

INTERNATIONAL LEGAL THEORY

The Visual Conquest of International Law: Brute Boundaries, the Map, and the Legacy of Cartogenesis

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Abstract

The late critical geographer Brian Harley forewarned that modern cartography had come to control and even ‘imprison’ spatial understandings of the earth. Where does this leave international lawyers when they encounter a quintessential ‘World Map’? Quite bluntly: tied to an inscriptive institution that has embodied the modern legibility and visualization of earth space. When speaking about the global arrangements of economic and political power constituted through law, what emerges, therefore, is the need for an expanded spatial literacy among international lawyers that critically engages the graphic legacy and influence of the geometric map. To enhance that literacy, I reach beyond the doctrinal field to engage a powerful spatial critique that has thus far encompassed scholarship across geography, international relations (IR) and sociology. A critique that took impetus over 20 years ago with John Agnew’s assertion that modern social science had become captured by a ‘territorial trap’. The article attempts to enrich that critique with Mark Salter’s insight on material power, Marshall McLuhan’s emphasis on the medium of communication, and Bruno Latour’s critique of cartographic naturalism. Specifically, I introduce the concept of *cartogenesis* as a way of underlining the deeper legacy and consequence of modern cartography, and specifically how the map medium should be grasped as a historical *actant* that has inscribed a particular ‘ground map’ of international authority. Lastly, the article looks at how geometric mapping now confronts new inscriptive ordering in the forms of transnational lists and contracts, which assert a growing scale of authority over earth space to an extent not seen since the Mercator Projection was recognized as an overriding geographic model.

Keywords

cartography; critical geography; international law; materialism; territorial trap

I. INTRODUCTION

There is a pervasive anxiety that reverberates through the knowledge ecology that international lawyers inhabit. It is an anxiety pertaining to spatial perception and relates to a visual grammar and economy that has structured the asserted rock bottom

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of modern international authority.¹ Specifically, a territorial matrix has conditioned perceived global political and economic orderliness stretching back roughly to the sixteenth century. Yet, now, increasingly non-territorialized configurations of persons, goods, threats, harms and wealth provoke doubt over the extent to which geographic reality remains *by nature*, and not artifice, territorial.² New matrices of material and social practices reveal the incumbent ‘World Map’ less as a geostrategic mirror and more an isomorphic proxy confronted by the inescapable decay all cartographic representations face with the corrosiveness of time.

Yet, what historical time imposes upon established cartography remains notably outside the enlightenment narrative, which has alleged geographic progress through the bulwark of geometric accuracy.³ That narrative should provoke acute reflection for international lawyers since the enlightenment storyline has largely structured the doctrinal discipline’s spatial cognition via the hegemonic and institutionalized concept of territory. Hence, the conditions of spatial possibility that define international law (IL) arise not from the discipline’s own continuing interrogations of legal space but rather from its import and veneration of a cartographic model crowned by modern science.⁴ An ingestion so complete, in fact, that few notice how the generative notions of cartography and geometry became quietly subsumed by, and forgotten within, the institutionalized grammar of territory; not simply for international lawyers but also social scientists generally.

This might explain how ‘methodological territorialism’⁵ continues to monopolize the scope and terms of inquiry that international lawyers apply, even when examining groundbreaking spatial developments such as the pronouncement of the *Anthropocene*,⁶ global value chains,⁷ drone and shadow warfare,⁸ or global surveillance systems.⁹ Notwithstanding that such powerful trans-border developments suggest radically new non-territorialized and non-geometric geographies of authority, which defy ready reduction onto a modern map of inter-state and thus territorial jurisdiction. However, spatial transformation is hardly an unseen development since earlier historical periods involved territorial and non-territorialized schemes of

¹ D. Bethlehem, ‘The End of Geography: The Changing Nature of the International System and the Challenge to International Law’, (2014) 25 *EJIL* 9; see also N.M. Rajkovic, ‘On Fragments and Geometry: The International Legal Order as Metaphor and How it Matters’, (2013) 6 *Erasmus Law Review* 6.

² J. Pauwelyn, R.A. Wessel and J. Wouters, ‘When Structures Become Shackles: Stagnation and Dynamics in International Lawmaking’, (2014) 25 *EJIL* 733.

³ J.B. Harley, ‘The Map and the development of the history of Cartography’, in J.B. Harley and D. Woodward (eds.), *The History of Cartography* (1987) Vol. 1, at 3.

⁴ J. Branch, *The Cartographic State: Maps, Territory, and the Origins of Sovereignty* (2014), Ch. 4: ‘Mapping the Territorial State’, at 68–71. See also D. Wood, *The Power of Maps* (1992).

⁵ N. Brenner, ‘Beyond state-centrism? Space, Territoriality, and geographical scale in globalization studies’, (1999) 28 *Theory and Society* 39, at 46.

⁶ C. Harrington, ‘The Ends of the World: International Relations and the Anthropocene’, (2016) 44 *Millennium* 478.

⁷ See The IGLP Law and Global Production Working Group, ‘The Role of Law in Global Value Chains: A Research Manifesto’, (2016) 4 *London Review of International Law* 57.

⁸ See T. Gregory, ‘Drones, Targeted Killings, and the Limitations of International Law’, (2015) 9 *International Political Sociology* 197; S. Niva, ‘Disappearing violence: JSOC and the Pentagon’s new cartography of networked warfare’, (2013) 44 *Security Dialogue* 185; N. Lubell and N. Derejko, ‘A Global Battlefield? Drones and the Geographical Scope of Armed Conflict’, (2013) 11 *JICL* 65.

⁹ See D. Severson, ‘American Surveillance of Non-US Persons: Why new Privacy Protections offer only Cosmetic Change’, (2015) 56 *HILJ* 465.

spatial authority.¹⁰ What makes the present rise, or revival, of non-territorialized authority seem so disruptive is the way it grinds against the visual economy of modern cartography, which involves countless mappings over recent centuries that equate ‘real’ geography to a statist ‘base map’.¹¹ With the problem being that this visual economy has narrowly filtered what international lawyers see as the active boundaries of geopolitics and geo-economics. Privileging visually, for instance, 250,000 kilometres of state borders, while obscuring the material and juridical impact of 64 million kilometres of highways, 2 million kilometres of pipelines, 1.2 million kilometres of railways, and 750,000 kilometres of undersea internet cables – to note only a few static infrastructures transforming twenty-first century geography, authority and exclusion.¹²

By implication, as the late critical geographer Brian Harley forewarned, the map has come to control and even ‘imprison’ spatial understandings,¹³ especially for those disciplines predicated upon the historical juncture that modern cartography has served to reify. Yet, few international lawyers are willing to scrutinize how a grand theory of international space has stood at the very root of their disciplinary enterprise.¹⁴ A spatial theory of law captured by the shorthand *Realpolitik*, and its associated doctrine that earth orderliness is translated by the jigsaw puzzle map of state units that has left international lawyers – among many experts – stuck to an eternalized ‘World Map’ that hinders scrutiny of new and non-geometric matrices of the political and economic authority. In other words, a mislaid concreteness has been assigned that overlooks how the *res*, or material thereness, of political-economic boundaries actually resides in evolving assemblages of maps, lists, algorithms, guards, fences, gates, ISO standards, weapons, passports and other technologies, which have given material life to such axioms as states and markets.

The iconic ‘World Map’ has been anything but geographically self-evident, but rather constructed by an unfolding materialism that is barely made visible using the geo-coded image of statist cartography. This implies considerable stakes for international lawyers because *the map*, instead of Article 38 of the Statute of the International Court of Justice, is identified as the most material, graphic and formal point of origin for the doctrinal field. Imagine the proposition: IL is less an independent and horizontal discipline, and more a tributary of modern cartography’s visual economy and thus hegemony? With the celebrated assertion of Boaventura de Sousa Santos becoming an apt diagnostic of substrate depth: ‘the relations law entertains with social reality are much similar to those between maps and spatial reality. Indeed,

¹⁰ J. Bartelson, ‘The Social Construction of Globality’, (2010) 4 *IPS* 219, at 222–3. See also Branch, *supra* note 4, Ch. 3: ‘The Cartographic Revolution’, at 42–5.

