



# Could alternative econolegal futures be made more possible and probable through prefigurative design? Insights from and for Cyprus

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## ABSTRACT

This article draws attention to how designerly ways, especially prefigurative design, might make alternative relationships between law and economic life more possible and probable in Cyprus and elsewhere. In so doing, it draws attention to how designerly ways might support the development of more socialised, less determinate, understandings of law and economic life more generally.

**Keywords:** prefigurative design; legal design; law and economic life; Cyprus Problem; econolegal futures.

## INTRODUCTION

How might the mindsets, processes and strategies that are characteristic of design-based practices make alternative relationships between law and economic life more possible and probable? How might these ‘designerly ways’<sup>2</sup> be deployed across the public, private and third sectors to prompt and facilitate change in respect of, for example, whether and how law allows, enables, generates, shapes or prevents various forms of economic life; and whether and how law creates, sustains, destroys or balances various economic and non-economic values and interests?

This paper first introduces increasingly influential calls for public, private and civil society actors to co-define a common sense of public

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- 2 Nigel Cross, ‘Designerly Ways of knowing: design discipline versus design science’ (2001) 17(3) *Design Issues* 49.

purpose; and then to shape economic life to further that purpose, using both law and design. It then considers how such an approach might be applied to address the question of island-wide economic life in divided Cyprus. It highlights the extent to which the necessary expertise to adopt such an approach is present on the island; and concludes that, in Cyprus and elsewhere, prefigurative design strategies might prompt and facilitate the emergence of a common sense of public econolegal purpose, even in the absence of public leadership.

### **DIRECTING LAW AND DESIGN TOWARDS PUBLIC ECONOMIC PURPOSE**

As commentators from the periphery of the discipline and beyond have long observed, dominant attitudes within economics towards the actual and potential relationships between states and markets – and, more specifically, between law and economic life – tend towards the inaccurate and the inappropriate. Contemporary approaches to economics tend to prioritise market-based approaches to defining and addressing problems: most contemporary introductory economics courses present public authorities as background actors that ought generally to sit back and allow economic life to occur; and to intervene – whether through regulation or light-touch nudging – only in order to address ‘market failures’ such as information asymmetries, excessive transaction costs and market dominance.<sup>3</sup> Of course, expert economists from across the spectrum go on to add a great deal of nuance to this understanding of relationships between states and economic life. But, even as meta-level debates around the importance and function of nation states ebb and flow, the idea that markets come first – temporally and normatively – is latent in the core assumptions that shape the basic models through which most economists think and communicate.<sup>4</sup> What is less often observed within mainstream economics is that states and their laws in fact go well beyond merely facilitating market-based interactions and fixing market failures:<sup>5</sup> they systematically ‘insulate’ or ‘encase’ market interactions from the wider world so that private value and purpose can be more effectively generated and secured.<sup>6</sup> Indeed, a deep engagement by states and their laws in economic life is in fact central to the neoliberal vision that contemporary mainstream economics

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3 For a critical assessment of economics pedagogy, see the [CORE Project](#).

4 Dani Rodrik, *Economic Rules: Why Economics Works, When it Fails and How to Tell the Difference* (Oxford University Press 2016).

5 Robert L Hale, ‘Coercion and distribution in a supposedly non-coercive state’ (1923) 38(3) *Political Science Quarterly* 470.

6 Quinn Slobodian, *Globalists: The End of Empire and the Birth of Neoliberalism* (Harvard University Press 2018).

tends to promote. For example, as Katharina Pistor puts it, states and their laws create, and support the efforts of non-state actors to create, mechanisms for ‘coding’ a mere asset, such as an object, claim, skill, or idea as capital. This coding occurs through laws of contract, property, collateral, trust, corporate and bankruptcy which bestow upon the asset the characteristics of ‘priority’, ‘durability’, ‘universality’ and ‘convertibility’ that are necessary for them to operate as capital – that is, as something upon which the holder can capitalize, and benefit from further than if they held only the original, uncoded, asset. State courts and bureaucracies ‘scal[e]’ these benefits by coordinating disputes over who holds what, as well as by supporting private coordination mechanisms.<sup>7</sup>

Robert L Hale observed in 1923 that an important consequence of economic mythology around the free market was a dearth of practical economic and legal theory around how the state ought, as it inevitably will, to manage markets well. This remains a concern to this day. But there are reasons to be hopeful. For legal inspiration we can, for example, draw on sociologically informed approaches which understand legal and economic life, empirically and conceptually, as a social phenomenon – that is, as existing in, shaping and shaped by human interactions and systems, including the values, interests and mindsets that underpin and motivate them.<sup>8</sup> Looking through a sociologically informed lens it becomes clear that real world relationships between law and economic life are necessarily characterised by multiplicity and indeterminacy in relation to both means and ends – for example, economic interactions are prompted by multiple motivations beyond mere utility maximisation, and multiple mindsets beyond mere individualism.<sup>9</sup> Libertarian economists may, perhaps citing Frederick Hayek, argue that the proper response to such complexity is for states to lean back and allow individual rational utility maximizers to battle it out; and neoliberal economists may argue for the promotion of private value and private purpose through devices such as the re-coding of assets into capital. But looking through a socio-legal lens allows us to embrace multiplicity and indeterminacy in a more hopeful way:<sup>10</sup> to promote law as communal resource – one which ought to be both

7 Katharina Pistor, *The Code of Capital: How Law Creates Wealth and Inequality* (Princeton University Press 2019) ch 1.

8 See, for example, Amanda Perry-Kessaris, ‘Approaching the econo-socio-legal’ (2015) 11(16) *Annual Review of Law and Social Science* 1. For a critical legal studies perspective, see, for example, Duncan Kennedy, ‘form and substance in private law adjudication’ (1976) 89 *Harvard Law Review* 1685.

9 Amanda Perry-Kessaris, *Doing Sociolegal Research in Design Mode* (Routledge 2021).

10 Annelise Riles, ‘Is the law hopeful?’ in Hirokazu Miyazaki and Richard Swedberg (eds), *The Economy of Hope* (University of Pennsylvania Press 2016).

practically available to, and capable of expressing and coordinating the values and interests of, all who fall within its jurisdiction; and that ought to have the 'utopian, aspirational' capacity to prompt and facilitate change, especially towards econolegal futures that are broadly desired.<sup>11</sup>

For economic inspiration we can look to the increasingly influential work of Mariana Mazzucato, whose approach is highly compatible with, and open to enhancement from, the above described sociologically informed approaches. She argues that states ought to direct their econolegal powers beyond simply facilitating and securing private purposes and interests, and towards public purpose and public value. Traditional visions of state-led change have tended to emphasise the ability of public authorities to nurture and promote long-term, progressive, communal concerns. Similarly, Mazzucato argues that states are best placed to shape and direct economic activity towards public purpose. However, she also emphasises that states can, and ought to, be as innovative and entrepreneurial as non-state actors.<sup>12</sup> Furthermore, challenging the long-standing tendency of those approaching from the left as well as from the right to pitch markets against states, she advocates symbiotic, rather than exclusionary or extractive, relationships. She suggests that states must collaborate with private and civil society actors, in entrepreneurial and innovative spirit, to 'co-creat[e]' ambitious, transformative 'missions' that prioritise a co-defined sense of public purpose and public value; and then they must 'shap[e]' economic life towards achieving them.<sup>13</sup> The emphasis is on experimentation, in the sense that the aim is less to fix pathways or destinations, more to 'set the direction' in which solutions will be sought; and to manage that search in the form of a 'portfolio of actions', some of which are expected to fail. Crucially, given the core argument of this article, Mazzucato and her co-authors argue that such attempts to generate econolegal change ought to be treated as 'complex

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11 Roger Cotterrell, 'Seeking similarity, appreciating difference: comparative law and communities' in Andrew Harding and Esin Örüçü (eds), *Comparative Law in the 21st Century* (Kluwer 2002) 643. See further Roger Cotterrell, *Sociological Jurisprudence: Juristic Thought and Social Inquiry* (Routledge 2018).

12 Mariana Mazzucato, *The Entrepreneurial State: Debunking the Public vs Private Myths in Risk and Innovation* (Anthem Press 2013). For a sociologically informed review of entrepreneurship studies, see Howard E Aldrich, 'Entrepreneurship' in Neil J Smelser and Richard Swedberg (eds), *The Handbook of Economic Sociology* (Princeton University Press 2005).

