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# The Zero-sum Violence of the Precarious Property Space:

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# A Conversation with Nicholas Blomley<sub>1</sub>

Adrian Blackwell and David Fortin

**Nicholas Blomley is a geographer whose work addresses the importance of property law in structuring spatial environments. This research has focused on both urban homelessness and Indigenous land struggles. Adrian Blackwell and David Fortin met with him through web-conferencing on 22 April 2019 to discuss the intersections between these different lines of his research.**<sup>2</sup>

Adrian Blackwell: We're interested in your work because your research seems to most directly traverse the two ends of this issue's research question: a) how does property mediate the relationship between contemporary urban (and exurban) spatial form, in its morphology and even its typology; and b) how does the violence of land division operate as part of settler-colonialism? Your work over many years has focused on this by using property law as a mechanism that organizes space, clearly relating the process of colonization to contemporary hierarchies of property divisions across Canada.

Some of the recent work that you shared with us asserts the importance of understanding property as a relational geography, organized through law as a "property space." This understanding provides an alternative to conceptions of property as a thing, as well as what you call topographic understandings of property as a binary system of inclusion/exclusion. As you've been working through these issues for many years, could you briefly elucidate this recent idea by explaining your own evolving understandings of property?

Nicholas Blomley: The piece you read on precarious property was just published, so the argument it makes is new for me.<sup>3</sup> It tries to take critically the relationality that property scholars have long emphasized as fundamental to understanding property. My work moves between property law as a formal domain, socio-legal work and critical geography. That piece is addressed to people like geographers (or architects) who are not necessarily familiar with debates within property theory, which have been going on for quite some time, and it tries to bring these discussions to bear on questions of housing in the contemporary city. What property lawyers will tell you is that property is not a thing, that it is rather a

relation between people in regard to a thing. They'll say: it's only mine in so far as I can exclude you from this thing. What property law does is it organizes those relations in regard to a set of possible configurations: private property gives me the exclusive rights to a thing, while common property allows members of a group to share the use of a thing, excluding others who are outside of that group.

So, my thesis takes relationality more seriously, pushing it much further than is usual within property law. This is something I have long been trying to do. I've been fascinated by property for thirty years, and over that time my ideas have shifted and changed. This has been in part a conversation with legal scholarship, but I've also engaged the history of property and have tried to situate that within the lived empirical context in which I work. I'm a social scientist, so I do empirical work and because of my political leanings, I tend to focus on people with troubled relationships to private property: marginalized, homeless, or Indigenous people. That engagement has forced me to try and think more carefully about the politics of property. Property is not simply a beneficent force, or a means by which people's preferences can be maximized as some of the property scholars believe. I try to bring a critical edge to understandings of property, while also learning from property scholars who tell you and have told us for a long time that property really matters, and that it's crucial to understand that property has a legal form. And so my argument about Property Space asks, "How does property construct relations between people in regards to land in particular?" And I suggest it does that in particular and very powerful ways, by allowing for people to engage with each other through property relations.<sup>4</sup> We can find these relations in all sorts of settings, where property frames relationships of vulnerability and privilege. For instance, a landlord derives certain powers from the relationship—they can extract rent—whereas the tenant derives certain benefits, but is also

made vulnerable through that relationship. The two are wedded; the landlord requires the tenant and the tenant the landlord. I try to open that up through this specific case, in order to open property relations more generally and ethically. On the one hand, I recognize the particular work that property as a legal form does, while on the other trying to understand the ways in which it structures relations of privilege, power, and vulnerability within a given urban system of landlord-tenant relations or homelessness.

AB: How can a relational conception of property help us to understand the connections between a) the worst socio-economic problems of contemporary urban society, such a poorly maintained housing, precarious tenure and homelessness, and b) the ongoing processes of settler-colonialism on which the nation was founded?

NB: I'd argue that the relational conception of property will help us understand each of those problems separately, and it may also to some extent help us think through the relations between things like homelessness and settler-colonialism. However, it's just one reasonably useful tool. Through the relational conception of property, we are forced to recognize that we all only access land through and in relation to others. The terms under which that access occurs are set in large part by property law; they can be realized as forms of force and violence; they can be expressed through forms of compliance or acquiescence; or formalized in things such as a contractual agreement. All of us, however, access land through others, and that's the crucial point I try to make in this paper, and more generally. That then creates forms of legally constituted vulnerability and privilege, so there's inherent relationality at work here. So, in settler-colonialism, if you own fee simple property, you are accessing land through others: through the Indigenous people from whom it was dispossessed; through a bank that is giving you a mortgage; in relation

