

TIMIȘOARA

25-26 MAY 2017

ADJUDICATION AND THE POLITICAL

4TH INTERNATIONAL WORKSHOP ON
LAW AND IDEOLOGY

P R O G R A M

CL_EST

CENTRE
FOR LEGAL EDUCATION
AND SOCIAL THEORY

 **Universitatea de Vest**
din Timișoara



Central and Eastern European
Network of Legal Scholars

Day 1: 25 May 2017

Club Ambasada Events Hall, Anton Seiller str., no. 2

8:45-9.00 **OPENING SESSION: WELCOME
WORD FROM ORGANIZERS**

9:00-10:10 **ADJUDICATION AND THE POLITICAL I**

Chair: Raluca Bercea

- **Filip Rakoczy** (Wrocław)

External and internal perspective on judicial discretion

- **Bojan Tubić** (Novi Sad)

Independence of the judiciary in Serbia – historical overview and current problems

- **Miklós Merényi** (Budapest)

Red Mud and Other Messes: the Court vs. the Populists in the Kolontár Case

10:20-11:50 **ADJUDICATION AND THE POLITICAL II**

Chair: Samir Forić

- **Łukasz Perlikowski** (Toruń)

Neutrality of Law and Perfectionist Liberalism

- **Łukasz Święcicki** (Siedlce)

Adjudication and the Political: Carl Schmitt's

"Gesetz und Urteil" as a Prelude to his

Decisionism

- **Alexandra Mercescu** (Timișoara)

Bringing Politics Back into Law? A

Comparativist's Dilemma

- **Laura Gheorgiu** (Graz)

Adjudicating the Political

11:50-13:00 **LUNCH BREAK**

13:00-14:30 KEYNOTE DEBATE:

Moderator: Rafał Mańko

- **Cosmin S. Cercel** (Nottingham)
- **Bogdan Iancu** (Bucharest)
- **Michał Stambulski** (Wrocław)
- **Andreea Verteş-Olteanu** (Timisoara)

14:40-15:50 LEGAL EDUCATION AND THE POLITICAL

Chair: Jolanta Sawicka

- **Karolina Kocemba** (Wrocław)
(A)politicization of legal education in Poland?
- **Natalia Krestovska and Luiza Romanadze** (Odessa)

Mediation: New Challenge For Higher Education Of Ukraine

- **Wojciech Zomerski** (Wrocław)
New Democracies in Crisis: Need for Redesigned Legal Education in CEE

16:00-17:10 LAW AND IDEOLOGY I

Chair: Cosmin Cercel

- **Jakub Pokój** (Cracow)
Ideology and law of obligations: Polish Code of Obligations in the Stalinist period (1948-1956)

- **Liviu Damşa** (Warwick/Birmingham)
Slender 'Judicialization of Politics'? The case of Romanian Restitution

- **Ionut Tudor** (Iași)
Tort law in Eastern Communist countries through ideological lenses

17:20-18:30 THE OFFICIAL MEETING OF THE CENTRE FOR LEGAL EDUCATION AND SOCIAL THEORY

Day 2: 26 May 2017

West University Timisoara
A01 Amphitheater , Vasile Parvan Boulevard, no. 4

9:00-10:10

ADJUDICATION AND THE POLITICAL III

Chair: Lucian Bojin

- **Marius Balan** (Iași)

*Keeping the Political out of Constitutional Adjudication?
Some Brief Remarks on Modern Times Mythology Based
on the Recent Practice of the Romanian Constitutional
Court*

- **Łukasz Necio** (Cracow)

Constitutional courts as victims of pluralism

- **Wojciech Kauczor** (Wrocław)

The political of Constitutional Tribunal

10:20-11:30

LAW AND IDEOLOGY II

Chair: Rafał Mańko

- **Piotr Eckhardt** (Cracow)

*Constitutional limits of taxation in the Constitution
of the Republic of Poland*

- **Sorina Ioana Doroga** (Timișoara)

Taxation and Politics - an Affair?

- **Dan-Adrian Caramidariu** (Timișoara)

*Romania's consumer credit odyssey: leftist law makers,
rightist judges? A law & economics perspective on the
double interference in consumer credit contracts*

11:40-13:10

ADJUDICATION AND THE POLITICAL IV

Chair: Bogdan Iancu

- **John Magyar** (Cambridge)

The Political Ambiguity of Common Law Textualism

- **Rafał Mańko** (Amsterdam/Brussels/Wrocław)

*Critique of Adjudication {début du siècle}: Ideology, Legal
Interpretation and the Political*

- **Jakub Łakomy** (Wrocław)

*Theory of Legal Interpretation and The Political: the Role
of "Ideological Intelligentsias" in Adjudication*

13:10-14:10 **LUNCH BREAK**

14:10-15:20 **LAW AND IDEOLOGY III**

Chair: Michał Stambulski

- **Bogdan Iancu** (Bucharest)

Constitutional Concepts and Good Governance

Imperatives: The Meaning(s) of the "Rule of Law"

- **Cristian Clipa and Violeta Stratan** (Timișoara)

Constitutional Law between Myths and Ideological Foundations

- **Andreea Verteș-Olteanu and Radu-Stefan Odangiu** (Timișoara)

Judicial Review And The Specter Of Politics In Romania

15:30-17:00 **ADJUDICATION AND THE POLITICAL V**

Chair: Marius Balan

- **Samir Forić** (Sarajevo)

Political struggle for international criminal justice: a view from the Office of the Prosecutor in the Milošević trial before the ICTY

- **Lucian Bojin** (Timișoara)

What kind of rights? Human rights and environment in the international adjudication

- **Amarilla Kiss** (Budapest)

The Activity of the International Court of Justice in a Political Context

- **Raluca Bercea** (Timișoara)

Ideologies Within and Behind the Decisions of the European Court of Human Rights