



HUMAN DIGNITY FROM JUDGES' PERSPECTIVES

July 24-25, 2019
Pembroke College, Oxford
(Harold Lee Seminar Room)

PROGRAM

Wednesday, July 24

Opening remarks. 9:00 – 9:15

1. Prof. Brett G. Scharffs (Brigham Young University International Center for Law and Religion Studies)
2. Dr. Dmytro Vovk (Yaroslav the Wise National Law University)

The time allocated for each presentation is 20 minutes with a further 10 minutes allowed for questions or discussion.

Session I. Human dignity in Common Law Jurisdictions and Mixed Legal Systems. 9:15 – 11:15

1. Prof. Paul Gowder (University of Iowa), **Dignity and the Rule of Law against Self-Abnegation and Racial Inequality**
2. Prof. Christine M. Venter (Notre Dame Law School), **Acknowledging Persons and Communities of Infinite Worth: The Concept of Dignity in the Jurisprudence of the South African Constitutional Court**
3. Prof. Taixia Shen (Jinan University of China), **Judicial Interpretation of Human Dignity by the Hong-Kong's Courts**
4. Prof. Eugene Kheng Boon Tan (School of Law at Singapore Management University), **Not Quite Rights but Dignity and Respect: The Evolving Discourse on Protecting Foreign Domestic Workers in Singapore**

Moderator – Prof. Brett G. Scharffs

Coffee Break

Session II. Human Dignity in Adjudication: Comparative Perspective. 11:30 – 12:30.

1. Prof. Ariel Bendor (Bar-Ilan University), **Human Dignity as Chameleon**
2. Prof. Giorgio Repetto (University of Perugia), **Between Autonomy and Solidarity. The Non-subversive Judicial Use of Human Dignity in Social Rights Issues in Four European Countries**

Moderator – Prof. Andrea Pin

Lunch at Christ Church Dining Hall

Session III. Dignity, Human Rights, and Religion. 14:00 – 16:00.

1. Prof. Brett G. Scharffs (Brigham Young University International Center for Law and Religion Studies), **The Links Between Human Dignity and Freedom of Thought, Conscience and Belief in Adjudication**
2. Prof. Zachary R. Calo (Hamad bin Khalifa University), **Human Dignity and Moral Order in Constitutional Debate**
3. Prof. Haim Shapira (Bar-Ilan University), **Religious Perspective of Human Dignity in the Context of Israeli Case Law**
4. Dr. Rodrigo Vitorino Souza Alves (Federal University of Uberlandia), **Addressing Competing Rights Claims: The Role of Human Dignity in the Adjudication of Fundamental Rights in Brazil**

Moderator – Dr. Dmytro Vovk

Coffee Break

Session IV. Human Dignity in International Jurisdictions. 16:30 – 18:00.

1. Prof. Andrea Pin (University of Padua), **Supranational Dignity: The Court of Justice of European Union's Conceptualization of a Legal Value**
2. Dr. Eugenia Relano Pastor (Max Planck Institute for Social Anthropology), **Human Dignity in the European Court of Human Rights**
3. Dr. Adriana Dias Vieira (Fluminense Federal University), **A Notion in Dispute: Human Dignity Discursive Consonances and Dissonances in the European, Inter-American and Brazilian Case Law**

Moderator – Prof. Christine M. Venter

Dinner at a Local Restaurant

Thursday, July 25

Session V. Human Dignity in Civil Law Jurisdictions. 9:30 – 11:00

1. Prof. Justin Collings (Brigham Young University), **Dignity Plus: Combining Dignity with Other Values in German Constitutional Jurisprudence**
2. Prof. Piotr Szymaniec (Angelus Silesius University of Applied Sciences in Wałbrzych), **Human Dignity as Constitutional Value: The Viewpoint of Polish Courts**
3. Dr. Olga Rosenkranzova (Palacký University in Olomouc), **Human Dignity in Czech Justice and the Ombudsman**

Moderator – Dr. Eugenia Relano Pastor

Coffee Break

Session VII. Human Dignity in Post-Soviet Legal Systems. 11:30 – 12:30.

