**Kent Critical Student Law Conference 2020**

Saturday, 14th March 2020

*Grimond Building, University of Kent*

**Theme: “Legal Paradoxes”**

CALL FOR PAPERS

The Kent Critical Law Society (KCLS) is pleased to announce that its annual flagship event, the Kent Critical Student Law Conference (KCSLC) will take place on Saturday,*14th of March 2020*. As a prominent student society within Kent Law School, we take pride in the fact that we organise a undergraduate led conference that is open to all: undergraduate and postgraduate students, as well as academics and professionals, are welcome to participate. We aim, accordingly, to have a conference that will allow for lively discussions, networking and socialising amongst critical minds from all walks of life; but more importantly, we hope for critical engagement with our theme for this year: “*Legal Paradoxes”*.

     Legal Paradoxes have perplexed legal scholars and practitioners alike since Protagoras and Euathlus.[[1]](#footnote-1) Today, they seem to occupy the very essence of the law. Perez and Teubner make this evident in their edited compilation of essays: “Paradoxes and Inconsistencies in the Law”[[2]](#footnote-2), where they undertake an examination of legal paradoxes through a very comprehensive structure.

It is this clear and useful way of navigating legal paradoxes offered by Perez and Teubner, that we hope will equip participants with the necessary guidance to approach this year’s theme. Their structure approaches legal paradoxes through three lenses, as we will come to view them. Nevertheless, in order to complement

the structure presented by Perez and Teubner, we have provided a couple of examples concerning the lenses and its encompassing paradoxes.

The first lens, then, encourages participants to analyse some of the paradoxes found in areas that link to law as a whole.[[3]](#footnote-3) For example, one of the many paradoxes concerning adjudication, is the expectation that judges ought to be apolitical. Judges are humans, which means that they are inherently influenced by a particular background. In fact, in some countries, judges are not only a check and balance to the legislative and executive branches, but they are nominated and appointed by them. This results in a process of adjudication that is, paradoxically, inseparable from politics.[[4]](#footnote-4) This phenomena is often analysed through a clash of different methodologies: formalism, realism, originalism, deconstruction, etc.

     The second lens anticipates a more focused approach to legal paradoxes, in which participants could engage with paradoxes within specific legal fields.[[5]](#footnote-5) An example of this could be public international law and the complex principle of state sovereignty. The latter proves to be a paradoxical principle within international law as it is dependent on the consent of such states to be ‘bound’ by its power. But if no body may be above states and their sovereignty, how can international law really be law? We encourage participants to interpret the relationship between legal fields, such as (but not limited to) international law, and the key debates within them, in an attempt to identify and critically analyse the paradoxes within them.

 Finally, the third lens appeals to an examination of the consequences of legal paradoxes.[[6]](#footnote-6) Whether they be social, legal, or anything in between. One possible paradox could be a focus on the victims subject to the biases of the law.[[7]](#footnote-7) For example, in the aftermath of *R v Jogee [2016] UKSC 8*, defendants unjustly convicted under the now overturned law on joint enterprise are almost entirely unable to appeal their cases, due to the strictness of the test created. The paradox lies within the contradiction between correcting bad law and upholding justice.

But further to this, and departing from Perez's and Teubner’s helpful structure, we would also urge participants to take an even more holistic perspective when developing their ideas regarding our theme. This is because many paradoxes are often found in the encompassing socio-political-historical setting of the law. Accordingly, this results in law affecting areas which are, despite assertions to the contrary, inherently connected to it, such as: the economy, the complexities of societal behaviours and ideologies, as well as foreign affairs and international relations.

    It is important to note, however, that these lenses and examples serve as mere suggestion. We welcome any and all different perspectives, as long as participants are critically engaging with the theme.

1. Jean-François Lyotard, *The Differend Phrases in Dispute* (University of Minnesota Press 1996) 6 [↑](#footnote-ref-1)
2. Oren Perez, and Gunther Teubner eds, Paradoxes and Inconsistencies in the Law (Bloomsbury Publishing 2005) [↑](#footnote-ref-2)
3. ibid [↑](#footnote-ref-3)
4. J. A. G. Griffith, *The Politics of the Judiciary* (Manchester University Press 1977) [↑](#footnote-ref-4)
5. ibid [↑](#footnote-ref-5)
6. ibid [↑](#footnote-ref-6)
7. ibid [↑](#footnote-ref-7)