Programme

2013 UK IVR Annual Conference

Legal Theory and Legal History: A Neglected Dialogue?

Organised by the Legal Theory and History Research Group, School of Law, Queen Mary, University of London and the UK Branch of the International Association of Legal and Social Philosophy (UK IVR)

Friday 12 April 2013

9.30  Registration and Refreshments, ArtsTwo Reception

9.55  Welcome, Arts Two Lecture Theatre (LT)

Professor Valsamis Mitsilegas, Head of Department, School of Law, Queen Mary, University of London
Dr Maks Del Mar, School of Law, Queen Mary, University of London, and Convenor of the UK IVR

10.00  Keynote

Chair: Professor Roger Cotterrell, School of Law, Queen Mary, University of London
Speaker: Professor Quentin Skinner, The Concept of the State in Legal History and Theory

11.00  Refreshment Break

11.30  Open Paper Session I, Arts 2 LT and Breakout Rooms

Group 1.1 The State: Universal and Particular, Arts 2 LT

Chair: Professor Michael Lobban, School of Law, Queen Mary, University of London

Speakers: Pierre Brunet, Eric Millard, and Jean-Louis Halpérin, Can Legal Theoreticians and Historians Agree About a Definition (or Characterisation) of the State?

Speaker: Donal Coffey, Postcards from the Dominions: Legal Theory as Legal History in Australia and Ireland

Speaker: Michal Galedek, Theories of Modern Administration on the Polish Territories in the First Half of the 19th Century – Polish and Foreign Traditions

Group I.2 The Methodology of Legal Theory, Arts 2 Room 316

Chair: Dr. Maks Del Mar, Queen Mary and UK IVR

Speaker: Peter Cserne, From Legal History Through Descriptive Sociology to Legal Theory: Weber, Hart and Beyond

Speaker: Kevin Walton, Legal Philosophy and the Social Sciences: Nicola Lacey on the Hart-Fuller Debate

Speaker: Mariano Croce, How History Shapes the Legal Field: The Autonomy of Jurisprudence as a Historical Effect
Group I.3 A Historical Turn in Jurisprudence, Arts 2 Room 320

Chair: Dr Brenna Bhandar, School of Law, Queen Mary, University of London
Speaker: Christopher Tomlins, For a Materialist Jurisprudence
Speaker: Eric Heinze, Ahistoricism as Strategy and Mask
Speaker: Jonathan Gorman, Legal Metahistory

Group I.4 International Law and Legal History, Arts 2 Room 317

Chair: Dr Stephen Allen, School of Law, Queen Mary, University of London
Speaker: Jessie Hohmann: The Past is the Future: The Turn to History and the Critical International Legal Left
Speaker: Surabhi Ranganathan, International Law between Philosophy and Anxiety: Two (Re) Constructions of the Vienna Convention on the Law of Treaties

Group I.5 History and Theory of Crime, Arts 2 Room 217

Chair: Professor Andrew Halpin, Faculty of Law, National University of Singapore
Speaker: Tony Ward, Insanity and Sovereignty: The Austinian Theory of Criminal Liability
Speaker: Kevin Crosby, The Legal Theory and Legal History of the Criminal Trial Juror
Speaker: Arlie Loughnan, Responsibility and Non-Responsibility in Criminal Law

13.00 Lunch Break

14.00 Keynote, Arts Two LT
Chair: Professor Zenon Bankowski, School of Law, University of Edinburgh, and Treasurer of the UK IVR
Speaker: Professor John Bell, Is Comparative Law Necessary for Legal Theory?

15.15 Open Paper Session 2, Arts 2 LT and Breakout Rooms

Group 2.1 The History of Concepts, Arts 2 Room 316
Chair: Dr Maks Del Mar, Queen Mary and UK IVR
Speaker: Hubert Schnueriger, The Nature of Rights and the Relevance of Historical Research: A Critical Glance at Some Theses
Speaker: Sean Patrick Donlan, First Things First: Of Philosophy and Folk Concepts
Speaker: Mario Ricciardi, Two Concepts of Status

Group 2.2 Legal Theory, Legal History and the Common Law, Arts 2 Room 320
Chair: Professor Michael Lobban, Queen Mary
Speaker: Anna Taitslin, The Legal History Debate on ‘Absolute Ownership’ at Common Law and the Changed Notion of Ownership in Legal Theory: Form Bartolus’ Ownership as Right to Hohfeld’s Legal Relations
Speaker: Joshua Tate, Competing Institutions and Dispute Settlement in Medieval England
Speaker: Burkhard Schafer, Taking Problem Solving Seriously: What Can Theory of Science Teach Us About the Historiography of the Common Law
Group 2.3 Particular Cultural Contexts for Collaboration between Legal Theory and Legal History, Arts 2 Room 317

Chair: Professor Zenon Bańkowski, University of Edinburgh and UK IVR
Speaker: Ernest Caldwell, ‘New’ Perspectives on Socio-Legal Change: Contributions from Early Chinese Legal History
Speaker: Rafał Manko, Legal Transfers and Legal Survivals: Theoretical Implications on the Continuity of the Socialist Legal Tradition in Poland
Speaker: Tatiana Borisova, Jane Henderson and Boris Mamlyuk, What was ‘Soviet’ in Soviet Legal Theory?

