



Central and Eastern European  
Network of Legal Scholars



UNIVERSITAS  
OPOLIENSIS



**1st Critico-Juridical Symposium**

# **What kind of critique of law in Central and Eastern Europe?**

**University of Opole, Faculty of Law and Administration**  
ul. Katowicka 87a, 45-060 Opole, Poland

# Conference Program

| 12 April 2018 (Thursday)           |  |
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| 20 <sup>00</sup> -22 <sup>00</sup> | <b>Informal pre-conference drinks</b><br>Bar Opole Główne, Krakowska 48, 45-075 Opole  |
| 13 April 2018 (Friday)             |  |
| 9 <sup>30</sup> -10 <sup>00</sup>  | <b>Opening session</b><br>Professor PIOTR STEC (Dean of the Faculty of Law and Administration)<br><i>Welcome word on behalf of the Faculty</i><br>Professor ADAM SULIKOWSKI, Dr COSMIN CERCEL, Dr RAFAŁ MAŃKO<br><i>Welcome word on behalf of the organising committee</i>   |
| 10 <sup>00</sup> -11 <sup>30</sup> | <b>Session I</b><br>Moderator: Dr COSMIN CERCEL<br>Professor ALEX CISTELECAN (University of Târgu Mureș, Romania)<br><i>Authoritarian Capitalism of the Pure Law. Property, meritocracy and anticorruption in postcommunist Romania</i><br>Dr PRZEMYSŁAW TACIK (Jagiellonian University, Poland)<br><i>The Role of Critical Jurisprudence under Neo-Authoritarianism in CEE</i><br>WOJCIECH ZOMERSKI (University of Wrocław, Poland)<br><i>Critical Legal Scholarship in Central and Eastern Europe and the Question of Populism</i> |
| 11 <sup>30</sup> -11 <sup>45</sup> | <b>Coffee break</b>  |
| 11 <sup>45</sup> -13 <sup>15</sup> | <b>Session II</b><br>Moderator: Doc. MARTIN ŠKOP<br>Dr DANA DOMŠODI (New Europe College, Romania)<br><i>Crisis and migration. The exceptionality of the norm</i><br>Professor JULIAN REID (University of Lapland, Finland)<br><i>Pedagogies of the Poor</i><br>Dr GIAN-GIACOMO FUSCO (University of Kent, UK)<br><i>Ontology, Destitution and the Anti-work Perspective</i>  |
| 13 <sup>15</sup> -14 <sup>15</sup> | <b>Lunch break</b>   |
| 14 <sup>15</sup> -15 <sup>45</sup> | <b>Session III</b><br>Moderator: Dr RAFAŁ MAŃKO<br>Dr COSMIN CERCEL (University of Nottingham, UK)<br><i>The Destruction of Legal Reason: Echoes from the Past</i><br>Dr PAWEŁ SKUCZYŃSKI (University of Warsaw, Poland)<br><i>Reinhart Koselleck on the Origins of Critique in Early Modernity</i><br>Doc. MARTIN ŠKOP (Masaryk University in Brno, Czech Republic)<br><i>Contemporary Law as Carnival and Fairy Tale</i>   |
| 15 <sup>45</sup> -16 <sup>00</sup> | <b>Coffee break</b>  |

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| 16 <sup>00</sup> -17 <sup>30</sup> | <p><b>Session IV</b><br/>Moderator: Dr PAWEŁ SKUCZYŃSKI</p> <p>Professor ADAM SULIKOWSKI (University of Wrocław &amp; University of Opole)<br/><i>Postmodern constitutionalism between liberal government of judges and authoritarian populism</i></p> <p>Dr ARKADIUSZ BARUT (Attorney at Law, Nysa, Poland)<br/><i>The Application of the transmission easement regulations as 'state of exception' law</i></p> <p>SZYMON GÓRSKI (University of Wrocław, Poland)<br/><i>The Creation of law: between chaos and (provisional) order</i></p> |
| 19 <sup>00</sup> -22 <sup>00</sup> | <p><b><u>Official conference dinner</u></b><br/>Restauracja "Szara Willa"<br/>ul. Oleska 11, 45-052 Opole</p>   |
| <i>14 April 2018 (Saturday)</i>    |   |
| 10 <sup>00</sup> -11 <sup>30</sup> | <p><b>Session V</b><br/>Moderator: Dr IONUȚ TUDOR</p> <p>Dr PETR AGHA (Czech Academy of Sciences &amp; Charles University)<br/><i>Asking the Right Questions: Understanding Methodology</i></p> <p>DOMINIK GÓRA (University of Wrocław, Poland)<br/><i>Critical Discourse Analysis as a method of critico-juridical research</i></p> <p>Dr RAFAŁ MAŃKO (University of Amsterdam, Netherlands)<br/><i>Critical Theory of Adjudication: Operationalising the Political in the Judicial Interpretation of Law</i></p>                          |
| 11 <sup>30</sup> -11 <sup>45</sup> | <b>Coffee break</b>   |
| 11 <sup>45</sup> -13 <sup>15</sup> | <p><b>Session VI</b><br/>Moderator: Dr GIAN-GIACOMO FUSCO</p> <p>Dr IONUȚ TUDOR (University of Iași, Romania)<br/><i>Rule of law as a post-colonial legal and political device</i></p> <p>TORMOD OTTER JOHANSEN (University of Gothenburg, Sweden)<br/><i>Scandinavian legal realism and the irony of an unfulfilled promise</i></p> <p>Dr ALEXANDRA MERCESCU (University of Timișoara, Romania)<br/><i>What Kind of Comparative Legal Studies for Central and Eastern European Countries?</i></p>  |
| 13 <sup>15</sup> -14 <sup>15</sup> | <b>Lunch</b>  |

## CEENELS in the Internet

Website: <http://www.ceenels.org>

Email: [ceenels@ceenels.org](mailto:ceenels@ceenels.org)

Twitter: <https://twitter.com/CEENELS>

Facebook: <https://pl-pl.facebook.com/ceenels.org/>

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| 14 <sup>15</sup> -15 <sup>45</sup> | <p><b>Session VI</b><br/>Moderator: Dr ALEXANDRA MERCESCU</p> <p>Dr BULAT NAZMUTDINOV (Higher School of Economics, Moscow, Russia)<br/><i>Critical dimensions of the 'Legal Culture' approach: the Case of 'Eurasia's Legal Culture'</i></p> <p>Dr DAMJAN KUKOVEC (University of Middlesex, UK)<br/><i>Legal Methodology and Central Europe</i></p> <p>PIOTR ECKHARDT (Jagiellonian University, Poland)<br/><i>Methodological problems of comparative research on political and legal transformation after 1989 in Central and Eastern Europe.</i></p> <p>SAMIR FORIĆ (University of Sarajevo, Bosnia and Herzegovina)<br/><i>Normative closure as a disciplinary doorkeeper of law: the perspective of the sociology of law'</i></p> |
| 15 <sup>45</sup> -16 <sup>00</sup> | <b>Coffee break</b>   |
| 16 <sup>00</sup> -17 <sup>30</sup> | <p><b>Session VI</b><br/>Moderator: PIOTR ECKHARDT</p> <p>Dr TEREZIE SMEJKALOVÁ (Masaryk University, Czech Republic)<br/><i>Audience of Extra-Legal References in Judicial Decisions</i></p> <p>MICHAŁ STAMBULSKI (CLEST, Wrocław, Poland)<br/><i>The Political in Analytical Legal Theory</i></p> <p>Dr MARKÉTA ŠTĚPÁŇKOVÁ (Masaryk University, Brno)<br/><i>title t.b.c.</i></p>  |
| 17 <sup>30</sup> -18 <sup>30</sup> | <p><b>Closing session</b></p> <p>Dr RAFAŁ MAŃKO &amp; PIOTR ECKHARDT:<br/><i>Presentation of the Central and Eastern European Network of Legal Scholars (CEENELS)</i></p> <p>Prof. ADAM SULIKOWSKI, Dr COSMIN CERCEL, Dr RAFAŁ MAŃKO<br/><i>Closing remarks</i></p> <p><u>Organisational issues:</u><br/><i>venue and topic of the 2<sup>nd</sup> Critico-Juridical Symposium;</i><br/><i>options for publishing papers from the 1<sup>st</sup> Critico-Juridical Symposium</i></p>   |
| from 19 <sup>00</sup>              | <b>Informal post-conference drinks</b><br>(venue t.b.c.)  |

## About CEENELS

*The Central and European Network of Legal Scholars (CEENELS) – an informal network of academic lawyers of all legal sub-disciplines from Central and Eastern Europe (CEE) – was established in April 2015 with the aim of fostering networking and cooperation within our region and promoting the discourse of CEE legal identity, underscoring our legal-cultural bonds based on a common past, common juridico-political mentality and common present predicament. On a practical level, CEENELS aims at strengthening of intellectual and organisational bonds between CEE legal scholars and law faculties, promoting the emergence of joint research projects involving CEE researchers, fostering the elaboration of unique CEE research methodologies, allowing for the development of a distinct school of jurisprudence, and building up a stock of critical legal knowledge concerning our region. CEENELS organises its annual conferences, assumes patronage over conferences, workshops and seminars, enables the exchange of information on research project opportunities with view to creating joint research teams involving scholars from CEE countries and works towards developing a digital library of open-access publications on the legal life of the region.*

