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Navigating Legal Geographies

Ann M. Eisenberg

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NAVIGATING LEGAL GEOGRAPHIES

*Ann M. Eisenberg**

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INTRODUCTION

The law and rurality subfield of legal scholarship has gained substantial momentum over the past two decades.¹ Law and rurality scholars investigate life and law outside of cities, exploring relationships among people, place, space, law, and justice in more remote and population-sparse locales.

Law and rurality shares notable overlapping emphases with the field of legal geography, in which scholarship “takes the interconnections between law and spatiality, and especially their reciprocal construction, as core objects of inquiry.”² Despite this overlap, with some notable exceptions, law and rurality has largely evolved in a separate lane from legal geography.³

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1. See, e.g., *USD School of Law to Co-Host Law and Rurality Workshop*, UNIV. OF S.D. (July 12, 2022), <https://www.usd.edu/academics/colleges-and-schools/knudson-school-of-law/south-dakotan-lawyer/usd-school-of-law-to-co-host-law-rurality-workshop> [<https://perma.cc/PX48-9FFD>] (quoting Professor Hannah Haksgaard describing law and rurality as “a growing scholarly field” focused on rural populations’ “unique legal needs”). Recognizing law and rurality as a “law and society subdiscipline,” Michele Statz and Katherine Young started the Law and Rurality Collaborative Research Network for the Law and Society Association in 2020. See *CRN24 Law and Rurality*, L. & SOC’Y ASS’N, <https://www.lawandsociety.org/crn24/> [<https://perma.cc/P5XF-TVBB>] (last visited Jan. 16, 2023).

2. IRUS BRAVERMAN, NICHOLAS BLOMLEY, DAVID DELANEY, & ALEXANDRE (SANDY) KEDAR, *Introduction: Expanding the Spaces of Law*, in *THE EXPANDING SPACES OF LAW: A TIMELY LEGAL GEOGRAPHY* 1, 1 (2014).

3. As possible evidence of this separateness, a search term on Westlaw for articles that mention “rural” at least twice and “legal geography” at least twice yields 26 results. Two of

This disconnect perhaps stems in part from legal geography's broader reach across disciplines and places, contrasted with law and rurality's more recent genesis within U.S. legal academia.⁴ In any event, the opportunity for mutual cross-pollination and amplification seems apparent. Law and rurality scholarship entails some legal geography analysis, and some legal geography implicates aspects of law and rurality.

This Essay compares these two methodologies and asks whether there is value to, and room for, the two fields of inquiry to pursue more robust conversation with each other. While giving each field short shrift by virtue of this Essay's brevity, this discussion contemplates that each has something to offer the other. Both could aim to cast more light on the critical phenomena of urban-rural interconnectedness and interdependence, which are essential aspects of modern crises such as climate change and political instability.⁵ Scholars of law and rurality might benefit from using legal geography tools to delve more deeply into questions surrounding law, rurality, and interconnectedness. Meanwhile, to the extent legal geography has been under-inclusive of rural concerns, a turn toward inclusivity could enrich legal geography, further confirm its ongoing importance, and clarify that those interested in law and rurality do not need to seek community elsewhere. It is not necessarily clear, however, that the subdisciplines' respective assumptions are organically aligned.

I. LAW AND RURALITY METHODOLOGIES

By any account, the pioneering work of law professor Lisa Pruitt laid the foundation for the modern law and rurality movement.⁶ Today, law and

these are written by Lisa Pruitt, two are by me, and 22 were written more than three years ago, which suggests that legal geography has not caught on in modern law and rurality scholarship.

4. There are, of course, many scholars around the world writing about interactions among law, rural space, and geography more broadly. *See, e.g.*, David J. Turton, *Unconventional Gas in Australia: Towards a Legal Geography*, 53 GEOGRAPHICAL RSCH. 53 (2015); Jamie Baxter & Albert Yoon, *No Lawyer for a Hundred Miles?: Mapping the New Geography of Access of Justice in Canada*, 52 OSGOODE HALL L.J. 9 (2014); Robyn Bartel et al., *Legal Geography: An Australian Perspective*, 51 GEOGRAPHICAL RSCH. 339 (2013); Simon Rice, *Access to a Lawyer in Rural Australia: Thoughts on the Evidence We Need*, 16 DEAKIN L. REV. 13 (2011).

