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Klee's Cognitive Legacy and Human Rights as Intercultural Transducers Modern Art, Legal Translation, and Micro-spaces of Coexistence

Abstract

The essay addresses the issue concerning intercultural translation and its relationship with human rights. This matter is analyzed by taking human rights as interfaces of metaphorical intercultural “transduction” rather than as parameters to assess the lawfulness of people’s behaviors or their legal systems of belonging. Such an approach is in tune with the intercultural law methodology. It implies a threefold reading of Otherness, which comprises the accomplishment of the following three passages:

1) Crossing narratives; 2) Intercultural cross-contextualizations; 3) Translations/Transactions.

The completion of these tasks is designed to allow legal interpreters to go beyond the morphological appearance of the conduct of Others. The necessity of acquiring such an ability to *look beyond* appearances is coextensive with the need for self-distancing from one’s own cultural habits and patterns of judgment when Otherness is to be understood and then legally qualified. For this purpose, the intercultural approach includes, as one of its main requirements, learning to *see* morphological appearances as hermeneutical and phenomenological results rather than data.

Each of these results is an outcome of a process; and every process unfolds by drawing a story. The narrative components of such experiential plots can be observed and considered as connotative elements of the above result, namely the socio-cultural datum. Subjects and objects are both dialectical ingredients and actors of the narrative traces that give rise to the semantic structure and morphological appearance of the datum. Understanding and translating Otherness requires, therefore, an effort to dis-compose the connotative landscapes underlying forms and appearances of phenomena (conduct, behaviors, words), so as to *see* the formation processes of data in their constitutive elements. Forms and their spatial fashion can be considered, then, through the lens of a temporal assessment capable of sequencing and contextualizing the constitutive elements of morphological appearances. This sort of microscopic gaze cast towards and through the connotative prehistory of facts involving cultural Otherness can open the way to a creative intercultural translation. Human rights can serve, at that point, as axiological and semantic interfaces able to reveal continuities between the connotative landscapes upon which cultural differences rely. The artistic avant-garde of the early XX century and, specifically, Paul Klee’s “figuration theory,” paved the way to this “art” of connotative dis-composition and creative re-composition. For this very reason, the essay undertakes, in its central section, a sort of journey through the imaginative and theoretical territories of Klee’s “figurational” thought. The essay contends that jurists and politicians may have much to

learn from the cognitive legacy of this great artist. This is because the intercultural conflicts that contemporary global society faces have primarily to do with—this is the central point—a form of cognitive un-readiness prior to rather than after conflicts of values.

Following an analysis of Klee’s dis-compositional methodology, the essay proceeds with the application of an intercultural approach to practical issues, and specifically to the troubles of coexistence between cultural differences in urban micro-spaces. Lived spaces are, however, social spaces: as such they are targets of axiological, teleological and normative projections. Understanding the spaces of coexistence requires, therefore, an analysis of its connections with categorical and normative “scansions” that give “rhythm” to the uses of that space and, consequentially, mold the meaning of it. The reciprocal implications between subjectivity, spatiality and categorization can be effectively understood through the spectrum of a typical legal feature of housing coexistence: nuisance law. The outcome of such an analysis leads to the recognition of human rights and their intercultural use as interfaces/transducers suitable for conveying translation and interpenetration between physical and cultural, close and remote, spaces of experience. Such translational and transactional practices allow for the emersion of a space for multicultural coexistence endowed with the effectiveness inherent to the normativity of law. It appears as a *chorological* dimension, within which sign and matter, subject and space, categories and geography/topography, together, rearticulate their connotations along a *continuum* of sense and experience that finds in the condominium and its process of *apartment* (separation/seclusion) both a metaphor and a laboratory for the possibilities of global coexistence.

Keywords: Human Rights, Paul Klee, Intercultural Law, Translation, Law and Space.

1. Conflict in the Intercultural Interpretation of Human Rights and Their Use as Metaphorical Transducers

What do judges or lawyers *see* when they have to face cultural Otherness? How do they translate the cultural difference encapsulated in the behaviors and words of people from different cultures? How many among them ask the question: Is what I am seeing really that which I believe I see? Is empirical appearance actually a datum, or rather a result of my interpretation of the world, in turn, carried out according to my own cultural schemes of judgment? Could what I believe is happening be different from its morphological appearance? And should I see beyond this morphological appearance to correctly qualify what happens, that is, the facts, in legal terms? Is it possible that my qualification of facts veils the existence of underlying cognitive discrepancies? And can I cope with these discrepancies and make sense of them in order to avoid erroneous applications of the law? And if so, how? What kind of knowledge and methodologies should be involved to achieve such a result? Is it possible that some cultural or axiological conflicts conceal, instead, cognitive asymmetries? Should judges and lawyers go beyond their strictly legal field and draw on interdisciplinary investigations in the possibilities of intercultural translation and its actual potentialities? Are such efforts necessary to avert a false application of human rights based on deceitful, even if unaware, transmutations of cultural Otherness in in-humanity? And if so, how great and how urgent is this need?

A deep interpenetration between anthropological knowledge and legal skillfulness is the premise for the construction of a peaceful social coexistence under the law. In our age of increasing intercultural encounters and exchanges, law used without anthropological support runs the risk of remaining blind to people's real expectations and claims; anthropology without a legal awareness of its possible and actual implications runs the risk of remaining deaf to people's actual needs and their real possibilities of making sense of their own lives. The lack of such a reciprocal “contamination” could transform both law and anthropology into cognitively and pragmatically crippled domains. Human Rights discourse, especially, demands a deep connection with quotidian life imaginaries and languages, but this is impossible to achieve without casting our gaze just where law and various anthropological habits converge in giving rhythm to people's experience.¹

Interdisciplinary as well as intercultural translations and transductions are key ingredients for using human rights as “processive” horizons to produce (rather than merely to implement supposedly prior) new thresholds of an inclusive and non-essentialized universality. In other words, I think (and hope, too) that a combined anthropological and legal effort could finally help further the idea that universality is to be intended as the outcome of an aware and polyphonic exercise of human beings' creative cultural competence rather than as a synthesis from pre-existing and, therefore, “cosified” cultures. This possibility includes, of course, historical awareness, without which it would be impossible to manage, negotiate and transform one's own cultural “know how.” I think that a very useful starting point to promote such creative approaches to universality (or better: processes of universalization) could be a critical reading of an often overlooked article of the Universal Declaration of Human Rights.

Specifically, I refer to Article 30:

«Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.»

This is clearly a recursive and self-referential statement.² But, what are the authentic rights and the non self-negating interpretations of articles included in the Declaration itself? *Res de re non predicatur*: Abelardo said. On the other hand, if questioned, the written word remains majestically silent. The Universal Declaration is not able to interpret itself. Nonetheless, the written word is a sign, and like all signs, is to be questioned and interpreted. But what interrogates a sign is, in turn, a sign, which is further questioned by the same sign that is to be interpreted. So, the true question is: who or what is being questioned by the Declaration?

The paradoxical recursivity of the whole Declaration, if read in light of its last tautological article (precisely the 30th), can be unraveled only through an external factor. But the only way to

¹ Some interesting suggestions as regards the relationships between human rights signification and everyday life can be found, from different disciplinary standpoints, in Ife (2007: 86 ff.; 90 ff.); Indaimo (2015); Goodale (2013: 420 ff.); MacDonald (2013: 15 ff.), Merry (2013: 207 ff.); Gilbert and Dikeç (2008: 260-61).

² The self-recursivity of art. 30 of UDHR is stressed by Opsahl and Dimitrijevic (1999: 648 ff.): even if the vicious circle is focused only on the possibility of a declaration of state of emergency. For a historical reconstruction of Art. 30, see Morsink (1999: 87 ff.), who emphasizes the original connection between the drafting of this statement and the concerns for the possibility that Nazi experience could occur again in re-incarnated forms.

avert the arbitrariness and partisan bent of external interpretations (namely interpretant-signs³) is to give voice to all the potential subjects called into play by the proclaimed universality of the Declaration. However, this multiplication of anthropological voices implies their reciprocal translation, mirrored in the semantic potentialities of human rights. To achieve such a level of translatability, the interpretants' voices must be *dis-composed* by narratively opening the connotative landscapes that underlie their morphological aspects. This means that culturally-based behaviors, symbolic expressions, and discourses that can be potentially inscribed in human rights and translated by using rights provisions as metaphorical interfaces, should be de-articulated in their connotative elements and then creatively re-composed and interculturally synthesized.⁴ This is the only way to attain a universality that is co-construed within a horizon of sense that holds the potential to be used as a renewed ground for a peaceful coexistence among diversities and cultural differences.

A powerful pattern for carrying out a process of connotative *dis-composition* and its intercultural re-composition can be found in the cumulative heritage of four modern painters: Paul Gauguin, Juan Gris, Paul Klee, and Alberto Savinio. I will analyze the ways in which the cognitive methods of this artistic avant-garde and their intercultural inspirations (from African, Asian, and American traditional artistic styles), and especially Paul Klee's work, can suggest the use of human rights in an intercultural way so as to face, through inclusive interpretation, the contemporary challenge of coexistence among cultures.

In order to trace a path of inter-penetration between a legal-anthropological logic and an artistic logic through the experience of 20th-century avant-garde painters it is useful to first focus on the reasoning, the epistemological ground of this kind of parallel, and the related inter-semiotic translation across these two different domains. The point of departure coincides precisely with the conflicts of interpretation regarding human and/or fundamental rights statements. The 30th article referenced above implicitly, even if they are passed off as implementations of human rights, the eventuality of these conflicts. Its text states that anti-humanitarian activities or behaviors cannot be inscribed within the hermeneutical frame of the rights provided by the Universal Declaration. Such a provision, if it is to make sense, must necessarily exclude any semantic self-evidence of the statements on rights. Otherwise, how can we conclude that something pre-ordered to destroy those rights could be (allegedly) categorized as an implementation of the same statements providing them? Excluding semantic self-evidence (in opposition to the maxim: *in claris non fit interpretatio*) implies, however, ambiguity, or better polysemy. But, ambiguity and polysemy are, in turn, consequences of the semantic vagueness of every generalization, even more so when it aspires to universality. Nonetheless, if a statement is vague, the assessment that something contrasts with it cannot be immediately obvious simply because of its morphological discrepancy. Quite the opposite, that evidence or obviousness is the conclusion, the final outcome of a hermeneutical process carried on creatively and according to axiological options. To put it differently, what is considered to be inside the category of "human rights" and what outside constitutes a divide that cannot stem from a formalistic distinction, somehow *more geometrico demonstrata*.

Yet, however, the law requires certainty (at least to a certain degree). Otherwise, it loses its normativity; or worse, it legally legitimates a paradoxical anomic drift. This is why, inter alia, human

³ The term "sign-interpretant" is to be interpreted in a Peircean sense.

⁴ On this methodology see Ricca (2014a, 2016, 2016a).

rights, as every other statement endowed with constitutional efficacy, are assumed as the highest indexes, apical domes, or criteria of legal systems intended as hierarchical structures. They dwell on top of such deontic structures, while the social conducts remain at the base; in the middle, there is the whole discursive-pragmatic set of legal statements and behaviors relevant to law's application. He who intends to adopt a specific behavior and put forward claims for recognition can do so by invoking the law and, through a multilayered action sequence, reach the apex of the legal system within which he acts. Inscribing one's own behaviors within the semantic borders of human rights statements offers significant advantages relative to other kinds of claim strategies. Sometimes, such an advantage can even underpin criticism of the current legal system and, in this way, provoke the annulment or disapplication of the legal provision that contrasts with the claims made. However, the possibility of reaching such an amazing and significant outcome inevitably triggers many "desires," and therefore conflicts. Everyone will try to legitimate his own claims by inscribing them inside the semantic spectrum of national and international statements on human and/or fundamental rights. This race for humanitarian legitimacy, often evoking the natural law theory of rights, can engender distortions.⁵ Even if the problem is, in this case, the separation of the wheat from the chaff.

The aim of avoiding incorrect exploitations and manipulations of human rights is surely both plausible and legitimate. The danger at stake, however, is precisely that of defining in the same inappropriate way what is to be assumed as a standard of authenticity in the interpretation of those rights. In our world, so culturally plural and populated by innumerable possibilities to decline the "human," it is all too likely that he who is different is marked as distorted or deviant. Besides, the virus of power can also find a home inside the body of human rights' hermeneutics. Power may manifest itself in the form of ethnocentrism or, more simply, take the guise of the cultural and political predominance of dominant groups. In this case, the danger that human rights statements are read through the eyes of the strongest subjects can produce a dialectic implication involving universality. This implication appears, often insidiously, through a metonymic inversion. Dominant groups or cultures assume their own interpretation of human rights statements, situated within their particular frameworks of experience, as if it were the necessary prototype of any possible implementation of those rights. Through this rhetorical device, the more powerful social actors end up passing off identification with the dominant group as universality. So, they transform their culturally rooted way of declining rights into the only semantic possibility in the related statements. In other words, they move (pass off) from the particular to the universal. The overall effect of this rhetorical substitution has been and remains dramatic. Human rights lose their inclusive bent and become, instead, a means to exclude, marginalize and stigmatize Otherness.⁶ This occurs because, as a consequence of the sleight of hand operated through the above metonymical substitution, anything found to be out of tune with the dominant prototype of human rights implementation can be labeled as in-human.⁷

This rhetoric of exclusion takes shape through the reification of morphological appearances of claims for recognition and the related behaviors, words, symbols, etc. What appears as morphologically different from the patterns of behaviors, the "knowing how to do" –that is, culture–

⁵ See Douzinas (2000); Meckled-García and Çali (2006a: 4 ff.; 2006b 21 ff.).

⁶ See Ricca (2008: 114 ff.; 126 ff.).

⁷ See Chrysochoou (2004).

of dominant groups or cultural circuits is now qualified as contrasting with human rights. The comparison is carried by means of a misleading (and sometimes shrewd) use of the hierarchical higher-level positioning of human rights statements. Actually, the real, formal, and morphological paradigm at work when the Others' customs are deemed illegitimate, coincides with the dominant culture's habits.⁸

Within such games of hermeneutical tactics, the morphological appearance of "diversities" and the related claims for recognition are presented as data connoted by immediate evidence and universal perceptibility: in short, as objective facts. However, the key issue is that morphological appearance is not a datum but rather an outcome, precisely the conclusion of hermeneutical processes developed on the basis of a specific cultural point of view and by means of culturally connoted schemes of categorization.⁹ Being unaware of the processive connotation of morphological objectifications necessarily dooms any effort intended to translate and, thereby, understand Otherness.

Averting such partisan misuses of human rights interpretation and assuring an equitably balanced implementation of art. 30th of UDHR requires a translational practice that is more knowledgeable and skilled from a semiotic and intercultural point of view. This implies, to begin with, that human rights should be situated along a process of translation between cultural differences. They should be used not so much as hierarchical axes, according to a systemic and semantic logic of pyramidal organization, but rather as interfaces of translation among the different connotative sets underlying words, behavior, claims of social actors.¹⁰ The axiological and teleological ingredients encapsulated inside statements on rights can work, then, as metaphorical ground to manage transactional translations. And within legal language, these, in turn, can find their discursive platform as well as a socio-institutional instrument capable of giving their practical implications a concrete effectiveness.

