# 23RD INTERNATIONAL ROUNDTABLE FOR THE SEMIOTICS OF LAW


**VIALE MANZONI 1**

**VIA MERULANA 124**

## MAY 24–27

**2023**

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23rd International Roundtable for the Semiotics of law

**CULTURAL-SCIENTIFIC COLLABORATION AGREEMENT**

review humanities and law intercultural <

CALUMET

CONSIGLIO NAZIONALE DEL NOTARIATO

UNIVERSITÀ DI PARMA

Unión Internacional del Notariado
Union Internationale du Notariat
International Union of Notaries

# IRSL 2023
# CONFERENCE PROGRAM

## Global Semiotics and Everyday Legal Claims

**Intercultural Use of Law, Interreligious Dialogue and Translation Ethics**

## MAY 24, 2023
# PLENARY SESSION
## 9:00 a.m. – 1:00 p.m.
# AUDITORIUM ANTONIANUM

**Viale Manzoni, 1 Roma**

**Presentation**
**The 23rd International Roundtable for the Semiotics of Law**

**Introductory Lecture**
*Human Dignity as a Translational Interface between Legal Systems*
**by**
**Most Reverend Monsignor**
**DAVID JAEGER**

**Roundtable Contents:**
**General Presentation by Workshop Organizers**

**General Notice**

**For more information on the roundtable program, please see the following Facebook page: https://www.facebook.com/profile.php?id=100064217761322**

**Over the course of the Roundtable, coffee breaks will be at 11:00 a.m. and 1:00 p.m. every day, except Thursday, May 25. Since on this day there will be two plenary sessions in the Auditorium from 8:30 a.m. to 1:15 p.m., the coffee break will be at 11:15 a.m. and lunch at 1:50 p.m.**

**MAY 24 AFTERNOON (2:30 6:30 p.m.)**
**Via Merulana, 124 - Roma**

**WORKSHOP "HERITIER"**
*Semiotic Chorologies?*
*Critical and Generative Spaces in an Intercultural World*
**********
*SYMPOSIUM - Critical and Generative KHÔRA*
35 Speakers (beginning the afternoon of May 24th; and then continuing May 25th and May 26th all day).

**WORKSHOP "IORIATTI"**
*Comparative Law Methodology*
A tool for analysing complex contemporary intercultural contexts
9 Speakers

**WORKSHOP "LEONE"**
*Dis-Embodiment in Religion, Ethics, and Law*
6 Speakers

**WORKSHOP "PONZO"**
*The Role of Exemplary Characters in the Interreligious Translation of Norms and Religious Practices (ERC NeMoSanctI)*
13 Speakers (divided between the afternoon of May 24th and the morning of May 25th)

**WORKSHOP "PETRILLI PONZIO"**
*The Semioethics of Translatability in Present day Global Communication*
11 Speakers (divided between the afternoon of May 24th and the morning of May 25th)

**WORKSHOP "WAGNER LINHARES"**
*Spatial Dynamics and Cultural Changes in Contemporary Legal Experience*
**Special Section**, *Re-constituting Digital Publics*, organized by Richard Sherwin and Kieran Tranter
14 Speakers (divided between the afternoon of May 24th and the morning of May 25th)

**MAY 25 MORNING (8:30 a.m. 1:45 p.m.)**

**PLENARY SESSION 8:30 9:30/9.45 a.m. Auditorium, Viale Manzoni, 1 Roma**
**Agustín Hernández Vidales**, Antonianum Dean, **Nader Akkad**, Imam of The Grand Mosque of Rome, **Alessandro Saggioro, Massimo Leone**
**Mario Ricca** (coordination)

**9:45 a.m. 1:05 p.m. Auditorium, Viale Manzoni, 1 Roma**
a) **WORKSHOP "LANGNER-PITSCHMANN"**: 9:45 11:45 a.m.
*Ambiguity Management, Moral Experimentalism, and Cultural Semiotics:*
*Critical Perspectives on the Idea of Religious-Secular Translation.*
6 Speakers (with continued discussion the afternoon of May 25th)
b) **WORKSHOP "SAGGIORO VITULLO"**: 11:45 a.m. 1:05 p.m.
*A New Normativity for Earth Stewardship: What Contribution from Religious Communities?*
4 Speakers (with continued discussion the afternoon of the 25th)
(c) **PHILIPPOPOULOS-MIHALOPOULOS**: 1:15 1:45 p.m.
**Auditorium, Viale Manzoni 1 Roma**
Lecture-Performance: *The Real Law*

**GENERAL SCHEDULE FOR ALL OTHER WORKSHOPS:**
**9:30/9:45 a.m. 1/1:10 p.m. Via Merulana, 124 Roma.**

**WORKSHOP "HERITIER"**
*Semiotic Chorologies?*
*Critical and Generative Spaces in an Intercultural World*
**********
*SYMPOSIUM - Critical and Generative KHÔRA*
35 Speakers (continues from the afternoon of May 24th)

**WORKSHOP "KAHN"**
*Language, Religion, Discrimination*
*Spaces and lexical imaginaries for ubiquitous justice*
13 Speakers (morning and afternoon May 25th)

**WORKSHOP "PETRILLI PONZIO"**
*Semioethics of Translatability in Present day Global Communication*
11 Speakers (continues from the afternoon of May 24th)

**WORKSHOP "PONZO"**
*The Role of Exemplary Characters in the Interreligious Translation of Norms and Religious Practices (ERC NeMoSanctI)*
13 Speakers (continues from the afternoon of May 24th)

**WORKSHOP "ROBLES SANCHEZ"**
*Communication, Semiotics and Law: Perspectives on Justice*
15 Speakers (morning and afternoon, May 25th)

**WORKSHOP "TRANTER GREEN TRAVIS"**
*Jurisprudence of the Future III*
16 Speakers (morning and afternoon, May 25th)

**WORKSHOP "WAGNER LINHARES"**
*Spatial Dynamics and Cultural Changes in Contemporary Legal Experience*
14 Speakers (continues from the afternoon of the 24th)

**WORKSHOP "ZORZETTO - DI LUCIA BOMBELLI HERITIER"**
*Law and Spatio-temporal Dimensions*
*Theoretical and philosophical narratives and readings*
40 Speakers (May 25th and 26th, all day)

**MAY 25 AFTERNOON (2:45 6:30/7:00 p.m.) Via Merulana, 124 Roma**

**DISCUSSION**

**LANGNER-PITSCHMANN** *Ambiguity Management, Moral Experimentalism, Cultural Semiotics: Critical Perspectives on the Idea of Religious-Secular Translation*

**SAGGIORO VITULLO** *A New Normativity for Earth Stewardship: What Contribution from Religious Communities?*

10 Speakers (continues discussion from the morning of May 25th)

**WORKSHOP "HERITIER"**

*Semiotic Chorologies?*
*Critical and Generative Spaces in an Intercultural World*
**********

*SYMPOSIUM - Critical and Generative KHÔRA*
35 Speakers (continues from the morning of May 25th)

**WORKSHOP "KAHN"**

*Language, Religion, Discrimination*
*Spaces and lexical imaginaries for ubiquitous justice*
13 Speakers (continues from the morning of May 25th)

**WORKSHOP "ROBLES SANCHEZ"**

*Communication, Semiotics and Law: Perspectives on Justice*
15 Speakers (continues from the morning of May 25th)

**WORKSHOP "GREEN TRAVIS TRANTER"**

*Jurisprudence of the Future III*
16 Speakers (continues from the morning of May 25th)

**WORKSHOP "ZORZETTO DI LUCIA BOMBELLI HERITIER"**

*Law and Spatio-temporal Dimensions*
*Theoretical and philosophical narratives and readings*
40 Speakers (continues from the morning of May 25th)

**MAY 26 MORNING (9:00 a.m. 1:00 p.m.) Via Merulana, 124 Roma**

**WORKSHOP "ANELLO ENGLEZOS VAZQUEZ"**
*Who/What/Where Are You, Homo Digitalis?*
*On the phylogenesis of legal personhood, from the sacred to the digital*
8 Speakers

**WORKSHOP "AVITABILE"**
*Knowing and Understanding the Law*
15 Speakers (morning and afternoon May 26th)

**WORKSHOP "BAGNI"**
*Building a Comparative Intercultural Dictionary*
*Concepts, Subjects, Instruments*
11 Speakers (morning and afternoon May 26th)

**WORKSHOP "BERTEA"**
*Facticity and Normativity in Law*
7 Speakers (morning and afternoon May 26th)

**WORKSHOP "HERITIER"**
*Semiotic Chorologies?*
*Critical and Generative Spaces in an Intercultural World*
**********
*SYMPOSIUM - Critical and Generative KHÔRA*
35 Speakers (continues from the afternoon of May 25th)

**WORKSHOP "ZORZETTO DI LUCIA BOMBELLI HERITIER"**
*Law and Spatio-temporal Dimensions*
*Theoretical and philosophical narratives and readings*
40 Speakers (continues from the afternoon of May 25th)

**MAY 26 AFTERNOON (2:30 6:30 p.m.) Via Merulana, 124 Roma**

**WORKSHOP "AVITABILE"**
*Knowing and Understanding the Law*
15 Speakers (continues from the morning of May 26th)

**WORKSHOP "HERITIER"**
*Semiotic Chorologies?*
*Critical and Generative Spaces in an Intercultural World*
**********
SYMPOSIUM - Critical and Generative KHÔRA
35 Speakers (continues from the morning of May 26th)

**WORKSHOP "ZORZETTO DI LUCIA BOMBELLI HERITIER"**
*Law and Spatio-temporal Dimensions*
*Theoretical and philosophical narratives and readings*
40 Speakers (continues from the morning of May 26th)

**WORKSHOP "BAGNI"**
*Building a Comparative Intercultural Dictionary*
*Concepts, Subjects, Instruments*
11 Speakers (May 26th morning and afternoon)

**WORKSHOP "BERTEA"**
*Facticity and Normativity in Law*
7 Speakers (continues from the morning May 26th)

**WORKSHOP "BIANCA"**
*The Italian Civil Code in the Making 1942-2022*
*Navigating across past and future, local and global, in the mirror of Latin Notaries' experience*
WITH PARTICIPATION OF REPRESENTATIVES OF THE NATIONAL COUNCIL OF NOTARIES AND THE INTERNATIONAL UNION OF LATIN NOTARIES
6 Speakers (May 26th, from 2:30 p.m. 6:30 p.m.)

## MAY 27 MORNING (9:30 a.m. 1:00 p.m.)

# PLENARY SESSION
# AUDITORIUM ANTONIANUM

**Viale Manzoni, 1 Roma**

## ORGANIZERS' REPORTS ON WORKSHOP OUTCOMES

## FINAL DISCUSSION


# WORKSHOP OVERVIEW
# (PARTICIPANTS)

**"WORKSHOP" AVITABILE May 26**

Sofia Bianzarelli, Gianpaolo Bartoli, Matteo Castorino, Fiammetta Cioè, Giacomo D'Elia, Marialuisa Innocenzi, Abelardo Llano Rivera, Beatrice Leucadito, Pio Marconi, Ciro Palumbo, Giovanna Petrocco, Bruno Romano Beatrice Serra.

**WORKSHOP "BAGNI" May 26**

Enrico Andreoli, Silvia Bagni, Maria Francesca Cavalcanti, Camilla De Ambroggi, Maria Chiara Locchi, Jacopo Paffarini, Anna Parrilli, Cinzia Piciocchi, Concetta Pungitore, Davide Strazzari, Pasquale Viola.

**WOKSHOP "BERTEA" May 26**
Dietmar von der Pfordten, Corrado Roversi, Irina Sakharova, Antonia Waltermann, Dan Weston, Mateusz Zeifert

**WORKSHOP "BIANCA" May 26**
Alfredo Belisario, Mirzia Bianca, Rodolfo Caputo, Andrea Gambacorta, Gianfranco Laurini, Giuseppe Trapani.

**WORKSHOP "HERITIER" May 24 25 26**
Alberto Andronico, Luisa Avitabile, Fernando Bellelli, Giorgio Beltramo, Giovanni Bombelli, Salifou Boubé, Davide Caldo, Francesco Campagnola, Andrea Ciucci, Angela Condello, Dario Cornati, Andrea Favaro, Enrico Fongaro, Rossano Gaboardi, Jacques Athanase Gilbert, Peter Goodrich, Isabella Guanzini, James Heisig, Paolo Heritier, Nicoletta Isar, Graziano Lingua, Margot Pasiphae Leclere, Fabio Macioce, Piero Marino, Claudius Messner, Antonio Punzi, Andrea Raciti, Alberto Romele, Amalia Sammartin Verdu, Alberto Scerbo, PierAngelo Sequeri, Gemma Serrano, Richard Sherwin, Antonio Staglianò, Daphne Vignon, Francesco Vitali-Rosati.

**WORKSHOP "IORIATTI" May 24**
Martina Bajcic, Caterina Bergomi, Sara Hejazi, Elena Ioriatti, Ugo Malvagna, Luca Pes, Andrea Pradi, Francesco Petrosino, Sotiria Skytioti.

**WORKSHOP "Langner-Pitschmann" May 25**
Judith Hahn, Annette Langner-Pitschmann, Roberto Luppi, Thomas-Andreas Põder, Kristina Stoeckl, Melisa Liana Vazquez.

**WORKSHOP "KAHN" May 25**
Giorgia Baldi, Domenico Bilotti, Maria d'Arienzo, Zakeera Docerat, Nathalie Hauksson-Tresch, Ben Hightower, Robert Kahn, Russel Kashula, Gavin Keeney, Ondřej Glogar, Imranali Panjwani, Richard Powell, Patrizia Rinaldi, Rui Sousa-Silva.

**WORKSHOP "ANELLO ENGLEZOS VAZQUEZ" May 26**
Giancarlo Anello, Susan Bird, Morgan Broman, Pamela Finckenberg-Broman, Elizabeth Englezos, Haohao Li Yi, Timothy Peters, Melanie Stockton Brown, Melisa Liana Vazquez.

**WORKSHOP "LEONE" May 24**
Lucia Galvagni, Sara Hejazi, Eugenia Lancellotta, Massimo Leone, Simona Stano, Ilaria Valenzi.

**WORKSHOP "PETRILLI PONZIO" May 24-25**
Gabriele Aroni, Giorgio Borrelli, Clara Chapdelaine-Feliciati, Dario Dellino, Alvaro Marin Garcia, Sophia Melanson-Ricciardone, Cosimo Nicolini Coen, Susan Petrilli, Augusto Ponzio, Ivano Sassanelli, Ye Tian, Margherita Zanoletti

**PLENARY WORKSHOP May 25**
**Nature, Interreligious Dialogue, Energy (R)Innovation**
Agustín Hernández Vidales, Antonianum Dean, Nader Akkad, Imam of The Grand Mosque of Rome, Massimo Leone, Mario Ricca, Alessandro Saggioro,.

**WORKSHOP "PONZO" May 24-25**
Gianfranco Bria, Angela Condello, Francesco Galofaro, Maria Chiara Giorda, Paolo Heritier, Maria Magdalena Kubas, Massimo Leone, Anna Maria Lorusso, Marco Papasidero, Paolo Peverini, Jenny Ponzo, Antonio Santangelo, Richard Sherwin.

**WORKSHOP "SAGGIORO VITULLO" May 25**
Alessandro Andreotti, Fabio Franceschi, Fabiola Girneata, Alessandro Saggioro, Alessandra Viani, Alessandra Vitullo.

**WORKSHOP "ROBLES SÁNCHEZ" May 25**
José J. Albert, Anzalone Angelo, Luis Aparicio, Angela Aparisi, Joaquín Martín Garrido, Marco Ginés, Cristina Hermida del Llano, Cristian Ibarra, Natalia Jiménez, Antonio La Porta, Diego Medina Morales, Gregorio Robles, Manuel J. Rodríguez-Puerto, Adolfo Sánchez, Juan Pablo Sterling Casas.

**WORKSHOP "GREEN TREVIS TRANTER" MAY 25**
Shulamit Almog, Jordan Belor, Habibe Deniz Seval, Yeliz Figen Dõker, Thomas Giddens, Alex Green. Lung-Lung Hu, Nomy Katz, Moira McMillan, Emily Muir, Rostam Josef Neuwirth, Timothy D Peters, Karen Petroski, Sasha Purcell, Kritika Sharma, Mark Thomas, Kieran Tranter, Guilherme Vasconcelos Vilaça, Christopher Allen Walker, Bartosz Wojciechowski.

**WORKSHOP "WAGNER LINHARES" May 24-25**
**"SHERWIN TRANTER" Special Section May 24-25**
Vittoria Becci, Larry Catá Baker, Ana Margarida Simões Gaudencio, Josè Manuel Aroso Linhares, Lung-Lung Hu, Giovanni Marini, Rostam Josef Neuwirth, Jakub Sadowski, Miroslaw Sadowski, Ilaria Samoré, Anne Wagner, Mateusz Zeifert,
- **Section: Digital Public Space**
Elizabeth Englezos, Richard Sherwin, Kieran Tranter.

**WORKSHOP "ZORZETTO DI LUCIA BOMBELLI HERITIER" May 25-26.**
Alessandro Campo, Lucia Bellucci, Giorgio Lorenzo Beltramo, Nicoletta Bersier, Giovanni Blando, Maria Borrello, Luciana Capo, Stefano Colloca, Ishvarananda Cucco, Josephine Cuozzo, Francesco D'Urso, Luigi di Santo, Alessia Farano, Federico L. G. Faroldi, Francesco Ferraro, Rubío Sebastián Figueroa, Edoardo Fittipaldi, Adolfo Giuliani, Anna Jopek-Bosiacka, Marco Mazzocca, Riccardo Mazzola, Edoardo Messineo, Rostam Josef Neuwirth, Daniele Nuccilli, Monica Palmirani, Lorenzo Passerini-Glazel, Tullia Penna, Luca Pes, Virginia Presi, Federico Reggio, Tiziana Rinaldi, Salvatore Rizzello, Augusto Romano, Pierfrancesco Savona, Paolo Silvestri, Mateusz Stępień, Serena Tomasi, Linda Tvrdíková, Vitali-Rosati Francesco, Silvia Zorzetto.

**WORSHOPS OVERVIEW**
**(TIMETABLES)**

## WORKSHOP "ANELLO ENGLEZOS VAZQUEZ" May 26

**9:00 11:00 a.m.**
9:00 Timothy Peters
9:30 Susan Bird, Morgan Broman, Pamela Finckenberg-Broman
9:55 Melisa Liana Vazquez
10:20 Elizabeth Englezos
10:45 Debate

**11:00 Coffee break**

**11:20 1:00 p.m.**
11:20 Haohao Li Yi
11:45 Melanie Stockton Brown
12:15 Giancarlo Anello
12:35 Debate

## "WORKSHOP" AVITABILE May 26

**9:30 a.m. 11:00 a.m.**
9:30 Bruno Romano
9:50 Pio Marconi
10.10 - Abelardo Llano Rivera
10:30 Debate

**11:00 Coffee break**

**11.10 a.m. 1:00 p.m.**
11:10 Sofia Bianzarelli
11:30 Matteo Castorino
11:50 Fiammetta Cioè
12:10 Giacomo D'Elia
12:30 Debate

**2:30 6:00 p.m.**
2:30 Marialuisa Innocenzi
2:50 Beatrice Leucadito
3:10 Ciro Palumbo

3:30 Debate

3:50 Giovanna Petrocco
4:10 Beatrice Serra
4:30 Gianpaolo Bartoli
4:50 Debate

## WORKSHOP "BAGNI" May 26

**9:30 11:00 a.m.**
9.10-9.30 Silvia Bagni
9.40-10:00 Enrico Andreoli
10.10-10.30 Camilla De Ambroggi
10.40-11:00 Debate

**11:00 a.m. Coffee break**

**11:30 a.m. 1:15 p.m.**
11.30-11.50 Maria Chiara Locchi
12-12.20 Jacopo Paffarini
12.30-12.50 Cavalcanti & Parrilli
12.50-1.15 Debate

**1:00 p.m. Lunch**

**2:30 5:00 p.m.**
2:30-2:50 Pungitore
3-3:20 Strazzari
3:30-3:50 Viola
4:00-4:20 Piciocchi

**4:20 Coffee-break**

4:30 p.m. Debate

## WOKSHOP "BERTEA" May 26

**10:15 a.m. 1:00 p.m.**
10:15 Mateusz Zeifert

**11:00 Coffee Break**

11:15 Dan Weston
12.15 Antonia Waltermann

**1:00 p.m. Lunch**

**3:00 6:00 p.m.**
3:00 Irina Sakharova
4:00 Corrado Roversi
5:00 Dietmar von der Pfordten

## WORKSHOP "BIANCA" May 26

**2:30 p.m. 6:30 p.m.**

2:30 Mirzia Bianca
3:00 Giancarlo Laurini
3:30 Giuseppe Trapani
4:00 Dottor Alfredo Belisario
4:30 Dottor Andrea Gambacorta
5:00 Dottor Rodolfo Caputo
5:30 p.m. Debate.

## WORKSHOP "GREEN TREVIS TRANTER" MAY 25

**9:45 11:15 a.m.**
1. Rostam Neuwirth
2. Karen Petroski
3. Bartosz Wojciechowski

**11:15 a.m. -1:00 p.m.**
1. Kritika Sharma
2. Guilherme Vasconcelos Vilaça
3. Shulamit Almog and Nomy Katz
4. Yeliz Figen Doker and Habibe Deniz Seval

**1:00 a.m. 2:45 p.m. Lunch**

**2:45 a.m. - 3:15 p.m.**

1. Mark Thomas
2. Emily Muir
3. Sasha Purcell

**3:15 3:30 p.m. Coffee Break**

**3:30-5:00 p.m.**
1. Thomas Giddens and Tim Peters
2. Jordan Belor
3. Christopher Allen Walker

**5:00-6:30 p.m.**
1. Moira McMIllan
2. Lung Lung Hu
3. Kieran Tranter

## WORKSHOP "HERITIER" May 24 25 26

**24 May, Afternoon 4:00 p.m. 6:45 p.m.**

## 1) Critical and Performing Chorologies

### *a) Récit immersive 360°VR* (1)

4 :00 Jacques Gilbert, Daphne Vignon, Pasiphae Leclere
5:00 Giorgio Beltramo
5.25 Alessandro Campo
5.55 Salifou Boubé
6.20 Francesco Vitali-Rosati

**25 May, Morning 9:30 a.m. 12:45 p.m.**

### *b) Global History*

9:30 Francesco Campagnola
9:55 Enrico Fongaro

### *c) Critical legal education/Artistic Performances*

10:20 Amalia Verdu Sanmartin
10:45 Alberto Andronico

**11:10 Coffee break**

11:30 Angela Condello
11:55 Davide Caldo
12:20 Nicoletta Isar

**25 May, Afternoon 3:00 p.m. 6:45 p.m.**

***d) Récit immersive 360°VR* (2) - *Affective turn and pain***

3:00 Graziano Lingua
3:25 Alberto Romele
3:50 Andrea Raciti
4:15 Davide Caldo

## 2) Affective and generative turn in Law and Theology

**a) Legal Philosòphy and Foundations of Canon Law**

4:40 Andrea Favaro
5:05 Piero Marino

**26 May, Morning 8:30 a.m. 12:30/45 p.m.**

**b) SYMPOSIUM: Critical and/or Generative KHÔRA**

8:30 Antonio Staglianò
9:00 Pierangelo Sequeri
9:40 Peter Goodrich
10:20 James Heisig
10:40 Richard Sherwin

**11:15 Coffee break**

**c) Theology**

11:30 Isabella Guanzini
11:55 Andrea Ciucci
12:20 Dario Cornati
12:45 Fernando Bellelli

**26 May, Afternoon 2:30 p.m.  6:45 p.m.**

2:30  Rossano Gaboardi
2:55  Marcello Neri
3:20  Gemma Serrano

**d) Law**

3:45  Luisa Avitabile
4:10  Giovanni Bombelli

**4:35  Coffee break**

5:00  Paolo Heritier
5:25  Fabio Macioce
5:50  Antonio Punzi
6:15  Alberto Scerbo

## WORKSHOP "IORIATTI"  May 24

**2:30  3:40 p.m.**
2:30 p.m.  Caterina Bergomi
2:50 p.m.  Martina Bajcic
3:10 p.m.  Sotiria Skytioti
Debate

**3:40  5:15 p.m.**
3:40 p.m.  Luca Pes
4:00 p.m.  Andrea Pradi & Sara Hejazi
4:20 p.m.  Francesco Petrosino
4:40 p.m.  Ugo Malvagna
Debate

**5:15  6:00 p.m.**
5:15 p.m.  Elena Ioriatti
Debate

## WORKSHOP "KAHN" May 25

**10:45: 11:30 a.m.**
10:45 Giorgia Baldi
11:05 Domenico Bilotti

**11:30 Coffee break**

**11:45 a.m. 1:00 p.m.**
11:45 Zakeera Docrat & Russel Kashula
12:05 Maria d'Arienzo
12:25 Nathalie Hauksson-Tresch
12:45 Debate

**1:45 p.m. Lunch**

**2:45 4:10 p.m.**
2:45 Ben Hightower
3:05 Robert Khan
3:25 Gavin Keeney
3:45 Ondřej Glogar
Debate 4:05

**4:25 6:30 p.m.**
4:25 Imranali Panjwani
4:45 Richard Powell
5:05 Patrizia Rinaldi
5:25 Rui Sousa-Silva
5:45 Debate e Final discussion
6:30 End of workshop

## WORKSHOP "LANGNER-PITSCHMANN" May 25

**9:45 11:55 a.m.**
9:45 Roberto Luppi
10:05 Kristina Stoeckl
10:25 Judith Hahn
10:45 Melisa Liana Vazquez
11:05 Annette Langner-Pitschmann

**11:25 Coffee break**

11:35 Thomas-Andreas Põder

**May 25 (afternoon) 2:45 6:30 p.m.**
Debate

## WORKSHOP "LEONE" May 24

**2:30 6:30 p.m.**
12:30 Massimo Leone
2:45 Simona Stano
3:15 Sara Hejazi
3:45 Discussion

**4:15 p.m. Break**

**4:30 6:30 p.m.**
4:30 Eugenia Lancellotta
5:00 Ilaria Valenzi
5:30 Lucia Galvagni
5:00 Discussion
6:30 End of workshop

## WORKSHOP "PETRILLI PONZIO" May 24-25

**May 24**

**2 :30 6:30 p.m.**
2:30 Clara Chapdelaine-Feliciati
3:00 Giorgia Borrelli
3:30 Cosimo Nicolini Coen
4:00 Ivano Sassanelli
4:30 Sophia Melanson-Ricciardone
5:00 Susan Petrilli & Augusto Ponzio
5:30 Q&A and discussion

**May 25**

**9:45 1:00 p.m.**
9:45 Margherita Zanoletti
10,15 Gabriele Aroni
10:45 Ye Tian
11:15 Debate

**11:30 Coffee break**

**11:45 1:00 p.m.**
11:45 Dario Dellino
11,15 Alvaro Marín Garcia
12,45 Q&A and final discussion

## WORKSHOP "PONZO" May 24-25.

**May 24**

**2:30 4:00 p.m.**
2:30 Richard Sherwin
3:30 Paolo Heritier
4:00 Angela Condello
Debate

**4:30 6:30 p.m.**
4:30 Antonio Santangelo
5:00 Anna Maria Lorusso
4:30 Paolo Peverini
6:00 Debate

**May 25**

**9:30 11:00 a.m.**
9:30 Massimo Leone
10:00 Francesco Galofaro
10:30 Jenny Ponzo
11:00 Gianfranco Bria and Maria Chiara Giorda

**11:30 Coffee break**

**11:45 a.m. 1:15 p.m.**

11:45 Gianfranco Bria and Maria Chiara Giorda
12:15 Marco Papasidero, University of Turin
12:45 Magdalena Maria Kubas

## PLENARY WORKSHOP May 25

**8:30 9:45 a.m.**
**Nature, Interreligious Dialogue, Energy (R)Innovation**
Agustín Hernández Vidales, Antonianum Dean, Nader Akkad, Imam of The Grand Mosque of Rome, Massimo Leone, Alessandro Saggioro, Mario Ricca.

## WORKSHOP "ROBLES SÁNCHEZ" May 25

**9:45 11:00 a.m.**
9:45 Gregorio Robles
10:05 Diego Medina Morales
10:25 Angela Aparisi
10::45 Cristina Hermida del Llano
11:05 Debate

**11:30 Coffee break**

**11:40 a.m. 1:10 p.m.**
11:55 Manuel J. Rodríguez-Puerto
12:05 Adolfo Sánchez
12:25 Angelo Anzalone
12:45 Debate

**1:45 p.m. Lunch**

**3:00 4:45 p.m.**
3:00 José J. Albert
3:25 Ginés Marco
3:45 Joaquín Garrido Martín
4:05 Juan Pablo Sterling

4:25 Debate

**4:45 6:30 p.m.**
4:45 Cristian Ibarra
5:05 Natalia Jiménez
5:25 Antonio La Porta
5:45 Final discussion
18:30 End of workshop

## WORKSHOP "SAGGIORO VITULLO" May 25

**11:55 a.m. 1:10 p.m.**
11:55 Alessandra Vitullo
12:15 Fabio Franceschi & Alessandra Viano
12:35 Alessandro Andreotti
1:10 Fabiola Girneata

**May 25 (afternoon) 2:45 6:30 p.m.**
**Debate**

## WORKSHOP "WAGNER LINHARES" Special Section "SHERWIN TRANTER"

**24 May**

**2:30 6:30 p.m.**
2:30 Rostam Neuwirth
2:55 Giovanni Marini
3:20 Manuel Aroso Linhares
3:45/4.00 Debate

**4:00 5:00 p.m.**
4:00 Larry Catá Baker
4:25 Miroslaw Sadowski
4.50/ 5.00 Debate

**Special Section:**
**"Re-Constituting Digital Publics" (organized by Richard Sherwin and Kieran Tranter)**
**5:00 6:30 p.m.**
5:00 Elizabeth Englezos
5:25 Kieran Tranter
5:50 Richard Sherwin

6:15/ 6:30 Debate

**25 May**

**9:45 a.m. 1:35 p.m.**
9:45 Lung-Lung Hu
10:10 Ilaria Samoré
10:35 Jakub Sadowski
11:00 Claudius Messner
11:25 Debate

**11:35 Coffee break**

**11:45 a.m. 1:10 p.m.**
11.45 Ana Margarida Simões Gaudêncio
12.10 Mateusz Zeifert
12:35 Vittoria Becci
1:00/ 1:10 Debate

## WORKSHOP "ZORZETTO DI LUCIA BOMBELLI HERITIER"

**Panel 1**
**25 May**

**9:30 a.m. 1:15 p.m.**
9:30 Francesco Ferraro
9:50 Luigi Di Santo
10:10 Augusto Romano
10:30 Adolfo Giuliani
10:50 Alessandro Campo
11:10 Debate

**11:30 Coffee break**

11:40 Giorgio Lorenzo Beltramo
12: 00 Nicoletta Bersier Ladavac
12:20 Daniele Nuccilli
12:40 Francesco Vitali Rosati
1:00 Debate

**1:45 p.m. Lunch**

**Panel 2**
**25 May**

**2:30 7:00 p.m.**
2:30 Monica Palmirani
2:50 Federico L.G. Faroldi
3:10 Pier Francesco Savona & Josephine Cuozzo
3:30 - Debate

4:10 Luciana Capo
4:30 Salvatore Rizzello
4:50 Paolo Silvestri
5:10 Debate

5:30 Alessia Farano
5:50 Giuseppe Lorini & Olimpia G. Loddo
6:10 Riccardo Mazzola
6:30 Debate

**Panel 3**

**26 May Morning**
**9 am. -1:30 p.m.**
9:00 Rostam J. Neuwirth
9:20 Federico Reggio
9:40 Mateusz Stępień
10:00 Ishvarananda Cucco
10:20 Tullia Penna
10:40 Debate

**11:00 Coffee break**

11:10 Francesco D'urso
11:30 Maria Borrello
11:50 Daniela Tarantino
12:10 Lucia Bellucci
12:30 Edoardo Messineo
12:50 Debate

**1/1:10 p.m. Lunch**

**Panel 4**
**26 May**

**2:30 p.m. -7:00 p.m.**
2:30 p.m. Marco Mazzocca
2:50 p.m. Stefano Colloca
3:10 p.m. Edoardo Fittipaldi
3:30 p.m. Virginia Presi
3:50 p.m. Lorenzo Passerini Glazel
4:10 p.m. Sebastián Figueroa Rubio
4:30 p.m. Linda Tvrdíková
4:50 p.m. Giovanni Blando
5:10 p.m. Anna Jopek-Bosiacka
5:30 p.m. Serena Tomasi
5:50 p.m. Final discussion


# IRSL 2023
# Rome, May 24 – 27
# The Pontifical University Antonianum

# CONFERENCE PROGRAM

## (INCLUDING LIST OF SPEAKERS, TIMETABLE AND ABSTRACTS)

# Organizational Committee

Mario Ricca, Anne Wagner, Paolo Heritier, Lluis Oviedo,
Peter Petkoff, Paolo di Lucia, Alessandro Saggioro, Jenny Ponzo,
Silvia Zorzetto, Melisa Liana Vazquez, Simona Fabiola Girneata

## Under the Auspices of

UNIL The International Union of Latin Notaries
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Within the framework of agreement for cultural and scientific
collaboration between University Sapienza of Rome (Italy)
and The Pontifical University Antonianum (Vatican City State)

CULTURAL-SCIENTIFIC
COLLABORATION AGREEMENT


MAY 25, 2023

AUDITORIUM ANTONIANUM

Viale Manzoni, 1 Roma

8:30 9:45 a.m.

# Nature, Interreligious Dialogue, Energy (R)Innovation

## The Antonianum / Islamic Italian Cultural Centre Agreement for the Energy Community Constitution

**PROGRAM**

8:30 a.m. 9:45 a.m.

**Prof. Agustín Hernández Vidales, Antonianum Dean, Prof. Nader Akkad, Imam of The Grand Mosque of Rome, Alessandro Saggioro, Massimo Leone**

**Mario Ricca** (coordination)


IRSL Rome 2023
24 27 May

WORKSHOP
26 May 2023

# WHO/WHAT/WHERE ARE YOU, HOMO DIGITALIS?
## On the *phylogenesis* of legal personhood: from the sacred to the digital

Chairs: Giancarlo Anello giancarlo.anello@unipr.it
Elizabeth Englezos e.englezos@griffith.edu.au
Melisa Liana Vazquez melisalvazquez@gmail.com

**Scope of our workshop**

This interdisciplinary panel traces the evolutionary development (phylogenesis) of the concept of personhood and its legal relevance in today's digital world.
The legal establishment of personhood, or the attribution of person-like rights and duties to entities that are not biologically bodied persons has deep historical roots across various legal systems.
One seminal contribution to modern theories of personhood comes from pragmatist philosopher Charles Peirce, whose triadic theory of semiosis as applied to personhood describes a relational understanding in which the 'representamen' or 'person' is a kind of tintinnabulum of moving parts: sign, object and interpretant. In this view, persons/entities are not static but rather deeply relational (Englezos).
This relational view of personhood, however, itself followed a logical current that had been set in motion centuries before in theological conceptions like 'perpetual person' (Anello) and 'corpus mysticum' (Peters), which recognized a semiotic mediation between bodies and technologies, such that the body of the individual person and the body of the divinity were inextricably related.
Today, the concept of personhood faces digital evolutions as digital selves and entities interrelate both deliberately and not, with and without oversight (Vazquez).
New challenges include the management of intellectual property created by non-human AI technologies (Stockton Brown), online activities enacted through algorithms including on the dark web that threaten human rights (Hao Hao), legally relevant interactions between code-that-determines-behaviour in online gaming environments and it's reverse (Bird, Finckenberg-Broman, Broman).
We come together to trace these genealogies and explore what paths could be drawn in the future in the hopes of creating humane  if not always human  evolutions of legal personhood.

**Participants**

1 **Giancarlo Anello**, *"Perpetual by Nature": Past and Future Perspectives of the Corporate Form on a Time-being Scale*

2 **Susan Bird, Pamela Finckenberg-Broman and Morgan Broman**, *Cyberspace outlaws: Coding the online world*

3 **Elizabeth Englezos**, *Sign of the times: legal persons, digitality and the impact on personal autonomy*

4 **Li Yi Haohao**, *How to Protect Individual Human Rights from the Shadows of the Dark Web?*

5 **Timothy Peters**, *The Political Theology of Corporate Personhood: Office, Fiction, Mediation*

6 **Melanie Stockton Brown**, *'Every scribe here wants a pencil on earth': Religious & Non-Human Creation and Intellectual Ownership in a Secularised Legal System*

7 **Melisa Liana Vazquez**, *Digital Personhood, Time, Religion: The Right to Be Forgotten and the Legal Implications of the Soul/Body Debate*

TIMETABLE

9:00 a. m. -11:00 a.m.

Timothy Peters 9:00 a.m.
Susan Bird, Morgan Broman, Pamela Finckenberg-Broman 9:30 a.m.
Melisa Liana Vazquez 9:55 a.m.
Elizabeth Englezos 10:20 a.m.
Debate: 10:45 a.m.

**Coffee Break 11:00 a.m.**

11:20 1:00 p.m.

Haohao Li Yi 11:20 a.m.
Melanie Stockton Brown 11:45 a.m.
Giancarlo Anello: 12:15 p.m.
Debate: 12:35 p.m.

# ABSTRACTS

**Giancarlo Anello**

## "Perpetual by Nature": Past and Future Perspectives of the Corporate Form on a Time-being Scale

Historically, corporations were created as legal persons in order to overcome the limits of individuals' agencies. Consequently, their actions were relevant  sometimes more than governments affected by political instability  for the economic processes and durable transformations of nations and societies. In the present day, the enduring nature of corporations is taken for granted. However, this characteristic is not organic but a creation of western legal culture.
Moreover, the perpetual nature of corporations, which depends on their legal nature, is obviously relevant when it comes to sustainability and sustainable goals that, in turn, consist of fulfilling the needs of current generations without compromising the needs of future generations, while ensuring a balance between economic growth, environmental care and social well-being.
This paper aims at highlighting these characteristics, emphasizing what principles, processes and goals of the corporate form are relevant to the long-term goals of companies' management but also for the legal personality of future generations.

**Susan Bird, Pamela Finckenberg-Broman and Morgan Broman**

**Cyberspace Outlaws: coding the online world**

Online gaming creates its own language in its unique public spaces of interaction. These spaces are both highly controlled but also able to slip through the regulatory net, as domestic legislation struggles to respond to fast-changing interjurisdictional environments. Inter- and transdisciplinary research hold potential to respond to questions surrounding the regulation of these online spaces, by exploring multiple perspectives. The authors of this paper each come from a different disciplinary starting point in their exploration of these issues.

The paper will examine three spaces of regulation in online game world environments. It will look at 1) legislation that governs the games in Australia, 2) the 'code' that controls behaviour through game architecture, and 3) the laws that are developed by players inside the game world. The first part will analyse whether domestic law can be adequate to regulate a space that is not geographically fixed. The second will discuss how the coding of the game and its architecture regulate behaviours within the space. The last is a "bottom-up" regulatory system, originating within the gaming community. Where do these three layers of regulation interact with each other? What are the unique languages of these spaces? This paper is a starting point for further investigation into the regulation of online behaviours through interwoven rule systems.

**Elizabeth Englezos**

# Sign of the Times: legal persons, digitality and the impact on personal autonomy

Today, data and intervening digital media provide critical lines of communication with our social and business connections. Even those we know personally will typically connect to us via digital means. As a consequence, data and the digital space add a third dimension to the individual: We are now mind, body and digitality. This essay considers how digitality affects outcomes for the individual by exploring the mechanisms of digital influence. By using Peirce's theory of semiosis to explain the process of digital translation, this essay demonstrates how digitality influences the development of the individual, undermines personal autonomy and changes the nature of legal personhood thereby providing points for future legal intervention.

**Li Yi Haohao**

# How to Protect Individual Human Rights from the Shadows of the Dark Web?

The dark web is a platform that invokes important but difficult problems of human rights, ethics, law, and technology. For instance, the dark web is frequently an example of the misuse of information technology, such as selling citizens' private data, illicit drugs, child pornography, and other illegal goods and services. A large amount of information and personal privacy has been mined, stolen by hackers, and traded through the dark web as it is such a system that will allow any user to remain anonymous in real-time while being connected to and browsing the internet. It has become a breeding ground for crimes and a closed loop of the black industry chain. Its existence dramatically increases the difficulty of government regulation from the perspective of information security.
This paper will focus on the central question of how it is possible to protect individual human rights (both freedom of expression and personal privacy) within the shadows of the dark web. Finding possible answers to these regulatory challenges requires close cooperation between lawmakers, enforcement, institutions, government, and regulators worldwide to tighten the screws on nefarious activity. The paper will provide some considerations for future laws or regulations and their enforcement to be adopted to prevent crimes and provide better protection.

**Timothy Peters**

**The Political Theology of Corporate Personhood: Office, Fiction, Mediation**

Corporations function through images and signs. As legal-semiotic abstractions they are able to project their operations spatially across the globe, moving between the 'inside' and 'outside' of state jurisdiction, and encompassing a virtuality that designate 'where' and 'when' value is created, profit disclosed and taxes paid. Premised on a mundane and everyday legal act – the 'creation' of a corporate legal person through registration under domestic legislation – the functioning of global corporate authority is reliant on an always prior recognition of their legal personhood and the effectiveness of their legal actions. The 'real' phenomenology of these legal 'subjects' comes, therefore, through the recognition of their effectiveness as a sign – a representation that stands in for that which is absent – whilst also generating a notional space of the limitation or non-application of law, in terms of restricting to whom legal responsibility, liability and obligation will apply. This paper traces the genealogy of the corporation as sign through engaging with debates in political theology, particularly in relation to the distinction between what Carl Schmitt refers to as the 'concrete' juridical personhood encompassed in the 'office' of the priest and Ernst Kantorowicz's emphasis on the productiveness of the 'fictional' juridical personhood of the corporation. Drawing on the work of theological Henri de Lubac, I argue that the significant of the contemporary corporation as sign finds its roots in the mediatory quality of the theological notion of the *corpus mysticum*. The modern corporation as sign involves a semiotic mediation between the bodies and technologies involved in the entity's productive activities, the abstraction of capital and financial flows that stand in place of its 'members', and the articulation of sovereign authority upon which its 'existence' is claimed to be based, its activities regulated and its surplus taxed.

**Melanie Stockton Brown**

# *Every scribe here wants a pencil on earth*: religious & non-human creation and intellectual ownership in a secularised legal system

"*Every scribe here wants a pencil on earth.*" Mark Twain allegedly commented this wearily from beyond the grave during a Oujia board session, as other spirits tried to take control of the planchette. Over the course of numerous Oujia board sessions, Mark Twain allegedly communicated his best-selling novel *Jap Herron* through mediums. This led to both copyright and trademark legal disputes.

The law only recognises humans with physical bodies as possible holders of copyright law and patents in the majority of countries world-wide. People have channelled gods and spirits to write bestselling novels which have therefore been subject to a number of complex copyright infringement cases. Whilst it is usually the case globally that gods and deities have not been recognised as copyright authors of religious and sacred texts,[1] there are thousands of examples of trademarks granted for the names of gods and deities.

For many religious organisations, this dissonance between intellectual property's secular view and the writings inspired by deities, has been present for a long time.[2] In an odd mix of state, religion, and law, the UK government owns the perpetual crown copyright in the King James Bible; and Crown permission must be sought in the UK to use these texts, to quote God.

Furthermore, non-human AI technologies are now creating artworks and songs, as well as inventions. Indeed, artificial intelligence can now be registered as the patent owner, or recognised as the inventor, in a few countries.[3] AI systems are learning from images and symbols with deep semiotic significance and cultural heritage.

However, to what extent are the new creations AI is generating in a dialogue with the existing symbolism, myths, histories, and cultures that humans know intimately? What does it mean to remove symbols from their semiotic and cultural contexts, and to create works that engage with human culture without consciously intending to carry these semiotic meanings into them? This poses both legal and cultural questions about ownership, authorship, and what it means to engage with non-human culture.

What encompasses this dynamic field of non-human creativity and innovation is copyright law. This is the law of creativity, of manifested ideas, and is able to control how we engage with these strange, non-human creators. We can see from these developments that the strongly-secular remit of intellectual property law is failing to encompass the reality of creation we are now living through.

This paper seeks to explore this movement of intellectual and artistic creation beyond the era of the Anthropocene, moving towards AI-generated works and a resurgence in works

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[1] US case law has considered the rich mythology of the Ancient Greek Gods and their dealings with humans, and decided that these myths are not protected by copyright law, as they have been "used widely in both ancient and modern artistic works, in the naming of astronomical bodies and spacecraft, and in other fields.", see *Bissoon-Dath v. Sony Computer Entertainment of America, Inc.*, Case No. 08-cv-01235 MHP, 2010 U.S. Dist. LEXIS 21090 (N.D. Cal. Mar. 9, 2010)."[1]

[2] For example, the Church of Scientology, the members of the Urantia Foundation.

[3] Australia and South Africa for instance, though this has only been registered so far in a few patent applications.

created by gods, deities, and mythical beings. It will also discuss how the advances in AI technologies will shape the art and music worlds, as human and non-human creators blend and merge.

**Melisa Liana Vazquez**

**Digital Personhood, Time, Religion: The Right to Be Forgotten and the Legal Implications of the Soul/Body Debate**

The paper addresses questions of legal personhood that have been coming to the fore in European courts in recent years through what has been termed the "Right to Be Forgotten." These cases centre around conflicts between the permanence of online information and the desire of users to instead make their own determinations about what personal information is accessible to others and when. I will argue that while Courts have sought to find a balance between public rights to information and individual rights to privacy, they have failed to address the core social exigencies that lie beneath these conflicts. Furthermore, the Courts' decisions currently put the onus of determining what is permitted to be dereferenced (and when, and how) on search engines, which would seem to be an odd arbiter of personhood. While court cases consider the rights of "data subjects," people are busy re-inventing what it means to be a person today, both during and after biological life spans. Indeed, the issues at the heart of the concept of personhood are connected to fundamental human rights and so should be analysed in these terms. Underestimating or overlooking these concerns of human agency will make it impossible to find legitimate solutions to conflicts of personhood that will only increase as technology develops. To that end, I will argue that religious traditions can offer precious contributions to our cognitive understandings of the possibilities for people and their development. Ancient ideas such as "dispositions for the soul" show how there has long been demand and legal support for the desire to influence our posthumous being. Similarly, online posthumous services continue to grow, while leading scientific research supports conceptions of cognitive processing that extends beyond the confines of the body. It is to these kinds of ideas and models that we should turn if we are to find meaningful ways to support people as they "make" their lives: online, offline, and everywhere in between and beyond.


**IRSL Rome 2023**
**WORKSHOP**
**May 26**

# Knowing and Understanding the Law

**Organizer: Luisa Avitabile** - luisa.avitabile@uniroma1.it

The dimension of knowing cannot completely absorb and replace the understanding of law, which is always open to questions about the meaning of legally relevant conduct, surpassing bare cognitive activity.
According to the speculative horizons of the phenomenology of law, and on the basis of some philosophical itineraries, it emerges that cognitive activity predominates in the dimension of the so-called 'data civilization' and algorithmic governmentality, where the question of the meaning of law and its impact on the quality of intersubjective relations cannot be traced. In the current 'data civilization', the subject appears confined to the horizon of knowledge, which excludes understanding, a figure of the unrepeatability and uniqueness of the self in the exercise of its freedom-will. Understanding brings the subject

closer by respecting the infungibility and incalculability of his inner life, motivations and behaviors, including legal and ethical ones; in this direction, understanding unfolds as research and refers, at the same time, to the "ultimate questions" and the interrogation of the existential-coexistential meaning of the legal phenomenon.
In the direction of law, it can be said that it, even in the forms of legality, is not exhausted in the coincidence with the positivized textuality, but remains open to the search for justice beyond the rigid meshes of procedural legality. It follows that understanding meets the subject in the risk of freedom and creative-imputable responsibility. The certainty of knowledge causes the individual to be reduced to a predeterminable entity, traceable to executive action.
This seminar seeks to explore these issues, including in light of the complex experience of legal hermeneutics in the data civilization. Reflections will focus on a range of perspectives presented through the participants' studies.

## Conoscere e comprendere il diritto

**26 maggio 2023**

**Luisa Avitabile** - luisa.avitabile@uniroma1.it

La dimensione del conoscere non può del tutto assorbire e sostituire quella del comprendere il diritto, sempre aperta alle questioni del senso delle condotte giuridicamente rilevanti, eccedenti la nuda attività cognitiva. Secondo gli orizzonti speculativi della fenomenologia del diritto, e sulla base di alcuni itinerari filosofici, emerge che l'attività conoscitiva predomina nella dimensione della cosiddetta *civiltà dei dati* e della governamentalità algoritmica, laddove non si rintraccia l'interrogativo sul senso del diritto e sul suo incidere nella qualità delle relazioni intersoggettive. Nell'attuale civiltà dei dati, il soggetto appare confinato nell'orizzonte del conoscere, che esclude il comprendere, cifra dell'irripetibilità e unicità dell'io, nell'esercizio della sua libertà-volontà. La comprensione avvicina il soggetto rispettandone l'infungibilità e l'incalcolabilità della vita interiore, dei moventi e delle sue condotte, anche giuridiche, oltre che etiche; in questa direzione, la comprensione si dispiega come ricerca e rinvia, allo stesso tempo, alle 'domande ultime' e all'interrogativo sul senso esistenziale-coesistenziale del fenomeno giuridico.
Nella direzione del diritto, si può affermare che esso, anche nelle forme della legalità, non si esaurisce nella coincidenza con la testualità positivizzata, ma resta aperto alla ricerca della giustizia oltre le rigide maglie della legalità procedurale. Ne deriva che il comprendere incontra il soggetto nel rischio della libertà creativo-imputabile e della responsabilità. La certezza del conoscere fa sì che l'individuo, sia ridotto a ente pre-determinabile, ascrivibile ad un agire esecutivo.
Il seminario tenta di approfondire queste tematiche, anche alla luce della complessa esperienza dell'ermeneutica giuridica nella civiltà dei dati. Le riflessioni verteranno su una serie di prospettive che si presentano attraverso gli studi dei partecipanti.

**Participants**

Bruno Romano
Pio Marconi
Abelardo Llano Rivera
Gianpaolo Bartoli
Sofia Bianzarelli
Matteo Castorino
Fiammetta Cioè
Giacomo D'Elia
Marialuisa Innocenzi
Beatrice Leucadito
Ciro Palumbo
Giovanna Petrocco
Beatrice Serra

**TIMETABLE**
**WORKSHOP**
**Knowing and Understanding the Law**
**May 26**

**Chair: Luisa Avitabile**

**9:30 a.m. 11:00 a.m.**
1. Bruno Romano
2. Pio Marconi
3. A. Llano Rivera
Discussion

**11:10 a.m. 1:00 p.m.**
1. Sofia Bianzarelli
2. Matteo Castorino
3. Fiammetta Cioè
4. Giacomo D'Elia
Discussion

**2:30 6.00 p.m.**
1. Marialuisa Innocenzi
2. Beatrice Leucadito
3. Ciro Palumbo
4. Giovanna Petrocco
5. Gianpaolo Bartoli
Discussion

# ABSTRACTS

**Bruno Romano**

**Digital Civilization and Justice**

In digital civilisation, defining the present condition, each 'I' encounters certain operations of artificial intelligence that, ever more pervasively, run through the individual's day.
In these encounters, the Self shows its uniqueness in the act of *understanding*, to be distinct from the operations of *knowing* data.
Calculating, knowing and objectifying constitute a sphere that has no access to comprehension: a dimension that is instead central to the formation of legal judgement, an activity that is aimed at the intention of the ego in its uniqueness and at the meaning of its responsibly conceived, willed and performed acts.
The reference to the dignity of the human being certainly entails attention to knowledge, but in particular to the activity understanding, which constitutes what is proper and specific to the human being, whereas intelligent machines, or artificial intelligence, are devoid of the capacity understanding. One thus begins to wonder what consciousness is, as a constitutive feature of human beings, as such absent in intelligent machines.

**Pio Marconi**

## Legal Certainty and Democracies

Legal certainty is a principle that is also linked to the development of communication techniques. Knowability has been a precondition of legal certainty. Many peoples who lived in the Mediterranean area also built rights-based civilizations by virtue of the availability of tools that allowed the legibility of rules and the diffusion of principles. At the bottom of a democratic civilization that is rooted along with modernity in a (now non-majoritarian) area of the globe, we can find cultures and cognitive schemes capable of fostering the dissemination of knowledge of rules.
In late modernity both knowledge and the understanding of law, however, encounter a plurality of obstacles within the space of economic, political and social relations, further fueled by the coexistence and conflicts of cultures. The development of technologies in postmodernism has fostered evolutions of democracy but has also offered new opportunities for the diffusion of autocratic practices and cultures. The coexistence of a plurality of orders makes the growth of transparent forms of control of rules and political systems sometimes difficult in advanced modernity. The expansion of democracies, which seemed unstoppable after 1989, is now being hindered by the multiplication of an impressive variety of phenomena. Is this trend unchangeable? Are there remedies? In what forms can an effective struggle for law return?

**Abelardo Rivera Llano**

**Legal Nihilism and the Understanding of Law**

At present, knowledge, in its cognitive ramification, imposes the memories of the *ultimate algorithm* on the individual. This knowledge, which imposes itself in the dimension of cognition, does not lead to an understanding of the *human enigma*.
The computerized society, governed by the hegemonic knowledge of science understood as the *only certainty*, entails the obliteration of ideals and values. Nothing seems to make sense. Consequently, *a-priori* and *inalienable norms* are abolished with the extinction of the sense of law in its *telos*. In this way, the issues of *radical nihilism* and *evil* semiotically understood emerge. As Ricoeur says, "the task of philosophy [in particular, the legal philosophy] is to identify the categories suitable for grasping man not as a thing thereby signifying him from being with the result of perpetrating towards him '*une violence et une négation*' but as a *being*, your neighbor, a face, with the intention of subtracting him from our power and from the horizon of being. In grasping it in such a horizon, in fact, we merely possess and comprehend it, leaving what most properly belongs to it, namely *'him', l'etant".*

**Sofia Bianzarelli**

**Knowing or Understanding Juridical Responsibility?**

'Knowing' implies that responsibility is brought back to the order of imputation (B. Romano, 2002) and that it assumes profiles of objectivity that erase the side of the subject's motivations and originality (H. Kelsen, 2000); the paradigm of 'understanding', on the other hand, refers back to imputability and places the author-agent's will at the centre of liability, opening up hermeneutic space and the pursuit of justice, clarifying the impossibility of reducing legal judgement to an algorithmic elaboration by an artificial intelligence. The critical analysis of the merely cognitive approach to the legal phenomenon sets and problematizes the transformations that affect the 'phenomenological structure of responsibility' (P. Ricœur, 2005), which can be traced back to scientific reductionism (H. Jonas, 2004), to the incidence of technological action on phenomena such as freedom, security and predictability of risk (F. Ewald, L. Avitabile, 2004) and to the production of 'collateral' effects that are extraneous to the historical awareness of the decision-maker (H. Jonas, 2009). These reflections intend to show that, in the direction of imputability and understanding, legal reason is not understood as merely instrumental reason (M. Horkeimer, 1947), but places itself at the center of the search for truth and justice.

**Matteo Castorino**

## The Impact of Maieutics on Law. The Distinction between Knowing and Understanding

Hannah Arendt writes about Socrates that maieutics represents a "give-and-take based on profound equality". It is, therefore, a gift of meaning, something not monetarily quantifiable or marketable. *Meaning* is a multifaceted material, never predictable, illuminated in an always open research activity that arouses wonder in those who take part in it. In turn they are recognized because of the universal principles of *isonomia* and *isegoria*. Among judicial institution's public space, the search for *meaning* entails also meditating upon the meaning of law and seeking for justice, beyond mere legality. The Socratic maieutics does not pursue an absolute truth or a total knowledge. Instead, it is clarified by the difference between knowing and understanding. The first can be interpreted as a mere statistical survey of Otherness. In contrast, understanding is a creation that accounts for every human being as an imputable subject before legal judgement, which is law's main focus. Proceeding in this direction, the theoretical divergence between knowing and understanding is the key to analytically discuss the Socratic *dialeghestai*, as an unforeseeable movement of questioning and answering. With the aim to perform an accurate investigation, in addition to Arendtian theories, it would be useful to engage Jan Patoĉka's phenomenological philosophy and Bruno Romano's studies on *nomos-logos* inextricable coalescence.

