

March 2006 – July 2006



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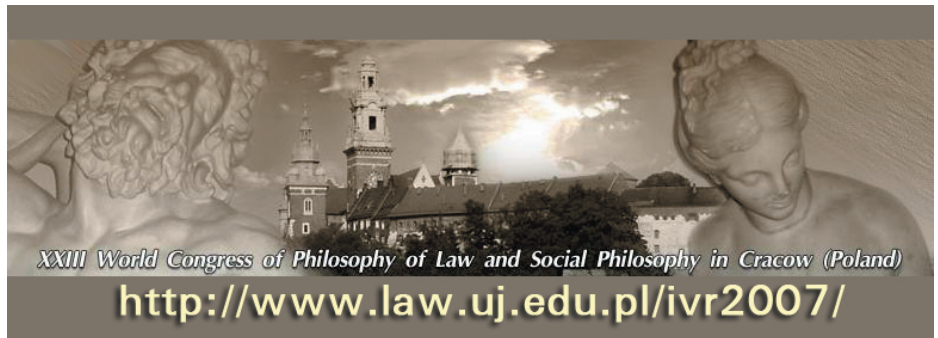
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IVR NEWSLETTER

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

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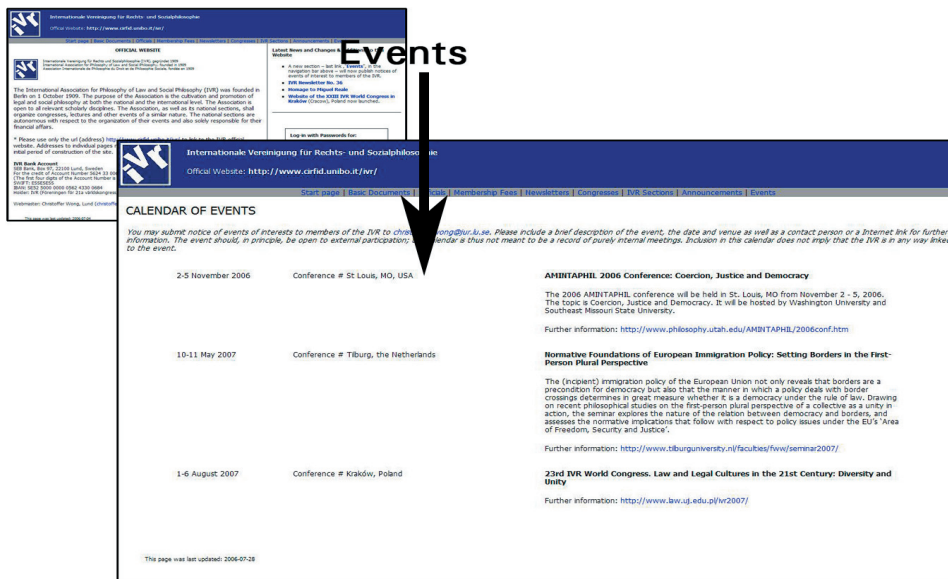
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UPCOMING EVENTS AT THE IVR WEBSITE

There is now a new section at the IVR website with announcements of upcoming events. Members of the IVR are welcome to submit notices of events (*christoffer.wong@jur.lu.se*) that are of interests to other members of the IVR. As a general principle only events open to external participants will be included.

Notices of events should provide a brief description of the type and content of the event, its location and date as well as further information such as a contact person or a website. Additional information that may be provided include: language(s) of the event, requirement to register, fees, subsidies, call for papers etc.



Membership Fees:

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)

ARGENTINA

Asociación Argentina de Filosofía del Derecho

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ANNOUNCEMENT

In September 15, 16, 17, 2006, the XXth Argentine Meeting on Philosophy of Law and Social Philosophy will be held in Santa Fe, Argentina, at the Universidad Nacional del Litoral.

Speakers will be professors Marcelo Alegre, Juan José Bentolila, Martín Laclau, Roberto J. Vernengo, Rodolfo Vigo and Hugo Zuleta.

The meeting is open to every subject in philosophy of law and related disciplines, such as general theory of law, political and social philosophy, ethics, logics and legal sociology. Anyone may submit and present a paper to be discussed in workshops.

Papers may be sent by e-mail to pachig@ciudad.com.ar or presented before the meeting is opened. On the first

day, 50 paper copies of an abstract no longer than one page should be presented, to enable their distribution to participants.

As in previous years, the Association will grant the Young Researcher

Award. Authors under the age of 35 years (by September 1, 2006) may participate with a paper not exceeding 10,000 words. Papers should be sent before August 6, 2006, in five paper copies and a disk with a Word magnetic version, everything signed with a pseudonym. The author's personal data and signature should be enclosed in a closed envelope, with the author's pseudonym on its exterior. The material should be sent in an anonymous envelope to "Premio de la AAFD", Uruguay 705, 4º piso, Buenos Aires (Estudio Barbarosch).

AAFD will pay the winner's trip (only domestic) and lodging in Santa Fe during the meeting. The paper will be discussed in a plenary session and published in *Ideas y Derecho*, the annuary of the Association.

For further information, please contact Ricardo A. Guibourg, pachig@ciudad.com.ar

| | |
|-----------------|---------------------|
| Pablo López Ruf | Ricardo A. Guibourg |
| Secretary | President |

BRAZIL



Brazilian Association for Philosophy and Sociology of Law (ABRAFI)
Associação Brasileira de Filosofia do Direito e Sociologia do Direito

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REALE'S PRESENCE

Luiz Fernando Coelho

On April 14, 2006, Good Friday, in the City of São Paulo, Professor MIGUEL REALE passed away at the age of 95.

A philosopher, jurist and poet, member of the Brazilian Literary Academy, president of the Brazilian Institute of Philosophy, which he founded in 1949, Honorary President of ABRAFI – Brazilian Association of Law and Legal Sociology, as well as one of the Honorary Presidents of the IVR – Internationale Vereinigung für Rechts- und Sozialphilosophie, as the “honoris causa” Doctor of Brazilian and foreign universities.

During the last years of his life he won the affection and attention of all, for his unending intellectual work and tenacious sample. Absolutely coherent until his last moment, he continued to exercise law and never deviated from juridical literature, gracing us with articles and current works of great importance. He tranquilly journeyed through the most varied themes of, not only Juridical, Political and Social Philosophy, but the Dogmatic Theory of Law as well. With profound knowledge of Brazilian Law, and one of its constructors, it is said that, aside from his dedication to literary work and thinking, Reale was, above all, a professor, a master of oratory, whose classes, speeches and conferences will remain recorded in the memories of those who experienced them.

Miguel Reale was born in São Bento do Sapucaí, São Paulo, on November 6, 1910 and graduated from the University of São Paulo Law School, where he became cathedraic of Philosophy of Law, and twice Dean of the University of São Paulo.

His work dedicated to research in Juridical, Political and Social Philosophy was extraordinary, with the publishing of dozens of books, some of which were translated into other languages. Equally important were his works on Juridical Dogmatic issues, and his contribution to Brazilian Law, culminating in the text of the new Civil Code, written under his general coordination. The Brazilian Civil Code, which went into effect January 11, 2003, reflects many of Reale's ideas.

