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# Territory, Landscape and Law in Three Images of the Basque Country

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# Territory, Landscape and Law in Three Images of the Basque Country

**Abstract**
Spending time in the Basque country while preparing a contribution to a workshop on landscape and identity focussed my attention on how the Basques were expressing their own identity in their own characteristic and lovely landscape. On arriving in Bilbao a few weeks before the regional elections in 2001, I read the Spanish newspaper El Mundo's description of the Basque landscape as a "Gulag", where the populace lived in fear of terrorism and xenophobia. This was hardly the first impression that came to my mind as I walked streets full of election posters, shoppers, and groups of people dropping in to bars to meet friends over a glass of wine.

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# TERRITORY, LANDSCAPE AND LAW

# IN THREE IMAGES OF THE BASQUE COUNTRY

Richard Mohr*

Spending time in the Basque country while preparing a contribution to a workshop on landscape and identity focussed my attention on how the Basques were expressing their own identity in their own characteristic and lovely landscape. On arriving in Bilbao a few weeks before the regional elections in 2001, I read the Spanish newspaper *El Mundo's* description of the Basque landscape as a "Gulag", where the populace lived in fear of terrorism and xenophobia. This was hardly the first impression that came to my mind as I walked streets full of election posters, shoppers, and groups of people dropping in to bars to meet friends over a glass of wine.

I was not unaware of the activities of ETA. On my previous visit to Bilbao a senior officer of the Guardia Civil had been assassinated in a Bilbao restaurant, while I dined in another. I was also familiar with demonstrations and political displays which commonly demand an end to political violence or the return of Basque prisoners to the Basque country from remote Spanish jails. During my most recent visit, in addition to election posters, I saw demonstrations and

* University of Wollongong, NSW 2522, Australia. rick_mohr@uow.edu.au Research was carried out during a visiting fellowship at the International Institute for the Sociology of Law, Oñati, which is generously supported by the Eusko Jaurlaritza (Basque Government). While acknowledging

displays of posters protesting the siting of a transmission tower near Bilbao, the inadequacy of parking in a seaside residential area of Donostia and Judge Garzón's banning of a Basque separatist youth group. ETA assassinated politicians and nearly blew the hands off a Basque journalist. One of the first political installations I had seen, in 1997, transformed the main street of Oñati with simulated bars hanging across the entrance to the street, with photographs of scores of young prisoners hung "behind" these bars all the way up the street.

The public life of the Basque country is politically contested, while also being deeply civil. Families chat to each other in the plaza while their children play together; people meet in the streets and the bars. Festivities marking saints' days may take up a whole weekend. Jacqueline Urla has described a saint's day celebration in Usurbil in 1983 when a local youth group conducted and displayed the results of an action research project on the use of the Basque language in public life, culminating in a colourful mural by schoolchildren with the slogan "When you go to have fun, speak Basque", which was also printed on hundreds of buttons for people to wear during the fiesta. (Urla 1993, 832-3)

Each of these activities constitutes social and political landscapes which produce and contest social relationships and the space that frames them. Space is not a geographical or architectural given, but is socially produced by its participants. (Lefebvre 1991: 33ff) Even the geometrically laid out street of the

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that the work was made possible by those facilities, the views and interpretations are entirely my own, and do not reflect those of the Institute, its staff or the Eusko Jaurlaritza.

urban planner is transformed into space by the practice of people using it. (Certeau 1984: 117) Space is often regarded as a neutral backdrop in which social events take place, even where it is constructed by institutional power relationships. By recognising that social and political practices shape the landscape and reconstitute space we may understand it as a contested social construct better than as a neutral container of activities. Social and political space may be transformed by alternative "representational spaces" which combine images and symbols of space with people's experience of it. (Lefebvre 1991: 39)

As an outsider who does not understand Basque I am hardly in a position to understand space as it is experienced by the Basque people. However, it has been possible to identify a number of images of the Basque country which are open to analysis and interpretation. By limiting my analysis to three simple images I can render the process of interpretation transparent. My interpretations may not coincide with those of any actual participants in the contestation of social space. However, these images consist of simple elements whose referents I have been able to explicate by looking into some sources of Basque history and imagery.

