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Geography and legal expertise: The transgressive nature of research at the boundary of geography and law-making

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Abstract

While legal geographers have considered the geography of legal processes, there has been less attention on how geographers are contributing to the making of law. By orientating attention to the experiences and attitudes of the geographical profession, this paper examines how specific forms of knowledge become legally useful and the ensuing ethical, legal, and disciplinary implications. We are interested in the situated nature of these productions, as scholars seek to advocate for specific communities, interests, or environments, practices that are set within and, at times, against personal or institutional priorities. We argue that geographical legal work involves transgressing established professional practices and locations of knowledge production. Through our interviews with geographers, we explore three aspects of transgression as a situated practice: the experiences of boundary crossing, the costs and benefits of entering new epistemic communities, and the lasting impacts of intervening in legal processes. In conclusion, we outline the mechanisms through which geographical legal work could be better accommodated within the work of professional geographers.

KEYWORDS

boundary-work, expertise, legal geography, practice, transgression

1 | INTRODUCTION

Geographers are dedicating increasing attention to the nature of legal processes and institutions, examining how geographical analysis can reveal the spatial attributes of legal deliberations and settings (Bennett & Layard, 2015; Gill et al., 2020; Jeffrey, 2020). This often-critical work has challenged an image of law as detached from wider social, political, and spatial processes, highlighting instead the co-constitution of space and law (Delaney, 2010, 2015). Influenced by work in socio-legal studies and legal anthropology, one of the key threads in this scholarship has been a resolute focus on legal practices, arguing that doctrinal or abstract accounts of law miss the nuance found when law is viewed through its material and bodily enactments (Brickell et al., 2021). This paper extends this work while attending to a significant gap in this literature to date: the implications of geographical knowledge entering legal processes. In this sense we are focusing less on the geography of legal processes as much as how geographers are contributing to the making of law. We

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are seeking to trace the nature of this work, considering how it varies across different sub-disciplinary areas, while also exploring the implications of legal work on scholars' sense of their professional position, career trajectory, and personal political commitments.

There are three motivations for this. The first is a desire to take stock of the diverse ways in which geographical ideas and practices are contributing to legal deliberation. The prominence of the impact agenda within the UK's Research Excellence Framework (REF) points to the expectation that geographical scholarship will shape public debate, and legal contributions are a growing part of impact case studies submitted by UK universities and hold increasing prominence within academic promotions exercises (Brickell et al., 2023). The second – and connected – driver comes from the growing presence of legal processes and language within the work of geographers. Captured in the concept of 'creeping legalism' (Ryder et al., 2022), commentators have noted the growing significance of legal norms within the professional workings of universities. This includes the making of geographical research (e.g., the scrutiny of research designs by legal teams), teaching (e.g., increasing student litigation and the use of free speech laws), journal publishing (e.g., legal challenges of editorial decisions and legal threats over published materials), and staff management (e.g., non-disclosure agreements, legal representation in grievance cases, and increasing compliance training in areas such as data protection, bribery, and harassment). The third stimulus is to contribute to interdisciplinary debates concerning the production, circulation, and movement of ideas between different epistemic communities (Paiva & de Oliveira, 2021). Geographical knowledge has always travelled, and the movement of ideas has historically been a strength of the discipline, attested to by the past 'Boundary Crossing' feature in the pages of this journal. But the movement of geographical ideas into legal processes is more than the boundary between different disciplinary concerns of methods, it also points to the boundaries between scholarly practices and the 'real world' (Castree, 2000, 2002). Examining how geographical ideas travel provides further insights into the long-running question of how geography is (or should be) relevant (Staeheli & Mitchell, 2005). This paper advances a critical analysis of boundary work between geography and 'the law', exploring not only the shifting systems of validation, but also the impacts on individuals as they navigate these often-unfamiliar processes and institutions.

While carrying forward aspects of all three of these motivations, it is the final area of 'boundary crossing' that provides the primary focus of the paper. We explore the subjective process of boundary crossing between geography and law, as geographical scholars apply work in legal arenas, namely legislative processes (operating at varied spatial scales) and adversarial procedures (including trials, protracted legal disputes, or the gathering of evidence for future litigation). This is a dual tracing: how geographical ideas enter legal processes and how these experiences reshape the attitudes, positions, and practices of geographers. We present these processes as transgressive; they are often hidden and can lead to feelings of being 'out of place' and scrutinised in unfamiliar settings. But just as cultural geographers have emphasised the potentially empowering nature of transgression (Cresswell, 1992; Edensor, 2006; Sanders-McDonagh & Peyrefitte, 2018), we see in these processes the formation of new solidarities, challenges to embedded injustice, and transformation of the focus of geographical research and teaching. In tune with a feminist sensibility in legal geography (Brickell & Cuomo, 2019; Cuomo & Brickell, 2019) we explore the complex sentiments that frame transgression and the embodied outcomes of boundary crossing. In doing so we are seeking to present boundary crossing as a reflexive practice that reformulates individual feelings of disciplinary position, political solidarities, and personal and institutional security.

