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Embodying Law in the Garden: An Autoethnographic Account of an Office of Law

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EMBODYING LAW IN THE GARDEN: AN AUTOETHNOGRAPHIC ACCOUNT OF AN OFFICE OF LAW

Matilda Arvidsson

Abstract: Based on an autoethnographical study of the office of the tingsnotarie this article questions the relation between the ethical self and the act of taking up a judicial office, employing the question of how I can live with (my) law. While the office and the ethical self are kept apart, often by recourse to persona, I make a case for the attendance to the self in examinations of ethical responsibility when pursuing an office of law. I propose that the garden, and in particular the practices and notions of (en)closure, (loss of) direction, cultivation, (dis)order, authorship and care-for-the-other which are all part of the gardener's everyday life and vocation, offers critical insights when thinking through the embodiment of law and the relationship between the ethical self and the office.

INTRODUCTION

The garden is a place of human pleasure, violence and Divine reference created as much in its particular materiality as through ideologies, fantasies and man’s desires to dominate nature and beasts alike. ‘Lord God’, said Genesis 2, ‘had planted a garden in the east’ where man was ‘put…to work it and take care of it’; man was given the authority to name ‘each living creature’. The garden is, in Genesis as well as in scientific discourses, defined by its being enclosed — having and defining limits. Man is either in the garden or outside of its limits. Being inside means a special duty to name and cultivate, to take care of, to dominate, but also an invitation to give oneself over to pleasures. Outside of the garden is wilderness, bestiality, disorder. English

1 Faculty of Law, Lund University, Email: Matilda.Arvidsson@jur.lu.se This article brings my engagement with autoethnographical method and my concerns about the ethics of the self and of the judicial office, to the garden: a place where I have labored hard but also sought out the various voices of the (un)gardened and gardening, not the least through Louise Glück’s poems in The Wild Iris, The Ecco Press New York 1992. For valuable comments and engagement with my project I thank Søren Stig Andersen, Martin Sunnqvist, Eva Löfgren, as well as the two anonymous referees.

2 The Bible, Genesis 2: 8; Genesis 2: 15; Genesis 2: 19.

3 On the association of enclosure with the garden, agricultural improvements and spiritual self-cultivation, see Attie Katherine Boote ‘Enclosure Polemic and the Garden in the 1650s’ (2011) 51 Studies in English Literature 135. See also Locke’s notion of enclosure as grounding authority to claim private ownership over land: Locke John Two Treatises of Government and a Letter Concerning Toleration Yale University Press Birmingham 2003, as discussed in Duncanson Kirsty “’Native’ Landscapes, “Cultivated” Gardens and the Erasure of Indigenous Sovereignty in Two Recent Instances of Australian Cinematic Jurisprudence’ (2012) Law, Culture and the Humanities 1 at 8.

4 The duty to name brings together Adam of Genesis and Swedish biologist and traveler-explorer Carl Linnaeus — the gardener par excellence.
landscape designer Humphry Repton defines the garden as a: ‘a piece of ground, fenced off from cattle, and appropriated to the use and pleasure of man: it is, our ought to be, cultivated’. The etymology of the garden leads us in a similar fashion to a fence defining the limits of an enclosure: Old English geard (‘fence’) developed into modern English ‘yard’. The Indo-European root is gher ‘fence’ and ghört ‘enclosure’. The emphasis on limits and fences does not only speak of human efforts of keeping the ‘wild’ or the ‘other’ at bay, it also speaks of how the garden emerges through patterns of human bodily movements. We enter the garden, we wander the garden, we exit the garden; we are expelled from the garden and maintain a desire for a return to it as an imaginary place of immortality. The gardens we inhabit remain and thrive only insofar that we embody their limits and cultivate them through our corporeality. That corporeality does not only entail our wanderings but also importantly a certain practice of human care.

In other words, the man-made garden can only emerge through our corporeal, spatialising, extension and coming-into-being in and through a particular time and place, through planning, keeping, and tending to: in short our care — our care for the other.

This article is dedicated to thinking law embodied through the garden. Through an autoethnographical study of the office of the tingsnotarie it aims to attend to how law, just as the

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6 van Erp-Houtepen 1986 as above.

7 Harrison makes a distinction between on the one hand earthly gardens and paradisical, imaginary gardens. Examples of the latter are the Garden of Eden but also ‘the garden of the gods’ and Dilmun, the garden of the sun, in the epic of Gilgamesh. Harrison points out that whereas these gardens seem to contain all happiness a human being desires they are dehumanized and care-free gardens where no death and hence no human life can thrive. Harrison Robert Pogue Gardens: An Essay on the Human Condition University of Chicago Press Chicago 2008 especially at 1–12. On the desire to re-create the Garden of Eden, see Harrison 2008 at 166. See also De Bruyn Ben ‘The Gathering of Form: Forests, Gardens and Legacies in Robert Pogue Harrison’(2010) 31 The Oxford Literary Review 19 at 23.

8 Harrison 2008 as above.


10 Embodiment denotes the physical experience of subjugating oneself in a very tangible and corporeal sense to law. The invitation in this special issue is to a critical examination of gardens of justice. In the study from which this article flows law as opposed to justice was emphasized (by ways of self-description). The Swedish language does not carry any word translating well into ‘justice’, the closest two being rättvisa — more precisely meaning ‘fairness’ and rarely considered within legal terminology — and rättfjärdighet — an old fashion notion closely aligned with the meaning of justice, yet rarely used in everyday or juridical language. While both the self-description and the curious problem of translation are interesting phenomena in their own rights the focus of this article is the embodiment of law thought through the garden. The phenomena of self-description in relation to law as opposed to justice is also noted by Henrik Zahle in his autobiographical collection of essays on justice and legal practice, written while in office as a justice of the Danish Supreme Court: Zahle Henrik Omsorg for retfærdighed: Essays om retlig praksis Gyldendal Copenhagen 2003 at 160f. Zahle notes, at 160: ‘Omt retfærdigheten tier man’ ('About justice one keeps one's mouth shut': my translation).

11 I follow Tami Spry in her corporeal definition of critical autoethnography: ‘The autoethnographic text emerges from the researcher’s bodily standpoint as she is continually recognising and interpreting the residue traces of culture inscribed upon her hide from interacting with others in contexts… In autoethnographic methods, the researcher is the epistemological and ontological nexus upon which the research process turns.’ See: Spry Tami ‘Performing Autoethnography: An Embodied Methodological Praxis’ (2001) 7 Qualitative Inquiry 706 at 711. When following this methodology law is not studied from the ‘outside’ but through inscription that defies the separatedness of outside and inside. Autoethnography is a way to ‘look to experience, to the interiority of practices, to the affect and comparisons, the
garden, comes into being through human embodiment and irreversible responsibility: corporeal and ethical practices of human care. This care is the practical extension of on the one hand a particular method of examination of the self and on the other hand a recognition, flowing from self-examination, of the other as part of the self; Judith Butler’s and Jean Laplanche’s scholarship on ethics and subject-formation form the basis for such analysis and locate responsibility at the venue of the subject’s interrelatedness with its other. The notion of care as the vocation of the human gardener is drawn from Robert Pogue Harrison’s scholarship on gardens. Harrison’s notion of care is ‘the condition which underlies our attempts to establish and maintain a human world and existence over time.’ Care works the soil — the humus through which Harrison understands humanity — and life springs from death. The human condition, what it means to be thrown into this world as a human being, the attachments and responsibilities which follow, is made explicit in Harrison’s work through the garden and the vocation of the gardener: ‘The gardener, in short, is not committed to work, and even less to “productivity”. He is committed to the welfare of what he nourishes to life in his garden.’