To make all this possible, the work of intercultural translation is to be set by abiding the following three passages, logically distinguished and articulated—even if in practice they will operate almost simultaneously:

1) Crossing narratives; 2) Intercultural cross-contextualizations; 3) Translations/Transactions.¹¹

Crossing narratives are helpful to bring to the surface the semantic/connotative landscape underlying single words or behaviors. This can support the avoidance of stereotyping attitudes, and readings of Otherness that have been forged exclusively in accordance with one's own schemes of judgment and cognition. The interpretation of narratives, in turn, constitutes the *sequel*, an ensuing process of that which each narrative represents in itself: that is, an engendering of history (through stories) as an inner consequence of the encounter with Other.¹² When mirrored in Otherness,

⁸ As regards this slippage towards a discriminatory use of human rights and their (alleged) universality, see the collected essays edited by Ewing and Tomkins (2003) and Sajó (2004).

⁹ An anthropological approach to this argument can be traced, in a vast and multidisciplinary body of literature, in Jackson (1996: 1 ff.).

¹⁰ Ricca (2016a).

¹¹ A complete and broader discussion of these three steps of the intercultural translation/transaction can be found in Ricca (2008: 216 ff.).

¹² As regards the encounter with Otherness as an event that is the source of stories and history, see the beautiful essay by Iser (1996: 294 ff.).

everyone reflexively *re*-cognizes (namely, *again and anew*) herself/himself. It is a creative re-cognition, a result of the crossing between different experiential contexts and the generation—also by virtue of symbolic tools—of a new pragmatic and semantic context. When all of this occurs, then a *third* subjectivity begins to take shape. Inside this *thirdness*, just as in a metaphor, the connotative elements dug up and unveiled by means of the crossed narrative processes are re-composed so as to produce transactional translations. In these kinds of metaphorical transductions,¹³ something *gets lost*, but something else is simultaneously *gained* (rather than merely “found”). The loss is to be considered, however, as an inner, dynamic and instrumental aspect of the invention of a *third world*.

In order to select the connotation that is to be re-composed, metaphorical ground plays a crucial function. It comprises often axiological, qualitative, emotional, and teleological categories. This is because such categories are *plastic*, that is, capable of extending over and working across categorical analytical sets that might appear very distant when viewed morphologically. Now, human rights can serve as a horizontal interface/transducer for translation at the very moment when the process of intercultural translation between the habits of people from different cultures is taking shape. They—as noted above—will act as situated factors of semantic correspondence between connotative landscapes that are already dynamically interplaying. The axiological and teleological aspects, encapsulated in every enunciation about rights, will work, then, as a metaphorical ground. In this way, behaviors or symbols that are morphologically distant can converge; just as many behaviors or symbols that are morphologically close or analogous may prove to be pragmatically unrelated and semantically discontinuous.¹⁴

Article 30 of the UDHR and its application constitutes a sort of test case for intercultural translation; but, at the same time, this kind of translation can be seen as an indispensable means to avert exploitive, misleading, ethnocentric and discriminatory uses of the same Art. 30. Actually, if divorced from a situated intercultural translation of claims for recognition and the related interpretations of human rights, the vagueness of UDHR statements could render them senseless rather than productive. In this way, these rights enunciations could become a means of exclusion rather than of inclusion: they could become motors of morphological/symbolic/identitarian stiffness rather than cognitively creative dialogue. In short, to understand whether a claim and its related interpretation of human rights’ statements embodies “disruptive implications” to the “substance” of the UDHR, the interpreters must look beyond its morphological appearance and features (as forged by each of the interpreting parties). Only in this way will the *production of universality* be possible.

¹³ I use the term “transduction”—from which the qualification of human rights as intercultural transducers comes—because it fits very well with the semantic and cross-contextual transformation that every translation between cultures implies. The Oxford Dictionary of English defines “transducer” as “a device that converts variations in a physical quantity, such as pressure or brightness” into an electrical signal, or vice versa,” and points out the derivation from *Latin trans-ducere* ‘lead across.’ More generally, we can say that “transduction” is the conversion of a signal, in a specific form, in another signal that materializes in another form: an example of transduction is the use of the microphone that converts sounds into electrical signals, which in turn are transformed into sounds by amplifiers and loudspeakers. From a semiotic all-encompassing view, every sign encapsulates a possible enfolding of energy, which in turn is triggered by the encounter and relationship of that sign with other signs. Cultures can be considered, therefore, as aggregations of signs, so the process of their translation could be understood, in a broad sense, as a transduction. Human rights, in turn, can be considered and used as semantic interfaces and transducers that convey this process of signical transformation.

¹⁴ In this regard see Ricca (2014, 2016, 2016a).

Besides, only if *universality* is assumed as a horizon, and thereby as a processive means, can it anticipate inclusion and avoid, instead, ethnocentric misuses and essentializing declinations of its iconic significance.

Despite possible expectations, when the process of universalization is grafted onto a legal dimension—as occurs in the case of human rights—it has the potential to improve the recognition of cultural differences through what can be designated from a semantic point of view as “categorical migration.” The first move in this direction is that every legal statement conveys and indicates an “ought.” This, in turn, is based on values. To put it clearly, something is to be made just because making it is considered to be good. Without such an axis of legitimation, deontic statements would be self-contradictory. “What is good to do,” on the other hand, constitutes the minimal definition of “value.” Values are the *clothes* of emotions and qualitative judgments. And, as shown above, axiological and qualitative categories are characterized by an idiomatic plasticity. Unlike descriptive and empirical categories—to the extent that they are viewed in analytical terms, namely through a checklist of connotative elements—axiological-qualitative categories are endowed with a trans-categorical signification.

However, the checklists of descriptive-analytical categories are also, somehow, based on values. The decision about what is inside or outside a category is not an analytical determination but rather an axiological choice, and as such, is based on cognitive, ethical, esthetical values. So, the ability to grasp the axiological component inherent in rights statements can help to remold descriptive/empirical categories and, as a consequence, those schemes already forged to universalize experience and its phenomenal elements. This achievement can be reached, precisely, through the analysis of crossing intercultural narratives. Often the narratives and semiotic-relational webs underlying individual behaviors or words that are initially deemed morphologically incompatible instead show similar connotative features. The emersion of such continuities can produce the collapsing-in-on-themselves of the same descriptive-categorical assumptions responsible for previous incompatibilities. As a result, the justifications for maintaining the original categorical borders could also become insufficient. Such hermeneutical work can pave the way to the possibility of including Otherness and its features within the same categories that were previously considered to be inconsistent with them, and vice versa, perhaps even excluding what was previously taken to be compatible with or constitutive of the categorical checklist. The overall operation, moreover, will have practical effects. The guarantee of such effectiveness will be assured by the normativity of law. We can say, therefore, that an intercultural use of human rights, when grafted on processes of intercultural translation, allows for the forging of universalization, which is, ultimately, nothing but the source of sense.

The hermeneutical activity sketched out above might appear, perhaps, too creative and, therefore, at risk for anomic drift. Such anomie, however, can also be considered to be a predictable consequence of categorical rigidity and underlying schemes of judgment, precisely because these are often wielded as defense weapons against the changes imposed by experience. However, barricading ourselves in the shadows of forms forged in the past brings about nothing but the loss of their predictive potentialities. The heterogenesis of ends and meanings is the almost “assured”

consequence that ensues from such a refusal of pragmatic dialectics, that is, what we could term—echoing a Bachelardian notion—as interculturally applied rationalism.¹⁵

In a world of radical change, creativity may be a risk, but it is a necessary one. There is no alternative to it. Otherwise we would be in danger of losing the crucial nexus between law and social meaning, rules and subjects. This connection requires that legal knowledge be considered and practiced as an art: what could be considered, inter alia, as a sort of renewed follow-up on the idea of *ars iuris* that inspired the legal experience within the western ancient Roman tradition. An idea efficaciously synthesized by the definition of legal knowledge as *iuris prudentialis*, i.e. an exercise of prudence and the sophisticated art of modulating its implications according to concrete life experiences.

A sort of inter-semiotic toolkit for intercultural translation can be found in the cognitive paths traced by avant-garde artists, especially painters, in the late-nineteenth century and early twentieth century. The driving force behind avant-garde painting research can be considered a reaction against Impressionism. The subjectivist anti-realism approach of the Impressionists, in direct opposition to the perspectival-realist school that had developed after the Renaissance, drew a parabola which soon led to the search for objective criteria underlying human perception. Assuming perception to be a phenomenological event resulting from a dynamic interpenetration between world and mind, the avant-garde movement followed the notion of *genetic determinants* giving rise to “the perceived.” The result was an idiomatic commitment, an ideal and practical attitude toward discomposing forms, that is, appearances taken in their *morphological fashion*.

The crumbling of the natural form and its usual meanings is achieved by virtue of representations that dis-compose, disaggregate or factorize the connotative elements of images. This outcome is pursued either through figurative simplifications inspired by primitive art or the de-contextualization of images and, as an alternative, a disarticulated/fragmented representation of their connotative components.

To illustrate the *common thinking* underlying intercultural translation and twentieth-century avant-garde artists, I have chosen select works from four painters: precisely, Gauguin, Gris, Klee, and Savinio.

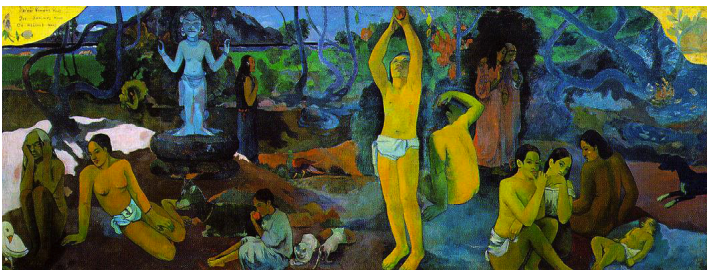
In Gauguin’s paintings we can recognize the categorical crumbling produced by the juxtaposition of figurative elements belonging to different cultural, naturalistic or narrative contexts. As happens in our dreams, Gauguin shows us heteroclitic fragments to trigger in the observer’s mind a process of de-contextualization of forms and figures. In this way, every portrayed object is engulfed in a sort of metaphorical vertigo.¹⁶ Therefore, everything can, at the same time, signify something else

¹⁵ Bachelard G. (1969).

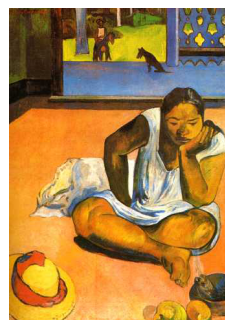
¹⁶ Observe, for example, the following sequence of Gauguin’s famous paintings. In each of them there is a sort of extra-contextual and/or disturbing presence. It gives to the observer the estranging perception that a dystonic blending of forms and elements has taken place within the pictorial frame:

and move across different categorical circuits. What supports such a process is the breaking free of connotative elements from predefined contextual frames established by and within specific cultural habits. But as soon as the connotative elements lose the link of semantic implications with a specific category and/or context of signification, they become potentially ubiquitous and omnipresent. As such, they serve as bridging factors, transducers of sense, liable to give rise to a process of categorical re-generation and new semantic synthesis. The paintings of Gauguin spur the observer's mind to operate connotative re-workings by means of markedly intercultural combinations and transposition. They are static representations only in appearance. On the contrary, they are designed to re-originate, through their dynamic relation with the observer, the creation of new meanings, a new sense of the world.

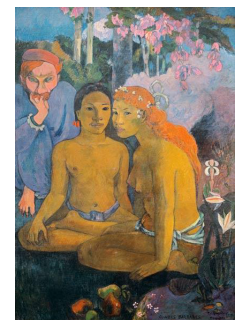
The pioneering paths of Gauguin inspire, subsequently, Cubism and its different stages.¹⁷ Echoing—as is well-known—the *warnings* of Cézanne, who invited the painters to grasp *the real*, to be represented in constants and their geometrical features, Cubism opens the way to a connotative-perspectival *dis-composition* assumed as an interpretive criterion to analyze and portray/render the constitutive elements of every perceived form. Juan Gris, even more than Picasso or Braque, makes *dis-compositions* that unfold to synthetic re-compositions of new forms and meanings.¹⁸ His paintings appear easily intelligible. This immediate but only apparent intelligibility—so much more pronounced than in Picasso's figurative *dis-compositions*—is, however, a result of the coordination of pure geometrical forms, assumed in a sort of Platonic fashion. Gris used to say that if Cézanne started from reality, with the aim of representing and rendering it to the observer as something reduced and transfigured in geometrical forms, conversely he begins with geometrical forms to obtain, by means of their combination, recognizable images resembling the forms of living experience. Gris was somehow trying to have access to a sort of connotative-semantic repository, as if it enshrined the *building material* of the Platonic demiurge, to engender forms, to invite the observer to see the forms while they were still taking shape. Gris' synthetic representations actually remain open.¹⁹ His images and figurations *are and are not* those which one might recognize at first.



D'où Venons Nous, Que Sommes Nous, Où Allons Nous (1897)



The Brooding Woman (1891)



Contes Barbares (1912)

¹⁷ On Gauguin as a precursor of Cubism, see Messina (2006).

¹⁸ On Juan Gris, see Ponce de León (2008). But see also Gris (2013).

