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Well-Ventilated Utopias: The Architecture of International Legal Organisations 1922-1952

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CLC 2018
Art/Law Stream

Thursday

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Evading Innocence: Embodied Queer Performance and Section 377 of the Indian Penal Code
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When Concepts Become Norm: Copyright Law through Conceptual Art
Danilo Mandic, University of Westminster

1. Sean Mulcahy, University of Monash & University of Warwick

Singing the Law: On Musical Legal Performance

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What would the law sound like if it were sung?

At the turn of this century, Balkin and Levinson (1999) reconceptualised law as a performing art. Whilst scholars have explored the relation between music and law (Manderson 2000; Lorenz 2007; Ramshaw 2013), focus on the acoustic dimension of legal proceedings is relatively new. Taking as my starting point James

Parker's provocation that "the judicial landscape is fundamentally oral and discursive, not musical" (2015: 86), I seek to uncover and explore the musicality of law in judicial and parliamentary settings.

The use of the term 'legal performance' (Rogers 2008) bewrays my interdisciplinary approach, bringing my background in theatre to bear on the performance of law. Exploring music within legal performance and musical remixes and adaptations of legal performance, I argue that there is a latent musicality to legal speech and that the musical rhythm of legal proceedings attunes the listener to the legal performance (Dawson 2014).

The paper will feature samplings of music in and inspired by legal performance to examine the notion of latent musicality within legal speech and the idea that legal speech has its optimal effect when it appeals to its audience in terms of rhythm and flow.

Sean Mulcahy is a joint doctoral candidate at the University of Warwick School of Law and Monash University Centre for Theatre and Performance. His research interest is in law in/and/as performance. More specifically, his work examines particular elements of legal performance – set, script, audience, sight and sound – across different international settings.

2. Petr Agha, Institute of State and Law, Czech Academy of Sciences Charles University

Un-Doing Law – Public Art as Contest Over Meanings

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The following text explores the relationship of symbolic, performative and discursive exchange in the public sphere and the effect it has on the practices and processes of cultural and legal signification. We shall consider the mutually interdependent relationality between law and (public) art, understood as a contest over meanings, modes of interpretation and knowledge-production, with an eye to examining how artistic activities contribute to ongoing legal, political and cultural discussions in society. This piece will in particular consider whether and how street art, graffiti art and performance art can produce new concepts and ideas, and whether they are able to re-shape existing symbolic, legal and political boundaries by first producing new (symbolic) spaces and secondly reinterpreting existing ones.

Petr Agha is Director of the Centre for Law and Public Affairs, Researcher at the Institute of State and Law, Czech Academy of Sciences and Senior Lecturer at the Faculty of Law of Charles University in Prague.

3. Dorota Anna Gozdecka, University of Helsinki

The Hierarchy of Innocence and Images of Migrant Children

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When a body of a young boy washed ashore in Turkey in 2015 the world temporarily held its breath and humanity of our migration laws was for a short while put on trial. Among many representations of migrants, images of migrant children have such significant power that in the right circumstances they are able to challenge the impersonal and arbitrary nature of even the most stringent legal rules. The empathy stirred by depictions of suffering children prompts most viewers to respond ethically in the visual landscape suffering from what has been called by many a 'compassion fatigue'. While 'our' children typically meet the criteria of being an ideal subject for eliciting compassion, migrant children face a higher threshold in what Moeller calls 'the hierarchy of innocence'.

This presentation will analyze the image of Aylan Kurdi and images of children separated from their parents by Trump administration and their impact on the interim challenges to the rigid rules of refugee reception in the EU and migrant deportations in the US. I will argue that the image of a migrant child challenges our ethical imagination in ways in which few figures of a migrant do. The presentation will focus on the

relationship between the law and image and inquire why only some migrant children can claim the spot at the top of the hierarchy of innocence.

Dorota Anna Gozdecka is a Senior Lecturer at the ANU College of Law and an Adjunct Professor (Docent) at the University of Helsinki (2009). Her primary research area focuses on legal theoretical aspects related to the accommodation of cultural diversity and the intersections between law and the humanities. Her publications such as the Special Issues, Law and the Other (NOFO: Interdisciplinary Journal of Law and Justice, Issue 15, 2018) Identity, subjectivity and the access to the community of rights (Social Identities, Issue 4, 2015), the monograph Rights, Religious Pluralism and the Recognition of Difference: Off the Scales of Justice (Routledge, 2015) or the edited volume Europe at the Edge of Pluralism (Intersentia 2015) explore questions of otherness created by contemporary legal regimes.

