

# IVR NEWSLETTER



## *Editor's Greetings*

Dear Members of the IVR,

In August 2003, I took, by appointment of IVR President Professor Aleksander Peczenik, from the former Editor-in-Chief, Professor Ricardo Guibourg, the honour and responsibility of publishing IVR Newsletter.

At the beginning of a new year, it is customary to make a series of promises which, however, are kept rather seldom. Therefore, I decided to start the new IVR-year 2004 by substituting promises with gratitude and (truly Kantian) good will.

Thus, I would like to thank Professor Guibourg, very warmly, for his kindness in making me acquainted with the minutiae of editing a newspaper. It is my firm intention to follow his advice, and I am looking forward to collaborating with the various national sections of IVR, in a way that shall be both fruitful and pleasant!

*Uta Bindreiter*



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

### Obituary: Norberto Bobbio

With regret, we must inform you about the death of Norberto Bobbio, our IVR Honorary President. He was born on 18 October 1909. He died on 9 January 2004.

Bobbio played a great role in creation of Italian analytical legal positivism, attempting to integrate logical positivism and Hans Kelsen's pure theory of law. He shared Kelsen's opinion that many problems, unsolvable by analyzing single legal rules, can be successfully addressed by elaborating a theory of legal systems. However, Bobbio derived further consequences from this insight. He acknowledged the existence of different types of legal rules, thus refusing Kelsen's reduction of all legal norms to duty- or sanction-imposing rules. Since the mid-1960s, Bobbio became more critical to Kelsen's theory. He argued against its value-free, scientific ambitions and emphasized that it actually was an expression of normative convictions. Later on, Bobbio wrote important works about social functions of law. He also defended welfare-state liberalism.

Bobbio was not only a great scholar but also played a great role in Italian culture and politics. At the end of his long life, he served many years as a member of Italian Senate. IVR members remember his excellent lecture, opening the 17th World Congress in Bologna.

He was one of the greatest personalities of legal theory. We will miss him deeply.

*Aleksander Peczenik*

### Reflections about the 21<sup>st</sup> IVR World Congress in Lund

It was a rather big congress with ca. 550 participants. Most of them came from Europe but there was a big participation from all continents. The biggest representation was from UK, more than 50 participants. A significant number of persons came of course from the US. The participation from Japan was very good, more than 20 persons. Polish participation, too, was above the average, again more than 20 persons. All in all, people came from Armenia, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Denmark, Estonia, Ghana, Greece, Finland, France, Germany, Hong Kong, Hungary, India, Israel, Italy, Japan, Korea, Lebanon, Lithuania, Malta, Mexico, Netherlands, Nigeria, Norway, Poland, Portugal, Romania, Russia, Saudi Arabia, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Taiwan, Turkey, UK, Ukraine and USA.

There were 23 plenary lectures, ca. 75 special workshop sessions, more than 60 working group sessions, more than 10.000 cups of coffee. The weather was good, the atmosphere friendly. Everyone appeared to be pleased. We received, among other things, the following comments: a very successful congress; a very pleasant experience; an enjoyable and instructive occasion; everything worked out perfectly and run smoothly; scientific content highly over the average. Modesty prohibits from quoting more such comments.

What did the congress give us as researchers? It is a complex question but I would like to emphasize the following. Very different people could communicate with each other. For example, proponents of minimalist description of particular legal problems could talk with people who alluded to "coherent theory of everything". Analytical philosophers could talk with post-modern thinkers. Lawyers could talk with philosophers. Liberals could talk with communitarians. Researchers from very different countries could talk with each other. Not the least, the participation of specialised disciplines, such as law-and-economics, cognition research and artificial intelligence in the law, was unusually great and very inspiring. Communication was real, not only drinking coffee together but also attempting to understand each other. Especially, law-and-economics was a success. Richard Posner's lecture got the biggest audience. Not without some worry, I could count 12 empty seats at this lecture; the Town Hall has capacity of 450 persons.

The success of special workshops must also be mentioned. For example, workshops on artificial intelligence in the law, cognitive science, law-and-economics and criminal responsibility were very successful, though they are not usual at IVR congresses.

We are happy to state that the "Young researcher grant" was a success. Almost 70 young people participated in the congress because of the grant. They will take care of the future of legal philosophy.

The success was possible because of a highly motivated staff of "yellow badges", efficient support from the Faculty of Law in Lund and, not the least because of generous sponsors: the Swedish Research Council; the Bank of Sweden Tercentenary Foundation; Torsten and Ragnar Söderberg Foundations; the Crafoord Foundation; the Swedish Institute; Emil Heijne's Foundation for Legal Research; the Gyllenstiernska Krapperup Foundation; Lars Hierta Memorial Foundation; Erik and Gurli Hultengren's Foundation for Philosophy and the European Commission High-level Scientific Conferences.

There were also some worries. Participation of African countries was minimal. The same can be said about the Indian sub-continent and the Islamic countries. One reason for this consists in well-known economic problems and visa problems. In addition to it, the IVR obviously meets difficulties to cross various barriers between different legal and philosophical cultures. This is a challenge which must be met in future. Another worry was some decline of the interest from a number of previously successful national sections. To my knowledge, not a single Swiss participant showed up at the congress. There are also other European examples of this kind. The reasons of such failures are difficult to guess. Perhaps we failed to provide satisfactory information. Perhaps the interest for philosophy of law decreases in some countries. Perhaps it is just a coincidence. But the lesson is that the IVR must be on the alert. Nothing can be taken for granted in the modern, dynamic and complex world. I must confess having some nightmares before the congress about terrorists, wars, epidemics, various kinds of panic and so on.

The Proceedings of 21<sup>st</sup> IVR World Congress includes 4 Beihefte of the ARSP (editors Aleksander Peczenik, Zenon Bankowski, Svein Eng and Kenneth Himma). In the first of them which appears in spring 2004, there will be extensive information about the publication channels. In addition to it, the Proceedings include

- ☞ *Ratio Juris* 17:1 and 17:2 with some plenary papers
- ☞ Beiheft of *Rechtstheorie* (2004), editors Christian Dahlman, Werner Krawietz and Yasutomo Morigiwa
- ☞ Volume published by Ashgate (2004): *The Theory and Practice of Legislation* (editor Luc Wintgens)
- ☞ Volume 2:2 (Spring 2005) of *Ohio State Journal of Criminal Law* on Criminal Responsibility (editors Antony Duff and Joshua Dressler)
- ☞ Volume of *Artificial Intelligence and Law Journal* 2004 (editors Jaap Hage and Giovanni Sartor) on Law, Morality, Politics and Defeasibility
- ☞ Volume 79, issue 2 of *Chicago-Kent Law Review* (editor Horacio Spector) on Economics, Moral Philosophy, and Legal Scholarship
- ☞ Special Issue, No 3, Vol. 17, 2003 of *International Review of Law Computers and Technology* (editor Fernando Galindo) on Electronic Governance and Philosophy of Law
- ☞ Volume of *Analisi e diritto* 2004 (editors Paolo Comanducci and Ricardo Guastino) on Law and Objectivity—Legal Positivism, Critical Theory and the new wave of Natural Law

- ☞ Three volumes published by Ratio, Kraków 2004, namely on philosophical problems concerning *EU Citizenship and Law and Technology* (editor Ola Zetterquist); on *Form and Substance in Contemporary Constitutionalism* (editors Joakim Nergelius, Pasquale Policastro and Kenji Urata) and on *Stressing of Legal Decisions* (editors Krzysztof Pałeczki and Christoffer Wong).

Finally, let me mention a pre-publication of plenary lectures in *Associations, Journal for Legal and Social Theory*, Volume 7, July 2003, Number 1.

*Aleksander Peczenik*

### Next Meetings

The 22nd IVR World Congress will be held in Granada, Spain, in May 24-29, 2005. Prof. Nicolás López Calera leads its organization. Please visit the web site: <http://www.ugr.es/~ivr2005/>

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The yearly EC meeting will take place in Alicante, Spain, May 20-22, 2004. On that occasion, there will be a seminar on The Future of Legal Positivism

### PROGRAMME

#### FIRST DAY

*Tom Campbell* (Australian National University): "The Point of Legal Positivism"

*Paolo Comanducci* (Genoa University): "Legal Positivism and New-Constitutionalism"

*Fernando Atria* (Talca University): "Legal Theory and Legal Positivism"

#### SECOND DAY

*Eugenio Bulygin* (Buenos Aires University): "In Defence of Legal Positivism"

*José Juan Moreso* (Pompeu Fabra University): "Legal Indeterminacy and Legal Positivism"

*Tomasz Gizbert Studnicki* (Cracow University): "Legal Positivism and the Distinction between Law and Moral"

#### LAST DAY

Round Table: "The Future of Legal Positivism". Participants: *Aleksander Peczenik, Robert Alexy, Juan Ruiz Manero, Eugenio Bulygin*

Contact person: *Macario Alemany*  
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### IVR Encyclopedia of Jurisprudence, Legal Theory and Philosophy of Law

The project shall reflect the needs of legal science in our complex and changing society. It should contribute to assure identity of legal theory between ordinary legal scholarship and philosophy. For example, a jurist who writes about statutory interpretation often makes philosophical assumptions about argumentation in general, about the nature of law, about legitimacy and so on. His knowledge about such things is often fragmentary and outdated. He needs an honest summary giving him links to such subjects and showing that they may be controversial. He has no reason to become a philosopher but his research should be immunised against philosophic naiveté.

The Encyclopaedia will have the following special characteristics.

- 1) It will consist of very brief executive summaries, about 2,500 words each, showing links of juristic method to controversial philosophical assumptions.
- 2) We should try to open each entry in the way making it comprehensible for an "ordinary" legal scholar why we legal philosophers talk about "strange" things.
- 3) The emphasis will be on philosophical controversies important for legal practice and linked to other philosophical controversies. Philosophy is essentially controversial, yet inevitable for a lawyer who wishes to think in a profound manner. Thus, we should conclude each entry with a list of philosophical controversies the subject provokes.
- 4) If possible, we will try to reveal the common ground behind controversies. Controversiality is philosophically inevitable but in practice often less dramatic than it appears in public debate of the present time.
- 5) The main idea is to make interconnections between different problems more accessible than they are now.
- 6) Another trademark of the encyclopedia is flexibility. The list of entries will be continually updated. The systematization of entries will also evolve in time. No attempt has been made to impose a theoretically underpinned systematization of the entries.

Drafts of a number of entries are now prepared. They will be discussed at a seminar in Lund 11-13 December 2004, with about 20 invited persons. After this seminar, the project will be made accessible online.

We have also planned similar seminars for 2005, 2006 and 2007, with about 10 invitees each time. Then, more entries will be added to the web site.

*Aleksander Peczenik*

## ARGENTINA



Asociación Argentina de Filosofía del Derecho

### RECORDS

☞ *President:* Ricardo A. Guibourg

☞ *Vice president:* Rodolfo L. Vigo

☞ *Secretary:* Pablo López Ruf

☞ *Treasurer:* Eduardo Barbarosch

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

*Board surrogates:* Armando Andruett, Eduardo Barcesat, Juan Cian-ciardo and Pablo Navarro

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

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won the AAFD Young Scholar Award, and his paper on “Sobre el cambio de los precedents” was discussed within the plenary sessions. Other papers were presented by *Juan José Bentolila, Julio César Castiglione, José Luis Cristaldo Bustamante, Miguel Ángel Ciuro Caldani, Graciela Daives de Marcotullio, Damián Dellaqueva, Juan Iosa, Santiago Legarre, Mónica Lin Tejerina, Juan Alberto Madile, Eloy Emiliano Suárez* and *Juan Manuel Villarroel*.

### ANNOUNCEMENTS

The XVIII Argentine Meeting on Philosophy of Law and Social Philosophy will be held in Buenos Aires, from September 30 to October 2, 2004.

