

BUILDING CONSENSUS ON EUROPEAN CONSENSUS

Conference

1-2 June 2016
Florence, Italy

European University Institute
Villa La Fonte
Via delle Fontanelle 18
I-50014, San Domenico di Fiesole



1 June

Welcome

09.00-9.30

Opening Remarks

09.30-10.30

Chair: **Professor Dennis Patterson**, European University Institute

Professor Sionaidh Douglas-Scott, Queen Mary University of London

Professor Alec Stone Sweet, Yale University

Panel I: The Origins, Function and Mechanics of European Consensus

10.30-12.00

Chair: **Professor Gábor Halmai**, European Inter-University Centre for Human Rights and Democratisation

Dr Ed Bates, University of Leicester

- *Lessons from the Past? The Principle of Consensus in the Legitimacy Building Era of the European Court of Human Rights*

Dr Kanstantsin Dzehtsiarou, University of Liverpool

- *Professionalisation of Comparative Legal Analysis: Towards Better European Consensus*

Dr Christian Djefal, Higher Regional Court of Frankfurt

- *Consensus within a Living Instrument: Reconstructing Argumentative Patterns of the Consensus Method in the context of Evolutive Interpretation*

Lunch
12.00-13.00

Panel II: European Consensus and Other Methods of Interpretation within the ECHR System

13.00-14.30

Chair: **Dr Vassilis P. Tzevelekos**, University of Liverpool

Professor Kristin Henrard, Erasmus University Rotterdam

- *The ECtHR and its Concern with European Consensus: Oscillating between a Normative and an Instrumental Approach to the Rule of Law*

Dr Nikos Vogiatzis, University of Liverpool

- *Revisiting the Relationship between the Margin of Appreciation and European Consensus*

Ms Elena Corcione, University of Turin

- *The Clash Between Autonomous Concepts and European Consensus: Using the Former to Create the Latter?*

Coffee

14.30-14.45

Panel III: Beyond State Practice: The (Other) Constitutive Elements of European Consensus

14.45-16.15

Chair: **Dr Bilyana Petkova**, European University Institute

Mr Jaroslav Větrovský, Pan-European University

- *European Consensus and Language*

Ms Laura Van den Eynde, Université libre de Bruxelles

- *The Consensus Argument in Amicus Curiae Briefs*

Professor Fiona de Londras, University of Birmingham

- *European Consensus and National Referenda*

Coffee

16.15-16.30

Panel IV: European Consensus: Between Democratic Legitimation and National Sovereignities

16.30-18.00

Chair: **Dr Kanstantsin Dzehtsiarou**, University of Liverpool

Ms Merris Amos, Queen Mary University of London

- *Can European Consensus Generate British Acceptance?*

Dr Thomas Kleinlein, University of Frankfurt

- *Consensus and Contestability*

Professor Andreas Føllesdal, University of Oslo

- *Consensus – Why it Should Matter, and How*

2 June

Panel V: European Consensus: Conceptions of Citizenship and Protection of Minorities

9.00-10.30

Chair: **Professor Ruth Rubio Marin**, European University Institute

Dr Eszter Polgari, Central European University

- *Restrictive and Dynamic Notions of Consensus and their Role in the LGBT-Rights Litigation*

Dr Dimitrios Kagiarios, University of Edinburgh

- *When to Use Consensus: Assessing the Differential Treatment of Minority Groups by the European Court of Human Rights*

Professor Niamh Nic Shuibhne, University of Edinburgh

- *Consensus as Challenge: Re-evaluating the Legal Mutation of EU Citizenship*

Keynote Speech

10.30-12.00

Chair: **Dr Panos Kapotas**, University of Portsmouth

Professor Conor Gearty, London School of Economics and Political Science

Lunch
12.00-13.00

Panel VI: From Strasbourg to Luxembourg and Back Again: Consensus and the Two European Courts

13.00-14.30

Chair: **Professor Bernard Hoekman**, European University Institute

Dr Or Bassok, European University Institute

- *The European Consensus Doctrine and the Legitimation Theories of the Two European Regional Courts*

Mr Jens T. Theilen, University of Kiel

- *Consensus-based Reasoning in the Jurisprudence of the European Court of Human Rights and the European Court of Justice: Towards Judicial Reflective Equilibrium*

Professor Joxerramon Bengoetxea, University of the Basque Country

- *European Consensus v. Conform Interpretation*

Coffee
14.30-14.45

Panel VII: Consensus Analysis in (Quasi-)Federal Systems

14.45-16.15

Chair: **Professor Petros Mavroidis**, European University Institute

Professor Iris Canor, The College of Management Academic Studies

- *Lessons that the ECtHR Might Want to Learn from the ECJ*

Dr Graziella Romeo, Bocconi University

- *The Logic of Consensus and the Constitutional Tradition: A Comparison between the ECtHR and the US Supreme Court Concerning the Recognition of New Rights*

Mr Jaka Kukavica, University of Ljubljana

- *National Consensus and the Eighth Amendment: Is There Something to be Learned from the United States Supreme Court*

Coffee
16.15-16.30

Conclusions:

16.30-18.00

Chair: **Professor Bruno De Witte**, European University Institute

Professor Mattias Kumm, New York University

Professor Laurence R. Helfer, Duke University

Professor Christos Rozakis, former Vice President, European Court of Human Rights

Event Organisers:

- **Dr Panos Kapotas**, University of Portsmouth
- **Professor Dennis Patterson**, European University Institute
- **Dr Vassilis P. Tzevelekos**, University of Liverpool

Special Acknowledgements:

We would like to warmly thank Portsmouth Business School and the University of Portsmouth for their generous financial support and the European University Institute for hosting the conference.