

Andreas Philippopoulos-Mihalopoulos, "Mapping the Lawscape: spatial law and the body" in Z. Bankowski, M. Del Mar and P. Maharg (eds), *Beyond Text in Legal Education*, Edinburgh: Edinburgh University Press, 2012

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## **Mapping the Lawscape: spatial law and the body**

**Andreas Philippopoulos-Mihalopoulos\***

### **1. Turning outwards**

What can one do when the air is thick with crisis, when signals of decay are rehearsed constantly in rhetorical and other forms, when we are made to feel grateful for still being here, alive, employed, thinking? What is the teacher's response to the crisis? What is more, what is the student's performance of crisis? How is crisis to be internalised in the curriculum, ingested in the classroom and felt by the thinking process that takes place in the space between student and teacher? The obvious way is to analyse it, look for causal links, harm done and liabilities attributed. The less obvious way, at least in the context of the curriculum, is to take to the streets. Hit the road, spread bodies on the bitumen, hang brains from observatories, smell and hear and feel the crisis. Equally: bring the streets in, open the walls for the smell of exhaust to come in, make room for the frantic movement of an outside-in-crisis to come and dance in the centre of the classroom. Become Naples: enable "the inexhaustible law of the life of this city, reappearing everywhere" (Benjamin, 1985, 171) to flood through the windows of the classroom and reverberate with its urban spleen. Take your class out and bring the out in. Confound. And map.

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\* I am grateful to my Law of the Environment class 2010-11 for taking the walk, for being so enthusiastic about it, and for allowing me to share their findings here. Above all, I am grateful to them for remaining such an inexhaustible source of inspiration.

When faced with crisis, our one act of resistance as teachers is to become better teachers. Facetious as it may sound, crisis enables and urges a return to the basics. This does not simply mean imparting the kind of knowledge that will enable students to fend better for themselves, but significantly engaging different avenues for dealing with reality, providing them with an understanding of embodied, spatialised ethics that deal with reality in an unmediated way. There is something apocalyptic in crisis – both ‘revealing’ and awe-inspiring. Crisis unveils the urgency of different realities while dragging one violently aground, to the elements of earth and its connection to the body – is it a coincidence that we are told to grow our own [vegetables](#)? Crisis forces one to rely on one’s body and find ways in which these bodies address reality – and this includes constructing an alternative reality. Law has a particularly pivotal role in this: law *is* crisis, *krinein*, deciding, judging, cutting. As Douzinas and Gearey (2005, 38) write, law as *krinein* “is a diacritical or cutting force, a critical separation and demarcation.” Law (and its crisis) is both instrumental in thinking about crisis, as well as resisting it and denuding it from its rhetoric. Perhaps not the law as *laws*, namely as existing banking regulations or redundancy agreements; but the law as the emplaced, corporeal normativity that might, under adequate conditions, give rise to justice, in its turn an emplaced, material, *spatial* justice (Philippopoulos-Mihalopoulos, 2010).

No doubt, it is in the interest of every era to describe itself in crisis, and our era is far from original in this. To mention two rather famous examples, Hegel (1969: 6) has talked about “the gradual crumbling” before the “indeterminate apprehension of something unknown” and the “frivolity and boredom that open up in the

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establishment" – all harbingers of forthcoming change. Husserl's *Crisis* (1970) on the other hand, offered an escape route from crisis in the form of return to the European spiritual birthplace of the ancient Greek nation (safe in the knowledge that their crisis was less dependent on international monetary measures than the present one). Crisis is the plane on which critique can operate most successfully, erect new edifices on the ruins of the previous ones. To some extent, critique augurs crisis (Koselleck, 1998), builds itself on it, indeed constructs the crisis. Our present crisis is another spasm in an uninterrupted chain of critical convulsions. In that sense, every era needs its critique, as it would also seem that it needs its crisis. In that sense, crisis is both exceptional and unexceptional.

