

CRITICAL TIMES 2024

# UN/SEEN

University of Lucerne  
3-7 June 2024

Programme



## Programme

· Monday 3 June

09.00-09.30	Registration & Welcome Room 4.A05
09.30-12.30	Seminar 1 <b>Metaphors of Visibility in Law, Politics, and the Economy: From the Invisible Hand to the Black Box of Technology, from Misframing Justice to Getting Framed</b> Scott Veitch (University of Hong Kong) Room 4.A05 <i>Coffee Break 10.45-11.15</i>
12.30-14.00	Lunch Mensa
14.00-15.15	Presentation Session 1 Moderation: Steven Howe (University of Lucerne) Room 4.A05 · Miriam Deprez (Griffith University), <b>Imag(in)ing Palestine and Kashmir: Visibilising Slow Violence and New Archives of Solidarity through Photovoice</b> · Elisa Ludwig (LMU Munich), <b>Contracts as Exhibition Objects: Presentation and Interpretation of Legal Agreements</b>
15.15-15.45	Coffee Break Mensa
15.45-17.00	Presentation Session 2 Moderation: Vagias Karavas (University of Lucerne) Room 4.A05 · Stephanie Belmer (McGill University), <b>De-Indexing for Obscurity: Privacy Law and the Deepening Web</b> · Quinn Edwards (University of the Sunshine Coast), <b>From Digital Monsters to Digital Persons: A Cultural Legal Analysis of the Bundle Theory of Personhood</b>
18.00-19.15	Special Event 1 <b>Seeing Through the Unseen: How the Invisible Makes Understandable the Visible</b> Emanuele Conte (University of Roma Tre) Moderation: Michele Luminati (University of Lucerne) Room 4.A05
19.15-20.30	Apéro Main University Foyer

· Tuesday 4 June

09.30-12.30	Seminar 2 <b>Images, Imaginings, and the Imagination of Judges</b> Julen Etxabe (University of British Columbia) Room 4.A05 <i>Coffee Break 10.45-11.15</i>
12.30-14.00	Lunch Mensa
14.00-15.15	Presentation Session 3 Moderation: Scott Veitch (University of Hong Kong) Room 4.A05 · Veronica Pecile (Swiss Institute of Rome / University of Lucerne), <b>Law as Material: The Making of Italian Colonies Through Legal Fiction</b> · Sabarish Suresh (National University of Singapore), <b>The (Cartographic) Body in Crisis: The Partition of India, Anthropomorphic Maps, and the Indian Constitution</b>
15.15-15.45	Coffee Break Mensa
15.45-17.00	Presentation Session 4 Moderation: Emanuele Conte (University of Roma Tre) Room 4.A05 · Nikol Stopic (University of Graz), <b>Unveiling Voices: Exploring the (In)Visibility of Voices through the Analysis of Quoting Practices in Trials</b> · Silvan Schenkel (University of Lucerne), <b>(In-)Visible Political Justice? A Legal Historical Analysis of the Murder Trial against Soghomon Tehlirjan in Berlin in 1921</b>

· Wednesday 5 June

09.30-12.30	Seminar 3 <b>Law, Time, Image</b> Desmond Manderson (The Australian National University) Room 4.A05 <i>Coffee Break 10.45-11.15</i>
12.30-14.00	Lunch Mensa
14.00-15.15	Presentation Session 5 Moderation: Julen Etxabe (University of British Columbia) Room 4.A05 · Elizabeth Rajapakshe (La Trobe University), <b>Lawyering Styles and Cinematic Judgement: Images of the 'Ideal' Lawyer in Hokaben</b> · Matthew Ogden (University of Dundee), <b>Narrative and/or Systems: BioShock and the Invisibilisation of Power</b>
15.15-15.45	Coffee Break Mensa
15.45-17.00	Presentation Session 6 Moderation: Shane Chalmers (University of Hong Kong) Room 4.A05 · Walter Abalo (University of Roma Tre & Birkbeck), <b>Global Value Chains: The South as the Unseen</b> · Alex Damianos (University of Kent), <b>Immunological Aesthetics</b>
18.00-20.00	Special Event 2 <b>Access Denied / It's About Time!</b> Film Screening and Discussion with Mieke Bal (University of Amsterdam) and Desmond Manderson (The Australian National University) Stattkino, Bourbaki
20.00-21.30	Apéro Bourbaki

Thursday 6 June

09.30-11.00	Seminar 4 <b>The Eye of History</b> Shane Chalmers (University of Hong Kong) Room 4.B02
11.00-11.30	Coffee Break Mensa
11.30-12.30	Special Event 3 <b>Behind the Scenes: Craft, Method and the In/Visible Labours of Academic Work</b> Laura Petersen (University of Lucerne) and Valeria Vázquez Guevara (University of Hong Kong) Room 4.B02
12.30-14.00	Lunch Mensa
14.00-15.15	Presentation Session 7 Moderation: Desmond Manderson (The Australian National University) Room 4.B02 · Eli Narev (The Australian National University), <b>The Artificial Camera: The Implications of Generative Photography on Azoulay's Civil Contract</b> · Maia Gusberti (HSLU DFK & LUCA School of Arts, KU Leuven), <b>The Image as a Relational Space and a Visual Habitat</b>
15.15-15.45	Coffee Break Mensa
15.45-17.30	Special Event 4 <b>Un/Seen Trial: El jurado (Virginia García del Pino, 2012)</b> Mónica López Lerma (Reed College) Room 4.B02

Friday 7 June

09.30-12.30	Seminar 5 <b>Visualizing Legality: A Methodology for Unpacking Multimodal Legal Texts</b> Greta Olson (University of Giessen) Room 4.B02 <i>Coffee Break 10.45-11.15</i>
12.30-12.45	Closing Remarks Room 4.B02
12.45-14.00	Lunch Mensa
17.30-20.30	Farewell Drinks Location tbc

## Seminars

### Seminar 1

#### **Metaphors of Visibility in Law, Politics, and the Economy:**

#### **From the Invisible Hand to the Black Box of Technology, from Misframing Justice to Getting Framed**

Scott Veitch (University of Hong Kong)



How do metaphors of in/visibility structure modern knowledge and practical action? We consider this question across three key areas of contemporary life: in the enduring effects of colonialism; in the context of sovereignty and environmental degradation; and with respect to AI and algorithmic decision making.

