

March 2007 – July 2007

*Editor's Farewell*

In August 2003, by appointment of the President of IVR, the late Professor Aleksander Peczenik, I took from the former Editor-in-Chief, Professor Riccardo Guibourg, the honour and responsibility of publishing IVR Newsletter. Since then, eight issues of the paper have seen the light of day.

First of all, I would like to thank the readers of IVR Newsletter for their continued interest. My aim during the last four years has been to provide them with a paper that would keep them à jour with the developments, scientific and organizational, within the different national sections.

Further, my sincere thanks go to the "Contacts" of the IVR National Sections, who kept sending me information on various topics. Indeed, working as editor has been rewarding in many ways. Editing and publishing the material I received from the IVR contacts gave me some insight into the developments within the field of Jurisprudence practically all over the world. What is more, through my email correspondence with the IVR sections, a most valuable network of contacts has been established which, I hope and trust, will be sustained in the future. Honestly: I enjoyed corresponding with you all!

However, the time has come to move on. Once more, I would like to express my gratitude to the IVR for having given me this opportunity to work as editor. Last not least, I would like to thank our highly efficient webmaster, Dr. Christoffer Wong, for his competent assistance and unfailing patience.

Thanks for a great time!

*Uta Bindreiter*



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IVR Newsletter is available on the Internet (<http://www.cirfid.unibo.it/ivr/>) where also previous issues can be consulted.



# IVR Executive Committee 2007/2011

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### RECORDS

- ☞ President: *Marc Ramsay*
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### NEWS

The Canadian Section of IVR met in Saskatoon on May 27, 2007. The following principal papers and commentaries were circulated via the website and discussed in the meeting:

1. *Kenneth Nickel* (UWO), Criminal Negligence and the Objective/Subjective Debate [commentary: Frank Jankunis]
2. *Roger Shiner* (UBC), Theorizing Criminal Law Reform [commentary: Nathan Brett]
3. *David Campbell* (McMaster), Raz on Multiculturalism: Illiberal Conclusions from a Liberal Argument [commentary: Marc Ramsay]
4. *Michael Milde* (UWO), Waldron and Judicial Review: A Democratic Defense of Judicial Review [commentary: Marc Ramsay]
5. *Jeremy Livingston* (McMaster), Waldron, Charters, Disagreement [commentary: Marc Ramsay]
6. *Nathan Brett* (Dalhousie), Disrespect for the Law: A Look at Philosophical Anarchism [commentary: Joe Elin]
7. *Travis Hreno* (UBC Okanagan), Jury Nullification and the Rule of Law [commentary: Joshua Mildemberger]
8. *Mark Ramsay* (Acadia), Wrongful Pregnancy and Thin Skull Choices [commentary: Nathan Brett]

## ANNOUNCEMENT

The Canadian Section of IVR met in Saskatoon on May 27, 2007. The following principal papers and commentaries were circulated via the website and discussed in the meeting:

- ☞ Globalization of Commerce and Human Rights
- ☞ Judicial Review
- ☞ Privacy and Communication Rights
- ☞ Exclusive vs. Inclusive Positivism

Principal papers should be 10,000 words or less in length.

## FINLAND

Suomen oikeusfilosofinen yhdistys SOFY ry



## RECORDS

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## NEWS

A series of lectures (altogether 12) on the topic *Law and Politics* has been held in Helsinki from February 2005 to November 2005.

A seminar on The conventionality of the “*Rechtsquellenlehre*” was held in Helsinki, October 30, 2006.

A seminar on *Non-expressionable: on torment and ethics* was held in Helsinki, April 10, 2007.

The Finnish section has also cooperated with the research project “Eu-ropeanized Criminal Justice”, currently active at the University of Helsinki. The research forum on “Security” has been arranged in Helsinki on fall 2006 and spring 2007.

Professor Klaus Günther, University of Frankfurt, has given a guest lecture in Helsinki on the topic “The concept of law and globalization” on May 23, 2007.

Professor Felix Herzog, University of Bremen and Professor Klaus Günther, University of Frankfurt, have given a joint seminar in Helsinki on the topic “From criminal law to new forms of regulatory law” on May 24, 2007.

## RECENT PUBLICATIONS

*Aulis Aarnio*, Tulkinnan taito: ajatuksia oikeudesta, oikeustieteestä ja yhteiskunnasta [The Art of Interpretation: thoughts on justice, jurisprudence and society]. Helsinki, WSOY, 2006

*Aulis Aarnio/Timo Uusitupa* (eds.), Oikeusvaltio (Rechtsstaat). Helsinki, Kauppakaari, 2006

*Kaijus Ervasti/Nina Meinke* (eds.), Oikeuden tuolla puolen [Beyond Law]. Lakimiesliion kustannus, 2002

*Ari Hirvonen/Toomas Kotkas* (eds.), Radikaali paha. Paha eurooppalaisessa perinteessä [The Radical Evil. Evil in the European tradition]. Helsinki, Loki-kirjat, 2004

*Petter Kavonius*, Tarpeidenmukainen oikeusperiaateajattelu [The Needs-based Approach to Legal Principles]. Helsinki, Suomalainen Lakimiesyhdistys, 2003

*Martti Koskeniemi*, From Apology to Utopia. The Structure of International Legal Argument. Reissue with a new Epilogue. Cambridge University Press, Cambridge, 2005

*Toomas Kotkas*, Suosiosta ja armosta [On Grace and Mercy]. Helsinki, Suomalainen Lakimiesyhdistys, 2003

*Arto Laitinen*, Strong evaluation without sources: on Charles Taylor’s philosophical anthropology and cultural moral realism [Diss.]. Jyväskylä, The University of Jyväskylä, 2003

*Panu Minkkinen*, Järjen lait: Kant ja oikeuden filosofia [The laws of reason: Kant and the philosophy of law]. Helsinki, Tutkijaliitto, 2002

*Panu Minkkinen* (ed.), Marjut Salokannel and Kaarlo Tuori (trans.), Normi yhteisen mittapuun käytäntönä (François Ewald) [Norm as a practice of a shared yardstick], Helsinki, Suomalainen Lakimiesyhdistys, 2003

*Johanna Niemi-Kiesiläinen et al.* (eds.), Oikeuden tekstit diskursseina [The Law Texts as Discourses], Helsinki, Suomalainen Lakimiesyhdistys, Helsinki, 2006

*Kimmo Nuotio* (ed.), Europe in Search of ‘Meaning and Purpose’. Publications of the Faculty of Law, University of Helsinki, 2004

*Kimmo Nuotio* (ed.), Oikeusteoreettisia katkelmia [Fragments of Legal Theory]. Helsinki, Suomalainen lakimiesyhdistys, 2003

*Raimo Siltala*, Oikeustieteen tieteenteoria [A Theory of the Science of Law]. Helsinki, Suomalainen Lakimiesyhdistys, 2003

*Raimo Siltala*, Oikeudellinen tulkintateoria [A Theory of Legal Interpretation]. Helsinki, Suomalainen Lakimiesyhdistys, 2003

*Kaarlo Tuori*, Critical Legal Positivism. Aldershot, Ashgate, 2002

*Kaarlo Tuori*, Foucault’n oikeus [Foucault’s Law]. Helsinki, WSOY, 2002

## GERMANY

IVR Internationale Vereinigung für Rechts- und Sozialphilosophie Sektion Deutschland



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## ANNOUNCEMENTS

From September 17th to September 19th, 2007, the next bi-annual conference on "Naturalismus und Demokratie – Spinozas ‚Politischer Traktat‘ im Kontext seines Systems" of the *Arbeitskreis Ideengeschichte der Rechtsphilosophie*, Sub-Section of the German Section of the IVR, will take place in Pfarrhof Bergkirchen, 31556 Wölpinghausen. The conference is organized by Prof. Dr. Wolfgang Bartuschat, Prof. Dr. Stephan Kirste and Prof. Dr. Manfred Walther.

