



Legal geography I: Everyday law

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Abstract

This report on legal geography explores everyday law and how law is discussed as lived, performed and re-created in mundane life. Everyday law means a legal pluralism that also includes informal parts of law, such as customs, norms, and alternative legal systems. It also refers to the manifestations, performances, contestations, and constitution of the law in mundane places. Focusing on ordinariness opens paths for thinking the normalized and taken-for-granted aspects of the law. Everyday law is mostly experienced at micro-scale—related to our bodies, homes, and neighborhoods. This report concentrates on these, with the focus on subjectivity, relationality, and resistance.

Keywords

everyday law, informal law, legal geography, legal pluralism, relationality, resistance

I Introduction

“The abstract ‘master narrative’ of law is [...] a dematerialised and dephysicalised idea. [...] It has been confronting for legal theorists to find legal geographers asking not *what* but rather ‘*where* is law?’ [...] As soon as we ask whether law is in (for instance) lawyers’ offices, or courts, or people’s homes, or the street and cityscapes, or the womb, or the high seas, or a remote desert location, or a university classroom, or physically imprinted in our minds and bodies, law becomes something different from an abstract set of rules that are the same in many contexts. [...] law becomes *what* it is, *where* it is – in material locations as performed in and by subjects who are both recipients of law and conveyors of it.” (Davies, 2017: 30)

The significance of legal geography is today widely recognized. Admitted is also its ability to discuss and conceptualize law as lived, performed and re-created in mundane life. The quote above

from Davies (2017: 30) illuminates how the conception of law alters when it is addressed as a spatial question. Law becomes less abstract and becomes something other than a technology of totality and coherence.

The all-encompassing question of this and the next two progress reports on legal geography is everyday law. To some extent, there is still a tendency to consider the everyday as proximate, intimate, and singular—similar to how Sarat and Kearns (1995a: 60) characterized research on the law of daily life as “intensive rather than extensive,” having to “describe the world of the quotidian in its singularity.” Furthermore, they noted that there has to be openness to “the multiple ways law is present.”

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While much in their argument is helpful, the most relevant notion is multiplicity. The emergence of questions of relationality, lively legalities, subjectivity or feminist geo-legality, has diversified legal geographical thinking by exceeding binaries (like local/global, private/public), and by extending beyond disciplinary boundaries. Therefore, I adopt here an understanding of legal geography that is not restricted to institutionalized geography but is rather a transdisciplinary effort. Due to the success of the field, these progress reports can only discuss a small, selective sample of recent research. Nonetheless, the three reports together will offer a wider account of how vibrant the study of the spatialities of everyday law has become.

Everyday law has not been widely discussed in previous progress reports. The first three legal geography progress reports by Delaney (2015, 2016, 2017) offered a thought-provoking overview on the field and raised important conceptual questions. The second set by Jeffrey (2019, 2020, 2021) noted the expansion of the field and focused on court geographies with an emphasis on materiality, body, and evidence. Like most anthologies on legal geography, all six progress reports tended to highlight legal geographical scholarship from North America, Latin America, Britain, the Antipodes, and Israel/Palestine.

Everyday law covers many aspects that might not deal with everyday legalities per se but might still be firmly connected to daily life. Everyday law is here used as an umbrella term that refers, first, to a legal pluralism that—in addition to the formal state law—includes more informal parts of law, such as customs, norms, and alternative legal systems. Second, everyday law refers to the manifestations, performances, contestations, and constitution of the informal and official law in mundane places and situations. My perspective to law is not instrumental: I do not see law as distinct from social relations and regulating the everyday in rational and planned ways (Sarat and Kearns, 1995a, 1995b). The viewpoint is closer to what Sarat and Kearns (1995b: 10) call constitutive perspective, in which “everyday understandings, conventions, and assumptions structure legal thinking and practice,” which are themselves “produced and shaped by legal rules and practices.” Law, thus, does not happen to the

everyday but is rather produced and reproduced in everyday encounters (7–8).

