



## FORGING TRANSATLANTIC CONNECTIONS

### Summary

As the new EU Commission settles in Brussels without a UK Commissioner and the Brexit saga continues to dominate Transatlantic conversations, this AALS Section works towards maintaining a high level of scholarly engagement with a wide range of European matters in US legal academia. This year, our main Program focuses on Critical Race Theory in the context of European and global legal practices, while our WIP panel displays an array of new works in European legal scholarship (harms in the data economy; legal history of the British Empire; gender parity in the judiciary; and governance through family law).

### The Executive Committee

*Chair:* Mathilde Cohen (UConn)  
*Chair-Elect:* Kristen Barnes (U Syracuse)  
*Secretary:* Daniela Caruso (BU)  
*Treasurer:* Paolo Saguato (AU-WCL)

### Committee Members

Francesca Bignami (GW)  
Tracy A. Kay (Seaton Hall)  
Peter Lindseth (UConn)  
Fernanda Nicola (American)  
Vlad Perju (BC)  
Kim Lane Scheppele (Princeton)  
Panagiotis Takis Tridimas (Penn State)

### European Faculty Members Join the US-Based European Law Community: Selected Highlights

**Wojciech Sadurski**, who is visiting Yale Law School in spring 2020, will give a talk about his recent book, *POLAND'S CONSTITUTIONAL BREAKDOWN* (OUP, 2019), on Friday, February 28 at NYU Law School's Jean Monnet Center.

In fall 2020, **Eddie Bruce-Jones** (Birbeck University of London) will be William & Patricia Kleh Visiting Professor at Boston University School of Law. He is the author of *RACE IN THE SHADOW OF LAW: STATE VIOLENCE IN CONTEMPORARY EUROPE* (London: Routledge, 2017), a socio-legal study of law and anti-racism work in Europe, with a focus on the German context. He remains active in research and policy work on deaths in custody and state violence in Europe.

We also welcome **Amedeo Arena** (Università di Napoli and U Denver) to the AALS European Law Section, and encourage other European scholars with appointments in US law schools to apply.

## AALS 2019 IN REVIEW

Last January in New Orleans, the European Law Section held a panel titled *Judicial Diversity in Transnational Courts*, moderated by Mathilde Cohen and featuring the following speakers: Laurence Burgorgue-Larsen, Josephine Jarpa Dawuni, Sally J. Kenney, Konstantinos Alexandris Polomarkakis, Iyiola Solanke, and Kathryn M. Stanchi. The contributions of the main panel on judicial diversity will be published in a symposium issue of the *Connecticut Journal of International Law*, coming out at the end of 2019.

In addition, Erin Delaney chaired the Works-in-Progress Panel featuring papers by John Morijn, Kristen Barnes, Soraya Rodriguez Losada, and Paul Linden Retek, discussed by Fernanda Nicola, Michele Graziadei, Daniela Caruso, and Erin Delaney.

## THE 2020 AALS PROGRAM

### CRITICAL RACE THEORY IN A GLOBAL CONTEXT: COMPARING PRACTICES AND DISCOURSES OF RACIALIZATION ACROSS BORDERS

Panel jointly organized by the AALS Section on European Law and the AALS Section on Africa  
Co-sponsored by the AALS Section on Civil Rights

Saturday, January 4, 2020, 3:30-5:15PM  
Washington Marriott Wardman Park Hotel, Roosevelt 5, Exhibition Level

**Moderator:** Mathilde Cohen (UConn) **Speakers:** Kristen Barnes (U Syracuse), Jacqueline Gehring (UC Santa Cruz), Mathias Möschel (CEU), Jamelia Morgan (UConn), and Adrien Wing (U Iowa)

*This panel aims to compare different processes of racialized practices that subordinate certain groups in distinct social-legal contexts. Central to the panel's inquiry is the question of the costs and benefits of comparisons when it comes to the study of race in contemporary legal systems. Beginning with the European context, panelists will discuss courts' resistance to conceptualizing and addressing racial and ethnic prejudice, the systemic subjugation of the Roma, and the challenges faced by Critical Race Theory as an academic movement. Extending the inquiry beyond Europe's boundaries, a critical race feminist view will be presented emphasizing how Muslim women inside and outside the United States have been subordinated during the Trump Administration. Finally, the connection between "public order" offenses and racialized notions of gender, disability, and class will be examined in the United States and Brazil.*

## EUROPEAN LAW SECTION WORKS-IN-PROGRESS PANEL

Sunday, January 5, 2020 – 10:30AM-12:15PM  
Washington Marriott Wardman Park Hotel, Roosevelt 1, Exhibition Level

**Moderator:** Mathilde Cohen, Professor of Law, University of Connecticut School of Law  
**Authors:** Ivana Isailovic (discussant: Darren Rosenblum); Christine Chambers Goodman (discussant: Fernanda Nicola); Elettra Bietti (discussant: Daniela Caruso); and Christian Burset (discussant: Faisal Chaudry).

