JURIS DIVERSITAS

ANNUAL CONFERENCE
17 July (evening) to 19 July 2014
Faculty of Law and Political Science - Aix-Marseille University - Aix-en-Provence, France

CONGRÈS ANNUEL
17 juillet (soir) au 19 juillet 2014
Faculté de droit et de science politique - Aix-Marseille Université - Aix-en-Provence, France

COMPARATIVE LAW AND …
LE DROIT COMPARÉ ET …
Comparative Law and ... / Le droit comparé et ...

Co-sponsored by / co-organisé par

Aix-Marseille Université, Faculté de droit et de science politique

& Juris Diversitas

Thursday, July 17, 2014

17:00       Registration - Accueil
17:45       Welcoming Address Philippe Bonfils Dean of the Law and Political Science Faculty
18:00       Plenary – Keynote

Chair: Seán Patrick Donlan

• The Complexity and Size of Jurisdictions: an Experiment at the Intersection of Law and Linguistics, Jan M. Smits, University of Maastricht (Netherlands)

19:00 Reception

Friday, July 18, 2014

8:30-9:45    Parallel Sessions I

I.A      Legal Traditions, History & Culture

• Comparative Law and Legal Traditions: How Far Can We Go?, Stathis Banakas, University of East Anglia (UK)
• The Division of Legal Families: A Cultural Undertaking?, Serban S. Vacarelu, Maastricht University (Netherlands)
• Legal History as a Companion and a Role Model to Comparative Law, Nir Kedar, Sapir Academic College (Israel)

I.B      Rule of Law, Due Process & Constitutionalism

• Rule of Law: How it Relates to Liberty, and How it Differs from the Civilian Legal State, Nadia E. Nedzel, Southern University, Baton Rouge (USA)
• Swiss and Ukrainian Civil Procedures: Due Process Europeanization and Approximation, Iuliia Zubrytska, University of Zurich (Switzerland)
• Non-Statutory Executive Powers in Three Regimes: Assessing Global Constitutionalism in a Structural-Institutional Context, Margit Cohn, Hebrew University of Jerusalem (Israel)
I.C  A Patchwork of Laws, Harassment and Isolation

• Mongrel Laws or Model Code? The Strange Antecedents of the Penal code of Seychelles, Mathilda Twomey, National University of Ireland, Galway (Ireland)
• Stalking: Claim for Civil Damages in Italy and in England, Francesca Casarosa, Italian Association of Young Lawyer (Italy)
• North Korea: the Recent Development of an Unconventional Legal System, Andrea Serafino, Università del Piemonte Orientale (Italy)

I.D  Droit comparé : enjeux, stratégies & identité

• Droits étrangers : un nouvel enjeu pour le notariat, Marjorie Devisme, Centre notarial de droit européen, Lyon (France)
• Le recours au droit comparé par le juge de l’Union européenne : une stratégie au service des intérêts de la Cour, Valérie Michel, Aix-Marseille Université (France)
• Le « Law and » est-il symptomatique d’une véritable crise d’identité du droit ?, Vanessa Arviset, Université McGill (Canada)

9:45-10:15  Break

10:15-11:30  PARALLEL SESSIONS II

II.A  Of Nature, Natural Law & Moral Judgment

• Roman Law, ius commune and Natural Law: Why Resurrection of ius commune is not Natural Law Revival?, Anna Taitslin, University of Canberra (Australia)
• Law and Ethology, Alberto Gianola, University of Turin (Italy)

II.B  Judicial Treatment of Pluralism: Proportionality, Equity & Legal Interpreters

• Proportionality and Constitutional Cultures in Europe, Afroditi Marketou, European University Institute, Florence (Italy)
• Judicial Equity and the “Mild” Ethnicisation of Italian Law, Raffaele Aveta, University of Naples 2 (Italy)
• The Legal Interpreter: Ghost or Intruder?, Stefanos Vlachopoulos, Epirus Institute of Technology (Greece)

