



UNIVERSITY OF DEBRECEN
FACULTY OF LAW

DEAN: PROF. DR. JÓZSEF SZABADFALVI



HOW TO MEASURE THE QUALITY OF JUDICIAL REASONING?

28-29 November 2014

Call for Papers

The Law School of University of Debrecen and the Institute for Legal Studies of the Hungarian Academy of Sciences are pleased to announce the call for papers for an international conference on the quality of judicial reasoning. The conference will be held at the Law School of University of Debrecen, Hungary on 28-29 November 2014. The first day of the conference has already been arranged for pre-invited speakers and participants of a roundtable discussion while the second day is open to all scholars interested to present a paper on the conference topic.

Description of the conference topic:

During the past two decades various ‘external’ (public trust, satisfaction, affordability and accessibility etc.) and ‘internal’ or ‘formal’ (timeliness, fairness of judicial process, independence and accountability of courts) benchmarks have been elaborated for assessing the quality of judicial activity. The question remains, however, whether we can measure the quality of the actual judicial reasoning at all.

This question is important on the one hand from a purely academic point of view: if there are methods to measure it, then traditional depictions of judicial activity as some kind of art (*ars boni et aequi*) or the manifestation of the mystical ‘judicial wisdom’ becomes unconvincing. If we can measure the quality of legal argumentation then we will be able to evaluate decisions of the judiciary and hold its members accountable in the case that their reasoning is considered unsatisfactory, in the same way that the work of other professions is also held up to scrutiny. A convincing methodology to measure the quality of judicial reasoning could possibly shift our paradigm of how we think about law in general.

Besides the academic interest, the issue is relevant also from a very practical point of view: the objective measurement of the quality of work spreads not only in academia (as we all know and which some of us rather dislike) but also seems unstoppable within the judiciary. The usual crude methods (e.g., number of judgments, hours of sitting, number of reversed cases on appeal) do not seem, however, to be able to reflect convincingly the real quality of a judge’s work.

We are interested in both the academic literature and the practice of judicial organizations in several European countries, i.e., among others, in questions such as: What is expected from judicial reasoning? Is there a general concept of good quality with regard to judicial reasoning? Is it spelled out in any legal documents (statutes, internal judicial guidelines, appellate cases)? If not, then how are these requirements enforced? Are there any attempts to

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Organisers: Mátyás Bencze, Ágnes Kovács and Krisztina Ficsor



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measure the quality of judicial reasoning? If yes, then is it rather a peer review method, a numerical measurement or a mixture of these? Are judges expected to pay attention to the parties' arguments or to societal expectations? If they pay attention, are they also expected to mention explicitly these expectations in their judgments? What is the self-understanding of judges that can be seen from judgments: protectors of rights, mouthpieces of the law, mediators, guardians of justice or something different?

The purpose of the first day of the conference is to compare the methods of the assessment of judicial reasoning as they developed in the major European legal cultures. For this reason some distinguished foreign researchers have been invited to Debrecen. We are pleased to have Zenon Bankowski (United Kingdom, University of Edinburgh) as keynote speaker and Markku Kiikeri (Finland, University of Lapland), Francesco Contini (Italy, Research Institute on Judicial Systems), Arthur Dyevre (Belgium, Catholic University Leuven), Gar Yein Ng (United Kingdom, Independent Researcher), Norman Weiß (Germany, University of Potsdam) and Zdeněk Kühn (Czech Republic, Charles University in Prague) will share the experience and conclusions of their research by delivering a presentation. After their speeches a discussion will be held where all contributions are welcome. A roundtable discussion on this topic will also be held with the participation of Hungarian and foreign experts.

The following day of the conference is dedicated to establishing the possibility of implementing an adequate quality-control system for adjudication through a deeper political and legal philosophical analysis of the nature of judicial activity. Where does adjudication stand between political decision-making and a professional activity? Can we measure the quality of adjudication in cases which might have serious political implications? What are the factors that courts can legitimately take into consideration when adjudicating legal claims (e.g. pressure from the mass and digital media)? These questions touch upon the issue of the proper balance between the idea of 'fidelity to law' and the judicial tasks of achieving substantive justice and providing legal remedies to rights claimants.

Case studies and theoretical explanations of these issues (in different contexts, such as theory of adjudication, 'virtue jurisprudence', legal sociology and moral philosophy) are equally welcome by either scholars or legal practitioners.

Other information:

The working language of the conference is English. For the second day of the conference we are inviting short abstracts (min. 300 – max. 500 words) of paper presentations on the topics above. Participants on the second day of the conference can deliver a 20-25 minute presentation which will then be followed by discussion. **Abstracts have to be submitted to Krisztina Ficsor (ficsor.krisztina@law.unideb.hu) by 30 September 2014.** Acceptance of applications will be communicated shortly after a blind review of the submitted abstracts. Participation without presentation is also possible but registration is required.

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The Application Form is available at:

[http://jog.unideb.hu/documents/tanszekek/jogbolcseleti/nemzetkozi_konferencia/application_form - how to measure the quality of judicial reasoning conference.doc](http://jog.unideb.hu/documents/tanszekek/jogbolcseleti/nemzetkozi_konferencia/application_form_-_how_to_measure_the_quality_of_judicial_reasoning_conference.doc)

Organizers are about to edit and publish a conference proceeding. Details will be communicated later.

There is no conference fee, but participants shall make their own arrangements for travel and accommodation. Free meals will be provided for the participants during the conference. The organizers will provide additional information about traveling and accommodation possibilities soon.

Should you have any questions, please contact one of the organizers or visit the conference website (<http://jog.unideb.hu/kutatasaink/nemzetkozi-konferenciak>):

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