Besides meriting unanimous recognition as the most important Brazilian philosopher, he is also noted, for his originality in his writings for General Philosophy and, especially, Juris-philosophy, where Miguel Reale represents the apogee of the most expressive movement in the history of ideas of the 20th century, the Phenomenological Culturalism.

In the field of Social Philosophy, the culminating moment of Reale's work was the Tridimensional Theory of Law. It is the synthesis of an encompassing vision of society, which extends its roots in Illuminism and, at the same time, signals the reconciliation between science and philosophy, which was previously separated by illuminist Metaphysics.

Juridical Culturalism shows that science and Philosophy of Law can and should be treated unitarily, and Reale, having absorbed Husserl's Phenomenology and Ortega y Gasset's rational vitalism, amongst other nonetheless important influences, developed a Juridical Ontology capable of establishing perfect articulation between the search for universals and the demands of scientificity, a problem that captured the attention of scholars of Juridical Epistemology ever since the famous conference of Kirchmann, around the mid 19th century.

Without abandoning the universalistic vision inherited from traditional Juris-philosophy, Reale tried to get away from the tendencies of a hypostatization of concepts and values, through the scientific reconstruction of juridical knowledge, and was able to incorporate values to the true object of Legal Science. His search is the ontological universality of law, but his referential is the reality of law as the day to day experience of lawyers, procurators, magistrates and common people who experience justice and injustice.

The ontological scope of the Tridimensional Theory was establishing that law is something that exists in history and is integrated to the group of objects created by rational activity, to which it attributes a meaning, transforming it into a sullen of a valuing concrete content, such as the works of art and scientific conquests. This kind is specifically denominated as culture, and cultural progress

engenders what Reale has dubbed axiological constants, the nucleus of civilization, which tends to perfect itself, but never reaching a level of absolute, a human work that is the product of rationality. This is, by the way, one more implication of Realean Ontology, the exhausting of the being in that which is humanly essential, moving away from Hegel's idea. According to Reale, the source of value for all values is the human being.

Such Ontology – Reale considers it an Ontognosiology – requires a new type of juridical thinking, new logos, that is incorporated to Methodology and makes it apt to handle the integrality of law as experience, in other words, as a social fact, as a norm expressed in law and as a value inciting the fact through the norm. It regards a dialectic, which is not the Hegelian one of contradiction, but rather dialectic of implication, being discovered in the three elements which are reciprocally under demand for integrating into the same ontological unit. At the same time, it is dialectic of poles, as the values of the complex tridimensional are positively or negatively polarized. Reale named this method, the dialectic of implication-polarization.

Although elaborated with another context, the Tri-dimensional Theory of Law can propitiate a scientific and philosophical fundament today that is capable of solving the questionings solicited in the context of diverse branches of Juridical Dogmatics.

But Reale's work had even another scope. It imposes itself as a literary production, manifested in great poetic sensitivity that reveals the soul, knowledge and love that his personality radiated, enveloping everyone that was near him.

Another aspect that stands out is his leadership when speaking on topics relating to the intellectual movements that brought together thinkers around an always renewing tendency, an aspect that was particularly aimed for the Brazilian and international Congresses for Social and Juridical Philosophy he promoted. These captivated professors and researchers from the most diverse lines: jus-naturalists, positivists, analyticals and culturalists, some taken as conservatives, others as leftists, while all were equally chosen, not negating the incentive for creativity and intellectual progress.

This pedagogical dimension was felt, including within the Hispanic world, as his philosophical encounters were graced with the participation of the most eminent thinkers of Spain and Spanish-America.

The author of this commentary offers his personal testimony regarding the effort that Reale always made in supporting critical thinkers, according to his concept of critique, implying an irreversible commitment to the truth. Living the truth is always what guided Reale's life and work, which is precisely why the Realean culturalism is the strongest source for the Critical Theory of Law.

Contemporary History will have to weight our master's influence throughout the western world, and his physical absence does not minimize REALE'S PRESENCE in current and future developments of Juridical, Political and Social Philosophy, able to offer answers to the intellectual challenges of our times.

Luiz Fernando Coelho

President of the ABRAFI – Brazilian Association of Law and Legal Sociology, Brazilian National Section of IVR, Professor of Legal Philosophy for the Post Graduate Program of the Paranaense University – UNIPAR – of Umuarama, PR, Brazil. Former Cathedric of Legal Philosophy of the Federal University of Parana – UFPR, Curitiba, PR, Brazil.

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NEWS

On June 2, 2006, the section held its annual meetings at York University. Ten principal papers were presented, as well as many commentaries.

ANNOUNCEMENTS

Later on this year, the collection *Classic Readings and Cases in the Philosophy of Law* (NY: Longman, 2006), ed. by Susan Dimock, will be published. Likewise, Susan Dimock's paper "Reasonable Women in the Law" will come out in the *Critical Review of International Social and Political Philosophy* (due to be published 2007) and also in book form, as *Reasonableness*, ed. by Shaun P. Young (Routledge 2007).

COURSES AND COURSE LITERATURE*York University*

At York University, there have recently been introduced two new upper level courses in Philosophy, on the subjects of Philosophy of Law: Punishment, Responsibility and Excuses, and Philosophical Issues in Constitutional Law.

Course literature: *Classic Readings and Canadian Cases in the Philosophy of Law*, ed. by Susan Dimock (Toronto: Prentice Hall, 2002).

CHILE

Sociedad Chilena de Filosofía Jurídica y Social

**RECORDS**

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New Directory for the period 2005-2007:

Fernando Atria, Antonio Bascuñán V, Rodrigo Coloma, Jesús Escandón, Joaquín García Huidobro, Fernando Quintana, Pablo Ruiz Tagle, Agustín Squella, Aldo Valle. A. Squella was elected as President

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NEWS

A new Directory of the Chilean National Section was elected for the period 2005-2007 [see above]: Fernando Atria, Antonio Bascuñán V, Rodrigo Coloma, Jesús Escandón, Joaquín García Huidobro, Fernando Quintana, Pablo Ruiz Tagle, Agustín Squella, Aldo Valle. A. Squella was elected as President.

ANNOUNCEMENT

In October 2006, the National Sections of Chile and Argentina will celebrate the Second Chilean and Argentinian Meeting in Philosophy of Law and Social Philosophy in Santiago (Chile), with the support of Universidad Diego Portales. For more information, please turn to asquella@vtr.net or to casilla 3325, correo 3, Valparaíso, Chile.

PUBLICATIONS

In 2006, No. 49/50 of "Revista de Ciencias Sociales" (University of Valparaíso) was published, dedicated to the important Chilean philosopher Jorge Millas (1919-1982). This review prepares now a special volume about the ideas and influence of Jürgen Habermas. Also in 2006, No. 22 of the "Anuario de Filosofía Jurídica y Social" will be published.

