



THE CATEGORY OF THE PERSON IN EU LAW

10 and 11 November 2014

European University Institute and University Paris 1 Panthéon-Sorbonne

Villa Schifanoia (Sala Europa)

Via Boccaccio 121

50133 Firenze

Organisation

LOÏC AZOULAI (EUI, Florence)

SEGOLENE BARBOU DES PLACES (IREDIES – University Paris 1 Panthéon-Sorbonne)

ETIENNE PATAUT (IRJS – University Paris 1 Panthéon-Sorbonne)

Argument

The person is one of the main agents of the realization of the European project and the figure which the Union “*places at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice*” (preamble of the Charter of Fundamental Rights of the European Union).

This category has been progressively introduced in the EU legal discourse as a way to shift away from a purely instrumental understanding of the European integration project. Market agents and workers are to be provided with basic capacities and ‘personal resources’ (social, family and civil status) in order to be able to fully enjoy the rights conferred upon them by EU law. Free movement rights are to be exercised under ‘objective conditions’ of freedom and dignity of the person. Issues related to ‘the integrity of the person’ are to be taken into account in the pursuance of market integration and of any EU policy. As a result of ECJ case-law, the protection of the person seems to rank foremost among the assets and interests protected by EU law.

EU law does however have a transformative effect on the construction of this category. On the one hand, it grants individuals a tremendous power by conferring on them capacities of action across national boundaries in ever wider fields of economic and social life: a distinctive form of ‘agency’. On the other hand, it enrols them into a process of creation of a new social and economic order at the EU level which raises concerns as regards its de-socialization and commodification effects: a disturbing ‘subjection’ process.

Starting from these rather basic observations what we would like to do in this conference is to revolve around the following arguments.

The Argument from Identity. The first argument of this conference can be stated very simply: the emergence of the category of person reflects a shift in the focus of EU law from 'Agency' to 'Identity'. Beyond granting an autonomous space of action to some categories of individuals, EU law widens the traditional struggle for recognition of personal identities beyond the boundaries of the Member States. This raises specific issues related to inclusion/exclusion, social integration and legal recognition. The difficulty with the position of EU law is that it may entail the destructuring, if not the dissolution, of political and moral structures at the national level without proposing a distinct and structured 'transcendental' (federal) frame of reference.

The Argument from Complexity. The second argument has to do with the common place notion that the person is an artificial state of being that prompts an inquiry into the various forms of individual's legal action. In EU law the dominant narrative is that there is a privileged category of person consisting of the mobile, wealthy, skilled and self-organized individual and that this generates pathological effects on the integration of the individual in society. Although this narrative reflects real difficulties, our ambition would be to restore EU law in its full complexity. EU law organizes a great variety of actions and representations. These various regimes of action imply different sets of personal dispositions and they carry conflicting ideas about the social environment. Moreover these regimes interfere with other types of categorisation of the person undertaken at the national and international levels. Time may have come to start mapping out the various figures of the individual that cohabit in the European legal space.

The Argument from Justice. In recent years European studies have very much focused on the question of social justice and social conflicts in the European Union. This is obviously an essential question that we should have in mind whilst discussing issues related to personhood. However, in view of the multifaceted character of the profound crisis currently afflicting Europe, which affects not only the economic stability and social structures of the Member States but also the political dynamics and moral setting of many Member States, we would like to draw the attention to problems of individual fairness and personal recognition. We believe that further attention should be paid not only to the issue of a 'just society' but also to the issue of a 'decent' European society.

Hopefully the conference will bring to the fore other angles and approaches to substantiate the points. Possibly it will challenge many of these. At least we would want to make the case that returning to this question is worth doing at this particular juncture in the history of European integration.

Monday 10 November 2014

9.00 – Registration and Introduction

LOÏC AZOULAI, SEGOLENE BARBOU DES PLACES, ETIENNE PATAUT

9.30 – The person and its capacities

CHAIR: LOÏC AZOULAI

Emancipation

FLORIS DE WITTE – London School of Economics and Political Sciences

Integration

SEGOLENE BARBOU DES PLACES – Université Paris 1 Panthéon-Sorbonne

Alienation

ALEXANDER SOMEK- University of Iowa

11.00 – 11.30 – Coffee break

Discussion

ADRIAN FAVELL – Sciences-Po Paris

MARISE CREMONA – European University Institute

13.00 – Lunch (speakers only)