5. *Cf.* Daniel S. Spivak, *The Colorado River Drought Contingency Plan: An Opportunity for Exploring Demand Management Through Integrated and Collaborative Water Planning*, 61 NAT. RES. J. 173, 175 (2021) (calling for a new "urban-rural social contract" to better account for interdependence and sustainability); Melissa M. Berry, *Thinking Like a City: Grounding Social-Ecological Resilience in an Urban Land Ethic*, 50 IDAHO L. REV. 117, 121 (2014) (advocating treating urban and rural localities as part of single social-ecological system).

6. *See, e.g.*, Hannah Haksgaard, *Traveling for Abortion Services and the Rural Women "We Must Not Forget,"* 65 S.D. L. REV. 1, 8 (2020) (reviewing CHRISTABELLE SETHNA & GAYLE DAVIS, *ABORTION ACROSS BORDERS: TRANSNATIONAL TRAVEL AND ACCESS TO*

rurality scholarship exhibits breadth and depth, interacting with diverse areas of law among a growing group of scholars. Investigations into law and rurality intersect with literatures on access to justice;⁷ legal history;⁸ criminal law;⁹ criminology;¹⁰ property law;¹¹ Indian and tribal law;¹² environmental

ABORTION SERVICES (2019)) (acknowledging that Professor Lisa Pruitt “has written extensively” about challenges faced by rural women); Lisa Pruitt, *Road to Ruralism*, RURAL RECONCILIATION PROJECT (Feb. 3, 2021), <https://www.ruralreconcile.org/ruralreview/lisa-pruitt-h9f2c> [<https://perma.cc/V4MJ-AA3Y>] (recognizing that Professor Pruitt has written about law’s relationship with the rural for decades).

7. See, e.g., Michele Statz et al., “*They Had Access, but They Didn’t Get Justice*”: *Why Prevailing Access to Justice Initiatives Fail Rural Americans*, 28 GEO. J. ON POVERTY L. & POL’Y 321, 322 (2021); Hannah Haksgaard, *Rural Practice as a Public Interest Work*, 71 ME. L. REV. 209, 210 (2019); Lisa R. Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 13 HARV. L. & POL’Y REV. 15, 16 (2018); Christopher Chavis, *The Past, Present, and Future of Rural Northern New England: A Study of the Demographics Crisis and How It Affects the Rural Lawyer Shortage*, 71 ME. L. REV. 273, 274 (2019); Hillary A. Wandler, *Spreading Justice to Rural Montana: Expanding Local Legal Services in Underserved Rural Communities*, 77 MONT. L. REV. 235, 237–38 (2016); Hillary A. Wandler, *Spreading Justice to Rural Montana: Rurality’s Impacts on Supply and Demand for Legal Services in Montana*, 76 MONT. L. REV. 225, 229 (2015); Hannah Alsgaard, *Rural Incentive Programs for Legal and Medical Professionals: A Comparative*, 59 S.D. L. REV. 585, 586 (2014); Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 S.D. L. REV. 466, 467 (2014).

8. See, e.g., Emily Prifogle, *Rural Social Safety Nets for Migrant Farmworkers in Michigan, 1942–1971*, 46 L. & SOC. INQUIRY 1022, 1022 (2021); Emily Prifogle, *Law and Laundry: White Laundresses, Chinese Laundrymen, and the Origins of Muller v. Oregon*, 83 STUD. IN L., POL. & SOC’Y 23 (2020).

9. See, e.g., Maybell Romero, *Lowball Rural Defense*, 99 WASH. U. L. REV. 1081 (2021); Maybell Romero, *Rural Spaces, Communities of Color, and the Progressive Prosecutor*, 110 J. CRIM. L. & CRIMINOLOGY 803 (2020); Valena E. Beety, *Prosecuting Opioid Use, Punishing Rurality*, 80 OHIO ST. L.J. 741 (2019); Maybell Romero, *Viewing Access to Justice for Rural Mainers of Color Through A Prosecution Lens*, 71 ME. L. REV. 227 (2019); Lisa R. Pruitt, *The Forgotten Fifth: Rural Youth and Substance Abuse*, 20 STAN. L. & POL’Y REV. 359 (2009).

