

CALL FOR PAPERS
INTERNATIONAL WORKSHOP ON 'CULTURAL EXPERTISE AND
LITIGATION: PRACTICES IN SOUTH ASIA AND EUROPE'

Workshop organized in the framework of the [Independent Social Research Foundation Small Group Project](#), as a basis for a planned special collection of the [Jindal Global Law Review](#)¹

Co-Conveners:

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- Ashwin Mishra, Assistant Professor, O.P. Jindal Global University, Jindal Global Law School
- Malvika Seth, Associate Professor and Associate Dean, O.P. Jindal Global University, Jindal Global Law School
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The phenomenon of expert witnesses advising the courts or the litigants, often in contentious, high-profile disputes has been studied by doctrinal legal scholarship (e.g. Baker 1991; Bronstein 2011). Expert witnessing in the fields of interpretive social sciences and humanities, however, has mainly been examined by anthropologists (Rosen 1977), which largely remains the case even today (Clarke 2020; Loperena, Mora, and Hernández-Castillo 2020). The disciplinary divide has been challenged by studies of cultural expertise, introduced to the cross-disciplinary study of expert witnessing as ‘the special knowledge that enables socio-legal scholars [...] to locate and describe relevant facts in light of the particular background of the claimants and litigants [...]’ (Holden 2020, 45). The form of involvement of cultural experts, and the legality and legitimacy of their participation has received limited attention geared towards specific subfields of law (cf. Burdziej 2020; Ciccozzi and Decarli 2019; Rethimiotaki 2019), with virtually no non-European jurisdictions considered. No comparative studies on the interaction between judges, attorneys and expert witnesses exist on South Asia, despite the frequent use of expert evidence that needs to pass a threshold of objectivity. In the case of cultural expertise, the interpretation of objectivity becomes even more significant as it pertains to the very conceptualization of expertise.

This workshop aims at advancing cross-cultural, cross-jurisdictional and cross-disciplinary perspectives on cultural expertise in South Asia and Europe, thus contributing to the disentangling of the relationship between science and law, the understanding of the diversity of existing practices of cultural expertise and the avenues for the development and reform of the legal doctrine and implementation of formal rules. By bringing in contributions from different legal traditions as well as modes of interaction between judges, attorneys and expert witnesses, the project will shed light on the potential avenues for mutual inspiration as well as the cross-sectoral differences depending on the types of questions the cases with the involvement of expert witnesses in the social sciences and humanities are responding to. At a theoretical level, the workshop addresses problems such as conceptualizing expertise, the legitimacy of experts as partners to judicial decision making or the

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(im)possibility of identifying 'objective' truths via interpretive social science (e.g. Brandmayr 2018).

The workshop is organized as part of a collaborative project on '[Cultural Expertise and Litigation in South Asia and Europe](#)' funded by the Independent Social Research Foundation. This project builds on contemporary research on cultural expertise, a prime hub of which is the [EURO-EXPERT project](#) led by Professor Livia Holden. Contributions dealing with single countries in South Asia or Europe as well as comparative intra-regional and cross-regional contributions are invited, covering primarily (but not exclusively) areas of criminal law, family law, Indigenous rights, historical memory, and migration or asylum.

Questions to be tackled include (but are not limited to):

- How are different understandings of 'expertise' in the social sciences and humanities ingrained into positive law in different jurisdictions, and how are they interpreted by courts and judges? Are some of these understandings excluding or downgrading particular types of expertise or knowledge that could benefit more informed and justified outcomes of judicial decision making?
- How do local traditions and discourses on expertise in matters of culture and society influence the legal doctrine and practices? In the South Asian context in particular, how has colonialism historically shaped the material and conceptual structures for the production of cultural expertise?
- Is cultural expertise gendered? If so, in what ways does gender intersect with the identities of expert witnesses, their performance and the actors surrounding the use of cultural expertise?
- What factors determine the inclusion of cultural expertise in contentious court cases where social scientific knowledge may have an impact on judicial decision making? In empirical terms, does the involvement of expert witnesses on matters of culture tend to have a conservative effect, or does it contain radically transformative possibilities?
- Are there any indicators of similarities or differences between (selected) jurisdictions in South Asia and Europe in their use of cultural expertise? What (historical, doctrinal or contextual) factors might shed light on these similarities/differences? In particular, how do caste and race condition the production and deployment of cultural expertise?
- How do the perspectives of different participants (attorneys, judges, expert witnesses) on cultural expertise relate to/contrast with each other? Are there particular issues where some appear more open to inclusion of cultural expertise than others?
- How do cultural experts themselves perceive their involvement in court cases? What deficits do they identify in institutional support and the legal regulation in their respective jurisdiction? Is their perspective on the regulation of cultural expertise taken into consideration by lawmakers and adjudicators?

The contributions will advance the research agenda on cultural expertise and studies on the understanding and possibly conflicting conceptions of expertise that are discernible in legal

discourses. Traditional journal articles, but also innovative formats such as research notes, review essays or critical case notes will be considered for inclusion in the workshop.

Timeline and format: The workshop will be organized on 2-3 December 2022 in a hybrid format to enable both in-person and remote participation.

The workshoped manuscripts will have the option to be submitted to a special collection of the *Jindal Global Law Review* (published by Springer, indexed in SCOPUS), where they will be published provided they successfully pass the peer review process. Before a journal submission, full draft manuscripts will undergo two rounds of discussion and peer feedback: one at the workshop and one by the workshop co-conveners before the journal submission. Authors will be accepted to engage with the feedback from both the workshop and the conveners' review, and submit revised versions to maximize the prospects of the manuscripts' success in the external journal peer review.

Contributions from both senior and junior scholars as well as experts on the topic from outside the academia are welcome, and contributions from historically underrepresented groups in the academia are particularly encouraged.

- Deadline for abstract submissions (**final extension**): on a rolling basis by 15 July 2022
- Peer review and selection of contributions for inclusion in the workshop: on a rolling basis by 1 August 2022
- Draft full manuscripts for the workshop due: 10 November 2022
- Workshop: 2-3 December 2022
- Full revised manuscripts for the co-conveners' review due: February 2023
- Full revised manuscripts for journal submission and peer review due: 15 March 2023

Please submit your extended abstract of 500 words via [this online form](https://forms.office.com/r/RjQraCeW7a) (<https://forms.office.com/r/RjQraCeW7a>) at your earliest convenience and no later than **15 July 2022**. Please address any questions on this call to ashwin@jgu.edu.in.

We look forward to your submissions.

References

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