

## Transcript Ep. 62: In Conversation with Nick Blomley (The Urban Lives of Property Series part I)

[00:00] **Intro:** This is the Urban Political, the podcast on urban theory, research, and activism.

[00:09] **Hanna Hilbrandt:** So, welcome to the urban political podcast. Today is the 14<sup>th</sup> of March, 2023, and my name is Hanna Hilbrandt.

[00:19] **Markus Kip:** And I am Markus Kip. We welcome you to the first of a set of episodes entitled 'The Urban Lives of Property: Thinking About Appropriation, Dispossession, and Expropriation in Theory and Practice'. And in this series, we advance conceptual and theoretical groundwork on the notion of property, shaping every day urban lives and political discussion about the city.

[00:48] **Hanna Hilbrandt:** In this first episode, our guest is Nicolas Blomley. Nick is a professor of geography at Simon-Fraser University in Vancouver, Canada, and he's a widely recognised expert on property. Amongst his many contributions, I just want to mention two: first his pathbreaking book 'Unsettling the City' from 2004 and also his new book 'Territory' which came out this year with Routledge and which we are also going to discuss today. We invited Nick Blomley to lay some groundwork as well as to discuss the geographical dimensions of property on urban life. So welcome, Nick, thank you for joining us today, we are really glad that you came and can be here.

[01:29] **Nick Blomley:** Thank you so much. It's lovely to be here and to talk to you both.

[01:34] **Hanna Hilbrandt:** I'd like to start on a more personal question, on a more personal load. Could you tell us a little bit about your biographical experience and insight that let you become interested in property and space and in land?

[01:48] **Nick Blomley:** Yeah, that's an interesting question. And I'm sure there are many dimensions to this. I think maybe two are particularly important, in terms of my early life experiences and then early career.

So I grew up in a very rural part of Southern England. I think that was important to me in at least two ways. One, because - like a lot of people outside let's say, the United States or Canada - I grew up knowing something in a very practical and embodied sense about what it was to be a commoner, what it was to be able to move on the land and to access rights of way and so on, in ways that - when I speak to my students in Canada, they don't fully understand. So, learning a little bit about traditional forms of land access and traditional forms of ways of relating to the land, connecting to the commons and to common property, must have been fundamentally important to me. But that was also a space in which land was highly concentrated, and land ownership is highly concentrated, in many parts of England and Scotland and Europe, and so on. So there was effectively a 'Lord of the Manner' who controlled most of the land, who owned most of the farm houses, most of the kids I went to

school with, their fathers were farm-labourers who basically worked for the lord. It was kind of quite feudal in that sense. And that must have taught me something at least indirectly about the way in which property can become highly centralised and become a means of control and domination.

Ultimately, I ended up in Vancouver, in Canada, and I think this was also profoundly important to me. I arrived in 1989, when the politics of land, particularly in regards to colonialism, settler colonialism and indigenous land, was undergoing a new change. On the one hand, the official government policy at the local level at the time was that there was no such thing as so-called 'native titles' and indigenous people did not have a legal relationship to the land that counted. On the other hand, of course, there were indigenous people who for a hundred or more years had been arguing powerfully and passionately that yes, they did, and that that right had to be acknowledged. And that led to some powerful protests and forms of land defence and blockades and so on, which I tried to make sense of and tried to understand. So I think that taught me very immediately something about settler colonialism and at the same time something about the resistance to settler colonialism, which obviously endures and continues and has changed in some important ways - and that opened up the space to recognise again that property is not just private property, nor is it just settler property or state property but that there are other ways of engaging with the land that can, or might not be, called property but for our purposes speak to different epistemologies and ontologies of land and space.

And I think that must have opened up a space for me to reflect on land and property. I also got embroiled in anti-gentrification politics, now that I'm thinking about it, as an activist and as an academic. And thinking about gentrification politics in the inner city and bringing that to bare, bringing quick questions of property into bare in that, I think were also instrumental. So that book 'Unsettling the City', that you kindly mentioned, kind of came out of that experience in some important ways.

[05:37] **Hanna Hilbrandt:** And could you also say a bit more about who inspired you most theoretically on this journey?

[05:46] **Nick Blomley:** Well, there is no *one*, but I think there are multiple emphasis behind this. Originally, my work was around law and geography in broad terms, and property became a particular focus on later. So in my early years I was very much influenced by Marxist theory, Marxist state theory, people like Poulantzas and Alford and so on, and of course, in a reading Marx. That was fairly laissez-faire in the 1980s when I went to graduate school. Then I would also have been reading critical legal theory, critical legal studies, which was again very influential. And that opened up law, and law in a much more interesting and somewhat problematic way. But nevertheless, interesting and important at the same sense. But then also reading people like EP Tomson, scholars of law, scholars influenced by Marx, as well as scholars who were beginning to push forward what we might now call the spatial term in social theory. So I was in Los Angeles in the late 1980s when people like Ed Soja were beginning to be very active. And so that made spatiality much more interesting, in the same way that law was also being made interesting.

So I think those kind of formative ideas, I think, must have shaped me.

[07:24] **Markus Kip:** Let's think about the broader historical arch of debate about property and how do the changed material conditions, or relations over the last couple of decades, force us to think differently about property? And maybe we can think here about the rise of the offset of digitalisation, or changing international orders, as evident in the Ukraine war. Has property changed, materially or conceptually?

[08:00] **Nick Blomley:** That's quite a big question, too... There is of course a long *durée*, a long arch thinking about property. And that's also - and I think this is important - it has to become text-specific. I think we have to be careful when we talk about property, because property means different things in different places. This is a very simple but important geographic insight, that I encounter whenever I move or travel or go speak to people in different parts of the world. Property and property in the city would mean something quite particular in Brazil or South Africa or Mumbai, as compared what it might in Berlin, for example, or in London, or Vancouver. So really we need to be very cautious about generalities. And I know that's not your question, but we need to be very careful when it comes to generalising about property.

