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CALL FOR PAPERS

6th Comparative Law Workshop

“The principle of legal certainty from a comparative perspective”

Budapest, Hungary
23 November 2018 (Friday)

*organized by Eötvös Loránd University Faculty of Law, Budapest (Hungary)
in collaboration with the PhD Programme in Legal Sciences, Law Department, University
of Florence (Italy)*

The Comparative Law Workshop was founded in 2012 by Katalin Kelemen, Associate Professor at the Örebro University in Sweden (PhD in Comparative Law obtained at the University of Florence) and Balázs Fekete, Associate Professor in Law at the Eötvös Loránd University in Budapest and Researcher at the Hungarian Academy of Sciences. The aim of the Workshop is to bring together young comparativists to discuss their research and exchange their ideas in order to create a scholarly network between them. The Workshop has been held by turns in Budapest, in Florence, and in Örebro. The best contributions of the various workshops have been published in *Acta Juridica Hungarica*, the *Hungarian Yearbook of International Law and European Law*, and the Working Paper series of the blog *Diritti Comparati*.

Workshop theme: In the Western legal tradition the standard attitude and a fundamental goal is that the law should be certain and should appear so. However, legal certainty bears a different weight in the civil law and the common law traditions. The civil law tradition treats the principle of legal certainty as a kind of dogma and gives it an abstract value, while the common law tradition discusses legal certainty in more functional terms. There it is not a dogma, but a value which has its limits and stands in competition with other values. More specifically, in the common law, certainty is achieved by giving force of law to judicial decisions, something theoretically forbidden in civil law. As John Merryman put it, legal certainty is like a queen in chess, it can move in any direction. Stefano Bertea argues that legal certainty should be regarded as an intrinsically theory-laden notion, which needs to be discussed in relation to particular theories, and not treated as a largely pre-theoretical idea. Some pragmatic theorists, such as Jürgen Habermas, claim that discussing legal certainty is pointless and should be of no concern to legal theorists. The difficulty of discussing the principle of legal certainty lies in the fact that it covers conceptually heterogeneous legal issues: the possibility of knowing the exact content of legal provisions, the predictability of legal rulings, the

possibility of being aware in advance of how legal decisions are made, and the stability of law over time (legal continuity). There is no widely shared definition or common understanding. The aim of the workshop is to reflect on this peculiar principle from a comparative perspective.

Submissions: The organizers invite young researchers (PhD students and post-docs) and lecturers to submit their paper proposals by **Friday, 5 October 2018** to comparativelawworkshop@gmail.com. Each submission should include an abstract of the proposed presentation of no more than 500 words and a short CV, both in English. Successful applicants will be notified by **15 October 2018**.

Basic Workshop details: The Workshop will run for one day. It will commence at 9 a.m. and conclude at 5 p.m., with two coffee breaks and a lunch break. The organizers envision two panels, one in the morning and one in the afternoon, with each panel comprised of maximum six speakers. All presentations are to be followed by a short discussion.

Venue: Eötvös Loránd University Faculty of Law, Egyetem tér 1-3., Budapest.

All participants will be responsible for their travel and accommodation expenses.