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Spatial and Temporal Dimensions for Legal History

Research Experiences and Itineraries

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A 'Spatial Turn' for Legal History?
A Tentative Assessment | 27–62



MAX PLANCK INSTITUTE
FOR EUROPEAN LEGAL HISTORY

ISBN 978-3-944773-05-6
eISBN 978-3-944773-15-5
ISSN 2196-9752

First published in 2016

Published by Max Planck Institute for European Legal History, Frankfurt am Main

Printed in Germany by epubli, Prinzessinnenstraße 20, 10969 Berlin
<http://www.epubli.de>

Max Planck Institute for European Legal History Open Access Publication
<http://global.rg.mpg.de>

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The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliographie;
detailed bibliographic data are available on the Internet at <http://dnb.d-nb.de>

Cover illustration:

Robert Delaunay, Rythme, Joie de vivre, 1930
Centre Pompidou – Musée national d'art moderne, Paris
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Cover design by Elmar Lixenfeld, Frankfurt am Main

Recommended citation:

Meccarelli, Massimo, Solla Sastre, María Julia (eds.) (2016), Spatial and Temporal Dimensions
for Legal History. Research Experiences and Itineraries, Global Perspectives on Legal History,
Max Planck Institute for European Legal History Open Access Publication, Frankfurt am Main,
<http://dx.doi.org/10.12946/gplh6>

A ‘Spatial Turn’ for Legal History? A Tentative Assessment

1. Introductory Remarks

Our issue is to discuss the impact that the thematization of the space-temporal dimension has had (or could have), in general, on historical research and particularly on legal historiography.

Such a request risks seeming like an appeal to reinvent the wheel: it is self-evident that historians deal with time and space, inasmuch as they study phenomena which take place in temporally and spatially delimited contexts. We can admit that time and space are among the most complex and debated notions of modern philosophy, epistemology and physics, but we cannot take for granted that the philosophical definitions of time and space are a necessary prerequisite of the historian’s daily job. We could assert that the historian, like the man in the street in his daily life, assumes the space-and-time categories in an immediate and unintentional way, without needing to provide solid definitions for them.

I think that the historian can do his job excellently without being compelled to explain the theoretical background of the tools of his trade, as a good craftsman handles his plane or his axe without thinking of their molecular structure. Nonetheless, a sharper awareness of our research strategies can contribute to their improvement and renewal and, in the worst case, it can prevent us from declaring, like Monsieur Jordain, that «for more than forty years we [spoke] in prose and [did not know]».

2. The ‘Spatial Turn’ between Historiography and Geography

The historian always deals with time and space. He/she, however, tends to assume time, rather than space, as the distinguishing feature of his/her disciplinary identity. It is time as the unit of measurement of changes that historians have taken into consideration in their empirical researches, as in

their methodological enquiries. In comparison with the continuing attention to time, the analysis of space seems to be somewhat neglected by historians, and the question about the relationship between space and time appears even more disregarded. Two different, but contiguous disciplines, historiography and geography, seem to have implicitly adopted a convention about their specific fields: while time is the main concern of historians, space will be the preferred domain of geographers.

Of course, things are not exactly in these terms. In any case, a clue that such a simplification is not utterly misleading is that the intercourse between the two disciplines is usually not taken for granted, but marked as an interesting and innovative trial. From this standpoint, let us consider 'historical geography', which bears witness to the relevance assigned to diachronic analysis in geographic research and, respectively, to the role Lucien Febvre and Fernand Braudel conferred on geography within their proposal of a thorough renewal of historical methodology and of the very idea of history. And it is no coincidence that Febvre and Braudel pay unprecedented attention to the spatial dimension and, at the same time, are able to outline an original vision of the multiple 'temporalities' involved in the historiographical research.

Interdisciplinary intercourses between historiography and geography have also not been absent. Nevertheless, both disciplines lack in an adequate thematization of the spatial and, respectively, temporal dimension, and mainly of their interrelation. Indeed, not only historiography has been «space-blind»: ¹ sociology itself has often undervalued the seminal role of the spatial-temporal coordinates (as Anthony Giddens remarks), even though some of its founding fathers have afforded a deep analysis of them. ²

Geography perhaps, more than historiography, has showed a remarkable methodological anxiety and has sketched some interesting proposals, which flourished during the 1970s and 80s. Relevant suggestions came from the interpretation of Marx's thought put forward by the French sociologist Henri Lefebvre. His 1974 book, *La production de l'espace*, became a necessary step for a critical reassessment of geographical discipline. ³ Not unlike Lefeb-

1 CASTREE (2009) 32.

2 GIDDENS (1987) 142: According to Giddens, the distinction between space and time «has helped among other things to reinforce disciplinary divisions».

3 LEFEBVRE (1976).

vre, the English geographer David Harvey⁴ found in Marx's works the stimulus to discard his original positivistic approach and challenge a vision of space excessively influenced by Newton's physics.

In the modern (Newtonian and Cartesian) perspective, space was conceived as an objective phenomenon, existing in itself, independently from its contents. «In this sense, space was seen as a container that had effects on the objects existing within it, but was not itself affected by them».⁵ Indeed, Kant's Copernican revolution had reduced time and space to pure 'a priori' forms, to transcendental preconditions of human experience, but in any case geography's main frame of reference was still the Newtonian view of space (space as an hollow and inertial surface).⁶

It is the implicit Newtonian bent of geography that David Harvey questions, stressing the opportunity of resorting to other, alternative views of space: Einstein's theory of relativity and, earlier, the relational theory, which David Harvey traces back to Leibniz. In an exchange of letters with the Newtonian Samuel Clarke, Leibniz had challenged Newton's idea of an absolute space, holding «Space to be something merely relative, as Time is», «an Order of Coexistences, as Time is an Order of Successions».⁷ Harvey's conclusion is that space is not an inertial surface on which social phenomena take place, but must be defined in strict connection with them: «processes do not occur *in* space but define their own spatial frame. The concept of space is embedded in or internal to process».⁸

Space and social processes are linked by a mutual implication. According to Lefebvre, this assertion can be easily drawn from Marx's works devoted to the critique of political economy. Apparently, Marx had not deviated from the historicist tradition which gave preference to the temporal rather than to the spatial dimension of social phenomena. In fact, he had instead shown

4 HARVEY (1973).

5 COSGROVE (2004) 58.

6 DI MÉO/BULÉON (2005) 22 ff.

7 LEIBNIZ (1717): «As for my Own Opinion, I have said more than once, that I hold Space to be something merely relative, as Time is; that I hold it to be an Order of Coexistences, as Time is an Order of Successions. For Space denotes, in Terms of Possibility, an Order of Things which exist at the same time, considered as existing together; without enquiring into their Manner of Existing. And when many Things are seen together, one perceives That Order of Things among themselves».

8 HARVEY (2006) 123.

remarkable insight into the role of space in his analysis of the genesis and functioning of capitalistic society.

This is the lesson the new geography tries to learn from the historical analysis of capitalism: the opportunity of moving away from an idea of space as a hollow surface, as a simple container, unconnected with the social interaction that takes place ‘in’ it or ‘over’ it. The methodological cue that a renewed geography can draw from Marxian texts is the attempt to see space as an inner dimension of social phenomena. In turn, this implies the necessity to rethink Marx, avoiding leaving space to the mercy of the diachronic dimension.⁹

A critical rereading of Marx’s works has also incited ‘post-modern’ geography to rethink space and its relationship with social dynamics and, at the same time, has prompted the other social sciences to make space a necessary step of their theoretical and empirical research.

