

Autumn Weekends: An Essay on Law and Everyday Life

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I was asked to write an essay on law and everyday life shortly before departing for Lisbon to attend the establishment of the International Jurists Platform on East Timor. I completed the draft several weeks later after returning from a trip to Madrid for a meeting of the Academic Council of the Royal Complutense College, established some months previously. My reflections on law and everyday life were focused by the contrast between these two experiences—a moment of international institutional establishment in a project of advocacy and a moment of institutional management—and by my movement from one to the other.

In the first, the law and the everyday seem separate, struggling for connection. This was a weekend of organization for legal activism, of earnestness about justice and cynicism about politics and the bureaucratic form, a weekend sharpened by awareness of the distance between law's promise and performance, between the pain of everyday life and law's imperfect tonics. Ours was the work of the metropolis, a machinery of international norms and institutions mobilized for deployment on the periphery. In the second weekend, law and the everyday seemed complacently intermingled. This was a weekend of international legal routine, calling for neither idealism nor realism, through which law and everyday life might stroll untouched by the

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heroism of norms or the spectacle of a life beyond law's order. This was a cosmopolitan weekend, in which the courtesies of international management displaced the awkward political realism of an activism preoccupied with (opposition to) local sovereignties.

Together, these weekends present a movement from the isolation of expertise, with its anxieties about effectiveness and complicity, its rigid roles and stereotyped relationships, to the looser pragmatism and contentment of membership in a constituted institutional environment. The first, preoccupied with its effort to bring law to bear on social life, may interpret the second as law unmoored from the "realities" of everyday life, or as a bureaucrat's everyday unmindfulness of law's higher normative vision. The second is likely to see the first as either quixotic or ideological.

Each traditionally offers a place for the skeptical modern observer/participant and each forms part of the modern international lawyer's everyday life. As international lawyers, we rove between them, struggling to merge normative and institutional identities. As observers of modern culture, we hoist each on the petard of the other. The activist's faith seems foolish, his cynicism bitter; the bureaucrat's routine uninspired, his complacency immoral.

I. The First Weekend

Scene One: Setting It Up

The establishment conference for the International Jurists Platform on East Timor, a smudged xerox affair from the start, unfolded as a cantilevered jumble of lawyers, activists, local and international metropolitans. As I understand it, the project began with Pedro, a Portuguese lawyer working in the Netherlands as an academic of some sort. Pedro had been interested in East Timor since his days at law school in Lisbon, had written about the human-rights violations that had taken place there since the Indonesian occupation and had identified a network of human-rights activists committed to East Timorese self-determination.

East Timor had been a Portuguese colony until the revolution of the midseventies and continues to figure in the political imagination of the Portuguese as a nonpartisan and rather distant test site for the nation's honor and humanitarian commitment. The struggle for

East Timorese liberation from Indonesia might somewhat redeem Portugal's colonial experience, both confirmed (for East Timor is distinguished from the hundreds of other cultures and islands within Indonesia by the boundaries of Dutch and Portuguese administration) and cleansed by righteous defense of self-determination and international human rights.

In an elaborate bank shot, Portugal had recently sued Australia in the World Court over Indonesian treatment of East Timor. The legal issues are probably too procedural to ignite the imagination: does Portugal, as the ex-colonial power, have standing to bring a claim on behalf of the East Timorese; does Australia's entry into a treaty with Indonesia to divide the seabed resources lying between East Timor and Australia give rise to a claim against Australia for recognizing an illegal occupation, and so forth. Nevertheless, it seemed reasonable to establish the Jurists' Platform as a legal person in Portugal in part to situate international legal work on such issues in a knowledgeable cultural milieu. I quickly discovered that everyone in Portugal, like longtime activists, knew to drop the "East" when referring to Timor. In Portugal, moreover, Pedro could implement his plan for an international institution among old friends.

Pedro's idea for a Jurists' Platform borrowed a leaf from the international nongovernmental human-rights community, an assortment of nonprofit foundations, research centers, advocacy groups, and religious organizations. Some of these groups are general, some issue focused, some academic, some litigious, and many are focused in the Netherlands. All circulate around the large intergovernmental organizations of the U.N. system to one degree or another, and all share a number of institutional features: an international membership, an international board, an executive director, a small staff, and so forth. There is a great deal of overlap among the players in this community—the members of one organization may well be the staff of another and so on. The Platform of Jurists for Timor, as Pedro imagined it, would replicate these features to provide a focal point for what would become "our" activity on behalf of Timor.

To inaugurate the effort, Pedro had worked for over a year to identify potential participants and fund an opening conference. I first heard about his efforts from a former doctoral student of mine at Harvard Law School who had returned to Lisbon to teach international law. Paula had called some months before to ask if I and a

colleague from Boston would be willing to come to Lisbon to participate in a conference on East Timor. I had said yes in large part out of friendship and respect for Paula, although I suppose also at least partly because I had never been to Portugal.

I had not participated in the more activist side of the international human-rights movement for some time. During the international human-rights boom of the late seventies and early eighties, I had experienced much of the international conference scene as somewhat tawdry and disappointing, had written up my skepticism about international human-rights institutions and advocacy and departed the field. Much of my frustration stemmed from the oscillation between private cynicism and public piety that characterized many of the international lawyers and bureaucrats I had met in the field. My expectation that either the solemn declarations would be fulfilled or the private criticisms be made public was disappointed often enough that I developed a jaded professionalism and lost interest.

I agreed to go to Lisbon partly to see whether things had changed, whether there had come to be others frustrated with the traditional professional posture who might connect with one another at such an event. Substantial criticism of human rights had meanwhile reached the academy from the Left and the Right, and I wondered whether any of this had reached the activist community, whether there was, or might come to be, a different form of activist culture in the international law.

Paula had also invited a Boston area specialist in self-determination who was completing a study of cultural modernism in international law. We enjoyed one another's company and often found ourselves reflecting similarly on our profession. It seemed an ideal opportunity to rethink my relationship to international law advocacy. As for Timorese self-determination, there seemed many reasons to favor it and little to be said on the other side.

It is hard to get very far thinking about such an experience in terms as abstract as *law* and *everyday life*. From the vantage point of my Cambridge everyday, there is always, of course, an element of fantasy in such events. For activist missions, there is the fantasy that trips to the site of law's deployment will be magic journeys, full of fabulous characters and novel engagements, escapes from the routines of everyday life in the academy. This sort of fantasy distracted my focus from the establishment of a Jurists' Platform toward the

advocacy for which it was the intended vehicle. This is a simple fantasy—law promises to get you there, take you higher, make it real. Be there or be square.

For the earnest advocate, law relates to the “Timor situation” as norms to facts, a simple program for action: international human rights norms are to be translated into everyday practice in Timor. Where everyday life strays from the law, activism will bring them together. Of course, for the cynical advocate pondering the stilted language of “self-determination” or “human rights” and the daily life of Timor, the same normative vision may seem half empty. In either case, the fantasy of law’s application frames law as something fabulous, abstract, even magical: words that become deeds. Law as an instrument of social change, a force for freedom, and so on.

This fantasy touches the institutional work of establishment that precedes direct advocacy. The constitutional moment is always a mystical one, lawyers gathered to make law and constitute themselves as activists in its service. Thinking about going to Lisbon, I couldn’t help feeling that even if I did not participate in the normative mopping-up operation of later advocacy, having been present when lawyers came together as members of a Jurists’ Platform, united with a calling, I would have been part of, prior to, whatever activism ensued. At the very least, this sort of thing can sometimes be cashed in for political correctness points with students and colleagues.

Focus on the conference itself brings law’s internal mechanisms into the story, contrasting the directly apprehendable language of international norms with the elaborate institutional machinery of international law’s interpretation or implementation. The contrast suggests a chronology, progress forward from the everyday clarity of norms to a more speculative institutional site for their interpretation, application, and enforcement. An establishment conference straddles these two moments, providing the link between a normative everyday and future institutional pragmatism. Forward ever, backward never.

Focus on the international lawyer himself shifts the image of law and the everyday yet again. I think about myself going to Lisbon—I may become magic, an objective expert, a professional agnostic, a temporary interloper, a generalist, formalist, bringing world public opinion, world public order, the rational and the reasonable into the continuing everyday of Timor activism. As a lawyer, I will be more

than my everyday. Of course it is not so simple. I remember past experience. Even with daily discipline the law often disappoints, becomes a messy affair of airports and fax machines, doctrines, and deadlines. Still I can be hopeful.

Lawyers remain divided between the transcendent idealism of their normative vision and the institutional grind of legal practice as well as between the programmatic aspirations of legal institutions and the tedium of doctrinal interpretation or document drafting. And like other professionals, the international lawyer earns his keep as a ventriloquist, throwing his legal idealism forward from the realism of his everyday.

Characters in a Jurists' Platform might stabilize these internal fantasies by reference to the ground of a "Timor," the client, the base, the terrain of interpretation, application, sanction, and struggle, perhaps especially to the touchstone of visible violence. This can be prurient, it can be pornographic. The activist arranges his polemics and tactics, his righteousness and his realism, to assure the transparent representation of a struggle at another site, the site of the Timorese everyday. For this, St. Timor in agony must be seen. And Timor also sees us, imposes self-discipline. For the lawyer, the mystically receding client operates as a reader of last resort.

As I look back, the Platform seems a kaleidoscope of form and fancy: lawyers and activists, doctrines and institutions, dreamers and tacticians, all refracted against the backdrop of another country and culture, a Timor beyond the exchange of word and deed. Of course, all this was a bit unfocused on Saturday morning when I arrived in Lisbon. Having had tickets for Natalie Cole the preceding Thursday, I left only on Friday and arrived in Lisbon after a somewhat disorienting stop in the Azores just as the conference was starting Saturday morning. The meeting was held upstairs in a downtown religious cinder-block kindergarten from the sixties—ubiquitous Papal insignia, institutional walls and food, dozens of Portuguese children. Inside were perhaps a hundred jurists and activists.

