

Preannouncement

8 & 9 July 2022: international conference on “Courts as an Arena for Societal Change”

In recent years, litigants increasingly seem to see courts as a ‘society fixer’. Citizens and civil-society organizations turn to courts to make their case when they feel other institutions are failing. Possibly as a consequence of increased political division, partitionment, and state capture, courts are being asked to decide on cases that deal with highly sensitive societal and political issues.

International examples include rulings by the Court of Justice of the European Union (CJEU) on politically sensitive issues regarding the environment, rule of law, and Brexit. For instance, the CJEU had to rule on the rule of law in Poland and Hungary and the functioning of the judiciary in these countries. The current global COVID-19 pandemic, too, raises controversial issues which courts are asked to decide on. Courts in various countries have decided noteworthy cases concerning climate change, such as the Urgenda and Shell cases in the Netherlands. Other examples concern cases regarding migration, the tobacco industry, and algorithmic processing of personal data by the government.

Hence, these developments appear to play a role in various legal systems and in various fields of law, such as public international law, European law, civil law, administrative law, and (international) criminal law. Expectations of what the courts can achieve are high, sometimes perhaps too high. There is a risk that in the general public’s perception, fundamental principles of law (such as independence and impartiality of judges) are coming under pressure. The abovementioned developments also raise the question why public authorities are not able to solve these problems and how their conflict-resolving capabilities can be enhanced. At the same time, one may wonder whether it is problematic if judges rule in a more political context, particularly because there are legal systems in which courts play a more prominent role in democratic processes.

In other words, the changing role of courts raises many important questions. Which processes make socially charged issues that are the subject of ongoing political and societal debates come before the courts? What role do the courts play in this regard and what consequences does that have for the courts’ legitimacy? How does the way in which procedures are set up affect citizens’ possibilities for litigation, and should these be adapted to weaken or strengthen the functioning of the courtroom as an arena for solving societal problems?

These issues will be the central theme of a two-day international conference taking place in Leiden, the Netherlands on 8 and 9 July 2022. Researchers from all over the globe, including PhD students, whose work fits with this theme and who would like to present their research during the conference are cordially invited to submit an abstract. **The call for abstracts will open at the start of October 2021.**

For more information on the research theme “Institutions for Conflict Resolution” as carried out at the Leiden Law School, please visit

<https://www.universiteitleiden.nl/en/research/research-projects/law/institutions-for-conflict-resolution>