In this first report, I will discuss definitions of everyday law and legal pluralism and how they relate to the wider field of legal geography. What intrigues in everyday law is its ordinariness. As Delaney (2010) writes, how ordinariness is produced—how something becomes ordinary—and is maintained is profoundly interesting and important. Focusing on ordinariness opens paths for thinking the normalized and taken-for-granted aspects of the law and their conceptualizations. Although everyday law operates in-between various scales, it is mostly experienced at micro-scale—related to our bodies, communities, homes, housing, and neighborhoods. This report will concentrate on these, with the focus on subjectivity, relationality, and resistance in the functioning of everyday law. After a rather general first report, the second progress report will explore in more detail the conceptions of place and landscape in relation to everyday law, whilst the third report will address everyday law as a question of legal agency.

II Everyday law, legal pluralism, and the geographies of informal law

I Everyday law

In the anthology *Law in Everyday Life*, Sarat and Kearns (1995b) wrote about *the law of daily life*, by which they mean the ways in which “law makes its presence felt” (2) and happens “in the lives of ordinary citizens and those who are implicated in the ordinary, nondramatic work of law” (3). In *The Common Place of Law*, Ewick and Silbey (1998: 22), for their part, sought to expand the conception of law from its institutional setting and suggested focusing on commonplace legality, referring to “the meanings, sources of authority, and cultural practices that are commonly recognized as legal, regardless of who employs them or for what ends.” The authors note that people can “invoke and enact legality in ways neither approved nor acknowledged by the law.”

At the time of the publication of these books, everyday life was mostly ignored in legal analysis or it was associated with feminist scholarship and the sphere of the “private” that represented safety from

the alienation and dangers of society (Sarat and Kearns 1995b: 3). In today's interpretations, everyday is rather a matter of everybody, and the emotions to which law responds are shaped "by the experience of living under the law" (Abrams, 2016: 209). The nomospheric constitution of everyday life mostly remains invisible as it is "taken as simple facts of life" or as practices filled with "routineness" and "unremarkableness" (Delaney, 2010: 42–43). Furthermore, the conception of the private sphere as safe haven as well as the strict division between the public and the private have been questioned. Still, the public, the private and home are firmly present in legal geographical debates while being "fundamental nomic settings associated with the constitution of everyday life" (Delaney, 2010: 59) and while conditioning our "performances of rights and power" (Delaney, 2010: 44).

One of the starting points of legal geography scholarship is "the where of law": how social and lived places are inscribed with legal significance (Braverman et al., 2014). Legal signification is not only the product of state law but rather of legal pluralism, which refers to the diversity and overlapping of legal knowledges, and the multiplicity of legal actors in everyday contexts (Blomley, 2013; Von Benda-Beckmann and Von Benda-Beckmann, 2014). In the words of de Sousa Santos (1987: 280–281), research on legal pluralism "maintains the existence and circulation in society of different legal systems," the state legal system being merely one of them. This leads to complexity in the understanding of law and society since, instead of law being defined by a single legal system, there is a network of them. This opens a door to research that goes beyond the normative in law since "law is also imagination, representation, and the description of reality" (De Sousa Santos, 1987: 281).

These views indicate how spatiolegal matters are linked with everydayness (Blomley, 2016; Jackson and Valentine, 2017) and mundane sites that are "places of active, localised meaning-making" (Bennett and Layard, 2015: 414). Over the years, a fair share of research has been motivated by a determination to include everydayness and place more centrally in legal thinking. For instance, Bennett and Layard (2015: 419) hope for

disengaging from the abstract and distant conception of law that marginalizes specificity, and instead suggest focusing on mundane sites and the embodied effects of law. Graham (2011: 16), likewise, advocates a paradigm change "that would replace the absence of place with its centrality to law". Furthermore, Braverman (2016: 5) notes how the assumption of law as abstract, immaterial and universal has led to the ideas of equal representation and objectivity, which should be replaced by addressing law as corporeal, emplaced, and localized.

2 Legal pluralism and the geographies of informal law

The concepts of legal pluralism and informal law are central for the idea of everyday law.