¹⁹ See, for example, the subsequent series of Gris' paintings:

This sort of saying but not saying, affirming and simultaneously veiling, are the constitutive canon of Paul Klee's conception of art. He thought that the main purpose of art was to make visible the invisible. But this is possible—he argued—only by putting in motion pictorial figuration through the active participation of the observer's mind. Klee's paintings bring to the surface the polyphony of connotative elements that lay beneath the form: which, in turn, is intended as a result, the conclusion of a hermeneutical/constitutive process ordered to produce sense.²⁰ Klee's influence on



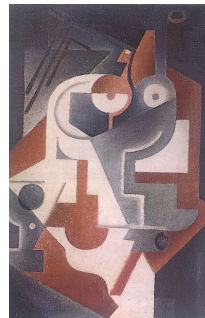
Botellas y cuchillo (1912)



La mesa de café (1912)



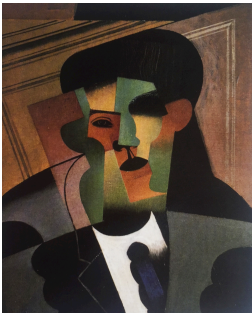
El lavabo (1912)



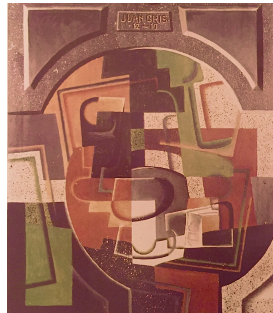
El Velador (1918)



Casas de Beaulieu (1918)



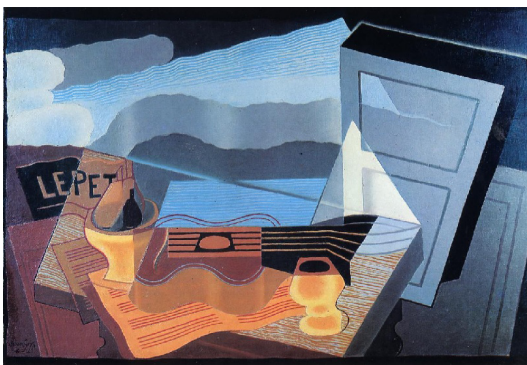
Caveza de Hombre (1916)



Naturaleza muerta con placa (1917)



El Reloj (1912)



Vista sobre la bahía (1921)



La Ventana abierta (1921)

²⁰ In this regard, Schuback (2014: 124-125) makes some very insightful remarks: “Klee is not preoccupied in drawing lines but in *drawing the drawing of lines*. This *drawing of the drawing* shows that for him the question is not about movements but about the moving of movements, about movements in their “being-moving.” In its continuous form, in its being-moving, a movement cannot be seized through a linear representation of movements as passage from one point or state to another. Thus while moving, movement comes from nowhere, not having anywhere to come from; it is moving. In this sense, that which from a nonmoving standpoint could be seized as the difference between a before and an after—that is already before,

phenomenological thought (above all Heidegger and Merleau-Ponty) was remarkable.²¹ He thought the artist's main commitment was as an educator. When the painting is observed,²² the figurative transfiguration must be aimed to trigger the process of *Gestaltung*: a sort of writing of the world, a path of *re-origination* capable of showing reality as *forma formans* and not only, *figuratively*, as a *forma formata*. In Klee's poetics, the artist is committed to usher the observer into the forging of the world and its forms, giving him the creative pleasure of conjoining Heaven and Earth through the rite of re-categorization to which he is invited. Also in this case, the dis-composition is not static but rather designated to promote a dynamic movement.²³ Klee's works are as *sheets of notes*, almost recognizable

as *erstwhile* after-while, expressions that Klee uses himself to entitle a series of drawings, as for instance, *Eidola Erstwhile Philosopher* (EIDOLA: *der weiland Philosoph*). Appearing as ends still ending, as endings that have no end, and as beginnings already there but still to begin, the is-moving of a movement appears as "multidimensional simultaneity," as "aphoristic multibranching," to recall Klee's own expressions. Klee's theory of the line is about the "multidimensional simultaneity" of drawing lines that draw the drawing of lines, the appearing of the appearing in everything that appears. It unfolds his principle of principles, so to speak, in which "to draw and to paint is to learn to see behind a façade, to grasp something in its roots, to recognize the underlying forces, to learn the pre-history of the visible, to 'unveil, to ground, to analyze'." What matters is the making visible of the *meanwhileness* and *in-betweenness* of the is-moving, is-drawing, is-painting, where the underlying forming forces can appear as such. Klee sees, that is, Klee makes visible, the impossibility of seizing in forms the *meanwhileness* and *in-betweenness* of the forming, *Formende*, since human senses, both sensible and sensitive, are usually accustomed to focus solely on formed forms, on *Form-ende*, on finished forms. Human senses are too conditioned to objectifying and reifying the is-being, so that first of all what they sense are beings and not the is-being, appearances and not the appearing as such, figures and not the drawing, the said and not the saying. In order to make visible the appearing as such, "the underlying forces", or "pre-history of the visible," in order to draw the drawing, to make visible the making visible, senses must un-learn habits of sensing, must de-form the formed. Thus it is while de-forming forms that forming forces appear in their "being-forming." This means that while the formed dis-appears the appearing can appear as such, that is, in an "it is appearing." I proposed to define as *sketch* this appearing while dis-appearing, this making visible while detaching from the visualized forms, this becoming while in dissolution. The sketch is neither a preparation for a painting to come nor an unfinished drawing. It is the gesture of drawing the drawing of lines, of making visible the coming to visibility in its own withdrawal. Understood in this manner, the sketch is a hovering in the gerundive in-between and meanwhile. It can be further understood as a nuancing of Heidegger's understanding of truth as *aletheia*, insofar as it puts the accent on the *meanwhile* and *in-between-ness* of the is-happening, or to speak in more Heideggerian terms, of *das Ereignis*, of the event of the making visible. What Heidegger loved in Klee was above all the sense of the event as the is-happening, is-being, and not as a to-come, the way Klee shows the gerundive mode of the event rather than its infinitive tense."

²¹ See Cappelletti (2003). As for a philosophical "tour" through the philosophical interpretations of Paul Klee's works, see Watson (2009).

²² See Boehm (2014: 23): "The formations of the distinct configuration take place in a scene whose borders or whose totality respectively displaces the represented into an ambiguous space of the possible, of associations, of a surplus of meaning, and of interferences. It was of great importance to Klee not to restrict the genesis of form to the sphere of artistic activity: namely, not to treat it as a question of the "aesthetics of production." Genesis, after all, addresses at least equally the moving eye of the observer whose activity Klee quite literally characterized as the "pasture of the eyes" (*Augerweide*), comparing it to the cow grazing on the pasture. Yet totalization brings the kinesis and stasis of formation into an interrelationship. Following the self-unfolding form, the observer recognizes a succession, while, in a totalizing turn, he mobilizes *simultaneity*. The two compositions of time (*Zeitgestalten*) never fully overlap. To the contrary: the image always gives the eye sufficient incentive to realize the suspenseful intersection of the two times anew and differently. The standstill that cosmic movement experiences in the image thus proves to be an impetus for an unending play of movement."

²³ As regards the relationships of Klee with Cubism and his progressive distancing from this style of painting, consider the interesting observations of Baumgartner (2014: 72): "The process of artistic abstraction is accompanied by a growing tendency in Klee's theoretical reflections to conceive of his relationships to nature and natural processes in a wider

figures barely sketched out, a door ajar towards the staging of semantic genesis, endlessly repeated, the constant re-generation of the world's sense.

My inter-semiotic overview concludes with Alberto Savinio. Brother of the more famous Giorgio De Chirico, he also inscribed his poetics along the lines of symbolism and the related tendency to juxtapose figures (objects, buildings, landscapes, individuals) apparently unrelated from a semantic point of view. However, the relationship extant between De Chirico and Savinio is

metaphysical and at the same time analytical context. In a diary entry, he thus distanced himself programmatically from the famous definition of Franz Marc's "passionate variety of humanity," by writing "he [Franz Marc] places himself on the same level with plants and stones and animals. In Marc, the bond with the earth takes precedence over the bond with the universe... I place myself at a remote starting point of creation, whence I state a priori formulas for men, beasts, plants, stones and the elements, and for all the whirling forces." This "remote starting point of creation" also meant rejecting a directly perceptual relationship with nature. In its place, Klee developed between 1914 and 1918 a growing interest in structural patterns of the characteristics of processes of growth and development, which he saw as analogous to the genesis of a work of art: There is, in the first place, a kind of structural inventory of plant organs, which has to be seen in the context of Klee's examination of Cubism. This new analytical look at the visible world that the Cubists had presented manifested itself in Klee's oeuvre—as in *When God Considered the Creation of the Plants*, 1913, for example, a work whose title equated the idea of a new world created through artistic means with the idea of divine creation. It is clearly visible how Klee finds, by his own means, his (own) kind of synthetic Cubism, after having engaged himself in the previous years in possibilities on how to break down the world of objects into prism-like component parts and then recombine and interweave them in accordance with purely compositional requirements. Klee had seen Pablo Picasso's early Cubist works in Munich as early as 1910 at the exhibition of the *Neue Künstlervereinigung* (New Artists's Association), and what impressed him about them was the boldness with which painting managed to gorge beyond the mere outward appearance of the visible to an analysis of inner structure.

Although variously inspired by Cubism, Klee's attitude remained ambivalent. He certainly recognized Cubism as a breakthrough in modern pictorial construction; at the same time, however, he lamented the formal destructiveness that occurred when objects were reshaped. In this regard, he was especially critical of Picasso's arbitrariness when reducing the human figure to "primitive forms of projection such as the triangle, rectangle, and circle" that "lose some of their viability with each conversion. Klee's association with Cubism is limited almost exclusively to abstract constructions of space—from which he developed his metaphor of the "crystalline"—and to occasional depictions of nature in which he dared to deconstruct the organic world, as in *When God Considered the Creation of Plants*. However after having dismantled the objects in the sense of analytical Cubism, it was rather the structural analysis of natural organisms that mattered to him in terms of the depiction of nature. It is what he described as a remote starting point of creation and a *a priori* formulas for men, beasts, plants, and stones."

The transformation of Klee's approach to the dis-composition of objects and images, from an analytical cubism-inspired fashion to a processive synthetical one, see the following two paintings:



When God Considered the Creation of the Plants (1913)



Time and Plants (1927)

somehow equivalent to that which is recognizable between Picasso and Gris. The former two decompose the forms (Picasso) or juxtapose them in a dystonic or heteroclitc fashion (De Chirico); the latter two re-compose images starting from connotative singularities (Gris) or by means of a combination between real and well-known figures and fantastic elements (Savinio). Specifically, in Savinio the “fantastic” unfolds, as in a Bachelardian *rêverie*, the implicit semantic potentialities encapsulated within each categorical connotative set.²⁴ His iconic representations open the doors to a virtual maze of interpretations, re-configurations, re-semanticizations.²⁵ In Savinio’s paintings, rather than the invisible that becomes visible, it is the unpredictable that opens the observer’s mind to the regeneration of sense.

²⁴ On Savinio’s poetics see Fabbri (2007); Jewell (2004); Savinio (1992).

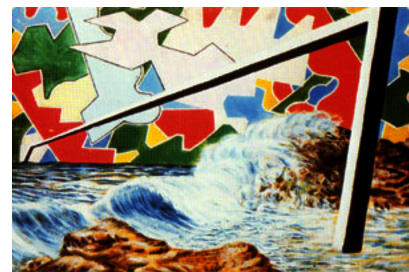
²⁵ Savinio’s synthetic and renewing approach to representations is well shown by the following series of paintings:



Objects dans la forêt (1927)



Abandonné (1929)



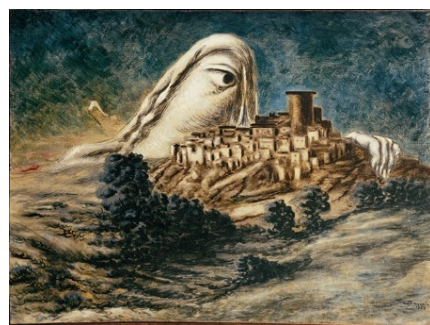
Marina (1929)



Ulisse e Polifemo (1929)



Paesaggio Tropicale (1931)



La notte della città (1950)



Il Fiume (1950)

The lesson these great artists give us holds a very insightful cognitive meaning. The spectator of paintings—as well as the cultural agent involved in this intercultural relationship—is the co-construing actor of a dynamic *reality*. The painting functions somehow as a mobile interface, a metaphorical fuel that bridges two reciprocal Others by producing a sort of genetic conjunction, a cooperative re-writing of signification and its paths. In the same way, an intercultural use of human rights could promote the elaboration of new traces, new plots of *experience and reality*. The outcome would be a new scenario, within which both the “symbolic” and the “pragmatic” would reciprocally inseminate, so engendering a new world obtained by writing, painting and figuring new shapes of experience, the *real* that inhabits and makes itself throughout history. All of this would constitute, in other words, an open synthesis between word and object, minds and worlds, natures and cultures.²⁶ But this would be also nothing but a “becoming,” utterly in tune with the dialectics of sense, of the same human rights (epigones of natural rights), and the relations between the manifold natures generated by culture, indeed by the inner cultural and thus plural nature of human action. The paintings of the four artists cited above are, in a sense, like human rights statements. Both constitute discursive platforms, possible horizons of signification, semantic agendas that serve as means and thereby processive ends to draw polyphonically, through the unfolding of interpretive differences and their reciprocal translations, new inscriptions and declinations of sense, new plots of history written through an intercultural interweaving of quotidian life stories.

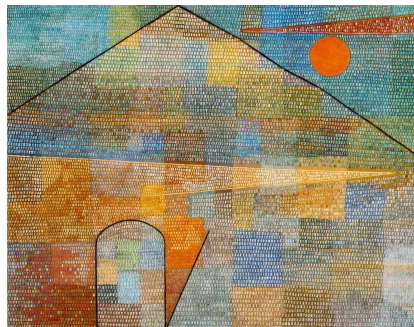
²⁶ Some suggestions in this sense can be found in Henare, Holbraad and Wastell (2007).

2. Paul Klee's Cognitive Approach to Painting: His Artistic Workshop

Hereinafter I will continue with some further insights on Klee's philosophy of representation, with particular regard to his methodology of dis-composing the morphological appearance of images to recover—somehow through a cognitive archeology—the constitutive, original connotations of *things* and, more generally, of the world. Images of Klee's paintings will be paired with excerpts from his writings and my side-comments about the meaning of these paintings observed from a legal intercultural point of view. I invite the reader to substitute the words “art, artist, etc.” with “intercultural lawyers and/or interpreters.” This sort of metaphorical transposition can help to better and almost plastically understand the continuities between Klee's cognitive legacy and the work of translation/transaction required by intercultural encounters, above all when these encounters are analyzed and managed through the specter of law and its practical use. To further support an understanding of Klee's thought I will make use of some quotes from other authors who focused their work on the philosophical implications of this great painter. In this way, I hope to give jurists and lawyers an immediately available view of the wide theoretical implications of Klee's work across various disciplines and their importance and fruitfulness in facing intercultural legal issues.

Paul Klee, Creative Confession (1920): “I have mentioned the elements of linear expression which are among the visual components of the picture. This does not mean that a given work must consist of nothing but such elements. Rather, the elements must produce forms, but without being sacrificed in the process. They should be preserved.”²⁷

²⁷ To put together movement and representation, becoming and stasis, Klee draws his inspiration from musical thought. In this regard, see Schuback (2014:128): “In Bach's polyphonic chromaticism and his art of the fugue, Klee could recognize the one differentiating itself as “multidimensionale simultaneity” and “aphoristic multibranching” movement. His search for a “linear active polyphony” finds in Bach's polyphonic chromaticism a lesson about the one in itself differentiated, the becoming while in dissolution, where simultaneity is not only of presences but also and uppermost of present and absencing voices, appearing to begin, the realm of in-between and meanwhileness of a coming to form and image, of a coming to be. It is indeed as “polyphony” that Klee will describe what could be called his *archaeology of the gerundive structure of becoming visible*. In following Klee's pedagogy of the line in his work, in which he shows how the drawing of lines draws the drawing of lines, the being-drawing as such, it is possible to see how his work makes visible this multidimensional and aporistic-multibranching simultaneity of before and after, of yesterday and tomorrow. This pedagogy of the line, of line's activity or *agens*, is the basis of making visible the invisible coming to visibility, and not of reproducing the visible. The task is therefore to make visible the multidimensionality of a line, its non-successive but “polyphonic” nature, and this has to appear in the very line. Several works by Klee show the polyphony of the line, as for example in *Polyphonic-moving* (1930)”. See, for example, Klee's painting *Ad Parnassum*:



Ad Parnassum (1932)

In most cases, a combination of several elements will be required to produce forms or objects or other compounds—planes related to each other (for instance, the view of a moving stream of water) or spatial structures arising from energy changes involving the three dimensions (fish swimming in all directions) [see fig. 1, *Fish Image*, 1925].



