ON
ASCARELLI'S
TRAILS

May 25th to 29th, 2020 São Paulo-SP
"Nas Trilhas de Ascarelli" (May 25 - 29, 2020)

Submission of papers (expanded abstracts) to be presented in the Workshops

1. Workshops.
   The congress "Nas Trilhas de Ascarelli" will be comprised of four (4) workshops:


       Law is a practice and, as such, it is eminently changeable, which is why its understanding presupposes an examination of the historical, economic, social and ideological aspects of the various cultural manifestations. In seeking to understand the legal phenomenon, the role of comparative law stands out, whose objective is to understand the differences between the plurality of legal models, in order to elucidate existing law and to provide useful indication on the law in preparation.

       Comparative law, as Tullio Ascarelli explained, is not limited to comparing legislation: it requires "the actual comparison of rights, considered in the practical application and technique of their interpretative development", which involves considering the "implicit assumptions" that influence the formulation of the problems to be solved by comparison (ASCARELLI, Tullio. Problemas das sociedades anônimas e direito comparado. São Paulo: Saraiva, 1945, p. 49).

       This methodological warning, among others developed by Tullio Ascarelli, marks the development of comparative law in the 1940s and 1950s, especially due to its functional analysis. Here, comparative law is understood as a means to broaden our legal experience in space, assisting legal progress by understanding and evaluating the various synchronously considered legal systems.

       Contemporary reality, however, differs significantly from that experienced by the Italian jurist. The social complexity, resulting, among other factors, from the increase in economic and legal interdependence between different countries promoted by the process of globalization, implies obstacles in the task - essential to comparative law - of differentiation between legal systems.

       Assuming that the legal system is an expression of cultural experience, and that the process of globalization impairs the sharpness of cultural differences, this workshop aims to discuss how the Ascarellian conceptual contribution about comparative law can help jurists to think about the current cultural reality and to solve the problems existing in it. Moreover, the workshop aims to discuss the extent to which their conceptions should be adapted.


       Study and practice of contemporary commercial and corporate law are marked by interdisciplinarity and internationalization. The traditional legal discourse of these fields constantly dialogues with and receives inflows from different rationalities, especially from economic theory.
Furthermore, a globalized economic system puts lawyers in contact with norms, concepts and theories derived from multiple legal systems, be them national, international or even global. In view of these challenges, Tullio Ascarelli's work stands out, highlighting his status as one of the most important legal theorists of the past century. His early interest in the interaction between law and economics, especially with regard to production of legal norms and the evolution of legal systems, and in the comparison of legal solutions to issues raised by the advance of capitalism in different jurisdictions, resulted in a vast, innovative and pioneer intellectual production, one that combines methodological rigor and attention to the not always virtuous evolutionary dynamic of the market economy. These connections invite us to ponder: to what extent are Ascarelli's contributions helpful to tackle the challenges faced by contemporary commercial and corporate lawyers and practitioners? Is it possible to take a step back, to update or criticize elements from Ascarelli's reflections, without ignoring the particular historical context in which he lived and wrote, in order to propose steps forward on the present days? This workshop is calling for papers guided by these general premises, applied to any of the commercial and corporate law areas, notably (i) contract law, (ii) corporate law and capital markets, (iii) competition / antitrust law and intellectual property, (iv) credit, receivables and securities law and (v) monetary law.


Tullio Ascarelli has studied several areas of Law, especially Commercial Law. Beyond his ideas and conceptions with respect to legal institutes and norms, however, it shall be noted the methodology developed by Tullio Ascarelli to develop his studies. Contrary to the common figure of the expert, that is restricted to a certain area of Law, he had a comprehensive view of law, even when dealing with specific subjects. In this sense, Ascarelli's studies of legal institutes or norms are always sustained, either expressly or implicitly, in an a concept of law, as well as in historical and philosophical foundations. On the other hand, and as the corollary of this way of thinking, it is highlighted in Ascarelli's work the role of legal interpretation, in which it reflects on problems such as the declarative or creator character of interpretation, its historical function and the orientation of the interpreter. The goal of the Tullio Ascarelli Workshop on methodology of law and interpretation is to allow the debate on methodology and legal interpretation, based on Ascarelli's way of thinking the Law. In particular, it is expected that the Workshop's debates will highlight the complex relationships between theory and practice, dogmatic and philosophy, legal norm and social reality, concrete case and general norm, declaration and creation of law, among other themes and concepts.