If I just take the kind of angle from the set of debates around property, or let's call them the European or Atlantic debates around property, I think you could - what's clear is that in the 19th century, or maybe 17th, 18th, 19th century, there was really very lively debates around property, in particular, of course, around private property. And one of the arguments, that I've tried to make, is that property is not just private property, the fact that it has become framed in terms of private property speaks to the centrality, the ideological centrality, of a certain way of thinking about property, which I call the ownership model, borrowing from other scholars, particularly Joe Singer.

But the ascendancy of private property, with the ascendancy of liberalism and capitalism, of course, triggered a whole series of very lively and interesting debates. Both critical, and also, of course, following Locke and other attempts at holstering the centrality of private property as normal and as productive and as conducive to the rightful social order and so forth, but if we think about people like Henry George, or Proudhon, or Marx, or Rousseau, you know, one can think about these very lively debates in the 19th century, that sort of disappeared somehow in the 20th century, to some extent. So, I think it's interesting to reflect on the way in which property became much more kind of normalised in the 20th and perhaps the contemporary - less so now, though, I think there are some interesting moments now with regards to racial capitalism and you know, the ascendancy of indigenous land organising and so on that shifted the terrain in some ways.

But has property changed materially or conceptually, in the past little while? That's an interesting question. Property on the one hand is actually really quite dynamic in what follows, let's say, property laws, it is quite clear that property is technically capable of doing kind of quite innovative and creative things. It can create things like financialization or create the condominium for example, as a particular legal form, which allows for remarkable changes in urban land markets, mostly problematic changes in urban land markets, one might argue. But on the other hand, property appears to be immutable and unchanging. It has this sort of quality of stability, which I think is part of its story, part of its self-narrative,

this idea of property as settlement, property as creating quietness, as creating certainty and stability, and so forth. And that's of course part of the supposed attraction of property and particularly private property, now we're getting to, and the way in which private property is rolled out as a development model in the Global South, as a mean for securing land titling in squatter settlements and so forth. So on the one hand I think property has changed, and is remarkably dynamic, and continues, of course, to be contested in all sorts of striking and interesting ways, but on the other hand, property appears to have this immutability and continuity that appears unchanging.

[12:58] **Hanna Hilbrandt:** You just mentioned that property is not just private property, and I think one of the things that interested me the most in your 'Unsettling Property'-book is really to unsettle property and open up the diversity of the notions of property that we actually have in front of us. Could you please clarify your understanding of property, so what is property for you and how does your understanding of property differentiate itself from what you call the ownership model of property?

[13:29] **Nick Blomley:** Yes, thank you, also a big question. I try and think of property in a deliberately capacious way, so I would define property for our purposes as a system of rules that govern access and use of some valued - let's call it a resource. That could be land, that is the traditional focus, but it could also be personal property, possessions, so I'm working on a project in regards to personal possessions, right now, and I do that deliberately to push back against the I think overly prescriptive and narrow way in which property gets defined. Which we can call the ownership model. And that borrows from Joseph Singer, the property scholar, who came out of critical legal studies, interestingly, and has written - I think in some interesting ways - in regards to property, particularly in the US context.

Now if we define property in that capacious way, then I think it takes us in some interesting directions. On the one hand, if property is just a system of rules that govern access and use of something that's of value, then of course it's capable of multiple configurations. There is no particular template as to how you organise that, so a commons for example, in the villages that I grew up in, 200 years ago, that would be thought of as property in the sense that I described it - it would allow people to organise collectively, to come up with a system of rules that organise decisions as to who can put their cow on the common, or who gets to use which strip of land in order to grow wheat or barley. So it's capable of multiple configurations, and I think we can think about multiple systems of rules that govern access across the globe. So a favela is organised in some ways, we can think about what we might call property rules at play there. They are not necessarily something that has been created by the state but they nevertheless depend upon some kind of collective to make that possible. So it's more than what we might call possession - you know, it's mine, I decide - there must be some collective that makes decisions in that regard. That can be a community, it could be a group of people in an allotment in Berlin, for example, or it could be the state deciding that I get to have fee simple title, so called, on the property, the land that I claim as my own. So it's a system of rules. It's not then the thing itself. So the attempt is to move away from this idea of property as the thing I have, you know, this rarefied notion of property which even liberal lawyers would say is inaccurate, but nevertheless I think speaks to the dominant ideology of property as object, rather than rules. It's inherently relational,

which I think is also important - it takes us to relationality, and relationality opens up a bunch of things, and you can take relationality in many ways, I take it in a fairly straight-forward way where it implies a relationship to the collective, maybe the state, maybe a group, but it's also inherently relational vis-a-vis others. So a property rule is only meaningful relative to others. If I lived on a desert island on my own it wouldn't make any sense for me to have property rules, because it's just me, it only makes sense relative to others. And again, those rules can be organised in many ways. So we can decide collectively that us three have the right to some shared intellectual commons, which we are generating right now, it doesn't necessarily entail exclusion - it can also entail forms of organised inclusion. So it's inherently relational, it's capable of multiple configurations, it's inherently social - I think also, when we get to relationality and hopefully we can get to expand that and think about the way in which it begins to structure social relations and society in a broader sense. It's socially constitutive in an important sense because it distributes access, distributes who gets to have what and then in more generalised terms - and I've tried to think this through in a piece in *Antipode* a couple of years ago, it also distributed vulnerabilities and privileges. Particularly when we start saying 'only you get to have control over something', rather than something more collective. So property in that sense, particularly under liberal capitalism, distributes vulnerability. And at the same time distributes privilege. And we need to think about the ways in which relative privilege depends upon relative vulnerability, so landlord-tenant relations for example are inherently relational in that sense, the landlord requires a tenant, the tenant requires a landlord, but of course there is an asymmetry there that property makes possible in terms of the way in which it organises rules with regards to leases and rental property.

