

Preface

This volume is the result of a very special international conference in legal philosophy on the relationship between legal theory and evaluative judgments that took place in Girona in May 2010. “Can legal theory be neutral?” was our leading question. Within the narrow scope of a preface, we cannot dwell into the subject matter of the book. But we would like to account for the context in which both this volume and its preceding conference were conceived.

In 2004, the Spanish publishing house Marcial Pons issued the first books of the “Filosofía y Derecho” (“Philosophy and Law”) series. The project was originally a relatively modest one. At the beginning of the twenty-first century, publishers find themselves in an impasse of sorts, between printed and digital editions, local and global scopes, commercial and cultural drives—the first element of each pair still the dominating one—and a series of philosophical books did not exactly look like a promising venture. Yet in 2008, only 4 years later, around 40 volumes of the collection could be found on the shelves of bookshops. With the invaluable support of Juan José Pons, Marcial’s son, we began to kindle the idea of organizing an international conference to mark the 50th volume in our series—a conference bringing together Continental and Anglo-American analytic philosophers on some common jurisprudential subject. Because such a combination was already part of the identity of the book series, we decided to invite some of its authors as speakers. They all immediately agreed to participate.

During the 3 days of the conference, the University of Girona became an extraordinary meeting point for more than 300 scholars, judges, lawyers, and other specialists interested in the philosophy of law. Delegates came from all over the globe: Argentina, Australia, Brazil, Canada, Chile, Colombia, Denmark, Dominican Republic, Finland, France, Germany, Mexico, the Netherlands, Panama, Peru, Portugal, Romania, the United Kingdom, the United States of America, Uruguay, Venezuela, and other countries still. The oral presentations were delivered by Robert Alexy, Juan Carlos Bayón, Brian Bix, Eugenio Bulygin, Bruno Celano, Jules L. Coleman, Riccardo Guastini, Brian Leiter, Jorge L. Rodríguez, Frederick Schauer, Scott Shapiro, and Wilfrid Waluchow. The debates were lively and productive, and the authors took into account the various suggestions and criticisms, which had

emerged during the public sessions, in preparing revised versions of their papers. All these papers are included in this volume; the only exception is Scott Shapiro's: His contribution corresponds, in substance, to the first chapter in his 2011 monograph *Legality*, soon to be published, in Spanish, in this very series.

Meanwhile, the "Filosofía y derecho" series kept growing; it now includes almost 70 volumes. This series showcases, we believe, the strength of the research group behind this project. The main areas of our research are legal, moral, and political philosophy, as is often the case in our field. However, there is a distinctive interest in methodological issues, and we constantly endeavor to highlight the congruous contributions made to our discipline's cultural heritage by Spanish, Anglo-American, and Italian scholarship. As for specific subjects, we seek to promote some research topics which are somewhat underdeveloped in the Continental tradition, including the philosophical foundations of procedural law, constitutional law, and private law. We aim to contribute, with our philosophical work, to the discussion of important problems in different branches of the law: we try, in other words, to synchronize the philosophers' and the lawyers' approaches to law and jurisprudence.

In choosing the general topic of our conference, and thus also of this book, we found that there were two compelling reasons in favor of the subject of value-neutrality. First, it is a methodological issue that cuts across our group's main lines of research. It may be true that sometimes one simply takes for granted either the possibility or the *impossibility* of theorizing about the law in a value-neutral manner. But neither view is obviously right, and in a fully worked-out theory of any area of law the topic is eventually unavoidable. Second, neutrality has been a central topic of jurisprudential discussion, in the twentieth and twenty-first centuries, in both the Continental and Anglo-American traditions. It was therefore, we realized, a topic particularly suited for an international intellectual exchange—which it was our goal to promote—between some of the most important authors currently working in the field.

All these factors play their part in making this volume a truly special collection of essays. We believe it will make a strong contribution to the field, and lastingly influence in jurisprudential debates to come.

Jordi Ferrer Beltrán
José Juan Moreso
Diego M. Papayannis

Neutrality and Theory of Law

Ferrer Beltrán, J.; Moreso, J.J.; Papayannis, D.M. (Eds.)

2013, XII, 273 p., Hardcover

ISBN: 978-94-007-6066-0