The Sociology of Legal Subjectivity

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Summary: It is argued here that the concept of "legal subjectivity" should be recognized as an indispensable piece of sociology of law's theoretical tool kit, designating a priority research domain. In defence of this argument, the concept is specified, critiques that were addressed to it throughout the recent history of sociology of law are discussed, and a conceptual framework is presented, with a view to its empirical operationalization. This conceptual framework, inspired by systems theory, approaches a certain form of subjectivity as a characteristic of modernity, located at the interface between communication and individual psychic activity. Apart from applications to crucial contemporary issues – such as changes in the experience of citizenship, their causes and their possible consequences – it could help sociology of law to better contribute to a reflexive research about current changes in the scientific field itself.

Key-Words: Legal Subjectivity, Communication, Consciousness, Rights, Modernity, Agency

The argument of this chapter is that a specific concept of "legal subjectivity" should be recognized as an indispensable piece of sociology of law's theoretical tool kit, and that today it should designate a priority research domain.

The definition of that concept has to start with a terminological point. In socio-legal texts, we find mentions both of "subjectivity" and "legal subjectivity". The noun "subjectivity" has here two very different meanings. Alone, it means the reflexive consciousness of a human individual, and suggests the density and uniqueness of its contents (Santos 1991; Barron 1998). Coupled with the adjective "legal" it often means the fact of having the status of a – legal – subject (Broekman 1986; Kersten 2017; Bernardini 2018). This second meaning differs radically from the first. Indeed, the legal subject is conceived not as a reality with a substance, but in merely formal terms, as an entity – which does not even need to be a human being (Boyle 1991: 521) – entitled to acquire rights and to endorse obligations. And it shares this quality with all other legal subjects, which makes subjectivity in this second meaning just the reverse of something unique.

The phrase "legal subjectivity" is sometimes given a meaning conditioned by the substantial notion of subjectivity. This meaning has now to be specified, by making the elements of that notion explicit. This obliges us to reject a meaning deriving from a literary understanding of the phrase "legal subjectivity". It makes no sense to designate some subjectivities as legal, as opposed to others, admittedly non-legal. Indeed, linked to the idea of uniqueness, the substantial notion of subjectivity carries the idea of unity. The idea of a subjectivity, as an instance in which a person experiences her/his unity, which would be entirely legal, is not acceptable in a context where law is conceived as a differentiated social domain, in which individuals participate only as far and as long as they participate in legal operations.. According to our way of using the adjective "legal", "legal subjectivity" could have another meaning: in the consciousness that a human individual develops about her/himself, it would designate only the part that relates to the law.

Such a concept, however, requires two specification. A first specification is demanded by a characteristic of the consciousness which is the stuff of subjectivity: heterogeneity, dispersion, discontinuity. In the face of such a medium, one hardly can set stable divides; so it seems questionable to speak about an identifiable "legal part" of it. More acceptable is the following assumption: within the undifferentiated and fluid medium of an individual mind, it is possible to find, for moments and according to the circumstances, reflections that include legal references; the challenge is to better scrutinize these moments, their occurrence and their place in the broad context of the thoughts one may have about her/himself. "Legal subjectivity" qualifies in this sense a subjectivity that is capable to refer, at least occasionally, to the law, and that deserves to be inquired with the aim to appreciate the emergence and the relevance of those references.

A second specification is suggested by our disciplinary background. Up to now, we focussed on the psychic aspect of subjectivity. We cannot forget, however, that the concept has also a societal aspect. The psychic activity of an individual is a topic of communication between her/him and others, or between third persons. This is what happens, for instance, when we, sociologists of the law, discuss the "subjectivity" of judges, jurors, public servants, etc.[1] Just as subjectivity in general, what we called here "legal subjectivity" should be approached with consideration of these two dimensions: thoughts of individuals about their position in the world, in which references to the law have a certain relevance; communication about these thoughts where legal references play a certain role.

In defence of a research programme giving priority to legal subjectivity in this sense, it is worth, in a first step, remembering the issues which did dominate the debates in sociology of law throughout its recent history, and how, if it is the case, the topic here at stake has been approached in the context of these issues. As we will see, when it is mentioned, it often is in critical terms. So we will have, in a second step, to review these critiques, which may provide valuable guideline at the moment we intend to formulate a research programme. Taking advantage of the lessons of the discipline's development, we will then be in condition to come back to the concept of legal subjectivity, and to develop it in more operational terms.

