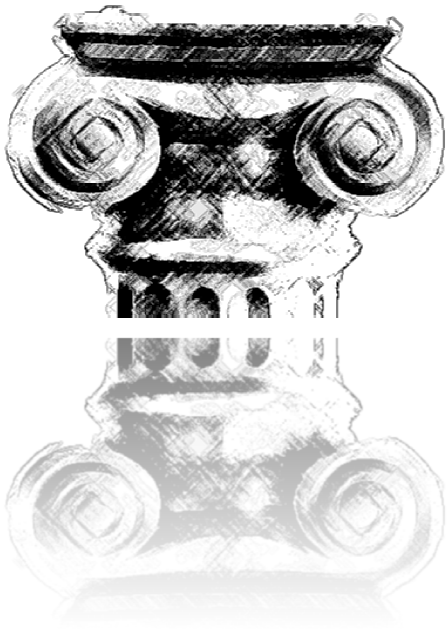
# 4th CONFERENCE ON LEGAL THEORY, LEGAL ARGUMENTATION, AND LEGAL PHILOSOPHY

# 4. KONFERENCA O PRAVNI TEORIJI, PRAVNI ARGUMENTACIJI IN PRAVNI FILOZOFIJI

## *"Natural Law in Postmodern Times"*

## *"Naravno pravo v postmoderni dobi"*



BLED, 9. – 10. 11. 2012

Organized by/Organizirata:
Graduate School of Government and European Studies
European Faculty of Law in Nova Gorica

FAKULTETA ZA DRŽAVNE IN EVROPSKE ŠTUDIJE

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# Introduction

An international symposium tracks the latest developments in the field of legal theory and legal philosophy and offers an insight into current developments and emerging debates. The title of this year's conference is ***"Natural Law in Postmodern Times"***, but the themes of accepted contributions fall under several of the below mentioned fields and topics:

- legal argumentation;
- approaches and dimensions of legal reasoning;
- law and logic;
- law, politics and democracy;
- challenges of international and transnational law;
- legal challenges of EU integration;
- legal philosophy and political philosophy;
- human rights;
- ethics and law.

This conference on legal theory, legal argumentation and legal philosophy that is co-organized by European Faculty of Law in Nova Gorica and Faculty of Government and European Studies. It received financial support from ARRS – Slovenian Research Agency. Selected papers from the conference will be published in the journal *Dignitas*.

Organizing and program committee members:

- Matej Avbelj, Faculty of Government and European Studies;
- Kaja Godec, Faculty of Government and European Studies;
- Jernej Letnar Černič, Faculty of Government and European Studies;
- Marko Novak, European Faculty of Law in Nova Gorica;
- Vojko Strahovnik, Faculty of Government and European Studies.

# Program

## Friday, November 9th

**9:45** – Opening speech (organizers)

***Panel 1: Legal philosophy and argumentation 1***

**9:50-10:25** – Seppo Sajama: Why must norms be general?

**10:25-11:00** – Vojko Strahovnik: What does the notion of prima facie duty have to do with defeasibility?

*short coffee break with snacks*

**11:10-11:45** – Giovanni Tuzet: How many a contrario arguments?

**11:45-12:20** – Marko Novak: How much moral cognitivism for a natural law theory?

*lunch break*

***Panel 2: Tracing the fundamentals to escape the enduring crises***

**13:30-14:05** – Jen Hendry: Legal Pluralism and Normative Transfer

**14:05-14:40** – Maria Cahill: The Good of Sovereignty and the Sovereignty of Good

**14:40-15:15** – Matej Avbelj: Closing the epistemic gap – reinvigorating the federal thought

*coffee break*

***Panel 3: Tracing the fundamentals to escape the enduring crisis of the European Union***

**15:30-16:05** – Janja Hojnik: Building Le Courbusier's towers of the European economic structure

**16:05-16:40** – Katarina Vatovec: The respect for general principles on the use of restrictive measures – too little too late?