to your neighbours, and so forth.<sup>5</sup> These are complicated networks that uphold certain legal relationships, but they remain intrinsically relational. If we are interested in things like homelessness, or the private rental market (which is where most poor people access housing now in Canadian cities), then it's useful to think about the ways in which those particular legal positions are predicated on forms of precarious relationality in which people have provisional access to use land and housing as it is structured by the Property Space. This creates more or less heightened forms of vulnerability and precariousness, depending on the terms under which property law configures subjects, their relations, and their actions, while foreclosing other possibilities of engagement. The evisceration of social housing in Canadian cities means that poor people have been forced into the private rental sector, with all the precarities that go with that, or forced into homelessness. And of course, homeless people are not somehow outside property; we are all inside property in various ways, but the challenge that a homeless person faces is that they're forced to use the land of either private actors or the state.

Two days ago, I was talking with a group of homeless people for a new project in Abbotsford, and they were talking at great length about the constant movement they were experiencing as CP Rail, the City, or BC Hydro and their agents came and forced them to move their tents from one location to another. So, they are accessing land through the City or through corporations who are creating forms of precarity.

The processes of settler-colonialism are fundamentally about power and property, and you can argue that the terms under which Indigenous people now are allowed to use land constitutes a form of precarious relationality, which is being negotiated to some extent by the courts. Aboriginal title presumes that the Crown holds the radical title. So while Aboriginal peoples have some provisional access to use that land, the Crown,

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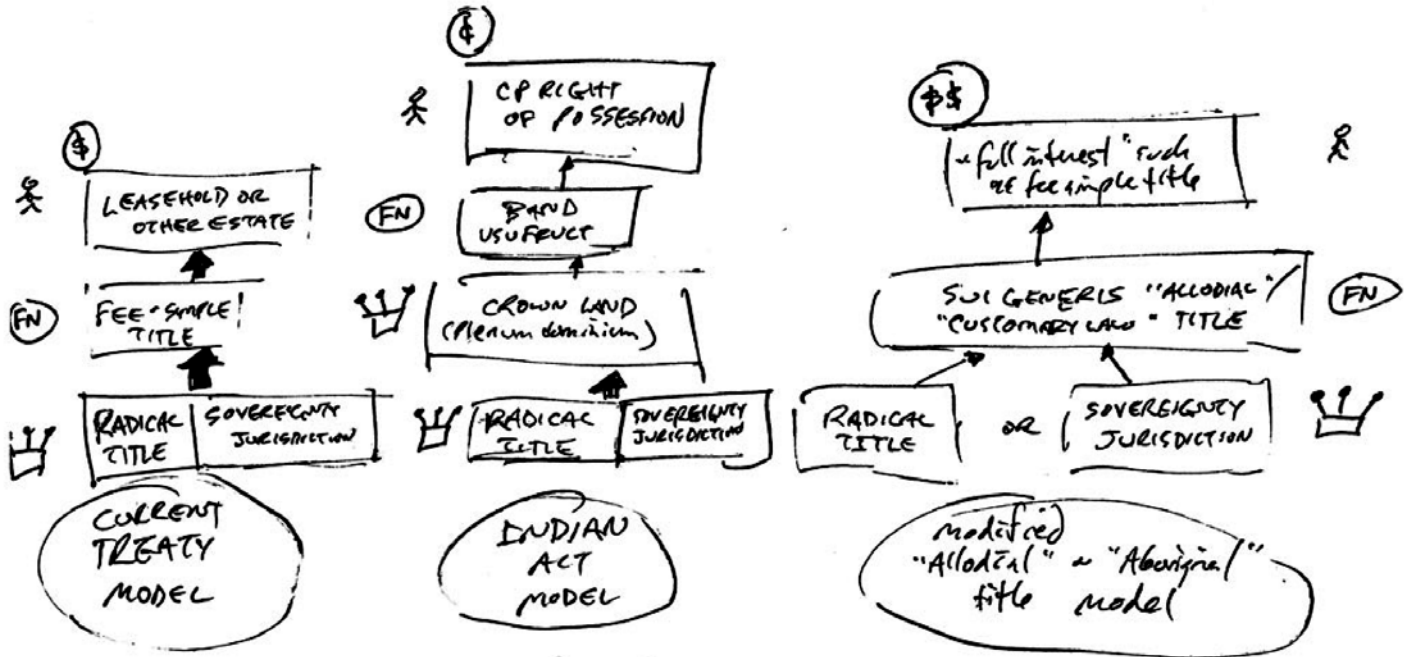


