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# THE JURISPRUDENCE OF THE THRESHOLD: RELATIONAL LEGAL PLURALISM AND THE POLITICS OF THE WOUND

MICHAEL MURPHY\*

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## Abstract

This article advances Relational Legal Pluralism (RLP), arguing that the foundational crisis in contemporary jurisprudence stems from a temporal-ontological bias, the “temporal cage”, which prioritizes what law is over the urgent ethical demand of what law does. This fixation renders conventional law conceptually mute and actively complicit in a mobile mode of governance: the Jurisprudence of Foreclosure, that operates by producing spatial abandonment and legitimized harm. This failure is sustained by Relational Hegemony, a power that structurally enforces institutional deafness and shatters “knowledge parity” by retreating into “closed epistemic resources”.

RLP offers a spatial-ethical inversion, grounding law’s genesis not in sovereign decree, but in the accusative demand: the juris-generative “wound” that emerges from relational harm. Drawing on Watsuji Tetsurō’s conceptual triad, *fūdō*, *aidagara*, and *kū* (emptiness as reflexive negation), RLP translates this ethical demand into a methodology, “Law in the Accusative,” designed to diagnose injustice and articulate a symmetrical counter-praxis: Relational Repair.

Relational Repair is a contested political project that insists on cultivating institutional “receptivity” and procedural rigour (Reason Test), while the philosophy of *kū* functions as the critical safeguard, perpetually opening the framework to the decolonial politics of refusal. Positioned as a “jurisprudence of the threshold”, RLP does not seek to resolve law’s fractures, but to transform jurisprudence into a global method for the creative, ongoing practice of mending our wounded relations.

**Keywords:** Relational Legal Pluralism (RLP); jurisprudence of foreclosure; relational hegemony; abyssal thinking; temporal cage; Relational Repair.

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## [A] INTRODUCTION: THE JURISPRUDENCE OF THE THRESHOLD

From the ruins of the Grenfell Tower fire (London 2017) to the lethal hopes of the central Mediterranean, contemporary governance increasingly expresses itself through absence, what Moncrieff (2025) terms “rule by silence”. This article interrogates a more unsettling possibility: what if fragmentation and abandonment are not failures of the legal order, but deliberate techniques of governance? What if the wound is not an exception to the law, but its intended consequence and its very juris-generative space?<sup>1</sup>

This crisis is rooted in a mobile mode of colonial governance—this article will argue—that connects the geopolitical outside to the domestic inside. Conventional jurisprudence is ill-equipped for this crisis because its traditions, built on abstract individualism and procedural universalism, are self-defeating. The sites where legal order fractures are not anomalies; they are a spatial modality of rule. This is a system where the freedom of the “inside” was actively constituted by the unfreedom of the “outside” (Césaire 2000; Gopal 2019; Lederman 2022). Following Andrew Halpin’s (2006) challenge, we can diagnose the problem as an “intellectual pyramid in the air”, perilously detached from this co-constitutive reality.

The central thesis of this article is that this jurisprudential impasse stems from a deep, philosophical error in Western modernity’s self-understanding. The error is a “temporal cage” that prioritizes time over space, forcing jurisprudence to begin with ontology, *defining what law is*, before it can ask the urgent ethical question of *what law does*. The “temporal cage” refers to the inherited philosophical architecture that prioritizes temporality over spatial ethical co-presence, thereby foreclosing responsiveness to the wound. This fixation on the temporal and the ontological makes the mainstream legal tradition blind to its own complicity in the colonial matrix of power. Even the field of legal pluralism has been captured, domesticated into a “jurisprudence of management” (Barzilai 2008: 389). This managerialism is the operational front of relational hegemony, a mode of power that controls the conditions

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<sup>1</sup> The “wound” is the core juris-generative concept of this article. It is defined as the embodied, lived experience of relational harm that precedes and indicts a legal response. It is a spatial-ethical concept that serves as the methodological locus for diagnosing the failure of law, locating its origin not in sovereign decree but in the accusative demand of the harmed. The wound is a rupture in the *aidagara* (relational fabric) that manifests as a material injustice (a toxic *fūdō*) and carries accusative knowledge: an articulation of injustice that the dominant system must suppress to maintain the jurisprudence of foreclosure. Its significance lies in its power to transform the passive victim into an enactive political agent and to initiate the process of relational repair.

of encounter by imposing a false choice between its brutal, zero-sum colonial logic and its deceptively benign, managerial “positive-sum” pole. This sustained jurisprudence of foreclosure is the central failure: its reliance on recognition is not a path to healing but a demand that the wound detach itself from the place of its infliction to justify its existence in the placeless grammar of its creator (Ahmed 2012).

The aim of this article is to offer relational legal pluralism (RLP), a framework that argues for a foundational shift from the temporal cage to a spatial–ethical focus on *what happens between subjects*. This reorientation stands in direct opposition to the dominant “politics of recognition”. RLP asserts that this systemic failure is twofold: procedurally, it is a failure of reason. The demand that the wounded translate their suffering into the state’s sterile grammar violates “relational opacity”; by retreating into its own “closed epistemic resources”, the state shatters “knowledge parity” (Krentos 2026). This institutional deafness is the deliberate refusal to hear that makes an intelligible legal relationship impossible. Politically, it is a source of hegemonic capture, where the language of the wound can be “hijacked” by authoritarian forces.

A genuine alternative requires a deeper, affective groundwork. Any meaningful repair must begin at a pre-political level, by cultivating the affective capacities of “receptivity” and “attunement”—the very conditions that institutional deafness is designed to destroy. RLP is the framework that integrates these insights. Drawing on a critical appropriation of Watsuji Tetsurō’s conceptual triad, *fūdō* (juridical atmosphere), *aidagara* (relational betweenness), and *kū* (emptiness as reflexive negation), it develops a jurisprudence where ethics precedes ontology. The primary juridical fact is not a rule, but the health of the *aidagara* and the wound that ruptures it. RLP moves towards its normative horizon: “relational repair”, a contested political practice aimed at mending the socio-spatial fabric.<sup>2</sup>

This article thus proceeds in six parts, moving from a critique of law’s spatial blindness (section [B]) to the development of RLP’s theoretical (section [C]) and methodological (section [D]) Law in the Accusative foundations, before applying the framework to concrete cases (section [E]) and concluding (section [F]) by positioning RLP as a “jurisprudence

<sup>2</sup> The core object of RLP’s spatial-relational ontology is the “relational fabric”: an indivisible, dynamic matrix of human existence where the self is constituted in the *aidagara* (relational betweenness), a condition that is always inseparable from the material and affective space of its situation, the *fūdō* (juridical atmosphere). The health of this fabric is the primary juridical fact. Its rupture constitutes the wound, a literal tear in the fabric, and the normative horizon of relational repair is therefore the contested political practice of mending this tear by transforming the very conditions of co-presence.

of the threshold”: a guide for navigating the choice between immanent repair and decolonial refusal.

## [B] LAW’S OWN CRISIS

Conventional jurisprudence finds itself at a profound impasse, armed with theories that, in Andrew Halpin’s (2006) prescient diagnosis, constitute an “intellectual pyramid in the air”. This article argues that this detachment is not a neutral epistemic stance but the core technique of a coherent political project: a jurisprudence of foreclosure. Its function is to systematically erase legal plurality by maintaining the spatial and temporal boundaries of a colonial–modern order. Its primary weapon is the demand that those who inhabit injustice translate their suffering into a dominant legal grammar that is, by design, deaf to their claims. This act of forced translation is not merely unethical; it is, as the work of Jason Krentos (2026) reveals, a form of procedural violence. It compels the wounded subject to surrender their “relational opacity” while the state retreats into its own “closed epistemic resources”, thereby shattering the “knowledge parity” required for any legitimate encounter between strangers. This institutional deafness is therefore not a moral lapse but the logical outcome of a legal centralism that, as Jorge Fabra-Zamora (2022) notes, must categorize all non-state normativity as “deviant, defective, or pathological”. It is, in Sara Araújo’s (2025) sharp formulation, a “Eurocentric instrument that limits political imagination”.

Having established the necessity for a jurisprudence of the wound, this section deconstructs the architecture of this jurisprudence of foreclosure. It will first diagnose how the seemingly benign jurisprudence of management, the dominant mode of legal pluralism, functions as the operational front for a deeper relational hegemony. It will then excavate the two mutually reinforcing colonial logics that power this system: the spatial logic of “abyssal thinking” and the historical logic of the temporal cage. By exposing these foundational flaws, this section will establish the intellectual necessity for the radical, spatial–ethical reorientation that RLP proposes.

### The mechanics of relational hegemony: from psychoanalysis to authoritarian populism

Relational hegemony is the capacity to limit the horizon of political imagination by presenting a false choice between its brutal zero-sum pole and its managerial win–win pole. While indebted to Antonio Gramsci’s foundational insight that hegemony is a relational process (1971), the concept of relational hegemony developed here is distinct (see also

Emirbayer 1997; Emirbayer & Mische 1998; Azmanova 2018, 2020).<sup>3</sup> It departs from a primarily class-based analysis to foreground its spatial and psychoanalytic dimensions, focusing on how power operates by structuring the very conditions of encounter and managing the affective consequences of a foundational, spatial wound.

Relational hegemony functions, in the tradition of Gramsci (1971), by making a particular worldview seem like universal “common sense”. It is not a static ideology but a dynamic “war of position” that, as Laclau and Mouffe (1985) argue, articulates disparate social elements into a coherent discourse around a powerful “nodal point”.<sup>4</sup> This process creates a toxic societal and natural environment (*fūdō*), a pervasive juridical atmosphere that structures the very conditions of encounter by presenting a false choice. On one hand, it fosters the overt, zero-sum logic required for authoritarian populism. On the other, it champions a seemingly benevolent, liberal positive-sum ideology which pathologizes deep-seated conflict as a mere “cognitive error”, a psychological barrier to an otherwise self-regulating system.<sup>5</sup> Relational hegemony thus thrives by ensuring the only imaginable alternative to its brutal zero-sum manifestations is its own deceptive, managerial win–win narrative.

