The Unfulfilled Promise of Interdisciplinarity in Comparative Law: Dialogues with Legal Geographers

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Abstract:
The article examines the unfulfilled promise of interdisciplinarity in comparative law and suggests a new focus for it: namely, in legal geography's study of the multiple dimensions of law and space. This article maintains that comparative law may benefit from a fresh dialogue with legal geographers, whose critical perspective, in both theory and practice, to law and space has enabled them to develop their field in a truly interdisciplinary way. This article will argue that it is time for comparative law scholars to enter into a more constructive dialogue with legal geographers, accessing their more systematic conceptualisations of space, place and scale in order to better understand – and critique – the entangled relations of law and space in these, our 'interesting' times.

Keywords: Comparative Law, Interdisciplinarity, Crossdisciplinarity, Legal Geography, Space, Place, Scale, Critical Legal Geography.

INTRODUCTION

The article discusses the unfulfilled promise of interdisciplinarity in comparative law (Husa 2022, Kische 2019, Siems 2019; Glendon et al 2016; Reimann 2013) and argues that the path towards interdisciplinarity (Husa 2022) or, according to an author (Nicolini 2022), crossdisciplinarity is essential to revitalize comparative law. Nevertheless, the gradual but inexorable shift from a predominantly monodisciplinary (doctrinal) tradition to interdisciplinary inquiry, often combined with a focus on

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empirical research, seems to mark the inclination, or at least the aspiration, of legal sciences (Van Gestel, Micklitz and Poiares Maduro, 2012). Accordingly, the interest for other disciplines is one of the most pressing questions with respect to the role of methodology in comparative law (Amico di Meane 2022); and mainstream scholarship in the field considers it not just important, but essential, to have recourse to the findings of other disciplines for the study of law in general, and of comparative law in particular (Michaels 2006). Suffice it to mention the work by Rodolfo Sacco, long considered by international scholarship as core to the structural comparison of formants (verbalized or otherwise), developed as a theory in the early 1970s (Sacco 1991). It is, therefore, not surprising that comparative law should have adopted such an interdisciplinary approach as its vocation. This assumption, however, is not shared by all those who work in this discipline; but it could be inferred here that there is a significant group of scholars who are also committed to methodological pluralism. As some comparative studies have highlighted (Miur-Watt 2000, Fletcher 1996), this attitude often characterises scientific revolutions or transformations of a legal institution as something 'subversive'.

Such a promise remains unrealized, and developing a comprehensive interdisciplinary or crossdisciplinary use of comparative law is far from being a reality (Vick 2004). Comparative law has lost its subversive vocation and it is time to overcome the limits of the present to revitalise our discipline. Even after long decades of increasing interest in other forms of knowledge, comparative law does not yet seem to have completed the path towards full interdisciplinarity. Accordingly, this article shares the concerns of Husa, who notes:

> Comparative law scholars have long recognised the importance of looking beyond legal texts and incorporating interdisciplinary methods into the study of law, yet in practice such use of non-legal methods has remained modest (Husa 2022, 1).

Most Western comparative lawyers – especially European comparativists – still adopt a substantially monist and doctrinal approach. In this regard, Husa agrees that 'much of comparative law research is quite doctrinal, and even such seemingly natural allies as legal history or sociology of law have not in fact been extensively used' (Husa 2022, 28). Given these omissions, the comparative lawyer must avoid hazards on two fronts as illustrated by Husa's mythological metaphor (Husa 2022, see also Balkin 1996 on the risks of interdisciplinarity): the Scylla of black letter law research, and the Charybdis of occasional and improvised borrowing from other fields (Leiter 1992).

In particular, this article stresses the study of the multiple dimensions of space because it represents an important area of potential expansion and growth of our discipline. It is time to foster an interdisciplinary dialogue with comparative law's neighboring discipline: namely, legal geography. For legal geography deals with the multiple dimensions of space and, thus, on closer inspection, with what, for Italian comparative law scholars, are called the *crittotipi*, or the 'legal formants' (Sacco 1991). By bringing to the fore these hitherto tacit or implicit legal formants, legal geography helps explain why lawyers follow and apply rules that are not explicitly formulated or enforce rules of which they are not aware.

DIALOGUES WITH LEGAL GEOGRAPHERS: TALKING OF SPACE, PLACE AND SCALE

The origins of legal geography can be traced back to the 1970s, when it sprang from two important theoretical areas of research: namely, socio-legal studies and critical geography (Braverman et al., 2014, 120). Legal geographers openly admit the difficulties of relating to the legal world by confirming the law's perceived lack of accessibility. Blomley (2003, 17) notes that 'Given its closure, law vigorously policed knowledge, with a suspicion of that deemed outside. External influences, such as geography are thus admitted – if they are admitted at all – on law's terms'. Blomley denounces the division between law and geography, the substantial lack of a common theoretical and analytical vocabulary and attempts to open up (in his 2003 study and in some subsequent collective works) a field of study on themes such as property, land use, the dynamics of gentrification, and a critique of liberal spatiality through a series of empirical studies animated by a radical vision of social justice. Such an interdisciplinary project has advanced over the years and is now gaining momentum to transcend the boundaries of established disciplines (Tamanaha 2013, 2238; Banakar and Travers 2005).

