

# **GEOGRAPHIES OF THE LAW**

**Inquiries into the  
space-law  
tangle**

Turin 13-14 December 2021

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**THE SYMPOSIUM IS ORGANIZED WITH THE SUPPORT OF**

Collegio Carlo Alberto

Juris Diversitas

OMERO - Research centre for urban studies at the University of Turin

SIRD - Società italiana per la ricerca nel diritto comparato

Normativity - Research network on human and non-human normativity



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# **GENERAL PROGRAMME**

## 13TH DECEMBER

14:30-14:45 OPENING

### 14:45-16:00 AUDITORIUM

KEYNOTE LECTURE | ROOM1 | NICHOLAS BLOMLEY (Simon Fraser University)

16:00-16:30 *Coffee break*

### 16:30-18:00 PARALLEL SESSIONS

AUDITORIUM | Legal Geographies of Spatial Regulation (I)

ROOM 2 | Legal Geographies of Housing

ROOM 4 | Legal Geographies of Violence and rights

19:30 *Social dinner*

## 14TH DECEMBER

### 09:00-10:30 PARALLEL SESSIONS

AUDITORIUM | Legal Geographies of Spatial Regulation (II)

ROOM 2 | Panel: The Land Regime of the Territories Occupied by Israel: A Critical Legal Geography of the West Bank

ROOM 4 | Legal Geographies of the pandemic crisis (I)

10:30-11:00 *Coffee break*

### 11:00-13:00 PARALLEL SESSIONS

ROOM 4 | Legal Geographies of Gender and Sex

AUDITORIUM | Theoretical reflection on the Law-Space Tangle (I)

ROOM 2 | Legal Geographies of the environment

13:00-14:30 *Lunch break*

### 14:30-16:00 PARALLEL SESSIONS

AUDITORIUM | Legal Geographies of Spatial Regulation (III)

ROOM 4 | Methodological reflection on the Law-Space Tangle

ROOM 2 | Legal Geographies of the pandemic crisis (II)

16:00-16:30 *Coffee break*

### 16:30-18:00 PARALLEL SESSIONS

AUDITORIUM | Legal Geographies of Spatial Regulation (IV)

ROOM 2 | Theoretical reflection on the Law-Space Tangle (II)

ROOM 4 | Legal Geographies of migration

# DETAILED PROGRAMME

TIME (ECT)	ROOM	PARALLEL SESSIONS	AUTHOR	PRESENTATION
<b>13th DECEMBER 2021 (FIRST DAY)</b>				
14:45-16:00	AUDITORIUM		<p><b>NICHOLAS BLOMLEY</b> (Simon Fraser University)</p> <p>Discusses with Alexandre Sandy Kedar and Matteo Nicolini</p>	<p><b>KEYNOTE: OUTLAW GEOGRAPHIES</b></p>
<p>16:00- 16:30 Coffee break</p>				
16:30-18:30	AUDITORIUM	Legal geographies of spatial regulation (I)	Mattiucci Cristina	How urban decorum works: Territory, law and heritage
			Schwarz Anke	
			Mendelson-Swartz Eynat	Urban geography aspects of mural policies
			Pavoni Andrea	law - life - excess on the atmospheric violence of decoro urbano
			Page Jae	Deathscapes and the law: A legal geography of the cemetery (*)
	2	Legal geographies of housing	D'Adda Gabriele	The spatial dimensions of the law in the Spanish pandemic and housing crisis.
			Herbert Claire	Diagnosing problems and envisioning solutions: Property occupations in Philadelphia during the pandemic (*)
			Ricketts Amanda	
			Inizan Guénola	Spatializing a "floating property": registering land plots in soviet housing blocks in Moscow
			Volkova Daria	
	Kusiak Joanna	Deutsche Wohnen & Co enteignen: An attempt at law-based housing revolution		
	4	Legal geographies of violence and rights	Aburabia Rawia	Trapped across the borders: Palestinian women from the Occupied Territories in polygamous marriage in Israel (*)
			Inverardi-Ferri Carlo	Forced overtime: Labour laws, codes of conduct, and illicit practices in the ICT industry
			Williams Philippa	Surviving domestic violence despite the law? Practices of coping and everyday resilience in rural-urban India (*)
			Choudhry Shazia	
Yea Sallie			Murky waters: Jurisdictional issues in identifying and protecting victims of 'seafood slavery' (*)	
Strating Bec				
<p>19:30 Social Dinner</p>				



14th DECEMBER 2021 (SECOND DAY)

9:00 - 10:30	AUDITORIUM	Legal geographies of spatial regulation (II)	Yip Maurice	The law's preciseness paradox: Interpreting the unrecognisable spaces in the sharing urbanism (*)
			Ruegg Jean	
			Cozzolino Stefano	Institutional preconditions for self-organizing cities: Several property, framework rules and the range of possible actions
			Moroni Stefano	
			Eshel Sharon	National planning as neoliberal deal-making: Housing 'umbrella agreements' in Israel
			Margalit Talia	
	Yiftachel Oren			
	2	The Land Regime of the Territories Occupied by Israel: A Critical Legal Geography of The West Bank, 1967-2017	Kedar Alexandre Sandy	Power, law and territory in the shadow of the occupation: A legal-geographical examination of the transformation of the Susiya Area
			Mishirqi-Assad Qumar	Settler vigilantism as place-making: The Susiya/Hebron hills area as a case study (*)
			Milner Elya	Urban planning and the legal geography of the separation barrier in the Occupied Palestinian Territories
	4	Legal geographies of the pandemic crisis (I)	Keilo Jack	A geography on exceptional Covid powers(*)
			Domitilla Vanni	Legal systems and pandemic between freedom of choice and health care
Ollivon Franck			When technology puts space into law: exploratory thoughts on few surveillance devices	
10:30- 11:00 Coffee break				
11:00- 13:00	4	Legal geographies of gender and sex	Tirosh Yofi	Equality by design? Normative architecture and physical architecture through the case of sex segregation in Israel (*)
			Nooreen Fatima	Feminist geographies of law: Exploring law-space-body nexus in engendering urban India (*)
			Anirudh Gupta	
			Dhiraj Nainani	Your room is clean(er) now: regulating spaces of 'love' in Chungking mansions, Hong Kong (*)
	AUDITORIUM	Theoretical reflections on the law-space tangle (I)	Basaran Tugba	Law's landscapes, repertoires of power and liberal democracies
			Castellucci Ignazio	The global legal environment, its innumerable normative eco-systems, and the tools to navigate through its different dimensions: a case for law & multi-dimensional normative complexity
			Chiodelli Francesco	Placing the law: The sociospatial impact of legal norms beyond mere compliance
			Morpurgo Daniela	
			Marini Giovanni	The politics of space: (Notes for a new law and ...) law and architecture.

	2	Legal geographies of the environment	Kohl Ellen	Speaking for the trees: The temporal and spatial construction of legal rights of nature	
Walenta Jayme					
Pettenati Giacomo			For a critical geography of legally defined "typical" products.		
Rajesh KP			Tribal space and law: Unfolding the spatial imagination implicit in the Indian Forest Rights Act (FRA), 2006 (*)		
Rey-Coquais Solène			Negotiating the mining «lawscape»: what environmental impact studies tell us and do not tell us about power in andean mining territories		
13:00- 14:30 Lunch break					
14:30-16:00	AUDITORIUM	Legal geographies of spatial regulation (III)	Savaya Yael	National land ownership, the Israeli Perspective: legal yet destructive	
			Alfasi Nurit		
			Serafinelli Lorenzo	Spatial justice and the new redlining in the midst of Covid-19 Pandemic: How predatory lending practices in the U.S. undermine an equal geographical distribution of justice	
			Joshi Nirali	Law, infrastructure and injury: A case of human accidents in Indian Railways (*)	
	4	Methodological reflections on the law-space tangle	Santoire Emmanuelle	Methodological experimentation as a gateway to geo-legal clarification. Feedback from the study of hydropower concession renewals in France, at the crossroads of texts and uses of law.	
			Sérandour Audrey	Protocols and sources: a methodological discussion on geo-legal research through the case of nuclear power emergency planning	
			Meyer Teva		
	2	Legal geographies of the pandemic crisis (II)	Klosterkamp Sarah	Unpacking the global/intimate geographies of anti-terrorism trials	
				Pacchi Carolina	Local authorities and the dilemmas of pandemic Regulation
				Chiffi Daniele	
			Curci Francesco	Sexual abuse and the home: Geographies of sexual property before and after the pandemic (*)	
			Mendelson-Swartz Eynat	Displaceability and the Colonial City	
	Yiftachel Oren				
	16:00- 16:30 Coffee break				

16:30- 18:30	AUDITORIUM	Legal geographies of spatial regulation (IV)	Can Aysegul	The slow violence of displacement: A legal analysis for the urban regeneration/transformation decisions in Turkey (*)
			Mandelbaum Rani	Between crisis, law and space: The impact of current crisis discourses on planning policy and socio-spatial features
			Margalit Talia	
			Pizzo Barbara	
			Buitelaar Edwin	Who owns the land (rent)? On the institutional origins of territorial fruits
			Garfunkel Dorit	The governance of condominium Towers: Uncovering new urban challenges
	Altermann Rachelle			
	2	Theoretical reflections on the law-space tangle (II)	Lorini Giuseppe	Situated normative objects: investigating deontic artifacts
			Moroni Stefano	
			Nicolini Matteo	Law, power, and the production of natural Geography
			Pasqui Leonardo	Beyond the borders: A dynamic relation between law and territory
	4	Legal geographies of migrations	Yoshida Kunihiko	Some critical analysis of the Japanese "legal transplant" from the legal geography perspective
			Asoni Ettore	The scales of the political and the scales of the law. Hunger striking and legal advocacy in an immigration detention center during the pandemic.
			Gargiulo Enrico	Performing how to live the space: uses, misuses and implications of local membership status in Italy
			Koutrolikou Penny	Legal geographies of (un)safety: Debating differentiated rights through the application of International Protection Alternative in asylum applications
			Peksen Mert	Production of refugee illegality in Turkey (*)

\* Online Presentation

# **BOOK OF ABSTRACT**

# 13th December

14:30 – 14.45 CET

## OPENING

14:45 – 16:00 CET

## KEYNOTE LECTURE

**AUDITORIUM | Nicholas Blomley (Simon Fraser University)**

### Outlaw geographies

Critical legal geography is interested in the ways in which legal space excludes and marginalizes certain subjects. Drawing from several recent projects, I suggest the concept of 'outlawry' as a means by which we can conceptualize legal-geographic oppression and violence. Outlawry entails the designation of classes of people from whom some of the ordinary protections and benefits of law are withheld, placing them in a space of precarity in which they are subject to punishment by virtue of their membership in an outlaw class. Homeless and criminalized people are outlawed, as are Indigenous people, I demonstrate. Space is fundamental to outlawry: not only does it entail a metaphorical banishment, but it also works through geographies of relegation, denial, and violence.

