

# ***Odore di Napoli: Normativity from Objects and Smells***

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## 1. Introduction

Odore di vita e di morte, Smell of life and of death,  
odore di Napoli. smell of roots.  
Odore di radici. Smell of Naples.

—Armando Francesco Serrano, ‘Odori’

The sense of smell is passive, unlike sight or touch, which are active senses, exploring, seeking and feeling their way around an environment.<sup>1</sup> Smelling is activated by the involuntary act of breathing. Smell is not displayed (passive voice); it escapes (active voice). From the body, from the houses, from the bakeries and from the sewers. The nose is enveloped, invaded or assaulted by stinks and perfumes. Smells escape from the architecture, from the

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<sup>1</sup> This is a revised version of an article that the authors previously published in *Non Liqueur: The Westminster Law and Theory Working Papers Series* (London: The Westminster Law and Theory Lab, 2015) under the title ‘Odore di Napoli: What If Jurisprudence Came to Us Through Smell?’.

interior, into the public realm, where we can – or must – share them. Thus, smell orientates us to a social environment more intimately than sight, with less regard for intention.

Despite the sensitivity of our olfactory sense, with its extraordinary capacity to differentiate between smells, we often make a primal distinction between a very fragrant odour and a disgusting smell. This could be based on the physical fact that some smells can actually be sickening. However, the sense of smell is also calibrated by culture. The mind responds to the nose, as is the case when we smell something that can make us happy or sad or nostalgic, because we tend to associate that particular aroma with someone or some event in our lives, such as a particular trip we have embarked on.

While smells are unruly, having no respect for space or boundaries, they nonetheless attach to places: nostalgia, roots. Smell orders the social environment with memories, repetitions, temptations and alarms. What can we learn from smell about the regulation of the social order? We explore this question through different people's perceptions of the various smells of a city, Naples.

Analysing a range of impressions of the smells of Naples, we find that insiders and outsiders have very different impressions of the smellscape of the city. They have various ways of engaging with olfactory orders, as they do with legal orders. Tourists come with the intention of exploring, intentionally, by sight and with cameras: 'See Naples and die'. The sights are interrupted by the smells, which are often seen as unwelcome distractions, like dirt, poverty or theft. Indeed, they may be

interpreted as emanating from ‘filthy habits’ and lawlessness. The tourists, having explored, leave: life goes on, goes back to the normal, the quotidian, back home. The locals remain, engaging with the smellscape(s) to orientate their days and years, and to nourish their senses, bodies and souls.

The interplay of locals and tourists is of course a set of relations between people, between insiders and outsiders. Yet it is mediated by material objects, from cameras or phones to garbage and cruise ships, from Mount Vesuvius to the Tyrrhenian Sea. The groups relate differently to the urban fabric of the city, including the tangible walls and streets, and the intangible smells and the ephemeral meals. All of these fixed or shifting markers exist in a semiotic stew, whose odours and flavours are discerned according to cultural learning. This learning, these cultural competences, arise inside and outside the city itself, then to be applied to the material culture which abounds in Naples. This leaves us with a palette of stimuli through which law is perceived. As we will show, the scents and the stinks, *profumo* and *puzza*, form a framework for understanding the law.

The vocabulary we use to explore the relations between smell and socio-legal orders revolves around two axes: time and space, and unity–plurality. We ask how attachments to places influence perceptions of smells and of regulatory regimes. We consider the connections between smell and time to understand how Naples and its ethnic and social order are layered, and changing. And through an appreciation of the diverse smellscape(s) of Naples, we hope to reach a better understanding of its different legal

orders and how Neapolitans engage with them to survive, materially, socially and spiritually.

This chapter begins with a brief cultural history of smell: as a guide to judgment and good taste in the Baroque, to its repression and denigration in the age of reason, to its rehabilitation in more recent times. The conceits of modernity distorted our view of law as much as our appreciation of smell. In the next section we try to sketch some of these relationships among the senses, knowledge and jurisprudence as a broad epistemological framework for what follows. Then we lay out the information we have gained about reactions to the smells of Naples, through interviews, literature, poems, blogs and journalism, which reveal certain patterns in the perception of smells, by insiders and outsiders, and in relation to space and time. Then follow two sections considering, first, the distinctions between insiders and outsiders in matters of smell and regulatory orders, and then the plurality of approaches to smell and to moral and legal regimes. A conclusion sums up the lessons we draw from Naples for an olfactory jurisprudence, which is corporeal, attuned to judgment and embedded in the lived experience and material objects of daily life.

## 2. Smell and Judgment: From Rules to *Rillette*s

To approach the challenge of a jurisprudence of smell we must first introduce some of the requisite methods and terms before turning to apply these to our study of Naples. Jurisprudence is a foundation for decision-making based on laws, facts and reasoning. It therefore combines obligation (or some form of ethical imperative),

epistemology and action. Smell's position among the senses has been influenced by long historical and cultural traditions. In this section we trace those traditions back to a point in the intellectual history of the West where smell diverged from other senses and other ways of knowing. We then consider some social consequences of that cultural path, before clarifying jurisprudence in the terms of ethics, epistemology and action on which our study is based.

The sense of smell has had mixed fortunes in Western culture, from its key position in the Baroque, to its nadir in the Enlightenment, and then a revival in recent years. The point at which smell was set on a separate course from other ways of knowing can be traced to the seventeenth century. The story of this divergence can be told in brief through the works of Cervantes, Gracián and Descartes.

At the dawn of that century in Spain we find, in Miguel de Cervantes, a subtle discussion of the sense of smell as it relates to taste and judgment. This was soon elaborated by Gracián into an ontology of the senses and of taste. Cervantes' Sancho Panza has a natural capacity to differentiate wines: 'if I just smell (*oler*) one I know where it comes from, its lineage, its taste, its age, and how it will change, and everything else that has anything to do with it.'<sup>2</sup> Given the identification of Sancho with the primitive and unrefined peasantry (in contrast to Don Quixote's befuddled over-refinement), this might be seen as a back-handed dignification of the sense of smell. It seems likely that Sancho is a connoisseur by virtue of his lack

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<sup>2</sup> Miguel de Cervantes, *Don Quixote*, trans. Edith Grossman (New York: Harper Collins, 2003), 537; Miguel de Cervantes Saavedra, *Don Quijote de la Mancha* (Barcelona: Editorial Juventud, 2003), 629.

of refinement: he can trust his nose in a way that Don Quixote never could.

In the middle of the seventeenth century, Baltasar Gracián outlined the role of the senses in the development of 'good taste': possibly the earliest use of the term in the sense of refined judgement and cultural capital.<sup>3</sup> For Gracián, taste mediates between the animal and the spritual: 'there is cultivation not only of the mind (*ingenio*) but also of taste (*gusto*).'<sup>4</sup> Knowledge was to be gained by a combination of ingenuity (*ingenio*), judgment and taste. Each of these was associated with one of the senses, respectively: sight, smell (*oler*) and taste. While Gracián associates smell with the nose, he identifies taste not with the tongue, but with '*olfato*', the olfactory<sup>5</sup> sense.<sup>6</sup>

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<sup>3</sup> 'Cultural capital' is, of course, a much later expression. Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste*, trans. Richard Nice (Abingdon: Routledge, 2010), 188.

<sup>4</sup> Hans-Georg Gadamer, *Truth and Method*, trans. J. Weinsheimer and D. G. Marshall (New York: Continuum, 1989), 35.

<sup>5</sup> Olfactory, *olfato* is derived from *oler* (smell) + *facere* (do, make). This combination of a sense with an active faculty was cited by Vico in support of his view that sense perceptions are constituted by the subject who perceives them, rather than being inherent in the object. Giambattista Vico, *On the Most Ancient Wisdom of the Italians*, trans. Lucia M. Palmer (Ithaca: Cornell University Press, 1988), 93–4; Maurice Merleau-Ponty, *The Phenomenology of Perception* (Abingdon: Routledge, 2012) has dealt with the intellectualist vs empiricist controversy more adequately by reaching a third, phenomenological, position. Pérez Herranz points out that Gracián's position also transcends the positivist vs intellectualist debate by introducing ingenuity (*ingeniosa*) and good taste into an appreciation of the material. Fernando Pérez Herranz, 'La ontología de *El Comulgatorio*' in *Baltasar Gracián: Ética, política y filosofía*, ed. Alberto Hidalgo Tuñón (Oviedo: Fundación Gustavo Bueno, 2002), 73–4. (All translations by the authors unless otherwise credited).

