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## Islands and insularity: between law, geography, and fiction<sup>+</sup>

**Abstract:** Within the cross-disciplinary research on “Law, Changes and Technology”, this essay introduces the focus on “Islands and insularity: between law, geography, and fiction”. The intriguing and enthralling topic of “Island-ness” places emphasis on the manifold intersections between law, geographic studies, political power, and the humanities. These intersections reflect several issues, such as territorial localisation, environmental crises, colonial imaginaries, as well as the insular societal contexts in which they are imbricated.

The focus delivers both a synthetic view of these questions and opens up further perspectives for reflection. The contributions engage various topics and adopt different approaches. Beyond this richness of inputs, the essays reveal some common characteristics of islands and insularity as objects and subjects of human imagination, social organisation, and scientific reflection. In particular, two main issues of islands and insularity can be identified, i.e. *dialectics* and *metaphor*.

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<sup>+</sup> This article and the focus pertain to the activities of the IEL (innovative education laboratory) GEOLawB, which is part of the research excellence project “Law, Changes and Technology” – Ministry of Education and carried out by the Law School of the University of Verona.

**Keywords:** Law and Literature, Island, Remoteness, Interdisciplinarity Research, Islands as Metaphors, Dialectic, Isolation.

## 1. Islands and insularity as *loci* for interdisciplinarity: insights and prospects

Within the broader context of cross-disciplinary research, the focus “Islands and insularity: between law, geography, and fiction” deals with the intriguing and enthralling topic of “Island-ness”. Both editors have been exploring this topic for the last two years by placing emphasis on the manifold intersections it exhibits in several ambits, such as legal and geographic studies, political power, and literature. Like the tiles of the roofs, the intersections at stake obviously reflect their territorial localisation, as well as the insular societal contexts in which they are imbricated.

The entanglements of perspectives whereby islands are examined and portrayed place the topic of the focus at the crossroads of an emerging (but thus far underdeveloped) field concerning the cross-disciplinary analysis of islands and insularity.

As the essays recollected in this focus vividly demonstrate, *tropoi* and *topoi* like islands, insularity, as well as their geographical interaction with the mainland, provide scholars with an insightful cross-cutting reflection in the fields of law and the humanities. Additionally, such figures bring a stimulating geographical prospect to this interdisciplinary agenda. Not only are islands geographical subjects *par excellence*, but they also lie at the crossroads of several areas, namely law, geography (whether it be physical, political, imaginative), literature, planning, politics, art, and cultural studies.

Reflecting on, and from, islands and insularity has much to inform us about how societies have defined and organised their legal frameworks throughout history. In addition, they contribute to the conversation on Island-ness by engaging in a dialogue with both social groups and their attitude toward space and territory. Questioning islands and insularity also indicates how literature and the arts can foster social and associated legal evolutions, by forging critical views precisely elaborated from the figure of the island.<sup>1</sup> Suffice it here to remember how islands have traditionally resonated with colonialism, in general, and their social and cultural imaginaries, in particular. The conquest of the Antillean Archipelago, for instance, entailed the translation of “garden-paradise” islands into the tropics, as Anne Bottomley demonstrates in her essay.<sup>2</sup> Such a transposition, for instance, was brilliantly portrayed by Edmund Waller in *The Garden of Bermuda* (1644):

Bermuda, wall'd with rocks, who does not know,  
That happy Island where huge lemons grow,  
And Orange trees which Golden Fruit do bear,  
The Hesperian garden boasts of none so fair?<sup>3</sup>

The poem, evidently, complements the eulogising tone in Andrew Marvell's *Bermuda*:

Where the remote *Bermudas* ride  
In th'Oceans bosome unespy'd,  
[...]  
What should we do but sing his Praise  
That led us through the watry Maze,  
Unto an Isle so long unknown,

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<sup>1</sup> For more on the literary relation between law, islands, and metaphor see Daniela Carpi, “The Island Metaphor in Literature and Law,” at ...

<sup>2</sup> See Anne Bottomley, “Between Islands: Colonial Legacies and Cultural Imaginaries,” at ...

<sup>3</sup> Edmund Waller, “The Garden of Bermuda” (6945), in *Garden Poems*, selected and ed. John Hollander (London et al.: Everyman, 1996), lines 1–4.

