Legal Geography

Perspectives and Methods

Edited by Tayanah O'Donnell,
Daniel F. Robinson and Josephine Gillespie

LEGAL GEOGRAPHY

This book is the first legal geography book to explicitly engage with method. It complements this by also bringing together different perspectives on the emerging school of legal geography. It explores human–environment interactions and showcases distinct environmental legal geography scholarship.

Legal Geography: Perspectives and Methods is an innovative book concerned with a new relational and material way of examining our legal-spatial world. With chapters examining natural resource management, Indigenous knowledge and political ecology scholarship, the text introduces legal geography's modes of analysis and critique. The book explores topics such as Indigenous environmental rights, the impacts of extractive industries, mediation of climate change, food, animal and plant patents, fossil fuels, mining and coastal environments based on empirical, jurisdictional and methodological insights from Australia, New Zealand and the Asia-Pacific to demonstrate how space and place are invoked in legal processes and contestations, and the methods that may be employed to explore these processes and contestations.

This book examines the role of legal geographies in the 21st century beyond the simple "law in action", and it will thus appeal to students of socio-legal studies, human geography, environmental studies, environmental policy, as well as politics and international relations.

Tayanah O'Donnell has over ten years' experience focused on the law and the legal geographies of climate change adaptation. Her papers and research cover themes such as property rights, land use planning, climate law, coastal policy and management, and the legal, political and cultural impacts of climate change regulation.

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We dedicate this book to our colleague, mentor and dear friend,
Dr Stewart Williams.

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Stewart Williams was a human geographer with expertise in qualitative research methods. He held a deep interest in critical social and political theory which informs his work in higher education, research and community engagement. As a geographer, he loved to be involved in diverse projects that address real-world problems around health, hazards and housing, and with an emphasis on creating more socially just as well as sustainable and resilient communities. Stewart died suddenly and tragically in February 2019.

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This book project has been a labour of love and collegiality since its inception in 2016 over a few drinks during which we moaned, yet again, the dearth of a concerted effort to explicitly engage with method in legal geography scholarship. We didn't get serious about this book until March 2018, following the regular annual convening of the Institute of Australian Geographer's legal geography study group workshop, this time at the University of Canberra. By then, the "Australian" cohort had been busy not only publishing in various journals, but also expanding our reach across the region and further afield in and across the global south. We decided then that it was time for an edited collection, and this book is the end result.

There are many people to thank for their contributions to this book, not the least of whom are the authors within, who have each made significant contributions. Importantly, this volume would not have taken shape without the unwavering efforts of Tayanah, as lead editor, in herding us together. Without her enthusiasm and ability to draw our collective work into sharp focus this project would have fallen at the first hurdle. We are also grateful for the financial support from the Institute of Australian Geographers and from the Australian Climate Change Adaptation Research Network for Settlements and Infrastructure (ACCARNSI), and from the director of ACCARNSI, Professor Ron Cox, which enabled the convening of the Canberra workshop that initially brought this collection together.

The Australian legal geography study group workshops have become a permanent fixture on the Australian scholarly circuit. They have become the foundation not only of critical thought, but also of collegiality and mentoring of researchers we hope to entice to our exciting field. One of our earlier workshops was hosted by our dear colleague and friend Stewart Williams. In these early days of (organised) legal geography scholarship in Australia, Stu took on a mentoring

role for many of us who followed, and became a dear friend. Stu's tragic and sudden passing in February 2019 has left a hole in our hearts, and we were all unanimous in our commitment to not only dedicate this book to Stu, but to also include his scholarship *in memoriam*.

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Finally, the most important thanks of all: to our families, who understand better than most an academic's life. We love you.

