

Space, Law, and Justice in Leibniz: Leibniz as a Theorist of Spatial Justice

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The spatial turn in legal scholarship is generally understood to be a relatively recent development in the twentieth century. Law and spatial justice are thought to be latecomers to this development.¹ Therefore, it might appear paradoxical to understand Gottfried Wilhelm Leibniz, a scholar who worked in the late seventeenth and early eighteenth century, as a predecessor of spatial justice. However, Leibniz can legitimately be called a predecessor of the idea of spatial justice for two main reasons. First, as this article will demonstrate, Leibniz's conceptualization of space determined his conceptualization of law and justice in direct ways; his conceptualization of law and justice and their relationship to space are at least as spatial as one of the most contemporary articulations of spatial justice.²

1. The timing of the spatial turn differs among different scholarly disciplines. See, for example, Barney Warf and Santa Arias, "Introduction: The Reinsertion of Space into Social Sciences and Humanities," in *The Spatial Turn: Interdisciplinary Perspectives*, ed. Barney Warf and Santa Arias (Oxon, NY: Routledge, 2009), 3–4. More specifically on spatial turn in law, see Yishai Blank and Issi Rosen-Zvi, "The Spatial Turn in Legal Theory," *Hagar: Studies in Culture, Polity and Identity* 10 (2010): 1–24.

2. The article focuses on one articulation of spatial justice; namely, that presented by Andreas Philippopoulos-Mihalopoulos in his book *Spatial Justice: Body, Landscape, Atmosphere* (Oxon, NY: Routledge, 2015), which very convincingly argues that his is the

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The conceptualization of space, law, and justice that emerges from Leibniz's writings resonates with preoccupations of contemporary scholarship on spatial justice and has the potential to enrich them. Second, Leibniz is rightly credited with the development of the idea of relational space that is foundational to many contemporary theories of spatial justice. However, as will be explained in the next section, scholars have generally overlooked Leibniz's conceptualization of space and its relationship to justice in contemporary spatial justice studies. This article aims to fill this noticeable gap.

In addition to this general argument, this article offers a new, conceptual level of analysis. As Pietro Costa recently observed in a volume devoted to the connection between space and legal history, "It is perhaps less trivial to remark that a specific vision of space has possibly supported the development of a legal theory or of a political ideology and that, vice versa, a political and legal doctrine has melded with some vision of space."³ This article defends precisely this argument: that a particular conception of space supports Leibniz's conceptualization of law and his conceptualization of justice. More precisely, it is difficult to decide which emerged first: space, law, or justice, but they are so intricately connected that without a particular vision of space, there can be no vision of law or justice and vice versa. This article is the first scholarly work that articulates the link between the conceptualization of space and the conceptualization of law and justice in Leibniz's work. In this regard, it should be noted that Leibniz is very careful to distinguish law from justice while developing an integrated approach that brings together law and justice. Leibniz's term for this approach is "juridical science," or the project of integrating justice and law within a single scientific discipline.⁴ Space does not permit a thorough reconstruction of Leibniz' entire opus. Nevertheless, through a careful reading of a variety of Leibniz's texts and their philosophical interpretation, this article clarifies Leibniz's position on space and its relationship to justice as much as possible.

most spatial idea of spatial justice. It would be impossible to provide a broader overview of contemporary theorization of spatial justice in the framework of this article.

3. Pietro Costa, "A 'Spatial Turn' for Legal History? A Tentative Assessment," in *Spatial and Temporal Dimensions for Legal History*, ed. Massimo Mecarelli and Maria Julia Solla Sastre (Frankfurt am Main: Max Planck Institute for European Legal History, 2016), 48.

4. For slightly more detail on this, see section entitled "Leibniz's Mature Writings." Two works in which this view is expressed most clearly and in more detail are: Gottfried W. Leibniz, *The New Method of Teaching and Learning Jurisprudence*, trans. Carmelo Massimo de Iulii (Clark, NJ: Talbot Publishing, 2017 [first published 1667]), and "Specimen of Philosophical Questions and Perplexing Cases in the Law" ("*Specimen quaestionum philosophicarum ex jure collectarum*" 1665), trans., in *Leibniz: Logico-Philosophical Puzzles in the Law: Philosophical Questions and Perplexing Cases in the Law*, ed. Alberto Artosi, Bernardo Pieri, and Giovanni Sartor (Dordrecht: Springer, 2013), 1–48.

Leibniz on Law and Space

The existing literature on Leibniz extensively treats two distinct fields: (1) his theorization of space and time, especially as it emerges from his correspondence with Samuel Clarke, and (2) his development of the juridical science.⁵ Both of these fields are at times connected to his broader philosophical and metaphysical views.⁶ However, the connection between Leibniz's view of space and his development of the juridical science remains obscure. This might be partly explained by the absence in the large corpus of Leibniz's writings of any works that connect these two topics expressly and directly. For this reason, it might be legitimately questioned whether the attempt of this article to bridge both fields can ever be true to Leibniz's worldview. Is it not a mere artificial and extraneous endeavor that has no valid basis in the thinking of Leibniz himself? In this regard, it should be recalled that Leibniz worked on many projects throughout his lifetime, and that his ideas on each particular topic evolved over time.⁷ Toward the end of his life, he sought to systematize his worldview. Leibniz's *Theodicy* and in particular *The Monadology* are

5. Some examples of discussion of Leibniz's broad views on space include: Dionysios A. Anapolitanos, *Leibniz: Representation, Continuity and the Spatiotemporal* (Dordrecht: Kluwer Academic Publishers, 1999); Michael Futch, *Leibniz's Metaphysics of Time and Space* (Dordrecht: Springer, 2008); and Vincenzo De Risi, *Geometry and Monadology: Leibniz's Analysis Situs and Philosophy of Space* (Dordrecht: Springer, 2007). An example of a focused discussion of Leibniz/Clarke correspondence is Edward J. Khamara, *Space, Time and Theology in the Leibniz-Newton Controversy* (Heusenstamm: Ontos Verlag, 2006). The topic is also discussed in numerous articles. The literature on Leibniz's concept of juridical science is more limited, especially in English. See, for example, Roger Berkowitz, *The Gift of Science: Leibniz and the Modern Legal Tradition* (Cambridge, MA: Harvard University Press, 2005); Christopher Johns, *The Science of Right in Leibniz's Moral and Political Philosophy* (London: Bloomsbury, 2013); and Patrick Riley, *Leibniz' Universal Jurisprudence: Justice as the Charity of the Wise* (Cambridge, MA: Harvard University Press, 1996).

6. A good example in relation to law and justice is Hubertus Busche, *Leibniz' Weg ins perspektivische Universum. Eine Harmonie im Zeitalter der Berechnung* (Hamburg: Meiner Verlag, 1997), in which the discussion of his natural law theory is integrated into a broader reconstruction of Leibniz's philosophy. All the books mentioned in the previous footnote also discuss links between Leibniz's philosophy and his views on specific issues addressed by each book. However, they are usually less encompassing than Busche's study.

7. Leibniz published comparatively few of his works during his lifetime, which could be another indicator of the fact that he was still working on refining some of the concepts. See Nicholas Jolley, *Leibniz* (London, New York: Routledge, 2005), esp. 201–2; or Anthony Savile, *Routledge Philosophy Guidebook to Leibniz and the Monadology* (London, New York: Routledge, 2000), 6.

particularly important examples of this attempt.⁸ Both works represent building blocks toward linking Leibniz's views from ostensibly disparate areas.⁹ Therefore, despite the absence of a more explicit direct engagement in Leibniz's writings with the relationship among these three notions, he did envisage a systematic view that harmonizes his conceptualization of law and justice with his conceptualization of space.

