

**Emergent Paradigms: Current Issues and Debates in Cultural Legal Studies: Osnabrück Summer Institute on the Cultural Study of Law, 3–9 August 2015**

While this spring the city of Osnabrück hosted the Peace Forum, which was organised by the University of Osnabrück together with the city of Osnabrück, the summer featured an academic workshop series focused on issues relating to two immense bodies of research and scholarly interest today: law and culture. The venue for this very uncommon and valuable event was Osnabrück Castle. ‘Emergent Paradigms’ looked at today’s pressing global issues, including interdisciplinarity, migration, creativity, property, and citizenship. All these subjects were covered throughout the workshop series. The event’s cultural programme reflected both the conference location and its theme, with references to Osnabrück’s historical and legal significance as the site of negotiations for the 1648 Peace of Westphalia and as the home of a collection of surrealist paintings by Felix Nussbaum, whose works offer an eyewitness account of the impact of the Nuremberg laws and the subsequent deportations. It should also be mentioned that the Summer Institute is one of just a few places with a similar academic orientation that have sprung up throughout Europe.

This year’s Osnabrück Summer Institute, which took place from 3 to 9 August 2015, was devoted to emergent paradigms in the cultural study of law. It was hosted by Osnabrück University’s Institute of English and American Studies (IfAA), which cooperates with the Center for the Study of Law & Society at UC Berkeley and various other institutes at the University of Osnabrück. These organisations have come together to establish a network of people interested in the intersection of law and culture. The hosting organisation’s predominant academic orientation (English and American Studies) also influ-

enced the choice of presenters—American or US-based academics who have extensively shaped the subject—and the preliminary readings for the participants. Nevertheless, the actual presentation topics reflected the professional profiles of all the participants, and the debates thus included a diverse range of experiences from various parts of Europe and the world.

The chosen presentations, which covered important contemporary issues such as migration and law, pointed towards a future in which law, the humanities, and the social sciences come together. The ambition of the main organizer, Peter Schneck, was to promote and examine the interdisciplinary study of and research into the discussed cultural legal topics. The thematic sessions explored important issues and debates in current cultural legal studies—in particular the tripartite relationship between culture, cultural rights, and the nation-state, the historical emergence of dominant (legal) concepts of property, current conflicts regarding citizenship, migration and indigeneity, the cultural presence and representation of the law, and the role of culture in the representation and dissemination of the concept of rights (e.g. law and literature, life writing and human rights, visual culture and human rights rhetoric). However, the author shall mention only those workshops that he attended in person.

The introductory workshop, entitled ‘Working at the Intersection of Law and the Humanities: Theory, Concepts, Methods’, was convened by Christina Martinez and Martin Zeilinger. It provided a rare opportunity to address the convergences, synergies, and intersections (as well as unsurmounted disciplinary divisions) among a wide range of young international scholars. It was clear that the various scholarly interests are ingrained in their particular disciplinary perspectives. They do not always fit together smoothly, and the many voices from different backgrounds are not capable

of immediately finding common ties. Significantly, debate revolved around one central consensus and one source of disagreement. There was nearly perfect unanimity in the participants' broadly shared discontent with the rigidity of law as a discipline. The catechism-like quality of legal science, which was expressed using terms such as positivism, formalism, or instrumentalism, appears to be a worldwide phenomenon. Amazingly, the most vocal criticism of law as a discipline came from jurists themselves. In contrast, there was a polemic between a belief that knowledge from diverse contexts could be cut and pasted into a new mosaic of knowledge with its own meta-language, and an opposing belief that even in research which makes use of diverse disciplinary traditions, the transition from one discipline to another must be done in a carefully considered manner. Many scholars' insistence on the dualism between the concepts of rights and culture was contrasted by the notion of law as an integral part of culture. Thus, a newly introduced contrast—together with a rethinking of the rights-versus-culture dualism as a product of its time and place—has become a significant point of conversion in the subsequent use of those concepts. It was suggested that a link between rights and their socio-cultural context should involve at least the sites of authority and power that promote or obstruct the enforcement of rights both within and outside of the state.

