

ICON-S ITALIAN CHAPTER – FOURTH CONFERENCE

POLITICS AND INSTITUTIONS BETWEEN TRANSFORMATIONS AND REFORMS

MILAN, October 13-14, 2023

CALL FOR PANELS AND PAPERS

Over the past years, social sciences have been analysing the crisis or even the “death” of democracies, as well as the “failure” of States. The causes of these processes, measured through more or less established or contested global indicators (such as the *Fragile State Index* or the *Democracy Index*) are numerous, and their nature can be structural or contingent.

Amongst the many events of global importance which have confronted liberal democracies, triggering significant processes of transformation of established institutional arrangements, the 2020 pandemic, for example, imposed a reconsideration of the limits of fundamental rights and had a remarkable impact on several other areas of public law, such as the sources of law, the form of government, federalism, and emergency powers, to mention a few examples. Or, against the background of the over 50 armed conflicts currently ongoing, the war in Ukraine started in February 2022 marked the end of the geopolitical scenario established at the end of the Nineties, bringing to the forefront the territorial dimension of borders, the crisis of the European economy and the chronic inadequacy of the UN system to govern situations directly involving permanent members of the Security Council.

Besides these unexpected developments, other long-term transformations related to scientific and technological progress as well as to climate change and to societal change, affect public law and require a constant reconsideration of its categories, institutions, and rules.

Finally, the process of globalization that marked the last decades seems to be experiencing stagnation or even recession, while several apparently consolidated democracies are going through a phase of crisis or involution. “New” Wars, pandemics, and technological evolution have deepened these crises and simultaneously strengthened the role of States as political communities *par excellence*. The digital transformation itself can either challenge or reenforce the role of State institutions and sovereignty, depending on the context, including form of government, public administration, and fundamental rights protection standards.

How is the State transforming, and how has the political and institutional system changed over time in Italy and other countries? What are the features of the separation of powers in contemporary democracies and how is it affected from the abovementioned drivers of transformation? What is the role of the European Union (EU) and of the other supranational and international organisations? What are the prospects for reform?

In view of the **fourth conference of the Italian Chapter (ICON·S Italy) of the International Society of Public Law (ICON·S)**, which will take place in **Milan at Bocconi University on 13 and 14 October 2023**, scholars of all areas of law as well as of the other social sciences, in all career stages, are invited to submit paper and panel proposals addressing the *de facto* transformations of public law, through the multidisciplinary perspective that characterizes ICON·S. Reflections on current reform proposals are also welcome, with specific attention to the role of the EU and the international community, the modifications to the form of government, the separation of powers, the relationship between politics and administration, and the protection of fundamental rights.

Moving from the traditional categories of public law, which currently appear to be under transformative pressure, possible topics include (but are not limited to):

- **Territory:** the transformations of the forms of power and the weakening of the link between power and territory; the emergence of a “digital agora” detached from the territorial dimension; the extension of criminal law beyond the State; the renewed importance of the spatial dimension of territory in the Ukrainian war but also in relation to populism and sovereigntism; the jurisdiction of national and international courts over war crimes and the question of extraterritoriality; the new challenges of digital constitutionalism; administrative border control; propaganda by State-controlled media abroad and the renewed concept of hybrid war.
- **People and civil society:** demographic change and its impact on social systems; the evolving relationship between citizenship and rights; the rights of non-citizens and migrants; political parties’ loss of social rooting; the decreasing participation in elections; the erosion of traditional social formations and the emergence of new forms of community (the not-for-profit sector); the creation of virtual communities in new technological context.
- **Institutions:** the transformations of national, supranational, and international institutions, with particular attention to the link between positive law and effectiveness; the cabinet as an engine of legislation; the decline of certain sources of law, such as the government’s regulations; *de facto* unicameralism in Italy; the Parliament as a marginal legislator; the crisis of the judiciary; the rule of law crisis and the attacks on judicial independence; the relationships between constitutional courts and legislatures; the role of the President of the Republic; the reservation of prerogatives to administrative bodies (*‘riserva di amministrazione’*); models of privatization; the need to rethink the constitutional and institutional architecture of multi-level government, also in relation to the implementation of the National Recovery and Resilience Plan.

Submission of proposals: interested scholars are invited to submit an abstract, in English or Italian, of a single paper (max. 500 words) or a fully-formed panel (max. 1000 words) to www.icons-italia.it by **15 July 2023**. Panels should include 3 to 6 participants, including the chair and (if applicable) discussants. Papers and panels can be held in English or Italian. Speakers are not expected to submit a written version of their contribution.

Selection: participants will be notified about the outcome of the selection procedure by **1 September 2023**.

The final version of the papers presented at the conference can be submitted for publication, subject to a positive outcome of the peer review process, in the following electronic journals: *Forum di Quaderni costituzionali*, *IRPA Working Papers* series, *Bocconi Legal Papers*, and the *Italian Journal of Public Law*. Subject to peer review, the best papers will be considered also for publication in *Diritto pubblico*, *Quaderni costituzionali*, *Rivista trimestrale di diritto pubblico* and *Istituzioni del Federalismo*.

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