### NEWS

The XVII Argentine Meeting on Philosophy of Law and Social Philosophy was held in Córdoba, from October 30 to November 1, 2003. Main expositions were made by *Michael S. Moore* (University of Illinois) on “Semántica realista e interpretación jurídica”, translated by Ricardo V. Guarinoni; *Mario Chaumet* (University of Rosario), on “Reflexiones sobre la implementación de la decision judicial compleja: el caso de los intereses supraindividuales”; *Lucía Aseff* (University of Rosario), on “La noción de orden público: entre la tópica jurídica y el análisis crítico del discurso”; *Rodolfo Vázquez* (ITAM, México), on “Teorías, principios y reglas. Reflexiones desde la bioética”; *Ricardo V. Guarinoni* (University of Buenos Aires), on “Derogación y después”; *Joaquín Migliore* (Universidad Austral, B.Aires), on “John Locke y el problema de la tolerancia. Un aporte a la historia del surgimiento de la doctrina de los derechos humanos”; *Pablo Navarro* (Universidad del Sur), on “La validez de las normas derivadas”, and *Paolo Comanducci* (University of Genoa, Italy), on “Las conexiones entre el derecho y la moral”. *Eduardo S. Sodero*



## AUSTRALIA



Australian Society of Legal Philosophy  
ASLP

### RECORDS

- ☞ *President:* Tom Campbell, Charles Stuart University, Canberra
- ☞ *Secretary:* Peter Cane, Australian National University, Canberra

*Membership:* 89

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### NEWS

After some years of inactivity the Victorian branch of the ASLP has re-launched itself with a well attended series of seminars held in Melbourne organised by A/Professor *David Wood*.

The Annual Conference of the ASLP was held in conjunction with the Julius Stone Institute of Jurisprudence at the University of Sydney, July 18-20. The Keynote Speakers were:

- ☞ *David Nelken* (Macerata and Cardiff) 'The Concept of Legal Culture' and
  - ☞ *Jeremy Waldron* (Columbia) 'Legislating with Integrity'
- The subject of the Book Symposium was PETER CANE, *Responsibility in Law and Morality*, Oxford University Press 2002.

The ASLP published Volume 28 (2003) of the *Australian Journal of Legal Philosophy*. Editor: *Tom Campbell*, Assistant Editor: *Peter Cane*, Reviews Editor: *Leighton McDonald*. Articles include:

- ☞ *David Dyzenhaus*, 'Humpty Dumpty Rules or the Rule of Law: Legal Theory and the Adjudication of National Security'
- ☞ *George C Christie*, 'The Importance of Recognising the Underlying Assumptions of Legal and Moral Arguments: of Law and Rawls'
- ☞ *Andrew Geddis*, 'Three Conceptions of the Electoral Moment'
- ☞ *Steven Tudor*, 'Modes of Mercy'
- ☞ *Adrian Walsh*, 'Monetary Valuation in the Law: Incommensurability and the Objection from Substitutability'

The article by *Andrew Geddis* won the ASLP Essay Prize 2003.

The journal, including details of the ASLP Essay Prize 2004 is available online at <http://lawrsss.anu.edu.au/aslp>

## CANADA



Canadian Section IVR (CS-IVR)

### RECORDS

- ☞ *President:* *Susan Dimock* (dimock@yorku.ca)
- ☞ *Vice-President:* *Chris Rucker*
- ☞ *Executive Director:* *Nathan Brett* (Nbrett@is.dal.ca)

### CONTACTS

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

### Minutes of 2003 CS IVR AGM, Dalhousie University, Halifax, June 3, 2003 (unapproved):

*Present:* Brenda Baker, Nathan Brett, Bob Bright, Hugo Cyr, Susan Dimock, Joseph Ellin, Chris Gray, Michael Guidice, Dennis Klimchuk, Ann Levey, Alistair Macleod, Michael Milde, Mark Ramsay, Eldon Soifer, Chris Tucker, Paul Viminitz, Lars Vinx, Sheldon Wein, Alex Wellington.

#### 1. Minutes

The minutes of the 2002 meeting were approved, with a correction saying that \$500, not \$1500, was owed to the IVR.

#### 2. Executive Director's Report

The Executive Director, *Nathan Brett*, reported that the association has \$1400 in its account, \$900 plus \$500 from CIDA. Regarding payment of dues, AMINTOPHIL and the IVR now have an agreement in writing that they will each deduct \$5.00 as already paid for those who are members of the Canadian Section IVR. Current dues of ongoing members were due as of this meeting.

#### 3. President's Report

The outgoing President *Bob Bright* reported that CIDA did not get in touch with us this year, so their intentions were not known. The web site was now running smoothly and mail management software was coming. The possibility of discussion lists was mentioned. Pdf was the most stable format for circulating papers, so will continue to be used. Submissions could be single spaced to save on printing costs. Bob would continue as webmaster for the CS IVR.

There was a unanimous expression of thanks to Bob for doing such an excellent job setting up the website and administering the distribution of papers for the 2003 meeting.

#### 4. Report of International IVR Representative

*Brenda Baker* reported that an exciting program was in place for the XXI World Congress of the IVR in Lund, Sweden, Aug 12-18. Three members of the CS IVR were planning to attend (*Baker, Gray, Macleod*). The next World Congress in 2005 was to take place in Granada, Spain, likely in early summer. The location for the 2004 interim meeting of the IVR Executive would be determined at the Lund congress, and reported to CS IVR members.

### 5. Roster of Papers for the 2003 CS: IVR Meeting, JUNE 3, 2003

- ☼ *Michael Giudice*, Imperialism versus Continuity in Legal Theory  
*Joseph Ellin*, Some Comments on Moser
- ☼ *Joe Ellin*, Is Inclusive Legal Positivism the Best Theory?  
*Michael Giudice*, Is Inclusive Legal Positivism Best? on Joseph Ellin
- ☼ *Chris Gray*, Positivization as a Function of Modernity...:  
*Catherine Valcke*, Law as an Autopoietic System: on Christopher Gray  
*Lars Vinx*, Gray's 'Positivization as a Function of Modern Law'
- ☼ *Alistair McLeod*, The Structure of Arguments for Human Rights  
*Chris Tucker*, Macleod's: The Structure of Arguments for Human Rights
- ☼ *Paul Viminitz*, The Myth of Civilian Immunity  
*Sheldon Wein*, Civilian Immunity and the Law: on Paul Viminitz  
*Chris Tucker*, Why there can be a Law of Civilian Immunity...
- ☼ *Dennis Klimchuk*, Mack v. Canada and the Limits of the Law of Unjust Enrichment
- ☼ *Eldon Soifer* and *D. Elliott*, Do God and My Cat Violate My Privacy?  
*Brenda Baker*, Is Observation without consent inimical to privacy?
- ☼ *Alex Wellington*, Publication Bans: Freedom of the Press or Freedom From the Press?
- ☼ *Nathan Brett*, Teaching Class: Justice and Privatisation in Education
- ☼ *Chris Tucker*, Contractarianism, Compliance and Education  
*Chris Tucker*, Towards a Rejection of Constraint  
*Sheldon Wein*, Complying with the Constraint Requirement...on Tucker  
*Paul Viminitz*, Buddhism Made Simple: on Chris Tucker
- ☼ *Christopher B. Gray*, "Two Visions of Equality"

### 6. Next Year's Meeting

President *Susan Dimock* reported that the 2004 Humanities Congress would be hosted by the University of Manitoba. The expected dates for the CPA were May 29-June 1, 2004; following our normal practice, the 2004 CS IVR meeting would be held on the day after the CPA, namely, June 2, 2004. It was mentioned that the Law Forum had members who could be interested in our meetings, and we could try to liaise with them. Other groups with possible overlapping interests included the Canadian Association of Law Teachers and the Law Commission of Canada. *Susan Dimock* agreed to look into possible coordination with interested law groups. It was agreed that the final determination of the 2004 meeting date would be left to the Executive of the CS IVR to determine by summer's end.

### 7. Topics for the 2004 meeting on June 2, at the University of Manitoba

The following topics were tentatively agreed on, leaving it to the Executive to finalize the list:

- ☼ Family Law
- ☼ Legalization vs. Decriminalization
- ☼ Judicial Power and Democracy
- ☼ Liberty and Harm
- ☼ Work in progress

### 8. Election of New Vice-President

*Chris Tucker* was elected by acclamation to the position of Vice-President.

### 9. Other business

*Chris Gray* reminded other members that next year would be the 20th Anniversary of the CS IVR.

*Nathan* and *Mary Lou* generously invited society members to a lobster dinner at their home after the day's meetings. Their invitation was accepted with enthusiasm and gratitude.

Minutes prepared by *Brenda Baker*

August 4, 2003

## CHILE



Sociedad Chilena de Filosofía Jurídica y Social

### RECORDS

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

### CONTACT

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### NEWS

☎ Symposium about “What Remains of the Pure Theory of Law? 30 Years of Kelsen’s Death”, University of Valparaíso, Faculty of Law, with the support of Chile National Section of IVR, November 2003.

### RECENT PUBLICATIONS

- ☎ Anuario de Filosofía Jurídica y Social, number 20, 2002, appeared in October 2003. It is dedicated to the subject “Legal Culture in Chile”.
- ☎ “John Rawls. Studies in his Memory”, edited by *Agustín Squella* as number 47 of *Social Sciences Review*, University of Valparaíso (Casilla 3325, Correo 3, Valparaíso, Chile), appeared in November 2003.

## COLOMBIA



Asociación Colombiana de Filosofía Jurídica y Social

### RECORDS

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

- ☎ Honorary President: *Luis Villar Borda*
- ☎ President: *Numas Armando Gil*
- ☎ Vice President: *Rodolfo Arango*
- ☎ Treasurer: *Miguel Rujana*

### CONTACTS

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### NEWS

A seminar was held, October 15 to 17, in homage to Hans Kelsen, on the 30 anniversary of his death. The title of the seminar was “Kelsen - 30 years”. In the seminar *Clemens Jabloner*, professor of the University of Vienna, President of the Administrative Appeal Court of Austria and Co-director of the Hans Kelsen Institute, presented a speech about the concept of Law in the Pure Theory (“El Concepto de Derecho de la Teoría Pura”)

All the lectures presented in the seminar will be published soon.

A homage to the life and work of philosopher Luis Eduardo Nieto Arteta was held September 17 - 19, coordinated by professor *Numas Armando Gil*.

### ANNOUNCEMENTS

The next National Congress of the Association will take place in Barranquilla, in March, 2004.



## RECENT PUBLICATIONS

The books that have been published lately in the collection about Philosophy of Law and Theory of Law, under the direction of professor *Luis Villar Borda*, are:

- ☼ *Robert Alexy*, Three writings about the fundamental rights and the theory of principles, translated by Carlos Bernal Pulido (*Tres escritos sobre los Derechos fundamentales y la Teoría de los Principios*).
- ☼ *Fernando Rey Martínez*, The Protestant ethics and the spirit of the constitutionalism (*La ética protestante y el espíritu del constitucionalismo*)
- ☼ *Juan Carlos Bayón* and *Jorge Rodríguez*, Normative relevance in the justification of the judicial decisions (*Relevancia normativa en la justificación de las decisiones judiciales*)

First reprinting of the book:

- ☼ *Robert Walter and others*, Central problems in the Pure Theory of Law (*Problemas Centrales de la Teoría Pura del Derecho*), translated by *Luis Villar Borda*.

In addition, the University Externado de Colombia, associated with the Universidad Nacional de Colombia, has published the book:

- ☼ *Lessons in Philosophy* (*Lecciones de Filosofía*), coordinated by *Luis Eduardo Hoyos*.
- ☼ *Numas Armando Gil*: Dignity and Law (*Dignidad y Derecho*), ed. Gustavo Ibañez.
- ☼ *Hernán Ortíz*: Jus philosophical speculations from Homer to Plato (*Especulaciones iusfilosóficas de Homero a Platón*), Edit. Temis.

