

# INTERNATIONAL ASSOCIATION OF CONSTITUTIONAL LAW (IACL-AIDC)

ROUNDTABLE IN CORDOBA, ARGENTINA

*“Political sentiments and moral emotions  
in Constitutional Law”*

August, 9-10, 2022



UNC

Universidad  
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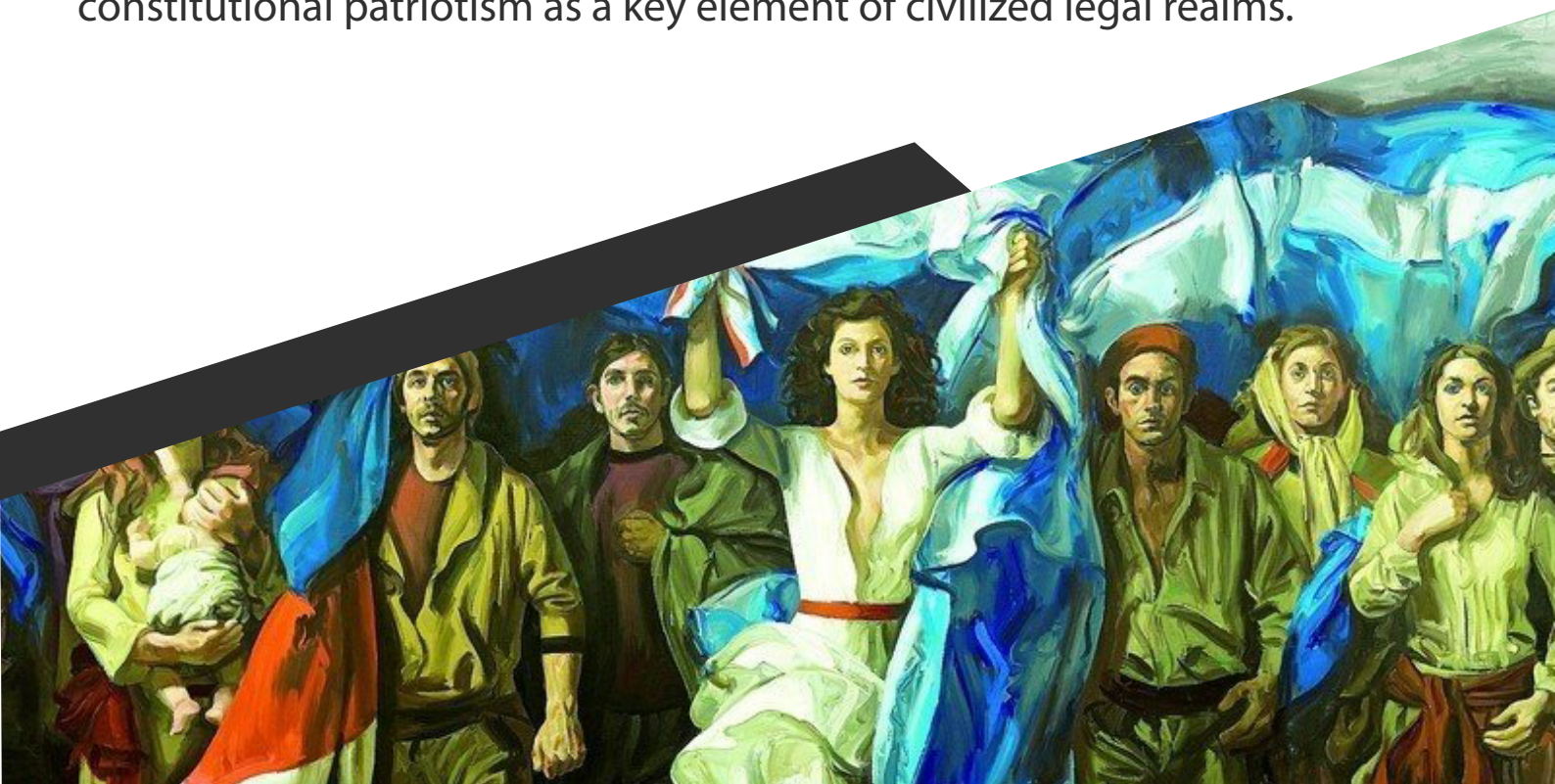
*Seminario libre y vocacional  
de Teoría Constitucional  
& Filosofía Política  
Anacharsis Cloots*

PAUCI SED  
FACTIOSI

Beyond practical reason and/or economic rationality do any other human distinctive features reflect on constitutional law? Is it possible to identify any range of moral feelings and/or emotional mind-states as normatively relevant in terms of constitutional decision-making? Do atavistic political sentiments still count? Why do similar written constitutions –with almost identical provisions- not exhibit similar levels of compliance?

