

Justice as Translation and Counter-storytelling

Coimbra, Mai 26th to 28th 2022

The Colloquium is jointly organized by UCILeR (Instituto Jurídico da Faculdade de Direito da Universidade de Coimbra—University of Coimbra Institute for Legal Research), ISLL (Italian Society for Law and Literature) and ATFD (Associação Portuguesa de Teoria do Direito, Filosofia do Direito e Filosofia Social, the Portuguese section of IVR)

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In a well-known passage from *The Narrative Paradigm* (*Communication Monographs*, vol. 52, 1985, p. 350), Walter Fisher argues that “narrative rationality”, since it “celebrates human beings” as “storytellers”, should be treated as an “attempt to recapture Aristotle’s concept of *phronesis*”. It is this central topos in the contemporary rehabilitation of practical thinking (projected in Law’s specific *practical world*) that our Colloquium will explore, whilst paying attention to the plurality of approaches it allows. Its title establishes actually an immediate counterpoint between two polarized *assimilation modes*.

1) *On one hand* we have the so-called *paradigm of translation*, not only in the general version that we owe to MacIntyre’s *communitarian narrativism* — exploring the possibilities of dialogue between traditions (notwithstanding the impossibility of an equidistant *tertium comparationis*) — but also in the specific projections that James Boyd White (*justice as translation*) and François Ost (*le droit comme traduction*) exemplarily open: the first highlighting a kind of permanent movement (*from ordinary language to legal language, and from legal language back to ordinary language*) —whilst exploring *narrative* as the archetypal form of *praxis* and *practical thinking* and whilst conceiving of Law as “a set of occasions and opportunities for the creation of meaning” (“a rather fragile piece of our culture, requiring those who live with it to remake it constantly, over and over”) —, the second autonomizing three indispensable thematic cores

and the exercises *in translation* that they demand, namely, the one which is required by the plural network of (national and international, state and non-state) legal orders, the one which the judge's *modus operandi* (interconnecting the world of practical controversies and legal materials) manifests and, last but not least, the one which this same judge develops whilst assuming his/her role as third (“le tiers qui triangule le différend opposant les parties [et qui traduit] (...) leurs discours dans le langage de la loi commune”) — without forgetting that this *thirdness* (also as a *fonction tierce* “internalized by legal subjects”) is precisely the feature which *distinguishes* Law, its discourses and practices (*Le droit ou l'empire du tiers*).

2) *On the other hand*, we have the blossoming of a wide range of discourses on *marginalised identities* (sometimes even on *marginalised bodies*), the core of which is undoubtedly composed of narrative *outsider* jurisprudences and *community-building counterstorytelling* (to use the well-known formulae proposed respectively by Mari J. Matsuda and Richard Delgado). This remarkable multiplication of perspectives and academic fields (going from *Feminist Jurisprudences* to *Critical Philosophy of Race* and from *LGBT-GNCCrits* to *Postcolonial Legal Theory*) — which were opened up with the so-called third *Critical Legal Scholar's* generation — and go on developing a search for community or communities flowing out in the experience of incommensurable *forms of life* (involving gender, race, sexual orientation, economic condition, social status, practical-cultural and geopolitical provenance, health, mental and physical disability, etc) — pose certainly specific problems —concerning the “standards” which should be used to evaluate the different uses of narrative resources (and the merits of the final outcome), the challenges of intersectionality or *intersectional persons* (overlapping diverse identities), as well as the risk of transforming more or less persuasive counterstories into stereotyped narratives (with characters and roles that are implacably pre-determined). They offer however also an unique opportunity to discuss Law's and legal theory's *claims to comparability*. Is in fact the fragmentation of meanings, semantic values and performative models provoked (or aggravated) by those approaches compatible with the claim for an integrating context (and its *tertium comparationis*) or does, on the contrary, this fragmentation (in its narrative intelligibility) prevent or frustrate the attempt to recognise an authentic *inter-discourse* and, with this, the aspiration to treat *law* as the “empire” of thirdness?

Participants are invited to explore both these lines of development and their internal possibilities, as well as to discuss their reciprocal intertwinement and their dialectical tensions, which means also projecting them in specific contemporary societal challenges, such as those which involve the morality of *political correctness*, the juridical relevance of hate speech, the

digitization of life, the climate justice (or the climate emergency), the biopolitics of human and trans-human.

Abstracts of 300 words (max.) should be submitted to José Manuel Aroso Linhares (linhares@fd.uc.pt) and Ana Margarida Gaudêncio (anagaude@fd.uc.pt). The deadline for sending abstracts has been extended until the **30th April**. The decisions on participation will be communicated by **May 5th**. Selected papers will be invited for publication.

For communication reasons it is strongly recommended English as working language. However, communications in Castilian, French, German, Italian and Portuguese are also possible (provided they are always accompanied by an abstract in English).

We intend to hold the conference as a full “in-person”, eventually as a hybrid event. The preference concerning the participation mode should be clarified in the e-mail which sends the abstract.

Registration period: from 6th to 12th Mai 2022

The basic registration fee (concerning presentations) is 30€ (for professionals) and 20 (for students, including PhD candidates). The information concerning payment possibilities will be sent to the authors of the chosen abstracts before the beginning of the registration period.

The Colloquium will be open to the public, both in person and remotely. For those who wish to attend this way (without participating with a communication), access is free, but requires registration: <https://forms.gle/GXL26r8X7sYW2KzC9>.