



UNIVERSITY OF AMSTERDAM



Amsterdam Centre for Transformative Private Law (ACT)

Exploring the Role of Private Law in the Making of Society and the Processes of Private Law-Making in a Diverse World | Newsletter | Issue 9 | December 2022

Dear reader,

What an eventful start of the academic year! Since September we have been joined by several new colleagues and have had the chance to welcome a number of promising young researchers as visiting scholars. This leaves little time to miss colleagues who are on sabbatical (like our director Marija Bartl) or away for research (like Rodrigo Vallejo). The group grows as we explore a variety of sometimes overlapping themes, such as supply chain liability and technology, human rights and private enforcement, and many more lines of inquiry that you will discover by clicking through our news items. Our researchers are also very active online: from workers' exploitation in Germany during and beyond the pandemic to the Dutch *mondkapjes* affaire, you will be spoiled for choice in this

newsletter. We hope you enjoy the read and wish you a lovely winter break already.

Warm regards,

Candida Leone
Deputy Director ACT

News

Welcome to New Staff Members

- Francesca Episcopo
- Sébastien De Rey
- Mario Pagano
- Devrim Kroese
- Jeroen Heuving
- Vladimir Bogoeski

In addition, ACT has expanded with new members, such as Diana Dankers- Hagnaars, Marleen van Uchelen, and Nabil Fuad.



[Read more here →](#)

New Visiting Researchers

This year we welcomed a handful of visiting fellows from other institutions to conduct research at the ACT:

- Antoni Mut Pina (University of Barcelona)
- Agnieszka Smolenska (Polish Academy of Sciences)
- Lorenzo Rodio (University of Bari)
- Rosa Barceló Compte (University of Barcelona)
- Rosanna Laurikainen-Klami (University of Turku)

Agnieszka Smolenska's blog, 'Making banks care about the future: transition risk management as a regulatory technique', is now available.

[Check out our blog page →](#)



Klaas Eller Elected as Co-Editor-in-Chief of the German Law Journal

As the first generalist law review published fully open access with Cambridge University Press, the German Law Journal reports on developments in comparative, European, and international law. Klaas will be responsible for the journal's topical Special Issues.

[Find topical issues here →](#)

Marija Bartl Receives a Ferdinand Braudel Fellowship Grant at the EUI

Marija Bartl is spending the current academic year in Florence, Italy to pursue her ERC-funded research 'Law as a Vehicle for Social Change: Mainstreaming Non-Extractive Economic Practices (N-EXTLAW)'.

[Read more here](#) →

Highlights

Ecologies of Private Law Lecture Series

Our Annual Theme for the 2022-2023 Lecture Series examines the place and role of private law within this emerging legal paradigm. Through a sequence of lectures focused on key private law institutions and practices, we seek to identify, understand, and assess how private law interacts with its diverse ecosystems and contributes to shaping socio-economic, and political relations among (non-) humans within these ecosystems, in the context of shifting normative expectations and social needs.

[Register here for future events](#) →

**SEMESTER 1
2022-2023**
MONDAYS
15:30-17:00 CET
HYBRID

**AMSTERDAM CENTRE FOR
TRANSFORMATIVE PRIVATE LAW
LECTURE SERIES**
• ANNUAL THEME •
ECOLOGIES OF PRIVATE LAW

ABOUT THE LECTURE SERIES
An ecological awareness is growing in contemporary law and legal thought. This is paving the way for a new legal paradigm that underscores both the inherent interconnectedness of modern society and the blurring boundaries between humans and non-humans.

Our Annual Theme for the 2022-2023 Lecture Series examines the place and role of private law within this emerging legal paradigm. Through a sequence of lectures focused on key private law institutions and practices, we seek to identify, understand, and assess how private law interacts with its diverse ecosystems and contributes to shaping socio-economic, and political relations among (non-)humans within these ecosystems, in the context of shifting normative expectations and social needs.

