

August 2005 – February 2006



## TABLE OF CONTENTS

### SECTION ONE:

#### IVR Announcements

IVR Executive Committee 2003/2007	2
Current number of IVR members	3
Membership fees	3

### SECTION TWO:

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

Belgium	4	Lithuania	12
Chile	6	Russia	13
China	7	Russia – St. Petersburg	15
France 2	7	Sweden	15
Germany	8	Switzerland	16
Japan	10	Turkey	18
Lebanon	11	United States (Amintaphil)	21

### APPENDICES:

- A. Conference announcement: Graphic and Visual Representations of Evidence and Inference in Legal Settings
- B. Conference announcement: the Possibility of Intercultural Law
- C. Call for Participation: 'Eighth International Workshop on Deontic Logic in Computer Science'

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**Current Number of IVR Members:**

Upon request, the number of individual IVR members has been estimated to be about 1,500.

**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

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## BELGIUM

IVR Belgian National Section



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- ☎ Secretaries: *Laurent De Sutter*  
*Luc Wintgens*

### *Information about research in the fields of legal theory and legal and social philosophy*

#### 1. Séminaire interdisciplinaire d'études juridiques (Facultés universitaires Saint-Louis, Brussels)

##### *Publications*

A.BAILLEUX, *La compétence universelle au carrefour de la pyramide et du réseau. De l'expérience belge à l'exigence d'une justice pénale transnationale*, Bruxelles, Bruylant, 2005.

H.DUMONT, F.OST, S.VAN DROOGHENBROECK, *La responsabilité, face cachée des droits de l'homme*, Bruxelles, Bruylant, 2005.

*Le concept de droit* (H.L.A.HART), traduction française de la nouvelle édition (avec une nouvelle postface) par M.van de KERCHOVE, Bruxelles, FUSL, 2005.

M.van de KERCHOVE, *Quand dire, c'est punir. Essai sur le jugement pénal*, Bruxelles, FUSL, 2005.

F.OST & M. van de KERCHOVE, *De la Pyramide au réseau ? Pour une théorie dialectique du droit*, Bruxelles, FUSL, 2003.

F.OST, *Raconter la loi. Aux sources de l'imaginaire juridique*, Paris, Odile Jacob, 2004.

F.OST, *Sade et la loi*, Paris, Odile Jacob, 2005.

*Revue interdisciplinaire d'études juridiques*, publication des numéros 2005. 54 et 2005. 55.

#### 2. Centre Perelman de Philosophie du Droit (Université Libre de Bruxelles). Center Perelman for Legal Philosophy (Free University Brussels – ULB)

The Center Perelman for Legal Philosophy, research unit of the (francophone) Free University of Brussels (ULB), conducted a four-year research program on civil society. The Center started in 2004–2005 a new research program on corporate social responsibility. In the context of these research programs, the members of the Center published the following studies:

BELLAL, S., BERNS, T., CANTELLI, F., FANIEL, J. (coord.), *Syndicats et société civile: des liens à (re)découvrir*, Brussels, Labor, 2003.

BERNS, T., *Le droit saisi par le collectif*, Brussels, Bruylant, "Droits, territoires, cultures", 2004.

BERNS, T., DOCQUIR, P.-F., FRYDMAN, B., HENNEBEL, L., LEWKOWICZ, G., *Corégulation et entreprise responsable*, Brussels, Bruylant, "Penser le droit", (to be published in May 2006).

FRYDMAN, B. (ed.), *La société civile et ses droits*, Brussels, Bruylant, "Penser le droit", 2004.

In addition, the *Center Perelman for Legal Philosophy* members published studies dealing with specific issues of legal philosophy and human rights. The leading publications are:

ALLARD, J., BERNS T. (dir.), *Humanités*, Brussels, Ousia, 2005.

ALLARD, J., GARAPON, A., *Les juges dans la mondialisation. La nouvelle révolution du droit*, Paris, Seuil, "La république des idées", 2005.

BERNS, T., *Souveraineté et gouvernementalité. Lectures du politique à partir de Bodin*, Paris, Léo Scheer, « Non et non », 2005.

BERNS, T., DUPONT, J.-C. K., XIFARAS, M., *Philosophie de l'impôt*, Brussels, Bruylant, "Penser le droit", 2006 (to be published in April 2006).

BRIBOSIA, E., HENNEBEL, L. (eds.), *Classer les droits de l'homme*, Brussels, Bruylant, "Penser le droit", 2004.

FRYDMAN, B., *Le sens des lois. Histoire de l'interprétation et de la raison juridique*, Paris – Brussels, L.G.D.J. – Bruylant, 2005.

HAARSCHER, G., translation and presentation of CHRISTIE, G., *L'auditoire universel dans l'argumentation juridique*, Brussels, Bruylant, "Penser le droit", 2005.

#### 3. Law Faculty Katholieke Universiteit Brussel (Center for Legal Theory and Center for Legislation, Regulation and Legisprudence)

In 2005 a number of new research projects were set up. Dr. Bart Du Laing joined the staff of the K.U.B. law faculty in order to work on a project on the biological origins of contract law. The project is financed by the *Fonds voor Wetenschappelijk Onderzoek Vlaanderen*. Prof. Van Hoecke is promotor of this project.

Since a couple of years, the *Center for Legislation, Regulation and Legisprudence* attracts scholars for Ph D work in the field of legal theory that focuses on the theory of legislation. The current projects, supervised by prof. Luc Wintgens, are:

Mircea Cojanu (University of Bucarest & European Academy of Legal Theory), *L'approche non-justificatiste de la validité juridique. Pour une autre rationalité du droit européen* (from October 2005).

As from February 1, Wojtjeh Cyrul (Cracow University & European Academy of Legal Theory) will join the Center for Legal Theory. Dr. Cyrul will work on the idea of dialogical validity in law.

Pieter Dehon (Vrije Universiteit Brussel), *De rechtswijsgerige en rechtstheoretische grondslag van de moderne staat in relatie met het recht vanuit de recente politiek-wijsgerige literatuur* [Political and theoretical foundations of the modern state] (from september 2003). This project runs in cooperation with the *Vrije Universiteit Brussel* (Flemish Free University of Brussels) (prof. Serge Gutwirth).

Jarmo Lätteenmäki (University of Helsinki & European Academy of Legal Theory), *Strategic Actions in Law Making and Moral Ethical Dimensions of Labour Agreements* (from July 2005).

Juliane Ottmann (Freie Universität Berlin & European Academy of Legal Theory) *The Concept of Solidarity in National, European and International Law. An Interdisciplinary and Comparative Study of the Theory of Solidarity* (from January 2005).

Philippe Thion (Universiteit Gent & European Academy of Legal Theory), *Alternatives for Legal Regulation* (from October 2004).