Butler makes recognition central to her ethical project. Drawing on Jessica Benjamin, Butler engages recognition as ‘a process that is engaged when subject and Other understand themselves to be reflected in one another, but where this reflection does not result in a collapse of the one into the Other (through an incorporative identification, for instance) or a projection that annihilates the alterity of the Other’. Butler Judith Undoing Gender Routledge London 2004 at 311–312. See also Loizidou Elena Judith Butler: Ethics, Law, Politics Routledge-Cavendish Abingdon 2009 at 77. Harrison calls this ‘the self-extension of the gardener’. Harrison 2008 above note 7 at 171.

The ethical project I pursue here and the notion(s) of subject-formation flow from Butler 2005 above note 9; Laplanche 1999 above note 11. Butler’s reference to ‘the other’ is to ‘the human other in its specificity’, Butler 2005 above note 9 at x. I follow her in doing so, with a reservation against the anthropocentrism embedded in her definition.

Harrison 2008 above note 7.

De Bruyn 2010 above note 7 at 23. In Harrison’s own words, ‘care, in its self-transcending character, is an expansive projection of the intrinsic ecstasy of life:.’ Harrison 2008 above note 7 at 33; it is ‘accustomed to act, to take initiative, to stake its claims, yet powerlessness and even helplessness are intrinsic to the lived experience of care as the latter’s irrepressible impulse to act, enable, nurse, and promote’ Harrison 2008 above note 7 at 27.

Harrison Robert Pogue The Dominion of the Dead University of Chicago Press Chicago 2003 at 34; See also Harrison 2008 above note 7 at 32.

Harrison 2008 above note 7 at 170.
Harrison casts the humanly created and carefully maintained earthly garden in contrast to the imagined, paradisiacal one. The earthly non-paradisical garden, full of life, death and decomposition, becomes the absolute space through which life and law is done. This garden is the space which the office of law temporarily inhabits. Space is both a product and process of becoming, taking place in a material and corporeal sense, contingent and ephemerally construed through social relations and material practices. As Andreas Philippopoulos-Mihalopoulos puts it, space is the ‘product of interrelations and embedded practices; a sphere of multiple possibilities; a ground of chance and undecidability, and as such always becoming, always open to the future’, always conditioned. The garden understood in its spatiality is thus not a setting in which we move as if we were not space ourselves, as if our presence did nothing, did not alter and produce space.

The garden, and in particular the two gardens at the District Court of Lund, Sweden (hereafter the court) through which this article is narrated, might seem an unlikely venue for a study of the embodiment of law. Against that I propose that thinking through gardens — and in particular the urban, legally striated garden which the two gardens at the court are examples of — helps us to engage critically with that which law as well as the garden is often thought to be: fencing (off), enclosing, ordering, cultivating a direction, authoring and authorizing, part of man’s domination over the other(s), and offering a haven of perpetual peace through exclusion.

In the first part of this article I introduce the court’s two gardens: their design and particular history and place within Swedish public garden history. I then move to introduce the

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19 As above at 1–12.
20 The notion of space is drawn from Philippopoulos-Mihalopoulos Andreas ‘Mapping the Lawscape: Spatial Law and the Body’ in Bankowski Zenon, Del Mar Maksymilian & Maharg Paul (eds) The Arts and the Legal Academy: Beyond Text in Legal Education Ashgate Farnham 2013a p 119 at 123. Philippopoulos-Mihalopoulos, in turn, draws on Massey Doreen For Space Sage London 2005 at 10 ff. While Massey points out the way in which space is conditioned by politics Philippopoulos-Mihalopoulos also points to law as a conditioning force. See also Philippopoulos-Mihalopoulos Andreas ‘Law’s Spatial Turn: Geography, Justice and a Certain Fear of Space’ (2010a) 7 Law, Culture and the Humanities 187.
21 Philippopoulos-Mihalopoulos 2013a as above note 20 at 123.
22 Philippopoulos-Mihalopoulos Andreas ‘Spatial Justice: Law and the Geography of Withdrawal’ (2010b) 6 International Journal of Law in Context 2010b 201 at 211: ‘Sometimes striated, sometimes smooth (that is, sometimes within and sometimes outside the law), the body itself takes up its own space and moves towards another body and another space. Or space itself, folded with the body, enables the body to slide or to get boxed in, to move in glissando or in convulsions.’ Harrison, although less articulated, makes a similar point when he says that ‘it is impossible to say whether nature is located inside or outside of the self — and that’s the way it is supposed to be’: Harrison Robert Pogue ‘”wings dusted with gold”’ (2005) 4 Environmental History 699 at 699.
24 Peter Goodrich diagnoses legal modernity by recourse to the metaphor of ‘closure’ and ‘enclosure’: Goodrich Peter Law in the Courts of Law: Literature and Other Minor Jurisprudences Routledge London 1996 at 161. Harrison’s suggestion is that the garden is a figure for ‘cultural activities that are not literally connected to gardening or garden making,’ Harrison 2008 above note 7 at 51. For a critical examination of law, the garden and colonialism see Duncanson 2012 above note 3.
office I embodied in those gardens — the office of the tingsnotarie — after which I consider ethical responsibility in relation to the embodiment of law through the notions of office, persona and self. In part two I offer two self-accounts: “The Marriage Ceremony: Release” and “Smoke: Withdrawal”. Do so in order to locate two different yet interrelated kinds of gardens: one seemingly paradisical, striated, orderly and neat, the other distinctly earthy, disorienting and densely populated by law’s human actors. These are my two experiences of the everyday embodiment of law within the office of the tingsnotarie. The two gardens and the particular, gendered and localised experiences of embodying law there are considered in part three. In this last part of the article I revisit the notions and my sensations of limits, direction, cultivation, authority and authorship, and the practice of care, with an aim to expose the destabilised distinctions between self and office, inside and out, here and there as these emerge from my autoethnographic accounts. Responsibility through recognition and its practical extension — care — is transformed into a question of living with (my) law in the infinite present, as a way of constant gardening.

I only claim to speak as someone who has embodied law through a particular and localised office of law. Still, I hope that what I offer, and in particular my invitation to scholars and practitioners of law to employ autoethnographic practice as a means to recognise the ethical responsibility when embodying law through offices of law, will find resonances elsewhere.

25 The notion of ‘self-accounts’, see Butler 2005 above note 9. The notions ‘autoethnographical account’ and ‘self-account’ are used interchangeably in this article since my accounts function as both (‘autoethnographical’ refers to the research method and ‘self-accounts’ refers to the particular meaning as set out by Butler).

26 The two self-accounts in this article flow from an autoethnographic study I pursued in 2004–2006, the years during which I served as a tingsnotarie at the court. See also Arvidsson Matilda ‘The Presence of Absence of Personal Identity: Everyday Conditions of Practicing Law’ in Arvidsson Matilda & Trolle Ömerfors Elsa (eds) Jag sträcker mig in i framtiden Corpus Iuris förlag Lund 2007a p 3; Arvidsson Matilda ‘Shari’a from Behind the Bench: Court Culture, Judicial Culture and a Judge-made Discourse on Shari’a at a Swedish District Court’ in Nielsen Jørgen S. and Christoffersen Lisbet Shari’a as Discourse: Legal Traditions and the Encounter with Europe Ashgate Farnham 2010 p 97. Minor additional studies (interviews, observations and an archival study) were pursued in 2007, 2008 and 2014. The choice of the court as a place to study the embodiment of law has been directed by a motivation to speak of the everyday life of law. To serve as a tingsnotarie is a close to ‘obligatory’ practice among Swedish jurists. Yet this everyday praxis of embodying law is rarely, if ever, scholarly spoken of (on speaking about that which is rarely spoken of, see Park-Fuller Linda ‘Performing absence: The staged personal narrative as testimony’ (2000) 20 Text and Performance Quarterly 20 at 26). The political motivation of this study is not one of emancipation nor is the study pursued from a marginalized or underprivileged position, such is often the motivation in autoethnographical scholarship (see for example Holt Nicholas L. ‘Representation, Legitimation, and Autoethnography: An Autoethnographic Writing Story’ (2003) 2 International Journal of Qualitative Methods 1). Instead it is that which Orford points to: describing that which is already there for us to see, Orford 2012 above note 11.