Will discuss with him:

**Alexandre Sandy Kedar**, Associate Professor of Law, University of Haifa, Faculty of Law; SJD (Harvard Law School)

**Matteo Nicolini**, Associate Professor of Public Comparative Law, Law Department, University of Verona, Italy

## PARALLEL SESSIONS

### AUDITORIUM | Legal geographies of spatial regulations (I)

Chair: (to be determined)

Discussant: (to be determined)

#### How urban decorum works: Territory, law and heritage

[Mattiucci Cristina](mailto:cristina.mattiucci@unina.it) | cristina.mattiucci@unina.it | Assistant Professor in Urban and Regional Planning and Design, University of Naples Federico II

[Schwarz Anke](mailto:anke.schwarz@tu-dresden.de) | anke.schwarz@tu-dresden.de | Lecturer in Human Geography at Technische Universität Dresden

Over the past decade, the idea of 'urban decorum' has gained traction in contemporary Italian streets and squares.

Though reminiscent of earlier debates on securitization of public space, policing, 'law and order' and 'zero tolerance', we argue that a logic of urban decorum has a specific resonance in urban space.

This paper explores how this notion, derived from municipal regulations on public space, acts in heritage contexts in Italy today. It focuses on the ways in which urban decorum works, both as a logic and as an actor – and for whom. It aims to unpack the relation between heritage, territory and the law, touching upon questions of territorial Othering and exclusion, and asks what this might imply for an analysis of urban conditions elsewhere.

In doing so, we ask how this particular, contemporary mode of co-constitution of urban and legal geographies speaks to urban commodification as well as identitarian and nostalgic sentiments, and what that might imply for an analysis of neoliberal urban conditions elsewhere.

Through urban decorum, the law works on public space in a particular way, in heritage contexts and beyond.

#### Urban geography aspects of mural policies

[Mendelson-Swartz Eynat](mailto:mendelson.shwartz@gmail.com) | mendelson.shwartz@gmail.com | Postdoctoral researcher at Planning Policy Lab, Faculty of Architecture and Town Planning, Technion - Israel Institute of Technology.

Murals serve a major avenue for public expressions, reflecting and influencing social, political, cultural, and aesthetic values. Because of their artistic character, location, and public exposure, murals incorporate tensions that challenge policymakers, owners, and those involved in their creation. Many local governments promote mural policies that advance and manage mural creation while balancing public and private rights and interests.

These policies vary between cities, reflecting the way policymakers address public space. First, since murals touch on many facets of urban life, when promoting mural policies, decision makers are constantly confronted with normative dilemmas regarding the values and rights they wish to promote in the city's public realm. Second, policy scope may change because of how murals are locally defined or the space to which the policy is applied. Not all mural policies are applicable to the entire territory of a city. Certain policies apply only to specific areas or affect only certain types of murals. Lastly, policymakers make

deliberate choices regarding their level of control over murals. While high level of control over murals has its advantages, it may conflict with freedoms of property owners and artists, eroding their ability to manage their public realm and promote sanitized, policed, and commodified urban spaces devoid of spontaneity, organic development.

Mural policies are influenced by geographic considerations. The presentation addresses the relationship between mural policy and the legal and geographical landscape of cities. It demonstrates how policies act as a sort of urban barometer or traffic light, signaling which areas are considered taboo and which as playground of experimentation. Where cities invest and where deliberate neglect occurs. Finally, where is neglect viewed as a blight and where is it viewed as a beneficial force that paves the way for gentrification and economic interests.

## **Law - life – excess on the atmospheric violence of decoro urbano**

[Pavoni Andrea](mailto:Andrea.Pavoni@iscte-iul.pt) | [Andrea.Pavoni@iscte-iul.pt](mailto:Andrea.Pavoni@iscte-iul.pt) | Assistant research professor at DINAMIA'CET, Centre for Socioeconomic and Territorial Studies, University Institute of Lisbon

This paper sets out to address the atmospheric tangle out of which law and space, as we know them, emerge. First, I provide a definition of atmosphere which accounts for its emergent, engineered, and excessive ontology. Atmospheres, I contend, are to be understood as: emergent entanglements of bodies (Coccia 2018); engineered orderings immanently shaped by normative forces (Sloterdijk 2006; Philippopoulos-Mihalopoulos 2015); and structurally excessive configurations harbouring an overflowing potential which holds them in a tensional, metastable condition (Simondon 1964; Pavoni 2018). Second, I argue that the vitalism of atmosphere is to be found in this excessive dimension which, in this sense, may be understood as the implicit, aesthetic-juridical battleground of contemporary urban politics. Third, I present the notion of urban liveability, a concept that is becoming increasingly important in shaping urban discourses and policies. Liveability indexes are routinely published by influential journals (e.g. Economist, Monocle, PwC, etc.), while the term appears in programmatic documents of important organisations (e.g. World Bank, UN—Habitat, OECDs etc.) and in various urban regulations. Fourth, by comparing atmospheric vitalism and urban liveability, I show how the latter is informed by what I term the paradigm of comfort, namely the juridical, aesthetic, and technological infrastructure of contemporary urbanisation (Sloterdijk 2013; Brighenti and Pavoni 2019). Fifth, I expand and ground the argument by exploring decoro urbano [urban decorum], a juridical dispositif recently introduced in the Italian legislation, where it is paired with liveability (vivibilità), in the context of 'urban security' regulations. The formal structure of decoro urbano, I show via a juridical, aesthetic, and genealogical analysis, may be read as a form of 'atmospheric violence' (Pavoni and Tulumello, forthcoming), with potentially significant consequences in terms of urban politics at large, which I will engage with in the concluding remarks.

## **Deathscapes and the law: A legal geography of the cemetery (\*Online)**

[Page Jae](mailto:j.page@mail.utoronto.ca) | [j.page@mail.utoronto.ca](mailto:j.page@mail.utoronto.ca) | PhD Candidate at the University of Toronto

Cemeteries play a significant role in settler colonial nation building and the perpetuation of white mythologies of discovery and possession (Vadasaria, 2015). Through a combination of archival research and GIS mapping, this study analyzes the relationship between the law and Canadian death spaces. Beginning with an overview of sanitary reforms in the mid-1800s, the paper highlights the role of the state in establishing the legal identity of the cemetery and regulating the sale of burial rights. Both the regulatory persistence of this approval-based regime and the protection of burial rights in perpetuity, have created a landscape of death spaces that immortalize the presence of the settler.

The work touches upon the theoretical contributions of Blomley (2003) and answers Valverde's (2015) call for scholarship that analyses the spatio-temporal workings in the law. . My presentation will include an animation of the cemetery points with a time slider (noting the establishment of the cemetery spaces and the passing of key pieces of legislation).

## ROOM 2 | Legal geographies of housing

Chair: (to be determined)

Discussant: (to be determined)

### The spatial dimensions of the law in the Spanish pandemic and housing crisis

[D'Adda Gabriele](#) | [gabriele.dadda@phd.unict.it](mailto:gabriele.dadda@phd.unict.it) | PhD candidate in Political Science at Università degli Studi di Catania

As it emerged in a dramatic way during the health crisis linked to the COVID19 pandemic, access to housing is a fundamental need, and right, for everyone. However, the long-term commodification, deregulation, privatization, and financialization processes derived from the Global Financial Crisis and the implementation of austerity measures have jeopardized access to housing. The health emergency and the drastic sanitary measures adopted to deal with the Covid19 pandemic and the ensuing economic crisis exacerbated this situation.

In Spain, the pre-existing residential vulnerability linked to the housing crisis that started in 2009 made the situation particularly dire. The Spanish government passed several legal measures such as a moratorium of evictions and mortgages, monthly repayment and financial support for tenants aimed at protecting and guaranteeing access to housing during the emergency phase. However, despite these new laws, evictions never stopped. Indeed, according to official data in the first six months of 2021, more than 22,000 evictions occurred in Spain. At the same time, social movements continued to organize to respond to evictions and to the housing crisis using a double strategy of 'challenging' the law – e.g. using civil disobedience to stop evictions - and 'changing the law', e.g. developing and promoting new laws to grant the right to housing at the regional and national levels. In these intertwining and overlapping crises, the law and its effects can be found in many different places and are used by different actors, sometimes even with opposite goals. In institutional seats, like national and regional parliaments and municipal assemblies, where new housing laws and policies have been developed. In the streets and squares, where neighbours and social movement organize to resist evictions and displacement, facing police and judicial authorities. In law courts where many people file appeals against their evictions, and where in some cases activists are prosecuted according to laws created to repress social movements and civil disobedience. Focusing on Spain, my contribution aims to reflect upon the effects of the COVID19 pandemic on these nuanced and intricated spatial dimensions of the law.

### Diagnosing problems and envisioning solutions: Property occupations in Philadelphia during the pandemic (\*Online)

[Herbert Claire](#) | [avr@uoregon.edu](mailto:avr@uoregon.edu) | Assistant professor of sociology at the University of Oregon.

[Ricketts Amanda](#) | [cherbert@uoregon.edu](mailto:cherbert@uoregon.edu) | Phd Student dep. Sociology University of Oregon

Organized squatting has been well studied in other global contexts, but merits further attention in the U.S. to understand how unique political, legal, and social conditions impact the possibilities and limits of this method of securing housing and combatting inequalities. This research explores three recent cases of organized housing occupations (squatting) in the U.S. in order to draw out important legal, contextual, and tactical/strategic differences that have shaped each case and their outcomes. We find that the rise and outcomes of each case are centrally entangled with localized manifestations of broader historical and contemporary spatial, legal, and social conditions. In Detroit in 2011, activists branching out from the Occupy movement tried unsuccessfully to leverage a local nuisance abatement program to grant squatters legal title to the vacant homes they occupied. In Oakland in 2019, activists targeted a vacant investor-owned property, demanding the right to purchase the house and hold it as affordable housing for longtime residents who are priced out of the market. And just as the pandemic was unfolding, activists in Philadelphia began moving residents into homes left vacant by the local Housing Authority because



encampments were being swept by private police in defiance of the city's Stay at Home orders and CDC guidelines. We borrow concepts from social movement scholarship to consider the diagnostic and prognostic frames reflected in each case: these direct actions diagnose particular housing problems and also suggest alterations to existing socio-spatial and property relationships. In particular, each case varies in terms of what kind of property squatters target, how these spaces reflect broader structural problems in the U.S. housing market, and what kinds of property relations they envision or aim to realize with their occupations. This presentation offers a framework for studying diverse housing occupations in the U.S., with particular focus on the diagnostic and prognostic frames, legal tactics and obstacles, produced by Philadelphia activists in the context of the COVID-19 pandemic.

## Spatializing a "floating property": Registering land plots in soviet housing blocks in Moscow

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[Volkova Daria](mailto:daria.volkova@uni-weimar.de) | [daria.volkova@uni-weimar.de](mailto:daria.volkova@uni-weimar.de) | PhD student at the Institute for European Urban Studies at Bauhaus University Weimar and a researcher in the Laboratory of Urban Sociology at HSE University in Moscow

In this communication, we aim at enriching the study of the spatial dimensions of property by analyzing the process of registering land plots in the cadaster of soviet housing blocks in post-soviet Moscow.

In the Soviet Union, urban land plots were the property of the State. Inhabitants of the housing blocks could use the lands if their uses were not preventing others from using them. The housing privatization has changed the legal framework: property of land plots, conceded to inhabitants in 2004, associated the rights of use to property deed. However, this recent land property was not automatically adjusted to each building. To make their property appear on the new cadaster, inhabitants have to officially "register" the land plots. However, this legal procedure is ambiguous: 1) it does not fully prevent the land plots from being seized and 2) it is bureaucratically complicated and, in practice, not available for all the residents. In this paper, we explore how this situation influences the property relations on these land plots and how it's embedded into spatial arrangements of the neighborhoods.

