Introduction to the *Handbook on Space, Place and Law*

Robyn Bartel and Jennifer Carter

SPACE, PLACE AND LAW AT A CROSS-ROADS

At the time of writing the COVID-19 pandemic is rampant across the world. The pandemic has exposed not only our shared humanity, and very human vulnerability, but also the great diversity of circumstance across the globe and the enormous inequality that remains in and between regions and nations. The disastrous effects of COVID-19 have disproportionately affected those least able to cope, who are already marginalised, and maligned by poverty and discrimination, in part due to deficiencies in governance, and exacerbated by pre-existing Anglo- and Atlanto-centrism and racism (Devakumar et al. 2020).

Any hope of improvement, of flourishing or thriving, at this time, might appear overly optimistic, when so many are focused on survival. And the pandemic of course is not the only challenge that humanity is facing. The end of 2019 and the beginning of 2020 was existentially confronting in other respects for many in our region of the globe, Australia, as we experienced the worst bushfire season on record (in terms of area burnt, see Hughes et al. 2020). The communities most affected have had their recovery efforts severely curtailed by the lockdown restrictions. We lament too the egregious loss of nonhuman life as a consequence of the fires (Van Eeden et al. 2020). The prior and continuing conditions of anthropogenic climate change, accelerating degradation of Earth systems and ecosystem destruction no doubt caused and amplified the force and destructiveness of the fires (see Bartel and Branagan 2020). Similar and related causes have been implicated in contributing to the conditions that made the COVID-19 pandemic possible – a deadly triad of habitat destruction, poverty and food insecurity (see De Sadeleer and Godfroid 2020).

These conditions, oft-described as ‘unprecedented’ (although not uncritically, see Winter and Reed 2020), have also amplified and concentrated our curiosity for space, place and law, given these are all central to questions as to how best we may live within the planetary boundaries supportive of our own existence (Steffen et al. 2015). Will prosaic political concerns and nationalism continue their resurgence and environmental destruction accelerate further still (Walter et al. 2020; Woods et al. 2020)? Or will recent reminders of our precariousness lead to reenergised commitments to our ‘common humanity and international community’ (D’Souza 2017, p. 80) and a revitalisation of actions to support human rights and environmental sustainability? For what is ‘Spaceship Earth’ (Boulding 1966) without globalisation, or at least without globe-alisation: holistic and joined-up thinking above and beyond our (human) selves and human-scale timeframes?

Similar opportunities arose in response to the crisis of fascism and in the aftermath of the Second World War. As partial, suboptimal and Eurocentric as these measures were, they set an agenda for reform in many areas, for both (and intertwined) social and environmental issues (D’Souza 2017; Kim 2016; Otto 1996). We have more than one crisis that ‘should not be wasted’. We apologise for descending into cliché, as we write at a time when this is an ever present risk, however, ‘standing at a cross-roads’ appears to be an appropriate metaphor for where we are situated. It is not an observation of convenience, or flippancy. For it was not

that long ago that space had been declared defeated by time (see Warf 2011). It was the end of history (see Lawler 2001), the end of the nation state (Ohmae 1995), the end of nature (see Swyngedouw 2011). The call for the end of everything appears now premature – as we see a resurgence, or revival, of all of these, and in some cases in paradoxical and regressive ways (Forchtner 2019, 2020).

We write in the hope that further regression can be avoided and recent events will support greater recognition and heightening of awareness of the interrelated nature of our existence. We are far from self-sufficient discrete entities. We are embodied beings engaging relationally in a material world – of space and place – within which we are interdependent and reliant, and governed by laws in a dynamic process rarely linear and never fixed. And thus the organising logic of the parts in this collection was born: as activity-orientated, reflecting our appreciation of the world, and humans in and of it, as interrelated and co-constituted, and flowing and mixing rather than static and atomised (see also in this volume, Antonia Layard's treatment of Lorcin and Brewer's anthology for similar inspiration).

We have attempted to 'recruit' as widely as possible and been committed to an even representation of both gender and professional status. Well over half the authorship are women and there are roughly equal numbers of the professoriate and early-mid-career academics and practitioners. In terms of paradigmatic coverage an enduring and only partially met challenge in a handbook of this nature, which brings several disciplines together, and two in particular – law and geography – that are already broad in scope, is to ensure a representative range. There are many geographers listed as contributors but also scholars of law and legal practice, settler-colonial studies, political ecology, sociology, archaeology, anthropology, planning, policy-making and applied practice.

A diversity of places and spaces are represented, both by the authors and in their choice of environments: including representation from the global north and south, and from all continents (except Antarctica), and including both urban and rural, terrestrial and marine areas, spanning (in alphabetical order) Australia, Bolivia, Canada, China, Fiji, France, India, Kiribati, New Zealand, Papua New Guinea, Paraguay, Singapore, South Africa, Thailand, Turkey, the United Kingdom and the United States. Both fictional as well as 'real' places are featured. On the latter distinction we borrow from another of our contributors, Luke Bennett, and suggest that, if 'places are products of storying', then, given place agency, so are we products of place, as are our stories and our laws also. So, here we introduce 32 stories, arranged in eight parts of four chapters each, of space, place and law.