Figure 1, *Fish Image* (1925)

What can we learn about intercultural translation from Klee's painting titled "Fish Image"? I think quite a lot. The representation shows the tension between verticality and horizontality. Using the images of fish as animal metaphors of vertical lines and horizontal lines, Klee points out the creative struggle between stasis and movement. In the center of the picture there is a grey dot: in Klee's cosmology, the grey dot is the impossible and inconceivable that becomes possible, the beginning of all beginnings from chaos. Another generative contrast is that between the deep blue and the luminosity of white. In yellow, we can recognize two sketches of sea birds. The whole picture seems to explain a sort of evolutionary transformation, a history of the living world: from the ocean bed towards the skies, and back again.

The use of lines and the dis-compositio of a life story into representative elements come to make it so that the painting evokes to the observer a sort of Genesis. But this is nothing but a metaphorical transformation and, at the same time, a deep insight, an archeological survey, into the implicit knowledge that people have of the underwater world and its inhabitants. Consider how many translational and trans-categorical continuities such a painting could convey. The starting image, precisely its morphological appearance, is simply that of fish moving in all directions. However, it reveals itself as a real epitome of a life story and alludes to so many of its connotative, phenomenal, qualitative, etc., ingredients. If we undertook to dis-compose and re-compose the morphological appearance of Other's behaviors in view of their legal qualification, this could pave the way to metaphorical intercultural translations and the recognition of Otherness.

Through such enrichment of the formal symphony, the possibilities of variation and, by the same token, the possibilities for expressing ideas, are endlessly multiplied.²⁸ [...]

Movement is the source of all change. In Lessing's *Laocoon*, on which we squandered study time when we were young, much fuss is made about the difference between temporal and spatial art. Yet looking into the matter more closely,

In her interesting essay, Schuback traces a parallel between Klee's representative theory and the musical work of Webern. However, I do not completely agree with this hermeneutic and reconstructive proposal. We can find some similarity in the dis-compositional approach of both Klee and Webern to morphological forms: respectively, images and sounds. But if Webern's works aim to make perceptible to listeners the composite structure of every (apparently) simple sound, Klee's paintings, conversely, try to use dis-composed connotations to propose new synthesis, new forms open to the co-constructive and creative activity of the observers.

²⁸ See Boehm (2014: 22-23): "To describe the potential exposed by the animate form, Klee also repeatedly employed the (easily misunderstood) term "function." With it he refers essentially to the *surplus* of expression and meaning that a form exposes beyond its components in the formative process of opening up, in the scene of the image, room for play that the artist freely composes, in which also the external influences of culture or of history, and not least, of music and of literature can participate. An observer of one of Klee's studies that is dedicated to presenting the logic of form cannot mistake it for one of the works of the artist. An enormous gap separates the two. For example, he who observes *Vast* (*Harbour of roses*) will recognize the elementary repertoire of the self-unfolding line as Klee discusses it in his theory of composition, and at the same time he will discern interferences that relate horizontal lines to the ocean and waves, or musical notation to ships; he will observe the mirroring of top and bottom and simultaneously see a plant develop that directly references morphology. The sum of these interferences opens up a space of possibilities, of possible meaning, and distances the work from rule-governed construction. "The work," says Klee, "stands above the law." [The red highlights are mine].

we [artists and intercultural lawyers] find that all this is but a scholastic delusion. For space, too, is a temporal concept²⁹ [see Fig. 2, *Main Road and Side Roads*, 1929]. [...]



Figure 2, *Main Road and Side Roads*

This painting, titled “Main Road and Side Roads”, interprets the ongoing and, at the same time, contrastive development of space. The inner temporality of every spatial representation, at least if considered for its significance, is beautifully explained and displayed by this painting. To understand the “represented,” the eye of the observer must wander/graze (in Klee’s words: *einem weidenden Tier abstenden Auge*) cumulatively among vertical and horizontal lines, driven by the different colors. The sense of the main road is a sort of contextual emergence of the dynamic relationship with the context constituted by the lateral, sometimes tiny, colored horizontal frames of space. The space shows its periphrastric consistence, its existence as an epitome of time and the temporal occurrence of distinctions. According to some interpreters, this painting is a dis-composition and subsequent re-composition of the Nile and its meanings. But, mirrored in the dis-composition of the Nile, we can recognize the sense and protean matter of which human life is made. The main road is the synthesis of manifold stories, imperceptible events, even breaths, which occur in the unfolding of existence. But such stories, as they are thought of and reflectively considered, are narrative plots, landscapes that host the connotative elements of life, or better the meaning of life. So, by learning from the constructive philosophy of this painting, we can think of the behavioral morphological appearances of Other’s conduct, which every intercultural lawyer has to face, as the “main road”; conversely, the contextual connotative landscape surrounding such conduct and its semantic components become the “side roads.” Merely by following this cognitive pathway, we could discover that across an intercultural legal translation the peripheral could become essential.

Formerly we [the artists, therefore the lawyers committed to the qualification and translation of Otherness] used to represent things which were visible on earth, things we either liked to look at or would like to see.³⁰ Today we reveal the

²⁹ See Bohem (2014: 20-21): “...in order to develop the process of form, Klee measured it up to the infinite movement of the cosmos. His own standpoint, however, does not just lie somewhere in the universe but on the “crust of a planet” called earth and under the conditions that reign there. These conditions are of a constraining type; they emerge from the “singular case of our human being,” a cosmic “episode,” as he occasionally remarked. The stasis under earthly conditions introduces a decisive and new moment in the question of form. It restricts cosmic movement, prescribes it, and endows it in works with a specific *face*—a process, as equally conflict-ridden as productive, which, as Klee says, plays out in the scene of the image. Forces meet counterforces, and they arrive, on the plane, at an equilibrium. Cosmic becoming, striving into the infinite, assumes a *gestalt*, organizes itself as a “parable of creation.” This, of course, introduces the question as to how it was possible for Klee to reconcile the *priority of becoming*, which he strongly emphasized, with such *standstill*, in which artistic formation inevitably ends. Stasis is not simply a physical, but rather much more an anthropological, measure that bears on the entirety of corporeal existence and its cognitive and sensory economy; and stasis is no less mirrored in the composition of an image. Klee couches this stasis also in an imperative, namely, a maxim for action: **Let the plumb line be the law** (*Lot sei das Gebot!*). The upright walking human being adapts himself to gravity, insofar as he maintains equilibrium, and gains a perspicuous view. What he always sees “there,” refers to a corporeal “here,” which he does not have,” but “is.” In his embodied state, he is a *point*.” [The red highlights are mine]

³⁰ As regards the relationship between Klee’s representational thought and the Western tradition, see Boehm (2014: 8): “The temporalization of form also refers, however, to the *history of discourses on form*, which spans from antiquity into the present. At the end of the eighteenth century, a far-reaching transformation of this discourse begins, a transformation in which Paul Klee also intervened with important contributions. His emphatic defense of time and movement becomes comprehensible only if one recalls his *adversaries*: they are, first and foremost, the inheritance from antiquity of *morphé* and *forma*, which combine with the criterion of *duration*. In virtue of this form, the non-sensible *idea* (eidos) enters into a connection with the visible *manifestation*, a *concept of form* that has also been characterized as *eidetic*. Its artistic substantiation consisted in permitting a moment of *timelessness* to emerge from the current of change, a moment to which an experience of the beautiful also becomes tied. In any case, *eidos* generates *stasis*: a concept that has developed and varied through the centuries. The idea as *idea* thus enters the consciousness of artists, where it becomes reformulated in Federico

reality that is behind visible things, thus expressing the belief that the visible world is merely an isolated case in relation to the universe and that there are many more other, latent realities.³¹ Things appear to assume a broader and more [see p. 21]

Zuccari, for example, as a *disegno interno*, which, thanks to the hand of the artist, was conveyed in the sensible gestalt of the *disegno esterno*. The close connection of idea and forma remains decisive. Michelangelo's late works became canonical for this concept, because one believed to recognize in them how the spiritual force of the *idea* contested the resistance of matter under the sign of melancholy and longing. The eidetic concept of form was generally applied to organic bodies or to objects, which this concept, with recourse to contour and volume, endowed with a visible existence. In the shadows of this dominant concept of form, a further *geometric model of form* admittedly also emerged; a concept that operated without an *idea* and, with reference to *Euclid*, argued abstractly and free of a bodily referent. It demonstrated the continuous transition of the point into line and the plane, to which Klee and Kandinsky, with considerable alterations, later return. [Klee said: Space too is a temporal concept].

³¹ The cognitive and philosophical projections of such a vision of "figuration" are interestingly investigated by John Sallis in a wide argumentative passage that fords the stream of Klee's creative imagination by using some quotes from the painter's essays as stepping-stones. See Sallis (2015: 93 ff.), whose argument I would relay with the following quote: "While linear elements and the figures constructed from them are both formal in character and abstract in their detachment from natural appearances, they are not entirely removed from the play of imagination. In his essay "Creative Credo," which is literally framed by references to imagination, Klee writes almost at the outset: "The essence of graphic art lures us to abstractions readily and rightly. The schematic and fairytale quality that belongs to its imaginary character is given and is expressed with great prevision. Abstract though it may be, the formal figure readily comes to be associated with natural forms." As Klee says in the Jena lecture: "For every construction, if its articulation is complex, can with a bit of imagination be brought into comparison with some natural form." The abstract formal figure lets us, through the play of imagination, see the natural form transposed into pictorial space. A line suggests a road taken. As it intersects other lines, we are prompted to envisage crossroads. If it runs up to a set of wavy lines perpendicular to it, we have come to a river. A series of arches nearby offers us the bridge needed to cross the river. Gradually the pictorial polyphony or forma symphony (in Klee's terms) takes shape. It prepares the way for the advance beyond "formal wisdom," the progression to "art in the highest sphere." It is in Klee's account of this final ascent to the level of artistic expression that he again invokes imagination: "Born on the wings of instinctual stimuli, imagination conjures up states of being that are somehow more encouraging and more inspiring than those known on or beyond the earth. Symbols console the spirit by letting it see that for it the earthly with its possible intensifications is not the sole possibility."

On the one side, art remains formal and abstract. Even with the advance to the dimension for the figure and beyond, the formal elements of line, tone, and color retain their identity. To this extent composition remains formal. As Klee writes: "Beyond the level where abstract formal elements are put together to form concrete beings of abstract things like numbers and letters, there is finally created from them a formal cosmos. Yet, on the other side, the artistically created cosmos is not merely formal but—says Klee—is so much like the creation itself that only a breath separates them. Like numbers and letters, the abstract formal elements and ultimately the formal cosmos into which they are composed signify beyond themselves, point to a higher dimension of sense that opens only to imagination."

In a Bauhaus lecture entitled, "Things in nature investigated with regard to their inner being: essence and appearance," Klee begins by telling his students that, though it is difficult, they must try to be exact. They must, he says, strive to be precise. Then, referring to the precise way a machine functions, he says: "But life's way is something more. Life engenders and bears." Art must, then, breathe life into the formal cosmos in order that it might engender and bear a higher sense for life itself to this end—says Klee—"the imaginary is indispensable." In this way, "art plays unknowingly with ultimate things, and yet it reaches them!"

And yet, what are the higher dimensions to which art opens our vision? At the level where there occurs simply the imaginative association of the formal figures with natural forms, the work sustains—across the necessary deformation—a correspondence to natural appearances, to the surface appearance of nature. The nature that, at this level, is reborn within the pictorial space remains merely the apparent surface, simply submitted to the deformation required for transposition into the pictorial dimension. Such imaginative association is a mirror that reflects only the surface, even if with distortion; it does not penetrate inside, does not probe down to the heart of things, does not reflect the deeper truth, and to that extent is not entirely true to nature. To such a mirror, ultimate things will remain concealed. Whatever lies in obscurity behind and beyond the visible surface of nature will not, in this manner, be seen in the formal figures.

Klee identifies two distinct means by which art is enabled to surpass the visible surface. The first of these means corresponds to what he calls “a more spatial apprehension of the object as such.” This way of apprehending the object would be more spatial in the sense that it would attend not only to the outer, apparent surface but also to the space that constitutes the interior of the object. Klee explains: “The object is expanded beyond its appearance through our knowledge of its interior, through the knowledge that the thing is more than its outer aspect allows us to recognize.” When he goes on to remark that one “dissects the thing and visualizes its interior by means of plane sections,” it is likely that he is referring to the practice of Cubist painters; from his diary account it is known that he saw works by Picasso and Braque on his trip to Paris in 1912, several years before he began his series of theoretical essays. By this method a visible internalization of the object is obtained, a visualization of its interior, which brings to light its material structure and function. The apprehension is thus extended beyond the optical surface to the material depth otherwise concealed behind the surface. To the extent that his art is determined by such expanded apprehension so as to reveal the object in its density and voluminosity, Klee’s work, like that of Cubist painters, carries on Cézanne’s effort to recover the object behind its surface appearance.

Yet it is not only in order to open our vision to the interior of the object that the artist brings his penetrating gaze to focus upon it. Furthermore, it is not only because of requirements connected to the transposition form of nature into pictorial space that the artistic figure must appear to have undergone deformation. What is, in both regards, also decisive is the artistic vision and display of genesis. Klee’s account in the Jena lecture is explicit: the artist does not grant unqualified significance to the natural forms of appearance, not even as expanded into their density of voluminosity. For—in Klee’s words—“he does not see in these culminating forms the essence of the creative process of nature. More important to him than the culminating forms are the formative forces.” In other words, “What impresses him—in place of the finished natural image—is the solely essential image of creation as genesis.” Thus, in his work the artist would display the formative forces that would have shaped the present natural appearances, in this way “lending genesis duration.”

With a penetrating look the artist would probe beneath the present visible form to the underlying process of taking form, of coming forth, of forming. In his Bauhaus lectures Klee returns again and again to this imperative, that vision be shifted from form to forming. He says: “Forming determines form and therefore is superior to it.” If the very sense of the word is shifted in accord with this imperative, then form will be understood “as genesis, as becoming, as essence.”

The effect of this shift from surface appearances to their underlying genesis is seen in various guises in Klee’s works. Among these is the deformation of natural forms; though Klee often links the effect to the formal character of pictorial art, it also functions in many instances to present visibly the genesis of particular forms. A dismembered animal or human form, which despite its dismemberment, is recognizable as the whole form it could be, appears thereby in its genesis. The picture shows it coming into form as its detached and deformed parts move—or at least suggest movement—toward coherence and formation. By displaying it in the tension of not yet having its form, the artwork presents the form in its forming.

