

Continua of (In)Justice

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Continua of (in)justice

*Lucy Finchett-Maddock**

I. Introduction

Since the writing of this chapter, there has been a tumultuous alteration in the political landscape, leading to speculation about the very reasoning and appropriateness of writing intricate theory on the metaphysics of law, space and time, in the form of spatial justice. Questions around the role of the academic and the usefulness of relatively opaque philosophical engagement beyond the academy in understanding the contemporary milieu are counterposed with a realisation of the need for expertise in aiding how we might dissect what is real, or at least not non-truth, as a monotony of violent racial, post-truth and austerity-starved ideological divisions cut through mind and paper.

But where are we if we do not respond to the events unfolding, whether as fodder emanating from visceral reaction, or carefully prepared impasses, theoretical or otherwise, that reflect on the reverberations happening to and interrupting material bodies, or just following on-screen simulacra? Is it not now more than ever that we need a theoretically informed political movement to inspire and inform our political ends? Feminist, critical race theorists have responded in an upsurge of intersectional and decolonial thinking quarterised by the shifting right-wing political agendas, critiquing the grand Western totalitarian narratives that perpetuate in our legal, political and educational institutions, and society in general. On the other hand, history may be even telling us that those forms of ideology theoretically engaged with post-modernism and post-structuralism, aware of their construction, are exploited by those with the most political and financial leverage. Those in power realise the full potential of media propaganda where alternative facts are conjured through the deliberate self-reflective performance of 'truth' and the electorate give up on any validation as they struggle to breathe in the crossfire of information.

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What Harvey has described as the ‘spatial fix’ of capital (2001), as it seeks to resolve its inner crisis through proprietorial geographical expansion and categorisation and institutionalisation, has no concern for which vessel it uses, whether it be the left or the right of the political spectrum as they bicker over their share or decisions put in the hands of the disempowered who feel a similar need to escape – the desire to control has overtaken any desire to balance. As we will learn, in order for there to be life itself there must be available that which feeds it (*negative entropy*) – contingency and necessity, space and time – but that the very content of this negative entropy makes a big difference to the direction and traversing of any system, whether it be world geopolitics expressing what we’ll learn to be a continua of (in)justice.

This piece seeks to explicate these very processes of entropy and the congenital role of uncertainty that this infers within spatial justice and the origins of law and legal innovation, by arguing a genealogical account of spatial justice expressed through entropy movements, as most useful in understanding the machinations of justice and injustice today.

It draws a comparison between Philippopoulos-Mihalopoulos’s work on *lawscaping* and its continuum (Routledge, 2015), Santos’s *continuum of formalism* (1977) and my understanding of this in relation to the production of an ‘*a-legal vacuum*’ (Finchett-Maddock, 2016). The differences between these alternate understandings of continua are highlighted through the work of speculative thinkers Meillassoux (2008) and Häggglund (2011) in distinguishing *processual* and *originary* conceptions of justice, spatially and temporally construed, taking into consideration the forces of *uncertainty* (or what shall be described as the processes of *negative and positive entropy*) within the instituting of spatial justice.

First shall be considered the literature on spatio-temporal understandings of justice, followed by a discussion of the conceptions of continua discussed by Philippopoulos-Mihalopoulos, Santos and myself. Following this discussion shall be outlined what this means to the two different understandings of legal innovation in processual and originary understandings of justice, specifically in discussing the lawscape, in contrast with a-legal vacuums. The role of entropy (in both negative and positive forms) and uncertainty will be highlighted as key in understanding motions of justice and injustice, described through a summary of two approaches to material innovation in the work of speculative realists Meillassoux and Häggglund. This understanding of justice and legal innovation concludes in the hope of contributing towards a useful framework in understanding a turbulent political backdrop, with the resultant effects of injustice felt spatially and temporally as a result.

II. Spatio-temporal understandings of justice

Philippopoulos-Mihalopoulos explains how a there has been a redirecting in conceptions of law and justice, to incorporate the spatial nature of law and the world around us, with ‘spatial justice’ being the most “radical offspring of law’s spatial turn” (2015: 174). What does spatial justice mean? For the now well-known ‘spatial turn’ in law (Philippopoulos-Mihalopoulos, 2011a, 2011b; de Villiers, 2016), space

and spatiality has increasingly become the currency interrogating the world around us and our place in it. It is seen as the product and producer of social life – not just something acting as a container but giving reality and force to our material (and immaterial) world, whether that be architecture, infrastructure, property, justice or aesthetics. Everything and anything exists within and as a space, and it was this concern for not just language describing the world, but also the coordinates within which we inhabit the world, that informed the beginnings of a spatially construed justice.

Henri Lefebvre's *The Production of Space* (1991), described the contents of space as made up of social (spatial) practices (1991: 18), where "(Social) space is a (social) product" (1991: 26). Space is something that is constructed by those (bodies) in its milieu, and is not just a physical and architectural trait. Doreen Massey (*For Space*, 2005) also located space as the coming together of product and practice, as transgressive and the home of power: "Space is by its very nature, full of power and symbolism, a complex web of relations of domination and subordination, of solidarity and cooperation" (Massey, 1992). Edward Soja linked spatial justice with a more territorially bounded conception of justice, the spatiality of (in)justice (Soja, 2010: 5) and the production of unjust geographies (Soja, 2010: 31). Soja is also known for his continuation of the Lefebvrian 'trialectics' and Foucaultian 'heterotopias' (1958, 1991) and a development of 'third space' (1996), which we will discuss later in relation to the 'vacuum'. This was later followed by David Harvey's adaptation, again of Lefebvre's ideas, in the concern for the 'right to the city', denoting urban space with rights and the rights to access space (1973, 2008).