During the second term of 2006, the collection "Philosophy and politics in John Rawls", ed. by A. Squella, will come out.

GERMANY

IVR Internationale Vereinigung für Rechts- und Sozialphilosophie Sektion Deutschland



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ANNOUNCEMENTS

The next bi-annual conference of the German section will take place from 28th-29th Sept. 2006 at the University of Würzburg, organized by professor *Horst Dreier* and *Eric Hilgendorf*. The subject is „Kulturelle Identität(en) als Grund und Grenzen des Rechts“. Speakers will be Reinhard Zimmermann, Karl Gabriel, Joachim Rückert, Thomas Gutmann, Tatjana Hörnle, Ulrich Haltern, Ansgar Hense, Friedrich Wilhelm Graf, Christian Schwarzenegger, Christine Schirmacher, Uwe Volkmann and Christoph Möllers. For details see www.rechtsphilosophie.de.

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. 2007 on Spinoza.

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 contributions to the 11th and the 12th conference were published recently in 2005 by *Carsten Bäcker* and *Stefan Baufeld* as

ARSP-Beiheft No. 103 (“Objektivität und Flexibilität im Recht”).

Since 2005-06, the JFR issues a highly professional newsletter with information on any kind of events in the field of legal philosophy in the German speaking community. For getting on the mailing list go to www.rechtsphilosophie.de.

The 13th conference of the JFR will take place from 27th-28th Sept. 2006 in Würzburg on the topic of normativity, organized by Brian Valerius; for details see www.rechtstheorie.de/jfr2006

RECENT PUBLICATIONS

Adachi, Hidehiko, Die Radbruchsche Formel. Untersuchung der Rechtsphilosophie Gustav Radbruchs (Baden-Baden 2006)

Adloff, Frank, Zivilgesellschaft Theorie und politische Praxis (Frankfurt am Main u.a. 2005)

Alexy, Robert (Hg.), Integratives Verstehen. Zur Rechtsphilosophie Ralf Dreiers (Tübingen 2006)

Anter, Andreas, Die Macht der Ordnung. Aspekte einer Grundkategorie des Politischen (Tübingen 2005)

Auer, Karl Heinz, Das Menschenbild als rechtsethische Dimension der Jurisprudenz (Wien 2005)

Ávila, Humberto Bergmann, Theorie der Rechtsprinzipien (Berlin 2006)

Avrigeanu, Tudor, Ambivalenz und Einheit. Eine Untersuchung zur strafrechtswissenschaftlichen Grundlagendiskussion der Gegenwart anhand ihrer Bezüge zu Kants Philosophie (Baden-Baden 2006)

Baruzzi, Arno, Rechtsphilosophie der Gegenwart (Darmstadt 2006)

Bastelberger, Marcus, Die Legitimität des Strafrechts und der moralische Staat. Utilitaristische und retributivistische Strafrechtsbegründung und die rechtliche Verfassung der Freiheit (Frankfurt am Main u.a. 2006)

Baufeld, Stefan, Der 11. September 2001 als Herausforderung für das Völkerrecht (Münster u.a. 2005)

Beestermöller, Gerhard / Brunkhorst, Hauke (Hg.), Rückkehr der Folter. Der Rechtsstaat im Zwielicht (München 2006)

Behrends, Okko, Mommsens Glaube: zur Genealogie von Recht und Staat in der Historischen Rechtsschule (Göttingen 2005)

Bischof, Sascha, Gerechtigkeit – Verantwortung – Gastfreundschaft. Ethik-Ansätze nach Jacques Derrida (Freiburg 2005)

Blanke, Tobias, Das Böse in der politischen Theorie. Die Furcht vor der Freiheit bei Kant, Hegel und vielen anderen (Bielefeld 2006)

Buckel, Sonja / Christensen, Ralph / Fischer-Lescano, Andreas (Hg.), Neue Theorien des Rechts (Stuttgart 2006)

Buerstedde, Wolfgang, Juristische Methodik des Europäischen Gemeinschaftsrechts. Ein Leitfaden (Baden-Baden 2006)

Byrd, B. Sharon / Joerden, Jan C. (Hg.), Philosophie Practica Universalis. Festschrift für Joachim Hruschka (Jahrbuch für Recht und Ethik 2005)

- Calliess, Graf P., Grenzüberschreitende Verbraucherverträge. Rechtssicherheit und Gerechtigkeit auf dem elektronischen Weltmarktplatz (Tübingen 2006)
- Calliess, Rolf P., Dialogisches Recht. Beiträge zur Rechtstheorie und zu den Grundlagen des Strafrechts im demokratischen und sozialen Rechtsstaat, hg. von Rainer Keller (Tübingen 2005)
- Casanova, Arturo, Legale oder legitime Diktatur? Die Rezeption von Carl Schmitt und Hans Kelsen in der schweizerischen Staatsnotrechtslehre zur Zeit des Zweiten Weltkrieges (Basel 2006)
- Clausen, Jens, Biotechnische Innovationen verantworten: Das Beispiel Klonen (2006)
- Conrad, Dieter, Gandhi und der Begriff des Politischen. Staat, Religion und Gewalt, mit einem Vorwort von Jan Assmann (2006)
- Denninger, Erhard, Recht in globaler Unordnung (Berlin 2005)
- Dörfer, Achim, Die Moral des Rechts. Zur Rechtsphilosophie von Lon L. Fuller (2006)
- Eberl, Matthias, Verfassung und Richterspruch. Rechtsphilosophische Grundlegungen zur Souveränität, Justiziabilität und Legitimität der Verfassungsgerichtsbarkeit (2006)
- Elster, Jon, Die Akten schließen. Recht und Gerechtigkeit nach dem Ende von Diktaturen (Orig. Closing the books) (Frankfurt am Main 2005)
- Emmenegger, Sigrid, Gesetzgebungskunst. Gute Gesetzgebung als Gegenstand einer legislativen Methodenbewegung in der Rechtswissenschaft um 1900. Zur Geschichte der Gesetzgebungslehre (Tübingen : Mohr Siebeck, 2006)
- Enders, Markus / Szaif, Jan (Hg.), Die Geschichte des philosophischen Begriffs der Wahrheit (Berlin u.a. 2006)
- Erny, Nicola, Konkrete Vernünftigkeit. Zur Konzeption einer pragmatischen Ethik bei Charles S. Peirce (Tübingen 2005)
- Fernandes, João Manuel Azevedo Alexandrino, Die Theorie der Interpretation des Gesetzes bei Francisco Suárez (Frankfurt am Main u.a. 2005)
- Fischer-Lescano, Andreas, Globalverfassung. Die Geltungsbegründung der Menschenrechte im postmodernen ius gentium (Weilerswist 2006)
- Fischer-Lescano, Andreas/Teubner, Gunther (Hg.), Regime-Kollisionen. Zur Fragmentierung des globalen Rechts (Frankfurt am Main 2006)
- Forst, Rainer, Das Recht auf Rechtfertigung. Elemente einer konstruktivistischen Theorie der Gerechtigkeit (Frankfurt am Main 2005)
- Freund, Christiane, Rechtsbeugung durch Verletzung übergesetzlichen Rechts (Berlin 2006)
- Fritsch, Matthias J., Religiöse Toleranz im Zeitalter der Aufklärung: Naturrechtliche Begründung – konfessionelle Differenzen (Hamburg 2004)
- Fröhlich, Claudia, Wider die Tabuisierung des Ungehorsams. Fritz Bauers Widerstandsbegriff und die Aufarbeitung von NS-Verbrechen (Frankfurt am Main u.a. 2006)
- Gans, Eduard, Naturrecht und Universalrechtsgeschichte. Vorlesungen nach G.W.F. Hegel, hg. v. Johann Braun (Tübingen: Mohr, 2005)
- Gephart, Werner, Recht als Kultur. Zur kultursoziologischen Analyse des Rechts (Frankfurt am Main 2006)
- Geis, Anna (Hg.), Den Krieg überdenken. Kriegsbegriffe und Kriegstheorien in der Controverse (Baden-Baden 2006)
- Gierhake, Katrin, Begründung des Völkerstrafrechts auf der Grundlage der Kantischen Rechtslehre (2005)
- Gläser, Pascal, Zurechnung bei Thomas von Aquin. Eine historisch-systematische Untersuchung im Bezug auf das aktuelle deutsche Strafrecht (Freiburg im Breisgau 2005)
- Grommes, Sabine, Der Sühnebegriff in der Rechtsprechung. Eine ideologie-kritische Betrachtung (Berlin 2006)
- Gross, Raphael, Carl Schmitt und die Juden: eine deutsche Rechtslehre (Frankfurt am Main 2005)
- Gruber, Malte-Christian, Rechtsschutz für nichtmenschliches Leben. Der moralische Status des Lebendigen und seine Implementierung in Tierschutz-, Naturschutz- und Umweltrecht (Baden-Baden 2006)
- Gschwend, Lukas (Hg.), Philosophische Rechtslehre der Natur und des Gesetzes. Mit Rücksicht auf die Irrlehren der Liberalität und Legitimität von Ignaz Paul Vital Troxler (1780–1866) (Würzburg 2005)
- Harke, Jan Dirk, Vorenthaltung und Verpflichtung. Philosophische Ansichten der Austauschgerechtigkeit und ihr rechtshistorischer Hintergrund (Berlin 2005)
- Hassemer, Winfried, Religiöse Toleranz im Rechtsstaat. Das Beispiel Islam (München 2004)
- Heidbrink, Ludger / Hirsch, Alfred (Hg.), Verantwortung in der Zivilgesellschaft. Zur Konjunktur eines widersprüchlichen Prinzips (2006)
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- Hemke, Katja, Methodik der Analogiebildung im Öffentlichen Recht (Berlin 2006)
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RUSSIA – ST. PETERSBURG

