

**Towards a Legal Psychogeography: pragmatism, affective-materialism and the spatio-legal.**

BENNETT, Luke <<http://orcid.org/0000-0001-6416-3755>>

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# Towards a Legal Psychogeography: pragmatism, affective-materialism and the spatio-legal

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*Some portions of this article are adapted from my essay entitled 'Incongruous steps toward a legal psychogeography', which was originally published in *Walking Inside Out: Contemporary British Psychogeography* a collection edited by Tina Richardson and published by Rowman & Littlefield International in London in 2015. These portions are used here with the publisher's permission.*

## Introduction

- 1 In *Spatial Detectives* (Bennett & Layard, 2015) Antonia Layard and I endorsed Braverman et al's (2014) call for legal geographers to engage more widely with other disciplines. We also noted legal geography's emerging interest in how individual minds and bodies in interaction with the material world come to create subjectivities which mediate spatio-legal formations. This increasing interest arises from a new found attentiveness to pragmatism (the processes by which meaning is formed in – and in turn informs – social action) by North American legal geographers (Delaney, 2010; Blomley, 2014) and to the increasing influence of the “more than human” (Whatmore, 2006) turn in British geography with its attentiveness to an affective materiality (Bennett, 2010) between human and non-human bodies. We suggested that, as a result of this conjunction, legal geography could now embrace a fully holistic study of the co-constitution of law and space, one that gives proper regard to the influence of the “affective geographies of matter” (2015, p. 419) upon the experience of place and the resulting situated

normativities. But this would require a new open-mindedness: an actor-centred interpretive approach which was both attentive to, and capable of, portraying how this sense-making necessitates a constant filtering of myriad stimuli and contexts, in which sometimes – but only sometimes – a legal frame of reference comes to the fore in an actor's understanding of their situation. This article explores how legal geography might develop these analytical tools – and looks to the concerns and methods of psychogeography as a possible aid and ally.

- 2 In *Spatial Detectives* we noted that law does not appear to be present as the primary guiding force in ever spatial scene and accordingly we argued for an attentiveness to context, primarily in the form of a commitment to a deep, analytic explication of the actual law present within a scene. We felt that in existing legal geographic scholarship the content of the law itself is often left under-examined, and that only a deep analysis (one that included analysis of the law itself) would explain how a specific scene was constructed. But we also acknowledged that in our day to day lives we are all already legal detectives, we all necessarily enact moment-by-moment interpretations of law, translating law's abstractions into spatio-material circumstances, and thereby guiding our interaction with places and objects. Thus, to explicate law's involvement in actors' cognitive (conscious, deliberative) and affective (subconscious, felt) engagement with the world legal geographers would need to act reflexively, as self-aware spatial detectives, finding ways to render explicit the influence of spatio-legal normativities. This article will argue that bringing that dynamic mix of half-thought assumptions and carefully deliberated translations of law clearly into the analyst's view may require creative exaggeration and/or surrealist-inspired distortion, in order to see, and/or to question, law's spatial influence.
- 3 Our view that law is not always to the fore, and that at times it is at best a barely perceptible background noise has found positive development in Andreas Philippopoulos-Mihalopoulos' (2015) theorising of law's tendency to recede – or withdraw – from view, leaving its situational 'lawscape' often not readily noticeable. The task of the legal geographer then should be to explicate law's quiet shaping influence over the normativities of place. Accordingly, in this article I pick up on (and develop further) one aspect of *Spatial Detectives*, namely that a truly holistic legal geography would express “an embrace of the limits of law's reach, its logic and even its coherence when encountered within the daily world-making of individual actors” (Bennett & Layard, 2015, p.417). In other words, that legal geography would find a way to be comfortable about discussing the irrational and the inchoate within any particular situation and it would strive to resist the temptation to render everything down to a neat account of law's shaping presence (and whether that is foregrounded or withdrawn).

## Why legal geography has found it hard to explicate law's insignificance

- 4 Irus Braverman (2014) has argued that geographically inclined lawyers are well placed to investigate the way in which places are constituted, because, their training gives them a familiarity with the bureaucratic practices and dispositions of place-makers and imposes a rigor in analytical (forensic) delineation of law's presence and directive power. In short, a legal analysis can cut through the cacophonous noise of reality to find underlying

semantic and normative frameworks. However, this set of talents can also be a weakness, for the urge to explicate underlying legal (and/or power) structures re-imposes an analytical order and clarity that the scene (and the minds of the actors under observation) may not actually have.

- 5 Indeed, the task is doubly complicated, for the lawyerly urge to order may lie quietly beneath the analyst's self-declared sensitivity to the subjectivities of the observed actors. Thus, in *Spatial Detectives*, we noted how legal geography's avowed critical humanism (born of its concern with equality and justice) lends it towards an interpretive style and concern, which often seeks to 'personate' local manifestations of law and people's fates within the physical world. Thus, in the opening chapter to David Delaney's *Nomospheric Investigations* (2010) the reader's attention is:

"gained through the affective storying - the 'human interest' - of the state's incursion into the house of Rosa Sorto during a US crackdown on illegal immigration; things are broken and displaced; a cherished feeling of 'home' is violated by a combination of the abstract logic and physical - materialised - force of the law being enacted upon a place" (Bennett & Layard, 2015, p. 417).

