

TURNING POINTS AND BREAKLINES

The most important factors characterizing the rules of the human coexistence are: law, culture, social traditions and religion. Though in most states these differ in effectiveness and interpretation, it can be summed up that, interference of the above mentioned law, culture, legal customs, traditions and ethicoreligious norms that leads to social variety. This gives different answers for given legal questions, moreover approaches the essence of some institutions with special, individually characterized questioning. The different historical periods and the different states belonging to diverse religious and legal cultural communities give us various examples that interference of these four factors differ in their method, but considering their results and intentions, they can lead to similar solutions.

Do breaklines exist between the four factors mentioned above, or is interference inevitable? Can the borders between them become so indistinct that their separation could hardly be made?

If we are examining different historical periods of time, we can state that; it happened, that the law tried to be established by disregarding of traditions, but we can also mention many examples where, tradition manifested in the legal customs, deterred the power of the legal norms. Even up until today, it is typical, that the power of religious and ethical norms can influence deeply the legal life that it, being crowded out from the legislation of a legal territory, gives a possibility of the predominance of religious norms. As long as common law countries have insisted on the importance of legislation based upon traditions, the states of the European continent and the Islamic countries preferred the ethicoreligious basis and the rules of customary law.

The relation of law, culture, tradition and religion can be examined on the level of the community and the person belonging to it.

How can the person, determined by subjectivity, while solving a given legal case, apply the legal norms without getting under the influence of those rules that determine that community he lives inside? How can these leading moral, ethical, traditional and religious rules influence the legal sense of the person?

Even in the case of legal experts, it can be observed through their work, how they had a significant effect on both their contemporaries and succeeding generations, by clarifying legal dogmatism. At the same time it can be noticed how their ideas were influenced by the law schools they belonged to, by the community they lived in, and also by the doctrines obtained from the scientific work of their predecessors. Similarly can we speak about those jurists working in the practice, who, while doing their average work and solving legal cases by applying the law, made their decisions under the influence of the ruling ideas of the social environment that they lived in.

When we talk about turning points, practically speaking, we would like to catch those moments when a new authority assumed power, when a new leading idea was born, when continent-spanning changes of ideological approaches occurred, that could also be the catalyst of a political metamorphosis, or when the basis of the above mentioned four factors, representing authority, became impaired and by this fact and law, culture, tradition or religion lost their significance at the expense of each other.

We would like to kindly ask all those colleagues who would like to participate at our conference with a presentation to send a one page long abstract and their CV until 15th January 2008 to the following e-mail address: peres@ajk.pte.hu.

The organizers of the conference shall decide about the acceptance of the papers till 31st January 2008.