Admittedly, both historiography (I have already mentioned Febvre and Braudel) and sociology included important insights into the spatial dimension (and its relationship with time). We can even maintain that sociology, between the nineteenth and twentieth century, truly broke with the Cartesian and Newtonian view of space, no less than with Kant’s transcendental theory of space-time, which shared, despite all their contrasts, the same indifference to the impact of social dynamics and historical changes.

It is precisely this universalistic and meta-historic stance to which Durkheim opposes a socially influenced and historically differentiated sense of time and space. As a conclusion of a long ethno-sociological work, co-written with Marcel Mauss in 1903, he maintains that «des idées aussi abstraites que celles de temps et d’espace sont, à chaque moment de leur histoire, en rapport étroit avec l’organisation sociale correspondante»¹⁰ and upholds the same thesis in *Les formes élémentaires de la vie religieuse*, published in 1912.¹¹ According to Durkheim, space and time are not abstract categories, but socially forged institutions, capable in turn of impinging upon individuals’ actions. Space is not «ce milieu vague et indéterminé qu’avait imaginé Kant: purement et absolument homogène ...»; it is instead, like time, moulded

9 SoJA (1989) 57 ff.

10 DURKHEIM/MAUSS (1903) 72.

11 DURKHEIM (1912).

differently according to the society of which it is a function. Space is not a homogeneous, constant and universal category, but assumes the contents determined by the culture and forms of life of a specific society.¹² «Il existe des sociétés en Australie et dans l'Amérique du Nord où l'espace est conçu sous la forme d'un cercle immense, parce que le camp a lui-même une forme circulaire [...]. Ainsi, l'organisation sociale a été le modèle de l'organisation spatiale qui est comme un décalque de la première».¹³ Indeed, every culture resorts to the same categories (time, space, causality and so on), but assigns specific and idiomatic contents to them.¹⁴ Space and time must also be considered in the plural, as relative and multiple dimensions and not as universal and uniform categories.

Assuming space and time as social institutions is a methodological stance whose importance could hardly be overstated, considering its impact (direct and indirect) on twentieth-century sociology and historiography. Durkheim and the 'Durkheimians' (from Maurice Halbwachs to Georges Gurvitch) are correctly mentioned as the forerunners of a veritable «sociology of social times».¹⁵ Even looking outside the circle of the orthodox 'Durkheimians', such an important work as Norbert Elias', *Essay on time*¹⁶ is hardly conceivable without referring to the Durkheimian 'turn'. According to Elias too, the vision of time changes depending on social contexts; it influences the civilization process and acts as a powerful instrument of social 'Disziplinierung', insofar as it is a social institution endowed with a relevant normative capability.¹⁷

To tell the truth, Durkheim is not the only social scientist engaged in outlining a sociology of time and space. In the same years, Georg Simmel – he too, a leading figure in nineteenth-twentieth-century culture – confronted the same issue in some essays,¹⁸ which became his *Soziologie*, published in 1908. The importance of Simmel's reflection on space has long been undervalued and only the (relatively) recent reconsideration of space as a key

12 DURKHEIM (1912) 22.

13 DURKHEIM (1912) 23.

14 SCHMAUS (2004) 120.

15 SUE (1994). Cf. LALLEMENT (2008).

16 ELIAS (1992).

17 TABBONI (2001).

18 Among them SIMMEL (1903) 27–71.

concept in social sciences has stimulated a reassessment of his thought on relevant topics:¹⁹ from the critique of the ‘traditional’ idea of space to the social function of borders, from the connection between space and social groups to the importance of the migrations of peoples.

Important enquiries on time and space have been undoubtedly carried through by social and historical sciences between the nineteenth and twentieth centuries. It is also true, however, that over the long run, space and time have been taken for granted, more than investigated in order to determine their role and function in a specific research field. It is also not an exaggeration to say – as the custom is – that starting from the 1980s, a *spatial turn* has taken place: i. e. a renewed attention numerous disciplines (from sociology to geography and historiography) devote to the spatial dimension.

The leading figures of the ‘spatial turn’ come from several disciplinary traditions but share the conviction that the Newtonian view of a homogeneous space must be substituted by the monitoring of a multiplicity of different places. A place is not an indifferent point of the space, equal to every other point, but has idiomatic and irreplaceable features inasmuch as it is, at the same time, a product and a leverage of a social process.²⁰

Michel de Certeau speaks of space as a «practiced place».²¹ Adopting a different terminology, but pursuing the same approach, many geographers refer to the ‘territory’ as a social and spatial phenomenon and explain ‘territoriality’ as the relationship between one or many social groups and the localities where they are settled.²² In an ethological perspective, the social dimension of territoriality is brought back to the animal instinct to defend their living space.²³ Whatever the opinion about the ethological roots of ‘territoriality’, we are undoubtedly far from the Newtonian tradition, to which the ‘new geographers’ attribute two shortcomings: starting from a Newtonian view of space, on one side, social processes are described independently from their ‘localization’ and, on the other side, territory is conceived as a simple ‘natural’ entity, understandable even if we leave aside its

19 GLAUSER (2006); ETHINGTON (1997); MARRAMAO (2005); MARRAMAO (2013).

20 WITHERS (2009) 641.

21 DE CERTEAU (1984) 117.

22 DI MÉO/BULÉON (2005) 77 ff.

23 ARDREY (1966).

involvement in social processes.²⁴ «While simplistic, it is not misleading to say that, in the current discourse, ‘place’ is good and ‘space’ is bad».²⁵

The ‘spatial turn’ also induces several disciplines to rethink some vital aspects of their frame of reference, such as the notion of space and the relationship between the temporal and the spatial dimension. Though both historiography and geography can share this trend, its effects are different according to their respective traditions. As for historiography, usually concentrated on diachrony, the ‘discovery’ of space implies the attempt to understand «what happens when historical processes are conceived and described as spatial and local processes». In short, the question is: «what happens if we ‘think jointly’ history and its places?».²⁶ As for geography, respectively, it is the temporal dimension which is acquiring an increasing relevance in the analysis of socio-spatial phenomena.²⁷

Different disciplines also try to avoid the misleading shortcut consisting of the contrast between time and space, as though time were involved with movement and changes, and space with an immobile and frozen reality. Time and space are intertwined: the diachronic development of social phenomena is possible insofar as they ‘have place’, are ‘located’ somewhere and, vice versa, places are moulded by social processes understandable only in the frame of time. A clue that we must take the space-and-time connection seriously is that language usually resorts to spatial metaphors in order to represent time (time as a line; future as something ‘ahead of us’ and past as something ‘behind us’). A ‘spacing history’, a historiography capable of focusing on the spatial dimension of change, is only the other side of an analysis of space as a ‘timed space’, a galaxy of places marked by the long sedimentation of history.

3. A ‘spacing history’: specimens and hypotheses

What are the improvements a ‘spacing history’ affords to the frame and the instruments of the historical research? How can a better awareness of spatial and temporal coordinates sharpen the cognitive instruments of the histor-

24 SoJA (1989) 76–77.

25 ETHINGTON (2007) 481.

26 SCHLÖGEL (2003) 9–10.

27 PACELLI (2007) 15. We can refer, on one side, to the historical geography and, on another side, to the time-geography cultivated by Torsten Hägerstrand and the Lund School.

ian? Of course, I cannot offer a complete survey of the issues the ‘spatial turn’ involves. I can simply provide some cursory references to the changing attitude of historiography towards the spatial dimension of its research field.

