

PURSUANT TO ART. 18, SUBSECTION 1, OF ITALIAN LAW 240/2010, SELECTION OF ONE FULL PROFESSOR, FOR THE ACADEMIC RECRUITMENT FIELD 12/H3 "PHILOSOPHY OF LAW" AT THE INSTITUTE OF LAW, POLITICS AND DEVELOPMENT (DIRPOLIS) ACADEMIC CLASS OF SOCIAL SCIENCES, ISSUED BY RECTOR DECREES NO. 409 DATED 27, JULY 2016 PUBLISHED ON THE SITE OF THE MINISTRY OF EDUCATION, UNIVERSITY AND RESEARCH ON 27 JULY 2016, NOTICE OF WHICH WAS PUBLISHED IN THE GAZZETTA UFFICIALE - 4° SERIE SPECIALE "CONCORSI ED ESAMI" NO. 64 DATED 12/08/2016.

### FINAL REPORT

On 2016 , 10th november at 8 a.m. CET in a room of the Scuola Sant' Anna in Palazzo Toscanelli Via Santa Cecilia,3, met to review the selection process for the recruitment of a full professor for the Academic Discipline 12/H3 "Philosophy of Law" - Academic Discipline IUS/20 "Philosophy of Law at Institute of Law, Politics and Development (DIRPOLIS) Academic Class of Social Sciences of the Scuola Superiore di Studi Universitari e di Perfezionamento Sant'Anna di Pisa, nominated by the Rector, by decree No. 473 dated 16/09/2016, modified by decree No. 481 dated 22/09/2016, and made up of :

- Prof. Giorgio Carlo Buttazzo, Full Professor of Academic Discipline 09/H1 Information Processing Systems at the School, member of the Recruitment Committee
- Prof.ssa Alessandra Facchi, Full Professor of the Academic Discipline 12/H3 at the University of Milano designated expert by Dirpolis Institute;
- Prof. Neil Walker, Professor - University of Edimburgh;
- Prof. Joseph Weiler, New York University;
- Prof. Vincenzo Omaggio, Full Professor of the Academic Discipline 12/H3 at the University of Suor Orsola Benincasa;
- Prof. Wojciech Sadurski, Professor - University of Sydney.

The Committee completed its work on the following days:

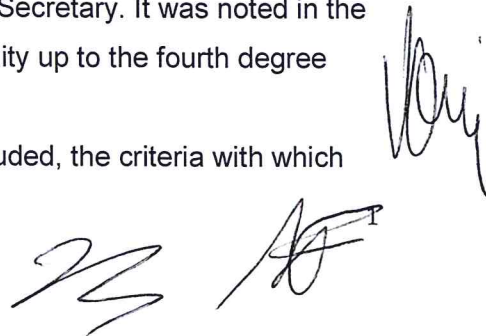
Preliminary meeting: September 26, 2016 . via teleconference

Second meeting: November 10, 2016, Proff. Weiler, Walker and Sadurski via teleconference and e-mail, Proff. Buttazzo, Facchi and Omaggio in Pisa.

The Committee held a total of 2 meetings, and began its work on 2016, September 26<sup>th</sup> and concluded it on 2016, November 10<sup>th</sup>.

In the preliminary meeting, the Committee nominated the President and Secretary. It was noted in the minutes that each member had declared that they had no kinship or affinity up to the fourth degree inclusive, either with each other or with any of the candidates.

The Committee established the date by which their work would be concluded, the criteria with which

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the publications the curricula and teaching activities of the candidates were to be evaluated, and decided to postpone to the second meeting the decision about to request or not the candidates to hold a seminar.

In the second meeting the Committee ascertained that candidates Alexander Fatić has been admitted to the selection because the Italian Ministry of the University, by letter n. 12787 dated October, 07, 2016, has communicated that Italian National University Council has decided that his actual position is equivalent to a full professor one in Italy and that the candidate Stefano Berteza has been excluded because the Italian Ministry of the University, by letter n. 12787 dated October, 07, 2016, has communicated that Italian National University Council has decided that his actual position is not equivalent to a full professor one but to an associate position in Italy.

Then the committee examined the publications, the CVs and the didactic activity of the candidates, and, after a comprehensive discussion, decided not to request the candidates to hold a seminar.