1. Prof. Mikhail Antonov (National Research University “Higher School of Economics”), **Human (Personal) Dignity as an Argumentation Tool of the Russian Constitutional Court**

2. Dr. Dmytro Vovk (Yaroslav the Wise National Law University), **From Dignified Standard of Living to Human Dignity: Analysis of Jurisprudence of the Ukrainian Constitutional Court**

Moderator – Prof. Piotr Szymaniec

Lunch at Christ Church Dining Hall

Session VIII. Human Dignity: Chinese Perspective in the Context of Punta Del Este Declaration on Human Dignity for Everyone Everywhere. 14:00 – 15:00.

1. Prof. Brett G. Scharffs (Brigham Young University International Center for Law and Religion Studies), **Introductory Remarks on Punta Del Este Declaration on Human Dignity for Everyone Everywhere**

2. Prof. Pinghua Sun (China University of Political Science and Law), **China’s Strategies towards Punta del Este Declaration on Human Dignity for Everyone Everywhere**

Moderator – Dr. Dmytro Vovk

Concluding remarks, deadline for final drafts, and publication planning. 15:00 – 15:30.

Contributors to the volume, who are not able to participate in the workshop:

1. Prof. Neville G. Rochow (Adelaide University Law School) & Prof. Hans-Joachim Cremer (University of Mannheim), **Dignity – A Dialogue between the Anglophone Common Law World and the German Civil Code World**

2. Prof. Dr. Miguel Á. Presno Linera (University of Oviedo), **The Double Meaning of Human Dignity in the European Union: A Constitutional Principle and a Fundamental Right**

3. Dr. Andrea Romeo (“Magna Græcia” University of Catanzaro), **Jurisprudential Misadventures of Human Dignity: The Strange Case of the Italian Legal System**

Participants

Mikhail Antonov is Professor of Law associated with the Law Faculty at the National Research University “Higher School of Economics” (Saint Petersburg) where he teaches legal theory and comparative law. He is practicing as a member of the Saint Petersburg Bar Association. Professor Antonov’s research interests focus upon contemporary legal theory, history of legal concepts and ideas. He has published extensively, including recent books are *Theory of State and Law* (2018, in Russian) and *History of Russian Legal Thought* (2017, in Russian). Among his recent articles are: Legal Realism in Soviet and Russian Jurisprudence in *Review of Central and East European Law* (2018); Philosophy Behind Human Rights: Valery Zorkin vs. the West? in L. Mälksoo, W. Benedek (eds.), *Russia and European Court of Human Rights: The Strasbourg Effect* (Cambridge University Press, 2017), Law and Economics, Judicial Pragmatism and Their Limits on Both Sides of the Atlantic in *Review of Central and East European Law* (2017); Conservative Philosophy and Doctrine of Sovereignty: A Necessary Connection? in *Archiv für Rechts- und Sozialphilosophie* (2017).

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Rodrigo Vitorino Souza Alves is a member of the Faculty of Law of Universidade Federal de Uberlândia, the Federal University of Uberlandia (Brazil) and the Leading Researcher of the Brazilian Center for Studies in Law and Religion. He is a researcher at the Ratio Legis – Center for Legal Research and Development of the Autonomous University of Lisbon on the topic religious freedom, social tension and security, and was an Academic Visitor at the University of Oxford in 2014-2015. At the United Nations Office at Geneva he served as guest speaker at the Sixth Session of the Forum on Minority Issues on Beyond Freedom of Religion or Belief: Guaranteeing the Rights of Religious Minorities (OHCHR), which led to the publication of a set of recommendations by the Human Rights Council. He sits at the International Academic Advisory Board of the Advanced Program on Religion and the Rule of Law and is a member of the Editorial Board of the Series *Law and Religion in a Global Context*, published by Springer, and the editor of the book *Latin American Perspectives on Law and Religion*. He was a member of the Expert Advisory Group for the International Development of Law Organization (IDLO) study on freedom of religion or belief.