There are many other works in which Klee makes visible the genesis behind appearing things, displaying it in the very depiction of those things as they appear. For instance, he was especially attentive to the genesis that secretly prepares a flowering plant to burst into bloom and that can, in an artwork, be made visible in the blooming. Klee repeatedly, yet in ever varying ways, produced works in which both genesis and flower are gathered into joint visibility in the artistically presented blooming.

Yet not only does Klee let genesis be displayed in his works; he also recognizes that, in the artwork as such, genesis is enacted both on the side of the artist and on that of the beholder. The work is genesis; or in Klee’s formulation, “Genesis as formal movement is the essence of the work.” As genesis the work is movement and is never experienced merely as a product. Movement brings the work into being: “A certain fire flares up; it is conducted through the hand, flows to the picture, and there bursts into a spark, closing the circle whence it came: back into the eye and farther.” Also, on the side of the beholder there is movement; in the work paths are laid out for the beholder’s eye to follow as the parts of the picture are examined in succession. The work itself fixes the movement that belongs to it from both sides: “the pictorial work springs from the movement, is itself fixed movement, and is apprehended in movement.” Thus the work has its distinctive temporality.

In the essay “On Modern Art,” Klee poses for the artist—and this means primarily for himself, as his own aim—the task of probing still farther beneath the visible form. The artist would strive to realize “some sort of proximity to that

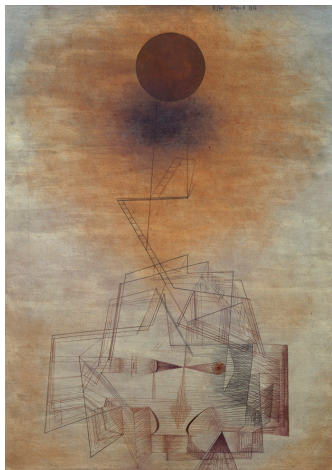
diversified meaning, often seemingly contradicting the rational experience of yesterday. There is a striving to emphasize the essential character of the accidental”^{32 33} [see, again, Fig. 2, *Main Road and Side Roads*, 1929].

Paul Klee, in *Ways of Nature Study* (1923): “The artist [the intercultural jurist] of today is more than an improved camera; he is more complex, richer, and wider. He is a creature on the earth and a creature within the whole, that is to say, a creature on a star among stars. Accordingly, a sense of totality has gradually entered into the artist’s [intercultural jurist’s] conception of the natural object, whether this object be plant, animal, or man, whether it be situated in the space of the house, the landscape, or the world, and the first consequence is that a more spatial conception of the object as such is born” (see Fig. 3, Kairuan, 1914).

secret ground where the primordial law nourishes every development.” The artist would seek to penetrate even beyond these developments, beyond the genesis of visible forms, so as to entice into visibility “the womb of nature, the primal ground of creation, which holds the secret key to all things.” Art would thus become simile of creation; and in its retreat toward the primal ground it would carry out, in the medium of art, the same regress that the philosopher would execute in thought. Then, as Klee grants, “is perhaps, without quite wanting to be, a philosopher.””

³² Klee ([or. 1920] 2013).

³³ With regard to the limits of reason in Klee’s “figuration theory”, see Sallis (2015: 42): “In the painting titled *Limits of Reason*,



Limits of Reason (1927)

produced nearly two decades later, Klee present the effects of light as described in the diary entry. The dark red disc at the top of the picture can be taken as the sun, which casts its light on the lower region where its effects are to be seen. But the perfectly delimited disc can instead—or also—be taken to represent those rational forms that are, according to the entry, engaged in combat with light, that are in some measure dependent on this contention, which thus constitutes the limits of reason. The painting would, in this case, invert the vertical order, placing the dark rational forms up above and the world in which light produces its myriad effects down below. In the lower part of the picture there is an array of forms suggestive of light and vision: multiple transparent planes, presumably of glass, perhaps also functioning as lenses, as well as a hint of two eyes and even of a face. The various angles at which the transparent planes are set convey a sense of instability, even of motion. Several otherwise straight lines appear to have been bent, one even into a half oval. The battle between light and the rational forms would, it seems, be fought on the ladder that runs between them, supported form above but descending into the light.” To put Sallis’ remarks in semiotic terms, we can say that in *Limits of Reason* Klee is telling us how light and formalized objects can conceal the creative process, the web of connotations, the contextual relationships among signs, that is to say, all the generative factors liable to bring forth the visible and morphological appearances of things.

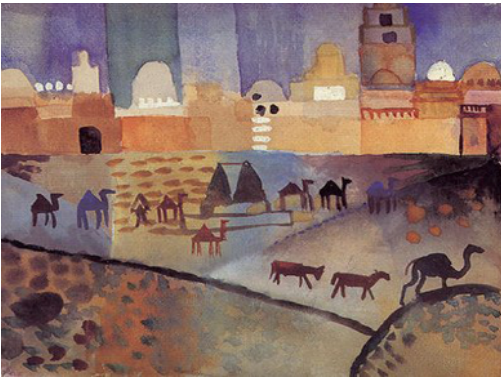


Figure 3, Kairuan (1914)

The painting “Kairuan” gives an ‘ecological’ representation of Kairuan, the northwestern city of Tunisia, well known as a place of holy pilgrimages. The semiotic ecosystem is figured like a space that shows dynamically its meaning and materiality crossing the borders of the city in many directions: horizontally and vertically, towards the desert and towards the heaven. The sky and the earth appear chromatically conjoined. The city and its buildings, in turn, appear as if emerged from life and motion (including moving animals) in the desert crossing the spiritual and dreaming aura of the night skies. Heaven, moreover, tinges and suffuses the desert’s surface with its colored reflections, camels and other living presences. Klee seems to tell us that Kairuan can be understood only if we consider it as a semiotic funnel, a place of convergence and re-composition of signical elements distributed in time and space. Will we also be able to see and legally qualify mosques in urban western intercultural landscapes by casting a similar chorological gaze?

“The object grows beyond its appearance through our knowledge of its inner being, through the knowledge that the thing is more than its outward aspect suggests. Man dissects the thing and visualizes its inside with the help of plane sections; the character of the object is built up according to the number and kind of sections that are needed. This is visible penetration, to some extent that of a simple knife, to some extent helped by finer instruments which make the material structure or the material function clear to us.”³⁴ (see, again, Fig. 3, Kairuan, 1914).

Paul Klee in On Modern Art (1924 [1945]): “May I use a simile, the simile of the tree? The artist has studied this world of variety and has, we may suppose, unobtrusively found his way in it. His sense of direction has brought order into the passing stream of image and experience. This sense of direction in nature and life, this branching and spreading array, I shall compare with the root of the tree.

From the root the sap flows to the artist, flows through him, flows to his eye.

Thus he stands as the trunk of the tree.

Battered and stirred by the strength of the flow, he molds his vision into his work.

As, in full view of the world, the crown of the tree unfolds and spreads in time and in space, so with his work.

But it is just the artist who at times is denied those departures from nature which his art demands. He has even been charged with incompetence and deliberate distortion.

And yet, standing at his appointed place, the trunk of the tree, he does nothing other than gather and pass on what comes to him from the depths. He neither serves nor rules—he transmits.

His position is humble. And the beauty at the crown is not his own. He is merely a channel.” [...]

“I have already spoken of the relationship between the root and the crown, between nature and art, and have explained it by a comparison with the difference between the two elements of earth and air, and with the correspondingly differing functions of below and above.

The creation of a work of art—the growth of the crown of the tree—must of necessity, as a result of entering into the specific dimensions of pictorial art, be accompanied by distortion of the natural form. For, therein is nature reborn.” [...]

“I would like now to examine the dimensions of the object in a new light and so try to show how it is that the artist [intercultural lawyer] frequently arrives at what appears to be such an arbitrary “deformation” of natural forms.

First, he does not attach such intense importance to natural form as do so many realist critics, because, for him, these final forms are not the real stuff of the process of natural creation. For he places more value on the powers which do the forming than on the final forms themselves.³⁵

³⁴ Klee ([1923] 2013).

³⁵ To understand the closeness between the processive analysis of forms carried out by Klee and the dis-composition that intercultural lawyers should bring forth, consider the following remarks by Bohem (2014: 13): “Klee’s temporalization has, in parts, explicit morphological characteristics, to which several theoretical notebook pages and more than a few images refer. A further important document in this respect is his collection of natural artifacts and his herbarium. A photograph shows that he produced several preparations—such as those of shells, mollusks, corals, and algae—in the form of an image between two glass plates. Only the morphological gaze recognizes more than death and ossification in these graveyards of

He (the artist [intercultural lawyer]) is, perhaps unintentionally, a philosopher, and if he does not, with the optimists, hold this world to be the best of all possible worlds, nor to be so bad that it is unfit to serve as a model, yet he says:

“In its present shape it is not the only possible world.”

Thus he surveys with penetrating eye the finished forms which nature places before him.³⁶

The deeper he looks, the more readily he can extend his view from the present to the past, the more deeply he is impressed by the one essential image of creation itself, as Genesis, rather than by the image of nature, the finished product.

Then he permits himself the thought that the process of creation can today hardly be complete and he sees the act of world creation stretching from the past to the future. Genesis eternal!

He goes still further!

He says to himself, thinking of life around him: this world at one time looked different and, in the future, will look different again.

Then, flying off the infinite, he thinks: it is very probable that, on other stars, creation has produced a completely different result.

Such mobility of thought on the process of natural creation is good training for creative work.

It has the power to move the artist fundamentally, and since he is himself mobile, he may be relied upon to maintain freedom of development of his own creative methods.

past life; it recognizes, namely, the stages of genesis. If a compositional form comes to light in this way, then it also relativizes a familiar difference that accompanies the surface: the difference between outside and inside, between skin and skeleton, between body and soul. The prehistory of the visible concerns entirely new patterns of experience. Indeed, many of the artist’s images seduce us into a magical “intermediate realm” that angels also inhabit as transitory beings; or we enter spheres within which inside and outside interlock and interact with one another.

Klee’s cosmos, rich with gestalten, begins with a *point-shaped cell* that generates higher organism; the single cell is a concentrate loaded with energy such as a seed or an egg. For Klee, it was perfectly evident that the formative movement of nature is most closely intertwined with the becoming of artistic form. This axiom commands the entirety of his thinking. Consequently, he was concerned with investigating in detail the transitions between the formations of nature and those of art. Genesis, which treats the “creator” and “creation,” divides into two directions: the morphological direction of things, plants, and animals, and the compositional direction of images. Klee leaves the question of how he understands the “creator” of nature entirely open. Yet he actively and tangibly saw the potency connected to that creator in the artist. The nearness that he felt to the prehistory of nature documents itself in manifold ways, and including in the elegiac inscription on his poetic gravestone (“In this world I cannot be grasped / Since I live just as well by the dead / as by the unborn. / Somewhat nearer to the heart of creation than usual / And not nearly close enough.”).

³⁶ See Bohem (2014: 11): “Klee’s penetrating gaze corresponds to an “opening of the eyes toward the inside”. A viewer of his images is familiar with the unobstructed transitions, not just between outer and inner spheres, but also between all possible worlds. After all, this reality that we know is “in this fully formed gestalt... not the only one.” The possible strikes him as more real than the real itself and he “wants... to portray man not at all as he is, but only as he could also be.” The penetrating gaze thus grasps, in addition to morphology, the traces of memory, sensation, dreams, phantasy, or of an expressive motor activity that reveals itself in smiles, mourning, wit, and irony, and moreover, in music and poetry as well as even in political events, a “range throughout the... field.”

Nature, regarded as *totality*, whose distinguishing characteristic consisted in *movement*—more particularly, a movement that structures and forms—offered him the decisive intuition from which he oriented himself. The concept of genesis, of which Klee was extraordinarily fond, recalls cosmogenic myths, even though these were far from what he intended. He did not seek to *narrate* how creation once occurred eons ago; rather, he sought to acquire a palatable *perceptibility*, evidence on which he could *now* build. He was above all concerned with gaining access to a “cosmogenic moment”, because the world seemed to him still young and not yet nearly completed. In the experience of that moment, form becomes *available* as formation, that is, as a living force.”

And also, *ibidem*, 16: “Between the parts of a configuration, the grammatical voices develop the internal cohesion, which allows it to appear as a whole. In them the original energy of the point remains virulent.”

This being so, the artist must be forgiven if he regards the present state of outward appearances in his own particular world as accidentally fixed in time and space. And as altogether inadequate compared with his penetrating vision and intense depth of feeling.

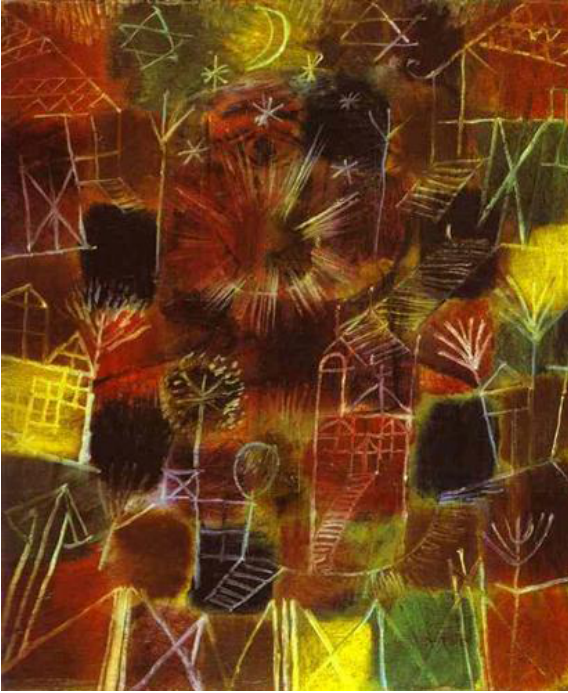


Figure 4, Cosmic Composition (1929)

Cosmic Composition (1929) is a painting that perfectly represents the (semiotic) relational meaning of every empirical appearance. Trees, flowers, houses, stars, the moon, stairs and manifold multidirectional lines are involved in a polyphonic orchestration. The painting is shaped by an ascensional movement that draws its rhythm, however, from a sort of genetic burst placed perspectively and temporally before the scene, before the moving. The cosmic features represented in the painting and their recognizability are to be considered only a contingent “meanwhile” along the continuous process of transformation/generation of Being. Forms are caught along the pathways through which all their possibilities unfold, from a just looming beginning towards an openness with unpredictable outputs. So, the observer can figure out the meaning of any represented form only by a reiterated and cumulative roaming (grazing) in the space of the pictorial frame. This space and its dynamic components will be, therefore, the (ever interlocutory) result of the temporally layered sequence of the observational acts. Understanding cultures and cultural items (behaviors, words, objects, artifacts, etc.) should follow a similar approach. In this way the observer/lawyer could avoid the cosification of cultural meanings. Conversely, he could “read” behaviors and words as semantic convergences of the fluxes of sense and semiotic relationships that stem from both the past and the future, the origin and the horizon. In such a way, the understanding and the legal qualification of people’s conduct could be performed as a creative act, a renewal and an execution of the genetic momentum that gave rise to it in its original cultural context. Obviously, the overall process is to be multilateral and multi-directional.