And yet far kinder than our own?<sup>4</sup>

In our environment dominated by the capitalist economy,<sup>5</sup> however, the Antillean Archipelago deserves a less benign depiction. These islands have also been, and still are, “lands of despotism”. Elisa Bertolini reminds us of the *Westminster* representative government that populates their constitutional landscape;<sup>6</sup> and Daniele D’Alvia considers how the Caribbean have experimented with a privileged legal order, i.e. the offshore law, that caters “innovative and dynamic laws” for foreign investors “who come mainly from major industrialised countries”.<sup>7</sup> Such a dualism still bears the memory of the unevenness of colonial “plantation societies,” which were “shaped by the dictates” of capital and “the great sugar plantations” thus triggering socio-economic inequality among the groups.<sup>8</sup> In our troubled times of changing paradigms, islands have also become figures of the Anthropocene, whose climate-change resilience challenges our ability as humans to cope with threats which require a new adaptation to the political.<sup>9</sup>

These topics are not novel; and a tremendous amount of academic and policy works have addressed them. Not only have islands fascinated geographers, novelists, poets, and polemicists, but the topic has also attracted the interest of academic scholars with various other backgrounds.

This specific character of islands has triggered geo-political imagination and nourished a literary and fictional corpus. Some recent works and events confirm the particular interest of the “insular questions” because of their interdisciplinary scope and their reflective, fictional, and imaginary potential. For instance, manifold atlases and books portraying the “state of the islands” have been recently published.<sup>10</sup>

The focus delivers both a synthetic view of these questions and opens up further perspectives for reflection. In line with the distinctive rationale of *Pólemos*, the editors of this focus have gathered contributions that engage various topics and adopt different approaches. Beyond this richness of inputs, the essays reveal some common characteristics of islands and insularity as objects and subjects of human imagination, social organisation, and scientific reflection. In particular, we can identify two main strands of islands and insularity: *dialectics* and *metaphor*.

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<sup>4</sup> Andrew Marvell, “*Bermudas*” (6945), in *The Complete Poems*, ed. George de F. Lord (London et al.: Everyman, 1993) lines 1–2 and 5–8. For a comparison among Waller’s and Marvell’s poems see Donald K. Smith, *The Cartographic Imagination in Early Modern England: Re-writing the World in Marlowe, Spenser, Raleigh and Marvell* (Aldershot, NH: Ashgate, 2008), 167.

<sup>5</sup> See Katharina Pistor, *The Code of Capital. How the Law Creates Wealth and Inequality* (Princeton and Oxford: Princeton UP, 2019).

<sup>6</sup> See Elisa Bertolini, “Micro Remote Islands: Lands of Freedom or Lands of Despotism,” at ...

<sup>7</sup> Rose-Marie Belle Antoine, *Commonwealth Caribbean. Law and Legal Systems* (2<sup>nd</sup> ed., London and New York: Routledge, 2008), 13.

<sup>8</sup> Daniele D’Alvia, “Financial Markets as Financial Systems: A Philosophical Dialogue between Offshore Tax Heaven Islands and Systemic Failures,” at ... The quotations are from Belle Antoine, *Commonwealth Caribbean*, 4. See also George L. Beckford, *Persistent Poverty: Underdevelopment in Plantation Economics in the Third World* (New York: ISER, 1972).

<sup>9</sup> Jonathan Pugh, “Relationality and Island Studies in the Anthropocene,” *Island Studies Journal* 13.2, 2018, 93–110; David Chandler, Jonathan Pugh, “Islands of relationality and resilience: The shifting stakes of the Anthropocene,” *Area* 52.1 2020, 65–72. See Geoff Mann and Joel Wainwright, *Climate Leviathan: A Political Theory of Our Planetary Future* (London and New York: Verso, 2018).