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Ariel L. Bendor is Dean of the School of Graduate Studies and Frank F. Church Professor of Legal Research at Bar-Ilan University. He also serves as Head of the Center for Media and the Law and of the Law School Publishing House. Dean Bendor was a Visiting Scholar at the Yale Law School, a Distinguished Visiting Professor at the University of Maryland, and a Visiting Professor at the York University Osgoode Hall Law School and the University of Siena. Before joining Bar-Ilan in 2008 he was a faculty member at the University of Haifa, where he served as Dean of the Faculty of Law and Dean of Students. He was the Editor-in-Chief of the University of Haifa Press, the University of Haifa Law & Government Journal, and the Hebrew University Law Review. He also served as the Chairperson of the Israeli Association of Public Law. Dean Bendor's major fields of interest are constitutional and administrative Law. He is the author of three books and editor of two others, and the author of dozens of articles published in American, Canadian and Israeli books and law journals. Dean Bendor's books and articles were cited by the Supreme Court of Israel in dozens of decisions.

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Zachary Calo is Founding Full Professor at Hamad bin Khalifa University College of Law in Doha, an initiative of the Qatar Foundation and North Western University to offer the first Juris Doctor degree in the Middle East. He is also Research Scholar in Law and Religion at Valparaiso University and Visiting Professor at the Open University, UK. He has previously taught at Valparaiso University Law

School, Notre Dame Law School, DePaul University College of Law, and Hangdong International Law School in South Korea. He was visiting fellow at the Brookings Institution, the Pew Forum on Religion and Public Life, and the Institute for Humane Studies. Calo practiced law with Buckley Sandler LLP in Washington, DC. He holds a Bachelor of Arts and a Master of Arts in history from The Johns Hopkins University, a Juris Doctor from the University of Virginia School of Law, and a doctorate in history from the University of Pennsylvania. He is editor of the *Agape, Justice, and Law* (Cambridge University Press, 2017).

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Paul Gowder is Professor of Law at the University of Iowa. His research has been focused on understanding the rule of law as an ideal at the nexus of normative political theory, constitutional law, and social science; other major areas of work include computational approaches to law—particularly the machine-reading of legal text and predicting legal outcomes—and their normative implications, democratic theory and judicial review, critical race theory, and Classical Athenian law and political thought.

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Eugenia Relaño Pastor is Senior Researcher at the Law and Anthropology Department in the Max Planck Institute for Social Anthropology in Halle, Germany, where she coordinates the development of a database on cultural and religious diversity (CURED), to address the management (and governance) of cultural and religious diversity by providing a new set of data on case law, legislations and regulations, public documents and policies across multiple EU Member States. Prior to joining the Max Planck Eugenia worked as a legal adviser for the Spanish Ombudsman in the Department of Migration and Equal Treatment and as a legal trainer for national human rights institutions in Kazakhstan, Armenia, Macedonia and Turkey. She holds bachelors degrees in political science and in sociology and a doctorate degree in law from the University of Granada. She is an Assistant Professor at Complutense University (Madrid). She was a Fulbright Fellow in the Salzburg Seminar in 2001. During 2005-2012 she was member of the ODIHR-OSCE Panel of Experts on Freedom of Religion and Belief and now is the Spanish representative member of the Legal Working Group of the European Group of National Human Rights Institutions (Council of Europe).

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Andrea Pin is Associate Professor in constitutional and comparative law at the University of Padua. He holds a PhD from the University of Turin. He has clerked at the Italian Constitutional Court since 2011. He is a Senior Fellow at the Center for the Study of Law and Religion at Emory University. He has authored two books, edited two volumes, and translated two books into Italian. His fields of study cover law and religion, comparative perspectives on human rights, comparative federalism, and constitutional interpretation.

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Haim Shapira is Professor of law at Bar-Ilan University, Israel. His main areas of teaching and research are: Jewish law, rabbinic literature, legal theory and law and religion. He received his Ph.D. and other degrees in law and in Jewish studies from the Hebrew University of Jerusalem. His articles are published in Israeli, American and European leading journals. He was the Editor-in-Chief of Bar-Ilan Law Review and the Editor-in-chief of the Journal of Law, Religion and State and now a member of its editorial board. He was a research fellow and a visiting professor at various American and European universities including Milan University, School of Law (2016), NYU School of Law (2013-2014), The Institute for Advanced Study, Princeton (2005-2006).

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