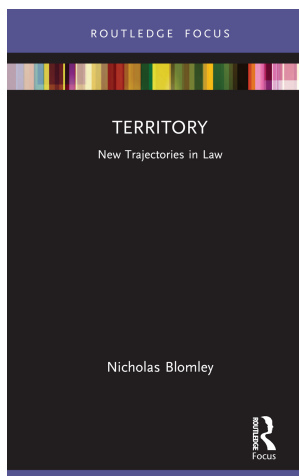


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# Book Reviews

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## Nicholas Blomley 2023: *Territory: New Trajectories in Law*. Oxford and New York: Routledge



The title of Nicholas Blomley's new book, *Territory*, is somewhat misleading. While apparently adhering to the title format of Routledge's New Trajectories in Law series (e.g. *Data*, *Dictatorship*, *Infrastructure*), the book is about *property* as much as it is about *territory*. Blomley—a geographer whose works are constitutive to the field of critical legal geography—takes up the task of bridging the gap between critical legal theories of property on the one hand and geography scholarship engaged with the concept of territory on the other. 'Our understanding of either property or territory is incomplete', he argues, 'without attention to their intersection' (p. xi).

Throughout the book he presents a compelling analysis of the ways property relations and territorial arrangements are inextricably linked and mutually constitutive. His analysis provides an important critique of Western liberal notions of landed property and their territorialization, illuminating the ways they produce and sustain social injustices.

The first two chapters introduce 'territory' and 'property', respectively. Chapter 1 theorizes territory as a highly productive instrument for controlling access to resources and organizing social relations of privilege and dependency. This critical understanding of territory emphasizes its inextricability from property relations. Most importantly, Blomley delineates how the legal abstraction that is property is materialized and manifested through territorial technologies: barracks and walls, doors and gates, maps and signs, metaphors and behavioural norms. Territory, in other words, anchors the social dynamics of property relations in space.

The second chapter is then dedicated to a critical discussion of property in land. In the face of the prevailing perception of property through the *ownership model*—namely the liberal, modern model of exclusive private property—Blomley emphasizes the inherent complexity and relationality of property. While indeed this model retains its dominance, property is not synonymous with private, exclusive ownership. As a way to challenge the taken-for-grantedness of the ownership model and the specific power relations it sustains, Blomley offers the concept of *property space*, 'a relational meshwork in which we are all variously positioned' (p. 18).

Property rules and laws regulate this space, position participants in relation to one another, prescribe behaviours, and open or close different alternatives.

The emergence of the Western modern liberal property space is entangled in histories of capitalization, colonization and racialization, and is therefore marked by systemic exclusion and dominance. The third and fourth chapters of the book are thus focused on two constitutive historical moments in its shaping. In chapter 3 Blomley focuses on the rural enclosure movement in England in the seventeenth century, when manorial economy and practices of commoning (presented here in a somewhat romanticized fashion) were replaced by solitary, absolute ownership practised through acts of exclusion. Importantly, he demonstrates how the emergence of the ownership model entailed the re-territorialization of land: spatial apparatuses of cartographic surveying were developed alongside improvement-centred husbandry methods in order to produce, mark and bound the new borders of propertied land.

In chapter 4 he delineates how modern European notions of exclusive ownership were projected onto the territories of indigenous people in British Columbia in the early twentieth century, turning them into trespassers in their own land. Colonial dispossession was performed through the violent enforcement of settlers' property space and the denial of indigenous relations to land. In this chapter, Blomley analyses the testimonies of Kwakwaka'wakw people collected by a joint federal and official commission between 1913 and 1916 on what is now Vancouver Island. And while many of the arguments will not be new to readers proficient in settler colonial scholarship, his careful reading in these testimonies offers a unique opportunity to trace how exclusive ownership developed from a negotiable option into something unquestionable and obvious.

Chapter 5 explores the trope of private property as a 'castle', a metaphor that is deeply rooted in Anglo-American legislation. This defensive territorial imagery of private property, Blomley argues, is highly consequential in shaping social dynamics and hierarchies. In particular, it produces a contentious relation between the propertied, individualized self and the collective. The chapter exemplifies the brutal implications of this powerful metaphor through the evolution of the Stand Your Ground laws in the United States. While initially granting immunity to those who use deadly force against intruders within their private home, the so-called castle doctrine was employed in many states to justify the killing of mostly African-American men as self-defence. The white, propertied body, in other words, became a mobile extension of the castle.

While the liberal imaginary of the castle is deployed as potentially available to all, it is deeply engrained within hierarchies of race and class. Hence, rather than aspiring to give everyone the protection of territorialized private property, Blomley argues for the reconfiguration of property space. To this end, in the sixth and final chapter he makes two propositions to 'open up territory'. First, in order to begin unpacking the pervasiveness of the ownership model, Blomley demonstrates how inclusion—and not only exclusion—is also embedded in property legal systems. Property is inherently multivalent, and even orthodox legal systems have 'doors built into property's castle' (p. 84). Second, he argues that these 'doors', namely the realms of law not conforming to the exclusionary logic of the ownership model, are at least in part the result of long-standing social struggles led by property's 'outlaws', such as squatters, sit-down strikers, anti-racist activists and houseless people. Such struggles

matter, and can make a difference. By way of a conclusion, Blomley proposes taking indigenous ontologies of land—overlooked, devalued and erased by settler colonial Western law—as a point of departure for the radical act of political imagination that is required in order to begin reconstructing the territory of property.

Although more sceptical readers may not be convinced by Blomley's optimistic call-to-arms to expand the cracks in the dominant territorial logic of property, the book makes a highly valuable contribution to the interdisciplinary project of critical legal geography. First, by highlighting the structural racism and colonial histories that shape the prevailing notions of property and the ways these are manifested in space (although, unfortunately, disregarding the fundamental hierarchies of gender), it offers a compelling critique of the Western 'property space'. Second, weaving together elements from the rich critical scholarly traditions of law and geography, the book clearly and convincingly exemplifies the interdependency of space and law more broadly. This makes it an essential text for any scholar interested in engaging with this field.

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