It may be convenient to resort to a probably fragile, but not unfounded distinction: the distinction between what I should like to call the ‘lived’ space and the ‘imagined’ space. Before explaining the meaning of this distinction, I must refer to a logically previous distinction: the distinction between the metalanguage and the object-language.

The historian’s metalanguage is the set of the conceptual instruments he / she employs in order to understand and report some aspects of the past. It is in the moment in which the historian arranges his / her metalanguage that he / she can choose to adopt one or another definition of space. The Newtonian, Leibnizian, Einsteinian or post-modern vision of space provides the linguistic-conceptual instruments the historian uses to understand the past. The definitions of time and space, whatever they be, belong to the tool-kit of the historian: they are something *by means of* which, and not something *about* which, he / she speaks.

What the historian speaks about, the object of his / her research, is one or another society developing in the horizon of space-and-time. It is to the object of the historian’s research that we must refer the abovementioned distinction between a ‘lived’ space and an ‘imagined’ space.

On one side, a society exists insofar as it is ‘localized’, capable of jointly transforming itself and its space. Space is also an intrinsic component of social dynamics: it is a ‘lived’ space. On the other side, the cultural representation that the same society offers of itself most probably includes its peculiar vision of space and time. In this sense, space is not only ‘lived’, but also ‘represented’, ‘imagined’. We must however underline the provisory and expository scope of this distinction, inasmuch as ‘lived’ and ‘imagined’ spaces are in fact so intertwined that they get mixed up.

3.1 The ‘lived’ space

If we glance at political, social and legal phenomena using the temporal-and-spatial coordinates as a lens, as an optical device, in order to focus on the investigated reality, we notice that it can be directed towards the extremely small or the extremely large: in other words, it can be indifferently used as a microscope or as a telescope.

When Febvre and Braudel underwrote the cooperation between historiography and geography, relying on the interconnection between space and time, and achieved the distinction among different historical times, diverse rhythms of social and cultural change, they put the spatial-temporal lens at the service of that *histoire totale*, which was their ultimate goal (a decisive, though probably unattainable goal).²⁸ In any case, the aim of an integral, as far as possible ‘total’, knowledge of the past can be pursued by using not the telescope, but the microscope and focusing on the ‘micro’ level of historical processes, as shown by a recent, and methodologically shrewd, social history. Indeed, the question of what ‘local’ means in the ‘local history’ remains open.²⁹ Doreen Massey (a key spokesperson of the geographical ‘nouvelle vague’) notes that places are «constructed out of articulations of social relations [...] which are not only internal to that locale but which link them to elsewhere. Their ‘local uniqueness’ is always already a product of wider contacts; the local is always already a product in part of ‘global’ forces, where global in this context refers not necessarily to the planetary scale, but to the geographical beyond, the world beyond the place itself». ³⁰ In any case, what a ‘spacing history’ demands is that its followers, whether they use the microscope or the telescope, focus their efforts on the «production of locality» (as Appadurai puts it).³¹

a) Space in the Middle Ages

Medieval society is an extraordinary stage in order to attend to a peculiar process of ‘production of locality’. A great portrayal of it is provided by the fascinating and enlightening work by Paul Zumthor³² (curiously neglected by legal historiography, if I am not mistaken). I refer the reader to it overall, but I cannot escape from quoting some passages.

«Man in those times – as the Swiss philologist writes – does not believe, as we do, in the existence of a ‘material’ reality, not human and separated from

28 An interesting assessment is offered by COMBA (1981). Recent and important contributions are provided by BLANCO (2008).

29 DRIVER/SAMUEL (1995) 5.

30 MASSEY (1995) 183.

31 APPADURAI (1996) 182: «Locality as a phenomenological property of social life, a structure of feeling that is produced by particular forms of intentional activity and that yields particular sorts of material effects».

32 ZUMTHOR (1993).

us [...]. Everybody cultivated, in his relationship with the land, a warm complicity, which we have lost and is for us now almost inconceivable. For a medieval farmer, as for a medieval citizen, lord or clergyman, space had nothing to do with our notion of it: a three-dimensional and uniform entity, divisible in equal parts and endowed with features independent from its material content. Medieval space is neither abstract nor homogeneous [...]; it is less perceived than lived». ³³

The most different social and political relationships «are spatialised, and every space tends to become the signifier of a social meaning». ³⁴ Space coincides with a galaxy of places; and a place is «laden with a positive, firm and rich sense: [...] it is the portion of land on which human beings live [...]. A place cannot be divided in parts, because it unifies all its constitutive elements and relationships». ³⁵ «Personal identity cannot be separated from the appropriation of a place and the adaptation to the immediate environment». ³⁶ It is the radical ‘localization’ of every individual and collective experience which «creates the ‘territory’, the civilized space of everyone, who has occupied it by his work and has imposed his law to it». ³⁷ It is territory which «contains the history of the human beings who have created it and live by the means of it [...]: it embeds the symbolic intention of a struggle against death». ³⁸

I rely on the reader’s tolerance for these long quotations. I hope they will contribute to show the relevance of space for medieval culture and the urgency of a ‘micro-historical’ approach capable of affording specimens and tests of such a peculiar vision of space. It is in this perspective that Angelo Torre suggests studying places «as continually rebuilt social and cultural structures»: ³⁹ places of a discontinuous and not homogeneous space (a «*chifonné*» – a crumpled – space, to borrow the term from the cosmologist Luminet); places as microcosms in which the social macrocosm is reflected and mirrored.

33 ZUMTHOR (1993) 33.

34 ZUMTHOR (1993) 40.

35 ZUMTHOR (1993) 49.

36 ZUMTHOR (1993) 50–51.

37 ZUMTHOR (1993) 75.

38 ZUMTHOR (1993) 76–77.

39 TORRE (2011). Cf. COSTA (2012).

b) *Jurisdictio* and *territorium*

It is in this peculiar (and, for us, exotic) galaxy of places that we must situate legal institutions and doctrines (to which our usual conceptual distinctions – first of all, the dichotomy between public and private law – cannot be mechanically referred).

Medieval ‘lived’ space is the social and cultural environment in which the theory and the practice of *dominium*, such as outlined by Paolo Grossi, take place. According to Grossi’s penetrating insight, the medieval sense of proximity and mutual relationship between human beings and material things «in the frame of a superior order which encompasses human beings and things in an unitary vital organization»⁴⁰ can be explained resorting to the socio-anthropological concept of ‘participation’, outlined and applied by Lucien Lévy-Bruhl and Marcel Mauss.

The theory and practice of *dominium* are only an eloquent specimen of the intimate relationship between a legal institute and a thick texture of places which cannot be understood in the frame of a Newtonian or Cartesian view of space. From a more general standpoint, it is the whole government of society which must be rethought highlighting the marks impressed on it by the medieval sense of space. This is the approach adopted by António Manuel Hespanha, who in an essay published in 1982⁴¹ examines the relationship between political powers and territory during the ‘Ancien Régime’. Its basic idea is to go beyond a naturalistic, objectivistic and universalistic idea of space and stress its culturally influenced and relativistic content. In pre-modern societies, space is a multiple, fragmented and uneven entity, which influences and moulds political theories and practices.