Considering the diverse ways people interpret images, we cannot expect there to be any one definitive way of seeing, just as there is no one typical participant. Different interpretations may occur to the centralist journalist or the

separatist student. The tourist is just as likely to romanticise exotica as to exaggerate threats. Each employs their own framework of cultural referents and political or personal projects. As a contribution to this collection of writings on geography of law, I have sought to explore interpretive frameworks which derive from alternative sources of socio-legal theory. In applying these to three political images of the Basque country, I am engaging in an exercise in trying the "fit" of different interpretations rather than seeking a definitive one. The goodness of fit will explicate the images at the same time as exploring the implications of various theoretical perspectives on legal geography.

Out of the overwhelming richness of the Basque social landscape I have selected just three images which seek to defining Basque public space. Each of them is an image of the Basque country, yet each conveys a very different conception of socio-legal space. In introducing these images I will discuss their context as well as their content. Not only is each of these images a representation of a particular view of the space of the Basque country, but through their display in different contexts they become part of the Basque practice of space. Each image conveys Basque national identity, constructed in different ways.

Two of these images have been developed in a long-running political campaign, and the other is the official coat of arms of the government of Euskadi, the Basque autonomous region within Spain. One of the images is a stylised

map with an implicit reference to its jurisdictional boundaries; one depicts a Spanish jail juxtaposed with Basque people and the Basque national flag; and the other depicts symbols of Basque provinces which include references to historic laws. By describing these images and their use and contexts, analysing them and proposing my own interpretations of them, I hope to illuminate some possible relationships between law, land and people.

The first image is a stylised map of the Basque country. (I will discuss which version of the Basque country in more detail below). This image is seen throughout the more nationalist areas of the Basque country, on small stickers on walls, and banners a metre or two long, hanging from many apartment balconies. In one of its most spectacular locations it is painted onto the roof of a small hut just below the summit of Aizgorri, one of the highest peaks in the Basque mountains. At this breathtaking height, it is only visible from the very peak of the rocky mountain, from which I looked down on it, and past it to what seemed to be the entire Basque country below, fighting vertigo by gripping the cairn which marked the trigonometrical station.

The map is a black shape on a white ground, with red arrows pointing to it from north and south. The text on these posters reads "Euskal Presoak – Euskal Herrira" (Basque prisoners to the Basque land). The red arrows represent a return of prisoners who are currently held in jails outside the Basque country. This is a long running campaign against the Spanish authorities' practice of

holding prisoners in jails in distant regions of Spain, far from their families. These posters explicitly call for a return of the prisoners–seen as political prisoners by many nationalists–to the Basque country, rather than a call for immediate amnesty. The arrows point south from France as well as north from Spain.

This campaign has produced many imaginative and poignant images and demonstrations, including parades with photographs of the prisoners, the images that I described above, strung across the street, and various representations of prison bars. One of these images has been screened onto a tee-shirt, showing a pair of eyes gazing out from behind the bolted bars of a steel prison door. Reflected in the eyes are a group of people around the Basque flag (ikurriña), who are looking at the prisoner as s/he is looking at them. Even though they appear to be looking at each other, they are clearly separated in space. The people are supporting the prisoner, probably in a demonstration, from some other place. The flag suggests they are in the Basque country. I saw only one of these images, worn by the waiter in a bar in Oñati, though I was told it had also been printed onto other objects such as cigarette lighters. I was struck by this image of repression, of nostalgia for place and of a bond of solidarity between people sharing a national cause. When I explained my research to the waiter he lent me the tee-shirt to photograph, and I returned later to leave a copy of my photograph at the bar. The brother of the waiter immediately pinned it to a notice board behind the bar, giving my photograph its own place in Basque spatial practice.