Dorota is also the Associate Director of the Centre for Law, Arts and the Humanities (CLAH) at the ANU College of Law and the author of the critical theory play 'Trumpsformation', which she staged in Canberra in March 2018 with the law and drama group Antigone.

4. Swastee Ranjan, University of Sussex

Law and Aesthetics of *Material Objects* - The Plural role of Matter and Affect

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The following paper examines the relationship between legal aesthetics and environmental law by broadening the scope of the former to include questions of materiality and affect. Scholarship around legal aesthetics has often relied on representational thinking with strong emphasis on semiotic and hermeneutic analysis - it has ignored or relegated the *physicality* of things to the realms of personification and reification. Inspired by the recent scholarship on new materialism and object-oriented ontologies, this paper seeks to extend the category of legal aesthetics to include the physical - material aspects of the environment as a significant counter through which both law and aesthetics can be critically examined. The role of physical objects in determining legal aesthetics is, I argue, crucial for it helps to carve a plural understanding of both law and aesthetics. The paper, emerging out of my ongoing doctoral research, will use illustrations from the built environment of Delhi, to substantiate the relationship between affect, aesthetics and materiality and seek to show that law is both constitutive of and constituted through them.

Swastee Ranjan is a doctoral candidate at the School of Law, Politics and Sociology, University of Sussex. Her project explores the role of law in describing the affective and the aesthetic experience of living in the city. Inspired by recent scholarship on new materialism and speculative realism, she engages with questions of environmental aesthetics, affect theory, protest aesthetics and art in public spaces. She is especially concerned with the ways in which spatial justice can be theorised through these approaches. Swastee completed her M.Phil from Centre for the Study of Law and Government (CSLG) at Jawaharlal Nehru University (JNU) at New Delhi. She has previously been a student anchor of Law and Social Sciences Research Network (LASSnet) at CSLG, New Delhi.

5. Emma Patchett, University of Helsinki

Depth, waiting and the threshold: immigration detention in law and film

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Exploring the threshold of waiting through the metaphor of depth - as a distance from, below, a bearing down upon or separation from normative space in detention - offers a radical and productive way in which to think about law, film and immigration detention. The critical act of reading law's refraction through the visual allows us to take account of ruptures, material traces and spatio-temporal textures in the construction of particular spaces of non-belonging in the European imaginary. Through a critical close reading of the film *Hotel Problemski* (Manu Riche, 2015), I aim to explore the concept of the threshold and the metaphor of depth in sites of waiting and the threshold. This will provide a means of interrogating the way in which law

continues to shape space through an engagement with the cinematic medium as a distinctive framing technology, and thus to encounter embodiment and material presence in contemporary bordering practices.

Emma Patchett is a postdoctoral Research Fellow at The Centre of Excellence in Law, Identity and the European Narratives at the University of Helsinki. In 2016-2017 she was a Research Fellow at the Käte Hamburger Kolleg "Recht als Kultur" in Bonn, and was a Visiting Research Fellow at the Menzies Centre for Australian Studies, King's College London. From 2012-2015 she was a Marie Curie Research Fellow within the CoHaB (diasporic Constructions of Home and Belonging) ITN based at the University of Muenster, where her doctoral research focused on migration law and literature in the Roma diaspora. Emma published her thesis Spacing (in) Diaspora: Law, Literature and the Roma (De Gruyter, 2017) and co-edited Spatial Justice and Diaspora with Sarah Keenan (CounterPress, 2017).

6. Anat Rosenberg, Interdisciplinary Center (IDC) Herzliya, Israel

'The meat extract is entitled to plead artistic licence': Advertising, Art and Law(s)

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The history of British advertising between 1848 and 1914 was in significant senses a legal making of genre. Advertising was rapidly expanding and experimented with in this era. Still deeply suspected in midcentury, by World War I advertising was a *sine qua non* of any rational business strategy, and a rising profession. It became a ubiquitous scenery, reliant on expanding media, importantly the press, posters, and cheap post. Manufacturers and service suppliers came to dominate advertising and address consumers directly. Forms too were changing: from the 1880s, and more so from the 1900s, branding became an important lever, and images expanded in size, complexity, and overall occurrence. In this context, the cultural status and implications of advertisements were open questions. Diverse sites of legal power were shaping advertising by debating these questions and delineating its conceptual boundaries. Distinctions were formed relationally, by attending to other culturally important genres with which advertising interacted: art, news, and science. This paper, part of a broader cultural legal history advertising in this era, argues that advertising came into being through legally-informed processes of boundary-making. The paper traces a part of that history, which dealt with outdoor advertising and its relation to art.

