

Conference: Legal Reasoning

Utrecht University, October 4, 2013

10.30-17.00, Raadszaal, Achter Sint Pieter 200

What constitutes a good argument in law? This is an eternal and crucial issue in legal research, but it has an important renewed relevance. Globalisation and Europeanization challenge the modern nationally oriented concepts of law and legal reasoning. At the same time legal research opens up to other disciplines. What consequences do these developments have on legal reasoning? This conference seeks to provide criteria in assessing legal arguments and thus to assist research in law in designing research and justifying conclusions.

What kind of arguments are used or should be used in legal research? Can we possibly draw maps of arguments and particularities of legal reasoning? An analysis of legal reasoning should preferably take into account historical developments, as the value of some legal arguments (e.g. the textual) varies over time. Legal culture will be of importance, particularly as globalization may challenge culturally embedded forms of legal reasoning. Is legal reasoning a clearly distinct form of reasoning, or does it show likeness to other forms of reasoning such as theological reasoning in the way it takes into account authoritative texts? Does legal reasoning have to be explicit in its use of normative philosophy, and what distinguishes law from reasoning in normative philosophy? Questions like these are addressed in this conference. Speakers will include:

Jan Vranken (UvT) – Legal reasoning by judges and legal researchers

Thomas Lundmark (Münster) - Legal reasoning in common & civil law

Merlin Majoor (UU) – Philosophy, Authority and legal reasoning

Elaine Mak (EUR) – Legal reasoning and interaction between courts

Jaakko Husa (Lapland) - Objectivity in Law & Legal Reasoning

Herman Philipse (UU) – Legal Reasoning: Issues of Testimony and Probability

Ivo Giesen (UU) – Incorporating extra-legal insights in law discourse

It is particularly recommended that PhD candidates participate, but the conference is open to all those with a keen interest. A small tradition is taking shape. Earlier congresses addressing issues of general and importance concerning legal research were organized on methodology (2010), principles (2011) and poverty and law (2012), all under the auspices of the Ius Commune Research School. The organizing committee consists of Ewoud Hondius, Jessy Emaus, Nik de Boer (UvA), Legal Research Master students Sarah van Kampen and Renzo Bloemink, and Michael Milo.

The conference is free of charge, but we kindly ask you to register with Mrs. Anita van de Wijngaard at A.vandeWijngaard@uu.nl

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