PART 1

Introduction

1

AN AUSTRALASIAN AND ASIA-PACIFIC APPROACH TO LEGAL GEOGRAPHY

Tayanah O'Donnell, Daniel F. Robinson and Josephine Gillespie

Introduction

Legal geography has developed as a field of study over a few decades, gaining increasing recognition for its role in providing a critical forum for analysis of law-space-society relations. Although there are antecedents in kin disciplines of critical legal studies, law and society and legal anthropology (e.g. Davies 2017; von Benda-Beckmann et al. 2009), legal geography has drawn its own lines on the scholarly map for some time now. Nicholas Blomley's (1994) seminal work *Law, Space, and the Geographies of Power* was perhaps the first comprehensive review of scholarship that brought together the concept of legal geography/geographies. Blomley (1994, p.51) explains that these critical geographies "seek to reconstruct the law-space nexus so as to accord proper recognition to both and to affirm the complex interplay of the two, evaluating the manner in which legal practice serves to produce space yet, in turn, is shaped by a sociospatial context". A recent succession of review papers (Bartel et al. 2013; Bennett & Layard 2015; Delaney 2015a; Delaney 2015b; Delaney 2017), journal special issues (Bartel et al. 2013; Graham & Bartel 2016; Robinson & Graham 2018) and books including Braverman (2014), have highlighted the development of this field since its clear culmination in the mid-1990s. Recent entanglements with scholarship in, for example, feminist geography (Cuomo & Brickell 2019, Brickell & Cuomo 2019; Perry & Gillespie 2019), environmental law research methods (Brooks & Philippopoulos-Mihalopoulos 2017), political ecology (Andrews & McCarthy 2014; Salgo & Gillespie 2018; O'Donnell 2019) and feminist political ecology (Gillespie & Perry 2019), point to an increasingly conceptually mature approach. As a scholarly field, legal geography has now moved beyond its adolescence, into a richer level of maturity. Our aim with this book is to add to this enrichment in legal geography research.

Legal geographers compel us to consider that in the "world of lived social relations and experience, aspects of the social that are analytically identified as

either legal or spatial are conjoined and co-constituted" (Braverman 2014, p.1). Connecting the diverse works that underpin the legal geographical endeavour, and indeed distinguishing this field, is its "fine-grained, detailed attention to the complex processes of legal constitutivity and a desire to understand the reciprocal or mutual constitutivity of the legal and the spatial" (Delaney 2015a, p.98). The legal geography field, then, is used to disrupt ideas about the "closure" of law as a discrete, formalistic or even archaic set of institutions (statutes, courtrooms, case-law and contracts etc.); it highlights the political nature, social relations and power relations of law-making and law enforcement (Blomley 1994). One manifestation of this process has been revealed in the publication of papers about the reality of legally plural landscapes (Robinson & Graham 2018).

Of the spatial, Doreen Massey (1992, p.66), has written that the socio-spatial "is by its very nature, full of power and symbolism, a complex web of relations of domination and subordination, of solidarity and cooperation". If we apply this kind of thinking to the law, Hogg (2002, p.39) explains that this "is one path to subverting its imperial claims of objectivity, generality and sovereignty and to recognise the subsistence of other legal orders and other legal possibilities". Thus, legal geography helps ground the law in the "world" and in assemblages of socio-spatial-material relations. It is not only about understanding "law-making", but it is also about understanding "world-making", and the interaction between the two – which Delaney describes as *nomosphericity* (Delaney 2010).

Legal geography also requires analysis of the relationships between economies and nature or the environment (often commodified as "natural resources") and the role of humans in generating a range of often perverse and "unnatural" outcomes. Humans attempt, on the one hand, to respond to climate change, biodiversity loss, land and water degradation and other challenges of the Anthropocene while, on the other hand, the politics underlying the many legal and market failures inherent in these challenges are clearly evident in legal geography scholarship (Bartel et al. 2013; Bartel & Graham 2016; Gillespie 2018; Graham 2011; O'Donnell 2016; O'Donnell 2019; Robinson & Forsyth 2016). Groundswells of public and grassroots activism at a localised level push for responses to these global environmental issues, often with mixed results on international law and the global stage (e.g. see Bavikatte & Robinson 2011). This leads us to another aspect of the legal geographic study: the way we have come to think about *scale*. Authors such as Valverde (2015), with her concept of "chronotopes" encourage us to think about the assemblages of relations involved in law-making and that give us concepts such as jurisdiction and scale, which are used as methods of layering in the process of legal ordering. Legal geography scholarship thereby offers scholars, and as well as activists, paradigmatic strategies for approaching the spatial and material dimensions of social and environmental justice (Delaney 2015b; Jessup 2013), the governmentalities of decision-making, social order and the regulation of publics (e.g. Barkan 2011; Layard 2010; O'Donnell 2016; Robinson & Graham 2018).