The Association of Philosophy of Law
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Prof. Eduard V. Kuznetsov's deputy in the St. Petersburg Association of Legal Philosophy at present is *Polyakov Andrey*, Professor of Law at St. Petersburg State University. His E-mail is the following: avpolyakov@jurfak.spb.ru
Some information about Prof. Eduard Kuznetsov and his helpers:

Polyakov Andrey:

Professor of Law at St. Petersburg State University. Since more than 15 years, Prof. A. Polyakov is teaching and writing about Theory and Philosophy of Law. *Research Interests:* Postclassical Legal Methodology, Law as Communication, the Autopoietic Theory of Law, Integrative Jurisprudence, History of the Philosophy and of the Legal doctrines in Russia.

Representative Publication:

General Theory of Law: Phenomenological-Communicative Approach (St. Petersburg 2003)

General Theory of Law: Problems of Interpretation in the Context of Communicative Approach (St. Petersburg 2004)

Anthropologic and Communicative Grounds for Human Rights (St. Petersburg 2004)

Postclassical Jurisprudence and the idea of Communication, in: *Pravovedenie* (St. Petersburg 2006)

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Professor, Head of the Chair for Theory and History of Law at the Faculty of Law (St. Petersburg State University). Since long ago Professor Lukovskaja is teaching about Theory of Law, History of the Legal Doctrines and about the Problems of Jurisprudence. *Research Interests:* The methodological Problems of the History of the Legal Doctrines, Theory of Human Rights, the Classical Legal Doctrines.

Representative Publication:

The Sociological Trend in the French Theory of Law (Saint-Petersburg 1972)

History and Theory of the Legal Doctrines (St. Petersburg 1985)

"Law, State and Politics (About the creation of a Contemporary Conception of the State of Law)", in: *The Politic and Legal Constitution of the reformed Russia: ideas and reality* (St. Petersburg 1995)

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Edward V. Kuznetsov

Edward V. Kuznetsov is a Doctor of law, Professor; the honored worker of science of Russian Federation.

Edward V. Kuznetsov graduated from the Leningrad State University (law faculty). He also completed his education at the post-graduate course of studies, created specially for the training post-graduates in teaching in the French speaking countries.

For several years Edward V. Kuznetsov worked as a Judge in People's Court.

He defended a thesis on "The category of the cause and effect in law making" (1970) and a thesis on "The philosophy of law in Russia" for the Doctor's degree (1990). His main scientific interests are the theory and the philosophy of law.

Edward V. Kuznetsov trained 25 candidates and Doctors of science.

He was elected a member of the International Academy of the Acmeological sciences. Edward V. Kuznetsov gave lectures on the theory and philosophy of law at the Universities of Sweden and Spain. He also took part in the World Congresses in the philosophy of law (Sweden - 2003; Spain - 2005).

Edward V. Kuznetsov is the author of more than 150 papers, among which are "The introduction in the law theory" (Moscow 1987), "The philosophy of law in Russia" (Moscow 1989), "The science of law and state" (Moscow-St. Petersburg 1999), "Challenge for the law of the XXI century" (Moscow 1998), "The fundamentals of the Russian jurisprudence. Part 1." (St. Petersburg 1997), "Legal thanatology" (St. Petersburg 2002), "The law ontology in the Russian scientific tradition (L. Petrazhitsky)" (together with I. Rakitskaya, St. Petersburg 2002), "Biomedical technologies and law in the third millenium" (St. Petersburg 2003), etc.

Edward V. Kuznetsov is an owner of the state awards.

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PUBLICATIONS

Works in the field of legal philosophy:

Starovoytova, Olga, *Legal Tanatology* (monograph; St. Petersburg 2002)

Starovoytova, Olga, *Body and Law / with introduction by Professor Kuznetsov* (monograph; St. Petersburg 2006)

Starovoytova, Olga, *The Principles of Legal Somatology* (monograph; St. Petersburg 2006)

SLOVENIA



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

RECORDS

- ☞ President: Prof. *Marijan Pavčnik*, Ph.D.
- ☞ Vice President: Prof. *Miro Cerar jr.*, Ph. D.
- ☞ Secretary and Treasurer: *Aleš Novak*, Ph. D.

