

AUSTERITY AND LAW IN EUROPE

16 & 17 June 2016

PROGRAMME

Thursday, 16 June 2016

13.00 – 17.30

13:00 – 13:15 **Welcome by Organizers**

- Marija Bartl, University of Amsterdam, Centre for the Study of European Contract Law & Markos Karavias, University of Amsterdam, Amsterdam Center for International Law

13:15 – 14:45 **Session 1**

Chair: Joana Mendes, University of Amsterdam, ACELG

- The Guardians of Capitalism: International Consensus and Fascist Technocratic Implementation of Austerity
Clara Mattei, New School for Social Research, New York
- European Economic Constitution: From Social-democratic Rechtsstaat to Authoritarian Governance
Agustín José Menéndez, Universidad de León

14:45 – 15:00 Coffee Break

15:00 – 16:30 **Session 2**

Chair: Frank Vandenbroucke, University of Amsterdam

- Social Rights Constitutionalism: An Antagonistic Appraisal
Emilios Christodoulidis, University of Glasgow
- Austerity and Constitutionalisation of Collective Autonomy in Greece: The Judicial Constructions of Conflict
Ioannis Katsaroumpas, University of Sussex

16:30 – 16:45 Coffee Break

16:45 – 17:50 **Session 3**

Chair: Marija Bartl, University of Amsterdam, CSECL

- Law and Austerity in Europe: Bridging the Confidence Gap through Targeting Adverse Built-In Redistribution Biases
Pierre Defraigne, Executive Director, Madariaga - College of Europe Foundation
- Restructuring Sovereign Debt: International Perspective
Cecilia Nahón, Institute for New Economic Thinking

Friday, 17 June 2016

9.00 – 13.45

9:00 – 10:30 **Session 4**

Chair: Markos Karavias, University of Amsterdam, ACIL

- Economising Law
Margot Salomon, London School of Economics and Political Science
- Austerity and Economic Coercion under International Law
Antonios Tzanakopoulos, University of Oxford Faculty of Law

10:30 – 10:45 Coffee Break

10:45 – 12:15 **Session 5**

Chair: Chantal Mak, University of Amsterdam, CSECL

- The Contradictory Character of Austerity, the Underdetermined European Macroeconomic Constitution, and Progressive Strategies for Legal Scholarship
Clemens Kaupa, VU University Amsterdam
- From Usury to Austerity: On the Concept of "Excessive Interest Rates"
Harm Schepel, University of Kent, Brussels School of International Studies

12:15 - 12:30 Coffee Break

12:30 – 13:15 **Session 6**

Chair: Marija Bartl & Markos Karavias, University of Amsterdam

- A Next Thermidor: Austerity in Europe
Isabel Feichtner, Goethe University Frankfurt am Main (co-author Leopold Specht, Specht & Partner Vienna)

13:15 – 13:45 **Concluding Remarks and the Way Forward**

Marija Bartl & Markos Karavias, University of Amsterdam

SHORT BIOS

Marija Bartl is Assistant Professor and a deputy director at the Centre for the Study of European Contract Law of the University of Amsterdam, and a senior researcher and scientific coordinator of the project 'The Architecture of Post-National Rulemaking'. She wrote her PhD thesis 'Legitimacy and European Private Law' at the European University Institute in Florence. Marija's current research focuses on the critique of functionalist institutional design of postnational market governance and, in particular, the epistemic and democratic constraints presented by such a design.

Emilios Christodoulidis holds the Chair of Jurisprudence at the University of Glasgow. Since 2014 he has been Docent at the University of Helsinki. He is one of the editors of *Social & Legal Studies* and of *Law & Critique*. He is also a member of the Executive Committee of the IVR (International Association for Legal and Social Philosophy). His research interests lie mainly in the area of the philosophy and sociology of law, and in constitutional theory.

Pierre Defraigne (ULg, UCL, Harvard) has been Executive Director of the Madariaga - College of Europe Foundation since April 2008. An economist and European civil servant from 1970 to 2005, he retired as Deputy Director-General in DG Trade in March 2005 after having been Head of Cabinet for Pascal Lamy, European Commissioner for Trade (1999-2002). He is a visiting professor at the College of Europe in Bruges and at Sciences Po Paris (Paris School of International Affairs). Defraigne regularly publishes on EU-China relations, eurozone governance and macroeconomic issues.

Isabel Feichtner is Assistant Professor for Law and Economics at Goethe University, Frankfurt. She studied law at the University of Freiburg i. Br., at the University of Amsterdam and Humboldt University Berlin. She holds an LL.M. from Cardozo Law School, New York and was admitted to the New York Bar in 2001. Her current research focuses on transnational law of natural resources.

Markos Karavias is post-doctoral researcher at the Amsterdam Center for International Law, working for the research project 'Smart Mixes in relation to Transboundary Environmental Harm'. Prior to joining the ACIL, Markos served as a Special Adviser to the Minister for Environment, Energy and Climate Change of the Hellenic Republic. He holds a PhD from Oxford University, where his doctoral thesis, entitled *Corporate Obligations under International Law* was published in OUP's Oxford Monographs in International Law series in November 2013.