This article's argument is of twofold importance to the further development of the idea of spatial justice in contemporary legal thought. First, the contemporary discussions of spatial justice rely, at times substantially, on the idea of relational space. Such prominent geographers such as Henri Lefebvre or David Harvey whose work brought relational space to the forefront of spatial justice acknowledge the importance of Leibniz for their theorization of space. However, all discussions of Leibniz's contributions in this context are limited to general invocations of some of the most widely known Leibniz's opinions on space, mainly as they emerge from the Leibniz–Clarke controversy with some minor additions from *The Monadology*.¹⁰ Scholarly work on spatial justice would benefit tremendously from a more precise and thorough understanding of Leibniz's own views on space, and especially the connections between Leibniz's ideas of space and justice. Second, legal scholars' explorations of spatial justice neglect Leibniz's foundational role even as they appropriate his

8. For an English edition of *Theodicy* see, for example, Gottfried W. Leibniz, *Theodicy*, edited with an introduction by Austin Farrer, trans. E.M. Huggard (Chicago: Open Court, 1985 [first published 1710]). Gottfried W. Leibniz, "The Principles of Philosophy, or, the Monadology" dated 1714 [hereafter *The Monadology*] exists in various translations in English. This article uses the following translation: Gottfried W. Leibniz, *Philosophical Essays*, trans. Roger Arew and Daniel Garber (Indianapolis: Hackett, 1989), 213–25. However, references are made to paragraphs of *The Monadology* so that the reader can use any translation or refer to the original text, which being written in French, is still accessible to many contemporary readers.

9. On this point in relation to law, see, for example, Matthias Armgardt, "Die Rechtstheorie von Leibniz im Licht seiner Kritik an Hobbes und Pufendorf," in *Das Recht kann nicht ungerecht sein... Beiträge zu Leibniz' Philosophie der Gerechtigkeit*, ed. Wenchao Li (Stuttgart: Franz Steiner Verlag, 2015), 26; and, more broadly, Matthias Armgardt, "Die Monadologie als Vollendung der Rechtsphilosophie von G. W. Leibniz," in *1716 – Leibniz' letztes Lebensjahr. Unbekanntes zu einem bekannten Universalgenie*, ed. Michael Kempe (Hannover: Gottfried Wilhelm Leibniz Bibliothek, 2016) 343–53. In relation to space and other issues, see, for example, heavy reliance on *The Monadology* in De Risi, *Geometry and Monadology* and Busche, *Leibniz' Weg*.

10. See, for example, Henri Lefebvre, *The Production of Space*, trans. Donald Nicholson-Smith (Oxford, Cambridge: Blackwell, 1991), 169–72; or David Harvey, *Justice, Nature and the Geography of Difference* (Oxford, Cambridge: Blackwell, 1996), 69–76, 249–55.

idea of relational space.¹¹ This is particularly surprising taking into account the recent revival of attention to Leibniz as a legal scholar. Yet as this article argues, revisiting Leibniz's significance to the development of spatial justice is as important for understanding Leibniz's contemporary relevance as it is for refining the scholarly framework of spatial justice.

Because the connections that Leibniz drew among law, justice, and space changed over time, this article takes a chronological approach to his writings. The first section discusses some examples from Leibniz's earlier writings. The balance of the article focuses on his mature works, in which his concept of space receives a more detailed and clear articulation.

Leibniz's Early Writings

In his earlier writings, Leibniz expressly articulated strong links between the study of mathematics and his development of juridical science. Some of the mathematical concepts used by Leibniz in this regard have a direct link to spatial concepts and his later more detailed conceptualization of space. Although in his later years Leibniz distanced himself to a certain extent from his earlier efforts at using mathematics in constructing the juridical science, he did not disavow the connections between these two disciplines. Most importantly, the links between the conceptualization of space and the conceptualization of law and justice were always maintained in Leibniz's work. Two examples from Leibniz's work in the early period are particularly important because they reveal links between spatial concepts and Leibniz's articulation of juridical science: his use of combinatorial method and his discussion of cases of simultaneous possession.¹²

11. To my knowledge, Isolde de Villiers's brief piece is the only attempt by a legal scholar to discuss Leibniz from a spatial justice perspective: Isolde de Villiers, "Leibniz, Lefebvre and the Spatial Turn in Law," *HTS Teologiese Studies/Theological Studies* 72 (2016): 1–6.

However, her engagement with Leibniz as a thinker of spatial justice is limited to reminders about his influence on Lefebvre. There is not a single citation of Leibniz's works in this piece except a short epigraph.

12. A third example might be the concurrent attribution of parts, for example through bequest, in *Doctrina Conditionum*. However, the analogy evoked in this particular case is far removed from the concept of space, but rather focuses on "a physical principle derived from the nature of movement." See Gottfried W. Leibniz, *Doctrina Conditionum. Texte intégral, présenté, traduit et annoté par Pol Boucher* (Paris: Institut Michel Villey, 1998), esp. 111–17. For a useful commentary on *Doctrina Conditionum* from a legal perspective, see Matthias Armgardt, *Das rechtslogische System der Doctrina Conditionum von Gottfried Wilhelm Leibniz* (Marburg: Elwert, 2001).

Leibniz became interested in the combinatorial method at an early stage, at about the same time that he became interested in law, and specifically in the systematization of law and the development of juridical science. Therefore, three of his earlier works on law were completed in the years preceding and following the submission and defense of his *Dissertatio de arte combinatoria*.¹³ In modern-day terms, *De arte combinatoria* deals with operations of combination and permutation that form part of mathematics. The link to juridical science is visible in Leibniz's effort to reduce complexity, uncertainty, and arbitrariness in law. Leibniz viewed the combinatorial method as an efficient way to discover and order all possible legal cases so that the legislator could regulate every possible arising case, thus reducing the scope for judicial discretion. "For one cannot always wait for the lawmaker when a case arises, and it is prudent to set up the best possible laws without defects, from the first, than to entrust their restriction and correction to fortune; not to mention the fact that in any state whatsoever, the judicial matter is the better treated, the less is left to the decision of the judge."¹⁴

Within Leibniz's work on combinatorial method appears one of the most important notions for Leibniz's spatial analysis as well as for his

13. In 1664, Leibniz completes and publishes *Specimen quaestionum philosophicarum ex jure collectarum* (translated into English as "Specimen of Philosophical Questions and Perplexing Cases in the Law" [see note 4] [hereafter *Specimen*]). In 1665, he completes *Disputatio juridica de conditionibus* (not translated, Latin text contained in Gottfried W. Leibniz, *Sämtliche Schriften und Briefe*, series VI, vol. 1 (Berlin: Akademie Verlag, 1999) 97–150. [Hereafter all references to this collection of Leibniz's works are labelled as "A" followed by series, volume, and page.] In November 1666, he completes *Disputatio inauguralis de casibus perplexis in jure* (translated into English as "Inaugural Dissertation on Perplexing Cases in the Law," in *Leibniz: Logico-Philosophical Puzzles in the Law. Philosophical Questions and Perplexing Cases in the Law*, ed. Alberto Artosi, Bernardo Pieri, and Giovanni Sartor [Dordrecht: Springer, 2013], 71–123 [hereafter *Perplexing Cases*]), while his *Dissertatio de arte combinatoria* ("Dissertation on the Art of Combinations" selections translated into English in Gottfried W. Leibniz, *Philosophical Papers and Letters*, trans. Leroy E. Loemker [Dordrecht: D.Reidel, 1969], 73–84) is completed earlier in 1666.

