

Synesthesia of Law
An International & Multi-Disciplinary Conference
September 29-October 1, 2016
Princeton University/Sciences Po (Paris)

What are the multiple juridical dimensions of the various senses involved in structuring, orienting and perpetuating the multiplicity of conflicts that shape our social lives? How must we reconceptualize law once we take seriously the full range of its sensorial manifestations? These are the overarching questions to be tackled by the conference “Synesthesia of Law.” As the first of what we hope will be a series of annual gatherings to be held alternately in Princeton and Paris, this event will draw upon recent innovative work by scholars from various academic fields, and will be organized around a self-consciously provocative reconceptualization of law as a multi-sensual, perceptual process or experience of sense-making. Conceiving of law not as a textual product of a reasoned “black-letter” decision, a ‘pure’ system of abstract norms, or an ‘unaffected’ institution of justice, this new approach understands it as a material and sensorial phenomenon or process that speaks, touches, sees, smells and tastes, and is simultaneously heard, seen, felt, tasted and smelled. Law, so we insist, is to be found not only in the judicial decision, the act of legislation, or the wording of a contract, but also in the assured crossing of a bustling road when the light turns green, the docile step into a dark and cold classroom at the alarming sound of a ringing bell, the thick scent of a burning tree in the Amazon, the feelings of anxiety, anger and fear with which we are engulfed each time the government ‘color-codes’ our sense of security, and the bland taste of the genetically modified tomato we nevertheless devour with passion.

The shift in focus to these long-ignored but important facets of the juridical is an important political statement about not only the presence of law in the seemingly most intimate moments and areas of life but also of law’s role in shaping and structuring the way we experience, sense, and make ‘sense’ of these. By challenging the underpinnings and limits of our longstanding notions of the juridical, and by drawing attention to the existence of many unrecognized ‘fora’ of law-making --the street, the classroom, and the rainforest-- the conference aims to suggest not only an alternative way of knowing, thinking, and ‘practicing’ law, but also the availability of a multiplicity of undertheorized channels for legal/political action. In so doing, we hope to open new ways to respond to current political, juridical and socio-cultural conflicts - conflicts that, much like law, transcend and transgress social, cultural, institutional, geographical, material and sensorial boundaries.

By convening the geographically- and disciplinary-dispersed community of new voices in critical (legal) studies -- scholars, artists and activists-- the conference aims to forge links between Europe and North America that will enable established and younger scholars from both continents to exchange and collaborate in the development of a new critical discourse. It will do so by mobilizing the strengths of Sciences Po (Paris) -- whose Law School has, since its establishment in 2009, been actively committed to international exchange, interdisciplinarity and critical reflexivity, with those of Princeton University, whose Center for Human Values and Woodrow Wilson School of Public and

International Affairs, especially the program in Law and Public Affairs (LAPA), have for years been promoting an interdisciplinary dialogue on juridical ethics. In the process the conference will simultaneously build stronger links between the two institutions and between the study of law and other fields (including law, political theory, history, sociology, anthropology, philosophy, economic theory, literature, linguistics, gender studies, critical race theory, performativity studies, and media theory), providing critical scholars of law who draw inspiration from so-called continental thought with a stimulating forum in which they can present and discuss their work.

As part of this effort, one of the major aims of the conference is to produce a publication that will testify to both the novelty of the approaches discussed as well as the successful collaboration between Princeton University and Sciences Po. Another paramount goal of the conference is pedagogical. By embarking upon this unique venture, we are responding to the growing demand of our committed graduate students, who have been increasingly expressing their desire to engage in transatlantic and interdisciplinary dialog and exchange with both faculty and graduate students. And indeed, as evidence of this project's great pedagogical potential, the idea behind this first gathering was conceived and developed by graduate students, and is being turned into a reality by a team of established and younger faculty, and graduate students from both institutions. Convinced by its potential, we are determined to expand this project as a teaching opportunity and an instrument for facilitating greater and closer interaction between faculty and students, as well as between students from various disciplines. On the substantive level, this event is also part of a growing effort by both institutions to raise awareness among teachers and students to the future tasks and responsibilities of the Humanities as well as the Social Sciences around the globe. In this light, we understand this project as a crucial starting point for interdisciplinary and international graduate and undergraduate classes, a lecture series, and reading groups that will take up the responsibility of responding to contemporary conflicts in and outside the classroom by means of intellectual engagement as well as those of sensing and actively participating.

