

The body and the law across borders during the COVID-19 pandemic

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Dialogues in Human Geography
1–4

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DOI: 10.1177/2043820620934234

journals.sagepub.com/home/dhg



Abstract

Drawing on non-representational theories in geography and beyond, this commentary provides an autoethnographic account of the material and spatial dimensions of the law as well as its effects and affects on bodies in-between two countries, Italy and Finland, during the COVID-19 pandemic.

Keywords

autoethnography, body, COVID-19, Finland, Italy, law

Introduction

This commentary concerns the law and how it affects bodies crossing borders during the COVID-19 pandemic.¹ Its argument is theoretically rooted in the tight ontological relationship between geography and the law and, thus, between spaces and the law (Blomley, 1989; Braverman et al., 2014). As Massey argues: ‘All spaces are socially regulated in some way’ (Massey, 2005: 152). The co-constitution of space and law has been broadly explored by legal geographers and other scholars, and it has found a home in the philosophies of becoming, non-representational geographies, and the ontological and new materialist turn in the socio-spatial sciences. Thus, for example, Bennett advocates for ‘a fully holistic study of the co-constitution of law and space, one that gives proper regard to the influence of the “affective geographies of matter”’ (2018: 1). Philippopoulos-Mihalopoulos (2015, 2018) has also opened up a dialogue regarding the law and space, unveiling their material and ontological

co-implications. Additionally, Foucauldian-inspired works on carceral geographies have long acknowledged how the law permeates the body and affectively shapes the body’s everyday movements in space (for an overview, see Moran et al., 2017). Scholars working in a range of theoretical traditions have thus come to understand that law ‘is folded in with space; it is intimately connected to matter, bodies and movement’ (Philippopoulos-Mihalopoulos, 2018: 10). The law’s power is such that it can spatially, affectively, and materially carve itself into bodies and their movements.

The law tends to invisibilize itself in space under normal circumstances (Philippopoulos-Mihalopoulos, 2015), when a body moves in space and abides by the law ‘automatically’, often without conscious

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realization, but following the affects stratified on the body over time. However, the law can become harshly visible in exceptional circumstances (Agamben, 1998), such as the ones associated with COVID-19. Again, usually, a body is unaware of signs that the law affectively directs its movements in public spaces (through restrictions, limits, implicit rules on how to behave, surveillance, etc.), but in exceptional times, the law may become more visible and its embeddedness in spaces apparent to everyone.

How a body affectively reacts to the law, and the way in which the latter visibilizes itself in space, vary. During the COVID-19 pandemic, the law's visibility has reached its highest level in those countries worst hit by the virus, such as Italy. There, the restrictions in public and private spaces during the months of March and April 2020 were draconian and enforced by the police and the army. They were also visible through signs specifying the obligatory distance to be maintained between individuals, closures of premises, and inaccessible areas (e.g. closed parks or so-called 'red zones'). Empty public spaces clearly indicated the enforcement of the law as well as its effects and affects on bodies' movements. However, the visibility of the law in spaces remained less apparent in some of the Nordic countries, such as Finland. There, during the pandemic, the law enforced the closure of shops and restaurants, but people were allowed to move about freely. Signs of behavioral change were visible mainly through the wearing of face masks, people maintaining a greater social distance than normal, and fewer people being seen on buses and in other public spaces.

Drawing inspiration from Bennett's (2018) conception of the 'affective geographies of matter', and ontological and new materialist approaches to human geography more generally, this commentary provides an example of the intertwining of the law and space through an autoethnographic analysis of my own body's experience of crossing borders, in Milan (Italy) and Turku (Finland), during the COVID-19 pandemic. The story began in early March 2020, when the legal restrictions described above were not introduced yet, but they were imminent. What happens when a body like mine needs to cross borders in a unique 'in-between' moment

when the law is about to modify geographies and bodies' movements, but has not yet done so? How did my body affectively adapt its behavior in the spaces of two countries where the law was visible in space in radically different ways and with different degrees of intensity?

An autoethnographic experience of a body across borders during the COVID-19 pandemic

In Milan, during the height of the pandemic in mid-March and April 2020, the police and army presence in empty public spaces was the most visible, striking, and unusual sign of law enforcement. In these spaces, bodies moved in controlled, fearful, and cautious ways; people could only go out for work or necessity (e.g. to go to the hospital) and the police were authorized to stop them at any time. However, the beginning of March was a strange, 'in-between' moment in time, since laws were about to be enforced, but freedom of movement was still allowed. Still, every-body *affectively knew* that they were moving in spaces where the law was about to visibilize itself—spaces that the law was about to 'stigmatize' as highly dangerous or contaminated, where movements had to be restricted. If a space is stigmatized as contaminated, bodies within it also become contaminated. There is no ontological separation between the two (Philippopoulos-Mihalopoulos, 2015), just as there is no separation between the law and space.

