

LAW, SPACE AND THE POLITICAL

Critical Legal Conference 2015

University of Wrocław, Poland – 3-5 September 2015

Call for papers

Deadline: 30 June 2015

The Critical Legal Conference has a decentralised form based on parallel Streams where most of the papers are presented. Therefore, **please submit your paper proposal of no more than 250 words directly to one of the streams below**. Please use the email given at the end of the stream and not the general conference email.

However, if you feel your paper does not fit into any of the streams, please submit it to the **General Stream** by sending it to Jakub Łakomy (j.lakomy@prawo.uni.wroc.pl). Also, if you would like to present your paper **in Polish**, you can join the **General Stream in Polish** (*Strumień ogólny: prawo, przestrzeń i polityczność*).

Finally, if the Convenor of the Stream where you submitted your paper feels that it does not fit into his/her Stream, they will forward it to the CLC Organisers who may either admit it to the General Stream or to another stream which the CLC organisers (and the relevant Stream Convenors) consider better suited for the presentation of your paper.



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University of Wrocław – Faculty of Law, Administration and Economics

Critical Legal Conference 2015 – LAW, SPACE AND THE POLITICAL

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I. Anti-national spaces and the limits of citizenship in the War on Terror

Stream convenor: Emma Patchett (Marie Curie Research Fellow, WWU Münster)

Since 2006 the Government has been able to revoke the citizenship of British nationals with dual citizenship, if their presence is regarded as not conducive to 'the public good'. The Counter-Terrorism and Security Act 2015 has expanded the power to temporarily exclude British nationals and revoke the citizenship of naturalized subjects, even if such a move would render the subject stateless, in direct contravention of the UK's international obligations. The stripping of citizenship has occurred in many European Member States as a response to the potential threat of terrorist activity and involvement in activities seen to be against the interests of the state. It is estimated that 20,000 foreigners are actively involved in fighting for ISIS, a fifth of whom are residents or nationals of Western European countries (ICSR 2015). The construction of a distant threat is complicated further through the prolific use of social media to build webs of connectivity 'back home'.

This stream proposes a focus on the spatial dimensions of nationality, citizenship and sovereignty in the context of the War on Terror. It seeks papers which employ an interdisciplinary or innovative methodology to deconstruct rhizomatic models of citizenship, the many dimensions of removal and the space of the 'anti-national'. This stream will aim to explore the claim that 'citizenship is a privilege, not a right' as a justification for implementing what some consider to be a form of 'medieval exile', through radical critical analyses of how this 'exile' challenges the ideology of the postracial national space. Questions to be addressed might include:

- What is the condition of the national space when citizenship is suspended?
- What do cases of removal suggest about the shift in response to the perceived 'new threat' of ISIS?
- Can exile be multidimensional?
- How are European states re-imagining their boundaries through this particular form of exclusion?
- Is the threat of terrorism legitimizing statelessness?

Please send abstracts (max 250 words) to: epatc_01@uni-muenster.de

II. Between Science and Politics: The Place of Expertise in Legal and Public Spaces

Stream Convenor: Maciej Pichlak, University of Wrocław, Department of Legal Theory and Philosophy of Law (mpichlak@prawo.uni.wroc.pl)

Abstract: Expertise and scientific knowledge are a key element of contemporary social practices and institutions in late modernity. In a sense, this situation is generally characteristic of the entire modernity; yet in the last decades the problem of the role which science should play in the society have become particularly striking. There are at least two reasons for that: on the one hand, one may observe an increasing significance of scientific arguments both in official policies and everyday life – just to mention such heatedly debated issues as a climate change, a public health, a bioengineering, or new technologies. On the other hand, this increasing political and social significance of expertise drives to serious controversies about its status and legitimacy. Diagnoses and recommendations based on expertise are questioned both from the inside – by other experts from the same field – and from the outside – by ‘anti-experts’ representing various social groups.

Legal orders are affected by those processes at least threefold. Firstly, the law serves as a regulator of different subsystems based on expertise. Secondly, legal regulations – and, to a remarkable extent, individual legal decisions – need to rely on expert knowledge of various kinds. Thirdly, it is still a matter of controversy, to what extent the law itself forms an autonomous expert system, and to what it should be ‘responsive’ to socially constructed, non-legal definitions of situation.

The stream addresses the above issues from the perspective of law and social sciences. Both empirical and theoretical insights into the problem are invited. Of particular, yet not exclusive, interest are the contributions to the following questions:

- use of expertise to legitimate legal and/or political decisions;
- social, political, and legal controversies about diagnoses and normative programmes based on expertise;
- law as an expert system on its own terms
- relation of the law with various expertise-based social subsystems.

Please send abstracts (max. 250 words) to: mpichlak@prawo.uni.wroc.pl

III. Central and Eastern Europe as a Space for Critical Thought

Convenor: Jacek Srokosz (University of Opole, Poland)

Abstract: The annual Critical Legal Conference held for the first time in a Central European country provides a perfect opportunity to present condition of critical legal thought in this region. Contrary to the popular belief, Central European critical thought is not a continuation of Marxist-based critical approach towards bourgeois' that has been dominant in the period of socialism. In fact Marxist doctrine and its view of social relations had been entirely rejected as a result of 1989 transition and the existing Critics dissolved. Principles of social capitalism, social market economy as well as Western affirmative philosophy of law have replaced Marxist dogmas quite unquestioningly and unconsciously. This process is most strikingly manifested by the ongoing marketization of nearly every aspects of social life which traditionally had been assessed according to non-economic considerations. In the field of law copying of Western models without giving due considerations to specific local conditions such existing legal culture or social approach towards law became widespread. Proliferation of these phenomenon brought about the import of Western critical thought to the ongoing legal discourse in Central and Eastern European Countries. Such intellectual framework has not only been adopted by the leftist circles but also by these on the right-wing.

