

SPATIAL JUSTICE IN THE LAWSCAPE*

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JUSTIÇA ESPACIAL NA PERSPECTIVA DA LAWSCAPE

ABSTRACT: The connection between law and the city is an increasingly relevant area of transdisciplinary research currently explored from both applied and theoretical perspectives. Existing approaches, however, have not adequately focussed on the fusion between the law and the space of a city, the geographical physicality of the urban in its material ontology on the one hand, and the operations of the law within such materiality on the other. This chapter builds on my previous work on the concept of the Lawscape, which has shown that law's reluctance of the law to grapple with urban space may well be on account of the counter-intuitiveness of the connection: positive law greatly relies on its immateriality, its objective, abstract application independently of spatial parameters. I argue here that the lawscape is the surface on which the concept of spatial justice emerges as a true interstice. The problem with spatial justice, however, is that it is woefully undertheorised and usually equated with rather innocuous constructions such as social justice and democracy. Employing a Deleuzian approach, I offer a conceptualisation of spatial justice not as synthesis but as emergence from the folds of the lawscape.

Keywords: Law. City. Urban space. Justice. Lawscape.

RESUMO: A conexão entre direito e cidade é uma área cada vez mais relevante para pesquisas transdisciplinares, atualmente exploradas a partir de perspectivas tanto aplicadas como teóricas. As abordagens existentes, no entanto, não se concentraram adequadamente na fusão entre a lei e o espaço de uma cidade, a fisicalidade geográfica do urbano em sua ontologia material, por um lado, e as operações da lei dentro dessa materialidade, por outro. Este artigo se baseia em um trabalho anterior sobre o conceito de Lawscape, que mostrou que a relutância da lei com a lei para lidar com o espaço urbano pode ser devido à contra-intuição da conexão: o direito positivo depende muito de sua imaterialidade, seu objetivo, aplicação abstrata independentemente dos parâmetros espaciais. Argumento aqui que a paisagem de leis é a superfície em que o conceito de justiça espacial emerge como um verdadeiro interstício. O problema com a justiça espacial, no entanto, é que, infelizmente, ela é desconsiderada e geralmente equiparada a construções bastante inócuas como a justiça social e a democracia. Empregando uma abordagem deleuziana, proponho uma conceitualização da justiça espacial não como síntese, mas como emergência das dobras das lawscape.

Palavras-chave: Direito. Cidade. Espaço urbano. Justiça. Lawscape.

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1 AN INTERSTICE IS NOT AN IN-BETWEEN

The location of urban interstices is problematic. To think of interstices, faithful to its etymology as a standing-between or an interval between two things, is an attempt at redressing the problem of dualism. The problem, whose solution interstices purport to be, can be simplified as follows: rather than choosing this or that, one carves a space between them. This famous ‘third space’ (as pioneered by Ed Soja, +++) is geared to accommodating both sides without losing anything but the claim to centrality that is inevitably attributed to the other two. Thus, the in-between is regaled with the enviable quality of a perpetually relevant marginality which in its turn, endows the in-between with political kudos and aesthetic radicality.

While the above is obviously well-meaning, it has reached full circle. The various attempts at carving a space in-between have now become central in their marginality (if the pun is allowed) and consequently have lost their radical potential. In-betweens have become co-opted hubs of capitalist pacification. We can all fit in the limbo of the imaginary outside, which assuages the damned when the latter are faced with the impossibility of a Hegelian synthesis. By fitting in the third space, however, we are embodying the synthesis at which dualisms precisely aim. As Marcus Doel (1999, p. 120) writes, “the addition of a third space does not disable dualism: it merely opens the metaphysics of binary opposition to a dialectical resolution of contradiction.” The production of an in-between is the dreamland of the dualist contradiction, in which both thesis and antithesis retain a stake while ostensibly becoming surpassed, resisted, refused. The fluidity of the in-between quickly solidifies despite intentions to the contrary. How often has the world witnessed much-hailed in-betweens becoming simplified spaces of oscillation, political negotiation, circumstantial manoeuvring and self-congratulatory compromise? Are we not governed by self-propagating in-betweens, be this socialism, neo-liberalism, sustainability, human rights, international law, happiness indicators, big society resuscitations, ethical consumerism and so on? Governed by distance rather than affinity, void rather than continuum, antithesis rather than a non-relativistic multiplicity of positions, dualism’s

deeper problematic structure is not exclusion but hyper-inclusion. The in-between becomes normalised as the inclusion of resistance, the important third party that brokers the agreement, the centre of power where power is diffused and control appears dissimulated as non-power (PHILIPPOPOULOS-MIHALOPOULOS, 2011a)

All this, however, is of lesser importance when compared to what I consider to be the main pathology of the in-between: by offering a solution to the problem of dualism, an in-between reasserts and firmly establishes the dualist position. Even when the in-between genuinely manages not to become a synthesis, but stubbornly maintains its focus on the emergence of a different space, the initial rupture is taken for granted. Interestingly, the proliferation of in-between spaces has done little to alleviate the initial dualism. Rather, the various in-betweens form part of the phenomenon of the politics of centre/periphery, whose aim is to reduce the antithesis into an in-between, which ultimately, however, turns against itself and self-cannibalises in a cloud of political apathy. In short, by accepting the possibility of an in-between, one accepts the ontological priority of the dualism and its subsequent epistemological necessity of a synthesis, however materialised. In fighting Hegelianism, the in-between manages to be Hegelian through and through.