Scene Two: The Entrance

Although Paula reassured me with a wink from the dais, as I entered the conference site to begin my weekend with these people I had the uneasy feeling of arriving in an ongoing conversation among strang-

ers. My cross-cultural anxiety was probably heightened by the fact that they were already there and I was arriving a bit late. And by the unexpected presence of so many Catholic children in what was to have been a project of secular professionalism. As a law professor new to Timor, I imagined the others as committed lawyers and activists, sharing a canon of histories, doctrines, and atrocities that I would come at best to recognize, if not learn, by the end of the conference.

As I walked in, it would have been hard for those already in the room reporting their "work" on Timor not to have had a more immediate and ongoing relationship to Timor-the-conference-topic than I. Although I had asked some students to pull together a packet of legal literature on Timor to read before dozing on the plane, I was still pretty much a blank slate as to Timor. In a way, this relative ignorance came naturally to me as a lawyer. Nothing like ignorance, blind justice, to distinguish the law from everyday plays of power, passion, and prejudice, and I have often been asked to participate in things because I don't know much about them or haven't written about them. Human-rights junkets to places like the Mideast are always looking for someone who is neutral but whose sympathies can be predicted.

In such events, professionals typically start off serious about roles, loosening ties or removing jackets only later. I entered the room as an attorney, interested to begin a relationship with a group of clients. If there turned out to be any Timorese in the room, I could be their lawyer. For the activists, I might be law to their politics. We might think of the jurists in the crowd as in-house counsel for Timor and I as outside counsel. At the threshold, I constituted the group against my identity as a lawyer, a generalist, an internationalist, above all, someone who legitimately didn't know much about what was to go on. Perhaps this is how it is whenever the lawyer enters the everyday, a man at an airport with a passport.

This messianic or metropolitan posture—a lawyer gone to activism, the general arrived in the specific—brings with it some predictable, even clichéd, resentments. The lawyer not as midwife to justice, but as formalistic distraction from activist passions, agnostic in his commitments, apologetic for imperial power, complicit in things mundane. The first thing we do is kill all the lawyers, etc. At this early stage, the international lawyer has two strong defenses against these entailed resentments. On the one hand, one may simply assert

expertise, the power of the objective, the scientific, the broader reality of an international community, of a law that renders any everyday petty. On the other hand, and hopefully simultaneously, one may search for common ground with activists and specialists in an earnestly shared commitment to our clients in Timor.

Harmonizing these defenses may be difficult, a matter of discretion more than valor or expertise. Professional ethics for lawyers is largely a matter of juxtaposing mandated disclosures and confidentiality to reconcile fealty to law and client. Tensions remain, and in my experience it is good to get beyond these early moments of "lawyers" and "activists" as quickly as possible. Well-established and mannered participants leave such roles at the door, background to conversation.

The next morning, when I thought we had long since put such things behind us, a peach-skinned activist responded acidly to a lawyer's description of the local disco by mentioning her own evening at a "solidarity meeting." It was a bit rude. But we lawyers could always think of this as naive, and I suppose they could always think of us as cynical or parasitical. At the start, I was reassured that the lawyers were thought needed and had been invited. This was after all to be a Jurists' Platform, constructed as a focal point for legal work on behalf of the Timorese, a site for representation rather than solidarity.

If such differences usually fade only after roles have given way to interpersonal reconciliations that merge private ambitions and public commitments, amused cynicism with shared polemics, sometimes, if only briefly, a more public reconciliation may seem possible. I felt that flicker in the person of Pedro—earnest, activist, lawyer, mobilizer of the metropolis, link to the periphery, Portuguese and Dutch, at once lawyer and client. He was more than just a role and seemed to yield no purchase for cynical connection. Could we ever be that committed, that certain of our direction? In a way he seemed to have achieved personally what we hoped to achieve as a group over the course of the weekend together—to become one with our mission and with one another. Perhaps, together in a Platform we might find the determination and clarity that eluded us alone.

It seemed right that he should be extremely busy, somehow always just a bit unavailable, attending to some detail that would keep the conference afloat, to some dignitary who would grace our

meeting with meaning. It wasn't necessary to speak with him, it was fine that he was kept busy. It was enough that he was there, had brought us there, that we were all his guests, his friends. I knew Pedro only as a name at the end of a fax machine when a good friend of his from the Netherlands picked me up at the airport. He provided a first conversation for any two arrivals, how had we come to know him, what was he really like. If he had conceived the Platform to multiply his advocacy, our goal in joining was also clear: to become more like Pedro.

Scene Three: The Early Work of Establishment

I had come in and sat off to one side just as the first plenary broke into "working groups" to consider litigation, human rights, education, drafting a constitution for the Platform, and some forgotten fifth topic. Having done the constitution drafting at another such conference some years before, I joined the litigation group, thinking, in the light of the ongoing ICJ case, that it might be more interesting. Besides, the constitution-drafting group seemed a distinctly dull crew of Pedro's more earnest Portuguese acquaintances.

A few minutes after we started, Pedro pulled me out of my working group for an interview with Portuguese television. Through the authority of expertise, I would establish the Platform in the media somewhat in advance of our own constitution by reference to two vague alternative sites: world public opinion and Timor. A charming reporter said she would have a few question about the U.S. position on Timor and my sense for the legal issues underlying Portugal's position in the ICJ. Such an interview at this stage would have to be a very generic performance. It would only be later, much later, late the following afternoon at the closing press conference that nuanced expertise, the formal opinions of the Platform and results of our deliberations, would be available to be voiced.

Her camera man turned on the lights. What was my assessment of the U.S. position on Timor? Looking back on it, I should admit that I had no idea what the U.S. position on Timor might be—where were we on Indonesia these days anyway. I flashed rather unhelpfully on nuclear ships and New Zealand. But even if a lawyer is supposed to be neutral, he is not supposed to be totally in the dark.

I said I had, of course, wished for a more forthcoming attitude

from the State Department on Timor (don't they always disappoint), but that in light of the newfound enthusiasm for international law and institutions in Washington (brief invocation of Kuwait, the Berlin Wall, the New World Order) we might see more. This is what made initiatives like that of Portugal in the ICJ all the more timely and important. Did I expect Portugal would win its case? There were certainly a number of crucial procedural hurdles, and the case would need to be pursued diligently, but the importance of the norms involved could hardly be overstated. And so on.

We had to repeat the whole thing with the camera pointing the other way and without sound, so I asked her a number of questions about life in the media, in Portugal. And later that evening, there I was, a talking head—not savvy, it was really too early in my Timorese immersion for that, but on TV all the same, dubbed into Portuguese and discussing, somewhat prematurely, the work of the International Jurists Platform for Timor.

As the conference got going, it would surpass and confirm these media highlights. At the start, it was quite explicitly the work of the Platform and of its establishment conference to connect with Timor and the outside world precisely by narrowing the gap between the law, with its norms, and the everyday, with its violations. On this, each of the plenary speakers was more earnest and eloquent than the last. We would take law to Timor, make the international law regime practical, demonstrate its relevance, milk it for all it was worth. By about 11:00 A.M. on Saturday morning, of course, these statements had lost much of their punch, and speakers turned like sunflowers at midday to increasingly practical points. And it was in this spirit that we moved to our working groups.

Nevertheless, a general activism was our shared and public agenda. We had put it on grant applications to fly to Portugal, and we would promise at least ourselves to do something about it later. The conference working groups reflected this sentiment: we might choose to assist in litigation, devising tactics of enforced compliance. Perhaps we could get an injunction, or start a shareholders suit involving some oil company. In the education group we could harness the great sanction of public opinion. The human-rights group could feed the institutional reporting machinery. And we all thought of Kuwait—why shouldn't the Security Council take this matter in hand and pursue a collective war?

When we were all home writing up our reports, we would try to remember our work in the terms of these opening flourishes, as an instance of law's application to fact. Only in these terms may international lawyers situate such events in the narrative conventions of their discipline, for whom international law arose from the chaos of politics in a great social contract three hundred and fifty years before, becoming in this century, after three hundred years of philosophy, a matter of institutional pragmatism, sanctions, obedience, payments and compliances on a great ledger of legal relevance, responding to international conflicts in conferences such as this, a thousand points of pragmatism, law returned with the power of the norm through our work in the here and now.

By reference to these opening ambitions, it was not surprising that the Platform constitution group, so self-absorbed, should have the last refuge of the lawyer's lawyer, the nerd's nerd. Pedro's drafters seemed stuck in a moment before the conference, when it was still necessary to bring us together—perhaps Pedro had become himself too occupied with organization to see the importance of getting on with the substantive work at hand. And perhaps we knew, as we fantasized ourselves constituted as collective action, what constitution would in fact entail.

Bringing us together would require more than a simple allocation of tasks among lawyers or activists. As we settled into the petty routines and relations of our conference world, the everyday media world would fade, and so, for that matter, would Timor. Our earnestness would be corroded by the sharing of private doubts. As we came to live ever more in the conference, we would live somewhat less for Timor. By the end, a coincidentally simultaneous massacre in Dili on Timor would barely break into our everyday.

Although we would want to remember the conference as constitution for action, the Platform would need to be established against the background of our experiences in Lisbon as much as against our disciplinary idealism. In the middle of all the working-group rooms stood the plenary session, where we began and where the conference would end. And circulating around it were tables with stray literature—many participants had brought their reprints, notices of other conferences, cultural survival T-shirts, human-rights studies, bibliographies, recent publications of the professional press, concert announcements, maps of Lisbon, tourist brochures on the southern

beaches. Nothing much was for sale, but the milling crowd situated the plenary in a new petty mercantile atmosphere, smoking, joking, parishioners at a cathedral. The conference plenary had become a shrine, a tourist monument, an Eifel Tower, with its own bustling everyday.

Scene Four: The Platform Really Takes Off

The bustle in our little Papal kindergarten would be the site for the social relations that would emerge as by-products of our earnest work for Timor. It began in unimportant ways—a sharing of pasts, tiny fragments of a shared present, the ride in, the bad coffee, my ex-student was the former wife of your government's U.N. representative, and so forth. We recognized one another in a mutual remove from the client, situating ourselves in a common tactical terrain. We shared a common project, participants in a broad division of labor, some of us formalists, some administrators, some political tacticians, experts in local or metropolitan knowledges, some doctrinalists, others more practical—all tacticians for the real, together a magnificent pragmatic machine.

