

FUTURE EVENTS - LAWNET

Anticipating Law: The Prognostics of Fear and Hope

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With calling for papers that engage with the theme of “Anticipating law” we mean to call into view both anticipations of law, that is the hopes and fears people put into law, and anticipatory laws, that is the attempt to legally regulate the future. Both anticipations of law and anticipatory laws, we hold, are shaped by fear and hope as different forms of anticipation.

The call for papers is open. Abstracts should be submitted by 1 March 2017 and full papers are expected by 1 September 2017. For submission of abstracts and queries contact Julia Eckert, julia.eckert@anthro.unibe.ch David Loher david.loher@anthro.unibe.ch

Many laws are geared towards organising and regulating the future. Some of these pursue specific developmental goals (‘Social engineering’) and attempt to shape the future by giving incentives for achieving those goals; others are geared more specifically toward preventing future events and diminishing risk. Moreover, the regulation and prevention of events in the future is a legal field of increasing importance; this is related to rapid technological change that poses problems of unknown effects ever more frequently, think of Nanotechnology, Climate change, Robotics and the like (see Beck 1996). The hopes of shaping the future by legal regulation have diminished in the face of the seemingly autonomous dynamics of distributed agency in a globalised world, and have given way to logics of prevention.

The regulation of the future is, of course, implicit in law generally, as law is based on the assumption that it orients action by people and thereby produces wanted outcomes in the future and prevents unwanted ones, by threat of sanction or by award of benefit. However, theories about law’s effect on human action change. They change in accordance with changing understandings of safety and security and related ideas of what it needs to produce or safeguard social order. Whether thus preventive logics or those, which are confident about the possibilities of law to shape the future, prevail – in short: how hope and fear are inscribed in law - is a matter of social analysis.

This raises one strand of questions: how does law know the future? What techniques and technologies provide information about the future that is used by law? How are fear and hope inscribed in law?

A second strand of questions that is central to this workshop concerns anticipations of law by people subjected to it: Fear and hope that are implicit in law's making, are also central to the experience of law. Experiential and normative dimensions of expectations toward law are entangled in often contradictory ways, disappointments with law (from past encounters) not necessarily diminishing hope in it for the future. What is it precisely that inspires fear? Is it the same as what they put hope in? Or is "the law" that is feared a different one than that which they employ in hope in their various struggles and endeavours? What is it precisely that inspires hope in law, and how does it relate to other hopes and aspirations, to visions of the future?