<sup>6</sup> Pérez Herranz, 'La ontología de *El Comulgatorio*', 69.

Furthermore, there are persons of good and bad taste; there are those who 'only have noses for the black fumes of self-love [*el negro humo de la honrilla*], not for the fragrance of virtue'. We should cultivate a sixth sense which mediates the other senses, like a *sensus communis*, leading to an inventive mind (*ingenio inventivo*) that is 'cautious, active and perceptive'.<sup>7</sup> The senses could be educated and refined to the point that they could contribute to the desirable virtues, foremost of which is prudence (*prudencia*).

Also in the mid seventeenth century René Descartes published such key works as the *Discourse on Method* (1637) and *Meditations on the First Philosophy* (1641). While Descartes died eight years before Gracián, his influence would dominate for several centuries. Pérez Herranz, highlights an important distinction between these two contemporaries:

For Gracián the parts of the body are not already given [*ya dadas*], constituted (like the Cartesian *res cogitans*), but they are to be educated, cultivated, in order to achieve *prudencia*, throughout [one's] existence.<sup>8</sup>

In Gracián we find a sensuous ontology that accounts for judgments of taste and prudence that can develop and be refined within the human body. In contrast, Descartes' *ego cogito*, 'cannot mature, but only grow his own consciousness'.<sup>9</sup> In the wake of the Cartesian division of *esprit* and *res extensa*, mind and body, the Enlightenment

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<sup>7</sup> Baltasar Gracián, 'El Criticón' in Lorenzo Gracián (pseudonym), *Obras de Lorenzo Gracián* (Madrid: Pedro Marin, 1773), 148.

<sup>8</sup> Pérez Herranz, 'La ontología de *El Comulgatorio*', 69.

<sup>9</sup> Giorgio Agamben, *Infanzia e storia: Distruzione dell'esperienza e origine della storia* (Turin: Einaudi, 2001), 17.

denigrated bodily functions and senses, particularly that of smell, and relegated the body to the domain of the other.

For Descartes the mind was to dominate the body and the physical world of things (*res*): in the same way, sight facilitates domination of the other. This is true of Haussmann's strategic 'perspectival articulation' of Paris<sup>10</sup> and of the colonial urge for the commanding view.<sup>11</sup> David Hockney observed that 'the development of closed perspective in painting accompanies the development of artillery', to which Jukes adds, 'a line of sight can also be a line of fire'.<sup>12</sup> The Cartesian grid opens up vistas for art, artillery and counter-insurgency. The Cartesian mind is the inside, the command centre, to the outside of things, *res extensa*. The post-Cartesian subjugation of the body defines it as 'unruly, disruptive, in need of direction and judgment, merely incidental to the defining characteristics of mind [and] reason'.<sup>13</sup> Vision is the panoptical projection of Cartesian reason, enabling the controlling view from inside to outside, from ego to other.

An epistemology based in sight and a linear rationalism dominated throughout the Enlightenment. The very term suggests sight, privileged among the senses at the same time that the mind was privileged over the body.<sup>14</sup>

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<sup>10</sup> Walter Benjamin, *The Arcades Project* (Cambridge: Harvard University Press, 2002), 121.

<sup>11</sup> David Spurr, *The Rhetoric of Empire: Colonial Discourse in Journalism, Travel Writing, and Imperial Administration* (Durham: Duke University Press, 1993), 16.

<sup>12</sup> Peter Jukes, *A Shout in the Street: The Modern City* (London: Faber & Faber, 1990), 104–5.

<sup>13</sup> Elizabeth Grosz, *Volatile Bodies: Toward a Corporeal Feminism* (Bloomington: Indiana University Press, 1994), 3.

<sup>14</sup> Martin Jay, *Downcast Eyes: The Denigration of Vision in Twentieth Century French Thought* (Berkeley: University of California Press, 1994).



Perhaps vision was saved by the scientific and geometrical laws of perspective, but smell has been irredeemably anchored in the body and the animal.

The compulsive urge to cruelty and destruction springs from the organic displacement of the relationship between the mind and body; Freud expressed the facts of the matter with genius when he said that loathing first arose when men began to walk upright and were at a distance from the ground, so that the sense of smell which drew the male animal to the female in heat was relegated to a secondary position among the senses.<sup>15</sup>

In post-Enlightenment thought, smell is anchored in the corporeal; compost, soil, animals and sex.<sup>16</sup> To redeem smell is to challenge the logic of domination on two fronts. First, smell and its corporeal links are a counterpoint to the supremacy of vision, reason and mind, split off from action and the body. We can repatriate the body and the physical from Cartesian exile through Gracián's delicate appreciation of smell and taste as the senses of judgment, not given with our animal nature, but cultivated.

Second, we propose that to redeem smell as a sense and, hence, as a way of knowing, allows a reappraisal of two myths that promote the subjugation of peoples and genders. Just as Elizabeth Grosz sees the mind/body distinction mirrored in gender stereotypes of male/female,<sup>17</sup> colonialism makes a similar identification of

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<sup>15</sup> Theodor W. Adorno and Max Horkheimer, *Dialectic of Enlightenment*, trans. John Cumming (London: Verso, 1979), 233.

<sup>16</sup> Michel Serres, *The Five Senses: A Philosophy of Mingled Bodies*, trans. Margaret Sankey and Peter Cowley (London: Continuum, 2008), 163.

<sup>17</sup> Grosz, *Volatile Bodies*.

mind with the hegemonic role of the coloniser. The body is the preserve of the other. The West defined its superiority over colonised peoples in terms of its clear-sighted rationality, relegating the subaltern to the realm of primitive idolators and fetishists.<sup>18</sup> Two great myths have sustained colonisation and racism. The first myth has been highlighted by Latour and Fitzpatrick: the dominant peoples have no myths, only reason.<sup>19</sup> The second myth is one of the pervasive tropes of racism: the dominant peoples do not smell. Let us follow Dr Johnson<sup>20</sup> in being more specific: they do not stink, but they smell others, more specifically, the other. The myth is sustained by the Enlightenment edifice that maintains it is only the moderns who have transcended the animal, the body and nature.

In one of its guises, jurisprudence is the justification of domination, even as it draws on epistemology and leads to action. To clarify these aspects of jurisprudence, we now turn to a philological consideration of terms derived from the Latin *regulae*. Through an analysis, and then synthesis, of these terms, we hope to illustrate alternative approaches to jurisprudence, which may open the way to an olfactory jurisprudence. If sight is the sense of

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<sup>18</sup> Bruno Latour, *Petite Réflexion Sur Le Culte Moderne Des Dieux Faitiches* (Paris: Synthélabo, 1996); W. J. T. Mitchell, *Iconology: Image, Text, Ideology* (Chicago: University of Chicago Press, 1986).

<sup>19</sup> Bruno Latour, *Petite Réflexion*; Peter Fitzpatrick, *The Mythology of Modern Law* (London: Routledge, 1992).

<sup>20</sup> The attribution of the comment 'No, Madam, you smell. I stink' to Dr Johnson is so widespread that it is accepted apocryphally, but without any certain citation. See for example D. Michael Stoddart, 'Follow Your Nose', *New York Times*, 28 September 1997 <http://www.nytimes.com/books/97/09/28/reviews/970928.28stoddat.html>, accessed 17 April 2014.

the Enlightenment, then rules are its scaffolding. The *règles* that Descartes promulgated to guide reasoning formed a model for modernity. Charles Taylor draws on Bourdieu to conjugate *règlement*, *régularité*, *régulation* (*inconsciente*).<sup>21</sup>

*Régularité* occurs with observable frequency. To do something regularly becomes a habit: we can act without particularly thinking (in a disengaged Cartesian way) *about* what we are doing. The outside observer sees the regularity of other people's actions: this is Hart's 'external point of view'.<sup>22</sup> Facts are observed; the relevant verb is 'is'.