It is also socially constituted, right, it's partially constitutive of a set of social relations and at the same time it is also socially constituted in the sense that it doesn't operate alone, nor it exists in a vacuum, it is necessarily tied to prevailing understandings and logics - many of which are racialised and gendered - that imagine people differently in terms of their capacity, for example, to engage with property rules. So this allows us to think and draw from scholarship in racial capitalism, for example, in some important ways. It's also - because it's relational - it's also dynamic, if we imply a relation, we are implying something that's changing, something that's not given, that's not static, and that then opens property to questions of enactment and performativity. And I've tried to think about property as performative, as an effect that's generated through a set of relationships and affordances and so on.

So private property, for example, is not static, it's always enacted and performed through multiple forms of enactments at multiple levels, which if you follow that line might allow for different performances, where property can be differently performed, in I think useful and interesting ways.

And finally it's also geographic, it's hard to think - for me, as a geographer - it's hard for me to think about those enactments and relationships without thinking about the way in which what I would call spatiality, as opposed to space, so a social space, is also entangled and productive or constitutive or constituted through those property enactments. And you see this particularly in relation to land but not exclusively. So I think that's - I mean, I could go

on, but that's probably the way that I would try and think about property. Which I think is quite distinct from what we might call the ownership model, which is really the kind of conventional, liberal capitalist way of thinking about property as exclusively private property, as inherently individual, as tied to very particular values like efficiency for example, as imagining the owner as singular, the owner has all the bundles of rights, the owner as set apart from the collective rather than necessarily entangled in those collective relationships. So that's the kind of orthodox way, I think, in which property is understood and also enacted through all sorts of policies and practices, planning for example, more generally.

[22:18] **Hanna Hilbrandt:** This is a really important point and I'm also looking forward to going a bit deeper into the vulnerabilities that emerge from the exclusive nature of property. But just to refine a bit the conceptual language with which we work - you mentioned that in the dominant, liberal, western notion of property, property is often thought to be that object. The house, the piece of land... So, in your relational thinking, geographical thinking of property, would you then have another term for the object itself? Just to differentiate what the dominant model calls property from what you call property? So if we think about the dominant model of property - what is then the object?

[23:04] **Nick Blomley:** I suppose it's still the object but it's not the property itself. So on the conventional model, or on the every day continuance, I own my house. So the house, or the land, is the object - or is the property in and of itself. So it's already dead inert. Of course, we can open land to something more dynamic, but that's not what's happening in that context, it's the bounded parcel, it's the cadastral map, and cartography helps produce this also. So there is a certain process of reification or fixity – Lefebvre wrote about this, of course, and its social production of space, which I mentioned in regards to Michael Wirley biography. So that's clearly influential.

So this isn't to deny the importance of the things of property - so I don't want to abandon the materiality that property is engaged in, because that's part of the enactment and it's part of the way in which property in many parts of the world actually works. In the old days, in the English common law, there were practices in which you transferred land, you transferred a piece of the dirt as well as the title and the rights that went with it. So there is something about materiality that's important there as well. But I don't want to give the resource if you will some sort of particular privilege in that relationship. It's relationally thinking dynamically, also thinking materially as well. Does that help?

[24:56] **Hanna Hilbrandt:** Yes, definitely.

[24:58] **Markus Kip:** I'd like to add on to this conversation about the object of property and ask you whether such things as rights could also qualify as property. So I'm thinking here about a French scholar - Au Castle - Au has thought about social rights as social property. Is that something that you would also accept within your approach, is that something you thought about, or where would you delimit the things that could qualify as objects?

[25:47] **Nick Blomley:** I don't know that argument, so I can't speak directly to it. But I think if we accept a relational view of property and move away from a sort of reified understanding of objects, then there is a universe of possibilities. We can imagine a whole set of

relationships that would be at play that take us beyond a kind of narrow reading. So clearly the land as it were, that is the object of property in conventional property relations, is meaningless without a set of rights. Those rights are in some sense formalised and recognised, so classically the private property rights is the right to exclude, so it's the singular right of the private property owner, that's the classic ownership model, but if we open that up to a broader kind of understanding of let's say of what land means, or what land might mean, which would include without a doubt a set of social rights, it would also include relationships to for example the ancestors if you are an indigenous person - and I'm not necessarily saying that indigenous relations stop at property, that's something I would like to bracket, because of the way property has been already kind of overdetermined by the ownership model - so that implies relationships to the ancestors and relationships to those that are yet to come. So that would imply rights and responsibilities and obligations in a very broad sense. So I think yes - if we open property up in that hopefully more kind of capacious way then it becomes useful and interesting to think about a larger universe of possibilities, political, ethical, and legal, that are entangled in that.

[28:01] **Markus Kip:** So picking up on these vulnerabilities that you already indicated in relation to property. You worked a lot on this relationship between precariousness in living conditions and property, and at the same time argued that - I'm quoting you here - "It is precisely in the margins that law becomes conditional and creative, offering us valuable lessons". So, could you please elaborate on this and draw out the lessons that you consider most valuable from these lessons of properties at the margins?