In the last few years, research in the Center of Legal Theory has mainly been focused on Theory of Comparative Law. A major publication in this field has been:

Mark Van Hoecke (ed.), *Epistemology and Methodology of Comparative Law*, Oxford: Hart Publishing, 2004 (publication of papers presented at the Brussels Conference in October 2002)

During the IVR-congress in Granada, the CLRL organised, as in Lund, a special workshop on Legisprudence. Some 15 speakers presented a contribution. Their work will be published as a book by Ashgate by the end of 2006. This was the second special workshop on this topic. The first was organised in Lund in 2003. As a result of this international cooperation a volume in the series Applied Legal Philosophy was published with the title *The Theory and Practice of Legislation. Essays in Legisprudence*. A new special workshop is planned for the Cracow congress in 2007.

More information on these and other activities can be found at [www.clrl.be](http://www.clrl.be).

#### *Some recent publications:*

Wintgens, L.J., "Legisprudence as a New Theory of Legislation", *Ratio Juris. An International Journal of Jurisprudence and Philosophy of Law*, 2006, 1-25.

Wintgens, L.J., "The Fragile Universality of Legalism. Universality of Validity and the Contingency of Law in Rousseau", *Rechtstheorie. Zeitschrift für Logik, Methodenlehre, Kybernetik und Soziologie des Rechts*, 2006.

Wintgens, L.J. (ed.), *The Process of Legisprudence. New Essays in Legisprudence in Applied Legal Philosophy*, Aldershot, Ashgate, 2006, 300 p. (in print)

Wintgens, L.J. (ed.), *The Theory and Practice of Legislation: Essays in Legisprudence in Applied Legal Philosophy*, Aldershot, Ashgate, 2005, 352 p.

#### **4. Law, Sciences, Technology & Society research group (Vrije Universiteit Brussel)**

The Law, Sciences, Technology & Society research group of the Vrije Universiteit Brussel, headed by Prof. Dr. Serge Gutwirth ([www.vub.ac.be/LSTS](http://www.vub.ac.be/LSTS)), is currently carrying out inter-university and interdisciplinary research on the theme "The Loyalties of Knowledge: Positions and Responsibilities of Sciences and Scientists in a Democratic Constitutional State" ([www.imbrogl.io.be](http://www.imbrogl.io.be)). It is financed by the Belgian State, Office of Scientific Policy. Partners: Bruno Latour (Ecole des Mines, Paris, France), Isabelle Stengers (Université Libre de Bruxelles), Koen Raes (Universiteit Gent), François Mélard (Université de Liège), Mireille Hildebrandt (Erasmus Universiteit Rotterdam, The Netherlands).

This research encompasses several work-packages dedicated to the legal theoretical aspects of the theme, and which have given birth to an important number of publications. The most important so far is: F. Audren and L. De Sutter (Eds.), *Pratiques cosmopolitiques du droit*, special issue of *Cosmopolitiques*, nr. 8, 2005 – with contributions of Bruno Latour, Isabelle Stengers, Ulrich Beck, François Ost, Serge Gutwirth and others. L. De Sutter is also putting the finishing touch on his PhD, *Politics of Representation. Essay on the Legal Construction of Publics*.

In collaboration with the Belgian section of the IVR, LSTS has also given birth to a joint seminar dedicated to the question: "Is Legal Thinking a Practice?" This seminar, that started on September 2005, will continue up to June 2007. Guest speakers so far include: Isabelle Stengers (Université Libre de Bruxelles), Serge Gutwirth (Vrije Universiteit Brussel), François Ost (Facultés Universitaires St.-Louis), Alain Paux (Univ. of Lausanne, Switzerland), Juha Karhu (Univ. of Lapland, Finland), Peter Fitzpatrick (Birbeck College, London, United Kingdom), Pierre Legrand (McGill University, Québec), Laurent De Sutter (Vrije Universiteit Brussel), Bruno Latour (Ecoles des Mines, Paris, France). Other speakers expected soon: Alain Pottage (London School of Economics, United Kingdom), Frédéric Audren (Ecoles des Mines, Paris, France), Marie-Angèle Hermitte (EHESP, Paris, France), etc.

Proceedings of this two-years seminar will then be published (in English) – as well as a new lexicon of legal

theory, "100 mots pour commencer à penser la pratique du droit" (Paris, Les Empêcheurs de penser en rond, in preparation).

#### *Some publications of LSTS :*

GUTWIRTH, S., *Privacy and the Information Age*, Lanham/Boulder/New York/Oxford, Rowman & Littlefield, 2002.

GUTWIRTH S., CLAES E., DUFF A. (Eds.), *Privacy and the Criminal Law*, Antwerp/Oxford, Intersentia, 2006.

GUTWIRTH S., DE HERT P., HILDEBRANDT M., *Implications of profiling on democracy and the rule of law*, Deliverable 7.4, FIDIS-Network of Excellence (EU 6th Framework Program) edited by M. Hildebrandt and S. Gutwirth, September 2005. Available at: [http://www.fidis.net/fidis\\_del.0.html#532](http://www.fidis.net/fidis_del.0.html#532)

#### **5. Faculty of Law of the University of Antwerp**

In 2005 two new Ph.D. students started working: a) on concepts of European citizenship in European law (Tim Everaerts) and b) on how magistrates in the Belgian Court of Cassation understand their law creating function (Bram Goetschalckx).

In 2006 a research centre will be established under the direction of prof. Maurice Adams, in which the two research topics that have been developed in recent years will be further explored: a) the relation between law and ethics (with a focus on regulating end-of-life issues), b) the relation between law and politics (with a focus on the legitimacy of judging). To this end workshops will be organised, and contacts established between national and international research groups.

As of 2005, prof. Maurice Adams is editor in chief of the Dutch language journal *Rechtsfilosofie en Rechtstheorie* (Netherlands Journal for Philosophy of Law and Legal Theory).

#### *Some recent publications:*

ADAMS M., "H.L.A.Hart en de Theory of Obligation" Naar aanleiding van A Life of H.L.A.Hart", *Nederlands Tijdschrift voor Rechtsfilosofie en Rechtstheorie (R.&R.)* 2005, 283-301.

ADAMS M., "Cartesiaans motiveren?", *Nederlands Juristenblad* 2005, 1888-1889.

ADAMS M., "Law as integrity" in *IVR Encyclopaedia of Jurisprudence, Legal Theory and Philosophy of Law*, A.Peczenik (ed.). Zie <http://encyclopedia.ivr2003.net>

## CHILE

Chilean National Section of IVR



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### ANNOUNCEMENT

October 2006, Santiago, Chile: Second Chile-Argentina Meeting on Philosophy of Law and Social Philosophy, with the participation of experts of both countries (first Meeting in 2004, in Buenos Aires).

#### *Recent Publication:*

Special issue of *Revista de Ciencias Sociales*, number 49-59, University of Valparaíso, January 2006, in memoriam Jorge Millas, the most important Chilean philosopher of the XX Century.

For previous issues of that review (dedicated to Kelsen, Ihering, Savigny, Hart, Bobbio, Ross, Dworkin and Rawls), please turn to [asquella@vtr.net](mailto:asquella@vtr.net).