The study is based on the combination of a macro perspective of the legal regulation on land plots and an ethnographic fieldwork on the practice of registering the land. The fieldwork included ethnographic observation, content analysis of mass media publications, and in-depth interviews with residents, specialists on urban development and legal regulations.

In this paper, we show 1) the specifics of post-soviet implementation of property rights where inhabitants were left at the margins of the process; 2) that in a context where property remains the structure of urban development, the spatialization of property turns out to be a way to protect associated rights of uses and the difficulty to achieve it is a manifestation of the *fragility of property*.

## Deutsche Wohnen & Co. enteignen: An attempt at law-based housing revolution

[Kusiak Joanna](mailto:jk726@cam.ac.uk) | [jk726@cam.ac.uk](mailto:jk726@cam.ac.uk) | Department of Geography University of Cambridge

My paper investigates the complex space-law-politics tangle of the Berlin-based referendum campaign Deutsche Wohnen & Co. enteignen (DWE). Launched in 2018, this grassroots campaign has been leveraging Art. 15 of the German constitution to propose socialization (de-privatization) of ca. 250 000 housing units owned by stock-listed financialized corporation. No matter of the final referendum results (the abstract submission deadline falls one day before the Berlin-wide referendum), DWE not only has shifted the landscape of German politics, but it also made the interrelation between law and politics in the socio-spatial context of global capitalism much more visible to the public. At the same time, DWE touches upon all geographical scales: it is a local, grassroots movement that uses national legal framework to confront global financial powers including shadow banks BlackRock and BlackStone (which both are shareholders of Berlin's stock-listed landlords). The paper reviews and summarizes the political, legal and

spatial implication of the campaign on all these scales. It also reflects on my own position as a scholar-activist and one of the spokespersons of the movement.

## **ROOM 4 | Legal geographies of violence and rights**

Chair: (to be determined)

Discussant: (to be determined)

### **Trapped across the borders: Palestinian women from the Occupied Territories in polygamous marriage in Israel (\*Online)**

[Aburabia Rawia](mailto:rawia.aburabia@gmail.com) | [rawia.aburabia@gmail.com](mailto:rawia.aburabia@gmail.com) | Assistant Professor of Law at Sapir College School of Law

In Israel, 18.5% of the Bedouin households are polygamous. Many polygamous marriages among the Bedouin involve Palestinian women from the occupied territories. Under Israeli law, polygamy is a criminal offense but is not enforced when it occurs among Bedouin. The only realm in which Israeli authorities act decisively against polygamy is in immigration and citizenship laws, and family reunification cases.

Based on archival work and textual analysis of policy debates within Israeli authorities during the 1980s. I will reveal the selective enforcement of bigamy laws in cases involving Palestinian women. Exploring how the state manipulates "security" and "demographic" concerns. These manipulations are a manifestation of state power of "security" and "demographic" policies that operate similarly towards all Palestinians, across the Israeli/Palestinian borders.

I argue that the enforcement policy of the state of Israel is part of Israel's structure as a settler-colonial state and in line with the "logic of elimination" of the native since enforcement policy is taking place only if it involves Palestinian spouses from the occupied territories. According to the Israeli logic of elimination allowing Palestinian women in a polygamous marriage to enter the state of Israel is to enable the Palestinian "right of return" from the back door, which poses a serious threat to the fundamental structure of the settler-colonial state, that central part of it is maintaining a Jewish majority. These intersecting legal systems trap Palestinian women in bigamous marriages by making their marriages illegal and increasing their vulnerability and dependency on a masculine authority.

### **Forced overtime: Labour laws, codes of conduct, and illicit practices in the ICT industry**

[Inverardi-Ferri Carlo](mailto:c.inverardi-ferri@qmul.ac.uk) | [c.inverardi-ferri@qmul.ac.uk](mailto:c.inverardi-ferri@qmul.ac.uk) | Postdoctoral fellow at Queen Mary University of London

This paper investigates the relationship between corporate codes of conduct and forced overtime in the Chinese electronics industry. First, it analyses the structural articulation of commercial pressures and vulnerable labour markets that drive electronics contract manufacturers to systemically adopt practices of excessive overtime that break national laws and international labour standards. Second, the paper shows that long working hours are concurrent to the failure of industrial codes of conduct. While performing the function of mitigating corporate reputational risk, private governance mechanisms are unsuccessful in protecting workers from illicit labour conditions. Through this account, the paper elaborates on recent interventions in legal geography that have encouraged the production of holistic analysis of the law-space nexus, providing an examination of political economic determination and local contingencies.

## **Surviving domestic violence despite the law? Practices of coping and everyday resilience in rural-urban India (\*Online)**

[Williams Philippa](mailto:p.williams@qmul.ac.uk) | p.williams@qmul.ac.uk | Reader in Human Geography, Queen Mary University of London

[Shazia Choudhry](#) | Professor in Law, University of Oxford

Despite the enactment of the Protection of Women from Domestic Violence Act (2005) by the Indian government, in practice, civil society organisations report little progress in reducing the gap between legal and policy provisions, and access to support, services and justice for domestic violence survivors. This proposed paper draws on initial findings from research with victim-survivors of domestic violence in three Indian states: Maharashtra, West Bengal and Tamil Nadu. It examines women's experiences of violence and access to the law in situ. The paper engages a situated feminist geolegal framework to: i) examine the informal, non-legal strategies and networks that women turn to, to cope and build resilience and ii) illuminate situated narratives and experiences of legal and vernacular justice.

## **Murky Waters: Jurisdictional issues in identifying and protecting victims of 'seafood slavery' (\*Online)**

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[Strating Bec](#) | Executive Director of La Trobe Asia and a Senior Lecturer in Politics and International Relations in the Department of Politics, Media and Philosophy

**Abstract:** International standards in counter-human trafficking have extensive provisions for the identification and protection of victims of trafficking where more than one country is involved. These standards relate variously to the proper identification of victims, respect and recognition for the identification of victims across jurisdictions, the right to remain, and the right to information, care and support, including safe repatriation. These standards reflect the growing emphasis on a rights-based (or victim-centred) approach to human trafficking. In cases of seafood slavery, adhering to these standards is complicated by the very geographies of trafficking; particularly the role of port states in implementing these standards. Unlike in many other sectors, where victims are deployed in a singular destination country, victims of seafood slavery traverse multiple jurisdictions with differing standards, laws, and understandings of human trafficking. Further, some jurisdictions may fall outside regionally based counter-trafficking treaties and conventions, such as the European Convention or the ASEAN Convention.

This paper examines some of the 'tangles' that emerge from the interstices between space and the law in cases of seafood slavery, teasing out the impacts these have for the realisation of a rights-based approach to counter-trafficking that centres the identification and protection of victims. Drawing on sites from the Indo-Pacific region, the paper illustrates two key problems. The first is the exclusion of some port states from agreed to standards that are regionally based, primarily because they sit outside of these regional bodies. The second is the differential positions of various states within regional associations – such as a source or transit country for victims – which impact on their willingness to adopt agreed to standards. The paper draws specifically on two sites to illustrate these issues respectively: Fiji and Singapore.

# 14th December

9:00 – 10.30 CET

## PARALLEL SESSIONS

### AUDITORIUM | Legal geographies of spatial regulation (II)

Chair: (to be determined)

Discussant: (to be determined)

#### The law's preciseness paradox: Interpreting the unrecognisable spaces in the sharing urbanism (\*Online)

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While spatial practices and ideas performing the rhetoric of sharing are transforming cities worldwide, the sharing urbanism challenges the urban legality, questioning whether the law restricts or facilitates changes in urban spatiality. Shelly Kreiczer-Levy argues the access economy, as the increasingly flexible access in property use characterises the sharing economy, challenges the connection between property use and stability which is implicated in property law and theory. We bring this further, the sharing urbanism is not concerned only with the law and theory of property, but also with that of urban planning and more generally the urban.

The COVID-19 pandemic particularly exposes an intriguing paradox of the law in the sharing urbanism for governing the newly emerged fluid and flexible spaces, which are sometimes legally undefinable, uncategorisable, and unrecognisable: the law is not sufficiently precise, but it is also hard to go further precise.

Some might consider these regulatory shortcomings as legal loopholes, the powerful's weapons. But, following Amelia Thorpe's work on the flexible and temporary use of street spaces and Martin Müller's call for the productive use of paradoxes' ambiguity, approaching this preciseness paradox of the law in progressive and imaginative ways is productive.

The observation of space sharing during the pandemic in Lausanne and Hong Kong, two seemingly unrelated cities, provides cases about coworking spaces and party rooms which unfold the complexities between illicit and illegal uses of urban space. The urban and planning laws neither permit these property uses nor forbid them. We suggest that the law should not be too precise, because its updates cannot be constantly faster than rapid and creative urban changes. While the law is likely to remain imprecise, it simultaneously offers constraints and openness; the law is inherently open for multiple and plural interpretations to constitute the interrelated world of the sharing urbanism.

## **Institutional preconditions for self-organizing cities: Several property, framework rules and the range of possible actions**

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That a city is a complex and self-organizing system, adapting and changing over time in ways that are largely unpredictable and unintentional, is an undeniable fact for many contemporary scholars. Urban design and planning do contribute to the evolution of cities. However, these interventions lack the power and the capacity to fully shape cities' futures in full detail; urban design and planning can mainly respond and adapt to the emergent and self-organizing forces and processes of cities or frame/constrain their unpredictable evolution.

Recent studies have been developed to investigate how urban design and planning can intervene and work with – and not against – complex and spontaneous urban forces. This article proposes a different and still under-examined approach. It investigates the necessary institutional preconditions for the development of self-organizing cities. The main goal is to identify the institutional characteristics that expand or restrict the ability of cities to generate self-organizing orders.

To explore this issue, the following questions are addressed: (1) Why do different cities – or parts of cities – differ in their ability to self-organize? (2) What are the main institutional preconditions that influence the self-organizing potential of cities? (3) What can be done to strengthen self-organization in cities? (4) What is the rationale for doing so?

## **National planning as neoliberal deal-making: Housing 'umbrella agreements' in Israel**

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The paper analyzes the new legal geography established during the recent housing crisis of the Israeli neo-liberal state. During the last decade, following massive privatization, governments in advanced economies have invariably faced severe housing crises. In their response, they typically avoided a return to post-war centralized-rational models, and typically formulated policies combining state control with market means and forces. Previous studies have interpreted site-specific public-private development partnerships (PPP) as "planning deals", namely agreements between market players and public agencies. The problems associated with planning deals range from the loss of public assets to lack of transparency and accountability, and to social injustices. We investigate whether current, state-level, planning deals follow the same practice and shortcomings, and show how they formulate a new hybrid regime of "PrivatiNation" - privatization through nationalization.

We focus on Israel's "Umbrella Agreements", legally binding constructs which were signed between the government and local authorities to enable a rapid increase in the supply of housing units, and were part of the government's response to massive housing protests in 2011. In-depth interviews with key actors reveal how the Umbrella Agreements' mechanism was constructed legally and politically as a state-level planning deal. Much like local deals it was created by a growth coalition of developers, politicians and civil servants, each promoting their own interests, and was driven by land-value, and framed by enabling legal constructs.

