



February 2005 – July 2005



TABLE OF CONTENTS

SECTION ONE:

IVR Announcements

Obituary: Prof. Aleksander Peczenik	2
IVR Executive Committee 2003/2007	4
Newly Established National Sections of IVR: Lithuania and Russia/St. Petersburg	5
Information on the IVR Encyclopaedia of Jurisprudence, Legal Theory and Philosophy of Law	5

SECTION TWO:

National Section Records, News, Announcements, Recent Publications and On-going Research (optional), Course Literature (optional)

Argentina	6	Russia – St. Petersburg	12
Canada	6	Switzerland	13
Germany	7	Turkey	14
Greece	9	United States	15

APPENDICES:

- A. A Treatise of Legal Philosophy and General Jurisprudence, ed. Enrico Pattaro
- B. First call for papers to the 8th International Workshop on Deontic Logic in Computer Science, Utrecht, the Netherlands, July 12-14, 2006.

EDITOR: Uta Bindreiter
 IVR WEB MASTER: Christoffer Wong

ADDRESSES

Editor:
 Law Faculty, University of Lund, Box 207,
 SE-221 00 Lund, SWEDEN
 Tel. +46 46 222 1140,
 Email: uta.bindreiter@jur.lu.se.
 Web Master: christoffer.wong@jur.lu.se

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.

Aleksander Peczenik 1937 – 2005

On the morning of September 19, 2005, Aleksander Peczenik died in Lund, Sweden. The community of legal theorists and philosophers of law has lost an outstanding scholar, and those of us who were privileged to count him as our friend have lost an extraordinary human being.

Aleksander Peczenik was born on November 16, 1937, in Kraków, Poland. In 1955, he took up studies in law at the Jagiellonian University in Kraków, where Kazimierz Opalek was one of his teachers. He completed his academic degrees in record time. In 1960, the year of his marriage to Irena Nowak, he received the master of law (LL.M.), in 1963 the doctoral degree (Iur. Dr.), and in 1966, he qualified himself for lecturing in law (*Habilitation*). Thus, at 29 years of age, he became professor at the Institute for Methodology of Law, in Katowice, then a branch of the University of Kraków.

Three years later, in 1969, he left Poland, and he did so without having acquired any sort of position in the West, in those days a different world. His energy, intelligence, determination, and perseverance helped him to solve the problem. He wrote about 800 letters of application, and received two answers with concrete proposals. They came from Sweden and from Germany. Aleksander Peczenik decided to go to Stockholm, and he stuck to this decision after later receiving further offers. Alf Ross, who wrote the Foreword to Peczenik's *Essays in Legal Theory*, published in 1970, was in those days one of Peczenik's main supporters as he made his way to Scandinavia. From 1969 to 1975, he was Assistant Professor for Philosophy of Law in Stockholm. Alongside his teaching of the philosophy of law in Stockholm, he studied Swedish law so intensively that he was able to pass the Swedish Law Examination in 1975, the year he commenced work as a Senior Lecturer at the Law Faculty in Lund. He had now arrived, after Kraków, at his second location. In 1978, succeeding Tore Strömberg and Karl Olivecrona, he became Professor of Jurisprudence and Law-and-Computers in Lund. From 2003 to 2004, Peczenik served as Samuel Pufendorf Research Professor, and he retired in 2004. In 1983, he earned, in Lund, a doctoral degree (Ph.D.) in philosophy, another sign of his disposition to keep learning on every imaginable front. In 1987, he was awarded an honorary doctorate at the Law Faculty of the University of Lund, and in 1991, he was named as a foreign member of the Finnish Academy of Sciences.

After his retirement in Sweden, Aleksander Peczenik embarked on a new career in his homeland. He became Professor of Legal Argumentation and Rhetoric at the Szczecin University in Poland. This new activity, which, we all expected, would culminate in 2007 at the 23rd IVR World Congress, to be held under his presidency in Kraków, the city of his biographical and intellectual

origins, was interrupted by his sudden death. That things would come full circle was not to be granted to him.

Aleksander Peczenik not only connected a mastery of his field with the permanent enthusiasm of a student, he also was an effective and engaged manager. He was Vice-President of the International Association for Philosophy of Law and Social Philosophy (IVR), and, from 2003 until his death, its President.

He not only lent his organizational talents and inspiring ideas to the IVR, but was Managing Editor of the 'Law and Philosophy Library' published by Kluwer, Co-Editor of *Associations*, and a member of the Editorial Committee of the *Archives for Philosophy of Law and Social Philosophy* and of *Ratio Juris*.

Aleksander Peczenik's academic work, reflecting the Polish analytical tradition in legal philosophy with its concentration on logic, epistemology, and methodology, is broad and deep. He never abandoned analytical rigor in developing legal philosophy in new directions. Three points serve to characterize Aleksander Peczenik's lasting contributions to legal philosophy.

The first point refers to his theory of transformation or 'jumps'. Knowledge is often backed by reasons that do not entail what is known. To this extent, knowledge and, with it, science, has a non-deductive deep-structure. In, for instance, *The Basis of Legal Justification* (1983), Aleksander Peczenik presented a comprehensive classification and profound analysis of the transformations necessary to law. Thanks to his efforts we have a kind of map of the creative steps indispensable to legal reasoning and legal knowledge.

To perform a step or a 'jump' is one thing, its justification, correctness, or objectivity, another. In order to solve the problem of justification, Aleksander Peczenik developed – and this is the second main point of his work – a theory of coherence in law, which counts as one of the most advanced coherence theories of legal knowledge. An instructive short presentation is found in his paper 'A Coherence Theory of Juristic Knowledge' in *On Coherence Theory of Law* (1998).

The third characteristic trait of Aleksander Peczenik's thinking lies in what might be characterized as reflective systematization. This element was present in his work from the beginning, but it emerged most impressively in his very recent work. An outstanding manifestation of his power of reflective systematisation is found in *Vad är rätt* (1995) as well as in his last major work, *Scientia Juris. Legal Doctrine as Knowledge of Law and as a Source of Law* (2005), the fourth volume of 'A Treatise of Legal Philosophy and General Jurisprudence' edited by Enrico Pattaro. With this volume, which gives a rich

impression of his 'Passion for Reason' – so the title of his self-presentation in Luc J. Wintgens' volume *The Law in Philosophical Perspectives* from 1999 – Aleksander Peczenik in the year of his death presented all of us with a great gift.

In writing these lines I look from time to time at the chair in my study where Aleksander Peczenik sat when we had our discussions during his visits in Kiel. Our first meeting was at Retzhof near Graz, where the Austrian Section of the IVR held a symposium on 'Philosophy and Sciences as Basis of Jurisprudence'. Thanks to a dated photograph made by Zygmunt Ziemiński from Poznań, I know that this first meeting was on May 9, 1979. The first letter I received from Aleksander Peczenik is from May 14, 1979, the last was dated August 30, 2005.