<sup>10</sup> To quote just a few, see Judith Schallansky, *Atlas of Remote Islands: Fifty Islands I Have Never Set Foot on and Never Will* (London: Penguin, 2010); Roger Lovergrove, *Islands Beyond the Horizon. The life of twenty of the world’s most remote places* (Oxford: OUP, 2015); Elizabeth McMahon, *Islands, Identity and the Literary Imagination* (London: Anthem Press, 2016); Barry Smith, *The Island in Imagination and Experience* (Salford: Saraband, 2017); Dominique Berthet, *Création et insularité* (Paris: L’Harmattan, 2020). See also the several books of the “Rethinking the Island” series edited by Elaine Stratford, Godfrey Baldacchino and Elizabeth McMahon at Rowman & Littlefield publishers, and the proceedings of the international academic and cultural event of October 2019, *Îles 2019 : regards croisés des sciences, des cultures et de la société*, <https://iles2019.sciencesconf.org>, accessed on 14 May 2020. For an updated bibliography, see *Géopolitiques des îles en 40 cartes*, Le Monde hors série, juillet-août 2019; and the catalogue of the exhibition *Le Temps de l’île*, from 17 July 2019 to 20 November 2019, Mucem Marseilles (<https://www.mucem.org/media/5591>) (Accessed on 14 May 2020).

## 2. The geographical dialectics: location, area, and environment

From the outset, the geographical approach to islands points out a certain apparent paradox, between isolation and linkage, which turns out to be a dialectic. A mere geophysical view observes that islands are isolated and disconnected from mainland by water. At the same time, the course of human history progressively related the vast majority of islands and islanders to continental or “metropole” legal, political, cultural, and economic systems, be it by conquest, colonisation, or by the progressive globalisation of flows of people, goods, capital, and information.

Even sovereign insular states could not – and cannot – develop without a relation to other continental or mainland states and societies. Any fantasy of glorious isolation faces the principle of reality of human interactions, and this is also valid for islands in spite of their geophysical specificity. Anne Bottomley shows how art and literature rendered this dialectic in the specific case of the United Kingdom. Being an insular state actually nourished the strategy to build a maritime Empire, the “well-earn’d empire of the deep”,<sup>11</sup> based on the possession of many islands, thus engaging a dialectic between the “metropole” island and the satellite ones. Finally, the “insular condition” – as Heinz Antor acutely indicates – involves a permanent dialogue on otherness, between the islanders and the others:<sup>12</sup> “despite their remoteness, an island can paradoxically offer a feeling of both security as well as isolation; its boundaries are narrow and firmly defined.”<sup>13</sup>

“In a world tending to political uniformity,” as Daniela Carpi puts it, the geographical and natural insular demarcation provides the law with incredible possibilities of experimentation. Islands indeed create “striations and discrepancies that interrupt [the] monolithic spaces” of globalised markets.<sup>14</sup> Together with *global commercial law* and its “aesthetic consequences [...] including [its] sublime effects,”<sup>15</sup> markets advocate for homogeneous politico-legal features throughout the world. In an economic-oriented environment, such a universalist approach manages complexity by simplifying it. Consequently, islands act as geographical discontinuities disturbing the allegedly universalising effects of globalisation.<sup>16</sup> The current globalisation of flows – including the information and financial flows – reinforces this permanent dialectic between geophysical discontinuity and mainland connection. Daniele D’Alvia provides a salient and actual illustration of this situation by discussing the case of the tax-haven islands.<sup>17</sup>

The focus also moves the debate beyond the geographical dialectic to address a topic which mobilises different disciplinary features. Therefore, it reappraises the interrelationships between islands and their remoteness. This entails reflection on how islands and remoteness are actually considered, and necessitates a close examination of the historical, cultural, social, and economic variables that regard these concepts. To that extent, the essays represents not only a body of pertinent, analytical work, but also a working example of a cross-disciplinary impact of how Islandness acts as a powerful act of imagination.

As a result of this isolation-connexion dialectic, many countries, most of them continental, include within their national borders insular territories, distributed all over the Earth surface. Even a novel and hybrid socio-political ensemble like the European Union recognises within its territorial realm outermost regions and overseas countries and territories, many of which are islands.<sup>18</sup> The

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<sup>11</sup> James Thomson, “Britannia,” in *The Works of Mr. James Thomson: With His Last Corrections and Improvements*, Vol. 2, ed. Patrick Murdoch (R. Baldwin: London, 1802), line 166.

<sup>12</sup> See Heinz Antor, “Insularity, Identity, and Alterity in Patrick White’s *A Fringe of Leaves*”, at ...

<sup>13</sup> Lovergrove, *Islands Beyond the Horizon*, 3.

<sup>14</sup> Carpi, “The Island Metaphor,” at ...

<sup>15</sup> Heather Hugues, “Aesthetics of Common Law – Domestic and International Implications,” *Louisiana Law Review* 67.3 (2007): 690–749, 696.