Beyond this documentation, our research shows that rescaling of planning deals to the state level has weakened the democracy of urban communities, and has widened disparities between strong and marginal municipalities. In addition, and critically, the "national planning deal" approach has failed to

arrest housing prices. As such, we conclude that the Umbrella Agreements appear to have created a new legal geography which has exacerbated, rather than resolved, pre-existing planning problems.

## **ROOM 2 | PANEL: The Land Regime of the Territories Occupied by Israel: A Critical Legal Geography of The West Bank, 1967-2017**

Chair: (to be determined)

Discussant: (to be determined)

### **Power, law and territory in the shadow of the occupation: A legal-geographical examination of the transformation of the Susiya Area (Shafa Yatta شفا يَطَّا) in the OPT 1967 to 1998)**

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Focusing on the specific but representative case of the transformation of the Palestinian “Susiya area” within the “Shafa Yatta” region in the Occupied Palestinian Territories (OPT) between 1967 and 1998, this paper examines the extensive and ongoing utilization of its legal system by Israel to transform places in the Occupied Palestinian Territories. This gradual, dynamic, systematic, and purposeful process, shaped space and demography in the Susiya area in ways that served the Jewish settler population while simultaneously adapting and reducing the local Palestinian space. The examination is carried out through a legal analysis of the formal legal proceedings (such as declarations of “state lands”, reallocation of these lands, and expropriation for public purposes,) taken in this area by the military commander to establish the Jewish settlement of Susiya over the Palestinian village’s lands. The article analyses court deliberations while applying insights from the social sciences and particularly from critical legal geography and the concept of settler colonialism. Despite the import of academic legal discussion and critical analysis of land policy and its implications for the residents of the region and for Israel, legal-academic writing on land issues in the territories from a critical legal, geographical, and societal perspective is limited. The paper examines the processes of expropriation but also provides a platform for the voices and narrative of the local population, highlighting their resistance and reactions to these processes, and show how these legal, spatial and social processes and counter-process transform the region under examination, and the OPT in general.

### **Settler vigilantism as place-making: The Susiya/Hebron hills area as a case study (\*Online)**

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This paper examines how the Israeli regime enables Jewish settlers to encroach on the lands of Palestinians in the West Bank despite its legal obligation to protect their rights to these lands. Our case study is part of the Susiya area in the south Hebron hills.

Large area in Susiya is effectively, though not formally, closed to Palestinian use. This spatial closure is mainly made by Jewish settlers that take control, without formal authorization of Palestinian land (using violence, takeover, harassments, or violent dispossession of shepherds and peasants). Given the under-enforcement of the law in the OPT and in particular in Susiya area, we argue that settler violence may be seen as a type of vigilantism and analyze it as a performance of colonial violence of the state that aims to discipline and shape the territory.

The paper focuses on processes of informal land grabs, but these should be understood as part and parcel of the entire patchwork of spatial transformation and Judaization of the OPT, which began with the establishment of the settlement. Israeli authorities enable unauthorized but de-facto takeovers of Palestinian land by Jewish settlers, notwithstanding the existence of their legal duties to protect these lands. The gap between the "law in the books" and "law in action" is immense. This gap, and the "grey spaces" it creates play a central role in shaping the legal geography of the OT and its understanding is essential in analyzing the legal, spatial and demographic project of the Judaization and colonization of the OPT. In the paper we examine not only the dispossession process, but also the resistance of the local indigenous population thereto, as an interdependent process that shapes the space of the Occupied Palestinian Territories.

## Urban planning and the legal geography of the separation barrier in the Occupied Palestinian Territories

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The proposed presentation investigates the impact of urban planning on the legal debate taking place in the Israeli Supreme Court (ISC) regarding the legality of the route of the "separation barrier" built by Israel in the West Bank. It focuses on the case study of Modi'in-Ilit, an urban settlement built during the 1990s in the West Bank and populated mainly by an Israeli Jewish Ultra-Orthodox community. Israeli authorities justified the construction of the barrier as fulfilling security considerations, particularly the protection of the life of Israelis, considerations which are consistent with international law of belligerent occupation. However, an analysis of petitions to, and decision by, the ISC concerning Modi'in-Ilit unravel that the route of the barrier in this area took as a key consideration the future expansion of Israeli settlements, squarely contradicting the official justification of security. Specifically, several petitions filed to the ISC by the neighboring Palestinian villages expose that the barrier planned in the area follows an existing master plan for its planned development and growth, as well as several detailed plans that were in different stages of preparation but not yet officially in force.

In the presentation I will first demonstrate how urban planning became a central issue in the ISC discussions on the legality and legitimacy of the barrier, and how it affected the legal interpretation of the Israeli and international law by the ISC. I will then examine the aftermath of the ISC decisions, and show the modifications made in the plans in relation to the final route of the barrier. Drawing on these findings I will propose to think of legal geography as a useful prism for examining the process in which the Israeli settlements in the West Bank are legally, spatially, and publicly "normalized".

## ROOM 4 | Legal geographies of the pandemic crisis (I)

Chair: (to be determined)

Discussant: (to be determined)

### A geography on exceptional Covid powers (\*Online)

Keilo Jack | [jack.keilo@univ-savoie.fr](mailto:jack.keilo@univ-savoie.fr) | Lecturer in geography and planning Université de Savoie Mont Blanc

The last Covid crisis witnessed the attribution of exceptional powers to most sovereign governments in the world: again, capital cities and seats of government became the stage where exceptional measures, decisions, and laws are formally taken, announced, and applied. From the point of view of political geography, the study of the places where sovereign decisions are taken can inform about state sovereignty and its dynamics.

Through a series of case studies (China, France, USA, UK, South Africa, and Canada) I will address the following question: where **were the exceptional pandemic measures taken?** Covering different countries with a de facto capital (France and UK), a "circumstantial" capital (DC, Ottawa), a constitutional capital (China), and multiple constitutional capitals (SA), I show where and how, spatially, sovereign formalised exceptional powers were taken. In some cases, like the Chinese one, the centre imposed exceptional measures over local case surges. In some others, like the French one, the Elysée took decisions for territories in South America and Oceania. In the US case the centre chose to interfere minimally, leaving the federated states, "co-sovereign", to decide over the exception within their respective territories. In all the cases, the pandemic came as a stark reminder that borders, "peripheral" as they are, still emanate from the direct control of the sovereign power residing in capital cities.

I argue that in political geography the Covid crisis shows again the preeminent role capital cities play, spatially, in the polity they govern. Even in our "interconnected" time, the existence of one physical place of sovereign decision-making is still relevant in such exceptional conditions.

## Legal systems and pandemic between freedom of choice and health care

[Domitilla Vanni](#) | [domitilla.vannidis@unipa.it](mailto:domitilla.vannidis@unipa.it) | Associate Professor of Comparative law in University of Palermo

The research will focus on the complex topic of the influence of the socio-spatial context over the legal rules, especially in times of pandemic. Particularly will be examined in different legal systems some issues related to pandemic situation

as the possibility to impose vaccination as a duty rather than a faculty for each citizen, comparing the different solutions adopted by some legal systems in light of Alan Watson's Theory of legal transplant which shows own validity combined with Rodolfo Sacco's formants theory as a preferred tool of comparison between different legal rules in different socio-spatial contexts in the perspective of the space-law tangle, explaining and supporting the different results on the level of concrete application of the formal rules.

## When technology puts space into law: Exploratory thoughts on few surveillance devices

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Since the spring of 2020, a number of countries, first in Asia and then in Europe, have equipped themselves with technologies to identify Covid-19 patients, track their movements and monitor their compliance with quarantine. These countries were then forced to produce an adequate legal framework. The pandemic has thus highlighted the growing role of technologies that monitor our everyday whereabouts in the law and in the functioning of judicial institutions. Beyond the pandemic, this phenomenon leads to question the nexus between law, surveillance technologies and space.

I propose to bring some elements of reflection on this question. I will rely on the work I have been conducting for several years on the different electronic monitoring programs used in French criminal law. I will argue that the introduction of new technologies in criminal law has strengthened a process of territorialization of the law, both formal and informal. By formal territorialization, I mean the increasing development in the law of specifications related to the spaces in which penal measures take place. I will illustrate this phenomenon by relying on the evolution of the regulations framing the different generations of electronic monitoring. By informal territorialization, I mean the legal practices of magistrates and probation counsellors responsible for pronouncing and implementing these measures. I will thus show how, constrained by the technical functioning of the surveillance devices, they have developed adjustments allowing them to adapt the rule of law to the particular situations of the probationers. After having developed each of these two aspects, I will return to the lessons that can be drawn from the case of electronic surveillance in the light of the pandemic and the measures to which its management has given rise.



## PARALLEL SESSIONS

### ROOM 4 | Legal geographies of gender and sex

Chair: (to be determined)

Discussant: (to be determined)

#### **Equality by design? Normative architecture and physical architecture through the case of sex segregation in Israel (\*Online)**

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This research explores the potential of the behavioral economic literature on choice architecture to promote a stronger protection on equality. It approaches this task by focusing on a highly complex and dynamic case study, namely, the rampant institutionalization of sex-segregation in Israel. During the past decade, sex-segregation have become prevalent in diverse contexts, such as academic programs for religious students, professional training, public busses that serve religious communities, and the services sector. Segregation is rationalized as a multicultural accommodation for minority communities, or as an essential compromise for integrating ultra-Orthodox men in the employment and consumption markets. The idea of choice design, or “libertarian paternalism,” made popular by Thaler and Sunstein’s influential *Nudge* (2008), is not usually discussed in the context of promoting human rights, but rather through its potential for advancing “health, wealth, and happiness.” This project seeks to develop the notion of “equality by design.”

The research will open by surveying the ways in which service providers and policymakers design default physical, organizational, financial, and symbolic choices that covertly encourage social actors to prefer sex segregation.

It will then move to demonstrate how choice architecture effects the architecture of actual physical spaces. For example, guidelines issued recently by Israel’s Housing Ministry to urban planners of ultra-Orthodox neighborhoods prompt planners to carve segregation in stone, by recommending the planning of separate entrances for men and women into public buildings, or by taking into account the taboo in some communities against women’s driving in locating women’s employment centers. Even in the planning of family homes, the guidelines seek to entrench gender roles, by stressing, for instance, that the dining room, where men and boys debate and study after dinner, should be sufficiently separate from the kitchen and the bedrooms, thereby preventing women from partaking in the discussion even in passing.

#### **Feminist geographies of law: Exploring law-space-body nexus in engendering urban India (\*Online)**

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The history of public sphere and space is intertwined with the history of patriarchy and gender (Segato, 2016) and differentially imposed through Regulation, policy, and legislation in women’s everyday lives. Analyzing the intersection of feminist and legal geography and feminist legal studies and focusing particularly on the housing and planning sector, we present an intersectional feminist analysis of laws and

their paradoxical effects-affects in the everyday gender-space-law nexus. The research critically explores how women's bodies are actively and passively regulated in everyday spaces through law in Indian cities. Through critical secondary research on literature, case laws, legislative interventions, and urban policies and regulations in India from an engendered political framework, this paper illustrates how the law is intimately connected to material, body, and space and how it actively or passively shapes the body's everyday movements- particularly women's bodies. India's socio-spatiality of politics, governance, and legislation will be analyzed from a feminist perspective to highlight how space and gender are often overlooked in the legal "interlocking systems of oppression" (Collin, 2009). Based on secondary research and mixed method approach, a framework is developed to unpack the current reality of Indian cities for further analysis and recommendations. Through this critical interpretive research, we argue that placing women and other oppressed groups at the center of analysis of these legislations not only reveals much-needed information about women's everyday socio-spatial experiences in a deeply patriarchal state but also questions its masculinist perspectives on liberty, freedom, citizenship, but more importantly, space, family, home, life, work, and social relations.