Legal subjectivity approached in the context of the main recent socio-legal debates

At the beginning of sociology of law as a specialized sub-discipline of sociology, from the 1960' on, the main topic was the concern about law as an instrument of government. After a first period of intense governmental activity worldwide aiming at reconstructing peaceful and productive societies, it appeared necessary to develop detailed information, backed by adequate research, about the effectiveness of law as a governance tool, and about the society upon which this tool was to be applied. Since law impacts on society through the acts of its individual addressees, individuals were approached in the research of that period – knowledge and opinion about the law (KOL), labelling approach –, but the focus was on the individual attitudes toward the law in particular (Lista 1995: 154).

A second topic reaches the top of the agenda in the late sixties: the critique of the way law participates in the establishment of power relations. Due to the influence of Marxist conceptual schemes, the analysis addresses large societal aggregates: classes, differentiated social domains, ideologies. Subjectivity, in particular legal subjectivity, appears in this context as an element of the dominant ideology, which, by attributing apparent forces to the individuals, contributes to the

[1] Third possible meaning of the concept of «legal subjectivity»: the subjectivity of legal agents in the accomplishment of their function. This is a research topic in sociology of law (Edlin 2016; Liu 2018; Meakin 2019) which will not be further discussed in the present chapter.

obscuring of the real power relations (Knieper 1982: 117). In the course of these critical debates, the operation of the power devices in which the law participates deserved a more detailed analysis, which tackled at a certain moment the level of the individuals. Michel Foucault argued that modern power devices target the individuals in their self perception, generating a certain type of subjectivity (Foucault [1975] 1977). Thereby, the topic of legal subjectivity explicitly entered our domain, approached however as part of a radical critique of the power mechanisms of modern society (Rose 1999; Gowan 2012).

A topic that dominates in a third period is the legal system itself. The work on the means of government and power relations proved necessary to better focus research on the legal component of power mechanisms. In the 1980' several works tackling the legal reality as whole were published and discussed (Bourdieu [1986] 1987; Teubner [1989] 1993). Two debates develop, nurtured by this intensified discussion about the characteristics of law. One takes up the classical topic of legal pluralism. The attention toward the official legal system stimulates as its counterpart an increasing attention toward normative phenomena outside of it (Belley 1986). The other gives emphasis to the changes that take place within the law at that time, as well as within other social domains, launching the topic of "post-modern law" (Boyle 1991). The strong emphasis on the legal system and its transformation, or else on realities competing with it, led research to limit the discussion of individual experience to situations more directly linked to the law (Lista 1995: 172).

In a forth period, during the 1990', socio-legal debates were strongly conditioned by the ongoing processes of Europeanization and globalization that followed the collapse of the Soviet Union (Teubner 1997: 769). In the context of researches about new forms of legal pluralism favoured by globalisation, one paper in sociology of law puts forward the hypothesis according to which individuals would lose their societal relevance, in a world where the real players are large organisation (Belley 2002: 159).

One of the main topics of discussion throughout the last two decade what could be called the law of the dominated. Important streams of research develop inspired by feminist studies, post-colonial studies (Morris 2006; Cranny-Francis 2013; Dirth 2019), gender studies (Phillips 2000; Cottier 2006; Facioli 2012; Kochanowski 2014). This, indeed, brings subjectivity back at the forefront. The emphasis, however, is on the critique of a certain notion of legal subjectivity implicitly designed to fit the experience of a limited and privileged category of people (Collier 1998; Uhlmann 2004).

In the very last years, however, conditions seem to exist likely to favour the approach of legal subjectivity as a research domain of its own. To a significant extent, the discussion of the legal experience of dominated social categories did pave the way to this evolution (Wallbank 1995; Shin 2006). Three additional factors may have played a role. Firstly, individual experience has become a major topic in sociology in general, a shift that had consequences at the theoretical level, with the defence of conceptual schemes likely to frame empirical research addressing specifically the individual experience (Archer 2003). Secondly, in sociology of law, there is an increasing interest for the topic of constitutions. A central component of constitutions are the mechanisms of inclusion of the citizens in the political functioning of the state (Thornhill 2011: 19, 374), which implies a notion of citizenship that requires, in turn, a certain notion of legal subjectivity in the sense here defended. Thirdly, the very recent interest in legal algorithms and artificial intelligence (Hyden in the present volume) makes it necessary to compare legal operations conducted by machines and those conducted by human beings, which requires an in depth discussion of what it implies for social processes to take place relating to the functioning of human minds.

