

In Conversation with Anthony Julius

Elizabeth Huang

Anthony Julius is a solicitor advocate who has represented Princess Diana and Deborah Lipstadt. He is Deputy Chairman of Mishcon de Reya, and Chair of Law and the Arts at UCL. He has published prolifically, including on art, literature, and the history of anti-Semitism.

Having finally mustered the courage to call first (to call or to be called... an old dilemma rehashed for our pandemic times), Anthony Julius blips into view, an impressive wall of crowded bookcases looming up behind him. Looking past my own screen, I am confronted by the sight of my own second-hand Ikea bookcase squatting emptily in the corner—and am struck by a faint premonition that this is going to be an apt visual metaphor for the conversation to come.

After all, Anthony Julius is a man whose intellectual and professional reputation precedes him—in deeds at least, if not in name. ‘I’m interviewing Anthony Julius this week’, I tell my non-law friends. ‘Who?’, they ask. ‘Princess Diana’s divorce lawyer... he might be in *The Crown* next season’, I tell one. ‘Andrew Scott—you know, Hot Priest—played him in *Denial*’, I tell another. Sudden flashes of recognition. ‘Oh!’, they say. I smile, just a little smugly. But we are not here today to talk about Julius’ public profile, or the legal cases that made his name.

Today it’s *Professor* Anthony Julius, Chair of Law and the Arts at UCL, who’s in the hot seat. Bespectacled, even donnish (though I’m not sure he’d like the term), he seems unexpectedly mild-mannered given his reputation as a fearsome negotiator. I’m here to ask him about his multidisciplinary teaching and research, the rumours of a new book that have been doing the rounds, and any advice he might have for those seeking to follow in his illustrious interdisciplinary footsteps. Julius tells me he has been busy teaching at UCL since 2017. His courses range across such diverse topics as: the censorship of the novel from Flaubert to Rushdie; the nineteenth-century English industrial novel and tort law; and, in the Jurisprudence strand, Shakespeare’s sonnets.

The last of these sounds especially enticing, but Julius is dismissive of approaches to ‘Shakespeare and the Law’ which focus on the accuracy of Shakespeare’s depictions of legal matters. Addressing Shakespeare through this legalistic lens is, he explains, ‘at the level of the trivial... it is to speak within the perspective of a lawyer’. Approaching Shakespeare with a more consciously multidisciplinary mindset led Julius, instead, to design a unique course for law students that juxtaposed literary

interpretation with legal interpretation, and literary form with legal form, using the sonnets as the central reference point.

Why the sonnets in particular? ‘I have not felt in the 40-odd years that I have been practicing that any case or statutory provision has the same complexity and challenge as a Shakespeare sonnet’, he says. Ruefully? A little regretfully? Anthony Julius, academic *manque*? Well, not quite—after all, he does have a PhD in English Literature, and is the author of nearly half a dozen serious tomes. But his comment is certainly provocative—and would make an excellent exam question in the final paper of the fantasy ‘Law and the Arts’ undergraduate degree rapidly taking shape in my imagination.

A broader, more expansive approach to legal education is critical, argues Julius, ‘if we are meant to take law seriously as a humanistic discipline’. Yet law schools are notorious for their suspicion of, and even resistance to, ‘Law and ...’ subjects. How would Julius state the case, then, for more interdisciplinarity? Or does he think lawyers already have enough of it? After all, legal history and legal philosophy have been going strong for decades—even if some would accuse these subdisciplines of starting to creak a bit. ‘I am sure they don’t have enough of it!’, he replies, laughing. (Admittedly it was a leading question.) ‘But—more serious now—in a way, the question you are asking me is just an institutional one ... understanding intellectual endeavour in a more generous and non-institutional way, how can one not proceed interdisciplinarily?’

For Julius, it seems, the natural state of the intellectually engaged individual is fundamentally one of interdisciplinary curiosity and engagement. ‘Legal and literary activities, in their own distinct ways, represent creative engagements of the “rule-governed” and the “rule-breaking” ... to consider them without [reference to each other] is to go against the grain’. He pauses. He muses. Anthony Julius then delivers (live on camera!) one of the characteristically pithy summations he is famous for, neatly inverting my question in the process. (I can see why he so impressed his Cambridge examiners, and continues to impress the courts.) ‘It’s the *unnaturalness* of the disciplinary ... the confining, not the unconfinement that needs to be justified’. He sits back, pleased.