The the Committee declared the following candidate to have won the position:

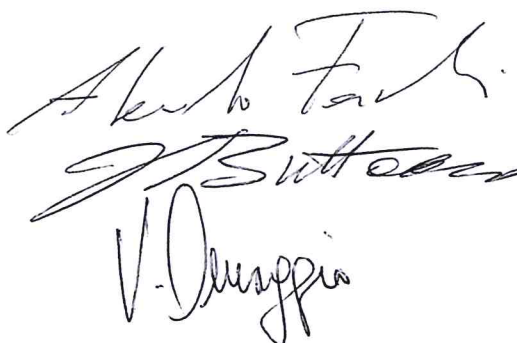
Gianluigi Palombella

The individual and collegiate judgments expressed are attached to this report (Annex 1).

Read, approved and signed.

#### THE COMMITTEE

Prof. Alessandra Facchi	President
Prof. Giorgio Carlo Buttazzo	Member
Prof. Neil Walker	Member
Prof. Joseph Weiler	Member
Prof. Woicjeh Sadurski	Member
Prof. Vincenzo Omaggio	Secretary



**ANNEX 1 – MINUTES OF THE SECOND MEETING  
INDIVIDUAL ASSESSMENT**

**Alessandra Facchi**

Antoni Abat i Ninet is professor of Constitutional Law at the University of Copenhagen since 2013. Previously, he taught at Georgetown University Law School (London) and at the Universitat Ramon Lull (Barcelona). He has been visiting scholar at different universities in the United States and has participated in several research groups. However, from his cv, it doesn't appear to have any experience in elaborating and coordinating didactic programs, or a relevant experience in the direction of research groups.

He presents 2 books, one with a coauthor, and 16 between articles, some of them in international peer review journals, and book chapters. Of particular interest is the book on constitutionalism and the Arab Springs and the study on the Islamic administration of justice in Andalusia. In general, it should be appreciated the ability to study and elaborate on different topics in a short period of time and to match a juridical and a political perspective. Nevertheless, his scientific production is still limited and his scientific profile is not entirely respondent to that designed by the call.

All aspects considered, Abat Ninet appears as a promising scholar with an international and multidisciplinary profile but not adequate for the position requested by the Institute of Law, Politics and Development of Sant'Anna School.

Aleksandar Fatic is professor at the Faculty of Media and Communications, Singidunum University in Belgrade, where he teaches Theories of Power; Applied Humanities in Action; and Applied ethics. Previously, he developed scientific and didactic activities in different institutions, in Serbia and abroad. He has didactic experience at different levels, enclosing the supervision of Ph.D. students. However, from his cv, it seems that he could not teach in Italian.

Actually, the Head of the Department of Applied Philosophy prof. Fatic shows a long and important engagement in administration of academic institutions and in the elaboration of didactic programs in Serbia.

He presents 13 publications: 5 books (one with a co-author), with well known international publishers; and 8 articles in international journals and collective books, dealing with subjects in the scientific field of restorative justice, social theory of emotions, applied ethics, social control and criminal justice.

His scientific work appears valuable. Studies on the international War Crimes tribunals and on Criminal policy are of particular interest in a juridical political perspective, but his research field doesn't correspond to the requirements of the call.

Professor Fatic has a leading profile, but not fitting for the exigences of the Institute of Law, Politics and Development at Sant'Anna School, with respect to both didactic and research aspects.

Gianluigi Palombella has been professor of Legal Philosophy at the University of Parma since 1999 and from 2013 is also part time Professor of Legal Philosophy in Sant'Anna School. He has a long and wide teaching experience at all levels: undergraduate, master and Ph.D. programs.

He participated to the elaboration and reform of advanced level courses and Ph.D. programs in the perspective of internationalization and multidisciplinary. He also has an extensive experience in academic administration. In this respect, it is important to mention that he has been director department of Legal and Social Studies and member of the Senate at the University of Parma.



Prof. Palombella has an articulated, solid and original profile as a legal philosopher, with a specific interest in legal theory and international law. He is actively engaged in international networks, member of the editorial board and scientific committee of leading international journals.

He submitted 20 publications: 4 books and 16 articles, most of them in English and published in international peer reviewed journals.

In the last decade his research has principally dealt with human and fundamental rights, rule of law, global governance and international law. He developed an original and inspiring theory of the characters of the rule of law and its possible extension at a global level. With respect to these topics, he is a common reference in the international legal philosophical debate. His scientific profile meets without doubts the requirements of the call.