In particular, the expression legal geography first appeared in Blomley's 1994 book entitled *Space and the Geographies of Power*. In the *Legal Geography Reader: Law, Power and Space*, Blomley and others collected articles published in the previous decade by various authors connected, to some extent, to the new discipline. Over the course of time, this discipline has grown in quantitative and qualitative terms and has seen growing participation by young scholars. As a sub-discipline of human and economic geography, legal geography also studies the distribution of humans in space and the relations between humans and the environment. However, the distinctive feature of the discipline consists in

understanding how the geographical and legal dimensions influence each other. In recent years, there have been growing calls to define legal geography's theory, methods, and research agendas more precisely (Nicolini 2023, 2022; O'Donnell et al. 2020; Orzeck and Hae, 2020; Valverde, 2014).

The exploration of this 'common space' between legal geography and comparative law is likely – we believe – to generate, through the constant and combined efforts of researchers, new theoretical or practical outlets that could contribute to revitalising comparative law as an innovative and disruptive discipline among legal sciences (Fletcher 1998). In the following sections, this article will discuss three main concepts of legal geography – namely space, place and scale – that comparative law scholars may fruitfully include in their conceptual toolbox and functionalise in their current approaches.

Space

Legal Geography's primary focus is the production of space, which is conceptualized as a performative practice and process where law, space, and power interact with one another – indeed constitute one another – to make places out of space. This general definition allows one to find legal geographic endeavors in every modern and pre-modern effort to partition, organise, and make space meaningful in the service of a political goal. As such, legal geography is but a contemporary nomination of two disciplinary intersections that have shaped each other across human history (Nicolini 2023).

To clarify, space is understood as physical space, but also as a container of social and, therefore, legal processes. In fact, legal geography initially embraced the Newtonian conception of homogeneous, empty and absolute space (Poncibò 2021, 2014). The transition from one conception to the other was due, among other things, to the work of Lefebvre, who wrote the book, *The Production of Space*, in 1974. In this book, the concept of space was reconstructed in three different dimensions: physical (or material) space; social space; and space in the abstract sense of individual perception. The idea of abstract space, i.e. mental space, allows for a psychological analysis of the factors involved in spatial determinations and the inner complexity of their affective connections and psychic dynamics. To be clear: geographical research has undergone a kind of detachment from territory in the physical and material sense. In legal studies, however, which too often remain anchored in territoriality – especially, in jurisdiction – as understood as the legal order of the nation-state, this process is still incomplete.

In this respect, the dialogue with legal geographers can facilitate progress towards the infinite possibilities of comparative legal research that do not concern territory, i.e. physical space.

In the light of the above, legal geographers conceive of the plurality of spaces in which law – or rather legal formants – can be studied and compared (Nicolini, 2022, who explicitly mentions the case of normative spaces). The different types of space are not natural, but legally produced: for example, public and private spaces. This approach overcomes, once and for all (as mentioned above), the nineteenth-century concept of the unitary space of jurisdiction, and delineates a geography of places and rights. According to legal geographers, there is nothing in the world of spaces, places, landscapes, and environments that is untouched by the operation of law. However, the constitutive power of law, as much as it may interest geographers, is not limited to aspects of nature. In fact, the doctrine of legal geography does not stop at the analysis of natural phenomena, but focuses above all on persons' and on the social relations between persons – and the critical forms they take. The first perspective emphasizes law that defines people in a broad sense (e.g. citizens, consumers, animals, lovers, owners, workers, refugees, children, soldiers, etc.) and determines their life in the world. The second perspective assumes that social relations of various kinds are also legally relevant relations. This concerns labour relations as well as marital and family relations, to name but a few (some examples are cited in Braverman et al. 2014).

Worth mentioning here is the thought of De Sousa Santos: for him, law is continuously reconstructed as an autonomous space through its constitutive operations in relation to other spaces such as politics and the market, where it plays the powerful role as mediator of conflicts (De Sousa Santos, 1987). Building upon these insights and pushing them further, this article argues that the law constitutes a large part of modern reality through its incessant, albeit often contradictory reiterations of divisions between national and international, between the public and the private. Further, it does so by drawing (and redrawing) national, regional and local boundaries; by constructing interiors and exteriors; by assigning legal meanings to the boundaries themselves; and, as is well known, by regulating the legal effects entailed in the crossing these boundaries.

None of these insights are particularly new and many have been aired before. For example, some scholars have investigated the legal and geographical aspects of prisons, hospitals, and torture sites, while others have explored, from the same perspective, issues related to sexuality and even the governance of public water. Furthermore, legal geography

scholars have also dealt with cultural protection, emotions, prison visitation, and consumption. Also, very interesting are the studies that explore the role of law in configuring spatial practices, such as confinement, exclusion, expulsion, and forced mobility. In this respect, legal geographers illustrate how law constitutes (i.e. delimits and regulates) more or less extensive spaces (from the state to the home) by confining the individual within these contexts.