Hart famously sought to move from 'is' to 'ought' by entering the 'internal view', where we find 'rule-dependent notions of obligation or duty'.<sup>23</sup> These rules form a system which must be obeyed: *règlement*. This delivers the legal or ethical force of obligation. However, according to Taylor, to represent ways of acting as explicit rules that can be spelt out is to distort the way we really experience them: it is to confuse the territory with the map. A map has neither the passage of time nor the bodily movements required to get from one place to another. Law is such a map of rules, which, like a map, has distortions of scale and projection.<sup>24</sup> We can have more detailed, local maps that tell us about the rules of communities, or we can zoom

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<sup>21</sup> Charles Taylor, 'To Follow a Rule...' in *Bourdieu: Critical Perspectives*, eds. Craig Calhoun, Edward LiPuma and Moishe Postone (Cambridge: Polity Press, 1993).

<sup>22</sup> Herbert L. A. Hart, *The Concept of Law* (Oxford: Clarendon Press, 1961), 87.

<sup>23</sup> Ibid.

<sup>24</sup> Boaventura de Sousa Santos, *Toward a New Common Sense: Law, Science and Politics in the Paradigmatic Transition* (New York: Routledge, 1995), 458.

out to the map of the whole country, of national laws. Law, like the map, is also detached from the actions, movements and learning of the body. It is general, not time specific, and it is abstract, not referring to or dealing with any specific bodily experience. In this, of course, it diverges from day to day unconscious self-regulation. Like a map, law distorts or negates time, motion and action. In day to day experience of *régulation inconsciente* we act on rules as they are understood from within our bodies, as much as our communities. Unconscious rule-following inheres in community relations and in bodily *habitus*<sup>25</sup> (which should be distinguished from the mere observable regularity of Hart's 'habits'). The relevant verb is neither the 'is' of Hart's external view, nor the obligatory 'ought' of the internal view. This synthesis resolves the dialectic with the verb to 'do', or we may recall the Latin *facere*, which includes the English concept of 'make'.

Michel Serres has pointed out a fourth derivation from *regulae: rilette* (to which he adds the wry comment, 'Descartes, where are you?').<sup>26</sup> If *régulation (inconsciente)* is the cold, raw, Hegelian synthesis, of *is* and *ought* into *do*, we can now *cook* with Serres by applying heat to *facere* in order to bring out the smells and flavour: 'analysis slices and dices raw; synthesis requires flame'. The rilette is the cooked synthesis, which 'invents coalescences'.<sup>27</sup>

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<sup>25</sup> Bourdieu, *Distinction*, 166.

<sup>26</sup> Serres, *The Five Senses*, 154.

<sup>27</sup> *Ibid.*, 167.

When the corporeal, saved from Cartesian subordination, is elevated to the level of the sublime, the artifice of cooking becomes, literally, supernatural.<sup>28</sup> Drawing on scientific discoveries regarding the small number of tastes we can differentiate: ‘it can barely make out four or five qualities’, Serres concludes that taste ‘depends on smell to achieve its festive richness.’<sup>29</sup> Recent scientific research into smell has discovered that humans can discriminate more than one trillion distinct odours, making smell our most finely tuned perceptual sense.<sup>30</sup> Serres concurs in placing smell among the most refined of senses, identified with the corporeal and animal as well as the sublime and the supernatural. By reviving an appreciation of the senses, and particularly the sense of smell, we hope to follow Serres by reinstituting an empire of the senses, a corporeal epistemology attuned to the material, both human and non-human. Going further in his enthusiastic embrace of the sensual, Serres goes on to ask, ‘what if philosophy came to us through the senses?’<sup>31</sup> Drawing on this proposed sensual epistemology, we now turn to a study of the smells-capes of Naples to explore further the relations between law and the olfactory: what if jurisprudence came to us through smell?

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<sup>28</sup> Ibid., 167.

<sup>29</sup> Ibid., 156.

<sup>30</sup> C. Bushdid et al. ‘Humans Can Discriminate More than 1 Trillion Olfactory Stimuli’, *Science* 343 (2014).

<sup>31</sup> Serres, *The Five Senses*, 19.

### 3. Neapolitan Smellscapes: Time and Place

Smell calibrates time, not in days, like the sun, or minutes, like the clock, but according to our experiences and culture. As will be seen in the data that follows, smells mark the time of day, the days of the week, the seasons, and the year's festivals. Smells take us back to our past by invoking memories. Old things and old places smell 'old'. Unknown places can smell familiar; and familiar places can suddenly lose identity under disturbing scents.<sup>32</sup>

As mentioned in the introduction, this section is devoted to analysing a range of impressions of the smells of Naples. They tend to fall into two broad categories, insiders and outsiders, as will be seen. The authors occupy an ambiguous position in regard to Naples. Neither is Neapolitan, but the first author, Patrícia, has lived in Naples since October 2013, while the second, Richard, is a true outsider. He is somewhat familiar with Italian culture, but with limited experience of Naples: he has memories from the 1970s, updated with a brief field trip in the course of writing this piece. We have collected data about responses to the smells of Naples from two main sources: travel writing and other online and media reports; and interviews with residents of Naples. The residents were interviewed by the first author, who has also, as a resident of Naples, contributed her own impressions in the text. Five persons, identified in the text by their initials, were

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<sup>32</sup> Marco Armiero and Salvatore Paolo De Rosa, 'Political Effluvia: Smells, Revelations, and the Politicization of Daily Experience in Naples', in *Methodological Challenges in Nature-Culture and Environmental History Research*, ed. Jocelyn Thorpe, Stephanie Rutherford and L. Anders Sandberg (Abingdon: Routledge, 2017), 181.

interviewed, three male and two female, of varying ages.<sup>33</sup> The sample does not purport to be systematic or representative, since all were friends or family of the first author, but provides a rich source of material. Two other ‘insider’ impressions were collected on the internet, from blogs and newspapers (Wanda Pane<sup>34</sup> and Bud Spencer<sup>35</sup>). Finally, a poem by Armando Francesco Serrano, *Odori*,<sup>36</sup> was considered of interest to our analysis. Sources for the outsiders’ impressions were Mark Twain’s *The Innocents Abroad* (1869, chapter 30), followed by journalistic and travel writing of recent years: Jenny McCartney’s chronicle in *The Telegraph* (2008), the Canadian bloggers *Travel Loafers*<sup>37</sup> (2013), Rachel Donadio’s chronicle in *The New York Times*<sup>38</sup> (2013) and Luca Porcella’s writings (2012). Naples is a unique, and uniquely sensuous, city, as described by the

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<sup>33</sup> The interviews were conducted in Italian. The excerpts used were translated into English by the authors, with help from Silvia D’Aviero.

<sup>34</sup> [http://www.nuovomonitornapoletano.it/index.php?option=com\\_content&view=article&id=958:napoli-colori-odori-e-suoni&catid=72:libere-riflessioni](http://www.nuovomonitornapoletano.it/index.php?option=com_content&view=article&id=958:napoli-colori-odori-e-suoni&catid=72:libere-riflessioni), accessed 23 March 2014.

<sup>35</sup> <http://www.paralleloquarantuno.it/articoli/bud-spencer-voglio-lodore-di-acqua-salata-della-mia-napoli.html>, accessed 23 March 2014. Bud Spencer (born Carlo Pedersoli), who was famous as an actor, starring in a lot of *Spaghetti Western* movies with Terrence Hill, was born in Naples (1929) and continued to live in Italy (if not always in Naples).

<sup>36</sup> The poem was listed for an Italian High Schools poetry prize in October 2009. The author appears to have been a student at a Neapolitan high school at the time. Formerly available at <http://www.liceozingarelli.it/progetti/0910/certame0910/poesie/serrano.pdf>, accessed 23 March 2014.