Hespanha’s stance was patently ground-breaking: it is difficult to find, in the legal-historical literature of that period, a comparable attempt at focusing on the relevance of the spatial dimension and consequently building a bridge between geography and the history of political institutions.

According to Hespanha, the pre-modern political space was a «miniaturized» space: a fragmented and uneven space, where face-to-face relationships and oral traditions were prevalent; a space which coincided with the life of the group and moulded all its political and legal forms.⁴² Luca Mannori, in a

40 GROSSI (1968) 93.

41 HESPANHA (1982).

42 HESPANHA (1982) 478–482.

recent essay, refers to a «legal saturation of space», which «immediately reacts on the vision of power and intensively moulds its morphology». ⁴³ Spatial and political-legal dimensions are complementary and determine the representation of the *iurisdictio* (i. e. the vision of power and government in medieval culture).

A widely quoted formula in medieval jurisprudence is the following: «*iurisdictio cohaeret territorio*». Jesús Vallejo (in his book devoted to the normative power in medieval legal doctrine) had also conveniently focused on the link between *iurisdictio* and *dominium* and *iurisdictio* and *territorium*. ⁴⁴ The basis of such a connection relies precisely on the medieval vision of space that Hespanha had assumed as the keystone of his historical analysis. How deeply spatial coordinates affect our understanding of the connection between *iurisdictio* and *territorium* has been recently confirmed by an original and important research by Paolo Marchetti, whose attention to geographers is still an unusual strategy within legal historiography. ⁴⁵

Even on the strength of only these few references, we can realize that the spatial dimension has not been ignored by legal historiography. On the contrary, we must bear in mind that medieval studies have been working for a long time on the relationship between political institutions and territory. Suffice it to refer to Pietro Vaccari, Emilio Sereni, Cinzio Violante and Giovanni De Vergottini, to mention only some Italian scholars. ⁴⁶ The ‘spatial turn’ is not at all the unpredicted discovery of an unknown land. It is however true that in the past, numerous and valuable historiographical outcomes ran the risk of missing their target because unsupported by an adequate general vision and methodological awareness. On the contrary, a sharper understanding of spatial and temporal coordinates, promoted by the cooperation of different disciplinary strategies, can be the right frame of reference for a proper placement of historical data.

43 MANNORI (2008) 44–45.

44 VALLEJO (1992) 128–152.

45 MARCHETTI (2001).

46 Cf. by way of example VACCARI (1920); SERENI (1961); DE VERGOTTINI (1977); SPICCIANI/VIOLANTE (1997–1998). It would be interesting, but demanding, to make an assessment of the references (implicit or explicit) to spatial issues in medieval and modern historiography. Cf. SALVEMINI (2006).

c) The Newtonian Space and the Modern State

The medieval past and its political and legal theories and practices must be rethought, moving from an idea of space finally exempted from the charges of the Newtonian tradition. The historical analysis of a major phenomenon such as the medieval city can benefit from a clear understanding of its peculiar spatial dimension. The medieval and proto-modern city is an emblematic 'production of locality': it withdraws within its circle of walls and, at the same time, aims for a further extension of its power and influence; it lives inside the polymorphic and miniaturized space of medieval society, but contributes to the making of a different political landscape.⁴⁷ The city creates its own space and assumes this as a symbol of its identity. In this regard, the distinction (which I have proposed *faut de mieux*) between the 'lived' and the 'imagined' space appears more than ever fragile: the medieval city is conjointly *urbs* and *civitas*, a city of stones and a city of men (as suggested by Isidore's famous definition), a centre of power and a cohesive community. According to medieval jurists, from Cynus to Bartolus, the city as *universitas* is the holder of the *iurisdictio*. It is the city (as Luca Mannori suggests in the wake of Hintze), the city as *populus* or *communitas*, which can be assumed as the core of a socio-political model, the 'corporatist' model, according to which the organization of the territory proceeds «from what is 'small', and not from what is 'big', from the 'part' and not from the 'whole'».⁴⁸

If we focus on the spatial dimension, we are able to rethink medieval phenomena in an original perspective and gain new insights into the genesis of modern sovereignty. In this regard, the hypothesis of a correspondence, or even of a mutual implication, between the ('Newtonian') vision of space and the development of new political institutions could be proposed. Indeed, only a great deal of accurate and targeted researches could afford the indispensable evidences. If anything, it is easier to find some intuitive confirmation of the hypothesis if we glance at the arrival point of the modernization process (more than at its intermediate passages).

It is a matter of fact that, first, a new sovereign power arises (at different times, depending on the several geographical areas, but with shared lines of

47 CHITTOLINI (1994).

48 MANNORI (2008).

development everywhere): it is a power which aims to have efficient armies at its disposal, requires an increasing amount of money for this purpose and tries to obtain an extensive control over society. Secondly, a new economic pattern takes shape: industrial capitalism. Industrialism transforms (as underlined by Lefebvre's reinterpretation of Marx) the living experience of temporality inasmuch as it assumes the working time as an arithmetically divisible measure on which the value of the performance depends. Thirdly, the new sovereign power – the modern State – aims to render its territory as uniform and homogeneous as possible, in the name of a 'rational' organization and control of it.

For the new State, all the elements of the territory (all the points of the surface) are perfectly equivalent. State and territory are closely connected, according to a legal doctrine that continuously underlines the following dogmas: every political organization must be defined as a State (as an actual or as an emerging State); and every portion of space must be considered as a homogeneous and divisible entity actually or potentially assigned to one State or another.⁴⁹

Jurists, scientists (from Galilei to Newton) and geographers have afforded seminal contributions to a revolution which involves, at the same time, the vision of space, the form of political power and the organization of territory. The development of a 'scientific' cartography is an indispensable requisite for an efficacious control over territory: «a map is as a device which reduces the dimension of the world and perfectly matches the needs of a modern territorial State, which proves itself as the spatial model for the organization of politics and economy, even before the bourgeois revolutions».⁵⁰ Not coincidentally, a central issue of present geographical research is the establishment of the State as the exclusive controlling unit in the territory.⁵¹

At the dawn of modernity, the 'lived' space also corresponds to a 'Newtonian' stance, as much as the ongoing political process takes the shape of

49 MANNORI (2008) 58: «Quelle leggi dell'89, di cui il Sieyès citato all'inizio fu uno dei massimi ispiratori, producono per la prima volta un territorio davvero 'tutto uguale', dal quale è stata sradicata perfino ogni minima differenza tra città e campagna, e le cui articolazioni sono costituite ed operano in base ad uno statuto di fonte esclusivamente statale».

