

CUS Doctoral Programme
*Law, Ideas and Politics of
Europe*

Doctoral Colloquium
University of Fribourg
11-12 November 2016

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Call for Papers

(Deadline for submission of abstracts: 31st March, 2016)

for a

Doctoral Colloquium

on

**Responsibility in International and European
Law, Philosophy and History**

at the

University of Fribourg (Switzerland)

11-12 November 2016

Within the framework of the CUS Doctoral Programme
Law, Ideas and Politics of Europe

the Chair of Public International and European Law and the European Law
Institute at the University of Fribourg (Prof. Samantha BESSON),

the Chair of European History of the University at Fribourg
(Prof. Gilbert CASASUS),

the World Trade Institute of the University at Bern
(Prof. Thomas COTTIER & Prof. Michael HAHN) and

the Chair of Political Philosophy of the University at Bern,
(Prof. Markus STEPANIANS)

organize a

Doctoral Colloquium on
Responsibility in International and European Law, Philosophy and History

Responsibility is not only an inescapable concept in law, philosophy and history, but one that is still fraught with important conceptual and normative difficulties. Herbert Hart's famous passage is often quoted as evidence of the polysemic nature of responsibility in law, but also by extension in philosophy and history:

“As captain of the ship, X was responsible for the safety of his passengers and crew. But on his last voyage he got drunk every night and was responsible for the loss of the ship with all aboard. It was rumoured that he was insane, but the doctors considered that he was responsible for his actions. Throughout the voyage, he behaved quite irresponsibly, and various incidents in his career showed that he was not a responsible person. He always maintained that the exceptional winter storms were responsible for the loss of the ship, but in the legal proceedings brought against him he was found criminally responsible for his negligent conduct, and in separate civil proceedings he was held legally responsible for the loss of life and property. He is still alive and he is morally responsible for the deaths of many women and children.” (*Punishment and Responsibility*, Clarendon Press: Oxford 1968, 211).

Responsibility is actually a concept whose transferability from one of these three disciplines or practices to the other has generated a lot of controversy. It suffices to mention the role of history in ascertaining attribution or causality in international law cases, and especially recent decisions by the European Court of Human Rights such as *Janowiec and Others v. Russia* or *Perinçek v. Switzerland*. All this explains why responsibility constitutes a promising topic for the annual Doctoral Colloquium of our joint CUS Doctoral Programme.

The proposed colloquium will bring together 10 doctoral students and 5 senior speakers from all three disciplines working on issues of responsibility and interested in discussing them further. We hope thereby to gain in clarity on the concept itself, but also to identify a new field of interdisciplinary cooperation among international and European lawyers, philosophers and historians working on international and European issues. Papers by selected doctoral students will be written in advance, circulated and discussed (after only a very short presentation) first by a senior commentator and then generally. The language will be English.

Here are some of the questions we plan to discuss:

- What is the relationship between moral and legal responsibility?
- Can there be law without responsibility? What are the exact ties between responsibility and legality?
- How should we understand responsibility: as liability? As answerability or accountability?
- How is the “responsibility to protect” related to other forms of responsibility in international law?
- What are the ties between legal subjecthood or personality and responsibility?
- Should responsibility only be individual? Or should it also be collective? What should be the relations between the two?
- What kind of groups may be held responsible? Do they need to take a political form? And that of a “state” only?
- Is it just to hold states, and hence their individual constituency, collectively responsible? Should we not rather focus on individual responsibility instead?
- How about international organizations? Is it more just to hold their constituent states (and individual constituency, eventually) responsible than the organization itself?
- Is there a connection between responsibility and democracy or self-determination? What is it exactly?
- Who can and should hold another person/group/state/international organization responsible? Any other subject? What relationship should there be between the two?
- What does the distinction between civil, criminal and public liability at law capture about kinds of moral responsibility?
- How about the distinction between contractual and non-contractual liability?
- What are the grounds of moral responsibility? Which are the ones mostly used in international law? Why?
- Can responsibility be intergenerational? How does it relate to historical responsibility?
- Should we use history to establish causality, assess the duration of a violation or attribute conduct in international responsibility law? In general, what should be the role of history in international responsibility law?
- How about the reverse? How should the law be factored into the history of responsibility?
- What is historical about “historical injustice”?
- Can there be responsibility without a primary obligation?
- Is responsibility necessarily triggered by a wrongful act?
- What are the obligations or “responsibilities” that derive from responsibility?
- What are the best ways to secure reparations?
- Why are historical clarification and truth at the centre of many international law mechanisms of responsibility? Should it be so?
- Should the denial a historical truth constitute an abuse of rights and hence a limitation on state responsibility for the violation of freedom of speech?
- Is “bad history” in a judgment “bad law”? What are the standards for “good history” in a legal context?

We are inviting interested doctoral students to apply with a proposal. Proposals may, without being necessarily limited to them, address any of the questions in the list or combinations thereof. We strongly encourage interdisciplinary proposals that try to explore links between any aspect of responsibility in law, philosophy and/or history.

This year, we have invited the following senior speakers to contribute and to comment on one of the doctoral students' papers: Prof. Pierre d'Argent, Université catholique de Louvain ; Prof. Antony Duff, University of Sterling; Prof. Lukas Meyer, Universität Graz; and Prof. Davide Rodogno, Institut des hautes études internationales et du développement (Genève).

Interested doctoral students may submit the following documents by email and by **1st March, 2016** to the Programme's Coordinator, Mr Alexandre Biedermann (alexandre.biedermann@unifr.ch):

- abstract (max 5'000 characters)
- short CV
- name of thesis supervisor and institution

The candidates will be informed about their acceptance by **5th April, 2016**. The selected candidates are asked to submit their papers (max. 8'000 words including footnotes) no later than **1st October, 2016**. Selected papers are expected to be published as part of an edited volume on the subject in 2017.

Important dates

Application	1 st March, 2016
Acceptance	5 th April, 2016
Papers	1 st October, 2016
Colloquium	11-12 November, 2016

Funding: Accommodation will be provided to doctoral students from the University of Bern. They will be reimbursed for their travel expenses from Bern and should send them to Mrs Margrit Vetter (margrit.vetter@wti.org). Accommodation will also be secured for students from other CUSO Universities (Geneva, IEID, Lausanne and Neuchâtel). They will be able to claim reimbursement for their travel expenses from Mr Alexandre Biedermann (droit@cuso.ch). Due to budgetary constraints, we regret that we are unable to provide travel, accommodation or other financial assistance to doctoral students from other institutions (except free meals and coffee breaks at the conference, of course).

Further information: <http://www.unifr.ch/europrod/doc/fr/accueil/Formation/programme-cus-droit-idees-et-politique-de-leurope>