

Livia Holden, PhD



ERC Consolidator Grant Winner 2015 - PI of Cultural Expertise  
in Europe: What is it useful for?

Social Sciences Awardee 2016 - Pakistan Inter University  
Consortium for Promotion of Social Sciences

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**European Research Council**

### **Conference: Cultural expertise in socio-legal studies and history**

Convenors: Livia Holden and Soazick Kerneis (Paris Ouest – CHAD)

Place: Center for Socio-Legal Studies Oxford and Maison Française Oxford

Tentative Dates: 15-16 December 2016

### **Project Snapshot**

Team: Livia Holden – PI, 2 post-docs, 14 PhD holders, 14 PhD candidates, advisory board, ethics committee.

#### ***Cultural Expertise in Europe: What is it useful for?***

Respect for diversity has been at the forefront of political accession to the European Union since 1993 and socio-legal scholarship has developed articulated reflections on the accommodation of ethnic and religious minorities in Europe. Country experts with a variety of backgrounds have been instructed with increasing frequency in legal proceedings and in pre-judicial procedures involving members of diasporic communities. In some common law systems the role of the expert witness has expanded for experts to systematically assist the judge when litigants are belonging to minorities; in many systems of civil law, similar roles are played by translators and cultural mediators, including notaries and lawyers. Multi-national enterprises in various European countries are relying on the assistance of experts for transactions involving clients belonging to ethnic and religious minorities. Yet, a culture of disbelief is developing around cultural expertise while the European majority and the so-called minorities have drifted apart. Hence the question: *Cultural Expertise in Europe: What is it useful for?*

This project will empirically investigate the use and impact of cultural expertise in Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, the Netherlands, Poland, Portugal, Spain, Sweden and the United Kingdom. Data will be collected through ethnographic fieldwork integrating both quantitative and qualitative data for an extensive and in-depth assessment of cultural expertise in the judicial, pre-judicial, and extra-judicial settings. The objectives will be to: 1) map the terms, conditions, and costs of cultural expertise in civil law and criminal laws; 2) create an interdisciplinary toolkit for measuring the impact of cultural expertise; 3) establish an open access platform for the consultation of cultural expertise; 4) design a teaching and learning module using the cultural expertise impact toolkit; 5) and formulate policy-making guidelines for a cultural expertise leading to sustainable inclusiveness in Europe.

## Call for Papers

This conference is proposed as an exploration of the variety of regulations and practices regarding the role and use of cultural expertise, defined as the “special knowledge that enables socio-legal scholars, or, more generally speaking, cultural mediators - the so-called cultural brokers-, to locate and describe relevant facts in light of the particular background of the claimants and litigants and for the use of the court” (Holden 2011 and 2013, *Cultural Expertise and Litigation*, Routledge). This definition, proposed as a working definition needing update and contextualization, is proposed as a referent for exploring the variance of cultural expertise not only in the European legal theories but also for what concerns its factual role in living law. The organisers call for papers that investigate cultural expertise from both diachronic and synchronic perspectives. Although it is expected that emphasis will be put on today’s variance of cultural expertise in 14 European countries and according to European laws, papers that explore its historical antecedents and colonial settings are also welcome.

Papers that will adopt a diachronic perspective are encouraged to critically explore the use of anthropological and socio-legal knowledge for legal purposes – in court, out of court, and irrespective from court - throughout ancient and modern history in the processes of colonisation, decolonization, and in the post-colonial legal contexts. Papers that will adopt a synchronic perspective may refer to the tension between Common Law and Civil Law traditions, according to which the Common Law tradition appears to have kept its practical grounding whilst the European Civil Law seems to keep closer to an overarching theoretical construct. Authors are encouraged to explore how in the countries of Common Law the role of the expert witness has been expanded to systematically use CE when the litigants belong to minorities; while in the countries of Civil Law, the judge appears reluctant to depart from the principle of being the only cognizant of the law. Papers are also solicited to outline how, in many Civil Law countries mediation roles are nevertheless played by translators and cultural brokers; how notaries, lawyers, and multi-national enterprises are relying on the assistance of experts for transactions that are involving clients belonging to ethnic and religious minorities; and, how with an increasing frequency experts are also nominated by lawyers and by the courts.

Most submitted abstracts have adopted the following framework: overview of the national legislation (and wherever occurs linkages with the European legislation) on the use of cultural expertise or, following the countries, expert witnessing; precedents and case-law; and overview of organisations and other out of court sites where cultural expertise is used.

The above-mentioned themes are illustrative and prospective speakers are encouraged to submit abstracts on a greater variety of subjects related with cultural expertise in Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, the Netherlands, Poland, Portugal, Spain, Sweden and the United Kingdom. This conference also aims to engage with members of the legal profession and socio-legal professionals in the applied domain. Papers based on first-hand research will be privileged but theoretical discussions, engaged social research, and legal commentaries are also welcome. Authors may use a variety of methods non-exclusively including qualitative, quantitative, historical, ethnographic, and socio-legal. Abstracts between 500 and

1000 words plus a short bio (indicating current affiliation and main publications) should be sent to Livia Holden at [liviaholden@insightsproduction.net](mailto:liviaholden@insightsproduction.net) by the 20<sup>th</sup> September 2016. Subject to availability of funds and exhaustion of other financial resources funds will be available for covering travels, board, and accommodation. Authors are requested to also clarify whether they can bear fully or partially their own expenses. By the 30<sup>st</sup> September the authors of selected abstracts will be informed of the deadlines for submitting their full papers.

## **Temporary Programme**

### **1<sup>st</sup> Day**

#### **9:00 – 9: 30 Introduction by Livia Holden and Soazick Kerneis**

9:30 – 10:00 Greece

10: 30 – 11:00 Italy

11:00 – 11: 30 Coffee break

11:30 Spain

11:30 – 12:00 Portugal

12:00 – 12:30 France

12: 30 – 2:30 Lunch break

3:00- 3:30 United Kingdom

3:30 - 4:00 Austria

4:00 – 4:30 Germany

7:00 dinner

### **2<sup>nd</sup> Day**

9: 00 – 9:30 Belgium

9:30 – 10:00 Netherlands

10:30 – 11:00 Poland

11:00 – 11: 30 Coffee Break

11:30 – 12: 00 Denmark

12:00 – 12:30 Sweden

12: 30 – 1:00 Finland

1:00 – 3:00 Lunch break

3:00 – 4:00

Conclusive remarks and publication options by Livia Holden and Soazick Kerneis