

2023 Annual Meeting: *Comparative* Comparative Law

October 26–28, 2023
Florida International University College of Law



ASCL

American Society of Comparative Law

FIU

Law

FLORIDA INTERNATIONAL UNIVERSITY

Thursday, October 26

5:00pm-7:00pm
Grand Reading Room

Welcome Reception, FIU College of Law

7:00pm-9:00pm
Room 2080

Executive Committee Meeting

Friday, October 27

8:00am-9:00am
Atrium

Breakfast

9:00am-9:10am
Room 1000

Welcome

Antony Page, Dean of the FIU College of Law

Máximo Langer, President of ASCL, UCLA Law School

Jorge L. Esquirol, Professor of Law, FIU College of Law

9:10am-10:30am
Room 1000

Plenary Panel

Moderator: Eloisa Rodriguez-Dod, FIU College of Law

Speakers:

Marie-Claire Belleau, University of Laval, Quebec, Bricolage as Comparative Research Method for Critical Legislative Innovation

Jorge L. Esquirol, FIU College of Law, *Comparative Comparative Law*

Michele Graziadei, University of Torino, Italy, *Urban Commons in Italy*

Dina Waked, Sciences Po School of Law, Paris, *Global Antitrust from the Global South: A Comparative Law Void*

10:30am-11:00 am
Atrium

Coffee Break

11:00am-12:30pm

Panel 1
Room 2001

Book Panel: Yun-Chien Chang, Property Law: Comparative, Empirical, and Economic Analyses

Speakers:

Yun-Chien Chang, Cornell Law School

Gary Bell, National University of Singapore

Nuno Garoupa, George Mason University Antonin Scalia Law School

Shitong Qiao, Duke Law School

Panel 2
Room 2002

A Transatlantic Dialogue on Comparative Tort Law

Speakers:

Maria Lubomira Kubica, Universidad Loyola Andalucía

Michael D. Green, Washington University of Saint Louis

Gregory C. Keating, University of Southern California

Albert Ruda, Girona University

Panel 3
Room 2005

Uses of Comparative Law: Theory and Practice

Speakers:

Luigi Buonanno, Bocconi University, A (true) ius commune europaeum

Anna Conley, University of Montana, Legal Transplants, Originalism, and the Inevitability of Adaptability

Alyssa King, Queen's University, Ethics of Traveling Judges

Panel 4
Room 2007

Comparative Approaches to Transnational Problems

Speakers:

Shahla Ali, University of Hong Kong, The Paradox of Prevention: Dispute Mitigation by Multilateral Development Bank

Virginia Harper Ho, City University of Hong Kong, China & Transnational Green Finance Innovation: A Comparative Perspective

Joshua Karton, Queen's University, Independence and Impartiality Across Legal Cultures (International Arbitration)

Paolo Saguato, George Mason University Antonin Scalia Law School, Open Borders Finance

12:30pm-1:30pm
Atrium

Lunch

1:30pm-2:45pm
Room 1000

Hot Topic Plenary

Global Perspectives on Digital Governance

Moderator: **Francesca Bignami**, George Washington University Law School

Speakers:

Deepa Das Acevedo, Emory University School of Law

Margaret Lewis, Seton Hall Law School

Oreste Pollicino, Bocconi University

Ioanna Tourkochoriti, University of Baltimore

2:45pm-3:00pm
Atrium

Coffee Break

3:00pm-4:30pm

Panel 5
Room 2005

Comparative Law at the Use of Government

Speakers:

Aslihan Bulut, Library of Congress

Micaela DelMonte, European Parliament Research Service

Lukas Heckendorn Urscheler, Swiss Institute of Comparative Law

Peter Roudik, Library of Congress

Panel 6
Room 2002

Book Panel: **Francisca Pou-Gimenez** (ed.), *Proportionality and Transformation: Theory and Practice from Latin America*

Speakers:

Rodrigo Camarena Gonzalez, Instituto Tecnológico Autónomo de México

Jorge Contesse, Rutgers University

Fernanda Nicola, American University Washington College of Law

Panel 7
Room 2006

Comparative Judicial Politics: Empirical Approaches

Speakers:

Deepa Das Acevedo, Emory University School of Law

Nuno Garoupa, George Mason University Antonin Scalia Law School

Zhiyu Li, Durham University Law

Rodrigo Camarena González and Julio Rios Figueroa, ITAM Law

Panel 8
Room 2008

Issues in Comparative Contract and Private Law

Speakers

Susanne Augenhofner, University of Innsbruck/Yale Law School, *Contract Law in the Age of the Green Transition*

Hao Jiang, Bocconi University, *The Misconceived Doctrine of Causa, and the Incoherence of Contemporary Contract Law*

Panel 9
Room 2007

Issues in Comparative Property Law

Speakers:

Elena Baylis, University of Pittsburgh Law School, Returning Looted Foreign Cultural Objects

Alvin Y.H. Cheung, Queen's University, Sole and Despotic Dominion

Hano Ernst, University of Zagreb, Clearing the Road to Clear Title: Comparative Approaches to Informal Property Rights in Post-Disaster Reconstruction

4:40pm-6:00pm
Room 1000

Plenary Panel

Moderator: Ileana Porras, University of Miami School of Law

Speakers:

Helena Alviar Garcia, Sciences Po School of Law, Paris, Granting Rights to Rivers in the Shadow of Extractivism

Camilla Crea, University of Sannio, Italy, Conscientious Objection: The Italian Pseudo-Exceptionalism?

Bianca Gardella Tedeschi, University of Piemonte Orientale, Italy, Italian Comparative Law: Rodolfo Sacco's Legal Formants Theory

Ronaldo Macedo, University of Sao Paulo, Brazil, The Spree of Principles and the Abuses of Balancing Doctrine in Brazil

6:00pm-9:30pm
La Briza on the Bay

Conference Dinner

Saturday, October 28

8:00am-8:30am
Atrium

Breakfast

8:30am-10:00am

Panel 10
Room 2001

Book Panel: Thierry Delpuech and Jacqueline Ross, Making Sense of Youth Crime: A Comparison of Police Intelligence in the United States and France

Speakers:

Jacqueline Ross, University of Illinois College of Law,

Francesca Bignami, George Washington University Law School

Máximo Langer, UCLA School of Law

Panel 11
Room 2005

Comparative Law: Asian Perspectives and Approaches

Yun-Chien Chang, Cornell Law School

David Law, UVA School of Law

Shitong Qiao, Duke Law School

Murtaza Mohiqi, University of South-Eastern Norway and

Mohammad Mustafa Mohiqi, L'Université Paris-Est Créteil ("Exploring Comparative Law in Afghanistan: Challenges, Opportunities, and Perspectives")

Panel 12
Room 2002

Comparative Techniques in Pluralist Transnational Regulation

Speakers:

Kevin Davis, NYU Law School, and Lauren May, Did Developing Countries Have Their Say on EU Supply Chain Regulation?

Benedict Kingsbury, NYU Law School, Planetary Taboos

Yirong Sun, NYU Law School, China's Generative AI Regulation and its Comparators

Christina Ho, Rutgers Law School, Normalizing an American Right to Health

Panel 13
Room 2006

Issues in Comparative Justice

Speakers:

Mao-hong Lin, National Taipei University, The Use of Forced Prison Labor Reconsidered: The Case of Taiwan

Daniel Pascoe, City University of Hong Kong, Qisas in Comparative Perspective

Tim Webster, Western New England University, Comparing Comfort Women

Litigation Across the Asia-Pacific

Panel 14
Room 2008

Issues in Comparative Constitutional Law

Speakers:

Antonia Baraggia, University of Milan, Use of Comparative Law in ECtHR and IACHR

Jorge Contesse, Rutgers Law School, The End of "Inter Partes" Effect in Latin American Constitutional Law