¹¹ J. Pickles, *A History of Spaces: Cartographic reason, mapping and the geo-coded world* (2004), Ch. 1: ‘Maps and worlds’, at 6.

¹² P. Khanna, *Connectography: Mapping the Global Network Revolution* (2016), 11.

¹³ J.B. Harley, ‘Historical Geography and the Cartographic Illusion’, (1989) 15 *Journal of Historical Geography* 80, at 85.

¹⁴ Few international lawyers beyond or since Carl Schmitt: *The Nomos of the Earth: in the International law of the Jus Publicum Europaeum* (2006).

laws are maps; written laws are cartographic maps; customary, informal laws are mental maps'.¹⁵

What emerges, therefore, is the need for an expanded spatial literacy among international lawyers that critically engages the substrate legacy and graphic influence of the geometric map, which has served to naturalize a certain territorialized grammar of earth space. My key contention is that a deeper visual conquest has gently demarcated, via an aesthetics of geometric and 'scientific' naturalism,¹⁶ an ahistorical model of international authority and, correspondingly, political-economic space. Accordingly, greater focus is needed on how modern cartography has been integral to the geometrization of planetary legal boundaries and, consequently, the naturalization of an apparent brute geography behind modern territorialization.¹⁷ Yet, to truly grasp how this visual conquest works beneath modern territorial boundaries, international lawyers need to reach beyond their doctrinal milieu to engage a powerful spatial critique that has thus far encompassed scholarship across geography, IR and sociology. A critique that took impetus over 20 years ago with John Agnew's assertion that modern social science had become captured by a 'territorial trap' or, more specifically, geographical assumptions that had naturalized falsely the notion of territory as an inherent unit of earth space.¹⁸

This article is *in part* about connecting international lawyers with that cross-disciplinary inquiry, and how it speaks to a present context where the notion of territory increasingly proves no longer the primary dimension of spatial authority. At the same time, this intervention is also about taking the critique instigated by Agnew a dimension further, by bringing into view the seminal role that the map medium has played as the unacknowledged conqueror of how disciplinary IL sees and knows geopolitical and geo-economic authority. In other words, the purpose of this article is to underline for international lawyers the legacy and consequence of modern cartography, and specifically how the medium of the 'World Map' has served as a ruling proxy of planetary legal space. However, to grasp this claim, understanding needs to be cultivated on how the conflation of earth space as a geometric object came to be constituted by modern cartography, and how a geometric and territorialized grammar came to encode that visualization of geographic 'reality'.

Consequently, this article builds that understanding via the following three-step argument. First, I assert that the perceived bruteness of territorialized (political or economic) boundaries reflects more a geometric naturalism than it does a geological nature. That claim underlining how the concept of territory is foremost a geographic subjectivity engendered over time through inscriptive media such as geometric mapping. Yet, this confronts international lawyers with a problem because notional territory has been exalted, institutionally, as a geographic object, and thus brute fact,

¹⁵ B. de Sousa Santos, 'Law: A Map of Misreading. Toward a Postmodern Conception of Law', (1987) 14 *Journal of Law and Society* 279, at 282.

¹⁶ This flows in part from what Lefebvre called the geometric 'science of space'. See H. Lefebvre, *The Production of Space* (1984), 1–2.

¹⁷ S. Elden, 'Missing the point: globalization, deterritorialization and the space of the world', (2005) 30 *Transactions of the Institute of British Geographers, New Series* 1, at 11–15.

¹⁸ J. Agnew, 'The Territorial Trap: The Geographical Assumptions of International Relations Theory', (1994) 1 *Review of International Political Economy* 53.

of anthropocentric nature. In my second step, I bring into view how that naturalism or, precisely, geo-teleology on territory, was what Agnew identified seminally with the ‘territorial trap’. Agnew’s heavy reliance on discursive deconstruction, however, meant that he failed to take into account the deep legacy of modern cartography and, particularly, the visual and material power of the geometric map. As a result, with my third step, I introduce the concept of *cartogenesis* as a way of enhancing the critique of territorialized ‘reality’, and I make that possible by drawing together Mark Salter’s insight on material power, Marshall McLuhan’s emphasis on the medium of communication, and Bruno Latour’s critique of cartographic naturalism. For the final and concluding sections, I return international lawyers to the enduring ‘reality’ advertised by the geometric or ‘World’ map. There is particular focus on the historical emergence of mapped inscription in modern Europe, and how that displaced what had been an incumbent textual medium that defined spatial cognition. Yet, we close with the observation that the reverse may be now taking place: the geometric map confronts rapid encroachment from the revival of textual inscription, in the notable forms of data-lists and transnational contracting that produce new non-geometric and non-territorialized geographies of authority.

2. THE BOUNDARIES OF GEO-LEGAL REALITY AND THE *BRUTE THERENESS* OF TERRITORY

It seems an astounding, and even counter-canonical, proposition to say that international lawyers are in need of questioning the axiomatic nature of territorialized space and authority, and further still the derivative and consequential concept of territorial jurisdiction. Yet, breaking down that bulwark of territorial commonsense emerges now as a salient issue since boundaries of geopolitical and geo-economic authority appear more heterogeneous than homogenous and, consequently, the real-world traction of the territorial matrix seems to fade relative to new practices and infrastructures of geographic space and power. The cognitive problem for international lawyers, as much of modern social science, is that the notion of territory has amassed such perceived brute and geological *thereness*. It has a majesty of physical self-evidence that, in terms of legal fact and doctrine, seems just materially unassailable.

Faced with this institutionalized and culturally inculcated presumption,¹⁹ how does a discipline and vocation such as IL rethink its – what William Rankin calls – *geo-epistemology* in the face of changing spatial practices and configurations of authority?²⁰ How does a canonical and, apparently, substratum term like territory move epistemically and socially from the standing of an essential spatial ‘container’,²¹ to simply a contingent dimension of institutionally-bound authority? This section initiates an excavation that will address these two questions by digging into both

¹⁹ R.T. Ford, ‘Law’s Territory: A History of Jurisdiction’, (1999) 97 *Michigan Law Review* 843, at 843–4.

²⁰ W. Rankin, *After the Map: Cartography, Navigation, and the Transformation of Territory in the Twentieth Century* (2016), 2–5.

²¹ A. Giddens, *A Contemporary Critique of Historical Materialism. The Nation-State and Violence* (1985), Vol 2.

the conceptual and cartographic dimensions that have jointly produced the deep institutionalization and materialization of territory as the perceived rock bottom of legal space. Notably, these metaphors of digging and rock bottom become apt, but not in the way one might literally expect. Since the aim here is to uncover not a geological essence but more accurately semantic and graphic infrastructures that have fashioned what historical sociologists call the naturalization and immutability illusion.²²

In other words, perceived territorial permanence requires an explanation not of geological determinacy, but how an infrastructure of modern concepts and mappings have made the modern territorial matrix visible as *the* authoritative representation of what global orderliness is and should be.²³ This approach emphasizes the productive power of knowledge structures as the actual rock bottom of apparent territorial self-evidence.²⁴ However, my interest in that epistemic power extends beyond identifying and deconstructing a set of ahistorical and inert presumptions on the essential materiality of territorial authority. What I want to bring into view is the role deeper geographic literacy and cognition plays in engendering territory as visually and materially synonymous with a statist visual imaginary.²⁵ As such, there is limited value in doing simply another conceptual critique that focuses on how territory, or territoriality, has come to linguistically dominate modern spatial perception.²⁶ Instead my aim is to recast for international lawyers how territory is better understood as a geographic subjectivity, which continues to evolve within an ongoing history of spatial literacy and, crucially, materialization.