Legal pluralism means that different forms and orders of law—such as the law of states, international laws, conventions, human rights, local laws or customary laws—coexist and overlap (Von Benda-Beckmann and Von Benda-Beckmann, 2014). In addition to the state, other sources of law include tradition, religion, agreements, or the will of the community. The legitimacy, validity, power, and authority of the laws vary, and some of them are more institutionalized than others.

Interlegality, for its part, refers to the unstable ways in which "legal spaces are mixed in our minds and actions, and in the routines of everyday life" (De Sousa Santos, 1987: 297). The mixing of different forms of law and their jurisdictions does not happen merely in the present, but have traces from the past, as well: Valverde (2012: 111) describes such "ghost jurisdictions" as "entities that have been politically abolished but some of whose legal rules continue to be in force" and make law "much more obscure and inaccessible."

Different forms of law do not emerge independently but—as Bartel and Carter (2021: 385) note—they often "codify pre-existing norms" and are best obeyed when they do not cause moral ambiguity. Unanimity is, however, possible only in homogenous societies that seldom exist and therefore, legal pluralism often involves conflicts. Olwig (2022) notes how processes like privatization or unjust governance have detrimental effects on communities and

their land use if they cause the loss of customary rights. Olwig interprets customary rights not so much as rights *to* the land, but rather as shared use rights *in* the land. These rights are unique to specific places, and their moral and legal basis are important for the “shared identity with the landscape” (718).

Von Benda-Beckmann and Keebet Von Benda-Beckmann (2014: 47) noted a decade ago that there is “an urgent need for the geography of law to [...] pay more attention to the dynamics of legal pluralism.” This requires interpreting law outside of its own spaces (Cloatre and Cowan, 2019), which also means understanding that there is a diverse set of the agents transmitting or affecting law (Davies, 2017). In fact, as Ewick and Silbey (1998: 20) note, “the commonplace operation of law in daily life makes us all legal agents insofar as we actively make law, even when no formal legal agent is involved.”

The diversity of legal agents is seen in the growing awareness of the agency of nonhuman subjects (Robinson and Graham, 2018), nature (Charpleix, 2018), or places (Bartel, 2018). Charpleix’s (2018) study, for instance, deals with the political decision that recognized the legal personhood of the Whanganui River in New Zealand. The case exemplifies the potential of official legal system to acknowledge the diversity of legal agencies in Indigenous laws and ways of living. As Charpleix (2018: 28) notes: “The recognition of the legal personhood of the Whanganui River by the dominant legal system [...] signals a shift towards an appreciation of the rights of everything that constitutes the Earth.” A quite different stance on legal pluralism is described in Pasternak’s (2017) *Grounded Authority* that tells the story of the Algonquins of Barriere Lake in Canada struggling in their daily lives over the governance of their natural resources and lands. Pasternak (2017: 4–5) notes that although settler sovereignty seems to dominate the daily lives of Indigenous peoples, it often remains “peripheral to the dense social and political formations of Indigenous nations” and “extraneous to the spiritual and geographic knowledge necessary to govern their lands.” The state’s efforts to replace the customary system, spirituality and local knowledge have questioned the legal agency of the Indigenous people and have thus had a bearing on their everyday life.

Charpleix’s research indicates how the undemanding of legal agency as solely human is diversifying, which is also shown in Braverman’s (2016) research on “lively legalities” and “amphibious legal geography” (Braverman, 2023), both of which develop a posthumanist perspective that questions the legal binaries of human/nonhuman and land/sea. Another interesting opening is the discussion on the legal agency of place and its potential in legal geographical understanding. Bartel (2018) criticizes legal pluralistic research for ignoring the importance of place as the regulator and generator of law, and advocates recognizing how place is involved in the production of norms and practices and should be regarded as a legal agent that shapes (and is shaped by) law.