Critique looms large here. For example, the traditional distinction between public law and private law can be critically reinterpreted and is, ultimately, 'up for grabs', since any territory can be characterized as public or private according to what is established by the norms and/or judgments of collective thought or individual perception. For the perception of the individual and the thought of the group does not always correspond to what is established, normatively, so much so that some may perceive them as private places that, legally speaking, are not as such. The distinction is, then, subject to variation over the course of time and according to its changing contexts: consider, a shopping center, long thought of as a commercial space of private property. Yet American courts have recognized such places as 'public' by stating that First Amendment freedom of speech must also be respected there. Or take the further example of private property as a place where private law, given its liberal foundations, guarantees its legal subjects security, protection and privacy (Stock 2015). The problem here is that this way of thinking has been criticized in feminist legal theory, since, as many feminist critics observe, the protection of the private place from state influence has, in some circumstances, ended up obstructing action to protect women against certain forms of domestic violence. Moreover, it can be noted that defense of the 'private' is not the same for everyone, because some social groups, such as the homosexual community, have been prosecuted in the past for behaviour in private places (MacKinnon 1989).

Place

Legal geographers have developed the idea of place as one of territory, and have explored it in terms of property law, as a mechanism for inclusion and exclusion. For example, Benton (2010) investigated the territorial expansion of European empires until 1900, highlighting how the expansion of their sovereignty over other lands was not a linear, regular or purely 'political' process, but rather a partial, chaotic and, at times, accidental one. Benton described how pirates were part of a geographical but also a legal history since, although outlaws, they drew

their rules of life and plunder from the cultures, even legal ones, of their origin: 'Pirates were sophisticated legal actors' (Benton and Edelstein 2011). It is very interesting to read where Benton notes how people are 'carriers' of law in that, as they travel, they carry with them, in space and time, the enormous baggage of legal culture.

Today, despite the focus on other and different spaces, the state remains the fundamental subject of law and the main producer of norms, even if it is no longer the only actor and its territory is no longer the only normative space. It is indeed possible to think of places over which no state exercises territorial jurisdiction, such as the space outside the atmosphere and the space that characterises the oceans. It should also be emphasized that there are phenomena whose relationship with place is no longer territorial: suffice it to think of virtual worlds (for example, the metaverse) and the emergence of self-governing rules governing this transnational reality. Thus, it is possible to say that the notion of place is surely a matter of reflection for comparative law scholars. We think for example to the studies on 'lawscapes': Howe (2008) examined religious landscapes and their legal protection, while Braverman (2010) conducted a critical analysis of the natural and political landscapes of Israel and Palestine.

In light of the above, one can grasp the link between geographical reflections and the theme of pluralism in law: legal geography is certainly akin to the discourses related to the valorisation of normative spaces, to use a term dear to comparative lawyers (Nicolini, 2022): scholars contribute to the exploration of the normative spaces that are most original and difficult to grasp – for instance, as said, the normative spaces of islands (Nicolini and Perrin 2021). For example, in the book, entitled *The Expanding Spaces of Law: A Timely Legal Geography* (Braverman, Blomley, Delaney, Kedar, 2014) there are chapters on the rules of engagement associated with Operation Enduring Freedom in Afghanistan; on the rules concerning the legal standing of public interest litigants in international courts; and on the regulation of street vendors in Mexico City. The chapters in the aforementioned book also consider property expropriation regimes in India-Pakistan and Israel-Palestine and, finally, labour issues in the United States. Each of these studies deals with very different types of spaces or places and very different instances from a legal perspective (Blomley, 2007).

Place, then, ranges around in critical legal geography and includes a variety of contexts: housing, marine reserves, Palestinian farms. Concomitantly, legal geographers promote a plurality of theoretical perspectives, as well as applicative approaches that, in the opinion of

this writer, intrigue the reader with their liveliness and wealth of insights. Moreover – and most important – it brings many new physical and non-physical places to light in which to discover and compare the law.

Scale

Legal geographers also think about the production of scale, and here the law is crucial. Ideas of the local, federal, regional, and national are legal constructs. Turning this around, comparative legal scholars need to understand how these scales prop up jurisdictional power (Valverde, 2015). For example, the concept of legal transplants has furnished a reinterpretation of law in dynamic and non-static terms (Sacco 1991), paving the way for a conception of law in terms of legal mutations and flows. Legal geographers note: 'Indeed, geography is a fate. Fate not only for a country, but also for its culture and its law…the geographic environment colours the law and enables or hinders the transfer of legal institutions' (Blomley, Delaney, Ford 2001, 18). In fact, some legal transplants have enabled the transfusion of models and institutions that are not sufficiently adapted (or at least adaptable) to the human and environmental contexts of the jurisdiction of reference – and the results have been less than satisfactory.

In regard to system mutation, Sacco noted that original innovation is the exception – of which he provides examples drawn from observation of the legal formant – while imitation is the rule. Additionally, imitation takes place in the form of the 'circulation of legal models' from one system to another: more precisely, 'from a formant of the first system to the homologous formant of the second system'. With the specification that, when imitation is 'consciously extended to an entire branch of law', it is called 'reception'. However controversial this approach may be, today it is still central to legal comparison, as well as being a source of constant reflection and re-thinking on the subject. But it lacks attention to 'scale', because, while this doctrine requires the scholar to focus on the transposition of the transplantation, it does not adequately clarify which elements relating to place and context should be considered at the local, federal, regional and national levels. Likewise, Holder and Harrison suggest that it may be possible to identify local legal spaces or undertake a kind of 'localization' of the legal transplant. They emphasize that there may be forms of regulation rooted in local living conditions. They also reveal how law contributes to determining physical geography and, in turn, how the latter can give legal discourse greater concreteness (Holder and Harrison, 2003).

