

1. PUBLISHABLE SUMMARY

Summary of the context and overall objectives of the project (For the final period, include the conclusions of the action)

Respect for diversity has been at the forefront of political accession to the European Union since 1993 and socio-legal scholarship has developed articulated reflections on the accommodation of ethnic and religious minorities in Europe. Country experts have been instructed with increasing frequency in judicial and pre-judicial proceedings involving members of diasporic communities. In some common law countries the role of the expert witness has expanded to systematically assist the judge when litigants or defendants belong to minorities; in most civil law countries, similar roles are played by translators and cultural mediators, including notaries and lawyers. Yet, whilst the use of cultural expertise has become widespread, a comprehensive and systematic assessment was hindered by the lack of its adequate conceptualisation and contextualisation. Hence our question: Cultural Expertise in Europe: What is it useful for? Addressing this question is crucial today for going beyond formal justice and providing legal and para-legal professionals with concrete instruments for substantive justice in multicultural and diverse societies. To this aim EURO-EXPERT develops an integrated concept of cultural expertise within a new historiographical framework that investigates the development and impact of cultural expertise over time and space. Thanks to a broadened definition of cultural expertise EURO-EXPERT records the use and impact of cultural expertise in fifteen European countries: Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Italy, the Netherlands, Poland, Portugal, Spain, Sweden and the United Kingdom. In-context data are collected through ethnographic fieldwork conducted by a modular team trained to mixed methods. The objectives of EURO-EXPERT are: 1) mapping the terms and conditions of cultural expertise in court and out-of-court; 2) creating a toolkit for measuring the impact of cultural expertise; 3) establishing an open access searchable database for the consultation of cases and solutions including cultural expertise; 4) designing a teaching and learning module using the cultural expertise impact toolkit; and 5) formulating policy-making guidelines which include tested solutions for sustainable inclusiveness in Europe.

Work performed from the beginning of the project to the end of the period covered by the report and main results achieved so far (For the final period please include an overview of the results and their exploitation and dissemination)

EURO-EXPERT works as a modular team composed by PI and Post-Doc (Core Team), a Project Coordinator, a voluntary filmmaker, occasional Research Assistants, 13 Data-Collectors consultants located in Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Italy, the Netherlands, Poland, Portugal, Spain, Sweden and the United Kingdom, and an IT consultant. The innovation of this modular team lies on its stress on context-centered knowledge, two ways skill transfer, and trans-local transfer of knowledge. Local stakeholders are empowered to creatively transfer knowledge and collaborating at an international level. Junior team members benefit from EURO-EXPERT as an international springboard for developing an independent career.

The quantitative-led phase of data-collection used three instruments imparted on a digital multilingual platform on which respondents answered in their native language: 1) survey distributed to judges, lawyers, experts, and beneficiaries; 2) collection of case law including CE; and 3) survey of out-of-court sites of CE. Quantitative-led data were verified by a qualitative workshop with experts from state

and non-state jurisdictions of the countries of the research who have also collaborated for establishing the indicators of impact of CE. Results are visualised through reports and maps almost real time on our website. Preliminary analysis shows a trichotomy revolving around 1) the specialised and sectoral use of a great variety of instruments that fall under the umbrella concept of cultural expertise 2) the lack of general awareness of cultural expertise as an instrument for assisting conflict resolution, and 3) the increased demand for cultural expertise by legal and para-legal professionals.

EURO-EXPERT has consolidated an interdisciplinary and intersectional network of partners including both academicians and members of the legal and para-legal professions. These partners contribute on several venues created by EURO-EXPERT: conferences and workshops, academic visiting, mailing lists, website and social media. The inaugural conference and two workshops were convened in Oxford: 1) Cultural Expertise in Socio-Legal Studies and History (15-16 December 2016); 2) Cultural Expertise in Ancient and Modern History (2 - 4 August 2018) and 2) Cultural Expertise: Indicators of Impact (28 February 2019). EURO-EXPERT received so far six honorary academic visitors, created CulturalExpertise mailing list on Jiscmail, EURO-EXPERT website, and a Twitter account CulturalExperts.

EURO-EXPERT has been quite prolific so far by publishing a total of 25 publications and holding or participating to a total of 39 events of dissemination. Publications span from special issues focusing on the use and usefulness of CE and afferent concepts of belonging, to videos disseminating the project, communicating methods and outputs to larger audiences, and fostering collaboration with the legal profession in the countries of the research. Dissemination include a wide range of venues from international conferences to training for the legal profession and interviews, including also social media.

NewHoRRizon selected EURO-EXPERT among the five ERC projects which scored highest in Public Engagement, Gender Equality, Open Access, Science Literacy and Science Education, Ethics and Governance and awarded funds for the development of a website documenting its Responsible Research Innovation Approach.

Progress beyond the state of the art and expected results until the end of the project

EURO-EXPERT has progressed beyond the state of the art by 1) formulating an integrated definition of CE which is diverse, inclusive, and takes into account history, 2) creating the methodological instruments for the assessment of the use and impact of CE, and 3) developing a beneficiary-centered dialogue with the legal and para-legal profession.