Legal pluralism involves various kinds of non-state laws, alternative forms of ordering, legal “grey zones” and areas of “non-law” (Robinson and Graham, 2018), whose relation to a municipal or urban law, state law and other scales of law can be characterized by resistance originating from culture, history or the ways of life, for instance. The significance of culture and history emerge in Robinson and McDuie’s (2018) study of Pratunam Market in Thailand as “an alternative and resistant node representing ‘spaces of interlegalities’”. Pratunam market sells goods that are original, imitated or counterfeit despite the efforts to incorporate Euro-American intellectual property laws in the country. The authors’ analysis shows how Thailand’s history, norms, and popular culture include imitating and assimilating concepts and designs, thus posing challenges to the adaptation of the law that does not seem to suit the legal space of the market.

Legal diversity can also lead to increased control, as argued by Rannila and Repo (2018) in their research on the alternative community of Christiania in Copenhagen. In Christiania, legal diversity has led to hyperregulation and the formation of several layers of control. The community’s spoken law and consensus democracy overlap and sometimes collide with the state law. These sources of law are accompanied by less institutionalized rules, such as the ones created by the leaders of the organized crime syndikats involved in drug sales in the area, or the community’s “personal law” that the residents report

to remove “hidden privileges” from community members whose opinions are considered “wrong” (Rannila and Repo, 2018).

This diversity is reflected in the daily life of Christiania that is colored by the struggles over the community’s land area. The land area is designated as public space, which has made many residents feel violated by the actions and presence of tourists, the police and crime syndikats. The residents use microlegal tactics to privatize and mark territories by locating fences, rocks, signs, flowerpots, and art objects around their houses; or by placing footpaths, prickly bushes, shrubs garbage and recycled material strategically (Rannila, 2019). Although taking place in a different kind of context, there is resemblance with the performances of planting, cultivating and uprooting trees that Braverman (2009) addresses in *Planted Flags* in the context of the war between Israel and Palestine. A pine tree (a Zionist symbol) and an olive tree (a Palestinian symbol) have become visible markers of control over territories and have given a material form to the legal and political agency of people in their everyday lives. Micro-legal spatial practices such as planting, cultivating, placing flower pots or stamping paths may seem “apparently insignificant” (Cloatre and Cowan, 2019: 449) actions, yet they show how everyday law is about “how ordinary people imagine law in their own everyday life” (Valverde, 2012: 12).

III Subjectivity, relationality, and resistance

Cloatre and Cowan (2019: 448) argue that legal geography has potential to improve the inclusions of diverse voices and experiences in the understanding of law. Although inequalities related to different subjectivities have been addressed (e.g., Brickell and Cuomo, 2019), understanding the extensiveness and different forms of inequalities requires more attention. Datta (2012) notes how people experience uncertainty from different subjectivities, and how both experiences and the possibilities to negotiate about the situation vary depending on if you are, for instance, a woman, low-caste, a Muslim or a squatter, or whether you have access to the public sphere. This

illustrates well the problems attendant upon “homogenizing everydayness” (Delaney, 2010: 47) in ways that erase the subjectivity that affect one’s possibilities to act or to be heard.

Legal geographical scholarship has much potential to develop the understanding of subjectivities further, for instance in relation to the gendered and transgendered violence (e.g., Brickell, 2021) that has mostly been debated in specific contexts (e.g., in relation to Islamic law and Muslim feminism: Schenk, 2019, 2020; Schenk and Hasbullah, 2022) with less effort made to discuss the topic as an urgent legal geographical question. Exceptions include feminist geo-legality (Brickell and Cuomo, 2019) that has significantly advanced intersectional and relational approaches in the analyses of the complexities of law and gender.