DIALOGUES WITH LEGAL GEOGRAPHERS: CRITICAL PERSPECTIVES

Kedar argues that legal geography, despite its reference to the materiality of space, is not objective in its nature; rather, it is seen as being determined more through man-made and, hence, subjective processes such as law, understood here as an instrument that imposes a particular political and economic ideology – such as liberalism, to cite just one example (Kedar 2014). Since the 2000s, critical currents in the geography of law have emerged. They define themselves as critical insofar as they doubt the objectivity of the study and seek new configurations with respect to the current power structures that have upheld inequality, discrimination and bias. Kedar, for instance, states that law contributes to creating spaces that favor inequities, the evidence of which jurists often deny, hiding behind the claim that law is a mere technique and, as such, neutral. Many comparativists take this judicial claim of neutrality at face-value. Clearly, dialogue with the legal geographers – and their questioning of authority – may contribute to recharging the critical spirit of comparative lawyers, which seems to have waned over the years.

There is also considerable continuity – and synchronicity – between critical legal geographers' aims and perspectives and the legacy of critical legal studies (henceforth 'CLS'), the two having significantly impacted legal scholarship along very similar lines (Mangabeira Unger 1983). In Blomley's words: 'Both critical legal studies and critical geography began by interrogating the categories at the centre of their disciplines – law in legal studies, space in geography – and contesting their respective closures' (Blomley, Bakan 1992).

In the great tradition of the law & society movement and of American legal realism, CLS profoundly questioned the role of both the jurist and legal science with respect to the complexity of the social order, taking radical positions on the question of power. In adopting a neo-Marxist approach, CLS scholars considered the relationship between the legal system and economic relations as marked, not by an unequivocal, bourgeois-liberal autonomy but by a reciprocity immersed in and influenced by a dense network of interdependencies (economic, political and social), inducing only a 'relative autonomy' of law, itself controlled 'in the last instance' by power, be it economic, political, social, and so on. If law is, here, the result of hegemonic production and class relations, it can also maintain a role as an exogenous variable in which processes of economic change can manoeuver and open up to alternative practices that are oriented towards promoting social

democracy and, with it, emancipatory practices that will include previously excluded subjects and groups.

Above all, CLS undertook a radical deconstruction of liberal reformism and positive law, revealing their internal ambiguities, indeterminacies and contradictions inhibiting legality's ability to grasp social complexity (Soja, 1989). Two intellectual outcomes result from this movement: first, the strengthening of interdisciplinary trajectories; second, the thematic and methodological intermingling with other social and humanistic disciplines that shared an interest in neo-Marxist literature and post-structuralist thought between the 1980s and 1990s, and that were influenced, in the interpretative turn, by that of feminist studies and critical race theory. The 'spatial turn' in legal thought was in fact nourished by these broader currents of study and it was within them that there emerged – thanks to a series of pioneering publications – an awareness of the reciprocity of the relationship between space and law as mutually dependent. Not only do socio-geographical characteristics influence the genesis of law, along with many other historical and political factors (which pertain to the circulation of legal models), but law, in its turn, regulates and norms space by determining its order and by to regulate the identities that move within it.

Reciprocally, law will be strengthened and transformed by the dynamics that operate both within and from that of specific space. Thus, there arose a project of interdisciplinary studies which was strongly critical of the legal system as a homogeneous cultural order. It used spatial analysis to highlight the ideological structures that run through its instruments of territorial conformity, throwing into bold relief the distorting, conservative and/or redistributive effects of the very norms that order space. Think of Gordon Clark's innovative spatial and legal analysis in his *Judges and the Cities* (1985) where a critique of the bench's legal formalism/positivism is combined with a critique of municipal liberal policies, so as to reconfigure the meaning and scope of local democracy in Canada and the United States.

Just as CLS first turned away from high formalist/positivist jurisprudence to legal history, so too geography has undergone similar sort of turn away from a pure and abstract juristic vision of space disengaged from political and social references. In this shared movement, Blomley identified the possibility of fruitful cross-fertilisation precisely in the iconoclastic will of both CLS and critical legal geography, as well as in their insistence on the political, multiform and interdependent matrices of the dynamics studied (Blomley and Bakan, 1992). Thus, among the many different fundamental contributions to this turn of events, one can mention the interdisciplinary work of Don Mitchell, who has investigated

conflicts related to the use of public space in the United States of America. Starting with the living conditions of the homeless and studying the liberal tendencies towards the purging of urban space, Mitchell has more recently taken up the notion of the right to the city in strongly spatialized terms (as the right to minimum access to the city (Mitchell 2003).

