

# Socio-legal Perspectives on the Rule of Law

The rule of law feeds on the idea of the law's independence; it is based on the assumption of autonomy of the law. Since its beginnings, sociology of law has questioned this autonomy in different ways and with regard to its social functions; socio-legal studies have shown how courts and tribunals, while asserting themselves as "neutral" and "objective", are social and cultural actors embedded in society.

The workshop discusses socio-legal perspectives on the rule of law against the background of current delegitimizations of legal institutions. What is the role of the rule of law in socio-legal terms? We invite socio-legal perspectives to contribute to a debate that so far has taken place primarily in public law and political science. The workshop will focus on social practices and functions of courts and jurisprudence beyond constitutional jurisdiction. To this end, we bring together contributions from sociology of law, political science and legal doctrines on the rule of law.

The workshop is accompanied by a public roundtable on the 40<sup>th</sup> anniversary of the Zeitschrift für Rechtssoziologie / German Journal of Law and Society (in German language) and a public General Assembly of the Vereinigung für Recht und Gesellschaft (German Association for Law and Society) open for anyone who is interested.

## Registration:

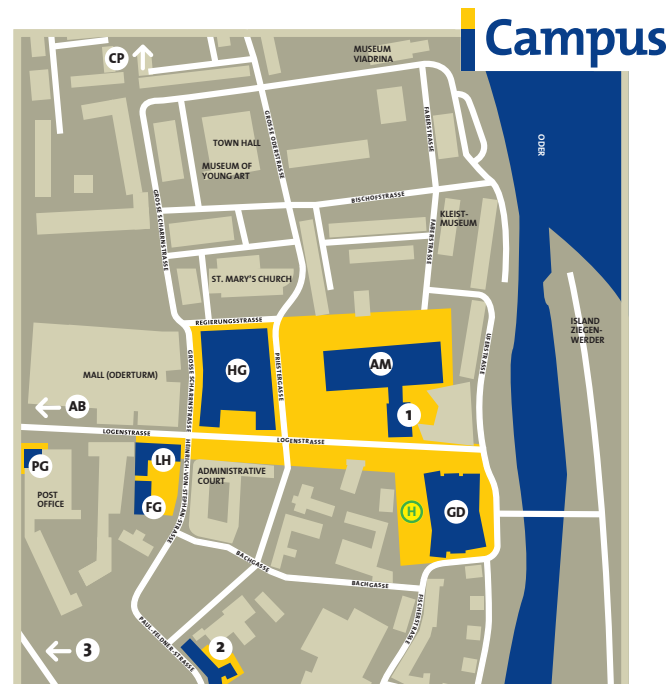
Attendance is free of charge. To participate in the workshop, you need to register until **28 February 2020 by email**. We are happy to provide information on how to get to the venue and where to stay in Frankfurt (Oder). Contact: [cillas@europa-uni.de](mailto:cillas@europa-uni.de)

### Contact

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### Venue

**Europa-Universität Viadrina**  
Große Scharrnstr. 59  
Hauptgebäude (HG) Raum 109  
D-15230 Frankfurt (Oder)



- HG** MAIN BUILDING (HAUPTGEBÄUDE)
- AM** AUDITORIUM MAXIMUM
- GD** GRÄFIN-DÖNHOF-BUILDING (GRÄFIN-DÖNHOF-GEBÄUDE)
- PG** POSTAL BUILDING (POSTGEBÄUDE)
- LH** LOGENHAUS
- FG** FACEWALL BUILDING (FACEWALL-GEBÄUDE)
- AB** AUGUST-BEBEL-STRASSE
- CP** COLLEGIUM POLONICUM
- 1** HALL OF RESIDENCE
- 2** STUDENT SERVICES (STUDENTENWERK)
- 3** TRAIN STATION
- H** BUS 983 > ②  
TRAM 2 > ②
- ♿** ALL CAMPUS BUILDINGS ARE BARRIER-FREE ACCESSIBLE (WITH THE EXCEPTION OF THE POSTAL BUILDING [PG]).