## FRANCE 2



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

### RECORDS

- ☼ President: *Jean-François Kervegán*, professor of philosophy at the Université de Paris I  
E-mail: kervegan@univ-paris1.fr
- ☼ Secretary General: *Eric Millard*, professor of public law at the Université de Paris XI  
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- ☼ Treasurer: *Carlos Miguel Pimentel*, professor of public law at the Université de Versailles – Saint Quentin  
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- ☼ Honorary President: *Philippe Raynaud*

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### ANNOUNCEMENTS

- ☼ The 4th Young Researcher Meeting in legal and political philosophy will be held in Paris on March 19th, 2004.  
Contact : eric.millard@jm.u-psud.fr
- ☼ *Jean François Kervegán*, President of the SFPJ, will organize a meeting on Kant and legal and political philosophy in Paris, September 24th and 25th, 2004  
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## GERMANY

IVR Internationale Vereinigung für Rechts- und Sozialphilosophie Sektion Deutschland



### RECORDS

#### Executive board:

- ☼ *Ulfrid Neumann* (President), Institut für Kriminalwissenschaften und Rechtsphilosophie der Johann Wolfgang Goethe-Universität, Senckenberganlage 31-33, D-60054 Frankfurt/Main, tel. 069-798- 22921/2, fax 069/798-22204; e-mail: U.Neumann@jur.uni-frankfurt.de.
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Homepage: [www.rechtsphilosophie.de](http://www.rechtsphilosophie.de)

### NEWS

The last conference of the German section was held early May, 2003, at the university Munich, in memoriam of the former president of the German section of the IVR and of the IVR World, *Arthur Kaufmann* (died 2001), entitled "Verantwortetes Recht". Many speakers came from abroad, namely Austria (*Friedrich Lachmayer*), Chile (*Enrique Barros*), Japan (*Koichi Miyazawa*, *Ken Takeshita*, *Ueda* and *Keichi Yamanaka*), Korea (*Young Whan Kim*) Portugal (*Sousa e Brito*), Spain (*Andres Ollero*), Taiwan (*Shing I Liu*). The lectures will be published in mid-2004, in a ARSP-volume, ed. by *Winfried Hassemer*, *Ulfrid Neu-*

*mann* and *Ulrich Schroth*. Contributors from Germany are the editors, *Robert Alexy*, *Felix Herzog*, *Hermann Klenner*, *Reinhard Merkel* and *Bernd Schönemann*.

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

This IVR Study Group conducts bi-annual conferences nearby Hannover in between the bi-annual conferences of the national section. It held its second meeting in late Sept. 2003 on norms becoming fuzzy and the new formation of natural law – From Thomas Aquinas to Spanish Late Scholasticism. For details see [www.rechtsphilosophie.de](http://www.rechtsphilosophie.de); for information on the publication of the first meeting on the legal thought of the Greek sophists see [www.arbeitskreis-ideengeschichte.uni-hd.de](http://www.arbeitskreis-ideengeschichte.uni-hd.de) (including a bibliography and classic texts).

### Sub-section Jena

The papers of the conference on Anselm Feuerbach, held in March 2002, were recently published as ARSP-volume No. 87 (Die Bedeutung Paul Johann Anselm Feuerbachs für die Gegenwart, ed. by *Rolf Gröschner* and *Gerhard Haney*).

### ANNOUNCEMENTS

The next bi-annual conference of the German section will take place Sept. 23-35, 2004 at the university of Kiel, organized by Professor *Robert Alexy*. The general subject is „Research of Legal Foundations“, lectures will deal with all doctrinal branches from civil to constitutional law. Plenary lectures will be held by *Horst Eidenmüller*, *Joachim Renzikowski*, *Dirk Heckmann* and *Katja Langenbacher*, section lectures by *Eberhart Hain*, *Stefan Huster*, and *Jan-R. Sieckmann* (public law), *Andreas Hoyer*, *Armin Engländer*, and *Frank Saliger* (criminal law), *Nils Jansen* and *Christiane Wendeborst* (civil law). The lecturers are rather young, to improve the attractiveness of legal philosophy for students and young scholars (for details see [www.rechtsphilosophie.de](http://www.rechtsphilosophie.de) and [www.uni-kiel.de/IVR-Tagung\\_2004](http://www.uni-kiel.de/IVR-Tagung_2004)).

**Junges Forum Rechtsphilosophie (JFR)**

The recently elected Speakers are: Dr. *Jochen Bung* (Frankfurt/Main) and *Carsten Baecker* (Kiel). The next conference will take place in Kiel, Sept. 22-23, 2004, on the topic "Objectivity in Law" (for details see [www.rechtsphilosophie.de](http://www.rechtsphilosophie.de) and [www.uni-kiel.de/JFR-Tagung\\_2004](http://www.uni-kiel.de/JFR-Tagung_2004)).

**RECENT PUBLICATIONS**

- ☼ Alexy, Robert/Meyer, L.H./Paulson, Stanley L./ Sprenger, Gerhard (Hg.), *Neukantianismus und Rechtsphilosophie*, Baden-Baden 2002.
- ☼ Alexy, Robert/Koch, Hans-Joachim/Kuhlen, Lothar/Rüßmann, Heinz (Hg.), *Elemente einer juristischen Begründungslehre*, Baden-Baden 2003.
- ☼ Amelung, Knut u.a. (Hg.), *Strafrecht, Biorecht, Rechtsphilosophie*, Festschrift für Hans-Ludwig Schreiber zum 70. Geburtstag am 10. Mai 2003, Heidelberg 2003.
- ☼ Banzhaf, Günther, *Philosophie der Verantwortung. Entwürfe, Entwicklungen, Perspektiven*, Heidelberg 2002.
- ☼ Bernat, Erwin/Kröll, Wolfgang (Hg.), *Recht und Ethik der Arzneimittelforschung*, Wien 2003.
- ☼ Birnbacher, Dieter, *Bioethik zwischen Natur und Interesse*, Berlin 2003.
- ☼ Bluhm, Harald, *Die Ordnung der Ordnung. Das politische Philosophieren von Leo Strauss*, Berlin 2002.
- ☼ Bredel, Ralf, *Systematisch-normative Begriffe des völkerrechtlichen Friedens in der neuzeitlichen Philosophie des Rechts*, Bern 2002.
- ☼ Brüning, Barbara, *Recht, Gerechtigkeit, Menschenrechte*, Bielefeld 2001.
- ☼ Butler, Judith, *Kritik der ethischen Gewalt*, Frankfurt/Main 2003.
- ☼ Cattaneo, Mario A., *Montesquieus Strafrechtsliberalismus*, Baden-Baden 2002.
- ☼ Engländer, Armin, *Diskurs als Rechtsquelle? Zur Kritik der Diskurstheorie des Rechts*, Tübingen 2002.
- ☼ Derrida, Jacques, *Schurken*, Frankfurt/Main 2003.
- ☼ Fahl, Christian, *Rechtsmißbrauch im Strafprozeß*, Heidelberg 2003.
- ☼ Forst, Rainer, *Toleranz im Konflikt. Geschichte, Gehalt und Gegenwart eines umstrittenen Begriffs*, Frankfurt/Main 2003.
- ☼ Foucault, Michel, *Die Wahrheit und ihre juristischen Formen*, Frankfurt/Main 2003.
- ☼ Frühbauer, Johannes, *John Rawls' Theorie der Gerechtigkeit*, Darmstadt 2003.
- ☼ Haase, Marco, *Grundnorm, Gemeinwille, Geist. Der Grund des Rechts nach Kelsen, Kant und Hegel*, Tübingen 2003.
- ☼ Habermas, Jürgen, *Die Zukunft der menschlichen Natur. Auf dem Weg zu einer liberalen Eugenik? Erweiterte Ausgabe*, Frankfurt/Main 2002.
- ☼ Heidbrink, Ludger, *Kritik der Verantwortung. Zu den Grenzen des verantwortlichen Handelns in komplexen Kontexten*, Weilerswist 2003.
- ☼ Henkel, Michael (Hg.), *Staat, Politik und Recht beim frühen Hegel*, Berlin 2001.
- ☼ Hinkmann, Jens, *Ethik der Menschenrechte*, Marburg 2002.
- ☼ Hollander, Pavel, *Abriss einer Rechtsphilosophie. Strukturelle Überlegungen*, Berlin 2003.
- ☼ Iser, Mattias/Strecker, David (Hg.), *Kritische Theorie der Politik. Franz L. Neumann – eine Bilanz*, Baden-Baden 2002.
- ☼ Joerden, Jan C. (Hg.), *Über Tugenden und Werte*, Bern 2002.
- ☼ Joerden, Jan C. u.a. (Hg.), *Strafrecht und Rechtsphilosophie, Jahrbuch Recht und Ethik 11* (2003).
- ☼ Kriele, Martin, *Grundprobleme der Rechtsphilosophie*, Münster 2003.
- ☼ Künnecke, Arndt, *Auf der Suche nach dem Kern des Naturrechts. Ein Vergleich der schwachen säkularen Naturrechtslehren Radbruchs, Coings, Harts, Welzels und Fullers ab 1945*, Hamburg 2003.
- ☼ Lübke, Hermann, *Säkularisierung. Geschichte eines ideenpolitischen Begriffs*, 3. Aufl. mit neuem Vor- und Nachwort, Freiburg 2003.

- ☼ Leist, Anton (Hg.), *Moral als Vertrag? Beiträge zum ethischen Kontraktualismus*, Berlin 2002.
- ☼ Münkler, Herfried/Blum, Harald (Hg.), *Gemeinwohl und Gemeinsinn. Historische Semantiken politischer Leitbegriffe*, Berlin 2001.
- ☼ Ooyen, Robert Chr. Van, *Der Staat der Moderne. Hans Kelsens Pluralismustheorie*, Berlin 2002.
- ☼ Rath, Jürgen, *Das subjektive Rechtfertigungselement. Eine rechtsphilosophisch-kriminalrechtliche Untersuchung*, Berlin/Heidelberg 2003.
- ☼ Rawls, John, *Gerechtigkeit als Fairneß. Ein Neuentwurf*, Frankfurt/Main 2003.
- ☼ Rawls, John, *Geschichte der Moralphilosophie. Hume, Leibniz, Kant, Hegel*, Frankfurt/Main 2002.
- ☼ Rawls, John, *Das Recht der Völker*. Berlin 2002.
- ☼ Reichhelm, Nils, *Die marxistisch-feministische Staats- und Rechtslehre Karl Polaks*, Bern 2003.
- ☼ Röhrig, Gesine, *Arbeitslosigkeit und Gerechtigkeit*, Bern 2003.
- ☼ Schaupp, Walter, *Gerechtigkeit im Horizont des Guten. Fundamentalmoralische Klärungen im Ausgang von Charles Taylor*, Fribourg 2003.
- ☼ Schneider, Manfred (Hg.), *Die Ordnung des Versprechens. Naturrecht, Institution, Sprechakt*, München 2003.
- ☼ Scholler, Heinrich, *Die Rechtsvergleichung bei Gustav Radbruch und seine Lehre vom überpositivem Recht*, Berlin 2002.
- ☼ Schomberg, René von/Niesen, Peter (Hg.), *Zwischen Recht und Moral. Neue Ansätze der Rechts- und Demokratietheorie*, Münster 2003.
- ☼ Schröder, Imke, *Zur Legitimitätsfunktion der Rechtsphilosophie im Nationalsozialismus. Kontinuität und Diskontinuität rechtsphilosophischer Lehren zwischen Weimarer Republik und NS-Zeit*, Bern 2002.
- ☼ Schwarte, Ludger/Wulf, Christoph (Hg.), *Körper und Recht. Anthropologische Dimensionen der Rechtsphilosophie*, München 2003.
- ☼ Schweidler, Walter, *Entschlüsselte Zukunft? Stand und Gefahren der Gentechnik*, Bochum 2003.
- ☼ Seelmann, Kurt (Hg.), *Aktuelle Fragen der Rechtsphilosophie*, Frankfurt/Main 2001.
- ☼ Szekessy, Lilja, *Gerechtigkeit und inklusiver Rechtspositivismus*, Berlin 2003.
- ☼ Vogt, Rüdiger (Hg.), *Mythos Staat. Carl Schmitts Staatsverständnis*, Baden-Baden 2001.
- ☼ Wahl, Rainer/Wieland, Joachim (Hg.), *Das Recht des Menschen in der Welt. Kolloquium aus Anlass des 70. Geburtstages von Ernst-Wolfgang Böckenförde*, Berlin 2002.
- ☼ Wenn, Matthias, *Juristische Erkenntniskritik. Zur Rechts- und Sozialphilosophie Rudolf Stammers*, 2003.