Australian researchers have innovated the legal geography field with a specific, and deliberate, focus on human-environment relations. Prominent in the "Australian field", Bartel et al. (2013) argued for a specificity towards understanding and exploring the place-basedness of law. Innovative scholars such as Nicole Graham, as early as the mid and late 2000s, were working through concepts such as "lawscape" (2011, though the term appeared in her dissertation some years earlier) to better explicate human-environment relations and the attendant necessity for Anglo people in particular to reconsider our relationships with land and nature. Place specificity as argued by Bartel et al. (2013) built on that and other contributions, with a resulting explosion of scholarship that we claim has its origins in a distinctly "Australian" school of legal geography scholarship. Some Australian geographers have, in fact, been at the forefront of early incarnations of the legal geography project. Professor Gordon Clark, a distinguished Australian geographer, was an early up-taker with his 1985 book, *Judges and the Cities. Interpreting Local Autonomy*, Along with Blomley (1994), Blomley, Delaney and Ford (2001) and Delaney (1998) from the United States of America (USA)/ Israel and Holder and Harrison (2003) from the United Kingdom (UK), Clark was also influential in these early legal geography works, thus proving that the legal geography remit was not immune from a critical Australian perspective.

We suggest that Australian legal geography scholarship might usefully be categorised/thought of as "environmental legal geography". This is not a spatially or locationally restrictive description. Australian legal geography scholarship has been at the forefront of various research programs throughout the Asia-Pacific region in recent years. Beyond our own Australian shores, our iconic legal geography scholarship embraces our regional Asia-Pacific perspectives, and thus contributions within this volume purposefully represent the variety of research efforts from our region. The distinction is evidenced by way of comparison to the Anglo-American legal geography approach, especially to prominent American legal geography scholarship, which is itself often concerned with critical analyses of power relations as between human-institution, or other times human-human interactions. This is akin to UK legal geography scholarship, which is also similarly though not exclusively human focussed. We note, in particular, that there has overwhelmingly been a tendency in legal geography reported scholarship to emphasise the urban as the foremost spatial site. We see in this book a deliberate turn away from this trend, in that we want to open spaces for a consideration of methodology in "other" settings and to keenly appreciate and consider Indigenous knowledge; reflectivity and positionality; environmental rights; mediation of human-nature relations including the "more-than-human" that has dominated other subdisciplines of human geography; and a focus on extractive industries and the effects of climate change. And we see this focus as being complementary to dominant urban focussed perspectives associated with much legal geography scholarship. Our primary aim here, then, is to broaden the legal geographer-as-scholar's toolkit. Exposing the complexity of the spatial and temporal implications of the law-society-environment matrix is our target.

What unites us is a coherency of purpose in reading land- and waterscapes for regulatory and social impacts. A distinctive Australian legal geography methodology is born in this endeavour.

The genesis of this book, and its focus on methods in legal geography, has been stimulated through the numerous discussions over the years within the Legal Geography Study Group of the Institute of Australian Geographers (IAG), buoyed by provocations about methodology by authors in the field such as Braverman's (2014) "Who's afraid of methodology" in *The Expanding Spaces of Law: A Timely Legal Geography* and Bennett and Layard's (2015) "Becoming spatial detectives" in *Geography Compass*. Recent incursions by Bennett include an attentiveness to our mindfulness in legal psycho-geography worldly interactions (Bennett 2018).

For the past decade, we have convened a series of legal geography conference sessions and workshops throughout Australia and New Zealand. Ranging from Cairns to Christchurch, Armidale, Sydney, Melbourne, Canberra and then Adelaide, like-minded graduate students, early career researchers and more established academics and practitioners have gathered to contemplate the appeal in unpacking the geo-legal entanglement. Many of these events have, importantly, revealed a methodological consistency in applied research built on grounded empirical accounts which underscore the importance of synergising law and geography approaches in braided lines of enquiry (following the observations in Braverman 2014). Our colleagues and peers from outside our region have encouraged us to advance the field beyond its adolescence, through a critical reflection on the methodologies and approaches used in the field (Delaney 2017). In doing so, we have also been reminded of the distinctiveness of the origins of Australian legal geography scholarship and our preoccupation with human-nature relations. This book is as much a collection of this clustering of these relations, as it is a book that reflects specifically on method and methodology within the remit of legal geography scholarship. We have therefore sought to engage attentively with both the perspectives and common methods in legal geography.