**Fiammetta Cioè**

## Meaning and Knowledge in Bruno Romano's Phenomenological Approach to Law

The contribution aims to deepen the speculative itinerary that emerges from Bruno Romano's phenomenology of law. His studies show a critical distancing from the inauthentic knowledge referable to a doctrinal purism that refuses to emancipate from the textual datum. For Romano, any reflection on the legal phenomenon cannot disregard an interpretation that recognizes in creative activity an exclusively human scope. This means that law is to regulate the effects that can arise from reciprocal free relationships, as a condition that denotes the essence of a co-existentially instituted law. In phenomenological observation, the dimension of understanding acquires the connotations of an instituting projectuality, sustained by an inexhaustible search for meaning that manifests itself in the deliberate transformations of the environment surrounding *the I and the We*. In such a theoretical assonance, the jurist does not remain confined in the rigidity of a sensitive knowledge, prodromal expression of a legality with a technical statute that tends to archive the concept of legal freedom, *conatus essendi* of a personality that is never fungible. Legal interpretation can thus lead to diametrically opposed results if it is carried out within the comprehensible figure of the phenomenology of law rather than within the cognitive figure of legal science. Exemplarily, Romano accepts the distinction proposed by Heidegger, who argues that: «science can only arise by producing the presentation [*Darstellung*] of apparent knowledge». On the contrary, phenomenology "is being-in-spirit. The spirit is the subject of phenomenology and not its object".

**Giacomo D'Elia**

**Spontaneous Order and Juridical Positivism: Some Reflections**

In the past centuries thinkers such as David Hume, John Locke, Adam Ferguson and Adam Smith have contrasted the concept of the 'Great Lawgiver' as an entity capable of responding to the needs of the community with the idea of voluntary cooperation among individuals aimed at satisfying individual needs. Hence, in the twentieth century, F. A. von Hayek will continue this direction by developing the idea of a spontaneous formation of law not reduced to a legality designed exclusively by the legislature. We are confronted with visions that are distant from the Kelsenian concept of legal order built on the concepts of validity, space and efficacy. Nevertheless, both do not seem to escape the risk of the absence of the question of the meaning of law as well as the exclusion of the dialogical relationship.
Based on these reflections, some questions emerge with regard to the concepts of spontaneous order and juridical positivism. Can positive law delineate the essential perspectives of the law? In other words, can only the legislature ascribe meaning to a norm and design patterns of prosperity for individuals? In addition, is it possible to satisfy the desire for the just sought by every human being only by resorting to the concept of 'legal system'?
*Ex multis unum*. Such questions and such theories seem to converge toward a single question: is law leaving the *dimension of understanding* in favor of the *dimension of knowing*? These issues will be addressed with the intention of defining some specific features of the concept of spontaneous order considered by F. A. von Hayek, taking in account the changes impinging on the present stage of modernity

**Marialuisa Innocenzi**

**Does a Knowledge of Law Imply an Understanding of Human Rights?**

As we know, the meaning of the word *cognoscentĭa(m)* as a derivation of *cognoscĕre* refers to the concept of *truth attained through the understanding of experience*. Starting from this definition, the cognitive activity intended as an understanding of the co-existential dimension always open to legal issues that affect the general principles of law: justice, freedom, equality will be discussed.
This paper attempts to explore the juridical dimension in its most significant expression of *human rights*, beginning from through the method of understanding the poles of right and wrong, legal and illegal, so to include the diversified declinations of the law.
We return to study the philosophy of law (and the classic thinkers) that urge the researcher to reflect on the role of legal interpretation that, in the digital age, is likely to be understood as a *technique* (not anymore as *art*) receding from the traditional idea of law: *ars boni et aequi*.
The legal phenomenon is manifested as a relationship mediated by an *impartial subject (super-partes):* guardian of the legal relationships that prevents the slipping of justice into the condition of uniqueness.
We discuss the central topics of legal science and the philosophy of law that concern questions of justice, without disregarding considerations on the centrality of human dignity.
The tools offered by the phenomenological school allow us to shift the focus of research from the objective dimension of the right to intentionality (legal) subjective: understanding individuality will lead to looking at the intentionality of the individual who, for juridical reality (and justice), will have to recognize himself in his actions.
This study will try to understand how, in the digital society, human actions connect to the exercise of personal freedom, with the aim of clarifying that the role of positivized legality cannot obscure the universality of human rights.

**Beatrice Leucadito**

**Programming Justice: Artificial Intelligence and the Law**

It is possible to observe how, in contemporary times, the use of IT to manage and organize many of the human activities — including the legal ones — no longer constitutes a simple hypothesis or a utopia, but a reality that is already fully operating and in continuous, relentless expansion.
The streamlining of procedures, the contraction of time associated with the possibility of processing large amounts of data, represent undeniable progress, but in the face of increased efficiency and improved performance there are multiple (and not yet entirely clear) critical aspects of digital disruption in the legal sphere.
One of most unsettling aspects of the increasingly broad and penetrating use of *legaltech* is undoubtedly the pervasiveness and rapidity by which these technologies have spread, gradually creeping even into fields previously thought (not unreasonably) to be under exclusive and non-delegable human competence. A judge's ruling cannot be reduced to a question of mere pairing of facts and norms, but always also calls into question the personality, culture, experience, and wisdom of an interpreter, and thus his or her ability to understand qualitatively, an activity that is far removed from the function of mere knowing, which can access only numerical-quantitative aspects, but struggles when it comes to the quest for the meaning (and justice) of human actions.

**Ciro Palumbo**

**Between Knowledge and Understanding: Law and Person as 'Being Matter'**

In the search for 'what is legally relevant,' the 'what,' that is, the object sought, is the conduct of a person, a specific individual and not another. In the legal dimension, therefore, the search moves around the quality of intentions, that is, on what moves (the motive, precisely) acts. This is the itinerary through which in law lawyers arrive at a non-techno-functional legal judgment. This activity wraps out the subject of legal interpretation, which, in itself, does not close in a mere cognitive or reconnaissance activity: as such a circuit of mere technical knowledge. A kind of knowledge the empowerment and dominance of which is currently and daily fed by the powers of the strongest who, through the use of the minimal basis of established legality, allow the algorithmic language-method to govern not only systems but also human existence itself.

**Giovanna Petrocco**

## ‘Understanding’ in legal experience and the ‘knowledge’ of automation techniques

The philosophical clarification of the legal dimension is shown in its entirety within the relationship between legality and justice through an analysis that is not confined to the ‘knowledge’ of norms, but is oriented to an ‘understanding’of the ‘just’ in the ‘legal’.
This architecture shows that the distinctiveness of law manifests in the dual structure of a ‘form formed’ and a ‘form in formation’, as such graspable, in a first direction, through a ‘knowing’ closed in the present of ‘what is’, namely in the absence of any referral to the possibility of being able to be otherwise in the future. The knowledge of law has to do with materiality, written codes and the legal employment of automation techniques. All of these defer to a natural-dual dimension, devoid of dialogicity, in which the jurist is a ‘spectator consciousness’ who ratifies, without complicating, the objectivity of the normative provision.
In the second direction, ‘symbolic’ order is initiated. As such it exceeds the worked/written matter (the law), namely the constitutive core of the dimension of understanding, in turn intended as the search for the meaning of right through the jurist’s interpretive work: which takes places when he does not repeat the already ‘given to know’, but instead generates new ‘world hypotheses’, original projects and turns of meaning, which are never pre-calculable in anticipation.
Understanding the law, then, means making a choice among several possible alternatives according to a ‘horizon of possibilities’ that cannot be grasped cognitively (the signified) because it hypothesizes what is not yet there (the signifier).
It is only in this direction, which is marked by the occurrence of thirdness and is to be understood as a relational space of dialogue, that the search for meaning is possible. A search that is oriented towards an understanding of what is right beyond both textuality, the contingent and what is ‘already defined’. Otherwise, the knowledge of norms becomes a mere occasional ‘happening of sense’ in which the search for new meaning does not even take shape: what precisely occurs when the institution of law and the administration of justice are entrusted to the algorithms of intelligent machines.

**Beatrice Serra**

# Positive law and conscience
# Religiously based interpretive paradigms in Western legal culture

This contribution analyzes some profiles of the relationship between positive law and conscience, starting from an objective fact: faced with the complexity of a fragmented, multi-ethnic and multi-religious society, the legislator in democratic systems increasingly resorts to the "law of possibilities", i.e. to facultative or permissive laws that allow individuals to choose among a plurality of equally lawful behaviors. The contribution proposes to examine the roots and plausibility of such a normative model in the light of certain interpretative paradigms of a religious matrix peculiar to Western legal culture.

**Gianpaolo Bartoli**

**On the learned ignorance of the law**

**On the learned ignorance of the law**

This presentation aims to compare the Latin *brocardo*, according to which *ignorantia legis non excusat*, with Niccolò Cusano's speculative remarks on "learned ignorance." The specific purpose is to carry out a brief reflection on the need to remove legal hermeneutics from the domain of scientific knowledge. A knoweldge that is characterized objectivistically, that is, which is only capable of approaching the dimension of legality in terms of a logical-legal "knowing". Conversely, the present proposal will be to approach the knowledge of law by imbuing it with speculative intensity. This can become possible when following Bruno Romano's philosophical itinerary. In this vein, it is necessary to draw on the inexhaustibility of "not knowing" that, beginning with Socrates, inaugurates the forms of Western thought. Such an approach paves the way to the search for the "sense of law" towards an "understanding" that sheds light on the very core of the legal phenomenon, which should be called justice.


# IRSL Rome 2023

## WORKSHOP

## May 26

# Building a Comparative Intercultural Dictionary

## Concepts, Subjects, Instruments

**CONTACTS: SILVIA BAGNI: silvia.bagni@unibo.it**

Cultural diversity is a core feature of most contemporary societies, regardless of its historical causes (colonisation or immigration).

The accommodation of diversity in pluralistic contexts requires tools for interaction and societal engagement that might lead to a partial modification of the relationship between the individual, communities, and institutions, and therefore to a transformative process of the form of State. Historically, the evolution of the form of State has been usually complemented by different models of accommodation of cultural diversity, that range from assimilation to multiculturalism. The performance of these paradigms of diversity management has so far triggered little outcomes in terms of effective integration of different cultural groups within the States; and the failure of multicultural policies has

been openly acknowledged by various political leaders (Angela Merkel, 2010; Cameron, 2011; Nicolas Sarkozy, 2011).
Western legal systems still rely on the key paradigm of the liberal Nation State with its monism in terms of sources of law and jurisdiction, as well as of citizenship as the only status granting a complete set of rights. By contrast, new legal tools for the management of diversity can be found in the legal systems of the South of the world, where a model of intercultural State has been adopted. Besides, different meanings of the term "interculturalism" can be disclosed in social sciences, politics, and law.
In the 2017 Prin Project "From Legal Pluralism to the Intercultural State. Personal Law, Exceptions to General Rules and Imperative Limits in the European Legal Space" a group of researchers from the Universities of Bologna, Perugia, Rome LUMSA and Trento has been engaged in a comparative, interdisciplinary investigation on the possible transition from a multicultural to an intercultural form of State, and on its implications on legal concepts and instruments.
This workshop aims at fostering a critical discussion on the partial results of this project, by involving colleagues from all the disciplines participating at the 23rd International Roundtable for the Semiotics of Law IRSL 2023 on a critical analysis of a list of entries for the construction of a Comparative Intercultural Dictionary.
A select team of researchers who have worked on the project will present its definitions of the following terms: affirmative action, contra-hegemonic law, integration, interculturalism, intersectionality, legal traditions, millet, multiculturalism, political rights and participation, race, reasonable accommodation.
We invite all colleagues to participate in the workshop and start a debate on the project.

**Presenters**

1 Enrico Andreoli, **Multicultural State**

2 Silvia Bagni, **Interculturalism**

3 Maria Francesca Cavalcanti & Anna Parrilli, **The Millet System**

5 Camilla De Ambroggi, **Multiculturalism and Interculturalism** (**Anthropology**)

5 Maria Chiara Locchi, **Integration** (**and integration tests**)

6 Jacopo Paffarini, **Political Rights of Migrants**

7 Cinzia Piciocchi, **Intercultural Health**

8 Concetta Pungitore, **Affirmative Action**

9 Davide Strazzari, **Intercultural Education**

# TIMETABLE

9.10 a.m. - 9.30 a.m. Silvia Bagni
9.40 a.m. - 10:00 a.m. Enrico Andreoli
10.10 a.m. - 10.30 a.m. Camilla De Ambroggi
10.40 a.m. - 11:00 a.m. Debate

**11:00 Coffee Break**

11.30 a.m. - 11.50 a.m. Maria Chiara Locchi
12:00 p.m. - 12.20 p.m. Jacopo Paffarini
12.30 p.m. - 12.50 p.m. Pungitore
12.50 p.m. - 1.15 p.m. Debate

**Lunch**

2.30 p.m. - 2.50 p.m. Cavalcanti & Parrilli
3:00 p.m. - 3.20 p.m. Strazzari
3.30 p.m. - 3.50 p.m Viola
4:00 p.m. - 4.20p.m. Piciocchi

**4:00 p.m. Coffee Break**

4:30 p.m. Debate

# ABSTRACTS

**Enrico Andreoli**

## Multicultural State

In recent decades, the various interactions between social rules and the law have influenced legal methodologies, fuelling two prevailing and 'determinant' approaches: i) the overall interdisciplinary vision as a moment for a proper understanding of a legal phenomenon; ii) the critical rethinking of classical legal theories. With regard to the concept 'state', critical studies primarily focused on the intuition of a generic crisis, to further highlight the shift towards a more predominant role of cultural diversity in shaping the metamorphosis of the 'democratic-liberal state' into a contemporary 'multicultural state', with the aim of acknowledging the impact of a resilient pluralism. In light of the aforementioned considerations, the presentation provides a definition for the 'multicultural state', focusing on several features that divide the nation/state from the state/nation. To this end, the analysis introduces three paradigmatic experiences, namely those of India, the United States and Canada.

**Silvia Bagni**

# Interculturalism

The research analyses the prescriptive use of the term "interculturalism" in the legal science, with the dual purpose of understanding: 1) how its content is indebted to theoretical elaborations from other sciences; 2) in a comparative perspective, whether interculturalism has a uniform application in the different legal systems that have transposed the concept into law. In particular, theoretical and practical applications in international and European Union law (§ 2), Quebec (§ 3) and Latin America (§§ 4-5) will be analysed. In the inter-disciplinary conclusions, it will be highlighted that, with respect to the first point, interculturalism in the legal field has a broader connotation than in the pedagogical and anthropological sciences; as for the second question, how two different normative models of application of interculturalism can be identified, between the West and Latin America.

**Maria Francesca Cavalcanti & Anna Parrilli**

**The Millet System**

The proposed paper introduces the main features of the *millet* system of personal laws, which is considered the most emblematic and oldest example of personal federalism adopted by the Ottoman Empire and maintained, in different forms, in some contemporary States.
The first part of the contribution outlines the origin of the *millet* system, founded on the Islamic institute of *dhimma*, as well as its fundamentals and functioning under the Ottoman Empire. In doing so, particular emphasis is placed on the logic underlying the Ottoman *millet* system, as well as the main differences between this prototype of personal federalism and the protection of minorities, as conceived within the Western legal tradition. Moreover, the proposed contribution foregrounds a rather complex picture of Ottoman pluralism. Although, in principle, the *millet* system portrayed society as composed by homogeneous communities, each *millet* was characterized by multiple ethnic, linguistic, and cultural realities. Indeed, intra-*millets* dynamism and the interactions between different *tai'fe* i.e., smaller units within the *millets* - allowed for the crossing of identity boundaries within the different religious groups.
The second part of the paper addresses the influence of the Ottoman *millet* model in Israel and Lebanon. The Israeli neo-*millet* system provides fourteen religious communities a large degree of administrative and jurisdictional autonomy. Religious courts are granted exclusive jurisdiction over matters of marriage and divorce. In other issues, such as succession, maintenance, and alimony, religious courts have concurrent jurisdiction with civil courts. Similarly, in Lebanon, eighteen officially recognized religious groups are granted the right to be represented in public administrations and offices, as well as in parliament and government. Moreover, they apply their own personal status laws and codes of procedure.

**Camilla De Ambroggi**

**Multiculturalism and interculturalism** (**Anthropology**)

As part of the workshop "Building a Comparative Intercultural Dictionary", this contribution offers an anthropological perspective on the transformations of the State model in Latin America, focusing on the differences between the multicultural and intercultural models of access to rights for indigenous peoples.
First, this contribution shows how the introduction of concepts such as multiculturalism and interculturalism into Latin American constitutions has been both a response to indigenous demands that have been forcefully raised throughout Latin America since the 1970s, and an attempt by States to place these demands within a legislative framework that necessarily reduces their heterogeneity and binds them to State recognition. Secondly, starting from some concrete ethnographic cases, it shows how these concepts, once institutionalised, have been redefined and readapted by indigenous movements to advance their own claims.
The aim is to use an anthropological perspective to unveil a long-standing dialectic between State recognition of 'multiculturalism' and 'interculturalism' and indigenous subjects' understanding and realization of these concepts.

**Maria Chiara Locchi**

# Integration (and Integration Tests)

As is well known, "integration" proves to be a very complex word: «often used as a term, [it is] rarely defined as a concept» (Entzinger&Biezeveld, 2003), although it has been at the core of both European and national immigration policies and academic literature for a long time. The insistence on the need for migrants to integrate into the host society appears to be problematic to the extent that a serious reflection on the conceptual premises, the methods and the outcomes of "integration processes" is often lacking: in fact, what does "host society" really mean? What are migrants required to relinquish (in democratic and pluralistic constitutional States) in order for them to be "integrated"? What is the relationship between "integration" and the many, related, concepts frequently used in both the institutional and academic domains (e.g., incorporation, inclusion, interaction, assimilation)?
Integration's controversial character intensifies in relation to the well-established trend of imposing civic and linguistic "integration tests" on migrants who want to enter, legally reside in or become nationals of European States.

**Jacopo Paffarini**

## Political Rights of Migrants

While voting and candidacy rights are still a prerogative of national citizens in most of the European countries, migrants play an important role in political and trade union activism. The exclusion of foreigners from electoral processes, with the sole exception of some contexts of local government, clashes with the characteristics of the "Democratic State", as it developed in last two centuries. Not only because it contradicts the fundamental connection between political representation and contribution to public finances ("no taxation without representation"), but also because it is based on a restrictive and assimilationist interpretation of liberal principles (R. Bauböck, 2010). In order to avoid a discriminatory use of "polity building" (E. Gargiulo, E. Piccoli, 2019), it appears increasingly necessary to "release" political rights from the enclosure of national citizenship and restart the discussion from the idea of "resident community". This "new citizenship", with intercultural roots, should be built on material ties with the territory and not on the formal constraints of registered residence, which often tend to exclude precisely those who migrate both within and beyond national borders.

**Cinzia Piciocchi**

## Intercultural Health

The contribution aims at understanding the significance of "intercultural health", looking at legal documents, official statements, and literature. Through a bottom-up approach, the "intercultural" dimension of health will be explored, analysing the subjects and the topics involved when this concept is used. The instruments provided to approach the "cultural dilemmas" concerning human health will be taken into consideration as well.

**Concetta Pungitore**

# Affirmative Action

'Affirmative action' refers to the means which, through political initiatives and legislative acts, notwithstanding the principle of formal equality, an organization or state actively promotes the participation of people from minority ethnic backgrounds, of gender, sexual orientation in contexts where these groups are underrepresented.
Born to ensure equal treatment of minorities and acting as a remedy for structural inequalities, positive actions constitute that typical model adopted by law in the field of discrimination; these actions are justified only if they are aimed at the achievement of effective equality of rights.
In democratic systems, the instruments of affirmative action have represented, therefore, support for equal opportunity policies that are designed to fight phenomena of exclusion and discrimination in the workplace and in schools.
For a long time, the relationship between affirmative action, justice and equality has been examined by jurists and philosophers: it has always been a constitutional and political issue that is complex and highly articulated.
The main problem in the implementation of affirmative action policies, is that they are based on the liberal notion of equality of opportunity, seen as an attempt to create conditions that give individuals equal access to education, training and employment, and which enable them to make the most of these opportunities through the arrangement of regulatory provisions, and proposals to ensure the application of the so-called "derogatory rights".
Therefore, both the legislation and case law of the United States, the European Union and some European States (Germany, Spain, France and Italy) will be examined in a comparative perspective, with particular reference to gender discrimination.
This work mainly focuses on analysing how positive actions were originally created in the United States and then spread throughout the world, especially in the European Union.
From the comparative perspective, the challenge of comparing these varying forms of action comes from the fact that the legal structures and techniques of affirmative action policies in the US and EU are quite different.
The aim of this paper is to verify how these tools behave in different contexts in which they are assigned the primary function of recognizing, preserving and promoting social and cultural pluralism.

**Davide Strazzari**

## Intercultural Education

Intercultural education policy has emerged as an alternative to both assimilationism and multiculturalism. While multiculturalism emphasizes the cultural identity of social groups, somehow crystallizing their characteristics, interculturalism is based on a different understanding: it favours mutual dialogue and it assumes that the cultural identity of an individual cannot be equated to that of the social/cultural group to which he is assumed to belong.
The paper considers the South-American and European experiences in a comparative perspective. The two contexts target intercultural education policy differently: while in South-America it is seen as an instrument to promote indigenous cultural claims, in Europe it addresses the cultural diversity related to immigration flows. The strategy is also different. In Europe, intercultural education policy is grounded on the idea of promoting allegedly common legal values, mainly by means of citizenship education and education about religion applying a cognitivist approach. As such, intercultural education is above all a way to enhance social cohesion, rather than diversity and pluralism, and it looks like a mild form of assimilationism.

**Pasquale Viola**

## Legal Tradition(s)

Although appearing in heterogenous shapes within conventional scholarship, recently comparative law literature has addressed the concept 'legal tradition' as a specific and technical element of the general theory of law, especially considering that different methodological approaches fostered extra-legal and interdisciplinary analysis of constitutional phenomena, thus merging legal analysis with the cultural context. Moving from these considerations, the presentation aims at examining the meaning of 'tradition' through a critical understanding of contemporary comparative law studies, in order to provide a stipulative definition and further suggesting a threefold taxonomy: 1) supernatural eschatological transcendent (Talmudic and Islamic legal practices); 2) supernatural cosmogonic immanent (Hindu, Confucian, Buddhist, animist legal practices); 3) Western/North Atlantic (civil law, common law, and variants thereof).


# IRSL Rome 2023

## WORKSHOP

## May 26

## Facticity and Normativity in Law

**Organizer**: Stefano Bertea (University of Barcelona): bertea.stefano@gmail.com

This workshop, which will consist of 7 sessions (45 minutes each), is designed as an opportunity to reflect on the relationship between 'facticity' and 'normativity' in legal experience.

The overarching question that will be addressed in this forum can be summarised as follows: How can the dualism of law its being at the same time a social practice (and so a form of "is") and a normative system (and so a distinctive form of "ought") be adequately accounted for?

The papers given in this workshop will thus engage with the interplay between the factual component and the normative component of law, in turn understood in its spatial dimension, from a vast variety of perspectives. As a result, the dualism of facticity and

normativity in law will be explored in its conceptual, ontological, epistemic, and linguistic dimensions.

**Presenters:**

1. Dietmar von der Pfordten (University of Gottingen)
2. Corrado Roversi (University of Bologna)
3. Irina Sakharova (University of Durham)
4. Antonia Waltermann University of Maastricht)
5. Dan Weston (University of Law)
6. Mateusz Zeifert (University of Silesia in Katowice)

**TIMETABLE**
**Workshop**
**Facticity and Normativity in Law**

**Friday 26th May 2023**

**10.45 a.m 11:00 a.m. Mateusz Zeifert (University of Silesia), "How to Do "Ought" with "Is"? A Cognitive Linguistic Approach to the Normativity of Legal Language"**

**Roundtable Coffee Break**

**11:15 a.m. 12:00 p.m. Dan Weston (University of Law), "Causation's Contingencies in Legal Discourse"**

**12:15 p.m. 1:00 p.m. Antonia Waltermann (University of Maastricht): "Can Zombies Make Law?"**

**Lunch break**

**3:00 p.m. 3:45 p.m. Irina Sakharova (Durham University), "From the Eudaemonistic to the Juridical Conception of Obligation: What Was Lost in Transition?**

**4:00 p.m. 4.45 p.m. Corrado Roversi (University of Bologna), "A Socio-ontological Argument Against Legal Positivism"**

**5.00 p.m. 5.45 p.m. Dietmar von der Pfordten (University of Göttingen), "Questioning and Bridging the Gap between Facticity and Normativity"**

# ABSTRACTS

**Dietmar von der Pfordten (University of Goettingen)**

## Questioning and Bridging the Gap between Facticity and Normativity

The concepts, with which we describe the structure of the world are decisive for our understanding of it. Some believe there are many material atoms, others only one ideal substance (monism). Others take a dualism of being (Sein) and obligation (Sollen) as the best description of the structure of the world. I will argue that in the tradition of southwest Neokantianism it is best to assume a trialism, that is, three types of beings: (1) natural objects without sense, (2) sense and objects which are sense-loaded and (3) sense-referring persons and their sense-referring acts. Additionally, in the realm of sense (2) and sense-referring (3) we have not only obligations, but evaluations. Natural and social beings can give good reasons for evaluations and evaluations can give good reasons for obligations. Therefore, the gap between facticity and normativity can and should be questioned and bridged.

**Corrado Roversi** (**University of Bologna**)

## A Socio-ontological Argument Against Legal Positivism

The discussion on the metaphysics of institutions, carried out in the field of social ontology, has mostly focused on their normative structure and the conditions that sustain this structure (social dynamics, collective mental states, balances between strategic preferences). In this presentation, I will try to argue for a broader perspective, showing that a complete understanding of the role that institutions play in our shared practices requires that facts about the structural-normative level be associated with both the teleological and axiological context on which the normative structure is grounded (which I will call the meta-institutional level) and the set of facts that, while not constituted by the rules of the institutions, emerge by virtue of these rules (a level I will call para-institutional). Having defined this tripartition in general terms for the metaphysics of institutions, I will try to exemplify it with reference to the concept of power. On the basis of this socio-ontological analysis of legal facts, I will argue that legal positivism focuses only on one metaphysical level, namely, the structural-normative, while a complete description and explanation of the role of law in our social life requires all three.

**Irina Sakharova** (**Durham University**)

**From the Eudaemonistic to the Juridical Conception of Obligation: What Was Lost in Transition?**

Analytically, a legal obligation as something that the duty-bearer owes to the right-holder seems to fit into the correlative structure of legal rights and duties; normatively, such a notion of obligation is typically thought to reflect the modern social practices mediated by the law: a duty-bearer is taken to regard the obligation, undertaken for the right-holder's benefit, as a 'burden' to be discharged unless the right-holder releases the duty-bearer from that obligation.

By focusing on contractual obligations, widely seen as an extreme manifestation of the juridical conception of obligation, and drawing on behavioural economics, the paper challenges some conventional assumptions about what motivates persons to comply with their duties. It reveals the extent to which the juridical conception neglects something important that the earlier eudaemonistic conception captured; the juridical conception fails, *even* in the supposedly paradigmatic case, to account for a duty-bearer's own interest in complying with the obligation and is not even consistent with how the law itself purports to accommodate such an interest.

**Antonia Waltermann** (**University of Maastricht**)

**Can zombies make law?**

This paper uses philosophical zombies as a (counterfactual) thought experiment to investigate under what conditions law as an institutionalised part of social reality can exist in a physicalist universe. It argues that zombies have a facsimile of law identical in all physical manifestations, but lacking meaning. What is required to move from the facsimile of law to law is intentionality. More precisely, what is required is that some individual(s) have conscious intentional states and take the intentional stance to (other) agents. This has implications for projects engaged in pragmatic naturalism and for AI research concerned with norm-creation by artificial agents.

**Dan Weston (University of Law)**

**Causation's Contingencies in Legal Discourse**

This paper applies an ordinary language philosophical method to legal understandings of "causation" to advance work considering the concept's factual and normative aspects. The central argument will be for a refined incorporation of causation's legal normative contingencies while retaining a view to its appropriately circumscribed facticity. It draws original insights with respect to how ordinary language philosophy can inform legal deployments of causation with a focused application to international criminal law. These observations are indicatively applied to other legal uses of causation.

**Mateusz Zeifert** (**University of Silesia**)

**"How to Do "Ought" with "Is"? A Cognitive Linguistic Approach to the Normativity of Legal Language**

Law is a normative system. The sentences we find in legislation acts, i.e., statutes, constitutions and regulations, express legal norms. Linguistically speaking, there is a variety of grammatical and lexical ways of expressing norms, such as imperative mood ("Minister, determine the tax rate!"), modal verbs ("The minister must determine the tax rate"), deontic verbs (The minister is obliged to determine the tax rate" or "The minister shall determine the tax rate"). However, norms may also be expressed by descriptive sentences, that is, sentences in present or future tense and indicative (declarative) mood ("The minister determines the tax rate"). The latter approach is not very common in legislative texts written in English. Still, in many civil law countries (i.e., Poland, Italy, and Germany), it seems to be the default form of expressing norms in legislative texts. Often presented as a legal peculiarity, this phenomenon has yet to draw much academic attention. The normative meaning of descriptive sentences is usually attributed to purely pragmatic factors stemming from our shared assumptions about the legal system. However, a closer look reveals that similar grammatical constructions are ubiquitous in everyday language. We tend to utter various sorts of directives using descriptive sentences ("Now we add a spoon of salt to the sauce"; "Credit cards are not accepted"). This suggests a possibility for a linguistic (i.e., non-legal) explanation. This paper aims to offer such an explanation. Rather than resorting to formal semantics, so prevalent in legal theory, it borrows from Cognitive Linguistics to reveal the cognitive underpinnings of our surprising tendency to express normativity in descriptive terms. This involves, inter alia, the theory of conceptual metaphor by George Lakoff and the notion of the virtuality of language by Ronald Langacker.


**IRSL Rome 2023**
**WORKSHOP**
**May 26**

# The Italian Civil Code in the Making

**1942-2022 Navigating across past and future, local and global, in the mirror of Latin Notaries' experience**

**Organizer: Mirzia Bianca - mirzia.bianca@uniroma1.it**

The recent celebration of the 80th anniversary of the Italian Civil Code is an opportunity for an assessment of its historical-institutional scope and current vitality from the perspective of what could be called 'notarial civil law'. This entails a critical and reconstructive reconnaissance of the transformation processes that the civil law categories have gone through by virtue of the convergent contribution of both civil law doctrine and the unremitting practical experience of notaries over the past 80 years. When considering

the various books of the Italian Civil Code and related areas of legal experience, it is almost impossible to ignore the synergy between civil law doctrine and notarial experience in enabling a renewed interpretive configuration of various legal categories and institutions, the result of which, because of its intrinsic relevance, has ended up so to speak under the lawgiver's lens. This hermeneutical and creative activity, which ensured the vitality but at the same time the transformation of traditional categories of civil law, has been and still is among the most demanding challenge for the interpreter and an impressive unfolding of the principle of '*effectiveness*'.
The panel aims to delve into this particular topic, setting out not only to consider the past paths, but also to investigate the future scenarios of the illustrated cultural synergy between civil science and the notaries' activity. Alongside the chronological projection, the spatial projection will also be analysed: that is, the spread of legal effects stemming from the Civil Code through intersubjective relations unfolding astride the local and global dimensions and thus an intercultural and potentially unlimited space of legal experience.

(Italian version)

# Il Codice Civile italiano nell'effettività del suo divenire

## 1942-2022 passato e futuro, locale e globale nello specchio dell'esperienza del notariato latino

La recente ricorrenza dell'80° anniversario del codice civile italiano costituisce l'occasione per un bilancio della sua portata storico-istituzionale e della sua attuale vitalità dal punto di vista diciò che potrebbe essere definito 'diritto civile notarile.' Ciò comporta una ricognizione critica e ricostruttiva dei processi di trasformazione che le categorie civilistiche hanno attraversato in virtù del contributo convergente sia della dottrina civilistica sia dell'incessante esperienza pratica dei notai negli ultimi 80 anni. Considerando i vari libri del Codice Civile italiano e le relative aree di esperienza giuridica, è quasi impossibile ignorare la sinergia tra dottrina civilistica ed esperienza notarile nel consentire una rinnovata configurazione interpretativa delle diverse categorie e istituti giuridici, il cui risultato, per la sua intrinseca rilevanza, è finita per così dire sotto la lente del legislatore. Questa attività ermeneutica e insieme creatrice, che ha assicurato la vitalità ma anche la trasformazione delle categorie tradizionali del diritto civile, è stata ed è tuttora tra le sfide più suggestive per l'interprete e una rilevante manifestazione del principio di 'efficacia'.
Il panel si propone di approfondire questo particolare tema, proponendosi non solo di considerare i percorsi passati, ma anche di indagare gli scenari futuri dell'illustrata sinergia culturale tra scienza civile e attività notarile. Accanto alla proiezione cronologica, il panel si concentrerà anche sulla proiezione spaziale: e cioè, sulla diffusione degli effetti giuridici scaturenti dal Codice Civile attraverso le relazioni intersoggettive che si dispiegano a cavallo tra la dimensione locale e quella globale e quindi uno spazio interculturale e potenzialmente sconfinato dell'esperienza giuridica.

**Participants**

**Alfredo Belisario** Notaio in Campagnano di Roma (RM)
**Mirzia Bianca** Full professor in Civil Law University La Sapienza Roma
**Rodolfo Caputo** Notaio in Polesine Zibello (PR)
**Andrea Gambacorta** Notaio in Sansepolcro (AR)
**Gianfranco Laurini** già Notaio in Marano di Napoli (NA), Presidente Consiglio Nazionale Notariato and dell'Unione internazionale del Notariato Latino
**Giuseppe Trapani** Notaio in Zagarolo (RM)

**TIMETABLE**
**May 26**

# The Italian Civil Code in the Making

**1942-2022 Navigating across past and future, local and global, in the mirror of Latin Notaries' experience**

**2:30 p.m. 6:30 p.m.**

2:30 **Mirzia Bianca** *Introductory Lecture*
3:00 **Giancarlo Laurini** *Remarks on Latin Notaries*
3:30 **Giuseppe Trapani** *An investigation of notarial aims in the face of the limitation of rights in rem and private autonomy: the notary before Book Three of the Civil Code.*
4:00 **Alfredo Belisario** *The legal protection of person and family in multicultural succession.*
4:30 **Andrea Gambacorta** *Real estate publication and purchase price deposits in multicultural transactions*
5:00 **Rodolfo Caputo** *Good faith and fairness in contractual matters. Notarial practice and cross-cultural dynamics.*

# ABSTRACTS

**Alfredo Belisario**

## The legal protection of person and family in multicultural succession

### Background and method

The multiculturality of today's globalized society gives rise to a constant and continuous interrelating, and this creates the need to balance the exigencies of people of different origins, traditions and cultures. In Italy, the Notary is perhaps the ideal interlocutor/*medium* for enabling people of different cultures to understand and make the best possible use of the tools provided by Italian law towards the satisfaction of private interests.
Traditionally, one of the more complicated areas for recognizing and managing different interests, including those that are culturally driven, has been and continues to be the law of succession. This is because perhaps more than in other areas, succession is directly affected by the nature of the subjects involved (person, family and patrimony) as well as by the traditions, culture and history of a given geographical context. Indeed, principles such as personhood, the freedom to determine the outcome of one's succession, and the protection of family relationships, are key parts of a discipline that is somewhat unique, and not always shared by other systems, even those that may share cultural proximity.

### Analysis and tools

sFrom method to case analysis, there are two main areas that can be fruitfully compared through the lens of cultural and legal differences:

the discipline of 'necessary succession,' or, the so-called 'legitimate succession'. In the Italian legal system, there are areas of patrimonial disposition that are not subject to the full and free control of the testator insofar as the heirs apparent, even those denied some part of their patrimony or entirely disinherited, can nevertheless make legal claim to the share of assets reserved to them by law. This right cannot be waived *ex ante*, that is, before the death of the person whose estate is involved, but only after the opening of the succession;

the discipline of so-called 'succession agreements,' which prevents the *de cuius* from making prior contractual agreements to control his own succession and, more generally, from making any legal arrangements for a succession that has not yet been opened, even by waiving them. It is therefore not possible to preemptively conduct a legal transaction on any important patrimonial aspects concerning the time when one will cease to exist apart, of course, from the will itself.

These are fundamental normative provisions of Italian inheritance law, expressions of general principles that come from a more or less long-standing tradition. However, they are not always shared and/or accepted by other legal systems and cultures which instead often struggle to understand or find resonance in the underlying assumptions and subsequent applications.

**Listening to and understanding individual cases, with a view to creating proximity and *intercultural continuity***

Precisely because the aim is to construct a functional legal solution that respects the desired interests of all parties, a qualified interpreter such as the Notary must listen carefully to the proposals of all parties and be open to dialogue and engagement to understand, not only in legal terms, the appropriate starting point for the subsequent necessary practical reflections.
Somewhat like the Praetor, once the cultural aspects have been identified, the Notary can engage private international law norms (including the so-called *professio juris*) as well as the hermeneutic rules of private law (from the principles of public order to the legitimatization in a quantitative sense) to put forward solutions with a view to reducing the cultural distance between diverse parties, by creating practices or application tools for use in areas where national experiences differ substantially despite geographic proximity.

**Mirzia Bianca**

**Introductory Lecture**

The recent celebration of the 80th anniversary of the Italian Civil Code is an opportunity to reconsider its current dynamism and resilience from the perspective of notarial-civil law, that is, the set of principles and norms that civil law and notarial practitioners have jointly developed over this eighty-year period. In the various books of the Civil Code, the synergy between traditional civil law doctrine and notarial doctrine has enabled the shaping and renewal of various principles and norms that have subsequently received the scrutiny of the legislature. This creative activity, which has ensured the vitality but at the same time the transformation of classic elements of civil law, also brings the greatest challenge for the interpreter and creates the need for a refined application of the principle of effectiveness. This panel aims to investigate precisely this issue, with the goal of not only reviewing past developments, but also investigating future possibilities for cultural synergy between civil law and the notarial profession. Today, the demands of effectiveness must necessarily include the cross-cultural dimension that always accompanies processes of globalization, requiring an additional effort of attunement with the general present challenges of professional activity and legal knowledge.

**Rodolfo Caputo**

**Good faith (Bona Fides) and fairness in contractual matters.**
**Notarial practice and cross-cultural dynamics.**

Contractual dynamics, now more than in the past, are often marked by elements of apparent alienation from the regulatory apparatus and values of the Italian legal system. Such elements often include ethical aspects that can be far removed from the Italian culture. The daily activity of notaries and the outcomes of notarial field work seem to confirm this observation. The notary is required under Italian law (Art. 27 of Law No. 89 of Feb. 16, 1913, also known as the "Notarial Law") "to perform his duty whenever he is requested to do so" and can only exempt himself "if (the acts) are expressly prohibited by law, or manifestly contrary to morality or public order" (Art. 28 Notarial Law). Consequently, he is required to operate consciously and responsibly when faced with different cultures, a circumstance which now appears to be more the rule than the exception.
In general, it can be said that the need to dialogue with clients of different cultures is not problematic for the professional notary. Nevertheless, the performance of this task requires the notary  both as a private practitioner of a service and as an official representative of a public authority in the exercise of his function in the name of the law  to play the role of guarantor of legality in multiple directions: (a) in listening adequately to clients; (b) in accepting and translating client requests if these are worthy of protection according to the general principles and rules established by the Civil Code and special laws; (c) in the activity of control, as well as in the preservation and documentation for the future of the interests expressed and declared to him. With all this as a background premise, I propose to analyse good faith in contracts in the context of civil law with the scope of identifying the interpretative potential for the rewriting of subjectivity and the shaping of different aims which may only apparently be in conflict; this, I argue, is what a cross-cultural approach to domestic law can offer.
The Civil Code is organized according to a system of values inherent in the claims, including non-pecuniary ones, that constitute the social and democratic foundation legitimizing the activity of those who are called upon to 'make laws.' Traces of these ethical-cultural factors  so to speak  are found, in particular, in the general clause of good faith and fair bargaining. This clause has been transposed into modern Italian legislation as a secular iteration of practices and norms whose content is strongly rooted in the Judeo-Christian tradition and in its re-interpretation of Roman law. Beyond its historical derivation, the good faith clause is also fully inscribed in the framework of the secular legal system and, in particular, in Article 2 of the Constitution, which protects the inviolable rights of human beings, both as an individual and in the social formations where his personality unfolds. With respect to the constitutional provision just mentioned, 'real world' experience concerning the contractual dynamics of everyday life seems to urge the legal practitioner, and particularly the Notary, to always take into consideration, without

prejudice or pre-packaged solutions, the possibility and the need to deliver solutions that are "custom-designed," case by case, starting from the experiential 'substratum' manifested by the parties involved in the notarial act. Such substratum, often unspoken, must be plumbed by carefully considering the words and overall behavior assumed before and after the conclusion of the legal transaction managed by the notary.

These dynamics and the corresponding notarial duties are immediately identifiable when one considers the general clause of good faith in contracts and how it applies to actual cases. Contractual activity managed by notaries is increasingly characterized by its trans-nationality and, as a result, cases are often marked by inter-culturality. Practical examples of this can be found in certain normative provisions and their application: implementation and interpretation (understood as the work of assigning the appropriate meaning, in the cultural context, ex Art. 1375 and ex Art. 1366 Civil Code) of good faith in regulating individual contracts (the buyer's good faith, referred to in Art. 1479 Civil Code; the purchase of hereditary property ex art. 535 Civil Code), contractual simulation (ex Art. 1415 and 1416 Civil Code) and purchase by usucaption (adverse possession) (ex art. 1159-1162 Civil Code). In this regard, it is important to point out that contract technique is not (or, at least, should not be!) insensitive to the problems related to transnationalization and inteculturality that it increasingly encounters. Suffice it to observe, in this regard, how in contractual texts, especially of notarial scope, definitions and indications of so-called 'narrative' elements are very often instrumentally useful. In many cases, and especially when people of different cultures are involved, such narrative threads can prove decisive in encapsulating and, at the same time, making explicit the meaning of the words and gestures present and relevant to the settlement of contracts. I refer, precisely, to the 'premises' of the notarial act.

**Andrea Gambacorta**

## Real estate publication and purchase price deposits in multicultural transactions

As in all areas of civil law, especially those with patrimonial relevance, globalization has now made it increasingly common for foreign citizens from all over the world to participate in the transfer of real estate deeds for properties located in Italy: a phenomenon made all the more formidable by the enormous attraction that the Italian lifestyle (real or imagined) exerts on citizens of other countries. As a result, the Notary — as the key point of reference for the real estate market — is confronted on a daily basis with the desiderata of people with the most disparate of purposes, habits and cultural backgrounds. In these situations, the Notary must make an effort not only to listen and understand clients without prejudice, but also to provide information and advice that is even more timely and detailed than that typically provided to Italian citizens, since it is often impossible to make any assumptions at all regarding what foreign clients expect or understand in full.

The work of inducing client adaptation or compliance to necessary legal activities, but also, as mentioned, of providing information and advice, must therefore necessarily take into account, as far as possible, the cultural specificities of the interlocutor. In the sphere of real estate legal publication, this need is particularly salient, since it is one of the areas in which the cultural divergence of the solutions adopted in other systems emerges most strongly. It is therefore essential to explain, for example, the scope of the consensuality principle and the 'corrective' of declaratory disclosure to those who are not at all accustomed to such tools and principle: this is the case for both non-professional clients and jurists, practitioners of law operating in other systems. And, while typically the involved parties are somewhat reticent at the start, they subsequently perceive the power of the instrument of transcription and the protections that flow from its execution. In some respects, nevertheless, the limitations of the system emerge. While some rigid/taxing structures must necessarily be maintained in order to perform adequately, the system often fails to cope well with all the cases resulting from globalization and the increasing internationality of real estate transactions. One noteworthy example is that of the difficulty of correctly indicating the matrimonial property regime when it is subject to — in application of the principles of private international law — a foreign law. Another is that of the practice of, quite common in legal systems outside of Italy, changes in the name and surname of the individual, whether as a consequence of family alterations or simply personal life choices, which does not find adequate countermeasures in the Italian real estate publication system.

Related to the issue of publication is certainly the recently introduced measure regarding the deposit of a part or the whole of the real estate purchase price with the Notary of record. When combined with transcription, this tool gives the real estate transfer transaction a very high degree of security and protection for the interests of the contracting parties. In practice, the deposit of the purchase price in a legally dedicated account

('statutory escrow account') proves particularly useful precisely in transactions involving citizens with different cultural and legal backgrounds. In fact, with an inverse perspective to the *id quod plerumque accidit* referred to other institutions of domestic law, foreign citizens, especially of Anglo-Saxon background, often look much more favorably on the use of the purchase price deposit than Italian citizens, who are often still wary of this institution, even a few years after its introduction. The latter practice, then, turns out to be quite flexible and suitable to accommodate instances of protection of particular interests, often dictated by the different sensitivities that come to coexist in multicultural contexts.

**Giuseppe Trapani**

**An investigation of notarial aims in the face of the limitation of rights in rem and private autonomy: the notary before Book Three of the Civil Code.**

The Civil Code carves out the 'physiognomic features' as it were of property and other real rights, outlining models for their regulation in all fundamental aspects. Within these, there remains a variable margin sometimes greater, sometimes lesser for the expression of private autonomy.
Borrowing from Minister Guardasigilli's Report to the Civil Code, the code regulation for the rights in rem of minors tends to balance the economic inconveniences arising from "the attribution of the right of more or less intense enjoyment of a good to a person other than the owner, regulating in the best, most harmonious and most equitable way" the rights of the owner and of the person who holds a minor right (para. 466).
In such a view, the notary's investigation of aims and means of achieving them plays an essential role.
Several areas can be distinguished, often the result of the chronology of events:
1) the search within typical regulation for spaces that are free from analytical legislative provisions; this is expressed by the regulation of the objective and subjective aspects of the right of habitation and the provision of a plurality of "rights of habitation," which only in part are governed by the basic Code scheme/template;
2) the conventional recourse to complex regulatory structures for the best realization of the interests at stake, pushing the limits of the structures' normative definitions to the utmost; suffice it to think of usufructary rights, modulated through the legal instruments of reservation and accretion, and then of the concrete technical result of the lease *ad aedificandum*, with special reference to the right to the manufactured article realized by construction on someone else's land;
3) the conventional regulation of cases to which the legislature has subsequently attributed real value: I refer to the promissory mortgage, in the past, and more recently to the application of condo and building property rights;
4) the identification of cases in which the intermingling of the interests at stake has subsequently led the legislator to shift attention to the regulation of aspects entirely different to those originally brought to bear; I refer more specifically to timeshares, whose consumer protection regulations now assume such a significant role that they take second place to the real characteristics of the type of property;
5) the legal creation of new cases, through the reshaping of legal categories via code provisions and special legislation; an example is the complexity of parking rights, with the resulting particular repercussions in real estate contracting.
Such instances do not in any way undermine the 'tipicality' of rights in rem, as if they no longer met the needs of the modern economy.
As Professor Cesare Massimo Bianca has effectively stated, such a challenge has no basis, "since in the current socio-economic set-up the general interest in protecting the non-

usability and marketability of property remains firm. This interest reveals the basis of the limitation of private autonomy expressed by the principle of numerus clausus".
The Supreme Court of Cassation has, on several recent occasions, reaffirmed the soundness and relevance of this principle, expressly confirming Massimo Bianca's thesis.
The litmus test of such hypotheses is then adequate access to real estate publication and the complex management in practice of the rules of compliance, objective and subjective, of each of the cases.
The notary as mediator par excellence of the aims and needs of the parties involved and, at the same time, guarantor of the legal validity of the system as designed, plays a central role.


# IRSL Rome 2023

## WORKSHOP

**May 25**

## Jurisprudence of the Future III

Organised by Alex Green, Mitch Travis and Kieran Tranter

The present is fantastic. Digital signals unite the globe. There is a renewed space endeavour. Forms of identity, modes of collectively, and cultures of knowing are undergoing profound change. There is also great suffering. Historical grievances and assertive nationalism are sparking hot and cold wars. The planet warms and the weather becomes less predictable. Humans, species, and ecosystems are dying. In this fantastic present, the cultural imaginaries of science fiction seem to be materialising realities. This is profoundly an issue for law. Law at its essential and primal builds normative universes. Law as nomos weaves the past and present into narrations of the future.

This workshop engages with this essential work for law  the rethinking the concepts and language through which law imagines itself, humans the world. Connecting with science fiction and technology studies, contributors will grapple with imagining of jurisprudence of the future across topics including, but not limited to:

- Law and jurisprudence as science fiction
- Science fiction as legal commentary
- Law and legality in the apocalypse
- Law within utopia and dystopia
- The future of personhood and identity in law, philosophy, and fiction
- Artificial intelligence and law
- Emerging and imagined conceptions of political community
- International law in outer space

- The imagining of digital legality in the meta

**Participants**

1. Almog Shulamit and Nomy Katz
2. Belor Jordan
3. Doker Yeliz Figen and Habibe Deniz Seval
4. Giddens Thomas and Timothy D Peters
5. Green Alex
6. Hu Lung-Lung
7. McMillan Moira
8. Muir Emily
9. Neuwirth Rostam Josef
10. Petroski Karen
11. Purcell Sasha
12. Sharma Kritika
13. Thomas Mark
14. Tranter Kieran
15. Vasconcelos Vilaça Guilherme
16. Walker Christopher Allen
17. Wojciechowski Bartosz

**TIMETABLE**
**May 25**
**WORKSHOP**
**Jurisprudence of the Future III**

9:45 a.m.  11:15 a.m.
Chair: Kieran Tranter
1. Rostam Neuwirth
2. Karen Petroski
3. Bartosz Wojciechowski

11:15 a.m. -1:00 p.m.
Chair: Tim Peters
1. Kritika Sharma
2. Guilherme Vasconcelos Vilaça
3. Shulamit Almog and Nomy Katz
4. Yeliz Figen Doker and Habibe Deniz Seval

**1:00 p.m.  2:45 p.m. Lunch**

2:45 p.m. -3:15 p.m.
Chair: Thom Giddens
1. Mark Thomas
2. Emily Muir
3. Sasha Purcell

**3:15 p.m.  3:30 p.m. Coffee Break**

3:30 p.m. - 5:00 p.m.
Chair: Mark Thomas
1. Thomas Giddens and Tim Peters
2. Jordan Belor
3. Christopher Allen Walker

5:00 p.m. -6:30 p.m.
Chair: Rostam Neuwirth
1. Moira McMIllan
2. Lung Lung Hu
3. Kieran Tranter

# ABSTRACTS

**Shulamit Almog and Nomy Katz**
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***"I realized eventually, they'd come for me"*** **are dystopian video games cautionary tales?**

The quote in the title, taken from the blockbuster video game "Watch Dogs: Legion" trailer, echoes Martin Niemöller's famous poem "First they came…," which transpired into a cultural symbol of personal responsibility when legal protections are starting to collapse. Whether it is an homage to the original or cynical employment of it for marketing purposes, it seems to catch one of the characteristics sometimes linked to dystopian video games as cultural representations.

Numerous Dystopian video games such as "Deus Ex", "watch dogs" and "beholder" take place in futuristic reality, where the rule of law is either non-existent or heavily distorted. According to one reading, these games, that often involve intricate dark narratives, are essentially cautionary tales potent warning against the collapse of civil liberties and legal systems. According to another reading, following Saul Friedländer's argument in "Reflections of Nazism - an Essay on Kitsch and Death", gamers immersed in practices dictated by the games, such as violent acts and hate speech serve as agents of normalizing such forms and norms and facilitate importing them into real world. The presentation will analyze both readings, while aiming to trace the cultural functions dystopian video games play in contemporary arena of competing perspectives regarding the role of law.

**Jordan Belor**
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**The Artificiality of Personhood: Artificial Intelligence, Corporations and Consumers in 'Autofac'**

Recent years have seen interest in the possibility of using Artificial Intelligence (AI) to modify corporations into a new form: AI-run corporations that would eliminate the need for directors. This paper takes up and interrogates the hybridity of this technolegal entity through a cultural legal and contrapuntal reading of the eighth episode of the anthology television series Philip K Dick's Electric Dreams (2017), 'Autofac'. This way of reading is designed to reveal and understand functions of law and legality as well as look to the imbedded elements of imperialism while bringing the hidden voices/ transcripts to the forefront of the inquiry. The episode features a humanity replaced by advanced AI trying to survive from the automatic factory (Autofac) that is simultaneously seeking to provide for them as consumers as well as encamping and killing them if its objectives are compromised. The significance of this science fiction representation raises three points. First, humanity's extinction caused a shift in the dominant hierarchal structures between the human and corporation in Autofac. This shift reveals how corporate purpose can function not necessarily as a measure to regulate corporations to call into question social responsibility but rather a biopolitcal technique to regulate life.
What the biopolitical nature of the Autofac alludes to is the second point: how it challenges the traditional sense of legal personality by merging natural and artificial personhood together. Since the Autofac has a monopoly on the creation of 'life' per se, anything or anyone produced from its factories can be bought, sold and destroyed. As the Autofac is presented as an AI-run corporation, this suggests that, along with corporate personhood, corporations are constructs. Logically, if they can be made, they can be unmade. Autofac offers a solution to this new form of corporation through the destruction of data particularly, uploading a virus that allows for a complete severance and rejection of the data that controls the AI-consumers. The destruction of data grants the AI consumers to thrive and for those hidden transcripts to finally surface but for a disruption of our possible future.

**Yeliz Figen Doker and Habibe Deniz Seval**
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**Analyzing the Portrayal of AI and the Law-Making Process in Science Fiction**

As the use of artificial intelligence (AI) continues to grow and evolve, so too do the sociolegal challenges it poses. Lawyers, in particular, must grapple with the complex ethical and legal implications of AI and its impact on society. One way to better understand and address these challenges is by exploring them through the lens of science fiction. By analyzing specific science fiction works and their portrayal of the law-making process in relation to AI, we can gain valuable insight into the challenges and opportunities presented by this technology.

In this study, we will focus on two specific science fiction works: Isaac Asimov's "Three Laws of Robotics" and Philip K. Dick's "Do Androids Dream of Electric Sheep?" These works provide unique and thought-provoking perspectives on AI and its impact on the legal system and society. In "Three Laws of Robotics," Asimov explores the potential consequences of AI through the lens of the laws that govern the behavior of robots. These laws, which include the need for robots to protect human life and obey human orders, provide a framework for considering the ethical and legal implications of AI. By examining the ways in which these laws are applied and interpreted in the novel, we can gain a better understanding of the challenges and complexities involved in addressing the socio-legal issues raised by AI. Similarly, "Do Androids Dream of Electric Sheep?" provides insight into the law-making process and how it may be used to address the challenges posed by AI. The novel is set in a society that is struggling to recover from a nuclear war, and the characters must grapple with the ethical and legal implications of creating and using AI. Through the lawmaking process depicted in the novel, we can gain insight into the challenges and opportunities involved in regulating AI.
By analyzing these specific science fiction works, we can gain valuable insight into the portrayal of AI and the law-making process in relation to this technology. By comparing and contrasting these portrayals with real-world law-making efforts in relation to AI, we can gain a better understanding of the challenges and opportunities presented by this technology.

**Thomas Giddens and Timothy D Peters**
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**Political Theology, 1001 Cars Long: Snowpiercer, Science Fiction and the Political Theology of Corporate Forms**

This paper engages in a cultural legal reading of the Netflix cli-fi tv series Snowpiercer (2020-). In this series politics and political structures function through a corporate form: Wilford Industries. What is key to the series – at least for Season 1, which is our focus – is that the supposed 'head' of Wilford Industries, Mr Wilford, does not exist. Rather he is a fiction, a myth in whose name all of the actions on Snowpiercer are conducted. As such, the series takes-up the long-held science-fiction trope of corporations taking over (what remains of) the world. The significance of the 'absent head' of Snowpiercer, however, and the authority upon which it functions is the way in which it demonstrates a form of political theology – the empty throne upon which sovereign authority functions – the fact that the sovereign's absolute power is only realised in its images, and the sense of the absent core at the centre of power. The operations of power, at the same time, still have recourse to the form of law and its rules: trials are conducted, citizens are convicted and punished for treason or sedition. Yet the authority for these actions are positioned not based on a democratic will of the people, but rather what could be a reproduced version of the *ancien régime* – which would, in itself, explain the subsequent revolution. However, what is significant is not only the tearing away of the mask that hides sovereign power, but that the form in which this power is exercised is that of a corporation. This raises complex questions about the relation between state and corporate power as they are undergirded by a political theology of absent-power. Other aspects of the series, such as the paradoxical inside/outside space of the Tail, the use of the external environment in punishment rituals, and the divine positioning of the train itself as the 'Engine Eternal', all play into and variously complicate and complement the articulation of this political theology.

**Alex Green**
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**Towards an Impossible Polis: Jurisdictional Imagination and State Continuity**

The drama that takes place within China Miéville's award-winning weird fiction novel, The City & The City, is set within a geographical space occupied by Beszél and Ul Qoma, two fictional cities that exist both side-by-side and on top of one another, somewhere near the Black Sea. Citizens of both cities are legally bound to 'unsee' any buildings, infrastructure, and individuals belonging to the other city within their shared world; a task for which they are trained since birth.