In particular, Fineman and Thomson have published, again since the 1990s, their studies, which are considered to be particularly significant, on the pervasiveness of racism within both American policies, highlighting the openly discriminatory intentions of some territorial policies and the redistributive injustices that determine direct effects of spatial segregation (Fineman and Thomson, 2013). Such studies show the connection between environmental risks and racial issues by developing a rich conceptual framework that critiques the legal and spatial construction of identities (Pruit 2010, 2008). Legal geographers belonging to the aforementioned critical current have converged, in their scholarship's themes and objectives, with the thinking of the aforementioned CLS. Indeed, legal geographers have written about space from a critical perspective in order to denounce injustice and discrimination and to underscore that space is part of the process of producing justice or injustice. These interdisciplinary works of legal geographers (Braverman, Blomley, Delaney, Kedar, 2014) there have been assembled under the sign of 'the geography of law'; that is, they are distinguished according to the individual disciplines to which they belonged – sociology, politics, economics, law, geography – but each are characterised by interdisciplinary approach of critical legal geography. In the first phase, they mainly focused on the material dimension of space by deconstructing territorial and urban policies in order to highlight the profound ambiguity and incoherence between the stated objectives and the effects produced.

In the light of the above, it is clear that the disciplines here considered share an historical interest for critical discourses. This encounter is particularly promising in considering the present times where rights are often spatially limited. To clarify: the recent surge of far-right movements, ethno-nationalist politics and authoritarian populism across the globe has prompted scholarly attention to re-focus on both the drivers and consequences of far-right radicalization. Legal geographers are contributing to this growing body of research by exploring the digital geographies of far-right social media, the regional dynamics of the right, the relationship between urban settings and far-right mobilizations and the affective seduction of nationalism, far-right spectacle and right-populism (Luger 2022). Luger builds upon recent research to show that

even when conceptualized as a set of practices rather than as a simple territorial label, authoritarianism has a spatiality: both drawing from and producing political space and scale in many often-surprising ways (Luger 2022). Moreover, the violent incursion into the U.S. Capitol in 2021, the rise of Giorgia Meloni's 'Brothers of Italy' party, the exclusionary imagery of Hindutva nationalism in India, or the way in which Putin has used territory to construct a far-right, Russian-nationalist agenda: all these indicate that spatial tactics, practices, and imaginaries are crucial for the formation and radicalization of far-right movements. At the same time, anti-fascist efforts to disrupt far-right protests and efforts to build a radically-antifascist grassroots movement suggest that there is an emerging set of spatial practices employed by local activists working to combat far-right, nationalist, and neo-authoritarian movements (Koch 2022).

TOWARDS A COMPARATIVE LEGAL GEOGRAPHY?

Comparative lawyers can surely benefit from concepts such as space, place and scale, as well as the critical perspectives of legal geographers such as Braverman, Blomley, Delaney, Kedar and so on. Here, there is a 'common space' of possible cooperation and exchange. The overriding question, however, is whether this 'common space' between comparative lawyers and legal geographers may not just overcome the limitations of the present as outlined this article's introduction but, more interestingly, justify a challenging turn towards establishing a Comparative Legal Geography (Nicolini 2023, Spencer 2020, Kedar 2014). Consider the constant reference to the reciprocal influence between legal issues and spatiality: in particular, think of the co-constitutive approach in a certain strand of scholarship whereby a close cohesion between the two spheres is adumbrate, reading the legal in terms of the spatial and the spatial in terms of the legal (Nicolini 2023, 2022). This encounter certainly requires analytical agility; the epistemological grounding and handling of the two disciplines is not without difficulties. However, this 'path' is not unique, nor does it lack prominent predecessors: such connections exist, for example, between law and the disciplines of economics, sociology and politics (Calabresi 2003).

The consequences of this scientific approach are not negligible, as illustrated by the institutionalization of the following hybrids: law and economics (Cohen 2011), sociology of law (De Sousa Santos 1987) and, particularly, anthropology of law (Sacco 2007, Sacco 1992). In fact, sociologists and legal anthropologists have also made frequent use of spatial metaphors. De Sousa Santos (1987), by means of the image of the map and the concept of scale, already demonstrated the co-presence of

often conflicting legal orders in the same political space. He called this phenomenon 'inter-legality' in order to denote a very dynamic process in which the different legal orders do not move synchronously and the result of which is a discontinuous and unstable interweaving of legal spheres.

Anthropologists have shown a clear interest in geographical concepts and methods; other scholars have also dwelt on the circulation of legal models at a transnational level and on the acceptance and rejection by states and local authorities. The text of reference in this field is the book edited by Benda-Beckmann with the significant title *Spatializing Law* (Benda-Beckmann, Von Benda-Beckmann, Griffiths 2009). The editors wrote that this volume was intended to lay the theoretical foundations for what they called a kind of 'geography and anthropology of law'. In particular, the authors' assumption of the concept of space is a new and fruitful lens through which to investigate legal discourse since it makes it possible, among other things, to grasp the fact that individuals live within what they call 'legal constellations' (Von Benda-Beckmann, 2009).