The enforcement of the total closure of the country occurred immediately after I left Italy, on an almost-empty, eerie plane taking me from Milan to Helsinki. During those early days in Milan, before 5 March, my body learned how to move in spaces where any and every body could potentially be infected with COVID-19. Although restrictions on movements were not yet enforced, bodies were, nevertheless, visibly changing their behavior. Spatially, the law moves faster than its written, official forms: the law was already modifying bodies, teaching them how to be and behave in spaces that were neither 'clean' nor 'safe'. Masks were already worn by people everywhere who automatically became

suspicious of ‘others’ and kept their distance. Paradoxically, in those spaces in Milan, my hometown, at the beginning of March, I felt reassuringly like others: an invisible, contaminated body among other contaminated bodies, subject to the same law, which had not yet been enforced, but was already becoming visible and forcing people apart. The law affects bodies in different ways. My own experience was that being a potentially contaminated body among other (potentially) contaminated bodies was strangely reassuring: I was not *different*. The potential contamination from other bodies and spaces, addressed by the law, restricted my movements, but I was invisible: bodies and spaces were all about to become, by law, potentially dangerous, and I was among them.

However, on 5 March, when I returned to Turku, where I work, in a still ‘clean’ space, I visibly became *the* different body: the only ‘contaminated’ one among clean ones. Indeed, in those days, Finland was still considered to be a ‘clean’ space, for a few days preceding the law enforcing a 14-day isolation period on people coming from abroad and, thereafter, closing restaurants and bars. Before the visible enforcement of the law, I was allowed to move around, as I had no symptoms and there was still no ‘quarantine law’. Still, the Finnish Institute for Health and Welfare indicated that travel to certain contaminated countries was not advisable. My home area in Northern Italy (especially the Lombardy and Veneto regions) quickly reached the same number of infected people that South Korea had at the time. Thus, I found myself suddenly ashamed of my own (potentially) contaminated body and no longer knew how to move appropriately in a ‘clean’ space. I was materially embodying—carrying on my skin—the law and space of another (contaminated) country: affectively, I was still there and my body felt lost in Turku. I was suddenly scared—more scared than I had been as a potentially contaminated body among other (potentially) contaminated bodies in Milan. Indeed, in Turku, my body could have been the one contaminating others, rather than the other way around. Even though no law, at that time, prohibited the entrance of people coming from Italy, extra attention was unofficially being paid to them. Other countries had already closed their borders to

people coming from Northern Italy. Between the end of February and the beginning of March, new countries daily added Northern Italy to the blacklist, prohibiting the entry of its people. Hence, the apparent invisibility of law in Finland made my body uncomfortable. I was free to move in space but, at the same time, I felt I was not. Thus, I felt obliged to embody the law of those countries (not Finland, at that time) that had banned and/or imposed self-isolation on people coming from Northern Italy. Upon arrival, my discomfort was such that I excluded myself from public spaces: in Turku, a small city, with very few cases of COVID-19, my body was too visible and all my neighbors and colleagues were aware of that. My anxiety abated only when the ‘quarantine law’ was finally issued by the Finnish government, whereby the growing number of other contaminated bodies was officially recognized and mine was no longer seen as the visible ‘different one’.

Conclusion

This commentary provides an account of the bodily and material dimensions of the law across borders during the COVID-19 pandemic. It also shows how, in exceptional circumstances, the law visibilizes itself and reveals its presence and power. The law has material, affective consequences for bodies, as my autoethnographic experience has shown. While the borders between countries apparently delimit it, the law’s power over bodies in fact crosses countries and moves bodies in disparate and unpredictable ways. Hence, I felt more comfortable in a ‘contaminated’ country (Italy), with a highly visible law, than in a ‘clean’ country (Finland) where there was still freedom of movement, many fewer infected people, and the law still invisible. From an ethical point of view (Philippopoulos-Mihalopoulos, 2020), this is a unique opportunity for everyone to become aware of the law, its materiality and spatiality, and the consequences that it can have for people’s everyday lives (such as the power to restrict movements), even in normal times and in other contexts.

The current autoethnographic account calls attention to the need for future research to consider

the interplay of the body, law, and space during the COVID-19 pandemic, especially with respect to the affective geographies of migration flows. Migrants, especially asylum seekers and undocumented migrants, are likely to have suffered greatly during this pandemic. Safe distances between bodies, required by the law, are impossible for many of them, since they often live closely packed in refugee camps. In addition, the law as it applies to ‘regular’ citizens might be transforming bodies into entities that increasingly monitor themselves, with additional surveillance tools (such as smartphones) becoming part of the body and its movements in space, reducing the body’s freedom for the sake of guaranteeing protection from the virus. This pandemic has made us rethink our relationships with our bodies, not only in relation to space, but also in relation to other bodies. Future research should therefore pay particular attention to the extent to which the law normally affects bodies’ movements and emotions. While the law has become visible during the pandemic, its invisibility during ‘normal’ circumstances is where the embodied force of law’s power more typically resides.

Declaration of conflicting interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

Note

1. ‘The law’ is used in a singular form, but it includes all possible forms of regulations, including tacit ones. The law should be considered as ontologically multiple.

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