The distinguished roster of participants, which we are currently finalizing, will include scholars from a wide range of disciplines, political and social activists, as well as avant-garde artists who work with sound, visual imagery, movement and legal materials to reflect on law's relation to its subjects. The list of speakers who have already agreed to participate includes Peter Brooks (Princeton, Comparative Literature/Center for Human Values), Ann Stoler (The New School, Anthropology and History), Eyal Weizman (Goldsmiths, University of London, Architecture/Princeton University Global Scholar), Bernard Harcourt (Columbia University/École des Hautes Études en Sciences Sociales, Law and Political Theory), Patricia Williams (Columbia University, Legal and Race Theory), Peter Goodrich (Cardozo Law School, New York, Law and Humanities), Allen Feldman (NYU Steinhardt, Media Theory), Andreas Philippopoulos-Mihalopoulos (Westminster Law and Theory Lab), Mikhail Xifaras (Sciences Po, History of Legal Thought), Julie Saada (Université d'Artois, Philosophy of Law), Christian Biet (Université de Paris X-Nanterre, Theater), and Yishai Blank (Tel Aviv University, Law). We are confident that the conference will attract many other renowned scholars and artists, and we have already received very encouraging and positive feedback from everyone with whom we have been in touch.

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In reaction to conventional notions of law as a body of norms or a social institution that produces norms, critical approaches began --in the 1960s, 70s, and 80s-- to conceive of law as discourse, as language or as a form of consciousness. Recent decades have witnessed the rise of an economic analysis that assumes that law is uncontroversially transparent to all actors, and thereby implicitly adopts some variant of legal positivism. The result has been an increasing marginalization of other interdisciplinary approaches to law at the very moment when scholars across numerous fields have been developing a wide range of innovative approaches to critical legal thinking. It is this interdisciplinary community of new voices in critical legal studies that we propose to convene at Princeton University in Fall 2016, for what we hope will be a first of a series of annual conferences to be held alternately in Princeton and Paris.

This international and trans-disciplinary conference, a collaboration between Princeton University and the Law School at Sciences Po (Paris), proposes to reinvigorate critical legal theory by establishing a network of North American and European theorists working 'in' law and 'on' law 'across a wide range of academic disciplines. Legal theory is construed here broadly to include scholarly reflection on law and legal institutions from fields such as philosophy, literature, gender studies, feminist theory, critical race theory, linguistics, semiotics, performativity studies, sound studies, art and architecture, media theory, economic theory, psychology, anthropology, political theory, history and sociology. This first gathering will be organized around a self-consciously provocative reconceptualization of law as a multi-sensual, perceptual process or experience of sense-making. Law is understood here not as that which is pronounced and applied reverently in writing by judges, legislators, officials, or contracting parties, reasoned by legal rhetoricians, or meticulously archived in immense databases. Instead, this gathering will consider law as a phenomenon or movement that speaks, touches, sees, smells and tastes, and is simultaneously

heard, seen, felt, tasted and smelled: in short, a *synesthesia* of law. The notion of legal synesthesia grows out of recent work by scholars in various academic fields that has turned away from longstanding notions of the juridical in order to establish new ways of discerning the law, thereby laying bare its potential, power and internal mechanisms. Building on the scholarship on the visualization of law (Peter Goodrich's *Legal Emblems*), on forensic techniques based on the visual and the acoustic to rearticulate notions of public truth (Eyal Weizman's *Forensic Architecture*), on bodily performativity, and representation (Judith Butler's *Notes Toward a Performative Theory of Assembly*), on juridical acoustics (Marie Theres Fögen's *The Song of the Law*), and on various other sensual articulations of the juridical, the conference proposes to explore a more multi-sensual understanding of law. By bringing together leading scholars who are exploring such aspects of law, the gathering hopes to provide a forum where common methodological challenges and insights of this cutting-edge work can be shared and developed.