From a psychoanalytic perspective, this entire hegemonic order functions as a vast discursive apparatus for repressing what it cannot contain. The scream from the wound, the raw experience of spatial abandonment produced by this system’s foundational violence, is what psychoanalytic geography, following Jacques Lacan (1998 [1973]), would term the “return of the Real”: the eruption of the systemic contradictions that the dominant order must disavow to maintain its coherence (de Vries & Kapoor 2025). This resonates with Ashis Nandy’s (1983) diagnosis of colonialism as a form of “relational trauma”, creating an “intimate enemy” within the consciousness of both colonizer and colonized. The wound, in

<sup>3</sup> I am indebted to Dr Raghavi Viswanath, postdoctoral researcher of the SOAS School of Law, for introducing me to this stimulating and productive term.

<sup>4</sup> While this article is indebted to Laclau and Mouffe’s theory of hegemonic articulation (1985), it also offers a critical corrective. Mouffe’s agonistic model, while a vital critique of deliberative democracy, has been criticized for its own “institutional deficit” (Schaap 2009), remaining trapped in an abstract, ontological excavation (Barnett 2017). A more profound critique is that her agonism, by focusing on passions within existing frameworks, risks confining the political subject within the very hegemonic discourse it claims to challenge. RLP addresses this impasse directly. By making a foundational “spatial turn”, it grounds the political not in an abstract ontological antagonism, but in the material, lived experience of the spatial wound. Its methodology of “relational repair” is offered as the concrete, institutional practice that can move beyond critique and translate the passions of the wound into a transformative politics.

<sup>5</sup> For a good example of this “if we could only nudge them in the right way” approach to the political, see Fearon & Ors (2021).

this sense, is not just a historical event but an ongoing psychological reality that the hegemonic order must constantly manage and suppress.

The primary technique for managing this eruption is the hijacked grievance, a key technology of what Stuart Hall (1985) identified as “authoritarian populism”. It operates by activating the zero-sum pole of the hegemonic discourse, co-opting a real or perceived national wound into a narrative that legitimizes state violence against a designated “Other”. This is visible in the “fantasy of conservation” in the Colombian Pacific (de Vries & Kapoor 2025); in the manufactured crisis at the European Union (EU)–Belarusian border, where the state’s narrative of being “instrumentalized” serves to justify its own “lawlessness law” (Ganty & Kochenov 2024); and in the Bhima Koregaon case in India, where the language of a national wound is co-opted by a hegemonic state to enact, rather than repair, harm (Shah 2024). In each case, the state positions itself as the victim, channelling the affective energy of the wound away from the structural violence it perpetuates and toward a demonized, external enemy.

## The jurisprudence of management as a hegemonic technology

This is the operational front of the relational hegemony defined above, where the state’s procedural rules become deliberately opaque. The institutionalized form of legal pluralism, whose initial critical promise as a counterpoint to state-centric positivism has been not merely frustrated but actively repurposed, serves as the primary instrument for this project.<sup>6</sup> Its dominant institutional form, built on the mechanism of state “recognition”, has become the very technology for the hegemonic project it once promised to challenge.<sup>7</sup> This has resulted in what Gad Barzilai

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<sup>6</sup> The critique that follows uses the dominant, institutionalized form of legal pluralism, with its reliance on state-based “recognition”, as a primary symptom of the deeper jurisprudential pathology this article seeks to diagnose: a profound spatial blindness that perpetuates colonial logics. The aim is not to dismiss legal pluralism, but to recall it to its original critical promise through the alternative framework of RLP.

<sup>7</sup> It is important to distinguish the RLP advanced here from Ralf Michaels’s (2017) framework of the same name. While Michaels’s framework represents a significant advance, its focus remains on the formal interaction between pre-existing legal systems. As such, it remains captured within the broader “politics of recognition” critiqued here as a hegemonic technology. The RLP developed in this article begins not with observing the relations between orders, but with the pre-ontological, juris-generative wound itself; it is not a tool for managing pluralism, but a methodology for politicizing the harm that the managerial system produces and renders invisible.

(2008: 389) correctly identifies as legal pluralism's transformation into a mere discourse of management, re-inscribed within the logic of the state.<sup>8</sup>

This is not a degeneration but a successful political manoeuvre. A jurisprudence of management is, by design, tasked with maintaining the stability of the existing system; its purpose is to process, categorize, and neutralize claims that might disrupt the institutional grammar. Such a framework is structurally incapable of asking the dangerous, jurisprudential questions that emanate from the wound. It is a methodology that actively forecloses the possibility of a transformative politics by reducing the horizon of justice to that which is procedurally manageable. Its lack of ambition is the core feature of its hegemonic function. This is enabled by what Margaret Davies (2017) terms "methodological statism": a conceptual inability to imagine law outside the immense gravitational pull of the state, which inevitably recentres its sovereign power to confer legitimacy. Because of this, mainstream jurisprudence remains, as William Twining (2009: 21) concedes, "largely confined to state law viewed from what is essentially a Western perspective", becoming a closed loop where, as Joseph Raz (2004: 331) revealingly admits, "what we study when we study the nature of law is the nature of our own self-understanding".<sup>9</sup>

The primary tool for this managerial domestication of difference is the politics of recognition. Its metaphors of "dialogue" and "accommodation" obscure the profound power asymmetries that structure the encounter, requiring the perilous translation of other normative orders into the dominant legal grammar, a process that continues the classificatory practices of the colonial archive.<sup>10</sup> This "hegemony of words in the normative field" (Bojanić & Ors 2019: 14) creates a "theoretical cage", blinding jurisprudence to other registers of harm because, as Luca Siliquini-Cinelli (2020: 3) argues, even the most sophisticated juridical logics "cannot act as a gateway to legal plurality's facticity". Instead of

<sup>8</sup> César Bazán's (2024) decolonial perspective argues that the modern "rule of law" is itself a colonial technology that functions by invalidating non-state legal knowledge, countered by the decolonial project from the Global South of constitutionalizing legal pluralism.

<sup>9</sup> RLP's critique of legal formalism is indebted to the deconstructive impulse of critical legal studies and its successors (Kennedy 1987; Koskenniemi 2005). While drawing from this rich genealogy, including contemporary dialogues in TWAIL (Third World approaches to international law) and feminist jurisprudence (eg Anghie 2005; Tzouvala 2020), RLP's unique contribution is grounding these diverse critiques in a coherent spatial-ethical framework and proposing a constructive methodology of "relational repair."

<sup>10</sup> While thinkers like Fraser (2003) and Young (2006; 2011) rightly defend claims for recognition as essential for achieving "participatory parity", RLP argues that the dominant, institutionalized practice of recognition is both procedurally incapable of creating a peer-to-peer encounter and politically vulnerable to being "hijacked". More fundamentally, RLP shifts the jurisprudential starting point: the primary juridical fact is not a claim for status (recognition) or resources (redistribution), but the pre-political wound in the relational fabric (*aidagara*).

challenging the underlying structures of injustice, this model defaults to what Iris Marion Young (2011) terms the “liability model”, a reductive focus on isolating perpetrators for a discrete past wrong that is fundamentally inadequate for addressing institutionalized subordination. Consequently, any recognition offered without a prior commitment to establishing “participatory parity” becomes, as Barzilai (2008: 416) warns, a “political tactic to disempower”. In its most pathological form, this dynamic is weaponized, where the entire discourse of a national grievance is “hijacked by authoritarian/fascist forces” to justify the violent silencing of minorities under the guise of repair (Shah 2024: 553). These managerial technologies are not placeless; they are the administrative tools for policing a deeply divided colonial space.<sup>11</sup>

## Abyssal thinking as the operating logic of hegemonic law

The managerial practices of recognition mask a deeper and more foundational violence. They are the primary technology for policing what Boaventura de Sousa Santos (2014) terms the “abyssal line”, an invisible demarcation that divides social reality into two irreconcilable realms. On one side lies the metropolitan zone of humanity, regulated by the logics of law and emancipation. On the other lies the colonial zone of appropriation and violence, inhabited by beings designated as sub-human. The core function of abyssal thinking is not merely to devalue the colonial zone, but to render its inhabitants and their knowledge systems non-existent to the metropolitan gaze, perpetuating what Santos (2004) calls a “sociology of absences”. This line is not just a geographical boundary; it is a psychic one, creating what Nandy (1983) identifies as the “intimate enemy”; an

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<sup>11</sup> This article argues that the logic of colonialism is not confined to an “outside” space but has always involved a simultaneous project of internal colonization within the metropole. The EU serves as a primary case study. While founded on a narrative of post-war peace, the EU’s legal DNA was imprinted with a colonial logic from its inception. Forensic archival analysis of the 1957 Treaty of Rome by Eklund (2023) reveals how its drafters deliberately constructed a legal architecture to police a divided colonial space. This was achieved through specific managerial technologies: the “association” regime for overseas territories legitimized their economic exploitation while abandoning them politically; the distinction between the “peoples of Europe” and colonial “inhabitants” was a conscious legal manoeuvre to strip the latter of political agency and the right to self-determination; and the creation of two classes of “workers” ensured that freedom of movement was a European privilege, not a universal right. This historical evidence demonstrates that the EU’s current border regime is not a recent aberration but a “reiteration of a legal framework already ingrained in the Treaty of Rome” (Eklund 2023). This analysis proceeds from a nuanced decolonial approach that, while decentering the West, avoids creating a simplistic binary between a monolithic colonizer and a homogenized “Other”. It recognizes the complex interdependencies and internal diversity on both sides of the line, aligning with scholarship that explores the co-construction of race and empire within the metropole (Groot 2000) and the colonial inspirations for Western democratic theory itself (Lederman 2022).

internalized colonial consciousness that deforms the self-understanding of both colonizer and colonized.

Procedurally, this abyssal line is the institutionalization of a total failure of knowledge parity, where the metropolitan side operates on the unquestioned assumption of its own legal universality.<sup>12</sup> Seen in this light, the politics of recognition is revealed as a colonial technology. The demand that the wound justify its existence in the juridical grammar of its creator is a pernicious demand that the colonial side of the line present itself in the language of the metropole, an act of translation that reinforces the false universality of that grammar. This is the central insight of the decolonial critique, which argues that the end of formal colonial administration did not mean the end of colonialism. Rather, power persists through what Aníbal Quijano (2007) terms the “coloniality of power”: a model of global power founded on the invention of “race” as a criterion for a “systematic racial division of labor” that endures to this day.