Barbara Pozzo, Università degli Studi dell'Insubria, Women's Rights Through the Looking Glass of Private Law: A Comparative Law Perspective

10:30 am-12:30pm
Room 2007

Society Business Meeting

12:30pm

Lunch

Supported
By:

FIU

Kimberly Green
Latin American and
Caribbean Center

FLORIDA INTERNATIONAL UNIVERSITY



YCC Schedule

Saturday, October 28

8:30am-10:15am
Room 1000

Welcome, Award Announcements, and Plenary Session

Welcome: **Michael Da Silva**, YCC Co-Chair & **Máximo Langer**, ASCL President

Award Presentation:

Phanor J. Eder J.D./LL.B Prize in Comparative Law

Colin B. Picker Graduate Student Prize, and

Richard M. Buxbaum Prize for Teaching in Comparative Law

Plenary Session: Publishing Books in Comparative Law

Chair: **Clare Ryan**, YCC Vice Chair & Secretary

Participants: **Ron Krotoszynski**, **Ioanna Tourkochoriti**, **Josh Karton**, **Tim Sellers** & **Michael Da Silva**

10:30am-12:30pm
Room 2007

ASCL Society Business Meeting

12:30pm

Lunch

1:00pm-2:45pm

Panel 1(a)
Room 2005

Arbitration, Dispute Settlement, and Property

Chair: **Philipp Renninger**

Papers and Panelists:

Ylli Dautaj – “A Comparative Assessment of Sovereign

Immunity from Execution of Arbitral Awards: China, France, India, Russia, Sweden, UK, and US”

Yueming Yang – “Advancing ‘Internationality’ of ICommCs”

Kwanghyuk (David) Yoo – “Transatlantic Development of Antitrust Jurisprudence: Bridging the Rule Gap in Patent Dispute Settlement Regulation”

Panel 1(b)
Room 2006

Comparative Private Law

Chair: **Odile Ammann**

Papers and Panelists:

2023 Winner, Phanor J. Eder J.D./LL.B Prize in Comparative Law: **Yahel Gerlic** – “A New Dawn for Corporate Accountability in the Context of Transitional Justice”

Maria Lucia Passador – “From White Noise to Sound Decisions: Overcoming Noise in Corporate Law”

Zehra G. Kavame Eroglu – “Perils of Contemporary Corporate Governance of Multinational Companies: A Rio Tinto Case Study”

Francesco Molinaro – “Contract and Penalty: An Open Debate in Comparative Private Law”

Frank S. Giaoui – “Predicting Damage Awards: Toward Economic Efficiency and Judicial Consistency”

Panel 1(c)
Room 2007

Comparative Law and Approaches to Climate, Environment, and Sustainable Development

Chair: Romana Afroze

Papers and Panelists:

2023 Honourable Mention, Colin B. Picker Graduate Student Prize: **Sam Bookman & Matthias Petel** (non-presenting coauthor): “Climate Litigation and Climate Justice: The Distributional Implications of Rights-Based Climate Actions”

Yifan Jia – “What Do Sanction States Want? A Comparative Analysis of the Objectives of the Magnitsky Sanctions”

Biset Sena Güneş & Gökçe Kurtulan-Güner – “Climate Change Litigation: On What Grounds? A Comparison Between Tort- and Rights-Based Approaches”

Magdalena Lagiewska – “China’s Approach to Achieving the UN Sustainable Development Goals”

Thandekile Phulu – “Codifying the Right to Disconnect: Lessons for South Africa from France and Italy”

Panel 1(d)
Room 2008

Comparative Law Applied: Corruption and the Criminal Legal System

Chair: Daniel Pascoe

Papers and Panelists:

Guido Waisberg – “Identical Strokes for Different Folks: Ethnocentrism in Anti-corruption Legal Reforms as a Corruption Booster in the Global South”

Arthur Filho – “The Corruption of Representation: Campaign Finance and its Relationship with the Current Democratic Crisis”

