

ADALACTO #4

MESHS

(2 rue des canonniers)

29 avril

Conflict of Norms

MATIN :

9h - 10h : Matthias Armgardt — “Conflit de normes dans le droit”

10h-11h: Sandrine Chassagnard-Pinet—«Conflits de normes et conflits de droits»

11h-11h20 : café

11h20-12h20 : Fachrur Rozie and Shahid Rahman— « On the importance of the ethical perspective on Meaning and the conflict between conventionalists and nominalists »

12h20-13h20 : Marie-Hélène Gorisse — "Conflict of norms in the philosophical debating hall in classical India"

APRÈS-MIDI :

14h30-15h30 : Holger Schmid — “La position de la contradiction dans le monde civil”

15h30-15h50 : café

15h50-16h50 : Sequoya Yiaueki — “Locating Contentful Cutoffs”

16h50-17h50 : Patrice Canivez — “Rousseau et le droit naturel”

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Matthias Armgardt “Conflit de normes dans le droit”

Holger Schmid “La position de la contradiction dans le monde civil”

Marie-Hélène Gorisse "Conflict of norms in the philosophical debating hall in classical India"

In classical India, philosophers from different traditions built a common area of discussion within which an agreement on philosophical issues could in principle be achieved. The tool to convince interlocutors in such a context is a truth-preserving argument consisting in the stated form of an inferential reasoning. Now, these debates being essentially inter-doctrinal ones, the characterisation of this truth-preserving argument raised the question of the existence of shared principles and was a battle-field for the different traditions to establish their own conceptions on the constitution of the world and on our ability to know it.

In this lecture, I will present the theory of inference supported by the 11th c. Jaina author Prabhācandra, focusing on its divergence with the ones developed in Buddhism and in Nyāya at the same period, as a case-study of an attempt to resolve conflicts of norms in this framework.

Sequoia Yiaueki "Locating Contentful Cutoffs"

What is conceptual content? What is specifically normative conceptual content? More importantly, what is the limit of normative conceptual content? This paper intends to look at what it means to give content to our concepts and more pointedly the consequences of what we are engaged to by holding specific contents. The interest of examining discursive mechanisms of content attribution is to understand what it means for normative contents to come into conflict, both in order to understand the practical ramifications of this conflict as well as to try to formalize the limits of discursive practices.

Patrice Canivez "Rousseau et le droit naturel"

Sandrine Chassagnard-Pinet « Conflits de normes et conflits de droits »

Le conflit de normes est caractérisé par l'existence d'une règle de droit qui prescrit une chose alors que la seconde, issue d'un même corpus ou d'un corpus différent, commande le contraire. Les prescriptions formulées par ces deux règles antinomiques se heurtent de manière frontale. Si des outils de traitement de ce premier type de conflits ont été dégagés par les tribunaux, les juges se trouvent aujourd'hui confrontés à un second type d'antinomies, non pas directement entre les normes, mais entre les droits subjectifs reconnus aux individus par celles-ci. Des normes non-antinomiques, au regard des prescriptions formulées, attribuent des prérogatives individuelles qui, dans certains contextes, peuvent entrer en conflit. Fréquemment confronté à ce type de litiges, notamment en raison du développement du contentieux relatif aux droits fondamentaux, les juges sont amenés à renouveler leurs méthodes de raisonnement pour les traiter.

Fachrur Rozie and Shahid Rahman « On the importance of the ethical perspective on Meaning and the conflict between conventionalists and nominalists »