



中国政法大学 - China University of Political Science and Law
哲学系 - Department of Philosophy

INTERNATIONAL CONFERENCE

PHENOMENOLOGY AND LAW

CHINA UNIVERSITY OF POLITICAL SCIENCE AND LAW

BEIJING, 3-4 NOVEMBER 2018

KEYNOTE SPEAKERS

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What are laws? How do they work? How are they made, or how should we make them? And what should we make *of* them, or, alternatively, of ourselves *in front* of them?

These are some of the recurrent questions of Philosophy which mostly impact on our “concrete”, everyday life. It is not by chance that they are some of the questions we find in both Western and Eastern philosophical cultures from their very beginning.

Nowadays, because of the problematically ongoing “globalisation”, the question concerning the status of laws and the reach of legal orders have become, if possible, even more urgent. Not to mention that the modern aspiration to democratization seems to unavoidably go hand in hand with the rule of law in our societies, since no democracy can in principle work without law granting political demands and conflicts institutionalized ways of expression and peaceful management. On the other hand, the situation just mentioned puts us in front of a quite problematic issue: can a democratic understanding of law-making and law-giving found itself *democratically*? This is a question which has puzzled and occupied philosophers as well as jurists for centuries, if not millennia.

Phenomenology, one of the most prominent philosophical traditions of the last century, has been concerned with the problem of what laws are, and how we can 'see' them, from its very beginning, i.e. from the breakthrough work of Edmund Husserl: the *Logical Investigations*. Although Husserl was initially mainly concerned with logical and mathematical laws, his very philosophical project was soon meant to expand over any possible field of our life, both theoretical and practical. It is not by accident that Husserl's phenomenological thought was soon comprehended by his early followers as extremely promising in order to tackle some of the aforementioned 'jurisprudential' issues. Many 'early phenomenologists' devoted serious efforts to questions concerning the constitution, the dynamics, and the essence(s) of human societies.



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Furthermore, 'intersubjectivity', one of the pivotal notions implied in all foundation of politico-legal orders, has become more and more considered as a topic linking together the phenomenological – and, broadly speaking, continental – tradition with analytical approaches. Importantly, the interest of phenomenology for social life and ethico-legal issues is not a recent achievement. On the contrary, it goes back to the very beginning of the phenomenological “movement”: not only ethical problems were considered, but also the very forms of human societies and communities, and their respective relationships to specific forms of government and intersubjective rules. In this regard, beside the ethical and social-political studies by Edith Stein, Max Scheler, and also Martin Heidegger, thinkers such as Adolf Reinach, Wilhelm Schapp, Felix Kauffmann, as well as one of Husserl’s first Japanese students, Tomoo Otaka, and slightly later Husserl's son, Gerhart Husserl, have devoted specific attention to the very topic of Law – to its meaning, constitution, and validity. What these scholars have in common is at least the following: by investigating the relationship between experience and law, law in experience as well as the experience *of* law, they all considered the phenomenological approach as decisive for a fruitful contribution to the development of ancestral questions concerning the status of laws.

After WWII Phenomenology, strictly considered, despite its concern with ethical and political issues, has devoted no specific attention to the issue of Law.

This hasn't been the case, however, if we consider some allegedly less orthodox developments of the Husserlian legacy. In fact, a robust refocusing on the issue of Law has been achieved during the past 30 years by philosophers who undoubtedly acknowledge their debt to the phenomenological project. At least two main currents are to be named to this respect: the first one more faithful to the point of view, and partially the style, of the 'early phenomenologists', and, nowadays, to that of the so-called analytic philosophy. Within this frame the works by Kevin Mulligan and Barry Smith can be situated., The second strand of thought, on the other hand, deploys a generally different understanding of the legal-phenomenological approach. Herein are especially Hans Lindahl's and also William Conklin's investigations to be considered, which realize a much closer critical appropriation of the Heideggerian, hermeneutical, and also French phenomenological legacies.

This being the “state of the art”, this international conference aims to bringing together people of any philosophical and cultural background interested in presenting current problems, ideas, and theories in philosophy of law, and in discussing them in a confrontation with the phenomenological method(s), as well as, more broadly, with ideas, theories, and insights which can be derived from authors to some extent belonging to the so-called phenomenological movement or tradition. At the same time, the conference would like to offer an opportunity to meeting to all scholars currently engaged in developing a phenomenological view of issues concerning law, thereby enabling a discussion about the future developments of this very promising path of investigation.

Organizers: Haojun Zhang, Andrea Altobrando



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Submission guidelines:

We welcome papers proposals which specifically thematize if and, in case, how phenomenology can contribute to our understanding of law, as well as papers which directly implement a phenomenological analysis of issues concerning law.

The paper proposal should include: name, affiliation, email address, contact telephone number, title of the paper, and an abstract of 200 to 300 words.

Deadline for title and abstract submission: June 30, 2018.

Acceptance notification: before July 7, 2018

Deadline for paper submission: October 20, 2018

Please submit your abstract to the following addresses: andrea.altobrando@cupl.edu.cn;
haojunzhang@cupl.edu.cn

Please write 'Submission for Phenomenology&Law conference_CUPLBeijing2018' as the subject of your email.

Organizational Matters:

The talks of the invited speakers will last 1 hour and 15 minutes, including discussion.

The talks of the selected speakers should last no more than 45 minutes, including at least 10 minutes for discussion.

Registration fee:

There is no registration fee.

Board and lodging:

The conference will provide three nights (arrival November 2, departure November 5) accommodation for all selected speakers.

The conference will offer three dinners (November 2, 3 and 4) to all participants in the conference.

Travel costs:

The conference will not cover the travel costs of the selected speakers.

For all enquiries, you can write to the following address: andalt@gmail.com