13 Mariana Mazzucato, *Mission Economy: A Moonshot Guide to Changing Capitalism* (Allen Lane 2021). See also Rainer Kattel et al, 'The economics of change: policy appraisal for missions, market shaping and public purpose' (2018) UCL Institute for Innovation and Public Purpose Working Paper Series (IIPP WP 2018-06) 6 and 10.

design problems'; and that they should explicitly draw on the literature and practices of design, especially service-design with its focus 'on user experience and co-creation practice'.<sup>14</sup> Why? Because questions of econolegal change are 'dynamic, open, complex and networked'.<sup>15</sup> As such they are 'mess[y]', 'ambiguous', interconnected, 'unpredictable' and, therefore, indeterminate. Designers refer to these challenges as 'wicked problems'<sup>16</sup> and argue that they are best addressed through designerly ways.<sup>17</sup>

Recent decades have seen an explosion of interest in how designerly ways might be deployed by non-designers to enhance their practices in a wide variety of private, public and civic sites.<sup>18</sup> Answers to this question have come in an enormous variety of shapes and sizes, and, although it is generally agreed that they have a common core, opinions differ as to the precise content of that core, and as to how to express it. As a socio-legal researcher with interests in the economic lives of law and of design, I see design-based approaches as characterised by mindsets that are 'practical-critical-imaginative': critical in the sense of being able to 'identify opportunities for change'; imaginative in the sense of being able to 'envisage what the shape of those changes, and their effects, might be'; and practical, in the sense of being able to ensure that the change is 'valuable to those who are implicated in and by it', as well as to make that change happen. Many ways of thinking, including legal thinking, operate across these three dimensions. What distinguishes designerly ways is that they promote thinking and action that is *simultaneously* practical-critical-imaginative; and that they do so through processes that emphasise experimentation, and through strategies that emphasise making things visible and tangible. The combined effect of these designerly mindsets, processes and strategies is to generate 'structured-yet-free' spaces in which we can proactively embrace the indeterminacy inherent in dynamic, complex, open and networked situations. In the resulting 'enabling ecosystems' our ability individually and communally to make and communicate a sense of

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14 Kattel et al (n 13 above) 5, 6, 8, 11 and 21.

15 Kees Dorst, *Frame Innovation: Create New Thinking by Design* (MIT Press 2015) 6–12.

16 Horst W J Rittel and Melvin M Webber, 'Dilemmas in a general theory of planning' (1973) 4 *Policy Science* 155. The concept was later developed and popularised by Richard Buchanan in 'Wicked problems in design thinking' (1992) 8(2) *Design Issues* 5.

17 Colin Burns et al, *Transformation Design* Red Paper 2 (Design Council 2005) 8.

18 Political scientist and cognitive psychologist Herbert A Simon declared in 1969 that design is/ought to be a systematic, 'process-oriented activity' for solving a wide array of problems; and even 'glue' the social sciences together: D J Huppertz, 'Revisiting Herbert Simon's "science of design"' (2015) 31(2) *Design Issues* 29.

things is enhanced; and, therefore, meaningful change can become more possible and probable.<sup>19</sup>

Together with policy design specialist Christian Bason and others clustered in and around the Institute for Innovation and Purpose (IIPP), Mazzucato has welcomed the European Union's (EU) plan to support its 'mission-oriented Green Deal' with a 'New European Bauhaus' – an interdisciplinary initiative intended to create 'a space of encounter' in which those living in Europe can co-'imagine' and then 'build' a 'beautiful', 'sustainable and inclusive future'.<sup>20</sup> Like its early twentieth century German namesake, the new Bauhaus is expected to draw explicitly on expertise from design, art, architecture, craft and making.<sup>21</sup> Bason and co-authors see this as significant because, although a role for design is always 'implicit within the way that these new missions will be conceived, imagined, produced and delivered', an explicitly design-led approach can make mission-oriented innovation more possible and probable.<sup>22</sup> They emphasise in particular the potential of the designerly practice of experiential prototyping as a way to test ideas and to engage widespread participation. Experts from across the spectrum of design-based disciplines make their ideas visible and tangible in prototypes as they go along, not only in order to test their viability, but also as a way of thinking things through, whether individually or in collaboration with others. Some design-based practitioners also create digital or material prototypes specifically in order to allow others – such as their clients, or members of the public – to explore, respond to and reflect upon objects, places or experiences that are possible, but that do not yet exist. We can think of these designers as surfacing speculative 'what if' questions, and then making them visible and/or tangible in order that we can behave prefiguratively 'as if' an alternative future were already present; and so that in the process we can individually and collaboratively make sense of what futures we may or may not want, and why.<sup>23</sup> To act prefiguratively is to 'perform present-day life in the terms that are

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19 Perry-Kessaris (n 9 above). My summary draws on a wide range of design research, especially the terminology of Ezio Manzini in *Design, When Everybody Designs: An Introduction to Design for Social Innovation* (MIT Press 2015) who argued that designers are 'practical, critical and creative'; and emphasised the significance of designers' ability to 'make things visible and tangible'.

20 [New European Bauhaus website](#).

21 Christian Bason et al, *A New Bauhaus for a Green Deal* (University College London 2021).

22 Ibid 8.

23 See Anthony Dunne and Fiona Raby, *Speculative Everything: Design, Fiction, and Social Dreaming* (MIT Press 2013); Ramia Mazé, 'Design and the future: temporal politics of making a difference' in Rachel Charlotte Smith et al (eds), *Design Anthropological Futures* (Bloomsbury Publishing 2016).

wished-for', both in order 'to experience' a 'better' present, and in order 'to advance' future 'change'.<sup>24</sup> Research and activism from politics and, more recently, law tells us that prefigurative thinking and action opens up critical, optimistic spaces in which actual presents can be improved and potential futures can become more probable.<sup>25</sup>

Arguments for ambitious, mission-oriented, design-driven, symbiotic approaches are especially powerful today in the face of long-term global crises such as climate change and medium-term global crises such as the ongoing pandemic, for which nothing short of transformative, publicly oriented, co-generated and co-owned responses will do.<sup>26</sup> But they also hold promise for more localised and specific challenges, including that upon which the remainder of this paper focuses: law and island-wide economic life in divided Cyprus.

The following sections explore how some private and civil society actors in Cyprus act prefiguratively 'as if' island-wide econolegal systems were already present, and how public actors could, but generally choose not to, do the same; then how prefigurative design practices might make alternative relationships between law and economic life more possible and probable in Cyprus and elsewhere.

## **LAW AND ISLAND-WIDE ECONOMIC LIFE**

The island of Cyprus has been divided to varying degrees and on multiple dimensions since the 1950s when competing visions began to emerge for the postcolonial future of the island. The most extreme of these visions were posed by some in the majority Greek Cypriot community who pushed for British rule to end in union with Greece; and some Turkish Cypriots, the largest minority community, who preferred the island to unify with Turkey or be partitioned between Turkey and Greece. The 1960 constitution under which the island became independent sought to balance these visions externally, by identifying Greece, Turkey and the UK as guarantor powers; and internally, by among other things reserving the posts of president for a Greek Cypriot and vice-president for a Turkish Cypriot. But it soon broke down amid inter-communal violence. Turkish Cypriots were pushed/withdrew from power sharing

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24 Davina Cooper, 'Prefiguring the state' (2017) 49(2) *Antipode* 335, 335.

25 See further Marianne Maeckelbergh, 'Doing is believing: prefiguration as strategic practice in the alterglobalization movement' (2011) 10(1) *Social Movement Studies* 1; Margaret Davies, *Law Unlimited* (Routledge 2017).

26 'Tentative reasons for hope can be found in the fact that calls for a Green New Deal are now at the heart of EU and United States policy. See, for example, [The Green New Deal Group](#) website and ['The Biden Plan for a Clean Energy Revolution and Environmental Justice'](#). Furthermore, participatory democracy seems more possible and probable in light of innovative use in the Republic of Ireland of [citizens' assemblies](#).

and were pushed/retreated into ‘enclaves’ where they developed separate systems of administration and became increasingly isolated from the wider economic life of the island and dependent on aid from Turkey.<sup>27</sup> The constitutional order was suspended, the Republic of Cyprus became a *de facto* Greek Cypriot state; and in 1964 a United Nations (UN) monitored buffer zone was carved through the island which came to be known as the Green Line. It was observed at the time that ‘an economic war has started between the two communities who do not buy each other’s products’, leading ‘to the creation of small, high cost and inefficient productive units’ – a ‘situation’ that was ‘damaging to all Cypriots.’<sup>28</sup> Matters worsened further in 1974, when an attempted coup by Greek Cypriot extremists, with the backing of the military junta in Greece, was followed by the invasion and occupation of the northern third of the island by Turkey. About a third of the island’s population was displaced, leaving the area to the north of the Green Line predominantly Turkish Cypriot and the south of the island predominantly Greek Cypriot.<sup>29</sup> Island-wide interactions almost ceased from 1974 and, because no state other than Turkey has recognised the north’s 1983 unilateral declaration of independence as the Turkish Republic of Northern Cyprus (TRNC), economic actors in the north have since faced substantial legal constraints when seeking to participate in international trade and investment.<sup>30</sup>

27 Turkish Cypriot *per capita* income dropped from an average 20 per cent lower than that of Greek Cypriots in 1961, to an average 50 per cent lower than that of Greek Cypriots in 1971: Mete Hatay, Fiona Mullen and Julia Kalimeri, *The Day After I: Commercial Opportunities Following a Solution to the Cyprus Problem* (PRIO Centre Cyprus 2008) 8. For a succinct summary of the Cyprus Problem, see James Ker-Lindsay, *The Cyprus Problem: What Everyone Needs to Know* (Oxford University Press 2011).