The work of legal geographers (Blomley, 1994; Delaney, 1986, 2011) and lawyers, working with emplaced spatial concepts (Philippopoulos-Mihalopoulos, 2011a, 2011b, 2015; Cooper, 1998; Graham, 2011; Keenan, 2014; Blandy, 2010; Layard, 2016), have contributed to a body of law and space work, where relations of rights, violence, identity and property are identified in maps, boundaries, fences, housing, squats and common land, highlighting the corporeal and geographically bounded nature of law and justice. Cooper and Keenan specifically speak of property in terms of part/whole relations, construing identity and belonging in spatial and temporal terms (Cooper, 1998; Keenan, 2014). The work on squatters' rights relating to the argument in this piece specifically argues the finite nature of space, the role of squatting as a practice and reality in highlighting this, and the underlying role of land and materiality within law and space (Finchett-Maddock, 2016).

Patchett and Keenan's timely edited collection on spatial justice and the diaspora brings together conversations on space and race (2017), those that have been left wanting in law and space literature thus far, illustrating the spatial and justice-laden relations of race and diaspora and its encounter with law: "As diasporic communities are often scattered because geopolitical forces have rendered their homeland a difficult or impossible place to live, diaspora is also a concept that tends to be close to questions of justice" (2017: 2). The collection seeks to bring together the work of post-colonial thinkers such as that of Avtar Brah (1996) and Stuart Hall (2012), amongst other scholars engaging in spatio-diasporic thinking.

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Given the turn to spatiality within law and juridical concepts, some of the literature has been questioned for its satisfactoriness in describing space itself (Philippopoulos-Mihalopoulos, 2015: 180). Both Harvey's and Soja's forms of spatial justice are argued as not professing to a conceptualisation of spatial justice but to a spatial perspective on social justice, and they describe versions of spatial justice that are geographically informed, such as in the work of legal geography, resulting in the substitution and subordination of the central import of space itself (Philippopoulos-Mihalopoulos, 2011b: 1–6). Philippopoulos-Mihalopoulos asserts, "If spatial justice is to be claimed by the law, it can no longer remain the lukewarm hybrid of socially 'just' spectres, distributive justice wish lists, neoliberal articulations of participation, parochial territorialism and geopolitical analyses" (2015: 175) or an 'add space and stir' conception of spatial justice where no consideration has been given to what space really is.

In his 2015 work on the lawscape, Philippopoulos-Mihalopoulos seeks to offer an unbounded spatial justice described as the moment when one body withdraws to make way for another. This is a complex theoretical encounter of the central emplacement of what I would call 'corporeal justice' (in the sense that justice relates to the space in which bodies are encountered and not wholly the more traditional conception in which a punishment is exacted on the body, although this is still relevant) within spatial justice. Spatial justice relies upon the supposition that no two bodies can be in the same place at the same time, and thus in order for a situation to be annulled, one of the bodies has to withdraw from the space (or *lawscape*, as he terms it). Within this, there is an "acknowledgement of the impossibility of common space, and a resolute withdrawal before the priority of the space of the other" (2015: 216).

On first sight, the reliance of corporal emplacement would automatically take us back to *where* we are from one moment to the next, denoting a connection of justice with place and resource. So to what point have we come in the development of spatial justice as an actual *thing* – is it purely space we are talking about, or are there other elements involved? Keenan has previously highlighted the conceptual, social and cultural relations of space that proffer us 'spaces of belonging', highlighting space that is not landed but moveable, bringing together the critical role space plays in constructions of race, property, the injustice and violence this construes as a result (2014). It is arguable that through further considering the multi-dimensional nature of spatial justice as occurring in perturbations of space *and* time, and the co-terminous relation of the two, that we may see the value of considering a genealogical or processual approach, or both, incorporating a *temporal* or *spatio-temporal* justice.

Some of the literature on temporal justice really does just repeat the social justice formula, common within the spatial justice writings of Goodin (2010), Ackerman (1997) and Eriksson (1994), as a list of distributive justice claims and aspirations. In Robert Goodin's 'Temporal Justice' (2010) he speaks more of the concern for 'work-life balance' in terms of the unjust distribution of 'discretionary time', the time spent out of work by one social group to another (2010: 1):

Control over one's time, the capacity to spend it as one wishes, is another important resource; and its distribution raises another important aspect of justice. The

magnitude of the gap between the discretionary time enjoyed by the best and worst is a measure of temporal injustice.

Feminist thinking around the public/private divide, or that of the Marxist tradition, has a rich history in critiquing the division of time as subservient to the alienating means of capital and surplus value, exemplified in the writings of Rancière on the means of production's temporal division of art and life, which is not overtly related to in these literatures.¹

If one is to consider spatial justice, the temporal nature of its movement is almost a given and has been discussed as so (Massey, 1992, 2005; Keenan, 2014; Philippopoulos-Mihalopoulos, 2011a, 2011b, 2015). It is interesting to consider how alternate considerations of continua may inform the spatio-temporal nature of justice, injustice, legal origin and innovation.

