

Juristische Grundlehre 100 – the work in context

Call for Papers

2 August 2017

Summary

Date of the Conference: 10-11 November 2017

Submission deadline for 200 word abstracts (in English or German): 30 September 2017 to

zodi.zsolt@tk.mta.hu

Venue: Centre for Social Sciences, Hungarian Academy of Sciences, Budapest

Languages: Hungarian, English, German

Subject-matter of the Conference

Felix Somló's *Juristische Grundlehre* was published 100 years ago by Felix Meiner Verlag, Leipzig. The question is, as one of the reviewers of a recent book on Somló put it: Does Somló belong entirely to the past or is there a possibility for a 21st century dialogue with his work?

The organisers of the conference believe that it is possible to start a dialogue with the *Grundlehre*, and this conference could be a good starting point for this dialogue.

The *Grundlehre* is Somló's *magnum opus*, which has been labelled as a piece within the series of the "general legal theories" (*Allgemeine Rechtslehre*) – a genre that blossomed in German-speaking legal science at the end of the 19th century. *Grundlehre* is a special work from several points of view. If we see it as an *allgemeine Rechtslehre*, this is the last in this genre. Yet it is also the first book on the Continent that is based on John Austin's "command" theory. This book is the entrée of neo-Kantianism into Hungarian legal philosophy. Moreover, Somló prepared an excerpt from his book, which was used as a textbook, the first neo-Kantian jurisprudence university textbook in Hungary.

Possible topics for discussion

Somló as the "representative man" of Hungarian legal philosophy has been widely discussed since 1990, but scholars have been examining his work in general with an emphasis on his tragic and turbulent life. The *Grundlehre* itself has rarely been analysed in depth. We would like to celebrate the 100th anniversary of the work by filling this gap. We invite scholars from Hungary and from abroad, those who have something to say on Somló and on the *Grundlehre*. We invite papers and presentations with any connection to the *Grundlehre*, but as an inspiration we offer three focus points to consider:

Juristische Grundlehre in the context of the legal philosophies of its age

How the *Grundlehre* can be placed in the context of the legal philosophies of its age, and especially in the context of the other general philosophies of law (*Allgemeine Rechtslehre*)? What is the role of John Austin's theory in Somló's work? How did Somló's relate to the Anglo-American literature of his time? How is the work connected to the most often cited authors in the book: Verdross, Simmel, Hold v. Ferneck, Merkl, Lask, Radbruch, Bergbohm, etc., and especially to Kelsen's *Hauptproblemen der Staatsrechtslehre*, Bierling's *Juristische Prinzipienlehre*, Stammler's *Theorie der Rechtswissenschaft*, and Reinach's *Die apriorischen Grundlagen des bürgerlichen Rechts*?

The picture of legal science in Juristische Grundlehre and the main concepts within Grundlhere

The *Grundlehre* paints a characteristic picture of legal sciences. We are keen to receive papers on this particular topic. Also, we invite in depth analyses of the *Grundlehre's* key concepts: *Rechtsmacht* (Law-making power, Sovereign in Austin), *Nomologie* (Theory of norms) -, - *Befehlsrecht and Versprechensrecht* (Command-law and Promising law), *Geltungsanspruch* – (Validity claim), and also topics like: how the application of law works in modern legal systems? What is the role of customary and judge-made law, etc.

The impact of Juristische Grundlehre

Finally, we invite papers to tackle the impact history of *Grundlehre* in Hungary and abroad. Did Somló's work influence German legal philosophy, and especially on Kelsen's work? Did it have any serious effect on the Anglo-American literature, apart from sporadic footnote citations?

Procedure

Keynote speakers will be asked separately and will be announced later. Please send the 200 word abstracts of the papers in English or German. Presentations should be no longer than 20 minutes, followed by a 10 minute discussion. Should there be more than 10 applications, sessions will also be held on 11 November.

Zsolt Zódi

Research Fellow, organiser of the conference

Centre for Social Sciences, Hungarian Academy of Sciences, Legal Studies Institute

+36 20 9828 464

Zodi.Zsolt@tk.mta.hu