PART AND CHAPTER OVERVIEW

Way Finding

The chapters in Part I provide a cross-section of the range of 'way-finding' approaches adopted by the contributors to this collection: from empirically and theoretically based enquiry, to spatial information science, to engaged scholarship. The case study appears the methodology *de jure* for appreciating, revealing and creating knowledge about space, place and law, albeit tailored to fit various paradigmatic traditions, both positivist and beyond.

Chapter 1, by Luke Bennett, is perhaps the most ambitious, selecting not a single location but instead a place 'amalgam' representative of a certain class of places – defence monitoring

stations – for which a life-history is told. According to Bennett, places are not ‘autonomous singularities’ and here scale is important too, for the influences both legal and political, such as the Cold War, are often external to the field of view, while those with greater propinquity are described as mundane. Law is argued (drawing on Lisa Pruitt’s work) to be weaker in rural areas, while it is also acknowledged that the necessary land use changes were instituted relatively easily, and unremarkably, as they ‘worked with the grain’ of existing regimes and ‘country ways of doing’, which underscores also the significance of custom, convention and praxis in implementation.

Chethna Ben takes a more quantitative approach, combining economic theory with geographic information systems’ abilities to model land characteristics and capability to produce food in Fiji. Using a case study of the sub-tropical fruit, the papaya, Ben argues that spatial economics – the way geography affects an economy – is preferable to traditional economic analysis in guiding the governance of agricultural land in Fiji, given its ability to capture important contextual features such as market access, security of tenure and labour costs.

David Delaney and Päivi Rannila outline scopic relational spaces that are ‘constitutive of space’ and how law recognises space and time preferentially (see also Delaney and Rannila 2020). Using the example of men stalking women, they show how the act of ‘seeing’ and ‘being seen’ produce ‘*affectively charged spaces*’. These sensory – scopic but also aural – relational spaces are mobile and contingent, influenced by asymmetric power relationships and the everyday (micro) geopolitics of gender.

Joel E. Correia explores extractive industries in the United States and Paraguay, using a contrapuntal analysis that demonstrates law’s role in making space and social relations governable, and also denying justice to Indigenous peoples. Correia advocates ‘countertopographies’ to highlight and support the agency of First Nations peoples both to resist erasure and to build more engaged scholarship, to ‘confront the structures of settler colonialism that shape our scholarly practice and undermine the radical potential that rights and justice promise while restoring relations with one another and the more than human worlds to which we all share responsibilities’.

Journeying

Embodied experiences – as we move through space (see Gerber 1997) – provide the focus for Part II. Gender-based violence, particularly as experienced by women, provides the focus of two chapters; Chapter 6 focusing on the formal and Chapter 7 on informal legal forums. Chapter 5 looks at how we can better provide for the aged, and Chapter 8 explores the consequences of armed conflict and how, even in death, our place-making journeys do not end.

A growing proportion of humans occupy the higher echelons of the population pyramid, and are increasingly concentrated in urban areas that struggle to meet the needs of an escalating number of residents. Belinda Yuen describes how healthy ageing-in-place is supported in Singapore, and how policies may be improved to better meet the housing needs of the elderly. Yuen explores the lived experiences of residents in nationally designed local precincts and affordable housing where facilities are safely available in close proximity. Design features co-produced with residents during planning phases support mental wellbeing, to overcome isolation, and physical health, which is critical as mobility is so often circumscribed.

Victoria Brooks takes us into law’s heartland – the courtroom – and argues that it is a space of white, male and cis-straight geometries that fixes the bodies of those who deviate from

those hegemonic categories as subjugated, marginal and unheard. For women who are victims of sexual violence, the architecture and processes of the courtroom combine to assert law's (material) power and (myth of) objectivity. Brooks cites Haraway's observation that bodies designed courtrooms and also wrote the law, and as the courtroom as a place is also a 'body' – a spatial body with agency that is intentionally discriminatory – opportunities for reform may require a fundamental redesign in social architectures of power to derive a courtroom with heart.

Kalindi Kokal and Werner Menski explore the recruitment and utilisation of a range of forums for addressing violence and how such offences may be addressed at various scales and spaces, including through the operation of informal norms and practices. In each forum it is identified, as with Brooks' courtroom, that rights are differentially ranked according to gender, power and scale, as are spaces of justice and jurisdiction also.

Lee Godden observes how the ritualised significance of war graves marking the interred bodies of allied soldiers has transformed a plot of French territory into a ceremonial Australian embassy. Notwithstanding their commodification for tourism – a place of consumption of lives consumed by state-sanctioned violence – these sites also constitute 'counter spaces' of material resistance to abstract space. They remain French property but are inflected with an Australian 'accent' of place names and adopted cultural practices, thereby demonstrating how place can transcend territory.

Border Crossings

Categories tend to constrain rather than explain, and as Halsey (2004, p. 41) observes, 'both/and' is much more revealing than 'either/or'. Scholarship in space, place and law is inherently category hopping, particularly between disciplines, and examinations are most productive perhaps when assumptions about category membership are tested, and actively overhauled. The chapters in Part III explore border crossings in place categories and legal classifications.