Nevertheless, this is not a text on crisis. I will leave crisis as an introductory remark, a gesture of context as it were, which, however, intends to underline the text that follows. Indeed, the performance of crisis is the reason for which what follows is not just relevant but urgent. In some obvious ways, what follows is a gesture of critique and of critical resistance to the supposed urgency of crisis. This critique, however, intends to present us with the real urgency: not that of crisis, but that of a material critique to the law. In the remaining text, I focus on a recent whirling of the law, that of *spatial turn*. The materiality that this turn entails (both spatial and corporeal) is echoed in the need to introduce concepts and practices of embodied, spatial and generally material ethics in the curriculum. I would like to contextualise my position as a contribution towards this move, indeed a move of resistance to the rhetoric of crisis that demands quick results and as close to full-fledged practitioners as possible, and instead the urgency of another, altogether more important realisation: namely, and especially amidst all this crisis talk, the need to create a space in which to think, to

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traverse disciplines, to feel the law through one's body, and to amble without an objective except for the immanent aim of a walk amidst the law.

After a brief analysis of what the spatial turn entails, I share some practices of spatial understanding of the law inspired by my class's wholehearted embracing of mapping the city by walking and observing their movement. This experience is contextualised in a broadly Deleuzian/Guattarian methodology, namely a theoretical approach that confounds limits and generates alternative lines on which bodies move. Finally, this allows me to present the case for what I have called *the lawscape*, namely a connection of reciprocal invisibility between law and the urban space, and to enable my students to remap it by throwing themselves in the middle of its folds.

A few words on the context of the course, part of which is the exercise that follows. The course is called Law of the Environment, deliberately distinguishing itself from a generic Environmental Law course and examining the connection between the human, the natural and the legal through an often performative, generally theoretical and always solidly interdisciplinary way. The class discusses in equal measure concepts like Sustainable Development, the Precautionary Principle or atmospheric pollution (all more or less typical environmental legal issues); deconstruction, radical ethics, ecofeminism, phenomenology, autopoiesis; and ideas borrowed from legal theory, philosophy of science, geography, literature, music theory, art theory, economics, biology. In the process, such standard distinctions as the one between natural and human/artificial/technological are questioned, alongside the ability of the law to deal with such collapsed distinctions. Initially the students are uncertain about how to go about the class, but they quickly take to it in earnest, fully immersing themselves to a

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performativity that involves their body, the space of the classroom and, in some ways, the world at large, and start pushing their limits and those of the class as a whole. They are fundamentally encouraged to pursue further their own interest in composing a reflective log midway and a final project, that emphatically does not have to be textual, on a topic of their own choosing in consultation with me. There is no lecture as such but we are all required to read a text, find information or complete a small project in advance of every week's meeting. The discussion is student-led but teacher-channelled, taking risks every single week by flirting with unpredictability originating in boredom, tiredness, lack of preparation or simply the wrong mood. Still, the course offers continuous stimulation with a full electronic environment that complements the class (discussion boards, google docs, camtasia, and so on), and the structure is modular in that after the first basic classes the students organically determine the topics to come. The hope (largely granted) is to ensure students attend the class and come prepared, with a good measure of energy and intellectual appetite.

## **2. Spatially turning**

Law's discovering its spatiality is perhaps the single most important theoretical development in law since the linguistic turn in its fully deconstructive form. The spatial turn relies on the linguistic turn in that both movements forced the law away from its closure and into transdisciplinary self-critique. However, the spatial turn treats the law a little more roughly than the linguistic turn. It grounds the law on the material, the spatial, the *here*, and demands a certain distance from the more

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traditional abstract, historical and *future* understandings of the law. Ever since Nicholas Blomley's (1994) powerful invitation to put law and space together on a solid philosophical and sociolegal footing, several attempts to respond to the challenge have emerged. Yet, and rather unexpectedly, resistance to spatiality did not come from the traditional positivist front (largely because to that front, spatiality remains invisible), but from the majority of the subsequent literature working on the conjunction. Surprisingly, space and law have quickly fallen into a few rather too comfortable patterns, all of which end up banalising and rendering innocuous the confluence of law and space. I will schematically list three types of confluence, in full consciousness of the unjust violence of such a categorisation (drawing on Philippopoulos-Mihalopoulos, 2011a).