50 MINCA/BIALASIEWICZ (2004) 85; HARLEY (1988) 57–76. Cf. RUSCHI (2012) 206–212.

51 A renowned example is TAYLOR (1994). Cf. BRENNER (2003); BELINA/MICHEL (2011).

the State. ‘Newtonian’ space and the State’s organization mutually imply themselves as outcomes of the same historical process. Interestingly enough, this connection has been maintained for a long time. It was a ‘received view’ of the scientific community assuming both State and space as ‘natural’, a-historic phenomena: politics were made coincident with State and space was conceived as a hollow and homogenous surface. These statements have been assumed for a long time by historians as the conceptual tools (the ‘meta-language’) of their researches. On the contrary, the ‘spatial turn’ stresses the historical connection between the modern State and the ‘Newtonian’ space and, accordingly, offers the opportunity to rethink both politics and space without assuming their ‘modern’ representation as the unchangeable and binding conceptual background of historiography.

d) The problem of borders and ‘diffusion geography’

The ‘spatial turn’ enables us to focus on two peculiar ‘idola’ of modernity – a State-centric vision of politics and a Newtonian view of space – and is therefore well equipped to enlighten a strictly connected issue in a new way: frontiers and borders.

At a first glance, we could take the gap between the medieval and modern ages for granted and assign to the latter a rigid setting of borders and a sharp contrast between the ‘inside’ and the ‘outside’ of a political community. Indeed, it is reasonable to expect that in the fragmented and uneven medieval space, the differences between what is near and what is distant and alien are less absolute and incontrovertible than in a ‘Westphalian’ scenario, marked by the sharp divisions among legally equal sovereign States. It is however true that a good crop of historical, geographical and anthropological researches invite us to question the received view of the impermeability of borders even at an advanced stage of modernity.⁵²

An efficacious metaphor refers to borders as ‘porous’ walls: borders, even if conceived and organized in different ways in different contexts, actually acted not as impenetrable bulwarks, but as sponges, which rejected something, but absorbed something else and poured it inside. Borders can also be

52 MARCHETTI (2001) 40. Cf. VAN HOUTUM (2005). An interesting, inter-disciplinary approach in PASTORE (2007).

considered as devices which separate contiguous spaces and, at the same time, as places where goods, human beings, languages, doctrines, norms and institutions pass through. Borders are, at the same time, a spatial division and an intersection of an intense social dynamics.

Geographers have focused on this phenomenon resorting to the concept of 'spatial diffusion': the movement of human beings, goods, ideas or even of viruses and diseases, which takes places in space and time. Some 'diffusion geographers' have tried to outline some abstract models of this 'double' movement.⁵³

To be sure, the movement of viruses in space and time seems to be an utterly exotic issue for a legal historian. In any case, it is undeniable that the historian of political institutions and doctrines is deeply conversant with the movements and transfers of elements much closer to his/her domain: we can take our pick from an extensive list of legal (normative and doctrinal) texts continuously moving through time and space (the most famous specimen, *ca va sans dire*, is *Corpus Iuris*). The legal historian resorts in this case not to the concept of 'diffusion', but to a different, and undoubtedly seminal, hermeneutical category: the idea of reception. It would be therefore important for legal historiography to rethink the concept of reception in the light of recent literary theories (starting from the contributions of Robert Jauss). An essential aspect of legal culture and practice is the inexhaustible web of texts and interpretations, which is the core of a reception theory, while a methodological adventure in the realm of diffusion geography could seem to be adventurous and risky. Nevertheless, it is difficult to understand a text that moves from its original context and takes new roots in a different interpretative community without focusing on space and time. We could also expect interesting achievements from the synergy of methodologies which, despite their different background, share the same attention to the spatial and temporal dimension.

e) The heterotopies

Borders are, at the same time, places of separation and passage. At first glance, they seem to coincide with the divide between different political communities, but this claimed coincidence depends on a vision of politics

53 A critique of the link between eurocentrism and 'diffusionist' theories in BLAUT (1993).

and space which identifies political power with the State and assumes space as a 'natural' and objective entity. In fact, borders (and the consequent existence of differentiated spaces and the connected dialectics of 'inside' and 'outside) affect not only the periphery of a society, but even its intrinsic arrangement.

The sovereign power and the nation-State do not exhaust the space of politics and society. Other powers and other spaces do exist. Not a geographer, but a philosopher – Michel Foucault – has drawn our attention to them. Foucault explicitly devoted only a few (but enlightening) essays to space, but was always mindful (in his 'major' works) of the spatial and temporal dimension, indeed so much that the 'new geography' has gleaned important suggestions from his books and from the lively dialogue with him.⁵⁴

In a short essay of 1984, Foucault speaks of «espaces autres», of 'other' space, of «heterotopies».⁵⁵ He is clearheadedly aware of the different visions of space and time and considers «a fatal interlacement between time and space» as a peculiar aspect of Western history. Galilei's and Newton's scientific revolution suggested the idea of «an infinite and infinitely open space», in contrast to the pre-modern space which was «the space of localization».⁵⁶ Instead, we are becoming aware that our experience of space is not uniform, but essentially heterogeneous.

In this perspective, Foucault invites us to consider space in the plural: i. e. to go beyond the nineteenth-century vision of sovereignty and its unitary political space, and to outline an uneven landscape of powers, a multiplicity of places, which must be conceived not as hubs of a de-spatialised social interaction, but as socially forged places. Utopias too are «espaces autres». They are however, unreal places, while we can find different but real spaces inside society, different places, «espaces autres», which are «a somewhat mythical and realistic contestation of the space where we live».⁵⁷

Society is represented as a multiplicity of variously separated and connected places. Among them, the «espaces autres» are autonomous micro-

54 Let us refer to the dialogue with the geographers of «Hérodote». About the intercourse between Foucault and the geographers cf. CRAMPTON/ELDEN (2007).

55 FOUCAULT (1994).

56 FOUCAULT (1994) 20–21.

57 FOUCAULT (1994) 25.

cosms, at the same time strictly linked with the social macrocosm. An extended research field opens up, starting from those ‘different’ places, whose geography Foucault has brilliantly outlined: the places of punishment, of detention, of industrial production, Bentham’s panoptical imagery and the numerous variations on the theme it suggests.

The panoptical prison is however, only one of the existing heterotopies. The category of the «espaces autres» is a key that can open many doors, employable wherever the social production of a place comes into play. A long list of examples from the most disparate historical contexts could be mentioned. Let us think about spaces that separate and segregate social groups from the community to which they belong: the Jewish ghetto (throughout the course of its history until its tragic conclusion) is an emblematic, though not the only possible example. And even the medieval *immunitas* can be described (according to Barbara Rosenwein⁵⁸ and Angelo Torre⁵⁹) as a practice which results in the establishment of a space exempted from the intrusion of powers: a space ‘autre’, capable, at the same time, of confirming and contradicting the existing order.

f) The space of colonization

The scenario where powers and places are situated is also more complex than the nineteenth-century theory of State supposed, taking for granted that societies were homogeneous realities, neatly delimited by rigid boundary lines. A further complication arises if we consider what happens beyond the area of the State’s sovereignty. For every State, the space controlled by a different sovereign State is an exterior space. The world however does not coincide, in the modern era, with a network of States. A second boundary emerges, which separates the *ius publicum europaeum* from the ‘outer’ world, Europe from its ‘others’, the West from the colonized peoples.

In the colonization process (which is not an event among others, but the very horizon of modern history), power and space, geographic knowledge and political and legal theories are strictly connected: the enlargement of space for Europe (the so-called geographical discoveries) keeps pace with the subjugation of the new world; geography develops in tune with the needs of

58 ROSENWEIN (1999). Cf. LATINI (2002).

59 TORRE (2011).

colonization, and the theory and the practice of sovereignty are rethought in order to control incredibly large, differentiated and complicated areas.

