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Focus: Articulating the Body Politic: Intersections in Law, Culture, and Society

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The focus delivers a critical assessment of the manifold intersections between political power and the body politic within legal and societal contexts. Indeed, such intersections take different forms and serve different functions within different contexts.

To this extent, the above-mentioned intersections contribute in forging the same scenario within which law, culture, and society interact. However, societal contexts have dramatically changed. As Alessandra Córdano upholds in “The Sex of the Body Politic: Questioning the Legal Constraints on Genderism between Law and Literature,” gender identity is a recent conquest in Western legal culture. The contemporary categories on how the body politic is forged reveal a more relaxed approach towards homosexuality, transsexuality, intersexuality and even transvestism, thus overturning the traditional social order that is grounded on a binary conception of the law.

Hence, “articulation” refers to how political power and body politic interrelate and therefore forge each other. As Sidia Fiorato has acutely pointed out, “the metaphor of the body politic [through its] multifarious articulations” holds such assumption: the concept of body politic is indeed “inscribed at all levels of society [...] and the political order [is] divided into different parts and functions that correspond to the members or organs of the community.”¹ But, articulation may also be disruptive, and trigger instead a dis-articulation of the body politic. This is the outcome of sectionalism, which is usually due to the “confinement of interest to a narrow sphere, narrowness of outlook, undue accentuation of minor local, political, or social distinctions.”²

1 Sidia Fiorato, “Introduction. Performances, Regulations, and Negotiations of the Renaissance Body. Legal and Social Perspectives,” in *Performing the Renaissance Body. Essays on Drama, Law, and Representation*, eds. Sidia Fiorato and John Drakakis (Berlin: de Gruyter, 2016): 1–26, 2.

2 *Sub vocem* “Sectionalism,” *Oxford English Dictionary*, available at <http://www.oed.com/view/Entry/174596?redirectedFrom=sectionalism#eid> (last access November 30th, 2017).

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Hence, sectionalism may cause tensions and contrasts between the constitutive parts of the body politic, as Ian Ward and Giuseppe Martinico explain in their essays. When they rest either by political alignments (as in Ward's "Shelley's Mask") or by racial cleavages (as in Martinico's "An Uneasy Character: John Calhoun's Cameos in *The Gorgeous Hussy* and *Amistad*"), sectionalisms may be extremely divisive. Indeed, Ian Ward's essay discloses how radical constitutional thought may frontally challenge the English Constitution: this is the case of the Peterloo Massacre (16th August 1819), which Ian Ward acutely examines through the lenses of *The Mask of Anarchy* by Shelley.

Sectionalism based on racial alignment is portrayed by Giuseppe Martinico, whose essay focuses on the movies *The Gorgeous Hussy* (1936), and *Amistad* (1997). As Martinico demonstrates, Calhoun had an incredible influence on important legal scholars and political theorists such as Jellinek, Schmitt and Seydel, and affected how institutions and democracy defined societal contexts and represented the body politic. This means that there are intersections between the articulation of the body politic and the mechanisms of its representation.

Intersections in Law, Culture, and Society are indeed relevant, and political power may alter, affect or manipulate the same body politic: Giovanna Ligugnana's "Unrepresented and 'Circumlocuted' People: Public Institutions and Citizens in Dickens' *Little Dorrit*" deals with such topic in the mid-nineteenth-century Victorian government and public administration.

And yet, the relation between governors and governed may be differently organised in different communities. Daniel Fernández's "Representative Government and Constitutional Reality. Spain between Literature and Political Thought" analyses how modern political representation has developed in Spanish constitutional history through the lenses of the key concepts of sovereignty, periodic suffrage, free public opinion, and free and non-revocable mandate. But, political representatives may shape, distort or create their personal and body politic. Comparative legal studies are also called into question in Giacomo Delledonne's "*House of Cards*: Comparing the British and the American TV Series from a Constitutional Perspective." The essay compares the two *House of Cards* TV series – the British one and the American one – from a constitutional viewpoint, and discloses how dis-articulation and misrepresentation of societal features characterises legal fiction.

The articulation of the body politic thus lies at the crossroads of different fields of research – and therefore may be scrutinised both diachronically and synchronically. However, the relation between the body politic and its representation is fragile. Paraphrasing Plowden, the body politic is a body that

cannot be seen or handled, consisting of Policy and Government, and constituted [by the People] for the [Moralisation] of the People, and the management of the public weal.”³

Matteo Nicolini addresses the relation between moralisation and representation of the body politic in the essay “Turning *Vanity Fair* into *The Cœlestial City*: England’s Legal Narratives of the Body Politic from Bunyan to Thackeray.” Body politic and its representation are the main features in English constitutional history – as a consequence, *moralisation* and *representation* could not be detached or severed. Such representation is indeed the “representative embodiment of the will of the nation,”⁴ as the Levellers uphold. As English constitutional history reveals, the articulation of the body politic implies both sectionalism and its representation. Complexity is the main challenge that crosses and intersects law, culture, and society. It is complexity, then, that urges a new reconfiguration of the body politic in terms of both policy (i. e., moralization) and government (its representation).

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³ Edmund Plowden, *Commentaries or Reports* (London: Brooke, 1816), 212a.

⁴ Rachel Foxley, *The Levellers: radical political thought in the English Revolution* (Manchester: Manchester University Press, 2013), 51.