Analogously to the citizens of Beszél and Ul Qoma, international lawyers are trained (albeit not quite from birth) to 'unsee' political communities that do not conform to the law's conception of statehood. Within our own world, however, the result of this unseeing is not the mutual coexistence, however tense, of different polities, but the subordination and neglect of communities that do not, for whatever reason, comply with the norm. Historically, this has taken place through the denial of statehood to itinerant and differentially organised populations, whose traditions of territorial governance lack an archetypally European relationship to the occupation of land.

Even within the accepted boundaries of legal statehood, changing circumstances can divest communities of their legal status in unjust ways. The position of Small Island States in relation to climate change is perhaps the most recent example of this issue. These communities face a unique existential threat from rising sea levels, which encompasses not only the potential shrinking of their land and maritime boundaries but also, within the not too distant future, the possibility of complete submergence. The traditional or, as I have called it elsewhere, the 'austere' interpretation of international law is that since states cannot exist without land-based territory (See, for example, Article 1 of the Montevideo Convention on the Rights and Duties of States 1993), such Small Island States are doomed to legal as well as physical extinction, with all the concomitant dangers that may bring, including, importantly, the formal statelessness of their erstwhile populations. In this chapter, I once more attack this austere interpretation of international law. On this occasion, however, I criticise it for lacking jurisdictional imagination. The City & The City not only illuminates to some of the ways in which international 'unsees' particular communities. It also presents a hypothetical example of the jurisdictional possibilities that might exist, were international law to exhibit greater imagination and inclusiveness. Beszél and Ul Qoma, whatever their other difficulties, nonetheless exist in a wholly unconventional but stable relation to land. I ask: given that it is cogent to imagine two cities that occupy the same space, why not imagine a state that exists, notwithstanding the total submergence of the landmass it once occupied? International law should make greater space for the existence, continuity, and equal status of political communities that do not comply with its standard conceptions of statehood. China Miéville's work not only

highlights its failure to do so as a problem but also suggests that problem to be anything but insuperable, assuming that we can muster up the political will.

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**Utopia in Dystopia  Law, Zombie, and Chinese Immigrant**

Candace Chen is a second-generation Hakka, whose parents are from FuJian province, China, living in the New York city and working at a publishing house, Spectra, in the Bible department. While she tries her best to work the way up, the Shen fever outbreak starts. Her dream and her ambition seem have snapped, even though she has never had a chance to accomplish them before the pandemic. She, then, joins a group of survivors who are immune to this fungal disease.

Severance was written by Ling Ma in 2018 and describes a world in which there is a pandemic outbreak. Since the Covid-19 pandemic began at the end of 2019 and the beginning of 2020, this novel reappeared in the public eye. This novel portrays how Candace, a young female immigrant from China, who lives in a society that she does not really get herself fit into, survives the pandemic.

In this paper, the author will analyze this novel from a legal point of view. When law does not apply during pandemic, human beings, especially males, who want to control everything, still need/make/manipulate/distort laws to take control of those who are weaker, such as females and immigrants.

Candace, as a female and a Chinese immigrant, who works like a zombie at the bottom of a company, has never had an upper hand before the pandemic. The pandemic caused by Shen fever, which shows bias by the way of naming the disease after the name of a Chinese city that has been forbidden by WHO, happens to be an opportunity for Candace to reshape her life. Therefore, Shen fever represents a legal counterforce that resists the discrimination from the West. And it is also a chance for Candace to challenge the oppressors and establish her own utopia out of a lawless dystopia full of despicable livings and half-dead zombies.

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**The Three-Body Problem: Prometheus, Pandora, and the Law. Human Rights at the complex dynamics between Trisolarians and Earthlings**

Creation and destruction go hand in hand from the mythical Prometheus and Pandora to the Trisolarian fiction in Cixin Liu's "The Three-Body Problem". From fire to the sophons (Trisolarian tech consisting of protons unfolded on n-dimensions), technologies are means for both creation and destruction. The Law is slower and has limited efficiency before the speedy, massive, and relentless evolution of technology. At the most basic level, United Nations' regulation on Human Rights, remain a valid reference of respect for human life on our planet. This chapter is about the mutual recognition of basic rights for and by Earthlings and Trisolarians considering both parties' limitations, needs and interests and variables such as technological power, means, cost, benefit, and reasonable alternatives. Guarantees for fair legislative, governance and enforcement processes are also considered. The chapter ends with a final note on hope. It is reasonable that intelligent beings weigh alternatives to war beforehand. Within our planet and beyond, mutual basic rights could be a compelling argument for constructive relationships and peace.

**Emily Muir**
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**To Face the World Alone or Together: Jus ad bellum and the Lives of Child Soldiers in Neon Genesis Evangelion**

Children live within adult spaces and narratives. While images and narratives of child wartime heroes are perennial and celebrated children continue to be put at risk and are most vulnerable during times of conflict. Child protagonists are imagined as the solution to humanities suffering. This paper engages in a cultural legal reading of the fan celebrated Japanese anime Neon Genesis Evangelion. The series was first broadcast by TV Tokyo in 1995 and ended in 1996. In this series children are conscripted into a galactic armed conflict where human survival becomes reliant on an adolescent hero. In this series the representations of children antagonise perspectives of law, war, and childhood. This paper argues that by portraying children as stakeholders in armed conflict, through the imagery of the hero who rises above, the ambiguities of *jus ad bellum* create a cycle of violence that affects children. The cultural legal analysis of the text expands the understanding of just war theory and the child identity within international law.

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**Future Law, the Power of Prediction, and the Disappearance of Time**

The human fascination with the art of predicting the future derives from the practical need to anticipate events to make adequate decisions. While science fiction has undoubtedly contributed greatly to this field, there are a large number of other forms of expression of the same desire to predict the future in almost every field of activity  from the arts to science, from technology to linguistics, and from artificial intelligence to magic  all of which constantly contribute to bringing the future closer to the present. However, there is one field that potentially has the greatest predictive power of them all: that is the field of law. To release this latent power of law, this article argues, a cognitive revolution has to take place, one that is related to the perception of time. Awareness about this cognitive change is dawning and is currently manifesting itself in a general trend derived from related trends of convergence in language and technology. These trends are captured by the rise of the rhetorical figures of oxymora and paradoxes, or so-called "essentially oxymoronic concepts," that increasingly pervade all human activities. Over the course of time, these concepts appear to have shown the magical power of bringing opposites into closer contact and possibly transcending their apparent contradictions to create a new reality. Pondering the future role of law while considering the present perception of time based on the dichotomy of the past and the future, this article inquires how far oxymora and paradoxes such as science fiction and space-time indicate an acceleration, a gradual shrinking and even a possible disappearance of time (as we know it).

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**The Future in the Past: Constitutional Originalism, Utopia, and Early Modern Science Fiction**

Law and science fiction seem, almost by definition, to arise from anticipatory acts. Humans create law to affect the future, and they create science fiction to image the future. Fredric Jameson has argued, however, that science fiction has a more complex relationship to the future than this. Science fiction images not just the future, but also what history might look like in the future what it might feel like to know the author's present moment as a part of history. Thus, Jameson argues in Archaeologies of the Future (2005), the temporal presuppositions of science fiction (and of the related genre, or impulse, of utopia) invert those of the trace. While the trace makes some part of the absent past available in the present moment, the utopian or science fictional artifact makes some part of the absent future available in the present.

Law, of course, also presupposes a more complex relationship to temporality than simple future orientation. Lawyers' consciousness is drenched in awareness of and communications about the past. For lawyers, the past is the source of authority, even if law-making is future-oriented. The U.S. Supreme Court's embrace of originalist constitutional interpretation is perhaps the most extreme contemporary example of this past-oriented legal consciousness. While there are many ways to regard constitutional originalism, one way might be to view it as an obsession with creating traces, a sustained effort to make parts of the absent past available in the present moment.

This project will consider what it might mean to consider constitutional originalism in light of the inversion Jameson has suggested: in light of the utopian and science fictional impulse to make parts of the absent future available in the present. The initial motivation for this project arose from Jameson's observation that the period during which early modern constitution-making flowered (1780s-1830s) also saw the emergence of new forms of utopia and, by some accounts, the birth of science fiction. Thus, the project will consider what it might mean for historically oriented constitutional interpretation and theory to regard constitutions, utopias, and science-fiction narratives as three manifestations of a common cultural impulse and of a particular, historically specific, orientation toward futurity and time.

To achieve this goal, the overall project will consider aspects of the intellectual context of this period not usually addressed or acknowledged by constitutional originalists, focusing on texts available during the 1780s or significantly shaped by the lived events of the 1780s. Among these texts are the socialist utopian writings of Saint-Simon (1760-1825), Charles Fourier (1772-1837) and Robert Owen (1771-1858). These texts also include the science fiction of Samuel Madden (Memoirs of the Twentieth Century, 1733), Voltaire (Micromegas, 1752), Marie-Anne de Roumier-Robert (Lord Seton's Voyage Among the Seven Planets, 1765), Louis-Sebastien Mercier (The Year 2440, translated into English in

1770), and Mary Shelley (The Last Man, 1826, in addition to Frankenstein, 1818), as well as periodical pieces from the same stretch of time.

Madden's and Mercier's narratives are sometimes identified as the first fictional narratives set in the future. Thomas Jefferson and George Washington are both believed to have owned the first English edition of The Year 2440. More generally, there is every reason to think that the framers of the U.S. Constitution, and their public, were consciously concerned at least as much with the future as they were with the past. So understanding the original meaning of the Constitution requires thought about what the future looked like in the past, how the future was thought during this particular period in the past; careful attention to these texts can help build that understanding.

This exercise could yield insights for legal theory and practice, especially in the U.S. For example, the project will supply new and historically grounded support for the position that the supposed choice between originalism and "living constitutionalism" is a false dilemma. The original understanding of the Constitution's meaning was not a static set of propositions, but a consciousness that anticipated change, in both expected and unexpected forms, in the future.

The project might also, however, supply new support for arguments against originalism itself as a rhetoric and even for reconsideration of the place of constitutional law within a broader legal landscape. Jameson describes the utopian impulse as manifesting in enclaves or preserves, spaces necessarily detached from a wider geography or social system. Science fiction narratives, likewise, exhibit an ontological closure distinct from the kind of formal closure present in all narrative. Moreover, both utopias and science fiction have complex historical and thematic relationships with settler colonialism. These forms seem driven to represent the social existence on which they focus as radically discontinuous with the lived reality of at least some other beings. If the U.S. Constitution is kin to these cultural expressions, then structural imperatives of the form might have demanded that the Constitution share this detachment. Viewing the Constitution this way could clarify some of the limits of its legal functionality and help to explain some of its most significant shortcomings, such as its inability to deal directly with the institution of slavery and its failure to acknowledge the possibility of distributive injustice, both issues receiving significant attention in other contemporary views of the future.

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**Queer Failings of a Hero: Challenging 'Success' in *Batman: The War of Jokes and Riddles***

This paper explores how queer legal failure challenges the concept of success as seen through the recent DC Comics publication *Batman: The War of Jokes and Riddles* (Tom King, et al, 2017). By questioning the cost and meaning of his own success, it is argued that this portrayal of Batman critiques the limits he sets on his actions, the consequences of these limits, and the ongoing nature of loss he must subsequently endure. In turn, this critique questions the everyday acceptance of loss and failure, as well as the abjection of things that challenge the hetero-patriarchal standards, and how queer legal failure critically exposes elements of law. As a visual jurisprudential examination, this extends to the role multiple villains of the narrative play in both challenging, representing, and ultimately conforming or protecting the set structure of success. Finally, the ultimate representation of success  Bruce Wayne being accepted by Selina Kyle after discussing the horrors of this Gotham-based war  is queerly undermined. Despite, at face value, the adherence to hetero-patriarchal standards, neither of these characters succeed at getting the 'white picket fence'. Ultimately, the concept of success is dissolved, with characters that build, distort, or conform to that concept providing their own outcomes.

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**Is International Law the New Loki? Feminist Legal Thought, Science Fiction and Inter-Temporality**

The objective of this chapter is to highlight and focus on the common theme of inter-temporality that weaves through science fiction and feminist legal thought. In particular, the paper analyses this interconnection using the examples of Marvel's 2021 Loki series and feminist approaches to international law, by applying these approaches to issues of inter-temporality and international law. From a methodological perspective, the paper relies on two cases one involving facts set during peace, decided by the International Court of Justice, and the other involving the application of the laws of war, decided by the International Criminal Court. Keeping this in view, the paper draws on two episodes from Loki in particular, one set in peace and one after the collapse of the sacred timeline, during the brink of a temporal or 'multiversal' war. The paper uses feminist approaches to international law to analyse this intertwinement between the Marvel multiverse and international law.

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**Political Theology, 1001 Cars Long: Snowpiercer, Science Fiction and the Political Theology of Corporate Forms**

This paper engages in a cultural legal reading of the Netflix cli-fi tv series Snowpiercer (2020-). In this series politics and political structures function through a corporate form: Wilford Industries. What is key to the series – at least for Season 1, which is our focus – is that the supposed 'head' of Wilford Industries, Mr Wilford, does not exist. Rather he is a fiction, a myth in whose name all of the actions on Snowpiercer are conducted. As such, the series takes-up the long-held science-fiction trope of corporations taking over (what remains of) the world. The significance of the 'absent head' of Snowpiercer, however, and the authority upon which it functions is the way in which it demonstrates a form of political theology – the empty throne upon which sovereign authority functions – the fact that the sovereign's absolute power is only realised in its images, and the sense of the absent core at the centre of power. The operations of power, at the same time, still have recourse to the form of law and its rules: trials are conducted, citizens are convicted and punished for treason or sedition. Yet the authority for these actions are positioned not based on a democratic will of the people, but rather what could be a reproduced version of the *ancien régime* – which would, in itself, explain the subsequent revolution. However, what is significant is not only the tearing away of the mask that hides sovereign power, but that the form in which this power is exercised is that of a corporation. This raises complex questions about the relation between state and corporate power as they are undergirded by a political theology of absent-power. Other aspects of the series, such as the paradoxical inside/outside space of the Tail, the use of the external environment in punishment rituals, and the divine positioning of the train itself as the 'Engine Eternal', all play into and variously complicate and complement the articulation of this political theology.

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**Boldly Gone: The Estranged Presence of Law in Star Trek**

This chapter argues that law has an estranged presence within Star Trek. It charts the appearance and disappearances and reappearance of law within Star Trek. This might seem counterintuitive. Star Trek has consistently been recognised as 'law-full', that is full of law. Indeed, scanners can identify a discrete law in Star Trek literature. However, law does not remain static within Star Trek. Rather like a subspace warp drive, a wormhole, dimensional bridge or a similar device from science fiction's repertoire of fictitious ways to avoid the speed of light, there is like the Trek 'transporter' a going from something to absence to something again. But in this transmission, there is change. This chapter maps the dematerialisation of the surface representation of modern law in Star Trek and a materialisation of a techno-normative complex of limit and its mediation. This is the estranged presence of law in Star Trek, 'It's Law Jim, but not as we know it.'
The structure is as follows. The first part reviews the lawfulness of Star Trek particularly in relation to the Prime Directive. The second part runs a grade four diagnostic of these representations of law. This examination reveals that the Prime Directive dissolves into a cascade of exceptions. Further, this same vanishing is observed in relation to other representations of modern law. The third part suggests that this is not the end of law in Star Trek. What is not shown is a mirror universe where the representations of law are revealed as inverted and hollow. Instead, there is a profound and persistent legality. What is continually screened is the presentation of a limit that can be overcome through technobabble. A legality of technically mutable laws.

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**Normative Worlds: Law, Subjects, Toys, and Virtual Spaces**

How can we understand better the way in which law builds normative worlds and which building blocks does law need to perform that task? I explore these themes by contrasting two novels of very different bent.

On the one hand, Ismail Kadare's Broken April, a work many would describe as dealing with atavistic forms of law and subjectivity, illustrates the importance of thinking through the "legal subject" concept to include the subject's varied internal attitude towards the normative order. If we wish the legal order to pursue a shared desired normative horizon, can it do that without the commitment of its subjects?

On the other hand, Samanta Schweblin's Kentukis (Little Eyes in English) a work bordering science fiction captures well how the normative can be induced through artefacts such as toys constituting and ensnaring subjects in seemingly self-induced normative worlds that exist well beyond the legal one.

I submit that these two narratives can help us to question the ideas of agency, responsibility, and the nature of one's engagement with the law which are at the core of law's project as a technique of social ordering. In the process, one also becomes aware of the ways in which technology may be radically challenging shared human normative worlds replacing them for virtual existences outside of existing social and normative life.

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**Recycled Bodies, Recycled Tropes: Nomos and Narrative in Ecological Sci-fi and Green Burial Technologies**

This paper argues that companies advertising green burial technologies are recycling a literary trope that features prominently in 1970s science fiction: the disposal and recycling of the human corpse as a necessary component of sustainable societies. While norms and laws of recycling and sustainability are present across a range of science fiction (for example, Bong Joon-ho's 2013 Snowpiercer in which the train is a closed ecosystem), narratives that center on the disposal and recycling of the human body touch specifically upon how laws and customs about the disposal of human corpses connect a nomos of the body to fears of planetary crisis.

The paper examines how Richard Fleischer's Soylent Green (1973) and Michael Anderson's Logan's Run (1976) foreground the fears of overpopulation through narratives that depict human populations as a threat to sustainable worlds, and recycling human bodies as a possible solution. These sci-fi films were produced out at the same moment that fears about a growing human population were under discussion in environmental sciences and policy, most notably Paul R. Ehrlich and Anne Ehrlich's The Population Bomb (1968) and the Club of Rome's controversial The Limits to Growth (1972). These texts argued that planet earth was nearing its carrying capacity, and that policies must be implemented to limit human populations and human impact. Thus, the trope of sustainable future worlds attained through technologies of recycling human corpses directly connects the dead body as an object of law and policy to planetary-scale fears of exhausted resources.

Building upon this analysis, I argue that the trope of recycling the body as the nomos of sustainability is now being utilized by companies that are developing and marketing green burial technology. Analysing promotional materials including videos, brochures, and iconography for Jae Rhim Lee's Infinity Burial Project and Bios's burial urns, I trace the utilization of the science fictional trope of recycled bodies as a nomos of planetary sustainability. Further, however, I demonstrate how these companies not only draw on 1970s fears of overpopulation, but ask consumers to imagine their future corpses as integral to a new ecological sense of interconnectedness, asking to potential customer to imagine their future corpse as potential nourishment for mushrooms, trees, and squirrels.

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**Narrative identity as a condition for authentic legal subjectivity on the example of the works of Olga Tokarczuk and Stanisław Lem**

The aim of this presentation is to show the role of narrative identity, which incorporates such elements as time, processuality, and the specific social, historical or cultural conditions in which a particular subject lives into the identification process of an individual. Those elements take part in the formation of a legally recognised subject cooperating with others within civil society. The "Self" here becomes a historical and interactional construct subject to constant development and confrontation within the community ("We") in which it functions. The essence of self-identification and full-fledged participation in social interactions becomes the unity of narrative form and the autobiographical story of the subject, or the story of the narrator adopting a first-person perspective. In this context, examples from the works of Stanisław Lem and Olga Tokarczuk are momentous. The relevance of this perspective will be shown on the example of legal relations, especially in relation to the authentic rights of representatives of minority groups.

UNDER THE AUSPICES OF THE

XXV WORLD CONGRESS OF PHILOSOPHY
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UNIVERSITÀ DEL PIEMONTE ORIENTALE
DIPARTIMENTO DI GIURISPRUDENZA E SCIENZE POLITICHE ECONOMICHE E SOCIALI

COORDINAMENTO CENACOLI ROSMINIANI

# 23RD INTERNATIONAL ROUNDTABLE FOR THE SEMIOTICS OF LAW

**IRSL Rome 2023**
**WORKSHOP**
**May 24-26**

## Semiotic Chorologies?
## Critical and Generative Spaces in an Intercultural World

Workshop Generative Un-disciplinary Group: Paolo Heritier, Fernando Bellelli, Davide Caldo, Francesco Campagnola, Jacques Gilbert, Nicolette Isar, Amalia Verdu Sanmartin, Daphne Vignon

# PRESENTERS

## 1) Critical and Performing Chorologies

### *a) Récit immersive 360°VR* (1)

**1 - Jacques Gilbert, Daphne Vignon, Pasiphae Leclere** (Littérature générale et comparée, Université de Nantes), *Khôra 360°: matière à raconter*;
**2 - Giorgio Beltramo** (Philosophy of Law, University of Turin*) Le savoir comme medium chorale*
3 - **Alessandro Campo** (Federico II Naples University), *'Between' as legal space*
**4 - Salifou Boubé** (Littérature générale et comparée, Universitè de Nantes- MAECI University of Eastern Piedmont-Niger), *Penser l'ancestralité et la Khôra*
**5 - Francesco Vitali-Rosati** (Moral Philosophy, University of Turin), *La science de l'espace. Chorologie et sophiologie chez Florenski*

### *b) Global History*

**6 - Francesco Campagnola** (History of Ideas and Japan Studies, Lisbon University), *Modern Ja panese Chorologies: a Case Study in the Generation of Global Cultural Differences through Space*
**7 - Enrico Fongaro**, (Philosophy and Ethics, Nanzan Institute for Religion and Culture, Nagoya on line), *Chōra and basho in the thought of Kitarō Nishida*

### *c) Critical legal education/ Affective turn and pain/Artistic Performances*

**8 - Amalia Verdu Sanmartin** (Feminist Jurisprudence, Turku University), *The Legal (Education) Schizophrenia*
**9 - Alberto Andronico** (Philosophy of Law, University of Catania), *Un pas au- delà du droit. Déconstruction et critique*
**10 - Angela Condello** (Philosophy of Law, University of Messina), *On the Act of Transgressing and its Generative Force*
**11 - Davide Caldo** (Orthopedic Surgery, Clinica Santa Caterina da Siena, Turin) *Affective turn in pain's neuroscience*;
**12 - Nicoletta Isar** (Byzantine Studies, University of Copenhagen), *Byzantine Chorology: a Paradigmatic Vision of the Land of Care*

***d) Récit immersive 360°VR*** (2)

**13 - Graziano Lingua** (Moral philosophy, Dean Department of Philosophy and Education, University of Turin) Khora/*écran. Spatialité numérique et fonctions de l'écran*
**14 - Alberto Romele** (Moral philosophy, University of Turin) *Visual Politics of Science and Technology: on the Narratives about Immersive Narratives*
**15 - Andrea Raciti** (Philosophy of Law, University of Catania), "Zugang zu Gott": *affective turn between Kojève's* "Atheism" *and Hegel's* "Philosophy of Religion"

## 2) Affective and generative turn in Law and Theology

### a) Legal Philosophy and Foundations of Canon Law

**16 - Andrea Favaro** (Philosophy of Law, Verona University), *Canon law and freedom to adhere to a juridical order. Do we have only some potential perspectives for the future?*
**17 - Piero Marino** (Federico II Naples University), *The Place of Normativity: Natural Law and "Personalistic Norm".*

### b) SYMPOSIUM
### Critical and/or Generative KHÔRA

**18 - Antonio Staglianò,** President of Pontificia Academia Theologica, Vatican, *Prolusion*.
**19 - Pierangelo Sequeri** (Fundamental Theology and Aesthetics, Pontifical Theological Institute John Paul II for Marriage and Family Sciences, Emeritus)
**20 - Peter Goodrich** (Law and Humanities, Cardozo Law School New York, online)
Discussants:
**21 - James Heisig** (Intercultural Dialogue, Nanzan Institute for Religion and Culture, Nagoya, Emeritus - on line),
**22 - Richard Sherwin** (Visual Studies, New York Law School)

### c) Theology

**23 - Isabella Guanzini** (Fundamental Theology, Linz University) *The Mother Tongue. Semiotics and Symbolics of Affections*

**24 - Andrea Ciucci** (John Paul II Pontifical Theological Institute for Marriage and Family Sciences, General Secretary RenAIssance Foundation, Vatican); *Who will save us from affections?*
**25 - Dario Cornati** (Fundamental Theology, Theological Faculty of Northern Italy, Milan), "What shall I tell them?": Ex 3:13.*The voice from the bush at Horeb and the focus of the divine name*
**26 - Fernando Bellelli** (Philosophy of law, University of Eastern Piedmont, Casa Natale Antonio Rosmini - Biblioteca Rosminiana, Rovereto), *Chorological semantics in the synthesistic logic of formation of law-right in Rosmini*
**27 - Rossano Gaboardi** (SDB, Ispettoria Salesiana Lombardo Emiliana, Forum Psicoanalitico Lacaniano); *The hole in the structure: the real of the knot in Lacan's borromean topology and the real of the kenosis in Von Balthasar's Christocentric trilogy*
**28 - Marcello Neri** (Ethics and Deontology, Istituto Superiore di Scienze dell'educazione e della Formazione G. Toniolo, *Law, Religion, and the Crisis of Democracy*
**29 - Gemma Serrano** (Théologie fondamentale, College des Bernardins, Paris), *La marchandisation digitale des affects.*

**d) Law**

**30 - Luisa Avitabile** (Philosophy of Law, La Sapienza University, Rome, Dean Faculty of Law), *Genealogy of Law. A Reflection on Legal Textuality*
**31 - Giovanni Bombelli** (Philosophy of Law, Catholic University, Milan), *Cognitive-affective. Polarities, Terminological (dis)Continuities, and Intersections/Overlaps of Semantic areas: Research*
**32 - Paolo Heritier** (Philosophy of Law, UPO) Homo Homini Homo. *Fuller, Plato, and VR360°'s caves: Toward a Khorologic Generative Christology as Intercultural Anthropology*
**33 - Fabio Macioce** (Philosophy of Law, LUMSA, Rome) *The Khôra and the law: overcoming oppositions, subverting hierarchies*
**34 - Antonio Punzi** (Philosophy of Law, LUISS University, Rome, Dean Faculty of Law)
**35 - Alberto Scerbo** (Philosophy of Law, University of Catanzaro), *Autour du Timée de Platon: pour une reformulation «chorologique» de la conception politique et juridique de la modernité*

**TIMETABLE**

**24 May Afternoon 4 p.m. 6:45 p.m.**

## 1) Critical and Performing Chorologies

a) ***Récit immersive 360°VR*** (1)

4:00 p.m. 5:00 p.m. - Jacques Gilbert, Daphne Vignon, Pasiphae Leclere
5:00 p.m. 5:25 p.m. - Giorgio Beltramo
5.25 p.m. 5:55 p.m. - Alessandro Campo
5.55 p.m. 6:20 p.m. - Salifou Boubé
6.20 p.m. 6:45 p.m. - Francesco Vitali-Rosati

**25 May Morning 9:30 a.m. 12: 45 p.m.**

***b) Global History***

9:30 a.m. 9:55 a.m. - Francesco Campagnola
9:55 a.m. 10:20 a.m. - Enrico Fongaro

***c) Critical legal education/Artistic Performances***

10:20 a.m. 10:45 a.m. - Amalia Verdu Sanmartin
10:45 a.m. 11:10 a.m. - Alberto Andronico
11:10 a.m. 11:30 a.m. - Coffee break
11:30 a.m. 11:55 a.m. -Angela Condello
11:55 a.m. 12:20 p.m. Davide Caldo
12:20 p.m. 12:45 p.m. - Nicoletta Isar

**25 May Afternoon 3:00 p.m. 5:10 p.m.**

***d) Récit immersive 360°VR*** (2) - ***Affective turn and pain***

3:00 p.m. 3:25 p.m. - Graziano Lingua
3:25 p.m. 3:50 - Alberto Romele
3:50 p.m. 4:15 p.m. Andrea Raciti

## 2) Affective and generative turn in Law and Theology

**a) Legal Philosòphy and Foundations of Canon Law**
4:20 p.m. 4:45 p.m. - Andrea Favaro
4:45 p.m. 5:10 p.m. - Piero Marino

**26 May Morning 8:30 a.m. 13:10 p.m.**

**b) SYMPOSIUM: Critical and/or Generative KHÔRA**

8:30 a.m. 8:55 a.m.- Antonio Staglianò
8:55 a.m. 9:35 a.m.- Pierangelo Sequeri
9:35 a.m. 10:15 a.m. - Peter Goodrich
10:15 a.m. 10:40 a.m.- James Heisig
10:40 a.m. 11:05 a.m.- Richard Sherwin

**11:05 a.m. 11:25 a.m. Coffee Break**

**c) Theology**

11:30 a.m. 11:55 a.m. - Isabella Guanzini
11:55 a.m. 12:05 p.m. - Andrea Ciucci
12:20 p.m. 12:45 p.m. -Dario Cornati
12:45 p.m. 13:10 p.m.- Fernando Bellelli

**26 May Afternoon 2:30 p.m. 6:45 p.m.**

2:30 p.m. 2:55 p.m.- Rossano Gaboardi
2:55 p.m. 3:20 p.m. - Marcello Neri
3:20 p.m. 3:45 p.m. - Gemma Serrano

**d) Law**

3:45 p.m. 4:10 p.m. - Luisa Avitabile
4:10 p.m. 4:35 p.m. - Giovanni Bombelli

**4:35 p.m. 5:00 p.m. Coffee Break**
5:00 p.m. 5:25 p.m. - Paolo Heritier
5:25 p.m. 5:50 p.m. - Fabio Macioce
5:50 p.m. 6:20 p.m.- Antonio Punzi
6:20 p.m. 6:45 - Alberto Scerbo

**Semiotic Chorologies?**
**Critical and Generative Spaces in an Intercultural World**
**Rome 24-25-26 May 2023**

# ABSTRACTS

Workshop Generative Un-disciplinary Group: Paolo Heritier, Fernando Bellelli, Davide Caldo, Francesco Campagnola, Jacques Gilbert, Nicolette Isar, Amalia Verdu Sanmartin, Daphne Vignon

Khôra, to which Plato refers to in his *Timaeus*, has been intended in the twentieth century debate (Heidegger, Derrida, Kristeva), as synonymous with, in sequence: bastard discourse, generative space, receptacle, a third gender between the 'sensible' and the 'intellect'. In contemporary post-global world, could and should it be considered from a renewing intercultural, interdisciplinary, and critical perspective?

Among the many and different chorological (generative or nihilistic) spaces that can be imagined from different disciplinary perspectives, can we identify some sort of relevant common element? Something that could legitimize critique against the disciplinary order of knowledge and institutions  including university  and give rise to new practices? In the same vein, is it plausible to assert that a chorological affective turn is *in the air*?

**Alberto Andronico**
(Philosophy of Law, University of Catania)

**Un pas au-delà du droit. Déconstruction et critique**

Un juriste devrait lire Derrida parce que la stratégie générale de la déconstruction permet de faire un pas au-delà du droit. Et, surtout, un pas au-delà de la théorie du droit qui croit encore aujourd'hui devoir laisser de côté des questions comme celles de la justice ou du pouvoir (pour ne rien dire d'autre), finissant ainsi par répéter obsessionnellement la thèse selon laquelle le droit n'est autre que le droit basé sur le droit. Un passage, cependant, qui prend les traits du pas de Freud au- delà du domaine du principe de plaisir sur lequel travaillait Derrida en jouant sur l'ambiguïté indécidable de ce nom qui en français, on le sait, est aussi un adverbe. Un pas au-delà du droit (et de sa théorie), donc, qui est aussi un pas en deçà, pointant vers une autre origine ou, mieux, vers une origine différente.

**Luisa Avitabile** (Philosophy of Law, La Sapienza University, Rome, Dean Faculty of Law).

**Genealogy of Law: A reflection on Legal Textuality**

The depth of a legal textual system that is not arbitrary, not totalitarian, not solipsistically conforming to hegemonic techno-formal instances, but with a reference to the 'essential' represented by logical-rational-relational functioning, can take shape through genealogical expressions. The genealogical issue, including the capital of signification, i.e. the commitment to communicative transmission and hermeneutics, rests on the circumstance that the phenomenological structure of law refers its distinctiveness back to *humanitas*. The meaning of the genealogical question motivates law, in its establishment, within the rational limits of legal civilization process. For the explication of a legal anthropology, I will proceed from the idea of the principle of genealogical causality. Its essential terms are to be traced back to a basic legal construction, which does not mean to re-establish, nor to destroy to reconstruct *ex novo*, but rather to take back the classical dimension of law. In saying this, I allude to a theoretical approach that is oriented to legal communication and refurbished according to a specific genealogical architecture in order to make the "sense of what is just" operate. In doing so, however, I will take into account the current legal framework, as such also shaped by the contemporary "data civilization,"" which sets any reflection on law to the extent that it is to be considered in the possible directions of current legal thought.

**Fernando Bellelli** (Philosophy of law, University of Eastern Piedmont, Casa Natale Antonio Rosmini - Biblioteca Rosminiana, Rovereto)

**Chorological semantics in the synthesistic logic of formation of law-right in Rosmini**

The formation of law in Rosmini revolves around his theoresis inherent in the person as right and subsistent relation. Roveretano's speculation has its fulcrum in the synthesis of the three forms of being: ideal, real and moral. It is precisely the moral form of being that has an intrinsic and structural chorological dimension, the semantics of which determines the genesis of law as the logic ordering the reflections (originating from and originating in the affections, intellections, volitions and cognitions and their orders). The contribution illustrates these aspects and their deontological dynamics.

**Giorgio Beltramo** *(University of Turin)*

**Le savoir comme medium chorale**

L'espace du savoir est l'espace public : la voix  pour reprendre une expression de Carlo Sini  résonne dehors pour tous. En ce sens, elle est chorale, si le chœur dans la tragédie classique est ce que tout le monde regarde et entend, pour savoir regarder et entendre la scène. L'espace de la connaissance est alors proprement un *medium* institué.
Questionner le savoir expose au paradoxe du rebond : la question de l'origine se pose déjà dans la distance instituée par le *medium*, et la voix qui répond et nomme l'origine a déjà franchi ce seuil. S'exposer au paradoxe, c'est alors s'exposer à la folie et à la mort : un geste à masquer et à différer, afin de le contrôler.
Le droit comme connaissance de l'institution et du contrôle théâtral s'est toujours exposé au risque de la folie. La théorie a souvent tenté d'éliminer la distance chorale et de dire le droit dans sa pureté. C'est précisément le savoir philosophico-juridique qui rebondit désormais comme un savoir normatif en soi, et s'expose ainsi au paradoxe de l'origine. De ce geste, en effet, le droit se révèle peut-être paradigmatique.

**Giovanni Bombelli** (Philosophy of Law, Catholic University, Milan)

**The 'Cognitive' and the 'Affective'. Polarities, Terminological (dis)Continuities, and Intersections/Overlaps of Semantic Areas**

The "cognitive-affective" polarity challenges a fundamental aspect of the Western philosophical-legal tradition. More precisely, it entails the discontinuity between the two levels developed by modernity (according to the conceptual path drawn by the Descartes-Vico opposition) as well as some similarities of the modern *Weltanschauung* when compared with the classical tradition. This framework involves a series of intersections and overlaps encompassing the semantic areas belonging to both 'cognitive' and 'affective' notions. Relying on an interdisciplinary approach, the contribution aims to highlight some steps and patterns of the renewed discussion of the 'cognitive-affective' binomial. And this with the specifical goal of bringing into the surface the close connection extant between the 'cognitive area' and the 'affective dimension' with special attention to its philosophical-legal projections.

**Salifou Boubé** (Universitè de Nantes- MAECI University of Eastern Piedmont-Niger),

**Penser l'ancestralité et la Khôra**

Le terme d'ancestralité renvoie à la fois au monde des ancêtres et au commencement du vivre au sein d'une cité ou d'une communauté. Il renvoie à l'idée d'un espace qui n'est ni purement intelligible ni purement sensible. En étant une sorte d'entre-deux, l'ancestralité apparait comme étant à mi-chemin entre l'Être et le Non-Être. Cette position singulière de l'ancestralité n'est pas sans rappeler le concept de Khôra. Espace singulier issue de la philosophie platonicienne et approfondit par des auteurs comme Derrida, la Khôra manifeste un intérêt spécifique dans le projet d'une philosophie de l'ancestralité. Dans notre communication, nous étudierons ses deux concepts bien que tout semble les distinguer.

**Davide Caldo** (Orthopedic Surgery, Clinica Santa Caterina da Siena, Turin)

**Affective Turn in Pain's Neuroscience**

Medical Semeiotic Theoretical Grounding has been deeply affected by evidence that has emerged in Affective Neuroscience over the last decade concerning the general Reward/Divert drive relationship to the affective domain; rooted in evolutionary positive / negative valence, emotional domain determines the perception and behaviour arena.
Conference contributors will discuss the main evidence concerning the positive valence (pleasure) drive and its relationship to the field of emotions, starting from an analysis of the Sad Music paradigm (Salimpoor). During the session, participants will look for an alternative theoretical frame to the traditional deterministic mechanistic view of Chronic Pain by analysing research perspectives' shift from pain being conceptualized as the "fifth vital sign" (in addition to the previous four: temperature, pulse rate, respiratory rate, and blood pressure) to being described as an emergent property from a complex biopsychosocial system, even involving digitalized affective information (digital affective collective).

**Francesco Campagnola** (History of Ideas and Japan Studies, Lisbon University)

**Modern Japanese Chorologies: A Case Study in the Generation of Global Cultural Differences through Space**

In my presentation I aim at highlighting the inevitable if paradoxical intercultural reciprocity of defining the culture of the Other in a global(ising) environment. As an intellectual historian who works on the relationship between modern and contemporary Europe and Japan, here I explore a specific and arguably marginal case, that of the Japanese interwar and wartime creation of the self and the West. I analyse this positional creative process as different organisms inhabiting their own semiotic environments and what happens when those environments are perceived and described as overlapping. I focus in particular on two different chorological constructions of Japan/ Asia and the West: philosopher Watsuji Tetsurō and the Japanese Romantic School. I show how, in those authors, natural and anthropic landscape, architecture, space, and human and metaphysical geography are living things or organic incubators in cultures' creation. I then try to frame those processes of intellectual and emotional identity's generation within a wider, global debate. This case study elicits a general reflection over the mingling and entangled nature of our cultural lives as human beings and how the spaces we inhabit are also shaping us with habits, constantly making, breaking, and re-modelling our identity as human beings.

**Alessandro Campo** (Federico II Naples University)

**'Between' as legal space**

According to Silverman, the concept of 'between' runs through the history of philosophy. The first step on this phenomenological and hermeneutic path is Plato's *metaxu*, which suggests at the same time separation and closeness. From Perniola's point of view, 'between' is linked to feeling as a specific aesthetic dimension: the Italian author addresses a proper 'sensology', reflecting on mannerism and a secularised Catholic 'feeling'.
If philosophy itself is a space between art and science, the law can be conceived as a space between morality and politics, between legal positivism and justice. The 'legal between' is then characterised by a specific 'legal' feeling. One wonders how this 'legal feeling' is addressed today in the philosophy of law. If law appears in a sense as the place of impersonal (and inorganic) feeling, the affective turn into metaphysics proposes a humanistic approach that shakes legal postmodernism from its very 'between'.

**Andrea Ciucci** (John Paul II Pontifical Theological Institute for Marriage and Family Sciences, General Secretary RenAIssance Foundation, Vatican)

**Who will save us from affections?**

The radical assumption of the untranslatability of *Chora* that lies at the heart of the Derridean reading of Plato's *Timaeus* offers a name for the deconstruction wrought by the French philosopher. And a broader measure than can be expected and desired in a debate that attempts the overcoming of rationalist metaphysics in favour of a rediscovery of the affects as a fruitful locus of philosophical and theological reflection. Derrida's critique is precisely radical: he defuses the *logos* but also the *pathos*. The desert is always desert and messianism an empty needed experience. *Chora*, the generating matrix, is made sterile. Julia Kristeva does not seem to hold up. Richard Kearney tries instead to save *Chora* and the possibility of a place. "And where is the fourth?" asks Socrates at the beginning of *Timaeus*. Perhaps in Istanbul, but one has to turn back....

**Angela Condello** (Philosophy of Law, University of Messina)

**On the Act of Transgressing and its Generative Force**

The term 'transgressio' defines the act of going beyond a limit, to step over, pass and go beyond. Critical legal education, following the tradition of critical legal theory, should aim at questioning the very conditions of possibility of a legal science, and not - as is the case with more traditional legal theory - at asking questions such as "what is law?". In my talk I will argue that perspectives such as law and humanities and law and gender can contribute to question precisely the conditions of possibility of law.

**Dario Cornati** (Fundamental Theology, Theological Faculty of Northern Italy, Milan)

**"What shall I tell them?": Ex 3:13. *The voice from the bush at Horeb and the focus of the divine name.***

Wanting to avoid the register of a formally academic presentation of the project, linked-to the affective turn of metaphysics, I thought of hooking my contribution to the narrative scene and the biblical icon of the "burning bush", within the experience even linguistically foundational (Talmud, Mysticism, Kabbalistics) of the communication of the NAME (*ehyeh asher ehyeh*: *Ex* 3,14).
The biblical name of God, like every name, «gives to the other what it does not yet possess» (Plato, Malebranche, Derrida), were it not for the hazard of its "giving itself away": that is, of its "living no longer for itself", inaugurating the *logos* of the expected covenant (Balthasar, 1963). Curiously, its generative function replicates in a way, quite clearly, the aporetic disproportion that Diotima, the first Platonic-woman (Lacan), gathered from *Penia's* thrusts, at the birth of *Eros*. Whereas the realism that the best exegesis attributes to it, that disproportion is inscribed in a responsible drama of creation and history, which is even the *habitat* of its sincere, and not obsolete, signification.
That name, in particular, in its prophetic inheritance is the indicator of the substantial quality and original promise of a bond between God and God, between God and the world, between creatures and God that shapes the uncertainties of the *Chora*, assigning it a recognizable theological principle and thereby igniting in the "human" the habit (the talent) to comparison.
Redeeming the symbolic (not merely referential) quality and actual identity of the divine nomination, in this way showing the original scope of the affection that wraps around it ("do not pronounce in vain"), in spite of its neo-scholastic restitution and its idealistic-transcendental interpretation (the 'modern' idea of God), could achieve a dual goal: intriguing a semiotically experienced audience and becoming a target of interest a theoretically trained crowd of philosophers/theologians. And nonetheless, this precise goal should correspond to the work ahead in the humanistic reconstruction of the secular city, which is inhabited by religious experts who have become numb to the form and force of the divine name.
The inter-disciplinary framework and the hospitable horizon of the conference would seem to me better honored in this way.

**Christian Crocetta** (Philosophy of Law, IUSVE)

***Déchets humains ou êtres dignes d'humanité? Possibles convergences entre Laudato Si', Fratelli tutti et études critiques sur le droit***

S'il est vrai que les mots sont tous des éléments linguistiques à l'intérieur d'une langue, non seulement des syntagmes autonomes, mais des termes qui prennent un sens dans le contexte d'un langage entier (Taylor), nous essaierons d'aborder la notion de "déchet" dans sa polysémie, en nous concentrant (entre autres perspectives, conceptuelles et disciplinaires) sur l'utilisation qui en est faite à propos des êtres humains et en relation avec le respect ou la méconnaissance de leur dignité, ou leur être, dans certains contextes et situations, "vies perdues" (Bauman).
Dans une société qui alimente, par un mécanisme d'opulente compétition et de marginalisation de ceux qui n'ont pas des capacités suffisantes, la "culture du déchet" (sur laquelle Pape François invite à réfléchir, en particulier dans les deux encycliques "Laudato si" et "Fratelli tutti") rend "déchets humains" ceux qui ne remplissent pas les conditions minimales nécessaires pour mener une vie digne.
À partir de cette categorie de "dèchet humain" nous pourrions chercher de créer des ponts entre les deux cadres de la philosophie du droit et de la théologie, en rappelant ex multis deux perspectives théologiques, qui nourrissent un regard prophétique et politique, dans des contextes géographiques et culturels profondément differents (et anticipateurs de ce qui a été affirmé dans le pontificat du Pape François): celle de Dom Helder Camara et de Don Tonino Bello, qui, du Brésil et des terres des Pouilles, ont su mettre puissamment l'accent sur le thème du déchet et sur la rhétorique d'actions et de politiques qui augmentent la vulnérabilité de sujets: "Votre action, tout en méritant - disait-il don Tonino Bello aux administrateurs publics - produit un déchet humain résiduel qui, dans le dialogue des plus grands systèmes, reste coupé du discours" (Bello).
En analysant, même si de manière encore exploratoire, ces réflexions de Camara et Bello et, parallelement, celles qui habitent les deux encycliques "franciscaines" que nous avons rappelées précédemment, le regard semble calquer, du moins sous certains points de vue, la réflexion et les perspectives d'observation de matrice giusphilosophique émergeant en particulier depuis le "vulnerability turn" (Burgourgue-Larsen), à partir de la nécessité de mettre au centre le visage concret du sujet plus vulnérable. Une vulnerabilité comprise dans un sens ontologique, comme adjectif de la fragilité constitutive de l'etre humain, mais surtout dans un sens spécifique et situationnel; une vulnerabilité conçue non seulement comme une exposition à la blessure et à la violence potentielle de l'autre (qui rappelle seulement la dimension belliqueuse de la racine du *vulnus*) mais aussi - dans une perspective exactement opposée - comme une exposition de la personne aux soins d'autrui (Butler).
L'hypothèse est que le point de contact que nous pouvons retrouver, au moins à une première analyse, entre la théologie et les théories critiques du droit dans le domaine du

droit, soit d'être inévitablement interpellés par le visage fragile et précieux de tout être humain, surtout de ceux qui risquent d'être plus vulnérables, ensemble au désir de réaliser ainsi une société plus juste. Même si les réponses concrètes, pour prendre en charge la dignité de ces sujets, peuvent faire diverger ces reflexions, en particulier sur de thèmes specifiques, selon la perspective théologique ou giusphilosophique qu'on assume, vers des chemins de réponse différents.

**Andrea Favaro** (Verona University)

***Canon law and freedom to adhere to a juridical order. We have just some potential perspectives for the future?***

In the perspective of a post-modern legal order, paradoxically, the "ancient" canon law can bear witness to elements of prophecy and fruitfulness. In fact, canonical experience already bears witness to a legal system that only imposes itself on individuals who voluntarily wish to adhere to it, 'by choice' precisely, and never by compulsion, birth, descent, conception.
Theoretically, one could even hypothesise a proposal for a counterbalance in the themes for which the community dimension within the canonical order (which we have already highlighted in its 'global' nature of efficacy) is not hetero-determined in its dimension, but is forged in the daily life of adhesion of conscience, channelling the faculty of dissociation of the individual to the datum of trust that may be absent, as sometimes seems to be found in the common experience of the 'faithful'.
In short, the sense of the re-discovery of the character of autonomous inauguration and universality of application of canon law could become a "model" for the secular systems of the near future, which are increasingly entangled in a lost identity that sees the moment of crisis expressed in plural and not always coordinated ways.

**Enrico Fongaro** (Nanzan Institute for Religion and Culture, Nagoya online)

***Chōra and basho in the thought of Kitarō Nishida.***

Around 1925 in the thought of Japanese philosopher Kitarō Nishida (1870-1945) a first and decisive turning point is realized due to the creation of the concept of "place", in Japanese *basho* 場所. By Nishida's own admission, at the origin of this new conceptuality, which enables him to realize a more exact theoretical definition of the Buddhist worldview at the root of his philosophy, lies precisely his encounter with the Platonic concept of *chōra*. In my talk, I would like to try to elucidate the cross-cultural meaning and scope of the concept of *basho*, trying to indicate the similarities and differences from the original Platonic concept.

**Rossano Gaboardi** (SDB, Ispettoria Salesiana Lombardo Emiliana, Forum Psicoanalitico Lacaniano)

***The hole in the structure: the real of the knot in Lacan's borromean topology and the real of the kenosis in Von Balthasar's Christocentric trilogy.***

The bureaucratic exploration of the psychism in the stream of Freudian topics, interpreted through Descartes' cogito, leads Lacan to detect a language structure which can be analyzed through interconnected categories called the Real, the Symbolic and the Imaginary.
These three "essential categories of the human reality", also conceivable as "the Father's names" since they denote the emergence of the psychic causality in its being irreducible, metaphoric and illusive, are separable although linked and finally represented by the borromean knot which allows the chance of a clinical interrelationship.
In the centre of the rings, in the hole, there is the object «petit a», which is the actual Lacanian invention, the cause and ontological fundament of the analytic experience.
The investigation around Being, which is the crucial point of Structuralism, is deeply documented by Von Balthasar who is able to create a dialogue with the metaphysical topics of the Patristic and of the Scholastic and the nihilistic anticipations of postmodernity.
The epilogue of his monumental study gives us a renewed interpretation of transcendentals - which "can be only one into the other" - which are combined with Him who is him (not without the Other) manifesting, giving and telling himself through its dramatic epiphanic feature (Erscheinung). This revelation leads the steps of thought on a path that leads to the doors of a double kenosis, where Being expresses itself through the features of absolute freedom - the Totally Other - which reciprocally empty themselves to create the conditions of an act that is reduction and difference.
At the centre of the scene which, in its drama, reveals the original structure, stands the reality of a latent fragmented body whose fragments are Eucharist. As appearance of the «petit a», the figure of the cause of the desire mystically invested by the other of the demand, the analyst (like the saint) is a sign of the «ex-sistenza» of the Other, who is unconscious, provided that a theo-logy does not let it emerge by celebrating it in the reality of its knot.

**Jacques Gilbert, Daphne Vignon, Pasiphae Leclere** (*Littérature générale et comparée, Université de Nantes)*

***Khôra 360°: matière à raconteur.***

La captation et la diffusion en 360° avec des technologies immersives permettent d'envisager d'une façon nouvelle les modalités. Du récit. Il est fréquent quelecontes commencent par:« ilétaitune fois ». Cela signifie qu' « une fois », et dans un certain lieu, quelque chose s'est passé. Mais aussi que l'événement conté précède nécessairement le récit qu'on en fait. Le récit suppose une forme de préséance. L'utilisation de la technologie du casque immersif en 360° n'échappe pas à la règle. Quelle est la « matière » du récit? On peut ici entendre « matière » en son sens aristotélicien d'*hylê*, qui n'indique pas une matière *actuelle* mais plutôt *en puissance*, une « matière à » comme on dit « matière à penser », ou comme on désigne au Moyen-Âge la « matière de Bretagne ».
Cette indétermination de l'*hylê* se trouve déjà chez Platon dans la notion de *khôra* qui désigne, dans le Timée, une sorte d'espace préalable à la fabrication du monde par le démiurge. Le terme désigne un espace indéterminé plus ou moins limité.
Il est intéressant que le récit de la fabrication du monde commence avec la *khôra* qui toutefois n'y participe pas. Cette césure maintient la nécessaire distinction du raconté et du récit. Un récit ne peut jamais se raconter lui-même comme récit, ni faire l'histoire de sa propre émergence. Les jeux d'anticipation narrative et d'adresse au lecteur de Sterne ou Diderot ne peuvent empêcher que celui-ci vient après. Le récit a besoin de s'appuyer sur l'espace préalable du « il était une fois » afin de pouvoir y déployer ce qu'il raconte. C'est précisément ce qui le distingue du jeu vidéo interactif. Mickael Witzel dans son ouvrage sur l'origine des mythes distingue deux formes de mythologies initiales : celle du Gondwana qui correspond à la première sortie d'Afrique et la première vague narrative. Elle prend en compte un monde déjà constitué sans création alors que le récit laurasien raconte préalablement la création ou l'émergence du monde. Il correspond à la seconde vague de sortie d'Afrique et se répand dans l'espace eurasiatique et américain. La possibilité de deux modèles mythologiques peuvent nous aider à poser ce que nous entendons comme la khôra.
Le récit du Timée, comme celui de la Genèse, relèvent de la mythologie laurasienne mais d'une certaine façon ils contiennent la distinction qui les fonde. La particularité du récit laurasien revient en effet à inclure la dimension narrative, son actualisation, dans le récit mythique lui même. Genette utiliserait le terme de « métalepse ». La khôra du Timée en est la marque indicielle.
Commençons par une histoire ou plutôt une histoire d'histoire. Wittgenstein désigne comme « mythologie » le « nid » de propositions qui précède et comprend toute parole sans qu'il nous est impossible de le démêler. La *khora* de Platon pourrait figurer une sorte d'articulation qui conserverait la trace du passage d'une mythologie à un autre. Il ne s'agit pas de définir un point « d'antériorité » ou un point de vue. Ce serait déjà se limiter au

modèle laurasien. Il faut plutôt tenter d'établir le « motif » qui porte en son sein, à la fois, la bifurcation et la non-bifurcation entre le déjà-là et le « monde » qui émerge. Augustin évoque une distension de l'âme. La *khôra* est alors cet espace préalable à la naissance au Monde ou du Monde, celui qui en contient toute les possibilités sans en manifester aucune.

Concernant les dispositifs immersifs en 360°, il s'agit non pas de réaliser un archéologie mais de prendre en compte les possibilités d'émergence et ensuite tenter de déterminer les « matrices narratives » comme autant de modèles spatio temporels. Les technologies de captation et de visualisation en 360 nous amènent ainsi à reconsidérer le récit ainsi que nos conceptions les plus immédiates de l'espace du temps y compris celles portées par notre propre chair pour en-visager au sens le plus simple, les modalités de ce qui se présente.

**Isabella Guanzini** (Fundamental Theology, Linz University)

***The Mother Tongue. Semiotics and Symbolics of Affections.***

A constant tension between the semiotic and the symbolic runs through every experience of the sacred, in a precarious balance in which the form of the language tends to domesticate the chaotic force of drives. In the psychoanalytic perspective of Jacques Lacan, *lalangue* is a linguistic dimension that has the nature of the body, at the intersection of biology and sense, body and reason, affection and meaning. It concerns the singular, affective, and maternal side of language, which is expressed in the lallation of children, in the speech of mystics or in the works of poets. In this presentation, an attempt will be made to consider the chorological aspect of language, referring both to the concept of *chora* developed by Julia Kristeva, and to Jacques Lacan's *Seminar XX*, in which *lalangue* assumes a central role. Chorological language is not only a language of the body, but a language inhabited by the body, in which the semiotic and the symbolic register speak the same tongue, i.e., the mother tongue, as happens in the Christian tradition. Indeed, Christianity bears witness to the truth of a word made flesh, as well as of a knowledge of the unconscious in which affects, drives and experiences of limitation are constituent elements.

**Paolo Heritier** (Philosophy of Law, UPO) Homo Homini Homo.

***Fuller, Plato, and VR360°'s caves: Toward a Khorologic Generative Christology as Intercultural Anthropology.***

In just twenty minutes, more than developing theories, it is perhaps only possible to ask a good juridical philosophy question (which has, in fact, already been asked) on the intercultural theme of Khôra: "One, two, three  but where, my dear Timaeus, is the fourth?" And try to launch an annual research project to be presented at the international convention on philosophy to be held in Rome in 2024 to a "Manifest for a philosophy of law as an intercultural dialogic practice" with those interested, within the wider framework aimed at renewing the reasons for a "philosophy within the philosophy of law."
There are then three caverns (or perhaps three worlds a la Popper, or three parts... a la Vico) in search of a fourth world, of a non-cavernous cavern (beyond God, the World, the ego?).
The first is perhaps the new cavern of the metaverse, of AI, into which we are being forcefully thrust adopting as humans (but precisely how?) the 360° vision of robots. It breaks with the continuity of the theological-political inheritance, and the figural and perspectival hermeneutics of the West, founded on letter, spirit and perspective. There are then two other caverns, a philosophical-political one (Plato) and a political-juridical one (Fuller), against the background of the good and the right. Are we then still in Plato's cavern, or have we definitively left it? As philosophers should we re-enter? If so, what would we do there, since history proceeds on its apparently inescapable new course? And which cavern will be our future? Plato's, in which Socrates will be killed, or Fuller's, in which we will be forced to eat our neighbour, while declaring ourselves to be innocent? Or the mirage of the new cavern of machine learning and its new algorithmic oracles, and its unknown developments, unnerving or fulfilling?
Having buried Hart and all that remains of the still very useful juridical positivism, and the theory of the human rights from which we hope we never have to leave, is the return to a cavern (that we perhaps never left) inescapable?
What can philosophy, in its small way, as critical thinking (and philosophy of law not as academic cynicism, but as critical philosophy) do in this time of violence, wars and opposing blocs that have (re)appeared since the end of globalization?
Can the notion of Khôra, as an intermediate space between the sensible and the idea, construct a free and generative space that is both ecological and topical-juridical to restore imaginative force to a society, a space in which to collocate the hope of not returning to chains in the cavern, numbly staring at a screen that directs our choices and our desires?
What then can be the role of an affective, generative, synesthetic turn, in philosophy and in philosophy of law, capable of conceiving the Khôra as a matrix and welcoming receptacle for a different practice of thinking and teaching, in the era of Chat GPT? And in theology, can the Khôra help us to think of a new Christology founded on a faith in

Jesus (he pistis tou Christou) and on the "story of Jesus" to be considered an intercultural anthropology and not merely the basis for a religion, capable of truly conversing with the nihilism and deconstruction and with the other religions and the cultures of others?
Finally, in the series of questions that it is easy to pose but impossible to answer, can the need for a shared figure of the human as topos, as a common place to be recognized as equipped with a normative force (the burdensome legacy of jusnaturalism to be reconsidered) be temporarily emblematized as a motto? Saying Homo Homini Homo means programmatically opposing the Hobbesian Homo Homini Lupusand renewing in various ways the post-Baconian and Spinozian Homo Homini Deus (including the latest, the Homo Homini Robot). Is it possible to read the perspectives of Sequeri's "The Reliable God", of Goodrich's "Legal Emblems", Sherwin's "Manifest for a Visual Legal Realism" and Heisig's "Of Gods and Mind" in this way?