**16:40-17:15** – Saša Zagorc: European democracy revised: a deficit or a sufficit?

**17:15-17:50** – Luka Burazin: The concept of law as an artifact concept

**19:00** *conference dinner*

## Saturday, November 10th

***Panel 4: International law, natural law and transnational justice***

**8:45-9:20** – Jernej Letnar Černič: The long and winding road to human dignity

**9:20-9:55** – Filippo Fontanelli: The emergence of judicial tests as a new interstitial source of international law

**9:55-10:30** – Raluca Grosescu: Natural and positive law in transitional justice

*coffee break with snacks*

**10:45-11:20** – Martin Luterán: The natural law and the postmodern principles of proportionality

***Panel 5: Student Session: Universal and International law***

**11:30-11:45** – Petja Mihelič: Universal fundamental norm of law

**11:45-12:00** – Mario Krešić: Sustainability of the principle omnis judex in re sua in international law

**12:00-12:15** – Robert Smrekar: The protection of fundamental rights as criteria for the implementation of security council resolutions – natural justice in international law

*short break*

***Panel 6: Legal philosophy and argumentation 2***

**12:25-13:00** – Guenther Kreuzbauer: Substantial and circumstantial evidence in legal argumentation

**13:00-13:35** – Matjaž Potrč: The Value of Truth and the Truth of Value

**13:35** – Concluding remarks (organizers)

# Abstracts

**Matej Avbelj**
Faculty of Government and European Studies

**CLOSING THE EPISTEMIC GAP – REINVIGORATING THE FEDERAL THOUGHT**

Among the many crises the European Union has been suffering through in the last years, none has been more obstinate and, perhaps, damaging as the crisis of meaning. By this we understand an overall lack of capacity of the European integration to conceive of itself other than a sui-generis entity. This has been a great handicap, not only in a meta-theoretical sense, as even theorists of European integration have been unable to pin it down to some established widely accepted meaning, but also in legal and above all political-democratic sense. If the body politics is unable to pronounce clearly on its character, then it is impossible for it to cope with any challenges, let alone with such as faced by the integration at present. President's Barrosso call for a federation of nation states is an important headway in this respect. It promises the bigger picture of the integration that might provide a comprehensive guidance for the future. But federalism itself is a rather controversial and above all historically distorted idea(l). This, therefore, begs a question whether federalism, and which among its many faces, can close the proverbial epistemic gap of the integration and provide that necessary theoretical, legal, political and democratic ethos that the integration has been missing.

**Luka Burazin**
University of Zagreb, Faculty of Law

**THE CONCEPT OF LAW AS AN ARTIFACT CONCEPT**

'Law' is often a) analysed in the concept monism fashion, b) by decomposing it into its essential or necessary features, and c) in line with its assumed hermeneutic nature that calls for an investigation into our law-talk with the aim of determining the concept of law. Assuming that the concept of law is determined by more than a mere understanding of those subject to law, consideration should be given to whether the concept of law is (exclusively) a hermeneutic concept or whether it would be more fruitful to explain law as a human artifact (based on the general theory of artifacts) and thus also the concept of law as an artifact concept (determined not only on the basis of how its addressees understand it but also on the basis of the intentions of the law-makers). Finally, if one were to accept that the concept of law is to be analysed as an artifact concept while taking into account the fact that the concept monism of today has failed to produce any adequate results, the possibility of accepting concept pluralism with respect to the concept of law (following the example of new tendencies in the philosophy of art) should be considered with the aim of creating an environment that opens up new lines of inquiry for legal theory and allows for a more fecund reappraisal of the existing conceptions of law.

**Maria Cahill**
University College Cork

**THE GOOD OF SOVEREIGNTY AND THE SOVEREIGNTY OF GOOD**

This paper will be given in two parts. The first part will examine what it is we need the concept of sovereignty for – what value it adds to our political and legal discourse, what end it conduces towards or, in Aristotle's language what its *telos* is. This will be done through a survey of both historical and contemporary uses of sovereignty, weeding out, where necessary, those conceptions of sovereignty which have emptied it of any 'good' or *telos*. The second part of the paper will examine the conception of sovereignty as 'sovereignty of the good' and try to extrapolate at least to some extent what this conception means in concrete terms. The conclusion will try to draw these two strands – the good of sovereignty and the sovereignty of good – together in order to reach a conclusion that evaluates their mutual compatibility.

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**Filippo Fontanelli**
University of Surrey

**THE EMERGENCE OF JUDICIAL TESTS AS A NEW INTERSTITIAL SOURCE OF INTERNATIONAL LAW**

In international jurisdictions path dependence is such that, even when there is no rule of stare decisis, precedents bear a central role in the case-law. Among other things, this implicates an increasing reliance on judicial tests formulated over time to rationalize and stabilize the application of open-textured provisions.
This process has led to the proliferation of tests created ad hoc and later developed into standards of review that are now writ in stone, such as the Salini test (to determine the existence of an investment), the Oil Platforms test (to assess prima facie the jurisdictional basis of a treaty-based claim), the multi-step necessity test in the WTO (to apply the general exceptions of GATT and GATS), the Mavrommatis test (to ascertain the existence of a legal dispute), the test of proportionality (routinely used by the Court of Justice of the European Union), just to name a few.
These tests have started to spill over onto other regimes than the one they were initially born in: since their rationale is to make general principles operational they are the perfect ready-made tool for other courts to pick when they are facing the typically difficult task of bringing principles and value-judgments in their reasoning.
The aim of this study is to observe this process and try to assess whether it challenges or develops the classical theory of the legal sources in international law.