And we shared a method, a fantasy of institution building, a process by which to constitute ourselves as a membership with a leadership. Indeed, from our own diverse institutions, nationalities, and professions, we shared Pedro's idea: a council, a secretary general, a resolution, a preamble, a resolution, points of order, plenaries, working groups, drafting sessions, all the modern technologies.

Was there any conflict not subject to reconciliation in the metropolis? In plenary, one fashionable Latin American woman from New York stood up, feet together in rather high pumps, held her copy of our draft resolution before her and asked if she might make a few suggestions from her experience in the U.N. Shouldn't our preamble rather say "taking note that" where we had written "deeply deploring that" and shouldn't the operative paragraphs of our resolution be clearly numbered?

As to the second, she was clearly correct. We all knew we should clearly distinguish the perambulatory recitation of norms and facts from the operational engagement with the everyday. Numbering would do the trick, indentation would help. The differences that had separated us—between law and activism, norms and facts—had

migrated to a common text where they might, indeed should, be expressed with increased clarity. As to the preambulatory point, we would need to vote. We quickly agreed, voted, to delegate the "taking note"/"deeply disturbed" issue back to the drafting committee for resolution, and having found consensus, we moved on.

What, in our little metropolitan world, had become of Timor, the collective fantasy with which we had kicked off the exercise? At first we heard the Timorese participants speak with the authority of authenticity. For me the moment of transition occurred early on Saturday when I shared a taxi with one Timorese fellow, a young lawyer from Macau on the make, who announced his hope to meet an American lawyer or law professor who might know how one of his clients could purchase a small U.S. bank. Could I help him in this venture, locate such a bank for him, for Timor, for his client whose identity could not be disclosed? My native had abruptly disappeared into professional courtesies and confidentiality. In our little conference spaceship, Timor became a screen on which we could project our common fantasies and anxieties about the real.

To many in the metropolis, of course, this comes as no surprise. When I shared my taxi-ride encounter with a young Canadian friend, he smiled and nodded and we began a friendship. Isn't the client, in a way like the earnest activist, the technical lawyer, indeed, the entire public zone always a disappointment, an immaturity? International sophisticates have come to see the technologies and actors in our public spaces and national realities as more or less shrewd manipulations, constructions. In large part, that is what it means to be cosmopolitan, to have transcended the pull of unreasonable local specificities and passions.

Of course this stance can bring cynicism, a corrosive split between private commitment and public realism, public polemics and private doubts. Participants in the international activist milieu often bond around this sort of split, as I did with my Canadian friend. As narrator, I am also tempted by such split moments. If I present them correctly, readers will share the alienation of my observation as one might the bemused observation of a newscaster at a political convention ("Well at this point Jed, he needs to make a strong appeal to women between thirty-five and fifty-five, yes and here it is, we go now live to the appeal"). Perhaps we will laugh together about the fragility of institutional forms and the pettiness of activist work.

In the metropolis, although we are moved by invocations of the real and the client, and are careful to orient ourselves toward the practical or the redemptive, as representation displaces the represented, we find ourselves ambivalent—has our everyday displaced their culture, or has our law finally achieved its relevance for their project? Sometimes the ambivalence seems more than a routinized cynicism, the bonding more than complicit passivity.

This ambivalence was embodied in Portugal for me by a quite urbane and sexy lawyer from an international nonprofit that had styled itself the "Unrepresented Nations and Peoples Organization." She seemed smart and savvy, and a new Australian friend and I determined to recruit her for our evolving affinity group. We asked about her organization. They (a small office in the Hague, a "General Secretary," three lawyers, a membership, a board, a newsletter) were present for the absent. They had correspondents in Tartu and San Francisco. Although they had recently lost three clients (Estonia, Latvia, Lithuania), they hoped for continued Baltic financial support out of solidarity with all the places where boundaries, nations, ethnicities, tribes, or governments had been insufficiently coordinated to perfect the transparency of international representation through statehood.

It was noble work, rendered more palpably significant, if strangely doubled, by their lawyer's assertion that she was herself unrepresented. As I recall her account, she had come from a minority ethnic group in Bangladesh, or perhaps Pakistan, grown up the child of diplomats, become a lawyer, worked for a big Washington law firm, pierced her nose, and moved to Holland, where she had been representing the unrepresented now for almost a year. She told her story with a light ironic touch that made it impossible to respond with either earnest relief that the unrepresented had found their spokeswoman or with any doubts about why this form, why here, why her?

I liked her immediately and when we discussed the work of her education group over lunch, I proposed that her organization sponsor a gigantic blimp, like Goodyear, which would travel around the world labeled with one or another unrepresented people, tethered outside the Olympics or the Clarence Thomas hearings, wherever. Others joined in as we developed a comprehensive blimp-based program for human-rights protection. She wrote me some months later to ask whether I had encountered any "blimps hanging outside campus,"

and reported that "I went off to Estonia for a conference on Population Transfer, which was quite an experience. Very interesting place. There was something surrealistic about Tallinn, reminded me a bit of that weird bar we went to in Lisbon. Which was lots of fun." She was a cosmopolitan all right.

Was this cynicism or irony, destructive or delicious? The routinization of enthusiasm, too many hours together in a small building, we looked to one another for hints of private doubt, small islands of relief from earnestness. A Scotsman who seemed in working group to have memorized the procedural details of every ICJ case for his dissertation turned out to be an extremely ironic devotee of British punk culture. He joined our clique and followed up on our acquaintance in Lisbon with a package of trashy British comics.

At lunch, smoking by the tennis court, drinking with age cohorts, national cohorts, private in-groups, we recognized with a wink or a chortle that our public idealism would not be supported by the realism of our common projects. We entered the zone of flirtation. Of course this brought with it a turn away from the public narrative of law engaging the Timorese everyday, a turn from activism to narcissism. True enough. There emerged the tawdriness of all conferences everywhere. If we could bring law to bear on Timor together, wouldn't we also sleep with one another? Indeed, who would sleep with whom, who befriend whom, who would promote, hire, help whom? Who would reveal their loneliness, exasperation, sexual orientation?

How can laughter in Lisbon be defended when people were being slaughtered in Timor? We could say it's only human, that we should blame the naive idealism of our common project, that laughter is the best medicine. Perhaps it is efficient—it might be these social strands, the tears and fears of the everyday rather than our textual productions, which would hold us together after the conference closed. In this, the promise of the social and the sexual functioned as an idealism, an aspiration, a promise. And I hoped, if only vaguely, that more might come of our affinity cohort than it seemed possible to expect from the official working groups.

This growing private social sensibility offset the sensible, if sterile, formality of our public debates. As the social verged into cliché, the conference plodded along its familiar route: introductory exhortation, working groups, working-group reports to the plenary, working groups, plenary to adopt constitution and resolutions, press

conference, social event. Every meeting begins with a recollection of past work and ends with a promise of work to come, two moments that pull us back from the sexual to the social and render the private cynical. Indeed, this is the very function of the agenda.

At one point my litigation working group flagged, wandered on the patio, suspended in the idea of litigation, having been unable to identify anyone actually working on any actual case. We were left only with duty to the meeting, remoteness from our own individual everydays, and goodwill for the ultimate cause. We traded anecdotes, discussed the weather, and experienced our situation as confusion about the agenda. We asked one another who had brought the agenda. We waited for leadership and were quite good naturedly ready to follow anyone with a plan.

And along came a young Australian lawyer whom we told about our lack. She sprang into action, jotted a few notes, urged us to return to the meeting room, and simply began the meeting, intoning in the flat locution of all U.N. debate everywhere that it would be good to begin with a restatement of where we had been, and sure enough everything each of us had half mentioned the day before reappeared as a subject discussed, an observation made, a point taken. In the passive voice of recounting we became alive as a collective. What, we wondered, would she have for us for today. And she posed some issues, and we threw them about, and she did it again, and now we were in a hurry, needed to get our report together for the plenary, and off we went to hear from the other working groups.

When we got there, there wasn't time for our report, but it hardly mattered. As a plenary we needed to work on our resolution and our constitution, prepare for the press conference. We didn't want to waste time reporting what had, after all, already been accomplished in the working groups. As it turned out, only the constitutional group really needed to report.

Scene Five: A Constituted Life

When we look back on the Platform's establishment as an institutional narrative, we focus on the final moments, when the constitution drafters returned with their document. But inside the conference, focusing on our substantive accomplishments and objectives, the con-

stitution drafters had come to seem quite beside the point, the terms of our constitution almost trivial, the procedural disputes predictable.

Every platform must apparently have a council, every conference must pass a resolution—regardless of the terrain upon which law acts, these are its points of access. And so we recreated here in the Platform our own model U.N., complete with compulsory geographic distribution—for shouldn't the seats on the Platform's Council be distributed among the continents? As soon as it was proposed, we knew it had to be so. And we had one African, one European, one Latin American, one Asian, and before someone forgot, one Timorese. Even, we were pleased, or surprised, or bemused, someone from the world's largest democracy.

Nevertheless, we focused our determination increasingly on texts, the most practical suggestion often a textual one, as in the case of our dignified Latin American U.N. delegate. We revised resolutions, elected a board, published polemics, committed to doctrinal interpretations, rendering our experience more visible, also to our own memories. The leadership had the constitution read out by a jovial legal activist, bringing our international locutions alive in his somewhat ironic English translation. There were a few open questions. Were corporations to become members, for example, would they receive extra votes in the Council? All this seemed secondary, legal, the usual technical details, and the urge in the plenary to delegate these issues back to the committee or to vote quickly (either would do) was irresistible. By Sunday afternoon there were too many issues to deal with, each crowding for the plenary's attention. We would soon need to face the press again, mobilized into a platform with a resolution. Time in our little world had sped up.

In a way this acceleration was precisely the point—as we moved through stages of mutual recognition and institution building, each hour had seemed suspended, filled with new people, new institutional developments. In such a small space, by the end of the first day the gossip circle could run a full round in well less than an hour. Each hour would find us days, even centuries ahead of the last in the evolution of our common everyday. We had been strangers, now we almost had a constitution, we had been normative, now we were almost pragmatic, we had been generalists, now we were almost specialists. The acceleration of centuries had slowed the conference to a snail's pace.