- 6 During the course of his book, Delaney is keen to follow both the perceptual dimension (what we might call Rosa's affective world - her experience of her home and its violation) and (more traditionally) the analysis of law, power, inequality and spatiality that can be extrapolated from an individual event and its site of occurrence. But Delaney's primary concern remains to explicate:

"the (more abstract) forces at work in the co-constitution of this place (room, house and town state), expectations of it (homeliness, privacy and civil rights) and state usurpation (juristic notions of state need, proportionality and public order)" (Bennett & Layard, 2015, p.417).

- 7 This is perhaps not surprising given the aspirations of legal geographic enquiry to provide rigorous, explanatory insight (reflecting social science's never-quite-relinquished search for 'laws' by which to account for behaviour), combined with the fondness of legal scholars to be able to point to the operation of real *legal* laws in their explanation of the unfolding scene and its parameters. Meanwhile, the critical mission of the critical socio-legal scholarship and critical geography from which legal geography has largely emerged seeks to expose power at work, acting quietly but effectively to author the scene in question.
- 8 Legal geographers seek to investigate how law and spatiality are co-constitutive, with their main aim being to show the presence of law in the formation and existence of places and other bounded, normative spaces. In recent decades this hybrid field has been dominated by critical socio-legal scholars and critical geographers, who desire to answer legal geography's axiomatic question in order to explicate (and in some cases to challenge) law's facilitation of oppression and injustice. This has resulted in the emergence of an anglophone legal geography canon dominated by case-study investigations that mainly focus upon situations of conflict or control, and within which the place-structuring and conduct-ordering functions of law are revealed by the analyst to be subtle spatially inflected workings of power.
- 9 By this view law operates as a 'top-down' (at various levels: state, municipality, organisation) formal logical-rational discursive imposition upon a largely passive, subjected population (citizens, residents, employees), and within which spatial configurations are imposed as part of its control system. Whilst laudible in aim, and

impressive in achievement this canon, in its keenness to trace the structural impositions of power upon lived experience of place, critical legal geography has tended not to keep pace with developments in supposedly related geographical fields, such as social and cultural geography. This has created something of a gap, for since the rise of humanist geography in the late 1960s, there has been a substantive turn there towards acknowledging the subjective and active ‘bottom-up’ improvisational use of place by individual sentient actors, for whom the presentation and meaning of any particular site and situation is shaped by myriad personal goals, experiences and dispositions (de Certeau, 1984; Massey, 2005).

- 10 Whilst there have been recent calls from within anglophone critical legal geography for more attentiveness to law’s role in “world-making” by competent actors (Delaney, 2010; Blomley, 2014), expressed via a renewed interest in pragmatism, the resulting analyses have still tended to ascribe a central (or at least influential) role for law in the composition of the place formations that they study. This may well be a side effect of the critical project requiring that situations in which law has a potent shaping force that should be priorities for study. It also suggests that the ghost of “law’s closure” (Bennett & Layard, 2015, p.418) (that a legal analysis is alone and of itself sufficient to explain any situation) still haunts anglophone legal geography. Either way, the effect is that legal geographers still appear reluctant to fully embrace the field’s recently declared avowal of interdisciplinarity and holistic thinking within their actual field research, for their case studies still tend not to extend to place situations in which law’s writ is actually quite weak, or approach their analysis primarily from the ‘bottom-up’, and giving full due to the place-making effects of actors’ spatio-legal cognition and subjectivities.

## How to explicate legal subjectivities and legal insignificance

- 11 So, how can law’s (relative or absolute) absence be explicated, and how can a legal geographer investigate an actors’ spatio-legal subjectivities? In the remainder of this article I will seek to show the feasibility of extending legal geography’s project to a consideration to the ebb and flow of subjects’ regard for law as a constitutive framing of a spatial situation, jostling for influence alongside other frames, moment by moment; and how a creative embrace of incongruity can be used to challenge the tendency of law to withdraw into the shadows in most ‘everyday’ situations. I will do so by enlisting aims and methods from psychogeography, thereby sketching out the common ground of a *legal* psychogeography.
- 12 The term ‘psychogeography’ was coined by Guy Debord to define a mode of urban investigation that linked directly to the Situationist International’s (S.I.) radical political aim of revealing the cultural logics by which passivity and conformity is achieved in modern, consumerist society, with particular regard to the pacification induced by urban spatial arrangements. Like many new Left intellectuals, Debord’s primary concern was to understand why the revolution predicted by Marx’s scientific socialism had not occurred.
- 13 In an early programmatic text Debord positioned psychogeography as a systematic project, one which “could set for itself the study of the precise laws and specific effects of the geographical environment, consciously organized or not, on the emotions and behavior of individuals” (Debord, 1955, n.p.). Debord had studied law at the University of

Paris in the early 1950s (but left early and never completed his studies), and thus would already have been aware that *legal* laws shape the environment, and people within it. But oddly psychogeography never saw investigating the influence of such laws within the generation of urban-political affects and subjectivities as a part of its project. By 1955 Debord was embracing Marxist theory (and its material determinism) and (consistent with the emergent 'spatial science' paradigm then ascendant in geographical analysis) was seemingly instead thinking of psychogeography as a way of revealing the 'social laws' beloved of classic positivistic sociological analysis.