Reflecting on method

The broad diversity of methods utilised in legal geography might be thought of as challenging to the identity of the field but in this book, we argue that such diversity is a strength. Many of our chapters draw from research in Australasia, as well as parts of the Asia-Pacific and further abroad. Discussion throughout the chapters applies different methods best able to interrogate the "world-making" (following Delaney 2010) in those places underpinned by legal-socio-spatial processes. Cumulatively, the collection of chapters in this collection reveals the critical relevance of an explicit legal geography approach to scholarly research grounded in a common concern with human-nature-law-relations.

The rubric of legal geography highlights the law-place-people nexus across space and time. Self-identified legal geography methodologies reinforce three core components. First, one tool for legal geographers is to map the spatiality of law, but that often exposes a simplistic rendering of the law/place dynamic that deeper analysis reveals to be more nuanced and complex than foreseeable at first glance. This deeper analysis often requires in-depth understanding and analysis of doctrinal law. Second, and necessarily following this first point, the depth in research is brought about through engaging with methods and methodologies that unpack this complexity. Additional key insights are revealed in clarifying researcher positionality and in becoming reflexive about legal geography research processes. Third, legal geographers are well-placed to engage with material dimensions of real-world problems by incorporating multiple methods, and a variety of disciplinary perspectives. This usually occurs with the use of different methods applied to case studies, of which we see several examples in this book. Because of this, case studies are often used to underpin, or frame, the multiple methods utilised as well as to engage them empirically. Moreover, we argue that multiple methods are utilised precisely because of the appeal of inter- and multidisciplinary research enabled through a legal geography lens.

Many of the chapters in this collection use a case study approach to unpack how law, in its various guises, shapes and is shaped by the world around us – our geography. Governance arrangements and land-use practices collide in a series of real-world examples where the law-place dynamic no longer takes for granted rigid categorisations. Exploration of the ways in which people think about places and the regulatory practices that become embedded in or, sometimes, emplaced upon place is a strength of the legal geography approach, which is revealed throughout this collection.

While case studies provide an important "tie-in" to broader perspectives and methodological debates, this collection is not merely a collection of case studies. As is shown, the legal geography case-study approach is complemented by a range of empirical, normative, discourse and doctrinal analyses. Moreover, within the empirical "social research" frame, which tends to dominate this literature, we see in legal geography research a range of methods including interviews, ethnography and mixed-method surveys. As is demonstrated in this collection, these are often supplemented with critical readings of text. Recent innovations, such as that of Spencer (Chapter 9) show a blending of comparative legal analysis with empirical social research methods.

Turning attention specifically to methodology enables progress in this field by overtly recognising the scholarly innovation that is possible through a legal geography lens. This is not to overstate matters; nor has this occurred in a scholarly vacuum. Rather, the legal geography field has benefitted enormously from interdisciplinary scholarship. This has evolved to critical points in the scholarly debate that examine the cornerstones of methodological concerns including positionality, reflexivity and materiality.

Positionality, reflexivity and materiality

Consistently throughout this collection we see chapters concerned with defining and describing the role and influence of the researcher in research design and practice. To date, legal geographers use the tools of human, cultural and urban geographers, anthropologists and lawyers, and yet there has been limited critical reflection on the suitability of these approaches in specific areas of legal geography work, or how they might be better adapted to the particular interests of the work of legal geographers. We argue that there is a growing awareness of the need for critical reflection in this area and we hope that this book goes some way towards enabling that reflection. Indeed, one aspect of the stimulus for the book itself is to encourage these discussions, following Braverman's (2014) recognition of this growing need. In doing so, we are particularly concerned to make space for Indigenous ways of knowing and being, and to centre Indigenous voices in forward-thinking legal geography scholarship.