27 Thinking subject-formation with Butler implies an ethical demand on the subject to recognise its irreversible interrelatedness with that and those with whom it has taken place, see Butler 2005 above note 9; see also above note 11. The demand to recognise my infinite and irreversible responsibility is a concrete one. My invitation in this article is to do so through autoethnographic practice, the giving of an account of oneself.
1.0 The Gardens Where I Served

There are two separate gardens at the court; one open to *allmänheten* (the public) — the public garden — and the other accessible to employees only: the office garden. They are gardens, courtyards, atriums: open air rooms enclosed by the walls and windows of the courthouse.

From the late 19th century and onwards Swedish courthouses came with gardens. These were often divided into areas according to purposes and their use overlapped. There was the vegetable, fruit and herbal garden serving the families living in the courthouse: *Häradshövdingen*, the chief justice, often occupied the second floor of the courthouse and annexed rooms or buildings housed housekeepers, cooks and janitors with families. The courthouse garden was also a recreational space: a playground for the children living there and a leisure-space for the court’s actors. In contrast to earlier modest architectural style, courthouses at the end of the 19th century were built in a monumental style on large plots. The gardens accompanying these courthouses were designed to convey the presence and message of the central Swedish authority in the often distant locality of the district courts: *law is the ordering presence here and now.*

By the 1920s and 30s annexed buildings no longer appeared and the private parts and use of the courthouse gardens gave way to an enlargement of the official part. In the 1950s courthouses were built in accordance with the modernist ideals of the time making use of the topography of the surrounding nature. The 1950s garden is relatively small, its style urban and ‘official’. The Swedish public garden at this time was bent towards functionalism, simplicity and harmony; it was not unusual for it to display features inspired by the Japanese garden. The articulation of law in this garden follows straight lines and repetition, yet it folds against the smoothness of the meticulously gardened

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28 Löfgren Eva 'Tingshusets tomt: Från villaträdgård till myndighetspark' (2011a) 24 *Bulletin för trädgårdshistorisk forskning* 37 at 37; Löfgren Eva *Rummet och Rätten: Tingshus som föreställning, byggnad och ruv 1734–1970* Rättshistoriskt Bibliotek band 67 Stockholm Institutet för rättshistorisk forskning 2011b at 349 ff. Before the late 19th century taxpayers within each jurisdiction, *tingshusbyggnadsskyldige*, were required to provide land for their local courthouse, meaning that plots allocated for the purpose were on the small side and gardens generally not part of the design.

29 Löfgren 2011a as above at 38. On the simultaneous and overlapping of space (striated and smooth), see Philippopoulos-Mihalopoulos 2010b above note 22 at 210. In an article from 2007, Löfgren notes how the courthouse and its garden are perceived and lived by its inhabitants as their home. In her article an old black and white photo appears glued onto brownish old fashion photo album paper. The snapshot depicts Sollefteå District Court, Sweden: the home of family Turén 1934–1955. Beneath the snapshot, in a childish handwriting, it is scribbled ‘Här bor jag’ (I live here). Löfgren Eva ‘Vardag i rättskipningens pereferi’ in Arvidsson Matilda & Trolle Önnerfors Elsa (eds) *Det Kjell Åkiska: En hyllningsskrift till Kjell Å Modéer inför pensioneringen i maj 2007* Corpus Iuris förlag Lund 2007b p 73 at 73.

30 Löfgren 2011a and Löfgren 2011b above note 28. See also Löfgren 2007 as above.

31 Löfgren 2011a as above at 38.


33 Drawing on Deleuze and Guattari the 1950s garden might be described as ‘striated by walls, enclosures, and roads between enclosures’. Deleuze and Guattari 1988 above note 23 at 420. See also Philippopoulos-Mihalopoulos 2010b above note 22 at 210. The articulation of boundaries, points, zones, and patterns of *logos* becomes particularly apparent in figures 1–3 below. This is the garden of the *polis*, an articulation of state sovereignty in an absolute and tangible sense.
greenery. The 1950s courthouse garden was rarely intended as a lived space; it is ‘un-peopled’ and meant to be experienced from the inside of the courthouse, as seen through its windows.

Figure 1: The public garden at the District Court of Lund, Sweden, as seen through the window of one of the court’s public corridors

The courthouse of the District Court of Lund, Sweden, was originally designed by Swedish architect Hans Westman (1905–1991) in 1956. Inspired by Le Corbusier, Westman aspired to...
unite functionalism with a regional cultural tradition, emphasising the human aspect. The court was designed with a traditional Swedish Lutheran Church in mind. Just as every aspect of the outer and interior design of the courthouse the garden was designed by the architect as a fully integrated feature of the space of the courthouse.37

Figure 2: The public garden at the District Court of Lund, Sweden

The public garden, part of Westman’s original design, is an urban public miniature garden with typical features of late 1950s modernism; decorative, restrictive, square as to its shape, black natural stone cuts the garden into symmetrical smaller squares; natural gray cobblestone enframe the square plant-beds. Each plant-bed hosts its own type of plant. The color-scheme of the garden is modest and changes naturally with the seasons. From early April until late September the garden is designed to bloom one plant-bed at a time. All year round the evergreens stay green. A fountain is placed at one end of the garden, a tall lamp in the middle, and the other end is


37 On Westman see Tägil Tomas Arkitekten Hans Westman, funktionalism och den regionala särarten Arkitekturmuseet Stockholm 1996.
dominated by a gigantic sloping concrete slab with brown-painted metal features hosting the ventilation system of the public part of the court. At its foot, on a white brick mount, a miniature nude bronze woman sits leisurely. A sense of harmony and direction reigns here.

Figure 3: Walking in the public garden, the District Court of Lund, Sweden

Knee-to-ceiling high windows surround the garden on three sides; the fourth is a whitewash and natural stone wall. In the midst of the windows is a garden door — the garden’s only entrance. The predominant use of the garden is as a canvas upon which the court’s actors and visitors rest their gazes while passing by; only rarely does someone enter. It is the epitome of the legally striated urban public garden. My first self-account — ‘The Marriage ceremony: Release’ — is set in this garden.

The office garden emerged in 1971 as a result of an extension attached to the original courthouse, adding office space. Here we find ourselves in a slightly smaller garden than in the public part and this garden hosts significantly less greenery; it is less decorative and it’s zones and enclosures appear less stringent, less bent towards harmony. The design of the office garden comes through as somewhat imprecise. It offers a multitude of possible uses — it does not invite specific directions through pathways or perspectives. This garden has been continuously remodeled due to subsequent renovations of the court: significant added features include two enormous grey metal ventilation tubes.
Figure 4: The janitor K. in the office garden, the District Court of Lund, Sweden

The central open space of the garden is paved with natural rough cobble stone set within four large, slightly askew, rectangles: two smaller ones and two of a larger size. A fifth smaller rectangle, located in close proximity to the courthouse’s original outer wall, hosts a tall lamp, two sets of low bushes and a miniature weeping willow tree. About a meter from the original outer wall a step raises the ground level with about ten centimeters. The step reaches from wall to wall at the lower end of the garden.

