

**Conference**

Call for Papers

# **European Law and Cultural Diversity Conference**

2 - 3 April 2025, Milton Keynes (UK)



This conference aims to explore the themes and intersections of European Law and cultural diversity. The idea that law and law-application are deeply influenced by cultural differences which must be taken into consideration when implementing legal regimes across-cultural groups is receiving growing support from international institutions and the international legal academia.<sup>1</sup> However, mainstream legal scholarship and institutional practice in Europe continue to assume that (legal) notions such as (un)certainty, fault, negligence, ownership, participation, or to be heard are culturally grasped and experienced in relatively homogenous terms from Greece to Latvia to Ireland.<sup>2</sup> Yet, as cross-cultural psychology shows, Europe is less culturally homogenous than assumed by the European legal mainstream, especially as regards cultural dimensions that are fundamental to the practice of the rule of law (e.g., group relations, time perception, communication styles, power distance, etc.).<sup>3</sup> The question becomes even more pressing if we acknowledge that no nation is culturally homogenous due to the existence of different cultural minorities –even more so when the perspectives of migrant citizens and non-citizen residents are taken into consideration.<sup>4</sup>

Surely, the different layers of the European legal system (Council of Europe, European Union, Member States) contain certain rules, principles, and procedures through which cross-cultural differences may factor into law. For instance, the European Court of Human Rights (ECtHR) has developed and applied for decades the Margin of Appreciation doctrine which gives States parties to the European Convention on Human Rights a varying degree of discretionary power to take the particular circumstances of their national societies into account, including cultural aspects, when dealing with the rights protected in the Convention.<sup>5</sup> Further, Articles 3(3) and 4(2) of the Treaty on the European Union and Article 17 of the Treaty on the Functioning of the European Union establish an obligation for the European Union (EU) to respect, protect and even promote European cultural diversity. However, the Court of Justice of the EU and the ECtHR tend to use a rather authoritative and formalistic type of discourse that leaves little or no room for cross-cultural knowledge in legal reasoning. Moreover, to the extent that the legal academia recognises the diversity of cultures in Europe, this is usually brushed aside by references to the consensus existing among European institutions and Member States.<sup>6</sup> Against this backdrop and in the context of increasing tensions in fundamental areas of cross-European legal cooperation, this conference aims to explore the application of the insights and tools of cross-cultural psychology and cross-cultural learning about cultural differences (and similarities) to deepen our understanding of key European legal debates and make the operation of cross-European legal regimes more sensitive to issues of cultural diversity.

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<sup>1</sup> Cf. e.g. UNGA Res. 69/123, of 10 Dec. 2014, para. 9; and 2018 Report of the International Law Association's (ILA) Committee on the Rule of Law and International Investment Law, p.24, available at <https://www.ila-hq.org/index.php/committees>

<sup>2</sup> European Commission for Democracy through Law - Venice Commission (2011) Report on the Rule of Law (Study No. 512/2009 - CDL-AD (2011) 003rev), para 41ff; and 2004 Report of the UN Secretary-General, Doc. S/2004/616, 23 August 2004, para. 6

<sup>3</sup> E.g. Cohen, A. B., & Varnum, M. E. (2016). Beyond East vs. West: Social class, region, and religion as forms of culture. *Current Opinion in Psychology*, 8, 5-9. Kitayama, S., & Salvador, C. E. (2023). Cultural psychology: Beyond east and west. *Annual Review of Psychology*, 75.

<sup>4</sup> Ibid.

<sup>5</sup> Convention for the Protection of Human Rights and Fundamental Freedoms. Council of Europe Treaty Series 005, Council of Europe, 1950.

<sup>6</sup> E.g. Grabowska-Moroz, B. and Kochenov, D.V. (2021) "EU Rule of Law: The State of Play Following the Debates Surrounding the 2019 Commission's Communication." In *Rule of Law vs Majoritarian Democracy*. Ed. Giuliano Amato, Benedetta Barbisan and Cesare Pinelli. Oxford: Hart Publishing, 2021. 63–80. Bloomsbury Collections. Web. 12 Jul. 2022. <http://dx.doi.org/10.5040/9781509936878.ch-005> , 2f

Within this effort of interdisciplinary pollination, we invite contributions from all areas of social, legal and cross-cultural research as well as from the humanities to three different streams. Stream I examines the methodological possibilities and difficulties of bringing together cross-cultural research and legal work. In particular, this stream aims to discuss alternatives to the traditional legal ideas that exclude cross-cultural knowledge from law. This stream also explores the democratic potential of alternative ideas about legal form and law-application in order to allow cross-cultural insights to permeate institutional law-applying routines and professional identities.

The other two streams explore a variety of more specific legal issues placed at the intersection between European law and cultural difference where legal debates call for a deeper understanding of the cross-cultural component. Thus, Stream II concentrates on the cross-cultural tensions embedded in the European system of human rights as well as in the EU's institutional and substantive rule of law debate. Stream III debates the acculturation trends inherent in the construction of a European unified economic space through international and European economic law against the backdrop of European cultural diversity.

Paper proposals (including title and an abstract of up to 250 words) should be sent by 20 January 2025 to the academic coordinator of the conference, Dr. Juan J. Garcia Blesa, at [juan.garciablesa@fernuni-hagen.de](mailto:juan.garciablesa@fernuni-hagen.de). The final conference programme will be issued in February 2025. The conference proceedings will be published in an edited volume after the conference.

The conference will take place at The Open University Law School, The Open University, Walton Hall, Milton Keynes, MK7 6AA.

The ultimate goal of the conference is to gather a cross-European network of legal and cross-cultural scholars to work during and after the conference towards a common research program on European Law and Cultural Diversity. Therefore, we will be happy to consider participants for a future collaboration within the framework of a larger cross-European research funding proposal.



### **Stream I Bridging cross-cultural research and legal work**

Possible topics (these are only examples and should not be taken as an exhaustive list of topics):

- (Neo)-Positivist approaches to law versus cross-cultural diversity
- The potential use of socio-legal and critical approaches for the integration of cross-cultural knowledge into law-application
- The notion(s) of culture and legal culture
- Understanding Law from the perspective of Social and Community Psychology, Anthropology and other forms of cross-cultural research
- Other forms of cultural study of law
- Current uses of cross-cultural knowledge in comparative law
- Cultural relativism and the limits of cross-cultural approaches to law

### **Stream II Cross-cultural tensions in the European rule of law and human rights arena**

Possible topics (these are only examples and should not be taken as an exhaustive list of topics)

- Different cultural meanings of (civil, political, economic, social and cultural) human rights in Europe
- Understanding and applying the rule of law in different cultural contexts in Europe
- Jeopardising or enhancing human rights and the rule of law through cultural diversity.
- The reality and future of EU citizenship vis-à-vis European cultural diversity

### **Stream III The cultural architecture of economic law: market law unification vs cross-cultural diversity**

Possible topics (these are only examples and should not be taken as an exhaustive list of topics)

- The market unification through European competition law versus cross-cultural diversity in Europe
- Cultural differences in the protection of 'vulnerable' groups in the market (e.g. the case of consumers)
- Market law unification through technology regulation vis-à-vis cultural diversity
- Cultural differences in the path towards a greener Europe



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