**CHINA**

Jurisprudence Institute of  
Chinese Law Society – JICLS/IVR China

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*News*

The 2005 annual conference of JICLS took place on November 19-20, 2005, in Guangzhou, on the topic “Constructing Harmonious Society and the Development of the Rule of Law in China”.

**FRANCE 2**

Société Française pour la Philosophie et  
la Théorie Juridiques et Politiques – SFPJ

**RECORDS**

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## GERMANY

IVR Internationale Vereinigung für Rechts- und Sozialphilosophie Sektion Deutschland



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### NEWS

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](http://www.rechtsphilosophie.de).

The contributions to the bi-annual conference, held in Sept. 2004 at the University of Kiel, was published recently in 2005 by *Robert Alexy* as ARSP-Beiheft No. 104 (“Juristische Grundlagenforschung”).

#### *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 (for details see [www.rechtsphilosophie.de](http://www.rechtsphilosophie.de) or [www.arbeitskreis-ideengeschichte.uni-hd.de](http://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 Becker* (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”). The 13th conference 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](http://www.rechtstheorie.de/jfr2006).

### RECENT PUBLICATIONS

Alexy, Robert (Hrsg.), *Juristische Grundlagenforschung. Tagung der Internationalen Vereinigung für Rechts- und Sozialphilosophie (IVR) vom 23. bis 25. Sept. in Kiel, 2005*, 251 ARSP-Beiheft Bd.104.

Althaus-Grewe, Karin, *Methodenlehre in der DDR-Rechtswissenschaft*, 2004.

Bäcker, Carsten/Baufeld, Stefan (ed.), *Objektivität und Flexibilität im Recht. Tagungen des Jungen Forums Rechtsphilosophie (JFR) der IVR in Kiel im Sept. 2004 und in Hagen im Apr. 2005*, 2005 ARSP-Beiheft Bd. 103.

Blaschke Ulrich/Förster Achim/Lumpp Stephanie/Schmidt Judith (ed.), *Sicherheit statt Freiheit? Staatliche Handlungsspielräume in extremen Gefährdungslagen*, 2005.

Böckenförde, Ernst-Wolfgang, *Sicherheit und Selbsterhaltung vor Gerechtigkeit: der Paradigmenwechsel und Übergang von einer naturrechtlichen zur positivrechtlichen Grundlegung des Rechtssystems bei Thomas Hobbes*, 2004.

Brugger, Winfried, *Das anthropologische Kreuz der Entscheidung in Politik und Ethik*, 2005.

Brune, Guido, *Menschenrechte und Menschenrechtsethos. Zur Debatte eine Ergänzung der Menschenrechte durch Menschenpflichten*, 2005.

Brunkhorst Hauke/Costa Sérgio (ed.), *Jenseits von Zentrum und Peripherie. Zur Verfassung der fragmentierten Weltgesellschaft*, 2005.

Dreier, Horst (ed.), *Rechts- und staatsrechtliche Schlüsselbegriffe: Legitimität – Repräsentation – Freiheit. Symposium für Hasso Hofmann zum 70. Geburtstag*, 2005.

Eckl, Andreas/Ludwig, Bernd (ed.), *Was ist Eigentum? Philosophische Positionen von Platon bis Habermas*, 2005.

Günther, Klaus, *Schuld und kommunikative Freiheit. Studien zur personalen Zurechnung strafbaren Unrechts im demokratischen Rechtsstaat*, 2005.



- Harke, Jan Dirk, Vorenthaltung und Verpflichtung. Philosophische Ansichten und ihr rechtshistorischer Hintergrund, 2005.
- Hetz, Silke, Schutzwürdigkeit menschlicher Klone? 2005.
- Hiebaum, Christian, Die Politik des Rechts: eine Analyse juristischer Rationalität, 2004.
- Joerden, Jan C., Logik im Recht. Grundlagen und Anwendungsbeispiele, 2005.
- Joerden, Jan C./Neumann, Josef N. (ed.), Medizinethik 5, 2005.
- Kersting, Wolfgang, Politik und Recht. Abhandlungen zur politischen Philosophie der Gegenwart und zur neuzeitlichen Rechtsphilosophie, 2005.
- Kersting, Wolfgang, Kritik der Gleichheit. Über die Grenzen der Gerechtigkeit und der Moral, 2005.
- Merle, Jean-Christoph (ed.), Globale Gerechtigkeit – Global Justice, 2005.
- Morscher, Edgar (ed.), Was heißt es, ein Recht auf etwas zu haben? Stig und Helle Kangers Analyse der Menschenrechte, 2005.
- Orsi, Giuseppe/Seelmann, Kurt/Smid, Stefan/Steinvorth, Ulrich (ed.), Nationale Interessen und internationale Politik. Rechtsphilosophische Hefte, Bd. 10, 2005.
- Pawlik, Michael, Person, Subjekt, Bürger. Zur Legitimation von Strafe, 2004.
- Rahm, Claudia, Recht und Demokratie bei Jürgen Habermas und Ronald Dworkin, 2005.
- Rauprich, Oliver/Marckmann, Georg/Vollmann, Jochen (ed.), Gleichheit und Gerechtigkeit in der modernen Medizin, 2005.
- Rinderle, Peter, Der Zweifel des Anarchisten. Für eine neue Theorie von politischer Verpflichtung und staatlicher Legitimität, 2005.
- Rolin, Jan, Der Ursprung des Staates. Die naturrechtlich-rechtsphilosophische Legitimation von Staat und Staatsgewalt im Deutschland des 18. und 19. Jahrhunderts, 2005.
- Schefczyk, Michael, Umverteilung als Legitimationsproblem, 2005.
- Scheuren-Brandes, Christoph Martin, Der Weg von nationalsozialistischen Rechtslehren zur Radbruchschen Formel. Untersuchungen zur Idee vom „Unrichtigen Recht“, 2005.
- Shi, Cung-shan, Gerechtigkeit bei Rawls und Habermas. Eine vergleichende Darstellung, 2004.
- Sieckmann, Jan R. (ed.), Verfassung und Argumentation, 2005.
- Villiez, Carola von, Grenzen der Rechtsfertigung? Internationale Gerechtigkeit durch transnationale Legitimation, 2005.
- Weber, Carsten, Das Recht auf Informationszugang. Begründungsmuster der politischen Philosophie für informationelle Selbstversorgung und Eingriffsfreiheit, 2005.
- Wernecke, Annika, Rechtsphilosophische Probleme der weltweiten Durchsetzung von Menschenrechten. Eine Untersuchung zu I. Kant, J. Rawls und J. Habermas, 2005.
- Zaar, Peter, Wann beginnt die Menschenwürde nach Art. 1 GG? 2005.

## JAPAN

The Japan Section of IVR



After the presentations, general discussion concluded the conference.

Apart from these sessions, there were also eight presentations, which were not directly related to the main theme of the conference. The proceedings will be published in *The Annals of the Japan Association of Legal Philosophy* 2005.