This fall (between October 25th and 27th), Dr. Annette Brockmüller and Prof. Dr. Dr. Erik Hilgendorf will organize a conference "Rechtsphilosophie im Wandel" at the ZiF (Bielefeld).

The next bi-annual conference of the German Section of the IVR on "Legal Philosophy and Legal Dogmatics" will be organized by Prof. Dr. Kristian Kühl and take place in Tübingen from Thursday, September 25th to Saturday, September 27th.

## COURSE LITERATURE

*Winfried Brugger/Michael Karayanni* (eds.), *Religion in the Public Sphere. A Comparative Analysis of German, Israeli, American and International Law* (2007).

## NEW GERMAN LITERATURE ON LEGAL THEORY AND PHILOSOPHY

- Brauer, Susanne*, *Natur und Sittlichkeit. Die Familie in Hegels Rechtsphilosophie. Praktische Philosophie Bd.79* [Alber 2007] 264 pp.
- Brugger, Winfried/Michael Karayanni* (eds.), *Religion in the Public Sphere. A Comparative Analysis of German, Israeli, American and International Law* [2007]
- Buckel, Sonja*, *Subjektivierung und Kohäsion. Zur Rekonstruktion einer materialistischen Theorie des Rechts. Diss. Univ. Frankfurt am Main* [Velbrück Wissenschaft 2007]
- Holländer, Pavel*, *Verfassungsrechtliche Argumentation - zwischen dem Optimismus und der Skepsis. Schriften zur Rechtstheorie (RT) Bd.233* [Duncker & Humblot: Berlin, 2007] 143 pp.
- Horn, Norbert*, *Einführung in die Rechtswissenschaft und Rechtsphilosophie. 4., neubearb. Aufl.* [Heidelberg 2007]
- Huang, Chung-cheng*, *Das Verhältnis von moralischem Diskurs und rechtlichem Diskurs bei Jürgen Habermas. Diss. Univ. Heidelberg 2006. Schriften zur Rechtstheorie (RT) H.231* [Duncker & Humblot 2007] 172 pp.
- Kersting, Wolfgang*, *Wohlgeordnete Freiheit. Immanuel Kants Rechts- und Staatsphilosophie. 3., erw. u. bearb. Aufl.* [mentis-Verlag 2007] 408 pp.
- Kirchmann, Julius H. von*, *Die Grundbegriffe des Rechts und der Moral als Einleitung in das Studium rechtphilosophischer Werke. Edition Classic Repr. d. Ausg. v. 1873* [VDM Verlag Dr. Müller, 2007] VIII, 201 pp.
- Law, Politics, and Morality: European Perspectives III. Bd.3. Ethics and Social Justice. Herausgeber: Pozzolo, Susanna, Ferrer Beltrán, Jordi. Schriften zur Rechtstheorie (RT) Bd.215/3* [Berlin: Duncker & Humblot, 2007] 262 pp.
- Lietb, Oliver*, *Die ökonomische Analyse des Rechts im Spiegelbild klassischer Argumentationsrestriktionen des Rechts und seiner Methodenlehre. Lausanner Studien zur Rechtswissenschaft Bd.4* [Nomos 2007] 178 pp.
- Mäder, Werner*, *Vom Wesen der Souveränität. Ein deutsches und ein europäisches Problem. Beiträge zur Politischen Wissenschaft (BPW) Bd.145* [2007] 198 pp.
- Merle, Jean-Christophe*, *Strafen aus Respekt vor der Menschenwürde. Eine Kritik am Retributivismus aus der Perspektive des deutschen Idealismus* [Gruyter Recht 2007] 183 pp.
- Mestmäcker, Ernst-Joachim*, *A Legal Theory without Law. Posner v. Hayek on Economic Analysis of Law. Beiträge zur Ordnungstheorie und Ordnungspolitik Bd.174* [Mohr Siebeck 2007]
- Rechtstheorie: Rechtsbegriff - Dynamik - Auslegung*, hrsg. v. Stefan Griller u. Heinz P. Rill. *Forschungen aus Staat und Recht Bd.136* [Wien: Springer, 2007] 300 pp.
- Reinach, Adolf*, *Zur Phänomologie des Rechts. Die apriorischen Grundlagen des bürgerlichen Rechts. Edition Classic Repr. d. Ausg. v. 1953* [VDM Verlag Dr. Müller 2007] 225 pp.

- Rüthers, Bernd*, *Rechtstheorie. Begriff, Geltung und Anwendung des Rechts. Unter Mitarb. v. Axel Birk. Grundrisse des Rechts 3., Neubearb. Aufl.* [Beck Juristischer Verlag 2007] 572 pp.
- Schild, Wolfgang*, *Staatsdämmerung. Zu Richard Wagners 'Der Ring des Nibelungen'*. *Juristische Zeitgeschichte, Kleine Reihe Bd.15* [BWV - Berliner Wissenschafts-Verlag 2007] 108 pp. 19,5 cm
- Schuppe, Wilhelm*, *Der Begriff des subjektiven Rechts*, hrsg. v. Esther von Krosigk. *Edition Classic Repr. d. Ausg. v. 1886* [VDM Verlag Dr. Müller 2007] 376 pp.
- Stephanians, Markus S., *Individuelle Rechte* [mentis-Verlag 2007] 256 pp.
- Triepel, Heinrich*, *Vom Stil des Rechts. Beiträge zu einer Ästhetik des Rechts (1947). Mit einer Einl. v. Andreas Arnauld u. Wolfgang Durner. Juristische Zeitgeschichte, Kleine Reihe Bd.14* [BWV - Berliner Wissenschafts-Verlag 2007] 153 pp.
- Tuori, Kaius*, *Ancient Roman Lawyers and Modern Legal Ideals. Studies on the impact of contemporary concerns in the interpretation of ancient Roman legal history. Diss. Studien zur europäischen Rechtsgeschichte Bd.220* [Klostermann 2007] XI, 220 pp.
- Vaihinger, Hans*, *Die Philosophie des Als Ob. System der theoretischen, praktischen und religiösen Fiktionen der Menschheit. Auf Grund eines idealistischen Positivismus. Mit e. Anh. über Kant und Nietzsche.* Herausgeber: Krosigk, Esther von. *Edition Classic Repr. d. 3. Aufl. v. 1918* [VDM Verlag Dr. Müller 2007] 804 pp.
- Vesting, Thomas*, *Rechtstheorie* [Beck 2007]
- Zippelius, Reinhold*, *Rechtsphilosophie. Ein Studienbuch. Juristische Kurz-Lehrbücher 5., Neubearb. Aufl.* [Beck 2007] XIV, 211 pp.
- Zweifelsfälle.* Hrsg. v. Christine Abbt u. Oliver Diggelmann [Nomos - Stämpfli Verlag 2007] 195 pp.