- 14 Influenced by the surrealists, psychogeography developed seemingly playful, unconventional methods with which to expose the oppressive normativities of urban life: the *détournement* (using something in an unintended way – such as using a map of London as a means to travel across Paris – in order to reveal constraints and possibilities) and the *derive* (urban drifting) in which through open-minded movement ignoring all constraint and pre-supposition, the mind would be opened to encounter with all phenomenon without differentiation or respect for spatial-territorial conventions.
- 15 Thus, whilst concerned with explicating urban normativities *per se*, psychogeographic practice from its inception had a blind spot: it paid little (if any) attention to the role of legal laws in the constitution of the urban condition. After the failed revolution of 1968, the S.I. (in Paris and its affiliates in other cities around the world) reduced in political valence, and psychogeography slowly became rebranded as an aesthetic critique of urban life (rather than an explicitly revolutionary programme), surviving mostly within art schools and the outer fringe of cultural politics. The roots of contemporary British psychogeography can be traced to early 1990s London, where it surfaced as a loose, playful aesthetic practice stripped of its originally declared political reconnaissance rationale. Contemporary British psychogeography is primarily a literary practice – with *derive* and *détournement* being deployed as a spur to follow-on poetic write-ups for the individual's psychogeographical adventures.
- 16 The analysis that follows is a substantial reworking of a 2015 book chapter (Bennett, 2015) contributed to an anthology of writings by and interpretations of the work of contemporary British psychogeographers. This reworking reverses the flow of argument, and whereas the book chapter sought to urge contemporary British psychogeographers to rediscover the critical project originally at the heart of their practice (and to acknowledge an affinity in those concerns with critical legal geography – and thereby overcome psychogeography's blindspot as regards the spatio-legal), this article seeks conversely to introduce legal geographers to the productive benefits of British psychogeographers' preparedness to explore the 'bottom-up' subjectivities of place and to do so in a way that does not presuppose the necessary purpose or desired findings of the analysis (by subordinating it to either a specifically critical project or a 'need' to show that (legal) laws lie at the generative heart of every situation).
- 17 My 2015 book chapter sought to reinsert a sense of legal laws into psychogeographical analysis, by using psychogeography's disruptive methods upon one of its own texts, teasing out from two passing references made there the undeclared presence of law within the subjectivity of place interpretation. The text I chose to use was Nick Papadimitriou's 2012 novel *Scarp: in search of London's outer limits*, a text which mixes Surrealist fiction with accounts of the author's own obsessive walk-based investigations of his home territory north west of London. *Scarp* is Papadimitriou's first novel. He is a prominent psychogeographical practitioner rather than a theorist or professional writer.

He is the subject of a documentary film that follows him on a walk and rumination, illustrating his obsessive attentiveness through which the mundane becomes the esoteric through its reframing and valorisation. Accordingly, Papadimitriou's is a good text to work with because of his desire to include – like the openmindedness of the detective arising upon the scene – everything in his analysis of place.

- 18 Through deconstructing Papadimitriou's passages, and reading them against the grain of his intention I draw out the affinities with both pragmatism and affective-materialism, and thereby suggest links to a holistic legal geography. Using Papadimitriou's two passages I explore first the subjectivity of shifting frames of reference, between reverie and counter-reverie by which legal and other more 'formal' concerns may enter consciousness and shape spatial action, and then turn to consider how a passing stray reference to a legal measure can create a rupture in psychogeography's otherwise 'closed to law' orientation and how this rupture can be used productively by legal geographers.

## The flux of cognition: reverie and counter-reverie

- 19 Early in *Scarp* Papadimitriou takes us to 'Suicide Corner', a stretch of the A41 snaking out its path North West of London. He recounts for us a succession of fatal car crashes, and of the people, creatures and other matter caught up in each event that occurred there. At one point in his rumination Papadimitriou figures an anonymous "civil engineer working for the transport ministry" who "through eyeing the scraggy wood just to the north of the farmhouse, sees only camber, curve and how best to extend the planned M1 extension over this high ground from its present terminus" (Papadimitriou, 2012, p.20).
- 20 Papadimitriou captures in this passage how the task-orientated gaze of the engineer sees the topography as a set of logistical challenges, a puzzle to solve as he works through in his mind's eye the most feasible path for his roadway. Papadimitriou's description seeks to show how all other sensory inputs are blocked (or discarded) as irrelevant to this man's purpose. He is standing there for a reason. He is harvesting the landscape for what he needs today. This applied gaze foregrounds certain features and backgrounds all else. This spectator is in the engineering-professional equivalent of "flow" (Csikszentmihalyi, 2008 – for whom flow is an optimal immersion in the moment, marked by both physiological and psychological change). He is portrayed as at one with his task, the landscape presenting to him as a pragmatic "taskscape" (Ingold, 1993, p.1570) – the very perception of a landscape being formed by the requirements of the task to be carried out there.
- 21 And yet Papadimitriou then importantly shows how even that intent focus is vulnerable to undermining by the assault of the disregarded 'background', as an irresistible reverie – or least a momentary noticing of other things – takes hold:
- "Momentarily distracted from his plans by the chirping of some unnamable night bird, he looks eastwards across the brightly lit Edgware Way, towards the high ground at Edgwarebury. Perhaps moved by some spontaneous memory of childhood holidays spent in the New Forest, his imagination lingers in the woods and fields like a slowly drifting plant community and then dissolves into ditches lined with black waterlogged leaves – a residue of previous summers – and the ghosts of dead insects" (Papadimitriou, 2012, p.20).
- 22 In showing the braking of concentration caused by the bird's proximate existence, Papadimitriou keys into a number of trends (or 'turns') in contemporary socio-cultural

