

Call for papers: FINAL CONFERENCE – JUDGES UNDER STRESS

University of Oslo, 17-18 November 2022

C o n f e r e n c e

Judges
under
STRESS

the Breaking Point
of Judicial Institutions

**17th – 18th
November, 2022,**
University of Oslo, Faculty of Law



How do rulers seek judicial compliance with authoritarian measures, how do judges react to such measures, and what are the conditions under which an independent judiciary breaks down?

Main topics:

**INSTITUTIONAL PATH
DEPENDENCE**

how legal traditions and culture live on, transform, and disappear

**JUDICIAL
IDEOLOGY**

how judges see themselves, their role in the legal system

**JUDICIAL
RESISTANCE**

how judges can resist and postpone the breaking point of the rule of law



Invitation to Submit Abstracts

How do rulers seek judicial compliance with authoritarian measures, how do judges react to such measures, and what are the conditions under which an independent judiciary breaks down? These questions have been addressed from the perspective of institutional theory, looking at the experiences of Central and Eastern European states under communist rule. Although the primary focus is on the past of the CEE countries, we welcome insights into the judicial institutions from all over the world, both past and present developments.

Keynote speakers:

Hans Petter Graver (University of Oslo)

Renáta Uitz (Central European University)

Terence Halliday (American Bar Foundation)

We invite interested scholars to submit abstracts under the following three headings:

Institutional path dependence – how legal traditions and culture live on, transform and disappear

Our research addressed hidden continuities in CEE judiciaries and concealed discontinuities and omissions in the rule of law conceptualization in the region. The latter line of research also reflected connections to the current rule of law decay and illiberal attempts. Building on this output, we invite contributions that follow an institutionalist perspective, broadly perceived, to historically, empirically, and theoretically address the breaking point of judicial institutions. We welcome contributions that are comparative in nature.

Judicial ideology – how judges see themselves, their role in the legal system

In our approach, the ideology represents the imaginary relationship of individuals to their real conditions of existence. The goal of the ideology is to create and mould a subject for the benefit of whatever the power claims to be of value. Subjects do not perceive this influence as artificial or secondary but natural, true, or apparent. Our goal is to focus on judges as subjects and the ideology reflected in their speech and action. It is mainly how judges have seen themselves and how they have perceived their role in the legal system, depending on their social reality. We decided to use the concept of ideology instead of culture, emphasizing the change in material conditions. We encourage critical approaches towards judicial ideology, particularly in critical social changes.

Judicial Resistance – how judges can resist and postpone the breaking point of the rule of law

Politicians already did in the past, do currently, or might in the future, challenge the rule of law and judicial independence and thus put political demands on the judiciary. Courts in different countries face forces calling for illiberal measures and 'reforming' the judiciary. Academia critically assesses the measures by which rulers in different regimes seek to influence judges improperly. However, it is equally important to explore judicial individual and collective reactions to the rule of law backsliding. Is there a right or even a duty of a judge to resist illiberal measures that limit the rule of law standards, including judicial independence, even if framed within positive law? Are there any regulations on the countries level and international level (including drafts of just debate) regarding judicial resistance, right/obligation of the judge to defend the rule of law, judicial

independence, right/obligation of the judge to go public, to take part in the public debate (including in the media): legal provisions, ethical provisions, oaths and similar?

The main focus of the conference will be developments in Europe, drawing on the experiences of the twentieth century to analyse and explain the present situation. However, we also invite contributions from America (north and south), Africa, Asia and Oceania. The project and the conference have judges and judicial institutions as its main object of study, but judges form part of a legal complex (Halliday and Karpic) of lawyers, prosecutors, bureaucrats and civil society.

Submission of abstracts of a maximum of 300 words, please send to jusconference2022@gmail.com by 30th May 2022 ("JuS final conference" in the subject).

Please, attach your position and affiliation in a short bio.

Additional information:

To assure the impact of the conference, we aim to apply for a Special Issue in an international academic journal and publish the highest quality articles out of the presented papers.

Meals during the conference will be provided, and no registration fee will be charged.

Link for more information on the project: <https://www.jus.uio.no/ifp/english/research/projects/jus/>