For the above reasons, interstices must be disassociated from the in-between. In this context, the location of urban interstices is a matter of some delicacy. In the introduction to the volume, Andrea Brighenti talks eloquently about the urbanisation of territory and the territorialisation of the city, namely the sprawling control society on the one hand, and the urban 'civility' on the other. Sidestepping the temptation to juxtapose these as, say, reality versus wishful thinking, Brighenti correctly commits his contributors and readers to the *simultaneity* of these territorial manifestations through his employment of Deleuze|Guattari approach and in particular the simultaneous generation of striated and smooth space, namely space respectively with and without the top-down hierarchical organisation according to the logic of logos. What I think is particularly important here is the way the two are not to be separated in a dialectic way. This has proven to be hard even for Deleuze and Guattari, despite their frequent and explicit denunciations of dualist thought. But one has to resist falling into the trap. This should be fought even on the level of instrumentalism: to use dualist thinking in order to counterattack it (DELEUZE;

GUATTARI, 1988) can also be found guilty of espousing dualism in the sense of the a priori separation. Indeed, more than dualism itself, the problem is the acceptance of a rift that needs/must/can be mended. Thus, both aforementioned foundational problems of dualism risk re-appearing from the back door. One, therefore, has to follow very closely what Brighenti means when he writes “the interstice is rather the outcome of a composition of interactions and affections of multiple parts that coexist in various ways within a given spatial situation” (introduction, this volume). Rather than synthesis, an interstice is an emergence (which means, it lies beyond prescription, controlled mechanics and systematic articulation of the result). Rather than originating in a dualism, an interstice emerges from a multiplicity (which means, it is not an oscillation between two opposing poles, but an often arbitrary picking of various positions that form a surface on which one moves). To this I would add the following: rather than an outcome in the sense of causal link between affections and emergence, an interstice resists causality. Further, an interstice resists also attribution, namely post-facto causal linking that takes place on a virtual plane, itself potentially co-opted by its own striation. Finally, an interstice is not flanked by more or less potent bodies but emerges properly speaking *in the middle*.

One must be careful not to confuse the middle with the in-between. “The middle is by no means an average; on the contrary, it is where things pick up speed. *Between things* does not designate a localizable relation going from one thing to the other and back again, but a perpendicular direction, a transversal moment that sweeps one and the other away, a stream without beginning or end that undermines its banks and picks up speed in the middle” (DELEUZE; GUATTARI, 1988, p. 28). The middle (or *milieu*) is the space of revolt against the usual tools of origin, centre and boundary: “One never commences; one never has a tabula rasa; one slips in, enters in the middle; one takes up or lays down rhythms” (DELEUZE, 1988, p. 123). Just as the grass has no one root, central part or limits to its expansion, in the same way to begin in the middle is to find oneself folded between the multiplicity of the world without a discernible origin, a specific centre and determined territorial limits. To be thrown into the mobile multiplicity of the grass is to follow the blades waving in the wind: one loses one’s origin, one’s preconceived ideas of location and destination, one’s belief in the importance of the centre. Grass is opposed to the tree with

its defined root, trunk and volume. As Deleuze and Guattari write, “arborescent systems are hierarchical systems with centers of significance and subjectification” (DELEUZE; GUATTARI, 1988, p. 16). For this reason, they urge to “make rhizomes, not roots, never plant! Don’t sow, grow offshoots!” (DELEUZE; GUATTARI, 1988, p. 24) Offshoots and rhizomes are characteristics of the planar mobility with which Deleuze and Guattari describe the world. Rhizomes specifically encapsulate the ideas of horizontal, trans-species, heterogeneous growth that traverses Deleuzian|Guattarian thought, in that they do not constitute a linear, vertical construction but a surface where any modulation is absorbed, closed in and eventually spread in lake-like smoothness. However, even radical rhizomes have been routinely fetishised in the literature as the way to guarantee openness, flexibility and contingency. This marginalises the fact that rhizomes can also be co-opted, overcoded and used in ways that go against the very idea of rhizome (MICHULAK, 2008). This is an interesting example of the complexity of the middle: neither necessarily ‘good’ or ‘bad’, positive or problematic, the space in the middle is a space of struggle – in this case, against origins, boundaries, centres. Even better, the space in the middle is a space of *encounters* with other bodies, a space in which one’s body affects and is affected by other bodies. It is not a space of judgement, of secure values, of fixed constructions. Rather, the space in the middle is precisely *in the middle*: neither this nor that side; but then again, not a boundary and therefore not flanked by sides. Likewise, it offers no direction: just as the leaves of grass move with the wind, the space in the middle consists of the encounter between the grass and the wind. An encounter for Deleuze pushes the encountered parties off their comfort zone of categories and identities, and throws them in a “mad becoming” (DELEUZE, 2004a, p. 141). The grass becomes wind and moves along the wind’s breath, the wind becomes grass and spreads itself on the ground: becoming itself is pushed deeper in the middle, as it were. Finally, the space in the middle offers no chronology and no external causality: all is interfolded in simultaneity and immanence. The wind becomes the grass, the grass becomes tomorrow’s grass, its beginning is in the middle, in the space of here, manically flapping around its movement:

The orchid deterritorializes by forming an image, a tracing of a wasp; but the wasp reterritorializes on that image. The wasp is nevertheless deterritorialized, becoming a piece in the orchid's reproductive apparatus. But it reterritorializes

the orchid by transporting its pollen. Wasp and orchid, as heterogeneous elements, form a rhizome (DELEUZE; GUATTARI, 1988, p. 10).

Having established what this chapter understands by interstices, I can perhaps now embark on the more applied discussion demanded by the adjective “urban”. In order to do this, I present a version of an urban interstice, namely the Lawscape, which has been appearing in my work of the last few years. Simply put, the lawscape is the interstitial space of law and the city. The argument underlining the lawscape is that there is no difference between these two and that one conditions the other from within an extensive immanence. Thus, regulated city and urban law are simply ways of starting in the middle, covering the same distance albeit arguably from different perspectives. The lawscape is the breeding ground of the potential emergence of spatial justice, another concept that I have been trying to redefine in relation to more specific legal and spatial considerations. In that sense, the interstice begets an interstice. The connection between the lawscape and spatial justice is both fragile and solidly immanent, which means that there is no prescription that guarantees the emergence of spatial justice, yet the lawscape is the only ground on which spatial justice can emerge.

2 LAWSCAPE

The lawscape is the epistemological and ontological tautology of law and the city (see also Philippopoulos-Mihalopoulos, 2007). On some level, the neologism risks making the individual use of the terms redundant. For what is law without city or city without law? A city without law can only be this fetish of a holy city of justice, perpetually floating in a post-conflict space where everything is light and forgiveness. Likewise, a law without a city is a law without materiality, that other fetish (this time of legal thinking) that considers law to be an abstract, universal, immutable, what? Thing? Breath? Divine will? Act of violence? Both law without city and city without law are fantastic beasts that operate at best as horizon and at worst as cheap rhetoric. However, one thing must be clarified: abstract law is very different to justice. Justice as horizon operates on an always-to-come space but through the calculation of law, a messianic justice that demands present legal calculation (DERRIDA, 1992). After that, and once justice has been achieved (if ever), the law recedes

for a well-deserved rest, since it becomes superfluous when the city becomes just. The law emerges in conflict, in quest (for justice), and in need to capture the future – namely at *all times* in the city. It becomes abundantly clear that none of these legal apparitions are law in abstraction. Law is always spatially grounded, epidermally embodied, materially present. Law as an abstract universal, free from the constraints of matter and bodies and space is one of the illusions that law itself (and some strands of legal theory) insist on maintaining. Law as control is by necessity material (meaning spatial and corporeal), for it is only through its very own emplaced body that the law can exert its force. Law comes nowhere but from within the controlled, their bodies of appearance and the corridors on which they move, as post-colonial theory has taught us (BHABHA, 2005). This is more than just biopolitical control, since it addresses the material nature of the law itself: only from within matter can law control. Thus, to posit a law without a city is tantamount to positing, say, a universal human right that applies to everyone without the need for contextualisation. The latter is not ‘just’ the context. On the contrary, it is the supreme need to close in and eavesdrop on the particular body’s specific circumstances. Even in the theoretical, indeed *horizontal*, possibility of a just city, the law’s withdrawal would be a material one, its movement traced on the skin of the city, its back turned to the urban deification. In its turn, a just city has captured time itself, engraved it right *here* in its Edenic intramuros. There is no other way: a just city is a theological concept and cannot accommodate anything that falls sort of divinity (*contra* FAINSTEIN, 2010). A just city does not belong to the lawscape except as a horizon. And the risk of course is that the horizon can always be co-opted on behalf of cheap demagogy.

Law in the lawscape is not just the standard, written law but also the diffused normativity that streams through everyday life – what Spinoza (2007) has called “rules for living”. This includes human and other bodies as well as objects. Just as a body, an object is already functionalised, normalised, never independent of its normative position in the world. At the same time, the object determines the functions and normalisation processes around it. In that sense, human, natural, artificial bodies come together in creating and being created by the law. For this reason, I would talk about the law as an expansive *institutional affect* that permeates the formal and the informal, the abstract and the