Critiques of research addressing (legal) subjectivity

The first critique influences sociological scholarship since Durkheim: sociology should concentrate on social facts, leaving psychical facts to psychologists. This policiy cannot be maintained on the long run. Social reality is connected to psychical processes, and at some moment the study of both has to be articulated. It may be in cooperation between different disciplines, but this requires concepts facilitating the cooperation (Cominelli 2018: 39). Such concepts are those which address the places where psychic and social processes do somehow touch each other. As already mentioned, subjectivity – legal subjectivity – is one of them. Subjectivity, being at the same time a topic of individual perception and reflection, and a topic of communication, couples societal and psychical processes. According to this conceptual scheme, the main task for sociology would be to inquire the communications about individual psychic processes, while psychology would study the mental processes that focus on communication. However, there are narrow correspondences between societal and mental processes. The study of such correspondence requires at least a partial effort, from both sides, to take in the actual process of research facts into account that belong to the domain of the other discipline.

A second critique relates to the Marxist analysis of society. The legal subjectivity designed by modern law, based on the concept of legal subjects entitled with rights, which warrant them freedom and allow them to freely conclude contracts, is qualified as an illusion. The idea of legal subjectivity is said to obscure, to a significant extent, the fact that most human agent are under the pressure of control and exploitation mechanisms. Indeed, inequalities in the conditions in which rights are perceived and exercised exist and have to be carefully studied[2]. Even under these conditions, however, the knowledge of the law and of one's rights may give the people some agency potential, in many cases very modest, but that deserves to be better analysed and measured. Foucault himself, who formulated a sophisticated version of this critique – the legal subjectivity generated by legal mechanisms creates subjects who participate in the control of themselves (Sato 2013; Kochanowski 2014) – admitted, already in *Discipline and Punish* (Foucault [1975] 1977), that in all power relations the weaker force is a force too, by which the subject resists or even fights (Collinson 1994, Shin 2006; McNay 2009).

Research developed on legal experiences of discriminated social groups, as well as inspired by a post-colonial agenda, points to the fact that a certain notion of legal subjectivity is linked to a very specific context (Cottier 2006). The assumption underlying this critique deserves to be fully accepted and to be used as a starting point in research on legal subjectivity. Indeed, subjectivity as well as legal subjectivity should not be approached as universal categories. There are many ways for groups to identify their members, and for individuals to locate themselves as individuals in such groups. The aim is to reconstruct this variety, through detailed empirical work. It seems plausible, however, that in certain societies a certain form of subjectivity has been consistently encouraged by different social mechanisms, among them, in societies of the late modernity, the school, the media, and offers on the consumers' market. So the analysis of accounts of subjectivities should be linked to the one of the mechanisms favouring certain features of subjectivity.

One more critique addressed to research on legal subjectivity points to what has been called the "individualistic fallacy" (Ewick & Silbey, in the present volume): it would give too much value to the individual, thus corresponding to the hyperindividualistic features of our social world today, which would be detrimental to the reconstruction of the mechanism warranting the integration of society (Supiot 2005: 29). This criticism, however, underestimates the relevance of an insufficiently analysed feature of modern society: it recognizes rights to the individuals, not only for the sake of their freedom, but on the basis of the historical experience that freedom may be an incentive for productive contributions to society, and a condition for the creativity of this production. In this sense, to study legal subjectivity is not to ignore the mechanisms of societal integration, but, on the

[2] See researches showing how certain social categories are excluded from the exercise of legal subjectivity (Barron 1998 ; Ariza 2009).

contrary, to analyse a sophisticated component of such mechanisms[3]. The main conclusion to be drawn from this criticism is that sociology of legal subjectivity has to be conceived as just one part of a broad strategy of understanding the social reality and the role of law in it (Guibentif 2020).

Developing an operational concept of legal subjectivity

A consequence of the terminological clarification that introduced this chapter is that the concept of "legal subjectivity" must be discussed over against the background of the broader concept of "subjectivity", discussing for each different point in the definition of that broader concept how the more specific issue of "legal subjectivity" could be dealt with. On possible way for organizing this discussion is to distinguish external from internal specifications.

Subjectivity is often defined with reference to realities that are external to it. In the first place, there are admittedly different types of subjectivities, according to historical periods or to different geographical regions of the world (Fiske 2000; Ariza 2009). One question is to know to what extent these differences are due to the legal component of the subjectivities. Indeed, it has been defended that a strong legal component could be a characteristic of a type of subjectivity to be met in the North-western part of the world.