## GREECE

The Greek Society for Philosophy of Law  
and Social Philosophy



### RECORDS

- ☼ President: Prof. Dr. Dr. *Stavros Panou*
- ☼ Secretary General: Dr. *Nicolas Philipidis*

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### NEWS

The last conference of the Greek Section was held in Athens, Nov.23-24, 2003. 30 scholars of philosophy, legal philosophy and political and social sciences from Austria, Germany, France and Italy assembled to discuss various questions under the topic "Law and Technology".

### ANNOUNCEMENTS

The next conference of the Greek Section of IVR will take place in Thessalonika on March 18-19, 2004, under the topic "Legal Philosophy and Po-litics".

### RECENT PUBLICATIONS

- ☼ St. Panon, Praxis and Social Philosophy (Athens 2003).
- ☼ K. Sofos, Law and Politics (Athens 2003).
- ☼ K. Stefanidis, "Technology and Law (Thessalonika 2003).

## HUNGARY

IVR Hungarian National Section



### RECORDS

- ☼ President: Prof. *Vilmos Peschka*
- ☼ Secretary: Prof. *Csaba Varga*

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### NEWS

Within IVR/Hungary activity, Eötvös Loránd University (Budapest) has organised interdisciplinary national conferences on H. L. A. HART and CARL SCHMITT, their messages and reception, respectively. After piecemeal pre-publications in journals, proceedings as collected are now going to be published. Miskolc University has organised national conference on Legal Rules vs. Legal Norms. Proceedings are also in the process of publishing.

### RECENT PUBLICATIONS

- ☼ *On Different Legal Cultures, Premodern and Modern States, and the Transition to the Rule of Law in Western and Eastern Europe* ed. Werner KRAWIETZ & Csaba VARGA (Berlin: Duncker & Humblot 2003) xi + 139–531 pp. [Rechtstheorie, 33 (2002) 3–4: II. Sonderheft Ungarn]

Proceedings of TEMPUS workshops organised by Csaba Varga in Hungary in 1997 and 1998, including—following W. KRAWIETZ' preface—M. BÓDIG on limits of law, D. MEUWISSEN on human rights, J. SZABADFALVI on local law-philosophical traditions, I. SZILÁGYI on inventing domestic legal anthropology, M. VAN HOECKE on Western and non-western legal cultures; A. CALSAMIGLIA on Spanish transition, S. POLENINA on the Russian state of law, N. ROOS on democratic deficit, M. SZABÓ on de-, re- and construction in transitions; C. BALL on law and econom-



ics in transition, W. KRAWIETZ on associations, nation state and beyond, A. VISEGRÁDY on the law's efficiency, Á. ZSIDAI on lustration; T. GYÖRFY on constitutional limits of legislation, F. HÖRCHER on Kelsen and Hayek, P. DE LORA on constitutional rights and judicial review, P. SZILÁGYI on sources of law in transition; N. INTZESSILOGLOU on law as an open system, I. SZILÁGYI & S. LOSS on gypsies in Hungary, S. URBINA on rule of law, CS. VARGA on legal scholarship at the threshold of a new millennium.

- ☼ *Natura Iuris* Természetjogtan & jogpozitivizmus & magyar jogelmélet [Natural law & legal positivism in Hungarian legal theorising] ed. Miklós SZABÓ (Miskolc: Bíbor Kiadó 2002) 251 pp. [Prudentia Iuris 17]

Proceedings of IVR/Hungary workshop at Miskolc in 2001, including—following Editorial preface—J. SZABA-DFALVI's survey on interwar situation, A. KARÁCSONY on Rawls' reception in Hungary, P. SZILÁGYI on their relationship, J. FRIVALDSZKY on a postmodern natural law, F. HÖRCHER on a pragmatic natural law, B. POKOL on the neighbourhood of naturalism, P. SZIGETI on their relation taken as negatio & affirmatio, M. SAMU on their sublation in modern value-orientation, M. BÓDIG on the datedness of their dichotomy, M. SZABÓ on positivity of law, T. GYÖRFY on normative positivism, CS. VARGA on post-positivism in the last quarter of a century; as well as two classics in Appendix: P. KECSKÉS 'Natural law' [1940] and J. HEGEDŰS 'Timeliness of natural law' [1939].

- ☼ *A szocializmus marxizmusának jogelmélete Magyarországon* [Theory of law of the Marxism of socialist Hungary] ed. Csaba VARGA in Annex to *Jogelméleti Szemle* 4/2003 [www.extra.hu/jesz]

Proceedings of IVR/Hungary workshop in 2003, including—following the Editorial preface—CS. VARGA's overview in an international perspective, J. SZABADFALVI on Marxist criticism upon interwar philosophy of law in Hungary, P. SZIGETI on the functional role of Marxist legal theorising, I. SZILÁGYI on the limits of Marxism as social science, Z. FLECK on legal sociology, P. SZILÁGYI on I. Szabó's socialist normativism, M. SZABÓ on I. Szabó's ontologising in law, S. RÉVÉSZ on Gy. Antalffy's oeuvre, A. JAKAB on the doctrinal legacy of socialism, P. CSERNE on law and economics, M. HOLLÁN on the end of the "danger to society" as a criterion of crime in criminal law.

- ☼ Barna HORVÁTH *A géniusz pere* Szókratész – Johanna [The trial of the genius: Socrates & Jeanne d'Arc] (Máriabesnyő–Gödöllő: Attraktor 2003) 264 pp. [Historia Incognita]

Classical essay of the renown sociologist of law (1896–1973), published also in German in 1942 ['Der Rechtsstreit des Genius: Sokrates & Johanna (Der Tatbestand, Das Verfahren)'] Zeitschrift für öffentliches Recht, 1/XXII], followed by Lajos CS. KISS editorial paper on The Metaphysics of Tragedy in Law and Horváth's bibliography (comp. Cs. Varga).

- ☼ István LOSONCZY *Jogfilozófiai előadások vázlatja* [Outlines of lectures on legal philosophy] ed. Csaba Varga (Budapest: Szent István Társulat 2002) xvi + 282 pp. [Jogfilozófiák]

- ☼ István LOSONCZY *Abriss eines realistischen rechtsphilosophischen Systems* hrsg. Csaba Varga (Budapest: Szent István Társulat 2002) 144 pp. [Philosophiae Iuris]

Posthumous critical edition of manuscripts from the heritage of the philosopher of law in Pécs at the time of the Communist take-over in 1948, a new-Kantian sceptical realist professor, with background in life sciences (1908–1980). Then, the Hungarian version served as a textbook, the German one was prepared as commissioned by Professor Verdross in Vienna. The German version is followed by his 'Über die Möglichkeit des Wissenschaftscharakters der Rechtswissenschaft' from the Österreichische Zeitschrift für öffentliches Recht, 1937, in fac simile. With biography and bibliography, as well as index of names.

- ☼ Péter PACZOLAY *Az alkotmányelmélet fejlődése és az európai kihívás* [Development of constitutional theory and the European challenge] (Budapest: Szent István Társulat 2003) 153 pp. [Jogfilozófiák]

Papers on the Constitutional theory in the 1990s, the traditional elements in the new constitutions, the presidential or parliamentary democracy, the traps of constitution-making, the historical constitution and conservative legal thought, the principle of the division of powers in constitutional review, the models of constitutional judiciary and the European Union, the political prerequisites of joining the Union, the political legitimacy of the Court of the European Communities.

- ☼ Mihály SAMU *Általános jogpolitika* A jog depolitizálása [General legal policy: depoliticising the law] (Budapest: Akadémiai Kiadó 2003) 296 pp.

Legal policy of the state of law, of law-making and law-applying, in connection with public responsibility and coming to terms with the past are considered, both at domestic and international (as well as European) levels, including the pathology and therapy of legal regulation, too. In Appendix, justice and law and order are interconnected as a resolution of the antagonism between natural law and legal positivism.

As course materials within campus distribution, three collections have in the meantime been published:

- ☼ *Historical Jurisprudence* ed. József SZABADFALVI (Budapest: Osiris Kft. 2000) 303 pp. [Philosophiae Iuris]

A collection in fac simile of some of the representative papers from within the school, including—following the Editor's 'Past, Present and Future of Historical Jurisprudence' and closed by Cs. VARGA's 'Law and History: On the Historical Approach to Law'—MAINE 'Classification of Legal Rules', POLLOCK 'The Casuistry of Common Sense', MAITLAND 'Why the History of English Law is not Written', POLLOCK & MAITLAND 'The King and the Crown', BRYCE 'The Methods of Legal Science', CARTER 'Lecture V', VINOGRADOFF 'Legal Rules' & 'Modern Tendencies in Jurisprudence', as well as HOLDSWORTH 'Maine', 'Vinogradoff', 'Pollock', 'Maitland'; with bibliography and indexes.

- ☼ *Scandinavian Legal Realism* ed. Antal VISEGRÁDY (Budapest: Szent István Társulat 2003) xxxviii + 160 pp. [Philosophiae Iuris]

A collection—introduced by the Editor's 'The Place and Role of Scandinavian Legal Realism in the Nordic Legal Theory' and Bibliography—including in fac simile HÄGERSTRÖM's 'Fundamental

Problems of Law' from his Inquiries; LUNDSTEDT's 'Relation between Law and Equity'; OLIVECRONA's 'Recht und Gewalt' from his Gesetz und Staat, 'Nature of Legal Rules' from his Law as Fact, 'Imperative Element in the Law', 'Realism and Idealism', 'Law and Force', as well as 'Zwei Schichten im naturrechtlichen Denken'; as well as ROSS' 'Dissolution of the Antinomies' from his Realistic Jurisprudence, 'Tü-tü', 'Definition in Legal Language', 'Concept »Valid Law«, as well as 'Directive Speech' from his Directives and Norms; followed by an index of names.