## HUNGARY

IVR Hungarian National Section



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## NEWS

After the death of the founding President of the Hungarian National Section, Professor Vilmos Peschka,\* the section has elected Professor Csaba Varga [www.varga.jak.ppke.hu], Secretary of the section since its very conception, to succeed Professor Peschka as President of the Hungarian National Section.

\* Cf. *Csaba Varga*, Vilmos Peschka 1929-2006, in *ARSP* 93/2 (2007), 253-4.

## ANNOUNCEMENT

The next yearly national conference of legal philosophers in Hungary will be held 9–10 November, 2007. The conference is organized by the Institute for Legal Philosophy of the Pázmány Péter Catholic University of Hungary in Budapest, with sections on legal cultures (traditions and interactions), legal reasoning (patterns and standards), legal dogmatics (systems and constructions), legal world concepts (social scientific frameworks and types of “law and...” responses), schools of legal thought (sources and predecessors) as well as legal doctrines (constitutional dilemmas and social challenges).

Presumably, the meeting will be opened by the Minister of Justice and concluded by his Secretary of State.

Contacts are welcome at [redaction@jak.ppke.hu](mailto:redaction@jak.ppke.hu).

## RECENT PUBLICATIONS

*Hungary's Legal Assistance Experiences in the Age of Globalization*, ed. Mamoru Sadakata (Nagoya: Center for Asian Legal Exchange, Graduate School of Law, Nagoya University 2006) 312 pp, published issuing from cooperation with the Institute for Legal Studies of the Hungarian Academy of Sciences, including, among others, *Zoltán PÉTERI*, ‘Hungarian Law and the Legal Families of

the World: The Problem of Classification' and, by *Csaba VARGA*, 'Transfers of Law: A Conceptual Analysis', 'Transition to Rule of Law: A Philosophical Assessment of Challenges and Realisations in a Historico-comparative Perspective' and 'Legal Renovation through Constitutional Judiciary?'

*Legal and Political Aspects of the Contemporary World* (Nagoya: Center for Asian Legal Exchange, Graduate School of Law, Nagoya University 2007) viii + 240 pp, published issuing from cooperation with the Institute for Legal Studies of the Hungarian Academy of Sciences, including, among others, *Zoltán PÉTERI*, 'Comparative Method in Political and Legal Sciences' and, by *Csaba VARGA*, 'Rule of Law – At the Crossroads of Challenges' & 'Codification on the Threshold of the Third Millennium'.

'Jog és irodalom« szimpózium» [Symposium on law and literature], ed. István H. Szilágyi in *iustum aequum salutare* [Catholic University, Budapest] III (2007) 2, pp.7–132, including *Lajos Cs. KISS* on the relationship between law & arts, *Balázs FEKETE* on Thomas Mann's *Zauberberg* perspective of the epoch, *István H. SZILÁGYI* on the genius of Barna Horváth, *Ferenc HORKAY HÖRCHER* on poetic administration of justice, *Tamás NAGY* on the beginnings and ideals of the movement, *Attila SIMON* on the law in Sophocles' *Antigone*, *Péter SÓLYOM* on the liberty of arts vs. esthetical judgments, *Szilárd TATTAY* on Ockham as the Name of the Rose, or on nominalism and natural law at Eco, and *Csaba VARGA* on Literature? Philosophy of Law? in overview assessment.

*Julius Moór*, *Schriften zur Rechtsphilosophie*, ed. Csaba Varga (Budapest: Szent István Társulat 2006) xxii + 485 pp. [Philosophiae Iuris: Excerpta Historica Philosophiae Hungaricae Iuris / Bibliotheca Iuridica: Opera Classica 3] with all the papers published by the renowned legal philosopher of Hungary (1888–1950) in western languages between 1922 and 1943 reprinted as fac simile, including

Macht, Recht, Moral: Ein Beitrag zur Bestimmung des Rechtsbegriffes [1922]

Eine Rechtsphilosophie des »kritischen Relativismus«: Kritische Auseinandersetzung mit der Rechtsphilosophie Max Ernst Mayers [1923–24]

Das Logische im Recht [1928]

Metaphysik und Rechtsphilosophie [1929]

Reine Rechtslehre, Naturrecht und Rechtspositivismus [1931]

Geschichte der Rechtswissenschaften in Ungarn [1932]

Les diverses sources du droit, leur équilibre et leur hiérarchie dans le système juridique hongrois [1932]

Soziologie und Rechtsphilosophie [1934]

Creazione e applicazione del diritto [1934]

Recht und Gewohnheitsrecht: Eine Auseinandersetzung mit Hans Kelsen und zugleich ein Beitrag zur Theorie des Rechts und des Gewohnheitsrechts [1934]

Das Problem des Naturrechts [1935]

Reine Rechtslehre: Randbemerkungen zum neuesten Werk Kelsens [1935]

„Das Wesen der Philosophie« nach Pauler [1936]

Öffentliches und privates Recht [1938]

Das Rechtssystem [1939]

Des Wissenschafts-Charakter der Jurisprudenz [1940]

Sulla questione delle lacune nel diritto [1941]

Recht und Gesellschaft [1942]

Tuka's Rechtsphilosophie [1943]

Was ist Rechtsphilosophie? [1943]

*Barna Horváth*, *The Bases of Law / A jog alapjai* [1948], ed.

Csaba Varga (Budapest: Szent István Társulat 2006) liii + 94 pp. [Philosophiae Iuris: Excerpta Historica Philosophiae Hungaricae Iuris / Jogfilozófiák] with the last paper by one of the classic founders of legal sociology (1896–1973) before forced to emigration, posthumously published as style-edited in English & translated into Hungarian as well.