III. Continua

How does space, time and justice relate to *continua*, as expressed in the works of Philippopoulos-Mihalopoulos, Boaventura de Sousa Santos and myself? I would suggest that all three formulations depict a *movement* and a *processual* understanding of justice and allow a literal 'walking with the law', as Bottomley and Lim would concur (2009), as well as all ultimately hinting to the question of origin. To follow is an exposition of what we mean by continua or continuum in relation to spatial justice, and why the distinctions are important to highlight in relation to the origin of law.

i. Lawscaping

What characterises the continuum in Philippopoulos-Mihalopoulos's work? As described already, the understanding of spatial justice refers to where one body cannot be in the same place at the same time, therefore requiring one of the bodies to *withdraw* back into the lawscape in order for there to be a rebalancing of spatial occupation. He explains in his introduction to his lawscaping text (2015: 3):

there is a continuum that contains everything, including its own ruptures, conflicts, invisibilisations, dissimulations. The continuum is not some anything-goes well-wishing culturally relative flat ontology but a tilted, power-structured surface, on which bodies move and rest and position themselves, thus effecting the tilt while being affected by it. It is all about how bodies positions themselves.

So, bodies position themselves along this continuum of the lawscape, whereby at any given juncture there may be the possibility of conflict, or where the law becomes 'brittle', as he terms it (2015: 73–79), and it is here where the continuum subsumes and recapitulates the potential intersections of each 'rupture'. Philippopoulos-Mihalopoulos delimits the lawscape continua as one of many "continuum, which is used in plural forms, multiplying as lawscape or atmosphere, both bringing us back

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from the illusions of rupture and enabling ruptures to take place” (2015: 2). The meaning of rupture in this context is whereby out of a situation of violence and injustice, there formulates something which is new, something that may appear as though it comes from outside the lawscape, but actually is just invisible until the point it becomes visible, in a process of *dissimulation*. Centrally, there is nothing external to the lawscape; it is an assemblage (2015: 8) where each and everything is a part of everyone else, as if an atomical shifting, and that this is autopoietic, self-creating. The assemblant nature of the lawscape refers to a Spinozan philosophical backbone (2001), repeating the horizontal war machine and plane of immanence of Deleuze and Guattari (2004), the actor network connections of Latour (2007) and the non-linear self-organisation of de Landa (2000) and Johnson (2001). He claims that “all bodies are part of the continuum, which I understand as a surface of assemblages that, significantly, has no outside” (2015: 8). Negating the outside is congenital to his thesis, as this is how bodies and objects within the continuum are positioned in relation to one another and connected through the flow of movement whereby a rupture purely reveals parts that are never fully present, that are withdrawn, whether to make way for the Other or not (2015: 3).²

This most prescient and contrasting conception of lawscape to that of an Arendtian extra-legal conception of legal innovation, where the denoting of rupture or change in the movement of the lawscape is not coming from an external source but moving in an autopoietic fashion, reveals some systems theory influences. The lawscape is also ahistorical, we know of its *processes* but we do not know where it comes from *originally*. We will look to Santos’s continuum of formalism next before moving to a re-reading of it in terms of *nonlinear informalities*.

ii. Continuum of formalism

How does the burgeoning continua of the lawscape compare to that of Boaventura de Sousa Santos’s ‘continuum of formalism’? It first appeared in his article ‘The Law of the Oppressed: The Construction and Reproduction of Legality in Pasargada’ (1977), taken from his 1974 thesis ‘Law Against Law: Legal Reasoning in Pasargada Law’. The piece focused on the formation of legalities from a Southern setting informing the understanding of institutionalisation processes of extra-state justice. This extra-state justice he equated to popular justice, sometimes in conflict, and sometimes in parallel with, the law of the state (1977: 5). Pasargada was a fictitious suburb of Rio de Janeiro, hence the name ‘Pasargada Law’ (1977: 1–9), a form of bottom-up dispute prevention and dispute settlement of the ‘Pasargada Residents Association’. As a result of selectively borrowing from the practices and customs of the official legal system, at the same time as asserting their own form of bottom-up law, Santos argued that the law created, existed and correspondingly occupied a position along a ‘continuum of formalism’ (1977: 90). Law is thus created out of necessity, where the state system does not accommodate for the said community and other methods of cohesion have had to be developed in order to assert justice in one form or another. Here “the strategy of legality tends to transform itself in the legality of the strategy” (1977: 104).

The term continuum of formalism is one that helps to explicate a movement from that which is not law, to law, demonstrative of the process of institutionalisation itself as integral and affective within the formation of state law specifically. The continuum, in this sense, is a form of institutionalisation, initiating processes through which state law is formed. The law is formulated from that which is not law (that which is outside) from the practices and actions of the Pasargada settlers, forming a linear trajectory of movement from non-institutionalised and informal law, on to formal institutionalised legality.

A good example of a continuum of formalism can be found within the organisation of social centres, or political squats, that tend to be organised in horizontal anti-authoritarian hierarchies, free of concerns of the system of capital, until over time, they either are evicted or, if they wish to last longer, become rented, eventually owned or co-owned in some form. This replicates a continuum of formalism from informal to formal, in a linear trajectory of *institutionalisation* (Finchett-Maddock: 2016).

Speaking of institutionalisation not only reminds us of Santos's continuum of formalism, but also of the work of the 'philosopher of autonomy', Cornelius Castoriadis and his descriptions of the 'imaginary institution of society'. He begins with the thesis that every society 'institutes itself' through the creation of 'social imaginary significations' (Castoriadis, 1975). This process of institutionalisation takes on recognisable forms of authority that occupy time and space in ways with which we become familiar, such as the seat of government, the courts and the architectures of legal and political authority that surround us and convince us of their infallibility.