We introduce the work of metaphor by looking at Emma Rothschild's short article on the notion of the "invisible hand" in Adam Smith's work. Economists and politicians have taken this to mean that when individuals freely pursue their individual interests, with no view to the common good, then, as if moved by an invisible hand, the common good can still be achieved. This has been called "one of the great ideas of history and one of the most influential." (Arrow and Hahn) Why might this metaphor be so influential? How does it compare to another metaphor Rothschild mentions, the story of the "emperor's new clothes"? We turn then to three contemporary problems:

1. In the context of colonialism, Boaventura de Sousa Santos argues that Western law and thought intentionally *produce* invisibility. The distinction between visible and invisible is then relied on to legitimate simultaneously a number of contradictory practices: on the one hand, freedom and progress for the coloniser, on the other, the expropriation of colonised resources, as well as of peoples and ways of thinking which are "produced as nonexistent". Santos claims that this problematic – of what is seen and unseen – underlies and persists as a logic of exploitation throughout modern societies. Irene Watson, an Aboriginal law professor, describes the experience of being "disappeared" in this way, sharing what it means to live in this invisible place, to be "buried alive". She contrasts the style and effects of modern western knowledge and law with Aboriginal conceptions.
2. Daniel Matthews argues that the problematic of framing and in/visibility are central to how the state-centric international order is complicit with the harms of global warming and environmental degradation. Specifically, he demonstrates how the dominant western concept of "sovereignty" shapes a particular kind of *aesthetic*, one that de-sensitises us to the reality of ecological harms. The "sovereignty frame" thus acts as an *an-aesthetic* that dulls our senses and sensibilities and which, accordingly, needs rethought and re-imagined if pressing ecological problems are to be addressed.
3. Digital technologies increasingly deploy surveillance techniques that register and organise our behaviour. Since this happens in ways that are largely hidden from us, the "Black Box Society", as Frank Pasquale calls it, raises crucial concerns about "algorithmic injustice". If the ideal of the rule of law is based in clarity, transparency, and reciprocity between rule makers and citizens, then how should the hidden operations of artificial intelligence and digital governance be understood and responded to?

### Readings

- Emma Rothschild, 'Adam Smith and the Invisible Hand', *American Economic Review* (1994), 1-4
- Boaventura de Sousa Santos, 'Beyond Abyssal Thinking: From Global Lines to Ecologies of Knowledges', *Review* 2007, 45-89 [especially 45-53]
- Irene Watson, 'Buried Alive', *Law & Critique* 13 (2002), 253-269 [especially 253-257]
- Daniel Matthews, 'Reframing Sovereignty for the Anthropocene,' *Transnational Legal Theory* (2021), 1-34
- Jeff Ward, 'Black Box Artificial Intelligence and the Rule of Law', *Law and Contemporary Problems* (2021), 1-5
- Bennedetta Brevini and Frank Pasquale, 'Revisiting the Black Box Society by Rethinking the Political Economy of Big Data', *Big Data and Society* (2020), 1-4



## Seminar 2

### Images, Imaginings, and the Imagination of Judges

Julen Etxabe (University of British Columbia)



What images can guide the work of judges in contemporary societies? How do judges imagine themselves and their authority? How do they frame the issues, the law, and the world in which they act? How do they visualize their various audiences? And how are we members of the public to view all these activities? Are there standards to assess what judges bring into being with their words?

In the first part of the seminar, we will interrogate some images of judges and of the judicial role—both usual and unusual. In particular, we will ask about the role of imagination in judging and how to conceive of it. Are there limits to the judicial imagination? Should there be? How can we distinguish between productive, generative, and legitimate uses of the imagination from fanciful, idiosyncratic, or abusive ones? In the second half, we will turn to the texts in which judges articulate their decisions and flesh out their commitments, which are ethical and political as well as legal. We will focus on questions of character, voice, and community. With what voice should judges speak? How are different voices represented in the judgments? How can a judge speak for the community—or envision one? Can judicial character and authority be pluralized?

#### Readings

- Albie Sachs, *The Strange Alchemy of Life and Law* (Oxford University Press, 2009), pp. 47-62; 95-112; 122; 140-153
- Maksymilian del Mar, *Artefacts of Legal Inquiry: The Value of Imagination in Adjudication* (Hart, 2020), pp. 143-147; 157-179; 178-180
- James Boyd White, *Justice as Translation: An Essay in Cultural and Legal Criticism* (Chicago University Press, 1990), pp. 89-102; 215-217; 222-225
- Julen Etxabe, 'Pluralising Judicial Authority: The Double-Voiced Opinion', in Karen Crawley et al. (eds.), *The Routledge Handbook of Cultural Legal Studies* (Routledge, 2024), pp. 285-299 [forthcoming]

#### Additional Suggestions

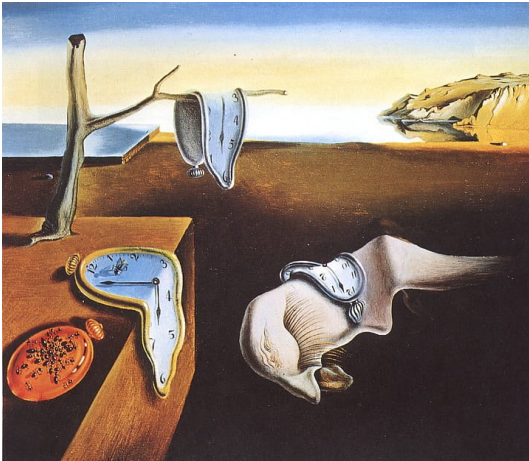
- Eliza Garnsey, 'From Prison to Court', in *The Justice of Visual Art: Creative State-Building in Times of Political Transition* (Cambridge University Press, 2019), pp. 35-55
- Hannah Arendt, 'Imagination', in Ronald Beiner (ed.), *Hannah Arendt Lectures on Kant's Political Philosophy* (University of Chicago Press, 1992), pp. 79-85
- Jennifer Nedelsky, 'Communities and Judgment and Human Rights', *Theoretical Inquiries in Law* 1 (2000), 245-282
- Ben Golder, 'The Politics of Judicial Imagination', *Jurisprudence* 13 (2) (2022), 275-86
- Mark Antaki, 'The Turn to Imagination in Legal Theory: The Re-Enchantment of the World?', *Law & Critique* 23 (1) (2012), 1-20



### Seminar 3

#### Law, Time, Image

Desmond Manderson (The Australian National University)



Why is time a problem for law and for the image? Start with Aeschylus' *Oresteia*, a play that is all about the ways that legal forms become repeated and ossified in time, calcifying social forces, reifying trauma. Oh, it is good to remember the past, but at what point does that way of thinking about the past become an impediment to growth, to social justice, to the change we need?

Recall Ludwig Wittgenstein: "A picture held us captive. And we could not get outside it, for it lay in our language and language seemed to repeat it to us inexorably." In what ways can we see these problems manifesting themselves in the crises of the world we live in? In what ways do legal and art theories, in their own very different registers, offer a diagnosis?

Specifically, in this seminar we will look at some recent work about the temporal experience of art and explore how these understandings provide new ways of thinking about the relationship of art to history and politics, and offer new ways of seeing 'the legal imaginary.' Through the work of Mieke Bal and Ariella Azoulay in particular, we consider three different kinds of responses to the passage of time in law: the reification of the archive, the alternatives posited in the counter-archive and, above all, the immanent possibilities that reside in the idea of potential history. This seminar will attempt to apply these concepts to several urgent topics of what Frantz Fanon might call political and legal ankylosis.