[28:45] **Nick Blomley:** That idea, I think, for me, came from the work of a South African scholar, Andre Vanderwelt, who passed away a couple of years ago. And South Africa is a very interesting property space, partially because of the post-apartheid constitution, which changed the way in which property was defined in some interesting ways. And he made some important arguments - he was a property lawyer, so he is writing to lawyers, and I try and read property lawyers, but not exclusively, because otherwise you enter a dark space. But he noted the way in which property law, by its very nature, used to focus on what he calls centrality - on what you might call the castle as this trope of property that every man's home is his castle, and many other cultures have something similar. This idea of private property as this redoubt, the space of defensiveness and security and so on. So property doctrine, because it tends to focus on the concerns of white men with property, not surprisingly, tends to replicate centrality, tends to just become interested in the concerns of those who are already held up and privileged by property and the way property works. So property allocates social power, it creates the centrality, that property scholars and lawyers tend to focus on and fixate on because that's the empirical data, basically, on property law scholarship to some considerable extent. That then of course has some very particular - and that's important, because we need to understand how the machine works - but it also of course is distorting it, if you live in the centre, if you live in the castle, property very easily appears as a space of certainty, stability, autonomy, you realise the benefits quite clearly, and thus property becomes quite clearly to be beneficent and productive. If that is your lived reality, property also appears as inert, as monolithic, as a castle, as big and powerful. And exceptions to that appear as exceptions - they appear as exceptions that prove the rule.

There are homeless people outside of my condominium, they must have failed, rather than tracing the way in which property enactments actually produce houselessness. And so what Andrei argued for is a conceptual shift - what happens if we take our directions not from simply the centre but also from the margins, now we can think about the margins in a couple of senses, and maybe I would think of two: the first one is property focusing on the edges of property rather than the centre, or looking at spaces of formation or contestation or uncertainty, rather than just the workings of condominium law as it's supposed to happen. So trying to zoom in on particular moments historic or geographic sights in which property is kind of open to analysis in a way that is hard to do when you're just inside the property machine. So places, for example, like anti-gentrification struggles, where people are pushing back against notions of highest and best use, or pushing back against planning and the way planning is organising property through this lens of land use and saying 'no, it's not just about land use, it's not just about setbacks, it's about justice, or it's about indigenous relations to the land' - so those sort of spaces or, and this is why I'm so interested in it - early modern English enclosure. 16th-17th century enclosure, land enclosure in England, when the commons begins to be rolled back. But not in a very straightforward way, in a contested, highly conflictual way, encroaching land-owners, start putting up enclosure fences, hedge breakers start tearing them down... And those things, I think, are interesting because they can reveal the architecture of property, the ideological architecture, the way in which property is being made and enacted on the ground - and also the way that space is being made on the ground, this is also something I've tried to write about. The way in which for example land surveying and cartography are changing and forming that process at the same time. Those are things that are hard to do when one is just inside the machine.

So I think that's one marginal site. The second marginal site is an attention to those who have been made marginal, or made precarious, that's a legal term actually, by the workings of property. By the property precariat. And this takes us to cities, of course, because most people in cities have become made precarious as it were by the workings of things like financialization and liberal capitalism. So most people now in many cities are renters, they have a much more precarious relationship to property than they did before - growing numbers of people are houseless partially because of the workings of property systems. So the margins are actually in a sense the centre there, because they are in the majority, but of course they are understood as exceptions, they are not the exception - the centre is the exception in some interesting ways which I think is also important. And of course, indigenous people - indigenous people in settler societies have always been made precarious - legally precarious - by the workings of property systems. And I mean precarious here in the sense of being placed in a relationship in which your access to land, in particular, is dependent upon the will of another, who can revoke that relationship at any one time. That's an important space, and that's why I spent a lot of time learning from people, or trying to learn from people, in those spaces. That requires not just doing research on the precarious but actually spending time with people in those spaces to understand the lived reality of precariousness, property precariousness, and the way it unfolds, the way it's experienced, the way, for example, in which peoples' possessions - people who lived precariously - peoples personal property - which is the only property that you have - oh sorry, I'm reifying property already. That's the only object property that you have, if you don't have land, it's just your stuff, but



tracing the way that people constantly have their objects taken away from them, stolen, seized by legal actors, by the police, by vigilantes, and so on.

And I think that space is really, really instructive because it also tells us how property relations work, right. So if we only stay in the centre we're not going to see the work of exclusion in that direct sense. We're not going to see the way in which social power becomes much more visible. We're not going to see some of those spatial logics and dimensions. We're not going to see the falsity of the promise of liberal capitalism! Private property benefits all, right, we are brought under the umbrella of private property, that we all are protected by private property. Clearly, we are not. We are definitely situated - that's the way it's supposed to work through this distribution of vulnerability and privilege, racialised as well, that the property under liberal capitalism makes possible.

[37:33] **Hanna Hilbrandt:** I guess this is also the particular perspective of a geographer that is so interesting about this take from the margins or on the margins. So maybe this is a good moment to turn a bit to more spatial questions, and of course we also want to speak about your new book, 'Territory: New Territories in Law', it just came out this year with Routledge. And essentially it connects questions of territory and property. So I was interested in the subtitle. Can you specify for us what are these new territories, what's new about them, why these categories and where does it lead us, the territory?

