

## George Pavlich

### *Collapsing Scales and Justice*

During the 2015 annual meetings of the Law and Society Association in Seattle, I attended several panels calling on audiences to mobilize concepts of space and/or time when examining law's rituals, from the spatial dimensions of enforcement to overlooked images of time embedded in punishment (i.e. time served). For Valverde, while legal geographers handily directed our attention to matters of space, "anthropologists and historiographers" turned our gaze to the movement of law through time. However, she questions a widespread propensity to overlook the interconnection between time and space, temporality and spatiality, especially when examining how legal governance happens. By integrating such approaches, she aims to reinvigorate law and governance studies by focusing on law's "spatiotemporality" (1). In so doing, the book's blurb promises to provide, "a new framework for analyzing the spatio-temporal workings of law and other forms of governance" (i).

From her vantage, the broad law and society field has not always, or sufficiently, focused on how notions of time and space in their concurrence produce law and no doubt society. But, for Valverde, "temporalization and spatialization are intertwined," and even when scholars talk of the one without the other (e.g. Santos), it is easy to point out how these dimensions—to greater or lesser degrees—relate to one another in the "mechanisms that govern us and that we use to govern" (33–4). But how on earth are we to conceptualize such intertwining? What concepts allow us to envisage space and time as integrated rather than separable dimensions of legal governance?

To answer such questions, Valverde turns to Mikhail Bakhtin's neologisms of *intertextuality*, *dialogism/heteroglossia*, and especially (as the book's title indicates) *chronotope* to provide "heterogeneous analytical tools" (1) for studying law in this way. These tools approach space and time as integrated components of legal governance and have the bonus of working "well in combination" (i). Valverde transposes Bakhtin's work on communication to law. She uses his idea of intertextuality, for instance, to assess how law fashions meaning through interactive exchanges between authorized discursive contexts. These exchanges are neither monolithic, nor discoverable sociologically; rather, as with Bakhtin's analyses of modern novels, they entail multiple narrative voices drawn out through historically propelled dialogue with, and responses to, other genres of communication. Distinctively different speech acts, such as the various ones authorized from within law, do not therefore threaten the law but give it a pluralistic form.

It is, however, through a reading of Bakhtin's concept of chronotope that Valverde develops a basic argument of the book. Bakhtin (2002) used the neologism to name how temporal and spatial relationships are interconnected and expressed through literature. For him, the key point was that the concept of time-space (or what Valverde also refers to as spatiotemporality) had "intrinsic generic significance" (15) within literature, and, as such, could be used to differentiate literary genres and the ways that they conceptualize "man" and indeed the work's relationship

“to an actual reality” (16). While abstracted thought may isolate time from space, he argues that a unique kind of thinking that happens with “*living* artistic perception” (16) should avoid this. Space-time instead involves an “organic cohesion” (19) that conjures time flowing through the “interior spaces” (21) as it contours figurative and literal entryways.

Applying such ideas to legal governance, Valverde eschews any metaphysical overtones that may be attributed to Bakhtin’s concept, and rejects Kantian inferences of reified time separated from space (10; 56ff). Instead, “like literary genres, different legal processes are shaped and given meaning by particular spacetimes” (11). Such spacetimes vary with genres of law, from homogenizing “penal codes” to the more plural sorts of “non-criminal [legal] systems” (12). The agora, the Roman household, and the courtroom provide exemplars for understanding chronotopes; that is to say, in respect of the latter, concrete spaces only become legal courts with the declaration of speech acts like *this court is in session*. But chronotopes do not simply add time to space; they require that these be linked fundamentally. That is, ‘different legal times create or shape legal spaces, and *vice versa*.’ (17–18).

On my reading of this text, Valverde puts such ideas to use in two related ways when developing a “framework” for understanding legal regulation. On the one hand, she uses it to sharpen descriptions of “concrete matters” of context (87), underscoring space-time scales within legal governance. The basic point is this: “like literary genres, different legal processes are shaped and given meaning by particular spacetimes’ (11). Referring to various analyses of law (e.g. Santos, Sassen, Deluze, legal geographers, anthropologists, etc.), Valverde argues that most have not understood that interactive time and space scales open to unpredictable, hybrid, and plural “assemblages” of dynamic legal governance networks. She approaches law from a “framework” comprising spatial and temporal scales, affect (“assemblages have moods too,” 78), and a sociological version of law’s jurisdiction (recognizing that it governs but also “authorizes” the governance of other systems, 83). This conceptual frame allows her to understand the “governance of legal governance” (83) and to recognize that “jurisdiction varies as spatiotemporal coordinates change and also as affect/mood changes, though in fluid and potentially contested ways” (87). How exactly these concepts are to be mobilized is, for Valverde, a contextual and contingent matter driven not by the demands of abstract representations of the world but by a fluid understanding of complex governmental patterns. Some might ask why the concepts of dialogue or intertextuality were sidelined in the framework; but the power of chronotopes nicely throws light on such concrete manifestations of governance through the agora, courtroom, colonial versions of law, “auto-effective” forms of sovereignty, political theory, crime fiction, web-based advertising about security, etc.