*Die Schule von Szeged*. Rechtsphilosophische Aufsätze von István Bibó, József Szabó und Tibor Vas, ed. Csaba Varga (Budapest: Szent István Társulat 2006) 246 pp. [Philosophiae Iuris: Excerpta Historica Philosophiae Hungaricae] in recollection of Horváth's school, with *István BIBÓ* (1911–1979), 'Zwang, Recht, Freiheit' [1935], 'Le dogme du »bellum justum« et la théorie de l'infalibilité juridique: Essai critique sur la théorie pure du droit' [1936] & 'Rechtskraft, rechtliche Unfehlbarkeit, Souveränität' [1937]; *József SZABÓ* (1909–1992), 'Ort und Stelle der Rechtswissenschaft in dem menschlichen Denken' [1942], 'Wahrheit, Wert und Symbol im Rechte' [1943] & 'From Chaos to the Rule of Law' [1974]; and *Tibor VAS* (1911–1983), *Die Bedeutung der transzendentalen Logik in der Rechtsphilosophie* [1935].

## RUSSIA

The IVR Russian National Section



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### NEWS

The main staff of the IVR Russian National Section was reorganized at a special assembly, held in Moscow October 2nd, 2006.

Section Members:

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5. Dr. Vladimir S. Gorban, lecturer (Politechnics University, Oriel-city)
6. Prof. Natalia M. Zolotouchina (Russian Academy of Justice, Moscow)
7. Prof. Valery D. Zorkin, President of the Constitutional Court of the Russian Federation (Moscow)
8. Prof. Iuriy M. Humeashev (High School of Economics, Moscow)
9. Prof. Vitaliy V. Iachevskiy (Voronezh State University, Voronezh-city)
10. Prof. Jangir A. Kerimoff, Associated Member of the Russian Academy of Sciences (Moscow)
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12. Prof. Andrey Y. Kosarev (Moscow Financial Academy)

13. Prof. Vladimir I. Kruss (Tver State University, Tver-city)
14. Prof. Valery V. Lazarev (Moscow State Juridical Academy)
15. Prof. Valentina V. Lapaieva (Russian Academy of Justice, Moscow)
16. Dr. Mary Y. Levina (ISL RAS)
17. Prof. Helena A. Loukasheva, Associated Member of the Russian Academy of Sciences (ISL RAS)
18. Prof. Gennady V. Maltzev, Associated Member of the Russian Academy of Sciences (Russian Academy of Civil Service, Moscow)
19. Prof. Leonid S. Mamout (ISL RAS)
20. Prof. Michail N. Marchenko (Moscow State University)
21. Prof. Oleg A. Omeltchenko (Moscow Industrial University)
22. Dr. Assia N. Ostrouckh (Kuban State University, Krasnodar-city)
23. Dr. Olga V. Rodionova (Ivanovo State University)
24. Prof. Oleg Y. Rybakoff, vice-rector, Saratov State Juridical Academy (Saratov-city)
25. Prof. Vladimir A. Toumanov, consultant of the Constitutional Court of the Russian Federation
26. Dr. Natalia V. Varlamova (ISL RAS)



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## NEWS

Once a year, a common symposium in jurisprudence is arranged at either of the law faculties of the Swedish universities. This year, the symposium was held at Gothenburg, April 16-17, 2007 (organizers: Eva-Maria Svensson and Håkan Gustafsson). The following contributions were discussed:

**Gothenburg University**

Petra Andersson, *Dignity of Nature, Human Dignity and Intrinsic Value – What are they?* [Naturvärde, människovärde och egenvärde – vad är det egentligen?]

Ulf Petrusson, *The Role of the Jurist qua Basis for Legal Theory* [Juristrollen som rättsteoretiskt fundament]

Ola Zetterqvist, *Access to Justice in the EU*

**Lund University**

Uta Bindreiter, *Approaching Legal Debates*

Leila Brännström, *Michel Foucault and the Concept of Law* [Michel Foucault och begreppet 'rätt']

Hanna Pettersson, *Contracts qua Discriminating Factors* [Avtal som diskrimineringsgrund]

Aleksandra Popovic, *Humanization of International Law*

Lena Wahlberg, *Legal Questions and Scientific Answers* [Juridiska frågor och naturvetenskapliga svar]

**Stockholm University**

Peter Wahlgren, *What is a Legitimate Statute?* [Vad är en legitim lag?]

**Uppsala University**

Bo Wennström, *Where are we disagreeing?* [Vad är vi oense om?]

## SWITZERLAND

SVRSP – Schweizerische Vereinigung für Rechts- und Sozialphilosophie



## RECORDS

- ☞ President: *Prof. Dr. iur. Marcel Senn*  
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## NEWS

*Report on the past Congress “Jurisprudence through Cultural Studies?” at the University of Zurich*

Despite the complex, and not at all mainstream subject, this year's congress attracted over 70 participants. The goal of the congress was to revitalize the long neglected discourse on the relations between Jurisprudence and Cultural Studies, however, beyond the fateful developments of the discussion in the beginning of the 20th century. Thus, this congress joined, amongst the German and Polish Section, the initiative of IVR to reevaluate this topic.

After the welcoming address by Hans Weder, the rector of the University of Zurich, the president of the Swiss section, Marcel Senn, made a brief introduction into the subject, and underlined the dialectic context of the topic. The congress was divided into three sections. The first section examined the historic perspective (Classical Antiquity, Middle Ages, and Modern Age) of the concept of law. To this aspect speeches were held by Ada Neschke (Lausanne), Ruedi Imbach (Paris), and Michael Fischer (Salzburg). The second section dealt with the foundational issues of the concept of culture in the 20th century. Stanley L. Paulson (Kiel) gave insights into neo-kantianism, and “bürgerliche Rechtsgesellschaft”, Hans-Peter Haferkamp (Cologne) talked about neo-kantianism, and legal naturalism, and Kurt Seelmann (Basle) discussed the question of what is left today of the neo-kantian concept of law. The last section was dedicated to

the subject's inherent continuities, and their significance for the possibility of a renewed Anthropology. Whereas Enno Rudolph (Heidelberg/Lucerne) analyzed, from a neo-kantian perspective, the development, and changes of the concept of culture, Ulrich Haltern (Hanover) questioned the internal perspective of Jurisprudence as a part of the realm of Cultural Studies. The final speech was held by the nestor of German Philosophy of Law, Hasso Hofmann (Berlin). He gave an insightful and critical review of all speeches held.

This congress was made possible by: the Swiss Academy of Humanities and Social Studies (SAGW), the Swiss National Science Foundation, the University Foundation of the Ministry of Education of the Canton of Zurich, and the University of Zurich Association.

By the end of this year, all given speeches, edited by Marcel Senn and Dániel Puskás, are expected to be published by the "Archiv für Rechts- und Sozialphilosophie" (ARSP-Beiheft).

#### Board

We are pleased to inform you that the General Assembly elected lic. iur. Barbara Fritsch as a new board member as of March 2008. She will succeed the current secretary and board member lic. iur. Dániel Puskás who will leave the board as of February 2008.

#### ANNOUNCEMENTS

*Congress: „Jurisprudence and Hermeneutics“, May 16–17, 2008, University of Zurich*

The subject of this congress is closely related to the question we asked at this year's congress (see above): does Jurisprudence belong to the realm of cultural studies? For language is not just a means of mere communication – language is a philosophical category shaping our world. In the center of the discussion will be the following two questions: How can the world be shaped and changed through the use of language, and how do different cultures and disciplines treat and interpret certain texts?

