



Conference on Neil MacCormick:

Legal Reasoning and European Laws: The Perspective of Neil MacCormick

San Domenico di Fiesole, Villa La Fonte
Friday 21 May 2010

Co-sponsored by:

*LAW Department, Max Weber Programme, Global Governance Programme (RSCAS),
and The Legal and Political Theory Working Group, European University Institute*

Sir Neil MacCormick (1941-2009) was one of the most distinguished legal philosophers and scholars of our generation. Educated in Glasgow and Oxford, he taught and wrote extensively on a wide range of subjects from philosophy to constitutional European law. In MacCormick we find a unique combination of a passionate commitment to the Scottish National party and to the cause of Scottish independence with a rigorous intellectual pursuit of the questions of sovereignty and European nationality. This conference aims to pay tribute to the wide range of his scholarship and explore the interconnections between the issues that engaged him throughout his career. The intention is to contribute not only to the fields of legal philosophy and the political theory of the European Union, but also to foster cooperation between scholars from both areas.



Programme

9:00 Opening Remarks

- Josep Borrell (EUI, President)
- Neil Walker (Edinburgh U.)
- Massimo La Torre (Catanzaro U. / Hull U.)

9:40 Session: Legal Reasoning 1: Practical Reasoning in Law and Morality - Chair: D. Patterson (EUI)

- Jeremy Waldron (NYU, Oxford U.): "Legal Judgment and Moral Reservation"
- Vittorio Villa, Giorgio Pino, Aldo Schiavello (Palermo U.): "Neil MacCormick on Legal Positivism and Legal Reasoning: A Diachronic Perspective"

Commentators: Irit Samet (MW Fellow) and Giovanni Sartor (EUI)

11:15-11:45 Break

11:45 Session: Legal Reasoning 2. Rhetorics and the Rules of Law - Chair: Giovanni Sartor (EUI)

- David Duarte (Lisbon U.): "Natural Language Constraints on Normative Interpretative Propositions"
- Antonino Rotolo, Giorgio Bongiovanni, Corrado Roversi (Bologna U.): "Constitutive Rules and Coherence in Legal Argumentation: The Case of Extensive and Restrictive Interpretation"

Commentators: Jernej Letnar Čerňič (MW Fellow) and Gianluigi Fioriglio (MW Fellow)

13:15-14:15 Lunch

14:15-15:45 Session: Europe, Nationality, Sovereignty I: Commonwealth of Nations in a Post-Sovereign Europe - Chair: M. Maduro (EUI)

- Christoph Moellers (Humboldt U.): "The meaning of Democracy in Post-Sovereign Federation"
- Nenad Stojanovic (University of Zürich): "Mononational and Multinational States: A Valid Dichotomy?"

Commentator: Matej Avbelj (European Faculty of Law, Nova Gorica)

15:45-16:15 Break

16:15-17:45 Session: Europe, Nationality, Sovereignty II: Legal Pluralism in the European Context - Chair: M. Maduro (EUI)

- Nico Krisch (Hertie School of Governance): "Pluralism, or: The Fear of Disorder"
- Mattias Kumm (NYU): "The Idea of Constitutional Pluralism"
- Neil Walker (Edinburgh U.): "Constitutional Pluralism and the Unity of Law: MacCormick's Dilemma"

Commentators: Miriam Ronzoni (MW Fellow) and Christian Schemmel (MW Fellow)