

Wojciech Zomerski
University of Wrocław

The 30th Critical Legal Conference on “Law, Space and the Political”, University of Wrocław, Faculty of Law, Administration and Economics, 3–5 September 2015

On 3–5 September 2015 the University of Wrocław Faculty of Law, Administration and Economics hosted the 30th Critical Legal Conference, convened by Professor Adam Sulikowski (University of Wrocław and University of Opole), Dr Rafał Mańko (University of Amsterdam) and Mgr. Jakub Łakomy (University of Wrocław). The Critical Legal Conference is an annual gathering of critical and radical legal scholars from all over the world. It was inaugurated in 1986 at the University of Kent (UK). Since then, the CLC has been held every year, mainly in the UK, but also in South Africa, India, Finland, Ireland, Sweden and the Netherlands. The most recent conferences took place at the University of Utrecht, the Netherlands (2010), University Aberystwyth, UK (2011), the Royal Institute of Technology in Stockholm, Sweden (2012), Queen Mary University in Belfast, Northern Ireland (2013),¹ and at the University of Sussex, Brighton, UK (2014).² This year, for the first time in its history, the Critical Legal Conference crossed the frontier of the former Iron Curtain and took place in a country of the former Soviet bloc. The theme of this year’s conference *Law, Space and the Political* referred to the troubled history of Central and Eastern Europe and current challenges posed by the ongoing crisis.

The CLC is traditionally organized around a theme, but the Conference is highly decentralised and its leitmotiv is interpreted in various ways in the form of “streams”. The streams have an autonomous character and the conveners of particular streams are responsible for their organization. Apart from parallel streams there are also plenary sessions. This year, there were 5 plenary sessions, 22 parallel streams, one round table discussion, a workshop for PhD candidates, and a dance workshop.

The first plenary session took place on 3 September in the historical baroque interiors of the 18th-century Aula Leopoldina. The conference was opened by the Dean of the Faculty

¹ J. Łakomy, R. Mańko, *Critical Legal Conference, Belfast, Irlandia Północna, 5–7.09.2013 r.*, “Archiwum Filozofii Prawa i Filozofii Społecznej” 2014/8, p. 88–91. See also: C. Cercel, R. Mańko, A. Sulikowski (eds.), *Questioning the Past, Resisting the Present: Law and Critique in Central Europe*, Oxford 2016.

² P. Snopek, *Critical Legal Conference 2014 Power, Capital Chaos, University of Sussex, Brighton, Wielka Brytania, 4–6.09.2014*, “Archiwum Filozofii Prawa i Filozofii Społecznej” 2015/2, pp. 149–156.

of Law, Administration and Economics, Professor Włodzimierz Gromski, who warmly welcomed the initiative of bringing the CLC to Poland. The Dean admitted he strongly believed that critical legal thought is a useful and beneficial tool for legal research. Speaking on behalf of the organizers, Professor Adam Sulikowski explained that the main influences on the Polish legal scholars are, on the one hand, neoliberally flavoured capitalism and, on the other, the conservative Roman Catholic heritage. Therefore, as he pointed out, the need for critical legal thought in Central and Eastern Europe might be even greater than in other parts of the world. Following the opening speeches, the floor was given to the first keynote plenary speaker, Professor Costas Douzinas from Birkbeck, University of London, one of the founding fathers of the CLC. Professor Douzinas delivered a paper devoted to *Adikia: Critical Legal Theory and the Future of Europe*. In it, he briefly reconstructed the history of critical legal studies and considered its current challenges, in particular in the political context in Greece. The second plenary speaker was Dr Illan Rua Wall, Associate Professor at the University of Warwick. His paper entitled *On Crowds and Atmospheres* provided a philosophical and sociological interpretation of human crowds and the way in which they interact with spaces that surround them, especially in the context of mass demonstrations and movements that we have been witnessing since the onset of the ongoing crisis.

On 4 September, two plenary sessions took place. The first one, chaired by Professor Adam Sulikowski, consisted of three papers. Professor Jiří Přibáň from Cardiff University briefly presented the most important thesis from his book *Sovereignty in Post-Sovereign Society*. His paper was aimed at reformulating the concept of sovereignty and its persistence as part of the self-referential communication of the systems of positive law and politics. The second paper, given by Dr Stewart Motha (Birkbeck, University of London), concerned maritime space as a means to understanding the spatial formations of global powers and legal ordering. Dr Motha in his paper, entitled *Liminal Legality: Provincializing Critical Legal Thought*, concluded that contemporary legal thought should strive to understand the persistence of the archaic “as if” in the present. The last speaker, Professor Monika Płatek from the University of Warsaw spoke about *How Far is Freedom from Equality. On Making Unnoticed Legal Difference Visible*. Professor Płatek presented the most urgent legal issues in Poland in the light of gender studies. She also attempted to depict how Polish public discourse is influenced by Catholic authorities.

