

20th International Roundtable for the Semiotics of Law (IRSL 2019)

23rd–25th May, 2019

Hosted by Instituto Jurídico da Faculdade de Direito da Universidade de Coimbra (UCILeR - University of Coimbra Institute for Legal Research) / Portugal

Theme: The Limits of Law

In a time of plurality and difference which is also, significantly, a time of a problematic (if not naïf) panjuridism, the discussion of the limits of law is not a frequent or obvious explicit topos. On the one hand, the diagnosis of plurality and difference favours the conclusion-claim that «the sense of the expression the “law” is constructed internally, and separately, within the system of semantic values of each [semiotic] group» (B.F. Jackson) – which means arguing that only «the signifier» is common, not the «signified», as well as admitting an implacable diversity of interpretative communities (involving incommensurable cultural-civilizational, political, ethical and professional codes or canons). On the other hand, the celebration of panjuridism, successfully corroborated by the relentless emergence of ultra-specialized dogmatic fields (from health law to biolaw, from robotics law to geo-law), justifies a passive assimilation of hetero-referentially constructed interpretations of social need, reducing law to a mere conventional order (with contingently settled frontiers) or even to an ensemble of institutionally effective coactive resources — which in any case means depriving juridicity or juridicalness of any practical-cultural specific or intrinsic (non-contingent) sense claim. However, do our present circumstances condemn us to this complacent nominalism, preventing us from attributing any effective relevance to the problem of the limits of law? Even without departing from the “semio-narrative” ground (and its external point of view), it may be said that plurality and difference do not exclude a productive exploration of inter-semiotic aspirations (if not inter-semiocity) — relating differently contextualized claims of juridicity and paving the way for the reconstruction of plausible arguments of continuity. These arguments may, in turn, justify a return to the well-known questions on the concept and/or the nature of law (in the sense in which, in an all or nothing approach, Hart and Raz have taught us to understand this), and may also, conversely, lead to the reinvention of an archetypal or aspirational perspective (Fuller, Simmonds), in relation to which the reconstituted features of the autonomy and the limits of law do not represent characteristics but rather guiding intentions or constitutive aspirations or promises (if not desiderata), with reference to which past or present expressions and their institutional instances should permanently be judged. Following this path in fact means acknowledging how the problem of limits becomes an indispensable thematic core whenever the reflexive agenda involves rethinking law’s autonomy (or rethinking this autonomy beyond the possibilities of legal formalism), as an autonomy or claim to autonomy which should be seriously considered in terms of its cultural-civilizational specific (non-universal) base, as a decisive manifestation of European identity and European heritage (Castanheira Neves). It is precisely this critical-reflexive connection between issues of sense and limits (aspirations and borders) which, in terms of law, as well as considering the challenges of a société post-juridique (F. Ost), our roundtable aims to explore. This means discussing the growing weight of hetero-referential elements (invoking philosophy and economics, literary criticism and sociology, epistemology and ethics, politics, political morality and social engineering as plausible key arenas), which not only interfere (as contextual conditions) with juridical discursive practices but also wound these practices (and their autonomous intelligibility) by functionalizing them (diluting their specificity in a new practical holism), or at least condemning them to permanent «boundary disputes» (David Howarth). However, this discussion also leads directly to the consideration of specific (real, hypothetical and even fictionalized) case-exempla, including the so-called «tragic cases» (Atienza), which enable us to experience the limits of law’s responsivity or even the impossibility of

obtaining plausible correct legal answers. The roundtable will, as usual, favour a practical-cultural context open to multiple perspectives and involving the productive intertwining of juridical and non-juridical approaches.

Confirmed plenary speakers: François Ost (Université Saint-Louis - Bruxelles), Manuel Atienza (Universidad de Alicante)

Abstracts of 300 words (max.) should be submitted by January 15th, 2019 to José Manuel Aroso Linhares (Organizer) (jmarolinh@gmail.com) and Anne Wagner (valwagnerfr@yahoo.com) with participation decisions made by January 30th, 2019. Selected papers will be invited for publication in a special issue of the International Journal for the Semiotics of Law (Springer: <http://www.springer.com/lawjournal11196>) or for inclusion in an edited volume.