Figure 1. Navigating the common law. Source: Hul'qumi'num Treaty Group: Minutes from Negotiation Prep Session: Status of lands/land tenure, 16 February 2004. Originally published in Nicholas Blomley, "Making Space for Property", *Annals of the Association of American Geographers* 104, no. 6 (2014): 1291-1306, 1299.

as the supposed title holder, arranges those relationships. Both of those nodes—homelessness and Aboriginal land claims—as the point A and point B in your question entail forms of a precarious relationality. However, the connections between the two is more complicated. There is no doubt that large numbers of Indigenous people are forced into forms of precarious housing or forced into homelessness, and it's undeniably the case that this is produced in part by forms of precarity, access to housing on reserves, or just fundamental colonial dispositions that force Indigenous people into conditions of trauma and into poverty and thus into precarious housing in Canadian cities and elsewhere. So, there are strong connections between the two, but I think they need more systematic thought, which I have yet to open my mind to. So I haven't quite answered your question...

David Fortin: As a follow up to that, Indigenous scholars like Leroy Little Bear and others talk about the way a common Indigenous salutation ends with "all my relations." So, this idea of relationality is

intrinsic to Indigenous value systems, and I would be interested if you could direct us to scholarship on this, or if you have it in your own work. You talk about property law as a relationship between people and the land, but from an Indigenous perspective it is not just that; it's also the animals, the water, the ancestors, and the great grandchildren. It is much more than simply land, and I can't help but think that that is at the root of the differences here.

NB: Yes, that is a very important point. And I think that's one of the many insights that one can learn—these different understandings of relationality. Settler property is about animals, as well, but in a very different way. There are different conceptions of history, and history matters for settler property, insofar as you can have a chain of title which allows for a secure ownership given at that historical moment. Indigenous scholars like writer Leanne Betasamosake Simpson, geographer Sarah Hunt, and legal theorists John Borrows and Val Napoleon have written about law from an Indigenous perspective, and they have a lot to teach me about alternative modes of relationality. These might include a more gregarious relation to land, predicated on hospitality, in lieu of zero-sum logics of exclusion, which may not be the only logics behind

settler conceptions of property, but they are certainly invoked—"this is mine and you don't get to use it."

A few years ago, Squamish First Nation in Vancouver recovered some land that they were kicked out of at the turn of the twentieth century, right in downtown Vancouver under the Burrard Street Bridge. They just proposed a development project, which as I understand it is rental housing. Now they could have adopted a much more financially aggressive "let's build condos" logic, but they've gone for something different. They've gone for a lot of rental housing. I'm sure that that would be market housing, a lot of it anyway. Nevertheless, there is a different kind of relationality at work there that I think is quite revealing and suggestive.<sup>6</sup>

DF: I am personally fascinated by the fact that a lot of Indigenous groups in Canada live in territories defined by the landscapes which they could best care for. If you were a Plains grass-land person you would have no business going into the Boreal Forests, because you would not know how to live sustainably or in harmony with that environment. It was precisely those sorts of complexities out of which boundaries were determined that produced a totally different way of thinking about

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space and who has the right to be in that space.

NB: Absolutely, it's a fascinating point of connection. I know Brian Thom at the University of Victoria wrote a wonderful piece a few years ago, and he was working with Coast Salish people. One of the things that he was interested in was the Treaty process, which requires a First Nation to define its traditional territory as a discretely bounded space, and the presumption of aboriginal title is that you can claim exclusive rights to it.<sup>7</sup> That already presumes a Western conception of property as exclusive possession. And his point based on the oral histories and conversations that he had with elders was that the Coast Salish understanding of territory was inherently about relations. It was about clan networks; it was more a constellation of networks, such that you could use a certain clam bed if you had a connection to a clan or to a family. So, it is not a simply bounded space; it's more of a network than an orthogonal, discretely bounded space. I had a graduate student years ago who was working with Indigenous folk in Indonesia and they were required to delineate their territories as well, but that messed with the way in which people were using the land and trees which had varied over time, depending on whether you were a woman or man, or whether you were a member of this or that clan. Despite this they brought the GIS technicians in to draw the territorial boundaries, and what my student was finding was that very quickly people would take on those territorial understandings of themselves and reconstitute people's relationship to the land, such that this land is this village's and not the other village's territory, leading very quickly to a zero-sum understanding of land.