A huge research field opens up, where the link between power and space can be assumed as the guideline to reassess the colonization process. Such a process is something like an epochal short-circuit among different political spaces and is, at the same time, a destructive and transformative agent of 'production of places'.

In this perspective, the concept of territoriality can be helpful. Geographers have devoted increasing attention to it, starting from the 1970s–80s.⁶⁰ Territoriality involves – as Robert Sack writes – the will to influence or control a geographic area and can be defined as «the attempt by an individual or group (x) to influence, affect, or control objects, people, and relationships (y) by delimiting and asserting control over a geographic area».⁶¹ Moreover, this notion is relevant, according to Sack, for the analysis of sovereignty.⁶² The approach of the Swiss geographer Claude Raffestin⁶³ is different, more concerned with the 'relational' dimension of the principle of territoriality, but not less influential, mainly in the francophone and European-continental area. In our perspective, it is interesting to go beyond the differences between these two approaches and endorse their convergence:⁶⁴ the proposal to assume territory not as a natural, merely physical object, but as the material and symbolic outcome of a social interaction imbued with the dialectics of power and resistance.

Colonization can be considered in the light of the principle of territoriality. We are faced with a process which coincides with innumerable (collective and individual) acts of a symbolic and material appropriation of space. Territorialisation is a process which erases or deeply changes the pre-existent cultural and economic reality and replaces it with new powers, values and ways of life. It is a process which de-territorialises the space and, at the same time, re-territorialises it and is never predictable, linear and mechanical, but the result of continuous conflicts and 'negotiations'.

60 TURCO (2010). Interesting considerations on medieval history in SOMAINI (2012).

61 SACK (1983) 56.

62 SACK (1983) 55.

63 RAFFESTIN (1980); RAFFESTIN (2007).

64 MURPHY (2012).

Colonial theories and practices could also be examined taking into consideration the interlacement between space, power and discourses referred to by the principle of territoriality. In the colonization process, however, not only space comes into play: space and time are strictly connected.

First of all, colonized societies experience time according to cultural standards, which are quite different from those adopted by modern Europe: the abstract, linear and divisible time familiar to European modernity is at variance with differently conceived 'temporalities'. In the de-territorialisation and re-territorialisation process, time can perform two different, but complementary tasks: on one side, it is a symbolic resource and an identity mark of the colonizers' culture and, on the other side, it serves the purpose of controlling and disciplining the life and work of subjugated peoples.

Secondly, Western culture resorts to a peculiar interlacement between space and time in order to represent the colonized world. According to the colonizers' culture, the colonized space is not a 'contemporary' reality, but belongs to a different temporality, to a distant and archaic age. «Different 'places' – as Doreen Massey writes – were interpreted as different stages in a single temporal development. All the stories of unilinear progress, modernization, development, the sequence of modes of production [...] perform this operation. Western Europe is 'advanced', other parts of the world 'some way behind', yet others are 'backward'. 'Africa' is not different from Western Europe, it is (just) behind». ⁶⁵ What is distant in space is thrown back in time, in a primitive stage of history, whose climax and accomplishment are supposed to coincide with Western modernity.

Western philosophy of history – the idea of history as progress, as a transit from savagery to civilization, from the archaic darkness to the light of modernity – is not only an idea of time, but implies and presupposes a precise and rigid differentiation and hierarchisation of space.

g) The shrinkage of space-time and the acceleration of history
Both spatial and temporal coordinates are employed by nineteenth-century philosophy of history in order to keep the metropolis at a safe distance from colonies and stress the radical, qualitative differences which separate the former from the latter.

65 MASSEY (2005) 68.

A different use of the space-time connection is however, available. The space-and-time dimension can be assumed as an indicator of the direction of development of Western history. In this perspective (adopted by prominent historians and sociologists in a relatively recent period), the space-time connection becomes one of the most relevant marks of the modernization process. The transition to modernity comes up beside a different experience of time and condenses in a key-word: 'acceleration'. The development from the ancient and medieval world to our present can be represented under the banner of an increasing speed.

The uneven and uncertain space of the Middle Ages cannot be detached from the slow rhythm and scansion of time. The turning point must be situated in the age Reinhart Koselleck defined as a *Sattelzeit*: a period (from the second half of eighteenth century to the first half of nineteenth century) intermediate between the pre-modern age and accomplished modernity, when a new vision of time arises and the past loses ground to the benefit of future. The ancient (Aristotelian and pre-modern) idea of a static, 'natural' and unchangeable time is replaced by the view of an unavoidable and compelling rush toward the future.⁶⁶

Modernity looks to the future and discovers speed: the rhythm of life accelerates, distances shorten and space and time contract. Modernity moves closer to post-modernity within the guidelines of an increasing acceleration. According to the sociologist Harmut Rosa, acceleration is already perceivable in the early development of the modern State;⁶⁷ it takes hold during the second industrial revolution (when the means of transport and communication dramatically change)⁶⁸ and becomes the dominant mark of twentieth century and the third millennium. Paul Virilio has introduced a neologism – 'dromologie' – to label the scientific analysis of the increasing speed of processes and decisions in contemporary society.⁶⁹ In the global village exalted by present 'globalization philosophies', space contracts and time is inclined to coincide with the instant. Distance in space and distance in time (and also past and future) become meaningless and all seems to become simultaneous and ubiquitous.

66 KOSELLECK (1979).

67 ROSA (2005) 311 ff.

68 KERN (1983).

69 VIRILIO (1977). Cf. LECCARDI (2009).

Whatever the reliability of such statements, the widespread awareness of a spatial-temporal ‘revolution’ provoked by globalization is likely to break in the secluded laboratory of the historian (and of the legal historian), suggesting the advisability to enrich his/her metalanguage with new questions, if not with new tools.

3.2 The ‘imagined’ space

Space and time are the socially and historically predetermined condition, which renders our experience possible. What I have termed the ‘lived’ space is the spatial component of social interaction: places are not the sections of a merely physical space, but are determined and forged by social practices. In this process of social appropriation of space, symbols and discourses have a major role and, on this ground, the proposed distinction between ‘lived’ and ‘imagined’ space has the purpose of mere orientation. What renders this distinction somewhat reasonable is that a society can hardly experience space and time without developing some (more or less sophisticated) discourses about them (in Western culture, time has become – from Augustine to Heidegger – one of the key-issues of philosophical investigation). This is evident and undisputable. It is perhaps less trivial to remark that a specific vision of space has possibly supported the development of a legal theory or of a political ideology and that, vice versa, a political and legal doctrine has melded with some vision of space.

a) Building identities: from the city to the nation

The ‘lived’ space is an endless production of places and a material and symbolic appropriation of territory. The embedment of a social group in a specific place usually increases its sense of cohesion, but not necessarily and does it immediately translate into the symbol of a political identity. Let us consider the meaning of ‘natio’ in medieval society. *Natio* refers to the geographical origin of a group and connects it with numerous identity traits (language, usages and so on), but it does not include a precise political meaning: for instance, the students in the University of Bologna were gathered with reference to the *nationes* (or *subnationes*) to which they belonged.⁷⁰

70 PETTI BALBI (2001).

The importance of a territorial embedment is undeniable, but its role in the development of a political identity is not immediate and obvious.⁷¹ A medieval example of a new political identity has to do with the changes which affect the cities, starting from the twelfth century. It is in the medieval city that ‘lived’ and ‘imagined’ spaces are so strictly interlaced that their distinction appears uncertain and blurred. The medieval city (a cohesive and hierarchical community) implants its image in the space, cluttering it with meaningful places, which are symbols of its power and of its attractive force.

