale e controllo giudiziario", Brescia, 24 e 25 October 1997.

**Title:** *Principio di proporzionalità e sindacato del giudice amministrativo.*

**Paper** presented at the Conference organised by the Association of Germans, Italians and French Administrative Judges (AGATIF) at the Academy of German administrative judges of Wustrau (Germany) , on the topic "Le strutture della tutela amministrativa in Europa", Wustrau, 5- 9 July 1999.

**Title:** *Giustizia amministrativa italiana e diritto comunitario.*

**Paper** presented at the Conference organised by Deutsche Hochschule für Verwaltungswissenschaften – Speyer on the occasion of the first "Europa-Forum Speyer - Verwaltung in der Europäischen Union", Speyer, 10-12 April 2000.

**Title:** *Wechselwirkungen zwischen nationalem Verwaltungsrecht und europäischem Gemeinschaftsrecht - aus italienischer Perspektive.*

**2002**

**Paper** presented at the Conference organised by University of Zagreb on the topic "Science and Higher Education Regulations in Central and South-Eastern European Countries", Zagreb, 24 e 25 May 2002.

**Title:** *The System of Scientific Research and the University System in Italy.*

**Paper** presented at the Conference organised by University of Cologne "Laudatio anlässlich des 70. Geburtstags von Klaus Stern", Cologne, 14 June 2002.

**Title:** *Stern und das Europäische Verfassungs- und Verwaltungsrecht.*

**2003**

**Paper** presented at the Conference organised by the University of Cassino on the topic "La riforma dell'azione amministrativa", Cassino, 19 June 2003.

**Title:** *Vizi formali e vizi sostanziali.*

**Paper** presented at the Conference organised by the Association of Germans, Italians and French Administrative Judges (AGATIF) e by the University of Brescia on the topic "Vizi formali, procedimento e processo amministrativo", Brescia, 23 October 2003.

**Title:** *Giudice amministrativo e vizi formali.*

**2004**

**Paper** presented at the Conference organised by Deutsche Hochschule für Verwaltungswissenschaften - Speyer), 5th "Europa-Forum Speyer - Verwaltung in der Europäischen Union", Speyer, 30 March – 1° April 2004.

**Title:** *Der Vertrag über eine Verfassung für die Europäische Union aus italienischer Sicht.*

**Paper** presented at the Conference organised by the University of Trento on the topic "Il Diritto Amministrativo dei Paesi europei fra omogeneizzazione e diversità culturali", Trento, 24-25 June 2004.

**Title:** *Autotutela decisoria e diritto comunitario.*

**Paper** presented at the Conference organised by the University of Cologne at the Italian headquarters of "Konrad Adenauer Stiftung"(Cadenabbia - Como) on the topic "Individualgrundrechtsschutz in Europa", Cadenabbia, 27- 30 June 2004.

**Title:** *Das Recht auf gute Verwaltung.*

**Paper** presented at the Round Table organised by Prof. Jacques Ziller at European University Institute (EUI) of Fiesole on the topic: "What's New in European Administrative Law? – Quoi de Neuf en Droit Administratif européen?", Fiesole, 10 December 2004

**Title:** *The Obligation for National Administrative Bodies to Review their Final Administrative Decisions*

**2005**

**Paper** presented at the Conference organised by Università degli Studi G. D'Annunzio di Chieti e Pescara on the topic "Statuto dell'azione amministrativa e regimi di invalidità: linee evolutive generali e tradizioni settoriali", Pescara, 24 June 2005

**Title:** *Vizi formali e procedimento*

**Paper** presented at the Conference organised by Local Police of Cinisello Balsamo on the topic "La riforma della L. 241/90 sul procedimento amministrativo e le recenti modifiche alle norme sulla circolazione stradale", Cinisello Balsamo (Milan), 30 September 2005

**Title:** *La riforma della L. 241/90 sul procedimento amministrativo: principali novità e problematiche emergenti*

**Paper** to summarize the work of the *panel* "Forme di partecipazione degli enti locali substatali all'integrazione sopranazionale", University of Milan, on the topic "Federalismi e integrazioni sopranazionali. Unione europea e Mercosur a confronto", Milan, 15 December 2005

**2006**

**Paper** presented at the Conference organised by Università degli Studi Federico II di Napoli on the topic "I principi generali dell'azione amministrativa", Napoli, 3 febbraio 2006

**Title:** *Trasparenza e governance amministrativa nel diritto europeo*

**Paper** presented at the Conference organised by the University of Freiburg, Institut für Öffentliches Recht, Abt. Europa- und Völkerrecht with 'Europa-Institut di Freiburg', on the topic "Das Recht auf eine gute Verwaltung", Freiburg (Germania), 3 May 2006

**Title:** *„Inhalt und Bedeutung des Rechtes auf eine gute Verwaltung“*

**Paper** presented at the Conference organised by University of Regensburg, Lehrstuhl für Öffentliches Recht e Jean-Monnet-Lehrstuhl für Europarecht, on the topic "Verfassungsrechtliche Aspekte von Pfeiler III der Europäischen Union", Regensburg, 23-24 June 2006

**Title:** *Polizeiliche Zusammenarbeit in Europa: die Suche nach einer schwierigen Balance zwischen Erfordernissen eines effizienten Datenaustausches und wirksamer Schutz der Rechte der Einzelnen am Beispiel von Enfofol*

**Paper** presented at the Conference organised by Prof. Thomas Von Danwitz, University of Köln at "Konrad Adenauer Stiftung"(Cadenabbia - Como) on the topic "*Perspektive der Europäischen Integration: Erweiterung, soziale und wirtschaftliche Ausrichtung, rechtliche Vertiefung*". Cadenabbia, Villa la Collina, 28 September – 1 October 2006.

**Title:** *La Constitution européenne, entre nécessités à satisfaire et incapacité politique à la faire sortir de l'impasse*

## 2007

**Paper** presented at the Conference organised by SPISA and IISA on the topic "La disciplina dei servizi pubblici locali: novità recenti ed ulteriori prospettive di riforma", Bologna, 27 January 2007

**Title:** *L'evoluzione della giurisprudenza comunitaria e nazionale*

**Organization, scientific coordination and Paper** presented at the Conference organised by University of Milan, Corso di laurea in Scienze dell'Amministrazione on the topic "*Pubblico impiego e strumenti di controllo*", Milan, 17 May 2007

**Title:** *Accountability e trasparenza fra diritto interno e diritto comunitario*

**Paper** presented at the Conference organised by University of Freiburg, Europa-Institut e Lehrstuhl für Öffentliches Recht, Abt. Europa- und Völkerrecht, on the topic "*Bestand und Entwicklung des europäischen Verwaltungsrechts*", Freiburg im. Br., 4-5 July 2007

**Title:** *Der Vertrauensschutz aus der Perspektive des italienischen Verwaltungsrechts (im Vergleich mit der deutschen und der gemeinschaftsrechtlichen Perspektive*

**Paper** presented at the Conference organised by la Scuola Eugubina di Pubblica Amministrazione (SEPA) con University of Perugia on the topic "*La buona amministrazione tra affermazioni di principio e diritti fondamentali*", Gubbio, 19-20 October 2007

**Title:** *Buona amministrazione e procedimento amministrativo, fra diritto interno e diritto comunitario*

**Paper** presented at the Conference organised by Université Panthéon-Assas (Paris II), Centre de Droit européen, on the topic "*L'exécution du droit de l'Union, entre mécanismes communautaires et droits nationaux*", Paris 30 November – 1 December 2007

**Title:** *L'influence du droit communautaire sur le droit administratif italien: un cadre général*

## 2008

**Organization, scientific coordination and Paper** presented at the Conference organised by University of Milan, Dipartimento giuridico-politico on the topic "*Tutela del risparmio e diritto comunitario*", Milan, 18 January 2008

**Title:** *Autorità di vigilanza, disciplina procedimentale e ruolo del giudice, fra diritto interno e diritto comunitario*

**Paper** presented at the Conference organised by the National Bar Council, Complesso monumentale di Santo Spirito in Sassia, Rome, 3-5 April 2008

**Title:** *Contratti ad evidenza pubblica, annullamento dell'aggiudicazione e sorte del contratto*

**Paper** presented at the Conference organised by "Deutsche Hochschule für Verwaltungswissenschaften – Speyer" in "8 Europa-Forum Speyer - Verwaltung in der Europäischen Union", Speyer, 16-18 April 2008.

**Title:** *Gute Verwaltung in der Europäischen Union*

**Paper** presented at the Conference organised by Societas Iuris Publici Europaei (SIPE) – 5th Annual Congress - on the topic "*Los nuevos europeos. Migración e integración en Europa*", Sevilla, 5-8 June 2008

**Title:** *The common European Asylum policy: towards a common European Asylum System?*

**Paper** presented at the Conference: "*Annual Congress of the Italian Association of Administrative Law Professors (AIPDA)*", at University of Lecce, on the topic "*Il diritto amministrativo alla prova delle leggi finanziarie*", Lecce, 25-26 September 2008

**Title:** *Legittimo affidamento e leggi finanziarie, alla luce dell'esperienza comparata e comunitaria*

## 2009

**Paper** presented at the Conference organised by University of Palermo on the topic "*Interesse pubblico e disegno organizzativo delle pubbliche amministrazioni*", Palermo, 20-21 February 2009

**Title:** *La coamministrazione*

**Coordinator** of the First Session of the Conference: "*3. Europa-Gespräche Cadenabbia : Aktuelle Herausforderungen der europäischen Integration: die Zukunft des Lissabonner Vertrages, das Entstehen einer europäischen Gesellschaftspolitik und die Perspektiven des Grundrechtsschutzes in der EU*" organised by Prof. Thomas Von Danwitz (ECJ judge) at "Konrad Adenauer Stiftung"(Cadenabbia - Como). Cadenabbia, Villa la Collina, 15-17 May 2009

**Paper** presented at the Conference organised by University of Hull (GB), Institute of European Public Law, on the topic "*The End of the Post 1992 European Order?*", Hull 25-26 June 2009

**Title:** *The European Asylum Policy between myth and reality*

## 2010

**Paper** presented at the Conference organised by University of Napoli on the topic "*Twenty years after: the Italian law of administrative procedures*", Napoli, 23 April 2010

**Title:** *Administrative procedure in Germany: the "Verwaltungsverfahrensgesetz" of the Bund and the "Verwaltungsverfahrensgesetze" of the Länder. A comparison with the situation in Italy*

**Paper** presented at the Conference organised by "Università degli Studi G. D'Annunzio Chieti-Pescara" and Italian Association of European lawyers (AGE) on the topic "*Diritti fondamentali e politiche dell'UE dopo Lisbona*", Pescara, 6-7 May 2010

**Title:** *L'art. 41 della Carta europea dei diritti e il diritto ad una buona amministrazione dopo l'entrata in vigore del Trattato di Lisbona*

**Paper** presented at the Conference organised by Università di Osnabrück (Germany), European Legal Study Institute (ELSI), on the topic "*The limits of transfer of sovereignty from the National and the European perspective*", Osnabrück 25-26 June 2010

**Title:** "*Le rapport entre constitution italienne et normes externes et la question des soi-disant « contre-limites »*"

**Paper** presented at the Conference: **Laudatio** in honour of Prof. Dr. Albrecht Weber, organised by University of Osnabrück (Germany), European Legal Study Institute (ELSI), Osnabrück, 25 June 2010.

**Title:** *Albrecht Weber: der Mensch und der Wissenschaftler*

**Paper** presented at the Conference organised by Ph.D. School of Università di Catania, Catanzaro, Messina, Napoli Due, Palermo, Reggio Calabria, Malta, Saragoza, on the topic "*I diritti dopo il Trattato di Lisbona*", Hotel Villaggio Guglielmo - Copanello (CZ), 2-3 July 2010

**Title:** *Il diritto di asilo*

**Paper** presented at the Conference organised by Dipartimento di Studi Sociali e Politici of University of Milan and Association Antigone on the topic "*Proteggere i diritti e prevenire la tortura: l'Europa delle migrazioni tra privazione della libertà e respingimenti*", Milan, 28 October 2010

**Title:** *Diritto d'asilo e pratica dei respingimenti, fra diritto nazionale e diritto dell'Unione europea*

## 2011

**Paper** presented at the Conference organised by Deutsche Hochschule für Verwaltungswissenschaften - Speyer on the topic "*35 Jahre Verwaltungsverfahrgesetz – Bilanz und Perspektiven*", Speyer, 9-11 February 2011

**Title:** *Das Verwaltungsverfahrgesetz im europäischen Kontext: der Fall Italiens*

**Paper** presented at the Conference organised by University of Rome III on the topic "*La Direttiva Servizi e il d.lgs. 59/2010: effetti sul diritto amministrativo nazionale "Interesse pubblico e disegno organizzativo delle pubbliche amministrazioni"*", Rome, 7 March 2011

**Title:** *Direttiva servizi e cooperazione amministrativa*

**Paper** presented at the Conference organised by University of Freiburg, Europa-Institut and Lehrstuhl für Öffentliches Recht, Abt. Europa- und Völkerrecht, on the topic "*Das Verhältnis vom nationalem Recht und Europarecht im Wandel der Zeit*", Freiburg im. Br., 12-14 May 2011

**Title:** *Die "Nebeneffekte" von unionsrechtlichen Vorschriften in Bereichen wo es keine normative Kompetenz der EU besteht: Eine der aktuellsten Fragen bezüglich des Verhältnis vom nationalem Recht und Europarecht*

**Series of Lectures** on the Administrative Process presented in the context of the training Program for federal judges organised at the State University "Universidade Federal Fluminense" of Niteroi (Brasile) in the context of the Cooperation Agreement between the University of Milan and the Universidade Federal Fluminense in Niteroi (Brazil), Nucleus of Sciences of the judiciary (Nupej) – Niteroi, 11-15 July 2011

**Paper** presented at the Conference organised by Università di Trier, „Gesellschaft für Rechtsvergleichung“, on the topic "*Rechtliche Grenzen der Freiheit und Rechtsschutz*". Trier, 15-17 September 2011

**Title:** *die Verfahrensautonomie der Mitgliedstaaten*

**Paper** presented at the Conference: "*IVè Rencontres franco-italiennes de Droit administratif*" organised by University of Toulouse I. Toulouse, 2-3 December 2011

**Title:** *Il procedimento amministrativo nella scienza del diritto amministrativo in Italia*

## 2012

**Paper** presented at the Conference organised by European Ombudsman and "Research Network on EU Administrative Law"(ReNEUAL) on the topic "*Towards an EU administrative procedure law?*". EU Parliament, Bruxelles, 15-16 March 2012

**Title:** *Information Management in "informal" EU Networks of Co-operation*

**Paper** presented at the Conference organised by the Regional Administrative Court of Lecce on the topic "*L'Europa del diritto: i giudici e gli ordinamenti*". Lecce, 27-28 April 2012

**Title:** *Il rapporto fra giudici: il rinvio pregiudiziale*

**Conclusive report** presented at the Conference: "*4. Europa-Gespräche Cadenabbia: Von der Krise zum Neuaufbruch – Welche Zukunft gibt es für Europa?*" organised by Prof. Thomas Von Danwitz, at "Konrad Adenauer Stiftung"(Cadenabbia - Como). Cadenabbia, Villa la Collina, 18-20 May 2012

**Coordinator and introductory paper** presented at the Conference organised by University of Milan on "*Atti amministrativi e tutela della concorrenza. Il potere di legittimazione a ricorrere dell'AGCM nell'art. 21 bis legge n. 287/90*". Milan, Napoleonic hall of Palazzo Greppi, 27 September 2012

## 2013

**Paper to present the book** of Stefano Rodotà (Emeritus Professor of Civil Law, University of Rome, La Sapienza) on the topic "*Il diritto di avere diritti*", organised at University of Milan on the topic "*diritti fondamentali di cittadinanza nella network society*". Milan, Hall of graduations of the Faculty of Political Sciences, Via Conservatorio, 5 February 2013

**Paper** presented at the Conference: "*La lingua della scienza e dell'arte*" organised by "Comitato Lingua Madre" at Società Umanitaria di Milan, su "*Lingua Cultura Libertà*". Milan, Società Umanitaria, Salone degli affreschi, Via San Barnaba 48, 20 February 2013

**Organization, scientific coordination and Paper** presented at the Conference: "*Giudizio amministrativo e ruolo del giudice in una prospettiva comparata*", at University of Milan. Milan, Napoleonic hall of Palazzo Greppi, Via Sant'Antonio 10, 25 March 2013

**Coordinator and introductory paper** presented at the Conference: "*Les législations de police sanitaire harmonisées au niveau européen. Cas de l'ESB e de la fièvre aphteuse*" within the Conference organised by "Association des Conseils d'Etat e des Juridictions administratives suprêmes de l'Union européenne", in cooperation with ReNEUAL, EFSA e DG SANCO of EU Commission on "*Sécurité alimentaire: articulation des compétences européennes et nationales, et contrôle juridictionnel des décisions prises en cette matière*". Parma, EFSA, 22 April 2013

**Paper** presented at the Conference: "*La Unión Europea en el marco constitucional de los Estados Miembros*" organised by Jean Monnet chair of Dpto. de Derecho Administrativo de la Facultad de Derecho de la Universidad Complutense de Madrid (Prof. Ricardo Alonso García). Madrid, 24 April 2013

**Title:** *La Unión Europea en el marco constitucional de los Estados Miembros: el caso de Italia*

**Coordinator and introductory paper** presented at the Conference (organised together with Prof. David Capitant, Université Paris 1-Panthéon-Sorbonne): "8ème Rencontres franco-allemandes de jeunes chercheurs en droit public comparé - 8. Deutsch-Französisches DoktorandenSeminar zur Rechtsvergleichung im öffentlichen Recht". Villa Vigoni, Lovenjo di Menaggio, 13-15 June 2013

**Paper to present the work of** "Working Group 4 on Information Management" at the Conference organised at University of Luxemburg, Faculté de droit, d'économie e de finance and "Research Network on European Administrative Law"(ReNEUAL), on "*Administrative Procedural Law in the EU*". Lussemburgo, 27-28 June 2013

## 2014

**Paper** presented at the Conference: "*Integrazione europea, servizi pubblici e diritti fondamentali*". Catania, Dipartimento di Giurisprudenza (Villa Cerami), 31 January 2014

**Title:** *La tutela dei diritti fondamentali nel diritto dell'Unione europea dopo l'entrata in vigore della Carta dei diritti*

**Paper** presented at the Conference organised by European Ombudsman and "Research Network on EU Administrative Law"(ReNEUAL) on the topic "*EU Administrative procedures. Presenting and discussing the ReNEUAL draft model rules*". EU Parliament, Bruxelles, 19-20 May 2014

**Title:** *Shared information and mutual assistance (ReNEUAL Books V and VI)* – together with J-P. Schneider, Università di Freiburg in Br.

**Paper** presented at the Conference: "*5ème Rencontres franco-italiennes de Droit administratif*" organised by University of Brescia. Brescia, 23-24 May 2014

**Title:** *Les actualités dans le droit administratif italien*

**Paper presented as Discussant** at the Conference organised by University of Trento on the topic "*Verso nuovi rimedi amministrativi? Modelli giustiziali a confronto*", Trento, 6 June 2014.

**Title:** *Il ripensamento del ricorso amministrativo in Germania*

**Series of Lectures** on "Princípios Fundamentais e Regras Gerais da Jurisdição Administrativa", presented in the context of the training Program for federal judges organised at the State University "Universidade Federal Fluminense" of Niteroi (Brasile) in the context of the Cooperation Agreement between the University of Milan and the Universidade Federal Fluminense in Niteroi (Brazil), Nucleus of Sciences of the judiciary (Nupej) - Niteroi, 28-31 July 2014

**Paper** presented at the Conference organised by "Escola da Magistratura Regional Federal da 2ª Região – EMARF"(Brasile) on the topic "*Princípios Gerais do Procedimento Administrativo*", Rio De Janeiro, 1 August 2014.

**Title:** *O princípio da proporcionalidade*

**Paper** presented at the Conference organised by Universidad Externado de Colombia, Bogotá (Colombia), Facultad de Derecho, Departamento de Derecho Administrativo, on the topic "*La constitucionalización del derecho administrativo*", Bogotá, 3-5 September 2014.

**Title:** *La convencionalización del Derecho administrativo*

**Paper** presented at the Conference organised by Università Cardinal Stefan Wyszyński or Warsaw on "*Transparency and its Limitations in a Democratic Country*", Warsaw, 20 October 2014

**Title:** *Draft Model Rules on EU Administrative Procedures: Book VI of ReNEUAL, its background and its Model Rules on Information Management.*

**Paper** presented at the Seminars organised by the European School of Advanced Fiscal Studies on "*Il diritto a una buona amministrazione profili amministrativi e tributari*", Bologna, 28 October 2014

**Title:** *Le garanzie previste dall'art. 41 della Carta dei diritti UE: profili generali*

**Coordinator and Paper** presented at the Conference: "*Verso la codificazione del procedimento amministrativo dell'unione europea: problemi e prospettive*", at "Università degli Studi di Milan". Crociera Alta (of the Law School), via Festa del Perdono, 7. Milan, 7 November 2014.

**Title:** *The "Research Network on EU Administrative Law" e il codice ReNEUAL sul Procedimento Amministrativo dell'Unione europea*

**Paper** presented at the Conference: Wissenschaftliche Gesellschaft für Europarecht, XXIII. Wissenschaftliches Kolloquium, on the topic "*Europäisches Unionsrecht in der Rechtsprechung nationaler Obergerichte*". Berlin, 27-28 November 2014.

**Title:** *European Union Law in the Jurisprudence of Italian High Courts*

**Paper** presented at the Conference organised by National School of Administration on the topic "*Verso una codificazione dei procedimenti amministrativi dell'Unione europea?*". Rome, 1st December 2014

**Title:** *Presentazione dei Libri V e VI delle Model Rules*

## 2015

**Paper** presented at the Conference: Round Table on "*El Código ReNEUAL de procedimiento administrativo de la Unión Europea*", in Jornada "*El Código ReNEUAL de procedimiento administrativo de la Unión Europea*". Universitat de Barcelona. Barcellona, 30 January 2015.

**Coordinator and Paper** presented at the Conference: "*La 'Informationsverwaltung', fra diritto tedesco, diritto italiano e diritto dell'Unione Europea*", at "Università degli Studi di Milan". Crociera Alta (of the Law School), Milan, 19 February 2015.

**Title:** *Tutela della riservatezza e principio di trasparenza dell'attività della pubblica amministrazione nel sistema italiano*

**Paper** presented at the Conference: "*The Model Rules on EU Administrative Procedures: Adjudication*", organised by "Dornburg Research Group of New Administrative Law - Groupe de recherche de Dornburg pour le nouveau droit administratif - Fifth Workshop 2015, at Università degli Studi di Rome, Tor Vergata. Rome, 22-23 April 2015.

**Title:** *ReNEUAL Book VI on Administrative Information Management*

**Paper** presented at the Conference: "*Ricerche sui Centocinquanta anni delle Leggi di unificazione amministrativa - L'intervento pubblico nell'economia*", at Università degli Studi di Roma III. Rome, 11 June 2015.

**Title:** *Gestione dei servizi pubblici locali e in house providing*

**Coordinator and Paper** presented at the Conference: "*Administrative Procedure in the European Union: a Comparative Analysis*" at "Università degli Studi di Milan", Facoltà di giurisprudenza, biblioteca della sezione di Diritto amministrativo - via Festa del Perdono 7, Milan, 9 July 2015

**Paper** presented at the Conference: "*Der ReNEUAL-Musterentwurf für ein Europäisches Verwaltungsverfahrenrecht in der Diskussion*" organised at the German „Bundesverwaltungsgericht“ in Leipzig. Leipzig, 5-6 November 2015

**Coordinator and Paper** presented at the Conference: "*L'amministrazione digitale nell'Unione Europea: prospettive di sviluppo e problematiche connesse*" at "Università degli Studi di Milan". Crociera Alta (of the Law School), Milan, 18 December 2015

**2016**

**Coordinator and Paper** presented at the Conference: "*Il diritto italiano in Europa*" at "Università degli Studi di Milan". Crociera Alta (of the Law School), Milan, 15 January 2016

**Title:** *Il Diritto UE, fra comparazione giuridica, multilinguismo e ruolo dei giuristi nazionali*

**Coordinator and Paper** presented at the Conference: "*Il giudice e l'economia*" at "Università degli Studi di Milan". Crociera Alta (of the Law School), Milan, 20 January 2016

**Paper** presented at the Conference: "*La valutazione della ricerca nelle scienze sociali, economiche e giuridiche*", at "Università degli Studi di Milan", Hall of graduations of the Faculty of Political Sciences, Economiche e Sociali, Via Conservatorio 7, 4 febbraio 2016

**Title:** *Il dibattito sulla valutazione nell'area giuridica*

**Paper** presented at the Conference: "*La riforma della pubblica amministrazione e i decreti di attuazione della legge 124/2015 (legge madia)*", at "Università degli Studi di Milan". Napoleonic hall of Palazzo Greppi, 26 February 2016

**Title:** *La trasparenza della Pubblica Amministrazione oggi, alla luce delle previste modifiche alle disposizioni del Decreto Legislativo 33/2013*

**Paper** presented at the Conference: "*Europeanisation of Administrative Law And Codification Of Administrative Procedure - ReNEUAL Conference 2016*" at Babes-Bolyai University, Center for Good Governance Studies, Cluj Napoca (Romania), 13-14 May 2016

**Title:** *Decision making and Information Management in an intertwined EU administration*

**Paper** presented at the Conference "*I dialoghi tra le Corti*", at Università degli Studi di Siena, 19 May 2016

**Title:** *Dialogo tra le Corti e processo amministrativo*

**Paper** presented at the Conference "*Codice ReNEUAL del procedimento amministrativo dell'Unione Europea*" at Università degli Studi di Torino, Biblioteca Europea Gianni Merlini, 4 July 2016

**Title:** *I Libri V e VI delle Model Rules nel contesto generale della codificazione ReNEUAL*

**Paper** presented at the Conference "*2016 Annual Conference of Southeastern Association of Law Schools*, within the Panel "*Administrative Law Discussion Forum*", Amelia Island, 3-9 August 2016

**Title:** *The Italian Freedom of Information Act 2016 (why transparency-on-request is a better solution)*

**Paper** presented at the Conference "*62° Convegno di Studi Amministrativi di Varenna - L'Italia che cambia: dalla riforma dei contratti pubblici alla riforma della Pubblica Amministrazione*", at Villa Monastero, Varenna, 22-24 September 2016

**Title:** *La trasparenza, per un nuovo rapporto tra cittadino e Pubblica Amministrazione*

**Paper** presented at the Conference: "*Annual Congress of the Italian Association of Administrative Law Professors (AIPDA)*", at University of Rome III, on the topic "*Il diritto amministrativo alla prova delle leggi finanziarie*", Lecce, 25-26 September 2008

**Title:** *La trasparenza, per un nuovo rapporto tra cittadino e Pubblica Amministrazione*

**Coordinator** (together with the "Deutsches Institut für öffentliche Verwaltung Speyer") **and Paper** presented at the Conference: "*Deutsch-Italienisches Kolloquium - Denationalisierung der öffentlichen Verwaltung: Europäisierung und Internationalisierung der öffentlichen Verwaltung im Vergleich*", Villa Vigoni, Lovenjo di Menaggio, 26-28 September 2016

**Title:** *Die Rolle der Verwaltungskultur für eine effektive Implementierung des Unionsrechts*

**Paper** presented at the Conference: "*Convegno nazionale dell'Associazione Italiana dei Professori di Diritto Amministrativo (AIPDA)*" at University of Rome III, on the topic "*Antidoti alla cattiva amministrazione: una sfida per le riforme*", Rome, 7-8 October 2016 -

**Title:** *Trasparenza e contrasto della corruzione nella pubblica amministrazione, fra realtà e falsi miti*

**Paper** presented at the Conference: "*Diritto europeo e diritto nazionale 25 anni dopo*", on the occasion of the 25th anniversary of the "Rivista italiana di diritto pubblico comunitario", at "Università degli Studi di Milan", Crociera Alta (of the Law School), Milan, 11 November 2016

**Title:** *L'attività e il procedimento*

**Paper** presented at the Conference: "*DIGITEC 2016: Digital Future*", Panel on "*Open data and digitalisation for public administrations*", organised by EU Parliament DG ITEC, in cooperation with the EU Commission. Square, Brussels, 29 November 2016

**Title:** *The role of ICT in the public sector. Digitisation of single Public Administrations or digitisation of single procedures?*

**Chair and Introduction to the Conference:** *"Legal BIM. Modellazione Informativa e Nuovi Modelli Contrattuali"*, at "Università degli Studi di Milan", Milan, Napoleonic hall of Palazzo Greppi, 5 December 2016

2017

**Organization, scientific coordination and Paper** presented at the Seminar: *"Shared Administration and Digitalization of National and EU Public Administration: Potential, Risks and Challenges of The "Digital Revolution"* at "Università degli Studi di Milan", Milan, 13 January 2017

**Discussant** at the Workshop: *"Il dibattito recente sulla valutazione della ricerca nelle scienze sociali, economiche e giuridiche alla luce del lavoro dei GEV 12, 13 e 14 nella recente VQR"*. A discussion of the semi-monographic edition of Politeia (2016, n. 123). Rome, headquarters of the Italian Agency for the Evaluation of Universities and Scientific Research, 24 January, 2017

**Chair and Introduction to the Seminar** *"Giudici europei: Giudici costituzionali? Riflessioni sui nuovi volti della giustizia costituzionale"*, at "Università degli Studi di Milan", Biblioteca di Politeia, via Festa del Perdono 7. Milan, 3 May 2017.

**Paper** presented at the Conference: *"Codice dei contratti: correttivo o consolidamento?"*, at "Università degli studi di Roma Tor Vergata", Aula Magna della Facoltà di Economia. Rome, 11 May 2017.

**Title:** *Il soccorso istruttorio prima e dopo il correttivo*

**Coordinator and Paper** presented at the Conference: 12. Tagung/12th Congress/12ème Congrès of *Societas Iuris Publici Europaei*, on the topic: *"Das öffentliche Recht vor den Herausforderungen der Informations- und Kommunikationstechnologien jenseits des Datenschutzes - Information and Communication Technologies Challenging Public Law, Beyond Data Protection - Le droit public au défi des technologies de l'information et de la communication, au-delà de la protection des données"*, organised Under the High Patronage of the European Parliament at "Università degli Studi di Milan" Crociera Alta di Giurisprudenza, Via Festa del Perdono 7. Milan, 25-27 May 2017.

**Title:** *Information and Communication Technology and Public Administration: Through the Looking Glass*

**Presentation of the book** by Giacinto della Cananea *"Due Process of Law beyond the State (Oxford University Press, 2016)"*, at "Università degli Studi di Firenze", Dipartimento di scienze giuridiche, Via delle Pandette, 33. Florence, 29 May 2017.

**Organization, scientific coordination and Paper** presented at the Seminar organised with Juan Gustavo Corvalan (Fiscal adjunto en lo contencioso administrativo y tributario of the City of Buenos Aires) on: *"Internet e il governo elettronico: Intelligenza artificiale e algoritmi di controllo intelligente"*, at "Università degli Studi di Milan", Facoltà di giurisprudenza, biblioteca della sezione di Diritto amministrativo - via Festa del Perdono 7. Milan, 9 June 2017.

**Chair** of the Panel on *"Courts, the rule of law and Europe's changing administration"*, at ICON-S 2017 Meeting on *"Courts, Power, Public Law"*, University of Copenhagen, Copenhagen, 5-7 July, 2017.

**Paper** presented at the Conference: *"IV Congreso Internacional del avance del Gobierno Abierto - II Congreso de Buen gobierno y transparencia de la Comunitat Valenciana"*, organised by Universidad de Valencia with Red Derecho TICs at Departamento de Derecho constitucional y Ciencia política y de la Administración of Universidad de Valencia, 6-7 September 2017.

**Title:** *Transparencia y buen gobierno. Evaluación y propuestas a partir de la experiencia en la Unión europea e Italia*

**Paper** presented at the Conference: *"Summer Colloquium - Conflicts, Comparative Reasoning and Legal Transplants: Towards a Common Constitutional Law?"*, at: Law Faculty, University of Coimbra, Coimbra, 28 August – 2 September 2017

**Title:** *The counter-limits doctrine or the limits of the global constitutional polity*

**Paper** presented at the Conference: *"Radici storiche e innovazione nel diritto amministrativo degli ultimi venti anni. Riflessioni sul pensiero scientifico di Nicola Bassi"*, at Dipartimento di Giurisprudenza dell'Università di Milan-Bicocca, Milan, 6 November 2017

**Title:** *Il diritto globale*

**Paper (Conferencia Magistral)** presented at the Conference: *"Gobernanza Inteligente e Innovación Inclusiva"*, panel on *"Gobernanza y tecnologías de la información y de la comunicación (TIC)"*, organised by Ministerio Público Fiscal de la Ciudad Autónoma de Buenos Aires at Facultad de Derecho, Universidad de Buenos Aires, Buenos Aires, 22-24 November 2017

**Title:** *Digitalización y transparencia*

2018

**Chair and Introduction to the Round Table** in the context of the conference organised at the University of Milan, Faculty of Political, Economic and Social Sciences *"E-Democracy e trasformazione digitale: sfide prospettive e competenze"*. Milan, Sala Lauree SPES, Via Conservatorio, 7 Via Conservatorio, 7 - 12 February 2018

**Chair and Introduction to the Conference** *"La Brexit: andamento dei negoziati e impatto potenziale sulle pubbliche amministrazioni e professioni legali nell'Europa 27 e in Italia"*, organised in collaboration with the Information Office of the EU Parliament in Milan and with the Jean Monnet module "Understanding the European Public Administration: New Challenges" of Università degli Studi di Pavia at the Information Office of the EU Parliament in Milan, Palazzo delle Stelline, Corso Magenta n. 59. Milan, 27 March 2018.

**Organization, scientific coordination and Paper** presented at Conference *"L'italiano alla prova dell'internazionalizzazione"*, organised at the University of Milan. Milan, Napoleonic hall of Palazzo Greppi, 4 April 2018.

**Title:** *La vicenda dei corsi "solo in inglese" al Politecnico di Milan, fra problematiche giuridiche e problematiche socio-economiche*

**Paper** presented at the Seminar: *"Trasparenza amministrativa e accesso alle informazioni"*, in the context of the "Sassari Seminars on Administrative Law. Second cycle", organised at the Department of Law of the University of Sassari. Sassari, 20 April 2018

**Title:** *L'accesso civico generalizzato: luci ed ombre dell'istituto ad un anno dall'entrata in vigore del decreto FOIA*

**Paper** presented at the Conference: *"Verso la codificazione del procedimento amministrativo dell'unione europea? Le "Model Rules" di ReNEUAL"*, organised by



the Italian Council of State at Palazzo Spada – Pompey's Hall, P.zza Capo di Ferro 13, Roma. Roma, 7 May 2018

**Title:** *Le "Model Rules" e gli aspetti più innovativi della collaborazione fra amministrazioni: scambio dei dati e gestione delle banche dati*

**Papers** presented in the context of the Judicial Training on Administrative Law and Procedure, organised by *European Judicial Training Network - Réseau Européen de Formation Judiciaire* at National Institute of Magistracy (NIM), Bd. Regina Elisabeta, nr. 53, Bucarest, Romania. Bucharest, 14 May 2018.

Title of paper no. 1: *Basic Principles of Administrative Procedural Law as developed by the Jurisdiction of ECJ in comparison to the planned European Administrative Procedural Law*

Title of paper no. 2: *The principle of Autonomy of MS in National Judicial Procedure and the Principle of Effectiveness of Judicial Protection in ECJ case law*

**Paper** presented at the Conference: "*Information Sharing and European Agencies: Novel Frontiers*" organised by *European University Institute - Robert Schuman Centre for Advanced Studies*, Villa Schifanoia, Florence/Fiesole, 24 May 2018

**Title:** *Information Sharing and the Internal Market Information System (IMI): Empowering Administrative Cooperation at What Price?*

**Introduction to the Seminar:** "*Digitalizzazione della pubblica amministrazione: presentazione del progetto Prometea*" organised at the Regional Administrative Court of Lombardy, Via Filippo Corridoni 39. Milan, 30 May 2018

**Organization, scientific coordination and Paper** presented at the Conference: "*Digitalizzazione della pubblica amministrazione: problemi attuali e prospettive future - Digitalization of Public Administration: Current Problems and Future Prospects - Digitalización de la administración pública: problemas actuales y perspectivas*", organised at the University of Milan, Crociera Alta di Giurisprudenza, Via Festa del Perdono 7. Milan, 31 May 2018.

**Title:** *Digitalizzazione, Procedimento e Processo: potenzialità e rischi nel cammino verso la Pubblica Amministrazione 4.0*

**Paper** presented at the conference: "*Privacy and Governmental Forum on Transparency*", organised at the Université Paris-Dauphine, Paris, 25-26 June 2018

**Title:** *Public Administration in the Age of Database and Information Exchange Networks: Empowering Administrative Power or Just Better Serving the Citizens?*

**Paper** presented at the conference: "*Lingua, Diritto e Cultura*" organised by the *Italian Zentrum* of the *Freie Universität Berlin*, at the *Freie Universität Berlin*, Berlin, 10 July 2018

**Title:** *Esigenze di internazionalizzazione versus esigenze di protezione della lingua nazionale?*

**Paper** presented at the Ph.D.-School Seminar: "*L'informatizzazione dell'amministrazione per l'economia digitale: tra massimizzazione informativa, tutela dei diritti e problemi di efficienza*", Bologna, 21 September 2018

**Title:** *L'impatto della digitalizzazione dell'attività amministrativa e i nuovi modelli di rapporto PA-cittadino-Utente*

**Introductory Paper to the Workshop** «Nuove prospettive dell'amministrazione digitale: open data e algoritmi / Nouvelles perspectives de l'administration numérique: open data et algorithmes/ New Perspectives of Digital Administration: OpenData and Algorithms », presso l'aula Baratto, Università Cà Foscari, Venice, 12 October 2018

**Title:** *"Open-Data" e Azione Amministrativa - Relazione Introduttiva*

**Organization and scientific coordination** of the "*1st Edition of the Seminars of the Ph.D. School in Public, International and European Union law. Big data and Public Law: New Challenges beyond Data Protection*", 15-17 October 2018, Palazzo Feltrinelli, piazza Vittorio Veneto, Gargnano sul Garda

**Short Lecture** at the „8. Bonner Humboldt-Preisträger-Forum „Zwischen Handwerk und Bekenntnis, Empirie und Normativität: Selbstbestimmung der internationalen Rechtswissenschaft". Hotel Bristol, Bonn, 17-21 ottobre 2018

**Title:** *Mehrsprachigkeit oder Einsprachigkeit in der Europäischen Union der Zukunft? Ein Plädoyer für die Aufrechterhaltung und Schutz der Mehrsprachigkeit in der Europäischen Union*

**Paper** presented at the at the Ph.D.-School Seminar: "*New Tendencies of Administrative Law*", Università degli Studi di Torino. Torino, Campus Luigi Einaudi, 5 November 2018

**Title:** *Digitalising Public Administration: problems and prospects*

**Paper** presented at the Seminar of the "Grupo de Investigación del Observatorio de la Evolución de las Instituciones"(OBSEI) at Universitat Pompeu Fabra of Barcelona. Barcelona, 28 November 2018

**Title:** *Digitalización y transparencia*

## 2019

**Paper** presented at the "*Workshop E-Democracy*", at the European University Institute (IUE) in Fiesole. Fiesole, 25 January 2019

**Title:** *Transparency, Openness and Citizens' Participation*

**Paper** presented at the Seminar: "*Administrative transparency and protection of the lives of others*" at Università degli Studi Roma Tre – Dipartimento di Giurisprudenza. Rome, 2 April 2019

**Title:** *La trasparenza amministrativa in Italia: luci e ombre*

**Paper** presented at the conference: "*Verfassungsentwicklungen im Vergleich. Italien 1947 – Deutschland 1949 – Spanien 1978*" at Akademie der Konrad-Adenauer-Stiftung. Berlin, 4-5 April 2019

**Title:** *Die Einwirkungen vom Europarecht auf die Italienische Verfassung*

**Introduction** to the „*EJTN Administrative Law Training: Administrative Law Procedures in Europe*", organised by European Judicial Training Network - Réseau Européen de Formation Judiciaire at Institute de Formation Judiciaire (IFJ) de Bruxelles. Brussels 9-10 April 2019

**Title:** *Error of law and flawed administrative acts: the case of administrative procedural law (a comparative and EU law perspective)*

**Chair and Introduction** to the Conference: "*State and Administration faced with the ICT revolution: participation, rights and new actors*", at "Università degli Studi di Milan", Crociera Alta (of the Law School), Via Festa del Perdono 7. Milan, 7 May 2019.

**Chair** of the third session on "*Interoperability of databases and administrative function*" of the Conference: "*Public administration with Big Data*" organised at Università degli Studi di Torino, together with AIPDA. Turin, 20-21 May 2019.

**Chair and Introduction** to the Conference: "*Le trasformazioni del diritto europeo: un concetto ripensato e «alla ricerca del diritto comparato»*", organised at "Università degli Studi di Milan". Crociera Alta (of the Law Faculty), Via Festa del Perdono 7. Milan, 4 June 2019.

**Paper** presented at the conference: "*ReNEUAL 2.0 – Presenting and Discussing new ReNEUAL projects*", Freiburg University, Haus zur lieben Hand, Löwenstraße 16. Freiburg im. Br., 6-7 June 2019

**Title:** *Digitized Public Administration in the EU (ReNEUAL working group 2.2)*

**Paper** presented at the conference: "*La codification de la procédure administrative non contentieuse de l'Union européenne*", at University of Toulouse 1, Capitole. Toulouse, 20-21 June 2019

**Title:** *Le projet ReNEUAL*

**Paper** presented at the Conference: "*Proportionality in Europe and Australia*", at Sydney Law School, Sydney (Australia), 8 August 2019

**Title:** *The principle of proportionality in Europe*

**Paper** presented at the Conference: "*The Era of Biotechnology: Ethics, Risks, and Limitations to Trade within the WTO Framework*", at School of Law, Macquarie University, Sydney (Australia), 24 September 2019

**Title:** *The Principle of Proportionality as a Legal Tool for Balancing Economic and Non-Economic Interests? A Comparative and EU Law Perspective*

**Paper** presented at the conference: "*Datos e inteligencia artificial en el sector público: la importancia de las garantías jurídicas - II Seminario Internacional Derecho Administrativo e Inteligencia Artificial (DAIA)*", organised by "Red Derecho TICs, Red de especialistas en Derecho de las Tecnologías de la Información y Comunicación" at "Universidad de Valencia" (ES). Valencia, 9-10 October 2019.

**Title:** *La discrecionalidad técnica y administrativa ante el uso de algoritmos e IA en el sector público*

**Chair of the panel** on "*Interoperabilità delle banche dati e funzione amministrativa*" del Convegno annuale della of the annual conference of the Association of Administrative Law Professors (AIPDA), on the general topic "*L'amministrazione pubblica con i Big Data*" at "Università degli Studi di Pisa". Pisa, 10-11 October 2019.

**Paper** presented in the context of the interdisciplinary doctoral seminars of the Physics and Law Ph.D.-Schools of the University of Padua on the topic "Big Data Law". At "Università degli Studi di Padova". Padova, 5 November 2019.

**Title:** *Trasparenza, Riservatezza, Big Data: Quo vadis Pubblica Amministrazione?*

**Paper** presented at the inaugural conference of the academic year 2019-2019 on "*Diritto alla riservatezza e principi di pubblicità e trasparenza: quale bilanciamento?*", organised by the Ph.D. in International and European Public Law and from the Master's degree course in "Administrations and public policies". Milan, Hall of graduations of the Faculty of Political Sciences, Via Conservatorio, 11 November 2019.

**Title:** *La sentenza 23 gennaio 2019, n. 20, della Corte costituzionale fra bilanciamento fra diritti e principio di proporzionalità: luci ed ombre.*

**Chair of a Workshop** in the context of the "*EJTN Administrative Law Training: Administrative Law Procedures in Europe*", organised by the *European Judicial Training Network - Réseau Européen de Formation Judiciaire* at TAR Lazio. Roma, 14-15 November 2019.

**Paper** presented at the conference: "Whistleblowing e prevenzione dell'illegalità", organised by Dipartimento di Scienze giuridiche G. Beccaria at "Università degli Studi di Milan". Milan, Napoleonic hall of Palazzo Greppi, Via Sant'Antonio 10, 18 November 2019.

**Title:** *La disciplina italiana del whistleblowing come strumento di prevenzione della corruzione e dell'illegalità nella pubblica amministrazione: luci ed ombre*

**Paper** presented at the conference: "*Itinerari della Giustizia amministrativa e del suo giudice. Per i 130 anni dall'istituzione della Quarta Sezione del Consiglio di Stato*". Roma, Palazzo Spada – Aula di Pompeo - Piazza Capo di Ferro, 20 November 2019.

**Title:** *Il principio di proporzionalità fra diritto nazionale e diritto europeo*

**Chair and Introduction** to the Conference: "*Poland's constitutional breakdown (and illiberal democracy). Discussing Wojciech Sadurski's book*", organised at "Università degli Studi di Milan". Crociera Alta (della Facoltà di Giurisprudenza), Via Festa del Perdono 7. Milan, 21 November 2019

**Co-chair and Paper** presented at the panel on: "*Sfide e opportunità dell'intelligenza artificiale nei processi decisionali delle amministrazioni pubbliche*", in the context of the "Second ICON-S Italia conference 2019" on the topic "*Le nuove tecnologie e il futuro del diritto pubblico*", at "Università degli Studi di Firenze", 22-23 November 2019

**Title:** *I problemi della c.d. decisione algoritmica*

**Paper** presented at the "*Study meeting-seminar on Artificial Intelligence and modern Democracy*" organised by the European Parliament, Directorate-General for Innovation and Technological Support. Bruxelles, 3 December 2019.

**Title:** *Artificial Intelligence and Public Administration*

**Paper** presented at the conference: "*Funzione amministrativa e diritti delle persone con disabilità*", organised by "Università Federico II and Università di Cassino e del Lazio Meridionale" at classroom "Pessina" of the Department of Law of Federico II University, Corso Umberto I, Napoli, 6 December 2019.

**Title:** *Persone con disabilità e Diritto dell'Unione europea: l'evoluzione del quadro normativo di riferimento*

**Chair and Introduction** to the conference: "Working Methods of the European Parliament Administration in Multi-Actors World. Discussing Giancarlo Vilella's Book", at "Università degli Studi di Milan". Milan, Napoleonic hall of Palazzo Greppi, Via Sant'Antonio 10, 9 December 2019.

**Paper** presented at the conference: "*Mercato Unico Digitale, dati personali e diritti fondamentali*", organised at "Università degli Studi di Milan". Milan, Napoleonic hall of Palazzo Greppi, Via Sant'Antonio 10, 16 December 2019.

