Central to legal systems is reasoning about the law, especially in the process by which judges reach decisions in cases. Judges are institutional actors and legal reasoning occurs in an institutional setting. Is there a special style of reasoning in different legal systems? Do common law judges and their counterparts in civilian systems do something different when they offer reasons for their decisions? What is it about the sources of law and the structure or style in different systems that facilitates or impedes certain kinds of legal reasoning? Do codes and restatements promote the right combination of flexibility and stability in the law? What role do (or should) legal rules play?

Among the contexts in which legal reasoning takes place is the system of law itself. What is the nature of system in law – open or closed, single level or with meta-levels? Does a closer look at legal reasoning suggest the need for new legal ontologies? Do these considerations bring common law and civil law approaches closer together or further apart?

This conference will bring together scholars from multiple disciplines and legal cultures to address the nature of reasoning across legal systems and the nature of system in the law. Emphasis will be placed on bringing new tools – new logics, new models, new disciplinary perspectives – to bear on the role and style of legal reasoning across jurisdictions.

HOSTS

Prof. Dr. Matthias Armgardt
Nucleus Professor for Global Legal History, Private Law and Computational Legal Theory, Universität Hamburg

Prof. Dr. Henry E. Smith
Fessenden Professor of Law, Harvard Law School

Prof. Dr. Scott Brewer
Professor of Law, Harvard Law School

CHAIRS

Monday:
Prof. Dr. Wolfgang Wurmnest (Universität Hamburg)
Prof. Dr. Scott Brewer (Harvard Law School)
Prof. Dr. Saskia Lettmäier (Christian-Albrechts-Universität zu Kiel)
Prof. Dr. Henry E. Smith (Harvard Law School)

Tuesday:
Prof. Dr. Georg Ringe (Universität Hamburg);
Prof. Dr. Markus Kotzur (Universität Hamburg)
Prof. Dr. Claudia Schubert (Universität Hamburg)
Prof. Dr. Ralf Michaels (Max-Planck-Institut für Comparative and International Private Law)

Wednesday:
Prof. Dr. Lionel Smith (University of Cambridge)
Prof. Dr. Scott Brewer (Harvard Law School)

CONTACT

Ms. Chaofeng Chen (chaofeng.chen@uni-hamburg.de)
Secretary of Prof. Dr. Matthias Armgardt
**Monday, 17th June 2024**

**Warburg Haus, Heilwigstr. 116, 20249 Hamburg**

9:00 – 9:30
**Opening of Conference**
Prof. Dr. Tilman Repgen, Dean of Faculty of Law, Universität Hamburg, Germany

9:30 – 10:15
**Common vs. Civil Law**
Prof. Dr. Holger Spamann, Lawrence R. Grove Professor of Law, Harvard Law School, USA

10:15 – 10:45
Discussion

10:45 – 11:15
Coffee break

11:15 – 12:00
**The Power of Economic Transplants – Common Law, Civil Law, and Beyond**
Prof. Dr. Katja Langenbucher, Professor for Civil Law, Commercial and Banking Law, Goethe-Universität Frankfurt a. M., Germany

12:00 – 12:30
Lunch break

12:30 – 13:30
**Discussion**

13:30 – 14:15
**The Reasons Highest Courts Give: England vs. Germany, 1880-1889 vs. 2007-2016**
Prof. Stefan Vogenauner, Director of Max-Planck-Institute (MPI) for Legal History and Legal Theory, Frankfurt a. M., Germany

14:15 – 14:45
Discussion

14:45 – 15:15
Coffee break

15:15 – 16:00
**On the Logic of Precedential Constraint**
Prof. Dr. Henry Prakken, Professor of Artificial Intelligence and Law, Utrecht University, The Netherlands

16:00 – 16:30
Discussion

18:30
**Dinner** at SVAAdish Winterhude, Poßmoorweg 6

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**Tuesday, 18th June 2024**

**AS-Saal, Edmund-Siemers-Allee 1, 20146 Hamburg**

9:00 – 9:45
**Interpreting the Logics of Common Law and Civil Law Arguments from a Logocratic Point of View: Of Transparency, Surface Structure and Deep Structure**
Prof. Dr. Scott Brewer, Professor of Law, Harvard Law School, USA

9:45 – 10:15
Discussion

10:15 – 10:45
Coffee break

10:45 – 11:30
**Subsumption and Ponderation as Basic Operations of Legal Methodology**
Prof. Dr. Carsten Bäcker, Professor for Public Law, Constitutional Theory and Legal Philosophy, Universität Bayreuth, Germany

11:30 – 12:00
Discussion

12:00 – 13:00
Lunch break (Flying-Service)

13:00 – 13:45
**Modelling Causality Through Argumentation**
Prof. Dr. Giovanni Sartor, Professor for Legal Informatics and Legal Theory, University of Bologna, European University Institute, Italy

13:45 – 14:15
Discussion

14:15 – 14:45
Coffee break

14:45 – 16:15
Final Discussion

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**Wednesday, 19th June 2024**

**Warburg Haus, Heiligwistr. 116, 20249 Hamburg**

9:00 – 9:45
**Systems of Legal Concepts: Maintenance, Modulation, Modification**
Prof. Dr. Henry E. Smith, Fessenden Professor of Law, Harvard Law School

9:45 – 10:15
Discussion

10:15 – 10:45
Coffee break

10:45 – 11:30
**How to Do Legal Interpretation with Comparative Law — A Methodological Reflection and Reconstruction**
Prof. Dr. Yun-chien Chang, Jack G. Clarke Professor in East Asian Law, Cornell Law School, USA together with Kuan-ting Chen, Doctoral student, National Chengchi University College of Law, Taiwan

11:30 – 12:00
Discussion

12:00 – 13:00
Lunch break (Flying-Service)

13:00 – 13:45
**Analogy in Civil Law and Common Law Contexts**
Assistant-Prof. Dr. Yi-chen Lo, Assistant Professor of Law, National Taipei University

13:45 – 14:15
Discussion

14:15 – 14:45
Coffee break

14:45 – 15:15
**Transfinite Arithmetic as a Tool for Balancing Legal Values**
Prof. Dr. Matthias Armgardt, Nucleus Professor for Global Legal History and Private Law, Universität Hamburg, Germany

15:15 – 15:45
Discussion

18:30
**Dinner** at Hamburger Stadtkrug - Die Kartoffelstube, Colonnaden 45

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Conference room “Leseraum” at Warburg Haus