



Co-funded by the European Union



Workshop for young researchers on the impact of European law on National Constitutions

Thirty years after 1989.

Questions about democracy, between national States and European Union.

Friday 14th of June 2019 (14.30 – 19) – Saturday 15th of June 2019 (9.30 – 13)

Aula Chiostro, Department of Business and Law

Plesso San Francesco – Piazza San Francesco 7, Siena

The workshop is held within the Jean Monnet module EUCOLAW - *The Europeanization of Constitutional Law. The Impact of EU Law on national sources of law, form of government, rights and freedoms* (coordinator Prof. Tania Groppi).

CALL FOR PAPERS

Workshop subjects

The workshop deals with the main difficulties related to democracy in Europe, thirty years after 1989. We are at an historic turning point, in which the benefits of democracy are increasingly questioned by the birth, inside the European Union itself, of non-democratic regimes and by the growing electoral success of political movements relying on non-democratic experiences. Within the constitutional democracy, which is built around the two pillars of the popular sovereignty and the constitutional rule of law, the political decision circuit is especially under pressures: a system in which the participation to the adoption of decisions had been settled through the political representation principle. This is pretty evident from the growing level of distrust in political parties and from the decreasing participation rate in vote, especially among young people. It seems that an increasing number of citizens considers elections, parties and politics useless, in a time in which the decisions affecting people's real life are more and more taken at a global level and they are mostly in the hands of economics and finance. This is the context in which populist phenomena arise, namely movements stating that they want to "give back the sceptre to the prince", claiming to talk in the name of the people, like this last was one and it had a single will: from there, the denial of mediation and compromise,

which are at the heart of representative democracy and the demand for the people to express in a direct way (preferably with a yes or no).

A reflection on the reality of that situation, on its causes and on its possible answers seems appropriate and topical. For that reason, the aim is to organise a workshop in which experts and young researchers can discuss about the topic, in the light of constitutional and European law, by also taking into consideration other points of view, such as the political science and the sociology ones.

The workshop will be divided in three panels, focused on the reports of experts coming from Italian and European universities and within which young scholars are invited to present papers following the guidelines set out below. Proposal aiming to analyse the substrate constituting the necessary humus of democracy (representative, participative, constitutional) are also welcome in all the panels, namely proposals concerning the social substrate, definable in terms of “social capital”, “culture of dialogue”, “civic virtues”, at the origins of what Norberto Bobbio used to call “democratic spirit”.

1) Representative democracy? Which deficiencies? Which perspectives?

The first panel will be dedicated to representative democracy and it will basically aim to take stock of the state of the art of political representation, within the member States and the European Union (even in the light of the electoral results of May 2019). The addressed subjects will be related to the role of the political parties, their regulation, their internal democracy, the prohibition of imperative mandate, the electoral systems, the electoral campaigns at the time of social media and fake news. In this panel we welcome papers of young scholars reflecting on the relation between elected and electors, with regards to the contribution that law could give, through legislative actions and judicial decisions both at a national and supranational level, in order to revitalize representative democracy.

2) Direct and participative democracy: which are the potentialities? Which are the risks?

The second panel intends to analyse the recent trends toward the enhancement of direct and participative democracy that exist in several EU Member States. In this panel we welcome papers that examine the efficiency of existing European, national and local experiences, taking into account not only the classical referendum instrument but also other forms of popular participation, as well as papers underlining the role of new technologies and social media. Moreover, papers trying to describe theoretically those institutions and their correlation with representative democracy, even in an historical perspective, would be appreciated.

3) Constitutional democracy and rule of law: which challenges?

The third panel will focus on the consequences of the difficulties linked to popular sovereignty in terms of constitutional democracy, namely on the limits to the political power placed under the name of “constitutional rule of law” and on those institutions which are guardians of these limits. Indeed, in many cases, these latter (especially the judiciary and the constitutional courts) are called upon to replace the role of the political decision circuit. Nevertheless, it often happens that these institutions are under the attack of the political majorities, which highlight their lack of democratic legitimacy. In this panel, young scholars are encouraged to present proposals focusing on, among the others, the relations between the political decision circuit and the guarantees circuit, by taking into account the independence of the guarantee institutions, the various types of decisions, the relations with the European institutions.

Selection of proposals

Young scholars (lecturer, research fellows, PhDs or PhD candidates) interested in presenting papers on the aforementioned subjects must submit before the 31st of March an abstract (max. 500 words) in English, together with a CV, at the following e-mail address: gmilani88@gmail.com. Proposals will be selected by the scientific coordinators of the workshop.

Selection's results will be notified before the 15th of April. Before the 31st of May the selected authors will have to send the written text of their paper. The length of the paper should remain under 5,000 words.

Workshop Language

Papers can be presented either in Italian or in English.

Travel and subsistence expenses

Selected scholars will have to provide for their own travel and subsistence expenses. The organizing committee and the Congress Services Department of the University of Siena will support participants in finding accommodation.

Papers' presentation and publishing

The selected papers will be presented during the workshop (max. 10 minutes).

Papers will be published, subject to successful blind peer-review, on the Journal of Legal Studies *Ianus*

Scientific Coordination

Prof. Tania Groppi, Prof. Andrea Pisaneschi, Prof. Elena Bindi, Prof. Valeria Piergigli

Organizing Committee

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