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Conditions of Carriage: Finding a Place

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Abstract

This essay considers the persona of the minor jurisperdient through the eyes of jurisprudence and wonders what might happen when the jurisperdient leaves an 'out of office' notice on their office door or email. It reports on some elements of jurisprudence as an unofficial training in the conduct of office, considers how a jurisographer might address the writings of jurisperdients, attends to some sites of law and reflects on the ways such attendance is considered a matter of the conduct of lawful relations. Its motivating conceit follows the rarely tested understanding that London bears or carries a jurisprudence.

Conditions of Carriage: Finding a Place

Shaun McVeigh*

A traveller in 1853 noted that
'the omnibus is a necessity
and a Londoner cannot get on without it'.
Ackroyd 2000: 593

1. Inquiries

This preparatory report forms a part of a project entitled *Jurisprudents of London (UK)* that investigates what it might mean for someone acting in the office of jurispudent to take responsibility for the conduct of a lawful life of a city such as London (Genovese 2016; Genovese & McVeigh 2015; McVeigh 2014, 2016). The investigation is in part a report on the many jurists and jurisprudents (those who care for the conduct of lawful relations) who have offered accounts of the understanding of London as political and juridical city of people, places, and events. It also reports on London as the imagined city of jurisprudents. This city has been imagined, mostly through its absence, as a city of justice, reason, civility, commerce and asylum (Keiller 2013: 90-92). In this essay, the writing projects of jurisprudents are addressed for the ways they offer a training in the cultivation of the persona of the jurispudent and the conduct of the office of jurispudent.

The immediate occasion for this investigation into the conduct of office was the symposium 'Law As ... Minor Jurisprudence' organised by Chris Tomlins and hosted at UC Berkeley in December 2016. In

the brief for the symposium the term ‘minor jurisprudence’ was related to the work of two scholars, Peter Goodrich and Panu Minkkinen, who, whilst working in London in the mid-1990s, both of whom wrote texts that elaborated forms of jurisprudence drawn from the work of Gilles Deleuze and Felix Guattari’s consideration of ‘minor literatures’ (Deleuze & Guattari 1986; Goodrich 1996; Minkkinen 1999). These writings are addressed for their consideration of the persona and office of the jurispudent as well as their engagement with office and place. I will also consider the work of Andreas Philippopoulos-Mihalopoulos (2015), also ‘of London’, whose writing on the flux and forms of spatial justice draws an inheritance from the work of Deleuze and Guattari.

The formulation of the ‘minor’ whether of literature or jurisprudence is enmeshed in the engagements of ‘Theory’ and has not settled into stable subject matter or research programme (Hunter 2006). For some the central concern of a ‘minor jurisprudence’ has been the conduct of lawful relations apart from the major political and philosophical jurisprudences of State and Reason. Others have been more concerned with differentiating jurisprudences from the variety of modes and styles of lawful existence expressed in the major legal western legal traditions whether it is of the civil, common or canon law and their associated genres of legal scholarship. Finally, there has been a distinct concern with judgment and the genres of jurisprudence writing. The style of minor jurisprudences has been pitched against those that are general and systematic and in favour of those that are particular. If there are commonalities it is the sharing, and disputing, of Heideggerian motifs of the hiddenness and revelation of the thresholds of Being as well as the topoi of people, place and experience (Sholtz 2015; Malpas 2009). In whatever way the ‘minor’ is understood, the writing of the jurispudents discussed here also form a part of a prestigious training in conduct, since their minority is closely aligned with traditions of university metaphysics and a university training in philosophy and law (Hunter 2016: 117).

Here attention is turned towards how a jurispudent might take up responsibility for a pattern of lawful relations of a place (such as

London). The patterning of lawful relations is a phrase borrowed from the Indigenous jurisprudence of Christine Black. In *Land is the Source of Law*, Christine Black points to the ways in which many Indigenous jurisprudences are figured from the patterning of relations out of and into the land (Black 2011: 16-19). What is followed here is the training in the patterning of lawful relations suggested in a number of minor jurisprudences across a part of South London. (Patterning might be thought of as a way of finding, or finding yourself in, relations of law.) In the varied European jurisprudences, 'being placed' and being patterned into relations has become a complex matter of engagement and dispute. The jurisprudence of a place or the way 'we' are placed, for example, as 'of London', rarely settles into one form of relationship whether it be authorised through the conduct of lawful relations or other forms of association. The minor jurisprudences are addressed here through the way they introduce, and respond to, a patterning of material, institutional and ideational existence into place (Carter 2013: 101-110; McVeigh 2016).

The joining of the engagements of minor jurists to a consideration of the office of jurist of London puts several genres of study under pressure. The elaboration of training in office has most commonly become the work of historians, philosophers and theologians. The consideration of the city as form of political association and lived place has been taken up within a disparate range of disciplines, often addressed loosely, through the milieu of 'theory' and culture and legal studies. This is part of the intellectual milieu in which minor jurisprudences have developed in the faculties of humanities and law in the UK and elsewhere. Accordingly, I have taken the training of minor jurisprudences to be set in the city in the crossing of the understanding of culture and law.

In this report I address the training presented in minor jurisprudences by annotating and updating reports on several trips taken along the Transport for London (TfL) bus route number 345 that runs on a route across a part of South London from Peckham Bus Station in Southwark and South Kensington in Kensington and Chelsea.¹ The

first section addresses the mode and manner of the engagement of the unofficial training in office. The body of the report addresses the ways in which minor jurisprudences cultivate the persona of the jurispudent (Clapham, London SW4), address place-making (Camberwell, London SE5) and, obliquely, offer a training in prophetic modes of address (Peckham, London SE15). (A fuller report would also have addressed the theatre of public space and justice in Brixton, London SW2 and the care of the dead along the length of the bus route.) A concluding comment will briefly address the genres of studying the writing of minor jurisprudences.

2. Journey: Official and Unofficial

One aspect of taking up an office lies in the assumption of dignities, duties, rights and privileges of the conduct of life in public. The responsibilities and training of the jurist and jurispudent have been varied and contested. There is a long tradition of considering philosophy as part of a training, through spiritual exercises and reason, in a forms of (philosophical) life (Hadot 1995; McVeigh 2016). Contemporary literatures on formations of the self point to a wide range of 'spiritual exercises' related to the vocations of public life. Pierre Hadot has argued that these exercises have formed a central part of the philosophical training in Athens and Rome as well as within the Christian Church (Hadot 1995; Brown 2013). However, the role of 'spiritual exercises' in the cultivation of the persona, and the conduct of the office, of the jurispudent has received less explicit attention as part of the government of the self and others (Foucault 2010; Genovese 2014).

How a jurispudent understands the vocation, conduct and scope of their office has been a matter of contest. In what follows I have left most of the institutional aspects of these debates to one side. In their official capacity, a jurispudent might take note of the passage of law and the conduct of lawful relations. My interest in the 345 bus route and its buses touches on the mode and manner of the unofficial training of office and how such a jurisprudence might draw on, and

draw out meaning of lawful relations across South London.² I take the valence of minor jurisprudence as addressing aspects of conduct that mark thresholds and transformations of various kinds. I have also taken the affective link of minor jurisprudence as doing something other or different in some way (whether or not this is in fact the case). The ordering of minor jurisprudence around cultural institutions, in part, reflects the sense that minor jurisprudences draw on a humanist training in office and that public institutions are also sources of relations of law (McVeigh 2014).

For the purposes of research travel on the 345 bus was taken on 31 December 2013 and 31 December 2014 and revisited again in late December 2016 as part of a response to the 'Law As ... Minor Jurisprudence' symposium. The journeys were undertaken to visit exhibitions at the Victoria & Albert Museum in South Kensington and the South London Gallery in Peckham. The exhibitions related to Chinese art (*Masterpieces of Chinese Painting 700-1900*), post-1945 Italian fashion (*The Glamour of Italian Fashion 1945-2014*) and the sources of art (*Roman Ondak: The Source of Art is the Life of the People*), respectively the unofficial training of the public official, the comportment of the jurist and the responsibilities of office.³

Arranging an address for a training in place, or return to place, that might be offered by minor jurisprudences through the bus routes of South London has its limitations. Some of the limitations are useful, I think, in holding the varieties of minor jurisprudences to a time and place. Other aspects might cause frustration: the bus and its journeys need to be taken both literally and allegorically to work well. The mytho-poetic qualities of minor jurisprudences are a fairly insistent aspect of their discourse as are, I think, the provision of spiritual exercises (Hadot 1995: 82-85, 109). However, the tendency of the bus to take on a fully allegorical form can end up as an endless diversion of allegorisation (Rush & Kenyon 2007). Perhaps too much should not be read into the significance of a bus route. There are many ways in which travel and questions of movement can romanticise the possibilities of unofficial forms of office and of journeys that address only immediate needs (Barr 2016; Minson 1993).

3. South London

There is a certain dissonance involved in investigating the office of the jurispudent on the TfL bus route 345 or any other. However, for common lawyers, there are precedents to be found. Were the man on the Clapham omnibus to go to the Royal Courts of Justice or the Old Bailey today, they could proceed on the 88 or 87 bus route that takes in Whitehall, Westminster Abbey, the Houses of Parliament and the monuments and galleries of Trafalgar Square before passing along Oxford St and, if you are on the 87 bus, stopping at Aldwych near the Royal Courts. (Peter Goodrich, like others, has already linked the 88 bus route to the man on the Clapham omnibus, the royal reason of the King's Highway, and the *eros* and order of law and the desires of men and women at bus stops (Goodrich 1990: 230-250).) The 45 bus provides another route through South London. The 345 bus route starts and finishes in Peckham, Southwark and shares some of the current 45 bus route. While the 45 bus route runs from Clapham to the central courts of justice in London, the 345 bus route does not.

The itinerary and the naming of the 345 bus route is not old. It was established in 1995, however, it follows bus and tram routes set out in the eighteen seventies. From the viewpoint of location and transport linkages, the 345 bus route joins and connects the main train and tram and underground lines moving in and out of the city: Peckham, Denmark Hill, Loughborough Junction, Brixton, Stockwell, Clapham, and Clapham Junction. While the route itself is most easily aligned with the rings of later Victorian suburban expansion, serviced and fuelled by the development of mass transport, it also follows older lines of communication both in terms of local agricultural trade and longer distance travel to the south and Europe. Travelled (and glossed) from one end to the other, the route joins the great Victorian galleries of South Kensington: the Victoria and Albert and the Science museums to the almshouses, public galleries, and mission churches of Camberwell and Peckham. Paired across the route are South London's Magistrates' Courts, police stations and centres of culture: the Camberwell Police Station and College of Arts; Brixton Police Station and the Academy;

the Lavender Hill Police Station (and Magistrates' Court) and Battersea Arts Centre; Battersea Police Station (closed) and the Royal College of Arts (restored).

As a matter of association, a legal scholar addressing relations between law and society might worry about how to test the relationship between the institutions of law and culture whereas a more geographically and politically minded one might wonder in what direction they should best be approached. A jurispudent as traveller, or as a witness or examiner, could stop off and inspect the police stations or examine the relation between law, performance and dissent (Rosenberg 2015; Kettle & Hodges 1982; Scarman 1981). The two stopping points along the bus route that are addressed here consider the figurations of the persona and place of the minor jurispudent across Clapham and Camberwell.

A. At Clapham Common (Holy Trinity Church)

Clapham Common is still a meeting place, although there is less public meeting than there once was. The 'man on the Clapham omnibus' was once the figure of the 'Everyman' of the common law, but has for some time been in decline in the hierarchies of legal attention. In the early twentieth century, his reason and honour were invoked in a series of situations where a jury might once have been required to make judgments about the conduct of civil life and the life of the city (Green 1985; Moran 2010).

The most suitable of major jurispudents who could offer a training in reasonableness might have been one of the members of the Clapham Sect (active from 1790-1830). The Clapham Sect were an Anglican evangelical group found by Lord William Wilberforce and engaged in missionary and anti-slavery work (Tomkins 2010). They worshipped at the Holy Trinity Church on the south side of Clapham Common (next to the Clapham Omnibus bus stop).

James Fitzjames Stephen might have been one candidate. He was born and lived in Kensington and visited the Holy Church (near the Victoria and Albert Museum and so not far from the end of the 345

bus route). He was a prominent jurist of Empire and a High Court judge (Rush 1997). He also wrote the essay *Liberty, Equality and Fraternity* (1873), which was amongst other things a training manual in the conduct of Victorian public life (Fitzjames Stephen 1874; Mill 1989). It was also a source for Lord Devlin's (1965) polemic against English libertarian liberalism in *The Enforcement of Morals*. There Devlin obligated the passenger on the Clapham omnibus to act as the jury in judgments about the limits of the enforcement of (sexual) morality. He assigned him the task of setting the scale for the 'toleration of the maximum individual freedom that is consistent with the integrity of society' (Devlin 1965: 16; Moran 2010). The measure of toleration was to be shaped by the importance of expressing 'intolerance, indignation and disgust' for what is wrong (Devlin 1965). These feelings and sentiments, as Devlin would have it, are the 'forces behind the moral law' (Devlin 1965: 17; Philippopoulos-Mihalopoulos 2015: 113; Conaghan 1996).

If the exercises and training in office offered in forms of minor jurisprudence were to be encapsulated in one gesture it would not be a training in disgust or indignation (although it might involve a training in ability to be joyful and dignified). All, for example, are concerned with maintaining the office of the scholar and with countering the deadening effects of state law and major jurisprudences. They seek to cultivate something like a cosmopolitan ethic and to enliven law by educating students into 'breakthrough' experiences that move beyond, interrupt or rupture the everyday experience of law (Rush 1990). To achieve this, the minor jurisprudences addressed here, I think, adapt elements of the exercises of 'ancient philosophy' and their modern inheritance particularly in relation to a training of desire (Hadot 2002: 3-6; 1995).

Of the three addressed here, Minkkinen's account of the philosopher-jurist is most closely aligned with the office of the university scholar and their ways of 'abiding with law' (Minkkinen 1999: 56-57). His central concern is the elaboration of a human, conjectural, science capable of reflecting (with Heidegger) on human

Being in the world and of understanding law as a part of ‘a meaningful and orderly experience of the world shared with other human beings’ (Minkkinen 1999: 64). As philosopher, Minkkinen suggests, the philosopher-jurist must maintain a desire for justice and be adequate to the tasks of holding justice and truth in relation to one another. To do so requires an awareness and understanding of how this is a paradoxical activity. While justice is an ultimate end, it cannot, following Aristotle, be reached through human desire (Minkkinen 1999: 64). In the absence of achieving justice, the philosopher-jurist should be concerned with maintaining a device without desire: the tribunal that maintains the correctness (rectitude) of law. The role of law and of the jurist is as ‘the conveyance of thinking to justice’ (Minkkinen 1999: 97).

Sustaining a paradoxical desire for justice and law is not always easy. Minkkinen (1999) cultivates the persona of the jurist through an interpretation of Kafka’s story in *In the Penal Colony* (1999: 71-72). (The story itself is short: a traveller visits a penal colony, becomes involved in an extraordinary execution of justice (and of a condemned man) by means of a punitive writing machine and departs, disturbed. The reader too is left wondering.) The exercises and training offered by Minkkinen deepen the understanding of authentic and inauthentic being and the conduct of office. One aspect of this training is in perceiving law as enigmatic and aporetic. The sentences of law should remain inconceivable. To know the world as Kafkaesque, it is not enough simply to reverse justice. It is necessary to understand that the author of law has departed and is no longer an authority; that the order of time and cause can be appreciated only through delay; and that place is disturbed and never fully revealed (Minkkinen 1994: 365; 1999: 96-98). These exercises are ascetic preparations for appreciating (and living with) the knowledge that the cruelty inflicted in the name of the law is not dignified, the suffering of the subjects of law is not redeemed, and that the men of law (office holders and commentators alike) follow a law without higher meaning (Minkkinen 1994: 351, 353).

Whilst following the jurisprudential teaching provided by Kafka might feel like following a fervent parable and training in failure,

Minkkinen considers them an ascetic corrective. A jurist should not orientate their engagement with law only, or, perhaps, ever, through social justice or redemption. They should not take up the redemptive role of traveller/foreigner, or that of the Master, or even the Messiah. If there is a model for the philosopher-jurist it is the figure of the condemned, since they understand the will to power that shapes law. In *Thinking without Desire*, it is the humble Socrates pursuing and teaching truth and awaiting his death sentence who is preferred to Plato as educator (Minkkinen 1999: 185-186; 2010: 177-178). Minkkinen's training in recititude returns a dominant language to its proper form and offers a way of living with the (tragic) limits of office (Minkkinen 2010). Such a re-telling of Kafka's tale might be one conversation that the university scholar might have with a reasonable person on the 345 bus. It might also be possible to overhear advice being given about the dangers of lingering too long in the markets of a village like Clapham or Brixton.

The official role that Goodrich assigns to the jurist, as erudite and humanist, is to maintain and transmit the visual tradition and images of law as well as its concern for justice (Goodrich 1996: 19). However, Goodrich's jurist also spends a fair amount of their time re-developing the office and on unofficial matters relating to what is not, or not yet, visible. In 1990, no doubt echoing Deleuze and Guattari, Goodrich presented the figure of the critic as a 'pragmatic nomad' re-occupying and camping amongst the itinerant forms of the common law (Goodrich 1990). In 1996, the minor jurist is presented in terms of dissent from the (major) jurisprudences of rationalist legal traditions and state authority. The figure of the pagan nomad, however, had taken the mask of Janus, the two-faced Roman god of thresholds, passage, transition and motion (Goodrich 1996: 22-23; 1995: 10-11, 152-162; 2014; 2015: 71-77). In taking up Selden's 'English Janus', Goodrich marks both a genealogical filiation and maps a series of jurisdictional and affective relations between the interior and exterior relations to both the spiritual and temporal jurisdictions of the laws of England (and Wales) (Goodrich 1995). The spiritual jurisdiction of the Catholic Church and canon law and its Anglican transformation provide a spiritual training in juridical conscience or subjectivity

through the arrangement of the internal and external jurisdictions. The exterior, visible, jurisdiction of the common law provides a training in worldly conduct (Goodrich 1996: 23). However, Goodrich also notes the many different forms of visible and invisible laws through which the law of the land is experienced. With John Selden as tutor or exemplar, a jurispudent should undertake the philosophical training of the Ancient Greeks (Pythagoras and the Stoics) and as well as that of the Druids, who were the keepers of the law of the land (Goodrich 2014: 43-45; 2006).

The training offered through Goodrich's minor jurisprudence engages both the arts of association and amity (and enmity) and those of interpretation and transmission. Its exercises in the formation of the persona of the jurist are part profanation and part re-enchantment. They proceed through a diffuse spiritual and worldly training in rhetoric, casuistry, emblematics, and philology. The models of teaching are also eclectic. Sixteenth century emblem books provide lessons in allegory, the interpretation of plural meaning of image and text, as well as a distinct cultivation of eloquence (Goodrich 2015: 13-22). The unofficial training, like that of the pagan nomad and the psychoanalyst, relates to the cultivation of the *eros* of law and enlivening the relations (filiations) that can be lived with law (Goodrich 1996: 22; Minson 2009).

The training offered by Andreas Philippopoulos-Mihalopoulos' minor jurisprudence joins a practice of spatial-justice to a minimal, diminishing, account of office. Philippopoulos-Mihalopoulos shapes his training less around a training in the textual tradition but in the participation in the material and spatial ordering of a 'lawscape' (the plural normative and spatial ordering that allow us to experience the conduct of law as law) (Philippopoulos-Mihalopoulos 2015: 6, 58). The training is directed towards living with the immanence of the world as a generative continuum rather than instituted social existence or transcendent intellectual life.

Philippopoulos-Mihalopoulos' *Spatial Justice* (2015) offers what is, amongst other things, an extended series of exercises, reports and diaries of his own investigations into the conduct of a lawful life and

into living in the city as a nomad. It is a minor jurisprudence in the sense that it offers a rival form of life to the perceived complacency of major jurisprudences whether Platonic or Kantian, critical or otherwise. It is minor too in the sense that the persona of the jurist is figured as observer and participant rather than judge or advisor. Of the many exercises in *Spatial Justice*, I will briefly mention a teaching exercise that might be undertaken around Clapham Common (Philippopoulos-Mihalopoulos 2015: 96-106). The class exercise asks students 'to become nomads' (Philippopoulos-Mihalopoulos 2015: 103). It is designed to help students understand the relation between atmosphere and landscape as material, sensuous and affective law. Walking around the city and experiencing law, it is suggested, might involve using instinct and reason to find and keep out of the trouble of the law, getting a little bit lost, paying affective and phenomenological attention to yourself, your senses, movement and your surroundings (Philippopoulos-Mihalopoulos 2015: 96). This preliminary exercise is in part to show the generative role of the student observer-jurist in 'lawscaping' in which you realise that you create and move within an assemblage of (lawful) relations (Philippopoulos-Mihalopoulos 2015: 97, 105-106).

There are also more complex engagements in the cultivation of the arts of jurisprudence that attend to the ways in which the continuum might be re-arranged, at least for now. Some relate to spatial justice (or jurisprudence) and are directed at creating and finding 'ruptures' in the continuum and ways of 'withdrawing' (from desire), 'dissimulation' (of position) and 'invisibilisation and visibilisation' (of ontological presence) (Philippopoulos-Mihalopoulos 2015: 84-90). Their concerns lie with approaching 'spatial justice' to 'reorient the inside in a way that bodies can fit in better with each other' (Philippopoulos-Mihalopoulos 2015: 1). This, in its way, is quite pragmatic, but it is a pragmatism that is cast in the direction of the continuum (and Being). The practice of withdrawal is cultivated by taking a general orientation of the 'view of the cosmos' (Philippopoulos-Mihalopoulos 2015: 65). To withdraw is to take a geological and ecological rather than a human perspective. In so doing it enables an understanding of a non-human future. It is not a practice of (Kantian) transcendence, it is embodied (spatio-temporal)

and strategic. The effect is both to withdraw from human judgment the better to see the ordering of the cosmos, and to maintain clarity of judgment. In this, withdrawal re-uses the exercises of the stoic tradition (Philippopoulos-Mihalopoulos 2012: 91; 2015: 167-169, 198-219; Deleuze & Guattari 1994: 41; Sellars 1999: 6-7). While, for Philippopoulos-Mihalopoulos, the gesture and desire for withdrawal can be understood as a concern of judgment, it is also ontological, a part of the condition of existence (Philippopoulos-Mihalopoulos 2015: 213). As a result, withdrawal and so spatial justice can never be shown or realised as such (Philippopoulos-Mihalopoulos 2015: 150). (Accordingly, the text and training set out in *Spatial Justice* is itself structured as a slow withdrawal from the teaching of withdrawal.)

Whilst personae cultivated through minor jurisprudence all participate in the life of the common, those trained by Minkinen maintain an austere regard for justice; whereas those trained by Goodrich attend, amicably, to the images of law; and those by Philippopoulos-Mihalopoulos to the flux of law and spatial justice. They all have a public teaching of law: through philosophy for Minkinen; philology and allegory for Goodrich; and the cultivation of mindfulness of affect for Philippopoulos-Mihalopoulos. What the minor jurists share is that training in personality involves a cultivated withdrawal from the everyday forms of technical and material life in order to effect a transformation in relation to the self and to conduct of office. What is taught, I have suggested, are exercises for the cultivation of the experience of new thresholds of law and life.

To these figures might be added others and other forms of training. For example, Samuel Pepys, once a resident of Clapham Common, might offer a more worldly education, better suited for life on the common, than that of James Fitzjames Stephen (Lanchester 2012).⁴ Then again, the training in personality offered by feminist and writer Angela Carter (1998) might be still more (or less) suitable. As an artist of transformation and forever concerned with the doubling of life (and law). Her personae populate London as twins, as the formed and the formless and as the true and the fabled. Her training exercises owe

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more to lives lived by women, the world of Brixton theatre and feminist politics, than they do to the jurists of the Clapham Sect (Carter 1992a; 1992b: 186-187).⁵

B. In Camberwell (Ruskin Park)

There is a sense today that Camberwell in Southwark is a place whose location has slipped away. Despite being organised around a green, the loss of orientation around the geography of the River Thames and the labour and provisioning of its docks; its traffic flows, the transience of its resident population; and the displacement of public institutions and administrative boundaries, all make it hard to keep in place. If Clapham Common is a common or public meeting place, then, Camberwell is shaped more by its (now hidden) rivers and wells, its long history as a place of asylum and exile and its shorter history, not always so different, of radical dissent. Here it is appropriate to consider the training and techniques of placement, if not place-making, as the minor jurists are drawn into the environs of Ruskin Park and the late nineteenth century romantic and aesthetic radicalism of John Ruskin and William Morris (MacCarthy 1994).

However else John Ruskin might be judged today, he was a major figure of nineteenth century aesthetics and philanthropy, and a public moralist concerned with the conduct of life. His cultivation of an 'aesthetic ethos' and persona through engagement with the moral qualities of architecture and with the spiritual conservation and creation of places of beauty still resonates as an expression of romanticism. In *The Seven Lamps of Architecture* (1849), for example, Ruskin argued for an architecture pitched against mechanical building, one that would contribute to mental health, power and pleasure (Ruskin 1903: 258). In the persona of the aesthete he set the beauty and truth of labour against the exploitation of the 'steam age'. His advocacy of the gothic modes of art and production brought him into relation with William Morris and the Arts and Crafts movement. Morris shared with Ruskin the sense of the possibility of achieving the full expression of life through labour and art. Walter Crane, a friend and Socialist League ally of

Morris, emblazoned the floor of the South London Gallery with the banner 'The Source of Art is in the Life of a People', itself a variation on Morris' banners and emblems (Robins 2012: 40). Roman Ondak took up both the material of the inlaid floor of the gallery and its theme in his eponymous exhibition in 2016-2017.

Morris's engagement with socialism, guilds and the gothic modes of art and production might also be considered as a late flowering of romanticism (shared, in some respects, in minor jurisprudences) (Barrie 2017: 136-137; Sellars 1999; Vandeveldt 2011). In *Art Under Plutocracy* (1883), Morris draws out a distinction between the intellectual and decorative arts.⁶ He gives to decorative art a broad concern with the service of the body and the whole pattern of human existence from the ordering of fields, through to the crafting of artefacts, the weaving of cloth and the painting of the emblems and banners of collective life. Whilst the intellectual and decorative arts have been close in the past, Morris notes that class division has forced them apart. Both types of art suffer from the 'repression of the instinct of beauty' as well as loss of the variety, hope and self-respect of the compound intellectual and bodily pleasure of handiwork (Morris 2012: 174-177).

The aesthetic practices of the minor jurists addressed here do not provide a training in the elevation of whole personality in the same way as Ruskin and Morris. However, I want to relate Morris's sense of decoration to the training in the understanding of place through *nomos* in their minor jurisprudences. (London turns out to have Greek not Roman origins.) In the three minor jurisprudences presented here *nomos* is addressed both as sharing through the division of law and as the sharing of pasture (Sellars 2007). (Both of these assignments of *nomos* can still be found in the meaning of allotment.) The first characterisation of *nomos* as division is taken up from Carl Schmitt by Minkkinen as the first gesture of political community: the spacing and place-making that comes before law follows the action and pattern of appropriation, distribution and production (Minkkinen 1999: 59-65). The second characterisation gives us the sharing and distribution of people across a common pasture. This second, rival,

account of *nomos* is elaborated by Deleuze and Guattari and in different ways by Philippopoulos-Mihalopoulos and Goodrich (Deleuze & Guattari 1988: 370-371; Philippopoulos-Mihalopoulos 2015: 55-58; Goodrich 1996: 86-94; 2015: 225-231). Deleuze and Guattari make a distinction between distribution of *nomos* as order and *nomos* as movement; a distribution of territory and a distribution across a territory; and, perhaps, between a striated *nomos* of the city-state and the smooth *nomos* of the coming community (Sellars 2007: 35-36). In her accounts of Indigenous jurisprudences, Christine Black (2011) offers a reminder that the nomad does not necessarily pass through a smooth space without law but could be, and in colonial situations obviously is, crossing land patterned by other laws and peoples.

For Panu Minkkinen, the training of minor jurisprudence does not, at first sight, seem greatly concerned with dwelling in place, since the office of jurispudent is directed to ordering. His philosopher-jurist inherits a European *nomos* of appropriation, distribution and production (Minkkinen 1999: 60-61). Their responsibility, like that of Carl Schmitt, is shaped by responsibility for the unity of localisation (*ortung*) and order (*ordnung*). In this respect, at least, the question of the material form and practice of law is treated as political (existential) and social and so separate from the calling of truth and the authentic experience of being in the world.

For Goodrich, the material and visual forms of institutional life carry the meaning of law and provide the means of elaborating faith in law. The banners, emblems and visual forms provide the material of a humanist education in law and justice (Goodrich 2015: 70, 252-3). Street signs, names and histories as well as juridical and satirical texts can become a part of the jurisdictions and arrangements of visible and invisible orders of law. The pre-eminent training in *nomos* and of its divine and temporal ordering is a training in signs. The training in place or the *lex terrae* is a matter of enlivening sources to find a proper fit of lawful relations. This is the work of the artificers or image-makers of law. It is a decorative art in the sense offered by Morris. The law of the land of the dissenters, joiners, artisans and jurispudents (of

Camberwell) emerge (and return) with ‘person and relation, image and measure, *nomos* and bond, activity and law’ (Goodrich 2015: 228).

For Andreas Philippopoulos-Mihalopoulos, the work of *nomos* is bound up in *logos*, boundaries and passage. Drawing from Deleuze, *nomos* is the uncounted or unmarked passage. It is the space of flows of desire as part of the continuum (Philippopoulos-Mihalopoulos 2015: 56-57). His accounts of immanent ordering do not treat *nomos* and *logos* as permanent divisions of ordering. Place, and a relation to land, is a matter of material and immaterial relations. Rather than a law of relationship emerging from the land, ‘space and body become the lawscape by determining immanently the movements inside’ (Philippopoulos-Mihalopoulos 2015: 155). Where Christine Black (2011) experiences law emanating from land as place, and Morris and Goodrich experience law as patterned through the decorative forms of allegiance, Philippopoulos-Mihalopoulos’s ‘emplaced materiality’ assembles space (2015: 52-55, discussing Black 2011).

While the personae created by minor jurists no longer work to unify the lives of the citizen in the way that the romantic socialists of Camberwell did in the nineteenth century, their ways of training jurists to understand the relation of place still shares something of the decorative arts and the work of ordering existence.

4. Concluding Comment: in Peckham (Peckham Bus Station)

Peckham has often been figured as a place of prophecy. William Blake set the tone (Michael 2006). As the biographers have it, when Blake was eight or nine, whilst walking in Peckham Rye, then countryside, he saw ‘a tree filled with angels, bright angelic wings bespangling every bough like stars’ (Gilchrist 1880: 7). In his prophetic account of the emanations of Albion, the material of London is taken up into the imagination of Jerusalem and Babylon. Camberwell becomes a source of destitution both as a judgment on the material life of the city and as a vision of a fallen city (Erdman 2008; Philippopoulos-Mihalopoulos 2015: 69-71; McGee 2016: 79-81). Others have

followed the apocalyptic revelation and transformation of the truth of London. Such visions are not far from either the missionary work or the almshouses that shaped the building of nineteenth century Peckham or the vocation of contemporary residents (Sinclair 2015; Tempest 2016).⁷ The work of the minor jurists presented here is not noticeably prophetic or messianic. Yet the transformative modes of minor jurisprudence still find resonances: Minkkinen's Kafka is put to work in finding a new law, Goodrich's Selden seeks a law of land for the corruption of modern law, and Philippopoulos-Mihalopoulos gives us his double island through which spatial justice emerges. All imagine the possibility and impossibility of an absolute singularity to justice, but they do not call down an absolutely singular justice.

The movement of this report and its gloss on minor jurisprudence has been shaped by two exhibitions placed along the 345 bus route, one in which the office of artist-scholar was conducted by the withdrawal from public service but not from office, the other by the insistence on the temporal and spatial (continuity) of the labour of patterning material forms of existence into meaningful, or, lawful, life.

The writings of minor jurisprudence, at least as I have reported here, provide ways of attending to persona and place as part of a training in the office of jurist. They also offer some direction on orientation to the city (or at least to London). For Panu Minkkinen (1999) the jurist as philosopher-jurist is tied both to the (European) University and to the community of the wise; for Goodrich (2007) allegiance is to the friendship of the city (perhaps of London or New York), and for Philippopoulos-Mihalopoulos, the ethos is cosmopolitan.

Clearly there are many ways in which training in office might be addressed. Drawing on the same traditions, Ian Hunter (2006, 2007), as intellectual historian, has presented the projects of philosophers and jurists inherited from Germany and France in terms of the immediate historical circumstances and purposes of their use. The intellectual historian's work, Hunter argues, is to establish the historical specificity of the mode and manner of the assembling of the personae of the philosopher and jurist. Ann Genovesi (2014) has placed

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the formation of the persona of feminist jurists and historians within the intellectual formations of lives lived with law, both within and without the university. This report has been presented with the genres of jurisprudence writing.

The passage of the bus route and its bus, I imagined, might have ended with a meeting, or at least a gathering, of jurists. There are two options for meeting places that are readily available. In one direction there is the Peckham Refreshment Room, a café off the market on Rye Lane and in another direction, there is the Asylum Tavern on the corner of Asylum Road and Market Street. Both, in a sense, return the allegorical impulse to the lay of the city if not the land.



Endnotes

- * Member of the Faculty of Law and Institute for International Law and the Humanities, University of Melbourne. With thanks to the people who have been generous in their comments at the symposium 'Law As ... Minor Jurisprudence' (UC, Berkeley) and the conference 'Spectacles of Law' (Hong Kong University) both held in December 2016. I would particularly like to thank Dan Matthews, James Porter and Bryan Wagner. I would also like to thank the organisers of both those events and Diamond Ashiagbor, Ann Genovese, Piyel Haldar, Vidya Kumar and Peter Rush. Thanks are also due to Diamond Ashiagbor for copyright permission to use the photograph and Abbey Lay of Melbourne Law School Academic Research Service for her editing. This report is addressed to Ronnie Warrington.
1. A map TfL 345 bus route can be found here: <https://tfl.gov.uk/bus/route/345/>. The conditions of carriage are summarised here: <http://content.tfl.gov.uk/tfl-conditions-of-carriage.pdf>. The young person's code of conduct is here: <https://tfl.gov.uk/fares-and-payments/penalties-and-enforcement/young-persons-behaviour-code>.
 2. One sense of the 'unofficial' is investigated by Richard Mabey (2010) in his writing about wildlife and places of London. His favoured topographies include railway and road sidings, bomb and building sites as well as greens and commons.
 3. *Masterpieces of Chinese Painting: 700-1900* Victoria and Albert Museum, October 2013 – January 2014 available at <http://www.vam.ac.uk/content/exhibitions/masterpieces-of-chinese-painting/>, *The Glamour of Italian Fashion 1945 – 2014*, Victoria and Albert Museum April – July 2014 available at <http://www.vam.ac.uk/content/exhibitions/exhibition-the-glamour-of-italian-fashion-1945-2014/>, *Roman Ondak: 'The Source of Art is in the Life of the People'* South London Gallery available at <http://southlondongallery.org/page/romanondak>. All accessed 1 May 2017. The immediate purpose of the journey to South Kensington was to visit *Masterpieces of Chinese Painting: 700-1900* at the Victoria & Albert Museum and view a sample of paintings by the 'literati' collected under the heading *Embracing Solitude 1250 – 1400* (Zhang 2013). The 'literati' was noted for the ways in which their work embraced complex relations between painting, calligraphy and poetry. However, their art was also of interest for the ways in which the scholars and monks turned their art

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and conduct of life into a mode of political dissonance. In contemporary terms their stance was characterised both by their refusal of public office and patronage during the time of Mongul rule. However, they continued the dissemination of their art and sense of office (Sickman & Soper 1971). This was not simply a withdrawal from public life but an insistence that scholarship and art and thus government be conducted in a certain, lawful, way (Zhang 2013). The final trip was to Peckham and the South London Gallery. Roman Ondak's exhibition, *The Source of Art is in the Life of the People*, is a site-specific work that links the experience of the life and material of art practice and pedagogy to the recording of world historical events since 1917. The two exhibitions give the occasional form of this consideration of minor jurisprudences.

4. The site the house Pepys died in in 1703 is now occupied by Trinity Hospice by the Clapham Omnibus stop.
5. Angela Carter Close is located in Brixton on the 345 bus route.
6. This essay was the first publication of the still functioning political party The Socialist Party of Great Britain. Its offices are on Clapham High Street along the 345 bus route: <http://www.worldsocialism.org/spgb/>
7. The modern prophetic tradition is still present in Peckham. Its political-religious traditions can be found in the work of Harold Moody (Moody 1943a, 1943b, Adi and Sherwood 2003, Sinclair 2015).

References

- Ackroyd P 2000 *London: the Biography* Vintage London
- Adi, H and M Sherwood 2003 *Pan-African History: Political Figures from Africa and the Diaspora since 1787* Routledge London
- Barr O 2016 *A Jurisprudence of Movement* Routledge London
- Barrie T 2017 *House and Home: Cultural Contexts and Ontological Roles* Routledge New York
- Black C F 2011 *The Land is the Source of the Law* Routledge London
- 2017 *A Mosaic of Indigenous Legal Thought* Routledge London
- Blake W 2008 'Jerusalem: The Emanation of the Giant Albion (1804-1820)' in Erdman D V 2008: 144-239

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- Bottomley A ed 1996 *Feminist Perspectives on the Foundational Subjects of Law* Cavendish Publishing London
- Bradbury M and J Cooke eds 1992 *New Writing* Minerva London
- Brett A S 2011 *Changes of State: Nature and the Limits of the City in Early Modern Natural Law* Princeton University Press Princeton
- Brown P 2013 *Augustine of Hippo: A Biography* University of California Press Berkeley
- Carter A 1992a 'Angela Carter interviewed by Lorna Sage' in Bradbury M and Cooke J 1992: 187-188
- 1992b *Wise Children* Virago London
- 1998 *Shaking a Leg: Collected Journalism and Writings* Vintage Books London
- Conaghan J 1996 'Tort Law and the Feminist Critique of Reason' in Bottomley A 1996: 47-68
- Cook E T and Wedderburn A eds 1903 *The Complete Works of John Ruskin* George Allen London
- Cordua C H ed 2012 *Manifestos and Transformations in the Early Modernist City* Ashgate Farnham
- Deleuze G and Guattari F 1986 *Kafka: Towards a Minor Literature* University of Minnesota Press Minneapolis
- 1994 *What is Philosophy?* Columbia University Press New York
- Devlin P 1965 *The Enforcement of Morals* Oxford University Press Oxford
- Drakopoulou M ed 2014 *Feminist Encounters with Legal Philosophy* Routledge London
- Erdman D V ed 2008 *The Complete Poetry and Prose of William Blake* University of California Press Berkeley
- Foucault M *Government of the Self and Others: Lectures at the College de France 1982-1983* Palgrave MacMillan Gordansville
- Genovese A 2014 'On Australian Feminist Tradition: Three Notes on Conduct, Inheritance and the Relations of Historiography and Jurisprudence' *Journal of Australian Studies* 38/4: 430-44
- and McVeigh S 2015 'Nineteen Eighty Three: A Jurisographic Report on Commonwealth v Tasmania' *Griffith Law Review* 24/1: 68-88
- Gilchrist A 1880 *The Life of William Blake* John Lane & Bodley Head London

