

August 2004 – January 2005



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IVR Newsletter is published twice a year (in March and August). Material to be published should be sent to the Editor by 15 January for the first issue and by 15 July for the second.

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

IVR NEWSLETTER

Internationale Vereinigung für Rechts- und Sozialphilosophie (IVR), gegründet 1909
International Association for Philosophy of Law and Social Philosophy, founded in 1909
Association Internationale de Philosophie du Droit et de Philosophie Sociale, fondée en 1909



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The membership due National Section is 15 USD per person per annum, half of which is retained by the National Section. In practice, therefore, the amount sent to IVR should be *7.50 USD per person per annum*. The account details of the IVR bank account are as follows:

SEB Bank, Box 97, 22100 Lund, Sweden. For the credit of Account Number 5624 33 006 84
(The first four digits of the Account Number is also the clearing number)
SWIFT: ESSESESS – *IBAN*: SE52 5000 0000 0562 4330 0684
Holder: IVR (Föreningen för 21a världskongress, organization number 846502-5081)

NEWLY ESTABLISHED NATIONAL SECTIONS OF IVR:

In December 2004, the Lebanese section of IVR was established, and in February 2005 the Turkey Section of IVR. The United Kingdom section has also been re-constituted.

For the Records, please see Section II, pages 16, 19 and 20, respectively.

IVR YOUNG SCHOLAR PRIZE

The jury of the IVR Young Scholars' Prize has unanimously recommended that the 2005 Prize be awarded to TAKIKAWA Hirohide for a paper entitled *Can We Justify the Welfare State in an Age of Globalization?: Toward Complex Borders*.

Born in Nagoya, Japan, Prof. TAKIKAWA graduated from the Faculty of Law, the University of Tokyo, in 1993. He went on to pursue an academic career, becoming a Research Associate of the Faculty, and in 1996 a Lecturer. Currently an Associate Professor of Law at the Faculty of Law, Osaka City University, Prof. TAKIKAWA is the author of a book on the concept of responsibility, and a series of papers related to the topic.

His prize lecture will be delivered at 6 p.m., 29 May 2005, as a special plenary session of the IVR 2005 World Congress in Granada, Spain.



XXII CONGRESO MUNDIAL DE FILOSOFIA DEL DERECHO Y FILOSOFIA SOCIAL
 XXII WORLD CONGRESS OF PHILOSOPHY OF LAW AND SOCIAL PHILOSOPHY
 DERECHO Y JUSTICIA EN UNA SOCIEDAD GLOBALIZADA
 LAW AND JUSTICE IN A GLOBAL SOCIETY
 24-29, MAYO, 2005 MAY 24-29, 2005
 GRANADA-ESPAÑA GRANADA - SPAIN



PRESENTATION

The **University of Granada** was founded in 1531, under the initiative of the Emperor Carlos V, by means of a Papal Bull from Pope Clemente VII. It now has over 60.000 undergraduate and postgraduate students, with 28 university centres, 62 degree courses and 4.000 Students of Spanish for Foreigners.

The **Department of Philosophy of Law** of the University of Granada (Spain) is proud to organize the 22nd World Congress on behalf of the International Association for Legal and Social Philosophy. The Congress has the official support of the University of Granada and will be declared as "event of scientific interest" by the Ministry of Education, Culture and Sport of Spain and the Council of Education and Science of Andalusia.

The Congress will be held in **Granada**, a city known around the world with 225.000 people. The city had already been Iberian, Roman and later Jewish and Islamic. The subject of the Congress is "Law and Justice in a Global Society".

The Congress will take place in the **Exhibition and Conference Center of Granada**, in the very heart of the city, with the best hotels and facilities all within easy reach. The Center itself is fully equipped with the latest conference technology and rooms of different sizes for workshops as well as the "Federico García Lorca" hall for the plenary sessions.

The dates chosen are from Tuesday, 24th to Sunday 29th May, since the high temperatures in Granada (in recent summers 42°) make it difficult to hold this type of events in August.

The Congress should pay special attention to **Latin America**, justified both by its taking place in Spain and by the important challenges of globalization on this Continent. Consequently the organizers will make great effort to seek specific financial support for accommodation and, if possible, travel for young scholars from Latin America and, of course, from other similar countries in a weak economic situation.

Spanish and English will be the official languages of the Congress. There will be simultaneous translation in the plenary sessions and special help for the Working Groups.

The Congress will be financed by registration fees of the participants and by economic support from the Spanish Ministry of Education, Culture and Sport, the Council of Education and Science of Andalusia, the University of Granada, the City Council of Granada, and other public and private entities and institutions.

Initially the registration fees will be 350 €, but the early registration fees will be 300 €.

Granada has two University Residences and as a tourist city offers more than 12.500 hotel places of all categories. A company specializing in Congress Organization will be in charge of the management of all matters related to accommodation, travel, registrations, etc.

Granada airport is 20 minutes from the city centre with several daily flights to Madrid (45 minutes) and Barcelona (60 minutes), and the international airport of Malaga is 135 km by motorway. By motorway Madrid and Barcelona are 425 and 860 km respectively from Granada.



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PROGRAMME

Tuesday, 24 May:

17.00-21.00 Registration (Exhibition and Conference Centre)

11.30-13.30 Special Plenary Session: Debate Prof. Dr. *Raz* and Prof. Dr. *Alexy*.

13.30 Lunch

15.30-20.00 Working Groups and Special Workshops

Wednesday, 25 May

09.00 Opening Ceremony (Exhibition and Conference Centre)

10.00-11.00 Opening Lecture: Prof. Dr. *Jürgen Habermas*: "The Kantian Project of Cosmopolitan Law-And What It Means Today"

11.00-11.30 Coffee Break

11.30-13.30 Plenary Session: 2nd and 3rd Lectures:
Prof. Dr. *David Held*: "Globalization, Democracy and Human Security".
Prof. Dr. *Francisco Laporta*: "Globalización e imperio de la ley".

13.30 Lunch

15.30-20.00 Working Groups and Special Workshops

Thursday, 26 May

09.00-11.00 Plenary Session: 4th and 5th Lectures:
Prof. Dr. *Will Kymlicka*: "The Moral Foundations and Geopolitical Functions of International Norms on Minority Rights".
Prof. Dr. *Nancy Fraser*: "Postnational Democratic Justice".

11.00-11.30 Coffee Break

11.30-13.30 Plenary Session: 6th and 7th Lectures:
Prof. Dr. *Gunther Teubner*: "Globalized Society-Fragmented Justice". Prof. Dr. *Iris Young*: "Responsibility and Global Injustice".

13.30 Lunch

15.00 Visits to the Alhambra

Friday, 27 May

09.00-11.00 Plenary Session: 8th and 9th Lectures:
Prof. Dr. *William Twining*: "General Jurisprudence".
Prof. Dr. *Itaru Shimazur*: "The individual and Collective Decisions: Concept of Law and Social Change".

11.00-11.30 Coffee Break

Saturday, 28 May

09.00-11.00 Plenary Session: 10th and 11th Lectures:
Prof. Dr. *Luigi Ferrajoli*: "La crisis de la democracia constitucional en la era de la globalización".
Prof. Dr. *Boaventura de Sousa Santos*: "The counter-hegemonic use of law in the struggle for a globalization from below".

11.00-11.30 Coffee Break

11.30-13.30 Plenary Session: 12th and 13th Lectures:
Prof. Dr. *Juan Ramón Capella*: "Filosofía del Derecho de la globalización".
Prof. Dr. *Neil MacCormick*: "The European Constitutional Process: A Theoretical View"

13.30 Lunch

15.30-20.00 Working Groups and Special Workshops

20.30 Flamenco Show

Sunday, 29 May

09.00-11.00 Plenary Session: 14th and 15th Lectures
Prof. Dr. *Uma Narayan*: "Informal Sector Work, Microcredit, and Third World Women's "Empowerment": A Critical Perspective"
Prof. Dr. *Agustín Squella*: "¿Quedan preguntas para la Filosofía del Derecho en un mundo globalizado?"

11.00-11.30 Coffee Break

11.30-13.30 Special Plenary Session: Tribute to the late Prof. Norberto Bobbio.

13.30 Lunch

15.30-17.30 Working Groups and Special Workshops

17.30-18.00 Coffee Break

18.00-19.00 Special Plenary Session: The reading of IVR Prize-Winning Paper

19.30-20.00 Closing Ceremony in Hospital Real.

20.00 Farewell Dinner



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SCIENTIFIC PROGRAMME

1. PLENARY SESSIONS

The following professors have accepted our invitation to take part in the plenary sessions with the following presentations.

1. Prof. Jürgen Habermas: "The Kantian Project of Cosmopolitan Law-And What It Means Today".
2. Prof. Nancy Fraser: "Postnational Democratic Justice"
3. Prof. Luigi Ferrajoli: "La crisis de la democracia constitucional en la era de la globalización".
4. Prof. Juan Ramón Capella: "La Filosofía del Derecho de la globalización".
5. Prof. David Held: "Globalization, Democracy and Human Security";
6. Prof. Will Kymlicka: "The Moral Foundations and Geopolitical Functions of International Norms on Minority Rights"
7. Prof. Dr. Francisco Laporta: "Globalización e imperio de la ley";
8. Prof. Dr. Agustín Squella: "Quedan preguntas para la Filosofía del Derecho en un mundo globalizado".
9. Prof. Gunther Teubner: "Globalized Society-Fragmented Justice";
10. Prof. Iris Young: "Responsibility and Global Injustice".
11. Prof. William Twining: "General Jurisprudence".
12. Prof. Boaventura de Sousa Santos: "The counter-hegemonic use of law in the struggle for globalization from below"
13. Prof. Neil MacCormick: "The European constitutional process: a theoretical view".
14. Prof. Itaru Shimazu: "The individual and collective decisions: concept of law and social change"
15. Prof. Uma Narayan: "Informal Sector Work, Microcredit, and Third World Women's "Empowerment": A Critical Perspective"

Each lecture will last 40 minutes and will be followed by a discussion of 20 minutes.

The text of the lectures will be translated into English and Spanish and the discussion will have the benefit of simultaneous translation.

