

ARTIFACTS, POWERS, INTRA-ACTIONS

Flattening the Ontology of Law

February 15, 2021, 9:00 a.m. (CET), MS TEAMS

All interested in the workshop are kindly asked to contact the organizer by February 12, 2021 by mail: michal.dudek@uj.edu.pl

Giuseppe Lorini

University of Cagliari - Italy

RULING BY DEONTIC ARTIFACTS

Arjen Kleinherenbrink *Radboud University - The Netherlands*

THE POWERS OF LAWS

Michał Dudek

Jagiellonian University in Krakow - Poland

AGENTIAL REALISM AND ONTOLOGY OF LAW

The workshop is organized within the project „Płaskie ontologie a prawo i jego ontologia” [“Flat Ontologies, Law and Its Ontology”] sponsored by National Science Centre of Poland (Registration number 2018/31/D/HS5/00294). More on the project:

<https://www.ncn.gov.pl/sites/default/files/listy-rankingowe/2018-09-14/streszczenia/423175-en.pdf>

Giuseppe Lorini

University of Cagliari - Italy

RULING BY DEONTIC ARTIFACTS

When we think about artifacts, we consider objects such as, for example, a nutcracker, a screwdriver, a bicycle, a car, a television, a table, a fountain pen, a toothbrush, a food mixer; that is, material objects designed and constructed to perform a “technical function”, a “causal function”. However, there are also artifacts with which we normatively regulate behaviors. Imagine, for example, driving a car along an urban road. We would constantly encounter road signs, traffic lights, roundabouts. All these artifacts normatively regulate our progress. I shall call this specific type of artifacts with normative intent “deontic artifacts”. My speech will be devoted to this particular category of artifacts so widespread in our everyday reality, but so often forgotten by philosophers studying norms and normativity.

Arjen Kleinherenbrink

Radboud University - The Netherlands

THE POWERS OF LAWS

Is a law a causal agent? Does it have its own powers? Or does a law merely describe the actions and powers of other entities? This is an old problem to which numerous intricate solutions have been crafted throughout the ages. It is also a perfect example of the kind of problem that never seems to go away, so that each new system (or genre) of philosophy has to grapple with it - and rightfully so. In my presentation, I approach this problem from the perspective of recent ‘flat’ ontologies, specifically those associated with ‘object-oriented ontology’ (OOO). I will argue that whereas natural laws are mere descriptions without causal traction on the phenomena they describe, human-made laws are different in that they (can) describe the causal powers of other entities, while also always having causal powers themselves.

Michał Dudek

Jagiellonian University in Krakow - Poland

AGENTIAL REALISM AND ONTOLOGY OF LAW

Despite its general popularity, so far no one did attempt to apply Karen Barad’s agential realism (a representative of new materialism) to law and its ontology. The presentation will aim at starting to fill this gap by focusing on the intra-action, which can be regarded as basic unit assumed for ontological analysis in Baradian vision. Namely, Barad argues that one should not assume prior existence of elements participating in specific relation. Instead, one should think that relations are in fact prior to their elements and it applies also to material, inanimate objects. In short, relata are (supposed to be) constituted in/through relations. After providing some broader context for the ontological-legal application of agential realism, the presentation will carefully reconstruct the concept of intra-action and discuss whether and, if so, how it can invigorate thinking about law and its ontology.