Within this context, a lively international debate has emerged in which scholars from Canada, the United States, the United Kingdom, Israel, France, and Italy can be heard. Considerable efforts have been and are being made to develop and highlight the increasingly close links and complementarities between legal geography and comparative law (Nicolini, 2022; Battisti, Fiorato, Nicolini & Perrin 2022, Spencer 2020, Kedar 2014, Holder and Harrison 2003). In fact, a small group of comparative law scholars – dissatisfied with the limited tools, methods or disciplinary theories available for the pursuit of their research – have opted to explore neighboring disciplinary bodies – such as geography – in order to devise and develop shared approaches towards a more ambitious goal: crossdisciplinarity (Nicolini, 2023 and 2022, Nicolini & Perrin 2021; Kedar 2014, 2003). In particular, Kedar opened the way in his writings to the possibility of developing a comparative legal geography (Kedar 2014 and 2003).

Indeed, the sum of individual efforts now favors the development of this approach, notably through the institutional dissemination of the geography and comparative law interface: for example, seminars on the geography of law have recently been held; workshops have been dedicated to it; and new books (Nicolini 2022) on the subject have been published. In Italy, the first European symposium on legal geography was organised by a group of urban and economic geographers and comparative lawyers at the University of Turin in December 2021, with the participation of over forty legal geographers from

France, the United Kingdom, Canada, Japan, the United States and Israel.

CONCLUSIONS

Though the division of scientific research into disciplinary silos has a certain utility, it also severely limits contemporary legal research. While some researchers work exclusively within one discipline, others have chosen the difficult path of interdisciplinarity or, eventually, transdisciplinary – a term that denotes a research strategy that traverses many disciplinary boundaries to create a holistic approach. The use of the term 'path' is deliberate here; interdisciplinarity is both a practice and a process, sometimes institutionalised, but often unstructured and practised on an individual basis (Husa, 2014). There has been however, a recent attempt to establish a dialogue between legal geographers and comparative lawyers (Siems 2022), which could, in this way, reenvisage their discipline through new lenses. The case examined here goes in the direction suggested by Husa (2022); that is, developing an interdisciplinary comparative law and overcoming the limitations of traditional approaches (Amico di Meane 2022).

Several points of contact and common research interests between the disciplines have been highlighted in the course of this article: the role of concepts, such as space, place and scale to investigate the law; the possibility to train in new methodologies for general comparative law investigation; the contextualization of legal transplants, and the new places where law can be compared. In addition, critical legal geography is also useful for revealing the mechanisms of power that conventional spatial imaginaries obscure, thereby revealing why injustice is tolerated, and sometimes even legitimized by law itself. Put differently, a significant part of legal geography converges with the legacy of US critical legal studies, a shared experience which, until recently, has inspired generations of comparative law scholars. For it is precisely critical questions concerning power that brought legal scholars and geographers closer, each reading the same social theorists and addressing similar concerns. Though they dealt with very different and diverse topics, the interests if these scholars gradually converged on a common concern for social, economic, and political inequality and the contribution legal institutions made to this situation. In so doing, legal geography can only assist and abet comparative lawyers in stimulating and progressing critical approaches to law (Frankenberg, 2016).

To conclude, this interdisciplinary perspective is now also attracting increasing interest in the civil law legal traditions of Continental Europe,

primarily in Italy (Nicolini 2022, Poncibò, 2022), and France (since Melé (2009) opened the way to legal geography in that country). As such, critical legal geography constitutes a particularly useful comparative pathway along which to explore legal relations across the spaces of social coexistence and economic production, not to mention its operations of force. It is this article's strong belief that interdisciplinarity (Husa 2022) or crossdisciplinarity (Nicolini 2023) – if really practised and not merely declared – may significantly contribute to revitalising comparative law.

NOTES

1. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).
2. See the Program of the International AAG Conference, *Spatialities of the Right: Practices, Tactics, Imaginaries, and Resistances* Denver, Colorado 23-27 March 2023 at https://www.aag.org/events/aag2023
3. The Special Issue of Legalities 'Comparative Law and Legal Geography: Interdisciplinary Encounters' grounds on some of the papers presented by comparative law researchers at the Symposium on *Geographies of the law. Inquiries into the space-law tangle* that took place at the University of Turin and the Collegio Carlo Alberto on 13-14 December 2021. The Symposium was held under the aegis of the Italian Society for Research in Comparative Law (SIRD): see https://www.dirittocomparato.org/wp-content/uploads/2021/08/7.-Geo-law_CALL-for-papers-1.pdf (consulted on 20 February 2024).

REFERENCES

Amico di Meane. Tommaso. 2022. *Sulle spalle dei giganti? La questione metodologica del diritto comparato e il suo racconto*, Naples, Edizioni Scientifiche Italiane.

Battisti, Chiara, Sidia Fiorato, Matteo Nicolini and Thomas Perrin. 2022. (eds) *Islands in Geography, Law, and Literature. A Cross-DisciplinaryJourney*, De Gruyter.

Banakar & Travers R. (eds). 2005. *Theory and Method in Socio-Legal Research*. Oxford, Hart.

Balkin, J.M., 1996. Interdisciplinarity as Colonization. Wash & Lee L. Rev. **53**: 949.

Benda-Beckmann F. von, Benda-Beckmann K. von, Griffiths A. 2009. (ed), *Spatializing Law. An Anthropological Geography of Law in Society*, London, Ashgate.