#### Readings

- Ariella Azoulay, 'Potential History: Thinking through Violence', *Critical Inquiry* 39.3 (2013), 548-574
- Mieke Bal, *Quoting Caravaggio: Contemporary Art, Preposterous History* (University of Chicago Press, 2001), Introduction, pp. 1-25
- Desmond Manderson, *Danse Macabre: Temporalities of Law in the Visual Arts* (Cambridge University Press, 2019), Foreword, pp. 1-19

#### Additional Suggestions

- Paul Blokker, 'The Imaginary Constitution of Constitutions', *Social Imaginaries* 3 (1) (2017), 167-193
- Georges Didi-Huberman, 'Before the Image, Before Time: The Sovereignty of Anachronism', in Claire Farago and Robert Zwijnenberg (eds.), *Compelling Visuality: The Work of Art in and out of History* (University of Minnesota Press, 2003), pp. 31-44
- Desmond Manderson, 'Fabulous Retroactivity: Time and Colonialism in Gordon Bennett's Possession Island', *Australian and New Zealand Journal of Art* 20 (2) (2020), 253-267
- Stewart Motha and Honni van Rijswijk (eds.), *Law, Memory, Violence: Uncovering the Counter-Archive* (Routledge, 2016), esp. Chapters 1 and 3

## Seminar 4

### The Eye of History

Shane Chalmers (University of Hong Kong)



This seminar will examine the idea of ‘projection’ as a technique of the colonial imaginary. As in a map, or an economic model, projection works by taking an arranged set of materials and representing it in a way that makes it available to the senses. The original data is made more lucid, more vivid, more comprehensible. But, while the same can be said of many different modes of representation, what is unique about projection is that it not only intensifies its material, it also extends it, temporally. The whole point of projection is to open a portal onto the future. Cartographers, like economic modelers, have always been futurists: European maps, since antiquity, have not only offered passage to new worlds, but to new worlds that do not yet exist for the viewer, worlds which are conjured through the map itself. From the sixteenth century in particular, the antipodes, or *terra australis nondum cognita* as it was called, functioned metonymically as land *not yet* known – as a hand beckoning from the future. As a cartographic technique, combining the disciplines of geography and ethnography, projection has thus worked to intensify and extend a European fantasy of sovereignty over lands and peoples at a world-historical scale. Yet, just as “one function of the antipodes had always been to turn the European gaze back upon itself” (Hiatt, 2008: 244), so too projection has always also been an anti-colonial technique. Satire holds the key.

## Readings

- Alfred Hiatt, ‘Blank Spaces on the Earth’, *The Yale Journal of Criticism* 15 (2) (2002), 223-250

## Seminar 5

### Visualizing Legality: How to Unpack Multimodal Legal Texts

Greta Olson (University of Giessen)



Representations, visual or verbal, do things with those who create, disseminate, and interact with them, even if they are without intentionality themselves. Images invoke cognitive and affective processes, arguably first on an unconscious level, to perform cultural-political work. When people look at static images, depending on their complexity, they have a sense of immediately 'knowing' what they are about, even when they are mistaken, as has been shown to have grave effects in legal contexts. The immediacy with which visuals are taken in, their polysemy, and their mutability in terms of framing and impact make these cultural artefacts central to the arousal of what I call 'legal feelings'. The formal, material, and generic qualities of images contribute to their creation and interpretation. And the reception of the image depends on whether the viewer agrees with the intended messages, negotiates, or resist them.

This seminar looks at methods for unpacking multimodal legal texts. It introduces a three-part model for the analysis of visual-legal texts that includes 1) contextual analysis and attention to political economy, 2) textual analysis (form-function interpretation) and 3) reception. Given a history of viewing practices that encourage White, colonialist, able-ist, and cis heteronormative gazing, we need to learn to see and appreciate intersectionally.

## Readings

- *Beyond the Gaze: Media Awareness for Media Inclusivity* (2023). Script: Greta Olson, Additional script: Lisa Charlotte Friederich, Director: Charlotte Bösling, Graphics: Henrike Terheyden, Camera: Lizzy Geble, Sound: Steph Krah, Production: Melanie Kreitler, Speakers: Donna Liggins, Greta Olson, Hatice Korkmaz, Mohammed Bsaithi, Charlotte Bösling, Felix van Groningen, Jesse Jamal Garip. YouTube. Video. <https://www.youtube.com/watch?v=ImJouflk2QA> (8 April 2024)
- bell hooks, 'The Oppositional Gaze: Black Female Spectators', in Amelia Jones (ed.), *The Feminism and Visual Culture Reader* (Routledge, 2010 [1992]), pp. 107-117
- Greta Olson, 'Law Has Gone Pop: Embracing Popular Legality', in *From Law and Literature to Legality and Affect* (Oxford University Press, 2022), pp. 74-81, pdf pp. 64-95

## Special Events

### Special Event 1

#### **Seeing Through the Unseen: How the Invisible Makes Understandable the Visible**

Emanuele Conte (University of Roma Tre)

Monday 3 June, 18.00-19.15



Spring 2024: 1'191'000 tourists overcrowded the centre of Rome during the week from 25 April to 1 May. Most of them stayed in the city for two or three days, in a dramatic race to see what 'must be seen' when visiting Rome.

While many residents have chosen to leave the historic centre for less crowded areas, the few who remain feel a sense of unease as they crawl among the crowds of tourists snapping photos of the monuments, of themselves and of their friends, and of the pizzas and gelato they are constantly eating. However: are these people truly 'looking'? And if they are, do they actually 'see' what they are looking at (or taking pictures of)?

Tourists love to visit cities, and Rome is, of course, the city par excellence, the one and only Urbs, the city that invented citizenship, and which for a time was the *communis patria*, the common fatherland, of all the citizens of the immense Empire. Rome is what it is because, from ancient times, through the Christian Middle Ages, to the present day, it has always been an idea. Ancient, medieval, renaissance, baroque and modern buildings have been built to give this idea a tangible presence. Every stone, every marble, every statue, every work of art has been built, carved, painted to respond to this fundamental need, to give a proper realisation to a very abstract idea.

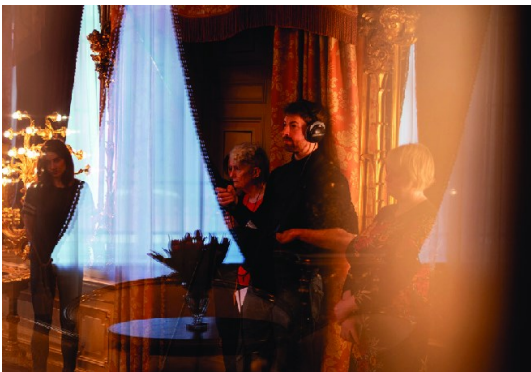
My talk will focus on the political and legal aspects of the construction of monuments in urban space, using examples and legal doctrines from antiquity to the modern era. It will show that there is a profound contradiction between the current tourist exploitation of urban space and its very reason for existence.