28 Hatay et al (n 27 above) 8 quoting Nicos C Lanitis.

29 I avoid referring to ‘the two communities’ because it implies unity on ‘each side’; forgets that everyone is a member of multiple communities; and erases the many other peoples of Cyprus, including old-timer Maronites and Armenians, post-1974 arrivals from Turkey, as well as new-comer university students from Nigeria, domestic workers from Sri Lanka and the Philippines, retirees from the UK and business people from China.

30 For example, Case C-432/92 *Anastassiou* [1994] ECR I-3087 established that proof of origin certificates issued in the north could not be accepted by EU Member States because the TRNC is not recognised. Goods originating in the north of the island were suddenly treated as third-country goods, not covered by the EU–Cyprus Association Agreement, and therefore subject to tariffs. This third-country status continued after the 2004 accession of Cyprus to the EU. Furthermore, traders in the north still cannot export goods direct to the rest of the world, because their ports and airports in the north are not recognised internationally. Instead they must incur the costs of transshipment in Turkey: Fiona Mullen, Özlem Oğuz and Praxoula Antoniadou Kyriacou, *The Day After I: Reconstructing a Reunited Cyprus* (PRIO Centre Cyprus 2008) 37.

In early 2003 the authorities in the north unexpectedly opened the main checkpoint at Ledra Palace, and Cypriots were able to move back and forth across the Green Line.<sup>31</sup> The next year referenda were held on each side of the island on whether to adopt a reunification plan presented by UN Secretary General Kofi Annan. In the north 65 per cent voted in favour, but in the south 75 per cent voted against. So, one week later, in May 2004, the island of Cyprus joined the European Union (EU) still divided along the Green Line. In EU legal theory, the Green Line 'is not an external border of the EU', and, although the 'non-government-controlled areas' in the north 'are outside the EU's customs and fiscal territory ... this does not affect the personal rights of Turkish Cypriots as EU citizens'.<sup>32</sup> But in reality the Green Line is a *de facto* external border of the EU; and the abilities of those who live in Cyprus to lead island-wide lives are constrained. Multiple attempts led or backed by the UN to support the reunification of the island as a 'bi-communal bi-zonal federation' have failed,<sup>33</sup> and every aspect of life on the island continues to be structured – directly or indirectly, consciously or unconsciously – with reference to the intractable black box of the 'Cyprus Problem'.

The so-called 'Green Line Regulation' was introduced in 2004 to protect the EU Single Market from the uncontrolled movement of goods from the north, where the internationally recognised government of the Republic of Cyprus does not exercise effective control and the *acquis communautaire* is suspended, to the south of the island where it does.<sup>34</sup> The effect of this and associated regulations is that people, (some) vehicles and a limited range of (only) Cypriot-origin goods can cross to the south (only) at designated points without incurring customs duties or charges. In order to qualify, goods must have been wholly obtained, or their last substantial economically justified processing undergone, in the north of Cyprus; be covered by an 'accompanying document' from the chamber of commerce in the north; and have been veterinary, phytosanitary and food safety checked by EU-authorised experts

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31 Hatay et al (n 27 above) 9.

32 [EU Green Line Regulation website](#).

33 See [UN Cyprus Talks website](#).

34 Council Regulation (EC) 866/2004 of 29 April 2004 on a regime under art 2 of Protocol 10 to the Act of Accession [2004] OJ L161/128. See also art 2 of Protocol 10 to the Act of Accession, Official Journal, L 206, 9.6.2004. A proposed regulation to allow goods from the north to travel direct to the rest of the EU has never come to fruition: Commission (EC), 'Proposal for a Council Regulation on special conditions for trade with those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control' COM 466 07 July 2004.

before crossing.<sup>35</sup> This regime is mirrored by policies introduced in the north to regulate the movement of goods from south to north.<sup>36</sup> The crossing of live animals or animal products was banned under the 2004 Regulation, but a 2005 amendment to the Regulation opened the possibility of partial relaxation.<sup>37</sup> So, for example, fish and honey from the north can now pass if their producers have been certified by EU-authorised inspectors. But the authorities can and do refuse to allow even goods of Cypriot-origin to pass. Most notably authorities in the south refuse to allow processed foods, even of non-animal origin, to cross on the grounds that they are unable to inspect factories in the north, and therefore cannot guarantee that goods meet EU standards. The provision of island-wide services is not directly regulated, but is indirectly constrained by the same practicalities that face traders in goods, such as how to make payments or enforce contracts given the non-recognition in the south of banks and courts in the north.<sup>38</sup> And crucially there remains a general uncertainty among public and private and civil society actors as to what might be allowed, and how, or whether, to go about it.

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35 Arts 4.1, 4.3–4.5 and Annex II of Council Regulation (EC) 866/2004 (n 34).

36 The Green Line Regulation prompted an amendment to the rules in the north to allow ‘importing from the south’ for the first time since the island was divided. Goods entering the north of Cyprus from anywhere require prior permission from the Ministry of Trade. In order to enter via the Green Line imports must also be accompanied by a certificate of origin from the Cyprus Chambers of Commerce and Industry (CCCI) (the chamber of commerce in the south), proving that they originate on the island; and they VAT must be paid twice – once in the south where trade with the north is coded as a domestic transaction, and again in the north where trade with the south is coded as an international transaction: Interview with (Nicosia, 12 December 2018) and statement by (Email correspondence 15 May 2021) Kemal Baykalli, Activist in Unite Cyprus Now and former Deputy General of Turkish Cypriot Chamber of Commerce (KTTO). See further the ‘[Guide for Foreign Investors](#)’ issued by the State Planning Organisation of the TRNC in June 2009.

37 Council Regulation (EC) 293/2005 of 17 February 2005 amending Regulation (EC) No 866/2004 on a regime under Article 2 of Protocol 10 to the Act of Accession as regards agriculture and facilities for persons crossing the line [2005] OJ L50/1, art 4.9.

38 After years of pressure by chambers of commerce and others, it finally became possible, if only by routing calls through a roaming hub in Switzerland, to use a single mobile number island-wide in 2019: Evie Andreou, ‘[Mobile phone links established between two sides](#)’ (*Cyprus Mail* 11 July 2019); Interview with Kemal Baykalli (n 36 above).

The costs of the *status quo* are high.<sup>39</sup> For example a 2014 report for the PRIO Cyprus Centre estimated that if ongoing attempts at the reunification of Cyprus had succeeded, all-island gross domestic product (GDP) (at constant 2012 prices) would have doubled over the next 20 years from around €20 billion in 2012 to just under €45 billion in 2035, as compared to an estimated €5 billion rise over the same period in the absence of a solution.<sup>40</sup> Those gains would arise through, for example, access for those in the north to international markets, and those in the south to Turkish markets; and economies of scale and scope in tourism, shipping and higher education as well as trade in goods. This quantification of the ‘peace dividend’ made a significant impact during the run-up to the most recent round of UN-backed negotiations about the political future of the island in 2017: the economic case for resolution was referenced by senior political figures for the first time in over four decades, opening the door to the idea that island-wide economic life might have public value, and to the possibility of its promotion as a public purpose. But that possibility has not been pursued, and all forms of island-wide life, including economic, are openly contested in public spaces. Indeed, it can be difficult, even for the most experienced and well-networked of investigators, simply to research the subject.<sup>41</sup>

Surveys since 2004 have consistently revealed a critical mass of openness among those living on each side of the island to interacting

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39 In 2019 the ‘economic impact of violence’ in the Republic of Cyprus – direct costs, indirect costs including psychological effects and productivity losses, and ‘multiplier effects’ – was estimated to be equivalent to 30 per cent of its GDP – the seventh highest in the world, primarily due to the loss of property by refugees in the 1960s and 1970s: Institute for Economics and Peace, *The Economic Value of Peace 2018: Measuring the Global Economic Impact of Violence and Conflict* (Institute for Economics and Peace 2018).

40 Fiona Mullen, Alexandros Apostolides and Mustafa Besim, *The Cyprus Peace Dividend Revisited: A Productivity and Sectoral Approach*, PRIO Cyprus Centre Report 1/2014 (PRIO Cyprus Centre 2014). For recent estimates, see Fiona Mullen, Mustafa Besim and Michalis Florentiades, *Delivering the Cyprus Peace Dividend*, PRIO Cyprus Centre Report 1/2020 (PRIO Cyprus Centre 2020). For current situation, see [UN Cyprus Peace Talks website](#).