10. See, e.g., RALPH A. WEISHEIT, JESSICA PETERSON, & ARTUR PYTLARZ, RESEARCH METHODS FOR RURAL CRIMINOLOGISTS (2022).

11. See, e.g., Jessica A. Shoemaker, *Fee Simple Failures: Rural Landscapes and Race*, 119 MICH. L. REV. 1695 (2021); Thomas W. Mitchell, *Reforming Property Law to Address Devastating Land Loss*, 66 ALA. L. REV. 1 (2014); Alan Romero, *Rural Property Law*, 112 W. VA. L. REV. 765 (2010); Thomas W. Mitchell, *Destabilizing the Normalization of Rural Black Land Loss: A Critical Role for Legal Empiricism*, 2005 WIS. L. REV. 557 (2005) [hereinafter Mitchell, *Destablizing*].

12. See, e.g., Jessica A. Shoemaker, *Transforming Property: Reclaiming Indigenous Land Tenures*, 107 CALIF. L. REV. 1531 (2019); Ryan Fortson, *Advancing Tribal Court Criminal Jurisdiction in Alaska*, 32 ALASKA L. REV. 93, 93 (2015).

law;¹³ health law;¹⁴ education law;¹⁵ local government and community economic development law;¹⁶ infrastructure and utilities law;¹⁷ poverty law;¹⁸ agricultural law;¹⁹ feminist legal theory;²⁰ civil rights;²¹ immigration law;²² constitutional law;²³ bankruptcy law;²⁴ courts,²⁵ and other areas.

While the breadth of law and rurality's overlap might make generalizations seem difficult, some common themes tend to emerge in law and rurality analyses. I propose that the most common among these include the methodological approaches of (1) interrogating perceived and actual

13. See, e.g., Priya Baskaran, *Thirsty Places*, 2021 UTAH L. REV. 501 (2021); Jessica Owley & Jess Phelps, *Federal Land Conservation in Rural Areas*, 86 BROOK. L. REV. 839 (2021).

14. See, e.g., Elizabeth Weeks, *One Child Town: The Health Care Exceptionalism Case Against Agglomeration Economies*, 2021 UTAH L. REV. 319 (2021); Nicole Huberfeld, *Rural Health, Universality, and Legislative Targeting*, 13 HARV. L. & POL'Y REV. 241 (2018).

15. Judith A. Winston, *Rural Schools in America: Will No Child Be Left Behind? The Elusive Quest for Equal Educational Opportunities*, 82 NEB. L. REV. 190 (2003).

16. See, e.g., Ann M. Eisenberg, *Power and Powerlessness in Local Government: A Response to Professor Swan*, 135 HARV. L. REV. F. 173 (2022); Rick Su, *Democracy in Rural America*, 98 N.C. L. REV. 837 (2020); Ann M. Eisenberg, *Rural Blight*, 13 HARV. L. & POL'Y REV. 187 (2018) [hereinafter Eisenberg, *Rural Blight*]; Michelle W. Anderson, *The Western, Rural Rustbelt: Learning from Local Fiscal Crisis in Oregon*, 50 WILLAMETTE L. REV. 465 (2014); Neil D. Hamilton, *Rural Lands and Rural Livelihoods: Using Land and Natural Resources to Revitalize Rural America*, 13 DRAKE J. AGRIC. L. 179 (2008).

17. See, e.g., Ann M. Eisenberg, *Economic Regulation and Rural America*, 98 WASH. U. L. REV. 737 (2021); Debra C. Jeter, Randall S. Thomas & Harwell Wells, *Democracy and Dysfunction: Rural Electric Cooperatives and the Surprising Persistence of the Separation of Ownership and Control*, 70 ALA. L. REV. 361 (2018).