This stream seeks to illustrate the dynamics of development of critical thinking in Central Europe and its specifics with respect to its Western counterpart. Exemplary topics may include:

- Peripheral character of Central and Eastern Europe and modernization process as a possible remedy
- Region's social problem from post-colonial perspective
- Legal Transplants in internal legal order and its effectiveness
- Problem of identity, culture and consciousness of Central European societies
- Position of legal elites in Region's States (role of legal circles in processes of social changes, legal education, civic education)
- Marketization of social life and its legal impacts

Please send abstracts (max. 250 words) to: jsrokosz@uni.opole.pl

IV. Centre and Peripheries: the Politics of Legal Transfers

Convenors: Michał Gałędek and Anna Klimaszewska (University of Gdańsk)

Abstract: Legal transfers (also known as “transplants”) – the movement of legal models in space – do not occur in a political vacuum. In fact, which legal institutions are borrowed and from which donor countries, depends not only on purely legal factors, but also on political ones. In particular, powerful and prestigious states are more often sources of legal transfers. Another case is the forced reception of legal institutions by countries belonging to the sphere of influence of another, more powerful country. To use Wallerstein’s terms, legal transfers usually originate in countries of the ‘centre’, whilst the recipient states usually belong to the ‘peripheries’. The most notorious case is the reception of Western European legal models in (peripheral) Central and Eastern Europe.

Whilst it is a well-known fact that the legal modernisation in Central and Eastern Europe occurred by more or less massive appeal to legal transplants from Western legal systems, what is less known is that this process did not imply a comfortable and unrestrained march of the Western legal values, principles and institutions through the legal cultures of the countries of the region. Indeed, in most of the cases, the legal transplantation has been willingly done by the legal and political elites.

In the region, the process of legal transplation was frequently marked by failure and resistance. It also frequently implied a wide range of ideological debates and tensions between the adepts of the slow and urgent modernisation, between the supporters of organic development and supporters of artificial synchronisation, between the conservatives and liberals, between the defenders of the national legal traditions and the promoters of the Western legal traditions, etc.. This is why, beyond the effective processes of the legal transplantation and the adaptation of the transplanted institutions in the importing societies, legal modernisation meant a deep and intense ideological quest for the national legal identity. The ideological ‘fight’ for the national legal identity as a concrete reaction to the legal modernisation through legal transplant has been a particular mark of the Central and Eastern European countries countries.

The aim of this stream is to prove a critical reflection on the politics of legal transfers in the context of the centre-periphery division. Papers focusing on Central and Eastern Europe are particularly welcome, but we are also looking forward to papers analysing the politics of legal transfers on other continents. Submissions are welcome in particular on the following topics:

- legal transplants and the construction of national identities (especially in Central and Eastern Europe),
- the ideological underpinnings of legal transfers,
- legal transfers and peripheral modernisation,
- resistance to legal transfers,
- legal transfers and legal survivals (after transformation),
- forced legal transfers and voluntary legal transfers,
- (lack of) intra-peripheral legal transfers, e.g. between Central European countries,
- the role of judges, scholars and legislators in the politics of legal transfers,
- the active role of donor states in promoting legal transfers,
- the relationship between political, economic and military power, on the one hand, and purely legal prestige, on the other hand, in the selection of models by recipient states,
- (dys)functionality of legal transfers in the recipient states due to different political, legal and societal culture

Please send abstracts (max 250 words) to: anna.klimaszewska@prawo.ug.edu.pl

V. Challenges for the Law and Politics in the 21st century: Carl Schmitt Revisited

Stream Convenors: Ivars Ījabs and Jānis Pleps (University of Latvia, Riga)

Carl Schmitt (1888-1985) is one of the last century's most influential and provocative thinkers, who had a significant impact on the development of jurisprudence, political science and philosophy. The 21st century marked the beginning of a great renaissance of interest in Carl Schmitt. His most important works were re-published and translated into other languages, testifying to his relevance today. A range of studies analysing Schmitt's biography, views and legacy also appeared. The fight against international terrorism and the global economic crisis led to significant challenges for the liberal state and the rule of law. Restrictions of human rights and national security measures often lead to a permanent state of exception. The closer integration of the European Union is leading again to a discussion on the understanding of sovereignty. The issue of sovereignty is essential internally - which of the state institutions have the final word in the political system. In international relations, after the annexation of the Crimea it is necessary to re-evaluate the fundamental principles of international order and peace-building in Europe and the world. Carl Schmitt's versions could play an important role in analysing today's reality when the use of force limits the rule of law.

