



**Ius Commune Conference Amsterdam,
29-30 November 2018**

**Call for Papers Workshop on
Liability & Insurance**

***Public authorities and tort law: a
difficult marriage?***





Call for papers

23rd Ius Commune conference in Amsterdam

November 29 and 30 2018

Workshop Liability and Insurance

Public authorities and tort law: a difficult marriage?

The workshop on 'Liability and Insurance', that is to be held during the *Ius Commune* conference in Amsterdam on November 29 and 30 2018, addresses the possible **public aspects of private tort law**. It offers an opportunity to reflect on the issues that can arise when public authorities meet private tort law and to discern which challenges this legal area bordering both fields of law can pose.

Due to the rapid growth and diversification of public services in modern day society, the government has become inextricably intertwined with many aspects of everyday life. In their participation in society, public authorities are not confined to public law. They can also engage with their citizens through private law. This intensification of contact between public authorities and private individuals entails an increased risk of events occurring that wrong one of both parties. A question of particular interest is whether the relationship between the parties lends itself to a tort suit in order to remedy said wrong. Can a public authority act as an appellant or, conversely, be summoned as a defendant in such a suit? How to evaluate tort law as an instrument to pressurize and influence public authorities? Do public limitations exist? In what way – if at all – does private tort law have public aspects? Is there a strict divide between private tort law and public law, and if so where should the line be drawn?

The difference in nature of the opposing parties poses peculiar challenges. After all, governments hold state power, which not only grants them certain privileges, but also burdens them with the obligation to promote the interests of all their citizens. Therefore, they are not analogous to self-interested private actors, but represent the collective society as a whole. Does that nature neatly fit the framework of tort law?

Possible lines of research (purely by way of example)

- Unlawful conduct by a government resulting in damage;
- Lawful conduct by a government that nonetheless results in extraordinary damage;
- Reliance by a government on civil tort law or on actions grafted on private law notions (exercise of public power through private law);
- The (un)justified use of tort law to maneuver public authorities in taking action. The perceived effectiveness of tort law to influence governmental behavior: myth or fact?;
- Public limitations on the exercise of private tort law;
- Distributive aspects of private tort law;
- Member state liability in the European Union / liability of EU institutions.

The workshop 'Liability and insurance law' of the 23rd *Ius Commune Conference*, that is to be held on November 29-30 2018 in Amsterdam, invites both Ph.D. candidates and senior researchers to submit an abstract on one of the topics above or on a topic of their own choice related to the general theme, that they would like to present and/or publish in the conference volume.

We welcome contributions from a more traditional (comparative or historical) legal perspective, as well as from a broader, sociological, psychological and economic vantage point. We invite papers that explore issues of both a substantive and procedural nature in the approach of the overall workshop topic. The time slots for presentations are limited. The selection criteria are the quality of the research, its originality and the diversity and connection with other proposed topics.

The deadline for submitting the abstract for a paper (max. 2 pages) is **July 15 2018**. The abstract should be send to Ilse Samoy (ilse.samoy@kuleuven.be) and Christopher Borucki (Christopher.Borucki@kuleuven.be). We aspire to notify all applicants as soon as possible after the lapse of the deadline. Please note that all contributions should be in English. Co-authored papers will also be considered. Please include your name, affiliation and research position.

The organizing committee

Prof. Dr. Ilse Samoy,
Ph.D. candidate Christopher Borucki