

# Workshop Constitutional Processes

## Ius Commune Conference 2011

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Friday, 25 November (09.00 – 12.00)

Location: Huize Molenaar, Korte Nieuwstraat 6

Room: Scheltemakamer

### Participants

**Theme:** Alternative roads to a constitutional ius commune?

The workshop asks whether, and if so, how a European constitutional law (a constitutional ius commune) is developing in the framework of the European Union. Taking our cue from the general theme of this annual congress, we will focus not on mapping out instances of convergence and divergence, either by way of EU law imposed on the member states (top-down) or by way of the comparative method. Instead, we will discuss (1) the viability of the concept of a constitutional ius commune (What would it mean? Does it make sense to frame the debate in terms of a ius commune? Is commonality a value in itself? How does it relate to other values such as identity?) and (2) paths to convergence in the field of constitutional law. We are interested in the actors and agents who make it happen (or not), and how this impacts on the legal account.

**Chairs:** Leonard Besselink (UU) and Monica Claes (UM)

09.00 – 09.05 **Leonard Besselink (UU) and Monica Claes (UM)**  
*Welcome and Introduction*

09.05 – 09.45 **Leonard Besselink (UU)**  
*The Idea of a Constitutional Ius Commune and Roads Leading There : Some Thoughts on the Possibilities of a Constitutional Ius Commune*  
Commentator: Lars Hoffmann (UM)

09.45 – 10.30 **Nikos Skoutaris (UM)**  
*Federalism: the EU's Uncommon Principle?*  
Commentator: Thomas Vandamme (UvA)

10.30 – 11.15 **Mikael Rask Madsen (Copenhagen)**  
*The European Court of Human Rights and the developments of a European ius commune in the area of fundamental rights: agents and actors*  
Commentator: A.W. Heringa (UM)

11.15 – 12.00 **Monica Claes and Maartje de Visser (UM)**  
*The Making of a Constitutional Ius Commune: The Role of Judicial Networks*  
Commentator: Thomas Beukers (UvA)