

Constitutional History: Comparative Perspectives

University of Bologna School of Law – 13 & 14 November 2017

Short Bios

Sanaa Alsarghali is the first Palestinian female holding a PhD in constitutional law in Palestine from the UK. Sanaa is an Assistant Professor of constitutional law at An-Najah University in Palestine. She also holds an LLM in law from Durham University and a BA in Law from An-Najah University. Sanaa was awarded a full scholarship from An-Najah University to study constitutional Law in order to participate in the constitutional building in Palestine after her return. Her PhD thesis focused on the presidential concentration of powers within the Palestinian Basic Law. She is a strong believer of the need for an active constitutional court in Palestine that could guarantee the application of any future suggestions related to the Basic Law or the future constitution. Sanaa is an Annenberg Oxford Media Policy Institute's alumni. In 2016 she was elected as the Chairwoman of TAM, an NGO that intends to change the stereotypical image of the Palestinian women in the Media. This makes Sanaa the youngest Chairwoman of an active NGO in Palestine. Previously, she worked as a TV presenter in Al Fajer TV local station. Her social and political talk show 'Tam Time' was screened on the Palestinian National TV for two years. Sanaa also helped in producing several documentary movies that focus on the protection of social rights. She is the co-author of the forthcoming book '*Constitutional Law between theory and practice in Palestine*' with his Excellency the President of the Palestinian Constitutional Court, Professor Mohamad Haj-Qasem.

Catherine Andrews obtained her Ph.D. in Mexican History at the University of St. Andrews, Scotland in 2001. Her principal line of research is Mexican constitutional history. She is the author of *De Cádiz a Querétaro. Historiografía y bibliografía del constitucionalismo mexicano* (CIDE/Fondo de Cultura Económica, 2017); *Entre la espada y la constitución. El general Anastasio Bustamante (1780-1853)* (Universidad Autónoma de Tamaulipas, 2008); and (in coauthorship with Jesús Hernández Jaimes), *Del Nuevo Santander a Tamaulipas. Génesis y construcción de un estado periférico en México, 1770-1825* (Universidad Autónoma de Tamaulipas/Conacyt, 2012). She is a Professor and current Chair of the History Department at the Centro de Investigación y Docencia Económicas (CIDE) in Mexico City.

Francesco Biagi is a Postdoctoral Research Fellow in Comparative Public Law at the University of Bologna's School of Law, and Researcher at the Center for Constitutional Studies and Democratic Development (a partnership between the Johns Hopkins University SAIS Europe and the University of Bologna). From October 2015 to January 2017 he was a Senior Research Fellow at the Max Planck Foundation for International Peace and the Rule of Law (Heidelberg), where he now works as a consultant. Biagi obtained a Ph.D. in Constitutional Law from the University of Ferrara after graduating in Law from the University of Bologna. In 2015 and 2017 he was Visiting Professor at the College of Law of the University of Illinois. He is the author of a book on the role of Constitutional Courts in the processes of transition to democracy (*Corti costituzionali e transizioni democratiche. Tre generazioni a confronto*, il Mulino 2016), as well as several articles and book chapters in Italian, English and Spanish focusing on transitions to democracy, constitution-building, forms of government, constitutional justice, electoral justice, and federalism. He also coedited a book with Justin O. Frosini on "*Political and Constitutional Transitions in North Africa: Actors and Factors*"

(Routledge 2015). In 2017 he obtained the National Scientific Qualification to become Associate Professor of Comparative Law.

Margit Cohn is Henry J. and Fannie Harkavy Chair in Comparative Law at the Faculty of Law, The Hebrew University of Jerusalem. Margit Cohn's research interests are in the areas of comparative public law (constitutional and administrative), law and religion, law and politics, judicial review and the nature of executive powers. She has published, *inter alia*, in The American Journal of Comparative Law, the Canadian Journal of Law and Jurisprudence, the Oxford Journal of Legal Studies, Public Law, and the International and Comparative Law Quarterly. One of her most recent publications, "When, and Where, Does History Begin? Collective Memory, Selective Amnesia, and the Treatment of Asylum Seekers in Israel", was presented at the group's previous meeting and subsequently published by the University of Illinois Law Review (2017). Previously a counsel at the Israeli Central Bank (1988-2000), Professor Cohn has taught in the United Kingdom (2002-2005) and was a visiting scholar at the universities of Columbia, Georgetown, Lyon, Oxford and Tulane. She has taught comparative constitutional law in most of these institutions, and is currently working on a project concerned with executive powers, addressing both conceptual and comparative contexts. Home page: <http://en.law.huji.ac.il/Margit-Cohn>