Group 2.4 Law, Pathology and Politics, Arts 2 Room 217

Chair: Professor Andrew Halpin, University of Singapore
Speaker: Herlinde Pauer-Studer, The Role of Morality in Nazi Conceptions of Law
Speaker: Nicholas Gervassis, History of a Patient: Statute Drafting and the Subconscious of Law in Action
Speaker: Mary Vogel, Law and the Subject of Power: Courts and Discretion in Post-Revolutionary America, 1820-1850

Group 2.5: The Relevance of History for Legal Theory, Arts 2 LT

Chair: Ms Catharine MacMillan, School of Law, Queen Mary, University of London
Speaker: Kaius Tuori, Schmitt and the Sovereignty of Dictators
Speaker: Joseph David, Risks and Odds in Integrating Legal Theory and Legal History
Speakers: TT Arvind and Lindsay Stirton, Strategy, Doctrine and the Emergence of Legal Theories

16.45 Refreshment Break
17.15 Keynote, Arts Two LT
Chair: Ms Catharine MacMillan, Queen Mary
Speaker: Professor Joshua Getzler, Law and Self-Interest
18.15 UK IVR Annual General Meeting, Arts Two LT
18.45 Drinks Reception, Arts Two Reception
19.30 Conference Dinner, Senior Common Room, Queens Building (prepaid guests only)
Saturday 13 April 2013

9.30  Registration and Refreshments, ArtsTwo Reception

10.00  Plenary Session, ArtsTwo Lecture Theatre
Chair: Professor Richard Nobles, School of Law, Queen Mary, University of London
Speaker: Dr Eric Descheemaeker, Legal Rationality as Legal History, with commentary by Professor William Lucy
Speaker: Dr Ian Williams, The Role of Rules: Legal Maxims in Early-Modern Common Law Principle and Practice, with commentary by Dr Thomas Poole

11.30  Refreshment Break

12.00  PhD Paper Session 3, Arts 2 LT and Breakout Rooms

Group 3.1 History of Legal Ideas, Arts 2 LT
Chair: Professor Zenon Barański, University of Edinburgh and UK IVR
Speaker: C.J. (Niels) de Bruijn, The Argument from Authority in Late Medieval and Early-Modern Legal Thought
Speaker: Henrique Carvalho, Liberty and Insecurity in the Criminal Law: A Genealogy of Responsibility
Speaker: Tobias Schaffner, Hugo Grotius’ Use of History in his De Jure Belli ac Pacis (1625)

Group 3.2 Crime and Slavery, Arts 2 Room 320
Chair: Professor Andrew Halpin, University of Singapore
Speaker: Tom Goldup, The Treason Trials Act 1696: The Origins of Defence Counsel as a Technique of Control
Speaker: Pedro Jimenez Cantisano, In-between Slavery and Freedom: Legal Fictions with Real Consequences in 19th Century Brazil
Speaker: Rafael Van Damme, At the Crossroads of History of Criminal Law and Philosophy of Religion: the Disruption of Scapegoat Mechanisms

Group 3.3 Particular Theories, Particular Histories, Arts 2 Room 316
Chair: Professor Burkhard Schafer, School of Law, University of Edinburgh, and UK IVR Secretary
Speaker: Zhu Mingze, The Laicisation of Natural Law Theory in Belle Époque: How the Political Matters in Legal Scholarship
Speaker: Toon Moonen, Institutional History and Constitutional Theory: A Story of Obsession, Rejection…and Perfection?

Group 3.4 Legal Theory and Legal History: Imagining Possibilities, Arts 2 Room 217
Chair: Dr Maks Del Mar, Queen Mary and UK IVR
Speaker: Panagia Voyatzis, The Unbearable Forgetfulness of Law
Speaker: Paul Tiensuu and Juhana Salojärvi, On the Concept of Fundamental Contradiction: Co-operation Between Legal Theory and Legal History

13.30  Lunch Break
Open Paper Session 4, Arts 2 LT and Breakout Rooms

Group 4.1: The Importance of History for Legal Scholarship, Arts 2 LT
Chair: Ms Catharine MacMillan, Queen Mary
Speaker: Stephen Waddams, Legal History, Legal Theory and Practical Considerations in Legal Reasoning
Speaker: Steve Hedley, Is an Ahistorical Corrective Justice Theory Useful in Explaining Modern Private Law?
Speaker: Scott Styles, The Triumph of the Will

Group 4.2: Legal Theory and the History of Ideas, Arts 2 Room 217
Chair: Dr Maks Del Mar Queen Mary and UK IVR
Speaker: Adolfo Giuliani, Legal History, Legal Theory and the Historical Problem of the Ius Commune
Speaker: Matthew Crow, Forms of Life: The Culture of Law as a Culture of Use
Speaker: Richard Collins, Classical Positivism and the Problem of Legal Autonomy in Modern International Law

Group 4.3: Comparing Disciplines: Legal Reasoning, Legal Theory, and Legal History, Arts 2 Room 316
Chair: Professor Michael Lobban, Queen Mary
Speaker: James Hackney, Legal Intellectuals in Conversation: Reflections on the Construction of Contemporary American Legal Theory
Speaker: Jonathan Rose, The Nature and Development of Legal History as an Academic Discipline
Speaker: Larry DiMatteo, Unframing Legal Reasoning

Group 4.4: Historicising Philosophical Problems, Arts 2 Room 320
Chair: Professor Richard Nobles, Queen Mary
Speaker: Roger Cotterrell, The Politics of Jurisprudence Revisited: A Swedish Realist in Historical Context
Speaker: Corrado Roversi, Mimetic Law (vs Natural Law): A Philosophical Problem Turned into a Historical One

Group 4.5: History and Theory of Sources, Arts 2 Room 317
Chair: Professor Burkhard Schafer, University of Edinburgh and UK IVR
Speaker: Karlijn van Blom, The Use of Foreign Sources of Law: A Historical Approach
Speaker: Pierre-Olivier de Broux, Sources of Law, Sources of Power
Speaker: Tom Cornford, Cultural Consensus and the Rule of Recognition in English Law

16.00 Refreshment Break

16.30 Closing Panel
Chair: Professor Michael Lobban, Queen Mary
Speakers: Professor David Ibbetson and Professor Philip Schofield
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