Participants in debates about the regulation of outdoor advertising, idealized a convergence between art and advertising, an approach which stood in notable contrast to idealized relations between advertising and news, or science, where strict separations were pursued. No one, however, allowed that the ideal was ever realized. Instead, diverse legal powers – billposting firms which held contractual and proprietary powers over advertising stations, local governments, and the legislator – reached a curious middle ground. Advertising was treated as theoretically capable of aesthetic virtues, but, for systemic reasons – law's perceived ability to deal with beauty included – falling short; it therefore emerged as an aesthetically bearable but inferior genre. Legal framings directed advertising to urban rather than country settings, and concentrated it on the hoarding, which became the paradigmatic advertising artefact, representing an aesthetic contrasted with the historically a-legal-turned-illegal erratic aesthetic of so called fly-posting.

Anat is a cultural legal historian of Victorian Britain. Her book, *Liberalizing Contracts: Nineteenth Century Promises Through Literature, Law and History* (Routledge, Discourses of Law series, 2018), examines the history of Victorian liberalism in contracts, reliant on canonical realist fiction, read vis a vis legal-historical knowledge. She is currently at work on a history of advertising in Britain between 1848 and 1914. The research relies on a cultural theory of law, and draws on a broad interdisciplinary archive, to trace the role of legal powers in enacting a dual conceptual move: the mainstreaming of advertising – its legitimation and operational routinization, for the era of mass consumption; and the embedding of opprobrium – modern forms of suspicion and shame entangled with responding to advertising, and by implication, engaging in consumption. Anat teaches law at the Interdisciplinary Center (IDC) Herzliya, Israel. For the academic years 2017-19, he is visiting at the Faculty of History, the University of Cambridge, and the Institute of Advanced Legal Studies, the University of London.

7. Jeremy Pilcher, Birkbeck College

Art, the Law, and Unstable Corporate Identities

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Corporations understand brands to capture the identity of an organisation (Arvidsson, 2006; Godson, 2009; Kornberger, 2010; Lury, 2004). Intellectual property laws are used to protect brands in the crucial commercial process of the formation, stabilisation and manipulation of corporate identity (George, 2013; Murray, 2010). Art has used the tactic of parasitism, which has included the appropriation of intellectual property such as brand images, to challenge the accumulation and exploitation of consumer data in the so-called co-creation of organisational identity, which is now so greatly facilitated by online real-time technologies (Gibbons, 2005; Harold, 2004). In *TM Clubcard* (1997) Rachel Baker employed direct lifts of supermarket logos to parasitise Tesco's Clubcard, which was the UK's first supermarket loyalty card scheme. The work associated the supermarket brand with what Baker called a 'dysfunctional' database of members. Tesco threatened legal action, which led to Baker re-directing *TM Clubcard* towards another supermarket: Sainsbury's. *TM Clubcard* collected personal details, and together with a claim that the work was deceptive, one of the supermarkets also asserted that it was entitled to this data. The work was brought to an end after a warning from Sainsbury's lawyers that legal proceedings would be issued. Baker explicitly situated the appropriation of the supermarkets' brands by *TM Clubcard* in the context of Duchamp's ready-mades (such as *Fountain*). I shall propose the implications of *TM Clubcard*, and other such works, for the construction of identity may be engaged with through the performative after Derrida (Derrida, 1988; Dronsfield, 2013; Pilcher, 2016; Wills, 1994). In this respect, a stark opposition of art with the law, and specifically intellectual property law, is too simplistic (Douzinas & Nead, 1999; McClean, 2007). Art is able to open an engagement with the violence of the law as exemplified in the ways it structures and forecloses the ways that identities may be created and perpetuated. This is intertwined with the law's claims to being ahistorical and acontextual. In doing so, art invites inventive encounters with the contingencies and the constraints of legal systems by which it is both threatened and enabled.