Flora Kwapena explores how colonisation brought privatisation of land and individualisation (as explored by Graham in a later part) and transformed land from a relationship of multi-generational dependency into a scarce commodity with a cash value. While nationally instituted and voluntary land reforms have provided some measure of tenure security against squatters, and an additional mechanism for conflict resolution and land use agreements, customary 'owners' never considered their land as 'property'. Kwapena argues that voluntary reforms must focus on 'validating the dynamic and flexible nature of customary' tenure rather than render it fixed and immutable. 'Hybrid models' may be preferable, if able to 'demonstrate that economic production on customary land can be achieved without full privatisation and individualisation'.

Caitlin Neuwelt-Kearns et al. explore how marginalisation is perpetrated and perpetuated through the co-constitution of formal and informal laws with prejudicial social attitudes and practices. The authors interrogate the assumption that sex work is fundamentally incompatible with suburbia and consequently out of place in residential zones but tolerable in inner-city and industrial precincts. They argue for a different spatial management of marginality to create more inclusive urban spaces.

Using a case study of an urban redevelopment project in Dalian, China, Chen Li et al. describe economic growth and heritage preservation as competing public interests, driven by developers and non-governmental organisations (NGOs) respectively. The contest between

the two actors, each supported variously by the state, occluded however another set of public interests: those of the residents in their future housing. Court action initiated by the NGO led to the suspension of the redevelopment, and although compensation was eventually made available redevelopment was also forestalled.

Antonia Layard describes how borders and legal language define certain tracts of land and sea within spatial categories, regulated through spatial designations that may morph into a spatial particularism that assumes places exist in certain ways. Such laws pay close attention to spatial difference as well as being responsible for their (co-)production, as Layard observes: 'These processes call places into legal being.' While neither progressive nor regressive outcomes are guaranteed, administrative designations can act to constrain property rights that may otherwise be perverse, including providing for improved environmental protection. Layard also asserts a need, however, to understand the diverse and at times conflicting spatial imaginaries of these places.

Different Directions

Whether coming from a different perspective or wishing to head (or return) somewhere else, the chapters in Part IV expose deficiencies in dominant legal systems and demonstrate that other ways are possible – and preferable to – current practice.

Meg Sherval highlights women's opposition to shale gas extraction on agricultural land where local notions of place include succession planning and livelihood, as well as legally declared appreciations for scenic and natural beauty. Sherval links activism to environmental governance and justice, as rural communities may be disproportionately affected by the deleterious consequences of industry, and as activists are motivated by their moral duty to hold the powerful to account. The power of extractive governance – where extractive industries help shape state governance – is contrasted with community concerns about distributive injustice, environmental (in)justice and the lack of procedural justice in development assessment processes.

Daniel Robinson et al. examine the ongoing theft of land owned by Indigenous communities heavily impacted by the 2004 tsunami on the western coast of Thailand. As in many areas throughout the global south, Thailand has embarked on a territorialisation process to individualise and register what had been previously considered state lands (see also Kwapena, this volume, with respect to registration of communal lands). Robinson et al. record dynamic and inventive strategies adopted by communities unable to provide proof of tenure via expected means – the evidence was destroyed alongside much else in the disaster – to resist government and other neocolonial land grab ambitions through asserting both unique identity and enduring place attachment and land rights. The vulnerable lands not only included homes and farming/fishing infrastructure but ceremonial sites and burial grounds crucial for cultural continuity.

Nicole Latulippe explores Indigenous resistance to the settler state in Canada and explains how laws are interpreted within their own constitutional system, situated within their own lifeworld. Latulippe describes the partiality of law across diverse contexts and spaces, and the need for lessons to be learned from comparisons between fundamentally different systems of law, and particularly for the lifeworld of Indigenous law to be given due recognition to build less oppressive relations between peoples and between people and place.

Estair Van Wagner also examines Indigenous land rights in Canada and in particular the exclusion of private lands from modern treaty making through common law and the assump-

tion of exclusive occupation. Van Wagner calls for recognition of Indigenous title and governance, especially through the duty to consult, to encourage superior resolution of complex, overlapping relationships with land better suited to addressing environmental destruction and climate change.

Intersections

The chapters in Part V, as with others in this collection, acknowledge that in a world of difference and complexity conflict is perhaps inevitable. Conflict may be destructive, but also generative, and intentionally so – as with protest and resistance. The contributions here describe some novel and necessary transformations.

Melissa Nursey-Bray and Stephen Muecke remind us that most Indigenous Australians live in cities in which prior and continuing ownership has been erased and invisibilised. They demonstrate how Indigenous street art has been, and continues to be, a powerful tool to intervene, reclaim and decolonise urban spaces, requiring all observers to recognise Indigenous history and sovereignty: ‘Ultimately, the deployment of art to shape colonial public spaces is not only a form of engagement and resistance by Indigenous peoples, it is also a healing practice, one that asserts Indigenous culture as dynamic, and not “lacking” as often depicted in dominant legal and planning discourses.’