Happily, our contact over the years was not restricted to correspondence. The Retzhof conference was the beginning of a long string of meetings in Lund, Göttingen, Kiel, and in many other places around the world, the last being the 22nd World Congress in Granada, in May 2005. All of these meetings were special, many were indeed exciting, but one was so extraordinary that I will invite special attention to it here: it was the Amsterdam meeting together with Aulis Aarnio, in September 1980. There we completed the work on our joint article 'The Foundation of Legal Reasoning', published in three sections in *Rechtstheorie* in 1981. The idea for this project arose in December 1979, at a symposium on 'Argumentation in Legal Science' in Helsinki. Once we had decided on the project, Aleksander Peczenik, characteristically, poured all his energy into it. 'Top Priority' he wrote on a diagram of the relations between our theories as I had set them out, on December 12, on a sheet of paper, followed by: 'Send first draft to R.A. latest 25.12.79'. And he did so. After a string of meetings and a seemingly endless number of letters, the time was ripe. The conference in Amsterdam was one in which none of us was very much interested. Aleksander Peczenik turned up in his red BMW 320i in Göttingen, and gave me the fastest automobile trip I have ever had in my life. We discussed, all the way to Amsterdam, nothing but questions of legal theory. Aulis Aarnio was already in Amsterdam, and we immediately began working in the Hotel Destine – and we worked for three days without interruption save for short periods of sleep. Thanks to Aleksander Peczenik's enthusiasm, we were as happy as we were tired. On the third day we left Amsterdam without having seen anything of it or the conference, but with a draft that was nearly in final form.

Amsterdam was only one example of Aleksander Peczenik's extraordinary ability to electrify people and to move things along. It was not fortuitous that he was present when – in August of 1982, during a holiday that Robert S. Summers, Enrico Pattaro and he spent together with their wives in the Dolomites – the idea of the Bielefelder Kreis was born, an association of

legal theorists who devoted their work to comparative methodological research. Under Robert S. Summers' and Neil MacCormick's direction, and after a number of meetings in the Centre for Interdisciplinary Studies in Bielefeld and some ten further meetings at other places, the Bielefelder Kreis produced, in 1991, *Interpreting Statutes* and, in 1997, *Interpreting Precedents*.

It was no surprise that an individual with the abilities, the vision, the communicative competence, and the energy of Aleksander Peczenik would become President of the IVR. He transferred a good bit of his boundless energy and commitment to this organisation. I will mention only one of his many achievements: the forthcoming IVR Encyclopaedia of Jurisprudence, Legal Theory and Philosophy of Law. This electronic memory of legal theory and philosophy, world wide, is one of Aleksander Peczenik's lasting legacies.

To lose a friend like Alek is a cause for sorrow. The sorrow is inseparable from my deepest gratitude. My life would have been deprived of something fundamental had I not met him, and our world would be a poorer place if Aleksander Peczenik had not been a part of it.

Robert Alexy

IVR Executive Committee 2003/2007

President:

Aleksander Peczenik† (Sweden)

Secretary-General:

Christian Dahlman (Sweden)

Vice-presidents:

Manuel Atienza (Spain)

Paolo Comanducci (Italy)

Yasutomo Morigiwa (Japan)

Marek Zirk-Sadowski (Poland)

Treasurer:

Christoffer Wong (Sweden)

Editor of the IVR Newsletter:

Uta Bindreiter (Sweden)

Honorary Presidents:

Aulis Aarnio (Finland)

Junichi Aomi (Japan)

Norberto Bobbio† (Italy)

Arthur Kaufmann† (Germany)

Hermann Klenner (Germany)

Enrico Pattaro (Italy)

Miguel Reale (Mexico)

Carl Wellman (USA)

Arthur F. Utz† (Switzerland)

Address of IVR Authorities (2003–2007):

IVR,
Lund University, Faculty of Law,
Box 207, SE-221 00 Lund, Sweden.
E-mail: peczenik@jur.lu.se

Personal Addresses:

Secretary-General:

Christian Dahlman
Lund University, Faculty of Law
Box 207, SE-221 00 Lund, Sweden
Tel. +46 (0)46 2221031
E-mail: christian.dahlman@jur.lu.se

Treasurer:

Christoffer Wong
Lund University, Faculty of Law
Box 207, SE-221 00 Lund, Sweden
Tel. +46 (0)46 2221038
E-mail: christoffer.wong@jur.lu.se

Editor of the IVR Newsletter:

Uta Bindreiter
Lund University, Faculty of Law
Box 207, SE-221 00 Lund, Sweden
Tel. +46 (0)46 2221140
E-mail: uta.bindreiter@jur.lu.se

Other Members:

Robert Alexy (Germany)

Fernando Atria (Chile)

Brenda Baker (Canada)

Alexander Brösl (Slovakia)

Eugenio Bulygin (Argentina)

Tom Campbell (Australia)

Chongko Choi (Korea)

Slim Laghmani (Tunisia)

Burton Leiser (USA)

Kevät Nousiainen (Finland)

Sandra Marshall (United Kingdom)

Rolando Tamayo y Salmorán (Mexico)

Yan Thomas (France)

Zhang Wenxian (China)

Pauline Westerman (Netherlands)

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*: SE74 5000 0000 0562 4330 0684

Holder: IVR (Föreningen för 21a världskongress, organization number 846502-5081)

Newly Established National Sections of IVR:

In July 1st, 2005, the Lithuanian National Section of IVR was established. Also, in March 2005 the IVR St. Petersburg Section was established.

For the Records of these new sections, please see below, SECTION II.

Information on the IVR Encyclopaedia of Jurisprudence, Legal Theory and Philosophy of Law

For the prototype of the Encyclopaedia, please consult the website <http://www.ivr-enc.info>

ARGENTINA



Asociación Argentina de Filosofía del Derecho

RECORDS

- ☞ President: *Ricardo A. Guibourg*
- ☞ Vice president: *Rodolfo L. Vigo*
- ☞ Secretary: *Pablo López Ruf*
- ☞ Treasurer: *Eduardo Barbarosch*

Other members: *Ariel Álvarez Gardiol, Abel J. Arístegui, Eugenio Bulygin, Miguel Ángel Ciuro Caldani, Julio C. Cueto Rúa, José Rolando Chirico, Diego Duquelsky, Ricardo V. Guarinoni, Carlos I. Massini, Mario Portela and Renato Rabbi-Baldi*

Board surrogates: *Armando Andruett, Eduardo Barcesat, Juan Cianciardo and Pablo Navarro*

Account reviewers: *Eloy Emiliano Suárez and Carlos M. Fernández*

CONTACT

Prof. *Ricardo A. Guibourg*, President

Av. Callao 492 10 B

1022 Buenos Aires – Argentina

Tel/fax: +54 44 4372 4613 (home); +54 11 4374 2711 (office)

E-mail: pachig@ciudad.com.ar

ANNOUNCEMENTS

The XIX Argentine Meeting and I Argentine-Brazilian Meeting on Legal and Social Philosophy will be held in October 7-8-9, 2005, in San Carlos de Bariloche, Argentina, with the help of ABRAFI, the Brazilian Association for Philosophy of Law. These are the principal speakers and the subjects of their lectures: Luiz Fernando Coelho (ABRAFI President): “O resgate do culturalismo egológico na hermenêutica constitucional contemporânea”; Eduardo Barbarosch (University of Buenos Aires), “La objetividad en la moral y en el derecho”; Pilar Zambrano (Austral University, Buenos Aires), “Ronald Dworkin y la infructuosa búsqueda de objetividad en la interpretación constitucional”; Joao Mauricio Adeodato (Federal University, Pernambuco, Brazil), “O problema dos limites éticos do poder constituinte originário e da concretização da constituição pelo judiciário”; Luis Cruz (University of La Coruña, Spain), “La Constitución como orden de valores. Problemas jurídicos y políticos”; Marcelo Campos Galuppo (P.U.C. Minas Gerais, Brazil): “O uso dos principios no direito”; Jorge Douglas Price (Comahue University, Argentina), “La insoportable levedad del derecho. El ‘método’ decisional de los jueces y el ‘sistema jurídico’”; Tecla Mazzarese (University of Brescia, Italy) “Minimalismo dei diritti: Pragmatismo antiretorico o liberalismo individualista?”.

