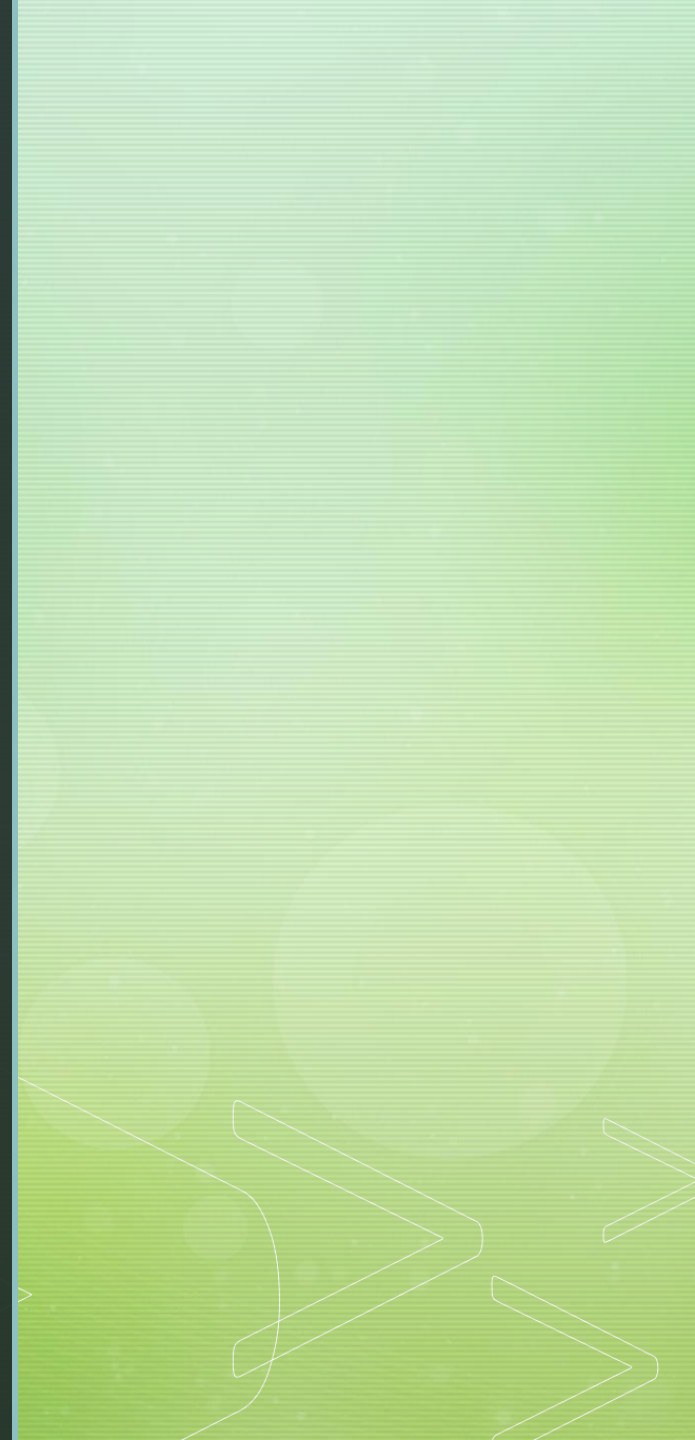


Deutsches Institut für Japanstudien/
German Institute for Japanese Studies,
November 13th, 2019

▀ **Mobility regimes and the geographicity of law**

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1. “Geographicity of law”: The spatial turn of legal studies meets legal geography

- Blomley (1994, S.51): „Legal practice serves to **produce space** yet, in turn, is shaped by a **sociospatial context**“
- Möllers (2015, S.19): „Normen, die in einem sozialen Kontext, zu einer konkreten Zeit und an **einem konkreten Ort** in Erscheinung treten“



What is geography about?

- Place, distance, localisation, territory, limit, network, landscape, scale, spatial distribution, centrality, area, spatial arrangements, spatial organisation, etc.
- Geography as scientific approach of the **spatial dimensions** of human societies