Figure 5: The step at the office garden, the District Court of Lund, Sweden
Four garden doors and a larger brown-red natural wooden door make the garden accessible from all of its corners as well as from the original staff exit. Standing in an (almost) ever-shade anonymous evergreen bushes (*lagerhägg* — cherry laurel) press against the white brick walls. Ivy covers much of the original courthouse façade and some of the ground. A somewhat overgrown decorative cherry tree marks the end of the plant beds at the lower right corner — its branches cover parts of the office windows on the second floor.

The wall on which the sun, when it comes out, beats down sports a single thick stroke of lavender plants flowing from garden-door to garden-door beneath ever-closed office windows. This garden is enwalled on all four sides by windows overlooking the staff kitchen, offices, and corridors. It resembles a private garden of a late 1950s modernistic villa put to public use or a public garden turned into semi-private use; a sense of oscillation between straight and chance, between ‘I (must) know what to do’ and ‘I don’t know how and where to walk here’ resides here. It is the space where the everyday conditions of law was lived at the court during my time there. A very tangible oscillation between straight and smooth is taking place here. The second of my self-accounts — ‘Smoke: Withdrawal’ — is set in this garden.

![Figure 6: The office garden, the District Court of Lund, Sweden](image)

Gardening is taken seriously at the court, each plant set apart in its own place, no hybrids, no wild grass and no weed; a sense of order and calm reigns. A private company is currently contracted for the care and maintenance of the gardens. They tend to the two gardens and keep them tidy all year round, peaking during summer when weeding takes place by the week.

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39 The gardening company, Green landscaping AB, is a contracted by the property owner, Vasakronan AB.
40 Minor garden care such as replacing unclean water in the fountain, emptying ash trays or removing occasional litter is take care of by the court’s long-time janitor K.
my two years as a tingsnotarie I never thought much about the gardens: they were just part of all I did, where I were, how I worried. When writing this article, almost ten years after my disembodiment of the office of the tingsnotarie, the gardens have emerged to me in a new sense. They are the particular and localized spaces which I knew so well in my everyday life with law at the court, but they also represent two distinctly different ways of understanding law, embodying law, becoming with law, taking place and being space, being human and carrying out an act of care, thinking about my ethical responsibility as law embodied.

**1.1 Office, Persona, Subject**

The office I embodied at the court — tingsnotarie — is an office of law, a two-year position specific to the Swedish judicial system. The office might be described as that of a court clerk and a judge in training combined. Tingsnotarier are required to take the oath of judges. Duties and responsibilities of the office are set by law and specified by statutory and administrative regulations in addition to the norms and practices set by the culture at the local court. In addition to serving senior judges at the court, regular duties and responsibilities of the tingsnotarie, pursued within the tingsnotaries own authority, is to bereda (prepare) and handlägga (process) cases as well as head hearings. Tingsfjästtgöring (serving as a tingsnotarie) or in popular speech ‘att sitta ting’ (literally to ‘sit’ through, or within, the ‘ting’) is usually done in close proximity to having

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41 The office of the tingsnotarie rarely appears in legal scholarship. When surveying the field for any study engaging with that particular office of law, critically turned or not, for a book chapter on Swedish judicial cultures I wrote in 2009, I found less than a handful of relevant publications; none pursued the critical ambition I was looking for. Since then no new studies have, to my knowledge, appeared. See Arvidsson 2010 above note 26.

42 The oath of judges is found in the Swedish Code of Judicial Procedures, Rättegångsbalken, chapter 4 § 11. It reads, in its official translation (DS 1998:65 The Swedish Code of Judicial Procedure at 28), as follows:
   A judge shall take the following oath before assuming the duties of office: "I (name) promise and affirm on my honour and conscience that I will and shall impartially, as to the rich as well as to the poor, administer justice in all matters to the best of my ability and conscience, and judge according to the law of the Realm of Sweden; that I will never manipulate the law or further injustice for kinship, relation by marriage, friendship, envy, ill-will, nor for bribes or gifts, or any other cause in whatever guise it may appear; nor will I declare guilty one who is innocent, or innocent one who is guilty. Neither before nor after the pronouncement of the judgment of the court shall I disclose to the litigants or to other persons the in camera deliberations of the court. All this, as a honest and righteous judge, I will and shall faithfully observe.” The oath shall be taken before the court or its chairperson. (SFS 1975:1288).

43 The oath of judges as above; Förrådning (1996:381) med tingsrättsinstruktion — especially at §§ 16–18; Domstolsverkets författningssamling DVFS 2013:1 Notarienämndens föreskrifter för notariatstjästtgöring vid domstol. On local practices, judicial and court culture, see Arvidsson 2007a above note 26; Arvidsson 2010 above note 26.

44 Förrådning (1996:381) med tingsrättsinstruktion §16. Bereda is a term invoked when preparing vegetables or meat for cooking or the dough for baking, yet it can also denote the effort of clearing — as in clearing a path. Handlägga is the Swedish words for 'hand' and 'lay' conjoined: literally to lay ones hands on something. In its everyday use to handlägga is to process, take care of and see through to a final decision a case or an official request. It implies a corporeal engagement: to touch with ones hands, to see with ones eyes, to announce with ones mouth. The office of the tingsnotarie thus extends ‘the smoothness [of space] within’ as the body of the tingsnotarie ‘moves between various positions in striated space,’ Philippopoulos-Mihalopoulos 2010b above note 22 at 210.

45 As above at § 17 (1).

46 ‘Ting’ is old Germanic referring the geographical place, as well as the process of dispute settlement and justice in the local setting.
received the Swedish law degree: *juris kandidatexamen.* The *tingsnotarie* is therefore often a young woman (or man) entering her (or his) career as a jurist through the office of the *tingsnotarie.*

Emphasising the *office* of the *tingsnotarie* places it in a tradition of public duty, rights, attributions, rituals, care and responsibility. An office is both an institution and a status. It is determined by its purpose and limits. Historically oaths defined offices, aligning office with State, government or Church, yet at the same time the oaths spelled out the responsibilities of the office. The oath, which in its Swedish contemporary form pertaining to judges includes no criminal or otherwise liability but remains an appeal to conscience, is a means to assess conduct of office: having taken the oath of judges the *tingsnotarie* is responsible for her conduct in office as an impartial, just, honest judge faithful to her office.

In setting out the relation between office and *persona* Dorset and McVeigh posit the *persona* as the ‘manifestation or expression of office — the way a person fills that office’. *Persona*, from Latin *persona*, carries the meaning of a mask, role and person. It originates from the theatrical scene where it indicated the way in which a certain figure is embodied, enacted and played with a set frame (the mask) through which the actor’s gaze and voice flows. Whereas historical analysis of the office often maintain the relation between the physical body and the desired qualities of the man taking up the particular office, contemporary understandings of the *persona* attached to the office of law emphasize ‘the type of character, capabilities and performances that are required to fulfill the office of the jurist *well.*’ (Emphasis added). The Swedish oath of judges as well as the

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47 The popular understanding of *tingsjinstgöring* is one of a particular corporeal subjugation: a highly ritualized, stylized way of embodying law in which moving in and as space through ‘glissando’ and ‘convulsions’ of the human body, Philippopoulos-Mihalopoulos 2010b above note 22 at 211, are not part.