By the end of the weekend, we each thought increasingly of our return home, to what seemed a jumbled fusion of two scenes—the scene of our origin, the workplace realities from which we had come to the conference, and the scene of Timor, the object of our endeavors. The two had become somehow fused, or confused, in the course of the weekend. Here, we were being productive, enjoying one another, liking our jobs. Somehow, after it was over, we would have been changed, would be Timor activists and members of a platform. That, after all, is the point of an establishment conference, a great collective narcissism in the name of empathy, a culture of representation which held out Timor as aspiration, a promise of pragmatism, where our work would have bite, effect, relevance. Like successful conferences everywhere, we would end with a call for action. The idea that “we” would be carrying on “work,” each in our own way, on behalf of Timor had become a collective fantasy, at once insistent and worrisome. Indeed, I suspect that only those already dedicated, enacting the resolutions of some earlier establishment, could think about their own workplace realities and Timor without anxiety.

Late in the conference, these underlying doubts and shared anxieties came to rest on Pedro and the constitution drafters. Looking back on it late Sunday, it seemed I had felt uneasy about them all along. Five somewhat somber Portuguese men of indeterminate age, suits right out of the Chicago twenties. I wondered what they were putting together for us. Why had Pedro really brought us here? He seemed so earnest about it all, so insistent, more serious across a year's work than we could maintain even for two days. Why didn't he participate in the tiny flirtations of the weekend. Was he really that busy? If it had been somewhat reassuring on arrival to find someone who so clearly knew what we were supposed to do, now it seemed almost ominous. What if we didn't live up to our platform, couldn't bring law to the everyday, if our everyday could never be as unified with Timor as had been his? Would we still get our travel money?

Pedro and his friends had an experience different from the removed disputations of the working groups on education, litigation, or human rights. Their reality was here, with us, however much Pedro sought to project the moment of establishment into the past, onto our agreement to come, or into the future of our rather open-

ended commitments to cooperate. He was not promising to be pragmatic, he was being pragmatic. Our narcissism was his empathy.

Our groups had done less well, some had not even found it necessary to report. The human-rights group had foundered on what seemed a choice between the self-determination and human rights "approaches" to Timor, the education group boldly decided to establish an as of yet unfunded prize for student writing on Timor. At best we projected future action, contented ourselves that the purpose of our being together was fulfilled by the establishment of the platform—by the work of the constitution group. As everywhere, talk is suspicious of action.

And to some extent, we had become cynical. By the final plenary, I found myself in an ad hoc affinity group with my Boston colleague, our Scottish, Canadian, Australian, and unrepresented friends and a few other young law professors. We had become the only mobilized group in the meeting other than the team of would-be founding fathers. Although generally earnest in group, we had become caustic in private and could be off-putting. A young German woman who seemed desperate for an alternative public rhetoric, frustrated by the law's increasing distance from her own fantasy of contact with the Timorese everyday, nonetheless found our alternative corrosive, biting, impolite, unhelpful.

She was right to be worried. To my mind, the most likely direction for our group would be simply to abstain from the main action of the platform and enjoy the hilarity of voting as a bloc on one after another absurd amendment or proposal, modern spectator participants in a social contract repeated now as farce. We would then go home, remembering pleasant private times but without more than the old earnestness to link us professionally with Timor. The question for this group seemed whether any sense of personal commitment to the cause could survive the private cynicism of activism in these tired institutional and doctrinal forms. Pedro was also right to be worried. Pedro balked at the idea that some of us might not wish to "join" the Jurists Platform. Had we not always already joined, by coming? I began to fear that we were all in Timor for the duration.

I had tried once over lunch to connect with the German woman. Couldn't she see us as a symptom of a frustration she must surely share? I hoped she would teeter between the temptations of the

discipline and joining us in recognizing the truth of her own experience. The latter seemed too scary, without direction. What was our little group, where was our commitment, what was our program? As it happened, we seemed in control of the plenary voting and were careening madly from one position to another—table that, adopt that, reject that, allying now with one, now with another faction, with Paula, still chairing the meeting, with the Director of the Unrepresented, our friend's boss, and so forth. It was fun.

Somewhat offhandedly, as we debated our final resolution, I made a proposal of my own. In part, I thought it might link us back to the group as a whole. And in part it might disrupt the proceedings sufficiently to throw those who would constitute us off their guard. I stood up and made a little speech, proposing that we delete the carefully numbered operative paragraphs in our resolution, following the concerns of our preamble with the statement "1. express our frustration at the limitations of traditional institutional and doctrinal means of addressing our concerns."

I argued that we might thereby leave a mark in the public space of an experience we had shared, an experience of exhaustion, boredom, frustration. Didn't we all feel worn out by the prospect of yet another resolution from some international institution? Hadn't we all been here before? Rather than allow the parallel narratives of public speech and private pleasure to resume their separate paths after we leave, rather than find our doubts disciplined into fealty to a common program, I propose acknowledging the social experience of our weekend together and learning to live as international legal activists for Timor without the dream (or the excuse) of a law that might be brought to bear for social change.

It was a quixotic moment—I hadn't done the work necessary to mobilize my constituency nor to lay the groundwork for such a suggestion. And I had formulated the proposal so awkwardly that many heard only an exhortation to renewed earnestness—and found it moving. I don't think anyone thought our formal resolution would "have an effect," or that the institution we constituted would be much beyond a shell within which Pedro would raise money to carry on whatever activism he had already begun. Still, unable to think of anything else to do, it seemed absurd to abandon our standard operating procedure. We unanimously adopted the resolution as originally drafted and opened the meeting to a press conference on our con-

clusions. When the plenary was over, my Boston colleague and I were vaguely down. Perhaps we had been too seduced by cynicism, or immobilized by jet lag to render our faction effective as a cultural alternative to the Platform's closing pieties. We resolved to strategize more self consciously in the future—perhaps we could build a cosmopolitan culture outside the clichés of private irony and public activism.

The weekend ended that evening with a collective excursion to see native Timorese folk dancing. Gestural primitivism. I passed it up for dinner with friends. The next day I intended to rent a convertible and ride around the Portuguese hills with an old friend and a bottle of wine. The conference would slowly recede into the background. We would come to take it for granted, see its petty social dimensions, its anxieties and erotics as part of our individual private and professional lives, its institutional achievements part of the broader constellation of human-rights machinery grown up around the discipline of international law. This had been one weekend in the metropolis: by turns pragmatic, earnest, and cynical. Whatever possibilities our psychosocial dynamics had opened for a renewal we had not managed to exploit.

I still get the occasional jaunty card from one or the other Platform friend—they've started calling it IPJET (pronounced ip-jet) and the Council has duly met to review the first year's program of action. I don't suppose I'll hear much more about Timor. Every month or so now I receive notice of some solidarity demonstration, but in my experience those trail off. If I see a news story on Timor I read it with more interest—it reminds me of good friends in Lisbon. And I am glad to have been able to help Pedro continue his work, now proceeding on the firm pediment of an International Jurists Platform.

II. Between the Weekends

On the plane coming home I sat with my old friend and colleague, now also a member of the International Jurists Platform. While we waited for the steward to bring a first drink, I told him I had been asked to write something philosophical about law and everyday life and asked for his help. As the drinks arrived and we relaxed into conversation about our Portuguese weekend, we decided to catalog

things that might be said in such an essay and began a list of associations, more or less as follows:

The everyday as the zone of routine,
law as the code or order for the routine.

The everyday as a zone of violence,
law as a social contract to end violence.

The everyday as peaceable kingdom,
law as violence, both structural and immediate.

The everyday as a field of reality,
law as the sign of power over reality.

Law as agent, the everyday as field.

Law as norm, the everyday as fact.

Law as reason, the everyday as politics.

Law as will, surprise, intrusion,
the everyday as obvious, inert, taken for granted.

Law as honor, the everyday as shame.

The list got longer and longer:

Law acts on the everyday as:

culture upon nature,
official on private,
narrative upon fact,
vision on the quotidian,
public on personal,
written on spoken,
desire on experience,
logic on desire,
force on fear
order on chaos,

Loosening up, we challenged ourselves: is there any set of alternatives,

any cultural movement or contrast not implicated by the law and the everyday?

Law might be time, the eternity of wisdom and order on the everyday space of the here and now.

Law might be space, the mapped topology of the state, on the rooted, progressive, or cyclical time of culture.

As we got the hang of it, our associations came in matched pairs, and we sparred with one another to find the reversal:

The Challenge: Law is to the everyday as the dead hand of the past is to the spontaneity of daily life: As then is to now.

The Riposte: Law is to the everyday as legislative innovation is to the eternal cultural verities of the everyday: As now is to then.

The Challenge: Law is to the everyday as high culture is to modernist consumer kitsch.

An Easy One: Law is to the everyday as formal bureaucratic idiocy is to the complex romance of traditional rural or small town culture.

How about: Law is to the everyday as the conjectural imagination of the urban planner is to the steady empirical reality of the frontier.

Too Complex: Law is to the everyday as formally knowable rule, objective authority, collective cultural illusion of Norman Rockwell is to the surprising spontaneity of the cultural avant garde.

Things had gotten out of hand. We limited ourselves to one more.

A Bonus Rematch: Law is to the everyday as the voice of the other is to the subject's own experience or desire; as there is to here, them is to us.

The Winning Response: Law is to the everyday as shared value is to deviance, as the rules of the center to application at the periphery; as we are to them, here is to there.

But the possibilities kept multiplying: maybe it was just the alcohol.

Law is to the everyday as

male is to female, woman is to man,

creativity is to the clay of experience, history is to innovation

the plan or leader is to the mass, friction is to genius or the
routinization of charisma is to leadership.

illusion is to truth, reason is to fantasy.

It was vertigo, an amusing delirium.