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**Raluca Grosescu**
Institute for the Investigation of Communist Crimes and the Memory of the Romanian Exile; Faculty of Political Science, University of Bucharest

**NATURAL AND POSITIVE LAW IN TRANSITIONAL JUSTICE**

The paper analyzes the relationship between natural and positive law in transitional justice. It shows how different post-dictatorial societies designed judicial

accountability for human rights abuses, trying to reconcile law as written and law as right, procedural and substantive justice. The paper reflects upon transitional justice as mediating concept that seeks to mitigate the antinomies of positivism and natural law. Based on various examples from South Europe, Latin America or Eastern Europe, it illustrates how transitional justice, while grounded most of the time in positive law, tried to incorporate values of justice associated with natural law and thus mediating rule-of-law dilemma during periods of political transformation. The paper focuses also on the role of international law in transitional accountability. It shows that whereas international law preserves the ordinary understanding of the rule of law as settled law, it also enables transformation, allowing national justice to both diminish ex-post-facto challenges and limit impunity.

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**Jen Hendry**
University of Leeds, School of Law

**LEGAL PLURALISM AND NORMATIVE TRANSFER**

While legal norms have always crossed borders, be these national, cultural or functional ones, recent legal and social changes and developments have increased the importance of studying the circumstances under which law and norms are transferred from one context or locus to another. Neither is it only issues of legal and normative transfer that global, supranational, and post-colonial developments in society have brought to the forefront of the debates among proponents of comparative legal studies, however, but also the similarly topical matter of legal pluralism, which has starred in debates concerning the importance of locality and context in understanding legal features and practices. These two concepts find themselves inextricably linked by their conceptual relevance to different legal orders and to issues of conflict, contestation and interaction in terms of law, society, culture and legal culture, but are rarely (if ever) conceptualized with relation to each other. This paper submits that framing normative transfer in terms of legal pluralism adds another dimension to each concept, and attempts to illustrate this with reference to the example of nation state-internal normative pluralism in post-colonial societies with indigenous communities.

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**Janja Hojnik**
Assistant Professor of EU Law, University of Maribor

**BUILDING LE COURBUSIER'S TOWERS OF THE EUROPEAN ECONOMIC STRUCTURE**

Janja Hojnik will discuss undemocratic tricks that are being used in the process of establishing the European fiscal union. Economicacquis communautaire is getting increasingly unclear, dominated by the credit agencies, while citizens are being excluded from the process of establishing the foundations of the future economic union. Europe-wide demonstrations show that a stable European economic union can no longer be established by completely ignoring democratic principles and by presenting the economic issues as too complicated for the citizens to have any say in this matter.

**Mario Krešić**
University of Zagreb, Faculty of Law; European Faculty of Law in Nova Gorica

**SUSTAINABILITY OF THE PRINCIPLE *OMNIS JUDEX IN RE SUA* IN INTERNATIONAL LAW**

The principle *omnis judex in re sua* is a result of the original Westphalian conception of international law. The developments in international relations have motivated theorists to expand this conception with new content. Nevertheless, the principle still remains formally valid. It expresses the freedom of state to interpret for itself what the law is. State cannot be compelled against its will to submit its disputes with other states for international adjudication. One of the consequences of this principle is that one state may legally claim the right to remain judge in a dispute in which the rights of another states are involved. This further means that political rights are not enforceable on demand in community which is seen, at least by certain theorists, as a rule of law community. The contradiction between this principle and fundamental principles of law made Lauterpacht and Kelsen question the principle`s sustainability in international law. This contradiction was used by respective authors as an argument to request the introduction of compulsory adjudication in international law. However, it seems that social practice in contemporary international community does not justify their request. Nevertheless, their initial argument, based on the principles of law, could be strengthened by the argument based on political responsibilities in international community, similar to argumentation Dworkin used to justify humanitarian intervention.

