

International Legisprudence Workshop

Conceptions and misconceptions of legislation



University of Zaragoza | Faculty of Law

23-24 February 2018



Universidad
Zaragoza



Laboratorio de
Sociología Jurídica



Facultad de Derecho
Universidad Zaragoza

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Although the study of legislation is an inherently interdisciplinary endeavor involving many academic fields, we jurists seem best positioned to take the lead in it. After all, laws are our daily bread as scholars or practitioners, and no other expert group in society deals with them as intensively and seriously as we do. One would therefore expect legislation viz. the making of law(s) to be a core theme in the province of jurisprudence. For the past two centuries, however, our province has been confined to the tasks of describing, interpreting, systematizing and applying laws, whereas their elaboration remains a blind spot. For one thing, mainstream jurisprudence still preserves an artificial divide between the study of law and the study of its making, and leaves the latter largely unattended. For another, legislative thinking and skills have only very limitedly been incorporated into standard legal curricula: commonly, law students learn to treat legislation as a given, and are even led to believe that before its enactment there is only sheer politics – as if law production would mysteriously fall beyond the domain of law. As implied by the workshop title, this scholarly neglect paves the way for misconceived, distorted and fragmentary ideas about both the theory and the practice of legislation. Opening up dedicated spaces for *legisprudential* debate in law faculties is hence needed to extend and improve our understanding of what making law(s) really entails. That is precisely what this workshop pursues by bringing together Spanish and international lawyers to discuss different conceptions, models and ways of legislation. Unfortunately, in a two-day meeting only a small selection of perspectives and topics can be tackled; still, we hope that the workshop may contribute at least a little bit to give jurisprudence its due place in legal studies.

www.legisprudence.es

This workshop is organized by the University of Zaragoza's **Legal Sociology Lab** (Department of Criminal Law, Legal Philosophy and Legal History) with the kind support of the **University of Zaragoza**, the **Faculty of Law** of the University of Zaragoza, the **Manuel Giménez Abad Foundation** (Parliament of Aragon), and the publishing houses **Springer** and **Tirant lo Blanch**.

Programme

Friday, 23 February

- 09:00 h. *Opening*
- 09:15 h. **The language of laws in Athens**
Virgilio Zapatero (Universidad de Alcalá de Henares)
- 10:00 h. **Misconceptions on legislative quality: an enlightened approach to the drafting of legislation**
Helen Xanthaki (University College, London)
- 10:45 h. **Rationality in criminal legislation: rational decision-making in a complex socio-legislative process**
José Luis Díez Ripollés (Universidad de Málaga)
- 11:30 h. *Coffee break*
- 12:00 h. **Legislation, communication, and authority. How to account for the bindingness of law?**
Bart van Klink (Vrije Universteit Amsterdam)
- 12:45 h. **Legislation as balancing**
Jan Sieckmann (Universität Erlangen-Nürnberg)
- 13:30 h. *End of the morning session*
- 15:00 h. **Proportionality, law-making, and constitutional democracy**
Gema Marcilla (Universidad de Castilla-La Mancha)
- 15:45 h. **A model for the analysis of legislative reasoning**
Manuel Atienza (Universidad de Alicante)
- 16:30 h. **Legislative deliberation and judicial review**
A. Daniel Oliver-Lalana (Universidad de Zaragoza)
- 17:15 h. *Coffee break*
- 17:30 h. **On the 'legislative gap' in legal studies**
Wim Voermans (Universiteit Leiden)
- 18:15 h. **Legislation in legal education and research**
Ittai Bar-Siman-Tov (Bar-Ilan University)
- 19:00 h. *End of the afternoon session*

Saturday, 24 February

- 09:15 h. **Legislation and nudging**
Silvia Zorzetto | Francesco Ferraro (Università di Milano)
- 10:00 h. **Special-interest legislation and legislative capture**
Klaus Meßerschmidt (Universität Erlangen-Nürnberg)
- 10:45 h. *Coffee break*

11:00 h. **Back to regulatory law**

Manuel Calvo García (Universidad de Zaragoza)

11:45 h. **Taking legislation seriously: sociological, socio-legal, and social policy arguments**

Pierre Guibentif (ISCTE-Lisbon University Institute, Dinâmias/CET-IUL)

12:30 h. *Closing words*

Registration

The workshop is open to interested scholars and practitioners. Yet, for organizational reasons attendance is limited to 20 registered participants. The **registration fee is 70 € until January 7th 2018** (100 € afterwards), and must be paid via bank transfer to this account:

IBAN: **ES9620855202700332279118** | BIC: **CAZRES2Z** | Purpose:
legisprudence conference

To complete registration, just send an email indicating your name and affiliation, along with a PDF-copy of the transfer receipt to: legisprudence@unizar.es – if you need an **official invoice** issued by the University of Zaragoza, **contact us before making any payment**. If you plan to attend the workshop, book your accommodation asap, for on those dates there might be room availability problems.

Venue

Facultad de Derecho (Main Meeting Room, *Sala de Juntas*), Ciudad Universitaria | Tram line 1 (stop at Plaza San Francisco) | Campus and city maps are available at www.legisprudence.es

Publication

Revised, peer-reviewed papers will be published as a contributed volume in the Springer Legisprudence Library; a Spanish version of the book will subsequently appear at Tirant lo Blanch.

Contact

For any queries, please write to legisprudence@unizar.es or visit the workshop website www.legisprudence.es

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