Phil Hubbard also looks at the ownership of space in the urban context, in this case the legal limits to privacy and nuisance. Hubbard observes that in the increasingly vertical habitat of the urban environment most high-rise apartments are transparent to onlookers. The right to privacy, however, does not necessarily include the right to exclude others through claims to surrounding airspace, or to protection from surveillance – or even a curious gaze – and thus ‘the elite’s colonization of the sky is not necessarily inevitable’. Following Bennett and Layard, Hubbard questions the links between law, legal consciousness and everyday spatial practice to demonstrate that space and law are mutually constitutive.

John Ryan and Baden Offord explore the contest for nationhood in the settler state of Australia and analyse how the nation as place is imagined and practised and how law creates and reifies a particular type of nation and national identity. In Australia this constitutes the pedagogy of colonialism but is challenged by resistance and progressive conceptualisations of belonging and self-hood (both of individual and of nation) that are not weaponised to enforce cisgender conservative whiteness. Fights for marriage equality, the rights of refugees and decolonisation of the national day of celebration, the date upon which the mainland was invaded and settled by the British colonisers, form a fabric for collective unlearning of colonialism, exclusive and exclusionary practices, and teachable moments based on connection to place.

Benno Fladvad et al. write to address a gap: ‘there is almost no discussion within legal geography on the political dimension of the emergence of new rights’. They look at rights as specifically political, and particularly as new rights claims unfold, and apply this framing to two case studies that demonstrate how new relationalities are enacted in environmental justice around food sovereignty in Bolivia, and through the Migrate with Dignity programme in Kiribati. The food sovereignty study is used to show how local and regional forces made up of (at times disparate) groups of farmers, landless peasants, workers and women resist the totalising effects of globalised agriculture and market forces. The Migrate with Dignity case

demonstrates how the ocean is the medium for interconnecting lands and peoples, without borders, and beyond nations.

Fellow Travellers

Part VI explores our nonhuman companions in space, place and law and exploits the burgeoning scholarship in new materialism in Australian legal geography (see Bartel et al. 2013). It is perhaps not a coincidence, as John Cameron (2003, p. 175) has observed: ‘the Australian continent, like all distinct land masses, imposes a way of thinking and acting upon its human inhabitants by virtue of its particular combination of climate, landscape and ecology’.

Jennifer Carter and Mandy Paterson outline tensions created by binarised constructions of nonhuman animal species as ‘native’ and ‘introduced’, or ‘wild’ and ‘domestic’, in law and across space. Legal distinctions may compound matters where they impose, for example, distinctions such as ‘pest’ species for domestic animals that move into wild spaces and cause damage to humans or nature. While some people surveyed prioritised the rights of native animals, and believed in lethal control of pest animals, others believed that, due to global bio-mixing, all animals had the right to life. Some believed that it is humans who are the real pests, as they have caused the most environmental damage. Laws enforce several binaries including upholding an anthropocentric and speciesist conceptual border that fails to acknowledge cohabitation within human–nonhuman space.

Wendy Beck and Robyn Bartel explore the impossibility of ‘like-for-like’ replacements in offset-based approaches that attempt to compensate for the loss of biodiversity and cultural heritage as a result of development. Offsets are intended to be the last, and only then reluctantly taken, step in a mitigation hierarchy that prioritises avoidance. Avoidance, however, seems to be itself avoided in a context in which economic growth is favoured. The authors draw on place agency, new conceptualisations of place work, as well as understandings of the landscape and heritage as co-constituted by nature and people, to recommend fundamental reforms to offsets-based approaches.

Amanda Kennedy and Cameron Holley describe increasing community and legislative recourse to the nature of place in decisions and appeals about energy development proposals. Using examples of mining proposals in Australia, they observe, however, that guidelines for assessment struggle to articulate how a proposal affects place meanings and identities. Kennedy and Holley counter negative critiques of NIMBYism (Not In My Back Yard), or those who see parochialism as regressive (as does Sherval, this volume), by recognising the critical importance of place to co-linked human and environmental futures. They argue that institutional reform is required to recognise place and in particular to provide a role for people to give greater life to their place meanings, at scales that are also meaningful for people.

Nicole Graham provides an eviscerating critique of how land law evolved into property law, separating entire peoples and their place-based knowledge and practice from traditional places they had worked for generations and commodifying both land and people. The mythic erasure of materiality and relations has been perversely dysfunctional, since such (mis)treatment has also caused material harms, including the ‘shadow lands’ of externalities. Like D’Souza (this volume), Graham argues that this distancing caused anthropogenic environmental change and hindered environmental law. Such loss of place and attachment to land allowed for the abuse of environmental and social landscape connections: ‘Since the prerequisite of alienation is the entanglement of people and places, its effects are mutual.’

New Horizons

Scholarship in the areas of space, place and law is extensive and growing (see Delaney 2017; Jeffery 2019; O'Donnell et al. 2020), and yet much (as always) remains underexplored, especially subterranean, marine and cosmic places. In some ways this is sobering, for this absence appears to be due at least in part to anthropocentrism – since we do not generally dwell underground, in the oceans or in outer space. The chapters in Part VII also explore the non- and beyond-human places of cyberspace and fictional realms.