## RECORDS

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## NEWS

### *The 2005 Annual Conference of the Japan Association of Legal Philosophy*

The 2005 annual conference of JALP was held on 12-13 November at Nanzan University, Nagoya. The main theme of the conference was “The Rule of Law in the Modern Japanese Society: Its Idea, Reality and Future”. The contents of the conference are as follows:

1. FUKADA Mitsunori (Doshisha University), *General Introduction to the Theme and the Problems of the Rule of Law*.
2. HASEGAWA Ko (Hokkaido University), *The Normative Tradition of the Rule of Law: A Preliminary*.
3. DOI Masakazu (Kyoto University), *Constitutionalism, the Rule of Law, and Rechtsstaat*.
4. NAKAGAWA Takehisa (Kobe University), *The Rule of Law in Japan from the Perspective of Administrative Law*.
5. INOUE Tatsuo (Tokyo University), *The Rule of Law and the Legitimacy of Law*.
6. HATTORI Takahiro (Kyoto University), *The Development of the Rechtsstaat Principle*
7. ISHIMAE Yoshiyuki (Meiji University), *The Rule of Law and Indeterminacy of Law*.
8. TAKAHASHI Kazuyuki (Tokyo University), *Analytical Perspective for the Rule of Law: Presenting a Framework for the Comparative Study of Constitution*.
9. TANAKA Shigeaki (Kwansei Gakuin University), *Comment*.

## LEBANON

Lebanese IVR National Section



### RECORDS

- ☞ Président d'honneur: *Chibli Mallat*, Université Saint-Joseph, Directeur Chaire Jean Monnet, Avocat à la Cour.
- ☞ Membres d'honneur:
  - Michel Troper*, Professeur à l'Université de Paris 10 Nanterre, France;
  - Mohammad al Majzoub*, Professeur et ex-président de l'Université libanaise, Liban;
  - Jean-Louis Sourieux*, Professeur à l'Université Saint-Joseph de Beyrouth.
- ☞ Président: *Dr Georges Saad*, Prof. de droit public, gsaad10@hotmail.com
- ☞ Vice-Président: *Georges Aramoni*, Prof. de droit public.
- ☞ Secrétaire des affaires administratives: *Cybelle Jalloul*, Prof. de droit privé.
- ☞ Responsable des relations extérieures: *Hassan Jouni*, Prof. de droit international.
- ☞ Trésorier provisoire: *Georges Aramouni*.

### CONTACT

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#### *L'Association libanaise de philosophie du droit (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.

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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'oublierons 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.

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#### Activités :

☞ Séminaire à l'Université Saint-Joseph de Beyrouth, en collaboration avec la Chaire Jean Monnet de l'USJ, présidée par le Professeur Chibli Mallat, sur « la philosophie du droit : quelles perspectives ? », le 15 octobre 2005. Y ont participé et intervenu : les professeurs et chercheurs : Michel Troper, Jean-Louis Sourieux, Chibli Mallat, Bjarne Melkevik, Charles Coutel, Mohammad Tay, Batoul Yaafoufi, Evelyne Kestler, Georges Saad.

☞ Traduction par Georges Saad de « La philosophie de droit », de Michel Troper, Que sais-je, PUF, publié en arabe aux Ed. al Anwar, Beyrouth, 2004.

☞ Traduction par Georges Saad de textes choisis de deux livres de Bjarne Melkevik : « Réflexions sur la philosophie du droit » et « Horizons de la philosophie du droit », publié en arabe sous le titre « Textes en philosophie de droit », Ed. ALIPHYD et al Najoie, Beyrouth, 2005.

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## LITHUANIA



Lithuanian National Section of IVR

### RECORDS

☞ President: *assoc. Prof. Dr. Vaidotas Vaicaitis*, Faculty of Law, Vilnius University.

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☞ General Secretary: *Lector Linas Baublys*, Law Faculty, Mykolas Romeris University (Vilnius).

E-mail: [lbaublys@yahoo.com](mailto:lbaublys@yahoo.com)

#### *New members of the Lithuanian section of IVR:*

Prof.dr. Alfonsas Vaisvila, Head of Department of Philosophy of Law, Law Faculty, Mykolas Romeris University (Vilnius)

Prof.dr. Saulius Arlauskas, Law Faculty, Mykolas Romeris University (Vilnius)

Assoc.prof.dr. Ernestas Spruogis, Law Faculty, Mykolas Romeris University (Vilnius)

Assoc.prof.dr. Darijus Beinoravicius, Law Faculty, Mykolas Romeris University (Vilnius)

Assoc.prof.dr. Virginija Jakimenko, Faculty of Strategic Management and Policy, Mykolas Romeris University (Vilnius)

Assoc.prof.dr. Vytis Valatka, Faculty of Strategic Management and Policy, Mykolas Romeris University (Vilnius)

Assoc.prof.dr. Giedre Lastauskiene, Law Faculty, Vilnius University

Assoc.prof.dr. Remigijus Simasius, Law Faculty, Vilnius University

Lector dr. Kristina Miliauskaite, Law Faculty, Mykolas Romeris University (Vilnius)

Sigita Sriubaite, Law Faculty, Vilnius University

Andrius Kaluina, Law Faculty, Mykolas Romeris University (Vilnius)

## RUSSIA

The Russian National Section of IVR



### RECORDS

☞ President: *Prof. Vladimir Grafskiy*, Head of Centre of Theory and History of State and Law, Institute of State and Law, Russian Academy of Sciences, Moscow. Email: v\_grafskiy@bk.ru

☞ Secretary: *Ludmila Lapteva*, Institute of State and Law, Russian Academy of Sciences, Moscow. Email: l\_lapteva@mail.ru

### CONTACT

*Ludmila Lapteva* (see above)

### NEWS

After academic V. Nersesyants had passed away, his duties of head of IVR Russian national section are being fulfilled by Professor Vladimir Grafskiy, a specialist in history of legal philosophy and general history of law.

The main events of the year were holding a round-table discussion about law conceptions and international conference in Moscow State Legal Academy, "Moral foundations of law theory". The latter included participants from leading educational & scientific legal centers from Russia, Kazakhstan, Byelorussia, Ukraine, Bulgaria. The summaries of the reports were published in "State & Law" magazine, No. 8 and No. 9.

#### *Recent Publications*

In the course of 2005, there were several publications in legal philosophy and history of legal philosophy: revised edition of V.S. Nersesyants' "Legal Philosophy", I. Kozlikhin's "History of political and legal doctrines", V. Grafskiy's "History of political and legal doctrines" and "Universal history of law and state". Also, Y. Yumashev's translation of G. Radbruch's "Rechtsphilosophie" and N. Rouland's "Introduction historique au droit" were published.

#### *Course Literature*

##### *Philosophy of Law*

Selected bibliography, compiled and recommended by prof. V.S. Nersesyants (2003).