The coat of arms of the Basque regional government (Eusko Jaurlaritza) appears on official buildings, on letter head, as a GIF image on official web sites, and on documents of the International Institute for the Sociology of Law, which is sponsored by the Basque government. These formal settings contrast with the images of protest in street posters and tee-shirts. The coat of arms has a shield with four quadrants depicting landscape elements, surrounded by a wreath of oak. One represents trees and water: this is the crest of Gipuzkoa, which extends from the wooded mountains behind Oñati to the sea. Another, the crest of Bizkaia, depicts a tree with a cross behind or emerging from it. The third quarter is the crest of Araba, with a castle, a sword and a lion. The fourth is plain red. The oak, in the surrounding wreath and in the symbol of Bizkaia, is a tree in that province at Gernika which symbolises ancient Basque legal rights or special laws (fueros).

**The law of the land**

Anderson (1991) has shown how the taken-for-granted phenomenon of a "nation" is an "imagined community", built up from many different ways of representing commonality and identity. The space of the nation may be imagined according to centres, paths or borders. Each of these elements take on different meanings in different representational regimes. A border may be

conceived as a wall or, as in pre-modern Thailand, as a "golden, silver path" for trade. (Thongchai Winichakul 1994: 77) Maps act as a means of representing and of promoting particular conceptions of a country as a political and legal entity. Landscape and symbol are others. But what type of legal entity do they represent or imagine? By comparing different representations of country I will explore their different implications for a juridico-political territory, the exclusivity or plurality of legal regimes, and sources of national legitimacy.

A map of the Basque country can have two different shapes, and many different representations. The "official" map may be seen in the weather map in the newspapers, where it is little more than a logo. A more elaborate version was produced by the authoritative Spanish daily, *El País*, as a plastic relief map with elevations colour coded from green to brown. The surrounding areas labelled Burgos, Navarra, or Francia are also contoured into relief, but they are white. The coloured section, and the weather map, represent the autonomous community of "País Vasco" or "Euskadi", which exists within the Spanish state. As a logo it looks like a small, scalloped triangle with a hole towards its southern apex. It is the region which, with Catalunya, has the highest degree of autonomy in Spain. Its political legal characteristics include certain rights in regard to taxes and fiscal responsibilities, its own police force and broadcasting network and responsibility for an autonomous and Basque-speaking educational system. Euskadi includes the three provinces of Bizkaia, Gipuzkoa and Araba.

While it would be rewarding to analyse the semiotics of these official or "authoritative" maps of Euskadi,[1] I want to focus here on representations of the Basque country which have been designed by Basques for Basques. The map which appears on the political posters calling for the return of the prisoners is a deceptively similar triangle to the official Euskadi, but it has a sort of "foot" at the bottom (and no holes). This portion of land is identified as Euskal Herria, the Basque land. In addition to the three provinces of official Euskadi, this map includes the southern region of Navarra and the three small "northern provinces" on the other side of the French-Spanish border. This is the traditional land of the Basques which is claimed by many nationalists. Its appearance on these posters and in other references to "Euskal Herria" indicates the common historical, cultural and linguistic heritage of all these provinces, and a nationalist project to reunite them politically.[2]

1 I am using the terms 'official' and 'authoritative' to describe the intentions of these maps, rather than to privilege them. The plastic relief map produced by *El País* is a fascinating positivist representation. Right down to the (exaggerated) relief, the earthy colours of Euskadi, and the blues of the Basque sea ('Bizkaiko Golkoa'), this representation appears to reproduce the 'C. A. del País Vasco', 'Euskal A. E.' (given its official political title) 'as it really is'. It expresses the newspaper's 'objective' credentials, while showing respect for Basque nationality by generally giving the Basque place names before the Castillian ones.

2 I follow common current Basque usage, in which Euskadi refers to the autonomous region, while Euskal Herria refers to the area of the seven provinces. I use the English term 'Basque country' where I do not intend to differentiate between the different conceptions which exist in Basque.