48 Women graduating from Swedish law schools tend to achieve better grades than their male peers. Good grades are needed in order to land a position as a *tingsnotarie.*


50 Condren 2006 as above note 49.

51 As above.

52 See note 42 above.

53 Dorset and McVeigh 2007 above note 49 at 773.

54 In defining what constitutes a person Thomas Hobbes turns to the *persona* describing it as ‘the disguise, or outward appearance of a man’ which reads together with the Greek equivalent *prosopon* — (from πρός pros towards + ὄψ όψ: eye) indicating face, visage, mask, character, appearance and person. Hobbes Thomas *Leviathan* Oxford University Press Oxford 2008 at 89 (emphasis in original).

55 Kantorowicz 1997 above note 49; Condren 2006 above note 49. Ann Genovese rightly points out that women intentionally, and one might add historically and institutionally, have been excluded from the realm of public offices. That has not excluded women from taking part in the practices of self-fashioning flowing from the tradition of the office. Genovese above note 49 at 43.

56 Dorset and McVeigh 2007 above note 49 at 787.
can I live with (my) law?

Yet the persona is not something one has but rather that which one does as a corporeal enactment. It is cultivated through conduct, starting with the practice-oriented classical question of Greek philosophy: ‘how should I conduct a life?’ The life about which this question asks is public life — that of the office. Performing ones office ‘well’ requires a persona through which certain qualities transpire. Personal preferences or faculties of the individual are of less importance. Following this tradition the tingsnotarie ask: ‘how can I live with (my) law?’ It is a way of subjugating myself to law and through that subjugation gain agency to speak and act in ways which are otherwise outside of my reach. The practice of a constant cultivation of ones persona becomes an ethics of office. Ethical responsibility understood through the notion of persona is thus founded on a careful deliberation of transgressing one’s individual self and performing a life in the public as part of public life.

Although often phrased as self-fashioning, or self-care, to maintain and cultivate a persona must not be conflated with that of a self. The slippage between persona and self often appears against the backdrop of a jurisprudence uncomfortable with the self and subjectivity: law and jurisprudence seek out the person, not the subject.

Sharpe Andrew N. Foucault’s Monster and the Challenge of Law Routledge London 2010 at 114. On law’s presupposition of its own foundations generally, see Goodrich 1996 above note 24 at 161. Situating the body in jurisprudence — problematising law’s privileging of mind over body has been one of the projects of feminist and feminist legal scholarship. See e.g. Grosz Elisabeth Volatile Bodies Allen & Unwin Sydney 1994; Gatens Moria Imaginary Bodies: Ethics, Power and Corporeality Routledge London 1996; Genovese 2013 above note 49.

This question and its relevance for feminist jurisprudence of today are thematised in Genovese 2013 as above note 49. See also Goodrich 2004 above note 11. On the cultivation of the persona of the philosopher, see Harrison 2008 above note 7 at 59ff; Haldot Pierre Philosophy as a Way of Life: Spiritual Exercises from Socrates to Foucault Blackwell Publishers Oxford 1995, especially at 206–213 where Haldot sets out to examine the way in which Foucault re-presents the ancient philosophy as a practice in The Care of the Self Foucault Michel The Care of the Self: The History of Sexuality, Volume Three Penguin Books London 1990. Haldot notes that in describing these as precisely practices of the self Foucault is pursuing a project, aiming at and returning to the individual self, which was not that of the philosophers he quotes and discusses.

Dorset and McVeigh 2007 above note 49 at 787. At the court qualities which one had to perform in order to do ‘well’ as a tingsnotarie were neogrammatet (accurateness, exactness, stringency), omdommegillhet (good general judgment) and sammarbetssformiga (ability to co-operate). Qualities which were rarely, if ever, articulated yet nevertheless performed as a way of doing ‘well’ was cleanliness — ‘good’ breath (brushing ones teeth with fresh-smelling paste, chewing fresh mint gum after meals, gurgling with odor-control liquids), no sweat marks on blouses or shirts, and coming to work in the morning after a shower, the scent of shampoo still lingering, was a norm; good physical health and taking care of one’s body — preferably pursued through some sort of sport, though an overtly muscular body were to overdo it; wholesomeness (no torn clothes, no missing shirt bottoms, no physical impairment, no display of wounds, not being single); long term marriage or common law spouse relationships — although non-monogamous relations were part of the everyday life of many tingsnotarier it was important to enact ‘the faithful spouse’ through linguistic practices as well as through decorating ones office with photos of one’s family. See also Arvidsson 2007a above note 26.

Genovese 2013 above note 49 at 43.


See also Hobbes 2008 above note 54. Person is derived from persona and closely aligned with contemporary understandings of persona. The subject that does appear in law and jurisprudence is the one flowing from Latin subjectus, from past participle of sibiare, to subject: sub-, sub- + iacer, to throw (under). This is a subject who is under the rule of
Butler’s notion of giving an account of oneself, I do so in contrast to the tradition of cultivating a *persona*. Although the practice of and attention to reflexivity and self-fashioning of the *persona* might be similar to that of the self, meaning and implications in terms of responsibility differ. Following Butler, responsibility is not something I choose — it does not come with office and cannot be traced to an oath; rather, it has its venue at the moment I come into being as a subject. This is done, argues Butler, through a radical impingement by an other, through an interlocution, on a scene of address. The impingement, and thus the installment of the other in and as part of myself — as part of my unconscious as Laplanche has it — is not a process that I can recall or recover, nor can it be reversed. In other words, I cannot give an account of myself in which I come through as the sole author of my own actions, yet I remain fully ethically responsible. Performing ‘well’ is thus not the bottom line of ethics of the judicial office; it is rather the recognition of the irreversible relation. Care, becoming human, is the practical extension of that recognition. The human condition is thus one of being thrown into this world and being ethically responsible for the other without fully being able to account for the grounds of that responsibility. As Thomas Keenan notes: ‘the only responsibility worthy of the name comes with the removal of grounds, the withdrawal of the rules or the knowledge on which we might rely to make our decisions for us’. The act of giving an account of oneself is not done as an exercise in self-cultivation in order to come through as impartial or just. Instead it is a response, not entirely free from fear, to an original impingement through which the question emerges: *who are you?* In answering that question the subject experiences and exposes her narrative breakdown: *I cannot find my own grounds, I am lost, and I do not know what to do.*

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64 Butler 2005 above note 9.
65 Laplanche 1999 above note 11 at 71. Laplanche notes that ‘the other thing (*das Andere*) that is the unconscious is only maintained in its radical alterity by the other person (*der Andere)*’.
67 Harrison 2008 above note 7.
69 Butler 2005 above note 9 at, for example, 12 and 64. See also Cavarero Adriana *Relating Narratives: Storytelling and selfhood* Routledge London 2000; Keenan 1997 above at 2: ‘It is when we do not know exactly what we should do, when the effects and conditions of our actions can no longer be calculated, and when we have nowhere else to turn, not even back into our “self,” that we encounter something like responsibility’.
2.0 The Marriage Ceremony: Release

I spent my time at the court in a current of hesitations, not knowing where to turn, how to be, where to be, who to be to find release. I hesitated before exiting my office (was my face in order, did it show that I had been crying?); I hesitated before sharing my concerns with a colleague and before subjugating myself to the court’s practice; I hesitated before my own embodiment of law. In session I split off from myself. I saw myself sitting there, speaking, listening, taking notes as law embodied. I took notes of these out-of-body experiences. I registered a dry crackling-fizzling-electric-noise-sensation inside myself as if I, although I was doing nothing but fulfilling my office as a tingsnotarie, was slowly falling apart on the inside. A persistent pain engulfed my body, affecting my respiration as if I was inhaling toxic smoke. It was a slow yet tangible implosion. I found it hard to breathe.