[38:17] **Nick Blomley:** So new territory is a law - I didn't get to control that bit of the subtitle. It's a bit of a series that Routledge have put together, a short, accessible, student-friendly text. But of course, if you are a publisher, you can't say 'these are the old trajectories' you have to say 'these are the new trajectories'. So it's partially, I think a marketing strategy. And what the book does is that it actually - initially they wanted me to do a book on territory and law, which I said that that's not going to work because I only have 100 pages, and I only have so many years left in my life... So I said I would talk about property. So the book is really about territory and property but I wasn't allowed to just call it territory and property... So it's called territories. It's a bit confusing. But it's a new trajectory, or perhaps a useful trajectory, we don't have to be new all the time but also think more pragmatically about worked... There's a trajectory to this in that I am trying to speak to, I suppose, to audiences. One is people who are urbanists, or urban scholars, or geographers, people interested in law perhaps, or who have some awareness that maybe law is of value and utility and some of the questions they are interested in, to try and convince them that actually property, in the sense I've described it earlier on, has some utility. It's a useful analytical tool to think about the city and its dynamics or think about a set of questions that they might not otherwise think of. So I try to unpack property and reveal its politics, its contingency, and its significance to understanding a set of on-the-ground, empirical questions, that might be of interest to those scholars.

And at the same time it is also speaking to property scholars, many of whom do not think about spatiality, or space, or if they do, tend to think about space in an overly narrow from my perspective, way of a simple surface or distribution without recognising the spatiality - that the social-spatial term insists upon, that simply recognises that there's an ontology to spatiality. We are all spatial beings; we all live and occupy and produce space. There is also a

recognition that space is itself socially produced, it's not a given, it is something that has politics, has a history to it, and at the same time spatiality constitutes and shapes society. So it's also trying to push this broader argument of the importance of spatiality. With a specific recognition to territory. So probably scholars in land will know, for obvious reasons, that property is about boundaries, it's about spaces, it's about exclusion and so on - but they won't perhaps go beyond that. In my conversations with those scholars, they are uncomfortable going a bit further than that. In part, I think, because the assumption is that to do so is to reify property. If we talk about property as a space, then we have reified property, and this goes back to Markus's question - we've treated it as an object and we don't want to do that because we want to recognise relationality in property which I'm fully in agreement to. But my contribution would be that territory is also not a given, it's also dynamic, socially produced, socially constitutive. And the argument really is that territory is not just an outcome of the same, of property relations, it's also a means through which property relations are forced, are imagined, are codified, are practiced, become depoliticised... So there's a whole series of very simple arguments that I make about the difference that territory and territoriality, the using of territory to achieve a set of social goals, make on the ground. And I do that through a series of concrete examples around enclosure, around the city, around stand-your-ground laws, around racialised colonial dispossession in British Columbia, and so forth.

[43:21] **Markus Kip:** In one of the chapters of the book, I think a very powerful chapter, you tell us how liberal notions of property and their territorialisation has erased the relationships of indigenous communities with their land, their ancestral land. So you also show how their claims have been delegitimised and how that has created the ideological basis of settler colonialism on what has been termed 'terra nullius', the idea that there were no claims to this land previously and that it was empty. So could you, for us, elaborate on this topic of territory and relationships with colonialism and indigenous relationships to land and how territory illuminates the ongoing contestations?

[44:14] **Nick Blomley:** That's a big point. So certainly, I have written on the ways in which spatial imaginaries are tied to settler myths and ideologies around terra nullius, the idea of empty land or doctrine of discovery, the idea of indigenous peoples' relationships to land as invalid, or having no legal status. What I do in the chapter in the book - and it's a short chapter - is slightly different. I try and talk less about those spatial imaginaries of empty land and more a focus on the practicalities, the practical ways in which territory and territorialisation are mobilised and weaponised by settlers, colonial settlers, on the ground. In the actual processes of dispossession. So just to step back really quickly - a lot of my work has tried to understand those practicalities, rather than why or what are the consequences it's 'how' - how does this actually unfold, how does this happen, how does a map or cartography shape the process of enclosure, and in the same vein I'm trying to understand the way in which particular territorial logics, imaginaries and understandings in which territory - and territory here, I should make clear, is understood simply as a bounded space over which access is regulated. So territory is understood in this particular sense as a technology for organising relations of access to particular land, which of course, directly takes us to questions of property in the sense that I described it earlier.

What I do in the book, in this chapter, and this is borrowing or drawing from some conversations I've had with a wonderful group of scholars which I have the privilege of being associated with, we call ourselves 'The Decommission Collective', several of them indigenous, property lawyers, people like Rudy Banda, Sarah Hunt, who is indigenous and a geographer, as well as others. We were trying to make sense of some testimony - this was a covid project - as the testimony was online. From a commission in the early years of the 20th century called the McKenna McBride Commission, in which colonial officials travelled British Columbia in an attempt at deciding what was called 'The Indian Land Question' which in this case meant allocating so-called reserves, land set aside, very small parcels of land set aside for indigenous people. But what indigenous people did when they came and gave testimony was that they spoke not only to the reserve but also to the way in which the lands had been stolen from them by settlers, they talk about the practices that settlers were actually using on the ground. And this is a very powerful body corpus of testimony, that speaks to my purposes directly to the works of territory as a vehicle for this process. And territory, let's remember, we derive its origins it comes both from the Latin *terra*, meaning earth, but also the Latin *terrere*, meaning to terror, to terrorize, to frighten. So literally, territory is land from which others are to be frightened away. And that notion of terror, and violence, corporeal and legal violence, is clearly evident in the testimonies. Settlers are threatening the use of their trespass powers which they actually have under settler land law, they're destroying homes, they're clearing space, they're creating terra nullius on the ground by destroying indigenous houses so that it becomes conceptually available for settlement. The chapter also talks about the way in which territory becomes a sight for spatialised surveillance, for monitoring where indigenous people should or should not go and where they're going. So on the ground, it's this matrix of territorial control. It talks also to the way in which indigenous people experience this practice of settlers carving out territorial slices of their land as creating a very direct sense of confinement, of containment, one indigenous person talks very powerfully in his testimony about the experience of being 'like in a barrel'... 'We keep bumping up against white men' is literally what he says, or that's the translation of what he says. So these new kind of geographies, these new encounters, spatialised encounters, made possible by those territorial logics, held up of course by property law, ideologies and practices, and at the same time the way in which this also interestingly - these territorial logics themselves, because they're territory, because they appear to be simply lines, facts on the ground, as it were, depoliticized this process insofar as the settlers are concerned and the colonial officials. 'We can't give your land back' - no, of course we can't, because that land has already been taken. They are facts on the ground in the same way that settlers in the West Bank occupy territories of Palestine, also create facts on the ground through other logics of settler colonialism as well. So I think there's interesting dynamics there, that you could understand this story as a story of dispossession, you could understand it as a story of property, but I think you could also understand it by bringing territory into the equation. And the work that territory does and territorialised imaginaries and practices, I think, adds - I would hope - adds something to the analysis.