For 2006, the II Chilean-Argentine Meeting is being prepared in accord with the Chilean Society for Philosophy of Law.

CANADA



Canadian Section IVR (CS-IVR)

RECORDS

- ☞ President: *Susan Dimock* (dimock@yorku.ca)
- ☞ Vice-President: *Chris Tucker*
- ☞ Past President: *Bob Bright* (bright@cc.umanitoba.ca)
- ☞ Executive Director: *Nathan Brett* (nbrett@dal.ca)

CONTACTS

Brenda M. Baker, member of International IVR Executive (bmbaker@ucalgary.ca)

Nathan Brett (nbrett@dal.ca)

Website: <http://cs-ivr.phil.umanitoba.ca>

NEWS

CS-IVR Annual Meeting was held at the University of Western Ontario on June 1st 2005. Papers were presented on privacy and security, international law and justice, punishment, equality rights and affirmative action, censorship law, and tort liability.

Next Year's Meeting will be held at York University in Toronto, on the day following the Canadian Philosophical Association Meetings, on June 1, 2006. In addition to other work in progress, the topics for next years meeting are

The Concept of Crime
Discrimination
Children & Family Law
Justice & Health Care

RECENT PUBLICATIONS

Brenda M. Baker, “In Support of the ‘Good Reasons’ Approach to understanding Responsibility: a response to David Hodgson”, *Ohio State Journal of Criminal Law* /ed. Joshua Dressler and Antony Duff, Vol. 2 No 2 Spring 2005 pp. 485-491.

Brenda M. Baker, “Will Kymlicka on Minority Cultures and their Entitlements”, *Pluralism and Law* Vol 3: *Global Problems*, ed. Arend Soeteman, /*Archiv für Rechts- und Sozialphilosophie*/, Beiheft Nr. 90 Franz Steiner Verlag Stuttgart, 2004. pp. 11-21.

Baker, Brenda M., “Understanding Consent in Sexual Assault”, in *A Most Detestable Crime: New Essays on Rape*, K. Burgess-Jackson, ed., OUP 1999, pp. 49-70.

Brett, Nathan, “Equality and Privacy: Reflections on Privacy Patents and Bio-technology,” in *New Perspectives in the Public/Private Divide*, Law Commission of Canada / UBC Press (2003) pp. 68-93.

Brett, Nathan, “Teaching Class: Justice and Privatization in Education,” *Engaged Philosophy: Essays in Honour of David Braybrooke*, Univiesity of Toronto Press (2005) pp. 149-70. (available at <http://philosophy.dal.ca/hmpage/phpage2.htm0>).



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

CONTACT

Prof. Dr. *Lorenz Schulz*
L.Schulz@jur.uni-frankfurt.de
tel. 069-798-22921; fax 069/798-22204

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).

Conklin, William E., *The Invisible Origins of Legal Positivism: a re-reading of a tradition* (Dordrecht: Kluwer; Philosophy and Law Series, 2001), 350 pp.

Conklin, William E., "The Trap" in *Law and Critique* 13 (2002): 1-28. Lead article.

Conklin, William E., "Whither Justice? The Common Problematic of Five Models of 'Access to Justice'" in *Wind-sor Yearbook of Access to Justice*, 19 (2001): 297-316.

Culver, Keith, "How the New Information Communication Technologies Matter to the Theory of Law" *Canadian Journal of Law and Jurisprudence* 17, no. 2 (2004), 255-268.

Culver, Keith, "Leaving the Hart-Dworkin Debate," *University of Toronto Law Journal* 50, no. 4 (2001), 367-398.

Dimock, Susan, ed., *Classic Readings and American Cases in the Philosophy of Law*, edited by Susan Dimock (N.Y.: Longman Publishers, forthcoming 2005). First edition (Toronto: Prentice Hall, 2001).

Dimock, Susan, "Law and Economics: Law as Efficiency," *Classic Readings* and Dimock, Susan, Canadian Cases in the *Philosophy of Law* (2001): 117-138 and in *Classic Readings and American Cases in the Philosophy of Law* (2005).

Dimock, Susan, "The Natural Law Theory of St. Thomas Aquinas," *The Philosophy of Law* 6th edition, eds. Joel Feinberg and Jules Coleman [formerly Feinberg and Gross] (Wadsworth Press, 2000): 19-32.

MacLoed, Alistair, *Social Justice, Progressive Politics, and Taxes*, University of Victoria Press, 2004.

MacLoed, Alistair, "Globalization, Markets, and the Ideal of Economic Freedom," *The Journal of Social Philosophy*, XXXVI:2 Summer 2005, pp. 143-158

MacLoed, Alistair, "The Structure of Arguments for Human Rights," in, David Reidy and Tim Sellers, eds. Rowman & Littlefield, 2005, pp. 17-36.

MacLoed, Alistair, "Rawls' Narrow Doctrine of Human Rights," in *Rawls's Law of Peoples: A realistic utopia?* Rex Martin & David Reidy, eds., Blackwell, Oxford, 2005.

Shiner, Roger, *Legal Institutions and the Sources of Law*. Volume III of *Treatise of Legal Philosophy and General Jurisprudence*, 12 volumes. Enrico Pattaro, Gerald J. Postema and Peter Stein, eds., Dordrecht: Springer Verlag 2005. Pp. x + 255. One chapter contributed by A. Rotolo.

Shiner, Roger, *Freedom of Commercial Expression*. Oxford: Oxford University Press 2003. Pp. xxiii + 342. ISBN: 0-19-826261-2.

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 12th conference took place with great success at the University of Hagen on the subject of "Flexibility in law" ("Flexibilität im Recht. Universelle Normen und der Einzelfall"). For details see the report by Dennis Dold in: Juristische Schulung 2005, vol. 6, pp xxiv-v. The contributions of both conferences will be published in a volume of the ARSP-Beihefte."

RECENT PUBLICATIONS

Auer, Marietta, Materialisierung, Flexibilisierung, Richterfreiheit. Generalklauseln im Spiegel der Antinomien des Privatrechtsdenkens, Tübingen 2005.

Baldauf, Dieter, Die Folter. Eine deutsche Rechtsgeschichte, Köln 2004.

Bumke, Christian, Relative Rechtswidrigkeit: Systembildung und Binnendifferenzierungen im öffentlichen Recht, Tübingen 2004.

Dias, Gabriel, Rechtspositivismus und Rechtstheorien. Das Verhältnis beider im Werke Hans Kelsens, Tübingen 2005.

Fischer, Michael (ed.), Der Begriff der Menschenwürde. Definition, Belastbarkeit und Grenzen, Frankfurt am Main 2004.

Gehl, Günter (ed.), Folter – zulässiges Instrument im Strafrecht? Ein internationaler Vergleich, Weimar 2005.

Henkel, Thomas, Begriffsjurisprudenz und Billigkeit. Zum Rechtsformalismus der Pandektistik nach G.F. Puchta, Köln e.a. 2004.

Hilgendorf, Eric, Die Renaissance der Rechtstheorie zwischen 1965 und 1985, Würzburg 2005.

Kim, Dokyun, Gerechtigkeit und Verfassung. Eine Rawls'sche Deutung der bundesverfassungsgerichtlichen Formel „Eine am Gerechtigkeitsgedanken orientierte Betrachtungsweise“, Baden-Baden 2004.