The expansion of relational approaches has been beneficial for the debates on everyday law. By struggling against the closed and stable interpretations, relational approaches have paved way for understanding the complexities and transformation of legal relations. Most often relationality is approached through Massey’s (1999: 2) concept of relational space as space “produced by interrelations” (e.g., Delaney and Rannila, 2021). This has advanced understandings of the relationality of the law (Rannila, 2021), or how some everyday situations—like unwanted visual attention or stalking—remain out of the scope of formal state law because they are dynamic and “refer less to things than to *events* or *processes*” (Delaney and Rannila, 2021: 28). The effort to capture the multiplicity, vitality and interconnectedness of legal spaces is also foundational in Keenan’s (2015) *Subversive Property* where, following Massey (2006), space is understood as “the simultaneity of stories so far”. Keenan (2015: 6) elaborates this to mean “the simultaneity of multiple and very different stories of subjects, streets, mountains, communities and empires; stories which are, importantly, unfinished” as well as “practiced, embodied, and relational.”

Understanding the multiplicity of legal spaces has also promoted the acknowledgment of the mutual constitution of law and its resistance. Brickell et al. (2017: 14) note that resistance brings

“bodies, spaces and livelihoods into new forms of solidarity” that does not take place merely in micro-political actions but is rather linked with the multi-scalar dynamics of resistance. There, thus, emerges “new resistant geographies beyond the traditional boundaries between the intimate and the political or global and local” (18). Also [Finchett-Maddock \(2016\)](#) argues that law needs resistance in order to define itself, and it needs informal concepts of law in order to get closer to justice. [Finchett-Maddock \(2016: 18\)](#) writes that protest movements are “closer to justice as they operate their law in a moment through presence, whereas state law is set back and detached from its subjects through institutionalisation.” Practices of resistance and presence, thus, are also more likely to fulfill the goals of the legal actors and to advance legal innovation. This does not, however, mean the dualistic understanding of the state law and resistance; instead [Finchett-Maddock \(2016\)](#) sees a continuum between the pre-institutional and institutional.

Although everyday law and the resistance of formal law operate between scales ([Brickell et al., 2017](#)), much happens at the scales of bodies, homes and neighborhoods where changes and risks are lived. If the homes or neighborhoods are in jeopardy or at risk of drastic changes, the ordinariness of the everyday is disrupted. This creates emotions and affects that sometimes serve as incentives to resistance. The complex relations between the formal and informal laws and the motivations of people have been well addressed in the legal geographical discussions on property—thanks to the conceptualization of the relationality of property. As [Blomley \(2023: 17–18\)](#); see also [Blomley, 2019](#)) writes:

“Property [...] structures a complex set of organized relationships and rights. [...] We all access property in land in and through legally situated others, but we do so under differently calibrated terms. This can be through the permission or contractual agreement of others, such as the lease of an apartment. It can also occur through the staged concessions or forced compliance of others. [...] Property is thus a relational meshwork in which we are all variously positioned.”

IV Scales of everyday law

In *Everyday Law on the Street*, [Valverde \(2012\)](#) writes about everyday law with a focus on diversity and the dynamics of urban governance. She argues that “little-understood agglomerations of laws, ordinances, bylaws, rules, policies, inspection practices, and regulatory fines [...] shape the experience of urban life” (6–7). Characteristic for urban law is that it enters many private and minor functions, thus being significant for everyday law. While working “without fanfare and without police,” the effects and politics of urban law often remain invisible (7–8). Law, thus, “quietly shapes both the built space and the social interactions that take place in it,” and thus, builds values “into the urban fabric” ([Valverde, 2012: 21](#)).

Urban law has been the focus of many legal geographical studies with the aim to identify “what is distinctive about ‘the urban’”, or “how law produces and is produced by the city” ([Layard, 2020: 1463](#)). These investigations may start “on the streets” and concentrate on the everyday, yet [Layard \(2020: 1463\)](#) points out the difficulty of “identifying the right level of analysis.” The conception of “right” might also differ and be relational, as suggested by [Hubbard and Prior \(2018: 61\)](#) who argue that while being characterized by inter-legality and diverse norms and practices, (multicultural) cities need municipal laws that are “open to difference.”