AB: You introduce the concept of precarious property to describe the asymmetric relationship of "power/liability," which appear in many different property relations, from rental housing to mortgages, settler-colonialism, and homelessness. You also argue that often the poorest citizens,

subject to this precarious form of property are interpellated as outlaw residents living in outlaw housing, a move which then affords landlords license to treat their tenants either a-legally or illegally without censure.<sup>8</sup> Can you explain to us your current thinking on the interconnections between precarious and outlaw property?

NB: The outlaw property piece was in part an attempt to engage urbanism from the south, as it is theorized by people like Ananya Roy and Gautam Bhan. There's a very lively and creative body of scholarship now that asks us to take the experiences of cities in the south like Delhi and São Paulo more seriously than they've been in urban theory to date—and not just as data that can be plugged into Western or Anglospheric understandings of cities, but as something that requires us to rethink our own understandings of cities and how they are organized, at least in part through the work of law. One of the threads that they pick up on is informality, a common characterization of cities in the global south, but they talk about the ways in which things like informality are not outside the working of law but are in fact expressions of it. Even if law is not actually present there, it still constitutes the conditions of possibility under which things like informality can occur.

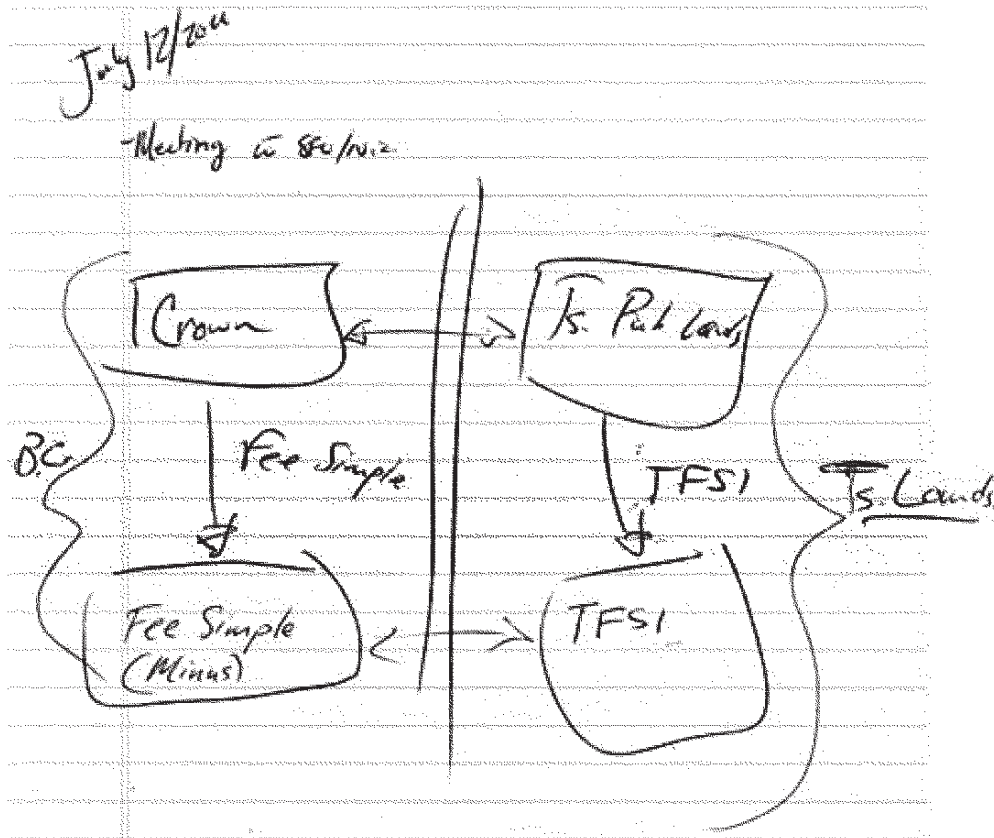
I was trying to use this in relation to places like Vancouver, where very low-income people live in residential hotels in the Downtown Eastside. I am working on a community-based project there now. The precarious property argument is like theory from the south, insofar as it's also trying to "learn from the margins." Property tends to be thought about and theorized from the perspective of those who have the most secure forms of title. This is in part how property law is written. Rich people dispute other rich people about their stuff and that then becomes the corpus of property law. Every now and then there's a poor person who gets expelled or evicted, but that is marginal to the story. So the story tends to be

told by fee simple owners, people who live in the castle of property. Precarious property, like theory from the south, asks us to think not only from the perspective of those who are secure in their property relations, but also, and at the same time, of those who are made less secure, and especially through the way in which property law is structured. For example, my security as a fee simple title owner may be predicated on the production of precarity elsewhere, the radical precarity that produces settler-colonialism, marginalized colonial subjects, or homeless folk, or SRO residents living in the Downtown Eastside.<sup>9</sup> There is a connection between postcolonial urban theory and precarious property, but there is also a difference, because in that work I deliberately focused on western liberal forms of property, conventional understandings of property: things like landlord tenant law, mortgage foreclosure, concepts that are inside the property box. And what globalism from the south does is asks us to step outside of that box.