18. See, e.g., Debra Lyn Bassett, *Ruralism*, 88 IOWA L. REV. 273 (2003).

19. See, e.g., Neil D. Hamilton, *Emerging Issues of 21st Century Agricultural Law and Rural Practice*, 12 DRAKE J. AGRIC. L. 79 (2007); Meredith Redlin & Brad Redlin, *Amendment E, Rural Communities and the Family Farm*, 49 S.D. L. REV. 787 (2004).

20. See, e.g., Lisa R. Pruitt, *The Women Feminism Forgot: Rural and Working-Class White Women in the Era of Trump*, 49 U. TOL. L. REV. 537 (2018); Lisa R. Pruitt, *Place Matters: Domestic Violence and Rural Difference*, 23 WIS. J. L. GENDER & SOC'Y 347 (2008); Lisa R. Pruitt, *Gender, Geography & Rural Justice*, 23 BERKELEY J. GENDER L. & JUST. 338 (2008); Lisa R. Pruitt, *Toward A Feminist Theory of the Rural*, 2007 UTAH L. REV. 421 (2007).

21. See, e.g., Luke A. Boso, *Rural Resentment and LGBTQ Equality*, 71 FLA. L. REV. 919 (2019) [hereinafter Boso, *Rural Resentment*]; Luke A. Boso, *Urban Bias, Rural Sexual Minorities, and the Courts*, 60 UCLA L. REV. 562 (2013) [hereinafter Boso, *Urban Bias*].

22. See, e.g., Lisa R. Pruitt, *Latina/os, Locality, and Law in the Rural South*, 12 HARV. LATINO L. REV. 135 (2009).

23. See, e.g., Sarah L. Swan, *Constitutional Off-Loading at the City Limits*, 135 HARV L. REV. 831 (2022); Lisa R. Pruitt, *Spatial Inequality as Constitutional Infirmity: Equal Protection, Child Poverty and Place*, 71 MONT. L. REV. 1 (2010)

24. See, e.g., Katherine Porter, *Going Broke the Hard Way: The Economics of Rural Failure*, 2005 WIS. L. REV. 969 (2005).

25. See, e.g., Lisa R. Pruitt, *Rural Rhetoric*, 39 CONN. L. REV. 159, 159 (2006); Debra Lyn Bassett, *The Rural Venue*, 57 ALA. L. REV. 941 (2006).

rural difference; (2) articulating rural worthiness and significance; and (3) delineating tailored rural interventions.

As to the first of these methodological components, several common concerns arise under the umbrella of interrogating perceived and actual rural difference. Law and rurality scholars frequently critique the sociological tropes of the rural idyll and the rural dystopia, both of which are often embedded in the urbanormative assumptions made by laws, institutions, and cultural norms of a country where more than eighty percent of the population lives in cities.²⁶

The rural idyll and the rural dystopia reflect stereotypes at the extreme ends of a spectrum. The former draws on a “largely nostalgic and romantic image of rural living along with the myth of country living and family life as simple, pure, and wholesome; slower paced; free from pressures and tensions; and surrounded by pastoral beauty and serenity.”²⁷ The latter portrays rural localities as the opposite — “backwards and backwoods” white trash, for instance, a depiction that simultaneously erases rural communities of color and designates the rural as deficient and deviant.²⁸

In either case, policymakers’ misguided sense of rural life can influence outcomes. Law and rurality scholarship acknowledges that rural regions are often different and have unique needs. However, scholars propose that those unique needs should be met through listening, study, and empirically informed, equitable measures as opposed to measures based on nostalgic or biased stereotypes.²⁹ Rural stereotypes or otherwise misinformed perceptions of rural conditions — or even the failure to consider rural conditions altogether — can lead to the neglect of rural needs or the imposition of poorly suited laws and policies on rural regions.³⁰

The second factor I posit as a component of law and rurality methodology — articulating rural worthiness and significance — reveals that law and

26. See *Urban Areas Facts*, U.S. CENSUS BUREAU, <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural/ua-facts.html> [https://perma.cc/7GZJ-7QFJ] (last visited Jan. 16, 2023) (reporting that 80.7% of the U.S. population is urban); Lisa R. Pruitt & Marta R. Vanegas, *Urbanormativity, Spatial Privilege, and Judicial Blind Spots in Abortion Law*, 30 BERKELEY J. GENDER L. & JUST. 76, 80 (2015) (defining urbanormativity as tendency to use urban as benchmark for normalcy, thereby treating urban as the dominant geographical group and rural as anomalous).