Giuseppe de Vergottini is Emeritus Professor of Constitutional Law at the University of Bologna. Founding Member of the Executive Board of the Italian Association of Constitutional Lawyers (AIC – *Associazione italiana dei costituzionalisti*) of which he has been Secretary (1994- 1997). President *honoris causa* of the International Association of Constitutional Law, he was member of the Advisory Council of the Johns Hopkins University SAIS. Member of the Scientific Board of the Ph.D. in State and Person in legal systems (“*Stato e persona negli ordinamenti giuridici*”) at the University of Bologna. He is Director of the CISR (*Centro italiano per lo sviluppo della ricerca* - Bologna) which has published about 30 volumes on comparative law research, edited by Cedam. He was Vice President of the Academy of Sciences of the Bologna Institute (2002-2005) and is currently member of its Executive Board. Since 2005, he is Vice-President of the Military Supreme Magistracy Council. He holds *honoris causa* law degree from the Universities of Lisbon, Athens, Buenos Aires and Madrid (Complutense). He is Director of the Review *Percorsi costituzionali* and is Member of the Scientific Committee of the Reviews *Diritto e Società*; *Nomos*; *Rassegna parlamentare*; *Archivio Giuridico*; *Diritto dell'Economia*; *Studi parlamentari e di politica costituzionale*; *Le istituzioni del federalismo*; *Regione e governo locale*; *Revista Peruana de Derecho Publico*, *Cuestiones Constitucionales*; *Revista General de derecho público comparado*.

Fabian Duessel currently serves as Senior Legal Officer at the newly established Secretariat for Research and Development (SRD) of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC). He is employed at the Constitutional Court of Korea, which hosts the AACC SRD, and currently resides in Seoul, South Korea. At AACC SRD he focuses on research and international cooperation. Before joining AACC SRD, Fabian Duessel was a research fellow at the Chair of Constitutional Law, Public International Law and Human Rights at the University of Tübingen, Germany. He has taught British constitutional law at Tübingen and international human rights law at National Taiwan University. He was visiting scholar at Seoul National University and has given guest lectures and presentations at universities and institutes in Singapore, Seoul, Tokyo, Chicago, New York, and Paris. Fabian Duessel holds an LL.B. from the London School of Economics and Political Science (LSE) and an LL.M. from the University of Tübingen. In addition, he obtained an M.A. in Governance from the

University of Hagen. He is currently a Ph.D. candidate at the Law Faculty of the University of Tuebingen.

Elena Ferioli is Senior Lecturer of Comparative Public Law at the Law School of the University of Bologna. She has got a Master in Parliamentary Law by the University of Florence, a PhD in Constitutional Law by the University of Bologna and she has been Visiting Fellow at the Institut suisse de Droit Comparé of Lausanne. She is the author of a book on the constitutional amendment procedures and several articles in the field of comparative constitutional law with particular attention for constitutional justice, freedom of political association and forms of government.

Justin O. Frosini is Associate Professor of Comparative Public Law at the Bocconi University, Milan and Adjunct Professor of Constitutional Law at the Johns Hopkins University's SAIS Europe. He is also the Director of the Center for Constitutional Studies and Democratic Development in Bologna, Italy. He is the author of a book on the legal value of constitutional preambles as well as several articles and book chapters in English, Italian and Spanish in the field of comparative constitutional law with particular attention for federalism, regionalism and devolution, constitutional justice and forms of government.

Dante Gatmaytan is Professor of Law at the University of the Philippines, College of Law. He graduated with a Bachelor's Degree from the Ateneo de Manila (B.S. Legal Management) and a law degree (LL.B.) from the University of the Philippines. He holds Masters Degrees from Vermont Law School (*cum laude*) and the University of California, Los Angeles. He is a professorial lecturer and vice-chair of the Department of Legal Method and Research at the Philippine Judicial Academy. Professor Gatmaytan writes on a wide range of issues, which include the environment, gender, the judiciary, and the intersection of law and politics. His works have appeared in the Asian Journal of Comparative Law, the Oregon Review of International Law, the UCLA Pacific Basin Law Journal, the Georgetown International Environmental Law Review, and the Harvard Women's Law Journal, among others. His books include Legal Method Essentials, Local Government Law and Jurisprudence, Constitutional Law in the Philippines: Government Structure, and More Equal than Others: Constitutional Law and Politics. His primary research interests are concentrated on constitutional amendments, the interaction of law and politics, and comparative constitutionalism.