I sought out the garden to find release, to give in to the pull of becoming one with law without experiencing pain. I longed for a garden where law would just gently let people grow and prosper; I was dedicated to the path of law, yet here I was longing for another way of embodying it where I would not pursue a politics so foreign to me, where I would not colonize, limit life or inflict harm; a way of embodying law through which I would not turn into an object unto myself, an abject bearer of rotting flesh.

Although I had glanced at the public garden innumerable times through the white wooden framed windows while traversing the dimly lit corridors of the public part of the court, I only

Figure 7: The public garden at the District Court of Lund, Sweden

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entered it on one occasion. I was there to officiate a marriage ceremony. While in the dark inside the garden seemed to me a space of paradisic life presented to my eyes, impossible for me to inhabit. I jumped at the occasion to enter.

It was a special occasion. The would-be-married had asked to have the ceremony, if possible, in a beautiful surrounding. As the weather on this particular summer day allowed for an outdoors ceremony I asked the couple if the garden would do. Holding hands, they glanced through the windows facing the greenery — ‘It does’, they affirmed. Smiling. There was an atmosphere of anticipation. The scent in the courthouse corridor where we stood looking out at the garden was one of closed doors, of closure, reminding me of my childhood Evangelical Lutheran Prayer Houses; it was the scent of gravity. The court’s janitor K. opened the door towards the garden. We stepped out and into the light.

Light flooded the space and it seemed as if we all grew taller when stepping outside. Beneath our feet black stone lines lead us through the grey cobble stone and into the half-shadow of a large conifer tree. Around us was the greenery of the garden: green next to green, dots of color, all neatly arranged in squares, each square its own plant-world: a new colony next to the other. I had prepared the ceremony meticulously such as it was done at the court. While in my office, I had checked and double-checked *formaliteten* (the formalities): names, dates and above all spelling. I had learned to keep track of the formalities and of spelling mistakes that kept appearing in the writing I did at the court; the legal provisions as such only rarely appeared as a problem on which one had to spend time or effort. The difficult part was to grasp the unwritten laws of how law was done, embodied in all those tiny everyday details determining what, where and who would be recognized as and by law — and getting the details right. First and last my office required of me to be *noggrann* (accurate, stringent). I had prepared and printed the proper document for marriage ceremonies and the secretary had folded a marriage certificate in a white envelope sporting the green-red-yellow coat of arms of the court. I had selected the proper red-brown fake leather folder; it contained a court-internal standardized cheat sheet for the ceremony, the proper names of the soon-to-be-wedded lightly scribbled onto it with a pencil so that their names could be erased and replaced by new ones as soon as the ceremony was over. The cheat sheet spelled out the necessary words for a felicitous end: the words without which there would be no legally valid marriage. Without me enunciating those words law would not enter into force. My proper name was printed on the document, as was my formal titles *vigelförrättare*, marriage ceremony officiant, and *tingsnotarie*. The latter meant that I was acting as a judge, appointed specifically by the chief justice of the court — *lagman* J. — to officiate the marriage ceremony; officiating marriage ceremonies was not part of the general competence of *tingsnotarier* — it was not part of my job.\(^\text{71}\)

The sun fell over her face while his hid in the shade. The place held a sense of tranquility, denseness and anticipation: the garden was open, yet (en)closed; outside yet inside; it was full of gardened life and it embraced me as the body of law. I could name all things in here, I knew how to find my direction. I knew who I was. A soothing whispering filled the garden as the wind

\(^{71}\) Since 1 May 2009, the duty of performing marriage ceremonies does no longer belong to judges. See *Lag 2009:253 om ändring i äktenskapsbalken*. 
flowed through the bamboo bushes. There was traffic at a distance and a hint of exhaust emissions mixed with the scent of damp soil and sun. My suit jacket was not right for the season, nor was it right for me. But it was just right for the court. Acting as judges, we wore no robes or other official garments. Clothes were personal and no formal dress-code was imposed. Although I knew how visible I must be from inside of the courthouse, the others’ gazes from inside didn’t get to me. I felt rooted where I stood. I smiled at the two standing in front of me. I opened my mouth and began to speak the words of law. The ceremony was over within ten minutes.

Was it my childhood wedding fantasies, my naive and romantic law school ideas about law, or perhaps the intoxicating freedom of having escaped the pain inside while still being in my office? Was this perhaps the right place for me: embodying law in the neatly gardened space, taking place, just as I was intended to, and standing on one of its black natural stone paths? Was I trying to make up for the violence I inflicted on myself as well as others through my office? It was a sense of fully being there: emplaced by my office and taking place as myself. I felt no hesitation. As I uttered ‘tager du...’ (do you take...) and ‘jag förklarar er nu för äkta makar’ (I now pronounce you husband and wife), and as I stood in the sun signing the marriage certificate with my proper name I had a sensation of being myself while doing something I knew myself not capable of. I felt no pain, no splitting off, and no lack of orientation. I just followed and through my being, my taking place and my mouth law flowed. It felt, at the time, as if this was the only truly good thing I did at the court. I was performing an act of law while fully being myself. I was overwhelmed and taken by the power of law.

2.1 Smoke: Withdrawal

Figure 8: The office garden at the District Court of Lund, Sweden

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72 Snapshot of the office garden, see also above note 71.
Whereas the public garden was inhabited by plants and paths, serenity and order, the office garden was inhabited by people, unpredictable directions and contesting claims. Every other space in the office part of the court was compartmentalised and appropriated by someone, by a specific office (judges in large spaces, tingsmotarier and secretaries in smaller spaces: each one in her own office — thick white brick walls separating us, gray office doors half closed) or by firmly set rituals (the hierarchy of access to each department’s copying and fax machine; the care for and access to the common coffee machine); the office garden hosted us all. It was the only place where we would all meet. It got crowded. All in all we were about forty employees performing a cacophony of voices, smells, directions and desires. The garden was the space we all inhabited in order to negotiate the vertiginous task of embodying and reiterating, in our multitude of singular individualities, a singular image and imagination of law: law as one (and not manifold) and self-founding — law as a paradisical garden. In its manifold use the garden did not belong to anyone save for its upper right corner: this was the court’s ‘smokers’ corner’ as well as the main entrance into the garden. The emplacement fostered a particular culture in which others must learn how to blend smoothly with smokers in order to pass.

There was, of course, not only people in the garden but also lavender, ivy, cherry laurel, and the miniature weeping willow. But the plants seemed pushed back, silent, and unaccustomed to human touches. The open space that constituted the belly of the garden, where we all mingled, was void of plants. Without the firm support of the straight paths of our office corridors inside we assumed the irregular patterns of the garden: the straight demarcations between our offices became disrupted.

Rådman B. (permanent justice) often headed his department’s staff meetings here. The ten o’clock coffee and occasional department specific Friday bun with cheese and jam was ingested here while seated in blue plastic garden chairs, faded by the sun. Silent as well as verbal battles were negotiated here. Confidential conversations concerning cases took place here. Flirts were pursued here. Judicial mistakes and administrative junctures were sweated over here. Secrets were overheard here. Loneliness was felt here. Plans were conspired here. Laughter mixed here, gluing voices together. Secretaries had their smokes here — sometimes joined by lagman J. He preferred his cigarettes often and filter-free. This was who we were.

Garden life felt at times utterly boring and repetitive, sometimes sticky and confusing: it was never pleasurable. I tried to do my best: I tried to do well. I was in the office garden almost every day. What did I do there? There was no special occasion, no release and no bliss: it was just tedious everyday reenactments of law: physically strenuous and psychologically baffling. It got to me.