Experience and symbols are strictly connected. The *Laudes urbis*, the writings that exalt the beauties of one city or another, praise the richness and greatness of the city and of its palaces, the firmness of the walls, the fertile and pleasant land which surrounds it (and often implicitly or explicitly recall the urban place *par excellence*, the archetypical city: Jerusalem). The power and greatness of the city are celebrated by discourses and, at the same time, are written on its stones, on the territory, walls and boundaries, and all these material and symbolic marks cooperate in creating an uncompromising collective identity.

Space is a symbol of identity and, at the same time, the evidence of the supremacy of the city. This latter aspect is considered by medieval authors, but is still more underlined by Machiavelli, who emphasizes the effects produced by the territorial expansion of the city on the preservation of its political order. Human nature and its *libido dominandi* prohibit from supposing that a political regime can go on indefinitely without increasing its power and enlarging its territory. The spatial parameter becomes an essential point of reference in order not only to understand the pattern of a political community, but also to value its chances to survive. According to Machiavelli, the stability of a *respublica* cannot be separated from its territorial expansion. The time of the city is measured by its spatial enlargement.

The territorial dimension of a political regime impacts on its structure (for instance, according to Montesquieu, only a little State can take the shape of a republic⁷²). Little political communities are however a relic of the past. The prevailing political organization in the eighteenth and nineteenth centuries is a big State which aims to control every single portion of its territory,

71 STURANI (2008); CARLE (2013).

72 GABBA/SCHIAVONE (1999).

assuming space as a homogeneous and divisible entity. The 'lived' space of the State seems to perfectly match with the Newtonian or Cartesian view of space. It is exactly this vision of space that jurists presuppose when they assume territory as one of the three essential components of the State. In this case, there is no tension at all between the 'imagined' or 'represented' and the 'lived' space: the theoretical (Newtonian) view of space perfectly coincides with the government strategies of the State.

The development of the big States seems to overshadow the symbolic dimension of space: the link between the localization of the city, its territorial embedment, and the sense of a collective identity seems to belong to the remote era of medieval communes. A new (and increasingly employed) term however, reshuffles the cards: 'nation'. Nation was already a current expression in the age of absolute monarchies, but it runs into a dramatic semantic change during the nineteenth century.⁷³

In the frame of the big nineteenth-century States, nation performs a task analogous to what the city accomplished in the Middle Ages: nation is symbol of unity, inclusion and belonging. Whenever it appears as coextensive with the State, it is able to pour the warm stream formed by shared identity and community into the cold process of government, in the rigid hierarchical relationship between State and citizen.

Nation continues the game started by the city in a different field. In the city, the connection between communitarian identity and space was immediately perceivable: the city was composed of its citizen and its stones, it was at the same time a physical and an ideal entity, which exhibited its political identity and its spatial roots with its simple being. Nation is different: unlike the city, it cannot point at the stones and the places in which it materialises. Nation (even more than the city) needs however, to gain its peculiar spatial dimension: it is by territory that it can become concrete and 'visible'. In nineteenth-century literature, the nation's tokens increase in number: language, history, ethos and a common destiny are repeatedly mentioned as essential components of a collective identity. A further and ultimate element must however, be launched: territory. It is the territory which identifies a political community and distinguishes it from another. Territory, as a component of nation, is not however an indifferent and fortuitous part of the

73 COSTA (2012).

world, but the space history and destiny have intimately connected with a community as an inseparable part of its identity. Nation is anchored to the soil: its territory is labelled as ‘natural’ in the nineteenth century. Territory renders the nation visible, connects it to the State and coincides with the area on which the State wields its power.⁷⁴

The establishment of a national political identity presupposes a symbolic usage of space and at the same time implies a precise vision of time. The nation space is linked with a long-lasting time, which recalls the remote origins and the firm continuity of this celebrated form of collective identity. Expanded time and national space are interlaced and both materialize in that peculiar ‘production of places’ (mausoleums, monuments, signs of events or heroes), which present themselves as institutions of a collective memory, as identity traits which again repudiate the claimed uniformity of the territory.

b) Beyond the nation-State

On one side, the Newtonian idea of space is the notion nineteenth-century jurists presuppose when they outline their theory of the State; on the other side, the spatial dimension is a decisive component of the nation and a vehicle of its identity pathos. The point of arrival these different, but converging nineteenth-century paths is the building of the legal theory and of the political ideology of the nation-State.

The relationship between the political imagination and the spatial dimension, during the modern era, does not end with the development of the theory of the nation-State. Further considerations arise, sharing the need to go beyond the frame of the simple and necessary connection between State and territory.

Let us consider a relevant legal discipline: international law. It presupposes the peculiarly modern views of State and space, but at the same time, it is obliged to confront problems and tensions from which students of the ‘internal’ side of sovereignty are exempted. As relevant and recent works

74 I have made use of some passages of a previous essay: COSTA (2003). *La politica e gli spazi* is the title of the first of four seminars, organized by Bruna Consarelli, which have been devoted to the relationship between space and politics: CONSARELLI (2003a), (2003b) e (2004). A fifth seminar was organized by Lea Campos Boralevi e Sara Lagi: CAMPOS BORALEVI/LAGI (2006).

have highlighted,⁷⁵ international law (in its historical genesis and in its very conceptual frame) is hardly separable from the colonization process and is therefore compelled to allow for a differentiated and heterogeneous spatiality, different from the political geography implied by the *ius publicum europaeum*.

Then in a later and different phase of international law (mainly in the second half of Twentieth century), ‘universalistic’ attitudes (stimulated by the increasing emphasis on human rights) combine with ‘particularistic’ stances (connected with the permanence of national sovereignties), so that the relationship with the spatial dimension becomes more complicated and rougher than ever supposed by nineteenth-century State theories. Such a tension had already smouldered on in eighteenth-century natural law theories and burst forth during the French Revolution: it was the tension between the universalistic dimension of rights and the spatial roots of sovereignty, on which nevertheless the implementation of rights depends.

In the same context in which the State theory develops in tune with a ‘Newtonian’ view of space, attempts at different combinations between space and politics are not lacking. Indeed, international law was not the only one to feel uncomfortable with the received view of the relationship between politics and space. It was a geographer – Friedrich Ratzel⁷⁶ – who, at the end of nineteenth century, laid the premises of a different approach.

According to Ratzel, territory is not a neutral physical area controlled by a bureaucratic apparatus. His main concern is understanding the vital needs of the human being, in light of the Darwinian theory of evolution. The core of politics is the relationship between a people and their environment, which is not a fixed and inert space, but a dynamic reality on which the life of the people depends. Engaged in the struggle to increase fitness, every people survives if it is able to spill over space and enlarge its vital sphere: «geographic reality forces the historical movement into an uninterrupted transfer to ever new spaces, a continuous migration from a territory to another».⁷⁷ «Space strengthens developing peoples», while «peoples decay when the space at their disposal decreases». It is also the struggle for the vital space,

75 MANNONI (1999); ANGHIE (2005); KOSKENNIEMI (2002); NUZZO (2012).

76 Bio-bibliographical data in KÖSTER (2002) 59 ff.

77 RATZEL (1899) 158.

for the «Lebensraum»⁷⁸ (for the «Wohnraum» and for the «Ernährungsraum»⁷⁹), the impetus which moves peoples to advance, to challenge the existent boundaries and expand their dominion.