**Nicoletta Isar** (Byzantine studies, University of Copenhagen).

***Byzantine Chorology: a Paradigmatic Vision of the Land of Care.***

In his last years of life, in the aftermath of the tragic event of 9/11 Sept 2001, Derrida, the sceptical scholar of khôra, who consistently dismissed any of its regional and sociopolitical meanings, admitted finally khôra's potent reconciliatory role to play in such times of turmoil. Regretfully, the short lapse of time until his death did not allow him to substantiate his intention and address this feature of khôra in depth. We are now facing a comparable devastating moment on a global scale that finds the humanity even more polarized, fundamentally in a crisis of dialogue on a geopolitical, geographical and mythopoetic level. For that reason, the idea to put forth a session on Chorology at this conference is most remarkable; it has the potential to create a forum in which intellectual forces could join in to inquire into those sources of critical address from various disciplines, sources of reflection, and eventually of inspiration in identifying responses to our urgent problems.
In the long history of the concept chôra, going back even beyond its institutionalization in Plato's philosophical discourse of Timaeus, the Byzantine re-inscription of chôra stands out as a "Byzantine Chorology" in its own rights. This paper will address some of its features emerging out of the religious performative enactments embedded in Christian anthropology, as well as in the semantic of certain elements from the corpus juris integrated in the liturgical discourse that shaped a specific system of human values designed to preserve the Byzantine oekonomia and its vocation as chôra. Some of these notions associated with chôra, such as, "chora (keep) of refuge," "a safe harbour," a "sheltering," "a space of respite," and care, will be discarded from the writings of one of the Byzantine elite intellectuals, Theodore Metochites, especially from his poetry composed to celebrate his restoration of the Chora monastery in 14th c. This iconic space (chôra in the fields) built at the outskirts of Constantinople is exemplary for Byzantine Chorology in terms of its semantics evoked above, but also of the imaginative chorology revealed in the aesthetics of its sacred space displayed by the mastership of design, the mosaics as well as its frescoes. Of all the splendors of this Byzantine chorology, prominent is the imaginary of the vast choir from the Parekklesion of Chora: a jurisdictional chorostasia set in motion by Christ, both the Judge as well as the "provider" (choregos) of the eschatological event. Accompanied by a circular multitude of choroi kleronómoi (co-heirs), and sym-basiléuein (co-rulers) called up to re-engage the trouble grounds of chôra into a new Chôra or the Land of Care and charity. This vision finally evolves into the abbreviated image of the Scroll of Heaven. The perfect form of a "circular book." In the cohesion of this circular form in movement, a sign of hope is sensed. The ground for the unwritten politics of chôra that Derrida did not succeed to put down. This politics of chôra, we suggest, might follow in the path of what Plato thought once to be the "art of shifting or conversion of the soul"(518d), something like the scene-shifting periact in the

theatre. Following Plato's line of thinking, to attain the Good and its vision one must first possess this skill of performing the scene-shifting periact, a performative choral art of conversion of the soul. This does not look like Derrida's "only possible groundless ground," but rather like the stage of dialogue that might bring together a divided and polarized humanity to create bridges of tolerance and reconciliation. Chôra has always been that meeting ground of possibilities, always in the making, to nourish and preserve, to care, and protect. The Land of Care.

**Graziano Lingua** (Moral philosophy, Dean Department of Philosophy and Education, University of Turin)

## *Khora*/écran. Spatialité numérique et fonctions de l'écran

L'habitude d'identifier les écrans numériques aux images qu'ils affichent nous fait oublier que les écrans ont des fonctions médiatiques multiples et qu'ils impliquent le sensorium humain dans son intégralité. Les surfaces pixellisées qui nous entourent de plus en plus ne se contentent pas de visualiser, mais protègent, dirigent et régulent nos relations non seulement visuelles avec la réalité. Dépasser l'interprétation imagocentrique des écrans numériques permet donc de saisir plus précisément leur condition de "seuils opérationnels" et donc la nature particulière de la spatialité qui les caractérise.
Pour explorer ces aspects dans cet article, je me référerai tout d'abord à une interprétation généalogique-paradigmatique, en m'appuyant sur la notion de " pensée de l'écran " proposée par Anne-Marie Christin et sur celle d'" archi-écran " élaborée par Mauro Carbone. Ces deux notions permettent de saisir comment l'expérience de l'écran n'est pas seulement liée à certains objets, mais à une série de fonctions de relation et de médiation que l'on retrouve dans de nombreuses expériences humaines. Parmi celles-ci, je soulignerai particulièrement les fonctions de protection et de régulation qui décrivent la portée environnementale des écrans en tant qu'espaces opérationnels et pas seulement en tant que surfaces qui affichent des images. C'est précisément par rapport à cette dimension liminale de la spatialité des écrans que je proposerai une lecture des pages que Platon consacre à la chora dans le Timée, en soulignant une série de dialectiques inhérentes à sa nature de " troisième genre ", intermédiaire entre la matière sensible et les idées intelligibles. Outre la dialectique entre manifestation et dissimulation, largement développée dans le platonisme païen et chrétien, je mettrai en évidence la dialectique entre la fonction d'exposition et celle de protection contenue, à mon avis, dans les métaphores matricielles et génératives utilisées par Platon pour décrire la spatialité de la chora. Dans la section finale, je ferai jouer ces éléments en ce qui concerne les écrans numériques et j'analyserai comment ils peuvent contribuer à une compréhension environnementale et immersive des expériences d'écran contemporaines.

**Fabio Macioce** (Philosophy of Law, LUMSa, Rome)

**The Khôra and the law: overcoming oppositions, subverting hierarchies**

Among the many ethical and political implications of the concept of khôra, its capacity of challenging the traditional notions of identity, difference, and hierarchy is of peculiar importance. On the one hand, by highlighting the indeterminate and ever-changing nature of space, hierarchies, and oppositions, it opens up the possibility for more inclusive and democratic forms of social and political organization. The oppositions between public and private, health and illness, capacity and incapacity, are not only excessively clear-cut and binary but also hierarchical. Every opposition produces a hierarchy and a power asymmetry, thereby establishing discourses, narratives, prerogatives, and rights. The recognition of a space of instability, the interconnectedness and interdependence of reality and subjects, invites us to question dominant discourses and power structures, as well as systems of oppression and privilege.
On the other hand, the concept of khôra highlights the necessity of a more precise understanding of social relations, where the ways in which our actions and decisions affect others are properly recognized, thereby giving relevance to the needs and claims of those who speak from less privileged perspectives. If, politically, the concept of khôra challenges traditional hierarchical structures of power and authority, it also resonates with the relational understanding of (legal) concepts like autonomy, vulnerability, capacity, and consent. For instance, a chorological reading of autonomy allows us to interpret it as a concept of degree, since the social conditions that support autonomy and make its exercise possible are also the factors which determine its enhancement or reduction: autonomy through the lens of khora is not alternatively present or absent, but it depends on a series of attitudes towards oneself and the world (self-esteem, self-respect, self-confidence), which are in turn dependent on relationships of recognition, in both a positive and negative sense.

**Piero Marino** (Federico II Naples University).

**The Place of Normativity: Natural Law and "Personalistic Norm"**

According to traditional Christian philosophy, natural law is usually described as an *unwritten* law and, at the same time, as a set of ethical principles *inscribed* in the soul of man like a *Creator code*. This is a metaforical expression that, according to the metaphysical notion of *analogia entis*, shows how natural law's principles are the reflex of the *lex aeterna* in which the human participates in his own creaturely and rational nature. However, the process of secularization led to the dissolution of this metaphysical perspective, causing not only the post-metaphysical separation between *lex aeterna* and *lex naturalis*, but also between natural and human law, finally identifying the latter with the positive law.
Within this context, the phenomenological thought of Karol Woytiła is particularly interesting; it aims to combine the traditional notion of natural law with the philosophical notion of «personalistic norm», based on the primacy of conscience and on its autonomy. Therefore, the thought of the man who became Pope with the name of John Paul II, starting not only from a metaphysical perspective but from the capability of conscience to *accept* and *generate* the norm, suggests a way to renew the 'ties' broken by the process of secularization.

**Claudius Messner** (Sociology of Law, University of Salento).

**Embodiment and Pain**

Our understanding of ourselves and the world is mediated by language, therefore thinking cannot go behind language. A good 60 years ago, the famous linguistic turn meant the acknowledgement of that fact as a prerequisite for the treatment of philosophical questions. Since the 1970s, the methodological critique of the analytical philosophy of language has widened to include the humanities and social sciences as a cultural turn, and to apply not only to the criteria of knowledge but also to its questions and goals. But until today, a focus on mainly epistemological and meaning- theoretical questions has been authoritative. It is only since the 1990s that language has increasingly become the centre of philosophical reflection on language in its constitutive entwinement with the ethical and the political. As impulses came more from social, political, and feminist philosophy as well as gender theory, heterogeneous phenomena have come to the fore, subverting classical notions of language as a mere instrument for expressing and communicating our thoughts or for representing the world.

This paper is not conceived as a contribution to yet another 'turn', not captured by one of the many adjectives that since served to describe the collective meandering of the scholarly community in search of direction. However, I want to advocate a view of language in its ethical and political dimension, which by no means excludes affects and emotions, but rather constitutively presupposes them and takes them into account. The point is just to show by way of examples the intrinsic entanglement of epistemic questions with the generally neglected institutional political and social contexts of culture.

I will begin with a broad outline of some issues arising from the suggested development for today's discussion. These concern four lines of questioning: the nexus between linguistic violence (as both exercised through language and intrinsic to language) and vulnerability, which shows the ethical- political significance of language and speech; the relationship between language and normativity. Whereas the fact that man as a speaking animal is always also an ethical and political being has been a basic topos of linguistic philosophy since Aristotle, various current approaches refer to the role of norms in the constitution of political subjects. The central question here is which social, political, and institutional, but also material and economic conditions have to be met so that certain claims and demands can be articulated at all. This leads to the relationship between language and justice. The question here is to what extent linguisticity as such has ethical and (latently) normative significance, or to what extent acts of ad-dressing and responding refer to a claiming inherent in all speech. Closely related to this is the language-affectivity nexus, come to the fore in recent years under the banner of an *affective turn.* The topic area relating to the complex interplay between language, affectivity and emotionality, attention centres not least on the insight that motivation to act is never exclusively based on 'good reasons' and on recognised norms, but is constitutively interwoven with emotions and

feelings that happen to us in a corporeal way. This connection can be traced back historically and systematically to the rhetorical doctrine of affects. In Aristotle, this is in the context of the architecture of pathos and ethos.

Thus, I'll move on to elucidate the sense of embodiment by referring to the terms kinesthesia the individual's sense of himself as sensing, enaction and prosopopoeia, that is, lending a face. Allowing the inanimate, the invisible, or absent to speak, the rhetorical figure of prosopopoieia uses language to make space for the impossibility of speech. These are creations of imagination which, according to Aristotle, accompany our thinking without ever being in our hands. Starting all over again, they presuppose institutional boundaries again and again, always differently, and thus always put their justification and final delimitation up for debate.

Finally, I will examine pain as the limit and the defining moment of embodied experience. As a pure physical experience of negation, of exposure to 'something against' the body, pain proves to be reluctant to any wording. But its theoretical intractability might be key to its main cultural function. The very commonplaceness of pain demands us to reframe our understanding of what all sensation means and potentially means for those living in particular places at particular times. And it might compel us to acknowledge the continuity between pain and abuse, that is, pain and *poena*.

**Marcello Neri** (Ethics and Deontology, Istituto Superiore di Scienze dell'educazione e della Formazione G. Toniolo)

**Law, Religion, and the Crisis of Democracy**

The paper would like to identify some forms of interconnection between law and religion that could contribute in a constructive way to reconfiguring the democratic system, which is currently undergoing a profound crisis in its modern model. A central issue, common to law, religion and democracy, will be that of "justice"- of which P. Sequeri has highlighted the generative and affective force.

**Antonio Punzi** (Philosophy of Law, LUISS University, Rome, Dean Faculty of Law)

***A digital Khora? The rules of the Metaverse between corporeality and the imaginary***

When reflecting on the "metaverse," we focus our attention on the investment in resources to build and implement it, on the role that cryptocurrencies and the blockchain will play in business transactions, on the risks such as ID theft, data stealing or otherwise privacy violations, on intellectual property profiles, etc.
There are, however, a few preliminary issues that particularly challenge the legal philosopher: what universe is the metaverse and how should it be ordered? Can it be considered a new state of nature? Does it require rules? Can there be laws of nature in an entirely artificial world?
Yet, the metaverse is a human creation, we could say: an artificial product of its nature. And it is a special product, which belongs to the immaterial world and yet involves humans in their corporeality. So, what does the metaverse tell us about the way 21st century man creates a new world?

**Andrea Raciti** (Philosophy of Law, University of Catania)

**"Zugang zu Gott": affective turn between Kojève's "Atheism" and Hegel's "Philosophy of Religion"**

With this presentation I will deal with the question of the affective dimension as a possible religious foundation of a political and juridical community. The religious element that runs through the affective realities of feelings such "love", "fear", "pain", "wonder", etc. regarded as the abyss which splits and radically links "me" and "the other", "I" and "World", "Subject" and "Object" could be thought of as a privileged way to reconquer a holistic conception of the ideal and real space of joint life, which could represent something better founded, both theoretically and practically, than the mere sociological, politological and, in general, positivistic theories of human co-existence («Mitdasein», according to Heidegger).
I will attempt to show, therefore, how this possible privileged path was crossed, primarily, by Hegel in particular in the Lectures on the Philosophy of Religion (1821-1831) that drafted a powerful philosophical clarification of the rational foundation of religion in general and, above all, of Christianism as «absolute religion» in which love not only through the "death of God" that happens in the sacrifice of Christ and through his resurrection but especially by virtue of the self-consciousness of the unity of divine and human nature that is proper to the Holy Spirit, creates an accomplished and spiritual intersubjectivity which determines a necessary condition for the foundation of a political and juridical community.
Furthermore, led by a similar inspiration, but extremely different from the concrete content of the Hegelian perspective, the so-called "super-Hegelian" Alexandre Kojève, in his Introduction to the Reading of Hegel (1947) and, mainly, in the earlier The Atheism (1931), attempted to conceive a "Hegelian" foundation of a universal and homogeneous State. Kojèvian theory is based on an atheistic interpretation of Hegel's philosophy of religion. In fact, in the Kojèvian view only an elementary and obscure desire of glory, honour, recognition so, an affective dimension originally founded on the ancestral animal fear of death as definitive annihilation, must be, at the same time, the condition to feel God so, a «Zugang zu Gott» as the reality of the Void, and, consequently, to discover the reality of human freedom that arises from the nothingness of God and that could build the universal realization of the individual desire for recognition. This goal, according to Kojève, is pursuable by means of a «socialist Empire» which should be the secularization of the philosophical theology outlined by Hegel: nothing but a post-political and atheistic satisfaction of the genuine religious desire of humankind.

**Alberto Romele** (Moral philosophy, University of Turin).

## Visual Politics of Science and Technology: On the Narratives about Immersive Narratives

The purpose of this talk is to analyse visual narratives on immersive narratives. By "visual narratives" we mean the static and dynamic images with which immersive narratives are represented in science communication and marketing contexts. Specifically, in our presentation we will focus on the case study of the images with which the Metaverse the announced, but not yet fully developed technology from Meta is represented. The talk will focus on two tensions. First, the tension between the marketing images that announce the future of the Metaverse and those few images that show the current state of the Metaverse. Second, the tension between the marketing images and the reactions that, especially via social media such as Facebook (think especially of comments to Metaverse advertisements), Internet users have to them. These reactions are mainly characterized by feelings of anger/fear (e.g., about the risk of job loss) or irony (e.g., about a technology that still does not work). This empirical analysis will lead us to a series of reflections on the role that imaginaries play in the constitution of technological reality, and the importance that narratives have in all this.

**Alberto Scerbo** (Philosophy of Law, University of Catanzaro).

**Autour du Timée de Platon: pour une reformulation «chorologique» de la conception politique et juridique de la modernité**

We intend to revisit the concept of chôra developed by Plato in the Theetetetus to understand its original meaning. Then analyzing the interpretation offered by Derrida we will define the influence of the concept in the elaboration of an idea of inclusive law, capable of projecting itself toward the recognition of otherness. Following From this perspective, the chôra promotes a reinterpretation of the legal world according to criteria that escape a strictly positivistic view by privileging a gaze suited to penetrate the essence of phenomena beyond forms.

**Gemma Serrano** (Théologie fondamentale, College des Bernardins, Paris).

**La détection informatisée des affects et sa marchandisation**

Le traitement des affects dans le numérique a comme postulat de départ l'affirmation que les affects sont universels et reconnaissables indépendamment des contextes et cultures. S'il y a eu un tournant affectif du traitement informatique des données émotionnelles, il a plutôt conduit à une marchandisation de celles-ci, et à des formes politiques de control, et non pas à une réflexion anthropologique de l'affectus. Nous interrogerons cet oubli, rejet, refoulement, simplification du langage des affects, de sa justice propre et de son savoir.

**Amalia Verdu Sanmartin** (Feminist Jurisprudence, Turku University).

**The Legal (Education) Schizophrenia**

In scholarly work, law is criticized, deconstructed, feminized, dissected, affected, materialized, systematized and so on. The aim is to find new solutions for many of the very current problematics we are facing now, such as the climate crisis, discrimination, neo-colonialism, and the rise of fascism. Legal education, however, is still mainly devoted to the transmission of the black letter law grounded in mainstream epistemologies and hardly accepting its interdisciplinary nature. There is a 'research vs education' schizophrenia. At legal faculties, law is still transmitted to maintain its purest modern clothes leaving the affected, gendered, feminized, systematized, materialized approaches as optional accessories. The black letter law, the principles and values of law grounded in the rational, maintains its hierarchical position as "the tool" to maintain order and avoid chaos. But how long can this world afford this type of education? Would a criticized, deconstructed, feminized, dissected, affected, materialized, systematized legal education be a way to move closer to a legal Utopia?

**Francesco Vitali Rosati** (Università di Torino)
(e. mail: francesco.vitalirosati@unito.it)

**Le sens de l'espace. Chorologie et Sophiologie chez Florenski**

Le troisième genre du Timée désigne la réceptivité mutuelle entre l'être et la genèse phénoménale : lieu de tout transformation élémentaire, *chôra* paraît à la fois le terrain et la condition du devenir. Comme dans un rêve, l'influence mutuelle de toutes les choses prend forme spatiale, en marquant le rythme de la morphogenèse.
Dans le mysticisme russe, des nombreux éléments de *chôra* composent l'aspect tellurique de *Sophia*, la sagesse cosmique incarnée. Lien entre l'invisible et le visible, l'infini et le fini, Sophia joue le même rôle de médium métaphysique : matrice matérielle de l'esprit, genèse spirituelle de la matière. L'œuvre théologique et mathématique de Florenski est pleine de retournements topologiques de ce genre, ainsi que de chiasmes de l'un et du multiple, du sensible et de l'intelligible. C'est dans cette optique que l'on peut lire non seulement les réflexions bien connues sur l'iconostase liturgique, mais aussi sa théorie de la multispatialité et ses études sur les ensembles transfinis.


**IRSL Rome 2023**
**May 24th 27th**
**WORKSHOP**
**May 24**

# Comparative Law Methodology

## A tool for analysing the complexity of contemporary intercultural context

Contact person: **Elena Ioriatti** - elena.ioriatti@unitn.it

Nowadays, the framework of economic, political, and legal development is experiencing a kind of chiasm. On the one hand, the globalization process has a tendency to impose one single, homogeneous cultural model: the rule of law, political democracy and the rhetoric of human rights are just a few examples, although the major ones, of this phenomenon. On the other hand, the growing social complexity forces the law to dialogue in

transnational, intercultural and multilingual contexts; as a consequence, it requires a continuous and complex planning, that often proves borderline.

In this context, comparative law has certainly favoured and kept supporting a harmonization process of legal rules but, at the same time, it has proved its ability in challenging the beliefs of global positivism, thus becoming the anti-formalist current par excellence.

The demolition of the unitary conception of the formal rule (and the study of law as a dynamic factor, resulting from the interaction of different *formants*) has revealed the pluralistic nature of the different legal systems. In this framework, comparative law methodology has focused its attention on the "law in action", visualizing the sectors of resistance to global uniformity and thus identifying lines of juridical development that are more suitable and systematic, with respect to the social context of reference.

The panel aims to highlight some practical examples of how the comparative methodology is applied, to underline these trends and some first results.

**Participants**

Martina Bajcic
Caterina Bergomi
Elena Ioriatti
Ugo Malvagna
Luca Pes
Andrea Pradi & Sara Hejazi
Francesco Petrosino
Sotiria Skytioti

**TIMETABLE**
**WORKSHOP**
**May 24**
**Comparative law methodology**
**2:30 6:30 p.m.**

**2:30 p.m. 3:40 p.m.**

2:30 p.m. **Caterina Bergomi**
2:50 p.m. **Martina Bajcic**
3:10 p.m. **Sotiria Skytioti**
**Debate**

**3:40 5:15 p.m.**

3:40 p.m. **Luca Pes**
4:00 p.m. **Andrea Pradi & Sara Hejazi**
4:20 p.m. **Francesco Petrosino**
4:40 p.m. **Ugo Malvagna**
**Debate**

**5:15 6:00 p.m.**

5:15 p.m. **Elena Ioriatti**

**Debate**

# ABSTRACTS

**Elena Ioriatti**

**A consolidated European legal language: Strengthening EU identity on the internal and on the global scale**

With increasing intensity, the core of any action of harmonization of the law in the EU space is becoming the consolidation of a normative and linguistic environment, common to the entire EU legal system: an environment capable of ensuring both consistency and flexibility, in order to include the legal and linguistic cultural specificities of national legal systems into the EU taxonomy.
Autonomous EU concepts, encapsulated in pre-existing EU directives and regulations, should progressively take on the composition of a normative skeleton, potentially able to absorb and include the cultural facets of national terminologies and their variegated meanings.
Comparative law studies are demonstrating that this synergy between the EU and the national conceptual level could favour the correct and uniform application of EU law in the Member states and, at the same time, lead to the consolidation of a really established EU uniform legal language.
This is true also in the case of the new instruments financed by the EU Commission to harmonize areas of national law which have not been legislatively regulated previously (directive, regulations). This action presumes the overcoming of relevant obstacles, like collecting the data of the different national systems in an objective way despite the differences of the systems of immovable property registration, of the terminology and of the solutions provided by national laws and praxis.
A paramount example is IMOLA project, financed by the EU Commission to establish the interoperability of the Land Registry systems in Europe, and which is elaborating a new EU Land Registry Vocabulary and Document (ELRD).
By relying on comparative law methodology, the solution of these normative and linguistic problems, as well as the vehiculation of the local specificities into the EU conceptual level is entrusted to the national *formants*.
The need for a consolidated and well-established EU terminology is relevant also regarding the relationship of the EU with the other powers acting on the world economic chessboard, and particularly in order to preserve the EU's strategic autonomy vis-à-vis China, Russia and the US. The new EU's industrial policy, for instance, needs its specific taxonomy for sustainable investments. Therefore, EU concepts are crucial tools to support and strengthen EU values and aims on a global scale and should gain an international momentum, beyond the EU jurisdiction.

**Caterina Bergomi**
**PhD Candidate in Comparative Private Law (University of Trento)**

**Hybridisation: Towards the creation of a common intra-European conceptual system?**

As societal complexity increases, law is engaged in global, intercultural, and multilingual facticity.
Within the European Union, this process is leading to a new phenomenon of hybridisation: different legal systems coexist, and different legal worldviews, shaped by various historical origins and tailored to various practical needs, merge, and create a supranational, multilingual legal environment. This phenomenon, a result of modernisation and globalisation, involves the movement of ideas and concepts from various legal systems.
Legal concepts are inextricably linked to the reasoning processes and cultural issues of a given context, and thus to the language in which these texts are expressed. However, in this new context, the conventional link between a legal system and its terminology is no longer guaranteed and legal terms are often discordant, sometimes depending on the system and linguistic affinity.
As also emphasised by linguists, in the EU this hybrid and supranational legal environment and its texts represent a "compromise" among all constituent legal cultures and the fusion of linguistic and cultural elements. Furthermore, from a systemological viewpoint, two of the most significant World legal traditions, the Common law and the Civil law, are merging and possibly producing a new European legal tradition.
In this context, comparative law has certainly supported and continues to aid in the harmonisation of legal norms, but it has also demonstrated the pluralistic nature of diverse legal systems, including the European Union system, through the study of the legal *formants*.
The goal of this contribution is to demonstrate how comparative methodology can aid in analysing and identifying among the countless legal facets of globalisation - this specific phenomenon, as well as the destiny of hybridisation on legal vocabulary and legal concepts.

**Martina Bajcic**

**Exploring the potential of digital corpora as a comparative exercise in EU law**

Investigating EU law requires a specific methodology due to its dual nature; on the one hand, it is a supranational, autonomous legal order, on the other, it is applied within the national legal systems of the Member States. Both of these environments of its application and interpretation are marked by multilingualism, as perhaps the most salient feature of EU law. In light of the fact that comparative law research aims to unveil the links between legal languages and cultures, it provides not only a point of departure to study multilingual EU law and gain deeper knowledge about it, but also invites further interdisciplinary investigation into EU law from multiple perspectives. In line with recent trends of applying quantitative methodology to contemporary comparative law (cf. Siems 2007), this study explores the potential linking of comparative law research and the use of digital EU corpora, by endorsing a data-driven approach to decode the so-called "European meaning" (Ioriatti 2022). It is argued that corpora may prove especially useful as part of the national courts' toolkit in upholding the requirement of consistent interpretation when interpreting and applying EU legislation, most notably national legislation transposing EU directives. This is important in light of the terminological variation of EU legislative texts (and the transposing national legislation) and the stark need for conceptual convergence of EU law. While the latter, ironically, has called into question the purposefulness of comparative law, in our opinion, the objective of pursuing convergence warrants further inquiries into the link between comparative law, corpus linguistics and legal interpretation.

Ioriatti, E. Common Contexts of Meaning in the European Legal Setting: Opening Pandora's box?. Int J Semiot Law (2022). https://doi.org/10.1007/s11196-022-09919-0
Siems, M., The End of Comparative Law. Journal of Comparative Law, Vol. 2, pp. 133-150, 2007, Available at SSRN: https://ssrn.com/abstract=1066563
Bajčić, M. (2023). Terminological Variation and Conceptual Divergence in EU Law. In Ł. Biel and H. Kockaert (Eds.), *Handbook of Legal Terminology*. John Benjamins.

**Ugo Malvagna, University of Trento**

**Property rights and the blockchain: Digital assets as "ownership"?**

Current development of new technologies within the so-called *web* 3.0, namely distributed ledger technologies/blockchain, put new inputs to the traditional debate about whether property rights are a unitary or a "fragmented" legal concept.
In fact, such technologies enable the creation of shared and decentralized digital environments where entitlements are originated, shaped, and attributed to specific subjects through their association to an informatic address (so called "tokes" or "digital assets").
Against this backdrop, the distinction between obligation rights as *iures in alios* and property rights as *iures in rem* tends to become blurred, not only under practical terms but also under theoretical ones. Particularly, the decentralized and distributed nature of the blockchain implies that *any right or entitlement* represented in tokens is enforceable against all participants to the digital ecosystem. Thus, the question arises of whether entitlement associated with blockchain-based tokens must be structurally conceived as proprietary or quasi-proprietary rights.
The paper aims at deepening such issues, resorting to comparative legal method based on formants theory.

**Luca Pes, University of Trento**

# The representation of African law between ethnocentric biases and geopolitical interests

The paper deals with the general representation of African law in comparative legal literature. It aims at moving forward from an understanding of African legal systems as *bounded* entities, often dubbed "pluralistic" but invariably described as *derivative* from western law, that is the law of the former colonial powers.
In order to refresh the way comparative lawyers should look at African legal systems, the paper reacts to common representations of African law based on the mantra of legal pluralism, and to a lesser extent, on the so called "stratigraphic approach", inaugurated by Rodolfo Sacco in seminal studies on the horn of Africa.
To be sure, both concepts are still fundamental tools for the understanding of African law, but over time perhaps they have been quite overused, to the point of losing part of their heuristic value. In particular, the "stratigraphic approach", while remaining a valuable method for the study of African legal systems in a *structuralist* fashion, ultimately fails to capture the more dynamic dimension of legal relations (and the agency of legal subjects) better conveyed by the notion of legal pluralism.
The paper is an invitation to adopt a less orthodox, perhaps more "sceptical" style of comparative law, to put it in the words of Gunter Frankenberg. Looking at mainstream comparative legal literature, the western-minded representation of "non-western" legal traditions is still plunged into ethnocentric assumptions of western superiority.
Even by overlooking the last 50 years of critical theory on the way "the Rest" is represented by "the West", with little curiosity for what the "resterners" do think, say and write about western models of thought (including legal models), the attitude of western superiority is simply no more attuned to the relative weight, in geopolitical terms, of the Euro-American model of society compared to the rest of the world.
In this context, it is increasingly apparent that western-minded ethnocentrism is a sign of parochialism (the opposite of comparative law), as western supposed superiority gets challenged even in the most material and mundane domains, like information technology, surveillance and the power to wage war; not to say in the more spiritual domain of *culture*, in which of course all civilizations should deserve the same attention.

**Andrea Pradi and Sara Hejazi**

# Property and Commons: a Case Study

The term "property" is used with multiple meanings, depending on its context. Nevertheless, a dominant model and meaning of "property" has spread globally, characterized by a unitary and simplified structure, determined mainly by economic discourse. It rests on a monolithic concept: the idea that "the owner" holds absolute sovereignty over material and immaterial resources. This implies the right of the owner to exclude others from any unwanted intrusion and the consequent possibility of exchange only with the voluntary consent of the owner.

The variability of meanings that surrounds the term "property," however, pushes us to explore the complexity inherent in any polysemic model through the decomposition of the illusory unity of the legal rule into different rules advocated in the different formants of the legal system.

Born as a reaction to the feudal organization characterized by the fragmentation of land rights, the idea of property emerged as the only shell of containment of all rights insisting over land, with the aim to respond to the needs of the market economy.

This simplified legal model gave rise to property as the institutional reference in the governance of global economy, extending it into domains of human relationships in which an economic logic poorly reflects the real life complexity of individual motivations and of political platforms. Goods such as water and services of high social value are a clear example of this.

Comparative legal method based on formants theory showed us that the term property does not have a unique meaning. As a consequence, it reveals the existence of alternative resource management models such as the commons, as collective actions that are careful of the protection of fundamental rights and are able to preserve natural resources for the benefit of future generations.

This transdisciplinary paper will take into account the rise of the dominant idea of property and the emergence of resilient models, considering the specific case study of the Qanat water distribution system in the Middle Eastern Region area, to reflect on the diverse human attempts to use, preserve and transmit goods according to an ideal of religious-based equality and spiritual based future design.

**Francesco Petrosino, University of Trento**

**The interplay between coded and contractual languages: a matter of interpretation**

The broad spread of technology networks has had a huge impact on contract law.
In particular, one of the most relevant phenomena regards the use of blockchain-based smart contracts used for making the "legal" ones effective.
In this context, the linguistic registers used by both are different and consist, on one side, in a computer language and, on the other side, in a natural one. The former is a deterministic language, planned by a programmer, in which only one significance and one result are conceivable. The latter, inherent to a narrow sense concept of contract, is open to more and different meanings by its own nature.
The structural divergence in terms of underlying language codes has determined criticalities due to the overlap of these different operational and communicative schemes. Because of smart contracts' immutability, the consequences both on contractual performance and on the potential enforcement could be significant
In this context, one apparent criticality is that the binary approach which underpins the functioning of smart contracts does not allow for the absorbing of broad performance standards such as "good faith", "equity" or general clauses such as "force majeure" and "reasonable efforts". Accordingly, this may cause, on one hand, the ineffectiveness of the contract running on computerized orders and, on the other hand, also hamper the choice of an adequate remedy.
In the light of the above, the main aim of this paper is to identify the most efficient way to solve the contrast between two different semantic structures. This determines further outcomes, regarding interpreters and judges in particular. In fact, they must not only end disputes but, consequently and more importantly, ensure fully performing contracts.
Therefore, a pivotal role is played by contract interpretation, considered from a specific comparative perspective. To this end, a textual and contextual approach dichotomy widespread among common law legal doctrine and courts will be deepened.
The accurate study of both trends and of their positive and negative implications may allow us to choose a suitable interpretative method that would make contract execution also viable in smart contracts. Further, this may be helpful for shaping new legal rules or adapting existing ones to the technological environment, bringing automated contracts into legal reality.

**Sotiria Skytioti**

***"Comparative law and language: an intercultural transfer"***

Law is not static neither is culture. Comparative law is needed urgently in a world in which law absorbs influences and ideas that have crossed national borders and have blurred traditional legal classifications. Today's international legal environment faces the challenges of legal pluralism and multilingualism as increasing legal interaction takes place on transnational and international levels. Comparative law most visible connection to language is due to different legal systems' legal texts being in different languages. Even if translation exists, a crucial issue arise: can the legal essence of the law of a country be interpreted appropriately in any language but the original? The link between law and language constitutes an essential relation, since language through translation is often the only way of accessing foreign law of foreign countries with different languages. The aforementioned relationship as well as the interrelatedness of law, language and culture will be the main issue for study of this article.

Both law and language are cultural phenomena and this is why they must be studied taking into account the temporal and social circumstances. The shape the communicative framework in which legal discourse takes place is dependent on the culture and social group to which the users of the language belong.

Living in the era of multicultural societies and immigration, the need of not just translating but transferring the legal essence of the law and jurisprudence among the different countries with different culture emerge the determining link between comparative law, language and culture. Emphasizing the dissimilarity of the human societies is of preeminent importance. Law as a socio-cultural phenomenon is linked to the culture of a particular society. Thus, comparative law comes out to serve as the guardian of the legal essence among different societies with different languages.


# IRSL Rome 2023

## WORKSHOP
## May 25

## Ambiguity Management, Moral Experimentalism, Cultural Semiotics
## Critical Perspectives on the Idea of Religious-Secular Translation

**Organizer: Annette Langner-Pitschmann, Frankfurt a. M./Germany**
langner-pitschmann@em.uni-frankfurt.de

The more densely the ends of global reality are intertwined, the more pressing becomes the task of grasping the phenomenon of normative experience in its deep structure. The relationship between religiously and secularly grounded perspectives on reality represents, as it were, a prototype for such value experiences that describe the same object by virtue of different language games. Jürgen Habermas has characterised this field of tension in terms of a "semantic surplus" of religious readings of the world. The situation

of the post-secular age, according to the programme implied therein, is linked to the coexistence of different grammars by which reality is described. Dealing with the conflicts inherent in this can only succeed if religious subjects translate their religious vocabulary for describing reality into secular terms as far as possible.
The metaphor of translation suggests that the discourse on religious and secular readings of reality is oriented towards a commonly assumed vanishing point in which the competing worldviews merge into a coherent whole. The workshop has the aim to challenge this idea from different perspectives.

1. The reduction of the "semantic surplus" suggested in the metaphor of *translation* suggests that the global understanding of normative experiences corresponds to a linear disambiguation of phenomena that are initially open to interpretation. In the years after the Second World War, social analysts such as Theodor W. Adorno and Zygmunt Bauman have pointed out that the reduction of ambiguity and ambivalence counteracts the spirit of democracy.

   In view of this, it is necessary to define the metaphor of translation more precisely. How much semantic standardisation is required to ensure the cohesion of pluralistic societies? On the other hand, how much ambiguity of situations (indicated by Habermas in the keyword of the remaining "opaque core") must be preserved in order to counteract a violent splitting off of significant aspects of certain interpretations of reality?
2. The characterisation of the discrepancy between worldviews as a *semantic* matter suggests that differences in the interpretation of normative experience can largely be caught up discursively. In contrast, contemporary phenomena of social division, such as the boom in conspiracy narratives, make it clear that such differences reach down into the habitual and affective deep layers of individuals and collectives. John Dewey's pragmatist theory of action already worked on this intuition at the beginning of the 20th century in the terms of a moral experimentalism. Here, normative judgement formation is reconstructed as a process that affects all dimensions of semiotics i.e., in addition to the semantic level, especially the pragmatic level. This is accompanied by the insight that every concise normative judgement is at the same time a milestone of a completed judgement formation process and a potential starting point for future value formation.

   Against the background of this concept of the creation of conciseness as a comprehensively semiotic and fundamentally open process, the secularisation-theoretical diagnosis of a semantic surplus of religion raises questions such as the following: How can a close interweaving of concept and practice be conceived without abandoning the specific distance of the normative from the factual? How can we deal with the disparity of factual practices on a global horizon, based on the continuity between facts and values assumed by Dewey?

3. The insight into the semantic surplus of religion goes hand in hand with the conviction that the commandment of translation can never be completely caught up with, so that in principle an "opaque core" of religious language games remains. In Juri Lotman's cultural semiotic perspective, the principally untranslatable does not appear as an unwanted residual, but as a condition of possibility for communication to take place. Here, it is precisely those areas of divergent world views that can hardly or not at all be communicated with each other that make communication in the true sense not only necessary, but - far beyond that - even conceivable in a consistent way. Essential prerequisites are "explosions" in semiotic processes in which intra-linguistic and extra-linguistic reality interact with each other.

   In this confrontation, the following questions arise: Can the thesis of the productive power of the untranslatable be maintained in the face of manifest normative conflicts between worldviews - or does the idea of a permanently risky opaque core seem more appropriate here?
   What modes can be conceived to deal critically and constructively with any opaque moments of communication between divergent worldviews?

**Participants**

Prof. **Judith Hahn**, Bonn/Germany
Prof. **Thomas-Andreas Põder**, Talinn/Estonia
Prof. **Kristina Stoeckl**, Rome/Italia
Dr. **Roberto Luppi**, Rome, Italy
Prof. **Annette Langner-Pitschmann**, Frankfurt a. M./Germany
Dr. **Melisa Liana Vazquez**, Rome/Italia

**TIMETABLE**

Workshop
organized by Annette Langner-Pitschmann, Frankfurt/Main, Germany

# Ambiguity management, moral experimentalism, cultural semiotics critical perspectives on the idea of religious-secular translation

9.45 a.m. 10.05 a.m.
**Roberto Luppi, Rome, Italy:**
*Religious voices in the public sphere of (not) well-ordered liberal democracies: some insights starting from the theories of John Rawls and Jürgen Habermas.*

10.05 a.m. 10.25 a.m.
**Kristina Stoeckl, Rome, Italy:**
*The limits of translation:*
*Habermas' translation provisio and the pitfalls of postsecular society.*

10.25 a.m. 10.45 a.m.
**Judith Hahn, Bonn, Germany:**
*The Language Games of Canon Law:*
*Strategic Ambiguity between Law and Religion*

10.45 a.m. 11.05 a.m.
**Melisa Liana Vazquez, Rome, Italy**
*Opaque human subjects? Disambiguation of the 'legal human' through the relationalities of religions*

11.05 a.m. 11.25 a.m.
**Annette Langner-Pitschmann, Frankfurt A. M., Germany**
*No Need for Translation?*
*An Instrumentalist Perspective on the Relationship between Normativity and Religiosity*

11:25 a.m. 11:35 a.m.
**Coffee break**

11.35 a.m. 11.55 a.m.
**Thomas-Andreas Põder, Tallinn/Tartu, Estonia**
*A Cultural (Theo)semiotic View on the Idea of Religious-secular Translation*

**May 25 (afternoon) 2:45 p.m. 6:30 p.m.**

**Debate**

# ABSTRACTS

**Roberto Luppi**

## Religious voices in the public sphere of (not) well-ordered liberal democracies: Some insights starting from the theories of John Rawls and Jürgen Habermas

The contribution analyses the role that religious voices can play in the public reason of liberal democracies according to the theories of Rawls and Habermas. Both philosophers seem to face a similar path: after promoting an idea of public reason understood in purely secular terms, they place increasing value on the contribution of religious communities in the political life of liberal States. The speech discusses the basic requirements that in the philosophers' views religious reasons on the public sphere must meet in order to play a significant role. The basic idea is that certain conditions can be identified that make it not only possible, but desirable and (perhaps) even necessary for religious communities to appeal to their deepest convictions in the public discourse of liberal democracies. Especially with reference to the most vulnerable domains of social life, religious traditions are seen to possess the strength to convincingly articulate moral awareness and solidaristic insights. In the concluding remarks, some thoughts are presented with reference to the contribution to the public discussion on migrants delivered by Pope Francis.

**Kristina Stoeckl**

**The limits of translation: Habermas' translation provisio and the pitfalls of postsecular society**

Religious-secular translation has been a central concept for the theorizing of postsecular society ever since Jürgen Habermas first used the term in his writings on religion in the public sphere twenty years ago. Praise and criticism of his translation provisio have been formulated from the side of liberal political theory, critical theory, and also social theory informed by empirical research. This presentation summarizes the main strands of reception of the initial concept and problematizes some of the conclusions that have been drawn in different fields. The contribution asks to what extent the translation provisio and the notion of postsecular society are necessarily connected and what we can learn from disentangling the two.

**Judith Hahn**

**The Language Games of Canon Law: Strategic Ambiguity between Law and Religion**

The continental tradition of modern positive law, with its attempt to formulate clear legal rules, tends to be suspicious of ambiguity and struggles with the productive power of the untranslatable. Opaque kernels that inevitably remain in laws seem risky and call for disambiguation through legislation, the courts, or administration. Yet despite this struggle against ambiguity, laws, as texts made of language, not only remain essentially ambiguous, but often require ambiguity when regulating for plural groups. In global legal orders, such as Roman Catholic canon law, we can observe that ambiguity is used strategically to allow for the inclusion of plural legal cultures. Adding to this, canon law fosters its opaqueness by meandering between secular and religious language games, thus playing with the semantic surplus of religion for the sake of cultivating ambiguity. This ambiguity management is itself ambiguous. It is inclusive, allowing plural communities to exist under the roof of Catholicism, but it is also open to the authorities' arbitrary decisions undermining legal certainty as a core value of modern law.

**Annette Langner-Pitschmann**

# No Need for Translation?
# An Instrumentalist Perspective on the Relationship between Normativity and Religiosity

T
he imperative of translation between religious and secular beliefs presupposes that religion and secularity represent two spheres of meaning between which an understanding can only be generated in an active process of mediation. The pragmatist philosopher John Dewey points out that this premise is based on an outmoded theory of religion. If one follows his concept of the religious, religious meanings are in continuity with other areas of meaning production. The paper outlines the cornerstones of Dewey's approach, which seeks to identify the religious as the quality par excellence of any normative or value-oriented experience. The central question is what perspective this concept opens up with regard to the conditions of understanding across the boundaries of social and cultural spheres.

**Thomas-Andreas Põder**

# A cultural (theo)semiotic view on the idea of religious-secular translation

*(forthcoming)*

**Melisa Liana Vazquez**

**Opaque human subjects?**
**Disambiguation of the 'legal human' through the relationalities of religions**

The legal human subject at the heart of human rights (autonomous, intentional, agentic) has long been at odds with human subjectivity understood in relational terms, in which there is no individual subject without its intrinsic and intermingled relationship to a community of belonging. Furthermore, any determination of the human subject emerges from and represents one of innumerable and distinct worldviews. Polarization between ideas of individual vs. collective subjects cannot, therefore, correspond to a genuine ontological divide since all worldviews depend on both holistic and relational conceptions, infused with specificities of language, kinship, and religious and spiritual ties and understandings. At the interface of the individual and the communal, the religious and the secular come into conflict, with the religious seen as the enemy of human rights, and human rights as the secular religion. Environmental problems are, nevertheless, global, and uninterested in such skirmishes, as the planet continues to suffocate under the weight of its human burden. The paper will argue that a translational approach to the anthropological-religious models underlying even allegedly secular conceptualizations of subjectivity could point us towards new, collaboratively rendered paths. Such paths could lead to ecological understandings that put individual and collective concerns in dialogue and generate global solutions. Learning to translate the religious within diverse worldviews can offer invaluable opportunities towards saving human rights from the semantic fog that otherwise obscures any possibility for humans with rights, and prevents the flourishing of their home, namely, planet Earth.


# IRSL Rome 2023
# 24 27 May

## WORKSHOP
## 25 May 2023

# LANGUAGE, RELIGION, DISCRIMINATION
## Spaces and lexical imaginaries for ubiquitous justice

**Chair: Robert Kahn** (rakahn@stthomas.edu)
**Co-chairs: Giorgia Baldi** (G.Baldi@sussex.ac.uk) **and Zakeera Docrat** (zakeerad@gmail.com)

Space and language are two dimension of human experience that are semiotically interlaced. Categorical frames are epitomes of circuits of experience. On the other hand, the Latin etymology of the word 'term' (Latin: *terminus*) perfectly reflects this polysemous and pragmatic interpenetration. *Terminus* means both 'word' and 'border.' The spatial

projections of language also and inevitably imbue legal discourse, its deontological implications, and the mapping of justice dynamics, from both the semantic and experiential angles. Despite their inherent normativity, neither semantic nor legal categories succeed in reining in the dynamics of space, or rather the promiscuity among the multiple spaces of experience designed and acted out by human conduct. This 'movement' imports a kind of overcoming of categorical spectra, the consequence of which is a kind of semantic ubiquity/ambiguity of their contexts of reference, so to speak. Such semiotic 'leaking' of the alleged categorical containment is at odds with the curtailment of semantic and experiential space that is usually assumed to be normatively coextensive with categorization (whether 'natural' or, even more, 'deontic'). In this vein, the ensuing intermingling of multiple semantic/spatial domains, in turn, unavoidably ends up affecting the alleged 'corralling power' of categorization, particularly legal categorization, engendering what might be called 'clouds' of injustice and/or axio-semantic inconsistency. It is precisely along these ambiguous and nebulous borders that axiological/linguistic conflicts concerning religious symbols are located, due to the internal/external divide drawn by the imagery of secularization (Baldi, Bilotti, Hauksson-Tresch, Imranali). Something similar occurs in all situations in which the same subject, through their actions, connects, straddles, or traverses different universes of discourse, different linguistic circuits, different semiotic and experiential landscapes (Docrat & Russel, Hightower, Imaranali, Powell, Rinaldi). What is lacking, in these cases, is a 'culture of translation' (Baldi, d'Arienzo, Glogar, Powell), which is also integral to the ability to project a cross-cultural gaze on the dynamics of experience. This is a crucial problem within contemporary culture-*scapes*, which are also nomo-*scapes*, and which, partly by virtue of networked communication (Sousa-Silva), *escape* the symbolic-territorial subdivisions inherited from the geographical imaginary of the past. The corresponding symbolic and legal apparatuses often turn into bans (e.g., when related to race and religion) (Kahn) that inconsistently attempt to curb the semantic and legal relevance of semiotic relational and meaningful threads projected into the past and the 'elsewhere:' the same threads that are instead presentified by people's 'subjectivities on the move' but always fall under the lens of law in one or another institutional 'here and now.'

'Translation,' in the light of the above, assumes an inner political significance because it proves to be both intrinsically and experientially interspatial (d'Arienzo, Hightower, Imaranali, Powell, Rinaldi, Sousa-Silva). This also because 'trans-*lating*,' etymologically intended as both spatial and discursive transferring, is the source and efficient cause of the pluralism that, travelling on people's shoulders, populates the circuits of meaning, even within national borders (Docrat & Kashula, Glogar). The forensic moment is, as it were, the point of convergence where these semantic-spatial interpenetrations (Bilotti, Docrat & Kaschula, Powell, Sousa-Silva) come to the fore, more often than not in a pathological manner. At the same time, this is the place where asymmetries emerge between space and meaning, legal subjectivity and models of legal and axiological categorization, and so on. The workshop contributions show how the universalizing aspiration of modernity appears at odds with itself, especially when subjected to an attempt at rethinking from below, ethically and politically emancipated from the

'pigeonholing time-space semantics' that are coextensive with global capitalism and its history (Keeney).

**Participants**

1 **Baldi Giorgia**, *Secular law and Religious Affects*

2 **Domenico Bilotti**, *Have You Come Here for Forgiveness? The risks and the duties of a cultural-religious conception in reparative justice*

3 **Maria d'Arienzo**, *Religious pluralism and Semiotics of Italian Church/State Legal Experience*

4 **Zakeera Docrat and Russel Kashula**, *Cultural and Linguistic Prejudices Experienced by African Language Speaking Witnesses and Legal Practitioners at the Hands of Judicial Officers in South African Courtroom Discourse: A case study of the Senzo Meyiwa murder trial.*

5 **Nathalie Hauksson-Tresch**, *What is a religious sign? A study of the challenges presented by the concept of* the ostentatious religious sign

6 **Ben Hightower**, *Refugees 'In Limbo': from media frames to legal claims*

7 **Robert Kahn**, *The Semiotics of Critical Race Theory, Bans, and Memory Laws*

8 **Gavin Keeney**, *Ideational Franciscanism + Rights*

9 **Glogar Ondřej**, *The Use of Language Corpora in Legal Interpretation*

10 **Imranali Panjwani**, *The role of a Country Expert in Deepening the Semiotic Inquiry of Religious, Cultural and Linguistic Terms in Asylum and Human rights Cases*

11 **Richard Powell**, *Practitioners across Jurisdictions: Discursive and Linguistic Differences Reported by Malaysian Bijural Lawyers*

12 **Patrizia Rinaldi**, *The Name Is the Meaning: Language Used for the So-Called 'MENA'*

13 **Rui Sousa-Silva**, 'We attempted to deliver your package'*: Forensic translation in the fight against cross-border cybercrime*

# TIMETABLE

**10:45 a.m. 11.30 a.m.**
Giorgia Baldi 10:45 a.m.
Domenico Bilotti 11:05 a.m.

**11:30 a.m. Coffee Break**

**11:45 a.m. 1 p.m.**
Zakeera Docrat & Russel Kashula 11:45 a.m.
Maria d'Arienzo 12:05 p.m.
Nathalie Hauksson-Tresch 12:25 p.m.
Debate 12.45 p.m.

**1/1:05 p.m. Lunch**

**2:30 p.m. 4-10 p.m.**
Ben Hightower 2:30 p.m.
Robert Khan 2:50 p.m.
Gavin Keeney 3:10 p.m.
Ondřej Glogar 3:30 p.m.

**Debate 3:50 p.m.**

**4:10 p.m. 6:30 p.m.**
Imranali Panjwani 4:10 p.m.
Richard Powell 4:30 p.m.
Patrizia Rinaldi 4:50 p.m.
Rui Sousa-Silva 5:10 p.m.
Debate 5:30 p.m.

**5:50 p.m. 6:30 p.m.**
Final discussion

# ABSTRACTS

**Giorgia Baldi**

## Secular law and Religious Affects

In western political and legal discourse, the 'headscarf controversy' has been framed through oppositional categories (secular vs. religious, women's freedom vs. women's oppression, public vs. private, etc.) and analysed through the lens of gender equality, multiculturalism, and the accommodation of religion in the secular European public sphere. This paper wants to provide a critique of European Court of Human Rights decisions to ban the veil through an analysis of art. 9 of the European Convention on Human Rights (Freedom of thought, conscience,and religion). It argues that while, on the one hand, for many Muslim women veiling is a tool to achieve a specific kind of ethical subjectivity, then on the other, the difference made by article 9 between *forum internum* and *forum externum*, faith and manifestation, discloses the creation of a specific law and religious subject.

Thus, far from being neutral, Human Rights law operates in a way to define specific religious and non-religious forms of knowledge and behaviour and to exclude others from its protection. This reveals the extraordinary normalising and universalising power of secular/liberal forces which, translated into the western and human rights architectural juridico-semiotic structure, renders inevitable the exclusion of different subjectivities. What is missed, then, in the western debate over the women's headscarf is the way in which liberal secularism understands and defines the religious and legal gendered subject, and how this understanding is encoded *in* and reproduced *through* the law. This reveals that it is exactly the universalism of western/secular notions that hides the western inability to produce a fruitful critique and to accommodate different subjectivities, precluding the possibility of imagining different forms of humanity beyond the scope of the juridical humanity that the combination of positive and natural law enables.

**Domenico Bilotti**

**Have you come here for forgiveness?**
**The risks and the duties of a cultural-religious conception in reparative justice**

So-called secular reasoning has distinctively impacted the development of criminal law. It suggests a defined transition concerning an always operating distinction between an internal, primarily private sphere and a public extrinsic field of juridical public relevance.
The concept of punishment to tackle the rise of new social emergences has proved itself able to maintain the idea of a concrete and pragmatic legislator. Quite paradoxically, a comparative overview will confirm this methodology in the drafting of reform laws in various legal orders, from the crisis of Western republicanism to the complicated emerging of a radical social pluralism in the Far East.
The defence of civil liberties has undertaken an inconsistent argumentative path in order to avoid a merely vindictive representation of the law: reparative justice. In its worst applications, and not resolving the best basements of its hermeneutical efforts, reparative justice implies a sickening encounter between victim and opponent and the idea of a universally valuable price for the illicit.
Cultural religious traditions have elaborated different ways to connect forgiveness and judgment, individual liberties and systemic reconstructions of the law, which could interplay with the secular system in view of an intercultural and global re-reading of criminal justice and its legitimacy. In this vein, we will retrace three case-studies: the Canon Law principle of the complete restoration of torts, in line with a liturgical interpretation of the Pater Noster; the self-distress sense for the guilty in Japanese spiritualities; and the recuperative legal notion of penitence in Orthodox antiauthoritarian theologies. We will outline a normative strategy against the law & economics approach to reparative justice.
The idea of forgiveness and the frequent politically inducted sense of vindictiveness against some hypotheses of illicit behaviours could be analysed from the same perspective: an irreducible unaccountability between the legally relevant fact and its own judicial effects. The way we dogmatically recognize the relevant fact is not an established form of objectivity: it is just the hardest part of the problem.

**Maria D'Arienzo**

## Religious Pluralism and Semiotics of Italian Church/State Legal Experience

In the multi-religious context of Italian society, today, the protection of confessional pluralism, understood as the main corollary of the principle of secularism of the state, not only involves the traditional systematics of the sources of law, but also entails a necessary evolution and transformation of the legal lexicon, which does not always appear adequate to cope with the growing social complexity. My article aims to examine the semiotics of the current state of the art of relations between the state legal system and the multiple religious/confessional subjectivities in Italy. My analysis focuses in particular on the linguistic processes of the legal translation of religious institutions/legal categories in the secular sphere. I will also propose a dialogical and intercultural approach to the interpretative and applicative processes of the overall normative apparatus — so to speak — that constitutes what is traditionally called "Italian ecclesiastical law" and its more recent pluralistic developments.

**Nathalie Hauksson-Tresch**

**What is a religious sign?**
**A study of the challenges presented by the concept of *ostentatious religious sign***

My contribution proposes to explore the notion of sign in the particular context of religion and school. The question is particularly discussed in several countries and particularly in France where the law prohibits pupils, teaching staff and other employees from displaying any ostentatious religious signs at school. This rule aims to protect the principle of neutrality/secularism in public education.
A sign is the combination of something that we perceive, and the mental image associated with this perception. Lately the media shows that the material, physical, aspect of the sign is constantly evolving in the face of the inventiveness of students to mark their religious or cultural affiliation. Consequently, we can notice a confusion, frustration and even cry for help on the side of the teachers and staff, who struggle to interpret the immaterial, conceptual aspect of the sign.
Both teachers (and lawyers) are faced with several challenges, the first being to identify the sign as either a cultural sign (which is permitted to be displayed) or a religious sign (which the law prohibits).
We hope to be able to shed some light on this difficult question and to show that religious signs condense identity and ideological tensions around questions related to modernity, the westernization of societies, and universality.

**Ben Hightower**

**Refugees 'In Limbo': from media frames to legal claims**

Limbo has various semantic and cognitive meanings, most of which find their roots in interreligious beliefs and traditions that signify the sorts of afterlife that can be found outside both Heaven and Hell. In its everyday usage, 'limbo' is used to alert us to historical and present-day threshold spaces and events that are marked by protracted forms of incompatibility or uncertainty.

There has undoubtedly been a trend to apply the term 'limbo' to a multitude of physical, psychological and legal situations and especially for the world's most marginalised and vulnerable people. However, 'limbo' is not merely colloquial or vague language that can be simply detached from logic or argument. Following an earlier media analysis conducted into limbo trends in Australian media, this investigation reveals how limbo narratives are not only used to define everyday socio-legal experiences and legal claims, but also how they may inform and determine legal judgements and practices.

