

Facts, Law and Critique

The 11th Melbourne Doctoral Forum on Legal Theory
Melbourne Law School, 4–5 December 2018

Call for Papers



Grace Crowley, 'Painting' (1951)

Facts sustain law and legal institutions. Contesting, debating, and then, 'finding' or establishing facts is seen as essential to the process of law-making that follows. But, far from acting on or applying to a set of pre-existing facts, law produces, writes and determines its own facts, knowledges and truths. And the politics, procedures and histories of legal facts, unlike the law itself, are often taken as given, establishing a dichotomy between contesting the legal and accepting what remains outside of, or prior to, law. The recent unsettling of our contemporary faith in facts, objectivity, and transparency as a form of public knowledge and a precondition for politics provides us with an opportunity to revisit the relationship between law and facts.

In this Forum, we invite papers critically examining the relationship between facts and law as it relates to your own research. How can understanding the way in which facts — as well as institutions, procedures and methods for finding facts — have been established and contested over time and throughout history shed new light on the present moment? How does law develop and reach out for technologies which establish facts through particular means? How does selecting and assembling facts in particular ways use law to establish and embed particular narratives? What is the place of critique in a time in which facts are 'alternative', or in struggles over who is authorised to produce truth? How does examining processes of fact-finding highlight the politics of legal facts and the exercise of power they represent? What is seen, and what lives become unseen, as law and law's facts come to constitute a way of experiencing the world?

Possible ways of addressing the topic might include, but are not limited to:

- Facts and institutions, including legal procedures of establishing facts such as international fact-finding missions, commissions of inquiry and truth commissions
- Facts and representation, including the role of media, art and the image in law and legal analysis
- Facts and empirics, such as work critiquing the role of data, technology, and the turn to economic and quantitative analysis in law
- Facts and courts, agreed and disputed facts, evidential processes and the judgment as public record
- Facts and governance, including the place of, and challenges to, objectivity, publicity, and transparency in contemporary forms of legal governance and law
- Facts and epistemologies, including indigenous forms of knowledge, fact and law, as well as epistemologies of the South
- Custom as law and the translation of fact and practice into law
- Facts and imperialism, and the role of history in critiquing or recreating imperialist narratives and knowledges
- Queer theory, ontology and the selectivity of law's facts
- Feminist critiques of the divide between law and fact
- The craft of the lawyer: lawyers' agency in and responsibility for the making of law and fact.

The 11th Melbourne Doctoral Forum on Legal Theory will take place on 4 and 5 December 2018. The Forum brings together graduate researchers and early career scholars from a range of disciplines and backgrounds to think methodologically, theoretically and critically about law and legal theory.

We are pleased to announce Professor Anne Orford (MLS) and Associate Professor Ben Golder (UNSW) as keynote speakers for the Forum.

Please submit abstracts of up to 500 words and biographies of up to 200 words to law-mdflt@unimelb.edu.au by **5 September 2018**. Applicants will receive a response by late September.

We particularly invite applications from those interested in exploring methodological questions within the collegial and supportive environment of the Forum. Depending on interest, we may organise sessions specifically focusing on questions of method. If you are interested in participating in one of these sessions, please indicate this and address these questions in your abstract.

A limited number of travel bursaries are available for interstate and international presenting participants who are unable to claim sufficient funding from their home institution. Please indicate in your application whether you wish to be considered for a bursary.

2018 conference organisers: Claerwen O'Hara, Anna Saunders and Valeria Vázquez Guevara. For more information, please visit <https://law.unimelb.edu.au/research/mdflt>

The Melbourne Doctoral Forum on Legal Theory is proudly supported by the Melbourne Law School, the Institute for International Law and the Humanities and the Laureate Program in International Law.