To get our bearings, we turned back to our weekend together in Portugal, joking easily about activist pretensions. Here we were, international legal activists on a junket—we'd been stranger places together, played odder parts. With strangers one might couch critique in a field of disclaimers, but no need with an old friend, just thank goodness this conversation is not being recorded. Back in the plane it seemed safe to be paradoxical and postmodern and politically incorrect.

Still, too much ironic detachment and the delirium refuses to stabilize, cynicism beckons. I think we both may have felt vaguely unsatisfied about the weekend and wanted to redeem it somehow. I wondered, moreover, how I could write about law and everyday life in such an ironic and paradoxical spirit when the naughty shock of transgression had come to seem just another tired intellectual routine, outdated, banal. However pious our Platform colleagues, hasn't law lost its innocent commitment to untroubled notions of the real, the self, the word, the deed?

My friend agreed—a modernist intellectual avant-garde has been rebelling for close to a century against the clean separation of norm and fact in law, as elsewhere in philosophy or science. In the legal academy, this had been the stuff of legal realism, backbone for the judicial and institutional innovations of the welfare state. I felt silly for a moment, philosophically unsophisticated. Assembling a book on law and everyday life may be no more than a naive rotation through the standard modernist moves. Why should I get involved?

But the everyday still sounds the siren call of a new site for

legal scholarship: someplace hip, passionate, private, personal, the privilege of purple prose. Concern for the everyday remains a sign for good liberal political commitment to laws relevant to the everyman. Between work and family, choose family; between capital and labor, labor; man and woman, woman; producer and consumer, consumer. . . .

And what's wrong if legal scholars want a shot of pragmatic earnestness in their aging, but still humane, project to place law in the service of social change? A harmless little charge of meaning in the old Warren Court dream, law gone to the everyday. Or if they need a reminder of law's power, the fate and importance of lawyers, the consequences of judicial power or legislative choice. Or if they want to look once more at the damage done, the scars, the victims. Cheap thrills. Maybe we should just lie back and enjoy it when we see them straining to remind us that law "takes place" on a "field" of pain and death.

Besides, I asked, who wouldn't want to redeem these politically correct objectives from the many assaults of modernism? Who has not experienced the importance of a redemptive law, the sanctity of contract, the reliability of property, the centrality of rights to progressive politics? We would not have gone to Portugal were we not in some sense moved to legal activism. In this system, whatever you may think philosophically, if you don't stand with the everyday, you probably stand with the law—or maybe you just don't care.

I may have gone a bit too far, but he tolerated my polemic and proposed, in a tone at once indulgent and sadistic, that we look more closely at this return of piety. I thought we might start by thinking more emphatically of those who would revisit law's relations with the everyday. Their work might be a cry from the heart, a redemptive gesture of resistance against the modernist vertigo that had corroded faith in law as the social project of law's engagement, begun in the world of politics, had come to rest in the world of language.

We determined to spend the flight thinking empathetically about some current legal traditions that might support such a cry from the heart, stabilize our earlier associative vertigo, even redeem our weekend of representational activism. We settled our empathy on three broad slogans: pragmatism, narrative, and policy.

In a way pragmatism seemed the great framework for such redemptive efforts. Low to the ground, always already skeptical,

innoculated against doubt, forward to action. And modest, a theoretical bumbler, down home good sense. So much legal scholarship rides loose in the saddle, objectives out front, off camera. Don't get lost in distinctions that don't matter, rather light a single candle. Don't wallow in feelings like some self-indulgent little bugger, produce some results. Pragmatism as anti-intellectual modernism, the tradition of technocratic realism with all its anti-Semitism and homophobia.

That's the tone, but how do they do it? How stabilize the law and the everyday, each at once both visionary and practical? As my friend saw it, pragmatism was a form of social work with words that begins by situating both law and the everyday—"norms and facts, words and deeds, speech and writing"—in two registers. First, as extremes, embodiments of social differences: nature vs. culture, man vs. woman, and so on. Second, as more middle-of-the-road terms, associated with a move away from these extremes to a common ground of reasoned procedures, civilized institutions. Each term both illustrates an extreme to be avoided and promises a temperate middle position.

We tried to work this out for nature and culture and thought of claims by both law and the everyday to be culture to the other's nature. Law as norm, the everyday as fact. The everyday as civilization's custom to the fact of law's intrusive form or force. And of claims by each to be nature to the other's culture. Law as objective rule against the subjectivity of the everyday, the everyday as mute fact, a bulwark against the cultural experimentations and pretenses of the law. For the pragmatist, it's not so important to determine which is which—it's the relationship that counts.

At the same time, both law and the everyday could shed extremist opposition to build a middle way against the more dangerous claims of either nature or culture. Both claim to be culture against a broader, more archaic, more immediate, more frightening real. Law as reasoned government against the specter of totalitarianism. The everyday as the wisdom of the reasonable man, of cultural order, against the specter of anarchy.

And both claim to be more reliably real than a hyperbolic or ideological culture. The everyday as the taken for granted against the temptations of ideological commitment, the apparent against the dreams and nightmares of individual fantasies and collective illusions.

The law as objective anchor (the law of gravity), whether from God or science, against sacred illusions and democratic seductions.

As a result, law and the everyday provide both an arena for struggle and a comfort zone against a real we find only in its invocation. Much like our Lisbon kindergarten, full of contrasts, debates, stabilized by our representation of Timor, a collective Cheshire smile, soothing as it loses focus. But such a pragmatism could hardly sustain a *cri de coeur* against modernism, for this is the rhetoric of modernism, turned from substance to process, from reality to rhetoric. Moreover, this structure was taking us quickly back to the vertigo.

My friend nevertheless insisted that for the pragmatist, the point is less to fix a relation between law and the everyday than to sketch a plausible, defensible series of relations, to harness them in a dynamic argument against the extremes they threaten to embody. In such a pragmatic space, the work is less political or philosophical than rhetorical, the play of paradox stabilized by an articulate vacuity. To criticize pragmatism for its logical gaps and circularities misses the great claim of liberal legal science, to have beaten the swords of political conflict into the ploughshares of argument.

As we pursued this line, I remembered hearing it all before—a structuralism gone apologetic. Our analysis lost its empathy as pragmatism took us out of vertigo and into apology. Soon we would be insisting that all normative associations could always be reversed, turning what had been a joint creative project into a machine of philosophical necessity. I knew what could happen next, the beauty of the rhetorical system a powerful addictive, deflecting our attention from the split between private cynicism and public performance experienced in Lisbon, leading eventually to the literatures and conferences of "autopoiesis." Not socio- but rhetero-biology.

Pragmatism had its points, to be sure, but we had not found stable ground for a redemptive struggle on behalf of the everyday. Neither had we found relief from the special and awkward emotional residue of our time in Lisbon. The next great slogan, narrative, promised a departure from pragmatism, an embrace of the modern turn from action to language, as well as a redemptive gesture against the dark side of the modern.

In the spirit of much recent legal scholarship, I proposed we might think of ourselves not as philosophers or politicians, but as strategists or storytellers in a project of social narration and legitimation, using

law and the everyday as terms from which to weave a social fabric. He didn't like *legitimation* (a hopeless reification of agent, object, and interest) and thought *strategic* too wedded to an intentional subject. But I asked his indulgence and we pressed on.

Pragmatism's vices are narrative's virtues, seizing the rhetorical playfully, earnestly, creatively. If this is all there is, so be it, let our stories be just and true. Stories in which real people struggle for real consequences, not the phony reality of representation, the hyped presence of others, but the immediate reality of our own work, woven now into a broader cultural project. If it seems tawdry, rewrite it. Should vertigo dawn, focus on your characters, sharpen your plot.

A tone more easily the object of empathy, we thought to exercise it on the central stories of our discipline: stories to liberate public international law from the everyday politics of sovereignty, a noble struggle of centuries to establish an autonomous legal culture, removed from politics and the vagaries of princes and peoples.

I began. In the traditional period, this was the work of philosophy. It was the struggle of naturalism: to identify enduring values, a coherent reason, a transcendent humanism of general principles against the ebb and flow of political practice and the haphazard forms of international relations, legal content from social form. It was also the struggle of positivism: to develop a legal contractual practice that would simultaneously liberate the legal sovereign from cultural inertia or religious value and liberate law from the everyday whims of sovereign desire, legal form from social content.

In the modern era, this has been the project of international institutions: to develop a normative and administrative regime detached from periodic intersovereign conflict. Why not renew the great cosmopolitan dream that international law might attain its freedom from the everyday to become a profession, a logic, a system, the story of law's struggle against deviance and conflict and of law's efforts to pacify the processes of social change? Why not renew the narrative of struggle to liberate the legal process from the rigidities of a professionally embedded formalism and the fickle commitments of nation-states?

Over dinner, my friend reminded me of stories from the other direction, of equally noble struggles to distinguish the everyday from law. He began with the important histories of liberation, retold every time politics seeks to free itself from the law of one or another

ancient regime. Here were enlightenment stories of citizenship and popular resistance as well as romantic stories about peasant cultures, natural harmonies, primitive forces, whole wheat bread. And stories sympathetic to deviance, defiant of law's regularizing ambition. In the traditions of international relations, this reminded me of the repeated valorization of the political as "real," a realism that aims to liberate the sovereign as the ultimate embodiment of the cultural everyday. And of claims about the cultural margin, the religious, linguistic, or racial minority, the indigenous, the South, the East, or the Third World, as concrete poles of resistance to the generalizing project of international law.

He began to get carried away: a thousand new orders have been launched in the name of the everyday against law. In this century, a history of political extremes—unite the volkish forces of national identity, the everyday of the petty bourgeois against the cosmopolitan, Jewish aristocracy of legal ideas. This has been the project of *isolationists and imperialists, of progressives and conservatives*. In the academy, he insisted, we constantly find this "struggle" in "play": the pitting of experience against reason, the fetish of the empirical, the trendy invocation of phenomenology against logic. Thinking of narrative as a rooted social gesture, he concluded, demonstrates rather than escapes interpretive fluidity and may as well get you in political hot water.

