

Sustainable Utopias: The Art and Politics of Hope in Germany

By Jennifer L. Allen, Cambridge, MA: Harvard University Press, 2022. 368 pp. ISBN 9780674249141 \$39.95 (hardback)

Encountered by Laura Petersen

Postdoctoral Research Fellow, Institute for Interdisciplinary Legal Studies, University of Lucerne
Corresponding author. Email: laura.petersen@unilu.ch
doi:10.1017/S1744552323000150

Jennifer L. Allen's excellent book gives a detailed historical account of activists in three spheres (intellectuals, politicians and artists) who practice forms of 'sustainable utopias'. Her book concentrates on the Berlin History Workshop (*Geschichtswerkstatt*) and their approach to history from below, bringing the craft of history into neighbourhoods; the Greens political party, who focused on local politics as part of their party platform; and artists of public space, who use art to draw attention to space and the way social and power relations are embedded within the streets. Beginning in the late 1970's and extending over the subsequent decades in West Germany, Allen argues that the work of these three groups shows how 'West Germans rallied behind a collection of utopian cultural practices that pursued the radical and sustainable democratization of politics and culture in the topographies and temporalities of everyday life' (p. 25).

Allen's premise is that the late twentieth century was home to a growing number of grassroots activists, academics and artists in West Germany who were reconceptualising what utopia might mean, and who were reassessing 'both the topography and temporality of utopianism'. In comparison to the broad 'social engineering projects, whose bloody impossibility the twentieth century so thoroughly revealed' (p. 14), their approaches were 'modest but concrete instances of radical equality, peace, and justice in finite segments of society' (p. 14). Even though Allen does not focus on it in depth, these revisionist utopian practices are playing out for most of the time in the shadow of East Germany and are in marked contrast to the state-based ideological stance across the border.

Allen contends the West German revisionary attempts towards utopia were characterised by participative, consultative, micro-attempts to engage ordinary people in radical, small-scale and repetitive micro-practices and minor behaviours. Despite this micro level, Allen finds these approaches are utopian as 'they proposed a normative agenda that would result in the best of all possible outcomes in their area of influence both in the present and for the future' (p. 14). Whilst reading this sentence in the introduction, immediately my legal antennae went up. What are most forms of law, really, if they are not normative agendas trying to result in the best possible outcome? Could we view the making of law, to follow Allen's approach, as a form of utopia? As the book progressed, I found myself increasingly drawn to Allen's approach to scale, place and time – the micro practices, sites and potential temporalities she describes – and how her account raises implications for legal research.

In this short piece, my reading is partial – I centre my reading around Allen's account of only one of the three groups she analyses in the book: the 'spatial interventionists'. This is a term she

uses to describe artists creating public art who not only ‘occupy’ public space, but ‘intervene in it’ (p. 26). There are two chapters that narrate the work and artistic trajectory of public artists. Allen begins with Joseph Beuys, and then focuses on the commemorative works of Gunter Demnig and the artist pair Renata Stih and Frieder Schnock. The discussion of Beuys and his *7000 Oaks* project as an expression of ‘social sculpture’ sets the scene, because, as Allen describes it, ‘it invited its observers into the act of its very creation and that this act of collective art-making had the potential to alter what people think and do in the world’ (p. 37). It is clear, too, from Allen’s narrative, that these interventions made possible by art occur within the regulations set by legal orders, with Allen discussing Demnig’s arrest in France due to printing on the street, and the way these artists ‘made central to their work the project of exploring, overturning, and rewriting the boundaries of where art belonged and what it sought to do there’ (p. 56).

I read Allen’s chapters on art as demonstrating how public art can make law more visible in the streetscape. Going beyond the operation of legal orderings which create and regulate the public streetscape itself, it is impossible to escape the way these specific art works enable different layers of law (Barr, 2019) – in different guises, locations and time frames – to become tangible to an audience. For instance, Allen gives an in-depth account of Stih and Schnock’s work, *Places of Remembrance*, which consists of eighty metal signs placed throughout the Bavarian Quarter neighbourhood of Schöneberg in Berlin. The signs are spread throughout the neighbourhood and are mounted high up on lampposts. On one side of the sign, there is a quotation from Nazi legislation, and on the other side, there is a coloured pictogram related to the law. Ranging from restrictions to buying groceries to being able to sit on benches, the signs reproduce the gradual encroachment of racist legislation onto the everyday rights and freedoms of Jewish citizens. As Allen remarks, ‘[t]he signs draw anti-Jewish policy out of the distant realm of legal history and into the daily lives of Berlin’s residents’ (p. 194). The memorial forces an immediate confrontation, in a residential setting, as to the way particular laws were deployed with increasing cruelty in the late 1930’s and early 1940’s in Germany. This is a form of commemoration through art – and it gains its affectual power from a realisation of the mundane and insidious way law governed (and continues to govern) everyday relations.

