The object of the conference is to inquire into the key question of assessment of proof, namely standard of proof. In general, evaluation of evidence requires an intellectual process, in which the evaluator reconstructs the past based on available information. Since the past cannot be repeated, the evaluator may only attempt to get as close as possible to the reality. Generally, as to the standard of proof we may identify two extreme approaches. First, which we can describe as hypothetical or speculative, stems from the persuasion of the judge. It employs such terms as “truth”, “certainty” or “beyond reasonable doubts”, etc. The result of it is “everything or nothing”. The second approach is, on the first sight, more scientific, since it measures the extent of credibility of the reconstruction by a degree of probability. If, for example, the degree of probability exceeds 51 %, such information is considered as proven.

The main purpose of the conference is therefore to learn about different approaches in relevant European jurisdictions. The second purpose of the conference is to assess the different approaches and find an adequate standard. Finally, the conference shall increase the understanding of the matter by the interested public and the participants.

PROGRAM

First day, October 26 – Fundamentals (14.00 – 18.30)

14.00 – 14.15 Opening
14.15 – 15.00 Prof. Pavel Holländer (Brno): Proof, theory of truthfulness and the purposes of procedure
15.00 – 15.45 Prof. Mark Schweizer (Zürich): The standard of proof as a decision threshold
15.45 – 16.00 Coffee break
16.00 – 16.45 Prof. Christoph Kern (Heidelberg): Probability as an element of the standard of proof
16.45 – 17.30 Prof. Magne Strandberg (Bergen): The more probable than not standard – a critical approach
17.30 – 18.15 Prof. Christoph Althammer (Regensburg): Proof of causation in German tort law
18.15 – 18.30 Final discussion, end of first day

Second day, October 27 – National reports (09.00 – 17.30)

09.00 – 09.45 Prof. Hans Jürgen Ahrens (Osnabrück): The standard of proof – the German approach
09.45 – 10.30 Prof. Walter Rechberger (Vienna): The Austrian approach and the inherent connection between the standard of proof and the burden of proof
10.30 – 10.45 Coffee break
12.15 – 12.30 Final discussion

14.00 – 14.45 Prof. Emmanuel Jeuland (Paris): The standard of proof and the French approach
14.45 – 15.30 Prof. Elisabetta Silvestri (Pavia): The Italian concept of the standard of proof
15.30 – 15.45 Coffee break
15.45 – 16.30 Prof. John Sorabji (London): The English approach to the standard of proof
16.30 – 17.15 Prof. Luboš Tichý (Prague): Main problems from the perspective of a comparative analysis
17.15 – 17.30 Final discussion, end of conference