2. WORKING GROUPS

In addition to the Plenary Sessions there will be Working Groups

2.1. Working Groups.

The participants may send papers to be read and discussed in Working Groups. The Congress organization proposes two provisional lists of subjects. The first (A) is directly connected with the central theme of the Congress, "Law and Justice in a Global Society", in order to study it in depth from different perspectives. The subjects are as follows:

- A.1. Human Rights and Globalization.
- A.2. International Legal Order and Globalization.
- A.3. Theory of Law and Globalization.
- A.4. New Technologies, Law and Globalization.
- A.5. Bioethics, Law and Globalization.
- A.6. Comparative Law and Globalization.
- A.7. Migratory Movements, Law and Globalization.
- A.8. Multiculturalism, Nationalism, Law and Globalization.
- A.9. Gender Politics and Globalization.
- A.10. Rule of Law, Democracy and Globalization.
- A.11. Terrorism, Law and Globalization.
- A.12. Teaching of Law, Legal Professions and Globalization.

Those works that are not related to the questions above may be presented in other Working Groups focused on different problems of legal political thought. The organization suggests a further provisional list (B). The subjects of this list are as follows:

- B.1. The Future of Legal Positivism.
- B.2. Economic Analysis of Law.
- B.3. The Grounds of Natural Law.
- B.4. Artificial Intelligence and Law.
- B.5. Law and Logic.
- B.6. Theories of Legal Interpretation.
- B.7. Law and Argumentation.
- B.8. Problems of Legitimacy of the Judicial Power.
- B.9. Models of Knowledge of Law.
- B.10. State and Civil Society.
- B.11. Fundamental Problems of Political Philosophy.
- B.12. Power, Law and Justice.

For those communications that cannot be included in any of the subjects in lists A and B, the Congress organization will try to put forward a new, short list (C) of complementary Working Groups.

The Congress organization will distribute the papers received among the different Working Groups. Finally, it will propose a director for each Working Group.

2.2. Organization of the Groups and presentation of papers.

The sessions for Working Groups and Special Workshops will take place in the afternoons between 15.30 and 20.00 hours, as set out in the program. The papers in both types of groups will last twenty minutes each and every two speakers will have about another twenty minutes for discussion. However, the number of sessions and speakers will finally depend on

the number of participants as well as the availability of time and rooms.

2.3. Publication of the abstracts.

Abstracts of the papers to be presented in both Special Workshops and Working Groups will be published in advance and given to the participants on arrival. For publication the abstracts, in English or Spanish, must be received by 28 February 2005 and should be no more than 400 words.

For any further information, please contact Dr. José J. Jiménez whose e-mail address is: jimenezs@ugr.es

3. SPECIAL WORKSHOPS

In addition to the Plenary Sessions and Working Groups there will be Special Workshops.

3.1. Special Workshops

The Special Workshops will be proposed to the Congress organization by the contributors themselves in their own fields of scientific interest. The speaker as organizer will propose a subject, take part as speaker, chair the meetings and promote the participation. The Congress organization must accept the proposal and will coordinate participation to ensure a reasonable number of groups and of speakers in each group.

Until now, the Congress organization has accepted the following Special Workshops, whose directors are shown in brackets:

- D.1. Economics, Ethics and Law (Prof. H. Spector)
- D.2. Legal Replicas of Philosophical Currents (Prof. J. Wolenski).
- D.3. The New Frontiers of Interpretation and Legal Reasoning (Prof. P. Chiassoni).
- D.4. Legisprudence (Prof. L. Wintgens)
- D.5. Conference for Directors of Legal and Political Philosophy Journals (Profs. Aldo Valle y M. Escamilla)
- D.6. Globalisation and the legitimacy of power of non-governmental organizations (Prof. A. Vedder)
- D.7. Constitutionalism and globalisation: the question of the transformation of the legal argument (Prof. P. Policastro)
- D.8. The spheres of global justice and their interconnectedness (Prof. J. C. Merle)
- D.9. Deliberative democracy and its discontents (Profs. S. Besson and J. L. Martí)
- D.10. Theory and practice of legal argumentation in a global society (Prof. E. T. Feteris).
- D.11. Mass crimes and global justice (Prof. L. May)
- D.12. Legal theory construction (Profs. J. Hage and G. Sartor)
- D.13. Reparations in the international arena (Profs. D. A. Reidy and Kok-Chor Tan)
- D.14. The Legal Dogmatic as a Subject-matter of Jurisprudence (Prof. R. Tamayo)
- D.15. Towards a European Criminal Law (Prof. A. Duff and Dr. C. Wong)
- D.16. N. Bobbio: about Theory of Law, Law and Rights (Prof. V. Champeil-Desplats)
- D.17. Gender, Culture and Rights. A Tribute to Susan Møller Okin (Profs. E. Beltrán and M. Guerra)

- D18. Habermas and Rawls on Human Rights and Democracy (Prof. A. Bernstein)
- D19. The Ethics of Just and Unjust War (Profs. Jesper Ryberg and Ib Martin Jarvad)
- D20. Human Rights and their Fundamentation (Prof. A. Culleton)
- D21. Globalization and Democracy (Profs. C. C. Gould and A.M. Macleod)

The next meeting of scientific committee will be in May, when it will consider the proposals for Special Workshops made up to that date. The Congress organisation suggests that the proposals follow this format: 1. Title; 2. Convenor(s); 3. Provisional list of speakers and detailed programme, both so far as known

3. 2. Organization of the Groups and presentation of papers.

The sessions for Working Groups and Special Workshops will take place in the afternoons between 15.30 and 20.00 hours, as set out in the program. The papers in both types of groups will last twenty minutes each and every two speakers will have about another twenty minutes for discussion. However, the number of sessions and speakers will finally depend on the number of participants as well as the availability of time and rooms.

3.3. Publication of abstracts

Abstracts of the papers to be presented in both Special Workshops and Working Groups will be published in advance and given to the participants on arrival. For publication the abstracts, in English or Spanish, must be received by 28 February 2005 and should be no more than 400 words.

The papers presented during the Congress in Special Workshops and Working Groups will be assessed by the Publication Committee and if accepted will be published within a year of the Congress. The paper should not exceed 5000 words and must be delivered in Word-format before 30 September 2005.

For any further information, please contact Dr. José J. Jiménez whose e-mail address is: jimenezs@ugr.es

ARGENTINA

Asociación Argentina de Filosofía del Derecho



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ANNOUNCEMENTS

During October 7-9, 2005, the XIX Meeting on Philosophy of Law and Social Philosophy will be held in San Carlos de Bariloche, Río Negro. The AAFD Young Scholar Award will be granted to the winner of the annual contest.

RECENT PUBLICATIONS

Álvarez Gardiol, Ariel, *Lecciones de Epistemología – Algunas cuestiones epistemológicas de las ciencias jurídicas* (Santa Fe, Universidad Nacional del Litoral, 2004).

Barbarosch, Eduardo, “La globalización y las cuestiones de justicia internacional”, in Ortiz, Tulio, Pardo, María Laura and Noblía, Valentina (eds.), *Origen y transformación del Estado argentino en períodos de globalización* (Buenos Aires: Biblos, 2003).

Ciuro Caldani, Miguel Á., “Las bases de la cultura occidental y la Bioética en una nueva era histórica”, in Bergel, Salvador D. and Minyersky, Nelly (eds.) *Bioética y Derecho*, Santa Fe, Rubinzal-Culzoni, 2003.

Ciuro Caldani, Miguel Á., *Lecciones de filosofía del derecho privado*, Rosario, Fundación para las Investigaciones Jurídicas, 2003.

Ciuro Caldani, Miguel Á., “Aspectos filosóficos de la buena fe”, in Córdoba, Marcos M. (ed.), *Tratado de la Buena Fe en el Derecho* (Buenos Aires: La Ley, 2004).

Ciuro Caldani, Miguel Á., “Un análisis trialista del funcionamiento de las normas”, in “*Ideas y Derecho*” n.2, 2003.

Ciuro Caldani, Miguel Á., “El bicentenario del Código Civil francés (Una comparación entre la historia jurídica francesa y la historia jurídica argentina)”, in *Lexis Nexis - Jurisprudencia Argentina*, Buenos Aires, 18/2/2004, p.21.

Ciuro Caldani, Miguel Á., “Perspectivas estratégicas del razonamiento y la actuación de los jueces”, in *Lexis Nexis - Jurisprudencia Argentina*, special issue 31/3/2004.

Ciuro Caldani, Miguel Á., “El derecho internacional ante una posible preconstitucionalidad mundial”, in *Anuario de Derecho Constitucional Latinoamericano*, year 10, vol II, p. 859.

Guibourg, Ricardo A., “Real, justo, legal”, in *La Ley*, Buenos Aires, 19/7/04, pp. 1-3.

Mendonca, Daniel, and Guibourg, Ricardo A., *La odisea constitucional (Constitución, teoría y método)*, Barcelona, Marcial Pons, 2004.

Rabbi-Baldi, Renato, “La science du droit comme savoir rhétorico-topique: considerations critiques à partir de l'exposé de Théodore Viehweg”, in *Essays de philosophie pénales et de criminologie*, vol. 4, pp. 273-288.

Rabbi-Baldi, Renato, “Michel Villey (1914-1988)”, in Domingo, Rafael (ed.), *Juristas universales IV*, Madrid-Barcelona, Marcial Pons, pp. 634-637.

Rabbi-Baldi, Renato, “La teoría de la interpretación judicial en Cossio y Betti: Coincidencias y actualidad de dos perspectivas contemporáneas”, in *La Ley*, Buenos Aires, 15/12/04, pp. 1-9

BELGIUM



IVR Belgian National Section

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ANNOUNCEMENT

The Katholieke Universiteit Brussel will organize a summer course on African law (taught in French) 16-27 August 2005. For information see website: <http://www.afrijus.org>. The European Academy of Legal Theory will also be holding a Summer Course in Legal Theory during the period 29 August to 16 September 2005. For information on the summer course, see website at: http://www.legaltheory.net/summers/summer_2005.htm
For details of the above programmes, please see appendices to this Newsletter.

CANADA



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NEWS

The 2005 CS IVR meeting will be held at the University of Western Ontario, London, Ont., Canada, and will take place on June 1, 2005. Topics for this meeting are:

Law and Justice in a Global Society

Just War

Privacy and Security

Work in Progress

CHILE

Sociedad Chilena de Filosofía Jurídica y Social

RECORDS

New Directory of Sociedad Chilena de Filosofía del Derecho y Filosofía Social (Chile National Section of IVR), 2003 – 2005: *Antonio Bascunán R., Antonio Bascunán V., Jesus Escandón, Pedro Gandolfo, Joaquín García Huidobro, Fernando Quintana, Nelson Reyes, Agustín Squella, Aldo Valle*

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NEWS

A symposium on the legal and political thoughts of Norberto Bobbio was held in July 2004. The symposium was organized by the Chilean National Section of the IVR and the University of Valparaíso.

ANNOUNCEMENTS

A symposium on “Legal Reasoning” will be held in March 2005. The symposium is organized by the Faculty of Law of Universidad Austral.

