

INTRODUCTION

Ignazio Castellucci*

*"There is no dark side
of the moon really.
Matter of fact
it's all dark."*

(Pink Floyd, *Eclipse*)

Is law inherently good, reasonable, just?

Has it always been associated with positive values in all cultures, at all times? Has it always had that distinctive flavour of soundness/seriousness that we commonly associate with all things legal?

1. The *Juris Diversitas* 7th International Conference, based in Catania (Italy), was held as an online event on 9-11 June 2021, after rescheduling the original event planned for 2020, due to the Covid pandemic.

Almost needless to say, the Conference title is inspired by Pink Floyd's milestone album of 1973: the executive Committee of *Juris Diversitas* realised, during a meeting held in Lausanne in 2019, how big has been the impact of that record on rock culture and language, and on pop culture at large.

A result reached through a synthesis amongst psychedelic pulsions, present in Pink Floyd's early recordings, together with more structured rock patterns of the 1970s,

* Associate professor of comparative law at University of Teramo; Vice-President, *Juris Diversitas*.
icastellucci@unite.it

plus unusual additions to the musical discourse (like the sounds of cash registers, pendulum clocks, home conversations, airport announcements, laughs), sound power, and pure beauty.

The lyrics of the album's tracks, on the other side, revealed the dismaying feeling of finding oneself different from self-produced descriptions, for external or internal causes revealing our own dark side.

A synthesis which could be enjoyed in reverse-engineered as well – de-composed like a ray of light through a prism, producing a spectrum of colours, in which individual elements of the whole are singularly visible.

Too interesting, not to make it a *Juris Diversitas* event.

The Conference organisers, thus, envisioned a journey across the entire spectrum of uncommon legal epiphanies, seeking instances when the law has been or was believed to be evil, odd, bizarre, fantastic or absurd, ridiculous, esoteric, psychoactive or psychotrope – exploring the dark side of the law in time and space, to observe its many hidden facets (as underlined by Moustaira in her paper, presented in this collection).

Developing the idea has been thrilling, and organising the event has been exciting. The results have been rewarding: the papers collected in this special issue of *Opinio Juris in Comparatione* – for which we at *Juris Diversitas* are grateful¹ – cover a wide range of uncommon observations on legal phenomena, as well as uncommon laws, and their perhaps not-so-uncommon legal effects.

2. One thing we learned from this journey is that law can be very effective – besides some of its regulatory, securitarian aspects, and much beyond its protective function of public morals and community-building – as a respectable form of brainwashing, and of excersising body and brain control (papers of Chaibou Dan Inna, Vahabava), ranging from the soft suasive power of religious, social, political or affective networks,

¹ I cannot but publicly express *Juris Diversitas'* gratitude, an my personal one, to the Journal, to its Editor-in-Chief Prof. Giovanni Comandè, and to Dr. Eleftheria Ntanou for her professional, careful, very patient editing work.

to legal sanctions from organised human wrath or from the State (Berkmann, Sabatino), to sheer terror (Didier).

The bad news is that each of us may at some junction in life find her/himself in the deviant's shoes, vis-à-vis the law – whether for reasons of substantive behaviour, or for purely procedural reasons, as in a Kafkian plot, without entirely understanding the origins of their misery:

*"The lunatic is in my head
You raise the blade, you make the change
You re-arrange me 'til I'm sane.
You lock the door
And throw away the key
There's someone in my head but it's not me."
(Brain Damage)*

Good news are, of course, normally associated with the classic, respectable role and functionality of the law, including the provision of justice, of course, and even of remedies for miscarriages of justice. However, we still have to face the sometimes problematic functionality (Vanni) of those forms of redress; or the painful stretching exercise of lawyers' cognitive capabilities, which is usually needed when traditionally non-legal skills enter the picture for the purpose of understanding and enforcing the law (Tassone, Rigazio).

A quick search on the web will reveal the existence of a significant amount of legal literature dealing with these dark sides of ours, with a number of relatively successful published collections of weird, absurd, dumb, funny, unusual laws – reality can, of course, be much more interesting, in this respect, than the also existing 'fake dumb laws', or legal urban myths.

Thus, revealing, both with fake and with real 'dumb laws', how deeply convinced are we the lawyers, that the law reproduces, and at the same time reveals, our public

virtues as well as our private weaknesses: going through the search engine output, we cannot avoid a nervous giggle, due to the fact of our dark side being exposed.

Despite the light tone, that literature satisfies a deep need of any lawyer, to exorcise that uncomfortable feeling, and to legally wash away our weaknesses or faults – ever-present, if covert and often not (entirely) known:

"I've always been mad, I know I've been mad, like the most of us...very hard to explain why you're mad, even if you're not mad..."

(Speak to Me)

3. The papers presented here have been ordered according to a spectrum of sorts, ranging from more general, ariose observations about the law, to more technical analyses of specific legal phenomena.

We are much indebted, of course, to each and every one of the Conference presenters.

Each of them, with their differences in geographic, cultural and legal backgrounds, in approach to the topics dealt with, in their level of experience in legal research – ranging from mature analyses of seasoned researchers, to fresh products of younger colleagues – being truly unique, and in their own way inspirational. Each of them, uniquely contributing to the success of the event, like different instruments playing together in a symphony.

We are confident that the Journal readers will be able to enjoy this collection, and perhaps extract some lessons from this or that individual paper, or from the *ensemble*. They would be self-taught lessons, ultimately: the papers just being stimuli for reflection on our communities and selves, as lawyers, and humans.