Jeremy began his legal career in New Zealand as a Crown prosecutor before moving on to work in commercial litigation. After moving to England, he qualified as a Solicitor and worked in both the public and private sectors as a fraud investigator. A few years ago he decided to become a full time academic after having completed his doctorate, which explored how the impact of legal systems on the regulation and organisation of societies may be analysed and critiqued in the visual sphere using real-time technologies. He is particularly interested in art that questions the way that culture is organised by the intersection of the law and heritage sites and institutions. His research builds on academic qualifications in cultural research and art law as well as his professional experience as a fraud investigator and lawyer. He is currently a Lecturer in Law at Birkbeck School of Law, University of London.

8. Chris Dent, School of Law, Murdoch University

Legal Research as Acts of (Reactionary) Creativity

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Legal research (as distinct from legal argument within the courtroom) is not often seen through the lens of creativity. However, we, as legal academics, express ourselves through our professional publications – with our outputs being judged, to an extent, against a standard of originality before being accepted in peer-reviewed journals. Further, we see ourselves as writers, writers who are motivated by the desire to produce

innovative understandings of specific legal doctrines or the social (or political or economic) context of the law. And yet, we rarely see ourselves as “creatives”.

From a different perspective, legal research perpetuates, or continually regenerates, the discipline of law. Even the arguably reactionary nature of doctrinal research involves the novel juxtaposition of old statements of law in order to shine fresh light on the issue being focussed on. The law privileges innovation; however, there is very little interaction between the literature on creativity and the work we do on a daily basis. Building on my own work in the area,¹ and my experiences in running, every semester, a seminar series on Honours thesis production, this paper will explore some of the benefits of utilising the creativity prism – including greater agency on the part of the researcher and facilitating the unique skills of researcher (or reclaiming the practices from lawyers and, in my area, economists).

Chris is an Associate Professor at Murdoch University School of Law. Prior to that, he was in a research-focused position at Melbourne Law School – mostly at the Intellectual Property Research Institute of Australia. Much of his work focuses on the history and theory of intellectual property. This work that has been expanded to include the regulation of individuals around creative acts – using notions such as “motivators” (from behavioural economics), “norms” (from the work of Michel Foucault), and the “ungovernable self” (from the Julia Black’s “decentred regulation).

9. Miriam Bak McKenna, Lund University

Well-Ventilated Utopias: The Architecture of International Legal Organisations 1922 – 1952

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As the study of law increasingly attracts insights from anthropology and sociology, in particular in relation to the study of spatiality and materiality, our understanding of the social, spatial and temporal dimensions of international law are being enhanced. Situating itself in current debates over the international legal archive and where - in which sites, spaces and objects - we can apprehend the history of international law, this article seeks to delve into the critical potential of unravelling the connections between architectural style and broader patterns of international legal and political change. My aim is to understand how international law is shaped by architecture and is also expressed through architecture, as well as what these architectural artefacts can offer our understanding of the history, display and transformation of law.

In this paper, I explore both the methodological and historical implications of reading international law through an architectural lens. To do so I trace the architectural developments of international law’s organisational and administrative spaces during the early to mid 20th century. These architectural endeavors unfolded in three main stages: the years 1922-26, during which the ILO building, the first building exclusively designed for an international organisation; the years 1927-1937 which saw the great polemic between modernist and classical architects over the building of the Palace of Nations; and the years 1950–65, with the triumph of modernism, represented by the UN Headquarters in New York. These events provide an illuminating allegorical insight into the physical manifestation and transformation of international law during this era, particularly the relationship between sovereignty and international law and the function and role of international organisations, highlighting the multiple and competing normative visions of the international legal order which were manifested through the architectural visions they inspired. As multiple actors sought quite literally and metaphorically to construct a new international legal order, these ‘well-ventilated utopias’ to use Walter Benjamin’s terminology, serve as monuments to the broader battles over international law during the first half of the 20th century.

¹ C. Dent, ‘Legal Academics, Our Creativity and Why We do it: Insights from Foucault’ (2014) 48 *Law Teacher* 1; and “‘I Made This!’ – Interests and Motivators of Creative Individuals as Modes of Self-Regulation’, ANZCA Conference, July 2013, Fremantle. Published in T. Lee, K. Trees and R. Desai (Eds), *Refereed Proceedings of the Australian and New Zealand Communication Association conference: Global Networks-Global Divides: Bridging New and Traditional Communication Challenges*).

Approaching the history of international law through an architectural lens is both an invitation to reconsider the normative orientation of international legal study – one which reconsiders the sources and sites of international law – and the empirical materials engaged. The central assumption of this article is that international law is intimately bound up with the design, function, aesthetic, location and use of international law's built spaces – UN buildings, courts, tribunals etc.