**Title:** *Cooperazione fra amministrazioni e scambio di dati nel contesto UE, anche nella prospettiva dell'adozione di decisioni amministrative c.d. automatizzate*

2020

**Paper** presented at the conference: "*L'indépendance des juges et le droit de l'Union européenne*" organised at "Ecole de droit de la Sorbonne", Université Paris 1 Panthéon-Sorbonne ». Paris, Salle 6 – Centre Panthéon, 12 Place du Panthéon, 23 January 2020

**Title:** The independence of EU law judges from the point of view of the organisational (and procedural) autonomy of the Member States/L'indépendance des juges et le droit de l'Union européenne du point de vue de l'autonomie organisationnelle (et procédurale) des Etats membres

**Paper** presented at the Webinar "*La sentenza della Corte costituzionale tedesca del 5 May 2020. Valore giuridico, significato politico, prospettive per la politica economica e monetaria dell'Unione europea*", organised by the Italian Association of European Union Law Scholars (AISDUE), 14 May 2020, Microsoft Teams Platform

**Title:** The reasoning on proportionality: errors and aporia

**Paper** presented at the Webinar "La sentenza del 5 May 2020 della seconda Camera del Tribunale costituzionale federale tedesco (e le sue conseguenze)", organised by the Law Review "Federalismi", 26 May 2020, Zoom Platform

**Title:** Errors in BVerfG reasoning, between politics and law

**Chair and Introduction** to the Webinar "*Smart city, appalti & blockchain: per un'amministrazione tracciabile e sostenibile*", organised by CERIDAP and Università degli Studi di Milan in the Framework of "Milan Digital Week 2020", 27 May 2020, Google Meet Platform

**Conclusive remarks** to the Webinar "*Diritti e tecnologie per la ripartenza*", organised by Università degli Studi di Milan together with Comune di Milan in the Framework of "Milan Digital Week 2020", 29 May 2020, in live-streaming with Streamyead (<https://www.Milandigitalweek.com/diritti-e-tecnologie-per-la-ripartenza/>)

**Speech delivered** at the „EJTN Administrative Law Training: Administrative Law Procedures in Europe“, organised by the European Judicial Training Network - Réseau Européen de Formation Judiciaire. 29 June 2020, Zoom Platform

**Inaugural Lecture** (cátedra inaugural) of the "Universidad del Rosario de Bogotá" organised on 21 September 2020, in cooperation with *Consejo de Estado de Colombia*, live streaming (<https://www.urosario.edu.co/Eventos-UR/Facultad-de-Jurisprudencia/Juris-Talks-Digitalizacion-y-derecho-a-una-buena-a/>)

**Title:** Digitalization and the right to good administration: reflections from the example of Italy/Digitalización y derecho a una buena administración: reflexiones a partir del ejemplo de Italia

**Paper** presented at the Webinar: "*Academic Freedom under Pressure? New State and Social Challenges in a German-Italian Comparison*", organised by Università degli Studi di Milano and Deutsche Universität für Verwaltungswissenschaften Speyer. 24-25 September 2020, Zoom Platform

**Title:** Academic freedom and the use of native languages (the Italian "English-only" saga and its downsides)

**Paper** presented at the Webinar: "*I concetti giuridici elementari e le gradazione*". Seminar for the presentation of the volumes: "Il diritto amministrativo nella evoluzione della scienza giuridica. Saggi e scritti scelti di Giampaolo Rossi", organised by Università degli Studi di Milano-Bicocca. 5 October 2020, Webex Platform

**Conclusive Remarks** to "*Panel III - Transparency and participation in the European multilevel administrative space*", in the context of the REALaw Forum for Young Scholars 2020, organised at Maastricht University, Maastricht 5-6 October 2020, Zoom Platform

**Paper** presented at the Webinar: "Quale spazio per l'intelligenza artificiale nel mondo del diritto?", organised by Associazione Alumni della Scuola Galileiana di Studi Superiori di Padova, on 8 October 2020, live streaming (<https://www.chiavidivolta.it/evento/giurisprudenza/>)

**Title:** Artificial Intelligence and Public Administration

**Inaugural Lecture** for the second edition of the "Posgrado Internacional Inteligencia Artificial y Derecho" organised by IALab, University of Buenos Aires. 15 October 2020, Zoom Platform

**Title:** Artificial Intelligence in the Italian Public Administration/Inteligencia Artificial en la Administración Pública Italiana

**Paper** presented at the Webinar: "VI Congreso Internacional Democracia y participación ciudadana - Panel 6 - Transparencia, democracia y mecanismos de participación ciudadana" organised by the University of Valencia (ES), 6-9 November 2020, Platform Blackboard Collaborate

**Title:** Participation in the administrative procedure in the era of digital administration: problems and perspectives/La participación en el procedimiento administrativo en la época de la administración digital: problemas y perspectivas

**Paper** presented at the Webinar: "Nuovi percorsi del Diritto Amministrativo", organised by Università degli Studi Mediterranea di Reggio Calabria, Università degli studi della Campania Luigi Vanvitelli and Università europea di Roma, 30 Novembre 2020, Zoom Platform

**Title:** Sources of (administrative) law between past, present and future

**Speech delivered** at the „EJTN Administrative Law Training: Administrative Law Procedures in Europe“, organised by the European Judicial Training Network - Réseau Européen de Formation Judiciaire. 9 December 2020, Video Conference Platform BigBlueButton (BBB)

**Title:** The Principle of Procedural Autonomy of EU Member States and the impact of EU law on National Judicial and Non Judicial Procedure

**Chair of the fourth Session on** Law no. 241/1990 in the era of digital administration of the Webinar "La legge 241/1990, trent'anni dopo", organised by the University of Milan as part of the PRIN 2017 "Administrative reforms: policies, legal issues and results", on 11 and 12 December 2020, Microsoft Teams Platform

**Discussant** at Atelier 4 on "Citizen and social issues: towards a true citizenship" of the V International Congress of Italo-Spanish Association of Public Law Scholars on "Europa, società aperta", organised by the University of Milan on 14 and 15 December 2010, Microsoft Teams platform

**Organization and conclusions** to the second panel of the Conference on "La Pandemia da COVID-19: la risposta del diritto pubblico", organised by CERIDAP (<https://ceridap.eu>), University of Milan and Milan Bar Association on 21 December 2020, Microsoft Teams Platform

**2021**

**Paper** presented at the Webinar: "Il nucleo comune dei diritti amministrativi in Europa". Presentation of the book of G. Della Cananea (Naples, 2019). 11 January 2021, Microsoft Teams Platform

**Paper** presented at the Webinar organised by the National School of Public Administration (SNA) and the International Institute of Administrative Sciences - Italian Section (IISA) on "Ripensare la Pubblica Amministrazione. Session 10 - Digitalizzare la P.A.". 27 January 2021, Microsoft Teams Platform

**Title:** Digitalisation and administrative procedure

**Chair and introduction** to the Webinar "E-democracy. Conditions, possibilities and limits" organised by CERIDAP (<https://ceridap.eu>), ICONA and University of Milan, Faculty of Political, Economic and Social Sciences on March 19, 2021, online on Microsoft Teams Platform

**Speech delivered** at the Webinar "La digitalizzazione della P.A. durante e oltre l'emergenza da Covid-19", organised by CERIDAP (<https://ceridap.eu>), City of Milan (General Secretariat) and University of Milan in the context of the "Milan Digital Week 2021", 19 March 2021, Google Meet Platform

**Organisation and Chair** of the Webinar on "The European Parliament Administration facing the challenge of eDemocracy" organised by CERIDAP (<https://ceridap.eu>) and Università degli Studi di Milano, L.L.M. in Law and Sustainable Development, March 22, 2021, Microsoft Teams Platform

**Paper** presented at the Webinar "L'Amministrazione nella Rete" organised by the School of Specialization in Studies on Public Administration (SPISA) - Research Laboratory Alma Mater Studiorum - University of Bologna within the "Public administration testing innovation" seminars, March 23, 2021, Microsoft Teams Platform

**Title:** Digitalisation and the right to good administration

**Organization, Chair and Introduction** to the Webinar "L'ordinamento della sanità" organized by CERIDAP (<https://ceridap.eu>), CesDirSan and the Phd in Public, International and EU Law, May 5, 2021, Microsoft Teams Platform

**Paper** presented at the Webinar "The digital transition in public administration", organized by the Italian Association of Professors of Administrative Law (AIPDA), May 28, 2021, online on Platform Zoom

**Title:** Problems related to the interoperability of digital databases and public services and the digitisation of the administrative process

**Organization, Chair and Introduction** to the Webinar "Legal Services and Digital Infrastructures" organized by CERIDAP and in the context of the High Qualification Seminars of the Phd School in Public International and EU Law, June 11, 2021, Microsoft Teams Platform

**Organization, Chair and Introduction** to the "3<sup>rd</sup> Seminar of the Phd School in Public, International and European Union law of the Università degli Studi di Milano: Digitalization and Mobility: How Technology Affects Flows Of People, Services And Goods", June 21, 2021, Microsoft Teams Platform

**Co-Chair of the Panel** on "The smart city challenges: digitalization", in the context of the ICON-S Annual Meeting 2021 on "The Future of Public Law", July 6-9, 2021, Microsoft Teams Platform

**Chair of the third session** of the Conference on "Comparative Analysis of Administrative Public Power as a Central Notion of Administrative Law (Public Function, Öffentliche Verwaltung, Puissance Publique, Potestad Administrativa, Władza Publiczna)", organised by the Seville University (Spain), on 16 September 2021 (in mixed mode: also online on Zoom platform)

**Chair and Introduction** to the "Forum for Public and Common Goods - Pre-COP 2021 (Milan): Climate Change and New Technologies" at the Università degli Studi di Milano, 1<sup>o</sup> October 2021 (in mixed mode: also online on Zoom platform)

**Chair** of the second day of the High Qualification Seminar of the Phd in Public Law, International and European Law of the University of Milan and the Phd in Rights and Institutions of the University of Turin on "Public data and decisions at the time of Information and Communication Technologies", Milan - Turin - Pollenzo, 21-23 October 2021

**Chair** of the first panel of the Conference of the Department of National and Supranational Public Law, Department of Excellence's project "Law, Justice and Sustainable Development" on "Access to Justice in the framework of sd goal 16", 29 October 2021, online on Microsoft Teams Platform

**Organization, Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "Administrativejustice. Fin de siècle", 3 November 2021, online on Microsoft Teams Platform

**Paper** presented at the Conference "Towards a new order? The Constitutional Law after the pandemic", second Italian-American Dialogue on Constitutionalism in the 21st century, organized by and at the Università degli Studi di Milano and Università degli Studi di Milano-Bicocca, 11-12 November 2021

**Title:** The Italian Public Administration and Technological Transition in response to COVID.

**Paper** presented at the Conference "ECB Legal Conference 2021. Continuity and change – how the challenges of today prepare the ground for tomorrow", 25-26 November 2021, European Central Bank/Frankfurt am Main (in mixed mode: also online on Webex platform)

**Title:** The EU law principle of proportionality and judicial review

**Paper** presented at the Conference "Ciclo de conferencias 2021 - De Luis XIV al Estado inteligente", organized by Academia Nacional de Ciencias de Buenos Aires and SAI (Sistemas Administrativos Inteligentes), 30 November 2021, online on Zoom Platform

**Title:** The law of the digital public administration

**Paper** presented at the Conference "Le sfide della P.A. digitale", at Università degli Studi di Catania, 2-3 December 2021

**Title:** Digital administration and the right to good administration: two steps forward and three steps back?

**Speech delivered** at the „EJTN Administrative Law Training: Administrative Law Procedures in Europe“, organised by the *European Judicial Training Network - Réseau Européen de Formation Judiciaire*. 2-3 December 2021, at Consiglio di Stato (Rome) and online su a BigBlueButton (BBB) Platform

**Title:** Technological Transition in response to COVID: the transition to a Digitalized Public Administration, with the help of EU next generation plan

**Paper** presented at the Conference "Giornata della trasparenza 2021 - L'operazione amministrativa alla prova della transizione digitale", at Università degli Studi di Trieste, 10 December 2021

**Title:** Digital administration, the right to good administration and transparency

**Organization, Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "I vizi del procedimento amministrativo e le loro conseguenze in una prospettiva di diritto comparato ed europeo", 15 December 2021, online on Microsoft Teams Platform

**Organization, Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "La nudge regulation nella teoria giuridica dell'agire amministrativo", 21 December 2021, online on Microsoft Teams Platform

## 2022

**Paper** presented at the Round Table on "La primauté de l'Union face aux constitutionnalismes nationaux : quel avenir pour l'Union européenne ?", organized by "Association du MAJEUR (Master Juriste Européen) of the « Université Toulouse 1 Capitole", 20 January 2022, at Université Toulouse 1 Capitole, auditorium de la Manufacture des Tabacs (and broadcasted online)

**Title:** Théories jurisprudentielles des limites à la primauté : la théorie italienne des contre-limites/ Jurisprudential theories of limits to primacy: the Italian counter-limits doctrine

**Paper** presented at the Conference "Le nuove prospettive del diritto amministrativo" (about the Administrative Law Book of Claudio Contessa and Angelo Lalli), organized at the TAR Lazio (Rome), 24 January 2022

**Title:** Italian administrative law, between foreign reference models and influences of EU law

**Organization, Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "Public intervention to combat poverty", 27 January 2022, online on Microsoft Teams Platform

**Paper** presented at the 1st Cycle of Seminars - Talks between Administrative Law and Constitutional Law on "Pubblica amministrazione e intelligenza artificiale", 10 February 2022, room 311, Via Festa del Perdono 7, Milan and online on Microsoft Teams Platform

**Title:** Public administration between ICT and the right to good administration

**Organization, Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "La cambiale di Forsthoff", 18 February 2022, online on Microsoft Teams Platform

**Organization, Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "Contro Ventotene. Cavallo di Troia dell'Europa neoliberale", 10 March 2022, room 302, Via Festa del Perdono 7, Milan and online on Microsoft Teams Platform

**Paper** presented at the Conference "I caratteri della pubblica amministrazione a più di vent'anni dal decreto legislativo n. 165/2001", organized by the University of Turin at the Cavallerizza Reale - Aula Magna, 17-18 March 2022 and live streaming

**Title:** Right to a good administration and Artificial Intelligence: the role of the public official responsible for managing the administrative procedure

**Paper** presented at the Conference "Giornata in ricordo di Beniamino Caravita" and presentation of the book "Beniamino Caravita: Social Network, formazione del consenso e intelligenza artificiale. Itinerari di una ricerca" (SUE, 2022), organized at Università degli Studi La Sapienza di Roma - Sala della Lauree del Dipartimento di Scienze politiche, 19 April 2022 and live streaming

**Titolo:** Good administration, Artificial Intelligence and "justice service": some reflections around Beniamino Caravita's book

**Organization, Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "L'intelligenza artificiale tra etica e diritti", 28 April 2022, online on Microsoft Teams Platform

**Final Round Table Conference Report** at the Conference "Disruptive Technologies and regulatory challenges", organized by EUCONS and Università degli Studi di Milano and Università degli Studi di Milano-Bicocca, 5-6 May 2022 and live streaming

**Paper** presented at the Conference "L'amministrazione digitale. quotidiana efficienza e intelligenza delle scelte - Digital Administration. Daily Efficiency and Smart Choices", organized by Università degli Studi di Napoli Federico II - Dipartimento di Giurisprudenza - Aula Pessina, 8-10 May 2022 and live streaming

**Titolo:** Public administration today, between artificial intelligence and human intelligence

**Chair and Introduction** to the Conference "The evaluation of scientific Journals in the area 12. The working group of area 12 meets the Scientific Community". Rome, ANVUR headquarters (and online on Teams platform), 18 May 2022

**Organization, Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "Il tribunale superiore delle acque quale giudice amministrativo. Teoria, prassi e prospettive evolutive", 5 July 2022, online on Microsoft Teams Platform

**Intervento** alla Tavola rotonda su "Prospettive e criticità della Green economy", nell'ambito del convegno dell'Associazione italo-brasiliana dei Professori di Diritto Amministrativo e Costituzionale (AIBDAC) su "Democrazia, diritti umani e sviluppo sostenibile. Quali sfide in Italia e Brasile". Università degli studi di Palermo, Via Maqueda, 172, 15-16 settembre 2022 e online su Piattaforma Microsoft Teams

**Paper** presented at the Conference: "INDIGO Project Annual Conference" <https://project-indigo.eu/indigo-project-annual-conference-in-freiburg/> at University of Freiburg i.B., 28-30 September 2022

**Title:** Algorithmic Decision-Making Systems Used by Public Administration in Italy

**Paper** presented at the Conference: "SOLVIT: Towards a default tool for dispute settlement in the Single Market?", organised by the Department of Law of the University of Luxembourg and the Luxembourg Ministry of Economy, Luxembourg, 14 October 2022 (hybrid event)

**Title:** The SOLVIT Network after two decades

**Chair of the panel** on "Les droits de la personne humaine" at the Conference: "Les régimes des autochtones et populations locales des outre-mers français. Droit et politiques comparés" at Université de Guyane, Guyane/Cayenne, 24-26 October 2022

**Paper** presented at the Conference: "La digitalizzazione e l'organizzazione della Pubblica Amministrazione", at University Ca' Foscari of Venice, 4 November 2022

**Title:** Il procedimento amministrativo come strumento di organizzazione e le conseguenze legate all'uso delle ICT

**Paper** presented at the Conference: "Public Administration Challenges in European Countries - Public Administration Faces Crises", organised by the Faculty of Administration and Social Sciences at Warsaw University of Technology and the Faculty of Law and Administration of University Cardinal Stefan Wyszyński, 10 November 2022, online  
**Title:** Right to good administration and Digitalisation of Public Administration in Italy: opportunities and challenges

**Organization and Chair** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "L'Amministrazione Regionale", 22 November 2022, online on Microsoft Teams Platform

**Paper** presented at the Conference: "Il futuro dell'Europa e le sfide delle autonomie locali", at Università degli Studi di Perugia, Degree Hall of the Law Department and online on Microsoft Teams Platform, 6 December 2022

**Title:** La sfida comune: pubblica amministrazione e digitalizzazione

**Organization, Chair and Introduction** to the Webinar "CERIDAP-BookForum" on "Il paradigma trasparenza", 6 December 2022, online on Microsoft Teams Platform

**Scientific organization of the Conference on:** "La Pubblica Amministrazione nel Nuovo Millennio". Study meeting to celebrate three years after the birth of CERIDAP CRC and Interdisciplinary Journal on the Law of Public Administrations, at Università degli Studi di Milano, Sala Crociera Alta and broadcasted online on Microsoft Teams Platform, 15-16 dicembre 2022

2023

**Organization, Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "Strukturwandel des öffentlichen Rechts. Entstehung und Demokratisierung der europäischen Gesellschaft Strukturwandel", 18 January 2023, online on Microsoft Teams Platform

**Paper** presented at the Conference: "XVII Congreso de la Asociación Española De Profesores De Derecho Administrativo (AEPDA). 20 años de la ley general de subvenciones", organised by Universidad Pablo de Olavide, de Sevilla, 26-28 January 2023

**Title:** El nuevo protagonismo de la Unión Europea como organización supranacional y como actor en el tablero mundial

**Paper** presented at the Conference: "Le tecnologie digitali tra regolazione pubblica e autonomia privata," organised by the Department of Law of the University of Florence, at Innovation Center of Fondazione CR Firenze (Lungarno Soderini 21), 23 February 2023

**Title:** Digitalizzazione e pubblica amministrazione

**Paper** presented at the Round Table on "Potenzialità e limiti dello sviluppo dell'Ecosistema digitale milanese" in the context of the Conference organized by the Municipality of Milan on "Valorizzazione, sicurezza dei dati e tutela della privacy negli ecosistemi digitali urbani". Milano, Palazzo Reale, conference room, Piazza Duomo 14, 17 February 2023

**Organization and Chair** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "La mano invisibile dello stato sociale. Il welfare fiscale in Italia", 14 March 2023, in presence (Room 400, Via Festa del Perdono nr. 7) and online on Microsoft Teams Platform

**Chair of the 1<sup>st</sup> panel** at the Conference: "Public procurement and digital transition", organized by the Department of Management of the University of Turin, Sala Lauree Blu, Campus Luigi Einaudi, Lungo Dora Siena 100/A, 17 marzo 2023

**Paper** presented at the Conference: "Norma, potere e controllo della discrezionalità amministrativa", organized at the University of Macerata, Auditorium UNIMC, Via Padre Matteo Ricci n. 2, 24 March 2023

**Title:** La proporzionalità: nozione generale

**Presentation** at the 2nd Seminar Cycle "Colloqui fra Diritto amministrativo e Diritto costituzionale" on "Il principio di proporzionalità", together with Prof. Massimo Luciani, 30 March 2023, h. 17.30, online on the Microsoft Teams Platform

**Organization, Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "L'amministrazione pubblica nell'era digitale", 3 April 2023, online on Microsoft Teams Platform

**Paper** presented at the Conference: "La riforma del codice dei contratti pubblici", organized at the University of Brescia - Department of Law, room A4 - Via S. Faustino n. 41, 14 April 2023

**Title:** La transizione digitale della Pubblica Amministrazione e il contributo del codice dei contratti pubblici

**Speech delivered** at the „EJTN Administrative Law Training Artificial intelligence and digitalization in Administrative Law”, organised by the *European Judicial Training Network - Réseau Européen de Formation Judiciaire*. 27-28 April 2023, at TAR Lazio (Rome)

**Title:** Digitalization and the EU principle of good administration

**Organization, Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "Diritto Amministrativo effettivo", 16 May 2023, online on Microsoft Teams Platform

**Paper** presented at the Conference: "Intelligenza artificiale, diritti, giustizia e pubblica amministrazione" organised by the Italian Council of State, Rome, Palazzo Spada, 18 May 2023

**Title:** Intelligenza artificiale, tutela dei dati e procedure automatizzate "trasparenti"

**Organization and Paper** presented at the Conference: "Le Riviste di area 12, in un contesto di nuove tecnologie e vecchie burocrazie: un futuro possibile?" (Conference for the twentieth anniversary of the Journal federalismi.it) organized at the Faculty of Law of the University of Milan, Via Festa del Perdono 7, room 113.

**Title:** Dalle riviste cartacee alle riviste online e oltre? Sull'open access per default e le problematiche connesse

**Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "Cassa Depositi e Prestiti. Profili giuridici", 29 May 2023, online on Microsoft Teams Platform

**Paper** presented at the Conference: "Administrative Law Forum", organized at the University of Paris Dauphine on 12-13 June 2023

**Title:** Evolving AI-based Automation, Continuing Relevance of Good Administration

**Seminar lecture at the National School of Administration (SNA)** on "Trasparenza, interoperabilità, algorithmic disclosure", 19 June 2023, online on Adobe Connect Platform

**Organization, Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "Interprete senza spartito? Saggio critico sulla discrezionalità del giudice amministrativo", 4 July 2023, online on Microsoft Teams Platform

**Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "Discriminazione algoritmica, una prospettiva comparata", 5 July 2023, online on Microsoft Teams Platform

**Chair and Introduction** to the Webinar organized by CERIDAP (CERIDAP-Bookforum) on "Riserva di Umanità e Funzioni Amministrative", 11 Settembre 2023, online on Microsoft Teams Platform

**Paper** presented at the Conference: "The future of European public law under the influence of automated decision-making". INDIGO Final Conference, 14-15 September 2023, University of Luxembourg, 4, rue Alphonse Weicker, Luxembourg

**Title:** ICT in general and AI in particular in the specific context of the administrative procedure

**Paper** presented at the Conference: "Unión Monetaria, Unión Fiscal, Unión De Derecho. Seminario-Homenaje a Klaus Stern". Málaga, 27 October 2023, Centro Cultural Fundación Bancaria Unicaja, Málaga (Spain)

**Title:** Klaus Stern y el Derecho Constitucional y Administrativo Europeo

## EU Administrative Law and Administrative Procedure

Prof. Diana-Urania Galetta LL.M.  
*Università degli Studi di Milano*

Throughout the course's sessions (each lasting two hours), we will examine the subjects outlined below (1.–5). Students will need to download the materials listed in the syllabus. These will be read and talked about in class, along with more current decisions from the CJEU.

Italian native speaker. The professor speaks fluent English, French, German, and Spanish.

The course will be taught entirely in **English language**.

### 1. General Introduction to the topic. The birth of European administrative law and the jurisprudence of the European Court of Justice

Two fundamental ECJ decisions will be studied and commented on, which are still fundamental for the understanding of European Administrative Law today.:

- a. The Judgment of the Court of 12 July 1957, *Dinecke Algera, Giacomo Cicconardi, Simone Couturaud, Ignazio Genuardi, Félicie Steichen v Common Assembly of the European Coal and Steel Community*, Joined Cases 7/56 and 3/57 to 7/57 ECLI:EU:C:1957:7 and the opinion of Advocate general Lagange of 14 June 1957  
The texts are available in all EU languages at :  
[http://curia.europa.eu/juris/liste.jsf?pro=&lgrec=en&nat=or&oqp=&dates=&lg=&language=fr&jur=C%2CT%2CF&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&num=7%252F56&td=%3BALL&pcs=Oor&avg=&page=1&mat=or&jge=&for=&cid=1103251](http://curia.europa.eu/juris/liste.jsf?pro=&lgrec=en&nat=or&oqp=&dates=&lg=&language=fr&jur=C%2CT%2CF&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&num=7%252F56&td=%3BALL&pcs=Oor&avg=&page=1&mat=or&jge=&for=&cid=1103251)
- b. The Judgment of the Court of 13 June 1958, *Meroni & Co., Industrie Metallurgiche, società in accomandita semplice v High Authority of the European Coal and Steel Community*, Case 10-56., ECLI:ECLI:EU:C:1958:8 and the opinion of Advocate general Roemer of 19 mars 1958  
The texts are available in all EU languages at :  
[http://curia.europa.eu/juris/liste.jsf?pro=&lgrec=en&nat=or&oqp=&dates=&lg=&language=en&jur=C%2CT%2CF&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&num=10%252F56&td=%3BALL&pcs=Oor&avg=&page=1&mat=or&jge=&for=&cid=807784](http://curia.europa.eu/juris/liste.jsf?pro=&lgrec=en&nat=or&oqp=&dates=&lg=&language=en&jur=C%2CT%2CF&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&num=10%252F56&td=%3BALL&pcs=Oor&avg=&page=1&mat=or&jge=&for=&cid=807784)

### 2. EU centralised administration and EU shared administration.

The law of executive action of the EU institutions, bodies, offices, and agencies and the law of implementation of EU policies by Member States' authorities.

The *Oleificio Borelli* case will be examined in class as an example of the difficulties due to a lack of coordination of the legal frameworks for shared administration.

Judgment of the Court (Fifth Chamber) of 3 December 1992. *Oleificio Borelli SpA v Commission of the European Communities*. Action for the annulment of the Commission's decision refusing to grant aid from the EAGGF under Council Regulation (EEC) N° 355/77 - Withdrawal of approval by the Member State concerned - Claim for damages. Case C-97/91. , available at:

[http://curia.europa.eu/juris/liste.jsf?oqp=&for=&mat=or&lgrec=it&jge=&td=%3BALL&jur=C%2CT%2CF&num=C-97%252F91&page=1&dates=&pcs=Oor&lg=&pro=&nat=or&cit=none%252CC%252CCJ%252CR%252C2008E%252Ctrue%252Cfalse%252Cfalse&language=en&avg=&cid=5903874](http://curia.europa.eu/juris/liste.jsf?oqp=&for=&mat=or&lgrec=it&jge=&td=%3BALL&jur=C%2CT%2CF&num=C-97%252F91&page=1&dates=&pcs=Oor&lg=&pro=&nat=or&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&language=en&avg=&cid=5903874)

The *Berlusconi* case will also be examined in class, as it deals with the division of jurisdiction between EU courts and courts of the Member States that results from the involvement of national authorities in the course of a procedure, such as that at issue in the main proceedings, which leads to the adoption of an EU act.



Judgment of the Court (Grand Chamber) of 19 December 2018, Silvio Berlusconi and Finanziaria d'investimento Fininvest SpA (Fininvest) v Banca d'Italia and Istituto per la Vigilanza Sulle Assicurazioni (IVASS), available at:

<http://curia.europa.eu/juris/liste.jsf?language=en&num=C-219/17>

### 3. The principle of conferral and the limits to organisational and procedural autonomy of Member States.

According to Art. 5.1. TEU “the limits of Union competences are governed by the principle of conferral”. In the Treaties, there is no legal basis for the adoption of EU law on procedural and organisational matters. The problem of what “procedural and organisational autonomy” concretely is and why and in how far it really exists will be dealt with by analysing also the most relevant case law of the Court of Justice on the topic and especially:

- The *Rewe* case. Judgment of the Court of 16 December 1976. - Rewe-Zentralfinanz eG et Rewe-Zentral AG v Landwirtschaftskammer für das Saarland. Reference for a preliminary ruling: Bundesverwaltungsgericht, Germany. Case 33-76, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:61976CJ0033&from=EN>
- The *Lucchini* case. Judgment of the Court (Grand Chamber) of 18 July 2007. Ministero dell'Industria, del Commercio e dell'Artigianato v Lucchini SpA. Reference for a preliminary ruling: Consiglio di Stato - Italy. Case C-119/05, available at: <http://curia.europa.eu/juris/liste.jsf?oqp=&for=&mat=or&lgrec=it&jge=&td=%3BALL&jur=C%2C%2CF&num=C-119%252F05&page=1&dates=&pcs=Oor&lg=&pro=&nat=or&cit=none%252CC%252CCJ%252CR%252C2008F%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&language=en&avg=&cid=7421805>
- The *Pizzarotti* case. Judgment of the Court (Second Chamber), 10 July 2014. Impresa Pizzarotti & C. SpA v Comune di Bari and Others. Request for a preliminary ruling from the Consiglio di Stato. Case C-213/13, available at: <http://curia.europa.eu/juris/liste.jsf?oqp=&for=&mat=or&lgrec=it&jge=&td=%3BALL&jur=C%2C%2CF&num=C-213%252F13&page=1&dates=&pcs=Oor&lg=&pro=&nat=or&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&language=en&avg=&cid=7421805>

### 4. The Right to good administration.

Article 41 of the Charter of Fundamental Rights and correlated fundamental rights: contents, sources, and developments. Students are advised to read Articles 41 and 51 of the Charter as well as the relevant official explanations (available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ%3AC%3A2007%3A303%3ATOC> in all EU).

- As supplementary reading, the following is recommended: The General Principles of EU Administrative Procedural Law – In-depth Analysis for the European Parliament’s Committee on legal affairs (available at [http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/519224/IPOL\\_IDA%282015%29519224\\_4\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/519224/IPOL_IDA%282015%29519224_4_EN.pdf))

### 5. Towards a codification of EU administrative procedure?

This analysis will focus on the initiatives undertaken by the European Parliament as well as the ReNEUAL Model Rules on EU Administrative Procedure. The texts of the European Parliament resolution of 9 June 2016 for an open, efficient, and independent European Union administration are available for download in all EU languages by students at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0279+0+DOC+XML+V0//EN>,

As well as the text of the ReNEUAL Model rules, in English and Spanish, at <http://www.reneual.eu/>. Other language versions exist, but are so far published only in printed versions.

Professor Diana-Urania Galetta’s cv and publications list is to be found at: [https://work.unimi.it/chiedove/cv/ENG/dianaurania\\_galetta.pdf](https://work.unimi.it/chiedove/cv/ENG/dianaurania_galetta.pdf)  
[https://work.unimi.it/chiedove/cv/dianaurania\\_galetta.pdf](https://work.unimi.it/chiedove/cv/dianaurania_galetta.pdf)

June 2021

## CV

29. 02. 1956 Date of birth (Buedingen, Hesse, Germany)

### Summary

More than 33 years' experience in teaching, research and practice in law; 17 years' experience in European and international network management. Currently Chair for German, European and International Private Law and Commercial Law at Law of Faculty, Leibniz University Hanover, Germany.

### Education

1971 – 1980 Engineering high school at Hanau, Germany; studies in law, physics and philosophy at J.W.Goethe-University, Frankfurt/Main, Germany; grantee of German National Fellowship Foundation

1981 First state examination in law, Frankfurt/Main, Germany

1981 – 1982 Graduate studies at University of California Los Angeles, School of Law, USA; Master of Laws (LL.M.); assistant of Prof. George Fletcher, UCLA

1983 – 1985 Clerkship, Court of Appeals, Frankfurt/Main, Germany

1985 Ph.D. (Dr. jur.) at J.W.Goethe-University, Frankfurt/Main, Germany (adv. Prof. Dr. Dieter Simon, MPI Frankfurt)

1986 Second state examination in law.

### Employment

1982 Patent and copyright law firm Spensley, Horn, Jubas & Lubitz, Beverly Hills, CA, USA

1983 – 1985 Clerkship, Court of Appeals, Frankfurt/Main, Germany

1986 – 1987 Ministry for Cultural Affairs Rhine-Palladium, Mainz, Germany

1987 – 1992 Juniorprofessor Hamburg U., Faculty of Law, Hamburg, Germany

1992 Habilitation at Hamburg U, *venia legendi* for private law, civil procedure, business law, and legal theory (adv. Prof. Dr. Rainer Walz)

**since 1992** Professor at Leibniz University Hanover, Germany

1993 – 1994 Teaching at Europe University Viadrina, Frankfurt/Oder, Germany

**since 1994** *Chair for German, European and International Private Law and Commercial Law, Faculty of Law, Leibniz University Hanover, Germany*

1999 - 2016 Chairman for the international programmes of ELPIS (MLE/CLE/LL.M. Eur. joint degree) at LUH and for the ELPIS network of European law faculties (for details vf. [www.ELPIS.eu](http://www.ELPIS.eu))

2000 – 2004 Dean and Vice Dean at Faculty of Law, Leibniz University Hanover

2002	for 6 months guest lecturer and research at Chulalongkorn University Bangkok, Thailand
2003 – 2006	Scientific coordinator of TEMPUS project "reform of Russian legal education", four pilot projects in the Ural region at Tjumen, Ekaterinenburg, Perm und Ishevsk, Russia.
2004 – 2014	Erasmus Mundus coordinator (EU) for the programme “European Legal Practice LL.M. Eur. joint degree” (France/Germany/Portugal)
2017 - 2021	Dean, Faculty of Law, Leibniz University Hanover
2021 – 2023	Senator, Academic Senat, Leibniz University Hanover; Vice Dean

### International Teaching/Accreditation/Research

Japan (Keio U and Yokohama City U 1994), Poland (Center for New Europe, U Krakow 1996, 1998; Marie-Curie Sklodowskiej U Lublin 1994, 2001 – 2003, 2010, 2020); Scotland, UK (Strathclyde U Glasgow 1996, Durham 2011); Greece (Aristoteles U Thessaloniki 1998); Turkey (Bilgi U Istanbul 1998; political delegation from Lower Saxony at Istanbul, Izmir and Ankara 2010, Selcuk U Konya 2015); Russia (State U Perm 2001, Law Academy Ekaterinenburg 2004, HSE Moskow 2019); Portugal (Catholic U of Portugal, Lisbon 2001 – 2009; U of Lissabon 2010 – 2019, 2021); Thailand (Chulalongkorn U Bangkok 2002, 2007 – 2014); China (Northwest U Xi’an 2005, Jiao Tong U Shanghai 2007), Brasil (UNIPLAC Brasilia 2006, DAMAS U Recife 2019), India (SYMBIOSIS U Poona 2008 – 2011, NLU New Delhi 2017); Indonesia (Bandung Univ. 2012, Gadjah Mada U, Yogyakarta 2013); Malaysia (UiTM Shah Alam 2016); France (U Le Havre 2017); USA (*Louisville U, Kentucky 2021/22*).

### Other Activities

Coordinating scholar for the German National Fellowship Foundation (1997 – 2021); rapporteur for the European Council, meeting in Waszawa 2000; Adv. commission on the reform of legal education of Lower Saxony 2001/2; chairman Hanoverian Learned Society for Legal Studies 2004 – 2012; Board of Center for East-West Contacts, Lueneburg 2007 – 2013. Adv. Council Faculty of Law, U Lisbon, Portugal; ext. member of the registry of the Aristotle U of Thessaloniki, Greece; g. Ed. Law Journal of Mykolas Romeris U Vilnius, Lithuania; g. Ed. Law Journal of SYMBIOSIS U, Punay, India; Adv. Board Law Review UiTM, Shah Alam, Malaysia (2014 - 2017), program accreditations in Germany and Russia (2016 - 2020).

### Honors

Award on activity in the European Mundus program by DAAD at Berlin Academy of Science, 2009.

*Hon. Professor* Marii Curie Sklodowskiej University (UMCS), Lublin, Poland, October 23<sup>rd</sup>, 2010

*Docteur honoris causa*, University of Rouen, France, June 28<sup>th</sup>, 2013

Scholar of Global Initiative of Academic Networks (GIAN) by Min. of Human Resouce Development of India, September 2017.

Reg. Arbitrator at Thai Arbitration Institut, Bangkok, 2020.

**COURSE SYLLABUS**  
**European and Comparative Competition Law**  
**The Law of Market Structure**  
Prof. Dr. Bernd Oppermann

**1. Course Description**

Basic understanding of the law of market structure and of unfair competition law; introduction into European and national competition procedure including the leniency programs. Comparative aspects of Competition Law.

**2. Daily course outline**

Class 1 Monday, April 15, 2024

Topic A: personal introduction, general introduction (intro on the course structure, the use of course materials, course content).

Topic B: European competition law as a part of European law; European and national competition law – centralization and de-centralisation. International competition law. TEU and TFEU, competence, conferral, subsidiarity, proportionality, and other principles of European law and its relationship to national law of EU member states; the basic liberties of the EU market, competition and economic policy.

Topic C: The sources of EU competition law, foreign influence and comparative competition law.

Topic D: Economic and legal concepts of competition; market structure; competition theory; the challenges of new products or services on zero-price-markets. Relationship to the law of consumer protection, SME policy, and state aid.

Topic E: Recent focus on platform economy, intermediaries and autonomous systems.

*Assigned reading: course script, introductory part, essay on the political content of competition law*

Class 2 Tuesday, April 16, 2024

Topic A: Competition law and cartel law: horizontal trade restraints, concerted practices. The structure of a European statute (Art. 101 TFEU) under the Lisbon Treaty. Leading cases. New challenges by joint ventures and ppp.

Topic B: Legal consequences of Art. 101 in administrative cartel law, criminal law, and private law (some basics in competition procedure).

Topic C: European cartel law: vertical trade restraints, distribution systems, licensing.

Topic D: Platform economy, intermediaries and autonomous systems under Art. 101?

Topic E: Exemptions and block exemptions of Art. 101 (1) in European and national cartel law.

*Assigned reading: course script, provisions of the Lisbon Treaty (TEU, TFEU), provisions of Reg. 1/2003, more cases on cartels, cases on vertical trade restraints*

### Class 3 Wednesday, April 17, 2024

Topic A: The structure of general and specific exemptions of European cartel law.

Topic B: Examples on supply and distribution systems, licensing, franchising. Commission Regulation No. 330/2010. Car distribution and Reg. 461/2010.

Topic C: challenges of technical developments on internet markets and automated driving assistance.

Topic D: EU competition law and EU market law; basic liberties of the European market; the European jurisdiction on the prohibition of measures having equivalent effect (Cassis / Keck); case studies. Again: the manifold role of state power; state aid, state enterprises, ppp.

*Assigned reading: course script, Reg. 330/2010, more cases on vertical trade restraints, cases on the Cassis jurisdiction*

### Class 4 Thursday, April 18, 2024

Topic A: Antitrust law; merger and acquisition control in European competition law. History, systematics, principles. The SIEC test. Relationship to national law of concentration. Again joint ventures. Other details. Music marketing and navigation systems for examples.

Topic B: Introduction on Art. 102 and the concepts of market dominance. General clause and qualification.

Topic C: Leading cases on abuse market dominance. Finding a path through the case law.

Topic D: More details on market dominance case law; basic concepts; predatory pricing, rebates, market squeeze, the rise and fall of the “doctrine of essential facilities”, and other examples of case law under Art. 102.

*Assigned reading: course script, Reg. 139/2004, cases on concentration control; provisions of the Lisbon Treaty (TEU, TFEU) concerning the abuse of market dominance, the first three cases on abuse.*

### Class 5 Friday, April 19, 2024

Topic A: Conceptual differences between Art. 102 and national law of EU member states. Market behaviour under cartel law and unfair competition law.

Topic B: Platform economy, intermediaries and autonomous systems. Specific regard on abuse of dominant market power in respect of digital markets: recent European and national cases concerning Microsoft, Google, abuse of Android system, and Facebook.

Topic C: Technical developments in robotics, industry 4.0, and automated driving assistance: possible problems concerning the market structure.

Topic D: Fundamental procedural rights and substantial competition law.

Topic E: Outlook on competition procedure in Europe

Topic F: Leniency programs in Europe and worldwide

*Assigned reading: course script, the cases on abuse of market dominance (Art. 102 TFEU); script provisions on cartel procedure.*

**Final written examination as assigned by the Faculty of Law**



**Marine TOULLIER**  
French Nationality.

## **Professional activity**

### **Management**

2013 (5 years) **Director of Master** « International and European Law ».

2007 (11 years) **Director of the International Relations** of the Law Faculty (University of Rouen): Management of the relations with the partners universities in Europe and in the world; establishing exchange strategies (both professors/students); activate partnerships, as co-awarding with French speaking countries (Vietnam, Canada, Africa) ; personal management (pedagogical and logistic) of each student going abroad and coming from abroad; leading the service of the International Relations in coordination with administrative services of the University.

**Director of the Master** “LL. M European Legal Practice”. Choice of the subjects taught, of the external interveners; coordination with the European Union and the Erasmus Mundus Consortium (Hanover, Lisbon, Vilnius): selection of excellent students from all over the world, together with our embassies and Campus France; personal management of each student coming or going abroad.

### **Teaching**

#### **In France**

2005 (13 years) **Senior Lecturer** at Rouen University.

Major subjects taught: International and European Fundamental Rights and Freedoms (Seminar Master 2<sup>nd</sup> year), European Protection of Human Rights (Master 1<sup>st</sup> year), European Union Litigation and European Convention on Human Rights litigation (Master 1<sup>st</sup> year), Legal Methodology (Master 1<sup>st</sup> year), Fundamental rights and freedoms (Bachelor).

2004-2003 **Capavocat school**: personal coaching to students for entrance examination to the Parisian Bar.

1998-1996 **Paris I Pantheon-Sorbonne University** as Teaching and Research assistant.

(2 years) Teach to students a reasoning structure, a method of comprehension and argumentation from jurisdictional culture and specific knowledge in Constitutional Law.

#### **Lectures abroad**

2018 Nov **Leibniz Universität Hannover, Germany**, 2 courses in English "International protection of Human rights"; Practical workshop: European Court of Human Rights case law study.

2018 April **Facoltà di Giurisprudenza dell'Università di Federico II, Naples, Italy**. Practical seminars of resolution of European Cour of Human Rights law cases through role plays: barrister of the parties, European judge).

2018 March **Faculdade de Direito de Lisboa, Lisbon, Portugal**, teaching in English an intensive course on « Globalisation and International protection of Human Rights » (10 hours on a week basis), experience renewed since 2009 + 2010-2015 “Regional Fundamental Rights Protection: American, African and European systems », (10 hours on a week basis).

2017 July **Facoltà di Giurisprudenza dell'Università di Sassari (and in Nuoro Seat), Sardinia, Italy**. Co-organiser of the Summer school on Human rights + Lectures in Italian, English, French.

2017 April **Facoltà di Giurisprudenza dell'Università di Sassari, Sardinia, Italy**, one month contract as “visiting professor”. Lectures in Italian: European convention on Human rights, European Union Law, Human rights Law.  
Lectures given in that University and these subjects in the Erasmus framework since 2009.

**Nuoro Seat of Sassari University:** Conferences on the “violence to women”, given for students and training for lawyers since 2014.

- 2016 July **Leibniz Universität Hannover, Germany**, 3 courses in English: "Effectiveness of the lessons learned from WW2 by the ECourtHR: the example of the control over states' derogation in time of emergency" ; "Human rights' place in globalisation" ; "International protection of Human rights". “The paradox of the right to life: the most important right with a relative protection in the ECHR”, Intervention in the congress organised in the occasion of the Erasmus Mundus diploma awarding ceremony 2009-2010.
- 2016 July **Mykolo Romerio Universiteto, Vilnius, Lithuania**, teaching in English, managing the French delegation and participation to the organisation of the « International Human Rights law summer study » (2 weeks) ; experience renewed since July 2009.
- 2014 (1 month) Scholar of **Erasmus Mundus' Program Battuta**, teaching EU Law, European Law, international, European and French Human rights law, Research methodology, Globalisation, Fez, Marocco.
- 2012 June **Università Roma 3, Italy**, teaching in Italian to PHD students on “I diritti della CEDU nella dottrina e la giurisprudenza francese”.
- 2010 April **Università La Sapienza, Rome, Italy**, teaching in Italian to PHD students on « I diritti della CEDU nella dottrina e la giurisprudenza francese ».  
**Università Roma 3, Italy**, teaching in Italian to PHD students on « I diritti della CEDU nella dottrina e la giurisprudenza francese » and at the Master students on « Protezione dei diritti in Europa » ;
- 2009 July **Universidade Católica Portuguesa Lisbon, Portugal**, teaching in English (one week) Summer Academy on « Trafficking in Humans Beings » and "Legal issues on globalisation". Experience renewed since 2007.
- 2009 June **Università Roma 3, Italy**, teaching in Italian to Master students on “La responsabilità da danno ambientale”.
- 2008 (4 months) Scholar of **Erasmus Mundus' Program**, teaching in English EU Law, European Law and Environmental Law at Symbiosis Law College, Pune, **India**.
- 2007 May **Università Roma 3, Italy**, teaching in Italian to Master students on « Dell'Europa del diritto all'Europa dei diritti ».
- 1999-1995 **Urbino's University and Teramo's University (Italy): Teaching** in Italian on French constitutional's justice and Human Rights Law.

## **Lawyer**

- 2002 (6 months) **Barrister's office** generalist in Paris  
Researches, redaction of writ of summons, conclusions, consultations, clients' reception, court proceedings
- Court of justice (Tribunal d'Instance)** of Antony  
Following police audiences (Petty offences), civil audiences and private sitting
- 1999-1995 (4 years) **Jurist/researcher** – Department of Comparative Law of the Italian Constitutional Court, Rome (Italy)  
Within the framework of integration of French Law in mechanisms of Italian jurisdictional decisions, analyse the interpretation of legal texts by judges and conditions of their application.
- 1995 (6 months) **Internship – French Constitutional Council's legal department** (Paris)  
Work on case law, doctrine and law's analysis to elaborate a Constitutional Council's international position on freedom of thinking.
- 1995-1994 (1 year) Scholarship from the Italian Ministry of Foreign affairs  
Researches in Italian law for the Italian C.N.R. (National centre for researches).

## Languages

**Italian** : Bilingual

**English** : Speaking: Excellent ; Writing, Reading, Understanding : Good.

**French** : Mother tongue

## Education

- 2003 **European Thesis Prize** by **European public law Centre**, (Athens) (recompense one of the best law thesis in Europe)
- 2002 **French Thesis prize** “*Paul Deschanel*” from French **Chancellery** (rewarding one of the best law thesis in France)
- 2002 “ *Certificat d’aptitude à la profession d’avocat* ” (C.A.P.A.) to enter the **Parisian bar**.
- 2001 **PHD in Comparative Law - University Paris I Pantheon-Sorbonne**  
Theme: "Resolving conflicts between fundamental Rights in Constitutional comparative Franco-Italian Law" grade: **very honourable and congratulations unanimous jury, allowed to be published and nominated for an award of PhD** (best grade).
- 1992 **Master 2** Post graduate diploma (D.E.A.) of **Public Comparative law of the European states- University Paris I Pantheon-Sorbonne** (grade: Good-enough).
- 1991 **Master 2** Post graduate diploma (D.E.A.) **Philosophy of Law - University Paris II Pantheon-Assas** (grade: **Good**)
- 1991 **Master 2** Post graduate diploma (D.E.A.) of **Doctrines and political philosophy Policies - University Paris I Pantheon-Sorbonne** (grade: Good-enough).
- 1990 **Master 1** (“*Maîtrise*”) of **Public Comparative law** within the framework **Erasmus European programme** – University Paris II Pantheon-Assas and **Bologna** (Italy)

## Data processing

Good skills applications such as in Word, Excel, PowerPoint, Access, Outlook.

## Publications/Congresses

- 2018 May Conference at Facultad de derecho, Universidad de Zaragoza, Spain on « the right of housing as a Human right ».
- 2018 March “Les valeurs par qui le scandale arrive...”, sous-titre: L’Union européenne, une communauté fondée effectivement sur des valeurs communes ?, Anthemis s.a. et Éditions Nemesis a.s.b.l., Brussels, Belgium, 2018, p. 101.
- 2017 “Effectiveness of the lessons learned from WW2 by the European Court of Human Rights: the example of the control over states’ derogation in time of emergency”, *Journal of International Jurisprudence*, 2017, Volume 3, Issue 1, p. 8-24.
- 2016 Jan. Conference in Rouen University: “control over the state of emergency by the European Court of Human rights, sufficient bulwark against abuses?”
- 2016 Dec. Conference in Prague in October 2016 “Should Hungary be sanctioned for violating EU’s values?”.
- 2014 Dec. Conference at Le Havre University: « Globalisation and Fundamental Rights».
- 2004 **Article** in French: « Le juge administratif suprême face à l’équilibre des formes de commerce », à la Revue *A.J.D.A.*, n°15/2004, 19 April 2004, p. 801-810.
- 2003 **Article** in French: « Le refoulement des étrangers à la frontière : quoi de neuf ? », *Les Petites affiches*, 23 August 2005.



- 2001 **Thesis** in French in comparative law – University Paris I Panthéon-Sorbonne.  
"La résolution des conflits entre droits fondamentaux en droit constitutionnel comparé franco-italien", 666 p.
- 1999 **Intervention in Italian** at **Falcone's association conference** on "**fair trial in France**", Palermo.
- 1998 **Intervention** in Italian at **Italian Senate** on "Sexual exploiting and minors' work : French experience", published in *Rivista dei diritti dell'uomo*, 1998, p. 28-52
- 1991 Participation to **redaction of French national report** at X<sup>th</sup> Conference of the European Constitutional courts on **freedom of thinking** and **freedom of speech**.

#### **Researches**

- 1992 **Thesis** for the **Master** Public Comparative law of the European states - University Paris I  
Subject : "linguistic minorities' law in Italy" (15,5/20), director F. Moderne
- 1991 **Thesis** for the **Master** Law philosophy - University Paris II  
Subject : "Law and history in Giambattista Vico" (17,5/20), director S. Rials
- 1992 **Thesis** for the **Master** Political Sciences - University Paris I  
Subject : "Poetic politic of Vico" (16/20), director Ph. Raynaud

#### **Translations**

- 1997 Translation of the G. Vassalli's work (president emeritus of the Italian Constitutional court), « State of penal trial in Italy », Librairie de l'Université, 1997, Chêne Bourg, 392p.
- 1991 Translation of the national Italian report - international comparative law association's conference, Athens, 1994 : "Fortune of goods and allowance for board in the divorce by mutual consent", Milano, Giuffrè, p. 73-100

#### **Interests**

Lessons and training on brain functioning: to improve it. Travelling : to be in a new environment and understand better the world. Practice sport, especially Breton's dances: to feel well balanced and pleasure. Participate to cultural events: to transcend reality and help me changing it.

# **Syllabus Intensive Course Prof. Dr. Marine Toullier**

## **Globalisation and international protection of Human rights**

### 1. Monday:

Definition of globalisation: a multidimensional phenomenon. Study of the notion of globalisation from different perspective: sociological, economical, political, industrial and finally from a law perspective. It is revealing of new elements phenomenon: new markets, new actors, new rules, new instruments of faster and cheaper communication. Globalisation as a set of shocks, of challenges and of fears: Human, commercial, Industrial, financial, technological shocks.

Raise of new problems from globalisation: questions raised by globalisation, Relations between economy and Human rights; The Human Right's place in the globalisation phenomenon.

### 2. Tuesday

Globalisation and the notions of unity and diversity. Does globalisation constraint to standardisation or is there still place for the diversity? Should we aim to have the same rights all over the world? Or is tolerance to what is different, a value superior than the aim of insuring the "minimum standard" of the ECHR for example to all human beings despite different cultures? Globalisation and the controversial universality of the rights.

### 3. Wednesday:

Globalisation and international protection of human rights: failure of the institution of an effective international system of protection of human rights; Reasons of failure: universality confronted with pluralism of the cultures; the weakness of the international law: principle: the will of the state, the exception: the *jus cogens*.

### 4. Thursday:

Embryo of an international protection of human rights; The Charter of the United Nations; the Universal Declaration of Human Rights; The international Covenants (1966): their juridical strength, their content and their mechanism of control.

### 5. Friday

The embryo of international justice: Permanent Court of International Justice, International Court of justice, Special international criminal courts: criminal courts *ad hoc* (TPIY, TPIR) and internationalised courts: the Special Court for the Sierra Leone; the High Iraqi criminal court; the extraordinary Chambers in the Cambodian jurisdictions; the special court for the Lebanon.

Literature:

*Doctrine on Globalisation:*

- AUDRETSCH (David B.) & SANDERS (Mark), « [Globalization and the Rise of the Entrepreneurial Economy](#) », [Working Papers](#) 08-21, Utrecht School of Economics, 2008.
- LANE (Ph.), MILESI- FERETTI (G.-M.), “Financial globalization and exchange rates”, *Dollars, Debt, and Deficits: Sixty Years after Bretton Woods* International Monetary Fund, 2005.
- LANE (Ph.), MILESI- FERETTI (G.M.), *The external wealth of nations, mark II: revised and extended estimates of foreign assets and liabilities, 1970–2004*, Journal of International Economics 73, 2007, p. 223–250.
- SCHOLTE (Jan Aart), [Globalization: A Critical Introduction](#), Mac Millan Press LTD, 2000.

# Professor Doutor CLÁUDIO BRANDÃO

## (*Curriculum vitae* – resumo)

### 1) Atividades docentes

- 1.1. Professor do Programa de Pós-graduação em Direito (Mestrado e Doutorado) da **Pontifícia Universidade Católica de Minas Gerais**.
- 1.2. Professor Titular da Cátedra de Direito Penal da **Faculdade Damas da Instrução Cristã**.
- 1.3. Professor Titular da Cátedra de Direito Penal da Faculdade de Direito do Recife – **Universidade Federal de Pernambuco**.
- 1.4. Professor Visitante, ao abrigo do Gabinete Erasmus, da Faculdade de Direito da **Universidade de Lisboa**, desde 2010, lecionando o seminário *História da Teoria do Crime: da formação da dogmática ao direito constitucional penal*.
- 1.5. Professor Visitante da Facolta di Giurisprudenza da **Università degli Studi di Roma – Tor Vergata**, desde 2019, lecionando o seminário *Filosofia del Diritto Penale*.

### 2) Atividades científicas

- 2.1. Editor-chefe da Revista Internacional *Humanities and Rights Global Network Journal*. ISSN 2675-1038.
- 2.2. Co-Diretor da Revista Portuguesa *Anuário de História do Direito* da Faculdade de Direito da Universidade de Lisboa. ISSN 2184-7800.
- 2.3. Membro do Conselho Editorial da Revista Italiana *Diritti Fondamentali*, da Università degli Studi di Cassino. ISSN 2240-9823.
- 2.4. Editor-chefe da Revista Brasileira *Duc in Altum Cadernos de Direito*. ISSN 2179-507X
- 2.5. Editor-chefe da Revista Brasileira *Delictae – revista de estudos interdisciplinares sobre o delito*. ISSN 2526-5180.

