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## Introduction to the project

When describing the relationship between globalization and politics, Beck pointed out that the former does not represent the end of the latter but, rather, the projection of national politics beyond the boundaries of the Nation-State<sup>1</sup>. To describe this new generation of politics, Beck used the notion of “second modernity”<sup>2</sup> and advanced the idea that the end of the parallelism one-State-one-culture is revealing of the inability of State (and other classic sovereign bodies) to cope with the rise of transnational actors.

In other words, globalization implicates the reconsideration of the Nation-State arena rather than the end of politics; if this finding were applied to the legal world, it should be possible to expect that globalization brought about the creation of a new global legal space or global legal order.

In his recent book “*Beyond Constitutionalism. The Pluralist Structure of Postnational Law*” Nico Krisch emphasized the distinction between constitutionalism and pluralism and portrayed them as antithetical keys to interpret the legal phenomena of globalization.

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<sup>1</sup> U. Beck, *What is Globalization?* Cambridge: Polity Press, 1999. “*The novelty of Beck’s argument is that he does not fall into the trap of arguing that the second modernity simply supersedes the first - which would lead to the conclusion that national sovereignty is a thing of the past. Rather, he sees the advent of the second modernity signalling the beginning a “meta-game” of power, in which national power continues to play an important role, and the rules of national sovereignty remain operative, while, at the same time, the players are now able to play by the free-wheeling rules of the second modernity if they choose*”. C.Leo, “What is the impact of globalization on politics?”, available at [http://blog.uwinnipeg.ca/ChristopherLeo/archives/2007/07/what\\_is\\_the\\_imp.html](http://blog.uwinnipeg.ca/ChristopherLeo/archives/2007/07/what_is_the_imp.html)

<sup>2</sup> Second modernity is not a mere “chronological concept, “*it does not imply a division of epoch*” (U. Beck, E. Beck-Gernsheim, “Families in a runaway world” in J. L. Scott, J. Treas, M. Richards (eds.), *The Blackwell companion to the sociology of families*, Blackwell, 499 ff., 501. The characterizing elements of the second modernity are: “inner globalization” (which implies the end of “methodological nationalism”), “individualization”, “the economy of insecurity” and “the intertwining of nature and society”, 502 ff.

This workshop aims at answering the following questions: to what extent can or indeed should constitutionalism be exported to the supranational and international level? Is constitutionalism a “one size fits all” concept? If not, what is the alternative? How to frame the so-called transnational law?

What, if any, cognitive, epistemic, philosophical, last but not least, practical challenges does the emergence of law and politics beyond the state, as opposed to between the states, pose to scholars and practitioners?

The set of speakers and panellists will be comprised of established scholars, young academics and doctoral students interested in the study of transnational and global legal dynamics, under different perspectives.

Given the highly interdisciplinary content of the subject matter of this workshop, we decided to extend the invitation to political scientists and lawyers (experts in legal theory, EU and public international law, comparative and European constitutional law). All of them will be invited to adopt an interdisciplinary approach when preparing their contribution.

# HOW “CONSTITUTIONAL” IS TRANSNATIONAL LAW?

## PROGRAMME

*September 23*

*Sala CdA Palazzo Toscanelli, via S.Cecilia n.3, Pisa*

10.30

### **OPENING REMARKS**

Filippo Fontanelli and Giuseppe Martinico - STALS Editors

10.45-12.00

### **KEYNOTE SPEECH**

Gianluigi Palombella - University of Parma

*THE PUBLIC'S DUAL CORE STRUCTURE AND THE PROSPECT OF SUPRANATIONAL (DE) COUPLING*

12.15-13.30

### **TRANSNATIONAL LAW, GLOBALIZATION AND CONSTITUTIONALISM: CONCEPTUAL AND NORMATIVE QUERIES**

**Chair** : Filippo Fontanelli - Scuola Superiore S.Anna, Pisa

Matej Avbelj - Graduate School of Government and European Studies, Kranj

*SOVEREIGNTY, EUROPEAN INTEGRATION AND TRANSNATIONAL LAW*

Giuseppe Martinico - Centro de Estudios Politicos y Constitucionales, Madrid;  
Centre for Studies on Federalism, Turin

*A CONSTITUTIONAL APPROACH TO THE DEVELOPMENT DEBATE?*

**Discussant:** Marko Novak - European Faculty of Law, Nova Gorica

15.30-16.45

**EU LAW IN POST-NATIONAL TIMES**

**Chair:** Roberto Castaldi - Scuola Superiore S.Anna, Pisa; Centre for Studies on Federalism, Turin

Lorenzo Zucca - King's College, London

***MONISM AND FUNDAMENTAL RIGHTS IN EUROPE AND BEYOND***

Joris Larik - European University Institute, Florence

***TWO SHIPS IN THE NIGHT OR IN THE SAME BOAT TOGETHER? WHY THE EUROPEAN COURT OF JUSTICE MADE THE RIGHT CHOICE IN THE KADI CASE***

**Discussant:** Matej Avbelj - Graduate School of Government and European Studies, Kranj

**September 24**

**Aula 3, Scuola Superiore S.Anna, Piazza Martiri della Libertá n. 33, Pisa**

9.15-11.30

**THE GLOBAL ADMINISTRATIVE LAW PERSPECTIVE**

**Chair:** Giuseppe Martinico - Centro de Estudios Políticos y Constitucionales, Madrid; Centre for Studies on Federalism, Turin

Filippo Fontanelli - Scuola Superiore S.Anna, Pisa

***PLURALISM 100 YEARS AFTER: FROM SANTI ROMANO TO THE CURRENT DISORDER OF THE GLOBAL LEGAL REGIME***

Nuhaila Carmouche - European University Institute, Florence

***REMAKING GLOBAL GOVERNANCE: LEGALITY AND LEGITIMACY IN GLOBAL ADMINISTRATIVE LAW***

**Discussant:** Elisabetta Morlino - University Roma 3, Rome

11.45-13-00

**HUMAN RIGHTS AND NON-STATE ACTORS: HUMAN RIGHTS AS VEHICLE OF GLOBAL CONSTITUTIONALISM?**

**Chair:** Marko Novak - European Faculty of Law, Nova Gorica

Benedict Wray -European University Institute, Florence

***A JUSTICE FRAMEWORK FOR TRANSNATIONAL CORPORATE HARM***

Jernej Letnar Čerňič - Graduate School of Government and European Studies, Kranj

***HUMAN RIGHTS AND BUSINESS: IN SEARCH OF EFFECTIVE REMEDIAL MEASURE***

**Discussant:** Filippo Fontanelli - Scuola Superiore Sant'Anna, Pisa

13.00

**FINAL REMARKS:**

**Paolo Carrozza** (STALS Editor, Scuola Superiore S.Anna, Pisa)

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