So, I have tried to unsettle my own understanding of what law was doing, in part by thinking of how it was not doing something, by not enforcing the law. In these spaces of outlaw housing, law is still there either by virtue of its absence, or by virtue of its spectral presence—landlords enforcing what they imagine to be the law, even if it's in fact not conventionally the law. But they are enforcing the zero-sum violence that I think underpins property law. So law is quite clearly there, but not in ways that my precarious property space argument actually allows. So, I think I need to essentially re-write that argument now to address the outlaw property thesis. This is the way I think: I try an argument out and then challenge it by pushing another argument forward in a new paper. So, there are connections between these two arguments, but there's work to be done to analytically relate precarious property and the production of outlaw property.

AB: Can you clarify one other thing? I was quite intrigued when I read the title and was

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**Figure 2.**  
Tswawwassen allodial fee simple.  
Source: Sketch by interview respondent,  
Tswawwassen First Nation, 12 July 2011.  
Originally published in Nicholas Blomley,  
“Making Space for Property”, *Annals of  
the Association of American Geographers*,  
104, no. 6 (2014): 1291–1306, 1301.

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thinking about discourses of precarity that have been floating around in many disciplines over the past decade or two. You steer clear of those discussions and instead have found the concept of precarity in a discourse about property.

NB: Yes, though that wasn't my discovery. It was Alex Vasuduvan who pointed me in that direction.<sup>10</sup> But, I like words and I like etymology. According to the Oxford English Dictionary, the word precarious was first used in the English language for a property relationship where a person is granted access to property at the pleasure or will of another. And in fact, if you go to Roman law there is something called the precarium, which is an old kind of legal contract that works exactly in that way: I give you something, a piece of land for example, but I can take it away at any time. Though I don't want to overemphasize the importance of words, I think there's something suggestive

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about this. And the word precarious also has a relationship to the Latin *prex*, which means to pray. To hold land in this way, you're beseeching somebody, you're praying to somebody, to grant you access to land on terms that they set. Housing tenure in most Canadian cities works in that sort of way. So, there's something interesting there about precarious property that pushes us to property. And that is useful when thinking about precarity. Precarity I think is very useful, but it tends to be quite generalized in relation to a whole variety of relationships like labour relations and citizenship. I think there is value in pushing that forward, but let's think a little more systematically about the work that property law does in producing precariousness. I use precarious property rather than precarity. However, precarious property relations concentrate in certain populations, like homeless people or poor tenants or Indigenous folks on reserve, and precarity is a concept that helps to describe these concentrations.

AB: You have addressed the irony that recent land treaty negotiations attempt to redress colonial land appropriation by granting

Indigenous nations the very property rights originally used to disenfranchise them of land: fee simple ownership. As you point out, the problems with granting fee simple ownership to First Nations are many: 1) it assumes a prior and underlying allodial ownership by the Crown, undermining the very notion of a First Nation, as well as their history, geography, and authority; 2) it assimilates First Nations land into capitalist relations of exchange, risking the possibility of the alienation of common land. However, you also point out that fee simple is in fact far from simple.<sup>11</sup> How does the real historical and contemporary complexity of the legal concept of fee simple function in contemporary treaty negotiations, from both the perspective of First Nations and the Crown, in the instances you have studied?

NB: I worked on this four or five years ago, and will be referring to the research I did then; the contemporary treaty process in British Columbia may well have evolved since then. With that qualifier, yes, the fee simple is working in a whole variety of complicated ways and was a major obstacle to reaching a conclusion to the treaty process. And there have only been a few treaties that have been concluded in BC—that was my geographical focus—most of them stalled out at the agreements and principles stage. The parties agree, “Okay we have an agreement of principles, and now we have to hash out the details of this relationship,” and it turns out the fee simple question is one of those legal technicalities that matters a great deal, which reminds us of the importance of these technicalities. These technicalities have a politics to them, so when doing political work it's imperative that we understand them. This was in fact brought to my attention by many of the First Nations themselves when I began this research. I was actually looking at something slightly different, but got directed to this as something they wanted

to have emphasized and explored, so that's what I was trying to do in some of that work. I was very lucky to be able to speak with many of the First Nations negotiators, in particular the Hul'qumi'num Treaty Group, a coalition of First Nations on Vancouver Island. I was also able to talk to some of the Crown lawyers, and for them fee simple is a no brainer—at least that's what they would say.