The research draws on 15 open-ended interviews with geographers conducted between 2018 and 2023, following a wider survey of legal work carried out online in 2018.¹ Where the survey provided evidence of the breadth of ways geographical knowledge has been used within executive, legislative, and retributive legal processes (Brickell et al., 2021), the interviews offered the opportunity to probe the embodied and situated experience of crossing between geographical and legal epistemic communities. Reflecting debates concerning the geographies of professionalisation (Jenkins, 2008; Kothari, 2005), the interview accounts illuminated the ways in which knowledge was valued in different arenas and how this shapes self-identification as a geographer, and provided reflections on the implications for the geographical discipline. But just as distinctively, the interviews allowed us to probe the varied ways in which the geographers understood, and felt to be 'entering', the arena of law. We did not enter the process with a narrow interpretation of what counted as legal work (for example, direct involvement in adversarial legal processes) allowing the respondents to identify where and how their work was shaping the law. As we discuss below, this led to a wide array of different practices and experiences that were self-identified as 'legal work', including policy-making, advocacy within legal disputes, acting as an expert witness, and taking legal action within publication processes. No doubt these practices should be understood alongside other transgressions that geographers have undertaken, not least crossing the boundary between scholar and activist (Brickell et al., forthcoming). What emerged was a sense of boundary crossing as a journey, one that necessitated preparatory work, that came with burdens and benefits of the experience, and left the interlocutor in a different

professional, and sometimes personal, location. All of the interviewees we discuss in this paper have given consent for their real names to be used.

Following preliminary contextualisation within geographies of legal practice, we explore these three facets of transgression: of the embodied skills that are required, of the benefits and burdens of transgression, and, finally, the consciousness that the experience has left an indelible mark. By focusing on the embodied act of transgression, we seek to shine a light on the diverse ways that geographers are shaping legal processes, while reflecting on the professional and psychological implications of boundary crossing.

2 | TRANSGRESSION: GEOGRAPHICAL KNOWLEDGE OUT OF PLACE

So, you have to be, I would say, wily, in the due course of doing this work. For somebody like me, who's well-established and actually at the end of my career, that is something I can do without ever thinking about publications, PhDs, job prospects, etc. But for people starting off, it is that murky world of politics, ethics, and knowledge production coming into being. And it's the fleshy, messy side of that, because of the real people involved.

Linda Peake interview, February 2019

In this response, feminist scholar Linda Peake discusses the skills required to use her geographical expertise in a legal setting. It is an invocation of a boundary crossing, a transgression. This observation can be placed within a longer tradition of work exploring the production of expertise as 'boundary work' (Gieryn, 1983; Owens, 2015). Within a discussion of geographical legal practices, we can understand the production of boundaries in two ways. First, there is the boundary work that goes into the construction and reproduction of geographers as experts. This is a process of establishing professional practices of peer review, grant awards, editorial structures, and research groups that recognise the authority of individuals to produce geographical knowledge. Thinking through boundaries provides, in Jasanoff's (2003, p. 394) terms, the 'entry points for enquiries into relations between science and power' (see also Eden, 2005, p. 283). In the geographical discipline this is a dual process of validating certain knowledge as scientifically rigorous while also rendering it as knowledge that is recognised as thematically 'geographical'. The key point here, explored in the work of Owens (2015, p. 13), is that there are no essential characteristics that demarcate the separation of scientific knowledge production from other domains (in Owens's study the sphere of policy-making) but rather such divisions must be 'actively ... constructed, negotiated, and defended by scientists and decision-makers alike'. So partly the process of transgression requires the establishment of the stabilisation of a boundary between expert and non-expert, confirmation of the legitimacy to legally advocate because of accrued geographical expertise.

But the boundary crossing 'into' the legal sphere cannot be equated with the movement from one bounded sphere of expertise (the 'geographical discipline') into a wider field of concern and practice (that is, the 'non-expert' or 'public'). The movement of geographical knowledge into legal domains requires setting the work into another context with potentially radically different structures of validation: 'the law'. The concept of a neatly defined field of law defies any empirical scrutiny, spanning as it does the moral philosophy of how rules of social behaviour are formulated, the legislative process of establishing laws, and the diverse actors and institutions tasked with legal implementation (Hart, 2012). Consequently, the field of critical legal studies, and attendant work in critical legal geography, socio-legal studies, and legal anthropology, has long argued against an imagination of 'the law' as a stable and coherent field or a set of practices separate from wider social and cultural processes (Blomley, 1994). In challenging legal closure, scholars have sought to explore the boundary work practised by legal actors and institutions, from the micro-geographies of courtroom comportment and dress, through to concerns over the admissibility of evidence or contestations over jurisdiction (Francis, 2020). One strand of this work has related directly to the use of scientific knowledge within legal domains, reflecting on the implications of translating work into legally useful evidence (Jeffrey, 2021). In adversarial contexts, this work has illuminated the challenge of visualising scientific concepts, such as DNA traces during the trial of OJ Simpson, into meaningful evidence of criminal behaviour (Jasanoff, 1998). This process required expert narration – facts do not 'speak for themselves' – where the presentation of evidence became a contestation over the possibilities and probabilities of DNA presence within blood samples. These deliberations, and the exposure of the tensions around claims to scientific truth, became the focus of attack where the very necessity of narration was seen to undermine the objectivity of science.