*Figure 1*

The map in the poster defines the territory of Euskal Herria by means of an abstract representation, a "map-as-logo". (Anderson 1991: 175) This map is uniformly coloured black: the edge indicates a clear boundary. This is emphasised by giving this shape a three-dimensional edge, as though it were perfectly flat, cut out of plywood and so raised slightly from its surroundings.

> Today, this bounded visual image, detached and floating in space, is a central feature of the nationalist imaginary. Reproduced on countless souvenirs, bumper stickers, posters and banners. this “logo map” functions as a constant reminder of the boundaries between the nation and its others. (Urla 1993:825)

These "others" are not represented in this map: to go outside this shape is to fall off the edge of the world. "Floating in space", the outside is white, blank: France, Spain or the sea, the image is equally indifferent. The interior is a homogeneous environment or territory, whose shape signifies which territory it is. The homogeneity within these borders suggests a uniform juridico-political geography, while the borders themselves are impervious. This *looks* like "the area controlled by a certain kind of power." (Foucault 1980, 68)

The image of homogeneous territorial integrity in this poster is most startling because it is at odds with the current political administrative reality. Overlapping or included in this shape are seven provinces, two regions and part of a département, three nations, two nation states and the European Union. What is more, the historical, cultural and linguistic traditions behind this modern political claim are far more nuanced and complex than the simple wash of black to the cut-out edges would suggest. Of course, that is the point. The map represents a territorial claim which would reunite the seven provinces, and it is a juridico-political one in Foucault's sense: it would be controlled by the power of a nation state, like France or Spain.

The legal claim of the Spanish state which confines Basque prisoners under its jurisdiction, outside of the Basque country, asserts Spanish territorial and legal uniformity. A Spanish law or a Spanish prison are Spanish, whether in Euskadi or Andalucia. The black map of Euskal Herria asserts an alternative but

comparable territorial claim: a Spanish prison is not a Basque prison, and this representation of the Basque territory does not acknowledge the borders of other jurisdictions. As I pointed out above, the uniform colour of Euskal Herria, with its sharp demarcations of boundaries, indicates a uniform national territory. Its call for uniformity implies the exclusive legal claim of a *different* modern state.

Where does this law come from? Weber has said that the modern state is further distinguished by its "monopoly on law creation". (Weber 1978: 705) The territorial map is an image of the exclusive jurisdiction of the modern state: one colour, one law. The map challenges one unitary jurisdiction with another territorial one. The other images challenge uniform Spanish jurisdiction by using images of more complex relationships between the law, the land and its people. These suggest sources of law which are not a common "law of the land", but which are more plural or personal. To challenge the modern state's monopoly on law creation is to raise a critical issue regarding the *legitimacy* of the use of force.

**Plural laws**

The legitimacy of the state's use of force may be questioned in a number of ways. At its simplest, if legitimacy rests, as its etymology suggests, on the rule of law, then it may be undermined either by unlawful actions by the state or by the assertion of an alternative and competing legal order. Leaving aside the first of

these possible arguments[3], the state's assertion of a monopoly of law within its territory denies any alternative source of law. This is what Santos calls "the monopoly of regulation and control of social action within its legal territory." (Santos 1995: 458)

The coat of arms of the Basque government refers to law, but not to the exclusive legal project of the modern state. For centuries Basques gathered at the oak tree[4] at Gernika to reassert their autonomous legal rights (fueros) which were recognised by the Spanish crown until the nineteenth century. During this period of royal recognition the Spanish ruler would send a representative to this meeting of the Basques at Gernika. (Kurlansky 1999: 66) The depiction of this oak in a government coat of arms indicates the intersection of the legal order of the Basques with a broader legal community. This is a symbol of autonomy which is neither the exclusive jurisdiction of the modern state, nor informal law, but a formal legal pluralism. The fueros were those special laws which granted privileges to cities or other medieval settlements. These are local or particular laws, dating back to a pre-modern pluralist legal order.

