

Sabine Müller-Mall

Legal Spaces

Towards a Topological Thinking of Law

Contents

1	Introduction	1
2	Taking a Perspective on Contemporary Law: Complexity and Normativity	5
2.1	Looking for a Perspective I	5
2.2	The Complexity of Law: Hybrid, Relational, Dynamic	7
2.2.1	Presuppositions	7
2.2.2	Looking for a Perspective II	10
2.2.3	Hybridity	12
2.2.4	Relationality	17
2.2.5	Dynamics	25
2.2.6	Dealing with Law's Complexity	25
2.3	The Normativity of Law: Performative, Recursive	30
2.3.1	Normativity through Performativity	30
2.3.2	Normative Perception/Transformation	42
	References	43
3	Spatiality	49
3.1	The Concept of Space as a Tool for Description	49
3.1.1	The Problem of Perspective	49
3.1.2	The Problem of Scale	52
3.1.3	Example: Subjective-Public Rights	54
3.1.4	Spatiality as Perspective/Space as a Description Tool	61
3.2	A Concept of Space	64
3.2.1	Space as a Non-Territorial Concept	65
3.2.2	Towards a Concept of Relative Space	67
3.2.3	Performative Production of Relative Space	75
3.3	Spatiality of Law	80
3.3.1	Law as Space/Places in Law	81

3.3.2	Differentiating the Perspective: Topography vs. Topology	83
3.3.3	Law's Topology: Norms, Judgment, Theory	88
	References	89
4	Legal Spaces	95
4.1	Thinking Law Spatially	95
4.1.1	Legal Spaces: Norms, Judgment, Theory	96
4.1.2	Characteristics of Legal Spaces	98
4.2	Placing: Taking Concrete Perspectives on Law	108
4.2.1	Taking a Perspective: Reference Frames	109
4.2.2	Scaling	110
4.2.3	Legal Judgment: Application of Scales to Reference Frames	111
4.3	Law's Topology	117
4.3.1	Topological Observation: Combining the Perspectives of Space and Place	118
4.3.2	Example: European Administrative Law II	119
4.3.3	Conclusions for the Topological Examination of Law . . .	127
	References	129
5	Epilogue	131