



**THE BOUNDARIES OF THE LAW  
INSTITUTIONS AND ANTAGONISMS**

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## A PATH OF RESEARCH IN THE CITY OF ROME

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Today's educational, cultural and artistic institutions face the challenge of radically rethinking their own *physical and disciplinary* boundaries.

The crisis of the last few years has demonstrated the importance of the production of space. Unlike its depiction on the part of some as smooth and crossed only by flows, global space appears to be segmented, fragmented, continuously reassembled: special economic zones, new enclaves, unprecedented institutional configurations, transnational lines of the production of knowledge.

This profound transformation has impacted not only physical space, but also the meaning and function historically attributed to cognitive processes and to the organization of power on a global scale.

Space no longer presents itself as a premise, an *a priori* or a container.

On a strictly legal level, it is no longer a representative scheme or a mere field of operation of government regulation. Space takes on a productive function or, more precisely, it is the cause and effect of continuous production activity.

Institutions, on all levels, are also impacted by this dynamic. Educational and artistic institutions have extended beyond the boundaries of the campus or the museum for some time now.

In the valorization of knowledge, what counts is not just what is produced, but its extension in space, and the space it creates by producing. Therefore the production of space becomes a decisive stake for research activity and critical theory itself. In other words, space is simultaneously an important object of research and one of its results.

Starting with such considerations, different formal and informal institutions in the city of Rome have decided to join forces to give rise to a common path of research.

Forming an alliance to produce, in the city, a space of the "between" of institutions, this path of research pursues a critical reassessment of the boundaries of a discipline, law, whilst deconstructing these boundaries which traditionally cordon off institutions and drive them towards a self-referential condition, separating their educational and research activity from the urban fabric, its contradictions and tensions.

Investigating the spatial side of law and producing a new space of research, intertwining forms of knowledge and combining different public places, experimenting with different modes of encounter, ranging from the "face-to-face" encounter of two people to the round table. Beyond the public event, great attention goes into moments of in-depth study and the preparation of the various encounters: a workshop on law seen as one way, among others, to redesign the city in which we live.

# THE BOUNDARIES OF THE LAW. INSTITUTIONS AND ANTAGONISMS

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The research starts with the aim of returning to the *foundations* of certain concepts and problematics that cross the conflicts of the present day, starting with the use made by social movements of the language and tools of law.

In recent years we have witnessed an unprecedented combination between the dimension of *practices* – social, political, artistic – and the juridical sphere. A combination that has produced a dual movement. On the one hand, the practices have attempted to reassign meaning to the legal field, demonstrating its potentially productive side: just consider the many experiences of struggle for the commons and the right to the city, where the ambition has been to imagine institutes and institutions *ex novo*, beyond the paradigm of property, and to imagine urban space as a place where it is possible to impose a democratic approach to processes of urbanization. On the other, the most aware? a critical? juridical science, faced with these demands, has had to look beyond its disciplinary boundaries, leaving behind the arid perspective of dogmatic formalism.

For this reason, law today, or more precisely the use of law, represents a new, fertile path of research. The use made of law today is perceptibly different from that of several decades ago, not only due to the constituent and non-instrumental character taken on by practices, but also due to the profound transformations that have impacted the legal dimension. Rights can no longer be defined, as they were for about two centuries, through identification with a given institutional form, the *State*, and with an exclusive juridical form, the *Law*. The State seems to have lost that dual monopoly, of the production of law and of legitimate force, which made it sovereign. The hierarchy of sources of production of law seems to have been interrupted, broken down, fragmented, in both the upward and downward direction. In its place, we find a true heterarchy. These imposing transformations prompt us to return to certain key concepts of the political and juridical vocabulary of modernity: State, federalism, democracy, citizenship, constitution, government. Key concepts that already position themselves on a border zone, or one of impossibility to distinguish between an inside and an outside, of juridical science. To be grasped in all their intensity, they need a wider gaze capable of moving between political theory and history, urban geography and sociology, political economics and constitutional theory. The use of law, understood thus, can allow us to investigate the practices not just in their horizontal and extensive dimension, but also on the vertical plane, attempting to grasp the connection between production of subjectivity and dynamics of articulation of power.

This is why we set out to explore the boundaries of the law. Here too, the word boundary takes on a dual meaning: physical and disciplinary *boundaries*. On the one hand, the *spatial aspect* of law will be a constant theme in the research. Just consider federalism, seen as a specific mode of reorganization of political and juridical space, capable of challenging the inside and the outside of sovereignty. Or citizenship, now subjected to the tension between its intrinsic universalist vocation and the wrinkles introduced by devices of population control (European citizenship, in this sense, is a very appropriate example).

Or consider physical boundaries that gradually lose the character of being “fixed” that connected them to the territory of the Nation-State, and become mobile, modular, flexible (again Europe is a paradigmatic example, where the external *limes* does not coincide with the borders of the member states). After all, it has precisely been social movements that have brought out the “spatial question” as one of the decisive stakes of contemporary politics, with the occupation of squares, streets and parks, from Puerta del Sol to Taksim Square. Practices of struggle seen as the reclaiming of places in which to enact and experience democracy.

At the same time, as we have said, the work will also focus on the disciplinary boundaries of law.

Here, the law can only be understood in its intrinsically political dimension, getting beyond the divisive formula typical of liberal juridical doctrine, between *State* and *society*. A formula that has permitted the reduction of politics inside the institutional boundaries of the State and the equivalence of social processes with state processes.

What happens now that the State no longer holds the monopoly on such processes? How is the role of constitutions and constitutionalism reconfigured in this context? Does the fragmentation of the juridical open up new possibilities of emancipation or, instead, is it a mere “regressive” element, useful only for the incessant action of financial capital? Questions for which at least partial answers can be formulated during the course of the work. If it is true that all we have known - institutions, representative systems, procedures of legitimation - is going through an irreversible crisis, it is also true that the present epoch has yet to find the suitable political forms to respond to this change. The research therefore becomes an effort of political imagination.

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