NEWS

From May 8th till June 19th, a weekly seminar was held, dedicated to the first edition of Hans Kelsen's Pure Theory of Law. The Seminar was led by Prof. Marijan Pavčnik, Ph. D. and Aleš Novak, Ph. D.

Lectures organised by the Society:

The (Trans)forming of the Object of Legal Regulation in a Discourse presented by Marin Jančar LL.M on November 3rd 2005

Hugo Grotius, defensor Maris liberi (ac pacis Batavicae) – Hugo Grotius, the Defender of the free Sea (and the Dutch Peace) presented by Gorazd Korošec, Ph. D. from the Peace Institute on December 15th 2005

Liberalism, Moralism and Just War, presented by Prof. Konstantinos Papageorgiou, Ph. D. from the Law Faculty, University of Athens on March 16th 2006.

Goldene Regel und Globalisierung des Rechts presented by Prof. Shing-I Liu, Ph.D. from the Taipei University, Taiwan on May 18th 2006.

ONGOING RESEARCH

The members of the Society have completed the project on Law and Democracy (led by Prof. Miro Cerar) and have presented a complete report to the Ministry. Unfortunately, the report is only available in Slovenian, but the main conclusions are as follows:

- a) Democracy is in its origin inseparably (“organically”) connected to the institutions of the rule of law. However, in their existency a democracy and rule of law do not always aim at the same direction, and because of that a specific partnership between the law and (democratic) politics must be built up and maintained permanently, including mutual mechanisms of initiatives and checks and balances.
- b) The law, as a key factor for the development of the modern democratic society, must further develop and maintain its relative autonomy towards (democratic) politics and political ideologies.
- c) The law can not escape from the influence of dominant political ideology; it also has its own ideology (relative autonomy of the law). Nevertheless, the law must always tend and be oriented toward its non-ideological and non-political role and development.

d) In Slovenia the legislative, judicial and other legal procedures have to be further improved. In addition, the necessary conditions for the future development of independent and professional judiciary have to be preserved. The judicial branch, led by supreme court and constitutional court, must always act in accordance with the principle of judicial self-restraint and further develop knowledge and methodology in the field of interpretation and application of legal acts; the uniform judicial practice is of great importance.

e) Since the key elements and institutions of law (rule of law) and (democratic) politics are dependent on social values and value-processes, the development of legal and political culture is very significant for further positive development of the rule of law and democracy in Slovenia.

The members of the Society plan to propose to the Ministry proposal for a wider interdisciplinary project on the rule of law (Rechtsstaat).

SWEDEN

The Swedish IVR National Section

**RECORDS**

- ☞ President: *Åke Frändberg*
- ☞ Secretary and treasurer: *Torben Spaak*

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ANNOUNCEMENT

In the autumn of 2006, the Swedish translation of Hans Kelsen, *Reine Rechtslehre* [2nd Edn. 1960] will be published by Bokförlaget Thales, Stockholm. The translation was made by Uta Bindreiter at the University of Lund.

It is a happy coincidence that this work will see the [Scandinavian] light of day around the time of the 125th anniversary of Kelsen's birth on October 11th.

SWITZERLAND

SVRSP – Schweizerische Vereinigung für
 Rechts- und Sozialphilosophie

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NEWS

*Symposium: "Brain Research and Legal Responsibility",
 May 19-20, 2006, University of Bern*

Over the past few years, findings of brain researchers have been the subject of a highly controversial discourse between neuroscientists and philosophers. Since several of the main issues at stake, such as the understanding of free will, are closely linked to, and also highly influential in the field of jurisprudence, the Swiss section of the IVR (SVRSP) addressed, for the first time, this controversy from a legal perspective.

Hitherto, by explaining the determination of reality by brain physiological "facts", the discourse has been dominated by the brain researchers. As a consequence of their findings they have postulated a change in the conception of man and society.

This concept is comparable to some of the essential features of the discussion about reshaping anthropology at the end of the 19th century, as well as in the 17th century. Our symposium used this parallelism as a starting point. The symposium went on by focussing on a critical reflection on the methodological approach for generating general knowledge of laws of nature as well as on the limits of knowledge transfer between natural sciences and social sciences.

To the surprise of many participants, and in spite of conflicting opinions and controversial discourses, features of a convergent dialogue could be established.

The results of this symposium and the contributions of the speakers and of some participants are expected to be published by the end of this year as an "ARSP-Beiheft" by Marcel Senn and Dániel Puskás.

Our symposium enjoyed great interest: over 90 participants attended and three national newspapers (Die Weltwoche, Basler Zeitung, and Tages Anzeiger) reported on the symposium. We hope to have initiated and contributed to a broad and continuing discourse upon this important issue.

Board

We are pleased to inform you that Prof. Bénédict Winiger (Geneva) has been elected as a new board member of the SVRSP.

Due to the expiry of their term Prof. Philippe Mastronardi and att. Thomas Mastronardi will leave the board at the end of this year. We would like to thank them for their outstanding commitment to the SVRSP.

ANNOUNCEMENTS

Congress: "Jurisprudence through Cultural Studies?", June 15-16, 2007, University of Zurich

The context of this congress is the current and on going Europe wide discourse upon the theoretical positioning of cultural studies and jurisprudence, which was initiated by the IVR.

This issue is of renewed importance as systemic theories – as many believe by now – have led to a reduced awareness of certain central scientific subjects. In particular the neo-kantian approach of cultural studies will be discussed at this congress.

Speeches will be given by the following internationally renowned scientists: Uwe Wesel (Berlin), Hasso Hofmann (Berlin/Würzburg), Hans-Peter Haferkamp (Cologne), Horst Dreier (Würzburg), Ulrich Haltern (Hannover), Enno Rudolph (Lucerne/Heidelberg), Kurt Seemann (Basel), Ruedi Imbach (Paris), Michael Fischer (Salzburg), Ada Neschke (Lausanne) and Marcel Senn (Zurich).

RECENT PUBLICATIONS

Besson, S. „The Many European Constitutions and the Future of European Constitutional Theory“, *Archiv für Rechts- und Sozialphilosophie* Beiheft 105, Staats- und Verfassungstheorie im Spannungsfeld der Disziplinen (2006) pp. 160-189

Besson, S. "Sovereignty in Conflict", in: Tierney/Warbrick (eds.), *The Sovereignty of States and the Sovereignty of International Law* (London 2006) pp.129-188

Besson, S. „Die Tugend des Konflikts“, 1 *Rechtsphilosophie* (forthcoming)

Besson, S. "The European Union and Human Rights: Towards a new kind of post-national human rights institution", *Human Rights Law Review* (forthcoming)

Besson, S. *Deliberative Democracy and Its Discontents - Perspectives from the State and the European Union*, ed. with J.L. Marti Marmol (Aldershot 2006)

Besson, S. "Deliberative democracy in the European Union. Towards the deterritorialization of democracy", in: Besson S./Marti Marmol, J.L. (eds.), *Deliberative Democracy and Its Discontents*, Aldershot (forthcoming)