[Register here!](#)

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SEPTEMBER 26
Anna di Robilant (Boston University)
Reinventing Roman Property in Bourgeois Europe

OCTOBER 31 - Part of the Digital Justice Series-
Pietro Ortolani (Radboud University)
Digital Due Process and the Moderation of Lawful (But Harmful) Content on Social Media Platforms

NOVEMBER 28
Anna Beckers (Maastricht University)
Gunther Teubner (Frankfurt University)
Human-Algorithm-Hybrids as (Quasi) Organisations? On the Accountability of Collective Digital Actors

DECEMBER 12
Beatriz Botero Arcila (Sciences Po, Paris)
The Place of Law in the Urban Digital Age

FEBRUARY 20
Stefan Grundmann (Humboldt-University, Berlin)
New Private Law Theory. A pluralist Approach

Regulating Personalization in the European Union Conference

The conference – organized with the support of the ACT and the European Commission - explored practices that illustrate the promises and perils of online personalization as a result of the widespread use of emerging technologies in order to identify potential regulatory cornerstones to address personalizing techniques.



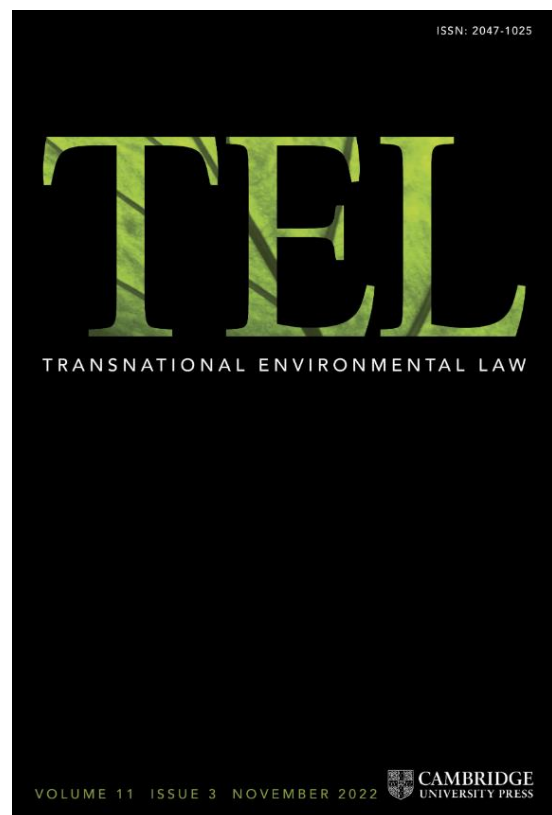
[Read more here →](#)

TEL Special Issue, Private Rights of Nature

In November, Transnational Environmental Law published the 'Symposium Collection' of articles that result from the Private Rights For Nature ACT Conference, organized by Laura Burgers in 2020.

Burgers' introduction is entitled 'Private Rights of Nature' and calls for more research into the rights of nature from the perspective of private law.

[Laura's introduction can be found here →](#)



NJLP Special Issue, Justifying Contract in Europe

This August, the Netherlands Journal of Legal Philosophy published a special issue containing a collection of critical responses to Martijn Hesselink's book *Justifying Contract in Europe: Political Philosophies of European Contract Law* (Oxford University Press: 2021). The special issue, 'The radical aspirations of justifying contract in Europe', is edited by ACT member **Mirthe Jiwa** and Lyn Tjon Soein Len.

[Read the special issue here →](#)

Featured Researcher

Dr. Klaas Eller

ACT member Klaas Eller speaks to us about his current research project, 'Recoding Global Production: Towards a Legal Ethnography of Sustainable Supply Chains', the responsibilities that come with receiving a grant like the VENI, and more!



[Read the interview here →](#)

Media and Talks

One Idea to Tackle Big Energy's Big Profits

On August 3rd 2022, **Marija Bartl** and **Nena van der Horst** wrote an opinion piece in the EU Observer, addressing scepticism to Big Energy's dividend payouts increasing.