### Special Event 2

#### **Access Denied / It's About Time! Film Screening and Discussion**

Mieke Bal (University of Amsterdam) and Desmond Manderson (The Australian National University)

Wednesday 5 June, 18.00-20.00



This special event will feature screenings of two short films by acclaimed cultural theorist and filmmaker Mieke Bal. *Access Denied* (2005) traces the journey of an Irish filmmaker and a Palestinian academic as they set out to film the latter on his first visit back home to Gaza in four years. Alternating the vistas of the two figures, the film deftly meditates not just on the contemporary politics of immigration but also the difficulties of understanding across cultural divides and the complexities of representation. *It's About Time! Reflections on Urgency* (2020) brings together a set of intricate reflections on time, on the relations between history and the present and, as the exclamation mark intimates, on the urgency to do something about the world. The screenings will be followed by a conversation between Mieke Bal and Desmond Manderson, and an open Q&A.



Special Event 3

**Behind the Scenes: Craft, Method and the In/Visible Labours of Academic Work**

Laura Petersen (University of Lucerne) and Valeria Vázquez Guevara (University of Hong Kong)

Tuesday 4 June, 11.30-12.30



Join us for an interactive conversation about the different types of 'labour' which go into crafting academic work. Building on our intellectual and personal friendship, our aim is to invite open discussion about the conceptual and the methodological dimensions of the labour that goes into 'how' and 'what' we do as legal scholars. What are the motivations and choices involved within the work of critical law and humanities scholarship? How does one think rigorously about sources, including visual sources, when research time so precious? How can we manage the oft-ignored practicalities and banalities of research work? Attempting to go beyond the reification of the written academic text, we hope to prompt discussion about the un/seen practices of academic work and to try to think differently about what it means to 'do' research.

Special Event 4

**Un/Seen Trial: El jurado (Virginia García del Pino, 2012)**

Mónica López Lerma (Reed College)

Thursday 4 June, 16.00-17.30



This special session will centre on a viewing of the Spanish documentary *El jurado* (Virginia García del Pino, 2012), which delves into the trial of a man accused of murdering his partner. The entire trial unfolds off-screen, with viewers only able to hear the voices of the prosecutor, the defendant's lawyer, the judge, experts, witnesses and the accused as they testify before the court. The camera remains focused solely on the faces of the members of jury, forcing viewers to interpret the trial through their expressions, gestures and reactions. The documentary challenges us to pay attention to the tension between the visible and the audible, and to the kind of judgment that this tension creates. The film will be introduced by Mónica López Lerma and followed by an open discussion.

## Speakers & Convenors



Cultural theorist **Mieke Bal** was the Royal Netherlands Academy of Arts and Sciences Professor from 2005-2011 and co-founder of the Amsterdam School for Cultural Analysis, which is still thriving today. Her areas of interest include cultural analysis; critical semiotics; feminist theory; relations between verbal and visual arts; narratology; psychoanalysis; critique of capitalism; methodology of interdisciplinary approaches; filmmaking as analysis; contemporary art from biblical and classical antiquity to 17th century and contemporary art and modern literature; feminism and migratory culture. Her many publications include *A Mieke Bal Reader* (2006), *Travelling Concepts in the Humanities* (2002) and *Narratology* (4th edition 2017).

Mieke is also a video artist; her internationally exhibited documentaries on migration include *Separations*, *State of Suspension*, *Becoming Vera*, and the installation *Nothing is Missing*. She made these as part of the Cinema Suitcase collective. With Michelle Williams Gamaker she made the feature film *A Long History of Madness*, a theoretical fiction about psychosis, and related exhibitions (2012). Additional projects include *Madame B: Explorations in Emotional Capitalism*. Occasionally, Mieke acts as an independent curator and her co-curated exhibition 2MOVE travelled to four countries. In 2017 she curated an exhibition for the Munch museum in Oslo, on the work of Munch combined with her installation *Madame B* (with Michelle Williams Gamaker).



**Shane Chalmers** is an Assistant Professor at the University of Hong Kong Faculty of Law, and Senior Lecturer at the University of Adelaide Law School. His research examines law from disciplines in the humanities and social sciences. It shares a critical concern with the endurance of European colonialism, investigated through a combination of cultural analysis and historical enquiry. He is author of *Liberia and the Dialectic of Law: Critical Theory, Pluralism, and the Rule of Law* (Routledge 2018), and is editor of *The Routledge Handbook of International Law and the Humanities* (Routledge 2021, with Sundhya Pahuja) and a special issue of *Law & Literature* on 'Colonial Legal Imaginaries | Southern Literary Futures' (with Desmond Manderson). He is currently completing a monograph, *Colonial Legal Imaginary: A Carnavalesque Jurisprudence of the Antipodes*.



**Emanuele Conte** is Professor of Legal History at the University of Roma Tre and Directeur d'Etudes at the Ecole des Hautes Etudes en Sciences Sociales in Paris. He has held visiting professorships at several institutions, including the University of Pennsylvania (Bok Visiting International Professor, 2014), the University of Wollongong (2015), the Australian National University (2015), and the École des Hautes Études en Sciences Sociales, Paris (Chaire Yan Thomas, 2010). He has been visiting research fellow at the Max-Planck Institute for Legal History and Legal Theory in Frankfurt am Main (1986-1988), at the University of California at Berkeley (1990, 1999, 2024), at Wolfson College, Oxford (2018), and at Columbia University, New York (2019). Recently, Emanuele was a senior researcher on the ERC project *Civil Law, Common Law, Customary Law*, based at the University of St Andrews (UK). He has published 7 books and numerous articles in Italian, French, English, German and Spanish, and is the editor of a volume of the series *Cultural History of Law* (Bloomsbury, 2019). He has recently (2022) delivered an audio course on *Legal History from a European Perspective*, freely available online.



**Julien Etxabe** is Canada Research Chair in Jurisprudence and Human Rights and joined Allard Law as Assistant Professor in July of 2019. His current research combines legal and literary theory to identify a new model of dialogical judgment emerging in the area of human rights, which is transforming inherited notions of reasoning, rights, authority, and law in the post-national and diverse societies of the 21st century.

Grounded in cultural and humanistic approaches to law, Julien is the author of *The Experience of Tragic Judgment* (Routledge, 2013) and has edited *Cultural History of Law in Antiquity* (Bloomsbury, 2019). He is also the co-editor of *Ranci re and Law* (Routledge, 2018) and *Living in a Law Transformed: Encounters with the Works of James Boyd White* (Michigan, 2014). From 2012 to 2017 he was editor-in-chief of *No-Foundations: An Interdisciplinary Journal of Law and Justice* and is a member of the editorial committee of *Law & Humanities*.

Julien has been a recipient of numerous fellowships, including a Fulbright Fellowship to pursue doctoral studies at the University of Michigan Law School and the Kone Foundation Research Grant.