Here, this investigation demonstrates not only how readily and profoundly limbo can be observed in media, but also how such representation has flows to legal argument, evidence in the form of testimony, legal texts and reports, court proceedings, and facts and final judgements established by judges. In these examples, 'legal limbo' routinely denotes either experiences or physical spaces (often claimed by people), or operational or doctrinal irreconcilabilities (often claimed by law). As part of this discussion, a variety of legal sources and cases in Australian courts that utilise limbo-narratives in relation to refugees are considered. There will also be a brief analysis of how Covid-19 has impacted discussions around legal limbo and refugees.

**Robert Kahn**

**The Semiotics of Critical Race Theory Bans and Memory Laws**

Across the United States conservatives have banned critical race theory. Some laws punish describing racism in the United States as "systemic" or "endemic." Others ban statements attributing blame to a specific racial group for past misdeeds, or that make students feel uncomfortable on the basis of race or religion. These laws raise concerns about freedom of speech and academic freedom.

But they are also symbols. In June 2021, as the first laws were coming into effect, Timothy Snyder described the bans as "memory laws" in a *New York Times* article. This led to an outcry amongst conservatives, such as Rich Lowry, who accused Snyder and his supporters of falsely seeing "Vladimir Putin's handiwork" in the CRT bans.

This essay explores the semiotics of the CRT bans and the "memory laws" label. What led Snyder and other CRT ban opponents to use the term "memory laws" as opposed to "gag rule," "censorship" or some other similar term? Was this an Orientalizing moment, at a time when Russia is demonized in the United States? Or does the label "memory law" ring true?

Meanwhile, what made the "memory law" label so frightful for CRT ban supporters? The CRT bans allow the teaching of uncomfortable facts (slavery, segregation, etc.) while banning words that might give meaning to those facts (such as "systemic racism"). By doing so, they project an image of the United States as an egalitarian, colorblind society.

The "memory law" label complicates this goal. Like defenders of Turkishness faced with assertions of the Armenian Genocide, CRT supporters can concede the facts but not the label. The rejection of the "memory law" label, like the rejection of "systemic racism," serves as a silencing mechanism.

**Zakeera Docrat & Russell H Kaschula**

**Cultural and linguistic prejudices experienced by African language speaking witnesses and legal practitioners at the hands of judicial officers in South African courtroom discourse: A case study of the Senzo Meyiwa murder trial**

The murder trial of popular South African football captain, Senzo Meyiwa shone the spotlight on the use of language in courtroom discourse and language as evidence, giving rise to the following issues: the far reaching discriminatory effects of the English monolingual language of record policy for courts; the linguistic and cultural prejudices and resultant inequality experienced by African language speaking witnesses and legal practitioners; the limited language competencies of police officers; the linguistic and cultural insensitivity of judicial officers; and the importance of a competent court interpreting profession. The English monolingual language of record policy dictates that all court documents and witness statements be produced in English and that legal practitioners address the court in English (Docrat *et al*, 2021). This despite the fact that only 9.6% of South Africans speak English as their mother tongue (Census, 2011). The majority speak one of nine official African languages or Afrikaans as their mother tongue. The Meyiwa case illustrates that the policy hinders legal practitioners and witnesses from proceeding in a language other than English where it is practical to do so. This places sole reliance on interpretation services in our courts, where there is a shortage of skilled interpreters in the unregulated profession (Namakula, 2019). This was furthermore highlighted, in the Meyiwa case where the lead police investigator spoke Sesotho and relied on poor interpretation, unfairly, bringing into question his credibility and the entire investigation. The defence council was subjected to linguistic and cultural prejudices, by the presiding judicial officer, when he was unable to articulate himself in English and opted to speak his mother tongue, isiZulu. In relation to each issue, we discuss the legislative and policy frameworks that establishes a monolingual legal system and profession in a constitutionally protected multilingual and multicultural country. We conclude with relevant recommendations.

**Gavin Keeney**

**Ideational Franciscanism + Rights**

There is a battle (war) that is being waged; one that reaches backward, across history, and one that might be in certain ways antecedent to what we have come to call "history." It concerns ideational, yet lived precepts, which in some ways makes the battle irreducibly historical and a-historical, at once. For, if on the one hand such a clamor concedes ground in material terms, it is either illusory or it actually takes place immaterially viz., its address in or across history through materiality eventually discloses its inherent metaphysical and/or theological conditionality as inescapable remainder. On the other hand, if the battle royale concedes ground on ideational terms, it is one of those fungible tokens of the Real that, out of a very this-worldly plenitude, requires constant re-negotiation to merely preserve any sense of serviceability to socio-cultural affairs.

This war (battle) is currently played out as Capital's ongoing and historically determined attempt at the conquest or capture of knowledge. The campaign to commodify otherwise immaterial aspects of life itself (life proper) proceeds through intellectual property rights law and copyright. For authors it generally concerns: 1/ bespoke ownership; 2/ abject careerism; and 3/ the worship of money. All three elements connote one form or another of the pursuit of personal power and privilege (whether enforced or not); and all three elements of the greater campaign, as orchestrated by Capital, are intertwined; they circle identity, more or less collapsing into recurrent problems of subjectivity (e.g., individual choice and its nightmares) when placed under duress.

This paper will report on ongoing research into concepts related to ideational Franciscanism and the abdication of rights, in part through an examination of three "Franciscan" artists, Cimabue, Giotto, and El Greco, and Early Modern problems associated with the construction of "authorial presence."

**Ondřej Glogar**

# The Use of Language Corpora in Legal Interpretation

In my paper I discuss the use of language corpora and how they can help in creating (finding) word meanings in the interpretation of legal texts. A language corpus comprises large amounts of linguistic data collected in such a way that it can be easily searched using certain software and hypotheses about linguistic phenomena can be tested (Mouristen 2010). This vast amount of data captures language in its actual use by language speakers (in everyday communication - whether written or spoken). In addition, it also allows us to examine the context in which the relevant words are used, which can also provide evidence of their meaning (Solan & Gales 2017, Vogel, Hamann & Gauer 2017). Because the corpus captures the reality of language at a particular time, it allows the study of language as a dynamic phenomenon (changing both in time and space, i.e., across cultures as well). Nevertheless, this tool is rather neglected in the interpretation of law and the possibilities it offers are not exploited.

Based on these premises, I aim to analyse the judicial practice in my paper (on the example of the decisions of the Czech courts) and how judges search for the meaning of terms and whether they really reflect the linguistic reality. The results show that although courts emphasize interpretation in light of the ordinary meaning when interpreting legal documents, they often rely only on their own linguistic intuition. At best, they refer to explanatory dictionaries, but even in this case they sometimes do not follow the due process for their use (established by the linguistic community). On these grounds, I highlight the pitfalls of this practice and suggest the use of language corpora as a way to get closer to the real 'ordinary meaning'.

**Imranali Panjwani**

**The role of a country expert in deepening the semiotic enquiry of religious, cultural and linguistic terms in asylum and human rights cases**

Asylum seekers who claim asylum in the United Kingdom flee from a diverse range of threats of persecution, particularly in the MENA (Middle East & North African) region. These threats may comprise war, tribal violence and trafficking to honour-killings, female genital mutilation and witchcraft. Some of these threats may be alien to Western immigration tribunals as they either do not occur or are not understood, particularly because of the intricate religious and cultural nature of the threat in question. For example, a single woman who has had sexual relations outside of marriage would be regarded as having insulted tribal and familial honour in some regions of MENA countries. Whilst lawyers, judges and policymakers may do their best to research a country, the word honour which in Arabic is *'karamah'* has a distinct regional meaning; it is intimately related to tribal as opposed to individual honour.

Using case studies from the UK in my role as a country expert, my paper aims to critically explore the value of a primary, semiotic understanding of key religious, cultural and linguistic terms in asylum claims as opposed to a secondary-source exploration. Country experts are those individuals who know (or should know) the religious, cultural and social fabric of a country in order to write a report that examines the plausibility of threat of persecution towards an asylum seeker. I argue that country expert reports (and the UK's immigration tribunal system in general) should place more value on how language is embodied within the MENA regions and how a semiotic enquiry can lead to a deeper understanding of interreligious and intercultural dynamics that are central to asylum and human rights claims in the UK and Europe.

**Richard Powell**

**Practitioners across jurisdictions: discursive and linguistic differences reported by Malaysian bijural lawyers**

Malaysia strives to separate its two main legal systems, one based on English common law that is the main source of legal redress in criminal and civil matters for most of the population, and one serving the majority Muslim population with regard to family, inheritance and property matters as well as religious infringements. One impetus behind the postcolonial policy of keeping the two jurisdictions separate is to preserve the autonomy of *Syariah* law, which has a much longer presence in the region than English-based law but whose functions and prestige were eroded under colonisation. Hence a number of rulings have reinforced the principle that disputes deemed within the purvey of religious authorities are not to be adjudicated by common law courts unless one of the parties is a non-Muslim. Each system has its own set of laws, its own institutional hierarchy, and its own educational and training regimes. However, as part of a modernising agenda Malaysian *Syariah* law has borrowed extensively from practices and institutions established in common law. Furthermore, an increasing number of common law-trained Malaysian lawyers also pursue qualifications for *Syariah* advocacy. A decade ago Azirah and Powell (2011) carried out an observation-based comparison of the discursive and language policy features of the two systems, noting that while each makes use of both Malay and English, use of Malay is, perhaps unsurprisingly, more extensive in *Syariah* legal procedures. Less expectedly, they also uncovered a number of discursive overlaps. With little comparative work since then, this pilot study explores how language preferences, discursive practices and legal training conform and differ by directly addressing the experiences of practitioners working in both systems through a series of targeted interviews, thereby seeking to shed light on contrastive approaches to examination of evidence.

Azirah Hashim and Richard Powell (2013) 'Language policy and practice in civil and *syariah* law courts in Malaysia.' *International Association of Forensic Linguists 11th Biennial Conference,* Mexico City (June 24-27, 2013).

**Patrizia Rinaldi**

**The name is the meaning: language used for the so-called 'MENA'**

Contemporary international migration is directly related to the construction of the nation-state. The variations in this migration are multiple, depending on the type of mobility, the territories and the characteristics of the people who practice it. One of these types of migration that has been particularly important at the end of the 20th century and so far in the 21st century is that of minors who migrate without being accompanied by their parents. The legal definitions, bureaucratic practices and rights of these minors-turned-migrants vary across European states and in the international literature. This paper aims to analyse the terminology used colloquially in the media and academically to refer to this group of people.

In the early days of the phenomenon, the acronym MENA (unaccompanied foreign minors) has been the most common in Spain. It was intended to be a "neutral" term used in the legal sphere and migration studies. Still, in recent times, MENA has become more than a descriptive category. It has become a way of criminalising a group of young people who are in national territory and come from another country (usually an African country and, especially, a Maghreb country). However, not everything is determined by the circumstances surrounding us or our lives as social beings. Social pressure, with its narrative, cannot mean leaving aside history, legal culture and learning. We need a new language to talk about this group of people. Currently, the negative connotation hides the most human aspect of this condition; the term "MENA" is a banner to mystify a fundamental fact: we are talking about children and adolescents who, not being able to count on the protection of an adult or family member, are condemned to social exclusion. This article approaches the migrant child as a critical figure who embodies the paradox of humanitarian reasoning, which is also a legal and political paradox, encapsulating the tension between structural rejection and the individual capacity of the human subject. By focusing on the theoretically productive role of minors without parental guardianship as subjects of ethnographic examination, this paper aims to arrive at a deeper understanding of how current anthropological knowledge redefines the concepts of childhood, adulthood and migration.

The first part of this paper focuses on examining the terminologies used at the European and international levels, with their respective social implications. The second part focuses on the Spanish case, with the different impacts the term produces at the local level. The third and last part offers food for thought and semantic proposals, implying good inclusion practices.

**Rui Sousa-Silva**

**'We attempted to deliver your package': Forensic translation in the fight against cross-border cybercrime**

Cybercrime has increased significantly, recently, as a result of both individual and group criminal practice, and is now a threat to individuals, organisations and democratic systems worldwide. However, cybercrime raises two main challenges for legal systems worldwide: firstly, because cybercriminals operate online, they span beyond the boundaries of specific jurisdictions, which constrains the operation of the police and, subsequently, the conviction of the perpetrators; secondly, since cybercriminals can operate from anywhere in the world, law enforcement agencies struggle to identify the origin of the communications, especially when obfuscation strategies, e.g. dark web fora, are used. Nevertheless, cybercriminals inherently use language to communicate, so the linguistic analysis of suspect communications is particularly helpful in deterring cybercriminal practice. This presentation reports the potential of forensic translation in the fight against cybercrime. Although the term 'forensic translation' has been used as a synonym of 'legal translation', I argue that the implications of forensic translation span beyond the applications of legal translation, to include analyses of Language Rights, of the right to interpretation and translation in legal procedures (in the EU), or even investigative and intelligence practices. Translation is a pervasive activity that is conducted, not only by professional translators, but also by lay speakers of language, often using machine translation systems, including for purposes of cross-border criminal (e.g. extortion or fraud) and cybercriminal communications (e.g. cybertrespass, cyberfraud, cyberpiracy, cyberporn or child online porn, cyberviolence or cyberstalking), or authorship analysis (to establish the author of a questioned document, or linguistically profile a suspect). This research presents the results of the analysis of cybercriminal communications from a forensic translation perspective. It demonstrates that translation is frequently used to spread cybercriminal communications, and that reverse-engineering the translational procedure will assist law enforcement agencies in narrowing down their pool of suspects and, consequently, deter cybercriminal threats.


**IRSL**
**Rome, 24-27 May 2023**
**WORKSHOP**
**May 24**

# Dis-Embodiment in Religion, Ethics, and Law

**Organizer: Massimo Leone, Center for Religious Sciences, Bruno Kessler Foundation, Trento / Department of Philosophy and Education Science, University of Turin**

## Description

All belief systems, and in particular those that are categorized as religions, fit into a dialectical field in which the sign manifestation can be posited as additive, subtractive, multiplicative, or divisive (to adopt a mildly mathematical metaphor and metalanguage). Additive manifestation takes place when a belief system increases its possibilities of signification, both immanent and transcendent, both internal and external, through the adoption of a signifying materiality, which is expressed in artefacts that are semiotically

texts of culture. Subtractive manifestation, on the other hand, takes place when a belief system delineates or reinforces the perimeter of its own religious agency not by fabricating sacred signs, but by negating the mundane ones, i.e., those of other religions and belief systems. The multiplication of materiality can then take place through different modes of hybridisation between the sign manifestations of religions, modes that include in the first instance those between different belief systems, resulting in syncretisms, but also those that interpenetrate the religious signification with the secular one. Finally, one cannot fail to remember that the construction of a religious signification is often divisive, in the sense that it constructs the sacred in its deepest etymological and phenomenological sense, as separation from an otherness, but also because, in manifestation, it designates not only the profane but also the heretical, the schismatic, the abject.

The session aims to put this mathematics of religious manifestation to the test of the new forms of embodiment and disembodiment that are being elaborated within an increasingly global and digital infrastructure of religious communication, as well as in the contingency of a reformulation of community signification due to various factors and impediments, from pandemics to conflicts, from migrations to religiously motivated persecutions. New sign manifestations of the religious emerge from this problematic context of a simultaneous widening and narrowing of communication possibilities, often breaking the mold of the traditional combinatorics of religious expression. Believers and communities either hide but become more visible thanks to the digital, or they disappear because they are unable to catch the wind of the new digital expressions. In all this whirlwind of new trends in religious signification, tensions and conflicts arise that in part exacerbate those of the pre-digital past, while in part resolve them, or dampen them, in a legal framework that struggles to formalize the new syncretisms and hybridities of digital religion.

**Presenters**

**Chair: Massimo Leone**
**Lucia Galvagni**
**Sara Hejazi**
**Eugenia Lancellotta**
**Simona Stano**
**Ilaria Valenzi**

## TIMETABLE OF PRESENTATIONS

2:30 p.m. **Massimo Leone**, *Global Dis-Embodiments, Local Re-Embodiments: The Face, the Gods, the Law*

2:45 p.m. **Simona Stano**, *Between Dis-Embodiment and Re-Embodiment: Robotics and Religious Officiants*

3:15 p.m. **Sara Hejazi**, *Decolonizing Narratives: Tengrism between Law, Politics and Identity*

3:45 p.m. Discussion

**4:15 p.m. Coffee Break**

4:30 p.m. **Eugenia Lancellotta**, *Putting the Insanity Defense on Trial*

5:00 p.m. **Ilaria Valenzi**, *Religious Minorities, Dis -Embodiment and the Law*

5:30 p.m. **Lucia Galvagni**, *Life and Law: Bioethical Issues at the Prism of the Body*

6:00 p.m. Discussion

6:30 p.m. End of workshop

# ABSTRACTS

**Lucia Galvagni, Center for Religious Studies, Bruno Kessler Foundation, lgalva@fbk.eu**

## Life and Law: Bioethical Issues at the Prism of the Body

How much is the body present in the laws regarding life and health, disease and death, medicine and healthcare and how has it been represented? Which kind of role does the body play in these laws? And what references underlie the corresponding conceptions? Are embodiment and potential dis-embodiment at stake and at risk? The presentation will consider Italian laws dealing with some main bioethical issues. More particularly, it will underscore how the body has been considered and represented in laws on the termination of pregnancy (194/1978), on voluntary and compulsory health assessments and treatments (180/1978), on organ transplantation (91/1999), on medically assisted reproduction (40/2004), on informed consent and advance directives (219/2017) and in the more recent Sentence n. 242/2019 of the Constitutional Court on physician assisted suicide. Each of these laws reflects moral values present and shared in society; they often reflect bodily representations and comprehend cultural, religious and legal orientations, which characterize the context and the time where they have been adopted and promoted. These representations could also drive the application of new biotechnologies regarding the body and our health.

**Sara Hejazi, Center for Religious Studies, Bruno Kessler Foundation, hejazi@fbk.eu**

**Decolonizing Narratives: Tengrism between Law, Politics and Identity**

Kazakh National Identity is undergoing a process of redefinition and reconstruction in times of great cultural, social and economic global transformations, represented by digitalization and decentralization of past cultural hegemonies. Religious belief, which has been at the margins of Kazakh society during the Soviet Union, is being re-embodied through old and new forms of cults and spiritual practices. The contemporary process of national identity construction in Kazakhstan is thus a meticulous process of re-construction and negotiation of modern and traditional traits, holding together both the roots and the sprouts of the tree of identity. Traditional Spirituality is a pivotal trait of this ongoing process: ancient beliefs such as Tengrism are being reproposed as authentical traits, able to resist the modern, secular, digital, fast, consumerist global forces opposing them through the hidden, forgotten, sustainable, slow, local spiritual traditions. Tengrist "ideology" thus stands as the flag of local authenticity which was lost under Russian hegemony: it represents the need for the past to legitimize modernization, catalyzing the tensions between politics and religion: while the Kazakh constitution guarantees religious freedom, religious diversity has undergone great restrictions in Kazakhstan since 2011, with the ban on freedom of religions that do not undergo an official registration and a long and complex bureaucratic request for officialization. Tengrist groups are not interested in being registered. They are not interested in large numbers of meetings or large public demonstrations. Tengrism is mostly a cultural, elitist, individual movement. It is a movement, because their aim is more political than religious. Their sacred places are private elitarian living rooms of Kazakh urban centers, or woods and mountains, in the middle of nature. They produce and disseminate knowledge: they are interested in mending the present with that past that preceded Russification. They see spirituality as a means for decolonizing modern identities.

**Eugenia Lancellotta, Center for Religious Studies, Bruno Kessler Foundation, elancellotta@fbk.eu**

**Putting the Insanity Defense on Trial**

Employed by most Western legal systems as an excusing condition in assessing culpability, the Insanity Defense usually has two prongs. The first is that a defendant must suffer from a severe mental disease or defect that affected him or her at the time of the crime. The second prong is that a defendant, because of this severe mental defect, must have been unable to appreciate the wrongfulness of his actions at the time of the crime. Wrongfulness is to be interpreted with reference to objective societal or public standards of moral wrongfulness, not the defendant's subjective personal standards.
The application of the Insanity Defense is held to be problematic when it comes to crimes committed as a consequence of religious beliefs. This is because 1) it is often hard to establish whether a religious belief is normal or pathological. 2) Many ordinary as well as mentally ill religious believers hold that public standards of wrongfulness are surpassed by divine commands. These factors make the task of understanding whether a religious belief that led to a crime is the result of a mental illness or of a non-pathological process of acquisition daunting. In this paper, I discuss another issue concerning the application of the Insanity Defense to religiously motivated crimes. I argue that prong two of the Insanity Defense should be modified to accommodate cases where one is aware of the moral wrongfulness of a certain act but is not guilty because, at the moment of the crime, his values, actions and beliefs were the result of a dissociative disorder caused by coercive persuasion. I will illustrate this point by focusing on the case of *Nebraska vs Michael Ryan*, where the culpability of some of the defendants could be overturned if considered under this new light.

**Massimo Leone, Bruno Kessler Foundation, University of Turin, mleone@fbk.eu**

**Global Dis-Embodiments, Local Re-Embodiments: The Face, the Gods, the Law**

It is difficult to think about religions without thinking about corporality and bodies, those of the faithful, their movements in prayer and liturgy, how they are purified, clothed, undressed and decorated according to precise spiritual codes, how bodies enter into the narratives of sacred texts, iconography, ritual representation, processions and pilgrimages, and how they are exhibited or hidden, disciplined or guided by religious dictates. Religion is also about the body, about bodies, about incorporation. But what happens to all this inventory of corporeality in a progressive, rapid and global transformation of human relations under the sign of increasing digitization, which does not eliminate bodies but encodes them in disembodied and transferable patterns? How are religions transformed after the shock of the pandemic, and how are bodies and corporeality reconfigured in digital religion? Moreover, if ethics has always also been the government of bodies in a society, what transformation does the ethics of the body undergo in the age of its digital reproducibility?

**Simona Stano, University of Turin, simona.stano@unito.it**

**Between Dis-Embodiment and Re-Embodiment: Robotics and Religious Officiants**

Robotics has been increasingly adopted by religious communities around the world. In late 2015, for instance, a prototype of the "robot-monk" Xian'er was inaugurated at the Longquan Monastery in Beijing, with a second-generation model added in 2016. Since then, Xian'er has been reciting Buddhist mantras and offering guidance on matters of faith to the thousands of worshippers visiting the temple every year. In 2017, a robotic arm performing the Hindu Aarti ritual, which involves moving a light in front of a deity following a circular pattern, was also released. The same year, on the occasion of the 500th anniversary of the Reformation, Germany's Protestant Church introduced a "robot-priest" called BlessU-2, able to give blessings in several languages, with a male or female voice. In 2018, roboticist Gabriele Trovato designed SanTO (acronym of "Sanctified Theomorphic Operator"), a small robot drawing inspiration from the statues of saints, in the aim to offer spiritual succour to Catholic believers, keep them company during prayer, and teach catechism. Such innovations are markedly changing the way people experience faith and religious practices, through a process of *dis-* and *re-embodiment* of "officiating agents", which entails relevant transformations in terms of signification processes, as well as related to the way devotees engage in ethical reasoning and decision-making, and to the protocols needed to regulate such aspects. These crucial issues will be addressed through a semio-cultural approach, combining theoretical reflection with the analysis of the above-mentioned case studies.

**Ilaria Valenzi, Center for Religious Studies, Bruno Kessler Foundation, ivalenzi@fbk.eu**

**Religious Minorities, Dis -Embodiment and the Law**

Discussing the concept of religious minorities involves identifying the legal protection accorded to religious actors who belong to them. While an increasingly view of religious minorities as a vulnerable group is gaining strength, due to the original or migrant status of their members, the response of legal systems in promoting religious pluralism is by no means taken for granted.
In such an ever-changing framework in which the social and legal context assigns a *status* either none or unknown to those who are part of it or rejected or, on the contrary, sought or claimed, the social groups falling under the concept of religious minorities acquire a new embodiment. This may be observed in the spaces they occupy, the symbols they use, and the religious practices they carry out. A new balance between religious freedom and other fundamental rights of equal standing seems to be needed. At the same time, the irruption of the digital into religions -and vice versa- provides a new perspective on religious minorities. Religious groups rejoin their original contexts due to the dissolution of physical bond and meet in dematerialized places where the right to worship is fully realized. In this framework, on the one hand digital religion provides an opportunity to realize the rights of religious minorities even if at the cost of losing their embodiment, on the other hand the risk of strongly embodied algorithmic discriminations is high. Although freedom of religious or beliefs changes depending on its materialization, human rights are unique and require measures able to ensure full protection in every context.


# IRSL Rome 2023
## WORKSHOP
## May 24 -25

# Semioethics of Translatability in Present day Global Communication

Organizers: **Susan Petrilli e Augusto Ponzio**
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Present day organisation of the world in terms of globalisation inevitably involves the condition of mutual co-implication among all inhabitants over the planet (attested by the current pandemic and increase of famine in Africa caused by the Ukraine war). We are now in all 8 billion. We propose here to read the signs of total interconnection, of total interdependency: hence semiotics of globalisation. Specifically, we propose to read these signs from the perspective of what has been tagged "semioethics", where "ethics" is understood in Emmanuel Levinas's sense of the term: that is, as "intrigue", "entanglement": reference is to the condition just mentioned of "mutual co-implication", of "reciprocal involvement". The primary concern is that life over the entire planet, today under severe threat, be granted the possibility to continue and flourish.

In the global semiotic purview "life" can be expressed in terms of "semiosis": if there is life, there are signs, there is semiosis. The condition for a sign to obtain is its translatability. A sign is a sign if there is another sign to translate it. In terms of semiotics, the latter is an interpretant, and given that it is a sign, to be a sign, it calls for another sign, in turn its interpretant. Therefore, the condition for life insofar as it is semiosis is translatability, beginning from translation of the sign-stimulus of hunger into need for food.

Hunger in the world of globalisation is a clear sign of illness obviously caused by dominant production relations where the profit of a few is achieved at the expense of many. By contrast to "productivity", which moves and orients the entire communication-production system (production is communication: telematic, telework, communication networks, oil pipelines, gas pipelines; of course exchange is communication; and now consumption is communication), the right to alterity, otherness is specified as the right to nonfunctionality.

This is not the alterity of identity (national, religious, gender, etc.). Dominion avails itself of identity thus understood, divide et impera. Identity characterizes today's world, where it is rendered productive, through to the productivity of war, with all the mystifications of its attributes: preventive war, just and necessary war, humanitarian intervention, exportation of democracy, special military operation. Instead, alterity is not relative alterity as we understand it here, like the alterity of identity, but rather the reference here is to absolute alterity. Thanks to absolute alterity each one, each single individual is not simply an individual, thus the representative of a group, a collective, nor simply a person (in Latin = mask). Rather, each single individual is unique, absolutely other, unreplaceable, not interchangeable (as occurs in "private" relations, the affections, friendship). The right to non-functionality is the right to be a value in oneself, on one's own account, as an end in oneself, as non-relative alterity, sui generis. In today's communication- production world where productivity, efficiency, competition (even to the point of legitimating the extrema ratio of war) are fundamental values the right to non-functionality assumes the value of subversion. Structural unemployment and migration open up an enormous space to recognizing the human right to non- functionality. The non-functional is the human. And

yet "human rights", reduced to the rights of identity and to misrecognizing the rights of others do not contemplate the right to not being functional, to non- functionality.
Preventive peace, liberation from a world of war, this opening, this sur-render the good translational rendering of effective relationships is proximity to the other, non-indifference to the other, responsibility for the other without the alibis of identity. Opening, or rather the good translational rendering of alterity relationships, of sur-rendering to the other in terms of translation means that the I does not impose upon the other, that interpretation is not blinded, distorted or misrepresented by identity and its prejudices, that rather than resort to the shortcuts and oversimplifications characteristic of the binary oppositions of identity, signs are reconducted to the complexities and intricacies of their interpretive trajectories; to translate the alterity relationship means to demystify and to repropose oneself in a situation where the self is not yet nailed down to one's own identity, to the being of things, to dominant ideologic.
The right translation, opening to the other, hospitality towards the other as other, as that particular other, interest in the other independently of self-interest, of utility, functionality, identity affiliation can all be traced in the languages of monotheism. But throughout history even the languages of monotheism get caught in the mortal trap of identity. This is already evident in the act of subjecting the other to the identity of gender the women object of subjection by man, the male , even to the point of exploiting religion as the means to reaching and exerting power over the other, to the very point of rejecting and eliminating the other, expunging the other. This case as well calls for a semiotics of translation that allows for return to the original words of monotheisms, not only to their original texts, but also to the words and acts of those who have contributed and continue contributing to freeing the languages of monotheism from the fanatism of identity, which means to work for preventive peace.
The very need for justice arises from the "need to compare uncomparables" (Levinas), from the need to compare each one, each single individual, in spite of absolute alterity, in spite of uniqueness and uncomparability. Justice demands judges, institutions, laws, and consequently the State. And this calls for citizens, identicals, individuals, persons, masks, all affiliated to a community, and not only for face-to-face relations, relations among singularities, relations relegated to the "private" sphere (affection, friendship, love). However, on translating alterity relations into juridical relations among identities, not to be forgotten is that justice originates from responsibility for the other, from non-indifference to the other, from hospitality and mercy for the other (Pope Francis dedicated the 2015 Jubilee to mercy), from the sentiment that induces us to help, bring rescue to, and forgive our neighbour.

(Italian version)

Semioetica della traducibilità nell'attuale comunicazione globale

L'attuale organizzazione mondiale nel senso della globalizzazione comporta inevitabilmente il coinvolgimento reciproco di tutti gli abitanti del pianeta (ne sono prova l'attuale pandemia e l'incremento della fame in Africa a causa della guerra in Ucraina).

Siamo 8 miliardi. Qui ci proponiamo di leggere i segni di tale interconnessione, di interdipendenza totale: dunque una semiotica della globalizzazione. Specificamente si tratta di ciò che abbiamo avuto occasione di indicare come "semioetica", dove "etica" è intesa nel senso in cui Emmanuel Levinas usa questo termine: e cioè "intrico": il riferimento è al "coinvolgimento reciproco" di cui si è detto all'inizio. Interessa qui in particolare la possibilità della continuazione della vita sul nostro pianeta, oggi messa in forte pericolo.
Nella prospettiva semiotica "vita" è esprimibile in termini di "semiosi": se c'è vita, ci sono segni, c'è semiosi. La condizione del segno è la traducibilità. Un segno è tale se c'è un altro segno che lo traduce. In termini di semiotica quest'ultimo è indicato come interpretante, ed essendo un segno, per essere tale, richiede un altro segno, a sua volta suo interpretante. In quanto semiosi, dunque, la condizione della vita è la traducibilità, a cominciare dalla traduzione del segno-stimolo della fame in necessità di alimentazione.
La fame nel mondo della globalizzazione è un segno chiaro e forte di un malessere la cui causa è evidentemente la dominante organizzazione dei rapporti di produzione in cui il profitto di pochi si realizza a danno di molti. In contrapposizione alla "produttività", che muove e orienta l'intero sistema di comunicazione-produzione (la produzione è comunicazione: telematica, telelavoro, vie di comunicazione, oledotti, gasdotti; e lo è ovviamente lo scambio e ormai anche ampiamente il consumo) il diritto all'alterità si specifica come diritto all'infunzionalità.
L'alterità a cui ci riferiamo non è quella della identità (nazionale, di religione, di genere, ecc.). Dell'identità si avvale il dominio, il divide et impera, che caratterizza l'attuale, rendendo produttiva la differenza, fino alla produttività della guerra, con tutte le mistificazioni dei suoi attributi: guerra preventiva, guerra giusta e necessaria intervento umanitario, esportazione della democrazia, operazione militare speciale. Ci riferiamo invece a un'alterità che non è relativa come quella della identità, ma una alterità assoluta, che fa sussistere ciascuno non semplicemente come individuo e quindi come rappresentante di un insieme, di un collettivo, e neppure come persona (in latino = maschera), ma come unico, assolutamente altro, non sostituibile, non intercambiabile (quale ciascuno risulta nei rapporti "privati": negli affetti, nell'amicizia, nell'amore). Il diritto all'infunzionalità è il diritto a valere per sé, come fine in sé, come alterità non relativa, come sui generis. Il diritto all'infunzionalità è il diritto a valere per sé, come fine in sé come alterità non relativa. Nel mondo odierno della comunicazione-produzione, in cui produttività, efficienza, competitività (fino all'extrema ratio della guerra) sono i valori fondamentali, il diritto all'infunzionalità assume un carattere sovversivo. La disoccupazione strutturale e la migrazione aprono uno spazio enorme al riconoscimento del diritto all'infunzionale. L'infunzionale è l'umano. E tuttavia "i diritti dell'uomo", ridotti ormai ai diritti dell'identità e al misconoscimento dei diritti altrui, non contemplano il diritto all'infunzionalità.
La pace preventiva, la liberazione dal modo della guerra, questa apertura, questa resa la buona resa traduttiva dei rapporti effettivi è la prossimità all'altro, la non-indifferenza all'altro, è la responsabilità senza gli alibi dell'identità all'altro. Apertura, ovvero buona resa traduttiva dei rapporti di alterità, significa, volendo esprimerci ancora in termini di traduzione, non prevaricazione dell'io, interpretazione non pregiudicata da paraocchi

identitari, non falsata da pregiudizi identitari, ricondurre i segni ai loro complessi percorsi interpretativi, anziché ricorrere a scorciatoie e semplificazioni fornite dalle contrapposizioni binarie dell'identità; significa demistificazione dell'io, riproporsi nella situazione in cui non si ancora inchiodati alla propria identità, all'essere così delle cose, all'ideologica dominate.
Nei linguaggi del monoteismo troviamo la giusta traduzione, l'apertura all'altro, l'accoglienza dell'altro in quanto tale, in quanto "è lui", l'interessamento per lui indipendentemente dall'interesse, indipendentemente dalla sua utilità, dalla sua funzionalità e dalla sua appartenenza identitaria. Ma anche i linguaggi del monoteismo, nel corso della storia, sono stati presi dalla trappola mortale dell'identità, a partire già dalla sottomissione altrui nell'identità di genere della donna da parte dell'uomo, del maschio , fino all'utilizzo della religione come ottenimento ed esercizio del potere, del dominio sull'altro, fino alla sua espunzione. Anche in questo caso si presenta la necessità di una semiotica della traduzione che permetta di ritornare alle originarie parole dei monoteismi, non solo ai loro testi originari, ma anche alle parole e agli atti di coloro che hanno contribuito e contribuiscono ad affrancare i linguaggi del monoteismo dal fanatismo dell'identità lavorando per pace preventiva.
La stessa necessità di giustizia nasce dalla "necessità di comparare gli incomparabili" (Levinas), di comparare ciascuno malgrado la sua assoluta alterità, malgrado la sua unicità e incomparabilità. La giustizia richiede giudici, istituzioni, leggi e, conseguentemente, lo Stato. Diventa necessario un mondo di cittadini di identici, di individui, di persone, di maschere, appartenenti alla comunità, e non solo di relazioni faccia a faccia, di unico a unico, relazioni relegate nel "privato" (nei rapporti di affetto, di amicizia, di amore). Ma anche in questo non va perduto di vista che la traduzione dei rapporti di alterità in rapporti giuridici tra identità è dovuta al fatto che la giustizia ha la sua origine nella responsabilità per l'altro, nella non- indifferenza, nell'accoglienza, nella misericordia (alla misericordia è stato dedicato da parte di Papa Francesco, l'ultimo Giubileo, nel 2015), nel sentimento che induce ad aiutare, a soccorrere e a perdonare il prossimo.

## PARTICIPANTS

1 **Gabriele Aroni**, *The Universal Language of Architecture* (G.Aroni@mmu.ac.uk)

2 **Giorgio Borrelli**, *Intercultural Relations between Identity and Otherness: A Semiotic and Performative Insight* (giorgio.borrelli@uniba.it)

3 **Clara Chapdelaine-Feliciati**, *Semioticians as Architects of Human Rights: Spatialities in the Universal Declaration of Human Rights (1948)* (clara.chapdelainefeliciati@mail.mcgill.ca; clara.chapdelaine@xjtlu.edu.cn)

4 **Dario Dellino**, *Freedom, Sociality and Responsibility in Emmanuel Levinas* (dario.dellino@tin.it)

5 **Alvaro Marin Garcia**, *Complex Synergies in CTIS: the Case of Moral Cognition* (alvaro.marin.garcia@uva.es)

6 **Sophia Melanson-Ricciardone**, *The Semiotics of Digital Anomie: A Proposed Priority for Media Legislation in Canada* (smelanr@yorku.ca)

7 **Cosimo Nicolini Coen**, *L'hermeneutique comme experience liminaire entre infini etique et limite du droit* (nikcoen@gmail.com)

8 **Susan Petrilli & Augusto Ponzio**, *Translating for Sense, Translating for Life* (susan.petrilli@gmail.com; augustoponzio@libero.it)

9 **Ivano Sassanelli**, *Semioethics and Integral Ecology: Horizons of Meaning and Common Paths for Today's Human Being* (ivanosassanelli@gmail.com)

10 **Ye Tian**, *Death as Sign: Translating Death in COVID-19 as a Political Act* (y.tian@translation.ac.nz)

11 **Margherita Zanoletti**, *Functionality and Non-Functionality in Bruno Munari's Work: A Translation-Semiotic Perspective* (margherita.zanoletti@unicatt.it)

**TIMETABLE**
**Workshop**
**Semioethics of Translatability**
**in Present day Global Communication**
**May 24-25**

**May 24**
**2:30 p.m. – 6:30 p.m.**

**Chair : Margherita Zanoletti**

2 :30 p.m.
**Clara Chapdelaine-Feliciati**
*Semioethicians as Architects of Human Rights Spatialities*
*in the* Universal Declaration of Human Rights (1948)

3 :00 p.m.
**Giorgio Borrelli**
*Intercultural Relations Between Identity and Otherness*
*A Semiotic and Performative Insight*

3:30 p.m.
**Cosimo Nicolini Coen**
*L'herméneutique comme expérience préliminaire entre l'infini éthique et la limite du droit*

4 :00 p.m.
**Ivano Sassanelli**
*Semioethics and integral ecology*
*Horizons of Meaning and Common Paths for Today's Human Being*

4 :30 p.m.
**Sophia Melanson-Ricciardone**
*The Semiotics of Digital Anomie*
*A Proposed Priority for Media Legislation in Canada*

5:00 p.m.
**Susan Petrilli & Augusto Ponzio**
*Tradurre in considerazione del senso e quindi della vita*

5:30 p.m.
**Q&A and discussion**

**25 May 2023**
**9 :45 a.m.  1 :10 p.m.**

**Chair: Sophia Melanson-Ricciardone**

9:45 a.m.
**Margherita Zanoletti**
*Functionality and Non-Functionality in Bruno Munari's Work*
*A Translation-Semiotic Perspective*

10:15 a.m.
**Gabriele Aroni**
*The Universal Language of Architecture*

10:45 a.m.
**Ye Tian**
*Death as Sign: Translating Death in Covid-19 as a Political Act*

11:15 a.m.
**Debate**

**11:30 a.m.  Coffee break**

11:45 a.m.
**Dario Dellino**
*Freedom, Sociality and Responsibility in Emmanuel Levinas*

12:05 p.m.
**Alvaro Marín Garcia**
*Complex Synergies in CTIS: The Case of Moral Cognition*

12:35 p.m.
**Q&A and final discussion**

# ABSTRACTS

**Gabriele Aroni**
School of Digital Arts, Manchester Metropolitan University, UK

## The Universal Language of Architecture

"[I]n architectura haec duo insunt, quod significatur et quod significant" wrote Vitruvius about two thousand years ago in his De architectura, the oldest surviving architectural treatise of the Western world. Aside from the use of the ante-litteram Saussurean pair of "signifier/quod significatur" and "signified/quod significat", which might not exactly correspond to our contemporary understanding of the terms, it reveals how meaning was considered a fundamental component of architecture.
While modern architecture, for the most part, apparently just functions rather than communicates, a semiotic aspect is nevertheless present, as the forms, colours and textures that compose our built environment have an effect on its dwellers and onlookers.
Over the millennia countless styles and typologies of buildings have been erected, adapted to different locations, climates, and cultures, but is there a common language that underlies all built forms? How does this architectural language communicate? Is this language global, or does it change with time and space?
This paper will investigate architecture from a communication perspective, drawing from the theories of mathematician Nikos Salingaros, and a historical standpoint, in particular the theory of the classical Architectural Orders, to understand if there are global architectural signs common to all humanity that are understood across people and cultures, and how the built environment affects us.

**Bionote**
Dr Gabriele Aroni is Senior Lecturer in Game Arts at the School of Digital Arts of Manchester Metropolitan University in the UK. Trained as an architect (MArch University of Florence), he pursued his studies in digital media (MSc Oxford Brookes University) and communication (PhD Toronto Metropolitan and York Universities). He previously taught at the Xi'an Jiaotong-Liverpool University in Suzhou (China), Toronto Metropolitan, and OCAD Universities in Toronto (Canada). His research is situated at the intersection of architecture, game studies, cultural heritage, and semiotics. His publications space from architecture history and semiotics to the aesthetics of digital games and copyright law. His latest book, The Semiotics of Architecture in Video Games (2022) is available from Bloomsbury Academic.

**Giorgio Borrelli**
Università degli Studi di Bari "Aldo Moro"

**Intercultural relations between identity and otherness.**
**A semiotic and performative insight**

From a semiotic perspective, translation — understood in its inter-lingual and inter-semiotic dimension — represents a fundamental theoretical/methodological instrument for the study of intercultural relations.
Dialectics between identity and otherness is, first of all, dialectics between different signs. On the one hand, signs make difference: indeed, every culture distinguishes itself from every other culture and asserts its identity by means of the (verbal and non-verbal) signs that form it. Social and cultural distinctions are distinctions made of and by signs; in this case — paradoxically —, difference means identity. But if we consider as a fact that different cultures produce different signs, and if we consider every sign as interpretable, then we also have to admit that intercultural translation is possible. From such a perspective, difference makes signs, and translation constitutes the semiotic process through which new sign systems arise from the dialogical encounter among differences.
Rather than closing in a community identity, opening to otherness represents the new intercultural challenge for Contemporaneity.
Starting from these considerations, this proposal aims at establishing a dialogue between different theoretical perspectives: more specifically, I will try to illustrate how the semiotic processes originating cultural differences — and, consequently, cultural identities — can be interpreted as a performative processes. In this regard, the semiotic model of Charles Morris will be considered as a fundamental analytic tool.

**Giorgio Borrelli** is a researcher at the University of Bari "Aldo Moro", Department of Humanistic Research and Innovation (DIRIUM), where he teaches Semiotics of the Text. He is a member of the International Association for Semiotic Studies (IASS) and the Italian Association for Semiotic Studies (AISS).
He completed his Ph.D. in "Theory of Language and Sciences of the Sign", in 2015, at the University of Bari. The title of his dissertation is "Per una semiotica materialistica. Ferruccio Rossi-Landi e dintorni" [For materialistic semiotics. Ferruccio Rossi-Landi and surroundings]. His research interests are focused on the general science of signs as a theoretical and methodological instrument for social research. More specifically, he is interested in the relation between semiotics and critical approaches to economics and social sciences. Borrelli is the author of the volume Ferruccio Rossi-Landi. Semiotica, economia e pratica sociale (Bari, Edizioni dal Sud).

**Clara Chapdelaine-Feliciati**
Associate Professor, Xi'an Jiaotong-Liverpool University, Suzhou, China

**Semioethicians as Architects of Human Rights Spatialities in the Universal Declaration of Human Rights (1948)**

The Universal Declaration of Human Rights (UDHR), adopted in 1948, is recognized as the "Magna Carta" of human rights. It has shaped the content of human rights and fundamental freedoms globally and inspired several international treaties as well as regional and national human rights systems. In this regard, it embodies the worldwide "spatialities" of human rights. This presentation applies semioethics theory (Susan Petrilli and Augusto Ponzio 2003) to explore the ethical role of the UDHR drafters in capturing the various interpretations of language to phrase human rights provisions. It argues that the UDHR drafters performed an intercultural translation of human rights, incorporating several philosophies, traditions and religions across continents. This presentation notes important proposals from states such as China, France, Canada, Chile, Lebanon, USA, and India. It examines the ethical value of delegates 'contributions as semioethicians who were greatly aware of the import of terminology in formulating rights, both symbolically and legally. It analyses their reciprocal involvement in building on each other's expertise in several disciplines such as law, diplomacy, philosophy and sociology. In this context, it considers the role of female delegates in addressing equality between men and women. This presentation also attempts to unmask problematic lobbies influencing the meaning-intention behind certain suggestions. It thereby discusses weaknesses in language and the translations of human rights concepts, and their ramifications. Finally, it discusses the present day meaning value of this instrument in a globalized world.

**Clara Chapdelaine-Feliciati** is Associate Professor at Xi'an Jiaotong-Liverpool University, Suzhou, China, and a licensed Lawyer (Barrister and Solicitor) with the Law Society of Upper Canada. She is the author of Feminicides of Girl Children: An International Law Approach (Brill 2018) and The Status of the Girl Child under International Law with Cambridge University Press (forthcoming). She holds a Ph.D. in Law from Oxford University, a Juris Doctor and Bachelor of Civil Law (J.D. and B.C.L.), McGill University, and a Master of Laws in Human Rights (LL.M.) from King's College London. She published articles in several law journals, including the International Journal of Legal Discourse, Cambridge International Law Journal, Semiotica and the International Journal for the Semiotics of Law. Email: clara.chapdelaine@xjtlu.edu.cn; ORCID: 0000-0002-6654-1630

**Dario Dellino**
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**Freedom, sociality and responsibility in Emmanuel Levinas**

The law, according to Emmanuel Levinas, is aporetic because the contractual vision of T. Hobbes, homo homini lupus, must be turned upside down to fully understand its meaning. "First" comes the absolute responsibility for Others, the relationship between two singularities, the feeling of being hostages and accused and "then" arrives the agreements, the norms. The singularity of each one is linked, in a generalized relationship, with other singularities. Each one of these singularities is considered "individual of a genre", "case of a concept". In such a situation it can happen that intolerance "to gender" becomes intolerance to "a gender". The social pact comes to register "on" absolute responsibility, and by modifying it, in a certain sense, it de-empowers it of its "absoluteness": the agreement, the mediation, grant responsibility some alibi, some limit.

**Bio**
Dario Dellino is a PhD in Philosophy of Language. He is professor of Semiotic of Law and Intercultural Translation at the University of Bari "Aldo Moro" and professor of General Linguistics at "Carlo Bo" University. He is Assistant lecturer with prof. Susan Petrilli at the University of Bari Aldo Moro in the following university courses: Philosophy of Language, Semiotics, Semiotic of Translation. He deals with cognitive theories applied to poetry and creative writing methodologies, semiotics, semioethics, education, translation. He delivers lessons regularly for undergraduate and postgraduate students. He regularly attends international conferences and publishes scientific papers.

**Álvaro Marín García**
University of Valladolid

**Complex synergies in CTIS: the case of moral cognition**

Traditionally, Translation and Interpreting Studies (TIS) scholars have approached multilectal mediated communication (MMC) tasks separately, partly due to methodological reasons, partly due to the tendency, identified by Blumczynski & Hassani (2019) in the field, to conceptualize language mediation according to discrete, absolute categories, often opposed in dichotomies (interpreting/translation, source text/target text, oral/written). However, actual instances of MMC are complex and entail many dimensions that frequently overlap across tasks and relate to each other in multifarious ways (Marais 2014). While dichotomous epistemologies favor the isolation of tasks and limit the scope of application of methods and constructs, complexity epistemologies cater for the diversity of linguistic, social, and environmental variables, and their impact on each other, also, and very importantly, at the ethical level (Marín, in press). Such an epistemic stance allows us to identify theoretical synergies, developing constructs and models to empirically investigate different aspects of tasks both individually and in relation to each other to inform a general semiosis-grounded theory of MMC. In this paper I describe how a complexity-oriented theoretical framework can be articulated to that end by endorsing pluralism and actively seeking exchanges across communication, ethical and epistemological areas of interest. Rather than proposing absolute categories, accepting a variety of models of the phenomena under study would help us identify and map shared dimensions that can then be applied and transferred in informing the description of different MMC tasks. Transferring results or model applicability does not amount to disregarding differences across tasks, but to identify their validity according to agreed standards. Endorsing a complexity-oriented theoretical agenda would also allow the translation community to establish synergies with sister disciplines. I illustrate the applicability of this theoretical approach by discussing how moral cognition models constructing the cognitive processes enabling moral decision-taking (Miller, 2021) can be instrumental, for instance, to investigate aspects of professional ethics, training needs (Zhou, 2022), the mediation of dilemma-triggering contents, or the impact of the foreign langue effect (FLE) (Keysar et al., 2012) in different MMC tasks.

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**Sophia Melanson-Ricciardone**

# The Semiotics of Digital Anomie
# A Proposed Priority for Media Legislation in Canada

According to sociologist Émile Durkheim (1893 [2014]), anomie is a phenomenological consequence of the dissolution of norms and values that previously created a sense of social cohesion binding members of a society together. Through his research, Durkheim (1893 [2014]) concluded that the suspension of socially binding norms and values tends to occur during period of sudden, pronounced, and rapid change within social, economic, and political social structures. Over the course of the last two decades, digital media has prompted precipitant changes within all three institutional spheres of social existence.

Contemporaneously, mental health indicators suggest that people's mental wellbeing has sharply declined in many parts of the world over the course of the last decade, and that digital media is likely to have played some role in this trend (Scott et al. 2017).

While some studies have found limited evidence that use of deep learning digital algorithms to curate personalized content for end users on social media creates mental health issues (Metzler and Garcia), other studies have posited that digital algorithms can generate affectively charged feedback loops in the apparition of content on social media, thus exacerbating existing mental health issues created by social drivers. Therefore, when algorithms curate representations that reinforce existing social drivers negatively impacting mental health, such as economic inequality and insecurity, they are more likely to heighten existing mental health concerns (Wilkinson & Pickett 2017; Metzler and Garcia 2022; Munger 2020).

In Canada, in 2022, Bill C-10 and Bill C-11 proposed more stringent regulation of online digital services, especially with respect to the ways in which digital algorithms are used to curate the content that appears within users 'social media feeds (Daniele 2022). However, these two Bills prioritize the regulation of digital algorithms to protect the production and distribution of Canadian content and resulting generation of Canadian revenue. Though the Canadian government has taken measures to prioritize mental health concerns in Canada, especially with respect to mental health concerns among youth, very little attention has been paid to the ways in which digital media have contributed to the manifestation of social drivers that deleteriously affect mental health in Canada and how digital algorithms exacerbate existing mental health concerns. The absence of such consideration in Bills C-10 and C-11 provides evidence of this neglect.

Using semiotic theory to explain the relationship between social media content, meaning, and social change, and adopting semioethics (Ponzio and Petrilli 2009) as a guiding principle, this paper first suggests that social media plays a significant role in shaping social reality in contemporary life. Next, I use Durkheim's conception of anomie to offer insight into the potential correlation between rapid social change brought about by digital media and the decline of mental wellbeing in the twenty-first century. Finally, this paper contends that since digital media brought about significant social change in a short period

of time and given that digital algorithms exacerbate existing mental health concerns brought about by rapid social change, future Bills proposing the regulation of content curating algorithms on social media should consider mental health impacts in addition to other considerations.

**Key Words**: Semioethics, Social Media, Digital Algorithms, Mental Health, Responsibility, Canadian Legislation

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Sophia Melanson Ricciardone is a PhD candidate (ABD) with the joint program of Communication and Culture with York and the Toronto Metropolitan University (formerly Ryerson) in Toronto, Ontario, Canada. She is a PhD Research Assistant with the "Better Work Project" and with Ryerson University's Meaning Lab; the latter of which is dedicated to research into various facets of Language, Culture and Semiotics. Broadly, her work examines the ways in which we offload facets of cognition to digital technology, which invariably affects how we collectively use language, reason through complex ideas about the world, and how patterns of thought (mental schemas) become altered in the process. She is currently working on a research project empirically evaluating the impact of Twitter-bots on political discourse, political reasoning and public opinion. More specifically, she is exploring whether and to what extent bot-generated contributions to political Twitter discourse stimulates the circulation of affectively charged content and what consequences such arrangements impart on human minds and bodies.

**Cosimo Nicolini Coen**

**L'Herméneutique comme experience liminarie entre infini ethique et limite du droit**

Dans le sillage de certains passages de la pensée de Levinas (comparaison des incomparables) nous proposons de reconnaître dans le droit hébraïque une réalité où se réalise la "traduction-trahison" de l'ordination éthique, dont la Torah porte la trace à partir du Nom. Celui-ci étant reconnaissable, dans une perspective lévinassienne, comme le correspondant, sous forme de signe graphique, de l'extériorité radicale d'Autrui, qui ouvre autant au désir d'infini (quête du sens à travers le langage entre sujets séparés) qu'à l'obligation « au-delà du Sollen » (cf., Autrement qu'être). Une fois cette hypothèse énoncée ce qui nous demandera une confrontation avec d'autres lectures du droit hébraïque nous souhaiterions indiquer dans l'herméneutique le moment où se donne à voir la tension entre l'infini de l'ordination éthique et la limite de l'obligation juridique, premier pas dans l'ontologie. D'après cette hypothèse, l'herméneutique, tout en demeurant une condition d'application du droit, est aussi dimension linguistique permettant d'accomplir le passage, qui procède en direction inverse de la traduction-trahison, des « dits » règles juridique au « dire », casuistique juridique qui permet, selon Levinas, d'éviter tout « stalinisme ». L'herméneutique permet ainsi d'opérer une forme de « réduction » à travers laquelle passer dès l'infini du sens, ouvert par l'altérité du Maître, à l'infini de l'ordination éthique, enracinée dans l'altérité radicale d'Autrui. Nous analyserons cette tension entre infini et limite en référence à certains épisodes rapportés par les Sources et aux particularités juridiques qui en découlent, telles les opinions minoritaires ou les obligations qui vont « au-delà de la lignée du droit ». On pourra finalement demander si cette tension est aussi percevable dans le droit positif, et si les fort différents racines des deux domaines juridiques l'un basé sur l'hétéronomie de la Révélation et du Nom, l'autre basé sur l'autonomie du sujet n'en sont pas pour autant implantées dans un terrain commun.

**Note bio-bibliographique** requise par le call. Je suis étudiant en doctorat à l'Université Bar Ilan (Ramat Gan, Israël), au sein du département de philosophie juive. Ma recherche, sous la direction du Hanoch Ben Pazi, concerne le rapport entre la pensée de Levinas et la limite de la loi par rapport à certaines sources juives qui donnent à voir des phénomènes qualifiables de liminaire entre l'ordination éthique et l'obligation juridique. J'ai publié des articles portant sur la philosophie du droit et sur la notion de religion séculaire chez Kelsen et un ouvrage sur le rapport entre éthique et herméneutique juive (Harmattan, 2022). L'année dernière, j'ai été étudiant en libre échange à l'Inalco à Paris.

**Susan Petrilli & Augusto Ponzio**
Università degli Studi di Bari "Aldo Moro"

**Translating for sense, translating for life**

Translation is constitutive of life. And life consists of the possibility of interpreting and translating signs. Where there is life there is semiosis, sign activity, which is interpretive-translative activity. A given sign can be interpreted in different ways and when a question of signs of life it is vital that they be interpreted correctly. From this point of view to translate is to translate for sense, thus to translate for life.
In the human world interpretation/translation is always oriented by values, beliefs, convictions, interests, ideals, objectives, desires, ideologies and relations; consequently, the interpretative/translational process is always accentuated, intonated, orientated, and as such part of worldview and social planning that it undersigns, or respect to which it takes its distances, or suffers to varying degrees of alienation, social and linguistic.
Communication is translation. And like translation communication understood in a broad sense, that is, in a global semiotic and biosemiotic framework, converges with life.
But from the viewpoint of the presentday social, economic and political system, commonly tagged globalization, communication is communication-production. This means that communication, insofar as it is communication-production, globalized communication, is oriented by the myopic interests of the globalized market, the exchange market, to the very point of converging with them.
In globalization social planning is conceived and controlled by those who control communication and its networks, and those who control communication, the new masters of the world, interpret and translate signs as a function of their own self-interest.
But in the semiosis of a globalized world, it is obvious that translation is not functioning well. The signs of malaise, hence of bad translation are proliferating on the economic-political and social level as much as the natural level, from the signs of social injustice and its multiple faces poverty, migration, clashes among civilizations, whether secular or religious, war, and so forth , to the signs of today's ecological-environmental crisis.
Sensitive to the signs of social symptomatology, translation semioethics keeps account of the signs of current malaise over the entire planet, and aims to safeguard life in its diversity, variation, multiplicity. As an orientation of global semiotics that keeps account of the relation between signs and values, semioethics calls a voice in the desert? for a greater sense of responsibility for semiosis, thus for life, one's own and that of others, considering the entanglement, the intrigue in which all living beings are implicated, a relationship of inevitable interdependency. This is the inescapable context that life itself necessarily demands be considered in all translations. And ever more so for the sake of a critical evaluation of the current global production system and of the sense of superceding it. Once again this is a question of translation, translation finalized to improving the conditions of living together, the very sense of semioethics.