Spatial concepts and spatial imaginations

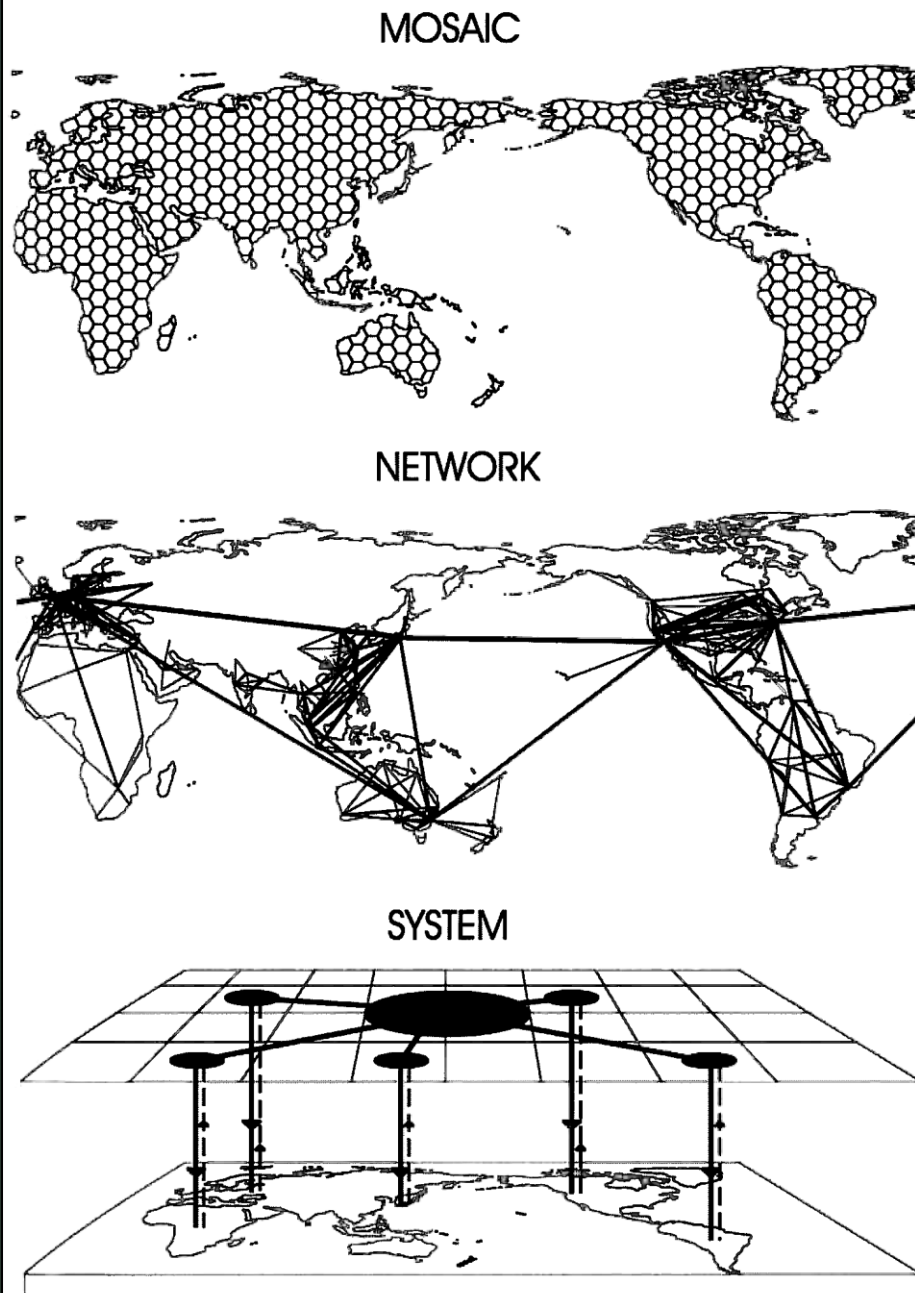


Figure 2.2 *Three concepts of global-local interaction*

Source: Adapted from Crang (2005)

■ The power of the geographical approach

1. Analysis of social actions as place-specifically adequate and depend on spatial conditions
2. Analysis of the “production of space“, i.e., the social processes, spatial categories and imaginations
3. Critical analysis of scales („methodological nationalism“)



What is legal geography?