Benda-Beckmann K. von 2009. Anthropological Perspectives on Law and Geography, *Political and Legal Anthropology Review* **32**:2 265–78.

Benton L., Edelstein D. 2011. Of Pirates, Empire, and Terror: An Interview with Lauren Benton and Dan Edelstein. Humanity: An International Journal of Human Rights, Humanitarianism, and Development **2**(1): 75–84, 75.

Blomley, Nicholas. 2007. 'How to Turn a Beggar into a Bus Stop: Law, Traffic and the 'Function of the Place''. Urban Studies **44**(9): 1697.

Blomley, Nicholas. 2003. From 'What?' to 'So What?': Law and Geography in Retrospect, in Jane Holder, and Carolyn Harrison (eds), Law and Geography, Current Legal Issues, Oxford, Oxford University Press, 17–34.

Blomley N. K., Delaney D., Ford R.T., 2001. *Legal Geography Reader: Law, Power and Space*. Hoboken. New Jersey: Wiley-Blackwell.

Blomley N.K.1994. *Space and the Geographies of Power*. The Guilford Press.

Blomley NK and Bakan JC. 1992. Spacing Out: Towards a Critical Geography of Law. Osgoode Hall Law Journal **30**(3): 661–690.

Braverman I., Blomley N., Delaney D. Kedar A. (eds). 2014. *The expanding spaces of law: a timely legal geography*, Stanford, Stanford University Press.

Braverman I. 2014. Who's Afraid of Methodology? Advocating a Methodological Turn in Legal Geography, in I. Braverman, N. Blomley, D. Delaney, A. Kedar (ed.), The Expanding Spaces of Law: A Timely Legal Geography, Stanford, Stanford University Press,120–141.

Braverman I. 2013. *Zooland: the institution of captivity*. Stanford. Stanford University Press.

Braverman I. 2011. *States of exemption: The legal and animal geographies of American zoos, Environment and Planning* **43**: 1693–1706.

Braverman I. 2010. *Hidden in plain view: Legal geography from a visual perspective. Law, Culture and Humanities* **20**: 1–14.

Braverman I. 2009. *Loo law: The public washroom as a hyper-regulated place, Hastings Women's Law Journal*. **20**: 45–71.

Braverman I. 2009. *Planted flags: trees, land, and law in Israel/Palestine*, Cambridge, Cambridge University Press.

Calabresi G. 2003. *An introduction to legal thought: four approaches to law and to the allocation of body parts, Stanford Law Review*, 2113–2151.

Clark G. 1985. *Judges and the Cities: Interpreting Local Autonomy*, Chicago, Chicago University Press.

Cohen LR, Wright DJ. 2011. (eds) Pioneers of Law and Economics, Cheltenham, Edward Elgar Publishing.

De Sousa Santos B. 1987. Law. A Map of Misreading: Toward a Post-modern conception of law, *Journal of Law and Society* **14**: 279–302.

Engel C. 2021. Challenges in the Interdisciplinary Use of Comparative Law, 69(4)? *The American Journal of Comparative Law*, 777–797.

Fineman M. and Thomson M. 2013. *Masculinities and Feminisms: Critical Perspectives*, London, Ashgate Press.

Fletcher GP. 1998. Comparative Law as a Subversive Discipline. *The American Journal of Comparative Law* **46**(4): 683–700.

Frankenberg G. 2016. *Comparative Law as Critique*, Cheltenham and Northampton.

Forest P. (ed). 2009. *Géographie du droit – Épistémologie, développement et perspectives*, Diké, Québec, Les Presses de l'Université Laval.

Gallaher C. 2021. Mainstreaming white supremacy: a twitter analysis of the American 'Alt-Right', 28(2)? *Gender, Place & Culture, A Journal of Feminist Geography*, 224–252.

Glendon M.A. *et al.* 2016. *Comparative Law in a Nutshell*, New York.

Holder J., Harrison CE. 2003. (eds) *Law and Geography*, Oxford: Oxford University Press.

Husa J. 2022. *Interdisciplinary Comparative Law. Rubbing Shoulders with the Neighbours or Standing Alone in a Crowd*, Cheltenham, Edward Elgar.

Husa J 2014. Interdisciplinary Comparative Law – Between Scylla and Charybdis?. *The Journal of Comparative Law* **9**: 28–42

Kedar A., Amara A. and Yiftachel O. 2018. *Emptied Lands: A Legal Geography of Bedouin Rights in the Negev*. Stanford University Press.

Kedar A. 2014. *Expanding legal geographies: A call for a critical comparative approach* in I. Braverman, N. Blomley, D. Delaney, A. Kedar (eds). *The Expanding Spaces of Law: A Timely Legal Geography*, Stanford: Stanford University Press, 95–119.

Kedar A. 2003. *On the legal geography of ethnocratic settler states: notes towards a research agenda*, in J. Holder, C.E. Harrison (eds). *Law and Geography*, Oxford: Oxford University Press, 401–443.

Kennedy D. 2002. The Limited Equity Coop as a Vehicle for Affordable Housing in a Race and Class Divided Society. *Harvard Law Journal* **46**: 85–125.

Kennedy D. 1987. The effect of the warranty of habitability on low income housing: milking and class violence. *Florida State University Law Review* **15**: 485.