*In this panel, scholars will present and receive feedback on work-in-progress papers pertaining to European/Comparative Law and spanning a variety of topics. The question of gender justice will be examined from the twin perspective of family law and judicial diversity. An analysis and critique of the governance of personal data under EU law will follow. Finally, the role of colonialism in shaping the rule of law in Britain and the United States will be brought to the forefront.*

The **European Law Section Business Meeting** will take place virtually.

On the agenda are the appointment of new Executive Committee members, the selection of a topic for next year's program, and a host of initiatives! Please reach out to our new Chair, Kristen Barnes, if you'd like to participate.

**Publication Updates****Here is a selection of recent and forthcoming publications by Section Members:**

Amedeo Arena, *From an Unpaid Electricity Bill to the Primacy of EU Law: Gian Galeazzo Stendardi and the Making of Costa v ENEL*, 30 EUR. J. INT'L L. 1017 (2019)

Preben Lindoe and Michael Baram, *The Role of Standards in Hard and Soft Approaches to Safety Regulation*, in O. Olsen et al, STANDARDIZATION AND RISK GOVERNANCE (Routledge 2020)

Francesca Bignami ed., *EU LAW IN POPULIST TIMES* (CUP 2020) (including chapters by AALS European Law Section members Francesca Bignami, Peter Lindseth, Kim Scheppele, and Philomila Tsoukala)

Anu Bradford, Adam Chilton, Katerina Linos and Alexander Weaver, *The Global Dominance of European Competition Law Over American Antitrust Law*, 16J. EMPIRICAL LEGAL STUDIES 731 (2019)

Anu Bradford, *THE BRUSSELS EFFECT: HOW THE EUROPEAN UNION RULES THE WORLD* (OUP 2020)

Mathilde Cohen, *Judicial Colonialism Today: The French Overseas Courts*, J. LAW & COURTS (2020)

Gráinne de Búrca, *Before Brexit: Reflections on the Mutual Judicial Influence of the UK Courts and the EU Court of Justice*, in A. Young, E. Fisher & J. King eds., FOUNDATIONS AND FUTURE OF PUBLIC LAW (OUP 2020)

Gráinne de Búrca, *A Citizens' Assembly for EU Refugee Law*, 21 GERMAN L. J. (2020)

Gráinne de Búrca, *Introduction to the Symposium on The GDPR and International Law*, 114 AJIL UNBOUND (2020)

Anna di Robilant & Talha Syed, *The Fundamental Building Blocks of Social Relations Regarding Resources: Hohfeld in Europe and Beyond*, in S. Balganesch, T. Sichelman & H. Smith, eds., THE LEGACY OF WESLEY HOHFELD (CUP 2019)

Martin Gelter, *Centros and Defensive Regulatory Competition: Some Thoughts and a Glimpse at the Data*, 20 EUR. BUS. ORG. L. REV. 467 (2019)

Martin Gelter & Lécia Vicente, *Abuse of Companies through Choice of Incorporation?* in H. S. Birkmose, M. Neville & K. Engsig Sørensen eds., ABUSE OF COMPANIES 13 (2019)

Mitchel Lasser, *European Judicial Appointments Reform*, in C. Landfried ed., JUDICIAL POWER: HOW CONSTITUTIONAL COURTS AFFECT POLITICAL TRANSFORMATIONS (CUP 2019)

Fernanda Nicola, *Bottom Up Narratives at the European Court of Justice: Revamping Facts, Forms and Rhetoric in the Grands Arrêts*, in A. Bailleux & E. Bernard eds., LES RÉCITS JUDICIAIRES DE L'EUROPE (Bruylant 2019)

Fernanda Nicola, *Waiting for the Barbarians: Inside the Archive of the European Court of Justice*, in J. Scott and C. Kilpatrick eds., Symposium, CAMBRIDGE YEARBOOK OF EUROPEAN LEGAL STUDIES (2020)

Vlad Perju, *The Asymmetries of Pouvoir Constituant Mixte*, 25 EUR. L. J. 515 (2019)

Vlad Perju, *Supranational States and the Postnational Constellation*, 19 INT'L J. CONST. L. (2019)

Vlad Perju, *Identity Federalism in Europe and the United States*, 53 VANDERBILT J. TRANSNAT'L L. (2020)

Kim Scheppele, *On Being the Subject of the Rule of Law*, 11 HAGUE J. ON THE RULE OF LAW 465 (2019)

Piotr Szwed, Richard Peltz-Steele & Dai Tamada eds, *LAW AND DEVELOPMENT. BALANCING PRINCIPLES AND VALUES* (Springer 2019)

Marketa Trimble, *Copyright and Geoblocking: The Consequences of Eliminating Geoblocking*, 25 B. U. J. SCI. & TECH. L. 476 (2019)

Paul Goldstein & Marketa Trimble, *INTERNATIONAL INTELLECTUAL PROPERTY LAW, CASES AND MATERIALS*, 5<sup>th</sup> ed. (Foundation Press 2019)