3 There have been numerous accusations of illegal action by Spanish authorities, some of them substantiated. This is not the subject of the present inquiry.
4 The different significations of the same symbol may be seen by comparing this oak with the English oak Darian-Smith, Eve. 1999. *Bridging Divides: The Channel Tunnel and English Legal Identity in the New Europe*. Berkeley: University of California Press..

*Figure 2*

Two other quarters must be mentioned, before turning to more general consideration of the implications of this legal pluralism. The quarter which symbolises Gipuzkoa simply contains three trees and an indication of water. This is apparently a representation of a landscape, uniting the coast with the hinterland. The trees in particular have broader historical connotations. They have been read as depicting the yew trees with which the Cantabrians and Gipuzcoans poisoned their knives in a battle with Roman forces of Octaviano Augusto. They also represent the three valleys which came together in 1457 to form the unified province, and whose government and representatives met in each of the three locations on a circuit. (Mujica 1915) As with the blank quarter, whose description follows, what is missing from this symbol is as interesting as

what is depicted. The earlier coat of arms of Gipuzkoa,[5] which existed from the sixteenth century to some time in the twentieth century, included two other symbols above the landscape of trees and water. One represented canons seized in battle in 1512 by Gipuzkoans supporting Ferdinand and Isabella (the "Reyes Catolicos") in the unification of Spanish Navarra into Aragon and Castille. The other represented their earlier support for the King of Navarra who is seen “seated on his throne and with his sword unsheathed and gripped in his right hand in an attitude representing the administration of justice against all classes of wrongdoers." (Guerra, quoted Mujica 1915: 655) These two symbols of Castillian allegiance and royal law were eliminated before Gipuzkoa joined the autonomous Basque region of Euskadi.

The representation of the three provinces in the coat of arms acts in some ways like a map. It establishes the specificity of its territorial references by containing the landscape elements within borders symbolising those of different provinces. But it contains an intriguing ambiguity which is not found in the competing maps of Euskadi and Euskal Herria. The ambiguity of the borders in this image derives from the red blank quarter. It is well known that this is the result of legal action by the government of Navarra, whose symbol had originally been intended to be placed there. Yet it could also be, and may come to be interpreted as a symbol of an unspecified unfinished project, leaving open the

5 This coat of arms existed at least as late as 1915, when de Mujica wrote, and can be seen on San Sebastián’s two main bridges, Santa Catalina and Maria Cristina.

question of what or who else may be bound within the oak's branches (Navarra and/or the three northern provinces).[6]

The landscape elements thus have rich associations in law and government. The yew trees symbolise the defeat of the Romans and the sharing of government between three valleys. The oak at Gernika represents a place where legal rights were reasserted between Basques and Spanish kings, symbolising the interactions between legal orders. Its branches surrounding the other symbols emphasise a more general conception of the foral law. Acting as a border between the united provinces of the autonomous community and the outside world, these privileged local laws mediate between Euskadi and a potentially broader landscape of legal entities. Their existence is implied in this representation by the oak surround, as an open border where legal interactions may be negotiated. The oak branches (ie. the fueros) bring together a diversity of Basque representatives (the quarters of the coat of arms), and mediate their relations with the outside world. We would not fall off the edge of this territory, because its borders are the paths of mutual legal recognition, not a wall between exclusive entities.

This is another image of law and land, which is ancient and plural. It indicates a particular historical tradition underlying a local conception of law and a long term political imagination. Yet history has been adapted, as we see in the

6 It is also possible for a coat of arms to be contested, and to be less ambiguous. The symbol of Euskal Herritarrok, the radical nationalist party aligned with ETA, shows the symbols of all seven

evolution of the symbol of Gipuzkoa. While the laws of the fueros are emphasised, centralised justice and royal allegiance are eliminated.