theory. I will now explain each in turn using this paragraph as my anchor. In doing so I will be starting to map out how contemporary British psychogeography has an affinity with cultural geography, and by extension with the affective-material turn, even though it is currently regarded with considerable suspicion by academics for – as Alistair Bonnett (2013, n.p.) notes – “Psychogeography is on the furthest margins of the discipline of geography and has attracted little scholarly attention”.

- 23 If we paraphrase Papadimitriou’s passage, we can bring the influence of affective-materialism more clearly into view. Thus, the engineer is shown to be embodied – he is standing somewhere, surrounded by sound, breeze, on and amidst the layering of life cycles. He is more than the deportment of his task. He is living and breathing, existing in space. He is there, and thus not anywhere else. He is embedded in life and place: his lifeworld. He is engaged in a moment by moment co-creation of his sense of place, in part he makes this place by the mental (and disciplinary) constructs he brings (his gaze) and in part this place makes him, through materially resisting certain options or actions, through presenting certain ‘givens’ (history, morphology, entropy) that he – this individual – cannot resist. He is entrained in a world, a traveller in time as well as space. This place, and ideas, memories and emotions that he or others associate with it shape his experience of it, and experiences in it.
- 24 This re-formulation aligns Papadimitriou’s passage both to Maurice Merleau-Ponty’s (1962) embodied phenomenology and also to Kathleen Stewart’s (2007) influential advocacy of consideration of the pre-conscious swirl of “ordinary affects” (emotions, bodily dispositions, habits) that shape the performance of everyday life. Indeed Stewart’s academic study of the everyday is presented in a similar fashion to *Scarp* – fragments of incisive stories and moments, the multiplicity of happenings, shorn of overarching explanation, emphasizing how “rogue intensities roam the streets of the ordinary” (Stewart, 2007, p.44) causing us to experience, to react and then afterwards to make sense of where the embodied flow of life has swept us.
- 25 Stewart also foregrounds the importance of studying mundane ‘everyday’ life, of foregrounding the regular, the (ordinarily) unremarkable, the mass of tasks that make up the background of daily life, a concern also to the fore with theorists of ‘everyday life’ such as Michel de Certeau, Henri Lefebvre, Walter Benjamin, and the Surrealists (as chronicled by Ben Highmore (2002)). Contemporary psychogeography has an affinity with this scrutiny of the mundane, in that it aspires to a restless multiplicity, an epistemological promiscuity, to an open noticing of everything, to a renunciation of conventional filters that push certain elements centre stage and cause others to recede from view.
- 26 Meanwhile, Papadimitriou’s drift from the engineer’s thoughts and their merger into “ditches lined with black waterlogged leaves...and the ghosts of dead insects” (Papadimitriou, 2012, p.20) is reminiscent of Jane Bennett’s ‘vibrant materialism’ theses – and in particular her rumination upon the shimmering agency of a pile of refuse (Bennett, 2010, p.4) – in which she advocates giving greater attention to non-human actors, and their potency within our human encounters with the world. Bennett’s thesis in turn finds echo in an ‘object-oriented’ turn towards materialism in a variety of academic disciplines stretching from literary scholars (Brown, 2001) and cultural theorists (Bogost, 2012) to archaeologists (Hodder, 2012), geographers (Whatmore, 2006) and philosophers (Harman, 2009), and links us back to *Scarp* particularly around those who foreground the co-constitutive role of human/matter entanglement (for example

Miller, 2008 and Hodder, 2012) and the mundane, event forming “force of things” (Stewart, 2007, p.16) – the cumulative effects of many tiny encounters with things, people, rules that in aggregate make our daily experience, and channel our actions.