**SUSAN PETRILLI** is Professor of Philosophy and Theory of Languages, University of Bari Aldo Moro, Italy; 7th Thomas Sebeok Fellow of the Semiotic Society of America; Fellow of the International Communicology Institute, Washington; vice-President of the International Association for Semiotic Studies (2014-2020); Visiting Research Fellow at the University of Adelaide, SA; honorary member of the Institute of Semiotics and Media Studies, Sichuan University, China.

She currently teaches Philosophy of Language, Semiotics, Semiotic of Translation. She has also taught Semiotics of the Text, Media Semiotics, and most recently Semiotics of Law and Intercultural Translation.

She directed the PhD program in Language Theory and Sign Science at the same university from 2012 to 2016.

Her main research areas: Philosophy of language, Semiotics, Ethics, Translation Studies, Cultural studies, Communication Studies.

With Augusto Ponzio she has introduced the concept of "semioethics".

She is author, editor and translator of numerous publications, including books, articles and essays relating to her studies in Philosophy of Language, Semiotics and Translation through which she has contributed to disseminating works by Victoria Welby, Charles Peirce, Giovanni Vailati, Gérard Deledalle, Mikhail Bakhtin, Emmanuel Levinas, Adam Schaff, Thomas A. Sebeok, Roland Barthes, Julia Kristeva, Ferruccio Rossi-Landi, Giorgio Fano, Umberto Eco and Augusto Ponzio.

She is member of the scientific/editorial board of national and international journals, book series, encyclopaedias and collaboratively directs several book series.

She publishes regularly in English and Italian and her works are translated into different languages.

In addition to essays and articles in journals and to book chapters, her more recent monographs include:

Sign Crossroads in Global Perspective. Semioethics and Responsibility (2010); Parlando di segni con maestri di segni, Multimedia, 2011; Un mondo di segni, Laterza, 2012; Expression and interpretation in Language (2012); Altrove e altrimenti. Filosofia del linguaggio, teoria letteraria e teoria della traduzione in, con e a partire da Bachtin (2012); Un mondo di segni. L'avere senso e il significare qualcosa (2012); The Self as a Sign, the World and the Other. Living Semiotics (2013); Sign Studies and Semioethics (2014); Riflessioni sulla teoria dei linguaggi e dei segni (2014); Nella vita dei segni. Percorsi della semiotica (2015); Victoria Welby and the Science of Signs (2015); The Global World and Its Manifold Faces (2016); Signs, Language and Listening (2019); Significare, interpretare e intendere (2019); Senza ripari. Segni, differenze, estraneità (2021); Oltre il significato. La Significs di Victoria Welby. Significatività e filosofia del linguaggio (2023, forthc.).

Recent monographs co-authored with Augusto Ponzio include: Semioetica e comunicazione globale, Mimemis, 2014; Lineamenti di semiotica e di filosofia del linguaggio (2016); Dizionario, Enciclopedia, Traduzione (2019); Identità e alterità (2019).

Her recent translations and edited volumes include: Diritti umani e diritti altrui, ed. for the series Athanor. Semiotica, Filosofia, Arte, Letteratura, XXX, 23, directed by Augusto Ponzio (2020); ed. and intro. (in collab.), Translation and translatability in intersemiotic

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**AUGUSTO PONZIO**, Professor Emeritus of Philosophy and Theory of Languages at the University of Bari Aldo Moro, Italy. At the University of Bari he has taught Philosophy of Language, Semiotics, Semiotics of the Text, and General Linguistics.
As author, editor, and translator he has contributed to the dissemination of works by Peter of Spain, Mikhail Bakhtin, Emmanuel Levinas, Karl Marx, Ferruccio Rossi-Landi, Adam Schaff, Thomas Sebeok, Roland Barthes, as well as authoring several monographs on them.
Since 1990 he directs the annual series "Athanor. Semiotica, Filosofia, Arte, Letteratura" (Mimesis), the most recent titled Maestri di segni e costruttori di pace, ed. by S. Petrilli (2021).
He directs a number of book series with Susan Petrilli in Italy and since 2016 with Peter Lang. In addition to his numerous essays published in Italian and foreign journals, including those cited for S. Petrilli, his numerous book titles include: with S. Petrilli, Fuori campo (1999), Thomas Sebeok and the Signs of Life (2001), Il sentire della comunicazione globale (2001), I segni e la vita (2002), Semioetica (2003), Views in Literary Semiotics (2003), Semiotics Unbounded (2005), La raffigurazione letteraria (2006), Fundamentos da Filosofia da linguagem (2007), Semiotics Today. From Global Semiotics to Semioethics (2007); with Thomas Sebeok and Susan Petrilli, La semiotica dell'io (2001); with Marcel Danesi and S. Petrilli, Semiotica globale. Il corpo nel segno (2004); with John Deely and S. Petrilli, The Semiotic Animal (2005). His monographs include: Michail Bachtin (1980), Man as Sign (1990), Introduzione a Michail Bachtin (1992, 2003); Signs, Dialogue, and Ideology (1993), Sujet et altérité. Sur Emmanuel Lévinas (1995), La revolución bajtiniana (1998), The Dialogic Nature of Sign (2006), The I Questioned: Emmanuel Levinas and the critique of Occidental reason (2006), Fuori luogo (2007); Scrittura, dialogo e alterità. Tra Bachtin e Lévinas (2008), Emmanuel Levinas, Globalisation, and Preventive Peace (2009), Da dove verso dove (2009), L'Écoute de l'autre (2009), Rencontre de parole (2010), In altre parole (2011), Tra semiotica e letteratura. Introduzione a Michail Bachtin (2015); Il linguaggio e le lingue (2015), La coda dell'occhio (2016), Con Emmanuel Levinas (2019), A Ligereiza da palavra. Em dialogo com Valdemir Miotello (2019), Livre mente. Processos cognitivos e educação para a linguagem (2020); Quadrilogia: La differenza non-indifferente Elogia dell'infunzionale Fuori luogo In altre parole (2022); La comunicazione come scambio, produzione e consumo (2022).
To his research and writings have been dedicated International conferences. The following tow collective volumes, among others, edited by Susan Petrilli are dedicated to

reading his works: Writing, Voice, Undertaking (2013) and Ideology, Logic, and Dialogue in Semioethic Perspective, a special issue of the journal Semiotica, (148 1/4, 2004).
In addition to English his writings are available in French, German, Russian, Serbian, Chinese, Spanish, Portughese.

**Ivano Sassanelli**

# Semioethics and Integral Ecology
# Horizons of meaning and common paths for today's human being

"Everything is closely interrelated". This statement is not just a slogan, but it is the reality in which human beings live today. For this reason, it is important to recover an approach to this question that must be interdisciplinary and transdisciplinary. There is essential to have a new view on reality that allows us to show all the potentialities of life on the Earth. If in the past the symbolic language was the one that best suited this purpose, today the human being is called to discover or rediscover the semiotic meaning of things, intercepting the signs and symptoms present in different everyday situations. In recent years, two approaches have been proposed, in an independent but incredibly coincidentally way, hermeneutic criteria and heuristic principles, capable of recovering a full vision of human nature, less marked by an individualistic anthropocentrism and more aware that no one reaches salvation by themselves. The first of these is Semioethics, as developed by important scholars of the philosophy of language such as Augusto Ponzio and Susan Petrilli. The second way is that of the Integral Ecology which Pope Francis has inserted as the beating heart of the Encyclical Laudato si'. Through the analysis of these two approaches, we will try to outline new horizons of meaning and common paths that allow us to have an integral and integrated vision of the deepest nature of the human being. This change of gaze is essential to find the keystone for a new relationship between today's man and woman and the other people, the environment, the use of new technologies and the network of verbal and virtual communication. All these connections must be directed to a human and existential growth, based on reciprocity and responsibility towards everyone and everything.

**Keywords**: Semioethics, Integral Ecology, Pope Francis, responsibility, human being.

**Ivano Sassanelli**, born in Bari, Italy in 1986, is Adjunct Professor of Canon Law at the Apulian Theological Faculty of Bari. He obtained a Bachelor Degree in Theology at the Apulian Theological Faculty of Bari (2010), a Licence in Canon Law at the Pontifical University of Saint Thomas Aquinas of Rome (2013), a Doctorate in Canon Law at the Pontifical Lateran University of Rome (2015), a Master Degree in Law at the LUM University of Casamassima-Bari (2017) and now is Ph.D. student in Bioethics at the Pontifical Achenaeum Regina Apostolorum of Rome. He is Director of the academic and interdisciplinary series of fantastic studies and contemporary culture "Eucatastrophe" by Dots Edizioni of Bari and Co-director of the series "Diritto canonico, comparazione giuridica e multiculturalità" at the Cacucci Editor of Bari. He is also a member of the Ecclesial Movement of Cultural Commitment (VEIC) of Bari. In the Tolkien's context he studies the relationship between ethics, religion, communication, and fantastic literature

and is a member of the Scientific Committee of the International Exhibition "The Tree of Tales". He has published several scientific articles and essays that have appeared in academic series and journals and four monographs,
including: Tolkien e il vangelo di Gollum (Cacucci, Bari 2020). Moreover, he is the Co-editor of the book: «Vive in fondo alle cose la freschezza più cara». Percorsi umani, letterari e filosofici nella Terra di Mezzo di Tolkien (Aracne, Roma 2021).

**Ye Tian**
Queen's University Belfast

**Death as Sign: Translating Death in COVID-19 as a Political Act**

The proposed research compares narratives of death from government officials during the COVID-19 pandemic. It looks at the political, symbolic and social uses that governments have made of the concept of death (particularly death because of COVID-19). It argues that death was used as a political symbol by these governments, taken out of its biological dimension and used to legitimise the ethics of their policies. The research draws on what medical anthropologists call the "semantic illness network" (Good 1977) in which "behavioural and biological signs […] are given socially recognisable meanings" and recognises that "[e]very culture has rules for translating signs into symptoms for linking symptom-atologies with etiologies and interventions" (Bhasin 2007).
Specifically, the research looks at the politicisation of death as an intersemiotic translation. In COVID-19, death is interpreted in different ways. While policies concern with managing citizens, those who died during this period are often narrated differently because of their direct or indirect relationship to the disease, and by different agencies. In short, the dead are imagined, constructed and translated as different "otherness" and generate different ethical interpretations. Focusing on the concept of social justice, the paper asks how different governments translate the biological fact of COVID-19 death to justify COVID-19-related policies – for example, the zero COVID policy in China and herd immunity in countries like the UK – and how they translate the deaths of other nations into evidence of political ineptitude. Overall, death, like other biological signs during a pandemic, is not - and cannot be - purely scientific. It is narrative (Engebretsen and Baker 2022), or rather political translation, that guides the ethics of governance and treatment of the sick, the dead and, ultimately, the healthy with differently translated identities.

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Good, B. J. 1977. The Heart of What's the Matter the Semantics of Illness in Iran. Culture, Medicine and Psychiatry, 1(1), 25–58.

**Ye Tian** finished his PhD research in Translation Studies at Queen's University Belfast before he joined Manchester China Institute as a scholar in residence. He is intrigued by the interplay between semiotics and translation studies and is thus inclined to rethink cultural and political theories within the scope of intersemiotic translation.

Following the proposal from social semioticians (e.g. Hodge 2020), he applies translation as a "meta-discipline" in exploring China-related issues like the branding of the Belt and Road Initiative, nationalism in online discourse, China's Muslim heritage, and COVID-19-related policies.

**Margherita Zanoletti**
Università Cattolica del Sacro Cuore - Milan

**Functionality and Non-functionality in Bruno Munari's Work. A Translation-Semiotic Perspective**

Over the course of his extensive career as an artist, designer, and pedagogue, Bruno Munari (1907-1998) created a considerable amount of highly innovative works spanning from visual art and industrial design to experimental books, creative and essay writing, photography and film, and nowadays is increasingly acknowledged as one of 20th-century Italy's most significant and eclectic figures. This contribution focuses on the dialectics between functionality and non-functionality in Munari's oeuvre, through the semiotic and translative analysis of some of his most iconic works, including his *Macchine inutili* [Useless machines], *Libri illeggibili* [Illegible books], and *Sedia per visite brevissime*[Chair 'for brief visits'].
For Munari, design should aim at the realization of the category of functional correctness, according to the principle that, in the design field, "one never judges an object as beautiful or ugly, but as right or wrong according to its functions, including the psychological one" (Munari 1981). In parallel, he conceived his specifically artistic works as useless objects aimed at pure aesthetic contemplation, in which the rule welcomes chance, functionality submits to gratuitousness, utility gives way to futility, and logic opens up to fantasy. Through this dialogic reversal, Munari's artistic projects become experimental models of new educational, productive, and communicative processes, and place the aesthetic experience at the basis of social integration and the acquisition of ethical values.

**Margherita Zanoletti** is a Graduate of the Università Cattolica del Sacro Cuore in Milan, Italy and holds a PhD in Translation Studies at the University of Sydney, Australia. From 2006 to 2009, she taught Italian language and translation at the University of Sydney and Macquarie University, Sydney. As Reference Services Specialist at the Università Cattolica del Sacro Cuore in Milan, she currently guest lectures to Modern Languages undergraduate and doctoral students. As a researcher in translation theory and practice, she has a special focus on word and image, intersemiotic, and intercultural studies. On these issues, she has published translations, monographs, essays and articles in academic journals and has participated in national and international conferences. Her publications include Oodgeroo Noonuccal, My People. La mia gente (edited, Milan 2021); Bruno Munari: The Lightness of Art (co-edited with P. Antonello and M. Nardelli, Oxford 2017); Oodgeroo Noonuccal: con' We are Going' (with F. Di Blasio, Trento 2013).

23RD INTERNATIONAL ROUNDTABLE FOR THE SEMIOTICS OF LAW

IRSL Rome 2023

May 25th

AUDITORIUM ANTONIANUM

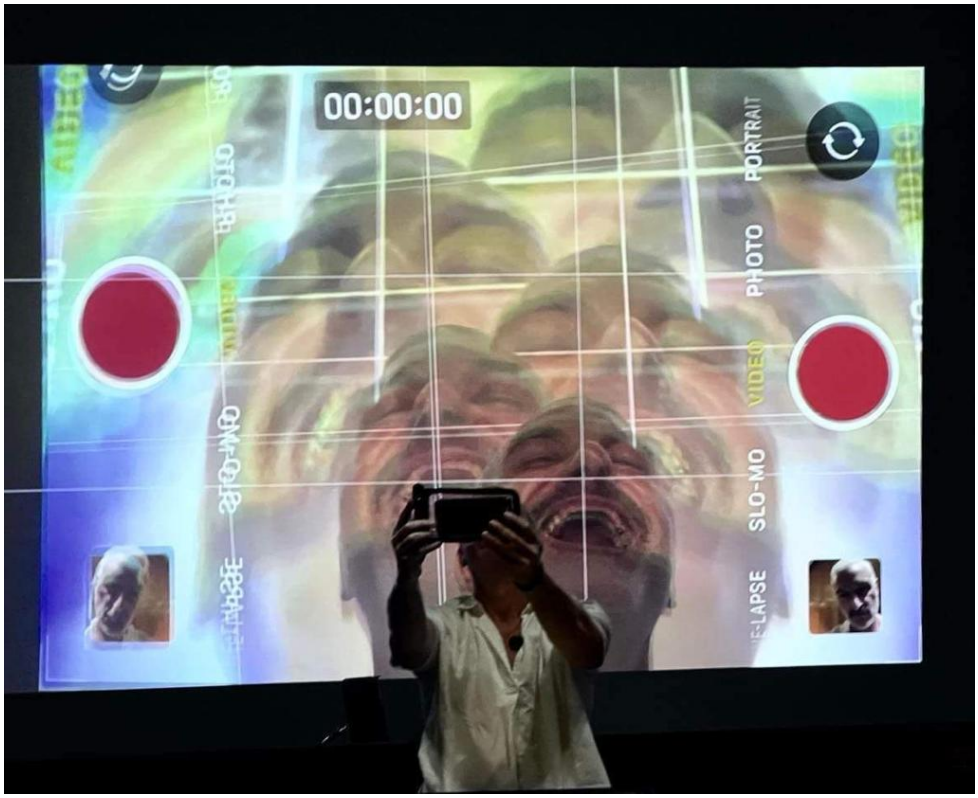
1:15 1:45 p.m.

LECTURE-PERFORMANCE

# THE REAL LAW

by

## Andreas Philippopoulos-Mihalopoulos



# THE REAL LAW

Andreas Philippopoulos-Mihalopoulos
Professor of Law & Theory
The Westminster Law & Theory Lab
University of Westminster, London

In this performance lecture, artist/legal theorist/fiction author Andreas Philippopoulos-Mihalopoulos will embody The Real Law, namely the law of social media and easy consumption, the law of easy persuasion, the law of deep-seated pathological narcissism and its need to be accepted, liked, and indeed loved as the real law.
The multimedia performance takes place on three movements that trace a certain understanding of law, from textual to spatial/material to spectacularised. The passages between the three movements are performed with the help of a visualisation exercise that keeps on evolving, following the narrative of the legal understanding.


**IRSL Rome 2023**
**WORKSHOP**
**May 24 25**

# The role of exemplary characters in the interreligious translation of norms and religious practices (ERC NeMoSanctI)

**Jenny Ponzo University of Turin**
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The translation of a normative system entailing behavioral codes, values and beliefs from one culture into another is a key issue in a globalizing world. The reciprocal understanding in contexts of intercultural encounter can be easier when abstract norms undergo a

process of *figurativization* and are embodied by exemplary characters. Indeed, heroes, leaders, saints, symbolic and sacred characters often represent systems of social, moral and religious values and models of behavior; they make abstract notions more comprehensible by materializing them in a narrative structure – a story – and by giving them a more human shape that awakens a response which is not only intellectual, but also emotional. They thus constitute effective communication media (as Leone 2010 observes about saints) to share a certain worldview, because they can impact on all the layers of society with an extraordinary efficiency. At the same time, in many cases they have been the symbolic object of debate and conflict between exponents of different cultures or orientations. The dialogue and/or conflict about these key figures also has significant repercussions on the semantization of the spaces that concern their memory and cult and, consequently, the related public and religious practices. Sacred places and "places of memory" (Violi 2014) are thus important theaters where normative principles and ideas are shared, contested or negotiated between different groups. This workshop intends therefore to explore the role of exemplary characters in the intercultural and interreligious dialogue and in the religious practice by presenting a wide range of case studies, with a focus on the representation and role of Christian and Catholic figures in the intercultural encounter.

**Participants**

Gianfranco Bria
Angela Condello
Francesco Galofaro
Maria Chiara Giorda
Maria Magdalena Kubas
Paolo Heritier
Massimo Leone
Anna Maria Lorusso
Marco Papasidero
Paolo Peverini
Jenny Ponzo
Antonio Santangelo
Richard Sherwin

**TIMETABLE**

**May 24 2:30 p.m. -4:00 p.m.**

**Sacred Bonds: Toward a Eudaimonic Transvaluation of Identity Economics**
Richard Sherwin, New York Law School

**Digital acclamations. From *laudes regiae* to social networks**
Paolo Heritier, University of Oriental Piedmont

***OMNES ET SINGULATIM.* The pastoral visitation as a normative paradigm**
Angela Condello, University of Messina

**May 24 4:30 p.m. -6:30 p.m.**

**Changing perspective. Between illuminations, aesthetic grips and structuralism**
Antonio Santangelo, University of Turin

**Pope Francis, between exemplarity and normality**
Anna Maria Lorusso, University of Bologna

**Walking together. A semiotic analysis of Pope Francis' apostolic journey to Canada as a multimodal construct.**
Paolo Peverini, LUISS Guido Carli University

**May 25 9:30 a.m. 11:00 a.m.**

**Institutional Norms and Exemplary Exceptions: The Face of Martin de Porres as Interethnic Manifesto**
Massimo Leone, University of Turin; Bruno Kessler Foundation; Shanghai University; University of Cambridge

**The role of the Saints and of the Virgin in the Catholic-Orthodox encounter in Poland**
Francesco Galofaro, Università IULM, Milan

**Exemplary women preachers and the role of saints as interpreters of the Scriptures**
Jenny Ponzo, University of Turin

**May 25 11:45 a.m. 1:15 p.m.**

**Tactful experiences, ordered chaos and institutional negotiations: St Anthony's interreligious pilgrimage in Laç, Northern Albania**
Gianfranco Bria (University La Sapienza) and Maria Chiara Giorda (University Roma Tre)

**Juan Diego Cuauhtlatoatzin, first Mexican saint: the problematic canonization of a legendary intercultural figure**
Marco Papasidero, University of Turin

**The rhetorics of doubt and investigation in the literary narration of the lives of saints**
Magdalena Maria Kubas, University of Turin

# ABSTRACTS

***

**Richard Sherwin, New York Law School**

## Sacred Bonds: Toward a Eudaimonic Transvaluation of Identity Economics

"Character is fate." This paradoxically reversible saying by the ancient Greek philosopher Heraclitus asserts that we are defined by the daimon — the god or messenger angel — with which we identify most. In contemporary terms we might say, what character type, what emotional ideal, what deep story, do you hold most sacred, bound by what sovereign values or ideals? When political leaders solicit collective identity within an atmosphere of hate or hope, mistrust or empathy, deceit or transparency, they are laying claim to emotional and character ideals that identify shared sovereign beliefs and institutions best suited to maintain a particular political climate. The manner in which we are asked to affirm the power of the state (as right, or worthy of acceptance) provides a blueprint for the character and emotional ideals that constitute self and bind society.

Whether we cast social bonding as the competitive, scarcity-driven enterprise of neo-liberal self-branding, where the challenge is to define your brand before someone else will, or as an expression of some inexhaustible normative surplus, like the silent prayer of nineteen-year-old Emma Gonzalez in public protest against uncontrolled gun violence in American schools, we all occupy an emotional space that attains centrality within individual and shared narratives vying for political dominance.

What emotional configuration will prevail? The answer depends, at least in part, on the exemplary characters we choose as models for our most sacred personal and collective ideals and commitments.

**Paolo Heritier, University of Oriental Piedmont**

**Digital acclamations. From *laudes regiae* to social networks**

The speech will analyse the liturgical significance, at once religious and juridical, of acclamation in the contemporary digital context, within a theoretical framework of legal aesthetics and rhetoric. Do new modes of digital communication repurpose the patterns of Roman and Medieval acclamations?
We will take as an example Sherwin's recent analysis of Trump's January 6 rally video, which elucidates its theological-political modes.
If, following Kantorowicz, laudes regiae are Caesarean litanies, sung during coronation ceremonies, a combination of the Litany of the Saints with the acclamationes addressed in life to Roman emperors, can some contemporary communication phenomena be thought of as a re-actualization of these practices? If acclamation is an expression of acclaim or disapproval accompanied by the gesture of raising the right hand or applause in theatres and circuses, Peterson clarifies its legal and non-faith value, enunciating the nexus that unites and separates law and liturgy, while denying its character as an abbreviated electoral procedure; Schmitt tends instead to read acclamation as an expression of the constituent power of the people and a form of direct democracy against the decayed representative form of Weimar. Does the effect of a video like Trump's on January 6 fit into these patterns or does it represent something really different?
Generally speaking, the analysis of the nature and roots concerning emerging modes of communication into contemporary liberal democratic societies is the topic of the paper, identifying a mixed sacred-profane form of acclamatory liturgies, extended to the realm of marketing, advertising, media, to the most recent manifestation in social networks.
If Kantorowicz indicates how laudes regiae became an integral part of fascist communication, the rhetorical-legal and semiotic-legal analysis of contemporary communicative discourse, extended to the field of apologia and antirrhetics, shows the religious and mimetic matrix of contemporary political communication, against the backdrop of millenarian philosophical problems discernible between interreligious and ecumenical dialogue and legal communication practices: questions at once anthropological and juridical, concerning i.e. the very concept of God or the dual nature of Christ for the Christian religion.

**Angela Condello, University of Messina**

## *OMNES ET SINGULATIM.* The pastoral visitation as a normative paradigm

In the definition given by the Council of Trent, since antiquity and especially in the Middle Ages, the main objective of the pastoral visitation has been to «propagate the sacred and orthodox doctrine by expelling heresies, defending public morality and decency, correcting bad behaviours and with exhortations exhorting the people to devotion, patience and innocence» (*my translation*, cfr. XXIV, c. 3). Such propagation, correction and exhortation are based on *concrete* events (the event of the visitation, planned and expected, firstly), as well as on *iterative* gestures, movements, rituals, and on the use of specific and *iconic* objects such as the crosier carried by the bishop.
The core idea of the pastoral visitation is that society is made up of communities based on limited territories (cfr. Michel Foucault. *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, trans. Graham Burchell. New York & Basingstoke: Palgrave Macmillan, 2007) and that *in the end* what is governed is the soul of each one of the components of those communities. The pastoral visitation indeed exemplifies a peculiar normative paradigm of control on security, efficiency, and rules observation in that it allows for the government on *omnes et singulatim* (everyone as a totality or whole and at the same each one as a singularity). This double level of action (general, singular) of the visitation gives rise to the "paradox of the shepherd", namely to the fact that because the pastor must care for the multiplicity as a whole while at the same time providing for the particular salvation of each, there must necessarily be both a «sacrifice of one for all, and the sacrifice of all for one» (cfr. Foucault, Ivi, p. 129).
In my presentation I shall elaborate on these briefly sketched ideas in order to find potential parallels between such religious tradition and its continuity with other normative codes (the legal, or the one of popular culture): can the "directedness" of the pastoral visitation be found in other codes (e.g., social media such as Instagram)?

**Gianfranco Bria** (**University La Sapienza**) **and Maria Chiara Giorda** (**University Roma Tre**)

**Tactful experiences, ordered chaos and institutional negotiations: St Anthony's interreligious pilgrimage in Laç, Northern Albania**

The Sanctuary of St Anthony of Padua (Kisha e Shna Ndout) in Laç, northern Albania, is one of the most visited religious places in south-eastern Europe. It is not only religious but interreligious: The church, built there and ministered by Franciscans, is now an impressive place of worship frequented by Catholics, Muslims and Orthodoxies. Throughout the year, pilgrims from across the country, but also from Kosovo, visit the Sanctuary. On the 12th and 13th of each year, official pilgrimage is held, which reach its climax on the night of the 12th when many thousands of Albanians sleep in the shrine seeking blessings and healings. The pilgrimage practices show how materiality is a privileged means of reaching out to the sacred. A series of multilevel identities emerge in spatial and territorial shaping, from an anti-communist rhetoric to the hagiographic elaboration and the undermining of procedural and terminological normativity.

**Antonio Santangelo, University of Turin**

# Changing perspective. Between illuminations, aesthetic grips and structuralism

The history of religions is full of stories of illuminations, of people who first did not see what the true meaning of their life experiences was and then understood it, coming into contact with the divine. In semiotics, this phenomenon is called the 'aesthetic grip', because it seems that in that exhilarating instant the truth imposes itself on our senses, allowing us to finally interpret things in the correct way. This is how Fabbri (1988: 12) speaks of it, in the introduction to Greimas' book entitled Dell'imperfezione (Of Imperfection) (1987), in which the famous Lithuanian scholar deals with this theme outside the religious context, analysing tales and poems:

> l'incanto "esaltante e atroce" di un'illuminazione profana. Incanto in tutti i significati (arresto e attrazione) e di tutti i sensi; infrazione della continuità quotidiana dell'esperienza; intravisione nell'immanenza stessa del mondo (reale o fittizio), di un altro senso. In quell'istante assoluto tutt'uno o nonnullo (di non so che o di altroché) il Soggetto e l'Oggetto si ridispongono in un nuovo spazio transizionale di sapere e di sapore; è un sentire altro, insostenibile e irripetibile, di cui sta o resta soltanto la reversibile nostalgia o il respiro della speranza; lutto o entusiasmo, ventaglio di cartoline illustrate o repertorio di meraviglie.

Indeed, aesthetic grasping is an experience we also have outside of religious and literary contexts. For example, in the past, I have had the opportunity to show how we narrate it in newspapers or in scientific essays, following catastrophes (Santangelo, 2018) and pandemics (Santangelo, 2020): even at those junctures, in fact, we often open our eyes and realise that the way we interpreted the meaning of our lives is wrong, while another one clearly imposes itself on us, albeit harshly. My hypothesis, then, is that a common structure can be found behind all these ways of talking about sacred and profane illuminations. A structure that determines their meaning in our eyes.

**Anna Maria Lorusso, University of Bologna**

**Pope Francis, between exemplarity and normality**

My contribution will take into consideration a figure of particular importance in the contemporary context, that of Pope Francis, as an interesting subject because of the personal way in which he interprets his role of a "model" (model of behavior, model of faith, model of devotion).
Indeed, there is no doubt that the Pontiff embodies and offers an exemplarity to the world, but what is interesting is that this exemplarity (which to be such should contain elements of the extraordinary) has been mostly played by Pope Francis as a form of normality (the phone calls, the shopping, the dwelling in Santa Marta, the commotion...): an exemplary normality.
This meaning effect is achieved through the Pontiff's regular forcing of customary norms of behaviour: not the denial of rules, but the forcing of habits, in a direction that was not incorrect, but eccentric.
The case of Pope Francis thus makes it possible to reflect on the dialectic between exceptionality and normality, between uniformity and eccentricity, between forcing and infraction, highlighting the continuum that binds (but at the same time distinguishes) habits, rules, and imperatives, against the backdrop of a common sense that remains as a guarantee of the acceptability of break-ins.

**Paolo Peverini, LUISS Guido Carli University**

**Walking together. A semiotic analysis of Pope Francis' apostolic journey to Canada as a multimodal construct**

Intercultural and interreligious dialogue and the importance of nurturing memory as an antidote to social inequalities and conflict are known to be at the center of Pope Francis' pontificate. A salient and particularly significant moment is undoubtedly represented by the Pontiff's apostolic journey to Canada (July 24-30, 2022), described as a "penitential pilgrimage" to "implore from God forgiveness, healing and reconciliation" for the suffering inflicted by the policies of assimilation and enfranchisement. Starting from these premises, the aim of the paper is examining the semiotic articulation of the apostolic journey, understood as a complex multimodal construct consisting of a multiplicity of languages, symbols, texts and discourses, in order to account for its symbolic efficacy, within the framework of the distinctive traits that mark the figure of Francis, understood as an unpredictable charismatic leader (Lorusso, Peverini 2017).
In Pope Francis' search for contact with the other, the use of stories and parables is particularly relevant, a completely peculiar figurative mode of discourse that he frequently uses to put into perspective a topic of close relevance, as a narrative resource of interpretation of contemporaneity with a strong enhancement of the phatic and conative functions, as a word in action aimed at arousing a cognitive and passionate transformation in the interlocutor.
In the communication of Pope Francis, it is not only the organization of the linguistic utterance that plays a decisive role in reducing the distance and in building effective communication but also the enunciation, the methods of putting the message into speech. On occasions of meeting with the masses, the Pope often resorts to the form of conversation and to the use of questions, answers, repetitions, simulating the presence of a dialogue.
In the relationship between Francis and the information media, a decisive role concerns the Pope's ability to surprise not only with language but with gestures, behaviors, unexpectedly testifying to the values at the foundation of the pontificate.
It is against this backdrop that the paper will examine, in addition to official texts and speeches of Francis' apostolic journey to Canada, gestures and behaviors that proved capable of generating wide interest in the media and public opinion, helping to deepen the semiotic analysis of an "apostolate of the ear," focused on the importance of "listening with the ear of the heart."

**Massimo Leone, University of Turin; Bruno Kessler Foundation; Shanghai University; University of Cambridge**

## Institutional Norms and Exemplary Exceptions: The Face of Martin de Porres as Interethnic Manifesto

Martin de Porres, a Peruvian lay brother of the Dominican Order, was beatified in 1837 by Pope Gregory XVI and canonized in 1962 by Pope John XXIII. His life, character, and legacy were peculiar: the 'illegitimate' son of a Spanish nobleman, Don Juan de Porras y de la Peña, and Ana Velázquez, a freed slave of African and Native descent, De Porres challenged many of the norms that, in his time, prevented individuals of his ethnic origin to enter a religious order. He did so, however, not through open defiance, but through the prodigious abnegation by which he served his religious community. He has therefore become an exemplary character in narratives of inter-ethnic pacification and coexistence and was chosen as a patron of "mixed-race people" and of all those who "seek racial harmony". A curious detail in his abundant Latin-American iconography embodies these values: it represents a dog, a cat, and a mouse eating in peace from the same dish. Alex García Rivera devoted an insightful semiotic analysis to it, in the book St. Martin De Porres: The "Little Stories" and the Semiotics of Culture (1995). Inspired by this book, the paper will seek to explore another element of Martin de Porres' iconography, one that has attracted thus far little attention from scholars: his face.

Indeed, the visage itself of this Saint is, throughout his iconography, a visual attempt at rendering, by the depiction of a countenance, the dignity of two or more ethnicities converging into the same saintly life. The paper will analyze this iconography of interethnic faces as a manifesto for a new early modern normative culture, based on hybridization and exceptions more than on purity and rigor. Also, the ideological reasons for which this early modern saint was promoted to sanctity by Pope John XXIII in the early 1960s will be part of the analysis.

**Jenny Ponzo, University of Turin**

**Exemplary women preachers and the role of saints as interpreters of the Scriptures**

In a famous passage (1 Cor 14,34-35), Paul of Tarsus prescribed that "Women should remain silent in the churches." In the Roman Catholic tradition, this prescription provided the base for further rules excluding women from predication, such as the 12 th -century Decretum Gratiani. However, this has not impeded to a number of women to interpret, preach, comment, and even rewrite the Scriptures. How could they overcome the Church's prohibition? An interesting case is that of Domenica da Paradiso (1473-1553), a brilliant preacher, who interpreted Paul's passage so as to fully justify her role. Domenica was proclaimed "Venerable" by the Church.
In fact, in the Roman Catholic tradition, a number of saintly figures (either canonized by the Church or just inspiring the devotion of more or less extended communities) are recognized the capacity to make the fundamental normative text of their culture cross the inner and outer borders of the semiosphere in which they act, by translating and adapting the message and the stories contained in the Bible to different readerships. In the Church's "sanction", the semiotic role of the saintly figures as interpreters and mediators of the Scriptures can constitute either an integral part of the model of sanctity that they embody, or a reason for their failed canonization, or even for their condemnation, as in the case of Maria Valtorta, just to mention one example. The predication of women is still a controversial issue in today's Church: how exemplary women and saintly models intervene or are mentioned in the discourse about this issue? How do they legitimize the role of women as interpreters of the Scriptures?

**Marco Papasidero, University of Turin**

**Juan Diego Cuauhtlatoatzin, first Mexican saint: the problematic canonization of a legendary intercultural figure**

According to historical and hagiographic traditions, Our Lady appeared to Juan Diego Cuauhtlatoatzin (1474-1548) on Tapeyac hill, Mexico, in December 1531. The Marian apparition was officially recognized by the Catholic Church and the shrine of Guadalupe, built at the foot of Tapeyak, is today one of the most important pilgrimage sites in the world.

Despite the lack of solid historical information, the visionary Juan Diego was beatified and canonised by John Paul II in 1990 and 2002, respectively. The inclusion of this figure in the list of Catholic saints could be analysed for its interreligious role. Juan Diego, in fact, was a local peasant and the apparitions were employed to legitimise the Christianisation of Mexico and Southern America in the early modern period. Over the centuries, he served as a bridge between two distinct cultures and belief systems, which subsequently influenced one another.

My paper aims to examine the hagiographical figure of Juan Diego in order to comprehend how his

supernatural experience has been used to reflect on the connection between two different cultural settings, from the time of the apparitions to his official recognition as a saint. Through the analysis of a corpus of sources (hagiographies, accounts of the apparition, juridical texts relating to the canonisation, etc.), I will focus on the interreligious dynamics in which his figure was involved.

**Francesco Galofaro, Università IULM, Milan**

**The role of the Saints and of the Virgin in the Catholic-Orthodox encounter in Poland**

According to Massimo Leone (2010), exemplary characters are effective means to share a worldview. In Juri Lotman's perspective, they can be considered models simplifying translation between different regions of a semio-sphere as well as the creation of information. A case study concerning the relation between Ukrainian refugees and Polish population will be presented to illustrate the point. Ethnographic evidence indicates that the difficult relations between the two communities can be mediated by religious practices such as litanies/ektenias and by icons, which are present in both cultures. Thus, in times of crisis, religious structures can foster integration between cultures as they can represent themselves as specialized variants belonging to a single semio-sphere.
This project has received funding from the European Research Council (ERC) under the European
Union's Horizon 2020 research and innovation programme (grant agreement No 757314).

**Magdalena Maria Kubas, University of Turin**

**The rhetorics of doubt and investigation in the literary narration of the lives of saints**

The narration of the lives of saints profoundly changed after the Council of Trent. After a period without or with a few canonizations between the 16 th and the beginning of the 17th centuries, starting from the 1640s an increasing number of saints was brought to the glory of the altars. At the same time both procedural normalization and standardization of the canonization in the Catholic Church were being elaborated. This is a part of a deep cultural change that touched all Europe and left traces in the literary ways of narrating the sanctity. If previously, medieval works, as the Golden Legend, and more generally all pre-modern literature joined historical and fantastic element the latter being narratively relevant between the 18 th and 20th centuries the literature narrating the lives of both real and fictional saints had to do with the imperative of a discursiveness linked with facts, documents, and the objective. Therefore, the doubt has been introduced into the narrative of sanctity. While before the 16th century the miracles were the main evidence of the holiness, starting from the 18th century any holy event needs proof and argument. This paradigm shift profoundly influenced Italian literature.
To assess the rhetorical role of doubt in the works of Italian authors dedicated to the lives of saints written between the 18th and 20th centuries we will analyze both short stories and novels. The aim of this paper is to examine the specific character of the rhetoric related to the narration of doubt compared to other contexts, for example the legal one.


# IRSL Rome 2023
## WORKSHOP
## May 25
## COMMUNICATION, SEMIOTICS AND LAW
## PERSPECTIVES ON JUSTICE

**Gregorio Robles, Adolfo Sánchez Hidalgo**

**CONTACT: ji2sahia@uco.es**

**Communication, Semiotics and Law: Different Perspectives on Justice**

The workshop will unfold along the following lines of investigation.
Morry's scheme of semiotics has been translated to the study of law by the Communicational Theory of Law (TCD) and could be particularly interesting to explore the legal character of the Constitution and the different meanings of this term. Thus, TCD seeks to know law as a communicative act and usually as a type of text, that is, the legal text. The genuineness of the legal text is its threefold declination - namely, normative,

institutional and decision-making - to each of which corresponds a particular type of analysis. Respectively, (1) formal or syntactic analysis encompasses the normative dimension of the legal text; (2) dogmatic or semantic analysis focuses on the institutional dimension of the legal text; and (3) rhetorical or pragmatic analysis encompasses the decision-making dimension of the legal text. Each of the levels of this study responds to a main element of Law Theory (norm, institution and decision) and presupposes the synthesis of formal, dogmatic and decision-making positions in a comprehensive semiotic perspective. In addition, it is possible to identify each of these approaches with a general method of legal reasoning, whereby, respectively: a) the formal perspective is bound to the analytical method; b) the dogmatic view corresponds to the hermeneutic method; and c) the decision position could be grasped by means of the rhetorical or topical method. Moreover, each method has a particular argumentative system under which its consistency must be examined.

The Constitution, as a legal text, serves this triple dimension (normative, institutional and decision-making), so it can be observed as a norm, institutional system and legal decision, respectively. The purpose of this brief abstract is to show highlight the arguments, reasons and rhetoric implicit not only in the decision-making level, but also in the normative and institutional dimensions.

Based on the above, the constitutional text could be the subject of an investigation that simultaneously relies upon analytical rhetoric, dogmatic rhetoric and pragmatic rhetoric, in the sense of Ballweg's tripartition of legal rhetoric. Moreover, from a sociological perspective, the Constitution reflects the social values and ethical principles that enable union and peaceful coexistence. Consequently, it would be possible to configure an ethical-rhetorical dimension or a constitutive rhetoric, as White proposes.

**Participants**

José J. Albert
Anzalone Angelo
Luis Aparicio
Angela Aparisi
Joaquín Martín Garrido
Marco Ginés
Cristina Hermida del Llano
Cristian Ibarra
Natalia Jiménez
Antonio La Porta
Diego Medina Morales
Gregorio Robles
Manuel J. Rodríguez-Puerto
Adolfo Sánchez
Juan Pablo Sterling Casas

**LIST OF LECTURES**

- Gregorio Robles (Spain), *The legal language as jurist's language: the communication and dificulties of their undestanding.*
- Diego Medina Morales (Spain). *The rhetoric proposed by the Coomuncational Theory of Law*
- Angela Aparisi (Spain) the recourse to the principle of human dignity from an intercultural perspective. Keys to interpretation and legal consequences
- Cristina Hermida del Llano (Spain), *"ambital" and "extra-ambital" justice in the Coomunicational Theory of Law, in the perspective of judicial's ethic*
- Manuel J. Rodríguez-Puerto (Spain), *Communicational Theory Law and Artificial Inteligence*
- Adolfo Sánchez (Spain), *Semiotics and rhetoric regarding the understanding of the Constitution*
- Angelo Anzalone (Spain), *The semiotic vision of the Constitution as foundation of a philosophy for Constitutional Law.*
- José J. Albert (Spain), *Semiotics, Rhetoric and legal discourse.*
- Luis Aparicio (Spain), *Constitution, principles and Theory of Law*
- Ginés Marco (Spain), *Semantic and rhetoric traditions about justice*
- Joaquín Garrido Martín (Spain), *Law and Time (with a special emphasis onthe Reine Rechtslehre)*
- Juan Pablo Sterling (Colombia), *Textual perspectivism in the Communicational Theory of Law.*
- Cristian Ibarra (Colombia), *Communicational Theory of Law. Historical and epistemological context.*
- Natalia Jiménez (Spain), *Application and effectiveness of Sharia in secular legal systems: An analysis from the communicational theory of law.*
- Antonio La Porta (Italia), *The dialogue between "authorship" and legal authority in the communicational perspective*

**TIMETABLE**

**WORKSHOP**
**May 25**
**COMMUNICATION, SEMIOTICS AND LAW**
**PERSPECTIVES ON JUSTICE**

**9:45 a.m. 11:00 a.m.**

9:45 a.m. Gregorio Robles
10:00 a.m. Diego Medina Morales
10:15 a.m. Angela Aparisi
10:30 a.m. Debate

**11:00 a.m. Coffee break**

**11:15a.m. 1:00 p.m.**

11:15 a.m. Cristina Hermida del Llano
11:30 a.m. Manuel J. Rodríguez-Puerto
11:45 a.m. Adolfo Sánchez
12:00 p.m. Angelo Anzalone
12:15 p.m. José J. Albert
12:30 p.m. Debate

**1:00 p.m. Lunch**

**3:00 p.m. 4:30 p.m.**

3:00 p.m. Ginés Marco
3:15 p.m. Joaquín Garrido Martín
3:30 p.m. Juan Pablo Sterling
3:45 p.m. Debate

**4:30 p.m. 6:30 p.m.**

4:30 p.m. Luis Aparicio
4:45 p.m. Natalia Jiménez
5:00 p.m. Antonio La Porta
5:15 p.m. Final discussion
6:15 p.m. End of workshop

# ABSTRACTS

**Gregorio Robles**
Real Academia Ciencias Morales Y Políticas
Real Academia de Jurisprudencia y Legislación
(Spain)

**Semiotics and rhetoric regarding the understanding of the Constitution**

Legal Language is a professional jargon of a specific professional group: the jurists. Unlike other professional languages, that are used mainly internally, jurists' jargon has the particularity that it is ordinarily used, not only by the jurists' themselves, but also in politics, by the media and by general population. This profuse use of legal language requires, in order to avoid misunderstandings, that jurists communicate with clarity and intelligibility. To reach clarity and intelligibility it is required, in turn, good command of Law, language, literature and humanities.
Knowledge is these fields is crucial because Law is always expressed by language (written or oral, but language in all cases) and it is inserted and interpreted in a social and historical context. Thus, to be a competent jurist it is essential to master humanities and to be proficient in language.
In this presentation, we closely examine the current challenges that legal language is enduring and the aspects that hinder clarity of legal texts. Always taking the Communicational Theory of Law as a departure point and as a method of work, we review how downplaying the importance of language in educational system (from high school to Law faculties) is having an impact in the quality of legal texts and their intelligibility and precision. This impact is easily verified by a simple inquire in the existing chaos in rules making.
Regrettably, the ongoing situation leaves little room for optimism. The aim of plain and comprehensible legal texts is an unrealistic goal to fulfil, not only for the average man on the street, but also for jurists' themselves considering the language and humanities requirement levels in the current educational system in general and in Law faculties in particular.

**Diego Medina Morales**
University of Cordoba (Spain)

**Rhetoric in the Communication Theory of Law**

The Communication Theory of Law raises, in its last part, legal pragmatics, that is, the theory of the application of law to reality, for which it conceives law as a decision and very particularly as a judicial decision. However, every decision requires a communicative act that must be materialized through linguistic expression (oral or written), so the art of speaking (or writing) is inherent to the function of the jurist (judges, lawyers, prosecutors, etc.). In this sense, the Communicational Theory of Law deals with the study of Rhetoric, starting, for this, from its definition to, later, propose and study which are the fundamental communicative acts and the various techniques that support them. Prof. Robles thus deals with describing the classic rhetorical genres (deliberative, epidictic and forensic), the sacred genre, the teaching genre, the literary, epistolary, advertising, propaganda, symbolic genre, etc. Without ceasing to stress the importance that the preparation and execution of legal discourse has for the practitioner of Law.

**Angela Aparisi Miralles**
University of Navarra (Spain)

**The principle of human dignity: empty concept or linguistic expression of an objective reality?**

The principle of human dignity has acquired, since the middle of the last century, great legal importance, both in the field of international law and in the domestic law of different countries. In reality, there seems to be a firm consensus in understanding that human dignity is the ultimate foundation of human rights and, ultimately, of all Law.
However, this contrasts with a clear fact: the principle of human dignity is interpreted, both from a legal, jurisprudential and doctrinal perspective, in a very diverse way. Therefore, the legal consequences that are derived from it are very different, even becoming contradictory.
Added to this is the fact that human dignity is currently the object of clear manipulation and ideologization at a political, legal, cultural and social level. For this reason, this principle is frequently used as a "wild card" to justify decisions on fundamental issues with clear legal connotations: thus, for example, euthanasia, abortion, surrogate motherhood, prostitution, etc.
Faced with this situation, two options are proposed: a) first, to understand that, given the existing confusion, the principle of human dignity can be considered an empty formula and, ultimately, a notion to be overcome; b) consider that we are not dealing with an empty concept. In reality, the fundamental question would be to assess whether the principle of human dignity responds to a real quality of the human being. If that quality is real, it needs a linguistic term to be designated. Said term can be that of dignity, or any other, but, in any case, the need for it remains. In this second line, the object of the paper is to investigate to what extent human dignity can be considered a true legal principle of a universal nature and possesses, above diverse interpretations and political manipulations, its own content and meaning.

**Cristina Hermida Del Llano**
Universidad Rey Juan Carlos (Spain)

**Ambital and extra-ambital justice in TCD from judicial ethics**

The TCD elaborated by Gregorio Robles makes a theoretical proposal to understand legal phenomena from within, that is, adopting the perspective of the jurist, that is, the language of jurists. The epistemological and methodological approach of communication theory is hermeneutical-analytical, which makes it move away from the positivist method, which is fundamentally descriptive and assertive with a claim of objectivity.
In relation to the problems of justice, Robles refers to two possible and necessary views: on the one hand, that of "ambital justice", referring to the ideals of coexistence concretized in a given legal field; on the other hand, that of "extra-ambital justice" that appeals to let the philosophical imagination fly to build an ideal right in an ideal society.
Here we will try to demonstrate how Robles in his TCD defends a totalizing conception of justice, sustaining the idea that the transition from justice to ambital justice requires crossing the bridge of the rule of law. As the essential qualities of contemporary justice are considered to be concentrated in the rule of law, the principles of judicial ethics will be examined in the light of TCD, i.e. the principle of the independence, impartiality and integrity of the judge.

**Manuel Rodríguez Puerto**
Universidad de Cádiz (Spain)

**Communicational Theory of Law and Artificial Intelligence**

Gregorio Robles´s Communicational Theory of Law explains the legal world from the point of view of textualisation of human action. Legal order is a hermeneutical structure developed in a complex variety of legal acts of jurists, that create legal texts as legal rules. Robles has developed his theory using diverse philosophical trends, but, as I have told, legal hermeneutics plays a very important role. Hermeneutics highlights the relevance of law as a interpretive practice that finds the legal answer in the dialogue between rule and case; this interaction is rooted in the ambiguities and flexibilities of ordinary language and it is not easy (maybe it is a impossible task) to formalize.
Today, artificial intelligence plays an increasingly role in legal practice. Although there is a philosophical stream that sees this technology as a promise to superhuman intelligence, in fact, real artificial intelligence is a tool designed by human engineers to comply with concrete task by the use of a computational language, that formalize orders. Artificial intelligence works well when cope with mechanical tasks, in legal world too. But frequently decisions in law are not easy deductions derived mechanically from legal rule. The legal reasoning is, habitually, a matter of argumentation. To find and value an argument depends of capabilities very far from formalization and abstract modelization of reasoning developed by programmers of AI. At last, the controversial nature of AI (and, of course, of legal IA) is a matter of language and communication: Can be the legal language a formal artifact? Can the legal texts and decisions be translated in an abstract model of reasoning? Gregorio Robles´ Communicational Theory of Law is a promising theoretical framework to answer these questions.

**Adolfo J. Sánchez Hidalgo**
Universidad de Córdoba (Spain)

**Semiotics and rhetoric regarding the understanding of the Constitution**

The aim of this work is to show the capacity of the Constitution to generate the backbones on which our communities are built, not only in the normative and institutional strand but, mainly, in the emotional and axiological strand. In this sense, the Constitution will be reviewed as a regulative and institutional text and also as a rhetoric text, which is able to move the emotions and to create the essential ties to build and to hold the political community. If we take on the rhetoric connotations of the constitutional text and faculties to create the bonds and conventions which make the political system legitimate, the Constitution should be recognised as the limit of the legislative policy, government actions and of the political discourse too. Thus, the language, morality and the emotions implied in the constitutional text must provide the best tool to contest the populist, nationalist and disintegrating rhetoric.

**Angelo Anzalone**
University of Cordoba (Spain)

**The semiotic vision of the constitution as foundation of a philosophy for constitutional law**

A semiotic vision of the language of the constitutional norm will allow us to rescue and vindicate the axiological sense of the Constitution, looking, concretely, at the fundamental values on which the constitutional project rests; in this sense, we will appeal to the constitutional responsibility of the citizen - recalling what his main duties are - and we will refer to the importance of constitutional education. In a context of multilevel and unprecedented crisis and cultural disorientation, we will affirm that the greatest challenge we face may consist in promoting an adequate and renewed philosophy for constitutional law, with the aim of not breaking with our Constitutions but making them more authentically themselves; working to preserve their essences, safeguarding and promoting what is unrealized still remains to be realized. This philosophy for constitutional law may be the best approach to amend, integrate and update the constitutional contents, promoting what is constitutionally real and authentic in our Constitutions. We will conclude by arguing that we should start from what exists, from its spirit, ascribing philosophical integrity to what is merely technical. After the technical reading of the constitutional text, it is necessary to constitutionalize them in a higher and more critical sense, resisting the temptation to revive new conceptions (capricious and passing) of what the Constitution and its rights and institutions should be.

**Jose J. Albert Marquez**
University of Cordoba (Spain)

**Semiotics, Rhetoric, and Legal Discourse**

The legal and political spheres are essentially persuasive and therefore rhetorical in the right sense of the expression. However, on too many occasions the symbolism that surrounds legal and political discourses does not obey the ultimate purpose of oratorical art: to help practical reason to find the beautiful, the good or the just in society. A clear example of this are the populist discourses, so frequent today. Populist language, in essence, is incompatible with rhetoric because it tends to falsify the reality of things, the basis of prudence and therefore of practical reason. All political language must approach the people, but the line that separates it from the creation of a neo-language is sometimes thin. Norms, and discourses, must maintain a minimum of ontological connection with reality, if they do not want to configure a parallel meta discourse in which their own symbology does not respond to rational elements.

**Ginés Marco**
Dean of The Faculty Of Philosophy
Universidad Católica de Valencia (Spain)

**Semántica and rhetorical controversies surrounding the idea of Justice**

When Aristotle praised justice as the first virtue of political life, he did so in such a way as to suggest that a community which lacks practical agreement on a conception of justice must also lack the necessary basis for political community.
In our time we lack a basic consensus on the practical realization of the idea of justice, because we have previously lost sight of the ultimate meaning of the idea of justice. To such an extent is this absence of consensus evident, that different voices proliferate in the name of semantic traditions and rhetorical rivals of justice that claim their alleged protagonism, at the cost of silencing and even marginalizing from the public debate what they consider a rival tradition.
For methodological reasons I will focus exclusively on three traditions that claim their prominence to weave together a basic notion of justice: the tradition coming from conservative liberalism; the tradition that has its source in what comes to be called "social democracy"; and the tradition that conceives justice as a virtue.
The added value of this contribution involves delving into what becomes a touchstone of any reflection with a vocation to be rigorous: The search for the foundations that sustain key concepts of contemporary public debate, such as the idea of justice.

**Luis C. Aparicio Rodríguez**
Ceu San Pablo (Spain)

**Constitution, principles and Law Theory**

The legal positivism of the 60s/70s of the last century was characterized by describing the Legal System as a "system of rules". H.L.A. Hart, in *The Concept of Law*, defines law as the union of primary and secondary rules.
However, from the 2nd World War, in the Legal Systems of the Constitutional States of Law begin to be present, explicitly, other types of normative statements characterized as legal principles, with a strong value load, which convey the presence of morality in the Law especially through the Constitution.
The purpose of neo-constitutionalist, non-positivist, postpositivist theories is to account for the principles by the defense of the so-called "strong thesis" of the distinction between principles and rules, more qualitative, or classificatory, than gradually as proposed by inclusive legal positivism, whose germ we find in the famous "Postscript" of the second edition of *The Concept of Law*, where Hart responds to the critics made by R. Dworkin.
The strong thesis of R. Alexy's distinction for which, the fundamental rights of the post-war Constitutions, have a principled character will be assumed. Fundamental rights are principles, and these are mandates of optimization, which mandate that something be done to the greatest extent possible in accordance with the factual and legal possibilities. The form of application of the rules is subsumption; The application of the principles requires balancing.
The aim of this paper will be to present some problems related to the interpretation of legal principles. This requires considering the language of constitutional principles, an analysis that I will carry out from the analysis of the language of the statements of fundamental rights.
An initial problem to consider in interpreting fundamental rights statements that incorporate moral standards is that of objectivity. Is attributing meaning to terms such as dignity, free development of personality, inhuman or degrading punishments or treatment, an act of knowledge or mere subjective will?
I will dwell on the problem of disagreements in law, and I will make some proposals for a solution. The incorporation of principles into the Constitution implies the acceptance, in my opinion, of a certain moral objectivism, since otherwise its application would depend exclusively on the discretion of the judges.
A second problem that I will consider is the so-called implicit legal principles.
Following Luis Prieto Sanchis it can be affirmed that implicit legal principles are normative statements that are not obtained (they are not the meaning) of any specific legal provision. Juan Pablo Alonso argues three ways to explain or justify the validity (or existence, or validity) of an implicit principle: a) the implicit principle is a specification of a more general positive explicit legal principle; (b) the implicit principle is a generalization from a set of more specific positive legal rules; (c) the principle has an autonomous

justification, regardless of any positive normative source. I will examine the three possibilities, but above all the third which involves thinking again about Morality in Law and the relationships between legal reasoning and moral reasoning.

**Joaquín Garrido Martín**
Universidad de Sevilla (Spain)

**Law and Time** (**with a special emphasis onthe Reine Rechtslehre**)

What is the relationship between law and time? It is well known that time also acts within law and its dogmatic structure. There are concepts (usufruct, term, etc.) which have a specific temporal imprint. Karl Engisch has asked whether the multiple images of time in law make a "legal time" as an autonomous category possible. But we could place ourselves in another perspective. Not within legal dogmatics, but outside it: not so much time in law, but law in time. In other words, we ask here whether time, by the mere fact of passing, determines or helps to determine the efficacy of validly adopted legal rules, their aptitude to be observed and applied, their "authority". In Aristotelian language: does the dynamis of a nomos depend on time or not, and to what extent?
In the kelsenian scheme it is known that legal science takes distance from the world we call “real”. I am interested to know how and to what extent. I will focus my intervention in two ways Kelsen followed to achieve this goal of “purity”: on the one hand, the theory of the norm, which here appears as “Deutungsschema” that incorporates the conditioned relationship between the fact and the effect that binds it: there is no talk here of “cause” in the classical sense, but of “imputation” (Zurechnung). Law, as a normative system, differs therefore from a system definable as “natura”. This is the first and fundamental way in which the autonomy of law is presented in the RR. There is a second: the autonomy of law is here also revealed as a separation from any representation that involves the participation of subjective value judgments that can disfigure the object of study.