That focus on geographic subjectivity has radical implications for the way the discipline may come to articulate the nature and relevance of territory. Foremost, it brings into question a defining structure/agent dichotomy that has framed territory as an objective and inert 'substratum',²⁷ while subjectivity is presumed exclusive to a gendered interchange between political sovereignty and legal jurisdiction. However, the prospect that subjectivity also extends into the notion of territory hastens a realization that geo-legal space is temporally more complex, unstable, and interactive than the jigsaw puzzle geography international lawyers have deemed a material and, thus, doctrinal truth.²⁸ What is more, it challenges the geometric depiction of authority as an object or thing that necessarily possesses closed boundaries and properties. The effect of which has been to obscure from the doctrinal field how the boundaries, meanings and properties of spatial authority are never detached from generative flows of human and nonhuman agency and, pivotally, evolving practices

²² J.M. Hobson, 'What's at stake in "bringing historical sociology *back* into international relations"? Transcending "chronofetishism" and "tempocentrism" in international relations', in S. Hobden and J. Hobson (eds.) *Historical Sociology of International Relations* (2002), at 6.

²³ R. Kitchin and M. Dodge, 'Rethinking Maps', (2007) 31 *Progress in Human Geography* 331, at 331–2.

²⁴ J.B. Harley, *The New Nature of Maps: Essays in the History of Cartography* (2001), Ch. 5: 'Deconstructing the Map', at 153–4.

²⁵ This is related in part to 'carto-literacy'. See Harley, *supra* note 24, Ch. 2: 'Maps, Knowledge, and Power', at 53.

²⁶ S. Elden, 'Land, Terrain, Territory', (2010) 34 *Progress in Human Geography* 799, at 800.

²⁷ N. Shah, 'The Territorial Trap of the Territorial Trap: Global Transformation and the Problem of the State's Two Territories', (2012) 6 *International Political Sociology* 57, at 58.

²⁸ For a problematization of territorial borders see N. Vaughan-Williams, 'Borders, Territory, Law' (2008) 2 *International Political Sociology* 322.

of geographic intelligibility, materialization, and inscription. As Andrew Abbott explains, misplaced concreteness typically overlooks how the spatial *thereness* and continuity of corporeal phenomena, such as territory, actually derive from boundary practices and techniques that inscribe patterns of materiality over finite periods of time:

[E]ntities come into existence when social actors tie social boundaries together in certain ways. Boundaries come first, then entities. Let me restate this assertion in concrete examples . . . [A] geographical state is a set of frontiers which are later linked into what topologists call a closed Jordan curve (a continuous single boundary that defines an inside that is nowhere continuous with an outside). An organization is a set of transactions that are later linked into a functional unit that could be said to be the site of these transactions. A legal corporation is a set of market (and other) relations that are later linked in a certain, specified fashion . . .²⁹

Assuch, my pursuit of geographic subjectivity opens up a new spatial inquiry into the inherence – not of boundaries but – of boundary practices, which become generative of corporeal phenomena notably like modern territory. This implies a significant change for disciplinary conceptualization, literacy and even self-identity: where international lawyers no longer treat territory as a brute essence and exogenous category presumably known through the geometric axioms of modern geography. Instead, there is a new focus on the production of geo-legal *thereness* in terms of visual inscriptions of authority that become embodied as ontic representations of geographic reality.³⁰ In this vein, boundary practices are understood to be linked profoundly to knowledge practices and their corresponding corporeal effects, which produce ongoing materializations of spatial authority whether in territorial, non-territorial or even hybrid manifestations. As William Rankin underlines, the impetus toward an analysis of spatial subjectivity flows from how evolving geographic practices and infrastructures continue to visibly alter and reconstitute territory into more complex matrices of territorial and non-territorial authority:

This change from bounded to unbounded territory is what I have in mind when I describe territory as something separate from sovereignty . . . I am affirming that something important *did* happen in the twentieth century and . . . the kind of all-or-nothing territory that Weber took for granted no longer exists (if it ever did). But . . . rather than trying to fit . . . into a dichotomy between the ‘traditional’ space of national territory and the new, nonterritorial space of global networks, I see it instead as signaling the modification of territory itself . . . neither a block of space or a network of flows . . . organized . . . in new ways and . . . new kinds of interventions and new kinds of governance.³¹

The net result is that contemporary space and authority can no longer be collapsed into the modern grammatical structure of territory, and the same holds vice versa. This does not imply, as popular references to *deterritorialization* have commonly theorized, that territorial unbounding translates into the teleological or existential end

²⁹ A. Abbott, ‘Things of Boundaries’, (1995) 62 *Social Research* 857, at 860.

³⁰ Kitchin and Dodge, *supra* note 23, at 334.

³¹ Rankin, *supra* note 20, at 15–16.

of territory.³² Rather, what is at stake is the changing nature of territory in light of how, for example, state power now manifests profound inequalities of spatial exclusion and extension between varied classes of jurisdictional authorities. On the one hand, states have lost the overall capacity to exclusively govern their own national economies and borders – presuming states ever had this full capacity at all.³³ Yet, on the other hand, a few – mostly former imperial – states have managed to compensate for that general loss of local exclusiveness by mutating their jurisdictional capacities, and thus horizons, to formally and informally govern far beyond their modern spatial limits – as visualized by the territorial matrix.

This means, first, that territory manifests a changing being, agency and use across what have become more complex and heterogeneous terrains of legal space(s). Second, there emerges the need to understand the evolving nature of legal space within a framework of historical ontology and, pertinently, relative to epistemic histories, practices and strategies that generate geo-legal legibility past, present and future. That brings into view the significance of productive power, and what semantic and graphic conditions have enabled territory to sustain such a persistent conceptual hegemony over the horizon of international authority. Further, it confronts international lawyers with the prospect that the perceived *thereness* of territory is tied less to an absolute physical essence and more to an enduring regime of territorial-mindedness, which has obscured the processual dynamics of ongoing reterritorialization(s) of geopolitical as well geo-economic authority.

3. *EXO*-SPACES, THE ‘TERRITORIAL TRAP’ AND THE ENDURANCE OF GEO-TELEOLOGY

The term *reterritorialization*,³⁴ in fact, occupies a crucial place within the scheme of developing a richer spatial literacy for disciplinary IL. Its importance is constituted by three cross-cutting dimensions of meaning. The first concerns *geo-ontology* in the Heideggerian sense that modern geography has always claimed to ontically know the earth as a globe of certain things and entities.³⁵ This ontic knowing has been tied historically to a particular and established grammar of geographic legibility, i.e., territorial, which remains in constant need of integrating and seeming proximate with inevitable geo-legal changes that grow from evolving spatial practices over time. For instance, the geometric grammar that has ruled modern geography since the nineteenth century held territory to be a solid and calculable block of state space, encompassing politics, economics and law within that planimetric unit. Yet, by the end of the twentieth century, geographic knowledge had to address policy, market, and juridical practices that have all developed spatial spheres that are no longer

³² G.O. Tuathail, ‘Borderless Worlds? Problematizing discourses of deterritorialization’, (2000) 4 *Geopolitics* 139.

³³ See J.G. Ruggie, ‘Territoriality and Beyond: Problematizing Modernity in International Relations’, (1993) 47 *International Organization* 139.

³⁴ Kitchin and Dodge, *supra* note 23, at 335. See also N. Brenner, ‘Globalisation as reterritorialization: the re-scaling of urban governance in the European Union’, (1999) 36 *Urban Studies* 431.