- 27 Finally, as we have already seen, the engineer brings his own “way of seeing” (Berger, 1972) to this place, and through his needs (as embodied within his taskscape) constructs an impression of this place, one likely to be quite different from that assemblage of experience, investigation, action and interaction (with other humans, with other creatures, with others’ tasks) that would be composed by any other visitor. This is a relational view of the construction of place – and takes its cue from the work of Doreen Massey (2005) and others applying the work of Gilles Deleuze to geography. For such theorists place is only formed in the moment by moment intersection of matter and the subjective, temporally and pragmatically in flux play of perceivers. Everything is unstable, the sense of place is dynamic and constantly being re-created.
- 28 Whilst it is possible – as Papadimitriou’s passage shows in its depiction of a Highway Engineer’s gaze – to point to singular conceptual framings (Goffman, 1974) by which a place will be engaged, and sense made of it, the embodied nature of the viewer, and the temporalities of matter and their interaction deny any one way of seeing (or knowing) total dominion – or even total stability – over that sense making process. Thus it would be too simplistic to assert that engineers only see landscapes in one (very instrumentalist) way – and Papadimitriou shows us how the place (and the embodiment of the engineer in it) cannot be entirely eliminated: the affective-material influence of the world in which he is embedded will simply not allow this.
- 29 But psychogeography’s embrace of incongruity (its productive acknowledgement of the simultaneous co-existence of multiple frames of perception) must not stop at a celebration of reverie. A holistic psychogeography should equally be able to show how the workaday preoccupations of an instrumentalist science can invade a thought-stream of more affective purpose, showing how the ‘straight’ world reasserts itself, barging itself back to the foreground, in short how it re-colonizes consciousness and gaze. So for example, Papadimitriou’s engineer’s reverie – his tumble back to environment related childhood memories – is fleeting, itself inevitably undermined by the ‘day job’ returning to his consciousness, the ‘real world’ bringing him back down to earth, and back to the prosaic task in hand, as he turns away from reminiscence and resumes his survey of this countryside and its future road course. This counter-reverie, this turn back towards the serious rather than the fanciful, is something that contemporary British psychogeographic writings mention only with distain (if they address it at all), but for a legal geographer this is the moment of law’s spatialization, this is the moment where law appears to consciousness and most clearly acts upon actor, via colonisation of their subjectivity. This is the moment (the phenomenon) that legal geographers need to turn more attention to.

## Leaving nothing out

- 30 Psychogeography aspires to multiply the readings of any place (thus invoking but widening Lefebvre’s exhortation (1996, 159) to do so specifically in relation to cities), and by this commitment to opening up the potentiality of place to avoid the closure (the narrowing down) inherent in instrumentalist meaning making. Papadimitriou shows this urge in our second example from *Scarp* – his strange (essentially incongruent)

juxtaposition of a few glimpsed moments at the end of an unidentified old lady's life alongside the recitation of the Mogden Formula, a quasi-legal calculus by which sewerage costs are calculated by water companies and charged to their customers.

- 31 Here Papadimitriou wilfully brings together two entirely separate parts of the modern world and melds them together simply in order to delight in their incongruence. There is a playful surrealist stratagem at work here – but also something unusual in psychogeography: the presence of a legal fragment. The Mogden Formula is presented without explanation – there is no reason for Papadimitriou to mention this formula, other than that he finds it fascinating. Matters of sewage disposal and the law relating to it are normally left in the infrastructural background of life, important but unacknowledged. Papadimitriou forces us to gaze at the Mogden Formula's complex provisioning, to confront its alien symbols and phrases. Why he does so is unclear – taken at face value it is because (as he says at an earlier point in *Scarp*): "The thought that anything, any event, should be overlooked horrifies me" (Papadimitriou, 2012, 77).
- 32 The irruption of the Mogden Formula into Papadimitriou's text is only held within a vague semblance of narrative progression by the juxtaposed glimpses of the final events of the old lady's life. There is something humanist in this, perhaps an implication that we must always strive to find and foreground the real, modest and anonymous lives that play out alongside such systemic abstractions as waste water management. But, whatever Papadimitriou's intent is here, we are certainly left with an embrace of incongruent multiplicity – a simultaneous, parallel reading of multiple, seemingly unrelated fragments of the place under scrutiny, juxtaposing them surrealist collage-like, to see what conjunctions occur. And – for once – it is a juxtaposition that does not quite lapse into a romantic reverie. Whilst humanist (perhaps) in overall effect, the reader is left with a glimpse of the strange complexity of the technical bureaucracy by which the most universal of human emissions are 'managed', and perhaps also a sense of Papadimitriou's fascination with this infrastructural hydrological cycle (a fascination which Papadimitriou happily admits to and performs in John Rogers' documentary film about his life and wanderings: *The London Perambulator* (Rogers, 2009)).
- 33 In foregrounding the Mogden Formula Papadimitriou gives us a glimpse of what a truly holistic analysis of the subjectivities of place could be, a depictive writing that replicates the sudden – but momentary – irruption of techno-legal realms into affective life, bleeding back technical, bureaucratic and regulatory fragments into psychogeography's more commonly poetic account-forming (of moments of escape-from-normality reverie). The proliferation of such accounts would vividly reveal how the everyday world is both made of natural and (affective) human vibrancy and of matter, obstruction, systemic regularity, instrumentality and control. And such an analysis would speak both to the programmatic concerns of psychogeography and legal geography. It would create a hybrid, *legal psychogeography* fusing aspects of environmental psychology, ethnography, all of the socio-cultural 'turns' (material, affective, relational, everyday) and legal geography to attain – through psychogeography's embrace of incongruence – insight into the co-creation of place, society and law through localized practices and experiences.