##### *Classic Works (Russian editions)*

*Aristotle*, Complete Works

*Bacon F.*, A Specimen Of The Method Of Treating Universal Justice (The Advancement of Learning)

*Beccaria*, On Crimes and Punishment

*Cicero*, Dialogs. On the state. On the Laws

*Digesta Justiniana*

*Epicur, Democritus, Heraclitus* – Selected Works

*Grotius*, On the Law of War and Peace

*Hegel*, Philosophie des Rechts

*Hobbes*, Selected Works

*Jhering*, Der Kampf ums Recht

*Kant*, Selected Works

*Kelsen*, Pure Theory of Law

*Leibniz*, Collected Works

*Lenin*, The State and Revolution

*Locke*, Two Treatises of Government

*Rousseau*, Political Writings

*Machiavelli*, Selected Works

*Marx & Engels*, The Communist Manifesto

*Marx*, Selected Works

*Montesquieu*, Selected Works

*Nietzsche*, The Will to Power

*Nietzsche*, Thus Spoke Zarathustra

*Plato*, Complete Works

*Spinoza*, Selected Works

*Stammler*, Wirtschaft and Recht nach der materilistischen Geschichtsauffassung

*Classic Russian Works (Russian editions, titles transl. into English)*

*Berdyaev N.*, The Kingdom of God and the Kingdom of Caesar.

*Berdyaev N.*, The Philosophy of Inequality.

*Chicherin B.*, Political thinkers. St. Petersburg, 1999.

*Chicherin B.*, Selected works. St. Petersburg, 1998.

*Kechekyan S.*, Legal relationship in the Socialist society. Moscow, 1957.

*Kurskiy D.*, Selected articles and speeches. Moscow, 1958.

*Nevolin K.*, Encyclopedia of jurisprudence. St. Petersburg, 1997.

*Novgorodtsev P.*, Lectures on history of legal philosophy. Modern doctrines. XVI-XIX centuries. Moscow, 1914.

*Pashukanis E.*, Selected works on general theory of law and state. Moscow, 1960.

*Pukhta G.*, Law encyclopedia. Yaroslavl, 1872.

*Redkin P.*, Encyclopedia of legal and political studies. St. Petersburg, 1872-1873.

*Reysner M.*, Law. Our law. Alien law. General law. Leningrad, 1925.

*Soloviev V.*, The justification of the good. Moscow, 1996.

- Shershenevitch G.*, History of legal philosophy. St. Petersburg, 1993.
- Vyshinskiy A.*, Main objectives of Soviet socialist legal science. Moscow, 1938.
- Textbooks (Russian editions, titles transl. into English)*  
*History of political and legal doctrines.* Ed. Nersesyants V., Moscow, 2004.
- History of legal philosophy.* Ed. Albov A., Maslennikov D., Salnikov V. St. Petersburg, 1993.
- Nersesyants V.*, Philosophy of law. Moscow, 2000.
- Nersesyants V.*, Jurisprudence. Moscow, 1999.
- Modern Russian Works (Russian editions, titles translated into English)*  
*Alekseyev S.*, Philosophy of law. Moscow, 1999.
- Alekseyev S.*, The most sacred that God has on earth. Immanuel Kant and legal issues of the modern time. Moscow, 1999.
- Baskin Y.*, Kant. Moscow, 1984.
- Chetvernin V.*, Modern conceptions of natural law. Moscow, 1988.
- Chetvernin V.*, Conception of law and state. Moscow, 1997.
- Chernenko A.*, Philosophy of law. Novosibirsk, 1998.
- History of political and legal doctrines.* Vol. I-V. Ed. Nersesyants V., Moscow, 1985-1995.
- Isaev I., Zolotukhina N.*, History of Russian political and legal doctrines XI-XX centuries. Moscow, 1995.
- Kozlikhin I.*, The idea of constitutional state. History and modern. St. Petersburg, 1993.
- Kerimov D.*, Philosophy of law foundations. Moscow, 1992.
- Kuznetsov E.*, Philosophy of law in Russia. Moscow, 1989.
- Kudriavtsev V., Kerimov D.*, Law and state (the legal philosophy analysis experience). Moscow, 1993.
- Lapaeva V.*, Legal issues in Marx' Capital. Moscow, 1982.
- Lukovskaya D.*, Political and legal doctrines: historical-theoretical aspect. Leningrad, 1985.
- Malinova I.*, Philosophy of lawmaking. Yekaterinburg, 1996.
- Malinova I.*, Philosophy of law (from metaphysics to hermeneutics). Yekaterinburg, 1995.
- Malinova I.*, Classical philosophy of law. Yekaterinburg, 1997.
- Maltsev G.*, Conception of law. Approaches and problems. Moscow, 1999.
- Mamut L.*, Etatism and anarchism as types of political sense. Moscow, 1989.
- Mamut L.*, The state in value measurement. Moscow, 1998.
- Mamut L.*, People in the constitutional state. Moscow, 1999.
- Nersesyants V.*, Political teachings of Ancient Greece. Moscow, 1979.
- Nersesyants V.*, Right and Law. From the history of legal doctrines. Moscow, 1983.
- Nersesyants V.*, Our path to law. From socialism to civilism. Moscow, 1992.
- Nersesyants V.*, Hegel's Philosophy of Law. Moscow, 1998.
- Nersesyants V.*, Law – the mathematics of freedom. Moscow, 1996.
- Nersesyants V.*, General theory of law and state, Moscow, 2001.
- Omelchenko O.*, The Idea of constitutional state: origins, perspectives, dead-ends. Moscow, 1994.
- Pashinskiy A.*, Legal deontology, Moscow, 1995.
- Perelomov L.*, Confucianism and legism in Chinese political history. Moscow, 1981.
- Soloviev E.*, Undefeated heretic (Martin Luther and his time). Moscow, 1984.
- Soloviev E., I. Kant:* complementarities of moral and law. Moscow, 1992.
- Temnov Y.*, Machiavelli. Moscow, 1979.
- Zorkin V.*, The positivist legal theory in Russia. Moscow, 1978.
- Zorkin V.*, Chicherin. Moscow, 1984.

**RUSSIA – ST. PETERSBURG**

Russia – IVR St. Petersburg Section

**SWEDEN**

The Swedish Section of IVR

**RECORDS**

☞ President: *Prof. Dr. Eduard Kuznetsov*  
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**NEWS**

In the middle of December, 2005, the section negotiated about confluence of two Associations with Professor Grafskiy (Moscow Association of the Philosophy of law).

Within the framework of Saint-Petersburg Association, Russia, we prepared a book «New ideas in law science» in the memory of Professor Aleksander Peczenik. In this book we translated in Russian language materials of the 21st IVR Congress (authors K.E. Belyakov, O.E. Starovoitova, A.A. Boer).

**RECORDS**

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

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**ANNOUNCEMENT**

Once a year, a common symposium in jurisprudence is arranged at either of the law faculties of the Swedish universities. This year, the symposium will be held at Lund, May 10-11, 2006 (organizer: Christian Dahlman).