II.C  Droit & économie

• Le droit comparé et la flexisécurité en droit du travail, Alexis Bugada, Aix-Marseille Université (France)
• Le droit comparé et l’économie : la justification économique de la responsabilité précontractuelle en droit français et anglais, Olivier Beddeleem, EDHEC Business School (France)
• Droit comparé et mondialisation : la normalisation des technologies émergentes et l’encadrement des risques qui les accompagnent, Vanessa Barbaro, Université Jean Moulin Lyon 3 (France)

11:30-12:30  PLENARY – KEYNOTE – HOMAGE

Chair: Olivier Moréteau

• Comparative law and the Forensic Process, Duncan Fairgrieve (British Institute of International and Comparative Law; Sciences Po Paris (UK & France) & François Lichère, Aix-Marseille Université (France)
• Roderick A. Macdonald (1948-2014), A Unique Pluralist, Olivier Moréteau, Louisiana State University, Baton Rouge (USA) & Jacques Vanderlinden, Université libre de Bruxelles et Université de Moncton (Belgique, Canada)

12:30-14:15  Lunch

14:15-15:45  PANEL & PARALLEL SESSIONS III

III.A  PANEL – Post-socialist Civil Law

• Murray Raff & Anna Taitsin (dir.), University of Canberra (Australia)
• With Fryderyk Zoll, University of Osnabrück (Germany), Xiang Gao & Chengwei Liu, China University of Political Science & Law, Beijing (China), Michael Liu, University of Canberra (Australia), Jasna Arsic-Dapo, formerly Office of the High Representative (Bosnia and Herzegovina), Tomislav Boric, Karl-Franzens-Universität Graz (Austria), Miloš Živković, University of Belgrade (Serbia)

III.B  Codification, Mix & Identity

• Should Legal Uniqueness be Compared? The Subsidiary Character of the Civil Code in Spain, Aniceto Masferrer & Juan B. Cañizares, University of Valencia (Spain)
• The Memory of the Past and the Legal Culture Narratives in Québec and Louisiana: which Challenges for Comparative Law?, Biagio Andò, University of Catania (Italy)
• Implementation of French Codes on the Polish Territories as an Instrument of Modernization, Anna Klimaszewska & Michał Gałędek, University of Gdańsk (Poland)
• The Myth of Frankenstein: The Israeli Civil Code, Dream or Reality, Paola Aurucci, University of Bar Ilan, Ramat Gan (Israel)

III.C  Pluralisme & universalité

• Comparer quoi et pourquoi comparer ? Réflexions ethnographiques sur le pluralisme juridique en Inde, Karine Bates, Université de Montréal (Canada)
• Pluralisme juridique et droits indigènes : regards comparatifs sur l’articulation du droit de l’État et des droits indigènes, Éric Carpano, Université Jean Moulin Lyon 3 (France)
• Des épistémologies autres : culture, pouvoir et résistance dans les études juridiques
comparatives, Gino Piero Carrion Nunez, Université Paris 1 Panthéon-Sorbonne (France)

- L’application de la conception non-linguistique de la norme de loi à base du système « droit commun », Oskar Pogorzelski, Université Jagellonne, Cracovie (Pologne)

15:45-16:15 Break

16:15-17:30 PARALLEL SESSIONS IV

IV.A Making Comparison? Issues in Methodology

- Methodology of Comparative Legal Research, Mark Van Hoecke, Ghent University (Belgium)
- Is There Anything Certain to Say about Law’s Relationship to National Values?, Wibo van Rossum, Utrecht University (Netherlands)
- Making Comparison?, Ida Pedretta, University of Southampton (UK)

IV.B State v. Market: Regulation, Publicity & Control

- Regulatory Impact Assessment in the Developing World: A Comparative Analysis of Mexico and South Africa, Renny Reyes, Pontificia Universidad Católica Madre y Maestra (Dominican Republic) & Angela Troisi, LUISS Guido Carli, Rome (Italy)
- Registration Systems in Comparison, Lucia di Costanzo, University of Naples & University of Camerino (Italy)