A symposium organized by the Chilean National Section and the University of Valparaíso on “Philosophy, Politics and Law in John Rawls” will be held in September 2005.

RECENT PUBLICATIONS

Manuel Manson, “Filosofía del Derecho” (Philosophy of Law) and “Derecho, cultura y sociedad” (Law, culture and society), Ediciones Jurídicas Olejnik, Santiago, Chile.

“Pure Theory of Law. 30 Years since Kelsen’s Death”
 [several authors, edited by Agustín Squella, University of Valparaíso.

CHINA

Jurisprudence Institute of Chinese Law
Society – JICLS/ IVR China



Morigiwa Yasutomo, “the practicing legal validity”; Prof. Marek Zirk-Sadowski “transformation and integration of legal systems”; Prof. Alexander Broestl, “argumentation by principles in constitutional law”; Prof. Burton Leiser, “homosexual marriage and other fundamental legal controversies in the United States”.

RECORDS

- ☞ *Prof. XIA Yong*, Standing Vice-President of JICLS/ IVR China, the Institute of Legal Science of CASS
- ☞ *Prof. LIU Zuoxiang*, Secretary-General of JICLS/ IVR China, the Institute of Legal Science of CASS
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NEWS

The Delegation of IVR Executive Committee visited China from October 10th to 15th, 2004. They met the leaders of the China Law Society and Jurisprudence Institute of Chinese Law Society and discussed the possibility of IVR international conference held in China in 2009. They also visited Jilin University, the Jurisprudence Research Center of Jilin University, and Peking University. The members of the Delegation were: Prof. Aleksander Peczenik of Lund University in Sweden, Chairman of IVR; Prof. Morigiwa Yasutomo of Nagoya University in Japan, Vice-Chairman of IVR; Prof. Alexander Broestl, Judge of Slovak Constitutional Court; Prof. Choi Chongko of Seoul National University in Korea; Prof. Burton Leiser of Pace University in American and Prof. Marek Zirk-Sadowski of University of Lodz in Poland.

The Delegation met with Prof. Zhang Wenxian, Director of the Jurisprudence Research Center, Director of Committee of Directors of Jilin University and the member of Executive Committee of IVR and discussed the issue of IVR international conference held in China in 2009. Prof. Aleksander Peczenik delivered a speech on “Basic topics of jurisprudence today” later during the visit. The delegation and Prof. Zhang Wenxian held an academic discussion with the students of Jilin University Law School also.

On Oct. 14th, The Delegation met the leaders of Jurisprudence Institute of Chinese Law Society in the Institute of Legal Science of Chinese Academy of Social Science (CASS) organized by Prof. Liu Zuoxiang. In the afternoon of the same day, all members of the delegation visited Peking University Law School and gave lectures hosted by Prof. ZHANG Qi. The speakers and the subjects of their talks for each were: Prof. Aleksander Peczenik, “theories of legal argumentation”; Prof. Choi Chongko, “legal argumentation from an Asian perspective”; Prof.

COLOMBIA



Asociación Colombiana de Filosofía
Jurídica y Social

RECORDS

The Authorities of the Colombian Association for Philosophy of Law and Social Philosophy are as follows:

- ☼ Honorary President: *Luis Villar Borda*
- ☼ President: *Numas Armando Gil*
- ☼ Vice President: *Vicente Ramírez*

CONTACTS

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Prof. *Luis Villar Borda*, Honorary President
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ANNOUNCEMENT

The Association is preparing for its next National Congress, planned to take place on 15th and 16th September, 2005, in Cali, Colombia.

RECENT PUBLICATIONS

Rodolfo Arango, Derecho, Constitucionalismo y Democracia (ed. Universidad Externado de Colombia, 2005, in the series *Law Theory and Philosophy of Law*, No. 33).

Carlos Bernal Pulido, El Derecho de los derechos (ed. Universidad Externado de Colombia, 2005).

Eusebio Fernández, Ética y Derecho (ed. Universidad Externado de Colombia, 2005, in the series *Law Theory and Philosophy of Law*, No. 35).

Rubén Jaramillo, Problemática Actual de la Democracia (ed. Gustavo Ibañez, 2004).

Rubén Jaramillo, *Numas Armando Gil*, *Manuel Rodríguez*, Kant y la Paz perpetua (ed. Gustavo Ibañez, 2004).

Hernán Ortíz Rivas, Kant y la Paz Perpetua (ed. Gustavo Ibañez, 2004).

Bernd Rütters, Carl Schmitt en el Tercer Reich (ed. Universidad Externado de Colombia, 2004, in the series *Law Theory and Philosophy of Law*, No. 34).

In print: *Luis Villar Borda* y *José María Rosales*, Migración y Ciudadanía (Universidad Externado de Colombia, in the series *Law Theory and Philosophy of Law*, No. 36).

GERMANY



IVR Internationale Vereinigung für Rechts-
und Sozialphilosophie Sektion Deutschland

RECORDS

Executive board:

- ☼ *Ulfrid Neumann* (President), Institut für Kriminalwissenschaften und Rechtsphilosophie der Johann Wolfgang Goethe-Universität, Senckenberganlage 31-33, D-60054 Frankfurt/Main, tel. 069-798-22921/2, fax 069/798-22204; e-mail: U.Neumann@jur.uni-frankfurt.de.
- ☼ *Lorenz Schulz* (Vice-President and Treasurer), same address; e-mail: L.Schulz@jur.uni-frankfurt.de

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Homepage: www.rechtsphilosophie.de

NEWS

The contributions to the bi-annual conference, held in Sept. 2004 at the University of Kiel will be published in 2005 by Professor *Robert Alexy* as ARSP-Beiheft. A report on this conference can be found in the journal "Juristenzeitung" (2004, p. 1166, by *Carsten Bäcker / Nils Teifke*) and in the ARSP, vol. 2, 2005 (by *Jochen Bung / Sascha Ziemann*). The next bi-annual conference of the German section will take place in fall 2006 at the University of Würzburg, organized by professor *Horst Dreier / Eric Hilgendorf*. The subject is „Kulturelle Grundlagen und Grenzen des Rechts“.

Sub-Sections

Sub-section/Study Group on „History of Ideas of Legal Philosophy“

This IVR Study Group conducts bi-annual conferences. The next will take place in Sept. 16.-18th, 2005, at the Evangelische Akademie Loccum, on the subject "Menschenwürde im Italien der Renaissance", organized by prof. *Rolf Gröschner / Stephan Kirste* (for details see www.rechtsphilosophie.de or www.arbeitskreis-ideengeschichte.uni-hd.de).

Junges Forum Rechtsphilosophie (JFR)

This initiative was founded in 1993 and holds annual conferences. The present speakers are: Dr. *Jochen Bung* (Frankfurt/Main) and *Carsten Bäcker* (Kiel). The 11th conference took place in Kiel, Sept. 22-23, 2004, on topic of „Objectivity in Law“. The 12th conference is scheduled for April 21st- 22nd, 2005, at the University of Hagen, on the subject “Flexibilität im Recht. Universelle Normen und der Einzelfall” (for details see www.rechtsphilosophie.de and www.fernuni-hagen.de/OERV/jfr_tagung_2005). The contributions to both conferences are suggested to be published in one volume of the ARSP-Beihefte.