41 One report exploring the scale and character of contemporary island-wide economic life noted that all interviewees requested confidentiality, few trusted it would be maintained, and many were too nervous to be interviewed at all: Hatay et al (n 27 above) 4–5.

with those living on the other side.<sup>42</sup> They have also revealed substantial psychological barriers: in the south economic actors tended to hold back for fear of being accused of treachery by their compatriots; and in the north for fear of humiliation by wealthier southerners and their internationally recognised institutions.<sup>43</sup> We know that low levels of social cohesion and/or propensity to reconciliation are obstacles not only to peace, but also to wellbeing more generally; and that intergroup contact, whether self-initiated or gently cajoled, can promote trust and then further wider contact.<sup>44</sup> Hence the continuous, unheeded, calls by the civil society actors who produce these social attitudes surveys for public authorities to lead the way in shifting public thinking and action.<sup>45</sup>

The day-to-day operation of the Green Line system relies primarily on two types of non-state actors: internationally recognised private sanitary and phytosanitary inspection, audit and certification service providers such as Bureau Veritas; and the chambers of commerce in the north and south. Because they were formed before the division, the chambers of commerce are each in the rare position of being recognised on the other side. Consequently, they are called upon to act variously as economic go-between, certifier, repository, information point and so on; and each has from time to time, when their leaders and members have been aligned in favour, or at least not against, played a

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42 The Centre for Sustainable Peace and Democratic Development (SeeD) produces the SCORE index of social cohesion and propensity to reconciliation among Cypriots by combining qualitative data from randomly administered questionnaires and follow-up face-to-face interviews: *Predicting Peace: The Social Cohesion and Reconciliation Index as a Tool for Conflict Transformation* (UN Development Programme 2015) and Interview with Metlem İkinci, Cyprus Programme Lead and Learning and Innovation Officer, SeeD (Nicosia 22 June 2016). See also Charis Psaltis et al, *Youth and Politics in Protracted Conflicts: A Comparative Approach on Hope for a Settlement and Return of IDPs* (Hellenic Observatory 2021); and Sertaç Sonan, Ebru Küçükşener and Enis Porat, *Politics and Society in North Cyprus* (Friedrich-Ebert-Stiftung Cyprus Office 2020).

43 Hatay et al (n 27 above) 2. See also Alexandros Apostolides, Costas Apostolides and Erdal Güryay, 'From conflict to economic interdependence in Cyprus' (2012) 24(4) *Peace Review: A Journal of Social Justice* 430, 433.

44 Shelley McKeown and Charis Psaltis, 'Intergroup Contact and the Mediating Role of Intergroup Trust on Outgroup Evaluation and Future Contact Intentions in Cyprus and Northern Ireland' (2017) 23(4) *Peace and Conflict: Journal of Peace Psychology* 392.

45 See SCORE (n 42 above) 10; Hatay et al (n 27 above) 2. Public authorities cannot support trust if they are not themselves trusted, as is reportedly the case in the north and the south: See, for example, [SCORE website](#) generally for population trust in government institutions in 2016.

more proactive role in promoting island-wide economic life.<sup>46</sup> Public authorities in Cyprus could, but generally choose not to, lead efforts to co-define to what extent, and in what forms, island-wide economic life might be seen as a public purpose – something that has public as well as private value and that ought to be allowed, facilitated and generated. Instead such initiatives tend to come from outside. The EU supports island-wide economic life as part of an aid programme introduced in – many would argue, inadequate – recognition of the negative impact on those living in the north of the decision to allow a divided Cyprus to become a member state. The programme places ‘particular emphasis on the economic integration of the island, on improving contacts between the two communities and with the EU, and on preparation for the *acquis communautaire*’.<sup>47</sup> Its work is severely constrained by, for example, the general uncertainty around what is allowed, the need to avoid impacting on the immovable property rights of refugees who fled south in 1974, and the fact that the chamber of commerce in the north is ‘totally overburdened’.<sup>48</sup> But it offers some insight into how public authorities might support island-wide economic life, especially by improving access to legal information through information campaigns and training sessions.<sup>49</sup>

Public authorities in Cyprus could, but generally choose not to, support and nurture island-wide interactions by offering more comprehensive and accessible legal frameworks upon which people can fall back when their interpersonal trust falters; and by encouraging people to use them. A bicommunal Technical Committee on Economy and Entrepreneurship was established as part of the UN-sponsored peace talks in order to promote confidence building measures between the two sides, which is formed of experts appointed

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46 See [Bureau Veritas website](#). The website of the CCCI in the south hosts a discretely placed guide to ‘[Trade between Greek Cypriots and Turkish Cypriots](#)’; and the website of the KTTO in the north hosts a prominent page on the [Green Line Regulation](#) including trade statistics and application forms. See also [Leading by Example](#), an EU-funded CCCI–KTTO collaboration effort generate island-wide internships.

47 Article 1, Council Regulation (EC) No 389/2006 of 27 February 2006 establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community and amending Council Regulation (EC) No 2667/2000 on the European Agency for Reconstruction; known as the ‘Aid Regulation’. See further, the [EU Aid Programme](#) for the Turkish Cypriot community which is managed by the EU Directorates-General for Structural Reform. The World Bank and the European Bank for Reconstruction and Development have also supported island-wide programmes, but the activities of international organisations are beyond the scope of this paper.

48 Interview with expert requiring anonymity (Nicosia 23 April 2018).

49 Much of this work is provided by the EU Infopoint, [AB Bilgi](#), located northern Nicosia.

by public authorities on each side and has generated some *ad hoc* solutions to problems over the years. But its ability to progress is dependent on the prevailing political winds, and it must generally rely on the chambers of commerce for implementation. For example, in response to the ongoing pandemic, the Committee worked with the chambers of commerce to facilitate ‘contactless transactions’—that is, trade of products without any physical contact;<sup>50</sup> but on the other hand public authorities disrupted island-wide economic life by the chaotically, at times almost ‘competitively’, closing and opening of crossing points at different times, according to different criteria.<sup>51</sup> In the years since the introduction of the Green Line Regulation there have been few clear, overt instances of collaboration between public authorities. One especially high-profile example in which they worked broadly simultaneously, albeit not together, in support of island-wide economic life has been their preparatory work around the registration of *Χαλλούμι*/Halloumi/Hellim as a Protected Designation of Origin (PDO) with the European Commission.<sup>52</sup> The process took almost 15 years, was tortuous and almost failed. But it was significant not only because, in the words of one Commissioner, it ‘shows that mutually beneficial solutions are possible’, but also because it reduced some obstacles to northern Cypriot engagement in island-wide and international economic life: it was the first time that animal-based products were allowed to cross the Green Line from the north into the south; the first time that an island-wide regulatory system, in the form of an EU PDO inspection programme, had been created.<sup>53</sup> Indeed, we might think of it as a ‘pilot’ or ‘mini’ version of the collaborative co-creative processes that public authorities will need to engage in to generate alternative futures for the island more generally.<sup>54</sup>

The clearest examples of support for island-wide interactions, and an emergent common sense of island-wide economic life as public purpose, are to be found among private and civil society actors. There have always been entrepreneurial Cypriots who have interacted, economically and otherwise, with the other side. Technical experts responsible for the provision of essential services such as electricity and sewage treatment have quietly pooled resources to respond to everyday issues such as

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50 UN Security Council, *Report of the Secretary-General on his Mission of Good Offices in Cyprus* (S/2020/685) 19.

51 Esra Aygün and Yiorgos Kakouris, ‘Episode 1: podcasts, scandals and virus spin’ (Buffering 17 June 2020).

52 See ‘Trade Cooperation between G/C and T/C Entrepreneurs Relaunched Amid COVID-19 Pandemic’ *In-Cyprus* (Nicosia 15 May 2020).

53 EU Green Line Regulation website (n 32 above).

54 Interview with Burcu Barin, trade expert, TRNC Prime Minister’s Office EU Coordination Centre (Nicosia 23 June 2017).

sewage treatment, or the provision of emergency electrical supply;<sup>55</sup> individuals have formed personal relationships; and civil society actors have engaged in 'bi-communal' initiatives.<sup>56</sup> Since 2003 many Cypriots have crossed in both directions 'with minimal encouragement' not only for the chance to see the long-forbidden other side, but also to engage in relatively *ad hoc* and self-contained economic activities such as shopping, visiting casinos or heritage tourism; as well as, especially from north to south, for employment, to sell goods such as vegetables, or to provide services such as driving taxis or construction work.<sup>57</sup> Many now see private value in island-wide economic life, and they pursue it for their private purpose, although they may not always feel comfortable saying so, and they may be criticised for it.