If you are in the treaty process, you accept Crown sovereignty, which is why many First Nations choose not to negotiate. If you do enter into this process, you have to recognize that Canadian common law is going to be operative; Indigenous forms of law are not operative here. So when you get a piece of your land back from the Crown (and it won't be very much) you have to register it in the Land Titles office, and the question is how are you going to do this? From the very beginning, both the provincial and federal Crowns said it is going to be fee simple because it's simple and everyone knows what it is: "You can take it to the bank. You can borrow money from it. It is the largest bundle of sticks that you can get in the property system and you can do with it as much as anyone else could. And well, yes, there are a few historical problems with it, but we make them go away, so there's nothing that you need to worry about. You can do your own cultural stuff inside the fee simple form." They would also argue it then becomes legible to the state, which can see it. It's very much about the production of singularity and certainty, about trying to eliminate alternative possibilities. There's an ontological anxiety in regard to Indigenous relationships to land, which has to do with their supposed ambiguity. Indigenous people's relationships to the land are diverse, and clearly they are different from fee simple systems, but if the Crown can contain Indigenous relationships within this western property form, then it believes it has certainty over the land. And there wouldn't be any future ambiguities that are going to pop up, like claims of sovereignty.

However, many of the First Nations negotiators I spoke to were very ambivalent about fee simple because it is an archaic property form, emerging from a thousand years of history and predicated on the idea that William the Conqueror arriving in 1066 acquired all the land of England, so that land could then be made available to other people. Common law property is thus a grant from the Crown. That very idea is anathema to First Nations, who say: "Well, that denies the very existence of our allodial relationship to the land." So, you get this fascinating technical politics generated by First Nations as a way to find room to move. This involves a conscious attempt to complicate fee simple, destroying its simplicity, by revealing the way it has a cultural history, the way in which it does economic work, the way it individualizes, or the way in which it's plugged into capitalist relations of exchange, rather than being a disembodied legal form. But what you also get is an attempt to remake fee simple. Those First Nations that have signed on to the treaty process, or who got to treaty outside the treaty process, such as the Nisga'a, argue that the fee simple they have is a different fee simple, which has become known as "fee simple plus," and it is the plus which opens up (they would argue) other possibilities.

AB: Could you clarify the way in which a First Nation replaces the Crown as the allodial nation that then grants individuals fee simple ownership within it?

NB: Yes, that's the argument that both the Nisga'a and Tsawwassen First Nations have made. They would say that's the plus. If they are successful,<sup>12</sup> they would argue that they've created a new legal form—an allodial fee simple—such that they are the allodial holders of the land and not the Crown. Now if you speak to the Crown, they would say quite the opposite, that it's still a fee simple in that the Crown still holds radical title. They'd say that it's just a technicality, and that the Crown is never going to exercise that radical title, but they would still argue that the First Nation is still

inside the box, rather than outside it. But it's also differently performed depending on who the audience is. So Tsawwassen presents their title as regular fee simple insofar as the outside world is concerned, so that they can take it to a bank, and they've actually done massive amounts of development on their land. Presumably, banks would say: on that basis you can borrow against this in the same way a settler title-holder could. But in so far as Tsawwassen is concerned, looking inward, their title actualizes Tsawwassen First Nation. It's unique to them, it's a sort of sui generis form of title that honors the traditional relationship that they have to the land, while also bringing them into a dialogue with settler society more generally. So, it's doing very complicated performative work depending on the situation in which it's being mobilized. It is being enacted through the exercise of the jurisdiction, not sovereignty, that they claim to Tsawwassen lands. So, by enacting their jurisdiction, they are performing an allodial relationship to that land.

AB: You call fee simple a kind of boundary object that allows connectivity, connections, and communications between nations?

NB: Yes, I guess that's right. It goes back to relationality, doesn't it? It's configuring a set of relations in a quite mobile way, differently configured depending on the audiences with which it's engaged. However, other First Nations reject that claim; there are those who say, no, you've sold out because fee simple is a poisoned chalice. They argue that these are simply rhetorical claims that have no purchase, and that by accepting fee simple you've accepted the Crown as the allodial title holder, and all that goes with that, and you've compromised your legal Indigenous understanding of the Nation's relationship to the land. So, it's still highly debated.

