



Fourteenth Transatlantic Law Forum
Henry G. Manne Program in Law & Economics Studies
 Law & Economics Center
 Antonin Scalia Law School
 George Mason University
 Thursday, June 19 – Saturday, June 21, 2025

Agenda

Thursday, June 19

5:30 – 6:30 pm **Welcome Cocktails and Hors D’oeuvres**

Welcome Remarks

[Craig Parsons](#), Professor, University of Oregon; Senior Researcher, ARENA Centre for European Studies

Friday, June 20

7:00 – 8:30 am **Breakfast** (in hotel restaurant)

8:30 – 8:50 am **Registration**

8:50 – 9:00 am **Welcome Remarks**

[Michael S. Greve](#), Professor of Law, George Mason University Antonin Scalia Law School

9:00 – 10:15 am **Panel 1: Experts and Government.**

President Eisenhower’s 1961 Farewell Address is remembered chiefly for its warnings of the “military industrial complex.” Yet the President also expressed apprehensions about the political organization of—well, expertise. As “research has become more central,” the President noted, “it also becomes more formalized, complex, and costly. A steadily increasing share is conducted for, by, or at the direction of, the Federal government ... The prospect of domination of the nation’s scholars by Federal employment, project allocations, and the power of money is ever present – and is gravely to be regarded.” Yet “we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.”

“It is the task of statesmanship,” the President observed on a strikingly Weberian note, “to mold, to balance, and to integrate” these forces. Well, then: how well have Western democracies navigated these shoals? Is the worrisome dialectic of politicization and

technocracy inescapable, or is there a plausible case for a disentanglement of science and state?

Ben Cliff, Professor of Political Economy, University of Warwick

Christopher C. DeMuth, Distinguished Fellow in American Thought and AWC Family Foundation Fellow, B. Kenneth Simon Center for American Studies, The Heritage Foundation

Stefan Kooths, Director, Business Cycles and Growth Research Center, Kiel Institute for the World Economy

Richard H. Pildes, Sudler Family Professor of Constitutional Law, New York University School of Law

Moderator: Michael Zoeller, Emeritus, Bayreuth University

10:15 – 10:30 am

Break

10:30 – 11:45 am

Panel 2: Plans, Nudges, and Markets

Friedrich Hayek’s account of the “knowledge problem” and the “fatal conceit” is widely known—and yet more widely ignored. The early 21st century has seen renewed attempts to steer markets, whether to re-domesticate industrial production or to promote non-economic goals, most prominently environmental ones. At the same time, prominent theorists have developed (and occasionally implemented) strategies of “market-based incentives” and “nudges.” Do such strategies ameliorate the pathologies of planning, or might they actually exacerbate the inherent dilemma (insofar as social responses to subtle nudges may be even harder to predict than responses to outright prohibitions)? And what of actual markets as tools to address increasingly complex problems of social and economic coordination?

Mark Blyth, The William R. Rhodes ’57 Professor of International Economics, Brown University

Sandra J. Peart, Dean and E. Claiborne Robins Distinguished Professor in Leadership Studies and President, Jepson Scholars Foundation, University of Richmond

Steven Teles, Professor of Political Science, Johns Hopkins University

Moderator: Brian F. Mannix, Research Professor, George Washington University

11:45 am – 12:45 pm

Lunch (in hotel restaurant)

1:00 – 2:15 pm

Panel 3: Central Banks

The key argument for “independent” central banks is not expertise; it is insulation from political control, coupled with the need for a “flexible currency” (historically, one that is more adjustable than the gold standard). Arguably, though, the arrangement collapses

into arguments about the bankers' expertise. Any fractional banking system runs on public faith; and what are investors and voters supposed to have faith in, except the central bankers' (independent) expertise?

Is this arrangement still credible? Under intense political pressure, the ECB bailed out EU member states. The Federal Reserve for its part is effectively compelled to cover close to \$2 trillion in public debt per year, producing massive balance sheet losses in the process. How independent are these institutions, really? How "expert"?

[Leah Downey](#), Junior Research Fellow, St. John's College, University of Cambridge

[Astrid Iversen](#), Associate Professor, Scandinavian Institute of Maritime Law, University of Oslo

[Claus Tigges](#), President, Regional Office in Berlin and Brandenburg, Deutsche Bundesbank

Moderator: [Alastair Sutton](#), Barrister, Brick Court Chambers

2:15 – 2:30 pm

Break

2:30 – 3:45 pm

Panel 4: Do We Trust Antitrust?

