



UNIVERSITÀ DEGLI STUDI DI PARMA

DIPARTIMENTO DI GIURISPRUDENZA

**EACLE Conference
European-American Consortium for Legal Education**

“General Principles of Law: The Role of the Judiciary”

Parma, 20 May 2014

Aula della Bandiera – Via Università 12 – Parma

9:00am – Welcome Address

SESSION I

General Principles and the Judiciary: Legal Theory and Courts' Interaction

9:15am

Chair *Laura Pineschi* (University of Parma)

Christopher J. Peters (University of Baltimore)
Legal Formalism, Procedural Principles and Judicial Constraint

Elaine Mak (Erasmus University Rotterdam)
General Principles of Law and Transnational Judicial Communication

Gianluigi Palombella (University of Parma)
Principles and Disagreements in International Law (with a View from Dworkin's Legal Theory)

General Discussion

10:45am – 11:00am – Coffee break

SESSION II

General Principles and the Judiciary: Legal Systems and Domestic Frameworks

11:00am

Chair *Hans De Wulf* (University of Ghent)

Frederic N. Smalkin (University of Baltimore)
Just Results in the Common Law System in Historical Perspective

Georges Martyn (University of Ghent)
The Praetorian Extension of Judicial Review in Belgium

Katarzyna Girdwoyń (University of Warsaw)
The Judiciary and Social Changes in Poland

General discussion

1:00pm – 2:30pm – Buffet Lunch

SESSION III

The Role of the Judge and General Principles in Selected Issues and Case Studies

2:30pm

Chair Mortimer Sellers (University of Baltimore)

Jukka Kekkonen (University of Helsinki)
The Role of Legal Principles within, during and after Civil Wars

Matti Mikkola (University of Helsinki)
Interpreting Social Human Rights in Europe

Veronica Valenti (University of Parma)
The Same-Sex Couples before US and European Judges: A Comparative Perspective

General Discussion

4:00pm – 4:15pm – Tea break

4:15pm

Chair Alberto Cadoppi (University of Parma)

Cynthia Jones (American University)
The Court of Inquiry: Vesting Courts with the Power to Prosecute Prosecutors

Fabio Pantano (University of Parma)
Antidiscrimination Law and Limits to the Power of Dismissal in the American and Italian Legal Systems: A Comparative Analysis

General Discussion

18:00pm – End of Programme

Papers proposed for publication in the Conference proceedings

Céline Aludaat-Dujardin	<i>The Implementation of the Solidarity Principle in the EU: A Comparative Analysis between Finnish and French Cases</i>
Michele Boggiani	<i>Principio di Determinatezza and the Vagueness Doctrine in Italian and American Criminal Law: The Role of Courts</i>
Silvia Borelli	<i>The Lex Specialis Principle as the Rule Governing the Relationship between International Human Rights Law and International Humanitarian Law: Solution or Unhelpful Distraction?</i>
Monica Cappelletti	<i>The Principle of Minimum Standards of Levels in Health Rights in the Interpretation of the Judiciary in a Comparative Perspective</i>
Elena Carpanelli	<i>General Principles of International Law: Struggling with a Slippery Concept</i>
Francesco De Vanna	<i>Principles of Law in Neoconstitutional Theories</i>
Nicole Lazzerini	<i>General Principles of EU Law and Direct Effect</i>
Francesco Mazzacuva	<i>Principle of Legality and Role of the Judiciary: The Impact of the ECHR Case Law on Italian Criminal Law</i>
Elena Vaccari	<i>Prison Overcrowding and the Right to the 'Minimum Living Space'</i>