

***“Constitutionalism after Covid-19: Transatlantic Perspectives on Risk and Resilience”***

Law Conference to be hosted at Princeton University on 27/28 April 2023

Convenors: Prof.s Miguel Centeno, Federico Fabbrini, Kim Lane Scheppele

Hosts: Princeton School of Public & International Affairs (SPIA) in cooperation with Dublin City University (DCU) Law Research Centre

Abstract

The Covid-19 pandemic has posed unprecedented challenges for constitutional democracies. To contain the spread of contagions liberal-democratic countries around the world have taken a variety of public health measures, ranging from the restrictions on the movement and gathering of people, to compulsory behaviours (i.e. masks-wearing and mandatory vaccinations), to even the postponement of elections. As such, the pandemic and the responses to it have raised important challenges for the protection of fundamental rights and constitutional liberties, for separation of powers and checks and balances, and for democracy and the rule of law. At the same time, the different approaches embraced by various jurisdictions have highlighted competing strategies in established constitutional democracies on how to manage risk and increase societal and institutional resilience.

The purpose of this conference is to explore from a comparative perspective the main constitutional trends emerging in Europe and the United States (US) during the pandemic. Besides being consolidated democracies and developed economies, the European Union (EU) and the US are complex governance systems which --as federal unions of states-- face specific, comparable centralizing/decentralizing issues. The Conference will thus bring together leading scholars (from academic institutions in the EU and the US) examining how Covid-19 has affected core fundamental rights and civil liberties, emergency powers and checks & balances, federalism, and the rule of law and the functioning of the democratic process. The Conference will provide a cutting-edge legal and constitutional analysis of transatlantic approaches to the greatest public health threat in over a 100 years, since the Spanish *influenza*. This will yield important insights for both scholarly and policy discussions by developing comparative knowledge on risk-management and communicating best practices on the resilience of liberal-democratic countries in the context of public health emergencies.

## Program

THURSDAY 27 APRIL 2023

Venue: Robertson Hall, room 23, Princeton University

Welcome remarks & Introduction (2-2.30)

Miguel Centeno (Princeton University)

Panel 1 (2.30 to 4): “*Separation of Powers and Checks & Balances*”

Chair: Miguel Centeno (Princeton University)

Konrad Lachmayer (University of Vienna Law School)

Mila Versteeg (University of Virginia Law School)

Coffee break (4 to 4.30)

Panel 2 (4.30 to 6): “*Constitutional Rights and Judicial Review*”

Chair: Martin Flaherty (Princeton University / Fordham Law School)

Federico Fabbrini (Princeton University / DCU)

Jonathan Hafetz (Seton Hall Law School / ACLU)

FRIDAY 28 APRIL

Venue: Robertson Hall, room 35, Princeton University

Panel 3 (9 to 10.30): “*Emergency Powers and the Rule of Law*”

Joelle Grogan (Kings’ College London / CEU Democracy Institute)

Niels Kirst (DCU School of Law & Government / Brexit Institute)

Coffee Beak (10.30 to 11)

Panel 4 (11 to 12.30): “*Federalism, Health and Technology*”

Chair: Federico Fabbrini (Princeton University / DCU)

Edoardo Celeste (DCU School of Law & Government)

Lindsay F. Wiley (UCLA School of Law)

Conclusion (12.30 to 1): “*Risk and Resilience in Comparative Perspective*”

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