[Read the opinion piece here →](#)

Do Not Stop Talking About the Exploitation of Seasonal Migrant Farm Workers

Vladimir Bogoeski's blog builds on the article “Continuities of Exploitation: Seasonal Migrant Workers in German Agriculture during Covid-19” (Journal of Law and Society, 2022).



[Read the blog post here →](#)

Laura Burgers Interviewed by Die Zeit Online

Laura Burgers was interviewed about the work of the Embassy of the North Sea and argues for the rights of nature by stating that the 'North Sea should have a say in decision-making'.



[The interview can be read here →](#)

Harmful Behavior Online in the Netherlands

Anna van Duin and Naomi Appelman (IviR) published their empirical study at DSA Observatory about people's experiences with harmful content on the internet and access to justice. They also presented this study at the international symposium 'The role of courts and access to justice in the digital era' (Nijmegen, 9-10 June).

[Read the blog post here →](#)

The Practice of Judicial Interaction in the Field of Fundamental Rights: The Added Value of the Charter of Fundamental Rights of the EU

On 21 November, **Chantal Mak** participated in an online book launch hosted by Giuseppe Martinico at the Scuola Superiore Sant'Anna in Pisa, Italy.

[The recording is available here →](#)

Civil Law Powers of the Public Prosecution Service in Foundations and the 'Face Mask Affair'

Marleen van Uchelen's blog post in the Corporate Finance Lab about the civil law powers of the Public Prosecution Service and the face mask affair.

[Read the blog here →](#)

Teaching Law in Times of Overlapping Crises

Marija Bartl's blog post, "How to teach law in times of crisis?" in the Verfassungsblog. She argues that we have to teach law differently than we used to in order to reclaim law as a tool of democratic government.

[Read the blog here →](#)

Sustainability in Advertisement 2.0

On 3 November, **Yannick van den Berg** was invited to give a talk at the event 'Duurzaamheid in de reclame 2.0', where he gave a presentation titled, 'From consumer choice to consumer habit: sustainability and advertisement'.

[The presentation can be found here →](#)

Verplicht energieslurpende industriereuzen tot een groenere toekomst

Marija Bartl and **Nena van den Horst** published an opinion piece in the Trouw on 29 July 2022.

[Read the blog here →](#)

On 7 October, **Anna van Duin** spoke at a symposium on 'Access to justice & the role of bailiffs' on the topic of enforcement and consumer protection, organized by the Royal Professional Organization of Judicial Officers in the Netherlands (KBvG).

[Read more here →](#)

On 4 November, **Marco Loos** gave a presentation at Radboud University on his paper 'Harmonization of private law in the 2020s. Targeted full harmonization 2.0?' during the conference 'The Future of European Private Law'.

[Read more here →](#)

On 29 October, **Diana Dankers-Hagenaars** gave a talk at the Paris-Assas University titled, 'L'imprévision aux temps du COVID-19'.

[Read more here →](#)

Upcoming Events

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[Ecologies of Private Law lecture series with Beatriz Botero](#)

A3.01, 15.30-17.00

Beatriz Botero Arcila is an assistant professor of law at Sciences Po and an affiliate at the Berkman Klein Center at Harvard University. Her current research explores how surveillance technologies adopted to provide public security both in Europe and the US and how they interact with other public interests (i.e. civil liberties) and institutional frameworks and incentives.

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[Ecologies of Private Law lecture series with Stefan Grundmann](#)

A3.01, 15.30-17.00

Prof. Dr. Stefan Grundmann has held the chair for German, European and International Private Law at Humboldt-University since 2004. Grundmann will discuss his co-written book, *New Private Law Theory: A Pluralist Approach*.

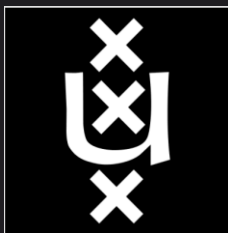
Stay up-to-date!

For more exciting events and details on how to register, keep an eye on our [events page](#)! You can also find updates on [LinkedIn](#) and [Twitter](#).