Of particular interest are those who have engaged, or sought to engage, in more systematic and sustained island-wide economic life. A recent study compiled for the EU includes a range of specific examples of farmers, fisherfolk and manufacturers in the north and the south who have begun with narrow, *ad hoc* economic interactions with the other side; and eventually developed deeper, broader, more sustained economic, as well as other social, relationships. For example, they report that 'Green Line Trade has brought us closer', 'I've expanded my business', 'now we have larger [machines] and they are more productive', 'we now have more clients [and] more dialogue with our clients and their contacts'.<sup>58</sup> However, such ventures can be risky. When southern-based farmer Christos Christofi drew on his expertise as the largest producer of potatoes on the island to advise farmers in the north on which potatoes to grow for which markets and when and agreed to buy large quantities of their potatoes for export through his existing network primarily to the EU, he was met with protests and arson threats from potato farmers, exporters, and even serving Members of Parliament in the south, who (erroneously) claimed that

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55 For cooperation on emergency electricity supply, see Apostolides et al (n 43 above) and see the arrangements that preceded the opening of the [Nicosia Wastewater Treatment Plant](#) in 2013.

56 Zenonas Tziarras, *Pre-Conditions for Peace: A Civil Society Perspective on the Cyprus Problem*, PRIO Cyprus Centre Report 1/2018 (PRIO Cyprus Centre 2018). See also the [Stelios Foundation](#) awards to individuals and groups engaging in bi-communal cooperation in any aspect of their lives.

57 Apostolides et al (n 43 above) 433.

58 Ecorys, *Bringing Cypriot Communities Closer Together: EU Promotes Free Movement Across Cyprus* (2019) Report prepared for the EU DG REFORM available via the Green Line Regulation website (n 33 above).

he was acting illegally.<sup>59</sup> He would like to supply potatoes from the north directly to supermarkets in the south, but wants to shield his family and workers from the possibility of backlash. On the other hand, another, more intentionally high-profile example which does not seem to have attracted the same kind of animosity is Colive, which combines olives from across the island to produce premium oil primarily for export. Such an explicitly island-wide production process was novel. Every step of the process of engaging with authorities to set it up was characterised by high uncertainty and high cost and required new solutions, many of them sub-optimal. Co-founder Hasan Siber observes that their questions piqued the interest of lawyers and accountants, who then went on to make their services available for other entrepreneurs in future via CyprusInno, which is discussed further below.<sup>60</sup>

We can think of these entrepreneurs as generating, or seeking to generate, island-wide ‘networks of community’<sup>61</sup> – that is, stable and trusting relations that centre on shared values, such as innovation; and interests, such as expanding markets for their goods or services. Such entrepreneurial networks often make important contributions to peace by first ‘creat[ing] doors and then open[ing] them’.<sup>62</sup> In Cyprus these networks are sometimes reinforced by shared attitudes as to the island’s histories; or as to how, if at all, the political division of the island ought to be resolved. This wider context is not of central relevance to this article, which focuses on the fact that these entrepreneurs are pushing through the tangle of legal uncertainty and interpersonal and institutional distrust to act as if an integrated island-wide econolegal system were already here.

By acting prefiguratively as if integrated island wide econolegal systems were already here, and conjuring an ecosystem in anticipatory support of it, these entrepreneurs, and indeed the civil society actors who have tracked their progress, have made such a future more

59 Interview with Christos Christofi, farmer (Larnaca 17 December 2016). See further, Jean Christou, ‘[Businessman attacked for exporting potatoes from the north](#)’ (*Cyprus Mail* 31 August 2016), Christofi’s actions are all the more powerful given that, from the land he rents for his packaging facilities in the south, he can see the farm his parents had to abandon on the other side.

60 Interview with Hasan Siber, co-founder and co-director of Colive (Nicosia 2 May 2019). See further [Pour for Peace](#) and Alix Norman ‘[Bicommunal project produces “rarest olive oil in the world”](#)’ (*Cyprus Mail* 30 July 2018).

61 Roger Cotterrell, *Law, Culture and Society: Legal Ideas in the Mirror of Social Theory* (Ashgate 2006).

62 For example, they can generate new economic opportunities where the private sector is weak and connections to the wider world are constrained, as in the north of Cyprus; be ‘advocates for change’, including to legal frameworks; and model productive inter-communal relations: Steven Koltai, *Peace through Entrepreneurship: Investing in a Startup Culture for Security and Development* (Brookings Institution Press 2016) 40–42 and 171.

possible and more probable. But the legal framework for island-wide economic life remains patchy and uncertain. It is the result almost of happenstance – a series of events, each of which was unintended or unwanted by most. It requires constant costly and fragmented workarounds. And discussion around whether island-wide economic life ought to be nurtured or promoted remains muted.<sup>63</sup> What to do?

The following section speculates about how designerly ways might be deployed to prompt and facilitate efforts to co-define a common sense of public value and public purpose around law and island-wide economic life, even in the absence of public leadership. Might public authorities then be prompted and facilitated to co-generate, and shape markets towards, econolegal missions that support that common sense?

## PREFIGURING ALTERNATIVE ECONOLEGAL FUTURES

Yael Navaro-Yashin uses the concept of ‘make-believe’ to capture the ways in which all public authorities seek to materially and politically ‘craft’ the public imagination through, among other things, maps, passports and title deeds.<sup>64</sup> This make-believe work is especially urgent in Cyprus where vibrant traces of the past are to be found everywhere, not only in the bullet-scarred walls and the abandoned homes of refugees, but also in public institutions and their documents and, therefore, in all ‘social, political, legal and economic transactions’.<sup>65</sup> We can think of make-believe as entailing two acts: making-to-believe and believing-to-make. Each act has an almost prefigurative quality in the sense that it involves acting ‘as if’, but it is more about acting as if the present were not what it is, than about acting as if a preferred future were already here. Indeed, future imaginaries do not feature

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63 Indeed, some island-wide economic acts are treated as actively undermining ‘the’ public purpose – perhaps none more so than the relinquishing by Greek Cypriot refugees, in exchange for compensation, of their rights to immovable property abandoned in 1974. See [Immovable Property Commission website](#).

64 See Yael Navaro-Yashin, *The Make-Believe Space: Affective Geography in a Postwar Polity* (Duke University Press 2012) 6, 28–29, 31 and ch 4.

65 Ibid 5. See also Yiannis Papadakis, Nicos Peristianis and Gisela Welz (eds), *Divided Cyprus: Modernity, History and an Island in Conflict* (Indiana University Press 2006); and Yiannis Papadakis, *Echoes from the Dead Zone* (Tauris 2005).

heavily in the public discourse of Cyprus. As in so many places, rather more effort is devoted to (re)constructing ‘the’ past.<sup>66</sup>

Thinking about futures is difficult. Thinking about legal futures can be especially difficult when law is ostensibly being merely applied, for example, to resolve a contract dispute or criminal prosecution. Here law seems ‘postfigurative’ – that is, it relies on ‘past-imagined realit[ies]’ and ‘operat[es] as if’ those realities ‘still endur[e]’.<sup>67</sup> But law can also be used to generate change. For example, Wilhelm Röpke ‘insisted’ in 1954 that the international economic order, like the law that supports it, was ‘an “as if” economic order’ which did not yet exist.<sup>68</sup> Law was cast as future-focused and prefigurative. So, thinking about futures, including econolegal futures, can afford a renewed sense of possibility. It can also afford a critical distance from ‘the here and now’, operating as a device to ‘ask: *How can things be different?*’<sup>69</sup>

Authors, artists, futurologists and designers who specialise in thinking about possible futures often argue that it is only in speculating about futures that we become truly critical.<sup>70</sup> For them the future is neither ‘a destination’, nor a ‘prediction’. Rather ‘possible futures’ are seen as ‘a medium to aid imaginative thought’ so that we can ‘better understand the present’ and ‘discuss the kind of future [we] want ... and do not want’.<sup>71</sup> What distinguishes speculative designers from others who work with futures is their tendency to make imaginaries visible and tangible, focusing attention on the actual-potential.<sup>72</sup> Of

66 Recent years have seen attempts by civil society actors to co-construct island-wide understandings of pasts as multiple using school curricula: see Theopisti Stylianou-Lambert and Alexandra Bounia, *The Political Museum* (Routledge 2016); Charis Psaltis, Eleni Lytras and Stefania Costache, *History Educators in the Greek Cypriot and Turkish Cypriot Community of Cyprus: Perceptions, Beliefs and Practices* (Association for Historical Dialogue and Research/UNDP-Act 2011). See also the [Nicosia Project](#), a digitised archival map of Nicosia that is enriched with time-specific multimedia annotations to emphasise the city’s rich and multiple histories.

67 Davina Cooper, ‘Towards an adventurous institutional politics: the prefigurative “as if” and the reposing of what’s real’ (2020) 68(5) *Sociological Review* 893, 911. For how designerly ways can be used to (re)construct pasts, see Perry-Kessaris (n 9 above) ch 4.

68 For example, see Annelise Riles, *Collateral Knowledge: Legal Reasoning in the Global Financial Markets* (University of Chicago Press 2011) 213.

69 Mazé (n 23 above) 37–38 and 48–49.

70 For example, Ruth Levitas understands ‘utopia as method’: *Utopia as Method: The Imaginary Reconstitution of Society* (Palgrave Macmillan 2013).

