

CALL FOR PAPERS
***JINDAL GLOBAL LAW REVIEW* SPECIAL ISSUE ON ‘CULTURAL EXPERTISE**
AND LITIGATION: PRACTICES IN SOUTH ASIA AND EUROPE’

The phenomenon of expert witnesses advising the courts or the litigants, often in contentious, high-profile disputes has been studied by doctrinal legal scholarship. Expert witnessing in the fields of interpretive social sciences and humanities, however, has mainly been examined by anthropologists, which largely remains the case even today. 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). 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, 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 special issue 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 special issue addresses problems such as conceptualizing expertise, the legitimacy of experts as partners to judicial decision making or the (im)possibility of identifying 'objective' truths via interpretive social science.

The special issue 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 special issue welcomes the innovative formats the *JGLR* offers (such as critical case notes, book reviews, review essays, long-form interviews, photo-essays, and field reports) alongside traditional journal articles. 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. Submitted manuscripts should not have been published previously, nor be under consideration for publication elsewhere.

Timelines:

- Deadline for abstract submissions: on a rolling basis by 1 November 2022
- Peer review and selection of contributions: on a rolling basis by 15 November 2022
- Complete manuscripts for submission due: 15 March 2023
- Planned online publication: December 2023

We invite you to submit your abstracts of no more than 500 words at your earliest convenience via [this online form](https://forms.office.com/r/RjQraCeW7a) [link: <https://forms.office.com/r/RjQraCeW7a>]. Abstracts will be evaluated on a rolling basis. Moreover, the first three abstracts received and accepted may still be considered for presentation at the international workshop to be held within the scope of the project in hybrid format on 2 – 3 December 2022, with the in-person component hosted at the O.P. Jindal Global

University, provided, that the authors submit draft manuscripts or extended manuscript notes by 1 November 2022.

Guest co-editors:

- Livia Holden, Director of Research, CNRS Sorbonne; Professor, University of Padua
- 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
- Max Steuer, Assistant Professor, O.P. Jindal Global University, Jindal Global Law School

Questions on this call are to be addressed to ashwin@jgu.edu.in, mseth@jgu.edu.in and msteuer@jgu.edu.in (please include all recipients in your message).

For further information about the “Aims and Scope” of the Journal as well as for the “Instructions for Authors” please visit its website: www.springer.com/41020. Jindal Global Law Review is a SCOPUS-indexed journal.

A selection of relevant sources on cultural expertise:

- Baker, Thomas E. 1991. ‘The Impropriety of Expert Witness Testimony on the Law’. *University of Kansas Law Review* 40: 325–64.
- Brandmayr, Federico. 2018. ‘Order and Conflict Theories of Science as Competing Ideologies’, *Social Epistemology* 32 (3): 175–95. <https://doi.org/10.1080/02691728.2018.1440023>.
- Bronstein, Daniel A. 2011. *Law for the Expert Witness*. Fourth Edition. London: CRC Press. <https://doi.org/10.1201/b11297>.
- Burdziej, Stanisław. 2020. ‘Judging the Communist Past: Historians and Cultural Expertise in Polish Administrative Courts’. *Law and History Review* 38 (1): 99–122. <https://doi.org/10.1017/S0738248019000543>.
- Ciccozzi, Antonello and Giorgia Decarli. 2019. ‘Cultural Expertise in Italian Courts: Contexts, Cases, and Issues’. *Cultural Expertise and Socio-Legal Studies* 78: 35–54. <https://doi.org/10.1108/S1059-433720190000078003>.
- Clarke, Kamari M. 2020. ‘Toward Reflexivity in the Anthropology of Expertise and Law’. *American Anthropologist* 122 (3): 584–87. <https://doi.org/10.1111/aman.13457>.
- Holden, Livia. 2020. ‘Cultural Expertise and Law: An Historical Overview’. *Law and History Review* 38 (1): 29–46. <https://doi.org/10.1017/S073824801900049X>.
- Loperena, Christopher, Mariana Mora, and R. Aída Hernández-Castillo. 2020. ‘Cultural Expertise? Anthropologist as Witness in Defense of Indigenous and Afro-Descendant Rights’. *American Anthropologist* 122 (3): 588–94. <https://doi.org/10.1111/aman.13458>.
- Rethimiotaki, Helen. 2019. ‘Cultural Expertise in Asylum Granting Procedure in Greece: Evaluating the Experiences and the Prospects’. *Cultural Expertise and Socio-Legal Studies* 78: 75–91, <https://doi.org/10.1108/S1059-433720190000078005>
- Rosen, Lawrence. 1977. ‘The Anthropologist as Expert Witness’. *American Anthropologist* 79 (3): 555–78. <https://doi.org/10.1525/aa.1977.79.3.02a00020>.