14. Leibniz, *De arte combinatoria*, 82. Leibniz never abandoned this aim in relation to his development of juridical science. For example, writing about Leibniz's period after his return from Paris (1672) and referring to his letter to Vincenz Placcius of July 1678 (A II 1, 421) one author states: "Der unübersehbare Bestand geltender Rechtsnormen erschien ihm wie eine unedliche Reihe von Zahlen, zu dessen Vereinfachung man das Recht nur aus dem Unendlichen in die Endlichkeit zurückzuführen brauche [The immeasurable inventory of applicable legal norms appeared to him as an infinite series of numbers the simplification of which only required to bring the law from the infinite to the finitude]." Hans-Peter Schneider, "Erfindergeist und Innovation im Rechtswesen: Leibniz als Jurist," in *Der universale Leibniz: Denker, Forscher, Erfinder*, ed. Thomas A.C. Reydon, Helmut Heit, and Paul Hoyningen-Huene (Stuttgart: Franz Steiner Verlag, 2009), 89.

monadology; namely, the notion of *situs* (often translated as “situation”). In *De arte combinatoria*, Leibniz defines *situs* as follows: “Situs is the location of parts.”¹⁵ In this context, *situs* is also intended in an abstract sense whereby the idea of reciprocal positioning can equally apply to concepts, not only to objects. Logic thereby becomes “topologic” because situation of simple concepts in the sense of their order and nearness becomes important.¹⁶ Already here, in relation to the first attempts by Leibniz to systematize law such spatial concepts as distance and position (order of positioning) become central. We can also note that space is considered here by Leibniz from a mathematic-geometric point of view and is closely linked to law in the sense of positive law. The relationship to justice, however, is still quite distant and vague.

A different type of spatial idea is present in Leibniz’s discussion of the possibility of simultaneous possession. Here, space is considered not only from a geometric perspective, but also from the perspective of physics.¹⁷ The difference in the conceptualization of space in physics and geometry leads to different answers to the question of simultaneous possession. The question of simultaneous possession as discussed by Leibniz is the question of whether two persons can simultaneously have equally strong possession of the same object in its totality. Leibniz considers this question in two different places: in Question IV of his *Specimen*¹⁸ and in paragraph XXV of his *Perplexing Cases*.¹⁹ At the first sight, it might appear that Leibniz provides contradictory responses to the problem of simultaneous possession because in Question IV he denies the possibility of simultaneous possession whereas in paragraph XXV he affirms this possibility. However, the difference in his responses can be explained by the difference in the approach to the underlying concept of space.

In Question IV, Leibniz proceeds from the concept of space as it emerged from his understanding of physics. Leibniz’s overall goal in *Specimen* is to demonstrate the relationship between jurisprudence and philosophy in a broad sense. In different questions he demonstrates this by utilizing different branches of philosophy. In Question IV he demonstrates the link between physics as contemplative philosophy and jurisprudence.

15. Leibniz, *De arte combinatoria*, 77, in Latin: “Situs est localitas partium.”

16. See, similarly, De Risi, *Geometry and Monadology*, 42–43.

17. On different trajectories in the development of the geometrical concept of space and the physical understanding of space that partially overlap but do not merge together, see, respectively: Boris A. Rosenfeld, *A History of Non-Euclidean Geometry: Evolution of the Concept of a Geometric Space* (Dordrecht: Springer, 1988); and Tim Maudlin, *Philosophy of Physics. Space and Time* (Princeton, NJ: Princeton University Press, 2012).

18. *Specimen*, 11.

19. *Perplexing Cases*, 101.

When faced with the question of simultaneous possession, Leibniz makes an analogy to the physical characteristics of bodies and the space they occupy. More specifically, he makes an analogy to the question traditionally addressed by physics “whether two bodies can be in the same place.”²⁰ In answering this question, he refers to the nature of physical bodies and their properties, which do not allow two bodies to simultaneously occupy the same place.

Leibniz’s premises differ when he discusses simultaneous possession in *Perplexing Cases*. Both *Specimen* and *Perplexing Cases* pursue a similar aim; namely, reduction of uncertainty and judicial discretion in law. However, the way to achieve this aim is different in each of the treatises. In paragraph XXV of the *Perplexing Cases*, Leibniz’s answer is not based on physics as part of contemplative philosophy but on logical reasoning that attempts to demonstrate sufficiency of law. More specifically, the sentence “I have discussed these things on the basis of principles of natural law or mere law”²¹ indicates that the basis for his conclusion is the idea of justice as reflected in natural law that is underpinned by a different understanding of space distinct from the merely physical view of space in Question IV. Leibniz articulated this distinct view of space only in his later writings.

Moreover, this conceptualization of space is closely linked to his understanding of justice as distinct from, although closely linked to, law. This also implies that the connective tissue between law and space and justice and space requires scrutiny. In fact, the nature of the links law entertains with space differed from the links between the notion of justice and the notion of space. This point will be discussed in more detail in the next section in which Leibniz’s conceptualization of space is addressed. This articulation of space by Leibniz will then be linked to law and justice through his philosophy and theory of knowledge.

Leibniz’s Mature Writings

As discussed, Leibniz did not dedicate any single work to exploring the mutual influences between the conceptualization of space and the conceptualization of law and justice. However, some of his later writings contain passages that are *direct* statements on this type of link. In order to understand these links as direct, it is necessary to become familiar with Leibniz’s terminology and his understanding of several concepts, including those of

20. *Specimen*, 11.

21. *Perplexing Cases*, 102.

space, justice, and law. Leibniz's *The Monadology* is the most important work in this regard because it represents a late summary of his world view linking ostensibly disparate ideas, including space, justice, and law. In subsequent paragraphs I will begin by explaining how Leibniz conceptualized the notion of space, before moving to the most important ideas from *The Monadology*. *The Monadology* is the bridge between Leibniz's concepts of space and justice and those of space and law. Leibniz's specific views on law and justice are discussed after the main principles of *The Monadology* are clarified. Finally, Leibniz's theory of knowledge is also considered, because it is an essential component in fully comprehending links among Leibniz's conceptualizations of space, law, and justice.

In order to understand Leibniz's conceptualization of space, it is important to keep in mind that in his efforts to conceptualize space he focuses on the notions of extension and situation (*situs*) in addition to the terms "relation" and "point." Two examples of Leibniz's discussion of the nature of space are the following: "Space is the locus of all points."²² "[Space] is an order of situations, or an order according to which situations are disposed."²³

From the outset, Leibniz emphasizes that points have no extension, and that in point "nothing but situation can be considered."²⁴ On the other hand, he states that "the basis of space" is "the extended in itself."²⁵ This basis of space is indivisible.²⁶ So how does indivisible extension emerge from unextended elements? The key resides in the notion of relation (or order). Relation has to be something different from a simple sum of points (those unextended elements), because however much one adds unextended elements to each other, they will never result in becoming something extended. This is akin to adding zeros: as many zeros as one adds, they will never become anything else but zero. In this regard, Leibniz himself highlighted the distinction between "made" or "composed" and "constituted" of something.²⁷ According to Leibniz, space is constituted of points, not made of or composed of them. "Compose

22. De Risi, *Geometry and Monadology*, 166.

23. Gottfried W. Leibniz, "Fifth Paper to Clarke," in *Philosophical Papers and Letters*, trans. Leroy E. Loemker (Dordrecht: D. Reidel, 1969), 714.