## Towards a legal psychogeography

- 34 Legal geographers already look to study law's manifestations in (and the curbing of its power by) the social and material world. Thus, to a legal geographer, a road is a product

of the application of a law to a specific locality. It is a conjunction of the abstract (the generic law) and the site-specific application (particularity). Thus – with Papadimitriou’s highway’s engineer back in mind – a new road scheme is achieved via a localization of the law, through a summoning, humans with money and authority bringing particular matter (tarmac, sub-base, paint, rubber) and tasks to a place, in order to address a defined individual or social need (the necessity or recognition of which may itself be contested).

- 35 By such analysis law’s modesty is revealed, in the sense of acknowledging the limit of its writ: that its ability to achieve things in the world is contingent on both the ‘macro’ factors of politics and economics, but also the specificities of place, power, practices and material qualities of any particular road. If the effects of legal laws are added back into Debord’s definition of psychogeography’s project, to create legal psychogeography, then an analytical account of any place regains an appreciation that legal laws are sedimented quietly throughout the built environment alongside lots of other non-legal elements.
- 36 As Susan J. Silbey and Ayn Cavicchi (2005) show, all of the everyday items that we encounter and which shape our lives within the built environment have – at least in part – origins in legal requirements, but ultimately they are more than mere expressions of legal schema. Legal psychogeography could have a role to play in showing how law is translated (Latour 2005) into seemingly incongruent flows of matter, affect, practices and the resulting assemblages of ideas, materials and actions that form buildings, roads and the urban landscape, and – in particular – to provide ways to reveal the as-lived effects that those flows have upon individuals, moment by moment.
- 37 Whilst not exclusively so, much of legal geography’s concern is with the everyday, with the minor site of law’s encoding in the built environment. Thus legal geographers have investigated the local spatio-normative ordering of shopping malls, trees, flower tubs, toilets, pavements, cemeteries, zoos, waste bins and car parking spaces (see for example the range set out in the legal geography bibliography in Braverman et al, 2014) and such studies show how such seemingly mundane spaces are in fact rich with constitutive meaning, conflict and symbolism. Already, under the legal geographical analytical glare nothing can be taken for granted as unremarkable – everywhere has a story to tell, and (in keeping with the emancipatory aspirations of the critical legal and critical geographic background of many of these scholars) there is a concern for the everyday experience of the everyday people caught up in law’s spatial effects. And yet, legal geography has struggled to find ways to write of the localized, affective and flux-like manifestations of the law and of its moment by moment influence upon the minds and orientations of those subject to it. Here – surely – is where legal psychogeography has something to offer.
- 38 Psychogeography’s special contribution is its concern to understand the material/human co-relationship, particularly as manifested in the emotional (i.e. affective) lives of individuals through their encounters with power and ordering as expressed in the arrangement of the built environment. UK based legal geographers like Andreas Philippopoulos-Mihalopoulos (2015) and Andrea Pavoni (2018) are now starting to explore the affective dimension of law’s existence within the built environment, as shown for example in the programme for the University of Westminster’s 2013 symposium on ‘Law and the Senses’, (nonliquetlaw, 2013) and in Philippopoulos-Mihalopoulos’ (2007, p.5) call for legal geographers to explore “[...] the aesthetisation of the legal in its urban apparitions [and specifically the] sensual adumbration of the legal-urban in its excretal, carnal, aural and other interconnection with the individual.” In this, we get a glimpse of a prospective legal psychogeography, an interpretive approach that would concern itself

with enquiring into the role of sensation as a mediator between law and space, in short how affect helps make the city, its strictures and regularities and how they in turn make both the city and its individual citizens sentient. Indeed, this mapping of environment-psyche law-effects is precisely what Debord set as the mission for psychogeography in his 1955 axiomatic formulation.

## Spatial detectives as legal psychogeographers

- 39 In *Spatial Detectives* Antonia Layard and I advocated the importance of thorough investigation. I have added above the importance of open-mindedness. Detectives and psychogeographers share these orientations. Papadimitriou's writing displays a fondness for found, mundane artefacts and texts – "lists dropped on pavements; letters found in attics of condemned houses; personal papers discarded in skips" (Papadimitriou 2012, p.254) – and the promise that these might provide keys to countless otherwise lost stories. There is a parallel here to the meticulous concern of crime scene investigation, or indeed any attempt by law to understand an event that has occurred at a place, by searching for material traces, and then piecing them together. Both Papadimitriou and lawyers show a concern with the close, forensic, examination of fragments in order to explicate the codes, stories, events that lie beyond them. Thus, as one crime scene manager writes:

"When I arrive at the scene, it's my thinking time [...] What am I seeing? What am I hearing? [...] Which lights are on? Which are off? Has the toilet been flushed? Is the seat up or down? You may not know the relevance, but take in the details – a ring of dust, an open drawer [...] maybe 70% of what you retrieve is not relevant. That doesn't stop you from finishing with a fingertip search, looking for that last piece of detail. You retrieve and work out the relevance later." (Taylor, 2012, p.22)