RECENT PUBLICATIONS

- Assmann, Heinz-Dieter* (ed.), *Recht und Ethos im Zeitalter der Globalisierung* (Baden-Baden 2004).
- Bayertz, Kurt* (ed.), *Die menschliche Natur* (Paderborn 2004).
- Becchi, Paolo* u.a. (eds.), *Organallokation* (Basel 2004).
- Bleckmann, Maja*, *Barrieren gegen den Unrechtsstaat? Kontinuitäten und Brücke in den rechtsphilosophischen Lehren Alfred Manigks, Gustav Radbruchs und Felix Hollacks angesichts des Nationalsozialismus* (Baden-Baden 2004).
- Bonifacio, Michael*, *Komplementäres Recht* (Berlin 2004).
- Bung, Jochen*, *Subsumtion und Interpretation* (Baden-Baden 2004).
- Carney, Frederick S./Schilling, H./Wyduckel, D.* (eds.), *Jurisprudenz, Politische Theorie und Politische Theologie. Beiträge des Herborner Symposions zum 400. Todestag der Politica des Johannes Althusius 1603-2003* (Berlin 2004).
- Eckardt, Felix*, *Liberalismus, Besitzindividualismus und Handlungstheorie* (Leipzig 2004).
- Fischer, Michael* (ed.), *Der Begriff der Menschenwürde* (Bern 2004).
- Foucault, Michel*, *Geschichte der Gouvernementalität: Bd. 1: Sicherheit, Territorium, Bevölkerung, Bd. 2: Die Geburt der Biopolitik* (Frankfurt/Main 2004).
- Frey, Christoffer/Hädrich, Jürgen/Linnert, Lars* (eds.), *Gerechtigkeit – Illusion oder Herausforderung* (Münster 2004).
- Fritze, Lothar*, *Die Tötung Unschuldiger* (Berlin 2004).
- Funke, Andreas*, *Allgemeine Rechtslehre als juristische Strukturtheorie. Entwicklung und gegenwärtige Bedeutung der Rechtstheorie um 1900* (Tübingen 2004).
- Gottschalk-Mazouz, Niels* (ed.), *Perspektiven der Diskursethik* (Würzburg 2004).
- Haase, Marco*, *Grundnorm – Gemeinwille – Geist. Der Grund des Rechts nach Kelsen, Kant und Hegel* (Tübingen 2004).
- Hesse, Hans A.*, *Einführung in die Rechtssoziologie* (Wiesbaden 2004).
- Hiebaum, Christian*, *Die Politik des Rechts. Eine Analyse juristischer Rationalität* (Berlin 2004).
- Horn, Norbert*, *Einführung in die Rechtswissenschaft und Rechtsphilosophie, 3. neu bearb. Aufl. (3rd revised edn.)*, Heidelberg 2004.
- Jakobs, Günther*, „Staatliche Strafe“. *Bedeutung und Zweck* (Paderborn 2004).
- Joerden, Jan C.*, *Logik im Recht. Grundlagen und Anwendungsbeispiele* (Heidelberg 2005).
- Joerden, Jan C./Wittmann, Roland* (eds.), *Recht und Politik* (ARSP-Beiheft 93, Stuttgart 2004).
- Kamitz, Reinhard*, *Rechtsbegriff und normenlogischer Handlungskalkül im Logik-System nach Stig Ranger* (Münster 2004).
- Karwagachi, Hirokazu/Seelmann, Kurt* (eds.), *Rechtliche und ethische Fragen der Transplantationstechnologie in einem interkulturellen Vergleich* (ARSP-Beiheft Nr. 86, Stuttgart 2003).
- Klatt, Matthias*, *Theorie der Wortlautgrenze. Semantische Normativität in der juristischen Argumentation* (Baden-Baden 2004).
- Klein, Eckart/Menke, Christoph* (eds.), *Menschenrechte und Bioethik* (Berlin 2004).
- Knoepffler, Nikolaus/Siegetsleitner, Anne/Kunzmann, Peter/Pies, Ingo* (eds.), *Einführung in die Angewandte Ethik* (Freiburg 2005).
- Krause, Karl Christian Friedrich*, *Grundlage des Naturrechts oder philosophischer Grundriss des Ideals des Rechts*, hg. von S. Wollgast (Nachdruck der Ausgabe 1803, Würzburg 2003).
- Kreuzbauer, Günther/Augeneder, Silvia* (eds.), *Der Juristische Streit. Recht zwischen Rhetorik, Argumentation und Dogmatik*, (ARSP-Beiheft 99, Stuttgart 2004).
- Lerch, Kent D.* (ed.), *Die Sprache des Rechts, Bd. 1: Recht verstehen. Verständlichkeit, Missverständlichkeit und Unverständlichkeit von Recht* (Berlin 2004).
- Lohmann, Ulrich*, *Die neuere standesethische und medizinrechtliche Entwicklung in Deutschland – Wandel des Menschenbildes?* (Bochum 2004).
- Maio, Giovanni/Just, Hansjörg* (eds.), *Die Forschung an embryonalen Stammzellen in ethischer und rechtlicher Perspektive* (Baden-Baden 2003).
- Mastronardi, Philippe* (ed.), *Das Recht im Spannungsfeld utilitaristischer und deontologischer Ethik*, (ARSP-Beiheft 94, Stuttgart 2004).
- Mathis, Klaus*, *Effizienz statt Gerechtigkeit? Auf der Suche nach den philosophischen Grundlagen der Ökonomischen Analyse des Rechts* (Berlin 2004).
- Meggle, Georg* (ed.), *Humanitäre Interventionsethik* (Paderborn 2004).
- Meder, Stephan*, *Missverstehen und Verstehen. Savignys Grundlegung der modernen Hermeneutik* (Tübingen 2004).
- Morscher, Edgar*, *Kann denn Logik Sünde sein?* (Münster 2004).
- Neumann, Ulfrid*, *Wahrheit im Recht. Zu Problematik und Legitimität einer fragwürdigen Denkform* (Baden-Baden 2004).
- Neumann, Ulfrid/Hassemer, Winfried/Schroth, Ulrich* (eds.), *Verantwortetes Recht: Die Rechtsphilosophie Arthur Kaufmanns* (ARSP Beiheft 100, Stuttgart 2005).
- Osterkamp, Thomas*, *Juristische Gerechtigkeit. Rechtswissenschaft jenseits von Positivismus und Naturrecht* (Tübingen 2004).
- Radbruch, Gustav*, *Rechtsphilosophische Tagesfragen. Vorlesungsmanuskript Kiel 1919* (Baden-Baden 2004).
- Rauprich, Oliver*, *Natur und Norm* (Münster 2004).
- Rebbinder, Manfred*, *Rechtssoziologie, 5. neu bearb. Aufl. (5th revised edn.)*, Münster 2004.
- Roellecke, Gerd*, *Staat und Tod* (Paderborn 2004).

- Robls, Michael*, Kantisches Naturrecht und historisches Zivilrecht. Wissenschaft und bürgerliche Freiheit bei Gottlieb Hufeland (1760-1817) (Baden-Baden 2004).
- Rüthers, Bernd*, Rechtstheorie: Begriff, Geltung und Anwendung des Rechts, 2. neu bearb. Aufl. (2nd revised edn.), München 2005.
- Schütze, Marc*, Subjektive Rechte und personale Identität. Die Anwendung subjektiver Rechte bei Immanuel Kant, Carl Schmitt, Hans Kelsen und Hermann Heller (Berlin 2004).
- Schröder, Peter*, Gendiagnostische Gerechtigkeit (Münster 2004).
- Seibert, Thomas Michael*, Gerichtsrede: Wirklichkeit und Möglichkeit im forensischen Diskurs (Berlin 2004).
- Siegetsleitner, Anne/Knoepffler, Nikolaus* (eds.), Menschenwürde im interkulturellen Dialog (Freiburg 2004).
- Strub, Christian*, Sanktionen des Selbst. Zur normativen Praxis sozialer Gruppen (Freiburg 2005).
- Sukopp, Thomas*, Menschenrechte: Anspruch und Wirklichkeit. Menschenwürde, Naturrecht und die Natur des Menschen (Marburg 2003).
- Suppé, Rüdiger*, Die Grund- und Menschenrechte in der deutschen Staatslehre des 19. Jahrhunderts (Berlin 2004).
- von der Pfordten, Dietmar* (ed.), Rechtsphilosophie (Texte), Freiburg 2004.
- Watkins-Bienz, Renée M.*, Die Hart-Dworkin Debatte (Berlin 2004).
- Wiegand, Marx André*, Unrichtiges Recht. Gustav Radbruchs rechtsphilosophische Parteilehre (Tübingen 2004).
- Zippelius, Reinhold*, Verhaltenssteuerung durch Recht und kulturelle Leitideen (Berlin 2004).
- Zippelius, Reinhold*, Juristische Methodenlehre, 9. neu bearb. Aufl. (9th revised edn.), München 2004.
- Zenkert, Georg*, Die Konstitution der Macht (Tübingen 2004).
- Zunke, Christian*, Das Subjekt der Würde. Kritik der deutschen Stammzellendebatte (Köln 2004).

GREECE

The Greek Society for Philosophy of Law and Social Philosophy



RECORDS

- ☞ President: Prof. Dr. Dr. *Stavros Panou*
- ☞ Secretary General: Dr. *Nicolas Philipidis*
- ☞ Treasurer: *Anna Georgiatou*

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ANNOUNCEMENTS

The next conference of the Greek Section of IVR will take place at Larissa, March 18-19, 2005. The conference is organized by Professor K. Pappas, and the general subject is "Law and Politics".

In April 2005, a preparatory conference will be held in Athens (on the subjects that will be taken up at the XXII. World Congress).

RECENT PUBLICATIONS

- Karandis, Anton*, Law and Morality (Athens 2004).
- Lassitis, Pavlos*, Rule of Law and the Moral Order (Nicosia 2004).
- Panou, Stavros*, Justice and Time (Athens 2004).
- Panou, Stavros* (ed.), Law and Religion (Athens 2005).
- Valas, Nicolas* (ed.), Grundprobleme der Rechtsphilosophie (Athens 2004).

ITALY

Società Italiana di Filosofia Giuridica e Politica



RECORDS

- ☼ President: Prof. *Enrico Pattaro*
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- ☼ Vice President: Prof. *Vincenzo Ferrari*
- ☼ Vice President: Prof. *Bruno Montanari*
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- ☼ Secretary: Dr. *Giorgio Spedicato*
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HOMEPAGE

<http://seneca.bronxlab.unimi.it/php-nuke/>

JAPAN

The Japan Section of IVR



RECORDS

- ☼ President: TSUNODA Takeshi, professor at Osaka Prefecture University. Email: ttsunoda@gold.ocn.ne.jp
- ☼ Secretary General: NAKAYAMA Ryuichi, professor at Osaka University, Osaka.
- ☼ Treasurer: KAWAMI Makoto, professor at Aoyama Gakuin Women's Junior College. E-mail: Mkawami@aol.com

Other Members:

- ☼ NASU Kosuke, professor at Setsunan University, Osaka
- ☼ SAKURAI Tetsu, professor at Kobe University, Kobe
- ☼ SUMIYOSHI Masami, professor at Aoyama Gakuin University, Tokyo
- ☼ TAKAHASHI Fumihiko, professor at Kanto Gakuin University, Tokyo

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JAPAN

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The names are in the surname-given name order, in accordance with normal usage in Japan.

ANNOUNCEMENTS

Congratulations!

We are much pleased to receive an announcement that Professor TAKIKAWA Hirohide of Osaka City University will be awarded the IVR Young Scholars' Prize 2005 for a paper entitled "Can We Justify the Welfare State in an Age of Globalization?: Toward Complex Borders." IVR Japan Section would like to extend our warm congratulations to our colleague. Japan Association of Legal Philosophy (JALP), which is now launching a new award encouraging younger scholars, sincerely celebrates Professor TAKIGAWA's honorable reception of the prize.

IVR Japan Section will continue our support for the IVR Young Scholars' Prize. We invited Professor Emiliios Christodoulidis of Edinburgh University, the first winner of this prize, as a lecturer for the 7th Kobe Lecture in 2002.

Professor TAKIKAWA's prize lecture will be delivered at 6 p.m., 29 May 2005, at a special plenary session of the IVR 2005 World Congress in Granada, Spain.

The 2004 annual conference of the Japan Association of Legal Philosophy

The 2004 annual conference of JALP was held on 13-14 November 2004 at Hiroshima University. The main theme of the conference was "Libertarianism and Legal Theory".

The contents of the conference are as follows:

1. MORIMURA Susumu (Hitotsubashi University), "General Introduction to the Theme" and "Libertarianism: Its Meaning and Challenges"
2. HASHIMOTO Tsutomu (Hokkaido University), "On Libertarianism"
3. TORISAWA Madoka (Hiroshima City University), "Freedom in Defense of Social Norms?: Libertarianism and Community"
4. TATEIWA Sinya (Ritsumeikan University), "Freedom Does Not Support Libertarianism"
5. SIMAZU Itaru (Chiba University), Comments on 1-4.
6. HASHIMOTO Yuko (Kobe University), "Libertarian Legal Theories"
7. AIKYO Koji (Nagoya University), "Why Do Not Constitutional Scholarship Take Libertarianism Seriously?"
8. YAMADA Yachiko (Chuo University), "The Structure of Libertarian Freedom in Private Law"
9. ASANO Yuki (Kinki University), Comments on 6-8: "Libertarianism and Commutative Justice"

After the presentations, general discussion concluded the conference.

Apart from these sessions, there were also eight presentations which were not directly related to the main theme of the conference.

The proceedings will be published in the Annals of the Japan Association of Legal Philosophy 2004.