Santos's continuum of formalism works if you believe there is such a thing as an *outside* of law, which reminds us of the kind of questions the lawscape and the spatial justices described previously have just raised. Santos's look to the processes gives freedom to focus on the creation of forms of law and forms of justice and can assist us in understanding the institutionalising nature of continua, as well as the possible divergence between a law that becomes instituted and a law that does not, or a form of justice that is instituted and that which is not. It also may well connect us with a notion of where law comes from, its origin, illustrating informal laws emanating from resistance to state law and how these laws then might become formalised, spatially and temporally coordinated.

iii. Nonlinear informality

The continuum of formalism in the context of Santos's work describes a process of institutionalisation, and this is repeated through my own work on the example of social centres, with additional concern for the continua reflecting what is outside of state formalisation as well, thus giving way to forms of 'nonlinear informality'. This nonlinear informality is a form of noninstitutionalised institutionalisation, making way for what Castoriadis would term as 'self-institution' (1975: 31). What this self-institution of course reveals is that all law, whether of a plural nature or otherwise, is the product of "a society that self-institutes itself explicitly, not once and for all, but continuously" (1975: 31).

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Philippopoulos-Mihalopoulos's lawscape, and the continua in which it unfolds and unravels, is not a legal pluralist supposition, but a legal omnipotence where law is everywhere at any given time. The laws of which Santos speaks are those that are bottom-up, contingent on the practices and actions of groups that have not been formally recognised by state law, their dispute resolution mechanisms not as yet entirely incorporated into the state, but certainly on their way in the processes of the continua of formalism that he describes. For myself, there is a divergence between law and resistance, perhaps the moment where the lawscape becomes brittle, to use Philippopoulos-Mihalopoulos's language, where in an assemblant fashion, each are contingent of one another. There is a break between the linear trajectory of processes of legal institutionalisation and that of resistant forms, which results in both informal and formal law, and equally contingent as the spatial justice of the lawscape.

The question is, what differentiates between laws that supposedly happen prior to institutionalisation and continue in a formal manner, and those that remain operating in a nonlinear fashion, continuously evading constitution? Law and resistance being within one another assumes that there is a juncture or moment in time and space that performs and enacts a process and product of either a law of the state or a law of resistance, where one becomes more constituent of law than of resistance. I talk about this shortly as a third space or *a-legal vacuum*, a concept which does not exist within the lawscape. The moment of alteration in the lawscape is the interruption of the continua, the folding of law and space where at given coordinates, law becomes 'visible' (2015: 73–79), law is of an ethereal and invisible constitution the remainder of the time, implying there is no innovation of law that is outside of law.

For myself, and referring to Rousseau's market forces interjecting between state and citizen (1998 [1762]), to the Arendtian extra-legal (1970), this juncture must be interrupted by an external presence influencing the direction of one over the other, which is where the work of legal pluralism and Philippopoulos-Mihalopoulos departs. This moment deciphers the difference between law that will become state law and law that might become a '*law of resistance*'. It is at this point that I argue all non-institutionalised law resulting from presence (i.e., from the direct decision-making of a collective) is fed by an external force of law, and not one that comes from an internal fold of the lawscape. For institutionalised (representative law) that informs a constitutional context, this outside law is a law of resistance. There are, however, two suppositions here that this point relies on which have been reasserted as problematic in an era of post-truth politics – the first being that the ultimate kind of institutional law we are talking of gives preference to, and relies upon, that of a democratic constitution; the second being that one cannot assume that the will of the majority is in the best interests of all, as we have seen in the culpable role of the franchise in increasingly divisive British and American politics. Arguably, the entire schema of politics has been tainted by the interests of capital and neoliberalism, it therefore making it difficult to see any representative form of institutionalised politics as posing objective arguments upon which the collective of a democratic state can make an informed decision. This reinforces the institutionalised nature of state law, the usefulness of seeing the origins of law and how these beginnings are warped through the interjection

of individual property rights as the dominating force of legal social organisation, at least in the Common Law context that has spread across the globe and informs the cross-sovereign regime of market-fused law of neoliberalism. Considering any crisis of representation, within *presence* and not *re-presence*, there is no need for institutions and the process of institutionalisation to hold legitimacy, as it is constituent power itself, in the Negrian sense (1999). At the same time, both the law of the state and this proposed informal law of resistance come from this external presence; it is through the divergent manipulation of enforcement, representation and hierarchies of power that the two normative frameworks become expressed, radically and differently.

It is the introduction of individual property rights into law and resistance that determines whether to direct a continuum of formalism as expressed by the creation of state law or to remain in a '*nonlinear informality*' as manifested by examples of laws of resistance (and presence), such as those of the social centre phenomena, that I discuss in my work on the performances of social centre law (2016). Laws of resistance that remain nonlinear and informal are thus always collective by nature, allowing for the performative and practicing temperament of laws of resistance. This is also true of state law, but the practice of state law becomes fetishised with the process and product of the institution of individual property rights (as expressed through the monopoly of force, representation and hierarchy), as it forgets its collective origin and insists on the import of moving in a linear trajectory, in order to legitimate itself.

In my work I argue that state law, to enact itself as state law, thus aspires to move in a *linear* progression in a continuum of formalism as described by Santos, in order for it to institute and constitute itself. It has to *think* it is moving in a linear progression, although, in agreement with Philippopoulos-Mihalopoulos and any other assemblant and complex-adaptive thinker, everything moves in a nonlinear fashion, based on the laws of uncertainty and *entropy* that we will discuss in relation to space, time and the speculative thought of Meillassoux and Häggglund shortly. What this discussion of the different continua has revealed is that each of them describe the processes and the origin of spatio-temporal justice, even if in the lawscape at least, there is not the intention to refer to the latter but this occurs by inferring an ahistory. It is to this space-time of the origin, and vacuum, that we come to via an understanding of the movement of entropy and uncertainty.

IV. Lawscape and vacuum

Philippopoulos-Mihalopoulos would argue that there is nothing outside the lawscape, the law only withdrawing in order to make way for spatial justice. I premise my work on there being an '*a-legal vacuum*' within continua of formalisms or nonlinear informalisms in order for there to make way for contingency and uncertainty, in which justice can be spatially and temporally performed.