*Programme*

May 10

1:00 p.m. Claes Lernestedt, Örebro: *Penal Law and Cultural Differences*

2:30 p.m. Mauro Zamboni, Stockholm: *Border-transgressing Democracy*

May 11

9:00 a.m. Ola Svensson, Lund: *The General Principles of Contract Law*

10:30 a.m. Eva-Maria Svensson, Gothenburg: *The Limits of Jurisprudence*

## SWITZERLAND

The Swiss Section of IVR



### RECORDS

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### ANNOUNCEMENT

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

This interdisciplinary and international symposium has been initiated by the SVRSP (Schweizerische Vereinigung für Rechts- und Sozialphilosophie; the Swiss Section of IVR). Over the past few years, brain research has been a controversial issue mainly amongst philosophers (e.g. in fall 2004, the dispute between Jürgen Habermas and Wolf Singer that attracted international interest). One of the main topics of this issue is the (ir)relevance of the individual's free will. The axiom of free will is a fundamental pillar of western legal order, therefore, the (philosophical) discourse on brain research is an immediate challenge to jurisprudence.

The goal of the symposium is to take up this discourse and develop it from a legal perspective. Thereby the elaboration of the scientific foundations (by methodological criteria) as well as the social and legal impacts of this controversy will be stressed. The results of the symposium and the theses presented there will be published in a supplement to the ARSP 2007.

Speeches will be given by the following internationally renowned scientists of brain research, cognition psychology and philosophy (of law): Gerhard Roth (University of Bremen), Wolfgang Prinz (Max-Planck-Institut, Leipzig), Peter Heintel (University of Klagenfurt), Björn Burkhardt (University of Mannheim), Philippe Mastronardi (University of St. Gallen), Kurt Seelmann (University of Basle), Frank Urbaniok (Zurich Department of Crimi-

nal Justice) and Marcel Senn (University of Zurich). The moderators will be Helen Keller (University of Zurich), Ada Neschke-Hentschke (University of Lausanne) and Lukas Gschwend (University of St. Gallen).

Have we caught your interest? You are more than welcome to sign up by sending an e-mail to our secretary Dániel Puskás (daniel.puskas@rwi.unizh.ch).

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

The Congress will focus on positioning jurisprudence within the philosophy of science in the 21st century. The examination of the topic, with a focus on its historical development, will address the following three aspects as foundations of jurisprudence: Social Policy ("Gesellschaftspolitik"), Neo-Kantianism and Cultural Anthropology. In order to elaborate a (possible) new scientific profile of jurisprudence, the discussions will be led with a systematic and argumentative approach as well as encompassing the perspectives of history of law and science. The SVRSP will invite renowned scientists to this congress.

### Recent Publications

Marc Amstutz, Die Verfassung von Vertragsverbindungen, in: Marc Amstutz (ed.), Die vernetzte Wirtschaft – Netzwerke als Rechtsproblem, Zürich 2004, pp.45-86.

Marc Amstutz/Marcel Alexander Niggli, Recht und Wittgenstein I – Wittgensteins Philosophie als Bedrohung der rechtswissenschaftlichen Methodenlehre, in: Pierre Tercier et al. (eds.), Gauchs Welt, Festschrift für Peter Gauch zum 65. Geburtstag, Zürich/Basel/Genf 2004, pp.3-21.

Marc Amstutz/Marcel Alexander Niggli, Recht und Wittgenstein II – Über Parallelen zur Wittgensteinschen Philosophie in der rechtswissenschaftlichen Methodenlehre, in: Pierre Tercier et al. (eds.), Gauchs Welt, Festschrift für Peter Gauch zum 65. Geburtstag, Zürich/Basel/Genf 2004, pp.161-183.

Marc Amstutz/Marcel Alexander Niggli, Recht und Wittgenstein III – Vom Gesetzeswortlaut und seiner Rolle in der rechtswissenschaftlichen Methodenlehre, in: Peter Forstmoser et al. (eds.), Richterliche Rechtsfortbildung in Theorie und Praxis – Methodenlehre und Privatrecht, Zivilprozess- und Wettbewerbsrecht, Festschrift für Hans Peter Walter, Bern 2005, pp.9-36.

Samantha Besson, Die Tugend des Konflikts, in: Rechtsphilosophie, vol.1, 2006 (to be published).

Samantha Besson, The Many European Constitutions and the Future of European Constitutional Theory, in: ARSP-Beiheft, 2006 (to be published).



- Samantha Besson, *La Constitution de la société civile*, in: *Revue Fribourgeoise de Jurisprudence – Special issue on the new Constitution of the Canton of Fribourg*, 2005, pp.323-347.
- Samantha Besson, *The Morality of Conflict – A Study on Reasonable Disagreement in the Law*, Oxford 2005, XX-601 pp.
- Samantha Besson, *The Paradox of Democratic Representation – On Whether and How Disagreement should be Represented*, in: Luc Wintgens et al. (eds.), *The Theory and Practice of Legislation – Essays in Legisprudence*, Aldershot 2005, pp. 125-161.
- Samantha Besson, *Sovereignty in conflict*, in: *European Integration online Papers*, vol.8 (2004), no.15, <http://eiop.or.at/eiop/texte/2004-015a.htm>.
- Christoph Graber, *Der Kunstbegriff des Rechts im Kontext der Gesellschaft*, in: Institut suisse de droit comparé et al. (ed.), *Liberté de l'art et indépendance de l'artiste*, Zürich 2004, pp 91-111.
- Andreas Kley, *Staatliches Gewaltmonopol? Ideengeschichtliche Herkunft und Zukunft – Referat im Collegium generale der Universität Bern vom 29.10.2003*, in: Sara Zwahlen/Wolfgang Lienemann (eds.), *Universität Bern, Kulturhistorische Vorlesungen 2003/2004 – Kollektive Gewalt*, Bern 2006, pp.11-29.
- Andreas Kley, *Göttliche Machtworte in der Politik*, in: *iusfull*, 2005, Heft 2, p.100.
- Andreas Kley, *Sakralisierung von Staatsrecht und Politik*, in: Benoît Bovay/Minh Son Nguyen (eds.), *Mélanges Pierre Moor*, Bern 2005, pp.95-114.
- Andreas Kley, *Von der Konstitution der helvetischen Republik zum Konstitutionalismus des Globus? Ein historisch-philosophischer Blick*, in: *recht, Sonderheft: Die Öffnung des Verfassungsrechts – Symposium zum 65. Geburtstag von Jörg Paul Müller am 21. November 2003*, Bern 2005, pp.26-30.
- Andreas Kley, *e-Voting oder e-Oak?*, in: *iusfull*, 2004, Heft 6, p.280.
- Andreas Kley, *Staatliches Gewaltmonopol und private Gewaltanwendung*, in: *Neue Helvetische Gesellschaft (ed.), Jahrbuch 2003/04*, Chur 2004, pp.47-56.
- Andreas Kley, *Teleologische und deontologische Ethik – Utilitarismus und Menschenrechte*, in: Philippe Mastrorandi (Ed.), *Das Recht im Spannungsfeld utilitaristischer und deontologischer Ethik – Vorträge der Tagung der Schweizer Sektion der internationalen Vereinigung für Rechts- und Sozialphilosophie (SVRSP) vom 15. und 16. November 2002 in Luzern*, ARSP-Beiheft 94, Stuttgart 2004, pp.55-70.
- Ada Neschke-Hentschke, *La justice platonicienne et la justice sociale de John Rawls*, in: Michael Esfeld/Jean-Marc Tétaz (eds.), *Généalogie de la pensée moderne*, Frankfurt a.M. 2004, pp. 43-55.
- Ada Neschke-Hentschke, *L'oeuvre du cithariste et du meilleur cithariste sont la même – La meilleure constitution et son statut épistémique dans la théorie politique d'Aristotle*, in: Francisco Lisi (ed.), *The ways of life in Classical Political Philosophy*, St. Augustin 2004, pp.1135-1152.
- Marcel Alexander Niggli, *Netzwerke und Strafrecht*, in: Marc Amstutz (ed.), *Die vernetzte Wirtschaft – Netzwerke als Rechtsproblem*, Zürich 2004, pp.191-196.
- Paul Richli, *Die Relevanz der Unterscheidung von Individual- und Sozialethik im Rechtsbereich*, in: Paul Richli (ed.), *Wo bleibt die Gerechtigkeit*, Zürich 2005, pp.157-171.
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Axel Tschentscher, *Rechtsrahmen und Rechtspraxis der Bestellung von Richterinnen und Richtern zum Bundesverfassungsgericht*, in: Jan Sieckmann (ed.), *Verfassung und Argumentation*, Baden-Baden 2005, pp.95-113.

