

## ABOUT THE CONFERENCE

### 2nd Edition of the ‚Harvard-Hamburg Conferences on New Approaches to Legal Reasoning‘

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 and Private Law, Universität Hamburg

### Prof. Dr. Henry 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 Lettmaier (Christian-Albrechts-Universität zu Kiel);  
Prof. Dr. Henry E. Smith (Harvard Law School)

**Tuesday:** Prof. Dr. Anne van Aaken (Universität Hamburg);  
Prof. Dr. Markus Kotzur (Universität Hamburg);  
Prof. Dr. Claudia Schubert (Universität Hamburg)

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

## CONTACT

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Secretary of Prof. Dr. Matthias Armgardt



Universität Hamburg

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# ZeRdiT

Centre for Law in the Digital Transformation  
at the University of Hamburg

2ND EDITION OF THE HARVARD-HAMBURG CONFERENCES ON  
NEW APPROACHES TO LEGAL REASONING

CONFERENCE ON REASONING  
ABOUT CIVIL AND COMMON LAW

JUNE 17-19, 2024

UNIVERSITÄT HAMBURG

MONDAY, JUNE 17TH:      WARBURG HAUS, HEILWIGSTR. 116, 20249 HAMBURG  
TUESDAY, JUNE 18TH:     AS-SAAL, EDMUND-SIEMERS-ALLEE 1, 20146 HAMBURG  
WEDNESDAY, JUNE 19TH:  WARBURG HAUS, HEILWIGSTR. 116, 20249 HAMBURG

## MONDAY, 17TH JUNE 2024

Warburg Haus, Heilwigstr. 11, 20249 Hamburg

9:00 – 9:30	<b>OPENING OF CONFERENCE</b> <i>Prof. Dr. Tilman Reppen, Dean of Faculty of Law, Universität Hamburg</i>
9:30 – 10:15	<b>COMMON VS. CIVIL LAW</b> <i>Prof. Dr. Holger Spamann, Lawrence R. Grove Professor of Law, Harvard Law School</i>
10:15 – 10:45	Discussion
10:45 – 11:15	Coffee break
11:15 – 12:00	<b>THE POWER OF ECONOMIC TRANSPLANTS – COMMON LAW, CIVIL LAW, AND BEYOND</b> <i>Prof. Dr. Katja Langenbucher, Professor for Civil Law, Commercial and Banking Law, Goethe-Universität Frankfurt a. M., Germany</i>
12:00 – 12:30	Discussion
12:30 – 13:30	Lunch break
13:30 – 14:15	<b>THE REASONS HIGHEST COURTS GIVE: ENGLAND VS. GERMANY, 1880-1889 VS. 2007-2016</b> <i>Prof. Stefan Vogenauer, Professor for Civil Law, Labor Law, Corporate Law, and Comparative Law, Universität Hamburg, Germany</i>
14:15 – 14:45	Discussion
14:45 – 15:15	Coffee break
15:15 – 16:00	<b>ON THE LOGIC OF PRECEDENTIAL CONSTRAINT</b> <i>Prof. Dr. Henry Prakken, Professor of Artificial Intelligence and Law, Utrecht University, The Netherlands</i>
16:00 – 16:30	Discussion
19:00	Dinner at SVAAdish Winterhude, Poßmoorweg 6

## TUESDAY, 18TH JUNE 2024

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

9:00 – 9:45	<b>INTERPRETING THE LOGICS OF COMMON LAW AND CIVIL LAW ARGUMENTS FROM A LOGOCRATIC POINT OF VIEW: OF TRANSPARENCY, SURFACE STRUCTURE AND DEEP STRUCTURE</b> <i>Prof. Dr. Scott Brewer, Professor of Law, Harvard Law School, USA</i>
9:45 – 10:15	Discussion
10:15 – 10:45	Coffee break
10:45 – 11:30	<b>SUBSUMPTION AND PONDERATION AS BASIC OPERATIONS OF LEGAL METHODOLOGY</b> <i>Prof. Dr. Carsten Bäcker, Professor for Public Law, Constitutional Theory and Legal Philosophy, Universität Bayreuth, Germany</i>

# PROGRAMME

11:30 – 12:00	Discussion
12:00 – 13:00	Lunch break
13:00 – 13:45	<b>ANALOGY IN CIVIL LAW AND COMMON LAW CONTEXTS</b> <i>Prof. Dr. Yichen Lo, Assistant Professor of Law, National Taipei University</i>
13:45 – 14:15	Discussion
14:15 – 15:00	Coffee break
15:00 – 15:30	<b>TRANSFINITE ARITHMETIC AS A TOOL FOR BALANCING LEGAL VALUES</b> <i>Prof. Dr. Matthias Armgardt, Nucleus Professor for Global Legal History and Private Law, Universität Hamburg, Germany</i>
15:30 – 16:00	Discussion
19:00	Dinner at Hamburger Stadtkrug - Die Kartoffelstube, Colonnaden 45, 20354 Hamburg

## WEDNESDAY, 19TH JUNE 2024

Warburg Haus, Heilwigstr. 11, 20249 Hamburg

9:00 – 9:45	<b>SYSTEMS OF LEGAL CONCEPTS: MAINTENANCE, MODULATION, MODIFICATION</b> <i>Prof. Dr. Henry E. Smith, Fessenden Professor of Law, Harvard Law School</i>
9:45 – 10:15	Discussion
10:15 – 10:45	Coffee break
10:45 – 11:30	<b>HOW TO DO LEGAL INTERPRETATION WITH COMPARATIVE LAW – A METHODOLOGICAL REFLECTION AND RECONSTRUCTION</b> <i>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</i>
11:30 – 12:00	Discussion
12:00 – 13:00	Lunch break
13:00 – 13:45	<b>MODELLING CAUSALITY THROUGH ARGUMENTATION</b> <i>Prof. Dr. Giovanni Sartor, Professor for Legal Informatics and Legal Theory, University of Bologna, European University Institute, Italy</i>
13:45 – 14:15	Discussion
14:15 – 14:45	Coffee Break
14:45 – 16:15	Final Discussion