<sup>16</sup> According to Pier Giuseppe Monateri, *Dominus Mundi. Political Sublime and the World Order* (Oxford et al.: Hart, 2018), 135, islands are “fractures” of the global space.

<sup>17</sup> D’Alvia, “Financial Markets as Financial Systems” at ...

<sup>18</sup> Articles 349 and 355 of the Treaty on the Functioning of the European Union (TFEU). See *EU Law of the Overseas: Outermost Regions, Associated Overseas Countries and Territories*, Territories Sui Generis, ed. Dimitry Kochenov. (Alphen aan

Islands commission of the Conference of peripheral maritime regions of Europe represents the interests of more than 20 European regional island authorities located in the Mediterranean, North Sea, Baltic Sea and the Atlantic, Indian and Pacific Oceans, many of which pertain to EU member States like Denmark, France, Portugal, Spain, among the others. The international law of the sea generates here insular dialectic between exiguity and vastness. The UN Convention on the Law of the Sea (UNCLOS) outlines “a Sea of Lines and Laws”, within which the small – sometimes minuscule – area of some islands can nevertheless provide the owning state with a vast exclusive economic zone (EEZ).<sup>19</sup>

In parallel, the geographical conditions of islands also entail an environmental dialectic, between the preserved and the threatened island. Isolation has provided remarkable and often endemic biological parameters to islands, but this uniqueness is accompanied by fragility. Many insular milieus certainly benefit from classified areas, nature reserves or marine parks. Yet the residential attractiveness and lack of available space, in particular on the coastal areas, can lead to land pressure, degradation, and social inequalities. The climatic change dramatically underlines the environmental – as well as social – fragility of islands.

Consequently, a new “geopolitical struggle” has begun. In order “to control the flow of resources,” mainly fossil fuel energy, “from and through the north,” hence, “capitalist states ... address the problems they have created” to small islands “by deepening” them.<sup>20</sup> Not only cannot “small island nations” benefit from their tiny EEZ, but, owing to rising sea levels, they also “face the risk of becoming practically uninhabitable,” “economically nonviable,” and of being “entirely underwater.” This has economic consequences that point to both their submersion and the “loss of [their] territory.” Certainly, this will affect states’ rights to a marine territory under Article 76 of UNCLOS.<sup>21</sup> We still do not know, however, whether UNCLOS considers the boundaries of EEZs as permanent. To put it another way, it is disputed whether the submersion of islands would unleash their former seabed to pillaging by economic transnational actors, which may try again to convince us of an unceasing economic growth.

### 3. Social and moral dialectics: the different faces of the insular exception

Another dialectical dimension of islands and insularity lies in their character of “places of exception”.<sup>22</sup> Quite often, insular situations combine abandonment and renaissance. On islands, remoteness can make renewal and reinvention possible, on socio-political, legal, or cultural terms. In her in-depth and enlightening reflection on the fictional mobilisation of islands to elaborate a legal and societal critique, Daniela Carpi evokes such insular oscillation between an initial catastrophe, disruption or wreckage, and a persistent continuity. Once their initial moment of sideration has passed, castaways often reproduce or recreate social conventions imported from their original – continental – background. This is particularly evident in Ian Watt’s predicament related to Defoe’s *Robinson Crusoe*, which replicates the archetypical standards of Western capitalism and imperialism. Referring to the island he must live on, he proclaims:

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den Rijn: Kluwer Law International, 2011); Phoebus Athanassiou, Stéphanie Laulhé Shaelou, “EU Accession from Within? An Introduction,” *Yearbook of European Law*, 33.1, (2014), 335–384.

<sup>19</sup> Elizabeth R. Johnson and Irus Braverman, “Blue Legalities. Governing More-Than-Human Oceans,” in *Blue Legalities. The Life & Laws of the Sea*, ed. Elizabeth R. Johnson and Irus Braverman (Durham and London: Duke UP, 2020): 1–24, 11. For more on these paradoxical claims on the seabed see Margaret Moore, *A Political Theory of Territory* (Oxford: OUP, 2015), 169–172.

<sup>20</sup> Mann and Wainwright, *Climate Leviathan*, 8.

<sup>21</sup> Rafael Leal-Arcas, *Climate Change and International Trade* (Cheltenham and Northampton, MA: Edward Elgar, 2013), 46.

<sup>22</sup> Carpi, *Island*, at ...