In particular, three aspects of the subject will be examined: 1. The fundamental issues and the history of hermeneutics in Jurisprudence, Philosophy and Theology. 2. Implementation and execution of law, methodology, and theory of law. 3. Global or local hermeneutics of law (comparison between European, Japanese, Islamic, and Chinese hermeneutics).

At this interdisciplinary and international congress speeches will be held by the following Experts from Germany, Japan, and Switzerland: Emil Angehrn (Basel), Andrea Büchler (Zurich), Werner Krawietz (Munster), Philippe Mastroradi (St Gall), Stephan Meder (Hanover), Wolfgang Müller (Lucerne), Ulfrid Neumann (Frankfurt), Hans Peter Walter (Bern), Hideo Sasakura (Tokyo), Harro von Senger (Freiburg i. Br.), Marcel Senn (Zurich), Philipp Stoellger (Zurich), Gunter Scholtz (Bochum).

#### RECENT PUBLICATIONS

- Geschwend, Lukas, Vom Liberalismus zum Marxismus – Die Suche nach dem „richtigen Recht“. Gedanken zum 120. Geburtstag Arthur Baumgartens (1884–1966), in: *Aktuelle Juristische Praxis* 15 (2006), pp. 1546–60
- Schmid, Hans Bernhard: Wir-Intentionalität: Kritik des ontologischen Individualismus und Rekonstruktion der Gemeinschaft (Freiburg i. Br.: Verlag Karl Alber, 2005), 485 pp.
- Seelmann, Kurt, Sind die Grundannahmen einer Rechtsgesellschaft mit den Resultaten der modernen Hirnforschung vereinbar? In: Marcel Senn/Dániel Puskás (eds.), *Gehirnforschung und rechtliche Verantwortung*, ARSP-Beiheft 111 (Stuttgart: Franz Steiner Verlag, 2006), pp. 91–102
- Seelmann, Kurt, *Filosofia del diritto*, ital. transl. of the 3rd ed. of *Rechtsphilosophie* (Guida: Napoli, 2006), 288 pp.
- Seelmann, Kurt, Verhaltensdelikte – Kulturschutz durch Recht? In: Müller-Dietz, Heinz et al., *Festschrift für Heike Jung* (Baden-Baden: Nomos, 2007), pp. 893–904
- Seelmann Kurt, Dalla bioetica al biodiritto, a cura di Paolo Becchi (Napoli: Bibliopolis, 2007), 136 pp.
- Seelmann, Kurt, Selbstherrschaft, Herrschaft über die Dinge und individuelle Rechte in der Spanischen Spätscholastik, in: Kaufmann, Matthias/Schneppf, Robert (eds.), *Politische Metaphysik – Die Entstehung moderner Rechtskonzeptionen in der Spanischen Scholastik* (Frankfurt a.M. etc.: Peter Lang, 2007), pp. 43–57
- Seelmann Kurt, Menschenwürde: Ein Begriff im Grenzreich von Recht und Ethik, in: Fischer, Michael/Strasser, Michaela (eds.), *Rechtsethik* (Frankfurt a.M. etc.: Peter Lang, 2007), pp. 29–41
- Senn, Marcel, Legal education in England and the German historical school of law in the nineteenth century, in: Lewis, Andrew et al. (eds.), *Law in the City. Proceedings of the Seventeenth British Legal History Conference*, London 2005 (Dublin: Four Courts Press, 2007), pp. 249–61
- Senn, Marcel/Raas, Susanne, War Thomasius Spinozist? – Zur Spinozismus-Rezeption an den brandenburg-preussischen Universitäten, in: Lück, Heiner (ed.), *Christian Thomasius (1655–1728), Wegbereiter moderner Rechtskultur und Juristenausbildung. Rechtswissenschaftliches Symposium zu seinem 350. Geburtstag an der Juristischen Fakultät der Martin-Luther-Universität Halle-Wittenberg* (Hildesheim etc. 2006), pp. 55–73
- Senn, Marcel, Eine Zeitreise durchs mittelalterliche Zürich, in: Gschwend, Lukas (ed.), *Grenzüberschreitungen und neue Horizonte: Beiträge zur Rechts- und Regionalgeschichte der Schweiz und des Bodensees* (Zürich/St. Gallen: Dike, 2007), pp. 331–42
- Senn, Marcel, Die Bewegungsfähigkeit des Interpretieren: Ein Beitrag zur kulturwissenschaftlichen Pädagogik der Textinterpretation in der Rechtsgeschichte, in: Stoellger, Philipp (ed.), *Genese und Grenze der Lesbarkeit* (Würzburg: Verlag Königshausen & Neumann GmbH, 2007), pp. 75–93

- Senn, Marcel/Mühlemann, Guido, Individuum und Verband zwischen Macht- und Gemeinschaftskonzept, in: Zäch, Roger et al. (eds.), Festgabe zum Schweizerischen Juristentag 2006 (Zürich etc.: Schulthess, 2006), pp. 19–34.
- Wolf, Jean-Claude, Die liberale Paternalismuskritik von John Stuart Mill, in: Anderheiden, Michael et al. (eds.), Paternalismus und Recht (Tübingen: Mohr Siebeck, 2006), pp. 55–68
- Wolf, Jean-Claude, Stellvertretung und Paternalismus, in: Janowski, J. Christine et al. (eds.), Stellvertretung. Band 1: Interdisziplinäres Kolloquium Tübingen 2004 (Neukirchen-Vluyn: Neukirchner Verlag, 2006), pp. 267–86
- Wolf, Jean-Claude, Unordnung in Kants Ethik und Rechtsphilosophie, in: Jahrbuch für Recht und Ethik 14 (2006), pp. 295–309
- Wolf, Jean-Claude, Strafe im Naturzustand, in: Aufklärung. Interdisziplinäres Jahrbuch zur Erforschung des 18. Jahrhunderts und seiner Wirkungsgeschichte. Themenschwerpunkte: John Locke. Aspekte seiner theoretischen und praktischen Philosophie, Vol. 18 (Hamburg: Felix Meiner Verlag, 2006), pp. 223–35
- Wolf, Jean-Claude, Fairness in der Strafbegründung, in: Becchi, Paolo et al. (eds.), Nationen und Gerechtigkeit (Frankfurt a.M. etc.: Peter Lang, 2007), pp. 121–37

# COURSES IN JURISPRUDENCE IN HUNGARY

In the following, the programme of teaching theoretical subjects in law in Hungary will be shown as exemplified by the university that has went the farthest in the country to substantiate its pioneering aims through a genuinely demanding (and repeatedly reconsidered) reform program. Graduate and postgraduate courses will be surveyed, rather sketchily in cases of theoretical subjects in law in general but mostly in details in so far as legal philosophy proper and neighbouring domains are concerned in particular.