When you look at the three differing conceptions of continua, it is fair to say that there is a spatial and temporal concern that describes the processes of temporal and spatial *law*, evident in each of the examples. Lawscape does not seek to refer to the violent reasons why these assemblant ruminations are occurring, but more *how*.

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In a similar fashion, Santos is concerned with the processes of formalisation of law, as well as nonlinear informality, whereby the practices and performances of law and resistance are described as the processes of informal and formal law set in spatial and temporal terms. Lawscape does not question the origin; for Santos's continuum, however, there is an underlying question that propels all legal pluralism: where does law come from? This description of processes, such as put forward by Santos, automatically infers the next step would indeed be to locate the origin.

Discussing the question of origins and processes of law specifically in relation to property, Zartaloudis places emphasis on investigating the change and *process* that occurs in the formation of state law, as opposed to continuously seeking to question its foundation. He states in his 'The Trust: The Invention of the Uses and the Franciscan Influence in England' (2012):

- (a) It is crucial to avoid this obsessive origin for practical reasons as well as for the fact that the method of the origin presupposes an approach that hinders study. Instead, we can think of the quest for sources in the sense of an 'amalgam' (though one that does not fuse its elements into a unity), or even better in the sense of an 'assemblage' (whereby different sources, concepts and situational contingencies intersect without a central unifying reason); (b) it is important to avoid the characterisation and understanding of the designated 'pre-judicial' (concept, practice, custom, etc.) in juridical terms, since this always hinders the appreciation of how assemblages, in fact, form.

Zartaloudis's acceptance of the assemblant nature of law would fall into the processual formulation of justice, moving beyond questioning its origins and to looking explicitly at the manner in which state law comes to be formed, echoing the object-oriented lawscape of Philippopoulos-Mihalopoulos. However, both arguments within processorial and ahistorical spatial justice merely reassert the import of origin, even in understanding pure process and an ontology of spatial justice. By asserting that there is nothing outside the lawscape, automatically there is a metaphysical statement about the atomical and assemblant nature of the spatial justice being described. Within lawscape, there is a lack in genealogy and recognition of preceding violent legacies that led the lawscape to its positioning and placement in precedence.³ This might be of course altered from the kind of justice that we see exacted within courts, where in any case there is a shrewd application of law to facts; however, a spatial justice must give dividends to reparation and restoration, a purposive and progressive reading of law given its temporal transgression. A form of genealogy can also account for the integral role of uncertainty within spatial justice and legal innovation, the guiding force for where law has come from and where law might go.

What is the difference between the vacuum of legality and the lawscape, and what does this mean for the spatio-temporal continua of justice? Is this just seeking to describe the formation of law, and are we automatically inferring justice when we speak of law, or the lawscape? As we know, the lawscape continua does not take anything from outside of itself, it just *is*, thus ontologically and epistemologically separate

from the notion of anything existing outside of the bricolage of law – there can be no such thing as a-legality.

Contrastedly, a continua of nonlinear informality has tried to incorporate the question of origin through deciphering the moment at which resistances become law and vice versa, whereby through locating the moment at which it occurs, the catalyst of space-time of justice (and injustice) might be found, within an a-legal vacuum.

The vacuum, just like the Burroughsian Interzone (1998; 2009), is similar to Soja's Third Space, the space in which all that is expelled from both legality and illegality finds its home, and Lefebvre's trialectics, three modes of being in presence, absence and another. This is the production of the vacuum, the interstitial moment, 'The Aleph' in Borges-esque sense; a chink in the world machine that means nothing and everything all at once. This zone relies on its generating a boundary in order to exist; it relies on the line, the law, in order for it to happen at all. According to Lindahl, the a-legal refers to a series of founding acts which are neither legal nor illegal in nature, a-legal because they "presuppose a legal order as the condition for their intelligibility" (Lindahl, 2008: 125). These foundational acts are of an a-legal form because they "institute the distinction itself between legality and illegality. Only retrospectively, if they catch on, can they come to manifest themselves, albeit precariously and incompletely, as legal acts" (2008: 125).

The a-legal vacuum is the space of the threshold, the amplitude within the line as the no-man's land of a law of resistance that Lambert would term as the 'thickness of the line' (2013). Yet even the vacuum is contingent of primordial law and resistance, in reference to not just the process but also the *origin* of law. An *ex nihilo* of a-legality is argued as the meeting created by movements of both continua of formalism and informal nonlinearity. It is a stopgap in the flow of institutionalisation whereby a law of resistance which precedes state law can exist even if for a moment; in a similar vein to the work of Meillassoux (2008), reminiscent of some of the scientifically informed work of Barad on the role of the 'void'. According to Barad, indeterminacy is not the state of a thing, but an unending dynamism (2012: 8), and even in a zero state, there is such a thing as zero matter (2012: 9) whereby the nothingness is pregnant with more nothingness – she describes a vacuum as a womb.

This liminal juncture of measurement and measured, the threshold as well as the space bounded by the threshold, paradoxically is described by Barad as being openness itself. Even the boundary is porous, which reflects the construct of lawscape similarly; therefore, law is always in a state of animation, emergence, becoming and openness. If we see all law as open to change and unfixed, which each of the formulations of continua concur, then this reflects exactly the way in which all systems occur as a result of movements of *entropy* and uncertainty, from an open systems complexity perspective as opposed to a closed systems theory approach, which I will explain now. This is similarly reflected in the work of object-oriented philosophy and speculative realist accounts of materiality such as is exemplified now by the work of Graham Harman (2010; 2018), Meillassoux (2008) amongst others, that seeks to describe both the processes and origins of space and time. By accounting for uncertainty, the spatio-temporal crystallisation of law is explained, as uncertainty *is* space and time,

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giving way to justice and injustice by formal and informal continua that internalise and catalyse uncertainty to create the space-time continua of (in)justice as a result.