Ioannis Katsaroumpas is a Lecturer in Employment Law at Sussex University. He holds an LL.B from University of Athens (First Class), M. Jur and M. Phil (Distinction) from University of Oxford. He has recently successfully defended his doctoral thesis at the University of Oxford (Title: 'Collective labour law in Times of Economic Crisis: Theoretical and Comparative Perspectives').

Clemens Kaupa is Assistant Professor at the Department of Transnational Legal Studies at VU University Amsterdam. His research interests focus on internal market

law, European constitutional law and anti-discrimination law. He studied law and history at the University of Vienna and at Harvard Law School.

Chantal Mak is a Professor of Private law, in particular fundamental rights and private law, at the Centre for the Study of European Contract Law and director of the Amsterdam Research Institute for Legal Studies at the University of Amsterdam. Her research focuses on the constitutional legal framework for private law in Europe and the influence of constitutional law (including fundamental rights) on private law matters. In this context, she is currently leading a research project on the role of the judiciary in the development of European private law (funded by an NWO Vidi grant, 2015-2019).

Clara Mattei received her PhD in Economics from *Sant'Anna School for Advanced Studies*, Italy and *Strasbourg University*, France. She has just been appointed as Assistant Professor at the Economics Department of the New School for Social Research. Her research focuses on the theoretical and historical roots of contemporary Austerity. In particular Clara studies the case of 1920s Italy and Britain. The Phd dissertation is titled: *Market Fetishism and Repressive Politics in the European Austerity thinking after WWI*.

Joana Mendes is Associate Professor at the Amsterdam Centre of European Law and Governance (ACELG, University of Amsterdam). She has obtained her doctoral degree in Law in 2009 at the European University Institute (Florence), with a thesis on participation rights in EU administrative law (*Participation in EU Rule-making. A Rights-based Approach* OUP, 2011) and her masters degree in Public Law in 2002 at the University of Coimbra. Her research in EU law focuses on administrative law and on the interplay between law and non-legal institutional developments.

Cecilia Nahón is affiliated with the Institute for New Economic Thinking, a platform dedicated to the pursuit of innovative economic theories and methods. She was the Ambassador of Argentina to the United States from 2013 – 2015. Cecilia Nahón holds a MSC from the London School of Economics in Development Studies and a PhD from the Facultad Latinoamericana de Ciencias Sociales (FLACSO).

Agustín José Menéndez is reader of jurisprudence at the Universidad de León, Spain and research professor at ARENA, the European studies centre of the University of Oslo. His main research focus is on European constitutional law, European tax law and wicked legal systems. He studied law at the University of Oviedo, took an at the European Academy of Legal Theory (Brussels) and did his PhD at the European University Institute in Florence.

Margot Salomon is Associate Professor in the Law Department and the Centre for the Study of Human Rights, London School of Economics and Political Science, where she directs the Laboratory for Advanced Research on the Global Economy. Her research is informed by heterodox insights from across disciplines and focuses on human rights and global economic justice including legal dimensions of world poverty, inequality, and dispossession. Recent publications include: 'Of Austerity, Human Rights and International Institutions' *European Law Journal* (2015); 'How to Keep Promises: Making Sense of the Duty among Multiple States to Fulfil Socio-

Economic Rights in the World' in A. Nollkaemper and D. Jacobs (eds), *Distribution of Responsibilities in International Law* (CUP, 2015); 'You Say You Want a Revolution: Challenges of Market Primacy for the Human Rights Project' in W. Vandenhoele (ed), *Challenging Territoriality in International Human Rights Law* (Routledge, 2015); 'From NIEO to Now and the Unfinishable Story of Economic Justice' *ICLQ* (2013). Dr Salomon has been a consultant to the Office of the UN High Commissioner for Human Rights on extreme poverty and human rights (2009) and to the World Bank on human rights and economics (2012), advisor to the UN High-level Task Force on the Right to Development (2004-9), and a Member of the International Law Association's Committee on the Rights of Indigenous Peoples (2008-12). In 2015, Dr Salomon was an advisor to the President of the Greek Parliament on debt, austerity and socio-economic rights. She is currently Vice Chair of the Association of Human Rights Institutes.

Harm Schepel is a Professor of Economic Law at Kent Law School and Director of Law Programs at the Brussels School of International Studies, University of Kent. In his research he is interested in the legal institutionalization of capitalism on different levels of governance. His work draws on institutional economics, political economy, economic and legal sociology and social and legal theory. Harm Schepel holds degrees from the University of Amsterdam (Drs.), the International Institute for the Sociology of Law in Oñati (LLM), and the EUI Florence (PhD). He sits on the Board of editors of the *European Law Journal*.

Antonios Tzanakopoulos is Associate Professor of Public International Law at the University of Oxford and Fellow of St Anne's College, Oxford. He advises States, international organisations, and other actors on matters of public international law. - final

Frank Vandebroucke is University Professor at the University of Amsterdam and currently professor at the Faculty of Economics and Business at KU Leuven. He also holds the 'Herman Deleeck' chair at the University of Antwerp (UA). In Belgium he was a member of Parliament and held ministerial posts in successive federal Belgian Governments. He studied economics at the Universities of Leuven and Cambridge, and obtained his doctorate at the University of Oxford.