24. Gottfried W. Leibniz, "On Space and Point," in De Risi, *Geometry and Monadology*, 624.

25. Gottfried W. Leibniz, "On the Origin of Things from Forms," in *The Labyrinth of the Continuum. Writings on the Continuum Problem, 1672–1686*, trans. Richard T.W. Arthur (New Haven: Yale University Press 2001), 119.

26. *Ibid.*

27. Gottfried W. Leibniz, "Dynamica de potentia et legibus naturae corporeae," in *Mathematische Schriften*, 7 vols., ed. Karl Immanuel Gerhardt (Berlin: H.W. Schmidt, 1860), VI:370.

something” implies a mechanical addition or assemblage of things (arrange, place in an order), whereas “constitute something” implies more complex interactions that cannot be reduced to an addition of parts (establish, institute).

Another important aspect of this definition and the resulting characteristic of space is Leibniz’s vision of the basis of space as something indivisible that nevertheless is constituted of parts. Here the notion that helps in grasping Leibniz’s position is that of “the fold.” Gilles Deleuze extensively theorized the notion of “the fold” in relation to Leibniz’s philosophy in general and his *The Monadology* more specifically.²⁸ Although Deleuze does not discuss the notion of space in Leibniz explicitly, his framework for understanding monadology is very helpful for connecting the dyad of Leibniz’s understanding of space and his articulation of monadology. Therefore, the concept of “the fold” has the same explanatory force in relation to Leibniz’s conceptualization of space as it has in relation to Leibniz’s monadology. The best image that illustrates the notion of the fold that in turn clarifies how something can be indivisible but still have parts is invoked by Deleuze with reference to Leibniz as follows: “The division of the continuous must not be taken as of sand dividing into grains, but as that of a sheet of paper or of a tunic in folds, in such a way that an infinite number of folds can be produced, some smaller than others, but without the body ever dissolving into points or minima.”²⁹

Vincenzo De Risi’s complex analysis identifies Leibniz’s most mature and clear definition of space as being “a set of relations between unextended (but situated) elements.”³⁰ In understanding this definition it is important to focus on the idea of relations and the fact that according to Leibniz, space is not somehow composed or made of these relations but is the relations or is constituted by them. In his famous correspondence with Clarke, Leibniz highlights this when responding to Clarke’s contention that space does not depend on the situation of bodies: “’Tis true, it does not depend on such and such a situation of bodies, but it is that order which renders bodies capable of being situated, and by which they have a situation among themselves when they exist together, as time is that order with respect to their successive position.”³¹

28. Gilles Deleuze, *The Fold. Leibniz and the Baroque* (London: Athlone Press, 1993).

29. Gottfried W. Leibniz, “Placidius Philaleti,” in *Opuscules et fragments inédits de Leibniz*, ed. Louis Couturant (Paris: Félix Alcan, 1903), 614–15; trans. in Deleuze, *The Fold*, 6.

30. De Risi, *Geometry and Monadology*, 174.

31. Gottfried W. Leibniz, “Fourth Letter to Clarke,” in *Philosophical Papers and Letters*, trans. Leroy E. Loemker (Dordrecht: D. Reidel, 1969), 687–91.

In this brief discussion, Leibniz's conceptualization of space emerges as a complex relational notion that unlike the traditional Newtonian absolute, space does not precede bodies or phenomena. The idea of measure in relation to space becomes secondary, whereas "relation" and "situation" emerge as defining elements. Now that Leibniz's concept of space is clear, I will explore essential elements of his broader philosophical views as expressed in *The Monadology*.³²

The text known today as *The Monadology* is a summary of several aspects of Leibniz's philosophy united by the notion of a monad as a simple substance. It was not published during Leibniz's lifetime. Nevertheless, it is one of the most widely known of Leibniz's writings, representing a concise but highly complex summary of his philosophy.³³ Its importance resides particularly in the articulation of the idea of simple substance (monad), which according to Leibniz is indispensable for a correct understanding of many other areas and "most of the important truths about God, the soul and the nature of body."³⁴ A monad is a simple substance with no parts,³⁵ Therefore, it also has no extension similarly to the point.³⁶ On the other hand, monads are unsituated contrary to the point.³⁷ However, for Leibniz, people perceived phenomena as situated. Therefore, a very important question that arises is how situation, extension, and space arise from unsituated and unextended substances. The answer lies in the nature of monads and their activity.

Monads' essential activity consists in perception and constant change in perception.³⁸ For Leibniz, perception is a particular type of expression. Leibniz defines expression as the possibility to "pass from a consideration of the relations in the expression to a knowledge of the corresponding

32. For a brief general discussion of absolute space, see David Harvey, "Space as a Keyword," in *David Harvey: A Critical Reader*, ed. Noel Castree and Derek Gregory (Malden, MA: Blackwell, 2006), 70–93.

33. For a detailed discussion of the origin and context of *The Monadology*, see, for example, Lloyd Strickland, "The Origins and Fate of the Monadology," in *Leibniz's Monadology: A New Translation and Guide* (Edinburgh: Edinburgh University Press, 2014), 5–12.

34. Gottfried W. Leibniz, "Reflections on the Advancement of True Metaphysics and Particularly on the Nature of Substance Explained by Force," in *Leibniz's 'New System' and Associated Contemporary Texts*, ed. Roger Stuart Woolhouse and Richard Francks (Oxford: Oxford University Press, 1997), 32.

35. *The Monadology*, para 1.

36. *Ibid.*, para 3.

37. See Gottfried W. Leibniz, "Letter to Des Bosses Dated 30 or 24 April 1709," in *Philosophical Papers and Letters*, trans. Leroy E. Loemker (Dordrecht: D. Reidel 1969), 596–99, and note 3 at 615. See also important remarks on this letter in De Risis, *Geometry and Monadology*, note 12 at 313–14.

38. *The Monadology*, para. 17.

properties of the thing expressed” as, for example, in the way that the model of a machine expresses the machine itself, or that speech expresses thoughts.³⁹ Perception as a particular type of expression is distinguished by its ability to express multiplicity within unity: many in the one.⁴⁰ The content of each monad’s perception is the world viewed from its own perspective. Only the perceptual content (perspective) distinguishes monads from each other.⁴¹ Each created monad represents the totality of the universe: “each simple substance has relations that express all other monads and as a consequence each monad is a living perpetual mirror of the universe.”⁴² The perception of each monad is perspectival. Leibniz compares the perception by each monad of the totality of the universe to a view of the same town from a different perspective: although it may appear as a multitude of different towns to some, in reality, these are just different views of the same town.⁴³ A very important term that already appeared in this description of monads’ activity is “relation.” Leibniz emphasizes this relational nature of the activity of monads as follows: “each substance expresses exactly all other substances through relations that it has with them.”⁴⁴ Therefore, the activity of monads as perception is at the same time expressive, perspectival, and relational. According to De Risi’s very detailed justification that cannot be reproduced in its entirety here, the expressivity of the perception of monads is not simply imaginative, but rather it does have an object; namely, phenomena.⁴⁵ These phenomena represent relations between monads and, therefore, monads themselves, because monads consist in representation of relations.⁴⁶ When representing these unsituated unextended substances as relations, phenomena do so through *situs*, through situated relations.⁴⁷ Therefore, the activity of monads and therefore of all minds is essentially reduced to the expressive perception, or in other words, to representation of relationships between monads as situations of phenomena.⁴⁸

39. Gottfried W. Leibniz, “What is an Idea,” in *Philosophical Papers and Letters*, trans. Leroy E. Loemker (Dordrecht: D. Reidel 1969), 207–8.