Ladeur, Karl-Heinz, Kritik der Abwägung in der Grundrechtsdogmatik, Plädoyer für eine Erneuerung der liberalen Grundrechtstheorie, Tübingen 2004.

Naucke, Wolfgang / Harzer, Regina, Rechtsphilosophische Grundbegriffe, Neuwied, 5th ed., 2005.

Neufelder, Martin / Trautmann, Wolfgang, Kennzeichen Unrecht. Eine pragmatische Rechtsphilosophie, Frankfurt am Main 2005.

Ostendorf, Heribert (ed.), Folter. Praxis, Verbot, Verantwortlichkeit, Münster 2005.

Paulson, Stanley L. / Stolleis, Michael (eds.) Hans Kelsen – Staatsrechtslehrer und Rechtstheoretiker des 20. Jahrhunderts, Tübingen 2005.

Popp, Andreas, Verfahrenstheoretische Grundlagen der Fehlerkorrektur im Strafverfahren: Eine Darstellung am Beispiel der Eingriffsmaßnahmen im Ermittlungsverfahren, Berlin 2005.

Rafi, Anusheh, Kriterien für ein gutes Urteil, Berlin 2004.

Ramm, Thilo, Ferdinand Lassalle: Der Revolutionär und das Recht, Berlin 2004.

Reemtsma, Jan Philipp, Folter im Rechtsstaat? Hamburg: Hamburger Edition 2005.

Salas, Minor E., Kritik des strafprozessualen Denkens: Rechtstheoretische Grundlagen einer (realistischen) Theorie des Strafverfahrens, München.

Schapp, Jan, Freiheit, Moral und Recht: Grundzüge einer Philosophie des Rechts, Tübingen 2005.

Schwintowski, Hans-Peter, Juristische Methodenlehre, Heidelberg 2005.

Seelmann, Kurt (ed.), Menschenwürde als Rechtsbegriff. Tagung der Internationalen Vereinigung für Rechts- und Sozialphilosophie (IVR), Schweizer Sektion Basel, 25. bis 28. Juni 2003, Reihe: ARSP-Beiheft 101, Stuttgart 2005.

Sieckmann, Jan R. (ed.), Verfassung und Argumentation, Baden-Baden 2005.

Weirauch, Carolin, Juristische Rhetorik, Berlin 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*

CONTACT

Dr. *N. Philipidis*
P. Kalliga 21-23, 11473 Athens
Tel/fax: +30 1 642 3270
E-mail: dpanos@hol.gr

ANNOUNCEMENTS

The next conference of the Greek section of IVR (organized by Prof. E. Lassitis) will take place in Nicosia, 20 – 22 Oct, 2005, on “Law and Violence”.

RECENT PUBLICATIONS

Fragos, K., *Problemes de la philosophie du droit* (Strasbourg 2004).
Karandis, A., *Law and Morality* (Athens 2004).
Lassitis, E., *Rule of Law and the Moral Order* (Nicosia 2004).
Panou, St., *Justice and Time* (Athens 2004).
Panou, St. (ed.), *Law and Religion* (Athens 2005).
Valas, N. (ed.), *Probleme der Rechtsphilosophie* (Athens 2004).

LEBANON

Lebanese IVR National Section



RECORDS

- ☼ Président d'honneur: *Chibli Mallat*, Université Saint-Joseph, Directeur Chaire Jean Monnet, Avocat à la Cour
- ☼ Président: Dr *Georges Saad*, Professeur de droit public, gsaad10@hotmail.com
- ☼ Secrétaire général: *Hassan Jouni*, Professeur de droit international
- ☼ Trésorier: *Edy Sleiman*
- ☼ Responsable des relations extérieures: *Cybèle Jalloul*, Professeur de droit privé

CONTACTSS

Association libanaise de philosophie du droit
(ALIPHYD)

Sebnay-Baabda- Rue Victoria-IMM. Barbari
Beyrouth-Liban
Tél: 961 3488014
aliphyd@yahoo.com

Voyez, s.v.p., la page suivante pour une présentation de l'association.

PRESENTATION

L'Association libanaise de philosophie du Droit et société

Dans la République de Platon fut posée la problématique essentielle qui a fondé la philosophie du droit, à savoir la relation entre le pouvoir et le droit. Signalons simplement ici qu'aux temps de Platon et d'Aristote la notion de justice se basait sur la rationalité de la nature humaine, c'est-à-dire sur des conceptions relatives à l'homme et à la nature ; tandis que les choses vont changer au Moyen-âge où la force divine vint au secours pour interpréter ou justifier la raison humaine. Aux yeux de Grotius la raison humaine crée des normes juridiques de manière spontanée et c'est ce qui explique sa position opposée au fanatisme calvinien.

Avec Jean-Jacques Rousseau, dans le contrat social, les individus cèdent tous leurs droits naturels puisque la liberté est dans la soumission à une loi créée par la raison humaine (volonté générale) qui fait de l'homme un citoyen.

Tous les grands philosophes et juristes, en occident comme en orient, avaient leurs opinions sur le droit et la philosophie : Kant et Hegel, Marx et Engels, Ibn Khaldoun, Averroës et al-Chirazi.. laïcs comme religieux.

A travers ces quelques mots introductifs nous avons voulu tout simplement « donner le ton », exprimer notre attachement à la mère des sciences qu'est la philosophie.

Qui sommes-nous?

L'Association libanaise de philosophie du droit (Droit et société) a été constituée le 7 mars 2005 sous le numéro de dépôt de dossier 3428/4-2005. Nous sommes un groupe de personnes que préoccupe la recherche en matière de droit et de philosophie.

Pourquoi la philosophie du droit?

Puisque la philosophie c'est la vie, la science, le droit et la mère de nous tous. Et puisque le droit est le régulateur de la vie des gens et un outil unique, malgré sa dureté pour certaines catégories de gens (les démunis), pour rendre justice.

Toute décision rendue par le pouvoir judiciaire est nécessairement devancée par un travail philosophique, consciemment ou inconsciemment. Mais il semble que la modernité a négligé la philosophie du droit; toutefois, fort heureusement, de nombreux juristes et philosophes ont eu un sursaut suffisant pour rendre à la philosophie du droit son rôle primordial, que ce soit dans les disciplines de l'enseignement supérieur ou dans la recherche scientifique et le travail juridique (législation, jurisprudence, doctrine).

Bien que notre axe d'activités soit la philosophie du droit, nous comptons accorder une grande importance au rôle de la sociologie du droit, l'anthropologie juridique et la psychologie juridique.

Est-ce à dire que notre association se contentera de procéder à des recherches académiques et des débats doctrinaux ? Nullement. Nous comptons nous lancer dans des activités « de terrain » et avec les gens. Voici nos préoccupations :

- 1- Démontrer la réelle relation existant entre le droit et les individus, et établir des recherches juridiques scientifiques qui éclairent cette relation.
- 2- Etablir des recherches, séminaires et colloques sur des sujets divers relatifs à la philosophie du droit, au « droit et société » (l'accès à la justice par exemple) et notamment aux droits de l'homme.
- 3- Renforcer les relations avec les diverses institutions arabes, ainsi que les activités de recherches communes.
- 4- Renforcer la relation avec les institutions intellectuelles occidentales, en particulier avec celles de l'Union européenne qui tente d'établir une réelle relation privilégiée de partenariat avec les pays de la Méditerranée.
- 5- Œuvrer pour que la philosophie du droit prenne sa place parmi les matières dispensées en licence de droit dans les facultés libanaises de droit.
- 6- Coopérer dans toute activité à même de renforcer le niveau culturel, intellectuel et social des gens, notamment quand ces activités touchent les concepts de démocratie, de laïcité et des droits de l'homme.
- 7- Coopérer en vue de l'écriture d'ouvrages de philosophie du droit, en particulier pour mettre en relief ce qu'a donné la philosophie arabe en ce domaine, ainsi que la traduction et publication d'ouvrages ayant trait à la philosophie du droit.
- 8- Travailler en étroite collaboration avec l'Association prestigieuse à laquelle nous appartenons (IVR), ainsi qu'avec toutes ses sections.