The first and most obvious way, because of its relatively unproblematic acceptance, is spatial law as jurisdiction (Blacksell, 1986). By following existing legal principles of applicability, space remains fixed, 'static' and simply following its traditionally more alluring antipodes of time (see however Ford's, 2001, 201, definition of jurisdiction as "simultaneously a material technology, a built environment and a discursive intervention"). A surprising amount of literature is still characterised by what I have called 'the parochial turn', namely the turning towards a convenient empirical canvas that confirms theoretical hypotheses, barricading itself behind the specific of a geographical emplacement. In so doing, it fails to deal with two issues: the progressive erosion of the concept of jurisdiction in view of globalisation; and the absence of a theorisation that would address adequately the complexity of the confluence between law and space.

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The second approach constructs space as a fluid, dynamic process. Space is idealised as an ever-changing hotpot of difference, thus succumbing to what Henri Lefebvre (1991) had called the fetishisation of space. The law clings onto this new 'ideal' space and delivers itself from its normative obsession by allowing the spatial influx to operate as law's new clothes. While this is arguably preferable to the aforementioned parochial turn, it can work against the potential of spatial turn for the law. Counter-intuitively, the greatest problem with the approach is its spatial idealisation. Idealisation renders space a panacea to social problems, marginalising in the process the disorder, fragmentation and unpredictability that come with it, in favour of a limpid and linear geometrical construction. As a result, the potentially radical nature of space becomes institutionalised, co-opted as part of the institutional discourse, streamlined to serve the purpose of the system.

Finally, the third category of space and law literature can be perhaps a little harshly summarised as 'add space and stir' (Ellem and Shields, 1999). Space becomes simply 'another' social factor, 'another' perspective which does not offer anything more than at best a context and at worst a background. This is probably what Lefebvre (1991, 73) wanted to avoid when he wrote "space is not a thing among other things, nor a product among other products: rather, it subsumes things produced and encompasses their interrelationships in their coexistence and simultaneity—their (relative) order and/or (relative) disorder." If the spatial turn exhausts itself in considerations of background, thus failing to function as the ground on which such "coexistence and simultaneity" can be demonstrated, then the spatial turn denotes business as usual for the law.

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The radical potential of space for law is both alluring and dangerous. Once turned, the law cannot regard space as simply yet another parameter in the sense of a jurisdictional, property or planning background. The law is expected to deal with a decisive influx of materiality. Materiality, and more specifically spatial materiality, affects first and foremost the disciplinary closure of the law; second, it affects the process of legal production in general, by bringing bodies (and with them movement, unpredictability and fragility) closer to the law; third, it affects the way law is understood, no longer as an abstract force but concretely, as a ruler that determines distance and propinquity, spaces between and limits of places, human/animal/technological connections and interactions. Spatial materiality reveals law's frequently insidious ways of controlling bodily movement or pause, often making one feel lost and directionless. But equally often, law dons the bodies that move into space with a certitude of destination, a safety of limits. Spatiality in law does not upset these functions. It merely makes them more visible, and thus more open to critique. In some respects, law responds to the crisis of space, as manifested in geopolitics, environmental scarcity, transboundary pollution and forced population movements: all issues that bring space to the fore while challenging the efficiency of existing legal structures.