**Juan Pablo Sterling Casas**
Corporación Universitaria Autónoma Del Cauca (Colombia)

**Communicational Theory of Law: The Textual Perspectivism**

Legal hermeneutics, and hermeneutics in general, has acquired a solid and respectable mood that tends to a more pragmatic facet that goes beyond a merely descriptive position of phenomena (including Law) to assume a perspectivism approach within the limits of understanding. According to this, legal hermeneutics is useful because it allows not only to evaluate interpretations, but also gives them a pragmatic character since they are present in the relationship of the subject with the world, allowing the creation and modification of realities.

On the other hand, the Communicational Theory of Law largely reflects the thought of José Ortega y Gasset. Especially his epistemological perspectivism the shows how texts also have their own perspective, that means, they are analyzed depending on where they are approached. Seen in this way, the object of study of Law does not escape this textual perspectivism, let's think that the perspective and discourse of a defense attorney is different from that of his counterpart and often from that of the judge; In the same way, the judge, when issuing his decision, seeks purposes in accordance with the legal system, this also forces him to assume a given perspective from a specific text that is the same for the actors in the process (Constitution, law, court ruling, etc.).

According with the above, the objective of this work is to explain how the epistemological perspectivism adopted by TCD -influenced by the work of Ortega y Gasset- allows hermeneutics to be established, in an optimistic sense, as a pillar of this theory from the text as axis. In first place, the concept and implications of perspectivist thinking will be illustrated, then they will be connected with the usefulness of legal hermeneutics, to finally analyze the consequences of Law as a text in TCD, that is, a textual perspectivism.

**Cristian David Ibarra Sánchez**
Universidad de Tunja. Colombia

**Communicational Theory of Law: Historical and epistemological context**

The present work tries to expose in a synthetic way the communicational theory of law (hereinafter TCD) from its general and historical notions, and also tries to show how this concept is currently being developed from the jus-philosophical doctrine.
Thus, its general notions, its historical context from its beginnings to the present day as it is known, are jus-philosophical precepts that have emerged from the perspective of Master Gregorio Robles Morchón, and which have been exhibited around the world for more than four decades. The idea of the Communication Theory of Law was born in 1988 with the book, *Introduction to the Theory of Law*, a work published and promulgated by the Editorial "Public Debate", which at the time had six editions and is no longer available because of its great demand. We would say that it was the first time that Professor Gregorio Robles spoke out against the TCD, making his purpose clear by advocating "for an epistemological justification of legal theory from a hermeneutic-analytical approach."
In this investigative journey, what Professor Robles describes is the analysis in which man finds himself as an individual living in society and in need of rules that can regulate his relationships; so that the response to this need can only be carried out by means of legal rules that laid down through "legal text".
So, as a first premise, it is observed that society is only possible through communication, and as a second premise, where there is a society, there is law. Therefore, the only way of expressing the law is language. The central hermeneutic axis is formed by the ordering-system duality. From this "definition" and "experience" that Professor Gregorio calls "communication" his epistemological and methodological perspective is adopted: Law is analyzed from the perspective of communication, which means from the perspective of language, for communication is not possible without it.

**Natalia Jiménez**
Universidad Camilo José Cela. Madrid (Spain)

**Applicability of Sharia Law in European Secular Legal Systems:**
**An analysisfrom the Perspective of Communicational Theory of Law**

Sharia Law is a legal system based on the principles of Islamic faith and, due to the growing Muslim population in European countries, its application is being increasingly demanded in Europe. It is a controversial topic that has often been analysed by its concerns and compatibility with human rights. Nonetheless, we would like to focus our presentation on the aspects related to Theory of Law that are frequently put aside.
Sharia Law is based on its own principles and rules. Moreover, it also has its own legal methodology and system of interpretation. Nevertheless, it can be argued that Sharia Law does not exist today separate from the states, as in countries where Sharia Law is into force the major role for its interpretation and implementation belongs to the states and its institutions.
From a communicational perspective it is necessary to determine, before any other consideration, if interpretation of Sharia Law is carried out and accomplished by Sharia itself -without any support in state legal systems -. This will determine whether Sharia Law can be considered an autonomous legal system or not. And, if it cannot be considered as such, principles inspired in Sharia can only be applied in European legal systems indirectly, through private international law conflicts.
In this presentation we will go through the conditions that any autonomous legal system must have to be considered as such by the Communicational Theory of Law, and we will put them in contrast with Sharia Law. We will conclude that Sharia law, as it is structured and organised today -needing the support of the states to deploy its effects-, doesn't have an effective existence by itself and, for that reason, cannot be applied as such in European secular legal systems.

**Antonio Maria La Porta**
University of Cordoba (Spain)
Norberto Bobbio Archive Of The 'Centro Studi Piero Gobetti' (Turin, Italy)

# The dialogue between "authoring" and authority of law in a communicational perspective

This research aims to investigate the hermeneutic-analytical dialogue between the area of co-operators in the communicational production of Law. Just as these communication processes do not see a single beneficiary, neither do they see a single author. For example, legislative texts, or the texts of court judgments are the result of discussion (parliamentary debate; judicial debate) in which various creators and co-operators of texts are involved who will then contribute to the drafting of the final legal text (parliamentary commissions, legal advisors; legal experts; other professionals also not directly jurists who intervene in the judgments as advisors). Semiotic and communicational relations are innumerable in the contemporary world of law. Intergovernmental agencies, supervisory authorities, and various legal decision-makers collaborate with the classical 'legal authorities' from the conventional power distribution model for law (legislative, executive, judicial). But the levels are now much more varied and increased (administrative, national, supranational). The current legal landscape envisages a 'semiotic and communicational' dialogue between the world of the various authors of legal texts with the legal authorities of the final decision-makers in the communicational processes of law, and thus legal authorities in the communicational sense as final and definitive emissaries of legal texts. These aspects will be approached through the 'semiotic levels' of analysis of Gregorio Robles' Communicational Theory of Law: formal level (syntactic), level of legal method (semantic) and above all level of decision-making in law (pragmatic). The Communicational Theory of Law makes it possible to see the dialogue between 'authoring' and 'legal authority' through the analyses of the communicational relations it proposes between text, co-text, and the context of the ambits of law.


## IRSL Rome 2023

## WORKSHOP
## MAY 25

**Alessandro Saggioro Alessandra Vitullo**

**Sapienza University of Rome**

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# A New Normativity for Earth Stewardship:
# What contribution from religious communities?

Discussions on social values and norms related to environmental and sustainability issues were normally conducted in secular contexts. Nevertheless, the renewed emphasis on the climate crisis is defining and shaping new links between people and nature, also increasing

the attention on the role religions can play in promoting behaviours and social values in support of sustainability.

In this sense the 2030 Agenda represents a common ground to debate this topic for governments, civil society, and religious institutions. The Agenda, with its 17 Sustainable Development Goals (SDGs) and 169 sub-targets, serves as a global reference point for the transition to sustainability. The main challenge is to accomplish a more integrated approach to sustainable development that encompasses new governance frameworks for enabling and managing systemic transformations. The SDGs are the result of a long process of deliberation which involved the UN as well as many social actors. The goals are planned to ensure a more grassroots and locally owned type of development, based on the opinion that "local institutions" are the best places to both understand and respond to today's challenges.

To underline and endorse this topic, different religious institutions promoted a substantial number of documents and events to address environmental sustainability and to highlight the urgency of calling forth engagement around the environmental issue.

Following these eco-friendly actions this workshop aims to address these questions:

- What has been till now the real impact of religious institutions on the normative or political process for environment protection?
- What religious values can be generalized so as to be endorsed also by secular institutions to support sustainability?
- Could new norms promoting sustainable lifestyles become more integrative and acceptable by the civil society if the normativity process were to be extended also to religious actors?

**Participants**

Alessandro Andreotti
Fabio Franceschi & Alessandra Viani
Fabiola Girneata
Alessandro Saggioro
Alessandra Vitullo

**TIMETABLE**
**WORKSHOP**
**A New Normativity for Earth Stewardship:**
**What contribution from religious communities?**
**MAY 25**

**11:55 a.m. 1:10 p.m.**

**Alessandro Saggioro Alessandra Vitullo (chairs)**

11:55 a.m. **Alessandra Vitullo**
12:15 p.m. **Fabio Franceschi & Alessandra Viano**
12:35 p.m. **Alessandro Andreotti**
1:10 p.m. **Fabiola Girneata**

# ABSTRACTS

**Alessandro Andreotti**

## Concern for Environmental Protection in Protestantism Today

This study aims to investigate the existence of a correlation between the different ecclesiologies adopted by various protestant churches and their ecologic doctrines. Although contemporary Protestantism could be thought of as a galaxy of different theologies and ecclesiologies that are hardly comparable to each other, this study argues that it is possible to identify two main ecological systems of thought adopted by Protestant churches: an "ecocentric" view, mostly pursued by the reformed protestant churches with a democratic ecclesiology; and the so called "subjectionist" or "anthropocentric" approach, the typical stance of the evangelical denominations that have a hierarchical organization and in which the participation of the believers in the church administration is strongly limited. This work suggests that the correlation between non-democratic, top-down type ecclesiologies and anthropocentric environmental perspectives could be a consequence of the believers' attitude to imagine the doctrine as immutable, given by God once forever and still perpetrated by the authorities of the church as representatives of God Himself. On the other side, horizontal organizations, in which believers are deeply involved in the church government and in the shape of their doctrines, are more responsive to the evolution of the general sensitivity on environmental safeguards. The level of democratic participation in the church can reflect the idea of human beings-nature relationship accepted by the church itself.

**Fabio Franceschi  Alessandra Viani**

# A Canonical Approach to Sustainable Development Goals (SDGs). The Role of Canon Law in Promoting the Common Good and the Protection of Creation

The paper is aimed to evaluate how the political and legal aspects of the UN's 17 SDGs are addressed by canon law, according to the Catholic social teaching. In recent years the Catholic Church has shown great attention to the promotion of sustainable development. The main reference is to Pope Francis' encyclical "Laudato Si" on "care for our common home" of 2015, with which the Pope called for a radical transformation in lifestyles, economic systems and global relations in order to face the environmental crisis and promote sustainable development. This new focus on promoting the common good and the protection of creation also has an impact on canon law, i.e. on the set of legal norms formulated by the Catholic Church to regulate the activity of the faithful and of ecclesiastical structures in the world, as well as the inter-ecclesiastical relations and those with secular society. In fact, it imposes an adaptation of canon law aimed at ensuring that environmental care and protection should be made an integral part of the Church's legal system, much more than it currently is. In this regard, the code of canon law at canons 208-221 under the title "Obligations and rights of all the faithful" presents a list of these obligations and rights but does not provide for an express duty of the faithful of protecting and promoting the natural environment in which they live. Therefore, it is necessary to reflect on the opportunity of inserting into the code of canon law provisions aimed at promoting the common good and the protection of creation, which are fundamental parts of sustainable development, thus elevating care for the environment to the level of an obligation in the Church (not just an option). In other words, to include environmental protection in canon law. This result could be achieved above all through the provision of a specific legal duty of the Christian faithful not only not to damage, but also to improve, both through daily behaviour and through specific initiatives, the natural environment in which everyone is called to live, strengthened by the provision of canonical sanctions for the non-observance of this grave duty.
Furthermore, a closer connection between canon law and sustainable development, aimed at recognizing a meaningful legal value to the commitment of the Catholic Church around the environmental question, could also have a positive impact in the normative and political process within secular societies supporting a sustainable development, in line with the objectives of the UN 2030 Agenda. Indeed, it could encourage the creation of spaces and actions of synergistic collaboration between the Catholic Church and civil society for more coherent and flexible political strategies capable of reacting to changes, offering various benefits and managing difficult compromises, thus favouring the production of an aware and responsible transition towards an environmental economy that is more respectful of creation and its laws. Above all, since the perspective of canon law is one of the forms of knowledge that can contribute to modifying the behaviour and personal habits of the faithful/citizens, increasing their awareness and responsibility, a

strengthened canonical discipline of environmental protection could have an impact also significant in the promotion of social behaviours and values in support of sustainability, i.e. the implementation of social practices and policies in this regard. Indeed, civil norms that promote sustainable lifestyles could become more integrative and acceptable to society if the normative process is supported not only by the social teachings of the Catholic Church, but also by a clear legal framework within canon law. Hence the importance of creating an "environmental canon law" to be used as a behavioural model for the faithful/citizens, so that the growing attention to economic sustainability and environmental issues does not remain a mere theoretical declaration.

**Simona Fabiola Girneata**

## The 'Terms' of Sustainability: Normative Bodies and the Contemporary Orthodox Christianity

The 2030 Agenda is the result of a shared political assessment, which has garnered a broad international consensus, on the goals and challenges facing humanity during the 21st century in the areas of environmental protection and sustainable development. In this context, surprisingly, the role reserved for religions is rather peripheral, not only as interlocutors but as an integral part of an all-encompassing consideration of 'human person,' understood as the pivotal element that the so-called green revolution cannot but orbiting. Actually, the semantic boundaries forged by the world cultural and religious traditions hinge upon the individual, to be understood both as a body and as a dynamic entity straddling the domains of sociality and nature: especially on the pragmatic level, insofar as it involves the individual/cosmos relationship and thus the environmental issues. At the same time, the above semantic coordinates are inherent in the same cognitive habits undergirding the relationship between 'being' and 'ought,' as well as the multifarious schemes of legal subjectivity stemming from the normative dynamics coextensive with both institutional and social circuits.

Through a multidisciplinary anthropological-legal approach to the case study of Orthodox Christianity in Romania, my aim is to trace the threads that, on the one hand, intertwine the theme of sustainability with that of the claim of socio-spatial justice, thus including an analysis of the related implications for an environmentally inspired interpretation of the semantics of human rights. On the other hand, my attempt is to situate knowledge of the anthropological-religious and behavioral models underlying the relations between the individual and the environment within European program on sustainability policies. Adequate consideration of the anthropological lexicon of subjectivity is, moreover, an essential prerequisite for grasping the connections extant between lived space and human and/or fundamental rights. This means that the anthropological-religious awareness of the social landscapes at stake should be considered as a crucial cognitive instrument for elaborating the prognosis of effectiveness of European governance, insofar as it must be in tune with its axes of legal/institutional legitimacy.

In more general terms, moreover, it should be emphasized that legal-institutional action should be based on an understanding of an unprecedented existential condition of the human species and as such, perhaps, involving the entire system-Earth or Gaia. A condition that has been labeled by some scholars as the 'Anthropocene.' In the present, it is we humans, in deciding what 'must be done,' who ingenerate the existential conditions of the 'being' that is to accommodate and support human 'ought.' The same conditions that, in turn, will function, in a kind of circular path, as prerequisites for the institutional machine and the set of its founding purposes/values to be efficient and in line with its basic imperatives of self-consistency and operational possibilities.

To conclude, the above points out that the intertwining of culture, individual and place provide the anthropological/cognitive factors nested in religious 'knowledge' and related behavioral habits both the import and the scope of a real condition for the efficacy/efficiency of law in the specific case under discussion, of EU legal provisions related to the Green Deal. Probing these aspects of the phenomenology of the relationship between European positive law and culture is the main theoretical and, at the same time, pragmatic objective that I will try to pursue in my paper.

**Alessandra Vitullo**

**Studying Religion and Ecology: Opening New Research Paths**

Religions significantly shape worldviews, values, and behavior of over 80% of the world's population. Not only do churches, mosques, temples, and synagogues undergird the widest international social network they also provide meaning to millions of people, setting a common ground for action. After the promulgation of the Encyclical *Laudato Sì* (LS), there has been a renewed interest in the role which religions and faith-based communities can play in fostering sustainability practices by promoting an interreligious but also a non-religious dialogue related to the achievement of the Sustainable Development Goals (SDGs) defined in the UN Agenda 2030. This working paper aims briefly retrace some crucial passages of the recent "green turn" of some religious institutions highlighting potential new research pathway that need to be deepened in the religion and ecology scholarship.


**IRSL Rome 2023**
**WORKSHOP**
**25 (afternoon) 25 (morning) May**

# SPATIAL DYNAMICS AND CULTURAL CHANGES IN CONTEMPORARY LEGAL EXPERIENCE

**Organizers: Anne Wagner and Manuel José Aroso Linhares**
**Contacts: Anne Wagner valwagnerfr@yahoo.com , Manuel José Aroso Linhares linhares@fd.uc.pt**

## Special Section

# RE-CONSTITUTING DIGITAL PUBLICS

**Organizers: Richard Sherwin and Kieran Tranter**

**Contacts: Richard Sherwin** Richard.Sherwin@nyls.edu **, Kieran Tranter** k.tranter@qut.edu.au

**Scope of our workshop**

Law involves spatial dynamics, and as such law is like an integrated circuit with two main lines of development, at times autonomous, at others conflicting with each other to reveal a new vision of reality. This integrated circuit thereby enables the Law to grow with the life surrounding it, while simultaneously reviving concepts sometimes far too deeply rooted in a predetermined time period. Yet the Law as a living organism has the ability to territorialize a concept, while also creating alternative trajectories or deterritorialization routes for more modern and contemporaneous visions. In this way, this two-stage integrated circuit may be a source of either promise or struggle in addressing and understanding new visions of the Law. Hence, we also need to speak about these lines of resistance - i.e., refusal/hindrances of evolution or adaptation, as well as about these lines of transformation - i.e., acceptance of an evolving world with new conceptions of the past living reality. All this without forgetting a meta-discursive plan or perspective, in which the different contemporary conceptions of law and legal discourse, while considering these lines of resistance and transformation, significantly overlap and conflict: the plurality of these conceptions is actually dynamized by two unmistakable irreducible poles, one of them giving law a purely instrumental identity (within the limits of a pragmatic functionalization), the other one reinventing the symbolic and practical-cultural possibilities of its discursive autonomy (as well as the inter-semiotic claim that this autonomy demands).

In our workshop, our contributors will examine the spatial dynamics and cultural changes that could be read as a source of legal tension but also as a place of cultural (ex)changes in contemporary law and legal theory.

SPECIAL SECTION

Richard Sherwin & Kieran Tranter

# RE-CONSTITUTING DIGITAL PUBLICS

The digital is poisoning the public good. Isolated within algorithmically regulated echo chambers, increasing numbers of Internet users are alone, angry, and unhealthy. The bonds of community and public trust are weakening. Illiberal forces are exploiting these conditions for their own ends. The Trump Presidency and its legacy of chaos and mistrust attest to a growing, digitally-enabled regression on multiple fronts. This development may soon reach a tipping point from which there is no way back to civil governance based on a plurality of civic publics committed to shared ideals of dignity, respect and the common

good. It is imperative that we mobilize every cultural, cognitive, and communicative resource available to avoid this impending threat.

The Digital Publics Project involves reimagining and actively re-*constituting* publics and public life *within and through the digital*. Rejecting the collapse of public discourse into monetized, corporate platforms riddled with enticements by Web3 fanatics of spectacular immersive simulacra — notwithstanding their vulnerability to all manner of toxic waste (including the disorienting, pacifying confusion and malevolent intensities spurred by tactical disinformation) — brings a vital question to the fore: Where lies a way out? How can the digital be re-constituted to facilitate flourishing publics and public life?

## Participants

1- **Aroso Linhares José Manuel**, *Translation, Intercultural Dialogue and the Mediation of Legal Semiotics.*
2- **Becci Vittoria**, *Law and the City: Spaces in-between Law's Representation.*
3- **Catá Baker Larry**, *The Semiotics of Democracy and Ideologies of Meaning in Constitutional Orders.*
4- **Englezos Elizabeth**, *Hyperliberal Illiberalism and the Fracturing of the Public Space*
5- **Gaudencio Ana Margarida Simões**, *Reflexive Notes for a Semiotic Exercise on the Historical and Cultural Geographies of Human (juridical) Right's Normative Content(s) and Structural Discourse(s)*
6- **Marini Giovanni**, *Comparative law: The Politics of Space. The Space of Politics.*
7- **Messner Claudius**, *Talking across Differences. Networks, Law and the Violence of the World*
8- **Neuwirth Rostam**, *Legal Synaesthesia: Concretizing the Future Global Legal Order.*
9- **Sadowski Jakub**, *Civil Rights and Duties in Soviet and Russian Constitutions: Models of Semiosis and their Cultural Determinants.*
10- **Sadowski Miroslaw,** *Law and Culture in Transition: The Case of Citizenship in Hong Kong and Macau*
11- **Samoré Ilaria**, *Religions, Cultures, Spatiality: Original Urban Narrations and Semantic Mappings of Religious Buildings.*
12- **Sherwin Richard**, *Social Media and the Public Good.*
13- **Tranter Kieran**, *A Civil Public Process for Change: The Australian Model of Institutional Reform Agencies.*
14- **Wagner Anne**, *Perpetual Pendulum in Law*
15- **Mateusz Zeifert**, *Meaning as Activity. What Can Legal Theory Learn from Ronald Langacker's Cognitive Semantics?*

**TIMETABLE**

**24 May afternoon 2.30 p.m. 6.30 p.m.**

(2:30 p.m.) NEUWIRTH Rostam, *Legal Synaesthesia: Concretizing the Future Global Legal Order.*
(2.:5 p.m.) MARINI Giovanni, *Comparative law: The Politics of Space. The Space of Politics.*
(3:20 p.m.). AROSO LINHARES José Manuel, *Translation, Intercultural Dialogue and the Mediation of Legal Semiotics*
**3:45 p.m. /4:00 p.m.** Debate

(4:00 p.m.) CATÁ BAKER Larry, *The Semiotics of Democracy and Ideologies of Meaning in Constitutional Orders*.
(4:25 p.m.) SADOWSKI Miroslaw, *Law and Culture in Transition: The Case of Citizenship in Hong Kong and Macau*
**4:50 p.m./ 5:00 p.m.** Debate

Special Section: "Re-Constituting Digital Publics" (organized by Richard Sherwin and Kieran Tranter)
(5:00 p.m.) ENGLEZOS Elizabeth, *Hyperliberal Illiberalism and the Fracturing of the Public Space*
(5.25 p.m.) TRANTER Kieran, *A Civil Public Process for Change: The Australian Model of Institutional Reform Agencies.*
(5:50 p.m.) SHERWIN Richard, *Social Media and the Public Good*
**6:15 p.m. / 6:30 p.m.** Debate.

**25 May morning 9.45 13.00**

(9:45 a.m.) HU Lung-Lung, *The Legend of 1900 – Law, Space, and Immigration*
(10:10 a.m.) SAMORÉ Ilaria, *Religions, Cultures, Spatiality: Original Urban Narrations and Semantic Mappings of Religious Buildings*
(10:35 a.m.) SADOWSKI Jakub, *Civil Rights and Duties in Soviet and Russian Constitutions: Models of Semiosis and their Cultural Determinants.*
(11:10 a.m.) MESSNER Claudius, *Talking across Differences. Networks, Law and the Violence of the World*
**11:25 a.m. /11:35 a.m.** Debate

(11:45 a.m.) GAUDÊNCIO Ana Margarida Simões, *Reflexive Notes for a Semiotic Exercise on the Historical and Cultural Geographies of Human (juridical) Right's Normative Content(s) and Structural Discourse(s)*
(12.10 p.m.) ZEIFERT Mateusz, *Meaning as Activity. What Can Legal Theory Learn from Ronald Langacker's Cognitive Semantics?*
(12.35 p.m.) BECCI Vittoria, *Law and the City: Spaces in-between Law's Representation.*
**1:00 p.m./ 1.10 p.m.** Debate

# ABSTRACTS

**José Manuel Aroso Linhares**

## Translation, Intercultural Dialogue and the *Mediation* of Legal Semiotics

Contemporary meta-dogmatic legal discourse has frequently mobilized the signifier «translation», in different stages and to face diverse problems — the multidirectional interactions between *legal language* and *ordinary language* , the plural network of (national and international, state and non-state) legal orders, the dialectics between presupposed legal materials and practical controversies, the intersubjective place of the judge as the impartial *third*, the invention of exemplarity as *concreteness*—, always however with decisive projections in the understanding or experiencing of *juridicalness* (its aspirations, categories and limits). The purpose of this paper is to explore the claims to inter-semioticity which the mobilization of this *signifier* and the plurality of its contexts of meaning and performance seem to build. This means, on the one hand, to resume the dialogue with Boyd White *(justice as translation)* and François Ost *(le droit comme traduction)*. It means also, on the other hand, returning to the counterpoint between *translation* and *tradition* which MacIntyre's *narrativism* exemplarily proposes (*Whose Justice? Which Rationality?)*, this time to discuss the relevance of treating Law (a *certain* Law) as a cultural artifact, i.e. as a non universal (culturally plausible and civilizationally molded) answer to the universal (anthropologically necessary) problem of the institutionalization of a social order. With an unexpected help coming from Greimassian's semio-narrative, as well as from semioethics, this means asking if *translation* (or the ethics of humility it celebrates) can actually be experienced, in our limit-situation, as the *resource* (if not the *place* or the *environment*) of a plausible *intercultural dialogue*.

**Vittoria Becci**

**Law and the City: spaces in-between law's representation**

In 2016, while I was living in Paris, two events caught my attention. The first one was the opening of the Louis Vuitton Foundation in the 16th arrondissement of the city. The second was the inauguration of the new Forum Les Halles. About the former, a newspaper article called this opening a conservative statement made by Paris, since it was private money that have funded a museum in the poshest neighborhood of the city. Regarding the latter, the place used to be the old market that the municipality decided to demolish in the 1970s. Since then, work in progress started and ended in April 2016. This shows how buildings and infrastructures are part of our daily life, they are capable of creating inclusion, discrimination, requalification, absences. Architectures most of the time, make tangible and visible the laws that built our spaces. My on-going PhD project is on law's spatiality, where all these elements, such as law, architecture, space, distributional analysis, and normativity gather. I'm asking how does law create space? How law is represented in space and what does the law want to represent? For centuries, the science of cities has been the domain of historians, sociologists, economists, planners, architects, artists and writers. However, the last few decades have additionally seen an increasing interest by legal scholars. As was noted by Gerald Frug, "Law and legal theory are essential starting points for understanding them [cities] as well", nevertheless, since the spatial turn in legal theory happened, we can comment: "and vice-versa". Space is not anymore the fixed scenario for the law to happened. This is clear in the spatial consequences of legal reforms, such the Agrarian Reforms. This contribution aims to unveil and question the space in-between what the law wants to represent, and how this is presented in the spatial reality of cities.

**Larry Catá Backer**

# The Semiotics of Democracy and Ideologies of Meaning in Constitutional Orders

Democracy is in crisis. Democracy is a language of signification, formally expressed through national constitutional orders and within the supranational framing of constitutional internationalism. Its fundamental signification, the conceptual framework within which such expression is constrained, is expressed in the semiotically rich language of ideology. That ideological foundation, in turn, has fractured. Democratic ideology becomes the site for great contests about the meaning of a democratic order, and its expression within the normative orders of political and social collectives. The symptoms of that crisis might be found on the streets and in the public institutions of Brasilia, Brussels, Beijing, and Washington. Its signification may be performed by the masses and their shepherding elites in actions like the 6 January 2020 Commission in the US; but its fundamental character is semiotic. This contribution examines one of the principal points of fracture that between the contemporary development of a semiotics of liberal democratic democracy, and that of Marxist-Leninism. The consequences of both the construction of distinctive languages of democracy is profound ranging among conceptions of human rights, to rule of law, the mutual inter-relationship between the individual, state and society, and the nature and character of a rules based international order. This is based on a set of remarkable documents produced by China and the US in 2021. The first section considers the semiotics of liberal democratic and Marxist-Leninist democracy, with a focus on the semiotics of endogenous and exogenous democracy (elections; consultations). It then turns to examination of the semiotics of consequences: the meaning and performance of elections, the nature of civil and political rights, and the expression of these democratic lifeworlds in human rights and internationalism. The essay ends with thoughts on the methodological signification of democratic signs in analysis of a democratic turn in ordering political collectives through law.

**Elizabeth Englezos**

**'Hyperliberal illiberalism and the fracturing of the public space'**

Historically, public spaces have provided a venue for public protest forcing change and precipitating reform. However, these same spaces were also the site of mob justice, repression and violence. The digital space has created a new form of public space: one which provides a dangerous blending of public protest and mob justice and offers transformative beliefs a voice while mob justice encourages sanctions against (and the erasure of) detractors. Opposing voices are excluded, while moderates are silenced.
This paper argues that the digital is not antithetical to the public but has instead generated a 'false public' where participation requires agreement or acquiescence. My focus is not on 'cancel culture', as cancel culture is merely a symptom of a much greater disorder: hyperliberal illiberalism. Hyperliberal illiberalism manifests in a hyperliberal shift towards an illiberalism that stifles individual digital speech through fearful self-censorship and forces the creation of splinter spaces that follow a shared central dogma. The risk is grave. Compelled conformity, cancellation, and deplatforming victimise and strengthen ideological convictions while creating platform bubbles that reinforce and foster extremist viewpoints. The exclusion of moderate voices or balanced critique divides social media into 'us' and 'them' and denies opportunities for measured debate and constructive thought. How do we pull back from 'us' and 'them' and recreate an open digital public space when hyperliberal illiberalism excludes moderate views and constructive debate, and when polarisation and division are predicates of successful expression?

**Ana Margarida Simões Gaudêncio**

# Reflexive notes for a semiotic exercise on the historical and cultural geographies of human (juridical) rights' normative content(s) and structural discourse(s)

Searching for a semiotic analysis of a materially juridical understanding of *human rights*, the proposed reflection presents a discussion on the corresponding historical and cultural options presupposed by the *signs* selected in the construction of the conventional and normative tools for their *meanings*. Such a discussion aims at the building of a *critical* and *reflexive* approach on *human rights' language(s)*, on the uses and on the understanding of their *locutionary*, *illocutionary* and *perlocutionary* effects, towards the historically and culturally geographical backgrounds in which *human rights* are affirmed as *social features* and as *law values*. *Concepts* and *meanings* of *human rights* will be, therefore, taken as historically and culturally constructed *tools of understanding*, substantially contextualised (Samuel Moyn, Micheline Ishay). Mostly conveying, exemplarily, distinct *meanings* to some common *substantial* and *linguistic* propositions, differently understood in the global and in the contextualised *human rights' perspectives*, on their *structural discourse(s)* and on their *normative content(s)*: *dignity* within *human dignity* – and *rights* – within *human rights* (Jeremy Waldron, Umberto Vincenti, Rainer Forst). In order to present a *theoretical* and a *practical* approach of such *rights*, on the border between law and politics, as ideological-political projects to be protected through law, and/or to be translated as effectively juridical rights. Approaching the *meaning(s)* and the *content(s)* of *human rights* within a perspective of *tolerance* based on *recognition* (Jürgen Habermas, Axel Honneth, Rainer Forst), as constitutive features of the *meaning(s) and* of the *content(s)* of law, within a specific connection between *autonomy* and *responsibility* (Castanheira Neves). And, therefore, analysing the (im)possibility of a *minimum core* of *universal common values* and *languages*, and of combining *specific substantiations* and *discourses* within contextually different *density levels*.

**Giovanni Marini**

**Comparative law: The politics of space. The space of politics**

A growing body of work during the last decades has become explicitly concerned with the interdisciplinary connections between law and questions of space.
These developments emphasize the produced nature of social space and the spatial characteristics of a range of social relations and social power.
According to these trends, law does not imprint itself on a passive space conceived as an empty container or a flat surface. Law and space cannot be separated in two distinct analytical realms. Law needs to be understood as a set of techniques of spatial organization and governance- a body of spatial representations. It is here that we can observe also the importance of the law in the construction of abstract space. The law is largely responsible for the template on which abstract space is built and the conditions of possibility of human beings who inhabit it and their resources.
The paper will explore some developments of these theoretical insights:

A) Every space is organized in a hierarchical ordering. The position of a particular space within the hierarchy is determined by its position in the conflictive relationship between centers and peripheries which manifests itself in the distribution of power, wealth, resources and information. The hierarchy between center and periphery is not the random result of an evolutionary process. Rather it is the product of a strategic logic in which the center organizes that which is around it, arranging and hierarchizing the peripheries. Comparative law as geopolitics of law.
B) At the same time, it is necessary to problematize what is understood by counter-hegemony, what aspects of official and/or traditional ordering are put in tension and how the hegemonic order of the space they produce is destabilized, what are the power relations that are questioned, in what way and with what languages and narratives this is done, how they become tools of dispute and political activism. Here counter-hegemonies are not only about spatial representations, but can also combine a diversity of discursive, narrative and artistic genres.
C) Space cannot be reduced to a linguistic model and conceived as a metaphorical source of indeterminacy and social contingency. In a way totally different from other arts as literature or painting, law affects space and people by narrowing or broadening their conditions of possibility. To reconstruct a national or regional identity is to redistribute wealth and power. It is therefore useful to ask who wins and who loses.

**Claudius Messner**

**Talking across differences. Networks, law and the violence of the word**

At the beginning of the 21st century, late modern society appears as a global system of networks of networks connected in ways that, increasing and decreasing in a relentless flow, overcome the boundaries of traditional forms of cooperation and organisation to manage complexity, penetrating all dimensions of social practice. Its central problem is the transition from control to coordination. Transformation is largely forced by new information and communication technologies that have an impact on hu- man life in several ways. They are not the mere tools that technoscientific positivism and abstract formalism takes them to be but rather environmental forces that are increasingly affecting our modes of self-contact and the way we relate to the other (de- /socialising) and our world (reality). What is more, the ever longer chains of dependency, relationships and value creation in the course of globalisation processes emphasise that not all can swim with the flow equally. Inclusion of some is attained by exclusion of others.
However, the high degree of complexity of well-rehearsed interdependencies seems to preclude a return to "rationally" planned and monitored coordination. Rather, it is to be assumed that attempts to enforce reductions in complexity that actually intervene in external contexts can only increase complexity. Broadly speaking: the reduction of complexity as a processing of social meaning is first of all an epistemic reduction, i.e., special contexts translate their practical experiences with their environment into simplified descriptions of this environment, without this environment itself becoming simpler or even being adequately represented.
My contribution proposes to use the notorious notion of “structural violence” (Galtung 1969) as a guideline for linking society’s problems of processing social meaning to the very idea of law. Considering the term a semantic condensation of the entanglement of macroscopic and microscopic meaningful horizons that exceeds the moment it occasions, I will focus on the specific character of violence as communication. At the core of my interest in Galtung’s conceptualisation is the discrepancy it beholds between real and possible social conditions, “between the potential and the actual, between what could have been and what is. Violence is that which increases the distance between the potential and the actual, and that which impedes the decrease of this distance”.
I shall first argue that violence is a normative category and discuss the implications of the observation of violence as a social practice. To call something violence is to mark it as illegitimate. Violence comes into the world as it comes into language: through acts of communication. Like speech, violence always sets off from the here and now, it’s environment, however, presents various aspects.
Next, starting from the fact that law has part in both, language and violence, I will consider the consequences of the heterogeneity of the languages law speaks, a diversity deriving from differences between the legal code and other systemic communications as well as between systemic communications and practically constituted contexts of interaction and

habitually anchored ways of life. Law and everyday practices not only refer to (sequences of) actions in a different way in each case, but through their reference they each constitute other actions. Law thus gains a double validity: one internal, based on the consistency of its discourse, and one external, derived from successful translations of practical certainties. The first defies the assumption that law can be resonant in a way. The latter paves the way for a critical understanding of law.

Third, I will justify this by exposing the fact that whereas law's classical task was the transformation of what socially are regarded as problematic living conditions into ones conforming to a normative standard, the role of the modern legal system as one sub-system among others in a functionally differentiated society is radically different. Its task is no longer normative integration. It has to guarantee the normative disintegration of law, morality and ethos, limiting itself to the resolution of conflicts achieved through cascades of translation. But, if practical reason aims at producing just conditions, and law is to sustain life, its purpose can't be the mere optimisation of the given. Law must go to the whole of possible transformations, and explore contained, but not yet realised models. It is a matter of structures that are not visible to legal thinking because they constitute the questioning and answering possibilities of this thinking itself.

**Rostam J. Neuwirth**

**Legal Synaesthesia: Concretizing the Future Global Legal Order**

The term 'legal synaesthesia' originated from a metaphorical use of a greater union of the senses in law. Generally, it refers to the joint study of law, language and the senses. More narrowly, it stands for a multisensory reality in life and in law. As such it provides a criticism of the separate study of the senses in the past. It also advocates a greater role of all the senses in law. The reason is that they not only assist in "making sense" of the world around us, but also feed a great many legally relevant cognitive processes, such as how we reason, intend, moralize, perceive, imagine and eventually decide and act. Human cognition, however, is not static but an evolving process. This is also of great relevance to law, given that legal change and institutional reform were said to usually be preceded by cognitive changes. At the same time, cognitive changes often manifest themselves in language changes and technological innovations.

Then what about law? Can the reverse also be true, namely that changing meanings of legal concepts and innovative technologies can also influence the ways societies design the future? Trying to answer these questions, the present paper makes a metaphorical use of legal synaesthesia in the context of the present international system and its urgent need for reform with a view of establishing a more coherent global legal order in the future. To this end, it presents first several regulatory paradoxes that provide serious challenges to the present international legal system and traditional dualistic mode of thinking. Second, it will explore different legal fields, where a multisensory approach can make constructive contributions to a future law, such as in the detection of fake news, the law of evidence, or, more generally, as a de-fragmentation technique.

**Jakub Sadowski**

## Civil rights and duties in Soviet and Russian constitutions: models of semiosis and their cultural determinants

For the Constitution of the Russian Federation, adopted in 1993, the tradition of Soviet constitutionalism was both a negative reference point and one of the sources of the conceptual apparatus. The dogma of the peculiarity and uniqueness of domestic constitutional thought invariably prevailed in Soviet official discourse. Today's reflection on the texts of the Soviet Constitutions (including 1918, 1924, 1936, 1977, and its deep amendments of 1989-90) makes it possible to describe their language, structure and conceptual apparatus, specific to the legal culture of the USSR. Also embedded in this specificity is the set of civil rights, freedoms and duties contained in the texts of the legal acts. The texts of the various constitutions were prepared under conditions of different cultural models. In each of them, the concepts of particular rights and duties, while referring to the same axiological system and maintaining a relatively uniform conceptual apparatus, performed different functions. This is because the socio-cultural functions of the legal text were changing (being quite different under revolutionary utopianism, Stalinist totalitarianism and Brezhnev's ritualism), as well as the pragmatics of ideological figures, axiological appeals and the pragmatics of legal text as such. The 1993 Constitution of the Russian Federation was born in the socio-cultural realities of the last phase of the USSR's social history. Being part of the same legal continuum, it is the semantic and structural heir of the Soviet Fundamental Laws - and the field of transformation of a number of Soviet concepts.

The proposed presentation aims to trace not so much the changes within the content of the concepts of particular rights and duties, but the patterns of semiosis accompanying their implementation in the legal text. The research material is the legal continuum of constitutional acts from the 1918 Constitution of the Russian Soviet Socialist Republic to the Russian Constitution in operation today.

**Ilaria Samorè**

**Religions, cultures, spatiality: original urban narrations and semantic mappings of religious buildings**

Faced with a society marked by transnational migration and religious globalization, spatial factors are assuming a central role in the understanding of social relations. This is most prominent in urban areas, where the coexistence of culturally and religiously diverse subjects imposes a forced sharing of territory. Indeed, the settlements of individuals with traditions different from those of the autochthonous community make the city a global liturgical space, that is, a city in which diverse codes of perception of space intersect. In this regard, a 'spatial competition' between dissimilar social actors becomes inevitable; the cultural, social and religious differences of immigrants often come into conflict with the consolidated orthopraxes of natives, producing a territorial antagonism. Starting from a semiotic vision of space as a system of signs and meaning, the contribution aims first of all to dwell on the claimed right of the other to use public space through the creation of *aedes sacrae*. It will show how the construction of a place of worship of a religion which is 'other' than the one rooted in a territory can alter the pre-existing urban geography, leaving its imprint on space. Through an examination of the Italian constitutional and administrative jurisprudence on the so-called 'anti- mosque' legislation, the paper will also outline a semantically relational conception of the religious building, offering a starting point for a rethinking of spatial organisation. To this end, an intercultural application of law is then needed insofar as it is inherently aimed at a non-hegemonic but polyphonic rewriting of the urban territory. In this way, practices of translation and re-categorization of space can foster a bottom-up experience of the city as not only an *urbs*, but also as *civitas*.

**Richard K. Sherwin**

## Social Media and the Public Good

The promise of freedom without an appropriate legal and political framework to secure it remains hollow. Safeguards designed to preserve individual dignity, autonomy, and expressive liberty must be based on a prudent assessment of significant social and political harms.

In some cases, unacceptable harm may arise in the form of state action that threatens free speech. On other occasions, preventing unacceptable harm requires laws that limit access to information or that, to a limited degree, curtail expressive action. Copyright law, defamation law, child pornography law, privacy law, and laws against deceptive advertising are illustrative of information-limiting laws. Laws regulating speech acts that incite imminent violence are illustrative of permissible constraints on expressive action.

Today's virtual public square is for the most part privately held. Profit-driven social media platforms use machine learning-based algorithms to optimize the accumulation of user data to target ads and predict behavior. Surveillance capitalism commodifies discourse to maintain maximum attention share online. This communication ecosystem presents a clear and present danger to liberal democracy.

Yet, Section 230 of the U.S. Communications Decency Act insulates social media companies against liability for harms stemming from most user-based content. Regulatory reform is needed to broaden social media companies' duty to take reasonable measures to avoid significant foreseeable threats to the public good. This includes safeguards against "anti-speech acts" as constituted by the deliberate use of demonstrably false information for political or commercial gain particularly in the context of electoral outcomes.

**Kieran Tranter**

## A Civil Public Process for Change: The Australian Model of Institutional Reform Agencies

A unique feature of Australian public life are quasi-independent, culturally apolitical and collectively highly regarded, institutional reform agencies. Beginning with the Australian Law Reform Commission (ALRC), the numbers and roles of these entities have expanded at both levels of government, but especially within the Commonwealth. Although initially established in the 1970s based on UK legislation, the ALRC developed under the leadership of Justice Michael Kirby, a process of public consultation and engagement, of issues and discussion papers, and lengthy, detailed quasi-scholarly final reports that make well argued and articulated recommendations to government for legal and policy change. In its process and the scope of social and political issues it reported on, the ALRC substantially exceeded the UK template. The record of the ALRC, and subsequent similar agencies, the Productivity Commission, the Australian Human Rights Commission, the National Transport Commission to name a few, in having their recommendations successful implemented by governments is high.

In the contemporary era of a fractured, dysfunctional public, the legacy and contemporary doing of these agencies in structuring a proactive, polite, public discussion that rationally engages with public policy and legal change seems remarkable. For Australians, even public policy and public lawyers, institutional reform agencies are considered unmarkable. That these agencies are considered generally above the contingencies of tribal aggressive politics and respected by the political elite *and* seemingly the broader Australian public, suggests a remarkable model of structuring the public for the public good. Furthermore, these agencies have now had 30 years of utilising digital technologies in conducting inquires, engaging in public consultation and disseminating reports. There can be seen in their operation a creation of digital public spaces and processes for change.

This paper is in three parts. The first part traces the history of institutional law reform in Australia, the impact of Michael Kirby and the 'ALRC consultation approach' and describes the contemporary ecosystem of institutional law reform. The second part presents three case studies of recent reform processes undertaken by the ALRC, the Productivity Commission and the National Transport Commission. The studies reveal a digital orientated process that is civil, in the sense of ordered, respectful and genuine, results orientated and involves stakeholders, experts and members of the public, and leads to change. The third part reflects on the transferability of the Australian model of institutional reform to other liberal democracies and the preconditions of practical independence, structured, transparent deliberation and multiple engagement processes. It also reflects on some of the unique aspects of Australian public culture that have birthed and nurtured institutional reform agencies.

**Anne Wagner**

## *Perpetual Pendulum* in Law

As time progresses, law responds accordingly in ways that spatially confuse the linearity of legality. Rather than a clean line forward, law bounces back and forth with regard to changes in the hermeneutics of the reasonable, the unacceptable, and the expired. Interpreting the evolving world in which we live, law is a pendulum swinging back and forth from interpretation to expansion to normativity. Through fundamental European concepts of property, ownership, and authority, the space between the up and the down of law's swing is the space in which change occurs. Most recently, the legal parameters reacting to the Covid-19 pandemic swung between governmental and personal regulation, with the social sphere smack dab in the middle when considering mask mandates, social distancing, and related tools to stop the spread of the disease. This chapter seeks to pay attention not only to law's swing, but to the temporal spatiality of the motion that engenders the up and the down of law to expand, contract, and fundamentally redevelop itself.

**Mateusz Zeifert**
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**Meaning as Activity. What Can Legal Theory Learn from Ronald Langacker's Cognitive Semantics?**

Laws are expressed in language. Semantic theories play a crucial role in both philosophy of law and legal practice. They may affect the very concept of law, as in the famous case of Hart's idea of the open texture of law. They may affect the process of statutory interpretation and, therefore, the outcome of particular cases. It is not surprising, then, that legal arguments are often embedded, even if unconsciously, in certain assumptions about the nature of linguistic meaning.

This paper presents an overview of a semantic theory proposed by Ronald Langacker, one of the chief figures of a theoretical approach known as Cognitive Linguistics. Despite enjoying a solid position in contemporary linguistics, this approach has yet to be noticed in legal theory, which traditionally sought inspiration from philosophical logic and formal semantics. According to Langacker, meaning resides in the process of conceptualisation characterised as dynamic, interactive, imagistic and imaginative. A linguistic unit (i.e., a word) is treated as a stimulus providing mental access to conceptual knowledge (content) in a particular way (construal). Meaning, therefore, is a dynamic process, a mental activity that involves linguistic and extra-linguistic stimuli. It is created rather than "decoded" or "found".

Langacker's theory has consequences for legal theory, particularly for the theory of statutory interpretation. For instance, it questions the rigidity of the distinction between law-finding and fact- finding and the possibility of interpreting a legal norm with no reference to the facts of the case. Similarly, it blurs the distinction between traditional methods of statutory interpretation known in civil law countries, i.e., linguistic (grammatical), systematic and teleological (purposive). The paper acknowledges these consequences and shows how they support, rather than undermine, some important juristic intuitions about linguistic meaning.


# IRSL Rome 2023
## WORKSHOP
## 24-26

## LAW AND SPATIO-TEMPORAL DIMENSIONS: THEORETICAL AND PHILOSOPHICAL NARRATIVES AND READINGS

***Keywords: Space; Temporality; Law; Sign; Normativity; Weltbild***

**Organizers**
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The development of law is related to changing notions of space/time and - even if this has become a commonplace for many - it gives rise to new considerations today. Without confusing space and time, jointly problematizing the relationships of the two categories with law can be fruitful.

Globalisation, the virtual and digital world, the crisis of the state, the transformation of sources, secularization, and mass migrations are among the many phenomena that are present in every legal discourse, and not only there. What does not seem to be self-evident at all is the impact that the metamorphosis of the categories of time/space has on law and, in particular, on the image of the person to which law refers. Is time/space an objective phenomenon or a subjective and conscious phenomenon, or both? Does the subjectivity/objectivity of space/time have a metaphysical, phenomenological, epistemic or ontological dimension? If law is spatiotemporally determined, is the phenomenon of de-temporalisation/de-spatialisation possible through the conception of *a priori* categories of law? If so, is it legitimate to ask what kind of these *a priori* categories are: psychological, sociological, logical, linguistic, pragmatic, ontological, existential? Furthermore, the debate is whether the *a priori* categories are either some given from which to move or the result of complex, enactive evolution (*e.g.* J. Petitot, F. Varela, V. Gallese, G. Tononi).
The twentieth century thinking on time/space (e.g., H. Bergson, E. e G. Husserl, M. Heidegger, A. Einstein) and on technology (e.g., A. Gehlen, H. Jonas, H. Rosa, G. Simondon, B. Stiegler) have revolutionised the image of the human being and of consciousness. In this context, the question arises whether and how law and normativity are affected by this, and vice versa (e.g., W. Schapp and K. Engisch). Given that law and legal entities carry spatio-temporal structures that manifest themselves in actions and events, states of affairs and processes (whether punctual or temporal), they are permanent the attempts to clarify the nature of this spatio-temporal 'inner life' of law and its relations to the inter-objective or subjective 'experienced' dimensions of such categories (e.g., L. Fuller).
Some hold that the experience of the Bill of Rights and the ideal of 'fundamental rights' at various historical moments would have enabled the primacy of law over the person in relation to the dominance of space and the state over time and peoples. Others believe that such a reading is misleading or overcome by the human rights perspective. It is questionable whether the irreducibility of the individual (e.g., M. Foucault, M. Merleau-Ponty, G. Deleuze) to the juridical domination of space and the technological domination of the trans-human allows us to imagine new scenarios today. Moreover, can the "crises of the law" and the actual ecological, economic, political emergences around the world lead philosophers and jurists to a new dialogue on the foundations of the categories of democracy and their defence?
Legal normativity (like perhaps every form of normativity) has been defined by the intertwining of space and time, a binomial that captures its double interplay. For example, the modern form of 'law' implemented by national legal systems finds its reference in the declension of spatiality as 'territory' and also unfolds along the temporal coordinate of forward projection that it presupposes, so that legislation for 'the past' is usually an exception. The contemporary legal scenario stimulates further reflections on the relationship between space-time and (legal) normativity, in order to understand whether alternative or complementary views might emerge to the 19th century models with their typical manifestations in terms of institutional arrangement and organisation of legal sources (e.g., H. Kelsen, C. Schmitt). Space/time as a pair of 'law' 'relative' or 'fictive'

coordinates lead to a rethinking of law on a planetary scale that captures the aspects of entropy and the processes of 're-creation' and forms of virtualisation of the normative.
Historically, the conceptualisation of the space-time is embedded in various normative patterns and/or linguistic levels (e.g., D. Lewis). The limits of reflection deal with the 'symbolic' and the 'semiotic' and vice versa, in order to understand if/when there is a spatio-temporal anchoring or a-referentiality; why and under what circumstances the potential irrelevance of spatio-temporal polarity is undermined by the prevalence of mechanisms or processes of signification of the normative that tend towards mere 'fact'.
Moreover, spatio-temporal and legal normativity live out of and in narrative forms and narrativity, which in turn makes them interesting for the analysis of utopian dystopias and phenomena such as performativity.
The above suggests research programmes that aim to understand the worldview (*Weltanschauung* or *Weltbild*, to use Weberian terminology, or Blumenberg's *Weltzeit*) and semiotic narratives that underlie the conceptualisations and spatio-temporal dimensions of the juridical.
Below are some possible lines of thought or thematic points of contact relevant to theWS:
- *Space/time as philosophical and legal categories*: What are the roots, what are the connections and what are the developments? Keys and perspectives of linguistics, history, philosophy, psychology, anthropology and sociology in dialogue with general theory and philosophy of law;
- *(a)Spatiality of law and rights today and in the future*: universality of (human) rights; globalisation of law and rights; planetary circulation of legal systems; hybridisation of legal traditions on a planetary scale;
- *How spatial and temporal metaphors, visions and images* contribute to the creation of the legal universe: from source theory to argumentation theory, from legal drafting to legal design; from critical legal studies to visual legal studies;
- *Juridicity and normativity*: conceptions of legal space and their (a)temporality; spatio-temporal aspects of the (legal) norm and (legal) institutions;
- *Geopolitics*: developments and entanglements of forms of governance; concepts of nation, people, territory, sovereignty and state and related ideologies;
- *Questions of methodology and method*: the space of logic, ontology, phenomenology and philosophy in law and in legal thought and jurisprudence/legisprudence; narratives of contemporary legal space; the contributions of literature, histori(ography) and geography;
- *Beyond territoriality and earthly physicality*: what are the new coordinates and paths of modern law? the regulation of spaces beyond planet Earth; the challenges posed by space travel and human presence in other 'places' in the universe;
- *Law and time*: what relations and what relevance in the past, present and future; law in its historical and ideational/conceptual duality; law as a cultural phenomenon in space/time and the tensions towards the universal; the space-time dimension of legal categories, legal concepts and dogmatic constructions; philosophy of time, neuroscience and consciousness;
- *Contemporary challenges and the move towards abolishing the spatio-temporal factor*: senses and human perception; digital "reality"; digital speed and immediacy; AI and metaverse phenomena;

- *Philosophy and philosophies of …* : the encyclopaedic dimension of global and digital knowledge; perspectives for a renewed humanism and catastrophic visions; what is the place of the philosophy of law in contemporary philosophical debate?
- *Time/space in a two-, three- or four-dimensional key*: from the statics and dynamics of legal systems to autopoiesis and self-normative regulatory systems; the role of time in relation to (empirical/normative) conventions, expectations, beliefs, preferences; coordination problems; counterfactuals;
- *Entropy of systems and laws*: how space/time change and how and in what they diverge between natural and human social systems from a systemic perspective; the contribution of scientific thinking to the theoretical, philosophical and legal debate.

**Participants**

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Daniele Nuccilli
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Lorenzo Passerini-Glazel
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Federico Reggio

Tiziana Rinaldi
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Pierfrancesco Savona
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Mateusz Stępień
Serena Tomasi
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Silvia Zorzetto

# TIMETABLE

## LAW AND SPATIO-TEMPORAL DIMENSIONS: THEORETICAL AND PHILOSOPHICAL NARRATIVES AND READINGS

**Panel 1**

**25 May Morning 9:30 a.m. - 1:15 p.m.**

**Chair: Paolo Di Lucia**

1. The Influence of Time on the Symbolic and Expressive Aspects of Law (Francesco Ferraro)
2. Time Between Asthenia and Anomia. The Third Time (Luigi Di Santo)
3. Critical Thoughts on Spatio-Temporality and Legal Experience (Augusto Romano)
4. Our Sense of Pastness. Has the Information Revolution Changed the Way We Conceptualise Historical Time? (Adolfo Giuliani)
5. Philosophy of Law as a "Between": An Institutional Matter (Alessandro Campo)
6. Droit Comme Écriture Du Monde. Un Parcours Rythmique à partir de Sini (Giorgio Lorenzo Beltramo)
7. Le Droit en tant qu'esthétique Droit et Dimensions Spatio-Temporelles (Nicoletta Bersier Ladavac)
8. Ich-Werk-Beziehung in the New Science of Law of Wilhelm Schapp. A Key Concept for a New Phenomenological Perspective (Daniele Nuccilli)
9. Manifolds, Cosmos, Spheres. The Intellectual Heritage of Florensky and Vernadsky (Francesco Vitali Rosati)

**LAW AND SPATIO-TEMPORAL DIMENSIONS: THEORETICAL AND PHILOSOPHICAL NARRATIVES AND READINGS**
**Panel 2**

**25 May Afternoon 2:30 p.m. 7:00 p.m. Chair: Giovanni Bombelli**

1. Temporal Model of Legal Norms in the Digital Space (Monica Palmirani)
2. On Law-Following AI (Federico L.G. Faroldi)
3. The 'Despatialization of Justice' in Antoine Garapon's Reading: The Ephemeral Virtuality of Digital and the Spatio-Temporal Determinations of Subjective Identity in the Legal Protection of Fundamental Rights: From Habeas Corpus to Habeas Data (Pier Francesco Savona - Josephine Cuozzo)
4. The Space of Oblivion: Notes on the Protection of Personal Data (Luciana Capo)
5. Time in Path-Dependent Economic Behavior (Salvatore Rizzello)
6. Semiotic Objections to Markets: What 'Limits' to the Market, and What Role for Law and Philosophical- Legal Reflection? (Paolo Silvestri)
7. Time and Obedience. Recent Challenges for Legal Normativity (Alessia Farano)
8. Normative Pictures in Place (Giuseppe Lorini - Olimpia G. Loddo)
9. "A Time and a Place for Institutional Apologies" (Riccardo Mazzola)

**LAW AND SPATIO-TEMPORAL DIMENSIONS: THEORETICAL AND PHILOSOPHICAL NARRATIVES AND READINGS**
**Panel 3**

**26 May Morning 9:00 a.m. - 1:30 p.m.**
**Chair: Silvia Zorzetto**

1. Law, Oxymora and the Disappearance of Space-Time (Rostam J. Neuwirth)
2. Law & Historical Narratives. Some Examples of a Vichian Approach to the Philosophical-Legal Reading of Historical Narratives, in a Context of Growing 'Cancel Culture' (Federico Reggio)
3. What if Law Serves Mainly to "Dramatize Values"? Thurman Arnold's Ideas Applied to Intercultural Legal Encounters (Mateusz Stępień)
4. Relational Space and Synchronic Temporality in Chinese Legal Tradition. An Inquiry on the Concepts of Rén And Lǐ (Ishvarananda Cucco)
5. The Influence of Space/Time Categories in Questioning Global Challenges. Climate Crisis as a Methodological Example (Tullia Penna)
6. Dilations, Compressions, Translations: The Spatio-Temporal Declination in the Ecological Planning of the Law (Francesco D'urso)
7. On the Threshold. Some Considerations on the Relationship between Present and Future in the Perspective of Sustainability (Maria Borrello)
8. "Turn it off, the Mass is Over". The Web as a Liturgical "Space" in the Post-Covid Era (Daniela Tarantino)
9. Law, Female Genital Modifications, and Symbolic Narratives: Gender as a Gilded Cage? (Lucia Bellucci)
10. The Construction of the Legal Concept of Disability: A Philosophy of Jurisprudence Approach (Edoardo Messineo)

**LAW AND SPATIO-TEMPORAL DIMENSIONS: THEORETICAL AND PHILOSOPHICAL NARRATIVES AND READINGS**
**Panel 4**

**26 May Afternoon 2:30 p.m. 7:00 p.m.**
**Chair: Paolo Silvestri**

1. Remarks on the Persistence of Laws over Time (Marco Mazzocca)
2. The Concept of Legal Validity as Existence and its Spatio-Temporal Dimensions (Stefano Colloca)
3. On the Spatio-Temporal Dimensions of Rights and Obligations (Edoardo Fittipaldi)
4. "The Past" as Roots of Normativity of Customs: A Temporal Category With Coercive and Deontic Power (Virginia Presi)
5. Retrospective Normativity. On the A Posteriori Genesis of Norms (Lorenzo Passerini Glazel)
6. Intentional Agency and Temporal Structures of Imputation (Sebastián Figueroa Rubio)
7. Legal Interpretation as Language Game (Linda Tvrdíková)
8. In Search of an Archimedean Point: Between Impossibility and Practical Uselessness (Giovanni Blando)
9. "Law Is Always Speaking" Time-Expressing Canons in Law. An Interdisciplinary and Cross-Cultural Perspective (Anna Jopek-Bosiacka)
10. Kairos: The Rhetorical Dimension of Temporality in Trial (Serena Tomasi)

# ABSTRACTS

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**Law, female genital modifications, and symbolic narratives: Gender as a gilded cage?**

Female genital modifications' narratives ignite conflicts that rise from an intersection of time and space. Narratives born in ancient times and cherished in other continents clash with modern traditions and current sensitivities nurtured in so called "Western" countries. Courts face temporal and geographical "layers". This paper aims to show how female genital modifications generate a conflict between symbolic narratives: those of normative interventions that repress them, linked to the liberal fundamental rights tradition, and those related to the traditions of the practices themselves. Moving from a conscious and respectful perspective of cultural diversity, which seeks a "mediation" between the concept of "mutilations" and that of "modifications", and being an expression of a "malaise" of judges, judicial decisions introduce "other" symbolic narratives and generate an additional layer of conflict. During the trials, while remaining within the scope of typical evidentiary tools, judges give room to a certain discursiveness, which provides an opening to subjectiveness. In order to find a way out of the impasse caused by conflicting symbolic narratives and reduce the judges' malaise, this paper aims both to shift the focus to the right to health and to rethink the reflection on gender, preventing the latter from becoming in this matter a gilded cage.