material. What is remarkable, however, is that the latter diffused form of normativity exhibits the paradox of appearing both as a corporeally embedded preference for individual self-preservation, and a feature compliant with the current surveillance and control culture. This sense of normativity takes few risks and delegates conflict resolution to what it considers to be higher levels of judgment-making – indeed, to go back to Spinoza, a sort of guardian authority that pursues efficiently the individual interests of its subjects. The phenomenon of the “nanny state” is both an anathema and a desire, a direct result of which is the perceived political apathy. It is not all bleak though. This is a comfortable sense of normativity that covers specific needs, such as issues of belonging, constructions of home and community, as well as emplacement. It is, properly speaking, a product of its own spatiotemporal conditions, and as such it manages either to preserve itself as visibly unethical, oppressive, dictatorial, fascist indeed illegal regime (which, however, engenders its own legality); or to make itself invisible and neutral, to recede from the surface and conceal its force in the folds of its own legality. The latter, a phenomenon of most western societies, works both ways: legal subjects recede from actively questioning the law (complacency or reassurance), and the law recedes from claiming a role in the construction of the everyday. This does not mean that the law is not there – simply that it is not perceived as being constantly there. This is a strategic move that aims at diffusing and dissimulating the force of law, offering instead a smooth, anomic atmosphere. Even so, things can on occasion overflow, exceed themselves and embark upon a flight of radical self-redefinition. In such cases, the already ‘contagious’ (in the sense of epidemic imitating: TARDE, 1903) nature of the normative doubles up and becomes rapid, horizontal and fiery, engendering such eruptions as demonstrations, revolts, revolutions, coups. In all these cases, the law does not leave the stage. It is merely supplemented by a different normative direction and sometimes a higher velocity.

City on the other hand is the thick spatiality of bodies (humans, nonhumans, linguistic, spatial, disciplinary), buildings, objects, animals, vegetables, minerals, money, communication, silence, open spaces, air, water, and so on. This spatiality is a fractal manifestation of what I have elsewhere called ‘open ecology’ (PHILIPPOPOULOS-MIHALOPOULOS, 2011b), namely the assemblage of the natural, the human, the artificial,

the scientific, the political, the economic and so on, on a plane of contingency and fluid boundaries, or as Andrea Brighenti puts it, “a series of territories, which can be thought of as superimposed...or mutually exclusive...or even criss-crossed and overlapping” (2006, p. 80). The open ecology of the city is simultaneously open and closed. Hinterlands, globe, outer space, hybrid technohumans, technologically manipulated meteorological phenomena ‘and so on’ (see Anna Grear’s 2011 collapse of the anthropomorphic effigy) are all grounded on the urban materiality of *here*, itself open to any definition of materiality may come from over there. Thus, while infinite, open ecology is entirely immanent. Any transcending movement is inscribed within, in the recesses of the unknowable here. There is nothing that is not, actually or virtually, included in open ecology. And nothing that is not, actually or virtually, connected to everything else in some form of connection that enables everything to *become* everything else. This is a processual rather than value-based ecology and, to quote Deleuze and Guattari (1988, p. 4), “we make no distinction between man and nature: the human essence of nature and the natural essence of man become one within nature in the form of production of industry”. Instead of a distinction, a fractal fluctuation between human/artificial and natural. Instead of one city, an infinite multiplicity that repeats itself as difference.

The lawscape therefore operates as a surface on which the open normativity of the law and the open ecology of the city emerge. Yet it does not constitute a new unity. Rather than positing an origin of a fusion between the two, it builds on an existing becoming (becoming lawscape entails that the city becomes law becomes city *ad infinitum*). It does not assume the role of a synthesis since it does not presuppose a dualism between city and law. On the contrary, it assumes that the two have always shared the same ontological surface and even the same epistemological lines of flight. In that sense, it is properly speaking an interstice, namely an always-already emergence of ontological and epistemological tautology. There is no causal link between city and law on the one hand, and the lawscape on the other, since there is no distance that needs to be bridged, no logical step that needs to be taken. Likewise, wherever one locates oneself on the lawscape, there can be no attribution – say law comes from the city, or city comes from law. City and law are necessarily observed in their tautology. To do otherwise means that

the observer is constructing a different epistemological plane from which to observe the lawscape – but even then the tautology cannot be doubted.

There is, however, a further movement within the lawscape. The surface of the lawscape enables the reciprocal dissimulation of law and the city. Thus, in the lawscape, the city sheds its asphyxiating normativity just as the law sheds its ever-present materiality. Law and the city become mutually exclusive in their emergence, thus dissimulating and diffusing the otherwise oppressive nature of the lawscape. In that way they can both carry on with their self-perpetuating myths, such as the self-description of a city as an *accueil* of difference and the breeding ground of communitarian nostalgia, and of the law as a universal good that has the potential of universalising values such as right and wrong. Some elements remain, however, despite the very grounded and strategically engineered attempts at dissimulation. These are elements of the lawscape itself, which however change in degree according to the conditions of the specific lawscape. First, the *inescapable* lawscape. Wherever one is in the city (and arguably beyond it, in its global hinterlands), one swims with and against the various normative flows that constitute the materiality of its lawscape. Second, the *posthuman* lawscape. Defining the city as a slice of open ecology means that the lawscape lies beyond such distinctions as human/natural/artificial (WOLFE, 2009). Third, the *fractal* lawscape. While each lawscape is different, they all fractally repeat the reciprocally invisibilising embrace between open normativity and open ecology. There is no global lawscape that operates as a semantic and material common surface for the totality of cities, yet there is a *plane of immanence*, not unlike the earth or nature as Deleuze and Guattari put it (1988). This plane consists of lawscapes but also trammels the lawscapes, constantly pushing them along new *lines of flight*, namely internal planar movements that begin and end within the plane of immanence yet push the edges of the plane always further. An example of such a line of flight would be the creative or competitive edge of any city that wants to attract the globe and that, by placing itself alongside other cities, manages to develop creatively its own potential.