In order to demonstrate what I mean by an actual 'spatial' turn in law, I would like to use Doreen Massey's definition of space. In her seminal book *For Space* (2005, 10ff), Massey describes space as a product of interrelations and embedded practices; a sphere of multiple possibilities; a ground of chance and undecidability, and as such always becoming, always open to the future. I would add though that this apparent openness is firmly conditioned, and not just by politics as Massey argues. Thus,

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multiple possibilities indicate lack of direction and possibly destination; continuous becoming means also instability and unpredictability; interrelations denote a difficulty in pinpointing causality, origin, actors. The significance of such a conceptualisation of space for the law is multiple and indeed threatening. Although law is indeed continuously *becoming* (and I mean here, becoming other than itself, becoming politics or economy or technology), the rather mainstream understanding of the law is one of *being*, that is an ontology that determines more that it is being determined. The law changes but its change is tempered by the need to maintain the order – the emphasis here falls on 'maintain'. In its judging, the law marginalises uncertainty, indeed slashes uncertainty by squeezing it out of the judgement. Law relies on a solid self-image that nothing 'liquid' can permeate: if the wordplay is permitted, the Roman Law privilege of *non-liquet*, namely the distance from judging a case because of the court's unsuitability, is not a prerogative of contemporary law. Law expects of itself (and is expected by society) to be constantly *there* even before it is called upon, to arrest the future with the solidity of knowledge of what is going to happen if one acts in this or that way. Law's function is one of fixing social expectations that law will not change from one day to the other and without (legal) justification (Luhmann, 2004). But this is also the trap that the law has set up for itself. To be in some sort of denial in terms of its inherent uncertainty is a masquerade that the law often feels obliged to put on. Spatial uncertainty, the lack of direction or destination, and the resistance to given measurements and spatial divisions, is precisely the kind of thing the law fears. Having to deal with multiplicities means that causality is increasingly harder to establish and (transparently) arbitrary decisions become more frequent. Finally, not having a stable (albeit constructed) temporal origin, a *Grundnorm*

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moment from where the law originates, that is, not having an *origin* is a trauma for the law, for whence else does the law justify its forceful validity?

In the following section, I would like to take a closer look at how to bring spatiality in class. In order to do this, I draw from the experiences I have had with my environmental law class. The reasons I decided to 'experiment' in this way with my class should be obvious by now, and I would summarise them as follows: bringing forth the materiality of the law; making one aware of spatial legal controls; and dealing with legal and spatial uncertainty. These are of course interrelated, but separating them into the above three fields contribute to a more manageable epistemological approach. Above all, I wanted to allow for a space in which my students would feel their body moving along, between and even against lines of law, constructing thus for themselves a new awareness of identity.

### **3. Taking a walk**

I prepare my students by asking them to read some literature on law and space, as well as parts from Deleuze and Guattari's *A Thousand Plateaus* (1988). Admittedly, the latter is a demanding text, but by that time in the course (halfway through the second semester) the students are familiar with at least the struggle to master different terminologies. We have a discussion on the texts and analyse some of the issues in relation to environmental law. Once this is in place, I present them with the following text:

*walking observing thinking acting breaking flowing going against listening taking  
notes mapping smelling touching do not touch forgetting remembering overhearing  
fantasising running escaping getting lost feeling lost fearing deviating diverting  
avoiding throwing yourself in manipulating never stopping moving being moved*

## **Walking the City**

Take a long walk, about 45' or so, preferably alone.

Try to map where you are going but without worrying too much about accuracy.

Do not only take the main streets or the streets you already know. Take side streets, get tangled in places you do not know, feel a little lost (but always keep safe, use your instinct and reason to keep out of trouble, and carry with you a map so you do not *actually* get lost).

### **While walking:**

Keep in mind three things: **yourself, your movement, your surroundings**. Try to analyse the connection between all three:

1. does your body move differently in different situations?
2. do you think of different things depending on where you are?
3. do you feel constrained in your movement by anything internal (you) or external (the city)?

Think also of the way you use your **senses** while walking:

1. do you smell?
2. do you touch?
3. do you ever look upwards?

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4. do you notice what other people say to each other or on their phones?

5. can you eat/smoke/chew gum and walk? Does it bother you?

### **The assemblage**

Now you have an assemblage of your body/the city around you/the law around you. See whether all of it moves as one, whether you map the city you are creating, and/or whether the city determines your movement.