Ratzel moves from an organicistic vision of State, shared by a follower of the same approach (and inventor of the very term of ‘geopolitics’): the Swedish geographer and State theorist⁸⁰ Rudolf Kjellén.⁸¹ The same approach would be followed by the National-Socialist geopolitics of the Thirties and by its prominent spokesperson, Karl Haushofer.⁸² A new discipline – geopolitics⁸³ – takes shape, which crosses through the Fascist and National-Socialist ideologies⁸⁴ and arrives, deeply changed, to the present.

A survey of this intellectual path is impossible here. Let me only note that the core of it is, again, a peculiar connection between politics and space. Space and State interlace but their link is rethought on the horizon of the social-Darwinist and imperialistic attitudes increasingly successful in late nineteenth-century Europe. In this context, space was losing its Newtonian evenness and the State was more and more celebrated for its calling to war.

The trailblazer, in this case, had been a geographer, Ratzel, but his idea of State was largely indebted to the legal and political culture of the late nineteenth century. The geographer receives suggestions from the jurist and the jurist treasures the insights of the ‘space expert’. The intersection between some peculiar trends of twentieth-century legal theory and the geopolitical discipline would be an issue which could merit further historical examinations.

In this perspective, an emblematic example is Carl Schmitt. His *Nomos der Erde* and its famous considerations on the relationship between «Ordnung» and «Ortung» are now very popular rhetorical topoi. In our perspective, it is however, worthwhile to recall that the point of origin of Schmitt’s theory of

78 RATZEL (1901) 5.

79 RATZEL (1901) 56.

80 KJELLÉN (1924) 45: «Die Geopolitik ist die Lehre vom Staat als geographischem Organismus im Raume: also der Staat als Land, Territorium, Gebiet oder, am bezeichnendsten, als Reich».

81 Cf. HOLDAR (1992).

82 Cf. EBELING (1994).

83 Among the essays devoted to the history of geopolitics cf. PORTINARO (1982); LOROT (1997); DIEKMANN (2000); LIZZA (2001); LOSANO (2011).

84 On fascist geopolitics cf. COSTA (2005) and the relevant contribution of RODOGNO (2003).

the ‘big spaces’ coincides with the ideal core of geopolitics between the two World Wars: the idea of a space which inflates or shrinks depending on the expansionistic impetus of organic and vital communities.⁸⁵

As the nineteenth-century theory of the State corresponded to the view of a static and homogenous space, so a new vision of politics involves a new idea of space as a dynamic and mobile dimension: a State-centred theory is replaced by the image of a *Großraumordnung*, of a *Reich*, which, deeply embedded in a vital and delimited space, has nothing in common with the Anglo-Saxon commercial empire and its universalistic (de-spatialised) stance.⁸⁶

Still again, spatial dimension and political theory strictly interlace. The high esteem in which Schmitt’s theory have recently been held, notwithstanding the manifest relationship of his *Nomos der Erde* with the idea of *Großraum*, developed by Schmitt during his National-Socialist involvement, depends on the present need to rethink politics on a post-modern (i. e. post-State) horizon. The idea of State seems now to be anachronistic and inadequate to understand politics in the new ‘global’ space, while new (striking but elusive) categories – as the concept of ‘empire’⁸⁷ – come into play.

c) The ‘Orientalist’ Space

Political theory in its historical development (from the city to the nation, to the State and to the empire) interlaces with the vision of space. Building political theories is nothing like a simple ‘description’: the representations of both politics and space are the outcome of ‘imagination’. Imagining does not mean, of course, inventing *ex nihilo*. It instead requires employing the experience data, freely selecting them and, on this basis, outlining conceptual schemes which, on one side, grasp some relevant features of reality but, on the other side, neither exhaust it nor are its simple reflection.

Schmitt’s idea of the imperial *Großraum* is good evidence of the unavoidable one-sidedness of theories. His doctrine aims to offer an extensive interpretation of the global world, but its historical embedment (its ‘localization’) is more than sufficiently evident: Schmitt’s space is the world, but

85 KÖSTER (2002) 203 ff.

86 SCHMITT (1939). Cf. BLINDOW (1999); PIETROPAOLI (2012) 121 ff.

87 HARDT/NEGRI (2000). On the concept of ‘empire’ ROMANELLI (2010).

inasmuch as it is observed from a 'place' which coincides with the *ius publicum europaeum* and its last offshoots.

Are different geographical and political visions possible? They are, provided that we are able to move in a new spatial (and temporal) direction: to move not vertically, from the bottom to the top, from the small to the big (from the city to the State and the empire), but horizontally, from one side to another, asking what relationship has been developed between different, but contiguous spaces, between north and south, west and east. If the perspective and the localization of the observer change, different spaces and boundaries can arise.

This is the proposal put forward by Edward Saïd (a Palestinian author of literary and musicological essays) in his famous work, *Orientalism*, published in 1978.⁸⁸ Saïd exhorts us to rethink the relationship between West and East and, in general, between Europe and its 'otherness', the numerous societies with which Europe came in contact along the tragic parabola of colonization.

Space comes again into play: an 'imagined' space, which enables Europe to oppose the West to the East, its own civilization to the 'outer' worlds. The West, when it draws the line which separates it from the East, does not take cognizance of different and autonomous realities, but reduces them to its own standards and converts them into its own shadow. The discourse (which Saïd calls 'orientalist') does not describe an autonomous reality (the East as an extremely complicated and differentiated world). Europe does not describe, but imagines its 'otherness' as a projection of itself. An 'orientalist' West arises, which spends itself within the discourse that created it. Furthermore, imagining the 'orientalist' East is not a politically innocuous attitude. Instead, the imagined 'orientalist' space is a cultural pattern which, neglecting the otherness and specificity of extra-European civilizations, makes their subjugation easier.

Still again, imagining spaces and drawing boundaries interlace with politics and power. It is in this perspective that *Postcolonial studies*⁸⁹ try to rethink European history, assuming that Europe's relationship with its 'other-

88 SAÏD (1978). Cf. ISKANDAR/RUSTOM (2010).

89 Cf. by way of example WILLIAMS/CHRISMAN (1994); ASHCROFT (2007); YOUNG (2001); LAZARUS (2004); MEZZADRA (2008).

ness' is not just any event of its history, but an essential component of its identity.

The 'imagined' spaces are also as 'real' as the 'lived' spaces, because both are concretely involved in the dialectics of power and resistance. Indeed, we could refer to further and different ways of conceiving the relationship between politics and space: while the mentioned strategies take already existent political orders into consideration, the link between space and politics can be employed to imagine alternative and future arrangements. Let us think, on one side, about that intricate network of discourses and theories referable to the category of 'cosmopolitanism'⁹⁰ and, on the other side, about the 'literary genre' according to which places are not situated in our spatial and temporal reality, but are imagined as 'exterior' to it, as 'u-topias': as places belonging to radically alternative worlds.

In both cases, we witness an original combination between space and politics, capable of provoking utterly 'real' effects in the social and political dynamics: outlining and proposing 'alternative places' can be a serious and demanding game. It is however, another game, whose rules are different from those brought back to mind by the 'spatial turn'.

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