The decolonial critique, therefore, offers a necessary response, calling for the enunciation of injustices from these “other spaces” to “delink” from the Eurocentric grammar of modernity (Dussel 1985; Mignolo 2011). This project of building a “*paradigma otro*” (other paradigm) from the borderlands (Anzaldúa 1987) finds concrete expression in contemporary movements building legal orders “without and against the state” (Constantinou & Ors 2025). The Kurdish movement’s “Democratic Confederalism”, for example, is a living non-state legal order that views the nation-state itself as a primary vehicle of colonization (Dirik in Constantinou & Ors 2025). Similarly, the “Salween Peace Park” of the Karen people is a tangible act of “decolonial worldmaking” (Loong in Constantinou & Ors 2025).

While RLP is profoundly inspired by these living examples of border-thinking, its commitment to a politics of relation requires a critical engagement with the limitations of any project that risks creating a rigid binary between a monolithic “West” and a homogenized “Other” (Groot 2000; Pappas 2017).<sup>13</sup> As Alpa Shah’s work (2024) demonstrates, colonial dynamics are often reproduced within the colonized space, creating a fractured landscape of “internal colonialism”.<sup>14</sup> The logic of the abyssal line

<sup>12</sup> Krentos (2026). Colonial governance is, by its nature, a system that cannot treat its subjects as epistemic strangers with whom it shares knowledge parity. Its authority rests on a foundational epistemic hierarchy incompatible with the rule of law.

<sup>13</sup> While Santos’s concept of abyssal thinking provides an indispensable diagnostic tool, his framework’s reliance on a binarized opposition can risk creating a new totality, a form of closure that RLP’s own epistemic principle of *kū* (emptiness) must resist.

<sup>14</sup> Shah (2024) notes that “the distinction between the colonized and colonizer is not Black and White ... The colonized are themselves divided and include those who subordinated their own people (upper castes colonizing Dalits)”.

is a mobile political technology, actively redeployed by postcolonial states against their own marginalized populations (Regassa in Constantinou & Ors 2025). A jurisprudence of the wound must therefore be an intersectional jurisprudence. The “wounded subject” is not a singular category; the experience of harm is always inflected by interlocking systems of domination, including internal, patriarchal forms that a male-centric decolonial politics might overlook (Kuokkanen in Constantinou & Ors 2025). Furthermore, the act of “decolonial refusal” itself is not a pure or romantic category. The case of Paraisópolis in Brazil, where the refusal of an antagonistic state leads to an embrace of neoliberal logic, is a critical check on any such romanticism, demonstrating that the alternative to the colonial state can be a horizontal shift into another global hegemonic system (Amaral & Ors 2025). This forces RLP to remain critically vigilant, diagnosing not only the pathologies of the state but also the potential for hegemonic capture in the very alternatives that emerge in its wake.

## The temporal cage as the historical justification for hegemony

The spatial violence of the abyssal line requires a temporal justification. This is the function of the “temporal cage”: the inherited philosophical architecture of Western jurisprudence that provides the foundational logic for relational foreclosure. Conventional legal theory, following a long tradition from Martin Heidegger to Hans Lindahl, presupposes the conceptual priority of temporality over space.<sup>15</sup> This temporal bias is not an abstract preference but a direct barrier to ethical responsiveness. As Dipesh Chakrabarty (2000) argues, the “historicism” of modernity advanced a unilinear conception of time in which European modernity was the vanguard, perpetually placing non-Western peoples “behind”. This “first in Europe, then everywhere else” frame performs what Johannes Fabian (1983) described as the “denial of coevalness”, an act of temporal distancing that justifies colonial domination by placing its subjects in a different, lesser time.

This is a hegemonic act of repression. The temporal cage functions to relegate the violence of the abyssal line to a “political unconscious”

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<sup>15</sup> Hans Lindahl’s (2013; 2018; 2024) important theory of a-legality, for instance, remains fundamentally captured by the temporal-ontological project: it begins with the emergence of a legal collective (“We\*”) and theorizes disruption as an abstract a-legal act. What remains critically underdeveloped is the spatial and ethical register of the rupture itself. RLP takes Lindahl’s powerful concept of the “fault line” seriously but reframes it through the spatial-ethical grammar of *fūdō* and *aidagara*, reconceiving it not as a temporal event that destabilizes an ontology, but as a spatial wound that demands an ethical response.

(Jameson 1981), a past that is officially over. The “scream from the wound”, therefore, is not just a legal claim but a temporal rupture. It is what psychoanalytic geography would term the “return of the Real” (de Vries & Kapoor 2025): the violent eruption of the repressed colonial present into the sterile, linear timeline of the state. This temporal power operates by violently managing what Natasha Wheatley (2017) terms “temporal pluralism”. The state’s law, functioning in a singular “present tense”, must confront other legal orders, such as antecedent indigenous rights, that exist on different temporal axes. This triggers a “rights vitalism”, a perverse legal debate over whether these historical rights are still “living” or have been “extinguished”, forcing marginalized groups into an impossible performance where their legal orders must be both ancient and continuous, effectively “frozen” in time to be legally legible.<sup>16</sup> The goal is to produce a subject who has “unlearned how to relate”, lacking the “receptivity” required to encounter the Other in a shared present (Sachsenmaier 2024: 10, 20). This affective deficit is the psychological condition required for hegemony to function.

This temporal logic thus traps jurisprudence in a primarily ontological project: its first task becomes defining the temporal emergence of the legal order before any substantive ethical questions can be asked. Even sophisticated relational theories like that of George Letsas (2024) remain captured by this sequence, assuming a “distinctively legal domain” before addressing pre-legal social harm.<sup>17</sup> For such theories, ethics necessarily remains a secondary concern, a problem addressed only after the hegemonic foreclosure of time is complete. In direct contrast, decolonial projects of “stateless liberation” like the Kurdish movement’s Democratic Confederalism or the “decolonial worldmaking” of the Salween Peace Park are radical temporal projects. They are attempts to construct new legal orders that insist on living now, in a different present, outside the temporal cage of the nation-state (Constantinou & Ors 2025). They represent a refusal to wait for recognition from a legal order that has already denied their coevalness, choosing instead to enact a sovereign present on their own terms.

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<sup>16</sup> Wheatley’s (2017) analysis of how settler-colonial courts adjudicate the “vitality” of Indigenous rights is a key example of this temporal power in action.

<sup>17</sup> Letsas’s (2024) framework necessarily reasserts the primacy of juridical ordering, locating structural harm not within the diffuse, pre-legal social relations from which it often emerges, but within a domain already bounded and defined by law.

## [C] RE-FINDING LAW IN SPACE AND RELATION

The preceding analysis deconstructed the architecture of a jurisprudence of foreclosure, revealing it not as a mere theoretical error, but as the primary instrument of a deeper relational hegemony. We have shown this hegemony to be a coherent political project, functioning by controlling the very conditions of co-presence through a specific suite of technologies: the temporal cage that enacts a denial of coevalness; the abyssal line that produces “toxic atmospheres” of structural neglect; a managerial jurisprudence that renders its own procedures opaque while neutralizing dissent; and a weaponized politics of the hijacked grievance that saturates the relational field with zero-sum logic. To unmask this compromised order, so profoundly implicated in the very harms it purports to address, is to confirm that a mere critique is rendered insufficient. The diagnosis itself forces the demand for a radical alternative.<sup>18</sup>

What is thus required is a fundamental reconstruction of law’s philosophical foundation—a critical project that redefines “legality” not as a property of formal, state-conferred rules, but as an ethical-spatial condition of relational integrity. Legality, we argue, finds its genesis in the pre-legal accusative demand that erupts from the wound. This defiant rupture is a juris-generative act, transforming the passive victim into an enactive political agent by refusing to plead its case in the sterile grammar of the powerful. This is the “fuck you moment”: the raw, pre-legal refusal that is not a request for inclusion but a fundamental challenge to the legitimacy of the established order.<sup>19</sup>

This section, therefore, begins that constructive project. It introduces the core philosophical architecture of RLP by forging a critical dialogue

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<sup>18</sup> The imperative of “co-presence” (Araújo 2024) provides critical validation for RLP’s core thesis. Co-presence demands the “abandonment of the linear conception of time”, mirroring RLP’s critique of the temporal cage, and mandates that legal diversity be accepted through reciprocal transformation. Araújo’s critique of legal centralism as a “Eurocentric instrument that limits political imagination” and his exposure of the “failed promises of recognition without co-presence” diagnoses a political problem for which RLP provides the architectural solution. The relational fabric (*fūdō/aidagara*) defines the object of repair, while the jurisprudence of strangerdom (Reason Test) provides the procedural rigor required to regulate the encounter and achieve that reciprocal transformation. This is the method for enacting the political possibilities that Araújo’s critique opens up.

<sup>19</sup> It is not a request for inclusion but a fundamental challenge to the legitimacy of the established order, the juris-generative act that transforms the passive victim into an enactive political agent. The pathway from this accusative demand to relational repair is one of political contestation. It begins when the raw “accusative demand” from the wound creates a “rupture”, an act of “epistemic disobedience” (Mignolo 2011) that rejects the legitimacy of established processes. The strategic aim is to make the cost of ignoring the wound politically untenable, thereby forcing an opening where the demanding work of relational repair can begin.

between decolonial theory and the Japanese philosophy of Watsuji Tetsurō, systematically developing his conceptual triad, *fūdō* (juridical atmosphere), *aidagara* (relational betweenness), and *kū* (emptiness), into sharp, politically and procedurally aware tools for legal analysis.<sup>20</sup> This reconstruction will proceed by following Watsuji’s triadic grammar, repurposed here as a critical tool. We will first argue that legality is primordially grasped through *aidagara*, where its healthy state is the integrity of the relational fabric and its rupture is a tangible wound. Second, we will show how law is always conditioned by *fūdō*, insisting that it is never placeless but is an atmospheric quality that can either nurture or poison relations. Third, we will introduce *kū* as a principle of radical contingency, positing legality not as a fixed state, but as a dynamic, unending process of mending relational bonds. Crucially, this deep relationality is not a sentimental communitarianism; as we will demonstrate, it finds its necessary procedural form in a jurisprudence of “strangerdom” (Krentos 2026), which provides the respectful epistemic distance required for a non-coercive mending of these bonds to be possible.<sup>21</sup>

## Watsuji’s core intervention: prioritizing ethics over ontology

Watsuji’s decisive philosophical intervention directly contests the ontological primacy of temporality and individualism that has long subjugated Western thought, particularly evident in the foundational work of his contemporary, Heidegger. Heidegger’s *Being and Time* (1927) famously posited temporality as the possible horizon for all understanding of being; this powerful analytic, however, came at the catastrophic cost of foreclosing explicit ethical inquiry. As a generation of critics from Emmanuel Levinas (1969) to Iris Murdoch (1970) have charged, this

<sup>20</sup> The deployment of Watsuji Tetsurō throughout this article is a deliberate critical appropriation, undertaken with full awareness of its theoretical risks. The framework fully acknowledges the extensive critiques of Watsuji’s involvement in providing philosophical support for Japanese nationalism, with its emphasis on cultural particularity and the subsuming of the individual. However, this article’s central methodological argument, that *separates philosophical content from political use*, is that Watsuji’s own philosophical grammar contains the very tools needed for its decolonial repurposing. It proceeds by deploying his concept of *kū* (emptiness), understood here not as an ontological ground but as an epistemic principle of reflexive negation, to function as a “philosophical solvent”. This move is designed to separate his profound insights into spatial and relational ethics (*fūdō* and *aidagara*) from their essentialist historical applications, with the aim of yielding a universally applicable relational ethic for a post-Western critique of coloniality—inside and outside. For foundational work on this method, see Murphy (2021, especially chapters 3 and 4); for other engagements with Watsuji in a global context, see Sevilla (2015, 2017).