See how this assemblage deals with:

1. **the law**: where is the law in the city? Do you see it determining where you can walk and where not? how you walk? When you walk and when you stop? What distance you keep from things/people? What senses you can use?

2. **hybrids**: can you see any hybrids anywhere? Human/animal/technological hybrids? Are you a hybrid? Do you use your sense in an "animal" way – e.g., does smell stop you from doing things?

3. **space**: what is space? What is urban space? Can you differentiate space from body – the city space you are walking and creating from your body? Is your body part of the space? Is law spatial?

I ask the students to take this text with them while taking the walk, and also map their movement on a map, to the extent that it is possible and does not interfere with a spontaneous flow of movement. During the week, they upload their maps and

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whatever else their walk has generated (photos, audio, logs) and we discuss them in class.

The thinking behind the exercise is to make one aware of the connections between law and space through the medium of the body. This brings forth the materiality of the law both in its spatiality and its corporeality. Senses are promoted and their awareness enhanced, in an attempt to enable the bodies to connect more broadly with the space, and also feel whether the law inhibits or encourages certain senses. The ultimate aim of the exercise is to show that law is spatial, corporeal and more broadly material, and that this spatiality makes the law at the same time hyperpresent and absent. One could say, hypervisible and invisible, except that part of the process is to discourage the usual prioritisation of the visual and allow other senses (mostly hearing and smell, and to a lesser extent touch and taste) to claim awareness of the law. The connection between the body that moves, the space in which the body moves and the way that the law determines the body's movement is what in the class we have identified as an *assemblage*, following Deleuze and Guattari's understanding of the term, namely a multiplicity that contains other multiplicities, "human, social, and technical machines, organized molar machines; molecular machines with their particles of becoming-inhuman" (1988, 36) The idea behind the use of the term is to make sure that there are no given boundaries between the various elements (human body, technological extensions, animal qualities, the body of law with its commands, space with its particular multiple organisation) but that they all form part of a moving, amoeba-like cluster. As Yolanta, a Spanish student realises, her moving body is part of the assemblage with the city: "and this is the way others can see you, you are just another element in the street they are walking, in the form of yet another obstacle in

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their way." An assemblage moves amongst other assemblages (in that sense, every other body, their own mapping of the city that includes other bodies, and their own perception of the law is an assemblage) and forms part of a broader, *open ecology*, namely a combination of the natural, the human, the artificial, the legal, the scientific, the political, the economic and so on, on a plane of contingency and fluid boundaries (Philippopoulos-Mihalopoulos, 2011b, for extensive analysis).

One of the basic things that most students comment on is the existence of physical boundaries that determine movement. This is not merely the distinction between the private and the public. No doubt this is immensely relevant especially in a place like London which is characterised by a plethora of privately accessed gardens in full public view, constant construction site detours or signs that designate 'private streets' in what seems a perfectly open public area. Physical boundaries do not necessarily consist of fence-like structures. They are to be found in the distinction between buildings and open spaces (one cannot easily cross buildings unless one practices the art of [parcours](#)), different functions of pavements and streets, traffic lights and other forms of signalling that channel movement. Clementine for example, a French student, notices how the city is divided into the congestion charge area and the one without – an environmental legal measure against pollution and traffic that controls movement while relying on economics. However, the understanding of movement and its determining normativity is found to be not only geographically but also culturally determined. Elisabetta, an Italian student, comments on the fact that she cannot walk in the middle of the street, as she would in an Italian city. Likewise, Lena and Armand, both Swedish, note that they do not feel obliged to wait for the green light in order to cross the road as they would do in Sweden. Jessica, a Canadian

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student, observes how Londoners do not have a 'joggers' culture of running to the left side of the pavement while leaving the walkers to the right. One does not notice these things until one notices them. This is not as self-evident as it sounds. It takes a differentiated observational position, a shake up that removes one from the usual routes (both in terms of actual routes as well as the ruts of habit) for the presence of the all-permeating normativity to be rendered visible. What all students realise very quickly is that the law is everywhere, that is, it determines all the steps one does and does not take, without however necessarily making its presence obvious. Rather, law's overabundant presence especially in a tight urban environment renders the law invisible until a spasm in the way one moves, a push (even by a teacher who wants his students to go out of the classroom and into space) out of one's normal lines of movement brings fits of legal presence centre stage.