Kische U. 2019, *Comparative Law*. Oxford, Oxford University Press.

Koch N. ed. 2022. *Spatializing authoritarianism*. United States: Syracuse University Press.

Krisch N. 2022, Entangled legalities in the post-national space, *International Journal of Constitutional Law*, **20**:1, 476–506.

Latour B. 2009. The making of law: an ethnography of the Conseil d'état, Cambridge Polity Press.

Lefebvre H. 1991. *The production of space*, Oxford, Blackwell, in the edition translated by Donald Nicholson.

Leiter B. 1992. Intellectual Voyeurism in Legal Scholarship. *Yale Journal of Law and Humanities* **4**: 79.

Luger L. 2022. Celebrations, Exaltations and Alpha Lands: Everyday geographies of the far-right, *Political Geography* **96**: 102604.

Mangabeira Unger R. 1983. The Critical Legal Studies Movement. *Harvard Law Review*, **96**(3), 561–675.

Melé P. 2009. Pour une géographie du droit en action. *Géographie et cultures* **72**: 25–42.

Michaels R. 2006. The Functional Method of Comparative Law, in M. Reimann, R. Zimmermann (eds). *The Oxford Handbook of Comparative Law*, Oxford, Oxford University Press, 340.

McKinnon C. 1989. *Towards a Feminist Theory of the State*. Harvard, Harvard University Press.

Medina R *et al.* 2018. Geographies of Organized Hate in America: A Regional Analysis, *Annals of the American Association of Geographers*, **14**: 1006–1021.

Miur-Watt H. 2000. La fonction subversive du droit comparé. *Rev. Internat. Droit Comp.* 503–527.

Mitchell D. 2003. *The Right to the City. Social Justice and the Fight for Public Space*. New York, Guilford Press.

Nicolini M., Perrin T. 2021. Geographical Connections: Law, Islands, and Remoteness, *Liverpool Law Rev.* **42**: 1–14.

Nicolini M. 2022. *Legal Geography: Comparative Law and the Production of Space*. Springer International Publishing.

Nicolini M. 2022. *Legal Geography-Comparative Law and the Production of Space*, Springer.

O'Donnell T, Robinson DF, Gillespie J. 2020. *Legal Geography: Perspectives and Methods*. New York (NY): Routledge.

Orzeck R and Hae L. 2020. *Restructuring legal geography. Progress in Human Geography*, **44**(5): 832–851.

Poncibò C. 2021. *Geografia del Diritto. Un'introduzione*. Turin. Giappichelli.

Poncibò C. 2014. Diritto comparato e geografia: una prima esplorazione. *RCDP*. **2**: 187–218.

Pruitt L. 2010. *Spatial inequality as constitutional infirmary: Equal protection, child poverty and place, Montana Law Review* **71**(1): 1–14.

Pruitt L. 2008. Place matters: Domestic violence and rural difference. Wisconsin Journal of Law, *Gender and Society* **23**: 347–416.

Reimann M. 2013. Comparative Law and Neighbouring Disciplines, in M. Bussani, U. Mattei (eds), *The Cambridge Companion to Comparative Law*, Cambridge, Cambridge University Press.

Sacco R. 2015. *Il diritto muto*, Bologna.

Sacco R. 2007. *Antropologia del diritto*, Bologna, Il Mulino.

Sacco R. 1992. *Introduzione al diritto comparato*, Turin, Utet.

Sacco R. 1991. Legal Formants: A Dynamic Approach to Comparative Law, Install. I-II, *American Journal of Comparative Law* **39**(1): 343.

Siems M. 2022. Comparative Law, Cambridge, Cambridge University Press.

Siems M. 2019. The Taxonomy of Interdisciplinary Legal Research: Finding the Way out of the Desert, *J. Commonwealth Leg. Ed.***1**: 7.

Spencer L. 2020. Comparative legal geography: context and place in 'legal transplants', in T. O'Donnell, D. F. Robinson, & J. Gillespie (eds). *Legal Geography: Perspectives and Methods*. Abingdon and New York. Routledge, 149–166.

Soja Edward W. 1989. Postmodern Geographies: The Reassertion of Space in Critical Social Theory, New York, Verso.

Stock. Paul (ed) 2015. The Uses of Space in Early Modern History. Palgrave MacMillan. New York.

Van Gestel R., Micklitz H.-W., Poiares Maduro M. 2012. Methodology in the New Legal World, EUI Working Paper Law 2012/2013, 12.

Valverde M. 2014. 'Time thickens, takes on flesh:' Spatiotemporal dynamics in law. In: Braverman I, Blomley N, Delaney D, and Kedar A (eds.) The Expanding Spaces of Law: A Timely Legal Geography. Stanford: Stanford University Press, 53–76.

Valverde M. 2015. *Chronotopes of Law: Jurisdiction, Scale and Governance*, Routledge.

Vick D.W. 2004. Interdisciplinarity and the Discipline of Law. *Journal of Law and Society*. **31**:163.

Tamanaha, B. Z. 2013. The Third Pillar of Jurisprudence: Social Legal Theory, *William and Mary Law Review*, **56**(6) 2235.

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