## **Your room is clean(er) now: regulating spaces of 'love' in Chungking mansions, Hong Kong (\*Online)**

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This paper explores how law regulates 'love' – or at least, intimacy – through a spatio-legal theory-oriented ethnographic reading of a specific site in Hong Kong: Chungking Mansions. The building complex (memorialised in Wong Kar-wai's film *Chungking Express*) is famous for serving as a 'home away from home' for the city's marginalised ethnic minority population, as well as possessing a complicated history of illicit and illegal activity.

The connection between Chungking Mansions' perceived illegality and its relationship with ethnic minorities is most apparent when considering the many guesthouses and hotels that make up its former apartment spaces. Once considered hotbeds of prostitution, drug smuggling, and other crimes, these spaces have steadily transformed over the years to resemble the rest of the building complex: clean, hygienic, and harmless.

This paper charts the historical transformation of these guesthouses and hotels by looking at how colonial notions of public health, safety, and security were used to justify Foucauldian techniques of power designed to govern and regulate not just these spaces but those inhabiting them too. By looking at the implementation and enforcement of Hong Kong's Hotel and Guesthouse Accommodation Ordinance, it is possible to see how the aesthetic regulation of Chungking Mansions eventually gave way to a powerful aesthetic beautification.

In doing so it becomes apparent that Chungking Mansions' spatial redevelopment reduces Lefebvorean difference and encourages in its wake what Philippopoulos-Mihalopoulos calls at 'atmosphere of exclusion'. The guesthouses and hotels of today, though 'safe' and 'clean', also privilege certain configurations of 'love' (i.e. heterosexual couples who are tourists) at the expense of those concepts thought undesirable or even peripheral: foreign domestic workers, migrant workers, sex workers, or members of the LGBTQ+ community, to name a few. These spaces of dis-accommodation, then, create their own internal spatio-legal boundaries that either create or widen existing urban inequalities.

# AUDITORIUM| Theoretical reflections on the law-space tangle

Chair: (to be determined)

Discussant: (to be determined)

## Law's landscapes, repertoires of power and liberal democracies

[Basaran Tugba](mailto:tb317@cam.ac.uk) | [tb317@cam.ac.uk](mailto:tb317@cam.ac.uk) | Senior researcher University of Cambridge and Director of the Centre for the Study of Global Human Movement

Law constitutes complex legal landscapes and legal borders. This paper will review the main theoretical, methodological and empirical engagements that have characterized the legal scholarship, underlining the plurality of legal orders and contestations and their interaction with statist visions of law and the spatial borders of the state. How can we capture legal landscapes? How are scalar politics used as a modern form of governing? This paper will engage with visions and practices of law - with scalar visions, that provide for a neat separation and hierarchy of scales, counterpose these to the complex and messy practices of governing and elucidate how scalar classifications authorize a particular form of politics, divisions and discriminations. Further, it will demonstrate how the messiness of practices combined with the orderly scalar visions is a precondition for powerful, as well as questionable, modern forms of governing.

## The global legal environment, its innumerable normative eco-systems, and the tools to navigate through its different dimensions: A case for law & multi-dimensional normative complexity.

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Empiric data in the early 21st century reveals an increasingly complex legal eco-system, getting past the classic bi-dimensional depiction of legal systems, as corresponding to discrete states and jurisdictions on a map.

Legal thought is coping with this new environment, trying to develop theories capable of making sense of it: as the notions of territorial state, border, jurisdiction and sources of law get fuzzier, new importance is recognized to those of multi-shaped or amorphous normative entities, reach of law, roots and formants of normative forces.

Global law is recognised as being characterised by multi-dimensional legal environments, where public and private political, social, and economic geographies produce complex interactions amongst many different layers, patches, or clusters of normativity, and innumerable operational scenarios – in a neo-pre-modern normative setting characterised by marked normative pluralism and a central new notion of personality of laws.

Normative system at the same time ground, govern, replicate, and describe the shape, reach and inner functioning of social groups and communities to which they relate. Normative interactions amongst different systems of different nature reproduce geo-political dynamics – geo-legal, may we say – including mutual indifference, cooperation, negotiation, competition, conflict and warfare.

Comparative lawyers do possess fundamental tools needed to navigate in this complexity.

## Placing the law: The sociospatial impact of legal norms beyond mere compliance

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Morpurgo Daniela | daniela.morpurgo@polito.it | Post-doc fellow polytechnic of Turin, DIST

This work presented explores the complex ways in which a legal norm can influence a socio-spatial context. More precisely, the paper aims to contribute to the theoretical investigation of the nexus between law and space in the field of legal geography by proposing an analytical framework for the study of the spatial operativity of law beyond compliance. To do so, this work relies on the concepts of nomotropism (namely, 'acting in light of the rule') and on effectiveness-as-operativity. They imply that any legal norm that has a causal relation with an action can be deemed effective regardless of whether such action conforms with or transgresses such norm, and that, consequently, the impact of a norm is not confined to mere compliance. The analytical framework derived by these theoretical insights is articulated with reference to different kinds of norms (law in actu and law in intellectu; law in books and law in action). Its relevance for the investigation of complex socio-spatial phenomena is then exemplified through the analysis of a conflictual process for the establishment of a Muslim place of worship in an Italian city.

## The politics of space: (Notes for a new law and ...) law and architecture

Marini Giovanni | giovanni.marini@unipg.it | Professor of Comparative Law  
Department of Law, University of Perugia

A growing body of work during the last decades has become explicitly concerned with the interdisciplinary connections between law and questions of space.

These developments emphasize the produced nature of social space and the spatial characteristics of a range of social relations and social power.

According to these trends, law does not imprint itself on a passive space conceived as an empty container or a flat surface. Law and space cannot be separated in two distinct analytical realms. Law needs to be understood as a set of techniques of spatial organization and governance- a body of spatial representations. It is here that we can observe also the importance of the law in the construction of abstract space. The law is largely responsible for the template on which abstract space is built and the conditions of possibility of human beings who inhabit it and their resources.

Space is not only a geographical or physical location but a form of social control.

The paper will explore some development of these theoretical insights:

- a) Every space is organized in a hierarchical ordering. The position of a particular space within the hierarchy is determined by its position in the conflictive relationship between centers and peripheries which manifests itself in the distribution of power, wealth, resources and information. The hierarchy between center and periphery is not the random result of an evolutionary process. Rather it is the product of a strategic logic in which the center organizes that which is around it, arranging and hierarchizing the peripheries (Comparative law as geopolitics of law: the construction of legal traditions).
- b) These studies are a powerful critique for all theoretical approaches which reduce space to a linguistic model and conceives of it as a metaphorical source of indeterminacy and social contingency as in the various poststructuralist forms of thought. These tendencies inevitably prioritize mental conceptualizations of space over its material and lived dimensions. In a way totally different from other arts as literature or painting, architecture affect users and interpretations of all kinds. The reality of a building can affect us on more levels than our analysis can imagine. Often the buildings and their structure and form repeat, or narrow or change the forms and possibilities we already live (From law and geography to law and architecture).

## ROOM 2 | Legal geographies of the environment

Chair: (to be determined)

Discussant: (to be determined)

### Speaking for the trees: The temporal and spatial construction of legal rights of nature

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Rights of Nature is an emerging environmental governance strategy that seeks to extend liberal legal rights to natural entities. The first Rights of Nature law was enacted in the United States (US) in Tamaqua Borough, Pennsylvania in 2006 to prevent waste sludge dumping. Since then, Rights of Nature laws have been passed in over 60 US municipalities, integrated within multiple national level constitutions, and extended to forests, rivers, glaciers, and other natural bodies through country-level laws or court orders. Proponents of Rights of Nature contend that through a legal guardian approach, nature can access protections equal to human persons under the law. Such a strategy can provide a vital legal mechanism to protect communities against unwanted environmental degradations. In this paper, we trace the spatial and temporal movement of Rights of Nature laws across the US to understand how this novel legal strategy is translated from concept into practice to impact local environmental conditions. To do this, we employ a critical policy and discursive analysis of Rights of Nature laws from 60 US communities to accomplish two key objectives. First, we discuss how 'nature' and 'community' are discursively framed as individual legal subjects to reveal potential co-constitutions and contingencies, such as who has the right to speak for nature. Second, we trace how the language of local laws travels between spatially proximate localities but is also influenced temporally by broader political context, both nationally and internationally. In doing so, we examine how geography impacts the legal formation of rights of nature and how the legal formation of rights of nature impacts geography. To conclude, we reflect on how our analysis adds to wider understandings of the nomosphere, and especially the interrelation of law, nature, and legal geography.

### For a critical geography of legally defined "typical" products

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Specialty Food and Drink Products (SFDPs) Geographical Indications (GIs) are forms of collective intellectual property, which link food quality to some material (e.g. the quality of environment) or immaterial (e.g. local food culture) properties of its places of production. Within the European Union, the most relevant food products GIs are the PDO (Protected Designation of Origin) and the PGI (Protected Geographical Indication) labels, regulated by the European Regulation n. 510/2006.

Due to their intrinsically "spatial" nature, GIs has been widely researched by geographers, mainly aiming to investigate the links between these legally binding protective devices, the transcalar organization of the food products supply chains, the socio-political construction of food quality and the representations of places (often mobilizing the notion of terroir) that are deployed through the labelled products (Ilbery and Kneafsey, 2000; Parrot et al., 2002; Kneafsey, 2010; Kizos and Vakoufari, 2011; Rippon, 2014).

Grounding on the deep investigation of several Alpine labelled SFDPs, carried out as part of the research activities of the Interreg Alpine Space project "Alpfoodway", this proposal calls for a renewed "critical geography of typical products", articulated into three main research lines, representing crucial challenges for the contemporary food geographies and questioning the links between legally binding GIs and places of food production: a) the transcalar assemblages in which SFDPs supply chains are deeply embedded, both from the supply and the market side, providing new meanings to the notion of "local" food (Woods

et al., 2021); b) climate change and the environmental crisis, which are changing the boundaries of the production of several products, questioning their spatial embeddedness (Clark and Kerr, 2017; c) migrations, which produce hybridizations of local food cultures and external inputs from non-local workforce and even new rural entrepreneurs (neo-rurals) (Badii, 2013).