Some students note the way their body moves in different spaces. This can be connected to social class aesthetic considerations or conditions of light/darkness. Both elements are connected to issues of safety. Walking in an affluent area is generally slower and less purposeful-looking than walking in a poorer area. Likewise, one takes one's time when moving in a well-lit area at night (yes, Shabana actually took her walk at 10pm), whereas the rhythm becomes more hurried when in a dark, not well lit area. In conditions of perceived safety (and this might have nothing to do with actual safety) the assemblage body/space/law spreads itself more loosely and assumes a movement that enables observation of such things like smells, surfaces, clothes that other people wear, and so on. This does not mean that when the movement is faster and more purposeful-looking one does not take these things into consideration. However, one is not *aware* of noticing them. In conditions of perceived lack of safety,

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one takes all these into account but for the instrumentality of keeping safe. When safety is not an issue, one's awareness of observation is heightened. When safety is an issue, one becomes-animal, as Deleuze and Guattari would have it: one uses one's senses instinctively and moves about in a way that is animalistic. One does not of course start barking or miaowing. There is no representation of animal, no mimicry. Still, the process is real: "Becomings-animal are neither dreams nor phantasies. They are perfectly real. But which reality is at issue here? For if becoming animal does not consist in playing animal or imitating an animal, it is clear that the human being does not "really" become an animal any more than the animal "really" becomes something else. *Becoming produces nothing other than itself.*" (Deleuze and Guattari, 1988, 238). In becoming-animal, one becomes the process of transformation itself. Becoming-animal enables simultaneous states of becoming to emerge so that one is both animal and human. When Gabriel is lost in a park, he finds that he uses his hearing more than his vision, listening out for flapping and rustling, "at times feeling like an animal; like a predator tracking my prey." This moment is described by some students as hybridity, namely the coexistence of animal and human characteristics in a human body (see also Latour, 1993). A hybrid in that sense is an impermanent becoming that keeps on changing its form and its spatial presence. A hybrid is also a human body with a mobile phone, a cyclist, a woman walking her dog, a parking guard "with a mysterious metallic stick" as Lilli writes, or even the students themselves: Amanee consults her electronic map while walking, whereas Lilli is suddenly aware of her "false teeth and some artificial liquid in [her] knees."

The students usually associate a perceived lack of safety with an absence of law, namely an absence of signs that denote law as boundary against their body. Thus, the

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presence of a policeman has a calming effect on Shabana. Law is seen as an enabling spatial factor of enjoyment. For another student, however, the experience is different. Armand's steps brought him to the area of the US embassy in London, a heavily policed, barricaded area in an otherwise aesthetically pleasing square. Armand felt threatened by the presence of the law, the latter emerging from the absent presence of guarantee of order and breaking into a spatial disruption that is more forceful than the usual urban disruptions. The armed police appear threatening to Armand who is immediately conscious of the way his body appears (posture, clothes, state of unshaveness). The law is moving sides – no longer the thing that barricades one's body against another's but the thing that repels one's body, not only from a specific space but more importantly from a specific behaviour. The law thematises the whole square, it overcodes it by making it a space of heightened self-defence and rendering every body a potentially suspicious presence. Armand decides to dissimulate, to become absorbed in the urban fabric by taking out of his pocket the piece of paper with the walk suggestions and pretend that it is a map. In that way, he hopes to appear as an unsuspected tourist that could not possibly pose any threat to the law. The presence of the law forces the body to see itself as a potentially criminal body and to hide behind a perceived innocent stereotype. The assemblage body/city/law in this case becomes an angular, ill-fitting jigsaw of bodies made of elbows and spaces full of potential falls. The city is no longer mapped by the freely ambling body but is forcefully squeezed into a line that precludes normal movement.