The world of literature is underexamined as a source of our appreciation of space, place and law. Allan Charles Dawson and Ismael Vaccaro argue that Herbert's *Dune* provides a 'perfect fictional case study' for which several analogies are drawn to the 'real world', including the power struggles for control over natural resources, and competing views of the world and constructions of place in outer space. It is indicative of the processes by which colonisation, transnational capital flows and governing authorities have encountered and cohabited with the 'other' over time and space.

In Brad Jessup's chapter the new horizon is hidden below ground. The materiality of gas pipelines and associated risks have become an invisible legal and material geography as a result of being regarded as the private property of gas companies and legally separate from the lands they cross: 'The physical place of a pipeline is replaced by a corporatized political place, a neoliberal and geo-economic enclosure.' Information about pipeline location and hazard is often a mystery, in part due to being a private asset, but also to being occluded by scale – available documentation is at once 'too magnified and too localized' to enable a sensible view. To ensure both current and future generations are aware and able to engage in responses for land use preparedness and land use change, Jessup recommends this information be revealed using planning law. Like Ben, he suggests spatial information studies and legal information geographies can map hazards (such as flood and fire) and similar problems to better predict their geographies of risk.

Barney Warf's chapter addresses the 'not well understood geography of cyberlaw and cybercrime'. Warf provides a 'reality check' based on comparative international analysis of cyberspace, revealing its 'highly uneven topography' across the globe. Cyberspace is not place neutral or determined by technology – place still matters, and critically, nation states still matter – for the existence and quality of this new world and its impacts.

Shelley A. Wright explores the deep attachments formed to the ocean by women sailors. Place attachment studies have been largely land-centric and Wright finds that sea-place attachments challenge dominant conceptualisations which foreground place dependence. Nature and social bonding appear to be central to sea-place attachment as well as a freedom-orientated place identity. Legal restrictions imposed by COVID-19 have challenged this identity, as well as constraining mobility and limiting access to the ocean, leading to 'psycho-oceanic grief'.

Ways Forward

While we do not advance a linear model of progress of law, or for human enterprise more broadly, we do feel a responsibility to propose some possibilities for future paths of research and practice with less oppressive outcomes for people and planet, including our fellow beings and becomings, living and nonliving, with whom we share the Earth. The chapters in Part VIII deliver on that duty.

Considering the contribution of real estate to global capital and the legacy and contemporary practice of land grabs worldwide, tensions emerge which also undermine good governance. Zinnbauer and Berrisford describe how the planning profession needs to develop a role in mitigating corruption, articulating lessons from Africa that are pertinent worldwide, including whole-of-institutional and beyond-compliance integrity-based approaches.

Radha D'Souza argues modern capitalist societies have lost the ontological foundations for place and place making as an essentially human condition. With the violent severing of connections between people and lands in both European and colonial settings, the commodification of lands, people and their labour privileges epistemology in methodological and technical ways that have largely obliterated ontology. D'Souza sees as central to this process the (re)production of an 'epistemological dualism that sees the twin institutions of states and corporations as distinct types of social artefacts'. In turn this dualism creates a double vision or social diplopia. Noting both the state and the corporation are fictional legal entities, D'Souza sees widespread dystopia as a response to the alienation between people, between people and places, between people and nature, and between modernity and memory. Thus, 'transnational monopoly finance capitalism' produces both existentially catastrophic climate change and environmental destruction, alongside grotesquely inhumane efforts by rich nations to exclude impoverished migrants and refugees.

Robyn Bartel and Christopher Stone explore the increasing search for harmonisation of legal systems, despite the abundant differences between the spaces and places to which apparently similar laws might be applied. While globalisation has resulted in increased protections for 'nature', there are increasing social divides, contests and inequities in the outcomes of such harmonisation. Appropriate scales for justice require both interconnection with international issues as well as devolved environmental governance in order to counter a rising economic solipsism that threatens hard-won environmental protections. Most critical of all is harmonisation of wider agreement to a common and higher purpose.

Robyn Bartel and Jennifer Carter interrogate the efficacy and equity of law, space and place, as conceptual tools and their 'fitness for purpose' in the Anthropocene. While laws are designed to regulate human behaviour with respect to spaces and places, lack of compliance and widespread global environmental challenges are interrelated. Along with law, the market (through pricing), norms (social rules) and architecture (constraints such as technology and biology and other environmental limits) also affect humans and their relationship to nature (Lessig 1998). Architecture may recognise and reflect the morality of place laws that counter anthropocentrism. Place laws acknowledge the agency of nonhuman animals, plants and nature in general, as co-constitutive of shared human–nonhuman space. Geocentrism and omnicentrism go beyond biocentrism and ecocentrism and can be incorporated to account for justice to the nonhuman 'other' at all scales.

BRAIDED THEMES

The preceding overview of parts and chapters reveals several common areas of interest that are vital to both current scholarship and contemporary societal and environmental needs, including gender equality and more inclusive places and spaces. Explored further in this section are definitions of space, place and law and the cross-cutting theme of justice for First Nations'

peoples, and (inter)relatedly reform of dominant human–nature relationships including, but not limited to, property and practices of power.