Secondly, subjectivity is often linked to certain societal domains, such as the public sphere, the state (Martínez 1995; Lucke 1996; Jean-Klein 2007)[4], and, obviously, the law. A more general relationship somehow embraces these different links: between subjectivity and modernity (Tambe 2004; Mohr 2007). Coupled with the previous point on differences between types of subjectivities, these references to modernity may be translated into the following statement: there is a specific modern type of subjectivity. What about legal subjectivity in this context? In modernity, rights and the law would play an important role in the perception people have of their position in society, which means that modern subjectivity is necessarily, to a certain extent, legal subjectivity.

A third external specification of the concept is the following: since subjectivity is recognized to all the members of a community, one issue deserves special attention, the relationship between subjectivities (Pádua 2009; Gunther 2012; Cranny-Francis 2013). Here we meet a special relevance of the legal component of subjectivity. It supplies a detailed representations of the relationship between one "subject" and other people. One central assumption here is that the others have to be recognized as "subjects" too, as bearers of subjectivities with formal characteristics equal to those of the subjectivity of "ego". It remains, however, to identify other components of subjectivity that also may play here a role, and to examine their relationship to the legal component.

A forth external specification of the concept regards the relationship between subjectivity and what has been called "corporeality" (Collier 1998; Arvidsson 2011). The experience of one's position in the world is in the first place an experience of one's body, which is the instrument of material acts, and which is what other people perceive first from the part of the subject. Moreover, the body may be object of care or treatment provided by others (see in the present volume Krajewska), or, on the contrary, object of violence exercised by others. What happens to our body, which we may experience as pleasure of suffering – be it caused by others or not – supplies a significant part of what is cognitively processed in order to form our subjectivity. Again, the law plays here an important role, in different ways. It confirms the perception of our body as a protected domain, apart from the domain within which things can be exchanged or circulated, and it defines rules

[3] This is exactly what Honneth ([2011] 2014) does when he studies what he calls social freedom. See also Golder (2011), who speaks about rights as a « performative mechanism of community ».

[4] When it comes to the state, « subjectivity » is often referred to in close connection with « citizenship » (about this concept, see Griffiths *et al.*, 2016; Blokker in the present volume). The close links between these two concepts would deserve a separate discussion, which cannot be developed within the limits of the present chapter.

prohibiting acts likely to harm the bodies of others, or obliging some people to act when the physical well being of another person is at risk.

Concerning the internal specifications of subjectivity, we could distinguish three points: the discussion of its two components (a); of what happens between these components (b); and of general interpretations of the processes crossing these two components.

(a) Subjectivity combines a societal and a psychical component. As already stated, the existence of a subjectivity presupposes mental processes, the thinking of somebody about her/himself and her/his relationship to others, as well as societal processes: opportunities for that person, or requirements addressed to her/him, leading her/him to communicate about aspects of this thinking, and for third persons to debate about this thinking. A comprehensive conceptual scheme able to give an account of this duality of processes is Niklas Luhmann's systems theory, which distinguishes social and psychic systems, approaching both types of systems as emerging realities, generated by concrete actual operations, communication in the case of social systems, perception in the case of psychic systems (Guibentif 2013). Due to the radically different nature of these two types of operations, no direct link can exist between the two types of systems. The functioning of each one, however, is required for the functioning of the other. So there must be modes of coupling between the two types of systems. One type of coupling has been empirically surveyed by Margaret Archer (2003): the "internal conversation". People are in condition to report that mental experience: their thought sometimes takes the form of a dialogue they have with themselves. The dialogical form of the thought helps to take advantage, in mental processes, of experiences of communication, and it facilitates the communication about mental processes[5].

What is the place of law in this dual reality? Its place in communication is well studied by social sciences: as a result of functional differentiation, some discourses are rather clearly identified as "legal". It is more difficult to identify thoughts as "legal". Certainly, Luhmann's "code" "*Recht / Unrecht*", which use is said to distinguish legal communication, can be used in the "inner conversation". Legal professionals, when writing procedural documents, decisions, or sentences, certainly will have, for moments, inner conversations of this sort. The inner conversation, however, is a non linear and unstable process, merged in far less clearly formulated psychic events (perceptions). The many material and semantic artefacts that help differentiate a legal text from other texts have no equivalent in individual minds. Functional differentiation of perception, if it is possible for moments, probably requires strongly differentiated corresponding communication, likely to stimulate internal conversations sufficiently explicit and consistent to generate temporarily what could be called psychic differentiation.