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## 1. GRADUATE STUDIES

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In the model program, INTRODUCTION TO LAW AND NOTIONS IN LAW (semester 1) is followed by THEORY OF THE STATE I–II (semesters 2–3), then concluded by THEORY OF LAW I–II (semesters 5–6), all compulsory, with two hours of lecture per week in each case. Both Theory of the State and Theory of Law are complemented to by repetitions, one hour per week, and all are ended by oral colloquies.

### Basic Subjects

As to THEORY OF LAW I, it introduces to the fundamentals of law and legal thinking, the basic notions of our approach to and understanding of law, covering the *paradigms of legal thought* and a number of complementing *systematic issues*, in addition to some selected *readings*, mostly highlighting aspects of the main topics in the light of recent international literature.

Accordingly, it deals, *firstly*, with the METHODOLOGICAL DIRECTIONS IN THINKING (through the example of legal development [by the classical Greek antiquity & especially *dikaion* justice, the Roman praetorian law & Justinian's codification, the Enlightened absolutism & the French *Code civil*], of geometry [of Euclid, challenged by Bolyai/Lobachevsky & ending in Einstein's revolution], as well as of the potentialities - in human thinking making use of texts - of Autonomy [exemplified by the New Testament argumentation, Cicero's testimony, Augustine's style, Talmudic lesson, Orthodox Christianity, Modern "irrationalism", leading to problematise Beyond conceptual strait-jackets & the correspondence between Patterns of thought and patterns of law, shown by autochthonous anthropological and Far Eastern (Chinese & Japanese) patterns, as well as by reforming in Calvinism] and of Heteronomy [Thomas Aquinas, Grotius & Leibniz; with an overview as the Dilemma of the evolution of thinking]); the SCIENCE-THEORETICAL QUESTIONS RAISED BY THE PHILOSOPHY OF HISTORY; the PARADIGMS OF THINKING (Paradigm of paradigms [Conventionality, Cultural dependency & Nature of paradigms]; Basic notions (Need for a change of paradigms, False alternative of objectivism & subjectivism [with an interim response afforded by cognitive sciences] in the understanding of Facts [what are facts?, with the Overall connection within the infiniteness of the world & *taletēs*, and Israel on the dialectics of language & practical human existence] & Notions [what are notions?, with look at Watson on the motives of legal development], annexed by the Dilemma of what is to mean to have norms); the DILEMMAS OF MEANING (with its theories called Lexical [including the debate between Szabó & Wróblewski], Contextual [by the Dilemma of easy case & hard case as well as the notion of Normality at Foucault & Szász included], Hermeneutical [with the Dilemma of the *Missionaries in the Boat* & the Enigma of having texts amidst tradition & change in law], Open textured, and

Deconstructive), followed by the Social construction of meaning (Speech-acts & Social institutionalisation) and the Systemic response given by autopoiesis); and the PARADIGMS OF LEGAL THINKING with the Nature of law (taken as a process, having a composite multifactoral structure, and continuously building from acts) & the Nature of legal thinking.

*Secondly*, the main topic is extended to, and complemented by, *basic and systematic issues* of APPROACH TO AND UNDERSTANDING OF LAW (whether or not is there “Outside” and “inside” the law; Rule, fact and principle in the notion of law; the Distinctive features of law), the CONSTRUCTION OF LAW (Ambivalence of rationalism, Limits of a systemic approach to/in law, the Want of logical consequence in the normative sphere, Utopias of rationality in legal development, Validity and its senses in law, Graduality in law), the LAW’S FUNCTIONING (Interconnection between law-making & law-application, and the Social conditionality of reasoning in law), and the EFFECTS & SOCIAL LIMITS OF LAW (Law, serving as programme & as a model).

The teaching material relevant to the above is also made available in English, for the first part, in form of a textbook—Csaba VARGA *Lectures on the Paradigms of Legal Thinking* (Budapest: Akadémiai Kiadó 1999) vii + 279 pp. [Philosophiae Iuris], pp. 9–217—, and for the second part, in a series of articles—Csaba VARGA *Law and Philosophy* Selected Papers in Legal Theory (Budapest: ELTE “Comparative Legal Cultures” Project 1994) xi + 530 pp. [Philosophiae Iuris]—, from which the selected titles are to be studied, in addition to some further papers.

As to the *third* part, the *readings* do include - in addition to Csaba VARGA ‘Is Law a System of Enactments?’ - Michel VILLEY’s ‘Histoire de la logique juridique’ [1967], Chaim PERELMAN’s ‘Désaccord et rationalité des décisions’ [1966], George LAKOFF’s ‘Cognitive Science and the Law’ [1989], H. L. A. HART’s *The Concept of Law* ([1994] ch. VII §1), Stanley B. FISH’s ‘Fish v Fiss’ [1989] & Werner KRAWIETZ’s ‘Die Lehre vom Stufenbau des Rechts – eine säkularisierte politische Theologie?’ [1984], accessible in Hungarian translation.

As to THEORY OF LAW II, it covers the problematisation characteristic of some selected *main recent trends and directions of legal philosophising* and a number of complementing *systematic issues*, in addition to quite a few selected *readings*, partly exemplifying and partly adding to the central topic.

Accordingly, it does include, *firstly*, as a *contemporary overview of how to think on and in law* (Classical directions [Philosophico-methodological approach & One- or multi-factored explanations], Classical positivism [Bentham & Austin], Marxism [its Understanding of law in general & Russian-Soviet legal theorising with selected problems], Vienna school [Kelsen *Hauptprobleme der Staatsrechtslehre* and *Grundriß einer allgemeinen Theorie des Staates* & Kelsen’s *Pure Theory of Law*], Scandinavian realism [Hägerström and Lundstedt & Olivecrona and Ross], Existentialism [legal hermeneutics, Maihofer and “the nature of things”], Modern analytics [Hart & Dworkin], Modern natural law [Radbruch] & Natural law today [Fuller]), and, *secondly*, as complementing *systematic issues*, the Ontological foundation of law, Ex post facto legislation, Law and morality, the Internal morality of law, Law and values, Codification and its limits, Rationality and codification of law, Legal technique, Presumption, Fiction (Understanding & Kinds of fictions), Kelsen’s doctrine on law-application (Theory of gradation, constitutivity & procedurality, and Self-transcendence & “who watches the watchmen?”) & the Types of openly creative law-application.