<sup>37</sup> <http://travelloafers.wordpress.com/2013/09/08/i-love-the-smell-of-naples-in-the-afternoon>, accessed 23 March 2014.

<sup>38</sup> Rachel Donadio, ‘Seduced By Naples’. *The New York Times*, 13 December 2013. <https://www.nytimes.com/2013/12/15/travel/seduced-by-naples.html>.

Brazilian author Alice Otero: 'If Italy is the country of the senses, it is in Naples that they will meet at their most heightened state. Naples provokes the senses.' Otero goes on to describe the ways Naples stimulates all the senses, starting by mentioning that of smell (particularly 'the smell of the Tyrrhenian Sea [that] invites you to a boat ride').<sup>39</sup> Here we will focus on its multiplicity of smells. Some are more fragrant than others, others more disgusting than some. *Profumi e puzze*, that stick to the city, to its different places, its buildings, and to the people, engaging with the different smellscape and their ways of regulating behaviour, in time and space.

Mark Twain's description of Naples in the late nineteenth century privileges sight, in line with that Enlightenment tradition discussed earlier. It marks the city as best seen from a distance, 'in the early dawn from far up on the side of Vesuvius',<sup>40</sup> where one should 'see Naples and die:' it is a 'picture of wonderful beauty'. At that distance, 'its dingy buildings look white', but closer acquaintance reveals another reality, and brings another sense into play.

But do not go within the walls and look at it in detail.  
That takes away some of the romance of the thing. The

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<sup>39</sup> Alice Otero. <http://www.correrpelomundo.com.br/2011/01/napoles>, accessed 23 March 2014. Our translation from the original text: 'Se a Itália é o país dos sentidos, é em Nápoles que eles se encontrarão em seu estado mais aguçado. Nápoles provoca os sentidos: o cheiro do mar Tirreno convida a um passeio de barco, a vista do gigante adormecido Vesúvio em contraste com o mar azul emociona, o sabor do vinho provoca uma doce embriaguez, a canzone napolitana enche sua alma de sonoridade e beleza.'

<sup>40</sup> Mark Twain, *The Innocents Abroad*, first published 1869. Available at <http://classclit.about.com/library/bl-etexts/mtwain/bl-mtwain-innocents-30.htm>, accessed 24 February 2014.



people are filthy in their habits, and this makes filthy streets and breeds disagreeable sights and smells.<sup>41</sup>

Twain reeled at the sensory impression of Naples close-up, where the streets are filled with unpleasant odours. His observations fit well into the tradition of Western writing on colonial subjects, a metropolitan view of the periphery.<sup>42</sup> David Spurr has identified several tropes which apply to Twain's observations (and to other observers, as will be seen below<sup>43</sup>):

- surveillance: the 'commanding view', 'from far up on the side of Vesuvius' (Twain) gives the outsider a sense of control, 'from a position of spatial advantage';<sup>44</sup>
- idealization,<sup>45</sup> access to the sublime: 'see Naples and die.'

Twain's impressions on 'disagreeable smells' can take us back to the recent past: that of Naples' garbage crisis. Jenny McCartney wrote in the British *Telegraph* that in 2008 more than 200,000 tons of waste were lying in the streets,

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<sup>41</sup> Ibid.

<sup>42</sup> The more beautiful the place or the more sublime the ancient arts, the more disappointed is the traveller that the local, contemporary savages are not worthy of it. As Twain remarked, Naples was a great metropolis at the time of the European 'grand tours', and it still is. To apply colonial discourse to this great European city is to draw attention to its perceived otherness within the family of European cities, and not to denigrate it as a metropolis and great city.

<sup>43</sup> The Canadian Travel Loafers, in another blog entry, wrote: 'The views of Pompeii below, with Naples and the Mediterranean sea in the hazy distance are wonderful (Caesar, I can see your house from here!)'. <http://travelloafers.wordpress.com/2013/08/11/smokin-on-mount-vesuvius>, accessed 23 March 2014.

<sup>44</sup> Spurr, *The Rhetoric of Empire*, 16.

<sup>45</sup> Ibid., 138.

which made her change the famous epithet 'See Naples and Die' into 'Smell Naples and Die'.<sup>46</sup> During that crisis all sorts of garbage accumulated in the streets of the city, in every neighbourhood, creating landscapes that will endure in people's minds, giving rise to descriptions of the city by travellers visiting during that period that are reminiscent of Twain's a century and a half earlier. As observed by the Canadian bloggers, Travel Loafers:

When we stepped out of the air conditioned Napoli station ... the smell hit us like a mixture of sweaty socks, sour milk and sewer fumes. I wish this blog was scratch'n'sniff. Hard to describe the smell. Garbage was decomposing absolutely everywhere. A huge pile of it right in front of the station in the middle of a bus terminus. Welcome to Naples. The original home of pizza. The smell however wasn't conducive to having a slice.

Consequently, the piles of garbage not only created memorable landscapes, but also disgusting smellscape. During the hot weather, the decomposing garbage, as well as the burning of trash, produced a variety of stinks that overwhelmed the city's usual odours and scents. There was, hence, a rearticulation of the city's lawscape,<sup>47</sup> affecting not only the generation and control of bad smells, but also the ways people started behaving in and within the city, and their struggles to resist the odours and their toxicity.

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<sup>46</sup> Jenny McCartney, 'Smell Naples and Die.' *The Telegraph*, 20 January 2008. Within <https://www.telegraph.co.uk/comment/columnists/jennymccartney/3553931/Our-criminal-system-is-a-persistent-re-offender.html>, accessed 23 March 2014.

<sup>47</sup> Andreas Philippopoulos-Mihalopoulos, 'Atmospheres of Law: Senses, Affects, Lawscapes', *Emotion, Space and Society* 7 (2013): 35–44.

In normal times, Naples provides the nostrils with unique smells of food, in keeping with the city's gastro-nomic pride in its characteristic cuisine. When walking along the streets that compose the *centro storico*, one is enveloped by the sweet smells of babà, sfogliatella or pastiera (the typical Neapolitan pastries); by the woody scent of the pizzerias (the wood burning in the ovens), along with the smell of pizza<sup>48</sup> itself (the odour of tomatoes, basil, oregano, yeast, bread and mozzarella); of frittata and fried pizza (dough and hot oil). It also smells of coffee (strong and burnt). Around the fisheries it smells of fresh fish arriving from the near coast. And sometimes the wind (especially the *scirocco*, the hot wind blowing from the north of Africa that arrives here coming from Sicily) brings the smell of the Mediterranean (more specifically, of the Tyrrhenian Sea which is a different smell to that of fish<sup>49</sup>) along with the smell of the cruise ships (motor oil burning) leaving the port in the morning. All these odours contribute to create the identity<sup>50</sup> of the city, in its various places, from the historical centre to the outskirts of the town.

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<sup>48</sup> Neapolitans claim that pizza was invented in Naples and there are, in fact, differences between Neapolitan pizza and the pizza baked in the rest of the country: the type of dough, consistency, and products used to bake it.

<sup>49</sup> And it also differs from that of the Atlantic Ocean, which has a stronger smell of iodine.

<sup>50</sup> D. Quercia et al. 'Smelly Maps: The Digital Life of Urban Smell-scapes', *Proceedings of 9th International AAAI Conference on Web and Social Media* (2015): 327–336. In <https://www.aaai.org/ocs/index.php/ICWSM/ICWSM15/paper/view/10572/10516>, accessed 27 December 2017.

If travellers, from Mark Twain to Canadian bloggers, can condescend to the locals, mass tourism puts the shoe on the other foot. Even as tourists (who are supposed to occupy a lower status than ‘travellers’) seek authenticity – the real pizza, the gritty side of the city – they are always outclassed by the locals who are seen to *live* ‘authenticity’. The ultimate travel experience is to live as a local (a selling point of Airbnb, where you book ‘homes and experiences’),<sup>51</sup> inverting the classical ‘hierarchy of scorn’<sup>52</sup> with which the metropolitan traveller views the peripheral local. As can be seen in the case of the cruise ships polluting the air of Naples with their black fumes, now that the locals can scorn the tourists, it is the latter who stink.