71 This vision is shared by, among others, futurologists, authors of speculative literature and drama and radical social scientists: Dunne and Raby (n 23 above) 3. See also Yoko Akama, Sarah Pink and Shanti Sumartojo, *Uncertainty and Possibility: New Approaches to Future Making in Design Anthropology* (Bloomsbury Academic Press 2018) 10–11.

72 Guy Julier and Lucy Kimbell, *Co-producing Social Futures through Design Research* (University of Brighton 2016).

particular interest in the present context are recent calls for speculative designers to direct their skills beyond asking ‘what if’, and to work in support of normative and practical attempts to prefiguratively behave ‘as if’.<sup>73</sup> Private and civil society actors in Cyprus can also, and sometimes do, engage in such prefigurative design. For example, in 2011 the chambers of commerce collaborated to produce a news programme set in the year 2030 that asked what might the news look and sound like if Cyprus were united?<sup>74</sup> The remainder of this section explores one ambitious example of prefigurative design, the Hands-on Famagusta project, and speculates as to how such an approach might be applied to the exploration of econolegal futures.

Hands-on Famagusta was an architectural research and teaching project aimed at generating and supporting island-wide debates around the planning of common spaces in the northern city of Famagusta.<sup>75</sup> The project was doubly prefigurative – participants acted as if there were a common island-wide space for debate, although to many such a notion was and is impossible;<sup>76</sup> and as if there were a common Famagustian space to be planned, although it was and is fragmented and contested: violence in 1963 pressed Turkish Cypriots into the medieval city centre where they had historically been concentrated; and in 1974, as Greek Cypriots fled south, the cosmopolitan hotel-laden seafront suburb of Varosha was occupied sealed off by the Turkish army and left frozen in time – a ‘ghost town’ cut off from the rest of the city.

The project centred on three ‘structures’ to prompt and to facilitate debate. These were ‘face-to-face roundtable workshops’, an online ‘interactive digital interface’ and a ‘physical transportable model of the city’. Each of these structures was designed to unsettle: specifically, to unsettle actual, presently entrenched positions around the factually and morally contested history of the city which made it difficult to debate the future; and to unsettle potential risks that the city might in future fall prey to the global tendency of private sector-led development to lead to permanent segregation or ‘enclaving’ of post-conflict cities.<sup>77</sup>

73 See Carl DiSalvo, ‘Design and prefigurative politics’ (2016) 8(1) *Journal of Design Strategies* 29.

74 CCCI/KKTO Cyprus Chambers of Commerce and Industry and Turkish Cypriot Chamber of Commerce, ‘*The Nine-O’Clock News in the Year 2030*’ (2011) Video.

75 Socrates Stratis (ed), *Guide to Common Urban Imaginaries in Contested Spaces* (Jovis 2016) 23.

76 Mariam Asad proposes prefigurative design as a way of securing better research relations and outcomes, especially in collaborative community-based research: ‘Prefigurative design as a method for research justice’ *Proceedings of the ACM on Human-Computer Interaction* vol 3. CSCW Article 41 (November 2019); and I have used model making to act ‘as if’ there already exists an environment conducive to researching island-wide economic life: Perry-Kessaris (n 9 above) ch 3.

77 Stratis (n 75 above) 23.

Underpinning all three 'structures' were a series of 'counter-mapping' strategies. Architects often seek to understand their fields of inquiry and practice by 'mapping' them – that is, analysing them in and through visualisations. By 'mapping controversies' they surface and work through the social, including economic, contexts of their designs; and by 'counter-mapping' they can reveal dominant framings and open them up to contestation and transformation.<sup>78</sup> The Hands-on Famagusta project first used specialist data collection techniques such as street level topographic and land use surveys to generate a conventional map of the city. This process revealed that Famagusta is segregated into multiple enclaves, distinguished by, for example, military use, the presence of cultural heritage or ecological sensitivity. Next, each enclave was represented in a 'visual matrix' collating maps, photos and text which were printed onto A2 paper. These served as the focal point of roundtable meetings of project members drawn from across the island. The top half of each matrix captured key 'existing' spatial, human and ecological conditions. During the round table meetings, the bottom half of each matrix was used to propose specific 'disenclaving strategies' – that is, planning devices which might '[tr]ansfor[m]' the 'edges' or 'dead limits' of existing enclaves 'into thresholds' across which all forms of social life might flow (Figure 1).<sup>79</sup>

These enclaves were then mapped in three-dimensional digital models – isometric drawings – which formed the basis of the interactive digital interface (Figure 2). In that interface, each enclave is depicted – mapped – as both suspended, unsettled, in space and, one senses, in time; and separated, divided, from the other by an exaggerated gap. In this way the interface communicates a utopic-dystopic quality that draws attention not only to what is actually-potentially at stake in planning, but more fundamentally to the very idea that something is at stake: all is not necessarily settled or fixed or stuck. This sense of provisionality and possibility is reinforced by the overlaying of a series of propositions arising out of the disenclaving strategies – for example, 'What if collective spaces in strategic locations' were introduced to 'connect the city and its citizens to the seafront?'; and by the invitation to members of the public to engage with and express opinions on those propositions by interacting with the interface.<sup>80</sup>

The third structure around which the project centred was a traditional, physical, architectural model of contemporary Famagusta

78 Ibid 38, 42 and 85. Nancy L Peluso coined the term 'counter-mapping' to capture how local communities can represent their own understandings of a location often in opposition to powerful outsiders: 'Whose Woods are These? Counter-Mapping Forest Territories in Kalimantan, Indonesia' (1995) 27(4) *Antipode* 383.