### 3) Principais publicações nos anos de 2020 e 2021

- 3.1. BRANDÃO, C. (2021). “Vitória, Theory of Human Rights”. In: Sellers M., Kirste S. (eds) *Encyclopedia of the Philosophy of Law and Social Philosophy IVR*, Springer, Dordrecht. URL: [https://doi.org/10.1007/978-94-007-6730-0\\_835-1](https://doi.org/10.1007/978-94-007-6730-0_835-1)

- 3.2. BRANDÃO, C. (2020). “Diritti umani e corruzione: l’interfaccia tra potere e sviluppo nella Convenzione interamericana contro la corruzione”, *L’irrocervo*. 19(2): 60-69. URL: <http://www.lirrocervo.it /index/?p=3097>
- 3.3. BRANDÃO, C.; FEITOSA, R. (2020). “Prison by human rights’ lens and COVID 19 pandemic: the Brazilian crisis”, *Humanities and Rights Global Network Journal*. 2(2): 147-163. URL: <https://doi.org/10.24861/2675-1038.v2i2.41>
- 3.4. BRANDÃO, C. (2020). “A crise da prisão em três centúrias: um estudo à luz do genesis dos Direitos Humanos”, *Caderno de Relações Internacionais* 11(20): 05-16. URL: <http://dx.doi.org/10.22293/2179-1376.v11i20.1254>
- 3.5. BRANDÃO, C. (2020). *Teoria Jurídica do Crime*, 6ª Edição, D’Plácido, Belo Horizonte.
- 3.6. BRANDÃO, C. (2020). *Lições de História do Direito Canônico e História do Direito em Perspectiva*, 2ª Edição, D’Plácido, Belo Horizonte.

## Seminário:

História da Teoria do Crime: *da formação da dogmática ao direito constitucional penal*

Professor Doutor CLÁUDIO BRANDÃO

## Programa:

Aula 1 – História e Trajetória do Direito Penal: *linhas mestras*.

- a) Sociedades simples e o seu Direito Penal: características e principais sanções.
- b) Direito Penal Romano.
- c) Direito Penal no Medievo. Características da alta e da baixa Idade Média. O sistema penal da inquisição. Glosadores e Comentaristas.
- d) Conclusão da aula: *Comentaristas e formação da primeira parte geral do direito penal. Elementos da trajetória penal e sua utilização hodierna.*

Aula 2 – História e Trajetória do Direito Penal: *iluminismo penal e construção conceitual da dogmática*.

- a) Características do Direito e do Direito Penal na Modernidade.
- b) O Iluminismo Penal: *postulados, princípios e formação política do princípio da legalidade*.
- c) Formação Jurídica do Princípio da Legalidade Penal.
- d) Construção da Nomenclatura da Teoria do Crime: *culpa, ilícito e tipo*.
- e) Conclusão da aula: *Consequências do iluminismo para o direito penal atual, sua face política e o papel do Princípio da Legalidade*.

Aula 3 – Tipicidade Penal e Antijuridicidade.

- a) A tipicidade como conceito equivalente ao crime e como elemento constitutivo do delito.
- b) A tipicidade como condição para os elementos da teoria do crime
- c) O tipo como continente da ação
- d) Tipicidade, antinormatividade e antijuridicidade.
- e) Conclusão da aula: *Antinormatividade e bem jurídico*.

Aula 4 – Bem Jurídico.

- a) Nascedouro do conceito de bem jurídico: a tese de Johann Birnbaum sobre a necessidade da lesão de direitos.
- b) O bem jurídico no positivismo normativo de Binding.
- c) O bem jurídico no positivismo sociológico de von Liszt.
- d) A construção do bem jurídico a partir do neokantismo.
- e) Conclusão da aula: *A função do bem jurídico no direito penal atual*.

Aula 5 – Culpa. Aplicação Constitucional da Teoria do Crime.

- a) Trajetória da Culpa: *características do positivismo, do neokantismo e do finalismo*.
- b) Concepções Funcionalistas e Finalistas da Culpa.
- c) Método Constitucional de Aplicação da Teoria do Crime.
- d) Conclusão da aula: *Princípios e valores constitucionais e sua função na aplicação da teoria do crime*.

## Bibliografia básica:

- ALVES, Sílvia. “A pena de morte no pensamento jurídico setecentista”. *História do Direito e do Pensamento Jurídico em Perspectiva* (BRANDÃO, Cláudio; SALDANHA, Nélson; FREITAS, Ricardo, coordenadores). São Paulo:Atlas. 2012.
- BRANDÃO, Cláudio. “Culpabilidade: sua análise na dogmática penal e no direito penal brasileiro”. *Revista Portuguesa de Ciência Criminal*. Coimbra: Coimbra editora. A.15. N.2. Abril-junho, 2005.
- BRANDÃO, Cláudio. *Curso de Direito Penal*. Rio de Janeiro:Forense. 2008.
- BRANDÃO, Cláudio; SALDANHA, Nélson; FREITAS, Ricardo (coordenadores). *História do Direito e do Pensamento Jurídico em Perspectiva*. São Paulo:Atlas. 2012.
- BRANDÃO, Cláudio. “Inconsciência de antijuridicidade – sua visão na dogmática penal e nos tribunais brasileiros”. *Revista da Faculdade de Direito da Universidade de Lisboa*. Coimbra:Cimbra editora. A.XLI. N.1. 2000.
- BRANDÃO, Cláudio. “Interpretação constitucional do direito penal”. *Portugal, Brasil e o Mundo do Direito*. (Vasco Pereira da Silva e Ingo Wolfgang Sarlett, organizadores). Coimbra:Almedina. 2009.
- BRANDÃO, Cláudio. *Tipicidade Penal: dos elementos da dogmática ao giro conceitual do método entimemático*. Coleção: O Tempo e a Norma. Coimbra: Almedina. 2012.
- PALMA, Maria Fernanda. *Direito Constitucional Penal*. Coimbra:Almedina. 2011.

## Bibliografia complementar:

- BIRNBAUM, Johann Michael Franz. “Ueber das Erfordeniss einer Rechtsverletzung zum Begriffe der Verbrechen”. *Archiv des Criminalrechts*. Halle:Schwetschte und Sohn. 1934.
- DIAS, Augusto Silva. *Delicta in se e delicta mere prohibita*. Coimbra:Coimbra editora. 2008.
- FEUERBACH, Paul Johann Anselm Ritter von. *Tratado de Derecho Penal*. Buenos Aires:Hammurabi. 1989.
- JESCHESCK, Hans-Heinrich. *Lehrbuch des Strafrechts*. Berlin:Duncker und Humblot. 1988.
- KAUFMANN, Arthur. *Schuld und Strafe*. Köln:Heymann. 1983.
- LISZT, Franz von. *Lehrbuch des Deutschen Strafrechts*. Berlin u. Leipzig:VWV. 1922.
- MENDES, Paulo de Sousa. *O torto intrinsecamente culposos como condição necessária da imputação da pena*. Coimbra:Coimbra. 2007
- MEGZER, Edmund. *Strafrecht*. Berlin u. München:Duncker u. Humblot. 1949
- MERKEL, Adolf. *Lerhburch des Deutschen Strafrechts*. Goldbach:Keip. 1996.
- MIR PUIG, Santiago. “Bien jurídico y bien jurídico penal como límites del *Ius puniendi*”. *Estudios Penales y Criminológicos*. Santiago de Compostela: Universidade de Santiago de Compostela. Nº14. Jan-dez. 1991.
- MIR PUIG, Santiago. *Derecho Penal. Parte General*. Barcelona:Edição do Autor. 1998.
- MOMMSEN, Theodor. *Römisches Strafrechts*. Leipzig:Duncker & Humblot. 1899.
- PALMA, Maria Fernanda. *O princípio da desculpa em direito penal*. Coimbra:Almedina. 2005.
- PETROCELLI, Biagio. *Principi di Diritto Penale*.Napoli:Eugenio Joveni. 1950.
- POLAINO NAVARRETE, Miguel. *Derecho Penal. Modernas bases dogmaticas*. Buenos Aires:Grijley. 2004.
- POLAINO NAVARRETE, Miguel. *El injusto tipico en la teoria del delito*. Corrientes:Mave. 2000.
- ROXIN, Claus. *Problemas fundamentais de direito penal*. Lisboa:Vega. 1993.
- ROXIN, Claus. *Strafrecht Allgemeiner Teil*. München: Beck. 2006.
- SABADELL, Ana Lucia. *Tormenta juris permissione*. Rio de Janeiro:Revan. 2006.
- TAVARES, Juarez. *Teoria do Injusto Penal*. Belo Horizonte:Del Rey. 2000.
- WELZEL, Hans. *Das Deutsche Strafrecht. Eine systematische Darstellung*. Berlin: De Gruyter. 1958.

WELZEL, Hans. *El nuevo sistema del derecho penal*. Montevideo:BdF. 2002.  
ZAFFARONI, Eugenio Raúl *et alli*. *Derecho Penal. Parte General*. Buenos Aires:Ediar. 2002.  
ZAFFARONI, Eugenio Raul. *Em torno de la cuestión penal*. Buenos Aires:BdeF. 2005  
ZAFFARONI, Eugenio Raul. *Tratado de derecho penal*. T. III. Buenos Aires:Ediar. 1981.



## CURRICULUM VITAE

1. FAMILY NAME : SCHWARTZE
2. FIRST NAME : em. Univ.-Prof. Dr. Andreas
3. DATE OF BIRTH : 27<sup>th</sup> of April 1956
4. NATIONALITY : German
5. CIVIL STATUS : married / two children
6. EDUCATION

<b>Institution</b>	University of Hannover (GER)
<b>Date</b>	1997
<b>Degree / Diploma obtained</b>	Habilitation - <i>venia legendi</i> : Civil Law, Civil Procedure, German and European Business Law, Comparative Law and Private International Law

<b>Institution</b>	University of Hannover (GER)
<b>Date</b>	1990
<b>Degree / Diploma obtained</b>	Doctorate ( <i>summa cum laude</i> )

<b>Institution</b>	European University Institute, Florence (ITA)
<b>Date</b>	1990
<b>Degree / Diploma obtained</b>	LL.M. (Master of Legal Studies in Comparative, European and International Law)

<b>Institution</b>	Judicial Authorities of Lower Saxony / University of Hannover (GER)
<b>Date</b>	1976 – 1982
<b>Degree / Diploma obtained</b>	State Examination

### 7. LANGUAGE SKILLS (5 is the highest)

Language	Reading	Speaking	Writing
German	Mother tongue		
English	5	4	4
Italian	4	2	3
French	2	1	1

### 8. MEMBERSHIP IN PROFESSIONAL BODIES (SELECTION):

- Since 2002: Founding Member of the “German Law and Economics Association (GLEA)”
- Since 2000: Founding Member of the “Society of European Contract Law – Secola”
- Since 3/2012: Fellow European Law Institute, Vienna
- Since 2021: Associate Member International Academy of Comparative Law, Paris

### 9. OTHER SKILLS:

- Experience as a practicing lawyer (1982 – 1984)
- Co-coordinator of the ERASMUS-Program at Hannover Law Faculty (1991 – 1997)

**10. PRESENT POSITION:**

Retired Full Professor, ex Chair of European Private Law, Comparative Law and Private International Law, University of Innsbruck (AUT) – ex Head of the Department of Private Law (2006-2021)

**11. PROFESSIONAL EXPERIENCE RECORD**

Date	2002 - 2021
Location	Innsbruck (AUT)
Company	University of Innsbruck, Law Faculty
Position	University Professor
Description	Chair of European Private Law, Comparative Law and Private International Law – Director of the Research Unit of European, International and Comparative Private Law / 2006-2021 Head of Department of Private Law

Date	2001 / 2002
Location	Rostock (GER)
Company	University of Rostock, Law Faculty
Position	Interim Visiting Professor
Description	Chair of Civil Law, Commercial Law and Company Law

Date	2000 / 2001
Location	Wuppertal (GER)
Company	Bergische Universität
Position	University Professor
Description	Professorship for Private and Business Law

Date	1999 / 2000
Location	Magdeburg (GER)
Company	University of Magdeburg
Position	Interim Visiting Professor
Description	Professorship for Private and Business Law

Date	1997 / 1999
Location	Frankfurt (Oder) (GER)
Company	European University Viadrina
Position	Interim Visiting Professor
Description	Professorship for Civil Law

Date	1984 -1997
Location	Hannover (GER)
Company	University of Hannover
Position	Assistant / since 1991 Assistant Professor
Description	Research and teaching in civil, commercial, company and private international law

**12. KEY QUALIFICATIONS:**

Teaching and Research in Law

e.g.: Expert for *European Judicial Training Network* (EJTN)

### **13. FOREIGN EXPERIENCES:**

- Teaching and research visits (sometimes several times) in Copenhagen, EUI Florence, Athens / Thessaloniki, Southampton, Cardiff (2x), Dublin, Kiev, Strasbourg, Padova, Rotterdam, Pamplona (2x), Rovaniemi, New York, San Antonio / TX (5x), Santiago de Compostela, Istanbul, Zagreb (3x), Minneapolis / MN, Trieste, Lisboa (7x), Brno, Bratislava, New Orleans / LA (2x), Groningen (2x), Bern, Zürich, Kyoto / Tokyo, Toronto

Em. Univ.-Prof. Dr. Andreas Schwartze, LL.M. (EUI)  
Department of Private Law / Faculty of Law,  
University of Innsbruck

Erasmus Intensive Course – Law Faculty of Lisbon University

## **Introduction to European Private Law - From national rules on Contract and Tort to supranational European Union Obligation Law**

### Course syllabus

#### Class 1

**Introduction:** Differences of national private laws in Europe; Legal families; Selected examples from Common Law and Civil Law; Problems of diverging legal rules within the EU (hindrance to the internal market)

#### Class 2

**Harmonisation of Private Law:** Competences of the EU in general (types, exercise); Competences executed (to harmonise legal rules); Instruments of EU-law (Directives; Regulations)

#### Class 3

**Traditional European Contract Law:** Harmonization by Directives (Contracts, national and international civil procedure, corporations, conflict of laws); Example: Unfair Contract Terms Directive 93/13/EEC / Sale of Goods Directive EU/2019/771

#### Class 4

**A new Strategy:** Development, format and functions of the (Draft) Common Frame of Reference (DCFR); Structure and contents of the DCFR; the Four Basic Principles and the General Part of the DCFR; Further concepts: Proposal of a Common European Sales Law (CESL) / Revival: Two new Directives (on Contracts for Sales of Goods EU 2019/771 and Contracts or the Supply of Digital Content EU 2019/770)

#### Class 5

**Unified EU Principles on Contracts and Tort:** DCFR Book IV.A “Sales” and Proposal of Common European Sales Law (CESL) compared to CISG; Principles of European Tort Law (PETL) vs. DCFR Book VI “Noncontractual liability arising out of damage caused to another“

## Reading List      Articles

- Hesselink*, The Common Frame of Reference as a Source of European Private Law, 83/4 Tulane Law Review (2008) [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1270](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1270)
- Johnston/Unberath*, European private law by directives: Approach and challenges, in: *Twigg-Flesner* (Ed), European Union Private Law (2010), Ch. 7
- Loos*, Standard Contract Terms Regulation in the Proposal for a Common European Sales Law, Zeitschrift für Europäisches Privatrecht 2012 (4), pp. 776-796  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2081857](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2081857)
- Manko*, EU Competence in Private Law: The Treaty Framework for a European Private Law and Challenges for Coherence, Brussels: European Parliamentary Research Service, 2015  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2553945](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2553945)
- Micklitz/Reich*, The Commission Proposal for a “Regulation on a Common European Sales Law (CESL)”  
[https://cadmus.eui.eu/bitstream/handle/1814/20485/LAW\\_2012\\_04\\_ERPL\\_03.pdf;sequence=3](https://cadmus.eui.eu/bitstream/handle/1814/20485/LAW_2012_04_ERPL_03.pdf;sequence=3)

### Books (Additional Reading)

- Alpa/Andenas*, European Private Law (2022)
- Antoniolli/Fiorentini* (Eds), A factual assessment of the draft common frame of reference (2011)
- Basedow*, EU private law: anatomy of a growing legal order (2021)
- Bussani/Werro* (Eds), European Private Law: A Handbook Vol I (2009) / Vol. II (2014)
- Bogdan / Maunsbach*, EU Private International Law: An ECJ Casebook, 2<sup>nd</sup> ed. (2012)
- Cafaggi / Muir-Watt* (Eds.), Making European Private Law – Governance Design (2008)
- Hartkamp/Hondius* (Eds), Towards a European civil code, 4<sup>th</sup> ed. (2011)
- Hartkamp / Sieburgh / Devroe* (Eds.), Cases, Materials and Text on European Law and Private Law (2017)
- Howells/Twigg-Flesner/Wilhelmsson*, Rethinking EU Consumer Law (2018)
- Koziol*, Harmonisation and fundamental questions of European Tort Law (2017)
- Micklitz/Cafaggi* (Eds), European Private Law after the Common Frame of Reference (2010)
- Moccia* (Ed), The making of European private law: why, how, what, who (2013)
- Larouche* (Ed), Economic analysis of the DCFR - The work of the Economic Impact Group (2010)
- Reich/Micklitz/Rott/Tonner*, European Consumer Law, 2<sup>nd</sup> ed (2014)
- Sagaert / Storme / Terry* (Eds), The Draft Common Frame of Reference: national and comparative perspectives (2013)
- Schulze* (Ed.), Common Frame of Reference and Existing EC Contract Law, 2<sup>nd</sup> ed. (2009)
- SpSchulze / Schulte-Nölke* (Eds.), European Private Law – Current Status and Perspective (2011)
- Schulte-Nölke/Tichy* (Eds), Perspectives for European Consumer Law - Towards a Directive on Consumer Rights and Beyond (2010)
- Sammur*, Constructing Modern European Private Law: A Hybrid System (2016)
- Twigg-Flesner* (Ed), European Union Private Law (2010)
- Vranken*, Fundamentals of European Civil Law, 2<sup>nd</sup> ed. (2010)
- Van Calster*, European Private International Law (2021)

# Madeleine Landrieu

## **Dean and Judge Adrian G. Duplantier Distinguished Professor of Law**



### **Contact**

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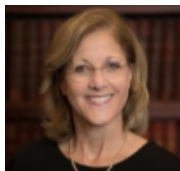
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## Education

J.D. Loyola University New Orleans, 1987

Honorary J.D, Loyola University New Orleans, 2005

B.A., Louisiana State University, 1984

# Departments

---

College of Law

Law

## Bio

---

Madeleine M. Landrieu became Dean of Loyola University New Orleans College of Law (Alma Mater) on July 1, 2017. Prior to her appointment, she served as a judge on the Fourth Circuit Court of Appeal for the State of Louisiana, and prior to that as a trial court judge on the Civil District Court for the Parish of Orleans. During her 16-year tenure in the judiciary, Dean Landrieu served as President of the both the Louisiana District Judges Association and the Louisiana Judicial College. She also served as a member of the Board of Louisiana Judges and Lawyers Legal Assistance Program.

Prior to being elected to the bench, Dean Landrieu was a litigator in private practice. She has tried numerous cases to verdict in both judge and jury trials, representing clients in the areas of products liability, the general maritime law, Jones Act, medical malpractice, general negligence, family, juvenile, and criminal law. She has argued before several state circuit courts of appeal and the Louisiana Supreme Court. While in law school here at Loyola, she was a member of the Law Review, the Moot Court Board, and a student in the Law Clinic.

Dean Landrieu has spent a large part of her career advocating for improvements in laws and policies relative to children who come before the courts as a result of abuse or neglect. She is a founding Board member of the Louisiana Institute for Children in Families [↗](#), and was instrumental in the launch of Louisiana's *Quality Parenting Initiative* [↗](#) and *Louisiana Fosters* [↗](#), efforts to raise awareness about the needs of abused and neglected children and their families. Dean Landrieu is a long-standing member of the Board of Directors of Covenant House New Orleans, a service provider for homeless, at-risk, and trafficked youth.

From 2008-2018, Dean Landrieu served as Chair of New Judge Training Program for the Louisiana Supreme Court. She regularly presents in the areas of judicial ethics, recusal, and decisional delay, civil procedure, trial advocacy, appellate practice, and children's rights.

In 2018, Dean Landrieu was instrumental in creating a partnership between Loyola University New Orleans College of Law and the New Orleans Police Department to further the department's work in the area of ethical policing and active bystandership.

Dean Landrieu is the recipient of the Michaele Pitard Wynne Professionalism Award from the Association of Women Attorneys; the Gillis Long Poverty Law Center's Public Service Award; and the Louisiana State Bar Association's Pro Bono Publico Award, and the President's Award. In 2017, Dean Landrieu received the inaugural President's Award from the Louisiana Judicial College for her "dedication to judicial education, particularly in the areas of new judge training and mentorship."



## SEMINAR SYLLABUS

### *INTRODUCTION TO THE JUDICIAL SYSTEM OF THE UNITED STATES*

#### **Dean Madeleine Landrieu**

Judge Adrian G. Duplantier  
Distinguished Professor of Law  
Loyola University New Orleans  
College of Law

#### **University of Lisbon**

#### **Faculty of Law**

April 29 – May 3, 2024

#### **SYLLABUS**

**Seminar Objectives:** This seminar will introduce students to the basic structure and primary distinguishing features of the Judicial System in the United States of America. As the **Seminar Schedule** below illustrates, the seminar will explore both the courts in the federal system and in the fifty U.S. States and the relationship between the judiciary and the other two branches of government. Students of this seminar will enjoy learning about and discussing challenging issues that arise from the democratic principles of free speech, the right to trial by jury, the independence of the judiciary, the rule of law, and other fundamental rights.

The seminar will be presented in the lecture–discussion format, in hopes of promoting a lively interchange regarding the challenges of ensuring a safe and democratic republic.

**Expected Student Learning Outcomes:** First and foremost, students completing this seminar can expect to understand the unique nature of the judicial branch of the United States and of her fifty states. This is significant because the U.S. system is complex, and in many ways different from the governments in continental Europe. Its organization and institutions do not compare well with counterparts in Europe. Second, students can expect to become familiar with the political and governmental functioning of the U.S., its processes, and vernacular. Finally, students can expect to gain an understanding of the revolutionary development of the U.S. as a significant evolution of legal systems and legal science in the late 18<sup>th</sup> century, and how that has succeeded, or not, to the present day.

**Text and Other Resources:** Selected seminar readings have been prepared and will be distributed prior to and during the course. For example, considerable text accompanies this Syllabus, including descriptions of the forms of modern democratic governance, and excerpts from the U.S. Constitution. Also, landmark U.S. Supreme Court, other judicial decisions and articles will be either linked in the syllabus or will be posted electronically. Students are not expected to read all of these decisions; they are

made available in the interest of providing the seminar participants the full measure of resources with which to understand U.S. law, as well as a resource for future research if interested.) Further, we will resort to other available electronic resources for current news illustrating U.S. law.

**Seminar Schedule:** The seminar will meet for five sessions, starting Monday, April 29, through Friday, May 3, 2023, in two and a half hours seminar meetings, Lisbon time.

**Syllabus:**

<p>Monday, April 29</p>	<p>An overview of the evolution of the United States, the cultural underpinnings of the Declaration of Independence, the US Constitution, and the Bill of Rights. The structure of the US Government and the governments of the fifty states.</p> <p>Readings:</p> <ul style="list-style-type: none"> <li>● The US Declaration of Independence</li> <li>● The US Constitution</li> <li>● The Bill of Rights</li> </ul>
<p>Tuesday, May 30</p>	<p>Constitutional Law: Separation of Powers, Checks and Balances, Judicial Review, and the Right to Counsel</p> <p>-<i>Marbury v. Madison</i>, 5 U.S. 137 (1803)          -<i>Gideon v. Wainwright</i>, 372 U.S. 335 (1963)          -<i>Miranda v. Arizona</i>, 384 U.S. 436 (1966)</p> <p>The events of January 6, 2020: <a href="#">Is U.S. Democracy at Risk?</a></p>
<p>Wednesday, May 1</p>	<p>The U.S. Judicial System: State and Federal Courts, the evolving US Supreme Court and fundamental rights, (e.g., free speech in the era of social media, the right to trial by jury, and gun rights)</p> <p><a href="#">Lidke v. Freed</a>, decided March 15, 2024  <a href="#">Ramos v. Louisiana</a>, 590 US ___, decided April 20, 2020  <a href="#">United States v. Rahimi</a>, US Fifth Circuit opinion; pending in the United States Supreme Court</p>
<p>Thursday, May 2</p>	<p>The U.S. Judicial System – The Right to Counsel, The Right to Trial by Jury, and the “the evolving standards of decency that mark the progress of a maturing society.”</p> <p><a href="#">Jackson v. Hobbs</a>  <a href="#">Miller v. Alabama</a>, 567 U.S. 460 (2012)  <a href="#">Ten Years After Miller</a>  <a href="#">Juvenile Life Without Parole</a>  <a href="#">Jones v. Mississippi</a>, decided April 22, 2021</p>

Friday, May 3	Selection, Election and Appointment of Judges, and Judicial Recusal <i>Caperton v Massey</i> , 556, U.S. 868 (2009) <a href="#">A summary by the Brennan Center</a>
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**Class Attendance:** Students are expected to attend all five of the seminar sessions. One absence may be excused by the Erasmus administration based on valid reason.

**Course Format, Expectations, and Student Assessment:** As noted above, the class will be presented in the lecture-discussion format, including the traditional Socratic and case methods. Our discussions will take us beyond the relevant descriptive information about U.S. law. Particular emphasis will be placed on inquiry into the coherence and philosophical underpinnings of the governmental and legal institutions, processes, and values advanced by the U.S. system. Students are encouraged to prepare for class by reading a few assigned materials prior to each class. Also, students will be asked to “team up” with a partner or two and prepare and “brief” one U.S. Supreme Court case for the class. Often students will prepare a brief PowerPoint presentation for this purpose, and generally in class, students are encouraged to participate in the class discussions with informed questions and comments. Because class participation is valued as a teaching tool, it will be included in the final grades (see **Course Grading** below).

The course will conclude with the students writing a brief paper on a topic of their choice, in agreement with the Professor, relating to the seminar instruction and discussions. The paper will be evaluated for its analytical merit and substantive content, not its length. We are all too busy for that. The paper may not exceed five typewritten pages (font size 12).

**Course Grading:** Students’ grades will be administered according to the traditional numerical system in place at the University of Lisbon Law Faculty. Final grades in the course will be computed on the following basis: class participation 10%, final paper 90%.

**Office Hours:** Dean Landrieu will be available for private or group conversations with students by appointment. She may be contacted most easily via e-mail at [landrieu@loyno.edu](mailto:landrieu@loyno.edu). Students are encouraged to e-mail at any time to discuss the course, the paper, and any related topics of interest.

## COURSE MATERIALS

### What is a Presidential Democracy?

A presidential democracy is a system of government in which the executive branch is **separate from** the legislature.

A **presidential system**, also called a **congressional system**, is a system of government where an executive branch exists and *presides* (hence the term) **separately from** the legislature, to which it is not accountable and which cannot in normal circumstances dismiss it. It owes its origins to the medieval monarchies of France, England and Scotland in which executive authority was vested in the Crown, not in meetings of the estates of the realm (i.e. parliament): the Estates-General of France, the Parliament of England or the Estates of Scotland.

**The concept of separate spheres of influence of the executive and legislature was copied in the Constitution of the United States, with the creation of the office of President of the United States.**

Perhaps ironically, in England and Scotland (since 1707 as the Kingdom of Great Britain, and since 1801 as the United Kingdom) the power of a separate executive waned to a ceremonial role and a new executive, answerable to parliament, evolved while the power of the USA's separated executive increased. This has given rise to criticism of the United States presidency as an "**imperial presidency**" (especially recently during the term of President Donald Trump) though some analysts dispute the existence of an absolute separation, referring to the concept of "separate institutions sharing power". Although not exclusive to republics, and applied in the case of absolute monarchies, the term is often associated with republican systems in the Americas.

The defining characteristic of a presidential government is how the executive is elected, but nearly all presidential systems share the following features:

- The president is both head of state and head of government.
- The president may not have the ability to legislate directly. He is not a voting member and may not be allowed to introduce bills. However, in systems such as that of the United States, the president has the power to veto acts of the legislature and, in turn, a supermajority of legislators may act to override the veto.
- The president has a fixed term of office. Elections are held at scheduled times, and cannot be triggered by a vote of confidence or other such parliamentary procedures. However, many presidential systems incorporate provisions for the president's trial and subsequent removal from office by the legislature if he or she is found to have committed a crime.
- The executive branch is unipersonal. Members of the cabinet serve at the pleasure of the president and must carry out the policies of the executive and legislative branches. However, presidential systems frequently require legislative approval of presidential nominations to the cabinet as well as various governmental posts such as judges. A president generally has power to direct members of the cabinet,

military or any officer or employee of the executive branch, but generally has no power to dismiss or give orders to judges.

- A power to pardon or commute sentences of convicted criminals is often exercised by heads of states in governments with a separation of power between legislative and executive branches of government.
- The term *presidential system* is often used in contrast to cabinet government, which is usually a feature of parliamentarism.

A Semi-Presidential System is a system of government in which a president exists along with a prime minister and a cabinet, with the latter two being responsible to the legislature of a state. It differs from a parliamentary republic in that it has a popularly elected head of state, who is more than a purely ceremonial figurehead, and from the presidential system in that the cabinet, although named by the president, is responsible to the legislature, which may force the cabinet to resign through a motion of no confidence.

**The US system also features Montesquieu's separation of powers and "checks and balances."**

The drafters of the U.S. Constitution, the so-called "Founding Fathers," and most especially James Madison, drew upon French philosopher Montesquieu's theory of the separation of powers when drafting the Constitution. Montesquieu argued that the best way to secure liberty and prevent a government from becoming corrupted was to divide the powers of government among different actors who would check each other.

For example, Montesquieu warned that "Were the executive power not to have a right of restraining the encroachments of the legislative body, the latter would become despotic; for as it might arrogate to itself what authority it pleased, it would soon destroy all the other powers."

Madison and the Founding Fathers took heed of Montesquieu's warning by establishing an independent executive (the President), legislative (the Congress), and judiciary (the Supreme Court) in the federal Constitution. Madison masterfully protected the separation of powers by establishing a thorough system of checks and balances as well.

**Separation of Powers** - As stated previously, the US Government is divided into three branches so that no one branch has all the power. Each branch has its own purpose: to make the laws, execute the laws, and interpret the laws.

**Checks and Balances** - In order to further protect the citizens, the constitution set up a system of checks and balances. Basically, each branch of government has a certain number of checks it can use to ensure the other branches do not become too powerful. For example, the president can veto legislation, the Supreme Court can declare acts of Congress unconstitutional, and the Senate must approve treaties and presidential appointments.

## Checks and Balances of the Legislative Branch

The **Legislative Branch** is given the powers to make the laws. It has the following checks over the **Executive Branch**:

- May override presidential vetoes with a two-thirds vote
- Has the power over the purse strings to actually fund any executive actions
- May remove the president through impeachment
- Senate approves treaties
- Senate approves presidential appointments

The **Legislative Branch** has the following checks over the **Judicial Branch**:

- Creates lower federal courts
- May remove judges through impeachment
- Senate approves appointments of judges

## Checks and Balances of the Executive Branch

The **Executive Branch** is given the power to carry out the laws. It has the following checks over the **Legislative Branch**:

- Veto power over legislation
- Ability to call special sessions of Congress
- Can recommend legislation
- Can appeal to the people concerning legislation and more

The **Executive Branch** has the following checks over the **Judicial Branch**:

- President appoints Supreme Court and other federal judges

## Checks and Balances of the Judicial Branch

The **Judicial Branch** is given the power to interpret the laws. It has the following checks over the **Executive Branch**:

- Judges, once appointed for life, are free from controls from the executive branch
- Courts can judge executive actions to be unconstitutional through the power of [judicial review](#).

The **Judicial Branch** has the following checks over the **Legislative Branch**:

- Courts can judge legislative acts to be unconstitutional.

**Judicial Review** - This is a power that allows the Supreme Court to decide whether acts and laws are unconstitutional. This was established with [\*Marbury v. Madison\*](#) in 1803.

**Federalism** – the dual axis of state and national governments sharing power - One of the most complicated foundations of the US is the principle of federalism. This is the idea that the central government does not control all the power in the nation. States also have powers reserved to them. This division of powers does overlap and **sometimes leads to problems such as what happened with the response to Hurricane Katrina between the state and federal governments.**

## RESUME

PATRICK RYAN HUGG, J.D., LL.M.

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Professor of Law Emeritus  
Loyola University College of Law  
7213 St. Charles Avenue  
New Orleans, LA 70118

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### **EDUCATION**

- LL.M. Tulane University School of Law, 1981  
*With Distinction*
- J.D. University of Louisville, 1978
- A.B. Spring Hill College, 1970

### **ACADEMIC EXPERIENCE**

#### **Teaching and Administration**

Law Professor, Loyola University School of Law  
1986 – 2016 (30 years), currently Emeritus Professor.

Awarded McAulay Distinguished Professorship, 2000-2016.

Associate Dean, 1990 – 1995.

Director of Loyola Law School International Programs, 1999 – 2013.

Director of Loyola's Summer Legal Studies Program at the University of Vienna, 1994 – 2015.

Chair, International Committee, Southeast Association of Law Schools, 2010 – 2012, 2014 – 2015, 2019 - present.

Courses Taught Include:

International Law, Law of the European Union, International Trade, Common Law Contracts, International Business



Transactions, Law of the World Trade Organization, Appellate Advocacy, Introduction to United States Law, Federal Courts, and co-taught Comparative Legal Systems: Austria, Germany, and the U.S (with Prof. H. Hausmaninger).

University Award for Outstanding Research, 2003.

## **Publications**

*Book:*

A Guide to European Union Commercial Practice, Oceania Publishers (now Oxford University Press), 2003.

*Law Review & Journal Articles:*

Evolving Constitutional Pluralism in Europe: The Conversation Continues?, *Liber Amicorum, A Scott without Borders* 97-120, Brussels, September 2015.

The 2014 European Parliament Elections and the Transatlantic Trade and Investment Partnership: Economics and Politics Collide, 24 *Journal of Transnational Law & Policy* 117 (2015)(with Sheila Wilkinson).

International Experiential Learning with Targeted Field Studies, in 21 *Yüzyılda Hukuk Eğitimi (21<sup>st</sup> Century Legal Education)* 239-269 (2014).

Portugal, Europe, and Globalization from the Perspective of Private Law – a Transatlantic Perspective, in *Portugal, Europe and the Globalization of the Law*, 28-44 (2013).

Experiential Teaching -- On Steroids: Unexpected Pedagogical Discoveries, with Kathryn Lorio, 15 *Loyola University College of Law Journal of Public Interest Law*, 195 (2013).

Redefining the European Union's Position in the Emerging Multipolar World: Strong Global Leadership Potential, Restrained by Asymmetry of Power and Dissonant Voices, 20 *Tulane J. Int'l & Comp. Law*, 145 (2011).

Accession Aspirations Degenerate: A New Chapter for Turkey and the EU, 9 Washington University Global Studies Law Review, 225 (2010).

Symposium Introduction: Emerging Technology and Law in Europe, Loyola University New Orleans College of Law, Law & Technology Annual, 133 (2010).

The New EU Services Directive: Metaphor for Europe Today, Model for Expanding International Harmonization Tomorrow, International Law and Trade 220 (2007).

Cyprus in Europe; Seizing the Momentum of Nice, 34 Vanderbilt Journal of Transnational Law 1293 (2001).

Turkey in Europe; Reconsidering the Luxembourg Exclusion, 23 Fordham Int'l L. 606 (2000).

Transnational Convergence: European Union and American Federalism, 32 Cornell Int'l L. Rev. 43 (1998).

Participant and Co-author of the ABA Central and Eastern European Law Initiative's 2001, Advisory Comment on a comprehensive new Civil Service law for the emerging democratic government in Slovakia.

Participant and Co-author of the ABA Central and Eastern European Law Initiative's 1999, Advisory Comment on a comprehensive new Civil Service law for the emerging democratic government in Albania.

Comparative Models for Legal Education in the United States: Improved Admissions Standards and Professional Training Centers, 30 Valparaiso University Law Review 51 (1995).

Book Review, The Justice From Beacon Hill: The Life and Times of Oliver Wendell Holmes, 38 Loyola Law Review 557 (1992).

A Hybrid Theory of Education Reform, co-authored by Dr. Lou Miron, 36 Loyola Law Review 937 (1991).

Federalism's Full Circle - Relief from Education Discrimination, 35 Loyola Law Review 13 (1989).

Judicial Style: An Exemplar, 33 Loyola Law Review 865 (1987).

**International Courses and Presentations:**

Guest Professor, University of Silesia Law Faculty, Katowice, Poland, Fall Semester 2018, taught International Trade Law and Introduction to US Law.

Guest Professor, Yeditepe University Law Faculty, Istanbul, Turkey, January – June, 2017, taught Common Law Contracts, International Business Transactions, & Law of the World Trade Organization.

University of Vienna Law Faculty, Director and course instructor for four week intensive course: Comparative Legal Systems, Austria, Germany, and the United States, with Professor Herbert Hausmaninger, 1994 -2015.

University of Vienna Law Faculty, Guest Professor for two seminars, Introduction to United States law; Fall semesters 1995, 2010.

University of Lisbon Law Faculty, Guest Professor, Erasmus intensive course: Introduction to United States Law, 2011- present.

Eötvös Loránd University, Budapest, Hungary, Director and course instructor for the 4 week Moscow-Budapest Summer Program, taught seminar: Current Issues in the European Union.

University of Kirkuk (Iraq) Law Faculty, Invited Speaker, Faculty Colloquium Presentation: Legal Education in the United States, 2010, sponsored by U.S. State Department.

Vytautas Magnus University law faculty, Kaunas, Lithuania, intensive International Trade course, May 2015.

Speaker at the annual meeting of the European Law Faculties Association five times, in Madrid, Spain (2013), Strasbourg, France (2014) Istanbul, Turkey (2015), Groningen, Netherlands (2016) and Turin, Italy (2019).

Speaker, Program in European Private Law for Postgraduates, Constitutional Pluralism in the European Union, University of

Silesia in Katowice, Poland, 2015, and in 2017, and co-founder of that university's post-graduate School of U.S. law at that Polish university.

Speaker at Conference on Legal Education in the 21<sup>st</sup> Century, in Istanbul and Ankara, Experiential Learning on Steroids, Turkey, 2014.

Speaker, Conference for the Celebration of the Centenary of the Law Faculty of the University of Lisbon, Portugal. Topic: Portugal, Europe, and Globalization from the Perspective of Private Law – a Transatlantic Perspective, 2103.

Speaker, Eastern Mediterranean University, Famagusta, Northern Cyprus, “The Reconciliation of Cyprus”, 2005; “U.S. Legal Education in Crisis”, 2014.

### **Pro Bono Work and Bar Association Service**

World Trade Center, New Orleans, Government Affairs Committee  
2011 – 2016.

Louisiana Supreme Court, Judicial Campaign Oversight Committee,  
2009 – present.

Louisiana Supreme Court, Bar Admissions Committee on  
Equivalency, 2001 – 2011.

Member, Board of Governors, Louisiana Civil Service League,  
2000 – 2016.

Chair, Education Committee, Louisiana Bar Foundation,  
2001 – 2005.

Chair, Board of Directors (1999 – 2000) and Executive Committee  
Member, New Orleans Pro Bono Project, 1995 – 2000.

President, Trinity Mediation Services 1995-96 (founding year)  
(now Community Mediation Services) and Member Board of  
Directors from 1995 – 1999.

Academic Fellow, Louisiana Bar Foundation, 1997 – 2011.



# **Seminar Syllabus**

## ***Introduction to the Law of the United States***

**Professor Patrick R. Hugg**  
Professor of Law Emeritus  
Loyola University School of Law

**University of Lisbon  
Faculty of Law**

May 6 – 10, 2024

## **SYLLABUS**

**Seminar Objectives:** This seminar will introduce students to the basic structure and primary distinguishing features of the law and legal system of the United States of America. As the **Seminar Schedule** below illustrates, the seminar will explore the many non-European aspects of U.S. law and especially the common law tradition and the federal nature of governance between the central government in Washington D.C. and the fifty U.S. States. Students will examine the controversial differences in the common law and civil law traditions, as each system attempts to impose order and promote prosperity in its jurisdiction. In particular, students of this seminar will enjoy learning about and discussing the different U.S. methods for finding justice through adversarial trial processes in powerful courts, judicial law-making, the U.S. approach to protecting fundamental rights, and other current topics.

Because the U.S. legal system is often dramatically different from most European legal systems, the seminar will be presented in the lecture–discussion format, in hopes of promoting a lively interchange regarding the rationality and functionalism of the varying institutions, mechanisms, and rules of law. Some aspects of the U.S. legal system make little sense except in the context of their historical development. Some parts of the U.S. legal system work poorly; others work well. To offer the students a thoughtful and provocative learning experience, these very different and very non-European aspects of U.S. law will be explored.

**Expected Student Learning Outcomes:** First and foremost, students completing this seminar can expect to understand the unique nature of this polity called the United States. This is significant because the U.S. system is complex, and in many ways different from the governments in continental Europe. Its organization and institutions do not compare well with counterparts in Europe. Second, students can expect to become familiar with the political and governmental functioning of the U.S., its processes, and vernacular. Finally, students can expect to gain an understanding of the revolutionary development of the U.S. as a significant evolution of legal systems and legal science in the late 18<sup>th</sup> century, and how that has succeeded, or not, to the present day.

**Text and Other Resources:** Selected seminar readings have been prepared and will be distributed prior to and during the course. For example, considerable text accompanies this Syllabus, including descriptions of the forms of modern democratic governance, and excerpts from the U.S. Constitution. Also electronically posted for student use is a Library of landmark U.S. Supreme Court and other judicial decisions (edited to make them shorter and easier to understand – students are not expected to read all of these decisions; they are made available in the interest of providing the seminar participants full measure of resources with which to understand U.S. law, as well as a resource for future research if interested.) Further, we will resort to other available electronic resources for current news illustrating U.S. law.

**Seminar Schedule:** The seminar will meet for five sessions, starting Monday, May 6 through Friday, May 10, 2024, in two hour seminar meetings from 11 a.m. -1 p.m., Lisbon time.

**Daily Topical Schedule:**

Monday, May 6	Historical Development of U.S. Law – the different national experience: Rugged Individualism; Legal Sources, Common Law, Presidential Democracy; Constitutional Law: Separation of Powers, Judicial Review, Fundamental Rights (esp. radical free speech, the death penalty, and gun rights),
Tuesday, May 7	The U.S. Judicial System – State and Federal Courts, the evolving US Supreme Court, Civil and Criminal Procedure, Trial Process, Plea Bargaining, the Jury
Wednesday, May 8	Private Law – Torts, Forms of Liability and Damages, Punitive Damages, Class Actions, Contingency Fees/Payment of Expenses
Thursday, May 9	Private Law, cont’d: Contracts, Offer & Acceptance, Consideration, the UCC; Property Law, Employment Law
Friday, May 10	The U.S. Law School Experience, Legal Professions: Professors, Lawyers and Judges; Public Service Lawyers

**Class Attendance:** Students are expected to attend all five of the seminar sessions. One absence may be excused by the Erasmus administration based on valid reason.

**Course Format, Expectations, and Student Assessment:** As noted above, the class will be presented in the lecture-discussion format, including the traditional Socratic and case methods. Our discussions will take us beyond the relevant descriptive information about U.S. law. Particular emphasis will be placed on inquiry into the coherence and philosophical underpinnings of the governmental and legal institutions, processes, and values advanced by the U.S. system. Students are encouraged to prepare for class by reading a few assigned materials prior to each class. Also, students will be asked to “team up” with a partner or two and prepare and “brief” one U.S. Supreme Court case for the class. Often students will prepare a brief PowerPoint presentation for this purpose, and generally in class, students are encouraged to participate in the class



discussions with informed questions and comments. Because class participation is valued as a teaching tool, it will be included in the final grades (see **Course Grading** below).

The course will conclude with the students writing a brief paper on a topic of their choice, in agreement with the Professor, relating to the seminar instruction and discussions. The paper will be evaluated for its analytical merit and substantive content, not its length. We are all too busy for that. The paper may not exceed five typewritten pages (font size 12).

**Course Grading:** Students' grades will be administered according to the traditional numerical system in place at the University of Lisbon Law Faculty. Final grades in the course will be computed on the following basis: class participation 10%, final paper 90%.

**Office Hours:** Prof. Hugg will be available for private conversations with students by appointment. Prof. Hugg may be contacted most easily via e-mail at [hugg@loyno.edu](mailto:hugg@loyno.edu). Students are encouraged to e-mail at any time to discuss the course, the paper, and any related topics of interest.

### United States Early History Timeline

<i>1430</i>	<i>Portuguese start voyages down the west coast of Africa</i>
1492	Columbus arrives in Western Hemisphere
1607	First English settlement founded at Jamestown, Virginia
1619	First group of black slaves brought to Virginia First legislative assembly meets in Virginia
1620	Pilgrims establish second English colony in Plymouth, Massachusetts
1622	Indian attacks in Virginia
1629	Great Puritan migration to Massachusetts Bay
1636	Harvard College founded
1700	250,000 settlers in English colonies
1720s	Colonial economic life quickens
1756-1763	French and Indian War (France v. England in America)
1764-1765	Sugar Act and Stamp Act controversies
1770	Boston Massacre
1773	Boston Tea Party
1774	Coercive Acts, First Constitutional Congress convenes
<b>1775</b>	<b>America Revolution begins with fighting at Lexington and Concord, Massachusetts</b>
<b>1776</b>	<b>Declaration Of Independence New (weak) federal government created based on the flawed Articles of Confederation (1<sup>st</sup> US attempt at a constitution)</b>
1778	French join the U.S. war of independence against the English
1781	Battle of Yorktown, Virginia (last land battle - defeat of English)
1783	Peace Treaty signed in Paris, France

1784-1787	Northwest Ordinance
1787	Constitutional Convention convened to draft a new constitution to create a stronger, more effective federal government
1788	<b>The U.S. Constitution ratified</b>
1789	George Washington inaugurated as first President of the United States <b>French Revolution begins</b>
1790	U. S. Capitol placed on the Potomac River
1798	Kentucky and Virginia resolutions
1800	Thomas Jefferson elected 2nd President of the United States
1803	<b>Louisiana Purchase</b>
1812	War of 1812 with England
1820	Missouri Compromise
1823	Monroe Doctrine
1828	Andrew Jackson elected 7th President of the United States (beginning of radical "Jacksonian Democracy")
1830s	Railroad era begins
1835	Texas Revolution, Republic of Texas established
1840s	<b>Manifest Destiny</b> <b>Telegraph and railroads create a communications revolution</b>
1846	Mexican War begins
1848	U.S. wins and acquires California and territory of present-day Nevada, Utah, Arizona, New Mexico, and part of Colorado
1849	Gold discovered in California
1850	California admitted to union
1853	Gadsden Purchase
1860	Abraham Lincoln elected 16th President of the United States
1861	Confederate States of America formed <b>Civil War begins at Fort Sumter</b> , at Charleston, S. Carolina. South secedes from the U.S.
1862	Battle of Antietam Emancipation Proclamation issued (effective January 1, 1863)
1864	Sherman takes Atlanta (Sherman's "March to the Sea")
1865	Robert E. Lee surrenders at Appomattox Courthouse in Virginia Thirteenth Amendment to the Constitution abolishes slavery Lincoln assassinated Ku Klux Klan formed
1867	First Reconstruction Act launches radical reconstruction <b>Alaska purchased</b>
1868	Fourteenth Amendment guarantees Civil Rights
1870	Fifteenth Amendment forbids denial of vote on racial grounds
1870s	Terrorism against black people in the South
1876	End of Reconstruction
1879	Standard Oil Trust formed
1880s	Big Business emerges
1889	The First Land Run occurs in Oklahoma, whereby eligible people could

	line up to receive 160 acres of land.
1890	Sherman Anti-Trust Act
1893	September 16 – Land Run is the largest land grab in the West
1890-1920	Fifteen million "new" immigrants arrive
1898	War with Spain <b>Hawaii annexed</b>
1899	Peace with Spain U.S. receives Philippines, Samoa, Guam, and Puerto Rico
1901	Theodore Roosevelt elected 26th President of the United States
1903	Wright Brothers first flight
1904-1914	Panama Canal built
1912	Woodrow Wilson elected 28th President of the United States
1914	<b>World War I marks the rise of the U.S. as a global power</b>
1929	Stock market crash precipitates the Great Depression (Oct. 29)
1932	Franklin Roosevelt is inaugurated as the 32nd president. New Deal recovery measures are enacted by Congress.
1941	Japan attacks Pearl Harbor; U.S. enters World War II.
1945	Roosevelt dies and is succeeded by his vice president, Harry Truman. Germany surrenders unconditionally (May 7). U.S. drops nuclear bombs on Hiroshima and Nagasaki, Japan (Aug. 6 and 9). Japan agrees to unconditional surrender (Aug. 14).
1950-53	Korean War
1959	<b>Alaska and Hawaii become 49<sup>th</sup> and 50<sup>th</sup> U.S. States</b>
1960	Lunch counter sit-ins begin the U.S. Civil Rights Movement
1961	Cold War heats up with construction of the Berlin Wall; U.S. increases involvement in Vietnam; U.S. breaks diplomatic relations with Cuba.
1963	JFK assassinated
1965	Vietnam War escalates; anti-war protests enlarge
1968	MLK assassinated; RFK assassinated; Nixon becomes President
1973	U.S. pulls out of Vietnam (defeated) and Watergate causes Nixon to resign
1981	Reagan becomes President, begins detente with USSR
1989	Berlin Wall opened
1991	Persian Gulf War: U.S. leads international coalition in military operation to drive Iraqis out of Kuwait (Jan. 16–Feb. 28); U.S. and Soviet Union sign START I treaty, agreeing to further reduce strategic nuclear arms.
1992	Following the breakup of the Soviet Union in Dec. 1991, President Bush and Russian president Boris Yeltsin formally declare end to the cold war
1998	House of Representatives votes to impeach President Clinton on charges of perjury and obstruction of justice (Dec. 19).
1999	Senate acquits Clinton of impeachment charges (Feb. 12). NATO wages air campaign against Yugoslavia over killing and deportation of ethnic Albanians in Kosovo (March–June).
2000	More than a month after the presidential election, the U.S. Supreme Court rules against a manual recount of ballots in certain Florida counties, which it contends would violate the Constitution's equal protection and due

	process guarantees. The decision provokes enormous controversy, with critics maintaining that the court has in effect determined the outcome of the election. Bush formally accepts the presidency, having won a slim majority in the electoral college but not a majority of the popular vote.
2001	<b>9/11 attacks kill 3000 people, shock the world; “war on terror” begins.</b>
2005	Hurricane Katrina wreaks catastrophic damage on Mississippi and Louisiana; 80% of New Orleans is flooded (Aug. 29–30).
2008	<b>U.S. (and global) economy collapses, with Lehman Brothers filing for bankruptcy, and mortgage giants Fannie Mae and Freddie Mac placed under government conservatorship. Barack Obama becomes the first African-American to be elected President.</b>
2010	Congress passes and Pres. Obama signs Health Care Reform Act
	Deepwater Horizon Explosion in the Gulf of Mexico
2011	US Navy SEALs take down Osama Bin Laden
2012	Barack Obama re-elected US President
2015	Over 2/3 of people in developed world use smart phones
2016	"Disrupters" Amazon, Uber, Wikipedia, etc. revolutionize markets
	Donald Trump elected US President
2017	Trump Era Begins - US “Culture Wars” ensue
2019	Trump impeached – not convicted by Senate
2020	March, Covid pandemic shuts down US and most of world
	May 20, George Floyd killed by Minneapolis policeman
	Black Lives Matter protests erupt across US
	Nov. 3 - Joseph Biden elected US President – Trump claims fraud
	Trump starts campaign to deny Biden election certification
2021	Jan. 6 - Protesters storm US Capitol
	Jan. 13 - Trump impeached for the 2d time – not convicted by Senate
	Jan. 20 - Biden sworn in as US President
	April 20 - Jury finds police officer Chauvin guilty of 2d degree murder
2022	January - Culture wars escalate
	June 24 - <i>Dobbs v. Jackson Women’s Health Organization</i>

### **Three Basic Types of Democracy**

Any form of *democracy* tries in its own way to ascertain the *will of the people* and to bring public affairs into line with it. Theoretically this can be achieved by *direct* participation of all citizens (*Direct Democracy*) or by a body of elected representatives (*Representative Democracy*). Within the group of *Representative Democracies* the focus may be on a strong president (*Presidential Democracy*) as in the United States, or on a strong parliament (*Parliamentary Democracy*), as in Germany, Spain, and the U.K. Some countries have established a hybrid in which some authentic power is given to an elected President, while a Prime Minister accountable to the legislature administers the general operation of the government (*Semi-Presidential*

*Democracy*), as in **Portugal** and France. Many variations operate today all over the world.