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**Guenther Kreuzbauer**
University of Salzburg

**SUBSTANTIAL AND CIRCUMSTANTIAL EVIDENCE IN LEGAL ARGUMENTATION**

Anybody who has ever watched a Miss Marple movie or read a detective story knows that there is a difference between what we may call substantial evidence and circumstantial evidence. But theory of argumentation also knows the distinction between deduction, induction and abduction, and although abduction and circumstantial evidence seem to be equivalent at first glance, the exact relation between those two distinctions is not sufficiently understood by science.
For theory of legal argumentation this would be relevant, because more knowledge about this could provide a deeper understanding of rationality: Like virtually any human endeavor also argumentation is restricted by scarcity or resources. In this light there are cases where it is more rational to go for substantial evidence and there are cases where circumstantial evidence is optimally rational. A deeper understanding of these questions means a deeper understanding of rationality in general and in the case of legal argumentation. In the presentation the author will talk about these questions and how this sheds light to a better understanding of legal rationality.

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**Jernej Letnar Černič**
Faculty of Government and European Studies

**THE LONG AND WINDING ROAD TO HUMAN DIGNITY**

Respect for the human dignity of individuals is one of the cornerstones of every functioning democratic society. This article critically examines the landmark decision U-I-109/10 of the Slovenian Constitutional Court from 26 September 2011 on Article 2 of the Ordinance on Determining and Changing the Names and Course of the Roads and Streets in the Territory of Ljubljana Municipality (Tito street decision). It analyzes the decision from the perspective of human rights law and transitional justice, trying to draw out lessons concerning the understanding of human dignity and current ideological divisions in Slovenia. Equipped with this knowledge, this article argues that there exist strong normative and moral grounds for adopting a wide definition of human dignity, which prohibits the symbolic immortalization of the totalitarian regimes.

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**Martin Luterán**
Kolégium Antona Neuwirtha

**THE NATURAL LAW AND THE POSTMODERN PRINCIPLES OF PROPORTIONALITY**

The second half of the twentieth century has witnessed a worldwide growth in the use and importance of a constitutional principle of proportionality. More and more international and constitutional courts use proportionality as a tool in making their judgments about the limits of human rights. Similarly, more academics engage in the debate about the precise contours of this principle, its justification, and usefullness. Despite its arguable origins in the natural law tradition, the contemporary principle of proportionality differs significantly from its natural law predecessor. Natural law proportionality is being replaced by “postmodern” proportionality. This article will argue that the changes in the understanding of proportionality reflect an on-going paradigmatic shift in the understanding of human rights – a shift from a rule-based system inspired by natural law thinking to a more principle-based system infused by consequentialism. After showing the differences between natural law and “postmodern” principles of proportionality, it will be argued that the latter principle is confused, useless and potentially harmful. It systematically leads courts to one of the two extremes: 1) not giving sufficient protection to essential human rights, or 2) restraining states from acting for the authentic common good. The human rights law would be better off without this principle.

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**Petja Mihelič**
European Faculty of Law in Nova Gorica

**UNIVERSAL FUNDAMENTAL NORM OF LAW**

Research thesis entitled “Universal fundamental norm of law” will work out a new metaphysical aspect of legal science. The advantage of this theory compared to theories of classical or modern natural law is in its physical appearance, scriptural and historical evidence. Universal fundamental norm of law is not something that we should only be working out

using our reason and natural phenomena as it is the case for the theory of Natural law, nor is it something that that we should be creating in our mind and then rationalizing it to pass formal legal standards, as it is the case with Positivistic theories. Rather is the Universal fundamental norm of law unity of Natural and Positivistic law theories. St. Augustine says the following: "…but lest men should complain that something had been wanting for them, there hath been written also in tables that which in their hearts they read not. For it was not that they had it not written, but read it they would not. There hath been set before their eyes that which in their conscience to see they would be compelled" (St. Augustine: *Exposition on the Book of Psalms*, Psalm LVIII, 1). While Natural law was always accessible to man, but rationalist mindset that demands empirical proofs for all things ("...by putting God to the test we make fools of ourselves…" Wisdom 1,3), wasn't prepared to acknowledge it and make positive laws according to this already established model. Natural lawyers had quite an arduous task in trying to convince them on the existence of such a law, because if there is no objective Lawgiver there cannot be objective laws. Rationalists may be compared to apostle St. Thomas who said: "First, I must see the nail scars in his hands and touch them with my finger. I must put my hand where the spear went into his side. I won't believe unless I do this!" (*Holy Bible*, John 20,25). So first the Creator of natural laws codified its fundamental norms by placing it on the 10 Commandments Tablets. Natural law was thus made known to Jews and Gentiles but "made nothing perfect" according to Scriptures (*Holy Bible*, Hebrews 7,19). But nevertheless it was a great step forward by placing fundamental legal norms in clear positive form. From the beginning of the creation Eternal law was placed in nature of things and nature of man, but it was unseen, then it was written on the Tablets and finally it became flesh with the incarnation of the Son of God and thus brought to completion – Natural law was made perfect (*Holy Bible*, Romans 10, 4). It became accessible for man's ratio and his empirical methods: and Christ said to Thomas, "Put your finger here and look at my hands! Put your hand into my side…" (*Holy Bible*, John 20,27). Christ brings objective final answers to key questions of positive law. He is universal fundamental norm of law and only in Him can key legal questions be answered in complete truthfulness and righteousness.