<sup>21</sup> This synthesis resolves an apparent tension between Watsuji’s *aidagara* (profound connection) and Krentos’s (2026) strangerdom (epistemic separation), arguing that true relational repair requires building an “architecture of intelligibility” across the stranger-to-stranger gap, not erasing it.

intense focus on the self's solitary being-toward-death—the structural consequence of a temporal–ontological bias—eclipsed the primary ethical demand issued by the face of the Other. The result is the creation of a goal-oriented “self-subject”, a figure of subjective self-mastery that is preoccupied with its own projects and has effectively “unlearned how to relate”, rendering it incapable of the “receptivity” necessary for genuine ethical encounters.<sup>22</sup>

Levinas, of course, charged that this very privileging of ontology was the signature error of the entire Western philosophical tradition, demanding a correction that made the ethical relation “first philosophy”. Watsuji ([1935] 1961) mounted a similar critique, though from a spatially grounded direction: he argued that Heidegger's near-exclusive focus on time and individual subjective experience constructed a flawed and culturally ethnocentric ethical system. To counter this structural deficit, Watsuji introduced spatiality as a co-equal, if not conceptually primary, dimension of human existence. By grounding our being in the shared, concrete space of co-presence, moving beyond the constraints of the temporal self, Watsuji was able to posit the conceptual priority of ethics over ontology.<sup>23</sup>

The critical appropriation of Watsuji's system permits a crucial inversion of the traditional Western jurisprudential sequence, which typically begins with ontology, defining the being of the legal subject, the state, or the rule. Instead, RLP asserts the ethical encounter in the “betweenness” (*aidagara*) of social life as the primary reality from which all other concepts, including subjectivity and law itself, must emerge. This philosophical inversion finds its necessary procedural analogue in a jurisprudence of strangerdom, which grounds legality not in an ontological definition of law, but in a set of *a priori* ethical-procedural “terms of participation” that must govern the relations between subjects

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<sup>22</sup> Stefanie Gabriele Sachsenmaier (2024) uses François Jullien's critique of the “self-subject” to argue for “receptivity” as an ethical posture that moves beyond the projecting, goal-oriented subject of Western thought. Jullien points to receptivity as an underdeveloped concept in European thought and explores its potential to challenge established values centring on what he terms the “self-subject”. This underdeveloped concept is the direct and necessary consequence of a Western philosophical tradition that begins with an active, world-mastering subject: see Jullien (2020).

<sup>23</sup> Watsuji's contribution here is radical, moving toward the proposition that we share consciousness through the relational structures of *fūdō* and *aidagara*. As Joel Krueger argues, this extends beyond mere phenomenological description to challenge the internalist assumptions prevalent in dominant paradigms. Watsuji's alternative model of “subjective extendedness” thus holds significant potential for enriching our understanding of social cognition and its implications for democratic practices (Krueger 2013, 2014, 2018; see also Johnson 2019).

before the law speaks (Krentos 2026). This singular spatial–ethical inversion provides the key to the entire RLP framework.<sup>24</sup>

### *Fūdō* and the juridical atmosphere

The first conceptual pillar of RLP’s reconstruction, *fūdō*, denotes the irreducible socio–environmental entanglement, what is termed here the “juridical atmosphere”, that constitutes both subjectivity and legality. A critical deployment of *fūdō* directly confronts the inherent “placelessness” of Western legal theory by insisting on a foundational truth: law is always embodied and spatially situated. A border camp or a neglected housing estate is not a neutral coordinate on a map; it is an a-legal *fūdō*, its atmosphere saturated with colonial legacies and charged with the affective experience of abandonment.

This spatial analysis provides a thicker account than the valuable but more formalist work of thinkers such as Lindahl on legal boundaries. While Lindahl (2013) valuably theorizes spatiality via the logic of legal boundaries, the “distinction between a familiar distribution of places, an inside, and a strange place, an outside”, RLP’s concept of *fūdō* aims for a more atmospheric analysis of the *quality of life* within and between these bounded zones. In this sense, the concept of a toxic *fūdō* is the lived, affective reality of the abyssal line,<sup>25</sup> translating its abstract philosophical division into a concrete atmosphere of exclusion and non-existence. It resonates instead with critical geographers such as Doreen Massey, who frames space as the very dimension of ethics, posing the fundamental question: “how are we going to live together?”<sup>26</sup> Infused with a decolonial critique, this project’s use of *fūdō* thus grounds Walter Mignolo’s “loci of enunciation”<sup>27</sup> not in an abstract identity but in a concrete, material, and affective milieu.

<sup>24</sup> Krentos’s (2026) “Reason Test” can be seen as a set of *a priori* ethical commitments that structure the relationship between strangers, making his framework an example of an “ethics-first” proceduralism.

<sup>25</sup> See “Abyssal thinking as the operating logic of hegemonic law” above.

<sup>26</sup> This “spatial turn” resonates deeply with a parallel movement in Western critical thought. Henri Lefebvre (1991) insisted that space is actively and socially produced. More pointedly, Massey (2005: 195) frames space as the very dimension of ethics, presenting us with “the radical contemporaneity of an ongoing multiplicity of others ... and the ongoing and ever-specific project of the practices through which that sociability is to be configured”.

<sup>27</sup> See Mignolo (2000), especially the introduction and chapter 1, where he insists that “every thinking subject is located in geopolitics of knowledge”, and critiques the myth of universality (Mignolo 2002), in which he explicitly contrasts “zero-point epistemology” with locus of enunciation.

RLP's critical appropriation requires expanding *fūdō* beyond a descriptive concept of milieu into a diagnostic tool that is political, affective, and procedural. Politically, it is a dynamic field that is actively produced and contested, operating as a toxic *fūdō* of nativist grievance deliberately manufactured by hegemonic forces to "hijack" public discourse and legitimize violence. Affectively, it shapes our relational capacity, fostering a neoliberal *fūdō* of "separability" where we have "unlearned how to relate", or conversely, serving as a deliberately cultivated reparative *fūdō*—a "rehearsal space" where the ethical preconditions for justice are fostered. Procedurally, it structures intelligibility: a just legal order strives to create an intelligible *fūdō*, an "architecture of intelligibility" where shareable, non-arbitrary reasons can circulate among epistemic strangers, as opposed to a *fūdō* of opacity built on "closed epistemic resources".<sup>28</sup>

### *Aidagara* and the relational subject

While *fūdō* establishes the necessary spatial context, *aidagara* articulates the ethical structure of existence within it. The Japanese term for human, *ningen*, combines characters for "person" and "interval", signalling a profound truth: to be human is to exist in the *aidagara*, the relational "betweenness" that constitutes us. This concept directly challenges the foundational Western philosophical fiction of the autonomous, pre-social individual. Within this framework, law emerges not from an abstract subject but from the concrete reality of embodied co-presence. The primary juridical question is, therefore, displaced from "What is the rule?" to "Where is the wound?", law in the accusative: a diagnostic question that identifies a rupture in the very fabric of *aidagara*.

Yet this relational ontology must itself be deepened through a decolonial feminist critique. Thinkers like María Lugones and Sylvia Wynter reveal how the capacity for relation is systematically fractured by the "coloniality of gender" and the violent construction of Western "Man" against its racialized Others.<sup>29</sup> The "wound", in this thicker analysis, is therefore not merely an interpersonal rupture but a tear in the fabric of being itself. Consequently, the project of relational repair becomes, by necessity, a decolonial struggle to reconstruct the very meaning of the human.

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<sup>28</sup> Krentos (2025) reframes the rule of law as an "architecture of intelligibility" built on "shareable expectations, between epistemic strangers", which in RLP's terms is a specific type of procedurally healthy juridical atmosphere.

<sup>29</sup> See Lugones (2008 and 2010) on the coloniality of gender, and Wynter 2003 on the post-humanist challenge to the concept of "Man".

A critical engagement with contemporary political struggles requires that we expand this concept of *aidagara* even further. It is not a neutral fabric that is simply “ruptured” by injustice, but a dynamic and contested field always-already saturated with historical power asymmetries. We must, therefore, redefine *aidagara* as a fiercely contested political arena, a relational field that can be internally fractured and stratified, which explains the complex dynamics of relational hegemonies where “the wounded can also wound”. In its most pathological form, the *aidagara* can be hijacked by hegemonic forces seeking to violently redefine the very terms of co-presence (see Shah 2024). The health of this fabric depends not only on political justice but on its procedural and affective qualities. It is healthy when it functions as an intelligible space for epistemic strangers and pathological when its communicative channels collapse into opacity. It thrives when its participants cultivate the “receptive” capacity to attune to one another and withers when they have “unlearned how to relate”.<sup>30</sup>

### *Kū* and the rejection of closure

The epistemic foundation for this entire framework is *kū*, or emptiness, fundamentally reframed here as a principle of reflexive negation. Derived from Nāgārjuna’s philosophy of radical interdependence, *kū* is the core insight that all phenomena are contingent and lack any independent, intrinsic nature (Garfield & Priest 2002). This immediately translates into its function as a “philosophical solvent”, which deconstructs the claims of universal and immutable legal norms that sustain Western jurisprudence. By exposing how these traditions reify their systems, *kū* radically challenges ontological closure and allows us to grasp the fluid, relational dimensions of social life.

