

The City of Justice

(text published in Italian translation by Cristina Pradella in Ilaria Giuliani and Paola Piscitelli (eds), *Città, sostantivo plurale*, Milano: Feltrinelli, 2019)

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1. What is a city?

Defining the city requires a spanning of matter and meaning, corporeality and abstraction, tangibility and inaccessibility, humanity and nonhumanity. The most prominent difficulty in defining the city is that, while the city is often considered to be constituted by signs, it continually distances itself from them. Nobody puts this better than Italo Calvino in his description of the city of Tamara: “The entrance to the city is through streets full of signs coming out of the walls. The eye meets no things, but shapes of things that imply other things;...If a building has no signpost or figure on its walls, then its shape and position in the city plan are enough to reveal its function;...Even the merchandise the salesmen spread on their benches have a value, not in themselves but as signs of other things;...The stare runs through the streets as though they were written pages: the city dictates everything that you are supposed to think, it makes you repeat its own words, and while you think that you are actually visiting Tamara, you do nothing else but register the names with which the city defines itself and all its spaces.”¹ While organising itself in terms of its signs, the city deliberately distances itself from them, disabling any enduring coincidence between signified and signifier. The city is located on the boundary between confluence and conflict, projecting itself on this very pulling and pushing with its signifiers. There is an urban revolt against the city’s own textual organisation, thus re-instituting the rupture between its description and its self-description -in other words, its signifiers and signifieds.²

This distancing is often too hard to deal with. If taken seriously, defining the city would be an impossibility. It would always have to be considered as a spanning of a fissure, and in that sense, a precarious projection that tries to accommodate various opposing potentialities, both symbolic and material. The city succumbs to the easy avenue of an anthropocentric phenomenological fusion between the symbolic and the observational. In these fusions, there is no ‘thing’. The ‘thing’ itself becomes invisibilised: “we classify an environment as a city, and then ‘reify’ that city as a ‘thing’. The notion of ‘the city’, *the city itself*, is a representation.”³

¹ Calvino, 1993:13-14. The translations from the Italian of this and the other two stories that follow in this chapter are mine, so any errors are my responsibility.

² “If there is a textual system, a theme does not exist. Or if it *does* exist, it will always have been unreadable...Meaning is nonpresent, or nonidentical, with the text.” Derrida, 1981:250. Indeed, the urban process remains unreadable, but this unreadability in the form of simultaneous identification and distancing is here operationalised as an urban paradox.

³ Shields 1996:227, original emphasis

In the same vein, habitual metaphors that emphasise constant flow, anarchy, polysemy and mobility in the city, fail to grasp urban complexity. Likewise, descriptions of the city only from the citizen's point of view, or only from a social institutions' point of view, also fail to deliver the subtlety of the form. An adequate description of the city must capture the spanning between flow and order, conscious and social, and dwell on neither but always on the act of *crossing*. It is on this performance of the city, its distanciation from the signifiers while encouraging their crystallisation, that the city can be located. This complex form of being/becoming is in need of epistemological crutches in order to be described, for otherwise the object of description becomes diluted in the very act. This is the reason for which urban analyses focus on 'representations' of cities rather than the city itself.⁴ Even when they deal with specific cities, or pragmatic considerations of the urban environment, urban analyses are but epistemological fractions of the urban complexity. Even the choice is uncontainable. A perfunctory list would include mechanical, cinematographic, organic, artistic, literary, and statistic formulations, as seen from social, historical, geographical, human geographical, economic, sexual, political, ecological, sexual, linguistic, demographic, utopian, racial, gender, psychological or architectural points of view: all ways of fragmenting and approaching the urban complexity, for "precisely because of this complexity, the city can never be wholly fathomed."⁵

Unfathomability is yet another indication of the obsessive focus on symbols: "[t]he city has come to be a symbol -maybe even a symptom- of almost every social and cultural process. Cities are certainly concentrations of these processes: the city is often read as the medium through which modernity (and then postmodernity) gets expressed, worked through, concretized."⁶ From Benjamin's *Arcade Project* to Baudrillard's *America* and Davies's *Los Angeles*, the city has been designated as the decontextualised locus of a historicity and spatiality that typically transcend the pragmatic and operate on the level of "treacherous metaphors"⁷ as representations of society.

