

Legal Theories and Relations / Théories du droit et relations

CONVENOR: Emmanuel Jeuland (Sorbonne Institute of Legal Research, University Paris 1)

Is there a relational turn in legal theory and philosophy? It seems that in all Western legal traditions, recent studies have started taking legal relations into account: Jennifer Nedelsky in North America [Law's Relations, 2011], Alexander Somek in German-speaking countries [*Legal Relations*, 2017], MJ Falcon y Tella in the Spanish world [*Three-Dimensional Theory of Law* (2010) who distinguishes three perspectives in legal theory : norm theory, legal order theory and legal relations theory] and E. Jeuland in the French-speaking sphere [*Théorie relationniste du droit*, 2016].

As a matter of fact, legal relations theories have existed in different traditions for at least two centuries without forming an important stream. There have been relational approaches in Germany (from Savigny to Achtenberg), Italy (A. Levi, Cicala), Spain (Ferrer Arelano), Portugal and Brazil (Orlando de Carvalho and Dominguès de Andrade) and the Slavic area (e.g. Zirk-Sadowski in Poland). Now, after the Law and Emotion Scholarship, is there an emerging Law and Relation Scholarship?

A relational turn may be observed in art, philosophy, psychology or physic. In law, it may be a way of avoiding the drawbacks of both the individualistic and collective approaches. It may be as well a consequence of neurosciences discoveries (e.g mirror neurons). It is not opposed to institutions since any corporate body may be seen as a structured set of legal relations. However the relational approach may be critical of institutions when they become inhumane.

Relational approaches vary depending on the tradition. A comparative study of these approaches may show differences and similarities. North American relational approach is realist, critical, feminist (Nedelsky), interactionist and pragmatic; it is logical and normativist in the German-speaking world (A. Somek); it may emphasize the need for symbol in the French-speaking world.

This special workshop will be devoted to exploring these different approaches and will try to find convergences.

Languages: English and/or French (depending on participants)

Contact: [emmanueljeuland\[at\]wanadoo.fr](mailto:emmanueljeuland@wanadoo.fr)