79 Stratis (n 75 above) 42 and 85.

80 Ibid 240.

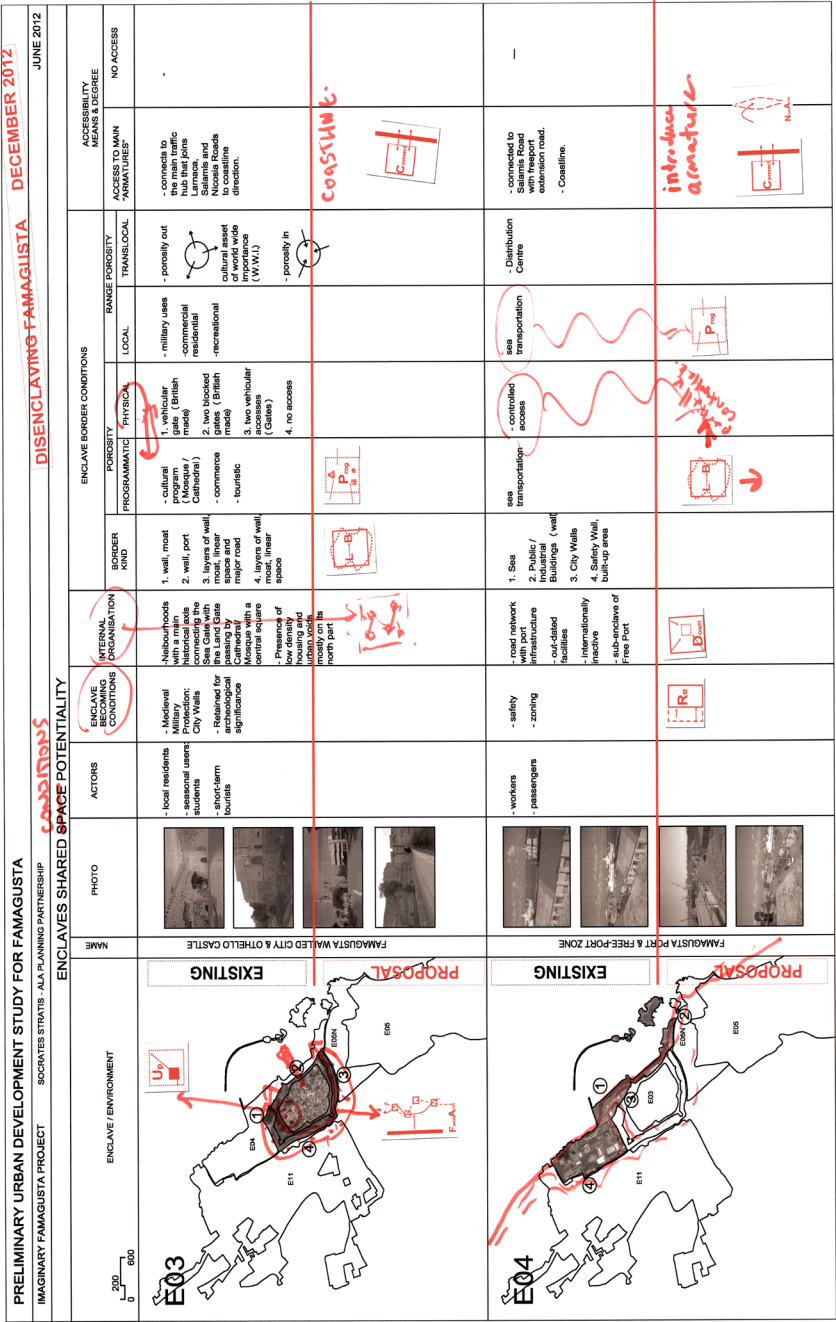
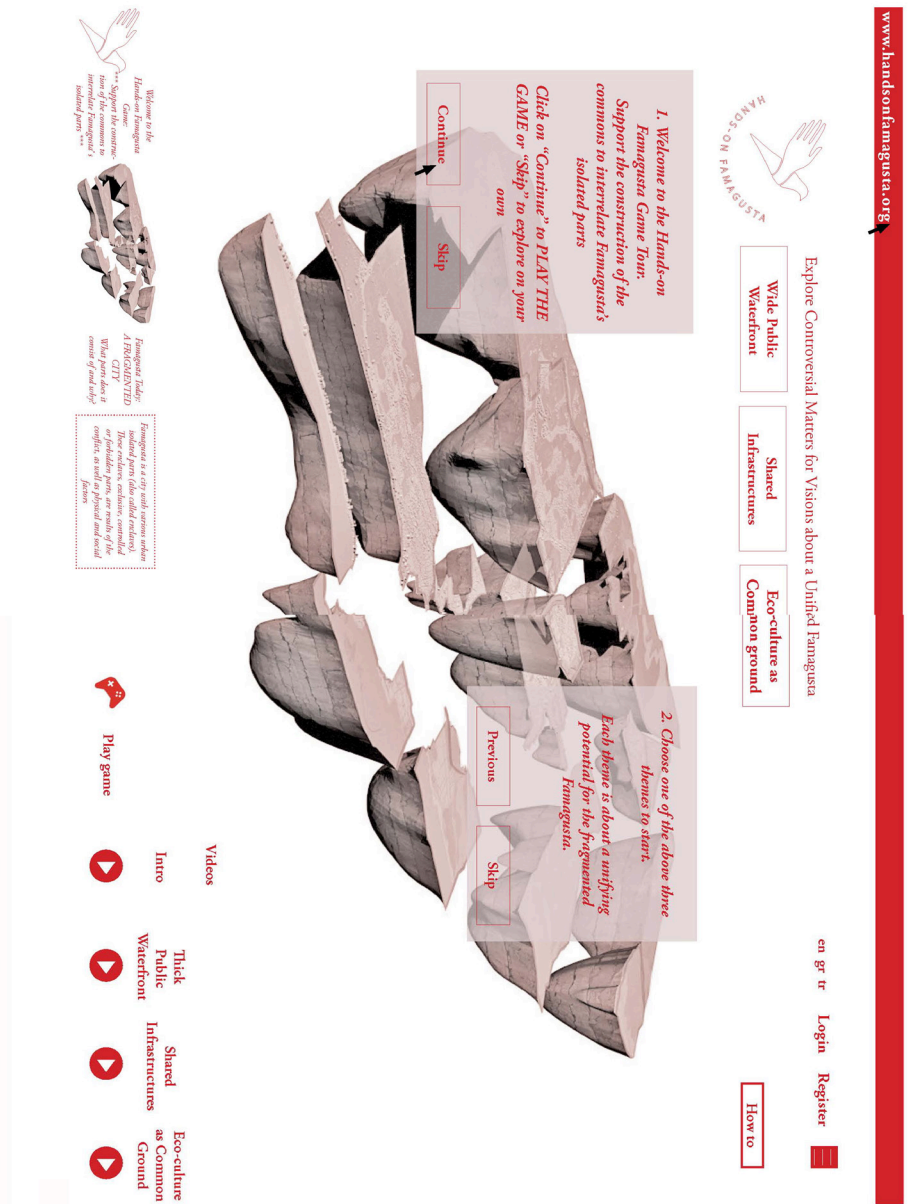


Figure 1: 'Scanned A2 visual matrices for unfolding matrices'. Image reprinted with permission from Socrates Stratis, 'Visual matrix for de-constructed enclaves' in Stratis (ed) (n 74 above) 90–91. Copyright Hands-on Famagusta, I.F., AA&U.



**Figure 2:** Hands-on Famagusta project interactive digital interface. Image reprinted with permission from Sociates Stratis, 'Architecture as urban practice in contested spaces' in Stratis (ed) (n 74 above) 46–47. Copyright Hands-on Famagusta, I.F., A&U.



**Figure 3:** ‘Famagusta city model exhibited in Ledras Street, Nicosia, Cyprus’. Image reprinted with permission from Socrates Stratis and Chrysanthé Constantinou (n 80 below), 142–143. Copyright Hands-on Famagusta, I.F

(Figure 3). The only other such model of any city on the island sits in Derynia, in the alternate, southern, municipality of Famagusta that was created by refugees in 1974. It represents the ‘lost’ northern city of Famagusta, frozen as it was in 1974, and it serves as a ‘device of recollection’. By contrast, the purpose of the new, contemporary model was not to ‘consolidat[e] existing power structures’ through ‘project[ion]’ or ‘remember[ance]’, but rather to ‘problematize’ them through counter-mapping. In contrast to the digital interface, here the counter-mapping was achieved by accentuating coherence – a continuous luminous topography formed of 20 pieces of 55cm by 85cm card overlaid with pale 3D-printed urban blocks, accurate in all spatial respects – in which actual and potential multiplicity might be imagined. Like the digital interface, the physical model was designed as an ‘interface for articulating arguments’ in the public sphere; and it was made available for that purpose first in the dark calm of the Saints Paul and Peter Cathedral in the northern part of the island, then in the pedestrian bustle of Ledras Street on the southern side of the city centre of Nicosia, near a popular Green Line crossing point.<sup>81</sup>

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81 Socrates Stratis and Chrysanthé Constantinou, ‘Overwhelming presence of a city model’ in Stratis (ed) (n 75 above).

This project exhibits all the core elements of a designerly approach specified at the beginning of this article. Each prefigurative component generated structured-yet-free spaces in which actualities and potentialities were made visible and tangible, and in which participants were prompted and facilitated to experiment with ideas in practical-critical-imaginative ways. In these enabling ecosystems participants made and communicated a sense of things; and engaged in meaningful relations with each other.<sup>82</sup> Furthermore, it was possible to complete in the absence of public leadership, but/therefore has not visibly impacted how public authorities are approaching the process of planning the future of Famagusta.<sup>83</sup> However, it is almost certain to have enhanced the willingness and ability of participants to engage in such debates in the future and can serve as inspiration for similar projects in different fields. So, it is reasonable to speculate: what if this process were adapted to the challenge of co-defining a common sense of public value and public purpose around law and island-wide economic life?

The process would begin with a mapping and counter-mapping of the context and controversies. The preceding sections of this article indicate some sources for such maps, including social attitudes surveys, interviews, legal texts and statistics content of a verbal or textual map. And those same sources indicate controversies around, for example, certification, respect, trust, dispute resolution, payments, certainty and information.<sup>84</sup>

How might those controversies be made visible and tangible? It would be necessary to identify key geographical locations such as clusters of economic, legal and related activity. It would also be necessary to include visual and material representations of abstract legal, economic and other social phenomena – that is, fundamentally abstract dimensions of the world, such as law, that we cannot directly see and must therefore always imagine, even when they do currently exist. For inspiration we can look back to 1927 when English Member

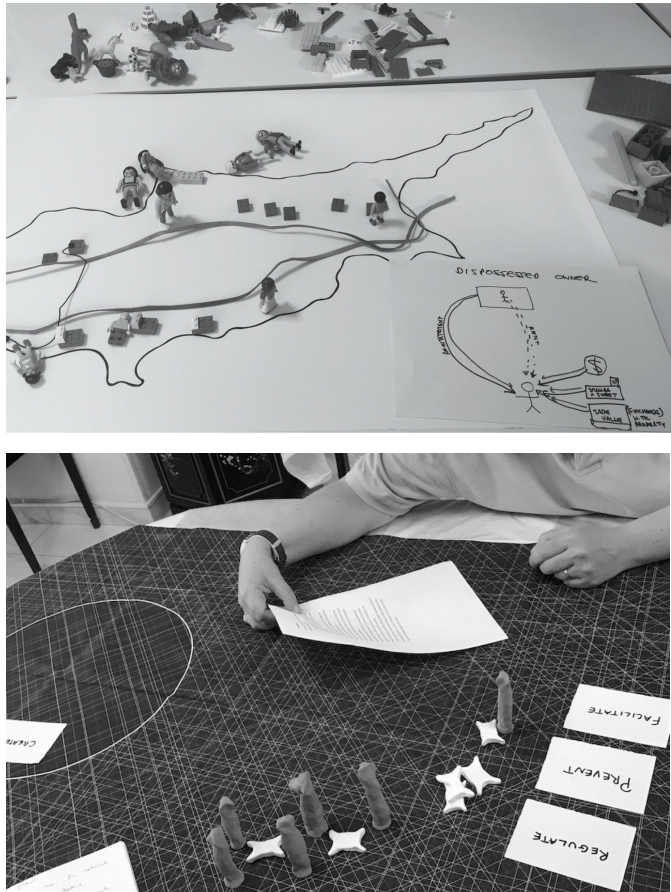
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82 Stratis notes ‘the emergence of a temporal community, part of a reconciliation strategy’: Stratis (n 75 above) 40.