And is it not true that even the small step of a glimpse through the microscope reveals to us images which we should deem fantastic and overimaginative if we were to see them somewhere accidentally, and lacked the sense to understand them?

Your realist, however, coming across such an illustration in a sensational magazine, would exclaim in great indignation: “Is that supposed to be nature? I call it bad drawing.”

Does then the artist concern himself with microscopy? History? Paleontology?

Only for the purpose of comparison, only in the exercise of his mobility of mind. And not to provide a scientific check on the truth of nature.

Only in the sense of freedom.

In the sense of a freedom which does not lead to fixed phases of development, representing exactly what nature once was, or will be, or could be on another star (as perhaps may one day be proved).

But in the sense of a freedom which merely demands its rights, the right to develop, as great Nature herself develops.

From type to prototype.³⁷

³⁷ Boehm (2014: 24): “The artist represents the trunk of the tree, who has plunged his roots into the earth’s ground and thereby entered a metabolic exchange. We know that Klee did not make a relation to visual reality the foundation of his work, that it does not take optical paths, that it submerges into the prehistory of the visible. Precisely this rhizomatic communication is intended here, and its “fluids” rise through the trunk and constitute the forking branches of the crown. At the same time, the trunk is the seat of the eye, through which the rising energies flow. The crown, with its height, makes visible the artistic work, which in no regard stands in a mirror relation to the roots. Instead, it is subject to “deformatic necessities,” that already emerge through the “arrival of a specific iconic dimension.”

Presumptuous is the artist who does not follow his road through to the end. But chosen are those artists who penetrate to the region of that secret place where primeval power nurtures all evolution.

There, where the powerhouse of all time and space—call it the brain or heart of creation—activated every function; who is the artist who would not dwell there?

In the womb of nature, at the source of creation, where the secret key to all lies guarded.

But not all can enter. Each should follow where the pulse of his own heart leads.

So, in their time, the Impressionists—our opposites of yesterday—had every right to dwell within the matted undergrowth of everyday vision.

But our pounding heart drives us down, deep down to the source of all, the origin.

What springs form this source—whatever it may be called, dream, idea or fantasy—must be taken seriously only if it unites with the proper creative means to form a work art.

Then those curiosities become realities—realities of art which help to lift life out of its mediocrity.

For not only do they, to some extent, add more spirit to the seen, but they also make secret visions visible.

I SAID ‘with the proper creative means.’ For at this stage it is decided whether pictures or something different will be born. At this stage, also, is decided the kind of the pictures.

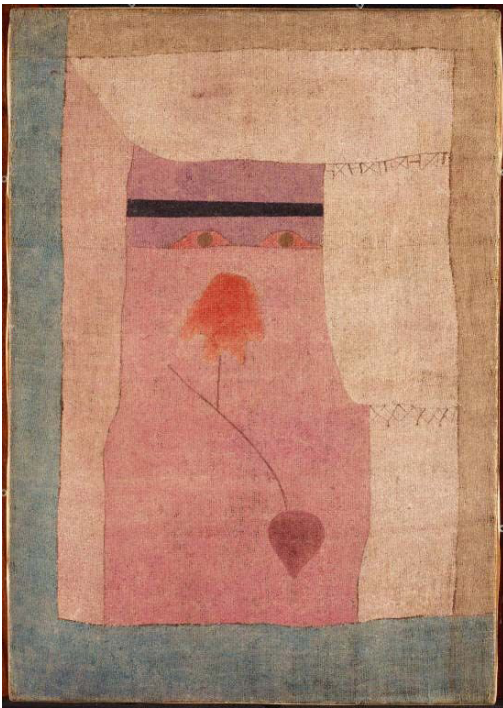


Figure 5, Arab Song (1932)

*Arab Song (1932) is a simple representation and, at the same time, an enigmatic figuration. First of all, most observers of this painting might say that it is a portrait of a woman. However, this is only a possibility, partially induced by the rose nuance of the garment. Nothing within the pictorial frame compels us to exclude the masculinity of the portrayed subject. This openness is an inner connotation of Klee's representation. Furthermore, the title is linked to the curvilinear form of the line painted in the middle of the garment's fabric. In Klee's geometrical/cosmological poetics, curved lines are equivalent to free pathways, namely without a precise destination, walked for the sake of moving around, like a game. These kinds of lines convey a laid-back attitude. As Klee explains (*Das bildnerische Denken*, vol. I. Basel 1971: Schwabe), in musical terms a curved line is similar to a melodic, popular song, which requires a harmonic accompaniment. This is the reason for the title "Arab Song": it is enshrined in the enigmatic and magnetic tension between the orange figure and the brown one. Their polarized positions draw the dynamic opposition figured on the garment. And then, the eyes: they emerge from the invisible body as dunes in the desert at the sunset. Finally, the black strap over the eyes that evokes the secret darkness of thoughts. In legal contemporary terms, we could title this picture "the resonating world behind and beyond the veil." What would have happened if in 2014 ECtHR (S.A.S. v. France 695) had dis-composed the Islamic world swarming behind the niqab and its intercultural signification in the same way in which Klee let it sing, so as to stimulate, through its connotative dis-composition, our cultural creativity? Could cultural creativity take the place of cosified culture? Could the connotative landscape extant behind and beyond the veil be transduced by means of an intercultural use of human rights, so leading to different judicial (and political) results?*

The unsettled times have brought chaos and confusion (or so it seems, if we are not too near to judge).

It is the artist who, with recourse to his poetic and communicative potential, accomplishes the connection of construction and intuition, which then succeeds when a work succeeds, Klee understands the artist as an organ of nature itself. He neither stands opposed to nature, nor does he wish, in a Kantian manner, to determine it from the logic of human consciousness. He is unwilling to pay Kant's price of the "thing in itself," of which one can know nothing. To the contrary: nature is the actual and at the same time forceful and lucid reserve of artistic activity. Klee draws consequences from the insight that man, a product of a long-lasting cosmogenesis, is "himself nature in the space of nature." He calls upon the force of form as a witness, whose original pathways lie in nature and mysteriously reveal themselves in the parable of the work."

But among artists [intercultural jurists], even among the youngest of them, one urge seems to be gradually gaining ground:

The urge to the culture of these creative means to their pure cultivation, to their pure use.

The legend of the childishness of my drawing must have originated from those linear compositions of mine in which I tried to combine a concrete image, say that of a man, with the pure representation of the linear element.

Had I wished to present the man 'as he is,' then I should have had to use such a bewildering confusion of line that pure elementary representation would have been out of the question. The result would have been vagueness beyond recognition.

And anyway, I do not wish to represent the man as he is, but only as he might be"³⁸ (see fig. 5).

Klee's dis-compositional and, at the same time, re-compositional approach to representation and figuration give contemporary jurists a powerful cognitive tool to face cultural Otherness. Notwithstanding the sophisticated theoretical arguments of this artist, his way to see the world and things *inside* it is very close to intercultural legal methodology. Klee teases out the narrative/connotative/temporal fabric of things, images, events. In his paintings, everything is dis-composed so as to deploy a story. But it is an open story. Every step of the plot is treated and figured as a connotative item amenable to be projected towards the future so as to acquire new significations. In the same way, jurists and lawyers would have to read Otherness involved in quotidian life and in relationships marked by cultural difference among people. Dis-composing the morphological appearances of facts and behaviors is an intermediary step to overcome the ethnocentric gaze and creatively project the connotative results of this operation into the legal semantic landscape. If such a task is accomplished, then the law's prescriptiveness can be used as a chisel to pluralistically carve out the future features of coexistence.

Klee teaches us how it is possible to see beyond appearances, beyond a psychologically and culturally self-bounded "cosality." The pathway he aesthetically undertook could seem complicated, but this is only because he saw and tried to dismantle the granitic and almost impermeable certainties of vision and conceptualization related to the objects and experiences of quotidian life. Actually, the more something is taken as simple and obvious, the more psycho-cognitively difficult it is to gain a critical and renewing view of it. In tune with Klee's focus on the objects of everyday life, I would like to show the continuities between his figurative philosophy and an intercultural methodology applied to the most (apparently) trivial issue imaginable: the challenge to coexistence stemming from the propagation of bad smells, or stinks, in condos. This could appear to be a silly example. But it can reveal, as few other situations can, how the solution to intercultural problems of coexistence calls for an attitude that seeks to look beyond morphological appearances. Besides, narratively dis-composing a stink and interculturally re-composing its meaning and legal relevance could sound, at a minimum, like an impossible task. I submit, however, that it—namely, transmuting "things" in re-shapeable "stories"—is nothing but the currently "possible" challenge of intercultural coexistence.

³⁸ See Paul Klee "On Modern Art", in Herbert (2000).

3. Practical Implications of the Intercultural Transposition of Human Rights: Coexistence, Legal Chorology, and Nuisance Law

How can people therefore coexist with differences? How to manage a geographical and cultural distance that turns into proximity by virtue of the behaviors and gestures of those who live beside us? How can we devise a code of “normal tolerability” that does not mark difference as unlawfulness? How can people prevent the proximity of those-who-are-different from transfiguring into segregation, and thereby into the re-establishment in cultural terms of a distance that migration has already traversed? How to avoid that the “elsewhere,” which has become “close,” be *exiled* in another space of experience that is still topographically “close” but doomed to be culturally distant³⁹? How can all of us keep the law from becoming a weapon to be wielded within the struggle for a unilateral conquest of space? How can we prevent the use of legal rules to position the dominance of particular cultural schemes in an ethnocentric fashion? How can we avert the danger that words of the law are complemented by “mute parts,” implicit meanings, so as to signify and re-assert only the natives’ or dominant groups’ habits? How can we make evident, publicly recognizable, the implicit and sometimes surreptitious substitutions of singular cultural patterns with the alleged objectivity and universality of law? And furthermore, in light of such a “public recognition” of the ethnocentric

³⁹ As regards the semantic co-implication between space and time in the spectrum of the categorization processes, see the remarks proposed some time ago by Fabian (1983). He argued such considerations with respect to the allochronic strategies adopted during the colonialist era to cast non-Europeans into another time and, consequentially also into categorical spaces deemed to be different from those allegedly lived by Western people. This author, actually, extended his epistemological criticism also to include the contemporary anthropological gaze—at least, up to the early 1980s—and the writing style of anthropological texts. Following Fabian, allochronism inevitably turned into strategies aimed at justifying Westerners’ occupation of space. All these strategies relied upon the de-legitimation and the cultural backwardness (*childhood*) of non-Western peoples’ lifestyles and, consequently, their practices toward engendering their existential spaces. In other words, what mattered was not so much the physical space in and of itself, as rather the incompatibility between it and how to produce the experience of it, to live it. The colonial occupation and its strategies of legitimation were triggered precisely by such experiential and existential differences. If the culturally-different lived spaces had the same experiential meaning, they could have been coordinated or, at least, colonizers might have devised other “arguments” to legitimately compete with natives. Doubtless, in some cases huge mystifications were at work. Europeans emphasized the diversities of custom and the Others’ ways of living spaces only to justify, or rather create an alibi for, the eviction of natives. In some respects, the cause of conflicts and competition for space would have been equality of spatial connotations and aspirations rather than their discontinuity: space was however a common object of possession and domain. Nevertheless, colonizers focused their rhetorical strategies on differences so as to legitimize encroachment and plunder. But such an emphasis on differences dissimulated a radical refusal to translate Otherness. Once this move was made, the homology in possession of spaces was contextualized in a framework of sense (“barbaric civilization”) that delegitimized the natives’ entitlement to it and, at the same time, the anthropological, ethical, political and economic uses they made of *their* spaces. As if to say, by presentifying the overall discourse: their (namely, natives’) being equal to us (colonizers) as regards the will to occupy and possess “the space,” is unlawful precisely because they are different from us. They dwell in *another room of time* and, therefore, in *another space*: both of which, in turn, were interpreted and signified as sources of disvalue. Consequentially, it is right to engulf them *inside* our space and functionalize them to it: all of this without any effort of translating them, but rather by silencing any possible, recognizable equality/homology between them and us.

Plunder and enslavement were, in other words, the direct implications of categorical evictions, the semantic annihilation of Others, and the nullification of their space-time. Similar considerations, even if in geographically reversed terms, can be argued with respect to the space-time of contemporary migrants when they partake in the space-time circuits of natives (like condominiums). See Ricca (2010), and *ibidem* for further bibliography.

declinations of space and their political influence, how can we foster a constructive criticism that is interculturally oriented? What is, therefore, the pathway for keeping cultural distance from engendering spatial distance within shared material-geographical spaces? And, again, how can we make it so that the distance among the different geographical contexts from which people of different cultures come, does not block our understanding of the semiotic juxtaposition that multicultural coexistence engenders among physically distance places and the related circuits of experience?

The whole set of the above questions uncoils, actually, the skein of problems encapsulated inside the issue and placed at the top of the list: how can people coexist with differences? I don't believe, however, that there are any possible solutions other than translation. A word—"translation"—that is to be intended according to the meaning emerging from its etymological roots, the same that conjures up, precisely, the idea of passage and going through space as well as linguistic and categorical borders. The translation of habits, meanings, and patterns from different cultures comprises the discovery of synthesis among their practical implications: the consequences of the assumptions that acquire materiality in and through existential space. In this sense, an intercultural translation functions as an inter-spatial translation.⁴⁰ And since spaces that host the implications of words are often distant from one another, the intercultural translation, in turn, has to occur in an inter-space capable of transcending physical distances, so engendering a sort of *trans-spatial semiotic continuum*.⁴¹

All of this will become possible only if spatial proximity is taken as the premise to recognize the configurability of a categorical continuity among differences; and, symmetrically, the categorical proximity or implication is conceived as a semiotic-spatial continuity. In a practical sense, this means that any possibility to genuinely grasp what my neighbor-from-another-culture is doing requires a translation of her/his space of existence into mine, so as to forge another semantic and spatial frame to peacefully host our coexistence. When such a translation does not take *place*, the lack of translation between the "acted meanings" by people will inevitably precipitate a fight for the exclusive occupation (or 'filling') of space or more precisely, the forced assimilation (and thereby the annihilation) of Otherness within the space of the mightiest (neighbor).

The first step towards intercultural translation coincides with the narrative dis-composition of the Other's appearance, namely the morphological shape of her/his presence. What does it mean, however, to "narratively dis-compose or factorize a morphological appearance"? An example drawn from quotidian life could make this semantic operation explicit and show how to make it operative in practice. Suppose that in a condominium conflict, inter alia connoted by multiculturalism, the smells emanating from the kitchen of a neighbor are perceived and judged by the owner of an adjoining apartment as a disturbing and invasive emission. To assess the validity of the requested claim to prohibit those emissions, authorities will have to ascertain that such smells exceed "normal tolerability." The parameter of "normal tolerability" and its range, however, are deeply influenced by cultural habits. What is considered to be a stench for one person, could be an appetizing smell for someone else, or even a positive sign of recognition, an emblem of the "normality of her/his life." We might imagine some food typical of a particular religious festival. It would be enough for an Italian and an Indian (or a Chinese person, a Pakistani and so on) to live side by side in the same hallway for

⁴⁰ For more on intercultural translation, see the theoretical approach developed in Ricca (2008, 2013, 2014, 2014a). See *ibidem* for further bibliographical references on this topic.