Prof. Palombella surely responds to the needs of the Institute of Law, Politics and Development of Sant'Anna School, concerning research, didactic and administrative activities.

Lorenzo Zucca is from 2015 professor of Law and Philosophy at the King's College in London, where he previously was appointed research and teaching positions. He has been visiting professor and scholar at several universities in different countries.

Prof. Zucca has an international scholarship and profile, but he has not held significant roles in academic administration, nor has he elaborated and managed didactic programs. For these reasons, it seems that he has not enough experience to assume the responsibilities requested by the call.

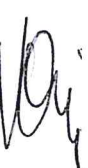
He presents 2 books and 18 publications among articles in international journals, and book chapters. His publications deal mainly with freedom of religion, human rights and constitutional law in Europe. His theory of positive secularism as a model for Europe has received particular attention in the international debate. The overall quality of his scientific production is very good, but in need of further development. Moreover, his scientific profile is only partially respondent to that of the call.

Prof. Zucca is a brilliant young scholar, but he doesn't fit entirely the requirements for the position of full professor of Legal philosophy at the Institute of Law, Politics and Development of Sant'Anna School.

### **Vincenzo Omaggio**

Antoni Abat i Ninet is professor of Comparative Constitutional Law at University of Copenhagen. He has taught at the State University of New York, at the Lincoln Law School of San José, at ESADE Barcelona and CTLS Georgetown (London). His research interests include the theoretical foundations of constitutionalism, the relationship between constitution, rights, sovereignty and democracy. He has published two books: the first (Constitutional Violence, EUP, 2013) on the role of constitutions in legitimacy of the power; the second one (On Revolution and Constitution, with M. Tushnet, E. Elgar, 2015), focused on Arab spring and constitutional law in muslim majority countries. No doubt a good production but not particularly relevant as compared with other scholars in selection. Furthermore he has written several articles in international peer review journals of philosophy of law, constitutional and comparative law. Overall he is a promising scholar but not yet mature for a prestigious international position.

Aleksandar Fatic is professor at Institute for Philosophy and Social Theory of the University of Belgrade. He has been lecturer in University of South Australia and visiting fellow at London School of Economics. He presents a long list of publications, not a lot of international teaching



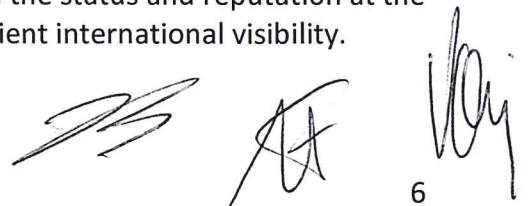
experience. Not irrelevant: he does not master Italian language. He has written more than ten monographs and several articles in various journals of different scientific level in the areas of justice and security: it is mainly written on issues of criminology, ethics of criminal intelligence, crime and social control in central eastern Europe and the role of the war crimes tribunal. Most of his scientific papers therefore do not concern exactly the required profile of the call. I evaluate him as a mature scholar but not adequate to satisfy the thematic requirements of the selection.

Gianluigi Palombella is full professor of Legal Philosophy at University of Parma and Sant'Anna of Pisa in which he has been involved in the construction of advanced level courses and he has acquired extensive experience in academic direction management (Head of Department and Elected Member of the Academic Senate). He has held seminars in many Universities (Florence, Milan, Naples, Palermo, Amsterdam, Sidney, Budapest, New York, Murcia). His research themes are: rule of law (specially regarded as a trans-system parameter), european union law, global transnational law and constitutionalism, history and theory of human rights, the construction of ultra-state public law. He has published several books (10 as single author) and a great number of papers (many in English) in international peer review journals in which he demonstrates his profile of excellent scholar. Inter alia his last book (*È possibile una legalità globale?*, il Mulino, 2012) develops a fully-fledged theory (rule of law oriented) of the relation between legality and global governance. Palombella's international teaching experience, his specific field of interests and remarkable skills of scholar (testified on the quantity and quality of publications) suggest that he fully meets the requirements of the call. Without hesitation I consider him the best candidate.