Seemann, K. „Verantwortungstreuung als Strafbegrenzung“, in: von Hirsch, A. et al. (Hg.), *Mediating Principles, Begrenzungskriterien bei der Strafbegründung* (Baden-Baden 2006) pp. 138-147

Seemann, K. „Bruta und homines. Die scholastischen Grundlagen einer Differenz“, in: Schmid, J./Seiler, H. (Hg.), *Recht des ländlichen Raums. Festgabe für Paul Richli zum 60. Geburtstag* (Zürich etc. 2006) pp. 393-405

Seemann, K. „Ethikkommissionen. Institutionalisierung des Paternalismus?“ In: Haldemann, F. *Bioethik im Spannungsfeld der Disziplinen. Festschrift für Alberto Bondolfi zu seinem 60. Geburtstag* (Bern etc. 2006) pp. 405-416

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Raz, J. *Practical Reason and Norms*, 2nd ed. (Oxford 1990)

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- Röhl, K.F. *Allgemeine Rechtslehre*, 2. A. (Köln 2001)
- Rüthers, B. *Rechtstheorie* (München 1999)
- Teubner, G. (ed.), *Dilemmas of Law in the Welfare State* (Berlin 1986)
- University of Geneva**
- Audard, C. et al. *Individu et justice sociale, autour de John Rawls* (Paris 1988)
- Austin, J. *La philosophie du droit positif*, trad. franç. avec une préf. et des notes par G. Henry (Paris 1894)
- Bové, J./Luneau, G. *Pour la désobéissance civique* (Paris 2004)
- Edelman, B. *La personne en danger* (Paris 1999)
- Elshtain, J.B. "Reflection on the Problem of 'Dirty Hands'", in: *Torture: A Collection*, ed. by S. Levinson (Oxford 2004)
- Frydman, B. *Le sens des lois* (Bruxelles 2000)
- Fuller, L.L. *La respectabilité du droit fondée sur la morale* (1958), trad. franç. dans: Grzegorzczak, Ch. et al. (éds.), *Le positivisme juridique* (Paris 1993)
- Garapon, A. *Des crimes qu'on ne peut ni punir ni pardonner* (Paris 2002)
- Garapon, A./Allard J. *Les juges dans la mondialisation* (Paris 2005)
- Habermas, J./Rawls, J. *Débat sur la justice politique* (Paris 1997)
- Habermas, J. *L'avenir de la nature humaine. Vers un eugénisme libéral?* (Paris 2002)
- Hart, H.L.A. *Eloge de la distinction positive entre droit et morale* (1958), trad. franç. dans: Grzegorzczak, Ch. et al. (éds.), *Le positivisme juridique* (Paris 1993)
- Ignatieff, M. *The Lesser Evil. Political Ethics in an Age of Terror* (Princeton 2004)
- Jonas, H. *Le principe responsabilité* (Paris 1990)
- Kant, E., *Métaphysique des mœurs*, trad. franç. et préf. par A. Philonenko, 2. éd. (Paris 1980)
- Ost, F./van de Kerchove, M. *De la pyramide au réseau? Pour une théorie dialectique du droit* (Bruxelles 2002)
- Radbruch, G., *L'abrutissement des consciences* (1946), trad. franç. dans: Grzegorzczak, Ch. et al. (éds.), *Le positivisme juridique* (Paris 1993)
- Rawls, J. *Théorie de la justice* (Paris 1987)
- Rawls, J. *Justice et démocratie* (Paris 1993)
- Rawls, J. *Libéralisme politique*, Paris, 2. éd. (2006)
- Ricoeur, P. *Le juste* (Paris 1995)
- Rousseau, J.J. *Discours sur l'origine de l'inégalité* (1754), Bibliothèque de la Pléiade (Paris 1959)
- Rousseau, J.J. *Du contrat social*, première version, dit Manuscrit de Genève (env. 1760), Bibliothèque de la Pléiade (Paris : Gallimard, 1959)
- Rousseau, J.J., *Du contrat social* (1762), Bibliothèque de la Pléiade (Paris 1959)
- Rousseau, J.J., *Lettres écrites de la montagne* (1794), Bibliothèque de la Pléiade (Paris 1959)
- Zagrebelsky, I. *Le droit en douceur*, trad. franç. par M. Leroy (Paris 2000)
- Israeli Supreme Court Judgment on the Interrogation Methods Applied by the GSS*, September 6, 1999, Statement of Court President A. Barak.
- A (FC) v. Secretary of State for the Home Department*, [2004] UKHL 56 (Jugement de la Chambre des Lords).
- University of Zurich**
- Senn, M. *Rechtsgeschichte. Ein kulturhistorischer Grundriss*, 3. A. (Zürich etc. 2003)
- Senn, M. / Gschwend, L. *Rechtsgeschichte II. Juristische Zeitgeschichte*, 2. rev. und erw. A. (Zürich etc. 2004)

TURKEY

The Turkish Section of IVR

**RECORDS**

☎ President: Prof. *Ülker Gürkan*, Baskent University

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List of Members

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 Prof. Ülker Gürkan Phd., Baskent University Faculty of Law
 Prof. Vecdi Aral Phd., Kocaeli University Faculty of Law
 Prof. Cahit Can Phd., Ankara University Faculty of Law
 Prof. Niyazi Öktem Phd., Bilgi University Faculty of Law
 Prof. Hayrettin Ökçesiz Phd., Mediterranean University Faculty of Law
 Prof. Abdullah Dinçkol Phd., Istanbul Ticaret University
 Prof. Levent Köker Phd., Ankara Atılım University
 Prof. Ali Yasar Sarıbay Phd., Uludag University
 Prof. Yasemin Isıktac Phd., Head of the Department of Philosophy of Law and Sociology of Law Istanbul University Faculty of Law
 Assoc. Prof. Mehmet Tevfik Özcan Phd., Istanbul University Faculty of Law
 Assoc. Prof. Ahmet Ulvi Türkbağ Phd., Galatasaray University Faculty of Law
 Assist. Prof. Gülriz Uygur Phd., Ankara University Faculty of Law
 Assist. Prof. Ali Şafak Balı, Konya Selçuk University Faculty of Law
 Saim Üye Phd., Ankara University Faculty of Law
 Eylem Ümit, Ankara University Faculty of Law
 Fatma İrem Çağlar, Kocaeli University Faculty of Law
 Ozge Yucel, Gazi University Faculty of Law
 Mehmet Arısan, University of Essex Department of Government
 Vahap Coşkun, Dicle University Faculty of Law
 Zeynep Üskül, Galatasaray University Faculty of Law
 Aydan Omur Surlu, İzmir University Faculty of Law
 Sercan Gürler, İstanbul University Faculty of Law
 Zeynep İspir, Ankara University Faculty of Law

ANNOUNCEMENTS

The next conference of the Turkish Section of IVR will take place at Istanbul, September 2006. The Conference is organized by Prof. Hayrettin Ökçesiz and the general subject is the problems of legal philosophy and sociology of law.

