

Comparative Law and Legal Geography: The Path towards Interdisciplinarity¹

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PROMOTING INTERDISCIPLINARY ENCOUNTERS

We all know that, as a set of rules governing human activities, the law has always been in a special relationship with geography. In the course of human history, this relationship has taken different forms and served several functions (Nicolini 2022). And yet, more could be made of this intriguing relationship. This special issue goes even further; it centres on the interrelationships between comparative law and legal geography, placing itself at the crossroads of these two fields of scholarship. Originating in an international symposium, ‘Geographies of Law: Inquiries into the Space-Law Tangle’, held in Turin late in 2021, this special issue provides a forum for scholars to critically rethink the legal-geographical tangle, and the related research in its entirety. Going beyond the limits marked by mono-disciplinary investigations, it brings together different perspectives whereby the legal-geographical nexus may be better understood.

Certainly, as far as comparative law and legal geography are concerned, scholars have already pluralised the debate. Yet, as this special issue demonstrates, it is necessary to go further and expand the interdisciplinary engagement with legal geographical research. Our special issue is a not so ‘modest proposal’ for promoting interdisciplinary

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research. From a jurisprudential standpoint, it runs counter to the idea of the autonomy of the law. For us, the law cannot be reduced to a neutral set of rules to be ‘understood and applied without reference to immediate economic, social, or political needs’ (Frier 1989). A full understanding of legality and its devices – doctrine, policy, process – entails an even fuller understanding of all the variables – social, political, economic, cultural, historical – that affect them. The law is not an empty box incapsulating ‘anonymous authority and power’ (Rissanen 2000, 121). Quite the opposite: external factors pragmatically enrich and influence its meaning. To put it differently, space is *also* produced through legal practices, and the special relationship between comparative law and legal geography crosses the boundaries between disciplines, giving rise to interrelations and fruitful encounters.

OUR JOURNEY THROUGH COMPARATIVE LAW AND LEGAL GEOGRAPHY

The first article in this collection, Cristina Poncibò’s essay, ‘The Unfulfilled Promise of Interdisciplinarity in Comparative Law: Dialogues with Legal Geographers’, provides readers with a methodological exemplar, highlighting not only the need for, but the way in which legal geographical research may be fruitfully conducted. Her article throws light on the ‘unfulfilled promise’ of interdisciplinarity in comparative law; for while comparative law scholars are assumed to have a genuine vocation for interdisciplinarity, according to Poncibò, they have yet to achieve it. Why? Because the promise of interdisciplinarity clashes with the reality of everyday practice with its scant, occasional, or improvised application of interdisciplinary methods. By way of contrast, Poncibò argues that comparative lawyers will benefit from a fresh dialogue with legal geographers, thereby encouraging true interdisciplinarity. This engagement with legal geography extends beyond simply augmenting the disciplinary spectrum of comparative law; it introduces new methodologies and paradigms that will assist scholars in gaining a deeper understanding of the intricate relationship between law, space, and place. Such an engagement will be instrumental to realising the full ‘promise of interdisciplinarity’ in comparative law, culminating in a more robust, multifaceted comprehension of legal phenomena.

An attempt to build such a dialogue can be found in Matteo Nicolini’s ‘The Land, the Sea, and the Colonial Production of Space within the Anglo/British Empire’. Nicolini assumes that comparative law helps us to reassess the special relationship between law and geography

Introduction

also through the production of legal spaces. His essay examines the processes of legal-spatial production implicated in the creation of colonial legal spaces during the Age of Discovery. Special attention is paid to how the Anglo/British Empire manufactured both terrestrial and oceanic spaces. The article maintains that, within the Anglo/British Empire, the integrated geographies of land and sea were facilitated by certain key qualities intrinsic to the English common law. With its all-encompassing, holistic approach, the common law's capaciousness captured the whole earth, beyond even the divide between land and sea.

The need for such an interdisciplinary dialogue is patent in 'More-than-human Promise: Relationality, Materiality, and Performativity', written by Irem Ince Keller, Maurice Yip, and Jean Ruegg. The authors focus on the notion of 'promise', which must be understood as a more-than-human practice rather than merely a human affair of exchanging commitments to make agreements. Promise is always enrolled into, and complicated by, the heterogenous networks formed up by humans and nonhumans in the world. In their article, they analyse the legality and spatiality of promise, unpack spatio-legal tangles, which are dynamic, contextual, and territorial, producing knowledge about law and society. To this end, the authors assess three cases of promise in different spatio-legal settings, namely a piece of legislation about seismic risk management in Turkey, a judicial decision regarding land use rezoning in Hong Kong, and some disputes over property rental arrangement during the COVID-19 pandemic in Hong Kong. These cases are analysed through three interrelated aspects of making sense of the social world, namely, relationality, materiality, and performativity. When using these three notions, the theoretical framing is not only limited to the analysis of the promise, but it can also be extended to make sense of other aspects of law and society.

In 'Spatial Injustice and the Informal Housing Market in the United States: How Predatory Practices Impact upon Geographies', Lorenzo Serafinelli assumes that the dialogue between comparative law and legal geography is a situated practice. He probes this assumption by addressing the renovated application of Redlining policies as regards the black population in the U.S., which live in poor areas characterised by high unemployment, low housing quality, and unhealthy living conditions, thus making their low socioeconomic status a critical risk factor. In particular, he focuses on how the formal/informal market divide in housing – which has always existed in the U.S. legal framework – facilitates predatory lending practices by fostering ghettoisation and inequalities, also jeopardising the spatial allocation of justice.

Legalities

This special issue exhibits all our methodological interdisciplinary ambitions. Furthermore, it unfolds our aspirational intellectual project; we encourage comparative lawyers to hold to the interdisciplinary promise, stepping out of the internal epistemic point of view of mainstream (i.e. doctrinal) legal research, crossing over boundaries, extending investigations beyond the limits marked by legal inquiries, and opening up comparative law to dialogue with legal geography. Further dialogues with, say, legal history, language, literature and culture, economics, sociology, international/global law will surely ensue.

NOTE

1. This special issue pertains to the research activities of the PRIN 2022 ‘Swinging Peripheries And Centers in Europe (SPACE): Comparative Legal Dimensions of Territory’ (PI: prof. Sabrina Ragone; Univr: prof. Matteo Nicolini – CUP B53D23010910006); and of the Jean Monnet Module, EU Eastern Neighbourhood: Dialogues on Civil Rights, Democracy and Trade (EU-East Dialogues), Project: 101047931, ERASMUS-JMO-2021-HEI-TCH-RSCH

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