

Law and Philosophy Library

Volume 126

Series editors

Francisco J. Laporta, Autonomous University of Madrid, Spain
Frederick Schauer, University of Virginia, USA
Torben Spaak, Stockholm University, Sweden

Editorial Board

Aulis Aarnio, Secretary General of the Tampere Club, Finland
Humberto Ávila, University of São Paulo, Brazil
Zenon Bankowski, University of Edinburgh, UK
Paolo Comanducci, University of Genoa, Italy
Hugh Corder, University of Cape Town, South Africa
David Dyzenhaus, University of Toronto, Canada
Ernesto Garzón Valdés, Johannes Gutenberg Universität, Germany
Riccardo Guastini, University of Genoa, Italy
Ho Hock Lai, National University of Singapore, Singapore
John Kleinig, City University of New York, USA
Claudio Michelon, University of Edinburgh, UK
Patricia Mindus, Uppsala University, Sweden
Yasutomo Morigiwa, Meiji University, Japan
Giovanni Battista Ratti, University of Genova, Italy; University of Girona, Spain
Wojciech Sadurski, University of Sydney, Australia
Horacio Spector, University of San Diego, USA; Universidad Torcuato Di Tella, Argentina
Robert S. Summers, Cornell University, USA
Michel Troper, Université de Paris Ouest - Nanterre, France
Carl Wellman, Washington University, USA

The Law and Philosophy Library, which has been in existence since 1985, aims to publish cutting edge works in the philosophy of law, and has a special history of publishing books that focus on legal reasoning and argumentation, including those that may involve somewhat formal methodologies. The series has published numerous important books on law and logic, law and artificial intelligence, law and language, and law and rhetoric. While continuing to stress these areas, the series has more recently expanded to include books on the intersection between law and the Continental philosophical tradition, consistent with the traditional openness of the series to books in the Continental jurisprudential tradition. The series is proud of the geographic diversity of its authors, and many have come from Latin America, Spain, Italy, the Netherlands, Germany, and Eastern Europe, as well, more obviously for an English-language series, from the United Kingdom, the United States, Australia, and Canada.

More information about this series at <http://www.springer.com/series/6210>

Lorena Ramírez-Ludeña • Josep M. Vilajosana
Editors

Legal Conventionalism

 Springer

Editors

Lorena Ramírez-Ludeña
Pompeu Fabra University
Barcelona, Spain

Josep M. Vilajosana
Pompeu Fabra University
Barcelona, Spain

ISSN 1572-4395

ISSN 2215-0315 (electronic)

Law and Philosophy Library

ISBN 978-3-030-03570-9

ISBN 978-3-030-03571-6 (eBook)

<https://doi.org/10.1007/978-3-030-03571-6>

Library of Congress Control Number: 2018965182

© Springer Nature Switzerland AG 2019

This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made. The publisher remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

This Springer imprint is published by the registered company Springer Nature Switzerland AG
The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

Contents

Introduction	1
Lorena Ramírez-Ludeña and Josep M. Vilajosana	
Part I The Notion of Convention	
Pre-conventions. A Fragment of the Background	9
Bruno Celano	
Re-examining Deep Conventions: Practical Reason and Forward-Looking Agency	31
Verónica Rodríguez-Blanco	
Part II Conventions and the Rule of Recognition	
Conventions, Reasons and the Law	47
Andrei Marmor	
The Rule of Recognition as a Constitutive Convention	65
Jorge L. Rodríguez	
Social Facts and Law: Why the Rule of Recognition is a Convention	89
Josep M. Vilajosana	
Cooperative Conventions, Rules of Recognition and Institutional Practices	109
Rodrigo E. Sánchez Brigido	
On Identifying the Law and Its Supposed Conventional Foundations. A Set-Theory Approach	127
Giovanni Battista Ratti	

Part III Conventions and Legal Interpretation

Conventionalism Unchained and Sceptical. A Defence of a Quasi-Realist Account of Legal Statements Against Dworkin’s Criticisms 147
Federico José Arena

Conventionalism and the Causal Theory of Reference 179
Lorena Ramírez-Ludeña

The Interpretation of Plans 191
Scott Shapiro