

23<sup>RD</sup> IVR WORLD CONGRESS, AUGUST 1-6, 2007, CRACOW, POLAND

LAW AND LEGAL CULTURES  
IN THE 21<sup>ST</sup> CENTURY  
DIVERSITY AND UNITY

PLENARY LECTURES

EDITED BY  
TOMASZ GIZBERT-STUDNICKI  
JERZY STELMACH



**Oficyna**

a Wolters Kluwer business

Warszawa 2007

Editorial Secretary:  
Marta Soniewicka

Publisher:  
Anna Berska

Text design:  
Zakład Usługowy PRIM

© Copyright by  
Wolters Kluwer Polska Sp. z o.o., 2007

ISBN: 978-83-7526-235-3     1154744  
First Edition

Published by  
Wolters Kluwer Polska Sp. z o.o.

Publisher's address:  
01-231 Warszawa, ul. Płocka 5a  
tel. (022) 535 80 00  
e-mail: [ksiazki@wolterskluwer.pl](mailto:ksiazki@wolterskluwer.pl)

[www.wolterskluwer.pl](http://www.wolterskluwer.pl)  
[www.profinfo.pl](http://www.profinfo.pl)

## Table of Contents

<b>Introduction</b> .....	7
<b>Aulis Aarnio</b> Aleksander Peczenik in Memoriam .....	9
<b>I. PLENARY LECTURES</b>	
<b>Fred Schauer</b> Is There a Concept of Law? .....	17
<b>Jan Woleński</b> Models of Legal Reasoning .....	37
<b>Seyla Benhabib</b> On the Philosophical Foundation of Cosmopolitan Norms .....	61
<b>Mark Van Hoecke</b> European Legal Cultures in a Context of Globalisation .....	81
<b>Susan Haack</b> The Pluralistic Universe of Law: Towards a Neo-Classical Legal Pragmatism .....	101
<b>Francesco Viola</b> The Rule of Law in Legal Pluralism .....	105
<b>Aulis Aarnio</b> Who Are We? On Social, Cultural and Legal Identity .....	133
<b>Jan-R. Sieckmann</b> The Concept of Autonomy .....	149
<b>Takao Katsuragi</b> Nationalism, Multiculturalism and the Concept of Law .....	171

**Zenon Bańkowski**

Bringing the Outside in the Ethical Life of Legal Institutions ..... 193

**II. DEBATE: THE FUTURE OF LEGAL POSITIVISM****Eugenio Bulygin**

Normative Positivism vs the Theory of Legal Argumentation ..... 221

**Manuel Atienza**

Is Legal Positivism a Sustainable Legal Theory? ..... 229

**About the Authors** ..... 247