There is a growing body of work that explores the role of geographical knowledge in deliberations over law. Reflecting the breadth of the geographical discipline, this work takes many forms, including litigation over

environmental pollution, the provision of expert witness testimony, advocating on behalf of community associations, and providing planning advice (Harris, 2023; Mitchell, 1978; O'Donnell, 2016). In an early intervention in this field, Yearley (1989) explored the role of geographical knowledge in a legal dispute surrounding an appeal against a planning application to extract peat for horticultural use from a raised bog in Northern Ireland. Two aspects of this contestation shape Yearley's account, both focusing on the challenge of boundary crossing from one domain (the scientific assessment of the characteristics of a peat bog) into another (the legal contestation over environmental worth and protection). The first is the rhetorical device, employed by legal advocates arguing for the development of the bog, of presenting an inflated image of scientific objectivity against which the arguments of the scientific experts would inevitably fall short. For example, the presentation of a typology of the environmental qualities (and hence preservation value) of different peat bogs was criticised by legal representatives for its imprecision, varying interpretations by different scientists of the criteria, and the ad hoc inclusion in deliberations of factors that were not present in the criteria. Taken together these more uncertain and deliberative aspects were presented as revealing the lack of objectivity in the claims of environmental value. The second aspect of Yearley's account focused on the perceived asymmetry between the environmental experts and the legal representatives for the horticultural company; where the scientists were objecting to an approved development, they had to demonstrate its scientific harm, rather than the legal advocates trying to argue for it. This meant that the developer's legal representative only had to 'find weaknesses in the evidence against exploiting the bog [, they] did not have to rank the bogs or show that an agreed ranking was conceivable' (Yearley, 1989, p. 436).

The application of geographical knowledge within legal settings is, then, a double boundary crossing, where validated geographical knowledge is evaluated within a new domain of accreditation. We use the concept of transgression to describe this process to call attention to the sense of dislocation and ideas 'out of place', but also to the practice of boundary crossing as a deliberate and self-conscious act (Cresswell, 1992; Nolan, 2003). This builds on cultural geographic work that has viewed transgression to point to the ways in which certain bodies, behaviour, or comportment can be rendered as incongruous or inappropriate to expected norms. This has been particularly applied to the regulation of public space, work that has traced how exclusionary mechanisms operate on gendered, classed, and/or racialised bodies. Exploring the concept of transgression empirically has involved examining embodied practices that deliberately seek to subvert the normal expectations in public space, for example through studies of skateboarding (Nolan, 2003) or graffiti (McAuliffe & Iveson, 2011). By applying the concept of transgression to the use of geographical knowledge in legal processes, we seek to highlight a similar process of dislocation, where geographical knowledge enters arenas with different hegemonic norms and processes of validation. But, as we will argue, the process of dislocation is neither singular nor immutable. Entering geographical expertise into legal settings produces new intersubjective attachments and new uncertainties about the purpose or outcome of scholarly work.

3 | THE EMBODIED SKILLS REQUIRED FOR BOUNDARY CROSSING

As noted above, the travelling of geographical knowledge and expertise is well documented, but the boundary crossing move into the legal sphere is distinctive as the latter is a domain underpinned itself by expertise, albeit with its own mores and modes of validation. This section discusses our participants' reflections on the embodied skills that they deem important to draw on from their professional practice as geographers to cross the boundary into legal work, how those skills are variously interpreted and assessed by legal counterparts, and how this boundary crossing compels them to re-evaluate those skills.

At first glance it is an individual's track record of research on the topics under investigation that are most explicitly sought after within the legal sphere, and it is this perceived expertise, and the research skills that underpin it, that often facilitate access. As Klaus Dodds noted when discussing his role as specialist adviser for a House of Lords Select Committee on the Arctic:

You've got this sort of underpinning research – all these articles and books I'm writing about the Arctic... Hence why I'm in that position.... you write those articles and books; it helps develop a veneer of expertise, competency and so on and so forth. You're invited to do this role [of specialist adviser], and people say 'Ah, yes, I can imagine him doing this role because of all these things he's done'. You then, actively, write a report, which then leads to real policy changes.

Klaus Dodds interview, March 2019

Revealing here is the ambivalence around the skills needed to cross the boundary into legal domains. In many legal settings it is the *individual* and their personal experience and research profile that matters; a focus on embodied skills which can, as Klaus notes with his mention of 'a veneer of expertise, competency', prompt the sense of imposter syndrome. However, the focus on individuals' skills and the credibility and legitimacy that is deemed to come with specifically academic research can also be a source of confidence and validation of expertise.

For example, Ariell Ahearn, whose research on herder livelihoods in rural Mongolia has been instrumental in developing new national legal frameworks on the social impacts of large-scale infrastructure projects, reflected that in policy circles she would emphasise her 'deep knowledge of the country' based on her engagement over 16 years, her language proficiency, and the time she has spent living with herder families. These embodied skills were articulated alongside particular attributes of geographical research:

one thing that was really important when we... first started to talk to the higher level government officials, is that to say look, we have a body of evidence over 200 people we've interviewed. Multiple sites, and this evidence is from, you know, rigorous research... It's not something to be ignored... [and] we're gonna be publishing on this. We're gonna be... getting it out into the world and this will reflect on Mongolia as a place... that also put added pressure into the process but also credibility... So I think along the way the body of evidence from research alongside the publications ... kept giving strength to what we were trying to achieve.