**Steven Howe** is Senior Research Fellow and Lecturer at the University of Lucerne, where he also serves as Associate Director of the Institute for Interdisciplinary Legal Studies – lucernaiuris. He studied German and Comparative Literature at the universities of Manchester, Hamburg and Exeter, and has been a visiting fellow at the Humanities Research Centre of The Australian National University in Canberra. Recent publications include essays on legal cinema in 1930s Germany, on contemporary British tribunal theatre, and on artistic pre-enactments, as well as a special issue of the journal *P leμος* on ‘Law and Art in the Aftermath’, co-edited with Laura Petersen. In 2022, he was awarded a large-scale grant by the Swiss National Science Foundation to lead the interdisciplinary project ‘Imagining Justice: Law, Politics and Popular Visual Culture in Weimar Germany’ (2023-2027).



**Vagias Karavas** is Professor of Legal Sociology, Legal Theory and Private Law at the University of Lucerne. He is currently Head of the Institute for Interdisciplinary Legal Studies – lucernaiuris and a founding member of the Centre for Law and Health in Lucerne. Vagias studied in Athens and Frankfurt, and completed his Habilitation at the University of Fribourg in 2016. His book publications include *Digitale Grundrechte: Elemente einer Verfassung des Informationsflusses im Internet* (2007) and *K rperverfassungsrecht: Entwurf eines inklusiven Biomedizinrechts* (2018). Vagias has been a visiting fellow at the Department for Anthropology at the University of California Irvine, and at the Institute for Comparative Research in Law & Political Economy at Osgoode Hall Law School, Toronto. His teaching and research focus on interdisciplinary themes in legal sociology and legal theory, including biomedicine law and the law of new technologies.



**Michele Luminati** is from the Italian-speaking part of Graub nden (Poschiavo) and studied law at the University of Zurich, where he completed his PhD in 1995 with a thesis on catastrophe management in Sicily in the eighteenth century. He subsequently worked as a Senior Research Assistant in Zurich, during which time he completed his habilitation on the history of the Italian judiciary after 1945. He moved to the University of Lucerne in 2002, initially as an Associate Professor and then, from 2004, as Full Professor of Legal History, Contemporary Legal History and Legal Theory. Michele is founder and member of the Institute for Interdisciplinary Legal Studies – lucernaiuris, and from 2013 to 2016 was director of the Swiss Institute in Rome. He currently serves as managing director of the Obwaldner Institut f r Justizforschung at the University of Lucerne. Michele also sits on several advisory boards, including those of the European Academy of Legal Theory and the Stiftung Forum Recht.





**Mónica López Lerma** is Associate Professor of Spanish and Humanities at Reed College. She received a PhD in Comparative Literature and a Graduate Certificate in Film Studies from the University of Michigan. She also holds a Law degree from the University of Valencia (Spain) and a LL.M. in Jurisprudence from the European Academy of Legal Theory (Belgium). At Reed, she teaches a variety of interdisciplinary courses in film theory, political documentaries, law and violence, justice and the senses, and cinema and human rights.

Mónica's research interests include contemporary Spanish film and literature, with particular emphasis on film theory, gender, aesthetics, politics, memory, and law and humanities. She is the author of *Sensing Justice through Contemporary Spanish Cinema: Aesthetics, Politics, Law* (Edinburgh University Press, 2021) and the co-editor of *Rancière and Law* (Routledge, 2018). She is currently working on a new book project tentatively titled *Documentaries Against the Law: Evidence, Affect, and Reflexivity*, and is editing a book entitled *Espacios y límites de la (in)justicia en la España contemporánea*.



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**Greta Olson** is Professor of American and British Literature and Cultural Studies at the University of Giessen and Principal Investigator of the research project "Dehumanizing, Victimizing, or Universalizing? How Images of Migration Interact with Human Rights Discourse", which is part of the interdisciplinary research group "Human Rights Discourse in Migration Societies" (MeDiMi).

Greta was Fellow at the Käte Hamburger Center for Advanced Study in the Humanities "Law as Culture" in Bonn (2014, 2016), is a general editor of the *European Journal of English Studies* (EJES), and, with Jeanne Gaakeer, the co-founder of the European Network for Law and Literature. She works and wishes to facilitate projects on the nexus between artistic practice, political activism, and academic analysis and publishes in the areas of critical American studies, law and culture, feminism and sexuality studies, and narrative and politics.



**Laura Petersen** is a Postdoctoral Research Fellow at the University of Lucerne. Her research is cross-disciplinary, integrating approaches to jurisprudence with aesthetics. Currently, Laura is working on her postdoc project on law and art in the Weimar Republic as part of the SNSF-funded project “Imagining Justice: Law, Politics and Popular Visual Culture in Weimar Germany” with Steven Howe and Nicole Schraner. Laura completed her PhD in 2022 at the University of Melbourne which focused on the jurisprudence of restitution or *Wiedergutmachung* in Germany after WWII, arguing that legal, literary, artistic and memorial works are practices of restitution. Laura’s PhD won the *Harold Luntz Graduate Research Thesis Prize* (2022) at Melbourne Law School, and a paper based on her PhD research won the inaugural international *Zipporah B. Wiseman Prize for Scholarship on Law, Literature and Justice* (2021) run by the University of Texas.



**Valeria Vázquez Guevara** is Global Academic Fellow at the University of Hong Kong’s Faculty of Law. Her research engages with law and humanities methodologies to address questions of international law, its institutions, contestations, and geopolitical implications, especially between North-South and South-South.

Valeria’s monograph, *Truth Commissions and International Law: Jurisdiction, Representation, Authority* is under contract with Cambridge University Press. Her research has been published in *Leiden Journal of International Law*, *London Review of International Law*, the *Routledge Handbook of International Law and the Humanities*, among others. Valeria’s thesis was awarded Melbourne Law School’s 2023 Harold Luntz Prize for best doctoral thesis. Valeria currently serves as member of the executive committee of the Law, Literature and Humanities Association of Australasia, and as co-chair of ANZSIL’s History and Theory of International Law Interest Group. She was Managing Editor of the *Australian Feminist Law Journal* (2021-2023).



**Scott Veitch** is Paul K. C. Chung Professor in Jurisprudence at the University of Hong Kong, and writes and teaches in the areas of legal, social and political theory. Educated in Scotland, he has worked at universities in Australia and the United Kingdom, and was formerly Professor of Jurisprudence at the University of Glasgow. He has held visiting academic positions in South Africa, New Zealand, Belgium, France and the Basque country.

Scott’s area of research is jurisprudence broadly defined, and his work draws on historical, philosophical and sociological insights into law and legal institutions. More specifically, it has dealt with the politics of domestic and international law; critical aspects of legal reasoning; the role of law in processes of transition and its bearing on reconciliation and memory; and the relations between legal concepts and political economy.

Scott is the author of numerous books, articles and chapters. Among his books are *Jurisprudence: Themes and Concepts* (4th edition, Routledge, 2023; with Emiliós Christodoulidis and Marco Goldoni), *Law, Obligation, Community* (Routledge, 2018; ed. with Daniel Matthews), *Moral Conflict and Legal Reasoning* (Bloomsbury, 1999; winner of the European Award for Legal Theory), and *Law and the Politics of Reconciliation* (Routledge, 2007).

