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THE FUTURE OF JURISPRUDENCE. PROCEEDINGS OF THE XXIX ITALIAN-FRENCH-PORTUGUESE-SPANISH CONFERENCE ON LEGAL THEORY PART I

Edited by D. Almonacid and M. Segatti

Introduction

*Diego Almonacid**
*Marco Segatti***

Abstract

This introduction presents the papers collected in the first issue of *Analisi e diritto*, originally delivered at the XXIX Italian-French-Portuguese-Spanish Conference on Legal Theory, held in Genoa in October 2025. Marking the thirtieth anniversary of the "Imperia seminars", it briefly reconstructs their history, distinctive format, and contribution to the development of an international network of analytical legal philosophers. It then outlines the contributions by Paolo Comanducci, Alejandro Daniel Calzetta, Rafael Buzón, Gonçalo Fabião, Elena Marchese, and Jorge Baquerizo Minuche, highlighting their shared commitment to conceptual clarity and the analysis of legal institutions. The introduction also announces the publication, in the second issue, of the papers presented at the conference's round table in memory of Frederick Schauer.

Keywords: Imperia Seminars. Analytical Legal Philosophy. Legal Theory.

This first issue of *Analisi e diritto* for 2026 brings together the first group of papers presented at the XXIX Italian-French-Portuguese-Spanish Conference on Legal Theory, held at the University of Genoa on 23 and 24 October 2025 under the title *The Future of Jurisprudence*. The conference marked thirty years since the first meeting of what has come to be known as the "Imperia seminars". Its title invited participants to look forward, but the anniversary also offered a natural occasion to reflect on the intellectual tradition from which these meetings emerged, the community they have helped to create, and the challenges currently facing analytical legal philosophy.

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As is customary, the conference was organised around two distinct sessions: individual papers presented by junior researchers, followed by a thematic round table devoted to the work of a major legal theorist. This year's round table commemorated Frederick Schauer and discussed his enduring contribution to jurisprudence. The individual papers by junior scholars appear in this issue, together with a presentation of the conference by Paolo Comanducci. The second issue will publish the contributions presented by J.P. Alonso, N. Bersier Ladavac, B. Duran-Jamis, G.B. Ratti, M.B. Arriagada, and J. Sampaio during a round table held in memory of Frederick Schauer.

Comanducci's short presentation, "*Thirty Years of 'Imperia'*," reconstructs the history of the "Imperia seminars" while resisting a merely celebratory conclusion. The story began in Imperia in 1995. Following a suggestion by Ernesto Garzón Valdés, a small group of legal philosophers from Spain, Italy and Latin America decided to establish a regular forum devoted to analytical legal theory. The network, he argues, now faces a genuine moment of uncertainty. The pandemic weakened the practice of regular in-person meetings; fewer universities are directly involved in their organisation; and legal philosophy itself has increasingly moved towards moral and political philosophy, sometimes losing sight of the specificity of law and of the analytical standards associated with figures such as Kelsen, Hart, Ross, Bobbio and Tarello. Comanducci's concern is both intellectual and institutional. A philosophy of law that abandons conceptual precision risks becoming indistinguishable from political commentary or moral advocacy; one that loses contact with law faculties may also undermine the academic conditions of its own survival.

Alejandro Daniel Calzetta brings together two strands of the network's intellectual history by comparing Ambrosio L. Gioja and Giovanni Tarello. Gioja's distinction between pre-scientific and scientific law is placed alongside Tarello's distinction between external and internal legal culture. Calzetta argues that these accounts can be combined: pre-scientific law may be understood as the recognitional component of the opinions generated by external legal culture and, at the same time, as the material upon which internal legal culture operates. His proposed "GT Model" is more than an exercise in intellectual history. It offers a framework for explaining the production and stability of legal knowledge, as well as the circumstances in which a shared representation of positive law may begin to collapse. The paper thus reconstructs an early affinity between the Buenos Aires and Genoa schools while outlining a possible common research programme.

Rafael Buzón addresses one of the central difficulties confronting contemporary non-positivist and post-positivist theories: how to accommodate the institutional dimension of law without reducing it to substantive moral reasoning. Focusing on formal principles, institutional reasons and their place in legal argument, he considers whether the claim that law is necessarily connected with morality can adequately explain the authority and relative autonomy of legal institutions. His analysis suggests

that the challenge is not simply to add institutional considerations to a pre-existing theory of substantive justification. It is to explain their distinctive weight and their capacity to constrain legal decision-making within a constitutional state.

Gonçalo Fabião offers an analytical reconstruction of the phenomenon of competence. Drawing on the ontology of institutional facts, he distinguishes an institutional action from its institutional result and defines competence as the institutional capacity to perform such an action. This makes it possible to separate the possession of competence from the rules governing its exercise, and legal existence from legal validity. A norm may belong to a legal system because it was produced by a competent body, even though the exercise of that competence breached substantive or procedural requirements. The distinction provides a precise account of defective institutional acts and casts new light on a conceptual field in which competence, existence and validity are frequently conflated.

Elena Marchese examines the quality and correctness of judicial decisions by bringing the rationalist theory of evidence into conversation with the literature on epistemic injustice. She distinguishes a justification-centred approach from an epistemic-injustice approach and proposes a tripartite, gradual conception of judicial correctness. Epistemic injustice does not invariably undermine the factual justification of a decision, she argues, but it always affects procedural fairness. The further distinction between testimonial injustice as an error and hermeneutical injustice as an imperfection helps identify different ways in which adjudication may fail. Her paper therefore expands the evaluative vocabulary of evidence theory while preserving the analytical distinctions needed to assess judicial decisions.

Finally, Jorge Baquerizo Minuche undertakes a conceptual clarification of the apparently paradoxical notion of an "unconstitutional constitutional amendment." He distinguishes the normative phenomenon from the judicial doctrines developed in response to it, as well as conceptual, empirical, prescriptive and ideological forms of discourse. On this basis, he proposes a stipulative definition centred on formal constitutional changes that, according to certain interpretations, conflict with constitutional norms limiting the amending power. His analysis shows that the concept depends on distinctions among amendment, validity, hierarchy and interpretation, while also raising questions about the institutional conditions under which it can acquire practical legal effects.

Taken together, these contributions illustrate the importance, for the future of jurisprudence, not only of conceptual rigour but also of the institutional spaces in which different traditions, languages and generations can meet. The Imperia seminars have sustained such a space for thirty years. We hope that the papers collected here will help keep that conversation alive for the years to come.

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