

XVIIIth International Congress of Comparative Law

Private Law Theory - A Workshop

PROGRAM

Wednesday, July 28, 2010
9:00 am – 5:00 pm

American University Washington College of Law,
4801 Massachusetts Avenue, NW, Washington, DC 20016, Room 603

The current crisis of public law, and of the state, has reinvigorated interest in private law and its theory. Scholars from all over the world are invited to share their views and perspectives, so debates that have often been national or regional can be linked and a global perspective may be possible. We would like to thank participants to provide us with “scraps” to facilitate our conversations. Most of the participants will have a chance to briefly present their ideas in one of the various panels. **Participation in the workshop is CLOSED and please note that you can participate in this event ONLY if you have been included in the program or received permission by the organizers.** We envisage a maximum of 50 participants selected on the basis of the work submitted. The meeting will include breakfast, lunch and a small closing reception, please check the program online. For any other detail please contact Cleo Magwaro; cm9631a@student.american.edu. **Organizers:** *Ralf Michaels*, Duke University School of Law/ University of Pennsylvania, USA michaels@law.duke.edu; and *Fernanda Nicola*, American University Washington College of Law, Washington D.C., USA fnicola@wcl.american.edu.

8:30-9:00 am **Registration and Continental Breakfast**

9:00 am **Opening Remarks**
Ralf Michaels (Duke University School of Law/ University of Pennsylvania, USA)
Fernanda Nicola (American University Washington College of Law, USA)

9:10-10:20 am **“Can there be private law?”**
The realist and post-realist critique suggests that the idea of private law is incoherent. What then could still qualify as private law, as opposed to public law on the one hand, mere custom on the other?

Panelists: *Aditi Bagchi* (University of Pennsylvania Law School, USA)
Bénédicte Fauvarque-Cosson (University Panthéon-Assas, Paris II, France)
Bianca Gardella Tedeschi (University of Piemonte Oriental, Italy)
Sylvia Kang’ara (University of Washington, Seattle, USA)
Souichirou Kozuka (Gakushuin University, Japan)
Luke Nottage (Sydney University, Australia)

Chair: *Dan Wielsch* (University of Cologne, Germany)

10:20-11:30 am, **“Private Law Reasoning”**
Is there something specific about private law reasoning? And what is it? What are challenges for private law reasoning today?

Panelists: *Jorge Esquirol* (Florida International University College of Law, USA)
Patricia Kameri Mbote (University of Nairobi, Kenya)
Nicholas Kasirer (Hon. Judge – Court of Appeal of Quebec, Canada)
Peter Oh (University of Pittsburg, School of Law)
Sjef van Erp (Maastricht University, Netherlands)
Richard Wright (Illinois Institute of Technology Chicago-Kent College of Law, USA)

Chair: *Daniela Caruso* (Boston University Law School, USA)

11:30-11:50 Coffee Break

11:50-1:00 **“Private Lawmaking”**

Can private actors make law? What role do the rules play that they create? How do they relate to the official law of the state?

Panelists:

Richard Buxbaum (UC Berkeley School of Law, USA)
Amy Cohen (Ohio State University, Moritz College of Law, USA)
Kathleen Gutman (Catholic University of Leuven, Belgium)
Jeff Redding (Saint Louis University School of Law, USA)
David Snyder (American University Washington College of Law, USA)
Dan Wei (University of Macau, School of Law, Macau)

Chair:

Franz Werro (Georgetown University Law School, USA)

1:00 **Lunch**

1:20- 2:20 Keynote Speech

Keynote speaker: **Ernest Weinrib** (University of Toronto, Canada)

Commentators: **Michele Graziadei** (University of Turin, Italy)

Isabel Jaramillo Sierra (Los Andes University, Colombia)

2:20-3:30 **“Private Law and Globalization”**

If all law was once public state law, does decline of the state signify the rise of private law? How does private law relate to globalization?

Panelists:

Larry Catá Backer (Penn State University, USA)
Anna Gelpern (American University Washington College of Law, Washington D.C.)
Lukas Heckendorn Urscheler (Swiss Institute of Comparative Law, Lausanne, CH)
Luca C.M. Melchionna (St. John’s School of Law)
Florian Rödl (Frankfurt University, Germany)
Dai Yokomizo (Nagoya University, Japan)

Chair:

Teemu Ruskola (Emory University School of Law, USA)

3:30- 3:50 Coffee Break

3:50-5:00 **“Where do we go from here?”**

Panelists:

Yuki Asano (Gakushuin University Law School, Japan)
Donald Earl Childress III (Pepperdine University, USA)
Cally Jordan (Duke Law School, USA & University of Melbourne, Australia)
Amr Shalakany (The American University in Cairo, Egypt)
Markus Wagner (Miami University School of Law, USA)
Dan Wielsch (University of Cologne, Germany)

Chair:

Susan Carle (American University, Washington College of Law, USA)

5:00 pm

RECEPTION