Even as the office garden seemed empty of people remnants of human desire lingered. Gazes populated the garden through the many windows overlooking it. Smoke — this peculiar airborne thing, solid and liquid particles and gasses curving in irregular patterns — flowed in continuous intervals from the garden’s upper right corner. The smoke blurred the distinction between outside (garden) and inside (office).

The office garden’s two enormous gray metal tubes, reaching up and above the rooftop, were there to inhale fresh air. Their air was exhaled into our offices after having passed through an intricate ventilation system hidden beneath the skin of white brick walls and sound-cushioned
ceilings inside. The fresh air tubes had been designed in proximity to fresh air. Standing in the midst of the smokers’ corner the right tube did its job and inhaled; as its exhalations filled our offices the smoke licked our hairs and clothes, rested there and seeped into our bodies, slowly filling our lungs. It was a matter of minutes between the gathering of smokers in the garden and the exhalation engulfing us all. We waited in silence — sometimes standing together in the office corridors where the air seemed less hard to breathe. The smoke was the excess of pleasures enjoyed in the garden. Reactions on the inside differed. One fellow tingsnotarie — L. — used to softly close her eyes when the smoke arrived at her office; she was taken by the sensation of being enmeshed in the unrestricted love and safety she knew as a baby inhaling smoke through her baby-blanket. Her mother had been smoking her way through motherhood. An office away from her another tingsnotarie — C. — tried to hide her pregnancy and morning sicknesses. She was still in her first trimester.

I tried to take note of my attempts to take place in this garden: passing, remaining, withdrawing, inhaling, exhaling, yet I did not find a way to do it all. I could embody the rituals required in session, even though they were painful. But in the office garden I was impinged on. I couldn’t predict the ways in which law took place here. I felt pushed and pulled — I found no paths for my feet to follow. I found myself not knowing what to do or where to turn.

Restless and without a direction I tried to get out of there; I was gasping for air. I couldn’t breathe. I couldn’t get out, I couldn’t stay in. I had taken up this office by my own will. Embodying it I found myself in a current of hesitations — a sort of stutter engulfing my entire being. I found myself embodying law without being the author of my own life. I sensed some sort of inhumaness taking root in me, as if I had lost sight of myself and my human care. I had become an assemblage of limbs and un-dead flesh and gazes and sensations and directions that others had rehearsed before me and which I now enacted.

Before disembodying my office and leaving the court I went for a walk, slowly working my way towards the office garden. It was empty. I opened the door at the upper right corner and stepped out into the open air. I let my gaze wander from window to window, sweep over the lavender, resting for a moment on the roughness of the cobble stone, to continue up, up towards the tip of the right grey metal tube. I tried to sense what was going on. The sky was blue. The air was light, the weight of gazes heavy on me. What was I doing here? What kind of law was I embodying? Who had I become? What were my thoughts, my sensations, my being? It was just blank. I just wanted to get out of there.

3.0 ‘I JUST WANTED TO GET OUT OF THERE’

My embodiment of law through the office of the tingsnotarie proved a painful experience, epitomised by a sense of loss of self and failure in remaining firm in recognition of my ethical responsibility and staying human in my care. I did not do well, I was not feeling well. Pursuing the
well rehearsed rituals of law was an exercise in pain: I split off and fell apart.\textsuperscript{73} The notes I took on my own decomposition, my partial turning into an object I could not recognise as myself,\textsuperscript{74} was not simply an academic exercise in autoethnography: it was a way of spacing in the Derridean sense, indicating movement and irreducible exteriority.\textsuperscript{75} It was a way of trying to get out of there while remaining inside: being law while remaining myself. The loss I experienced — loss of direction, limits, and self — was disruptive. It appeared so strange to me that I wondered about the sanity of it all.\textsuperscript{76} I had been impinged on, trespassed, and I experienced a lack of orientation: who were these others who impinged on me? How could I transgress my self in an extension of human care? Who had I become? How could I live with (my) law here? These questions do not distinguish between a life in the public and the ethical self. They called on me to give an account of myself, to recognise and remain human in my care, they still do: \textit{How can I go on living with (this being my) law?}

Release is the epitome of my embodiment of law in the legally striated garden of in the public part of the court. In this garden I found myself \textit{inside} of its enclosure, it embraced me and I grew tall.\textsuperscript{77} While being an enclosed space clearly marked by borders its’ intense energy drew on the ‘whirl around its edges’\textsuperscript{78}: the garden’s order, cultivation, and direction poured through the windows and into the courthouse. Law inhabited this space through what Philippopoulos-
Mihalopoulos names fixed points and ‘tight measurements of distance and proportionality’: meticulously maintained, repetitive miniature enclosures. 79 This arrangement of space is what gardening literature proposes as typical features of the Swedish public 1950s garden. 80 Architect Westman’s 1950s original design of the public garden called on me as the administrator of law: it invited me to follow my cheat sheet, to go along with its paths, to become one with the garden’s space. 81 I had no doubts and no questions about my responsibility emerged to me in this space. Law ‘fixed space’ here — it fixed me. 82 I could give in to the overwhelming pull of becoming one with law. It didn’t hurt: it was a gentle brush of green bamboo and ornamental grass against my skin, my body bent in harmony with and against the smoothness of plant-life so neatly controlled by the beautiful black natural stone of the straight paths there for my feet to follow. 83 It felt paradisical and I was overwhelmed by bliss. What was my care in this garden, my humanness? I did ‘well’ as a tingsnotarie here but did I give more, as Harrison emphatically insists is the basic ethical principle flowing from the practice of gardening, than I took away? 84 I took pleasure in the release, but did I take care to recognise my ethical responsibility as a human being? Can I live with this being my law?

If release is the epitome of my embodiment of law in the public garden loss is that of the office garden. This was not a pleasant or particularly inviting garden even as it had its own beauty: it made me deflate. It was a crowded space of irregular patterns and multiple bodies colliding: at first it seemed open (to me) — indeed it looks like an open space where plants had given room to people — yet the many possibilities of how to embody law there created a ‘polivocality of voices’ 85 which became increasingly difficult to navigate. My embodiment of law, my taking (up a) place in the office garden, collided with that of so many other bodies wanting to take up the exact same space, or perhaps to take up space in a way which impinged on that of the other, on me. 86 The carelessness with which law was embodied in this garden baffled me at first, then it enraged me; finally it made me desperate for a space in which I could remain in contestation. Law was not a means but the goal in this garden. It was not a law I could live with. Still, this was where I was and what I was part of. Someone or something had to withdraw in order to make life with law viable. 87 The roughness of the repetitive crashes and the toughness of the viscosity of competing wills overwhelmed me. Loss appeared gradually and increasingly. I was thrown into a surreal