## Presentations & Abstracts

### **Global Value Chains: The South as the Unseen**

Walter Alberto Abalo Navia (University of Roma Tre & Birkbeck)

Despite recent attempts to reconcile 'sustainability' and 'development', the history of the Atacama Desert shows a barren extraction space from the perspective of Western imaginary. Using the distinction of observation proposed in this workshop, between 'seen' and 'unseen', this essay shows the paradoxical character of such an imaginary, showing a legal historiography linked to what is revealed to such an observer: the constant space it occupies as a piece in the chessboard of geopolitics and global value chains. In the vantage point offered by time, the Spanish conquistador, who saw the desert as only an obstacle in his quest for precious metals, could not have imagined that the most gruelling part of his journey would become the centre of material wealth for the last hundred and fifty years in Chile. The Conquistador's observations and search for profit were not totally unlike those that guide current corporate interest, yet some differences have begun to emerge. This work reframes the observation through the potential of human rights, irritated by the primary distinction offered, proposes to counter-pose the history of a political economy of extraction with the symmetrical aspirations of human rights. In doing so, it re-signifies the desert as a site of memory, collective rights, innovative legislation and allows the observer to reveal the unseen.

### **De-Indexing for Obscurity: Privacy Law and the Deepening Web**

Stephanie Belmer (McGill University)

In her 2013 work, *How Not to Be Seen: A Fucking Didactic Educational .MOV File*, artist Hito Steyerl asks how technological shifts in picturing the world – from analog to digital – also change the conditions for social and political visibility. At once playful and serious, Steyerl instructs viewers on how to become invisible. But some people remain visible despite their efforts – viewers are confronted with computer-generated silhouettes wearing what appear like burqas gliding around the frame. Steyerl's video exposes the tensions underpinning a particular distribution of the sensible (Rancière 2004): while all subjects may be surveilled, the visibility of some subjects is more dangerous than others. And it is not usually these subjects who have the luxury to opt out and hide. This paper proposes to read Steyerl's artistic intervention alongside recent shifts in legal portrayals of privacy. While privacy was once pictured as a solitary escape from the camera's gaze into the home as fortress or castle, it now often appears as a process unfolding in time: a forgetting, an erasure, or, to borrow from Steyerl's visual language, a swipe up or deletion. While registering, at least implicitly, Steyerl's contrast between analog and pixelated landscape, I argue that privacy law does not take up the implications of its own shifting metaphors. More than mere abstractions, these metaphors suggest a material and embodied change in experience (Manderson 2020). The 'pixelated subject' – coined by Matthew Longo in a border security context – is no longer even an individual but a composite of data points, combining biometric and biographic information with algorithmic prediction (Longo 2021). This presentation will situate contemporary privacy law within a broader visual discourse (Manderson 2018) on surveillance, tracking the ways in which the legal system accommodates yet also resists the tensions portrayed through Steyerl's work.

### **Immunological Aesthetics**

Alexander Damianos (Kent Law School)

Ecology means ecology without nature. Since the emergence of cybernetic thinking in the mid-twentieth century, the semantics of ecology have unfolded from being synonymous with a fixed essence, a centre, infinitude, to an evolving dynamic of contingency, plurality, and finitude. What we call 'the climate', or even Earth itself, is not comprehensible as a whole. Rather, they are only ever partial measurements, recordings, and observations, always already mediated through technological apparatus. While Erich Hörl uses the term *general ecology* to refer to this predicament, the semantics the term designates are partly attributable to Humberto Maturana & Francisco Varela's studies of the immune system, which serve as a metonym for the usurpation of a semantics of "essential unities" by "partial connections." This paper applies immunological theories of general ecology to a close reading of the work of artist Pierre Huyghe. I argue that Huyghe's work provides an illustration of how novel theorizations of general ecology present opportunities to reinvigorate critical thinking vis-à-vis new paradigms of sensing, but are also founded cybernetic mythologies of universal regulation and control.

## **Imag(in)ing Palestine and Kashmir: Visibilising Slow Violence and New Archives of Solidarity through Photovoice**

Miriam Deprez (Griffith University)

In Palestine and Kashmir, where control over predominant visual narratives shape political identities in the context of occupation and struggles for self-determination, countervisual tactics offer not just a different way of seeing, but, in the words of Mirzoeff, an "attempt to reconfigure visibility as a whole". Although there is a rich history of countervisual practices being used in Kashmir and Palestine as sites and modes of resistance, little has been explored linking these sites together through the language of visual self-determination and transnational visual practices. Looking at shared spaces of countervisual resistance between these two occupied places, we can begin to draw attention to the emergent transversal geopolitics of occupation. This raises possibilities for conceptualising both the capacity for countervisual practices to make the violence of occupation visible, and understanding the potential for transvisual assemblages to create new transversal sites of resistance. It also raises conceptual contributions embedded in the field of journalism, that reframes (photo)journalistic practice to visualise slow violence in the context of spectacular violence, which is a theoretical and methodological problem that journalism (especially photojournalism) is still yet to comprehend and overcome. To do this, this presentation explores how photovoice can be utilised as a co-creative, photojournalistic methodology that challenges visual narratives, whereby Palestinians and Kashmiris re-write, re-visualise, and re-imagine themselves into their own narratives and histories. This presentation will contribute analytical insights that will extend our collective knowledge of how we see the unseen (quotidian) violence inflicted upon others, challenge the structure of who gets to see and how that seeing happens, and enable ways to see suffering otherwise. By displacing the state as the primary frame of analysis, this presentation will argue that we can begin to reconfigure new "civic" sites of solidarity (and thus resistance) through visual methods and reimagining archives. By combining theoretical discussions about transnational countervisualities as sites of resistance and solidarity between Kashmir and Palestine, this work-in-progress will offer illuminations that render the violence of occupation not only visible, but visually contestable. This presentation looks at new directions for (photo)journalism at a crucial time in modern visual political practice. It makes the case for creating practical countervisual practices that challenge the power of dominant visibility and (re)affirm the right of Palestinians and Kashmiris to look back.

## **From Digital Monsters to Digital Persons: A Cultural Legal Analysis of the Bundle Theory of Personhood**

Quinn Edwards (University of the Sunshine Coast)

This paper engages in a cultural legal analysis of the 'bundle theory' of legal personhood, reading the legal theory through the lens of the popular Japanese anime Digimon Adventure (2020), the latest release of the longstanding Digimon franchise. The television series centres around Digimon (or Digital Monsters) who dwell in a realm known as the Digital World which exists inside the Internet. When malicious Digimon start affecting the material world, a select group of humans are summoned to the Digital World to stop them. The bundle theory is a recent conceptualisation of legal personhood, proposed by Visa AJ Kurki in his 2019 publication A Theory of Legal Personhood. This much-cited work critiques the historic dichotomy between those granted full legal personhood and those granted none, instead proposing a multifaceted approach which would allow for differing levels of rights and duties to be attributed to different entities. Engaging with the nature of the anime imagery, this paper will note how this more nuanced visual representation of artificial intelligence differs from the stereotypical dystopic AI of Western media. The varied visual representations of the Digimon (as artificial creatures) in the text affirms the Bundle Theory in proposing that there are differing levels of personhood that can be granted. The cartoon style of the anime differs in its visual effect from the more realistic live-action, where the CGI representations of artificial intelligence are often quite estranging for a viewer. With the anime medium, all characters are reduced to a similar image, allowing for a more direct comparison and contrasting of the traits, relationships and behaviours demonstrated by the human and non-human characters. This medium allows for a more direct reading of the central properties that comprise the bundle theory: ultimate value, commercial acting and legal liability.

