
**Seminar:
The Economic and the Social
in European and International Law**

SS 2018

Fachbereich Rechtswissenschaft
Schwerpunktbereiche 1 und 2

Prof. Dr. Francesco Costamagna, University of Turin
Juniorprof. Dr. Matthias Goldmann, Goethe University

Seminar Description:

This seminar is about the tensions and conflicts between economic and social objectives in European and international law. After the Second World War, the newly emerging European and international legal regimes put the emphasis on the integration of economic orders and left the organization of the welfare state largely to the national level. The idea was that national governments would ensure a balance between economic and social policy goals in accordance with the preferences of their citizens. However, welfare states came under pressure as a result of the economic liberalization that began in the 1970s, and even more so in the course of the financial crisis beginning in 2008 and the pressures it created for public budgets. Some therefore question whether European and international law still ensure a fair balance between economic and social objectives. For its part, the European Commission has announced the creation of a social pillar to rectify perceived imbalances.

The seminar will analyze these tensions in a number of in-depth studies. They extend over theoretical and historical questions, current doctrinal issues, and questions about the potential future development of European and international law.

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Law Department

Junior Professor of International
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Dr. Matthias Goldmann, LL.M. (NYU)

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The seminar will be taught jointly by Professor Costamagna and Juniorprofessor Goldmann. Participating students will therefore have to give their oral presentations in English. The language of their seminar papers should also be in English, unless otherwise agreed with the teachers.

List of Seminar Topics:

Theory

1. Vilfredo Pareto and welfare state economics
2. Karl Polanyi: The Great Transformation
3. Pius XI. and Oswald von Nell-Breuning: Catholic social teaching
4. Ordoliberalism and the Social Market Economy (Eucken, Böhm, Müller-Armack)
5. Friedrich von Hayek: Against social justice
6. John Galbraith: The Affluent Society
7. Michel Foucault: The Birth of Biopolitics
8. Martha Nussbaum: The capabilities approach

European Law

9. The Economic and the Social in the Treaties of Rome
10. The Impact of the Fundamental Freedoms on the Balance between the Economic and the Social in the Case Law of the ECJ
11. The Relationship between Fundamental Freedoms and Human Rights
12. The Impact of Competition Law on the Balance between the Economic and the Social in the Case Law of the ECJ
13. The Economic and the Social according to the Maastricht Treaty
14. The Economic and the Social after the Reform of the Stability and Growth Pact – Preventive Prong
15. The Economic and the Social after the Reform of the Stability and Growth Pact – Curative Prong
16. The Economic and the Social in ESM Adjustment Programs
17. The EMU, the ESM, and the Charter of Fundamental Rights
18. Adjustment Programs before National Constitutional Courts
19. Rescue Measures before the ECHR

International Law

20. The Rise and Fall of the International Labor Organization
21. The Economic and the Social in the World Bank
22. The Economic and the Social in Sovereign Debt Restructuring – Recent Reform Proposals
23. Business and Human Rights
24. Human Rights Indicators
25. The Economic and the Social in Investment Law
- 26.** The Economic and the Social in Trade Law (especially labor standards and social dumping)

Practical Information:

- The Number of participants is limited to 18 persons. Preference will be given to those willing to write their seminar paper in English. For inquiries about open topics please contact goldmann@jur.uni-frankfurt.de.
- *Enrolment and Allocation of Topics*: Thursday, 8 February 2018, ~~10h-12h, RuW 3.101~~. **Changed time: 14h-16h, RuW 1.101**
- *Preparatory Workshop*: Thursday 3 May 2018, 10-18h (RuW 1.101) and Friday 4 May, 10-18h (RuW 1.101).

The workshop gives students the occasion to discuss their work in progress with their fellow students. Participation is voluntary, but recommended. The students will be split into two groups for the purposes of the workshop. On each workshop day, one group will present their drafts to their colleagues and discuss questions related to research methodology. The goal is to learn from each other.

- *Submission of Theses*: 20 June 2018

Please submit your complete thesis, including title, name of the author, matriculation number, bibliography, and list of abbreviations **in one file** (preferably PDF) to goldmann@jur.uni-frankfurt.de AND to the exam office (Schwerpunktbereichsprüfungsamt) via QIS software. The file name should be the number of your topic in two figures and your family name (e.g. „05 Maier.pdf“). Please bring two printed copies to the office of Matthias Goldmann (HoF 1.14 and 1.15) by 21 June 2018.

- *Seminar Workshop*: 4 to 6 July 2018, 10h-18h, Raum RuW 1.101.

Each participant will present their paper in 15-20 minutes. In addition, each participant will comment on one paper of another participant (5 mins). You are expected to participate actively in the discussion.

Formal Requirements:

Seminar papers should comprise between 5,000 and 10,000 words, including footnotes. Please do a word count and indicate the number of words on the front page. Please cite in an orderly fashion. Every statement that does not refer to common sense or follow immediately from your argument requires a reference. An orderly citation normally includes the name of the author; the title of the cited work; the journal title and volume number, if applicable; the year; and a pincite of the page you are referring to. In case of court decisions please list the court, the name of the case, and the case number, or provide a reference to one of the usual collections (e.g. BVerfGE). Use of ECLI references is encouraged. A great guideline to English-language citation practice is OSCOLA: https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf.