

## **Law's Pluralities and the Place of Law among the Plurality of Normativities**

“Law's Pluralities. Cultures. Narratives. Images. Genders”, Justus-Liebig-Universität, Giessen, May 6 - 9, 2015

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### Plurality of Law: Topics and Disciplines

The conference Law’s Pluralities. Cultures, Narratives, Images, Genders was outstanding for a number of reasons. It reflected the complexity and richness of the recent debates in the interdisciplinary field of law and normativity. More precisely, scholars, artists, and intellectuals from many different disciplines contributed ideas and projects in an informal setting and thereby promoted an exchange that mirrored the need of a variety of approaches. At the same time one of the most important characteristics of the conference was the conceptual framing that opened the rather traditional field of jurisprudence in continental Europe, predominantly assessed by lawyers, to methodologies of other academic disciplines (such as literature, philosophy, etc.). The goal was to analyse the main issues that concern the policies and cultures of law beyond the mere juristic horizon.

The conference – attended and created by lawyers involved with interdisciplinary studies as well as by scholars with a background in literature, philosophy, history, sociology, theatre etc. – created a fertile intellectual atmosphere where law was analysed from very different angles.

### Legal Plurality of Law

On one side there were legal perspectives on theoretical issues within law studies, e.g. in the keynote lecture by Professor FRANZ REIMER (Giessen; *Der kulturelle Zugang zum Recht aus der Perspektive der Rechtstheorie und Methodenlehre*). In his talk he described the intrinsic complexity of legal systems and the legal language, which have to cope with the omnipresence of change throughout all human experience. According to Reimer, this creates a fundamental problem for law, namely, how can law preserve its integrity over time, while managing to address the new



historic and contemporary circumstances? How can law be both stable, id est reliable, and capable of growth at the same time? These questions may explain why law also has to be studied from the perspective of the humanities. Professor RUTH HERZ (Judicial Images as Narratives) argued in a similar way, but focused on the balance between the human being and the institution in the figure of the judge. In her talk she shared personal experiences as a member of the judiciary in Germany and therefore added an important, subjective perspective to the discussion.

### Cultures of Law: Transgressing Concept



On the other side and from a cultural-studies perspective, law was analysed with regard to conceptual approaches from the humanities, as in Professor GRETA OLSON's (Giessen) pivotal opening keynote address titled Mapping the Pluralist Character of Cultural Approaches to Law. Within her talk she elaborated on the concepts of "pluralities of law" which prepared the ground for many references during the conference. The concepts define the multiple frameworks and discourses in which law expresses itself: all of them should be taken into account to construct the broad semantic field of juridical knowledge. Amongst others, she discussed law in accordance with theoretical approaches on narratives, sovereignties, practices, languages, cultures, materialities, images and representations, genders, and performances.

### Social, Cultural and Political Functions of Law

In the many parallel sessions, structured by an interesting diversity of methodologies (and languages, since a few of them were in German), one core issue of legal theory emerged, both implicitly and explicitly: the social, cultural, and political function of legal discourse in the regulation of life and of the complexities of reality.

Eventually, the keynote lectures of JEANNE GAAKEER (Rotterdam; The Perplexity of Judges Becomes the Scholar's Opportunity), LESLIE MORAN (London; What's Mr Kipling's Bakewell tarts got to do with it? Performing Gender as a Judicial Virtue in the Theatre of Justice), WERNER GEPHART (Bonn; Image-ing the Law: How 'Deontic Power' Enters the Canvas), and PETER GOODRICH (New York; Lucifugous Laws:



Excavations of Visiocracy) opened the debate on the linguistic (Gaakeer) and visual (Moran, Gephart, Goodrich) hermeneutics of law in distinct historical and spatial contexts. Here the juridical and political discourse transmits a certain representation of the law by making it linguistically and aesthetically comprehensible (or obscure) to the public.

In particular, Gaakeer clearly explained the problems related to the definition of the semantic limits of legal concepts, referring to Ricoeur, Hart, and the tradition of legal hermeneutics; Goodrich, Gephart, and Moran illustrated the centrality of legal emblems and of depiction (both of legal “objects” and of non legal ones) for the construction of a new discourse on legal semiotics.

### Particularities and Universalities of Law

The complementary perspective of law and cultural studies scholars enabled, so could one conclude, the tracing of the emergence of law within contemporary social discourses (both Western and non-Western); instead of just adding up certain definitions of “Law as...”, this incredibly rich conference provided new reflections on certain narratives, practices, languages, and cultures of law-related notions.

At the same time, the debate proved how legal discourse inherits in diverse spaces and contexts all these instances. In their function as instances of legal normativity, juridical norms incorporate the vast complexity of life and reality (social, cultural, and political). Or in the words of Guido Calabresi: “Law feeds and is fed by the world around it. Fortunately, that world is at least as aptly described and understood by the humanities as by the social sciences. Hence, and also fortunately, it is impossible fully to understand law without a deep and sympathetic knowledge of the liberal arts.” (“Introductory Letter,” *Yale J. of Law & the Humanities*: 1.1, 1989).

### Law as “fait social”

This kind of intellectual “spirit” characterized the conference in Giessen, where law was constantly treated as a complex social phenomenon, as a “fait social”, that can no longer be understood through a strictly dogmatic, disciplinary-bound way of thinking. At the same time it appears to be a courageous and groundbreaking method, since the actual law discourse (at least in continental Europe) tends to have

an intrinsically specific and technical nature. The Law’s Pluralities conference opened up the field for a different trend both in the legal and in the humanistic scholarship – where law appears as one possible system of normativity which is neither detached from reality, nor unknowable in itself. Law might be concealed behind hyper-complex procedures and rituals, but it is made accessible through communicative and visual techniques, and in particular through language, literature, architecture, iconography, and more hidden forms of contemporary symbolism.





In the way human life and reality are constructed through the tensions between forms and changes, legal normativity emerged in Giessen as one of the many possible forms of regulation of life and reality. The relation between law and the world is not in the least unilateral; it rather seems, and has been proven at this conference, that there is a reciprocal connection of constructing and reshaping. Recalling the

words of J. B. White: "(...) law is not merely a system of rules (or rules and principles), or reducible to policy choices or class interests, but that it is rather what I call a language, by which I do not mean just a set of terms and locutions, but habits of mind and expectations – what might also be called a culture. It is an enormously rich and complex system of thought and expression, of social definitions and practices, which can be learned and mastered, modified or preserved, by the individual mind. The law makes the world. An the law in another sense (...) is a kind of cultural competence" (The Legal Imagination, Introduction, University of Chicago Press, 1973).

The conference was accompanied by an exhibition on "Law's Pluralities" in cooperation with the NEUER KUNSTVEREIN GIESSEN. All participants had the chance to explore various artistic approaches by international artists, including IL-JIN CHOI, RAUL GSCHREY, MI YOU and MANU LUKSCH.