Antitrust lawyers do microeconomics, a field that is characterized by substantially greater scholarly consensus on the fundamentals than is macro-economics. Still, competition law is technical and fact-intensive. Yet certainly in the U.S. and even in the EU, a field that might seem best left to experts is subject to particularly intensive judicial examination. Whence this "antitrust exceptionalism," and how has it developed over time? To what extent does it depend on an antecedent agreement to separate antitrust policy from related social concerns—industrial policy, say; or information policy?

[Lazar Radic Boskovic](#), Assistant Professor of Law, IE University, Spain

[Tina Søreide](#), Professor, NHH Norwegian School of Economics; in 2025 on leave for position as Special Adviser to the Ministry of Trade, Industry and Fisheries

[Diane P. Wood](#), Director, American Law Institute; Senior Lecturer in Law, University of Chicago Law School

Moderator: [Bent Sofus Tranøy](#), Professor, University of Inland Norway; ARENA Centre for European Studies (Affiliated)

3:45 – 6:30 pm

Afternoon Break

6:30 – 7:15 pm

Reception

7:30 - 9:30 pm

Dinner

Remarks:

[Pernille Rieker](#), Director, ARENA Centre for European Studies, University of Oslo; Senior Researcher, Norwegian Institute for International Affairs (NUPI).

Keynote Address: *The Times, They Are A'Changin' ... Yet Again.*

[E. Donald Elliott](#), Winter Doyle Distinguished Visiting Professor of Law, Yale Law School

Saturday, June 21

7:00 – 8:15 am **Breakfast** (in hotel restaurant)

8:15 – 9:30 am **Panel 5: The Dialectic of Technocracy?**

Two-plus decades ago, Juergen Habermas (along with many other public intellectuals) hoped that an excessively technocratic EU would yet become more authentically democratic—not by way of creating a European “superstate,” but by way of a quasi-Hegelian “dialectic” that would produce more decentralized democratic practices behind the backs (so to speak) of the principal political actors. That has not happened, has it? Mr. Draghi’s recent proposals for an EU renewal, for example, would have the EU double down on technocratic government. And to the extent that European politics has become more democratic, it seems to have become more parochial and in some places nativist.

The U.S., meanwhile, appears to have gone in a different direction. Federal “expert” agencies (the FTC, the SEC, the FCC) have become subject to political (White House) control. Politics at the state level has also become more intensely partisan.

[Francesca Bignami](#), Leroy Sorenson Merrifield Research Professor of Law, George Washington University Law School

[Sacha Garben](#), Permanent Professor of EU Law, College of Europe

[Bruce Ackerman](#), Sterling Professor of Law and Political Science, Yale Law School

[Susanne Schmidt](#), Professor, Bremen University

Moderator: [Katja Gelinsky](#), Journalist, Frankfurter Allgemeine Zeitung

9:30 – 9:45 am **Break**

9:45 – 11:00 am **Panel 6: Global Warming—and Cooling Expertise?**

If expert consensus exists on human causes of global warming, less agreement prevails about how governments can effectively and legitimately address it. Many policies seem like symbolic politics. One comprehensive, sophisticated cross-country review of over 600 climate policies found that only a handful reduced carbon emissions *at all*. Even when

many experts agree on tools that could be effective and efficient, like a carbon tax, that advice may not matter if voters simply won't accept it.

Could it be that even an especially robust body of scientific knowledge, supported by a broad consensus among experts from a wide range of disciplines, could prove useless and perhaps even harmful, at least under the political conditions that currently characterize the U.S. and the EU? If so, what follows for the enterprise of science and the business of politics?

Roger Pielke Jr., Senior Fellow, American Enterprise Institute

Marie Vandewalle, Head of Working Group on Biodiversity Science-Policy Interface, UFZ Helmholtz Centre for Environmental Research

Christina Voigt, Professor of Law, University Oslo

Moderator: Ashley Parrish, Partner, King & Spalding

11:15 – 11:30 am

Break

11:30 am – 12:45 pm

Panel 7: Courts, Experts, and the Law.