☞ *Államtan Írások a XX. századi általános államtudomány köréből* [Staatslehre: Chapters in translation from allgemeine Staatswissenschaft of the 20th century] ed. Péter TAKÁCS (Budapest: Szent István Társulat 2003) xvi + 962 pp. [Jogfilozófiák]

I CLASSICS: JELLINEK 'Staatsverfassung' & 'Garantien des öffentlichen Rechtes' from his Allgemeine Staatslehre, WEBER 'Die rationale Staatsanstalt' from his Staatssoziologie, MEINECKE 'Wesen der Staatsräson' from his Die Idee der Staatsräson, KELSEN Allgemeine Staatslehre, parts I & III (paras. 1–16 & 51–78), SCHMITT Begriff des Politischen, fragments, SMEND 'Verfassung und Verfassungsrecht', and, in Appendix: HELLER Begriff des Gesetzes, SCHMITT Hüter der Verfassung, part III, KELSEN Wer soll Hüter der Verfassung sein?;

II MODERN STATES: PERNTHALER Allgemeine Staatslehre, ch. IX, paras. 45–57, DUVERGER 'Structure du gouvernement' from his Institutions politiques, FLEINER-GERSTER 'Ziele und Aufgaben im Staat' from his Allgemeine Staatslehre, KOJA 'Verfassung', Adamovich 'Revolution – Demokratie – Rechtsstaat', KRIEDEL 'Démocratie et État de droit', BÖCKENFÖRDE 'Mittelbare/repräsentative Demokratie', ARENDT Origins of Totalitarianism, ch. XII, paras. 1–2, ESPING-ANDERSEN on welfare state from his Three Worlds of Capitalism, and, in Appendix: KELSEN on the notion of sovereignty, MARITAIN 'Concept of Sovereignty', BENN 'Uses of »Sovereignty«, HART 'Sovereignty and Legally Limited Government';

III MISCELLANEA: KORINEK 'Aktualität der Gewaltenteilungslehre', EICHENBERGER 'Regierungssystem und direkte Demokratie in der Schweiz', IPSEN 'Politische Parteien' from his Staatsorganisationsrecht, NORTH 'Neoclassical Theory of the State' from his Structure and Change, BECKER 'Competition and Democracy', BUCHANAN 'Contractarianism and Democracy' from his Liberty, Market and State, VON HIPPEL 'Staat und Religion' from his Allgemeine Staatslehre, ERMACORA 'Säkularisierung des Staates' from his Allgemeine Staatslehre, FLEINER-GERSTER 'Moderne Kirche im modernen Staat', KOJA 'Staatsnotstand und Notstandsrecht' from his Allgemeine Staatslehre, WARDLAW Political Terrorism, fragments, ERMACORA 'Anerkennung von Staaten im Völkerrecht' from his Allgemeine Staatslehre, HERZOG 'Statenverbindungen' from his Allgemeine Staatslehre, and, in Appendix: BLANKE 'Unionsvertrag von Maastricht', DOERING 'Staat und Verfassung', MACCORMICK 'Maastricht-Urteil'; with preface, notes and indexes.

## ITALY

Società Italiana di Filosofia Giuridica e Politica



### RECORDS

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### HOMEPAGE

[www.fildirg100.giu.uniroma1.it/SIFGP.htm](http://www.fildirg100.giu.uniroma1.it/SIFGP.htm)

### NEWS

#### Seminars

On 22 November 2003, in Rimini, at the ASRI site (via Flaminia 76) a seminar has been held, about: "*Carcere e immigrazione: la legge Bossi-Fini vista da vicino*". Main speakers: Emilio Santoro (University of Firenze), Caterina Staccioli (Ausl di Rimini), Antonio Martelli (Regione Emilia Romagna).

On 20 November 2003, the University of Milano-Bicocca, the Department of Sociology and Social Research has arranged a seminar about: "*Il capitale sociale*". Main speakers: Antonio de Lillo, Antonio Schizzerotto, Mario Diani, Enrica Amaturò, Arnaldo Bagnasco, Mario Diani, Antonio Mutti, Fortunata Piselli.

On 26 November 2003, in Napoli, at the Faculty of Sociology (Aula Magna, vico Monte di Pietà, 1), a congress has been held about: "*Il professionalismo nella società post-industriale*". Main speakers: Enrica Amaturò (University of Napoli), Everardo Minardi (University of Teramo), Giuseppe Capo (CNEL), Aldo Piperno (University of Napoli).

On 27 November 2003, in Padova, at the Faculty of Political Sciences (via del Santo, 24/28), a congress has been held, about: "*What about Lund? Hints of discussion from the 5th European Feminist Conference*". Main speakers: Donatella Barazzetti, Liana Borghi, Marina Calloni, Giovanna Covi, Alisa Del Re, Federica Fabbiani, Laura Fantone, Cristina Gamberi, Marta Garro, Mariagrazia Leone, Chiara Martucci, Serena Sapegno, Laura Savelli, Rosella Simonari, Paola Spolaore, Annamaria Tagliavini, Giovanna Vingelli, Susanna Zatta.

On 27 November 2003, in Rome, at the Department of Social Research and of Sociological Metodology (via Salaria 113), in cooperation with the foundation "Gianni Statera", a congress has been held, about: *"Rappresentazione dello straniero e pregiudizio etnico"*. Main speakers: Luciano Benadusi, Enzo Campelli, Maurizio Bonolis (University "La Sapienza", Rome), Luigi Manconi, Francesco Alberoni.

On 1 December 2003, in Bologna, at the Department of Sociology, Faculty of Political Sciences, a seminar has been held, to present the new review "Sociology and Social Politics", edited by Pete Alcock e Remo Siza, about: *"La povertà oscillante"*. Main speakers: Pierpaolo Donati (University of Bologna), Remo Siza (University of Cagliari e Sassari), Giovanni Pieretti (University of Bologna), Ivo Colozzi (University of Bologna), Riccardo Prandini (University of Bologna).

On 3 December 2003, in Parma, at the Department of Social and Legal Studies) professor Neil Walker, Dean of the European University Institute of Fiesole, has held a lecture about: *"After the Constitutional moment"*. The lecture is now available at the following website: <http://www.unipr.it/arpa/dsgs/dip.html>

On 5 December 2003, in Modena, at the Department of Legal Sciences (Via Università 4), Faculty of Law, prof. Annalisa Verza has held a lecture about: *"Istituzioni, legami sociali e pluralismo culturale: a partire da Joseph Raz"*. Chairman: prof. Gianfrancesco Zanetti.

On 10 December 2003, in Ferrara, at the "Teatro Centro Civico di Pontelagoscuro" (via Bruno Buozzi 14) a seminar has been held, about: *"La legge e le prassi: politiche, metodologie integrate di inclusione socio-lavorativa nel contesto del carcere"*. Main speakers: Massimo Pavarini (University of Bologna), Andrea Lassandari (University of Bologna), Paola Castagnotto (Assessora alle Politiche Sociali – Comune di Ferrara).

On 11 December 2003, in Padova, at Palazzo Del Bò, Archivio Antico (via 8 febbraio 1848), the universities of Bologna, Padova and Torino have presented the results of the Inter-university Research Project "MURST Cofin 2000" about: *"Nozioni di giustizia e di pena nella cultura giuridica degli attori del processo penale"*. Main speakers: Italo de Sandre (University of Padova, Department of Sociology), Augusto Balloni (University of Bologna), Alberto Giasanti (University of Milano – Bicocca), Giuseppe Mosconi (University of Padova), Franco Prina, Claudio Sarzotti, Odillo Vidoni (University of Torino), Dario Melossi (University of Bologna).

## ANNOUNCEMENTS

On 28 and 29 January 2004, at the University of Salerno, The Italian Association of Sociology (AIS) will held its yearly workshop's session, about: "Lo studio del mutamento sociale: problemi metodologici e ricerche empiriche". Here a list follows of the workshop scheduled till now:

- ☞ *Cultura, nuovi linguaggi, nuovi codici*  
Leopoldina Fortunati (Università di Padova)  
fortunati.deluca@tin.it
- ☞ *Devianza e criminalità*  
Asher Colombo (Università di Bologna)  
asherdaniel.colombo@unibo.it
- ☞ *Diseguaglianze di classe*  
Maria Luisa Bianco (Università del Piemonte Orientale)  
cinzia.meraviglia@sp.unipmn.it
- ☞ *Famiglia e strutture familiari*  
Manuela Naldini (Università di Torino)  
manuela.naldini@unito.it
- ☞ *Fenomeni migratori*  
Giuseppe Sciortino (Università di Trento)  
giuseppe.sciortino@soc.unitn.it
- ☞ *Gli orizzonti valoriali*  
Marisa Ferrari Occhionero (Università di Roma)  
nav0657@iperbole.bologna.it
- ☞ *Il cambiamento politico*  
Roberto Biorcio (Università Milano Bicocca)  
roberto.biorcio@unimib.it
- ☞ *Le trasformazioni del mondo del lavoro*  
Paolo Barbieri (Università Milano Bicocca)  
paolo.barbieri@unimib.it
- ☞ *Religione e religiosità*  
Michele Colafato (Università di Roma)  
michele.colafato@uniroma1.it
- ☞ *Scuola e università*  
Maddalena Colombo (Università Cattolica Milano)  
maddalena.colombo@unicatt.it

In March 2004, in Parma, at the Department of Social and Legal Studies) Paul Nelson (University of Pittsburgh, Graduate School for Public and International Affairs) will hold a lecture about: *"The costs and implementation of human rights between WTO, FMI and developing countries"*.

On 26 and 27 March 2004, in Bologna, at the Faculty of Law (via Zamboni 22), the Research Centre for History of Law, Philosophy and Sociology of Law and Computer Science and Law (CIRSFID) will arrange a congress, about *"About the crisis of formal justice"*. Main speakers: Marc Galanter (University of Wisconsin), Vincenzo Ferrari (University of Milano), Eligio Resta (University



of Bari), Sergio Chiarloni (University of Torino), Marco Bouchard (judge).

The XXIV National Congress of the “Società Italiana di Filosofia Giuridica e Politica” (SIFGP) – *Science and Law: Ethical, Juridical and Socio-political Profiles* – will take place in Catania from 23 to 25 September 2004.

The works will interest the thorough analysis of the present inter-action among science, politics and law which has by now a great influence on institutional structures and dynamics, on the role played by the categories of subjects and interests, on the position of citizens and maybe also on the soundness of some concepts which are fundamental in the history of modern juridical thought. After the welcome reception of the Chancellor of the University of Catania and of the Dean of the Faculty of Law, and an introduction of Bruno Montanari, the Congress will be opened by the president of SIFGP, Gaetano Calcaterra, and by the reports of Amedeo G. Conte and Jacques Lenoble. The congress will go on with a confrontation among the ethical, the juridical and the socio-political levels, “arbitrated” by a “third party” who will play an active role in the debate, and a “polyphonic” conclusion of the debate. The first confrontation will take place the 24 in the morning on the subject “Freedom, Security and Responsibility” between Francesco D’Agostino and Vincenzo Ferrari, and will be “arbitrated” by Francesco Viola. The second one, “Epistemology and Law Expectations”, “arbitrated” by Mario Jori, will take place on the 24 afternoon between Eligio Resta and Mariachiara Tallacchini. The 25, in the morning, Emanuele Castrucci and Vittorio Villa, “arbitrated” by Giuseppe Zaccaria, will have a confrontation on “Fundamental Rights and Governance”. The Congress will close the 25 in the afternoon with a discussion between Pietro Barcellona and Alfonso Catania, moderated and stimulated by Francesco Cavalla. During the works there will be a commemoration of Norberto Bobbio.

From 11 to 13 November 2004, the Board of Directors of the the Italian Association of Sociology (AIS) and the Research Council will arrange the AIS National Congress, about: *Anni in salita. Speranze e paure degli italiani*. Contributions are scheduled from each of the eleven section of the AIS.