Some outsiders seem to have more privileged familiarity with Naples, and demonstrate their superior olfactory capital in discerning a greater range of smells, a talent more commonly found among the locals. This is particularly notable in regard to food. In Rachel Donadio’s travel chronicle we read, ‘everywhere the smells of strong coffee, fried dough, fresh clams and the breeze blowing in from the sea’. Luca Porcella, a Roman who was accompanied by a good local guide, is more specific, stating that such gastronomic odours, marking the city’s own history, especially around the narrow streets of the historical centre, tell us of dinner time:

Naples and its ancient history [is above all] made up of its cuisine, in particular, pizza, fish and fried

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<sup>51</sup> Our emphasis; <https://www.airbnb.com/>, accessed 13 January 2018.

<sup>52</sup> ‘gerarchia del disprezzo’, Marco d’Eramo, *Il Selfie Del Mondo: Indagine Sull’età Del Turismo* (Milan: Feltrinelli, 2017), 147. In d’Eramo’s formulation each tourist wants to be seen as a ‘traveller’, and to get away from ‘the tourists’ (a nomenclature that does not include *them*).

food, with smells that run through the narrow streets announcing dinner time. Via dei Tribunali, then, is the highlight of these sensations: a succession of pizzerias and friggitorie [selling traditional fried food], one after the other, with huge lines of people waiting to get in and sit down.<sup>53</sup>

Now tourists, and even sophisticated and culturally attuned travellers, will perceive the city and its smells-capes, as well as its landscapes, differently from the locals. Most of our insiders particularly mention the smells of food. Those mentioned more than once include pizza, fried pizza, pastries, or fried calamari; and also the smells of roasted nuts and cotton candy, as well as those of coffee,<sup>54</sup> fruit and vegetables.

Naples smells of many things: (...) of fruits and vegetables, the stink of frying from the *friggitoria*. (V. R.)

[Smells] Of pizza (...) (F. S.)

(...) or, even more frequently, the smell of fried pizza or other fried foods, among which one can also recognize fried calamari served in small paper cones, convenient to eat on the street while walking ... Oh I almost forgot! Coffee is another characteristic odour ... you really can smell it a lot! (T. G.)

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<sup>53</sup> [http://www.golosoecurioso.it/luca-porcella/viaggi-del-gusto/napoli--odori-e-sapori/info\\_inserzione.html](http://www.golosoecurioso.it/luca-porcella/viaggi-del-gusto/napoli--odori-e-sapori/info_inserzione.html), accessed 28 March 2014.

<sup>54</sup> A small note on the smell of coffee: Wanda Pane offers subtle distinctions regarding such smell. As she claims, coffee smells different made in either a *moka* or a *napoletana* coffee maker; and it can also smell of *torrefazione* or roasted coffee: '[The smell] of coffee, whether poured from the moka or from the classic napoletana, with a more subtle scent. (...) Sometimes the wind brings into my house the smell of roasting coffee.'

(...) suddenly you feel you are being grabbed by the smell of cotton candy, or rather of almonds 'landing' in it; following such smell you end up in a hidden homemade pastry shop. (Wanda Pane)

There is also an association of different smells (food, freshly washed clothes, humidity) with domestic spaces (especially regarding the structure of the buildings and the homes at street level, the so-called *bassi*), although such smells escape the domestic frontiers and invade the streets.

Imagining a stroll through the narrow streets of Naples what is immediately evident in observing the houses is that for the most part these are represented by houses at the ground floor, the so-called 'bassi' (or 'vasci' in Neapolitan dialect). This is particularly important for research on odours since the majority of these smells, as we sense them on the street, come from such homes. Being so close to the street means that even the slightest scent (or stench) is immediately perceived by the passers-by! (T. G.)

The smells I associate with Naples are primarily domestic, even if they are perceived in the street: the synthetic lavender from softeners, the overwhelming slow frying, the pungent and unhealthy deep frying with shoddy oils, the oppressive humidity of the 'bassi'. (G. V.)

There is also the spatial distribution of smells, particularly relating those of food to the historical centre.

[The smell of] roasted nuts and chestnuts at Via Toledo. (...) Of fried food at Piazzetta Miraglia, the odor of pizza at Portalba (...) of the freshly baked pastry out of Pintauro!<sup>55</sup> (F. N. I.)

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<sup>55</sup> A famous bakery in Via Roma.

Pizza at Via Colletta, from *Michele* or, also in Decumano Superiore, from *Sorbillo*. Or from *Il Presidente*.<sup>56</sup> (F. S.)

The first smell that comes to my mind is that of a bakery at Via Egiziana in Pizzofalcone at 7 a.m. spreading into the street (...) (Wanda Pane)

Insiders' descriptions of the odour of the sea differ from the outsiders' (Otero or Donadio) by the specificity of the places they are attributed to.<sup>57</sup>

The smell of the sea [is] certainly all over the sea front, Castel dell'Ovo ... (F. S.)

If the wind is good you're still able to smell the sea, especially in the summer, between Corso Umberto and Via Marina. (V. R.)

This idea of place, be it domestic or entangled with a particular zone of the city, draws on smellscapes, which contribute to a sense of that particular place.<sup>58</sup> The plurality of the smells of Naples can, then, in their coexistence, be seen as part of the ontology of the city itself, an emanation of the urban fabric, from the domestic houses to the city centre's buildings, towards the sea and beyond the city, and then making a feedback loop back to the city, flowing from the walls, travelling in the wind, sticking to the

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<sup>56</sup> These are all famous Neapolitan pizzerias in the Decumano Superiore area.

<sup>57</sup> A friend commented that one needs to get out of Naples in order to be able to smell the sea, since the smell of smog overwhelms it. Using Anna Maria Ortese's book title, one could almost say that 'the sea doesn't bathe Naples' [*Il mare non bagna Napoli*].

<sup>58</sup> John Urry, 'City Life and the Senses', in *The New Blackwell Companion to the City*, ed. Gary Bridge and Sophie Watson (Ithaca: Blackwell Publishing, 2011), 352–53.

bodies and walking with the people from place to place. It is a perpetual movement – from emanation to transformation to re-emanation, recreating the daily smells-capes of the urban landscape. Smells can also help us to organise and characterise places: ‘Smells, scents, whiffs and stinks are incredibly important in our experience and understanding of the surrounding world.’<sup>59</sup>

Henri Lefebvre argues that ‘where an intimacy occurs between ‘subject’ and ‘object’, it must surely be the world of smell and the places where they reside.’<sup>60</sup> Serrano describes it well in his poem, by linking different smells to the idea of roots, as anchored to a particular place, and the idea of self as belonging to it, one’s past intertwined with the place’s own history and past: ‘Smell of roots. Smell of Naples.’<sup>61</sup> The same idea is also present in the Neapolitan Bud Spencer’s reply when asked about ‘the smell of your city’: ‘The smell of salt water splashing on the rocks’.<sup>62</sup>

Hence, smell is not only connected with place, it is also a way of dealing with memory, with the past. Smells also serve as a way of organising time, including life and death. They calibrate the day, the week, or a particular season, such as Christmas, Easter or summertime.

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<sup>59</sup> Victoria Henshaw, ‘Welcome to the Smellscape’, *New Scientist* 222 (2014): 28–29.

<sup>60</sup> Lefebvre, 1991, in Urry, ‘City Life and the Senses’, 352–53.

<sup>61</sup> Formerly available at: <http://www.liceozingarelli.it/progetti/0910/certame0910/poesie/serrano.pdf>, accessed 23 March 2014.

<sup>62</sup> «Lodore della tua città?». ‘Lodore dell’acqua salata che si infrange sugli scogli’. <http://www.paralleloquarantuno.it/articoli/bud-spencer-voglio-lodore-di-acqua-salata-della-mia-napoli.html>, accessed 23 March 2014.



