



MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW



Call for participation – Race and law: French and German cross-perspectives

Berlin, 19/20 October 2017

The “*Junges Forum Race and law: French and German cross-perspectives Berlin*” organised by the Centre Marc Bloch in association with Max Panck Institute, the Humboldt University and the Collège Doctoral Franco-allemand en droit public comparé will be held in Berlin from October 19 to October 20, 2017. It aims to gather junior researchers specialising in law as well as in sociology, philosophy, cultural studies or political sciences. The colloquium is addressed to Ph.D. candidates, young scholars, post-docs, assistant professors and research assistants, regardless of their nationality. The working languages are German, English and French. Understanding two of the three languages is mandatory, the common work language is English.

The topics of race and law have been the subject of extensive debates and research at least in the Anglo-American context. This colloquium undertakes to analyse and explore in how far this has been the case in France and Germany and which legal impact at national and international levels racial considerations have. The colloquium also offers the opportunity to discuss “recent” political and societal events and to analyse the discourses and policies surrounding those, may it be the question of borders or the problematic of police brutality for example.

First axis – Race and exclusion

Race as a legal notion appears to be, chronologically speaking, first serving as a paradigm for exclusion. Slavery, colonisation and the National Socialist enterprise were legally realised through the development of racial hierarchies, and the implementation of racist norms. Taking this into account, it becomes clear that violence has been organised by law. How did those legal systems established the coexistence of human rights declarations on the one hand and legally organised oppressions on the other hand? This history might not only

inform the current situation of both countries, but also influence the conception of law at an international and domestic level. As border politics and immigration control increasingly shape the legal and political discourse, where is the new national and international “color line”? Which role are the new technologies playing in this “new” delineation? As the modern discourse navigates around notions such as “post-colonialism”, “neo-colonialism”, or even “new Jim crow”, while more and more norms of both international and domestic law explicitly prohibit discriminations based on race: can one say that the German and French as well as the international legal orders are post-racial legal systems that have overcome racial discriminations and exclusions?

Second axis – Race and legal protection

As the United States have developed a considerable amount of case-law regarding the prohibition of racial discrimination: what does the continental perspective have to offer? How is the protection against racial discrimination guaranteed substantially? And how is this legal protection guaranteed procedurally? Is it effectively enforced? How do the different public organs—specifically the judiciary—deal with and evaluate possible racial discrimination? Which means of proofs are demanded to whom? Which scale of protection is afforded? How do the different legal systems define “race” and “racism”? Are intersectional discriminations taken into account? Which bodies remain excluded from their benefit? How are the different systems of protection articulated on a national, European and international scale? The question of protection is also an opportunity to investigate how the understandings of the equality clause and the notion of reparation under German, French, European and international law, specifically when compared to the evolution of the case-law of the United States Supreme Court toward the—still much debated—concept of affirmative action. Are the German and French legal systems actively protecting against racism?

Third axis – Race, law, scientific discourses and public debates

In the United States and in the United Kingdom racial, ethnic and religious categories are often and openly used when referring to relationships both between citizens and the administration and between private actors as well as in scientific and public discourses, may they be legal or extra-legal. This constitutes a striking contrast with the great caution that can be observed in Germany and France when it comes to the use of the notion “race”. However, this does not indicate in any case the absence of tensions, controversies or issues referring to race relations in these two states. How is race, as a cultural construct, discussed, criticised and

constructed in France and in Germany and by whom? Who are the actors seen as relevant when it comes to defining and interpreting the term “race and “racism in these legal systems? What is the influence that scientific discourses, particularly in human and social sciences, public debates and political activism are exerting on the legal understanding of the concept of race? What role does the transfer, translation and non-translation of certain concepts play in those dynamics? In turn, do legal limitations have influence on research dedicated to the search of tools enabling to prove discriminations? Even though racial categories are still largely absent in the public sphere, at least when used as explicit and autonomous categories, one observes in France and in Germany a proliferation of debates about “national identity”, “Judaean-Christian religious and cultural European roots”, “communitarianism” and “immigration”. Does this new development influence legal practitioners in the way they deal with discrimination cases? This axe invites therefore to discuss the power struggles at stake in the definition and the delimitation of the legal notion of race and racism and the discourses that are referring to it.

Participation premises:

If you wish to participate, please send us a summary of your presentation (maximum 500 words), indicating the selected topic, along with your resume by July, 30th 2017 to the following address: reddf2017@protonmail.com. Should you have any further questions, please contact us via our email address.

Participation costs (transport, provisions and accommodation) will be covered by the organisers.

Scientific committee:

Cengiz Barskanmaz (Max-Planck Institute for social anthropology), **Hourya Bentouhami** (Toulouse Jean Jaurès University), **Philipp Dann** (Humboldt University), **Doris Liebscher** (Humboldt University), **Nora Markard** (Hamburg University), **Mehrdad Payandeh** (Bucerius Law school), **Nahed Samour** (Erik Castrén Institute of International Law and Human Rights, University of Helsinki/ Humboldt University)

Organizing committee:

Leander Beinlich (Max Planck Institute for Comparative Public Law and International Law/ University of Heidelberg), Robin Caballero (Humboldt University of Berlin/Paris 1 Panthéon-Sorbonne), Alexandra Lafitte (Paris-Sud University – Paris 11), Laurence Meyer (Paris 1 Panthéon-Sorbonne/Centre Marc Bloch Berlin) and Milan Tahraoui (Max Planck Institute for Comparative Public Law and International Law/Paris 1 Panthéon-Sorbonne).