27. Pruitt, *supra* note 25, at 169 (quoting Raymond T. Coward & William M. Smith, Jr., *Families in Rural Society*, in RURAL SOCIETY IN THE U.S.: ISSUES FOR THE 1980S 77, 77 (Don A. Dillman & Daryl J. Hobbs eds., 1982)). See generally NANCY ISENBERG, *WHITE TRASH* (2016).

28. Beety, *supra* note 9, at 741–42.

29. See generally Pruitt, *supra* note 25.

30. See Eisenberg, *Rural Blight*, *supra* note 16, at 202–03 (proposing that rural legal scholarship focuses on an “omission concern” and a “stereotype or misinformation concern” in law’s relationship with the rural).

rurality scholarship often shares a particular orientation of perspective. Specifically, law and rurality scholarship tends to accept an assumption of rurality as an axis of disadvantage.³¹ Scholars simultaneously acknowledge the importance of intersectional perspectives to account for inequality *within* rural regions, including interactions among place, space, class, race, gender, and other identities.³² The premise of rural disadvantage is often informed by scholars' firsthand experiences living, working, or collecting data in various forms in struggling rural regions or as members of marginalized rural populations,³³ experiences which may have motivated scholars to engage in law and rurality scholarship in the first place.

The analytical assumption of rural disadvantage — one that is well-informed by far-reaching documentation of varied hardships faced by rural populations today³⁴ — and associated efforts to articulate rural worthiness arguably make law and rurality an outgrowth of critical methodologies.³⁵ Critical legal methodologies are characterized by “not taking [law] at face value,” bringing social sciences and real-world understanding to bear to critique law, and exposing law's structural biases as catalysts in reproducing

31. See, e.g., Boso, *Urban Bias*, *supra* note 21, at 602 (referring to rurality's role in perpetuating disadvantage); Janet L. Wallace & Lisa R. Pruitt, *Judging Parents, Judging Place: Poverty, Rurality, and Termination of Parental Rights*, 77 MO. L. REV. 95, 100 (2012) (discussing “rural difference and associated disadvantages”).

32. See Michele Statz & Lisa R. Pruitt, *To Recognize the Tyranny of Distance: A Spatial Reading of Whole Woman's Health v. Hellerstedt*, ENV'T PLAN. A: ECON. SPACE 1106, 1114 (2018) (discussing “rural women's intersectional invisibility”); Hannah Haksgaard, *Rural Women and Developments in the Undue Burden Analysis: The Effect of Whole Woman's Health v. Hellerstedt*, 65 DRAKE L. REV. 663, 686 (2017) (arguing that intersectional analyses should include rurality alongside other axes of disadvantage to account for multilayered challenges such as those faced by rural Native American women).

33. For instance, in *Fee Simple Failures*, Jessica Shoemaker acknowledges that she is not a farmer but has “spent a fair amount of time in farm fields.” Shoemaker, *supra* note 11, at 1703. *But cf.* Michele Statz, *On Shared Suffering: Judicial Intimacy in the Rural Northland*, 55 L. & SOC'Y REV. 5, 5–8 (2021) (sharing firsthand observations of rural courts); Boso, *Rural Resentment*, *supra* note 21, at 926 (“My experiences both before and after I openly identified as gay provide direct insight into clashes between rural and gay identities.”); Pruitt & Vanegas, *supra* note 26, at 99 (critiquing judicial opinions' on rural issues as suggesting that the opinions' authors “have had little, if any, firsthand exposure to rural people and places,” making rurality a “mere abstraction for many federal judges.”); Lisa R. Pruitt, *How You Gonna' Keep Her Down on the Farm . . .*, 78 UMKC L. REV. 1085, 1085 (2010) (acknowledging author's “rural roots”); Mitchell, *Destabilizing*, *supra* note 11, at 599 n.169 (“I have observed firsthand the manner in which auctions conducted in rural counties can be rigged.”).