As to the *third* part, the *readings* do involve a cross-selection of international literature in both more details of and complementation to the topic above—including Rudolf JHERING’s *Der Kampf ums Recht* [1872], Eugen EHRlich’s *Freie Rechtsfindung und freie Rechtswissenschaft* [1903], Hermann KANTOROWICZ’ *Der Kampf um die Rechtswissenschaft* [1906], Rudolf STAMMLER’s *Richtiges Recht* [1908], Hans Kelsen’s ‘The Pure Theory of Law and Analytical Jurisprudence’ [1941] & ‘Positivisme juridique et doctrine du droit naturel’ [1963], Gustav RADBRUCH’s ‘Gesetzliches Unrecht und übergesetzliches Recht’ [1946], Lon L. FULLER’s ‘The Case of the Speluncean Explorers’ [1946], Ronald DWORKIN’s ‘Is Law a System of Rules?’ [1967]—, followed by papers

of Csaba VARGA—explaining the *Exposés des motifs ministériels* and their role in the law’s interpretation, as well as the Preambles in western constitutions & the Preamble (notion, contents, functions, normativity), and closed by Law in transformation? (available also in English in his *Law and Philosophy*)—on specific uses of legal technique and offering a kind of perspective.

### Facultative Seminars

Students holding any specific interest in either Theory of the State or Theory of Law may take *facultative seminars*, in the course of which they themselves are expected to prelegate and discuss on readings relevant to the subject.

The menu offered by the Institute for Legal Philosophy includes COMPARATIVE LAW (History and Methodology & Families of Law), CODIFICATION, LAW AND LANGUAGE, HUNGARIAN LEGAL PHILOSOPHY as well as TRANSITION TO RULE OF LAW, in addition to LAW, ARTS AND NARRATION, and LAW AND LITERATURE, as well as EUROPEAN CONSTITUTIONAL PHILOSOPHY, THEORY OF BASIC RIGHTS, and POLITICAL PHILOSOPHY.

As to curricula exemplified, the series of so called research seminars on TRANSITION TO RULE OF LAW is one of the most recurrent optional subjects.

TRANSITION TO RULE OF LAW I (Basics)—with the aims at introducing to specific problems arising from transitions to democracy from dictatorship as a case-study and its potentialities under limiting conditions (as discussed in common upon selected students’ presentation of given texts, previously studied by all participants), clarifying the basics in a historico-comparative manner by the example of the Hungarian transition in replacement/change of regimes within an international perspective—covers the issues of Statutory denial of law [*gesetzliches Unrecht*] (in the legal arrangements of National Socialist and Socialist regimes), Extraordinariness of the challenge in transitions after Soviet-type Socialisms & Debates on civil disobedience, all upon the reading, by Csaba VARGA, *Transition to Rule of Law On the Democratic Transformation in Hungary* (Budapest: ELTE “Comparative Legal Cultures” Project 1995) 190 pp. [Philosophiae Iuris].

In continuation, TRANSITION TO RULE OF LAW II (Systematic Issues)—by concentrating upon the treatment of the relationship to the criminal past by coming to terms with it in/by law, as well as the issue of “rule of law” with constitutionality implied—covers the themes of the Dilemma of facing the past in law, Rule of law (understanding, ethos-centeredness, openness when responding to given challenges, uninterrupted formation) & the Dilemma of lawfulness and constitutionality (or, law as an art of balancing through mediating), using Csaba VARGA *Transition? to Rule of Law? Constitutionalism and Transitory Justice in Central & Eastern Europe* (Budapest: Kráter 2007) cca. 180 pp. {in press} & *European Legal Cultures* ed. Volkmar GESSNER, Armin HOELAND & Csaba VARGA (Aldershot, Brookfield USA, Singapore, Sydney: Dartmouth 1996), ‘Part V: Transition to the Rule of Law’, pp. 413–490 [Tempus Textbook Series on European Law and European Legal Cultures I] as stepping stones for deliberations.

In closure, TRANSITION TO RULE OF LAW III (Globalism)—dealing with the impact of globalism on and its intertwinement with the processes and new challenges of transition in the region, in both global and local contexts—reviews the Chances of transfer of laws and pattern-borrowing in a globalising world (problematizing upon aggregates of rules set in texts as mere skeleton of a living—liveable—law, arising from the mass of conventionalisations through tensions of everyday life) & Post modernity and the new a-historicism (in example by claims based upon universal principles as confronted with the historically particular rootedness of human ideals), after the reading of *Coming to Terms with the Past under the Rule of Law* The German and the Czech Models, ed. Csaba VARGA (Budapest 1994) xxvii + 178 pp. [Windsor Klub] and a few mostly western views is made.

LAW AND LANGUAGE aims—through the study of basic contemporary writings relating to the interconnection between law and language—at researching the Grounds of such a *sine qua non* association, the nature of the Juridical construction of reality, the essence of Conceptualisation in and by law, as well as the Enigma of the interpretation of law, in order to finally arrive at a deeper understanding of what law and language genuinely are. The introductory lecture is followed from the next week on by the participants' summarising and discussing the relevant texts, upon their previous study on behalf of all participants. The texts include Wesley Newcomb HOHFELD's 'Some Fundamental Legal Conceptions as Applied in Judicial Reasoning' [1913], H. L. A. HART's *Definition and Theory in Jurisprudence* [1953], Alf ROSS' 'Tû-Tû' [1951], A. W. B. SIMPSON's 'The Analysis of Legal Concepts' [1964], Karl OLIVECRONA's 'Legal Language and Reality' [1962]; Arthur KAUFMANN's 'Gedanken zu einer ontologischen Grundlegung der juristischen Hermeneutik' [1982], Emilio BETTI's 'Di una teoria generale della interpretazione' [1965], Peter GOODRICH's 'Historical Aspects of Legal Interpretation' [1986] & Owen M. FISS' 'Objectivity and Interpretation' [1982].

### Closing Subjects

In the first half of the closing year (semester 9), there are two further courses offered by the Institute for Legal Philosophy, which, in one way or another, are mandatory to all students. One of them is NATURAL LAW, obligatory to all to treat the philosophical foundations of any legal arrangement and regulation. The other is the mandatorily optional selection from within COMPARATIVE LEGAL CULTURES and SOCIOLOGY OF LAW and POLITICAL SOCIOLOGY (or Sociology of the State). Both of them end by an exam essay to be written on topics communicated by the Institute to each examinee on the spot.

As to COMPARATIVE LEGAL CULTURES, being a kind of synthesis between legal theory and classical comparative law, it is to introduce disciples to a disciplinary interest in diverse traditions underlying individual families of law, including the modes of thinking characteristic of given laws, with due respect to historical and contemporary alternatives, the di-/con-vergence of civil law & common law, as well as to transfers of law *en masse* as a challenge by both the European Union and the growth of globalisation, in order that the own legal arrangement can be seen as contrasted with other arrangements in a historico-comparative context.

Its topic is composed of, as *introductory* part, Law as culture, the Limits of classical comparative law and the field of comparative legal cultures, Western legal culture (roots and alternatives), Variations for cultures of law, Rule of law? mania of law? (on the boundary of rationality and anarchy in the United States of America) & Post modernity (the Canadian experience); as *European Union* part, Comparative judicial mind, Common law and civil law (encounters), Preservation and change (case-studies in Jewish, Islamic, and Far-Eastern legal cultures), as well as EU-convergence I: Idea of law and methods underlying the attempts at common codification, II: Style of common jurisdictions & III: *Sui generis* common law, or national particularisms in competition are to prevail?, and finally, as *global* part, Commensurability and sustainability of the diversity of legal cultures and judicial minds, Transfers of law *en masse* & the Perspectives of globalism.