It is time, however, that we reinstated the materiality of the city. In concentrating on the symbolic, we often miss out the tangible, corporeal, embodied, spatialised city of bodies, human and nonhuman, that move in the city and construct the city in their movement. In concentrating on the history of the urban, we miss out on the possibility of making our hands dirty by getting into contact with its soil and walls and air above it. In the name of the symbolic analysis of the city, we ignore the city itself. Finally, when we ignore the materiality of the city, we also ignore the real law of the city, and its possibility of becoming justice. We only retain a decontextualized understanding of the city and its law, symbolic, abstract and universal, rather than embodied and spatialised – as law always and necessarily is. In what follows, I would like to shift the emphasis on the material, not forgetting the symbolic but keeping it in mind as the potential of continuous conflict and confluence with the material. Elisabeth Grosz's work on the body/city-space relation, body and city produce and consume

⁴ See for example Bell and Haddour, 2000; Westwood and Williams, 1997; Watson and Gibson, 1995; and McAuslan, 1985 and particularly chapter 9 on the containment of contradiction between legal and illegal city.

⁵ Amin and Thrift, 2002:92

⁶ Bell & Haddour, 2000:1, emphasis omitted

⁷ Shields, 1996:229

each other, “they are mutually defining.”⁸ Instead of a causal or representational mode of connection, Grosz suggests “assemblages or collections of parts, capable of crossing the thresholds between substances to form linkages, machines, provisional and often temporary sub- or micro-groupings...Their interrelations involve a fundamentally disunified series of systems, a series of disparate flows, energies, events, entities, bringing together or drawing apart their more or less temporary alignments.”⁹ In her reading of Deleuze in relation to architecture, Grosz describes the body/city-space as a series of eventful constellations, involving a constant crossover of meaning from social structures to interaction and vice versa, which resists typification and ends up as an inalienable but defining moment of the difference between them.

In what follows, I focus on three material characteristics of any city that can help us understand the law within the city and its possibility of becoming justice: the body and its movement; the space in which a body moves; and the lawscape that is produced by this movement. But I will start with the main concept of the text, namely the possibility of spatial justice in the maelstrom of material and symbolic that takes place in every city, taking into consideration that a just city might not be one devoid of conflict and difference, as it is often thought. Rather, a just city is a city that deals with its conflicts and differences in ways that accommodate the various sides (and one can think of the sides between the symbolic and the material here too) without, however, trying to avoid conflict.

2. After you, please

Let us imagine one of the most characteristic urban situations, one of these occurrences that happen every day in cities all over the world. Imagine entering a concert hall and seeing that someone is sitting in the seat that you have already booked. You have the ticket to prove it, and what is more, the particular seat is your favourite in the whole theatre. This little piece of paper you are holding is your guarantee of your legal claim, and you only need someone to mediate in order for you to get your rightful seats. You find an usher who confirms the seats and, escorting you to the seat in question, asks to see the ticket of the person currently seating in your seat. But, lo and behold!, this person has a ticket with the exact same seat number as you do. What do you do?

What is the just thing to do here? What is the just thing to do in all these situations where the same space is claimed by various bodies? Who is on the right side of the justice scales when one is squatting in a disused building, or wants to kick the newly arrived immigrants out of the city, or wants to build more housing where a park with ancient trees stands? There are no easy solutions and certainly no possibility for justice across the board. Every situation needs to be dealt with in its merits. But they all have, first, the commonality of two or more bodies claiming the same space at the same time; and, second, the need to find another level of negotiation where the various parties are removed from their entrenched positions and a rapprochement of sorts can take place.

⁸ Grosz, E., 1995:108; also Grosz, 2001

⁹ Grosz, E., 1995:108

For this reason, the concept of spatial justice takes the form of a question mark. It operates in an actual and symbolic space in everyday life and demands continuous assessment of where one positions oneself and why. I have previously defined the concept of spatial justice as the desire of an individual or collective body to occupy the same space at the same time as another body (Philippopoulos-Mihalopoulos, 2015?). This definition points to an unresolved situation, just like the above case of the theatre seat. In leaving the question open, the definition I put forward here suggests that there are no easy solutions to what I consider arguably the most important current political and legal issue. For this reason, rather than trying to offer a solution to the problem, the open definition and this text in general attempts to highlight a problem of spatiality and temporality that goes largely unnoticed or subsumed in other, grander and perhaps more easily understood narratives of historical claims, ethnic identities, ghettoization, gender segregation, or property boundaries and questions of ownership. Focussing instead on a concept of spatial justice as stripped-down and as basic as the above, allows us to see the issue for what it is, namely a corporeal gesture across space and time that crosses, while also relying, on legal and political boundaries that are erected and negotiated constantly in a city.