A similar presence of the law is noticed by another student, Eleanor, who is intent on using her mobile phone camera to take photographs of her walk and of the junctures where law and space affect her body. But she finds that she is stopped from doing so

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by various forms of other bodies, all looming high on their legal pedestal: first a school administrator stopping her from taking pictures of a sign in a school playground (although technically not illegal, her action was seen as inimical to a the particular administrator's embodiment of the law, one that is built upon the fear of children being photographed); and then an officious guard stopping her from photographing a government building (despite the fact that, as she discovered later, the building is visible on [google images](#)). Her encounter was with another body of the law, former London mayor Ken Livingstone who was canvassing on the streets. He assured her that she had every right to take a picture of the particular building. Eleanor felt much happier in the space created between her and Ken, the city around her seems to be transformed into something infinitely more accommodating. Needless to say, she has had her photograph taken with Ken.

Jessica had a comparable experience of spatial prohibition when taking the walk, which for her, however, translated to her daily jog. She was surprised by the fact that she was not allowed to run on the grass since cyclists and runners were supposed to use a designated lane. Gabriel also has had a similar realisation. This time, not in the form of other people but in the form of a fence along a canal walk. Gabriel is suddenly confronted with a surprising fact, or rather with the *encounter* with the fact that the law's presence at that particular space is "utterly pointless." Deleuze's (1994, 139-41) analysis of an encounter is telling: "Something in the world forces us to think. This something is an object not of recognition but of a fundamental *encounter* ... its primary characteristic is that it can only be sensed ... it moves the soul, "perplexes" it – in other words forces it to pose a problem: as though the object of encounter, the sign, were the bearer of a problem – as though it were a problem."

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Gabriel's realisation that there is a fence along the canal walk determining very specific and limited points of entry/exit to the walk is one such encounter that brings about not just confusion and critical positing of a problem but significantly a material shift in the movement of his assemblage with space and law. He becomes aware that the spatial presence of the law inhibits him from *simply walking* aimlessly in the city. He feels constrained to have a purpose, "to achieve an objective". Law's spatial presence makes the *flâneurs* of today feel guilty, potentially threatening, undesired. Consider Eleanor's desire to use her camera: this is a perfectly understandable part of contemporary *flâneurie* wanting to make full use of a technological/human hybridity – yet the law stops any hybrid extension of the body from crossing the boundaries erected in the name of security.

Not being able to walk about aimlessly is a spatial triumph of an oppressive legal presence. One gets used to it: all students notice the cameras and the generalised surveillance structure that controls one's movement, but only because they have had a shake-up of the way they normally walk, a 'mission' to walk about with heightened senses. Under normal circumstances, law's presence is hyper-present, with the effect of becoming absent. Just like breathing or putting one foot in front of the other in order to walk, after a while one stops noticing the law in the city. Only when one decides to walk aimlessly, that is to take a walk with a teleology detached from destination and immanent to the walk itself, only then does one realise the law's avuncular presence. And then, most people would recognise the feeling that floods Lena, another student taking the walk and in the event failing to walk without a destination that would inform her stride: Lena was lost. This is not because she got actually lost but because, in her attempt and eventual failure to walk aimlessly, she

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felt lost, unable to be registered, parasitical. She tried to come out of the cocoon readily offered by cities with the hyperpresent normativity regulating space and movement, but she failed to take the risk (for this is what it is about) of letting the hand of law go. Arguably, another student, David, managed even momentarily to perform this walk without a destination and indulge the different mannerisms demanded of someone when walking on relatively unfamiliar ground: thus, David felt more careful and at the same time 'outsider' to the "laws of the land" as he called them. He navigated himself through areas he was less familiar with and his observation was that he could notice more, even though integrate less.

