

Flat Ontologies, Law and Its Ontology – Description for the General Public (in English)

What really makes up the contemporary law, the law of the Western or the Global Northern countries? Is it the texts of legal acts created by legislative bodies, or also certain human activities, similar ways of thinking and intentions as well as specific institutions? Or maybe the law is not only because of the texts, people and their actions towards each other, but actually the law exists also thanks to buildings, minor material objects, such as paper and writing utensils, or finally whole infrastructures, such as electric or the Internet? If the law is composed of many parts, and also those that cannot be reduced to the text, language, activity of people, or their mental states, how do all the components of law relate to each other and to the greater whole they co-create? Is the law reducible to its components, or is it as a bigger whole inexplicable by the characteristics of individual parts, or even the sum of these parts? If Western or Global Northern law exists because of objects and whole material infrastructures and also refers to them, then what would happen when they are gone, modified or destroyed? For example, are electricity interruptions indifferent to law, its existence and functioning?

From the perspective of the current dominant ways of thinking about the law in legal sciences, the above questions can be considered surprising and unusual. The vast majority of ontology of law – a field of research treating about what the law is, what is its most basic characteristics or composition – addresses the law through the prism of such human behaviors or properties as intentions, common ways of thinking in the population, social conventions, institutions or imposed meanings. Other components of the world, such as material, natural or artificial environment, even if directly taken into account, most often are treated only as the basis for meanings or social practices, and not as something that can even enforce their rapid changes or transformations. On the other hand, such a view of the world is offered by so-called flat ontologies, widely commented on in contemporary humanities, philosophy and social sciences. They are theories about the composition of the world and entities existing in it without any elevation of any category of being over the other. In the light of flat ontologies, for example, one should not treat human and its properties or activities as categories more important than other elements of the world, only everything should be treated as equally important. It is from the perspective of flat ontologies that it seems doubtful to exalt people, their properties and actions in the explanations of what the law is and what it consists of. Instead, flat ontologies suggest that every element that actually co-creates a complex phenomenon of law should be treated seriously and on an equal footing with the components directly related to human, its actions and social relations. It is flat ontologies that inspire the above questions.

“Flat Ontologies, Law and Its Ontology” project is the first attempt to confront a very inspiring and widely commented way of thinking – flat ontologies, on their selected examples: Gabriel Tarde’s monadology, Bruno Latour’s actor-network theory, Graham Harman’s object-oriented ontology, Manuel DeLanda’s assemblage theory and Karen Barad’s agential realism – with contemporary law and how it is grasped by the more well-known ontologies of law. Such a confrontation – based primarily on a focused, critical analysis of literature – is aimed at answering two fundamental research problems. First of all, are flat ontologies actually all-encompassing frameworks and are therefore adequate to contemporary law? Next to that, in what sense should flat ontologies be of interest to representatives of legal sciences or other scholars dealing with law and basic questions about ontology of law? The hypotheses of the research project are as follows. The law, due to some of its properties or components, is a problematic subject of analysis for certain flat ontologies, and thus it cannot be said that they are fully adequate to the law. Nevertheless, they constitute a large and valuable inspiration for legal sciences, pointing to new theoretical problems for them, but also suggesting new ways of thinking about law of practical significance. Ultimately, the project aims to eliminate the clear gap between flat ontologies, that have been widely commented and applied in social sciences, and legal sciences and ontologies of law, that so far clearly failed to establish a broad dialogue with various distinguishable flat ontologies. This is beneficial for both sides of this confrontation.