

## The Long 2020: An Outsider Jurisprudential Account

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This paper will discuss four accounts of the relationship between temporality and jurisprudence in the context of a time--the year 2020--that in many ways can be considered to have been "out of joint". Common law jurisprudence works with its own temporal logic that oscillates between the binaries of the is and the ought--the foundational and the aspirational. In this, jurisprudence is interested in answering the vexed question 'what is law?' by attending to a temporal understanding of causes and consequences that make valid law possible. The search for validity is thus at the core of common law jurisprudence's inquiry. The discourse surrounding decisions taken by the Indian state through 2020--be it the imposition of lockdowns, the treatment of migrant workers, the arrest of activists under the UAPA, the passage of the new farm laws, to name a few--have been produced in the language of validity/ invalidity that is temporally bound to historical and contemporary legal sources. Outsider jurisprudence steps away from this conventional form of understanding the relationship between law and time by looking for law in places that cannot be seen or interpreted in the vocabulary of validity. The outsider jurist's vantage is the apocryphal or the minor, which does not require the scaffolding of the is and the ought, the cause and the consequence, or the foundational or the aspirational. An outsider jurisprudential account will thus offer insights into the lives of law that are at the interstices and crevices of these binaries. These imaginations of law veer from being violent to romantic to resistant to fantastic to affective. Outsider jurisprudence moves from the question of validity to that of contingency.

The outsider jurisprudential accounts that this paper will discuss concern an image, an act, a statement and a word. These are:

- 1) solicitor general of India Tushar Mehta's comment in the Supreme Court calling journalists who were highlighting the suffering of migrant workers "prophets of doom" by drawing on discussions around an *image* by the photographer Kevin Carter;
- 2) the repeated *act* of reading of the preamble of the Constitution at Shaheen Bagh;
- 3) writer Arundhati Roy's statement about Covid trials in an international court as her post-lockdown wish;
- 4) the popularisation of the *word* "aatmanirbhar" as Narendra Modi's proposed panacea for overcoming the adverse impact of the pandemic.