Gohar Karapetian is as of September 2015 a PhD Candidate in Constitutional Law at the Department of Constitutional Law, Administrative Law and Public Administration of the Faculty of Law, University of Groningen in the Netherlands. Her dissertation concerns the applicability of European Union citizenship in the overseas countries and territories of the Kingdom of the Netherlands from a constitutional historical and comparative perspective. In addition, Karapetian teaches several courses at the Law Faculty, such as advanced Constitutional Law and Constitutional Kingdom Law. In her main research field, the constitutional and European status of Dutch nationals in the overseas countries and territories of the Kingdom, a subject known for its complex and thorny character, she has become one of the most knowledgeable young researchers in the Netherlands on the peculiar and semi-federal asymmetric constitutional framework of the Kingdom as it operates within the multilevel structure of the European Union. In acknowledgment of this, she was awarded a young researcher's award in 2016 by the Dutch Association of Constitutional Law, the Ministry of Internal Relations and Kingdom Affairs and the Ministry of Security and Justice, and, furthermore, in 2017 she was involved in a study by European Parliament order concerning EU

law of the overseas. In 2015, Karapetian received her Research Master's degree (cum laude), with a specialisation in Constitutional Law and European Union Law from the University of Groningen. She is a member of the Dutch Association of Kingdom Law and the European Scientific Network on Law and Tobacco.

Noura Karazivan graduated from McGill University (B.C.L., LL.B.) and was called to the Quebec Bar in 2005. She obtained her LL.M. from Leiden University (2006) and her LL.D. from the University of Montreal (2012), where she is now Associate Professor. Noura enjoys teaching and researching in the fields of Canadian constitutional law and structure, federal theory and division of powers, and Charter application. She has a special interest for legal geography and is currently undertaking funded research on the question of membership theories and the geographical scope of Canadian constitutional rights.

Viktoriia Lapa is a 3rd year PhD candidate in International Law and Economics at the Bocconi University, Milan. She holds an LL.M. from Maastricht University, the Netherlands (2013) and LL.M. from University of Barcelona, Spain, IELPO program (2014). Before Viktoriia worked as a public prosecutor in Ukraine and then as a lawyer at international law firm Dentons in Kyiv. Her research interests include Comparative Constitutional Law, WTO Law and International Investment Law.

Miguel Manero de Lemos currently teaches Criminal Law, Criminal Procedure Law, Constitutional Law, Economic Integration Law (European Law) and Administrative Law at the Faculty of Law, University of Macao, China. From 2003 to 2013 he was assistant teacher at the Faculty of Law, University of Coimbra, Portugal, where he received his LL.M. degree in Criminal Law with a thesis on European Criminal Law, focused on the legality principle and the democratic deficit in the European Union. He has recently finished his doctoral thesis on the principle *nullum crimen sine lege* in international law with a specific focus on the work of the War Courts of the 20th Century. As of lately, research has mainly been focused on the law of war and peace and international criminal law and constitutional law of China.

Susanna Mancini is Full Professor and holds the Chair of Comparative Constitutional Law at the University of Bologna School of Law. She is also affiliated to the Paul H. Nitze School of Advanced International Studies of Johns Hopkins University, and she is a recurrent visiting professor at the Central European University (Budapest) and the Cardozo School of Law (New York City). She has taught at the Fordham School of Law (New York City), at the Toulouse School of Law (France) and at the Radyzner School of Law of the Interdisciplinary Center (Israel). Professor Mancini is the Italian member of the Executive Committee of the International Association of Constitutional Law and she served as the chair of the program committee for the World Congress of Constitutional Law (Oslo, 2014). She has written widely on comparative constitutional law, and specifically on law and religion, multiculturalism, minority rights, federalism and secession, citizenship, reproductive rights, and gender and the law. She is a co-author of the Dorsen, Rosenfeld, Sajo, Baer and Mancini Comparative Constitutionalism. Cases and Materials (West, 2016). Her latest book is "Constitutional Secularism in an Age of Religious Revival" (co-edited with Michel Rosenfeld), (Oxford University Press, 2014). She is presently working on a co-edited volume (with Michel Rosenfeld) on "The Conscience Wars" (Cambridge University Press, 2017). She wrote, for example, "Global Religion in a Post-Westphalia World", Handbook on Global Constitutionalism (A. Lang & A. Wiener eds.), Elgar Publishing (2017 Forthcoming), "The Tempting of Europe, the Political Seduction of the Cross. A Schmittian Reading of Christianity

and Islam in European Constitutionalism", Constitutional Secularism in an Age of Religious Revival (Susanna Mancini & Michel Rosenfeld eds., Oxford University Press 2014), "Patriarchy as the Exclusive Domain of the Other. The Veil Controversy, False Projection and Cultural Racism," International Journal of Constitutional Law, 2, 2012, "Unveiling the Limits of Tolerance. Comparing the Treatment of Majority and Minority Religious Symbols in the Public Sphere" (with Michel Rosenfeld), Law, State and Religion in the New Europe, (Lorenzo Zucca & Camil Ungureanu eds., Cambridge University Press, 2012).