AB: In your view, does the complexity of these different interpretations of fee simple open up possibilities for the contestation of property rights within struggles for the right to housing and the right

to the city, in areas which are currently not actively under treaty negotiation? Can you connect these arguments about the legal form of property to these urban and exurban struggles?

NB: So that's another interesting question where you're asking me to join dots that I haven't really properly joined up before. Thank you for asking that question because it's a really interesting one, but I haven't actually thought about in any detail. I think it does to some extent, but I think the point about fee simple here is that these legal forms are powerful in large part because they are so rarely contested, because they are so rarely made visible. And what's interesting about the treaty process, and what's unusual about it, is that it actually opened the fee simple box in ways that don't otherwise happen. Fee simple, like many other property technicalities—for example, the idea of exclusive possession, the idea of the owner (that there's a single person that holds most of the rights to the bundle attached to a certain parcel of property)—is a particular, cultural, legal form that has emerged through complicated histories of struggle and contestation, and it is far from given. Yet, it has become doxa. It is just taken as a given, so it hasn't been opened up to the same degree as you see with the treaty processes, which isn't to say it shouldn't be. There's some really important work that can and should be done on the doxa of private property. We know about evictions, for example, because there has been some great work done on evictions and their role in producing precarity in contemporary cities, but the legal frameworks that make evictions possible and the way in which evictions are understood, or the way in which concepts like trespass are understood, are never really unpacked, and I think they could be. But there's some really interesting work that's coming out. Precisely on that point, there's a great new book by Brenna Bhandar on property. She is actually trying to think about the way in which property has a colonial and racialized DNA.<sup>13</sup>

It is produced in part through colonial encounters, and unpacking those technicalities is really important. There's a brilliant paper by K-Sue Park on mortgage foreclosure, which has become—especially in the U.S. after the last crisis—a means by which racialized communities in particular experienced displacement and eviction and was a vehicle for forms of predatory lending that particularly targeted racialized communities.<sup>14</sup> So, it very much rested upon and helped produce all forms of social inequalities, but what she reveals is that the very legal form of foreclosure—a means by which somebody can recover the debt by forcibly selling the asset that's the basis upon which a mortgage loan has been secured—actually emerged in the colonial encounter in seventeenth-century North America. It was a means by which Indigenous people were actually dispossessed, and as a legal form it actually produced forms of colonial dispossession. If we're interested in advancing the struggle for the right to housing, the right to the city and so on, we actually do need to think about these technicalities, their complexities, and colonial histories. There's some really important work that needs to be done precisely on that point. Some possibilities have been opened up, but I don't think that they've actually been fully realized yet.

AB: As architects and academics, we are interested in these questions in relation to urban morphology and typology, and much of your work seems to focus on the relational and processual nature of property, such that its particular territorial configurations appear less important. Can you see a place for research into the historical forms of property division as useful to understand contemporary social struggles for equality and self-determination within Canada?

NB: I can certainly see a place for research into the historical forms of property division as useful to understanding contemporary social struggles for equality and

self-determination within Canada. And I would be really excited to see that happen. I have tried to think about territory and territoriality, the means by which we use territorial arrangements to structure relationships to others, in a couple of pieces that have come out recently.<sup>15</sup> The point here is that the territorial arrangements that make possible these property lots have a history, and they have only been with us for a few hundred years. Not just territorialization produced through the drawing of lines, but also the way in which that territory is understood to structure relations between people, because space does not do anything by itself. It is only how it is mobilized through social relations that matter. Certainly, if you look at the history of English property law you can find a sharpening territorialization of property relations, such that it matters a very great deal where the property line is, and especially forms of action associated with property, like trespass, become territorialized. Historically the word trespass referred to any legal wrong, as in “forgive us of our trespasses,” or forgive us our wrongdoings. But it becomes territorialized in the seventeenth or eighteenth century in such a way that it comes to mean the crossing of a property line. The unlawful entry into land owned by somebody else is now what you mean by trespass. There's something really interesting historically about the territorialization of property, and the work that does structuring our understanding of modern property more broadly. Property scholars tend not to think about territory, in part because they think that this reifies property when we need to think about it relationally, but I would argue that territory is a relation. Territory is an interaction device, a means by which we can configure our relationships with others. And as we discussed earlier, it can be differently conceived when you go back to Brian Thom's work on networked relations as a way of territorializing property. So, territory and these territorial configurations matter a very great deal, and they configure social relations.<sup>16</sup>

There is something very important about territory there, and also something very important about legal actions associated with territory like eviction or trespass, and you can trace a direct connection to the production of colonial relations of property. For example, work on settler-colonialism in British Columbia, makes an argument that it was not legal actors (and I would argue is still not) who are instrumental in enacting colonial relations; rather, it's everyday lease-owners, property-owners, and landlords who claim trespass, communicating "this is no longer yours" to Indigenous people. Equally important is the way in which territory is constantly challenged in order to contest colonial relations: through blockades, protests against pipelines, struggles around squatting or homelessness, and people engaging in conscious forms of trespass in order to make different claims to land. So yes, absolutely, I think there's a place for research into the historical processes of land division as a way of understanding contemporary processes of power. The spatial matters very much for both architects and geographers.