In this stream we are going to discuss such questions on the basis of Carl Schmitt's ideas:

- ⤴ rule of law and human rights under the pressure of international terrorism and economical crises
- ⤴ permanent state of exception: protection of the constitutional order
- ⤴ parliamentarism and its role in liberal democracy
- ⤴ empire, space and polity
- ⤴ transformation of the state sovereignty; sovereign in the postmodern state
- ⤴ fundamental principles of the international order; role of the USA in the international politics
- ⤴ use of force and geopolitical interests of states

Please send abstracts (max 250 words) to: janis.pleps@lu.lv

VI. The Decryption of Power: A space of emancipation from global power

Convenors: Ricardo Sanín Restrepo (Researcher Universidad Javeriana, Colombia, Email: ricardosanin@gmail.com); Gabriel Méndez Hincapíe (Universidad Autónoma de Manizalez, Colombia, E mail: gabrielmendez@uautonoma.edu.co)

Abstract: The encryption of language is the first technology of power as domination, the democratization of language is the uttermost political event of power as liberation. The key to power, as it is today, may be defined as follows. First the separation between politics and economics, the latter under the rubric of an exact science that may not be opposed by discursive means for it bears a universal truth. Second the need of power as domination to turn law into an enigmatic event, to make the experience of the encounter with the law not only a traumatic experience but one mediated by the impossibility of understanding it, for its language is always uncanny, hidden, in one word “encrypted”. Third, the necessary reliance of the encryption of the law in its esoteric meaning, that is, in a very precise knowledge only an elite can master, thus holding the key to the meaning of the law and therefore of reality itself. The “encryption of law” in the modern sense carries even a deeper and more intricate feature that of impeding the realization of true democracy through the entanglement of the meaning of the law. Encryption serves then the purpose not only of impeding democracy, as direct access to the words of the law that compound the decisions of power, but it also severs politics as it privatizes it to the sole dominium of experts. We understand that what is encrypted is not only the formal sense of the words and constructions of the law or economy, but every chain of communication, every code and image through which we identify reality. Encryption is thus the main circuit by which power as domination operates under the code names of “democracy” “rule of law” and the “open market”. If this is the order of today’s matters, then we face the urgent need of “decrypting power” as the political means of, and towards, democracy.

Please send abstracts (max 250 words) to: ricardosanin@gmail.com

VII. The Dynamics of Policing Protest

Stream conveners: Andrea Kretschmann (Bielefeld Graduate School in History and Sociology, Universität Bielefeld) and Markus Michael Müller (Lateinamerika-Institut, Freie Universität Berlin)

Stream description: The beginning of the 21st century has witnessed a new wave of political protests around the world. From the Arab Spring to anti-EU activism in post-recession Europe, to indigenous struggles against neoliberalism in Latin America to political protest against land grabs and neo-colonial extractivism in Africa, these protests challenge the distribution of wealth in society as well as established patterns of rule and domination. Therefore, they are not only met with legal frameworks and police actions which secure their freedom of assembly, but also with legal and law-enforcement-centered forms of state repression.

In light of the above, it is surprising the topic of policing protest has received little scholarly attention. This conference stream seeks to address this void. Particularly, we seek to grasp the productive power, the surplus emanating from the inherently relational, dynamic and fluid liminal space that emerges out of the interactions between political protests and state efforts to repress, control and contain them. In these situations, far from being a zero-sum game, violence (physical and symbolic) produces a veritable surplus that is not controlled or controllable by any of the involved actors. This situational and relational dimension of policing protest poses a challenge to conventional approaches to policing.

In order to uncover the dynamics of protest policing, we invite submissions for panels that speak to one or more of the following questions from an interdisciplinary perspective:

- What forms of and figurations does contemporary protest policing take? How are they shaped by the actions of protestors?
- Which methodological tools and research strategies are most suitable for researching the relational spaces and interactions of protest policing? What challenges and obstacles does this type of research imply and how can they best be addressed?
- What theoretical approaches are most suitable for explaining the phenomenon of protest policing?

Please send abstracts (max. 250 words) to: andrea.kretschmann@universitaet-bielefeld.de and muellerm@zedat.fu-berlin.de

VIII. Equity and the Political: the Horizons of Trust?

Stream convenors: Robert Herian (The Open University); Nick Piska (University of Kent)

The trust has been referred to as equity's greatest contribution to the law; Aristotle saw within equity what is just and 'better than one kind of justice'. Yet, the complicated rules concerning trusts allow proliferation of their use *inter alia* as core components of investment portfolios that utilize tax management schemes and products to minimise the risks to capital accumulation.

Is this a contradiction? On the one hand equity is said to be equality; on the other, equity appears to facilitate certain inequalities via trusts that purposefully channel capital into deeply private repositories, protected against the threat of fraud by private law's most stringent doctrines and remedies. Equity and trusts may then appear to engender iniquity and distrust within society.

In light of the political and economic forces that appear to create and maintain equity as a contradiction, how ought equity and trusts to be understood in modernity? In equity are we still able to ascertain fundamental conceptions of justice at the divisions between law, economics and the political, or is that particular horizon lost? And to what extent is trust the basis of the political community?

The stream proposed aims to analyse the horizons and divisions inaugurated by equity's confrontation and intersection with the political and economic forces of modernity, namely those of neoliberalism, via particular and close analysis of the trust mechanism.

Analysis of equity and trusts has particular importance when considering equity's professed stewardship over property. The centrality of property within the fields of the political and economic demonstrates what is at stake, and why both equity and trusts deserve attention. Thus, to talk of and to equity's intersection with the political, and the horizons of trust, provides a significant means of confronting, analysing and rendering problematic core aspects of the conference theme.