Ariell Ahearn interview, September 2023

Highlighted in Ariell's experience was both the nature of the data she and her team brought to the Mongolian legislature – its scale and the fact that it was based on 'multiple sites' and underpinned by 'rigorous research' – and the fact that this 'body of evidence' was, thanks to academic publishing, already in the public domain. As per Owens's (2015) argument, we see here the active establishment – both by Ariell and her legal interlocutors – of a boundary between credible expertise and non-credible expertise. Indeed, credibility was also forged through the perceived neutrality of this evidence as a result of academic funding models. In Ariell's case, academic research funding was judged against the often more politically contentious funding that supports international development consultants who are also active in this legislative sphere.

In contrast to Ariell seeking to set her expertise apart from other actors engaging in the same field, other respondents spoke of using their professional background to find and promote common ground with fellow 'experts', legal and non-legal. Richard Schofield reflected, for example, on his work advising governments and their legal teams on international boundary disputes:

what we're trying to do is get lawyers and geographers and social scientists sort of in the same room, and get them to listen to each other. Because one of the funny things is, when you actually work in the applied setting of a case, all the technicians, all the technical people – the lawyers, the historians, the geographers – all listen to each other. And then we studiously ignore each other's outputs in terms of journals for the rest of the time, pretty much.

Richard Schofield interview, February 2019

The forging of such connections and, in some cases solidarities, across peer groups of experts in many ways facilitates boundary crossing, particularly in terms of geographers feeling that they 'belong' and are heard, with points of commonality with other experts in effect making the boundary (appear) more porous. However, the extent to which such epistemic communities develop varies across both different legal settings and different spheres of expertise.

In the growing area of climate litigation, Rupert Stuart Smith from the Oxford Sustainable Law Programme recounted how geographers brought a particular set of translation skills in order to bridge gaps between distinct areas of legal expertise and climate science.

There are climate scientists studying relevant issues. But there aren't a lot of people who are trying to understand just enough about each, to understand how the scientific evidence can be useful to bridge the gap. And how lawyers can best make use of that kind of scientific evidence. And so that throws up questions, which I then started working on, questions like what scientific evidence are these cases using? What is the evidence

being introduced in these lawsuits and how is it being interpreted by judges? Questions like what are the gaps scientifically? What should we be doing that we're not already doing?

Rupert Stuart Smith interview, June 2022

Here we see geography – in its applied and discipline-spanning guise – being leveraged by academics to position themselves as interlocutors between those generating scientific data and legal actors; translating scientific knowledge into legally useful evidence. However, while such boundary crossing is arguably more straightforward for those producing geographical research at the applied end of the discipline – the distance to bridge between research and legal arenas is perceived to be shorter (Martin, 2001; Murphy et al., 2005) – there were important and revealing exceptions to this.

A number of our respondents expressed surprise and appreciation regarding how some of their research skills were received in the legal world. This was particularly the case around qualitative – and specifically ethnographic – research methods. For example Nick Gill, in describing his engagement in a UK high court case against the legality of the Detained Fast Track rules (around asylum appeals) based on his ethnographic observation of court procedures, explained how he had 'expected the legal team to want the statistics because we were collecting survey data as well' (Nick Gill interview, April 2019). He contextualised this by noting that the legal experts 'were quite doctrinal... in their understanding of immigration law... I wouldn't go as far as to they only see the written word, but often they won't be getting out into the courts, they won't see the materiality of it' (Nick Gill interview, April 2019). However, to his surprise, their legal counterparts were eager to engage with the thick ethnography of court rooms that he and his team had been producing to the extent that, in the written judgement, the judge stated 'explicitly – that he values the case studies because they're able to show, not just the theoretical, but the practical difficulties of the law' (Nick Gill interview, April 2019). In many ways this was an empathy gap, and a gap between individual cases and legal mechanisms, that the ethnographic skills embodied by Nick and his team were able to bridge.

This is a case then, when a geographer's expectations of what is valued in legal settings is defied. It was readily apparent to Nick that different professional languages were being spoken in terms of methodological approaches, data, and even terminology, but this was far from a barrier to engagement. Rather, the differences were productive with regards to his team bringing novel perspectives and methods to the legal setting.

The dislocation of geographical knowledge prompted changes in how the legal team engaged with data to the extent that, towards the end of the process, they adopted the court observation methodology. As Nick put it, 'the sorts of things we write about, the embodiment and everything, those... it's almost as if legal scholars are looking for those different ways of thinking' (interview, April 2019).

The rewarding nature of being exposed to a different set of professional norms and practices was noted by other respondents too. They talked about deploying skills of critical analysis and 'deconstructive tendencies' to 'challenge even specialist advice, for example from lawyers', as David Simon, a Professor of Development Geography in the UK put it. This revolved around questioning what legal advice is attempting to achieve, and learning from the engagement with legal processes. Indeed, respondents reflected on specific professional skills that they brought with them to their legal engagement and that they ended up reassessing through the boundary crossing experience. Two in particular are worth highlighting.

First, and related to the point above regarding skills of critical analysis, was Loretta Lees' observations that there were distinct similarities between writing rebuttal statements – in her case in the context being an expert witness at UK public inquiries – and responding to reviewers' comments on grant applications, but that it was not a straightforward transferral of skills from one professional domain to another:

every time I'd had to write two rebuttal statements, which were quite complex. So, what would happen is I'd present my evidence, they'd dispute it, and then I'd had to respond to the dispute... You know, it's a bit like with an ESRC, it was a bit like doing that except it was quite legal. And there's a way of doing it, so of course, I'd do it, and then the lawyer would look at it and say 'Well, you can't really say this', you know, and then kind of explain to me the kind of process for doing this. That was a phenomenal amount of work. You know, I went there thinking 'Oh, my evidence, that's it, that's all my written work done'. Not realising I'd have to do, you know, this is my naiveté, and lack of experience, not knowing how to do rebuttal statements.

