On Legal Pluralism and Multiculturality

Pluralismo y multiculturalidad: Tribunal arbitral musulmán y consejos islámicos (Sharia courts) en el Reino Unido is the title of the last paper by professor V. Camarero Suárez and professor F. Zamora Cabot, both from the University of Castellón. The paper, written in Spanish, has been published in the *Anuario de Derecho Eclesiástico del Estado*, 2012; professor Zamora will kindly send a pdf copy to those interested (just send him an email to this address: zamora@dpr.uji.es)

Here is the abstract:

This study explores the interface between legal pluralism and multiculturality, taking as reference british muslim minority *nomoi* groups and the alternative means of solution of controversies embodied in the Sharia Councils and the Muslim Arbitral Tribunal (MAT). However, before dealing with this matter in the United Kingdom, our study makes insights from a comparative point of view both in Canada and the United States, where, in spite of no minor similitudes, the status of the aforesaid means of alternative solution of controversies is, at present time, far more different, given a deeper degree of religious pluralism and more reliance in arbitration at large in the United States. These two factors, and the widely known pragmatism and tolerance of the United Kingdom result, although there have been rounds of controversy about it, in the acceptance in that Country of the workings of the Sharia Councils and the MAT, in the twilight of British law- in the first case- or taken under the rule of that law, covered by the Arbitration Act of 1996, in the case of the MAT. Conceived on these terms, we agree on the acceptation of these types of controversies's solutions – specially in case of the MAT- that we think are in full accordance with the modern State's duty to preserve minorities' rights and freedom of religion and beliefs as examples of a genuine commitment towards the fulfillment of Human Rights.

Recovery of Maintenance in the EU and Worldwide

The German Institute for Youth Human Services and Family Law is holding a Conference in Heidelberg from 5 to 8 March, 2013 (call for papers was announced here last March). Conference registration is possible from now on; registrations until 30 November 2012 are granted an early-bird discount of 20 %.

A taste of program:

- Prof. Dr. Dr. h.c. mult. Erik Jayme, **"Cultural dimension of maintenance from an international law perspective"**
- William Duncan, **"From complexity to simplicity, from chaos to Hague Convention 2007"**
- Presentations of **"High functional administrative systems",** rounded out by a presentation on **IT-solutions** with Philippe Lortie
- Workshops dealing with the details of the new legal instruments such as **"EU Maintenance Regulation: the devil's in the detail"** *or* **"Applicability and application of foreign law"** and presenters as Prof. Paul Beaumont, Prof. Dr. Burkhard Hess, Chris Beresford, Hannah Roots, Maja Groff, Dr. Matthias Heger & Dr. Thomas Meysen
- Hot topics in family law like **"Defining and establishing parentage: national approaches and new challenges**" with Prof. Frédérique Ferrand
- Workshops with Central Authorities: **"How to cooperate effectively?"** and workshops on national maintenance law: **"Diversity in a united world of child support: national reports"**
- **"Good practice for caseworkers: the rocky pathways to the recovery of maintenance"** with Mary Dahlberg, Gary Caswell and Martina Heller
- **"The Asian, American, African, Latin-American perspectives"** will be presented by contributors such as Dr. Richard Frimpong Oppong, Robert Keith, Prof. Nadia de Araújo & Dr. James Ding.
- And, not least of all, outside-the-box-thinking with topics like: **"Children**

in focus – poverty and maintenance” or **“Alternative dispute resolutions”** with Lis Ripke & Jessica Pearson

If you have any questions about the program, please contact Dr. Elisabeth Unger (E-Mail: unger@dijuf.de).

For questions about conference registration, please contact Margit Hüber (E-Mail: hueber@dijuf.de).

For more information on the program and the contributors please click here.

VIIth Complutense Seminar on Private International Law

The International Seminar on Private International Law promoted by Professor Fernández Rozas and Professor De Miguel Asensio (University Complutense, Madrid) will soon become a tradition. The satisfying experience of the last six years has encouraged the organizers to hold the seventh edition next April 2013. Keeping the pattern of its precedents, the forthcoming Seminar will combine a general approach centered on recent developments and future prospects in different fields of private international law, with specific attention to singular current issues, or issues most in need of study. One whole panel will be devoted to registry law – particularly to the new Spanish Civil Registration Act and its consequences for private international law. Other sessions will accommodate papers and communications on other relevant issues. Spanish, English and French will be spoken -though no translation is provided.