Recent Research Output

- > [Bogoeski, V.](#) / Continuities of Exploitation: Seasonal Migrant Workers in German Agriculture during Covid-19 / *Journal of Law and Society*, 2022
- > [Bogoeski, V.](#) / Nonwaivability of Labour Rights, Individual Waivers and the Emancipatory Function of Labour Law / *Industrial Law Journal*, 2022
- > [Bogoeski, V.](#) / Law and the Production of Precarious Work in Europe/ *European Law Open*, 1(3), 2022
- > [Burgers, L.](#) / Burgers, L. (2022). Private Rights of Nature/ *Transnational Environmental Law*, 11(3), 463-474. 2022
- > [Dankers-Hagenaars, D.L.M.T.](#) / "Affectieschade: Is sprake van een uitzonderlijk nauwe relatie met de broer en zus van de bij een eenzijdig verkeersongeval omgekomen vrouw, zodat zij recht hebben op vergoeding van affectieschade?". *Rechtspraak Aansprakelijkheids- en Verzekeringsrecht*. 2022. 2022(10).
- > [Dankers-Hagenaars, D.L.M.T.](#) / Informed Consent/ *Rechtspraak Aansprakelijkheids- en Verzekeringsrecht*. (7/8) 2022.
- > [Dankers-Hagenaars, D.L.M.T.](#) / Letselschade/ *Rechtspraak Aansprakelijkheids- en Verzekeringsrecht*. (4)2022
- > [Dankers-Hagenaars, D.L.M.T.](#) / Letselschade/ *Rechtspraak Aansprakelijkheids- en Verzekeringsrecht*. (2) 2022
- > [Dankers-Hagenaars, D.L.M.T.](#) / Medische aansprakelijkheid/ *Rechtspraak Aansprakelijkheids- en Verzekeringsrecht*. (6) 2022
- > [Eller, K. et al.](#) / Digital platforms as second-order lead firms: Beyond the industrial/digital divide in regulating value chains/ *European Review of Private Law*. 2022.
- > [Episcopo, F. & Bertolini, A.](#) / Robots and AI as Legal Subjects? Disentangling the Ontological and Functional Perspective/ *Frontiers in Robotics and AI*. 2022.

- > **Episcopo, F./** The Vicissitudes of Life at the Coalface: Remedies and Procedures for Enforcing Union Law Before National Courts /The Evolution of EU Law. Oxford. 2022
- > **Kramer, B./** Giraal betalingsverkeer en het faillissement van de schuldenaar: de vordering van de curator opnieuw bezien/ Maandblad voor Vermogensrecht (5) 2022
- > **Leone, C./** A Private Law Theory for Sustainable Legal Education?/ Cambridge University Press on behalf of the German Law Journal, 23(6)2022
- > **Mak, C./** What is European in European Private Law? A Reflection" What is European in European Private Law? Che cosa c'è di europeo nel diritto privato europeo?. Milano: Giuffrè. 2022
- > **Mak, C./** Civil Courts and Delocalized Justice: Reflections on the Shell Nigeria Cases in Light of Theories of Communication and Constitutionalization/ Cambridge University Press on behalf of the German Law Journal, 23(6) 2022
- > **Tavakolnia, A./** Third-Party Releases in Modern Insolvency Law: efficient claim resolution or obscure bypass?. FIP : Tijdschrift Financiering, Zekerheden en Insolventierechtpraktijk. 2022.
- > **van Uchelen-Schipper, M.J. /** JOR 2022/59 (Zaanse Schans) /Jurisprudentie Onderneming & Recht (JOR). (3) 2022
- > **van Uchelen-Schipper, M.J. /** Stichting Hulptroepen Alliantie/ Jurisprudentie Onderneming & Recht (JOR)(204) 2022
- > **van Uchelen-Schipper, M.J. /** Stichting Ronduit/ Jurisprudentie Onderneming & Recht (JOR)(6) 2022



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