14.30 – A plurality of roles

CHAIR: SEGOLENE BARBOU DES PLACES

The construction of categories of persons in EU Law

DAMIAN CHALMERS – London School of Economics and Political Sciences

Citizen's subjectification in European public law

MARCO DANI – Università di Trento

The European individual as part of collective entities (family, market, nation)

LOÏC AZOULAI – European University Institute

16.15 – 16.45 – Coffee break

Discussion

NEHAL BHUTA – European University Institute

GIANLUIGI PALOMBELLA – Scuola Superiore Sant'Anna

18.00 – End of work

19.30 – Dinner (speakers only)

Tuesday 11 November 2014

9.30 – Bordeline cases. In search of identity and recognition

CHAIR : ETIENNE PATAUT

Embryon, living beings

STEPHANIE HENNETTE VAUCHEZ – Université Paris Ouest Nanterre La Défense

The ‘enlisted terrorist’

CHARLOTTE BEAUCILLON – Université Paris 1 Panthéon-Sorbonne

The Union criminal citizen

STEPHEN COUTTS – European University Institute

11.00 – 11.30 – Coffee break

The Roma population

SOPHIE ROBIN-OLIVIER – Université Paris 1 Panthéon-Sorbonne

Discussion

CLAIRE KILPATRICK - European University Institute

AURORA PLOMER - Fernand Braudel Fellow (EUI)

13.00 – Lunch (speakers only)

14.30 – Person and Personhood in EU law

CHAIR : HANS MICKLITZ

Towards a personal European status?

ETIENNE PATAUT – Université Paris 1 Panthéon-Sorbonne

Family, surnames, personal status

ANNE-MARIE LEROYER – Université Paris 1 Panthéon-Sorbonne

Persons and Fundamental Rights

DANIEL THYM – Konztanz Universität

16.15 – 16.45 – Coffee break

Discussion

HANS MICKLITZ - European University Institute

RAINER MARIA KIESOW – Ecole des Hautes Etudes en Sciences Sociales

17.30 – Conclusions by J.H.H. WEILER - EUROPEAN UNIVERSITY INSTITUTE

Participants

Loïc Azoulai	<i>Professor of European Law European University Institute, Florence</i>
Sékolène Barbou des Places	<i>Professor of Public Law University Paris 1 Panthéon-Sorbonne</i>
Charlotte Beaucillon	<i>Lecturer of Public Law University Paris 1 Panthéon-Sorbonne</i>
Nehal Bhuta	<i>Professor of Public International Law European University Institute, Florence</i>
Damian Chalmers	<i>Professor of European Union Law London School of Economics and Political Sciences</i>
Stephen Coutts	<i>PhD Researcher European University Institute, Florence</i>
Marise Cremona	<i>Professor of European Law European University Institute, Florence</i>
Marco Dani	<i>Lecturer in Comparative Public Law Faculty of Law of the University of Trento</i>
Floris de Witte	<i>Assistant Professor in European Union Law London School of Economics and Political Sciences</i>
Adrian Favell	<i>Professor of Sociology Sciences-Po Paris</i>
Stéphanie Hennette –Vauchez	<i>Professor of Public Law University of Paris Ouest Nanterre La Défense</i>
Rainer Maria Kiesow	<i>Professor of Law Ecole des Hautes Etudes en Sciences Sociales, Paris</i>
Claire Kilpatrick	<i>Professor of International and European Labour & Social Law European University Institute, Florence</i>
Anne-Marie Leroyer	<i>Professor of Private Law University Paris 1 Panthéon-Sorbonne</i>
Hans-Wolfgang Micklitz	<i>Professor of Economic Law European University Institute, Florence</i>
Gianluigi Palombella	<i>Professor of Legal Theory and Jurisprudence Scuola Sant'Anna, Pisa</i>
Etienne Pataut	<i>Professor of Private Law University of Paris 1 Panthéon-Sorbonne</i>
Aurora Plomer	<i>Professor of Law and Bioethics University of Sheffield</i>
Sophie Robin-Olivier	<i>Professor of Private Law University of Paris 1 Panthéon-Sorbonne</i>

Alexander Somek

*Professor of Law
University of Iowa, College of Law*

Daniel Thym

*Professor of Public, European and International Law
University of Konstanz*

Joseph H.H. Weiler

*Professor of Law and President of the European University
Institute, Florence*