## **The Image as a Relational Space and a Visual Habitat**

Maia Gusberti (HSLU DFK & LUCA School of Arts, KU Leuven)

In my artistic and my practice-based doctoral research, I examine the function of images in society by taking up visual representations of urban landscapes. Both the city and the image are socially and politically contested territories. I use images of cityscapes as a symbolic stage to visualise the role we play in constructing and shaping our world through its image. My aim is to evoke a sense of visual citizenship as an imagined belonging to a bigger picture and an embodied relationship to images. Citizenship is a privilege and a right, but it also comes with responsibilities. As citizens, we are part of a community and environment, and we are involved in its negotiation. I put myself into the picture to inhabit the position from where I speak and process visual material from within this framework. Expressions such as "taking into one's own hands" or "putting oneself into the picture" refer to the representation of gestures in figures of speech and point to a reciprocal relationship between image, body, and language. I interpret these concepts as emancipatory modes of agency, appropriation, and reinterpretation and translate them into acts of relating oneself to the world and its representation. By interweaving theory, practice, and language I comment on the transformation and perform the image as a space for critical reflection and responsibility. I invite the viewers to question their position in relation to the images and ask for a commitment to co-actor- and co-authorship. As visual citizens and imaginary inhabitants, we all participate in co-constructing a common ground for imagination and reflection.

These visual negotiation processes include the conceptual play with visibility and invisibility and use images as a projection surface and as a space for reflection by constructing complex frameworks of medial translations and re-imaginings.

## **Contracts as Exhibition Objects: Presentation and Interpretation of Legal Agreements**

Elisa Ludwig (LMU, Munich)

The interconnections between art, history, and law have led to a burgeoning research field in recent decades (Dreier, 2022; Lixinski, 2015). The iconography of contract signings (Douzinas/Neade 1999, Manderson 2018, Brink/Jaeger, Winzeler 2021) and the symbolic representation of justice, embodied in Justitia (a.o. Sutherland-Smith 2011), have frequently taken centre stage in this interdisciplinary exploration. However, contracts as material objects within a museum context remain absent from this discourse. This presentation addresses this gap by critically analysing contracts and related items (chairs, pens, etc.) as exhibition objects. The discourse on the constructive and critical nature of museum mediation provides the framework for presenting international treaties as significant exhibition objects and a novel motif. As a testament to historical events, this form of legal text serves as a reference to solidify and visually inscribe the often invisible socio-political practices. Using a selection of international treaties of the European Union (Rome Treaties, Maastricht Treaty, Lisbon Treaty) as a case study, the lecture seeks to establish the conditions and reasons for the exhibition of treaties in museums. The analysis will focus on the contextual presentation of treaties and related objects at the House of European History in Brussels. Finally, the focus will shift to the institution itself. Museums serve as crucial sites of memory, shaping societal narratives through the selection and contextualisation of objects while also having the power to revise them (Radonic/Uhl 2020, Assmann 2012, Bauerkämpfer 2021). In conclusion, the results are summarised, emphasising their relevance within the broader research context.

## **The Artificial Camera: The Implications of Generative Photography on Azoulay's Civil Contract**

Eli Narev (The Australian National University)

The photographic encounter can be seen as a unique kind of civil relationship, where those who are invisible before the law can visually reclaim their political agency beyond the reach of state sovereignty (Azoulay 2008). However, with the growing ubiquity of artificial intelligence and its capacity to generate photorealistic images and video, the act of seeing a photograph risks becoming untethered from the act of being photographed. This paper examines the implications of AI on the 'civility of photography', as visibility and invisibility take on new and distorted meanings. On one hand, generative 'photography' can reconstruct, incapacitate, or even eliminate the formal equality of the actors in the traditional photographic encounter. Whether by witnessing artificial events as true or regarding true events as artificial, the extralegal power unique to the photographic relationship risks losing its force. On the other hand, generative photography produces new and imaginative possibilities for Azoulay's 'potential history', as spectators can bear witness to events that were never recorded, histories yet to happen, and unrealised possibilities that ought to have happened. As technology once again reconfigures the relationship between the seen and unseen, new courses must be charted through unexplored legal and political waters.

### **Narrative and/or Systems: *BioShock* and the Invisibilisation of Power**

Matthew Ogden (University of Dundee)

Through his emphasis on nomos, Robert Cover highlighted how narratives are a key part of our understanding of the world and of the law. In many ways, they are the driving force of everything, providing meaning and purpose to human action. However, in the context of video game studies, the ludology/narratology debate emphasized that existing approaches of literature studies would be insufficient to fully understanding video games. The reason, in line with the theories of Marshall McLuhan, is that video games were a different medium that was based around a system of rules and while narratives could still exist within a game, the form that these narratives took would ultimately change. Of course, the idea that a narrative will have unique features when it exists in the context of a set of rules raises interesting questions for the law. As part of a larger project looking into this area, this presentation uses the BioShock series of video games to explore how this relationship causes the invisibilisation of power. Throughout these games, the narrative and the system of the game are not only deeply intertwined, but this relationship is frequently used deceptively to subvert player expectations and in doing so, question the violent, patriarchal, and colonial nature of many mainstream video games. Expanding off this point, this presentation will highlight that the stories that not only provide meaning but also determine the rules of action are simultaneously in danger of leading to manipulation, prejudice, and violence. This is particularly true in neoliberal systems where the ideological nature of these rules is being rendered invisible through normalization.

### **Law as Material: The Making of Italian Colonies Through Legal Fiction**

Veronica Pecile (Swiss Institute Rome & University of Lucerne)

In this presentation, I explore the ways in which property law was used in the making of Italian colonialism. I focus on how Italian colonies were constructed through legal discourses and techniques materialising fantasies of domination and dispossession into a distinct socio-economic reality. I examine the functioning of law as material – a fictional device through which colonial space is established in the first place, before any criteria of differentiation is introduced. My focus is on the first phase of Italian colonialism, the liberal one following national unification (1870s-1922), in which the creation of colonies responded to two anxieties of the dominant classes of the newborn Italian state. First, the colonies were imagined by the elite as the bulwark of a consistent and unified national imaginary. In other words, the fantasy of creating a colonial empire was closely linked to the one of “making Italians”. Second, the colonies were conceived as a space in which the landless poor of the Italian South could become property owners, and thus as a means to solve the “Southern question” – the structural economic imbalance between the North and the South of the country. This dimension of socio-economic utopia would permeate the entire colonial project and would be exasperated during Fascism, when colonial land would be organised according to legal models adopted in the territories newly annexed to Italy. The early colonial phase included a relevant dimension of legal experimentation, with property law in particular, as a pillar of the political laboratory of the new Italy, with legal models circulating incessantly between the metropolis and the colonies. I argue that this use of property law made by Italians in the colonies tells a peculiar story of Italian modernity, one in which fragmentation was deployed as a structure of domination. I also argue that to understand how law works as a material, a fictional device through which a particular socio-economic reality is constructed, it is necessary to focus on its tangible aspect, which includes its visual dimension. I will therefore focus on legal documents, maps and photographs to understand how the Italian colonies were made through law.