LEBANON

Lebanese IVR National Section



RECORDS

- ☞ President: Dr *Georges Saad*, Law Faculty, Lebanese University, Bakaa, Lebanon
- ☞ Second President: Dr *Hassan Jouni*, Law Faculty, Lebanese University, Bakaa, Lebanon
- ☞ Other Members: Dr *Ibrahim Chaker*, Law Faculty, Lebanese University, Jal el Dib, Beirut, Lebanon. *Melle Cybelle Jalloul*, Filiere francophone de droit, Law Faculty, Lebanese University, Beirut, Lebanon. Dr *Ali Salem*, Sociology Institute, Lebanese University, Bakaa, Lebanon.
- ☞ Treasurer: Eddy Sleiman

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E-mail: a_assocphilo@yahoo.com

RECENT PUBLICATIONS

Michel Troper, La philosophie du droit (Que sais-je?), Presses Universitaires France, 2003, translated by Georges Saad.

SLOVENIA



Društvo za pravno in socialno filozofijo – *Slovenian Society for Legal and Social Philosophy*

RECORDS

- ☼ President: Prof. Dr. *Marijan Pavčnik*
- ☼ Vice president: Doc. Dr. *Miro Cerar, jr*
- ☼ Secretary and Treasurer: Dr. *Aleš Novak*

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Dr. *Aleš Novak*
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RECENT PUBLICATION

Marijan Pavčnik, Argumentacija v pravu (Argumentation in Law), 2nd edn., Cankarjeva založba (Ljubljana 2004).

SPAIN



Sociedad Española de Filosofía Jurídica y Política, SEFJP

RECORDS

- ☼ President: *F. Puigpelat*
- ☼ Vice President: *C. Alarcón*
- ☼ Secretary: *J. Ansuátegui*
- ☼ Treasurer: *E. Gayo*
- ☼ Other members: *J. Calvo, M. J. Añón, J. Pérez-Lledó, L. Miraut* and *A. de Julios*.

CONTACT

Prof. *Carlos Alarcón Cabrera*, carlos@cica.es

ANNOUNCEMENT

XXII WORLD CONGRESS OF PHILOSOPHY OF
LAW AND SOCIAL PHILOSOPHY,
Granada, May 24-29, 2005

*Please see Section One
IVR Announcements: Next Meeting*

SWEDEN

The Swedish Section of IVR



RECORDS

☞ President: *Åke Frändberg*

☞ Secretary and Treasurer: *Torben Spaak*

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NEWS

Most legal philosophical activities in Sweden take place in the higher seminars in Jurisprudence, led by Professor Jes Bjarup, Stockholm, Professor Åke Frändberg, Uppsala, Associate Professor Håkan Gustafsson, Gothenburg and Professor Aleksander Peczenik, Lund. Each year a common symposium is arranged. This year, the seminar was held in Stockholm, Okt.21-22, 2004. The speakers were Jes Bjarup (Stockholm), Mårten Schultz (Stockholm), Torben Spaak (Uppsala), Leif Dahlberg (Kungliga Tekniska Högskolan, Stockholm), Joakim Nergelius (Örebro), and Görel Granström (Umeå).

December 11–13, 2004, a seminar was held at the Law Faculty, Lund University, with about 20 invited persons. The seminar was devoted to the preparation of the IVR Encyclopaedia of Jurisprudence, Legal Theory and Philosophy of Law.

Professors Jes Bjarup (Stockholm University), Åke Frändberg (Uppsala University) and Aleksander Peczenik (Lund University) retired at the end of 2004. The new course co-ordinators with respect to Jurisprudence and Philosophy of Law are Peter Wahlgren (Stockholm), Torben Spaak (Uppsala) and Christian Dahlman (Lund).

GOTHENBURG UNIVERSITY

Course co-ordinator: Håkan Gustafsson

The course in Jurisprudence/Legal Science at Gothenburg University is a ten-week course (ten credits) consisting of approximately 25 lectures and four seminars. The course is part of a semesterlong 'Theoretical block' (20 credits) including a larger paper in jurisprudence/legal science which is opposed and defended during the final two weeks. Apart from legal theory and legal philosophy, the course also consists of lectures in the history of ideas and legal sociology.

Course Literature:

Eduards, Maud (ed.), *Kön, makt, medborgarskap* [Gender, Power, Citizenship]

Liedman, Sven-Eric, *Att se sig själv i andra. Om solidaritet* [On Solidarity]

Mathiesen, Thomas, *Rätten i samhället* [Law in Society]

Nordin, Svante, *Det politiska tänkandets historia* [The History of Political Thought]

Simmonds, Nigel, *Juridiska principfrågor* [Central Issues in Jurisprudence]

Strömberg, Tore, *Rättsfilosofins historia i huvuddrag* [General Issues in the History of Legal Philosophy]

Svensson, Eva-Maria, *Genusforskning inom juridiken* [Genderresearch in Law]

Welin, Stellan, *Från nytta till rättigheter* [From Utility to Rights]

Collection of articles (e.g. critical legal theory, queer-theory, feminism, legal sociology, social justice, Sen, Peczenik, Habermas, Rawls, etc)

LUND UNIVERSITY

Course co-ordinator: Christian Dahlman

The course in Jurisprudence and Philosophy of Law at Lund University is a five-week course, consisting of seven lectures and six seminars.

Course Literature:

Dahlman, Christian, *Allmän rättslära*

Wolff, Jonathan, *An Introduction to Political Philosophy*

Collection of articles

STOCKHOLM UNIVERSITY

Course co-ordinator: Peter Wahlgren

Course Literature:

Bjarup, Jes, *Rättsteori och rättsordning. Föreläsningar i allmän rättslära.*

Bjarup, Jes (red.), *Texter till rättskällor* (kompendium).

Harris, J.W., *Legal Philosophies*, 2nd edn. (London 1997).

Hellner, Jan, *Rättsteori*, 2nd edn. (Stockholm: Juristförlaget, 1994).

Wahlgren, Peter, *Juridisk riskanalys: Mot en säkrare juridisk metod* (Stockholm: Jure AB, 2003).

UPPSALA UNIVERSITY

Course Co-ordinator: Torben Spaak

Course Literature:

At the Law Faculty of Uppsala University, there are six two-hour seminars in Legal Theory, two of which are dedicated to case analysis. The course literature employed consists of Nigel Simmonds, *Central Issues in Jurisprudence*, 2nd. Edn., as well as a series of articles:

Ronald Dworkin, *What Rights Do We Have?*

Lon Fuller, *Positivism and the Fidelity to Law: A Reply to Professor Hart*

H.L.A. Hart, *Positivism and the Separation of Law and Morals*

H.L.A. Hart, extracts from *The Concept of Law*

Hans Kelsen, *What is the Pure Theory of Law?*

Neil MacCormick, *Argumentation and Interpretation in Law*

Carl Wellman, *Legal Rights*

SWITZERLAND

The Swiss Section of IVR

**RECORDS**

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NEWS

The Swiss section of IVR extended its executive committee. Since November the new members are in charge. The itemisation: Prof. Dr. Lukas Gschwend, St. Gallen; Prof. Dr. Axel Tschentscher, Bern; Prof. Dr. Emil Angehrn, Basel; Dr. Samantha Besson, Genf

Prof. Dr. Jörg Paul Müller withdraws after 12 years executive committee membership by statute clause. The remainder of the executive committee members were reelected.

The general meeting also elected the designated President, Prof. Dr. Marcel Senn, Zürich, whose term will start in November 2005. The designated Secretary is lic. iur. Daniel Puskas (same term as the President).

RESEARCH AND PUBLICATIONS

Following its 2-year-congress, held in St. Gallen on November 12-13, 2004, the SVRSP is about to prepare conference transcripts [to be released at the end of 2005].

TURKEY

The Turkish Section of IVR

**RECORDS**

- ☼ President: Prof. Ülker Gürkan

CONTACT

Professor *Gülriiz Uygur*
Associate Professor of Philosophy of Law
Ankara University, Faculty of Law
Head of the Department of Philosophy of Law and Sociology of Law
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Ali Acar, Assistant
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UNITED KINGDOM



☼ Convenor: *Zenon Bankowski*
E-mail: z.bankowski@ed.ac.uk

☼ Secretary: *Burkhard Schaefer*

☼ Treasurer: *Bev Clucas*

☼ Postgraduate representative: *Michelle Madden Dempsey*

Contact

Burkhard Schaefer
School of Law, Edinburgh University
E-mail: B.Schaefer@ed.ac.uk

RECENT PUBLICATIONS

Antony Duff, Lindsay Farmer, Sandra Marshall and Victor Tadros (eds.), *The Trial on Trial: Volume 1. Truth and Due Process* [Oxford: Hart Publishing, 2004].

The trial is central to the institutional framework of criminal justice. It provides the procedural link between crime and punishment, and is the forum in which both guilt and innocence and sentence are determined. Its continuing significance is evidenced by the heated responses drawn by recent government proposals to reform rules of criminal procedure and evidence so as to alter the status of the trial within the criminal justice process and to limit the role of the jury. Yet for all of the attachment to trial by jury and to principles safeguarding the right to a fair trial there has been remarkably little theoretical reflection on the meaning of fairness in the trial and criminal procedure, the relationship between rules of evidence, procedure and substantive law, or the functions and normative foundations of the trial process. There is a need, in other words, to develop a normative understanding of the criminal trial.

The book is based on the proceedings of two workshops which took place in 2003, addressing the theme of Truth and Due Process in the Criminal Trial. The essays in the book are concerned with the question of whether, and in what sense, we can take the discovery of truth to be the central aim of the procedural and evidential rules and practices of criminal investigation and trial. They are divided into four parts addressing distinct but inter-related issues: models of the trial (Duff, Matravers, McEwan); the meaning of due process (Gunther, Dubber); the meaning of truth and the nature of evidence (Jung, Pritchard); and legitimacy and rhetoric in the trial (Burns, Christodoulidis).

Antony Duff is Professor of Philosophy at the University of Stirling.

December 04 234 x 156 218pp
Hardback 1-84113-442-2 £35.00 €52.50

Ronnie Lippens (ed.), *Imaginary Boundaries of Justice. Social and Legal Justice across Disciplines* [Oxford: Hart Publishing, 2005].

It has become increasingly difficult to speak or even think social or legal justice in an age when words have left their moorings. Perhaps images are more stable than words; maybe images and imagery possess a certain viscosity, even a sensory quality, which prevents them from evaporating. This 'maybe' is what this book is about. The contributors to this collection explore the issue of how the Imaginary (images, imagery, imagination) has a role in the production and reproduction of 'visions' of legal and social justice. It argues that 'visions' of justice are inevitably bounded. Boundaries of 'visions' of justice, however, are also 'imaginary'. They emerge within imaginary spaces, and, as they are 'imaginary', they are inherently unstable. The book captures an emerging interest (in the humanities and social sciences) in images and the visual, or the Imaginary more broadly.