The above characteristics set the lawscape apart in relation to other fusions of the legal and the spatial, such as the nomotop (SLOTERDIJK, 2006) or the nomosphere

(DELANEY, 2010). The main difference between the lawscape and these other fusions is that the latter are characterised by a compartmentalisation of the non-human in relation to a spatially determined human community. Sloterdijk (2006, p. 10) talks about “the ‘tensegral’ nature of human association in the nomotopic field”, Delaney (2010, p. 25) about “cultural-material environs...and the practical performative engagements [with them]”. In both cases, the human remains a central figure of perception, performance or action. Even Sloterdijk’s series of human ‘islands’, one of which is the nomotop, that moves further in the direction of a material emplacement of normativity through the use of architectural structures such as tensegrities (the thin but necessary structures that support air buildings), even so, its post-phenomenological structure still retains the centrality of a human, anthropocentric and anthropomorphic subject. On the contrary, what is proposed here, largely following Deleuze and Guattari (1988, p. 314-317) on their ‘alloplastic stratum’, namely the level of creative construction of signs not limited to humans, is a proper decentring of whatever residue of centrality might remain in the configuration of the connection between the human and the environmental. This entails a radical opening of both understandings of the city and the law towards an unmediated wilderness. At the same time, however not all bodies are equal. Human, animal, vegetable, inorganic, semantic, discursive bodies are characterised by different viscosities, different concentration of power in relation to other bodies and consequently different affective abilities. Thus, in the lawscape human affective abilities are regularly stronger than animal affective abilities, but both are subject to the affective abilities of meteorological, geographical, or even complex social phenomena that construct specific corridors of urban movement.

3 SPATIAL JUSTICE

The epistemological passage from lawscape to spatial justice is a smooth one, building on the interstitial process of ‘becoming’ already in operation within the lawscape. In other words, from one interstice to another: spatial justice emerges from the lawscape. In what follows, I would like to explore an understanding of spatial justice that emerges from the interstitial tautology of law and the city in a manner that does not build on

origins, grounds and Grundnorms, but rather on the practice of normative repetition. In other words, I am interested in thinking of spatial justice, not so much as rupture (although it can also be that) but as a process of repetition that produces difference. In that sense, spatial justice is the interstice par excellence: it continues the interstitial tautology of law and the city through the repeating movement of its very own body of emergence. As I explain below, therefore, spatial justice is not the ground or indeed the final destination (in the sense of the just city) of various juridical claims. Rather, spatial justice is a movement, embodied, emplaced and thoroughly material. While following the texture of the lawscape and indeed repeating this texture through its own motions, spatial justice brings forth a new level of potentiality. It is in that sense that spatial justice has the potential of being the most radical spatial/legal concept of recent years, promising both destabilisation of prefabricated understandings of law and urban space, and new emerging ways of dealing with old problems.

Before that, however, let me briefly introduce the way the concept has been dealt with so far in the literature. While the term itself has been around for a while, markedly since David Harvey (1973) introduced the concept in the 1970s, the way it has been employed since is either flaccidly uneventful or bombastically originary (for my analysis of this, see Philippopoulos-Mihalopoulos, 2010a). The main issue with both these approaches is that they carry on with preoccupations of *being* rather than *becoming*, namely origin and destination and boundaries (and consequently control and claiming) rather than emergences (and therefore, processes of speed and stasis) that often lie beyond mere human control. This happens for one of the two following reasons: either because the normative aspect of the concept of spatial justice gets completely swamped by political considerations; or because the spatial aspect is replaced by facile metaphors of a vague geographical nature or indeed by a geographical concreteness that does not lend itself to spatiality. Thus, in the first case, the omnipresence of law is marginalised, indeed ignored, and replaced by politics of rights to the territory, access to resources and democratic processes of participation – all relevant, yet none managing to capture the normative *force* behind the lawscape, namely the force with which the body of the law affects other urban bodies as well as the urban body as a whole in becoming the lawscape. In the second case,

spatial justice becomes an anaemic metaphor that talks about social inclusion and equal distribution, managing thus to ignore the violent, exclusionary and directionless nature of space. Indeed, spatial justice becomes aspatial. Space is reduced to yet '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, p. 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." In most current literature that focuses on spatial justice, space is replaced by geography. But geography, the imaging of the world, the *grapheme* (-graphy) of the earth ('geo-'), is a representation (GREGORY, 1993). As David Delaney (2002, p. 67, emphasis added) puts it, geography "seems to stand for spatialities, places, landscapes, materiality, and the thick and sensuous domain of the visible." Geography indeed stands for all that, itself an epistemological avenue through which some of these things are sketched. But where is space in geography? Where is the thing that still resists the violence of the geographical mapping, the geographical instructions on how to move, the barely concealed prohibitions and exclusions and scaled divisions that come with geography? This thing of course is none other than *space* – often the grand manqué of geography. Spatial justice has become a geographical justice, namely a possibly equitable way of redrawing maps of property.