3. Entering the lawscape

In order to be assisted in this endeavour, we need to root spatial justice in law. It is my argument that spatial justice emerges from within the *lawscape*, which we can define as the manifold of law and the city,¹⁰ the epistemological and ontological tautology between the law (Philippopoulos-Mihalopoulos, 2007: in its broadest sense of norm production, behaviour, habit, expectations etc) and the city (in its most material, embodied and spatialised sense). Law in the lawscape is not just the standard, written state 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 – it generates its own *zones* as Timothy Morton writes, it emits its own spacetime in which we are all captive, fixed firmly to the spot.¹¹ In that sense, human, natural, artificial bodies come together in creating and being created by the law.

But what is the lawscape? And more to the point, where is the lawscape? The simple answer is: everywhere! While you are reading this, you are in the lawscape. You have entered the

¹⁰ Urban space and law emerge and fold onto each other in various degrees of visibility. Space does not offer a direction but the openness of being lost. Space is not linear but labyrinthine. As Deleuze (1993a, p. 18) writes, “a continuous labyrinth is not a line dissolving into independent points, as flowing sand might dissolve into grains, but resembles a sheet of paper divided into infinite folds or separated into bending movements, each one determined by the consistent or conspiring surrounding.” For Deleuze, the minimum element is not the point but the fold (see also Deleuze, 1993b). Through folding, subjectivity is formed and at the same time multiplied, folded outwards. The urban manifold, the *lawscape*, is folding out in multiple directions, ever expanding and all consuming.

¹¹ Morton, 2013: 144, while disembedding us from the world. Morton’s object zones are not direct experiences but set of shifting emissions in which we are left fuddling for how to behave, “hot to dispose myself relative to the zone...I can feel the irreducible dissonance between my idea and the zone”.

lawscape. Or rather, you never quite left it. Even as you took the lift to this floor, or earlier as you walked down the street, or even earlier as you came out of the bus: it is all lawscape. In the lawscape, every surface, smell, colour, taste is regulated by some form of law, be this intellectual property, planning law, environmental law, health and safety regulations, and so on. Law regulates traffic, allows you to cross the road or not, allows you to drive your car, to go to the cinema, to enter the zoo, to stay at your own home. It allows you to switch on your TV, to access the internet or read a newspaper. Even the simplest acts are controlled to a greater or lesser extent by some legal agreement, limitation or prescribed direction, whether this is in the public or private space. The fact for example that one goes to the bathroom, this sacrosanct of private spaces, is regulated by legal provisions of water procurement, building regulations with regards to the material and placement of pipes, legal ownership of sewers and regulations on waste disposal, planning relation of the bathroom space to the rest of the home in the sense of where it is and what provisions have been made for emergencies, the kind of wall paint and other materials used, and so on. Perhaps less metaphorically than it might sound, the law is spread on pavements, covers the walls of buildings, opens and closes windows, lets you dress in a certain way (and not other), eat in a certain way, smell, touch or listen to certain things, touch other people in a certain way (and not other), sleep in a certain space, move in a certain way, stay still in a certain way.

In the lawscape, everything is a matter of spatial positioning, and every spatial positioning is potentially or actually controlled by law. In that sense, there is nowhere else from which spatial justice could emerge. So far, as I show below, the concept of spatial justice has been used by a political and geographical discourse that could not understand the technicalities of spatial allocation, parcelling and categorising, as prescribed by the law. Yet, the concept and praxis of justice is intimately linked to the law, especially in the polyvalence of an urban context. The mechanisms and processes of the legal system attempt to provide for solutions to conflict in a manner that is as consistent as possible. The 'crowning' of this legal mechanism is justice, rather famously accoutred with the (legitimate) violence of the sword and the objectivity of the blindfold. The difference between political theory and law is that the latter is bound by an internal necessity (it must remain consistent in terms of the social expectations to which it gives rise) for historical continuity and geographical particularity. These two are the necessary preconditions for a legal process that will have a chance of giving rise to justice.