83 Indeed, the future of Famagusta was further complicated when Varosha was opened to visitors in 2020, attracting criticism from the UN Security Council: Statement by the President of the Security Council 9 October 2020 S/PRST/2020/9.

84 Interviews with Fiona Mullen, consultant economist (Nicosia 14 and 24 June 2016, and 19 June 2017); Costas Apostolides, consultant economist (Nicosia 14 May 2013); Alexandros Apostolides, academic and consultant economist (Nicosia 23 June 2016 and 19 June 2017); Izzet Adiloglu, Trade Development Specialist, KTTO (Nicosia 20 June 2017); Emine Çolak, barrister, adviser to KTTO and former Minister of Foreign Affairs (Nicosia 27 April 2018), Leonidas Paschalides, Director, Department of International and Public Relations, CCCI (Nicosia 23 April 2018), Burak Doluay, co-founder, CyprusInno (Nicosia 12 December 2018), Kemal Baykalli (n 36 above); Hasan Siber (n 60 above); Christos Christofi (n 59 above). See also Hatay et al (n 27 above) and Apostolides et al (n 43 above).

**Figure 4:** Modelling economic and legal phenomena with Fiona Mullen. Images: Amanda Perry-Kessaris.



of Parliament Clive Morrison-Bell reframed debates around trade law by making his argument visible and tangible. He ‘commissioned a ... carpenter to build a table-size map of Europe with miniature red brick walls’ enclosing each country to a height determined by the tariffs it imposed on incoming goods. The message: break down these walls.<sup>85</sup> My own experimentation and interviews conducted with public, private and civil society actors in Cyprus indicates that it is possible individually and collaboratively to explore econolegal controversies using modular systems such as LEGO; found items, such as museum artefacts; or bespoke artefacts, such as clay figures (Figure 4).<sup>86</sup>

85 Slobodian (n 6) 37–42.

86 Perry-Kessaris (n 9) ch 3. For an example of diverse participants engaging in such co-modelling, see Amanda Perry-Kessaris and Joanna Perry, ‘Enhancing participatory strategies with designerly ways for sociolegal impact: lessons from research aimed at making hate crime visible in Europe’ (2020) 29(6) *Social and Legal Studies* 835.

The next step would be to generate speculative ‘what if’ scenarios, and to make them visible and tangible. Here, it would be necessary to represent not only those abstract ideas that already exist but also those potentially concrete, but not-as-yet existent dimensions of the world that must, for now, be imagined. Based on the interviews and surveys such as those cited above, we can anticipate that participants would want to ask, for example, what if crossing points were explicitly business-friendly, or what if there were a centre devoted to resolving island-wide economic disputes. These speculations would then be made visible and tangible in the kinds of experiential prototypes envisaged by Bason and others in and around IIPP – that is, full-scale mock-ups, complete with websites, personnel, furniture and forms. An example of how this might work is provided by *Four Legs Good*, a work by artist Jack Tan, which painstakingly conjured a compelling fictitious Animal Justice Court over three days in the old Victorian courtroom at Leeds Town Hall, within which legal professionals and members of the public were prompted and facilitated to behave ‘as if’ animals were already equal participants in the legal system.<sup>87</sup>

Finally, stakeholders and the wider public would be invited into these speculations, so that they might (inter)act, digitally and materially, as if island-wide econolegal systems were already present, and in the process come to understand what futures they want and do not want, as well as why.

What ecosystems already exist that might enable such prefigurative design practices? One possibility is Cyprus Dialogue Forum (CDF), which we can think of as working to generate an enabling ecosystem in which stakeholders can, among other things, act as if an integrated island-wide econolegal systems were already present. This independent, EU-funded, initiative is located in the Home For Cooperation in the buffer zone and aims to create a ‘safe space’ for political parties, trade unions, business and professional associations and non-governmental organisations from across the island to generate ‘joint visions, options and consensus building instruments’, and to develop ‘common understandings and shared knowledge resources’, in ‘support’ of ‘change’.<sup>88</sup> Economic and legal issues thread through many items on the CDF ‘agenda’ for change which include, for example, ‘economic and social cohesion convergences, synergies and sustainable economic

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87 Jack Tan [website](#). See further Perry-Kessaris (n 9 above) ch 4.

88 [Cyprus Dialogue Forum website](#). Another possibility is CYENS, a multidisciplinary research centre in the south which includes a thinker-maker space and a museum lab. It not explicitly island-wide oriented, but does host ‘[The Ledra Palace Project](#)’ which explores the representation of ‘elements of a past’ that are ‘contested and awkward’, ‘[e]specially in countries dealing with social or political conflict, such as Cyprus’

development' and 'resolving practical/daily life challenges' posed by division.<sup>89</sup> Many aspects of CDF practices echo designerly ways. For example, CDF activities are guided by the Single Text of core values, structures and procedures that was co-produced by participants out of visualisations, such as diagrams and flow charts. These visualisations continue to act as the 'go-to language' for discussion and consensus building.<sup>90</sup> Furthermore, the co-defined CDF dialogue process consists of four stages which we can summarise as identify, define, generate and adopt, very similar to the iteratively convergent and divergent process of discover, define, develop, deliver that is characteristic of design. So, we can conceptualise the Single Text, and CDF meetings, as visible and tangible prototypes for integrated island-wide econolegal systems.

Another possible site for experiments in prefigurative design is CyprusInno. Formed in 2016 by Burak Doluay, a Turkish Cypriot living on the island, and Steven Stavrou who is of Greek Cypriot origin but lives abroad, CyprusInno aims to build 'an inclusive, island-wide ecosystem' for entrepreneurship, whether primarily commercial or social. So far they have 'mapped' the existing ecosystem and share the results in textual and visual form across the island; held a series of increasingly popular 'mixer' events in the buffer zone, bringing together entrepreneurial types from across the island to meet each other and to hear from experts in the economics and regulation of island-wide economic life; established a mentorship programme which matches entrepreneurs to mentors from the other side of the island; created an e-learning platform with six freely accessible modules on starting a business, including specific information on island-wide dimensions; and held a summer camp for would-be entrepreneurs in locations across the island. Most recently they have set up a network of accountants and lawyers willing to offer pro bono advice to those wishing to engage in island-wide economic life.<sup>91</sup> Many aspects of CyprusInno, like CDF, echo designerly ways. For example, we can conceptualise their databases, infographics and meetings as visible and tangible prototypes for integrated island-wide econolegal systems.

There is every reason to anticipate that both CyprusInno and CDF might become more designerly in their ways, and even better placed to prompt and facilitate prefigurative design practices, given the growing global prominence of design-based approaches, including in the EU's Green Deal. And it may well be that it is only by pursuing these more participatory and experimental methods that organisations such as CDF will be able to reach beyond the 'bubble' of 'like-minded', pro-

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89 CDF Single Text.

90 Interviews with Maria Zeniou and Erbay Akansoy, *CDF Secretariate* (Nicosia 22 June 2016).

91 Interview with Burak Doluay (n 84 above); see further [Cyprusinno](#).

reconciliation actors with whom they tend to engage and realise their full potential to make meaningful change.<sup>92</sup>

## CONCLUSION

The people of Cyprus are well-placed, should they so choose, to combine their existing expertise in economic, legal and design prefiguration to begin to make alternative relationships between law and economic life more possible and probable. Ostensibly extreme or unique examples such as Cyprus are ‘good for thinking’.<sup>93</sup> So such an enterprise might be expected to generate insights around the actual and potential contributions of law and design to the dynamics of mission-oriented thinking and action everywhere; as well as around how designerly ways might support the development of more socialised, less determinate, understandings of law and economic life more generally.

At the time of writing, there are increasing calls for the international community and the leaders of the north and the south to step aside and make way for citizen-led approaches to resolving the future of Cyprus. In the words of one of the most prominent of these groups, Unite Cyprus Now:

As the UN knows and has itself stated, a genuine peace process requires the involvement of civil society, grassroots, women, youth, academia, educators and all segments of society ... This is why [we have] been calling for Cypriots to own their destiny and to take their own initiatives to build bridges for a real peace process ... Surveys have demonstrated, over and over again, that Cypriots are ready to unite their country and build a common future together. It is time to hand ownership to citizens.<sup>94</sup>

What if?

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92 Statement by Andromachi Sophocleous, activist with Unite Cyprus Now (Email correspondence 22 May 2021).

93 Navaro-Yashin (n 64 above) 10–11.

94 Unite Cyprus Now, ‘[International Community should Stop Playing with our Lives](#)’ (Press Release 30 April 2021).