

AALS EUROPEAN LAW SECTION

Forging Transatlantic Relations
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Summary

Greetings! In 2021 the community of Europeanists in U.S. legal academia continued to grapple with the Covid-19 crisis and the subsequent social, economic, and political turmoil affecting the legal and political structures of the European Union. Accordingly, thanks to the leadership of Paolo Saguato, this year the AALS Section on European Law will have its main panel titled *The Future of the EU: Brexit, Covid-19, and the Rise of Inequalities* on Thursday January 6, from 11am to 12:15pm. This panel is co-sponsored by the International Law Section.

In addition, on Friday January 7, from 4:45pm to 6pm we are hosting a Works-in-Progress Panel, which as always allows emerging European law scholars to raise a variety of timely and crucial questions through their work (this year, corporate disclosures, and post-nationalism as anti-reification). We look forward to the research streams and publications resulting from our January 2022 Programs.

The AALS 2022 Annual Meeting, *Freedom, Equality, and the Common Good*, will be held in a virtual format on January 5 – 9, 2022.

AALS SECTION ON EUROPEAN LAW MAIN PANEL: *THE FUTURE OF THE EU: BREXIT, COVID-19, AND THE RISE OF INEQUALITIES*

The AALS Program of the Section on European Law, co-sponsored by the International Law Section, titled *The Future of the EU: Brexit, Covid-19, and the Rise of Inequalities*, is scheduled to take place on January 6, 2022, at 11am – 12:15pm (ET).

Panel Description

The EU is at a crossroads. European institutions are confronting both old and new challenges, but opportunities also arise when challenges are faced. This panel offers a forum for discussion and debate on the future of the EU, the challenges it faces, and the opportunities ahead.

The panel, co-sponsored by the International Law Section, is structured as a roundtable, Professors Bugaric, Fabbrini, Lindseth, and Petit will start the roundtable with some remarks and then we will have an open conversation.

Panelists

Prof. Bojan Bugaric, University of Sheffield School of Law
Prof. Federico Fabbrini, Dublin City University School of Law
Prof. Peter L. Lindseth, University of Connecticut School of Law
Prof. Christy Ann Petit, Dublin City University School of Law

Moderator

Prof. Paolo Saguato (George Mason University, Antonin Scalia Law School)

At the end of this meeting, the European Law Section will welcome Vlad Perju as incoming Chair, Tracy Kaye as incoming Chair Elect, and hold its annual administrative meeting to elect any remaining Section Officers.

AALS SECTION ON EUROPEAN LAW: WORKS-IN-PROGRESS (WIP) PANEL

The panel, scheduled to take place on January 7, 2022, 4:45pm-6:00pm (ET), gives a selected group of emerging scholars the opportunity to present and receive feedback on their work-in-progress papers pertaining to European law.

Panelist 1: Chiara Pappalardo, JSD candidate, Georgetown Law Center

Paper Title: *Can Corporate Disclosures Save the Planet? A Look at Non-Financial Reporting in Europe and in the United States*

Discussant: Paolo Saguato, George Mason University, Antonin Scalia Law School

Panelist 2: Paul Linden-Retek, Lecturer in Law & Society, Research Fellow at the Baldy Center for Law and Social Policy, University at Buffalo School of Law

Paper Title: *Post-nationalism as Anti-reification: A Theory of European Union Jurisprudence*

Discussant: Vlad Perju, Boston College Law School

News

Kim Lane Scheppele (Princeton) was cited in an Advocate General Opinion in [*Hungary v. European Parliament and Council of the European Union*](#).

David Oppenheimer (University of California – Berkeley School of Law) is pleased to announce that the Stanford EdX web course that he teaches with Richard Ford (Stanford Law School) – *Comparative Equality and Anti-Discrimination Law* – will be available for free after January 4, 2021.

The Transformative Law of Political Economy in Europe: Mobilizing Legal Institutional Imagination Conference will take place on January 27-28, 2022, University of Amsterdam (online via Zoom) Organized in collaboration with Copenhagen Business School and Maastricht University

Different strands of recent legal scholarship in Europe and beyond take law as constitutive for economic modes of production and reject the idea of ‘the market’ following a predetermined trajectory to which law is (mostly) external. Such works come with diverse theoretical and political affinities and engage with a wide range of fields of application. They share however the premise that legal provisions, entitlements, and institutions matter in bringing about and stabilizing socio-economic transformation. Relatedly, it becomes apparent that law itself is not a stable category, but highly dynamic and contextual in its form and place in society.

<https://acil.uva.nl/shared/subsites/sustainable-global-economic-law/en/events/events/2022/01/political-economy-in-europe.html?origin=mRJepSkVRiCZdz7ANaNezQ>

Selected Section Members' Publications

Anu Bradford (Columbia Law School) et al., *Do Legal Origins Predict Legal Substance?*, 64 J. L. & Econ. 207 (2021).

Anu Bradford & Adam Chilton, *Regulating Antitrust through Trade Agreements*, 84 Antitrust L.J. 103 (2021).

Anu Bradford, *THE BRUSSELS EFFECT: HOW THE EUROPEAN UNION RULES THE WORLD* (Oxford University Press, 2021).

Tracy A. Kaye (Seton Hall Law School) & Michel De Wolf, *Corporate Tax: Renewed Fiscal Federalism in the USA, the EU, and Globally for the 21st Century*, 18 Pitt. Tax Rev. 301 (2021).

Tracy A. Kaye, *Ogden Commons Case Study: A Comparative Look at the Low-Income Housing Tax Credit and Opportunity Zone Tax Incentive Programs*, 48 Fordham Urb. L.J. 1067 (2021).

Paul Linden-Retek (University at Buffalo School of Law), *The Refugees We Are: Solidarity, Asylum, and Critique in the European Constitutional Imagination*, 22 Ger. L. J. 506 (2021).

Paul Linden-Retek, *History, System, Principle, Analogy: Four Paradigms of Legitimacy in European Law*, 26 Colum. J. Eur. L. 1 (2021).

Paolo Saguato, (George Mason University, Antonin Scalia Law School) *Financial Market Infrastructure: The International Approach and the Current Challenges*, in FINANCIAL MARKET INFRASTRUCTURES: LAW AND REGULATION (Jens- Hinrich Binder & Paolo Saguato, eds.) (2021).

Paolo Saguato, *Financial Regulation, Corporate Governance, and the Hidden Costs of Clearinghouses*, 82 Ohio ST. L.J. (2021).

Paolo Saguato, FINANCIAL MARKET INFRASTRUCTURES: LAW AND REGULATION (Jens- Hinrich Binder & Paolo Saguato, eds.) (2021).

Rosemary Salomone (St. John's University School of Law) ROSEMARY SALOMONE, *THE RISE OF ENGLISH: GLOBAL POLITICS AND THE POWER OF LANGUAGE* (Oxford University Press, 2021).

Kim Lane Scheppele (Princeton University), Dimitry Kochenov and Barbara Grabowska-Moroz, *EU Values Are Law, after All: Enforcing EU Values through Systemic Infringement Actions by the European Commission and the Member States of the European Union*, 39 Yearbook of European Law 3-121 (2021).