**Laws of people**

I have already mentioned the modern state's exclusive territorial jurisdiction in relation to the map-as-logo image of the Basque country. "Jurisdiction" originally meant the authority to say the law: *juris dictio*. It has come to be practically synonymous with territory and the borders of states. To cross a border is to enter another jurisdiction. We see an alternative representation of the jurisdictional power of the state–its use of force–in the metal grate enclosing the prisoners' eyes on the tee-shirt. The prison bars are emblematic of Spanish jurisdiction: the prisoner is there because a Spanish judge[7] said so within the law. While Spanish jurisdiction may have its extension across the whole territory within the boundaries of the Spanish state, this image emphasises its most concentrated spatial expression in the Spanish prison cell. In a state without the death penalty, this is the ultimate force of jurisdiction: the power to confine. This is the force of the state, made legitimate by the force of law.

The representation of the Basque country reflected in the prisoner's eyes has very different connotations from either of the other images. Rather than

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provinces, including Navarra and the northern provinces.

representing a defined territory with a line around it, or a legal arrangement between three ancient provinces, it represents a nation in terms of its people. The conjunction of the flag and the people indicates an on-going activity in support of the prisoner. The conviviality of the large group contrasts with the solitude of the cell. It suggests a nation through the flag and the people, but has no indication of political organisation or territorial limits. The image of supporters reflected in a person's eyes does not rely on boundaries of exclusion, but on the inclusiveness of belonging.

The fascinating spatial appeal of this image is the contradiction between the prison cell and the space of freedom.[8] The crowd is reflected in the prisoner's eyes, as if they are seen, and yet they seem to be in a totally different space. They are obviously not literally being seen outside the cell door. The duality of these spaces reflects the words. Euskal presoak are confined *outside* of the Basque country. Euskal herrira signifies movement *to* the Basque country. In this image, the prisoner may have been removed from the Basque country, but its people are still with her or him. Even the people in the crowd have prominent eyes, looking at the prisoner as the prisoner looks at them, they almost seem to be craning their necks to see or to be seen. In this mutual gaze we find proximity across distance.

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7 A 'Spanish judge' may happen to be Catalan or Basque, but she or he was acting in the capacity of a judge under Spanish jurisdiction.

The reflection of people in the Basque country, juxtaposed with the bars of the cell, goes beyond the definition of inside and outside, to emphasise distance itself. The isolation of the prisoner in the real cell reminds us that the prisoners' confinement is not just anywhere, they are not just in a foreign land: they are nostalgic[9]. This image of conviviality and home is not only an attachment to people and place which can lead to suffering if it is denied. It is central to a political project.

*Figure 3*

8 The Basque word for 'release' means 'to the street'. While this is the demand of a different campaign, it indicates the constrast of confinement in a cell with freedom and protest in public space.
9 Fowler's Modern English Usage notes that nostalgia or nostalgic 'is formed by compounding two Greek words so as to give the meaning of suffering caused by an unfulfilled wish to return home; it was invented as a medical name for homesickness so severe as to amount to a disease.'

The barrier of distance can be bridged by knowledge of support, or by imagination or memory of the Basque home. The barrier which cannot be imagined away is the steel of the bars and the surrounding frame: the eyes are behind bars. The boundary in this image is not the border of Euskal Herria but the confines of the prison cell. Each of the many representations of cell bars in this campaign reminds us of the juridico-political power of the Spanish state. In this image, the grate represents the iron law of state power. The image of freedom and the Basque country in the prisoner's eyes creates a hole at the heart of Spanish jurisdiction, through which the imagination can escape.

The flag–the ikurriña–leaves us in no doubt that this is a representation of Basque nationalism. Yet the flag itself is so widely accepted as a symbol that it leaves open the territorial project and the question any party allegiances. All nationalists rally behind the ikurriña, and it can equally be seen as a symbol of the Euskadi of the three provinces or the wider territorial ambitions.

Nationalism is defined simply by the flag and the people, who are outside the prison cell, defying the jurisdiction of the Spanish state. The reflected gathering of Basque people indicates another source of support and of right beyond that jurisdiction. What sort of law applies there, if any, remains unstated. It is an open ended political project, depicting place and identity *outside* a repressive jurisdiction. This image challenges that jurisdiction by suggesting the Basque people as an alternative source of social connections and of legitimacy.