Many of the analyses featured in this collection are agenda-driven. Law is inevitably and inescapably normative, as well as political, and space and place are also. Nicole Latulippe describes the cosmology of Indigenous thought, in which ‘the earth is a living source of law’ and rules derive from ‘Place-Thought’. Robinson et al. draw on Bartel’s (2018) concept of ‘place laws’, which are laws that are generated by place itself, via its own agency, and in concert and collaboration with both human and nonhuman co-creators.

Deleterious environmental impacts constitute evidence both for place agency and the existence of, and noncompliance with, place laws (Bartel 2018). As Nicole Graham observes, colonialism, property and capitalism are perverse in their denial of both nature and human: ‘Without the place-based knowledge manifest in the laws of local communities, and without the observance of local laws by those communities, entire landscapes were misread, neglected and damaged.’ Latulippe, drawing on Mills and others, invites us to consider how we might learn from the lifeworld of Indigenous law. In particular it is recommended that the dominant dephysicalised worldview and related legal system and structures be transformed through learning from and listening to the land and through recognition of kinship and co-becoming with and within place. According to Graham (2014, pp. 5–7), ‘For most Westerners, Inquiry precedes Place. Knowledge acquisition both defines and supersedes place ... For Aboriginal people ... Place precedes Inquiry. Place defines and supersedes Inquiry. Place is a living, Spiritual thing again whether place is geographically located or an event in time’.

A sentient and sapient environment challenges not only essentialist and exceptionalist ideas of human superiority but also notions of Cartesian space–time and similar dualist constructions that permeate dominant worldviews. As Antonia Layard argues, using Keenan, neither space nor time are Cartesian, and given that ‘law does not exist in a purely conceptual space it is legal geography’s challenge to recognise the spatial heterogeneity and diversity of material circumstance’.

Indigenous law is accorded poor recognition via colonial legal systems, even in much-lauded co-management arrangements. Latulippe describes such meetings between colonial state-centred law and Indigenous law as inherently unequal, and destined to be resisted – it cannot be otherwise, given fundamentally different ways of appreciating the world. Estair Van Wagner also describes how Indigenous laws are pitched in an intentionally unequal fight against colonial legal systems, that may set both people and place up to fail (see also the countertopographies described by Correia in this volume). Van Wagner critiques the formal cleaving of colonial law into real ‘law’ and Indigenous law as ‘factual context’, finding that fee simple property has been ‘effectively severed from the place-based relations and obligations of Indigenous legal orders’. And yet the potential remains for these laws to be more widely recognised – for they are ever present. Even in a nation such as Australia where property law holds sway, ownership remains ambiguous as sovereignty was never ceded – both colonial sovereignty and beneficial ownership are fictions, and Indigenous laws are present everywhere (as described by Nursey-Bray and Muecke).

A deep reckoning is needed in response to the doctrine of discovery, in order to accord greater acknowledgement of First Nations’ legal systems and build better relations between lands and peoples, particularly as theft (‘land grabs’), genocide, segregation, discrimination and social and environmental degradation continue. Graham contends that colonial ‘Ownership of land, in modern law, is attached neither to responsibility for the land nor to

knowledge about it'. Layard describes how this is practised through governance which also 'dephysicalises, rendering a site legible by separating different places into different legal categories' (citing Blomley 2014). As Layard argues, however, 'This does not mean that legal designation determines everything, that law is all that matters. Legal geography's aim is to develop a more holistic, multiple and engaged understanding of the place, investigating from the ground up, embracing the spatial, social and legal in any analysis.' At the same time Layard provides a cautionary note regarding neo-environmental determinism, to appreciate phenomena as place-based but not place-bound.

Kennedy and Holley argue for greater recognition of place-based meanings, especially as articulated by community opposition to development that is connected to global environmental and governance concerns rather than motivated by parochial self-interest. A focus on improved transparency and governance also propel Shervall's women activists. The global scale for these very local battles of lost places provides a counterpoint as well as an echo to Fladvad et al.'s description of the development of post-national spaces as a result of land rights being recognised for those rendered land- and state-less, thereby also decoupling sovereignty from the ground.

As Fladvad et al. note, much legal scholarship continues to focus on a 'rather state- and expert-centric understanding' of law and is less concerned to 'recognize plural sources and trajectories of law as well as formal and informal fora of law-making processes'. Most if not all chapters in this collection engage, implicitly or explicitly, with legal pluralism, and go beyond formal law. Delaney and Rannila contrast 'Big L law' with the 'micro legal', such as meeting the male gaze with a female glare. Scott's (1985) weapons of the weak spring to mind. Many contributors also examine informal law and lores, and non- and beyond-state practices, as well as laws that fall between formal and informal, as with the inter-relationships between the two categories, as described by Neuwelt-Kearns et al.

While formal court spaces are interrogated (as in Brooks' chapter), so are informal spaces of judgement and mediation (Kokal and Menski). Robinson et al. observe 'local peoples adopting legal informalism, and alternative forms of remedy and dispute resolution' while only outsiders use the court system. Other laws include religious doctrines, which are mentioned in Kokal and Menski, and, as Robinson et al. observe, may be powerful additions to, or influential in, informing conventions that modify the operations of formal laws.