Foremost among the reasons for entrusting highly consequential policy decisions to administrative bodies is their ability to mobilize (and ideally act on) a large body of specialized expertise. The principal reason for subjecting their decisions to judicial control is the utility of having them examined—*re*-viewed, as it were—from a different, legal and generalist perspective. However, liberal democracies differ significantly with respect to their institutional arrangements, agency procedures, and the focus and intensity of judicial review. How well, or how poorly, have the various systems accommodated the tensions between lawful administration and bureaucratic expertise?

Susan Dudley, Distinguished Professor of Practice, Public Policy, and Public Administration, George Washington University

Christian Magaard, Post-Doc Associated Fellow, Institute for Public Business Law, Christian-Albrechts-Universität zu Kiel

R. Shep Melnick, Thomas P. O'Neill, Jr. Professor of Politics, Boston College

Susan Rose-Ackerman, Henry R. Luce Professor Emeritus of Law and Political Science and Professorial Lecturer in Law, Yale University

Moderator: Robert R. Gasaway, Business Advisor, Above All Advisors; James L. Buckley fellow, Smith Institute of Political Economy and Philosophy

12:45 – 2:00 pm

Lunch (in hotel restaurant)

2:00 – 3:15 pm

Concluding Conversation: AI and the Tech Frontier

When historians look back on 2025, will they remember it as a time of conflict over human experts and democracy—or the moment when the advent of general non-human expertise

upended all previous thinking on the topic? As technological change outpaces all existing regulation, how can we maximize the chances that AI will serve rather than threaten democratic and effective governance?

Florence G'Sell, Visiting Professor and Director, Program on Governance of Emerging Technologies, Stanford University

Zachary Henderson, Visiting Assistant Professor and Shashi and Dipanjan "DJ" Deb Faculty Scholar, University of California College of the Law, San Francisco

Rob Reich, McGregor-Girard Professor of Social Ethics of Science and Technology, Stanford University; Senior Fellow, Institute for Human-Centered AI

Moderator: **Nate Persily**, James B. McClatchy Professor of Law, Stanford Law School

3:15 pm

Adjournment

Transatlantic Law Forum
14th Annual Conference
Oslo, June 19-21, 2025
Experts, Democracy and the Law

Ideally, government should be democratic, lawful, and informed by expertise that aims to produce some gain in the general social condition. Notoriously, though, those commendable and widely shared ambitions often conflict. Liberal-democratic societies have found ways, or have thought that they had found, ways of harmonizing the divergent demands. Foremost among the institutional mechanisms is a professionalized bureaucracy, capable of mobilizing specialized expertise but subject both to democratic legitimation and to legal control, judicial as well as legislative.

Of late, that basic governance model seems to have come under assault on both sides of the Atlantic. Institutions that purport to represent an expert consensus have pursued very ambitious initiatives—fine-tuning monetary stability and a “goldilocks” economy, stamping out a pandemic, de-carbonizing industrial economies—and have encountered heightened public distrust and sometimes visceral popular reactions. Inchoate responses have ranged from initiatives to decimate expert bureaucracies to demands for more democratic accountability to pleas that government should become, if not more lawful and democratic, then at least more competent and effectual. In short, the perennial tensions between technocracy, democracy, and lawful government have become more vivid than they have been for quite some time—perhaps, a full century.

At the Transatlantic Law Forum’s 14th Annual Conference, prominent academics, practicing lawyers, judges, policymakers, and public intellectuals will explore the salient topic from a wide range of political, professional and national perspectives. We hope to generate the cordial, riveting, and informative exchange of views that has always been the TLF’s singular goal and accomplishment.

About the Transatlantic Law Forum

The Transatlantic Law Forum (TLF), originally founded by Michael Zoeller (Emeritus, Bayreuth University) and Michael Greve (Professor of Law, Antonin Scalia Law School) is a project of the Antonin Scalia Law School’s Law & Economics Center (<https://masonlec.org/>). Its objective is to foster a transatlantic dialogue on salient questions of law and public policy. Past conference topics have ranged from “The Business of Law” to “Citizenship” and “The Financial Crisis and the Rule of Law.”

The 2025 TLF Conference is organized in cooperation with the ARENA Centre for European Studies, University of Oslo, one of Europe’s leading institutes for research and commentary on political, economic, legal and social integration and the evolving European order.