Please send abstracts (max. 250 words) to: robert.herian@open.ac.uk

IX. Justice and the *nomoi* of post-coloniality

Stream convenors: Julia Chryssostalis and Jaco Barnard-Naudé (University of Cape Town, South Africa)

Stream abstract: Despite the undisputed recognition, in an era designated as post-colonial, that the founding act of colonialism was and is the appropriation of space, the nexus between colonialism (as a law-founding violence) and spatiality has remained largely unexplored within legal studies. To take the example of South Africa: at one end, dominant ‘jurisprudential’ discussions represent the transition as the replacement of an authoritarian government and a system of racialised capitalism with a liberal democratic government and a racially ‘neutral’, albeit neoliberally skewed, political economy. The work of transformation in the face of the legacy of colonialism here is regarded reductively as the undoing of the legal apparatus of oppression through the institutionalisation of democracy, fundamental human rights, a substantive rule of law and juridicised processes of an ill-defined ‘reconciliation’. The predominant focus on ‘constitutionalism’ (‘transformative’ as it may be) has meant that the discourse has found it difficult to move beyond a narrow institutional account and consideration of law.

The critique of the neoliberal hegemony that has replaced and displaced colonialism too often stop short of addressing the specificity of colonialism as consisting in the way in which it translated the racist and classist normativity of its order into a concrete reality of divided racial and class ordering that was spatially entrenched. This connection between law as a normative order and its concrete, spatial instantiation grounded in the soil, is what Carl Schmitt calls *nomos*. For Schmitt, *nomos* is a word that names law’s ‘terrestrial fundament’, the unity of space and law, of order and localization. More specifically, *nomos* is ‘the immediate form in which the political and social order of a people becomes spatially visible’, ‘the full immediacy of a legal power unmediated by laws’. The ubiquitous spatial injustice of continuing conditions of de facto segregation and exploitation in the post-colony suggest that the basic spatial injustice that lies at its core has not been superseded. Therefore, the question of post-colonial spatial justice becomes central to facing the challenges of transformation.

We look forward to proposals for papers that will address the issues raised above in general or with reference to specific territories and jurisdictions. We are interested in how the convergence of the burgeoning literature on spatial justice and post-colonialism impact upon one another. In particular, we are interested in proposals that will explore the links between spatial justice in the post-colony and what Rancière has called the politics of aesthetics and the aesthetics of politics.

Please send abstracts (max 250 words) to: aj.barnard-naude@uct.ac.za.

X. Making space for behavioural research in consumer law? The role of scientific evidence in policymaking: a critical approach

Stream convenor: Joanna Luzak (University of Amsterdam)

The applicable rules of consumer law, enacted in a democratic legislative process, aim to restore the balance of power between consumers - traditionally perceived as weaker contractual parties - and businesses. This stream critically enquires into the impact of scientific evidence - behavioural research - upon the regulatory outcomes, on the example of consumer policy-making. While consumers' behaviour differs depending on their nationality, age, sex, education, etc., behavioural researchers documented certain trends therein that appear universal (e.g. endowment effect, status quo bias, procrastination bias). The (European) legislators started integrating the outcomes of behavioural research in their policy-making and even commission such studies themselves (e.g. on consumers' attitudes towards standard terms and conditions). However, the precise benefit of such combined studies - behavioural sciences informing law policy - remains indeterminable. First, consumers' diversity hinders researchers in drawing conclusions that could be applied to cross-border policy-making. Second, the complexity of consumer behaviour obstructs isolating specific factors that could influence consumer behaviour and be further explored for better policy-making. Additionally, when the (European) legislators use behavioural research, they may select to report only these outcomes thereof that would support their goals (confirmation bias).

This stream critically addresses the usefulness of making space for behavioural research in (European) consumer law. Suggested discussion points:

- If a space is made for behavioural research in drafting (European) consumer law, would it be likely to strengthen the economic or the social dimension of (European) consumer protection measures?
- What is the relationship between ideological premises (e.g. of neoliberalism, libertarian paternalism) and the scientific evidence fed into the legislative process?
- What is the impact of the scientific evidence's use when drafting consumer legislation upon its political dimension?
- How shall the (European) legislators implement the behavioural research's findings in their policy-making?
- Shall the (European) courts use the behavioural research's findings and if yes, then how?

Please send abstracts (max. 250 words) to: j.a.luzak@uva.nl

XI. Meta-legal Critiques of Law: New Reflections on Carl Schmitt's Legal Theory

Stream Convenor: Mariano Croce (University of Antwerp)

This stream will focus on new interpretations of Carl Schmitt that make room for his concern with the “materiality” of the law and his revision of decisionism and exceptionalism. In this sense, Schmitt will serve as a *fil rouge* to foreground meta-critiques of law and legal theory, that is to say, accounts of what law is and that the role of legal theory is that are instrumental in supporting a specific “political” view of society.

In a way, Schmitt in the early 1930s criticized himself for supporting a decisionistic view of law that concealed other aspects of both the juridico-political and the social spheres which are crucial to the very existence of social order. He then came to endorse an institutionalist view that was meant to do justice to social practices and their intrinsic normativity. Whether or not Schmitt made his case, what the stream will home in on is the “uses” of theory vis-à-vis the socio-cultural context where they are developed. Accordingly, the stream intends to understand how today the demise of positivist theories, the revision of liberalism, the emergence of pluralist paradigms performatively interact with the social context they describe so as to favour (whether inadvertently or not) some political options and to hamper others.

Schmitt's legacy is thus an entry point to contemporary conceptualizations of political and legal orders and the performative force they exert on social reality.