1. The aims of legal geography:

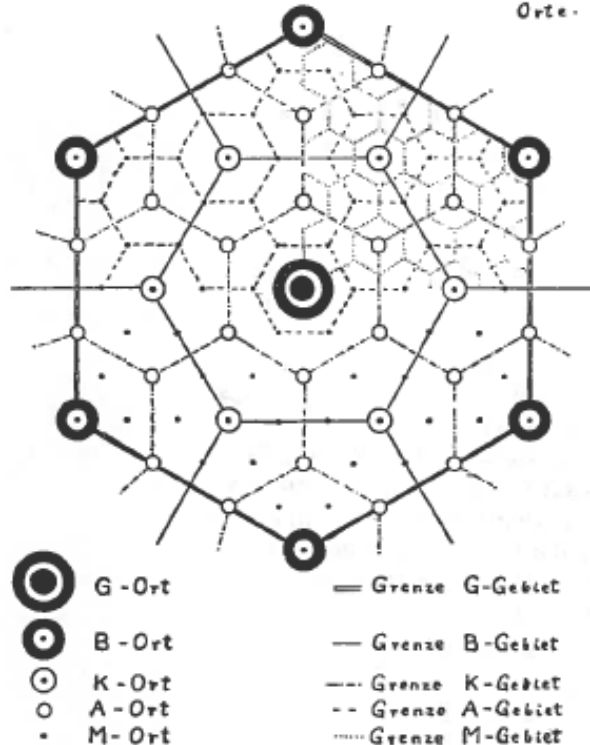
- a) Analysis of spatial imaginations in legal norms
- b) Analysis of the constitution of space through law
- c) Analysis of the spatiality of law (scales, territoriality, etc.)

2. Examples:

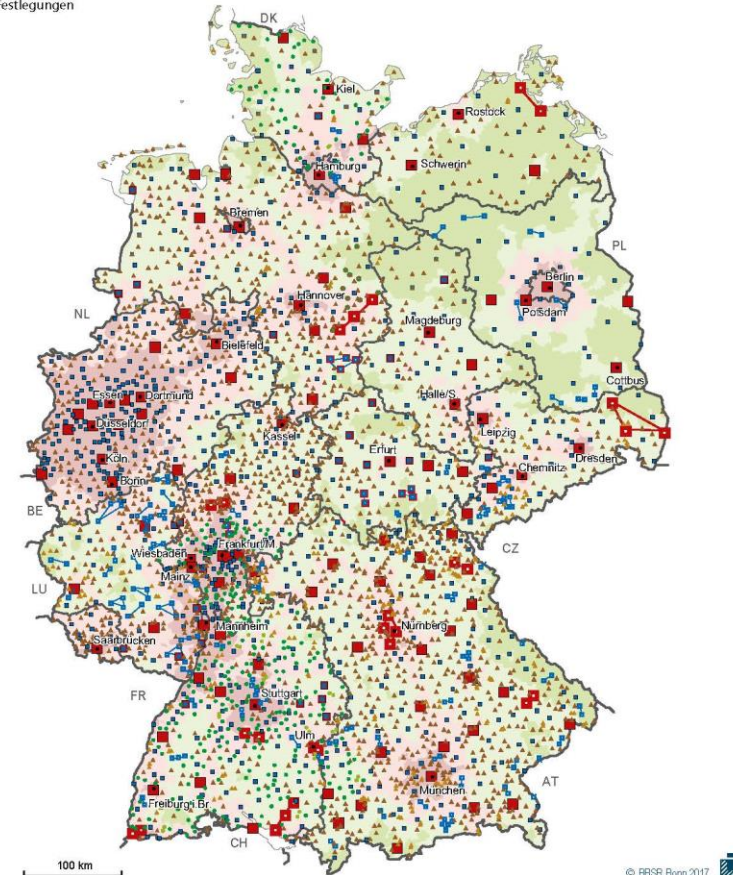
- a) Regulation of public space: „annihilation of space by law“ (Mitchell, 1997)
- b) Privatisation of formerly public space (Berlin, Potsdamer Platz)
- c) Spatial planning in Germany: translation of a geographical theory - central place model – into law (Raumordnungsgesetz)

Raumordnungsbericht 2017: zentralörtliche Gliederung der Daseinsvorsorge

Fig. 2. Die Ergänzungsgebiete im System der zentralen Orte.