Menachem Mautner is the Danielle Rubinstein Professor of Comparative Civil Law and Jurisprudence at the Faculty of Law, Tel Aviv University. He has been Dean of the Faculty. Mautner received his LL.B., *magna cum laude*, and LL.M., *summa cum laude*, from the Faculty of Law, Tel Aviv University. He obtained another LL.M. and a J.S.D. from Yale Law School. Mautner was twice visiting professor at Michigan Law School; twice visiting professor at NYU Law School – in 1996 he was among the first 20 legal scholars from all over the world appointed by NYU Law School to its Global Law School Program; visiting professor at Cardiff Law School; visiting scholar at Harvard Law School; visiting professor at Venice International University; and visiting professor at Columbia Law School. Mautner is the author of five books, including "Law and the Culture of Israel" published in 2011 by Oxford University Press. (An Italian version, "*Diritto e cultura in Israele*," translated with an introduction by Daniela Bifulco and Fulvio Cortese, was published in 2014 by Franco Angeli, Milano.) His book "Human Flourishing, the Liberal State, and the Arts" is due to be published by Routledge in 2018. Mautner has edited six books. He has published over 90 articles and chapters in books in Israel, the United States and Britain (including in the law reviews of Yale, Michigan and Cornell universities). In 2014 he served as head of the "Sapir Prize of Literature Committee" (the Israeli equivalent of the British Man Booker Prize for Fiction).

Jason Mazzone is the Albert E. Jenner, Jr. Professor of Law at the University of Illinois at Urbana-Champaign and Director of the Illinois Program in Constitutional Theory, History and Law. Professor Mazzone's primary field of research and teaching is constitutional law and history. He works principally on issues of constitutional structure and institutional design with a particular focus on relationships between structural arrangements and individual rights. Professor Mazzone received his undergraduate and law degrees from Harvard University, a master's degree from Stanford University, and a master's and doctorate from Yale University. While a student he worked with Laurence H. Tribe on constitutional cases in the Supreme Court and for Robert D. Putnam on the bestselling book *Bowling Alone: The Collapse and Revival of American Community*. He served also as Rapporteur to the Saguaro Seminar on Civic Engagement in America, a workshop group whose members included then-Illinois State Senator Barack Obama. Before entering law teaching, Professor Mazzone clerked for Judge Robert D. Sack of the U.S. Court of Appeals for the Second Circuit and for Judge John G. Koeltl of the U.S. District Court for the Southern District of New York, and he practiced intellectual property law in New York City. Professor Mazzone is a member of the American Law Institute and a fellow of the European Law Institute, chair of the Illinois-Bologna Conference on Comparative Constitutional History, a member of the Advisory Board of the Italian Law Journal, and a member of the International Association of Constitutional Law Research Group on Constitutionalism in Illiberal Democracies. His scholarship has been cited by many courts, including the Supreme Court of the United States. He is a regular media commentator and he has written about legal issues for The New York Times and other national newspapers. Professor Mazzone also blogs at Balkinization.