Axel Tschentscher, *Constitutional Economics in Constitutional Jurisprudence*, in: Anne van Aaken et al. (eds.), *Deliberation and Decision – Economics, Constitutional Theory and Deliberative Democracy*, Aldershot 2004, pp.80-87.

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## TURKEY

The Turkish Section of IVR



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Zeynep Üskül, Galatasaray University Faculty of Law  
Aydan Omur Surlu, İzmir University Faculty of Law  
Sercan Gürler, İstanbul University Faculty of Law

## NEWS

Ankara Bar Association arranged an international congress concerning the philosophy of law in 3-7 January 2006. Turkey section of the IVR and Philosophical Society of Turkey cooperate with the Bar in preparing this event. Among the speakers were Prof. Csaba Varga, Prof. Jean Christophe-Merle, Prof. Georges Saad, Prof. George Fletcher, Prof. Catharine MacKinnon, Prof. Patricia Smith, Prof. Frances Olsen, Prof. Lucinda Finley and Turkish members of the IVR.

## ANNOUNCEMENTS

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

### *Ankara University*

Course co-ordinators: Prof. Adnan Güriz-Dr. Gülriiz 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 the basic problems of philosophy of law connected with the Turkish legal system. Furthermore, we try to devolope and use alternative education methods in this course, like drama.

Course Literature:

Hukuk Felsefesi (The Philosophy of Law) Adnan Güriz,  
Law, Morality and Freedom, H.L.A.Hart  
Introduction to Philosophy of Law, J.Coleman-  
J.G.Murphy  
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

### *On-going Research*

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

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

Justice And Cultural Pluralism (Fatma İrem Çağlar)  
Law and Literature (Hüseyin Öntaş)

### *İstanbul University*

Course co-ordinators: Dr. Mehmet Tevfik Ozcan, Associate Professor of the Philosophy and Sociology of Law, Law School, İstanbul University. İstanbul Üniversitesi, Hukuk Fakültesi, 34116, Beyazıt, İstanbul, Turkey, E-mail: mtozcan@yahoo.com

### *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, İstanbul 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 to 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: İstanbul, Set Pub., 2003, x+227 pp.

*Galatasaray University*

Course co-ordinators: *Assoc. Prof. Dr. Ahmet Ulvi TÜRKBAĞ*, Department of Philosophy and Sociology of Law

*Recent Publications and On-going Research*

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

Two Positivismisms (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 Fundaments 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.

*Bilkent University*

Course co-ordinator: *Dr. Mehmet Arısan*

For the courses given in the context of psychoanalysis and politics, political subjectivity and political legitimacy, psychoanalytical aspects of political modernisation and legitimacy, Turkish political modernisation.

*Core texts:*

Giorgio Agamben, Claude Lefort, Max Weber, Jacques Lacan, Slavoj Žižek, Ernesto Laclau, Chantal Mouffe, Carl Schmitt, Juan Linz, Samuel Huntington, S. N. Eisenstadt, Guillermo O'Donnell and Philippe Schmitter, Ergun Özbudun, Metin Heper, Serif Mardin, Kemal Karpat, Niyazi Berkes, Feroz Ahmad, William Hale, Erik Zürcher

*On-going research:*

The Lacanian psychoanalysis, Turkish modernisation and new reflections on the theory of modern political legitimacy.

## UNITED STATES

AMINTAPHIL



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*Carol Gould*, Philosophy, George Mason University, Vice  
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tive Secretary  
*David Reidy*, Philosophy, University of Tennessee, Pro-  
gram Committee Chair  
*Richard Nunan*, Philosophy, College of Charleston, Nomi-  
nations Committee Chair  
*Mortimer Sellers*, Law, University of Baltimore, Publica-  
tions Committee Chair  
*Burton Leiser*, Philosophy, Pace University, IVR Repre-  
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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.

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](mailto:Bruce.Landesman@mail.hum.utah.edu) for additional information.

Further information on AMINTAPHIL, including our fall newsletter, can be found at <http://www.philosophy.utah.edu/AMINTAPHIL/>. Our winter/spring newsletter will be distributed shortly. AMINTAPHIL application forms can be found on our web page and in our newsletter.

### 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](http://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.

Here are 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.

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

Conference Announcement:

**Graphic and Visual Representations of Evidence and Inference in Legal Settings**

*Cardozo Law School  
New York City (Manhattan)  
January 28-29, 2007*

<http://tillerstillers.blogspot.com/2006/03/conference-announcement-graphic-and.html>

**Description of conference:**

One of the largest problems faced by crime investigators, litigators, paralegals, judges, triers of fact, and other actors interested in disputes about factual questions in legal settings is the sheer mass of available evidence in many cases. It is often difficult to remember, retrieve, and interpret evidential information, so that patterns, relations, and inconsistencies often go unnoticed. Tools that support the storage, retrieval, and interpretation of masses of evidence could therefore be of great use.

Psychological studies have shown that people's ability to remember, retrieve, and interpret information is greatly enhanced if they organize information in a way that is meaningful to them. Scholars of the law of evidence have long suggested that graphical representations of evidential arguments and inferences could support humans in making sense of masses of evidence. As early as 1913, John Henry Wigmore claimed that his charting method promoted rational thinking about legal evidence. While Wigmore had only pencil and paper to draw his cumbersome graphs, today the computer could make his ideas practically feasible for everyone. Software could be used to draw graphical representations of arguments and inferences about masses of evidence. Moreover, such software could be combined with existing database, document management, and search technology so that collections of evidentiary documents could be stored and retrieved in terms of the user's thinking about a case. Such software would also facilitate transfer of case files to others by increasing the transparency of the files, so that subsequent investigators, prosecutors, and fact finders could gain a quicker and better understanding of the case.