There is good reason for this. Or at least, a sympathetic justification may be found. Space is a fearsome thing, hard to deal with, contain or control. Doreen Massey's (2005) description of space is by now well known: 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. The flipside of the above can be haunting, exclusionary, disorienting: interrelations and practices denote closure and difficulty of belonging unless partaking of such practices; the multiplicity of possibilities harbour unpredictability, uncertainty, lack of direction, guidance, destination; constant openness to the future may prove treacherous in that the *here* might never be proven adequate, thus always pushing one to a mindless, escapist movement. Space embodies the violence of being lost, of being uncertain about one's direction, orientation, decision,

judgement, crisis. Unlike the linearity or the compartmentalisation of time (depending on your preferred school of thought), there is no respite from the relentless and simultaneous spatial presence. And if this is true for a generic spatial experience, imagine how intensified this is in the context of the urban, where everything is taken to its extreme, and where fast can be vertiginous and slow can be a total stop.

On this platform, the interstitial emergence of spatial justice has the potential to be one of the most radical emancipatory tools within the ambit of the spatial turn in law, as well as the more generalised movement of local and specific spatiality focus, which has largely followed decolonisation. Spatial justice has sufficient materiality and abstraction to appeal to the various levels of geographical and normative thought. It can be worked out in such a way that will include the violence of space as well as the disciplinary nature of the law. The challenge is to forge a concept that is both realistic and visionary, both actual and virtual, neither pure horizon nor pure process. In order to do this, I attempt a fusion of two concepts: repetition and withdrawal. To some extent, both stem from Deleuzian (and Deleuzian|Guattarian) thought, in its turn stemming from Nietzsche's concept of eternal return. Thus, in *Difference and Repetition* (2004a), Deleuze shows how repetition does not bring identity but difference. The repeated event is never the same. He gives the "paradoxical" example of festivals: "they repeat an 'unrepeatable'. They do not add a second or third time to the first, but carry the first to the 'nth' power" (2004, p. 2). Repetition in the sense of difference is neither habit nor mere generality, which in their turn produce similarity and identity. Repetition does not produce commensurate events but rather singular differences "without any mediation whatsoever by the identical, the similar, the analogous or the opposed" (2004a, p. 117). The repeated event is a monad that lies beyond representation, "a unity that envelops a multiplicity" as Deleuze writes in his book on Leibniz *The Fold* (2006, p. 25). Repetition is characterised by multiplicity both internally and externally since not only the repeated event is different to any other but it remains beyond comparison with others. Deleuzian repetition is difference because it "constitutes the degrees of an original difference" (DELEUZE, 2004b, p. 48), which is not an origin in the sense of a being that remains unchanged but rather the difference that trammels all differences without making them commensurate.

Let me connect this to the discussion on spatial justice. The lawscape consists of paths of normative behaviour that establish themselves through repetition. Think of the way the law operates. When norms (or judgements) repeat themselves, drawing on each other and building on the previous ones, superimposing themselves on a spiral of self-referential production, repetition is every time different and given to the conditions that determine their singularity. Likewise, when one embodies the law by, say by respecting private areas within the city, traffic lights, flow of traffic when cycling, or even when one finds a particular way of dealing with the law by circumnavigating it, say when cycling on the pavement which, depending on the jurisdiction, it might or might not be illegal; in all these cases, one deepens the normativity of the path by finding oneself in a situation of repetition along the various elements (the pavement, the tree on the pavement, the bicycle, the law, the perception of the law, and so on). The law fragments up in its various perspectives, lends itself to the multiplicity of senses, spreads its body in time and then, arbitrarily at a given point, regroups and delivers a judgement or establishes a normative event. This might be an emergence of justice, always within the law, appearing dream-like from within the normative edifice and yet beyond prescription. Derrida has famously shown that justice, however to-come, comes from within the calculability of the law. One can take this even further: in its repetitive immanence, law is justice. Indeed, there is no dualism, no contradiction between the two. Law is so absolutely, incommensurately inscribed within its repetition that only by carrying on with its obsessive repeating can it allow justice to spring forth. This is what Deleuze means when he writes that repetition “refers to a singular power which differs in kind from generality, *even when, in order to appear, it takes advantage of the artificial passage from one order of generality to another*” (2004a, p. 4, added emphasis). The passage from one spatial normative path to another, however close to generality or habit it might be, has the potential of giving rise to repetition as the difference of justice, where each case is looked at in its singularity, above and beyond comparisons with cases decided alike (yet in its emergence relying on this repetition). But at this point the arbitrariness of the law is revealed: as far as we are concerned, we who view the spectacle of the law in all its square claustrophobia, the law just *may* be just. There is no guarantee. The law is blind to its injustice.