Choky R Ramadhan – “Utilizing the Benefit-Cost Analysis (BCA) for Comparative Legal Research: Case Study the BCA of Enforcing Indonesian Anti-Corruption Laws”

Nikhil Purohit – “Judicial Review of Executive Actions in India and The Argument of National Security: A Comparative Analysis with the UK”

2:45pm-3:15pm Break and Refreshments
2nd floor Common Area

3:15pm-5:00pm
Panel 2(a)
Room 2005 Inside Comparative Law, Ideology, Procedure, and Paradigm Evolution

Chair: **Yan Yueming**

Papers and Panelists:

Stefania Cirillo - “*Adaequatio intellectus ad rem or adaequatione ad intellectum?* The Role of Ideologies in Comparative Studies of Civil Procedure”

Camille Bordere – “La Guerre de Troie n’aura pas lieu. Common Law as French Academia’s Favorite Foil”

Qin (Sky) Ma – “Motivations and Paradigm Evolution of Comparative Law Research in China: A Comparative Examination Based on Different Legal Disciplines”

Eleonora Bottini – “Comparing Inside European Institutions: Main Obstacles and Possible Best Practices”

Panel 2(b)
Room 2006 Comparative Legal Research and Constitutional Approaches

Chair: **Biset Sena Güneş**

Papers and Panelists:

Ángel Aday Jiménez Alemán – “An Iberoamerican Judicial Community? An Analysis of Cross-Citations in 16 Constitutional Courts/Supreme Courts”

Odile Ammann – “Legislative Lobbying and Institutional Integrity: A Comparative Constitutional Analysis”

Marie Padilla – “The Global Turn in Comparative Constitutional Law, a View from French Academia”

Tanya Oberoi & Chintan Narala (non-presenting coauthor) – “Shall I Compare Thee to Comparative Constitutionalism?” – an Analysis of Investment Arbitration and Comparative Constitutional Studies”

Panel 2(c)
[Virtual](#) Comparative Legal Research and Constitutional Approaches

Chair: **Mauro Arturo Rivera**

Papers and Panelists:

Mauro Arturo Rivera – “Supermajorities, Constitutional Courts, Voting Protocols”

Arnulfo Daniel Mateos Durán – “Balancing, International Human Rights, International Treaties, Constitutional Rights, Application of International Law”

Yoav Sivan – “Courts, Juries, Peer Justices, Professional Justice, Democracy”

Panel 2(d)
Room 2007

Innovations in Comparative Law

Chair: Zehra G. Kavame Eroglu

Papers and Panelists:

Michael Da Silva – “Technological Innovations and the Limits of ‘Right to Try’ Arguments”

Yuxiao Zhang – “Deciphering Public Interest in Copyright Law: A Comparative Law Study”

Daniel Pascoe – “National Narcotics Agencies in Southeast Asia”

Romana Afroze – “The Pendulum of Section 230 of Communications and Decency Act Reappraised: A Forlorn Caveat for Critical Cognizance of the Dereliction of Congress on the Exquisite Admonition of Power and Liability Regime of Internet Service Providers”

Panel 2(e)
Room 2008

Comparative Law, Marriage, Family, Social Change, and Decolonization

Chair: Gökçe Kurtulan-Güner

Papers and Panelists:

2023 Winner, Colin B. Picker Graduate Student Prize: Rama Hyewon Kim - "Historicizing Same-Sex Marriage Debate in the Legal Periphery: Savigny, Nakagawa, and the Korean Marriage"

Weilin Xiao – “Two Understandings of Dignities of Same-Sex Couples in East Asia: Freedom of Marriage vs. Forming Family”

Lorenzo Serafinelli – “Unveiling the Inherent Foreign Nature of Legal Clinics: Using Comparative Law to Dominate the Masses”

Alex Alexis – “Comparative (Open Data) Law from Decolonial and Indigenous Perspectives”

5:00pm-5:15pm
2nd floor Common Area

Closing Remarks