... the smell of meat sauce [ragù] or bean soup is an almost daily occurrence. (T. G.)

Often you can follow the menu for the week: Sunday ragù, roast and roasted artichokes! (G. V.)

The moss from the *presepi*<sup>63</sup> ... the smell of fireworks at New Year, just about everywhere. (F. N. I.)

At Easter, in the narrow streets of the centre, the smell of *millefiori* and orange blossom gives you the feeling of being immersed in a large *pastiera*.<sup>64</sup> (Wanda Pane)

The smell of the sea varies depending on the season ... in the summer it has one odor, in winter another. (F. S.)

Odour of moss, tourists and tuff.<sup>65</sup> (Serrano)

Scents function as symbolic representations and particular smells act as triggers for memory and recollection.<sup>66</sup> Smells hold memories: they unlock childhood, take you back to familiar objects or bring forth past events or lost periods in one's life,<sup>67</sup> as in Wanda Pane's example:

And here I am again at Villa Comunale where the horses no longer walk, there aren't carriages at Riviera, but the stink left by the horses takes me back to those days, and I can even feel the smell of ozone left by the legendary 140 trolleybus. (Wanda Pane)

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<sup>63</sup> Model nativity scenes which use moss to represent grass.

<sup>64</sup> A characteristic Neapolitan pastry, with fresh and candied citrus fruits.

<sup>65</sup> The volcanic stone, *tuffo*, used extensively in Naples for building.

<sup>66</sup> Kelvin Low, *Scents and Scent-sibilities: Smell and Everyday Life Experiences* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009).

<sup>67</sup> Ibid.

Time, memory and place are also present in relation to the smell of the old. Of course, trying to describe such a smell is delicate, since 'old' may smell different from place to place, and it may mean different things to different people. Neapolitans connect this description to the scent of incense coming from the numerous churches situated in the historical centre, or they relate it to a particular place, e.g., the old courthouse, at the end of Via dei Tribunali.

The scent of old, I think of San Gregorio Armeno, the street of the *presepi*, and all the narrow streets at the Decumani (San Biagio dei Librai), up to the old courthouse in Castel Capuano. (F. S.)

The incense from the churches (...) (F. N. I.)

Smell, however, can also be seen as a vehicle that expresses new realities and changes in a city's life. Driven by smell, and especially that of food, we now turn from recollection of the past to the Naples of the present, characterised by the new cuisine of the recent immigrants. As T. G. points out:

[F]rom these homes [bassi] emanate the smells of cooking, which in fact depend a bit on the nationality of the inhabitants. In fact, if the house is inhabited by Indians or Sri Lankans the smell of spices like curry or cooked coriander will be almost mandatory.

Pane's essay and Serrano's poem also back up this reality, naming the 'exotic' odours of curry, kebab and sushi, side by side with that of pizza.

The exotic smells of curry, kebab, and sushi in the Quartieri Spagnoli and in Duchesca inhabited by immigrants. (Wanda Pane)

Smell of pizza, kebab (...) (Serrano)

Smells, however, don't relate only to objects or events. They are also concerned with feelings, desires, and sensations. Life and death, says Serrano.

Smell ... of defiance:/ two eyes/ on the street/ meet/  
two others, /the last to look down /wins. / Smell ... of  
sacrifice and despair,/ old age and youth rebellion ... /  
Smell of blood ... / and resignation ... / Smell of life  
and death ... (Serrano)

My day ends at 7 p.m. with a bad smell, the smell of  
poverty in the hillside subway to Piscinola. (Wanda  
Pane)

According to John Urry,<sup>68</sup> smellscape organise and mobilise people's feelings about particular places. In fact, Serrano is telling us that in Naples you can sense smells that remind you this is a city that deals with criminality (the smell of blood and defiance), a city where people must sometimes resign themselves to the surrounding harsh reality, made of sacrifice, despair, old age and poverty (as observed by Pane). Or, instead, they may choose to rebel against it.

#### 4. Insiders and outsiders

We have already noted that insiders and outsiders have very different impressions of the smellscape of the city. If the insiders usually point out that Naples smells primarily of different kinds of food, many of the outsiders claim that Naples smells of garbage and filth. Twain's words on Naples provide an interesting backdrop on the outsiders' view which privileges the sense of sight, while the insiders

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<sup>68</sup> Urry, 'City Life and the Senses'.

are more attuned to the smellscape of the city, calibrated in time and space. These obvious differences lead us to ask why insiders' and outsiders' relationship to smell and the senses varies so much.

A first hypothesis was suggested by the question: are one's own smells so familiar that they cannot be perceived? Evidently, the insiders recognise, as well, the stinks of Naples. Nevertheless, they relate these to garbage only occasionally, and specifically during summertime, also focussing on the smells of exhaust fumes or smog.

Unfortunately, it's not only the scents that characterize Naples, but often there are also stinks. Among these the most annoying are the ones from the harmful cloud of smog and garbage, especially in the summer. (T. G.)

... the stink of exhaust fumes (F. N. I.)

Naples smells of many things: of smog... (V. R.)

And, going back again to food, the insiders also mention the stench of unhealthy frying with shoddy oils (as G. V. and V. R. have mentioned). So it is not that the insiders cannot smell the stinks as well as the scents: they have a more nuanced appreciation of smells.

This in part derives from a greater involvement with smell, compared with the outsiders' primacy of sight which, we have already noted, is connected to the detached reason of Descartes. We recall Twain's preference for distance (over proximity) and the commanding view, typical of the colonialist view, or surveillance, of the other. The insiders, on the other hand, have impressions of smell that engage with it. They are so immersed in the

smell of the sea that its smell is associated with certain zones of the city. Other smells also orientate the resident to familiar places: the smell of pizza (F.S.) or roasting nuts (F.N.I.) have their own associations with quite specific streets or neighbourhoods. The smells of bread, pastries or coffee, in their turn, remind them it is morning: they are tempted to breakfast and stimulated to get moving for the day. The smells of bean soup or the lunchtime *friggitorie* are quotidian and regulate daily meals. The smells of *ragù* and roasts, on the other hand, have a weekly rhythm, promoting a relaxed and family-oriented mood for Sunday. The smells of the *presepi* announce Christmas. And, although the smell of the sea seems to be inside their noses, the subtle changes in this odour speak to the insiders of the different seasons.

So the insiders inhabit the smells of their city, which in turn regulate their lives. The outsiders, for their part, notice the transgressive smells of garbage, the pathological threat of the foreign unclean. In our effort to derive a jurisprudence from smell, we now consider how these inside and outside views relate to our earlier discussion of Hart, and the philology of words derived from *regulae*.

For Hart, the outsiders find regularities, but not rules. The external point of view is that of an observer who does not necessarily have to accept the rules of a legal system, while the internal point of view is that of the members of a group who are governed by the rules of the legal system and who accept these rules as standards of conduct. Shapiro<sup>69</sup> claims that Hart's most fundamental distinction

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<sup>69</sup> Scott J. Shapiro, 'What is the Internal Point of View?', *Fordham Law Review* 75 (2006): 1157–1170.

is between the practical and the theoretical points of view, the practical point of view being that of the insider who must decide how to respond to the law, and the theoretical perspective that of the observer, who is often but not necessarily an outsider, who studies the social behaviour of a group living under law.

In this study we have found that the outsiders rely on observation, and are not bound to negotiate the internal rules of Naples. Yet this does not isolate them from having to deal with the olfactory and legal order. The garbage and the dirt assail them, just like their 'foolish fear of being cheated'.<sup>70</sup> For Twain and our more recent travellers, the smells of Naples are, on the other hand, mainly reported when they are offensive. In smell as in law, it is only when something pathological happens that attention is directed towards the law, the legal system, or the breaking of it.<sup>71</sup> It is only when a strong odour, most often a disgusting one, violates our nostrils that the observer's attention turns to smell, our olfactory sense. Absence can also be remarkable, as when we momentarily lose our olfactory faculties, or when there is a state of exception that freezes the legal system. The absence of law can be shocking, as can the absence of smell.