Paper topics could include the following themes:

- Schmitt's troubled relation with decisionism and exceptionalism
- Schmitt's legal institutionalism
- Schmitt's critique of positivism after *Constitutional Theory*
- The role of legal positivism in the justification of the state
- New forms of legal positivism vis-à-vis globalization
- Today's role of legal and political theory
- The relationship between neoliberalism and legal pluralism
- Legal pluralism and the undoing of modern statehood

- Theo-legality and the commodification of law

Please send abstracts (max 250 words) to: mariano.croce@libero.it

XII. Modern Implications of Law, Space and Sovereignty in Contested Places in the 18th Century

Stream convenor: Jill M. Fraley (Associate Professor of Law, Director, Center for Law & History, Washington and Lee University School of Law)

This stream invites proposals on the intersection of law (broadly defined) with place, space and sovereignty in the eighteenth century. The eighteenth century saw a rapid mobilization of the colonization process around the world. Imperial powers expanded their territories and diversified their exploitation of natural resources. Concepts of resources, property, and sovereignty shifted to accommodate rapidly changing imperial needs. In this context, how did law and space combine to generate sovereignty? How did states portray spaces and peoples both inside and outside in the process of state-making? How have particular legal doctrines supported (or provided room for resistance) within these state-making efforts? How did colonial experiences of state-making impact legal regimes in the ruling country's home territory? Most importantly, this stream invites proposals that examine these historical events with an eye to demonstrating how changes in law, or in central concepts such as sovereignty or natural resources, continue to impact modern law and policy-making in post-colonial regimes.

Please send abstracts (max. 250 words) to: fraleyj@wlu.edu

XIII. Movement: Animating Law, Space and the Political

Stream convenors: Andreas Philippopoulos-Mihalopoulos (Professor of Law and Theory, Director of the Westminster International Law and Theory Centre, School of Law, University of Westminster, United Kingdom) and Olivia Barr (Lecturer in Law, University of Technology, Sydney).

Stream abstract: Law, space and the political often enter in an unyielding triangulation. We want to animate this. We want to start moving. This is a call for a mobilisation of the concept of movement itself. We want to focus on bodies moving in space, networked by law and politics, affected by other bodies. Whether human or non-human, organic or inorganic, we want to observe how these bodies move, in turn animating and circulating atmospheres. We also might ask upfront, and more boldly, questions of how law is connected to movement, and how such movements might materialise? What moves along with law? What moves us in law? Can one ever move away from law? We might wander the city, navigate a crowd, breathe out our politics as we institute spaces, places, possibilities. This leads us to ask questions of a kinesthetic law, and how, where and why such a law might be located.

We encourage a creative exploration of the place of movement in law, space and the political. We are particularly curious to embrace movement in all its tastes, and play with the site and manner of our scholarly performance. To this end, we invite proposals that radically interpret movement in all its forms, including the exploration of the site and space of presentation, connections between bodies, and the atmospherics they create. We invite you to perform mobilities in moving ways, whether this manifests in traditional or contemporary oration, performance or mixed-media: there is room for movement.

Please send abstracts (max. 250 words) to: andreaspm@westminster.ac.uk and olivia.barr@uts.edu.au

XIV. Nit-Picking Legal Studies

Convenors: Michał Dudek, Adam Dyrda (Jagiellonian University, Cracow)

What does the „Critical” in case of CLS mean? Surely, one can hardly make a general claim about the meaning of „critique” characteristic of all CLS theories/claims. It would be too dogmatic. However, there’s an intuitive difference between fair critique and unfair criticism. In the following stream we would like to focus on examples of unfair/unjustified/poorly justified criticism performed by CLS thinkers. If there’s a thin borderline between critique and nit-picking, this stream aims in revealing this line. The method performed here is supposed to be typically pragmatic: we’d like to take some actual and potential arguments of CLS thinkers and put them into genuinely critical scrutiny. We would like to focus on arguments that seem „really unfair”, that distort the criticized theory/phenomenon for the sake of CLS theorist own argument (in opposition to fair, justified arguments, based on “charitable reading” of criticized theories). The indicated „unfairness” can be analyzed both in context of internal, as well as, external critique performed by CLS theorists.

The proposed papers may (but don't have to) concern the following hypothetical areas of inquiry:

- reasoning behind CLS – presuppositions, enthymemes, or something else?
- truth and falsity of Critics’ claims – how to understand relevant propositions and how to verify the validity of theses in context of CLS?
- conspiracy theories and critical legal theories – uncomfortable similarity?
- critique of one particular ideology/power from the perspective of other ideologies/powers – left-wing CLS and right-wing CLS?
- Critics’ personal political and ideological sympathies and commitments – who criticizes whom and why?
- the final goal of CLS’ analyses – “Much Ado About ...”?

All papers criticizing (in a fair way) CLS arguments and/or revealing tacit (biased) assumptions of CLS thinkers, are welcome. Please note that this is a pre-read stream. Extended versions of draft papers or, at least draft-arguments, are to be submitted before 16 August 2015.

Please send abstracts (max 250 words) to: adam.dyrda@uj.edu.pl.

XV. Old Environments, New Resistances

Stream convenor: Andreas Kotsakis, Oxford Brookes University

Stream abstract: In September 2014, while significant civil unrest and violent protests were continuing in the small town of Ferguson near St Louis over another police shooting, Leonardo Di Caprio was raising awareness for climate change by making an urgent and impassionate speech at the General Assembly of the United Nations. This stark juxtaposition between protests, riots and uprisings created by disenfranchisement and polished campaigning underscored by celebrity endorsement is just a small part of a broader pattern of thought that strives for the autonomy of environmental concerns and demands from the political and social upheaval fermented globally in the new, post-financial crisis, 'age of resistance'. Legal scholarship focused on the normative as opposed to the theoretical development of the connection between law and ecology – the hallmark of the environmental lawyer as the 'problem-solving doctor' – has been a crucial node in this pattern.