This additional focus on the researcher as a participant in the research process uncovers how we all influence and are, in turn, influenced by practice, knowledge and relations between humans and "the other" (whether this other refers to the more-than-human, nature, institutions, power, or many other ontologies). In a long-established human geography tradition, best-practice qualitative research embraces methodology that puts both the researcher and researched front and centre. The forefront of this evolution was led, at least partially by feminist geography scholars (e.g. Rose 1997, or the early work of McDowell 1992). Few, if any, writing within this tradition would reject the inherent critical perspective embedded within these scholars' research practices as they strive to reveal power relationships in research processes, to understand how multi-faceted identities shape the way we approach data collection, to comprehend the influence of our upbringings, educations, world-views, gender and experiences. Paying attention to the way we do our legal geography research, to the people we engage with and to the landscapes we inhabit, make our scholarship more meaningful. The issues we investigate have both a biophysical and social construction that demands we pay attention to them. Political ecological scholarship has recognised this, beginning with its very inception in Blaikie's (1985) work (1985) and continuing to this day (see for example papers in the *Journal of Political Ecology*). The complexity and dynamism of our socio-ecological systems requires innovation and a need to become more reflexive in our research practices. Within this collection, Australian legal geographers have risen to this challenge.

Legal geography scholarship tends to take a holistic rather than a doctrinal approach to law, though this is not a universal representation and, indeed, recent scholarship is showing how blended doctrinal and empirical research can result in rich and fruitful theoretical endeavours. Part of what makes legal geography distinctive and yet accessible is its ambitious remit within the broader constellation of social sciences as well as its overt engagement with legal scholarly practices.

Because legal geography draws from a multitude of disciplinary backgrounds, it requires more than merely applying methods of social science from geography

or legal analysis; the field's methodological breadth is more demanding and thus requires a particular kind of reflection in order for it to reach a state of maturity. This collection aims to respond to Braverman's (2014) call for more specificity on method and methodology, and thus the breadth and depth of this collection is a timely contribution not only on method and methodology, but also serves to shine a bright light on the work in legal geography across the Global South and in Australia.

Finally, a focus on sensitivity to place demonstrated throughout this volume is based in part on how the material world (air, water, soil, animals, insects and other "stuff", however defined) is as important in shaping and re-shaping the work as culture (people). Overt recognition of this is a mainstay of our region's legal geography scholarship over the past decade, and many of our contributors have a growing body of work to evidence this point. Our hope is to draw attention to this in a more systematic way; that is, all legal geographers ought be sensitive to place *because* we recognise that places are different given their soil, water, topography (etc.) – all create physical environments that change across space and time – which law (per se) does not always recognise or appreciate. Materiality of place should be as important to a legal geographer as the social dimension of place. It is unquestionably the case that our physical scapes influence how law is developed through, for example, physical land features marking legal boundaries (Blomley 2008; Graham 2011). At the same time, law has an enormous power to transform the material (including landscapes) through fixing, labelling, restricting and ordering. Overlaying all of this are powerful and unknown (in terms of specific manifestations) impacts of environmental and climatic change on our material environments. There is, therefore, a lot to think about through a legal geography lens. If you've found this book, then you will likely be well aware of this complexity. We therefore encourage scholars to embrace this distinctive perspective, and we hope that this book is of use to you, as you do so.

Outline of this book

This book is organised into three substantive sections: (1) investigating the legal geographies of Indigenous peoples and their environments; (2) investigating the legal geographies of regulation; and (3) investigating the legal geographies of extractive industries. Each is situated in a particular case-study context that is representative of Australia and the Asia-Pacific region, though a small number of chapters traverse to the UK and the USA to undertake comparative analyses. In addition, authors were asked to dedicate one third of the discussion to specific method(s) that we argue comprise "core" legal geography methods. Some chapters engage specifically with positionality and reflexivity. On this, see Chapters 6 and 7 in particular.

During the compilation of this book, our colleague Stewart Williams passed away tragically and suddenly. This prompted us to add the Part 5, *in memoriam*, in recognition of his recent scholarship and contribution to the field of legal

geography. We deliberately chose his 2016 paper on the legal geographies of supervised injecting rooms as a serious nod to legal geography that is concerned with regulating both the urban and personhood.

In inviting close and deliberate reflection on the legal geographies of Indigenous and local peoples and their environments, the first section begins with Gillespie's thorough reflection upon what it means to undertake fieldwork which explores legalities in remote locations, and where cross-cultural and language barriers may exist and persist (see Chapter 2). Gillespie artfully explores these intersections and is attentive to the importance of multiple methods in such contexts. Specifically, she draws attention to defects in exploring law without exploring the subjects of such laws; intertwined with this is a necessary focus on the normative regulatory practises of the communities she has engaged with – in this instance focused on Cambodia, Southeast Asia.