<b>Direct Democracy</b>	<b>Presidential Democracy</b>	<b>Parliamentary Democracy</b>
Example: <a href="#">Switzerland</a>	Examples: USA	Examples: UK, Germany, Spain, Italy
<b>Head of State</b> Any member of government in turn (for one year), no practical importance	The <b>President</b> is head of state <i>and</i> leader of the government	<b>Head of State</b> is a different function than prime minister, it may be a monarch (queen/king) or an elected person
<b>Government:</b> members with equal rights, elected by the parliament, representing all major parties (not really unanimous, but extremely stable)	<b>President</b> elected by the people <b>nominates the ministers</b> [members of government]	<b>Government</b> elected by the parliament based on a majority, may be dismissed by the parliament (especially when based on a coalition of several parties)
<b>Parliament</b> elected for a fixed legislative period, no dissolution; changing coalitions, sometimes even extreme right and extreme left together against the center (though for different reasons)	<b>Parliament</b> elected for a fixed legislative period clear <i>institutional</i> separation of parliament and government (but the officials may cooperate as closely as in the other systems, if they like to do so)	<b>Parliament</b> elected for a legislative period, dissolution and early new elections possible if a clear majority cannot be established
Government members <i>need not be</i> members of parliament	Government members <i>need not be</i> members of parliament	Government members <i>must be</i> elected members of parliament
<b>Strong position of the people</b> (frequent referendums on single laws)	<b>Strong position of the president</b> (veto)	<b>Strong position of the political parties</b>
<b>Laws</b> are created in four steps: 1. Draft by the administration 2. Consultation of federal states, political parties, entrepreneurs, unions and other interested groups 3. Parliamentary debate and final version passed 4. Possibility of a referendum If a strong party or lobby threatens to call for a referendum, the parliament might be inclined to a compromise, the formal consultation process gives the public a clear view of the critical aspects and the pros and cons already at an early stage	<b>Laws</b> are debated and passed by the parliament; lobbyists do not have a formal right to be heard, but do exercise some influence on members of parliament in reality; the president may block a law by veto; as the president is elected as a personality (not only as a party leader) by the people (not by the parliament), he may or may not rely on a majority of the parliament (in practice there have been some periods with a president forced to cooperate with a majority of oppositional members of parliament)	<b>Laws</b> are proposed by the government (being the leaders of the coalition of parties) laws are debated and passed by parliament; lobbyists do not have a formal right to be heard, but do exercise some influence on members of parliament in reality; if there is a solid majority, compromises are sought within the coalition (and may sometimes represent tactics rather than conviction), the opposition may be ignored until the next elections but then laws may be revoked or changed by a new majority

<p>The process of making laws is rather slow, which may be a handicap with more technically oriented laws (regulating questions of broad public interest but addressing a small number of professionals). Laws concerning everybody's everyday's actions, however, may get more attention and acceptance by the public and therefore be more effective due to the intense public debate.</p>	<p>A strong president may act immediately - but there is a certain risk that he rushes to conclusions he may hardly be willing to withdraw from even if they prove to be unwise from a later point of view.</p>	<p>If there are many small parties in a country, the close dependence of the government on a parliamentary majority may undermine the stability of the government.</p>
<p>History shows that from time to time the Swiss people does <b>correct</b> decisions of parliament and government that give in too much to lobby pressure, so <i>Direct Democracy</i> seems to offer effective <i>checks and balances</i>. But sometimes it just takes a long time (decades, not years) until a new idea is finally broadly accepted.</p>	<p>The separation of powers - though it might seem very clear in theory - does not automatically provide more effective <i>checks and balances</i> between parliament and government than in a <i>Parliamentary Democracy</i>.</p>	<p>If there are only two relevant parties and one has a comfortable majority, the parliamentary system offers few effective <i>checks and balances</i>.</p>

## Conclusion

Though there are remarkable formal and institutional differences between the systems of *Direct*, *Presidential*, *Semi-Presidential*, and *Parliamentary Democracy*, there are more or less successful examples for any of these systems. Therefore the practical results - measurable by different factors such as national wealth (both mean income and distribution of wealth), accessibility and standards of education, life expectancy, infant mortality, corruption and so on - tend to depend less on the choice of one system or another but rather on what might be called an "established culture of democracy", consisting of both *know-how* (experience how the system once chosen works in practice) and *trust* that it works and it pays - for the society as a whole as well as for the individuals.

### What is a Presidential Democracy?

A presidential democracy is a system of government in which the executive branch is **separate from** the legislature.

A **presidential system**, also called a **congressional system**, is a system of government where an executive branch exists and *presides* (hence the term) **separately from** the legislature, to which it is not accountable and which cannot in normal circumstances dismiss it.

It owes its origins to the medieval monarchies of France, England and Scotland in which executive authority was vested in the Crown, not in meetings of the estates of the realm (i.e. parliament): the Estates-General of France, the Parliament of England or the Estates of Scotland. **The concept of separate spheres of influence of the executive and legislature was copied in the Constitution of the United States, with the creation of the office of President of the United States.** Perhaps ironically, in England and Scotland (since 1707 as the Kingdom of Great Britain, and since 1801 as the United Kingdom) the power of a separate executive waned to a ceremonial role and a new executive, answerable to parliament, evolved while the power of the USA's separated executive increased. This has given rise to criticism of the United States presidency as an "**imperial presidency**" (especially recently under Trump) though some analysts dispute the existence of an absolute separation, referring to the concept of "separate institutions sharing power". Although not exclusive to republics, and applied in the case of absolute monarchies, the term is often associated with republican systems in the Americas.

The defining characteristic of a presidential government is how the executive is elected, but nearly all presidential systems share the following features:

- The president is both head of state and head of government.
- The president may not have the ability to legislate directly. He is not a voting member and may not be allowed to introduce bills. However, in systems such as that of the United States, the president has the power to veto acts of the legislature and, in turn, a supermajority of legislators may act to override the veto.

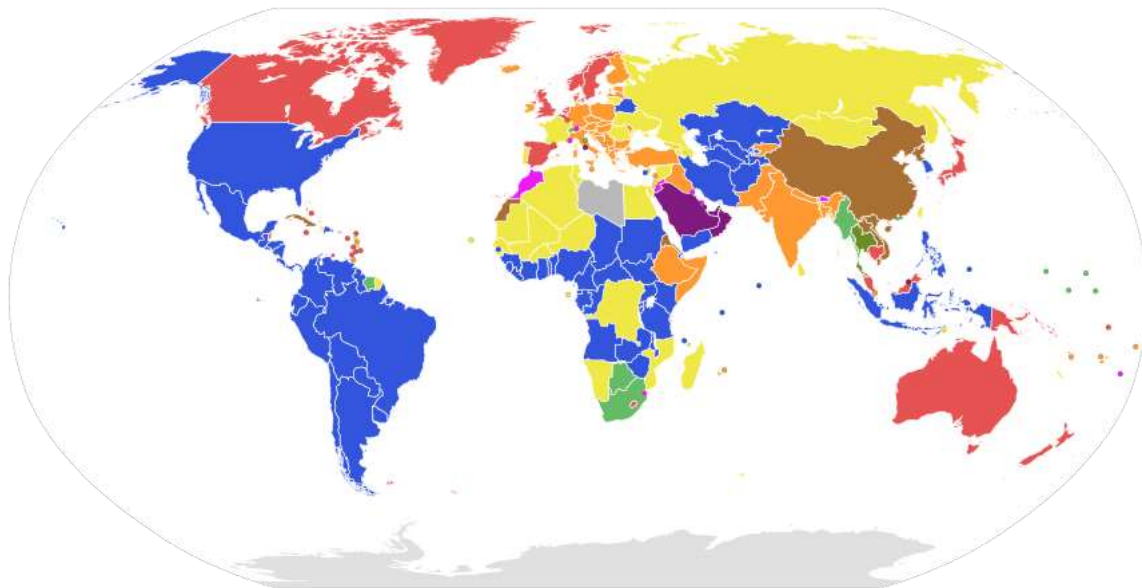
The president has a fixed term of office. Elections are held at scheduled times, and cannot be triggered by a vote of confidence or other such parliamentary procedures. However, many presidential systems incorporate provisions for the president's trial and subsequent removal from office by the legislature if he or she is found to have committed a crime.

- The executive branch is unipersonal. Members of the cabinet serve at the pleasure of the president and must carry out the policies of the executive and legislative branches. However, presidential systems frequently require legislative approval of presidential nominations to the cabinet as well as various governmental posts such as judges. A president generally has power to direct members of the cabinet, military or any officer or employee of the executive branch, but generally has no power to dismiss or give orders to judges.
- A power to pardon or commute sentences of convicted criminals is often exercised by heads of states in governments with a separation of power between legislative and executive branches of government.
- The term *presidential system* is often used in contrast to cabinet government which is usually a feature of parliamentarism.

A Semi-Presidential System is a system of government in which a president exists along with a prime minister and a cabinet, with the latter two being responsible to the legislature of a state. It differs from a parliamentary republic in that it has a popularly elected head of state, who is more than a purely ceremonial figurehead, and from the

presidential system in that the cabinet, although named by the president, is responsible to the legislature, which may force the cabinet to resign through a motion of no confidence.

The global map below shows various systems of governance in operation today. Blue = presidential, yellow = semi-presidential, green = parliamentary system with an executive president chosen by the legislature, orange = parliamentary system with a ceremonial, non-executive president, where a separate head of government leads the executive.



### **The US system also features Montesquieu’s separation of powers and “checks and balances.”**

The drafters of the U.S. Constitution, the so-called “Founding Fathers,” and most especially James Madison, drew upon French philosopher Montesquieu’s theory of the separation of powers when drafting the Constitution. Montesquieu argued that the best way to secure liberty and prevent a government from becoming corrupted was to divide the powers of government among different actors who would check each other.

For example, Montesquieu warned that “Were the executive power not to have a right of restraining the encroachments of the legislative body, the latter would become despotic; for as it might arrogate to itself what authority it pleased, it would soon destroy all the other powers.”

Madison and the Founding Fathers took heed of Montesquieu’s warning by establishing an independent executive (the President), legislative (the Congress), and judiciary (the Supreme Court) in the federal Constitution. Madison masterfully protected the separation of powers by establishing a thorough system of checks and balances as well.



**Separation of Powers** - As stated previously, the US Government is divided into three branches so that no one branch has all the power. Each branch has its own purpose: to make the laws, execute the laws, and interpret the laws.

**Checks and Balances** - In order to further protect the citizens, the constitution set up a system of checks and balances. Basically, each branch of government has a certain number of checks it can use to ensure the other branches do not become too powerful. For example, the president can veto legislation, the Supreme Court can declare acts of Congress unconstitutional, and the Senate must approve treaties and presidential appointments.

### **Checks and Balances of the Legislative Branch**

The **Legislative Branch** is given the powers to make the laws. It has the following checks over the **Executive Branch**:

- May override presidential vetoes with a two-thirds vote
- Has the power over the purse strings to actually fund any executive actions
- May remove the president through impeachment
- Senate approves treaties
- Senate approves presidential appointments

The **Legislative Branch** has the following checks over the **Judicial Branch**:

- Creates lower courts
- May remove judges through impeachment
- Senate approves appointments of judges

### **Checks and Balances of the Executive Branch**

The **Executive Branch** is given the power to carry out the laws. It has the following checks over the **Legislative Branch**:

- Veto power over legislation
- Ability to call special sessions of Congress
- Can recommend legislation
- Can appeal to the people concerning legislation and more

The **Executive Branch** has the following checks over the **Judicial Branch**:

- President appoints Supreme Court and other federal judges

## Checks and Balances of the Judicial Branch

The **Judicial Branch** is given the power to interpret the laws. It has the following checks over the **Executive Branch**:

- Judges, once appointed for life, are free from controls from the executive branch. Courts can judge executive actions to be unconstitutional through the power of [judicial review](#).

The **Judicial Branch** has the following checks over the **Legislative Branch**:

- Courts can judge legislative acts to be unconstitutional.

**Judicial Review** - This is a power that allows the Supreme Court to decide whether acts and laws are unconstitutional. This was established with [Marbury v. Madison](#) in 1803.

**Federalism** – the dual axis of state and national governments sharing power - One of the most complicated foundations of the US is the principle of federalism. This is the idea that the central government does not control all the power in the nation. States also have powers reserved to them. This division of powers does overlap and **sometimes leads to problems such as what happened with the response to Hurricane Katrina between the state and federal governments.**

# Constitution of the United States

The following Introduction is taken from the official U.S. Constitution web site:

*The Federal Convention convened in the State House (Independence Hall) in Philadelphia on May 14, 1787, to revise the Articles of Confederation. Because the delegations from only two states were at first present, the members adjourned from day to day until a quorum of seven states was obtained on May 25. Through discussion and debate it became clear by mid-June that, rather than amend the existing Articles, the Convention would draft an entirely new frame of government. All through the summer, in closed sessions, the delegates debated, and redrafted the articles of the new Constitution. Among the chief points at issue were how much power to allow the central government, how many representatives in Congress to allow each state, and how these representatives should be elected—directly by the people or by the state legislators. The work of many minds, the Constitution stands as a model of cooperative statesmanship and the art of compromise.*

The following excerpts from the U.S. Constitution  
set forth the more relevant design features  
of the system of U.S. governance.



(Preamble)

***We the People*** of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## Article I

### Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### Section 2

1: The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, . . .

### Section 3

1: The Senate of the United States shall be composed of two Senators from each State, . . . for six Years; and each Senator shall have one Vote.

4: The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

6: The Senate shall have the sole Power to try all Impeachments.

### Section 7

1: All Bills for raising Revenue shall originate in the House of Representatives; . . .

2: Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law . . . . If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

### Section 8

1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

2: To borrow Money on the credit of the United States;

- 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
- 4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
- 5: To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
- 6: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
- 7: To establish Post Offices and post Roads;
- 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
- 9: To constitute Tribunals inferior to the supreme Court;
- 10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;
- 11: To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
- 12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- 13: To provide and maintain a Navy;
- 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, . . .

#### **Section 9**

- 2: The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.
- 3: No Bill of Attainder or ex post facto Law shall be passed.

#### **Section 10**

- 1: No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law,

or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

2: No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; . . .

## Article II

### Section 1

1: The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, . . .

### Section 2

1: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, . . . and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

2: He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, . . .

3: The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

### Section 4

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## **Article III**

### **Section 1**

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

### **Section 2**

1: The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States; . . . -- between Citizens of different States, . . .

3: The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; . . .

## **Article IV**

### **Section 1**

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. . . .

### **Section 2**

1: The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

## **Article V**

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; . . .

## Article VI

2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be **the supreme Law of the Land**; and the Judges in every State shall be bound thereby, . . .

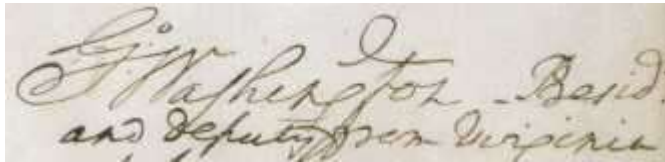
3: The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, **shall be bound by Oath or Affirmation, to support this Constitution**;

...

*. . . done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven . . . In witness whereof We have hereunto subscribed our Names . . . .*

*G: Washington -Presid. and deputy from*

*Virginia*

A rectangular image showing a handwritten signature in cursive script. The signature reads "G: Washington -Presid. and deputy from Virginia". The ink is dark and the background is a light, aged paper color.



## **The First Ten Amendments**

### **(The Bill of Rights)**

#### **Article [I]**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### **Article [II]**

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

#### **Article [III]**

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

#### **Article [IV]**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### **Article [V]**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

#### **Article [VI]**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

**Article [VII]**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

**Article [VIII]**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Article [IX]**

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

**Article [X]**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

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## **TEACHING EXPERIENCE**

*Current Position:* Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law, University of Louisville (1999-present) (at the University of Louisville since 1982). Associate Dean for Faculty Research & Development (2012-2013).

*Courses Taught:* Administrative Law; Advanced Constitutional Law; Constitutional Law I & II; Comparative Constitutional Law; Criminal Law; Criminal Procedure I & II; First Amendment; Negotiations; Remedies; & Trial Practice.

*U.S. Visitorships:* Judge Spurgeon Bell Distinguished Visiting Professor, S. Texas College of Law (1998-99); Herbert Herff Chair of Excellence, Cecil C. Humphreys School of Law, University of Memphis (1992).

*Awards:* Distinguished University Scholar (University of Louisville) (1999-present); President's Award (University of Louisville) for Outstanding Research, Scholarship and Creative Activity in the Career Achievement category (2002); President's Award (University of Louisville) for Distinguished Service (1998); President's Award (University of Louisville) for Outstanding Research, Scholarship and Creative Activity in the Social Sciences (1993); Louis D. Brandeis School of Law awards for scholarship (1992, 1993, 2001, 2002, 2017 & 2018), teaching (1995), & service (1998); Brown, Todd & Heyburn Fellow (1995-97 & 1998-99); Honorary Associate, Macquarie University School of Law (Sydney, Australia. 1998).

## **EDUCATION**

### **Legal**

Degree: J.D., *cum laude*, University of Missouri, 1978.

Honors and Activities: Order of the Coif; Missouri Law Review; Judge Roy Harper Prize; Omar E. Robinson & Edward Jayne scholarships; & various American Jurisprudence prizes.

### **Undergraduate**

Degree: B.A., University of Missouri, 1974.

Honors and Activities: University of Missouri Speech and Debate Team; speech and

forensics scholarships.

**PUBLICATIONS (*selected*)**

**2020:** Russell L. Weaver, *Social Media Platforms and Democratic Discourse*, 23 LEWIS & CLARK L. REV. 1385-1416 (2020).

Russell L. Weaver, *Privacy: The Trans-Atlantic Divide*, MISS. L.J. (2020) (in press).

Russell L. Weaver, *Free Speech in an Internet Era*, 58 LOUISVILLE L. REV. \_\_\_\_ (2020) (in press).

Russell L. Weaver, *Rulemaking in an Internet Era: Dealing with Bots, Trolls & “Form Letters,”* GEORGE MASON L. REV. (2020) (in press).

Russell L. Weaver, *Nationwide Injunctions*, F.I.U. L. REV. (2020) (in press).

Russell L. Weaver, *Introduction: Remedies Discussion Forum*, F.I.U. L. REV. (2020) (in press).

RUSSELL L. WEAVER, MARK D. COLE, STEVEN I. FRIEDLAND, DUNCAN FAIRGRIEVE, ANDRAS KOLTAY & ARNAUD RAYNOUARD, *FREE SPEECH, PRIVACY AND MEDIA: COMPARATIVE PERSPECTIVES* xi-xvi & 1-228 (Carolina Academic Press 2020).

Russell L. Weaver, *Gatekeepers in the Internet Era*, in RUSSELL L. WEAVER, MARK D. COLE, STEVEN I. FRIEDLAND, DUNCAN FAIRGRIEVE, ANDRAS KOLTAY & ARNAUD RAYNOUARD, *FREE SPEECH, PRIVACY AND MEDIA: COMPARATIVE PERSPECTIVES* xi-119-141 (Carolina Academic Press 2020).

Russell L. Weaver & Andras Koltay, *Fake News and Democratic Discourse*, in RUSSELL L. WEAVER, MARK D. COLE, STEVEN I. FRIEDLAND, DUNCAN FAIRGRIEVE, ANDRAS KOLTAY & ARNAUD RAYNOUARD, *FREE SPEECH, PRIVACY AND MEDIA: COMPARATIVE PERSPECTIVES* 143-164 (Carolina Academic Press 2020).

Russell L. Weaver, Duncan Fairgrieve & Andras Koltay, *Privacy: A Post-Snowden Analysis*, in RUSSELL L. WEAVER, MARK D. COLE, STEVEN I. FRIEDLAND, DUNCAN FAIRGRIEVE, ANDRAS KOLTAY & ARNAUD RAYNOUARD, *FREE SPEECH, PRIVACY AND MEDIA: COMPARATIVE PERSPECTIVES* 207-228 (Carolina Academic Press 2019).

Russell L. Weaver & Steven I. Friedland, *Introduction*, in RUSSELL L. WEAVER, MARK D. COLE, STEVEN I. FRIEDLAND, DUNCAN FAIRGRIEVE, ANDRAS KOLTAY & ARNAUD RAYNOUARD, *FREE SPEECH, PRIVACY AND MEDIA: COMPARATIVE*

PERSPECTIVES xi-xvi (Carolina Academic Press 2020).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, LAETITIA TRANCHANT, & GUILHEM GIL (EDS.), TWENTY-FIRST CENTURY REMEDIES: COMPARATIVE PERSPECTIVES 1-242 (Carolina Academic Press 2020).

Russell L. Weaver & Andras Koltay, *Remedies for False Speech*, in RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, LAETITIA TRANCHANT, & GUILHEM GIL (EDS.), TWENTY-FIRST CENTURY REMEDIES: COMPARATIVE PERSPECTIVES 197-217 (Carolina Academic Press 2019).

Russell L. Weaver, *Remedies for Fake News*, in RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, LAETITIA TRANCHANT, & GUILHEM GIL (EDS.), TWENTY-FIRST CENTURY REMEDIES: COMPARATIVE PERSPECTIVES 219-242 (Carolina Academic Press 2019).

Russell L. Weaver & Steven I. Friedland, *Introduction*, in RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, LAETITIA TRANCHANT, & GUILHEM GIL (EDS.), TWENTY-FIRST CENTURY REMEDIES: COMPARATIVE PERSPECTIVES xi-xiv (Carolina Academic Press 2019).

RUSSELL L. WEAVER, THE FIRST AMENDMENT: CASES, PROBLEMS & MATERIALS (6<sup>th</sup> ed., Carolina Academic Press, 2020) (approximately 20% of this book involved new material and I worked on all of it) (in press)

RUSSELL L. WEAVER, UNDERSTANDING THE FIRST AMENDMENT (7<sup>th</sup> ed., Carolina Academic Press, 2020) (approximately 20% of this book involved new material) (in press).

RUSSELL L. WEAVER, DAVID F. PARTLETT, MICHAEL B. KELLY & W. JONATHAN CARDI, REMEDIES: A CONTEMPORARY APPROACH 1-1143 (5<sup>th</sup> ed. 2020).

**2019:** RUSSELL L. WEAVER, FROM GUTENBERG TO THE INTERNET: FREE SPEECH, ADVANCING TECHNOLOGY AND THE IMPLICATIONS FOR DEMOCRACY 1-295 (Carolina Academic Press, 2<sup>nd</sup> ed., 2019).

Russell L. Weaver, *Keynote Address: Fake News - Reflections From History*, 25 Southwestern J. Int'l L. 1-8 (2019).

RUSSELL L. WEAVER, SZÓLÁS-ES VALLÁSSZABADSÁG AZ AMERIKAI EGYESÜLT ÁLLAMOKBAN 1-520 (2019).

Russell L. Weaver, *The Fourth Amendment: History, Purposes & Remedies*, 52

TEXAS TECH L. REV. 127-147 (2019) (published as part of the Texas Tech L. Review's annual criminal law/criminal procedure symposium).

RUSSELL L. WEAVER, DUNCAN FAIRGRIEVE & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON ADMINISTRATIVE LAW, ADMINISTRATIVE STRUCTURES AND ADMINISTRATIVE DECISIONMAKING i-xiv & 1-137 (Carolina Academic Press 2019).

Russell L. Weaver, *Chevron Under Siege in the Trump Era: Does It Matter?*, in RUSSELL L. WEAVER, DUNCAN FAIRGRIEVE & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON ADMINISTRATIVE LAW, ADMINISTRATIVE STRUCTURES AND ADMINISTRATIVE DECISIONMAKING 115-137 (Carolina Academic Press 2019).

Russell L. Weaver & Duncan Fairgrieve, *Introduction*, in RUSSELL L. WEAVER, DUNCAN FAIRGRIEVE & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON ADMINISTRATIVE LAW, ADMINISTRATIVE STRUCTURES AND ADMINISTRATIVE DECISIONMAKING xi-xiv (Carolina Academic Press 2019).

RUSSELL L. WEAVER, JANE REICHEL & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON PRIVACY IN AN INTERNET ERA I-XVII & 1-200 (Carolina Academic Press 2019).

Russell L. Weaver, *Privacy and Free Expression*, in RUSSELL L. WEAVER, JANE REICHEL & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON PRIVACY IN AN INTERNET ERA 181-198 (Carolina Academic Press 2019).

Russell L. Weaver & Jane Reichel, *Introduction*, in RUSSELL L. WEAVER, JANE REICHEL & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON PRIVACY IN AN INTERNET ERA xiii-xvii (Carolina Academic Press 2019).

RUSSELL L. WEAVER, ANDRÁS KOLTAY, MARK D. COLE & STEVEN I. FRIEDLAND (EDS.), FREE SPEECH AND MEDIA LAW IN THE TWENTY-FIRST CENTURY V-XV & 1-228 (Carolina Academic Press 2019).

Russell L. Weaver, *The Philosophical Foundations of Free Expression*, in RUSSELL L. WEAVER, ANDRÁS KOLTAY, MARK D. COLE & STEVEN I. FRIEDLAND (EDS.), FREE SPEECH AND MEDIA LAW IN THE TWENTY-FIRST CENTURY 183-204 (Carolina Academic Press 2019).

Russell L. Weaver & András Koltay, *Introduction*, in RUSSELL L. WEAVER, ANDRÁS KOLTAY, MARK D. COLE & STEVEN I. FRIEDLAND (EDS.), FREE SPEECH AND MEDIA LAW IN THE TWENTY-FIRST CENTURY xi-xv (Carolina Academic Press 2019).

WILLIAM FUNK, SIDNEY SHAPIRO, & RUSSELL L. WEAVER, ADMINISTRATIVE LAW AND PRACTICE: A CONTEMPORARY APPROACH 1-883 (5<sup>th</sup> ed., Thomson/West 2018).

RUSSELL L. WEAVER, JOHN M. BURKOFF & CATHERINE HANCOCK, 2019 SUPPLEMENT TO CRIMINAL PROCEDURE: A CONTEMPORARY APPROACH 1-100 (West Academic 2019).

RUSSELL L. WEAVER, CATHERINE HANCOCK & JOHN KNECHTLE, 2019 SUPPLEMENT TO THE FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS 1-105 (West Academic 2019).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, BRYAN FAIR, JOHN KNECHTLE & RICHARD ROSEN, 2019 SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS 1-198 (Aspen 2019).

**2018:** Russell L. Weaver & Gail Richmond, *The Southeastern Association of Law Schools: A Historical Perspective*, 86 U.M.K.C. L. REV. 599-624 (2018).

Russell L. Weaver, *Political Campaigns in an Internet Era*, IMODEV (2018).  
<http://ojs.imodev.org/index.php/RIDDN/article/view/258/418>

Russell L. Weaver, *Bright Line & Prophylactic Rules: Reflections From Miranda*, 50 TEX. TECH U. L. REV. 33-49 (2018) (published as part of the Texas Tech U. School of Law's annual criminal law symposium).

Russell L. Weaver & Gail Richmond, *The Southeastern Association of Law Schools: A Historical Perspective*, 86 U.M.K.C. L. REV. 599-624 (2018).

WILLIAM FUNK, SIDNEY SHAPIRO & RUSSELL L. WEAVER, ADMINISTRATIVE LAW: A CONTEMPORARY APPROACH (West Academic, 5<sup>th</sup> ed. 2018).

RUSSELL L. WEAVER, JOHN M. BURKOFF & CATHERINE HANCOCK, CRIMINAL PROCEDURE: A CONTEMPORARY APPROACH (West Academic, 2d ed., 2018).

RUSSELL L. WEAVER, JOHN M. BURKOFF & CATHERINE HANCOCK, CRIMINAL LAW: A CONTEMPORARY APPROACH (West Academic, 3<sup>rd</sup> ed., 2018).

RUSSELL L. WEAVER, JOHN M. BURKOFF, CATHERINE HANCOCK & STEVEN I. FRIEDLAND, PRINCIPLES OF CRIMINAL PROCEDURE (West Academic, 6<sup>th</sup> ed., 2018).

**2017:** Russell L. Weaver, *Blasphemy Prohibitions and Prosecutions: A U.S. Perspective*, in ANDRAS KOLTAY & JEROEN TEMPERMAN, BLASPHEMY AND FREEDOM OF EXPRESSION: COMPARATIVE, THEORETICAL AND HISTORICAL REFLECTIONS AFTER

THE CHARLIE HEBDO MASSACRE 534 (Cambridge U. Press 2017).

Russell L. Weaver & Laurence Boissier, *Gouvernement et transparence à l'ère du numérique: une perspective États-Uni*, in WILLIAM GILLES & IRENE BOUHADANA, REVUE INTERNATIONALE DE DROIT DES DONNÉES ET DU NUMÉRIQUE (VOL. 3) 59-72 (IMODEV 2017).

<http://ojs.imodev.org/index.php/RIDDN/article/view/139/182>

RUSSELL L. WEAVER, MARK D. COLE & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON FREE EXPRESSION, GLOBAL PAPER SERIES (VOL. II) (Carolina Academic Press 2017).

Russell L. Weaver & Steven I. Friedland, *Introduction: Comparative Perspectives on Free Expression*, in RUSSELL L. WEAVER, MARK D. COLE & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON FREE EXPRESSION, GLOBAL PAPER SERIES (VOL. II) xiii-xix (Carolina Academic Press 2017).

Russell L. Weaver, *The Criminalization of Speech: Comparative Perspectives*, in RUSSELL L. WEAVER, MARK D. COLE & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON FREE EXPRESSION, GLOBAL PAPER SERIES (VOL. II) 141-158 (Carolina Academic Press 2017).

Russell L. Weaver, *Striking the Balance Between Free Speech, Defamation and Reputation*, in RUSSELL L. WEAVER, MARK D. COLE & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON FREE EXPRESSION, GLOBAL PAPER SERIES (VOL. II) 237-252 (Carolina Academic Press 2017).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, ARNAUD RAYNOUARD & DUNCAN FAIRGRIEVE (EDS.), CYBERSURVEILLANCE IN A POST-SNOWDEN WORLD: BALANCING THE FIGHT AGAINST TERRORISM & FUNDAMENTAL RIGHTS, GLOBAL PAPER SERIES (VOL. VI) (Carolina Academic Press 2017).

Russell L. Weaver, Andras Koltay, Duncan Fairgrieve & Steven I. Friedland, *Cybersurveillance: American, Hungarian and British Perspectives*, in RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, ARNAUD RAYNOUARD & DUNCAN FAIRGRIEVE (EDS.), CYBERSURVEILLANCE IN A POST-SNOWDEN WORLD: BALANCING THE FIGHT AGAINST TERRORISM & FUNDAMENTAL RIGHTS, GLOBAL PAPER SERIES (VOL. VI) 25-50 (Carolina Academic Press 2017).

Russell L. Weaver, Duncan Fairgrieve & Steven I. Friedland, *Introduction: Cybersurveillance Discussion Forum – Balancing the Fight Against Terrorism & Fundamental Rights*, in RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, ARNAUD RAYNOUARD & DUNCAN FAIRGRIEVE (EDS.), CYBERSURVEILLANCE IN A POST-SNOWDEN WORLD: BALANCING THE FIGHT AGAINST TERRORISM & FUNDAMENTAL



RIGHTS, GLOBAL PAPER SERIES (VOL. VI) xi-xvi (Carolina Academic Press 2017).

FRANÇOIS LICHÈRE & RUSSELL L. WEAVER (EDS.), REMEDIES & PROPERTY (VOL. III) (Press University Aix Marseille 2017).

Russell L. Weaver, *Perspectives on Property Remedies*, in FRANÇOIS LICHÈRE AND RUSSELL L. WEAVER (EDS.), REMEDIES AND PROPERTY (VOL. 3) 119-127 (Press University Aix-Marseille 2017).

Russell L. Weaver, *Introduction*, in FRANÇOIS LICHÈRE AND RUSSELL L. WEAVER (EDS.), REMEDIES AND PROPERTY (VOL. 3) 7-9 (Press University Aix-Marseille 2017).

Russell L. Weaver, *Governmental Transparency and Openness in a Digital Era: Transparency, Privacy and Democracy*, in ANNA-SARA LIND, JANE REICHEL & INGER OSTEDAHL (EDS.), TRANSPARENCY IN THE FUTURE: SWEDISH OPENNESS 250 YEARS 159-176 (2017).

Russell L. Weaver, *Free Speech and Transparency in the Digital Era*, in WILLIAM GILLES & IRENE BOUHADANA (EDS.), PRINCIPES ET APPROCHES COMPARÉE DES GOUVERNEMENTS OUVERTS , REVUE INTERNATIONALE DES GOUVERNEMENTS OUVERTS (VOL. 4) 35-48 (IMODEV 2017).

<http://ojs.imodev.org/index.php/RIDDN/article/view/180/293>

Russell L. Weaver, *Transparency, Privacy and Democracy in a Digital Era*, in WILLIAM GILLES & IRENE BOUHADANA (EDS.), PRINCIPES ET APPROCHES COMPARÉE DES GOUVERNEMENTS OUVERTS, REVUE INTERNATIONALE DES GOUVERNEMENTS OUVERTS (VOL. 3) 49-64 (IMODEV 2017).

<http://ojs.imodev.org/index.php/RIGO/article/view/190>

RUSSELL L. WEAVER, HERWIG C.H. HOFFMAN, CHENG-YI HUANG, & STEVEN I. FRIEDLAND ED., COMPARATIVE PERSPECTIVES ON ADMINISTRATIVE PROCEDURE, GLOBAL PAPERS SERIES (VOL. III) (Carolina Academic Press 2017).

Russell L. Weaver, Herwig H.C. Hoffman & Cheng-Yi Huang, *Introduction*, in RUSSELL L. WEAVER, HERWIG C.H. HOFFMAN, CHENG-YI HUANG, & STEVEN I. FRIEDLAND, ED., COMPARATIVE PERSPECTIVES ON ADMINISTRATIVE PROCEDURE, GLOBAL PAPERS SERIES (VOL. III) 3-8 (Carolina Academic Press 2017).

Russell L. Weaver, *Administrative Searches and the Need for Reform*, in RUSSELL L. WEAVER, HERWIG C.H. HOFFMAN, CHENG-YI HUANG, & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON ADMINISTRATIVE PROCEDURE, GLOBAL PAPERS SERIES (VOL. III) 197-212 (Carolina Academic Press 2017).

Russell L. Weaver, *The Proliferation of Administrative Searches in the Modern Administrative State*, in RUSSELL L. WEAVER, HERWIG C.H. HOFFMAN, CHENG-YI HUANG, & STEVEN I. FRIEDLAND (EDS.), *COMPARATIVE PERSPECTIVES ON ADMINISTRATIVE PROCEDURE*, GLOBAL PAPERS SERIES (VOL. III) 255-270 (Carolina Academic Press 2017).

RUSSELL L. WEAVER, ARNAUD RAYNOUARD, DUNCAN FAIRGRIEVE & STEVEN I. FRIEDLAND (EDS.), *COMPARATIVE PERSPECTIVES ON REMEDIES: VIEWS FROM FOUR CONTINENTS*, GLOBAL PAPERS SERIES (VOL. V) (Carolina Academic Press 2017).

Duncan Fairgrieve, Arnaud Raynouard & Russell L. Weaver, *Remedies: Comparative Law Perspectives*, in RUSSELL L. WEAVER, ARNAUD RAYNOUARD, DUNCAN FAIRGRIEVE & STEVEN I. FRIEDLAND (EDS.), *COMPARATIVE PERSPECTIVES ON REMEDIES: VIEWS FROM FOUR CONTINENTS* (VOL. V) 211-231 (Carolina Academic Press 2017).

Russell L. Weaver & Steven I. Friedland, *Introduction: Comparative Perspectives on Remedies: Views From Four Continents*, in RUSSELL L. WEAVER, ARNAUD RAYNOUARD, DUNCAN FAIRGRIEVE & STEVEN I. FRIEDLAND (EDS.), *COMPARATIVE PERSPECTIVES ON REMEDIES: VIEWS FROM FOUR CONTINENTS* (VOL. V) xiii-xvii (Carolina Academic Press 2017).

Russell L. Weaver, *Free Speech Remedies: Comparative Perspectives*, in RUSSELL L. WEAVER, ARNAUD RAYNOUARD, DUNCAN FAIRGRIEVE & STEVEN I. FRIEDLAND (EDS.), *COMPARATIVE PERSPECTIVES ON REMEDIES: VIEWS FROM FOUR CONTINENTS* (VOL. V) 285-300 (Carolina Academic Press 2017).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, WILLIAM GILLES & IRENE BOUHADANA (EDS.), *PRIVACY IN A DIGITAL AGE: PERSPECTIVES FROM TWO CONTINENTS*, GLOBAL PAPER SERIES (VOL. IV) (Carolina Academic Press 2017).

Russell L. Weaver, Duncan Fairgrieve & Steven I. Friedland, *Introduction: Privacy in a Digital Age*, in RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, WILLIAM GILLES & IRENE BOUHADANA (EDS.), *PRIVACY IN A DIGITAL AGE: PERSPECTIVES FROM TWO CONTINENTS*, GLOBAL PAPER SERIES (VOL. IV) xi-xv (Carolina Academic Press 2017).

Russell L. Weaver, Steven I. Friedland & Lia Epperson, *Privacy in a Digital Age*, in RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, & IRENE BOUHADANA (EDS.), *PRIVACY IN A DIGITAL AGE: PERSPECTIVES FROM TWO CONTINENTS*, GLOBAL PAPER SERIES (VOL. IV) 141-157 (Carolina Academic Press 2017).

RUSSELL L. WEAVER & STEVEN I. FRIEDLAND (EDS.), *RECENT DEVELOPMENTS IN*

ADMINISTRATIVE LAW & ALTERNATIVE DISPUTE RESOLUTION, GLOBAL PAPERS SERIES (VOL. I) (Carolina Academic Press 2017).

Russell L. Weaver & Steven I. Friedland, *Introduction: Eighth Administrative Law Discussion Forum*, in RUSSELL L. WEAVER & STEVEN I. FRIEDLAND (EDS.), RECENT DEVELOPMENTS IN ADMINISTRATIVE LAW & ALTERNATIVE DISPUTE RESOLUTION, GLOBAL PAPERS SERIES (VOL. I) xi-xiii (Carolina Academic Press 2017).

Russell L. Weaver, *Governmental Transparency and the War on Terror*, in RUSSELL L. WEAVER & STEVEN I. FRIEDLAND (EDS.), RECENT DEVELOPMENTS IN ADMINISTRATIVE LAW & ALTERNATIVE DISPUTE RESOLUTION, GLOBAL PAPERS SERIES (VOL. I) 161-171 (Carolina Academic Press 2017).

RUSSELL L. WEAVER, CATHERINE HANCOCK & JOHN KNECHTLE, THE FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (LexisNexis, 5<sup>th</sup> ed., 2017).

RUSSELL L. WEAVER, UNDERSTANDING THE FIRST AMENDMENT (LexisNexis, 6<sup>th</sup> ed., 2017).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, BRYAN FAIR, JOHN KNECHTLE & RICHARD ROSEN, CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (4th ed., Aspen, 2017).

RUSSELL L. WEAVER, CATHERINE HANCOCK & JOHN KNECHTLE, 2017 SUPPLEMENT TO THE FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (LexisNexis, 5<sup>th</sup> ed., 2017).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, BRIAN FAIR, JOHN KNECHTLE & RICHARD ROSEN, 2017 SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (4th ed., Aspen, 2017).

RUSSELL L. WEAVER, JOHN BURKOFF, CATHERINE HANCOCK, STEVEN I. FRIEDLAND, JANET C. HOEFFEL & STEVEN SINGER, 2017 SUPPLEMENT TO CRIMINAL PROCEDURE: A CONTEMPORARY APPROACH (West Academic 2017).

**2016:** Russell L. Weaver, *Defamation and Democracy*, in ANDREW KENYON (EDS.), COMPARATIVE DEFAMATION AND PRIVACY LAW SPEECH 82-95 (Oxford U. Press 2016) (this paper was published as part of the University of Melbourne's symposium on defamation and privacy).

RUSSELL L. WEAVER, MARK D. COLE & STEVEN I. FRIEDLAND (EDS.), COMPARATIVE PERSPECTIVES ON FREE EXPRESSION, DEFAMATION & CRIMINAL

LAW (Carolina Academic Press 2016).

Russell L. Weaver, *Citizen Participation in an Internet Era*, in WILLIAM GILLES & IRENE BOUHADANA, *REVUE INTERNATIONALE DES GOUVERNEMENTS OUVERTS* (Vol. 3) 15-28 (2016).

<http://ojs.imodev.org/index.php/RIGO/article/view/134/165>

Russell L. Weaver, *Free Speech and “True Threats” in a Digital Era*, in RUSSELL L. WEAVER, MARK D. COLE & STEVEN I. FRIEDLAND (EDS.), *COMPARATIVE PERSPECTIVES ON FREE EXPRESSION, DEFAMATION & CRIMINAL LAW* 127-137 (Carolina Academic Press 2016).

Russell L. Weaver, *Preface*, in IRENE BOUHADANA, WILLIAM GILLES & IRIS NGUYEN-DUY (EDS.), *PARLIAMENTS IN THE OPEN GOVERNMENT ERA* 3-5 (2016).

Russell L. Weaver, *Congress and Transparency*, in IRENE BOUHADANA, WILLIAM GILLES & IRIS NGUYEN-DUY (EDS.), *PARLIAMENTS IN THE OPEN GOVERNMENT ERA* 93-102 (2016).

Russell L. Weaver, *Environmental Transparency in a Digital Era*, in IRÈNE BOUHADANA, WILLIAM GILLES, RICHARD CALLAND & PATRICIA JONASON (EDS.), *THE IMPACT OF TRANSPARENCY IN INTERNATIONAL CLIMATE ISSUES* 85-97 (2016).

<http://ojs.imodev.org/index.php/RIDDN/article/view/152/224>

RUSSELL L. WEAVER, DAVID F. PARTLETT, MICHAEL B. KELLY & W. JONATHAN CARDI, *REMEDIES: A CONTEMPORARY APPROACH* (West Academic, 4<sup>th</sup> ed., 2016).

RUSSELL L. WEAVER, EDWARD C. MARTIN, ANDREW R. KLEIN, PAUL J. ZWIER II, & JOHN H. BAUMAN, *MASTERING TORT LAW* (LexisNexis, 2<sup>nd</sup> ed., 2016).

RUSSELL L. WEAVER, JOHN M. BURKOFF, CATHERINE HANCOCK, JANET C. HOFFEL, STEPHEN SINGER & STEVEN I. FRIEDLAND, *PRINCIPLES OF CRIMINAL PROCEDURE* (West Academic, 5<sup>th</sup> ed., 2016).

RUSSELL L. WEAVER, MICHAEL B. KELLY & EAINÉ SHOBEN, *PRINCIPLES OF REMEDIES* (West Academic, 3<sup>rd</sup> ed., 2016).

RUSSELL L. WEAVER, DAVID F. PARTLETT, MICHAEL B. KELLY & W. JONATHAN CARDI, *TEACHER’S MANUAL FOR REMEDIES: A CONTEMPORARY APPROACH* (West Academic, 4<sup>th</sup> ed., 2016).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, BRIAN FAIR, JOHN KNECHTLE & RICHARD ROSEN, *2016 SUPPLEMENT TO CONSTITUTIONAL*

LAW: CASES, MATERIALS & PROBLEMS (Aspen Pub. 2016).

RUSSELL L. WEAVER, CATHERINE HANCOCK & JOHN KNECHTLE, 2016 SUPPLEMENT TO THE FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (LexisNexis 2016).

RUSSELL L. WEAVER, JOHN BURKOFF, CATHERINE HANCOCK, STEVEN I. FRIEDLAND, JANET C. HOEFFEL & STEVEN SINGER, 2016 SUPPLEMENT TO CRIMINAL PROCEDURE: A CONTEMPORARY APPROACH (West Academic 2016).

**2015:** Russell L. Weaver, “*Advice and Consent*” in *Historical Context*, 64 DUKE L.J. 1717 (2015) (published as part of Duke’s annual Administrative Law Symposium).

Russell L. Weaver, *Governmental Cyber-Surveillance in a Democratic Society*, 72 WASHINGTON & LEE L. REV. 1207 (2015) (published as part of the Washington & Lee L. Rev’s cybersurveillance symposium).

Russell L. Weaver, *The Internet & Democracy*, in ANDRÁS KOLTAY, COMPARATIVE PERSPECTIVES ON THE FUNDAMENTAL FREEDOM OF EXPRESSION 253-268 (2015).

Russell L. Weaver, *Free Speech and Democracy in an Internet Era*, in ANNA-SARA LIND, JANE REICHEL & INGER OSTERDAHL, INFORMATION AND LAW IN TRANSITION – FREEDOM OF SPEECH, THE INTERNET, PRIVACY AND DEMOCRACY IN THE 21<sup>ST</sup> CENTURY 24 (Liber 2015).

Russell L. Weaver, *The Fourth Amendment and Technologically Based Surveillance*, 48 TEXAS TECH. L. REV. 231-244 (2015).

IRENE BOUDAHANA, WILLIAM GILLES & RUSSELL L. WEAVER, GOVERNMENTAL TRANSPARENCY IN THE OPEN GOVERNMENT ERA (IMODEV 2015).

Russell L. Weaver, *Governmental Transparency, Privacy and the Snowden Affair*, in IRENE BOUDAHANA, WILLIAM GILLES & RUSSELL L. WEAVER, GOVERNMENTAL TRANSPARENCY IN THE OPEN GOVERNMENT ERA 235-255 (IMODEV 2015).

RUSSELL L. WEAVER & FRANÇOIS LICHÈRE, REMEDIES AND PROPERTY (Vol. 2) (Presses Universitaires d’Aix-Marseille 2015).

Russell L. Weaver, Guilhem Gil & François Lichère, *Remedies in the Eminent Domain Context: French & American Perspectives*, in RUSSELL L. WEAVER &

FRANÇOIS LICHERE (EDS.), REMEDIES AND PROPERTY (Vol. 2) 147-153 (Presses Université Aix-Marseille 2015).

Russell L. Weaver, *Introduction: Third Property Remedies Discussion Forum*, in RUSSELL L. WEAVER & FRANÇOIS LICHERE, REMEDIES AND PROPERTY (Vol. 2) 7-9 (Presses Universitaires d'Aix-Marseille 2010).

Russell L. Weaver, *Renovating Administrative Procedure: Administrative Searches and the Need for Reform*, in Chengyi, Papers From the Administrative Discussion Forum (2015).

RUSSELL L. WEAVER, JOHN BURKOFF, CATHERINE HANCOCK, STEVEN I. FRIEDLAND, JANET C. HOEFFEL & STEVEN SINGER, CRIMINAL PROCEDURE: A CONTEMPORARY APPROACH (West, 2015).

**2014:** Russell L. Weaver, *The Press and Freedom of Expression*, in ANDRAS KOLTAY (EDS.), MEDIA FREEDOM AND REGULATION IN THE NEW MEDIA WORLD 29-44 (2014).

Clive Walker & Russell L. Weaver, *Libelocracy*, 41 J. MALAYSIAN & COMPARATIVE LAW 69-79 (2014).

Russell L. Weaver, *President Obama's Open Government Initiative*, in WILLIAM GILLES & IRENE BOUHADANA, REVUE INTERNATIONALE DES GOUVERNEMENT OUVERTS: OPEN GOVERNMENT: A COMPARATIVE APPROACH (VOL. 1) 1-10 (2014).

<http://ojs.imodev.org/index.php/RIGO/article/view/210>

Russell L. Weaver & Steven I. Friedland, *Driving While "Intexticated": Texting, Driving & Punishment*, 47 TEX. TECH L. REV. 101-111 (2014) (published as part of Texas Tech University's annual criminal law/criminal procedure symposium).

Russell L. Weaver & Steven I. Friedland, *Privacy and the Fourth Amendment*, in DIETER DÖRR & RUSSELL L. WEAVER (EDS.), PERSPECTIVES ON PRIVACY: INCREASING REGULATION IN THE USA, CANADA, AUSTRALIA & EUROPEAN COUNTRIES 1-17 (DeGruyter Press 2014).

DIETER DÖRR & RUSSELL L. WEAVER (EDS.), PERSPECTIVES ON PRIVACY: INCREASING REGULATION IN THE USA, CANADA, AUSTRALIA & EUROPEAN COUNTRIES (DeGruyter Press 2014).

Russell L. Weaver, *Structural Decrees & Unintended Consequences: The Louisville Desegregation Decree*, 38 U.W. AUSTRALIA L. REV. 156-166 (2014).

WILLIAM FUNK, SIDNEY SHAPIRO, & RUSSELL L. WEAVER, ADMINISTRATIVE LAW AND PRACTICE: PROBLEMS AND CASES (West Academic, 5<sup>th</sup> ed., 2014).

RUSSELL L. WEAVER, CATHERINE HANCOCK, DONALD E. LIVELY & JOHN KNECHTLE, THE FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (4th ed. 2014).

RUSSELL L. WEAVER, DAVID F. PARTLETT, MICHAEL B. KELLY & W. JONATHAN CARDI, REMEDIES: CASES, PRACTICAL PROBLEMS & EXERCISES (West, 3rd ed., 2014).

RUSSELL L. WEAVER, UNDERSTANDING THE FIRST AMENDMENT (LexisNexis, 5<sup>th</sup> ed., 2014).

RUSSELL L. WEAVER, JOHN BURKOFF, & CATHERINE HANCOCK, CRIMINAL LAW: A CONTEMPORARY APPROACH (West Academic, 2<sup>nd</sup> ed., 2014).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, & RICHARD ROSEN, INSIDE CONSTITUTIONAL LAW: WHAT MATTERS & WHY (Aspen, 2d ed., 2014).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, BRIAN FAIR, JOHN KNECHTLE & RICHARD ROSEN, 2014 SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (3rd ed., Aspen 2014).

RUSSELL L. WEAVER, CATHERINE HANCOCK, DONALD E. LIVELY & JOHN KNECHTLE, 2014 SUPPLEMENT TO THE FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (LexisNexis, 4th ed., 2014).

RUSSELL L. WEAVER, JOHN BURKOFF, DONALD E. LIVELY, CATHERINE HANCOCK, JANET C. HOEFFEL, STEVEN I. FRIEDLAND & STEVEN SINGER, 2014 SUPPLEMENT TO CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES (5<sup>th</sup> ed., Thomson/West 2014).

