

**INTERNATIONAL CONFERENCE ON JUDICIAL ACTIVISM**

**Faculty of Law, University of Lisbon**

**May 26<sup>th</sup> 2014 – May 27<sup>th</sup> 2014**

Organization: *Luís Pereira Coutinho / Steven D. Smith*

**May 26<sup>th</sup>**

10:00 Opening session

Dean of the Faculty of Law of the University of Lisbon  
The Erasmus Coordinator  
The President of the ICJP  
The Scientific Coordinator of the CIDP  
The organization of the conference

10:30 1<sup>st</sup> session: The activist judge: legitimacy and responsibility

Moderator: Steven Smith

Arthur Dyevre  
*The concept of judicial activism within the theory of judicial behavior*

James Allan  
*The activist judge: vanity of vanities*

Lawrence Alexander  
*Judicial activism in its pejorative and non-pejorative senses*

*Lunch*

15:00 2<sup>nd</sup> session: A political dimension of judicial activity?

Moderator: Marcelo Rebelo de Sousa

Gonçalo de Almeida Ribeiro  
*Between legalism and activism*

Maria Lúcia Amaral  
*The origins of the expression “judicial activism” and its possible application to the European tradition of Constitutional Justice*

Massimo La Torre  
*Judicial activism and Legal Theory: a first map.*

Pierre Legrand

*Adjudication as grammatication: the case of French judicial politics*

*Coffee break*

17:30 3<sup>rd</sup> session: The activism of the constitutional judge

Moderator: Ana Maria Guerra Martins

Maimon Schwarzschild

*Judicial activism, judicial independence, and judicial hubris*

Jorge Pação Polido

*Legitimacy of constitutional activism in a democracy*

Tiago Fidalgo de Freitas

*Constitutional welfare rights, judicial activism, and institutional constraints*

**May 27<sup>th</sup>**

10:00: The activism of the constitutional judge

Carlos Blanco de Morais

*Activism, ideologies and methods of constitutional interpretation*

10:30 4<sup>th</sup> session: The activism of the European judge

Moderator: Fausto de Quadros

Maria Luísa Duarte

*The European Court of Justice and the limits to judicial activism: the dialogue between European judges*

Fernando Losada

*Judicial activism and the European macroeconomic constitution: on the new constitutional principle of stability of the Euro area*

Francisco Pereira Coutinho

*The European Union's legal order: A dialogue or a competition for supremacy?*

Lourenço Vilhena de Freitas

*The European Court of Justice and the limits to judicial activism: differences between the limits to activism in the light of the principles and constitution of the European Union and in the context of a constitutional state.*

*Lunch*

14:30 5<sup>th</sup> session: Rationalizing judicial activity

Moderator: Pedro Barbas Homem

Jorge Silva Sampaio

*The contextual nature of proportionality and its relationship with the intensity of judicial review*

Maria Benedita Urbano

*Politics and the judiciary: a naïve step toward the end of judicial policy-making*

Steven D. Smith

*Judicial activism: a commitment with “reason”?*

*Coffee break*

16:30 6<sup>th</sup> session: Judicial activism and Constitutional Theory

Moderator: Luís Pereira Coutinho

Francisco Balaguer Callejón

*The limits of judicial activism and the structure of the legal system*

Miguel Nogueira de Brito

*Kelsen’s critique of Schmitt on who should be the guardian of the Constitution: the ambiguities of the continental model of constitutional review between legal science and political theory*

Pedro Lomba

*Being an activist: judicial decision-making and epistemic discretion*

18:30 Closing session

Luís Pereira Coutinho

Steven Smith

*Dinner*

Working language: English

**A joint organization of the:**

Instituto de Ciências Jurídico-Políticas da Faculdade de Direito da Universidade de Lisboa  
Gabinete Erasmus da Faculdade de Direito da Universidade de Lisboa  
Institute for Law and Philosophy – University of San Diego



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