

Call for abstracts

LaW Network – Doctoral Conference 2024 Edition

« Coercion and Well-being in Europe »

The Project: LaW Network - Doctoral Conference

The project LaW Network – Doctoral Conference launches a partnership between the Universities of Nantes, Birmingham, Florence, Murcia and Kyiv. Under the EUniWell Seed Funding Programme, this partnership takes the form of a cycle of conferences every two years with the first one to be held at the University of Nantes on the 6th and 7th of May 2024. The first conference will focus on critically examining various aspects of the relationship between coercion and well-being according to a multidisciplinary approach. During the Conference, participants will discuss their papers in groups led by a scholar. This will give them feedback in order to finalize their papers for publication after the Conference.

The topic: Coercion and Well-being in Europe

Introduction. The legal and socio-legal literature has started to pay attention to the mobilization of criminal law to protect human and fundamental rights that has been dubbed ‘coercive rights’ and even the ‘coercive turn in human rights law’ (Engle, 2015, Engle and al., 2016; Lazarus, 2012; Lazarus and al. 2012; Mavronicola, 2020). According to some scholars, human rights have become envisioned and protected through the lens of criminal law and coerciveness (Kramer, 2016; Lavrysen, 2020; Lavrysen and Mavronicola, 2020; Malby, 2019). From this perspective, fundamental rights have been even shadowed by this coercive aspect (Cliquennois and al., 2022) that has become predominant over time with the rise of terrorist [de Londras, 2022], pandemic [Marciano and Ramello, 2022], war and diplomatic [see Ronzitti, 2016], environmental [see Kramer, 2016], economic [Marciano and Ramello, 2022]) crisis.

Nonetheless, such a literature has neglected the relationships between coercion conceived in a broader sense (to cover not only criminal law but also civil and public laws that underpin a coercive dimension) and social and individual well-being (McSherry and Freckelton, 2013). In this respect, there are many predictors, correlates and causes of subjective well-being. Much social science research on well-being has been based on the exploitation of quantitative data and has neglected more qualitative aspects. It is thus of interest to develop an integrative, multi-scale understanding of well-being and its reciprocal relationship with coerciveness, considering the dynamic nature of well-being and its multidimensionality.

For instance, lockdowns, curfews, fines and even detention have been applied to maintain “well-being” during the Covid pandemic, as well as the restrictions to fundamental rights taken after the terrorist attacks in Europe to protect citizens’ right to life. However, the coercive nature of laws pursued in the name of well-being warrants interrogation, including in relation to adverse impacts on wellbeing and equality. Such interrogation must be layered, and include examination through the lenses of philosophy, political sciences, sociology and even computer science. This calls for a multidisciplinary approach to legal issues and meets the research interests shared by the concerned universities.

On the one hand, coercion can be seen as having a positive effect on well-being in certain and specific situations. For instance, laws that prohibit harmful or dangerous actions, such as those related to violence, drug use, and driving under the influence, can help to protect individuals and communities from harm. However, it is important to note that the positive effects of coercive laws on well-being partly depend on their implementation and enforcement.

On the other hand, coercive laws create a certain paradox: while coercion can be seen as necessary to preserve and protect well-being, its application can disproportionately affect certain communities, or even modify how the rule of law is understood and used. An example is the use of coercive measures during the Covid pandemic. The coercive actions taken during that time had an arguably worse impact on inequalities and certain communities, specially the most vulnerable ones (the poor, minorities such as detainees, mentally ill individuals, immigrants...). The rule of law was also threatened, and even transformed through the use of many (State) exceptions and enactment of rules only passed by the executive branch of the governments without any real control by parliaments.

Aim of the Conference. The conference will focus on the adoption of coercive laws and measures in the name of well-being, that is, on the understanding that they aim to protect people's rights and well-being. This coercive approach to pursuing well-being through law can be discerned not only in the practice of individual States but also in the policies and practices of international and European organizations (such as the European Court of Human Rights and the Court of Justice of the European Union). Moreover, coercive law as we understand it here emerges in various legal domains beyond criminal law. An examination of the coercive approach to well-being oriented law must encompass various aspects of law, policy and practice on the national and international level, including law-making and law reform, criminal law, public law, civil law, environmental law, medical law, artificial intelligence and algorithmic coercion (that could be used within coercive rationale) as well as human rights. Given the variety of domains as well as different actors captured, this consequently calls for a multidisciplinary approach that covers a variety of topics.

