

4 Doctoral Students (m/f/d) for the Department 'Law & Anthropology'

Max Planck Institute for Social Anthropology

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Posted Jun. 17, 2024, set to expire Oct. 17, 2024

Job Title	4 Doctoral Students (m/f/d) for the Department 'Law & Anthropology'
Department	Law & Anthropology https://www.eth.mpg.de/2951631/department_foblets
Institution	Max Planck Institute for Social Anthropology Halle (Saale), , Germany
Date Posted	Jun. 17, 2024
Application Deadline	Aug. 1, 2024
Position Start Date	later
Job Categories	Graduate Student
Academic Field(s)	Law - General
Job Website	https://recruitingapp-5034.de.umantis.com/Vacancies/497/Description/2
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Job Description	

The Law & Anthropology Department is one of the three major departments which, together with a number of independent research groups, form the Max Planck Institute for Social Anthropology, one of the leading centres for research in social anthropology. Common to all research projects at the institute is the comparative analysis of social change.

The Law & Anthropology Department offers a stimulating interdisciplinary forum where both

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anthropologists and legal scholars can engage with one another and conduct cutting-edge, policy-relevant research linked to the intensification of exchanges and encounters among and between legal systems, countries and communities in today's societies. With this comes a growing demand for empirically grounded (ethnographic) knowledge and its translation - to the extent possible - into normative thinking at various levels of decision-making. The Department prioritizes research proposals that address this demand for translation in the increasingly plural European context.

The Law & Anthropology Department is offering positions for

4 Doctoral Students (m/f/d) interested in the following topics

Asylum law: Protection against persecution on the grounds of religion under the 1951 Convention Relating to the Status of Refugees and its application in UK case law.

The definition of religion as a grounds of persecution has not been a significantly disputed in the UK asylum case law, probably because of a traditional approach to the concept which tends to include only familiar belief systems. More recently, the focus has been on the following issues: expectations that asylum seekers will exercise self-restraint; the permissible level of government control; the content of the freedom of religion; the requirement to prove the authenticity of one's belief, especially in cases of faith conversion; which religious practices should be protected from state interference; and whether individuals should practise their religion privately or should have the right to practise openly or even proselytise (although not an absolute right). Although these questions remain subjects of ongoing debate, there is little literature systematically analysing these claims and trying to understand whether and how an anthropological perspective could help reach better-informed decisions. The proposed project should seek to fill this gap and conclude with some recommendations to improve decision-making. To this end, the dataset on which the analysis will be based will encompass judicial decisions and possibly interviews with practitioners and judges. The research will focus on the UK as a case study of these issues.

Private law: Cultural diversity in private law, with a special focus on contracts and torts (the positions will be assigned to the Max Planck Research Group "Transformations in Private Law: Culture, Climate and Technology"; for more information, visit the group's website).

The group "Transformations in Private Law: Culture, Climate, and Technology" explores the role of cultural and religious diversity in core fields of private law, with a special focus on general contract law (excluding labour law) and torts. In particular, the group seeks to understand the cultural

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embeddedness of legal processes in these fields and how legal professionals deal with their own and others' cultural conceptions of normality. Its ultimate goal is to contribute to the improvement of legal doctrine and practice regarding the inclusive application of private law in culturally diverse societies. The purpose of the proposed projects is to broaden the scope of the group's research beyond German domestic law to include other European jurisdictions. Preference will be given to countries where the official language(s) include Dutch, English, French, German, or Spanish. The projects are meant to empirically explore the relevance and handling of cultural and religious diversity in core private law in the respective jurisdictions' court practice.

Law and Religion: Religious literacy in decision-making processes: consultation of relevant (religious) stakeholders by rule-makers. This project examines the implicit standards that become apparent in the relevant case law and the advisory practice of European countries.

To respond to urgent needs, discussions with relevant stakeholders about principles and/or legal norms are often necessary. Consultations with religious stakeholders on Covid-related measures offer a striking example, but there are many other issues that merit closer examination: public health care, respect for faith- and non-faith-based beliefs in prisons, and the tax status of faith- and non-faith based communities, to name but a few. Whereas there is already research on whom to consult (e.g., which religious stakeholders), it is less clear when and how this consultation effectively occurs (or should occur). This doctoral project will study concrete experiences with religious literacy and consultations with religious stakeholders in real-life situations with a view to better understand when and how consultations with religious stakeholders (should) occur. More specifically, the successful applicant will examine the standards for consultations with relevant (religious) stakeholders that are generally used in the relevant case law and/or are elaborated through advisory practice.

