



Central and Eastern European
Network of Legal Scholars



UNIwersytet
Opolski

1st Critico-Juridical Symposium

What Legal Critique for Central and Eastern Europe?

University of Opole, 13-14 April 2018

CALL FOR PAPERS

Critical legal theory, in its original form pioneered mainly in English speaking academic contexts, has won itself a reputation of methodological pluralism, trans- and postdisciplinarity and, in general, of a sceptical approach to scientific disciplines and methodologies. We contend that this has much to do with the prevailing features of both Northern American and British legal academia, namely to its relative socially marginal role *vis-à-vis* the judiciary as well as to the heritage of the common law culture that substantially marked by an empiricist outlook and an antirrhetic approach to law. Within this context critical legal theory has never developed, and for that matter, neither its aim was to develop into a proper *Rechtswissenschaft* or *science juridique* (conceived as a coherent body of reliable knowledge on the juridical phenomenon), thus situating itself at the outskirts of the social sciences and humanities. Perhaps a most symptomatic moment of this negation of legal science in the Anglo-American world is the blatant refusal to call itself a



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‘science’, although social scientists and political scientists have no problems in using this term to their field of enquiry. This symbolic mutilation and methodological scepticism were only strengthened by the advent of Critical Legal

Studies in the 1970s which, as a post-realist legal movement, were programmatically sceptical of any scientific endeavour in the field of law.

Today, with the rather belated reception of critical legal theory in Central and Eastern Europe – four decades after its birth in the Anglo-American context – there is a unique opportunity to rethink its methodological foundations. First of all, in the meantime what was the post-modern counter-culture, such as so-called French theory, became the academic mainstream in the social sciences and humanities. Secondly, critical theory itself has developed, for instance through the intellectual efforts of such scholars as Slavoj Žižek, Chantal Mouffe or Alain Badiou. Thirdly, whilst the original strand of Anglo-American legal critique was marked by the specific particularities of Northern American legal context, the reception of legal critique on the continent, and specifically in post-communist Central and Eastern Europe gives rise to new challenges and opens new possibilities. Being far from advocating to take on board all the paradigms of analytical legal theory, as it developed (and flourished), for instance, in Poland in the post-War period, we do think that more methodological rigour and conceptual clarity would definitely be beneficial for critical legal theory as a basis for developing a critical science of law (in the sense of an authentic *Rechtswissenschaft*, as opposed to *Rechtslehre*, mere ‘legal doctrine’ focused on black-letter law).



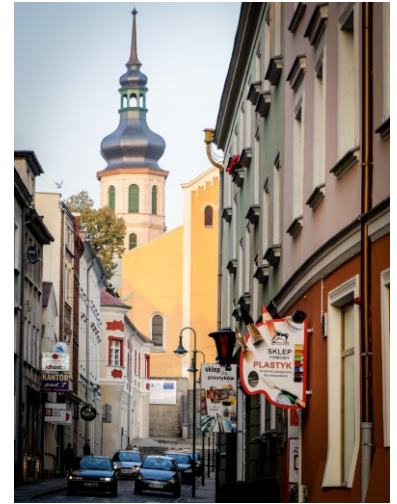
Odra River in Opole. City of Opole. Photo: Karolina Lubryczyńska – under Creative Commons (Flickr)

For this purpose, the **Central and Eastern European Network of Legal Scholars** has decided to launch a series of annual seminars, called *Critico-Juridical Symposia*, in order to develop, within a small working group of (mostly invited) scholars of critical theory, the methodological foundations of a critical legal science capable of analysing, interpreting and questioning the politico-juridical context of Central and Eastern Europe. The aim of this endeavour is

to set out the basis for a radical and sustained critique that would offer an innovative input towards the reconstruction of knowledge of the juridical phenomenon in general. We believe that Central and Eastern Europe, with its unique historical experiences and its special place at the crossroads of numerous projects of modernity, is best placed to come forward with ideas which will indicate the directions of a progressive legal science of tomorrow. The aim of this project is to overcome the existing narratives and methodologies prevalent in contemporary jurisprudence as well as the hierarchies and hegemonical positions sustained by the current status of both law and critique. We believe that our *Critico-Juridical*

Symposia can provide the necessary venue, atmosphere and spirit for the construction of a new, progressive, critical legal science.

To this end, we invite papers by critical scholars – not necessarily from the legal field – wishing to explore the possible methodological foundations for a progressive and radical critique of the juridical phenomenon. We thus invite papers of a theoretical nature engaging with alternative ways of mapping and analysing the juridical, or outlining methodological proposals *in abstracto*. Moreover we are open to papers dedicated to a more minute analysis of the ways in which a specific theoretical concept is applied to a particular area of the law, legal institution, or even individual legal norm or judicial decision.



Opole Old Town. Photo by Kuba Bożanowski – under Creative Commons license (Flickr)

Organisational matters

The symposium is intended as a small event (maximum 25 participants) intended for scholars working in critical theory (especially critical legal studies, critical political theory, critical sociology) and wishing to present a methodological paper on legal critique in Central and Eastern Europe. The formula is of an intensive methodological seminar and is open, in principle, to scholars with a PhD or advanced PhD students who have an established track-record of publications. Due to the limited number of places, we will accept only papers which are exactly focused on the topic (critical research methodology, with a focus on law, politics and ideology) and offer new insights.

Please send your abstract (300-500 words), specifying your name and affiliation to ceenels@ceenels.org no later than on 15 March 2018. We will communicate acceptance by 20 March 2018 at the latest. PhD candidates wishing to submit an abstract should also attach a full list of publications and a sample of a recent peer-reviewed publication on critical theory.

If you need our letter of acceptance earlier, e.g. to obtain funding or make a visa application, please let us know. In order to cover the conference costs, there will be a participation fee of 50 EUR. The details on the fee will be communicated in the letter of acceptance.

Organizing committee: Prof. Adam Sulikowski (University of Wrocław); Dr. Cosmin Sebastian Cercel (University of Nottingham); Dr. Rafał Mańko (University of Amsterdam); Dr. Jacek Srokosz (University of Opole); Dr. Paulina Bieś-Srokosz (Jan Długosz Academy in Częstochowa).