Legal geographical research has shown how the official law can increase vulnerability and precariousness which are, furthermore, experienced in cities. This has been documented for instance in cases where the law has not protected tenants but has rather driven them to illegal practices that advance the formation of urban “outlaw zones” ([Blomley and The Right to Remain Collective, 2021](#)). Furthermore, governing public spaces as if they were homes or other private spaces, increases vulnerabilities by excluding homeless people from public spaces and diminish their overall possibilities of being in the city ([Mitchell, 2020](#)). This happens both spatially and temporally: not only controlling *where* a person or their belongings are allowed or forced to be, but also *when* they are allowed or forced to be there ([Blomley et al., 2020](#)).

Territorial restrictions or punishments have also created vulnerability, as noted in [Sylvestre, Blomley and Bellot's \(2019\)](#) research on red zones and their effects on individuals' everyday lives. The research analyses territorial punishments—such as area restrictions and no-go conditions—that aim to prevent a person from carrying out crimes by prohibiting access to certain areas. The research sheds light on the gap between the judgment that is ordered from the distance, and its lived impacts such as separation from social networks or social and health services. The authors note the disparity between the assumption that “rational actors” would move “through criminogenic landscapes” (23) and the lived reality where rational actions are disturbed by “addiction, poverty, and radically constrained choices” (34–35). In a way, territorial punishments are inscribed on the bodies of the convictees, following the notion of [De Certeau \(1984\)](#) who argued in *Practice of Everyday Life* that “there is no law that is not inscribed on bodies,” and thus, living beings can be “transformed into signifiers of rules” (139–140).

Territorial punishments are not, however, merely about bodies but they are linked with political agendas and their spatial implementation—as in the case of Denmark's “ghetto politics” where a regularly updated “ghetto list” defines which neighborhoods will be targeted special measures. The measures are case-specific but their repertoire includes demolition of houses, intensive policing, and double punishments for crimes, for instance. The list involves many immigrant or refugee settlements that have gained a “negative emblematic status” ([Olwig and Olwig 2022: 826](#)) while being regarded as “endangering the bio-spatial cohesion of the nation-state” (811). This has affected the residents' sense of justice and quality of life (812), and exemplifies how neighborhoods, apartment blocks and homes are increasingly used as means of controlling and disciplining.

Legal geographical scholarship on housing insecurities has thus focused on this kind of everyday “uncertainty of one's right to habitation” ([Datta, 2012: 11](#)), as well as how housing violence is expressed as “everyday violence” ([Rannila, 2022: 238](#)) in a sense that it is normalized, slow, occurs gradually, and is hard to notice until it is too late to make difference ([Nixon, 2011](#)). Housing insecurity has

therefore been argued to be a condition of society whose origins lie in social, economic or political structures or decisions ([Mitchell, 2020](#)). In housing conflicts, the disputes over displacement pressure, renovictions, and the lack of affordable housing may seem apolitical if critique is mainly targeted to property owners without relating the courses of action to political decisions that allowed them in the first place ([Rannila, 2022](#)). Moreover, housing insecurities might be naturalized (see also [Correia, 2013](#)), responsibilities for such insecurities assigned to the wrong persons, or suggested solutions reduced to the technocratic and financial, thus favoring the views of property owners and ignoring the existential rupture caused to the tenants ([Polanska, 2023](#)).

V Conclusions

There are a wide variety of possibilities for discussing everyday law from legal geographical perspectives. Recent decades have witnessed a rise of relational thinking that does not assume a stability of the law or legal spaces, but rather urges scholars to see movement in law. This creates fascinating chances as it is still underexplored how law moves ([Barr, 2016](#)), how best to understand the legal liminality ([Bloch, 2021](#)), or how legal immobility relates to physical mobility ([Braverman, 2016](#)). Questions like these could benefit from what [Brickell \(2021\)](#) calls venturing and thinking creatively with the help of informal legal spaces.

Amidst new challenges it is important to address the most important concepts of human geography—especially place and landscape—that are enmeshed in the everyday and whose importance in legal geographical scholarship might seem obvious, but perhaps is not. It is also essential to think about legal agency in terms of everyday law and how its understanding has evolved along with the diversification of approaches. These issues will be addressed in the next two progress reports.

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