Karte 12
Zentralörtliche Festlegungen



Zentralörtliche Festlegungen, Stand Dezember 2015

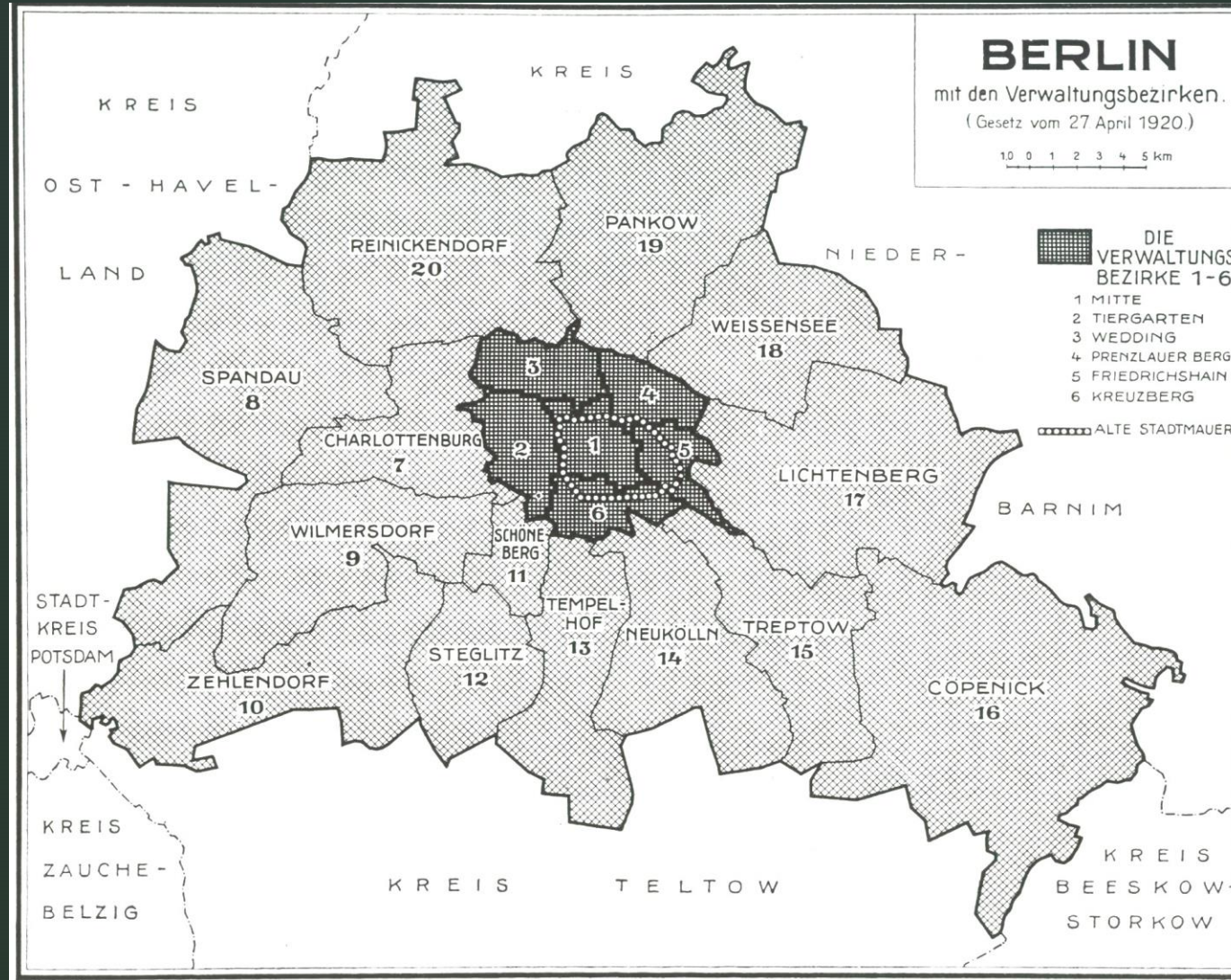
- Oberzentrum**
- Teile eines oberzentralen Verbundes**
- Mittelzentrum mit Teilfunktionen eines Oberzentrums**
- Teile eines mittelzentralen Verbundes mit Teilfunktionen eines Oberzentrums**
- Mittelzentrum**
- Teile eines mittelzentralen Verbundes**
- Unter-/Grundzentrum**
- Teile eines unterzentralen Verbundes**
- Ort mit grundzentraler Funktion**
- Kleinzentrum**
- Teile eines kleinzentralen Verbundes**

- Lagertyp nach erreichbarer Tagesbevölkerung**
- sehr zentral**
 - zentral**
 - peripher**
 - sehr peripher**

Datenbasis: Pläne und Programme der Länder
Geometrische Grundlage
Gemeinden (generalisiert), 31.12.2014
© GeoBasis-DE/BKG
Bearbeitung: B. Zaspel-Heisters

Anmerkung: Berlin ist im Landesentwicklungsplan Berlin-Brandenburg (LEP 9-B) 2009 als Metropole festgelegt, hat aber zugleich die Funktion eines Oberzentrums.

Gesetz über die Bildung einer neuen Stadtgemeinde Berlin vom 27. April 1920



Spatial turn of legal studies?

1. Analysis of spatial categories legal norms:
 - a) „constitutional spaces“ of the USA: „Spatial precision is essential because knowing *how* the Constitution addresses a particular problem often requires knowing *where* the problem arises » (Erbsen, 2011).
 - b) „misconceptions of space“ (Ford, 1994) in borders of jurisdictions in the USA
2. Public space as legal concept: Space of freedom, equality and demand (*Zumutung*) (Gusy, 2009)
3. „a shift in our understanding of territory from object to **relationship**, suggesting that a **relational conception of territory** potentially enables new analyses of law's territories“ (Brighenti, 2006, 84).