Nous signalons que notre Association (ALIPHYD) est membre de l'Association internationale de philosophie du droit et de philosophie sociale (IVR) Internationale Vereinigung für Rechts-und Sozialphilosophie.

Nous n'oublions pas de nous adresser à toutes les sections de l'IVR pour leur dire notre disposition à toute collaboration avec elles. Nous sommes la première association de philosophie du droit dans le monde arabe. Nous comptons pour progresser sur la collaboration et le soutien de l'IVR et ses multiples sections, ainsi que de tout centre de recherche ou association qui partagent nos mêmes préoccupations.

Adresse provisoire de l'ALIPHYD:

c/o G. Saad

Sebnay-Baadba-Rue Victoria

Imm. Berbari

Beyrouth-Liban

Tél: 009613488014

Adresse électronique:

aliphyd@yahoo.com

LITHUANIA

IVR Lithuanian national section



RECORDS

- ☎ President: *Vaidotas Vaicaitis*
E-mail: vaidotas1@hotmail.com
- ☎ General Secretary: *Linas Baublys*
E-mail: lbaublys@yahoo.com

THE NETHERLANDS

IVR National Section of the Netherlands



RUSSIA

IVR St. Petersburg Section



Contacts

Arend Soeteman, a.soeteman@rechten.vu.nl, or

Ton Hol, A.Hol@law.uu.nl

Sanne Taekema, H.S.Taekema@uvt.nl

Contacts

☎ President: *Prof. Dr. Eduard Kuznetsov*

E-mail: kuznetsov@femida.aanet.ru

☎ Vice-President: *Prof. Dr. Victor Boer*

E-mail: boer@femida.aanet.ru

☎ Vice-President: *Vladislav Kuznetsov*

E-mail: agroup@rambler.ru

ANNOUNCEMENT

(please see Appendix B):

The 8th International Workshop on Deontic Logic in Computer Science will take place at Utrecht, The Netherlands, July 12-14, 2006.

SWITZERLAND



The Swiss Section of IVR

RECORDS

- ☼ President (until October 2005): Prof. Dr. iur. *Philippe Mastronardi*, Universität St. Gallen, Rechtswissenschaftliche Abteilung, Bodanstrasse 3, CH-9000 St. Gallen
Tel.: +41-71-224 2334, Fax: +47-71-224 3908
E-mail: philippe.mastronardi@unisg.ch
- ☼ Quaestor: Dr. *Alfred Rub*
Culmannstrasse 36
CH-8006 Zürich
Tel.: +41-1-362 8954
E-mail: a.rub@swissonline.ch
- ☼ Secretary (until October 2005): Lic.rer.publ. *Denis Taubert*,
Assistant to Prof. Mastronardi, Universität St. Gallen
Rechtswissenschaftliche Abteilung
Bodanstrasse 3, CH-9000 St. Gallen
Tel.: +41-71- 224 2332, Fax: +41-71-224 3908
E-mail: denis.taubert@unisg.ch

CONTACT

[Until October 2005]:
Lic.rer.publ. *Denis Taubert*,
Assistant to Prof. Mastronardi, Universität St. Gallen
Rechtswissenschaftliche Abteilung
Bodanstrasse 3, CH-9000 St. Gallen
Tel.: +41-71- 224 2332, Fax: +41-71-224 3908
E-mail: denis.taubert@unisg.ch

From November 2005 onwards

- ☼ President: Prof. Dr. iur. *Marcel Senn*, Lehrstuhl für Rechtsgeschichte, Juristische Zeitgeschichte und Rechtsphilosophie, Universität Zürich
Rämistrasse 74/23
CH-8001 Zürich
Tel. +41-44- 634 30 05, Fax +41-44- 634 43 90
E-mail: marcel.senn@rwi.unizh.ch
- ☼ Secretary : Lic.iur. *Dániel Puskás*, Assistant to Prof. Senn, Lehrstuhl für Rechtsgeschichte, Juristische Zeitgeschichte und Rechtsphilosophie, Universität Zürich
Rämistrasse 74/23
CH-8001 Zürich
Tel. +41-44- 634 31 10, Fax +41-44- 634 43 90
E-mail: daniel.puskas@rwi.unizh.ch

CONTACT [from November 2005]: Lic.iur. *Dániel Puskás* [see above]

ANNOUNCEMENT

The executive committee is about to prepare a specialist symposium on the subject "Brain research and legal responsibility" ("Gehirnforschung und rechtliche Verantwortung") in May 2006 at the University of Bern.

TURKEY

The Turkish Section of IVR



RECORDS

☼ President: Prof. Ülker Gürkan, Baskent University

CONTACT

Professor Gülriz Uygur
Associate Professor of Philosophy of Law
Ankara University, Faculty of Law
Head of the Department of Philosophy of Law and
Sociology of Law
E-mail: guygur@law.ankara.edu.tr
Eylem Ümit
Research Assistant Phd
Ankara University, Faculty of Law
06590 CEBEÇI/ANKARA
E-mail: eumit@law.ankara.edu.tr

LIST OF MEMBERS

Prof. Adnan Guriz Phd., Ankara University Faculty of Law
Prof. Ulker Gurkan Phd., Baskent University Faculty of Law
Prof. Vecdi Aral, Kocaeli University Faculty of Law
Prof. Cahit Can Phd., Ankara University Faculty of Law
Prof. Yasemin Isiktac Phd., Chairwoman of Philosophy of Law
and Sociology of Law Dept., Istanbul University Faculty of
Law
Assist. Prof. Gülriz Uygur Phd., Chairwoman of Philosophy
of Law and Sociology of Law Dept., Ankara University
Faculty of Law
Assoc. Prof. Mehmet Tefvik Özcan Phd., Istanbul University
Faculty of Law
Prof. Dr.Niyazi Öktem Phd., Bilgi University Faculty of Law
Prof. Dr.Hayrettin Ökçesiz Phd., Mediterranean University
Faculty of Law
Prof. Dr.AliYasar Sarıbay, Uludag University
Assoc. Prof. Ahmet Ulvi Türkbağ Phd., Galatasaray University
Faculty of Law
Saim Üye Phd., Ankara University Faculty of Law
Eylem Ümit, Ankara University Faculty of Law
Fatma İrem Caglar, Kocaeli University Faculty of Law
Ozge Yucel, Gazi University Faculty of Law
Mehmet Arısan, University of Essex Department of Govern-
ment
Vahap Coşkun, Dicle University Faculty of Law
Hüseyin Ontas
Eastern Mediterranean University Faculty of Law
Zeynep Üskül, Galatasaray University Faculty of Law
Aydin Omur Surlu, İzmir University Faculty of Law
Sercan Gürlü, İstanbul University Faculty of Law

NEWS

from the Faculty of Law, Galatasaray University:

Recent Publications and On-going Research

To Demonstrate the Indemonstrable: an Introduction to
Ronald Dworkin's Theory of Law

Two Positivisms (Austin and Hart), as a Conception of
the Universe and Human Being

Graduate Courses:

Jurisprudence or General Theory of Law; Introduction to
Law or Fundamental Concepts of Public Law ; Philoso-
phy of Law; Sociology of Law

Postgraduate Courses:

From Rationalism to Postmodernism

The course has two purposes in order to develop a broader
outlook with which students can evaluate present and
past. General purpose of the course is to introduce two
of very important points of history of thoughts. First of
them is Seventeenth Century Rationalism which was
mainly represented by Descartes, Leibniz and Spinoza
and second is the end or negation of orthodox rationalism
namely, postmodern thought which has been raised since
1970s. Specific purpose of the course is to explain histori-
cal progression. So, participants are able to understand
why rationalism was born, raised in seventeenth century
and why it falls today.