## **Tribal space and law: Unfolding the spatial imagination implicit in the Indian Forest Rights Act (FRA), 2006 (\*Online)**

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The Indian Forest Rights Act (FRA), 2006, an important law enacted to protect the rights of the forest dwelling communities (Scheduled Tribes) in India entails the following terms connected space: 'community forest resources', 'critical wildlife habitat', 'forest dwelling Scheduled Tribes', 'forest lands' 'forest villages' and 'scheduled areas'. Therefore, FRA provides a rich source to understand the relationship between law and space and more specifically, how this relationship is shaping the social space of the Scheduled Tribes in India is the question that I am pursuing in this paper. One of the key arguments of this paper is that our given understanding of the dichotomy between 'rural space' and 'urban space' or its continuum is inadequate to conceptualise the tribal space emerged and regulated because of this Act. The relationship between tribals and forest are developed historically and the spatialities of tribal social life has become complex in the contemporary context through the mediation of FRA enacted by the Indian state. Many interesting studies, both in the Western and non-Western context, unravelled the instrumental role law in creating spatial inequality. Unlike these studies, this paper recognises pro-tribal articulation in the normative construction of forest land and the rights of the tribals on that land. For instance, the tribals have been given the right to hold and live in the forest land for habitation or self-cultivation for livelihood as a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers. This is challenging the colonial forest policy and the capitalistic oriented land scaping in relation to forest existed for a long time, even after India became an independent society. Therefore, the paper attempts to develop a subsequent argument that a postcolonial imagination on tribal space can be invented through a hermeneutical reading of the law, FRA, and this space is constituted by three entities - tribals, forest land and animals - provide enough theoretical resources to challenge the anthropocentric conception of space.

## **Negotiating the mining «lawscape»: What environmental impact studies tell us and do not tell us about power in Andean mining territories**

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It is understood that the mine, unlike the deposit, is essentially an object created by law. In this way, mining territories can be interpreted as 'lawscapes' (Graham, 2011), i.e. spaces whose boundaries, uses and practices are conditioned and determined by legal texts. Today, however, mining law is no longer the only source of regulation for such spaces in the Andes. Environmental law, developed in the 1990s in accordance with international and global normative frameworks, has come to play a leading role in defining what a mining territory is. This is essentially reflected in the environmental impact assessment, which is one of the main legal texts codifying the company's impacts on its territory of operation. Our presentation, taking an approach at the crossroads of political ecology and legal geography, will focus on the case of copper mines located in Chile and Peru, operated by the transnational company Anglo American. It will attempt to show how the multiscale norms and zonings mobilised in the environmental impact study contribute to the drawing of a geography of normative powers of the company, the State, the communities and the international institutions. However, our analysis will show that the impact study

does leave grey areas regarding the production, reception and negotiation of these normative powers, both in the justice courts, political arenas and within the everyday spaces of local communities. It will thus assess the limits of the legal text's approach to the mining territory and emphasise the need to resort to extra-legal sources of understanding.

**14:30 – 16:00 CET**

## **PARALLEL SESSIONS**

### **AUDITORIUM | Legal geographies of spatial regulation (III)**

Chair: (to be determined)

Discussant: (to be determined)

#### **National land ownership, the Israeli perspective: Legal yet destructive**

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This paper focuses on the legal and administrative framework behind the erection of new neighborhoods and residential areas on nationally owned land in Israel. Our interest lies in the ways Israel Land Authority (ILA) employs the existing legal outline and leads the governmental 'development coalition' to overcome declared planning policies and vital public interest.

The legal structure enveloping the public land ownership was shaped long before the construction of the state in 1948. Public land ownership became a central value since the early days of the Zionist movement as part of the struggle to mark the national territory. The current legal framework leans on three basic laws legislated in 1960 that safeguard national ownership, limit the transfer of land rights to other parties, and assign Israel Land Authority (ILA) to administer the nationally owned land. With 93% of its land publicly owned, Israel is unique among the western countries, which form the aspired base of reference.

Throughout the years, ILA's policy deeply affected the development of the built environment, often subjecting Israel Planning Administration and overcoming its declared planning policies. The current research concentrates on the last thirty years. With the help of legislative and administrative manipulations, more than 80 new neighborhoods of similar outline were built on nationally owned land, offer agricultural land or open spaces nationwide. The research first follows the legislative and administrative path enabling this situation and then describes the problematical outcome. These include the damage to local agriculture and food security, the environmental burden, on top of harming social and economic welfare. We conclude by claiming that the legal framework has turned ILA into a reckless development-driven actor on the one hand, while on the other, it fails to provide the local and the central government the required checks and balances.

## **Spatial Justice and the new redlining in the midst of covid-19 pandemic: How predatory lending practices in the U.S. undermine an equal geographical distribution of justice**

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Covid-19 disproportionately affected Afro-Americans and other ethnic minorities, along with the poor. There is an emerging consensus that the race differential is also associated with socioeconomic correlates. A large share of the black population in the U.S. lives in poor areas characterized by high unemployment, low housing quality, and unhealthy living conditions, making low socioeconomic status a critical risk factor. As a consequence, the higher Covid-19 death toll paid by black Americans has been linked to the “redlining” policies introduced by the Home Owners Loan Corporation in the 1930s. These policies are believed to have contributed to the development of segregated neighborhoods plagued by unemployment, low housing quality, and unhealthy living conditions.

Nowadays, we assist to the new “redlining” which come in the different shape of the formal/informal market divide in housing. In fact, two pathways to homeownership have always existed in this legal framework. On one hand, a well-established legal regime that provides families with secure, marketable title to their homes. On the other hand, an informal regime where the most vulnerable citizens (Black, Latino, immigrants and poor) buy “on contract”, something alike an installment land contracts whereby the seller could easily repossess the house, since he is entitled to evict the would-be owner even when a single monthly payment is missed. Indeed, such contracts grew in number particularly in the aftermath of the 2007 subprime mortgage crisis, when the lack of equal access to credit for homeownership led many people to buy houses “on contract”. Furthermore, the formal/informal market divide shapes US geography, as most vividly expressed in the contrast between the living conditions in “golden ghettos” and slums, where urban conditions are of poverty, segregation, exclusion and marginalization.

This research aims at showing how predatory lending practices, by fostering ghettoization, favored the race differential during Covid-19 pandemic.

## **Law, infrastructure and injury: A case of human accidents in Indian Railways (\*Online)**

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This paper examines risk and injury within a post-colonial infrastructural geography. The empirical context is the production of and care for human accidents along Mumbai’s commuter railway, where year after year hundreds of lives are lost in various track related incidents across the network. Locating the human accident at its site/s of occurrence and within histories of colonialism and capitalism, the paper builds on primary data comprised of archival records and official documents, a range of secondary resources as well as participant observations to outline the contours of the railway as a distinct techno-legal and socio-spatio-political morphology and its intersections with urban space. It identifies railway administrative law as a key and enduring governance framework that continues to shape the post-colonial railway’s relationship with its publics and with other state institutions in critical ways. Within railway law, the paper unpacks the role of techno-legal classification and the working of norms and exceptions through which the railway, as both a self-preserving technological system and a commercial entity oriented to profit, creates differential publics and limited accountability directly in the context of human accidents, as well as beyond them. I argue that these create the ambient tensions within which the human accident is both produced and can be cared for only in specific ways.



## ROOM 4 | Methodological reflections on the law-space tangle

Chair: (to be determined)

Discussant: (to be determined)

### **Methodological experimentation as a gateway to geo-legal clarification. Feedback from the study of hydropower concession renewals in France, at the crossroads of texts and uses of law.**

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The urgency of global concerns has increased the visibility of law as a preferred tool of governance. As a force of constraint and a tool for political facilitation, law speaks a prescriptive language that is deemed capable of calling for profound transformations. Yet, despite an exponential normative production, legal workings remain in the grip of numerous uncertainties, ad-hoc provisions, and arrangements. The need to formalize the discrepancies between textual provisions and doing-with-norms in everyday life in their relationship to space, is at the heart of legal geography. This presentation addresses what yet remains a challenge to geo-legal studies: their lack of methodological detail, which is viewed as a limit to systematizing enquiries. Contributing to the debate opened in the field, I consider methodology as a gateway to increase geo-legal specificity and relevance. Based on an experiment conducted on the liberalized renewal of hydropower concessions in France, I propose a detailed and reflexive description of the protocol crafted to question legal texts and their uses by various actors. This protocol makes a dual use of textual hermeneutics and ethnography of situations. My point is to show that rather than merely telling the contingent story of hydropower concessions, collected materials help advance three fundamental arguments: a minimal legal toolbox helps to develop an original geographical interpretation of law; law structures geographical objects and their territories through the framing of stakeholders' interactions; legal knowledge contributes to design uneven territorial relations which effect spatial production. I demonstrate that the incomplete transposition of European norms into national law has created uncertainty, to which local actors answered by developing new forms of territorial coordination, ultimately affecting hydropower spatialities. The energy transition is here considered a flagship for studying and modelling key geo-legal interactions which identification will serve for other thematic investigations.

### **Protocols and sources: a methodological discussion on geo-legal research through the case of nuclear power emergency planning**

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[Meyer Teva](mailto:teva.meyer@uha.fr) | teva.meyer@uha.fr | Associate professor of geography and critical geopolitics at the Université de Haute-Alsace

Despite the ongoing inflation of research investigating the place of law in the social production of space, recent papers claiming a geo-legal lineage continue to deplore the methodological weaknesses of this field. Questions of methods were regarded as "peripheral or even irrelevant" (Braverman, 2014) and were "rarely explained and even less analyzed or justified" (Santoire et al., 2020). Precluding theoretical debates between scholars and limiting generalization efforts, this lack of methodological discussions constitutes one of the greatest gaps of law geography. Based on the work conducted in the NucTerritory research program, this paper presents a systematized protocol for geo-legal research. NucTerritory aims at qualifying the relation between space and nuclear power plants, with a particular insight on the role of

law on this nexus, to identify the variables leading to diverging nuclear territorialities. The comparative approach implemented by NucTerritory, led to the elaboration of a replicable research protocol which will be open for debate.

Bridging Garcier's "juridic textualization" (2009), Sautoire et al.'s "textual hermeneutics" (2020) and Bennet & Layard's "spatial detective" (2015), we built seven-steps method to investigate the role of law in the production of nuclear spaces, from the identification of "geo-legal objects" (Garcier, 2009) through systematic grey literature analysis to the study of their application onsite via semi-directive interviews and fieldwork. Following a theoretical discussion on our methodology, this paper will present the protocol application to the case of Heysham nuclear powerplant in the UK. Results led us to focus on the issue of risk zoning around the power plant and to evaluate its (absence of) influences on spatial planning in the infrastructure vicinities. Our protocol illustrates how the entanglement of particular text laws, their appropriation by actors and the peculiarities of the socio-spatial context ended in the invisibility of the risk planning zoning in Heysham.

## Unpacking the global/intimate geographies of anti-terrorism trials

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What touched me most in the last five years of my field work on German anti-terrorism trials, were not the many convictions, defamations or confessions of the accused, but the many conversations and intimate interactions with their wives, mothers, neighbors, appraisers, lawyers and guards. Those who were there for them every day, paid or unpaid, desired or unwanted. Some of them were united by their faith in the good, others by their contempt for the scum that comes to light in these negotiations. It was all about those moments of embodied listening, in shared waiting areas, restrooms or parking lots, which gradually deepened my understanding of what the trials, and the wider legal process, made visible, erased, privileged, or was blind to (Faria et. al. 2020). I would like to point on these multiple encounters as methodological challenges, entry-points of self- reflexivity and moments of embodied experiences, which are key to further analysis. By focusing on three vignettes out of my empirical data and by revisiting England's (1994) "Getting personal", I argue, that such disrupting research relationships have much to offer to a feminist analysis of the 'global intimacies' (Mountz and Hyndman 2006) of power including its expressions through the law. Rethinking the field of court ethnographies in this way, as a site of messy, affective, embodied and contingent racialized power, demonstrates the insights offered by feminist geographic courtroom ethnography, attentive to unpack the space-law tangle from below.