Loretta Lees interview, February 2019

Here there was a perceived gap between academic and legal practices of defending assertions, and Loretta realised that significant intellectual labour was needed to bridge that gap, and to thereby attain the necessary experience. However,

with regards to a second set of professional skills – those around ethics practices – respondents noted an excess of skills and standards. This was reflected on by Linda Peake, Director of the City Institute at York University in Canada, in relation to her expert witness work:

I think because of your academic training, you understand the need for confidentiality, etc., etc. But I don't think a lawyer has ever said to me 'Please keep this...'. Well, when they send the information out about the date, they might say 'This is confidential'. But nobody asks me 'Where have you got this information stored? Is it on a hard drive?' And there's no... And I think, thank God I've been trained in research ethics! [laughs] Because there is an understanding that you have to be very careful that nobody else – that this information doesn't fall into anybody else's hands... So, in that sense, I think your academic training does come into play in that respect. But it's certainly not an issue for the legal fraternity; all they care about is will you do a testimony?

Linda Peake interview, February 2019

We see here again skills from academic geography that are directly relevant to engaging in legal domains, but with their application being far from straightforward this also brings a feeling of discomfort and out-of-placeness (Cresswell, 1992) for the individuals involved. As we discuss further in the sections that follow, such boundary crossing brings into stark relief the various ways that research has a life beyond the academy and the repercussions this has for scholars' professional positions and political commitments.

4 | THE COSTS AND BENEFITS OF TRANSGRESSING

It's just yet another thing you're asking people to invest an awful lot of time in, where the dividends, if you will, can be quite precarious ... I do think also, you know, we need to be very mindful of the fact that I'm at a particular career stage where the risk factors are, frankly speaking, low ... In a sense, I don't have the same pressures. Now, would I have been quite so enthusiastic to do this mid-career? You know I'm not sure. Unless, for example – and this is where I think things have to tie together – unless I was given reassurance that these things get suitably valued, recognised.

Klaus Dodds interview, March 2019

The comments from Klaus point to the often-mentioned workload implications that came with engaging in legal processes. The use of the word 'yet' in the first sentence points to general frustration, felt by many participants, of the ever-expanding set of duties connected with being a geographer in UK higher education. But in addition, Klaus also illustrates how decisions around engaging in legal work involve a deliberate assessment of the implications of participation, set within the span of a professional career. The risks posed by spending time on an activity with 'precarious dividends' were mitigated by late career stage, pointing to the ways in which academic credentials and status accrue over time and can be used to mitigate participation in unfamiliar activities. The commitment of time is, then, felt in two different ways: first as a challenge of participating in legal processes that may come with immediate or unusual demands on time and, second, as a set of practices that, over the span of a career, do not accrue the same recognition in terms of promotion as other professional activities. Transgressing from academic geographical activities into legal processes does not just necessitate the commitment of time, it also means entering an environment with plural temporalities.

This sense of the dual temporality of law is reflected in recent socio-legal and geographical work that considers the varied role of time within legal processes. Hambly and Gill (2020), in their study of UK asylum appeals processes, argue that the increase in caseload and constrained financial resources is leading to 'legal quickening' where the desire for the completion of cases means that velocity of hearings is increasing, with consequences for the provision of legal counsel and the availability of evidence. For geographers participating in legal processes, the consequence of legal quickening, particularly in the field of asylum law, is that participation is both urgent and carries significant consequences (for example preventing the deportation of an asylum seeker). The rapidity of asylum case appeals was cited by David Simon as a particular challenge associated with work as an expert witness:

If there was an asylum seeker there who'd been rejected, and suddenly he needed something done by tomorrow morning, at least a stay of deportation pending a review, a judicial review or whatever, and so they

were desperately scrabbling around. ... So, you know, being accessible, and of course email and electronic communication transformed this in terms of transcending space, but also having the fleetness of foot to say 'Okay, I'll do this, I'll do it tonight', or 'you'll have it by 8 o'clock tomorrow morning', or whatever.

David Simon interview, February 2019

The time demands here are clearly radically different to the time horizons that surround other areas of a geographer's professional experience, be that teaching, research, or administration. The availability of 'fleetness of foot' is again an expectation there is some spare capacity within professional lives to provide advocacy work. The cost of transgression here is felt in terms of increased anxiety or exhaustion, but also in terms of continual connectivity, the inability to 'switch off'. This is perhaps a cost that stems from the lack of support structures that surround such advocacy work, that it falls on the individual to be the point of contact rather than an administrative hub that triages requests for area specialism or other forms of geographical expertise.