It also, I think, speaks to the way that indigenous people are pushing back. They speak about their own territorial lines and understandings of relations to the land and the way they've

been effaced as well. So that speaks to different epistemologies of land relations and spatiality, again.

[51:17] **Hanna Hilbrandt:** What I found really fascinating about this chapter - or the whole book - was that you also show all these attempts to train indigenous people and how to actually apply and accept these territorialised rules through concepts as trespassing and alike. That shows us somehow that these rules and understanding of territory are not self-evident but actually needs to be learned and then can also be undone, no, and contested. They can also be revised.

We want to jump from this book back in time to your earlier work, so specifically, your research in the downtown east side of Vancouver, where you develop this notion of the 'Right not to be Excluded' in conversation, in part, with C.B. Macpherson. And we'd like to ask you to explain this notion and perhaps, if you'd like, also offer some thought on how this right not to be excluded relate, or maybe also doesn't relate, to the more well-known right to the city?

[52:20] **Nick Blomley:** I haven't gone back to that. Maybe I should. It was sort of a thought experiment, I think, and it came from a seminar on commons and commoning. So I was reading C.B. Macpherson at the same time, C.B. Macpherson is I think an interesting scholar, Canadian scholar, he was a political economist who was fascinated by property - he wrote extensively on 17th century English property theory but he also, in his later years, wrote more generally about the politics and possibilities of property. He was very interested in recognising the possibilities of property, recognising that property was - like me - capable of multiple meanings, pushing back against the way in which property had become overly confined, overly bracketed. He was a Marxist and a liberal, which is an interesting and powerful combination. He was a Marxist in a sense like in the English Marxist tradition - Tawney and others - the political economy of land, commoning, and so on. And he was a liberal in the way that Roberto Unger, let's say, critical legal scholars, is a liberal. Not a narrow liberal but somebody who takes seriously notions of freedom and autonomy but wants to open those up and recognise that - Tawney famously talked about 'freedom for the pikes is death for the minnows - recognising that freedom is not a given but has to be recognised and thought about in social contexts. So we should all read more C.B. Macpherson is what I am trying to suggest! But he had a very short essay in which he said, 'private property is this, state property is that, and common property is the right to not be excluded' and he didn't really take it much further than that... And I thought, well that needs to be thought through a little bit. But what he meant by this, I think, is that we need something practically, ethically, and something that has some heft, in order to counter the right to exclude. So the right to exclude is the conventional way in which property aka private property is understood, but if we recognise that property is not just private property and we recognise that others are made vulnerable by the workings of private property for example, then what is the counter to that?

The counter to that is the right to not be excluded. And the right to not be excluded, which of course takes him to his sort of Marxist tradition, to some extent, the right to not be excluded is not a right to be included - it's not a right to join the castle or become part of the

castle, become part of the property-owning democracy that liberal theory and liberal capitalism imagines, rather it's a right to not be excluded. So it's both - in some senses it's a negative right, but what he also argued for is that it is the right to something. A right has to have some normative basis for it to have any purchase, of course, so he argued that this right - it is a right insofar as it can be justified by the degree to which exclusion diminishes human flourishing and human possibility. So if we accept that people have the right to human flourishing and human possibility, then it follows that they need the right to not be excluded under certain circumstances. So that's broadly the way that he pursued it. I pushed it forward a little bit by partially thinking about questions of spatiality and thinking about - because he didn't think about space at all, of course, he was very abstract, he was not very empirical either - so I tried to think about this in particular context and try to understand the degree to which we can imagine particular urban struggles in regards to urban displacement and indigenous displacement and the degree to which those might be thought of as the articulation of a right to not be excluded. And thought about the degree to which this was also about the right to space, the right to have some space, the right to have some kind of space in which we all can flourish. We all need space by definition, we all need - this is the territory argument in part in the book - we all need some room in which to exist, we need some space over which we have some degree of control, it doesn't follow that it must be private property that makes that possible. So bringing spatiality and territory into that equation, I think, as well as thinking through the ways in which this entails practices and performances - if it's a right, if it's a relationship, as I argue, that it has to be practiced, which takes us to things like the commoning rather than the commons debate, recognising the commoning has to be thought of as practiced and enacted rather than a unitary space which I think is the problematic way sometimes that the commons is understood, as a singular object rather than a relationship. So it allows me to think relationally about commoning.

And insofar as right to the city is concerned. It's similar in one sense, I think Lefebvre imagined the right to the city as a collective right, rather than an individual right...