**2013:** RUSSELL L. WEAVER, FROM GUTENBERG TO THE INTERNET: FREE SPEECH, ADVANCING TECHNOLOGY & THE IMPLICATIONS FOR DEMOCRACY (Carolina Academic Press 2013).

Russell L. Weaver, *Administrative Searches, Technology & Personal Privacy*, 22 WM. & MARY BILL RT. J. 571 (2013).

Russell L. Weaver, Duncan Fairgrieve & François Lichere, *The Creation of Transnational Structures Governing Internet Communication*, 78 Mo. L. Rev. 527

(2013).

Russell L. Weaver, *Privacy in an Age of Advancing Technology*, 82 Miss. L.J. 975-996 (2013).

Russell L. Weaver & François Lichere, *The Remedy of Certiorari: French and U.S. Perspectives*, 42 STETSON L. REV. 615 (2013).

Russell L. Weaver, *Enforcement of British Libel Judgments: An American Perspective*, in DAVID CAPPER (ED.), MODERN DEFAMATION LAW: BALANCING REPUTATION AND FREE EXPRESSION 93-114 (Queen's U. Press 2013).

Russell L. Weaver & David F. Partlett, *Teaching Remedies as a Capstone Course*, 57 ST. LOUIS U. L. REV. 609-630 (2013) (this article was published as part of an invited symposium on teaching remedies).

Russell L. Weaver, *NSA Revelations Worth Risk: Debate on Freedoms is One We Must Have*, *The Courier-Journal*, Forum Section (July 4, 2013).

RUSSELL L. WEAVER & FRANÇOIS LICHÈRE (EDS), REMEDIES AND PROPERTY 1-142 (Presses Universitaires d'Aix-Marseille 2013).

Russell L. Weaver & François Lichere, *Introduction: Seventh Remedies Discussion Forum*, in RUSSELL L. WEAVER & FRANÇOIS LICHÈRE (EDS), REMEDIES AND PROPERTY 7-8 (Presses Universitaires d'Aix-Marseille 2013).

PASCAL MBONGO & RUSSELL L. WEAVER (EDS.), LE DROIT AMÉRICAIN DANS LA PENSÉE JURIDIQUE FRANÇAISE CONTEMPORAINE: ENTRE AMÉRICAINOPHOBE ET AMÉRICANOPHILEE (Institut Universitaire Varenne Collection Colloques & Essais 2013).

Russell L. Weaver, *l'Exceptionnalisme Américain en Matière de Liberté d'Expression*, in PASCAL MBONGO & RUSSELL L. WEAVER (EDS.), LE DROIT AMÉRICAIN DANS LA PENSÉE JURIDIQUE FRANÇAISE CONTEMPORAINE: ENTRE AMÉRICAINOPHOIE ET AMÉRICANOPHILEE 267-288 (Institut Universitaire Varenne Collection Colloques & Essais 2013).

Russell L. Weaver & Christina E. Wells, *l'Enseignement du Droit aux États-Unis: Tensions et Effets de la Crise Financière*, in PASCAL MBONGO & RUSSELL L. WEAVER (EDS.), LE DROIT AMÉRICAIN DANS LA PENSÉE JURIDIQUE FRANÇAISE CONTEMPORAINE: ENTRE AMÉRICAINOPHOIE ET AMÉRICANOPHILEE 343-358 (Institut Universitaire Varenne Collection Colloques & Essais 2013).

CLIVE WALKER & RUSSELL L. WEAVER (EDS.), FREE SPEECH AND MEDIA IN AN



INTERNET ERA: PAPERS FROM THE FREE SPEECH DISCUSSION FORUM (Carolina Press 2013).

Russell L. Weaver, Clive Walker & Geoffrey J.G. Bennett, *Can Newspapers Survive in an Internet Era?*, published in RUSSELL L. WEAVER (EDS.), FREE SPEECH AND MEDIA IN AN INTERNET ERA 3-27 (Carolina Press 2013) (published as part of a symposium that resulted from the Free Speech Discussion Forum).

Russell L. Weaver, Guilhem Gil, Didier Porrachia & François Lichere, *The Law of Private Nuisance: French and American Perspectives*, published in FRANÇOIS LICHÈRE & RUSSELL L. WEAVER, PROPERTY REMEDIES DISCUSSION FORUM 9-42 (Presses Universitaires d'Aix-Marseille 2013) (this publication involves the papers from the Property Remedies Discussion Forum).

RUSSELL L. WEAVER, JOHN BURKOFF, DONALD E. LIVELY, CATHERINE HANCOCK, JANET C. HOFFEL, STEVEN I. FRIEDLAND & STEVEN SINGER, CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES (5<sup>th</sup> ed., Thomson/West 2013).

RUSSELL L. WEAVER, JOHN BURKOFF, DONALD E. LIVELY, CATHERINE HANCOCK, JANET C. HOFFEL, STEVEN I. FRIEDLAND & STEVEN SINGER, CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES: INVESTIGATIVE PROCESSES (5<sup>th</sup> ed., Thomson/West 2013).

RUSSELL L. WEAVER, JOHN BURKOFF, DONALD E. LIVELY, CATHERINE HANCOCK, JANET C. HOFFEL, STEVEN I. FRIEDLAND & STEVEN SINGER, CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES: ADJUDICATIVE PROCESSES (5<sup>th</sup> ed., Thomson/West 2013).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, BRIAN FAIR, JOHN KNECHTLE & RICHARD ROSEN, CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (3rd ed., Aspen, 2013).

RUSSELL L. WEAVER, JOHN BAUMAN, J. CROSS, ANDREW KLEIN, EDWARD MARTIN & PAUL J. ZWIER II: TORTS: CASES, MATERIALS, PROBLEMS & EXERCISES (4th ed., Lexis Nexis, 2013).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, BRIAN FAIR & RICHARD ROSEN, 2013 SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (Aspen 2013).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, BRIAN FAIR & RICHARD ROSEN, 2013 SUPPLEMENT TO FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (LexisNexis 2013).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, RONALD BACIGAL, JOHN BURKOFF, DONALD E. LIVELY, & CATHERINE HANCOCK, 2013 SUPPLEMENT TO CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES (Thomson/West 2013).

**2012:** Russell L. Weaver, *British Defamation Reform: An American Perspective*, 63 N. IRELAND L.Q. 97-117 (2012) (published as part of the Queens University (Belfast, N. Ireland symposium on defamation).

DIETER DÖERR & RUSSELL L. WEAVER (EDS.), THE RIGHT TO PRIVACY IN LIGHT OF MEDIA CONVERGENCE: PERSPECTIVES FROM THREE CONTINENTS (De Gruyter 2012).

Russell L. Weaver, David F. Partlett & Mark D. Cole, *Protecting Privacy in a Digital Age*, published in DIETER DÖERR & RUSSELL L. WEAVER (EDS.), THE RIGHT TO PRIVACY IN LIGHT OF MEDIA CONVERGENCE: PERSPECTIVES FROM THREE CONTINENTS 1-30 (De Gruyter 2012).

Russell L. Weaver, *Gutenberg and Mass Communication*, published in DIETERDÖRR & UDO FINK, BRANDEIS MEETS GUTENBERG GERMAN-AMERICAN CONVERSATIONS ON LAW 1991-2011: ÖFFENTLICHES UND INTERNATIONALES RECHT BAND (Peter Lang 2012) (to be published as part of the celebration of the Mainz-Louisville faculty exchange relationship).

Russell L. Weaver, Eckart Klein, DieterDörr & Udo Fink, *Foreword: Honoring and Remembering the Johannes Gutenberg Faculty of Law -University of Louisville Louis D. Brandeis School of Law Exchange Relationship*, published in DIETERDÖRR & UDO FINK, BRANDEIS MEETS GUTENBERG GERMAN-AMERICAN CONVERSATIONS ON LAW 1991-2011: ÖFFENTLICHES UND INTERNATIONALES RECHT BAND \_\_\_ (Peter Lang 2012) (to be published as part of the celebration of the Mainz-Louisville faculty exchange relationship).

RUSSELL L. WEAVER & DONALD E. LIVELY, UNDERSTANDING THE FIRST AMENDMENT (4<sup>th</sup> ed., LexisNexis 2012).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, JOHN BURKOFF, & CATHERINE HANCOCK, CONCISE HORNBOOK SERIES: PRINCIPLES OF CRIMINAL PROCEDURE (4th ed., Thomson/West 2012).

Russell L. Weaver, *The Fourth Amendment, Privacy & Advancing Technology*, 39 SEARCH & SEIZURE L. REPORT 1-8 (June, 2012).

Russell L. Weaver, *Democracy in an Internet Era*, Aix Law Club Newsletter (June, 2012).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, DONALD E. LIVELY, & W. SCOTT, 2012 SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (Aspen 2012).

RUSSELL L. WEAVER, CATHERINE HANCOCK, DONALD E. LIVELY & JOHN KNECHTLE, 2012 SUPPLEMENT TO FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (LexisNexis 2012).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, RONALD BACIGAL, JOHN BURKOFF, DONALD E. LIVELY, & CATHERINE HANCOCK, 2012 SUPPLEMENT TO CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES (Thomson/West 2012).

**2011:** Russell L. Weaver, THE JAMES OTIS LECTURE: *The Fourth Amendment, Privacy and Advancing Technology*, 80 MISS. L.J. 1131-1227 (2011).

David F. Partlett & Russell L. Weaver, *BP Oil Spill: Compensation, Agency Costs and Restitution*, 68 Washington & Lee University Law Review 1341 (2011) (published as part of the Washington & Lee University Law Review's symposium on restitution).

Russell L. Weaver, *The Internet, Free Speech and Crime*, 44 Texas Tech L. Rev. 197-220 (2011) (published as part of the Texas Tech Law Review's criminal law symposium).

Russell L. Weaver, *Brandenburg & Incitement in a Digital Era*, 80 MISS. L.J. 1263-1288 (2011).

Russell L. Weaver & François Lichère, *Independent Executive Agencies in the French and U.S. Constitutional Systems*, published in RUSSELL L. WEAVER & FRANÇOIS LICHÈRE (EDS.), AIX GLOBAL ISSUES IN ADMINISTRATIVE LAW (Presses Universitaires d'Aix-Marseille 2011).

Russell L. Weaver & François Lichère, *Introduction: Aix Global Issues in Administrative Law Forum*, published in RUSSELL L. WEAVER & FRANÇOIS LICHÈRE (EDS.), AIX GLOBAL ISSUES IN ADMINISTRATIVE LAW 8-11 (Presses Universitaires d'Aix-Marseille 2011).

Russell L. Weaver, *The Roberts Court and Campaign Finance: "Umpire" or "Pro-Business Activism,"* 40 STETSON L. REV. 839-859 (2011) (published as part of the Constitutional Law Discussion Forum papers).

Russell L. Weaver, Denis Lemieux & Laverne Jacobs, *Introduction to the Special Issue of the Windsor Yearbook of Access to Justice: Transnational and*

*Comparative Administrative Law: Papers from the Sixth Administrative Law Discussion Forum, Québec City*, 28 Windsor Yearbook of Access to Justice v-ix (2011).

RUSSELL L. WEAVER & FRANÇOIS, REMEDIES AND ECONOMICS (Presses Universitaires d'Aix-Marseille 2011).

Russell L. Weaver & François Lichere, *Introduction: Remedies Discussion Forum*, in RUSSELL L. WEAVER & FRANÇOIS, REMEDIES AND ECONOMICS (Presses Universitaires d'Aix-Marseille 2011).

Russell L. Weaver & L. Jellum, *Neither Fish Nor Fowl: Administrative Judges in the Modern Administrative State*, 28 Windsor Yearbook of Access to Justice 243-259 (2011) (published as part of the Administrative Law Discussion Forum).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, BRIAN FAIR, JOHN KNECHTLE & RICHARD ROSEN, CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (2d ed., Aspen 2011).

RUSSELL L. WEAVER, CATHERINE HANCOCK, DONALD E. LIVELY & JOHN KNECHTLE, THE FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (3<sup>rd</sup> ed., LexisNexis 2011).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, BRIAN FAIR, JOHN KNECHTLE & RICHARD ROSEN, CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (2d ed., Aspen 2011).

RUSSELL L. WEAVER, JOHN BURKOFF, & CATHERINE HANCOCK, CRIMINAL LAW: A CONTEMPORARY APPROACH (West 2011).

HERWIG C.H. HOFFMAN & RUSSELL L. WEAVER (EDS), TRANSATLANTIC PERSPECTIVES ON ADMINISTRATIVE LAW (Bruylant 2011).

Herwig C.H. Hoffman & Russell L. Weaver, *Transatlantic Perspectives on Administrative Law – Introduction*, in HERWIG C.H. HOFFMAN & RUSSELL L. WEAVER (EDS), TRANSATLANTIC PERSPECTIVES ON ADMINISTRATIVE LAW 1-3 (Bruylant 2011).

Russell L. Weaver, Udo Fink & François Lichere, *Protecting Consumers in an Era of World Trade*, in HERWIG C.H. HOFFMAN & RUSSELL L. WEAVER (EDS), TRANSATLANTIC PERSPECTIVES ON ADMINISTRATIVE LAW (Bruylant 2011).

RUSSELL L. WEAVER & FRANÇOIS LICHÈRE (EDS.), AIX GLOBAL ISSUES IN ADMINISTRATIVE LAW (Presses Universitaires d'Aix-Marseille 2011).

Russell L. Weaver, *Gutenberg and Mass Communication*, published in DIETERDÖRR & UDO FINK, *BRANDEIS MEETS GUTENBERG GERMAN-AMERICAN CONVERSATIONS ON LAW 1991-2011: ÖFFENTLICHES UND INTERNATIONALES RECHT BAND \_\_\_* (Peter Lang 2012) (published as part of the celebration of the Mainz-Louisville faculty exchange relationship).

Russell L. Weaver, Eckart Klein, Dieter Dörr & Udo Fink, *Foreword: Honoring and Remembering the Johannes Gutenberg Faculty of Law -University of Louisville Louis D. Brandeis School of Law Exchange Relationship*, published in DIETER DÖRR & UDO FINK, *BRANDEIS MEETS GUTENBERG GERMAN-AMERICAN CONVERSATIONS ON LAW 1991-2011: ÖFFENTLICHES UND INTERNATIONALES RECHT BAND \_\_\_* (Peter Lang 2012) (to be published as part of the celebration of the Mainz-Louisville faculty exchange relationship).

Russell L. Weaver, *Democracy in an Internet Era*, Aix Law Club Newsletter (2012).

RUSSELL L. WEAVER, MICHAEL KELLY & ELAINE SHOBEN, *PRINCIPLES OF REMEDIES* (2d ed., Thomson/West 2011).

JOHN BURKOFF & RUSSELL L. WEAVER, *INSIDE CRIMINAL LAW: WHAT MATTERS & WHY* (2d ed., Wolters Kluwer 2011).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, DONALD E. LIVELY, & W. SCOTT, *2011 SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS* (Aspen 2011).

RUSSELL L. WEAVER, CATHERINE HANCOCK, DONALD E. LIVELY & JOHN KNECHTLE, *2011 SUPPLEMENT TO FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS* (LexisNexis 2011).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, RONALD BACIGAL, JOHN BURKOFF, DONALD E. LIVELY, & CATHERINE HANCOCK, *2011 SUPPLEMENT TO CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES* (Thomson/West 2011).

**2010:** WILLIAM FUNK, SIDNEY SHAPIRO, & RUSSELL L. WEAVER, *ADMINISTRATIVE LAW AND PRACTICE: PROBLEMS AND CASES* (4<sup>th</sup> ed., Thomson/West 2010).

RUSSELL L. WEAVER & FRANÇOIS LICHÈRE (EDS.), *RECOGNITION AND ENFORCEMENT OF JUDGMENTS: COMPARATIVE AND INTERNATIONAL PERSPECTIVES* (Presses Universitaires d'Aix-Marseille 2010).

Russell L. Weaver, *Free Speech, Democracy and Enforcement of Foreign Defamation Judgments*, in RUSSELL L. WEAVER & FRANÇOIS LICHÈRE (EDS.),

RECOGNITION & ENFORCEMENT OF JUDGMENTS 268-317 (Presses Universitaires d'Aix-Marseille 2010).

Russell L. Weaver & François Lichere, *Introduction: Remedies Discussion Forum*, in RUSSELL L. WEAVER & FRANÇOIS LICHÈRE (EDS.), RECOGNITION & ENFORCEMENT OF JUDGMENTS 8-12 (Presses Universitaires d'Aix-Marseille 2010).

Russell L. Weaver & David F. Partlett, *The Globalization of Defamation*, reprinted in JEFF BERRYMAN & RICK BIGWOOD, THE LAW OF REMEDIES: NEW DIRECTIONS IN THE COMMON LAW 669-694 (2010).

Russell L. Weaver & François Lichere, *Introduction: Remedies Discussion Forum*, published as part of RUSSELL L. WEAVER & FRANÇOIS LICHÈRE (EDS.), RECOGNITION & ENFORCEMENT OF JUDGMENTS 8-13 (Presses Universitaires d'Aix-Marseille 2010) (published as part of the Remedies Discussion Forum symposium).

Russell L. Weaver, *Attack Ads Pose Perils*, *Courier-Journal*, Forum Page, A-15 (Nov. 5, 2010).

Russell L. Weaver, *Democracy, Freedom of Speech and PolitiFact*, *Courier-Journal*, Forum Page (Oct. 15, 2010).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, RONALD BACIGAL, JOHN BURKOFF, DONALD E. LIVELY, CATHERINE HANCOCK & JANET C. HOEFFEL, CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES (4<sup>th</sup> ed., Thomson/West 2010).

RUSSELL L. WEAVER, DAVID F. PARTLETT, MICHAEL KELLY & J. CARDI, REMEDIES: CASES, PRACTICAL PROBLEMS & EXERCISES (2d ed., Thomson/West 2010).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK & DONALD E. LIVELY, ACING CONSTITUTIONAL LAW (Aspen 2010).

RUSSELL L. WEAVER & WILLIAM ARAIZA, THE FIRST AMENDMENT: QUESTIONS & ANSWERS (LexisNexis 2010).

RUSSELL L. WEAVER & KAREN JORDAN, QUESTIONS & ANSWERS: ADMINISTRATIVE LAW (2d ed., Lexis Nexis 2010).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, DONALD E. LIVELY, & W. SCOTT, 2010 SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (Aspen 2010).

RUSSELL L. WEAVER, CATHERINE HANCOCK, DONALD E. LIVELY & JOHN KNECHTLE, 2010 SUPPLEMENT TO FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (LexisNexis 2010).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, RONALD BACIGAL, JOHN BURKOFF, DONALD E. LIVELY, & CATHERINE HANCOCK, 2010 SUPPLEMENT TO CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES (Thomson/West 2010).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, JOHN BURKOFF & CATHERINE HANCOCK, 2010 SUPPLEMENT TO CRIMINAL LAW: CASES, PROBLEMS AND EXERCISES (Thomson/West 2010).

**2009:** Russell L. Weaver, N. Delpierre & L. Boissier, *Governmentally Imposed Truth: An Examination of France's Holocaust Denial Law*, 41 TEXAS TECH. U. L. REV. 495-517 (2009).

Russell L. Weaver, Udo Fink & François Lichere, *Protecting Consumers in an Era of World Trade*, 61 AD. L. REV. 105-114 (2009).

Russell L. Weaver, H. Hoffman, M. Asimow & François Lichere, *Introduction: Administrative Law Discussion Forum*, 61 AD. L. REV. 1-3 (2009).

Russell L. Weaver, *Reliability, Justice and Confessions: The Essential Paradox*, 85 CHI.-KENT L. REV. 179-188 (2009).

Russell L. Weaver, *Frambach v. Dunihue: The Most Underrated Decision*, 42 LOYOLA L. REV. 237 (2009).

Russell L. Weaver, *Introduction: Fifth Remedies Discussion Forum*, 42 LOYOLA L. REV. 1 (2009).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, JOHN BURKOFF, & CATHERINE HANCOCK, CRIMINAL LAW: CASES, MATERIALS & PROBLEMS (3d ed., Thomson/West 2009).

RUSSELL L. WEAVER, JOHN BAUMAN, J. CROSS, ANDREW KLEIN, EDWARD MARTIN & PAUL J. ZWIER II: TORTS: CASES, MATERIALS, PROBLEMS & EXERCISES (3d ed., Lexis Nexis 2009).

RUSSELL L. WEAVER & DONALD E. LIVELY, UNDERSTANDING THE FIRST AMENDMENT (2d ed., LexisNexis 2009).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, DONALD E. LIVELY & W. SCOTT, INSIDE CONSTITUTIONAL LAW: WHAT MATTERS & WHY

(Aspen 2009).

RUSSELL L. WEAVER, JOHN BAUMAN, J. CROSS, ANDREW KLEIN, EDWARD MARTIN & PAUL J. ZWIER II: MASTERING TORTS (Carolina Press 2009).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, DONALD E. LIVELY, & W. SCOTT, 2009 SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (Aspen 2009).

RUSSELL L. WEAVER, CATHERINE HANCOCK, DONALD E. LIVELY & JOHN KNECHTLE, 2009 SUPPLEMENT TO FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (LexisNexis 2009).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, RONALD BACIGAL, JOHN BURKOFF, DONALD E. LIVELY, & CATHERINE HANCOCK, 2009 SUPPLEMENT TO CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES (Thomson/West 2009).

**2008:** RUSSELL L. WEAVER, CATHERINE HANCOCK, D., JOHN KNECHTLE & DONALD E. LIVELY, FIRST AMENDMENT: CASES, MATERIALS AND PROBLEMS (LexisNexis 2008).

Russell L. Weaver & David F. Partlett, *Remedies as a Capstone Course*, 27 REV. OF LITIGATION 269 (2008) (published as part of a symposium related to the AALS Workshop on Remedies that was held at the 2007 AALS Annual Meeting).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, JOHN BURKOFF, & CATHERINE HANCOCK, CONCISE HORNBOOK SERIES: PRINCIPLES OF CRIMINAL PROCEDURE (3d ed., Thomson/West 2008).

JOHN BURKOFF & RUSSELL L. WEAVER, INSIDE CRIMINAL LAW: WHAT MATTERS & WHY (Aspen 2008).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, DONALD E. LIVELY, & W. SCOTT, 2008 SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (Aspen 2008).

RUSSELL L. WEAVER, CATHERINE HANCOCK, DONALD E. LIVELY & JOHN KNECHTLE, 2008 SUPPLEMENT TO FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (LexisNexis 2008).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, RONALD BACIGAL, JOHN BURKOFF, DONALD E. LIVELY, & CATHERINE HANCOCK, 2008 SUPPLEMENT TO CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES (Thomson/West 2008).



RUSSELL L. WEAVER, LESLIE W. ABRAMSON, JOHN BURKOFF & CATHERINE HANCOCK, 2008 SUPPLEMENT TO CRIMINAL LAW: CASES, PROBLEMS AND EXERCISES (Thomson/West 2008).

**2007:** RUSSELL L. WEAVER, LESLIE W. ABRAMSON, RONALD BACIGAL, JOHN BURKOFF, DONALD E. LIVELY, CATHERINE HANCOCK & JANET C. HOEFFEL, CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES (Thomson/West 2007).

Russell L. Weaver, *Miranda at Forty*, 44 SAN DIEGO L. REV. 423 (2007) (published as part of the Criminal Procedure Discussion Forum).

Russell L. Weaver, *The Myth of "Consent,"* 39 TEX. T. L. REV. 1195 (2007) (published as part of Texas Tech's criminal procedure symposium at which I gave a speech in April, 2007).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, JOHN BURKOFF, & CATHERINE HANCOCK, CONCISE HORNBOOK SERIES: PRINCIPLES OF CRIMINAL PROCEDURE (Thomson/West 2007).

RUSSELL L. WEAVER, MICHAEL KELLY & ELAINE SHOBN, PRINCIPLES OF REMEDIES (Thomson/West 2007).

WILLIAM FUNK, SIDNEY SHAPIRO, & RUSSELL L. WEAVER, SELECTED FEDERAL AND STATE ADMINISTRATIVE AND REGULATORY LAWS (Thomson/West 2007).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, DONALD E. LIVELY, & W. SCOTT, 2007 SUPPLEMENT TO CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS (Aspen 2007).

RUSSELL L. WEAVER, CATHERINE HANCOCK, DONALD E. LIVELY & JOHN KNECHTLE, 2007 SUPPLEMENT TO FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS (LexisNexis 2007).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, RONALD BACIGAL, JOHN BURKOFF, DONALD E. LIVELY, & CATHERINE HANCOCK, 2007 SUPPLEMENT TO CRIMINAL PROCEDURE: CASES, PROBLEMS & EXERCISES (Thomson/West 2007).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, JOHN BURKOFF & CATHERINE HANCOCK, 2007 SUPPLEMENT TO CRIMINAL LAW: CASES, PROBLEMS AND EXERCISES (Thomson/West 2007).

**2006:** RUSSELL L. WEAVER, ANDREW KENYON, DAVID F. PARTLETT & CLIVE WALKER, THE RIGHT TO SPEAK ILL: DEFAMATION, REPUTATION & FREE SPEECH (Carolina Press 2006).

Russell L. Weaver, *Should Hate Speech be Criminalized?*, 3 REVUE INTERNATIONALE DE LANGUES JURIDIQUES ET DE DROIT COMPARE 42-49 (2006) .

Russell L. Weaver, *Criminal Defense Representation in the United States: Promises and Paradoxes*, 3 REVUE INTERNATIONALE DE LANGUES JURIDIQUES ET DE DROIT COMPARE 50-57 (2006) .

Russell L. Weaver, *Speech & Technology*, 110 PENN. ST. U. L. REV. 703 (2006).

Russell L. Weaver & David F. Partlett, *Introduction*, 50 N.Y.L.S. L. REV. 1-8 (2006).

Russell L. Weaver & David F. Partlett, *Defamation, Free Speech & Democratic Governance*, 50 N.Y.L.S. L. REV. 57 (2006).

Russell L. Weaver & L. Jellum, *Chenery II and the Development of Federal Administrative Law*, 58 *Ad. L. Rev.* 815 (2006) (published as part of the Administrative Law Discussion Forum symposium).

David F. Partlett & Russell L. Weaver, *Neutral Rules and Free Speech*, 39 AKRON L. REV. 1183 (2006) (published as part of the Remedies Discussion Forum symposium).

RUSSELL L. WEAVER, STEVEN I. FRIEDLAND, CATHERINE HANCOCK, DONALD E. LIVELY, & W. SCOTT, *CONSTITUTIONAL LAW: CASES, MATERIALS & PROBLEMS* (Aspen 2006).

RUSSELL L. WEAVER, CATHERINE HANCOCK, DONALD E. LIVELY & JOHN KNECHTLE, *THE FIRST AMENDMENT: CASES, MATERIALS AND PROBLEMS* (LexisNexis 2006).

DONALD E. LIVELY & RUSSELL L. WEAVER, *LANDMARK SUPREME COURT CASES: 1974-2005* (Greenwood Pub. Group 2006).

WILLIAM FUNK, SIDNEY SHAPIRO, & RUSSELL L. WEAVER, *ADMINISTRATIVE LAW AND PRACTICE: PROBLEMS AND CASES* (3d ed., Thomson/West 2006).

**2005:** Russell L. Weaver, Andrew Kenyon, David F. Partlett & Clive Walker, *Defamation Law & Free Speech: Reynolds v. Times Newspapers and the English Media*, 37 VAND. J. TRANS-NAT'L LAW 1255 (2005).

Russell L. Weaver, *Investigation & Discretion: The Terry Revolution at Forty (almost)*, 109 PENN. ST. U. L. REV. 1205 (2005) (published as part of the Criminal Procedure Discussion Forum symposium).

RUSSELL L. WEAVER, JOHN BURKOFF & CATHERINE HANCOCK, *CRIMINAL LAW: CASES, PROBLEMS AND EXERCISES* (2d ed., Thomson/West 2005).

RUSSELL L. WEAVER, JOHN BAUMAN, J. CROSS, ANDREW KLEIN, EDWARD MARTIN & PAUL J. ZWIER II: *TORTS: CASES, MATERIALS, PROBLEMS & EXERCISES* (2d ed., Lexis Nexis 2005).

Russell L. Weaver, *The Establishment Clause of the United States Constitution*, published in P. RADAN, D. MEYERSON & R. ATHERTON, *LAW AND RELIGION* (Routledge 2005).

Russell L. Weaver, *The Free Exercise Clause of the United States Constitution*, published in P. RADAN, D. MEYERSON & R. ATHERTON, *LAW AND RELIGION* (Routledge 2005).

Russell L. Weaver, *The Marketplace of Ideas*, published in DAVID SCHULTZ & JOHN VILE, II *ENCYCLOPEDIA OF CIVIL RIGHTS* 592-93 (2005).

**2004:** Russell L. Weaver & David F. Partlett, *Defamation, the Media & Free Speech: Australia's Experiment with Expanded Qualified Privilege*, 36 *GEO. WASH. INT'L L. REV.* 377 (2004).

Russell L. Weaver, *The Rise and Decline of Structural Remedies*, 41 *SAN DIEGO L. REV.* 1607 (2004) (published as part of the Remedies Discussion Forum symposium).

Russell L. Weaver, *An APA Provision on Non-Legislative Rules?*, 56 *AD. L. REV.* 1 (2004) (published as part of the Administrative Law Discussion Forum symposium).

Russell L. Weaver, *The Perils of Being Poor: Indigent Defense and Effective Assistance*, 42 *BRANDEIS L.J.* 435 (2004) (published as part of the Criminal Procedure Discussion Forum symposium).

Russell L. Weaver, *School Busing, Segregation & Structural Injunctions* (U. Grenoble Press 2004) (symposium in honor of Professor Jean-Philippe Colson of the University of Montpellier Faculty of Law).

Russell L. Weaver, *The Governor's Spending Plan: A Constitutional "Affront,"* *Courier-Journal*, Forum Section (July 1, 2004).

Russell L. Weaver, *Speech & Technology*, 110 *PENN. ST. U. L. REV.* 703 (2006).

Russell L. Weaver & David F. Partlett, *Defamation, Free Speech & Democratic*

*Governance*, 10 N.Y.L.S. L. REV. 57 (2006) (published as part of the Defamation Discussion Forum symposium).

Russell L. Weaver, Leslie W. Abramson, John Burkoff & Catherine Hancock, *Principles of Criminal Procedure* (West 2004).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, RONALD BACIGAL, JOHN BURKOFF, CATHERINE HANCOCK, DONALD E. LIVELY, *CRIMINAL PROCEDURE: CASES, MATERIALS, PROBLEMS & EXERCISES* (West, 2<sup>nd</sup> ed., 2004).

RUSSELL L. WEAVER, DAVID F. PARTLETT, DONALD E. LIVELY & MICHAEL KELLY, *REMEDIES: CASES, PRACTICAL PROBLEMS & EXERCISES* (West 2004).

**2003:** Russell L. Weaver, *Like a Ghoul in a Late Night Horror Movie*, 41 BRANDEIS L.J. 587 (2003) (published as part of the First Amendment Discussion Forum symposium).

David F. Partlett & Russell L. Weaver, *Restitution: Ancient Wisdom*, 36 LOY. L.J. 975 (2003) (published as part of the Remedies Discussion Forum symposium).

RUSSELL L. WEAVER & DONALD E. LIVELY, *UNDERSTANDING THE FIRST AMENDMENT* (LexisNexis 2003).

RUSSELL L. WEAVER, JOHN BURKOFF & CATHERINE HANCOCK, *CRIMINAL LAW: CASES, PROBLEMS AND EXERCISES* (West 2003).

RUSSELL L. WEAVER, JOHN BAUMAN, J. CROSS, ANDREW KLEIN, EDWARD MARTIN & PAUL J. ZWIER II, *TORTS: CASES, MATERIALS, PROBLEMS & EXERCISES* (Anderson 2003).

**2002:** Russell L. Weaver, *Heroic Law Teachers: Dean Leonard Gering*, 52 J. LEGAL EDUC. 466 (2002).

Russell L. Weaver, *The Emperor has No Clothes: Christensen, Mead and Dual Deference Standards*, 54 AD. L. REV. 173 (2002).

Russell L. Weaver, *The Undervalued Non-Legislative Rule*, 54 AD. L. REV. 871 (2002) (written for the Administrative Law Discussion Forum).

RUSSELL L. WEAVER & A. HELLMAN, *THE FIRST AMENDMENT: CASES, MATERIALS & PROBLEMS* (LexisNexis 2002).

JOHN KNECHTLE & RUSSELL L. WEAVER, *Belarus*, published in, *LEGAL SYSTEMS OF THE WORLD* (2002).

**2001:** David F. Partlett & Russell L. Weaver, *Filling Cavities*, 39 BRANDEIS L.J. 677 (2001) (published as part of the Remedies Discussion forum).

RUSSELL L. WEAVER, LESLIE W. ABRAMSON, RONALD BACIGAL, JOHN BURKOFF, CATHERINE HANCOCK, DONALD E. LIVELY, CRIMINAL PROCEDURE: CASES, MATERIALS, PROBLEMS & EXERCISES (West 2001).

WILLIAM FUNK, SIDNEY SHAPIRO, & RUSSELL L. WEAVER, ADMINISTRATIVE LAW AND PRACTICE: PROBLEMS AND CASES (West, 2d ed., 2001).

**2000:** DONALD E. LIVELY, P. HADDON, D. ROBERTS & RUSSELL L. WEAVER, CONSTITUTIONAL LAW: CASES, HISTORY & DIALOGUES (2d ed., Anderson 2000).

Russell L. Weaver, *Defamation Law in Turmoil: The Challenges Presented by the Internet*, 2000 J. INFORMATION, L. & TECHNOLOGY.

Russell L. Weaver, *Justice and the Sleeping Lawyer*, *Courier-Journal*, Forum Section (Nov. 11, 2000).

Clive Walker & Russell L. Weaver, *The United Kingdom Bill of Rights 1998: The Modernisation of Rights in the Old World*, 33 U. MICH. J. OF L. REFORM (2000).

Russell L. Weaver, *Should Judges Attend Privately Funded Programs?*, *Courier Journal* Forum Section (Oct. 21, 2000).

Russell L. Weaver, *Free Speech, Crime & the Challenge of Advancing Technology*, 14 INT'L REV. OF LAW, COMPUTERS & TECHNOLOGY 25 (2000) (also published in CD Rom form by the British & Irish Legal Technology Education Association).

Russell L. Weaver, *Does "Practicality" Have a Place in the "Canon of Constitutional Law?"*, 17 CONSTITUTIONAL COMMENTARY 341 (2000) (written for, and published as part of, Georgetown University's Constitutional Law Discussion Forum).

**1999:** Russell L. Weaver, *Striking a Balance: Hate Speech, Freedom of Expression and Non-Discrimination*, 37 ARCHIV DES VOLKERRECHTS 471 (1999).

Russell L. Weaver, *Human Liberty and Freedom of Speech*, 37 ARCHIV DES VOLKERRECHTS 472 (1999).

Russell L. Weaver, *Content Regulation of the Internet* (published as part of the proceedings of the First Asia-Pacific Conference on Cyber-Law) (1999).

- Russell L. Weaver, *Free Speech Doctrine in Turmoil: Defamation and the Internet* (published as part of the proceedings of the First Asia-Pacific Conference on Cyber-Law) (1999).
- 1998:** Russell L. Weaver & K. Boehringer, *Implied Rights and the Australian Constitution: A Modified New York Times, Inc. v. Sullivan Goes Down Under*, 8 SETON HALL CONST. L. J. 101 (1998).
- RUSSELL L. WEAVER, JOHN BURKOFF, CATHERINE HANCOCK, A. REED & P. SEAGO, READINGS IN CRIMINAL LAW (Anderson 1998).
- 1997:** RUSSELL L. WEAVER, K. STRACHAN, DAVID F. PARTLETT, DONALD E. LIVELY & W. LAWRENCE, MODERN REMEDIES: CASES, PROBLEMS & EXERCISES (West 1997).
- Russell L. Weaver, *Hate Speech*, 7 DAITO HOGAKU 291 (1997).
- WILLIAM FUNK, SIDNEY SHAPIRO, & RUSSELL L. WEAVER, ADMINISTRATIVE LAW AND PRACTICE: PROBLEMS AND CASES (West 1997).
- DONALD E. LIVELY, B. MORANT, A. HAMMOND & RUSSELL L. WEAVER, COMMUNICATIONS LAW: MEDIA, ENTERTAINMENT & REGULATION (Anderson 1997).
- M. GLENNON, DONALD E. LIVELY, RUSSELL L. WEAVER, D. ROBERTS & P. HADDON, THE CONSTITUTIONAL LAW ANTHOLOGY (Anderson 1997).
- 1996:** DONALD E. LIVELY, P. HADDON, D. ROBERTS & RUSSELL L. WEAVER, CONSTITUTIONAL LAW: CASES, HISTORY & DIALOGUES (Anderson 1996).
- Russell L. Weaver, *Lopez and the Federalization of Criminal Law*, 98 WEST. V. L. REV. 815 (1996).
- Russell L. Weaver, *Appellate Structures in Executive Departments and Agencies*, 48 ADMIN. L. REV. 251 (1996).
- Russell L. Weaver, *The Developing Law of Libel in Central and Eastern Europe*, 1 COMMUNICATIONS LAW 11 (1996) (with John Knechtle).
- Russell L. Weaver, *ALJ Support Systems: Staff Attorneys and Decision Writers*, 15 J. NAT'L ASS'N OF ALJS 89 (1996) (written for the Administrative Conference of the United States).
- 1995:** Russell L. Weaver, *Management of ALJ Offices in Executive Departments and*

- Agencies*, 47 ADMIN. L. REV. 303 (1995) (written for the Administrative Conference of the United States).
- 1994:** *Clive Walker & Russell L. Weaver, The Downing Street Declaration*, 8 EMORY I.L.R. 817 (1994).
- Organization of Adjudicative Offices in Executive Branch Agencies* (1994) (written for the Administrative Conference of the United States).
- Russell L. Weaver & John Knechtle, *Constitution Drafting in the Former Soviet Union: The Kyrgyzstan and Belarus Constitutions*, 12 WISC. I.L.R. 29 (1994).
- DONALD E. LIVELY, D. ROBERTS & RUSSELL L. WEAVER, THE FIRST AMENDMENT ANTHOLOGY (Anderson 1994).
- 1993:** Russell L. Weaver, *A Comment on the Draft Constitution of Belarus*, 3 DAITO HOGAKU 203 (1993) (based on a lecture presented at Daito Bunka University, Tokyo, Japan in May, 1993).
- Russell L. Weaver, *Some Realism About Chevron*, 58 MO. L. REV. 129 (1993).
- Russell L. Weaver & Geoffrey J.G. Bennett, *Is the New York Times "Actual Malice" Standard Really Necessary? A Comparative Perspective*, 53 LA. L. REV. 1153 (1993).
- Russell L. Weaver & Geoffrey J.G. Bennett, *Defamation and Editorial Decisionmaking*, 14 MEDIA LAW 2 (1993).
- 1992:** Russell L. Weaver, *Chevron: Martin, Anthony and Format Requirements*, 40 KAN. L. REV. 587 (1992).
- Russell L. Weaver & Eckart Klein, *Stoffpräsentation? Zu den Lehrmethoden an Amerikanischen und Deutschen Rechtsfakultäten*, 33 JURISTISCHE SCHULUNG 272 (1992).
- Russell L. Weaver, *A Foolish Consistency Is the Hobgoblin of Little Minds*, 44 BAYLOR L. REV. 529 (1992).
- Russell L. Weaver & Geoffrey J.G. Bennett, *Broadcasting Bans: A Transatlantic Perspective*, 13 MEDIA LAW 179 (1992).
- Russell L. Weaver, *Evaluating Regulatory Interpretations*, 80 KY. L.J. 987 (1992).

**1991:** *Judicial Deference to Regulatory Interpretations: Inter-Agency Conflicts*, 43 ALA. L. REV. 35 (1991).

Russell L. Weaver, *Langdell's Legacy: Living With the Case Method*, 36 VILL. L. REV. 517 (1991).

Russell L. Weaver, *Challenging Regulatory Interpretations*, 23 ARIZ. ST. L. REV. 109 (1991).

Russell L. Weaver, *Some Reflections on the Case Method*, 11 LEGAL STUDIES 155 (1991).

**1989:** Russell L. Weaver, *The N. Ireland Media Ban: Some Reflections on Judicial Review*, 22 VAND. J. OF TRANSNAT'L LAW 1119 (1989).

Russell L. Weaver & J. Jones, *The Deliberative Process Privilege*, 54 MO. L. REV. 281 (1989).

**1988:** Russell L. Weaver, *Chenery II: A Forty-Year Retrospective*, 40 AD. L. REV. 161 (1988).

**1986:** Russell L. Weaver, *Retroactive Regulatory Interpretations: An Analysis of Judicial Responses*, 61 NOTRE DAME L. REV. 167 (1986).

**1984:** Russell L. Weaver, *Judicial Interpretation of Administrative Regulations: The Deference Rule*, 45 U. PITT. L. REV. 587 (1984).

Russell L. Weaver, *Judicial Interpretation of Administrative Regulations: An Overview*, 53 U. CINN. L. REV. 681 (1984) (reprinted in volume 3 of West's Federal Practice Manual).

Russell L. Weaver, *Contemporaneous Construction Discovery: Its Use and Abuse*, 20 WAKE FOREST L. REV. 367 (1984).

#### ***STUDENT PUBLICATIONS***

Comment, *The Law of Private Nuisance in Missouri*, 44 MO. L. REV. 20 (1979);

Note, *Quasi-in-Rem Jurisdiction and the International Shoe Minimum Contacts Doctrine*, 42 MO. L. REV. 415 (1977);

Note, *Towards Resolving 42 U.S.C. § 1981 with the Right of Privacy and the Right to Associate*, 42 Mo. L. Rev. 312 (1977).



## **SPEECHES (and other presentations)**

**2020:** *The Advice and Consent Clause*, Elon University School of Law (Greensboro, N. Carolina, Jan. 17, 2020).

**2019:** *Artificial Intelligence & Free Speech*, U. Paris I (Sorbonne) Symposium on Open Government and Digital Issues (Paris, France, Nov. 5, 2019).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, University of Missouri School of Law (Columbia, Missouri, September 23, 2019).

*Democracy in an Internet Era*, Southeastern Association of Law Schools Annual Meeting (Boca Raton, Florida, Aug. 28, 2019).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, U. Stockholm (Stockholm, Sweden, June 19, 2019).

*Trans-Atlantic Data Flows, Cyber Security and Privacy Protection*, European Law Faculties Association Annual Meeting (Turin, Italy, Apr. 12, 2019).

*Defamation: A Half-Century of Change (More or Less)*, Comparative Defamation and Privacy Law Conference, University of Leeds Faculty of Law (Leeds, England, Apr. 8, 2019).

*Social Media Platforms and Democratic Discourse*, “Festschrift” in Honor of Professor William Funk, Lewis & Clark Law School (Portland, OR, Apr. 5, 2019).

*Transparency, Privacy and Body Cameras*, 2019 Technology, Media and Privacy Conference, University of Florida, Frederic G. Levin College of Law (Gainesville, FL, Apr. 4, 2019).

*The Fourth Amendment: History, Purposes and Remedies*, Texas Tech University School of Law’s Criminal Law Symposium (Lubbock, Texas, Mar. 30, 2019).

*From Gutenberg to the Internet: Free Speech, Advancing Technology & the Implications for Democracy*, Kagawa University (Takamatsu, Japan, Mar. 27, 2019).

*The Citizens United Decision*, Pepperdine University College of Law (Malibu, California, Jan. 14, 2019).

- 2018:** *Transparency and National Security*, University of Paris I (Sorbonne) (Paris, France, Nov. 13, 2018).
- Cybersurveillance in a Post-Snowden Era*, University of Milan Faculty of Law (Milan, Italy, Oct. 18, 2018).
- “Fake News” in a Digital Era*, Southeastern Association of Law Schools Annual Meeting (Boca Raton, FL, Aug. 5, 2018).
- Privacy and National Security* at the University of Florida Levin College of Law’s Technology, Media and Privacy Conference (Gainesville, FL, Apr. 20, 2018).
- From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, Charles Pazmany University Faculty of Law (Budapest, Hungary, Mar. 13, 2018).
- From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, University of North Carolina School of Law (Chapel Hill, N.C., Mar. 1, 2018).
- Freedom of Speech and “Fake News,”* Southwestern University Law School’s Law Review Symposium (Los Angeles, CA, Jan. 26, 2018).
- Reflections on the Masterpiece Cake Case*, Pepperdine University School of Law (Malibu Beach, CA, Jan. 25, 2018).
- From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, Kagawa U. Faculty of Law (Takamatsu, Japan, Jan. 16, 2018).
- 2017:** *The Internet and Democracy: Digital Tools in Political Campaigns*, University of Paris I (Sorbonne) (Paris, France, Nov. 13, 2017).
- The Impact of Technology on Presidential Campaigns*, Southeastern Association of Law Schools Annual Meeting (Boca Raton, Florida, July 31, 2017).
- From Gutenberg to the Internet: Free Speech and Advancing Technology*, Goethe University Faculty of Law (Frankfurt, Germany, July 10, 2017).
- Privacy and Free Expression*, Uppsala University Faculty of Law (Uppsala, Sweden, June 27, 2017).
- The Philosophical Foundations of Free Expression*, Charles Pazmany University Faculty of Law (Budapest, Hungary, June 8, 2017).

*The Internet & the U.S. Presidential Election*, U. Aix-Marseille Faculty of Law (Aix en Provence, France, Apr. 11, 2017).

*From Gutenberg to the Internet: Free Speech and Advancing Technology*, Pepperdine University School of Law (Malibu Beach, California, Feb. 7, 2017).

*From Gutenberg to the Internet: Free Speech and Advancing Technology*, University of San Diego School of Law (San Diego, California, Feb. 6, 2017).

*Comparative Perspectives on Holocaust Denial*, Southern Illinois University School of Law (Carbondale, Illinois, Jan. 24, 2017).

*From Gutenberg to the Internet: Free Speech and Advancing Technology*, Savannah Law School (Savannah, Georgia, Jan. 30, 2017).

*From Gutenberg to the Internet: Free Speech and Advancing Technology*, Johannes Gutenberg University, (Mainz, Germany, Jan. 28, 2017).

**2016:** *Privacy and Freedom of Expression*, Academic Days on Open Government Issues, University of Paris I (Pantheon - Sorbonne) (Paris, France, Dec. 5, 2016).

*Historical Perspectives on the U.S. Constitution*, Filson Historical Society (Louisville, KY, Nov. 4, 2016).

*Surveillance and Privacy in a Free Society*, University of Louisville's Federalist Society's Symposium on NSA Surveillance (Louisville, KY, Nov. 4, 2016).

*Governmental Transparency and Openness in a Digital Era: Transparency, Privacy and Democracy*, Uppsala University's Transparency in the Future: Swedish Openness 250 Years Conference (Uppsala, Sweden, Oct. 25, 2016).

*Media in a Digital Age*, Southeastern Association of Law Schools (Amelia Island, FL, Aug. 31, 2016).

*Perspectives on Property Remedies*, University of Aix-Marseille's conference on property remedies (Aix, France, June 29, 2016).

*Comparative Perspectives on Cybersurveillance*, Université Paris Dauphine PSL Research University's conference on cybersurveillance (Paris, France, June 16, 2016).

*Hate Speech: French and American Perspectives*, Hungarian Academy of Sciences (Budapest, Hungary, Apr. 28, 2016).

*Comparative Perspectives on Hate Speech*, Charles Pazmany University (Budapest, Hungary, Apr. 27, 2016).

*ADR in the Administrative Context*, Université Paris - Dauphine (Paris, France, Mar. 11, 2016).

*Citizen Participation and Governmental Transparency*, University of Paris I symposium entitled International Symposium on Citizen Participation and Collaboration in Promoting Open Government (Paris, France, Mar. 8, 2016).

*Cybersurveillance in a Free Society*, Elon University School of Law's Law Review Symposium entitled *Body Cameras, Big Data and Privacy: 21<sup>st</sup> Century Technology, Cybersecurity & the Fourth Amendment* (Greensboro, N.C., Mar. 4, 2016).

*Gouvernement et Transparence*, XIIIe Colloque International sur le droit et la gouvernance de la société de l'information le droit d'accès à l'information à l'ère du numérique, University of Paris I (Sorbonne) Faculty of Law (Paris, France, Feb. 2, 2016).

*The U.S. Legal Education System*, Kagawa University Faculty of Law (Jan. 27, 2016).

**2015:** *The Internet and the Environment*, The Impact of Transparency in International Climate Issues, University of Paris 1 (Pantheon Sorbonne) (Dec. 8, 2015, Paris, France).

*Politics and the U.S. Supreme Court*, Université Paris Dauphine PSL Research University (Paris, France, Nov. 24, 2015).

*Governmental Cybersurveillance in a Free Society*, 10<sup>th</sup> Future Security Conference (Berlin, Germany, September 17, 2015).

*The Philosophical Underpinnings of Free Expression*, Southeastern Association of Law Schools' Annual Meeting (Boca Raton, FL, July 27, 2015).

*The Internet and Democracy*, The Institute for Media Studies (Media Council of Hungary) and Media Studies Research Group (Hungarian Academy of Sciences), symposium on Media Freedom and Regulation in the New Media World (Apr. 24, 2015, Budapest, Hungary).

*Governmental Cybersurveillance*, Texas Tech University Law Review's Criminal Law Symposium (Apr. 17, 2015, Lubbock, Texas).

*Governmental Cybersurveillance*, U. Aix-Marseille Faculty of Law (Apr. 7, 2015, Aix, France).

*The Religion Clauses of the First Amendment*, St. Thomas University School of Law (Mar. 31, 2015, Miami, Florida).

*Snowden, Transparency, and the U.S. Cybersurveillance Program*, University of Paris I's (Sorbonne) symposium on "Freedom of Information, and Governmental Transparency, in the Open Government Era" symposium (March 11, 2015, Paris, France).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, Elon University School of Law (Feb. 16, 2015, Greensboro, N.C.).

*"Advice and Consent" in Historical Perspective*, Duke L.J.'s Administrative Law "Is the Appointments Process Broken? Insights From Practice, Process & Theory" Symposium (Feb. , Durham, N.C.).

*Governmental Cybersurveillance in a Free Society*, Washington & Lee University Law Review's "Cybersurveillance in the Post-Snowden Age" symposium (Jan. 24, 2015, Lexington, VA).

*Governmental Cybersurveillance in a Free Society*, Washington & Lee University American Public Law Process Program (Jan. 22, 2014, Lexington, VA)

*Congress and Transparency*, University of Oslo's "Parliaments in the Era of Open Government" symposium (Jan. 15, 2014, Oslo, Norway).

**2014:** *From Gutenberg to the Internet*, Université Paris Dauphine Faculty of Law (Paris, France, Dec. 3, 2014).

*U.S. Public Nuisance Law*, Université Aix-Marseille Faculty of Law (Aix, France, Nov. 12 2014).

*Free Speech and Democracy in an Internet Era*, University of Uppsala Faculty of Law's "Free Speech, the Internet, Privacy and Democracy" symposium (Uppsala, Sweden, Sept. 23, 2014).

*N.Y. Times v. Sullivan at Fifty*, Southeastern Association of Law Schools' Annual Meeting (Boca Raton, FL, Aug. 1, 2014).

*Eminent Domain: French and American Perspectives*, Université Aix-Marseille Faculty of Law (Aix, France, June 19, 2014).