Such software is currently being investigated for use in various domains. Argument visualization software has been designed, for instance, to support the teaching of scientific reasoning or critical thinking skills (Belvedere, Reasonable, Araucaria, Convince Me), to support intelligence analysis, and to facilitate individual or collaborative problem solving (Questmap, SEAS). Moreover, current artificial intelligence research offers precise accounts of evidential reasoning and thus provides a clear semantics of graphical notations as well as ways to compute with them.

In the legal domain, fact investigators and litigators increasingly use software that supports the storage and retrieval of information in terms of conceptual and relational networks (Holmes 2, Analyst's Notebook). However, as yet, such tools offer little or no support for the structuring of human thinking about thus stored information. This software allows users to store evidentiary data in terms of events, objects, actors, and the relations among these things,

but it does not allow users to represent how such data support or undermine hypotheses about what has happened.

This interdisciplinary conference brings together scholars and practitioners from such fields as law, philosophy, computer science, artificial intelligence, cognitive psychology, and linguistics who are interested in the graphic visualization of legal evidentiary inference and its support by software tools. The following issues will be addressed:

- Current and new graphical means to visualize factual inference and proof
- Semantics of such graphical notations: what are the underlying theories of evidential reasoning? (jurisprudential, philosophical, psychological, rhetorical, logical, or mathematical)
- Which software tools for graphical representations of factual inference and proof are currently available or being developed?
- What are the potential contexts for the use of such software and what are the potential benefits of such software? (crime investigation, litigation, trial, law teaching, etc.)
- To what extent can graphic representation of evidential arguments support the automatic evaluation of hypotheses?
- How can current insights about human-computer interaction be exploited to increase the usefulness of such software? (e.g., how can visual complexity created by the size of the available mass of evidence be managed?)
- Are empirical results available on usability and effects of use of charting methods (whether manual or digital) in legal or other contexts?
- What are the practical constraints faced by crime investigators or legal professionals who want to use such software?

#### Conference officials:

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Thomas D. Cobb (University of Washington, Seattle): Deputy program chair e-mail address: [tomcobb@u.washington.edu](mailto:tomcobb@u.washington.edu)

#### Panelists:

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- [Philip Dawid](#) (U. College London)
- [Neal Feigenson](#) (Quinnipiac University School of Law)
- [Branden Fitelson](#) (U. of California at Berkeley)
- [Tim van Gelder](#) (U. of Melbourne)
- [Thomas F. Gordon](#) (FOKUS [Frauenhofer Institut fuer Offene Kommunikationssysteme]); [web log](#)
- [John Josephson](#) (Ohio State University)
- [Marc Lauritsen](#) (CEO, Capstone Practice Systems)
- [Richard Lempert](#) (U. of Michigan Law School & National Science Foundation)
- [Ronald P. Loui](#) (Washington University, St. Louis; Computer Science)
- [Jennifer Mnookin](#) (UCLA School of Law)
- [Dale Nance](#) (Case School of Law)
- [Andrew Palmer](#) (U. of Melbourne, Law)(unconfirmed)
- [Priit Parmakson](#) (Tallinn University, Tallinn, Estonia)



## APPENDIX A

- [John L. Pollock](#) (U. of Arizona)
- [Henry Prakken](#) (Utrecht University & U. Groningen)
- [Chris Reed](#) (U. of Dundee)
- [Burkhard Schafer](#) (U. of Edinburgh, Law School)
- [David Schum](#) (George Mason U.)
- [Richard Sherwin](#) (New York Law School)
- [Samuel Solomon](#) (CEO of DOAR, Inc.)
- [Peter Tillers](#) (Cardozo Law School, Yeshiva University)
- [William Twining](#) (U. College London, Law Faculty & U. of Miami, School of Law)
- [Bart Verheij](#) (U. Groningen, Dept. of Artificial Intelligence; ALICE Institute)
- [Vern Walker](#) (Hofstra U. School of Law)
- [Douglas Walton](#) (U. of Winnipeg)

Association for Legal Philosophy of the Netherlands

## Conference on the Possibility of Intercultural Law

9-10 June 2006

Conference Center Kaap Doorn, Driebergen/Zeist,  
The Netherlands

The Association for Legal Philosophy of the Netherlands organises an international conference on The Possibility of Intercultural Law on 9th and 10th June 2006. The conference will focus on epistemological aspects of interlegality (Friday, 9th June) and on the relationship between intercultural law, religion, democracy and rule of law (Saturday, 10th June). Keynote speakers will be Patrick H. Glenn, Jaap van Brakel, Tariq Ramadan and Anton Zijderveld. On Friday the discussion will start with replies from Roland Pierik, Hendrik Pinxten, Marc Loth and Wim Staat. The texts of the keynote speakers will be available beforehand. The program and information for registration can be found at

<http://www.verenigingrechtsfilosofie.nl/>

FIRST CALL FOR PARTICIPATION

# DEON2006

Eighth International Workshop on  
Deontic Logic in Computer Science

*Special Topic: Artificial Normative Systems*

Utrecht, The Netherlands

12, 13, and 14 July 2006

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

Early registration deadline: June 1st, 2006

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 features a special topic: *Artificial Normative Systems*

There have been seven previous DEON workshops: Amsterdam (1991), Oslo (1994), Sesimbra (1996), Bologna (1998), Toulouse (2000), London (2002), and Madeira (2004). Selected papers from each of these workshops have been published internationally.

## WORKSHOP VENUE:

The eighth DEON workshop will be held in Utrecht, the fourth largest city of the Netherlands, organised by the Department of Information and Computing Sciences of Utrecht University. The conference venue is located at the heart of Utrecht's attractive historic centre.

## INVITED SPEAKERS:

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

**ACCEPTED PAPERS:**

A list of accepted papers can be found at <http://www.cs.uu.nl/deon2006/program.html>

**REGISTRATION:**

The early registration deadline is June 1st, 2006. An online registration form and local and travel information can be found on our workshop website at:

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

**ACCOMMODATION:**

We have secured limited availability of rooms against reduced rates with three hotels, on a first-come, first-serve basis, to be booked before May 1st or June 1st (2x). Information on these and other hotels is available on our workshop website. We advise you to book your room as soon as possible, since hotels in Utrecht tend to be fully booked during summer time.

**TIMETABLE:**

1 June 2006: early registration deadline

12-14 July 2006: The Workshop

**SPONSORS:**

The workshop is sponsored by:

- SIKS (Dutch Research School of Information and Knowledge Systems),
- JURIX (Dutch Foundation for Legal Knowledge and Information Systems),
- BNVKI (Belgian-Dutch Association for AI),
- NWO (Netherlands Organisation for Scientific Research),
- KNAW (The Royal Netherlands Academy of Arts and Sciences),
- Faculty of Science, Universiteit Utrecht
- Department of Information and Computing Sciences, Universiteit Utrecht