If this description of jurisprudence highlights the position of law in its transgression or suspension, how is it experienced by insiders? Smell has this in common with

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<sup>70</sup> Walter Benjamin and Asja Lacis, 'Naples', in Walter Benjamin, *Reflections, Essays, Aphorisms, Autobiographical Writings*, trans. Edmund Jephcott (New York: Schocken, 1986), 164.

<sup>71</sup> José Baptista Machado, *Introdução ao direito e ao discurso legitimador* (Almedina: Coimbra, 1990). To recall the analogy of law and map, habitus and territory: we only consult the map when we are lost.

the law: neither is remarked on nor remarkable in normal interactions. People living ‘inside’ a particular legal regime tend not to think about the law as an abstraction: it is part of everyday life. So, to our insiders, the smell of the sea and their favourite pizzeria orientate in situ, while all the daily, weekly or seasonal smells, that have been accepted, or incorporated, inform the insiders’ lives and way of living. Smell also marks their awareness of the city’s past (the old stones) and present (lunchtime). Through smell they invoke memory, but change is apparent to them when they notice the new ethnic cuisines of recent immigrants. Thus the law, as smell, is inscribed in the material: in the walls, the buildings, the urban fabric, in the movements of the bodies, coming and going, leaving and living in the city. The overlapping of the different smells translates into an immanent normativity<sup>72</sup> of Naples’ everyday life.

For Hart, the insider takes a practical point of view, knowing the rules and which are to be applied. Likewise, our Neapolitan insiders express a practical point of view, being part of the system and engaging with it. This contrasts with Twain, McCartney and Travel Loafers, whose external point of view – or, rather, of smell – only observes a one-dimensional and transgressive reality, the smell of garbage. Aided by their commanding view, they adopt the haughty stance of the modern positivist, as if they were looking at a rudimentary society in need of

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<sup>72</sup> Andrea Pavoni, ‘Sharing Conflict: Law, Justice and the Street’, in *Street-Level Sovereignty. The Intersection of Space and Law*, ed. Sarah Marusek and John Brigham (Lanham: Lexington Books, 2017), 37.

redemption through the power of reason: of Descartes' *regulae* and Hart's rules.

### 5. *Profumo e puzza*

Hart's own origin myth of modern law is rooted in its emergence out of the primal swamp of primary rules, 'very similar to custom'<sup>73</sup> that are 'always found in ... primitive societies' which may, with some help from a 'self-binding' legal establishment, progress into fully functioning legal systems.<sup>74</sup> Here is the myth of progressive rationality – that modern law is myth-free – by which Hart distinguishes his elaborate system of rules from the 'primitive'. It is a jurisprudence based in 'Hart's arbitrary and essentialist confining of law to rules'.<sup>75</sup> If there has been little reference to rules in our insiders' understandings of the smells of their city, we may still find elements of another jurisprudence there.

Naples, as we have seen, is composed of a plurality of smells: scents and stinks. T. G. pointed out that 'it's not only the scents [*profumi*] that characterize Naples, but often there are also stinks [*puzze*]'. These form the two faces of Naples' smellscape. Both are intertwined, as occurs with different legal orders within society. Or with legality and illegality.

Our legal life is constituted by an intersection of different legal orders, a world of legal hybridisations, a condition present not only at the structural level of the

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<sup>73</sup> Fitzpatrick, *The Mythology of Modern Law*, 193.

<sup>74</sup> Hart, *The Concept of Law*, 42, 89, 91.

<sup>75</sup> Fitzpatrick, *The Mythology of Modern Law*, 194.



relationship between the different legal orders, but also at the level of legal behaviour, experiences and representations of citizens and social groups.<sup>76</sup> This legal phenomenon has been described as interlegality. Far from characterising 'primitive' societies, Santos argues that interlegality is a dominant characteristic of our times, made of porous legality or legal porosity, multiple networks of legal orders forcing us to constant transition and trespassing.<sup>77</sup> These orders can be made of formal (mainly composed of state law), informal (social norms and, in the Neapolitan case, also the Camorra as a parallel legal framework) and/or religious rules. As claimed by Pardo,<sup>78</sup> the relationship between these different legal orders, values, and self-interest is neither fixed nor unnegotiable. The same can be said of the different smells and stench that characterise Naples. However, as seen before, outsiders and insiders reveal different perceptions of this relationship, be it in terms of smell or of what can be considered as legal and illegal.

Once you make your way through the unruly traffic, honking horns, locals shouting in thick dialect across alleys lined with wet laundry, past racy black lace garters on display in shop windows, shrines to the Madonna with blue neon and plastic flowers set into palazzo walls, churches decorated with carved skulls, women squeezed into their shirts and spike

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<sup>76</sup> Maria Paula Meneses, 'Toward Interlegality? Traditional Healers and the Law in Postcolonial Mozambique', *Oficina do CES* 202 (2004): 3.

<sup>77</sup> Santos, *Toward a New Common Sense*, 473.

<sup>78</sup> Italo Pardo, 'Morals of Legitimacy in Naples: Streetwise about Legality, Semi-legality and Crime', *European Journal of Sociology* 36(1) (1995): 44–71.

heels, immigrants selling knockoff bags, helmetless teenagers on mopeds racing the wrong way down slippery one-way streets, and everywhere the smells of strong coffee, fried dough, fresh clams and the breeze blowing in from the sea — it is immediately clear that two primal forces drive this magnificent chaos of a city: life and death.<sup>79</sup>

According to Pardo,<sup>80</sup> many ordinary Neapolitans conduct their lives without always strictly abiding by the law: small transgressions such as the violation of traffic laws are common, and so are various activities that, according to formal definition, fall in the grey area between legality and illegality or are unequivocally illegal. However, as Pardo points out, classifying these activities as criminal would miss the point that their moral legitimacy is the result of a redefinition of moral and spiritual values, entrepreneurialism and understanding of formal law. If we compare this vision of the law with smell, and referring back to the previous section, where we argued that law and smell are recognised mainly in their transgression, it can be said that this comparison can point us toward smell that does not assault the senses, but is simply in the air we breathe. The same can be said of law, and especially informal law: it does not require binary judgements that distinguish legal from transgressive, nor does it need a rational legal establishment. There is also law in the air we breathe, in our bodily actions, our *régulation inconsciente*, and in our sense perceptions.

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<sup>79</sup> Rachel Donadio, 'Seduced By Naples'. *The New York Times*, 13 December 2013. <https://naplespolitics.wordpress.com/2009/11/20/garbage-crisis-and-organized-crime>

<sup>80</sup> Pardo, 'Morals of Legitimacy in Naples', 47.

The category of ‘real crime’, linked to the Camorra, is clearly distinguished by Pardo’s respondents from everyday misdemeanours. The Camorristi are seen as the holders of a monopoly of ruthlessness and rootlessness which challenge the recognised order of social life.<sup>81</sup> The same happens with stink (*puzza*): it violates the nostrils and disrupts the ordinary smellscape. But, just like the scents (*profumi*), the stink of the Camorra has become part of the city’s life. Curiously, a comparison can be made with an odour mentioned by Serrano: the smell of roots as one of the smells of Naples, thus characterising it as an anchoring place (or home). This smell is in sharp contrast to the observed rootlessness that defines the Camorristi: as a *puzza*, they are part of the city; however, their belonging to it is of a problematic nature, as of having no roots.

The attitude of ordinary Neapolitans toward criminals, as described by Pardo,<sup>82</sup> is a combination of pragmatism, defiance, fearful acquiescence and moral condemnation. Again, these feelings are well-known and described in Serrano’s poem: the odours of defiance and youth rebellion, the smells of sacrifice, despair and resignation. Ultimately, the smell of blood. Thus, Naples is a city marked by two primal forces, as Donadio wrote. Articulating Donadio’s words with Serrano’s poem, and with our analysis, Naples smells of life and death. *Profumo* and *puzza*.