The coup brought about by spatial justice and most probably the specific way of defining it as an open corporeal gesture, brings to the fore a recent turn in legal scholarship, namely the relevance of corporeality and more generally materiality. While the former usually refers to human bodies, often encountered in discussions on gender, colonisation, immigration, citizenship and human rights, the latter broadens the discussion to include non-human bodies, in an attempt at an inclusive materiality. It is in that sense that the above definition must be understood: a body is not simply an individual human body. Rather, it can be a collectivity, a flock of sheep, a fleeting community assembled in a lift going from the third to the fifth floor, a boat full of illegal immigrants, and so on. This is not an attempt at trivialising the phenomena. Rather, the concept of spatial justice can only work on a surface of flat ontology, without pre-formed hierarchies and boundaries across species or various kinds of materialities. This is the only way in which existing and historically ossified paradigms can be reconsidered, and a new form of material considerations can take their place. This text, therefore, proceeds as follows: the following section looks into the current literature on

spatial justice and offers a critical analysis, while allowing itself to take a position. The final section sketches more fully a definition of spatial justice as corporeal movement and looks at potential repercussions.

4. An A-spatial Justice

Spatial justice, both explicitly and implicitly, has been widely employed in the literature on concepts and practices of justice from a geographical perspective. Unfortunately, very few of the attempts have managed to offer anything to the discourse with regards to a radical spatial and corporeal understanding of the concept. Indeed, the majority have failed to distinguish spatial justice from such received and frequently co-opted concepts such as social and distributive justice, or regional democracy. Even in the origins of the concept, which can be traced back to David Harvey's (1973) work on justice and space, spatiality becomes bifurcated in the "complex, non-homogeneous, perhaps discontinuous" *social* space on the one hand; and the *physical* space on the other, in which, as Harvey says, the engineer and the planner typically work. This distinction is part of the problem of an anthropocentric construction that assumes physical space to be different from social space.

Something that has eschewed Harvey's attention is that not only social space but also physical space (if one were tempted to maintain the distinction) can be described as "complex, non-homogeneous, perhaps discontinuous", and as such the locus of processes that are produced outside the narrowly defined social confines. Indeed, this way of manifold thinking, to some extent suggested by authors such as Marcus Doel (1999), Steven Pile (1996) or Ash Amin and Nigel Thrift (2002), banalises the distinction between social and physical space.

Edward Soja, on the other hand, has consistently taken to the term in earnest (see Soja, 2009). In his book *Seeking Spatial Justice* (2010), Soja has attempted a grounded theorisation of the concept, explicitly linking it to spatial considerations. He writes: "justice, however it might be defined, has a consequential geography, a spatial expression that is more than just a background reflection or set of physical attributes to be descriptively mapped." (p 3) And later, "spatial justice is not a substitute or alternative to other forms of justice but rather represents a particular emphasis and interpretive perspective." (p 13). From that point onward, Soja performs an excellent strategisation of the concept with regards to projects and movements, but fails to show what is new or potentially radical about spatial justice. If it is just a "particular emphasis and interpretive perspective", it has inferior purchase than something as mobilising as Henri Lefebvre's (1996) famous but rather sketchy *right to the city*. The problem can be simply put as follows: the above definitions of spatial justice construct an illusion of human agency and its consequent ability to control and influence the spatiotemporal conditions in a direct way. We only need a hero. Or even better, we are all heroes inside. But as Martina Löw (2008) writes, the best that social agents can do is *reproduce* space and its qualities, whereas social structures and systems actually *produce* it. This is not a refusal of individual or collective action in the form of questioning, resistance, revolt or revolution. It is, rather, a sobering call for contextualisation of heroics within the spatiotemporal and material parameters in which they emerge.