## ROOM 2 | Legal geographies of the pandemic crisis (II)

Chair: (to be determined)

Discussant: (to be determined)

### Local authorities and the dilemmas of pandemic regulation

[Pacchi Carolina](#) | [carolina.pacchi@polimi.it](mailto:carolina.pacchi@polimi.it) | Associate Professor of Urban Policies at Politecnico di Milano.

[Chiffi Daniele](#)

[Curci Francesco](#)

Impacts of the Covid-19 pandemic can be read at different scales, but with a significant concentration at the local scale, the scale of people's daily lives. These effects, particularly those related to the restrictions imposed, have been analysed from multiple points of view (labour, social, economic, psychological, ...),

while much less investigated is the system of norms that, in an emergency situation, have been developed and applied.

Such norms, which regulate behaviours in local space, are produced at different scales, and are therefore linked to different institutional levels, to their interactions, to the models of government (and governance) experienced in a state of exception.

From here, the paper proposes and arguments three research questions, related to interpretive perspectives on the relationship between norms, actors, and decision-making processes, in order to build a framework to be applied to analyse the regulatory response of Local Authorities.

The first question is related to framing. How did Local Authorities understand/conceptualise the pandemic, and on the basis of which interpretative, normative and operational frameworks did they intervene? What was the role played by the emergency, and the more or less instrumental and conscious use of the same?

The second question concerns the models of government and governance that were actually experimented to manage the pandemic situation. In what way was the production of ad hoc norms the combined effect of vertical and horizontal forms of interaction? How much are the ordinances the result of exogenous or endogenous processes of interaction, decision-making and evaluation? What forms and modes of regulation were chosen and why?

The third question has to do with the short and medium term effects of the norms applied. The paper will therefore ask in what way Local Authorities evaluated the specific effects of the regulations produced, in the short and medium term.

## **Sexual abuse and the home: Geographies of sexual property before and after the pandemic (\*Online)**

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This paper presents an empirical study of legal assemblages of child sexual abuse before and after the pandemic by performing a comparative analysis of U.S. caselaw appellate decisions on CSA before and after the COVID-19 pandemic. Despite growing awareness that the home is the most dangerous place in the world for women and girls, the global COVID-19 pandemic has reinforced calls for protection of and security within the nuclear family, which render the home more viable as a site of violence and abuse (Harkins, 2009). Child sexual abuse (CSA) law has always focused on prohibiting particular physical contacts while enacting specific rules of property and consent, de-prioritizing the home as a space of violence (Hester, 2017).

Through prioritizations of the body over the institutional and geographical spaces where sexual abuse is perpetrated, these abuses are "'rewritten' or displaced onto the body" (Mulla, 2014, 179). The law's production of child sexual abuse as divorced from space (the home) and institution (the family) further naturalizes patriarchal domestic arrangements and obscures the roles of property, geography, and power in the perpetration of abuse (see Keenan, 2014). This naturalization of the bourgeois nuclear family "repeats the mistaken belief that ... the social conditions resulting from a given mode of production are eternal, natural, and impossible to undo" (Escalante, 2020). Nuclear family culture is, in fact, the contingent result of a specific mode of production; one that could have been otherwise (Id.). Drawing on insights from Barad's (2007) agential realism and diffractive methodology, and Keenan's (2014) assertion that property is a "spatially contingent relation of belonging," this paper explores the legal spaces and relations of belonging enacted through the operation of law in child sexual abuse decisions before and after the pandemic's repeated reenactments of the home as a safe space.

## Displaceability and the Coronial City

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The COVID-19 pandemic presents a methodological perspective for the study of urban displacement and displaceability. We suggest the concept of the 'coronial city' as the spatial core of the pandemic, where more than 90 percent of the world's cases of infection were found, and where morbidity and death have occurred almost double of their population' share. Similar to the colonial city, the 'coronial city' faces external invasion relying on state of exception, suspension of the law and emergency, surveillance and militarization. We argue that the coronial city demonstrates the weaknesses of urban citizenship and highlights potential vulnerabilities in the right to the city. This argument is illustrated through the study of urban displacement which we define as the distancing of residents from full right to their city. It may take the form of physical eviction and expulsion; home demolition and denial of services and the use of urban space and resources; in gentrification and urban renewal. Displaceability represents a range of tangible and potential vulnerabilities in the right to the city.

We further argue that the coronial city amplifies displaceabilities, which – we argue – have now been increasingly embedded as a foundation of urban citizenship. Indeed, during the pandemic, displacement has significantly increased. On one level, effecting all urban dwellers, with often severe spatial limitations designed, often relying on 'state of emergency' created a hierarchy of anomalies – between patient, carrier, potential carrier and the immunized, On another level, restrictions have effected mainly vulnerable communities with loss of income which forces migrant workers and young people away from the city. Debtors, migrants and indigenous communities have often been uprooted from their land. On a third level, 'smart' urban networking and technologies have improved the rights and power of those who are less displaceable, but at the same time infringe on the already limited rights of the marginalized. We will analyze the nature of displaceability in time of COVID-19 pandemic, in three metropolitan regions in Israel/Palestine, with the aim of conceptualizing the 'coronial city' as a new urbanity beyond the pandemic.

**16:30 – 18:00 CET**

## PARALLEL SESSIONS

### **AUDITORIUM | Legal geographies of spatial regulation (IV)**

Chair: (to be determined)

Discussant: (to be determined)

#### **The slow violence of displacement: A legal analysis for the urban regeneration/transformation decisions in Turkey (\*Online)**

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Since the early 2000s massive urban regeneration and transformation projects has been implemented in major cities of Turkey. Most of these controversial and never-seen-before projects needed certain legal arrangements to be able to bypass several laws that are in place to protect the environment, public

interest and historical heritage. In this paper, I would like to discuss how legal changes can facilitate displacement in an almost systematic way and through the slow, expensive and time-consuming legal processes. This kind of slow violence is usually overlooked even though it has a big emotional and financial impact on the population. To be able to investigate this phenomenon, the paper focuses on the processes of displacement as a result of the massive urban regeneration/ redevelopment projects through the analysis of legal changes. It is often similar legal mechanisms – exemptions for certain situations or companies, planning permissions, licences – and similar absences of legal terms – rent regulations, tenant rights, compulsory financial aids – that are facilitating or resulting in the displacement of vulnerable urban population. In this paper, I am examining two important laws to analyse displacement in urban space of Turkey: Law no:5366 for the historical environment and Law no:6306 for the settlements on hazard prone areas. These laws not only formed the basis for many urban regeneration/renovation/transformation projects, but also, almost always resulted in the displacement of the current inhabitants. I examine how both laws affected the important urban projects in Turkey, how they facilitated displacement and how they were challenged in the last 20 years. Paper concludes on an extensive legal analysis with a focus on displacement and ways to counter this legal changes for a more extensive right to stay put.

### **Between crisis, law and space: The impact of current crisis discourses on planning policy and socio-Spatial features**

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Neoliberal discourses tend to highlight 'Crisis' as a call for immediate action, without which the situation will devolve into a disaster. Crises are an opportunity for meaningful change, as they legitimize dramatic legal changes and policy reforms. According to Jessop (2013) governments and elites suggest 'Imagined Recoveries', as the only solutions, that in fact serve their existing power and goals.

The lecture will offer findings from an ongoing research on the influences of current crisis and fear discourses on planning and actual space in Israel and Italy. We show how the discourses encourage the adaptation of new emergency laws and policies, and legitimize centralization of planning powers. However, while the discourses around most policies present dramatic tone and promise real changes, the tools and mechanisms are often not new, but embedded in existing planning cultures and are familiar to the planning systems. Furthermore, the policy changes do not challenge the existing market or the social order. We thus show the implications of the preferred solutions and means of 'recovery' on space and society. Using an original 'Justice in Planning Index', based on theories of social justice and space, we evaluate specific plans in various locations. We reveal minimized space for citizens' participation, together with repeated problems in accessibility to affordable housing, in dealing with environmental threats and more. With these findings, we argue that current imagined recoveries impose socio-spatial changes. However, these changes mainly maintain the existing social order.

### **Who owns the land (rent)? On the institutional origins of territorial fruits**

[Buitelaar Edwin](mailto:edwin.Buitelaar@pbl.nl) | [edwin.Buitelaar@pbl.nl](mailto:edwin.Buitelaar@pbl.nl) | Professor at Utrecht University and a senior researcher of urban development at the PBL Netherlands Environmental Assessment Agency

In these times of urbanisation and the abundant availability of capital, land rents are soaring. Real estate developers and investors, as well as public agencies, are involved in a quest for capturing rents. This rent-seeking behaviour impacts on the way urban patterns unfold, as spatial processes such as gentrification, segregation and sprawl are largely consequences of the presence of and differences in land rents and attempts to capture them. The role of economics and geography in the coming about and the consequences of land rents seems relatively well explored. This cannot be said about the role of (planning)

law or 'formal institutions'. Legal rules help create, distribute and capture land rents. This paper explores these connections conceptually and illustrates them empirically. In doing so, it seeks to better understand the ways in which land rents are socially constructed. This understanding may assist planners and policymakers in their attempts of institutional (re)design aimed at controlling these rents in ways that meet the public interest more than they currently seem to do.

## **The governance of condominium Towers: Uncovering new urban challenges**

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[Altermann Rachelle](#) | [alterman@technion.ac.il](mailto:alterman@technion.ac.il) | Emeritus professor (non-retired) at the Technion's Faculty of Architecture and Town Planning and Senior Researcher at the Neaman Institute for National Policy Research.

In recent years, high-rise condominium living has proliferated worldwide. These socio-legal structures constitute new urban, spatial, and financial manifestations that have been examined so far only in partial aspects. In urban studies, tall buildings – of any type of use - are usually discussed in terms of their physical form, urban design, or urban impacts. Both the legal world and urban studies have been generally blind to the differences that the type of tenure – condominiums – makes when it meets the physical form of towers. Neither world is fully aware of the sheer impacts of verticality on daily life and its costs. the large numbers of households, or , the types of conflicts that are likely to arise with the urban surroundings. In fact, our comparative analysis of condominium acts has shown that even the legislators have been blind to building height.

The goal of the reported research was to unpack the growing complexity of high-rise condominium governance. We asked: what are the legal and real-life challenges of governing high-rise condominiums, and do they differ across jurisdictions and urban contexts?

The research methodology is based on socio-legal comparative analysis of condominium legislation, with empirical evidence derived from on-site interviews in each of four selected countries, and cities: Tel-Aviv-Israel; Sydney – NSW (Australia); Paris - France; and Tarragona – Catalonia (Spain). The findings highlight the increasingly complex modes of emerging condominium governance. Both legislation and practices are moving away from the original conception of condominiums as private property plus a dose of co-property governance, towards new paradigms. Contrary to legal doctrine, condominium governance is gradually becoming analogous to corporate governance, motivated by financial profit and commercial logic. And yet, the door has not been shut to alternative paradigms that may reclaim some of the community potential embedded in tower living.