³⁵ J. Crampton, *The Political Mapping of Cyberspace* (2004), at 49. See also M. Heidegger, *Being and Time* (1962), section 22.

contained within the box of state power or reducible to the incumbent planimetry of modern territory.³⁶

The second meaning concerns *geo-morphology*,³⁷ and how incumbent geographic institutionalizations or structures, such as (state) territory, are subject to their own mutation processes that produce temporal continuity and transformation.³⁸ Reteritorialization, in this sense, reflects how territory has never been constituted by an absolute and fixed materiality, but more accurately an evolving assemblage and materialization of things, actors and ideas. Even at territory's spatial apogee, the constitution, texture, and depth of territorial boundaries have been always, to varying degrees, in temporal flux.

The third meaning is similarly historical, but with a different emphasis on the force of *geo-teleology*.³⁹ Here, reterritorialization points to territory as a physical and epistemic project dedicated to the extension and consolidation of state power,⁴⁰ with the trans-historical purpose of inscribing the state as an essentialized unit of political, economic and legal space.⁴¹ In this light, the term territory is not simply a neutral and descriptive noun but rather an ontogenetic symbol for that teleological mission, attempting to demarcate the material inherence and mutation of state power into the global political economy.⁴²

Our discussion now examines the interplay between these entwined meanings, which is not a story of equivalent interaction but rather of how the third meaning, geo-teleology, has asserted a deep visual capture and supremacy. The impact of which continues to constrain the depth of spatial literacy, and thus cognition, not merely with international lawyers but with social scientists generally as well. Particularly notable has been the resilience of geo-teleology across related disciplines, such as geography, IR and IL, despite each having experienced several decades of reflexive research that has either problematized empirically or deconstructed discursively the state-centered notion of territory. Yet, despite this outpouring of discursive and empirical scrutiny on the actual contingency of territory, it is difficult to say that these critical insights have led demonstrably to scholarship or policy substantially overturning or revising the primacy of the territorial matrix as *the* authoritative representation of geo-legal reality today. A far more engrained geo-teleology appears at work, acting as a kind of 'invisible scaffolding' – to use Wittgenstein's metaphor – over geographic intelligibility and ultimately cognition.⁴³

I emphasize this depth of state-centered teleology because an interdisciplinary array of empirical and discursive assessments on territory have manifest a notably

³⁶ Brenner, *supra* note 5, at 41.

³⁷ For a discussion of morphogenesis, see M.S. Archer, 'Morphogenesis versus Structuration: On Combining Structure and Action', (1982) 33 *British Journal of Sociology* 455.

³⁸ See F. Kratochwil, 'Of Systems, Boundaries, and Territoriality: An Inquiry into the Formation of the State System', (1986) 39 *World Politics* 27.

³⁹ For a discussion of teleology and international law, see M. Koskenniemi, 'Law, Teleology and International Relations: An Essay in Counter-disciplinarity', (2012) 26 *International Relations* 3.

⁴⁰ M. Escobar, 'Exploration, Cartography and the Modernization of State Power', in N. Brenner et al. (eds.) *State/Space: A Reader* (2003), at 35.

⁴¹ On the connection between legibility, mapping and the state J. Scott, *Seeing like a State* (1998).

⁴² See Harley, *supra* note 24.

⁴³ L. Wittgenstein, *On Certainty* (edited by G.E.M. Anscombe and G.H. von Wight, 1972), section 211.

consistent restraint: analytical scrutiny has focused largely on territory's changing scope of practical relevance, rather than going further and interrogating the very being of territory's naturalism. As a result, this has left the notion of territory either under-questioned as a primary spatial unit or, at minimum, still in continued occupation of the asserted 'ground' or 'base' map of international authority.⁴⁴ Two examples, respectively from disciplinary IL and IR, provide incisive openings into how that established naturalism proves resilient and enduring in the face of empirically-driven or theoretically-driven attempts to make legible – and spatially significant – new non-territorialized practices or assemblages of authority.

For instance, disciplinary IL has seen the recent rise of what may be – loosely – referred to as post-national scholarship, which has given ascent to influential specializations on global administrative law (GAL), informal international law-making (IN-LAW),⁴⁵ and – most especially and broadly – transnational law.⁴⁶ Collectively, these rich and diverse proto-communities of international lawyers have harvested a wealth of empirical research and cases that have brought to light seminal non-territorial practices and arrangements of global authority. Yet, remarkably, the breadth and depth of these empirical insights have rarely been applied to denaturalize or even provincialize the representative authority of the territorial matrix. Instead, the identification of these consequential types of non-territorial authority have been framed – perhaps unconsciously – as kinds of *exo-spaces*, which are fashioned into narratives that represent them as 'interacting' with and challenging the incumbent *endo-space* of the international legal order. This *exo/endo* dichotomy has had the quiet effect of framing evident structural implications as being non-spatial and foremost about a managerial class of 'governance' issues like sovereignty, accountability and legitimacy. As Krisch and Kingsbury illustrate via the narrative launch of GAL, that inherited dichotomy then works innocuously to obscure the legibility of novel developments as indicators of profound spatial transformation within the incumbent territorial legal order itself:

Globalization and the rise of global governance are transforming the structure of international law, though much of this transformation takes place beneath the surface of the international legal order and often goes unnoticed ... Global administrative law ... starts from the observation that much of global governance can be understood as regulation and administration, and that we are witnessing the emergence of a "global administrative space": a space in which the strict dichotomy between domestic and international has largely broken down, in which administrative functions are performed in often complex interplays between officials and institutions on different levels, and in which regulation may be highly effective despite its predominantly non-binding forms. In practice, the increasing exercise of public power in these structures has given rise to serious concerns about legitimacy and accountability, prompting patterns of responses to those concerns in many areas of global governance ...⁴⁷

⁴⁴ J. Larkins, *From Hierarchy to Anarchy: Territory and Politics Before Westphalia* (2010), at 19–20, 35.

⁴⁵ See J. Pauwelyn, R.A. Wessels and J. Wouters (eds.), *Informal International Lawmaking* (2012).

⁴⁶ P. Zumbansen, 'Transnational Legal Pluralism', (2010) 1 *Transnational Legal Theory* 141.

⁴⁷ N. Krisch and B. Kingsbury, 'Introduction: Global Governance and Global Administrative Law in the International Legal Order', (2006) 17 *EJIL* 1, at 1.

However, the GAL example represents only the empirical tip of this teleological iceberg, and it would be mistaken to conclude that my point with geo-teleology is just to emphasize the subtle ways empirics become – unconsciously or consciously – shuffled to sustain the deck of a discipline’s territorial orthodoxy. Rather, I argue, this geo-teleology manifests a rhizomatic and robust penetration into the very constitution of modern geographic knowledge,⁴⁸ and has demonstrated veritable resilience vis-à-vis attempted denaturalizations of territory made by IR scholars as well as critical geographers (CG) in the past three decades. I emphasize *attempted* denaturalizations of territory – as a primary spatial container – with that assertion based on an overlooked distinction between discursive *deconstruction* versus actual geographic *denaturalization*.

These two analytical effects have different thresholds and depths of implication in terms of continuities and discontinuities of established geographic knowledge, and the cognitive importance of that distinction has escaped the purview of a sizable body of deconstructive work across CG, IR and sociology.⁴⁹ A critical scholarship that has explicitly sought to transcend the modern notion of territory, and garner better theoretical, conceptual and empirical access to contemporary practices and assemblages of spatial authority. Yet, I claim, it is a scholarship that has made limited inquiry into what transcending fully confronts with respect to an incumbent geo-teleology and naturalism that stands behind the territorial matrix.