### **Lawyering Styles and Cinematic Judgement: Images of the 'Ideal' Lawyer in *Hokaben***

Elizabeth Rajapakshe (La Trobe Law School)

Significant reforms made to the Japanese justice system in 2001 led to a rise in the public's interest in law and, consequently, to a rising demand for law-themed movies and TV shows. This caused a shift in the portrayal of legal agents from negative to positive. Notwithstanding the fact that female legal professionals in Japan still suffer from gender-based discrimination and are prevented from reaching their full career potential, such TV shows have increasingly featured legal heroines who are portrayed positively and as champions of justice. With a high proportion of women now entering the legal profession in Japan, popular culture has responded to a need to imagine what kind of legal professionals they can be in a changing socio-legal context. In my paper, I examine the Japanese legal drama, *Hokaben* (2008), which follows the lives of two rookie lawyers, Domoto and Katase, and two experienced lawyers, Sugisaki and Kudou, each with a completely different take on what it means to be a practitioner of law. By employing a textual analysis approach, I look at how the drama not only explores images of idealism and 'reality' in relation to lawyering but also produces certain expectations on viewers. The rookie heroine is portrayed as championing a relational approach to lawyering while her senior counterpart is depicted as being an adversarial advocate to the core. Drawing on the scholarship of Orit Kamir (2005), my analysis highlights the manner in which the drama performs "legal indoctrination" of the audience by inviting its viewers to engage in "cinematic judgement", and how it provides a popular jurisprudential answer, informed by an ethics of care, to the question, "who or what is a lawyer?". I conclude that this televisual representation is a crucial intervention in an age where there is both an ever-increasing suspicion towards the legal profession and its agents, and interesting speculations into whether women in the legal profession might make a "difference". Ultimately, the drama provides a visual 'nudge' to evaluate and reflect on our own lawyering practices and to think about how we might better serve our clients and the public good.

### **(In-)visible Political Justice? A Legal Historical Analysis of the Murder Trial against Soghomon Tehlirian in Berlin in 1921**

Silvan Schenkel (University of Lucerne)

In 1921, the Armenian student Soghomon Tehlirian (1897–1960) shot the (former) Interior Minister and Grand Vizier of the Ottoman Empire, Talaat Pasha, in Berlin. Talaat Pasha fled to Germany after the collapse of the Ottoman Empire. He is considered to be one of the perpetrators of the Armenian genocide and was sentenced to death in absentia in Turkey for this crime. Soghomon Tehlirian had lost several family members in the Armenian genocide during the First World War. After he shot Talaat Pasha, he was immediately arrested and charged with murder at the Berlin District Court.

I would like to analyse the murder trial against Soghomon Tehlirian from a legal-historical perspective, especially the course of the proceedings, the defence strategy, the role of the German authorities during the trial and the legal and (foreign) political implications of the trial and the verdict. Due to its dynamics and dramaturgy, the legal outcome as well as the political and historical context, this trial can be described as sensational. Surprisingly, it has not yet been the subject of in-depth legal history research, although it has been described by contemporaries and trial observers as "the most memorable trial ever to take place in Germany".



## **Unveiling Voices: Exploring the (In)Visibility of Voices through the Analysis of Quoting Practices in Trials**

Nikol Stopić (University of Graz)

Quoting practices in court proceedings play a pivotal role in shaping the visibility and representation of voices within legal discourse. This presentation proposes an examination of how the use of quoting frames constructs and, at times, obscures the voices in the legal process. Drawing on insights from critical discourse analysis, this research aims to shed light on the nuanced dynamics of (in)visibility inherent in quoting practices within the courtroom. By taking a trial as a case study and using transcripts of the trial proceedings, this presentation aims to uncover which voices are used and how they are framed. While the focus is on the linguistic representation of voices and quoting, the project does, however, take a multimodal perspective and considers the use of video evidence in trials. The use of videos as evidence in trial is increasing in this day and age, which could recently and most prominently be seen in the Derek Chauvin trial for the murder of George Floyd, or in the Kyle Rittenhouse trial which used the live stream of the Kenosha unrest shooting as evidence. Based on the premise that any kind of voice, human or non-human, can be used in trials, I am interested in the use of non-human voices in the form of video evidence, and aim at considering the following questions: How are videos used as evidence in trials? How are they quoted? Which parts of them are quoted? What kind of status of credibility is appointed to visual video evidence? How are videos linguistically embedded within the trial? By highlighting instances where quoting practices may perpetuate inequalities or distort the representation of voices, this research seeks to contribute to ongoing discussions within legal and forensic linguistic scholarship. In conclusion, the aim is to offer a critical examination of how quoting frames contribute to the (in)visibility of voices within trials.

## **The (Cartographic) Body in Crisis: The Partition of India, Anthropomorphic Maps, and the Indian Constitution**

Sabarish Suresh (National University of Singapore)

This paper is a specific enquiry pertaining to constitutional law and its history in India, especially as it relates to the doctrines on unity and integrity. An unacknowledged and contemporaneous event which accompanied the making of the Indian Constitution was the violent partition of India. This paper examines the affects of the partition on the new nation by juxtaposing the constitutional debates on unity, integrity, and federalism with the contemporaneous images of India's cartographic body in crisis and mutilation at a time when the boundaries between the two nations were not, as yet, juridically fixed. This paper argues that a close examination of the debates and archival histories that surrounded the making of the Indian Constitution reveal that ideas and propositions of unity, integrity, and federalism was deeply intertwined with the trauma of the partition. Charged and dramatic calls in the constituent assembly to view the postcolonial, independent, nation as a (sacred) body with a long history, ideas which were exemplified rhetorically and visually in the form of a cartographic deity (Mother India or Bharat Mata), coincided with and followed many publications of images of the body in mutilation, representing the partition. Like most, if not all, images, this image is the site of a primordial chiasma, and thereby of a gap in intellection. This paper argues that the images of the territorial body in crisis played a significant role in the making of the laws for the new nation-state. By foregrounding the role of the imaginal for politics, cartography, and the law, this paper attempts to provide the background visual resource which not only represented the trauma of the partition, but also structured subsequent constitutional debates on the sacred and intractable nature of the territorial body, a body born from a traumatic separation, the site of the *lex terrae* or the law of the land. These originary moments are crucial and indispensable to understand later discourses of the anthropomorphised cartographic deity, the Bharat Mata, and its relationship to constitutional law.