This principle is the ultimate critical safeguard against the project hardening into another static system. Functioning as a logical stance concerned with questioning the legitimacy of all ontological status (Ganeri

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<sup>30</sup> This erosion of ethical capacity is the psycho-affective core of relational hegemony. The hegemony works by structurally producing the “self-subject”, the goal-oriented, world-mastering individual criticized by Jullien (2020), who, having “unlearned how to relate” (Sachsenmaier 2024), lacks the fundamental “receptivity” to the Other. This affective deficit is what directly enables relational hegemony’s managerial “positive-sum” pole, which pathologizes deep-seated conflict as a mere “cognitive error” (Fearon & Ors 2021). By accepting this managerial illusion that all social problems are merely psychological or informational barriers, the subject remains existentially blind to the dire social, political, and environmental consequences of late modern capitalism. This deficit is essential for maintaining the denial of coevalness and preventing the system from responding to relational trauma (Nandy 1983). The pathology of *aidagara* is thus rooted in the Western subject’s philosophical and affective incapacity for genuine encounter.

2019),<sup>31</sup> *kū* is the philosophical response to the entire architecture of foreclosure established above.<sup>32</sup> It fundamentally negates the rigid, spatial essentialism of the abyssal line and dissolves the unilinear, fixed history of the temporal cage.<sup>33</sup> This prevents the major political error of inverting the colonial binary. Where a politics of identity can replace a Eurocentric universal with a new essentialism, a jurisprudence founded on emptiness renders such a move impossible, ensuring the framework remains perpetually one of relation over identity (Murphy 2021).

This principle of reflexive negation animates the dialogical movement of the law in the accusative, a process of relational transformation that stands in stark contrast to the synthetic drive of a classic dialectic. The process begins with the accusative rupture, the juris-generative moment when the scream from the wound punctures the toxic *fūdō* (milieu). Faced with a demand it cannot easily dismiss, the institution is forced into crisis where *kū* acts as the solvent, dissolving the claims to neutrality and emptying out the fictions that sustain the jurisprudence of management. This compelled epistemic humility is the necessary precondition for the final aim: not a Hegelian “synthesis”, but a difficult, forward-looking political renegotiation to transform the *aidagara* (betweenness) from domination to mutual responsibility.

This philosophical principle has concrete procedural and political analogues that give it practical force. Procedurally, *kū* finds its direct counterpart in the principle that strangerdom must have “a-priority” over any other role or identity, acting as a procedural solvent to dissolve claims

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<sup>31</sup> In *Epistemic Pluralism: From Systems to Stances* (2019), Jonardon Ganeri develops a model of “stance pluralism” grounded in Jaina philosophy, arguing that inquiry proceeds through multiple, partial, and non-dogmatic epistemic stances rather than through competing, closed systems of belief. Each stance offers a valid but incomplete grasp of a multi aspectual reality. In Murphy (2021), I advance a related claim through the Buddhist concept of emptiness (*kū*), arguing that legal and political concepts lack inherent essence and therefore must be approached as context dependent, relational, and open-ended. Both approaches reject monistic epistemic authority, though my argument emphasizes the ontological incompleteness of concepts rather than the methodological plurality of stances.

<sup>32</sup> See “Law’s own crisis” above.

<sup>33</sup> It is important to stress the point that emptiness is not nihilism; it is the epistemic principle that dissolves ontological closure, thereby enabling the continuous reflexive negotiation of the relational fabric. It does not dissolve duties but re-grounds them, shifting their foundation from a fixed, essentialist identity to the procedural ethics of the present encounter (*aidagara*). The result is a non-arbitrary duty enforced by the Reason Test: a duty that remains intelligible because it is justified by shareable, public reasons. This ensures that the duties articulated from the wound, such as the “role-status of the wounded” (Letsas 2024), are rendered both enforceable and non-arbitrary, precisely because of, not in spite of, the ultimate contingency of all social facts.

to epistemic privilege based on status.<sup>34</sup> Politically, *kū* provides a direct antidote to the danger of the hijacked grievance. While an authoritarian force like the Hindu Right presents its wounded national identity as an absolute and sacred truth, a jurisprudence founded on *kū* rejects all such essentialist claims to closure, exposing them as dangerous political constructions.<sup>35</sup>

## Reimagining law and the legal subject

Taken together, this triadic framework offers the potential for a profound reimagining of law. Rather than a system of rules imposed upon a society from above, law becomes a dynamic, living process emerging from the relational matrix of a community. It becomes the practice of negotiating the constant, irresolvable tension between individual creativity and the ethical demands of social life. Its logic is not the bivalent logic of legality/ illegality, but a multivalent, aesthetic rationality that can account for ambiguity, juridical silence, and unarticulated harm.

This, in turn, transforms our understanding of legal and political identity. The subject of RLP is not the passive, foreclosed entity produced by the hegemonic logics detailed above; rather, RLP posits an enactive agent whose legal subjectivity is forged in the dialectic of the accusative and the enactive. Agency, in this framework, is not a pre-given faculty but an achievement born of suffering. It begins in the accusative, in the visceral experience of being wounded, silenced, or abandoned, but it does not end there. The struggle to articulate this demand and achieve repair is an enactive process. This enactive capacity provides the necessary psychological and political antidote to the passive, traumatized subject of relational hegemony,<sup>36</sup> directly countering Nandy's "relational trauma" by asserting agency. This creative, enactive subjectivity requires an account of being human that rejects the closure of political identity, moving beyond a passive existence achieved through abstraction or essentialization. The embodied RLP agent is constantly and generatively theory-forming of their world, understood spatially, allowing for the articulation of rights not as

<sup>34</sup> This principle of strangerdom is a procedural solvent because it is a rule of encounter, an *a priori* commitment to knowledge parity, that must be established *before* the encounter can proceed. It denies the validity of any claim that rests on a privileged, non-negotiable status (eg "sovereign", "citizen", "expert"), thereby forcing the subject of law to appear as a stranger, subject to the same terms of intelligibility as any other.

<sup>35</sup> Shah (2024: 553) warns that the discourse of national grievance is often hijacked by authoritarian/fascist forces to justify the violent silencing of minorities. A jurisprudence founded on *kū* resists this political weaponization by refusing to confer ontological status or sacredness upon the wound, recognizing it instead as a political construction used to demand zero-sum closure.

<sup>36</sup> See the section on "The mechanics of relational hegemony" above.

entitlements, but as necessary points of critique.<sup>37</sup> In doing so, the subject constitutes themselves as a legal and political agent. This enactive agent is the ethical and embodied counterpart to the procedural “reader” of the law; an epistemic stranger who uses their “right to begin” a new chain of reasons to participate as a co-equal in a “reader economy” (Krentos 2026).<sup>38</sup> This is the foundation of enactive freedom: a freedom that is not granted by an external authority or possessed by an abstract individual prior to society, but is realized in and through the act of relating to others in a shared space. It is a freedom understood not as separation from others, but as the capacity to transform the very relations that constitute the self.

It is this interactional space between self and other that is the site of social, cultural, political, and legal creativity, but also of domination. This is where the article’s central aim, to offer an alternative meaning of a democratic rule of law culture, finds its theoretical footing. By re-founding law in the ethical demands of co-presence and defining freedom as a relational capacity, we can begin to imagine a democratic practice that is not about abstract procedures or the sterile management of competing interests, but about the ongoing, difficult, and creative work of mending our wounded relations. This is not a romantic ideal but the demanding political work of building solidarity across difference, a practice that requires the affective groundwork of receptivity and attunement while remaining vigilant against the risk of the relational space itself being “hijacked” by the forces of domination.<sup>39</sup>

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<sup>37</sup> The claim that RLP relies on “subjective, affective states” is addressed by making these concepts procedurally and epistemologically auditable. Receptivity is operationalized as the non-arbitrary standard of the Reason Test (Krentos 2026); an institutional lack of receptivity is diagnosed when its justification retreats into “closed epistemic resources”, which is a definitive procedural failure of the rule of law.

<sup>38</sup> RLP’s focus on the *aidagara* is deliberately mediated by the jurisprudence of strangerdom (Krentos 2026) to prevent coercive communitarianism. The a-priority of strangerdom serves as the liberal firewall: it mandates that the individual’s right to contribute legal meaning, the right to begin, must take precedence over any fixed institutional or communal identity. This ensures that the pursuit of relational health (*aidagara*) cannot be achieved by sacrificing the individual’s status as an autonomous, contributing agent, thereby integrating individual protection within the relational frame rather than dissolving it.

<sup>39</sup> This links the praxis of repair to its affective and political conditions. See Sachsenmaier (2024: 12), who, following Ahmed, notes that this form of “political solidarity” requires “commitment, and work”. See also Shah (2024), whose analysis serves as a caution that the relational space of repair is always a contested political arena vulnerable to capture.

## [D] METHODOLOGICAL FRAMEWORK: LAW IN THE ACCUSATIVE

Having established the theoretical foundations of RLP, this section translates its philosophical concepts into a robust and defensible methodological framework. It details the unique qualitative approach of law in the accusative, designed to diagnose injustice from the perspective of the wound. Deviating from methodologies focused on doctrinal analysis or conventional socio-legal approaches, RLP's method is inherently context-sensitive, critical, spatial, and ethically reflexive. While sharing the critical spirit of methods like standpoint theory, law in the accusative is distinct in its philosophical grounding. By integrating the concepts of *fūdō*, *aidagara*, and *kū*, it provides a unique analytical gestalt that allows us not only to hear the testimony of the wounded but to map the relational and spatial dynamics of the wound itself.

The core of this methodology is built upon interlocking principles that flow directly from the conceptual architecture of RLP, providing a practical research agenda for a jurisprudence of relational repair (see Table 1). The crucial procedural armature for this methodology is the Reason Test, a concrete method for assessing the intelligibility and legitimacy of an institutional response.<sup>40</sup> The triadic RLP framework operationalizes this test by translating each philosophical concept into a specific methodological practice that corresponds to a particular diagnostic pathology:

- ◇ “Contextual immersion” to map the *fūdō*: this practice diagnoses the toxic milieu of neglect or spatial exclusion and assesses whether it functions as an “architecture of intelligibility” or is structured by “closed epistemic resources”. Methodologically, this corresponds to the Reason Test’s requirement that institutional justifications avoid arbitrariness and remain existentially social, grounded in a shared reality.