As I will argue, architecture provide a glimpse into how international law might be expressed to an imagined community, and how these structures shape and are shaped by international law and global order. In approaching international law's history through the study of architectural structures I engage with a number of epistemological questions: How international law might be physically and symbolically manifested and modelled in structures, along its relationship to both function, aesthetics and place-making in architectural practice. Moreover, how might the meaning of a structure manifesting international law be read, interpreted and applied? And what implications does this have for our understanding of international law's meaning and its history?

Miriam Bak McKenna is a Postdoctoral Fellow and Lecturer in International Law. Her research interests encompass the history and theory of international law, with a particular focus on the history of self-determination and decolonisation, law and aesthetics, and materialist and feminist approaches to international law. Miriam received her doctorate from the University of Copenhagen (2015), where she was a member of icourts, the Danish National Research Foundation's Centre for Excellence for International Courts. She also holds a BA in Art History from the University of Western Australia (BA, 2009), and degrees in Law from the University of Western Australia (LLB, 2009) and the University of Copenhagen (LLM, Distinction, 2011).

10. Tara Atluri

Evading Innocence: Embodied Queer Performance and Section 377 of the Indian Penal Code

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The Supreme Court of India is currently reviewing petitions against Section 377 of the Indian Penal Code, a colonial law dating back to the 1800's that criminalizes queer sexualities. (Atluri, 2016) I am interested in the relationship between colonial discourse, the bureaucracy of bodies in law and the queer body as a figure of imagined contagion. I will discuss the installation "Queen Size," presented at Khoj International Artists' association in Delhi, a live dance performance that simulated sexual intercourse between two queer dancers. I will also discuss the dance performances and theatrical traditions of Hijras and Transgender artists that defy legal vilification or inclusion. (Atluri, 2014) The law cannot contain the sensual body as an object to be either disciplined with deviance or pacified with rights. Art intervenes into debates regarding homonationalism, the valorization of idealized homonormative gay normative subjects whom neoliberal states celebrate to support national branding schemes. (Atluri, 2018) Queer artists offer embodied performances that center the sexual body as a disruptive object that's "unnatural" spectacle is a welcome intrusion into the privatized lives of gendered/sexed bodies. Embodied queer performance disrupts the legal privatization of sexuality into silence, a silence that supports heteronormativity and lingering colonial anxieties regarding bodies. While debates regarding the legality of sexuality continue, embodied art and performance makes sex into a public nuisance, reflective of a freedom that queerly evades innocence.

Tara Atluri has a PhD in Sociology from York University in Toronto, Canada. Tara is the author of several scholarly articles, book chapters and two full length books: Azadi: Sexual Politics and Postcolonial Worlds (Toronto: Demeter Press, 2016) discusses the protests that followed the 2012 Delhi gang rape case and the decision to uphold Section 377 of the Indian Penal Code, criminalizing 'unnatural' sexual acts and threatening the rights and dignity of queer people. Uncommitted Crimes: The Defiance of the Artistic Imagi/nation (Toronto: Inanna Publications, 2018) discusses the artistic work of transnational subaltern artists as political acts. Dr. Atluri has held research fellowships and teaching positions in Europe, North America, the Eastern Caribbean, and Asia and has edited several scholarly collections, organized conference panels, and curated artistic events and exhibitions globally. Tara currently serves as a Professor at the Srishti Institute of Art, Design, and Technology in Bangalore, India, an Assistant Professor in the Faculty of Law at Alliance University, Bangalore and as a Lecturer in the Faculty of Liberal Arts and Sciences and School of Interdisciplinary Studies at the Ontario College of Art and Design University in Toronto, Canada. She lives between Bangalore and Toronto.

11. Sophie Doherty, Durham University

Visualising Justice: Sexual Violence, Law and Art

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There is a justice gap when it comes to obtaining justice for victim-survivors of sexual violence when sought through conventional justice systems (Temkin and Krahe 2008). Research has demonstrated that victim-survivors of sexual violence do not always frame their justice interests within conventional models and so there is also a gap in understanding what justice for victim-survivors of sexual violence amounts to (McGlynn et al 2017). If the justice interests of the victim-survivor are not considered or understood, their sense of justice cannot be obtained.