34. See Ann M. Eisenberg, *Distributive Justice and Rural America*, 61 B.C. L. REV. 189, 224 (2020) (discussing inequitable allocations of resources to rural communities).

35. Scholars of law and rurality and rural sociology have been challenged to articulate rural worthiness in new ways since the election of Donald Trump to the presidency. See, e.g., Kai A. Schafft, *Rurality and Crises of Democracy: What Can Rural Sociology Offer the Present Moment?*, 86 RURAL SOCIO. 393 (2021).

social inequality.³⁶ Law and rurality scholars also draw on related fields that engage with law in rural communities, such as rural sociology, which also frequently focuses on interdisciplinary analyses of rural disadvantage.

The assumption of rural disadvantage may also distinguish law and rurality scholarship from scholarship that involves a question of rurality, but which treats the rural component as a neutral or unsympathetic puzzle to be solved or as an issue incidental to something treated more centrally. Ample legal scholarship acknowledges or mentions rurality as a salient issue.³⁷ But it is not clear that all of this scholarship would fall under the umbrella of explicit or implicit law and rurality scholarship, a proposition which of course raises broader questions as to what and who define a particular field of inquiry.

Finally, law and rurality scholarship often seeks to articulate tailored interventions to address unmet rural needs. This component is the natural follow-up to the first two: where scholars investigate how and why rural populations are misunderstood, overlooked, neglected, exploited, or disadvantaged, scholars' observations often propose preferable alternatives that are better suited to unique rural conditions.

Yet — and likely another reason for law and rurality's critical interdisciplinary orientation — many rural challenges do not necessarily require complex analysis of a legal question, but questions of values, morality, and the worth of particular places and populations to receive fair treatment. Where rural populations lack access to affordable transportation, adequate healthcare, quality schools, clean drinking water, and other basic services and infrastructures, the clear solution is that federal, state, and local governments need to do more to provide those systems.³⁸ Where rural regions have been treated as sacrifice zones for industrial agricultural, natural resource extraction, and energy production, the clear solution is that these exploitative practices should be curtailed.³⁹

These disconnects in turn reaffirm law and rurality's focus on the second component mentioned above — a component that does not necessarily purport to engage in detached or unbiased assessment of rural challenges.

36. Juhana Salojärvi, *A Counter-Culture of Law: Jurisprudential Change and the Intellectual Origins of the Critical Legal Studies Movement*, 59 AM. J. LEGAL HIST. 409, 423 (2019); see Rob Hunter, *Critical Legal Studies and Marx's Critique: A Reappraisal*, 31 YALE J. L. & HUM. 389, 394–95 (2021).

37. For example, local government scholarship examining disproportionate rural political power over cities might be considered to strike a different tone from law and rurality scholarship. See, e.g., Richard C. Schragger, *The Attack on American Cities*, 96 TEX. L. REV. 1163 (2018); Kenneth A. Stahl, *Preemption, Federalism, and Local Democracy*, 44 FORDHAM URB. L.J. 133 (2017).

38. Cf. Baskaran, *supra* note 13.

39. Cf. LOKA ASHWOOD, FOR-PROFIT DEMOCRACY X (2018).

Where the solutions seem clear, the problem is not one of good ideas, but a question of political will. And for those in power to have the political will to intervene, more urbanites need to take the problem of rural disadvantage seriously.⁴⁰ Ironically, the obviousness of these practical solutions may drive scholars of law and rurality to engage in deeper abstract theorization of the rural in order to understand and articulate why rural people and places deserve fair treatment.

II. LEGAL GEOGRAPHY METHODOLOGIES

In the introduction to *The Expanding Spaces of Law: A Timely Legal Geography*, four self-identified legal geographers — Irus Braverman, Nicholas Blomley, David Delaney, and Sandy Kedar — detail the origins and ongoing evolution of legal geography as a mode of inquiry.⁴¹ They describe legal geography as having evolved over the past several decades, taking shape in particular with scholars writing about relationships between law, place, and space in the 1980s and 1990s without necessarily framing their work as legal geography.⁴²