The interstitial nature of spatial justice becomes apparent when one considers that it appears “in the passage from one order of generality to another”, namely building on the normative repetition (which might be mere production of sameness) and passing on, flowing along or indeed folding up as repetition of difference. What seems like dull normative sameness, is the plane on which the repetition of spatial justice may emerge. Although immanently appearing within the lawscape, spatial justice is a *fold* of the lawscape, a doubling-up of difference that does not interrupt the lawscape but intensifies it by allowing it to slide next to itself. Alain Pottage has spoken about “a fold in the fabric of contingency” (1998, p. 11), namely a continuation and a doubling up of contingency – and in this case, the contingency of the lawscape. This is how spatial justice emerges: contingently, immanently, on the basis of spatial normative repetition. The challenge however does not end there. As Deleuze writes, the problem is “how to continue the fold, to have it go through the ceiling, how to bring it to infinity” (2006, p. 39). In other words, how to build on these emergences of spatial justice, how to carry on developing the fold?

This is where the concept of withdrawal comes in. It all begins with a betrayingly simple formation: one body and other bodies. And then, right in the middle of this, the desire for movement: I want to be where you are, exactly *there*, exactly *then*. The motives (greed, attraction, possessiveness, territorialism, reterritorialisation) can be put aside for the time being, for what is important is the desire for justice, the act of moving, of passing, of being deterritorialized by the spatial position of the other – that is by allowing the position of the other to make her territory out of my position. The gesture begins ontologically. As Graham Harman, drawing from Heidegger, puts it, objects withdraw from each other, indeed “absolutely from every relation” (HARMAN, 2005, p. 76). This is an ontological position referring to the lack of connectivity between ‘objects’, which, for Harman are material, beyond representation entities that do not juxtapose themselves to ‘subjects’ but exist ‘whether we like it or not’” (HARMAN, 2009, p. 195). In this object-oriented ontology, objects have no relation at all with other objects but dwell in an autopoietic closure that excludes the environment, namely the other, from coming in and taking up one’s territory. There is, however, a twist in this since objects do communicate with each other after all. This happens through what Harman calls translation and which

one could see as internalisation of the other within the self in the direction of the self. This is a mendacious dichotomy, however, even in strict autopoietic terms, since, as Niklas Luhmann's (1997) theory of autopoietic closure abundantly shows, the other is the 'object' of the object, as it were. Closure is openness in the sense that the other is what the system is, what the system consists of (PHILIPPOPOULOS-MIHALOPOULOS, 2010b). Levi Bryant (2011) has put together Harman's withdrawal and Luhmann's closure in order to show how every object is self-othering through its very withdrawal. In that sense, self-othering or otherwise put, withdrawal from the territory of the self by delving deeper into the self, is an ontological position. Spatial justice, therefore, points to the 'no-relation' between bodies, meaning that every body occupies a certain space (indeed, every body *is* a certain space) at any given moment and there can be no connection amongst the various spaces in that they all withdraw behind the contour of their skin and close themselves to the other in their attempt to immunity. Deep in this closure, however, is the other, the world through the skin and within the contours of the skin. Spatial justice refers to the simultaneous impossibility of sharing space and closing-off space.

Space both conditions and is conditioned by the desire to move, and move constantly. This movement is partly facilitated by what Deleuze and Guattari have famously called *smooth* (as opposed to *striated*) space, namely the space of the nomad as opposed to that of the state. Striated space is the organised "space of *pillars*" and of homogeneity (DELEUZE; GUATTARI, 1988, p. 408), "striated by walls, enclosures, and roads between enclosures" (DELEUZE; GUATTARI, 1988, p. 420). Smooth space, on the other hand, is a variable open boundless space characterised by a "polyvocality of directions" (DELEUZE; GUATTARI, 1988, p. 421). Striation and smoothness are two values which, however, are never encountered in isolation but always interfolded (thus, "smooth or nomad space lies between two striated spaces" (p. 424). The need for justice arises as soon as the lawscape emerges – namely, as soon as law and space become each other, partitioning space and territorialising law through paths of spatial normativity. A word of caution: there is no one originary point at which law and city merge but there are specific points at which the conflict between their various manifestations becomes apparent. Paths cross each other, bodies clash, geopolitical presences are not tolerated, homeless bodies

are shoved under the bridge, veiled bodies are shut indoors, religious adversaries are housed next to each other, the industry moves into the forest, the ship moves into the fish stock: in all these movements, there is conflict. The conflict can be put in an ontological language as that between closure and openness or internalisation of the other and withdrawal from the other. Spatial justice is the movement out of this conflict while delving deeper into it.