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<sup>40</sup> Krentos’s “Reason Test”, with its three prongs—(1) avoid arbitrariness; (2) be existentially social; and (3) preserve the right to begin—provides the practical, procedural toolkit for RLP’s ethical demand to listen from the wound. In practice, and with an eye to future research and development, the view is that the Reason Test is operationalized through a set of critical diagnostics that assess the procedural health of the *aidagara*. For instance, the researcher interrogates whether an institution’s justifications terminate in an arbitrary “just because”, thereby exiting a relationship of reason altogether; whether its reasons are “existentially social” and grounded in a shared reality, or if they represent a retreat into the opacity of its own “closed epistemic resources”; and, crucially, whether the institutional response preserves or forecloses the wounded party’s right to begin, thereby recognizing them as a co-equal legal subject. This provides the concrete procedural armature for evaluating institutional conduct and diagnosing a definitive failure of the rule of law.

- ◇ “Relational mapping” to analyse the *aidagara*: this practice identifies ruptured relations and diagnoses failures of attunement or violations of the right to begin. Methodologically, this corresponds to the Reason Test’s crucial demand that the institutional response preserves the agent’s right to begin, thereby recognizing the wounded party as a co-equal legal subject.
- ◇ “Employing emptiness” to negate closure (*kū*): this practice uses the principle of *kū* as a critical solvent against the ontological closure and essentialism that fuel the political pathology of the hijacked grievance. Methodologically, this corresponds to the violation of the a-priority of strangerdom, which prevents any single, fixed identity from claiming absolute epistemic privilege.

This integrated approach provides the concrete diagnostics for evaluating institutional conduct and defining a definitive failure of the rule of law.

*Table 1: The conceptual architecture of RLP.*

Core concept—post-Western	Diagnostic Function (the problem)	Procedural analogue	Affective condition	Political pathology	Methodological principle
<i>Fūdō</i> (juridical atmosphere)	Toxic milieu of neglect (Grenfell), spatial exclusion (EU border)	Architecture of intelligibility versus closed epistemic resources	Ethos of separability versus cultivated rehearsal space	Production of a nativist <i>fūdō</i> of grievance	Contextual immersion
<i>Aidagara</i> (relational betweenness)	Ruptured relations (Grenfell), negation of status (migrant)	Failure of Reason Test, violation of “right to begin”	Lack of “attunement”	“Hijacked” <i>aidagara</i> ; weaponized relations	Relational mapping
<i>Kū</i> (emptiness/negation)	Ontological closure, essentialism	Violation of “a-priority of strangerdom”	Lack of “receptivity”	The “hijacked grievance” as an absolute truth	Employing emptiness

## Contextual immersion (*fūdō* analysis)

The methodology begins with a phenomenological engagement with the specific spatial, historical, and socio-environmental context (*fūdō*) under consideration. This first step is a direct application of the “spatial turn” to jurisprudence, requiring a sustained effort to understand the “juridical atmosphere” of a place. This means the researcher must diagnose the political, affective, and procedural quality of this atmosphere: is it a toxic *fūdō* of grievance, politically produced to legitimize harm; an affective environment defined by a neoliberal “ethos of separability” that inhibits relation or a procedurally intelligible *fūdō* where shareable reasons can circulate among strangers?

This foundational principle acts as a direct counter to the entire jurisprudence of management,<sup>41</sup> whose core feature is its placelessness. By insisting that no normative claim can be understood when it is detached from the milieu that gives it meaning, contextual immersion forces the legal encounter to acknowledge the spatial wound. Furthermore, this analysis is operationalized through a suite of qualitative techniques, including ethnographic fieldwork, archival research, and critical spatial analysis (Philippopoulos-Mihalopoulos 2014). It is not a mere exercise in data collection but a rigorous method for reading the “production of space” (Lefebvre 1991) and perceiving the irreducible ethical demands that arise from a “contemporaneous multiplicity” (Massey 2005). Crucially, this practice provides the concrete method for mapping the boundaries of the abyssal line,<sup>42</sup> translating its philosophical division into a tangible, measurable atmosphere of exclusion and non-existence. This first principle therefore insists that the wound is inseparable from the space of its infliction.

### Relational mapping (*aidagara* analysis)

From this rich contextual grounding, the method proceeds to a relational mapping of the intricate web of relationships (*aidagara*) that constitutes the social field. This involves charting key actors, their interdependencies, and, most crucially, the communication blockages and ethical ruptures that mark the site of the wound. This is not merely a descriptive network analysis but a diagnostic tool designed to make power dynamics visible. To operationalize this, RLP draws directly on Young’s “social connection model” of responsibility, using her four practical parameters, power, privilege, interest, and collective ability, as a heuristic to analyse the deep-seated power asymmetries that have produced and sustained the relational wound. This moves the analysis beyond simply identifying plural sources of law to examining the quality, health, and pathology of the relational tissue in which those norms are embedded.

This diagnostic mapping is acutely attuned to the specific relational pathologies identified by RLP’s expanded understanding of *aidagara*. The mapping is particularly sensitive to the complex dynamics of relational hegemony,<sup>43</sup> charting how the relational fabric may be internally fractured and stratified by power, and listening for evidence of a hijacked *aidagara*, where the very terms of relation have been weaponized by a dominant

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<sup>41</sup> See “The jurisprudence of management as a hegemonic technology” above.

<sup>42</sup> See “Abyssal thinking as the operating logic of hegemonic law” above.

<sup>43</sup> See “The mechanics of relational hegemony” above.

group.<sup>44</sup> Procedurally, it identifies “communication blockages” as a failure of intelligibility between epistemic strangers, such as the denial of a subject’s right to begin a conversation.<sup>45</sup> Affectively, it assesses whether the relational tissue is eroded by an “ethos of separability” or nourished by a capacity for “receptivity”, recognizing that a breakdown in procedural fairness often correlates with a deficit in the affective capacity for genuine relation.<sup>46</sup>

## Prioritizing the accusative voice

“Listening from the wound” is the ethical centre of the entire methodology, a practice that centres the lived experience of those subjected to, harmed by, or excluded from a given legal regime.<sup>47</sup> This is a consciously decolonial political act. It directly counters the logic of coloniality, which operates by constructing a normative category of the fully “human” through the violent exclusion of its racialized and gendered Others. Prioritizing the accusative voice is therefore RLP’s direct methodological response to the entire framework of the jurisprudence of foreclosure (detailed above). It centres the subject whose very relational capacity has been targeted and whose full humanity has been denied. This necessitates a method that ethically extracts both explicit and implicit assertions, acknowledging that the body serves as an epistemological locus and that harm may manifest through behaviour, gestures, or communal practices prior to being articulated as a formal legal complaint.

This concept of “accusative attunement” finds a parallel with what Sara Ahmed (2021) describes as “feminist ears”: the development of an institutional and personal ability to recognize and affirm experiences that prevailing structures aim to disregard. To operationalize this means establishing strategies such as survivor-led narrative jurisprudence, survivor mapping, or in-depth legal ethnography, following Maksymilian

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<sup>44</sup> Shah’s (2024) analysis of “internal differentiation within oppressed/marginalized communities” provides a concrete example of a “fractured and stratified” *aidagara* that this methodology would seek to map.

<sup>45</sup> This part of the mapping directly applies Krentos’s (2026) procedural tests, listening for violations of the right to begin or a retreat into “closed epistemic resources” as evidence of a communication breakdown.

<sup>46</sup> The health of the *aidagara* is assessed against the affective pathologies, like the “ethos of separability”, that Sachsenmaier (2024) diagnoses. The erosion of this ethical capacity is the psycho-affective core of relational hegemony (see the section on “Aidagara and the relational subject” above), which maintains its managerial pole by cultivating a subject who has “unlearned how to relate.”

<sup>47</sup> Prioritizing the accusative voice operationalizes Krentos’s (2026) the right to begin, treating the wound not as an object of policy but as a legitimate, juris-generative starting point for a new legal negotiation.

Del Mar's (2020) suggestion to utilize the legal imagination not as a sterile instrument for abstract thinking, but as an essential ability for emotional and sympathetic resonance with the pain of others. This ethical demand is impossible without the capacity for "receptivity", the key affective counter to the self-subject produced by relational hegemony.<sup>48</sup>

This ethical commitment is disciplined by procedural, affective, and political considerations. Procedurally, this principle is the ethical expression of the right to begin, the entitlement of every wounded stranger to initiate a new legal conversation on their own terms. Affectively, such listening is impossible without the groundwork of "receptivity", the radical ethical posture of setting aside institutional prerogatives to genuinely attune to a claim of harm.<sup>49</sup> Finally, this principle must be armed with a critical political lens. The methodology must possess the tools to distinguish a legitimate accusative voice from a hijacked grievance manufactured by hegemonic forces, ensuring that the act of listening serves the cause of liberation, not oppression.

## Identifying juridical silence and interlegality

Throughout this process, RLP actively seeks to identify juridical silence not as a mere void or oversight, but as an active technique of governance (Moncrieff 2025). This aligns with Santos's (2004) concept of a "sociology of absences", a method for making visible what abyssal thinking renders non-existent.<sup>50</sup> RLP operationalizes this critique by providing a multidimensional framework to chart the specific contours of this absence. It provides the philosophical grammar (*fūdō*, *aidagara*) to map the spatial and relational damage, the procedural lens (the Reason Test) to identify the "closed epistemic resources" that create the silence, and the affective attunement (receptivity) required to even perceive what has been made invisible.

Analytically, this includes attending to what Conte (2019) terms "athetic validity": norms that exert deontic force without any thetic act of positing. These unspoken, un-enacted norms often structure behaviour more powerfully than formal law, and RLP examines how they interact with, supplement, or undermine state legality. In this sense, juridical

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<sup>48</sup> See "The mechanics of relational hegemony" above.