On the other hand, the framework uses chronotopes as a vehicle to interpret changing narrative genres shaping legal governance. Here, Valverde relocates Bakhtin’s attempts to differentiate between genres of literature to deciphering moving legal discourses and ideas (feminist legal theory, juridical enunciations of the “honour of the Crown,” (125ff) various narrations of security). Her framework is deployed to reinterpret, say, the development of feminist legal theory. She shows

how its registers (scales) have shifted away from a focus on domestic, national, transnational (global) to more ontological timespaces with concomitant governance yields; specifically, a “turning away from the subject and from what we used to call consciousness, and toward non-subjective, indeed non human scales: those of . . . spaces of flows, assemblages, and networks” (111). Ultimately this has moved feminist legal ideas away from fixed ideas of gender to new relations between “scale, mood and jurisdiction” (122), suggesting novel governmental rationales.

Valverde also points to a development in juridical writing that references “non-modern” chronotopes—with echoes of a colonially tinged sovereignty—to frame legal governance around the “honour of the Crown” (125ff). Understood as a chronotope, this example of legal reasoning and governance conflicts with aboriginal rights and postcolonial discourses just as it returns to mystical visions of a governing authority (sovereign) intolerant of non-western practices. Among other things, the focus on the spatiotemporal dimensions of re-appropriated juridical images of the “honour of the Crown” positions legal governance as necessary (or “auto-effective”) (132). The final chapter focuses on partially legal chronotopes or “assemblages” of security. It promises to show how the scale, mood, and jurisdiction of being governed through risk enables one to move beyond the usual dystopian images of control; one might also now understand security as entailing “positive visions of a secure and happy future” (155).

This stimulating and energetic book covers much ground and will accordingly be of interest to diverse readers, especially scholars and students working in areas of socio-legal studies, critical legal theory, critical criminology, and the sociology of law. At the outset, Valverde claims to develop a new framework to reinvigorate studies of law and governance and ambitiously tries to do so by attending to a broad range of issues, a decision not without challenges (1, 56). Although this reader is never entirely convinced by intended missions to open new horizons (this is often a far less intentional affair), the tone of the introduction is moderated by Valverde’s honest concluding reflections. Here she tells us that she has chosen to follow a “both and neither” path between the “academy’s insistence on narrow expertise” and a widening populist “turn away from reflexivity” (179). She worries that this decision may not satisfy either academic tendency but points to telling “substantive” yields of a recalibrated framework directed at legal governance (179–80).

Furthermore, Valverde insists that she offers, like Bakhtin, no more than “a set of loosely connected concepts” (7). She therefore contends throughout that her framework must not be read as delivering an integrated “theory” or “taxonomy” of law or governance. As well, “because it is not a theory, when I talk about a legal network or a part of a network as a ‘chronotope’, I do not mean to claim that chronotopes actually exist; I mean simply that the workings of governance processes can be illuminated by viewing them as chronotopes” (57). The distinction may seem slight, but it is significant. Valverde’s conceptualizations are not meant to reflect or represent the essential being of law or its governance. Even if at times the grammar of her narratives may appear to speak to an ontology behind the meanings, ideas, and practices that define legal governance in various contexts, readers must constantly remind themselves that, despite any such appearances, this book merely uses concepts heuristically. Consequently, she is clear that her work is not about generating a theory;

instead it theorizes “the space and time of law” (30) in efforts to “stimulate further thinking and analysis” (87) that may even prove her wrong.

Perhaps more directly, the book calls for an active mode of reflexive engagement concerned with changing views—not to reflect what *is* in new ways, but quite literally to recalibrate what is seen. This is a demanding remit for any reader, and one that if consistently followed might puncture meaning horizons. However, it may have been useful to directly address what may be called the *genres of critique* implied by Valverde’s approach. For example, I wondered whether her apparently deconstructive formulations of governance could be drafted as somewhat akin to what is elsewhere called a dissociative (as opposed to criteria-based forms of modern judgment) genre of governmental critique (e.g., Pavlich 2013). That is, might one explicitly phrase the grammar of critical theorizing or narration that drives the many insights of this work?

Further, taken to conclusion, Valverde’s call to integrate time and space may well require collapsing scales, rather than calling for new relations between temporal and spatial scales. Of course, there is heuristic value in clinging to past scales and putting them to new work, as indicated by her framework. But puncturing familiar horizons through Bakhtin’s idea of chronotopes pushes us to recast the very distinction between such scales. One might envisage what is at stake obliquely, say, through the example of horizontal, homophonic music being displaced by the vertical sounds of melodic polyphony. Allegorically, what may be read into Valverde’s work is an attempt to *hear* music neither vertically nor horizontally, but in an anticipatory fashion, integrating both into the seamlessness of something quite novel. The neologism *spatiotemporality* implies a far-reaching recalibration of heuristic scales and concepts, unraveling and articulating anew the very concepts of space and time. So, while this text nicely surpasses the limitations of thinking time and space independently, it also implies that their merger requires a recalibrated gauge that is bound to notions (or scales) of neither space nor time. That the book opens to this sort of discussion is no small accomplishment, but it is one that anticipates a narrative event still to happen. Along with much else, this sort of antiphon recommends a close reading of Valverde’s lively book.

## References

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\* Title has been changed since original publication. An erratum notice detailing this change was also published online (doi:10.1017/cls.2016.19).