Conditions of Carriage: Finding a Place

- Goodrich P 1990 *Languages of Law: from Logics of Memory to Nomadic Masks* Weidenfeld and Nicolson London
- 1995 *Oedipus Lex: Psychoanalysis, History, Law* University of California Press Los Angeles
- 1996 *Law in the Courts of Love: Literature and Other Minor Jurisprudences* Routledge London
- 2006 'The Pythagoras Complex' *Juridikum*, 54: 216–23
- 2014 'The Accidental Feminist on the Pythagorean Roots of John Selden's *Jani Anglorum*' in Drakopoulou 2014: 39–49
- 2015 *Legal Emblems and the Art of Law* Cambridge University Press Cambridge
- Hadot P 1995 *Philosophy As a Way of Life: Spiritual Exercises from Socrates to Foucault* Blackwell Oxford
- 2002 *What is Ancient Philosophy?* Harvard University Press Cambridge
- 2011 *The Present Alone is Our Happiness: Conversations with Jeannie Carlier and Arnold Davidson* Stanford University Press Palo Alto
- Green T 1985 *Verdict According to Conscience: Perspectives on the English Criminal Trial 1200 – 1800* University of Chicago Press Chicago
- Hunter I 2006 'History of Theory' *Critical Inquiry* 33/1: 78–112
- 2016 'Heideggerian Mathematics: Badiou's *Being and Event* as Spiritual Pedagogy' *Representations* 134/1: 116–156
- Keiller P 1994 *London* BFI Production Kolnick Studios London
- 2013 *The View from the Train* Verso London
- Kettle M and L Hodges 1982 *Uprising! Police, the People and Riots in Britain's Cities* Pan Books London
- MacCarthy F 1994 *William Morris: A Life of Our Time* Faber & Faber London
- McGee P 2016 *Political Monsters and Democratic Imagination* Bloomsbury London
- McVeigh S 2014 'Law as (More or Less) Itself: On Some Not Very Reflective Elements of Law' *UC Irvine Law Review* 4/1: 471–91
- 2016 'Jurisprudent of London: Arts of Association' *Law Text Culture* 20: 189–215

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- Mabe R 2010 *The Unofficial Countryside* Little Toller Books Toller Fratrum
- Malpas J 2009 *Heidegger's Topology: Being Place World* MIT Press Cambridge Massachusetts
- Michael J D 2006 *Blake and the City* Bucknall University Press Lewisburg PA
- Mill JS 1989 *On Liberty and Other Writings* Cambridge University Press Cambridge
- Minkinen P 1999 *Thinking Without Desire: A First Philosophy of Law* Hart Publishing Oxford
- 2010 'The Legal Academic of Max Weber's Tragic Modernity' *Social & Legal Studies* 19: 165-182
- Minson J 1993 *Questions of Conduct* Palgrave Macmillan Basingstoke
- 2009 'S Toussaint, Humanismes Antihumanismes, Paris, Les Belles Lettres, 2008' *Cromohs* 14: 1-19
- Moody H 1943a *Christianity and Race Relations* Fellowship of Reconciliation London
- 1943b *Freedom for All Men* Livingstone Press London
- Morris M ed 2012 *The Collected Works of William Morris (1910-1924)* Cambridge University Press Cambridge
- Morris W 2012 'Art Under Plutocracy (1883/4)' in Morris M 2012: 164-191
- Moran M 2010 'The Reasonable Person: A Conceptual Biography in Comparative Perspective' *Lewis & Clark Law Review* 14: 1233-1283
- Philippopoulos-Mihalopoulos A 2012 'Law, Space Bodies: The Emergence of Spatial Justice' in De Sutter L and McGee K 2012: 90-110
- 2015 *Spatial Justice: Body, Lawscape, Atmosphere* Routledge London
- Robins E 2012 'News from Nowhere: A Utopian Dream' in Cordua C H 2012: 39-58
- Rosenberg D 2015 *Rebel Footprints: A Guide to Uncovering London's Radical History* Pluto Press London
- Ruskin J 1903 'The Seven Lamps of Architecture (1849)' in Cook E T and Wedderburn A eds 1903: 206
- Rush P 1990 'Killing Me Softly With His Word: Hunting the Law Student' *Law & Critique* 1: 21-37

Conditions of Carriage: Finding a Place

- S McVeigh and A Young eds 1997 *Criminal Legal Doctrine* Ashgate Aldershot
- 1997 'Autobiographic Fragments: The Life of Criminal Law' in Rush et al 1997: 200-206
- and A Kenyon 2007 'Passages or the Medium of Authority' *Law Text Culture* 11: 1-11
- Scarman L 1981 *The Brixton Disorders 10-12 April 1981* HMSO London
- Sellars J 1999 'The Point of View of the Cosmos: Deleuze, Stoicism and Romanticism' *Pli* 8: 1-24
- 2007 'Deleuze and Cosmopolitanism' *Radical Philosophy* 142: 30-37
- Sholtz J 2015 *The Invention of a People: Heidegger and Deleuze on Art and the Political*, Edinburgh University Press Edinburgh
- Sickman L and Soper A 1971 *The Art and Architecture of China: The Yale University Press Pelican History* Penguin Books Baltimore
- Sinclair I 2015 *Overground: A Day's Walk Around the Ginger Line* Penguin Harmondsworth
- Stephen F J 1874 *Liberty, Equality and Fraternity* Smith, Elder & Co. London
- Sutter de L and K McGee eds 2012 *Deleuze and Law* Edinburgh University Press Edinburgh
- Taylor S and Green O 2001 *The Moving Metropolis: The History of London's Transport Since 1800* Laurence King Publishing London
- Tempest, K 2016 *Let Them Eat* Chaos Fiction Records London
- Tomkins S 2010 *The Clapham Sect: How Wilberforce's Circle Changed Britain* Lion Hudson Oxford
- Vandevelde P 2011 *Heidegger and the Romantics: The Literary Invention of Meaning* Routledge New York
- Zhang H ed 2013 *Masterpieces of Chinese Painting: 700-1900* V&A Publishing London

Exhibition Material

South London Gallery September 2016 – January 2017 *Roman Ondak: The Source of Art is in the Life of a People* available at <http://southlondongallery.org/page/romanondak> last accessed 1 May 2017

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Victoria and Albert Museum April – July 2014 *The Glamour of Italian Fashion 1945 – 2014* available at <http://www.vam.ac.uk/content/exhibitions/exhibition-the-glamour-of-italian-fashion-1945-2014/> last accessed 1 May 2017

Victoria and Albert Museum October 2013 – January 2014 *Masterpieces of Chinese Painting: 700–1900* available at <http://www.vam.ac.uk/content/exhibitions/masterpieces-of-chinese-painting/> last accessed 1 May 2017