<sup>49</sup> Sachsenmaier's (2024) concept of "receptivity" provides the affective basis for "accusative attunement", defining it as a "let[ting] go of [the subject's] own prerogatives" that makes an ethical encounter possible. Shah's (2024) analysis of the Hindu Right's manufactured "wound" serves as a critical reminder that a methodology centred on suffering must be able to differentiate between subaltern claims and the weaponized grievances of the powerful.

<sup>50</sup> See "Abyssal thinking as the operating logic of hegemonic law" above.

silence becomes legible not as emptiness but as a failure of relational integrity (*aidagara*) that shapes the wounded landscape itself.

Methodologically, this “refusal to hear” manifests in identifiable ways. Procedurally, juridical silence is enacted when an institution offers reasons that fail the Reason Test, collapsing into an arbitrary “just because” that is unintelligible to the stranger. This is the practical consequence of an institution retreating into its own closed epistemic resources, rendering its justificatory process opaque and foreclosing genuine dialogue. Politically, such silence is often strategic: a tactic in the hijacking of a wider narrative, where inconvenient truths are deliberately rendered non-existent. Affectively, it is the signature of an institution that lacks the capacity for receptivity—an active closing-off that prevents any attunement to the wound and thereby sustains the very absence it purports not to see.

### Employing emptiness (*kū*) as critical epistemology

While identifying juridical silence reveals the what of law’s absence, the framework demands a critical instrument to prevent its own analysis from hardening into another form of ontological closure. This is the crucial function of its guiding epistemic principle: *kū* (emptiness). Deployed throughout the research process, *kū* operates as a constant reminder of contingency and radical interdependence, serving as the primary methodological safeguard against essentialism (Watsuji 1996). It promotes a rigorous critical reflection on the researcher’s own positionality and demands a constant questioning of dominant narratives and emergent certainties.

This principle is the direct philosophical counter to the entire jurisprudence of foreclosure. The researcher, guided by *kū*, is methodologically sceptical of all claims to ontological closure. They are trained to spot when a political actor makes an essentialist claim to a hijacked grievance and to identify when a legal procedure grants an unearned a-priority to a specific role over the fundamental condition of strangerdom. Employing *kū* is thus the practice of maintaining a radical “receptivity” to the contingency of all social facts. By challenging the “hegemony of words” and the “Promethean myth” of reason’s capacity for total control, *kū* ensures that RLP remains a critical and ethically responsive framework where the ultimate goal is not to arrive at a final truth, but to remain perpetually open to the articulation of injustice.

Ultimately, the principles of “Law in the Accusative”, from contextual immersion (*fūdō*) to relational mapping (*aidagara*) and the Reason Test,

constitute a broader methodological commitment to what can be termed “structured and defensible subjectivity”. This paradigm does not seek to eliminate the researcher’s interpretive judgement but to make it a transparent, rigorous, and auditable part of the research process itself. Having thus defined this coherent research agenda, the following section will now apply the RLP framework to concrete case studies to demonstrate its analytical purchase and its capacity to illuminate the often-unseen relational dynamics of law and sovereign power.

## [E] APPLICATIONS: RLP, ACCUSATIVE ATTUNEMENT, AND THE LIVED REALITIES OF JURIDICAL RUPTURE

With the theoretical and methodological architecture of RLP now fully articulated, this section demonstrates the framework’s analytical power and versatility through its application to two distinct “epistemological anchors”. It will first apply RLP to the localized, domestic wound of the Grenfell Tower fire, revealing a catastrophic failure on the affective, procedural, and political levels. It will then scale the analysis to the geopolitical realm of the EU’s border regime, showing how the same logics of spatial abandonment and status negation operate on a global scale.

Together, these case studies will provide a stark and visceral illustration of the fortified RLP framework in action, making a powerful case for its real-world analytical utility. Specifically, they will demonstrate how the material harms of the jurisprudence of foreclosure are produced through the foundational spatial violence of the abyssal line and sustained through the procedural failures of the jurisprudence of management. Furthermore, these case studies will be used to demonstrate how these material harms are produced and sustained through specific procedural failures, such as the retreat into “closed epistemic resources”, and are vulnerable to the political danger of a hijacked grievance, revealing the deep interconnection of the material, the procedural, and the political.<sup>51</sup>

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<sup>51</sup> This signals the integrated nature of the analysis to follow. The “institutional deafness” (Ahmed 2021) will be analysed through the procedural lens of Krentos’s critique of “closed epistemic resources” (Krentos 2026), while the “diffused structural responsibility” (Young 2006) will be examined in the context of the political pathologies, such as a hijacked grievance, identified by Shah (2024).

## Grenfell: ruptured *aidagara* and a failure of reason

The Grenfell Tower fire of 14 June 2017 is not merely a tragedy; it is a stark and visceral manifestation of law operating through spatialized neglect. An RLP analysis reveals how the *fūdō* of the tower was a dense socio-legal space saturated with a precarity that was both racialized and classed. Though the official Inquiry Report recognizes that the tower housed a “significantly disproportionate number” of residents from ethnic minority or socially disadvantaged backgrounds, it simultaneously deemed the systemic reasons for this reality to be outside its terms of reference (Gohil 2024). This early procedural bracketing is a textbook example of the strategic juridical silence<sup>52</sup> that characterizes the jurisprudence of management. This active refusal to hear obscured how the toxic *fūdō*\* was produced. Affectively, it was a catastrophic failure of institutional attunement, a refusal to connect the material conditions of the building to the lived experience of the people inside it.

This condition of fatal neglect was the direct result of a catastrophically broken *aidagara*. The Inquiry Report itself describes the “toxic atmosphere” in which residents were viewed by the tenant management organization (TMO) as an “uncaring and bullying overlord”. This dynamic is the lived reality of the psycho-affective core of relational hegemony.<sup>53</sup> The TMO’s dismissal of residents’ warnings represents a catastrophic failure of the Reason Test. Their reasons for inaction, based on internal logics of cost-cutting and managerial efficiency, were not existentially social or shareable with the residents they were supposed to serve. By systematically dismissing the residents’ “accusative voice” and pathologizing them as “militant troublemakers”, the TMO fundamentally violated the residents’ right to begin a legal and political conversation about their own safety. The TMO retreated into its own “closed epistemic resources”, bureaucratic procedure and technical jargon, rendering the residents’ embodied knowledge of their “intolerable living conditions” inadmissible.

This procedural failure was embedded within a wider structural injustice. An RLP analysis enhanced by Young’s social connection model demonstrates that accountability transcends the TMO, implicating a broad array of actors: the cladding manufacturers, the government agencies that pursued a reckless agenda of deregulation, and a wider public participating in a political system that tolerates the systemic neglect of social housing. From this perspective, the residents, by virtue

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<sup>52</sup> See “The jurisprudence of management as a hegemonic technology” above.

<sup>53</sup> See “The mechanics of relational hegemony” above.

of their vulnerability, occupied what Letsas (2023) terms the “role-status of the wounded”, a relational status that should have generated powerful duties of care that were catastrophically breached. Finally, applying *kū* as a critical epistemology allows us to challenge the Inquiry’s attempt at “legal closure”. Its conclusion that there was “no evidence” of racial prejudice being a causal factor, despite the victims’ demographics, is a final, rhetorical act of temporal violence, attempting to confine the structural injury to a discrete past event and finalize the wound.<sup>54</sup> This feels, for a community where a majority of those who died were from minority ethnic backgrounds (Gohil 2024), like a continued denial of reality, a final rupturing of *aidagara* at the level of official truth-telling.

### The European Union border regime: “lawlessness law” and the negation of status

The EU’s external border policy represents a notable geopolitical framework of “spatialized legal exclusion”. It enacts what Ganty & Ors (2023: 79, 103) describe as “EU lawlessness law”, which represents a convoluted and often vague array of legal tactics utilized to ensure that the pervasive denial of rights for the “racialised passport poor” is never recognized as a definitive violation of the law. This regime exemplifies a systematic institutional rejection of the ethical responsibilities associated with accusative attunement, so establishing a *de facto* “passport apartheid” (Ganty & Kochenov 2024: 85) that aligns with the legal structures of colonial oppression.

This approach creates a severe *fūdō* at the EU’s borders, an environment marked by deliberate precariousness, widespread violence, and substantial rights deprivation. This environment is the precise, institutionalized space of the abyssal line,<sup>55</sup> a demarcation that divides the metropolitan zone of law from the colonial zone of appropriation and violence. It is an architecture of rejection, the affective antithesis of the “receptivity” required for any ethical encounter.<sup>56</sup> At the EU–Belarusian border, the concept of “lawlessness law” is illustrated by systematic pushbacks and cruel treatment, justified by the official state narrative of the “instrumentalization” of migrants (Ganty & Ors 2023: 11). This official story is a paradigmatic example of a hijacked grievance—a manufactured wound of a nation “under attack” used to legitimize state

<sup>54</sup> See “The mechanics of relational hegemony” above.

<sup>55</sup> See “Abyssal thinking as the operating logic of hegemonic law” above.

<sup>56</sup> The border regime is the materialization of a lack of receptivity, a system designed to “close off our bodies” to those who are “not in tune” with the established political order.

violence. Procedurally, it is a top-down, non-shareable reason that catastrophically fails the Reason Test; it is a reason designed to end, not begin, a legal conversation. This spatialized cruelty deliberately and systematically dismembers *aidagara*, depicting the migrant as a non-entity whose suffering invokes no moral responsibility.