The second aspect of legal temporality focuses on the opposite dynamic of 'legal slowing' where legal processes span several years, if not decades. 'Legal slowing' could be applied to either deliberate or incidental factors that lead to a legal case lasting an extended period. For example, in war crimes litigation, the establishment of legal jurisdiction, the arrest of the defendant(s), the identification of witnesses, and the provision of evidence are all lengthy processes that prevent aspects of 'legal quickening' (Jeffrey, 2020). In tandem, such processes also face political objections, which can disrupt, slow, or even halt ongoing trials. Similar dynamics are felt in environmental litigation, where cases can run for years, lead to counter litigation, and move between jurisdictions, such as the Chevron–Ecuador case 1993–to the present (Crasson, 2017). This sense of 'legal slowing' was felt by Rebecca Lawrence, whose work involves assisting the Sámi community with environmental impact assessments for new mining projects. She outlines the repetitive and time-consuming nature of these activities:

The Sámi community had a lawyer and the Sámi community and their lawyer sent in our report as an appendix, or it was a substantive part of their appeal. And then the mining company, as the public submissions process in Sweden is very arduous and kind of back and forth where everyone gets to comment on one another's comments so, the mining company commented on that submission and our report, and we had an opportunity to respond to that, and you know kind of back and forth.

Rebecca Lawrence interview, February 2019

When later reflecting on the time commitments of this work, she was clear that it had taken a toll on other aspects of her professional life:

It was massive. It took one and a half years of calendar time ... We had institutional support – we had the support of the research funders but I mean not at my department. Most people at my department, they had no idea what I was doing ... I'm not a traditional academic, I suffer, academically I suffer for this work. I don't have the amount of academic output I would otherwise.

Rebecca Lawrence interview, February 2019

This sentiment of 'lost' academic output can be connected back to Klaus's earlier point relating to the relative position within a career journey. Where early career researchers are attempting to establish themselves within a disciplinary community, the opportunity cost of engaging in legal work can be felt in terms of academic outputs. The transgression here, then, has the potential to come with real economic and professional impacts: in terms of missed promotions, lost academic posts, or the less tangible sense of missing academic recognition.

Beyond this perception of the loss of academic performance, interviewees also spoke of the psychological impacts of participating in legal work, in particular when advocating for vulnerable individuals or groups. Here, participation in legal processes, where the provision of evidence may have profound implications for individual life courses, was felt to involve emotional labour. This sentiment reflects the recognition in fields of human psychology and criminology that giving testimony is an emotional act, where recalling traumatic events can produce secondary, or vicarious, trauma (Dunkley & Whelan, 2006). Indeed, there has been a growing body of work in legal studies that has emphasised the emotional toll of conducting legal work, for example sitting as a magistrate in the UK court system (see Anleu & Mack, 2005). This sense of expending emotional labour was felt by Katherine Brickell in her work as an expert witness in relation to a deportation case of a domestic violence victim-survivor from the USA to Cambodia. The woman's case was both complex

and in the media eye, as she had been pardoned after conviction for murder. The fear from the woman and her legal team was that deportation would put her at risk of retribution in Cambodia. It was this complex history, coupled with the potential professional and personal impacts, that preoccupied Katherine in the immediate aftermath of accepting this role:

I was completely daunted not knowing what the witnessing would really require, ... a sense of personal responsibility in that this was someone who did not want to be deported, had a really horrific past, and hadn't ever been to Cambodia ... the case kind of made me feel vulnerable, because the lawyers would also likely need an oral testimony, which would also involve getting involved in what was a high profile case ... And then, obviously speaking against the Cambodian government record of upholding law, etc., wasn't really something that I was comfortable to do publicly.

Katherine Brickell interview, February 2019

Katherine's account of vulnerability, uncertainty, and risk speaks again to the individualised nature of transgression, where the entry into the 'unknown' legal realm was coped with alone, without ready access to institutional support by the court or the university. But it was a disposition that also intervened in the outcome of the case. The fact that Katherine was fearful of reprisals by the Cambodian state entered the judge's consideration of whether it was a safe country for extradition:

And actually, I didn't really think about it at the time, but in the summing up that you get from the written work, she [the judge] said that the fact that the expert witness was not willing and felt unsafe to say this also helps the case. So, the fact that I voiced my reticence was actually a really good thing.

Katherine Brickell interview, February 2019

While these feelings of insecurity created an emotional burden, there was a contrasting sense in Katherine's testimony that the experience was psychologically valuable. Alongside the emotional burden of transgression, Katherine also articulated a sense of the affirmation, particularly stemming from her decision to meet with the woman at the centre of the case in the wake of her successfully defending against her deportation. When asked why meeting was important, Katherine replied:

Because I felt like I knew so much about her story and her journey and like I said, there was a sense of intimacy that came from the start. For me it was really personal ... If I was going to die, my life had been worthwhile and I was very sensitive to that, very sensitive to that at that point.

Katherine Brickell interview, February 2019²

This account returns the discussion of costs and benefits of transgression to the question of time. The drawn-out nature of legal proceedings, coupled with their potentially life-changing consequences, facilitates the development of strong social bonds and a sense of emotional attachment. As Katherine sets out, these experiences were considered to hold greater value than other elements of their academic life, though, of course, the ability to stand as an expert witness was itself a consequence of the prominence and trust given to existing academic outputs. In the following session we will consider further this sense of the 'legacy' of transgression, how involvement in legal processes engenders lasting psychological, social, and academic changes for participants.

5 | NO GOING BACK

In the preceding empirical sections, we explored first the embodied skills needed to cross the boundary between geography and law, and second, the costs and benefits of this boundary crossing. In this third and final section, we examine how geographers' engagements in legal settings and processes can result in the boundary between geography and law being breached to the extent that there is 'no going back'. Among our interview cohort, this was particularly pronounced for senior geographers who had decades of expertise on an issue or place that was being mobilised in legal fora. Their stories speak to longstanding commitments that had become difficult to withdraw from and/or that had blurred divisions between work and life in some way.