*Renovating Administrative Procedure: Administrative Searches and the Need for Reform*, Institutum Iurisprudentiae, Academica Sinica Faculty of Law (Taipei, Taiwan, June 10, 2014).

*The Intersection Between Speech and Crime*, Luxembourg University Faculty of Law (Luxembourg, May 21, 2014).

*The Constitutional Obligation to Comply with Treaties*, Mainz Media Institute's Annual Symposium (Mainz, Germany, May 9, 2014).

*Defamation and Democracy*, University of Melbourne School of Law's symposium on Defamation and Privacy (Apr. 23, 2014, Melbourne, Australia).

*Driving While Intoxicated*, Texas Tech University's Eighth Annual Law Review Symposium (Lubbock, TX, Apr. 5, 2014).

*The Clash Between the Free Exercise Clause and Gay-Lesbian Rights*, Pepperdine University School of Law (Malibu, CA, Apr. 2, 2014).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, University of Mississippi College of Law (Oxford, MI, Feb. 17, 2014).

*Transparency, Privacy and the Snowden Revelations*, University of Paris I (Sorbonne) (Paris, France Feb. 12, 2014).

*Hate Speech: The Dieudonné Case*, University of Paris IX (Paris Dauphine) (Paris, France, February 10, 2014).

**2013:** *From Gutenberg to the Internet*, Perm State University (Perm, Russia, Oct. 19, 2013).

*U.S. Administrative Law*, Perm State University Faculty of Law Symposium (Perm, Russia, Oct. 18, 2013).

*Snowden, the NSA and Governmental Surveillance*, Florida Coastal School of Law (Jacksonville, FL, Sept. 10, 2013).

*Media Convergence*, Southeastern Association of Law Schools Annual Meeting (Palm Beach, FL, Aug. 4, 2013).

*The Anti-Islamic Videos: The Government's Ability to Control Hate Speech*, Mainz Media Institute's Annual Forum (Mainz, Germany, Apr. 26, 2013).

*Administrative Searches, Technology & Personal Privacy*, College of William & Mary, Marshall-Wythe School of Law, Administrative Law Symposium in Honor of Charles Koch (Williamsburg, VA, Mar. 15, 2012).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, Pepperdine University School of Law (Malibu, California, Feb. 28, 2013).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, Georgia State University College of Law (Atlanta, Georgia, Jan. 16, 2013).

**2012:** *The Supreme Court's Affordable Care Act Decision*, Texas Tech University School of Law (Lubbock, Texas, November 8, 2012).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, Faulkner University School of Law (Montgomery, Alabama, Nov. 5, 2012).

*Holocaust Denial: French and American Perspectives*, U. Aix-Marseille (Aix, France, Oct. 11, 2012).

*The Conflict Between "Human Dignity" and Freedom of Expression*, Southeastern Association of Law School's Annual Meeting (Amelia Island, Florida, July 29, 2012).

*Is American Law "Unique?" A Transatlantic Perspective*, delivered at the conference on American Contemporary Law: Identity, Mutations & Debates (Paris, France, June 1, 2012).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, U. Paris I (Sorbonne) (Paris, France, May 31, 2012).

*Private and Governmental Threats to Internet Freedom*, Mainz Media Institute's Annual Forum (Mainz, Germany, Apr. 26, 2012).

*The Establishment Clause and Vouchers*, Duquesne University School of Law (Pittsburgh, Pennsylvania, Apr. 16, 2012).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, Elon University School of Law (Charlotte, N. Carolina, Feb. 28, 2012).

*The Fourth Amendment & Privacy*, Texas Tech University School of Law

(Lubbock, Texas, Feb. 27, 2012).

*The Law of Private Nuisance in the United States*, University of Aix-Marseille Faculty of Law (Aix, France, Feb. 20, 2012).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, Aix Law Club (Aix, France, Feb. 20, 2012).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, Regent University School of Law (Norfolk, Virginia, Jan. 28, 2012).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, University of Kentucky College of Law (Lexington, Kentucky, Jan. 18, 2012).

**2011:** *Constitutional Perspectives on the Global Economic Crisis*, University of Montpellier I, Faculty of Law (Montpellier, France, November 24, 2011).

*From Gutenberg to the Internet: Free Speech, Advancing Technology & the Implications for Democracy*, University of Missouri School of Law (Columbia, Missouri, November 18, 2011).

*The Underpinnings of Free Expression*, Southeastern Association of Law Schools' Annual Meeting (Hilton Head Island, South Carolina, July 24, 2011).

*Free Speech in a Period of Excess*, at the "Excess in Society & Culture" conference (Poitiers, France, May 20, 2011).

*WikiLeaks and Freedom of Expression*, Mainz Media Center's annual media law symposium (Mainz, Germany, Apr. 29, 2011).

*Free Speech, the Internet and the Criminal Law*, Texas Tech University Law Review Symposium (Lubbock, Texas, Apr. 8, 2011).

*Freedom of Expression and Speech Repression*, Istanbul Bar Association (Istanbul, Turkey, Mar. 29, 2011).

*BP Oil Spill: Compensation, Agency Costs and Restitution*, Washington & Lee University Law Review's symposium on restitution (Lexington, Virginia, Feb. 25, 2011).

*Free Speech, Civility & Tort Liability*, Charleston Law Review Symposium on Free Speech & Civil Discourse in the 21<sup>st</sup> Century (Charleston, S. Carolina, Feb.



18, 2011).

*Administrative Agencies and Political Accountability*, University of Montpellier Faculty of Law (Montpellier, France, Feb. 4, 2011).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, University of Montpellier I Faculty of Law (Montpellier, France, Feb. 3, 2011).

**2010:** *From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, Texas Tech University School of Law (Lubbock, Texas, Nov. 5, 2010).

*From Gutenberg to the Internet: Free Speech, Advancing Technology and the Implications for Democracy*, University of Louisville McConnell Center/Federalist Society Forum (Louisville, Kentucky, Sept. 14, 2010).

*Media Convergence*, Southeastern Association of Law Schools Annual Meeting (Palm Beach, Florida, July 29, 2010).

*The Internet, The Decline of Traditional Media, and the Implications for Democracy*, University Aix-Marseilles III (Aix, France, Feb. 12, 2010).

*Madoff, Ponzi Schemes and Remedies*, Association of American Law Schools Annual Meeting (New Orleans, Louisiana, Jan. 8, 2010).

*Comparative Research*, Association of American Law Schools Annual Meeting (New Orleans, Louisiana, Jan. 7, 2010).

*Free Speech, The Internet & Democracy*, Federalist Society's Annual Meeting (New Orleans, Louisiana, Jan. 7, 2010).

**2009:** *Negotiation Techniques in American Culture*, University Paul Valery (Montpellier, France, Nov. 13, 2009).

*The Internet, Free Speech and Democracy*, University of Louisville's McConnell Center (Louisville, Kentucky, Oct. 28, 2009).

*The Fourth Amendment, Technology and Privacy*, The James Otis Lecture, University of Mississippi School of Law (Oxford, Mississippi, Sept., 2009).

*The Internet, Free Speech and Democracy*, Southeastern Association of Law Schools' Annual Meeting (Palm Beach, Florida, Aug. 2, 2009).

*The Internet, Free Speech and Democracy*, presented to a visiting group of journalists and lawyers from the Republic of Georgia (Louisville, Kentucky, June 26, 2009).

*The Internet, Free Speech and Democracy*, Mainz Media Institute's annual symposium (Mainz, Germany, Apr. 3, 2009).

*Hate Speech*, Pace University School of Law (White Plains, New York, Mar. 4, 2009).

*Holocaust Denial*, University of Louisville Federalist Society symposium (Louisville, Kentucky, Feb. 20, 2009).

*Free Speech, Democracy and Technology*, University of Louisville Law Review's free speech symposium (Louisville, Kentucky, Feb. 20, 2009).

**2008:** *Teaching Constitutional Law*, Southeastern Association of Law Schools' Annual Meeting (Palm Beach, Florida, July 31, 2008).

*Holocaust Denial*, Mainz Media Center's annual symposium (Mainz, Germany, Mar. 28, 2008).

*Hate Speech*, University of Kentucky College of Law (Lexington, Kentucky, Feb. 19, 2008).

*Holocaust Denial*, University of Kansas School of Law (Lawrence, Kansas, Jan. 24, 2008).

*The Promises and Perils of Comparative Research*, Association of American Law Schools' Annual Meeting (New York City, New York, Jan. 3, 2008).

**2007:** *The Perils of Pragmatism: The Legacy of Justice Sandra Day O'Connor*, University of Louisville's Constitution Day webcast (Louisville, Kentucky, Sept. 17, 2007).

*Hate Speech*, Southeastern Association of Law Schools' Annual Meeting (Palm Beach, Florida, July 30, 2007).

WFPL "State of Affairs" program on the JCPS desegregation case (Louisville, Kentucky, July 3, 2007).

*Free Speech in Times of War or Emergency*, Mainz Media Institute's annual symposium (Mainz, Germany, Apr. 20, 2006).

*Bolero and Structural Injunctions*, Association of American Law Schools' Annual Meeting (Washington, D.C., Jan. 5, 2007).

*International Student Exchanges*, Association of American Law Schools' Annual Meeting (Washington, D.C., Jan. 5, 2007).

*There Must be 50 Ways to Teach Remedies*, Association of American Law Schools' Annual Meeting (Washington, D.C., Jan. 3, 2007).

**2006:** *Negotiations in the United States* presented at the University of Montpellier III (Montpellier, France, Nov. 13, 2006).

*The Religion Clauses of the United States Constitution* presented to a visiting delegation from Tajekistan (Louisville, Kentucky, Oct. 13, 2006).

*The Danish Cartoons*, University of Louisville Federalist Society symposium (Louisville, Kentucky, Sept. 12, 2006).

WFPL "State of Affairs" program on the "The Roberts Court" (Louisville, Kentucky, Sept. 1, 2006).

*Defamation and Free Speech*, Southeastern Association of Law Schools' Annual Meeting (Palm Beach, Florida, July 17, 2006).

*The Danish Cartoons*, Mainz Media Institute's annual symposium (Mainz, Germany, Apr. 27, 2006).

*Defamation and Free Speech*, Flinders University Faculty of Law (Adelaide, Australia, Mar. 5, 2006).

*Free Speech and the Challenge of Advancing Technology*, University of Montpellier I Faculty of Law (Montpellier, France, Feb. 9, 2006).

*Religion in the Public Square: Faith in Government and Politics in America Today*, Temple Beth-El (St. Petersburg, Florida, Jan. 10, 2006).

**2005:** *Free Speech, Defamation and the Political Process*, University of Louisville McConnell Center/Federalist Society symposium (Louisville, Kentucky, Sept. 9, 2005).

WFPL "State of Affairs" program on *Free Speech and Defamation* (Louisville, Kentucky, Sept. 8, 2005).

*Reflections on the Confirmation Process*, Southeastern Association of Law

Schools Annual Meeting (Hilton Head Island, South Carolina, July 18, 2005).

*Defamation Standards - How to Balance Freedom of the Press and Protection of Personal Reputation*, Mainz Media Law Institute's annual symposium (Mainz, Germany, Apr. 15, 2005).

*Drafting Casebook Proposals*, Barry University School of Law (Orlando, Florida, Feb. 18, 2005).

WFPL "State of Affairs" program on the death penalty (Louisville, Kentucky, Jan. 13, 2005).

**2004:** WFPL "State of Affairs" program on the United States Supreme Court (Louisville, Kentucky, Dec. 15, 2004).

WFPL "State of Affairs" program on *Free Speech, the Internet and the Challenge of Advancing Technology* (Louisville, Kentucky, Sept. 9, 2004).

*Free Speech, the Internet and the Challenge of Advancing Technology*, University of Louisville Federalist Society (Louisville, Kentucky, Sept. 9, 2004).

*The Jurisprudence of Justice Sandra Day O'Connor*, Southeastern Association of Law Schools Annual Meeting (Kiawah Island, South Carolina, July 31, 2004).

*Free Speech, the Internet and the Challenge of Advancing Technology*, Mainz Media Law Institute annual symposium (Mainz, Germany, Apr. 24, 2004).

*Free Speech in a Democratic Society*, University of Louisville's Day of Dialogue on Hate in America (Louisville, Kentucky, Mar. 31, 2004).

*Constitution Drafting*, University of Montpellier I Faculty of Law (Montpellier, France, Mar. 16, 2004).

**2003:** *Hate Speech*, University of Louisville's McConnell Center/ Federalist Society's Hate Speech Forum (Louisville, Kentucky, Sept. 10, 2003).

*Defamation: A Comparative Perspective*, Southeastern Association of Law Schools' Annual Meeting (Amelia Island, Florida, July 25, 2003).

*Hate Speech*, University of Leeds Faculty of Law's forum on hate speech (Leeds, England, Apr. 14, 2003).

*Hate Speech*, Mainz Media Institute's annual symposium (Mainz, Germany, Apr. 11, 2003).

*Comparative Perspectives on Defamation*, University of Sydney Faculty of Law (Sydney, Australia, Mar. 18, 2003).

*Hate Speech*, University of Western Sydney School of Law (Sydney, Australia, Mar. 14, 2003).

*Hate Speech*, Macquarie University Division of Law (Sydney, Australia, Mar. 12, 2003).

*Hate Speech*, University of Montpellier I Faculty of Law (Montpellier, France, Feb. 3, 2003).

**2002:** *Hate Speech*, Southeastern Conference of the Association of American Law Schools' Annual Meeting (Kiawah Island, South Carolina, July 30, 2002).

*Defamation and Property*, Law and Society Annual Meeting (Vancouver, British Columbia, Canada, May 30, 2002).

*Problem Based Teaching*, Kentucky Council on Postsecondary Education, Innovations in Teaching and Learning conference entitled "Meeting 21<sup>st</sup> Century Challenges" (Louisville, Kentucky, May 21, 2002).

*Implied Rights in Australia*, Socio-Legal Studies Association Annual Meeting (Aberystwyth, Wales, Apr. 4, 2002).

*Writing Casebook Proposals*, Florida Coastal School of Law (Jacksonville, Florida, Feb. 20, 2002).

**2001:** *A History of the Southeastern Conference of the Association of American Law Schools*, Southeastern Conference of the Association of American Law Schools Annual Meeting (Hilton Head Island, South Carolina, July 15, 2001).

*Constitution Drafting*, Socio-Legal Studies Association Annual Meeting (Bristol, England, Apr. 6, 2001).

*Defamation and the Internet*, Federalist Society Faculty Conference (San Francisco., Calif., Jan. 4, 2001).

**2000:** *Campaign Finance Reform*, Kentucky Educational Television's "Kentucky Tonight" (Lexington, Kentucky, May 8, 2000).

*New York Times Co. v. Sullivan: A Forty Year Retrospective*, Southeastern Conference of the Association of American Law Schools (Captive Island, Florida, Aug. 3, 2000).

- Judicial Implications: Comparative Perspectives*, SLSA 2000 Conference (Queens University, Belfast, N. Ireland, Apr. 27, 2000).
- Judicial Implications*, University of Leeds (Leeds, England, Apr. 17, 2000).
- Defamation and the Internet*, British-Irish Legal Education Technology Association (Coventry, England, Apr. 13, 2000).
- 1999:** *Content Regulation of the Internet*, First Asia-Pacific Conference on Cyber Law (Putrajaya, Malaysia, Nov. 9, 1999).
- Free Speech Doctrine in Turmoil: Defamation and the Internet*, First Asia-Pacific Conference on Cyber Law (Putrajaya, Malaysia, Nov. 9, 1999).
- Globalization*, Southeastern Conference of the Association of American Law Schools (Hilton Head Island, South Carolina, July 20, 1999).
- The President's Power to Wage War*, Cadi Ayyad University Faculty of Law (Marrakesh, Morocco, Mar. 16, 1999).
- Free Speech, Crime & Advancing Technology*, British & Irish Legal Technology Education Association (York, England, Mar. 30, 1999).
- N.Y. Times Co. v. Sullivan: Four Decades Later From a Comparative Perspective*, S. Texas College of Law (affiliated with Texas A & M University) (Houston, Texas, Feb. 11, 1999).
- 1997:** *Administrative Regulation of Business in the U.S.*, delivered to a visiting delegation of Moldovan judges (Louisville International Cultural Center, Louisville, Kentucky, May 12, 1997).
- Defamation and Reporting*, University of Leeds Faculty of Law (Leeds, England, Apr. 15, 1997).
- 1996:** *Hate Speech*, Daito Bunka University (Higasi-Matsuyama, Japan, Dec. 3, 1996).
- Affirmative Action in the United States, Johannes Gutenberg-Universität's Should Women be Treated as Minorities?* conference (Mainz, Germany, June 25, 1996).
- Constitution Drafting in the Former Soviet Union*, Johannes Gutenberg-Universität (Mainz, Germany, June 19, 1996).
- The MacCrate Report's Impact on U.S. Legal Education*, University of Sydney Faculty of Law (Sydney, Australia, Mar. 14, 1996).

- Chevron and Deference*, University of Sydney Faculty of Law (Sydney, Australia, Mar. 11, 1996).
- Defamation: The Impact of Libel Law on Reporting*, Australian National University Faculty of Law (Canberra, Australia, Mar. 8, 1996).
- The American Constitutional System*, University of Montpellier I Faculty of Law (Montpellier, France, Mar. 6, 1996).
- The Republican Revolution in the United States*, University of Montpellier I Faculty of Law (Montpellier, France, Mar. 5, 1996).
- 1995:** *Constitution Drafting*, Charles University (Prague, Czech Republic, May 13, 1995).
- 1994:** *Defamation in Transition*, University of Tasmania School of Law (Tasmania, Australia, Mar. 17, 1994).
- Is the New York Times Actual Malice Standard Really Necessary?*, Macquarie University Faculty of Law's "Defamation in Transition: International Comparisons in a Globalising Era" Conference (Sydney, Australia, Mar. 12, 1994).
- Chevron and Format Requirements*, Association of American Law Schools' Annual Meeting (Orlando, Florida, Jan. 9, 1994).
- 1993:** *Constitution Drafting in the Former Soviet Union*, University of Mainz's Constitution Drafting symposium (Mainz, Germany, June 28, 1993).
- The Belarus and Kyrgyzstan Constitutions*, Daito Bunka University Faculty of Law (Tokyo, Japan, May 18, 1993).
- 1992:** *Affirmative Action in the United States*, Université de Paris - Sud (Paris, France, May 12, 1992).
- Current Trends in Legal Education*, Memphis State University Law Alumni Association (Memphis, Tennessee, Feb. 27, 1992).
- 1991:** *Should Private Clubs Be Allowed to Discriminate?*, Louisville Forum (Louisville, Kentucky, Oct. 9, 1991).
- The University of Louisville School of Law's Pro Bono Service Requirement*, Southeastern Conference of the Association of American Law Schools' Annual Meeting (The Homestead, Virginia, Aug. 16, 1991).

*Censorship and the Gulf War*, Université Paul Valéry's symposium on the Gulf War (Montpellier, France, May 14, 1991).

*The Northern Ireland Broadcasting Ban*, Université Paul Valéry (Montpellier, France, May, 15, 1991).

*Fetal Rights*, University of Louisville symposium on privacy and fetal rights (Louisville, Kentucky, Mar. 13, 1991).

**1990:** *The Case Method*, Southeastern Conference of the Association of American Law Schools' Annual Meeting (Nashville, Tennessee, Aug. 18, 1990).

*The Case Method*, Ohio Northern University College of Law (Ada, Ohio, Sept. 25, 1990).

#### **ORGANIZATION OF DISCUSSION FORA**

**2017:** *Privacy Discussion Forum* (Uppsala University Faculty of Law, Uppsala, Sweden, June 26-27, 2017).

*Administrative Law Discussion Forum* (Université Paris Dauphine Faculty of Law, Paris, France, June 21-22, 2017).

*Free Speech Discussion Forum* (Charles Pazmany University Faculty of Law, Budapest, Hungary, June 7-8, 2017).

**2016:** *Property Remedies Discussion Forum* (U. Aix-Marseille Faculty of Law, Aix en Provence, France, June 28-29, 2016).

*Cybersurveillance Discussion Forum* (Université Paris Dauphine Faculty of Law, Paris, France, June 15-16, 2016).

*Administrative Law Discussion Forum* (Luxembourg, June 6, 2016)

**2015:** *Free Speech Discussion Forum* (University of Louisville School of Law, Louisville, Kentucky, Dec. 2-3, 2015).

*Criminal Procedure Discussion Forum* (University of Louisville School of Law, Louisville, Kentucky, Dec. 1-2, 2015).

*Administrative Law Discussion Forum* (University of Luxembourg Faculty of Law, Luxembourg, July 1-2, 2015).

*Property Remedies Discussion Forum* (University of Aix-Marseille Faculty of



Law, Aix, France, June 28-29, 2016).

*Privacy Discussion Forum* (University of Paris 1 (Sorbonne), Paris, France, June 27-28, 2015).

**2014:** *Property Remedies Discussion Forum*, University of Aix-Marseille Faculty of Law (Aix, France, June 18-19, 2014).

*Administrative Law Discussion Forum* (Institutum Jurisprudentiae, Academia Sinica, Taipei, Taiwan, June 10-11, 2014).

Defamation Discussion Forum (Luxembourg University Faculty of Law, Luxembourg, May 21, 2014).

Free Speech Discussion Forum (Notre Dame London Law Centre, London, England, May 19-20, 2014).

**2013:** Remedies Discussion Forum (University of Louisville, Louis D. Brandeis School of Law, Louisville, Kentucky, Dec. 6, 2013)

Administrative Law Discussion Forum (University of Louisville, Louis D. Brandeis School of Law, Louisville, Kentucky, Dec. 5, 2013)

Privacy Discussion Forum (Johannes Gutenberg University Faculty of Law, Mainz, Germany, June 17-18, 2013)

Remedies Discussion Forum (Monash University Faculty of Law (Prato Center), Prato, Italy, June 10-11, 2013)

Free Speech Discussion Forum (Luxembourg University Faculty of Law, Luxembourg, May 22-23, 2013)

**2012:** *Property Remedies Discussion Forum* (Aix, France (University Paul Cezanne - Aix-Marseilles III Faculty of Law), June 20-21, 2012).

*First Amendment Discussion Forum* (London, England (Notre Dame London Law Centre), June 12-13, 2012).

*Administrative Law Discussion Forum* (Luxembourg (Luxembourg University Faculty of Law), June 5-6, 2012).

*Criminal Procedure Discussion Forum* (Istanbul, Turkey (Yeditepe University Faculty of Law), May 22-23, 2012).

- 2011:** *Privacy Discussion Forum* (Johannes Gutenberg University Faculty of Law, Mainz, Germany, June 23-24, 2011).
- Remedies Discussion Forum* (Aix, France (University Paul Cezanne - Aix-Marseilles III Faculty of Law), June 8-9, 2011).
- 2010:** *Constitutional Law Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Dec. 15-16, 2010).
- Global Administrative Law Forum* (Aix, France (University Paul Cezanne - Aix-Marseilles III Faculty of Law), June 23-24, 2010).
- Criminal Procedure Discussion Forum* (Aix, France (University Paul Cezanne - Aix-Marseille III Faculty of Law), June 23-24, 2010).
- Administrative Law Discussion Forum* (Quebec City, Canada (Laval University Faculty of Law), May 25-26, 2010).
- 2009:** *Remedies Discussion Forum* (Aix, France (University Paul Cezanne - Aix-Marseilles III Faculty of Law), June 4-6, 2009).
- First Amendment Discussion Forum* (Luxembourg (Luxembourg University Faculty of Law), May 20-22, 2009).
- 2008:** *Criminal Procedure Discussion Forum* (Atlanta, Georgia (Emory University School of Law), Dec. 8-9, 2008).
- Administrative Law Discussion Forum* (Montpellier, France (University of Montpellier I Faculty of Law), May 25-26, 2008).
- 2007:** *Remedies Discussion Forum* (Atlanta, Georgia (Emory University School of Law), May 29-30, 2007).
- 2006:** *Criminal Procedure Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Dec. 13-14, 2006).
- Administrative Law Discussion Forum* (Lexington, Virginia (Washington & Lee University School of Law), May 17-18, 2006).
- 2005:** *Remedies Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 18-19, 2005).
- Defamation and Privacy Discussion Forum* (Mainz, Germany (Johannes Gutenberg University Faculty of Law), June 8-9, 2005).

*First Amendment Discussion Forum* (Leeds, England (University of Leeds Faculty of Law), June 1-2, 2005).

**2004:** *Criminal Procedure Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 12-13, 2004).

*Remedies Discussion Forum* (Lexington, Virginia (Washington & Lee University School of Law), Nov. 7-8, 2004).

*Administrative Law Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), May 18-19, 2004).

**2003:** *Remedies Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 7-8, 2003).

*Criminal Procedure Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), May 16-17, 2003).

**2002:** *First Amendment Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 16-17, 2002).

*Remedies Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Apr. 26-27, 2002).

**2001:** *Administrative Law Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 16-17, 2001).

**2000:** *Remedies Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Apr., 2000).

**1999:** *Administrative Law Discussion Forum* (Louisville, Kentucky (University of Louisville, Louis D. Brandeis School of Law), Nov. 16-17, 1999).

## **CALI**

Served as a “Remedies Fellow” for the Center for Computer Assisted Legal Education (CALI), and have authored various lessons for CALI (as part of the fellowship and afterwards).

## **SERVICE**

### **Law School:**

- Associate Dean for Faculty Research & Development (2012-2013)
- Personnel Committee (1990-present)
- Curriculum Committee (Chair, 2003, Member 2003-09, & 2012-2016)

- Distance Learning Committee (Chair, 2003-06)
- International Committee (1989-98 & 2006-07, Chair, 1990-95 & 1996-98 & 2013-2015)
- Faculty Recruitment Committee (1983-87 & 1991-93 & 2007-present, & Chair, 1986-87 & 1992-93)
- Dean Search Committee (2015)
- Decanal Review Committee (1987)
- Faculty Development Committee (1990-94)
- Faculty Representative to the AALS House of Delegates (1991-92)
- Advocacy Committee (1990-93, & Chair, 1991-92)
- Distinguished Teaching Committee (1989-90 & 1991-92, & Chair, 1989-90)
- Distinguished Service Committee (1991-92)
- Computer Committee (1989-90)
- Library Committee (1982-84 & 1989-90, Chair, 1983-84)
- Continuing Legal Education Committee (1984-85)
- Financial Aid Committee (1989-90)
- Order of the Coif Committee (1983-86 & 1993-94)
- Student Grievance Committee (1989-90)
- Advocacy Committee (1990-91, & Chair, 1989-90)

**University:**

- Vice President for Research's Advisory Council (2002-2013)
- Provost's Advisory Committee for the International Center (1994-2005)
- Faculty Grievance Committee (1990-2002 & 2004-06)
- Distinguished Teaching Committee (1989-90 & 2004)
- Distinguished Research Committee (1993-95)
- Southern Association of Colleges and Schools Accreditation Review Committee (1987-88)

**Community and Professional:**

- Scholar-in-Residence, Washington & Lee University (Jan. 22-23, 2015).
- Expert Witness, United Nations Office on Drugs & Crime (Vienna, Austria, April, 2013).
- Executive Director & Board of Directors, Southeastern Association of Law Schools (SEALS) (2004-present)
- Chair, Scholarship Award Committee, ABA Administrative Law Section (2008-2016)
- Editorial Board, Journal of Education and the Law (a British journal)(1993-present)
- Executive Committee, AALS Remedies Section (2002-06)
- Chair, AALS Remedies Section (2005)
- Legal Panel, American Civil Liberties Union of Kentucky (ACLU of Ky.) (1984-2002)
- President, Southeastern Conference of the Association of American Law Schools

- (SEAALS) (1998-99)
- Treasurer, SEALS (1994-2004)
- Program Chair, SEALS (1993-present)
- Secretary, SEALS (1994-95)
- Board of Directors, Coalition Against Rape and Sexual Assault (1986-2001)
- Consultant, Central and East European Law Initiative (CEELI) (1991-1993)
- Co-Chair, Montpellier Committee, Sister Cities of Louisville (1997-2000)
- Executive Committee, Association of American Law School's (AALS) Criminal Justice Section (1983-1990, & 1992-1999)
- Vice Chair, International Trade Regulation, ABA's Section of Administrative Law and Regulatory Practice (1994-98)
- Comments submitted on the Republic of Georgia's draft anti-terrorism law (1999).
- Comments submitted to the Russian Constitutional Commission (with Dr. Paul Weber) (1993)
- Consultant, Administrative Conference of the United States (1992-94)
- Consultant, Belarus Constitutional Commission (legal specialist for CEELI, Minsk, Belarus, 4/3/93-4/19/93)
- Consultant, Kyrgyzstan Constitutional Commission (acting as a legal specialist for CEELI, Bishkek, Kyrgyzstan, 10/16/92-11/2/92)
- Consultant, Cheechi & Co. (law reform in the former Soviet Union)(1993-98);
- Chair, AALS Criminal Justice Section (1988)
- AALS' Planning Committee for the New Law Teacher's Workshop (1991-1993);
- Board of Directors, ACLU of Ky. (1988 & 1990-96)
- Chair, Louisville Bar Association's (LBA) International Law Committee (1991);
- LBA Professional Responsibility Committee (1984-85)
- LBA Dispute Resolution Committee (1984-85)

## **FOREIGN VISITORSHIPS**

**2018:** Visiting Professor, Sorbonne University Abu Dhabi (Abu Dhabi, United Arab Emirates, November, 2018).

Visiting Professor, University of Lisbon Faculty of Law (Lisbon, Portugal, April, 2018).

Visiting Professor, Charles Pazmany University Faculty of Law (Budapest, Hungary, March, 2018).

Visiting Professor, University of Luxembourg Faculty of Law (Luxembourg, March, 2018).

**2017:** Invited Professor, University of Montpellier Faculty of Law (Montpellier, France, Dec., 2017).

- Visiting Professor, Goethe University Faculty of Law (Frankfurt, Germany, July, 2017).
- Visiting Professor, Charles Pazmany University Faculty of Law (Budapest, Hungary, April, 2017).
- Visiting Professor, University of Lisbon Faculty of Law (Lisbon, Portugal, March, 2017).
- Visiting Professor, University of Luxembourg Faculty of Law (Luxembourg, February, 2017).
- Visiting Professor, Johannes Gutenberg University (Mainz, Germany, January, 2017).
- 2016:** Invited Professor, University of Paris 1 (Pantheon Sorbonne) (Paris, France, April 2016).
- Visiting Professor, University of Lisbon Faculty of Law (Lisbon, Portugal, May, 2016).
- 2015:** Visiting Professor, University of Lisbon Faculty of Law (Lisbon, Portugal, Apr., 2015).
- Invited Professor, Université Paris Dauphine PSL Research University (Paris, France, November, 2015).
- 2014:** Visiting Professor, U. Paris I Faculty of Law (Sorbonne) (Paris, France, Dec. 2014).
- Invited Professor, U. Aix-Marseille Faculty of Law (Aix, France, Nov. 2014).
- Visiting Professor, University of Lisbon (Lisbon, Portugal, Apr., 2014).
- Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, May, 2014).
- 2013:** Visiting Professor, Johannes Gutenberg University Faculty of Law (Mainz, Germany, July, 2013).
- Visiting Professor University of Lisbon (Lisbon, Portugal, Apr. 2013).
- Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr. 2013).

- 2012:** U. Aix-Marseille Faculty of Law (Aix, France, Oct., 2012).
- Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2012).
- 2011:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2011).
- Parsons Fellow, Sydney University (Sydney, Australia, Mar., 2011).
- Invited Professor, University of Montpellier Faculty of Law (Montpellier, France, Feb., 2011).
- 2010:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, July, 2010).
- Visiting Professor, Johannes Gutenberg University Faculty of Law (Mainz, Germany, Mar., 2010).
- Invited Professor, University Paul Cezanne - Aix-Marseille III (Aix, France, Feb., 2010).
- 2009:** Visiting Professor, University of Osnabruck Faculty of Law (Osnabruck, Germany, Dec., 2009).
- Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2008).
- 2008:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2007).
- 2007:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2007).
- 2006:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2006).
- 2005:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2005).
- 2004:** Visiting Professor, Johannes Gutenberg University's Media Law Institute (Mainz, Germany, Apr., 2004).
- 2003:** Visiting Professor, Johannes Gutenberg University's Mainz Media Law Institute (Mainz, Germany, Apr., 2003).

- Visiting Fellow, Centre for Media Law & Communication, Melbourne University Law School (Melbourne, Australia, Mar., 24-29, 2003).
- Parsons Fellow, Sydney University School of Law (Sydney, Australia, Mar., 2003).
- Visiting Professor, Macquarie University Division of Law (Sydney, Australia, Mar., 2003).
- Visiting Professor, University of Western Sydney School of Law (Sydney, Australia, Mar. 13-20, 2003).
- Invited Professor, University of Montpellier, Faculty of Law (Montpellier, France, Jan.-Feb., 2003).
- 2000:** Visiting Professor, University of Leeds, Leeds, England (Apr., 2000).
- 1999:** Visiting Professor, University of Turku, Faculty of Law, Turku Finland (May, 1999).
- Visiting Professor, Cadi Ayyad University (Marrakesh, Morocco (Mar. 11-22, 1999).
- 1996:** Visiting Professor, Daito Bunka University, Tokyo, Japan (Nov. 25-Dec. 10, 1996).
- Visiting Professor, Johannes Gutenberg-Universität, Mainz, Germany (June, 1996).
- Invited Professor, University of Montpellier, Montpellier, France (Apr., 1996).
- Parsons Fellow, University of Sydney, Sydney, Australia (Mar. 11-15, 1996).
- Visiting Fellow, Australian National University, Canberra, Australia (Mar. 5-9, 1996).
- 1995:** Visiting Professor, Université de Paris - Sud, Paris, France (May 1995).
- 1994:** Visiting Professor, Macquarie University Faculty of Law, Sydney, Australia (Feb.-Mar., 1994).
- 1993:** Visiting Professor, Daito Bunka University, Tokyo, Japan (May 1993).
- 1992:** Visiting Professor, City University, London, England (June 1992).



Visiting Professor, Université de Paris-Sud, Paris, France (May 1992).

**1991:** Visiting Professor, Université Paul Valéry, Montpellier, France (May 1991).

**1988:** Visiting Lecturer, University of Leeds, Leeds, England (1988-89).

## **PRACTICE EXPERIENCE**

**U.S. Department of Energy**, Washington, D.C. (4/80-7/82)

Regulatory Litigation Section of the Office of General Counsel. Litigation practice before the U.S. District Courts and Courts of Appeal, as well as before the Federal Energy Regulatory Commission.

**Watson, Ess, Marshall & Enggas**, Kansas City, MO (5/78-4/80)

Responsibilities generally litigation oriented, but included some work for the real estate, labor, corporate, and tax sections of the firm.

## **BAR MEMBERSHIPS**

Missouri Bar (1978-present)

## **REFERENCES**

Available on request.

**INTRODUCTION TO THE AMERICAN CONSTITUTION**  
**PROFESSOR WEAVER**  
**MAY, 2023**

*Course Goals and Objectives:* This course is designed to give students a comprehensive introduction to the U.S. constitutional system, as well as to the U.S. approach to “rights,” in particular the right to freedom of expression.

Topics to be Covered.

- I. The U.S. Declaration of Independence in historical perspective.
- II. The Events That Led to the Creation of the U.S. Constitution.
- III. The Structure of the Federal Government (separation of powers, checks and balances, judicial review, and the role of the courts).
- IV. The Relationship between the Federal Government and the States (the system of dual competencies, and the Supremacy Clause).
- V. The American Concept of Rights (the Bill of Rights) and Due Process (both procedural and substantive).
- VI. The American Approach to Freedom of Expression.
  1. Justifications and Philosophical Approach.
  2. Categorical Approach and Balancing (child pornography, obscenity & fighting words).
  3. American Exceptionalism (defamation, privacy, advocacy of illegal action, intentional infliction of emotional distress, content neutrality).
  4. Prohibition Against Prior Restraints.
  5. Public Forum Doctrine
  6. Evolving Standards Regarding Media and New Technologies (the press, radio, television, satellite and cable television).
  7. The Implications of the Internet for Democracy.
- VII. The Religion Clauses (the Establishment Clause and the Free Exercise Clause).

# *Curriculum studiorum del Professor Fausto Vecchio*

## **Attuale qualifica:**

Dal 1 aprile 2018 Professore associato di Diritto pubblico comparato presso l'Università Kore di Enna

## **Abilitazioni acquisite:**

Dal 22 marzo 2018 abilitato come Professore ordinario per il settore 12E2

Dal 4 febbraio 2014 abilitato come Professore associato per il settore 12C1

Dal 2 dicembre 2014 abilitato come Professore associato per il settore 12E2

## **Precedenti posizioni accademiche:**

Dal 4 aprile 2014 Professore associato di Diritto costituzionale presso l'Università Kore di Enna

Dal 1 ottobre 2011 al 3 aprile 2014 Assistant Professor di Diritto internazionale presso l'Università Kore di Enna

Dal 3 agosto 2009 al 30 settembre 2011 Assegnista di ricerca in Diritto costituzionale presso il Dipartimento di Studi politici dell'Università di Catania

## **Principali titoli di studio:**

Dottorato di Ricerca in “Derecho constitucional europeo” rilasciato dall'Università di Granada (Sobresaliente con Matricula de honor)

Dottorato in “Ciências Jurídico-Políticas” rilasciato dall'Università di Lisbona (Sobresaliente con Matricula de honor)

Dottorato in “Profili della cittadinanza nella costruzione dell'Europa” rilasciato dall'Università di Catania

Master in “Derecho constitucional europeo” rilasciato dall'Università di Granada (Matricula de honor per la dissertazione finale)

Laurea in Giurisprudenza conseguita presso l'Università di Catania (votazione finale 110/110 e lode)

## **Altri attestati di rilievo internazionale:**

Summer School in “International human rights law and personal data protection” organizzata dall'International Institute of Human Rights ‘René Cassin’ di Strasburgo

Certificato di partecipazione all'“University Human Rights Teaching Course” rilasciato dall'International Center for University Human Rights Teaching dell'Università di Strasburgo

Summer School in “Derecho e Instituciones de la Unión Europea” organizzata dall'Universidad Complutense di Madrid

## **Competenze linguistiche:**

Attestato di conoscenza della lingua inglese IELTS 5.0 rilasciato dal British Council di Napoli

Attestato di conoscenza della lingua inglese GESE ESOL Grade 8 (liv. B2) rilasciato dal Trinity college di Londra

Attestato di conoscenza della lingua spagnola (liv. B2.2) rilasciato dall'Università di Granada

Attestato di conoscenza della lingua portoghese (liv. B1) rilasciato dall'Università di Lisbona

## **Pubblicazioni:**

### **Monografie:**

1. F. Vecchio, *L'Europa e la pena di morte*, CEDAM, 2017, disponibile in [https://www.academia.edu/45425014/L'Europa\\_e\\_la\\_pena\\_di\\_morte](https://www.academia.edu/45425014/L'Europa_e_la_pena_di_morte)
2. F. Vecchio, *Primacía del derecho europeo y salvaguarda de las identidades constitucionales*, BOE, 2015, disponibile in [https://www.academia.edu/27171929/Primac%C3%ACa\\_del\\_derecho\\_europeo\\_y\\_salvaguarda\\_de\\_las\\_identidades\\_constitucionales](https://www.academia.edu/27171929/Primac%C3%ACa_del_derecho_europeo_y_salvaguarda_de_las_identidades_constitucionales)
3. F. Vecchio, *La sussidiarietà nell'ordinamento europeo. Profili attuali e prospettive future*, Bonanno, 2014
4. F. Vecchio, *Teorie costituzionali alla prova. La nuova Costituzione ungherese come metafora della crisi del costituzionalismo europeo*, CEDAM, 2013, disponibile in [https://www.academia.edu/27173823/Teorie\\_costituzionali\\_alla\\_prova\\_La\\_nuova\\_Costituzione\\_ungherese\\_come\\_metafora\\_della\\_crisi\\_del\\_costituzionalismo\\_europeo](https://www.academia.edu/27173823/Teorie_costituzionali_alla_prova_La_nuova_Costituzione_ungherese_come_metafora_della_crisi_del_costituzionalismo_europeo)
5. F. Vecchio, *Primazia del diritto europeo e salvaguardia delle identità costituzionali*, Giappichelli, 2012, disponibile in [https://www.academia.edu/27175659/Primazia\\_del\\_diritto\\_europeo\\_e\\_salvaguardia\\_delle\\_identit%C3%A0\\_costituzionali](https://www.academia.edu/27175659/Primazia_del_diritto_europeo_e_salvaguardia_delle_identit%C3%A0_costituzionali)

### **Articoli in riviste:**

#### **2021:**

6. F. Vecchio, *Il lato oscuro della forza: corporativismo giudiziario, stato costituzionale e costituzionalismo*, in *Rivista della Cooperazione giuridica internazionale*, 2021, 2, (in press)
7. F. Vecchio, *Pericolo populista e riforme della giustizia. A proposito di alcune insoddisfacenti proposte di riforma dell'obbligatorietà dell'azione penale*, in *Rivista AIC*, 2021, 1, p. 65 – 97, disponibile in <https://www.rivistaaic.it/it/rivista/ultimi-contributi-pubblicati/fausto-vecchio/pericolo-populista-e->

[riforme-della-justizia-a-proposito-di-alcune-insoddisfacenti-proposte-di-riforma-dell-obbligatorieta-dell-azione-penale](#)

**2020:**

8. F. Vecchio, *O Estado constitucional em perigo: crise da representação e instituições judiciais sob ataque*, in *Direito Público*, 2020, 17 (91) p. 9 – 27, disponibile in <https://www.portaldeperiodicos.idp.edu.br/direitopublico/article/view/4026>

**2017:**

9. F. Vecchio, *Profili di costituzionalità della nuova regolazione della responsabilità medica: dal rischio di una medicina difensiva a quello di una medicina corporativa?*, in *Osservatorio sulle fonti*, 2017, 3, 1 – 17, disponibile in <https://www.osservatoriosullefonti.it/archivi/archivio-saggi/speciali/speciale-crisi-della-rappresentanza-e-nuove-dinamiche-della-regolazione-le-prospettive-della-democrazia-pluralista-in-europa-fasc-3-2017/1151-profili-di-costituzionalita-della-nuova-regolazione-della-responsabilita-medica-dal-rischio-di-una-medicina-difensiva-a-quello-di-una-medicina-corporativa>
10. F. Vecchio, *Funzionalismo contestualizzato e circolazione dei modelli giuridici in Europa: uno scenario epistemologicamente possibile*, in *Federalismi.it*, 2017, 23, p. 2 – 24, disponibile in <https://federalismi.it/AppOpenFilePDF.cfm?artid=35226&dpath=document&dfile=28112017004315.pdf&content=Primo%2Bpiano%2B%2D%2BFunzionalismo%2Bcontestualizzato%2Be%2Bcircolazione%2Bdei%2Bmodelli%2Bgiuridici%2Bin%2BEuropa%2B%2D%2Bstato%2B%2D%2Bdottrina%2B%2D%2B>

**2016:**

11. F. Vecchio, *Le intercettazioni da remoto e i diversi modelli di bilanciamento tra esigenze investigative e diritto alla riservatezza e all'integrità dei sistemi informatici*, in *La Cittadinanza Europea*, 2016, 1, p. 107 – 124, disponibile in [https://www.academia.edu/28472429/Le\\_intercettazioni\\_da\\_remoto\\_e\\_i\\_diversi\\_modelli\\_di\\_bilanciamento\\_tra\\_esigenze\\_investigative\\_e\\_diritto\\_alla\\_riservatezza\\_e\\_all\\_integrit%C3%A0\\_dei\\_sistemi\\_informatici](https://www.academia.edu/28472429/Le_intercettazioni_da_remoto_e_i_diversi_modelli_di_bilanciamento_tra_esigenze_investigative_e_diritto_alla_riservatezza_e_all_integrit%C3%A0_dei_sistemi_informatici)
12. F. Vecchio, *Redistribuzione economica, deficit democratico e Sonderweg in Europa: spunti di riflessione dal modello istituzionale belga*, in *Koreuropa*, 2016, 9, p. 125 – 156, disponibile in [https://unikore.it/media/k2/attachments/9\\_Edizione\\_.pdf](https://unikore.it/media/k2/attachments/9_Edizione_.pdf)
13. F. Vecchio, *La libertà di espressione dopo la vicenda Perinçek c. Svizzera: il nuovo atteggiamento della Corte europea in materia di criminalizzazione del negazionismo e i rischi residui di una storia imposta per via legislativa*, in *Rivista della cooperazione giuridica internazionale*, 2016, 52, p. 58 – 67, in [https://www.academia.edu/28426699/La\\_libert%C3%A0\\_di\\_espressione\\_dopo\\_la\\_vicenda\\_Perin%C3%A7ek\\_c\\_Svizzera\\_il\\_nuovo\\_atteggiamento\\_della\\_Corte\\_europea\\_in\\_materia\\_di\\_criminalizzazione\\_del\\_negazionismo\\_e\\_i\\_rischi\\_residui\\_di\\_una\\_storia\\_imposta\\_per\\_via\\_legislativa](https://www.academia.edu/28426699/La_libert%C3%A0_di_espressione_dopo_la_vicenda_Perin%C3%A7ek_c_Svizzera_il_nuovo_atteggiamento_della_Corte_europea_in_materia_di_criminalizzazione_del_negazionismo_e_i_rischi_residui_di_una_storia_imposta_per_via_legislativa)

**2015:**

14. F. Vecchio, *Crisis económica y tendencias evolutivas de la administración pública en Europa*, in *Revista de derecho constitucional europeo*, 2015, 23, p. 17 - 31, disponibile in [http://www.ugr.es/~redce/REDCE23/PDFs/ReDCE\\_23.pdf](http://www.ugr.es/~redce/REDCE23/PDFs/ReDCE_23.pdf)

15. F. Vecchio, *Il populismo ungherese tra economia e costituzione*, in *Cultura giuridica e diritto vivente*, 2015, Special issue, p. 133 – 140, disponibile in <http://ojs.uniurb.it/index.php/cgdv/article/view/455/438>

**2014:**

16. F. Vecchio, *Questione di toni*, in *Rivista della cooperazione giuridica internazionale*, 2014, 48, p. 53-55, disponibile in [https://www.academia.edu/28426240/Questione\\_di\\_toni](https://www.academia.edu/28426240/Questione_di_toni)
17. F. Vecchio, *L'ingloriosa fine della direttiva Data retention, la ritrovata vocazione costituzionale della Corte di giustizia e il destino dell'art. 132 del Codice della privacy*, in *Koreuropa*, 2014, 4, p. 212 – 220, disponibile in [https://unikore.it/media/k2/attachments/Numero\\_4.pdf](https://unikore.it/media/k2/attachments/Numero_4.pdf)
18. F. Vecchio, *Libertà di espressione e diritto all'onore in internet secondo la sentenza Delfi AS contro Estonia della Corte europea dei diritti dell'uomo*, in *Diritto dell'informatica e dell'informazione*, 2014, 1, p. 43 - 56, disponibile in [https://www.academia.edu/27392126/Libert%C3%A0\\_di\\_espressione\\_e\\_diritto\\_all\\_onore\\_in\\_internet\\_secondo\\_la\\_sentenza\\_Delfi\\_AS\\_contro\\_Estonia\\_della\\_Corte\\_europea\\_dei\\_diritti\\_dell\\_uomo](https://www.academia.edu/27392126/Libert%C3%A0_di_espressione_e_diritto_all_onore_in_internet_secondo_la_sentenza_Delfi_AS_contro_Estonia_della_Corte_europea_dei_diritti_dell_uomo)
19. F. Vecchio, *La pagliuzza nell'occhio della Banca centrale europea e la trave nell'occhio del Bundesverfassungsgericht*, in *Koreuropa*, 2014, 5, p. 105 – 112, disponibile in [https://www.academia.edu/27392126/Libert%C3%A0\\_di\\_espressione\\_e\\_diritto\\_all\\_onore\\_in\\_internet\\_secondo\\_la\\_sentenza\\_Delfi\\_AS\\_contro\\_Estonia\\_della\\_Corte\\_europea\\_dei\\_diritti\\_dell\\_uomo](https://www.academia.edu/27392126/Libert%C3%A0_di_espressione_e_diritto_all_onore_in_internet_secondo_la_sentenza_Delfi_AS_contro_Estonia_della_Corte_europea_dei_diritti_dell_uomo)
20. F. Vecchio, *Le prospettive di riforma della Convenzione europea dei diritti umani tra limiti tecnici e 'cortocircuiti' ideologici*, in *Diritto pubblico comparato europeo*, 2014, 1, 99 – 104, disponibile in [https://www.academia.edu/27430623/Le\\_prospettive\\_di\\_riforma\\_della\\_Convenzione\\_europea\\_dei\\_diritti\\_umani\\_tra\\_limiti\\_tecnici\\_e\\_cortocircuiti\\_ideologici](https://www.academia.edu/27430623/Le_prospettive_di_riforma_della_Convenzione_europea_dei_diritti_umani_tra_limiti_tecnici_e_cortocircuiti_ideologici)

**2013:**

21. F. Vecchio, *Le prospettive di riforma della Convenzione europea dei diritti umani tra limiti tecnici e 'cortocircuiti' ideologici*, in Osservatorio AIC, 2013, p. 1 - 8 disponibile in <https://www.osservatorioaic.it/images/rivista/pdf/Vecchio.pdf>
22. F. Vecchio, *I casi Melloni e Akerberg: il sistema multilivello di protezione dei diritti fondamentali*, in *Quaderni costituzionali*, 2013, 2, p. 454 - 456, disponibile in [https://www.academia.edu/27138316/I\\_casi\\_Melloni\\_e\\_Akerberg\\_il\\_sistema\\_multilivello\\_di\\_protezione\\_dei\\_diritti\\_fondamentali](https://www.academia.edu/27138316/I_casi_Melloni_e_Akerberg_il_sistema_multilivello_di_protezione_dei_diritti_fondamentali)
23. F. Vecchio, *L'insostenibile leggerezza metodologica della sentenza Malatto tra bilanciamenti fittizi e impoverimento costituzionale reale*, in *Rivista della cooperazione giuridica internazionale*, 2013, 45, p. 72 – 82, disponibile in [https://www.academia.edu/28427938/L\\_insostenibile\\_leggerezza\\_metodologica\\_della\\_sentenza\\_Malatto\\_tra\\_bilanciamenti\\_fittizi\\_e\\_impoverimento\\_costituzionale\\_reale](https://www.academia.edu/28427938/L_insostenibile_leggerezza_metodologica_della_sentenza_Malatto_tra_bilanciamenti_fittizi_e_impoverimento_costituzionale_reale)
24. F. Vecchio, *I nuovi passi del "cammino comunitario" del Conseil Constitutionnel francese e le responsabilità del giudice costituzionale*, in *Rivista della cooperazione giuridica internazionale*, 2013, 44, p. 84 – 90, disponibile in [https://www.academia.edu/28427281/I\\_nuovi\\_passi\\_del\\_cammino\\_comunitario\\_del\\_Conseil\\_Constitutionnel\\_francese\\_e\\_le\\_responsabilit%C3%A0\\_del\\_giudice\\_costituzionale](https://www.academia.edu/28427281/I_nuovi_passi_del_cammino_comunitario_del_Conseil_Constitutionnel_francese_e_le_responsabilit%C3%A0_del_giudice_costituzionale)
25. F. Vecchio, *Oltre il Lissabon urteil: la saga delle "pensioni slovacche" e l'applicazione dell'ultra vires review secondo il giudice costituzionale ceco*, in *Rivista della cooperazione giuridica internazionale*, 2013, 43, p. 73 - 76, disponibile in