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**Marko Novak**
European Faculty of Law in Nova Gorica

**HOW MUCH MORAL COGNITIVISM FOR A NATURAL LAW THEORY?**

Moral cognitivism (or objectivism, sometimes even realism) claims that there are moral facts that can, in principle, be known since they are independent of believes or attitudes. Quite the contrary, moral non-cognitivism (anti-objectivism or irrealism) denies the upper assertion that moral facts are independent of the will of divine or of human law-givers. The two philosophical positions necessarily determine legal philosophers' option for either supporting the thesis of connection between law and morality, or denying it (the so-called separation thesis). Extreme moral cognitivism would most probably lead to a position on that issue by an exclusive legal non-positivist (or natural lawyer?), while extreme moral non-cognitivism would be advocacy by an exclusive legal positivist. It is much more difficult to deal with the difference between moral cognitivism and moral non-cognitivism when it concerns the inclusive versions of either legal positivism or legal non-positivism. In such a case a concept of moderate moral cognitivism seems necessary to be developed to properly address and explain, e.g., the problem of the (moral) difference between a *malum in*

*se* and a *malum prohibitum* that has well been established in the legal tradition of criminal substantive law. Moreover, since today the designation of natural law theory is mostly "reserved" for theoretical attempts by exclusive legal non-positivists, there appears the question of how much moral cognitivism is needed to constitute such a theory. Is it ever possible for an inclusive legal non-positivist theory based on moderate moral cognitivism to count as such?

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**Matjaž Potrč**
University of Ljubljana

**THE VALUE OF TRUTH AND THE TRUTH OF VALUE**

The value of truth is known as truth-value. Relatedness between two-valued logics and the construal of truth as direct correspondence is pointed out. Some terms, close to the social, deontic and thus to the value related matters present problem for the ontological support of truth as direct correspondence construal. One may stick to this construal, adding truth values and extend their ontological support. Another solution is to accept the construal of truth as indirect correspondence, along with the denial that posited entities exist in the ultimate ontology. This may be seen as the act of adding value to an account of truth. Truth conditions are measured by the nature of their deontic commitments. One can distinguish between truth conditions that happen via direct correspondence and between these that have indirect correspondence as their support. In this last case the further distinction is between indirect correspondence without deontic commitments and between indirect correspondence via constitutive deontic commitments. Finally, there are cases with no truth conditions, where valuative moral judgment may serve as a guide.

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**Seppo Sajama**
Department of Law, University of Eastern Finland, Joensuu

**WHY MUST NORMS BE GENERAL?**

It is plain that they must, and that is what Aristotle says, too. Therefore, it is not surprising that very few people have ever posed the question, at least before the end of the 20th century, within the law and economics movement. The only exception seems to be Thomas Aquinas who argues (in *Summa Theologiae II-I*, 94, 4) that the more a norm goes into details, the more problems will arise. ("[Q]uanto magis ad propria descenditur, tanto magis invenitur defectus.") This makes sense, because every added detail makes the norm more complex, more difficult to apply and, therefore, less efficient. It will be examined whether Aquinas really invented the idea that the law of diminishing returns works in legislation.