I was king and lord of all this country indefeasibly, and had right of possession; and if I could convey it, I might have it in inheritance, as completely as any lord of a manor in *England*.<sup>23</sup>

The just title of insular acquisition inevitably calls back to the fore the politico-legal disputes which take place in the geopolitical scenario. These, however, have never been set in a legal vacuum. By contrast, their legal consideration has always entailed a full understanding of the geo-political legal titles upon which state claims had been construed: discovery and occupation; effective occupation; the superiority of the common law; and papal bulls.<sup>24</sup>

To this extent, the debate on the just title of insular conquest has undergone tremendous changes in the last few decades. Not only do the more recent challenges to the just-title doctrine stem from the defies to state sovereignty but, taking into account the climate change threats, they also pose a methodological question. Due to the environmental crisis, further reflection is therefore required on who holds the most suitable ‘just title’ capable of protecting insular ecological environments. The legal-geographical analysis must therefore take into account the legal implications of the concept of “environmental authority.” Coined by Andrew Hawkins, it considers how “the production of useful scientific knowledge about an environment” helps to “legitimate political control over that environment”. To put it another way, “the idea of doing better science”, which does not necessarily involve political control, might be used in order to uphold ‘political claim to a territory,’ which in turn “does not necessarily involve scientific research”.<sup>25</sup>

Needless to say, such changes in insular acquisitions also shed new light on the “multiple complexities” which characterise insular acquisitions in the course of the struggle for colonial settlements, as Heinz Antor demonstrates in his essay.<sup>26</sup> In addition, conquerors generally imposed some of their social and legal standards on the dominated island, not without adaptation or exception. This is the case of the mixed jurisdictions, which underwent several acts of conveyances; and their being ceded by conquest or colonial settlement led to the stratification of several legal systems, whose hybridisation generated authentic “insularities” within the legal traditions of the world.<sup>27</sup> After introducing a relevant framework to categorise and define insular micro-states, Elisa Bertolini addresses this issue in her thorough analysis of the imported and adapted current constitutional provisions, namely the Westminster model, in Caribbean and Pacific islands once dominions of the British colonial Empire<sup>28</sup>.

Such an “insular exception” is also dialectical in the sense that, in their condition of exceptionality, islands can turn out to be as much places of utopia as scenes for dystopia, places of “freedom or despotism” – as Elisa Bertolini puts it – paradise or prison.

We can think of Gauguin’s rapid disillusionment when he settled in Polynesia, where he discovered a lost paradise ... which did not prevent him from realising exceptional pictorial representations of it. Empirically, if the island is often an attractive and archetypal holiday destination all over the world, islands also were – and still are – ideal places to accommodate penal colonies or detention centres. *Île de Ré* in France is a particularly renowned tourist and heritage destination, and is home to one of the most secured jails in the country.

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<sup>23</sup> Daniel Defoe, *Robinson Crusoe*, ed. John Richetti (London: Penguin, 2013), 8. See the seminal book by Ian Watt, *The Rise of the Novel* [1957], London: The Bodley Head, 2015), 60 et seq.

<sup>24</sup> See Christy Collis, “Critical legal geographies of possession: Antarctica and the International Geophysical Year 1957-958,” *Geojournal* 75, 2010, 387–395.

<sup>25</sup> Adrian Hawkins, *Frozen Empires. An Environmental History of the Antarctic Peninsula* (Cambridge: CUP, 2017), 8. On questioning authority in a time of climate change see Matteo Nicolini, “‘Inequality of Goods and Lands’ in Mortgaged Democracies: Paradigms and Effects of Global Comparative Law,” *Liverpool Law Review*, 41.1, (2020): 27–44, 35–36.

<sup>26</sup> Antor, “Insularity,” at ... For more on the imperial ideology in insular acquisition see Diana Loxley, *Problematic Shores: The Literature of Islands* (New York: Palgrave Macmillan, 1990).

<sup>27</sup> See, among others, *Mixed Legal Systems. East and West*, ed. Vernon V. Palmer et al. (Farnham and Burlington, VT: Ashgate, 2015).

<sup>28</sup> Bertolini, “Micro Remote Islands,” at ...