V. Entropy, uncertainty and speculative continua

The role of uncertainty is key in the nonlinear informality and the continua of nonlinear informality, as well as the continua of lawscape and formalism in Philippopoulos-Mihalopoulos and Santos respectively. Uncertainty materialises and pinpoints junctures of time and space, which brings us back to the spatio-temporal concern of these continua of justice and injustice. It also shapes the direction of the continua, in both the lawscape and nonlinear informality.

Uncertainty refers back to complex ecological systems and their lack of predictability, meaning that human-ecological results can be hard to foresee. Accounting for the uncertain nature of systems is complexity or *emergence*, determined as bottom-up behaviour (in a very similar fashion to which Santos refers), “when the actions of multiple agents interacting dynamically and following local rules rather than top-down commands result in some kind of visible macro-behaviour or structure” (Escobar, 2003: 351). This self-organisation reminds us of the way in which lawscapes and nonlinear informality express these assemblant, leaderless principles of self-organisation very clearly. This is emergence from the grassroots – disordered, spontaneous, bottom-up constituent power, as opposed to the top-down vertical force inherent within the institution of state law, that seeks to deny its nonlinear nature and assert totalities as opposed to openings.

Uncertainty, or what Meillassoux would term as *hyperchaos*, within nonlinear space and time, plays a similar role. The spontaneity of lawscapes and nonlinear continua account for their unpredictability, whereas linear time (reminiscent of the continuum of formalism and institutionalisation of law through the interjection of private property) relies on the scientific explanation of the arrow of time and the gathering of *entropy* as the measurement of disorder within a system, also explained within theories of complexity. Entropy in fact supports the possibilities of *both* linear and nonlinear time.

Entropy is the measurement of disorder in a system – it occurs within and as a result of systems and can only ever be supplemented and not reduced, thus giving scientists good reason to confirm that time can only ever go in one direction. There is the *slightest* of possibilities, however, that as a result of the emergent movement and interfacing of each new part of a burgeoning system, that time could be reversed, thus allowing for the chaotic movement of entropy production – *uncertainty*, the processes of *nonlinear* time resulting in new trajectories in space and time, of which we can at the moment only speculate.

What makes there a past and a present in systems, space and time in material actuality is this nod to randomness and uncertainty, which is more accurately described as ‘negative entropy’. If entropy is the amount of energy a system has used, then negative entropy is the amount of energy or ‘orderliness’ that a system ‘sucks’ from its environment to ensure a balance between order and disorder and that the system does not tip into total chaos, annihilating itself. Negative or ‘negentropy’, as termed by Léon

Brillouin, is described by scientist Schrödinger where “the essential thing in metabolism is that the organism succeeds in freeing itself from all the entropy it cannot help producing while alive” (Schrödinger, 1944: 67–75). Thus negative entropy is “itself a measure of order” (1944: 67–75). The character of negative entropy alters dependent on whether it is a closed or open system, arguably there being infinite possibilities of alteration because of the uncertainty of environmental conditions occurring in an open system. This question of what is an open or a closed system is central to an understanding of both emergence and materialism, both schools of thought seeing dynamic processes within not just open, animate or ‘alive’ objects but those so too that are supposedly closed and inert (such as a table or a building, for instance).

This issue of uncertainty plays a pivotal role within the work of speculative realists, and it is where a speculative understanding of entropy can animate the spatio-temporal formation of justice described by continua of linear, nonlinear and lawscape forms.

The congenital link of uncertainty and chaos between entropy processes and speculative thought, particularly that of Meillassoux, brings together the two intertwined epistemologies to explain the integral nature of uncertainty in time and space, indeed uncertainty as time and space itself. Meillassoux derives the necessity of contingency as *hyperchaos*: the result being that anything is possible from one moment to the next. This gives us an indication of the kind of reality with which we are dealing when referring to the thought of Meillassoux, whereby according to Hallward it is a realism that “does not involve the way things are so much as the possibility that they might always be otherwise” (2011: 131).

For Meillassoux, the task of speculative thinking is to remove ourselves from the shackles of Kantian performativity and think in terms of the possibility that there exist relations which are external to our understanding of them. This view of the world would be supportive of the equal import of not only non-Western metaphysics, the kind of configuring of spatial justice and diaspora that Patchett and Keenan have promoted, and forms of law and spatial justice altered to that which we have never dreamt of knowing. Meillassoux claims that ‘*correlationism*’ consists in disqualifying the claim that it is possible to consider the realms of subjectivity and objectivity independently of one another (2008: 13), and so the job of speculative thought is to acknowledge this correlative thinking as a reality in itself, and that there are further phenomenon outside of this parallelist supposition. This of course may seem a familiar retake of Cartesian dualism, but it is radical to the extent that it reveals our own blind spots to reality because of our own perception, the supposed institutions of epistemology that we have adhered to in Western and non-Western thought, revealing a totalitarian impossibility. Controversially, Meillassoux does seek to highlight the existence of something absolute beyond our consciousness through the *de facto* existence of ‘*arché-fossils*’, or events which happened prior to the arrival of human consciousness, such as the beginnings of life itself, or even to the origins of law, and he sees the Achilles heel of correlationism as its inability to cope with what he refers to as ‘*ancestral*’ statements (Hallward, 2011: 136).

