

## Law and Geography

### **The Geography of Law: Landscape, Identity and Regulation, by William**

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Space is not merely an artifact of descriptive topography, since geography is a political space that engineers various facets of social consciousness, localities and perceptions of our instantaneous environment. Studies of geography and law are entailed since they unveil the sociopolitical interests that structure our land environment. Accordingly, they may induce more egalitarian paths to frame and utilize the territorial space. Scholarship of law and geography should deconstruct the faulty concept as if geographical spaces are given and reflect no deeper social practices. More generally, students of law and society would be expected to argue that geography is part of power processes through which control and domination have been procreated. The unsolved dilemma is how, through which mechanisms, geographical representations--as maps and architecture-- are constructing, framing, generating, challenging and reforming sociopolitical power.

The studious efforts to explore the regulative and constitutive meanings of geographical designs have gained a significant place in law and society scholarship through research of *inter alia* local communities, property, public policies and globalization. The edited volume on **The Geography of Law: Landscape, Identity and Regulation** is a significant endeavor to collect and edit a series of case studies, around the globe and mainly in Australia. It explicates the likely interactions between geographical representations of the landscape, individual autonomy, law, and identity (p. 1). Hence, the volume underscores possibilities of social constructions of realities (p. 4) through

landscape engineering and reproduction. Accordingly, its editor, William Taylor, states: “...each contributor was asked to respond to one key assertion: that the design of the built environment is crucially linked to issues of identity and autonomy insofar as they are means by which desires and needs are recognized as such- a way in which our ‘inner’ lives are reconciled with our ‘outer’ world.” (p. 5).

Thus, the readers may benefit from a variety of local practices of landscape social engineering that intellectually spot the manipulative, political driven, essence of the legalistic framing over geography. Alike numerous edited volumes ***The Geography of Law: Landscape, Identity and Regulation*** needs to be examined through a certain theoretical perspective. Such a gravity point, immersed in a theoretical perspective, is not saliently articulated through reading the various well documented case studies. Since the essays were invited for the book, based on a wide-ranging intellectual guidance, the book is missing a concrete theoretical argument that underlines and conceptually unifies its essays. However, the volume enhances our ability to unveil the political interests behind the legalization of the geographical space and to depict its ramifications on land design.

Richard Mohr’s chapter on “Territory, Landscape, and Law in Three Images of the Basque Country” is an excellent exploration of the manners in which a domestic national conflict has been articulated and constituted through maps and other graphic representations of territories under contention in modern Spain. Relying on ‘imagined communities’ by Anderson (1991), and influenced by Foucault’s (1980) deconstruction of state’s national sovereignty, the chapter aims to demonstrate how the Basques have endeavored to constitute their own territorial autonomy through procreating their idiosyncratic, non-republican, graphical images of the geographical space. It vigorously exhibits that minorities may frame graphical representations of the landscape to dispute the ideological myth as if a unified sovereign law is the sole normative constituent of the modern nation-state: “Where does this law come from? Weber has said that the modern state is further distinguished by its ‘monopoly on law creation’ (Weber, 1978: 705)..... The other images challenge uniform Spanish jurisdiction by depicting more complex

relationships between the law, the land and its people. These suggest sources of law which are not common ‘law of the land’, but which are more plural or personal.” (pp. 22-23).

Through such de-centered theoretical perspective of legal pluralism this volume should be studied and the merit of its various case studies should be evaluated. We are encouraged to look into the ways in which legal pluralism has been represented or marginalized in geography, and how those representations and misrepresentations of legalistically politically framed landscapes have generated political power and challenged it. Michael Levine is analyzing traditions of taste and judgment, while John MacArthur is explicating traditions of gardening and parking. William Taylor is devoting his “Visualising Comfort” for depicting planning of domestic housing as a means of controlling privacy and enabling more autonomy and safety. In his genuine analysis of how domestic planning has transformed itself since the second half of the 19<sup>th</sup> century, and became obsessed with individual autonomy and physical separateness, Taylor asserts: “Whereas initially, these requirements of separateness may have entailed a physical separation- necessitated, say, by the desire to prevent a building on fire from damaging its neighbors or to prevent the spread of infectious ‘miasmas’- separation came to organize visual concerns by the century’s end. “ (p. 68).

While Foucault is being referred to in the chapter, as in many other essays in this volume, it remains opaque to what degree the privatization process in domestic households was harmful to human freedom. Is law that imposes building private housing through emphasizing separation and individual space is damaging our social consciousness? This fundamental dilemma that needs some comparative investigation remains vague, as the author himself assert: “The family home may be thought to be a site for the analysis of power at a microphysical level, the site, say where medical, psychiatric and educational discourses articulate a range of bodily and building practices. One must be mindful, however, that it is likewise the site for imagining the lingering allure of individuality, autonomy and personal freedom constitutive of the self.” (81).

George Pavlich and Peter Kuch elucidate how spaces can be localities of accusation and foci of stereotypes against minorities and endogenous people. While Pavlich's explorations are more historical and only loosely connected to the volume itself, Kuch's piece is dealing with the collisions and cultural mutual stereotyping of both the colonial power and the endogenous minorities towards each other. Each is considering the other to invade its space; each considers the other as an existential threat. Indeed, the geographical space is a battle field through which the endogenous communities and the imperial power are conducting a conflict over power and rights. Michael Austin is explicating the political geographical landscape in Maori views in New Zealand [*Aotearoa* in the natives' language]. The Treaty of Waitangi from 1840 has hampered and marginalized the Maori ownerships of land. Yet, the Maori have used architecture in a way that molded and generated their unique identities in ways that also expressed dissent.

Akin to the Basques in Spain, the Maori have expressed their tradition through a counter-hegemonic representation of landscape. These representations have also shaped the Maori social consciousness as a minority that opposes majoritarian ideology. This has been reflected in a special type of architecture that has underscored collectivism on the expense of privacy and individualism. The same idea is explicated in Richard Blythe chapter on "The Idea of the Town." Blythe has depicted the process through which European colonial precept of the space has dominated architecture in 19<sup>th</sup> century Australia. He especially underscores the titling process through which the land was formally divided with ignorance and alienation towards the needs of the endogenous minority.

The public use of a space is certainly not a given, but rather a manipulative process of both inclusion and exclusion that reflects social practices and the irreducibly important distinction between hegemonic groups who have the power and the haves not. Kristine Miller demonstrates it in her study of building architecture in NYC. She asserts: "...while a landscape architect might design a space that has the flexibility to support various uses, offers physical accessibility, and provides spaces that can be temporarily

co-opted by different individuals and groups, that same site can be made inaccessible by what constitutes appropriate 'use'." [141-141]. Political control of the space lead people to conceive what the space is and what they can (and cannot) do in it. As I have pointed in referring to other chapters in this book, space is subject to political control and political manipulation since it molds public consciousness.

Whether law is going to be reformed through the design of landscapes depends on the success of counter hegemonic communities to offer alternative readings and construction of the land. The book exhibits how geographical presentations would be a crucial intermediating factor between political power and its mechanisms, on the one hand, and resistance to it, on the other hand.