## PUBLICATIONS

- ☼ A. Salento, POSTFORDISMO E IDEOLOGIE GIURIDICHE. NUOVE FORME D'IMPRESA E CRISI DEL DIRITTO DEL LAVORO, FrancoAngeli, Milano 2003.
- ☼ D. Melossi (a cura di), MIGRAZIONI, INTERAZIONI E CONFLITTI NELLA COSTRUZIONE DI UNA DEMOCRAZIA EUROPEA, Giuffrè, Milano 2003.
- ☼ L. Piasere, L'ETNOGRAFO IMPERFETTO: ESPERIENZA E COGNIZIONE IN ANTROPOLOGIA, Laterza, Roma-Bari 2002.
- ☼ C. Ventimiglia, DISPARITÀ E DISUGUAGLIANZE. MOLESTIE SESSUALI, MOBBING E DINTORNI, FrancoAngeli, Milano 2003.
- ☼ F. Dell'Andro (a cura di), MANUALE DEI PROCEDIMENTI SPECIALI, La Tribuna, Piacenza 2003.
- ☼ M. La Rosa, L. Zanfrini (a cura di), PERCORSI MIGRATORI TRA RETI ETNICHE, ISTITUZIONI E MERCATO DEL LAVORO, FrancoAngeli, Milano 2003.
- ☼ F. Chicchi, LAVORO E CAPITALE SIMBOLICO. UNA RICERCA EMPIRICA SUL LAVORO OPERAIO NELLA SOCIETA' POST-FORDISTA, FrancoAngeli, Milano 2003.
- ☼ A. Zaretti, RELIGIONE E MODERNITÀ IN MAX WEBER. PER UN'ANALISI COMPARATA DEI SISTEMI SOCIALI, FrancoAngeli, Milano 2003.
- ☼ AA.VV., FLESSIBILITÀ E LAVORO, FrancoAngeli, Milano 2003.
- ☼ R. Rizza, G. Scidà (a cura di), CAPITALE SOCIALE, LAVORO E SVILUPPO, FrancoAngeli, Milano 2003.
- ☼ M. Ambrosini, F. Berti (a cura di), IMMIGRAZIONE E LAVORO, FrancoAngeli, Milano 2003.
- ☼ M. Barbagli (a cura di), RAPPORTO SULLA CRIMINALITÀ IN ITALIA, Il Mulino, Bologna 2003.
- ☼ G. Poggi, EMILE DURKHEIM, Il Mulino, Bologna 2003.
- ☼ R. Pardolesi, B. Tassone, I GIUDICI E L'ANALISI ECONOMICA DEL DIRITTO PRIVATO, Il Mulino, Bologna 2003.
- ☼ A. Padoa-Schioppa, ITALIA ED EUROPA NELLA STORIA DEL DIRITTO, Il Mulino, Bologna 2003.
- ☼ A. Bruni, LO STUDIO ETNOGRAFICO DELLE ORGANIZZAZIONI, Carocci, Torino 2003.
- ☼ M. Eve, A. R. Favretto, C. Meraviglia, LE DISUGUAGLIANZE SOCIALI, Carocci, Torino 2003.
- ☼ F. De Nardis, CITTADINI GLOBALI, Carocci, Torino 2003.
- ☼ M. Cardano, TECNICHE DI RICERCA QUALITATIVA, Carocci, Torino 2003.

## JAPAN

The Japan section of IVR



## RECORDS

- ☎ President: KATSURAGI Takao, professor at Gakushuin University, Tokyo. Email: takao.katsuragi@gakushuin.ac.jp
  - ☎ Secretary General: NAKAYAMA Ryuichi, professor at Osaka University, Osaka.
  - ☎ Treasurer: Professor TAKAHASHI Fumihiko, professor at Kanto Gakuin University, Tokyo. E-mail: NBF01243@nifty.ne.jp
- Other Members:
- ☎ TSUNODA Takeshi, professor at Osaka Prefecture University, Osaka
  - ☎ SAKURAI Tetsu, professor at Kobe University, Kobe
  - ☎ SUMIYOSHI Masami, professor at Aoyama Gakuin University, Tokyo
  - ☎ WAKAMATSU Yoshiki, professor at Seijo University, Tokyo

## CONTACT

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JAPAN

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

## NEWS

*The 2003 annual conference of the Japan Association of Legal Philosophy (JALP) was held on 21-22 November 2003, at Hosei University in Tokyo. The main theme of the conference was "Gender/Sexuality and Law". The conference began with a keynote speech by Professor SUMIYOSHI Masami (Aoyama Gakuin U.), followed by three sessions. Topics and speakers for each session were;*

**SESSION 1: Feminism's Challenge to Legal Philosophy**

1. From the Standpoint of Feminism as Critique against Violence: Professor OHKAWA Masahiko (Tokyo U. of Foreign Studies)
2. Care and Justice: Professor KAWAMOTO Takashi (Tohoku U.)
3. Viewing Gender from the Standpoint of Reproductive Technology: Professor SAITO Yukiko (Kitazato U.)
4. On Sexual Harassment: Part-time Lecturer HORIGUCHI Etsuko (Meiji U.)
5. An Analysis of Discourse on Reproductive Technology: Professor EBARA Yumiko (Tokyo Metropolitan U.)

**SESSION 2: Legal Philosophy's Counterattacks upon Feminism**

1. Reexamination on Western Feminism: Professor UCHIDA Masayuki (Tsukuba U.)
2. Feminism and Liberalism: Professor INOUE Tatsuo (Tokyo U.)
3. Gender and State Power: Professor TSUJIMURA Miyoko (Tohoku U.)
4. A Venture on Anarcho-Sexualism: Professor SUMIYOSHI Masami (Aoyama Gakuin U.)

**SESSION 3: Discussion**

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 2003.

**Renewal of JALP Web Site**

The Japan Association of Legal Philosophy (JALP) has renewed the web site. Please visit: <http://www.soc.nii.ac.jp/jalp/index-e.html>



## POLAND



Stowarzyszenie Filozofii Prawa i Filozofii Społecznej

## RECORDS

- ☼ President: Prof. *Leszek Leszczyński*, UMCS, Lublin
- ☼ Secretary : *Janusz Polanowski*, UMCS, Lublin
- ☼ Treasurer: *Bartosz Liżewski*, UMCS Lublin

## CONTACT

Prof. *Leszek Leszczyński*

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 ivr@temida.umcs.lublin.pl

## NEWS

The Polish Section of IVR held a conference for young representatives of Polish theory and philosophy of law on "The Legal Theory Aspects of European Integration". The meeting took place on 15-16 September 2003 in Kazimierz Dolny, Poland. The conference was organized under auspices of the Head of Polish IVR Section - Prof. *Leszek Leszczyński*, with support from the University of Maria Curie Skłodowska (UMCS). The participants (doctors and doctorates from all Chairs of Theory of Law at universities in Poland) presented their papers in Polish.

The translations of the titles are the following:

1. Mr *Tomasz Barankiewicz* SVD (Catholic University of Lublin) – Law and Philosophy of Values;
2. Mr *Jacek Czaja* (Jagiellonian University) – Ethical Problems of Equality of Rights in European Law;
3. Ms *Inga Gołowska* (Jagiellonian University) – The Double-dealing Nature of Comparative Law;
4. Ms *Anna Kalisz-Prakopik* (University of Maria Curie-Skłodowska) – Re-construction of Norm in the Application of European Community Law;
5. Ms *Beata Kanarek* (University of Szczecin) – Remarks on Derogation in the Context of European Law;
6. Mr *Tomasz Kozłowski* (University of Warsaw) – Neofunctional Legal Pluralism and Creation Continua of European Union Law;
7. Mr *Adam Mikołajczyk* (University of Gdańsk) – Subsidiarity and Sovereignty;
8. Ms *Agnieszka Orłowska* (University of Olsztyn) – Are the Judgments of the EC Court of Justice the Precedents?;

9. Mr *Tomasz Pietrzykowski* (University of Katowice) – An Ideology of European Constitution;
10. Mr *Janusz Polanowski* (University of Maria Curie-Skłodowska) – The Judicial Council of Slovak Republic – Organization, Competence, Activity;
11. Ms *Jadwiga Potrzebacz* (Catholic University of Lublin) – Justice As an Idea of Law;
12. Ms *Małgorzata Stefaniuk* (University of Maria Curie-Skłodowska) – The Preamble to European Constitution;
13. Mr *Adam Sulikowski* (University of Wrocław) – Sovereignty and the Europe in Jurisdiction of French Constitutional Council;
14. Mr *Sebastian Sykuna* (University of Gdańsk) – Humanitarian Intervence As a Measure of Human Rights Protection;
15. Mr *Sławomir Tkacz*, *Piotr Żak* (University of Katowice) – Justice and the Principle of Proportionality in the Light of Draft European Constitution;
16. Mr *Jan Winczorek* (University of Warsaw) – Can the Sociological Theory of Niklas Luhmann Be Useful for Legal Sciences?;
17. Mr *Bartosz Wojciechowski* (University of Łódź) – A Cognisance of the Civil Dispute in Reasonable Time. Remarks on the Background of Making of the European Civil Procedure Code;
18. Mr *Kamil Zeidler* (University of Gdańsk) – A Dispute of Values in Cultural Wealth Protection Law;
19. Mr *Adam Zienkiewicz* (University of Olsztyn) – A Mediation in Commercial Disputes in Poland – Between European Inspiration And Internal Necessity

## ANNOUNCEMENTS

A volume about the conference is going to be published soon at UMCS publishers.

The idea of organizing the conference for young representatives of legal sciences will be continued every second year. The next meeting is provided for 2005.

## SLOVAKIA

The Slovakian section of IVR



### RECORDS

- ☼ President: *Alexander Brösl*, Faculty of Law, Kosice, Kovacska 30, 040 01 Kosice, Slovakia.  
E-mail address (best way to communicate via home address): [abrosl@concourt.sk](mailto:abrosl@concourt.sk)
- ☼ Vice-President: *Jozef Prusak*, Faculty of Law Bratislava, Safarikovo nam. 6, 818 06 Bratislava, Slovakia.  
Soon there will be the possibility to reach him at a new address: Faculty of Law Trnava, Hornopotocna, 23, 918 43 Trnava, Slovakia.

### CONTACT

*Alexander Brösl*, IVR Executive Committee-member & President of the Slovakian IVR Section:  
[brosl@concourt.sk](mailto:brosl@concourt.sk)

- ☼ *Herbert L. A. Hart*: Law, Liberty, and Morality. Oxford University Press, Oxford 1989 (first translation into Slovak, followed by an Essay: Hart and his Analytical Legal Theory, by *Alexander Brösl*)
- ☼ *Jozef Prusak* is preparing a revised edition of his Legal Theory, Bratislava 2000, the commonly used text book for students in Slovakia.
- ☼ *Imrich Kanarik*: Supremacy of Laws (Open Questions Concerning the Slovak Legal Order). Kosice 2003 (in Slovak).

### ANNOUNCEMENTS

The Slovak IVR Section will hold its annual meeting either in spring or in autumn 2004, organized either by the Faculty of Law, Kosice or Faculty of Law, Trnava. Two or three young scholars expected to become new members. Addresses and contact persons remain unchanged.

### RECENT PUBLICATIONS

New Publications of the Members of the Section in the field of Legal Theory and Legal Philosophy:

- ☼ *Pavel Holländer* (member of both the Czech and the Slovak IVR Sections): Constitutionally Based Legal Argumentation (After Ten Years of the Constitutional Court of the Czech Republic). Prague 2003 (in Czech).
- ☼ *Alexandra Krskova*: State and Law in the European Political and Legal Thought. Bratislava 2002 (in Slovak).
- ☼ *Alexandra Krskova*: History of the European Political and Legal Thought. Prague 2003 (in Czech: translation of the Slovak version published in Bratislava 1997).

## SLOVENIA



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

### RECORDS

- ☞ President: *Marijan Pavčnik*
- ☞ Vice president: *Miro Cerar, jr*
- ☞ Secretary and Treasurer: *Aleš Novak*

### CONTACT

Prof. *Marijan Pavčnik*, President  
Poljanski nasip 2, 1000 Ljubljana, Slovenia  
Tel: +386 1 420 31 96 (office)  
E-mail: [marijan.pavcnik@uni-lj.si](mailto:marijan.pavcnik@uni-lj.si)

### ANNOUNCEMENTS

On January 26<sup>th</sup>, a round table on the topic “The Interpretation of the Constitution”, chaired by prof. *Pavčnik*, will be held.

### RECENT PUBLICATIONS

- ☞ Boris Furlan: *Problemi realnosti prava* [*The Problem of Law's Reality*] (ed. M. Pavčnik), Cankarjeva založba, Ljubljana 2002.
- ☞ Martin Jančar, *(Pre)oblikovanje predmeta pravnega urejanja v diskurzu* [*The (Trans)forming of the Object of Legal Regulation in a Discourse*], Ljubljana 2002.
- ☞ Marijan Pavčnik: *Razlaga (razumevanje) ustave* [*Interpretation and Understanding of the Constitution*], *Pravnik* 58 (2003) 6-8.
- ☞ Marko Novak, *Delitev oblasti: medigra prava in politike*

## SWEDEN



The Swedish section of IVR

### RECORDS

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

### CONTACT

*Torben Spaak*: [Torben.Spaak@jur.uu.se](mailto:Torben.Spaak@jur.uu.se); [torbens@jur.uu.se](mailto:torbens@jur.uu.se)

### NEWS

Most legal philosophical activities in Sweden take place in the higher seminars in Jurisprudence, led by Professor *Jes Bjarup*, Stockholm, Professor *Åke Frändberg*, Uppsala, Associate Professor *Håkan Gustafsson*, Gothenburg and Professor *Aleksander Peczenik*, Lund. Each year a common symposium is arranged.