40. *The Monadology*, para. 13, 14.

41. *Ibid.*, para. 9.

42. *Ibid.*, para. 58, 62.

43. *Ibid.*, para. 57.

44. *Ibid.*, para. 59: “every substance expressing exactly all the others through the relations it has to them.”

45. De Risi, *Geometry and Monadology*, 319.

46. *Ibid.*, 320.

47. *Ibid.*, 323.

48. De Risi at some point raises the issue of which comes first, the phenomena or the monads? “Do monads express phenomena or do phenomena express monads?” De Risi, *Geometry and Monadology*, note 17 at 320.

In this context, space emerges not as something given, but as something constructed, something created by the mind. As De Risi writes, “we need to look at things from a radically different perspective—that of denying any (substantial) reality of space, and claiming its phenomenal and ideal nature instead.”⁴⁹ This means that space, as far as existing bodies or phenomena are concerned, is real in the sense that relations between bodies/phenomena and their situated character result in space (and time). However, as such space is not possible, there is no empty space as in the Newtonian concept of space: “if there were no creatures, space and time would be only in the ideas of God.”⁵⁰ Therefore, space is by its nature imaginary as it always results from monads’ activity of perception.⁵¹ However, from the perspective of monadology, the reverse is also true: the activity of monads and, therefore, the resulting perception of phenomena is necessarily spatial. This is further confirmed if the definition of space and the activity of monads as conceptualized by Leibniz are considered side by side: monads’ activity is described as representation of *relationships* between monads as *situations* of phenomena; space is defined as a set of *relationships* between *situated* elements. Thus, both space and perception are relational as well as situated, and are therefore perspectival.

Before turning to the significance of these findings to the nature of law and justice, a brief summary of Leibniz’s ideas about law and justice is necessary. Leibniz carefully distinguished in his writings on juridical science the concepts of law as postulated by humans, as laws in the traditional positivist sense from the concept of law as right, and as justice (such as “Gesetz” and “Recht” in German, “loi” and “droit” in French). Most famously he stated: “Le droit ne sauroit ester injuste, c’est une contradiction; mais la loy le peut ester, car c’est la puissance qui donne et maintient la loy; et si cette puissance manque de sagesse ou de bonne volonté, elle peut donner et maintenir de fort mechantes loix.”⁵² Although distinguishing these two concepts throughout his career, Leibniz also worked on ways

49. *Ibid.*, 314.

50. Leibniz, “Fourth Letter to Clarke,” 690. In this correspondence, Clarke defends Newton’s view of space. For an introductory summary to Newton’s concept of space, see Robert DiSalle, “Newton’s Philosophical Analysis of Space and Time,” in *The Cambridge Companion to Newton*, ed. Bernard I. Cohen and George E. Smith (Cambridge: Cambridge University Press, 2002), 33–56.

51. See also Leibniz, “Fifth Paper to Clarke,” in which Leibniz affirms: “Since space in itself is an ideal thing like time, space out of the world must needs be imaginary,” 701.

52. Gottfried W. Leibniz, “Sur la nature de la bonté et de la justice” in *Das Recht kann nicht ungerecht sein. . . Beiträge zu Leibniz’ Philisophie der Gerechtigkeit*, ed. Wenchao Li (Stuttgart: Franz Steiner Verlag, 2015), 154. This passage is translated as follows into English by Patrick Riley: “Right cannot be unjust, it is a contradiction; but law can be. For it is power which gives and maintains law; and if this power lacks wisdom or good

to know justice (the right law) and implement and apply it in positive law. In particular, Leibniz devoted significant effort to elaborating methods of knowing right law (justice) through science and philosophy.⁵³ Thus, although recognizing the distinction between law and justice, Leibniz did not separate them.

An important general characteristic of justice and law resulting from justice, and, therefore, of laws that are based on justice, is their universal and all-encompassing character.⁵⁴ Law as right, as justice, is not contingent on time, space, or the circumstances of a particular society. However, this does not mean complete uniformity and absence of diversity. To the contrary, through the perspectivism that informs much of Leibniz's philosophy, law emerging from justice is fully respectful of diversity.⁵⁵ As will become clear, this way of conceptualizing the relationship between law and justice and their nature is precisely where the impact of the idea of space on law and justice is the strongest.

Leibniz firmly believed that it is possible to discover elements of law, or basic principles to which the complexity of legal rules can be reduced, through a scientific enquiry. According to Leibniz, principles of natural law (justice) are innate ideas, rational truths, or truths of reason that can be discovered by human beings through their thinking capacity.⁵⁶ This capacity to know rational, eternal truths is a characteristic of human beings that follows from Leibniz's characterization of monads that constitute human beings. He distinguishes these monads that he calls "minds" from other monads by their capacity to access these innate ideas, which are eternal and necessary truths: "But the knowledge of eternal and necessary

will, it can give and maintain quite evil laws": Gottfried W. Leibniz, *Political Writings*, 2nd ed., trans. Patrick Riley (Cambridge: Cambridge University Press, 1988), 50.

53. On this aspect of Leibniz's work, see, for example, Berkowitz, *The Gift of Science*, 7 and the book in general.

54. *Ibid.*, 20.

55. For an interesting discussion of perspectivism in Leibniz in relation to law, diversity, and the individual, see Jaime de Salas, "Perspectivism, Pragmatism and Monadology in the Reception of Leibniz's Legal Thought: Comments on Alain Renaut's *L'ère de l'individu*," in *Pluralität der Perspektiven und Einheit der Wahrheit im Werk von G.W. Leibniz. Beiträge zu seinem philosophischen, theologischen und politischen Denken*, ed. Friedrich Beiderbeck and Stephan Waldhoff (Berlin: Akademie Verlag, 2011) 21–36.

56. See, for example, Gottfried W. Leibniz, *New Essays on Human Understanding*, trans. Peter Remnant and Jonathan Bennett (Cambridge: Cambridge University Press, 1996) (hereafter *New Essays* with reference to book, chapter, paragraph); Gottfried W. Leibniz, "Meditations on the Common Concept of Justice," in *Political Writings*, 2nd ed., trans. Patrick Riley (Cambridge: Cambridge University Press, 1988), 50. See also Stuart Brown and N.J. Fox, *Historical Dictionary of Leibniz's Philosophy* (Lanham, MD: The Scarecrow Press, 2006), 146.

truths is what distinguishes us from simple animals.”⁵⁷ The link between Leibniz’s conceptualization of law and justice and his conceptualization of space emerges precisely at this juncture, from this possibility for monads called “minds” to discover innate ideas that are eternal truths. At the same time, all monads, including minds, have as their essential activity perception; namely, a representation of relationships between monads as situations of phenomena. If these monads whose essential activity is spatial are able to access innate ideas and know principles of justice, then somehow justice should be connected to spatiality. However, the difficult question is precisely: how? How is the spatiality of monadic activity connected to the mind’s ability to know justice and to the realization of this knowledge in positive law? In order to answer this question it becomes necessary to analyze Leibniz’s theory of knowledge. If monads that are minds access justice through knowledge because they are endowed with reason, it is necessary to understand how Leibniz conceptualizes the act of knowing by minds, and, more specifically, knowledge’s relationship to perception, because the spatiality and space emerges from monads’ essential activity, which is perception.