## **ROOM 2 | Theoretical reflections on the law-space tangle (II)**

Chair: (to be determined)

Discussant: (to be determined)

### **Situated normative objects: Investigating deontic artifacts**

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Normative language has been much studied. The normative function performed by certain sentences and speech acts has been investigated in depth. Still, the normative function performed by certain physical

artifacts designed and built to regulate human actions has not yet been thoroughly considered and discussed. We may call this specific type of artifacts (with normative intent) "deontic artifacts". Deontic artifacts are by their nature situated objects; that is, objects that need to be installed in a particular place to exercise their function and influence. Deontic artifacts as situated artifacts (i.e. artifacts "in place") can be studied under three profiles: (i) materiality, (ii) indexicality, (iii) spatiality. This article aims to investigate this normative phenomenon that is so widespread in our daily urban reality, but so often forgotten by scholars of norms and normativity.

## **Law, power, and the production of natural geography**

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Within geographical studies, the law is usually assigned a regulatory force; instead of being co-constitutive of space, it is indeed considered a force external to the processes of spatial production. Thinking in terms of legal geography, though, means reappraising the 'regulatory' role assigned to the law in geographical studies. The law is, on its own, a process of co-production of space and law; it is first and foremost a performative practice that constitutes normative spatialities whose meaning is pragmatically enriched by socio-geographical contexts.

This assumption is particularly apparent within the processes of legal and spatial production that fall under the umbrella of 'law of spatiality'. Through them, power processes physical geographical data in order to project its own imaginative geography onto the earth's surface. Physical geography has traditionally been coded through maps; modern cartography now complements it with remote sensing; and spatial data are processed through GIS. In so doing, the law replicates geopolitical and legal spatial hierarchies, allowing power to create its own legal cartographic representations of the earth. Not only does legal geography legally code physical geographical features, but it also adapts them (as well as the territorialised paradigm) to non-territorial spaces, thus generating new spatial normativities, such as outer space, and maritime, and polar, spaces.

## **Beyond the borders: A dynamic relation between law and territory**

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After the Peace of Westphalia, the Nation-State has been for almost three hundred years a territorial organization, characterized by the stability of its internal and external borders. Hence, the public law has been always tackling issues through a pre-ordinated distribution of competences between different levels of the governance. However, this approach leads to the so-called territorial trap, namely the idea that all social problems could be contained within the administrative borders, fostering a very static relationship between the legal order and the territory.

Instead, the pandemic has showed us, once again, how the actual issues are not definable in one dimension, for two reasons: the first one, is that these kinds of problems cross the entire multilevel governance, being simultaneously local, regional, national and international. The second reason is related to the effectiveness of the public intervention. As already noted, the administrative borders represent often an obstacle for the quality of the regulation, because they impede a comprehensive assessment of the issue at stake.

Therefore, it would be desirable to embrace a more dynamic relation between the law and the territory, able to better grasp the places' specificities. In order to do so, it could be useful reframing the concept of scale not as «a preordained hierarchical framework for ordering the world, but as a contingent outcome for structural forces and practices of human agents». This new approach would give the possibility to better shape the public intervention in crucial fields like the digital transition, the climate change or the reduction of disparities, tailoring the regulations on the needs of a specific area, overcoming the internal and/or external borders.

## Some critical analysis of the Japanese “Legal Transplant” from the legal geography perspective

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Japanese Civil Code is commonly considered a good example of “legal transplant” from European law, and now it exerts influence upon Southeast Asian law in the same way in recent years. However, “legal transplant” phenomena should be critically reexamined from the legal geography perspective.

In this process, the systemic problem of legal marginalization of ethnic minorities, such as indigenous peoples in Japan, especially the Japanese property law tragedy with regard to the Ainu people, and the legal colonization of neighboring countries in the past could be fairly analyzed.

Other current legal discriminatory practices can be analyzed from the legal geography perspectives: (1) Infamous Utoro Urban Squatter Case; (2) Environmental Degradation of Okinawa and the Geographically Disparate Application of Law; (3) Unrecognized Voluntary Evacuees Regarding the Fukushima Radiation Disaster are some of those prominent examples in Japan. Even in the Cambodian Civil Code’s Case, a recent legal transplant from Japan, the land concessions from the government, which are geographically different, opaque concurrent transactions of allegedly one tenth to one third of the whole land, causing corruption and serious environmental problems.

The legal geography method, in contrast to linear “legal transplant” discourse, is sensitive to power relationships and context/culture-embeddedness. The importance of critical analyses from the marginalized neglected minorities’ perspectives should be emphasized. Furthermore, there should be a need for recognition of global issues, especially climate change and related environmental issues, including the displacement of indigenous peoples. These issues should be recognized as essential in the 21st century as one of the most serious situational consequences of global economic network of power relationship. According to the traditional legal framework, indigenous peoples have been historically marginalized by the modern “nation-state based” scope limitations.

## ROOM 4 | Legal geographies of migrations

Chair: (to be determined)

Discussant: (to be determined)

### The scales of the political and the scales of the law. Hunger striking and legal advocacy in an immigration

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In the spring of 2020, several immigration detention centers in the United States experienced protests and hunger strikes that were being launched by detainees to demand a collective release during the Covid-19 pandemic. During the same period, legal advocates took matters to court, and they launched class actions to obtain court orders that would force immigration authorities to release the most vulnerable detainees.

With this paper, I will analyze the divergence that grew between the political and legal struggle, and how the courtroom ultimately silenced and took power away from the hunger strikers. I will focus on the Otay Mesa Detention Center (OMDC) in San Diego, California, where I was in contact with immigration detainees at the time.

At OMDC, the hunger strikers treated covid as a rallying factor, and as an equalizer that would allow everyone to come together due to a shared vulnerability to the virus. This linked the strike with others that were taking place in different facilities, thus expanding the scale of the political event to the entire immigration detention system.

Conversely, the lawyers focused their efforts on obtaining the release of the detainees who were most vulnerable. They treated Covid as a parameter to classify the population into separate groups, each one



comprising people with different medical conditions. In doing so, they reduced the scale of their struggle to people's bodies, and they individualized the virus-human encounter.

The contrasting scales of each event may be well understood by focusing on the different spaces and scales of the political and the legal event. While the former expands horizontally, and it spreads among people like a pandemic, the latter develops vertically, and it operates by distinguishing each body from the others, thus preventing the unity that the strikers were seeking. May politics and law ever work on the same scale, or are they destined to negate each other?

## **Performing how to live the space: Uses, misuses and implications of local membership status in Italy**

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Italy is an interesting example of the complex and ambiguous interactions between space and law. Within the Italian legal framework, there is a legal status that formally recognises the link between individuals and the different parts of the national territory. This local membership status, called residency (*residenza*), materialises in the individual's enrolment in the municipal population register (*anagrafe*). This device aims to keep track of the presence of those who live in or are linked to a municipal territory.

Population registers and the status they produce are inspired by a representational logic: they strive to bring the *de jure* population to correspond exactly to the *de facto* population. Toward this end, residency is legally conceived as a declarative and not a constitutive condition: according to the law, the legal recognition of local membership should merely follow the concrete fact of being linked to a municipal space, and not the contrary. Those who request registration, therefore, are not called to keep to specific behaviours or follow some kind of prescription, but are only required to declare their material condition. Yet, instead of certifying a mere "fact", municipal registration is a performative act which enacts the administrative existence of individuals by producing institutional facts. The legal population is shaped according to certain institutional rules and does not reflect how people actually live within the space. Individuals are forced to dwell in a way different from that which they would choose if they were free to decide for themselves. The performative nature of population registers and the way these devices affect how people live and move within the space becomes more evident when their function is perverted, namely, when the existing requirements for being registered are tightened with the aim of turning population registers into devices for selecting "deserving" local citizens.

This paper relies on a research path conducted over the last ten years and focused on registration as a status border and a bordering device, its ontological characteristics, and its political implications. My proposal, which seeks to put to work concepts and theories stemming from different perspectives – critical border studies, citizenship studies, sociology of knowledge, social ontology, critical geography – aims to enquire into the space-law tangle both theoretically and empirically: respectively, by showing the ambiguities of the use of population registers in Italy and by stressing the ontology of a legal status which regulates the relations between individuals and space.

## **Legal geographies of (un)safety: Debating differentiated rights through the application of international protection alternative in asylum applications**

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For the past decades, European policies regarding migration have been shaped by international events often described as 'crises' and by negotiated political interests. In a context of unresolved political-economic crises and with refugee 'crises' occurring and/or looming, this legal-political terrain is also strongly influenced by discourses distinguishing 'deserving asylum-seekers' and 'undeserving migrants' mostly based on changing categorizations of what consists a 'safe' place of origin or to return. Increasingly, European policies on migration follow four distinct but interrelated directions: fortressing the external borders of the EU, externalizing asylum responsibilities to "safe" or not-so-safe third

countries, increasing "returns" via designations of 'safety' and agreements among EU and Third Countries and creating a "buffer zone" at Europe's periphery where those who manage to leave third countries are confined for longer or shorter periods of time.

The proposed presentation analyses the legal geographies of (un)safety that have transpired via the diverse returns agreements, 'safe countries' designations and through the application of the Internal Protection / Flight Alternative (IPA) as employed in decisions regarding asylum applications. It does so by juxtaposing cartographies of danger (for EU citizens) and IPA assessments of 'safety' and focusing on the case of Afghanistan. These analyses highlight the differentiated geographies of (un)safety in Afghanistan that materialize depending of subject positions and geopolitical interests. Geography, and its interpretations as well we representations, becomes increasingly significant both individual and collective rights. The diverse legal geographies of (un)safety, as they are constructed through the application of certain aspects of refugee law, jeopardise not only access to asylum and the 'right to flee' but also the access to several other rights (including human and socio-economic right as well as to differentiated significations of rights and rightful-ness. Not only these designations of safety change according to nationality, but the way they are employed further differentiates the right to have rights.

## **Production of refugee illegality in Turkey (\*Online)**

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My paper analyzes the policies and practices through which Turkish asylum system produces refugee illegality within the country of asylum. Turkey currently hosts around 3.7 million Syrian refugees under temporary protection and around 400,000 asylum-seekers and refugees from other countries, primarily from Afghanistan, Iraq and Iran. Turkish asylum system strongly controls the mobility and whereabouts of its refugee populations. It ties refugee rights to continuing residence in a particular city. It monitors and restricts internal mobility strictly. It distributes refugees in the country by either assigning them to certain cities or limiting the cities available for registration. Refugees have access to education, healthcare, and government services only in the city where they are registered at. The city, on the one hand, is the primary geography of international protection in Turkey, on the other, it is a zone of confinement for refugees. Drawing on long-term ethnographic study of asylum in Turkey, my paper argues that the registration, residency, reporting, and travel permit policies create a peculiar kind of illegality in Turkey. Refugee's internal location gains importance in legalizing or illegalizing their presence within the country of asylum. Refugees move in and out of refugee status by being mobile within the country and they are crossing an internal border that changes their legal status and their daily engagements with social life. Instead of national borders demarcating illegality, in the case of refugees in Turkey, I argue, the borders between cities gain a significant function in rendering refugees illegal.