In our times of epidemic, islands can be sanctuaries as well as places of quarantine. We can think of Ellis Island's long usage as "hygienic airlock" for the newcomers to the USA.<sup>29</sup> The Seychelles and Lampedusa are other illustrations of the manifold "possibilities of an island", be it a promising or a worrying one.<sup>30</sup>

In deciphering how, in *A Fringe of Leaves*, the "stream of consciousness" of the heroine hybridises, caught between inherited identity and encountered alterity, Heinz Antor confirms the dialectical dimension that the insular experience conveys. His analysis also shows that, like in many other literary and artistic works discussed in the focus, the figure of the islands can be mobilised to reflect, like in a mirror, the Janus face of human behaviour. In this sense islands and insularity convey a significant metaphorical dimension, which constitutes another key feature that we can grasp from the contributions included in this focus.

#### 4. Islands as ultimate fictional and social metaphors

In many works, islands are the setting for a narrative, for an invented, or "reinvented", insular society. They constitute a metaphorical "other world", at the same time alien and evocative. The metaphorical insularity is often, in the authors' opinion, a means to denounce and criticise the faults of their contemporary society, or more generally to depict the greatness, as well as the turpitude, of human societies. According to Daniela Carpi, an island can be a "privileged metaphor for a legal order", be it, for its creator, a virtuous or a perverted one. We encounter here again the dialectic between utopia or dystopia that characterises the images and narratives associated with islands, like for instance the dystopian – and metaphorical – *Isle of Dogs* that Wes Anderson created in his 2018 film.

This focus has both methodological and substantive implications. Jeanne Gaakeer shrewdly explores the methodological connection: she mobilises this trope to discuss the constitution and evolution of "disciplinary islands" within the field of law.<sup>31</sup> The partition between positivist, or more hermeneutical, approaches to legal studies conditions the interdisciplinary links between law and the humanities.

The concept of "disciplinary islands" also reminds us of another characteristic of the insular question: the frequent endogenous peculiarities of the islanders' culture, which stem from their specific spatial situation combining outward isolation and inward concentration. The Caribbean and the South Pacific also employ parochial generalisations in order to protect the "global south version" of human rights.<sup>32</sup> In the Caribbean, the creation of the 2004 Caribbean Court of Justice (CCJ) was aimed at nourishing a "distinctively", i.e. retentionist, "Caribbean jurisprudence" as far as the death penalty is concerned.<sup>33</sup> However, the CCJ followed the negationist approach of the Judicial Committee of the Privy Council in *Pratt*.<sup>34</sup> The CCJ should have endorsed a retentionist distinctively regional jurisprudence as regards the death penalty. Quite ironically, it eventually struck down the *mandatory death penalty* in *Jabari v The Queen* (2018) (Bard). The same holds true for the Solomon Islands, where the judiciary inflected the universalist character of human rights in order to protect the island's legal particularism and customary laws.<sup>35</sup>

At the same time, current developments show how insular conditions can foster innovative responses to, among other things, environmental issues. Maybe because they are more directly threatened by environmental changes than other territories, islands appear to be relevant places

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<sup>29</sup> See, for instance, the 2014 project "Unframed, Ellis Island" by the visual artist JR, at <https://www.jr-art.net/fr/projects/unframed-ellis-island-usa-2014> (Accessed on 16 May 2020).

<sup>30</sup> Michel Houellebecq, *The Possibility of an Island* (London: Weidenfeld & Nicolson, 2005).

<sup>31</sup> Jeanne Gaakeer, "Interdisciplinarity 3.0: the hub of the universe or fantasy island?" at ...

<sup>32</sup> Ran Hirschl, *Comparative Matters. The Renaissance of Comparative Constitutional Law* (Oxford: OUP, 2014), 207.

<sup>33</sup> Derek O'Brien, *The Constitutional Systems of the Commonwealth Caribbean. A Contextual Analysis* (Oxford and Portland, OR: Hart, 2014), 213.

<sup>34</sup> *Pratt v. Attorney General of Jamaica* [1994], (Jam).