Cultural Fundaments of Europe and Turkish Identity

Europe and Turks, these two words by only being to-
gether, lead to some cultural disquiets. Europe defines
itself, with its historical roots and milestones like Hellenic
Civilization, Christianity, Renaissance, Reform, Enlight-
enment and Industrial Revolution etc. From this point of
view, on the other hand, Turkish identity, with its roots
from Middle Asia to Anatolia, is a completely different
story. Can these too much 'distinct' cultures be together?
According to Article of Establishing Treaty, EU's aim is to
contribute to flourish the cultures of the Member States,
while respecting their national and regional diversity. But
demands for 'Referendum' and endless discussion about
membership of Turkey seem to show that legal real-
ity is very different from historical prejudices and social
facts. Therefore, the key question is that whether the two
cultures are contrary to one another. So to speak, while
Europe has taken the fundamental determinants of its
identity, name and religion from the East, could its culture
be so distinct from Turkish culture which has interacted
with Europe for 1600 years? Possible answers, except the
stereotypical ones, for the above questions and issues com-
prise the main core of the course.

Assoc. Prof. Dr. Ahmet Ulvi TÜRKBAĞ
Department of Philosophy and Sociology of Law

UNITED STATES

AMINTAPHIL



- ☼ President: *Larry May*, Washington University, St. Louis. Phone: +1 314 935-6614.
E-mail: larrymay@artsci.wustl.edu
- ☼ President: *Carol Gould*, George Mason University. Phone: +1 703-993-4510.
E-mail: cgould@gmu.edu
- ☼ Executive Director: *Bruce Landesman*, University of Utah. Phone: +1 801 581-8361.
E-mail: Bruce.Landesman@philosophy.utah.edu
Fax: +1 801 585-5195
- ☼ Executive Committee:
 - Larry May*, Philosophy, Washington University, President
 - Carol Gould*, Philosophy, George Mason University, Vice President
 - Robert Moffat*, Law, University of Florida, Past President
 - Bruce Landesman*, Philosophy, University of Utah, Executive Secretary
 - David Reidy*, Philosophy, University of Tennessee, Program Committee Chair
 - Richard Nunan*, Philosophy, College of Charleston, Nominations Committee
- ☼ Chair:
 - Mortimer Sellers*, Law, University of Baltimore, Publications Committee Chair
 - Burton Leiser*, Philosophy, Pace University, IVR Representative
 - Leslie Francis*, Philosophy, University of Utah, Nominated IVR Representative
 - Helen Stacy*, Law, Stanford University, Member at Large
 - Joan McGregor*, Philosophy, Arizona State University, Member at Large

CONTACT

Bruce Landesman, University of Utah
Phone: +1 801 581-8361
Email: Bruce.Landesman@philosophy.utah.edu
Fax: +1 801 585-5195

NEWS

THE AMERICAN SECTION OF THE INTERNATIONAL ASSOCIATION FOR PHILOSOPHY OF LAW AND SOCIAL PHILOSOPHY

Kenneth Kipnis, University of Hawaii, has stepped down as Executive Director of AMINTAPHIL after serving for five years. He has guided AMINTAPHIL through several successful meetings. He, along with publications chair Mortimer Sellers, has helped us secure an excellent book contract for volumes which will originate out of five AMINTAPHIL conferences. The first volume, on Just

War Theory, contains papers from our Fall, 2004 meeting at Stanford University in Palo Alto, California. The members of AMINTAPHIL are grateful for Ken's dedicated and conscientious service. He managed our organization very well and kept it flourishing.

He is succeeded by Bruce M. Landesman of the University of Utah, who took over on 1 July, 2005.

We have recently had an elections for new officers. Our new President is Larry May, Washington University. Our new vice president is Carol Gould, George Mason University. Robert Moffat, University of Florida, steps down as President but remains on our Executive Committee as immediate Past President. These officers will serve until after our next meeting in Autumn 2006.

Burton Leiser, Pace University, has been an IVR representative since 1999. He will be stepping down after the next World Congress in 2007. The members of AMINTAPHIL are grateful for his excellent service.

The next AMINTAPHIL meeting will take place in October, 2006 in St. Louis, Missouri. The hosts are Washington University, St. Louis, and Southeast Missouri University, Cape Girardeau, Missouri. The general topic is "Coercion, Justice and Democracy".

AMINTAPHIL meetings are conducted in an unusual way. Everyone who attends writes either a principal paper on the general topic or a commentary on one or more of the principal papers. The papers and commentaries are circulated in advance. Papers are grouped into sub-topics for specific sessions and discussed. Those who attend are expected to have read the submissions and no papers are read at the meeting. The focus is on discussion and dialogue.

Non-AMINTAPHIL members of IVR are welcome to attend our meetings. Please contact Bruce Landesman at Bruce.Landesman@mail.hum.utah.edu for additional information.

We also announce the publication of the volume that grew out of our 2002 meeting, *Universal Human Rights: Moral Order in a Divided World*, edited by David A. Reidy and Mortimer N.S. Sellers. It is published by Rowman and Littlefield Publishers, Inc., Lanham, MD, USA. It may be ordered online for a 15% discount at www.rowmanlittlefield.com.

We also announce the publication of recent books by our President and Vice President, both published by Cambridge University Press. Larry's *May's Crimes Against Humanity: A Normative Account* was published this year; Carol Gould's *Globalizing Democracy and Human Rights* was published in 2004.

As noted above, we have a contract for a volume originating from our 2004 meeting and for our next four meetings. The series, published by Springer, is called *AMINTAPHIL: The Philosophical Foundations of Law and Justice*. Mortimer Sellers, University of Baltimore, is the series editor. The first volume will be entitled *Intervention, Terrorism, and Torture: Contemporary Challenges to Just War Theory*. The editor is Steven Lee, Hobart and William Smith Colleges.

Here is the program from the most recent AMINTAPH-IL meeting, held at Stanford California, Nov. 18 - 21, 2004.