To understand wider issues surrounding sexual violence, there has been a call for innovation (Daly 2011; Renzetti et al 2006). This call has been answered by academics such as Yxta Maya Murray (2011) who uses law and art to provide an insight into rape trauma syndrome. This research builds on the methods and approaches used by Murray and will explore how law and visual art practice can reconceptualise, and help develop the discussions on, the justice interests of victim-survivors of sexual violence. In doing so, this research acknowledges the visual turn within legal scholarship (Mulcahy 2017; Goodrich 2017; Boehme-Neßler 2010)

In 2013, Sophie completed her LLB (Hon's) from Queen's University, Belfast, where she developed an interest in feminist jurisprudence and criminal law. During her time at Queen's University, she was awarded a Study USA Scholarship, which allowed her to spend a full academic year at Ferrum College, Virginia, studying business and management. While undertaking a diverse range of business classes, she was given the opportunity to take elective classes, and chose Byzantine to Impressionist Art. Achieving top marks in this class and being awarded Latin Honors each semester for her studies, Sophie's interest in art was bolstered. Upon successful completion of the Study USA programme, Sophie was awarded the Certificate of American Business Practice. On return to Queen's University, she undertook the Material Culture and Visual Media module from the School of History Anthropology obtaining a First in this. Sophie remained at Queen's University to pursue her MSc in Criminal Justice. She completed her dissertation, titled 'Susanna the Slut: Depictions of Rape Victims in Law and in Art', and obtained a Distinction for her dissertation and graduated with a Distinction overall. Sophie joined Durham University in October 2015 to pursue her doctoral studies under the supervision of Professor McGlynn from the School of Law and Professor Janet Stewart the School of Modern Languages and Cultures. To complete her studies, she was awarded the Durham Law School PGR Scholarship. Sophie's current research continues to explore feminist jurisprudence, criminal law and art. The provisional title of her thesis is 'Visualising Justice: Law, Art and Sexual Violence.'

12. Jane Hinde, Artist

As they fell, I scratched my way out with a pen (Installation)

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SURROUNDED BY ACCUSATION, THEY FELL WHERE THEY SAT:
SCRATCHING MY WAY OUT WITH A PEN, I MAKE AN ESCAPE.

A typical windowless, airless police station interview room. Space contracted, time suspended. Chairs and tables bolted to the floor, placed in a configuration which the authorities believe conducive to confession. Suspects to be interviewed: confessions to be sought. The banal routines of the exercise of power.

Take up the headphones and listen. The voices you overhear, edited into a 5 minute loop, are extracted from 5 hours of police questioning of three 'suspects' accused of varying levels of violence (and in one case also theft).

Power and authority, inscribed in the material architecture of the room and the placing of the 'actors' in relation to each other, are now played through in the use of language - conjuring up a symbolic order requiring spiritual and moral accountability from the accused.

As an artist I sat and listened to these interrogations, so familiar to me as a solicitor. On the wall are the marks made whilst listening to hours of interrogations - trying to make sense of the uses and abuses of power. These unconscious designs, in effect doodles, were my non-verbal response. A helplessness, an overwhelming desire for it to end... to escape from this.....

As they fell, I scratched my way out with a pen.

This installation is my recovery of their voices, a way of remembering them and the power which was brought bear on them.

Jane Hinde qualified as a solicitor in 1983. Since moving to London in 2001 she increasingly concentrated on her work as a criminal defence lawyer, acting as a duty solicitor at police stations and at various courts. In 2015 she graduated with a fine arts degree and has since developed a portfolio of work specialising in printing as well as occasional sculptural portraiture. Her most recent commission is now at the State Museum of Tennessee - a bronze bust of Abbi Milton - a leading suffragette. Within the constraints of professional ethics one aspect of her artistic practice draws from her experiences as a lawyer, especially from working in the toughest, least glamorous parts of the criminal justice system. As a solicitor she recorded her experiences - as an artist she explores them.

13. Anne Bottomley, Kent University

Anxious and Ambivalent: Art, Law and Legacies of Slavery and Caribbean Relations.

