

Dissenting Voices: The Making, Debating, and Shaping of Law
21st-22^d of January 2021
University of Liège

While laws, reforms, and public policies are often assumed to be coherent (Holm Vohnsen 2017), dissenting opinions, contradicting trends in the jurisprudence, and variations in daily administrative practices suggest otherwise. Breaking away from the assumption that legal regimes speak with one, unanimous voice, this workshop will explore the place and the role of dissenting voices in the way legality is constructed. Building on studies of legal professionals on the one hand (Andreetta & Kolloch 2018; Boigeol 1996 ; Bessière & Mille 2013 ; Budniok 2015; Oumarou 2014 ; Rubbers & Gallez 2015; Verheul 2013), and on the literature on litigation and judicial decision-making on the other (Dupret 2006 ; Gill & Good 2019 ; Good, Berti & Tarabout 2015 ; Ben Hounet & Puccio-Den 2017 ; Colemans & Dupret 2018 ; Truffin & Laperche 2011 ; Simon & Truffin 2018), we aim to explore contradictions within, resistance to, and the telling of different, potentially competing stories in legal proceedings, texts, or laws, and the manner of their interpretation. How do legal professionals decide between different trends in the jurisprudence? How do they understand their role within, or against the legal system? How do they relate to legal narratives, and to the stories of law told by the state with which they might regularly work? This workshop will delve into competing understandings of professionalism, interests at stake, and narratives around legal work, on the one hand, and the way legal actors navigate, or mobilize competing interpretations of legal texts, on the other hand. It will also investigate how unanimous voices are challenged, through cause-lawyering or strategic litigation for example, and how dissenting opinions can sometimes gain traction and trigger shifts in the jurisprudence.

Registration: dissentingvoices2020@gmail.com
Participants will receive a link to the virtual seminar room

The 21st of January

13.00- 13.30 Welcome address

Frédéric Schoenaers, Dean of the School of Social Sciences, University of Liège

13.30-14.45 Keynote lecture

The Rule of Law, the Rule by Law, and the Law of Rules: A Textual Ethnography of Dissent in Adjudication

By Baudouin Dupret (CNRS, Les Afriques dans le Monde)

Chair: Sophie Andreetta (University of Liège)

Discussant: Barbara Truffin (Université Libre de Bruxelles)

14.45-16.00 Dissenting voices transforming legality and courts

Being role models, raising their voices and fighting for judicial independence:
How Beninese judges and prosecutors make and debate legality and democracy
Annalena Kolloch (Johannes Gutenberg University Mainz)

Dissenting judgements on transforming courts: some Southern African examples
Peter Brett (Queen Mary University)

Chair: Susanne Verheul (Oxford University)

Discussant: Benjamin Rubbers (University of Liège)

16.00-16.15 Coffee break

16.15-17.30 Hearing dissenting opinions: judges across borders

Dissenting Voices that Persist: The Role of Dissenting Judicial Opinions in
Determining the Justiciability of Socio-Economic Rights in Ghana
Maame Efua Addadzi-Koom (Kwame Nkrumah University of Science and
Technology)

Hollow human rights? The dissenting agency of migrant-applicants from
Russia before the European Court of Human Rights
Agnieszka Kubal (UCL School of Slavonic and East European Studies)

Chair: Eugenia Relano Pastor (Max Planck Institute for Social Anthropology)

Discussant: Michelle Flynn (Max Planck Institute for Social Anthropology)

The 22d of January

9.15-10.30 Keynote lecture

In another voice. Do women change the judiciary?
By Ulrike Shultz (FernUniversität Hagen/ISSL Onati)

Chair: Susanne Verheul (Oxford University)

Discussant: Alice Margaria (Max Planck Institute for Social Anthropology)

10.30-10.45 Coffee break

10.45-12.00 Judges and prosecutors shaping the law: gendering dissenting voices

Oral hearings in court – control, opportunity and ceremony
Livia Johannesson (Stockholm University)

Customary Law in New-Caledonia, the intellectual wanderings of a civil law judge
in customary court

Oona Le Meur (Sciences Po, Université Libre de Bruxelles)

Chair: Sophie Andreetta (University of Liège)

Discussant: Marième N'Diaye (CNRS, LAM Bordeaux)

12.00-12.30 Taking dissenting voices further

Sophie Andreetta (University of Liège)

Susanne Verheul (Oxford University)

Eugenia Relano Pastor (MPI for Social Anthropology)