

## **Beyond European legal integration: Legal text and the functioning of European law, 1945 to the present**

Workshop, 9-10 November 2023, Oslo

This workshop aims to rethink the notion of European legal ‘integration’, which assumes that the law generated by the Court of Justice of the European Union has been central to the process of European integration. This assumption in interdisciplinary debates – between lawyers, political scientists, political economists, and historians – is reflected in a research focus on the Court and its jurisprudence. Two important trends in the literature have de-centred the Court and its decisions. Reception studies have broadened our knowledge of the implementation of EU law in the member states, while historical approaches to EU law have introduced archive-based perspectives, not least to deconstruct the production of the European meta-narrative of ‘integration through law’.

At the same time, existing research has not explained the usefulness of ‘integration’ as an analytical concept to study European law. It has reproduced the idea of a binary relationship between the national and the European level; a relationship which is moreover characterised by the legal superiority of the European over the national level, thus reproducing doctrinal assumptions about the functioning of European law.

Against this background, we propose to continue the move beyond narratives of ‘integration’ and binary views of law situated between Europe and the member states. We do this by focusing on the functioning of European law ‘from the bottom up’, addressing crucial questions including:

- Who are the actors engaging with European law, and to what purpose do they mobilise European law?
- What conditions are conducive for actors to engage with European law?
- What are the specific local or regional or transnational contexts that serve as the basis for actors’ engagement with European law?
- How and to what extent do actors transform their social, political, or economical grievances into legal or judicialized conflicts at the European level including the EC/EU and other judicial fora such as the European Court of Human Rights?

Rather than framing the workshop by focusing on a specific theme, legal or policy area, or a specific period, we propose a *methodological* approach to examining European law. Reflecting the workshop’s aim and strategy to take the actors engaging with and mobilising European law as the starting point of enquiry, we ask that paper proposals start from a specific legal text to study how some actors have used it to shape conflicts and relations.

- We adopt an understanding of legal text including legislative proposals, laws or the reports or decisions by regional, national, or European courts, that is, texts that jurists would consider as legal, and use in judicialized conflicts.
- Proposed papers will follow various actors and the different issues of contestation at the core of these legal texts to study the mobilisation, reception and (non-)application of European law in a broad range of social spheres.
- In doing this, papers should not limit their source material to these legal texts but broaden the foundation on which we can understand the utilisation of them, using them as the starting point of the narrative.

The proposed methodological approach will help us to trace how actors move in and out of these spheres and to identify new ways of framing issues that are presently often put in national containers. The focus on the individual or collective experience and grievance, on the one hand, and the specific context at the core of any legal text, on the other, defy generalisations about 'the European' and 'the national' and will thus contribute to the unravelling and reflection of the concept of integration as an explanatory frame to analyse the functioning of European law.

We invite interested scholars to submit papers on particularly, but not restricted to, the following questions/issues:

- How actors came to learn European law; how individuals or groups become introduced to it and how they combined it with their existing knowledge and predispositions
- How the mobilisation of European law by legal and non-legal actors have contributed to changing and shaping the social world around them
- How and why jurists and other actors have produced particular forms of European legal knowledge
- The evolution of actors' ability to anticipate and take ownership over the judicial use of European law as a mode of dispute resolution

### **Practicalities**

Please send abstracts of no more than 300 words and a short CV by 1 July 2023.

Notifications of acceptance will be sent by 20 August 2023. Presentations at the workshop should not exceed 20 minutes. Additionally, we ask that all accepted panellists submit their written papers (**3000-4000 words**) by 15 October. The papers will be pre-circulated to allow participants to engage in discussions, and participants will be invited to act as discussants during the workshop.

We perceive of this workshop as the first step towards a joint publication, ideally a special issue in a relevant journal. Based on the feedback received during the workshop, participants will be invited to resubmit their papers as contributions for a special journal issue. It is planned to continue working with the texts on an authors' workshop in the first half of 2024.

There will be a common dinner for the participants on Thursday 9 November.

Travel and accommodation costs will be covered for speakers.

The Research Group Law, Society and Historical Change of the Faculty of Law at the University of Oslo headed by Prof. Dag Michalsen funds the workshop.

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