**Proceduralization of the Law**

The concept of “proceduralization of law” has been introduced in German legal theory and philosophy debates in the 1980s and 90s as a reaction to the “regulatory crisis” of the welfare state and the challenges of the “risk society” (Ulrich Beck). Drawing on the resources as diverse as discourse theory and systems theory, along with postmodernist, deconstructive, and autonomy-based modes of reflection on law and society, the foremost theorists of proceduralization – Jürgen Habermas, Rudolf Wiethölter, Gunther Teubner, Karl-Heinz Ladeur, Klaus Eder, and Ingeborg Maus – all advocated a turn away from the traditional formal and substantive paradigms of law towards a proceduralized version of the law.

Despite different articulations of this concept the common ground is that proceduralized law is not (or no longer) primarily characterized by its function to implement presupposed principles, values, or purposes of the respective practice of regulation. Instead, the perspective of the genesis of legal norms becomes central including the reflection on the principles and criteria of their evaluation as well as the conditions of involving various actors or limiting their access to the procedures of decision making and the creation of law.

Today, the relevance of this concept for legal and political theory and philosophy seems undisputed – “proceduralization”, often as an implicit concept, has long entered the debates surrounding the question of participation and democracy, of recognition and power relations, the processes of constitutionalization on both national and supranational levels, etc. However, rarely do we find an explanation of what the demand of proceduralization really is: Is it about the task (or the accomplishment) of a progressive democratization on all levels of the law, or is it rather primarily about a more efficient technique of the law? Can we recognize a gain in freedom when turning away from regulative law or is this only another form of wielding authority and power? And finally, is proceduralization a recent phenomenon or do we have to assume that the law, particularly in its modern form, has always been constituted in a procedural and self-reflexive way?

The aim of the conference is to revive the (philosophical) question of rationality (and irrationality) of the law, and to reconceptualize the category of “proceduralized” or “reflexive” law under the current conditions of its validity and modes of operation. The conference contributions will assess the potential and limitations of this concept along the problem areas of democracy, (transnational) governance, constitutionalization, and multinormativity.

**Registration and Information**
Conference participation is free, but registration is required.

Please register by November 19, 2015 by sending an email to: Sheplyakova@em.uni-frankfurt.de

**Conference Venue**
Goethe-University Frankfurt
Campus Westend
Normative Orders’ Building, Room EG 01
Max-Horkheimer-Str. 2, Frankfurt am Main


**Organizer**
Tatjana Sheplyakova (University of Frankfurt)

**Sponsors**
Deutsche Forschungsgemeinschaft
Goethe-University Frankfurt
Program

Thursday, December 3

15:00  Welcome and Introduction
Tatjana Sheplyakova (University of Frankfurt)

15:15  Hauke Brunkhorst (University of Flensburg)
Die Verschränkung von Repression und Emanzipation in der Evolution des modernen Rechts
Moderator: Thomas Biebricher (University of Frankfurt)

16:30  Coffee break

16:45  Klaus Günther (University of Frankfurt)
Multinormativität – zwischen Kollision und Kooperation
Moderator: Leonie Vierck (University of Frankfurt)

18:00  Coffee break

18:15  Karl-Heinz Ladeur (University of Hamburg)
Die Proceduralisierung des Rechts der Netzwerkgesellschaft
Moderator: Matthias Kettemann (University of Frankfurt)

Friday, December 4

09:00  Thomas Vesting (University of Frankfurt)
Implizite Bedingungen rechtlicher Normativität. Die Grenzen des positiven Rechts und die Proceduralisierung multinormativer Regime
Moderator: Simon Gunsch (University of Frankfurt)

10:15  Coffee break

10:30  Chris Thornhill (University of Manchester)
Transnational Law and the Procedural Construction of Constituent Power?
Moderator: Petra Gümplová (University of Erfurt)

11:45  Coffee break

12:00  Kolja Möller (University of Frankfurt)
Proceduralisierung und destituerende Macht
Moderator: Sonja Kleinod (University of Frankfurt)

13:15  Lunch break

14:30  Tatjana Sheplyakova (University of Frankfurt)
Das Klagerecht im Kontext der Proceduralisierung des Rechts
Moderator: Jonas Heller (University of Frankfurt)

15:45  Coffee break

16:00  Aliki Lavranu (University of Crete)
Proceduralisierung zwischen „Genese“ und „Geltung“ des Rechts
Moderator: Esther Neuhann (University of Frankfurt)

17:15  Coffee break

Saturday, December 5

09:30  Sam Ashenden (Birkbeck, University of London)
The Violence of Proceduralisation?
Moderator: Brian Milstein (University of Frankfurt)

10:45  Coffee break

11:00  Manolis Melissaris (London School of Economics)
Proceduralising Solidarity?
Moderator: Julian Culp (University of Frankfurt)

12:15  Coffee break

12:30  Catherine Colliot-Thélène (University of Rennes)
Politische Subjektivierung im Kontext der Pluralisierung des Rechts
Moderator: Federica Gregoratto (University of St. Gallen)

13:45  Refreshments – End of Conference