The second workshop, entitled 'Indigeneity, Migration, and the Nation-State', was made up of two sessions that explored the nation-state's relationship to both indigeneity and migration. The migration session examined the most recent debates on the particular spatiotemporal logic employed by the current political and legal approaches to migrants, embodied not only in legal doctrines but also in administrative practices related to asylum and deportation cases. This very current topic was explored within a broad historical and geo-

graphic context in relation to historical cases of internal and external migration, colonialism and post-colonialism, and the narrativity and imaginaries of law. The session presented various cultural legal studies that acted as a useful lens through which to study questions such as political activity related to migrants, legal claims of belonging and citizenship, how migrants negotiate borders, and the nation-state's exercise of border control. The fairly new area of migration and border studies explored various metaphors of migration as crisis, the border as a method, border spectacle, invasion waves, and the securitisation and humanitarianisation of the border that enable us to define migrants in terms of hospitality (as victims) or trespass (as criminals). In the indigeneity session, this view of migration as a phenomenon that is external to Europe or the nation-state was compared with questions of internal migration within the nation-state. Specifically, indigeneity was discussed in the context of the US's internal colonisation and was seen as a status that could be as precarious as that of migrants in some countries. However, recent developments in the field of indigenous rights are marked by the emergence of specific ethno-legalities that are separate from the state and whose relative independence is recognised by state—which is in particular the case in the United States. It is interesting that these pockets of different legalities, including immigrant communities and indigenous reservations within the territory of a nation-state, are not only a sign of emancipation but also facilitate otherwise illicit activities while also functioning like tax havens for some crimes. This blurring of the boundaries between internal and external migration is also accompanied by an observable increase in unconventional borders across populations.

Closely tied to the first two workshops and the subjects of migration and indigeneity was the third workshop, 'Culture and the Constitution of Citizenship', con-

vened by Hoang Gia Phan. It explored the gradual historical dissociation of human subjectivity and the state as an increasingly less exclusive guarantor of human rights. The concept of human rights as reflecting universal minimal standards of treatment was explored through the lens of its inherent literary narratives—the idea of the protagonist of a novel who alone confronts unacceptable conventions of power and society was abandoned in favour of group rights that recognise the bonds among individuals, traditions and community, human voices, and many other things that not only constitute an individual's own identity but also form the basis for his or her legal personality. The debate built also on the concept of tragedy and on Hoang Gia Phan's works on the visibility and invisibility of legal dynamics in the letter of the laws regarding citizenship as the main signifier of 'Us' as a counterpart to 'the Other'. The workshop was focused on marginal microhistories that relate phenomena such as race, class, labour, and gender, and demonstrate that those who challenge established categories of citizenship tend to be migrants and indigenous people (the original bearers of otherness and foreignness), that they confront official justice case by case, and that the most enduring transformations tend to result from the exchange of generations.

The Summer Institute exposed disciplinary identities to many different points of view. It was an opportunity to reassemble the disciplinary self through the mediation of such exposition. Besides the most recent developments in cultural legal studies the conference's most important by-product was an increased sensitivity towards disciplinary diversity. Conventional approaches to teaching law provide little or no access to different realms of the social sciences and humanities. Unfortunately, legal knowledge taught in such a manner suggests implicitly that it is exhaustive and represents the only way of approaching the subject. The kinds of interdisciplinarity produced by legal scholars are thus often convincingly self-confident when it comes to the social sciences and humanities, but this fact often hides their lack of sensitivity to different disciplinary traditions as specific ways of understanding and may end up reducing their distinctive nature. In this regard, the cultural study of law clearly demonstrates that the still predominant 'objective' approach to our understanding of law needs to be exposed to 'exotic' ideas—for instance, through the lens of other disciplinary traditions.

*Tomáš Ledvinka*  
*Charles University, Prague*  
*tomas.ledvinka@fhs.cuni.cz*