At the vanguard of this deconstructive literature is John Agnew’s milestone argument on the ‘territorial trap’,⁵⁰ which first challenged an IR audience in 1994 but later came to infuse various literatures, across CG, IR and sociology, immersed in a wider and complex debate over the alleged ‘deterritorialization’ of planetary geography.⁵¹ A debate fueled by competing empirical claims on whether economic, social and, ultimately, political practices could continue to be wholly or, even, adequately mapped within a territorial grid. Agnew’s intervention represented a seminal juncture for the making of that reflexive scholarship on territory because of how his framing of the ‘territorial trap’ offered a way out of what had become a stylized quagmire of territorialization versus deterritorialization. Agnew’s diagnosis focused on the problem of fixed and ahistorical presumptions, and the need to reorient scholarly understandings on territory as being foremost a meaning and phenomenon that is historically contingent rather than absolute.⁵² That argument resonated with the

⁴⁸ J. Gottman, ‘The Evolution of the Concept of Territory’, (1975) 14 *Social Science Information* 29, at 29.

⁴⁹ K. Cox, ‘Redefining “Territory”’, (1991) 10 *Political Geography* 5; S. Elden, *Terror and Territory: The Spatial Extent of Sovereignty* (2009); A. Linklater, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era* (1998); D. Newman (ed.), *Boundaries, Territory and Postmodernity* (1999); S. Sassen, *Territory, Authority, Rights* (2006); J.A. Scholte, *Globalisation: A Critical Introduction* (2000).

⁵⁰ Agnew, *supra* note 18.

⁵¹ J. Agnew, ‘Sovereignty Regimes: Territoriality and State Authority in Contemporary World Politics’, (2005) 95 *Annals of the Association of American Geographers* 437; J. Allen et al., *Rethinking the Region* (1998); J. Allen, *Lost Geographies of Power* (2003); N. Brenner, *New State Spaces: Urban Governance and the Rescaling of Statehood* (2004); D. Held et al., *Global Transformations: Politics, Economics and Culture* (1999); S. Sassen, *Losing Control?* (1996); R. Hall and T.J. Biersteker (eds.), *The Emergence of Private Authority in Global Governance* (2002); E.W. Soja, *Postmetropolis: Critical Studies of Cities and Regions* (2000).

⁵² Agnew, *supra* note 18, at 55.

way critical analysis had been conducted across the social sciences in the advent of, e.g., Derrida's and Foucault's work, with resultant emphases on the power of discourse and the impact of deconstructing – e.g., the architectures, genealogies or archaeologies behind – established social and political meanings.

As such, Agnew's 'territorial trap' flowed from that dominant mode of discursive critique, with his contribution being two-fold: he raised the significance of geontology – or geographical being – for social scientists and, in doing so, attempted to also address the issue of reigning teleology. First, Agnew questioned how the 'geographical division of the world into mutually exclusive territorial states' had become an unproblematic essence for much of the social sciences.⁵³ Few recognized, he argued, how this representation of space was more accurately the product of 'spatio-temporal framing', and less an objective reflection of a 'body of fixed facts setting the environment for the action of territorial state that are essentially the same today as 200 years ago'.⁵⁴ Second, Agnew underlined how three geographical assumptions had come to idealize and insulate the territorial state in such a way that territory appeared to defy 'historical-geographical consciousness', entrapping scholars within a worldview that could not grasp a globe 'in which [territory's] role and meaning change':

[W]hat are the geographical assumptions that have led to the privileging of a territorial conception of the state in the first place? First, state territories have been reified as set or fixed units of sovereign space. This has served to dehistoricize and decontextualize processes of state formation and disintegration . . . Second, the use of domestic/foreign and national/international polarities has served to obscure the international between processes operating at different scales: for example, the link between the contemporary globalization of certain manufacturing industries and the localization of economic development policies . . . Third, the territorial state has been viewed as existing prior to and as a container of society . . .⁵⁵

Accordingly, for Agnew, a discursive triad stood at the root of a teleology that naturalized territory as *the* enduring spatial essence for international authority. This triad being a semantic structure that imposed, in visual terms, a horizon of spatial possibility, which worked to discipline and reduce the perceived reality of authority to an immutable and reified territorial unit. Further still, it extended a methodology of territorialism that precluded inquiry into a contemporary period where territory's relevance, and ultimately spatial nature, was being qualitatively transformed in ways that brought the axiomatic primacy of that geographic metric into question. Hence, Agnew sought to show through his deconstruction and unmasking of that triad how conceptual and semantic contingency actually informed a naturalization illusion, opening a possibility to historicize and thus denaturalize the all-or-nothing territorial form and its grammar on how spatial authority is or should be made legible.⁵⁶

⁵³ *Ibid.*, at 53.

⁵⁴ *Ibid.*, at 56.

⁵⁵ *Ibid.*, at 59.

⁵⁶ *Ibid.*, at 374.

However, the scholarly breakthrough that was achieved via the territorial trap came to confront a spatial dead-end of sorts with notable resemblance to the earlier GAL example taken from disciplinary IL. On the one hand, the publication of Agnew's article indeed accelerated, as well as consolidated, a mass of discursive studies that examined how inherited territorial structures of authority became challenged, revised or transcended.⁵⁷ Yet, on the other, these critiques did not interrogate what precisely 'territory' meant as a bounded space,⁵⁸ or more specifically the bounding practices that have constituted the spatial subjectivity and perceived naturalism of territory. Instead, the emphasis on discourse encouraged, as Brenner and Elden have noted, a move toward formulating and mapping alternative semantics of space, through frames notably as place/region, scale and governance/networks.⁵⁹ Little scrutiny was in fact applied to what Agnew had identified as territory's seminal feature of 'clear spatial demarcation',⁶⁰ which substantiated in visual terms the perceived *thereness*, fixedness and, crucially, naturalism of territorialized space and authority. Consequently, the weakness with discursive deconstruction, and its inherited immaterialism, was that it struggled to grasp the ways geo-teleology relied upon material manifestations to extend visual trappings of naturalism and, thus, liminal hegemony. As Mark Salter explains, using the illustration of sovereignty, that blind-spot grew out of the tendency across discursive analysis to overlook how material aspects have been decisive in *situating* particular discourses through an ontic exhibition of real-life things:

When we look at the architecture of particular discourses, practices, institutions, or installations, there can be a tendency to focus on the deconstruction of meanings rather than on the physical circulation of documents or the medium of communication. The best kinds of these analyses acknowledge that these discourses are not abstract and immaterial, but rather come in very material packages. Ideas are expressed in language, which is printed, posted, broadcast, and read. Culture is written, performed, and received. Ideas are discussed, debated, written down, transmitted, translated into forms, evaluated. While we connect ideas and signifiers together to create *post hoc ante* a coherent or messy discourse about sovereignty from treaties, UN declarations, diplomatic talk, and day-to-day life, these ideas and words circulate in very material ways: as diplomatic cables, as interdepartmental memos, as briefing notes, as newspaper stories, as memes on the Internet, as buildings, as posters, as practices. If we look at the material expressions of discourse, rather than a disembodied discourse, then we reveal other kinds of power at work ...⁶¹

⁵⁷ P. Andreas, 'Redrawing the Line: Borders and Security in the Twenty-first Century', (2003) 28 *International Security* 78; A. Appadurai, *Modernity at Large: Cultural Dimension of Globalization* (1996); D. Avant, M. Finnemore, and S. Sell (eds.), *Who Governs the Globe?* (2010); D. Barney, *The Network Society* (2004); U. Beck, *Cosmopolitan Vision* (2006); M. Castells, *The Rise of the Network Society* (1996); Y.H. Ferguson and R.W. Mansbach, *Remapping Global Politics* (2004); A. Osiander, 'Sovereignty, International Relations, and the Westphalian Myth', (2003) 55 *International Organization* 251; G.O. Tuathail, *Critical Geopolitics: The Politics of Writing Global Space* (1996).

⁵⁸ Elden, *supra* note 26, at 800.

