

Call for Abstracts

ECtHR jurisprudence: an incremental and progressive development or time to take a breather?

*A two-day conference at the Maastricht Centre for Law & Jurisprudence (MCLJ)
Thursday 14 and Friday 15 January 2027*

Since the mid-1970s, when the European Court of Human Rights (ECtHR) emerged as a mature supranational human rights court, its jurisprudence has often been characterised as both incremental and progressive. Through its evolutionary interpretation of the Convention as a living instrument, the Court has gradually expanded the scope of Convention rights while continuously redefining the relationship between European supervision and national discretion.

Yet this development has not gone uncontested. Since the mid-1990s, the Court has faced mounting pushback from Convention states, which argue that the living instrument doctrine has extended Convention obligations beyond what the drafters originally envisaged. These concerns culminated in the notorious Open Letter of May 2025, signed by several European Presidents and Prime Ministers, which criticised the Court for upsetting the balance between the Strasbourg and national authorities. A year later, the member states of the Council of Europe adopted the Chişinău Declaration, reaffirming the principles of subsidiarity and the margin of appreciation and stressing that the Court should exercise restraint in areas where national authorities are better placed to make sensitive policy choices, particularly in the field of migration.

These developments raise fundamental questions. Are the Open Letter and the Chişinău Declaration merely temporary expressions of political dissatisfaction, or do they signal a broader shift in the future direction of the Convention System? What is the proper balance between supranational judicial oversight and national democratic self-government? To what extent should established Convention concepts be adapted to address contemporary challenges?

On Thursday 14 and Friday 15 January 2027, the Maastricht Centre for Law & Jurisprudence (MCLJ) will host a two-day conference to explore these questions. Contributions may address the following four themes:

1. Methods of interpretation and judicial development

- What are the normative foundations and limits of the Convention as a living instrument?
- How should the Court balance fidelity to the Convention text and historical understandings against contemporary social developments?
- What role should incrementalism play in the development of Convention jurisprudence? Are there alternative approaches that better explain or justify the Court's case law?
- To what extent do debates before the ECtHR resemble broader discussions concerning originalism, living constitutionalism, and constitutional interpretation more generally?

2. The margin of appreciation and European consensus:

- What is the future of the margin of appreciation doctrine? Can it continue to provide a coherent framework for balancing effective rights protection and respect for national diversity?
- Has the margin of appreciation contributed to, or hindered, the development of constitutional democracy in Europe?
- What role should European consensus play in determining the scope of Convention rights and the level of deference afforded to national authorities?
- Does the Court merely reflect developments within the Convention states, or does it actively shape them?

3. Legitimacy and authority of the Strasbourg Court

- What are the sources of the ECtHR's legitimacy?
- To what extent should the Court rely on legal authority, democratic endorsement, European consensus, moral reasoning, or other sources of justification when developing Convention rights?
- Is the Court's authority strengthened or weakened by its increasingly constitutional role within Europe?

4. Political resistance and the future of the Convention system

- How should the Convention system respond to political resistance, judicial backlash, and growing demands for subsidiarity? Do constitutional pluralist theories still play a role?
- Do developments such as the Open Letter and the Chişinău Declaration signal a broader shift in the future direction of the Convention system?
- Can criticism from Contracting States contribute constructively to the development of Convention jurisprudence, or does it threaten the authority of the Court?

Keynote speakers: Prof Mattias Kumm (WZB Berlin) and Prof Janneke Gerards (Utrecht University and Council of State).

Organisers: Dr Massimo Fichera, Prof Roland Pierik & Dr Maarten Stremmer.

Submission Information

Please submit abstracts of max. 500 words on one of the conference themes, clearly outlining the contribution's main argument, methodology, and relevance. Please also include your name, institutional affiliation, and a short biography (max. 150 words). Participants are welcome but not required to develop full papers for the conference. Abstracts should be submitted to law-mclj@maastrichtuniversity.nl by **Friday, 16 October 2026**. Please put 'Abstract ECtHR Conference' in the subject line of your email. Successful applicants will be notified by Friday, 30 October 2026. Further information regarding the conference programme and venue will follow in due course.

About the Maastricht Centre for Law & Jurisprudence (MCLJ)

The Maastricht Centre for Law & Jurisprudence (MCLJ) is a research Centre within the Faculty of Law at Maastricht University. The Centre promotes research in legal philosophy, legal theory, and (international) legal history, as well as at their intersections. MCLJ adopts an interdisciplinary, internationally oriented approach to foundational questions about law, normativity, political community, and governance, with particular attention to contemporary societal and global challenges. For more information, please visit the Centre's [website](#).