<sup>35</sup> See *Tanavalu v Tanavalu* [1998] (Solom Is); *Pusi v Leni* (1997) (Solom Is).

where to test and advance pragmatic questions, such as local distribution networks, energy self-sufficiency and, what is most relevant, the preservation of cultural and biological diversity. For example, the Alliance of Small Island States (AOSIS) obtained a mechanism for compensation and insurance for losses due to rising sea-levels, the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (WIM). Whilst implementing Article 8 of the Paris Agreement, however, its role is still limited to the “recommendation and assistance” for losses triggered by climate change.<sup>36</sup>

The substantive implications of the focus interestingly gather and discuss emblematic examples of this metaphorical use of the island in several writers, poets, and novelists. Take, for example, Shakespeare’s *The Tempest* (1611) More’s *Utopia* (1515), Marvell’s *Bermuda*, De Foe’s *Robinson Crusoe* (1719), Jonathan Swift’s *Gulliver’s Travels* (1726), Wells’s *The Island of Doctor Moreau* (1896), Lawrence’s *The Man Who Loved Islands* (1927), Golding’s *Lord of the Flies* (1954), White’s *A Fringe of Leaves* (1977), and Snyder’s *Orphan Island* (2017). If the present corpus focuses on English language works, Umberto Eco, in his outstanding essay about legendary places and lands, illustrated how the insular metaphorical trope is common to many more languages and cultures<sup>37</sup>.

From art and literary productions to legal and social organisations, this focus therefore illustrates the richness of the insular question to grasp cross-cutting issues, to mobilise diverse intellectual and aesthetic achievements, so as to consolidate a contemporary academic agenda that articulates diverse disciplinary approaches.

As unique vectors of creation and imagination, islands show the crucial extent to which literature and the arts, with their representational strength, contribute to the legal and social organisation. In this sense, the interdisciplinary approach as it is promoted in *Pólemos* is particularly significant to shed light on the capacity of human societies to imagine, invent, and organise themselves in a continuous and interactive manner.

#### **4. Patterns of insular interdisciplinarity. The structure of the focus**

The idea of collecting this set of essays on the topic under scrutiny originated during the Call for Papers “Islands and Remoteness in Geography, Law, and Fiction”, convened by the editors of the focus: Matteo Nicolini (Law Department, University of Verona, Italy) and Thomas Perrin (UFR de Géographie et d’Aménagement, Université de Lille) on 21-22 November 2019 at Verona University (Verona, Italy). Manifold applicants submitted interesting papers concerning discrete issues related to Island-ness and Insularity. The papers encompassed islands in literature and considered them as literature. They focused on islands as markers (and drivers) of identity and assessed islands by setting them in their politico-legal scenarios.

The focus begins with Daniela Carpi’s topical contribution on “The Island Metaphor in Literature and Law”, with its set of insights into the interdisciplinary development of Island-ness and insularity. Daniela Carpi acutely reappraises the role islands have constantly been playing in geopolitical areas. As already noticed, this role is subversive and is conceived as a sum of “striations” and “discrepancies that interrupt monolithic spaces” of the global order. The essay is percolated by the aforementioned dialectics. Since they are the basis for the creation of literary islands, dialectics opposes islands as natural spaces to their temporary artificial organisations that keeps “the cultural memory of the system from whence it comes”. They then question the whole relationship of “space vs law”; therefore, islands become metaphors for a legal order that is questioned, subverted, re-enacted, and mystified. Daniela Carpi engages in a literary journey and

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<sup>36</sup> Decision 2/CP.19 ‘Warsaw international mechanism for loss and damage associated with climate change impacts,’ Report of the Conference of the Parties on its nineteenth session, held in Warsaw from 11 to 23 November 2013, FCCC/CP/2013/10/Add.1. See *Loss and Damage from Climate Change. Concepts, Methods and Policy Options*, ed. Reinhard Mechler et al. (Cham: Springer Nature, 2018).

<sup>37</sup> Umberto Eco, *Storia delle terre e dei luoghi leggendari* (Milan: Bompiani, 2013).

invites a re-examination of the old, and insular, relationships concerning the juridical, the political, and the theological.

In the second essay (“Between Islands: Colonial Legacies and Cultural Imaginaries”), Anne Bottomley explores geographical dialectics between location, area, and colonialism at the onset of the English colonial Empire. It peruses the literary, legal, and pictorial connections, namely the late seventeenth-century *Paston Treasure* and the late eighteenth-century *Lady Elizabeth Murray and Dido Elizabeth Belle*, by David Martin. These connections, Bottomley argues, enabled England to order the metropole-colonial relations, so that the English cultural imaginary was ultimately grounded on the topographical figuration of “islands.” Like in the post-Brexit scenario, seventeenth-century England had to “imagine” herself.<sup>38</sup> She was in a state of flux. Evidently, “island” was a key topographical trope – again, a dialectic one – signifying sea power as opposed to continental imperialism. In an unceasingly dialectic interplay, it assisted metropolitan England in curating an image of how colonial expansionism might be given meaning, and be experienced, in such a way as to enhance and enrich, rather than overwhelm and impoverish, England as “small island”.