During that time, the critical legal studies movement had a strong impact on legal geography.⁴³ “[L]egal scholars and human geographers were suddenly reading the same theorists, asking similar questions, and taking account of one another’s scholarship,” helping make legal geography “explicitly and normatively critical” from the beginning.⁴⁴ Nicholas Blomley has linked legal geographic inquiry to “critical modes of scholarly practice,” including “sustained suspicion of power, and . . . normative commitment to a radical vision of social justice.”⁴⁵

After the initial “bridge-building era” between legal scholars and geographers, the field has seen a more recent “escalation and stabilization,” becoming a recognized project by around 2003.⁴⁶ Today, legal geography

40. See, e.g., Pruitt et al., *supra* note 7, at 155 (arguing that stakeholders must “recognize that the rural access-to-justice problem” is a national problem and not merely a problem for rural people and communities).

41. See BRAVERMAN ET AL., *supra* note 2. These authors’ contributions to legal geography are widely recognized, as well as others, such as Richard Ford. See Peter K. Yu, *A Spatial Critique of Intellectual Property Law and Policy*, 74 WASH. & LEE L. REV. 2045, 2054 (2017); see also THE LEGAL GEOGRAPHIES READER (Nicholas Blomley, David Delaney, & Richard T. Ford eds., 2001).

42. See BRAVERMAN ET AL., *supra* note 2, at 4; see also Hari M. Osofsky, *The Geography of “Moo Ha Ha”: A Tribute to Keith Aoki’s Role in Developing Critical Legal Geography*, 90 OR. L. REV. 1233, 1238 (2012) (referring to “pioneering work of the mid-1990s” in advancing critical legal geography scholarship, including work of Keith Aoki).

43. See BRAVERMAN ET AL., *supra* note 2, at 4.

44. See *id.* at 4, 6.

45. *Id.* at 5.

46. *Id.* at 6, 7.

overlaps with diverse areas, including “territoriality, the city, post colonialism, zoo regulation, homelessness, property, and racism and the law,”⁴⁷ and other literatures.

As a methodology today, in its broadest sense, legal geography “interrogates the interconnections between law and the space it occupies.”⁴⁸ Legal geography “focuse[s] on the manner in which law both shapes and is shaped by the geographic dimensions of social life, in so doing constituting and legitimating unequal social relations.”⁴⁹ According to Jacquelyn Amour Jampolsky, critical legal geography scholarship “rejects the belief that law reflects any preexisting or natural division of people or place and argues that law and space are mutually and inexorably generative of each other.”⁵⁰ Jane Holder and Carolyn Harrison articulate further that legal geography “conjures up a powerful challenge to approaches to law which idealize law’s separateness, rationality, and reflexivity, and which portray law as [indifferent] to material, physical, spatial, and cultural influences.”⁵¹ “At its core,” Shelley Cavalieri explains, “legal geography understand[s] the law to always be ‘worlded’ because it is connected to ‘social spaces, lived places, and landscapes.’”⁵² In turn, then, “spatial phenomena are neither natural nor neutral, but rather designed and affected by law through legal rules, doctrines, and power relations.”⁵³

Despite its relevance to broad sets of issues, Braverman et al. “recognize that, unfortunately, legal geography is still quite limited in its geographic range.”⁵⁴ Although “legal geography is a lively and creative field . . . Its full potential, we would argue, has yet to be fully realized.”⁵⁵ Hari Osofsky and others have observed barriers to the growth of legal geography, including a late twentieth century trend of universities “purging their geography

47. Tenille E. Brown, *Book Review*, 50 L. & SOC’Y REV. 268, 269 (2016) (reviewing BRAVERMAN ET AL., *supra* note 2).

48. *Id.* at 268; see Lolita Buckner Inniss, *Race, Space, and Surveillance: A Response to #Livingwhileblack: Blackness as Nuisance*, 69 AM. U. L. REV. F. 213, 225 (2020) (“Legal geography is an aspect of law that concerns itself with spatial issues in law.”).

49. Nicholas Blomley et al., *Governing the Belongings of the Precariously Housed: A Critical Legal Geography*, 16 ANN. REV. L. & SOC. SCI. 165, 171 (2020).