Meillassoux’s hyperchaos is reflected in entropy processes, assuming that there are movements between metabolisms whereby one system bifurcates into another

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drawing negentropy to expel the positive used vitality, allowing the possibility that there are spatial and temporal dynamics of becoming and uncertainty at play, upon which and through which law and justice are conceived, that are outside of the scope of human malleability. Similarly to Meillassoux, complexity theorists relay the existence of formations that are neither predictable nor unpredictable, the only thing that can be confirmed is that random fluctuations *will* occur, which is, according to Cilliers (2005), an acceptance of an almost Habermasian ‘performative contradiction’⁴ in complexity and entropy.⁵

What I find so important for spatial justice, continua and legal innovation, to this exploration into the surrealisms of speculative reason, is the fact that not only can it account for a de-centring of human action, as well as White Western epistemologies from a dominating genealogy of the world, but it reasserts the congenital power of spatio-temporality to organise life around us and the possibilities that this holds for the aspirations for justice. Not only does a speculative approach to entropy attest to one form of time, but it may account for many (Finchett-Maddock, 2017), describing the central import of uncertainty to spatio-temporal processes and origins of justice at once, as well as proposing the import of genealogy, whether nonlinear or linear.

It is a debate between thinkers on the malleability of time itself between Meillassoux and Häggglund that highlights the two frameworks of lawscape and the a-legal vacuum, highlighting the import of understanding uncertainty’s role in spatial justice and legal innovation overall.

Meillassoux’s philosophy of time is based upon his acknowledgement of there being an external reality, a realism which has happened prior to human explanation and thus is governed beyond us.⁶ This beyond, or absolute as Meillassoux sees it, is the power of time itself which has the capability to destroy as much as it does to create (2008: 62): “it is absolutely necessary that every entity might not exist . . . the absolute is the absolute impossibility of a necessary being”. He returns us to the very enquiry of not just legal philosophy, the search for the origin, but to thought and epistemology as a whole, whereby he states that “time without development [*devenir*]” has the “potential to generate life *ex nihilo*, to draw spirit from matter or creativity from stasis – or even to resurrect an immortal mind from a lifeless body” (Hallward, 2011: 133).⁷ Meillassoux thus gives us an account of the a-legal vacuum, the life *ex nihilo*, where contingency and necessity come as one, where nothing is pregnant with more of the Baradian nothing, and uncertainty itself giving way to space, time and justice continua.⁸

Is law negentropy or is time itself justice? This absence of law as the creator of all laws is reminiscent of the entropic performative contradiction, whereby in order to proclaim the world is valueless, one makes a value-laden statement to ground the same. By asserting that at any given moment of order there can be disorder, is to assert the ‘virtual power of contingency’, a deviation of negentropy reverting itself and becoming entropy *per se*. Meillassoux even attests the possibility of God, not in the sense that he may currently exist but that thought the swerve of clinamen, it is not impossible that she or he can come into matter in some form or another in the future at the same time.

If one were to equate the lawscape's ahistorical processual consideration of spatial justice, deconstructionist Häggglund would agree with the assemblant nature of law, disagreeing with Meillassoux, stating there can be no "contingency without the succession of time, which entails irreversible destruction and rules out the possibility of resurrection *a priori*" (2011: 116). This relies upon the creation of positive entropy, the purported arrow of time, which is one and the same as Meillassoux's reliance on a temporal absolute once again. From Häggglund's point of view, there is no 'flow' of time outside of spatialisation, a process which he refers to as 'arché-materiality', Kantian succession, "since time has to be spatialised in order to flow in the first place. Thus, everything we say about time (that it is 'passing', 'flowing', 'in motion' and so on is a spatial metaphor" (2011: 119). For Häggglund, time is irreversible (2011: 116) and must entail negative entropy in order for it to iterate itself; it is nothing but the negativity that is intrinsic to succession (2011: 121). He argues that if matter intrinsically houses negentropy then time itself can never move from one moment to the next, eliminating the possibility of succession where every moment must entirely negate itself or there would "be no time, only a presence forever remaining the same" (2011: 118).

Häggglund's assertion is a sensible one and refers us back to the assemblant nature of continua, the lawscape. It describes the assemblant movement of spatial and temporal justice, and yet again, does nothing to tell us as to the origins, and even would go so far as to purport that searches for origins are violent in their impossibilities, just as with Meillassoux and an a-legal vacuum, to leave the genealogy out is an equally violent move.

VI. Continua of (in) justice

To accept the now is to move with the flow of space and time, justice itself being the flow of space and time; it is similarly fair to remember what was external to law, where it came from, what is occurring from one coordinate to the next.

Any sense of justice in a nonlinear continua traverses the inculcation of order over disorder, a pinpointing of the moment before something becomes valuable, exploitable and fixed, where forces of destruction are actually those dressed up as progress, marching in a linear formation, and yet towards their own heat death. Arguably, one can assimilate a resemblance of Meillassoux's theory of radical contingency with the uncertain movement of continua, whether informal, lawscaping or formal. It speaks of the processes of one stage of space and time to the next and its spontaneous character, and also seeks to tell us where the laws of physics and space-time break down.

Arguably, uncertainty is what creates space and time, the lead character, in the play of law and spatio-temporality. By delving into the work of two metaphysically opposing thinkers, speculative realist Quentin Meillassoux and material deconstructionist Martin Häggglund, in relation to lawscape and the a-legal vacuum, we can see the role that uncertainty plays in creating both the spatio-temporal processes of lawscaping and the origins of justice within the a-legal vacuum.