## List of Participants

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### *Organising committee*

- Adam Sulikowski** PhD, Dr.habil. and Full Professor of law (Wrocław); head of department of Legal Theory and Philosophy of Law, Faculty of Law and Administration, University of Opole; professor at the Department of Legal theory and Philosophy of Law, Faculty of Law, Administration and Economics, University of Wrocław; President of the FONTES Association for Research on Sources and Functions of the Law
- Cosmin Sebastian Cercel** PhD in law (Sorbonne); assistant professor, School of Law, University of Nottingham
- Jacek Srokosz** PhD in law (Wrocław); assistant professor, Department of Legal Theory and Philosophy of Law, Faculty of Law and Administration, University of Opole; co-organiser at CEENELS
- Paulina Bieś-Srokosz** PhD in law (Wrocław), assistant professor, Jan Długosz University, Częstochowa; co-organiser at CEENELS
- Piotr Eckhardt** PhD candidate, Department of History of Legal and Political Doctrines, Faculty of Law and Administration, Jagiellonian University; co-organiser at CEENELS
- Rafał Mańko** PhD in law (UvA); external fellow, Centre for the Study of European Contract Law, University of Amsterdam; founder and principal coordinator of CEENELS

### *Participants*

- Alexandra Mercescu** PhD in law (Sorbonne); research assistant, Faculty of Law, University of Timișoara
- Alex Cistelean** PhD in philosophy (Rome); assistant professor, Petru Maior University of Târgu Mureș
- Arkadiusz Barut** PhD in law (Wrocław), attorney-at-law practicing in Nysa
- Bulat Nazmutdinov** PhD in law (HSE), associate professor, Faculty of Law, National Research University 'Higher School of Economics', Moscow
- Damjan Kukovec** LLM and SJD in law (Harvard), senior lecturer, Middlesex School of Law, London; formerly of the Legal Service of the European Commission
- Dana Domșodi** PhD in philosophy (Pisa), Spiru Haret Fellow at the New Europe College in Bucharest
- Dominik Góra** Master of laws (Wrocław); PhD candidate, Faculty of Law, Administration and Economics, University of Wrocław



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|------------------------------|---|
| <b>Gian-Giacomo Fusco</b>    | MA in philosophy (Roma Tre) and PhD in Law (Kent); teaching assistant, Kent Law School, University of Kent  |
| <b>Ionuț Tudor</b>           | PhD in law (Iași)   |
| <b>Julian Reid</b>           | PhD in political science (Lancaster); Professor of International Relations, Faculty of Social Sciences, University of Lapland   |
| <b>Markéta Štěpáníková</b>   | PhD in law (Brno); assistant professor, Department of Legal Theory, Masaryk University, Brno  |
| <b>Martin Škop</b>           | PhD in law (Brno); associate professor, Department of Legal Theory, Masaryk University, Brno  |
| <b>Michał Paździora</b>      | PhD in law (Wrocław); Director, Centre for Legal Education and Social Theory, University of Wrocław   |
| <b>Michał Stambulski</b>     | Master of laws; Executive Director, Centre for Legal Education and Social Theory, University of Wrocław; attorney-at-law practising in Wrocław  |
| <b>Paweł Skuczyński</b>      | PhD in law (UW); assistant professor, Institute for Science of State and Law, Faculty of Law and Administration, University of Warsaw; President of the Institute for Legal Ethics ( <a href="http://etykaprawnicza.pl/">http://etykaprawnicza.pl/</a> )                |
| <b>Petr Agha</b>             | LLM (QUB), PhD in Law (Glasgow/Antwerp); senior researcher, Institute for State and Law, Czech Academy of Sciences; assistant professor, Department of Political Science and Sociology, Charles University, Prague; Director, Centre for Law and Public Affairs, Prague |
| <b>Przemysław Tacik</b>      | PhD in philosophy (UJ) and PhD in law (UJ); assistant professor, Institute for European Studies, Jagiellonian University  |
| <b>Samir Forić</b>           | MSc in political science, PhD candidate, Faculty of Political Science, University of Sarajevo; associated researcher, Centre for Legal Education and Social Theory, University of Wrocław   |
| <b>Szymon Górski</b>         | PhD candidate, University of Wrocław  |
| <b>Terezie Smejkalová</b>    | PhD in law (Brno), assistant professor, Masaryk University, Brno  |
| <b>Tormod Otter Johansen</b> | LLM (Gothenburg), MA Philosophy (Södertörn), doctoral candidate in public law, University of Gothenburg   |
| <b>Wojciech Zomerski</b>     | Master of laws; junior researcher, Centre for Legal Education and Social Theory, Faculty of Law, Administration and Economics, University of Wrocław; PhD candidate, Department of Legal Theory and Philosophy of Law, University of Wrocław; trainee attorney-at-law.  |