This stream invites applications of critical legal theory to the connection between environment and resistance. Counter-conduct, transversality, agonistic politics or multitude are just a small sample of recent and not so recent ideas awaiting incorporation into a rapidly declining political and social ecology. Should a critical environmental law prompt environmental discourse, as the radical offshoot of 1960s counter-culture, to acknowledge and engage with the diverse and broadly conceived spaces of protest and pursuits of justice that have emerged in recent years, such as Gezi Park, the Arab Spring, Occupy or even the London riots? What are the theoretical, methodological and strategic implications and dangers of such an engagement?

Please send abstracts (max 250 words) to: akotsakis@brookes.ac.uk

XVI. The symbolic force of law and the right to the city: A decolonial perspective.

Stream convenor: Marinella Machado Araujo (Professor, Pontificia Universidade Católica de Minas Gerais)

Stream abstract: Is the right to the city, as conceived by Lefebvre in the *Du Contrat de Citoyenneté*, compatible with globalized capitalism and its methods of legal inclusion? Which is the relation between a quantitatively advancement of international and national law regarding the equality in public space and the desolate reality of city inhabitants' rights, especially women, in a globalized world? The stream seeks to unground the relations of hegemonic liberal law that governs the world and the state of affairs of the right to the city as described by Harvey. Starting from the premise that law bares a symbolic, hence formal force, which postpones, if not denies radically, the advancement of a huge contingent of invisible citizens, put aside of any of positive effect of key functions of the city, originally described by Le Corbusier in the Athens Charter. This reality encompasses other facets of law, mainly that the most efficient way to deactivate strong social and political demands is to give way to them in the law and then destroy them in the bureaucracy and technocracy of administrative regulations. In other words, and especially in the peripheries of the West, law is a tool to disenfranchise and annihilate the possible forms presented by the right to the city. Therefore, the task is to define the paradoxical relations of liberal law, the gentrification and the privatization of the public sphere brought about by global capital. The object of the stream is to deconstruct the symbolic force of law and to analyze the possibilities of liberation/emancipation of the inhabitants of the cities. Henceforth, we will focus on decolonial multitudinary movements, which truly signify a fracture in liberal hegemony and a restructuring of "minorities" as the core of their legal systems.

Please send abstracts (max 250 words) to: marinella@pucminas.br

XVII. Persons as Property: law, identity, subjectivity, personality

Convener: Merima Brunčević (Senior Lecturer in Art Law & Legal Philosophy, Gothenburg University)

This stream seeks contributions on the theme “persons as property”. Following the general conference topic ‘LAW, SPACE AND THE POLITICAL’ we would like to discuss the concept of ”person” as one such privileged space.

- How is the notion of ”person” or ”subject” played out as a space for legal and political negotiation? How is that in turn transferred to and reflected on the concepts of ”legal subject”, ”legal person”, etc.?
- If persons can be seen as property then is there such a thing as a commodification of persons? Can we still talk about the person-property dichotomy or has it collapsed in the practices of postmodern law?
- Can legal subjectivity ever be separated from the entangled production of space (and the other way around- can space ever be separated from legal subjectivity)?
- How can we understand the potential in the legal subjectivity as a construct when it is read through the entanglement with new materialist understandings of the always politically embedded production of space?
- Which disconnections of subjectivity are identified when reading subject potential through spatio-political theories? Can such exclusions be remedied by constructs of legal subjectivity?

This stream would attract papers from colleagues working in the areas of property law, law and space, social movements, law and resistance, legal philosophy, gender studies, and so on.

Please send abstracts (max 250 words) to: merima.bruncevic@law.gu.se

XVIII. Rights, Identities and the Public Space

Convener: Anna Śledzińska-Simon (University of Wrocław)

This stream aims to examine functions of public space as a terrain of rivalry between conflicting rights and identities. It assumes that the concept of 'public space' plays an important role for the realization of individual and collective rights, as well as expressing individual and collective identities. In a democracy, access to the public forum has always been a condition for the effective participation and realization of citizens' rights. Nowadays, it is crucial not only for the participation in a democratic process, but also for the mere recognition of presence. Thus, the concept of 'public space' may be used either to enable or exclude, and questions who can access public space, or more precisely, who can participate in its making, and on what terms, are critical for any political authority.

The concept of 'public space' has already gained significant interest of legal and political theorists (Arendt, Habermas, Lefebvre). Yet, it remains ambiguous as a judicial category. Not only are its boundaries blurred and fluid, but also the meaning and function vary across jurisdictions and levels of authority. Furthermore, the boundaries, content and function of public space seems to change with the rights at stake. While only few rights are naturally confined to *forum internum*, which is free from any regulation, most of them require public space for their realization. Some rights flourish only when exercised in public, either because of their discursive nature or because of the conventional practice.

The stream invites contributions analysing both theoretical and practical aspects related to conflicts of claims of access to public space, taking into account the dynamic interaction between various sources of authority, in which individual and collective identities are often challenged, re-defined; constrained and constraining. Of particular interest to this stream is the problem of marginalization and exclusion of certain identities and the imposition of syntaxes of the prevailing majorities, which makes the identity-based discrimination hard to demonstrate. Papers in this stream could also analyse public space as a forum for rights discourse between different legal regimes of rights protection.