1. 1. The Euro-centric and court based approach of the first definition of CE was overcome by the formulation of a new integrated definition that broadens up to all kinds of CE ranging from expert witnessing to mediation and including also defence and investigation: CE is now defined as the special knowledge that enables socio-legal scholars, experts in laws and cultures, or, more generally speaking, cultural mediators - the so-called cultural brokers-, to locate and describe relevant facts in light of the particular background of the claimants and litigants and for the use of the decision-making authority. In spite of the fact that cultural expertise belongs to the everyday management of diversity, it started to be acknowledged only recently. This long-time socio-legal blindness means there is a need for greater reflection on cultural expertise today in order to assess its explicit and sometimes implicit role in legal proceedings and out-of-court as well. Thanks to the ethnographic and historiographical approach to CE collected data show that in spite of the fact that the concept of CE is new the practices that this concept describes are not. The theoretical enquiry that EURO-EXPERT has developed show the

contemporary evolution and variation of CE as an emergent concept providing a conceptual umbrella to a variety of evolving practices which all include the use of the special knowledge of social sciences for the resolution of conflicts. EURO-EXPERT surveys the application of CE in the legal process and out-of-court with an unprecedented span of fields going from ethno-psychiatry to the recognition of the rights of autochthone minorities including linguistic expertise, historical expertise in situations of transitional justice, and post-colonial reformulation of cultural rights. The particular innovation of the integrated definition of CE is on being an umbrella concept for the development and change of culture-related expert witnessing over the ages, culture-related adjudication, and resolution of disputes, criminal litigation and other kinds of court and out-of-court procedures.

2. Data available prior to the start of EURO-EXPERT indicated that cultural expertise, with or without the appointment of experts is now routinely used in Europe for an increasing range of cases from criminal to civil law, including also labour law, banking law, immigration laws and many others: asylum, entry permits, family reunions, adoptions, transnational business disputes, citizenship, child custody, extradition, deportation, validity of marriage and divorce, customary financial transaction, insurance, employers-employee relationships, and many other cases which appeared as scattered across different fields. Data collected by EURO-EXPERT indicate the CE plays a role not only in new forms of cultural diversity but also in what could be termed as autochthone diversity including religious, ethnic, and linguistic minorities that enjoy or claim semi-autonomous rights sanctioned by treaties and constitutions. EURO-EXPERT has developed a mixed methods data-collection that ground on ethnographic fieldwork but also expand to quantitative data collection. Research methodology has unfolded according to 1) collaboration 2) the primacy of fieldwork data 3) the re-evaluation of the 'trouble case' 4) the combination of qualitative and quantitative methods, and 5) filming as data collection and dissemination. The above methodological components have materialised in three main instruments for the quantitative-led data collection: the survey imparted to judges, lawyers, experts, and beneficiaries; case law including CE; and collection of sites of out-of-court CE. Such methodology in combination with the integrated definition of CE has overcome the initial dispersion of the sample and has allowed to systematically account for the use and frequency of CE across 15 European countries.

3. By fostering the dialogue among various disciplines of the social sciences, and in particular between jurists and anthropologists, this project continues the efforts of the scholarship that have argued in favor of legal anthropology. EURO-EXPERT overcomes conservative approaches that argued for the impossibility to understand something that is outside one's own culture and by extension one's own legal culture. In particular collaborative methods have reformulated legal awareness as a concept, which is preferred to the more conventional term of legal consciousness which favours passive abiding by the rules. EURO-EXPERT revalues law as legal awareness beyond positive knowledge but reformulates it by including a creative use of the law that facilitates diversity and interdisciplinarity with the aim to provide substantial justice in diverse societies. The combination of interdisciplinary collaboration and the reformulation of legal consciousness as legal awareness have allowed to overcome the longstanding impasse that hindered the dialogue between anthropologists and jurists. The indicators of impact of CE developed on the basis of a collaboration among judges, lawyers, experts and academicians all point at the increasing need for CE in conflict resolution for a more inclusive society.

EURO-EXPERT expects to fine-tune the reformulation of the integrated definition of cultural expertise, further developing methods in the qualitative-led phase of data-collection, and consolidating the dialogue between jurists and anthropologists. The above-mentioned expectations will concretise in the following outputs:

1. Creation of a multilingual legal database allowing for OA and user-friendly access of cases including CE. The innovation of this database is two-fold: a) data will be searchable in 14 languages and across all the languages and jurisdictions in the 15 countries of the research; b) data will be accessible in OA and presented in plain language for lay-users as well as professional format and rigorous legal citations for legal professionals.
2. Creation of a toolkit assessing the prospective impact of cultural expertise on the basis of the indicators of impact designed thanks to the combination of quantitative and qualitative led data collection.
3. Collaborative design of a cultural expertise course in two versions: 1) for undergraduate teaching and 2) for professional capacity building.
4. Publication of two special issues on the modern history of CE, one special issue on the personal experience with CE by legal professionals, a reader on cultural expertise for the use in undergraduate programs, and a monograph or collected volume on cultural expertise aimed at academic audiences.
5. The activities of EURO-EXPERT will continue to be disseminated on Twitter @ CulturalExperts, on the CulturalExpertise mailing list, and on the project's website (<https://www.law.ox.ac.uk/research-and-subject-groups/cultural-expertise-europe-what-useful>). More videos will be released on the indicators of impact of CE and data collection in the different countries of the research. Outreach activities such as story-telling on CE are also planned at various schools in Oxfordshire.

Address (URL) of the project's public website

<https://www.law.ox.ac.uk/research-and-subject-groups/cultural-expertise-europe-what-useful>

EURO-EXPERT LOGO

