

# Intensity of Review in Public Law

## Expert Seminar

The power of judges to review government action is a classic topic of academic interest. We know that judges often rely on specific tests, such as proportionality or reasonableness, to come to a conclusion. It is also generally known that the intensity by which judges engage in such review can vary.

To increase our understanding of fundamental rights and the role of courts in a democracy, on Friday 29 April 2022, ConStitUGent organises a one-day expert seminar concerning intensity of review in public law. Anyone interested in this issue is invited to attend the seminar, to engage with researchers from across the globe and to discuss their findings on the interesting and crucial topic of review intensity.

Prof. Toon Moonen and Benjamin Meeusen

29 April 2022 - 9:00 until 17:00

Faculty of Law and Criminology  
Ghent University  
Voldersstraat 3 - 9000 Ghent

Participation is free

The event is followed by a reception

Registration on [constitugent.be/register](https://constitugent.be/register)



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## Keynote: Calibrated Constitutional Review

Prof. Aileen Kavanagh - Trinity College Dublin (Ireland)

### Panel 1

#### Intensity of review as applied by domestic constitutional courts (chair: Pieter Cannoot)

**Benjamin Meeusen** - Ghent University

*Proportionality or rationality? The intensity of review of the Belgian Constitutional Court in its equal protection case law*

**Prof. Jan Kratochvil** - Palacky University (Czech Rep.)

*The varying strictness of scrutiny at the Czech Constitutional Court*

**Tobias Mortier** - Ghent University

*The Belgian Constitutional Court's heightened scrutiny in respect of aims pursued through legal regularization*

### Panel 2

#### Intensity of review as applied by the ECHR (chair: Sarah Lambrecht)

**Jaka Kukavica** - European University Institute (Italy)

*The deep structure of consensus analysis: implicit variations of intensity of review*

**Max Milas** - University of Muenster (Germany)

*Human rights in states of emergency: coping strategies of European adjudicative bodies*

### Panel 3

#### Intensity of review in relation to the nature of the decision maker (chair: Prof. Ann-Sophie Vandaele)

**Nicolas Bernard** - Université Saint-Louis-Bruxelles

- Law clerk at the Belgian Constitutional Court

*The "constituent's choice" in the case law of the Belgian Constitutional Court*

**Prof. Leonid Sirota** - University of Reading (UK)

*Deference as a symptom of the reluctance to treat statutory rights protections as law*

**Mark Mancini** - University of British Columbia (Canada)

*The limits of a culture of justification*