Departing from the concept of synesthesia shaped by proponents of German Romanticism at the beginning of the 19th century, we understand the term as a crossing of boundaries, a sensual saturnalia and mixture of the unmixable. Hearing colors, smelling music, sensing law. Synesthesia, we propose, is colorful and unruly, neither subsumable nor legible by means of common procedures. As a result, this notion of synesthesia points to the theoretical and practical possibility of perceiving law, while at the same time suggesting an alternative mode of sensing the juridical- hearing, touching, desiring, loving, bemoaning, befriending, abhorring - instead of reading, writing, collecting, archiving, reasoning it. We thus invoke the term synesthesia not only to denote translatability, simultaneity and perceptibility, but also to suggest a possibility of mixture, manipulation and play. It can be understood as pointing to the moments of interaction between various perceptible - that is visual, audible, palpable dimensions of law - thereby producing a multi-dimensional and multi-sensuous space of rhizomatic interrelation. The conference aims to render perceptual law's various sensual dimensions in order to demonstrate the importance of a new, more 'sensible' notion of law. The shift in focus away from the written text as the sole foundation of the juridical will, we hope, open up heretofore latent but important facets of the juridical.

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Format

The 3-day conference will be structured as six panels, each focusing on a different perceptual or sensual dimension of the juridical. This format does not mean to segregate the reflection on these various sensorial facets but is conceived heuristically, as a means to provoke and stimulate a synesthetic reflection of the relation between these specific modes of juridical sensing.

To illustrate the conceptual limitations posed by the conventional, 'unidimensional' understanding of the juridical, as well as the exciting possibilities that the move towards a synesthetic notion of law opens up, we will purposely and subversively assign to each speaker a 'fixed,' 'one-dimensional' starting point. From there, we will invite her or him to embark on a journey filled with uncharted roads, and to find his or her unique path in it. Can law be heard without being seen? How does sound relate to sight? How is law 'enforced' and produced

through a subversive mixture or manipulation of the two? What opportunities does the creative recourse to other perceptual modes entail?

Legal Sense and Sensibility

The notion of sense seems to reflect the paradox inherent in our common conception of law. The term is invoked, both in colloquial and juridical speech, to refer both to law's virtue as a domain of "sense"-making, good judgment, (juris)prudence, and rationality, and to all those dangerous and uncontrolled expressions of human "sensibilities" that law insists on overcoming and neutralizing. Implicit in this antimony is therefore a conception of law as a domain of a very particular sensual experience. Some senses are desirable and "good," while others are unhealthy and "bad." But is there really nothing more to it? Have emotions, desires, pleasures, aggressions, and sensitivities really no role to play in the performance and invention of law? And even if one concedes reluctantly that they do, should this role be minimized and suppressed? What does it mean that law has to 'make sense', actively and passively? Another important question, which arises in the context of new modes of sensing the law, concerns the form and function of law in the digital era. How is law perceived in the space of data, codes and encryption? What does it mean for the conception of the legal when Edward Snowden claims "people were killed based on metadata"? Is it possible today to exercise one's rights as a citizen, to participate in the fashioning of the state, without having access to the Internet? And, in the context of the law's perceptibility and sensibility, we also have to ask whether law is material, whether it has or is an object and – in that sense – whether law *matters*.

Hearing Law

Does law have a sound? How is it produced and by what/whom? Can we actually hear the law? Which techniques, what technologies, are required to make law audible? What are the law's noises, melodies, rhythms and silences? The notion of legal acoustics plays on various relation between sound and law. This could include whistleblowing (why, for example, are we referring to those who refuse to "keep quiet" and, in an act of bravery, expose illegalities as "deep throats"? Which aspects of the legal do we seek to convey?), performative speech acts, the

pronouncement of law, the voice of justice, legal rhetorics, sound and melody of legal texts, sonic forensics, or the role and status of audio carriers as evidence in trials. As with all the senses discussed in the course of the conference, hearing too can be closely linked to resistance and subversion of law and order. The acoustic dimensions of insurrection --be it protest songs, chanted slogans or other types of rhythmic sounds-- all produced to call attention to the concerns of the protesters, can serve as an example. What role does the acoustic play in making the non-political heard and therefore political? How can voices outside the law, outside of that which is considered to be the social, communication and the political, be heard?