This collection will appeal to scholars and students of social and legal theory, visual culture, justice and governance studies, media studies, and criminology.

Ronnie Lippens is a Senior Lecturer in Criminology at Keele University.

January 05 234 x 156 256pp
Hardback 1-84113-474-0 £45.00 €67.50
Paperback 1-84113-475-9 £22.00 €33.00
Onati International Series in Law and Society

Jenny Steele, *Risks and Legal Theory* [Oxford: Hart Publishing, 2004].

In almost every field of law, from tort and contract to environmental law and criminal justice, issues about 'risk' are increasingly of interest to lawyers. At the same time, there has been little general enquiry into the nature of the contact between law and risks. This book argues that ideas about risk have not traditionally been absent from law, as is sometimes supposed. Lawyers and legal theorists have used and conceptualised risk in particular ways, and ideas of risk have had significant influence in key elements of legal theory including questions of justice and responsibility. The book explores the conceptual place of risk across a number of fields of law; and identifies some significant challenges for law and legal theory arising from broader debates about risk. It therefore sheds light on areas that are under-explored despite current interest among lawyers, and aims to provide an accessible guide to emerging controversies and challenges for law in this area while explaining their significance.

Jenny Steele is a Senior Lecturer in Law at the University of Southampton.

April 04 195 x 129 228pp
Hardback 1-84113-089-3 £26.00 €39.00
Paperback 1-84113-090-7 £12.00 €18.00
Legal Theory Today

Lars Trägårdh (ed.), *After National Democracy. Rights, Law and Power in America and the New Europe* [Oxford: Hart Publishing, 2004].

The “imagined community” of the nation, which served as the affective basis for the post-French Revolution social contract, as well as its institutional counter-part, the welfare state, are currently under great stress as states lose control over what once was referred to as the “national economy” In this book a number of authors – historians, legal scholars, political theorists – consider the fate of national democracy in the age of globalization.

In particular, the authors ask whether the order of European nation-states, with its emphasis on substantive democracy, is now, in the guise of the European Union, giving way to a more loosely constructed, often federalized system of procedural republics (partly constructed in the image of the United States). Is national parliamentary democracy being replaced by a politico-legal culture, where citizen action increasingly takes place in a transnational legal domain at the expense of traditional (and national) party politics? Is the notion of a nationally-bound citizen in the process of being superceded by a cosmopolitan legal subject?

Lars Trägårdh is a Visiting Scholar at the Institute for the Study of Europe at Columbia University, New York.

May 2004	234 x 156	196 pp
Hardback	1-84113-328-0	£ 45.00 € 67.50
Paperback	1-84113-329-9	£ 25.00 € 37.50

Oñati International Series in Law and Society

UNITED STATES AMINTAPHIL



- ☎ President: *Larry May*, Washington University, St.Louis
- ☎ Executive Director: Prof. PhD *Ken Kipnis*, kkipnis@hawaii.edu
Dpt. of Philosophy
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CONTACT

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Copies to: *Burton Leiser*, bleiser@earthlink.net

Copies to: *Rex Martin*, rexmartin@compuserve.com

NEWS

Larry May of Washington University in St.Louis has taken office as President of AMINTAPHIL for the next two years.

The most recent meeting of AMINTAPHIL took place last November in Palo Alto, California. Helen Stacy (Stanford University) handled local arrangements and Steven Lee (Hobart and William Smith Collete) chaired the Program Committee. Approximately 40 papers were presented on the topic of “Just and Unjust Wars.”

David Reidy (University of Tennessee at Knoxville) has won the 2005 Berger Prize awarded by the American Philosophical Association’s Committee on Law and Philosophy. His essay, “Hate Crimes, Oppression and Legal Theory”, was published in “Public Affairs Quarterly” (2002).

RECENT PUBLICATIONS

The University of Kansas Press has published another one of our conference volumes, *Civility and Its Discontents: Civic Virtue, Toleration, and Cultural Fragmentation*, edited by Christine T. Sistare.

REGISTRATION FORM

The registration forms are accepted from the 1st of March, 2004.

Please register only one person per form

PLEASE COMPLETE IN BLOCK CAPITALS

PERSONAL DETAILS

Name:	Academic title:
Surname:	

PRIVATE ADDRESS

Mailing address:	
Post Code:	City:
Country:	Tel:
Fax:	E-mail:

INSTITUTIONAL ADDRESS

Affiliation:	
Mailing address:	
Post Code:	City:
Country:	Tel:
Fax:	E-mail:

Paper presentation: <input type="checkbox"/> (Please indicate Yes/No)
Title:
(For a paper to be submitted is obligatory to be registered in the congress)

REGISTRATION FEES	Price per person
Before February 20, 2005:	300,00 €
After February 20, 2005:	350,00 €

Total Fee Payable	€
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REGISTRATION FEES include:

5 coffees
5 business lunches
Visit to the Alhambra
Flamenco Show
Farewell Dinner

A volume of texts of presentations of plenary sessions

A volume of abstracts of papers presented in "Working groups"

SOCIAL EVENTS (Please indicate with X the assistance to the following social events)

Visit to the Alhambra Fecha: 26/05/2005
Flamenco show 28/05/2005
Farewell dinner 29/05/2005

ACCOMPANYING PERSONS (Please see the accompanying persons programme)

Name: _____ Surname: _____

METHODS OF PAYMENT FOR REGISTRATION

Payment of the total remittance must be made in Euros. Payments made in non-Euros currency are unacceptable. Any bank charges incurred in processing the received payments will be the responsibility of the participant.

Method of payment: Bank Transfer Credit Card

** BANK TRANSFER:

Make the transfer to CONFILODE (Congreso Mundial de Filosofía del Derecho) FREE OF BANK CHARGES FOR THE BENEFICIARY (MT103 Field 71A: OUR), *Bank - Caja de Granada -Granada-Spain, Account Number - IBAN ES70 2031 0466 6001 1510 5006*. Please ask for your full name and institution to be quoted

Please attach a copy of the bank transfer order to this form.

**CREDIT CARD: Visa and MasterCard

Credit Card details:
Card type: Visa MasterCard
Card Number _____

Card Holder's Name: _____
Expiry Date: _____

Card Holder's signature: _____

Please mail this form together with the payment, before April 1, 2005 to:

Congresos GESTAC
Palacio de Exposiciones y Congresos, local nº 6, Paseo del Violón s/n, E-18006 GRANADA (Spain)
Correo electrónico: gestac@teleline.es

REFUND POLICY

Any cancellations must be made in writing. If the cancellation is received before April 1, 2005 a refund of 90% will be given. No refund will be made for cancellations arriving after this deadline (April 1, 2005).

INFORMATION

* For any information related to the scientific programme please ask on the following e-mail address:

ivr2005@ugr.es

* For any further information please contact the technical secretary and we'll be glad to help you:

gestac@teleline.es

NOTE: For bank bills the title of the congress "XXII World Congress of Philosophy of Law and Social Philosophy" was abbreviated to **CONFILODE**.

ACCOMMODATION AND TRAVEL

All enquiries and arrangements about travel accommodation MUST be made directly to:

Congresos GESTAC
 Paseo del Violón s/n, 18006-Granada, España
 Tel.: 34-958-132949
 Fax.: 34-958-134480
 E-mail: gestac@teletel.es
 Web: http://www.idt.es/gestac

The deadline for payment of accommodation is April 20, 2005.

Please register only one person per form

Copy this form for additional registrants.

PLEASE COMPLETE IN BLOCK CAPITALS

NAME AND ADDRESS FOR CORRESPONDENCE

Surname:	Name:
Address:	
City and Postal Code:	Country:
Fax:	Tel:
E-mail:	

HOTEL	Doble	D. Single occupancy	Distance from the Conference Center	Please indicate hotel preference
ANDALUCIA CENTER****	178,00 €	139,00 €	± 200 m.	
CONDOR ****	125,50 €	100,50 €	± 1.600 m.	
CORONA DE GRANADA****	133,60 €	109,05 €	± 300 m.	
HESPERIA GRANADA****	154,10 €	123,50 €	± 600 m.	
SARAY ****	160,30 €	128,00 €	± 50 m.	
SAN ANTON ****	154,00 €	121,50 €	± 50 m.	
ABEN HUMEYA ***	83,50 €	62,50 €	± 1.800 m.	
DAURO ***	104,60 €	79,00 €	± 500 m.	
GRAN VIA ***	102,00 €	82,00 €	± 1.500 m.	
JUAN MIGUEL***	98,80 €	72,80 €	± 700 m.	
LAS NIEVES ***	94,60 €	83,50 €	± 700 m.	
LOS ANGELES ***	97,00 €	76,50 €	± 1.000 m.	
LUNA ARABIAL***	94,00 €	68,00 €	± 1.800 m.	
NAVAS ***	107,00 €	93,50 €	± 700 m.	
MONASTERIO DE LOS BASILIOS **	90,50 €	73,50 €	± 400 m.	
MACIÁ PLAZA **	81,00 €	64,50 €	± 2.000 m.	
APARHOTEL MARIOLA	73,00 €	57,50 €	± 2.500 m.	
HOSTAL CONSUL	52,00 €	40,25 €	± 300 m.	

* The rates are quoted **per room** per day and include breakfast and VAT*

*Please note that the rates of Hostal Consul and Hostel (Albergue) do **not** include breakfast.

* The price of HOSTEL (Albergue Juvenil Granada) will be indicated in January 2005.

HOSTEL (Albergue Juvenil Granada)	Distance from the Conference Center	± 2.500 m.
Price per person in double or triple room		

Please indicate your room preference:	
Double, double occupancy	Double, single occupancy

Booking Details:		
Number of Persons:	Arrival Date:	Departure Date:
Hotel:		Number of Nights:

Total Fee Payable	€
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Please see the methods of payment.

METHODS OF PAYMENT FOR HOTEL ACCOMMODATION

Payment of the total remittance must be made in Euros. **Payments made in non-Euros currency are unacceptable.** All bank charges incurred in processing the received payments will be the responsibility of the participant.

If you wish, you may pay the total accommodation cost or you may pay one night's stay cost and the remainder of the price in the secretary of the congress in Granada.

Payment Method:	Bank Transfer	Credit Card
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****BANK TRANSFER:** Make the transfer to *Congresos GESTAC (FREE OF BANK CHARGES FOR THE BENEFICIARY) MT103 Field 71A: + OUR, (BIC: CECAESMM031), Account Number-OUR IBAN ES6620310000060101826213 of Caja de Granada, Granada-Spain.*

Please ask for your full name and institution to be quoted.