For instance, while coercive law and coercive human rights have theoretically an egalitarian dimension in seeking to redistribute and indeed maximise well-being protection, particularly for those who have historically been underprotected, critical interventions highlight that coercive law could result in reinforcing inequalities. Therefore, the coercive approach to advancing wellbeing can be questioned on a larger scale in relation to its adverse impacts on wellbeing and equality. This negative impact is particularly visible when examining the effects of coercion in relation to poverty and minorities such as migrants, detainees, prisoners, mentally ill and disabled persons, etc. In this respect, many marginalized persons would actually be underprotected, overpoliced, harshly punished and even detained for any wrongdoing, contrary to those who wield power and privilege. Consequently, this coercive process might tend to threaten inclusiveness, equalities and wellbeing in our European societies. In this regard, it is worth noting that coercion has an undeniable political aspect to it. In fact, there are other ways to achieve the same goals as those that coercive laws aim to achieve, such as education, prevention and rehabilitation programs, incentives and other non-coercive means.

Another example would be the use of algorithmic tools by government agencies and law enforcement. It can be argued that the use of such tools in another way to exercise the State's coercive powers, be it as algorithmic nudging or by the use of predictive policing and assessment tools.

Large scope of the conference. Therefore, and for the purpose of this conference, the concept of coerciveness is used here in a very broad sense referring to constraints and limitations on freedom in order to protect people's rights through the use of different mechanisms. When it comes to well-being, although there is no consensus on a single definition, there is a general agreement that subjective well-being entails at least three elements: positive emotions, absence of negative emotions, satisfaction with life. It can be related to economic and social rights. Therefore, it is most commonly used in relation to the environment, health, culture (with conventional law), security (with algorithms) and property. Furthermore, the use of well-being is often preferred in international texts over other concepts such as general happiness, and has a concrete character that can be verified by examining national constitutions.

Possible topics. To this regard, how can we think about the relationship between coercion and well-being in Europe? Are these two notions always antagonistic? Do they have the same meaning in different legal cultures? With a view to examining these complex relationships, doctrinal, theoretical and empirical approaches are all welcomed. The conference will foster two main tracks: the first will examine the juridical impact of law and well-being, while the second will be centered in a multidisciplinary analysis of such policies. Several themes of reflection could be investigated (but are not limited to these topics):

- Theoretical apprehension of the concepts of coercion and well-being
- Various mechanisms of coercion: traditional and new forms of coercion
- The role of soft law in relation to coercion and well-being
- Critical analysis of well-being from other disciplines: literature, anthropology, sociology
- Criminal laws and fundamental rights
- Coerciveness and inequalities
- The balance between coercion and well-being
- Economic and social laws and human protection
- Environmental laws and well-being
- Quantitative and qualitative work examining policies, legislation and effective application of both
- Meta-analysis of literature of such topics
- Presentation of databased solutions or question pertaining to such cases

Submissions to the conference

We invite all interested PhD students and young doctors to submit their abstracts (**a maximum of 700 words, footnotes not included**) in relation to the topics mentioned or related to the thematic of the conference by the **20th of November 2023** on the following website <https://lawnetwork.sciencesconf.org/>

The abstract should contain the following elements: title, a general introduction of the thematic and problematic of the contribution demonstrating its interest, purpose, existing work, proposed analysis and method of study.

The results of the evaluation will be communicated to candidates by early January 2023. After that, the authors of the selected abstracts will be invited to Nantes to participate in the Conference, which will take place on the 6th and 7th of May 2024. By the end of March 2024, participants will be asked to send a first version of their papers. The finalized papers will be published after the Conference.

Abstract formatting

- Kindly note that abstracts, papers and presentations are expected in **English**
- Text format: **Pdf**
- Please name your file as follows: **Paper title**
- Please indicate your **affiliation** in your abstract
- Font: Times New Roman, size 12, line spacing 1,5
- Margins: Normal, 2,5 cm

Selection criteria

- Relevance to the thematic of the conference
- Clarity of problematic or interest of the topic in question
- Clarity of reasoning and understanding of the topic
- Quality of the research and references used
- Ability of interconnecting to disciplines
- Individually prepared, without co-authoring
- Not published previously nor submitted for publication

Important deadlines to remember

- Abstract Submission: 20th of November 2023
 - Notification of Acceptance: Early January 2024
 - Selection and Organisation of Speakers: March 2024
 - First draft Due: End of March 2024
 - Conference: 6th and 7th of May 2024
 - Final Papers Due: Early June 2024
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Organisation Committee

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