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:* Dr Panos Kapotas, University of Portsmouth

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 Djeffal, 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 Legitimisation and National Sovereignties
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 Kagiaros, 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

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