79 Philippopoulos-Mihalopoulos 2010b as above.
80 Löfgren 2011a above note 28; Lagerberg Fogelberg and Fogelberg 2011 above note 32.
81 The 1950s is the time-period of the Swedish folkhem (the peoples’ home), the national political vision of a welfare society authored by the state and embodied by all. The folkhem-judge is a tjänsteman (a civil servant) dedicated to the disembodied administration of law.
82 Philippopoulos-Mihalopoulos 2010b above note 22 at 207.
83 As above.
84 Harrison 2008 above note 7 at 33.
85 Deleuze and Guattari 1988 above note 23 at 421.
86 At this juncture the impingement of the self by the other takes place, Laplanche 1999 above note 11 at 72.
87 Philippopoulos-Mihalopoulos defines spatial justice as the ‘command to withdraw yet remain,’ Philippopoulos-Mihalopoulos 2010b above note 22 at 211. A radical demand is thus extended to remain in interrelation, in oscillation as we take place. ‘Spatial justice’ Philippopoulos-Mihalopoulos notes, ‘is in-between the two bodies, the one that moves into the space of the other and the other whose space is moved into.’ (as above at 212).
exposition of borders dissolving (inside/outside, garden/office, law/non-law, self/office, animate/inanimate); the contour of my body extended and spread its boundaries\(^{88}\), yet the way in which the garden and its inhabitants extended into me filled me with fear, it felt toxic and extinguishing. It was like the smoke. The air had turned into smoke reminding me that air is ‘thick’; always there, determining me without me noticing it.\(^{89}\) Corporal automatism, the function of my own body staying alive, made the smoke part of my self. It felt treacherous. It felt as if we all forgot about our humanness, our care — or perhaps we had forgotten where to turn our recognition and care. Even the plants wanted to get out of there. Distinctions and axioms I had trusted to see me through my tingstjänstgöring seemed useless as I tried to figure out what to do; I returned to the oath of judges to reiterate what I had signed on to when taking up my office. It offered me no ground and no direction. I did not know what to do. At precisely that juncture the question of responsibility emerged: ‘No grounds means no alibis, no elsewhere to which we might refer the instance of our decision’.\(^{90}\) What garden am I trying to pursue here? No ethical code of any office can provide an answer to such a question. I took notes of it all, trying to create a space through which I could inhabit my office through practices of inscription, waiting it out, wanting out.

Trying to get out of there was not as easy as it might sound. Autoethnographical convention has it that getting out of one’s field is not done as a simple geographical exercise: there is no proper exit. Similarly there is no reversal of the impingement of the other; that which had taken place as a radical alterity in me cannot be revoked.\(^{91}\) Two years can be the longest of times. I had become law and although I cannot not make a full account of who I have become, of who I am, I know myself to have been altered by the experience.

4.0 Conclusion

When thinking the embodiment of law through the garden sensations, images, and fantasies are brought to mind. However, the garden, as much as it occupies our imaginations, remains a figure of corporeal practices, a process of emergence and of taking place in a material sense. The garden responds to seasons and elements, to human and non-human animals — our corporeal enactment of it: how we take place and act in care as an extension of the realisation of our ethical responsibility.\(^{92}\) In the oscillation between imagination and corporeal materiality, in our attempts to create a garden designed to bloom according to our desires, Harrison’s distinction between the paradisical imaginary garden — where no death can enter and thus no life thrive — and the

\(^{88}\) As above at 211.
\(^{90}\) Keenan 1997 above note 68 at 1.
\(^{91}\) Laplanche 1999 above note 11.
\(^{92}\) Harrison 2008 above note 7; Butler 2005 above note 9.
The garden as fencing (off), ordering, cultivating a direction authoring and authorising, part of man’s domination over the other seems part of an imagination, embodied and enacted in a material sense: part paradise and part earth. Law in a similar vein closes upon itself in recourse to the fantasy of self-foundation: a garden of law fencing off non-law, authoring the world, cultivating civilization. While reenacting the orderly, paradisical, imagination of law as self-founding through linguistic practices (both jurisprudents and justices write and speak (about) the law in this disembodied fashion) we simultaneously embody law through our carnality, our material corporeality, our desires, and our lives and deaths. Indeed, there is no law without edges that ‘whirl’, no striated articulation of law that does not fold against the smooth, no direction which is not contingent on chance, and no authority without loss of grounds. Peter Goodrich traces law’s (en)closure to its Latin root claudo meaning close, end, but also death. At the root of the seemingly self-founding law we thus find its dependency on death — the process of decomposing organic tissue through which life springs: we find the conditions of the humanly created garden.

To take up an office of law, such as I did when serving as a tingsnoterie at the court in Lund, Sweden, is to embody law not entirely unlike Harrison’s human gardener. It is an emphatically practical endeavor. We refer to judges and lawyers as ‘practitioners’ of law: they have a special duty to name and cultivate, to take care of law and reenact its limits. Offices of law require of, and instill in the person, certain skills: noggranhet (correctness, stringency), upphållighet (endurance), omdömesgillhet (good judgment) and lojalitet (loyalty). To take up an office of law requires subjugation to legal and administrative norms, as well as to the particular practices in the localised setting. Authority to act — agency — flows from that subjugation; responsibilities are set out or implied, conduct of office is measured against codes of conduct. But to take up an office of law also requires care — it requires humanness. While being a well rehearsed point I still find it called upon to stress that care and humanness implies something radically other than good judicial conduct, or to do ‘well’ within one’s office. It requires of me to recognise the relationality between myself and my other — a relationality that remains partly opaque to me —

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93 Harrison 2008 as above especially at 1–12 and 135–148.
95 Harrison 2008 above at 57.
96 Deleuze and Guattari 1988 above note 23 at 421; Philippopoulos-Mihalopoulos 2010b above note 22; Philippopoulos-Mihalopoulos 2013b above note 22.
97 Goodrich 1996 as above note 24 at 161.
98 Harrison 2008 above note 7.
99 As above.
100 See above in this article ‘The Marriage Ceremony: Release’. See also Arvidsson 2007a above note 26. Gardening as an education, see Harrison 2008 above note 7 at 33.
101 Butler 1997 above note 61.
102 Dorset and McVeigh 2007 note 49 above. See also Arvidsson Matilda ‘Who Happens Here? Ethical responsibility, subjectivity, and corporeality: Self-accounts in the Archive of the Coalition Provisional Authority (CPA) of Iraq’ (2011) 8 No Foundations: Journal of Extreme Legal Positivism 71 at 82.
103 Harrison’s central argument revolves around care as a practice of humanness both expressed through and learnt from the vocation of the gardener. Harrison 2008 above note 7.
104 Dorset and McVeigh 2007 note 49 above.
as the foundation of my ethical responsibility within my office. This binding cannot become undone or reconfigured by cultivating a persona through which law is enacted. When thought in this way the question of how I can live with (my) law implies something beyond the classical question of fashioning a life in the public as a public person.

My invitation to employ autoethnography as a practice of ethics when pursuing an office of law is asking both much and little. It is an invitation to become a constant gardener and to remain constantly attentive to ones practices. To write as a means of spacing (employing autoethnographical method or otherwise) makes it difficult to give in to pleasures and become one with one’s office — to become one with one’s law. Such an effort does not provide answers but rather invites questions. My own writing has proven a way for me to recognise and think about my ethical responsibility and my embodiment of law, here and now in an infinite presence, as I tend to new gardens of law and non-law. In a sense I never left the gardens of the court. I keep embodying law, though elsewhere and differently. I keep returning to the gardens in writing and I keep constant in my care. I keep returning to law — just as the garden — as being a man-made, spatialising and corporeal effort. The notions of limits, enclosure, order, cultivation and authority does apply to much of my writing and thinking about law, but so does a sense of the gardens of law as spaces of chance, possibilities and multitude. The law of the polis, the striated law of points and zones and enclosures which I found fixated the public garden as well as myself and my imagination of law, always folds against the smoothness of the living: pulsating bodies and gardened greenery — also so against the wild grass. The disorientation and loss I experienced in the office garden is part of what it means to live with (my) law: to collide into others, to withdraw and remain, to alter space, to take place differently, to author and recognise, and to keep realising other ways of (un)making and inhabiting law’s gardens.

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106 See Genovese 2013 above note 49.
107 Philippopoulos-Mihalopoulos 2010b above note 22 at 210.