An alternative project based on people as the source of law and its legitimacy takes a step away from both the law of the land and the law of ancient rights.

This representation of nation has a very different basis from the map. If the map is the law of the land, this is the law of the people: specific and local where the map is general and universal. Universal law of the land has a liberal and egalitarian appeal since we can expect (or demand, as the price of legitimacy) that everyone within a territory be treated alike. The totalising impulse of national identity is a product of modernity like that of the exclusive law of the modern state, with common sources in the Enlightenment. (Adorno and Horkheimer 1979) It is possible to imagine alternative legal regimes which may accommodate difference rather than impose uniform principles of identity and exclusion. This may be conceived in terms of ancient principles of mutual respect for difference and group rights, as seen in allusions to the fueros, or it may be conceived as a postmodern project that requires an ability to respect and practice difference. (Cornell 1992: 57)

Cornell has extended this respect for difference to a legal project which could transcend the ethical limitations of positive law. The prisoner's dream of an escape from jurisdiction is at the heart of her "most fundamental question":

> Can we escape from [Kafka's] Penal Colony in a "modern / postmodern" legal system? If law is reduced to the positive legitimation of institutional

> power through established legal procedure, we will only know the meaning of a legal proposition as it is engraved on our backs. (Cornell 1992: 94)

Denying that this requires an escape from legality altogether, she proposes that the ethical good may enter law through the process of interpretation. The law which enables difference may be as utopian as the prisoner's dream of home. At least it imagines that there are other forms of identity, of difference and of law beyond the exclusive nationalisms expressed in the essentialised ethnic group or the modern nation state.

In the concept of legitimacy based on interpretive practices of people we glimpse an alternative to Weber's modernist project of law as a rational enterprise and its predecessor in ancient traditions, such as the group rights of the fueros. Priban has addressed the concerns which Cornell referred to as "escape from the penal colony" by seeking a source of legitimacy beyond positive legal procedure, which he agrees is an inadequate and repressive source of legitimation. Priban's alternative relies on democratic communication rather than procedures or written traditions. He argues that

> …legitimation of law and political domination is a narrative about justice in concrete social, historical, and legal conditions. … [L]egitimacy is a realization of justice in the form of narrative which, unlike law, cannot be immediately backed by state force or violence and belongs to the sphere of opinion, narrative rules, and rhetoric skills. (Priban 1997: 342)

In constructing this sort of legitimacy, the images of the competing nationalist and centralist interests are more important than their procedural claims. By depicting people as the source of legitimacy, the image in the prisoner's eyes raises the most fundamental challenge of all to law: the possibility that it is based in the people and in politics, rather than in reason or tradition. In the context of the competition for legitimacy we see in Euskadi today, it also reminds us that law is ultimately made by people. Legitimacy can be achieved in the realm of narratives and images of law, land and identity. The possibility of alternative interpretations, and their contestation through narrative and rhetoric, opens up possibilities of plural and non-violent legal orders.

**Practices of space, law and representation**

Just as there are different maps for different purposes, so there are different images. In the specific examples I have been discussing, the map-as-logo totalises and excludes. The landscape elements in the coat of arms allude to specific places which are symbolic (like the oak at Gernika) or defined in terms of the provinces. The image of a Basque nation based on its people, gathered around a flag, is an image of inclusion, and of solidarity in the face of opposition. The coat of arms and the prisoner on the tee-shirt both challenge the claims of the Spanish modern state to be the unique source of law. If law has other sources, this effectively questions the legitimacy of the Spanish state's use of

force. The two images do this by reference to different legal sources, in ancient laws or in the people themselves. The map-as-logo mounts this challenge by proposing an alternative exclusive jurisdiction. The coat of arms refers to the ancient pluralism of the formal laws of the fueros. The prisoner is supported by an alternative order of Basque people, an escape from formal jurisdiction into an alternative source of law in people, place and identity.