JUST WAR THEORY:

CONTEMPORARY CHALLENGES

I. THURSDAY, November 18, 7-9:45 p.m. — JUST WAR THEORY IN GENERAL — Chair: William Nelson

Edmund Abegg: "Morality, War, and Terrorism: an Overview"; Mortimer Sellers: "St. Augustine's Conception of Just and Unjust Wars"; Robert Van Wyk: "Reflections on Elshtain, Weigel, and Harris and Just War Theory"; Fred Foldvary: "Natural and Constitutional Law on War"

Comments: William Murnion

II. FRIDAY, November 19, 9 - 11:45 a.m. — JUS AD BEL-LUM ISSUES — Chair: Carol Gould

Steve Viner: "Is a Right of State Self-Defense Morally Justified? A Reply to Rodin"; Helen Stacy: "Relational Sovereignty and Humanitarian Intervention"; Steven Lee: "Preventive Intervention"; Rex Martin: "Walzer and Rawls on Just Wars and Humanitarian Interventions"; David Wood, "Just War Theory and Just Punishment"; Thomas Peard, "Can National Self-Defense Be Grounded in Personal Self-Defense?"; Comments: Win-Chiat Lee

III: FRIDAY, November 19, 2 - 4:30 p.m. — JUST WAR AND PEACEFUL ALTERNATIVES — Chair: Richard DeGeorge

Emily Crookston: "Just War Theory and Pacifism: A Catholic Perspective"; Sterling Harwood: "Reconciling Just War theory and Buddhist Pacifism"; Burton Leiser: "When Peace Is Foolish, Cowardly, or Just Plain Wrong"; David Fagelson: "Intervention and Development: Is Foreign Assistance Ethical?"; Richard Parker: "A Proposal for a Reformed and Strengthened UN Security Council"

IV. PANEL DISCUSSION: 5:30-7:30, followed by Reception

V. SATURDAY, November 20, 9 -11:45 a.m. — JUS IN BELLO ISSUES — Chair: Leslie Francis

Jeffrey Brown: "The Moral Equality of Soldiers: Moral Responsibility and the Right to Life"; Richard DeGeorge: "Jus in Bello, Non-Combatant Immunity, and Contemporary Warfare"; Sally Scholz: "War Rape: A Just War Analysis"; Stephen Nathanson: "Collateral Damage, Noncombatant Immunity, and Supreme Emergency"; David Duquette: "The Problem of Consistency in Walzer's Conception of Jus in Bello"; Kenneth Himma: "The Prohibition Against Torture: Is Torture Ever Permissible"; Larry May: "Humanity, Prisoners of War, and Torture"

Comments: Alistair Macleod, Deirdre Golash, Bruce Landesman, Matt Zwolinski, Ken Kipnis, Don Scheid, Carol Gould, Leslie Francis

VI. SATURDAY, November 20, 2:15 - 5 p.m. — TERRORISM AND LEGAL ISSUES — Chair: Richard Wasserstrom

Alistair Macleod: "The War Against Terrorism and the 'War' Against Terrorism"; Jonathan Schonsheck: "Prevention and Precedent"; Anja Matwijkiw: "Retaliation as a Punitive Prohibition"; Robert Moffat: "How to Respond to Terrorism"; Lester Mazor: "Not on the Agenda-American Lawyer-Philosopher's Neglect of Internet. Law"; Eugene Dais, "Perfect Terrorism and Superpower Defense"; Wade Robison, "Collateral Damage"

Comments: Hamner Hill, William Nelson

BANQUET, 7 p.m.

VII. SUNDAY, November 21, 9 - 11 a.m. — Rapporteur Session and Business Meeting

A Treatise of Legal Philosophy and General Jurisprudence

Editor-in-Chief: **Enrico Pattaro**

- First ever
multivolume
treatment of all
important issues in
the legal philosophy
field for jurists and
legal & practical
philosophers



A Treatise of Legal Philosophy and General Jurisprudence

Contributing to a better understanding of the contemporary debate

Editor-in-Chief: **E. Pattaro**, CIRSFD and Law Faculty, University of Bologna, Italy

Volume Editors: **E. Pattaro**, CIRSFD and Law Faculty, University of Bologna, Italy; **H. Rottleuthner**, Law Faculty, Freie Universität Berlin, Germany; **R. A. Shiner**, Department of Philosophy, Okanagan University College, Canada; **A. Peczenik**, Law Faculty, Lund University, Sweden; **G. Sartor**, CIRSFD and Law Faculty, University of Bologna, Italy

Advisory Board: **Norberto Bobbio**, **Ronald Dworkin**, **Lawrence M. Friedman** and **Knud Haakonssen**

A Treatise of Legal Philosophy and General Jurisprudence is a comprehensive, multivolume treatment of the issues in legal philosophy and general jurisprudence, from both a theoretical and a historical perspective. The work is aimed at jurists as well as at legal and practical philosophers.

The editors have divided the entire work into three parts:

- one theoretical part, consisting of 5 volumes,
- two historical parts, one consisting of four volumes and one consisting of two volumes and a volume of index.

The theoretical part (5 volumes) will cover the main topics of contemporary debate, such as the ontology and nature of law, the theory of normativity, the law and the right, law and morality, legal epistemology, interpretation, the sources of law, legal reasoning, and logic and the law.

The historical parts (6 volumes) will account for the development of legal thought from ancient Greek times through the twentieth century. The history of the lawyers' legal philosophy from "within" runs parallel to an analysis of how the greatest schools of general philosophy have dealt with legal issues.

There is between the theoretical and historical parts of this a close interconnection that results from a substantial coordination among the volume editors and authors in designing the entire project first and treating the topics afterwards. The two parts thereby complete each other: the theoretical volumes will also focus on the historical roots of the main legal concepts, while the historical volumes will present a number of theoretical pointers that contribute to a wider understanding of the contemporary debate.

Set-Up of the Entire Work

The entire work is divided into three parts:

- one theoretical part, consisting of five volumes, to be published in 2005
- two historical parts, one consisting of four volumes and one consisting of two volumes and a volume of index, scheduled to be published as of 2006.



A Treatise of Legal Philosophy and General Jurisprudence

The Theoretical Part

Volume 1

The Law and the Right

A Reappraisal of the Reality that ought to be

Enrico Pattaro

Section I reconstructs the current as well as the traditional civil-law conception of the reality that ought to be and raises some critical theoretical issues. Section II introduces some

basic concepts on language and behaviour and presents a conception of norms as beliefs. Section III aims to find explanations for the idea of a reality that ought to be. Section IV consists of inquiries focussed on Homeric epic, the natural-law school, and the normativistic view of positive law. Section V outlines the history of the ideas of principle, system and rule.

Written by an international group of leading scholars

Volume 2

Foundations of Law

Huber Rottleuthner

This volume focuses on legally external foundations of law by which the origin, the

development and the functions of law are explained. Such external variables might be found in mythology, religion, in extra or intra human nature, in the economy, moral attitudes and beliefs, societal conditions, etc.

Volume 3

Legal Institutions and the Sources of Law

Roger A. Shiner

This volume investigates the sources of law and focuses on how legal sources actually function

analytically within legal systems to create law. It examines how sources such as legislation, precedent custom, delegation, codes or constitutions directly generate validity for legal norms, or how these sources are authoritative for legal decision-making.

Volume 4

Scientia Juris

Legal Doctrine as Knowledge of Law and as a Source of Law

Aleksander Peczenik

Legal doctrine has faced repeated criticism, not least from minimalist philosophers. The author proposes a "Copernican revolution" in the way

of understanding the relation of legal theory to philosophy. Instead of attempting to make legal theory follow one of the notoriously controversial moral theories, we can try to adjust philosophy to legal theory. In the search for a philosophy adjusted to legal doctrine, cautious philosophical positions are preferred to daring ones.

Volume 5

Legal Reasoning

A Cognitive Approach to the Law

Giovanni Sartor

Legal Reasoning is an application of a broader human competence: the ability to process

information in order to come to appropriate determinations. It requires us to bring to bear on legal reasoning the rich variety of studies which address the phenomenon of practical cognition and to view various elements and aspects of legal thinking as different aspects of a unique cognitive process.