(b) Subjectivity has been related to agency and to power (Archer 2003: 342). Taking the above introduced dual analysis as a starting point, agency may be analysed as a dynamics that crosses the divide between perception and communication. This "crossing" the divide may be observed in the form of correspondences between operations taking place in different domains (i), and it suggests the hypothesis of a reality not reducible to a mere set of such operations (ii).

(i) What enables us to say that "something happened", that there is some agency, is, if we analyse it with some detail, a combination of operations taking place in different domains, and which correspond to each other. A piece of literature may here offer an example. In the novel *The Maias* of the Portuguese author Eça de Queiroz, a crucial moment is, at the occasion of a public literary contest, taking place at the end of the 19th century, in monarchic Portugal, the successful recitation, by a poet, of an ode to democracy (Eça de Queiroz [1888] 2007: 584 ff., 610). What convinces the reader about the event nature of that moment is the conjunction of a literary achievement, a political positioning, a successful scenic performance, and an intense psychic contention. Differentiation

[5] For comparable reasoning, applied to the notion of person, see Luhmann (1995: 153).

between domains participates in the generation of the event and of its dynamics in two ways. On the one hand, the differentiation of specific domains makes certain types of operations possible, likely to participate in the generation of forces: for example: the existence of a literary field makes it possible to produce pieces likely to generate emotions from the part of the readers. On the other hand, the difference between domains makes it possible to experience something which is not a simple addition, but a reciprocal irritation of processes of a different kind. To come back to the law, when something happens in the legal domain, it is because there are correspondences between legal processes and processes of another kind: economic, political, academic, as well as processes in the individual minds of the people involved. Among other mechanisms, the recognition of individual rights is likely to favour correspondences between psychic processes triggered by experiences of injustice (Cominelli 2018: 18), and political as well as legal processes.

(ii) The analysis of situations like the one above described allows the identification of a set of elementary moments that are somehow combined in the experience of an event. What remains to be explained is how it comes that these many elements are experienced as forming a kind of unity: an event. One way – even if not the only one – to approach such processes, taking into account this experience of unity, is to interpret them as revealing, or possibly moderating or amplifying, a force that would be a phenomenon of its own, crossing the operations of the different domains concerned. Here I would like to carefully put forward the following reasoning. Perhaps it is time to go beyond the assumption defended in early works of Michel Foucault, quoted by Priban (2018: 36), which invites us to pay attention to the mechanisms that generate and condition the detail of our activities, and which analysis an existentialist emphasis on the subject's quest for authenticity had led us to neglect. Research on the differentiated operations that form the societal fabric of action, here shortly introduced under (i), should be combined with an effort to grasp forces likely to participate, across the differentiated domains of operation, in the generation of agency, and which could be named life. The hypothesis is that living beings are pushed by mechanisms that encourage living activity. In more concrete terms, life, in processes taking place in a world where communication and consciousness have been differentiated, as processes distinct from biological processes, could reveal itself in the following concatenation: moments in which the living being experiences itself as living are memorized as worthy being repeated; this memory facilitates the perception or anticipation of situations likely to offer that experience; this anticipation gives a certain action, likely to bring about that situation, its momentum. To bring the law back in this reasoning: it may be considered as one mechanism among others that help memorize and communicate expectations of situations anticipated as offering to a certain person a sensation of living, or in more trivial terms, the expectation of a certain satisfaction. And thereby it is likely to give momentum to certain acts.

Analysing legal reality on the basis of this reasoning, it is possible to identify two different types of living experiences protected by the law: on the one hand, experiencing oneself as a living being, while surviving, growing, moving, and so on; on the other hand, experiencing oneself as a unique living being, in specific activities. This brings us back to subjectivity. It may now be redefined as a means of anticipating, evaluating and qualifying individual experiences, both in the thoughts of the interested person, and in the communication between her/him and others, as experiences of the subject's uniqueness, in other terms, experiences of self-actualization. And, as such, it may be a driver of individual actions. Components of the law recognizing the expectation of living as a living being are the prohibitions of violence, rules allowing movements and activities, in particular activities aiming at collecting what is necessary for one's survival, rules obliging some people to take care of others (Krajewska in this volume). Among more complex mechanisms, rules recognizing the relevance of structures likely to maintain certain human groupings also should be mentioned here. As far as the components of the law recognizing the expectation of a certain person to experience her/himself as unique, two categories could be distinguished. On the one hand, there are rules recognizing directly the right of a person to act in a way that provides her/him the experience of being unique in a certain way: it is the case of what could be called the cultural

liberties: the freedom of expression, the freedom recognized to artistic or scientific activities; it also the case of liberties more likely to be qualified as political, such as the liberty of association (agency rights: Guibentif 2019). The experience of being unique obviously is also protected by the author's copyright (Barron 1998; Meese 2018). On the other hand, there are the rules establishing means likely to be acquired by individuals, for them to implement their personal projects, by recognizing private property and institutionalizing money as a means of acquiring and transmitting property.