Gonçalo Manoel de Vilhena de Almeida Ribeiro has been a Justice of the Constitutional Court of Portugal since July 2016. He is an Auxiliary Professor at the Faculty of Law of Universidade Católica Portuguesa (UCP, Portuguese Catholic University). After graduating from the Law Faculty of Universidade Nova de Lisboa (UNL, New Lisbon University) in 2006, he received his LL.M. and S.J.D. from the Harvard Law School in 2007 and 2012. He has been joint coordinator of the Lisbon Section of the Católica Research Centre for the Future of Law (2014-2016), and Visiting Professor at KU Leuven (2013) and the Law Faculty of the University of Perugia (2014). He held a Gulbenkian Professorship at the Católica Global School of Law (2013-2016). He was also a Clark Byse Fellow at the Harvard Law School (2010/11) and a Teaching Fellow at the Harvard Kennedy School of Government (2009/10). He was awarded the Harvard Law School's Mancini Prize for his PhD thesis on *The Decline of Private Law: A Philosophic History of Liberal Legalism* (2013), and the Dean's Award for Excellence in Student Teaching at the Harvard Kennedy School of Government (2010). He is a member of the International Society of Public Law (ICON-S), the International Law Association (ILA), and Associação Portuguesa de Filosofia do Direito, Teoria do Direito e Filosofia Social (ATFD, Portuguese Association of the Philosophy of Law, the Theory of Law and Social Philosophy). He has published academic works in Portugal and abroad in the fields of Jurisprudence, Constitutional Theory, and the History of Legal Thought. He has been guest speaker at conferences, presentations and colloquia, including at the Universities of Harvard, Oxford, Milan (Luigi Bocconi) and Berlin (Humboldt), the European University Institute, and the Johns Hopkins School of Advanced International Studies. As part of his work at the Lisbon School of UCP's Law Faculty, he teaches or has taught Introduction to the Law Following the Case Method (Bachelor's), Foundations of Private Law (Bachelor's), Law and Economics (Bachelor's), History of Political Ideas (Bachelor's), Legal Research (LL.M.), and Legal Methodology (Ph.D.). He has been a consultant to the law firm PLMJ (2016), member of the Technical Committee of the "New Constitution" initiative of the online journal *Observador* (2015), member of the Scientific Committee for the "Present in the Future" conferences organised by the Francisco Manuel dos Santos Foundation (2014-2015), and consultant to the Tropical Research Institute (IICT, 2004-2005) and the OECD's Development Studies Centre (2003-2004).

Mario Alberto Cajas Sarria is Associate Professor of Law and director of the Legal Studies Department at Icesi University School of Law and Social Sciences. He teaches and writes in the areas of Constitutional Law and Legal History. He earned a PhD in Law from University of The Andes, Colombia, and LL.M. from National University of Colombia, and a LL.B. from University of Cauca. He was Visiting Scholar at Harvard Law School. He is author of a two volumes book: "La historia de la Corte Suprema de Justicia de Colombia, 1886-1991, Tomo I: De la Regeneración al régimen militar, 1886-1958" (The history of the Supreme Court of Colombia, 1886-1991, Volume I: From the Regeneration to the Military Rule, 1886-1958), and: "Tomo 2: Del Frente Nacional a la Constituyente de 1991" (Volume II: From the National Front to the Constituent Assembly, 1958-1991), Universidad de los Andes y Universidad Icesi, Bogotá, 2015. He is also the author of the book: "El control judicial a la reforma constitucional, Colombia, 1910- 2008", Icesi Law School, 2008. (The Judicial Review of Constitutional amendments, Colombia, 1910-2008), coauthor of: "Acuerdos carentes de una teoria completa en derecho constitucional y otros ensayos" (Incompletely theorized agreements in constitutional law and other essays) with Cass R. Sunstein (Icesi, 2010), and articles for peer-reviewed journals in Spain, Mexico and Colombia. He has presented his legal scholarship or has been speaker or visiting professor in several universities and institutions in Colombia, and also in the United States of America, Canada, Russia, Argentina, Bolivia, Chile, Brasil and Mexico.

He has been Judge ad-hoc (Conjuez) of the District Court of Administrative Appeals of Valle and also the Civil and Criminal Chambers of the District Court of Appeals of Cali. He is currently Judge ad- hoc of the Specialized Chamber on Lands at the District Court of Cali. He is a Member of the Colombian Academy of Jurisprudence, the Latin American Institute of Legal History and the Colombian Institute of Legal History.

Mark Somos holds a BA in History and an MPhil in Political Thought and Intellectual History from the University of Cambridge, an AM in Government and Social Policy and a PhD in Political Science from Harvard University, an LLM in International Security and Law from Sussex, and a PhD in Law from Leiden University. He is the sole author of *Secularisation and the Leiden Circle* (Brill, 2011) and over thirty peer-reviewed papers, co-author of *The Fabrica of Andreas Vesalius: A Worldwide Descriptive Census, Ownership, and Annotations of the 1543 and 1555 Editions* (Brill, 2018) with Dániel Margócsy and Stephen Joffe, and co-editor of *Trust and Happiness in the History of European Political Thought* (Brill, 2017) with László Kontler. He taught at Sussex, Harvard, Tufts and Yale. Mark is currently Alexander von Humboldt Foundation Fellow at the Max Planck Institute for Comparative Public Law and International Law, Senior Visiting Research Fellow at Sussex Law School, and Co-Editor-in-Chief of *Grotiana*. He is finishing two monographs, *American States of Nature* (Oxford University Press) and *The Republican Patronage of the World: Secularisation, Commerce, and Colonial Authority in English and Dutch Soft Imperialism* (Martinus Nijhoff).