COURSES, COURSE LITERATURE AND ONGOING RESEARCH*Ankara University*

Course co-ordinators: Prof. Adnan Güriz-Dr. Gülriz Uygur

The course in Philosophy of Law at Law School, Ankara University is two semester and two hours per week for undergraduate students. The course aims to give place to the basic problems of philosophy of law connected with the Turkish legal system. Furthermore, we try to develop and use alternative education methods in this course, like drama.

Course Literature

Adnan Güriz, Hukuk Felsefesi [The Philosophy of Law]

H.L.A. Hart, Law, Liberty and Morality

J. Coleman/J.G. Murphy, The Philosophy of Law: an introduction to jurisprudence

Classical Articles from Aristotle to Dworkin

Course Contents

- The Nature of Law
- Law, Morality and Human Rights
- Conceptions of Justice
 - Conceptions of Liberal Justice (John Rawls)
 - Conceptions of Alternative Justice
 - Feminist Justice
- Legal Interpretation

Ongoing Research

The Role of Principles in the Relationship Between the Law and the Morality (Gülriz Uygur)

Social Habitus Of Juvenile Delinquency in Urban and Legal Capacity Researches (Eylem Ümit)

Justice And Cultural Pluralism (Fatma İrem Çağlar)

Open Texture (Zeynep İspir)

Istanbul University

Course Co-ordinator: Prof. Yasemin Işıktaç

The list of COURSE LITERATURE for the courses in jurisprudence, legal philosophy is the following:

1. *Philosophy of Law and Sociology of Law*

Aims, Objectives and Contents of the Course Prerequisite (Recommended):

The course, firstly, explains the qualities of science and philosophy and their relationships. Then, it examines justice that constitutes the cultural function and moral basis of law. It tries to clarify the meaning of ethics and, situation and importance of justice among other ethical values. It makes criticism of approaches in philosophy of law. The social function and social bases of law are explained. Finally the course attempts at searching for a 'just law'.

2. *Philosophy of Law and Sociology of Law*

Aims, Objectives and Contents of the Course Prerequisite (Recommended):

The course shows how logical analysis of legal norm is made. It expounds how helping logical rules for legal practice, norm types, and the relationships between logic and law. Also, it gives a basic knowledge of the method problem in social sciences. Basic methods and their reflections on law are explained. It also includes bases of logical argumentation, their usage in legal practice and the question of interpretation.

My published researches are written below:

1. Hukukun Kaynağı Olarak Örf ve Adet Hukuku, 3. Baskı, Filiz Kitapevi (İstanbul 2004, ISBN975-368-286-7)
2. Hukuk Normunun Mantıksal Analizi ve Uygulaması, 2. Basım, Filiz Kitapevi (İstanbul 2004, ISBN975-368-181-X)
3. Hukuk Metodolojisi, (2 Yazarlı Kitap, Dr. Sevtap Metin ile birlikte) Filiz Kitapevi (İstanbul 2003, ISBN975-368-253-0)
4. Hukuk Yazıları, Yetkin Yayınları (Ankara 2004, ISBN 975-464-298-2)
5. Hukuk Felsefesi, Filiz Kitapevi (İstanbul 2004, ISBN 975-368-288-3)

Essays

- (1) "Die logische Analyse der Rechtsnorm und die Anwendung der Rechtsnorm", Annales de la Faculte de Droit d'Istanbul, Vol.: 32, No: 48, 1998 (ISSN 0578-9745) s. 93-100
- (2) "The Philosophy of Turkish Legal Revolution", Annales de la Faculte de Droit d'Istanbul, Vol.: 36, No:53, 2004 (ISSN 0578-9745) s. 93-104.
- (3) "Validity, Efficiency and Conformity to Justice in the Light of Legal Formalism", Annales de la Faculte de Droit d'Istanbul, Vol.: 36, No:53, 2004 (ISSN 0578-9745) s.105-118.
- (4) "The Meaning of Law in the Changing World", International Journal of Human Sciences (ISSN 1303-5134) www.insanbilimleri.com (çevrimiçi 01.08.2005)
- (5) "Begründung des Ergentums bei John Locke", Anales de la Faculte de Droit d'Istanbul, Vol: 37, No: 54, 2005.
- (6) "The Philosophy of Turkish Legal Revolution", isimli bildiri XXI'st World Congress of Philosophy, Philosophy Facing World Problems.

Course co-ordinator: Dr. Mehmet Tefvik Ozcan, Associate Professor of the Philosophy and Sociology of Law, Law School, Istanbul University.

Istanbul Üniversitesi, Hukuk Fakültesi, 34116, Beyazıt, İstanbul, Turkey

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LECTURES AND COURSES DELIVERED

(Excluding the offices, courses and other academic activities apart from the Philosophy and Sociology of Law)

Hukuk Felsefesi ve Hukuk Sosyolojisi (The Philosophy and Sociology of Law): Third semester mandatory course for undergraduate students of Law School, Istanbul University; that is four hours per week for third semester that includes lectures, quiz and final examination. The course was a sui generis copulation of the two different sciences, decide by academic board, formerly apart, i. e., philosophy of law and sociology of law. According my point of view, I prefer to divide equally course hours to that the two components and ask different questions according to the contents.

a. Philosophy of Law (two hours per week): The course aims to inform undergraduate students on essential problems of philosophy of law, regarding both legitimisation the law ordered political society through rule of law and actual problems and devices of law in action. Assessment Methods: Quiz, examination and paper writing

Course Contents:

Philosophy of Law and Jurisprudence or "the Science of Law": that is their interrelationships, aims, objectives and methods.

Law and Social Order, which includes classification on legal rules and legal and philosophical conception on "right".

The concept of "justice".

Natural law from Cicero to John Finnis.

Legal positivism and normativism.

Legal Realism in United States and Scandinavia.

b. Sociology of Law (two hours per week): The course aims to research fundamental problems and institutions of the sociology of law in the modern (i.e. capitalist) society. Sociology of Law and Jurisprudence, diversity of aims and objectives.

The interrelationships between social body and legal system; an overview.

Social order and personality, regarding as the personality is by products of culture and body of legal rules.

Legal system and social order; that is main characteristics of legally ordered political society, as legitimised by ideology of law.

Legal change and social change.

Text books and recommended readings are changing, according to the recent publications in Turkish. For sociology of law the textbook that was written by me recommended: *Hukuk Sosyolojisine Giriş* (Introduction to the Sociology of Law), 2nd imp: Istanbul, Set Pub., 2003, x+227 pp

Galatasaray University

Course co-ordinator: Assoc. Prof. Dr. Ahmet Ulvi TÜRKBAG, Department of Philosophy and Sociology of Law

Recent Publications and Ongoing 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 ; Philosophy 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 historical progression. So, participants are able to understand why rationalism was born, raised in seventeenth century and why it falls today.

Cultural Fundamentals of Europe and Turkish Identity

Europe and Turks, these two words by only being together, lead to some cultural disquiets. Europe defines itself, with its historical roots and milestones like Hellenic Civilization, Christianity, Renaissance, Reform, Enlightenment 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 reality 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 comprise the main core of the course.