Colonial imaginaries are also opportunities to encounter and engage with “others”. And the final coda in Bottomley’s essay, i.e. the complex network of inter-Antillean creolisation that interrupts the linear metropole-colonial island axis, invites us to read Heinz Antor’s “Insularity, Identity, and Alterity in Patrick White’s *A Fringe of Leaves* (1976)”. Patrick White’s achievement resonates with one of the catastrophes Daniela Carpi mentions as the basis for the creation of literary islands, i.e., the famous case of the 1836 shipwreck and subsequent survival on an island of Eliza Fraser, a Scottish woman who managed to return to white colonial society after having spent several weeks among a tribe of Aboriginal people in Queensland. Socio-geographical metaphors and dialectics constantly intertwine in Antor’s subtle and vivid literary engagement with White’s novel. It is not just a matter of identity and alterity; metaphors and dialectics pose methodological problems. These are located in insular contexts in which social, racial, and gendered otherness collide in the separateness of various insular spaces. Once more, Antor places emphasis on another tension: between islands and the “outside” places. The island is indeed connected to a sense of law inherited from the land of origin: the fringe of leaves and the ring attached to it will remain Eliza’s only tenuous link with her previous life.

Socio-legal insular contexts are at the heart of Elisa Bertolini’s “Micro Remote Islands: Lands of Freedom or Lands of Despotism?” We have already considered it when making reference to the colonial constitutional legacy in the Caribbean, i.e. the Westminster representative government. Bertolini suggests that the narrative of micro and remote islands being lands of freedom or of despotism have been percolating through the whole of Western culture, from Plato to Rousseau. Whether micro polities, preferably insular, represent the ideal societies or not is still a matter of scholarly disagreement. Bertolini argues that, in the last century, a new narrative has emerged: are islands lands of despotism? This is, evidently, a new scientific path to be explored; and the author acutely delivers an analysis of the constitutional arrangements of the Commonwealth Caribbean and Pacific micro-island states.

In the oceanic conundrum, which is globalisation, financial markets are islands comprised within several financial-systems Archipelagos. Daniele D’Alvia’s “Financial Markets as Financial Systems: A Philosophical Dialogue between Offshore Tax Heaven Islands and Systemic Failures” proposes an investigation within the innermost circle of insular contexts, the tax-haven islands. Their security and isolation, as well as their firmly defined boundaries are constantly challenged by risk, i.e. the main catalyst for money-creation processes in modern economies. This has caused a major dilemma between “uncertainty-aversion” paradigms and self-regulation approaches. D’Alvia argues that a mixed system of hybrid regulation should be put in place.

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<sup>38</sup> See Matteo Nicolini, “Against the failure of the legal imagination: Literary narratives, Brexit, and the fate of the Anglo-British constitution,” in *Law and Imagination in Troubled Times. A Legal and Literary Discourse*, ed. Richard Mullender, Matteo Nicolini, Thomas D.C. Bennett, and Emilia Mickiewicz (Abingdon and New York: Routledge, 2020), 239-259.

There is, then, the interdisciplinary connection. Within academic scholarship, the most relevant books on islands are mainly monodisciplinary. Islands are considered from the mere legal, geographic or cultural perspective. Evidently, this focus does not exhibit this limited approach: its scope is broader and aims to fill a gap in current studies on the topic. As it intends to go above and beyond the traditional perspective, it explores the room left for a multidisciplinary assessment. The multidisciplinary ‘constitutive story’ of islands and insularity has yet to be written – and the book aims to participate in such an assessment.

To this end, the editors leave the floor to Jeanne Gaakeer and her essay “Interdisciplinarity 3.0: the hub of the universe or fantasy island?”. Gaakeer confronts the skepticism as regards interdisciplinary research, and suggests it is now time to (re)consider questions of the boundaries, shores, and routes we must follow in order to bridge the troubled doctrinal waters around disciplinary islands, which are usually set in watertight compartments by a dam that precludes new academic insights and societal impacts.