This seemed right to me—you'd have to admit as many narratives of liberation from law as of law's liberation. If these were cries, they were hardly all from the heart, nor might they stabilize our empathetic aspirations for the everyday. Must we always return to the vertigo we had left behind before dinner, dueling chronicles, blind to one another's insight, each the other's dark side? Of course, there still remained important narratives of reconciliation between the law and the everyday. For our narrative catalog to be complete, we would have to add stories that needed the distinction only to elide it.

Think, I said, of international lawyers who insist on law's reconciliation with the everyday—think of our Lisbon comrades, chiding the law for its isolation, insisting that it become relevant, get real, practical, and pragmatic, return from its cosmopolitan space to enter the everyday either as history (contract) or as promise (sanctions), as a norm to be applied or a program to be implemented. This is what it means for international law to be binding, and no claim, other than

perhaps the claim to be autonomous, is as important as the claim to return from autonomy as a binding norm. If law is culture, this is the story of its search for an audience. If law is fact, this is the account of its return to culture as sanction, a terrible swift sword.

He interrupted to remind me of compelling reconciliation narratives in which the everyday seeks to become law. Narratives accompanied by disturbing accounts of the everyday as desire, chaos, enigma, struggling for legal expression. The everyday as experience, reaching for interpretation. The everyday as chaos, reaching out for order. These are the narrative gestures of liberation movements searching for recognition and of politicians and sovereigns hoping to transform their deals into contracts, their imperium into a regime, the repressed struggling for repetition as rule.

He was right, of course. For the international lawyer, little is as striking as politicians' continual return to the law they have scorned. The strong and the weak, the hegemony and periphery, all pressing their claims in the language of law. These are the stories that fuel international law's proliferation—ever new rights, new remedies, new states, new regimes. As often as we hear resistance to law's distinctive claims, we hear claims for a new law and struggles for assimilation. Perhaps it would just have to be vertigo all the way down.

Before we left narrative altogether behind, I wondered if we might not judge the narrators who told one rather than another tale. There might be differences of character, if nothing else, that could sustain our empathy for the cry against modernism. In a way we liked that—an identity politics in which the characters were scripts searching for the narrative conditions of their dramatization. So Pirandello. The activists who called out in Lisbon for law's arrival in the everyday were honorable characters. Perhaps, my friend chided, but wasn't it also they who had told of international law's emergence as an autonomous discipline, justifying their entitlements, their standing, by law's autonomy? What sort of "characters" speak in such different ways? And it was clear from the narrative range that the turn to character, from narrative to narrator, would support more than simply our new empathy for the everyday.

We were through with supper, but the Atlantic still stretched out hours before us. We considered watching the movie—but decided against it. As we reviewed our lists of contradictory claims and

narratives, cognac in hand, I had to admit he was right about their fluidity, their political undecidability.

I thought I'd try another turn, to policy, to larger arguments woven together less as narratives than social practices and institutional structures. Perhaps our clichés and polemics are as much history as literature, identities to be lived as much as narrative characters. The realm of policy is practical, even pragmatic, yet retains the mystery, vision, and strategy of narrative. It speaks a twinned language, technocracy and renewal, nostalgic postmodernism. Revenge of the vision nerds, the sovereign is dead, long live sovereignty. This is an insistent frame, full of facts and figures, moving, like pragmatism, forward to a better society, but rooted in the real, in choices, values, consequences.

We turned again to our own discipline, for the history of international law presents a great movement as well as a great narrative: law wrests itself from the chaos of religious conflict in 1648, spends two hundred and fifty years clarifying itself in philosophical autonomy and returns to the international community in this century as an institutional and doctrinal regime. If we look at the doctrines in the field, we find an elaborate division of labor between those that work to establish law's autonomy by locating its origins in the everyday—primarily rules about the "sources" of law—and those that provide some substantive (and usually quite modern and pragmatic) bite to the legal regime. In between are the procedural rules establishing a legal process at once cut off from sovereign prerogative and deferential to it. Here is a space for policy, management, balance. In a strange way, every judicial case repeats this movement, first away and then back towards the everyday in the cycle from jurisdiction to the merits to remedies.

Even granting that each of these turns is written in the unstable distinctions and polarities we have discussed, surely this is more than literature. To convince him, I talked about war, but we might as well have spoken of development in a world both "delinked" and "interdependent," of trade and aid, sanctions and sovereignty, of the New World Order, or of the European Communities split between "subsidiarity" and "cohesion." International policy is both myth and science, in which a hypothetical world of "free trade" or "internal market" might be translated into an architecture or an expertise.

I reminded him of work we had once done together on international law's three rhetorics about force, three moments in relations between law and the everyday, three sides of war. Think of the "law of war," a primitive affair of norms and definitions developed into a quite modern vocabulary of contextual justifications for intersovereign intervention, blurring distinctions between war and peace, norm and deed. In this modern tradition, war is a matter of sending messages, establishing definitions, setting boundaries, peace a process of political consolidation and competition. This is a vertiginous space, uprooted from the violence it defines.

This realist vision is coupled with two bold idealizations: the "law in war" and the "law of collective war." The first, governing military conduct in permissible conflicts, aspires simultaneously to perfect the military machine by restricting its ambit to the militarily "necessary," to actions "proportional" to the military objective, and to open it to the "humanitarian" through quaint rules evoking a sputtering Red Cross ambulance on some Crimean or Flanders field, nobly distinct from the everyday of warfare. The law of collective war dreams of an international institutional regime that could enforce law in the everyday of international relations.

Military force in three rhetorics is more than felicitous phrase making, and it is in policy, or perhaps strategy, that these rhetorics are brought into the service of politics, brought to bear together as means in actual combat. I found myself earnestly reminding him that it was easy for us, floating across the ocean, to see these traditions as narratives, but people die for this, and it all does, in some sense, happen on a field of pain and death. He laughed. All your war stories, the particularities of disciplinary convention, so reminiscent of our Timor platform pieties.

He was right to take me back to Lisbon, where international law and Timor had been the ground on which we stood, the reality we knew. Like an audience, they had reassured us of the drama and stakes in our uncertain situation. In this they functioned like other great modern stabilizers: power, base, phallus, woman, community, autonomy, contradiction, expertise, models and their empirical confirmation, transactions and their costs, the unconscious, the real, family values, choice, voice, difference, blindness and insight, the violent, the sacred, the profane, the list seemed endless.

I was only briefly annoyed when he laughed, less that he should

laugh at suffering, than that I should not have recognized myself teetering from policy to polemic. I guess I liked the conversation better when we didn't focus too precisely on the meaning of either law or the everyday, when we permitted ourselves to enjoy the reality of our metaphors. Making the rhetoric real, after all, was the work of the artist, of the warrior or statesman, or of the manager, judge, or legal scholar. Perhaps policy less supported than restated a gesture against modern skepticism, redeeming the tawdriness of its deployment and stabilizing the terms of its elaboration only as a gesture, a pole of attraction for our empathy.

Perhaps these were but statements of faith in the possibility of policy, of narrative, of pragmatism, as also of identity. A great gesture, a contemporary humanism, grounded in an illusion whose only future is repetition. Yes we can realize the precognitive in social life; our characters, however dramatic, are earnestly acted. You can say what you will, but for the victim the torturer brings law home as pain, irreducible, inexpressible, inarticulate. Property rights might be unbundled, traded, relativized, mortgaged, dispersed, be lost in rhetoric, but for the welfare mother a car repossessed is transport lost, rent not paid yields, inexorably, predictably and often cruelly, eviction, and why hesitate to call this law?

The danger was clear—that we'd back ourselves into all the earnest clichés, back to familiar politics, the legal process and liberal commitments, a process for speech. We'd soon seek movement from code to communication, to a place where judges think like defendants and act like legislators. We'd be back to the politics of representation, a stable process on which to project the exotic, calling always for a turning of the tide from speaking to listening, from abstraction to difference, from man to women, projector to project, law to equity, dialogue to polylogue. Soon we'd be envisioning a new judicial style, fragmented, sensitive, a dispersion of power to groups, disempowering, decentering the state. We could call it all dialogue or republicanism.

But after being in Timor, or anyway Lisbon, why not let the primitive reinvigorate a law gone flaccid, pragmatic openness energized by the exotic? Why eliminate nostalgic pleasures, rather play those old scripts one more time. We could keep it modest and self-effacing, eschewing the traditions of idiosyncratic programs and grand theoretical claims. If we wanted to join empathetically with those

who turn to the everyday, we might best begin with narrative, telling stories, every legal theorist a Studs Terkel, every lawyer a novelist. We'd have time for pragmatism, policy, program.

The flight was almost over, after all, and I wanted to come up with something for my essay, a life-style, or perhaps a management style, that could firm our opening delirium. Not all the elements went well together, and it was all amazingly familiar, lacking the charge of transgression and the addiction of insight. There were pragmatic protests against modernist anxieties on behalf of history and character. There was the modern avant-garde, with its irony and critical sensibility. We had bits and pieces of narrative—the specificity of the abstract everyman or a camp sensibility that in turn could seem complicit, apologetic, a cop out. There were the great pediments of policy, representational structures calling out to clients, citizens, customers. There was worry about the prurient, the pornographic, the self-confidence of nostalgia and the marginality of the primitive. And there were thoughts of sovereign missiles, of aged spinners and noble savages, of the holocaust and the electrocution of tabloid strangers that we were reluctant to deny their magic, glamour, and grit.

As we clapped our tray tables up for landing in Boston, these all seemed voices of modernism—those, perhaps, of the metropolis, with the rooted mechanics of secular humanism, and the cosmopolis, with its deracinated agnosticism. All claims, promises, and procedures. My narrative about Lisbon, begun, in a way, as the classic metropolitan story, had moved from an activist's call for the reconciliation of law and the everyday to the more confused zone of the cosmopolitan lawyer's own everyday life, struggling to relate the diverse calls of its experience.

Two weeks later, over a second weekend, I would trace the reverse trajectory, from a cosmopolitan everyday towards disentangled legal and social gestures that could renew metropolitan virtues, locations, and characters. This story would not end in an anxious riddle of empathetic gestures. And it would begin, not with the anxious metropolitan separation of law and the everyday, but with the easy everyday of the legal cosmopolis.

