

Faculty of Law, University of Lucerne

CONFERENCE

# Comparative Constitutional Law

*American and European Perspectives*



FRIDAY, 9 MAY 2014, 13.15–17.30

UNIVERSITY OF LUCERNE, FROHBURGSTRASSE 3, ROOM 4.B55



**Prof. Frederick Schauer, University of Virginia**

Prof. Frederick Schauer is David and Mary Harrison Distinguished Professor of Law at the University of Virginia. He is also Frank Stanton Professor of the First Amendment, Emeritus, at the Kennedy School of Government, Harvard University, where he taught from 1990–2008, served as academic dean and acting dean, and also taught courses on evidence and freedom of speech at the Harvard Law School. Previously, Prof. Schauer was professor of law at the University of Michigan, and has also been visiting professor of law at the Columbia Law School, Fischel-Neil Distinguished Visiting Professor of Law at the University of Chicago, Morton Distinguished Visiting Professor of the Humanities at Dartmouth College, distinguished visiting professor at the University of Toronto, distinguished visitor at New York University, and James Goold Cutler Professor of Law at the College of William and Mary. From 2007–2008, he was the Eastman Professor at Oxford University and a fellow of Balliol College.



**Prof. em. Dr. Walter Haller, University of Zurich**

Following his retirement in 2004, Prof. em. Dr. Walter Haller has had various teaching engagements in constitutional law and comparative constitutional law at the University of Lucerne, St. Gallen, Zurich, and at the Duke Geneva Institute in Transnational Law. From 1975–2004, he was professor of constitutional law, administrative law and comparative constitutional law at the University of Zurich, and from 1990–2004, he was Director of the Institute of Public International Law and Comparative Constitutional Law as well as, from 1990–1992, Dean of the Law Faculty. Research during sabbaticals include stays at the University of Michigan, Aix-Marseille, Pisa and East Anglia.



**Prof. Dr. Matthias Jestaedt, University of Freiburg i.Br.**

Since 2011, Prof. Dr. Matthias Jestaedt holds the chair in Public Law and Legal Theory and is Director of Department 3 (legal theory) of the Institute of Political Science and Philosophy of Law at the University of Freiburg i.Br. He is also Head of the Research Centre for Church Law and State-Church Law at the University of Freiburg i.Br. and, since 2010, member of the board of directors of the Hans Kelsen Institute in Vienna. Previously, professor Jestaedt held the chair of Public Law at the Institute of State and Constitutional Law at the University of Erlangen-Nuremberg (2002–2011), and from 2002–2010, he was International Correspondent of the Hans Kelsen Institute in Vienna. From 1999–2002, Prof. Jestaedt was a substitute lecturer at the University of Bonn, Cologne, Bochum, Freiburg i.Br., and Erlangen-Nuremberg as well as a lecturer at the University of Mannheim and Greifswald. Visiting professorships include the University of Paris 1 (Panthéon-Sorbonne) and the University of Paris 2 (Panthéon-Assas).



**Prof. em. Dr. Carlo Amirante, University of Naples Federico II**

Prof. em. Dr. Carlo Amirante coordinated studies and lead research groups on globalisation and European integration. His focus lies on the protection of human rights and peace with an emphasis on peacekeeping operations as well as the recent, questionable practices of humanitarian and military interventions aimed at combating terrorism. Prof. Amirante worked on issues relating to social justice and social state. He is an expert on German constitutionalism and is one of the most preeminent Italian lecturers in the field of constitutional change relating to the new economy. Carlo Amirante has been teaching and working in many universities throughout the world and his work has been translated in many different languages.

# Comparative Constitutional Law

## *American and European Perspectives*

Due to the evergrowing practical relevance of comparative constitutional law, the interest to compare constitutional frameworks from a legal point of view has increased during the past few years. This conference compares constitutional frameworks and analyses various aspects of comparative constitutional law, from an American as well as from a European perspective. The conference particularly aims at providing a suitable platform for young talented researchers and students to discuss problems in and deepen their understanding of comparative constitutional law.

## Programme

13.15–13.25 Prof. Dr. Sebastian Heselhaus, MA, Vice Dean of the Faculty of Law, University of Lucerne  
Welcome

13.25–13.40 Prof. Dr. Klaus Mathis, MA, University of Lucerne  
Comparative Constitutional Law – Some Introductory Remarks

### **Panel 1 Chair: Prof. Dr. Martina Caroni, LL.M., University of Lucerne**

13.40–14.30 Prof. Frederick Schauer, University of Virginia  
Differences Between Common Law and Civil Law Constitutionalism

14.30–15.20 Prof. em. Dr. Walter Haller, University of Zurich  
Swiss Constitutionalism in a Comparative Context

15.20–15.50 *Coffee Break*

### **Panel 2 Chair: Dr. Amedeo Barletta, LUISS University of Rome**

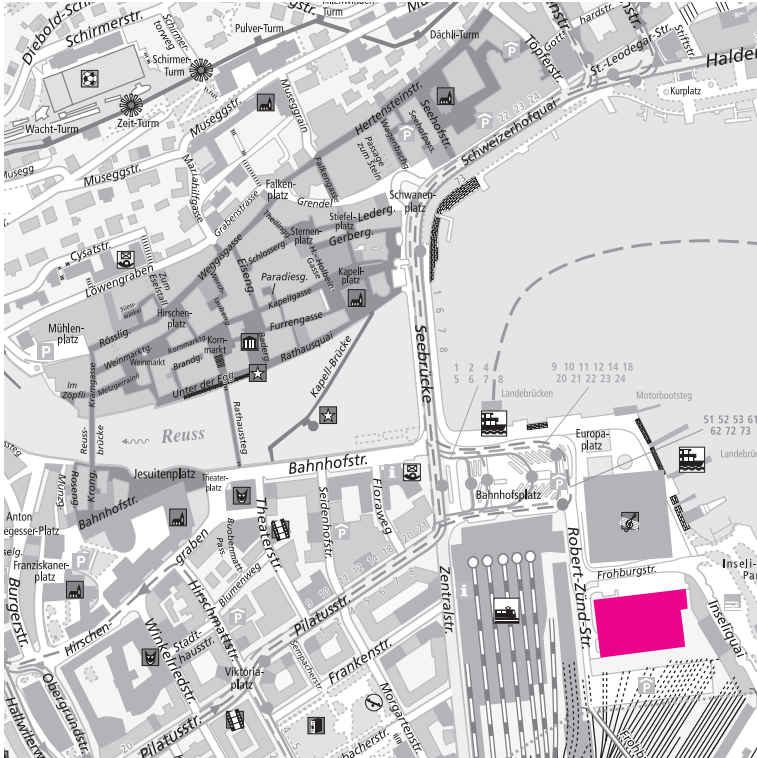
15.50–16.40 Prof. Dr. Matthias Jestaedt, University of Freiburg i.Br.  
The Birth of German Constitutionalism out of the Spirit of «Rechtsdogmatik»

16.40–17.30 Prof. em. Dr. Carlo Amirante, University of Naples Federico II  
Juristocracy or the Jurisdictionalisation of Politics and Economics: The Role of German and Italian Constitutional Courts

17.30–18.00 *Aperitif*

### **With the friendly assistance of:**

- Swiss National Science Foundation (SNSF)
- Research Commission of the University of Lucerne (FoKo)
- Centre Thémis, Geneva



### Organisation

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### Venue

University of Lucerne  
Frohburgstrasse 3  
Room 4.B55  
Lucerne  
Switzerland

### Registration

Participation is free (coffee breaks included).  
Please register no later than 30 April 2014  
via email: luca.langensand@unilu.ch