



Common Core

18th General Meeting of the Common Core of European Private Law

EUROPEAN CONSTITUTIONALISM FROM BELOW

June 22-23, 2012

Archivio di Stato, Torino

I. Welcome to the Common Core 2012

"European Constitutionalism from Below: Constructing a Bottom Up Constitutional Process in the European Union", which seeks to encourage an interdisciplinary platform for renown scholars, jurist, and policy makers from around the world to develop innovative critiques and alternatives that might address the urgent crises facing Europe and the depoliticisation of the European landscape as a result of over 20 years of neoliberal order. In the wake of urgent global challenges to both the European Union and the global system, here we are particularly interested in opening the Common Core Project as a platform for exploring and advancing the 'Commons' as a paradigm and strategy for initiating a process of bottom up constitutionalism in Europe.

The Common Core

The Common Core project, originating in Cornell, applies Comparative Law methodology with the purpose of mapping the legal landscape in European Private Law. While it is not the specific aim of the "cartographers" this "common core" provides a foundation for building a common legal culture and contributing to the harmonization of laws within the EU. Since the original project, a lively critical academic continuity has emerged out of changes that occurred in the legal landscape, in particular the enlargement of the project to include the former socialist countries as well as Latin America. Today, the Common Core has published 11 Cambridge Press editions as well as two more on Stämpfli-Carolina Academic Press, in the fields of Contracts, Torts, Property, Trusts, Competition Law, and Environmental Law. Ugo Mattei and Mauro Bussani are the Editors.

II. Organization

The Common Core Conference has been hosted by the IUC for the past five years and the 2012 Conference is hosted by the International University College of Turin (IUC) and the Institute for the study of Political Economy and Law (IPEL). Drawing upon scholars and students from around the globe, the IUC is an academic centre for the critical, interdisciplinary study of law, economics and finance. Its faculty and advisory members include such eminent figures, such as Guido Calabresi, Duncan Kennedy, Stefano Rodotà, Amartya Sen, and Gustavo Zagrebelsky. The Institute for the Study of Political Economy and Law is a collaborative effort of scholars and practitioners to respond to the urgent need for a new politics that includes systemic critique and productive self-interrogation of existing institutional governance arrangements, as well as organized normative contestation of mainstream ideologies and practices. The Institute operates under the Directorship of Prof. Gunther Teubner and Prof. Josef Halevi.

Confirmed Speakers

Mauro Bussani

Mauro Bussani is Professor of Private and Comparative Law at the University of Trieste and has been a visiting professor in the US, Brazil, Peru, France, Switzerland, the UK, Portugal, Serbia, Hungary, and China. He is Scientific Director of the International Association of Legal Sciences (IALS - UNESCO) and also sits on the Scientific Councils of the Fondation pour le droit continental (Paris), the Interdisciplinary Association of Comparative and Private International Law (Vienna), and the Master of Laws in Cross-Cultural Business Practice, Fribourg Law School - Berne Law School - Swiss Federal Institute of Technology. Professor Bussani is co-editor of the Cambridge University Press series "The Common Core of European Private Law." His principal publications include 21 Books (of which 5 are simply edited), and more than 100 Essays, in Italian, English, French, Spanish, Portuguese, Chinese.

Tine De Moor

Tine De Moor (PhD; Ghent, Antwerp, and London) is currently associate professor at the department for social and economic history of Utrecht University. Through an interdisciplinary approach for the study of the long-term evolution of rural commons, De Moor has been able to revise the historical basis of the widely debated metaphor of the *Tragedy of the Commons*, as launched in 1968 by G. Hardin. Whereas from a modern-day perspective the flaws in Hardin's theory have been well-documented, the historical deficiencies in his theory were hardly ever studied. De Moor's research, combined extensive empirical research and analysis with explicit modelling and a strongly developed theoretical framework, has been published in several books, journals. She is also the (co-)founder of the peer-reviewed journal the *International Journal of the Commons*, and she has been member of the Executive council of the International Association for the Study of the Commons since 2008. De Moor is currently in charge of two large projects on institutions for collective action, of which one is a European Research Council Starting Grant.

Gilda Farrell

Gilda Farrell has served as Head of the Social Cohesion Research and Development Division at the Council of Europe since 2000. Before that, she was Head of the Technical Assistance Bureau for the "Leader Community Initiative"; Lecturer and Associate Researcher (York University, Toronto; Economic Research Institute, Catholic University, Quito, Ecuador) as well as Consultant for several international organisations. She has authored numerous publications in several languages on shared responsibility and citizenship in Europe.

Ugo Mattei

Ugo Mattei is a Professor at Università degli Studi di Torino and an Alfred & Hanna Fromm Distinguished Professor of International and Comparative Law at University of California, Hastings College of Law. He is member of Accademia Internazionale di Diritto Comparato, and Editor in Chief of Global Jurist online magazine; he is member of the Board of the American Journal of Comparative Law, and of the International Revue of Law and Economics, of the Rivista Critica del Diritto Privato. As General Editor of the project The Common Core of European Private Law, many of his publications can be found into the bibliography of Cambridge University Press and of Carolina Academic Press. Among his many publications it has to be mentioned "La proprietà" in "Trattato di Diritto Civile diretto da Rodolfo Sacco" which won in 2003 the Prize Luigi Tartufari of Accademia Nazionale dei Lincei; Comparative Law and Economics, Ann Arbor, University of Michigan Press, 1997; Basic Principles of Property Law, Greenwood Press 2000; The European Codification Process, Kluwer 2003 and "Common Law, Il Diritto Anglo Americano", Utet Torino 1992 and 2004, and Plunder: When the Rule of Law is Illegal, coauthored with Laura Nader, Blackwell (2008).

III. Agenda

Friday, June 22nd

c/o Torino Study Abroad- Via Santa Teresa 20. 1 floor

9:30 a.m. Large Group Working Session

Contracts

Chair: James Gordley

Tulane University Law School, New Orleans, LA, USA

Tort

Chair: Franz Werro

University of Fribourg, Switzerland

Georgetown University Washington D.C., USA

Property

Chair: Antonio Gambaro

University of Milan, Italy

11:00 Small Groups' Working Sessions

1:00 p.m. c/o Archivio di Stato Piazza Castello 209

Registration

1:30 p.m. Lunch

3:00 p.m. Plenary Session: *European Constitutionalism from Below: Constructing a Bottom Up Constitutional Process of the "Commons" in the European Union*

Ugo Mattei

The European Charter of the Commons

Tine De Moore

The Cooperative Continuum. Historical lessons from the similarities in forms of institutions for collective action over a millennium in the context of Europe

Gilda Farrell

The Commons in the Citizens Criteria for Well Being

8:30 p.m. Common Core Gala Dinner

Saturday, June 23rd

9-11 Small Group Working Sessions

11:30 a.m. Reports of Committee Chairs

General Discussion

Concluding Remarks : Mauro Bussani

1:30 p.m. Lunch

2:30 Small Group Working Sessions