Thus, the Swedish Section organized a mini-symposium in Jurisprudence in Uppsala, October 16-17, 2003. There was no unified theme. Instead, the lectures given concerned such different topics as genetic discrimination [*Torben Spaak*], the ambiguity of the word *Sollen* (Ought) [*Uta Bindreiter*] and the analysis of risks in the law [*Peter Wahlgren*].

The next seminar is planned in Stockholm, in October 2004.

### ON-GOING RESEARCH

#### University of Lund

- ☞ *Andréasson, Reidar*: “Describing the Law”
- ☞ *Bindreiter, Uta*: “Between Tradition and Innovation: Legal Thinking in Sweden 1940 – 2000” (post-doc)
- ☞ *Brännström, Leila*: “Juridification”
- ☞ *Dahlman, Christian*: “Objectivity in Legal Science” (post-doc)
- ☞ *Lindahl, Lars*: “Weight and Value—An algebraic study of a conceptual field”. Monograph to be published 2005.

- ☼ *Gröning, Linda*: “The development of criminal law within the European Union - An analysis of the legitimacy in the exercise of penal power at the European level.”
- ☼ *Peczenik, Aleksander*:
  - 1) *Scientia Juris*. A volume in *Kluwer Treaties in Philosophy of Law* (appears June 2004) – final check of the manuscript.
  - 2) *IVR Encyclopedia of Jurisprudence, Legal Theory and Philosophy of Law* – preparatory work with the infrastructure of the project.
  - 3) *Justice in Legislation and Justice in Adjudication* – a book project at an early stage.
- ☼ *Reidhav, David*: “Legal Analogies”
- ☼ *Votinius, Sacharias*: “Or Friend Or Foe — A Critical Inquiry into the Foundation of Contracts”
- ☼ *Wahlberg, Lena*: “Legal Decision Making and Scientific Uncertainty”

For more information on on-going research, please consult the Homepages of the respective Law Faculties:

- ☼ Gothenburg University:  
<http://www.handelsgu.webhotel.tripnet.se>
- ☼ Lund University:  
<http://www.jur.lu.se>
- ☼ Stockholm University:  
<http://www.juridicum.su.se>
- ☼ Uppsala University:  
<http://www.jur.uu.se>

## SWITZERLAND

The Swiss section of IVR



### RECORDS

- ☼ President: Prof. Dr. iur. *Philippe Mastronardi*, Universität St. Gallen, Rechtswissenschaftliche Abteilung, Bodanstrasse 3, CH-9000 St. Gallen  
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- ☼ Quaestor: Prof. Dr. iur. *Marcel Senn*, Lehrstuhl für Rechtsgeschichte, Juristische Zeitgeschichte und Rechtsphilosophie, Universität Zürich, Cäcilienstrasse 5, CH-8032 Zürich  
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### CONTACT

- ☼ Secretary: Lic. iur. *Patrik Stadler*, Assistant to Prof. Mastronardi, Bodanstrasse 3, CH-9000 St. Gallen  
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### ANNOUNCEMENT

The Swiss section of IVR will hold its 2-year-congress on November 12<sup>th</sup> and 13<sup>th</sup>, 2004, in St. Gallen. The topic will be: “Theories of State and Constitution under differing disciplinary conceptions”.

Conceptions of public life differ from each other depending on the discipline in which the object is conceived. The goal of the congress will be clarifying these conceptions and asking for the possibility to integrate them in a coherent general view.

The congress will embrace four short lectures and substantial interdisciplinary discussions from the point of view of jurisprudence, political economics, political science, and political philosophy.

## UKRAINA



Ukrainian Association of Philosophy of Law and Social Philosophy – UAPLSP

### RECORDS

- ☞ President: Prof. *Boris Chmil*
- ☞ Other Founding Members: *Mykhajlo Kostitsky, Olexandr Manoxa, Oleg Bandura, Nadiya Semenova*

### CONTACTS

The UAPLSP legal address is 23 Tolstogo St., apt. 29, Kyiv, 01033, Ukraine.

*Boris Chmil* (President), tel. 380-44-249-09-69 (please speak in Ukrainian and Russian)

*Nadiya Semenova* (Secretary) tel./fax 380-44-244-33-94 (please speak in English, Ukrainian, Russian).

E-mails: UAFPSF@ukr.net, lclck@iatp.kiev.ua

### NEWS

The Ukrainian Association for Philosophy of Law and Social Philosophy (UAPLSP) was established in June 2002 by a group of Ukrainian scholars in both law, philosophy and philosophy of law (Prof. *Mykhajlo Kostitsky*, Prof. *Boris Chmil*, Prof. *Olexandr Manoxa*, Prof. *Oleg Bandura* and *Nadiya Semenova* (LL.M)). Later the same year, in Paris, the IVR EC approved the UAPLSP application for IVR membership as Ukrainian national section. This status is expected to be confirmed by the IVR General Assembly at the World Congress in Lund.

The main aim of the UAPLSP activities is to advance the development of philosophy of law and social philosophy and to foster the principles of rule of law, democracy and human rights.

With a purposes of familiarising Ukrainian scholars in the subject with the IVR expertise and activities, the IVR President Eugenio Bulygin paid a visit to Ukraine in May, 2003. With crucially important support of leading Ukrainian legal universities, the Academy of Legal Sciences of Ukraine (a research and co-ordination body) and the Centre of Comparative Law at the Ministry of Justice, a chain of meetings and round tables was prepared and held.

The scientific tour began in southern Ukrainian city of Odessa with a round tables on “Philosophical-legal doctrine in contemporary world” and “Organisational models for co-operation of scholars in philosophy of law and how to build the national section (in application to Ukraine)”

held in the Odessa National Legal Academy (ONLA) in May 26, 2003. The Round Table Organising Committee consisted of ONLA Rector Prof. *Kivalov*, Pro-Rectors Prof. *Baymuratov* and Prof. *Orzikh*, Head of the International Relations Department *V. Barsky*.

In May 28, the rigorous discussions continued in the Ukrainian National Legal Academy (UNLA, a leading legal university) in the city of Kharkiv, where a symposium on “World philosophical-legal heritage and the Ukrainian context” was held. The Round Table Organising Committee consisted of UNLA Rector *V. Tatsiy*, Vice-Rectors *O. Chastnik* and *V. Panov*, Head of Department for philosophy of law *O. Danilyan* and professor at this department *S. Maximov*. The Kharkiv day program was special beyond academic bounds: Kharkiv is the IVR President’s native city and, after a 65 year absence, Prof. Bulygin visited the building where he was born and spent his childhood.

The tour ended in May 30 with the closing conference “Development of Philosophical-legal thought in Ukraine: state, problems, perspectives”. This meeting was held in Kyiv, the Ukrainian capital, at the National Academy of Internal Affairs of Ukraine (NAIAU, a pioneer of philosophy of law renaissance in Ukraine). The NAIAU Rector *Y. Kondratiev*, Vice-Rectors *L. Kravchenko* and acting UAPLSP president *B. Chmil* ensured high quality working environment for the conference participants. The conference was opened by the Vice-Rector Prof. *V. Suzhenko*. Participants were warmly greeted by Ambassador of the Argentine Republic in Ukraine, Mr. *Miguel A. Cuneo*. Prof. *M. Kostitsky*, Judge of the Constitutional Court of Ukraine, acted as the moderator of the symposium.

The topic of the conference has been examined in 37 papers covering three aspects of it:

☞ *organisational* (general information about IVR and UAPLSP; topical problems of professional NGOs in the area of law and interdisciplinary sciences; IVR expertise and Ukrainian realities; ways of building-up the UAPLSP capacity). Papers were presented by E. Bulygin (Buenos Aires) *IVR: organisational and thematic aspects of activity*, B. Chmil (Kyiv) *UAPLSP in the becoming*, N. Semenova (Kyiv) *The model of a professional NGO in the sphere of social-legal sciences as an instrument of legal reform acceleration*.

☞ *on the subject matter itself* (subject and method of philosophy of law in comparative perspective, an application-oriented dimension of philosophy of law; challenging role of philosophy of law during the period of democratisation; problems of philosophy of law development: factors for stimulation and restraints; formation of legal-philosophical thought in Ukraine: tradition – reception – novation). Interventions were made by E. Bulygin (Buenos Aires) *Philosophy of law: application-oriented approach. Analytical legal philosophy*; M. Kostitsky (Kyiv) *Object, subject matter and method of philosophy of law*, P. Rabinovich (Lviv) *Specific features of philosophy of law studies as a determinant for its position in the system of social sciences*, O. Gvozdk (Kyiv) *Logico-methodological fundamentals of philosophy of law*, S. Shevchuk (Kyiv) *Natural law basis of constitutional law in the contemporary Ukrainian context*, O. Danilyan (Kharkiv) *Stand and role of philosophy of law in the period of democratic transformation of a*



society, A. Kozlovsky (Chernivtsi) *Problems and perspectives for development of philosophy of law in Ukraine*, V. Shkoda (Kharkiv) *On the way to constructive philosophy of law*, S. Slivka (Lviv) *Natural law in the context of philosophical trends*, V. Larionova (Ivano-Frankovsk) *Moral dimension of main philosophical-legal notions*, S. Maximov (Kharkiv) *To what extent is the reception of Western philosophy of law possible?*, Y. Oborotov (Odessa) *Germeneutics and metaphors in the legal studies*, M. Oleksuk (Lviv) *Problem of freedom in the foreign philosophical-legal thought of the XX century*, O. Bilyk and Y. Bilyk (Kharkiv) *Philosophy of culture and philosophy of law: peculiarities of interrelation*, V. Kondovich (Chernigiv) *Philosophy of law: problems of subject matter identification and applied-oriented realisation*, O. Manokha (Kyiv) *System analysis in the philosophy of law*, V. Shapoval (Kharkiv) *Philosophy of law development perspectives in Ukraine*, O. Balynska (Lviv) *Verbal-behaviour method of legal culture formation as a subject of philosophical-legal studies*, O. Dovgopolova (Odesa) *Problems of the seized and intolerance in the context of philosophy of law*, Y. Simon (Kyiv) *Status and cognitive capacity of history of philosophy of law*, V. Nechiporenko (Kyiv) *Moral dimension of philosophy of law*, M. Zovtobrukha (Zaporizhzhya) *Philosophy of law as the methodological basis for legal studies*, V. Shishko (Kyiv) *Philosophy of law in the system of legal sciences*, V. Yesip (Lugansk) *Democracy, law, mentality*, Y. Anokhin (Lviv) *Interrelations of philosophy and anthropology of law*, T. Dudash (Lviv) *Subject matter of philosophy of law: hermeneutic-etymological approach*, O. Stovba (Kharkiv) *Personal project as a moving force of a legal situation*, N. Ohotnikova (Kharkiv) *Subject matter of philosophy of law: pluralism of approaches*.

☞ *educational*, in two layers: a more narrow one, as training of professionals in the area and another wider, as a key component of legal culture for all lawyers - both theoreticians and practitioners. Papers were presented by O. Gubar (Makiyivka) *Principle of ascension from the abstract to the specific in teaching philosophy of law*, O. Litvinov (Lugansk) *On reasonability of separating courses of "History of state and law doctrines" and "philosophy of law" (notes for discussion)*, V. Lyashenko (Kyiv) *Role of philosophy of law in shaping a personality of a future lawyer*, T. Malko (Sumy) *Does philosophy of law have a practical significance?*, V. Malko (Sumy) *Philosophy of criminality as a component of philosophy of law and its position in the training course*, V. Bigun (Kyiv) *Philosophy of law in Ukraine: teaching and learning as an important direction in its development*, O. Pavlishin (Kyiv) *Problematic of philosophy of law as a course to teach*, D. Gudyma *Position and role of training courses on philosophy in the system of vocational training for lawyers*. N. Shevchenko, V. Koltun, T. Kondratuk-Antonova and V. Stus took part in discussions.