What this walk essentially asks the students is to become nomads, to move across space, to demolish what Deleuze and Guattari (1988) call the *pillars of striation*, namely the spatial regulation of the law, the boxing up and locking in and separating and purifying, and in their place to establish a *smooth* space, a glistening surface where new lines of flight, new escape routes, new forms of normative creativity can take place. The students tried to "free the diagonal" as Deleuze and Guattari (1988: 295) urge us. The success rate varies, but in the process, one understands that the law is not abstract and outside one's body, but very much dwelling within and amongst one's molecules. Further, one realises that one's identity is beginning to be formed differently.

#### **4. Mapping a Lawscape**

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The space of the city emerges full of directions, boundaries, need for destination and traceable trajectories. This is what I have elsewhere (2007) called the *lawscape*, namely the horizon of prior invitation by the one (the law/the city) to be conditioned by the other (the city/the law). In the lawscape, the two elements of law and the city co-exist in a state of mutual invisibility – the law cannot be present all the time in the city, nor can the city (in the sense of geographical space) be present all the time in the law. The two traditionally take distance from each other and pretend to be otherwise. Thus, a legal city is the place where K arrives in Kafka's *The Castle*. A legal city is full of procedural labyrinths, representational nooks and crannies, loomed over by a towering sovereign in whom all originates and to whom all ends. Now, there is no doubt that most cities *are* legal cities. But they are cleverer than this. They have learned to dissimulate their legality, to make it hyperpresent, thus obliterating the possibility of any other way. *The Castle* becomes [The Truman Show](#). Likewise for the law. To acknowledge the influx of spatiality in the law would render the latter powerless, horizontal, unhierarchical. Spatiality entails the right to amble aimlessly, to be able to feel ecstatically lost in wanderlust (Solnit, 2000), a Lefebvrian right to the city (1996) whose mission is to dig holes in the urban texture and to make the city what Deleuze and Guattari (1988, 415) call a 'holey space', namely a space like a sponge, consisting more of air than earth that moves between striated and smooth space while communicating with both. A spatial law is a law whose boundaries are lifted for a flow of bodies to move independently of property lines. This does not mean that one has roamers through one's kitchen. But it does mean that what is still called public space is safeguarded against private homogenisation and moral panic. A spatial law would preserve public space as an uninterrupted line of flight in the middle of the city, as an opportunity for creative normativity where the law

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guarantees the conditions for the spontaneous movement of bodies and where one can, even briefly, fancy oneself a nomad, a trailing presence that belongs to the earth and not to the high street shops (Bottomley, 2007; Laylard, 2010).

Perhaps my ultimate hope with this walking experiment and in general with all my rather eccentric teaching methods is that my students will begin a process of a new understanding of their identity. No longer a simple given structure of I am and I am called, a recognition by oneself and by others, nor a dialectic structure of ego/alter, namely I am ego because I am not alter. Beyond these structures, Deleuze and Guattari have suggested a new form of understanding one's identity, one that they call *hacceity*, namely the understanding that one "consists entirely of relations of movement and rest between molecules or particles, capacities to affect and be affected." (1988, 262) Hacceity is an understanding of identity as a hybrid collectivity that does not focus on the individual but on the connection of the individual with other bodies in the broader sense of the term. Hacceity is the assemblage between one's body, other bodies, the space in which one is moving, the body of law that determines one's movement: "The street enters into composition with the horse, just as the dying rat enters into composition with the air, and the beast and the full moon enter into composition with each other." (1988, 262) But also the space within law that allows the uncertainty and directionless of spatiality to appear. Hacceity includes resistance to prescribed movement and an ability to go beyond the given. As Deleuze and Guattari remind us: "Taking a walk is a hacceity." This is indeed the guiding idea behind this chapter and the effort in the class and indeed out of it: to enable law students to create for themselves a hacceity of creative resistance to the given, as well as creative pleasure in the given. Through learning techniques such as walking, one

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rediscovers and reinscribes one's reality, repositions one's body in the middle of a newly mapped city, observes the law in both its controlling and enabling, becomes aware of the inevitability of materiality, and eventually thinks.

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