A preliminary remark needs to be made regarding the existence in Leibniz’s works of a full-fledged and independent epistemology or theory of knowledge, especially because these terms are absent from Leibniz’s vocabulary and first appear in the nineteenth century.⁵⁸ In what follows, I do not intend to provide any additional clarifications regarding the question of theory of knowledge in Leibniz. However, no scholar will deny the fact that in articulating his metaphysical views, Leibniz also discussed the question of how minds as a type of monads arrive at knowledge of innate truths. Although these discussions cannot be found in one single written piece and are not sufficiently detailed and systematic, several scholars have attempted a reconstruction and an interpretation of Leibniz’s theory of knowledge.⁵⁹ Therefore, it is justified in the framework of this work

57. *The Monadology*, para. 29.

58. For a good overview of various scholarly opinions on the possibility of discussing Leibniz’s theory of knowledge, see, for example, Christian Leduc, *Substance, individu et connaissance chez Leibniz* (Montreal: Les Presses de l’Université de Montreal, 2009), 10–17.

59. Usually, Leibniz’s *New Essays* are given as an example of a written piece focused on discussing issues related to a theory of knowledge, but it is just a commentary on Locke, and for this reason, rather fragmentary on certain aspects. On Leibniz’s theory of knowledge, see, for example, Leduc, *Substance*; Robert McRae, *Leibniz: Perception, Apperception, and Thought* (Toronto: Toronto University Press, 1976); Nicholas Rescher, “The Epistemology of Inductive Reasoning in Leibniz,” in *Leibniz’s Metaphysics of Nature*, ed. Nicholas Rescher (Dordrecht: D. Reidel, 1981), 20–28; and Bertrand Russel, *The Philosophy of Leibniz* (London, New York: Routledge, 1900), chap. XIV.

to speak of at least elements of Leibniz's theory of knowledge, focusing only on the question of how minds discover innate truths and process this knowledge.

First, Leibniz wrote that the perception of mind that leads to thought is a representation accompanied by consciousness or reflection of the percipient.⁶⁰ Leibniz calls this reflective expression "thought": "cette représentation est accompagnée de conscience dans l'ame raisonnable, et c'est alors qu'on l'appelle pensée [in the reasonable soul this representation is accompanied by consciousness, and it is then that it is called thought]."⁶¹ Another term that he uses to describe this consciousness or "reflexive knowledge of this internal state" is "apperception."⁶² In Leibniz's own writings, the distinction between apperception and thought is not drawn clearly. However, the most logical conclusion that follows from various fragments is that in order for thought to exist, both perception and apperception are necessary.⁶³ Because perception is already present in all monads, Leibniz emphasizes apperception as the necessary precondition of thought and knowledge. Therefore, understanding the way that apperception and thought relate to perception and its spatiality becomes central. Here, one point made by Leibniz in his *New Essays on Human Understanding* is crucial. In this particular paragraph, Philalethes and Theophilus, the two protagonists of the dialogue each representing Locke's and Leibniz's views, discuss understanding in the context of the capacity to distinguish ideas (or discerning) which in turn is part of Book 2 on ideas. Philalethes starts by comparing understanding to a closet shut from light with some little openings left.⁶⁴ These openings let in external images. The understanding, according to Philalethes, is possible if these images stay in this dark closet in an orderly fashion allowing their use when needed.⁶⁵ Although Theophilus accepts this analogy, he adds significant features to

60. Gottfried W. Leibniz, "Letter to Arnaud of 9 Oct 1687," in *Die Philosophischen Schriften*, 7 vols., ed. Karl Immanuel Gerhardt (Berlin: Weidmannsche Buchhandlung, 1879), II:112; and *New Essays*, 2.21.5.

61. Leibniz, "Letter to Arnaud," 112.

62. Gottfried W. Leibniz, "Principles of Nature and Grace, Based on Reason," in *Philosophical Essays*, trans. Roger Arew and Daniel Garber (Indianapolis: Hackett, 1989), 207, 208 para 4.

63. Going into details of Leibniz's distinction among different types of knowledge—for example, distinction between concepts and principles—more precision might be required in connecting perception, apperception, and thought. However, for the present purposes, the general dependence of thought on perception and apperception as discussed in this section is sufficient. For a more detailed discussion of the various connections among perception, apperception, and thought see McRae, *Leibniz*.

64. *New Essays*, 2.11.17.

65. *Ibid.*

the description of this closet representing understanding. Here is the lengthy but nonetheless important passage:

To increase the resemblance we should have to postulate that there is a screen in this dark room to receive the species, and that it is not uniform but is diversified by folds representing items of innate knowledge; and, what is more, that this screen or membrane, being under tension, has a kind of elasticity or active force, and indeed that it acts (or reacts) in ways which are adapted both to past folds and to new ones coming from impressions of the species. This action would consist in certain vibrations or oscillations, like those we see when a cord under tension is plucked and gives off something of a musical sound. For not only do we receive images and traces in the brain, but we form new ones from them when we bring “complex ideas” to mind; and so the screen which represents our brain must be active and elastic. This analogy would explain reasonably well what goes on in the brain. As for the soul, which is a simple substance or “monad”: without being extended it represents these various extended masses and has perception of them.⁶⁶

Two main points emerge from this description of understanding as an activity in the brain: the spatial nature of the understanding itself, and the spatialization of this understanding through perception in monads. Moreover, as discussed in the next section, the analogy of fold and elasticity produces a particular type of spatiality that resonates especially well with contemporary writings on spatial justice and law and geography. Here, the links among justice, law, understanding, and perception need to be strengthened further. As mentioned previously, according to Leibniz, justice and goodness belong to the necessary and eternal truths such as numbers and proportions.⁶⁷ From this follow two consequences: first, the concept of justice is the same everywhere; it is not contingent, changeable, or arbitrary. Second, which is more important for the purposes of the discussion in this section, the knowledge and understanding of justice is accessible to human reason in the same way as truths of mathematics or geometry. Leibniz emphasizes that the word “justice” has “some definition or some intelligible notion.”⁶⁸ Therefore, the science of justice belongs to those sciences that Leibniz calls necessary and demonstrative science, which do not depend on facts but rather “give reasons for facts.”⁶⁹ Thus, the concept of justice is one of the items of innate knowledge contained in the dark room representing human understanding. From the above-cited quotation it is clear that Leibniz has a spatial vision of the innate

66. *Ibid.*

67. Leibniz, “Meditations on the Common Concept of Justice,” 45.

68. *Ibid.*, 49.

69. *Ibid.*, 50.

knowledge. It is precisely these items of innate knowledge that form folds that diversify human understanding. In addition, these various processes taking place in the brain are represented in the mind (monad) through perception; namely, as relationships between situated phenomena and, therefore, spatially.