A great diversity of space and place definitions are also adopted, and while a traditional space/place divide is deployed by some, others also view space as inherently constructed and contingent. Most agree that abstract or elemental space may exist 'out there' and all appear to consider that place is 'value-added' space. Drawing on the work of many authors, Dawson and Vaccaro describe territory as an outcome of imbuing space with social meaning, and also 'turning space into place' through experience and meaning. Ben refers to space (or the spatial, using Laurini and Thompson), as location data unencumbered by geographical character, while Kennedy and Holley (using Gieryn) refer to the tiered features of location, material form and meaning, and also the more traditional demarcation (using Vanclay) between space as abstract, and place as meaningful, and that places result from giving definition and meaning to otherwise abstract space, beyond the merely physical. Dawson and Vaccaro also speak to a hierarchy, or timeline of action, and, following Tuan, consider that before place, and before territory, there has to be an ingress of the human into space.

Others question the idea of pre-social space. Lee Godden uses Henri Lefebvre's ideas of the production of space and place: that abstract space is the consequence of a particular kind of

social construction, which has been manipulated by the powerful, particularly via the nation state, to occlude absolute space. Nursey-Bray and Muecke also refer to Lefebvre and social production of space. The social is implicated in the making of territories and boundaries by Neuwelt-Kearns et al. Sherval draws on Ghosn and describes 'space as a resource' as well as 'a site of production'.

Delaney and Rannila use Andreas Philippopoulos-Mihalopoulos' 'atmospheres of law', and also develop Massey's idea of relational space that is produced by interrelations and which is described as living material, mobile and contingent upon (human) senses and scope. Although not line-bound like territory it may be bound by line of sight and temporal thresholds. Space is time and also 'radically alive'. Godden draws on Leibniz's ideas of space as relationality, as does D'Souza.

Layard adopts a relational-material lens, including Massey's call for a 'progressive view of place', since we are 'always, inevitably, making spaces and places'. This would also suggest that the merely physical is also and already and always meaningful. Graham uses Creswell, and also Marx, to describe place as the material particularities of landscapes, ecologies and epistemologies: 'Place is not just a thing in the world but a way of understanding the world'.

Places, in these progressive views, are dynamic, not static; relational rather than contained, where boundaries are rarely seen as integral. Both places and people are mutable and mobile: space, place and law are verbs as well as nouns (as in the chapter by Jessup, also Wright). As Layard observes, drawing on Bennett: 'Places are assemblages, co-produced by people, places, practices as well as legal rules, with designation one part of a grouping of physical, material, affective and legislative elements.' Several authors provide caveats to category labels, given that they paper over shades of grey and very real differences – whether of people (see Robinson et al.) – or of abstract categories (see Layard).

We would suggest that such caveats should apply to our disciplinary demarcations also, particularly given the various 'turns' that have seen the boundaries to our scholarship blur and bend in recognition of and response to the artificialities of these same borders. The spatial, material and relational turns in particular have resulted in renewed interest from many scholars in 'the core concepts of geographical enquiry – people, place and their inter-relationships' (Robinson et al.). While serving sometimes as necessary work divisions the most productive enquiry in recent decades has arguably resulted from cross-border undertakings in interdisciplinary, multi-disciplinary, trans-disciplinary and post-disciplinary explorations (see Stember 1991). Layard, citing Delaney (2015) identifies the cross-discipline of 'legal geography' as 'bringing the sensibilities of a now distinctive legal geographic mode of inquiry to broader social and social-theoretic questions'. One way to do this is to acknowledge the ways in which law does pay attention to spatial difference.'

So, we make a humble request for the paying of attention to space, place and law, and acknowledge all of our authors for their having paid attention, and for sharing their insights herein.

REFERENCES

- Bartel, Robyn (2018), 'Place-speaking: attending to the relational, material and governance messages of *Silent Spring*', *The Geographical Journal*, **184** (1), 64–74.