Lorenzo Zucca is professor of Philosophy of Law at School of Law, King's College London. He has been a visiting professor at IDC, Herzliya, at University of Tel Aviv, at Sidney Law School and University of Trento. He has dealt with the relationship between law and religion at the national and supranational levels, tolerance and religious conflicts in Europe, freedom of religion in a system of protection of international human rights and the conflicts of fundamental rights. On these themes he has published mainly two books: *Constitutional Dilemmas. Conflicts of Fundamental Legal Rights in Europe and The USA*, OUP, 2007 and *A Secular Religion. Law and Religion in the European Constitutional Landscape*, OUP, 2012. Furthermore he has written many papers in international peer review journals. The results of his work (not exceptional from a quantitative point of view as compared with other candidates) are very good though only partially coincident for scientific interests with the required profile. Certainly he proves to be a promising scholar. Based on his researching skills he could be considered as a qualified candidate to the position, but his resume of scholar and field of interests do not fully meet the requested profile.

### **Wojciech Sadurski**

Professor Abat i Ninet is an interesting and even brilliant young scholar, with (among other things) impressive linguistic skills but overall, I do not think that he has achieved as yet sufficient standing in the international academic community to qualify him for this position. His English language publications portfolio is contains only one book (co-authored with Mark Tushnet) and 2-3 articles in important English-language journals. Furthermore, I cannot find in his CV any signs of experience in demanding academic leadership (other than a one year coordination function in a regional Catalan project) which as I understand, would be very important for the position considered. I do not think that Professor Abat i Ninet has achieved the status and reputation at the international level which will give the project at Sant'Anna a sufficient international visibility.



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Professor Fatic is a prominent and successful scholar in his country (Serbia) and he has an established an impressive track record in academic management and leadership. However, his academic qualifications are far from those connected to the position under consideration. His publications include, on the one hand, writings on philosophy of emotions, virtue etc., and on the other hand, work on international security. There is very little overlap between his scholarship and the academic qualifications required for the position. (It may be also pointed out that, based on his CV, he does not speak Italian, even at a basic level, which probably will be an important obstacle in performing the function at Sant'Anna). For these reasons, I would not consider him for this position.

Disclosure: I know Professor Palombella personally, having invited him several times to be a visiting professor in my courses, and having been invited by him once to present a lecture in Parma. Professor Palombella is easily one of 2-3 Italian legal and political philosophers best known internationally, not only (though perhaps predominantly) in the English speaking world. His publications are numerous and extremely important (including 4 single-authored monographs with leading Italian academic publishers) and path-breaking English-language articles in some of the most important journals in the fields of comparative constitutionalism, the rule of law and human rights, such as the I\*CON (International Journal of Constitutional Law) which is generally considered no. 1 in the field, worldwide. He is a scholar of enormous reputation, and fully justified at that. His "portfolio" matches perfectly the requirements of the position under consideration, with the rule of law, fundamental rights and transformation of legality in the centre of his interests. On the level of academic administration and leadership, the rich experience of Professor Palombella as full professor (therefore, in charge of his discipline) at a first-rate Italian university,) and very thick set of international contacts and networking if which I am aware, will make him an excellent leader in Sant'Anna, with easy access to some of the best collaborators in the world. He is clearly and without any reservations or hesitations on my part, my no. 1 choice in this pool of candidates.

Disclosure: I know Lorenzo Zucca personally, having been his doctoral supervisor in the European University Institute, Florence. I have immense respect for Professor Zucca: he is very able, talented and ambitious. His books are very good. The overlap between his work and the qualifications required at Sant'Anna is high. He is still quite young, and he is likely to achieve great international prominence but he still needs to accumulate experience to manage such a complex academic enterprise as the one at Sant'Anna. I would consider him a good appointee no. 2 (or a reserve appointee) in case the main winner of the competition does not take up the position.



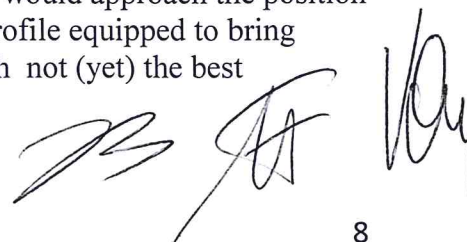
## Neil Walker

Professor Abat i Ninet is a promising younger scholar who fits the profile reasonably well. His portfolio of publications is interesting, and he is beginning to carve out a reputation in English-language journals and publications. His work on constitutional legitimacy in the context of the Arab Spring is particularly interesting and topical. He is not yet, however, a leading figure in the field, even though he may become so in due course. Moreover, although there is some evidence of effective academic networking, there is little indication of experience in the kind of academic leadership role that would be expected of him in this position. Overall, his application seems somewhat lacking in terms of the experience and international standing necessary to make the best of such a prestigious international position. He might well ‘grow’ into the job, but my sense is that in the early stages he would struggle to assert himself before both domestic and international audiences. At this point, therefore, I would conclude that he is not yet a sufficiently qualified candidate.