The previous analysis demonstrates that justice as a science based on innate, necessary, and eternal truths is spatial in a double sense: first, it is spatial because innate truths form folds and thus spatialize human understanding; second, this already folded nature of justice is then represented in the perception of monads spatially; namely, as relationships between situated phenomena because, as has been demonstrated, perception as the essential activity of monads is characterized by relationality and perspectivism, leading to situatedness and ultimately to spatiality. However, as was mentioned previously, Leibniz draws a clear distinction between justice and law. Although he does not separate them completely and even worked his whole life on ways to make law more confirming to the precepts of justice, they are still distinct and, therefore, it is not possible to directly deduce spatiality of law from the spatiality of justice, or at least this spatiality comes from a different source and has different consequences.

Leibniz's view of law as positive law, as *Gesetz*, originates in the fact that man-made law and associated institutions are phenomena that can be observed as facts. Leibniz places this factual side of studying the science of law in a subordinate position.⁷⁰ With regard to facts or phenomena, the spatiality can only emerge from the perception as the essential activity of monads. Although human understanding, even if it is an understanding of facts, requires apperception as self-reflection, it does not lead to the double spatiality characterizing innate truths, because facts are not embedded in the human brain like innate ideas. Therefore, the spatiality of law as positive law is distinct from the spatiality of law as justice. Spatiality of justice as innate truth is more fixed in the sense that it is embedded into the folded nature of human understanding. Although elastic, changing, and moving with folds constantly added, human understanding is a membrane. This provides certain stability of fixity to the spatiality of justice. This initial spatiality of justice as innate truth is only secondarily relativized and

70. In his *New Method for Teaching and Learning Jurisprudence*, Leibniz identifies four parts of jurisprudence: didactical, historical, exegetical, and polemical (A VI I, 293). Among these, the didactical and the polemical parts are called theoretical and proper parts of jurisprudence, whereas exegetical and historical parts are identified as practical, and are called "mere conditions." That these practical conditions of jurisprudence are based on facts is clear, for example, when Leibniz in the same treatise says that *jus civile* is a mere question of facts because it requires proof not based on the nature of things but on history and facts. *Ibid.*, 341.

perspectivized through the perception of monads (minds). The spatiality of law that is based on fact, not innate truth, is immediately perspectival and relational because it emerges immediately through the perception of monads (minds). Therefore, I can affirm that this view of the spatiality of law supports relativity and thus difference in positive law that remains universal through the perspectival nature of perception. Because this perspectival nature of perception is also a representation of many in the one, the diversity and difference become an integral and constitutive part of the universal. Spatiality underlying the concept of justice is more absolute and fixed. However, it is not rigid and unchangeable, but rather elastic and moving. The relativity of justice is only secondary when it comes to the perception of monads. This relativity of justice is a reflection of various stages and types of human understanding and its perfectibility. To make the difference between the relativity of law and the relativity of justice apparent, we could say that the relativity of law is external, but the relativity of justice is internal to the mind. However, this statement needs to be taken cautiously and only in a figurative sense, because strictly speaking, monads do not have an outside in the sense that they cannot be influenced from the outside.⁷¹

If for Leibniz law and justice are necessarily spatial, it is important and even central to the correct understanding of law and justice to study this spatiality in order to understand not only space, but also law and justice, as fully as possible. This in turn could open up new possibilities for imagining law and justice in new contexts, including, for example, at the global level. In addition, Leibniz's thoughts on law and justice demonstrate the importance of a distinct but related analysis of the spatiality of law and the spatiality of justice. In the next section, I will further reinforce this statement by connecting Leibniz's ideas to a contemporary scholarly discussion of spatial justice. At the same time, this will lead to identification of some gaps and shortcomings in this literature.

Spatial Justice: From Leibniz to the Present

This section compares Leibniz's views on the relationship among space, law, and justice with a contemporary scholarly view of spatial justice

71. This absence of outside in monads might mean that what Leibniz said about innate knowledge in human understanding is also only figuratively spatial. However, a more detailed and definitive answer to this question cannot be provided in the framework of this article. Whatever the answer, it does not undermine general conclusions of this article, but might have an impact on the strength of some elements of the argument.

offered by Andreas Philippopoulos-Mihalopoulos. His vision of spatial justice has a stronger and more direct spatial nature than other existing visions of spatial justice, as he argues in his *Spatial Justice*.⁷²

Philippopoulos-Mihalopoulos posits the inherent and necessary spatiality of law and justice. Therefore, the summary of his book dedicated to the issue of spatial justice states: “there can be neither law nor justice that are not articulated through and in space.”⁷³ Philippopoulos-Mihalopoulos defines spatial justice numerous times in his book, purporting to highlight each time a different, new aspect of spatial justice. However, these are not different definitions of different types of spatial justice. These are simply various facets of his conceptualization of a single idea of spatial justice. For Philippopoulos-Mihalopoulos, spatial justice relates in the first place to the irreducibility of corporeal existence. More concretely it is “the ultimate expression of one’s spatial and legal claim to a unique corporeal position that by necessity excludes all others; spatial justice emerges from the fact that only one body can occupy a specific space at any specific time. In other words, spatial justice is the struggle between bodies to be in a specific space at a specific time.”⁷⁴

When Philippopoulos-Mihalopoulos contends that bodies “occupy” space or are “in a specific space,” he presupposes that space exists independently of bodies. Philippopoulos-Mihalopoulos’s thought is thereby torn between at least two different understandings of space that permeate his view of spatial justice.⁷⁵ One of these views remains underarticulated and rather subconscious, although this view re-emerges from time to time in various statements.

Philippopoulos-Mihalopoulos’s most articulate discussion of space occurs in relation to law and the idea of lawscape. In all other instances, such spatial notions as property, territory, or assemblage are discussed without articulating a different concept of space. He advances only one conceptualization of space, which is then analyzed from a variety of angles and in a variety of contexts. The conceptualization of space underlying the idea of spatial justice is distinct from the dominant view of space as linear, divisible, and measurable.⁷⁶ This conceptualization of space

72. See Andreas Philippopoulos-Mihalopoulos, *Spatial Justice*, chap. 1.

73. *Ibid.*, i.

74. *Ibid.*, 176.

75. To some extent, the second vision of space can be relativized if one assumes that when the author says that bodies occupy space he in reality means “place.” However, the author follows this usage of the word “space” with a remarkable consistency through the whole book. Therefore, it is impossible to conclude that this is a simple arbitrary linguistic choice.

76. *Ibid.*, 39–40.

starts from viewing space as a process, both discursive and material.⁷⁷ Philippopoulos-Mihalopoulos also highlights that “the space of law’s spatial turn is non-Euclidean, non-measurable, non-directional, non-unitary, non-linear and non-metaphorical.”⁷⁸ Space is described as manifold and labyrinthine.⁷⁹ This labyrinthine manifold space displays its inherent ambiguity and uncertainty in contrast to the traditional characteristics of law as predictable and certain.⁸⁰ These characteristics of space resonate strongly with Leibniz’s conceptualization of space that is also non-Euclidean, and that displaces the primacy of measure and linearity. The notions of manifold and fold in Philippopoulos-Mihalopoulos’s view of space are also central to Leibniz’s articulation of the spatiality of innate truths in human understanding.