- Bartel, R. and M. Branagan (2020), 'Reimagining wilderness and the wild in Australia in the wake of bushfires', in R. Bartel, M. Branagan, F. Utey and S. Harris (eds), *Rethinking Wilderness and the Wild: Conflict, Conservation and Co-existence*, London: Routledge, pp. 125–74.
- Bartel, R., N. Graham, S. Jackson, J. Prior, D. Robinson, M. Sherval and S. Williams (2013), 'Legal geography: an Australian perspective', *Geographical Research*, **51** (4), 339–53.
- Boulding, Kenneth E. (1966), 'The economics of the coming spaceship Earth', in Henry Jarrett (ed.), *Environmental Quality Issues in a Growing Economy*, Washington, DC: Resources for the Future, pp. 3–14.
- Cameron, John (2003), 'Responding to place in a post-colonial era: an Australian perspective', in William M. Adams and Martin Mulligan (eds), *Decolonizing Nature: Strategies for Conservation in a Post-Colonial Era*, London: Earthscan, pp. 172–96.
- D'Souza, Radha (2017), 'Victor's law? Colonial peoples World War II and international law', *International Comparative Jurisprudence*, **3** (1), 67–84.
- De Sadeleer, Nicolas and Jacques Godfroid (2020), 'The story behind COVID-19: animal diseases at the crossroads of wildlife, livestock and human health', *European Journal of Risk Regulation*, **11** (2), 210–27.
- Delaney, David (2015), 'Legal geography I: constitutivities, complexities, and contingencies', *Progress in Human Geography*, **39** (1), 96–102.
- Delaney, David (2017), 'Legal geography III: new worlds, new convergences', *Progress in Human Geography*, **41** (5), 667–75.
- Delaney, D. and P. Rannila (2020), 'Scopic relations as spatial relations', *Progress in Human Geography*, DOI: 10.1177/0309132520936756
- Devakumar, D., S. S. Bhopal and G. Shannon (2020), 'COVID-19: the great unequaliser', *Journal of the Royal Society of Medicine*, **113** (6), 234–5.
- Forchtner, Bernhard (2019), 'Nation, nature, purity: extreme-right biodiversity in Germany', *Patterns of Prejudice*, **53** (3), 285–301.
- Forchtner, Bernhard (ed.) (2020), *The Far Right and the Environment: Politics, Discourse and Communication*, London: Routledge.
- Gerber, Judith (1997), 'Beyond dualism: the social construction of nature and the natural and social construction of human beings', *Progress in Human Geography*, **21** (1), 1–17.
- Graham, Mary (2014), 'Place and spirit – spirit and place', *EarthSong Journal: Perspectives in Ecology, Spirituality and Education*, **2** (7), 5–7.
- Halsey, Mark J. (2004), 'Environmental visions: Deleuze and the modalities of nature', *Ethics and the Environment*, **9** (2), 33–64.
- Hughes, L., W. Steffen, G. Mullins, A. Dean, E. Weisbrot and M. Rice (2020), *Summer of Crisis*, Climate Council of Australia, accessed 1 August 2020 at www.climatecouncil.org.au/wp-content/uploads/2020/03/Crisis-Summer-Report-200311.pdf
- Jeffrey, Alex (2019), 'Legal geography II: bodies and law', *Progress in Human Geography*, **44** (5), 1004–16.
- Kim, Rakhyun E. (2016), 'The nexus between international law and the sustainable development goals', *Review of European, Comparative and International Environmental Law*, **25** (1), 15–26.
- Lawler, Peter (2001), 'The end of history again', *Society*, **38** (3), 72–9.
- Lessig, Lawrence (1998), 'The new Chicago School', *Journal of Legal Studies*, **27** (2), 661–91.
- O'Donnell, T., D. Robinson and J. Gillespie (eds) (2020), *Legal Geography Perspectives and Methods*, London: Routledge.
- Ohmae, Kenichi (1995), *The End of the Nation State: The Rise of Regional Economies*, New York: Simon and Schuster.
- Otto, Dianne (1996), 'Subalternity and international law: the problems of global community and the incommensurability of difference', *Social and Legal Studies*, **5** (3), 337–64.
- Scott, James (1985), *Weapons of the Weak: Everyday Forms of Peasant Resistance*, New Haven, CT: Yale University Press.
- Steffen, W., W. Broadgate, L. Deutsch, O. Gaffney and C. Ludwig (2015), 'The trajectory of the Anthropocene: the great acceleration', *The Anthropocene Review*, **2** (1), 81–98.
- Stember, Marilyn (1991), 'Presidential address: advancing the social sciences through the interdisciplinary enterprise', *The Social Science Journal*, **28** (1), 1–4.

- Swyngedouw, Erik (2011), 'Whose environment? The end of nature, climate change and the process of post-politicization', *Ambiente & Sociedade*, **14** (2), 69–87.
- Van Eeden, L., D. Nimmo, M. Mahony, K. Herman, G. Ehmke, J. Driessen, J. O'Connor, G. Bino, M. Taylor and C. Dickman (2020), *Australia's 2019–2020 Bushfires: The Wildlife Toll*, Interim Report, World Wildlife Fund Australia, accessed 30 August 2020 at www.wwf.org.au/news/news/2020/3-billion-animals-impacted-by-australia-bushfire-crisis#gs.erfogu
- Walter, L. F., L. L. Brandli, A. L. Salvia, L. Rayman-Bacchus and J. Platje (2020), 'COVID-19 and the UN Sustainable Development Goals: threat to solidarity or an opportunity?', *Sustainability*, **12** (5343). DOI: 10.3390/su12135343
- Warf, Barney (2011), 'Excavating the prehistory of time-space compression', *Geographical Review*, **101** (3), 435–46.
- Winter, David A. and Nick Reed (2020), 'Unprecedented times for many but not for all: personal construct perspectives on the COVID-19 pandemic', *Journal of Constructivist Psychology*, DOI: 10.1080/10720537.2020.1791291
- Woods, E. T., R. Schertzer, L. Greenfield, C. R. Hughes and C. Miller-Idriss (2020), 'COVID-19, nationalism, and the politics of crisis: a scholarly exchange', *Nations and Nationalism*, DOI: 10.1111/nana.12644