



AMERICAN SOCIETY OF  
COMPARATIVE LAW  
YOUNGER COMPARATIVISTS  
COMMITTEE

# INAUGURAL NEW PERSPECTIVES ON COMPARATIVE LAW CONFERENCE

**APRIL 19-20, 2012**

Hosted by THE GEORGE WASHINGTON  
UNIVERSITY LAW SCHOOL  
WASHINGTON, DC

A stylized map of Europe in shades of orange and brown, showing various countries and cities like Rome, Athens, and Paris. The word 'PROGRAM' is overlaid in large white letters.

# PROGRAM

## THURSDAY, APRIL 19, 2012

**6–7:30 PM RECEPTION** at One Washington Circle Hotel, Meridian Room

## FRIDAY, APRIL 20, 2012

**8–8:30 AM CHECK-IN AND BREAKFAST**  
STUART 101

**8:30–8:45 AM OPENING SESSION AND WELCOME**  
STUART 101

Claudia Haupt, *The George Washington University Law School*  
Dean Paul Schiff Berman, *The George Washington University Law School*

**8:45–10:15 AM FIRST CONCURRENT SESSIONS**

**STUART 302 Session 1.1: Constitutionalism, Parliamentarism, and Judicial Review**  
Moderator: *Ozan Varol, IIT Chicago-Kent College of Law*

**Constitution-Making Gone Wrong**  
David Landau, *Florida State University Law School*

**Systems of Parliamentary Committees and Forms of Government: Comparing the U.S. Congress, the British, the French, the Italian, and the European Parliaments**  
Cristina Fasone, *Luiss Guido Carli University*

**Diffusion of Ideas and Comparative Law: The Doctrine of Separation of Powers**  
Eoin Carolan, *University College, Dublin*

**STUART 303 Session 1.2: Transplanting Property Rights**  
Moderator: *Ioanna Tourkochoriti, Harvard University*

**Harmonisation of Secured Transactions Laws, Uncitral, and Legal Transplants**  
Orkun Akseli, *Durham University Law School*



**Comparative Confusion: Transplants in the Law of Personal Property Security in CEE Countries**

Hano Ernst, *University of Zagreb Law*

**The Derivative Action in Asia: A Complex Reality**

Daniel Puchniak, *National University of Singapore Law*

**10:30 AM–NOON SECOND CONCURRENT SESSIONS**

**STUART 302 Session 2.1: Comparative Perspectives on Finance and Corporations**

Moderator: **Salil Mehra**, *Temple University Beasley School of Law*

**The Development of the New Chinese Banking System: Domestic Modernization or Global Financial Manipulation?**

Shruti Rana, *University of Maryland School of Law*

**A Comparative Analysis of Indeterminacy in Corporate Law**

Jens Dammann, *University of Texas School of Law*

**Why is the U.S. Abdicating the Policing of Multinational Corporations to Europe?: Extraterritorialism, Sovereignty, and the Alien Tort Statute**

Jodie Kirshner, *University of Cambridge*

**STUART 303 Session 2.2: Human Rights**

Moderator: **Zachary Calo**, *Valparaiso University Law School*

**Of Floors, Ceilings, and Human Rights: The European Fundamental Rights Architecture in Comparative Perspective**

Federico Fabbrini, *European University Institute Law Department*

**Who's Afraid of International Law?**

Timothy Webster, *Whittier Law School*

**The Loyalty Dilemma: To Pledge or Not to Pledge?**

Liav Orgad, *Radzyner School of Law, Interdisciplinary Center (IDC) Herzliya*

**12:30–1:45 PM LUNCH AND PAPER PRIZE PRESENTATION**

STUART 101

Moderator: **Richard Albert**, *Boston College Law School*

**Veiled Political Questions: Islamic Dress, Constitutionalism, and the Ascendance of Courts**

**Jill Goldenziel**, *Harvard Law School*

Commentators:

**Francesca Bignami**, *The George Washington University Law School*

**Thomas Colby**, *The George Washington University Law School*

**2–3 PM THIRD CONCURRENT SESSIONS**

STUART 302 **Session 3.1: Perspectives on African Law**

Moderator: **Fernanda Nicola**, *American University*

**Transnational Rights Enforcement**

**David Gartner**, *Arizona State University Sandra Day O'Connor College of Law*

**Conventional and Unconventional Corruption: Analysis and Solutions for the United States and Kenya**

**Patrick Yingling**, *Reed Smith LLP*

STUART 303 **Session 3.2: Perspectives on Latin American Law**

Moderator: **Markus Wagner**, *University of Miami School of Law*

**Learning from a “Jaguar”: Labor Law in Chile**

**Cesar Rosado Marzan**, *IIT Chicago-Kent College of Law*

**Understood, but Undefined: Why Argentina and Brazil Resist Criminalising “Terrorism”**

**Rebecca Welsh**, *The University of New South Wales Law*

**3:15–3:45 PM**    **FOURTH CONCURRENT SESSIONS**

**STUART 302**    **Session 4.1: Minorities, Religion, and Comparative Law**

Moderator: **Kristine Kalanges**, *American University School of Public Affairs*

**The Rights of the Elderly in the Arab Middle East: Islamic Theory versus Arabic Practice**

**Radwa S. Elsaman**, *Cairo University Law*, and **Mohamed A. Arafa**, *Alexandria University*

**Advancing Women’s Rights Through Islamic Law: The Example of Morocco**

**John Hursh**, *Landesa: Rural Development Institute*

**Extraterritoriality and Extranationality: A Comparative Study**

**Zachary Clopton**, *Assistant U.S. Attorney, Northern District of Illinois; University of Chicago Law School*

**STUART 303**    **Session 4.2: Comparative and International Criminal Law**

Moderator: **David Wolitz**, *University of Tennessee College of Law*

**The Tension Between Culture and Uniformity in the German Penal Code**

**Shawn Marie Boyne**, *Indiana University School of Law*

**Complicity in International Criminal Law: A Case for Clarification**

**Marina Aksenova**, *European University Institute Law Department*

## **AMERICAN SOCIETY OF COMPARATIVE LAW YOUNGER COMPARATIVISTS COMMITTEE BOARD**

**Richard Albert**, *Boston College Law School (Chair)*  
**Donald Childress**, *Pepperdine University School of Law*  
**Wulf Kaal**, *St. Thomas (Minneapolis) School of Law*  
**Salil Mehra**, *Temple University Beasley School of Law*  
**Elizabeth Trujillo**, *Suffolk University Law School*

## **YOUNGER COMPARATIVISTS COMMITTEE SCHOLARSHIP ADVISORY GROUP**

**Wulf Kaal**, *St. Thomas (Minneapolis) School of Law (Chair)*  
**David Landau**, *Florida State University Law School*  
**Adam Shinar**, *Harvard Law School*  
**Fiona De Londras**, *University College, Dublin*  
**Salil Mehra**, *Temple University Beasley School of Law*

## **YOUNGER COMPARATIVISTS COMMITTEE INAUGURAL NEW PERSPECTIVES ON COMPARATIVE LAW PROGRAM COMMITTEE**

**Claudia Haupt**, *The George Washington University Law School*  
**Maximo Langer**, *University of California, Los Angeles School of Law*  
**Brian Ray**, *Cleveland-Marshall College of Law*  
**Anna Robilant**, *Boston University School of Law*  
**Sudha Setty**, *Western New England School of Law*  
**Markus Wagner**, *University of Miami School of Law (Chair)*  
**Seval Yildirim**, *Whittier Law School*

## **ACKNOWLEDGEMENTS**

The Younger Comparativists Committee and the Conference Program Committee are grateful to GW Law, Cambridge University Press, and the American Society of Comparative Law for their generous support.