III. The Second Weekend

In 1385, the King of Spain established a Royal College in Bologna. In the ensuing 500 years, the College, living lavishly off its sur-

rounding properties, has hosted the cream of Spanish postgraduates for a year or more as fellows. Former fellows of the Royal College have formed a tight elite in the Spanish academy, in the liberal professions, in business, in politics. In 1991, the King of Spain established a second Royal College in Cambridge, Massachusetts, to continue the tradition over the coming centuries by hosting the cream of Spanish postgraduate students in residence at Harvard.

The second Royal College would be a modern affair, funded by bankers and businessmen rather than land rents, and managed by an array of joint Spain-Harvard committees, councils, and administrations. I had been asked by the outgoing Harvard president to serve on the Academic Council for the new Royal College. The Council meets a couple of times a year to set academic policy and distribute grants. Our autumn meeting this year was held in Madrid on the Tuesday morning before Thanksgiving. I left for Madrid the preceding Saturday evening.

I embarked on this cosmopolitan weekend with no fantasies about law's application, no sense of myself as a lawyer moving onto the terrain of law's engagement with the world. There was no primitive waiting to be civilized, no narrative of law's autonomy or of my special role. In a way, nothing dramatic was supposed to happen: I was a functionary rather than an activist. I would sit in the Academic Council, represent the Harvard Law School to some alumni, and perhaps do some fundraising for a European Law Research Center we were in the process of establishing. At best I would squeeze in a couple of hours at the Prado. At worst it would be hotels and taxicabs, meetings and meals. I traveled as an academic and as an administrator.

I can see that this may all seem to have taken place somewhere other than in the "real world" of "everyday life." Perhaps. At times it all seemed a bit unreal to me. The cosmopolitan world is distant from both everyday life and the dream of a law that might come into that life as sovereign. In the cosmopolis, management replaces activism as institutional pragmatism replaces social engineering. If the cosmopolitan urge had made the Lisbon weekend seem tawdry and provided the ground for my private affinity group, in Madrid, the absence of any purport to participate in a great project of legal activism removed the tawdry feeling. In a way, the cosmopolis exists in and for itself, pursuing a project of recruitment and proliferation.

In Madrid, I was confident on arrival that I and my American and Spanish colleagues would all be insiders together, living the dream of an autonomous professional culture. Over the three coming days, we would repeat a dozen familiar institutional behaviors and have conversations familiar from others I have had in many other cities. Our bureaucratic encounters in meetings of the Academic Council would only dimly echo the establishment conference in Lisbon two weeks before—the routines of membership, voting or adjourning now routinized into the normal practice of an ongoing institution.

I had traveled with the Spanish director of the Royal College, and we shared a taxi to my hotel. Having not been to Madrid in seven or eight years, I was grateful for his informed commentary on the striking architectural changes in the city. We agreed to meet for lunch after a brief nap, and he offered to show me a bit of the old town. On checking in, I received a message from an alum inviting me to dinner that evening with some of his friends.

Lunch proved the first of six lengthy and enjoyable meals I would have over my three days in Madrid. It also provided the opportunity to get to know a bit more about both Spain and the Royal College. We ate in an old inn, a bit touristic, but still authentic in feel. Most of the guests that Sunday afternoon were vertically integrated and apparently prosperous Spanish families. My friend urged me to take along a copy of the menu, helpfully presented in English. As we wandered a bit in the old town, an elaborate outdoor market for stamps and coins was underway in the Plaza Mayor. Everything looked tidy, everyone well dressed. My companion apologized for having taken me to a largely working or middle-class milieu, he hoped we would go to a better district the following afternoon. I had to admit I had pegged our surroundings to the upper middle class, at least a notch higher than he, but it may have been my expectations, my experiences in Spain before the new regime.

This, he explained, was the new Spain. And it soon became apparent that little could be seen in Madrid except through the optic of the new and the old Spain. The new Spain meant everything since democracy, modernization, membership in the European Communities, prosperity. It meant a palpable sense of a country on the move—everyone on the make, optimistic. It meant miles of new construction on the barren hills outside the city and blocks of dra-

matic postmodern office buildings superimposed on Franco's grand modern metropolis. It meant thousands of Timberland shoes.

So I was in a foreign country. The mood, the food, the history, the architecture, thousands of details reminded me that I was learning about Spain. That Spain was modernizing, developing, returning to Europe, reaching out to America. Despite the enthusiasm for American fashion, the desire for American legal education, the engagement with Brussels, the Benneton on every corner, it could not have been more clear that I was not in Boston any longer. My own private cosmopolis was situated here, in a Spain on the move between its national past and its international future.

And it was an exciting time to be in Spain. It appeared that the national process of renewal had set in motion a dramatic circulation of elites. This was most evident as a generational phenomenon: relatively young people seemed to be running everything. There were new career opportunities in business and administration, many apparently open to the educated middle class. There was new status in going abroad, working for a foreign company, studying at a foreign university, learning about European law. There were new educational paths—business schools and private law schools springing up beside the public universities. A new business sensibility held together a modern commercial elite, savvy about things international, liberal in sentiment, conservative in fiscal management.

On my second afternoon in Madrid, I had been invited to visit the law faculty at Complutense University and to meet with members of the faculty for an informal discussion in an enormous modern conference room around what was surely the largest trapezoidal table I had ever seen. Around the walls hung about three dozen nineteenth-century, life-size standing portraits of ex-rectors and ex-professors. The dean, a rather bland middle-aged figure, introduced me and my Spanish colleague from the Royal College to his faculty quite warmly, and we described the work of the College.

The assembled teachers were mostly young and seemed primarily interested in one question: how can I get funded by the Royal College to go to Harvard Law School to study or pursue research? They were quite sophisticated about it and had somehow accumulated a fair amount of information about a college and a law school with which they had had, until that point, absolutely no direct contact.

I had hoped for some more intellectual exchange and asked a few questions about approaches to legal scholarship at Complutense, the ideas or debates that moved the faculty or animated their teaching. In the ensuing discussion, as far as I could tell, no one over forty spoke. Those who spoke presented a sense of frustration and disappointment—teaching was a dismal science of rote lectures, there was no time for research, subject matters were rigidly departmentalized, there was no pattern of shared experience or discussion, they could identify no canon of non-law books or materials with which everyone on the faculty might be expected to be familiar, the genre of writing they were expected to produce struck them as formal and uninteresting, and so forth.

These criticisms were linked to an enthusiastic and insistent call for pragmatism, for real-life business concerns, for the abolition of legal history and legal philosophy and their replacement with more practical subjects. My interlocutors valued legal education in the United States for its pragmatic and anti-intellectual spirit. To find a Spanish law faculty so furiously pursuing a move to reason and pragmatism was perplexing and quaint, like finding an Enlightenment preserved in amber. For two generations, legal scholars in the United States have tried just about everything to counter the tide of pragmatism, enlisting economics, literary theory, sociology, psychiatry, anthropology, legal history, and a great deal more. And yet here I provided the lightning rod for a renewed assault on philosophy and formalism in the name of business reason.

Just when I thought I had the group pegged in an early twentieth-century struggle for modernization, one man sheepishly indicated how few of his colleagues—perhaps less than a dozen—were really familiar with Coase. Another explained how tired he and others were of Habermas. Someone else complained that his own work on Ely and Critical Legal Studies was simply not generally understood by his faculty. Could I explain where one might best pursue the study of leveraged buyouts using a law and economics approach? And I was back in Cambridge, the same names dropped, the same mainstream feelings that everyone's own work is misunderstood or undervalued. The great struggle for modernism seemed suddenly to have been not only won but routinized.

I thought about this encounter in terms of the new and the old Spain. Younger faculty strutting their discontent with the old regime,

encouraged by the presence of a foreigner to articulate their desire for something new, their fealty to all that was already new. The battle between history and pragmatism may even have been a set piece in the presentation of that difference. Don't young law faculty everywhere bemoan the rigidity of the old pedagogy, defend themselves by reference to the needs of business and commerce, appeal to the student's interests in practicality? And what could be more modern and up to date than to tinker with the academic legal debates being pursued in the United States.

In a way, presentation of these stereotypical arguments worked to mark generational differences. Styles in the rotation of legal academic fashion had become postures identifiable as modern, ways of confirming and pursuing the project of national renewal. Far from transcending the clichés of modernism, the banal enthusiasms of a universal metropolitan culture, the cosmopolis was being built on their reiteration.

The possibilities for conflict between the new and the old Spain seemed ever present—in relations between old and new faculty, between the new, largely private professional training schools and the traditional faculties, between the new commercial interests and the traditional bureaucratic elites, between the new lawyers and the old civil service, or the new civil servant and the old bar. I spoke with a young cosmopolitan alum who was an associate in a leading Madrid firm about the possibilities for cultural conflict. He had a very good part-time position teaching law at an increasingly prestigious private business academy and felt the difficulty of moving into the traditional law faculties with either his commercial pragmatism or his intellectual postmodernism. But conflict, no he really didn't see any. He felt that the new Spain was experienced by the older generation as the fruit of their sacrifice—having built this utopia, they were simply happy that their children had inherited a country on the move. I was skeptical, but the next day, at lunch, I felt there may have been something to what he had said.

My best meal in Spain was in the private dining room of a leading Madrid law firm, where I lunched with a senior partner, an emeritus professor at Madrid who had recently retired as director of the Royal College in Bologna, and a young associate in the firm who had studied at Harvard while I was practicing law in Brussels. The food, table service, wine, and decor were superb in the small formal

dining room off the senior partner's richly appointed sitting area. The conversation was cordial and professional. The only possible glitch was the opening soup of baby eels, but we were able to share a laugh at my inauguration to Spanish cuisine, and indeed, they turned out to be delicious.

We described our various institutions, compared plans for the new Royal College with the experience of the old, considered changes in the Madrid bar, spoke of the food, the city, the desirability of foreign study, the importance of postgraduate academic training, the role for a legal background in the upper reaches of government, commerce, and university life. Whatever differences might have separated us, we found common ground in the vocabulary of a cosmopolitan law. The narratives of law's progress towards the international, towards the modern and the technocratic rendered the move from Bologna to Cambridge, from liberal arts to the professions, inevitable, untroubling. We were all carrying on each other's work.