The second plenary session, chaired by Dr Marija Bartl (Assistant Professor, Centre for the Study of European Contract Law, Amsterdam), took place on the same day in the afternoon. The first paper was delivered by Professor Harm Schepel from the Kent Law School, faculty in Brussels. In his paper, entitled *Importing Disciplinary Constitutionalism: The Politics of International Investment Law in the Global North*, Professor Schepel traced the way that investment law redraws the balance between collective action and private property rights and investigated how “the rule of law” for decades has been outsourced in the global south. Professor Martin Škop (Masaryk University, Brno, Czech Republic) delivered a paper entitled: *Do We Really Need Transparent Decisions?* In his paper, Professor Škop argued that nowadays transparency is becoming a fetish, a fetish that loses its importance and turns transparency into an empty formula covering a disagreement with a decision. In conclusion, Professor Škop questioned the need for transparency in judicial and administrative decisions.

On 5 September 2015, two further plenary sessions took place. The first one was chaired by Dr Rafał Mańko and consisted of two lectures. The first paper was delivered by Dr Marija Bartl. Her paper entitled *Enlarging the U.S. Regulatory Space? TTIP and the Contraction of the Political* discussed the threats related to the Transatlantic Trade and Investment Partnership. As Dr Bartl pointed out, the TTIP being promoted under many banners would lead to the

depoliticization of EU regulations and expansion of the US regulatory culture. The second lecture was given by Dr Ekaterina Yahyaoui Krivenko from the Irish Centre for Human Rights at the National University of Ireland, Galway. In her paper, Dr Yahyaoui Krivenko focused on the relation between space and time in the light of international law. As a conclusion, she considered whether international law might fully embrace the relational view of space.

The final plenary session took place in the afternoon at the historical venue of the Oratorium Marianum. The session was chaired by Dr Hanna Dębska (Pedagogical University, Kraków) and was inaugurated by Professor Andreas Philippopoulos-Mihalopoulos (Westminster University). Professor Philippopoulos-Mihalopoulos referred to his main ideas and notions covered in the book *Spatial Justice: Body, Lawscape, Atmosphere (Space, Materiality and the Normative)*. Using the concepts of "lawscape" and "atmosphere", the speaker argued that spatial justice can only emerge through a radical withdrawal from the atmospheres of control perpetuated by the neoliberal, self-policing affective society of growth and consumption. The final lecture was delivered by Dr Cosmin Sebastian Cercel from the University of Nottingham. Dr Cercel in his paper, entitled *Spaces of Exception, Moments of Danger: Law and the Communist Experience*, investigated traces left by the communist even within the conceptual fabric of the law inside the continental tradition and the critical theoretical significance of the experience of the communist legacy in Central and Eastern Europe. Lectures were followed by a lively discussion and later on concluding remarks by the organisers.

The 22 parallel streams were identified by letters starting from A and finishing on V. The limited size of this report does not allow for a detailed presentation of all the streams, therefore only basic information concerning each stream will be provided. Stream A: *Space of Creative Legal Argumentation* was convened by mgr. Markéta Klusoňová (Masaryk University, Brno, Czech Republic) and consisted of two sessions. Stream B: *Central and Eastern Europe as a Space for Critical Thought*, convened by Dr Jacek Srokosz (University of Opole, Poland), consisted of two sessions. Stream C entitled *Centre and Peripheries: the Politics of Legal Transfers* was convened by Dr Michał Gałędek and Dr Anna Klimaszewska (University of Gdańsk, Poland) and also consisted of two sessions. Dr Paweł Skuczyński (University of Warsaw) convened Stream D: *Reflexivity and the Political. Condition or Constraint?*, consisting of three sessions. Stream E: *Business and Human Rights at the Crossroads*, convened by Dr J.L. Čerňič (Graduate School of Governance and European Studies, Kranj, Slovenia), consisted of two sessions. Stream F: *European Legal and Political Spaces* (conveners: A. Aseeva, Sciences Po, Paris and Dr Pola Cebulak, University of Geneva) consisted of two sessions. Stream G: *Making Space for Behavioural Research in Consumer Law?* was convened by Dr Mateusz Grochowski (Polish Academy of Sciences) and consisted of three sessions.

Stream H entitled: *Transitional and Transformative Justice* was convened by Dr Matthew Evans (University of the Witwatersrand, South Africa) and consisted of two sessions. Stream I: *The Decryption of Power: a Space of Emancipation from Global Power* (convener: Professor Ricardo Sanín-Restrepo, Universidad Javeriana, Colombia) was divided into two sessions. Dr Michał Paździora and mgr. Michał Stambulski (Centre for Legal Education and Social Theory, University of Wrocław) convened Stream J entitled: *Law and Spaces of Collective Memory*, consisting of four sessions. Stream K: *Between Science and Politics: The Place of Expertise in Legal and Public Spaces*, convened by Dr Maciej Pichlak, University of Wrocław, consisted of three sessions. Stream L: *Challenges for the Law and Politics in the 21st century: Schmitt Revisited* (convener: Dr Jānis Pleps, University of Latvia) consisted of four sessions. Dr Anna Śledzińska-Simon (University of Wrocław) convened Stream M entitled: *Right, Identities and the Public Space*, consisting of four sessions.