This first section then moves to an innovative endeavour in Chapter 3, in which Calyx, Jessup and Sihombing explore how Indigenous communities use technology and their local knowledge to advance legal rights to land, by digitally mapping their lands and documenting their rights to those lands. Their methods comprise activism, interviews and legal document analysis - all intertwined to tell the stories of Indonesian communities struggling against the state in asserting their rights. Chapter 3 also offers reflection on how the research team was formed through their common connection to an Indonesian court case.

Chapter 4 (Schenk) is also contextualised in Indonesia, exploring the role of Islam in shaping both customary and judicial law. Here, the theoretical and empirical contribution is to offer an examination of the relationship between politics, religion and law; the contribution to legal geography methodology is one that teases out not only what it means to look behind public documents, as well as the importance of taking positionality seriously. Schenk reminds us that it is not just the positionality of ourselves as researchers that is relevant, but also that of research participants.

Chapter 5 is a multi-authored contribution led by Robinson. The empirical context of the chapter is an analysis of Indigenous knowledge and how western systems of law, in this instance involving patents and intellectual property laws, have sometimes aided the appropriation of Indigenous knowledge. The chapter focuses specifically on Vanuatu, a country which has a rich system of *Kastom* – traditions and rules which might otherwise be understood as "customary laws". Robinson et al. highlight that some of the species being patented are covered by existing customary law and also focus on where the patenting or monopolisation of uses of a plant species might be bio-culturally offensive and unjust. Legal responses are also discussed along with the possibilities of greater recognition of customary law and customary legal ideas, including totemic plants/species, within other legal frameworks, such as through biodiversity laws under the Nagoya Protocol.

In Chapter 6, Bargh and Van Wagner examine the consultation of Māori in New Zealand's minerals and mining regime. Theirs is a deeply reflective and

personal account of their own research collaboration. The authors' genuine collaborative efforts to meaningfully engage with Indigenous communities, without creating burdens, is revealed in their comprehensive account of the ways in which settler state legal processes can act to constrain Māori people-place dynamics. This chapter gives us the unscripted and honest description of their identities, which depend on "friendship and mutual trust" to bring their research to life. Such accounts are to be commended to all legal geography scholars - for this forthright approach regarding reflexivity and positionality lends enormous credibility to their research work.

Chapter 7 begins the next section in our collection, being concerned broadly with the legal geographies of regulation. In Chapter 7, O'Donnell writes about her insider/outsider experiences in her coastal climate change adaptation research. This chapter is set in O'Donnell's ongoing and highly influential original research into the legal geographies of coastal processes, sea level rise and climate change. The focus for her chapter concerns her positionality in being a lawyer/researcher in exploring coastal climate change adaptation governance. Her story begins by situating herself as an insider employed in the courtroom as a Tipstaff and acknowledges her background prior to the present, working in the legal profession. O'Donnell's tale takes us on a journey, stimulated by her exposure to land use planning law litigation (the *Vaughan* litigation) that explores the reflexive dimensions of legal geography scholarship.

Chapter 8 by Godden focuses on Indigenous Australian connections to Country, which derive from deep ancestral connections to their lands, often through Dreaming stories. The chapter focuses on the *Native Title Act* and the focus on "connection to Country" as a fundamental element of the claiming of native title to land and waters by Indigenous Australians, following the violent and oppressive history since Australia's colonisation by the British. Due to dispossession from Country, native title processes require a range of methods for proving this connection to Country including archival, historical and geographical (mapping) processes. Godden explains the challenges inherent in these processes, and some of the developments including having court hearings on Country, which provide at least some form of procedural connection to place and the materialities of Country.

Chapter 9 by Spencer focuses on "legal transplants", or the borrowing of legal ideas and solutions from other jurisdictions, often as a law reform technique. Legal transplants are, however, controversial and problematic where the borrowed laws of the "transplantor" jurisdiction are insufficiently adapted to the human and environmental contexts of the "transplantee" jurisdiction. This chapter builds on Kedar's proposal for a new hybrid methodology and considers how comparative legal geography can contribute critical depth to investigations of human and environmental contexts – the nuances of "place" – as extra-legal factors in legal transplants.