However valiant and necessary in view of their spatial openings such endeavours may be, they lack some fundamental attributes – and I write this in full awareness of unjust generalisations -: first, they lack a radical vision that would responsibly mirror the current societal conditions and state of thinking. Thus, harping on relics of modernity such as the fixed spectres of identity, community, demos, popular will and consensus, purposefully ignores the discrediting of such fictions (one look at electoral procedures would be convincing enough) and perpetuates without questioning their supposed relevance. Second, by insisting upon an anthropocentric specificity of resource distribution, the existing spatial justice discourses constitute a blatant marginalisation of the current radical thinking on the fluidity of the boundary between human and natural/artificial/technological. In a typical sidestepping of what has originated and further developed in feminist thinking, spatial justice reasserts itself as a human (namely, masculine) need. Third, whenever a theorisation of the concept of spatial justice appears, it does not deal with the spatiality of space, those characteristics of space that render space the awkward, angular, unmappable, unpredictable factor that it is; on the contrary, there is a constant retention of a conceptualisation of space as a measured and measurable factor, given to Euclidean properties and legal appropriation.

The concept of spatial justice suggested here attempts to address the above shortcomings. Thus, it specifically posits itself as non-anthropocentric, spatial rather than crypto-temporal, and fundamentally amoral (but ethical instead). It also attempts to be transdisciplinary, aiming at that fleeting space between law and geography. At the same time, however, the concept is aware of its limitations: it can never be seen as the solution. Spatial justice cannot bring about better identities, more organised popular will, broader consensus, healthier or richer developing countries. The best it can hope to do is delineate the problem, initiate a discussion on the conditions, acknowledge the hitherto invisibilised spatial factor: in short, while acknowledging and working through the impossibility of a solution, spatial justice brings forth the conditions of such an impossibility, thereby allowing a flicker of possibility to stream through.

5. There is a way

The most pivotal question right now is, what are the ways in which spatial justice can be achieved? In other words, how can the city of justice emerge? The rather disappointing answer to this is that, there is no one way and no final solution to the issues. Rather, spatial justice demands a continuous negotiation of spatial positions. Yet, there is one thing that we, as bodies that participate in the urban lawscape can do. This is our moment of potential responsibility: we need to withdraw from the register of the conflict and try to negotiate it on a different register, less fraught, more neutral, fresher.

Spatial justice emerges when a withdrawing body passes into a differently oriented space in which the register of conflict might change. The end result might be that the lawscape, namely the way our bodies move in relation to space and produce law, might become reoriented

towards a better future. Of course, there is no guarantee and no prescription that spatial justice will emerge, even if the lawscape is re-oriented. Spatial justice is the continuation of the conflict but on a different level, a different register. The 'success' of withdrawal is measured by the degree of reorientation of the lawscape. Henri Lefebvre refers to this when he talks about 'trial by space':¹² each collective body (in Lefebvre's terms, "groups, classes or fractions") marks its 'legitimacy' through its production of space. This production though always occurs "through confrontation with the other values and ideas it encounters there."¹³ This means that reorientation can only occur through continuous encounters with other bodies.

Spatial justice is disconnected from historicisation and thrown in 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 politically constructed *here* but a *here* that fluctuates according to the bodies that populate it. 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. This means that any historical claim, ethnic identity construction and deep-seated belief about belonging can only be factored in to the extent that they are 'imprinted' on, 'rooted' in, 'embodied' by the very surface on which spatial justice emerges. The link to space is not as simple as land ownership, legal claims to property or right by birth.

Allow me to offer an example. I was fortunate to see an artwork by Ingeborg Lüscher at Hamburger Bahnhof in Berlin a few years ago called *The Other Side: Israel/Palestine*. The artwork consisted of three long horizontal screens situated next to each other. In a series of silent black-and-white relatively brief takes, the faces of approximately thirty Palestinians and Israelis were shown, one at a time. The face appeared on the first screen, only to disappear afterwards and reappear on the second screen and then finally the third. Every time however, the expression was different, as if something had happened to which we were not privy. I then noticed that three plaques were positioned underneath each screen. The first read: "Think. Who are you, your name, your origin?" The second: "Think. What has the other side done to you?" All the participants were asked the same questions. All of them had lost loved ones during the conflicts. Lüscher was filming them while asking these questions, which we could not hear. We were not told who was on which 'side' and, although one could guess, the takes were meant to conflate the sides rather than to keep them as 'sides'. The variation and emotional impact of the facial expressions of the participants were overwhelming. The usual trajectory was one of pride and defiance mixed with pain; this would then change on the second screen to intense pain and increasingly deepening sorrow. So far, so usual: a quest for identity politics of origin which leads to taking sides, and a habitual historicisation through blame attribution. The saving difference was the emotional privileging of the affect and the fact that all faces were inhabiting the same spaces/screen. But the most devastating moment was when the third screen would come alive with the participant's face. It was the screen that betrayed most expectations, and went against most projections of how the participants would react and how their expressions would change. These last screens were a humble triumph against synthesis. They could not be predicted on the basis of the previous screens.