Stream N entitled: *Justice and the Nomoi of Post-Coloniality* (conveners: Dr Julia Chryssostalis, School of Law, University of Westminster and Professor Jaco Barnard-Naudé, University of Cape Town, South Africa) consisted of two sessions. Stream O, entitled: *The Symbolic Force of Law and the Right to the City*, was convened by Professor Marinella Machado Araujo (Pontificia Universidade Católica de Minas Gerais, Brasil) and consisted of two sessions. Stream P: *Movement: Animating Law, Space and the Political* (conveners: Professor A. Philippopoulos-Mihalopoulos, University of Westminster and Dr Olivia Barr, University of Technology Sydney) consisted of three regular sessions and the dance workshop. Dr Monika Augustyniak (Andrzej Frycz Modrzewski Kraków Academy) convened Stream R entitled: *Space, the Political and Civil Participation*. The stream was held in Polish (Polish title: *Przestrzeń, polityczność i partycypacja obywatelska*) and consisted of two sessions. Stream S: *Persons as Property: Law, Identity, Subjectivity, Personhood* (convener: Dr Merima Brunčević, University of Gothenburg, Sweden) consisted of three sessions. Stream Q *The Secret Nomos of the Modern* (conveners: Dr Cosmin Cercel, Dr Alex Cistelean, University of Târgu Mureș, Romania and Dr Simon Lavis, The Open University, UK) consisted of four sessions.

Simultaneously, as an integral part of CLC, the Fourth Convention of Fontes Society for Research on Sources and Functions of Law, Technology University of Rzeszów, Poland took place. The main panel (Stream V) *Pressure of Interest Groups in the Light of Collective Interest* (stream held in Polish: *Presja grup interesu na prawodawcę a interes zbiorowy*) was convened by Professor Paweł Chmielnicki (Rzeszów University of Technology) and consisted of four plenary sessions featuring 35 speakers altogether. The Fourth Convention of the Society ended with a general meeting of the members of the society.

Apart from 20 specialized streams, there were two general streams convened by Mgr. Jakub Łakomy. Stream T: *Theoretical Strand* consisted of three sessions devoted to the philosophy of law and one to the political philosophy. Stream U: *Doctrinal Strand* consisted of seven sessions and explored several topics. Besides the above-described streams, the conference also featured the Round Table Discussion devoted to *Neoliberalism and the Academia*, moderated by Dr Marija Bartl. Professor Andreas Philippopoulos-Mihalopoulos, in turn, in order to popularize and develop his research, organized a workshop for Ph.D. candidates focusing on *Spatial Justice*. Finally, a dance workshop was organised by Professor Philippopoulos-Mihalopoulos jointly with Olivia Barr during which the participants could explore the notion of *spatial justice* in a direct way.

The academic proceedings of the Conference were followed by an organisational meeting held at the Oratorium Marianum. It was decided by acclamation that next year's 31st Critical Legal Conference will take place at the University of Kent, UK. However, as regards 2017, two universities put forward opposing bids. On behalf of the Masaryk University in Brno, a bid was submitted by Professor Škop, who would like to co-organise the CLC jointly with the Czech Academy of Sciences (co-organiser: Dr Petr Agha). A counter-bid was submitted by the University of Warwick (organiser: Dr Illan Rua Wall). During a brief discussion, the delegates from Central Europe generally favoured the idea of the CLC being shared, on a bi-annual basis, between the West and the East. Therefore, whilst the CLC will return to the UK in 2016, they would strongly favour having it back in Central Europe the following year. Speaking on behalf of the British Critical Legal Community, Professor Costas Douzinas suggested that the decision be postponed until next year's CLC, and to establish ties and close cooperation between Masaryk University and Warwick University in the meantime.

BIBLIOGRAFIA / REFERENCES:

- Cercel, C., Mańko, R., Sulikowski A. (Eds.). (2016). *Questioning the Past, Resisting the Present: Law and Critique in Central Europe*. Oxford: Counterpress.
- Łakomy, J., Mańko, R. (2014). Critical Legal Conference, Belfast, Irlandia Północna, 5–7.09.2013 r. *Archiwum Filozofii Prawa i Filozofii Społecznej* 8(1), 88–91.
- Snopek, P. (2015). Critical Legal Conference 2014 Power, Capital Chaos, University of Sussex, Brighton, Wielka Brytania, 4–6.09.2014. *Archiwum Filozofii Prawa i Filozofii Społecznej* 11(2), 149–156.