Throughout history, in various geographies, it is crystal clear that certain individuals' moral and character skills have been key data for predicting social cohesion and civil cooperation. A wide range of savvy philosophers, politicians, and constitutional scholars have delved into this issue. Aristotle, Cicero, N. Machiavelli, T. Hobbes, JJ. Rousseau, D. Hume, Robespierre, T. Jefferson, J. Madison, M. Weber, H. Arendt, B. Williams, R. Hardin, M. Nussbaum, J. Habermas, T. Nagel, J. Elster, M. Sandel, A. Sajó; all of them are examples of this unstable trend.

After Solon and Clisthenes' democratic reforms, for instance, Athenians not only relied on egalitarian deliberation ('boulesis') and collective reason ('logos'). From early times, they cherished what they called the 'areté' -a polysemic concept whose current meaning is close to civic virtue- as well as to the 'thumos' -a kind of spiritual commitment to the Polis collective destiny-. By the end of the XVIII Century, coupling freedom and equality, the French revolutionary apothegm also underscored 'fraternity' as a superior goal of the nascent republic. Finally, we have come across the idea of a constitutional patriotism as a key element of civilized legal realms.



Moral feelings conveying the pursuit of happiness, trust, loyalty, honor, decency, solidarity, and/or tolerance have been either plausible or concealed categories randomly harnessed by constitutionalism. For example, many constitutional aims and values that had been fostered by Enlightenment have survived through a certain kind of civic emotional education. Besides, constitutional design has drawn institutional incentives based upon dynamic representations of how individuals' behavior should be. Beyond strategic calculation and sheer rationality, moral feelings are likely to provide justifying reasons for State regulations and compelling law enforcement.

In short, the conference's goal is to analyze how and why constitutional emotional responses such as civic trust, fraternity, tolerance, altruism, constitutional patriotism, etc., etc., have thrived and become the cement of peaceful coexistence and social cooperation in some polities.

Reflecting on these categories looks particularly relevant in Latin America, where high rates of corruption and authoritarianism are randomly undermining the legacy of constitutionalism.

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# **IACL-AIDC Round-Table, Córdoba, August 9-10 2022.**

*“Political sentiments and moral emotions  
in Constitutional Law”*

First day, October 9, 2022

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**Venue: Aula Magna Facultad de Derecho UNC**

**Opening session:**

**9:15-10:15 Opening:**

-Guillermo Barrera Buteler, Dean Facultad de Derecho, UNC

-Martha Altabe, President of the Argentine Association of  
Constitutional Law

-Professor Adrienne Stone, President of the IACL-AIDC, Director  
of the Centre for Comparative Constitutional Studies,  
Melbourne University, Australia.

-Pablo Riberi, Professor of Constitutional Law, UNC/ Professor  
of Theory, UCC

## Session 1

### *A general framework*

10:15-11:00

**Chair:**

-Adrienne Stone, University of Melbourne (Australia), President of the IACL-AIDC

**Keynote speakers:**

-Horacio Rosatti, Chief Justice, Argentine Supreme Court.