Please attach a copy of the bank transfer order to this form.

****CREDIT CARD:** Visa and MasterCard

Credit Card details:														
Card type:	Visa	MasterCard												
Card Number														

Card Holder's Name:
Expiry Date:

Card Holder's signature:

Please mail this form together with the payment, before **April 20, 2005** to:

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Paseo del Violón s/n
E-18006 GRANADA (Spain)

CONDITIONS, REFUND AND CANCELATION POLICY

1. The rates are quoted **per room** per day and include breakfast and VAT, except the rates of Hos-tal Consul and Hostel (Albergue) which do **not** include breakfast.
2. Please indicate the hotels in order of preference (n° 1, 2 and 3).
We'll try to respect the hotel preference of a congressman, only if the hotel chosen by a con-gressman is already complete, we'll try to find accommodation in a similar category hotel. In case of no show, one night's payment will be charged.
3. Please make your reservations before April,20 2005, as after this date we cannot guarantee room availability.
4. Any cancellations must be made in writing and sent along with the accommodation form and copy of proof of payment to the Congresos GESTAC Secretariat. If the cancellation is received before April 30,2005 the price paid will be refunded, deducting 30 € to cover organisational costs. If the cancellation is received after April 30 and before May 15, you'll be charged only one night's stay. No refund will be made for cancellations arriving after this deadline (May 15, 2005).

GRANTS

The Organising Committee has arranged with the Granada University to have 50 rooms, free of charge, available in the University Residences for the period of Congress. These rooms will be allocated to young scholars (until 30 years old) who are registered in the Congress. Those interested must send cur-riculum vitae and details of professional and financial position to the Organising Committee by no later 20 February 2005.

SOCIAL PROGRAMME

ACCOMPANYING PERSONS PROGRAMME

(Minimum group of 35 persons. If the number of visitors is below 35, the payment will be refunded or the accompanying person will join another tour paying the difference)

The deadline for payment is April 30, 2005

The accompanying persons programme is planned to take full advantage of the rich variety of attractions found in the province of Granada which is one of Spain's premier tourist locations. These trips are proposed to highlight different features of Granada.

Please note that the quoted prices include the cost of lunch. Comfortable walking shoes are recommended.

Cathedral, Royal Chapel and Alcaiceria **Wednesday, May 25** **(50,00 €)**

The Cathedral is considered the first Renaissance church in Spain and houses one of the finest collections of Flemish-school paintings. The Royal Chapel, adjacent to the Cathedral, was erected by order of the Catholic Monarchs in order to install their tombs.

Also interesting is a walk through the Alcaiceria, the former Muslim silk market which today boasts a myriad of small handicraft shops, where the visitors can buy traditional handicrafts. The walk may continue through the Zacatin street with its many shops and boutiques. Then we'll arrive to the "Corral del Carbon", one of the oldest monuments in Granada – a former boarding house for Arab merchants and storage hold for merchandise and coal, hence the name "Carbon" which means coal.

Lunch.

Alhambra and Generalife Gardens **Thursday, May 26** **(52,00 €)**

Alhambra and Generalife Gardens. A walking tour to fully savour one of the most important delights of the city: the Alhambra - the only monument of that style to remain standing, and singular remainder of the seven centuries during which the Arabs ruled over the peninsula and the Generalife - vast and enchanting place which due to the abundance of fountains and gardens always has a very pleasant climate. The Alhambra -deservedly declared part of Mankind's Heritage. The group will be accompanied by a guide.

Lunch.

Tropical Coast **Friday, May 27** **(52,00 €)**

The coast of Granada has been one of the most important communication routes since Neolithic times, through to the Phoenicians, Greeks, Carthaginians and Romans who created merchant colonies such as Salobreña and Almuñecar. The Arab era was the most splendidous. The exceptional climate and the fertility of its lands have made it possible to cultivate tropical products which have reaped important rewards for this area.

We will pass through Motril, the most important port of the Granada coast; Salobreña, a white town on a hill with its Arab castle; and Almuñecar which the Phoenicians called Sexi, where we can visit the Majuelo Park, The Saint Michael castle and the old quarter.

Lunch.

La Cartuja, Albayzin and Sacromonte **Saturday, May 28** **(52,00 €)**

"La Cartuja" Carthusian Charterhouse, Albayzín and Sacromonte quarters are three different places of interest but can be included in the same sightseeing tour programme

The visit starts in La Cartuja, a marvellous representation of Spanish Baroque at its best. Construction of the Monastery was begun in 1506 and continued for three centuries.

Then a real must for the visitor, is The Albayzín, an area which includes old minarets such as San José, well-preserved fragments of the old city wall, the well-cared for cármenes (villas with beautiful gardens), and squares like San Nicolas with wonderful views.

And finally Sacromonte quarters would surprise the visitor by its white facades and whitewashed chimneys of the caves, which define the unique beauty of the peculiar landscape.

Lunch.

Guadix Excursion**Sunday, May 29****(52,00 €)**

The visit starts in Purullena, picturesque troglodyte village with great artisan and pottery activity. Calahorra Castle (subject to availability), lordly fortified enclave, an impressive castle with a renaissance parade ground. It belonged to the Mendoza's, a noble Castilian feudal family, Marquises of Cenete and Counts of Tendilla. Continuing the visit you arrive to Guadix, Acci in Roman times, with its castle, its Moorish alleyways and neighbourhood of cave houses which are still inhabited today. There are also important monuments such as the Cathedral, The Church of Santiago and the palace of the Marquis of Peñaflor to be seen.

Lunch in a restaurant cave in Guadix.

PLEASE SEE METHODS OF PAYMENT IN ACCOMMODATION FORM**Refund Policy:**

Any cancellations must be made in writing. If the cancellation is received before April 30, 2005 the price paid will be refunded, deducting 25 € to cover organisational costs. No refund will be made for cancellations arriving after this deadline.

CONTACT INFORMATION

World Congress of Philosophy of Law, Granada-2005*E-Mail:** ivr2005@ugr.es**Web Page:** <http://www.ugr.es/local/ivr2005>***Administrative Office (Registration, Accommodation, Travel, etc.)**

Congresos GESTAC

Paseo del Violón s/n, Local nº 6,

18006-Granada, España

Tel.: 34-958-132949

Fax.: 34-958-134480

E-mail: gestac@teleline.esWeb: <http://www.idt.es/gestac>***Organizing Committee:**

Prof. Dr. Nicolás López Calera

President

Plaza de la Universidad s/n

18071-Granada (España)

Tel. 34-958-243430

E-Mail: nilo@ugr.es

KATHOLIEKE UNIVERSITEIT BRUSSEL

Académie Africaine
de Théorie du Droit

Académie Européenne
de Théorie du Droit

Cours d'été
Bruxelles, 16-27 août 2005
(Avec le soutien financier de VLIR-UOS)

Droit, cultures et institutions juridiques des pays d'Afrique

- Problématique et enjeux du Droit en Afrique
- Culture juridique et universalisabilité de concepts, règles et modèles juridiques
- Pluralisme juridique
- L'Etat en Afrique
- Le contentieux constitutionnel en Afrique
- Décentralisation et développement local
- La protection de minorités
- Relations internationales et règlement de conflits en Afrique
- Structures supra-nationales en Afrique (Le NEPAD)
- Le fonctionnement des cours et tribunaux
- Les institutions de l'Etat de Droit et de la Démocratie
- Résolution alternative de conflits
- Les politiques pénales en Afrique
- La Charte africaine des droits de l'homme et des peuples
- L'Union Européenne et les pays ACP: les accords de Cotonou

Avec la participation de:

Grégoire BAKANDEJA (Kinshasa), Daniel BOURMAUD (Paris), Didier Boden (Paris), Jacques DJOLI (Kinshasa), Dominique ETOUGHE MBA (Libreville), Joseph JOHN-NAMBO (Libreville), Frank FLEERACKERS (Bruxelles), Marie-Claire FOBLETS (Louvain/Bruxelles), Laurent INUNGU (Lille), Martin KALULAMBI (Bogota), Vincent KANGULUMBA (Kinshasa), Jean-Pierre KILENDA (Bruxelles), Camille KUYU (Kinshasa/Paris), Henri LEGRE (Abidjan), Etienne LE ROY (Paris), Charles DE LESPINAY (Paris), Elikia MBOKOLO (Paris), Mutoy MUBIALA (UNCHR, Genève), Isidore NDAY WEL (Kinshasa), Jean Emmanuel PONDJI (Yaounde), Filip REYNTJENS (Anvers), Alain ROCHEGUDE (Paris), Michel Filiga SAWADOGO (Ouagadougou), Mark VAN HOECKE (Bruxelles), Jacques Noé VUDISA (Happert)

Renseignements et inscriptions

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Académie Africaine de Théorie du Droit
p/a 38 rue de Berri
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Academie@wanadoo.fr

Mme. Kathleen MONSIEUR – K.U.Brussel
Vrijheidslaan 17 (av. de la liberté)
B - 1081 Bruxelles
Tél. +32 2 412 43 71
kathleen.monsieur@kubrusssel.ac.be

Website: www.afrijus.org

SUMMER COURSE

LEGAL THEORY

Brussels

29th August - 16th September 2005

Since 1999 the European Academy of Legal Theory has organised a summer course in legal theory. It lasts for three weeks from the end of August until mid-September. Its aim is to present the main schools and arguments in legal theory to lawyers or law students who lack any substantial background in legal theory. It combines lectures with recommended readings and discussions on topics of current interest.

PROGRAMME

1. Lectures on various topics (2,5 hours each)

Hereafter, the title and content of the lectures on specific topics are given in the language which will be used for teaching (English or French).

As a rule, teaching hours will be 10.00 a.m. till 12.30 noon (including time for questions and discussion), on Mondays, Tuesdays, Thursdays and Fridays, during the three weeks and 2.30 p.m. till 5.00 p.m. on the afternoons during the first week.

These lectures are meant to be basic. No preliminary reading of texts is required.

Yves CARTUYVELS: *Les droits de l'Homme, frein ou facteur de criminalisation ?* (29.8 - 14.30)

Les droits de l'homme ont été conçus à la fin du XVIII^e siècle dans une perspective "garantiste" destinée à servir de "bouclier" pour le justiciable dans sa confrontation à la justice pénale étatique. Selon certains, le code pénal pouvait même à certains égards se lire comme "l'envers de la déclaration des droits de l'homme". Aujourd'hui, dans un contexte marqué par le retour de la victime, la fonction des droits de l'homme pourrait bien changer de nature : associée à la fonction "épée" du droit pénal, elle pourrait favoriser une extension de la criminalisation et un durcissement de la pénalité. On s'interrogera sur cette mutation de l'instrumentalisation des droits de l'homme qui pousse à une "criminalisation du monde".

