



Workshop

*What does legal reasoning to History and Culture and what do
History and Culture to Law in Courts?
Ethnographical perspectives on Law and Social Sciences in context*

23th of January 2024

Centre d'histoire du droit et d'anthropologie juridique (CHDAJ)

Groupe de contact "sociologie du droit" du FRS-FNRS

This workshop proposes to reflect on the relationship between law and social sciences addressing this broad question from an ethnographic and empirical perspective. What is to be learned about legal reasoning when embedded in or facing cultural and historical elements in the diversity of their enunciations in courts (facts, knowledge, claim, argument or identities)?

During the two sessions, the speakers and the audience will analyze case studies of entanglements of legal reasoning and cultural and historical arguments as well as facts brought to courts. In the context of transitional justice and international criminal justice, establishing facts and navigating chronotypes are intrinsically linked to (re)writing history: an ambivalent and volatile mission. In comparison, cultural arguments are rather treated through patterns of affiliation and disaffiliation in international criminal justice and national asylum courts. Instead of generating an abstract agenda for interdisciplinarity in sociolegal research, this comparison through ethnographical perspectives in courts aims to develop systematic and empirical methods to document how legal reasoning, here in courts, react, entangle or neutralize « non legal » dimensions of cases where history and culture are more than mere context.

The speakers and the participants will discuss the meta-framing of the papers which will be circulated beforehand, in order to allow a presentation and discussion of the meta-framing of each paper.

Program

- 9:30 – 10:00 **Welcome and coffee**
- 10:00 – 10:30 **Introduction: Droit et Sciences sociales** Baudouin Dupret (CNRS-LAM), Julie Colemans (ULiège) and Barbara Truffin (ULB) *in French*

Session I - Trials and History

- 10:30-11:30 **Narratives of conflict in the international criminal trial of Ahmad al-Faқи al-Mahdi** Sigurd D'hondt (University of Jyvaskylä)
- 11:30-12:30 **On judgement** Noa Vaisman (University of Aarhus)

Lunch

12:30 to 14:00 (with registrations only)

Session II - Cultural differences in trials

- 14:00-15:00 **La thématization de la différence culturelle à la Cour Nationale du Droit d'Asile et le cas particulier de la notion d'occidentalisation dans les demandes d'Afghans** Bénédicte Stoufflet (ULB-FNRS)
- 15:00-16:00 **Assessing and producing cultural evidence at the International Criminal Court** Sigurd D'hondt (University of Jyvaskylä)
- 16:00-16:30 **Conclusion**

Reading the papers before the workshop is expected from the participants in order to have interactive discussion during the workshop. The papers will be sent on January 10, after the inscription.

Practical information

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| ◇ 23th of January 2024 |
| ◇ Université libre de Bruxelles, Salle Henri Janne, Avenue Jeanne 44, 15th floor, 1050 Ixelles/Elsene |
| ◇ From 10:00 to 16 :30 |
| ◇ Participation required an inscription by January 8 . Please sign up by sending an email to nils.lepenetier@ulb.be |