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Abstract Session 7.3 – Conceptualizing ‘Law’ for Resource Governance Research.

Because ‘law’ is both an empirical and a normative/ideological term — and one that many researchers largely take for granted — its use in resource governance studies is not always well theorized. Drawing on legal, socio-legal, and critical legal scholarship this paper discusses some fundamental choices in conceptualizing law for purposes of understanding legality in resource governance. It suggests that the conventional understanding of law, wherein commands of the state are assumed to be the exclusive source and to provide clear answers to the question of legality, is too limited and culturally specific to serve as an adequate construct. It argues that law may be better understood as having several important dimensions — obligation, precision, institutionalization, normative justification, and social uptake. Each of these is typically more of a continuous than a binary variable. The paper is offered as a contribution for discussion of the future development of resource governance research.