50. Jacquelyn Amour Jampolsky, *Property, Sovereignty, and Governable Spaces*, 34 L. & INEQ. 87, 91–92 (2016).

51. JANE HOLDER & CAROLYN HARRISON, *Connecting Law and Geography*, in LAW AND GEOGRAPHY 3, 3 (Jane Holder & Carolyn Harrison eds., 2003).

52. Shelley Cavalieri, *Linchpin Approaches to Salvaging Neighborhoods in the Legacy Cities of the Midwest*, 92 CHI.-KENT L. REV. 475, 488 (2017) (quoting BRAVERMAN ET AL., *supra* note 2).

53. Manal Totry-Jubran, *Beyond Walls and Fences: Exploring the Legal Geography of Gated Communities in Mixed Spaces*, 26 J.L. & POL’Y 123, 130 (2018).

54. BRAVERMAN ET AL., *supra* note 2, at 9.

55. *Id.* at 12–13.

departments” while fields like law and economics flourished.⁵⁶ Generally, legal geography has been said to have a “relatively small body of literature.”⁵⁷ In *The Expanding Spaces of Law*, Braverman, Blomley, Delaney, and Kedar propose the field “would be enriched by studies situated out of the usual ambit of the largely urban, Global Northwest” and that the mode of inquiry “will prove a useful tool in marginalized contexts.”⁵⁸

Important to this Essay, *The Expanding Spaces of Law* notes Lisa Pruitt’s “sustained and subtle use of geographic scholarship” to “systematically expose[] . . . urban bias not only in legal and geographical scholarship but also in the actual workings of the law in a wide range of contexts.”⁵⁹ Pruitt contributed a chapter to *The Expanding Spaces of Law* entitled “The Rural Lawscape: Space Tames Law Tames Space,” in which she “argues that law and rural space are at odds with each other because the presence of law as a force of the state is in tension with the socio-spatial construction of rurality.”⁶⁰ Many of Pruitt’s articles mention or cite legal geographers, as do other works focused on law in rural places. Nonetheless, one is hard-pressed to find substantial explicit bridging between law and rurality and legal geography.

III. COMMON GROUND TO ASSESS URBAN-RURAL INTERCONNECTEDNESS?

Although it is probably fair to say that law and rurality is the narrower and more nascent of the two, law and rurality and legal geography share several important traits. Both are critical modes of inquiry concerned with place, space, power, and inequality as they relate to law. Both are inherently interdisciplinary, regularly commingling legal analysis with social science tools. And both are relatively novel, with relatively modest volumes of scholars and scholarly outputs.

These similarities raise the question as to whether law and rurality is best understood as a sub-component of legal geography. It could be interpreted in this way. The authors of *The Expanding Spaces of Law* describe Lisa Pruitt’s work as legal geography, for instance, and Pruitt regularly draws on legal geographic analysis.⁶¹

However, it is not necessarily clear that legal geography embraces the three central components of law and rurality that I have posited above.

56. Osofsky, *supra* note 42, at 1242.

57. Brown, *supra* note 47, at 268.

58. BRAVERMAN ET AL., *supra* note 2, at 9.

59. *Id.* at 8.

60. *Id.* at 22.

61. *See id.* at 8; Pruitt, *supra* note 7, at 115–28.

Specifically, it is not clear that a legal geography approach — however fluid as such an approach may be — is fundamentally consistent with the assumptions of rural difference, rural disadvantage, and rural worthiness that appear to unite the burgeoning field of law and rurality.

It seems as if the broad body of legal geography literature could help scholars of law and rurality to engage in deeper understanding of these aspects of law and rurality, in turn strengthening the field's capacity to articulate the relevance of the rural to the rest of society. Meanwhile, legal geography as a field might benefit from deeper contemplation of the rural, informed by the law and rurality vantage point, such that those interested in rural challenges would not need to find community elsewhere.

This potential for mutual enrichment stands to bear fruit for pressing modern challenges. Law and rurality has been borne in large part in response to mainstream dismissals of rural issues as niche issues. But rural land uses, livelihoods, food outputs, energy outputs, conservation initiatives, infrastructure, and politics are relevant to everyone. And while it might seem unfair for rural scholars to have to keep making the case for rural relevance, it is possible that legal geography offers some tools to do so even more impactfully.