[https://www.academia.edu/28426935/Oltre il Lissabon urteil la saga delle pensioni slovacche e l'applicazione dell'ultra vires review secondo il giudice costituzionale ceco](https://www.academia.edu/28426935/Oltre_il_Lissabon_urteil_la_saga_delle_pensioni_slovacche_e_l_applicazione_dell_ultra_vires_review_secondo_il_giudice_costituzionale_ceco)

26. F. Vecchio, *Oltre il Lissabon urteil: la saga delle "pensioni slovacche" e l'applicazione dell'ultra vires review secondo il giudice costituzionale ceco*, in [www.europeanrights.eu](http://www.europeanrights.eu), disponibile in [http://www.europeanrights.eu/public/commenti/Commento\\_Vecchio.pdf](http://www.europeanrights.eu/public/commenti/Commento_Vecchio.pdf)

#### 2012:

27. F. Vecchio, *La decisione SK 45/09 del giudice costituzionale polacco: ritorno a Solange II o nuova ridefinizione degli equilibri tra gli ordinamenti?*, in *Quaderni costituzionali*, 2012, 2, p. 441 – 443, disponibile in [https://www.academia.edu/27429786/La decisione SK 45\\_09 del giudice costituzionale polacco ritorno a Solange II o nuova ridefinizione degli equilibri tra gli ordinamenti](https://www.academia.edu/27429786/La_decisione_SK_45_09_del_giudice_costituzionale_polacco_ritorno_a_Solange_II_o_nuova_ridefinizione_degli_equilibri_tra_gli_ordinamenti)
28. F. Vecchio, *Primazia do direito europeu e contralimites como técnicas para a relação entre ordenamentos*, in *Direito Público*, 2012, 9, p. 217 – 232, disponibile in <https://www.portaldeperiodicos.idp.edu.br/direitopublico/article/view/2120/1113>
29. F. Vecchio, *O Princípio da Subsidiariedade no Tratado Constitucional: Procedimentalização versus Justiciabilidade*, in *Direito Público*, 2012, 2, p. 190 – 202, disponibile in <https://www.portaldeperiodicos.idp.edu.br/direitopublico/article/view/2073/1093>
30. F. Vecchio, *Il caso Ruiz Zambrano tra cittadinanza europea, discriminazioni a rovescio e nuove possibilità di applicazione della Carta dei diritti fondamentali dell'Unione*, in *Estudos Eleitorais*, 2012, 1, p. 100 - 104, disponibile in <http://bibliotecadigital.tse.jus.br/xmlui/handle/bdtse/1582>
31. F. Vecchio, *Il caso Honeywell del Bundesverfassungsgericht: un'occasione persa per far chiarezza sui rapporti tra gli ordinamenti?*, in *Rivista della cooperazione giuridica internazionale*, 2012, 41, p. 43 – 59, disponibile in [https://www.academia.edu/28343607/Il caso Honeywell del Bundesverfassungsgericht un'occasione persa per far chiarezza sui rapporti tra gli ordinamenti](https://www.academia.edu/28343607/Il_caso_Honeywell_del_Bundesverfassungsgericht_un_occasione_persa_per_far_chiarezza_sui_rapporti_tra_gli_ordinamenti)
32. F. Vecchio, *Primato del diritto europeo e controlimiti come tecniche di relazione tra gli ordinamenti*, in *Mediterranean Journal of Human Rights*, 2012, p. 317 – 356, disponibile in [https://www.academia.edu/3873733/Primato del diritto europeo e controlimiti come tecniche di relazione tra gli ordinamenti](https://www.academia.edu/3873733/Primato_del_diritto_europeo_e_controlimiti_come_tecniche_di_relazione_tra_gli_ordinamenti)
33. F. Vecchio, *Más allá de "Lissabon urteil": la saga de las "jubilaciones eslovacas" y la aplicación del "ultra vires review" según el juez constitucional checo*, in *Revista de derecho constitucional europeo*, 2012, 18, p. 395 – 400, disponibile in [http://www.ugr.es/~redce/REDCE18pdf/14\\_vecchio.pdf](http://www.ugr.es/~redce/REDCE18pdf/14_vecchio.pdf)
34. F. Vecchio, *Il paradossale successo della teoria dei controlimiti e l'espansione delle competenze dei giudici costituzionali*, in *Rivista della cooperazione giuridica internazionale*, 2012, 41, 99-110 in [https://www.academia.edu/28342523/Il paradossale successo della teoria dei controlimiti e l'espansione delle competenze dei giudici costituzionali](https://www.academia.edu/28342523/Il_paradossale_successo_della_teoría_dei_controlimiti_e_l_espansione_delle_competenze_dei_giudici_costituzionali)
35. F. Vecchio, *Primacía del derecho europeo y contralímites como técnicas para la relación entre los ordenamientos*, in *Revista de derecho constitucional europeo*, 2012, 17, p. 67 – 101, disponibile in [http://www.ugr.es/~redce/REDCE17pdf/02\\_vecchio.pdf](http://www.ugr.es/~redce/REDCE17pdf/02_vecchio.pdf)

#### 2011:

36. F. Vecchio, *En las fronteras de la integración multinivel: el Tratado de Lisboa y las hipótesis del «doble carácter prejudicial»*, in *Revista de la Facultad de Derecho de la Universidad de Granada*, 2010 - 2011, 13 – 14, p. 47 – 60, disponibile in [https://www.academia.edu/27138322/En las fronteras de la integraci%C3%B3n multinivel el tratado de Lisboa y las hip%C3%B3tesis del doble car%C3%A1cter prejudicial](https://www.academia.edu/27138322/En_las_fronteras_de_la_integraci%C3%B3n_multinivel_el_tratado_de_Lisboa_y_las_hip%C3%B3tesis_del_doble_car%C3%A1cter_prejudicial)

37. F. Vecchio, *Un nuevo capítulo en la “saga” del “Data retention”: el Tribunal Constitucional de la República Checa declara la inconstitucionalidad de los actos de transposición de la Directiva 2006/24/CE*, in *Revista de derecho constitucional europeo*, 2011, 16, p. 513 - 518, disponibile in <http://www.ugr.es/~redce/REDCE16/articulos/12bisFVecchio.htm>
38. F. Vecchio, *El procedimiento de codecision y el principio de subsidiariedad: un ‘cortocircuito’ democratico?*, in *Revista Historia: Debates e tendencias*, 2011, 11, p. 11 - 21, disponibile in <https://www.sumarios.org/artigo/el-procedimiento-de-codecisi%C3%B3n-y-el-principio-de-subsidiariedad-%C2%BFun-%E2%80%9Ccortocircuito%E2%80%9D>
39. F. Vecchio, *The fundamental rights between the European Court of Justice and the new powers of the French ‘Conseil Constitutionnel’*, in *Mediterranean Journal of Human Rights*, 2011, 15, p. 189 - 213, disponibile in [https://www.academia.edu/3872790/The\\_fundamental\\_rights\\_between\\_the\\_European\\_Court\\_of\\_Justice\\_and\\_the\\_new\\_powers\\_of\\_the\\_French\\_Conseil\\_Constitutionnel](https://www.academia.edu/3872790/The_fundamental_rights_between_the_European_Court_of_Justice_and_the_new_powers_of_the_French_Conseil_Constitutionnel)
40. F. Vecchio, *Il caso Ruiz Zambrano tra cittadinanza europea, discriminazioni a rovescio e nuove possibilità di applicazione della Carta dei diritti fondamentali dell'Unione*, in *Diritto pubblico comparato europeo*, 2011, 3, p. 1249 - 1251, disponibile in [https://www.academia.edu/27369231/Il\\_caso\\_Ruiz\\_Zambrano\\_tra\\_cittadinanza\\_europea\\_discriminazioni\\_a\\_rovescio\\_e\\_nuove\\_possibilit%C3%A0\\_di\\_applicazione\\_della\\_Carta\\_dei\\_diritti\\_fondamentali\\_dellUnione](https://www.academia.edu/27369231/Il_caso_Ruiz_Zambrano_tra_cittadinanza_europea_discriminazioni_a_rovescio_e_nuove_possibilit%C3%A0_di_applicazione_della_Carta_dei_diritti_fondamentali_dellUnione)
41. F. Vecchio, *Il caso Ruiz Zambrano tra cittadinanza europea, discriminazioni a rovescio e nuove possibilità di applicazione della Carta dei diritti fondamentali dell'Unione*, in *www.europeanrights.eu*, disponibile in <http://www.europeanrights.eu/index.php?funzione=S&op=5&id=739>
42. F. Vecchio, *Il sistema multilivello di tutela dei diritti fondamentali alla luce del caso Chartry della Corte di giustizia*, in *Quaderni costituzionali*, 2011, p. 687 - 690, disponibile in [https://www.academia.edu/27428173/Il\\_caso\\_Chartry\\_e\\_il\\_sistema\\_di\\_tutela\\_multilivello\\_dei\\_diritti\\_fondamentali](https://www.academia.edu/27428173/Il_caso_Chartry_e_il_sistema_di_tutela_multilivello_dei_diritti_fondamentali)
43. F. Vecchio, *La clausola di salvaguardia delle identità costituzionali, le occasioni perdute e lo “spettro” di Viking e Lavall*, in *www.europeanrights.eu*, disponibile in <http://www.europeanrights.eu/index.php?funzione=S&op=5&id=740>

## 2010:

44. F. Vecchio, *Costituzionalismo multilivello e unità interpretativa dell'ordinamento giuridico*, in *Rassegna parlamentare*, 2010, 4, p. 863 - 883, disponibile in [https://www.academia.edu/1885589/Costituzionalismo\\_multilivello\\_e\\_unit%C3%A0\\_interpretativa\\_dellordinamento\\_giuridico](https://www.academia.edu/1885589/Costituzionalismo_multilivello_e_unit%C3%A0_interpretativa_dellordinamento_giuridico)
45. F. Vecchio, *Il Trattato di Lisbona e le ipotesi di «doppia pregiudizialità»: differenti prospettive di tutela e pericoli di pronunce incoerenti*, in *Giustizia amministrativa*, 2010, 2, p. 63 - 71
46. F. Vecchio, *Il Trattato di Lisbona e le ipotesi di «doppia pregiudizialità»: differenti prospettive di tutela e pericoli di pronunce incoerenti*, in *www.giustamm.it*
47. F. Vecchio, *La decisione 2010 – 205 DC del Conseil constitutionnel francese e la decisione C – 188/10 della Corte di Giustizia: il superamento della dottrina Simmenthal e le possibili ricadute sul sistema italiano*, in *www.giustamm.it*
48. F. Vecchio, *La partecipazione delle assemblee parlamentari regionali nella fase ascendente di formazione del diritto comunitario: spunti di riflessione dal modello spagnolo*, in *Quaderni regionali*, 2010, 2, p. 649 - 662, disponibile in [https://www.academia.edu/3874370/La\\_partecipazione\\_delle\\_assemblee\\_parlamentari\\_regionali\\_nel](https://www.academia.edu/3874370/La_partecipazione_delle_assemblee_parlamentari_regionali_nel)



la fase ascendente di formazione del diritto comunitario spunti di riflessione dal modello spagnolo

49. F. Vecchio, *Los ordenamientos constitucionales de Hungría, Polonia y Eslovenia*, in *Revista de derecho constitucional europeo*, 2010, 14, p. 60 – 105, disponibile in [http://www.ugr.es/~redce/REDCE14pdf/05\\_VECCHIO.pdf](http://www.ugr.es/~redce/REDCE14pdf/05_VECCHIO.pdf)
50. F. Vecchio, *Competenza e gerarchia nella sentenza Lisbona del Tribunale federale tedesco: verso un diritto costituzionale asimmetrico*, in *Quaderni europei*, 2010, 21, p. 81 - 92, disponibile in [http://www.cde.unict.it/sites/default/files/21\\_2010.pdf](http://www.cde.unict.it/sites/default/files/21_2010.pdf)
51. F. Vecchio, *Il giudice ordinario italiano e la tutela multilivello dei diritti fondamentali dopo il Trattato di Lisbona*, in [www.giustamm.it](http://www.giustamm.it).
52. F. Vecchio, *Codecisione e principio di sussidiarietà: un 'cortocircuito' democratico?*, in *Giustizia amministrativa*, 2010, 1, p. 62 - 68
53. F. Vecchio, *Codecisione e principio di sussidiarietà: un 'cortocircuito' democratico?*, in [www.giustamm.it](http://www.giustamm.it)
54. F. Vecchio, *Dopo Viking, Laval e Rüffert: verso una nuova composizione tra libertà economiche europee e diritti sociali fondamentali?*, in [www.europeanrights.eu](http://www.europeanrights.eu), disponibile in <http://www.europeanrights.eu/index.php?funzione=S&op=5&id=480>

**2009:**

55. F. Vecchio, *Corte di giustizia europea e tribunali costituzionali nazionali secondo la prospettiva della Corte costituzionale ceca*, in [www.europeanrights.eu](http://www.europeanrights.eu), disponibile in <http://www.europeanrights.eu/index.php?funzione=S&op=5&id=430>
56. F. Vecchio, *Corte di giustizia europea e tribunali costituzionali nazionali secondo la prospettiva della Corte costituzionale ceca*, in [www.diritto.it](http://www.diritto.it), disponibile in [https://www.diritto.it/system/docs/29864/original/Corte\\_di\\_giustizia\\_europea\\_e\\_tribunali\\_costituzionali\\_nazionali\\_secondo\\_la\\_prospettiva\\_della\\_Corte\\_costituzion.pdf](https://www.diritto.it/system/docs/29864/original/Corte_di_giustizia_europea_e_tribunali_costituzionali_nazionali_secondo_la_prospettiva_della_Corte_costituzion.pdf)
57. F. Vecchio, *Competenza e gerarchia nella sentenza Lisbona del Tribunale federale tedesco: verso un latodiritto costituzionale asimmetrico?*, in [www.forumcostituzionale.it/wordpress/](http://www.forumcostituzionale.it/wordpress/), disponibile in [https://www.forumcostituzionale.it/wordpress/images/stories/pdf/documenti\\_forum/paper/0158\\_vecchio.pdf](https://www.forumcostituzionale.it/wordpress/images/stories/pdf/documenti_forum/paper/0158_vecchio.pdf)
58. F. Vecchio, *Declinazioni costituzionali del principio di sussidiarietà*, in [www.forumcostituzionale.it/wordpress/](http://www.forumcostituzionale.it/wordpress/), disponibile in [https://www.forumcostituzionale.it/wordpress/images/stories/pdf/nuovi%20pdf/Paper/0033\\_vecchio.pdf](https://www.forumcostituzionale.it/wordpress/images/stories/pdf/nuovi%20pdf/Paper/0033_vecchio.pdf)
59. F. Vecchio, *Il principio di sussidiarietà nel Trattato Costituzionale: giustiziabilità vs. procedimentalizzazione*, in [www.forumcostituzionale.it/wordpress/](http://www.forumcostituzionale.it/wordpress/), disponibile in [https://www.forumcostituzionale.it/wordpress/images/stories/pdf/nuovi%20pdf/Paper/0044\\_vecchio.pdf](https://www.forumcostituzionale.it/wordpress/images/stories/pdf/nuovi%20pdf/Paper/0044_vecchio.pdf)
60. F. Vecchio, *Mandato di arresto europeo e problemi di tutela dei diritti fondamentali*, in [www.diritto.it](http://www.diritto.it) disponibile in [https://www.diritto.it/system/docs/30239/original/Mandato\\_di\\_arresto\\_europeo\\_e\\_problemi\\_di\\_tutela\\_a\\_dei\\_diritti\\_fondamentali.pdf](https://www.diritto.it/system/docs/30239/original/Mandato_di_arresto_europeo_e_problemi_di_tutela_a_dei_diritti_fondamentali.pdf)
61. F. Vecchio, *Competenza e gerarchia nella sentenza Lisbona del Tribunale federale tedesco: verso un diritto costituzionale asimmetrico?*, in [www.diritto.it](http://www.diritto.it), disponibile in [https://www.diritto.it/pdf\\_archive/28623.pdf](https://www.diritto.it/pdf_archive/28623.pdf)
62. F. Vecchio, *La sentenza 199/2009 del Tribunal Constitucional spagnolo e l'inversione dell'interpretazione conforme come nuovo strumento del costituzionalismo asimmetrico europeo*, in

[www.diritto.it](https://www.diritto.it), disponibile in <https://www.diritto.it/la-sentenza-1992009-del-tribunal-constitucional-spagnolo-e-l-inversione-dell-interpretazione-conforme-come-nuovo-strumento-del-costituzionalismo-asimmetrico-europeo/>

### **Capitoli di libro:**

#### **2020:**

63. F. Vecchio, *El Estado Constitucional en peligro: Crisis de la representación e instituciones judiciales bajo ataque*, in P. Häberle – F. Balaguer Callejón – I. Sarlet – C. L. Strapazzon – A. Aguilar Calahorro, *Derechos fundamentales, desarrollo y crisis del constitucionalismo multinivel. Libro homenaje a Jörg Luther*, Civitas Aranzadi, 2020, p. 677 - 693, disponibile in [https://www.academia.edu/45441150/El\\_Estado\\_Constitucional\\_en\\_peligro\\_Crisis\\_de\\_la\\_representaci%C3%B3n\\_e\\_instituciones\\_judiciales\\_bajo\\_ataque](https://www.academia.edu/45441150/El_Estado_Constitucional_en_peligro_Crisis_de_la_representaci%C3%B3n_e_instituciones_judiciales_bajo_ataque)
64. F. Vecchio, *O Estado constitucional em perigo: crise da representação e instituições judiciais sob ataque*, in P. Häberle – F. Balaguer Callejón – I. Sarlet – C. L. Strapazzon – A. Aguilar Calahorro, *Direitos fundamentais, desenvolvimento e crise do constitucionalismo multinível*, Editora Fundação Fênix, 2020, p. 659 - 675, disponibile in [https://www.academia.edu/45442258/O\\_ESTADO\\_CONSTITUCIONAL\\_EM\\_PERIGO\\_CRISE\\_DA\\_REPRESENTA%C3%87%C3%83O\\_E\\_INSTITUI%C3%87%C3%95ES\\_JUDICIAIS\\_SOB\\_ATAQUE](https://www.academia.edu/45442258/O_ESTADO_CONSTITUCIONAL_EM_PERIGO_CRISE_DA_REPRESENTA%C3%87%C3%83O_E_INSTITUI%C3%87%C3%95ES_JUDICIAIS_SOB_ATAQUE)

#### **2019:**

65. F. Vecchio, *Diritti e libertà fondamentali*, T. E. Frosini, *Manuale di diritto pubblico comparato*, il Mulino, 2019, p. 207 - 235.
66. F. Vecchio, *Lo Stato costituzionale in pericolo: crisi della rappresentanza e istituzioni giudiziarie sotto attacco*, in M. Blancato - G. Di Rosa, *La sovranità in Europa*, Quad. di Notabilis, 2019, p. 31 - 50, disponibile in [https://www.academia.edu/45441084/Lo\\_Stato\\_costituzionale\\_in\\_pericolo\\_crisi\\_della\\_rappresentanza\\_e\\_istituzioni\\_giudiziarie\\_sotto\\_atacco](https://www.academia.edu/45441084/Lo_Stato_costituzionale_in_pericolo_crisi_della_rappresentanza_e_istituzioni_giudiziarie_sotto_atacco)

#### **2018:**

67. F. Vecchio, *La conservazione degli equilibri in materia di asilo tra poca attenzione alla forma in materia di assetto delle fonti del diritto ed eccesso di formalismo in materia di definizione del principio di solidarietà*, in S. Mazzone, *Narrare le migrazioni tra diritto, politica, economia*, Bonanno, 2018, p. 491 - 498, disponibile in [https://www.academia.edu/45177578/La\\_conservazione\\_degli\\_equilibri\\_in\\_materia\\_di\\_asilo\\_tra\\_poca\\_attezzione\\_alla\\_forma\\_in\\_materia\\_di\\_assetto\\_delle\\_fonti\\_del\\_diritto\\_ed\\_eccesso\\_di\\_formalismo\\_in\\_materia\\_di\\_definizione\\_del\\_principio\\_di\\_solidariet%C3%A0](https://www.academia.edu/45177578/La_conservazione_degli_equilibri_in_materia_di_asilo_tra_poca_attezzione_alla_forma_in_materia_di_assetto_delle_fonti_del_diritto_ed_eccesso_di_formalismo_in_materia_di_definizione_del_principio_di_solidariet%C3%A0)
68. A. Pérez Miras - E.C. Raffiotta - G.M. Teruel Lozano - F. Vecchio, *Sovranità e rappresentanza: il costituzionalismo nell'era della globalizzazione*, in A. Pérez Miras - E.C. Raffiotta - G.M. Teruel Lozano - F. Vecchio, *Sovranità e rappresentanza stato, autonomie territoriali e processi di integrazione sopranazionale*, Edizioni scientifiche, 2018, p. XIII - XIV, disponibile in [https://www.academia.edu/45441067/Sovranit%C3%A0\\_e\\_rappresentanza\\_il\\_costituzionalismo\\_nel\\_l\\_era\\_della\\_globalizzazione](https://www.academia.edu/45441067/Sovranit%C3%A0_e_rappresentanza_il_costituzionalismo_nel_l_era_della_globalizzazione)

#### **2017:**

69. F. Vecchio, *Regione Sicilia e integrazione sovranazionale: una proposta per superare le lacune europee dello Statuto siciliano*, in A. Ruggeri – G. D’Amico – L. D’Andrea – G. Moschella, *Per un nuovo Statuto della Regione siciliana*, Giappichelli, 2017, 181 – 192, disponibile in [https://www.academia.edu/45441035/Regione Sicilia e integrazione sovranazionale una proposta per superare le lacune europee dello Statuto siciliano](https://www.academia.edu/45441035/Regione_Sicilia_e_integrazione_sovranazionale_una_proposta_per_superare_le_lacune_europee_dello_Statuto_siciliano)
70. F. Vecchio, *Redistribuzione economica, deficit democratico e Sonderweg in Europa: spunti di riflessione dal modello istituzionale belga*, in F. Balaguer Callejón, *La reforma de la gobernanza económica de la Unión europea y el progreso de la integración política*, Aranzadi, 2017, p. 371 - 400 disponibile in [https://www.academia.edu/45441042/Redistribuzione economica deficit democratico e Sonderweg in Europa spunti di riflessione dal modello istituzionale belga](https://www.academia.edu/45441042/Redistribuzione_economica_deficit_democratico_e_Sonderweg_in_Europa_spunti_di_riflessione_dal_modello_istituzionale_belga)

#### 2016:

71. F. Vecchio, *La crisi costituzionale polacca, la «bielorussizzazione» dell’Europa orientale e il processo di disintegrazione europea*, in E. Raffiotta - G. Teruel Lozano - A. Perez Miras, *Constitucion y integración*, Madrid, Dykinson, 2016, p. 297 - 310, disponibile in [https://www.academia.edu/28473814/La crisi costituzionale polacca la bielorussizzazione dell’Europa orientale e il processo di disintegrazione europea](https://www.academia.edu/28473814/La_crisi_costituzionale_polacca_la_bielorussizzazione_dell_Europa_orientale_e_il_processo_di_disintegrazione_europea)

#### 2015:

72. F. Vecchio, *Libertà di espressione, tutela della privacy e protezione dei dati personali nel dialogo tra Corte europea e Corte inter-americana dei diritti dell’uomo*, in V. Pereira da Silva – F. Balaguer Callejón, *O constitucionalismo do séc. XXI na sua dimensão estadual, supranacional e global*, Lisboa, Instituto de Ciências jurídico-políticas, 2015, p. 166 - 176, disponibile in [https://www.academia.edu/27438199/Libert%C3%A0 di espressione tutela della privacy e protezione dei dati personali nel dialogo tra Corte europea e Corte inter americana dei diritti dell uomo](https://www.academia.edu/27438199/Libert%C3%A0_di_espressione_tutela_della_privacy_e_protezione_dei_dati_personali_nel_dialogo_tra_Corte_europea_e_Corte_inter_americanadei_diritti_dell_uomo)
73. F. Vecchio, *Quo vadis Europa? La degenerazione populistica ungherese tra crisi economica e crisi costituzionale*, in A. Pérez Miras - G.M. Teruel Lozano - E. Raffiotta, *Desafios del constitucionalismo ante la integración europea*, Murcia, EDITUM, 2015, p. 69 - 83, disponibile in [https://www.academia.edu/27439189/Quo vadis Europa La degenerazione populistica ungherese tra crisi economica e crisi costituzionale](https://www.academia.edu/27439189/Quo_vadis_Europa_La_degenerazione_populistica_ungherese_tra_crisi_economica_e_crisi_costituzionale)
74. F. Vecchio, *Crisi economica e tendenze evolutive nella pubblica amministrazione in Europa*, in F. Balaguer Calléjón – M. Azpitarte Sánchez – E. Guillén Lòpez – J. F. Sánchez Barillao, *The dimension of the public administration in the context of globalization*, Thomson Reuters Aranzadi, 2015, p. 577 – 591, disponibile in [https://www.academia.edu/27439586/Crisi economica e tendenze evolutive nella pubblica amministrazione in Europa](https://www.academia.edu/27439586/Crisi_economica_e_tendenze_evolute_nella_pubblica_amministrazione_in_Europa)
75. F. Vecchio, *La paille dans l’oeil de la Banque Centrale Européenne et la poutre dans l’oeil de la Bundesverfassungsgericht*, in F. Balaguer Calléjón - S. Pinon – A. Viala, *Le Droit constitutionnel Européen à l’épreuve de la crise économique et démocratique de l’Europe*, Institut Universitaire Varenne, 2015, p. 235 - 238, disponibile in [https://www.academia.edu/27440191/La paille dans loeil de la Banque Centrale Europ%C3%A9enne et la poutre dans l oeil de la Bundesverfassungsgericht](https://www.academia.edu/27440191/La_paille_dans_loeil_de_la_Banque_Centrale_Europ%C3%A9enne_et_la_poutre_dans_l_oeil_de_la_Bundesverfassungsgericht)
76. F. Vecchio, *Quo vadis Europa? La degenerazione populistica ungherese tra crisi economica e crisi costituzionale*, in F. Balaguer Calléjón – M. Azpitarte Sánchez – E. Guillén Lòpez – J. F. Sánchez Barillao, *The impact of the economic crisis on the EU institutions and member states*, Thomson

Reuters Aranzadi, 2015, p. 379 – 388, disponibile in [https://www.academia.edu/27337370/Quo\\_vadis\\_Europa\\_La\\_degenerazione\\_populistica\\_ungherese\\_tra\\_crisi\\_economica\\_e\\_crisi\\_costituzionale](https://www.academia.edu/27337370/Quo_vadis_Europa_La_degenerazione_populistica_ungherese_tra_crisi_economica_e_crisi_costituzionale)

### **2013:**

77. F. Vecchio, *The Romanian mess, Europe and the risks of authoritarian involutions*, in C. Benlloch Domènech - Pérez Zafrilla – J. Sarrión Esteve, *Current social and legal challenges for a changing Europe*, Comares, 2013, p. 118 – 131, disponibile in [https://www.academia.edu/27138328/The\\_romanian\\_mess\\_Europe\\_and\\_the\\_risks\\_of\\_authoritarian\\_involutions](https://www.academia.edu/27138328/The_romanian_mess_Europe_and_the_risks_of_authoritarian_involutions)
78. F. Vecchio, *Profili di incostituzionalità della Direttiva Data Retention*, in A. Pérez Miras - G.M. Teruel Lozano - E. Raffiotta, *Desafíos Para Los Derechos De La Persona Ante El Siglo XXI*, Aranzadi, 2013, p. 209 – 218, disponibile in [https://www.academia.edu/27440807/Profili\\_di\\_incostituzionalit%C3%A0\\_della\\_Direttiva\\_Data\\_Retention](https://www.academia.edu/27440807/Profili_di_incostituzionalit%C3%A0_della_Direttiva_Data_Retention)
79. F. Vecchio, *La clausola di salvaguardia delle identità costituzionali, le occasioni perdute e lo “spettro” di Viking e Lavall*, in AA. VV. *Studi in onore di Augusto Sinagra*, IV, Aracne, 2013, p. 543 - 558, disponibile in [https://www.academia.edu/27441321/La\\_clausola\\_di\\_salvaguardia\\_delle\\_identit%C3%A0\\_costituzionali\\_le\\_occasioni\\_perdute\\_e\\_lo\\_spettro\\_di\\_Viking\\_e\\_Lavall](https://www.academia.edu/27441321/La_clausola_di_salvaguardia_delle_identit%C3%A0_costituzionali_le_occasioni_perdute_e_lo_spettro_di_Viking_e_Lavall)
80. F. Vecchio, *Nuove organizzazioni internazionali*, in D. Cuccu - A. Paparusso, *Atti delle Cattedre “Luigi Sturzo” 2009 – 2010 – 2011*, Roma, Istituto di sociologia Luigi Sturzo, 2013, p. 49 - 54, disponibile in [https://www.academia.edu/27442552/Nuove\\_organizzazioni\\_internazionali](https://www.academia.edu/27442552/Nuove_organizzazioni_internazionali)

### **2012:**

81. F. Vecchio, *Premessa*, in B. Andò – F. Vecchio, *Costituzione, globalizzazione e tradizione giuridica europea*, CEDAM, 2012, p. IX – X, disponibile in <https://www.academia.edu/27138330/Premessa>
82. F. Vecchio, *Lo strano caso della nuova Costituzione ungherese e la necessità di ripensare l'architettura istituzionale europea*, in B. Andò – F. Vecchio, *Costituzione, globalizzazione e tradizione giuridica europea*, CEDAM, 2012, p. 161 - 181, disponibile in [https://www.academia.edu/27138321/Lo\\_strano\\_caso\\_della\\_nuova\\_Costituzione\\_ungherese\\_e\\_la\\_necessit%C3%A0\\_di\\_ripensare\\_larchitettura\\_istituzionale\\_europea](https://www.academia.edu/27138321/Lo_strano_caso_della_nuova_Costituzione_ungherese_e_la_necessit%C3%A0_di_ripensare_larchitettura_istituzionale_europea)
83. F. Vecchio, *La Primavera araba e l'Europa*, in A. Cantaro, *Declino europeo, crisi globale e rivolte arabe*, Giappichelli, 2012, p. 264 - 273, disponibile in [https://www.academia.edu/27138331/La\\_Primavera\\_araba\\_e\\_lEuropa](https://www.academia.edu/27138331/La_Primavera_araba_e_lEuropa)

### **2011:**

84. F. Vecchio, *Diritto e giustizia nell'ordinamento multilivello europeo. Spunti di riflessione dalla sentenza 199/2009 del Tribunal Constitucional spagnolo*, in A. Cantaro, *Giustizia e Diritto nella scienza giuridica contemporanea*, Giappichelli, 2011, p. 107 – 120, disponibile in [https://www.academia.edu/3873818/Diritto\\_e\\_giustizia\\_nellordinamento\\_multilivello\\_europeo](https://www.academia.edu/3873818/Diritto_e_giustizia_nellordinamento_multilivello_europeo)

### **2010:**

85. F. Vecchio, *Dopo Viking, Laval e Ruffert: verso una nuova composizione tra libertà economiche europee e diritti sociali fondamentali?*, in F. Basile - M. Pilato, *Per costruire l'unità. Studi sull'Italia*

*e l'integrazione europea di fronte alla nuova governance mondiale in occasione del 150 anniversario dell'unità di Italia*, Cacucci, 2010, p. 399 - 413, disponibile in [https://www.academia.edu/3873556/Dopo\\_Viking\\_Lavall\\_e\\_Ruffert\\_verso\\_una\\_nuova\\_composizione\\_tra\\_libert%C3%A0\\_economiche\\_europee\\_e\\_diritti\\_sociali\\_fondamentali](https://www.academia.edu/3873556/Dopo_Viking_Lavall_e_Ruffert_verso_una_nuova_composizione_tra_libert%C3%A0_economiche_europee_e_diritti_sociali_fondamentali)

86. F. Vecchio, *Primato condizionato e asimmetria*, in A. Cantaro, *Il costituzionalismo asimmetrico dell'Unione. L'integrazione dopo il Trattato europeo di Lisbona*, Giappichelli, 2010, p. 40 - 50, disponibile in [https://www.academia.edu/3874654/Primato\\_condizionato\\_e\\_asimmetria](https://www.academia.edu/3874654/Primato_condizionato_e_asimmetria)
87. F. Vecchio, *La sussidiarietà nell'ordinamento europeo*, in P. Barcellona. *La società europea*, Giappichelli, 2010, p. 458 - 476, disponibile in [https://www.academia.edu/27442806/La\\_sussidiariet%C3%A0\\_nellordinamento\\_europeo](https://www.academia.edu/27442806/La_sussidiariet%C3%A0_nellordinamento_europeo)

#### **2009:**

88. F. Vecchio, *Sussidiarietà e supremazia nel Sonderweg europeo: spunti di riflessione dal modello tedesco*, in F. Sciacca, *La dimensione istituzionale europea*, Le lettere, 2009, p. 179 - 185, disponibile in [https://www.academia.edu/3874280/Sussidiariet%C3%A0\\_e\\_supremazia\\_nel\\_Sonderweg\\_europeo\\_spunti\\_di\\_riflessione\\_dal\\_modello\\_tedesco](https://www.academia.edu/3874280/Sussidiariet%C3%A0_e_supremazia_nel_Sonderweg_europeo_spunti_di_riflessione_dal_modello_tedesco)

#### **2008:**

89. F. Vecchio, *Caffeeuropeo, il coinvolgimento della cittadinanza attiva*, in G. Grasso Leanza – F. Vecchio *Europa. Prospettive giuridico-politiche*, Bonanno, 2008, p. 23 - 35, disponibile in [https://www.academia.edu/3874802/Caffeeuropeo\\_il\\_coinvolgimento\\_della\\_cittadinanza\\_attiva](https://www.academia.edu/3874802/Caffeeuropeo_il_coinvolgimento_della_cittadinanza_attiva)
90. F. Vecchio, *Il principio di sussidiarietà nel Trattato Costituzionale: giustiziabilità vs. procedimentalizzazione*, in E. Castorina, *Profili attuali e prospettive di diritto costituzionale*, Giappichelli, 2008, p. 170 - 181, disponibile in [https://www.academia.edu/27370436/Il\\_principio\\_di\\_sussidiariet%C3%A0\\_nel\\_Trattato\\_Costituzionale\\_giustiziabilit%C3%A0\\_vs\\_procedimentalizzazione](https://www.academia.edu/27370436/Il_principio_di_sussidiariet%C3%A0_nel_Trattato_Costituzionale_giustiziabilit%C3%A0_vs_procedimentalizzazione)
91. F. Vecchio, *Declinazioni costituzionali del principio di sussidiarietà*, in C. Magnani, *Beni pubblici e servizi sociali in tempo di sussidiarietà*, Giappichelli, 2008, p. 173 - 199, disponibile in [https://www.academia.edu/3873967/Declinazioni\\_costituzionali\\_del\\_principio\\_di\\_sussidiariet%C3%A0](https://www.academia.edu/3873967/Declinazioni_costituzionali_del_principio_di_sussidiariet%C3%A0)

#### **Curatele:**

92. A. Pérez Miras - E.C. Raffiotta - G.M. Teruel Lozano - F. Vecchio, *Sovranità e rappresentanza stato, autonomie territoriali e processi di integrazione sopranazionale*, Edizioni scientifiche, 2018, , disponibile in <https://www.editorialescientifica.com/shop/e-book/soveranit%C3%A0-e-rappresentanza-detail.html>
93. A. Pérez Miras - E.C. Raffiotta - G.M. Teruel Lozano - F. Vecchio, *Sovranità e rappresentanza. Giustizia costituzionale e nuove forme di partecipazione politica*, Edizioni scientifiche, 2018, disponibile in <https://www.editorialescientifica.com/shop/e-book/soveranit%C3%A0-e-rappresentanza-vol-ii-detail.html>
94. B. Andò – F. Vecchio, *Costituzione, globalizzazione e tradizione giuridica europea*, CEDAM, 2012
95. G. Grasso Leanza – F. Vecchio, *Europa. Prospettive giuridico-politiche*, Bonanno, 2008

## **Attività didattica:**

Anno accademico 2020/2021 (6 CFU) Diritto pubblico comparato per il Corso di laurea in Scienze strategiche e della sicurezza dell'Università Kore di Enna

Anno accademico 2020/2021 (6 CFU) Diritto comparato per il Corso di laurea in Giurisprudenza dell'Università Kore di Enna

Anno accademico 2019/2020 (6 CFU) Diritto comparato per il Corso di laurea in Giurisprudenza dell'Università Kore di Enna

Anno accademico 2019/2020 (8 CFU) Diritto pubblico comparato per il Corso di laurea in Giurisprudenza dell'Università Kore di Enna

Anno accademico 2019/2020 (6 CFU) Diritto pubblico comparato per il Corso di laurea in Scienze strategiche e della sicurezza dell'Università Kore di Enna

Anno accademico 2018/2019 (6 CFU) Diritto comparato per il Corso di laurea in Giurisprudenza dell'Università Kore di Enna

Anno accademico 2018/2019 (8 CFU) Diritto pubblico comparato per il Corso di laurea in Giurisprudenza dell'Università Kore di Enna

Anno accademico 2018/2019 (9 CFU) Diritto pubblico comparato per il Corso di laurea in Scienze strategiche e della sicurezza dell'Università Kore di Enna

Anno accademico 2017/2018 (6 CFU) Diritto comparato per il Corso di laurea in Giurisprudenza dell'Università Kore di Enna

Anno accademico 2017/2018 (8 CFU) Diritto pubblico comparato per il Corso di laurea in Giurisprudenza dell'Università Kore di Enna

Anno accademico 2017/2018 (9 CFU) Diritto pubblico comparato per il Corso di laurea in Scienze strategiche e della sicurezza dell'Università Kore di Enna

Anno accademico 2016/2017 (4 ore) Nozioni di Diritto Privato, Contratti Internazionali, e Controversie internazionali per il Master universitario di I livello UKE-UNISOM in “Diritto e pratica doganale, controllo e valutazione delle merci, commercio internazionale”, organizzato dall'Università Kore di Enna

Anno accademico 2016/2017 (9 CFU) Tutela dei beni pubblici, dell'ambiente e del territorio per il Corso di laurea in “Tutela dei beni pubblici, dell'ambiente e del territorio” dell'Università Kore di Enna

Anno accademico 2016/2017 (9 CFU) Diritto costituzionale per il Corso di laurea in Scienze strategiche e della sicurezza dell'Università Kore di Enna

Anno accademico 2015/2016 (9 CFU) Insegnamento di Mercato, libertà economiche e diritti sociali per il corso di Dottorato in Scienze economiche, aziendali e giuridiche dell'Università Kore di Enna

Anno accademico 2015/2016 (6 CFU) Insegnamento di Diritto pubblico per il Corso di Laurea in Servizio sociale dell'Università Kore di Enna

Anno accademico 2015/2016 (9 CFU) Insegnamento di Diritto costituzionale per il Corso di Laurea in Scienze strategiche e della sicurezza dell'Università Kore di Enna

Anno accademico 2015/2016 (9 CFU) Insegnamento di Diritto pubblico comparato per il Corso di Laurea in Servizio Sociale dell'Università Kore di Enna

Anno accademico 2014/2015 (6 CFU) Insegnamento di Diritto pubblico per il Corso di Laurea in Servizio sociale dell'Università Kore di Enna

Anno accademico 2014/2015 (3 CFU) Insegnamento di Diritto Internazionale dei conflitti armati e Diritto dell'Unione europea per il Corso di Laurea in Scienze della Difesa e della Sicurezza dell'Università Kore di Enna

Anno accademico 2013/2014 (3 CFU) Insegnamento di Diritto Internazionale dei conflitti armati e Diritto dell'Unione europea per il Corso di Laurea in Scienze della Difesa e della Sicurezza dell'Università Kore di Enna

Anno accademico 2013/2014 (3 CFU) Insegnamento di Diritti umani e bioetica per il Corso di Laurea in Giurisprudenza dell'Università Kore di Enna

Titolare di un contratto di insegnamento di diritto costituzionale per il Corso di Alta specializzazione in “Public energy manager” organizzato dal CERISDI (2013/2014)

Anno accademico 2012/2013 (3 CFU) Insegnamento di Diritto Internazionale dei conflitti armati e Diritto dell'Unione europea per il Corso di Laurea in Scienze della Difesa e della Sicurezza dell'Università Kore di Enna

Anno accademico 2012/2013 (3 CFU) Insegnamento di Diritti umani e Bioetica per il Corso di Laurea dell'Università Kore di Enna

Titolare di un contratto di insegnamento di diritto costituzionale per il Corso di Alta specializzazione in “Health Management e Politiche Pubbliche” organizzato dal CERISDI (2012/2013)

Anno accademico 2011/2012 (3 CFU) Insegnamento di Diritto Internazionale dei conflitti armati e Diritto dell'Unione europea per il Corso di Laurea in Scienze della Difesa e della Sicurezza dell'Università Kore di Enna

Anno accademico 2011/2012 (3 CFU) Insegnamento di Diritto pubblico comparato per il Corso di Laurea in Giurisprudenza dell'Università Kore di Enna

Anno accademico 2010/2011 (20 Ore) Insegnamento di diritto pubblico e delle autonomie locali per il Corso di Laurea in Sociologia e servizio sociale dell'Università di Urbino

Titolare di un contratto di insegnamento di diritto dell'Unione europea per il Corso per "Mediatore familiare" organizzato dallo IAL-CISL di Catania (2009/2010)

Anno accademico 2009/2010 (2 CFU) Insegnamento di diritto costituzionale italiano e comparato per il Corso di Laurea in l'Università di Catania

### **Attività didattica all'estero:**

Aprile 2021 Insegnamento di *European Constitutional Law* al *Curso intensivo* dell'Universidade de Lisboa

Aprile 2020 Insegnamento di *European Constitutional Law* al *Curso intensivo* dell'Universidade de Lisboa

Aprile 2019 Insegnamento di *European Constitutional Law* al *Curso intensivo* dell'Universidade de Lisboa

Aprile 2018 Insegnamento di *European Constitutional Law* al *Curso intensivo* dell'Universidade de Lisboa

Aprile 2017 Insegnamento di *European Constitutional Law* al *Curso intensivo* dell'Universidade de Lisboa

Maggio 2016 Insegnamento al Corso di Laurea di Giurisprudenza dell'Università di Granada

Aprile 2016 Insegnamento di *European Constitutional Law* al *Curso intensivo* dell'Universidade de Lisboa

Dicembre 2012 Insegnamento al Master Oficial in Derecho constitucional europeo (Universidad de Granada)

### **Periodi certificati di ricerca all'estero:**

2 Maggio 2016 – 6 Giugno 2016 Università di Granada

14 Settembre 2015 – 1 Novembre 2015 Università di Montpellier

15 Giugno 2014 – 1 Luglio 2014 Parlamento di Malta

9 Febbraio 2014 – 22 Febbraio 2014 Università di Granada

14 Gennaio 2012 – 13 febbraio 2012 Università di Granada

20 febbraio 2011 – 30 settembre 2011 Università di Lisbona

1 novembre 2009 - 19 febbraio 2011 Università di Granada

21 giugno 2009 – 3 luglio 2009 Università di Bilbao

### **Premi internazionali:**



Elfa Awards 2012, attribuito dall'European Law Faculty Association come secondo classificato per la miglior tesi di dottorato in diritto europeo

## **Relazioni svolte a convegni e seminari:**

### **2017:**

- 1 16 Novembre 2017 (Universidade de Sao Luis de Maranhao) “As instituições do sistema de justiça no contexto da globalização”
- 2 14 Novembre 2017 (Instituto Direito Publico, Brasilia) “Democracia, Direitos Fundamentais e Globalização”
- 3 23 ottobre 2017 (Università Kore di Enna) “Il sistema delle Authorities e le nuove forme di regolazione del mercato in Europa”
- 4 11 maggio 2017 (Università di Granada) “Los nuevos desafíos del constitucionalismo contemporáneo”
- 5 3 aprile 2017 (Università di Catania) “Crisi della rappresentanza e nuove dinamiche della regolazione”
- 6 17 Marzo 2017 (Università di Messina) “Per un nuovo Statuto della Regione Siciliana”
- 7 24 Febbraio 2017 (Università di Catania) “L’Autorità nazionale anticorruzione. Attività regolatoria, Soft law, Stato di diritto”

### **2016:**

- 8 7 Dicembre 2016 (Università di Catania) “Sovranità e rappresentanza: il costituzionalismo nell’era della globalizzazione”
- 9 21 ottobre 2016 (Università di Lecce) “La comparazione giuridica e i suoi metodi: approcci ed esperienze”
- 10 14 ottobre 2016 (Università di Catania) “L’orizzonte giuridico dell’Internet. Giornata di studi in memoria di Vittorio Frosini”
- 11 13 ottobre 2016 (Università Kore di Enna) “Sovranità digitale e mercato unico europeo”
- 12 5 maggio 2016 (Universidad de Granada) “El futuro de Europa: gobernanza económica e integración política”
- 13 1 aprile 2016 (Università di Catania) “Riflessioni sul metodo. Il diritto positivo tra forma giuridica e teorie della costituzione materiale”
- 14 11 marzo 2016 (Università di Catania) “Cittadinanza europea e democrazia in Europa. Crisi, rappresentanza e partecipazione”

### **2015:**

- 15 10 dicembre 2015 (Universidad de Granada) “La reforma de la gobernanza económica de la Unión Europea y el progreso de la integración política”
- 16 25 maggio 2015 (Università Kore di Enna) “Società dell’informazione, nuovi diritti e crescita economica”
- 17 13 maggio 2015 (Università di Roma La Sapienza), “Parlamenti nazionali e Unione europea nella governance multilivello”
- 18 11 Febbraio 2015 (Universidad de Granada), “La dimensión del Estado y de las Administraciones Públicas en perspectiva comparada”
- 19 6 Febbraio 2015 (Università di Catania), “Perspectivas nacionales y supranacionales del Derecho constitucional en el contexto de la globalización”

**2014:**

- 20 2 Dicembre 2014 (Università Kore di Enna) “No Justice Without Life”
- 21 26 Novembre 2014 (Universidad Comillas de Madrid) “Desafíos del constitucionalismo ante la integración Europea”
- 22 10 Ottobre 2014 (Università di Urbino) “Quo Vadis Europa?”
- 23 13 Maggio 2014 (Universidade de Lisboa) “O constitucionalismo do séc. XXI na sua dimensão estadual, supranacional e global
- 24 1 Aprile 2014, (Università Kore di Enna) “Oltre il deficit democratico: il diritto di voto fra democrazia partecipativa e democrazia rappresentativa”
- 25 12 Febbraio 2014 (Universidad de Granada) “La dimensión de la Administración Pública en el contexto de la globalización”

**2013:**

- 26 12 Dicembre 2013 (Università di Montpellier) “Le Droit constitutionnel européen à l'épreuve de la crise économique et démocratique de l'Europe”
- 27 10 Dicembre 2013 (Università Kore di Enna) “Dove vanno le Primavere arabe?”
- 28 27 Giugno 2013 (Universidad de Valencia) “Current challenges for a changing Europe”
- 29 17 Maggio 2013 (Universidad de Sao Luis de Maranhao) “Transformación del estado, integración supranacional, federalismo y protección multinível de los derechos fundamentales”
- 30 17 Aprile 2013 (Università Kore di Enna) “Cittadinanza europea e tutela dei diritti fondamentali”
- 31 11 Aprile 2013 (Università di Cosenza) “Transizioni e democrazia nei paesi del mediterraneo e del vicino oriente”

**2012:**

- 32 22 settembre 2012 (Osservatorio dell'Ordine nazionale forense per i diritti umani nei paesi del Mediterraneo) “Immigrati: dall'accoglienza alla tutela. Le forme di tutela degli immigrati nel diritto interno ed internazionale”
- 33 10 maggio 2012 (Università Kore di Enna) “Diritti fondamentali e cooperazione euromediterranea nel quadro della Primavera araba”
- 34 3 maggio 2012 (Università di Bologna) “Le nuove esigenze di tutela dei diritti della persona”
- 35 18 aprile 2012 (Universidad de Granada) “Primavera Árabe, Unión Europea y contexto global”
- 36 13 aprile 2012 (Università Kore di Enna) “Elementi di diritto costituzionale europeo”
- 37 12 marzo 2012 (Università Kore di Enna) “Alla ricerca della dimensione sociale europea”

**2011:**

- 38 1 dicembre 2011 (Università Kore di Enna) “Costituzione, globalizzazione e tradizione giuridica europea”
- 39 29 novembre 2011 (Università di Catania) “Líneas temáticas de desarrollo del Derecho Constitucional Europeo”
- 40 23 novembre 2011 (Universidad de Sao Paulo) “Lo strano caso della Costituzione ungherese e la necessità di ripensare l'architettura istituzionale europea”
- 41 22 novembre 2011 (Federación de Industrias de São Paulo) “Lo strano caso della Costituzione ungherese e la necessità di ripensare l'architettura istituzionale europea”
- 42 21 novembre 2011 (Istituto de Direito Publico de Brasília) “Sistemas Federativos e Globalização”

- 43 16 novembre 2011 (Universidad de Sao Luis de Maranhao) “Constituição e Federalismo no Mundo Globalizado”
- 44 26 ottobre 2011 (Università di Urbino) “Crisi globale, declino europeo e rivolte mediterranee”
- 45 1 ottobre 2011 (Università Kore di Enna) “Sovranità e diritti fondamentali”

## **2010:**

- 46 15 settembre 2010 (Universidad de Granada) “La interacción constitucional entre Unión Europea y Estados miembros como factor de desarrollo del Derecho Constitucional Europeo”
- 47 29 maggio 2010 (Associazione italiana di diritto comparato) “Privato, pubblico, globale nelle prospettive del diritto pubblico comparato”
- 48 25 marzo 2010 (Università di Urbino) “Giustizia e diritto nella scienza giuridica contemporanea”
- 49 20 ottobre 2010 (Istituto di sociologia Luigi Sturzo) “Globalizzazione e relazioni internazionali”

## **2009:**

- 50 23 aprile 2009 (Università di Urbino) “L’integrazione europea dopo Lisbona”
- 51 1 ottobre 2009 (Università di Catania) “Primato invertito, sussidiarietà e asimmetria nel Trattato di Lisbona”
- 52 21 ottobre 2009 (Istituto di sociologia Luigi Sturzo, Caltagirone) “Nuove organizzazioni internazionali”

## **2007:**

- 53 16 maggio 2007 (Università di Catania) “La società europea”

## **2006:**

- 54 9 novembre 2006 (Università di Urbino) “Declinazioni costituzionali del principio di sussidiarietà”

## **Attività editoriale:**

Membro del Comitato scientifico della rivista *Teoria e prassi del diritto*

Membro della Direzione di *Diritti regionali*

Membro del Comitato scientifico della *Revista de Derecho Constitucional Europeo*

Membro del Comitato di redazione della rivista *Osservatorio sulle fonti*

Membro del Comitato di redazione della *Rivista della Cooperazione giuridica internazionale*

Membro del Comitato di redazione della rivista *KorEuropa*

Membro del Comitato di redazione della *Revista do Curso de Direito da UFMA*

## **Partecipazione a progetti di ricerca finanziati**

Progetto di Ricerca di Interesse Nazionale 2017 “Framing and Diagnosing the Constitutional Degradation: A Comparative Perspective”

Progetto di Ricerca di Interesse Nazionale 2015 “Soggetto di diritto e vulnerabilità: modelli istituzionali e concetti giuridici in trasformazione”

Progetto della Rete italiana dei centri di documentazione europea per l’anno 2017 “60 anni di Unione europea: sfide e prospettive per l’Europa di oggi e di domani”

Progetto della Rete italiana dei centri di documentazione europea per l’anno 2016 “Un mercato unico digitale per l’Europa”

Progetto della Rete italiana dei centri di documentazione europea per l’anno 2015 “Il nostro mondo, la nostra dignità, il nostro futuro”

Progetto della Rete italiana dei centri di documentazione europea per l’anno 2014 “Il mio voto in Europa: la scelta per il mio futuro”

Progetto della Rete italiana dei centri di documentazione europea per l’anno 2013 “Diritti fondamentali e cittadinanza europea”

Progetto di ricerca di interesse nazionale 2010 – 2011 “Parlamenti nazionali e Unione europea nella governance multilivello”

## **Altre informazioni:**

Componente del Collegio di dottorato in Scienze economiche, aziendali e giuridiche dell’Università Kore di Enna

Responsabile accademico del Centro di Documentazione Europea dell’Università Kore di Enna

Affiliato al Centre d’études et de recherches comparatives constitutionnelles et politiques dell’Università di Montpellier

Componente del Comitato scientifico del Seminario italo – spagnolo di diritto costituzionale

Collaboratore della Cattedra Jean Monnet ad personam tenuta dal prof. Francisco Balaguer Callejon

Collaboratore del Centro di Eccellenza Jean Monnet dell’Università di Granada

Collaboratore della Fondazione Peter Haberle



FACULDADE DE DIREITO  
Universidade de Lisboa

## SYLLABUS

### **Intensive course on La Crisis Del Estado de Derecho Professor Fausto Vecchio**

- El artículo 3 TUE y los valores de la EU;
- La crisis constitucional húngara;
- La crisis constitucional polaca;
- Las reacciones de las instituciones europeas.