According to Philippopoulos-Mihalopoulos, Western law managed to undo the connection between law and space and present law as an abstract, universal, and closed discipline.⁸¹ Moreover, this de-spatialized Western law “in its colonising form, has managed to undo the connection between space and law in other jurisdictions too.”⁸² In this sense, law by presenting itself as a-spatial is then able to pretend that space is something external to it, and to reduce it to distances and measurements.⁸³ But “law is immanent to space and space is immanent to law.”⁸⁴ Therefore, the description of space as a “whirlwind of bodies generating and becoming space” by Philippopoulos-Mihalopoulos is also, at least partially, a description of law.⁸⁵ However, as already mentioned, Philippopoulos-Mihalopoulos expresses another idea of space in various statements about spatial justice. Although he says that bodies generate and become space, he also states that bodies occupy space, something that Leibniz, at least in his later years, would never affirm, and actually vigorously contested. As highlighted in previous sections, according to Leibniz, space does not exist prior to and independently of bodies, but is “that order which renders bodies capable of being situated.”⁸⁶ Saying that bodies occupy space as Philippopoulos-Mihalopoulos does presupposes that space exists prior to and independently of bodies. Therefore, we can see how Leibniz’s late

77. *Ibid.*, 40.

78. *Ibid.*, 16.

79. *Ibid.*, 40–43.

80. *Ibid.*, 43.

81. *Ibid.*, 52.

82. *Ibid.*, with a particular reference to indigenous (Australian aboriginal and Maori) law.

83. *Ibid.*, 55.

84. *Ibid.*, 59.

85. *Ibid.*

86. See note 31.

conceptualization of space is more radically postmodern than the idea of space underlying one of the most contemporary articulations of spatial justice, that although subconscious, is still haunted by Cartesian and Newtonian linear, abstract, and pre-existing space.⁸⁷ This might be the result of Leibniz's more careful and systematic study of space starting from its geometrical and physical foundations as well as a strong incorporation of metaphysics into his articulation of the nature of space. In contemporary social science, but especially in law, the engagement with geometry and physics is almost inexistent, whereas metaphysical and philosophical underpinnings are usually fragmented, not systematic. It is also true that Leibniz's aims in discussing space, law, and justice are different from those of Philippopoulos-Mihalopoulos, who has a politically oriented rather than a science-oriented goal. This difference can explain the divergence in approaches as well as the lesser attention given to metaphysical questions in the contemporary context. Nonetheless, Leibniz's example demonstrates the importance of metaphysics in spatial justice.

In Philippopoulos-Mihalopoulos's work, law and justice are distinct only to some extent because he emphasizes their interdependence over their distinction. This resembles Leibniz's articulation of the juridical science whereby innate truths of justice discovered using a scientific methodology are then employed to inform the positive law. But Leibniz's view is more nuanced than Philippopoulos-Mihalopoulos's. Philippopoulos-Mihalopoulos emphasizes the similarity or intertwined nature of law and justice in their spatial aspect. Thus, the spatiality of both law and justice is one and the same. For example, very early in his book, Philippopoulos-Mihalopoulos states: "Law is both *logos* and *nomos*, both prohibitor and enabler. The space of law is simultaneously *striated* and full of prescriptions and *smooth* open with possibilities."⁸⁸ Later, when speaking about justice he affirms: "[T]he space of justice is located in the fold between smooth and striated, nomad and state, *nomos* and *logos*. Justice needs the calculation of the law and the there-inscribed possibility of passing over to the smoothness of *nomos*."⁸⁹ The underlying concept of space is the same for both law and justice. Also, the relationship between law and justice is of mutual dependence that somehow is inscribed in their very nature, including their spatiality. This

87. In his earlier writings, especially in the above-discussed case of simultaneous possession in Question IV of the *Specimen*, Leibniz also presupposes space as given and pre-existent. However, I would argue that this is only because the main point in the *Specimen* defended by Leibniz relates to the use of scientific methods from other disciplines for dealing with legal questions, so he simply took the concept of physical space as it existed at the time without engaging in any critical discussion of the concept of space.

88. Philippopoulos-Mihalopoulos, *Spatial Justice*, 57.

89. *Ibid.*, 187.

is one of the main differences between Leibniz's conceptualization of space and its relationship to law and justice and the contemporary concept of spatial justice as articulated by Philippopoulos-Mihalopoulos.

As argued in the previous section, Leibniz views law and justice as distinct. He contended that a conscious and reasoned scientific effort is needed to bring them into harmony. The analysis in the previous section also demonstrated the care with which the spatiality of law and the spatiality of justice can be distinguished in Leibniz's thought. However, this diverging spatiality of law and justice does not arise from two different conceptualizations of space, but rather from different ways in which law and justice are spatialized. This distinction in turn relates to Leibniz's effort to understand and articulate processes taking place at the cognitive and phenomenal levels both in their interdependency and distinctness.⁹⁰ Without separating soul and body, articulating how processes and, therefore, the spatiality of these processes taking place at different levels unfold differently adds an important dimension to the understanding of the relationship between law and justice that is underdeveloped in the contemporary writings on spatial justice.

The materiality of spatial justice is important and even central to the idea of spatial justice as rightly argued by Philippopoulos-Mihalopoulos. Leibniz in his early writings addressed the links among space, law, and justice in much the same way that Philippopoulos-Mihalopoulos developed the idea of spatial justice; namely, the (im)possibility of two bodies occupying the same space. However, Leibniz went further, and this allowed him to realize that spatiality can unfold differently and have different effects, depending on the nature of the processes taking place. Using Leibniz's analogy, Philippopoulos-Mihalopoulos's focus on materiality forces him to return to physics's view of space, and reduces the importance of geometrical space. Put in other words, the conceptualization of space underpinning the idea of spatial justice in Philippopoulos-Mihalopoulos is still haunted by the ways that Leibniz considered space in his Question IV of *Specimen*.⁹¹ This overemphasis on materiality and, therefore, physical space might be necessary for Philippopoulos-Mihalopoulos's purposes; namely, properly spatializing justice that so far was only metaphorically

90. It is important to keep in mind that in Leibniz's times, the now-familiar distinction among phenomenology, ontology, and epistemology did not exist. Therefore, it is extremely difficult to assess Leibniz's philosophy against these contemporary notions as already mentioned in relation to epistemology. For this reason, the argument in this paragraph should not be read as a statement on contemporary discussions on the relationship among epistemology, ontology, and phenomenology that has an important place in Philippopoulos-Mihalopoulos's discussion of spatial justice.

91. See discussion in the section "Leibniz's Early Writings."

or geographically spatialized. However, once this return to spatiality beyond metaphors is achieved successfully, there is a need for a more nuanced and more geometrically and metaphysically grounded conceptualization of spatial justice. As this article has demonstrated, Leibniz's heritage provides significant insights required to bring the discussion of spatial justice in contemporary literature to a new level.

Conclusion

The contemporary field of spatial justice merges two concepts: the concept of space and the concept of justice. Emerging as it did from a dialogue between lawyers and geographers, spatial justice draws on a chiefly metaphorical concept of space. Philipopoulos-Mihalopoulos's work on spatial justice identifies this problem and offers in response a radically spatialized concept of spatial justice. His approach holds great promise and has pushed me to reconceptualize space and its relationship to law and justice. Yet Leibniz's shadow looms large over this historiographical turn. This article has contended that Leibniz can and should be read as a theorist of spatial justice.

Moreover, revisiting Leibniz's work through the lens of spatial justice offers new directions for the study of spatial justice. Leibniz adds nuance to our conceptualization of space by enriching it with insights from geometry and metaphysics. His centuries-old ideas allow more complex frameworks for thinking about the interaction of law and justice and also their relation to space. Of course it is not necessary to accept all of Leibniz's premises. However, the strands of his thought that I have highlighted in this article help to shed new light on the contemporary scholarly discussion of spatial justice.