Seeing Law

This panel is organized around the visual dimension of law. Is law visible and if so, how can law be seen, observed, watched, and foreseen? Topics discussed in the course of this panel may for example explore themes such as the construction and functioning of architectures of visibilities, surveillance, film and law, or the visuality of trials, enforcement, punishment, or legislation. We will further invite speakers to reflect on juridical appearance, aesthetics and color. Why do we invoke the term “black-letter law”? Is law colorful? What color is it? Are its ‘true colors’ shown? Do we see them? Does law have a shape (visualization and form of legal texts and decisions, edicts). Another field of inquiry invoked by the visual pertains to its role in acts of resistance and protest: how should law deal with holograms of protesters? Does their legal subjectivity demand a bodily presence or does, in fact, a three-dimensional image formed by the interference of light beams from a light source suffice? What is the role of the visual documentation of incidence of crime, violence and war? The panel will also concern itself with the question of visibility and invisibility as well as the notion of light as crucial metaphor of knowledge, truth, and reason. All these questions and certainly many others demand our attention to something we could term the 'legal gaze'.

Feeling Law

Can law be said to be in some sense ‘touchy-feely’? What does it mean to feel the law? What does the experience of law ‘feel’ like? How does it make itself felt? This panel explores the

various corporeal and non-corporeal feelings of law, legality, justice and injustice. This can include, among other, feelings, the experience of violence caused and legitimized by law (e.g. rape, torture, incarceration, corporeal punishment), the feelings of lawyers (mood and emotion in the saturnine profession) as well as questions concerned with the desire, love, melancholia, mourning, humor, satire, madness, narcissism and hope of law. In addition, participants on this panel will be encouraged to investigate the relationship of law and body in terms of pain, injury and health. Can law get under our skin, can it be inscribed on our bodies - whether literally (as in Kafka's *Penal Colony*) or metaphorically -, and, consequently, must law always hurt to make itself felt? What is the law's desire and what do we desire by issuing, obeying, and worshiping the law? How do these dynamics change (if they do) in the so-called "digital era." What is the role of touch and feelings in the "virtual reality" of a cyberspace where human beings can seemingly make only "remote," so-called "arm's-length" cont(r)act, and exchange virtual or material goods without physically interacting with each other in the "real world" or without ever being present in the same physical space? To subversively paraphrase Lawrence Lessig, is code really law? Is the current, conventional mode of thinking about cont(r)act and exchange "in" or "out of touch" with "virtual reality"?

The Taste of Law

What seems, at first, as a sensual experience as far removed from that of law as possible may, we suspect, turn out to be an integral facet of it. Closer inspection reveals that the notion of taste and the experience of tasting are constantly invoked in relation to the legal. What is at stake in the Roman concept of a "digest"? Which aspects of the juridical is it intended to reflect or convey? What do we mean when we describe a certain experience or effect of law as 'hard to digest'? Why do we refer to victories or losses as 'bitter,' 'sweet,' or 'bitter-sweet'? And even leaving aside the realm of metaphors and imagery, the notion of taste itself raises interesting questions: is law our palate?; does it operate by appealing to our personal or collective sense(s) of taste; who are its connoisseurs?

Smelling Law

Does the law smell, actively and passively? How? This panel is intended to expose yet another denied aspect of the experience of the juridical. Law is commonly depicted as an odorless, and sterile domain, removed from the bustling chaos and stench of everyday life. In passing through its gates, in circulating through its spotlessly-clean corridors, in entering its immaculate halls, in coming before its pure pronouncers and enforcers, we are understood to leave behind the contaminated world of odors. What's more, in popular and juridical rhetorics, law is often depicted as a detergent - a 'cleaning agent' that can be used to remove or eradicate the 'foul,' the 'rotten,' the 'loathsome,' or the offensive to our sense of reason and order. The law is used "to clean up our streets," to fight police corruption (corrupt cops are called "dirty"), to locate and remove that which is claimed to be "rotten in the state of Denmark" ("the fish stinks from the head down," we chant). Those "law-abiding" citizens who have avoided run-ins with it are described as having a "clean" record. But why? Is law scentless? Is it anosmatic? Is its domain really "clean"?