- 40 As Highmore notes, the detective and the surrealist have more in common than might ordinarily be acknowledged, as he puts it:

"Surrealism is about an effort, an energy, to find the marvellous in the everyday, to recognise the everyday as a dynamic montage of elements, to make it strange so that its strangeness can be recognized. The classic surrealist can be seen as Sherlock Holmes-like: faced with the deadly boredom of the everyday, the surrealist takes to the street, working to find and create the marvelousness of the everyday." (Highmore, 2002, p.56)

- 41 Accordingly, in implementing the deep and holistic investigation which we have prescribed for spatial detectives, I urge legal geographers to adopt an approach to their investigations that shares something of the spirit of ethnographic surrealism as advocated by anthropologist James Clifford (1981) whereby, as an analytical technique, the analyst should attempt to prolong their initial sense of unfamiliarity. Clifford advocated an ethnographic surrealist practice which "attacks the familiar, provoking the eruption of otherness – the unexpected" (Clifford, 1988, p.146). Surrealist ethnography would revel in difference and semantic indeterminacy (in healthy contrast to the taxonomic – naming and ordering impulse of a 'scientific' ethnology). Clifford's ensuing methodological prescription co-opted the surrealist practice of collage, assemblage forming in which "the cuts and sutures of the research process are left visible; there is no smoothing over or blending of the work's raw data into homogenous representation" (1988, p.147). This embrace of mess as the underacknowledged reality of social life (in contrast to the tidied-up version of reality commonly presented in social research

findings) echoes John Law's more recent methodological prescriptions (Law, 2004). In this article I have argued for development of a legal psychogeography as a way of explicating the messy, flux-ridden, ways in which a sense of the law weaves in and out of mundane situations: via reverie and counter-reverie.

## Conclusion

- 42 This article's focus has thus been upon legal geographers having a greater attentiveness to how individuals author (via affective response and acts of cognition) the places in which they find themselves, and how a sense of law (albeit approximate) contributes to that, but does not necessarily dominate it. Meanwhile, contemporary British psychogeography celebrates reverie: moments in which through creative play the urban citizen rises above the mundanity of their lives and the strictures and structures constraining it and – albeit for a brief moment – are touched by something poignant. My criticism of contemporary British psychogeography has been that it should not just celebrate reverie, but that it should also be able to account for the way that the actor is 'brought back down to earth', and how the necessities of mundane life reassert themselves (and are made sense of by him or her). Explication of how law's presence comes to be acknowledged (individually and/or collectively) in a situation is a major component of this counter-reverie. Legal geography is well placed to investigate this effect, and its role in the subjective experience of place – and in doing so to fully realise the claimed newly found interest in applying theories of pragmatism and the affective-material to the sub-field.
- 43 Psychogeography's sensitivity to moments of attention and inattention to the normativities of the everyday world can be used as a spur for this. The affective relationship between the arrangement of things in space and the experience of place remains a central trope of psychogeographical account writing and as such gives stimulating narrative provocation to legal geography. Legal geography research into the flux of legal cognition and/or the role of affective-material influences in shaping the experience of law and of place can present rich reflexive description of the story-stacking processes by which instances of place are encountered, and the terms (and sense) of that encounter negotiated between the creative agency of humans, and the obstinate existence of matter, and of normative systems like law (following here Ewick & Sibley, 1998 and Stewart, 2007).
- 44 The prospects for a legal psychogeography are good, for there are more methodological similarities between legal geography and psychogeography than we might expect, for both are drawn towards fragments and the incongruous and both start from a concern to explicate the underlying structures of urban normativity. The detective and the psychogeographer each pore over both the dusty archive, and the dross – the fragments found in event-spaces – and construct a narrative by stitching their disparate findings together in accordance with codes of assembly. The only difference between them being one of purpose rather than method, in that the detective is looking for a way to eventually 'close' his case, whilst the psychogeographer aspires to an unlimited opening-up of space and its things – via a multiplication of incongruent meanings. But, this difference is less clear than it seems, for the law encourages incongruent multiplicity as part of its partisan processes (in the English common law adversarial tradition at least) in which the parties to a dispute explicitly form different readings of the situations and law

in hand, and then perform them enlisting rhetorical ploys that draw upon mythic narrativization, affect and the physical properties of the local environment. Thus, as played out day to day in offices, courtrooms and elsewhere across the built environment, the law more than matches psychogeography in its multiplication of meanings.