IV.C Legal Pluralism: Constitutional Perspectives

- Constitutional Comparison and Religious Pluralism, François Venter, North-West University, Potchefstroom (South Africa)
- Legal Pluralism as a Challenge to Constitutionalism: New Perspectives for Comparative Constitutional Law, Maria Chiara Locchi, University of Perugia (Italy)
- Comparative Law and Political Science: Government of Judges, Governing with Judges? A Case-Study of Judicial Selection at the Court of Justice of the European Union, Sophie Turenne, University of Cambridge (UK)

IV.D Deconstructing Criminal Justice: National & International Perspectives

- Law, Change, and Organizational Theory, Shawn Boyne, Indiana University (USA)
- Deconstructing the Presumption of Innocence, Michelle-Thérèse Stevenson, University of Limerick (Ireland)
- The Principle of Legality in International and Comparative Criminal Law – ICC vs. ECHR?, Giulio Vanacore, University Carlo Bo, Urbino (Italy)

17:30-18:30 JURIS DIVERSITAS GENERAL MEETING
9:30-10:45  PARALLEL SESSIONS V

V.A  Human Rights, Historical & Comparative Perspectives

- Human Rights and Antiquity, Carlos Felipe Amunátegui Perelló, Pontificia Universidad Católica de Chile (Chile)
- Conceptualising International Human Rights as Institutional Constitutional Guarantees: Promises and Perils of Comparativism, Ekaterina Yahyaoui Krivenko, National University of Ireland, Galway (Ireland)
- Human Rights as Property Rights in Postcolonial Malta, David E. Zammit & Kurt Xerri, University of Malta (Malta)

V.B  Powers, Conflicts of Interests & Usages in Global Trade

- A Transnational Law of Trade Usages, Fabien Gelinas, McGill University (Canada)
- Stare Decisis in the WTO: Myth, Dream or a Siren’s Song?, Alessandro Romano, Erasmus University, Rotterdam (Netherlands)
- WTO and ICSID Compared: an Economic Analysis of Procedural Rules, Chiara Sotis, LUISS Guido Carli, Rome (Italy)

V.C  Land & Ownership: Indigenous & Outside Perspectives

- Comparative Law and ... Customs, Law and Traditions: Bright Lines or Grey Areas?, Sue Farran, Northumbria University (UK) & University of the South Pacific (Vanuatu)
- The Right of Property in Albania, the Past and Present, Juliana Latifi, University of Tirana (Albania)
- The Land Struggle between the State of Israel and the Negev Bedouins in Comparative Perspectives, Alexandre (Sandy) Kedar, University of Haifa (Israel)

V.D  Fraternité, responsabilité, propriété : essais de mediation

- Des pièces de musées aux principes de propriété, une exposition comparée du régime juridique des collections muséales, Anne-Sophie Hulin, McGill University (Canada)
- La fraternité entre responsabilité civile et contrat, le cas des dommages de masse, Angelo Parisi, University Tor Vegata, Rome (Italy)
- Intervention sur le thème « le droit comparé et la médiation », Catherine Poli, Université Montesquieu Bordeaux 4 (France)

10:45-11:15  Break
11:15-12:30 PARALLEL SESSIONS VI

VI.A Comparative Law, Legal Education & Research

- Comparative Law and Legal Education, Mission Impossible?, Irina Moutaye, Institute of Legislation and Comparative Law, Moscow (Russia)
- Comparative Law and ... Legal Education, the Teaching of Comparative law in Italy before World War I, Annamaria Monti, Università Bocconi, Milan (Italy)
- Digital Humanities Methods in Comparative Law: Quantitative Analysis on a Plain Text Corpus of Books to Trace the Diffusion of Legal Concepts in Public Spheres, Thomas Favre-Bulle, École Polytechnique fédérale de Lausanne (Switzerland)

VI.B Homosexuality: Where is Human Dignity?