#### Endnotes

1 This conversation was transcribed by Tomi Laja.

2 The text has been edited to better reflect references to texts that were published shortly after the interview.

3 Nicholas Blomley, "Precarious Territory: Property Law, Housing and the Social Order," *Antipode* 52, no. 1 (2020): 36–57.

4 "[P]roperty law organises the transactional settings in which people necessarily find themselves, vis-a-vis others, seeking access to vital socio-spatial resources, such as shelter. I call this relational complex the property space." *Ibid.*, 42.

5 SG: Fee simple is the term used to describe most property relationships in Canada. When an owner has fee simple rights to land they hold rights of use and exchange. Fee simple is distinguished from allodial rights to land, which are retained by the government and underlie fee-simple, giving the government the right to expropriate land under certain conditions. The word fee is derived from the word fief, which implies a feudal relationship to land, in which the owner and tenant have multiple obligations to one another. Fee simple is distinguished from this earlier form by its relative lack of obligations, or its simplicity.

6 SG: For a description of the development, see Matthew Halliday, "The Bold New Plan for an Indigenous-led Development in Vancouver," *The Guardian*, 3 January 2020, <https://www.theguardian.com/cities/2020/jan/03/the-bold-new-plan-for-an-indigenous-led-development-in-vancouver>.

7 Brian Thom, "The Paradox of Boundaries in Coast Salish Territories," *Cultural Geographies* 16 (2009): 179–205.

8 Nicholas Blomley and the Right to Remain Collective, "Law and Property Relations: Contesting the 'Outlaw Zone,'" in *Housing Justice in Unequal Cities*, ed. Ananya Roy and Hilary Malson (Los Angeles: Institute on Inequality and Democracy at UCLA, 2019), 79–84.

9 SRO stands for "single-room occupancy" hotel.

10 Alexander Vasuduvan, "The Makeshift City: Toward a Global Geography of Squatting," *Progress in Human Geography* 39, no. 3 (2015): 338–359.

11 See Nicholas Blomley, "Making Space for Property," *Annals of the Association of American Geographers* 104, no. 6 (2014): 1291–1306; and Nicholas Blomley, "The Ties that Bind: Making Fee Simple in the British Columbia Treaty Process," *Transactions of the Institute of British Geographers* 40, no. 2 (2015): 168–179.

12 NB: We actually don't know if they are successful because success, I'd argue, is a function of the degree to which these legal forms are *performatively* successful rather than true or false, as compared to some abstract model of fee simple.

13 See Brenna Bhandar, *Colonial Lives of Property: Law, Land and Racial Regimes of Ownership* (Durham: Duke University Press, 2018).

14 See K-Sue Park, "Money, Mortgages, and the Conquest of America," *Law & Social Inquiry* 41 (2016): 1006–1035.

15 Nicholas Blomley, "The Territorialization of Property in Land: Space, Power, and Practice," *Territory, Politics, Governance* 72 (2019): 233–249; Nicholas Blomley, "The Territory of Property," *Progress in Human Geography* 40, no. 5 (2016): 593–609.

16 NB: But, of course, you have to be careful, because they also encourage an opposite view of property as non-relational. The work of making a map invites us to think of property as the space rather than the relationship. Planners get around the politics of property that is fundamental to their work by thinking about it as focused on the lot; they examine increasing density on the lot, or increasing FSI (Floor Space Index). This has the effect of depoliticizing property by virtue of reifying property. See Nicholas Blomley, "Land Use, Planning, and 'the Difficult Character of Property,'" *Planning Theory and Practice* 18, no. 3 (2017): 351–364.

17 See my earlier pieces on historical land division: Nicholas Blomley, "Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid," *Annals of the Association of American Geographers* 93, no. 1 (2003): 121–141; and Nicholas Blomley, "'Shut the Province Down': First Nations Blockades in British Columbia, 1984–1995," *BC Studies* 3 (1996): 5–35.