In trying to draw some more general conclusions about law and legal orders out of this interpretation of different symbols, I began from an analysis of the many boundaries which make up the definitions of the law. These strict boundaries move from the nation state's jurisdictional power to confine a prisoner in a cell, to the boundaries of the nation state itself. These boundaries are contested by the alternative project of Euskal Herria. Where its borders are specified on a map of an alternative nation state, these are imagined as an alternative exclusive jurisdiction. While refusing existing boundaries, it reasserts the exclusive boundaries of the modern state, drawn onto the land.

The external boundary of the coat of arms is represented by the wreath, a relationship with another entity: we neither fall off the edge of this map, nor is its surrounding completely unspecified. The entity surrounding Euskadi is only defined by its recognition of the foral law of the oak. Whether that entity were Spain, France or the European Union would be determined by the relationship between the Basques and their neighbours: it is neither a personal nor an

exclusive border. Boundaries are present again between the three provinces, separate but bound by the oak of Gernika. The ambiguity remaining inside this image is the unfulfilled project of the red quarter, the missing part or parts of Euskal Herria. The borders are fluid and defined by the relationships of plural legal orders. This legal pluralism may be mapped onto the land, though in a less rigid way than the map-as-logo or exclusive state jurisdiction.

Boundaries and how we draw them are fundamental to law and to a definition of law as jurisdiction. This analysis reminds us that those boundaries can be contested or refused, and may be unclear and overlapping. The boundaries can be seen to be less important than the spaces they purport to contain. These spaces have a content and a centre, as the oak at Gernika is a symbolic centre of a plural conception of Basque law. Even spaces which pretend to no more than a simple jurisdictional extension defining the reach of law are redefined by practice and by imagination. Spaces are not only created by the state but also by people, practices, imaginations and associations. They are legal spaces as well. In the Basque country this space is practised and contested among state law (official and putative), the ancient legal pluralism of the fueros, and the mobilisation of people around an identity or imagined community as a source of legitimacy. A plurality of legal imaginations remember histories and dream futures, while practice continues to construct the spaces of the present, and to contest interpretations of land, law and identity.

In the ways people imagine and practise political struggles and competing legal orders we find that they use the land as a symbol, proxy or basis. Yet land is also is the field or terrain in which these practices are played out, as they have been over centuries. Beyond the laws based in land and its symbolic invocation, these images and their use in the spatial contests of Basque public life suggest the possibility of a plural and contested legality which can be developed out of narratives, rhetoric, spatial practices and representations. In the present day Basque political landscape, these images refer to the violence of the Spanish state, the exclusive claims of an alternative Basque nation and the possibility of a pluralist regime. They also coexist with the violence of ETA. Violence sets the limit on spatial practices which communicate alternatives and contested political projects. The violence of torture and assassination is of a different order from Derrida's violence of the word or Cornell's "established legal procedure". Yet political imagery and an active civic life continue to compete with violence in the imagination of future possibilities.

I have mentioned here only three images from the spatial practices of the Basques in going about daily life, representing the landscape, and proposing various alternative political projects. These images continue to jostle with competing versions of Basque landscape and nationality in the streets, bars and public buildings of Basque cities and towns. These images of law in people, maps and symbols of tradition serve different political and legal projects, and open up to view a rich source of possible relations between people, law and land.

While extrapolating from the explicit content of these images, I have tried to draw out some of their implications for our conceptions of law and land. It is possible to represent an alternative state, with the same jurisdictional assumptions as the modern nation state. It is also possible to represent alternative projects, in which law may have very different forms from that assumed in an exclusive and uniform jurisdiction. Through images and words we may draw on pluralist traditions or contemporary insights to suggest open-ended projects of law and identity. My outsider's interpretations, drawing on and illuminating alternative versions of legal geography, have suggested just some of the diversity of projects and imaginings which appear and compete in the spatial and interpretive dialogue of Basque public life.

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