Professor Fatic’s academic profile is certainly extensive and, in its field(s), quite impressive. But with its emphasis on domestic and international security, and also on various general subjects within moral philosophy, is at best an awkward fit for the profile of this position. He has an established track record in academic management and leadership in his native Serbia, but his lack of specific fit with the role description, together with his lack of familiarity with and reputation within the academic circles associated with the position, make him at best a marginal candidate for this position. On balance, I would discount him.

I know Professor Palombella personally. We have invited one another to our respective institutions on a number of occasions, and we co-edited a collection in English on the Rule of Law. Professor Palombella is certainly one of the leading Italian legal and political philosophers who is well-known internationally, both (and increasingly) in the English speaking world and in continental Europe and South America. His publications are numerous, diverse, and extremely important, including a number of monographs with leading Italian academic publishers. The latest of these, (*È possibile una legalità globale?*, il Mulino, 2012), which I have reviewed, is an important statement of a recent seam of his research which places him at the forefront of the ‘law and globalisation’ literature. His profile, with its concentration on a number of core and topical concerns in legal and constitutional theory, is very well suited to the job specification. He has extensive experience in academic administration at both Parma and Pisa, and is extremely well connected to leading global networks. He is an outstanding scholar – erudite, original, sophisticated, and versatile – and I am in no doubt that he would serve this office with great distinction. I have, therefore, no hesitation in nominating him as my first choice.

I know Lorenzo Zucca personally, having been the internal examiner of his EUI doctorate, and having subsequently written occasional references for him. I know his work well, and while it can be uneven, at its best it is very good. He has written noteworthy books on conflict between rights and on constitutionally appropriate forms of recognition of faith. He is versatile and prolific, perhaps a little too much so at this still relatively early stage of his career. But he is certainly able, impressively accomplished for a scholar at his stage, and someone who would approach the position with serious purpose, a keen understanding of what is required, and a profile equipped to bring credit to the position and institution. I believe he is appointable, though not (yet) the best candidate.




## Joseph Weiler

Professor Abati Ninet is a serious scholar and may be taken into consideration. He is however at an earlier stage of his career and might not be suitable at this stage for a senior appointment.

Professor Fatic, an accomplished scholar, simply does not correspond to the profile of the Chair and he should, in my view, be excluded without reference to his academic excellence or otherwise.

Professor Zucca is productive and active in the academic community. He would be a good colleague. He writes most prominently in the field of Church and State. His virtue is that he neither approaches the issue from a hard liberal, laic position nor from a confessional perspective but shows sensitivity to both. I find his work interesting and important – there is always something to learn from reading Zucca.

Professor Palombella is clearly the ‘stand out’ candidate among the group. His work is brilliant, has made an important contribution to the broad fields in which he writes – such as the theory of human rights, human dignity, legitimacy of governance, both national and transnational – and has been recognized as such internationally. His broad interests are such that he brings to a large number of fields, even international law, a philosophical perspective which is always illuminating and original. He appears to be very productive and hard working and consequently prolific. He would be my preferred candidate for the chair.

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**ANNEX 2 – MINUTES OF THE SECOND MEETING**  
**COLLEGIAL ASSESMENT**

**Antoni Abat Ninet** is a promising scholar, but he has not yet a leading international position. His scientific profile is interesting but only partially corresponding to the profile of the call. Furthermore he lacks both didactic and administrative experience. He doesn't entirely meet the requirements of the call.

**Aleksandar Fatic** is an accomplished and prominent scholar, with an impressive experience in academic administration. However his scientific and didactic profile doesn't correspond to the requirements of the call.

**Gian Luigi Palombella** is one of the italian leading legal philosophers, internationally well known. He has extensive experience in didactic and academic administration. His scholarship and his scientific profile are of the highest standards and fully meet the requirements of the call.

**Lorenzo Zucca** is an active promising scholar with an international scientific profile, in some respects overlapping the profile of the call, but his experience in didactic and administrative activities is still limited. He meets the requirements of the call only partially.