Recommend this to your Library

First ever multivolume treatment of all important issues in the legal philosophy field for jurists and legal & practical philosophers

Recommend your library to purchase this important title for jurists and legal & practical philosophers.

A Treatise of Legal Philosophy and General Jurisprudence is the comprehensive, multivolume treatment of the issues in legal philosophy and general jurisprudence, from both a theoretical and a historical perspective. The work is aimed at jurists as well as at legal and practical philosophers.

The entire work is divided into three parts:

- one theoretical part, consisting of five volumes, to be published in 2005
- two historical parts, one consisting of four volumes and one consisting of two volumes and a volume of index, scheduled to be published as of 2006.

A Treatise of Legal Philosophy and General Jurisprudence The Theoretical Part

2005. Approx. 1998 p. (5-volume-set). Hardcover
ISBN 1-4020-3387-7
€ 749,00; £ 576,00

Order Now!

Yes, please send me _____ copies.

A Treatise of Legal Philosophy and General Jurisprudence The Theoretical Part

2005. Approx. 1998 p. (5-volume-set). Hardcover
ISBN 1-4020-3387-7 **€ 749.00; £ 576.00**

- ☐ Please bill me
 ☐ Please charge my credit card:
 ☐ Eurocard/Access/Mastercard
 ☐ Visa/Barclaycard/Bank/Americard
 ☐ AmericanExpress

Number Valid until

Available from

ROTHACKER
Postfach 1563
82144 Martinsried bei München
Tel.: 089-899164-20
Fax: 089-899164-11
Email: bestellung@rothacker.de
Internet: www.rothacker.de

Name

Dept.

Institution

Street

City / ZIP-Code

Country

Email

Date ✕

Signature ✕



First Call for Papers

8th International Workshop on Deontic Logic in Computer Science (Δ DEON2006)

Special Topic: Artificial Normative Systems

**Utrecht, The Netherlands
July 12-14, 2006**

<http://www.cs.uu.nl/deon2006/>

The biennial DEON workshops are designed to promote cooperation among scholars across disciplines who are interested in deontic logic and its use in computer science. These workshops traditionally support research linking the formal-logical study of normative concepts and normative systems with computer science, artificial intelligence, philosophy, organisation theory and law. In addition to these general themes, DEON2006 will encourage a special focus on the topic

ARTIFICIAL NORMATIVE SYSTEMS.

There have been seven previous DEON workshops: Amsterdam, December 1991; Oslo, January 1994; Sesimbra, January 1996; Bologna, January 1998; Toulouse, January 2000; London, May 2002; Madeira, May 2004. Selected papers from each of these workshops have been published internationally. (See the links on the DEON2006 website.)

The Program Committee invites papers concerned with these

WORKSHOP GENERAL THEMES:

- the logical study of normative reasoning, including formal systems of deontic logic, defeasible normative reasoning, the logic of action, and other related areas of logic,
- the formal analysis of normative concepts and normative systems,
- the formal representation of legal knowledge,
- the formal specification of aspects of norm-governed multi-agent systems and autonomous agents, including (but not limited to) the representation of rights, authorisation, delegation, power, responsibility and liability,
- the formal specification of normative systems for the management of bureaucratic processes in public or private administration,
- applications of normative logic to the specification of database integrity constraints,
- applications of normative logic to the specification of computer security protocols,
- normative aspects of protocols for communication, negotiation and multi-agent decision making.

And the Committee especially welcomes papers addressing the

WORKSHOP SPECIFIC THEME ARTIFICIAL NORMATIVE SYSTEMS

DEON2006 has a special focus on deontic notions in the theory, specification and implementation of artificial normative systems, such as electronic institutions, norm-regulated multi-agent systems, and artificial agent societies more generally. We also invite studies of hybrid systems, incorporating both human and computer-based agents. Topics of interest in this special theme include, but are not limited to:

- | | |
|---------------------------------|--|
| • normative systems | • virtual organisations |
| • regulated multi-agent systems | • contracts, laws, regulations in artificial societies |
| • norms in agent societies | • norm violation and punishment |
| • normative agents | • norm verification |
| • (electronic) institutions | |

We welcome both theoretical work (formal models, representations, specifications, logics, verification) and implementation-oriented work (architectures, programming languages, design models, simulations, prototype systems) on these specific topics.

Submission details

Authors are invited to submit an original, previously unpublished, research paper pertaining to any of these topics. The paper should be in English, and should be no longer than 15 pages, or approximately 7500 words. The first page should contain the full name and contact information for at least one of the authors, and it should contain an Abstract of no more than ten lines. Authors should submit their papers electronically, in either .pdf or .ps format.

Authors should consult the website <http://www.cs.uu.nl/deon2006/> for instructions for submitting their papers electronically. [These instructions will become available shortly.] (Anyone who is unable to send the paper electronically and wishes to submit hard copies should inquire for details from one of the Program Co-Chairs at the addresses given below.) Authors are especially encouraged to use the Springer LNCS styles if possible; these are available at <http://www.springer.de/comp/lncs/authors.html>. The deadline for submission is 27 January 2006.

Timetable:

- 27 January 2006: Submission deadline
- 24 February 2006: Notification of acceptance
- 24 March 2006: Deadline for final, camera-ready versions.

Publication:

Copies of the Workshop Proceedings, will be provided to all participants. We expect to publish the proceedings with Springer in their LNCS series. In addition, we anticipate that revised versions of selected papers from the workshop will be published in a special issue of the Journal of Applied Logic (Elsevier).

Invited Speakers:

- Jose Carmo (Madeira)
- Frank Dignum (Utrecht)
- Paolo Petta (Vienna)

General and Program co-chairs:

- Lou Goble, Department of Philosophy, Willamette University, USA. Email: lgoble@willamette.edu
- John-Jules Meyer, Department of Information and Computing Sciences, Utrecht University, The Netherlands. Email: jj@cs.uu.nl

Organizing Committee co-chairs:

- Jan Broersen, Department of Information and Computing Sciences, Utrecht University, The Netherlands. Email: broersen@cs.uu.nl
- Henry Prakken, Department of Information and Computing Sciences, Utrecht University, The Netherlands. Email: henry@cs.uu.nl

Program Committee:

- Paul Bartha (University of British Columbia)
- Jan Broersen (Universiteit Utrecht)
- Mark Brown (Syracuse University)
- José Carmo (University of Madeira)
- Frédéric Cuppens (ENST-Bretagne Rennes)
- Robert Demolombe (ONERA Toulouse)
- Frank Dignum (Universiteit Utrecht)
- Lou Goble (Willamette University, co-chair)
- Risto Hilpinen (University of Miami)
- John Horty (University of Maryland)
- Andrew Jones (King's College London)
- Lars Lindahl (University of Lund)
- Alessio Lomuscio (University College London)
- Paul McNamara (University of New Hampshire)
- David Makinson (King's College London)
- John-Jules Meyer (Universiteit Utrecht, co-chair)
- Ron van der Meyden (University of New South Wales / NICTA)
- Donald Nute (University of Georgia)
- Rohit Parikh (City University of New York)
- Henry Prakken (Universiteit Utrecht / University of Groningen)
- Filipe Santos (ISCTE Portugal)
- Giovanni Sartor (University of Bologna)
- Krister Segerberg (Uppsala University)
- Marek Sergot (Imperial College London)
- Carles Sierra (IIIA-CSIC)
- Leon van der Torre (CWI Amsterdam / Delft University of Technology)
- Lennart Åqvist (Uppsala University)



Universiteit Utrecht

ICS Department of
Information &
Computing
Sciences