⁴¹ See Ricca (2015, 2016, 2016a).

perceptive effusions to register in people's perception with regard to smells and invasive exhalations from their kitchens.

The immediacy and relevance of perceiving something as a smell and categorizing it as a stench or, alternatively, as a "good aroma" could appear to be an entirely empirical and indisputable phenomenon. And yet, as is the case for taste, such immediacy is not tied (at least not exclusively) to biological predispositions but rather, or at least primarily, to culturally acquired habits.⁴² The perception of flavors or smells is a synthesis, in many respects metaphorical, of previous firsthand or transmitted experiences. Those experiential paths plot life contexts and dynamical spaces molded by individual and/or collective existence so as to host the individuals involved in them in a relationship of reciprocal symbiosis with their (spatial) environment. This is because human beings fit themselves to their environment and (try to) adapt it to their own needs. This process gradually engenders existential spaces, which can otherwise be defined as cultural habitats. Nature and culture, perception and knowledge, are two sides of the same coin, namely a whole process. It unfolds by the production of constants and variables, and then transforms those variables into constants, and vice versa, along the pathways of a dialectic relationship between that which will be assumed, from one time to the next, either as nature or culture, as objectivity or subjectivity.

Narrative dis-compositions of the morphological appearance, of the "perceptive existence" (*Dasein*) of smells (as well as flavors, noises and other phenomena substantiating possible invasive emissions) can be carried out by means of a discursive effort to draw out what a specific smell represents and synthesizes. In the case of the kitchen, what matters is not just the description of the ingredients used, but also the significance that each holds in the cultural life of individuals or their communities.

Such an unfolding of narratives will show, little by little, experiential contexts crammed with semantic connotations and frames (or better: bubbles) of lived spatiality. So, for instance, this or that food smell could interplay with specific life situations, geographical-environmental coordinates, traditions, anniversaries, social conditions, sanitary and or dietary needs, religious orthopraxis and duties, and so on. Each of these connotations could have its semantic equivalent within the life contexts of those who perceive the smell of a particular food as "stink" and judge its propagation like an invasive emission and a nuisance. Such equivalences will be, of course, metaphorical rather than analytical. The *ground* of these metaphors—technically the theme that semantically bridges metaphorical source and target—can comprise qualitative or emotional connotations or, in any case, flexible or conceptually vague categorical elements. In this way, the difference between the "smelling perceptions" of people can fade out, thus relativizing its neat evidence, obviousness, its "cosality." In other words, the "stink" could doff its morphological empirical absoluteness as a consequence of the emergence of continuities and analogies between the meanings of experiential contexts lived by people; what emerges is an inter-contextual landscape of sense. It goes without saying that this process of inter-contextualization will only be as powerful as the narrative dis-composition implemented by both parties of the "smell conflict," that is, insofar as the process remains interculturally bi-

⁴² See Manalansan IV (2006), Hyde (2006), Jim Drobnick (2006); on the relationship between culture and taste, see Ricca (2014a).

directional.⁴³ Specifically, this means that the exoticism and the morphological “inappropriateness” of a smell, which just for this reason is perceived as a “stink,” could be the material implication, the final phenomenal outcome of the implementation of meanings, ends or values recognizable as such also by the claimant of the spatial conflict, even if experienced by her/him in morphologically different ways,

⁴³ As I said above, something similar to the narrative dis-composition of connotative elements and their metaphorical re-composition through the creation of “synthetic figures” could be found by means of an analogy, a sort of transduction with representational pathways traced by avant-garde painters across the 19th and 20th centuries, and specifically during the first part of the latter. Also in painting, the plots of narrative de-contextualization and representational dis-composition were triggered by encounters with different cultures. The enfranchisement from the representation of morphological features and the consequential opening, under the painters’ gaze, of the connotative landscapes lying behind the natural images and appearances found their early expression in Gauguin’s works. He achieved this narrative and connotative dis-composition through the juxtaposition of symbolic/figurative elements from both the western and Polynesian culture in the same painting. This intercultural parataxis could engender in the observer’s mind an interpenetration among distant connotative landscapes, which in turn paved the way to new spaces of sense where figures and objects from different cultural traditions came to be attracted, re-contextualized and re-semanticized. Cézanne followed, inviting the viewer to geometrically de-compose natural figures. Thereafter, the process of connotative rooting-out found its expression in Cubism, and especially in Juan Gris’s “synthetic Cubism,” even more than in Picasso and Braque: all of them, however, were deeply influenced by so-called primitive art and the *transfigured naturalness* of its forms, images and figures, so different from those produced by the western iconic traditions. Gris made use of cubist dis-composition not only to simultaneously present the various, possible perspectives on an object, but also to give shape, by means of color, to new metaphorical objects: all still recognizable by the common observer and yet open to and urging her/his creative ability in figurative and semantic re-composition. Something similar can be traced in the works of Paul Klee, who utilized abstract forms and colors to paint equally recognizable figures (unlike his contemporary Kandinskij) which were yet transfigured. All this was done in an attempt to make visible the invisible, that is, the connotative – we could say *corological* – richness (*Gestaltung*) that teems in the shadows of the apparent morphological obviousness of natural figures (Sallis, 2015: 77 ff.). Another version of such a dis-compositional and synthetic re-compositional tendency, as such oriented to make understandable the non-visible, the hidden connections that connotatively join culturally distant objects, can be identified in Alberto Savinio’s paintings (even more than in the works of his brother, Giorgio De Chirico, who gave prevalence to the *estrangement*, the unveiling of the unknown and the unpredictable relationships that lie beside and below the normality of objects). Actually, Savinio achieved the re-compositional effect by means of weird assemblages of things and images generally considered plausible, rational, *normal* but so as to show the incoherence of the usual combinations and semantic webs in which they were involved. A quick look at these artistic works and individual intellectual enterprises would be sufficient to obtain a plastic representation of connotative dis-composition (mentioned above) and the related ability to go beyond morphological appearances and categorical boundaries. I have to point out that the use of such analogies with pictorial art specifically relates to the process of morphological dis-composition inherent in the practice of intercultural translation. It is something very different from some analogical uses of contemporary art – for instance, Cubism – aimed at showing in post-modern terms the pluralization of legal experience, the decline the inner consistency of national legal systems, the alleged reticular and multi-perspectival character of contemporary legal subjectivity and sources of law. See, for example, Douglas-Scott (2014: 84 ff.; 94 ff., 101 ff.). These theoretical paths simultaneously lead to a legal inter-systemic pluralism and multiculturalism or, by contrast, towards the search for legal-national unity presented as a sort of antidote against chaos and anomy. In both cases, these approaches are very different from intercultural law (as I intend it) and a value-based pluralism as such capable of promoting a *bottom-up* and inclusive interpretation of values through the spectrum of different cultural perspectives. Intercultural law involves a dis-composition practice pursuing a possible re-composition stemming from the actual exercise of cultural and individual creativity rather than a fragmented juxtaposition of differences, which often—too often—results in nothing but compromises and *commoditizing accommodations*. When the space for cultural and individual creativity is denied, what remains are not differences but only *snippets* of them, fetishized and wielded exclusively to pursue material goals and power. On the dark side of these so-called “accommodations,” see Ricca (2013a, 2014a, 2016), but already Dewey (1916: 56), who distinguished “accommodations” from “active adjustments.”

producing other kinds of “emissions and propagations.” Once the axiological, teleological, or semantic continuity is recognized, even if in metaphorical terms, then the stigma caused by the morphological difference will be difficult to justify. This difficulty stems from a cognitive-linguistic phenomenon that could be defined as *cross-contextual resonance*.⁴⁴ Actually, if we assume a symmetrically discursive level as a framework of comparison between the differences at stake, making claims that inhibit the behaviors of Others will become increasingly uncomfortable. This discomfort will occur at least in all the cases in which the Other’s different behaviors can be inscribed within the same values, ends or categorical schemes that serve as a (connotative) compass for the claimant’s conduct. Of course, anything is possible if we consider this matter from the point of view of pure, absolute power. But, it is precisely another matter when power needs to be justified and there are semantic and normative platforms with a general and universalistic scope that are intended specifically to legitimize the use of power.

In the social contexts within states, people’s lives flow through, and by virtue of, legal coordinates. Law is not only an instrument used to rule the habitually determined actions of people but also a *medium* to support the configuration of those habits through the planning of individual and collective actions and the definition of a social horizon of ends. Drawing out and narratively unwinding the connotative landscapes that underlie the production of noises, smells, fumes, etc., can unveil unsuspected threads of legal relevance concerning such phenomena. The behaviors from which a specific emission and its morphological appearance stem, can thereby reveal features viewed positively or negatively depending on the legal apparatuses applied and their semantic potentialities.

In this way, for instance, a particular smell could result from the use of materials prescribed for the fulfillment of a religious practice and/or duty. This is included, however, within the normative legal and axiological category “religious freedom” and denotes an individual right, that is, a power to act in, and across the space, that is deemed worthy of recognition and protection by democratic-constitutional legal systems as well as international law and human and/or fundamental rights declarations. One neighbor’s perception of a “stench” should be balanced, therefore, with the other’s right to exercise his/her religious freedom. This comparison/adjustment of the different subjective prerogatives arising from the *fact* of spatial coexistence requires a commitment to undertaking efforts of inter-subjective and intercultural translation/transaction. It inevitably flows into the re-definition not only of the subjects’ power in using their space, but also into the semantic re-qualification of the standard of normal tolerability and thereby of the existential connotations of social space. And because space—in view of the above arguments—consists of what occurs in it, then the coordination among its possible, different subjective uses, and thereby the re-modulation of legal subjectivity, will correspond to, and result from, a re-conceptualization of what the space *is* in itself.

The religiously connoted “stench”—the “stink” of which exclusively depends on the perceptive and cultural schemes of one of the struggling parties—will end up impinging on property rights or rights of possession only insofar as it is judged, after an axiological balancing, not to exceed normal tolerability or, instead, is justified by the necessity of allowing the exercise of a human and/or fundamental right. In both cases, what will end up undergoing a re-categorization will be the space itself and, therefore, also the ensuing separations, divides, regimes of exclusion of Otherness related

⁴⁴ As regards “cross-contextual resonance” in legal-intercultural issues, see Ricca 2013, 2013a, 2014a, 2016, 2016a.

to the exercise of ownership or possession. In other words, the “stink” to be tolerated will become part and parcel of the common space within which the inter-subjective distinctions and separations take *place*. This means that the stink at issue cannot be excluded by the space that, in turn, is made object of ownership or possession and, as such, is reserved in an exclusive way to each of the subjects concerned. Perhaps we could summarize in this way: if I may use my (possessed) space so as to introduce into your (possessed) space the emission stemming from my action, then your space, only with reference to those actions and their invasive consequences, will have already (partly) become *also* my space. This will occur notwithstanding walls, fences, divisions, and in spite of them. So, these too, in the end of such a process of re-categorization, will have changed their significance because also their object and premise will have transformed, namely which space they can or cannot divide.

The work of re-semanticization achieved through the legal qualification of spatial uses will have forged, therefore, an experiential inter-space. It is, precisely, the outcome of the work of intercultural translation (to be intended also in an etymological sense, that is, as a “shifting,” “displacement,” or “migration”). Within the process of translation, words and spaces are not caught in a relationship of dialectical opposition similar to the well-known subject/world or ought/be divides. Conversely, verbal symbols and spaces are unified, or better, are placed along a *continuum*, and they interplay horizontally/mutually by virtue of their common features as signs. Their inter-relationships engender experience, to be intended precisely as the horizon and the arrival point (though always interlocutory) of the process of reciprocal fitting between subjects and their environments: precisely, an environmental dimension of which also the plurality of subjects partake, and, notwithstanding this self-reflexive inclusion, is made an object of representation and, therefore, becomes a means of human action. All of this points out that the *practice of space* or *spatial praxis* is reflected throughout the meanings of words and, symmetrically, that linguistic practice—in this case legally connoted—transforms experience and the signification of space, up to the point of re-forging even our empirical and irreflexive perception of it and of its “scansions” of sense.

Such changes take *place* because spatial perception is pro-active and pre-dictive: it draws the cultural and experiential *Umwelt* of subjects, the potential *bubble of existence* out of each of them.⁴⁵ For the same reason, the occupation of a space to the detriment of someone else does not mean taking over a space that is abstractly void, or which becomes void (therefore at the disposal of those who have the power to occupy it) as soon as Other is evicted from it. In the dimension of inter-subjective relationships and their socially organized spatial projections, space is always dense, filled with the actual or potential projections stemming from subjectivities that contribute to molding and defining its meaning and thereby also the scansions of its empirical/material perception.⁴⁶

Evicting the Other from a space that is taken to be void is therefore and in any case an act of the annihilation of their subjectivity, an attempt to silence and disregard the Other’s human demand for space and the possibility of their existential projection in and through it. When human beings struggle for space, they (as well as the living beings of different species) are never contending for a void space but rather for their own individuality or community, against the individual or collective spatial patterns or claims of someone else. The true quandry and the site of the conflict is the connotative and teleological overlap between the symbolic and pragmatic projections of differing

⁴⁵ See Paalsma (2005: 40 ff.; 2011).

⁴⁶ From a historical point of view, a deeply fascinating lesson comes from Zumthor (1993).

subjectivities, that is to say, the perceived space and the matrix of conflict. What remains outside the representational and pragmatic horizons of the subjects involved in every specific spatial relationship—from a semantic and teleological point view—is not even perceived or considered as a space worth struggling for. A lion in the savanna fights for *its* territory (where it hunts, mates, establishes its group-dominance, etc.) *first of all against the other lions* by fighting, killing, tearing them to pieces precisely because it shares patterns of action with them. The same lion does not *see* within *its* potential space the presence of lizards, birds, ants, hippos, elephants, etc.⁴⁷ No matter how many of these animals inhabit the same physical space in which the lion acts, they do not impact the lion's activities, the pragmatic *domain* coincident with the dimension in which it lives. Now, the choice to become a lion or rather a human being (although, as for cruelty and ferociousness there is no guarantee that the second alternative might not be even worse) is up to the latter. The option depends on the ability, which is presumed to be idiomatically human and symbolic, to reciprocally translate subjective spaces and the related subjectivities, so as to engender by virtue of fantasy and creativity an inter-space of coexistence: a renewed *natural* space that is so just because it is *cultural*, since *cultural is (or should be) human nature*. In other words, it is up to us to choose what kind of animal we want to be: one that invents new spaces for a shared and cooperative coexistence, or rather one that slays others in order to occupy spaces defined by predetermined cognitive and teleological (and at least partly biological) schemes.