# Socio-legal Perspectives on the **RULE** of **LAW**

## W O R K S H O P

**EUROPEAN UNIVERSITY VIADRINA**  
FRANKFURT (ODER), GERMANY

**12-13 March 2020**

THURSDAY, 12 MARCH, 12H – FRIDAY, 13 MARCH, 14H

### Vereinigung für Recht und Gesellschaft

in cooperation with

Sektion Rechtssoziologie der Polnischen Gesellschaft für Soziologie (PTS)  
Sektion Rechtssoziologie der Deutschen Gesellschaft für Soziologie (DGS)  
Institut für Soziologie, Universität Warschau

**VEREINIGUNG FÜR  
Recht & Gesellschaft**

**C\*LLaS**  
Center for Interdisciplinary  
Labour Law Studies



**DGS DEUTSCHE  
GESELLSCHAFT  
FÜR SOZIOLOGIE**  
SEKTION  
RECHTSOZIOLOGIE

**INSTYTUT  
SOCJOLOGII**



**POLSKIE TOWARZYSTWO SOCJOLOGICZNE**

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## THURSDAY, 12 MARCH 2020

### 12.30 Begrüßung

**Keynote: Adam Bodnar**  
*Commissioner for Human Rights of the Republic of Poland*

### Reception

### 14:00

#### Panel 1: Sociology of courts, tribunals and legal professions

*Chair: Eva Kocher*

Courts, tribunals and legal professions form the center of “the law”. The law’s independence translates into independence and autonomy of judicial institutions and professions. The panel discusses how these are embedded in different social and political settings.

*Rafael Mrowczynski:*  
**Post-socialist Transformations, Law-based State (Rechtsstaat) and Institutional Autonomy of Legal Professions**

*Larissa Vetter:*  
**Aspirations of legal concord in asylum appeal hearings. Rule of law practices among administrative judges and their wider perception in public debates about migration and the rule of law in Germany**

*Britta Rehder:*  
**Strategic Litigation and Judge-Made Law. Research Questions and Perspectives**

*Discussant: Armin Höland*

### 15:45

#### Panel 2: Sociology of Constitutional Courts

*Chair: Michael Wrase*

Constitutional jurisprudence has long been considered political. The panel presents the newest approaches to empirical research on constitutional courts and discusses the resulting new insights to an understanding of an “illiberal democracy”.

*Oliver Lembcke:*  
**Empirical Research on Constitutional Courts: New Approaches and New Designs**

*Hanna Dębska/Tomasz Warczok:*  
**Variable Geometry of Legal Legitimization. The Polish Constitutional Court and the „Populist” Revolution**

*Silvia von Steinsdorff:*  
**Beyond socio-political sources of legitimation: The Constitutional Court of Turkey between legal and political reasoning**

*Discussant: Christian Boulanger*

### 17:30

#### Roundtable: “40 Jahre Zeitschrift für Rechtssoziologie”

### 19:00

#### Dinner

**Dinner speech: Dr. Margaretha Sudhof**, Staatssekretärin im BMJV  
(angefragt)

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## FRIDAY, 13 MARCH 2020

### 9:00

#### Panel 3: Situated positions in judging

*Chair: Marta Bucholc*

The legitimacy of the law depends as much on independence as on objectivity. Feminist criticism has long addressed gender biases in judging. The panel gives examples of the role of gender in judging and discusses how objectivity could reflect the socially situated positions of judges.

*Ulrike Schultz:*  
**Effects of the Feminization of the Judiciary: Do women judge differently?**

*Eva Kocher:*  
**Objectivity and situated judging**

*Discussants: Ada Bartnik and Jaśmina Bondara*

### 10:30

#### Panel 4: Critiques of the law from the political right

*Chair: Christian Boulanger*

Critiques of the law and denials of its autonomy have long been part of narratives from the political Right. The panel discusses different motifs in and framings of these narratives.

*Marta Bucholc:*  
**National-conservative critique of law in Poland: a postcolonial narrative of postsocialist legal transformation**

*Andrea Kretschmann/Walter Fuchs:*  
**Right-wing Legal Aesthetics: A force against the Rule of Law**

*Discussant: Thomas Schmidt-Lux*

### 12:00

#### Panel 5: Legal cultures in socio-legal perspectives

*Chair: Marta Bucholc*

Socio-legal studies show that it is not only legal rules and institutional arrangements that take care of the law’s independence and autonomy. Legal culture plays an important role in safeguarding and embedding social practices of autonomy. The panel critically discusses these contexts in comparative perspective.

*Jan Winczorek/Karol Muszyński:*  
**The access to justice gap and the rule of law in Poland**

*Daniel Witte:*  
**Rule of law and legal culture. On cultural conditions, textures and effects of a legal form**

*Discussant: Thomas Scheffer*

### 13:30

**Offene Mitgliederversammlung der Vereinigung für Recht und Gesellschaft (VRuG) / General meeting of the German Association for Law and Society (open for non-members)**