

## **EASA LawNet Workshop “Anticipating Law. The Prognostics of Hope and Fear”**

*19-21 September 2017, University of Bern*

The 2017 EASA LawNet workshop engaged with the theme anticipating law. It called into view both anticipation of law and anticipatory laws. Thus it focused on the one hand on the question how law is mobilised to imagine future society and thereby can figure as a source for individual and collective hopes and aspirations, and on the other hand it asked how law aims at predicting and preventing future behaviour of individuals or groups, as we can find for example in the idea of social engineering and in anti-terrorism law.

The workshop opened on Tuesday with Laura Bear’s keynote lecture “Public Goods: Anticipation, Capital, and the Legal Regimes of Public-Private Partnership”. It invited to cross the boundaries between economic anthropology and legal anthropology, developing a common conceptual framework for the study of contemporary capitalism and the effects of the financial crisis.

In the following two workshop days, twelve papers engaged with the main theme in four thematic panels. Papers in panel 1 (“Law and the Transformation of Society”) and 3 (“Law’s Promises”) discussed how actors use the law to turn it into a source of hope and aspiration. Panel 2 (“Prevention, Securitisation, and the Governance of Fear”) brought into conversation case studies on anti-terrorism law with a study on non-proliferation negotiations and the question how law aims at the prevention of an imagined negative future. In panel 4 (“Anticipation Between Law and Bureaucratic Practices”) the contributions focused on the complex interdependencies between law and bureaucracy and how the involved actors anticipate the outcome of legal procedures.

### List of Participants:

– *Laura Bear (LSE London UK):* Public Goods: Anticipation, Capital, and the Legal Regimes of Public-Private Partnerships (Keynote Lecture)

– *Julie Billaud (University of Sussex, UK):* Utopia and the Pragmatism in the Practice of International Law

– *Jane Cowan (University of Sussex, UK):* Reviewing Human Rights as Greece Collapses: Debt, Austerity Measures, Time, Administrative Subjectivity and Bureaucratic Appeal Against Dystopia

– *Anya Degenshein (Northwestern University Chicago, UK):* Constricting Constitutional Rights, Expanding Surveillance, and Anticipating Terrorism in US v Mohamud

– *Tobias Eule, Anna Wyss, Annika Lindberg, Lisa Marie Borelli (University of Bern, CH):* Anticipating What? Immigration Enforcement and Control Avoidance in the “Absence” of Black Letter Law.

– *Miia Halme-Tuomisaari (University of Helsinki, FI):* What’s There to Fear? Exploring Attempts to Retroactively Annul the Law

- *David Loher (University of Bern, CH): Promises and Premises in Law and Bureaucracy: Governing so-called Voluntary Return Migration.*
- *Grégoire Mallard (Graduate Institute Geneva, CH): From Europe's Past to Middle East's Future: The Constitutive Purpose of Forward Analogies in International Law.*
- *Irène Marti (University of Neuchâtel, CH): Preventively Locked Up. Insights into the Lived Experience of "High-Risk Offenders" Sentenced to Indefinite Incarceration in Switzerland.*
- *Agathe Mora (University of Edinburgh, UK): "Rough Justice": Cynical Anticipation and Quick-Fix Juridification of Property Politics in Post-War Kosovo.*
- *Isabelle Schulte-Tenckhoff (Graduate Institute Geneva, CH): Great Expectations? Thoughts about the Future of the UN Declaration on the Rights of Indigenous Peoples*
- *Thomas van der Molen (SOAS London, UK): Reported Hopes: Documenting Tibetan Anticipation*
- *Deniz Younucu (Humbolt University Berlin, D): Demonic law: Turkey' Anti-terror Law and Its Threatening Force*

Discussants: *Laura Affolter (University of Bern, CH), Julia Eckert (University of Bern, CH) Ellen Hertz (University of Neuchâtel, CH)*

The whole workshop was co-organised by the Department of Social Anthropology and the Law Faculty of the University of Bern, Switzerland. It was financially supported by the EASA, the Mittelbauförderung Universität Bern, the Department of Social Anthropology and the Faculty of Law of the University of Bern.

Bern, 13 October 2017

The conveners,

Julia Eckert, David Loher, Tobias Eule, Miia Halme-Tuomisaari