(iii) One way of interpreting the evolution of the modern society, and of the law which is part of it, is to consider it as a process throughout which subjectivity, first of some talented individuals, later on of all persons, is recognized in an increasingly detailed fashion, while individual subjectivities, first of a minority of artists, scientists, jurists, or merchants, later on, at least in programmatic terms, of the generality of citizens, are taken as an essential productive resource for human collectivities[6]. A resource nurtured both by psychic processes encouraged by the appeal of the experience oneself may have of feeling her/himself unique at a certain moments, and by the communication about such experiences.

Thereby, subjectivity, as a combination of psychic and communication processes, has the potential of generating dynamics likely to bring about change both within the mental domain, and in the "world out there" shared with other individuals with whom the subject cooperates or struggles. What is likely to give consistency to such change and to establish a causality between the ideas of a person and certain facts – while the reality of the concerned processes is difficult to analyse, and precise links of causality difficult to establish – is, as Hannah Arendt notes, the speech about the acts (Arendt [1958] 2002: 213), in other terms: narratives. Indeed modern subjectivity is challenged to produce a discourse about the person, a discourse that shows both that the person evolves in time, and that he/she made some things happen in her/his environment. This is exactly what gives its stuff, in particular, to the modern novel, the *Bildungsroman*.

In the context of this reasoning, the study of legal subjectivity is, at a first level, the study of how, in the self-perception of a person, certain elements, perceived and communicated, may allow the formulation of projective narratives, which are likely to generate expectations of self-actualization, that is forces, and thereby, to switch to another terminology, to empower this person, or, contrarily, hinder the formulation of such narratives and disempower people; or else, as a combination of both mechanisms, yield ambivalent effects. And, at a second level, the study of what may be the role of the perception of law and one's own legal status in the generation of these effects (Cottier 2006: 235 f.; Arndt 2015).

Empirically, this should be developed on three lines. Firstly, actual subjective experiences may be reconstructed by the direct observation of communication processes (Shon 2000; Arndt 2015), and by interviews, which may be part of a biographical method (Cownie 2015). Their effects may be reconstructed by the analysis of documents or cultural products (televisions series: Cranny-Francis 2013). Secondly, the research on actual experiences has to be linked to research on the societal mechanisms that favour expressions of subjectivities, among them legal procedures (Cottier 2006; Nasir 2016; Krajewska & Cahill-O'Callaghan 2020). Thirdly, it has to be combined with researches about the historical development of modern subjectivity. On this line, works started by Michel Foucault, Pierre Bourdieu (in particular with his work on scholastic reason: Bourdieu [1997] 2000), Niklas Luhmann (in particular in his books about the evolutionary processes leading to our contemporary complex societies; among other references: Luhmann 1989), and Jürgen Habermas (most directly in his last work: Habermas 2019), as well as, in a radically different approach, but tackling directly the fact of agency, Hannah Arendt ([1958] 2002). Research carried out on these three lines could enable us to detect and qualify recent developments in this domain, in particular

[6] For a justification of this historical approach to individual subjectivity, based on a discussion of the history of the word « critique », see Guibentif (forthcoming).

the emergence of a new type of subjectivity, the "entrepreneurial self", and to participate in the debate about the societal consequences of the its generalization (Scharff 2016; Bowsher 2020).

It is crucial for sociology of law to intensify research on these issues. Indeed these changes occur in particular at the level of the individual relationship to the law. And they have a direct impact on the scientific domain. Sociology of law, by researching these issues, participates in the effort of science to appreciate the conditions of its own continuation. And, by taking legal subjectivity – modern subjectivity as characterized by components conditioned by differentiated specialized knowledges – as a concept orienting this work, it enables itself to take advantage, as research material, of what is experienced nowadays in the scientific domain itself, by what we could call scientific subjectivities.

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