Please send abstracts (max. 250 words) to: a.simon@prawo.uni.wroc.pl.

XIX. The Secret 'Nomos' of the Modern: Revisiting Agamben's Paradigm of the Camp

Conveners: Cosmin Cercel (University of Nottingham, UK), Alex Cistelean (University of Târgu Mureș, Romania) and Simon Lavis (The Open University, UK)

Abstract: This series of panels aims to continue the organizers' engagement with the work of Giorgio Agamben and its relevance for radical legal and political philosophy started in Brighton at the Critical Legal Conference 2014. Twenty years after the publication in Italian of the tract opening Giorgio Agamben's *Homo Sacer* tetralogy it is perhaps the time to reflect on its significance, reception and relevance for the critical legal field today. We intend to do so by focusing on one of Agamben's most audacious tenets affirming the experience of the camp as being nothing short of the *nomos* of Western modernity. As the camp captures in a poignant and ominous manner the hidden nexus between law, space and the political, the proposed panel seeks to explore equally with, against and beyond Agamben the theoretical and political contemporary concerns raised by the proliferation of spatial states of exception within the crisis of capitalism. As such, the proposed panel aims to analyse three interconnected clusters, which stem from the intellectual origins of Agamben's construal of the camps, the historical unfolding of the practice of camps in various past and present contexts as well as from the conceptual intricacies present in Agamben's own philosophical project of re-reading modern political philosophy. More specifically, we are interested in mapping the conceptual constellation shaping Agamben's philosophical project as well as of criticism of these roots. Moreover, we intend to explore historical reconstructions and historiographical debates concerning the place of the camps in modernity. Last, we aim to put under scrutiny Agamben's insights in the light of his later work as well as in relation to other fields of critique investigating the political significance of the camp.

We aim at producing a fruitful discussion between traditions of legal critique by bringing into a critical state the presuppositions informing Agamben's paradigm of the camp as well as historical or contemporary instantiations of spatial states of exception. Possible topics that speakers are invited to explore include:

- Capitalism and the legal production of *homini sacri*;
- The 'camp' in historiography and its relevance for legal thought;
- Carl Schmitt's spatial thinking;
- Foucault's construal of 'state racism';
- Camps and the construction of the body politic;
- The 'camp' and the logic of primitive accumulation;
- Spatial states of exception in present and past contexts;
- Camps and (legal) modernity;
- Camps and class struggle;

Please send abstracts (max. 250 words) to: Cosmin.Cercel@nottingham.ac.uk.

XX. Reflexivity and the political. Condition or constraint?

Stream convenor: Paweł Skuczyński (University of Warsaw)

Stream description: Since declaring the difference between traditional and critical theory, developing the theory of cognitive interests and founding the poststructuralist perspective, the main feature of critical approach is sensitivity to the historical and social situation, i.e. its self-consciousness. Nowadays, these old-fashioned categories are being replaced by the concepts of "reflexivity" and "the political". It concerns critical projects within philosophy, social theory and theory of interpretation as well. As the older paradigm in philosophy and social theory conceived reflexivity as self-consciousness of the subject, the contemporary perspective is built on interdependence between reflexivity on one side and performativity of the discourse and interpretation on the other. Therefore the reflexive critical approach has to be understood as an approach which openly presents its political and emancipatory claims or as an approach which openly exhibits its claims to universality or lack of such a claims or as an approach which simply uses reflexive argument.

The papers presented during the stream shall discuss two groups of problems. First, does the argument of non-reflexivity of certain theory or institution could be exposing its political character and - in consequence - could be conceived as the point of the critique? Does reflexivity of a certain theoretical approach automatically make it critical? Does the critical approach have to be necessarily reflexive or is it possible to be critical without being reflexive? Secondly, does reflexivity what distinguish theoretical critical discourse and plain political activism? Does the meta-theoretical requirement of reflexivity limit the allowed critique and becomes itself political? Does it lead to reduction of critique to exclusive academic activity and thus except many important points of view?

However papers on other issues are also possible. Papers representing different theoretical perspectives and disciplines are warmly welcomed.

Please send abstracts (max. 250 words) to: p.skuczynski@wpia.uw.edu.pl

XXI. Space of creative legal argumentation

Stream convenor: Markéta Klusoňová (Masaryk University)

This stream will investigate the relation between space, creativity and legal argumentation. We intend to address the issue of acceptability of creative ways of legal argumentation in different spaces. Following the particular focus of the conference, contributions focused on space in the literal sense as well as on space in its metaphorical sense are welcome. We aim at producing a fruitful discussion between common law and civil law scholars on the topic of consequences of non-traditional approaches to legal argumentation.

One of the issues we want to discuss in depth is extension of the space of the courtroom into the cyberspace. We believe that when it comes to the nature of the internet and the ways of communication and interaction it allows and enables, it is only inevitable that it is changing the style of legal argumentation and legal rhetoric. Extending the space of the courtroom into the cyberspace may lead to a stronger connection between law, space and the political through a growing importance of legal audience and changes of its character.

This stream would attract papers from scholars working in the areas of theory of law, legal philosophy, law and technologies, law and literature, law and aesthetics and cultural studies. We want to offer an interdisciplinary space for those interested in various forms of creativity in legal argumentation and their possible consequences.