As teaching material, two collections of texts—*Comparative Legal Cultures* ed. Csaba VARGA (Aldershot, Hong Kong, Singapore, Sydney: Dartmouth & New York: The New York University Press 1992) xxiv + 614 pp. [The International Library of Essays in Law & Legal Theory, Legal Cultures 1] & *European Legal Cultures* ed. Volkmar GESSNER, Armin HOELAND & Csaba VARGA (Aldershot, Brookfield USA, Singapore, Sydney: Dartmouth 1996), 'Part I: Common Traditions' & 'Part II: The European Legal Mind', 1–166 [Tempus Textbook Series on European Law and European Legal Cultures I]—and a number of articles are to be studied.

## Written Memoranda and the Thesis

By one of the terms of the 2<sup>nd</sup> to the 4<sup>th</sup> years, a *written memorandum* of 15 printed pages at least on any topic from within the circles of basic graduate subjects has to be prepared. Its title can be freely selected from the list posterred by all the chairs or as agreed upon by the authorised staff individually. Yearly some average of 15 memoranda are written in legal philosophy proper. It happens that a quite excellent outcome is subsequently published in the national professional press.

In order to start the closing state examinations during the 10<sup>th</sup> semester, a *thesis* of the minimum volume of 50 printed pages, developing its freely chosen topic through the consultation of international literature in several languages is also to be submitted. Of the average of ten theses per year submitted to the Institute for Legal Philosophy, logic in law and electronic processing in view of automatisisation, paradoxes of rationality in law, classical Jewish legal thought, Islamic and Japanese arrangements and their modernisation prospects, quest for communitarian background, universality and particularity of human rights, globalisation and legal imperialism, search for substantivity in law, “say it with music” on the terrain of law—these are only some of the recurrent topics for students to prefer.

Theses are to be defended before a jury composed of three members of the Institute, one of them submitting a previous criticism of the thesis in question, its author presenting the aims, methodology and working hypothesis, and the procedure follows by open discussion and ends by the jury assessment with a written justification to it.

The best of the theses can be further elaborated and detailed in case its author wishes to present it at the next conference of the National Scientific Students’ Circle, where, in the past decade, several papers submitted on behalf of the Institute for Legal Philosophy won high-ranking decoration for achievement in legal theory.



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## 2. POSTGRADUATE STUDIES

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In the model program, three semesters are reserved for class-room specialising courses held from within, among others, legal philosophy as well. Such courses are optional in a way that at least a dozen of students (usually genuinely motivated ones) will, when planning for their paths of credit-earning, actually make a choice for it.

Its topics are selected with the view of covering broad fields and timely new challenges and developments, so that doctoral students may sum up and synthesise their graduate studies in legal philosophy at the same time. Six times two hours' lecturing being reserved for each of them, the course is organised in a way that except to the convening occasion with a full introductory and exploratory lecture, the next six times will rather be dedicated to their own presentation of readings and active debating upon issues.

Accordingly and in sequence, TRANSITION TO RULE OF LAW with New Global Developments (semester 1) is followed by THEORY OF THE LEGAL PROCESS with Comparative Judicial Mind included (semester 2), to be ended by NEW TRENDS IN LAW AND LEGAL THINKING (semester 3), all to be closed by oral examination.

As to teaching materials, TRANSITION TO RULE OF LAW uses Kálmán KULCSÁR *Modernization and Law* (Budapest: Akadémiai Kiadó 1992) 282 pp., Béla POKOL *The Concept of Law* (Budapest: Rejtjel 2001) 152 pp., *European Legal Cultures* ed. Volkmar GESSNER, Armin HOELAND & Csaba VARGA (Aldershot, etc.: Dartmouth 1996), Parts III & V [Tempus Textbook Series on European Law and European Legal Cultures I], in addition to the ones of the same course-title at graduate level.

THEORY OF THE JUDICIAL PROCESS uses Csaba VARGA, *Theory of the Judicial Process. The Establishment of Facts* (Budapest: Akadémiai Kiadó, 1995), vii+249 pp.; and Csaba VARGA, 'Doctrine and Technique in Law', in [www.univie.ac.at/RI/IRIS2004/ArbeitspapierIn/Publikationsfreigabe/CsabaPhil/CsabaPhil.doc](http://www.univie.ac.at/RI/IRIS2004/ArbeitspapierIn/Publikationsfreigabe/CsabaPhil/CsabaPhil.doc),

obligatorily, and a selection of texts optionally.

DIRECTIONS OF TODAY'S LEGAL THINKING targets surveying the main intellectual trends defining today's scholarly thought in and on law—exemplified by *Historical Jurisprudence* ed. József Szabadfalvi (Budapest: [Books-in-Print] 2000) 303 pp., Hans Kelsen *Tiszta Jogtan* [Reine Rechtslehre, 1934] ed. Csaba Varga (Budapest: ELTE Bibó István Szakkollégium 1988 [reprint Budapest: Rejtjel 2001] xxii + 106 pp., *Scandinavian Legal Realism* ed. Antal Visegrády (Budapest: Szent István Társulat 2002) xxxviii + 159 pp., István LOSONCZY *Abriss einer realistischen rechtsphilosophischen Systems* [1948] ed. Csaba Varga (Budapest: Szent István Társulat 2002) 144 pp. and *Hayek és a brit felvilágosodás* 'Tanulmányok a konstruktivista gondolkodás kritikájának eszmetörténeti forrásairól [Hayek and the British Enlightenment: Studies on the historical sources of the criticism upon constructivist thought] ed. Ferenc Horkay Hörcher (Budapest: Pázmány Péter Katolikus Egyetem 2002) xvii + 112 pp. [all from the series of Philosophiae Iuris]; H. L. A. HART *A jog fogalma* [The Concept of Law, 2<sup>nd</sup> ed.] trans. Péter Takács (Budapest: Osiris 1995), Ferenc Hörcher *Prudentia iuris* 'Towards a Pragmatic Theory of Natural Law' (Budapest: Akadémiai Kiadó 2000) 176 pp. [Philosophiae Iuris], as well as, by Csaba VARGA, 'Change of Paradigms in Legal Reconstruction (Carl Schmitt and the Temptation to Finally Reach a Synthesis)' in *Perspectives on Jurisprudence* Essays in Honor of Jes Bjarup, ed. Peter Wahlgren (Stockholm: Stockholm Institute for Scandinavian Law 2005) [= *Scandinavian Studies in Law* 48], pp. 517–529 & *Rivista internazionale di Filosofia del Diritto* LXXXI (ottobre–dicembre 2004) 4, pp. 691–707 and 'The Hart-phenomenon' *Archiv für Rechts- und Sozialphilosophie* 91 (2005) 1, pp. 83–95—upon the students' previous study of all texts.