This theme of the contrasting, sometimes antagonistic, but ever-present relationship between law and literature threads its way through Julius' academic work. Returning to the Bard, Julius explains that he is presently excavating what he calls an 'antinomian literary sensibility' found in Shakespeare. I contemplate reaching surreptitiously (if such a thing is possible on camera) for a dictionary, but realise with despair that it is located out of reach on the shelves of my Billy bookcase (et tu, Ikea?). Thankfully, Anthony Julius is still in full flow: '[W]hat does it mean to treat law disrespectfully?', he continues, sketching a fascinating account of the ways in which literature disrespects law and, in doing so, draws the boundaries of its own domain.

What does he mean, exactly, by disrespect? First, he explains, there is a 'simple antinomianism' (anti (against) plus *nomos* (law)), which instrumentalises the law by treating it 'not as an end in itself ... but instead as a set of devices or tropes to be deployed for one's own purposes'. I am reminded of Shakespeare's brilliant manipulation of trial scenes in plays such as *King Lear* and *Measure for Measure*, and the legally inflected machinations of the characters in Jonson's *Volpone*. Second, there is a 'Pauline antinomianism', which, Julius argues, offers a kind of 'liberation from law as part of a new [literary] dispensation ... law-breaking as constitutive of the literary regime'. Similar reflections on the relationship between law-breaking and literature-making (and perhaps, vice versa) surface elsewhere: in the published version of his inaugural lecture as Chair of Law and the Arts, Julius concludes that the title of his Chair is 'no more, then, than a hybrid of two other titles—Union, Contest; Law with Arts, Law vs Arts—Law and Arts United, Law and Arts in Conflict'.¹ Disrespect, according to Julius, is one of the central, animating forms of engagement between law and the arts.

Of course, this is no one-sided brawl, in which puny Law is getting pummelled by brawny Literature. Referring to Dworkin's famous metaphor of law as a chain novel, Julius notes that this is a fine example—'an idea of genius!'—of using 'a totally instrumentalised literary metaphor to advance an entirely jurisprudential argument'. Two, it seems, can play at the disrespect game. Ultimately, however, I sense Julius' sympathies lie more with literature. Dworkin's use of this literary metaphor is, Julius suggests, finally 'a kind of wry acknowledgement of...the sovereignty of the metaphor in terms of its power and authority to mobilise political action'. One has the inkling that, for Julius, literature is the exciting *enfant terrible*, after whom fusty Old Man Law is hobbling down the street, waving his walking stick and issuing prohibitions. To volunteer another pithy Julius summation (an Anthony Aphorism?) sourced from his inaugural lecture: 'art exasperates law, law oppresses art'.

So, at last, this is the interdisciplinarity Julius has in mind! Not the nice, domesticated, 'kumbaya' variety, but something wilder and more muscular (and potentially far more interesting). This conflictual relationship between law and the arts is not only richly generative, but also of immense contemporary relevance. Julius highlights several modern flashpoints in his lecture: 'Should artists who abuse actors, even commit crimes against them, be banned? ... Should literary works that express sentiments implicated in systems of oppression—documents of barbarism as well as of civilisation—be suppressed? ... Should trigger warnings be added to novels and plays?'² I'm starting to feel slightly jet-lagged, given we have just traversed several continents' (and centuries!) worth of theoretical material—but the show must go on! The next stop?

Julius' forthcoming book, provisionally titled *Shameless Authors*. Here we arrive at a sobering example of (to translate the theme now for a different demographic) the on-again-off-again relationship between Law and the Arts: censorship.

'It's a history of the censorship of literature and the arts in liberal democracies from 1857 to the present', Julius explains, 'and it's also a normative account of the defence of literature and the visual arts'. The historical section is divided into two parts: 1857–1989, and 1989–the present. Why draw lines under 1857 and 1989? Even through the screen, I can see Anthony Julius' eyes gleam with enthusiasm. He first describes the prosecutions, in the name of public decency, of Flaubert's *Madame Bovary* and Baudelaire's *Les Fleurs du mal*; and the enactment of Britain's first Obscene Publications Act, all in 1857. Then, in 1989, there is the notorious fatwa issued against Salman Rushdie for the publication of his novel, *The Satanic Verses*; and on the global stage, the Tiananmen Square protests and the fall of the Berlin Wall—two momentous events heralding the rise and fall respectively of regimes deploying systems of censorship Julius describes as fundamentally 'Other' to the self-understanding of liberal democratic censorship. 'The coincidences of events in 1857 and 1989 would almost encourage one to think that God was an overplotting novelist', he laughs.