⁵⁹ N. Brenner and S. Elden, 'Henri Lefebvre on State, Space, Territory', (2009) 3 *International Political Sociology* 353, at 356.

⁶⁰ Agnew, *supra* note 18, at 53.

⁶¹ M. Salter, 'Introduction: Making Assemblages International', in M. Salter (ed.) *Making Things International* 2 (2016), at xvi.

4. THE VISUAL CONQUEST: *THE MAP* AND ITS *CARTOGENESIS* OF EARTH SPACE

Salter's intervention thus brings into view how a pervasive and active infrastructure of objects, artefacts, documents, tools and – crucially – forms actually underwrite and govern the everyday legibility and credibility of ruling discourses, such as notably territory. However, the term infrastructure is used here in an unconventional sense because it does not refer to a physical substrate of, for instance, transportation or communication networks that bind architectural objects.⁶² Rather, my focus is on a unique *visual substrate* that has served to materially situate and concretize an ahistorical horizon of geographic and notably territorialized facts, which have gone on to discipline the spatial cognition of interrelated fields such as geography, sociology, IR, and crucially, IL. That substrate represents the visual platform from which a state-centered teleology continues to dominate spatial cognition despite extensive discursive deconstructions and novel empirical encounters in recent decades. Further, identifying such a platform helps grasp the visual root behind the *exo/endo-* space dichotomy I flagged with the GAL and 'territorial trap' examples. What substrate am I referring to specifically? It is none other than that medium of communication that international lawyers have been predicated upon explicitly but, despite scrutiny in adjacent disciplines, rarely speak of, or question beyond the cartographic annex of a twentieth-century peace treaty: the map.

There is a lot at cognitive stake for IL when one identifies and problematizes *the map* as its incumbent medium of communication,⁶³ and thus governing infrastructure for how the political economy of international authority has been made uniquely legible as a jigsaw puzzle of territorial units. Foremost, the stakes become higher because the very notion of *a medium of communication* is not internal to the canonical discipline or even law generally. As such, to convey the radical relevance of this external concept for international lawyers I rework Martti Koskeniemi's renowned trope on the history of IL as the gentle civilizer of nations,⁶⁴ so as to suggest – geo-teleologically – that the map has also performed a similar role as the gentle conqueror of legal spacing. That interplay between materialization, graphic power and spatial discourse is precisely what Salter's prior quote illustrated in such fluid detail. In particular, showing how the existence and force of a governing discourse, e.g., sovereignty or territory, derives substantially from its visual embodiment by a medium of communication, which becomes the overt point of contact that is received, perceived and acted upon by an intersecting array of political, economic and legal practices. As Marshall McLuhan explains, this material power of the medium should be understood as a visual platform, which pivotally sets the bounds, form, and character of human action and meaning in a way that chronically escapes more discursive forms of analysis:

⁶² K. Easterling, *Extrastatecraft: The Power of Infrastructure* (2014), at 14.

⁶³ Salter, *supra* note 61, at viii–xvii.

⁶⁴ M. Koskeniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (2001).

The instance of the electric light may prove illuminating ... The electric light is pure information. It is a medium without a message ... unless it is used to spell out some verbal ad or name. This fact, characteristic of all media, means that the 'content' of any medium is always another medium. The content of writing is speech, just as the written word is the content of print, and print is the content of the telegraph ... What we are considering here, however, are the psychic and social consequences of the designs or patterns as they amplify or accelerate exiting processes. For the 'message' of any medium or technology is the change of scale or pace or pattern that it introduces into human affairs ... Whether the light is being used for brain surgery or night baseball is a matter of indifference. It could be argued that that these activities are in some way the 'content' of the electric light, since they could not exist without the electric light. [I]t is the medium that shapes and controls the scale and form of human association and action ... Indeed, it is only too typical that the 'content' of any medium blinds us to the character of the medium ... ⁶⁵

McLuhan's discussion thus extends a powerful metaphor that is usable for grasping just how profound the map has been for the making of modern spatial cognition. In a nutshell, the map and the history of modern cartography have had an effect analogous to McLuhan's electric light: as the ruling medium that has visually and subversively shaped the geographic content and reality of the 'General Map of the World'. As such, McLuhan's focus on the ruling medium pulls into view the graphic role of the modern map and mapping as a *cartogenerative* infrastructure, which has defined and captured the visual capacities, as well as horizons, of modern geographers, IR scholars, and, pivotally, international lawyers – to name only a few. This brings into the clear what I have argued thus far on the being of territory as ultimately a geographic and, specifically, visual subjectivity. In other words, the nature of territory has its deepest roots not in ahistorical semantics and discursive structure. Rather, in the world-making images that extend from modern cartography as a technological innovation and predominating medium, which began to assert its graphic authority and proxying of earth space from the early sixteenth century to the eighteenth century. As McLuhan explains once more, interpreting from Karl Polanyi's work:

Through the sixteenth and seventeenth centuries the transformation of mechanization of crafts by the application of visual method had proceeded slowly. But it was a procedure of maximal interference with existing non-visual modes. By the eighteenth century the process of applied knowledge had reached such a momentum that it became accepted as a natural process ... ⁶⁶

This implies that Agnew's discursive breakthrough with the 'territorial trap' did not penetrate far enough and, ironically, became entrapped itself because it did not engage the medium, and thus metaphorical lighting, of modern cartography as the visual substrate that underwrites modern geographic legibility and, crucially, naturalism. The fundamental implication being, as Bruno Latour illustrates below, an inadequate grasp of just how rhizomatic in effect modern cartography has been not merely as an interpretative tool, graphic text and symbolic language for geographic

⁶⁵ M. McLuhan, *Understanding Media: The Extension of Man* (2013, first edition 1964), at 8–9.

⁶⁶ M. McLuhan, *The Gutenberg Galaxy* (2011), at 270.

knowing but, most of all, as a literal world-maker. The ‘World Map’ has encoded and embodied – geo-teleologically – the conditions of possibility for a cartographic being that has served to proxy the earth and, consequently, all potential subjects that may be made visible or invisible on its planimetric abstraction of lived space(s):

If postcolonial studies have succeeded in provincializing Europe, it still exerts one imperial dominion in its full and undisputed splendor, namely this strange idea that the Globe is the equivalent of the natural world ... In other words, a natural Globe still offers the ‘ground map’ which allows any localization to occur ... Nobody can stake a claim to a power without its position being *relativized* and instantly situated, while the system of coordinates that allows for such a localization is *absolute* and remains in the background, fully invisible ... All loci might differ, but they are all visualized and pointed to on the same grid. They all differ from one another, but in the same predictable way: by their longitude and latitude. What is amazing if you look at geopolitical textbooks, is that, apparently, the Globe remains universal, unproblematic ... But for me, this is just the position that marks, without any doubt, the imperial dominion of the European tradition that is now shared, or so it seems, by everyone else ... On such an empire—the empire of cartography, the world order, the all-encompassing Globe—the sun never sets ... [I]t has become clear that in addition to the land grabbing that has authorized the seizure of the Earth in the past by the competing imperial European power, there is still present a much deeper ‘*land drawing*’ that has expanded naturalism everywhere. While the first colonial expansion is clearly visible, criticized and—only partially—counter-acted, this other land grab remains invisible ... ⁶⁷

Latour’s emphasis on *land drawing* eloquently underlines how the modern visualization of earth space, upon which IL is acutely predicated, has been shaped by a distinctly ‘map-minded age’.⁶⁸ The medium of the map has served as the essentialized platform for visualizing, thinking about, and situating knowledge on nearly every aspect of modern spatial relations.⁶⁹ By implication, modern cartography has come to powerfully inscribe and superimpose a globe of Eurocentric objects and relationships onto the surface of the planet, e.g., states and territories, and consolidated that visual genesis through layers of geometric lines and mappings that have spanned over three centuries of spatial projections.⁷⁰ Further still, the planimetric nature and geometric structure of these projections has naturalized a hegemonic grammar where the legibility of earth space and correspondingly, spatial authority, has been tied chorographically to land surfaces and, crucially, a mathematical scheme of localization embodied by the co-ordinate-based grid system.⁷¹ The practical consequence of such a techno-cartographic infrastructure, as Jordan Branch underlines, is the established belief that a co-ordinate form and structure defines the enduring essence and naturalism of earth space: ‘while nearly every technology of mapmaking continues to evolve, the foundational structure provided by the

⁶⁷ B. Latour, ‘Onus Orbis Terrarum: About a Possible Shift in the Definition of Sovereignty’, (2016) 44 *Millennium* 305, at 308–9.