**11:00-11:15am Coffee break**

## Session 2

### *The importance of Constitutional Emotions for a democratic polity*

11:15-12:30 hs

**Chair:**

-Anna Jonsson Cornell, University of Uppsala (Sweden)

**Speakers:**

-Akiko Ejima, Meiji University (Japan)

-Pablo Riberi, Universidad Nacional de Córdoba/Universidad Católica de Córdoba (Argentina)

-Michael Gilbert, University of Virginia, (USA)

**13:00 Lunch**

**14:00-16:30 IACL-AIDC EC meeting**

Session 3

***A historical account of constitutional emotions  
in Latin America***

17:00-18:30

**Chair:**

-Florencia Saulino, Universidad de San Andrés (Argentina)

**Speakers:**

-Antonio María Hernández, National University of Córdoba (Argentina)

-Daniel Sabsay, National University of Buenos Aires (Argentina)

-Néstor Sagües, National University of Buenos Aires (Argentina)

**21:00: Dinner**

Second day, October 10, 2022:

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**8:45 Coffee -9:00**

## Session 4

*How do reason and emotions reinforce or undermine a constitutional setting?*

9:00-11:30

**Chair:**

-Marcelo Figueiredo, Catholic University of Sao Paulo (Brazil)

**Speakers:** up to 6 speakers. Open slot for senior scholars (call for papers in English/French/Spanish)

## Session 5

*How do reason and emotions reinforce or undermine a constitutional setting?*

11:30-13:00

**Chair:**

-Alfonso Santiago, Universidad Austral (Argentina)

**Speakers:** up to 6 speakers. Open slot for young scholars (call for papers in English/French/Spanish)

## 13.00: Lunch

### Session 6

#### *Curbing non-constitutional emotions*

15:30-16:45

**Chair:**

-Manuel García Mansilla, Dean School of Law Universidad Austral (Argentina).

**Speakers:**

- Niels Petersen, Münster University (Germany)
- David Bilchitz, University of Johannesburg (South Africa)
- Fruszina Oroz-Gardós, Academy of Sciences (Hungary)

## 16:45-17:00 Coffee break

### Session 7

#### *Constitutional design and collective expectations*

17:00-18:15

**Chair:**

-Iris Nguyen, University of Agder (Norway)

**Speakers:**

- Georgios Katrougalos, Democritus University (Greece)
- Javier Couso, University Diego Portales (Chile)/ University Utrecht (The Netherlands).
- Ricardo Ramírez Calvo, Universidad de San Andrés (Argentina)



**18:15-18:30 Coffee break**

Session 8

***Closing: Are political sentiments and moral emotions still part of the constitutional project?***

18:15-19:30

**Chair:**

-Helle Krunke, IACL

**Keynote speakers:**

-Carlos Rosenkrantz, Justice of the Argentine Supreme Court

-András Sajó, Central European University, Hungary/ former judge European Court of Human Rights.

19:30-19:45

**Closing words/Farewell:**

-Adrienne Stone

**21:00: Dinner**

**-Call for papers-Submission of Abstracts:** Interested parties should submit their CV (no longer than one page) in English, French, or Spanish, along with an abstract of their paper (no longer than 500 words) by May 30, 2022 via email to [iacl.aidc.cordoba.rt@gmail.com](mailto:iacl.aidc.cordoba.rt@gmail.com) (please use the subject line "IACL-AIDC call for papers RT.ARG"). As stated in the RT-program the broad subject-matter is 'How do reasons and emotions reinforce and/or undermine constitutional goals?' The authors of the selected papers will be notified after June 15, 2022. The papers submitted may be published either in a book collecting the proceedings of the Round Table and/or at the IACL-AIDC's blog. Papers can be written and presented in English, French, or Spanish.

**-Eligibility:** The conveners encourage submissions from senior and postdoc scholars and researchers as well as from Ph.D. and LLM candidates. A maximum of 12 proposals will be sorted into two panels. After collecting the submitted proposals, a specially appointed board will proceed to select the most promising and relevant abstracts. Those who are chosen will be invited to submit a full paper and present its core content at the IACL-AIDC Córdoba Round Table. They will present their papers in two consecutive panels in the morning of August 10, 2022. Each speaker will be given a maximum of twelve minutes to present her/his paper.

**-Visa:** There is no visa requirement for most countries. However, would-be visitors should confirm by themselves what their visa situation is.

**-Travel expenses:** There is no cost either for participation or for submitting a paper. Paper presenters and participants, in general, must bear the expenses of their travels, meals, and accommodation.

**-Contact:** Program Committee, Professor Pablo Riberi (UNC/UCC):  
[iacl.aidc.cordoba.rt@gmail.com](mailto:iacl.aidc.cordoba.rt@gmail.com)