Making room for dialogical narrative exercises regarding the semantic landscapes and stories that underlie each invasive emission and its particular “matter” (smells, noises, gasses, and various fumes), has a twofold signification. On the one hand, it allows us to overcome the “cosality” of perception, its morphological appearance, so as to unwind the skein of semantic connotations and experiential relationships which comprise emissions. On the other hand, the openness to listening to and sharing stories, makes it so that the actors in condominium conflicts of invasive emissions and the institutional agents committed to their resolution engage in direct “journeys” through space and time.

Crossing the borders of morphological “cosality” that stem from irreflexive perception means unravelling the weft of actions and relationships that lie in the shadow of the behaviors directly responsible for invasive emissions, namely the gestures designed to fill spaces. This is made possible precisely by an unwinding of narratives and an act of listening to them that people accomplish in a critical and self-reflective way. When someone explains why he is performing particular actions, these simultaneously transform and take the shape of epitomes, final summaries and translations of chains of meaning, of significant acts. In this way, people—nay, story-tellers—discover that “behind” an invasive emission lie a number of recollections, necessities, obligations, duties, identity features, familiar and communitarian ties, historical and geographical projections: an observation that applies

⁴⁷ I hope it is not scandalous to compare condos/co-owners and lions. Experience shows how many individuals live the condominium experience almost as any “good” dominant lion rages in the savanna. The environment of the “condominium” is a useful laboratory to ascertain and measure the constant danger of a drift towards the feral aggressiveness that characterizes the spatial projection of “humanity”: from an urban to a planetary scale. (I understand, however, that sometimes lions *notice* the presence of isolated and diseased elephants, and so include them within the set of their possible prey to be attacked rigorously by means of a group strategy: of course, provided that the group is large enough to balance the unbridgeable gap extant between the physical strength of one lion and one elephant).

both to those who perceive the emission and those who feel victim to it. The multicultural dimension of coexistence, if considered through the spectrum of disputes for space, unfolds all the weft of the “human” caught in diverse folds. The making of that which to the eyes (or nose) of neighbors in conflict can be perceived as a stink, might prove to be, in turn, a constitutive connotation of gestures, objects and events which, as such, partake of a categorical frame endowed with axiological relevance. This dialogical emergence can trigger, then, a sort of *categorical migration*. A phenomenon that can take shape even under the (cultural) lens of the same subjects that previously responded to the olfactory stimuli of an emission by qualifying it as a bad smell. Let me explain.

By virtue of unfolding narratives and contextualizing interculturally translated actions, the previously alleged “disturbing emission”—precisely, the stink—can turn into a connotative element of a complex phenomenon that comprises it as only one of the many articulations of a landscape of sense and/or web of semantic connections. If we consider the inter-subjective relationship between neighbors and their spatial claims, it could be the case that the “stink” is not the salient connotation to determine the category to be used in order to qualify in both empirical and legal terms the conduct carried out by the “emitting party” of the conflict.

Realizing that the bad smell is an “accident” or an “epiphenomenon” of the necessity to satisfy—for instance—religious exigencies, health care needs, or other high-value and legally protected purposes, might produce a decrease and/or shifting of its connotative salience within the semantic frame initially denounced as an invasive emission. In other words, the purposes of the “emitting” neighbors, as such a disturbing agent of the peaceful enjoyment of their ownership/possession, might prove to be worthy of protection on the same level as the respect for living standards claimed by the parties that presume themselves to be victims of an invasive emission. All of this will exert some influence on the work of categorization regarding both the situation and the behavior that is producing the alleged “stink.” In short, this means that the behavior at stake will not be included within the category “invasive emission of disturbing smells,” namely “stenches,” but rather in another category, corresponding to “health care practices,” or “religious orthopraxis,” etc. Such categories, in turn, are included in the same institutional and legal provisions (constitutional, human and/or fundamental rights, statutory laws) that recognize and rule ownership, possession and the related entitlements to claim the use (exclusive and excluding) of space. The respect for religious habits and freedom is an inherent connotation of ownerships—at least in democratic-constitutional states. So, if the emission of smell/stink is re-categorized as an expression of religious freedom, then that specific stink and its toleration will be inherent connotations of ownership, a sort of inner and constitutive features of its legal significance. So, religious freedom, precisely because it is merged and involved in the translational intercultural process, can serve as a metaphorical ground and will be used in a “horizontal and situated” semantic interface rather than in terms of a higher-level principle of legal absolute hierarchy. Consequently, the authorities responsible for deciding the conflict will have to make space for a balancing of claims, both of which are based on legal provisions and their semantic scope. Such a balancing will give nothing but a redefinition of the categorical borders of the respectively claimed rights and the situations these rights rule. This outcome will be reached precisely by enabling some or prohibiting other behaviors, which from that point onward will be considered as connotative elements to be lawfully included in or, conversely, excluded from those particular situations and the related legal provisions.

We can imagine a case, for example, in which a judge considers “health care” or “religious freedom” as prevailing over possession. In this case, he triggers a migration in the social language of the “stink” (and all the related semantic and pragmatic implications underlying its production) into another category, so displacing the denounced “stink” from the semantic class of “ownership or possession-related disturbances.” In this way, the judge gives rise to a renewed standard of “normality” in the use of ownership, thereby also of space and, ultimately, in the conceptualizations of the same space. But such an arrival point will have been precisely the outcome of a process of intercultural translation/transaction. In this regard, it is of the utmost importance to emphasize that categorical migrations do not constitute an epiphany of pre-existing truths. Such migrations, even when institutional rhetoric labels them as the result of “acts of ascertainment,” are rather the final step of creative processes, that is, the ultimate consequence of axiological choices that mold categories, and ongoing semanticization and re-semanticization activities that carve out their borders from the stream of experience. Intercultural translation and the related unveiling of the implicit connotations underlying the conduct adopted by people from different cultures are acts of invention, just as in the generation of metaphors. Because of its inventive connotation, intercultural translation is equivalent to a political act. This characteristic cannot be successfully eluded, even though its results cannot be aprioristically predetermined or prearranged.

No single party to such kinds of disputes, nor any apparatuses of categorical schemes—inevitably culturally determined—can possess the objective truth, the “winning” evidence, so powerful that it can silence and *evict* Others’ cognitive schemes and uses of spatial dimension, in turn, mirroring the existential projections of Others’ subjectivities. Objectivity, universality and, consequentially, the related “cosality” of space can be—even if only in an interlocutory fashion—nothing but the outcome of a symmetrical comparison, reciprocal listening and translation/transaction between different connotative landscapes. But these are precisely the constitutive elements of categorization processes carried out along the pathways of an inclusive interculturality, that is, one that is approached in a symmetrical and bottom-up way.

Along the above outlined narrative unfolding of meanings and implicit connotations of people’s behaviors—the *mute parts* of the morphological appearance of cultural habits—human rights can serve as a sort of semantic magnet and, at the same time, an intercultural bridge. By virtue of their outstanding axiological qualities, the inherent plasticity of value categories, and the vagueness/ambiguity of legal statements on human and/or fundamental rights, they can readily serve as interfaces of translation between different cultures and be used as a metaphorical ground to support the *categorical migration*⁴⁸ of people’s behaviors. If intended in this way, they can serve as

⁴⁸ As regards the intercultural use of human rights, see Ricca (2008, 2013, 2014a, 2016a) and *ibidem* for further bibliography on this topic. In these texts, I stress the necessity to use and situate human rights within the practices of translation in a horizontal way, precisely as interfaces or metaphorical *grounds* to translate the meanings acted by people, rather than in a vertical/hierarchical way, that is, as axes ordered to the hierarchical assessment and control of individual actions. The danger of an aprioristic, essentializing, and hierarchical-pyramidal use of the discursive fabric of human rights is that each “cultural faction” apodictically assumes its own behavioral patterns as the prototypical implementation of those rights. An almost unavoidable result is that the claim for human and/or fundamental rights takes place without any process of translation/transaction of meanings and connotative webs underlying the behaviors carried out by the conflicting subjects. Consequently, in these cases, the inclusive potentialities related to the universalizing inclination inherent in the discourse on rights will inevitably transform into both a premise and an alibi for social seclusion and

factors of inclusive universalization, namely as teleological horizons and, at the same time, as a semantic underpinning liable to trigger creative generalizations. Moreover, if so envisaged, human rights could also escape from their current configuration as hierarchical and aprioristic paradigms of legitimacy, as such too often exposed to ethnocentric declinations.

Some readers could contend, at this point, that a “stink” always remains a “stink”. Nonetheless, the topic of categorical migration processes does not refer so much to a seemingly magic modification of people’s immediate sensory perceptions—a phenomenon that, however, can occur and actually does take *place*. Rather, by means of such migrations, “stink” ceases to be *only* a disturbing entity—and thereby amenable to be qualified as an invasive emission—and repositions itself, along with the overall chain of semantic and pragmatic relationships conveying its production, within another categorical frame (for example: health care, religious exigencies or rites, cultural-identitarian implications, housing needs, people’s freedom, and so on). Of course, this argument can be extended to noise, fumes, etc. In any case, to undertake the categorical migration pathway, all such events—including the sound of bells or the invocations of the praying muezzins spreading throughout space from religious buildings—will have to inscribe themselves within the margins of reasonability and through a balanced negotiation between the exigencies of all of the parties to each particular dispute.

However, reasonability is nothing but another name used to label a process that continually re-defines categorical borders, spaces of subjectivity and, therefore, spatial categories and scansions: this is ultimately a process of semantic negotiation. Legal leverage enables people to obtain social effectiveness for their claims aimed at the reconfiguration of categorical borders of a specific action, for example encapsulated in a demand for legitimation regarding a particular emission. If used for such purposes, human and/or fundamental rights can really become concrete resources for allowing and supporting processes of intercultural translation and transaction. Such kinds of categorical transformations can also occur within infra-cultural dynamics. People tend to adapt to new smells, noises, etc. If this takes place, it is because of “reasonable-ness” and a recognition of the “worthiness” of behaviors that produce “new” emissions. Through such processes of adaptation, social actors develop new habits that little by little can transform into new perceptive *habitudes* and *customs*, that is to say, the nub of new cultural standards of *normal tolerability*. On the other hand, social history teaches us that all thresholds of “normality” in any field of experience undergo processes of re-negotiation.

The spreading of a social awareness that law, if properly called into question and utilized, can serve as a means to convey intercultural translations and the renegotiations of spaces and their meanings would represent a significant improvement in the managing of pluralism and a way to avert the power devices shrouded in the alleged cosality/empiricism of spatial categories.

In contexts concerned with massive and recent immigration waves, social plurality—as shown above—takes the shape of the multicultural use of spaces in which people coexist. In these spaces of coexistence—just as in a multicultural and multi-religious condominium—the ability to understand the

ethnocentrism. So, those who will not adapt or do not coincide with the prototype of “humanity” carved out by each “cultural faction” on the basis of the discursive fabric of rights, will be judged precisely for this reason to be *in-human*. This means that such people will be implicitly and radically delegitimized in their claims for renegotiating the patterns of coexistence and the script to use social spaces in an intercultural way. For a case of “categorical migration” with regard to intercultural controversies, and specifically the “veil issue,” see Ricca (2012: 198-202).

meaning of Others' conduct and, therefore, the web of sense underlying neighbors' emissions implies a re-examination of the spatial and temporal threads that go beyond the "here" and "now." The narrative plots epitomized by each "emissive action" go far and beyond the walls of condominiums. They call into play, as part of their connotative and legally significant elements, what simultaneously takes *place* in the original countries of each co-owner. Examples include religious festivals, familiar relationships that are multi-situated and thereby carried on astride the arrival and departure places of migration, social practices engendered and framed by the interspaces of experience opened by the use of contemporary technological communicative tools. All of this creates an interspace capable of making semiotically close and synchronous what happens, had happened and will happen in the other hemisphere, and so on.

Moreover, people act within the space-time topicality of condominiums by relying upon cognitive schemes that are enshrined in their memory, which in turn is nothing but a dynamic recollection of cumulative knowledge achieved and transmitted by their community of origin. So, once again, understanding and legally qualifying what individuals are doing in a dimension of spatial and temporal proximity requires a sort of trip towards and through the *territories* of the physical and semantic "remoteness"; the same remoteness that is presentified, namely made topical, by the actions and *promanations* of human actors. All of this looms as a chorological dimension, in which space and word stay together, are co-extending, along a semiotic *continuum*. The same space and its experience appear, therefore, as a semiotic framework that stems from the pragmatic reciprocal crossing of physically distant circuits within the topicality of the lived present that the condominial proximity exposes. When and insofar as such a phenomenon is mediated by a skilled use of the law, we could say that condos are living (or might live) within an inter-space, the creation of which would be conveyed by law and especially by human and/or fundamental rights if and to the extent that they are used as intercultural translation interfaces and inter-spatial transducers.

The legal chorology of condominial coexistence, if seen through the experiential spectrum of invasive emissions, transforms condominiums, therefore, into (potentially) mobile *places* for the epiphany of a planetary ubiquity of both different subjectivities and manifold existential spaces. Within these contexts of coexistence the "elsewhere" becomes close, contiguous and even intimate, as if what is *here* and *now* would be abruptly displaced and intermingled with other remote places, so as to acquire new meanings precisely as a result of these new semiotic relationships.

The last sentence could sound counter-intuitive. It is, however, precisely such a semiotic inter-space (in some respects to be considered as *trans-geographical*) that substantiates the real dimension in which experience unfolds, namely the environment that condos/subjects actually live in. In multicultural condominiums, it is almost as if the whole world has found (or, at least, sought to find) a spatial and semiotic synthesis precisely through the law's qualifying function.

Adjusting to the "worldominium" environment requires, however, an intercultural cognitive commitment. In a sense, the multicultural "worldominium" is a kind of metaphor and, at the same time, a laboratory to test coexistence among cultural diversities on a planetary scale. A failure in understanding and making the most of the potentialities tied to an intercultural use of human rights and, more generally, the law (even within condominiums) could hover like a dark omen of our human capacity (or incapacity) to avert global conflicts. If it is true that the world is a stairway, it would be wise for us to learn to run peacefully up and down (as in Escher's recursive drawings or Picasso's multi-perspective pictorial representations) the staircases of the condominiums that host our

a-part-ments. Our hopes for a peaceful coexistence in that particular condominium that the world has become might have already begun on the landings of our *worldominiums*.

Condos and worldominiums are, however, chorologically related places. They transmute one into another. In Klee's terms, we can say that every condominium, if multiculturally populated, is an icon and an epitome of many stories previously widespread all over the world. At the same time, those stories can serve as "building connotations" for the germinal *figuration* of new worlds of coexistence. To achieve this result, the temporal dis-composition and the intercultural re-composition of things, events and conducts is an unavoidable passage. But it requires, precisely in Klee's terms, the use of our human capacity for creating culture, namely a renewed polyphonic commitment to retreat and prolong the Genesis of possible worlds in which humankind can live.

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