Therefore, *Places of Remembrance* shows how art can enable recognition – an embodied experience – of the laws which surround and envelop us when we walk down the street. To use Illan Wall’s terminology, the art work enables specific laws to come to the ‘foreground’ and be noticed (Wall, 2019). In fact, the art work was almost too successful in this regard. Allen recounts that when the artists began to install the signs before their official opening, there were ‘several phone calls to the police reporting antisemitic activity in Schöneberg’ (p. 197). Even though the memorial was awarded the official commission, the signs were taken down. The controversy was eventually resolved ‘when the artists agreed to append to each sign a smaller plaque that identified the memorial and explained its purpose – that is, only when they tempered its ability to provoke’ (p. 197). Given they are written in the present tense, these laws were deemed too confronting to have on display in the streets without mediation.

The same effect of making legal relations visible occurs through the *Stolpersteine* art works, created by Gunter Demnig. Demnig installs small brass plaques, which record the name, date of birth, date of death, and place of death of a victim of the Nazi regime. They have become a memorial phenomenon, and ‘since the project’s initiation in 1994, more than eighty thousand of these mini-monuments have been installed in twenty-six European countries’ (p. 202). Crucial to the success of the memorial is their placement – the brass plaques are laid on the footpath in front of the house where the victim last resided. As Allen remarks, identifying the victims by name, ‘the stones cement the occurrence of each individual existence into the topography of everyday life’ (p. 202). Bringing the name – and therefore the corresponding legal acts and actors back to the neighbourhood – is also a way of recognising how, as Allen argues, conceptions of the *Tatort* (the crime scene, or ‘place of the act’) have shifted for West Germans (p. 187).

Allen's overall argument in the book is that these artistic practices are a form of 'sustainable utopia', expanding out from time and place. Allen's analysis of how this new understanding of utopia was enacted through the spatial interventionists relies on the way they sought to get the attention of passers-by in the streets in order 'to change the way people thought and behaved in public space by using art to shift its contours' (p. 23). Allen focuses on the discursive effects flowing from the creation of the art works, calling them 'an intervention in public dialogue' (p. 57). This highlights the way works of art have an ongoing address through time and place which is not bound to an original location or audience. It means, for Allen, that the art works create relationships of conceptual and political potential, which in turn has implications for activism and the strengthening of democracy.

In a similar vein, legal scholars have also de-coupled forms of law from a rigid territorial connection, or expanded traditional understandings of jurisdiction, to suggest that there are plural and 'porous' orders of legal norms (de Sousa Santos, 1987, p. 298). To think in this way is to view 'law as a set of widespread and diverse social practices rather than a hierarchically integrated system' (Manderson, 2021, p. 374). This dynamic plays out on the streets of Berlin, as given the focus on neighbourhoods and local places, these memorials are not only 'decentralised' in a formal sense, but their placement highlights how their concurrent legal practices were also 'out of place' – untethered from the usual institutional homes of law.

In this way, both art works serve as an ambivalent reminder of the everyday nature of law, or 'law's quotidian, mundane and ephemeral nature' (Manderson, 2021, p. 379). In addition, by their very nature, these art works also force a return and a recognition of agency to the body that walks through and (re)forms the contours of a neighbourhood. This enables more recognition of other, generative, 'social practices' of law (perhaps – to use Allen's terminology – 'utopian practices' of law) which are rooted in the micro moment, the everyday, and the local. When I walk down a street in Berlin where these legal memorials are located, I am moving through space and enacting various temporal planes at the same time; I am encountering an object, whilst I am also experiencing and creating it. Like Mieke Bal's approach to important works of art, law also 'hovers between *thing* and *event*' (Bal, 2001, p. 124). In such a moment, I am implicated in both the work of art and the work of law.

Nevertheless, it still feels like there is a lot at stake to call these practices 'utopian'. Allen's introductory contextual remarks, offering an account of political and social movements from the 1960s onwards, highlight the historical baggage which attaches to the term. Despite this, the trajectory of this book is to move away from the 'melancholy' of anti-utopianism towards 'hope' (p. 5), and this is something ongoing – Allen terms these utopian practices as sustainable. For Allen, sustainability means 'a program rooted simultaneously in both present and future practices, and its practices must be both enduring and adaptable' (p. 17). Again, this is thought provoking terminology, with possible implications for how we view legal practice.

In sum, Allen's approach is an invitation to think through the possibilities for thinking, doing and practicing art and law in and through the streets. For if we take seriously the claims by legal scholars that forms of law are constituted through and by materials and movements in public space, then her book provokes a welcome question as to what happens when artists come into the mix. Here, the German spatial interventionists hold up a version of legal order which mirrors law back to us, making the layers of law more visible and tangible. Furthermore, it is striking the way Allen's characterisation of artistic practices in her book corresponds to the way we could also conceptualise everyday legal practices in public space. Even if one chooses not to take up her terminology of utopia or sustainability, Allen's book is useful for legal scholars as a reminder to continue to explore the way the micro and social practices of law operate and their shifting temporal and spatial dynamics. The essence of her book captures how a moment of radical, generative potential – be it through art, or through law – can happen through simply walking down the street.

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