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**Robert Smrekar**
European Faculty of Law in Nova Gorica

**THE PROTECTION OF FUNDAMENTAL RIGHTS AS CRITERIA FOR THE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTIONS – NATURAL JUSTICE IN INTERNATIONAL LAW**

The world of international law is a world of plural legal sub-systems which exist in mutual heterarchical relationships. The jurisdiction of each of these sub-systems is defined by the materia they regulate and it is therefore quite possible for a subject of international law to be, in a given time, under the jurisdiction of various legal systems which require different and even opposite behaviour. As a general rule, UN law retains a hierarchical supreme position over its jurisdiction and this recognition is underpinned by UN sui-generis character combined with its main task: the protection of world peace and human rights. While introducing targeted sanctions a crucial question has arisen, namely: should national and supra-national legal systems unconditionally implement UN Security Council resolutions even when they don't comply with constitutional human rights protection standards? This conflict is manifest in the clear and demanding dilemma; should international obligations prevail over the protection of human rights, should security prevail over freedom? On the European continent the issue opened a broad discussion about the hierarchical relation between UN and EU law. Analysing some of the most notorious judgements of European courts we could advocate that there exist a set of higher norms, which incorporate a natural law essence. In a Radbruch sense, where UN statutory law is incompatible with the requirements of justice »to an intolerable degree«, such law must be disregarded.

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**Vojko Strahovnik**
University of Ljubljana, Science and Research Centre University of Primorska and Faculty for Government and European Studies, Kranj

**WHAT DOES THE NOTION OF *PRIMA FACIE* DUTY HAVE TO DO WITH DEFEASIBILITY?**

In many debates on legal defeasibility, especially those framed in terms of defeasibility of legal norms one finds several references that try to put forward an analogy between defeasible legal norms and defeasible moral norms. One of the authors most frequently referred to in this regard is W. D. Ross who has developed the notion of *prima facie* duties. In the paper I investigate whether such analogies are plausible and what is really defeasible in *prima facie* duties. I argue that in one of the senses of defeasibility – the one that is closely connected with the notion of an exception –, *prima facie* duties (at least in the sense that Ross understands them) are clearly not defeasible. *Prima facie* duties are best understood as basic moral reasons. What generates defeasibility within this model of moral thought is moral pluralism.

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**Giovanni Tuzet**
Università Bocconi

**HOW MANY A CONTRARIO ARGUMENTS?**

Legal argumentation theory distinguishes two versions of the A Contrario Argument (ACA): a strong and a weak one. I claim there are actually three of them: a strong, a weak and a minimal one. The strong version is used to claim that a case which is not explicitly regulated by a legal norm has to be regulated in the opposite way. In this sense the ACA is taken to imply that the case is regulated by the law: there is no gap in

the law in relation to that case. According to the weak version, instead, there are no legal grounds for extending to the non regulated case the discipline of the norm; so the case has to be regulated in the opposite way. In this sense the ACA is used to claim that there is a gap in the law that cannot be filled. Finally, in the minimal version the ACA is used to claim that there is a gap in the law because the norm does not regulate the case. Scholars usually agree on the strong version but have different views on the others. I will give examples of them and discuss their status and justification conditions.

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**Katarina Vatovec**
Faculty of Government and European Studies

**THE RESPECT FOR GENERAL PRINCIPLES ON THE USE OF RESTRICTIVE MEASURES – TOO LITTLE TOO LATE?**

It is widely acknowledged that periods of crisis have a negative impact on the respect and protection of fundamental rights. For example the post-9/11 era brought a significant degradation of fundamental rights. Similarly, the current economic crisis seemingly affects fundamental rights in various ways. The discussion will focus on restrictive measures as tools the European Union Member States use in order to "uphold respect for human rights, democracy, rule of law and good governance" (Council's Note, 10198/1/04, REV 1, PESC 450). It will be argued that restrictive measures and their use are governed by some general principles (e.g. the rule of law), whose respect is in times of crisis seriously challenged.

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**Saša Zagorc**
University of Ljubljana, Faculty of Law

**EUROPEAN DEMOCRACY REVISED: A DEFICIT OR A SUFFICIT?**

It was not until Moravscik shook the doctrinal univocity of the last two decades that European Union does not rest firmly on the solid layer of democratic foundations, with his empirical analysis and de-idealising of a perfect democracy. The last and probably the most prominent stakeholder of the 'democratic deficit' doctrine to do so, the German Federal Constitutional Court, issued the *Gauweiler Urteil*, in which it re(in)stated the lack of democratic legitimisation of the European Union as long as no uniform European people could express its will equally and in a politically effective manner. Various perspectives and backgrounds of interlocutors prevent a coherent debate and obviously trigger different conclusions. In order to avoid not seeing the wood for the trees, one should dig deeper into the core of a regulated society: What makes it a genuinely democratic entity? And finally, *la question contemporaine*, does the European Central Bank need more democratic oversight and formal control over its action?

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**General information/O dogodku**

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