



Pravna fakulteta  
Univerza v Ljubljani



## INTERNATIONAL CONFERENCE

# (PLAYING) CONSTITUTIONAL TWISTER: THE MECHANISMS OF CONVERGENCE AND DIVERGENCE WITHIN MULTILEVEL LEGAL ORDERS

**Date:** 1-2 October 2021

**Location:** University of Ljubljana, Faculty of Law and Online  
[Zoom link](#)

### Friday, 1 October

*All times are for Ljubljana (GMT+2)*

**9.15**

#### Conference Opening

prof. dr. **Grega Strban**, *Dean of the Faculty of Law, University of Ljubljana*,  
Opening Address

**9.30**

#### Keynote Speech

prof. dr. **Francesco Palermo**, *University of Verona, Institute for  
Comparative Federalism Bolzano*, *The Limits of Diversity Accommodation  
in Multilevel Systems*

**10.30 - 12.10**

#### Panel 1: Theorizing Constitutional Twister: Foundations for Multi-Level Legal Orders

*Chair: Maja Sahadžić*

**Gabriel Encinas** *Interlegality and Proportionality (online)*

**Julian Scholtes** *Constitutional Pluralism Beyond Ideal Theory*

**Philipp Renninger** *A New Theory of Central-Local Convergence and  
Divergence Within Multilevel Polities (online)*

**Marjan Kos** *Constitutional Diversity and Differentiation in the European  
Union*

**Discussion**

**12.15 - 13.55**

**Panel 2: Constitutional Identity Based Arguments as Mechanisms of Convergence and Divergence in the European Union**

*Chair: Julian Scholtes*

**Laurianne Allezard** Identity as the Cradle of Different Constitutionalisms in Europe (*online*)

**Emma Schulte** Constitutional Identity as the Albatross Around Europe's Neck?

**Anne-Carlijn Prickartz** The Use and Abuse of Constitutional Identity (Claims) in the European Union

**Jakob Gašperin** (The End of) Fundamental Rights Identity Claims. Multileveled Fundamental Rights Protection on the Horns of a Dilemma: Identity Claims or Harmonized Standards

**Discussion**

**14.00**

**Lunch for Panellists at the Faculty**

**15.15 - 16.30**

**Panel 3: Mechanisms of Convergence and Divergence in Human Rights**

*Chair: Jakob Gašperin*

**Jaka Kukavica** Constitutional Traditions Common to the Member States: Qualitative and Quantitative Transformations (*online*)

**Lize R. Glas** Diversity Through Discretion? The Role of Consensus in the European Court of Human Rights' Margin of Appreciation Jurisprudence

**Pieter Aertgeerts** EU Fundamental Rights Legislation and Multilevel Fundamental Rights Protection: A Catalyst for a Constitutional Trilogue (*online*)

**Discussion**

**16.30**

**Closing of Day 1**

**18.00**

**Social Event**

## **Saturday, 2 October**

**9.15 - 10.30**

### **Panel 4: Mechanisms of Convergence and Divergence Between and Within Courts**

*Chair: Marjan Kos*

**Audrey M. Plan** Strategic Interactions Between International Courts: Convergence and Divergence Between the European Court of Justice and The European Court of Human Rights

**Jesse Claassen** Judicial Interpretation in the Multilevel EU Legal Order: Convergence via the Preliminary Ruling Procedure Empirically Assessed

**Alexander Lazović** Converging on Structures – The influence of Court-Structure on Convergence and Divergence among Judges

**Discussion**

**10.35 - 11.50**

### **Panel 5: The Role of Solidarity in Divergence and Convergence in the European Union**

*Chair: Anne-Carlijn Prickartz*

**Max Münchmeyer** Solidarity in the Multilevel Governance of the European Green Deal: A Force for Convergence or Divergence?

**Luka Mišič** Avoiding (or Taking Advantage of) the Social Security Coordination Scourge, Or Why the Good Neighbour Award Goes to Austria and Slovenia

**Claudia Cinnirella** Does the EU have a 'Solidarity-Based Emergency Constitution'? (*online*)

**Discussion**

**12.00**

**Lunch for Panellists at the Faculty**

**13.30 - 14.45**

**Panel 6: Field-determined Mechanisms of Divergence and Convergence  
in the European Union**

*Chair: Jaka Kukavica*

**Agata Poznańska** Multilevel Governance in the EU Through Deliberative  
Democracy: Zooming into the Mechanism of European Citizens' Initiative

**Bruno Nikolić** European Administrative Space Between Ideals and Reality  
*(online)*

**Gniewomir Wycichowski-Kuchta** Criminal Law Within EU on Crossroads.  
What Criminal Law Europe Wants and Needs?

**Discussion**

**14.50 - 16.05**

**Panel 7: Comparative Lessons in Dealing with Diversity in Multi-Level  
Systems**

*Chair: Marjan Kos*

**Qingxiu Bu** Pluralism vis-à-vis Exceptionalism: Reassessing the Beijing  
Model in the Constitutionalised Global Governance *(online)*

**Jason Bui** The Insular Cases, Citizenship, and Assimilation: Reversing the  
Tide of Cultural Protectionism at American Samoa *(online)*

**Maja Sahadžić** Conflict Accommodation in "Post" Systems *(online)*

**Discussion**

**16.10**

**Closing remarks**

## Registration

**Registration is free of charge, but obligatory for organisational reasons. For registration and further information, please send an e-mail, specifying whether you would like to attend in person or via Zoom, to: [multilevel.conference@gmail.com](mailto:multilevel.conference@gmail.com) by 30 September 2021.**

Organizational Board

*Jakob Gašperin, Humboldt-Universität zu Berlin, Marjan Kos, University of Ljubljana, Jaka Kukavica, European University Institute, Anne-Carlijn Prickartz, PhD, Universität Salzburg, Maja Sahadžić, PhD, University of Antwerp, Julian Scholtes, European University Institute*