A striking case of the 'no going back' nature of geographical engagement in the legal domain is illustrated through Loretta Lees' experiences. As she herself admits, the 'legal stuff has been fascinating'. Now Director of the Boston University Initiative of Cities, Loretta was previously based in the UK as a geography professor. Her internationally known research is focused on gentrification and urban regeneration, and has had led to 'changes in law, policy, and guidance' in relation to the redevelopment of urban council estates across England (as cited in her REF2021 Impact Case Study).³ Based on Loretta's systematic assessments of the impacts of gentrification, she has been an expert witness at three public inquiries, has sat on a local authority scrutiny panel on council estate renewal in London, and has chaired the London Housing Panel working with the Mayor of London and Trust for London.⁴ Decades of research leadership and a well-established reputation for this boundary crossing work since 2010 has led to regular and high-profile requests for her expertise. This has resulted in an intense and complex set of encounters in recent years:

It never stops. The trouble is, once you get involved in that kind of stuff, it never goes away... getting contacted by people, not just in London, like council tenants, but all sorts across the country asking, 'Can you help me?' So, it's become quite stressful in many ways, because you can't help everybody... you just literally can't do it all. But you feel bad, because then you start feeling, like there's a guilt, and you have an obligation, and you've got skills that you should be sharing. So, it's been quite knacker, to tell you the truth, these past couple of years [laughs].

Loretta Lees interview, February 2019

Loretta's description of the demands she must manage, both logistically and emotionally, are not finite or geographically bound, but are ongoing and expanding. 'It never stops', 'it never goes away', and with this it is difficult to retire from the labours of boundary crossing. As the last section of this paper demonstrated, the emotional costs of this can be high, but also rewarding.

'Responsibility' was a word that was used in a lot in the interviews and reflects the importance of social responsibility in geographers' professional practices (Lawson, 2007). This is something that Loretta reflected on, why once the boundary is crossed from academic practice into engagement it is difficult to conceive of crossing back on ethical grounds:

For me, it was a real sense of responsibility, because I was working with these people who have subsequently become close friends. So, one of the women who's now become a really good friend, Beverley, is still living on her own in a 1000-unit block of flats and refusing to move ... So, I'm helping her with the next steps, now, which has been lots of back-and-forth with the council, but mostly emotional support.

Loretta Lees interview, February 2019

While not all legal work that geographers undertake has personal dimensions to it, for those whose research and political commitments were motivated by social justice concerns, the personal mattered greatly, including emotional and practical support:

So, just before Christmas, she had mice everywhere in her flat. She couldn't stay there; she was just freaking out. And it reached the point where she was literally going to come in and move in with me ... I couldn't see an alternative at the time. And I thought, 'Well, I can't leave this woman living on her own, in this flat on her own, over Christmas, just overrun by mice ... Eventually, she ended up staying with a friend for two weekends in a row, she didn't come to stay with me. But I was ready ... So, it's the blurring that's become complex for me now, between this as work and basically my whole life.

Loretta Lees interview, February 2019

The prospect of, and planning for, Beverley moving in with Loretta shows the seriousness of what it can mean to undertake boundary crossing work, which can envelop a 'whole life'.⁵ Loretta's relationship with Beverley reflects how friendships are 'productive of lived spatialities that can confer or deny particular freedoms, fears and possibilities' (Bunnell et al., 2012, p. 491), in their case, the care of a home during the festive period. So often such care-work and formal expertise-giving beyond the institutional walls of higher education remains hidden, however:

People at work and even friends don't know, because I've been so heavily involved in this, I just haven't had time to speak to people. People at work don't know what I'm doing, so they think I'm not doing any work and you get kind of snide comments – 'Where are you?' and I'm like, 'Well, I'm in a public inquiry.' Um, so, it's been interesting. I mean, I wouldn't not have done it, because I've learned so much, it's been phenomenal. And I feel I've done more to earn my keep in the world in the last two or three years than I've done before.

Loretta Lees interview, February 2019

In Loretta's words, we learn about how expanding time spent in the policy realm meant that her visibility in the academic one had diminished (or had been perceived to have, at least among colleagues). While painting a negative picture of responses to her absence, it is clear how important her policy work has been for a sense of personal meaning and achievement, of earning her 'keep in the world' (something that Katherine's interview highlighted too).

For Linda Peake, her response to our call for geographers to take part in the study was also rooted in similar observations about the unknown work scholars are engaged in. As she explained, 'one of the reasons I decided to respond to your call was that nobody else knows that I do this work. It's not something I advertise; it's not something people at the university know'. Not only this, but echoing Loretta's reflections, 'there's a lot that's off the record that we do but is possibly the most meaningful stuff'. In Linda's case, she has worked in Guyana since 1980 and on ten occasions has acted as expert witness for queer Guyanese people fighting deportation from the USA. Without her knowledge, her name had initially been passed on to a lawyer in the USA. As Linda reflects, 'I didn't seek out to be an expert witness', but:

I worked for a number of different legal firms over the years. And the first time I did it, I felt a sense of, politically, this is important. I could do it. But I was also a little bit trepidatious because I really had no idea what it would entail.