- 45 Yet – somehow – law manages to assert a myth of its own self-image, of applied reason stripped of fancy, self-contained and truth-focused. Legal geography takes issue with this faith in law's closure. As shown above, legal geography rests on an assumption that the law is not self-contained in this way, that it is in fact a co-creation of matter, meaning and pragmatic action. Legal geography, then, has a natural affinity with the anti-closure sentiment of contemporary psychogeography. But critical legal geography tends to reimpose a closure of its own: the systematising of interpretation, in a way that accords to its critical project. I argue therefore that a legal psychogeography – a psychogeographically-inclined account of law's incongruous traces, flows, eruptions, artefacts, loose ends, mess and symbolism – is long overdue.
- 46 Legal psychogeographers would approach a situation without pre-judgment, they would tease out the ways in which to the actor, the situation appears meaningful and how that meaning making is shaped by both the cognitive (conceptual framing codes like law) and the messy, affective influence of matter, sensations and encounters with other bodies. The analysts' write-up would then show how deliberative or half-formed thoughts about law and a myriad of other place-shaping factors have interacted to determine that actor's experience of being in that place. That would truly challenge law's closure.

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## ABSTRACTS

In *The Expanding Spaces of Law: A Timely Legal Geography* (Braverman et al., 2014), the editors urge legal geographers to range more widely, and to seek out helpfully provocative interactions with less frequently encountered fields, such as architecture, the humanities and post humanities, physical geography, psychology and psychoanalysis and material and visual culture. This article takes up that call by interrogating law's relationship with affective materiality (the instinctive influence of things upon us) and also with the pragmatism that lies at the heart of actors' engagement with their purposive framing of any situation. It does this via an examination of two passages found within contemporary British psychogeographer Nick Papadimitiou's novel *Scarp* (2012). Papadimitriou's passages are used to generate productive pointers towards the need for greater investigation of law's affective realm, and greater acknowledgement of law's relative lack of influence over some spatial situations. A case is made for development of a hybrid, legal psychogeography to bridge the current limits of both legal geography and psychogeography in addressing these dimensions of the spatio-legal, both in terms of research methodologies and the aims of the analysis.

Dans l'ouvrage intitulé *The Expanding Spaces of Law: A Timely Legal Geograph* (Braverman et al., 2014), les auteurs incitent les géographes du droit à élargir leur champ d'action, et à rechercher des interactions innovantes avec des domaines moins fréquemment rencontrés, tels que l'architecture, les sciences humaines, les sciences de l'information, la géographie physique, la psychologie et la psychanalyse. Cet article répond à cet appel en interrogeant le rapport de la loi avec la matérialité affective (l'influence que les choses exercent sur nous de façon instinctive), ainsi qu'avec le pragmatisme qui est au cœur de l'engagement des acteurs dans le cadrage intentionnel de toute situation. Cette interrogation est faite au travers de l'analyse de deux passages du roman *Scarp* (2012), du psychogéographe britannique Nick Papadimitriou. Les écrits de Papadimitriou sont utilisés pour évoquer la nécessité d'enquêter davantage sur le domaine affectif du droit, et de mieux reconnaître le relatif manque d'influence du droit sur certaines situations spatiales. L'auteur appelle au développement d'une psychogéographie juridique hybride, afin de dépasser les limites actuelles de la géographie du droit et de la psychogéographie pour aborder ces dimensions du spatio-juridique, à la fois en termes de méthodologies de recherche et de finalités de l'analyse.

In *The Expanding Spaces of Law: A Timely Legal Geography* (Braverman et al., 2014) fordern die Redakteure rechtliche Geographen dazu auf ihre Aktivitäten auf den Austausch mit weniger

häufig anzutreffenden Feldern wie Architektur, Humanismus und Posthumanismus, Physische Geographie, Psychologie und Psychoanalyse sowie Materielle und Visuelle Kultur zu erweitern. Dieser Artikel greift diesen Aufruf auf, indem er die Beziehung des Rechts zu affektiver Materialität (dem instinktiven Einfluss der Dinge auf uns) und zu dem Pragmatismus, der im Mittelpunkt von Bemühungen um eine zielgerichtete Gestaltung einer jeder Situation steht, untersucht. Dies geschieht durch eine Untersuchung zweier Passagen des Romans *Scarp* (2012) des zeitgenössischen britischen Psychogeographen Nick Papadimitiou. Papadimitiou's Passagen werden verwendet, um produktive Hinweise auf die Notwendigkeit einer eingehenderen Untersuchung des affektiven Bereiches des Rechts und einer stärkeren Anerkennung des mangelndem Einflusses des Rechts auf bestimmte räumliche Situationen zu geben. Um die derzeitigen Grenzen der Rechtsgeographie und der Psychogeographie bei der Auseinandersetzung mit diesen Dimensionen des Räumlich-Rechtlichen zu überbrücken, wird dafür plädiert eine hybride, rechtlichen Psychogeographie zu entwickeln, im Hinblick auf Forschungsmethodologien als auch auf die Ziele der Analyse.

## INDEX

**Mots-clés:** Géographie du Droit, matérialisme affectif, pragmatisme, psychogéographie, pratiques spatiales

**Schlüsselwörter:** Rechtsgeographie, affektiver Materialismus, Pragmatismus, Psychogeographie, räumliche Praxis

**Keywords:** legal geography, affective materialism, pragmatism, psychogeography, spatial practice

## AUTHOR

LUKE BENNETT

l.e.bennett@shu.ac.uk Reader in Space, Place & Law, Department of the Natural & Built Environment, Sheffield Hallam University, Sheffield, UK.