History is a central topic on the intellectual journey of Tullio Ascarelli, who, considering the challenges of his time, has resorted to History to explain, question and interpret them. Ascarelli's understanding was that jurists should take History as at the same time start and arrival point, mainly when interpreting the law, which manifests itself on History, on Legal History and on the History of Legal
Thought, as stated on Ascarelli's essay "Antigone e Porzia" (1955). Thus, for him, legal systems and the evolution of its dogmatics can be understood by and through History. Therefore, this workshop wishes to collect papers about, on a historical perspective, (i) private law during Ascarelli's life (1930-1950), in Brazil or Italy, (ii) the value of Ascarelli's contribution to Legal History, (iii) his contribution to the development of Brazilian law (for example, on his pioneering studies on tax law, etc.) and (iv) his general view about History and about Brazil, mainly taking as a starting point his "Sguardo sul Brasile" (1949). All papers must critically dialogue with Ascarelli's works, mainly considering the uses of History by the Italian jurist.

2. Time and Place.

The workshops will take place on Tuesday and Wednesday (26-27th May), during the afternoon (14h-17h, in Brasília Time - BRT), at the Law School of the University of São Paulo (USP). The auditoriums for the presentations shall be informed when closer to the congress date.
Inscriptions will not be required.

The congress will be free and open to all.

3. Papers submission.

3.1. Author(s)

Expanded abstracts may be submitted by graduating, post graduating and graduated students from universities in Brazil and abroad.

Each participant may present a different paper in up to two (2) workshops and eventual time adjustments are in charge of the coordinators of the concerned workshop.

3.2. Content

The expanded abstract shall contain: (i) the name and the academic degree of the author(s) (maximum of two - 2 - authors per article), (ii) title, (iii) keywords (2-5 words), (iv) research question, (v) objectives, (vi) methodology, (vii) conclusion (even if preliminary), (viii) bibliographic references.

3.3. Text formatting

The expanded abstract shall be written in two (2) to four (4) pages, with margins of 2 cm, the text in 11pt, Arial font, justified text alignment and 1.5 line spacing in A4 paper size.

The title shall be centralized, while the name(s) and academic degree of the author(s) shall be aligned to the right.

The bibliographic references shall be conform to the ABNT formatting (Brazil's academic official formatting), except for legislation that must follow the form of Complementary Law nº 95, of February 26, 1998, and the jurisprudence, which must follow the standard traditionally accepted in law (complete indication of the Court, Rapporteur, designated Rapporteur- if applicable-, whether unanimous or majority vote, case and judgement number, judgment date, date of official publication).
3.4. Expanded abstract and presentation idioms.

Only expanded abstracts in Portuguese or in English will be accepted. The presentations may also be in Portuguese or in English.

3.5. Form and deadline for submitting.

The expanded abstract shall be sent to the email address "trilhasascarelli@gmail.com" until March 25, 2020.

The "Subject" of the email shall be filled in with the intended workshop (1, 2, 3 or 4, as pointed in the item 1 above), the name of the author(s) and the full title of the paper.

3.6. Admission criteria and announcement of results

The papers shall be original, unpublished and be conform to the justification of the workshops (item 1 above). They shall also use Ascarelli’s works broadly and critically.

The coordinators of each workshop are in charge of the evaluation, the selection and the admission of the papers. Expanded abstracts may be reallocated to another workshop, if appropriate.

The announcement of the admitted expanded abstracts will be on April 15, 2020, via email.

4. Presentations.

Each workshop will be coordinated by two (2) students of the Graduate Program of the Law School of the University of São Paulo (USP).

The duration of the presentations will be accorded by the coordinators and the presenters at the beginning of each session. It is recommended that the presentations last ten (10) minutes, followed by comments by the coordinators and debates.

Certificates attesting the participation will be issued to those who present their papers.

5. Papers’ Publication.

The two coordinators responsible each workshop will choose one (1) of all papers presented in the respective workshop, in consideration to the following criteria: thematic affinity; use of Tullio Ascarelli’s works, development of the research question.

It is possible that these selected works are published in a volume which will gather the conferences presented in the congress "Nas Trilhas de Ascarelli".

6. Doubts

Doubts concerning this congress shall be sent to the email address trilhasascarelli@gmail.com.

Organizing Committee