- The Concept of Human Dignity in Gay Rights Adjudication and Legislation in the EU and the US, Michèle Finck, University of Oxford (UK)
- Equality and Singapore’s First Constitutional Challenges to the Criminalization of Male Homosexual Conduct, Jack Tsen-Ta Lee, Singapore Management University (Singapore)
- An Unnatural Aberration: the Indian Supreme Court’s Regression from the Comparative Method in Suresh Kumar Koushal v. Naz Foundation, Radhika Chitkara & Manish, National Law University, Delhi (India)

VI.C Alterity, Legal & Social Norms: Alternative Views?

- Thinking about Norms in Pluralistic Societies: “Blurred Lines” between the “Legal” and the “Social” of Normative Orders, Christa Rautenbach, Northwest University, Potchefstroom (South Africa)
- Alterity in Emmanuel Levinas’ Philosophy and Comparison of Laws, Emma Patrignani, University of Lapland (Finland)
- Comparative Fiction and Posthuman Law: The Case for an Alternative View, Joseph P. Garske (USA)

VI.D Property, Housing, Taxation & Expropriation

- Expropriation: A Comparative Study of the Jurisprudence of Ghana, Namibia, South Africa and Zimbabwe, Samuel Amoo, University of Namibia (Namibia)
- Comparative Law and Development Studies: Towards a Better Understanding of Contemporary “Land Grabbing” Processes, Margherita Baldarelli, University of Trento (Italy)
- The Legal System in Saudi Arabia and Tax: A Friend or Foe in Levying Tax on Lands, Abdulaziz Aleid, University of Leeds (UK)

12:30-14:00 Lunch
14:00-15:15  PARALLEL SESSIONS VII

VII.A  Freedom, Physical & Moral Integrity

- The Different Treatment of Freedom of Expression in France and in the United States, Arnaud Raynouard, Université Paris Dauphine (France) & Russell L. Weaver, University of Louisville (USA)
- Comparative Law and Human Integrity: Recognizing a Gender in National Law, Elwira Macierzyńska-Franaszczuk, Kozminski University, Warsaw (Poland)
- Law and Social Change: Right to a Name, Personal Identity and Private Life in Context, Alessandra Pera, University of Palermo (Italy)

VII.B  Intellectual Property Worldwide

- A Comparative Analysis of Trade Mark laws in Selected African Countries, Yeukai Mupangavanhu, University of the Western Cape (South Africa)
- Comparative Law and Intellectual Property: Some Comments Starting from the Software Case, Matteo Dragoni, University of Pavia (Italy)
- Franchising Business Practices in South Korea: Confucianism vs. Free Trade, Giovanni Tamburrini, SolBridge International School of Business (South Korea)

VII.C  EU Law in Member States Courts

- European Economic Interest Grouping’s National Implementation Rules: A Comparison for a Better Competition, Alessio Bartolacelli, University of Trento (Italy)
- Enhanced Cooperation as a Legislative Instrument – Current Status, Michael Randall, University of Leeds (UK)
- Judge’s Liability in Europe, Domitilla Vanni di San Vincenzo, University of Palermo (Italy)

VII.D  Traduction, communication, uniformisation?

- Droit comparé et traduction, Isabelle Richard, Aix-Marseille Université (France)
- Le processus d’uniformisation du droit des affaires dans un contexte de pluralisme juridique : le bijuridisme camerounais et l’OHADA, Ibrahim Abdouraoufi, Lyon (France)
- Droit comparé et … droit musulman, Harith Al-Dabbagh, Université de Montréal (Canada)

15:15-15:45  Break

15:45-17:15  PLENARY SESSION WITH PANEL DISCUSSION

Chair: Seán Patrick Donlan

(detail to be announced / organisation en cours)