¹² Lefebvre, 1991: 416

¹³ Lefebvre, 1991: 416

They emerged from a withdrawal from the atmospherics of conflict so powerful that it was humbling, so defiant that it was devastating.

The plaque underneath the third screen read “Think. Can you forgive?”

6. Let's have a coffee together

Vassiliki Katrivanou and Bushra Azzouz's documentary *Women of Cyprus* captures the feelings of women both sides of the 1974 Cypriot partition, namely the North (Turkish) side and the South (Greek) side. This revolved greatly around the notion and practice of home both as a nationalist strategy and a corporeal affect which perpetuated their (mutual and well-founded) sense of exclusion from a land which, at least for some, used to be and still is thought of as home. Bodies here, homes there, thrown apart by a barbed wire that keeps on prickling skins and walls.

The film begins with a Greek woman crossing over the border in order to “return” briefly to her “home”, namely the city in which she grew up and from where she was exiled after the partition. Her moment of withdrawal from the existing heated register of insolvable conflict comes when she caresses the face of a young Turkish settler (settlers came from Turkey and are in some ways the underclass of both native Turkish and Greek Cypriots). This gesture legitimises the settler and crosses a taboo line that later caused her considerable opprobrium. This was an embodied withdrawal from the harshness of geopolitical lines.

Every conceptualisation of home, however felt, lived, remembered, reminded, related, constructed, instrumentalised, is a direct connection between the body and the law. The law is used by both sides in order to deal with the question of spatial justice the way I have defined it here: that both you and I want to be at the same place at the same time. Our bodies want to occupy precisely the same space, whether this is material or constructed: your home is my home. Home is made of skin and tar. There was a moment in the film where spatial justice emerged – a justice not to come but right here, populating and opening up the space. A Turkish Cypriot woman crosses over to the South side and is welcomed by a Greek family now living in her previous home, physically hugging her and making her feel “at home”. They were both making somewhat grandiloquent claims, conceding at least emotional property of the home to each other: it is your home, no it is your home. Both parties were retreating from the *here* of the home. Yet at the same time, they were rather amusingly suggesting that they could essentially occupy the empty house next door, and make it her new/old home. A little gesture of withdrawal from the existing lawscape, a going-against the law and an opening up of a space of justice right here, next to the lawful property. In withdrawing from the given lawscape and imagining a new, re-oriented lawscape, spatial justice claims a space that transgresses the barbed wire and brings together bodies, spaces, discourses.

In perhaps the most telling scene of the film, two women are bent over a coffee cup reading their future – a universal act of divination in Turkey and Greece and one of the most gender-characteristic moments of the film. The coffee cup contains their gazes, both focused on a space of justice rooted in the here, the coffee marks and the interlocking hands; yet at the

same time looking out, towards the other side that has already crossed the wire and has moved here, right where they were sitting. The cup was the new lawscape, reoriented towards a different register. This was a female register. This was a future register. The house was renamed yours and mine, the cup was the space of a future that resonated right here.

So who will finally get the seat at the concert hall? When law plays games with itself (or when concert hall administration gets greedy and double-books seats!), the question of spatial justice emerges. This is a moment where the law withdraws, unable to solve the issue within the particular spatial and temporal parameters (we do not want to disrupt the concert after all). The negotiation is neither prescribed, nor easy. It is not a question of putting one body against another and letting them fight it out. Nor is it a question of simple temporal priority ('I got here first'), although this might count. It is a question of creating a breathing space where spatial justice can emerge, where several corporeal movements can be tried out and where bodies might find themselves in need of withdrawal from recognised positions, security of choices or historical belongings. In those moments, the law will listen in and enable a decision. But for spatial justice to emerge, a different law should also have emerged.

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