Macpherson actually thought about the right to not be excluded as an individual right, but that individual right by definition has to be situated in some collective, it can't sit alone. Lefebvre was also interested in the right to the city, and of course he imagined the city not as just in terms of the space of the city but in terms of dynamics of urbanisation, I suppose that if I'd follow that line then I'd follow Lefebvre. But I would like to think about it as something that is not simply confined to urban space, however, and Lefebvre also talks about that this is the right to shape ourselves through shaping the city, and in that sense the right to not be excluded could include the right to create a space, to co-create a set of resources and forms of governance that make that possible. It's different, I think, in that Lefebvre's view is very Lefebvrian, it's much more broad and all-encompassing, and I'm much more interested in property and property dynamics. And Lefebvre certainly wrote about property but not in the more focused way in which I'm interested in it.

It is Lefebvrian, I think, in a different way rather than a right to the city-way, rather in that Lefebvre made these very powerful arguments about space and power and spatiality - space is a product filled with ideologies is one of the phrases that I like to use, and in the same way we can think about the space of property as produced and shaped by these ideologies. So it's

Lefebvrian in impulse but I don't think it neatly aligns to right to the city - but I still don't know quite what right to the city is, to be honest, I think it's capable of multiple meanings and has also been misappropriated in some problematic ways. So it's related but different, I think.

[1:00:33] **Markus Kip:** So I have one follow-up question. I understand the right to the city based on Lefebvre's idea of the city as an *oeuvre*, as a product of collective work. And you also might extend this as something that the social division of labour has produced. And because the city - the city spaces - is something produced by everyone, in a collaborative manner, you cannot make sense and exactly state what piece of it was produced by whom and who has thus a right to a product - any singular piece. That's my interpretation, also drawing on, I guess, work of Margaret Kohn, who has also thought about it from the solidarism movement, that there is this idea that there is a social property because it's been produced by everyone. And thus there should be also a legitimate claim by everyone to this collectively produced space. And I think that's something interesting about the right to the city the way I read it, and if that resonates to the right to not be excluded - which seems to make a different normative argument. Based on what you call the 'human flourishing' or the 'conditions of human flourishing'...

[1:02:18] **Nick Blomley:** That's very helpful, thank you. I hadn't thought of it in that light. But the idea of the *oeuvre* is I think, interesting, and we can certainly connect that to debates around property, particularly for example in regards to value. So property value - and in a way, value - and we can think about this in the contemporary city - property values are emergent as somehow the product of the property owner, so the value of the house I'm sitting in right now is going to massively over the past ten-twenty years I've lived here, I've changed some light bulbs, cleaned my toilet, I've done very little to actually increase the value of my home, in fact, if anything, I probably led to it's deterioration.

Yet, when I sell this house, all that value, pretty much, will go directly back to me. So again, all these individual decisions of individual owners are imagined as by right something that will accrued to the property owner. But if we think about the ways in which struggles around rental housing, around rents, around financialization, the Berlin socialisation of rental housing and so on, it would be interesting to reflect upon the degree to which those questions are also pushed back - the value, clearly, is a social product. It has nothing to do with me, it's the collective and also predicated on theft from others, theft from the indigenous people for whom this land is traditionally their territory, so if we reframe the question of value there than that becomes an interesting property dimension to the point you're making about the *oeuvre*. So that's something I'll have to think about some more.

[1:04:32] **Hanna Hilbrandt:** Maybe I have a question that allows us to think about it a tiny bit more in this direction. Let's consider again inequalities that property produces along the lines of class, race, natives but also others... I'm speaking particularly about inequalities that liberal property, western regimes have produced and fortified and that are also very much reflected in current access to land, to housing particularly in inner cities. So that's one way to think about it, but now that we speak about Lefebvre, I will also address the contestations, the possibilities of participation, the struggles against gentrification and also the significance

of property at the margins - can we take this a bit further and think more about possibilities of fundamental change towards more justice that you might be seeing at the moment?

[1:05:28] **Nick Blomley:** I can see a few really productive possibilities. Some of them conceptual and some of them material, I think these things have to go together - it's not just one or the other.

In a material sense. Or also in a conceptual sense, I shouldn't imagine these things as separate because clearly struggle is informed by conceptions of justice and theorisations of possibility and futurity. I take heart in the struggles, the ongoing struggles from the margins, again, from the property precariat, those who are made precarious, those who are now, of course, most of us under liberal capitalism, and the degree to which those struggles begin to join up, begin to coalesce, begin to connect, interconnect. They don't always. So the occupy movement for example did not necessarily connect questions of land and wealth with questions of indigenous dispossession and indigenous activists pushed back against that. But one can think of struggles for housing justice, which has really taken off in some remarkable and profound ways - tenant unions existed, they've been around, we've had tenant unions and tenant organising for a very long time, we got rent strikes for a very long time of course in many places. But we are seeing a lot more of this, struggles around property tax, for example, in certain cities, and the way in which property tax has been used in a discriminatory way, targeting racialised communities, there is some remarkable mobilisation happening around that. There is remarkable movements that are also connecting and beginning to join up to bring together houseless people, the indigenous justice movement, indigenous land defence has always existed of course, this isn't to say it's new, but it's taken on a new urgency and it's brought with it a whole set of new important reconceptualization or at least in as far as settler society is concerned, reconceptualization of relationships to land, which are tied of course to climate justice, and so on. So there's a universe of possibilities which has always kind of existed but which has begun to take flight in some really interesting ways that I don't remember happening ten or twenty years ago to the same extent. So that really gives me some optimism for possibility.

And then, at the same time, I think there is some conceptual work happening, which again is also happening in those housing justice movements - so let's be clear, this is not somehow disconnected, but happening maybe in a more self-conscious way. And some of this has to do with work around racial capitalism, connecting questions of racial injustice, cattle slavery, indigenous dispossession and tying those to understandings to the ways in which property forms have been shaped and continue to be shaped - so kind of unpacking the geniality of property and property forms, and property knowledge, and recognising the ways in which we maybe didn't have the conceptual resources for in the past, connecting those to questions of racialised dispossession. That's really interesting.

