COLLECTIVE JUDGING IN COMPARATIVE PERSPECTIVE
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Counting Votes and Weighing Opinions

Edited by
Birke Häcker
Wolfgang Ernst
Collective Judging in Comparative Perspective. Counting Votes and Weighing Opinions
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PREFACE

This collection is the product of a conference entitled ‘Counting Votes and Weighing Opinions – Collective Judging in Comparative Perspective’, held at All Souls College, Oxford, on 20 and 21 July 2017. The event was co-organised by the editors (both University of Oxford) together with Professor Beate Gsell (Ludwig-Maximilians-Universität München) and Professor Thomas Rüfner (Universität Trier). Our co-organisers regularly sit on cases heard by Higher Regional Courts of Appeal in Germany (Oberlandesgericht München and Koblenz, respectively).

The aim of the conference was to bring together distinguished judges and academics from around the world to discuss the mechanisms, processes and challenges of collective decision-making by judicial bodies. Participants came from a mix of civil law and common law jurisdictions. Judges from national, supranational and international courts reported on their respective practices and experiences, leading to an exchange of views on the pros and cons of various different approaches. Lord Neuberger of Abbotsbury, who was at the time of the conference about to step down as President of the UK Supreme Court, in a closing speech elegantly pulled together all the various red threads that had emerged over two days of intense debate.

Most of contributions contained in this book are updated, amended and in a few cases significantly expanded versions of the papers delivered at the conference. For the purposes of this publication, we have ordered them by the type of jurisdiction they pertain to. The book commences with an ‘impulse paper’ prepared by Wolfgang Ernst that also initiated the conference itself. The chapters include two (by Professor Gertrude Lübbe-Wolff and by Judge Theodor Meron, co-authored by Christos Ravanides) which would have been given at the conference had not circumstances beyond the speakers’ control prevented them from attending. Towards the end of the book, we have added a part containing ‘voices from the audience’. It encompasses contributions by conference attendees who kindly agreed to provide insight into their own experience of collective judging in other bodies, or who offered reflections and comments on the conference topic from an academic perspective. The book concludes with some remarks by the organisers, flagging aspects we found particularly interesting and which we think could inform future ‘court design’.

As editors, we would like to thank, first and foremost, our co-organisers Beate and Thomas who helped conceive the conference and whose substantive
input and financial contribution towards travel costs was invaluable. The conference itself was hosted and generously funded by All Souls College, Oxford. We are sure to be speaking for everybody involved in thanking the Warden and Fellows of the College for their magnificent hospitality. We are also very grateful to the participants for their various contributions and to the authors for bearing with us over a somewhat protracted editing process. Finally, we are indebted to Ann-Christin Maak-Scherpe and her team at Intersentia Publishing, particularly Rebecca Moffat, for producing such an elegant volume.

Birke Häcker
Wolfgang Ernst
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