

CALL FOR PAPERS

WG Hart Workshop 2024

Historicising Jurisprudence: Person, Community, Form

Institute for Advanced Legal Studies, London

26-27 June 2024

We invite abstracts (of 300-500 words) for the 2024 Hart Conference on 'Historicising Jurisprudence: Person, Community, Form'. Abstracts should be emailed to m.delmar@qmul.ac.uk by Monday 4 December 2023. Further details on the theme are included below. Please note that bursaries are available for PhD and Early Career Scholars as well as scholars from the Global South. There will also be a prize for the best paper from a PhD / Early Career Scholar.

Academic Directors

Maksymilian Del Mar (Queen Mary University of London)

Michael Lobban (All Souls College, Oxford)

Conference Keynotes

Professor David Armitage, Harvard University

Professor Paul Halliday, University of Virginia

Professor Lorna Hutson, University of Oxford

Professor Lena Salaymeh, École pratique des hautes études, Paris, and University of Oxford

PhD and Early Career Paper Prize

A prize will be offered to the best paper submitted by a PhD or Early Career Scholar. To be eligible for the prize, please first submit your abstract in the usual way. When you submit the abstract, please indicate clearly that you are a PhD or Early Career Scholar (within 5 years of your PhD). Once your abstract has been accepted, a further date will be set for the submission of a paper (approx. 6,000-8,000 words, all inclusive). Please note that the requirement to submit a written draft of the paper is only a requirement for those entering the prize (not for presenting at the conference). The prize will be judged by the Academic Directors.

Travel and Accommodation Bursaries

A limited number of bursaries, contributing to travel and accommodation costs for the conference, is available for two categories of scholars: 1) those who are PhD students and Early Career Scholars (within 5 years of their PhD); and 2) those who live and work in the Global South. To be eligible for these, please indicate clearly you are applying for a bursary when you submit your abstract, and please confirm (e.g.,

by a statement on letterhead from your Head of School) that you either do not have access to other sources of funding or any funding you have is likely to be insufficient.

General Summary of the Theme

Jurisprudence, or the philosophy of law, often appears as an abstract and impersonal domain of intellectual practice, and one divorced from the politics and culture of its time. Jurisprudential questions are often treated as timeless, with each jurisprudential text approached as articulating its own autonomous vision of a universal theory of law. The substance of jurisprudential ideas is also typically seen to be independent of the means via which these ideas are expressed, and thus separate from the history of aesthetics and the humanities, including literature and the arts. While recognizing the universal and impersonal aspirations of jurisprudence, this conference seeks to explore its historicization in particular times and places. The conference thus invites participants to take an alternative view of jurisprudence: as a human, all too human, practice, which is deeply personal while also being deeply social, and one that is shot through with historically-situated politics and culture. By digging deeply into its situated ethics, politics, and aesthetics, this conference will explore different ways of historicising jurisprudence. The conference will foreground and pursue the following kinds of questions:

- How is the production of jurisprudential thought related to the personal, felt, experience of individuals who produce it, as well as to the role those individuals play in the power struggles of their time and place?
- In what ways is jurisprudential thought a communal enterprise, and thus the result of many hands working together in irreducibly social contexts?
- What are the forms and genres of jurisprudence, and how are those forms and genres related to the very substance of jurisprudential views?

Further Details on the Theme

This conference aims to open up a new interdisciplinary research agenda for the history of jurisprudence. It seeks to animate the historiography of jurisprudence, connecting it to historiographical developments in other disciplines, including history of science and knowledge, history of literature and rhetoric, history of emotion and the body, intellectual history, social history, and history of political geography. The conference will pursue these aims by probing three themes: person, community, and form.

Person: Jurisprudence is expressed by living, embodied persons, and yet this is often ignored or thought to be a distraction from the allegedly impersonal arguments made in a jurisprudential text. The conference aims to pick up on the complex tension between the self, as an individual and idiosyncratic realm of experience, and the available means for self-understanding and self-expression in society at any given time. On the one hand, persons may be understood to have certain unique features belonging only to them as individuals, e.g., being sensitive to a particular range of harms or values or having their own particular range of skills, abilities, attitudes, vices or virtues. On the other hand, it is well recognised that no person is an island, with selves being constituted by their social relations and the available institutional and cultural identities. Persons thus adopt and perform the available

personas of their time and place, where such personas include being and acting in a particular way as a jurisperite and may well exclude many from being able to be a jurisperite. Although there are limited vocabularies and stances for being a 'jurisperite' in any particular culture, these arguably still leave room for a jurisperite to draw on them creatively. The conference wishes to probe how this complex tension between person and persona is relevant to historicising jurisprudence. What is the relation between a person's understanding of the role and value of living the life of a jurisperite, and the methods and substance of their jurisprudential view? How does a jurisperite's self-understanding and / or persona as an outsider, an émigré, an immigrant, an aristocrat, a counsellor, a public intellectual, a scholar, or someone with a particular gender, sexual orientation, class, or race, matter to our understanding of their scholarship? What are the concepts via which we can probe this complex tension between person and persona, e.g., character, disposition, temperament, sensibility? What range of emotions are relevant to capturing the richness of the persons of jurisprudence? What genres might be of assistance to historians of the persons of jurisprudence, e.g., biography, prosopography, portraiture, or other genres that draw on the tools of literature and the arts?