I think there is also something important in the realisation of conceptions of property which we haven't really been talking about - we have been talking about western liberal conceptions of property that indigenous justice movement of course has provincialized property in some important ways, but recognising the way that property is understood and contested and imagined and different possibilities exist - social function of property that one

can find for example in many parts of Latin America and many other parts of the world. That space I think is also something that we should be watching for and learning from as well. I think there's a constellation of possibilities that are at play there. At the same time we know that liberal capitalism is incredibly powerful and we know that it's mutable, it's capable of change in ways that can accommodate some parts of these dynamics without actually changing the kind of foundational ideological precepts upon which liberal capitalist conceptions of property rest.

So we have to be realistic at the same time.

[1:11:09] **Markus Kip:** So, in relation to the various struggles that you just mentioned, can you reflect a little bit for us which role do you see for your own research in this, or maybe also more generally for urban researchers?

[1:11:31] **Nick Blomley:** Well, in terms of my work, I'm doing too many things at the same time and I'm having too much fun, and that's my problem. I'm not sure where my work will be in the next three or five years. I think it's going to be informed by the work I'm doing now, I'm doing more work around colonial dispossession and the practical logics behind colonial dispossession, particularly in regards to certain policies that allow settlers to access land, this is in conversation with Brenda Bana, we are working on that. I'm also going to be trying to learn more from precariously housed people through community-engaged research, this is a project around peoples' possessions and the particular injustices that happen in those sorts of spaces. So I'm afraid I'm not too good at planning where I will go in the next little while because it depends, really, on the relationships that I have, if we are relational then we need to be open to those relations... Because research is not a singular, or shouldn't be, a singular project. It's also informed by the wonderful graduate students I have the wonderful privilege of working with at the same time.

In terms of the city, you mention the city - my work has an urban dimension but it's not unique to the city. So I think the city is clearly a crucial and important space for doing critical property research, or property research that's informed by spatiality, I don't think it's necessarily a unique site - I think we can debate that - but it does of course amplify things, it amplifies property relations, it amplifies some forms of exclusion, housing, rents... It amplifies the politics, in some sense, it makes possible housing justice movements, and we know that there are housing justice movements in rural settings as well, we know indigenous struggles also happen in cities and outside cities. But I think it's also interesting to perhaps reflect upon the degree to which cities are distinctive property spaces, whether the way in which property works within cities does have something distinctive. I'm not sure if it's unique but it's something that is distinct. And I tried to approach this in my 'Unsettling the City'-book from 2002, in which I tried to suggest, and this was again a thought experiment, that there is something distinctive about cities, particularly western cities in which they imagine themselves as sites of settlement, sites in which property has been settled, has been resolved, so maybe some of those sort of ideological assumptions about property become particularly cemented in cities, in ways that they might not in indigenous reserves 200 miles away from a place like Vancouver, for example, although we know at the same time that there are indigenous people struggling and contesting those spaces in cities. So I think one



interesting question for me would be to think through the ways in which the city makes a difference, or conceptions of the city or of urbanism makes a difference to the way that property is understood or imagined and the way hegemonic notions of property are enacted and the degree to which these are also contested. But that's an open question.

[1:15:40] **Markus Kip:** How do you negotiate the - what I would say - bifurcated or dual issues of relevance, making the research relevant on the one side to the academic community and on the other side making the research relevant for the struggles on the ground? How do you negotiate, how do you make sure you serve the two?

[1:16:06] **Nick Blomley:** Well, I don't necessarily. I'm tenured and promoted and so I don't need perhaps to the same degree that a junior academic might require, I don't necessarily feel that I need to feed the academic machine in the way that perhaps I used to do when I was a more precarious academic than I am now. I don't negotiate that relationship very well, I suppose, I think increasingly this work that I'd like to do or have done that isn't going to have an immediate academic outcome. But at the same time, increasingly what I'm learning is that actually spending time in lots of spaces and learning from people on the ground who are for example made precarious by the way in which their possessions are taken away is actually incredibly generative, it's a really generative space that one can learn from in really instructive and important ways, which I can take back to the classroom. And yeah, maybe into the academy. So that's a bit of a dodge because now I'm pointing to the ways in which those two spaces are actually - you know, one can move between these two spaces. They're not always mutually generative. There are things happening in those spaces that shouldn't be taken into the academy because they don't belong in the academy. They may harm people on the ground in some important ways, or it's simply not respectful to take them into these sorts of spaces. And I think one needs to recognise that and learn from that as well. And that's a difficult thing to do for an academic, because you want to share, you want to publish, you want the glory that comes from an academic article. But at the same time, that's not always the right move.

[1:18:26] **Markus Kip:** Thank you very much, Nick. This has been a really inspiring conversation.

[1:18:35] **Hanna Hilbrandt:** I want to just iterate my thanks for clarifying so many conceptual underpinnings of property, but also for opening up all these new directions in which further property research can go and also opening up some questions for further iterations of this podcast.

[1:18:53] **Nick Blomley:** You are very welcome. And it's a conversation that lots of people are involved in and should be involved in. This is not a singular project; this is really a project for incredible possibility. I tell my students who are interested in property, particularly from a critical lense - there is so much more to be done. So everything one does is going to be new and creative and innovative. So it's a really exciting space, politically and analytically, that is just open to so much more possibility.

[1:19:30] **Outro:** Thank you for listening. For more information, visit our website [urbanpolitical.podigy.io](http://urbanpolitical.podigy.io). Please subscribe and follow us on twitter.