Uncertainty has very clearly created space and time in the political tectonics of a late capitalist world, the void through which kernels of nihilism have made themselves

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known, in the internet sphere, the atmospheres, before our eyes. As the link between partisan nationalist/racist bias of media and the outcome of the EU Referendum vote demonstrates, “It was the machine-like feedback loop that repeated ‘difference’ and ‘separate-ness’ until the hate began to bloom” (Verso Editors, 2016).⁹

Negative alterations in geopolitics are a reminder of the Nietzschean ‘eternal return’ highlighting the positive and negative forces at play in continua of justice (positive and negative entropy), the singular and plural agency of self-destruction as contrary to any balancing of the continua, from creation to annihilation. As Nietzsche stated, humankind is still in a process of becoming, “and should thus not be regarded as a fixed magnitude from which one might draw a conclusion as to the originator” (1997: 16). This becoming, alternating nature of us, in space and time, needs to be remembered so that we coordinate ourselves in the continua of positive and negative entropy, aware of our effects and affects on others, on time and space around us, on our relation with uncertainty, justice and injustice.

Ultimately, in a similarly incalculable Derrideanness, spatial justice is argued as equating to uncertainty, the ever-indiscriminate guard of external forces, a denial of completeness, and an embracement of becoming. This piece, as in any other piece, is an opportunity to try and link up the external with the internal, the now with the past, and the future, to apprehend and understand what creates and destroys forms of justice, and injustice – to respond, alter and change through theoretical insight, a questioning of who we are and where we come from “[where] we are all situated in a continuum of indistinction our responsibility heightened because of our indistinction” (Philippopoulos-Mihalopoulos, 2015: 61). It is hoped it has contributed to this task and placed law with theory as central.

Notes

- * I would like to give my dearest thanks to Andreas Philippopoulos-Mihalopoulos for his kind offer of my work being included in this collection. Thank you to Sabrina Gilani and Kenny Veitch for their time in giving me comments on this piece. Thanks once again to Charlie Blake for inspiring my interest in speculative realism and to Swastee Ranjan for the privilege of working with her on her understanding of the lawscape and aesthetics, the influence of which no doubt feeds back into this work.
- 1 Dietrich Henckel and Susanne Thomaier (2013) do speak of the role of temporal justice in the rhythms of cities, in a nod to the congenital role of space in time, and vice versa, but using the same language of efficiency and distribution that are hinged to a liberal vision of categorisation. Tim Hayward and Yukinori Iwaki (2016) relay a concern for global inequalities’ manifestation of injustice with respect to space and time, relaying an argument similar to those of justice and sustainability.
- 2 Philippopoulos-Mihalopoulos relays four main points in relation to the continuum, the first being that there are many and not just one, such as the lawscape continuum formed by space and law, but other multivariant scales of continua that can be localised or elsewhere (2015: 9). The second contention that despite the assemblant nature of all, each body retains its singularity despite its assemblage position, so each body retains its borders despite being part of a greater structure. A third relates to rupture, whereby the rupture ontologically is part of the continuum and does not offer a portal to an outside, but allows the continuum to gain momentum to carry on spreading spatially and temporally (2015: 9). The fourth

- point refers to the continuum as tilted, leaning to one side (2015: 11), to reassert the spatiality of the lawscape and the direction of its shifting.
- 3 Thanks to PhD student Swastee Ranjan and colleague Sabrina Gilani for our discussion on the lawscape and history that reminded me of the violence of ahistoricity.
 - 4 This is whereby entropy looks like an absolute statement regarding the nature of systems, and yet within that statement it is propounding that there can never be a totalising law, it will always annihilate itself.
 - 5 Similarly, what both speculative reason and complexity face are counterjections of biological reductionism, whereby entropy denotes systems which should be confined to the natural world, to biology and not psychological or social worlds, and absolutism can obviously lead to totalitarianism.
 - 6 Like other forms of speculative thinking, this is radically altered from a Cartesian conception of mind/body duality, accepting that we are limited to our own perception of the world, that we affect the world, but perhaps that the world may also affect us back.
 - 7 This conception of absolute time could be questionable – by referring back to a Newtonian temporal absolute is merely to claim time as a separate entity, it can only exist in one form, and thus supporting the power to create totalitarian forms of knowledge around time. Despite this, the radical contingency of time absolute of which Meillassoux speaks negates this categorisation and straight-jacketing of time.
 - 8 This is radical thought and one that is bound to attract opposition but at the same time is refreshing to the extent that it acknowledges time can move in an infinite number of mysterious ways. The role of entropy here is fundamental and questions where negative entropy, at the very start of life, must have come from. Can it be that all life already invests within itself the *poiesis* available to it to become other than to itself? In a sense is there ever a moment whereby there is no negentropy and life begins *ex nihilo*? Meillassoux believes that this is so, and the reason for this is contingency itself – there is no necessity for its creation (2008: 53): “There is no reason for anything to be or to remain thus and so rather than otherwise. . . . Everything could actually collapse: from trees to stars, from stars to laws, from physical laws to logical laws; and this not by virtue of some superior law whereby everything is destined to perish, but by virtue of the absence of any superior law capable of preserving anything, no matter what, from perishing”.
 - 9 As in the case of Brexit and the phenomenon of Trump, it was capital’s destructive desire to control and categorise, manifested in the self-interest of institutionalised, representative law, that lit this tinderbox of artificial lines of division and violence between peoples who then have their own addiction to the capital to feed, in order to support its own habit. Capital is literally sucking the life force, the negative entropy, uncertainty and the space-time continua of justice itself, as it seeks to control, totalise, cope with its impending death, where William Davies has argued that destructive self-harm of Brexit (2016: 12).

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