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An 18th century picture was once simply described, by the family, as a 'The Lady Elizabeth Murray'. The unrecognised black woman at her side was, in the 21st century, identified as Dido Belle, an illegitimate child of her uncle born to an enslaved mother, and hence her half-cousin. Both women had been received into the household of their mutual relation and benefactor, Lord Mansfield. The portrait then became 'seen' (and re-named) as not of one young women, but two. Following the success of a film 'based' on the figure of Dido, readings of the portrait focused on the unusual (for the time) 'equality' in the representation of (relations between) the two figures. The film became instrumental in developing a trope which placed the familial relations between Dido and Lord Mansfield at the centre of the movement for the abolition of slavery. I argue that this 'interpretation' of both the picture, and the role of Lord Mansfield in relation to the crucial judgments he delivered on aspects of the legality of slavery, is fundamentally flawed. It contrives to produce the effect of a 'good news story' which distorts, to the point of obliteration, the legacies of slavery evidenced in the metropolis: overtly displayed in the wealth produced by colonial slave-based economies, but also traced in the mixed blood of families producing off-spring who might hover on an edge of familial recognition (of a type), rather than being ignored (denied) as 'out-family'. This paper develops a reading of the picture of the two women which acknowledges the anxiety and ambivalence so clearly visible when the occluded are allowed to emerge and become acknowledged.

Anne is currently focused on property practices in relation to urban planning and architecture - drawing from Deleuze and theoretical perspectives emerging in anthropology and social theory. Anne has continuing interest in debates surrounding theoretical perspectives within feminism.

14. Mothiur Rahman, New Economy Law & Art/Law Network

Milton Keynes & Liz Leyh's Concrete Cows: Law as Artefact and Cows as Agents of Change

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We usually think of cows as peaceable creatures munching grass to their content. From another perspective, their agency in contemporary social transformation is significant. Farming for meat contributes significantly towards climate change, not through energy emissions from industrial processes, but because the burping and flatulence of over a billion cattle in mega-farms are a major contribution to methane emissions which are 20 times stronger than CO₂ as a greenhouse gas. The popularity of veganism increases as it shifts from a movement rejecting animals as commodities, to a movement of self-agency in tackling climate change. What will future generations make of the ancient bones of billions of cows, will they be fossils or artefacts of a hubristic civilisation? When considering the Massey space of continual becoming, are institutions also in the process of becoming fossilised, "colossal wrecks" for future generations to gaze on? In the shattered visage of Ozymandias in Shelley's poem, do we see only our own reflection standing in judgment of ourselves?

Or do we look more patiently and, beyond such gaze, perhaps see that "this world is not conclusion" as in Emily Dickinson's poem and that life finds its own way in interstitial ecologies resistant to plans, perhaps as an "artefact" of entropy and the emergence of possibility beyond conscious planning (arte + facto = creative making by intelligence)?

Two practical examples will be drawn on in the paper to explore interstitial spaces in the process of becoming. Frack Free Totnes and Switch from Fossils are campaigning to resist fossil fuels and shale gas extraction. Its recent "Spot the Difference" campaign to resist "permitted development rights" being granted to the fracking industry gives re-cognition to Civil Society as an occupier of the interstitial spaces created from institutions cracking under their own weight.

Secondly, the paper will explore how Liz Leyh's concrete cows have not only been an iconic piece of art created through community participation, but have continuously been re-presented through graffiti and defacement (including being painted as fossils), making space not only for their existence as artistic object, but also as an object for law and order, and as an "artefact" resistant to law and order. The paper will explore if the concepts of "interstitial space" and "legal artefact" can help shape a legal pluralism, towards law-making as a continuous conscious enchantment and representation rather than an attempt to institutionalise certainty.

Ozymandias

I met a traveller from an antique land
Who said: "Two vast and trunkless legs of stone
Stand in the desert [...]
And on the pedestal these words appear:
"My name is Ozymandias, King of Kings:
Look on my works ye mighty, and despair."
Nothing beside remain.
Percy Bysshe Shelley (1792 – 1822)
This World is not Conclusion
This World is not Conclusion
A Species stands beyond -
Invisible, as Music -
But positive, as Sound -
It beckons, and it baffles –
Emily Dickinson (1830 – 1866)

Mothiur trained at a top 20 City law firm before working for 7 years as a lawyer specialising in planning, environmental and public law related matters, with a focus on major infrastructure and public authorities. He resigned in 2012 to begin an inquiry into finding work that engaged his passions for meaning and creativity which led to his co-founding the Community Chartering Network (www.communitychartering.org), studying for a Masters in Ecological Design Thinking at Schumacher College in Devon, and is now setting up his own ecological legal practice called New Economy Law, to build on his experience and learning. Mothiur supports clients who are passionate about bringing in a more

ecological and beautiful world, developing legal strategies with them to unlock new possibilities in a rapidly changing world (www.neweconomylaw.org).