Ukrainian scholars thought of the IVR expertise as specially valuable for the time of deep legal reforms in Ukraine, due to the role philosophy of law and social philosophy have in states under transformation.

The Ukrainian tour of IVR president *E. Bulygin* was covered by 8 media resources (preferably professional journals, newspapers, TV) in both Odessa, Kharkiv and Kyiv. The report about it is expected to be published in the coming issue of the main professional journal "Law of Ukraine". The tour gave a considerable push to the development of the newly born Ukrainian association: 43 new applications were submitted for a UAPLSP membership and were approved by the general meeting at the Kyiv conference. In the late 2003, the UAPLSP is planning to hold a new conference titled "The reforming potential of philosophy of law".

## UNITED KINGDOM



The UK branch of the IVR is in the process of reconstituting itself after the ALSP decided last year to sever its ties with the IVR.

An initial meeting will be held for all interested parties at the School of Law, Edinburgh University, on the 16.04, to precede a special workshop held in honour of Neil MacCormick on the 17.04. at the same venue.

Inquiries should be directed to:

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## IVR CONSTITUTION FROM 26<sup>th</sup> AUGUST 1987

Amended on 24<sup>th</sup> August 1991

Amended on 15<sup>th</sup> August 2003

### § 1 Name, Seat and Location of Office

1. This Association, which was founded on 1 October 1909, is called “Internationale Vereinigung für Rechts- und Sozialphilosophie” (English: “International Association for Philosophy of Law and Social Philosophy”, French: “Association internationale de philosophie du droit et de philosophie sociale”); abbreviated in all three official languages as “IVR”.
2. The IVR has its seat in Wiesbaden, Federal Republic of Germany.
3. The location of the office of the IVR will be determined by the Executive Committee and made known in the journal “Archiv für Rechts- und Sozialphilosophie”.
4. The Association is registered at the Register of Association.

### § 2 Purpose

1. The Purpose of the Association is the cultivation and promotion of legal and social philosophy on the national and international level. The Association is open to every scholarly direction.
2. The Association does not pursue any economic goals; it does not serve the financial advantage of its members. No one may benefit from inappropriate rewards or payments.
3. In pursuit of its purpose, the Association will use all the means of scholarly activity as well as the means of the dissemination of scientific knowledge and of its public discussion. In particular, the following modes of operation are foreseen:
  - a) The international journal Archiv für Rechts- und Sozialphilosophie (English: Archives for the Philosophy of Law and Social Philosophy, French: Archives de Philosophie du Droit et de Philosophie Sociale; abbreviated ARSP) will be published by authorization of the Association. It will appear four times a year.
  - b) From time to time the ARSP will issue Beihefte (special volumes).
  - c) The President will, as needed, publish a newspaper (“Newsletter”) and send it to the national sections.
  - d) The Association as well as its national sections shall organize congresses, lectures, and other events of a similar nature. The national sections are autonomous with respect to the organization of their events and also solely responsible for their financial burdens.

### § 3 Members

1. Any individual interested in legal or social philosophy can become a member of the Association. Membership arises
  - a) through admission into a national section according to the conditions for admission of that section, or
  - b) through application to the International Association for the Philosophy of Law and Social Philosophy and acceptance by the Executive Committee of the IVR.
2. Members of the IVR belonging to a national section pay their membership fees to the respective section according to its regulations. Members of the IVR not belonging to a national section pay their membership fees directly to the IVR. The amount and date of payment of these membership fees will be determined by the General Assembly.
3. Membership ends with the withdrawal or death of the member. If a member has not paid his dues for three years, he can be expelled by the body through which he was admitted.

### § 4 Supporting Members

1. Associations, federations, institutions, libraries and other corporate persons can, on the basis of a written declaration that they are willing to support the goals of the IVR by an appropriate contribution, receive the status of a “supporting member”. The Executive Committee of the IVR decides whether to recognize this status. In the case of applicants for this status who lie within the sphere of action of a national section, the admissions decision will be made after consultation with the national section. A list of supporting members will be printed yearly in the journal ARSP.
2. The supporting membership ends through a declaration to this effect by the supporting member or through a resolution of the Executive Committee of the IVR.

### § 5 Organizational Structure

1. The IVR is an association according to the laws of the Federal Republic of Germany. The national section of the Federal Republic of Germany is a section of the IVR; it

functions and conducts its business just like any other national section. The national sections are associations in accordance with the laws of their own nations.

2. The Executive Committee decides on the acceptance of an association as a national section of the IVR.
3. The national sections may form subordinate sections according to need. These subordinate sections are connected with the IVR through their national sections.
4. The national sections may have various names; at least the subtitle should make clear their relationship to the IVR.
5. The national sections shall deliver annually to the IVR a part of the membership fee as determined by the Executive Committee.
6. The governing organs of the IVR are:
  - a) the General Assembly
  - b) the Executive Committee.
7. If need arises, the General Assembly can establish bodies for special tasks.

## § 6 General Assembly

1. The General Assembly is the highest organ of the IVR. It consists of the totality of the members of the IVR (§3, Sec.1). Each member attending the meeting of the General Assembly has a vote and the right to speak. Written statements by the members not present can be read to the General Assembly.
2. The ordinary General Assembly takes place every four years, where possible in conjunction with a world congress of the IVR.
3. The General Assembly will be called by the Executive Committee by publishing the agenda in an issue of the journal Archives for the Philosophy of Law and Social Philosophy, which should appear at least three months before the date of the General Assembly.
4. The chair of the meeting of the General Assembly is assumed by the President. In case of his disability, the General Assembly will elect one of the Vice-Presidents or another member to preside over the meeting.
5. The General Assembly elects the President, the Vice-Presidents and the other voting members of the Executive Committee as well as two auditors, who present a written report to the ordinary General Assembly.
6. The General Assembly decides by a simple majority of all members present the arrangements for the work of the Association, the basic elements of the budget, the election

and retirement of the Executive Committee, the election of the auditors, and the approval of the accounts as well as the Procedural Rules of the IVR.

7. The General Assembly decides by a three-quarters majority of all members present concerning changes in the Constitution and the dissolution of the Association.
8. The General Assembly deals with the items on the agenda and draws up any necessary resolutions. The delegation of decisions to the Executive Committee is permitted. An expansion of the agenda is permitted only by two-thirds majority.
9. Minutes of the meetings of the General Assembly will be kept which will state all voting results and all resolutions passed. The minutes will be prepared by the Secretary General and will be countersigned by the President or the Acting Vice-President.
10. Details concerning the conduct of the General Assembly, especially the election and the taking of the minutes, will be established by the Procedural Rules.

## § 7 Extraordinary General Assembly

1. An extraordinary General Assembly shall be called by the President within one year whenever:
  - a) The Executive Committee agrees on this by a two-thirds majority, or
  - b) One-fourth of the national sections request this.
2. The proposal to hold an extraordinary General Assembly must be supported with reasons. The agenda for the extraordinary General Assembly will be drawn up by the Executive Committee in accordance with the proposal; the Executive Committee also determines the time and place of the extraordinary General Assembly.
3. An expansion of the agenda of an extraordinary General Assembly is not permitted.
4. An extraordinary General Assembly will be provided with an accounting report only when there are economic questions on its agenda.

## § 8 The Executive Committee

1. The Executive Committee is the highest executive organ of the IVR. The Executive Committee includes as voting members:
  - a) the President
  - b) at most four Vice-Presidents and
  - c) at most fifteen members and as nonvoting members

- d) the Secretary General
- e) the Editor-in-Chief of the journal Archives for the Philosophy of Law and Social Philosophy, if he has not at the same time been elected a voting member
- f) the immediate past president, if that person has not been elected a voting member.

2. The Executive Committee appoints, upon the request of the President, the Secretary General and the Treasurer. The Executive Committee shall give the Secretary General authority in writing to conduct the everyday affairs of the Association as defined by the Procedural Rules and in accordance with the directions of the Executive Committee and the instructions of the President. The written authority can also include the carrying out of particular tasks that do not fall within everyday affairs. The Treasurer shall be authorized in writing to carry out the everyday business activities. He is obligated to keep regular financial accounts. More serious financial decisions are incumbent upon the President. The budget is drawn up in co-operation with the President, the Secretary General and the Treasurer.

3. The Executive Committee appoints the Editor-in-Chief and the members of the Editorial Board of the Archives for the Philosophy of Law and Social Philosophy.

4. The Executive Committee is empowered to conduct business if at least half of its voting members, including the President currently in office or a member of the Executive Committee authorized by him to chair the meeting, are present.

5. The Executive Committee makes decisions by a simple majority. In the event of a tie, the President shall decide.

6. The President can lay particular items of business before the Executive Committee for its decision by a circular letter.

7. The term of office for the Executive Committee is four years; it ends with the election of a new Executive Committee by an ordinary General Assembly (§ 6, Sec. 5).

8. More than one re-election of a voting member of the Executive Committee (§ 8, Sec. 1 (a) to (c)) in immediate succession is permitted only through individual vote of a two-thirds majority.

## § 9 The President

1. Legal representatives of the Association are the President and the Vice-Presidents. Each of them individually has power to act for the Association. Internally, a Vice-President may use his/her power to act for the Association only if the Executive Committee has appointed him/her

as an Acting President until the next General Assembly or for a specified period of time in case of the death, resignation or permanent or temporary incapacitation of the President.

2. The President shall execute the resolution of the General Assembly and of the Executive Committee.

## § 10 Preparation for the Election

1. The Nomination Committee will be called by the President of the IVR before the General Assembly and sits with the presiding President. It includes the following voting members:

- a) the members present of the Executive Committee of the IVR (§ 8, Sec. 1 (a) to (e) ),
- b) one representative of each national section not represented by any committee member through (a) above, c) one representative of the members of the IVR who are not members of any national section.

2. The task of the Committee is the nomination of the President, the Vice Presidents, the other members of the Executive Committee and the Auditors as well as the members of other bodies in so far as such members have been introduced and are to be elected by the General Assembly.

3. The nominations shall take into account not only the need to preserve the international character of the Executive Committee and the most balanced representation of scholarly interests and diverse doctrines in philosophy of law and social philosophy but also the need for representation of different continents and nations. The nominations shall, when possible, be put forth so that at least one third of the members of the outgoing Executive Committee are carried over into the incoming Executive Committee and at least one-third are not carried over.

4. The nominations may contain various alternatives.

5. The competence of the Nomination Committee according to these provisions does not exclude nominations by the members attending the General Assembly.

6. The Committee can also nominate candidates for Honorary President.

7. Specific details concerning the nominating procedures shall be included in the Procedural Rules.

### § 11 Honorary Titles

On the basis of a recommendation by the Nomination Committee, the ordinary General Assembly can award the title “Honorary President of the International Association for the Philosophy of Law and Social Philosophy” under the following conditions:

- a) the candidate has achieved great distinction in the sphere of the Philosophy of Law and Social Philosophy and
- b) the candidate has provided extraordinary service to the IVR.

### § 12 Amendment of the Constitution

The ordinary General Assembly can enact an amendment to the Constitution only when the amendment was contained as an item on the agenda in the announcement of the General Assembly.

### § 13 Dissolution of the Association

In the event of the dissolution of the Association, the capital in hand shall, with the permission of the financial authorities, be handed over to a scholarly society whose work is closest to the purpose of the IVR.

### § 14 Effective Date of the Constitution

This Constitution replaces the hitherto valid Constitution of 1 September 1979. It shall become effective as of February 25, 1992. Its text shall be published within the year in the Archives for the Philosophy of Law and Social Philosophy.