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Feet Notes:

Walking as a Technique of Law and Humanities Education

Adapted from my contribution to the roundtable ‘Futures of Legal Humanities Education’ held at the Law Literature and Humanities Association of Australasia conference ‘Legal Imaginaries’ at University of Hong Kong on 17 December 2024, organised by Ben Goh and Sabarish Suresh Babu, with co-panelists Ann Genovese, Ben Goh, Peter Goodrich, Shaun McVeigh, Karin van Marle and Honni van Rijswijk. My thanks to Peter Goodrich for coining the title in his summation of the discussion.

As scholars, we do endless formatting of footnotes to finalise our writing. In a recent delirium, I started to think again about the device of the footnote – something which has always fascinated me (and about which I have written before, but I will resist the urge to insert one here). Using footnotes are about authority, about a formal recognition about your sources – a mark that means you are always inheriting and taking on, incorporating the work of others in your work. A footnote is a backwards looking device, pointing to those who have come before. As an early career researcher attempting to stand on the shoulders of giants, these tiny superscript footnote numbers are freighted with that sense of responsibility to the past, as well as a responsibility to ethical scholarship regarding attribution and accuracy.

For this essay, however, the brief from the editors was to not have any footnotes or a bibliography. This was an attempt, I

assume, to provoke a different style of writing from contributors – a deliberate ploy to force a different style of thinking. For the form, the medium in which we write (and I include the scholarly apparatus of footnotes as an integral part of the form of scholarly work) matters to the way we are able to express our ideas, and opens up or constrains their possible journey ways.

Often I would like to think about my work as a path to opening up a dialogue with other scholars, or I frame my work in the text explicitly as ‘joining a conversation’. But it isn’t often I get to be in an actual structured conversation in real-time. Rather writing and scholarship is a delayed and textual conversation that mainly plays out through the footnotes – mini light beacons that say – this is who I have read, this is what I am challenging, this is the time period I was working in, this is what matters for the words I am writing down now, in this place. I feel like footnotes in other people’s work are little rabbit holes, beckoning me down below and beyond the page, and my movement between the text and the notes becomes one of careful notation, of discovery, and of finding a way to hold onto and orientate myself, inside and outside of the text. In this piece, therefore, I am trying to work out a different way to take footnotes and to have a scholarly conversation – to talk and create a different *immediacy* of conversation – and to bring that across to the practice of teaching. My area is law and humanities, and I have been trying to work out new ways to think and express ideas with students. My suggestion is to go outside and to go for a walk.

There is something unique about walking – it brings a body through a space, it is rhythmic motion through time. And a walking tour is a unique mediated experience. Going on a walk with a class brings people together into a swarm. It takes a class out and away from chairs, desks, computers, Chat GPT and turns them into individual, vertical, full bodies, present in the streets. And forms of conversation change – people talk to each other differently whilst walking. There is something about a shared

horizon, and a shared rhythm – people fall into step with one another – that encourages a different form of discussion.

It also encourages an interaction with the way law acts upon us. During our recent COVID times, walking on the streets became very legible as an act of law – it was a dance with a set choreography. The streets were full of allowed and not-allowed movements and face-coverings and time limits and geographical limits; the manifold ways we live with law become more legible in the landscape. But these movements happen all the time. It is about the noticing, the paying attention to the way the mind and body link with law and link law with the world.

Of course, I know that I walk in different ways to others, and I am able to walk freely as a white able-bodied woman. Even though I don't like to be outside after 10 PM on the streets by myself, walking is not something fraught for me, and I am lucky in this way. Due to the location of my current academic institutions, I am also walking on the (generally) clean, wide footpaths in Melbourne, Australia or strolling along the old, grand boulevards of lake-side Lucerne, Switzerland. There are other institutions where it would obviously be difficult for many reasons to walk off campus, or where there are no footpaths, and so walking with a class is dangerous, or simply impossible.

Nevertheless, for those who can move unhindered, it is important. Part of knowing the law and the world through the body is connected to bodily posture, and the affects involved when we walk. It is to think about and do jurisprudence through the body. It is to practice what we preach. We need to challenge the forms and mediums of legal scholarship and legal teaching and try to stretch and test those boundaries and materials, to move beyond. So my exhortation and suggestion of a creative technique in teaching is to go outside – both the page and the classroom.

To tell some anecdotes about walking now is to challenge the form in which legal stories can be heard – anecdotes by their

very definition are unverifiable, not admissible and, therefore, not footnoted. But they can be illuminating. For instance, a colleague of mine from the University of Lucerne, Nicole Schraner, recently took her history class on a walking tour that explored the different stories of women criminals in Lucerne. The feedback from students on the walk was that it made these stories come ‘alive’ – being in the places had real power. So doing an excursion that can be linked directly to subject matter, or indirectly, and gets us out of the classroom, can lead to more engagement.

Another colleague from the University of Melbourne, Olivia Barr, who is well-known for her work on the jurisprudence of movement, always takes her legal theory class outside. For Olivia, walking and being outside makes it possible for the students to notice the layers of legal places which surround us, shifting attention, deepening their gaze. This means they also ask different questions, change their perspective, or take the lead, emboldened by the perceived shift in hierarchy and the openness of being outside.

Other legal walks are discussed by Andreas Phillippopoulos-Mihalopoulos (University of Westminster) who is a strong advocate in his scholarship for walking and getting outside as a way to become better teachers of law. His concept of the lawscape from his book *Spatial Justice: Body Lawscape Atmosphere* (2014) – the dynamic threads of connection between law and urban space that are visible and invisible – has been very influential for my thinking about how we move through (and move with) layers of law. The aim is to notice more deeply the materiality and corporeality of law and space.

Finally, a less literal approach is to go on a disciplinary wander. This is an idea which I took from renowned law and humanities scholar Desmond Manderson that I am keen to try, which is to set ‘required looking’ as well as ‘required reading’ for a course. The aim is to find some images which enable this

wandering and this affectual encounter with relevant topics to occur conceptually across scholarly genres. There is something intriguing that happens when images and their relations to law are explicitly brought into a conversation rather than seen as simply illustrative. And, my colleague Ann Genovese, from the University of Melbourne, brings that into being in her course titled *Public Trials*, which I have had the pleasure of teaching with her. In this subject, students are assigned one ‘law’ reading and one ‘non-law’ reading every week, as a way to notice and contest genre boundaries.

In any case – for all of us, we know that doing research and teaching in law and the humanities is always outside of the boundaries of typed words on a page or the glow of a power point. It is about trying to do scholarly work in a way which is embodied and experienced. This is, to circle back to the beginning about footnotes, to think harder about authority and institutional power. Noticing the practice of writing with footnotes means thinking about what it means to practice a scholarly ethos and join a community of scholars. But it also means noticing the way form matters, and materially affects the way we write and what we are able to say.

My suggestion, therefore, is to think about an attempt at knowledge and understanding which can take its authority and its value perhaps also from a momentary, communal experience. It is to try to teach differently and try to get our students to think differently, to make their own marks on the earth – literal foot notes, “feet notes” – made by a foot in a shoe, in a time and a place, step by step, together.