Now, the garbage disposal crisis’ link to organised crime has been officially recognised by the Italian state in

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<sup>81</sup> Ibid., 50.

<sup>82</sup> Ibid., 55.

recent years.<sup>83</sup> The title of an article by Alexander Smoltczyk, 'The Stink of Greed: In Naples, Waste Is Pure Gold',<sup>84</sup> makes clear the association between stench and avarice. Again, *puzza*: the stench of filth and garbage. The smell of 'dirty-money'<sup>85</sup> related to greed, which stinks.

Another clear and well-known association is that between the Camorra and the Catholic Church, especially in the Campania region which includes Naples. Sales<sup>86</sup> notes that a society profoundly shaped by Catholic culture has given birth to Cosa Nostra, the Camorra, the 'Ndrangheta and the Sacra Corona Unita, not in opposition to the Church and its institutions, but in a formal and public adherence to its rites, its beliefs, respect for its hierarchy and its role in society. As visitors coming to Naples discover, this is a profoundly religious city, where cathedrals, churches and chapels abound. Our insiders' perceptions led us to the smell of the old, relating it to the smell of incense coming from churches, and also placing it at the heart of the city's historical centre. This is where one can find most of the churches in Naples, sometimes one side by side with another. The relation between the Catholic Church and the Camorra is another old smell, since the mafias have been around for more than 200 years.<sup>87</sup>

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<sup>83</sup> See also <http://naplespolitics.com/2009/11/20/garbage-crisis-and-organized-crime>

<sup>84</sup> Alexander Smoltczyk, 'The Stink Of Greed: In Naples, Waste Is Pure Gold.' *Der Spiegel*, 13 January 2008. <https://www.spiegel.de/international/europe/the-stink-of-greed-in-naples-waste-is-pure-gold-a-528501.html>

<sup>85</sup> Pardo, 'Morals of Legitimacy in Naples', 50.

<sup>86</sup> Isaia Sales, 'Chiesa e Mafie', *Annuario Kainos* 2 (2014): 115–144.

<sup>87</sup> Ibid.

Using the religious concepts evoked by Low,<sup>88</sup> it is possible to say that in Naples the odour of sanctity and the stench of sin go hand in hand. Yet again: *profumo* and *puzza*, with an old fragrance to it. This too is something that Neapolitans have become accustomed to, since it is all part of the *odore di Napoli*.

## 6. Conclusion

While smell has been neglected since the Enlightenment, sight is privileged in many areas of culture, including travel and tourism. Particularly since the invention of the camera, we are able to capture what our eyes see.<sup>89</sup> As in everyday life, we do not usually think about the smells of a place when we visit, unless we are making a different kind of trip, like gastronomic or wine tourism. Besides, as far as we know, there is no gadget<sup>90</sup> for private use capable of capturing what our nostrils smell, be it the scent of food, of the sea, of the trees, plants or flowers, or of the monuments that constitute a particular city. Language itself seems ill-equipped to describe the one trillion smells our noses can distinguish.

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<sup>88</sup> Low, *Scents and Scent-sibilities*, 9.

<sup>89</sup> First there were postcards (created by professional photographers and printers); then with mass diffusion of cameras, we all took our own pictures.

<sup>90</sup> We could talk of sound too. Sound, much like smell, has been marginalised. Simmel stated that hearing is a passive sense, without autonomy, contrary to what happens with sight. Georg Simmel, 1981, *apud* Carlos Fortuna, 'Paisagens Sonoras. Sonoridades e ambientes sociais urbanos', in *Identidades, Percursos, Paisagens Culturais. Estudos sociológicos de cultura urbana*, ed. Carlos Fortuna (Oeiras: Celta Editora, 1999).

When Walter Benjamin and Asja Lacis wrote about Naples in 1924, not once did they mention its smells. The city is always described using sight: 'For anyone who is blind to forms sees little here'. Poverty, misery, 'dirty courtyards', 'dirty stairs' and the 'foolish fear of being cheated' complete the picture.<sup>91</sup> Curiously, for a text called 'Imagining Naples: The Senses of the City', Lesley Caldwell also ignores smell in analysing two movies<sup>92</sup> by the Italian director Mario Martone, both set in Naples. The author writes, in fact, that 'language, cityscapes, noise, bodies, the presence of death ... reveal, at the same time, a regional city of the South, and an Italian city like no other'.<sup>93</sup> Each of these texts reveals the primacy of vision, sight, as *the* sense. They continue the tradition of genteel travellers, from Mark Twain to Canadian bloggers, who *see* Naples in all its beauty, from a privileged vantage point, but who are repulsed by the smell of garbage, illegality and *memento mori*: *Vedi Napoli e poi morì*.

In contrast to the outsiders' visual viewpoint and olfactory repulsion, the Neapolitans navigate their city – its places, seasons and quotidian rhythms – by smell as much as by sight. Smells that escape from kitchens and homes illustrate that smell is unbounded, while it nonetheless defines places. Smell, though unruly, organises time. Here is a form of regulation that transcends any formal rules or hierarchical jurisdiction. This corporeal and sensuous

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<sup>91</sup> Benjamin and Lacis, 'Naples', 164–166.

<sup>92</sup> *Morte di un matematico napoletano* and *L'amore molesto*. Smell is, of course, even harder to portray in cinematic language.

<sup>93</sup> Lesley Caldwell, 'Imagining Naples: The Senses of the City', in *The New Blackwell Companion to the City*, ed. Gary Bridge and Sophie Watson (Oxford: Blackwell Publishing, 2011), 345.

*régulation inconsciente* can be understood in Taylor's dialogical terms, or in relation to Bourdieu's *habitus*.<sup>94</sup>

Legal outsiders, relying on sight like good reasoning positivists, observe regularities in behaviour which they can take to indicate the presence of laws. Insiders, however, act on rules as they are understood from within their own bodies. The insiders of our study, anchoring their (unconscious) rule-following in bodily *habitus*, negotiate daily life at the edges of formal and informal law. Their judgements are more finely tuned to an interlegality in between the clean order of absolute legality and the stench of garbage which enriches the Camorra. Neapolitans can smell the rotting garbage and the metaphorical stench of organised crime and death. Yet these realities constitute a background to everyday life: exhaust fumes and shoddy oil; the daily, weekly and annual round of meals and seasons, feasts and festivals, that make up their own smellscapes. The Camorra occupies a distinct *ambiente*, an environment as removed from quotidian survival as is the distant edifice of rules making up state law.<sup>95</sup>

We have moved beyond the Enlightenment's lines of sight and monolithic view of law to appreciate that interlegality is inhabited by bodies and experienced in smells. Immanent and corporeal normativity is constituted by the material of social and human life. That includes bodies and foods, scents and stinks, and the objects which exude them. Some of those are the product of human activity in the moment (cooking lunch); others are given

<sup>94</sup> Taylor, 'To Follow a Rule...', 171; Bourdieu, *Distinction*, 166.

<sup>95</sup> Pardo, 'Morals of Legitimacy in Naples', 51.

by nature (Vesuvius). All of them mediate that most social and human of activities: regulation, not in rules and statutes, but in *regularité, régulation inconsciente*: rillettes to ragù.

If sight is linked to rules (the Cartesian grids that inform laws of perspective, maps or legal systems), then smell promotes judgement of the sort needed to negotiate an ingenious and prudent passage through life. We have come back to Gracián's Baroque ontology where the nose is the organ of judgement, and taste is based in the olfactory,<sup>96</sup> where *prudencia* and an *ingenio inventivo* are the aims of education and self-formation. Naples is, to this day, a laboratory of the Baroque:<sup>97</sup> a living challenge to Enlightenment absolutism, colonialism and monolithic jurisprudence.

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<sup>96</sup> Pérez Herranz, 'La ontología de *El Comulgatorio*', 69.

<sup>97</sup> Henshaw claims in 'Welcome to the Smellscape', a *New Scientist* opinion piece, that in modern western cities 'the smellscape of city streets are turning into sterilized clones of one another'.



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