This edition’s speakers will be, among others, Professor Gerald Spindler(Georg-August-Universität Göttingen), Professor Bertrand Ancel (Université Paris II), and Professor Thomas Clay (Université de Versailles). Short contributions from academics and law professionals are welcome provided they are timely submitted. In this regard the organizers kindly request those intending to participate to send an email to Professor Patricia Orejudo (patricia.orejudo@der.ucm.es) as soon as

possible, and at any rate before November 30, 2012, including the title of the proposal and a brief summary of its contents. Accepted papers will be eligible for publication in the 2012 volume of the *Anuario Español de Derecho Internacional Privado*, subject to prior scientific peer evaluation. The final written version shall not exceed 25 pages in Word format (double-spaced, DIN A-4, Times New Roman 12 for text and 10 for footnotes). It must be handed over in April 1, 2013 at the latest.

The suggested dates for the Seminar are 11 and 12 April 2013. Most of the panels will be held at the Faculty of Law of the Universidad Complutense de Madrid, though some may take place somewhere else in Madrid.

The definitive program and schedule will be announced here as soon as they are ready.

Little on Key Conflict of Laws Concepts

Laura E. Little, who is a professor of law at Temple University, has posted Insights on Key Conflict of Laws Concepts: The Federal Government's Role and Judgment Recognition and Enforcement on SSRN.

> *Key themes weave throughout the history and current relevance of Conflict of Laws. As the second installment of a two part compilation of essays, this paper presents many of these themes in the form of "Notes," offering expository explanation, received wisdom, and new insights. These essays will appear in an upcoming book Conflict of Laws to be published in the Aspen Casebook Series by Wolters Kluwer. The essays cover global, jurisprudential topics as well as doctrinal, fundamental concepts. They should be useful to both novices seeking an overview of core conflict of laws themes as well as well-seasoned experts seeking pithy insights into the key debates in the field. This installment focuses*

on the role of the federal government as well as judgment recognition and enforcement.

The global, jurisprudential topics in this installment are:

(1) The Domestic and International Forum-Shopping System;
(2) Choice of Law Methodology for Federal Courts;
(3) Tools for Handling Duplicative Litigation;
(4) Theories of Stare Decisis and its Role in Federal Litigation;
(5) Intersection of Full Faith and Credit with Preclusion Principles;
(6) Private Incentives in Judgment Recognition and Enforcement;
(7) The Theoretical Kinship between Judgments and Marriage; and
(8) Libel Tourism

Specific doctrinal topics include:

(1) The Substance/Procedure Dichotomy
(2) Same Sex Marriage: Constitutional Restrictions on Same Sex Marriage Laws;
(3) The Significance and Limitations of Klaxon v. Stentor;
(4) Claim and Issue Preclusion; and
(5) SPEECH ACT of 2010

PIL and Human Rights in Europe

Professor Veerle Van Den Eeckhout, who teaches private international law at the Universities of Antwerp and of Leiden, has just published "Private International Law and Fundamental Rights: Private International Law as an Instrument for the Promotion of Respect for Fundamental Rights?" on SSRN. The paper analyses – in an exploratory way – the impact of Fundamental Rights on Private International Law, comprising both Human Rights and European Fundamental Freedoms.

The article is written in Dutch in the context of a research project, and will also be published in a collective book; it can be downloaded here.

Third Issue of 2012's Belgian PIL E-Journal

The third issue of the Belgian bilingual (French/Dutch) e-journal on private international law *Tijdschrift@ipr.be / Revue@dipr.be* for 2012 was just released.

The journal essentially reports on European and Belgian cases addressing issues of private international law.

It includes two articles:

- Wenliang Zhang, *Reflections on Sino-Belgian Judicial Assistance in Civil and Commercial Matters*
- Marie-Aude Deslandes, *Le brevet européen à effet unitaire: un chemin périlleux*

French Conference on European Identities

The university of Strasbourg will host a conference on European Identities and circulation of people, knowledge and models on October 18 and 19.

Here is the programme:

Jeudi 18 octobre 2012, Matinée

Identité(s), les avatars du concept

Sous la présidence de Jean-Christophe Romer,

professeur à l'Université de Strasbourg

9h20 Accueil

10h00 Allocutions d'ouverture

Frédérique Berrod, directrice adjointe de la fédération de recherche L'Europe en mutation,
FR 3241 Unistra/CNRS

Jean-Christophe Romer, responsable scientifique, FARE, EA 4374

10h20 La loi applicable au statut personnel : entre préservation de l'identité culturelle et volonté d'intégration

Nicolas Nord, maître de conférences, CDPF, EA 1351

10h40 L'identité sur internet

Adrien Bouvel, maître de conférences, laboratoire de recherche du CEIPI, EA 4375

Jeoffrey Sabbah, doctorant, CDPF, EA 1351

11h00 Discussion

11h20 Pause

11h40 L'identité religieuse : la religion influence-t-elle le comportement social ?

