Beyond life and the rule

Paul Ricoeur portrayed law as eternally torn between ‘the promise’ and ‘the rule’. Giorgio Agamben has been looking for a ‘third thing’ between these two poles. And he wonders whether he has found in late medieval Franciscan writings something that is ‘unthought and perhaps today unthinkable’, that is, where the life and rule and might have become so intertwined so as to almost realise this other, this ‘third thing’ (Agamben 2013: xii). In this form of monastic rule, perhaps, there might be a lived obedience to norms that is more liturgical than regulative, more to be sung than interpreted. Agamben, then, grasps at a tradition that might contort even our most basic categories for law, politics and society, finding new ways of uncovering law’s promise beneath or beyond rules.

History is not the only place where we might look for radical approaches to norms or for alternative ways of dwelling with law. Clifford Geertz, after all, insists that legal interpretation is only possible on the basis of ‘local knowledge.’ Take for example Brinkley Messick’s ethnography of Yemen in colonial transition. He describes the transfer of land title affected by handwritten documents, the scribe’s text spiralling around the benediction to God. Writing in every direction surrounds the central bismillah, making each document essentially different in form and in content. The significance of this, for Messick, lies in its different epistemic structure (1993: 234). Here the rule is embodied not in the form of the document but in the presence of the scribe and his ink, in the ‘individual sensuous or intuitive content’ of the total document (Cassirer in Messick 1993: 237).
Call for papers

The ANU Centre for Arab and Islamic Studies, in collaboration with the Centre for Law, Arts and the Humanities, are calling for abstracts of not more than 300 words exploring comparative, historical, and cultural dimensions of the relationship between norms, reasoning, interpretation, and decision. We seek scholars from across the disciplines in an effort to identify cross-cutting problems and themes, exploring alternative traditions of legal hermeneutics, diverse in their scope and suggestive in their implications. We are looking to learn about traditions that open our eyes to new ways of seeing the relationship between interpretation, law, and justice: other spaces and cultural practices, other ways of reading and non-reading, other crystallisations of rules, order and discipline.

The symposium will be held in Canberra on 21 September 2018 with the aim of producing a major new contribution suitable for publication.

Deadline for the submission of abstracts is 25 May 2018.

Applicants will be advised shortly afterwards with registration opening mid-June.

Papers might draw on critical approaches to law and rules in the Western philosophical tradition, comparative analyses of religious and jurisprudential traditions, historical transformations in hermeneutic practice, ethnographic explorations of how these questions are articulated in different cultures, or social theoretical reflections on norms within different conceptualisations of authority or the political unit. We particularly welcome comparative perspectives and proposals that demonstrate a willingness to critically speak across the overall problem of the symposium.

Without limiting the scope of proposals, we suggest the following as potential topics:

- Comparative perspectives on the relationship between norm, state, and interpretation, in Islam and the West
- The intersection between legal, literary, and visual interpretative discourse in historical and contemporary contexts
- Talmudic and Hellenic traditions of reason and interpretation, comparisons and intersections between ‘Jew and Greek’, ‘Jerusalem and Athens’
- Law and grace: soteriological and political implications of these contested theological concepts
- Law and norms in the global south, and the relationship between cultural knowledge and legal discourse
- Songlines: law, interpretation and embodiment in Indigenous cultures
- Comparative modes of interpretation in civil and common law legal traditions, particularly in medieval and early modern Europe
- Confrontations between indigenous and (neo-) colonial practices of law and interpretation
- Ethics as hermeneutic other to law in Kant, Ricoeur, and Levinas

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