With this, we move into the other important role of spatial justice, that departs from a mere ontological position and urges instead for a transcendently empirical position, indeed a political position: spatial justice is the emergence of resistance against the omnipresence of the law. If the lawscape is all there is, it means that the law is material through and through, and that there is no space free from law. Even a smooth space has its own, nomadic law, the *nomos* that moves on the surface of the earth. Law and matter flow together in a way that it is impossible to tell them apart, capturing all there is. So where is the space of resistance? Where can one find a sliver of escape from the rapturous nuptials of law and space? This is where withdrawal comes in: a removal from the space of the law, a movement of bodies away from the embrace. Withdrawal is not an isolated movement, at least in the sense of a directed displacement. Rather, it is a shift that mobilises the space, the bodies on this space and the legality that trammels their connection. Withdrawal is a tectonic shift that takes with it the surfaces on which the law appears. A body withdrawing is lawscape withdrawing. But this is precisely the movement of *justice*. In order to employ the law *justly*, one (a judge, a lawmaker) needs to destroy the law, to let the whole legal edifice collapse, to withdraw from it – and only then will the law regroup and reach a judgment that might or might not be just. One moves one's body away from the law, withdraws one's corporeal attachment to it and sees the law in full materiality. The withdrawal can only take place from inside and within the lawscape, hammering right at its foundations and up to its turrets. In withdrawing from the lawscape one does not move outside. There is no better place outside. There is no better law, better city, better justice. It is all part of an infinite plane of immanence on which withdrawal moves. If justice is to be materialised, withdrawal must be kept immanent. This amounts to more than a manipulation of the law, a new interpretation or a legal stuttering. Nor does it

mean that one has to work with the system. Rather, it is a denial of the law, a questioning of its relevance, its validity and even its lawfulness. Withdrawal rides the waving banner of the unutterable legal paradox: is the law lawful? Take the example of a revolt against the government. Revolts work from outside the lawscape in that they assume the difference in materiality between 'us' and 'them'. The policeman is not us, the fellow citizen is not them. It is a necessary suspension, an inclusion of negation. Yet whatever change takes place with a revolt, it will have to be within the lawscape. Materiality reunited. Which lawscape is that? A brand new lawscape? No doubt; but also a very old lawscape. A piece of the lawscape must be preserved in order for the lawscape to assemble itself every time after every withdrawal. The withdrawal has to be registered by the lawscape: speak the law's language, enter the law's dreams, touch the law's extremities. Revolting is withdrawing, but withdrawing is immanent. One cannot achieve justice by revolting alone.

Spatial justice is disconnected from historicisation and thrown in at the space of *here*, namely the space that vibrates with history through its material appearance. Not an abstract history but a history of the *here*. Not a history that legitimises atrocities but a history that accepts the need for bodies to be here, exactly where other bodies might also want to be. Justice is a conflictual space, full of erupting laws and spreading normativities. For justice away from the law is not a lawless justice. It is certainly a risky, potentially dangerous space, emptied of pillared security and smooth lines. It is also a space of constant reconstruction, rapid concept formation, applied acrobatics of thought and action. A space of justice – and indeed spatial justice – is a space where the law is being erected at every moment as if for the first time. Like a group of nomads that must set up home every time they stop for the night, in the same way the law is re-erected through a repetition that might create difference. This is where we come full circle: withdrawal leads to repetition that leads to withdrawal. The two are not opposites but share one surface: that of *stasis*. Faithful to its etymology, stasis is both pause and revolt, withdrawal and return. Stasis is nomadic. For it is not the case that the nomad moves constantly. As Deleuze and Guattari (1988, p. 420) put it, "it is false to define the nomad by movement." It may be the case that the nomad moves from point to point to a further point, but the points are there by necessity. The nomad always moves along paths or trajectories that

simply happen to include points. In that sense, the nomadic movement is, as the authors write while referring to Heinrich von Kleist, “immobility and speed, catatonia and rush, a “stationary process,” station as process” (1988, p. 420). The nomadic movement is the “absolute movement”, or the speed in which the body “in the manner of a vortex” swirls in palpitating stasis. In that sense, the body carries the smoothness within, as it were, and moves between various positions in striated space.

Withdrawal takes withdrawing with it and leaves a space of perpetual *stasis*, namely a pause that pulsates with revolt, with turning. The shift is a forceful declaration of appearance, of being *here*, fully embodied: a lawscape moved by the spaces and bodies of its appearance. Spatial justice can finally be defined as the conflict between repetition and withdrawal, a conflict that shares one surface, that of stasis, and one political position, that of constructive, creative resistance that creates the lawscape through its very repetition. This way of approaching spatial justice serves a multiplicity of objectives. First, it establishes the interstice as a common surface of a multiplicity, in this case the multiplicity of law and the city. In that sense, spatial justice is not a synthesis but an emergence that *may* occur. This occurrence takes place irrespective of prescriptive policies. This does not mean, however, that one must give up. This is, counter-intuitively, the meaning of spatial justice as *withdrawal* – and the second objective of spatial justice: namely, spatial justice as withdrawal entails a constant awareness and action upon the conflict between closure and openness, property as exclusion and property as need for connection. This is played out entirely on the material, spatial plane of stasis – third objective: spatial justice is material through and through, between material bodies and involving real spatial arrangements that are informed by an ethical awareness of decentering. Fourth objective: the self is not the centre of the lawscape. This resolutely anti-anthropocentric approach makes the lawscape a fractal piece of the open ecology in which bodies circulate (as they do de facto) amidst other bodies. Spatial justice emerges as soon as the conflict becomes articulated (that is, immediately) and demands a radical decentralisation, not only of the human or the self in general but of the centre itself. The result: a truly interstitial conceptualisation of spatial justice as emergence.

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