And I wondered again what it meant to go to the law, as I puzzled over the meaning of Spanish renewal. The same familiar narratives that structured relations of development, discord, and cordiality in the Spanish cosmopolis seemed to play a role in the development of the cosmopolitan. I reflected on characters I had known in Harvard's graduate program. Young lawyers from peripheral capitals, Madrid, Vienna, Kuala Lumpur, Santiago, come to Cambridge. Where they encounter hundreds of middle-class Americans in the process of professionalization, struggling with hopes for fulfillment, class advancement, assimilation to the establishment, practical skills, and savvy reflections.

To come to the law, to come to Cambridge, was, for some of them certainly, to make a bid for the cosmopolis. Imagine a young man from Spain, brought up in a wealthy environment, well connected to the old, familial and corporatist establishment, offered numerous ways of assimilating to a Spain which was disappearing. How to escape, to join a world ahead of his milieu, a combination of escape from his everyday and commitment to pursuit of its dreams, perhaps to return with new skills for a new society, having passed his contemporaries, perhaps not to return, to live no longer in the periphery but in the cosmopolis itself. With such ambitions, one might well study the EC at an institute, perhaps in Italy or Belgium, and then move to Brussels to become a Community functionary. But

one would remain a civil servant—what if you wanted to hit a home run, becoming simultaneously a world-class intellectual and a player in the commercial world of international business. You might think about law school in the United States, perhaps even a doctorate.

Of course these are just cosmopolitan fantasies about the law: the new aristocratic modernizer. Imagine the children of *comprador* traders in a Third World capital dreaming of a more honorable calling, a more secure place in the world of the *Financial Times*. Fantasies that combine elements of escape with promises to return. Or the children of diplomats with no place to which they might return. The Brazilian ambassador to India spawns administrators for the United Nations in Geneva who in turn spawn young Tamil-speaking, Swiss-educated lawyers who, after study in Cambridge, will seek work in the international nonprofit community as advocates. Perhaps they will do something about East Timor. Or imagine simply the earnest middle-class children of midlevel European executives in multinational companies or civil servants in the national capital or school teachers who seek a profession in law. Perhaps they went to an international school, had been exchange students, or volunteered for Amnesty International. In any event, they might hope to transcend the details of national practice for the broad generalities and courtesies of international affairs; their own capitals too provincial, the role of the metropolitan civil servant too banal.

For all of these, international law may be an arena of desire and fantasy, a trajectory of self-development. With all its shallow narratives of autonomy from politics, its heady pretenses to public service, its gestures to modern pragmatism, law seems the stuff of identity. Who was sitting in that lovely dining room but lawyers, professionals, spoken by the law, comfortably identifying ourselves through the rituals of shared legal narratives. A new society was being built in Spain and we were part of it. Our contribution may simply have been to tell one another one clichéd banality after another—and that would be enough for modernization, for participation in the cosmopolis. In a sense the law we shared was repository for dozens of incompatible dreams and obscure yearnings.

We might better think of law and the everyday as a rhetorical background to our conversations, appearing only as vague recollections, promises, fickle hints, flirtatious gestures of mutual recognition—how things really were, harumph, what we knew as a matter

of course, chuckle, where law was going, starry-eyed gaze. Fragmented into a dozen small exchanges, we were each pursuing our own ambitions, struggling for earnest assimilation, for amusement and interest, for riches and power, for recognition or conflict, at least in part by invoking and following the narratives of law and its twistingly ambivalent relations to the everyday, calling on a tool kit of rhetorical tidbits that could be strongly asserted or knowingly assumed.

Of course, such rhetorical tidbits are not just the fantasies of aspiring cosmopolites. They are also the institutional practices of the cosmopolis itself. Here, in Spain, I was more than a postcolonial agent for the center prospecting in the periphery. I was building a graduate program for a world law school, promising options opened, purveying credentials, contacts, connections. At once a symbolic and constitutive function, returning an identity in the reflection of their ambition. If the center, the metropolis exists to order, the cosmopolis exists to recruit, assimilate, proliferate.

Mostly, these dreams would remain obscure, for all those who came to law were learning how difficult it was to put law's sovereign and activist promises into play in any literal way. To work in an American law firm, to return to your uncle's office in Bombay, to teach at Complutense, to work for IBM. Somehow nothing seems up to the cosmopolitan dream, remaining enticingly offstage. At other times, a modern cliché could burst in on the cosmopolitan with energy and meaning. If I connected with any of these young cosmopolitans, it was not through empathy with their cynicism nor the seduction of irony as in Lisbon—the scene was too savvy for such a strategy. What worked seemed oddly the reverse: a blunt assertion of the boldest metropolitan banality about their roots, cultural origins, and aspirations.

One night, I had a delightful dinner with a group of young Spanish lawyers. Several had been at Harvard as graduate students and seemed to entertain me both to strut their newly jaded professional airs and to see whether I could ignite their nostalgia for academic idealism and social responsibility. In Cambridge, as in Lisbon, my work is to open a cosmopolitan everyday in what might otherwise be a tiresome imperialism. It took me a moment to see that in Spain, amongst these young graduates, I would find my function reversed. They were always already savvy and postmodern. Could they still

be tourists, still awoken to meaningful commitments and authentic experiences?

The three-hour feast, following hot on the heels of a lengthy and elaborate lunch, left me a bit tired. As we left the restaurant shortly before midnight, one of my hosts told me of her love for flamenco dancing and her plan that we adjourn to a flamenco restaurant where we might be able to dance and experience the "real Spain." It was a familiar gesture—like the Timorese dancing two weeks before. In Lisbon I, like most of my little cosmopolitan affinity group, had turned it down—or gone only to feed an ironic sensibility. But I had never seen flamenco and didn't place it as a standard modernist authenticity trope. Maybe I thought only I had papered my high-school bedroom with posters of bullfighters and flamenco dancers. In any event, we went and found the small restaurant filled with young Spanish professionals and Japanese businessmen, enjoying their fantasies with enthusiasm. It became clear after about an hour that this was simply the warm-up act. The waiter promised, with another round, the "best flamenco dancer in the kingdom," and we decided to stay.

Back in Cambridge it may undermine my cosmopolitan credentials to romanticize this sort of commercial gesture, and it may have been the light, or the food, even the jet lag, but she seemed a John Singer Sargent portrait come alive: at once sexy, powerful, dramatic. I asked my friends about flamenco. It was truly Spanish, one explained, although perhaps she should say Catalan. Another thought perhaps Andalusian. But the dance seems almost Moorish. Yes, in part because the dancers have always been gypsies. At least the explanation, like her primitivism, was reassuringly indeterminate.

About 2:30 our dancer paused to address the audience. "I know the flamenco can be a difficult dance for you, for an audience. It comes from the emotions, from the heart." Not from Africa after all. "I want you to understand the dance, and to enter into it because for me, the dance comes also from you, from your reaction and enjoyment." I was bummed, my primitive scene a tawdry tourist exhibition. I remembered some dancers near Jackson Hole, and some more at Four Corners, the only place where four states meet. Sargeant faded into a turn of the century Brussels exhibition of Congolese primitives arranged on the palace grounds. "The last dance was loneliness. This one will be love."

As cosmopolitan skepticism returned, I thought about my essay on law and the everyday. Where was law now? Could we really be meant to focus on the restaurant licensing rules? I looked to see if they had a mandatory exit sign, if Madrid required those posters of people choking and being Heimlich-maneuvered back to their plates. Were the waiters making minimum wage? Was my drink a standard half liter? Were the musicians in a union? Maybe I should think about the rules of flirtation, the rules for addressing an audience, for garnering our involvement, or of the life of the lawyers I was with, their pleasures, their enthusiasm for this evening of foreign languages, professional posturings, and dance.

Late that morning, the best dancer in the kingdom paused to accept a small scrap of paper from her guitarist and recognize three dignitaries in the audience. First, she was delighted to welcome the Interior Minister from Bolivia. Applause. Second, from Brussels, the Commissioner of, I think she said fisheries, but it might have been something else. In any event, nationality unknown. More applause. And now she had a special welcome, for she had saved the best for last. We had with us, from Los Angeles, Mr. name-garbled, who was responsible for the special effects in *Raiders of the Lost Ark*. Very strong applause, some cheers.

Three continents and three eras. And three forms of law in our cosmopolitan everyday. The first a juridical structure, the nation-state, with its bureaucracies, ministries, formalisms. A realm modeled on the desire for a juridical center of power, controlling the interior and authoritative for everyday life. This is a traditional zone, in which law and social life struggle with one another for supremacy. Law may be reason or ideology, the everyday routine or rebellion, but culture and nature can be distinguished and struggle for recognition in one another. To stand with the law is to stand with order, with the center, with reason, with belief.

The second is a more modern realm, detached from nationality, a pragmatic, technocratic metropolis in which law has relativized the everyday, parceling property into bundles of rights to be rearranged among departments, sold, mortgaged, reimagined as futures and institutionalized in secondary markets, in which rights have become things and individuals have become roles. In this scene, thousands of tiny functional calculations have sneaked up on sovereignty and law has merged with commerce. The law and the everyday have become

occasional cash payments in an economy of institutional procedures. Life continues in the knowledge that law or the everyday may at any moment be summoned, but they do their best work left in the vault, as reserve for our ongoing and elaborate rhetorical transactions.

The third is a space of culture, fantasy, and fashion. Law and the everyday appear as confusing terms, lapel widths, skirt lengths, as attitudes, tactics, philosophical positions, ambitions, and plot narratives. Sometimes they appear as stereotypes or clichés. And often the clichés are true. They might mark space or count time. They might provide identity, resolve family squabbles, or provide energy to national transformations. They might be simply amusing, standard jokes, or they might be strategies of combat and struggle.

We left just as our dancer had yielded the floor to her male partner. Three cosmopolitan phases, arrangements of law and everyday life contending for deployment. Politics, pragmatism, and play. Tradition, modernity, and the postmodern. Status, contract, and narrative. Identity, relation, and rhetoric. Two weekends and an airplane ride.