⁶⁸ Rankin, *supra* note 20, at 1.

⁶⁹ Harley, *supra* note 24, at 53–5; Harley, *supra* note 3, at 1–5; see also Rankin, *ibid.*, at 1, 24–6.

⁷⁰ Pickles, *supra* note 11, at 4–5.

⁷¹ Latour, *supra* note 67, at 313–14.

coordinate grid remains the same'.⁷² For international lawyers, that scientific infrastructure and encoding has served to inoculate visual translations of, for instance, global inequality involving highly normative and orientaling place-frames like: first–third world, developed–undeveloped nations, core–periphery, or north–south.

Yet, what is more interesting is how that map-driven conquest by geometric naturalism has managed to avoid problematization – as Latour's comments have helped exclaim above. In large measure this flows from a long-running and relatively consistent thesis across, e.g., disciplinary geography, IR and sociology⁷³ that, for instance, Saskia Sassen has summarized concisely in terms of the need to 'neutralize state capture of the major historiographies since the 1600s as well as capture by abstractions such as society or economy'.⁷⁴ However, going back to McLuhan's insights, one can argue that this pervasive *state capture thesis* in fact confuses a key distinction between the character of the medium and its content. As McLuhan explains: 'the content of a medium is like the juicy piece of meat carried by the burglar to distract the watchdog of the mind ... The effects of technology do not occur at the level of opinions or concepts, but alter sense ratios or patterns of perception steadily and without any resistance'.⁷⁵ Hence, what both McLuhan's and Latour's interventions help identify is the more profound visual capture that the 'scientific' map has performed prior to the geo-teleological inscription of the state as a geographic entity.⁷⁶ A cartographic and, especially, planimetric capture that still thrives today through the dominating medium of the 'World Map' and, consequently, its map-centric genesis of international authority. It is this cartogenetic power of the modern map that has inscribed anthropocentric categories such as the state, territory, economy or society as the (abstract) *res extensa* of geo-legal reality, and using this insight on the medium there opens an avenue for denaturalizing the mapped geometry that has venerated a territorialized matrix of spatial authority. However, the fundamental question all this provokes is just how to denaturalize such a visual imperium of planetary legal space that the modern map has so powerfully conditioned?

5. CARTOGENESIS REWOUND: PROVINCIALIZING THE GEOMETRIC MAP AND REHABILITATING TOPOLOGICAL LITERACY

That is where, I argue, a term such as *cartogenesis* becomes important because it identifies, conceptually, a medium power and spatial impact far beyond commonplace assertions that maps are instrumental artefacts or tools for making human sense of the physical world. In other words, modern cartography, as a dominant medium and deeply engrained social practice, has had the effect of visually over-determining

⁷² Branch, *supra* note 4, at 52.

⁷³ R.D. Sack, *Human Territoriality: its theory and history* (1986); R.D. Sack, *Homo geographicus: a framework for action, awareness and moral concern* (1997); T. Mitchell, *Rule of Experts: Egypt, Techno-Politics, Modernity* (2002); Harley, *supra* note 24.

⁷⁴ Sassen, *supra* note 49, at 402.

⁷⁵ McLuhan, *supra* note 65, at 19.

⁷⁶ Branch, *supra* note 4, at 50–7.

human experience in and on the earth, to such an extent that the medium of the geometric map has assumed a visual monopoly for seeing, tracing, and knowing international ordering. Indeed, many may be inclined to discount such an alleged predicament by suggesting this flows from how maps and mapping represent one of the oldest forms of human communication, preceding both written language and number systems. However, as J.B. Harley underlines, that historical fact needs to be situated and actually theorized within, 'a wider history of how the map itself ... is but one small part of this general history of communication about space ... and maps ... did not become everyday objects in many areas of the world until the European renaissance'.⁷⁷ As such, the need emerges to grasp the geometric map not as a trans-historical medium intrinsic to the legibility of international authority but, more accurately, as an historical *actant* that has inscribed a particular 'ground map' and thus spatial literacy as uniquely representing 'geographic reality'.⁷⁸ The chief implication is, however, that should Harley be correct about the historical smallness of the map and its spatial literacy, where does that leave international lawyers who have invested so heavily in the representation of that medium and the enduring relevance of its cartogenetic platform?

Admittedly, delivering an answer in full detail extends far beyond the parameters of this article, but there are a few key points to outline that work toward provincializing the map and reviving an understanding of international authority beyond the professed naturalism of geometric reduction. First and foremost, what needs to be appreciated is how a thoroughly cartographic and geometric basis of authority, and thus territorially-coded worldview, emerged very gradually out of early modern European history. For instance, while maps were first used to display systematic national borders in the seventeenth century, cartography in fact only becomes a stand-alone source vis-à-vis the representation of spatial authority in the later nineteenth century.⁷⁹ This reflected how modern cartography was preceded by, and materialized out of, a different literary mode of spatial knowledge that strongly favoured the written word over mapped depictions, where named locations were specifically listed and 'carefully described in writing without the need to depict or understand the spaces in between'.⁸⁰ That historical change from a textual to a cartographic medium has often been explained in evolutionary terms as one of the decisive milestones defining the well-worn threshold between medieval versus modern worldviews. Or, more specifically, how the medieval European understanding of earth space was uniquely shaped by its dependence on the textual medium, and the marginal presence of the cartographic medium that later proved so central to modern geographic knowing.⁸¹ With such marginal standing presumed a result of technological immaturity: the material and mathematical conditions essential for the systematic institution of the (geometric) map medium only crystalized far

⁷⁷ Harley, *supra* note 3, at 1.

⁷⁸ For discussion on maps as actants, see Kitchin and Dodge, *supra* note 23, at 334.

⁷⁹ Branch, *supra* note 4, at 135.

⁸⁰ *Ibid.*, at 48–9, 125–31.

⁸¹ *Ibid.*, at 42–3.

later in the scientific revolution and with the enhanced communicative capacities that flowed from the invention of the printing press.

