Foreword: What is legal geography? Why, and why now?

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For me, legal geography begins with the simple but profound precept, that law and spatiality (defined here as socially constructed space, including cognate concepts such as place, territory and scale) intersect in world-constituting and world-changing ways. Legal geography takes the intersection of law and spatiality as its focus, revealing the analytic and ethical difference that this combination makes to the world. It is not an exclusive intellectual domain, nor one confined to geographers, but is best thought of as a critical recognition of this intersection. It is disposition, not discipline. As such, it can be found throughout the academy, as evident in the contributors to this fine volume, and beyond, in the realm of social praxis and activism.

Law and spatiality, treated separately, are significant and vital concepts. In combination, the effect is even more profound.

Let's first take law. But law is hard to nail down. E.P. Thompson, the brilliant self-defined "historian in a Marxist tradition," noted that eighteenth-century English law refused:

to keep politely to a "level" but was at *every* bloody level; it was imbricated within the mode of production and productive relations themselves (as property-rights, definitions of agrarian practice) and it was simultaneously present in the philosophy of Locke; it intruded brusquely within alien categories, reappearing bewigged and gowned in the guise of ideology; it danced a cotillion with religion, moralising over the theatre of Tyburn [the gallows]; it was an arm of politics and politics was one of its arms; it was an academic discipline, subjected to the rigour of its own autonomous logic; it contributed to the definition of the self-identity both of rulers and of ruled; above all, afforded an arena for class struggle, within which alternative notions of law were fought out. (1978, p. 288)

Law continues to be "all over" (Sarat 1990). This very Foreword is written using software for which I, as a university member, have access via a site license, on a laptop that I own (although purchased through university funds that I must return if I leave the university before a designated period). Governed by defamation law, intellectual property rights to it will likely be transferred to the publisher, itself a legal entity, who will have entered into a multi-page contract with the editors, which will likely include jurisdictional rules governing the location of the court that will settle any dispute. But law is not simply a formal set of codes. As Thompson reminds us, it is present in everyday practices and performances, making us up as subjects, constituting legal identities ("parent," "citizen," "tenant," "worker") and then providing us relational categories with which we can interact (contract, marriage, leases).

Law in this sense matters. It helps make a world, for better and, more often, for worse. It effaces, denies, or cabins the relationship between the land upon which I write, and the Indigenous people charged by the Creator to steward this land, making possible the simple title that grants me legally superior rights. It relegates the homeless person outside my front door to a legally constituted social death. It affirms and protects whiteness. It places me in a distinct, and privileged position, relative to "nature." Yet law also offers a resource for contestation, whether framed within a self-declared singular law, such as struggles within the Canadian Constitution for "aboriginal rights," or articulated through a legal multiverse, drawing from Indigenous law.

As with law, so with spatiality. I use spatiality rather than “space” to signal the manner in which the latter is socially produced and socially productive. Spatiality, of course, is not innocent, but profoundly political. “We must be insistently aware,” notes Soja (1989, p. 6), “of how space can be made to hide consequences from us, how relations of power and discipline are inscribed into the apparently innocent spatiality of social life, how human geographies become filled with politics and ideology.” Spatiality provides a powerful organizing framework, constitutive of, and produced through, relations, stabilizing powerful normative frameworks and dispossessionary logics. It serves to put marginalized people in “their place,” allowing for moral differences based on imposed scalar categorizations, placing certain injustices as “far away” and thus not my concern, reifying national boundaries between us and them, or property divisions between mine and yours. And, as with law, it also provides a fertile terrain for struggle and resistance. Place can be mobilized in highly exclusionary and liberatory forms.

Consider, then, what happens when these two potent concepts converge, when law is spatialized, and spatiality becomes legality. For this nomospheric splicing of law and spatiality, of course, is omnipresent and ubiquitous. It is evident in the jurisdictional moves of legal actors; the territorial practices of the cop; the scalar containment of rights; the legal purification of certain sites of actions deemed “out of place”; the scopic visibility of abstract space, deployed in crime mapping; the refusal to see particular legal geographies, such as the legal denial of Indigenous law; or the studied denial of nature as a legal actant. Such potent splicings are sometimes hard to discern. Often they appear doxic, to borrow from Bourdieu (1986): they go without saying, because they come without saying. In part, this reflects the powerful ideological work of “Law” and “Space,” as apparently objective, pre-political categories. These are the spaces (and space-times) that legal geography seeks, denaturalizes, opens and unpacks, tracing their particular work.

But as legal spatiality is socially produced and productive of social orders, so it is diverse and protean. As there is no singular legal spatiality, so there must be multiple legal geographies, alert to this heterogeneity. For too long, the field has relied on Eurocentric conceptions of both law and geography, and their intersection. Legal spatiality matters, but it matters in different and diverse ways. Attending to this diversity is of crucial importance, both analytically and ethically (Hunt 2014).

This rich, chewy handbook, full of varied case studies drawn from different places, offers just such a series of interventions into the field. The contributors, refreshingly, are diverse and differently situated. Intellectually, they also come from many worlds – geography, law, planning, anthropology, and so on. Their work speaks to the crucial challenges, tied to systemic inequality, that we confront, while also reminding us of the diverse forms that legal geography takes. It insists that legal geography is needed now, more than ever. The violent injustices constituted by, and so often obscured by legal spatiality not only persist, but often intensify. Naming and challenging the violences of such splices has never been more urgent. This, for me, is the work of legal geography.

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