Laurent Weill, professeur, LaRGE, EA 2364

12h00 L'Union européenne et l'identité citoyenne

Maeve Kieffer, doctorante, CEIE, EA 3994

12h20 Discussion

12h40 Fin des travaux

Jeudi 18 octobre 2012, Après-midi

Identité et construction d'un espace politique

Sous la présidence de Céline Pauthier,
maître de conférences à l'Université de Strasbourg

L'irréductible des identités nationales

14h30 Naissance ou renaissance d'une "nation" est-allemande

Jean-Christophe Romer, professeur, FARE, EA 4374

14h50 L'irréductibilité de la souveraineté nationale

Éric Maulin, professeur, IRCM, EA 3399

15h10 Discussion

15h30 Pause

Le "dire" de l'identité européenne

15h50 La démocratie comme identité des États parties à la Conventioneuropéenne des droits de l'Homme

Peggy Ducoulombier, professeur, CERTAP, EA 4216

16h10 Le dialogue interculturel, un défi pour l'Europe

Jean-Philippe Restoueix, administrateur, Conseil de l'Europe

16h30 Discussion

16h50 Fin des travaux

Vendredi 19 octobre 2012, Matinée

Identité et circulation des modèles
dans l'Union européenne

Sous la présidence de Vlad Constantinesco,
professeur émérite de l'Université de Strasbourg

9h30 Accueil

10h00 Les valeurs de l'Union européenne comme vecteur d'identité(s) ?

Gérard Bossuat, professeur, IRICE, UMR 8138

10h20 L'Union européenne comme modèle de droit

Lauréline Fontaine, professeur, ICEE, EA 2291

10h40 La libre circulation des personnes comme modèle d'intégration

Frédérique Berrod, professeure, CEIE, EA 3994

11h00 Discussion

11h20 Pause

11h40 La libre circulation des sociétés en Europe : concurrence ou convergence des modèles
juridiques ?

Gustavo Cerqueira, ATER, CDE, EA 3397

12h00 Vers une identité européenne en matière de propriété intellectuelle ?

Christophe Geiger, maître de conférences, laboratoire de recherche du CEIPI, EA 4375

12h20 Discussion
12h40 Fin des travaux

Vendredi 19 octobre 2012, Après-midi

La construction d'une identité européenne
dans les régions transfrontalières

Sous la présidence de Frédérique Berrod,

professeure à l'Université de Strasbourg

14h30 Les difficultés de la coopération transfrontalière : le e-consommateur confronté à la déterritorialisation du droit

Bianca Schulz, responsable du Centre européen de la consommation France

14h50 Identité du Jardin des Deux Rives : un jardin transfrontalier ?

Antoine Beyer, maître de conférences, CRIA, UMR 8504

15h10 Comment concevoir une chaîne de télévision transnationale ?

ARTE

15h 30 Vers une culture administrative transfrontalière ?

Birte Wassenberg, maître de conférences, FARE, EA 4374,

Joachim Beck, directeur, Euro-Institut

16h00 Propos conclusifs

Frédérique Berrod, professeure, directrice adjointe de la fédération de recherche L'Europe en
mutation, FR 3241 Unistra/CNRS

16h20 Discussion

16h40 Fin des travaux et cocktail

Sciences Po PILAGG Workshop

Series, Fall 2012

The workshop on Private International Law as Global Governance (PILAGG) at the Law School of the Paris Institute of Political Science (*Sciences Po*) will take place on Thursdays or Fridays from 12:30 to 2:30 pm, at the Law School.

The speakers for the Fall 2012 will be:

- Thu 4th October (doctoral workshop): **Katja LAGENBUCHER** (Frankfurt) – *"Some lessons from the crisis – does the law set the right incentives for board composition and liability in financial institutions?"* – room **A12, 27, rue St Guillaume, Paris 7e**
- Fri 5th October: **Horatia MUIR WATT** (SPLS) – *"The extraterritoriality issue in the KIOBEL case. What's at stake in the new (1st October) hearing before the US Supreme Court?"* – room **J208, 13, rue de l'Université, Paris 7e**
- Thu 11th October (doctoral workshop): **Darrem ISOM** (San Francisco) – *"Election 2012: Competing visions for a more perfect America"* – room **A12, 27, rue St Guillaume, Paris 7e**
- Fri 19th October: **Symeon SYMEONIDES**: (Salem) – *"Codification and flexibility in PIL"* – room **J208, 13, rue de l'Université, Paris 7e**
- Jeudi 8 novembre (séminaire doctoral) : **Louis ASSIER ANDRIEU** (SPLS) – *title forthcoming* – salle **A12 au 27, rue St Guillaume, Paris 7e**
- Fri 9th November: **Jacco BOMHOFF** (London) – *"The constitution of the conflict of laws"* – room **J208, 13, rue de l'Université, Paris 7e**
- Thu 15th November: **Hélène VAN LITH** (Paris) – *"Transnational class actions"* – room **A12, 27, rue St Guillaume, Paris 7e**
- Fri 16th November: **Harm SCHEPEL** (Kent) – *"Legal pluralism and the embedded market: A legal constructivist approach to transnational private governance"* –
- Jeudi 22 novembre (séminaire doctoral) : **Mika YOKOYAMA** (Kyoto) : *title forthcoming* – salle **A 12 au 27, rue St Guillaume Paris 7e**
- Fri 23rd November: **Gilles CUNIBERTI** (Luxembourg) – *"Three theories on the lex mercatoria"* – room **J208, 13, rue de l'Université, Paris 7e**
- Thu 6th December (doctoral workshop): **Dina WAKED** (Cambridge, MA /

SPLS) – *title forthcoming* – room **A12, 27, rue St Guillaume, Paris 7e**

- Fri 7th December: **Emmanuel GAILLARD** (SPLS) – *title forthcoming* – room **J208, 13, rue de l'Université, Paris 7e**

BIICL Event: The UK's Rejection of the New EU Regulation on International Successions

The EU has adopted a new Regulation on international successions (Regulation (EU) No 650/2012). In short, its main features are the following: It provides for court competence of the courts of the Member State in which the deceased had his habitual residence in the moment of death and declares the law of that Member State applicable to the succession as a whole. The Regulation also provides for a limited choice of the law of the deceased's nationality. In that event, an alignment of court competence and applicable law can be reached through specific mechanisms. The cross-border circulation of authentic instruments is simplified and a European Certificate of Succession newly introduced.

Although the UK is not taking part in the adoption of the Regulation, there are scenarios in which UK citizens moving abroad or possessing property abroad might be affected by the Regulation. This can give raise to a difficult interplay of the Regulation with the private international law provisions in the UK.

Speakers from the continent and the UK will present the Regulation and its main advantages and shortcomings. They will then focus on the difficulties which arise in a cross border context involving UK citizens and discuss the need for law reform.

Participants:

Robert Bray, European Parliament

Professor Andrea Bonomi, University of Lausanne
Dr Anatol Dutta, Max Planck Institute for Comparative and International Private Law, Hamburg
Professor Jonathan Harris, King's College; Serle Court, London
Richard Frimston, Partner, Russell Cooke, London
Oliver Parker, Ministry of Justice, London
Representative of Notaries of Europe (CNEU), Brussels

Venue:

British Institute of International and Comparative Law, Charles Clore House, 17 Russell Square,
London, WC1B 5JP

Date:

Thursday 8 November 2012, 14:00 to 18:30

Hague Academy, Summer Programme for 2013

Private International Law

Inaugural Lecture

29 July
Transnational Commercial Law and Conflict of Laws: Institutional Co-operation and Substantive Complementarity
Herbert KRONKE, Professor at Heidelberg University

General Course

5-16 August

Le rôle du politique en droit international privé
Patrick KINSCH, Lawyer, Visiting Professor at the University of Luxemburg

Special Courses

29 July-2 August
Conflict among Enforcement Regimes in International Economic Law
Hannah BUXBAUM, John E. Schiller Chair in Legal Ethics, Indiana University

Efficiency in Private International Law
Toshiyuki KONO, Professor at Kyushu University

Le statut juridique des standards publics et privés dans les relations économiques internationales
Jan WOUTERS, Professor at the University of Leuven

5-9 August
"Trusts" in Private International Law
David John HAYTON, Judge at the Caribbean Court of Justice

Les méthodes du droit international privé à l'épreuve du droit du travail
Étienne PATAUT, Professor at Sorbonne Law School, Paris I University

12-16 August
International Commercial Arbitration, a Comparative Approach with Special Focus on Russia
Alexey KOSTIN, Head of the Private International Law Department, Moscow State Institute of International Relations

Protection internationale des droits de l'homme et activités des sociétés transnationales
Fabrizio MARRELLA, Professor at the University of Venice

More information is available here.