Erik CLAES: *Punishment, Human Dignity and the Criminal Law* (31.8 – 10.00)

This lecture starts from an analysis of the penal apparatus seen as a complex social phenomenon serving a multiplicity of societal functions. These penal functions, however, are in permanent tension with the basic value of (respect for) human dignity, which brings us to one of the main issues of Criminal Law Theory: to what extent does the Criminal Law possess enough conceptual and normative resources (by means of its principles, concepts) to overcome the aforementioned tension between penal functions, on the one hand, and the value of human dignity on the other ?

Bart DU LAING: *Evolutionary Analysis in Law: Towards a New Kind of 'Natural Law'?* (16.9 – 10.00)

Law aims at regulating and influencing human behavior. Legal scholarship thus studies in essence human behavior, hence the importance of incorporating evolutionary behavioral models – which provide ultimate explanations for the studied behavior – in theoretical legal analysis. The lecture will provide an overview of the different evolutionary approaches to human behavior and of the ways in which these approaches can be and have been put to use in social sciences as the law.

Christophe EBERHARD: *Towards an intercultural Legal Theory - Perspectives from the Anthropology of Law* (2.9 - 10.00) (cette conférence peut aussi se donner en français)

Contemporary debates about globalisation, governance and human rights make it more and more clear that the Western concept of Law has to take up the challenges of interculturalism. This is true on the one hand in the field of action. Negating cultural diversity has proved to hinder a successful transfer of Western legal institutions towards the rest of the world - taking into account non-Western theories and practices thus appears increasingly paramount. The challenge of interculturalism also becomes more and more obvious in the field of theoretical research on law, as the Western character of the current paradigms appears more and more clearly. Anthropology of Law, one of whose aims it is to give a definition of "Law" through a comparison of our diverse cultural experiences can open useful paths to rethink our concept and praxis of Law.

René FOQUE: *Judicial activism* (8.9 - 10.00)

Much has been said and much has been written about the extensive and increasing use of judicial decision-making as an instrument of political, moral or socio-economic reform. Can the interpretative role of the judiciary bring the judge in the position of a (quasi)legislator? How far can the judge go in the exercise of his discretion when he has to interpret the law in order to make the law more responsive to the changing context of society? These questions will be analysed in the perspective of Montesquieu's classical theory of the balance of powers as a necessary condition for a moderate - democratic - legal order.

Benoît FRYDMAN: *Co-regulation: a New Legal Model for Global Governance?* (13.9 – 10.00)

(cette conférence peut se donner en anglais ou en français)

Cette conférence présentera les modèles de régulation juridique de l'internet. On prendra pour base de réflexion la régulation des discours de haine dans un contexte marqué par l'opposition des régimes juridiques européen et américain.

Jean-Pierre KILENDA: *Etat de droit et normes pénales: entre dogmatisme et pragmatisme* (30.8 – 14.30)

Dégagés notamment par L. Fuller et rappelés par F. Ost, certains principes qui forment la substance de l'Etat de droit sont aujourd'hui mis à mal par un certain pragmatisme pénal lors du processus législatif répressif. Ici, la réflexion porte sur le point de savoir si ce pragmatisme est rationnel. Oeuvre-t-il pour la consolidation de l'Etat de droit ou, au contraire, le compromet-il au nom d'autres raisons inavouées? L'homéostasie des règles de droit n'est-elle pas finalement régressive? La violation justifiée, calculée, mathématiquement exacte et dosée desdits principes ne comble-t-elle pas en réalité un déficit de légalité mortifère à l'Etat de droit?

Tels sont les questionnements qui requièrent une réponse à partir de l'analyse de quelques législations pénales modernes gagnées par le courant pragmatique dans la phase de la criminalisation primaire.

Christophe MINCKE: *La médiation pénale: résoudre les conflits pénaux sans recours à l'autorité* (30.8 – 10.00)

Les procédures de médiation bénéficient d'un engouement sans précédent dans tous les domaines du droit. Le droit pénal n'y échappe pas. On peut cependant s'interroger sur la signification de l'introduction en cette matière d'un mode de résolution des conflits qui fait largement l'économie de la référence à la loi. Assistons-nous à la naissance de modes non autoritaires de résolution des conflits pénaux? La question de la légitimité démocratique de l'intervention répressive se pose-t-elle dans le cas de la médiation pénale? Dans l'affirmative, qu'est-il fait pour la rencontrer?

Paolisa NEBBIA: *Tradition and interpretation in law* (6.9 – 10.00)

In investigating the nature of law, Krygier (1986) notes that any change - even a radical one - in legislation enters a continuing tradition which probably affected the way in which it was drafted and certainly will affect the ways in which it is read and applied. The lecture seeks to give an example, drawn from contract law, of the inescapability of tradition in drafting and interpreting law. More specifically, the lecture will examine how tradition has affected the implementation and the interpretation of EC Directive 93/13 in two countries where dramatic divergence in legal thinking, values, method, and in

the perception of the role of judges in the society entailed, before the Directive, two substantially different forms of unfair terms control.

François OST: *Droit et littérature. L'exemple du droit des contrats* (1.9 – 10.00)

Le courant *Droit et littérature* représente une nouvelle manière, originale, de faire de la théorie du droit. Il est en plein développement, notamment aux Etats-Unis. Ce courant se propose d'explorer les différents types de rapport qui s'établissent entre le droit, la langue et la littérature (droit *dans* la littérature, droit *et* littérature, droit *comme* littérature, droit *de* la littérature). On se propose d'explorer un exemple de la première perspective à propos de la question du temps dans le contrat. Le point de départ de l'analyse sera fourni par l'étude du *Marchand de Venise* de Shakespeare et du *Faust* de Goethe.

Pierre-Arnaud PERROUTY: *Désobéissance et démocratie* (1.9 – 14.30)

Au départ de la prétention du droit à un caractère universel et obligatoire, on analysera le rapport dialectique entre obéissance et désobéissance à la loi: quelles sont les raisons qui fondent notre obéissance, quelles en sont les limites et quelles sont les tensions entre ces raisons et la liberté individuelle ? On pourra alors tenter de préciser le concept de désobéissance civile, d'en rechercher le fondement (juridique, moral, politique ?) et d'en évaluer la place au sein de la société démocratique.

Valentin PETEV: *Droits individuels dans le contexte de mondialisation* (15.9 – 10.00)

Les mutations du droit au cours du 20^{ième} siècle nécessitent une réconceptualisation des droits individuels. Les paradigmes postmodernes (pragmatisme, décentrement du sujet, pluralisme des rationalités, polycentricité, complexité) ont fortement relativisé les positions initiales et les présupposés philosophique d'une tradition libérale, individualiste. La mondialisation, avec ses paradigmes de 'droit flou', de pluralisme juridique, de modes alternatifs de règlement des conflits, e.a., a comme corollaire nécessaire la *société civile* (nouveaux acteurs sociaux, gouvernance publique avec des droits individuels à la participation dans l'exercice du pouvoir à différents niveaux)

Mark VAN HOECKE: *European Legal Integration* (5.9 – 10.00)

Some theoretical problems of comparative law, as related to the harmonisation of private law in Europe, will be discussed. It will be shown how an insight into traditional problems of legal theory (definition and structure of legal systems, nature and structure of norms, etc.) is needed for the discussion on such a process of legal integration. This will be followed by a brief discussion of the different possible roads towards a harmonisation of private law in Europe (legal science or legal practice, legislation or judge made law, etc..).

Luc WINTGENS: *Law and religion. From foundation to interaction* (9.9 – 10.00)

This seminar focuses on the idea that law is said to be originating in morality and religion, c.q. a religious morality. Secularisation of law and morality includes that the theological foundations are cut of. The vocabulary, however, of religion, is kept intact and serves in our current thought-patterns as points of reference to a reality that is not believed in any more. Despite this loss of faith, the vocabulary of canon law and theology is kept alive in our legal vocabulary. This causes some problems of interpretation, on which attention will we drawn.

Ahmed ZIAUDDIN: *Law on Revolution* (12.9 – 10.00)

The lecture will start with brief reviews of general principles on norms, hierarchy of norms, basic norms, etc. This will then be followed by a general introduction to the breakdown of legal orders, either through revolution or otherwise, and to how the process has to be resolved in law. A number of concrete examples of revolution or breakdown will be used to illustrate the principles and problems involved.

2. General overview lectures (24 hours)

Topical lectures are complemented by a series of lectures that offer a general overview of schools, authors and arguments in twentieth century and current legal theory. These lectures will be taught by Frank Fleerackers and will take place in the afternoon in the 2nd and 3rd week (2.30 - 4.00 and 4.30 - 6.00 p.m., every working day). The teaching language will be English.

The purpose of the course is to provide a general overview of the field of jurisprudence in 20th century. Therefore, its focus on *general problems* (definition, scope and methods of legal theory; natural law and positivism; legalism), *specific fields and schools* (the Pure Theory of Law, American and Scandinavian Realism, Critical Legal Studies, Law and Economics, argumentation and legitimation) as well as on the work of *leading scholars* in jurisprudence (including Kelsen, Hart, Dworkin, Raz, Aarnio, Alexy, e.a.)

3. Social programme

A social programme will also be worked out, partly depending on the number of participants in the summer course and their interests.

ACCOMMODATION and MEALS

Accommodation will be provided for all participants, in the neighbourhood of the university. The fees include the rent for the room from Monday 29 August till Saturday September 17th. Earlier arrival is possible subject to prior arrangement. As a rule, the use of the room cannot be extended beyond Sunday 18 September.

However, a room cannot be guaranteed if payment did not reach us before the end of July.

Breakfast is not served.

For lunch and/or dinner meal tickets are available for various kinds of restaurants in the immediate neighbourhood of the university. Prices are between 6 and 9 € for a full meal, including one drink. The welcome lunch on Tuesday 30 August is included.

FEES

The fees for the summer course are 650 €. They include access to the lectures and special sessions, to the library and computer facilities, accommodation and some limited documentation.

Meals are not included.

For those who would not need accommodation the fees are 500 €.

Fees have to be paid on the account 210-0680761-67 (at the Fortis Bank) of the *Katholieke Universiteit Brussel*, Vrijheidslaan 17, B-1081 Brussels, mentioning "*Summer Course LT*", preferably before July 1st.

For payments after 1 July accommodation can not be guaranteed.

INFORMATION and CONTACT

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