UNITED STATES

AMINTAPHIL



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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

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ANNOUNCEMENTS

The next AMINTAPHIL conference will be held on the campus of Washington University, St. Louis, Missouri from Nov. 2 – 5, 2006. The topic is “Coercion, Justice and Democracy”. A list of sub-topics for the meeting is included below.

RECENT PUBLICATIONS

Order in a Divided World, edited by David A. Reidy and Mortimer N.S. Sellers is the volume from our 2002 meeting. It has been published by Rowman and Littlefield Publishers, Inc., Lanham, MD, USA. It may be ordered online for a 15% discount at www.rowmanlittlefield.com.

The Publication of the volume from our 2004 meeting on is in process. It is entitled *Intervention, Terrorism, and Torture: Contemporary Challenges to Just War Theory*. The editor is Steven Lee, Hobart and William Smith Colleges.

Additional recent and forthcoming publication by our members:

Carol Gould, *Globalizing Rights* (Cambridge University Press, 2004)

Virginia Held, *The Ethics of Care: Personal, Political and Global* (Oxford University Press, 2005)

Lawrence Houlgate, *Children's Rights, State Intervention, Custody and Divorce: Contradictions in Ethics and Family Law* (The Edwin Mellen Press, Lewiston, NY, 2005)

Larry May, *Crimes Against Humanity: A Normative Account* (Cambridge University Press, 2005)

Larry May, *War Crimes and Just Wars* (Cambridge University Press, forthcoming, Fall, 2006)

David Reidy, *On The Philosophy of Law*, Wadsworth (to be published March 2006)

David Reidy and Rex Martin, *Rawls's Law of Peoples: A Realistic Utopia?* (Blackwell, to be published March 2006)

Here is the list of sub-topics for our November, 2006 meeting in St. Louis:

Program Outline, AMINTAPHIL, St. Louis, Oct. 26 – 29, 2006. Coercion, Justice and Democracy

I. General Conceptual Issues.

II. Evaluative Conceptual Issues.

III. Normative Issues - Theoretical.

IV. Normative Issues - Applied.

I. General Conceptual Issues

A. What is Coercion? Moralized vs. Nonmoralized Accounts.

B. Coercion by the State.

C. Coercion by Groups (corporations, cultural or religious groups, advocacy and nongovernmental organizations, etc.).

D. Coercion by Individuals.

E. Coercion and Context: Domestic vs. International.

II. Evaluative Conceptual Issues

A. Conceptualizing/Mapping the Moral Issue(s).

1. *Coercion: The Right and The Good.*
2. *Coercion: Substantive Values and Procedural Values.*

B. Particular Evaluative Concepts Relevant to the Moral Assessment of Coercion: Justice, Democracy, Common Good, Freedom, Equality, Fraternity, Reciprocity, Respect, Rights, Constitutionalism, Tolerance, Paternalism, Virtue, Republicanism, Legitimacy, Consent, Rule of Law, Neutrality, Self-Determination, Obligation.

III. Normative Issues - Theoretical

A. The Domestic Context.

1. *When and Why is Coercive State Action vis a vis Citizens Morally Permissible?*

- a. Democratic States;
- b. Nondemocratic States;
- c. Civil Disobedience, Resistance and Rebellion

2. *When and Why is Coercive Action by Nonstate Actors Morally Permissible?*

- a. Groups as Actors;
- b. Individuals as Actors;
- c. Disobedience, Resistance, etc.

B. The International Context

1. *When and Why is Coercive State Action vis a vis Other States Morally Permissible?*

- a. International Organizations as Actors and Other Multilateral Actions;
- b. Unilateral State Action;
- c. Disobedience, Resistance, etc.

2. *When and Why is Coercive Action Against States by Nonstate Actors Morally Permissible?*

- a. Nongovernmental Organizations and Advocacy Groups as Actors;
- b. Commercial Corporations as actors;
- c. Other Groups (Militias, Organized Populations, etc.) as Actors;
- d. Disobedience, Resistance, etc.

C. Theoretical Frameworks: Past and Present.

1. *What can we learn from the theoretical treatment of these issues by: Augustine, Aquinas, Grotius, Pufendorf, Hobbes, Wolff, Locke, Vattel, Rousseau, Kant, Hegel, Marx, Mill, Dewey, Rawls, Walzer, Nozick, Dworkin, Simmons, Sandel, Buchanan, Edmundson, Young, Richardson, et al.*

IV. Normative Issues – Applied.

A. The Domestic Case: Democratic and Nondemocratic Contexts.

1. *Coercive State Action.*

- a. Criminal Law and Punishment
- b. Military Conscription
- c. Taxation, Public Goods and Redistribution
- d. Property Rights, Regulation and Eminent Domain
- e. Compulsory Education
- f. Vaccinations, Quarantine and Public Health
- g. Police, Security and Law Enforcement
- h. Adjudication and Judicial Review
- i. Other: Marriage law, Contract law, etc.

2. *Coercion by Nonstate Actors.*

- a. Spouses, Parents and Family
- b. Churches and Clergy
- c. Private Schools and Teachers
- d. Property Owners and Commercial Corporations
- e. Other groups: unions, political parties, advocacy groups, hospitals, etc.
- f. Other individuals: employers, physicians, pharmacists, males, etc.

B. The International Case

1. *Coercion by States through International Organizations and Multilateral Action*

- a. UN Security Council and United Nations Generally
- b. World Bank and IMF
- c. WTO
- d. NAFTA, CAFTA, EC and other trade associations
- e. EU, ASEAN and other multifaceted regional federations and associations
- f. NATO and other military alliances
- g. Coalitions of the Willing

2. *Unilateral Coercion by States*

- a. War, Sanctions and Other Interventions
- b. Borders, Deportation and Immigration Control
- c. Hegemony and Imperialism

3. *Coercion and Nonstate Actors*

- a. Corporations and the Global Economy
- b. Nonstate Militias and Terrorism
- c. Nongovernmental Organizations and Advocacy Groups – Amnesty, Human Rights Watch, EarthFirst, GreenPeace, PETA, antiglobalization

COURSE LITERATURE

Below, there are literature lists for two courses taught at Washington University (St. Louis):

[i]

The Rule of Law (Professors Jack Knight and Larry May)

Required Books:

H.L.A. Hart, *The Concept of Law* (Oxford U.P., 1961)

Lon Fuller, *The Morality of Law* (Yale U.P., 1963)

Ronald Dworkin, *Law's Empire* (Harvard U.P., 1986)

Richard Posner, *Law, Pragmatism, and Democracy* (Harvard U.P., 2003)

[ii]

Seminar on Rights and Legal Institutions (Professors Jack Knight and Larry May)

Required Texts:

Theories of Rights, ed. by Jeremy Waldron (Oxford U.P., 1984)

Waldron, Jeremy, *The Dignity of Legislation* (Oxford U.P., 1999)

Waldron, Jeremy, *Law and Disagreement* (Oxford U.P., 2001)

Kramer, Larry D., *The People Themselves* (Oxford U.P., 2005)