Linda Peake interview, February 2019

A sense of walking into the unknown was commonplace across the interviews we conducted (as the previous empirical sections also bear testament). Like Loretta and others, however, the feeling of 'trepidation' was superseded by political motivations of 'making a difference' through the application of knowledge in the legal realm:

I do think it's important that other geographers, particularly early career scholars coming up, seeing that, in fact, you do have valuable skills that you have acquired in the academy, that can be put the use of doing good things. That can make some very tangible differences to individual people's lives. Every piece that I've gone for, we've won. Every single one. And the lawyers have told me, time and time again, that it's the strength of my testimony that has won the case. So, in that respect, I feel it's been worthwhile.

Linda Peake interview, February 2019

Here, Linda is willing scholars to boundary-cross. Her actions proffered a sense of there being 'no going back' to stand-alone academia given the value the testimonies had for successfully defending people's deportation. Her initial crossing, despite fears, had also been met (much like Loretta) with repeat requests for expert witness testimonies that shaped this trajectory. As another participant, David Simon, noted, in such cases, 'of course, it's a snowball'. In the context of his decades-long engagement in Southern Africa, David sketched out how:

There are people who, you know, get approached periodically by solicitors because they are known as specialist on particular topics or particular countries ... [I've seen how] the volume of cases was such that the one or two people who had been doing this for a time couldn't cope.

David Simon interview, February 2019

The snowball impact of being known outside of university walls for specific locational or thematic expertise was remarked on by multiple interviewees, including Loretta, Linda, and here David. There can be no balance in pressured and frantic moments of expertise-giving in the legal realm. As Loretta's experiences underscore, these are not always even moments, but rather ongoing responsibilities from which there is 'no going back' on, given the inter-personal entanglements they can produce.

6 | CONCLUSIONS

In its varied explorations of geographers' ordinarily hidden engagements in legal processes and sites, this paper has itself embraced transgression. For the interviewees in the study, so much of what they did was 'behind closed doors' and 'off the record' to other geographers that to reveal and explore their legal exploits is to cross the boundary between the unknown and now knowable. This paper represents one of the first steps to explore the work of geographers 'out of place' in the legal realm, their experiences in the moment of expertise-giving and in a more long-lasting sense. One of the risks of orientating attention to such practices is that it both reifies the boundary and elevates certain practices above others. It will therefore be important for future work to reflect on the alternative perspective: how legal practitioners and scholars in law-affiliated disciplines (including socio-legal studies, criminology, and legal anthropology) view the application of geographical knowledge in their own areas of practice or epistemic communities. This latter point would allow a greater engagement with the 'spatial turn' in legal studies, tracing new interdisciplinary initiatives between law and geography (see De Villiers, 2014). We offer these observations as a first step to understanding how transgressions shape the production of knowledge, influence the development of intellectual fields, and impact professional and personal lives.

For many scholars participating in this research, to be a geographer is to realise the discipline's ability to translate across, and expose the fallacy of any binary between, the domains of the non-legal and legal. This task is especially poignant in the age of creeping legalism, where legal language, norms, and frameworks are shaping the everyday experience of professional geographers. In this respect, there is a need to consider a further transgression that is beyond the scope of the current paper: how law shapes the production of geographical knowledge (through risk assessments, intellectual property, publishing laws, etc.) in ways that are both evident and hidden. While the paper does not purport or claim to capture the entirety of these or geographers' endeavours, it does provide a novel insight into the experiences of a cohort of geographers at different career stages and working in varied legal arenas.

Despite differences in this regard, there are several uniting commonalities of experience. In terms of costs and benefits, the experience of entering legal deliberations and institutions solicits an ambiguous set of feelings. Respondents gave a positive account of the potential for empowerment and change-making, reflecting the possibility of this work to be 'impactful' in wider society. These positive traits are further reflected in the increasing prominence of legal work in the impact case studies submitted for the REF (see also Brickell et al., 2023). But alongside these opportunities there lingered a sense of guilt and potential injustice. Here the act of being presented as an 'expert' often engenders new feelings of responsibility, while requiring scholars to manage the consequent emotional toll of such work. The increased visibility of legal work should therefore run in parallel with strengthened structures of psychological support within departments and universities for those engaged in such work. Consequently, the act of transgression was narrated as one that created new personal or professional risks, where the impact on professional progression or the absence of institutional support shaped perceptions of the value or purpose of legal work. We can therefore see transgression as a process of world-making, reshaping legal processes and in places advocating on behalf of others, but also one of self-evaluation, where the experience of participating in legal processes engenders reflexivity concerning the purpose and place of geographical knowledge.

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DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

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ENDNOTES

- ¹Seven interviewees identified as men, eight as women. All interviewees had worked in a Geography or geography-related department, and a full range of career stages were represented from immediately postdoctoral to near retirement. All but two interviewees had worked in the United Kingdom at some point during their careers.
- ²This sensitivity related to a life-threatening illness, which at the time Katherine was recovering from.
- ³The REF2021 Impact Case Study 'Securing "the right to stay put" for those being displaced by state-led gentrification' was submitted based on this work. See <https://results2021.ref.ac.uk/impact/2a85b847-f205-4213-9e9f-d5e51d47d84a?page=1>.
- ⁴For an example of Loretta's expert witness statement, see <https://southwarknotes.files.wordpress.com/2017/05/aylesbury-estate-public-inquiry-witness-statement-of-loretta-lees-29-april-2015.pdf>.
- ⁵Loretta and Beverley co-published a journal article together: see Lees and Robinson (2021).

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