Community: While jurisprudence is expressed by individual living persons, the production of jurisprudential thought is an interactive and communal act, and one that occurs in a variety of social contexts. The production of jurisprudence is affected by the kinds of interactive and communal dynamics at play in a certain time and place, e.g., the institutions within which scholars interact, ranging from universities to clubs, and cultures of scholarly interaction, such as the Renaissance humanist culture of exchanging receptions of the classical past. Jurisperites sometimes organise themselves into schools or movements: are these helpful historical categories? Ought we to think of jurisprudence as something produced communally, and if so, how can we do so? How is jurisprudence lived communally, e.g., as a way of life? What conceptions of community are helpful here, e.g., might they include the family (e.g., the jurisprudential couple, for instance JS Mill and Harriet Taylor)? Here, the conference aims to dig into the social and spatial history of jurisprudence: to the spaces and places in which jurisprudence is produced and consumed, and the social dynamics of those spaces and places. Historians of knowledge and science have developed complex ways of situating knowledge and science socially (including considering which kinds of social for a are conducive to good epistemic communities): how can this inform historical work on jurisprudence? This includes attention to the power dynamics, and thus to the more or less hierarchical character of the various social settings in which jurisprudence is communicated, e.g., is jurisprudence only an elite practice, produced in the service of the powerful? An important element of the communal aspects of jurisprudential activity is its political geography: does it matter, for instance, if a jurisperite is Scottish, English, Welsh or Irish, to mention just the complex political geography of the British Isles? Can we, or ought we, to speak of specifically Scottish, English, Welsh, or Irish jurisprudence? What are the different ways in which such political geographies can be conceptualised historically, e.g., ought we to think of ancient and medieval city-state jurisprudence, or imperial / colonial jurisprudence, or modern-state jurisprudence, or transnational / global jurisprudence, as distinct and relevant categories? Does it matter, again, what kind of political community a jurisperite is addressing or serving? Does it matter if a jurisperite is part of a minority (e.g., a religious minority) theorising law in a culture dominated in ways the jurisperite does not identify with?

Form: Jurisprudence has been expressed in a variety of genres, styles, and media, and yet this aspect of jurisprudence is rarely addressed historically. Jurisprudential genres include not only the familiar form of the treatise or analytical paper, but also letters, dialogues, declamations, and essays. Arguably, each period in history has its own dominant but also minor forms within which jurisprudence can be expressed. Why do jurists employ one genre, style, or medium of expression rather than another? The conference will aim to excavate a more form-conscious history of jurisprudence, with attention also to the politics of communicating via a specific form. Attention to such forms is interpreted broadly to include the expression of thought in media other than writing, e.g., the visual history of jurisprudence (for example, in Lorenzetti's Allegory of Good Government, or the frontispiece of Hobbes' Leviathan). The conference thus seeks to explore how differences in forms of expression, broadly conceived, affect the content of the argument, thereby paying attention to the aesthetic history of jurisprudence. We welcome work on the aesthetic history of jurisprudence in neglected cultures and historical contexts, including indigenous jurisprudence. We also welcome work that situates such aesthetics politically: e.g., styles or genres of imperial jurisprudence.

The conference is open for submissions from and across all periods of history and all geographical areas and cultures.

Further Sub-Themes

The following are examples of possible sub-themes under our three main themes:

□ Person:

- The passions / emotions of philosophy
- The performance and self-fashioning of a jurisprudential persona
- The available personas – or ways of being a jurist – in particular cultures
- Race, class, gender and the history of jurisprudence
- Jurisprudence and character / temperament / sensibility
- Jurisprudence and the history of tone / style
- The philosophical life / the political life
- Dispositions to particular harms or values as an integral part of jurisprudence
- Jurisprudence and psychoanalysis / jurisprudence and the self
- Queer histories of jurisprudence
- The body of the jurist
- The jurist as public intellectual / counsellor / critic / servant of power
- Jurisprudence and the history of masculinities

□ Community:

- Social histories of jurisprudence
- Political geography and jurisprudence
- Interactional and communal production of jurisprudence
- Jurisprudence and friendship
- Jurisprudence and the family / marriage
- Jurisprudence from below / folk jurisprudence / indigenous jurisprudence

- Pedagogies of jurisprudence (the classroom as a jurisprudential laboratory)
- Spaces and places where jurisprudence is produced and consumed
- Schools / movements of jurisprudence
- Elitism and jurisprudence

□ **Form:**

- Genres, styles, media of jurisprudential expression
- The drama of jurisprudence / jurisprudence in dramatic works
- The relationship of content and form in jurisprudential writing
- Visual jurisprudence
- Epistolary jurisprudence
- Jurisprudence in dialogue form
- Jurisprudence in songs or alleged low- or minor-forms
- Jurisprudence as literature / as poetry
- The forms of indigenous jurisprudence
- Jurisprudence and the history of rhetoric
- Forms of classical / late antique / medieval / early modern / modern jurisprudence