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**Droit comme écriture du monde. Un parcours rythmique à partir de Sini**

Dans la première partie, nous retraçons certains des fondamentaux de la philosophie de Carlo Sini, ici réinterprétés dans une clé normative. La normativité apparaît ainsi comme la régularité et la limite de l'expérience du monde, c'est-à-dire de l'ouverture du monde dans ses pratiques. A partir de cette expérience rythmique, une mesure arithmétique voire méthodique de l'action devient possible ; autrement dit, s'ouvre l'espace des prothèses techniques, de la règle (la regula) jusqu'à la loi. Une écriture du monde est ainsi configurée, déterminée par les pratiques du monde et par leurs prothèses représentationnelles. Dans la deuxième partie, illustrant le parcours théorique précédent, nous examinons certains aspects de la transition technologique de l'oralité à l'écriture en Grèce ancienne. Le concept et la loi semblent partager une même origine alphabétique, dont l'effet anamorphique s'impose à la pratique antérieure. Ces nouvelles technologies de la pensée, précisément en raison de leur reproductibilité technique, réécrivent le monde dans leur propre perspective, opérant une rétroversion de leur savoir.

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**Le droit en tant qu'esthétique.**
**Droit et dimensions spatio-temporelles**

Le droit considéré en tant qu'esthétique constitue un aspect du droit peu connu et rarement analysé. Morris L. Ghezzi (1951-2017), professeur titulaire de la chaire de sociologie du droit à l'Université de Milan, a analysé cet aspect spécifique du droit dans plusieurs de ses écrits, publiés entre 2016 et 2017. Ces textes méritent que l'on s'y intéresse précisément en raison de la spécificité du sujet traité. Penser le droit comme une esthétique constitue, pour le moins, une réflexion originale et provocatrice d'un point de vue juridique, voire un défi aux théories classiques du droit. En effet, la proposition de Ghezzi est radicalement opposée aux conceptions traditionnelles du droit. Selon le droit vu comme esthétique, le sujet se positionne juridiquement délibérément en rupture avec l'ordre juridique, et qui, délibérément, entend ne pas appliquer la règle édictée par l'ordre juridique lui-même. Le droit vu comme une esthétique est donc un droit résultant de « choix esthétiques » autonomes, un droit dont les actes sont accomplis par des sujets en fonction de leur libre choix, afin d'anéantir les règles juridiques en vigueur. Le droit considéré en tant qu'esthétique est donc composé de choix subjectifs, individuels et purement esthétiques (j'aime / je n'aime pas) qui conduisent à la formulation d'un jugement purement esthétique. Par conséquent, l'ordre juridique individuel annule, au moyen de la décision prise par le sujet lui-même, la légitimité de l'ordre juridique institutionnel. Cela suppose l'existence de choix idéologiques individuels permettant au libre arbitre humain d'être la source de tous les droits. L'argument du droit comme esthétique, se voulant comme un phénomène utopique et comme expression d'une conscience révolutionnée, peut s'inscrire ainsi dans une vision philosophique d'une nouvelle forme de narration normative.

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**In Search of an Archimedean Point: Between Impossibility and Practical Uselessness**

One of the most fruitful images of philosophy is that of the 'Archimedean point'. Dating back to a (real or presumed) statement of Archimedes ('Give me a lever long enough and a fulcrum on which to place it, and I shall move the world'), it has slowly spread in the philosophical culture as a conceptual device of spatial-temporal displacement through which it would be possible to observe, describe, analyze (but also to evaluate and criticize), with a proper detachment, an object of study. The 'Archimedean point' was made famous by Descartes in the second of his Metaphysical Meditations and a reference to an 'Archimedean point' is present in the work of some of the greatest thinkers of our time [J. Rawls; H. Arendt]. It has been defined, in general terms, as a "metaphor" indicating "a point 'outside' from which a different, perhaps objective or 'true' picture of something is obtainable", i.e., "a view of time from outside time, a view of science from elsewhere, a view of spatial reality from nowhere" [S. Blackburn]. Ronald Dworkin has strongly contributed to the diffusion of this metaphor, especially in the field of jurisprudence, by criticizing what he calls 'Archimedean theories', namely those that attempt to address "questions in moral, legal or political philosophy from a standpoint outside of our ordinary ways of thinking of them" [Ripstein]. Recently, it has been argued that Dworkin's refusal of the 'Archimedean point' would depend on his conviction that "it is impossible to offer neutral semantic, metaphysical, or conceptual analyses of the ethical discourse" [Rapetti]. In this paper, I would like to argue that Dworkin's philosophy is not compromised with those strong arguments because, on several occasions, he seems open to the possibility of an Archimedean perspective on law, ethics, politics, and morality. In my opinion, what he really disputes is the practical usefulness of an 'Archimedean jurisprudence', an 'Archimedean moral philosophy', etc., that make complete abstraction from our ordinary practice of understanding law, morality, etc.

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# On the Threshold
## Some Considerations on the Relationship between Present and Future in the Perspective of Sustainability

The defining claim of law is going through a crisis that is mainly due to the difficulty of identifying the increasingly uncertain and mobile limits of the space-time dimension (Derrida, 1996). On the one hand, in fact, globalisation shows how rule-making must consider the effects produced even beyond the territorial borders on which it insists (Sen, 2010); on the other, the commitment to the promotion of sustainable development, understood as the relationship between present and future generations (Barry, 1999), requires a re-elaboration of the temporal category of the future, in order to safeguard its possibility (Anand-Sen, 2000). This second aspect will be the subject of this paper. Sustainability - considered as a way of managing the present in function of its relationship with the future (Purvis et al., 2019) - is undoubtedly a complex issue that primarily concerns what the Brundtland Report (1987) defines as 'Our common future'. In first instance, we will seek to outline the most problematic aspects in the definition of such as "common future", while investigating the idea of sustainability through the figure of the threshold (Genette, 1989). Like any threshold, sustainability can indicate the limit beyond which not to proceed, but also the paths opening up from it; in this sense, it expresses the conditions of a possible future (Luhmann, 1976). Starting from this hermeneutic key, which highlights the dual modality of the normative dimension of sustainability (Maffettone, 2011), it will be possible to reconsider the idea of a common future in terms of a future in common (Jullien, 2010). It will thus be possible to dwell on the ethical dimension, that is, on the shared assumption of responsibility which is precisely responsibility for the future (Cruz, 2007).

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**Philosophy of Law As a "Between": An Institutional Matter**

Philosophy can be conceived as a field between literature and science; law stands in the "middle" of morality and politics. What is therefore the specific "between" of philosophy of law? Another "between" is that of philosophy in the University if, according to Silverman, "the task […] for philosophy will be to place itself at the margins of both the inside and the outside, at the place where the inside and the outside inscribe a border, a slash, an edge". Indeed for Perniola: "On the one hand the philosopher cannot consider himself as a thinker subordinate to the State, on the other hand as a University scholar he cannot place himself completely outside the University institution" (my translation). Starting with the Silvermanian notion of "Between" and the Perniolan notion of "Transit" (but also the Deleuzian notion of "Milieu"), I will try to show that "'double' between" inherent in philosophy of law and in particular its category of institution raises the question about what are University's iuxta propria principia.

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**The Space of Oblivion: Notes on the Protection of Personal Data**

The judge may decide to remove the personal data contained in a judgment. This anonymity procedure, applied in a non-univocal way, deserves the utmost consideration if it aims at protecting human rights from the possible risks of online dissemination of judicial personal data, including the risks deriving from profiling and predictive analytics. Through this research, we have attempted to identify a criterion for distinguishing the cases in which anonymity would be mandatory, discretionary or unlawful. For this purpose, we have identified and examined the ad hoc rules laid down by the Italian and European judiciary and their main legal basis, i.e., the right to the protection of personal data, also in light of the interpretation provided by legal theory and case-law, with particular attention to the concepts of "personal data" and "proportionality". The results of this review have brought to light a profound evolution of the right, put in place by the Charter of Fundamental Rights of the European Union first, and then by EU Regulation 2016/679, which have extended the scope of application of personal data protection beyond the territory of the Member States and the concepts of residence, establishment and citizenship. The study also reveals an interpretation of the right that is not yet uniform or is at least reductive and unaware of the right's social function within a context characterized by the pervasive use of digital technologies. We believe that the right to the protection of personal data should be included among the inviolable rights mentioned in art. 2 of the Italian Constitution, as it establishes both a subjective right and a defence of the democratic State by dictating mandatory duties for preventing the risk of harming all fundamental rights and freedoms. The procedure of anonymity must be guided by the necessity to balance powers in a democratic society.

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**The Concept of Legal Validity as Existence and Its Spatio-Temporal Dimensions**

One of the most challenging philosophical enterprises conceived by Hans Kelsen is the construction of the concept of legal validity as the specific existence of norms. This paper is mainly focused on four lines of discussion of such Kelsen's theme. First. What is the role that the spatio-temporal dimensions play in the idea of existence? If the legal validity of norms is conceived as existence and if spatio-temporal dimensions are necessary conditions for the existence of anything, therefore legal validity of norms has necessarily a spatio-temporal domain. Second. What is the Kantian influence on the Kelsenian concept of legal validity? In order to deal with this question, it will be important to analyse some passages on space and time as a priori forms of empirical knowledge from Kant's Critique of Pure Reason. Moreover, it can be investigated whether also validity can be considered as an a priori of legal knowledge. Third. In a few relevant Kelsenian passages, spatio-temporal dimensions are used by Kelsen also in order to distinguish between the pure doctrine of law and the traditional naturalistic theory of law that he criticizes. It is worth discussing and assessing in detail the soundness of his arguments. Fourth. Do the spatio-temporal dimensions play the same role if we move to consider the legal validity of the legal system as a whole?

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**Relational Space and Synchronic Temporality in Chinese Legal Tradition**
**An Inquiry on the Concepts of *Rén* and *Lǐ***

The conjunction still insufficiently examined in the legal field between linguistics and anthropology, at the origin of the theory known as *relativism* or *linguistic determinism* (E. Sapir, B.L. Whorf), has contributed significantly to the crisis of the universality of space and time. With structuralism, then, also fell the last pivot of Cartesian reality: subjectivity, which turns out to be dependent on grammatical structures (É. Benveniste). Language becomes the matrix of the main pivots of all *Weltanschauungen*: *time*, *space* and *subjectivity*; they are not denied but (re)discovered as a *function of language*. What implications for law, which in Europe has developed in relation to precise conceptions of spatiality (C. Schmitt) and temporality (G. Husserl) and which cannot exist without an idea of person (S. Cotta) related to subjectivity? What about space, time and subject when we leave the cultural horizon shaped by the languages of the Indo-European family, and how is the juridical affected? Interesting perspectives may come from the Chinese "language-thought" (F. Jullien). China, from the linguistic point of view, differs enough from the West to offer a comparison for the ideas of space and time (B.L. Whorf), but is similar to it for cultural complexity, therefore, unlike traditional cultures (de Martino), has developed an idea of "subjectivity" and a juridical tradition (M.G. Losano) not reducible to institutions and practices in which the juridical is confused with the magical and the sacred (B. Malinowski, P.J. Bohannan, N. Rouland). The contribution aims to examine in the Chinese "language-thought" the conceptual resources that oppose the western ideas of spatial territoriality and diachronic-linear temporality. Two key-notions of Chinese "legal tradition" (L. Zhiping) will be focused on a proper conceptual constellation: the polysemic character *Rén* (仁: "person"; "benevolence"), opening a *relational space* that denies both individualism and dualism human/world, and the term *Lǐ* (礼: "ritual", "ceremony"), epicenter of the Chinese legal universe and regulatory element of a *synchronic temporality* that questions the relationship legality/morality, positive-norm/natural-order. The method will be anthropological-juridical, and oriented to elaborate the linguistic and cultural data in a philosophical-juridical perspective. The aim is to highlight the links that bind space, time, person and law in a foreign legal tradition, but whose history can be comparable to the European one for antiquity and complexity.

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**Time between Asthenia and Anomia: The Third Time**

Lack of time is the root of evil because our existence has a finite duration in the face of infinite complexes. In John's Revelation we learn that the Devil knows that he possesses 'the little time'. A kind of asthenia of time is triggered. The time of life and the time of the world do not coincide (Blumenberg). What is of interest is not the instant when time ends, but the time that remains between time and the end. What image of the Just is found in this temporal vision? First, as a critique of the law. There is no abolition of law, Agamben notes, but it preserves and brings to completion the transformation of law by the power of the Just One in a kind of dialectical Aufhebung that overcomes in order to preserve. Anomie awakens Evil in its power. Cacciari says it well when he writes that "fragments of justice wander between judgment and judgment, each on its own path. Recognizing the reasons that characterize this tension can lead one to see how the dimension of Law is not conceivable outside its inconclusive "thirst" for Justice, and how this, can only manifest itself through continuous reactivation, within the judgments in which it expresses itself in the constant reference to Principles that the writing can only indicate by stammering. Will it be only a 'feeling' of Justice? However, it is operating and must be understood in the system of Law, since it constitutes an element of the concrete legal 'atsmophere', outside of which not even the old positive nomos would breathe" (Cacciari). The jurist possesses the keys to activate the path of the Just in the search for the existential root of a juridical norm that recalls the lived beyond the 'logical' datum of law. In this direction, 'juridical time'; understood as a third time that differs as much from natural time as from consciential time, through the encounter with the emotional tonalities in which our being is originally" (Heidegger), must be investigated.

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**Dilations, Compressions, Translations: The Spatio-Temporal Declination in the Ecological Planning of the Law**

The ecological emergency has determined the birth of a philosophical thought and, consequently, a juridical vision that is based on a radical revisiting of the concept of space and time as well as their relationship. A remodelling of terms that, however, is not characterized by a rigid conceptual fixity, but rather by its notional fluidity. In other words, space and time undergo dilations and compressions depending on the type of problem described and the precise angle adopted. As for space, the affirmation of the concept of ecosystem-Earth has produced an expansion and, at the same time, a compression of the spatial dimension: expansion, because it has determined the maximum possible extent of the legal space within which the claimed environmental claims find place; compression, because it has transformed the planet into a closed space, identifying it with an idea of nature free both from creationist sensibilities and from evolutionary visions, aseptic to an approach as much metaphysical-finalistic as empiricist-mechanistic. The givenness of nature also influences the temporal dimension, compressing its development on an eternal present; at the same time, the constant reference to future generations implies a temporal translation into another time, uncertain and indeterminate. Therefore, while space is identified in a closed and timeless totality, time undergoes this tension between the oxymoronic immutability of nature and the projection towards an otherness that evokes an indefinite subjectivity. On the basis of these ambiguities and tensions, an ethical-juridical universe emerges in which man is, at the same time, an agent and a guardian of nature, actor and author of the same drama, player and arbiter of the same game, judge and defendant of the identical trial.

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**Time and Obedience**
**Recent Challenges For Legal Normativity**

Traditional accounts of legal normativity are somehow related to a double-fold idea of the prediction of human behavior. The rule-maker has to foresee the consequences of a rule on individuals' behavior to gain obedience; individuals are meant to foresee the consequences of their actions i.e., the sanction in order to exercise the "choice in the direction of obedience" (Hart [1968] 2009). This possibility is currently challenged by the increasing complexity of society, and the different forms of regulation, that tend to reshape the spatiotemporal dimension of obedience. Two phenomena will be considered and tested as touchstones. The first example will be the nudge theory (Thaler, Sunstein, 2008), according to which rule-makers as "choice architectures" employ behavioral economics in shaping individuals' behavior. Psychology and cognitive neuroscience are seen as tools to predict and govern individuals' behavior, but individuals apparently are not able to foresee the consequences of their actions and evaluate the different courses of action. The second one will be the "algorithmic governmentality" as drowned by Rouveroy (Rouveroy, Berns, 2013), which addresses the emergence from the mass processing of data of a new form of immanent normativity. This notion tackles the shift from the modern penal logic (Beccaria) where individuals were able to balance the benefit coming from the law's infringement with the evil of the sanction to an "intelligence logic", where individuals apparently cannot predict the consequences of their actions in legal terms, because their behavior is shaped by the models presented by different aggregations of data.

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**On Law-Following Ai**

Wenn ich der Regel folge, wähle ich nicht. Ich folge der Regel blind.
[When I follow the rule, I don't choose. I follow the rule blindly.]
L. Wittgenstein, Philosophische Untersuchungen, §219.

Artificial agents are becoming more common and more powerful than ever before. Take an artificial agent with a significant degree of autonomy so that it cannot be considered just a product (and thus "causally" linked to the producer or provider). Such an agent would not be uniquely spatially located. Society might want it to be aligned with our values (Russell 2019). Can such an agent follow the law? Answering this question is complicated by the following considerations: - it is unclear what an intelligent artificial agent is and can be; - there are different kinds of "law", and following some of them might require different characteristics than following some others. Some of these distinctions depend on the legal theory one endorses, some depend on the branch of law in question; - there are different theory on what it means, in general, to follow the law. For the purposes of this talk, I have in mind a narrow understanding of "following", excluding e.g., Conte's nomotropism (Conte 2000) and Friedman's impact (Friedman 1975, 2016). Moreover, one should distinguish between a descriptive and a prescriptive perspective. In particular: - are the law and artificial agency in such a way that there can be a law-following AI? - should the law, and artificial agents, be in such a way that there can be a law-following AI? I will argue against an anthropocentric view, i.e., that in order to be able to follow the law, an agent needs to have human abilities. When applied to artificial agents, this would amount to require them to be strong AI in Searle's sense (which I argue against). Instead, I focus on the reason-responsiveness theory (e.g., Duff 2007, Lagioia and Sartor 2020, Faroldi 2020), and investigate whether artificial agents (in particular based on reinforcement learning techniques) can be said to respond to and have reasons, and if so, whether our ideas of law-following (and therefore, or law) should be broadened.

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**The Influence of Time on the Symbolic and Expressive Aspects of Law**

Symbols mean or stand for something else, but in a different way from other signs. The relationship between symbols and what they stand for is seen as somehow shakier, or more indeterminate, as it is often very unclear what the symbol refers to. Any human activity or object can 'work as' a symbol, including the law. Insofar as law, seen as a complex of actions, means something different from what is meant by law seen as a complex of signs (like written provisions), we can say that it is fulfilling a symbolic function. This happens when the law "makes a statement", that is, it conveys a certain message which transcends the face-value meaning of legal provisions and adds a "second layer" of meaning. Part of this second layer consists of what the law expresses, i.e., its non-prescriptive content, which does not imply the creation of duties, rights, etc. and does not require enforceability. The law can symbolically convey approval or, conversely, indignation, stigmatization, and other attitudes. Theories of law which have focused on its symbolic functions have been labelled as "expressive" or "expressivist". Expressive readings of the law have been applied in both US constitutional scholarship and doctrine, e.g., with the idea of an "expressive harm" done by some laws, which supposedly makes them illegitimate. However, like all symbolic meanings, expressive meanings are strongly dependent on social norms and conventions. These obviously change through time, thereby modifying also what one same legal provision can express. The presentation will show some instances of this phenomenon and try to assess the extent of the influence of time on law's expressive functions.

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**Intentional Agency and Temporal Structures of Imputation**

As a rule, the study of responsibility for actions adopts an episodic view of agency according to which each action is defined as a single event that breaks a norm. Furthermore, according to this view, an action is intentional under a description that shows that has been caused by certain mental states. Nevertheless, our accountability practices sometimes are based on a temporally extended conception of agency according to which we are responsible for a set of actions that are temporally extended and encompass a variety of events (e.g., action libera in causa). Moreover, we assume that some wrongs are intentional even when no mental state caused them (e.g., attempts). In this exposition I examine some structures that assumes this temporally extended conception of agency and their connections to intentional action, in order to develop a more complex notion of agency. To this end, I will analyse some ideas developed by Michael Bratman on agency and by Cristina Bicchieri on how we interpret the actions of others, and I will explore how these ideas can help shed light on how some legal categories operate.

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**On the Spatio-Temporal Dimensions of Rights and Obligations**

Reinach is credited for being the first legal theorist to discover that some objects such as rights and obligations – unlike, say, mathematical ones – have a temporal dimension *without having a spatial one*. Probably, he denied that, as he maintained that rights and obligations have a neither-physical-nor-psychical nature and took this to imply that they cannot be located either within the consciousnesses of those who think of them or outside them. To address this topic, Fittipaldi first distinguishes between two possible approaches towards legal phenomena (LP): 1. an (*legal-*)*empirical approach* and 2. a (*legal-*)*dogmatic approach*. An *empirical approach* requires that LPs be operationalized such as to also have spatial dimensions. This holds no matter whether they are operationalized: □. as physical (e.g., social) phenomena, □. as psychical phenomena, □. as combinations of the two. This approach implies that LPs are located where the "corresponding" (□) physical, (□) psychical, or (□) psycho-physical phenomena are. Obviously, such location depends on the chosen operationalization. As for the *dogmatic approach*, by this phrase I understand an approach aimed, not at investigating legal phenomena empirically, but at creating an axiomatic *system* ultimately based on a set of axioms (or dogmata) chosen by the (legal) dogmatician. Where is – dogmatically – the obligation to perform a certain behavior? Is it where it is to be performed? Or, is it where it came into dogmatic existence? Or else, is it where the obligor or the obligee are? Not all legal-dogmatic systems provide answers. These are the issues addressed by International Private Law to establish which country has jurisdiction over a certain conflict and the dogmatics of which country a given court is to use to rule on it. Dogmatically, rights and obligations do not exist in extraconscious reality but as fictional objects that depend on subjectively chosen axioms (where "fictional" hints at "literary fiction", not at "legal fiction"). This implies that, pace Reinach, the solution to the question of the spatio-temporal dimension(s) of rights and obligations *vary*, depending on the adopted axioms: For example, an obligation may be: - close to the obligor, - close to the obligee, - where it came into legal-dogmatic being, - where it is to be performed. "Spooky" phenomena – such as *bilocation* or *indeterminacy* – cannot be ruled out. Everything depends on the axioms chosen. This point gets clarified by comparing the existence of rights and obligations to that of fictional characters. The author of a historical novel may decide to spatio-temporally locate a character in a precise manner (e.g., Tolstoj's Bezuchov spent some days during September 1812 close to Borodino), whereas in a different genre such details may be missing (when and where did Kafka's Samsa "become" an insect?). Mistakes by novelists cannot be excluded – just as mistakes by legislators. From this viewpoint there is no difference between ascribing to an obligation spatio-temporal coordinates and ascribing them to a fictional character. This does not touch on the empirical inexistence of rights, obligations, and fictional characters and this is so no

matter: - whether those characters belong to a historical novel or not and - whether those rights and obligations belong to a dogmatic system that is *im grossen und ganzen effektiv* or to purely imaginary one.

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***"Law Is Always Speaking"*** **Time-Expressing Canons in Law**
**An Interdisciplinary and Cross-Cultural Perspective**

The purpose of this cross-cultural and interdisciplinary qualitative research is to establish and juxtapose the legislative conventions of expressing time in norms of law from legal and linguistic perspectives. The analysis is based on legislative drafting guidelines and institutional translation guidelines, and contrasts common law and civil law cultures. It further aims to establish clear-cut pattern distinctions of temporal relations in normative syntax. The main research question is the significance of the grammatical category of tense in legislative texts in view of the assumption of their normativity. Other research questions include: (1) how are temporal relationships expressed in law - explicitly or rather by means of the verb tense, and what are the functions of verbs; (2) what forms of tense (present, past, future) are used in legal texts and what meanings do they convey?; (3) is the principle of formulating legal rules in the present tense a universal principle?; and (4) what are the dominant patterns, or legislative conventions of expressing legal norms through verb tenses and other linguistic means in common law drafting guidelines (English, Canadian, American, Australian)? The research design encompasses two stages: (1) identification of patterns through cross-systemic comparisons between common law drafting guidelines and EU guidelines; and (2) contrastive (cross-linguistic) analysis of legal texts on the basis of multilingual instruments of EU and international law in English and Polish. The additional review of legal sources on legal interpretation will support the formulation of conclusions on the validity of time expressing conventions for the correct interpretation of legal instruments. The research will also have some practical implications for legal translation, thereby limiting translator's choices.

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**Our Sense of Pastness**
**Has the Information Revolution Changed the Way We Conceptualise Historical Time?**

It is easier to understand space than time. While we have a precise perception of spatial motion as we can literally feel and measure movement, on the contrary time is a more intangible concept. Moving in time escapes clear perception: as anybody knows, time is elusive. The difficult nature of time raises questions in law, and particularly for legal historians given that their main goal is to explain how the law moves in time. Today they are particularly concerned about a particular philosophical question: Has the information revolution changed the way we conceptualise historical time? My aim is to explain how this struggle to reconceptualise time is part of a broad philosophical wave that is affecting legal thinking at large. It begins from the idea that the intellectual forms by which we perceive the legal past (concepts, periodisations, methods, taxonomies) are moving from being viewed as mimetic or passive representation to active conceptual creations. Our sense of pastness is not immune from the pervasive influence of one of the major features of information societies: the centrality of legal design. My argument moves in three steps: Why information-societies like design? Digital ICTs (information and communication technologies) impact on how we comprehend our environment. It influences us as epistemic agents, and the ways we produce knowledge for making sense of it. We tend to reorient philosophy as conceptual engineering. The emergence of maker's knowledge. Information societies suggest that to know something is to be able to make (design or model) that something: individuals are not passive users of information but their critical producers. Legal historians as conceptual designers. Given this background, legal historians are today discovering the importance of being designers. Their specific professional focus, the obscure book of the legal past, requires them to produce conceptual images to make that book speak again.

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**Normative Pictures in Place**

The paper focuses on the relation between normative pictures and their spatial location. In everyday life, we encounter many types of normative pictures, such as traffic signs, general urban development plans, and timelines tables representing contractual terms. Normative pictures are pictures somehow related to norms that are in use in various fields (e.g. urban planning, traffic regulation, social distancing, contract design) (Moroni and Lorini, 2017). The relation between pictures and norms can vary (Loddo, 2020). Drawing could be part of a process that leads to creating a norm (Lorini and Moroni 2020) or could be a bare expression (a description) of an existing norm (e.g., the pictures on driver's handbooks), or they aim at reinforcing that norm (e.g., the speed limit sign displayed on your smartphone by the traffic sign camera). Since visual semiotic systems are mainly the product of international cultural interactions and conventions (Wagner, 2006), normative pictures empower international normative communication. Normative pictures are often displayed on artefacts that, if located following specific syntactic rules, become the origo of normative state of affairs (Studnicki 1970, Scollon and Wong Scollon, 2003; Loddo and Lorini, 2017). This use of normative pictures is particularly relevant today, due to the pandemic emergency. For example, normative pictures (e.g., safety pois) are situated in well-defined physical spaces, to ensure respect for social distancing. A rule verbally expressed can establish the abstract obligation to keep a certain social distance. The safety pois that appear on the floors of public offices displays the rule's concrete application by establishing where the addressee shall stand. The visual semiotic systems (often combined with verbal semiotic systems), thanks to the peculiar connection between normative meaning and physical space, help the enforcement of social distancing rules more efficiently and effectively than written rules.

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**Remarks on the Persistence of Laws over Time**

From an ontological point of view, the existence of entities like laws, customs, or rights does not seem to depend on the presence of any specific physical support. They exist independently of any physical medium and do not disappear from the world when their physical medium disappears. We might imagine, for example, destroying all copies of the civil code of a given country. However, even supposing we succeeded, such destruction would not entail the disappearance of the legal provisions contained therein. There are then legal entities that seem to persist somehow even though they are no longer in force or have been repealed. Consider, for example, the Lex Aquilia: sources in our possession contain news and versions that are estimated to correspond at least to the substance of the original text of the law. Yet, no one today would indeed dream of complying with the Lex Aquilia. In social ontology terminology, we could say that it does not "count as" a law of our time. However, there was a time when it actually counted as law. Not to mention that many current legal disciplines on tort law seem inspired in some way by the Lex Aquilia. So why not consider the Lex Aquilia as a still existing law? What is the relationship between the existence and time of a legal provision? And what is (if any) the extent of the laws over time? The main objective of this work is to investigate the relationship between the existence and time of some legal phenomena. Starting thus from the analysis of the spatial and temporal extension of legal entities, this paper aims to redefine the very concept of the existence and persistence of laws over time while avoiding the tricky notions of "validity" and "effectiveness" of the laws over time.

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**"A Time and a Place for Institutional Apologies"**

This analysis takes on the role of time and space in institutional apologies. First, it briefly addresses the issue of what an apology is and how institutional apologies differ from more basic (one-to-one, personal) apologies and (merely) public apologies. Second, it discusses the importance of nonverbal communication and paralinguistic conduct in institutional apologies. It also provides an overview of the studies that constructed institutional apologies as 'reconciliations rituals', aiming for rebalancing the relationship between an offender and the offended party. Third, given such a nonverbal and ritual dimension of institutional apologies, this study analytically enumerates different ways in which the choice of specific times and places may result fundamental to preserving and shaping institutional apologies' nature and purpose. Last, it attempts an explanation of why time and place are important factors in the construction of institutional apologies. The main thesis argued in this study is that time and places may carry out the ritual role of enhancing either the offender's humiliation or the offended party's will to forgive and reconcile. This study mainly relies on examples of institutional apologies gathered from modern and contemporary societies, and ancient so-called 'vindicatory' cultures.

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**The Construction of the Legal Concept of Disability: A Philosophy of Jurisprudence Approach**

The present contribution aims to develop a reinterpretation of the concept of legal subjectivity in light of the current jurisprudential debate concerning the recognition of full legal capacity for so-called vulnerable persons.
The discourse refers in particular to the construction of the legal concept of disability, which has found a place in Italian law, through the binomial capacity/incapacity, a dogmatic construct resulting from the binary viewpoint proper to a legal positivist/formalist approach. The reference to the dogmatic category of capacity re-actualizes the well-known debate that in the early twentieth century animated jus-philosophical reflection concerning the controversy over legal concepts, the terms of the discourse of which were held around the "fixity" or "fixation" of legal institutions at a given spatiotemporal juncture. Indeed, the Italian legal system is basically built on three pillars represented by interdiction, incapacity and the institution of support administration. However, the analysis of jurisprudential practice brings out, in its latest pronouncements, a rethinking of the concept of the subjectivity of vulnerable persons that took place through the use of the hermeneutic tools of remedial and constitutional interpretation. It seems interesting for the philosopher of law to bring out, through the morphological analysis of the jurisprudential datum, the possible change that the interaction between social reality and doctrinal construction may determine with respect to a reinterpretation of the autonomy of the vulnerable individual. In this sense is expressed the need for a rethinking of the idea of universalization/absolutization of the concepts of law consequent to their atemporal construction, which must be thematized with reference to the need to ensure the effectiveness of the protection of the subjective legal positions of individuals. Between timelessness and relativism, therefore, it can imagine the possibility of a third way: the way of contextualization, a task to which judicial practice should await from a hermeneutic perspective.

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**Law, Oxymora and the Disappearance of Space-Time**

In the introduction to Nathan S. Isaacs' book 'The Law and the Change of Law' published in 1917, A.S. Oko wrote that 'law changes as language changes  perhaps because language changes'. Recent changes in language suggest an increase in words that  as homage to the notion of 'essentially contested concepts' coined by WB Gallie  have been qualified as "essentially oxymoronic concepts". Essentially oxymoronic concepts include notably oxymora and paradoxes which can be defined as figures of speech in which apparently contradictory terms appear in conjunction, as in 'wise folly' or 'I know that I know nothing'. In the past, they were frequently used in mysticism and the arts, but recently also witnessed a considerable rise in scientific and legal theories and publications, by which terms like 'uncertainty principle' or 'soft law' are no longer mere fictions but describe actual phenomena. This trend comes as a surprise given that these concepts' inherent contradictions seem incompatible with the use of dualistic thinking and binary logic applied in both science and law in order to discern the true from the false and the legal from the illegal. As life, science and law are all explained by the current framework of a four-dimensional space-time continuum, this paper critically examines the qualification of 'space-time' as an oxymoron based on the assumption that "it is unusual for a geometrical coordinate system to mix units", namely those of distance with those of time (Mazur 2020: 115). Linguistically, the correlation between space and time also finds a common expression in both terms being subject to being framed a oxymora, such as those of 'historical present', 'instant karma', or 'hysteron proteron' for time, as compared to those of 'global village', 'empty space' or 'dwarf galaxy', for space. This trend seems to suggest a shrinking of not only space but also time, possibly resulting in the final disappearance of space-time as we know it and likely birth of a new cognition. In law, this trend is already visible in the increasing automation of law enforcement through 'real-time applications' and raises the question of whether time as perceived at present is 'unreal'.

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**Ich-Werk-Beziehung in the New Science of Law of Wilhelm Schapp**
**A Key Concept for a New Phenomenological Perspective**

In the first section of the second volume of *The new science of law*, Schapp delves into the discourse on the relationship between 'I' and work as part of the investigation on the constitution of property as pre-givenness of positive law. He identifies the creation of the work as the core aspect of the pre-legal dimension of property. This entails two outcomes. One is more purely theoretical-legal and the other is methodological. According to the former, the result of a processing operation can be referred to as work only as long as a creator (Schöpfer) is involved. The foundation for any discussion on ownership is established in this way. However, methodologically speaking, the phenomenological examination of the thing-work can no longer be understood as an investigation of essence of the elements making up the material or item being produced, as seen in the Contributions to the phenomenology of perception. Instead, Schapp places it in a context of meaning that encompasses socio-cultural and value-related aspects that cannot be returned to us through mere perception. Thus, he proposes replacing the intuition of essence with a comparative method and refers to the phenomenology of creation rather than phenomenology of essence. This shift in perspective makes the concept of work central not only in the theoretical framework of the new science of law but also in Schapp's evolving thought, leading from the thing to the thing-for, and eventually to the main issue of the theory of entanglement in stories.

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**Temporal Model of Legal Norms in the Digital Space**

In the last 20 years, the legal informatics discipline has developed relevant theoretical and concrete instruments for representing digital legislative documents taking into consideration the temporal (e.g., time of enter into operation, Palmirani 2018) and spatial framework (e.g., jurisdiction). It is possible nowadays to consolidate the legislation using informatics systems for offering a peculiar view of the updated legal system at any given time t1 with the knowledge of the t2 (e.g., retroactive repeal, Palmirani 2011) or to perform temporal legal reasoning considering derogations and suspensions applicable in specific t3 (Alchourrón 1971, Governatori 2007). The digital dimension of the legal sources permits to create of a multi-versioning legal system where the legal operator (e.g., judge) could select and filter the temporal parameters according to a specific view of the reality (e.g., time of the crime). Citations are often managed in the Web with timeless model and the navigation produces frequent mistakes in term of diachronicity of the text and consequently of the norms retrieved. Artificial intelligence is based on the temporal series of data accumulated in the past (e.g., case-law). The legal information is managed by non-symbolic AI (e.g., predictive AI) regardless to the legal temporal theory and without the necessary corrective techniques to avoid the crystallization of reality in a wrong temporal and spatial legal system. This paper offers a legal-theoretical model HyperModeLex (Palmirani 2021, 2022, 2022a, 2022b) which can handle the dynamics of norms over time in the complex relationship with the digitalization of the legislation as source of law (e.g., Gazette online, consolidated legislation) with the intention to go beyond of the oversimplification of the legal system in the digital space that often is timeless. We investigate the temporal model in the poietic phase of the norms when generative AI techniques (e.g., ChatGTP, Fitsilis 2021, Bommarito 2022) have been adopted during the legal drafting process of textual and non-textual norms (Lorini 2020). This legal-theoretical model is fundamental for avoiding being overwhelmed by the extended reality (e.g., Metaverse) paradigm that is spaceless and timeless, not normless.

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**Retrospective Normativity**
**On the A Posteriori Genesis of Norms**

According to a widespread view, a norm comes to existence when a specific nomothetic act of will is performed by a nomothetic authority, and its validity depends upon the meta-norms that beforehand confer to that specific authority a nomothetic power to be exerted in specific ways. The conditions of validity of the norm are thus determined a priori by a set of meta-norms. Intuitively, nomotropic behaviour — behaviour oriented to a norm — logically presupposes and chronologically follows the creation and existence of a norm in a normative system. In the case of customary norms, however, the behaviour corresponding to a norm may paradoxically come before the existence of the norm itself. After distinguishing deontic states-of-affairs (norms validly existing within a normative system) from deontic noemata (mere representations of a norm), I suggest that (i) the genesis of a customary norm is an intrinsically diachronic phenomenon in which normativity and validity gradually emerge by aggregation; (ii) the existence of a norm underlying certain regular behaviours may long remain undetermined and undecidable, and become determined only retrospectively (a sort of uncertainty principle of athetic normativity); (iii) normativity may emerge a posteriori due to the projection of a deontic noema upon a regular behaviour which may have been originally devoid of any normativity; (iv) a special role in nomogenic processes may be played by nomotrophic behaviour am Phantasma, that is, the reaction to the violation of a norm that is not yet an existing deontic state-of-affairs but rather a mere deontic noema. I finally propose an interpretation of Hans Kelsen's theory of the *Grundnorm* — understood as a merely thought norm — which seems to imply that also nomothetic normativity ultimately rests upon the retrospective normativity of the *Grundnorm* itself.

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**The Influence of Space/Time Categories in Questioning Global Challenges**
**Climate Crisis as a Methodological Example**

Notions of space/time, underlying law and its development, thoroughly affect the work of lawyers, judges, and legislators in making a new world, a world out of new cloth. This world, this law world, is filled with meaning and its boundaries are protected specifically by legal practitioners and scholars. "Law makes the world, is made in the reflection of that world and derives its meaning from the assimilation of legal subjects, those who are meant to incarnate both law and world" and thus defines the relations between this law world and other worlds featured by compulsion (e.g. ethics, moral, religion) (Broekman, Catà Backer; 2013). Moreover, space/time categories not only affect our understanding of natural phenomena, of the natural world, but also they are meant and worked out with a radical different method by hard sciences. From a systemic perspective, social and hard science are confronted with self-same challenges, global by definition, such as climate crisis, for which social sciences, and specifically law, are held to account for feasible solutions. Climate crisis constitutes the perfect embodiment of a theoretical challenge for which time notion is diversely understood by hard sciences and law, while legal space category should be reconsidered in achieving a legal hybridisation of models and traditions. Scientific thinking is indeed crucial insofar as it compels lawyers, scholars, judges, and legislators in a severely pragmatical way to question, cast doubt on and re-think how the law world is made and filled with meaning: and this, in particular, by challenging space/time notions and by attempting to provide proper systemic communication between the law world and the natural one; in turn, even taking into consideration those other worlds of compulsion, such as the ethical one, no less relevant when it comes to global phenomena as climate crisis.

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**"The Past" as the Root of Normativity of Customs: A Temporal Category with Coercive and Deontic Power**

This paper deals with the impact that the temporal category "the past" has on the justification of normativity of customs. It is a commonly shared opinion that custom-oriented behaviour is grounded in the reverence for "the past" upheld through the imitation of a reiterated pattern of behaviours and conducts (Tönnies 1909). "The past" acts on individuals driving them into behavioural decisions, often through the formula "it has always been done like this" (Weber 1922, Petrażycki 1955). The English language uses the expression "to be accustomed" suggesting the amount of time that customs require. This paper analyses the normative implications of this topic arguing that the temporal category of "the past" not only plays the role in the justification of law, but it also assumes deontic powers (Searle 2019, Conte 2021). In fact, the statutory law often approaches customary practices as a source of law (Bobbio 1942; Kelsen 1945; Leiser 1969). Nevertheless, as soon as "the past" is acknowledged as a binding reason for action, it becomes a source of normativity of customs with deontic powers rather than simply a source of statutory law. Therefore, "the past" is both coercive and constitutive of the present custom-oriented behaviours. This hypothesis paves the way for several questions. First, what is the ontological status of the entity "the past"? To what extent does "the past" have the authority to determine the values of a given society (Assier-Andrieu 2011)? Second, epistemically and semiotically speaking, how can we grasp the shape of "the past"? What do we imitate when we imitate "the past"? Third, regarding the normative expectations based upon long-established customs, can the category of "deontic power" explain the constraining force of habits?

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**Law & Historical Narratives**
**Some Examples of a Vichian Approach to the Philosophical-Legal Reading of Historical Narratives, in a Context of Growing 'Cancel Culture'**

This presentation aims to propose some considerations on the potentialities of a 'law and historical narratives' approach, visible both on the level of research and on that of law teaching. My presentation will show how the rereading of pages of ancient history through an interpretive key aimed at analyzing their anthropological, socio-political and philosophical-legal profiles can prove to be fruitful not only for understanding phenomena belonging to the past, but also for reflecting on them with an actualizing gaze. As an example I will draw from studies developed over the past two years, in the context of an intercultural dialogue, about some offshoots of Eastern Hellenism, mostly related to the political-legal, socio-economic and cultural dynamics that formed the background to the emergence of the 'Silk Road(s)' as a space of interaction, even diachronic, and as a political project. The investigation, in this regard, is also influenced by perspectives and methodologies drawn from the science of negotiation and conflict transformation, with the aim of investigating historical profiles that show dynamics of successful and failed nonviolent settlements. The overall purpose of this argumentative path is to show how this attitude for the philosophical-legal study of history - clearly inspired by Giambattista Vico's New Science can be an interesting training ground for a perspective that cultivates attention to the complexity of social phenomena, and which is capable of avoiding polarizing and judgmental lenses when reading (chronotypical) contexts. This perspective will hopefully prove to be as provocative as it is valuable in a context in which instances, and above all 'practices', loosely inspired by the so-called 'cancel culture' are making their way in the West, not without alarming profiles.

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**Time in Path-Dependent Economic Behavior**

The role of time in economics is a very divisive concept. Some important scholars charge that neoclassical economics is "timeless", while the heterodox approach includes historical or real time in explaining economic behavior. Despite the dispute whether neoclassical economics is or not timeless, there are not doubts that it ever refers to logical time as independent of human experience. Historical time, conversely, refers to time as it is experienced and perceived by humans, influenced by individual and collective experiences and memories, cultural and social norms, and customs and institutions. This is typical of the Austrian economics approach and of many others relevant scholars. The paper follows this second tradition and, by using the tools offered by cognitive economics, physics of thermodynamics and quantum mechanics, considers time strictly linked to the path dependent processes of human decision-making. The paper is organized as follows. The first section briefly illustrates the main controversies on time in economics. The second one tries to unify the Austrian idea of subjective historical time (linked to the production of knowledge and economic change), with "entropic time" as stream of consciousness (Georgescu-Roegen) and time as "moment in being" (which includes memory and expectations in explaining uncertainty, as conceived by Shackle). The third section compares this idea of time elaborated in the second section, with that developed by thermodynamics and quantum mechanics. We expect that this comparation will yield relevant insights for economic analysis. In particular, the fourth section explores the genuine view that what we call "time" is crucial in explaining economic decisions as path-dependent processes. We suggest that it is mostly due to the non-commutative nature of human learning. In simple words: order matters. The last section offers an implementation of this new approach to time in explaining consumer's behavior.

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**Critical Thoughts on Spatio-Temporality and Legal Experience**

Right is not reducible to law and has to be identified in the weft of experience, in the reality of history. No one can disregard a thoghtful analysis of the real dynamism of existential accomplishments and causality in human behaviour. These organise the juridical experience and constitute the very condition of possibility. Thinking about man in his relationality, which is ontologically structured in the inseparable fourfold dimensionality of the real, is then unavoidable for an integral comprehension of right. In the light of the conquests of Einstein relativistic physics, time exists in so far as it is experienced, that is expressed in fourfold dimensional reality by man. Time cannot be considered regardless of space and of the subject that realises it. Juridical experience is therefore rightful in so far as it is continuous, because this feature makes its characteristics homogeneous to the spacetime continuum, therefore comparable and not extraneous to the actual life of man.

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**The 'Despatialization of Justice' In Antoine Garapon's Reading**
**The Ephemeral Virtuality of Digital and the Spatio-Temporal Determinations of Subjective Identity in the Legal Protection of Fundamental Rights: From Habeas Corpus To Habeas Data**

The symbolic-cultural order produced by the juridical idea in the reading of the jurist and philosopher Antoine Garapon - very close to the phenomenology of Paul Ricoeur and the reconstructive ethics of Ferry - provides the subject with the possibility of protecting his ability to give meaning to the world and therefore his dignity through the lived experience of reflective relationships of recognition (or non-recognition) of otherness. Even if the generalization of schemes and cases produces a so-called "augmented reality" of the legal possibilities of the subject, it is nevertheless the legal practice and the social context, within which the concrete choices of the personal identity of individuals are produced, to build the legal realities of intersubjective relationships, through the dynamics of the dichotomy recognition /non-recognition. Legal categories are therefore connected to temporality, territoriality and the symbolic-cultural contexts within which they are generated, constructed and interpreted, giving subjectivities the opportunity to build their own identities by questioning the meaning of relations of recognition with otherness. Garapon therefore questions the pernicious effects of the globalization revolution on legal categories in the two interconnected aspects of the digital revolution with its a-spatiality and its algebraic codes devoid of spatial geometries and of the neoliberal revolution that subjected the law to the boundless domains of the market and of the financial and speculative economy, also devoid of a concrete and defined space-time order. In this work we will give an account of the important reading of Garapon and the main effects of this "despatialization of justice", in particular in relation to the problem of the identity of the subject and the legal protection of the dignity of the person following important Ricoeurian ideas on the reconstructive ethics of memory and the reflections of S. Rodotà on the "digital dignity" of the subject from a philosophical-juridical perspective (P. F. Savona) and the problem of the right to be forgotten of the legal subject struggling with the floating persistence in the a-spatial and a-temporal infosphere of its digital data in the perspective of European civil law (J. Cuozzo).

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**Semiotic Objections to Markets**
**What 'Limits' to the Market, and What Role for Law and Philosophical-Legal Reflection?**

In the now nearly 40-year debate on the Moral Limits of Market ('MLM') (Walzer 1983, Radin 2001, Anderson 1995, Satz 2010, Sandel 2012), a new field of study has opened up concerning the so-called semiotic objections to commodification. The semiotic argument holds that the commodification of certain goods or services is morally wrong, either because it violates the social meaning of those goods or services or because the market exchange of those goods or services would communicate something wrong, such as disrespect or some other inappropriate attitude. Such semiotic criticisms have been made of markets for sex, pornography, kidneys, surrogacy, blood and many other things. Brennan and Jaworski (2015) have argued that all such objections fail, as the meaning of a market transaction is a highly contingent and socially constructed fact. If allowing a market for one of these goods can improve the supply, access or quality of the good, then, instead of banning the market on semiotic grounds, they call for revising our semiotics. Of this MLM debate, two circumstances are particularly striking: a) being flattened on the 'moral' 'limits' of markets, there is a lack of reflection on the way in which 'law' is usually called upon to establish such 'limits'; b) legal scholars, and especially legal philosophers, are virtually absent from these debates, apart from a few rare exceptions. To address these shortcomings I will re-read some variants of the critiques of commodification (Anderson 1995, Radin 2001) which appeal to a Kantian, human dignity argument, based on the "dignity/price" distinction. I will argue that such variants might clarify the issue of 'limits' in the MLM debate if properly developed by adopting a 'legal-semiotic' perspective, in particular by: a) understanding how the foundational fictions of law establish limits, b) 'breaking' the Kantian dignity/price dichotomy, by inserting into it a philosophical-legal reflection on the 'affective turn' (Heritier 2014).

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**What If Law Serves Mainly to "Dramatize Values"?**
**Thurman Arnold's Ideas Applied to Intercultural Legal Encounters**

The paper dwells on the approach to the law developed by Thurman Arnold (1891 1969), one of the most forgotten and inventive American legal realists. Arnold accentuated the semiotic aspects of the legal realm and strongly opposed the narrow instrumentalist thinking about law in terms of means and aims. Building on the anthropological findings publicized in the 1920s and 1930s, Arnold elaborated on how the law "dramatizes" social values (on the legislative level) and also how it provides the space for more local-based and idiosyncratic attempts of such dramatization (on the applying of law level and grass-roots level). Strangely, his provocative ideas have not been yet recapitulated and systematically discussed. The paper aims at, first, presenting Arnold's semiotic vision of law and, second, examining what it brings into the territory, which he has never seriously considered the emergence of the spheres of intercultural legal encounters. What does the "dramatization of values" by law mean in such new conditions? Is the national, subnational, and international law able to "dramatize" different sets of culturally underpinned values? Does the law need new forms of "dramatization" that are more adequate and sensitive?

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# *"Turn It Off, the Mass Is Over"*
# The Web as a Liturgical "Space" in The Post-Covid Era

The pandemic emergency has given us the web as a new liturgical "space": the life of worship has moved from physical territories to virtual and multimedia places. This phenomenon does not seem to stop and opens up the possibility of imagining future hybrid parish communities. For the moment, on the one hand the ecclesiastical authorities insist on limiting all the adaptations already arranged to contingent urgency only, on the other hand the ecclesiastical magisterium in matters of communication underlines the importance of the entire context in which communication itself takes places, a context capable of modifying or even totally changing the moral value. The pastoral care of the media and communication can therefore represent an infinite "space" of creativity if it is conceived and lived as a normal "space" of existence and not as something destabilizing, seeking the meaning and purpose of the media in the anthropological foundation. These are future challenges that will have to be adequately faced, knowing that canon law has demonstrated, on the one hand, that it possesses the antibodies to promote emergency rules capable of ensuring the *salus animarum* and, on the other, that it experiences a persistent weakness in application terms, which resolves a question about its effectiveness. The contribution given by the Popes to the development of canon law, canon law and its hermeneutics is great, and in this era of great transformations it becomes fundamental for the Church and for her law to start an in-depth theological-juridical reflection that sheds light and give an effective answer to an immediate question: whether "the web" can be used not only as an instrument of evangelization, but also as a "space" in which Sacramental Grace is spread.

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**Kairos: The Rhetorical Dimension of Temporality in Trial**

The aim of this paper is to reflect on the dimension of temporality of discourse in courts from a rhetorical perspective. In trial communication, the time of discourse cannot be traced back to the divisions of chronic time and is not enclosed in a solipsistic subjectivity, but is necessarily intersubjective. The ability to persuade is linked to specific practices, more or less institutionalized, aimed at grasping that communicative interdependence, which is situated in time and which requires the ability to understand the right moment: knowing how to grasp the kairos constitutes an ability, innate and partly refined by the practice of rhetorical technique. To understand the importance of kairos in judicial argumentation, it will be necessary: A) first, to clarify which idea of rhetoric we are referring to and for what reasons a rhetorical approach to these questions could be profitable: it must be said that we will refer to classical rhetoric in its entirety, as a place for anthropological reflection, and not only to tropic aspects of language; B) secondly, to dwell on the processes of institutionalization of forensic argumentation; C) finally, to reconstruct the kairos as the ability to 'mind the gaps' and to understand the value of emptiness in the communicative interaction, as an invitation to perform speech acts (eu-kairos) or not (a-kairos). According to this approach, rhetoric is inherent in the gap that exists between an opinion and its explicit formulation. Therefore, the paper, analysing the argumentation of the Supreme Court in a specific legal case, aims to enucleate the discursive strategies and highlight some forensic kairotic skills, showing their relationship with time and with the 'other' (ad alterum).

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**Legal Interpretation as Language Game**

In this paper we will focus on a very popular topic among legal theorists, which is the interpretation of normative legal texts. The perspective we will choose for its analysis will be based on the philosophy of language, specifically the philosophy of Wittgenstein, Sellars and Brandom. We will thus view the interpretation of law as a language game. In this way, we will be able to explain how it is that the meaning of particular provisions shifts and changes depending on the practice of those who play the game. In the case of legal interpretation, then, the most important actors are those who authoritatively interpret and apply the law. This fact has been pointed out by H. L. A. Hart.
Thus, we will see that meaning is not a static entity that is bound by some referent (indeed, as we know, many legal concepts have no referent in the physical world), but is a dynamic entity that is constituted precisely through this linguistic practice of ours, which is of course bound to the physical world, but not only to it. Especially when discussing law, then its ambition is not usually to describe the physical world, but to "build" the social world in its own specific way, to create order in it and to set explicit rules for its functioning.
In this paper we will focus in particular on the discussion of how it is possible to play this game, where implicit rules play a significant role. We will argue that this is due to the fact that man is a normative creature, i.e., that he sees rules all around him. We will also use Wilfrid Sellars' philosophy to defend this position, backed up by the findings of cognitive science. This will be an interdisciplinary exploration of the issue."

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**Manifolds, Cosmos, Spheres**
**The Intellectual Heritage of Florensky and Vernadsky**

Space is the fundamental problem of philosophy (Florensky 1925), as it seems to be coextensive with reality itself, yet it is defined only negatively: it is not a concept, neither the mere form of intuition depending upon a subject (Kant), nor an absolute and amorphous container (Euclid, Newton). It is not 'found', nor simply 'built': rather, it is disclosed with the multiplicity and cohesion of all activities. Such was the realism of the Russian system thinking, which in the 1920s engaged in a long scientific, artistic and philosophical debate on spatiality (prostranstvennost'), aiming to a cosmological and epistemological pointbreak, as radically stated by the avand-garde. An echo of that debate still resounds within the correspondence between P. A. Florensky and V. I. Vernadsky: as the latter portraits the biosphere as a growing heterogeneity, dynamically driven by vectors of polarities, the spatio-temporality of living beings appears to be irreversible, imbued with negative entropy and peculiar historicity, as Bergson's durée. On the other hand, Florensky's organizational theory describes each spatio-temporal domain as a way of organization, i.e., a shifting order performed by autonomous agents or force-fields, considered as particular curvatures of reality. The paper shall examine Florensky's and Vernadsky's positions within the context of the Russian debate, as an outcome of a very peculiar philosophical tradition. It shall then discuss their analogies and differences, as well as their theoretical relevance.