GABINETE ERASMUS E DE RELAÇÕES INTERNACIONAIS  
ERASMUS AND INTERNATIONAL RELATIONS OFFICE

## CV MILLÁN REQUENA CASANOVA – AUGUST 2022

- **Professor** in Public International Law and International Relations at the **University of Alicante**, Spain.
- Professor of the Master in International Protection of Human Rights (University of Alcalá), 2014-2019.
- Visiting professor at Lisbon University, teaching an intensive course on “*Litigation in Economic International Law*” (from 2013 to the present).
- ✓ **Jean Monnet professor**. Coordinator of three European Modules in the *Jean Monnet program*: “Immigration Policies and Third Country Nationals’ Rights in the European Union” (2011-2014); “Equal Treatment and Non-Discrimination Law in the European Union” (2014-2017); and “Migrant’s Rights, EU Borders and Internal Security: EU Values and Global Challenges” (2017-2020).
- ✓ Specialist in **international commercial arbitration and investor-State arbitration** by the American University, Washington College of Law-Center of International Commercial Arbitration (2014). Washington D.C.
- ✓ He has carried out research stages in various foreign centers, specially: European University Institut (Florence), 2007; Dipartimento di “Teoria dello Stato”, Università La Sapienza (Roma), 2010; United Nations Organisation (Headquarters, Geneva), 2003, 2004, 2008 and 2011.
- ✓ He has participated and continues to participate as a researcher in several state-level research projects.
- ✓ He is author of monographs, in authorship and co-authorship<sup>1</sup>, as well as more than 50 articles and book chapters in various specialized fields in **Public International Law** and **European Union Law**. In particular, in the fields of: international investment law<sup>2</sup>; peaceful settlement of disputes and

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<sup>1</sup> (coautor) FERRER LLORET, J., (Dir.), REQUENA CASANOVA.M.; URBANEJA CILLÁN, J.; SOLER GARCÍA, C.; *Introducción al Derecho de la Unión Europea*, Tirant lo Blanch, Valencia, 2020, 365 pp. ISBN: 978-84-1355-904-9.

<sup>2</sup> REQUENA CASANOVA, M., “Dispute Settlement Clauses in Model Bits: Traditional Clauses and New Trends”, in *New Trends in International Economic Law – From Relativism to Cooperation*, C. JIMÉNEZ PIERNAS (ed)/A. M. ARONOVITZ (ass.ed), Publications of the Swiss Institute of Comparative Law, Geneva/Zurich 2018, Schulthess Éditions Romandes, pp. 31-69; “The Complex Relationship Between Competition Law and Investment Arbitration After *Achmea*: The Novenergia v. Spain Case”, K. Fach Gómez et al. (eds.), *International Investment Law and Competition Law, European Yearbook of International Economic Law*, Ed. Springer Nature, Switzerland, 2020, pp. 203-222: [https://doi.org/10.1007/978-3-030-33916-6\\_10](https://doi.org/10.1007/978-3-030-33916-6_10); “Los arbitrajes de inversiones contra España por los recortes a las energías renovables: ¿cambio de tendencia en la saga de arbitrajes o fin de etapa tras la sentencia *Achmea*? *Revista Aranzadi de Derecho Ambiental*, n. 42 (2019), pp. 1-26. Ed. Aranzadi, Cizur Menor; “La solución de controversias en los modelos de APPRI: Cláusulas tradicionales y nuevas tendencias”, *Revista Electrónica de Estudios Internacionales*, vol. 24 (2012), pp.1-35.

women protection<sup>3</sup>; non-discrimination in the EU<sup>4</sup>; minorities rights protection in Europe<sup>5</sup>; EU immigration, asylum and border control policies<sup>6</sup>.

- ✓ **Head of Department** of Public international Law and Criminal Law of University of Alicante.
- ✓ He was Academic Secretary of the Law Scholl of the University of Alicante (2012-2016).
- ✓ He has carried out advisory activities as a *local Expert* of the World Bank in the preparation of the Report "Enabling the Business of Agriculture 2019".

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<sup>3</sup> REQUENA CASANOVA, M., "La aplicación de la Agenda Mujeres, Paz y Seguridad en los procesos de Paz: La participación de las mujeres en la prevención y resolución de conflictos", *Revista Electrónica de Estudios Internacionales*, Vol. 34 (2017), pp. 1-37. DOI: 10.17103/reei.34.04.

<sup>4</sup> REQUENA CASANOVA, M., "La discriminación por razón de la edad en la Unión Europea: la expansión del principio de no discriminación a través de la jurisprudencia", *Revista General de Derecho Europeo*, n. 31 (2013), pp. 1-30. ISSN: 1696-9634.

<sup>5</sup> REQUENA CASANOVA, M., "Minority Treaties Protection in the Interwar Period: its Contribution to Maintain the European order after 1945", in HORGA, I. & STOICA, A., (eds.), *Europe a Century after the End of the First World War (1918-2018)*, Editura Academiei Române [Romanian Academy Publishing], Bucarest (Romania), 2018, pp. 347-365; "La integración socioeconómica de la población gitana en la Unión Europea: La aplicación judicial sobre la igualdad racial en el acceso a los servicios", en HERMIDA DEL LLANO, C., (Coord.), *Discriminación racial, intolerancia y fanatismo en la Unión Europea*, Ed. Dykinson, Madrid, 2020, pp. 43-63. ISBN: 978-84-1324-584-3.

<sup>6</sup> REQUENA CASANOVA, M., "The contribution of the European Union and Latin America in global migration governance: the implementation of the Global Compact for safe, orderly and regular migration", en ASTROZA SUAREZ, P., y LARRAIN MARTINEZ, B., (compiladoras), *Relaciones entre la Unión Europea y América Latina: escenarios futuros en un mundo de cambios*, Ed. Tirant lo Blanch, Valencia, 2022, pp. 173-204.

**Dr. Millán Requena-Casanova.**

***Professor in PUBLIC International Law and EUROPEAN Union Law. Jean Monnet  
Professor of EUROPEAN Union. University of Alicante (Spain)***

**SYLLABUS:**

**Course 2023/2024**

***Litigation in Economic International Law:***

***Consent to International Commercial Arbitration & Investment Arbitration***

**April 8<sup>th</sup> to 12<sup>th</sup>**

**From 4 pm to 6 pm**

**Session 1: Consent in International Commercial Arbitration.**

a) The arbitration agreement; b) The substantive elements of consent to international commercial arbitration (2 hrs).

**Session 2: Scope and extension of Consent to International Commercial Arbitration.**

a) Writing of Arbitration clauses; b) Choice-of-Law and procedural Issues; c) Problems of recognition and enforcement of awards (2 hrs).

**Session 3: Consent in Investment Arbitration.**

a) Conditions Prior to Consent to Arbitration; b) Requirement to exhaust local remedies (2 hrs).

**Session 4: Ways of expressing Consent to Investment Arbitration.**

a) The International Centre for Settlement of Investment Disputes (ICSID); b) Substantive and procedural issues: ICSID Convention; other arbitral fora (SCC, LCIA, ICC); c) Consent and Most-Favoured Nation Clauses (MFN-Clauses) (2 hrs).

**Session 5: Consent and Arbitral Jurisdiction.**

a) Consent to ICSID Arbitration: Conventional Practice. b) Investor-State dispute settlement mechanisms in European Union FTA's with third countries (CETA, Singapur, UK negotiations, MERCOSUR). (2 hrs).



**CURRICULUM VITAE**  
(Vicente A. Sanjurjo Rivo)

**1.- TÍTULOS ACADÉMICOS**

Licenciado en Derecho por la Facultad de Derecho de la Universidad de Santiago de Compostela, habiendo realizado los estudios entre los cursos 1989-90 y 1993-1994. Título expedido el 29 de julio de 1994.

Graduado en Derecho por la Facultad de Derecho de la Universidad de Santiago de Compostela, a través de la lectura de la memoria de licenciatura el 23 de octubre de 1996, habiendo obtenido la máxima calificación por unanimidad de los miembros del Tribunal.

Doctor en Derecho por la Universidad de Santiago de Compostela tras haber realizado el acto de defensa de la tesis doctoral, bajo la modalidad de doctorado europeo, el 20 de diciembre de 2002, habiendo obtenido la calificación de Sobresaliente cum laude por unanimidad de los miembros del Tribunal. Fecha de expedición del título: 11 de febrero de 2003.

Licenciado en Ciencias Políticas y de la Administración por la Universidad de Santiago de Compostela. Certificación del título expedido el 19 de febrero de 2003.

Diplomado en Docencia Universitaria (13-10-2008) tras acreditar la realización de más de 100 horas de actividades incorporadas al Programa de Formación e Innovación Docente de la USC organizado por el Instituto de Ciencias de la Educación (ICE).

**2.- PUBLICACIONES (libros)**

a) Individuales

*Descentralización territorial y bicameralismo: un estudio comparado de las experiencias constituyentes española e italiana*, Servicio de Publicacións e Intercambio Científico, Universidade de Santiago de Compostela (edición en formato CD-ROM), Santiago de Compostela, 2002 (ISBN: 84-9750-166-7).

*Senado y modelo territorial*, Temas del Senado, Secretaría General del Senado, Dirección de Estudios y Documentación, Departamento de Publicaciones, Madrid, 2004 (ISBN: 84-88802-98-6).

*Principio de laicidad y símbolos religiosos. El valor del crucifijo*, Bosch Editor, Barcelona, 2017 (ISBN:9788494763908).

b) Colectivos

Roberto L. Blanco Valdés y Vicente A. Sanjurjo Rivo, «Dov'è la democrazia? Il principio democratico fra ordinamento costituzionale spagnolo ed ordinamento europeo (riflessioni)», en *Il Diritto costituzionale comune europeo. Principi e diritti fondamentali*, coordinado por Michele Scudiero, vol. II, t. I, Jovene Editore, Napoli, 2002, pp. 1-30, (ISBN: 88-243-1446-5).

Roberto L. Blanco Valdés y Vicente A. Sanjurjo Rivo, «Per comprendere la transizione politica spagnola (un contributo)», en *Costituzionalismo europeo e transizioni democratiche*, coordinado por Silvio Gambino, Giuffrè Editore, Milano, 2003, pp. 447-465, (ISBN: 88-14-10492-1).

José Julio Fernández Rodríguez y Vicente A. Sanjurjo Rivo, «Las competencias de la comunidad autónoma de Galicia: perspectivas de reforma», en *Repensando o autogoberno: Estudos sobre a reforma do estatuto de Galicia*, coordinado por Xosé Antón Sarmiento Méndez, Servizo de Publicacións da Universidade de Vigo, Vigo, 2005, pp. 181-216, (ISBN: 84-8158-288-3).

Vicente A. Sanjurjo Rivo, «¿Por qué es difícil reformar nuestro Senado?», en *El Estado Autonómico in fieri. La Reforma de los Estatutos de Autonomía*, coordinado por Manuel José Terol Becerra, Instituto Andaluz de Administración Pública, Sevilla, 2005, pp. 347-365, (ISBN: 84-8333-282-5).

José Julio Fernández Rodríguez y Vicente A. Sanjurjo Rivo, «Acceder o no acceder: ésa es la cuestión», en *Administración electrónica (La ley 11/2007, de 22 de junio, de acceso electrónico de los ciudadanos a los Servicios Públicos y los retos jurídicos del e-gobierno en España)*, Lorenzo Cotino Hueso y Julián Valero Torrijos (coords.), Tirant lo Blanch, Valencia, 2010, pp. 263-289, (ISBN: 978-84-9876-997-5).

Vicente A. Sanjurjo Rivo, «Constitutional law», en *Bilingual legal dictionary (english-spanish)*, Miguel Abel Souto (coordinator); Luis Iglesias Rábade (Linguistic supervisor), Universidad de Santiago de Compostela, Servicio de Publicaciones e Intercambio Científico, Santiago de Compostela, 2011, pp. 58-73, (ISBN: 978-84-9887-820-2). (Disponible también en <http://hdl.handle.net/10347/3599>).

Vicente A. Sanjurjo Rivo, «Constitutional law», en *Multilingual legal dictionary (english-spanish-galician)*, Miguel Abel Souto (coordinator); Luis Iglesias Rábade (Linguistic supervisor), Meubook, Santiago de Compostela, 2012, pp. 17-22, (ISBN: 978-84-15141-69-3).

Vicente A. Sanjurjo Rivo, «Docencia del futuro, recursos del pasado, y resultados de siempre, o de cuando Bolonia llegó a Santiago», en *El Espacio Europeo de Educación Superior y la educación por competencias*, Pedro Membiela, Natalia Casado y M.ª Isabel Cebreiros (eds.), Educación Editora, Ourense, 2012, pp. 89-94, (ISBN: 978-84-15524-01-4). También en formato eBook, (ISBN-13: 978-84-15524-06-9).

Vicente A. Sanjurjo Rivo, Begoña López Portas y Ana Gude Fernández, «El estudio del Derecho constitucional: un análisis comparativo entre la licenciatura y el grado», en *FECIES 2012*, Loreto Del Río Bermúdez e Inmaculada Teva Álvarez (comps.), Asociación Española de Psicología Conductual (AEPC), Granada, 2012, pp. 1623-1629, (ISBN-13: 978-84-695-6734-0).

Ana Gude Fernández, Begoña López Portas, Vicente A. Sanjurjo Rivo, «La LO 1/2004, de 28 de diciembre, de medidas de protección integral contra la violencia de género: algunas consideraciones desde el punto de vista jurídico-constitucional», en *La violencia de género. Aspectos médico-legales y jurídico-penales*, María Sol Rodríguez Calvo y Fernando Vázquez-Portomeñe Seijas (dirs.); Gumersindo Guinarte Cabada y José Ignacio Muñoz Barús (coords.), 1ª edic., Tirant lo Blanch, Valencia, 2013, pp. 185-213. (ISBN: 978-84-9033-887-2); (ISBN13:9788490338865).

Vicente A. Sanjurjo Rivo, «La utilización de los medios de comunicación como herramienta docente en la enseñanza del derecho constitucional», en *Experiencias e innovación docente en el contexto actual de la docencia universitaria*, Pedro Membiela, Natalia Casado y M.ª Isabel Cebreiros (eds.), Educación Editora, Ourense, 2014, pp. 191-195, (ISBN: 978-84-15524-14-4). También en formato eBook, (ISBN-13: 978-84-15524-15-1).

AAVV, *Vocabulario de Criminología (gallego-español-inglés)*, Servicio de Publicaciones e Intercambio Científico de la USC, Santiago de Compostela, 2015, (233 p.) (ISBN: 978-84-16533-45-9).

Ana Gude Fernández y Vicente A. Sanjurjo Rivo, «Los delitos de violencia de género y su marco constitucional», en *Violencia contra la mujer. Manual de Derecho Penal y Procesal Penal. Adaptado a la Ley 1/2015, de reforma del Código Penal*, Fernando Vázquez-Portomeñe Seijas (dir. y coord.), Tirant lo Blanch, Valencia, 2015, pp. 21-39.

Ana Gude Fernández, Vicente A. Sanjurjo Rivo, Begoña López Portas, «Mujer y acción legislativa en la España democrática», en *Construyendo la igualdad: la feminización del derecho privado. Carmona III*, Torres García, T.F. (dir.), Infante Ruiz, F.J., Otero Crespo, M., Rodríguez González, A. (coords.), Tirant lo Blanch, Valencia, 2017, pp. 811-830.

Vicente A. Sanjurjo Rivo, «El Senado en busca de sentido constitucional», en *Las Cortes Generales*, Alejandro Villanueva Turnes (coord.), Universitas, Madrid, 2019, pp. 75-100. (ISBN 978-84-7991-501-8).

### **3.- PUBLICACIONES (artículos)**

«Federalismo y procedimiento legislativo en Alemania: el peculiar caso del *Bundesrat*», en *Revista de las Cortes Generales*, núm. 40 (1997), pp. 9-37 (ISSN: 0213-0130).

«La Cámara de los Lores: “La persistencia del Antiguo Régimen”», en *Dereito, Revista Xurídica da Universidade de Santiago de Compostela*, vol. 6, núm. 1/1997, pp. 197-218 (ISSN: 1132-9947).

«El Parlamento italiano: ¿bicameralismo perfecto o bicameralismo ilusorio?», en *Revista Huarte de San Juan de la Facultad de Ciencias Humanas y Sociales de la Universidad Pública de Navarra*, núms.3-4/1996-1997, pp. 75-108 (ISSN: 1134-8267).

«Ausencia de modelo territorial y segundas cámaras: los casos de España e Italia», en *Boletín de la Facultad de Derecho de la UNED (Segunda Época)*, núm. 22 (2003), pp. 27-53 (ISSN: 1133-1259).

«Interacción entre Política y Derecho en la configuración de las segundas cámaras española e italiana», en *Revista de Derecho de la Universidad Católica del Norte (Chile)*, vol. 11, núm. 1/2004, pp. 113-132 (ISSN: 0717-5345).

«Diritto costituzionale e storia del diritto: il Senato nel processo costituente spagnolo ed in quello italiano», en *Politica del diritto*, vol. XXXV, núm. 2/2004, pp. 323-346 (ISBN 88-15-10042-3).

«Nuevas instituciones estatutarias ante una eventual reforma del Estatuto de Autonomía de Galicia», en *Dereito, Revista Xurídica da Universidade de Santiago de Compostela*, vol. 17, núm. 2/2008, pp. 171-185 (ISSN 1132-9947).

«La detención de menores inmigrantes no acompañados en la experiencia de los Estados Unidos», en *Revista Española de Derecho Constitucional*, núm. 93 (2011), pp. 107-156 (ISSN: 0211-5743).

«El proceso de Bolonia: mito y realidad», en *Revista Jurídica de Investigación e Innovación Educativa (REJIE)*, núm. 5 (2012), pp. 121-146. (ISSN: 1989-8754). Disponible en <http://www.eumed.net/rev/rejie>

«El nuevo Espacio Europeo de Educación Superior: desafíos e incertidumbres», en *Revista de Derecho UNED (RDUNED)*, núm. 10 (2012), pp. 585-609. (ISSN: 1886-9912).

«Estado constitucional y derecho a la libertad religiosa: especial atención a la manifestación de símbolos religiosos en el ámbito educativo», en *Dereito: Revista Xuridica da Universidade de Santiago de Compostela*, vol. 22, núm. Extra (2013), pp. 653-672 (ISSN 1132-9947).

«Una experiencia docente basada en el trabajo cooperativo y noticias de prensa para la enseñanza/aprendizaje del derecho constitucional en grupos reducidos», en *Revista Innovación Docente en Derecho y Empresa*, núm. 2 (2014), pp. 237-246. (ISSN: 2340-0374).

«El via crucis de los menores inmigrantes no acompañados en los Estados Unidos: breve recorrido histórico de su regulación jurídica», en *Revista de Derecho y Ciencia Política. UNMSM*, vol. 71, núm. 1, (2014), pp. 189-242 (ISSN 0034-7949).

«Dos visiones enfrentadas: estado constitucional y multiculturalismo comunitarista con relación al ejercicio del derecho a la libertad religiosa. Algunos supuestos», en *Revista Derecho Público Iberoamericano*, núm. 7 (2015), pp. 61-81.

«Financiación de partidos políticos y transparencia: crónica de una resistencia», en *Estudios penales y criminológicos*, núm. Extra 38 (2018), pp. 443-477.

«O Senado no permanente punto de mira e a súa posible reforma», en *Administración & cidadanía: revista da Escola Galega de Administración Pública*, vol. 14, núm. 1 (2019), pp. 55-74.

#### **4.- ESTANCIAS DE INVESTIGACIÓN**

Estancia de investigación realizada en el Departamento de *Organizzazione Aziendale e Amministrazione Pubblica de la Universidad degli Studi della Calabria* (Italia) en el período comprendido entre el 17 de agosto y el 18 de noviembre de 1998.

Estancia de investigación realizada en el *Institut für Öffentliches Recht* de la *Albert-Ludwigs-Universität Freiburg* (Alemania) durante el período comprendido entre el 4 de octubre y el 24 de noviembre de 2004.

Estancia de investigación realizada en el *Institut für Öffentliches Recht* de la *Albert-Ludwigs-Universität Freiburg* (Alemania) durante el período comprendido entre el 26 de septiembre y el 29 de octubre de 2005.

Estancia de investigación realizada en la Universidad de Oxford, *The Queen's College* (Reino Unido) durante el período comprendido entre el 18 de noviembre y el 23 de diciembre de 2006.

Estancia de investigación realizada en el Real Colegio Complutense de la Universidad de Harvard (Cambridge, Estados Unidos) durante el período comprendido entre el 19 de noviembre y el 22 de diciembre de 2007.

Estancia de investigación realizada en la *London School of Economics and Political Science* (Londres, Reino Unido) durante el período comprendido entre el 17 de noviembre y el 19 de diciembre de 2008.

Estancia de investigación realizada en el *Institute of Advanced Legal Studies* de la Universidad de Londres (Londres, Reino Unido) durante el período comprendido entre el 17 de noviembre y el 19 de diciembre de 2008.

Estancia de investigación realizada en el *Center for Constitutional Studies and Democratic Development (CCSDD)*, centro interuniversitario de la Facultad de Derecho de la Universidad de Bolonia (Italia) y del *Bologna Center* de la *Johns Hopkins University*, durante el período comprendido entre el 16 de noviembre y el 18 de diciembre de 2009.

Estancia de investigación realizada en el *Dipartimento de Scienze Giuridiche "A. Cicu"* de la Universidad de Bolonia (Italia) durante el período comprendido entre el 16 de noviembre y el 18 de diciembre de 2009.

Estancia de investigación realizada en el *Institut für Öffentliches Recht* de la *Albert-Ludwigs-Universität Freiburg* (Alemania) durante el período comprendido entre el 11 de octubre y el 12 de noviembre de 2010.

## **NACIONALISMOS E FEDERALISMOS: A CONSTRUCCIÓN DO ESTADO FEDERAL NO MARCO DA UNIÓN EUROPEA**

*Vicente A. Sanjurjo Rivo.* Prof. Dr. de Dereito Constitucional da Universidade de Santiago de Compostela.

Duración: 10 horas.

Idioma: español.

### **OBXECTIVOS DO CURSO:**

Este curso pretende ofrecer unha formación básica con relación ao federalismo como forma de organización política. Na primeira parte do curso se abordarán as cuestións relacionadas coa teoría xeral do federalismo e mesmo tamén con aspectos históricos relativos á súa orixe e evolución posterior.

Baixo a forma federal se organizan unha grande diversidade de países que, a súa vez, gardan moitas diferenzas entre si dende o punto de vista demográfico, social, económico, cultural, xeopolítico ou de extensión territorial. Sen perder de vista esa gran heteroxeneidade dos países que se organizan de xeito federal, se analizan os elementos comúns a todos eles de orde institucional e funcional e as súas variantes, que a súa vez definen ao federalismo e ás súas distintas modalidades.

Dende o punto de vista metodolóxico, se analizarán ao longo do curso o modo en que eses distintos elementos teóricos e as súas distintas particularidades se plasman no funcionamento dos países que se organizan de xeito federal. Ao respecto, e ante a imposibilidade de abranguer todos os países de corte federal, se reducirá o campo de análise, e por razóns que se xustificarán ao longo do curso, a un grupo de países, sinaladamente, Estados Unidos, Australia, Brasil, México, Alemaña, Bélxica e España.

A globalización leva aparellada a formación e consolidación de organizacións de ámbito supraestatal que pretenden dar resposta aos novos retos que aquela presenta. Aínda que na súa orixe respondeu a outro tipo de necesidades, se analizará a Unión Europea como forma de organización federal difusa, e os problemas de integración que comporta para os países membros que comparten estruturas de tipo federal.

A pesar da súa expansión e do seu éxito como forma de organización política, o federalismo non está exento de riscos. Se estudarán algúns dos máis significativos, e entre eles e de forma moi sinalada, os desafíos nacionalistas á unidade federal. Neste senso, se fará unha pormenorizada análise do caso de Cataluña e o denominado problema catalán.

## TEMARIO

### I.- Teoría constitucional do federalismo

- 1.- A natureza do Estado federal
- 2.- Estado federal, confederación de Estados e Estado rexional
- 3.- A diversidade de Estados federais

### II.- Orixe e expansión do federalismo

- 1.- A experiencia fundadora: os Estados Unidos de Norteamérica
- 2.- O federalismo unificador
- 3.- O federalismo descentralizador

### III.- O Estado autonómico español: ¿unha modalidade de Estado federal?

- 1.- A construción do Estado autonómico español
- 2.- O Estado autonómico e os nacionalismos periféricos
- 3.- En particular, o caso catalán: o proceso soberanista
  - 3.1.- Antecedentes
  - 3.2.- A “consulta” de 9 de novembro de 2014
  - 3.3.- O proceso soberanista tras as eleccións do 27 de setembro de 2015
    - a) Declaración de inicio do proceso de independencia aprobada polo Parlamento de Cataluña, de 9 de novembro de 2015
    - b) O proceso de construción do Estado catalán
    - c) Convocatoria de referendo para 2017
      - i) A resposta do Tribunal Constitucional
        - STC 51/2017, de 10 de maio. Recurso de inconstitucionalidade contra a Lei do Parlamento de Cataluña 4/2010, de 17 de marzo, de consultas populares por vía de referéndum.
        - STC 114/2017, de 17 de outubro. Recurso de inconstitucionalidade fronte a Lei 19/2017, de 6 de setembro, do referéndum de autodeterminación.
        - STC 124/2017, de 8 de novembro. Recurso de inconstitucionalidade respecto da Lei do Parlamento de Cataluña 20/2017, de 8 de setembro, de transitoriedade xurídica e fundacional da República. Nulidade de esta Lei autonómica que pretende «dar forma xurídica, de forma transitoria, aos elementos constitutivos básicos do novo estado» resultante da declaración unilateral de independencia polo Parlamento de Cataluña (STC 114/2017).
      - ii) A resposta do Goberno: Aplicación do artigo 155 CE

## BIBLIOGRAFÍA BÁSICA

- AJA, E., (2014): *Estado autonómico y reforma federal*. Madrid: Alianza Editorial.
- ALBERTINI, M. *et al*, (1979): *Il federalismo*. Bologna: Il Mulino.
- BEER, S., (1993): *To Make a Nation. The Rediscovery of American Federalism*. Cambridge-Massachusetts: The Belknap Press of Harvard University Press.
- BIRD, R. A., (1986): *Federal Finance in Comparative Perspective*. Toronto: Canadian Tax Foundation.
- BLANCO VALDÉS, R. L., (2012): *Los rostros del federalismo*. Madrid: Alianza Editorial.
- BURGESS, M., (2006): *Comparative Federalism in Theory and Practice*. London: Routledge.
- CRUZ VILLALÓN, P., (1982): «La estructura del Estado o la curiosidad del jurista persa», *RDUCEM*, núm. 4: 53-63.
- DUCHACEK, I., (1987): *Comparative Federalism*. Lanham: University Press of America.
- ELAZAR, D. J., (1994): *Federal Systems of the World. A Handbook of Federal, Confederal and Autonomy Arrangements*, 2.<sup>a</sup> ed. London: Longman.
- FLÓREZ TURRADO, F. J., (2012): *¿Hacia un Estado autonómico desconstitucionalizado? El futuro del modelo territorial español en el marco de la integración europea*. Oñati: Instituto Vasco de Administración Pública.
- GRIFFITHS, A. Y NERENBERG, K. (eds.), (2002): *Handbook of Federal Countries*. Montreal-Kingston: McGill Queen`s University Press.
- HAMILTON, A; MADISON, J. y JAY, J., (1957): *El federalista*. México: FCE.
- RUBIO LLORENTE, F., (1993): *La forma del poder*. Madrid: CEC.
- TARLTON, CH. D., (1965): «Symmetry and Asymmetry as Elements of Federalism: a Theoretical Speculation», *The Journal of Politics*, 27 (4): 861-874.
- TUDELA ARANDA, J. y KNÜPLING, F. (eds.), (2010): *España y modelos de federalismo*. Madrid: Fundación Manuel Giménez Abad, Centro de Estudios Políticos y Consitucionales.
- WATTS, R. L., (2006): *Sistemas federales comparados*. Madrid: Marcial Pons.



Intensive Course: “Russian law – the legal system of a country at war”

8 to 12 April 2024

Prof. Dr. Dr. h.c. Herbert Küpper

Curriculum vitae

(for a full CV in German, see

<https://www.ostrecht.de/wp-content/uploads/2023/06/Lebenslauf-aktuell-gegliedert.pdf>)

1964: born – Frechen b. Köln, (West) Germany

1983-1989: Student of Law – University of Cologne; King’s College London (KQC)

1989-1990: Teacher of German as a Foreign Language – Novoschool, Budapest

1990-1994: Practical Legal Education – Supreme Regional Court Cologne; Hungarian Ministry of the Interior

1995-1997: Legal Advisor and Research Assistant – Federal Association Information and Advice to the Persecutees of the Nazi Regime, Cologne

1997: Doctor utriusque iuris – University of Cologne, summa cum laude

1997-2002: University Assistant – University of Cologne, Institute of East European Law

2002: Habilitation – University of Cologne, *venia legendi* for Constitutional and Administrative Law, Public International Law and East European Law

2002-now: Senior Research Fellow and Managing Director – Institute for East European Law, Munich, since 2007: Regensburg (extra-universitarian research institute)

2007: Professor honoris causa – Andrassy German-Speaking University Budapest

2009-2012: Key Expert – Twinning Project ‘Legal Education System Reform in Kosovo’, Prishtina

2010-2011: Guest Professor for Research – Centre for Asian Legal Exchange (CALE), University of Nagoya

2014: - Guest Researcher – Institute for State and Law, Hungarian Academy of Science, Budapest  
- Member of the Advising Body on the Codification of the Administrative Court Procedure Bill – Hungarian Ministry of Justice, Budapest

2014: Doctor et professor honoris causa – University of Pécs (Hungary)

2016-now: Vice President of the Association for South East European Studies

2016-now: Member of the Scientific Board of the Institute for German Law at the National University Kyiv-Mohyla Academy

2022-now: Full Time Professor – Andrassy German-Speaking University Budapest, Chair for European Public Law and Jurisprudence

regular teaching assignments:

University of Munich, University of Regensburg, University of Vienna, ELTE University Budapest,  
University of Pécs, University of Szeged,

guest lecturer:

University of Ljubljana, University of Miskolc, University of Nagoya, Keio University Tokyo,  
Waseda University Tokyo,

Prof. Dr. Dr. h.c. Herbert Küpper

Intensive Course: “Russian law – the legal system of a country at war”

8 to 12 April 2024

Syllabus:

- 8<sup>th</sup> April: – Russian legal history
- 9<sup>th</sup> April: – Russian legal history (continued)
  - Russian legal culture
- 10<sup>th</sup> April: – Public law and system of government
- 11<sup>th</sup> April: – Civil and commercial law
- 12<sup>th</sup> April: – The effects of the war on Russian law and legal culture
  - Miscellaneous

Recommended literature (no compulsory reading in preparation of the course):

- Murayeva, Marianna (ed): *The Foundations of Russian Law*, Hart Publishers, 2023
- Dutoit, Bernard: *Le Droit Russe*, Dalloz, 2008
- Fogelklou, Anders: *Russia – A Fragile Legal System*, in Fogelklou, Anders / Sterzel, Fredrik (eds): *Consolidating Legal Reform in Eastern Europe: An Anthology*, Justus förlag, 2003, pp. 233-268
- Simons, William (ed): *Private and Civil Law in the Russian Federation*, Brill, 2009
- Feldbrugge, F.J.M. (ed): *Russia, Europe, and the Rule of Law*, Martinus Nijhoff, 2007
- Feldbrugge, F.J.M.: *A History of Russian Law: From Ancient Times to the Council Code (Ulozhenie) of Tsar Aleksei Mikhailovich of 1649*
- Feldbrugge, F.J.M.: *Russian Law: The End of the Soviet System and the Role of Law*, Martinus Nijhoff, 1993
- Ginsburgs, George (ed): *From Soviet to Russian International Law. Studies in Continuity and Change*, Kluwer Law International, 1998
- specialised journal: *Review of Central and East European Law*



## Jacques Ziller

Born in Paris on 14 September 1951, French and Italian citizen  
Resident in Italy since 1998

[jacquesziller@jacquesziller.com](mailto:jacquesziller@jacquesziller.com)

### *Education :*

Higher education at the Universities of Paris II Panthéon Assas and Paris IV Paris Sorbonne and at the Institut d'Etudes Politiques de Paris. Doctorate in law, graduate of the Institut d'Etudes Politiques de Paris, Licencié ès lettres (German literature and language) at the University of Paris IV.

### *Career :*

Lecturer in legal language then assistant in public law at the University of Paris II (1976-1985). University Professor, Public Law Section 1988, University of Paris I Panthéon-Sorbonne since 1992. Professor at the European University Institute of Florence (EUI) 1998 - 2007. Professore ordinario di diritto dell'Unione europea, Università di Pavia since 1 October 2007. Retired on 1 October 2021.

President of Societas Iuris Publici Europaei (SIPE) since July 2016. Coordinator of ReNEUAL (Research Network on EU Administrative Law) since 2010.

He was a member of the working group that produced the reports *Fundamental Treaty for the European Union* (EUI-Centre Robert Schuman, 15 May 2000) and *Reforming the Procedures for Revising the Treaties*, 31 July 2000. He was an expert for the Committee of the Regions during the European Convention (2002-2003) and a legal expert for the Action Committee for European Democracy (Amato group) 2006-2007). He has carried out numerous works for the European Parliament, the European Commission and the Committee of the Regions of the European Union.

He is the author, among others, of *Advanced Introduction to European Union Law*, Edward Elgar, 2020; *Diritto delle politiche e delle istituzioni dell'unione europea*, Il Mulino, 2013; *O Tratado de Lisboa*, Texto Editores, 2010; *Les nouveaux traités européens: Lisbon et après*, LGDJ, 2008; *Il nuovo trattato europeo*, Il Mulino, 2000; *Nowa konstytucja europejska*, Wydawnictwo Naukowe Wydziału Zarządzania Uniwersytetu Warszawskiego, 2006; *The European Constitution*, Kluwer Law, 2005; *La nouvelle constitution européenne*, La Découverte, 2004 and 2005; *La nuova costituzione europea*, Il Mulino 2003, 2004 and 2006.

He has published numerous articles on European Union law, among which, particularly relevant to the discussion on primacy, amongst others *Primauté du droit européen - une*

*fausse querelle juridique, un non problème politique*, Institut Jacques Delors, Décembre 2021 and (with D.U. Galetta) *Bundesverfassungsgericht's Glaring and Deliberate Breaches of EU Law Based on 'Unintelligible' and 'Arbitrary' Grounds*, *European Public Law* 27, no. 1 (2021): 63–102.

# The Rule of Law in the European Convention of Human Rights and Council of Europe Law

Professor Jacques Ziller

Formerly *Université de Paris-1 Panthéon Sorbonne* and *Università degli Studi di Pavia (It)*

CV and publications at <https://www.jacques-ziller.com/>

*The course will be taught in the English language, but the professor also speaks fluently French, German, Italian, Spanish, Dutch, and he reads and understands Portuguese. If the class prefers, the course can be held in French.*

Session 1- 19 February 2024

## **Historical development of the recognition of the rule of law in the Council of Europe (CoE)**

The Rule of Law as a central concept of the Universal Declaration of Human Rights of 1948 and the European endeavour to ensure the effectiveness of the Declaration: the establishment of the CoE and the elaboration and adoption of the European Convention on Human Rights (ECHR).

The different wordings of the concept of rule of law/*prééminence du droit* in European languages.

The different concepts of the rule of law in European States' law at the time of the establishment of the CoE.

The English concept of rule of law – the French concept of *légalité* and *régime de droit* – the German concept of *Rechtsstaat*

Session 2 – 20 February

## **The law of the Council of Europe**

The Council of Europe: 47/46 Member States; institutions; powers.

The ECHR and other 222 Treaties of the CoE: adoption, signature and ratification: what is mandatory and what is not?

Enforcement of CoE law.

CoE soft law.

Session 3 – 21 February

## **The Rule of Law in the ECHR**

The relevant provisions of the ECHR and its protocols and the absence of a specific definition of the Rule of Law

The foundational case law of the European Court of Human Rights (ECtHR): *Golder v. UK* 21 February 1975, *Tyrer v. UK* 25 April 1978, *Lawless v. UK* du 1 July 1967 and *Klass v. Germany* 6 Septembre 1978.

Session 4 – 22 February

## **The Content of the concept of Rule of Law Recent in hard and soft law**

Relevant case law of the ECtHR, especially *Advisory opinion concerning the use of the “blanket reference” or “legislation by reference” technique* 29 May 2020 and *Grzęda v. Poland*, 15 March 2022.

The Rule of Law in other CoE binding instruments.

The Rule of Law in CoE soft law

Session 5 - 23 February  
**The Venice Commission and the Rule of Law**

The Venice Commission: membership and work

The Venice Commission's opinions on the Rule of Law: Report on the rule of law - Adopted by the Venice Commission at its 86th plenary session (Venice, 25-26 March 2011) and Rule of Law Checklist, adopted by the Venice Commission at its 106th Plenary Session (Venice, 11-12 March 2016); opinions on specific countries and specific issues.

For those who read French, see J. Ziller *L'Etat de droit, une perspective de droit comparé - Conseil de l'Europe* Report for the European Parliament Research Service

[https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_STU\(2023\)745673](https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2023)745673)

The following links provide some of the most useful materials for the course in English language:

Council of Europe: <https://www.coe.int/en/web/portal/home>

European Court of Human Rights: <https://www.echr.coe.int/>

CoE treaties: <https://www.coe.int/en/web/conventions/full-list>

Venice Commission: <https://www.venice.coe.int/webforms/events/>

The course will be assessed by a written exam or a short essay. The exact form will be announced during the course.

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# Mohamed Faizer

*Professor of Law*

B.A., McGill University

B.Sc., McGill University

J.D., University of Notre Dame Law School

Courses taught: U.S. Constitutional Law, First Amendment, Administrative Law, Estate Law, and Property

## Selected Works

Professor Akram Faizer is Professor of Law at the LMU - Duncan School of Law, where he teaches U.S. Constitutional Law, First Amendment Law, Administrative Law, Estate Law, and Property Law. He writes prolifically in the area of Constitutional Law, with special emphasis on the difficulties related to integrating historically marginalized groups such as racial and ethnic minorities, migrants, gender minorities and the poor. He joined the LMU faculty in July 2011, was named Professor of the Year for the 2012-13 academic year, appears frequently on local media and awarded tenure as of July 1, 2017.

Prior to joining the LMU faculty, Professor Faizer was a practicing litigator in Buffalo, NY, at the venerable law firm of Barclay Damon LLP. Professor Faizer focused his practice on real estate valuation, with special emphasis on

## CONTACT INFORMATION

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both eminent domain and tax assessment disputes.

Professor Faizer was the first person to be awarded the Hanna S. Cohn Young Lawyer Award by the New York State Bar Association for pro bono legal services. The Award was especially meaningful to Professor Faizer in that it is awarded on annual basis to only one attorney in the entire State of New York based on the recommendation of that attorney's local bar association. Professor Faizer's scholarship focuses on constitutional law, with a special emphasis on the tension between democracy and its imperative of self-government with western societies' increased focus on individual autonomy.

Professor Faizer graduated from the University of Notre Dame Law School in Notre Dame, IN, with a Juris Doctor Degree in June 2000. He holds both a Bachelor of Arts Degree in International Relations and a Bachelor of Science Degree in Physiology from McGill University in Montreal, Canada.

He is a member of the New York and Tennessee Bars.

Faizer's teaching philosophy is to be provocative in the classroom to focus on student learning, while at the same time engendering student discussion in an honest and critical manner. He also tries to emphasize a diversity of learning patterns to anticipate and respond to different student learning gaps or styles. "I very much enjoy the subjects I teach for different reasons. Constitutional Law and First Amendment because they are intellectually fascinating, public spirited and focus on the critical thinking side of law," Faizer says. "I enjoy teaching Wills, Trusts and Estates and Property because they are both intellectually interesting and allow me an opportunity to teach students needed practical skills. I transitioned from practice to teaching notwithstanding my love of practice because I

sincerely believe I can make a greater contribution by teaching.”

When he’s not teaching, Faizer likes to indulge his love of coffee, pastries, chocolates, fine cheeses, and classical music. He also loves reading, working out, and has an unfortunate fondness for expensive neckties.

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Lincoln Memorial University Duncan School of Law (LMU Law) is approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, 321 North Clark Street, Chicago, Illinois 60654, 312-988-6738. LMU Law has received an acquiescence in substantive change from the Council to offer the Part-Time/Hybrid JD Program.

### **U.S. Department of Education Professional Licensure**

#### **Disclosure**

Because Lincoln Memorial University Duncan School of Law is approved by the American Bar Association's Council of the

Section of Legal Education and Admissions to the Bar, the law school meets the state educational requirements for licensure in all fifty states of the United States of America, as well as the District of Columbia, American Samoa, Puerto Rico, the Northern Mariana Islands, Guam, and the U.S. Virgin Islands. There are no U.S. states or territories for which the curriculum for the law school's full-time program does not meet the state educational requirements for professional licensure or certification, nor are there any U.S. states or territories for which Lincoln Memorial University has not yet made a determination regarding whether the law school's full-time curriculum meets the state educational requirements for professional licensure or certification.

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## SYLLABUS

### U.S. Administrative Law and Cross-Atlantic Comparative Approaches to Administrative Governance

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**Lecturer:** Professor M. Akram Faizer

**Institution:** Lincoln Memorial University Duncan School of Law

**Duration of the course:** 10 hours

**Start and end of the lectures:** March 4-8, 2024 from 16H to 18H

**Place:** ULisboa Faculty of Law

**Assessment:** 40% of the course grade will be based upon preparation and in-class participation, and 60% of the course grade will be based upon your memo which will lay out your recommendations as to how the United States might improve governmental capacity by adopting aspects of European administrative law and vice versa.

**Contact details:** [akram.faizer@lmunet.edu](mailto:akram.faizer@lmunet.edu)

#### PURPOSE OF THE COURSE UNIT:

The course is designed to introduce European law students to the American administrative state with goal of explaining how it developed in a way that is distinct from western European countries and why this explains why the U.S., unlike western European countries, struggles with the legitimacy of administrative action as a means of protecting the rule of law, furthering human development and balancing the obvious need for abundant sources of energy with the goal of protecting the environment and mitigating climate change. It begins by introducing students to the fundamentals of the U.S. constitution and its system of government. It then explains how unlike in western Europe where the administrative state preceded democratization, the converse happened in the U.S., which leads Americans to see the any extended discretion afforded to the administrative state to be in tension with the country's democratic and republican ideals. The course will then move onto an analysis of how the U.S. administrative state developed and how its legitimacy was at its apogee during President Franklin Roosevelt's New Deal and resulted in the enactment of the Administrative Procedure Act (APA), which purported to reconcile Madisonian checks and balances with the need for larger government. The course then moves onto how the APA failed to anticipate the problem of divided government, i.e. when different political parties control Congress and the White House. The federal court's initial response to this was to side with the White House and allow agencies to delay rulemakings and defer to agency interpretations of Congressional law in a process known as Chevron Deference, based on the U.S. Supreme Court decision of *Chevron v. Natural Resources Defense Council* (1984). Although initially controversial amongst liberals, Chevron came under attack from conservatives who argued that the discretion it afforded agencies furthered a liberal bias amongst agency officials that can overwhelm even conservative-minded Presidential administrations. As a result, they have replaced Chevron with what is known as the major questions doctrine, which requires the reviewing court to grant no discretion to agency rulemakings that are of major economic and political significance. This problematically could deprive agencies of needed discretion to progressively apply otherwise stale laws to address human development and environmental concerns. The examples of COVID-19 and climate change will be discussed.

On top of this, the White House increasingly involves itself in the agency rulemaking and adjudicatory process to fulfill its political goals. This often is done to undermine both

Congressionally enacted laws and rule of law by depriving agencies of professional discretion to enforce Congressional enactments.

This course will then survey how western European administrative states have avoided these tensions, which may explain why most European nation states have achieved far superior outcomes in terms of education, human development and environmental protection and conservation as compared to the U.S., notwithstanding the fact the U.S. has a significantly higher GDP per capita than most European states. It recommends that U.S. policymakers and academicians adopt a comparative framework to address problems with its administrative state. It also, however, recognizes that problems with respect to democratic retrogression and illiberal hostility to the rule of law is also found in European mature democracies and posits that a comparative approach to administrative law will help lawyers on both sides of the Atlantic ocean advance the rule of law in their home countries.

**MAIN TOPICS TO BE DISCUSSED:**

**Class One – Monday, March 4, 2024 16:00-18:00**

- **The U.S. Constitution – A Detailed Review with comparison with European States**
- **The Development of the U.S. Administrative State**
  - Early American administrative enforcement via lawsuit.
  - Growth of administrative state enforcement during the late 19th century, e.g. Sherman Antitrust Act and enforcement by federal lawsuit.
  - Growth of the administrative state during the Progressive and New Deal Eras and creation of Independent Regulatory Commissions as well as agency adjudications.

**Class Two – Tuesday, March 5, 2024 at 16:00-18:00**

- **Case Study of the Google Antitrust Suit and The Administrative Procedure Act and Agency Rulemaking**
  - The APA and the introduction of agency rulemaking.
  - Adjudication under the APA.
  - Deferential Judicial Review.

**Class Three – Wednesday, March 6, 2024 at 16:00-18:00**

- **The Development of Divided Government and Chevron Deference**
  - Chevron Deference and the controversy surrounding agency deference.
  - Major Questions Doctrine as Chevron's Replacement
  - Application of Major Questions to the issues of COVID-19 and environmental protection.

**Class Four – Friday, March 7, 2024 at 16:00- 18.00**

- **The European and Canadian Approaches to Administrative Agencies and Agency Discretion**
  - France
  - Germany
  - Italy
  - Canada
  - Class discussion on how the U.S. and other mature countries can learn from each other to update their administrative states to protect against authoritarianism and democratic retrogression.

**Class Five – Thursday, March 8, 2024 at 16:00- 18.00**

- **Case Study: Energy Law and the Administrative State**
  - Introduction to issues related to U.S. energy law.
  - U.S. Agencies involved in energy resources.
  - Massachusetts v. EPA
  - West Virginia v. EPA

**LITERATURE:**

**CLASS ONE:**

The U.S. Constitution with focus on executive branch (Handout)

The United States of America v. Google, LLC Complaint

The Administrative Procedure Act (Handout)

**CLASS TWO:**

**Key Cases:**

Telecommunications Research & Action Center v. FCC (1984) (Handout)

Massachusetts v. EPA (Handout)

Chevron v. National Resources Defense Council, Inc., 467 U.S. 837 (1984) (Handout)

King v. Burwell, 576 U.S. 473 (2015) (Handout)

NFIB v. Department of Labor (Handout)

Alabama Association of Realtors v. HHS (Handout)

*Biden v. Nebraska* (Handout)

West Virginia v. EPA (Handout)

**CLASS THREE:**

M. A. Faizer and Steward Harris, Administrative Law Symposium Debate Article on the Legality of Agency Rulemakings, Adjudications and Judicial Deference, 8.2 Belmont L. Rev. 427 (Spring 2021).

M. A. Faizer, What Everyone Should Know About Administrative Law – University of Alabama School of Law Journal of the Legal Profession, 47.2 Journal of the Legal Profession 183 (2023).

Kathryn A. Watts, Controlling Presidential Discretion, 114 Mich. L. Rev. 683 (2016).

**CLASS FOUR:**

The European and Canadian Approaches to Administrative Agencies and Agency



Discretion

Susan Rose Ackerman and Thomas Perroud, Policymaking and Public Law in France, 19 Colum. J. Eur. L. 225 (2013).

Kent Barnett and Lindsey Vinson, Chevron Abroad, 96 Notre Dame L. Rev. 621 (2020).

James W. Garner, French Administrative Law, 33 Yale L. J. 597 (1924)

Susan Rose-Ackerman, Executive Rulemaking and Democratic Legitimacy: 'Reform' in the United States and the United Kingdom's Route to Brexit," Chicago-Kent Law Review 94(2): 267-313 (2019).

Susan Rose-Ackerman and Eduardo Jordao, Judicial Review of Executive Policymaking in Advanced Democracies: Beyond Rights Review, Administrative Law Review 66(1):1-72 (March 2014).

**Maciej Bernatt, Transatlantic Perspective on Judicial Deference in Administrative Law, 22 Colum. J. Eur. Law, 275 (2016).**

Class Five:

The Example of Energy and Environmental Law:

Classroom breakout sessions.

**ESSAY/EXAM REQUIREMENTS:**

You have been appointed to a joint European Union-United States task force on addressing rule of law problems on both sides of the Atlantic. Please draft a memorandum that does both of the following:

1. Analyzes the principles that we have studied;
2. Provides at least one recommendation for U.S. administrative law to adopt from the European framework that would be consistent with the U.S. Constitution and at least one recommendation for . For each recommendation, please include:
3. An analysis of why you are making these recommendations;
4. An explanation of relevant concerns about the implementation of these recommendations.

**EVALUATION CRITERIA:**

In this course, we will study the interesting and important topic of administrative law in the U.S with a goal of having students compare and contrast the issues confronting the U.S administrative state, with those found in western Europe. Upon successful completion of this course, students should:

- (1) Be aware of the constitutional and legislative bases for the American administrative state.
- (2) Be familiar with the current controversies surrounding the American administrative state; and

(3) Be familiar with approaches to administrative governance in western European nation states and the European Union, such that a comparison can be made between different approaches to the rule of law on both sides of the Atlantic; and

(4) Arrive at a general comparative understanding of administrative law and develop ideas as to how the U.S. system could be improved by incorporating elements of western European administrative law and vice versa.