FRONTEX (the European Border and Coast Guard Agency) is a significant institutional entity within this framework. Despite an expanded mandate and increased resources, an “accountability paradox” persists, indicating a systematic failure of institutional alignment (Ganty & Kochenov 2024: 139). In 2021, the European Parliament’s FRONTEX Scrutiny Working Group concluded that the agency possessed “evidence substantiating allegations of fundamental rights violations ... yet failed to address or pursue these violations” (European Parliament 2021). This signifies a profound institutional insensitivity at the heart of the EU’s border system. The justification for this modern “lawlessness law” has a direct and disturbing antecedent in colonial administration. Koskenniemi (2016: 262-263) elucidates that the French Code d’indigénat categorized the “indigenous” population as subjects, so deliberately removing them from citizenship and creating a separate legal status designed to facilitate control and limit rights. Hanna Eklund (2023) asserts that these contemporary arrangements are not merely historical echoes but “reiterations of a legal framework already ingrained in the Treaty of Rome”. This continuity is the enduring logic of the coloniality of power and knowledge.<sup>57</sup>

From an RLP standpoint, this entire system operates by officially denying the migrant’s relational status. It refuses to acknowledge that the migrant, because of their significant vulnerability at the border, adopts the “role-status of the wounded” (Letsas 2023). This rejection allows the system to evade the substantial care-giving duties that should arise from such a deeply inequitable encounter. More fundamentally, the regime is built upon a systematic and foundational violation of the right to begin. The migrant is constructed from the outset as an object of policy, not as a legal subject who can contribute to legal meaning. The “passport apartheid” is a direct institutionalization of knowledge asymmetry, a flagrant violation of the a-priority of strangerdom, which insists that individuals must be treated as strangers first, before any other role or status. By making a pre-legal identity, citizenship, the absolute precondition for entering a legal

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<sup>57</sup> See “Abyssal thinking as the operating logic of hegemonic law” above. The juridical silence surrounding the EU’s colonial foundations is a profound institutional feature, not a mere oversight. This is powerfully illustrated in Dimitry Kochenov’s edited collection *EU Law of the Overseas* (2011). As Eklund (2023) notes, across its 485 pages, the index contains no entry for “colonialism” or “postcolonialism” and only a single reference for “decolonization”.

relationship, the regime places migrants outside the “reader economy” altogether, rendering them legally invisible and procedurally mute.<sup>58</sup>

## The space between them: hegemony and repair as a dialectical struggle

What fundamentally links the localized tragedy of Grenfell Tower to the expansive geopolitical regime at the EU’s borders is not thematic resonance, but a shared mobile logic of governance that RLP makes visible. Both are potent expressions of a spatially articulated power that operates by producing and policing a false distinction between a supposedly safe, regulated “inside” and an abandoned, lawless “outside”. This logic, deploying techniques of colonial administration, exposes a foundational misreading of modernity. RLP argues, alongside thinkers from Césaire (2000) to Gopal (2019), that the freedom of the inside was never separate from, but was actively constituted by, the unfreedom of the outside, a colonial interdependence legally codified in the very founding of institutions like the EU (Eklund 2023).

Confronted with such cases, conventional jurisprudence is rendered conceptually mute.<sup>59</sup> Trapped on the inside of an abyssal line (Santos 2014) it cannot see, its managerial tools are not just ineffective, they are complicit. This jurisprudence of foreclosure is sustained by relational hegemony, a mode of power that controls the conditions of encounter by imposing a false choice between its brutal, zero-sum manifestations and its deceptively benign, managerial positive-sum pole. This positive-sum ideology is managerial because it pathologizes deep structural conflict as a mere cognitive error or procedural glitch, thereby foreclosing the possibility of transformative justice and ensuring the underlying, zero-sum colonial structure remains unquestioned. RLP, by contrast, takes this pathological interdependence, this violent tearing of *aidagara*, as its starting point.

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<sup>58</sup> By denying migrants the right to begin and violating the a-priority of strangerdom, the EU border regime exits a rule-of-law relationship and enters a purely coercive one, treating persons as mere objects of state power.

<sup>59</sup> A sophisticated defender of the mainstream tradition, such as Cormac Mac Amhlaigh (2020), would argue that this claim is overstated. For Mac Amhlaigh, the true failure is not a conceptual one, but the inability of legal systems to fully embrace the procedural pluralism that their own existence presupposes. By contrast, RLP argues that the procedural failures are the symptoms of a foundational conceptual failure—the ontological bias (see “Re-finding law in space and relation” above) that grants ultimate priority to the temporal, abstract sovereign state over the spatial, ethical demands of co-presence. Because conventional jurisprudence begins by placing the sovereign on the “inside”, it is structurally unable to perceive the violence on the “outside” that sustains its own coherence.

The entire journey of this article, from the deconstruction of hegemony to the construction of RLP's triad, is a unified argument for relational repair. Relational repair is the political practice of transforming a relationship of domination into one of mutual responsibility by transforming the material, affective, and procedural conditions of co-presence. The philosophical core (*fūdō*, *aidagara*, *kū*) translates the ethical demand of the wound into the methodological framework of law in the accusative. This method, enacted by the enactive agent, is the counter-praxis required to dismantle the five interlocking technologies of relational hegemony.

On the level of affect, hegemony's foundational act is to engineer an affective deficit, producing the dehumanized subject that Nandy (1983) identifies as the "intimate enemy". The symmetrical counter-praxis must therefore begin with affective work: cultivating the institutional and personal capacities of receptivity and attunement to heal the intimate enemy and recover the self-capable of engaging in repair.

On the level of procedure, hegemony enforces this affective deficit by retreating into "closed epistemic resources" (Krentos 2026) to shatter knowledge parity. The counter-praxis must be a procedural engagement that follows fair and transparent rules of dialogue, pursuing "epistemic justice" and applying the rigour of the Reason Test to build an "architecture of intelligibility" across the stranger-to-stranger gap.

On the level of relationships, hegemony weaponizes the very idea of community, hijacking grievances through authoritarian populism to poison the relational fabric (*aidagara*). The counter-praxis is therefore a political struggle, where those who have been harmed organize to make their "accusative voice", the "return of the Real", heard. This struggle disarticulates hegemonic narratives and forces institutions into a genuine, non-zero-sum relationship.

On the level of space, hegemony creates "toxic atmospheres" (*fūdō*) of neglect, using the abyssal line (Santos 2014) to make systemic harm seem natural. The counter-praxis must have an ethical goal: a collective effort to fix the underlying broken spatial structures (Young 2011), detoxifying the *fūdō* through practices like "counter-mapping" and "decolonial urbanism".

On the level of time, hegemony imposes a single, official history, using the temporal cage (Wheatley 2017) to "freeze" the marginalized in the past and justify their spatial abandonment. The counter-praxis, therefore, creates a legal/moral imperative in the present. It establishes that the vulnerability of the wounded generates specific, enforceable duties of care,

a “role-status of the wounded” (Letsas 2024) that cannot be dismissed by appeals to a superseded past.

This entire dialectical process is held together by a philosophical commitment to the principle of *kū* (emptiness). This principle functions as the framework’s ultimate critical safeguard. As a “philosophical solvent”, *kū* insists that all positions are relational and contingent, thereby grounding a politics of relation over a politics of identity (Ganeri 2019). It preserves the “decolonial option”, the right to refuse engagement, and ensures that repair never becomes just another tool of managerial co-optation.<sup>60</sup>

## [F] CONCLUSION: A JURISPRUDENCE OF THE THRESHOLD

This article has advanced the case for RLP as a necessary departure from a Western juridical imagination ill-equipped for a world of spatial abandonment and legitimized harm. The article’s core journey, from deconstruction to construction, has argued for a foundational shift in legal thought: from a temporal-ontological focus on what law is to a spatial–ethical focus on what happens between subjects.

This reorientation grounds a “jurisprudence of the wound”, a framework that locates law’s true genesis not in a sovereign decree but in the accusative demand that emerges from the lived, material experience of relational harm. By drawing critically on the conceptual grammar of Tetsurō’s *aidagara*, *kū*, and *fūdō*, RLP offers a new vocabulary for diagnosing injustice and, ultimately, for building a politics of repair.

The normative horizon of this framework, relational repair, is not a therapeutic ideal but a contested and demanding political practice; a relentless counter-praxis to relational hegemony.<sup>61</sup> A fortified RLP praxis

<sup>60</sup> The “jurisprudence of the threshold” is not an ambiguous moral choice, but a procedural calculus based on the Reason Test. The framework provides clear guidance: refusal is mandated when the institution systematically abandons the terms of participation (Krentos 2026). This occurs when the sovereign’s response is no longer existentially social and fails to preserve the right to begin, signalling a decisive retreat into pure coercion. At this point, the institution has definitively failed the rule of law, making withdrawal a coherent jurisprudential choice rather than an external political gamble.

<sup>61</sup> The normative horizon of relational repair points toward two critical areas of future research. The first is the pursuit of shared citizenship: a transformative model of democratic agency that translates this article’s relational subject (*aidagara*) and spatial focus (*fūdō*) into a political ontology emphasizing interdependence over atomized autonomy. The second is the full development of “Law-making in the Accusative” as a methodology, reframing the legal system not as a passive arbiter but as an active, justice-oriented instrument designed to amplify marginalized voices and proactively rebuild the legitimacy of the legal order itself.

insists that this work is impossible without its affective, procedural, and political preconditions. It requires the cultivation of institutional receptivity to make genuine attunement to the wound possible. It must be procedurally robust, holding institutions accountable to the shareable, non-arbitrary standards of a Reason Test to ensure the encounter is an intelligible dialogue between strangers, not an act of managerial power. And it must be politically vigilant, armed with the critical tools to distinguish a legitimate, subaltern wound from a hijacked grievance manufactured by hegemonic forces. RLP is therefore not simply an ethic of compassion, it is a juridical mode centred upon the relentless work of exposure and the demand for material accountability.

It is precisely this dual capacity for both immanent engagement and transcendent critique that ultimately positions RLP as a jurisprudence of the threshold. Through the framework of relational repair, it offers a concrete set of tools for working with and through law to painstakingly mend relationships. Yet, through its guiding epistemic principle of *kū*, it remains perpetually open to the decolonial politics of refusal: the possibility that when a legal grammar is the primary instrument of harm, the most just response is to withdraw from it entirely. This makes the choice to refuse not merely an external political act, but a coherent jurisprudential one, justified when an institution systematically fails the procedural and ethical terms of a legal relationship. The methodology navigates the risk of subjectivity through *kū*, which methodologically disciplines the researcher, requiring a critical distance from all claims, including those of the wounded, to ensure “listening from the wound” remains a critical and analytical practice. RLP does not, therefore, pledge to resolve law’s fractures, but to dwell within them more honestly, transforming jurisprudence into a global method for the difficult, creative, and ongoing practice of mending our relations with one another.

### ***About the author***

**Dr Michael Murphy** received his doctorate from Royal Holloway, University of London. He has held research fellowships at the Max Planck Institute for Comparative and International Private Law and at the Institute for Advanced Studies in the Humanities, University of Edinburgh. He is currently a Visiting Research Fellow at Glasgow Caledonian University’s WiSE Centre for Economic Justice.

Email: [michael.murphy@gcu.ac.uk](mailto:michael.murphy@gcu.ac.uk).

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