- Philippopoulos-Mihalopoulos (2010) : „The law, through its theory, invites space to become part of the legal corpus. What is more, law's spatial turn is the process of awareness of law's always-already spatiality, its connection to space and its questioning qualities » (p.10).

Siehe Hasso Hoffmann (1990) für eine eingehende Analyse und Einordnung der Rechtsphilosophie Schmitts.

2. Mobility regimes

- « We are witnessing the emergence of a **global mobility regime**, oriented to closure and to the blocking of access, premised not only on "old" national or local grounds but on a principle of perceived universal dangerous personhoods (hereinafter referred to as "a paradigm of suspicion") »
(Shamir, 2005, p. 199)



Several mobility regimes

- « several different **intersecting regimes** of mobility that normalise the movements of some travellers while criminalising and entrapping the ventures of others » (p.189).
- « we deploy the term 'regimes of mobility' (...) to explore the relationships between the **privileged movements of some** and the co-dependent but stigmatised and forbidden movement, migration and interconnection of the poor, powerless and exploited» (p.188)

Glick Schiller & Salazar (2013)

Legal dimensions of mobility

- «The term 'regime' calls attention to the role both of individual states and of changing international **regulatory and surveillance administrations** that affect individual mobility».

Glick Schiller & Salazar (2013)

3. Berlin mobility law from July 2018

- «The purpose of this law is the preservation and development of a safe and barrier-free transport system, based on the mobility needs in the city and the surrounding area, which is urban, environmentally, socially and climate-friendly ».
- A regulation of a « mobility system » (§1) of urban scale

City and mobility

- «When news streets and fundamental transformation of streets and squares are planned it should be examined whether and to what extent they can be used as place of encounter, of lingering, of rest, of communication and of playing (§4) »
- «It will ensure that residents in all parts of Berlin will dispose of an equivalent public transport offer» (§4).
- «is a contribution to the individual lifestyle and design of an inclusive inhabited space and as an indispensable part of a functioning sustainable metropolitan region» (§1)
- «The law wants also to warrant **equivalent mobility opportunities** in all parts of Berlin. The participation in the social life of all persons should be secured » (§1)

Priority to public transports and ecological mobilities

- Preamble: « regulated mobility covers the special requirements of all mobility groups, pedestrians and cyclists, local public transport, commercial transport and private motorised transport and ensures the priority of the environmental alliance» (*Umweltverbund*)».
- «The traffic of the environmental alliance (*Umweltverbund*) should therefore be given priority over motorised individual traffic in the urban-rural area with regard to expansion and financing" (§14).
- «In order to ensure a reliable and punctual service and to realise attractive travel times, public transport as part of the environmental alliance (*Umweltverbund*) is given priority over private motorised transport within the framework of current legislation» (§26, 5).
- «Within the Berlin cycling network, the connections that are particularly important for cycling, in particular connections of importance to the city as a whole, are to be defined (priority network). In the case of roads designated in the priority network, priority should be given to cycling as part of the environmental alliance (*Umweltverbund*) over motorised private transport within the framework of the applicable law» (§42, 1).



4. Two interpretations

1. An empowerment of other forms of mobility and a pushback of automobility.
2. A « mobilities turn » of the law : a law on mobilities not on transport.

Automobility: one example of a stricter legal framework

1. Automobility first seen “both a danger to public safety and a threat to the normal flows of everyday urban mobility” (Furness (2010, p. 48).
2. Other forms **of traffic** are the problem for the automobile : empowerment of the car through legal measures « uneven rights of mobility » (Prytherch 2012)
3. Berlin law as a pushback of « automobilized time-space » (Urry, 2000, p.737-738)

A « mobilities turn » of the law

- Mobility: practices, potentials, significations
 - Mobility as means not an end (“Teilhabe am gesellschaftlichen Leben”)
 - Spatial (different neighbourhoods) and corporeal (handicaps), economic etc. Inequalities
 - Multiple mobilities (everyday, touristic, events, etc.) and different modes of transport and intermodality
- Spaces
 - Accessibility and velocity: inter- et multimodality
 - City, climate, streets, security in public space
 - Consequences of mobility on urban space are considered
- Mobility: not only persons, also goods



Conclusions

The « geographicity » of law – not only the historicity of law – should be considered when thinking the changing regulations of mobility in the context of globalisation, urbanisation and digitalisation.