Procedural justice: Communication by the judiciary on individual cases and on the legal system

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In recent times the judiciary, in several EU Member States but also the two international courts (ECtHR and CJEU), have started attaching increasing attention to (the importance and impact of) communication, including information for a broader audience. This project aims to examine this communication in its multiple facets and from the perspective of various actors, directly and indirectly involved. The research includes the analysis of supranational and national legal principles regarding communication as well as the study of policies and practices in specific jurisdictions. Priority will be given to projects that focus on the German context, which does not however, exclude projects that focus on other EU Member States.

Background and objectives

The successful applicants will work within the framework of the project “Cultural and Religious Diversity under State Law across Europe” (CURED). CURED is a digital repository of cases – with a focus on case law analysis – that have to do with cultural and religious diversity and that show if, how, and to what extent diversity is granted legal recognition within the domestic legal systems of Member States of the EU, UK, and Switzerland. For detailed information please visit our project website.

Through their proposed dissertation projects, successful applicants will also be offered the opportunity to contribute to the project by commenting on case law that addresses the specific diversity issue that is the topic of their research.

Your Profile

The candidate should have:

- an academic degree (master’s or equivalent) in law in hand at the time of taking up the position, with outstanding results;
- evidence of serious interest in law & diversity issues;
- willingness to conduct in-depth research;
- very good command of written and spoken English (level C1 according to the Common European Framework of Reference for Languages);
- evidence of proficiency in the relevant languages,
- an intrinsic interest in team work.

Our Offer

Early career researchers benefit from close supervision and mentoring by experts in their respective fields. Collaboration among PhD students, postdocs and our international partners is a key element of our research. The Department offers unrivalled conditions for doctoral training, including access to specialist libraries and databases, comfortable work spaces, and administrative and academic support.

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Additionally, there are many opportunities for our researchers to participate in conferences, seminars, and workshops, as well as to instigate projects and initiatives across the Max Planck Law Network. Ideally, positions are to start on 1 November 2024. They are awarded for three years, with the possibility of two six-month extensions (pending a positive evaluation). Employment will be on a full-time contractual basis. The workplace is Halle (Saale), a dynamic, green, and historic city in central Germany that is home to numerous renowned universities and scientific institutions. Our modern campus is in a quiet neighbourhood near the centre of town.

The Max Planck Institute does not award doctoral degrees. Hence, doctoral students must enroll at a university in or outside Germany. The selection of the university will be made in close consultation with the supervisor of the dissertation.

The Max Planck Society is committed to increasing the number of individuals with disabilities in its workforce and therefore encourages applications from such qualified individuals. The Max Planck Society strives to ensure gender equality and diversity. Furthermore, the Max Planck Society seeks to increase the number of women in those areas where they are underrepresented and therefore explicitly encourages women to apply.

Contact

Please submit your application electronically by **1 August 2024** following the link for vacancies on our homepage (under 'Career'), or by going directly to the online application form using the link below.

Applicants should send the following materials:

- cover letter;
- curriculum vitae, including a formal record of university courses and list of publications (if any);
- copies of university degrees;
- a succinct description (3–5 pages) of the proposed doctoral project, the selection of the jurisdiction(s) to be covered, and a clear justification for this selection;
- two or three detailed letters of recommendation from professors, teachers, or professional supervisors who are well acquainted with the work of the applicant (letters to be sent directly to Ms. Katerina Marencakova, Secretary to Director, Email: marencakova@eth.mpg.de).

If you have questions regarding the application procedure, please contact:
Max Planck Institute for Social Anthropology
Personnel Administration

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Carolin Klevenow (klevenow@eth.mpg.de)

We look forward to receiving your completed online application under:

<https://recruitingapp-5034.de.umantis.com/Vacancies/497/Application/New/2>

Further information on the research agenda of the Max Planck Institute is available on our website:

<https://www.eth.mpg.de>

Contact Information

Please reference Academickeys in your cover letter when applying for or inquiring about this job announcement.

Contact Carolin Klevenow
Personnel Administration
Max Planck Institute for Social Anthropology
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Halle (Saale)
Germany

Contact E-mail klevenow@eth.mpg.de