Chapter 10 by Bartel focuses on plant classifications made in the name of biodiversity conservation. This chapter argues for greater recognition of "place law"

as revealing the inherent bias of the dominant legal system, imposing a hierarchy of plants (e.g. weeds and non-weeds), which is predicated on a human-nature binary and enforces its own class of primacy and privilege. Bartel argues that it is this "othering" perpetrated by "us" – the settler state – that must be problematised, rather than the plants.

Chapter 11 by McFarland focusses on the use of key informant interviews as a research method in legal geography. It takes a phenomenological approach to understanding underlying human perceptions of the world, and analyses the expert interviews relating to differences in approaches to peri-urban planning. McFarland argues that phenomenological research using key informant interviews is eminently suitable for case studies in legal geography. His use of this method is argued to be highly appropriate to the examination of policy development and implementation for peri-urban land use in Oregon, as a basis of comparison with Australian examples. In so doing, the method reveals the strengths and weaknesses of the regulatory system based on multiple perspectives. It exposes the human factor in the development and operation of law in relation to place and space.

Chapter 12 by Graham provides a legal geographical analysis of Sydney's drinking water catchment. Her approach allows us to understand this place as neither a "natural" nor "cultural" place, but rather as a dynamic "lawscape" of interrelated rivers, swamp ecologies, groundwater systems, violent colonial dispossession and conflict, dams, underground coal mines, Special Areas, National Parks and the source of drinking water for five million people. The chapter explains how, over two centuries, Anglo-Australian laws have transformed this place into a resource frontier by conceptually and physically fragmenting it into different categories of lands and separable component parts, principally water and coal. This chapter critiques the atomism of these laws through the lens of legal geography, which emphasises the need for a more relational, holistic and congruous legal approach.

Chapter 13 by Turton considers some of the challenges and opportunities facing legal geography researchers who wish to examine the insights of lawyers in their work. Drawing on coal seam gas (CSG) literature, especially including lawyer perspectives, this chapter surveys obstacles to securing access to lawyer voices in legal geography research – while also addressing how this challenge might be negotiated to ensure fruitful outcomes. Building on this, the chapter then addresses the possibility of investigating lawyer perspectives through the prism of submissions authored by legal professionals for a CSG-related government inquiry – raising socio-spatial questions about the geographical scope of compensation for landholders in the process. This case study reveals lawyers as not only active participants in Australia's CSG debate, but also the purveyors of legal advice for a variety of interest groups, who may then seek to utilise lawyers' opinions to support their own advocacy efforts on the subject.

Chapter 14 by Sherval explores the mobilisation of women's political subjectivities in response to government rhetoric that frames the development of the hydrocarbon industry as a "bridge" towards a low carbon future. Reflecting on

the recent movement by governments to construct a narrative which suggests that hydrocarbons such as shale and coal seam gas are the 'greenest' of fossil fuels, this chapter explores how recent technological advances in energy extraction have transformed what were once considered 'unconventional' energy sources into accessible, but also highly politicised materialities. By considering the links between the geopolitics of energy placement, government rationalisation of space and community perceptions of government decision making, this chapter considers how power can be mobilised amongst local subjects and potentially renegotiated in decision making about the future of rural spaces.

Chapter 15 by Rickards and Jolley draws on Delaney's "nomosphere" and also Jacques Rancière's "politics of aesthetics", which describe how, through law, certain worlds are made visible and sensible while others are not. The authors argue that understanding and addressing the complexities of the fossil fuel regime and its connections to climate change requires a legal geography attuned to the non-representational dimensions of law. In doing so, they frame research as a political tool that contributes to determining what is made visible, what problems are recognised and what arguments and responses are legitimated. They further explain that this requires reflexivity on the part of researchers, with respect to the political and aesthetic acts, orders and regimes to which their work contributes.

Finally, Chapter 16 is a republication of Williams' 2016 journal paper in *Space and Polity*. There, Williams explores how law created nested hierarchies of order and control, and how debate and law reform regarding the establishment of safe injecting rooms in Sydney, Australia disrupted this dominant narrative and the implications of this for both legal geography scholarship and for public health outcomes.

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