Yet, what chronically slips out of view with that evolutionary storyline is the very gendered nature of governing dichotomies notably as medieval/modern and textual/cartographic. Such gendering has buried what was arguably a rich topological awareness that the literate elite of medieval Europe practiced vis-à-vis territorialization and relative to the planimetric orthodoxy that later came to define modern geography. Indeed, what I seek to disrupt is the Enlightenment narrative's historical casting of the geometric map as a crucial actant of progress in the making of geographic knowing, which, in turn, framed the antecedent medieval approach as a passé and underdeveloped understanding of the globe's actual spatial nature. I argue that this linear narrative has undermined what was actually a multifaceted form of topological – as opposed to simply geometric – reasoning that informed the spatial literacy of Europe's ruling nobility and shaped correspondingly their overriding textual practices of spatial description. As Jordan Branch points out, what distinguished the medieval elite's worldview was an acute sensibility and attentiveness to the social depth and vectored richness of topographical place versus the mere planar legibility provided by a chorographic visual of land area:

Two key features of the medieval view of space can be discerned: first, the world was understood as a series of unique places rather than as a geometric area or expanse; and, second, space was conceived in terms of time as much as distance . . . Medieval Europeans perceived the world as a series of places, each with its own, possibly unique, characteristics. Ricardo Padron sums this up well: "For the medieval imagination, places were charged with a positive sense of thickness, stability, and indivisibility. Space, by contrast, was nothing but the empty 'in between'" . . .⁸²

In this light, the textual medium that uniquely shaped the spatial worldview of medieval Europe can be understood within an entirely new register, which goes beyond Enlightenment undertones that colour medieval cognition as constrained by an *a-cartographic* form of spatial literacy or, even worse, a primitive kind of spatial alphabetism. Instead, what comes into view is a written platform that was used persistently up until the nineteenth century, irrespective of emergent cartography, because of its deeper capacity to inscribe and proxy non-geometric relations that were integral to pre-modern and even modern patterns of spatial authority, and irreducible to a two-dimensional planimetric image. Perhaps the clearest illustration of that topological mindset comes via the iconic *mappaemundi*, which were non-geometric maps that explicitly incorporated chorographic as well as theological normativities within their graphic encoding of the medieval world.⁸³ What makes these *mappaemundi* notable historically is the way they exemplified an inherent quality in all maps vis-à-vis their being graphic devices used to reflected perceived objects among other purposes. To push that historical observation along further with the insight of Deleuze and Guattari, what has always distinguished 'the map . . . is . . . an experimentation in contact with the real. The map does not

⁸² Ibid., at 48.

⁸³ J. Brotton, *A History of the World in Twelve Maps* (2012), at 84–5, 87–(91).

reproduce an unconscious closed in upon itself; it constructs the unconscious'.⁸⁴ Yet, this enduring nature of the map medium as an innate proxy became effaced with the gradual ascendance and social institutionalization of modern cartography from the sixteenth to the nineteenth centuries. As such, the fundamental connection between ruling normativities and spatial legibility was lost once the modern 'World Map' map asserted its scientific hegemony, in terms of uniquely embodying the brute earth of planetary space as being intrinsically geometric by nature and not via what was, more accurately, an anthropocentric naturalism.

Consequently, the enduring Enlightenment narrative on the geometric map and mapping, as crucial to the emergence of progressive modern orderliness, has served to crowd out potential for a richer and more critical scrutiny of space inscription and its topological possibilities. Where geometric naturalism is denied incumbent standing as the mirror of (Eurocentric) nature, and instead is seen as the social product of a certain material and, specifically, *cartogenetic infrastructure* that has inscribed – and circumscribed – the conditions of possibility for a statist 'ground map'. Further, this helps bring to light the medium power of modern cartography and its capacity for gently shaping the conditions of legibility, evident not simply in how a geometric proxy came to define a visual imperium, but in addition, how the history of that materialization became framed as unconscious and brute rather than teleological in its evolutionary dynamics.

6. CONCLUSION: INTERNATIONAL LAW WITHIN AND BEYOND THE CARTOGENETIC CONQUEST

Where does this all leave the international lawyer, especially the next time she or he encounters a quintessential 'World Map'? Quite bluntly: tied to an inscriptive institution and hegemony that has embodied the modern legibility and visualization of earth space. With the problem being that such a history of spatial inscription is not a static one, and this irrespective of the geo-teleology and, specifically, cartogenetic conquest that currently governs what international lawyers think and see as the brute boundaries of international authority. Or, framed another way, what was the geometric breakthrough of a distant yesteryear inescapably encounters its advanced corrosion, and the appropriation of a cage-like quality when confronted with, as historical sociology underlines, the inherently evolving nature of social, material and, notably, spatial practices. However, such an inference does not demand a conclusion of obsolescence, but rather pushes scrutiny into the extent of continued relevance both with respect to modern spatial literacy and, in particular, the waning dominance of the modern map and its geometric orthodoxy of geographic inscription. Notably, these issues are now as much of a pressing concern to international lawyers as they are for disciplinary geographers or international relations scholars. This being so because each confronts more or less the same spatial question and epochal challenge: where is the bruteness of geo-legal reality to be found when the

⁸⁴ G. Deleuze and F. Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia* (translated by B. Massumi) (2016), at 12.

geometric naturalism of the ‘World Map’ now becomes discernable as an inscriptive and graphic proxy?

A way forward begins potentially by breaking with the geo-epistemological presumption that has so clearly defined the map-minded age, but now loses its absoluteness: ‘to map [is] to think’. What amounts to a present-day corrective would be: to map is to inscribe.⁸⁵ The failure to identify the geometric map as foremost a type of inscription and proxy has come with the consequence of instituting in fact a geometric myopia relative to the deeper contemporary ocean of geopolitical and geoeconomic practices; where a substantial proportion of legal entities and relationships within that ocean are crudely harvested using a planimetric and territorialized net. One could argue provocatively that the essence of such entities and practices are largely anti-geometric or anti-cartographic, where their spatial being, scale and materialization are grasped better with other spatial proxies and, specifically, inscriptive mediums.

In fact, the incumbent ‘World Map’ already confronts a resurgence of the textual medium in relation to non-geometric practices that are asserting a growing volume and scale of control over economic and legal ordering. Some would even characterize that development as reflecting the emergence of a new *quantum* map of the legal globe.⁸⁶ For instance, within international security, there is evidence to suggest that a digitized *list* medium has now quietly structured a global web of public and private *watch jurisdictions*, which index and regulate risk profiles for suspected persons and entities – effectively ruling over the right to life, liberty and property for millions of *listed* persons worldwide.⁸⁷ Further still, there is the rising medium power of transnational contracts, which have similarly enabled global corporate entities – long the invisible elephants of planimetric mapping and localization – to spatially encode and thus govern cross-border economic dominions, known commonly as ‘global value chains’.⁸⁸ Leading to the assemblage of what are in effect *contractual jurisdictions* that structure global flows of production, trade, profits and – of recent scandal – taxes, but which have been inoculated, publicly and conceptually, using the semantics of formal or informal legal ‘partnerships’. In sum, an incumbent geometric literacy that has predominated over the modern visualization of international authority now faces a challenge to its governing grammar in a way not seen since the Mercator Projection became recognized as an overriding political and, subsequently geographic fact.

Such empirical observations, ultimately, help leverage spatial thinking and literacy beyond the isomorphic illusion that the ‘World Map’ has in fact represented, and bring into view other increasingly preeminent and generative inscriptions that appear to be now re-conquering or distributing the matrix of spatial authority and

⁸⁵ On the importance of spatial inscription see T. Murray Li, ‘What is land? Assembling a resource for global investment’, (2014) 39 *Transactions of the Institute of British Geographers* 589.

⁸⁶ For insight into the potential significance of quantum theorizing for international law see A. Wendt, *Quantum Mind and Social Science* (2015).

⁸⁷ See M. de Goede, ‘Blacklisting and the ban: Contesting targeted sanctions in Europe’, (2011) 42 *Security Dialogue* 499.

⁸⁸ See T. Dietz, ‘Relational Contracts 2.0: Efficiency and power’, in A.C. Cutler and T. Dietz *The Politics of Private Transnational Governance by Contract* (2017), 115–30.

operative jurisdiction, notably as transnational contracts and the transnational risk lists. As a result, international lawyers are confronted steadily with the prospect that the history of territory and jurisdiction is, more accurately, one of periodization and geo-teleological capture. Where the history of international legal space needs to be understood as continuously unfolding, and requires an inquiry into the ways particular inscriptions over time come to proxy and conquer anthropocentric schematics of geopolitical and geo-economic relations. The manner in which international lawyers now address that generative and ongoing history of spatial proxying becomes an important one. Specifically, it determines whether our students, and the funding public, will identify *what we do* as: curating the geometric project *circa* the sixteenth century; or, engaging the considerably evolved practices of spatial authority in and over the earth in this twenty-first century.