His dissertation study was partly about how the idea of "lawscape" helps in seeing how the contours of "landscapes" are shaped and moulded over many generations through their interaction with the lawscape (the lawscape in this instance being the set of conceptual metaphors created through the imaginative act that have the capacity to evolve into legal instruments over generations). He believes Art could help shape a new set of conceptual metaphors for helping sense into the lawscape which wants to emerge.

15. Lucy Finchett-Maddock, University of Sussex

A Theory of Art/Law

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This piece seeks to account for an increased interest in the intersection of art and law within legal thinking, activism, and artistic practice, arguing there to exist the phenomena and movement of 'Art/Law'. Art/Law is the coming together of theory and practice in legal and political aesthetics, understood as a practice, (im)materially performed. It is seen as a natural consequence of thinking law and resistance in terms of space and time, accounting for a turn towards the visual, practical, and the role of affect, within ways of knowing. It also heralds both the end of art and the end of law, synchronically. Divisions between legal and aesthetic form have been well rehearsed within legal aesthetics scholarship, from law and literature, to critical legal studies' work with images, text and performativity, and now law's Anthropocene. Using Barad's agential realism, Art/Law as a practice, however, is argued as a newly emergent onto-epistemic-ethics of necessity, a movement of being and knowing as a response to the advancement of spectacle. It is, as a phenomenon, the simultaneous reunion of law, art and resistance as one, breaking down the institutional artifice of art worlds and law worlds, offering a form of resistant (im)materialism, that accounts for entropy and change. This resistant (im)materialism is drawn from similarities between theories of surplus value in historical materialism and affect in new materialisms, accounting for the central role of practice within individual property, legal and aesthetic establishment, offering a countering of separatism at the end of art and the end of law, through a praxeology of Art/Law in thinking and action.

*Lucy's work predominantly focuses on the intersection of property within law and resistance, interrogating the spatio-temporality and aesthetics of formal and informal laws, property (squatting and housing), commons and protest. She is author of monograph 'Protest, Property and the Commons: Performances of Law and Resistance' (Routledge, 2016). Her work also looks to broader questions around the intersection of art and law, resistance, legal and illegal understandings of art, property, aesthetics and politics. She is currently developing the 'Art/Law Network' (in collaboration with Sussex's [Art and Law Research Cluster](#)), where artists, activists, lawyers, practitioners and other such agitators can share their work and ideas, create art projects on law; law projects on art; collaborate on methodological and pedagogical approaches to law, through art; art, through law - and anything else in between. Lucy uses the thermodynamic property 'entropy' a lot in her work, in relation to law, resistance, aesthetics which explains nonlinear and linear relations of time through understandings of complexity theory (see 'Seeing Red: Entropy, Property and Resistance in the Summer Riots', *Law and Critique*, 2012). Lucy is also an artist and musician, see www.yeoldefinch.com, [@yeoldefinch](#).*

16. Danilo Mandic, University of Westminster

When Concepts Become Norm: Copyright Law through Conceptual Art

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This paper concerns intangibility. It considers it as the key principle for both copyright law and conceptual art; as the very essence that constitutes their purpose and function. Whereas copyright law

protects the expression of an idea, for conceptual art it is the idea/concept and not the expression that constitutes the artwork. For that reason, the legal scholarship often uses conceptual art as an object of observation to comment on copyright law's rigidity and its reductive framework of recognising contemporary artistic practices, as well as to question how conceptual art works elude copyright's conceptual principles and its practical application. This paper, in contrast, aims to avoid this common thread of objectifying conceptual art works through the prism of copyright law and instead it approaches it as a means through which copyright law's conceptualisation and paradigm are questioned. In other words, instead of taking conceptual art as law's object of attention, here copyright law is approached as an object of conceptual practice. To this end, the paper argues that copyright and conceptualism share many instances, if not mutually impersonate each other, overlap, create forms and norms, and continuously engage with comprehending and apprehending the intangible.

Danilo Mandic is Lecturer in Law at the University of Westminster in London. He completed his PhD at the same school on a topic concerning the relation between copyright and technology. In addition to copyright law, his research interests include law and art, senses, media and sound studies. He is a contributor to the Handbook of Research Methods in Environmental Law (2017) and is co-editor of the forthcoming Law and the Senses series by University of Westminster Press (2018). In addition, Danilo is an author of several conceptual art projects and installations with a focus on the relations between text and sound.