But beyond the careful historical analysis, Julius is also a man with a mission—or at least, a bone to pick with the direction taken by Anglo-American liberalism. 'Liberalism needs to be revised so that literature and the arts [are] moved from the despised margins of the [free speech] defence, right to the centre', he argues. 'Free speech is liberalism's signature doctrine, yet liberals are very bad when it comes to defending art and literature.' He gives a potted history of the trajectory so far: liberalism first gave a special place to religious free speech, before exalting political free speech in the nineteenth and twentieth centuries. In this century, Julius suggests that 'a liberal theory of free speech now worth the name has to give a special place to a defence of art free speech'. The book elaborates eight defences, but in a moment of weakness, and swept into a fascinating aside about *Borat Subsequent Moviefilm* ('*Borat 2*'), I fail to ask him about them. The only option left to quench your burning curiosity will surely be to buy the book and read it yourself. (This sentence has not been sponsored.)

'Art matters more now', Julius says earnestly. We are talking about the threats posed to art free speech by our current cultural and political climate. 'Literature and the arts are peculiarly immune to fake news and other news-inundation censorship techniques. There's something about their singularity and fictionality which makes it very difficult for them to be drowned out.' Julius suggests this resistance to 'corruption and contamination' by fake news emerges from the distinctive aesthetic properties of creative works, signalling their value as potent means of confronting the insidious effects of fake news.

This is heady stuff. Can he offer an example? 'Take the second *Borat* film—', he begins. *Borat*? I am not sure if I have heard correctly. I attempt valiantly to picture Anthony Julius, of all people, watching *Borat 2*, and fail (spectacularly). Oblivious to my inner struggle, Julius continues enthusiastically: 'what a tremendous intervention that was in American politics! Because of its ... playful blurring of the lines between the fictional and the real, but in a way that was open and acknowledged, it had a kind of purity and integrity ... which ordinary political interventions, op-ed pieces and all the rest of it, just could not claim'. I nod along, freshly persuaded of the political value and intellectual complexity of *Borat 2*. 'It had stren-gth!' he

1 Anthony Julius, 'Dedications' (2018) 71 *Current Legal Problems* 1, 15.

2 *ibid* 14.

exclaims, with his distinctive emphatic intonation. Unbidden, the image of Borat in nothing but a face mask *mankini* (a *maskini*?) enters my mind. Strength, indeed...

Whilst Julius has been talking, I have been facing off with my relentless adversary, the clock. I am losing this stand-off, 51–9 (minutes). There is just time to squeeze in a final question: what advice does Julius have for those hoping to cultivate interdisciplinarity in their own intellectual and professional lives? ‘Don’t give up!’, declares Anthony Julius. Is that all? I wait, hoping he has not selected this inopportune moment to be laconic. Anthony Julius does not disappoint. ‘You have to make your career’, he tells me. ‘That’s important. You can’t be a dilettante. It’s no good playing at law because you’re too busy with your novel and playing at your novel because you’re distracted by your legal practice. If you can’t commit in a way that’s uncompromising to whatever you’re doing, then you shouldn’t be doing it.’

I wait (once more). I am patient. I am poised to pounce upon the next quotable tidbit to dart out from the warren of Anthony Julius’ mind. ‘The thing about disciplinary career commitments is that they’re often misunderstood as being like marriages’, he continues, ‘whereas I think they should be better understood as being like friendships’. Career advisors—(please) take note. ‘It is not written into the understanding of friendship that it has to be exclusive. Yet it’s intensely serious as a relationship. It has its own duties and boundaries, its own intensities and obligations.’ I spot myself nodding along furiously like a bobble-head in my little video thumbnail. And with that final, exquisite pearl, the interview is over.

Anthony Julius gives a cheery wave, before he and his magnificent bookcases disappear from view. I feel as if I have just emerged—slightly stunned—from a particularly strenuous supervision, despite having asked all the questions. Phew. That’s the Anthony Julius effect for you, I suppose. Yet I am struck by how little I have seen of Anthony Julius, Lawyer. Where does he live? How does he think? Does Professor Anthony Julius take off his glasses and transform, Clark Kent-like, into Anthony Julius, *Mishcon de Reya* Deputy Chairman? Certain mysteries must remain unanswered, at least for now. A lovely quote from *Madame Bovary* slips into my mind. ‘Every lawyer’, wrote Flaubert, ‘carries within him the debris of a poet’. But within Anthony Julius, there is no debris in sight. Instead, there is a splendid house of many rooms, each with its own enigmatic order.

Elizabeth Huang completed her undergraduate degree in Law at Trinity College, Cambridge, before reading for the BCL at Magdalen College, Oxford, where she was the Vinerian *proxime accessit*. She is particularly interested by the intersections of law, technology, society, and art (sometimes all four at once!) and has written elsewhere on the ‘audience as jury’ in Shakespearean theatre. Outside of her academic interests, she has edited several publications, including *The Mays Anthology*.