Please send abstracts (max 250 words) to: mgr.marketa.klusonova@gmail.com

XXII. Spaces of Memory: Political use of the past in the law

Conveners: Michał Stambulski and Michał Paździora (Centre for Legal Education and Social Theory, University of Wrocław)

Stream description: In his *L'histoire comme champ de bataille* Enzo Traverso points out that memory as a socially relevant phenomenon appeared widely after 1989. The fall of the Soviet empire and the ensuing defragmentation of the world led to a situation in which a multitude of recollections, hitherto retained only in private, could enter the public space. Social memory became an element of identity and simultaneously an instrument of politics, increasingly encroaching upon the domain of legal discourse. This happens not only in the form of preambles to various legal acts, in particular constitutions, but also in the form of special state institutions charged with cataloguing the past and making it legally accountable.

According to Maurice Halbwachs, any individual memory functions exclusively in a certain environment and social group. The aim of this Workshop is to explore the relationship between collective memory and legal discourse. In particular, we are interested in the antagonistic, traumatic and political dimension of collective memory. This is because social memory above all records recollections of struggles: wars, revolutions, exclusion, repression, colonization and genocide. Psychoanalysis teaches us that trauma appears in a moment in which an event cannot be simply included within the symbolic order. This leads to the emergence of a gap which cannot be overcome. Memory can then become an emancipatory tool, a motivation and mobilisation for rebuilding the entire political and social order. However, memory can also be appropriated and become a tool of ideological legitimisation of those in power.

Memory is not something constant and immutable. To the contrary, it is subject to reinterpretation and is necessarily linked with the future. As Walter Benjamin pointed out, 'memory is not an instrument for exploring the past but its theatre. It is the medium of past experience, as the ground is the medium in which dead cities lie interred'. Memory remains within a dialectical relationship with forgetting. The latter should not be confused with repression, that is a purposeful attempt to remove a traumatic experience from the scope of remembering. Forgetting is a process which occurs over time, obscuring the origin of legal institutions, especially their foreign origin as legal transfers or their accidental appearance as a result of a temporary conjecture.

Possible topics that might be explored within the Stream include, but are not limited to the following:

- coming to terms with memories of conflicts in a transitional justice perspective,
- state-sponsored institutions dealing with accountability for the past in the former Soviet bloc ('institutes of national memory' and the like)

- lustration, decommunisation and other forms of remembering the authoritarian past
- memory and utopia,
- mythopoesis of law,
- memory as an instrument of identity politics,
- the place of legal history in legal education and legal argumentation,
- idealised visions of the past embodied in legal proxemics and legal rhetoric,
- use of criminal law to impose a certain vision of collective memory, criminalisation of attempts to recount an alternative vision of the past,
- visions of national past in constitutional preambles and their practical role in constitutional adjudication,

Please send abstracts (max 250 words) to:
michal.stambulski@prawo.uni.wroc.pl.

XXIII. Transitional and transformative justice

Stream convenor: Matthew Evans (University of Witwatersand, South Africa)

Transitional justice is increasingly seen as a discipline in itself, with an industry developing around its promotion and implementation. Indeed, transitional justice processes are promoted as a necessity in post-conflict and post-authoritarian contexts by international organisations, nongovernmental organisations and other actors. With this, transitional justice scholarship has also developed. Just as transitional justice has become increasingly mainstreamed in the discourse and practice of governmental and nongovernmental actors concerned with post-conflict and post-authoritarian states, criticism and contestation of transitional justice has increased. Questions are raised regarding the efficacy and desirability of implementing the standard models of transitional justice. Can transitional justice provide space for the needs of victims to be expressed and addressed? Does transitional justice inherently serve the powerful, quell political dissent and facilitate neoliberalism? Can the legal and quasi-legal tools typically favoured in transitional justice processes addressing individual violations of civil and political rights (such as truth commissions, trials and amnesties) be reconciled with collective political and socioeconomic grievances underlying conflict? Transformative justice – conceived as an alternative to top down, legalistic interpretations of transitional justice – has been proposed as a response to some of these questions. Nevertheless, as this concept emerges and is developed, further questions arise. What exactly would transformation look like and what is or is not being transformed? Can transformative justice meaningfully engage with gender inequalities as experienced before, during and after defined periods of conflict? Can existing transitional justice tools deliver transformative outcomes and, if not, what new (political, legal or economic) tools are required? Can (and should) transitional justice or transformative justice address historical wrongs rooted in the past prior to the immediate conflict or period of authoritarianism deemed to be ending?

This stream invites theoretical and empirical papers addressing the questions above, and others, arising from consideration of the space (or lack of space) for just outcomes (variously conceived) to emerge from political and legal responses to conflict, authoritarian rule and past injustice.

Please send abstracts (max 250 words) to: Matthew.Evans@wits.ac.za

XXIV. General Stream: Law, Space and the Political

If you would like to present at the conference but feel your paper does not fit into any of the above streams, then feel free to submit an abstract to the General Stream. This allows a space for papers directed to the Conference Theme “Law, Space and the Political”, or to papers related to critical legal thought more generally.

Please send abstracts (max 250 words) to: j.lakomy@prawo.uni.wroc.pl

XXV. Strumień ogólny: prawo, przestrzeń i polityczność

Osoby zainteresowane wygłoszeniem referatu związanego z tematem konferencji *Prawo, przestrzeń i polityczność* lub związanego w sposób ogólny z krytyczną myślą prawniczą mogą zgłaszać się do strumienia ogólnego w języku polskim, który będzie odbywał się równolegle ze strumieniami w języku angielskim.

Abstrakty referatów (o objętości nie większej niż 250 słów) proszę przesyłać na adres: j.lakomy@prawo.uni.wroc.pl